

**OFFICE OF THE WASHINGTON COUNTY ATTORNEY****PETER J. ORPUT** COUNTY ATTORNEY

March 21, 2022

The Honorable Douglas B. Meslow
Judge of District Court
Washington County Government Center
14949 62nd Street North
Stillwater, MN 55082

RE: Stephen Carl Allwine, Petitioner, v. State of Minnesota, Respondent
District Court File No.: 82-CR-17-242
County Attorney File No.: CR-2016-1851

Dear Judge Meslow:

The State is in receipt of the petition for postconviction relief filed last week, as well as the accompanying Request for Disclosure by the State.

Pursuant to statutory requirements for a pro se petition, the Court transmitted a copy of the petition to the Appellate Public Defender's Office. Petitioner also requested a briefing schedule. Because we do not yet know with certainty whether the public defender's office will assume representation of Petitioner, and because Respondent does not know what, if any, briefing schedule the Court will set, I do not believe it is prudent to attempt to draft a response to the petition within the 20 days that is typically allotted by statute. *See* Minn. Stat. § 590.03. If the Court does want the State to file a response without a further briefing schedule, the State will likely request an extension of the 20-day limit.

The State does not intend to comply with Petitioner's request for discovery. The State has provided all of the discovery in this matter to Petitioner's counsel—twice. The State first disclosed discovery to trial counsel Kevin DeVore. Christa Groshek, who represented Petitioner on appeal, then requested all discovery again. Though the State was not required to provide another copy of the discovery, it did so, despite the substantial staff time that was consumed in re-preparing the voluminous discovery.

Petitioner is not entitled to discovery post-sentencing. *See* Minn. R. Crim. P. 9.01, subd. 1 (requiring discovery prior to omnibus hearing); *State v. Allwine*, 963 N.W.2d 178, 189 (Minn. 2021) (holding that prosecutor's duty to disclose exculpatory evidence extends only until trial ends). Petitioner can request copies of the discovery he wants from either Ms. Groshek or Mr. DeVore. The State is not obligated to provide yet another copy of the discovery and does not intend to do so.

I appreciate the Court's time and attention to this matter.

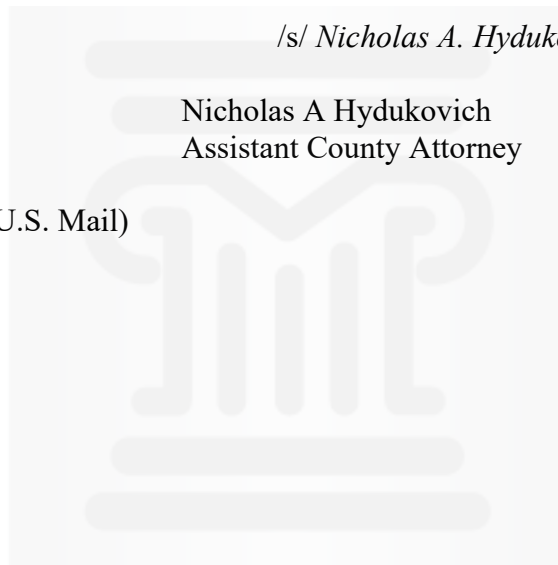
Yours truly,

PETE ORPUT, COUNTY ATTORNEY
WASHINGTON COUNTY, MINNESOTA

/s/ Nicholas A. Hydukovich

Nicholas A Hydukovich
Assistant County Attorney

cc: Stephen Carl Allwine (via U.S. Mail)



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