

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Marvin Haynes,

Petitioner,

**STATE'S PRELIMINARY
POSTCONVICTION RESPONSE**

vs.

State of Minnesota,

Respondent.

MNCIS No. 27-CR-04-035635
C.A. File No. 04A20572

TO: THE HONORABLE WILLIAM H. KOCH, JUDGE OF DISTRICT COURT;
ANDREW MARKQUART, ANNA MCGINN, AND JAZZ HAMPTON,
COUNSEL FOR PETITIONER.

For its preliminary answer to the Petition for Postconviction Relief, Respondent,
State of Minnesota, replies as follows:

I.

There is no basis in law or fact for the Court to grant this Petition without first
holding an evidentiary hearing.

II.

Petitioner has not on the face of the pleadings established by a fair preponderance
of the evidence a claim upon which relief should be granted. *See Ferguson v. State*, 645
N.W.2d 437, 442 (Minn. 2002) (“A petitioner seeking postconviction relief has the burden
of establishing, by a fair preponderance of the evidence, facts that would warrant relief.”).

III.

The State expressly waives application of the statutory time bar to this Petition. The State also expressly waives application of the procedural bar pursuant to Minnesota Statutes chapter 590 and *State v. Knaffla*, 243 N.W.2d 737 (Minn. 1976), specifically to Petitioner's ineffective-assistance-of-counsel claim. The State reserves argument and the right to assert the procedural bar as to other claims at a later time.

IV.

The State agrees an evidentiary hearing is necessary to develop the record regarding the claims alleged in the Petition. *See State v. Nicks*, 831 N.W.2d 493, 505-06 (Minn. 2013) (discussing that the postconviction court is “obligated to consider [the petitioner’s] allegations and the files and records in the light most favorable to [the petitioner]”); *Chambers v. State*, 769 N.W.2d 762, 764 (Minn. 2009) (“A postconviction court must evaluate whether, in light of the significance of the claimed error and the evidence presented at trial, a petitioner has raised and factually supported material matters that must be resolved in order to decide the postconviction issues on their merits.”) (quotation omitted).

V.

The State therefore respectfully requests that the Court:

- (1) issue a scheduling order for potential discovery and/or motions;
 - (2) schedule an evidentiary hearing at an acceptable time to the Court and parties;
- and
- (3) grant the parties a timely post-hearing briefing schedule to address the issues raised in the Petition.

Dated: July 19, 2023

Respectfully submitted,

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