

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

STATE OF MINNESOTA,

Plaintiff,

vs.

MONICA BICKING,
ROBERT CZERNIK
GARRETT FITZGERALD,
LUCE GUILLEN-GIVINS,
ERIK OSELAND,
NATHANAEL SECOR,
MAX SPECKTOR,
ERIN TRIMMER,

No. 62-CR-08-10515
No. 62-CR-08-10338
No. 62-CR-08-10335
No. 62-CR-08-10342
No. 62-CR-08-10345
No. 62-CR-08-10365
No. 62-CR-08-10336
No. 62-CR-08-10370

Defendants.

**DEFENDANTS' JOINT MOTION TO DISMISS FOR LACK OF
PROBABLE CAUSE AND REQUEST FOR FLORENCE HEARING**

PLEASE TAKE NOTICE that on February 2, 2010 at 9:00 a.m., as soon thereafter as counsel may be heard, before the Honorable Teresa R. Warner, Defendants, through undersigned counsel, will move the court for an Order dismissing each and every charge against each and every Defendant on the grounds that there is a lack of probable cause to support the charges against them, and that evidence relied upon by the state to support the charges consists of speech, expression and associations that are protected by the First Amendment to the United States Constitution, and Article 1, Section 3 of the Minnesota Constitution. Defendants hereby request or (renew their request) for an evidentiary hearing pursuant to State v. Florence, 306 Minn. 442, 239 N.W.2d 892 (1976) to determine whether there is sufficient cause to require them to stand trial. This motion is made pursuant to Minn.R.Crim.P. 11.04, Florence and the

above-cited provisions of the federal and state constitutions, and is based on all files and records, the accompanying Memorandum of Law, all evidence to be submitted at the hearing of this motion, and all arguments and future submissions by counsel.

Dated: January 25, 2010

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