

**IN THE SUPREME COURT
OF THE STATE OF NORTH DAKOTA**

State of North Dakota,)
) Supreme Court No.
 Petitioner,)
) District Court No. 51-2015-CR-01459
 vs.)
) **PETITION FOR SUPERVISORY WRIT**
 The Honorable Stacy J. Louser and)
 Alexander Justin Pittenger,)
)
 Respondents.)

TO: The Honorable Stacy J. Louser, 315 Third St. S.E., Minot, ND 58702; Marquis Bradshaw, 9 First Ave. S.W., Minot, ND 58701; and Homer McMillan, 11 First Ave. S.W., Minot, ND 58701.

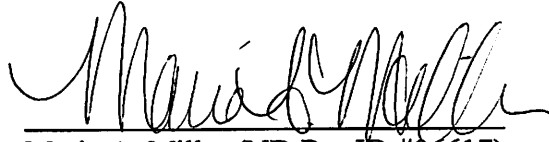
1. PLEASE TAKE NOTICE that the above named Petitioner hereby appeals to the North Dakota Supreme Court the Trial Court's Order, orally issued January 9, 2017, which found Special Agent Pat Helfrich's anticipated testimony to be expert testimony based upon the fact that he has specialized knowledge as a law enforcement officer who performs forensic examinations and extractions on cellular telephones. The Court's ruling resulted in the suppression of evidence. This appeal is not taken for purpose of delay and the evidence suppressed is substantial proof of a fact material in the proceeding.

2. WHEREFORE the District Court granted the State's request for stay of proceedings.

3. WHEREFORE the State requested the District Court to issue a written order to attach to the original Petition for Supervisory Writ filed, and the Court has provided said written order.

4. WHEREFORE the State prays the North Dakota Supreme Court grant supervision.

Dated this 12th of January, 2017.

A handwritten signature in black ink, appearing to read "Marie A. Miller", written over a horizontal line.

Marie A. Miller (ND Bar ID #06617)
Assistant State's Attorney
Ward County State's Attorney's Office
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Minot, ND 58701
701-857-6480
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Petitioner,)	Supreme Court No.
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Alexander Justin Pittenger,)	
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Respondents.)	
)	

AFFIDAVIT OF SERVICE

Lynnae Rudland, being first duly sworn, deposes and says:

That she is a citizen of the United States of America, over the age of twenty-one years, and is not a party to nor interested in the above entitled action; that on the 12th day of January, 2017, this Affiant provided a true and correct copy of the following documents in the above entitled action:

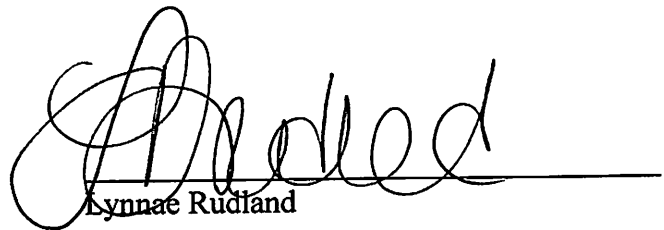
**PETITION FOR SUPERVISORY WRIT, BRIEF OF PETITIONER and
APPENDIX OF PETITIONER**

By ELECTRONIC SERVICE to the following:

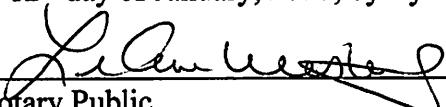
HONORABLE STACY J. LOUSER
JUDGE OF THE DISTRICT COURT
SLouser@ndcourts.gov

MARQUIS BRADSHAW
ATTORNEY AT LAW
mapd@nd.gov

HOMER MCMILLAN
ATTORNEY AT LAW
hcmillan@nd.gov


Lynnae Rudland

Subscribed and sworn to before me this 12th day of January, 2017, by Lynnae
Rudland



Notary Public

LEANN WESTERENG
Notary Public
State of North Dakota
My Commission Expires April 14, 2022