

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

NO.: 19-CR-342(2) (ECT/LIB)

Plaintiff,

MOTION TO SUPPRESS

v.

SHALAINA STAR STATELY,

Defendant.

Defendant, Shalaina Star Stately, by and through her attorney, and pursuant to Strickland v. Washington, 466 U.S. 668 (1984) and Padilla v. Kentucky, 559 U.S. 356 (2010), moves this Court for an Order suppressing evidence related to her guilty plea in Red Lake Tribal Court to identical charges as she currently faces in this case.

On September 26, 2019, Ms. Stately was charged in Red Lake Tribal Court with being an accomplice and conspiracy to commit aggravated robbery. On October 31, 2019, Ms. Stately plead guilty to the Red Lake Tribal Court charges. Due to the limited authority of the Red Lake Tribal Court, Ms. Stately faced a maximum punishment in tribal court of 365 days. She received a 90 day sentence. On January 19, 2020, Ms. Stately made her first appearance on the indictment in this case. The indictment in this case charges robbery arising out of the same facts as the Red Lake Tribal Court prosecution.

Ms. Stately was never advised by her attorney, nor the Red Lake Tribal Court, that evidence of her plea and conviction in tribal court could be used against her in a prosecution in this Court under the Major Crimes Act.

Ms. Stately believes the failure to advise her of the potential collateral consequence of her admission being used against her by the United States in a subsequent indictment before this Court violated her Due Process rights and her right to effective assistance of counsel.

WHEREFORE, Ms. Stately respectfully requests this Court allow her to present evidence at her motion hearing and submit additional argument based on that evidence.

Respectfully submitted,

WOLD MORRISON LAW

Dated: February 5, 2020.

s / Peter B. Wold
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