

plan by driving Scott Mosher and Derrick Haase to that address and then drove them to the Lake Shawnee where they disposed of the gun used in the killing.

4. As part of the investigation in this matter, the Shawnee County Sheriff's Department questioned all four co-defendants. During Michelle Eberhardt's interview she admitted her involvement in the death of Gerald Eberhardt. She did not implicate Stephanie Menard.
5. Derrick Haase was also interviewed. He admitted some involvement in the death of Gerald Eberhardt, but did not even mention Stephanie Menard.
6. A Preliminary Hearing was held on December 28, 29, and 30, 2009. Several witnesses were called to testify. None of the witnesses that testified directly implicated Stephanie Menard. The witnesses that in anyway implicated Ms. Menard were detectives from the Shawnee County Sheriff's Department who were recounting the statements of the defendants.
7. Evidence was presented about Scott Mosher's videotaped statement. This evidence was introduced through the testimony of Detective Carlat of the Shawnee County Sheriff's Department. Scott Mosher was questioned about Stephanie Menard's involvement. When asked if Stephanie knew why they were going back to his mother's house, Scott responded that "she (Stephanie) kind of knew." Scott Mosher did not testify at Preliminary Hearing and was not available for cross examination.
8. At Preliminary Hearing Detective Rice testified about Ms. Menard's statement and he told the Court that Ms. Menard implicated herself.

9. On February 19, 2010 the Defendant filed a Motion to Suppress Statement and a Motion in Limine. In the Motion to Suppress Ms. Menard requested that the Court suppress any statements made after she invoked her right to remain silent. In the Motion in Limine, Ms. Menard requested the Court to prohibit the state from presenting statements of the co-defendants who have not been cross examined.
 10. On March 12, 2010 the Court granted Stephanie Menard's Motion to Suppress. The net effect of this ruling is that the State will not be able to use Ms. Menard's statement at trial.
 11. The Court also issued a ruling concerning Ms. Menard's Motion In Limine. The effect of the Court's ruling is that the State will not be able to present the statement of Scott Mosher unless he testifies.
 12. There were no other witnesses that implicate Ms. Menard in this matter.
 13. Since the only evidence against Ms. Menard has been ruled upon by the Court to be inadmissible, the Court should dismiss the case against her with prejudice.
- WHEREFORE, the Court hereby pray the Court grant the Defendant's Motion to Dismiss and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

ARNOLD & KECK, L.L.C

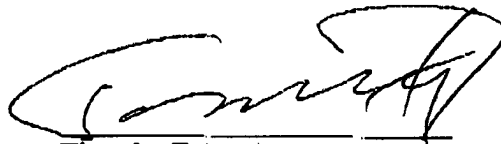
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was delivered by fax on this 10 day of March, 2010 to the following:

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