

*EXHIBIT 1*

exhibit d.

STATE OF MINNESOTA  
COUNTY OF BECKER

DISTRICT COURT  
SEVENTH JUDICIAL DISTRICT

Case Type: Criminal

Court File No. CR-07-171

State of Minnesota,

Plaintiff,

vs.

Kenneth Eugene Andersen,

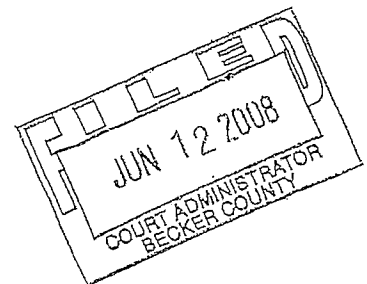
Defendant.

**SUPPLEMENTAL PROSECUTION  
DISCLOSURE PURSUANT TO  
RULE 9.01, SUBD. 1**

TO: The above-named defendant and defendant's attorneys, William Bulmer, II and Rory Durkin, Giancola Law Office, PLLC, Suite 305, 403 Jackson Street, Anoka, Minnesota 55303.

Pursuant to Rule 9.01, subd. 1, Minn. R. Crim. P., attached please find the following supplemental disclosure consisting of pages 003289 through 003463, incorporating by reference all previous disclosures:

- Police/investigative reports
- Statement(s) relating to the case
- Statement(s) of the defendant and/or accomplice(s)
- Social service report(s)
- Search warrant(s)
- Laboratory report(s)
- Report(s) of medical or mental examination(s)
- Criminal history information
- Evidence receipt(s)
- Diagram(s)/documentary exhibit(s)



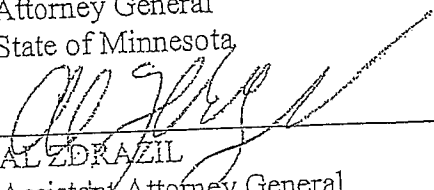
- Photograph(s), video tape(s), audio tape(s), and CD(s)
- Business/public record(s)
- Spreigl material
- Exculpatory material
- Other: Attorney notes

The State may, pursuant to Minn. R. Evid. 608(b) or any other rule, cross-examine defendant, if defendant testifies, about any of defendant's conduct that is disclosed as part of this, any previous, or any subsequent, disclosure.

PURSUANT TO MINN. R. CRIM. P. 9.03, SUBD. 4, DISCOVERY MATERIALS SHALL REMAIN IN THE CUSTODY OF DEFENSE COUNSEL, shall not be placed in defendant's custody, and shall be used by defense counsel only for the purpose of conducting that attorney's side of the case. Absent an order from the court issued upon written motion, failure to comply with Minn. R. Crim. P. 9.03, subd. 4, may result in sanctions pursuant to Minn. R. Crim. P. 9.03, subd. 8.

Dated: June 10, 2008

LORI SWANSON  
 Attorney General  
 State of Minnesota

  
 AL ZDRAZIL  
 Assistant Attorney General  
 Atty. Reg. No. 119787

445 Minnesota Street, Suite 1800  
 St. Paul, Minnesota 55101-2134  
 (651) 296-0695 (Voice)  
 (651) 282-2525 (TTY)

ATTORNEYS FOR PLAINTIFF

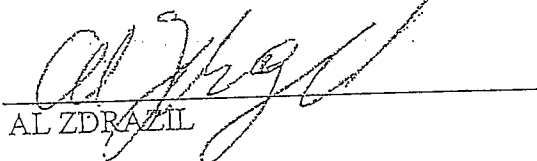
**AFFIDAVIT OF PERSONAL SERVICE**

Re: *State of Minnesota v. Kenneth Eugene Andersen*  
Becker Court File No. CR-07-171

STATE OF MINNESOTA   )  
  ) ss.  
COUNTY OF RAMSEY    )

AL ZDRAZIL, being first duly sworn, deposes and says:

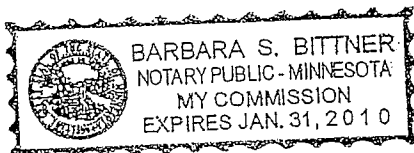
That at the City of Detroit Lakes, County of Becker, and State of Minnesota, from May 14 to June 4, 2008, he personally served the SUPPLEMENTAL PROSECUTION DISCLOSURE PURSUANT TO RULE 9.01, SUBD. 1 (PAGES 003289 THROUGH 003463), upon Rory Durkin of the Giancola Law Office by handing and leaving with Rory Durkin true and correct copies thereof.

  
AL ZDRAZIL

Subscribed and sworn to before me on  
June 10, 2008.

  
NOTARY PUBLIC

AG: #2254753-v1



*EXHIBIT 2*

Sworn Affidavit/Statement of Kenneth Eugene Andersen

State of Minnesota )

) .ss

County of Chisago )

My History of Seeing Discovery Documents

1. At trial, I thought that some testimony given against me may not have been accurate. Because my counsel, Rory Durkin, said that I was court ordered from having access to discovery, I had no way to disprove it. As such, before my appeal started, I requested Judge Irvine to allow me access to my discovery. In response, I was told I needed to talk to an appellate lawyer.
2. Following the judge's advice, I asked my appellate attorney, Theodora Gaitas, to get discovery. I was denied because she told me that she had talked to Rory and was told about the court-order. Because I had no evidence to support that false testimony may have been given at my trial, I raised what I thought were appealable issues from the record. (She refused to stay appeal as well).
3. After many failed attempts to see the court-order, I wrote the district court again to see the court-order, and have it lifted. Around January 5, 2010, the district court responded to my request and told me that no such order banning me access to discovery had been issued by the district court.
4. After getting the letter, I confronted Rory about the court-order, but got no explanation. I then asked what him about the withheld discovery he was talking about at sentencing. Rory told me that he would look to see what it was and send it to me with. Near the end of our discussion, Rory told me that he would send me my file.
5. A little later I received reports from Rory about Al Baker shipping a .30-caliber gun to Alaska and proof that it had not been disclosed until after my sentencing. Around July 30, 2010, Rory sent me a sworn affidavit attesting to these facts. (Shortly after, Roseau County sent me some discovery pertaining to the 4-wheeler theft charge I was facing.
5. Around this time as well, Becker County had provided discovery to Springer-Lang who was representing me on my civil suit against Becker County on a CD. In an attempt to see my discovery, I had Springer-Lang send me what they had. On or around the middle of August, 2010, I received a CD from Springer-Lang at Rush-City DOC. However, because getting CDs at prison had never been done before, I had to wait for approval.
6. Around the middle of October of 2010, I was allowed to see some (bate-stamped) discovery that was on the CD and print it off. However, because the DOC had no written policy in place about CDs, I had to send the CD back to Springer-Lang without seeing the entire bate-stamped discovery.

7. After I didn't receive any more discovery from Rory as promised, I filed a Pro Se post-conviction petition from the few pages of discovery that I printed off the CD and received from Rory. In response to my post-conviction issue about withholding reports (that shows Al Baker told the investigators just before my trial started) that he sent the exact make, model and caliber of gun that could of been used to shot Chad) the State assured the D-Court that Al Baker was asked about his guns in the "early stages of the investigation", so the reports didn't matter.

8. After my petition was denied, my family hired Attorney Gary Wolf, to represent me on my appeal. Aside from submitting my briefs to the Minnesota Supreme Court, Mr. Wolf requested my discovery file from Rory's Office. (After great resistance, Rory finally turned over my file). Because the mass amount of discovery, (15 banker boxes), were in such disarray and Mr. Wolf's caseload, it took a while for my discovery to be put in order.

9. After getting my file in order, I was notified that 255 items of discovery was missing from my file. As such, I asked Mr. Wolf to request the items but I was denied because it was beyond the retainer agreement he had made with my family.

10. While preparing a motion to get the missing discovery items, and figure out how to get all my discovery sent to me somehow in prison, the DOC created policy that allowed inmates to get/review legal CD's as long as the CD's were stored in the law library. As such, I asked Springer-Lang to send me the CD they received from Becker County again.

11. After receiving the CD, I went through the little discovery that was on it but could not find anything that stated Al Baker was asked about his guns in the "early part of the investigation". During this time DOC upgraded the computers with software that allowed audio recordings to be played. As such, and unknown to me, the CD that Springer-Lang received now showed that it had audio recordings from my time at Becker County Jail.

12. While listening to my old jail calls, I found some interviews but could not listen to them because of the unknown format used. Because listening to legal CDs was a new thing at DOC, Mr. Jonathan Chapman, (Librarian at Rush City) took my CD into his office and tried it on his computer, which has internet access etc...

13. As Mr. Chapman was trying to get the CDs to play the interviews, he clicked on an interview labeled (Al Baker's April 20, 2007). As he got it to play, I overheard an excerpt that I thought said that somebody had called Al Baker and talked to him/ confessed to Chad's death, but I wasn't sure. (At that time I was told I needed to find out the format used on the CDs so it could be played on the computers that inmates had to use).

14. After talking to Mr. Chapman, I called Mr. Wolf and had him listen to Al Baker's April 20, 2007, interview and see if it contained additional material on it that was not transcribed by the State. In response, Mr. Wolf assured me that the recording of Al Baker's April 20, 2007, matched up to the transcribed discovery (bate-stamped 001598-001626) in my file and did not contain any info as I thought I had heard in the recording/reports that he had.

15. In May of 2013, I filed a motion requesting an order to have the State disclose the 255 items of missing discovery, which was granted. After Mr. Wolf looked through those documents, I was told by him that he didn't find any reports that contained info about Al Baker talking about his guns in the early part of the investigation, or Al Baker receiving a call where the caller talked to him about Chad's death.

16. After getting the discovery from the State, I then filed another motion asking for an order requiring the State to disclose the format used on the CDs they disclosed; and any and all interviews conducted with Al Baker. Because the State assured the d-court that I had now gotten the entire discovery (about my case), my motion was denied.

17. Not satisfied with the State's response, I tried calling Al Baker, but he wouldn't take my calls. As such, I asked my mother, Geraldine Bellanger, to try and call Mr. Baker. Around the end of June 2014, my mother made contact with Mr. Baker and he told her that he did receive a call and the caller more or less confessed to Chad's death, and that he was at the maple-site a lot earlier that he had told the investigators and jury. (Baker refused to send me a letter on this but agreed to talk to an investigator if one was hired).

18. Based on this info I received from my mother, I wrote the State and asked them to relook at their file they had on my case and see if anything was missing relating to Mr. Baker. The State refused to respond. Around the end September of 2014, Mr. Wolf sent me my entire discovery he received on my case on two (2) CDs and I reviewed them at the law library.

19. During this time, my mother hired Investigator John Patrick Egelhof to do some interviews that I thought needed to be done pertaining to my case as well). After people heard that my family had hired an investigator to do some interviews, numerous people came forward and said that they would like to provide some information about my case, such as Mr. Weaver, Tonya Gunderson, etc...

19. On or around the end of December, 2014, the DOC updated and replaced the DOC law-library with new computers, etc... During this transition, which was hectic, Mr. Chapman lost my legal CDs that were in his office.


19. After the loss of my CDs, I received another copy of the CD from Springer- Lang but could not listen to it because of the unknown format used. I then asked IT staff at Rush City DOC to reformat my CDs so I could listen to them. (IT denied my request, but told me what format the CDs need to be so I could listen to the audio on them. See attached sheet. (Around this time, my family retained Attorney, Zachary Longsdorf, to look at my case as well).



20. After Springer-Lang reformatted the CDs; they sent them to me again. Upon listening to Al Baker's April 20, 2007, interview, I have concluded that Al Baker did tell the State investigators that he received a call on the lines of somebody talking/confessing to him about Chad's death. (The CD Becker County turned over during the civil suit contained over 9 minutes that had not been disclosed prior) (Also, the State has yet to disclose when Mr. Baker talked about his guns in the "early part of the investigation).

I, Kenneth E. Andersen, declare under the penalty of perjury that everything I have stated in this document is true and correct to the best of my knowledge.

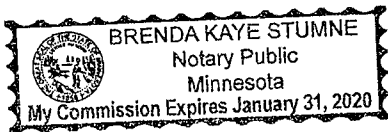
Dated: 12/7 2016.

  
Kenneth E. Andersen

**SIGNATURE:**  
Identity verified by ID docs

State of Minnesota  
County of Chisago

Signed before me on  
Dec 7, 2016  
Brenda Kaye Stumne  
Notary Signature





MINNESOTA DEPARTMENT OF  
**CORRECTIONS**

MINNESOTA CORRECTIONAL FACILITY – RUSH CITY  
Contributing to a Safer Minnesota

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*MEMORANDUM*

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**TO:** Andersen, Kenneth      **OID #:** 226526      **Cx** 2E 263 LB  
**DATE:** September 2, 2015  
**FROM:** Mark Clark, CSC  
**SUBJECT:** Legal Compact Disk

Today I was informed the MCF – Rush City Information Technology (IT) Department will not update/reformat the Legal Compact Disk (CD) you had in the Library. While IT can update/reformat the disk if they make this “service” available to you they will have to make it available to every offender who makes the request.

It’s incumbent upon your attorney/representative to send information in a format that the Library’s computers can read. Those formats are:

1. Standard Windows Format of JPEG
2. Standard Windows Format of Bitmap

I have forwarded the Legal CD to property – you will be required to work with the Property Department to have the CD sent out or destroyed. I recommend you contact the Longsdorf Law Firm, P.L.C. and request another CD utilizing the above format be sent in for your review.

If you have any questions and/or concerns specific to this correspondence, please contact me utilizing the offender KITE system.

**Cc:** Case Manager  
Information Technology  
Jonathan Chapman, Librarian

*EXHIBIT 3*

I, Franklin Andersen, do state. On the day Doug Haverkamp and Kenny Andersen went to Grand Forks to deliver leeches, Kenny was arrested and Doug H. was told to complete the delivery and collect the money. Doug was driving Kenny's van. He collected \$2700.00. Doug was supposed to bring the van and the money to me. He did not do that. I called him many times, but he would not answer or return my calls. I also went to his home many times, but could never catch him. I did find the van hidden behind his home and was going to just take it, but the keys were not left in it. I was told later, from his room mates that Doug spent the money on a bunch of fishing equipment because he was going to a muskie tournament in Detroit Lakes with his dad. He told his room mates that he had won the money at the casino, but it came out later that it was the money from the leech sale. Doug avoided me for months after, knowing I was trying to find him to collect the money and get the van. Doug then let someone else use the van and this person subsequently, crashed it and it was totalled. My sister Liz had sold the van to Kenny, and so she took Doug to court to recoup the losses. I never mentioned to Kenny about the money and the van, because he had enough stress with all that was going on, and I just told him I had the money. Before Kenny's arrest, he and Doug were together almost daily and he was at the farm all the time.

State of Minn  
Subscri  
day

Notary  
My Comm

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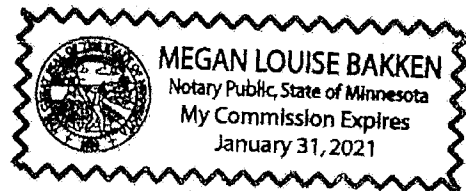
*Frank Andersen*

State of Minnesota, County of Becker  
Subscribed, sworn to & acknowledged before  
me this 12th of December 2016 by  
Frank Andersen

*Megan Bakken*

Megan Bakken

my commission expires January 31, 2021



*EXHIBIT 4*

April 13, 2007

DOB/  
CFS/07002684  
WAV File #02 0 Track 2.WAV

8/15

STATEMENT OF KENNETH SWEDBERG #2

Questioning by #605/Investigator John Sieling of the Becker County Sheriff's Office and S/A Baumann of the Minnesota Bureau of Criminal Apprehension.

Q. (Baumann) You really want to play, don't you?

Q. (605) Somebody wants to play really hard.

A. Get out of here you fucken dog.

Q. (605) Say, ah, kind of through the, ah, process of elimination here, Kenny, we've, ah, we've grabbed some guns over here, okay, and, ah, I think what we need to probably do, so, we need to probably grab everybody's guns, okay?

A. Yeah, fine with me.

Q. I don't think we're going to grab all of yours. Ah, -

A. That's right, I forgot my muzzleloader in talking to you.

Q. Okay. Okay.

A. And, ah, whatever.

Q. Yeah.

A. Well anyway -

Q. Well, what we probably want to do is just document what you have.

A. Yeah, cool.

Q. Okay, and then look at them.

A. Yeah.

Q. And, ah,

A. Fine with me.

Q. ah, if - if there's something that we think we need to grab we'll - then we can do that.

A. I didn't - there's one more thing I forgot I was going to tell you guys, ah, see here's the thing is Lisa, that Tom kid, I notice one thing too, that Tom kid never been on that school bus lately. Have you noticed that Tommy getting on that school bus lately? I've - I've - this is the first time I seen that kid get on that fucken school bus in like three - two or three months. Huh?

A. (female voice) First time today, yeah.

000868

A. Yeah, first time. So think about this. This is the first time that kid got on that fucken school –

A. (female) [ ]

A. no, I'm just telling 'em what I think. (unable to understand female voice talking in the background) I'm just telling 'em what I think.

Q. Ah-huh.

A. This is the first time I've seen that fucken kid get on that school bus in a, fuck...in a long time.

A. (female) It's been awhile.

Q. Ah-huh, ah-huh, okay.

A. Think about it.

Q. Yep.

A. And that's the first time that kid's ridden that school bus today, 'cuz I'm always out here fucken around.

Q. (Baumann) Yeah.

Q. Ah-huh, ah-huh.

A. I know, I watch – my daughter gets on the school bus and I watch.

Q. (Baumann) Yeah.

Q. (605) Ah-huh.

A. Or I know what I did, uhm, I stayed home as my daughter get on the bus,

Q. Ah-huh.

A. [ ] he's never been on that school bus.

Q. Ah-huh.

A. After you guys left I thought about this, and then I forgot about the [ ] that he called. I don't know if I told you this, but one – when Chad and I – when my – when Jarod, my nephew got killed, Jarod,

Q. (Baumann) Ah-huh.

A. That kid told, ah, we were setting up for his funeral and shit, clearing tables, all there at her mother's house,

Q. (605) Ah-huh, ah-huh.

A. And he tells him 'oh, you white fucker, you're next'.

Q. Ah-huh.

A. And I'm like – I'm think to myself, what the fuck does that mean, you know?

Q. (Baumann) Ah-huh.

A. And then last year when I helped him cook -- I helped him cook syrup once last year and Al Baker,

Q. (605) Ah-huh.

A. Back here, Al -- Al just called me and he talked to me about that. I forgot all about that, but he told me and Al right straight out that fucken you're next to Chad. So think about it.

Q. Ah-huh.

A. Ah, anyway, that's what I'm telling you, and then I didn't -- oh, then I forgot to tell you about dragging the -- then the dogs, when I went back up there with the bobcat,

Q. Ah-huh.

A. I forgot about telling you boys about dragging away the -- to pull the dogs out, 'cuz they wanted -- they stayed by his body, you know.

Q. (Bauman) Ah-huh.

Q. (605) Yeah, right.

A. That's that, and then there was one more thing I can't remember right now, but...

Q. Ah-huh.

A. Yeah, here, come check these guns out.

Q. Yeah. Are they all -- are they loaded or are they unloaded?

A. Oh, fuck, there's no loaded guns around here.

Q. Okay. Okay. Okay.

A. No, they're not loaded. I [ ] think about it. Ever since that kid got killed, you think I'm gonna have a loaded gun?

Q. Yeah.

A. I do [ ]

Q. Yeah.

(loud banging noise)

A. Oh, I'm sorry.

A. (female voice) Don't trip.

A. I'm [ ] I'm not --

A. (female voice) [ ]

A. The garage is a mess, you guys. (banging and muffled noises) This I bought for Megan.

Q. Okay.

A. This is, ah, where's the other BB gun, right there? [ ]

Q. Why don't we just -- why don't we just record them.

000870



A. Ah, yeah.

Q. Just pull them out here and I'll -

A. Here's that 17MM.

Q. Okay, okay.

Q. (Baumann) Hang on. Let me get to a clean page here.

(female voices talking in the background - can't understand)

A. Yeah, they're doing their job. That's good though. They gotta do this.

A. (unidentified male voice) That's how you're going to get your answer, you know.

Let 'em do their job.

A. Exactly.

Q. (605) Ah...

A. It's kind of weird though, you feel like you're blamed, but I know fucken well I'm not.

Q. Well [ ]

A. Yeah, fucken right.

Q. everybody's got to be looked at, Chad, I - Ken, you know how that goes, so...

A. That's fucken cold blooded murder there, boys.

Q. Ah... it's a Ruger, Model, ah, I think it's [ ]

A. [ ] 17MM [ ]

Q. 17MM, yeah. It's, ah, 62045041 and it's a model 96.

A. Oh, here's my 22 magnum too [ ] down here. See we're - we're beaver hunters.

Q. Ah-huh.

A. There's [ ] set those - set these guns over here so you know [ ]

Q. Okay.

A. Yeah, yeah, none of these guns were fired. The last one that was fired was, ah, fuck, none of these. This one - yeah, I fired - this was the last one that's been fired at a - at a [ ] yeah, that's it.

Q. Okay. This here is a Marlen.

A. Yep.

Q. [ ]

A. That's a 22 magnum there.

Q. 22 magnum, yep, 22 mag. Serial number is 05466719, got a Bushnell scope on it.

A. Ah-huh.

000871

- Q. It's all dusty in there.  
A. Yeah.
- Q. Okay.  
A. This is my deer rifle.
- Q. Okay. Then we've got – it's a Remington 280...and I don't see a model [            ]  
A. It's a Remington 280 7 – 700 DBL.
- Q. Just a 2 – just a 2 – 280. It's a 280. Ah, D as in David, serial number, D as in David, 6280073, and this looks like a Bushnell scope on this one.  
A. Yeah, my deer rifle.
- Q. Deer slayer.  
A. Yeah.
- Q. The old deer slayer.  
A. Except, hey, boys, don't ever buy a scope with one of these on there, hey.
- Q. Yeah, yeah.  
A. They're fucked up, but anyways, yeah. There's my muzzle loader.
- Q. Oh, you've got – you've got a good muzzle loader.  
A. Yeah, I – I love muzzle load hunting.
- Q. Yeah.  
A. See I cut meat, see,
- Q. Yeah, it's an Encore.  
A. and [                            ] yeah. [                            ]
- Q. 50 caliber.  
A. Crack it open [                            ] I clean her [                            ]
- Q. Serial number, S as in Sam 74547. Well you do a better job than next door. I can tell you that.  
A. See, I take care of it. You know, I said, look at that, 600 dollar gun, why not take care of it. Too bad –
- Q. That is a nice gun.  
A. Too bad Minnesota doesn't allow a scope on them now a days.
- Q. They're talking next year they will.  
A. Are they?

000872

Q. Yeah.

A. Good.

Q. Yeah.

A. Here's the old Springfield - hey, was that up at Chad's, that old Springfield?

Q. (Baumann) You know what, yeah, yeah.

Q. (605) He's got one just like it.

A. [ ] yeah and we - I - we - my dad passed away he got one and I took one.

Q. Okay. Uhm, model 9 - 917.

A. Is that a Springfield [ ]

Q. Remington.

A. He got the Springfield, wasn't it?

Q. Yeah, he's got the Springfield, yep.

A. This is [ ] 410 here.

Q. 5744 is the serial number.

Q. (Baumann) Okay, yep.

A. This 410 is my buddy, Greg's.

Q. Okay. That one I don't care about. I don't need to look at that one.

A. Okay. This is a 30-30.

Q. Okay. Ah, model 94, 30-30, serial number is 3706945. Yeah.

A. That thing, that's, you know you guys, I traded this fucker about two weeks ago for a 22,

Q. Ah-huh.

A. to the - to the neighbor kids. They [ ]. Anyways, here's a Ithica shotgun. You want to look at shotguns? I know you don't.

Q. No [ ]

A. Okay. Here's a SKS -

Q. We can still record it. That's a Reming - Remington, ah, -

A. Remington pump 410 I got.

Q. Remington pump 410.

A. Well it's not even mine. It's my buddy's. Here's the numbers if you want to do that, I don't give a fuck.

Q. Yeah, we'll just write it down, just [ ] it's a Remington.

000873

A. And, ah, here's my Ithica [ ]

Q. 12 gauge.

A. 12 gauge Ithica and here's a -- did you get done with that one?

Q. No.

A. It's a SKS, yeah.

Q. Just wait.

A. [ ]

Q. Do you want to do this one, SKS?

Q. (Baumann) Sure.

A. Don't make sense to...

Q. (605) 746[ ]

A. check out shotguns when he got shot by a big bullet.

Q. 1 - 1700772K as in King.

A. Here's my daughter's 410.

Q. Okay.

A. If you want to look at that.

Q. That's a single shot.

A. Yeah, but anyway, here's my shotgun too right here. I think that's all the guns I got here.

Q. All right, and that's that, ah, Benelli?

A. That's, ah, my Benelli here, yeah.

Q. Okay. That's okay.

A. Fucker better be there. Right there, see it?

Q. Okay, yeah.

A. [ ]

Q. That's a -- that's a pump, right?

A. No, it's an automatic super [ ]

A. (??) [ ] going to say, you just won it.

A. No, I bought that fucker and I can't remember, it was about two years ago. I cleaned all my other [ ] guns [ ] one shotgun [ ]

Q. Did you - did you go to that Pheasants Forever banquet?

A. Oh, yeah -- no, not this -- no this --

000874