

**FILED**

September 13, 2023

**OFFICE OF  
APPELLATE COURTS****STATE OF MINNESOTA  
IN COURT OF APPEALS**

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State of Minnesota,

Respondent (A23-1295),  
Appellant (A23-1299),

**ORDER**

#A23-1295  
#A23-1299

vs.

Brian Harry Kjellberg,

Appellant (A23-1295),  
Respondent (A23-1299).

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**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:**

1. Brian Kjellberg filed appeal A23-1295 on August 29, 2023, from the Ramsey County District Court's May 31, 2023 judgment of conviction in district court file number 62-CR-21-6868.

2. Also on August 29, 2023, the state filed appeal A23-1299 from the Ramsey County District Court's May 31, 2023 sentencing order in the same district court file. The parties have ordered a transcript of proceedings in each appeal, but the completed transcript has not been delivered to the parties as of the date of this order.

3. On September 7, 2023, the state filed a motion to consolidate these appeals. In this motion, counsel for the state argues that it is in the interests of judicial economy to consolidate the state's sentencing appeal with Kjellberg's appeal from the judgment of conviction in the same case in order to ensure prompt and consistent resolution of these

related appeals. Counsel's motion also includes a proposed briefing schedule for the parties. On September 11, 2023, counsel for Kjellberg filed a response, indicating that he has no objection to the consolidation of these appeals or to the state's proposed briefing schedule.

4. Related appeals from a single district court action may be consolidated by the appellate court's order on its own motion or upon motion of a party. Minn. R. Civ. App. P. 103.02, subd. 3. For the reasons stated by the state's counsel, consolidation of these appeals is merited in the interests of judicial economy.

**IT IS HEREBY ORDERED:**

1. The state's motion to consolidate appeals A23-1295 and A23-1299 is granted.

2. Within 60 days of delivery of the completed transcript requested in appeal A23-1295, Kjellberg shall file and serve a single brief and addendum addressing any challenges he may raise to the judgment of conviction and sentence.

3. Within 45 days of service of Kjellberg's brief and addendum, the state shall file and serve a brief which may (1) respond to any claims raised in appellant's principal brief, and (2) raise any additional arguments challenging the district court's sentence. The state's brief must be accompanied by an addendum which must include a copy of the district court's sentencing order appealed from.

4. Within 15 days of service of the state's brief, Kjellberg may file and serve a reply brief which may (1) reply to the state's arguments regarding Kjellberg's principal brief, and (2) respond to any sentencing arguments raised in the state's brief.

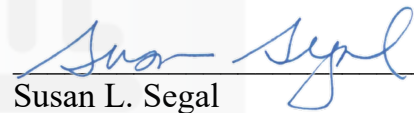
5. Within five days of service of Kjellberg’s reply brief, the state may file and serve a reply brief addressing Kjellberg’s response to the state’s sentencing arguments.

6. Upon completion of briefing, this matter will be scheduled for oral argument.

**Dated:** September 13, 2023



**BY THE COURT**

  
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Susan L. Segal  
Chief Judge

MINNESOTA  
JUDICIAL  
BRANCH