

**FILED**

December 27, 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),

vs.

Brian Harry Kjellberg,

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

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**ORDER**

A23-1295  
A23-1299

**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 final judgment of conviction in a felony case.
2. Also on August 29, 2023, the state filed appeal A23-1299 from the Ramsey County District Court's sentencing order in the same district court file.
3. In an order filed on September 13, 2023, this court granted the state's motion to consolidate these appeals. Our September 13, 2023 order directed Kjellberg to file and serve a single brief and addendum addressing issues related to the judgment of conviction and sentence within 60 days after delivery of the completed transcript.
4. The final transcript was delivered to counsel on October 30, 2023. Kjellberg's initial brief and addendum is due on December 29, 2023.

5. On December 22, 2023, Kjellberg filed a motion to extend the briefing deadline 30 days until January 29, 2024. The grounds for the extension are Kjellberg's criminal case requirements that have consumed time counsel would have otherwise spent preparing Kjellberg's brief.

6. Based on our review of the district court's register of actions, counsel filed a motion for Kjellberg's release pending appeal in district court.

7. In light of the briefing deadline, and to provide certainty to the parties, it is appropriate to rule on the motion without waiting for the response period to expire. *See* Minn. R. Civ. App. P. 102 (providing for suspension of the rules to expedite decision).

**IT IS HEREBY ORDERED:**

1. Kjellberg's motion for an extension of the briefing deadline is granted.
2. On or before January 29, 2024, Kjellberg shall file and serve a principal 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 (a) respond to any claims raised in Kjellberg's initial brief, and (b) raise any additional arguments challenging the district court's sentence.
4. Within 15 days of service of the state's brief, Kjellberg may file and serve a reply brief which may (a) reply to the state's arguments regarding Kjellberg's principal brief, and (b) 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 arguments.

**Dated:** December 29, 2023

**BY THE COURT**



Judge Jon Schmidt

MINNESOTA  
JUDICIAL  
BRANCH