

FILED

March 28, 2024

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

State of Minnesota,

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

vs.

Brian Harry Kjellberg,

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

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.
4. Kjellberg filed a principal brief and addendum on February 16, 2024. The state's brief is due on April 1, 2024.
5. On March 27, 2024, the state filed a motion to dismiss A23-1299, the state's sentencing appeal.

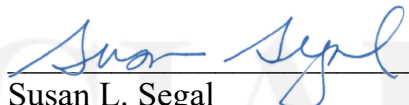
6. This court may dismiss an appeal if the appellant files a notice of voluntary dismissal with proof of service on counsel for respondent. Minn. R. Crim. P. 28.06. We construe the state's motion to dismiss appeal A23-1299 as a notice of voluntary dismissal.

IT IS HEREBY ORDERED:

1. Appeal A23-1299 is dismissed.
2. Appeal A23-1295, Kjellberg's appeal from the final judgment, shall proceed.
3. The state's brief in appeal A23-1295 remains due to be served and filed by April 1, 2024.
4. Within 15 days of service of the state's brief, Kjellberg may file and serve a reply brief.

Dated: March 28, 2024

BY THE COURT



Susan L. Segal
Chief Judge