

A P P E A R A N C E S

Makenzie Lee, Assistant Ramsey County Attorney,
appeared for and on behalf of the State.

Hassan Tahir, Assistant Ramsey County Attorney,
appeared for and on behalf of the State.

Earl Gray, Attorney at Law, appeared with and on
behalf of the Defendant.

Amanda Montgomery, Attorney at Law, appeared with and
on behalf of the Defendant Kjellberg.

E X H I B I T S

NUMBER

PAGE ADMITTED

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P R O C E E D I N G S

THE LAW CLERK: All rise.

THE COURT: Good morning. You may be seated.

MR. TAHIR: Good morning.

THE COURT: All right. Calling Page 1, Line 1, State of Minnesota versus Brian Kjellberg. The matter is here for a jury trial. If I can have everybody just please identify themselves for the record.

MR. TAHIR: Good morning, Your Honor. Hassan Tahir, Assistant Ramsey County Attorney, appearing on behalf of the State.

MS. LEE: Makenzie Lee, also on behalf of the State.

MR. GRAY: Good morning, Your Honor. Earl Gray, appearing on behalf of Brian Kjellberg, the Defendant.

MS. MONTGOMERY: Good morning, Your Honor. Amanda Montgomery, also representing Mr. Kjellberg.

THE DEFENDANT: Good morning, Your Honor. Mr. Kjellberg.

THE COURT: Good morning, Mr. Kjellberg.

I don't believe that we'll have a jury until about 9:30 or so would be my guess. So are there any issues that we need to address this morning?

1 MR. TAHIR: I don't believe so, Your Honor.
2 I've got a copy of the updated jury questionnaire.
3 Thank you to the Court for providing that to us here
4 this morning. There is no objection to that from the
5 State.

6 THE COURT: And as far as the questionnaires,
7 our plan is to email it to you, okay? We'll just scan
8 it and email each of you a copy of each and then if you
9 would -- so we would be able to get that done, I'm
10 hopeful, this morning. And then if we can get together
11 sometime this afternoon and make a decision on who
12 everybody agrees should be removed for cause, who we
13 should do individual voir dire on, and proceed from
14 there.

15 MR. GRAY: How many jurors will we be looking
16 at, Judge?

17 THE COURT: It's a good question. Hold on
18 for a second. You're asking how many total?

19 MR. GRAY: Yes.

20 THE LAW CLERK: Forty.

21 THE COURT: Forty.

22 MR. GRAY: And we're going to pick -- is it
23 two alternates or one alternate or two?

24 THE COURT: Whatever your preference is, two
25 or one alternate?

1 MR. GRAY: I'd rather have two.

2 MR. TAHIR: That's fine, Your Honor.

3 THE COURT: Two alternates. And it looks
4 like they might fit. That's why I'm counting the
5 chairs. Some of these courtrooms don't fit two
6 alternates, but I guess we'll make it work.

7 MR. GRAY: They don't have to sit on the
8 wooden chairs?

9 THE COURT: No, let's hope not. I generally
10 don't make them sit on those wooden chairs. They're
11 pretty uncomfortable.

12 MR. GRAY: Yes.

13 THE COURT: All right. Are there any
14 electronic needs that are going to need to be met or
15 not yet?

16 MS. MONTGOMERY: The only thing that I can
17 think of is the exhibits. We don't have them
18 electronically right now, so I don't know if the
19 courtroom has an ELMO, the old fashioned?

20 THE LAW CLERK: Yeah, we can get one.

21 THE COURT: We do have an ELMO, but do you
22 have them electronically?

23 MS. MONTGOMERY: I can scan them with the
24 exhibit stickers, I don't have them like that right
25 now. I can do that, if that's what the Court prefers.

1 THE COURT: Because then we can put them on
2 the screens, I don't know -- is that something we can
3 do?

4 THE LAW CLERK: Yeah. You then can connect
5 right there from your laptop.

6 THE COURT: What do we connect to? There's
7 like 400 cables down there.

8 THE LAW CLERK: Yeah, there should be cables.
9 Yep, that will be it.

10 MR. TAHIR: Are there two of them?

11 THE LAW CLERK: Yeah, there's two of them.

12 MS. MONTGOMERY: Yes, that works for mine.

13 THE LAW CLERK: Okay.

14 THE COURT: And -- well, we wouldn't be using
15 it this morning, so take an opportunity to try that out
16 and make sure it works.

17 So really nothing from the Defense either as
18 it relates to any issues that we need to address this
19 morning or anything we can get out of the way before we
20 have a jury come down? I know there was a question as
21 to the self-defense question, but what I did was: I
22 took the two that were there, and I essentially
23 combined them into one.

24 MS. MONTGOMERY: It be should be Number 22.

25 THE COURT: Yeah, I'm sorry. Was that

1 Question 22?

2 MR. GRAY: Yes.

3 MS. MONTGOMERY: Your Honor, their numbers go
4 to 96. Should we start at 200? I thought the Court
5 maybe said 500?

6 THE COURT: Where do you end?

7 MR. TAHIR: 96, Your Honor.

8 THE COURT: Okay. I mean 200 would be great
9 just in case.

10 MS. MONTGOMERY: Okay. Sure.

11 THE COURT: Just in case we pop into the
12 hundreds.

13 All right. And there's nothing related to
14 exhibits that we have to deal with?

15 MR. GRAY: Well --

16 THE COURT: Because that would be a first.

17 MR. GRAY: There are five exhibits dealing
18 with the medical examiner, and I don't know if we need
19 pictures of the heart. We aren't contesting that the
20 tire deflater did not cause the death of Mr. Stewart.
21 I don't think they're necessary. There's two pictures
22 of the heart and five pictures -- oh, yeah, there's
23 more. One, two, three, four, five, six, seven, eight,
24 nine, ten, eleven, there's 12 pictures of the medical
25 examiner's work, and it's Dr. Froloff as I understand

1 it. And I doubt it we'll ask him more than one or two
2 questions. I mean, I don't know why we have all of the
3 photos.

4 THE COURT: All right. Do you have the
5 photos available?

6 MR. TAHIR: I do, Your Honor.

7 THE COURT: Can I see those?

8 MR. TAHIR: Is it okay if I hand the Court my
9 laptop? They're saved on here.

10 THE COURT: Yes. Are they numbered on there?

11 MR. TAHIR: They are, Your Honor.

12 THE COURT: Excellent.

13 MR. GRAY: And the problem I have with them
14 is that there is a zipper going down the man's stomach
15 which was done by the hospital, and it -- we're not
16 contesting that. There is no reason to show that he
17 was -- he was stabbed, but the cut down the body is by
18 the hospital. But take a look at them and see.

19 THE COURT: Okay.

20 MR. TAHIR: And my apologies, Your Honor, it
21 will just be a moment while I load it on my screen
22 here.

23 MR. GRAY: The timing, we start -- what times
24 do we start in the morning? So I can --

25 THE COURT: That's a good question. Well, I

1 think we'll start at 9:00.

2 MR. GRAY: Okay.

3 THE COURT: If I can get you folks here at
4 8:45.

5 MR. GRAY: All right.

6 THE COURT: So that if there is anything we
7 need to deal with, I'll ask the jury to get here at
8 8:45 as well.

9 MR. GRAY: And we end at?

10 MR. GRAY: Generally 4:30.

11 MR. GRAY: Lunch time?

12 THE COURT: Lunch time is generally at noon,
13 an hour or an hour and a half, you know, if we have a
14 witness that's close to being done we go past that.

15 MR. GRAY: Nowadays with some judges they go
16 by their own schedule.

17 THE COURT: In this case?

18 MR. GRAY: Some cases around the State of
19 Minnesota. That's as far as I'll go.

20 MR. TAHIR: Your Honor, it's Exhibit 7
21 through 21.

22 THE COURT: All right.

23 All right. So in reviewing the pictures, I'm
24 going to -- and again, it's Exhibit 7 through 21. I'm
25 excluding Exhibit 8 and Exhibit 14 and 15. Exhibit 14

1 and 15 are the pictures of the heart that's been
2 removed from the body and Exhibit 8 seems to be a
3 duplicate.

4 MR. GRAY: I'm sorry, Judge. I didn't hear
5 you.

6 THE COURT: Exhibit 14 and 15 are pictures of
7 the heart that has been removed from the body, so I
8 don't believe that has any significant relevance and
9 its probative value -- its prejudicial effect seems to
10 outweigh its probative value. Exhibit 8 seems to be a
11 duplicate. I don't think we can help the other
12 pictures with the cut and stitching down the center. I
13 think the State has to prove that the victim is dead or
14 the alleged victim is dead, and I think it's necessary
15 for them to show those pictures.

16 MR. TAHIR: Your Honor, if I could just be
17 heard on Exhibit 8. That actually isn't a duplicate.
18 Exhibit 7 shows the left side of Mr. Stewart's body and
19 the Exhibit 8 shows the right side. From the two, I
20 think it would be more appropriate to exclude Exhibit 7
21 since that doesn't show the wound. Exhibit 8, however,
22 on the right side of the body does show the wound.

23 THE COURT: All right. And then you have a
24 couple other pictures of the wound. I don't have any
25 problem with that. I will exclude 7 and include 8.

1 MR. GRAY: So we change from 8 to 7?

2 THE COURT: Right. So the ones excluded are
3 7, 14, and 15.

4 MR. GRAY: Okay.

5 THE COURT: And most of the -- and 16 through
6 21 are pictures of his hand. I'm guessing to show some
7 kind of defensive wound, just a guess on my part.

8 MR. TAHIR: Something like that, Your Honor,
9 yes.

10 THE COURT: All right. And did you mention
11 something about a stipulation?

12 MR. GRAY: Yes. The State and us have agreed
13 to -- rather than introducing an exhibit on Arundel
14 Stewart's condition to remain law-abiding, they've
15 agreed to a stipulation that on November 29th of 2021,
16 Arundel Stewart was before a Judge and he was ordered
17 as a condition of release to remain law-abiding.
18 That's the stipulation.

19 THE COURT: And when is that going to be read
20 into the record --

21 MR. GRAY: Um.

22 THE COURT: -- during your case-in-chief?

23 MR. GRAY: Yes, we'll start off with that.

24 THE COURT: Anything else?

25 MR. GRAY: Well, I don't believe we have

1 anything, Your Honor.

2 MR. TAHIR: Just one thing, Your Honor, and
3 I've already discussed this with Mr. Gray and
4 Ms. Montgomery. I plan on playing a portion of
5 surveillance video during my opening statement. The
6 Defense doesn't object. I just wanted the Court to be
7 aware.

8 THE COURT: And when you say "surveillance
9 video," what is it?

10 MR. TAHIR: It's a video taken from one of
11 the neighbors that captures the encounter between
12 Defendant and Mr. Stewart. It's a little difficult to
13 see exactly what happens, but I think at the core of
14 this case is interpreting what that video shows and
15 what it doesn't show and what can and cannot be heard
16 on that video.

17 So I plan on playing it in my opening and, of
18 course, we will play it during our case-in-chief, and
19 likely in closing arguments as well, as I imagine the
20 Defense will.

21 THE COURT: All right. And what's the
22 exhibit number?

23 MR. TAHIR: The Exhibit Number for that is --
24 it will be introduced -- there are three copies of the
25 video. There is a video in its entirety, which is

1 Exhibit 94. There is the unzoomed clip of the
2 encounter itself, which is Exhibit 95. And then I've
3 got Exhibit 96, which actually zooms in to the end of
4 the alley where Mr. Kjellberg and Mr. Stewart come
5 together.

6 So in my opening statement it will be Exhibit
7 96 that I will be playing, the zoomed-in clip, which is
8 about, I'd say, a minute to a minute and a half.

9 THE COURT: As far as Exhibit 96, any
10 objection?

11 MR. GRAY: We've seen it. That's fine. No
12 objection.

13 THE COURT: All right. So Exhibit 96 is
14 admitted.

15 All right. Anything else you can think of?

16 MR. GRAY: With respect to one of our motions
17 in limine, one of the motions was that the police
18 officers that did the investigation in this case cannot
19 tell the jury what they see on the video. They're
20 giving their opinion. The jury has the video to watch.
21 They're not to be told what they see by the witnesses,
22 and there is case law on that, but I don't have it here
23 but there wasn't any objection to that I don't believe.

24 THE COURT: All right. And those videos are
25 being introduced through?

1 MR. TAHIR: Through the neighbor and the
2 investigator that reviewed them. That will be towards
3 the tail end of our case. I think the motion in limine
4 specifically dealt with what's heard on the video, not
5 what's seen. The investigator will not try to
6 interpret what's heard on the video at all. I will not
7 ask her any questions regarding that.

8 In terms of what's seen, I will ask her to
9 identify the two people that are there. There is an
10 individual that comes running up the alley. I'd like
11 the investigator to be able to say that that's
12 Mr. Stewart. There is another individual that's
13 standing by a building next to a vehicle. I will ask
14 the investigator who that is, and that's Mr. Kjellberg.
15 Just so the jury is -- has some context to what they're
16 seeing. Otherwise it will be very difficult for them
17 to figure out who is who. But beyond that, I'm not
18 going to ask her to describe what they're doing or
19 anything like that, that's a determination for the jury
20 to make.

21 THE COURT: Or what's happening.

22 MR. TAHIR: Correct.

23 THE COURT: So essentially just identifying
24 the individuals?

25 You don't have any objection to that?

1 MR. GRAY: No, Your Honor. And as long as --
2 we received a transcript of the surveillance clip it's
3 called, and as long as we stick by the transcript
4 that's fine.

5 THE COURT: All right.

6 MR. TAHIR: There are a number of inaudibles
7 there. I mean, that's open to interpretation. I
8 wasn't able to transcribe them because I think
9 reasonable minds might differ as to what that says.

10 But we will be arguing in closing argument
11 that it says one thing that the Defense might disagree
12 with, but on paper it says inaudible.

13 THE COURT: All right.

14 MR. GRAY: That's about it.

15 THE COURT: Okay. Where are we at with the
16 jury?

17 THE LAW CLERK: I haven't heard anything yet,
18 but I can go down there to see if they're ready.

19 THE COURT: All right. Well, you folks are
20 going to be here. We'll inform you when the jury is
21 ready to go.

22 MR. GRAY: Okay. So you're going email us
23 the juror questionnaires?

24 THE COURT: Right.

25 MR. GRAY: The answers.

1 THE COURT: The answered ones, yes.

2 MR. GRAY: And we wait here for it, or we go
3 back to our office?

4 THE COURT: When we're done with the
5 introduction, I think you can head back --

6 MR. GRAY: Okay.

7 THE COURT: -- to your office. Yeah, I'm not
8 going to do it yet. Bring them up, give them the
9 introduction, explain what's going on. I tell them
10 that as soon as they're all done with the
11 questionnaire, I'll send them home and then I'll let
12 them know that not all of them will likely be called in
13 tomorrow but many of them will be.

14 MR. GRAY: Okay.

15 THE COURT: And then we try to scatter that
16 time so that they're not all sitting around all day
17 with nothing to do, because we'll know based on the
18 numbers which ones are coming in first and which ones
19 aren't. And we'll know by the end of the day tomorrow
20 which ones we want to just eliminate and say, you know,
21 report back in tomorrow morning for other trials.

22 MR. GRAY: Okay. So we'll probably be
23 starting this case on evidence and that tomorrow
24 afternoon?

25 THE COURT: If we can get a jury picked by

1 tomorrow.

2 MR. GRAY: Okay.

3 THE COURT: Yes. If we can get a jury picked
4 absolutely, at the latest Wednesday morning. We should
5 be able to have a jury selected by then. All right.

6 MR. GRAY: Yep.

7 MR. TAHIR: Thank you, Your Honor.

8 (A brief break was taken.)

9 THE COURT: All rise. You may be seated.

10 THE COURT: Good morning, Ladies and
11 Gentlemen.

12 THE JURY: Good morning (as a whole).

13 THE COURT: My name is Judge Castro, and I
14 will be presiding over this matter. And as soon as my
15 law clerk gets me my notebook, which I forgot, then I
16 can start.

17 Here we go. All right. Ladies and
18 Gentlemen, you have been summoned to the District Court
19 of Ramsey County today for the purpose of jury
20 selection in a criminal case. My name is Judge
21 Leonardo Castro, and I will be presiding over this
22 trial. It is important that you are able to see and
23 hear everything that is going on and -- especially when
24 the questions are being asked. If any of you have
25 difficulty hearing or understanding what is being said,

1 please bring that to my attention as soon as possible.

2 Does anyone at this time have any difficulty
3 seeing or hearing what I'm saying?

4 THE JURY: (No audible response.)

5 THE COURT: All right. I see no one.

6 All right. Do you have your oath?

7 THE LAW CLERK: Mm-hmm.

8 THE COURT: I am going to ask you all to
9 please rise at this time and raise your right hand and
10 take the oath.

11 THE LAW CLERK: You do swear that you will
12 truthfully answer all questions about your
13 qualifications to serve as a juror so help you God?

14 THE JURY: I do (as a whole).

15 THE COURT: Thank you. You may be seated.

16 As I stated, this is a criminal case. A complaint has
17 been filed alleging that on December 2, 2021, while in
18 the City of St. Paul, County of Ramsey, the Defendant,
19 Mr. Kjellberg, committed the offense of Murder in the
20 Second Degree Without Intent but While Committing a
21 Felony offense.

22 To this charge Mr. Kjellberg has pled not
23 guilty. The mere fact that Mr. Kjellberg has been
24 charged and has been brought before this Court by the
25 ordinary processes of the law should not be viewed by

1 you in any way as evidence of guilt or in any way as
2 suggesting his guilt. Again, to this charge, Mr. Brian
3 Kjellberg has pled not guilty. This plea denies the
4 charges and places upon the State of Minnesota, by the
5 way of the Ramsey County Attorney's Office, the burden
6 of proving his guilt beyond a reasonable doubt. The
7 State is the represented by Mr. Hassan Tahir.

8 MR. TAHIR: Good morning.

9 THE COURT: And Ms. Makenzie Lee.

10 MS. LEE: Good morning.

11 THE COURT: Mr. Kjellberg is represented by
12 Mr. Earl Gray.

13 MR. GRAY: Good morning.

14 THE COURT: And Ms. Amanda Montgomery.

15 MS. MONTGOMERY: Good morning.

16 THE COURT: And Mr. Kjellberg, would you
17 please rise as well?

18 THE DEFENDANT: Good morning.

19 THE COURT: So Ladies and Gentlemen, here is
20 the procedure that we will follow in selecting a jury
21 in this case. You will be given a questionnaire, which
22 you will be asked to fill out completely under the oath
23 that you just took. In order to minimize any
24 embarrassment or any invasion of privacy that may
25 result from questions that you have to answer, we're

1 going to begin by having you fill out that
2 questionnaire.

3 Now, you should know that although that
4 questionnaire will remain nonpublic -- and that's the
5 way I will order it to be filed when it is filed at the
6 end of the trial -- there may be a time when the
7 confidential nature of that questionnaire may be become
8 unsealed by some court order for some reason which I
9 couldn't think of right now to tell you, but there is
10 always that possibility, all right?

11 Now, after I'm done speaking with you, then
12 you're going to be escorted to another courtroom where
13 my law clerk will pass out the questionnaire to each of
14 you. Please fill it out completely. Please remember
15 that you are answering these questions under the oath
16 that you just took. After you have completed the
17 questionnaire, please sign it, please give it back to
18 the law clerk. When everyone is done filling out the
19 questionnaire, I will then release you all for the day
20 and have some of you return tomorrow.

21 I may -- I probably wouldn't have all of you
22 return at once. I tend to stagger your return to
23 minimize the amount of time that you are sitting around
24 and waiting for other jurors to be selected throughout
25 this process.

1 Although know -- please be assured that there
2 will be waiting times throughout a jury trial. And so
3 before I send you off to fill out those questionnaires,
4 I want to give you some general rules of the law that
5 applies in a criminal case. In the questionnaire you
6 may be asked whether you will accept those rules of law
7 and follow those rules of law, and you should have
8 these instructions in mind when you are answering those
9 questions.

10 The Defendant, Brian Kjellberg, is presumed
11 innocent. For you to find the Defendant guilty, the
12 State must prove his guilt. The Defendant does not
13 have to call witnesses, introduce evidence, ask
14 questions, or otherwise prove his innocence. The
15 presumption of innocence remains with him unless and
16 until the Defendant has been proven guilty beyond a
17 reasonable doubt.

18 There will be times during jury selection and
19 during trial that we take a break or a recess. During
20 such times, please do not discuss the case with each
21 other. You will have plenty of time to do that -- for
22 those of you who are selected to serve -- when you
23 deliberate on the matter. Do not talk to anyone
24 involved in the case, that is the Defendant, the
25 lawyers, the witnesses. If anyone tries to discuss the

1 case with you, please bring that to my attention as
2 soon as possible.

3 During breaks, do not talk to your family,
4 friends, or others about the case. You may tell them
5 that you are serving on a -- as a juror in a criminal
6 case, and that's all you should tell them. Do not
7 report your experience as a juror while the trial and
8 deliberations are going on. Do not email, do not blog,
9 do not tweet, text, or post anything on any social
10 media site about this case, and do not visit any chat
11 rooms where the case may be discussed. Do not read or
12 listen to news reports about the case. Do not do your
13 own investigation. Do not ask others about the case.
14 Do not visit any of the locations that may be mentioned
15 throughout the trial.

16 Do not do any research about the case either
17 by written means, print means, electronic, or internet
18 media. Do not research on the internet or otherwise,
19 anything associated with the case.

20 This includes the law, the issues in the
21 case, the evidence, the parties, the witnesses, the
22 lawyers, myself, or others associated with the case.
23 Now, I know with this fabulous tool we have called
24 Google it's very tempting to do that. But I ask you,
25 please, for the purposes of providing both the State

1 and Mr. Kjellberg a fair trial, do not do any research
2 or investigation about the case.

3 If you do not follow these instructions it
4 may jeopardize the trial, and we may be required to try
5 this case over again.

6 To ensure both that -- both the Defendant and
7 the State receive a fair trial by an impartial jury, it
8 will be necessary for me and the attorneys, again, to
9 ask you certain questions that you must answer under
10 oath. Please do not take offense to the questions you
11 are being asked. Your contribution to this important
12 and serious matter is best assured by your honest
13 answers to those questions.

14 Some of you who are called to be questioned
15 will be excused from serving on this jury. If you are
16 excused, it does not mean that anyone doubts that you
17 are a fair person. It simply means that this may not
18 be the most appropriate jury for you to serve on. And
19 trust me, we have a lot more going on in the building
20 and so if this one won't work for you, we'll find one
21 that will.

22 All right. I am going to say that we all
23 have feelings, assumptions, perceptions, fears, and
24 stereotypes about others. We refer to these as biases.
25 Some biases we are aware of, and others we might not be

1 fully aware of and we call these unconscious and
2 implicit bias. No matter how unbiased we think we are,
3 our brains are hardwired to make unconscious decisions.
4 We look at others and filter what they say through the
5 lens of our own personal experiences and background.

6 Because we all do this, we often see life and
7 evaluate others and evaluate evidence in a way that
8 tends to favor people who are like ourselves, who have
9 had a similar life experience as our own. We can also
10 have biases about people like ourselves. I always tend
11 to say that we are tougher on our own. Bias can affect
12 our thoughts, how we remember, what we see, and what we
13 hear, whom we believe, whom we disbelieve, and how we
14 make important decisions in our life.

15 As jurors, you will be asked to make an
16 important decision about this case. You must take the
17 time that you need to reflect carefully and
18 thoughtfully about the evidence, think about the
19 decision you are making, and examine it for bias.

20 Reconsider your first impressions of the people and the
21 evidence in the case if it's appropriate to do so. If
22 the people involved in this case were from different
23 backgrounds, for example, richer or poorer, more or
24 less educated, older or younger, or from a different
25 gender, gender identity, race, religion, or sexual

1 orientation, ask yourself: Would you still view them
2 and the evidence in the same way?

3 During your deliberations, for those of you
4 who are selected to serve on this jury, listen to one
5 another. Listen to one another and help each other
6 resist any urge to reach a verdict influenced by bias.
7 Each of you have different backgrounds and will be
8 viewing the case in light of your own insights,
9 assumptions, and biases. Listen to different
10 perspectives which may help to better identify the
11 possible effects of those hidden biases and will help
12 you in your decision making.

13 Resist jumping to conclusions based on
14 personal likes or dislikes, on generalizations and gut
15 feelings, on prejudices, on sympathies, on stereotypes,
16 and on unconscious biases. The law demands that you
17 make a fair decision based only on the evidence, your
18 individual evaluations of that evidence, your reason
19 and common sense, and the instructions as I give them
20 to you.

21 All right. At this time you will be escorted
22 to another courtroom to fill out the questionnaire.
23 Please make sure you have all your belongings. Do not
24 leave anything in the courthouse -- do not leave the
25 courthouse -- I'm sorry -- until you receive

1 instructions on when and where you are to return. I
2 may ask you, again, not to return until later in the
3 day tomorrow, but you'll receive notice of that.

4 All right. Any questions about logistics,
5 folks?

6 THE JURY: (No audible response.)

7 THE COURT: All right. I see none. Thank
8 you.

9 Zach, they're all yours.

10 THE LAW CLERK: All right. We will be going
11 up to the 14th floor. Please meet out in the lobby
12 like you did on the 13th floor.

13 (The prospective jury exited the courtroom.)

14 THE COURT: Anything else, folks?

15 MR. TAHIR: Nothing from the State, Your
16 Honor.

17 MR. GRAY: No, Your Honor.

18 THE COURT: So, I mean, let's assume they get
19 done by 11:00 or so filling those out. We can get
20 those scanned to you by -- before noon. Last time I
21 said that it was a colossal failure, but we're going to
22 hopefully get them to you before noon.

23 And so how much time do you think you need to
24 look at those before we can get you back here and kind
25 of go through them?

1 MR. GRAY: There are 40 of them?

2 THE COURT: There's 40 of them, yeah.

3 MR. GRAY: Well, we got 20/20. I don't know.

4 THE COURT: I'm looking at Ms. Montgomery.
5 I'm not looking at you.

6 MR. GRAY: Oh.

7 MS. MONTGOMERY: Maybe 2:00?

8 THE COURT: Yeah, that would be fine. 2:30?
9 Could we just shoot for 2:30?

10 MR. TAHIR: Yeah, 2:30 works.

11 THE COURT: All right. We'll see you back
12 here at 2:30, and then we can make some decisions.

13 Well, you know, let me just say this: I
14 guess the decisions aren't going to take very long.
15 Let's just say 3:00. We'll get through some decisions
16 and then we will figure out how to stagger them for
17 showing up tomorrow, all right? Thank you.

18 (A brief break was taken.)

19 THE LAW CLERK: All rise.

20 THE COURT: Thank you. You may be seated.

21 THE COURT: All right. We're back on the
22 record in State of Minnesota versus Kjellberg. We're
23 here to make a determination on juror voir dire.

24 All right. So my preference is to just go
25 one by one and first determine if you believe there is

1 a need to individually voir dire this particular juror,
2 or we can remove a particular juror for cause and if we
3 can get agreement for that we can do that. All right?

4 First we have -- and I go by the juror
5 numbers as they're seated, so number one would be
6 Ms. Lindberg, Sarah Lindberg. Anything from the State
7 on Ms. Lindberg?

8 MR. TAHIR: No, Your Honor.

9 THE COURT: Anything from the Defense?

10 MR. GRAY: No, Your Honor. She's okay.

11 THE COURT: So she can be -- the hospital
12 chaplain can be part of the panel voir dire.

13 MR. GRAY: Sure.

14 MR. TAHIR: Yes.

15 THE COURT: All right.

16 MR. GRAY: What was that, Judge? She could
17 be the one what?

18 THE COURT: So we'll do the panel after we do
19 individual folks that you want to do individually that
20 may have something to share that you may not want to
21 hear -- the rest of the jury, or they privately may not
22 want to share it in front of the rest of the jury
23 panel.

24 MR. GRAY: Okay.

25 THE COURT: All right.

1 MR. GRAY: And then after that we address the
2 whole panel?

3 THE COURT: After that you address the whole
4 panel.

5 MR. GRAY: Got you. Thanks.

6 THE COURT: The ones we do individually,
7 we're probably going to need to make a decision on the
8 spot.

9 MR. GRAY: Okay.

10 THE COURT: All right.

11 MR. TAHIR: All right.

12 THE COURT: All right. Juror Number 2,
13 Ms. Kiaira Fletcher-Toney. I have her marked down as
14 either individual or for cause. Her father was
15 murdered based on information she provided, and a close
16 friend of hers was murdered. Anything from the State?

17 MR. GRAY: I think we have an agreement that
18 we put her aside.

19 MR. TAHIR: Well, to question her
20 individually, not to put her to the side. Sorry if you
21 misinterpreted that.

22 MR. GRAY: I misunderstood.

23 MR. TAHIR: No, I didn't mean to mislead you,
24 Mr. Gray. We would like to question her individually,
25 Your Honor.

1 MR. GRAY: Okay.

2 THE COURT: All right.

3 All right. Juror Number 3, Mr. Momo Helb.

4 MR. TAHIR: Nothing from the State, Your
5 Honor.

6 MR. GRAY: Well, we figured out that he gets
7 \$20 a day for parking so with taxes -- they take taxes
8 out of that, Judge?

9 THE COURT: I don't know the answer to that
10 question.

11 MR. GRAY: Hmm.

12 THE COURT: I think there is -- the bill in
13 front of the legislature now ups it to \$50, so it's
14 about time assuming it passes. But yes.

15 MR. GRAY: It's unbelievable.

16 THE COURT: But yes, parking is too
17 expensive, and so we're going to tell them to park at
18 the Lowry which is I think only \$8 and is not waiting
19 in line for a half hour for god's sakes.

20 MR. GRAY: Off the subject.

21 THE COURT: All right.

22 (A brief discussion was held off the record.)

23 THE COURT: We're back on the record. All
24 right. So Ms. Fletcher-Toney will be individually voir
25 dired.

1 Mr. Momo Helb, anything from the defense?

2 MR. GRAY: No, Your Honor.

3 THE COURT: All right. So he's good for the
4 panel.

5 Number 4, Jennifer Kostraski. The forensic
6 scientist. Anything from the Defense?

7 MR. GRAY: We were talking beforehand that we
8 failed with these questionnaires, because we didn't ask
9 anybody where they worked.

10 THE COURT: Where they worked. That's right,
11 yeah.

12 MR. GRAY: So if she works with the State as
13 a forensic psychologist -- forensic scientist. She
14 says in here that she would favor any forensic
15 scientist that worked for State, I believe. That's not
16 a quote, but that's something that she said. Perhaps
17 if she doesn't work for the State, she doesn't -- I
18 don't think we need to question her, but if she does, I
19 think we have to question her.

20 THE COURT: Even if you question her, it's
21 nothing that needs to be done individually? She can be
22 questioned as part of the panel?

23 MR. GRAY: She says she regularly testifies
24 as part of her job, so I have a hunch that she works
25 for the State.

1 THE COURT: Yep.

2 MR. GRAY: So that wouldn't be cause to --

3 THE COURT: No.

4 MR. GRAY: Okay.

5 THE COURT: I don't think that would be cause
6 to remove her because she worked for the State,
7 especially since I'm not so sure there is a lot of
8 scientific evidence in this case that's being
9 challenged.

10 MR. GRAY: No.

11 THE COURT: All right. So we'll allow her to
12 be questioned as part of the panel.

13 MR. GRAY: Okay.

14 THE COURT: Juror Number 5, Sheena Sukhu.
15 She didn't answer questions 31, 32, or 52, but --

16 MR. TAHIR: I don't think she needs to be
17 questioned individually, Your Honor.

18 MR. GRAY: No.

19 THE COURT: Anything from the Defense on
20 questioning her individually?

21 MR. GRAY: No, Your Honor.

22 THE COURT: Okay. Juror Number 6, Jerry
23 Zhou, Z-H-O-U?

24 MR. TAHIR: Nothing from the State.

25 MR. GRAY: Nothing here, Your Honor.

1 THE COURT: All right. Juror Number 7, Zach
2 Ogren?

3 MR. TAHIR: Nothing from the State.

4 MR. GRAY: Nothing here, Judge.

5 THE COURT: Juror Number 8, Sandy Kasma. I
6 have her as an individual based on her answer to 57.

7 MR. TAHIR: I agree, Your Honor, that was --
8 that response was a little unclear.

9 MR. GRAY: Yes. We failed in our
10 questionnaire to not ask about LGBTQ, and I wanted to
11 ask that, too.

12 THE COURT: All right. Individual voir dire.
13 Juror Number 9, Payton Plasch, individual
14 voir dire or cause?

15 MR. TAHIR: We would like to question them
16 individually, Your Honor, in light of the responses to
17 Questions 22 and 55.

18 THE COURT: All right. Any objection to
19 that?

20 MR. GRAY: No, Your Honor.

21 THE COURT: Juror Number 10, Jerrain Grahn.
22 He might have some transportation issues, but I don't
23 think there is anything that requires us to question
24 him individually. Any objections?

25 MR. TAHIR: I agree, Your Honor.

1 MR. GRAY: I agree.

2 THE COURT: All right. Juror Number 11, Anna
3 Reubish.

4 MR. TAHIR: I believe we should strike her
5 for cause, Your Honor, since she has preexisting
6 knowledge of this case as detailed in her response to
7 Question 43.

8 MR. GRAY: Yeah, especially when she says no
9 other specific details.

10 MR. TAHIR: Right.

11 THE COURT: All right. She also asked on --
12 well, I guess that doesn't really matter. Do you have
13 any objection for cause, Mr. Gray?

14 MR. GRAY: No, Your Honor.

15 THE COURT: All right. Then --

16 MR. GRAY: Well, wait a minute, Judge. She's
17 heard my name on the news.

18 THE COURT: I saw that.

19 MR. GRAY: That could be good or bad.

20 THE COURT: That could go both ways.

21 MR. GRAY: Was it when I was 18 or recently?

22 THE COURT: You've got somebody else in here
23 who says that her husband was on one of your juries 35
24 years ago.

25 MR. GRAY: I know. We've got to find out

1 what case that was.

2 THE COURT: I doubt that he would even
3 remember.

4 MR. GRAY: Thank you, Your Honor, how would
5 she remember that?

6 MR. TAHIR: Well, the tea. She remembers the
7 tea.

8 MR. GRAY: Yeah.

9 THE COURT: All right. Number 12, Donald
10 Schuneman.

11 MR. TAHIR: Your Honor, we'd like to question
12 him individually in light of his failure to respond to
13 Question 22, which is about self-defense. He placed a
14 question mark over the blank space indicating, no, that
15 he would not follow that instruction. In addition,
16 their response to Question 50 which asks about any
17 racial groups that they prefer not to associate with,
18 the answer was yes. And they went on to specify that
19 it's bad people that they prefer not to associate with.

20 THE COURT: Okay.

21 MR. GRAY: Your Honor -- sister was involved
22 in a murder-suicide, too.

23 MR. TAHIR: That is correct.

24 THE COURT: So, individual voir dire for
25 Mr. Schuneman?

1 MR. GRAY: Should we just do for cause?

2 MR. TAHIR: Let's talk to him.

3 MR. GRAY: All right.

4 THE COURT: You have to agree if we're doing
5 for cause. Otherwise we need to voir dire him.

6 MR. GRAY: Well, a younger brother was beaten
7 on the way to detox by police.

8 MR. TAHIR: I mean, we can -- we can do that,
9 Your Honor. We can just strike him for cause.

10 THE COURT: All right.

11 All right. Number 13, I know you folks
12 haven't had any contact with Juror Number 13, but I
13 believe there's is some developmental issues with Juror
14 Number 13 and based on her questionnaire, I believe
15 that confirms that.

16 MR. GRAY: We should question her. Many do
17 not know.

18 THE COURT: So, if there is no objection,
19 we'll excuse her for cause?

20 MR. TAHIR: No objection.

21 THE COURT: Any objection, Mr. Gray?

22 MR. GRAY: Well, she says on 52, "he deserve
23 a fair trial" -- "trail." I'm sorry. Yeah, I don't
24 object, no.

25 THE COURT: All right.

1 All right. Juror Number 14, Justin Fulton.

2 MR. TAHIR: Nothing from the State, Your
3 Honor.

4 THE COURT: I want to --

5 MR. GRAY: Well, I think we should, Judge, on
6 this one -- on Question 5, "The system is fair for
7 select people." It says, "Too often our police are
8 excused after murders and minor crimes get the hammer
9 real quick. I'd say the fairness of our system is a
10 spectrum on what you see as fair." I think we should
11 question her [sic].

12 THE COURT: Right. I think we question
13 Justin Fulton, but I don't think we need individual
14 voir dire.

15 MR. GRAY: No, no that's true.

16 THE COURT: All right. So we will -- so
17 Mr. Fulton. And I also want to know what type of
18 whiskey he likes, as to Number 47.

19 All right. Number 15, John Rasmussen.

20 MR. TAHIR: No need to question individually,
21 Your Honor.

22 MR. GRAY: Neither.

23 THE COURT: All right.

24 Number 16, Robert Buteyn, B-U-T-E-Y-N, any
25 need to question individually?

1 MR. TAHIR: No, Your Honor.

2 MR. GRAY: He read about the case, Page 5.

3 MR. TAHIR: Oh, that's right.

4 MR. GRAY: Yeah, that's the one I was -- in
5 this one, Judge it's -- he's also concerned that
6 wealthy people can afford better lawyers. And at least
7 we should question him.

8 THE COURT: I think that might be a national
9 concern, Mr. Gray.

10 MR. GRAY: Well -- I don't think Murdaugh did
11 that well.

12 THE COURT: Well, this is true. Though he
13 does say on 52, he cannot recall the case specifically
14 so thus cannot recall a specific reaction.

15 MR. GRAY: When it says "specifically" I
16 always wonder what they're saying.

17 THE COURT: All right. Do you want to voir
18 dire him individually then?

19 MR. GRAY: Well, if we -- yeah, individually,
20 or just explain to him that that's hearsay and he can't
21 rely on that, you know.

22 THE COURT: We can do that. So we can do
23 that at the panel.

24 MR. GRAY: Okay, that's fine.

25 THE COURT: Okay. Juror Number 17, Karen

1 Milcarek, M-I-L-C-A-R-E-K.

2 MR. TAHIR: No need for individual
3 questioning, Your Honor.

4 MR. GRAY: Nothing.

5 THE COURT: All right. Number 18, Alexa
6 Backlund. I have her marked as individual or cause
7 depending on you both -- she won't apply the law --

8 MR. GRAY: Well, the County Attorney is
9 closer to her than I would be if she pukes.

10 THE COURT: All right. Based on severe
11 anxiety.

12 MR. TAHIR: I agree, Your Honor. We should
13 strike her for cause.

14 THE COURT: Strike for cause?

15 MR. GRAY: Yes.

16 THE COURT: All right. Juror Number 19,
17 Roxanne Parker. I have her listed as individual as she
18 has described some hardship and has talked about jury
19 nullification, individual or cause?

20 MR. TAHIR: For cause, Your Honor.

21 MR. GRAY: Cause? Um --we agree with that,
22 Your Honor. She also has a special needs daughter.

23 THE COURT: All right. Juror Number 20,
24 Ms. Barbara Jones?

25 MR. TAHIR: Nothing, Your Honor, from the

1 State.

2 MR. GRAY: Nothing here.

3 THE COURT: All right. Juror Number 21,
4 Mr. Lor.

5 MR. TAHIR: Nothing from the State.

6 MS. MONTGOMERY: Nothing, Your Honor.

7 THE COURT: All right.

8 THE COURT: Juror Number 22, Brett Cuperus,
9 C-U-P-E-R-U-S.

10 MR. TAHIR: Nothing from the State.

11 MS. MONTGOMERY: He did note that his uncle
12 had been charged with sexual contact with a minor. I
13 don't really think that's relevant to this case, but if
14 he wants to talk about it he might want to talk
15 individually. I don't know if we want to ask him
16 anything?

17 THE COURT: Any thoughts on that?

18 MR. TAHIR: I defer to the Court, Your Honor.

19 THE COURT: Yeah, he did mention in Question
20 33 that his uncle was charged with a sex offense eight
21 to ten years ago or so.

22 MR. GRAY: He also has some knowledge of the
23 law because he's wondering what the felony was.

24 THE COURT: He did. And 55, he believes that
25 the system treats people of color unfairly sometimes.

1 MR. GRAY: To excuse him, for cause or not?

2 MR. TAHIR: No.

3 MR. GRAY: Okay.

4 THE COURT: Individual voir dire?

5 MR. GRAY: All right.

6 THE COURT: All right. We have Juror
7 Number 23, Janet Lowe. She appears to have some
8 information on the case. Her friend's uncle was
9 murdered, and she relies on the police credibility.

10 MR. GRAY: And she has mental health.

11 MR. TAHIR: I move to strike her for cause,
12 Your Honor.

13 MS. MONTGOMERY: We'd agree with that.

14 THE COURT: All right. Juror Number 23 is
15 stricken for cause. We're going to run out of jurors.

16 All right. Juror Number 24, Caitlin
17 Gottschalk, G-O-T-T-S-C-H-A-L-K, appears to have a
18 financial hardship.

19 MR. GRAY: Yeah. I would think we should
20 excuse her -- very spiritually hard to do this.

21 THE COURT: She did not understand Question
22 22.

23 MR. GRAY: Yeah.

24 MR. TAHIR: I agree, Your Honor. She can be
25 struck for cause.

1 THE COURT: Juror Number 25, Jacob Womble?

2 MR. TAHIR: Nothing from the State.

3 MR. GRAY: Well, he should get a sleep
4 machine if he's got sleep apnea.

5 THE COURT: Well, he does, he got a CPAP, but
6 we'll ask him about that.

7 MR. GRAY: Can I tell him I also have that,
8 or no?

9 THE COURT: Probably not.
10 Juror Number 26, Mr. Pang Xiong.

11 MS. MONTGOMERY: We have no issues with him.

12 MR. TAHIR: None, Your Honor.

13 THE COURT: All right. Juror Number 27,
14 Mr. Chin Vue.

15 MR. TAHIR: No issues.

16 MR. GRAY: None. No issues.

17 THE COURT: Juror Number 28, Mr. Rolland
18 Mariette?

19 MR. TAHIR: No issues, Your Honor.

20 MS. MONTGOMERY: We might want to do
21 individual. He said his sister is a crack addict. I
22 don't know how close he is with his sister.

23 THE COURT: Right. And he didn't answer 5
24 either, and we probably want to flush out the beliefs
25 on police a little more. All right. We'll do

1 individual on that one.

2 Juror Number 29 was Theresa Faulconbridge?

3 MR. TAHIR: No issues from the State.

4 MS. MONTGOMERY: Her husband is the chair of
5 the Roseville Police Foundation and has multiple other
6 connections with police, so we might want to do some
7 individual to make sure that she could be fair based on
8 all of that.

9 THE COURT: All right. Juror Number 30,
10 Mr. Kong Vang?

11 MR. TAHIR: Nothing from the State, Your
12 Honor.

13 THE COURT: He says he can't sit too long,
14 but I think by "too long" he probably means multiple
15 hours. He won't be sitting more than an hour and a
16 half or two.

17 Anything from the Defense?

18 MS. MONTGOMERY: No, Your Honor.

19 THE COURT: Okay. Juror Number 31, Adrienne
20 Deruyck, D-E-R-U-Y-C-K. She writes "private" in
21 Question Number 27, so I think that calls for an
22 individual.

23 MS. MONTGOMERY: We'd agree with that.

24 THE COURT: Mr. Tahir, you okay with that?

25 MR. TAHIR: That's fine, Your Honor, yes.

1 THE COURT: All right. Juror Number 32,
2 Jennifer Thue, T-H-U-E.

3 MR. TAHIR: Nothing from the State.

4 MS. MONTGOMERY: Nothing, Your Honor.

5 THE COURT: All right. Juror Number 33,
6 Melissa Shugarman.

7 MR. TAHIR: No issues.

8 MS. MONTGOMERY: We have no issues either.

9 THE COURT: Juror Number 34, Ms. Alicia
10 Hochstatter.

11 MR. TAHIR: Nothing from the State, Your
12 Honor.

13 MR. GRAY: I think -- well --

14 MS. MONTGOMERY: I think we should probably
15 do individual based on her noting being a victim of
16 crime. Not sure. It wasn't clear if that was her, the
17 domestic violence, but perhaps that would affect her
18 ability to sit on the case.

19 THE COURT: All right. Individual.

20 MR. GRAY: Juror Number 35 is Minnie
21 Fitzpatrick.

22 MR. TAHIR: Nothing from the State, Your
23 Honor.

24 MS. MONTGOMERY: Nothing.

25 THE COURT: Juror Number 36, Jesse Busta.

1 MR. TAHIR: Nothing from the State.

2 MS. MONTGOMERY: Nothing, Your Honor.

3 THE COURT: Juror Number 37, Ms. Beth
4 Richardson?

5 MR. TAHIR: Nothing from the State.

6 MS. MONTGOMERY: 37, nothing.

7 THE COURT: All right. Juror Number 38,
8 Ms. Sue Vang.

9 MR. TAHIR: Nothing from the State, Your
10 Honor.

11 MS. MONTGOMERY: We have no issues.

12 THE COURT: Juror Number 39, Mr. Char Vang or
13 Ms. Char Vang.

14 MR. TAHIR: No issues, Your Honor.

15 MS. MONTGOMERY: No issues.

16 THE COURT: And Juror Number 40, Honor Linn,
17 L-I-N-N.

18 MR. TAHIR: Nothing from the State.

19 MS. MONTGOMERY: Nothing, Your Honor.

20 THE COURT: All right.

21 All right. So what we'll do is: We will
22 contact jurors who we're doing individually and ask
23 them to be here at 9:00. Given the number -- let me
24 see if I can count the number here. It seems I have
25 eight. My guess is that will take a couple of hours.

1 We'll ask -- then the rest of the individuals -- do you
2 want to do those in the morning and then take the rest
3 of the panel in the afternoon?

4 MR. TAHIR: I'm fine with that, Your Honor.
5 I defer to the Court.

6 THE COURT: I just don't know how long
7 they're going to take.

8 MR. TAHIR: I don't anticipate being very
9 long.

10 MR. GRAY: That's fine with me, Judge.
11 Whatever you say.

12 THE COURT: Okay. Right. Okay. So we'll
13 have them come in at 9:00 and then the rest at let's
14 say 11:00?

15 MR. GRAY: Okay.

16 THE COURT: And then we will have -- we'll
17 notify the ones that have -- are excused that they just
18 need to report to the jury office in the morning. What
19 time are they reporting? Do we know? 8:30?

20 THE LAW CLERK: For the jurors to come in?
21 8:45.

22 THE COURT: Okay. All right. Anything else
23 we need to address?

24 MR. TAHIR: The only other thing, Your Honor.
25 I did request a modified proof beyond a reasonable

1 doubt instruction. I'd ask for that to be included in
2 the preliminary instructions that are read to the jury
3 after they're sworn. I thought we could address that
4 right now if we need to make a record on that or hear
5 argument on it since we're all here.

6 THE COURT: Do you have any objection to the
7 modified reasonable doubt instruction?

8 MR. GRAY: Yes, I object to it and ask that
9 the one in the JIG be given.

10 THE COURT: Is there a particular reason
11 you'd like the modified one?

12 MR. TAHIR: I just think it's clearer, Your
13 Honor. The purpose of jury instructions is to instruct
14 a jury. I think this is a better instruction that
15 accomplishes that purpose since it doesn't use frankly
16 19th-century words like "fanciful" and "capricious." I
17 think it's more clear.

18 THE COURT: Yeah, I know. But, you know,
19 the -- those criminal rules committee or the jury
20 guidelines committee apparently doesn't feel the same
21 way you do. And while I may agree with you, the number
22 one reason these cases get reversed is based on jury
23 instructions. So I am going to keep the JIG
24 instruction.

25 MR. GRAY: If we're going -- well, you

1 wouldn't be giving that instruction anyway. But I did
2 submit one instruction that was on trespassing.

3 THE COURT: Right. And so that would be at
4 the end --

5 MR. GRAY: Yes.

6 THE COURT: -- depending on what the
7 evidence, you know, what evidence comes out whether I
8 give out that trespass instruction.

9 MR. GRAY: Okay.

10 THE COURT: Is there only one or did you
11 submit two?

12 MR. GRAY: Excuse me?

13 THE COURT: Did you submit two instructions
14 or just one?

15 MR. GRAY: I submitted two self-defense
16 instructions, one for property and one for physical
17 injury. And I don't know if we need the property one.
18 I think if the -- I think the trespass might take care
19 of that, but that's why I submitted the two rather than
20 just the physical injury and death one.

21 THE COURT: All right. And again, those
22 would be at the end --

23 MR. GRAY: Yes.

24 THE COURT: -- depending on what the evidence
25 is.

1 MR. GRAY: Well, if you want to give them
2 ahead of time, you can.

3 THE COURT: I bet I could.

4 All right. So those are reserved as well.
5 Anything else?

6 MR. TAHIR: No, Your Honor.

7 MR. GRAY: No.

8 THE COURT: All right. Then we'll see you
9 tomorrow morning. We'll have them come in, everybody
10 at 8:45, okay?

11 (The proceedings concluded at 3:26 p.m.)

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MINNESOTA
JUDICIAL
BRANCH

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

I, Colleen Maloney, an official court reporter for the Second Judicial District, in and for the County of Ramsey, State of Minnesota, do hereby certify that the foregoing pages are a true and accurate transcript of my original stenograph notes which were transcribed into writing by computer-aided transcription, taken relative in the aforementioned matter on March 27, 2023, in the City of St. Paul, County of Ramsey, and State of Minnesota before the Honorable Leonardo Castro.

Signed this #TH day of Month , year.

s:/ Colleen Maloney

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