

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

D. C. File No. 62-CR-21-6868
C. A. File No. 0446765

State of Minnesota,

Plaintiff,

**STATE’S PROPOSED
JURY INSTRUCTIONS**

v.

Brian Harry Kjellberg,

Defendant.

TO: The Honorable Leonardo Castro, Judge of Second Judicial District Court; and the above-named defendant and his attorneys, Amanda Montgomery and Earl Gray, 332 Minnesota Street Suite W1610, St. Paul, MN 55101.

- CRIMJIG 1.01 Instructions to the Jury Panel Before Examination
- 1.02 Instructions to the Jury Before Trial Begins
- 2.01 Cautionary Instruction on Receipt of Testimony of Other Crimes or Occurrences
- 2.03 Cautionary Instruction on Receipt of Prior Inconsistent Statement
- 2.08 Cautionary Instruction at First Recess or Adjournment for the Day and During Deliberations if not Sequestered
- 3.01 Duties of Judge and Jury
- 3.02 Presumption of Innocence
- 3.03 Proof Beyond a Reasonable Doubt (as modified)
Proof beyond a reasonable doubt is that amount of proof that ordinary men and women rely upon in making their own most important decisions. You have a reasonable doubt if your doubts are based upon reason and common sense. You do not have a reasonable doubt if your doubts are based upon speculation or irrelevant details.

Authority: *State v. Thao*, 875 N.W.2d 834, 842 (Minn. 2016); *State v. Smith*, 674 N.W.2d 398, 401 (Minn. 2004).

- 3.04 Duties of Jurors
- 3.05 Direct and Circumstantial Evidence
- 3.06 Rulings on Objections to Evidence
- 3.07 Instructions to be Considered as a Whole
- 3.09 Notes Taken by Jurors
- 3.11 Statements of Judge and Attorneys
- 3.12 Evaluation of Testimony – Believability of Witness
- 3.13 Expert Testimony
- 3.15 Impeachment
- 3.21 Evidence of Character
- 3.29 Definitions of Words
- 3.32 “Know” – “Had Reason to Know” – “Intentionally” – “With Intent” – “Recklessly” – Defined
- 7.13 Defense of Self or Others – Death Unintentional or Death Not The Result
- 11.28 Murder in the Second Degree – While Committing a Felony – Defined
- 11.29 Murder in the Second Degree – While Committing a Felony – Elements
- 13.09 Assault in the Second Degree – Dangerous Weapon – Defined
- 13.10 Assault in the Second Degree – Dangerous - Elements

JOHN J. CHOI
RAMSEY COUNTY ATTORNEY

Dated: March 3, 2023

/s/ Makenzie M. Lee

I certify that on March 3, 2023

I sent a copy to defense counsel by:

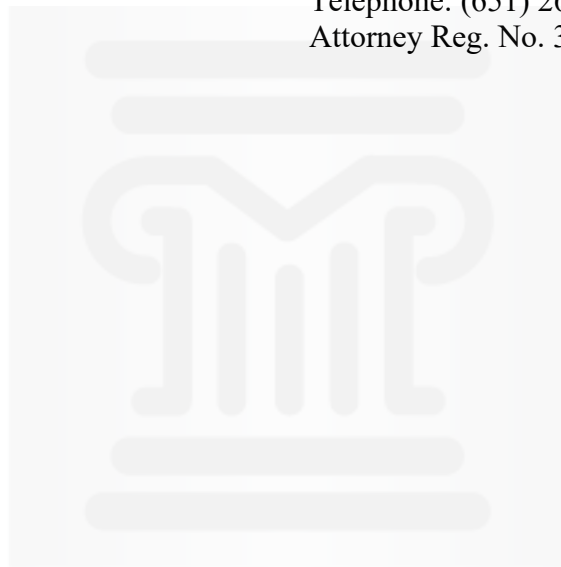
- Courier (includes interoffice mail)
- Fax
- U.S. Mail
- Personal Service
- E-service

/s/ Doua Yang

Makenzie M. Lee
Assistant Ramsey County Attorney
345 Wabasha St. North, Suite 120
St. Paul, MN 55102
Telephone: (651) 266-3103
Attorney Reg. No. 0400382

/s/ Hassan W. Tahir

Hassan W. Tahir
Assistant Ramsey County Attorney
345 Wabasha St. North, Suite 120
St. Paul, MN 55102
Telephone: (651) 266-3104
Attorney Reg. No. 395692



MINNESOTA
JUDICIAL
BRANCH