

**Report of the Minnesota Conviction Review Unit
Regarding the 2004 Conviction of Philip Randall Vance
Dakota County Case No. 19-K6-04-000736**

November 18, 2025



**Minnesota Attorney General's Office
Conviction Review Unit**

- Officers coerced witnesses, making their testimony at trial unreliable, and officers failed to record the sting operation in which a witness wore a wire when trying to acquire the murder weapon from Vance;
- Vance was not at the scene of the crime; instead, he was at Darlene Jones's duplex;
- In addition, late in the CRU's investigation, the CRU became aware of an alternative suspect said to have confessed to aiding and abetting his brother in the murder for which Vance was convicted.³

The CRU accepted Vance's application and began an extensive and independent, yet collaborative, investigation into Vance's claim of innocence. The CRU takes a non-adversarial approach to investigations, looking for leads and testing the evidence that supports or undermines the conviction. The CRU's role is not to find support for a predetermined outcome. Instead, the CRU follows the evidence to determine whether credible, reliable evidence demonstrates that a manifest injustice has occurred and an innocent person was wrongly convicted.⁴

The CRU considered the evidence presented in Vance's trial and the evidence and claims presented to the CRU by Vance and his counsel. The CRU reviewed thousands of pages of case-related materials, listened to hundreds of hours of recordings, and interviewed eight witnesses. At the end of its investigation, the CRU did not find reliable support for Philip Vance's claims and cannot recommend vacation of his conviction. Vance's claims are not sufficiently supported by independent, reliable evidence.

The most compelling evidence against Vance at trial was his own alleged admissions. The most inculpatory admission came shortly after the murder when Vance conveyed to a bartender that he had shot someone and said he was going to leave town. The CRU did not find evidence to refute this admission.

Vance did not present an alibi at trial, but he did present an alibi to the CRU. When the CRU interviewed Vance's alibi witnesses, their accounts were inconsistent and lacking in reliable, independent corroboration.

³ Email from Anonymous, dated March 5, 2025.

⁴ See Minnesota Conviction Review Unit Charter, at 8-9. Available at: <https://www.ag.state.mn.us/Office/CRU/Charter.pdf>.

Although Vance was not linked to the crime through physical evidence, such as DNA or fingerprints, at trial the State linked him to the crime through circumstantial evidence, such as his phone records. The CRU did not find evidence to undermine the circumstantial connections between Vance's phone records and the robbery-murder.

As Vance alleges, three officers from the Minnesota Gang Strike Force involved in the Vance investigation were later found to have acted inappropriately in other cases. While the CRU did find support for this claim, the CRU found no specific evidence of unprofessional conduct in the Vance investigation. As for Vance's claim that that jailhouse and other incentivized informants perjured themselves at trial, the CRU did not find reliable evidence to support the claim. The recantations provided to the CRU were not reliable, and the jury was able to consider the fact that several witnesses received inducements in exchange for their testimony. Ultimately, the jury found enough evidence of guilt to convict beyond a reasonable doubt despite the evidence of inducements.

Finally, evidence that an alternative perpetrator, not Vance, committed the crime could not be corroborated.

For these reasons, the CRU does not recommend vacation of Vance's conviction.

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I. THE MURDER INVESTIGATION

On December 22, 2002, a gunman shot and killed Khaled Al-Bakri in a South St. Paul convenience store.⁵ Khaled's brother, Tariq Bakkri, owned the small neighborhood grocery store, Sabreen's.⁶ It was nestled between well-maintained, two-story houses in a residential neighborhood. It served as a popular place for neighbors, who would drop in for small purchases. Khaled often worked in the store to help his brother.⁷

The neighbors knew and loved Khaled. They described him as kind and generous. Khaled was 25 years old. He was born in Hebron, a city in the West Bank.⁸ He was an accountant, and he had enrolled in post-graduate education in Minnesota.⁹ He had planned to return to Hebron in the months to come to marry his fiancée.¹⁰

On the day he died, Khaled insisted his brother take the evening off to spend time with his wife, who had recently given birth.¹¹ Around 9:30pm, Tariq left Khaled alone in the store. About five minutes later, two men clad in dark clothing, masks, and hoods entered. One of the men fired four shots and shot Khaled twice with a .22 while Khaled was either kneeling or lying on the floor.¹² One bullet pierced the back of his neck, and one entered the back of his head.¹³ The gunman grabbed packages of cigarettes, about \$625-\$650 in cash, and lottery tickets. The gunman and accomplice fled to a waiting getaway car in the alley behind the store and sped away.

About thirty minutes later, Philip Vance and his close friend, Dominick Johnson, arrived at the Buttery, a bar in downtown St. Paul that was just 5.4 miles away from Sabreen's.¹⁴ At the Buttery, Vance began talking to Colleen McManus, who was the bar manager and a confidential

⁵ Trial Transcript (*State v. Philip Vance*, 19-K6-04-000736 (Minn. Dist. Ct. 2004) at 7-8 [hereinafter trial transcripts are referred to as "Trial Transcript at ___"]. The CRU received copies of the transcripts from the Community Justice Clinic at University of St. Thomas.

⁶ *Id.*

⁷ *Id.* at 9.

⁸ *Id.* at 7.

⁹ *Id.* at 7-8.

¹⁰ *Id.*

¹¹ *Id.* at 55-56.

¹² *Id.* at 13. Two more shots were fired, but they missed Khaled.

¹³ *Id.* at 166-67, 171-72.

¹⁴ *Id.* at 359-60.

informant to the Minnesota Gang Strike Force.¹⁵ Vance was one of Colleen's regular customers, and he knew her brother was a cop. According to Colleen, Vance seemed upset. He told Colleen that he'd "really screwed up this time," that "it wasn't supposed to go off, I only meant to scare him."¹⁶ Colleen said Vance made a motion with his hand that caused Colleen to believe Vance had shot someone.¹⁷

Colleen's brother, John McManus, worked for the St. Paul Police Department and was a member of the Minnesota Gang Strike Force.¹⁸ Given Vance's behavior, Colleen called her brother and told him about Vance's disclosure. Officer McManus told Colleen he had not heard of any shootings in St. Paul that night.¹⁹ The next day, Officer McManus learned there had been a shooting at Sabreen's, in South St. Paul, around 9:35pm on December 22, 2002.²⁰ He also learned there had been no other shootings within the Twin Cities area that evening. According to Colleen, Vance and Johnson arrived at the Buttery just as she was arriving, around 10:45pm on December 22nd, which gave them enough time to get from the crime scene to the Buttery.²¹

Based on the information Colleen provided, Vance immediately became a suspect.²² On December 23rd, Officer McManus spoke to Melissa Stites, a bartender at the Radisson in downtown St. Paul. Stites was also a confidential informant.²³ Stites had worked as an informant

¹⁵ South St. Paul Police Department Reports for Case # 02018427 (bates stamped) SSPPD Narrative at CRU0059 [hereinafter police reports are referred to as "SSPPD Narrative at CRU#####"].

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Voluntary Statement from Colleen McManus, taken by Detective Sjogren on Dec. 23, 2002, at 2.

¹⁹ *Id.* at 6.

²⁰ South St. Paul is a small city just south of the city of St. Paul, Minnesota. South St. Paul has its own police department.

²¹ Voluntary Statement from Colleen McManus, taken by Detective Sjogren on Dec. 23, 2002, at 2, 7-8. In a later interview, Colleen said she arrived between 10:15 and 10:30pm. Interview by Captain Vujovich with Colleen McManus, on Feb. 27, 2003, at 2.

²² Vance has admitted, even recently, it was his own words that made him a suspect. *See* Vance Call from MCF Rush City, at 8:34 on Nov. 25, 2024 (1732545287_123_12_157_321.wav) [hereinafter referred to as "Vance MCF Call 06." Note: Hereinafter all Vance calls made from MCF Rush City will be cited as "Vance MCF Call ##." Please refer to Appendix A for index containing call date, time, and file name details] ("I was only picked as a suspect because that night, somebody called the police and asked was there any shootings that night. . . Cause a lady said they heard me talking about a shooting that night. She just heard me talking.")

²³ SSPPD Narrative at CRU0060-0061.

in the past. Stites told Officer McManus that Vance, Johnson, and a third man—later determined to be John Martin—were at the Radisson the night of the shooting.²⁴ Stites knew Vance and Johnson and found their behavior that evening “out of character.”²⁵ Specifically, Stites said they appeared to be planning something. She said that as they left the bar, they suggested that they would have lots of money for tips when they returned.²⁶

When officers interviewed Dominick Johnson, he corroborated Stites’s recollection that Vance, Johnson, and a third man were at the Radisson between about 6 and 9pm.²⁷ Johnson identified the third man as John Martin, and Johnson said the three of them were at the Radisson in the early evening of December 22nd.²⁸ Johnson agreed that he and Vance left the Radisson sometime before 9:35pm, when the murder occurred, and arrived at the Buttery around 10pm. But Johnson did not provide an alibi for the time of the murder.

John Martin corroborated Johnson and Stites’s accounts. John Martin told law enforcement he was with Vance and Johnson at the Radisson on December 22nd, around 8pm.²⁹ Martin saw Vance and Johnson get into a blue car with the “South St. Paul Girls.”³⁰

Although investigators questioned Philip Vance, Dominick Johnson, Nicolle Rauschnot, and Yvonne White about their whereabouts on the night of the murder, only Yvonne White had a consistent alibi during the time of the murder. Her roommate, Amy Drager, said Yvonne was with her in their Eagan apartment the entire night of the robbery-murder.³¹

Early in the investigation, law enforcement³² focused on recovering the murder weapon. They executed a sting operation. Melissa Stites, the Radisson bartender and confidential

²⁴ *Id.* at CRU0058.

²⁵ *Id.*

²⁶ *Id.*

²⁷ Interview by Captain Vujovich with Dominick Johnson, on January 17, 2003, at 12-14.

²⁸ SSPPD Narrative at CRU0067.

²⁹ *Id.* at CRU0083.

³⁰ SSPPD Narrative at CRU0083-0085 (Martin identified a photograph of Yvonne White, who he said was the passenger in the car and one of the South St. Paul Girls. Nicolle Rauschnot was also identified as one of the South St. Paul Girls.).

³¹ *Id.* at CRU0130.

³² The investigation was a collaboration between several agencies, including the South St. Paul Police Department, the Minnesota Gang Strike Force, the Minnesota Bureau of Apprehension, and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

informant, agreed to wear a wire and attempt to buy the gun used in the robbery from Vance.³³ Two weeks after the murder, Vance met with Stites and agreed to sell her a .22 caliber handgun. During this meeting, Vance allegedly made several incriminating statements to Stites.³⁴

Law enforcement documented but failed to preserve a recording of the Vance-Stites meeting on January 3, 2003. In different reports, officers noted that the bar in which Vance and Stites met was too noisy to capture the conversation in an audio recording.³⁵ But officers took notes as they listened to the conversation between Stites and Vance.³⁶ According to officers, Vance admitted he owned four guns and that he shot some guy “two weeks ago” on “the south side.”³⁷ According to one of the officers listening to the conversation, Vance also told Stites he shot someone five times in the back with a Winchester.³⁸ When bullets from the Sabreen’s crime scene were analyzed, two of them were consistent with the unique type of bullets used in a Winchester.³⁹

³³ Melissa Stites was an experienced confidential informant who had once assisted law enforcement in infiltrating a motorcycle gang.

³⁴ The operation took place on two separate days. Stites met with Vance twice while wearing a wire—on January 3, and January 7, 2003. The CRU found no recording of the meeting on January 3rd, when Vance was alleged to have confessed to shooting someone on the south side with a Winchester two weeks earlier. The CRU did find audiotapes labeled January 7, 2003—the date on which Stites purchased the gun. It appears that the meeting between Vance and Stites on January 3, 2003, was not recorded even though Stites wore a wire and allegedly gathered incriminating admissions from Vance. The CRU found no recordings at the South St. Paul Police Department or the Dakota County Attorney’s Office labeled as recordings from January 3rd. However, Stites also met with Vance on January 7, 2003, to make the gun purchase, and she did purchase a gun. The exchange of money can be heard on audiotapes labeled as January 7, 2003. The conversation between Vance and Stites is barely audible on the January 7th audiotapes. But on those tapes, Vance could be heard saying, “I swear to God if you’re with me [inaudible] I’ll kill any motherfucker.” Audio Tapes of Purchase of Weapon from Vance, dated Jan. 7, 2003, File0015 at 2:45.

³⁵ Metro Gang Strike Force Report of Investigation, GSF Number 02-000504, dated Jan. 3, 2003.

³⁶ *Id.*

³⁷ *Id.* SSPPD Narrative at CRU0062.

³⁸ *Id.*

³⁹ *Id.* Vance later corroborated some of the details he provided Stites in that meeting. In Vance’s April 21, 2003, interview with Captain Vujovich, he admitted that he had mentioned “the southside” and “Winchester” in his conversation with Stites. But Vance claimed that he was talking about someone he knew on the south side of Chicago who lived on Winchester Street. See Interview by Captain Vujovich and Agent Nygren with Philip Vance, on April 21, 2003, at 2.

After meeting with Stites that evening, Vance went to a duplex at 956 Minnehaha, in St. Paul, where one of Vance's romantic partners, Darlene Jones, stayed. At the duplex, Darlene's grandmother, Jacqueline Ezell, answered the door. She would not let Vance inside because Darlene had told her not to. But on his insistence, Ezell retrieved a gun Vance had hidden under Darlene's mattress.⁴⁰ Vance took the gun, and he sold it to Stites on January 7, 2003. Stites said she paid him \$90 for the gun.⁴¹ The BCA tested the gun Stites purchased from Vance. The ballistics tests showed the gun was not the weapon used in the Sabreen's murder.⁴²

Other than these tangential connections between Vance and the robbery-murder, there was no physical evidence linking Vance or Johnson to the scene. No witnesses could identify them as the assailants. The police failed to collect cell tower location evidence that could place them near the scene. The State's case rested on circumstantial evidence and Vance's own statements—to Melissa Stites, Colleen McManus, law enforcement officers, and others.

Beginning three weeks after the robbery-murder, law enforcement interviewed Vance many times. Each time, Vance provided contradictory accounts and explanations about material aspects of the case. While he continually denied involvement in the robbery-murder, he admitted that when he arrived at the Buttery, shortly after the murder took place, he conveyed to Colleen McManus that he had shot someone. Vance explained that he had said this to Colleen hoping to get sympathy from her and a free drink.⁴³

Others who spent time with Vance after the murder informed law enforcement about incriminating statements he made to them.⁴⁴ Additionally, men he was housed with while in jail came forward, telling law enforcement details of various confessions Vance made while jailed before his trial.⁴⁵ Most of these jailhouse informants received benefits from the State for their information and testimony.

⁴⁰ Interview by Captain Vujovich, Agent Shoemaker, and Agent McManus with Jacqueline Ezell, on June 9, 2003, at 5.

⁴¹ Trial Transcript at 286-89. In the audio recording, Stites can be heard counting out the money. In the recording, it sounded like Stites paid Vance \$100. Audio Tapes of Purchase of Weapon from Vance, dated Jan. 7, 2003, File0015 at 7:45.

⁴² Trial Transcript at 286-87.

⁴³ SSPPD Narrative at CRU0064.

⁴⁴ Regina Hagerman, Jacqueline Ezell, Fabian Wilson, Eric Griffin, and Maynard Cross.

⁴⁵ SSPPD Narrative at CRU0084, 0094-0095, 0098, 0100.

During the investigation, neither Vance nor Johnson ever provided a reliable alibi for the time of the murder. Although Vance now claims that his phone would have provided accurate information about where he was on the night of the robbery-murder, his call logs tell a different story. His calls provide a connection to Sabreen's at the time of the murder, and Vance discarded or lost the phone two days after the murder.⁴⁶ When law enforcement confronted him with this connection, he tried to distance himself from his phone in a couple of different ways. After officers told him his cell phone was used during the robbery to call a man who was living less than two blocks from Sabreen's, Vance began to change his story.⁴⁷ Vance approached the officers claiming he did not have his phone the day of the murder. And although he had consistently claimed in several interviews that he was with Dominick Johnson the entire evening of the robbery-murder, after hearing that officers had linked his phone to the area of the robbery-murder, Vance reversed field. He told officers that Johnson had his phone the entire day, including the time of the robbery-murder, and that Vance was not with Johnson.⁴⁸

After a months-long investigation, the State indicted Vance for the murder of Khaled Al-Bakri. The trial began in October 2004.

II. THE TRIAL AND POSTCONVICTION PROCEEDINGS

At trial, the State tied Philip Vance to the murder scene through circumstantial evidence and an assortment of witnesses who said Vance had made incriminating statements. No physical evidence connected Vance, Johnson, or any other suspect, to the murder or to Sabreen's. No fingerprints, no footprints, no DNA tied either of them to the scene.⁴⁹ The store's security camera had not been working.⁵⁰ The State linked Vance to the murder through witnesses who saw and

⁴⁶ Records for the phone Vance was using, registered to Sanya Clark, show the activity on the phone ended on December 24, 2002. *See* Interview by Captain Vujovich, Corporal Kreager, and Detective Sjogren with Philip Vance, on Jan. 16, 2003, at 176 (Kreager: "What happened to your phone?" Vance: "I ain't got it.").

⁴⁷ Interview by Captain Vujovich and Corporal Kreager with Philip Vance, on April 18, 2003, at 15-17, 20, 25 (Vujovich: "It's right there on the phone records." Vance: "Stacks might have had my phone that night. I don't know.").

⁴⁸ Interview by Captain Vujovich and Agent Nygren with Philip Vance, on April 21, 2003, at 3-5.

⁴⁹ *State v. Vance*, 714 N.W.2d 428, 432 (Minn. 2006).

⁵⁰ Trial Transcript at 325-26.

spoke to Vance and Johnson the evening of the murder and during the weeks and months leading to trial. The State's theme at trial was that Vance's own words convicted him.

At trial, scene witnesses provided descriptions of the perpetrators that were generally consistent with Vance and Johnson's appearance.

Witnesses established that Tariq Bakkri left the store sometime between 9:27 and 9:30pm on December 22, 2002.⁵¹ Khaled was the sole employee on site. Kathleen Johnson testified that around 9:41pm, she opened the door to the store, started to enter, and saw a man with a black mask taking money out of the cash register.⁵² She thought the man made some kind of noise—perhaps in a “different language”—like he was alerting someone that she was there.⁵³ He made a motion like he was going to pull a gun from his pants which caused Ms. Johnson to scream, immediately leave the store, and get into her car.⁵⁴ She saw two slender men in baggy jeans and dark colored sweatshirts run from the store. Both wore masks covering their faces.⁵⁵

Teens from the neighborhood testified they saw the getaway car in the alley as they were walking to the store to buy snacks⁵⁶ and described the car as a four-door sedan.⁵⁷ Their descriptions of the car's color varied from grayish, to grayish black, to darker.⁵⁸ They said they saw two men in baggy jeans and dark sweatshirts jump into the car and the car drive away quickly.⁵⁹ One teen also described the men as black, and one teen heard one of the men say, “Hurry up, let's go. Let's get out of here.”⁶⁰ The teens entered the store. One of the teens found Al-Bakri lying on the ground behind the counter, and he noticed blood.⁶¹

Witnesses established that Vance and Johnson arrived at the Buttery around 10pm, about 30 minutes after the robbery-murder, and Vance was wearing dark, baggy jeans, a dark hoodie, and a dark jacket.⁶²

⁵¹ *Id.* at 53-57.

⁵² *Id.* at 96-100.

⁵³ *Id.* at 99.

⁵⁴ *Id.* at 99.

⁵⁵ *Id.* at 101-102.

⁵⁶ *Id.* at 109-10, 126.

⁵⁷ *Id.* at 111.

⁵⁸ *Id.* at 110 (M. Renville), 119 (S. Renville), 127 (D. Marx).

⁵⁹ *Id.* at 112-113 (M. Renville), 120-122 (S. Renville).

⁶⁰ *Id.* at 112, 123-24.

⁶¹ *Id.* at 114 (M. Renville), 122 (S. Renville), 130 (D. Marx).

⁶² *Id.* at 225.

Witnesses established Vance’s location immediately before and after the murder, provided evidence of Vance’s demeanor and motive, and recounted statements Vance made that tended to incriminate him.

The prosecution called several witnesses to establish Vance and Johnson’s whereabouts and demeanor the night of the murder. Several of these witnesses also testified to hearing Vance make incriminating statements. Many of the witnesses received some benefit from the State for their testimony.

Melissa Stites was bartending at the Radisson the evening of the murder. She testified that she interacted with Vance, Johnson, and a third man at the Radisson. They arrived sometime around 7:30pm and stayed for about 20 to 30 minutes.⁶³ She knew Vance and Johnson and described them as more secretive than usual.⁶⁴ She testified that they “were getting their plan on.”⁶⁵ Stites also said that when they left the bar, they told her they would have “plenty of money” for tips when they returned.⁶⁶

Stites, who had been a confidential informant for Officer McManus and his predecessor,⁶⁷ said she spoke to Officer McManus the next day and reported what she saw and heard.⁶⁸ Stites also testified that Officer McManus asked her to wear a wire and attempt to buy a gun—the gun used in the Sabreen’s robbery—from Vance.⁶⁹ In early January, Stites did purchase a .22 caliber handgun from Vance, but it was not the gun used to murder Al-Bakri.⁷⁰ Her meeting with Vance about the sale of the gun was recorded, but a law enforcement witness

⁶³ *Id.* at 203-04.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.* at 205.

⁶⁷ *See* Audio of CRU Interview with Melissa Stites, May 23, 2023, and Transcript of CRU Interview with Melissa Stites, May 23, 2023 (created by Vance team) (bates stamped). A confidential informant is a “person who cooperates with a law enforcement agency confidentially in order to protect the person or agency’s intelligence gathering or investigative efforts.” Minn. Stat. § 626.8476, subd. 1(b). They are often closely associated with the suspected criminals, and they are often used to make controlled buys of contraband. They often work with law enforcement to avoid or mitigate punishment for a crime or to receive monetary payment. In this case, Melissa Stites received moving expenses from the state to relocate in another state before Vance’s trial.

⁶⁸ Trial Transcript at 205.

⁶⁹ *Id.* at 205-208.

⁷⁰ *Id.* at 254-55.

testified that the recording's sound quality was too degraded to hear the conversation. Officers who testified at trial said, despite the noise, they were able to hear the conversation through the wire Stites was wearing well enough to take detailed notes.⁷¹

Stites's testimony linked Vance to the murder by placing him with Dominick Johnson in the Radisson bar before the murder and providing a motive—they needed money for Christmas presents. Stites also linked Vance to the murder after it occurred. At trial, Stites recounted her conversation with Vance, when she was wearing a wire, in early January. The purpose of the meeting was to gather information on the Sabreen's robbery-murder and establish whether any of the target parties were in possession of firearms that could be purchased.⁷² During that meeting, Stites testified that Vance told her he had “shot a guy in the back five times.”⁷³ Her testimony was consistent with what law enforcement officers said they heard while listening in, which was that Vance claimed he shot someone “two weeks ago with a Winchester on the south side.”⁷⁴ According to Stites, Vance did not check to see if the guy he shot was dead.⁷⁵ Stites was successful in her attempt to buy a .22 from Vance, but it was not the murder weapon. Stites testified that the State paid her \$1500 for relocation expenses plus \$999 for a U-Haul truck.⁷⁶

John Martin, a convicted burglar, testified that he arrived at the Radisson with Vance and Johnson around 7 or 8pm the evening of December 22, 2002.⁷⁷ He said they discussed how they planned to get money to buy Christmas presents for their kids.⁷⁸ He said Johnson called Yvonne and Nicolle around 8:30pm.⁷⁹ He also testified that he saw Nicolle and Yvonne, who he had met before, in a blue four-door car when he left the Radisson.⁸⁰ Martin said Vance and Johnson had invited him to come with them to South St. Paul, but he declined.⁸¹ He testified that he received

⁷¹ *Id.* at 249-50.

⁷² *Id.* at 245-46.

⁷³ *Id.* at 207-08 (M. Stites), 249 (A. Shoemaker). Vance has consistently denied he made this specific statement. But he does not deny that he discussed “Winchester” and “the south side.”

⁷⁴ *Id.* at 264 (J. Pyka), 345-346 (D. Vujovich).

⁷⁵ *Id.* at 208 (M. Stites), 249 (A. Shoemaker).

⁷⁶ *Id.* at 217.

⁷⁷ *Id.* at 183.

⁷⁸ *Id.* at 183-84, 193-94.

⁷⁹ *Id.* at 184-86.

⁸⁰ *Id.* at 188-91, 194.

⁸¹ *Id.* at 187-88.

no money from the state to testify, but he did receive money to cover his expenses for traveling to testify.⁸²

Witnesses from the Buttery in downtown St. Paul said Vance and Johnson arrived around 10:15 or 10:30pm.⁸³ Colleen McManus, the manager who knew Vance and Johnson, as they frequented the Buttery, testified that when she arrived, she saw Vance and Johnson getting out of a silver or light green four-door car.⁸⁴ Once in the bar, she saw them talking with a group of men. Vance was wearing dark blue pants, a dark hoodie, and a dark jacket.⁸⁵ She testified that Johnson was wearing a hoodie under a light blue Starter jacket and dark jeans.⁸⁶

Colleen McManus testified that Vance and Johnson seemed skittish and uncomfortable.⁸⁷ She asked Vance what he was doing in the bar given that she had kicked him out of the bar a couple of weeks before.⁸⁸ Colleen testified that, with his voice quaking, Vance told her he was leaving the area and wanted to talk to some of the guys in the bar.⁸⁹ Vance told her, “I really fucked up this time.”⁹⁰ According to Colleen, Maynard Cross, one of the men at the bar, yelled at Vance, “Quit acting like a crazy motherfucker. Shut your mouth.”⁹¹

Colleen McManus testified that she continued the conversation with Vance and that he began to cry. Colleen asked what he could have possibly done, and Vance replied that he “really screwed up,” that he “had to get out of here,” and that he “really fucked up this time.”⁹² Colleen testified that Vance told her that he “didn’t mean for it to happen. It wasn’t supposed to happen that way.”⁹³ Colleen testified that while he was making this statement, Vance reached into his jacket and pulled his hand out as if he was pulling out and shooting a gun.⁹⁴ Colleen said she asked Vance if he had shot someone, and Vance said, “It wasn’t supposed to happen like that.”⁹⁵

⁸² *Id.* at 195-96.

⁸³ *Id.* at 222.

⁸⁴ *Id.* at 222-23.

⁸⁵ *Id.* at 224-25.

⁸⁶ *Id.* at 225.

⁸⁷ *Id.*

⁸⁸ *Id.* at 226.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.* at 235.

⁹² *Id.* at 227.

⁹³ *Id.*

⁹⁴ *Id.* at 228.

⁹⁵ *Id.*

Colleen testified she spoke to Vance again later in the evening. This time, he told her he was planning to leave town.⁹⁶

Colleen McManus testified that after speaking with Vance, she called her brother, John McManus.⁹⁷ The next day, Detective David Sjogren asked Colleen to call Vance's cell phone. She did, and the call was recorded.⁹⁸ Colleen McManus also testified that sometime between December 25th and December 31st, Vance came into the Buttery and told her that he had bought \$400-\$450 worth of Christmas presents, and she said she did not believe Vance had a job at that time.⁹⁹

Eric Griffin testified that he saw Vance at the Buttery the evening of the murder after 10pm.¹⁰⁰ Griffin, a convicted felon, knew Vance.¹⁰¹ He testified that Vance was wearing a black hooded sweatshirt and loose-fitting jeans.¹⁰² Griffin described Vance's demeanor as "wild."¹⁰³ Vance told him he robbed a guy in South St. Paul and had "fucked him up."¹⁰⁴ Griffin did not believe Vance was being serious.¹⁰⁵ Griffin admitted that he was expecting to get a felony drug charge dismissed in exchange for his testimony.¹⁰⁶

Other witnesses provided evidence of conduct or admissions tending to incriminate Vance.

Jacqueline Ezell testified that Vance came to her residence on January 3, 2003.¹⁰⁷ She refused to let him into the house, but she agreed to retrieve something that Vance left under her granddaughter Darlene Jones's mattress.¹⁰⁸ Ezell testified that about thirty minutes after Vance left, Dominick Johnson appeared at her residence. She overheard him speaking with Darlene

⁹⁶ *Id.* at 229.

⁹⁷ *Id.* at 229-230.

⁹⁸ *Id.*

⁹⁹ *Id.* at 231, 243-44.

¹⁰⁰ *Id.* at 391.

¹⁰¹ *Id.* at 390-91.

¹⁰² *Id.* at 392.

¹⁰³ *Id.*

¹⁰⁴ *Id.* at 392-93.

¹⁰⁵ *Id.* at 396-97.

¹⁰⁶ *Id.* at 389-90, 395-97.

¹⁰⁷ *Id.* at 291.

¹⁰⁸ *Id.* at 293. Darlene told Ezell not to let Vance in. (The jury was not allowed to hear that Vance asked Ezell to retrieve a gun.)

Jones. Ezell testified that Johnson wanted Darlene to relay a message to Vance that when she saw Vance again, she should tell him, “When you see [Vance], you tell him that he was bogus. And he's no longer—I don't want nothing to do with him, he's no longer my friend. He played me wrong. And I just want my money. Be sure to tell him that.”¹⁰⁹

Regina Hagerman, Darlene’s aunt, testified that Vance and Darlene were at her residence the day before the Super Bowl (which would have been January 25, 2003).¹¹⁰ While there, Vance told Hagerman that he was being investigated for murder, that he committed the murder with a friend of his, but that he had a good lawyer, and the police had nothing on him.¹¹¹ Hagerman believed Vance was trying to impress her.¹¹²

Jailhouse informants testified that Vance made incriminating statements to them while they were jailed with Vance after the murder.

Before Vance was charged with the Sabreen’s robbery-murder, he was jailed on other charges. He remained in custody until his trial. During that time, Vance was housed with various men who claimed that Vance confessed and gave them details consistent with the Sabreen’s murder. These men testified at trial. Most received some benefit from the State.

Geronimo Estrada, a convicted felon, testified that Vance approached him asking about the statute of limitations for murder.¹¹³ Estrada said Vance claimed he was being investigated for murder, that he had laid the victim down and “put one in him,” that he was wearing dark clothing during the robbery, and that he grabbed money while his accomplice grabbed cigarettes, lottery tickets, plastic bags, and a phone.¹¹⁴ Estrada received \$400 to cover his collect phone calls from jail.¹¹⁵

¹⁰⁹ *Id.* at 294.

¹¹⁰ *Id.* at 381. The Super Bowl was played on January 26, 2003. *See* https://www.espn.com/nfl/boxscore/_/gameId/230126027.

¹¹¹ *Id.* at 385.

¹¹² *Id.* at 386-87.

¹¹³ *Id.* at 447.

¹¹⁴ *Id.* at 452-53, 457-58.

¹¹⁵ *Id.* at 368, 370-71.

Isaac Hodge, a convicted felon, testified that Vance told him he had been involved in a robbery-murder and that “it wasn’t worth it.”¹¹⁶ But Hodge said Vance didn’t provide details.¹¹⁷ There is no evidence Hodge received anything from the prosecutor for this testimony.

Tyrone Crawford, a convicted felon, testified that Vance told him he shot someone at a grocery store. He also testified that Vance voiced concern that Maynard Cross, who Vance spoke with at the Buttery, was going to testify against him.¹¹⁸

John Nunn, a convicted felon, testified that Vance told him he was concerned about the police finding a gun, specifically a “twenty-two,” that he used in a robbery where someone was hurt or killed.¹¹⁹ He testified that he received nothing in exchange for his testimony.¹²⁰

Dontay Reese, a convicted felon, testified that he had known Vance for five to six years. Reese said Vance claimed he was “zooted” (drunk), that he “gave the dude [in the store] five,” and that he and Johnson were dropped off downtown by the girls.¹²¹ Reese testified that in another conversation, Vance told him that Vance and Johnson called the girls—Yvonne and Tiffany or Nicky—from the Radisson to get a ride.¹²² Reese testified that Vance described the store as a “mom-and-pop,” that Johnson had yelled Vance’s name, that Vance had to give “the dude five to the back of the head,” and that they took the money and left.¹²³ Reese also recalled that Vance used the term deuce-deuce as the weapon he used, and that the girls took Vance and Johnson to the Buttery after the murder.¹²⁴ Dontay Reese received a 36-month sentence reduction on his criminal sexual conduct charge in exchange for his testimony.¹²⁵

The State played recordings from Vance’s interviews with law enforcement and exposed Vance’s admissions and inconsistent accounts.

During the trial, the State played portions of Vance’s interviews with law enforcement. In closing arguments, the prosecutor tied the interviews directly to the State’s theme that Vance’s

¹¹⁶ *Id.* at 402-03, 405-06.

¹¹⁷ *Id.* at 403-04.

¹¹⁸ *Id.* at 410-13.

¹¹⁹ *Id.* at 415-17.

¹²⁰ *Id.* at 411.

¹²¹ *Id.* at 433-35.

¹²² *Id.* at 436.

¹²³ *Id.* at 438.

¹²⁴ *Id.* at 438-39.

¹²⁵ *Id.* at 367.

own words provided the evidence to convict him. The prosecutor emphasized that although Vance repeatedly denied involvement, his evolving stories only served to confirm his guilt. The State argued that the purpose of presenting those interviews was to expose his “inconsistency after inconsistency after inconsistency,” revealing a man scrambling to adjust his narrative as the evidence mounted. For example, Vance initially claimed to be with Johnson all night, then changed his story when confronted with cell phone records and eyewitness accounts.¹²⁶ Vance also said he shot someone in the back five times. And even though the gun was fired only four times, Vance admitted he shot someone.¹²⁷ The prosecutor argued that these shifting explanations aligned with the prosecution’s timeline of events and undermined his credibility and ultimately reinforced the State’s case.¹²⁸

Vance called no witnesses and did not present an alibi defense.

The defense strategy relied heavily on the fact no physical evidence directly linked Vance to the crime, and the State’s key witnesses provided testimony only because they were incentivized.¹²⁹ During closing arguments, the defense attempted to advance an alternative perpetrator theory,¹³⁰ and suggested an alternative suspect. Defense counsel told the jury that the first conversation Vance had at the Buttery was with “the people that committed the robbery and the murder at Sabreen’s.”¹³¹ Based on the facts presented at trial, the defense could only have been suggesting that Maynard Cross was the alternative perpetrator. Additionally, the defense implied that Vance's knowledge of the crime details stemmed from his conversation with Cross at the Buttery on the evening of the robbery-murder.¹³²

The State responded by emphasizing that Cross was not implicated in the crime; rather, the evidence demonstrated that Vance made an admission to Cross.¹³³ The defense justified its theory by noting that the State itself referenced Cross during closing arguments, thereby

¹²⁶ *Id.* at 527-528.

¹²⁷ *Id.* at 528-29.

¹²⁸ *Id.* at 529.

¹²⁹ *Id.* at 543-544.

¹³⁰ *Id.* at 537.

¹³¹ *Id.*

¹³² *Id.* at 554-55. This argument conflicts with Vance’s CRU application. Vance is now claiming that he never spoke to Cross and that Cross was not at the Buttery.

¹³³ *Id.* at 555.

introducing speculation about the nature of the conversation and opening the door for the defense to argue that it may have been Cross, not Vance, who confessed during their interaction. The court, however, denied the defense the opportunity to present evidence that Cross was the perpetrator, not Vance.

The jury convicted Vance of first-degree premeditated murder, and he received a sentence of life without the possibility of parole.

The jury adjourned to deliberate and returned eight hours later with a verdict. The jury found him guilty of first-degree premeditated murder.¹³⁴

Dominick Johnson, one of Vance's co-defendants, pleaded guilty and provided evidence implicating Vance as the shooter, and Nicolle and Yvonne as co-conspirators.

On November 12, 2004, Dominick Johnson pleaded guilty to felony murder in the second degree and was sentenced to 150 months.¹³⁵ As part of his plea agreement, Johnson was required to provide full factual disclosure of the events surrounding the homicide, including the involvement of Vance and any other potential co-defendants.¹³⁶ In his plea colloquy, he gave evidence against Vance, Nicolle Rauschnot, and Yvonne White. Unsurprisingly, Johnson minimized his own role in the crime.

Johnson testified that on December 22, 2002, he went to the Radisson with Vance between 7:30 and 8pm.¹³⁷ They sat with John Martin, drinking and talking about how they needed money for Christmas.¹³⁸ After leaving the Radisson between 8:30 and 9pm, Vance told Johnson that he knew of a store in South St. Paul they could rob (“hit a liq”) and showed Johnson a gun that he was carrying in his coat pocket.¹³⁹ Although Johnson was drunk, he knew they were going to commit a robbery, but “[Vance] was going to do it.”¹⁴⁰

¹³⁴ *Id.* at 561.

¹³⁵ Plea & Sentence Transcript, Nov. 12, 2004, State v. Johnson, 19-K4-04-000735, at 4, 46 [hereinafter the Johnson Plea and Sentencing Transcript is referred to as “Johnson Plea Transcript at __.”]

¹³⁶ *Id.* at 2-3.

¹³⁷ *Id.* at 10.

¹³⁸ *Id.* at 11-12.

¹³⁹ *Id.* at 12-13, 19, 21.

¹⁴⁰ *Id.* at 22.

Nicolle (Nicky) Rauschnot and Yvonne White picked up Vance and Johnson in Nicky's blue Corsica.¹⁴¹ Nicky was driving, and Yvonne was in the front passenger's seat.¹⁴² Vance told Nicky that "he was going to hit a liq," and then told Nicky to drive to Sabreen's.¹⁴³ Vance told Nicky to park in the alley; Vance and Johnson got out of the car, put on black masks, and went into Sabreen's through the front door.¹⁴⁴

Once inside the store, Vance went to the counter toward the cash register, and Johnson stayed by the front door, looking out to make sure no one saw Vance.¹⁴⁵ Johnson heard Vance exchange words with the clerk, who was behind the counter. Johnson did not know what they said. He likened the speech of the clerk to the sound of trying to talk while crying.¹⁴⁶ Then he heard three to four gunshots.¹⁴⁷ After Vance shot the clerk, Johnson was frantic, and they ran out of the store.¹⁴⁸ Johnson does not know what Vance took; he did not get any of the money.¹⁴⁹ Once back in the car, no one mentioned the robbery-shooting that had just occurred, but Johnson believed the two women already knew.¹⁵⁰ Nicky dropped Vance and Johnson off at the Buttery after the robbery-murder.¹⁵¹

Shortly before trial, the State dismissed charges against Vance's other alleged co-conspirators.

Although they were scheduled for trial, the State dropped the charges against Nicolle and Yvonne when Johnson refused to testify against them. The court, citing the defendant's right to confront witnesses, would not allow the prosecutor to substitute Johnson's sworn plea colloquy, which provided evidence of Nicolle and Yvonne's knowledge of and participation in the robbery-murder, for his actual presence at trial. As it turned out, Nicolle had changed her alibi shortly before trial was to begin. Initially, she had claimed that she was with her mother, but as

¹⁴¹ *Id.* at 13-17, 23.

¹⁴² *Id.* at 23.

¹⁴³ *Id.* at 24-25.

¹⁴⁴ *Id.* at 25-26.

¹⁴⁵ *Id.* at 27-29.

¹⁴⁶ *Id.* at 30.

¹⁴⁷ *Id.* at 29-30.

¹⁴⁸ *Id.* at 30-31.

¹⁴⁹ *Id.* at 31-32.

¹⁵⁰ *Id.* at 33.

¹⁵¹ *Id.* at 34.

the trial neared, her attorney changed her alibi defense, alleging that Nicolle was with Yvonne at the time of the murder.¹⁵²

The Minnesota Supreme Court denied Vance's appeal and postconviction petition.

Vance raised several claims on direct appeal that were unsuccessful.¹⁵³ Vance claimed the trial court abused its discretion when it excluded evidence that Maynard Cross was an alternative perpetrator.¹⁵⁴ The Court denied the claim because there was no evidence placing Cross near Sabreen's at the time of the murder.¹⁵⁵ Vance also claimed the trial court abused its discretion when it excluded evidence relating to Lorenzo Eide, Jesse Magnuson, and Michael Smith as alternative perpetrators.¹⁵⁶ As to Eide, the Court determined the trial court erred when it excluded Eide's statement that "he would do to her [Samantha O'Reilly] what he did to the guy at Sabreens [sic]," but the error was harmless because of strong incriminating evidence against Vance, particularly Vance's admissions to several witnesses that he committed the murder.¹⁵⁷

Vance also claimed that he was denied a fair trial because there was no evidence linking him to any threats against witnesses who testified that they were threatened, felt threatened, or were fearful as a result of testifying.¹⁵⁸ The Court denied this claim because testimony regarding the threats was admitted only with respect to three witnesses in response to attacks on their credibility and therefore its probative value was not outweighed by its prejudicial effect.¹⁵⁹

Vance raised three additional claims in his pro se brief.¹⁶⁰ First, he claimed newly discovered evidence entitled him to a new trial.¹⁶¹ The evidence was a letter written to Vance regarding an alternative perpetrator lying to police when he claimed that he did not commit the murder.¹⁶² The Court denied this claim because Vance failed to produce the letter.¹⁶³ Second,

¹⁵² See Affidavits of Kathryn M. Keena, State v. Rauschnot, 19-K5-04-003658, dated April 1 and 8, 2005, and Order, State v. Rauschnot, 19-K5-04-003658, dated April 13, 2005.

¹⁵³ State v. Vance, 714 N.W.2d, 428 (Minn. 2006).

¹⁵⁴ Id. at 438.

¹⁵⁵ Id.

¹⁵⁶ Id.

¹⁵⁷ Id. at 438-39.

¹⁵⁸ Id. at 440.

¹⁵⁹ Id. at 442.

¹⁶⁰ Id. at 444.

¹⁶¹ Id.

¹⁶² Id.

¹⁶³ Id.

Vance claimed the trial court erroneously excluded a letter from being introduced at trial.¹⁶⁴ The Court denied this claim because Vance wanted to introduce the letter to show witness bias, but he failed to establish that the witness had received the letter.¹⁶⁵ Third, he claimed the prosecutor committed misconduct when she wept during her opening statement and at trial.¹⁶⁶ The Court denied this claim because it was unsupported by the record.¹⁶⁷

Vance did not raise a claim of ineffective assistance of counsel for failing to assert an alibi defense.

Officers involved in the investigation were found to have acted unprofessionally in other cases.

In 2009, the Minnesota Gang Strike Force was audited. As a result, two reports were issued, and two officers involved in the Vance investigation were disciplined.¹⁶⁸ Officer McManus was implicated in unprofessional conduct and suspended without pay. On various dates from 2004-2008, Officer McManus seized several items without cause and disposed of them improperly. These items included a utility trailer, Terminator minibike, and two jet skis, which he sold to his sister, Ann McManus. Officer McManus also paid confidential informants with illegally seized property that was not properly documented.¹⁶⁹

Officer Shoemaker was implicated in unprofessional conduct for failing to document and preserve evidence, and he was suspended without pay. On various dates from 2001-2009, Officer Shoemaker violated procedure and demonstrated improper conduct due to multiple incidents of

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ A panel was formed on May 26, 2009, following the May 20, 2009, Financial Audit Division Report by the Minnesota Office of Legislative Auditor, and at the request of the Commissioner of Public Safety. The result of the panel's investigation, a report titled "Report of the Metro Gang Strike Force Review Panel", dated August 20, 2009, contained the panel's findings, conclusions and recommendations. *See* Andrew Luger & John Egelhof, Report of the Metro Gang Strike Force Review Panel, Aug. 20, 2009.

¹⁶⁹ *See* Letter from St. Paul Chief of Police Thomas E. Smith to Officer John McManus, April 24, 2011, regarding suspension (IA#09-0902).

not properly documenting the recovery of narcotics and failing to turn in controlled substances to the property room or crime lab.¹⁷⁰

III. THE CONVICTION REVIEW UNIT'S INVESTIGATION

Shortly after the CRU began accepting applications, Vance's legal team¹⁷¹ asked the CRU to prioritize an investigation into his conviction. Vance's legal team identified what it perceived as weaknesses in the State's case and presented several affidavits from recanting witnesses. Over the course of the CRU's investigation, Vance's legal team also presented affidavits to establish Vance's alibi, which had not been raised at trial. Throughout the investigation, Vance's legal team shared information with the CRU in memos, email exchanges, and in-person or Zoom meetings. Likewise, the CRU shared much of the information it found in the investigation with Vance's legal team, and the CRU also shared its concerns when it found evidence the legal team presented to be unreliable.

This Report will assess each of the following claims set forth by Vance's counsel in a memo to the CRU and in an email case summary dated June 16, 2023.¹⁷²

- 1) No physical evidence tied Vance to the murder—no fingerprints, no camera footage, no eyewitness identification. Neither did the State recover any tools of the crime (gun or face masks) or proceeds from the crime (cash, cigarettes, lottery tickets, cordless phone, or plastic bags). None of these items could be linked to Vance, Dominick Johnson, Yvonne White, or Nicolle Rauschnot.

¹⁷⁰ See Letter from St. Paul Chief of Police Thomas E. Smith to Officer Andrew Shoemaker, June 24, 2010, regarding suspension (IA#09-0906).

¹⁷¹ In this report, the CRU refers to Vance's counsel, Vance's legal team, and Vance's team. Vance had several lawyers, some working with law students, over the last four years. These lawyers are Andrew Gordon, Nick Pouladian, Professor Carl Warren, St. Thomas Clinic, Jim Dorsey, Nadine Graves, and Nico Ratkowski. When the Report mentions Vance's counsel, it is referring to one or more of these lawyers. When the Report mentions Vance's legal team, it is referring to the group of lawyers and law students involved in Vance's case. When the Report mentions Vance's team, it is referring to the advocates from the community who have participated in the investigation and legal strategy sessions and members of the "Free Philip Vance" advocacy group.

¹⁷² See Executive Summary of Case, received from Vance Legal Team, dated Dec. 8, 2021; Email from Anonymous, dated March 5, 2025; Email from Dorsey to Sperling, dated June 16, 2023, regarding P. Vance case summary; and Amended Petition for Postconviction Relief, State v. Vance, 19-K6-04-000736, dated Feb. 26, 2025.

- 2) None of the four alleged perpetrators ever admitted any involvement in any aspect of the crime.
- 3) Vance's cell phone calls are consistent with his alibi.
- 4) Vance encouraged law enforcement officers to get his cell phone location records and refused to take a deal even after officers told him they had DNA from the crime scene.
- 5) Vance's conviction was based on witnesses who later recanted their testimony.
- 6) Vance had a solid alibi during the time of the robbery-murder. He was at 956 Minnehaha in St. Paul with Darlene Jones, Dominick Johnson, Kentrell Anthony, and others.
- 7) Vance's trial counsel performed deficiently when counsel failed to: conduct an investigation, call any witnesses, preserve an issue for appeal, and believe Vance was innocent of the crime.
- 8) The witness who entered the store during the robbery believed the perpetrator of the crime was a Spanish-speaker, and Vance is not a Spanish-speaker.
- 9) An anonymous source claimed that the true perpetrator of the Sabreen's robbery-murder is Hilder Medal-Mendoza and that his accomplice was Michael Medal-Mendoza.
- 10) Vance was not with John Martin on the evening of December 22nd at the Capitol Bar in the Radisson. He was with Edward Townsend.
- 11) The prosecutor used jailhouse informants at trial and provided them with benefits in exchange for their testimony.
- 12) The investigation was conducted by the now discredited as corrupt Minnesota Gang Strike Force. Officers involved in the investigation used manipulation, coercion, and threats, during interviews and throughout their investigation, to gain information implicating Vance.

A. Scope of Review

The CRU reviewed the following materials:

- Trial transcripts
- All pleadings, including exhibits and affidavits
- All court orders and opinions

- Appellate briefs and postconviction petitions
- The prosecution's file
- Trial and appellate defense files
- The South St. Paul Police Department (SSPPD) reports, including supplemental reports, audio, video, and written transcripts of witness and suspect interviews in possession of the SSPPD
- Other law enforcement records
- A PowerPoint presentation from the Community Justice Clinic, St. Thomas Law School
- Various documents created by or in the possession of the Community Justice Clinic that were shared with the CRU
- Data obtained from the Minnesota Department of Corrections (DOC)

The CRU interviewed the following witnesses:

- Kentrell Anthony
- Jacqueline Ezell
- Roy Spurbeck
- Darlene Jones
- Melissa Stites
- Philip Vance
- Michael Medal-Mendoza
- A former DOC employee
- Robin McDowell, investigative journalist

The CRU also participated in multiple meetings with Philip Vance's legal team during the investigation.

B. The CRU's Findings

Throughout the CRU's investigation, Vance's legal team focused its attention on the lack of evidence linking Vance to the crime scene. Vance argues that the case against him was weak, and it was investigated by law enforcement officers who have been shown to be corrupt. According to Vance, those law enforcement officers never investigated his alibi, nor did they investigate alternative suspects. And they relied heavily on informants who were fed details from the investigators, received benefits for their testimony, and have since recanted. Vance claims that the State's entire case against him has collapsed.

The CRU focused most of its efforts on assessing evidence directly relevant to his claim of innocence, for example, an alibi that was not presented at trial and an alternative suspect who had ties to the Al-Bakri/Bakkri family.¹⁷³ However, the CRU did not find reliable evidence to support the alibi Vance presented to the CRU. Nor did the CRU find evidence connecting an alternative suspect, who was not investigated at the time, to the crime. In fact, the CRU found that the anonymous source, who alerted the CRU and the media to the alternative suspect, was likely a member of the Vance team.

The CRU's findings, set forth below, will address the twelve claims presented by Vance's legal team and explain the evidence the CRU found in its investigation. To summarize, although Vance's legal team has identified some questionable tactics used by law enforcement in the Sabreen's investigation, the CRU found his claim of innocence unpersuasive because it cannot be corroborated by credible evidence. The State's most incriminating evidence against Vance—his statements to Colleen McManus immediately following the robbery-murder—has not been undermined, and this evidence, along with other circumstantial evidence, remains sufficient to convict Vance of first-degree premeditated murder.

¹⁷³ Vance has made a claim of law enforcement corruption and coercion. And he claims witnesses were incentivized to lie. While it is true that these types of tactics have been associated with wrongful convictions, untrustworthy witnesses or coercive law enforcement tactics may also be present in cases where the defendant is guilty. Reliable alibi or alternative perpetrator evidence, on the other hand, has the ability to convincingly prove the defendant did not commit the crime.

1. Although there was a lack of physical evidence, Vance was tied to the robbery-murder by his own words and his phone records.

Vance's legal team argues that the lack of physical evidence tying Vance and Johnson to the crime scene is a strong indication that they did not commit the Sabreen's robbery-murder. The CRU does not find this argument persuasive.

Convenience stores are a popular target for robberies. Convenience store clerks work dangerous jobs. They are second, only to cab drivers, as the type of worker most likely to die from a workplace homicide.¹⁷⁴ Convenience stores are often easy targets, especially when, like Sabreen's, they are located in relatively quiet neighborhoods with older buildings, low foot and car traffic, extended hours of business, a single clerk on duty, and an easy escape route.¹⁷⁵

Convenience store robberies go unsolved at least 70% of the time.¹⁷⁶ In quiet neighborhoods, perpetrators can plan their attack. They can case the store for cameras, exits, and potential threats. They can wait until the store is occupied by only one employee. They can disguise themselves, quickly enter, grab cash, and quickly flee. If armed, they may also leave no witnesses.

In the Sabreen's robbery-murder, the perpetrators took advantage of Sabreen's vulnerabilities. They likely were attracted to Sabreen's because it was in a quiet neighborhood with minimal foot and car traffic. They waited for Khaled's brother to leave the store. They parked in the alley just behind the store where a get-away driver waited. They wore masks and gloves to avoid detection. They shot Khaled, quickly grabbed cash, cigarettes, and lottery tickets, and they exited to a waiting car.

Like in many convenience store robberies, police found no physical evidence directly connecting any perpetrator to the Sabreen's robbery-murder. The perpetrators' hoods and masks prevented identification, and gloves prevented the transfer of fingerprints or DNA. By murdering Khaled Al-Bakri, the perpetrators also eliminated a material witness.

¹⁷⁴ Welford, et al., *Multistate Study of Convenience Store Robberies*, Justice Research and Statistics Association (Oct. 1997) at 1.

¹⁷⁵ See Alicia Alitzio & Diana York, *Robbery of Convenience Stores*, Guide No. 49, Arizona State University Center for Problem-Oriented Policing, Community Oriented Policing Services, U.S. Department of Justice (April 2007). Available at: <https://popcenter.asu.edu/content/robbery-convenience-stores-0>.

¹⁷⁶ The FBI – Criminal Justice Information Services Division collects clearance rates on robberies but does not collect data specific to convenience store robberies. See <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/clearances>.

The lack of physical evidence tying Vance and Johnson to the scene was not a clear sign of their innocence, and not necessary to support a conviction. Lacking physical evidence from the scene, the State used Vance's own admissions, the changing accounts of his whereabouts, and his phone records to convict him.

Law enforcement received its first lead in the case when, shortly after the robbery-murder, Vance admitted to Colleen McManus that he shot someone, and she called her brother, John McManus, an officer with the St. Paul Police Department.¹⁷⁷ This was a strong lead.¹⁷⁸ And John McManus was able to verify the fact that a robbery-murder occurred in the City of South St. Paul.¹⁷⁹ Vance's own statements, shortly after the robbery-murder, made himself an initial suspect.

Vance continued to provide information that incriminated himself and corroborated Colleen McManus's account. In Vance's interviews with law enforcement, he consistently admitted that he had told Colleen he shot someone. He told law enforcement, in multiple interviews, that he did not have money for drinks, and he was trying to get Colleen's sympathy so she would let him stay at the Buttery and drink for free. Whatever the explanation, an admission to murdering someone shortly after a robbery-murder occurred less than six miles away is strong circumstantial evidence of guilt. And law enforcement was right to follow the lead.

¹⁷⁷ Interview by Captain Vujovich and Detective Corporal Kreager with Philip Vance, Jan. 15, 2003, at 32.

¹⁷⁸ Vance's team claims this incriminating fact was mere coincidence, but the timing of the admission creates a strong connection between Vance and the robbery-murder. Robbery-murders in South St. Paul are a rare occurrence. In a Pioneer Press news article published the day after the Sabreen's robbery-murder, the South St. Paul Police Chief at the time, Chief Michael Messerich, was quoted, "that in his 25 years on the force, he can't recall a death associated with a robbery in South St. Paul." Ellen Tomson, *Police Investigate Apparent Robbery, Homicide Body Found at Market; 2 Suspects Sought*, St. Paul Pioneer Press, Dec. 23, 2002, at B1. The very next day, the Dakota County Attorney at the time, James Backstrom said, "he cannot recall a murder during the course of a robbery in the last 25 years in the entire county." Police Chief Messerich also commented for the article that, "Khalid [sic] is the first homicide victim in the city of 20,000 residents in as many as five years." Brian Bonner, *Shooting Death Leaves Questions the Clerk Slain in an Apparent Robbery at a Neighborhood Grocery Left the Middle East Two Years Ago. Authorities Call the Crime Unusual for Dakota County*, St. Paul Pioneer Press, Dec. 24, 2002, at B1.

¹⁷⁹ Trial Transcript at 31-32.

Excerpts from Vance's interviews with law enforcement demonstrate a consistent pattern: Vance conveyed to Colleen McManus he had shot someone on December 22, 2002.

January 15, 2003—Vance Interview at the Ramsey County Detention Center with Captain Vujovich and Corporal Kreager

- Vance said he was at the Buttery on December 22nd. Vance said he told Colleen he had a problem, he made a mistake, he shot someone, and he was scared. Colleen asked if he needed a drink, and he took a couple of shots and left the bar. He gave Colleen his phone number, and she called him the next day to see if he was alright.¹⁸⁰
- Vance admitted he told Colleen he shot someone on the evening of December 22nd. He said it was because he was drunk, and he wanted her to let him into the Buttery to drink.¹⁸¹
- Vance said he was only bullshitting when he told Colleen he shot someone.¹⁸²

January 16, 2003—Vance Interview at Dakota County Sheriff's Department with Captain Vujovich, Corporal Kreager, and Detective Sjogren

- Vance admitted he told Colleen he shot someone on December 22nd. He said he had no money and wanted free drinks.¹⁸³
- Vance said that at 9pm he told Colleen he shot someone to get a drink but denied he made a hand motion like a gun when he told her he shot someone.¹⁸⁴
- Vance said he did not remember if he used a hand gesture when telling Colleen he shot someone.¹⁸⁵
- Vance said Colleen called him the next day.¹⁸⁶

¹⁸⁰ Interview by Captain Vujovich and Detective Corporal Kreager with Philip Vance, Jan. 15, 2003, at 32.

¹⁸¹ *Id.* at 33.

¹⁸² *Id.* at 34.

¹⁸³ Interview by Captain Vujovich, Corporal Kreager, and Detective Sjogren with Philip Vance, on Jan. 16, 2003, at 35-36.

¹⁸⁴ *Id.* at 52.

¹⁸⁵ *Id.* at 53.

¹⁸⁶ *Id.* at 118.

April 17, 2003—Vance Interview at Metro Gang Strike Force HQ with Sergeant Pyka, Agent Nygren, Captain Vujovich, and Corporal Kreager

- Vance admitted that he told Colleen he shot someone to get free drinks but denied making any hand gesture.¹⁸⁷

April 21, 2003—Vance Interview at the United States Marshall's Office in Minneapolis with Captain Vujovich and Agent Nygren

- Vance admitted he has never denied telling Colleen he shot someone to get free drinks.¹⁸⁸

Contrary to the consistent accounts that Vance provided to law enforcement and his own legal team, when the CRU interviewed him, Vance denied he made this admission to Colleen. Vance denied he had spoken to Colleen that evening, leaving his legal counsel confused about this apparent shift in Vance's account.

March 28, 2024—Vance Interview at MCF-Rush City with the CRU

- Vance stated, "I never had a conversation with Colleen that night, cuz I was trying to avoid Colleen that night."
- Vance's counsel reminded him, "It was Colleen who called her brother."
- Vance continued to claim he didn't say he shot someone that night.
- Vance's counsel asked, "So you are basically saying that Colleen made all this shit up?"
- Vance responded, "I never told her I shot nobody. I didn't shoot anybody." He then stated he had thought about it and "I think she heard me and Dominick talking about something, some street stuff, and took it from there."¹⁸⁹

Vance's own admission to Colleen McManus provided evidence that the State used to connect Vance to the robbery-murder. Vance's denial of this evidence, when questioned by the CRU, is not persuasive given the prior admissions to the contrary.

¹⁸⁷ Interview by Sergeant Pyka, Agent Nygren, Captain Vujovich, and Corporal Kreager with Philip Vance, on April 17, 2003, at 46-48.

¹⁸⁸ Interview by Captain Vujovich and Corporal Kreager with Philip Vance, June 18, 2003, at 29.

¹⁸⁹ Audio of CRU Interview with Philip Vance, March 28, 2024, at 1:29:31.

In addition to the evidence that Vance made admissions to Colleen, Vance became a stronger suspect when he sold a gun to a confidential informant in an undercover operation. Officers observed Vance and said they heard him bragging about shooting someone. This only fortified law enforcement's decision to investigate Vance's connection to the robbery-murder.

When law enforcement interviewed Vance three weeks after the robbery-murder, they gave him a chance to provide an alibi. Yet over the course of seven interviews, Vance provided conflicting accounts of where he was on the evening of December 22nd.

Finally, Vance's phone records connected him to the location where the robbery-murder occurred at the time it happened. Someone using Vance's phone called Richard Robinson, who was living less than two blocks from Sabreen's. The calls connected immediately before, during, and after the robbery-murder. Law enforcement told Vance of this incriminating evidence and suggested Robinson was serving as a lookout during the robbery. When Vance was confronted with this evidence, he denied he had possession of his phone that day, and he tried to shift the blame to Johnson, his co-defendant.

Although the State did not have physical evidence connecting Vance to the scene of the crime, it used Vance's shifting accounts to build a circumstantial case against him. And the CRU did not find reliable evidence to fully explain these shifting accounts.

2. Both Vance and Johnson made admissions that tied them to the robbery-murder.

Vance's legal team claims that *none* of the four alleged perpetrators *ever* admitted *any* involvement in *any* aspect of the crime.¹⁹⁰ However, the evidence suggests that both Vance and Johnson made highly inculpatory admissions in high stakes settings.

As discussed previously, shortly after the robbery-murder, Vance admitted that he told Colleen McManus he shot someone. He also confirmed, in four different law enforcement interviews, that he made this admission. Other witnesses also testified under oath that Vance made admissions to them. Some, but not all, of these witnesses received incentives to testify. But the CRU found no evidence that *all* of the witnesses were incentivized to falsely testify against Vance.

¹⁹⁰ Email from Dorsey to Sperling, dated June 16, 2023, regarding P. Vance case summary, at 1 (emphasis added).

According to Melissa Stites, two weeks after the murder Vance told her that he shot someone five times in the back on the south side with a Winchester. Instead of completely denying the admission, Vance later told officers that he was misheard.¹⁹¹ He explained why he may have mentioned “Winchester.” He said Fabian Wilson, his niece’s father, lived on Winchester in Chicago. Vance also gave the same explanation to law students working with the Great North Innocence Project in 2017.¹⁹² Again, there is *some* corroboration—in addition to Stites and several law enforcement officers listening to their conversation—for the State’s assertion that Vance made an admission to Melissa Stites.

Johnson pleaded guilty, admitting in a plea colloquy to felony murder in the second degree, aiding and abetting. Not only did he make an admission, under oath, to involvement in the crime, he also suffered severe negative consequences for the admission. He received a sentence of 150 months for his role in the crime.¹⁹³ Both Johnson and Vance made admissions that connected them to the robbery-murder.

3. Vance’s phone records supported the State’s theory of the case and provided evidence that contradicted his alibi.

Vance claims that his cell phone calls are consistent with his alibi. In fact, he told the CRU that he used his phone records to determine where he was on December 22nd,¹⁹⁴ however, the CRU did not find reliable support for Vance’s alibi in his phone records. Also, the CRU found no evidence to counter the State’s theory that Vance’s phone records connected him to the location of the crime, in South St. Paul, during the time of the robbery-murder.

During the robbery, Vance’s phone was connected to Keitha McKinney’s cell phone. McKinney lived a block and a half away from Sabreen’s. The alley behind Sabreen’s, where the perpetrators escaped to a waiting getaway car, also ran directly behind McKinney’s house.¹⁹⁵

¹⁹¹ Interview by Captain Vujovich and Agent Nygren with Philip Vance, April 21, 2003, at 2.

¹⁹² See Memorandum from Maggie Bischoff, Great North Innocence Project to Phillip Vance File regarding Interview with Philip Vance, dated May 2, 2017, at 1. Vance never explained why he was talking about Fabian Wilson’s address, nor did his legal team provide any evidence that Wilson ever lived on Winchester in Chicago.

¹⁹³ Johnson Plea Transcript at 4, 46.

¹⁹⁴ Audio of CRU Interview with Philip Vance, on March 28, 2024, at 1:45:45, 1:55:00, 2:11:45, 2:44:35.

¹⁹⁵ SSPPD Narrative at CRU0074. McKinney lived at 141 4th Ave. South, and Sabreen’s was at 345 4th Ave. South.

McKinney's boyfriend, Richard (Hennessy) Robinson, was living with her at the time and using her cell phone. Robinson is Dominick Johnson's cousin, and Robinson, a drug dealer, hung out with Johnson and Vance.¹⁹⁶

The call between Vance's phone and Robinson started just after Khaled's brother, Tariq, left Sabreen's, leaving Khaled in the store alone.¹⁹⁷ That call continued throughout the entire robbery, and it ended shortly after Khaled was murdered.¹⁹⁸

The physical and personal connections between Sabreen's, Robinson, Vance, and Johnson are closely aligned. Robinson also had use of a car that could have served as a getaway car, and the alley behind McKinney's house led directly behind Sabreen's.¹⁹⁹ Robinson lived so close to Sabreen's that he may have been familiar with its layout and the habits of the owner and his family. Law enforcement believed that Robinson was serving as a lookout during the robbery-murder, and the evidence favors that theory.

Vance's legal team has argued that no one would be on a call while robbing a convenience store, and the lengthy call that lasted during the robbery-murder is evidence that Vance and Johnson were not holding up a shopkeeper in Sabreen's at the time of the murder.²⁰⁰ While this argument may be true in the abstract, it ignores crucial evidence, e.g., the recipient of the call, the timing of the call, and Vance's reactions when he was confronted with this evidence. The calls—that bookended the crime—provide support for the State's theory that Robinson was acting as a lookout for Vance and Johnson before and during the robbery.

- From 9:20 to 9:22pm, Vance's phone connects with Robinson, who was using Keitha McKinney's cell phone.²⁰¹
- Approximately 9:27 to 9:30pm, Tariq and Khaled were both inside Sabreen's.²⁰²

¹⁹⁶ SSPPD Narrative at CRU0074-75.

¹⁹⁷ CRU Master Spreadsheet of Vance Phone Records, call at 21:31; Trial Transcript at 56.

¹⁹⁸ CRU Master Spreadsheet of Vance Phone Records, call at 21:31.

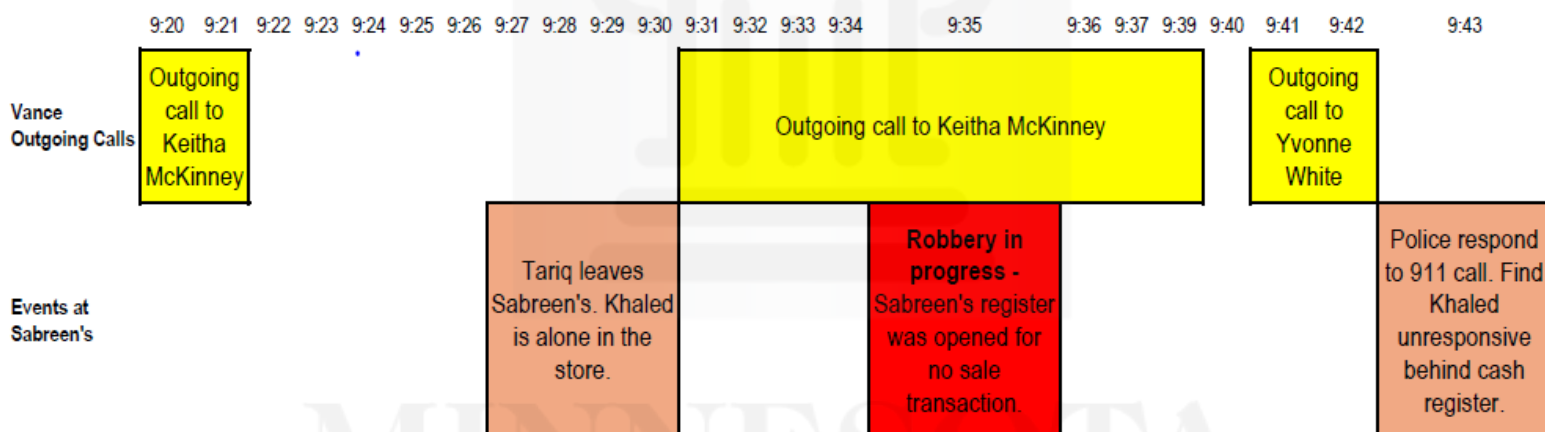
¹⁹⁹ SSPPD Narrative at CRU0046.

²⁰⁰ Email from Dorsey to Sperling, dated April 24, 2023, regarding an update, an insight, and a suggestion.

²⁰¹ CRU Master Spreadsheet of Vance Phone Records, at Dec. 22, 2002, 9:30pm. Although the phone records show the call is to Keitha McKinney, the investigation produced undisputed evidence that Richard Robinson stayed at Keitha McKinney's home and that he was using her cell phone. SSPPD Narrative at CRU0047-48.

²⁰² Trial Transcripts at 56.

- At approximately 9:30pm, Tariq left Sabreen's. Khaled was the only person in the store.²⁰³
- At 9:31pm, Vance's phone connected with Robinson. (The call lasted 8 minutes and 7 seconds.)²⁰⁴
- At 9:35pm, the Sabreen's cash register was opened for a "no sale." (This was likely shortly before the murder took place.)²⁰⁵
- At 9:39, the call between Vance's phone and Robinson ended.²⁰⁶



²⁰³ *Id.*

²⁰⁴ CRU Master Spreadsheet of Vance Phone Records, at Dec. 22, 2002, 9:31pm.

²⁰⁵ *Id.* at 66.

²⁰⁶ CRU Master Spreadsheet of Vance Phone Records, at Dec. 22, 2002, 9:39pm.

These calls to Robinson, coupled with Vance's admission to Colleen McManus that he shot someone shortly after the murder occurred, provide circumstantial evidence that Vance was involved in the Sabreen's robbery-murder.²⁰⁷ But these calls became even more incriminating given Vance's reaction after law enforcement confronted him with the calls.²⁰⁸

When Vance became aware that law enforcement had made the connection between Keitha McKinney's phone and Richard Robinson, Vance changed his alibi and distanced himself from his phone and from Johnson and Robinson. Before he was confronted with these calls, Vance had consistently claimed he and Johnson spent most of the day and the entire evening of December 22nd together. But after he was made aware of the calls to Richard Robinson, Vance contacted law enforcement and completely reversed himself.²⁰⁹ He denied being with Johnson and claimed that Johnson had his phone the entire day, until 10pm on the evening of December 22nd.²¹⁰

²⁰⁷ Vance's attorney, Jim Dorsey disagreed with the CRU's conclusion. First, in an early morning email dated June 29, 2023, he argued that the CRU had misinterpreted the phone records. He claimed that Robinson was using a landline, not a cell phone, and Robinson could not have seen Sabreen's from inside a house almost two blocks away. That same day, he corrected his earlier email. Robinson was, in fact, on a cell phone. However, he argued the evidence was not incriminating because none of the witnesses who saw the two perpetrators described either one as being on the phone, nor did they see anyone acting as a lookout. *See* Email from Dorsey to Sperling, dated June 29, 2023, regarding Keitha McKinney phone call (first email); Email from Dorsey to Sperling, dated June 29, 2023, regarding Keitha McKinney phone call (second email). On the other hand, Vance's trial counsel's file noted a concern about these calls. On the list of numbers called by Vance the day of the robbery-murder, only Keitha McKinney's number is highlighted. *See* Phone Call Records from Trial Defense File.

²⁰⁸ Interview by Captain Vujovich and Corporal Kreager with Philip Vance, on April 18, 2003, at 25 (e.g. Corporal Kreager to Vance: "The case is done. We're waiting, we've got one more thing that's got to come in that's just going to tie you even tighter. Cuz we know the cell phone that was used to call those numbers right in South St. Paul, right when the robbery's going on, right before and after, we know that when we get all the information back from that, the calls are going to be made from the St. Paul towers. Right here. We know that. It's going to tie you in tighter.")

²⁰⁹ Vance was made aware of the calls to Robinson in his April 19, 2003, interview. That same day, after Vance went back to the Ramsey County Jail, he requested a call with Captain Vujovich. Interview by Captain Vujovich and Agent Nygren with Philip Vance, on April 21, 2003, at 1.

²¹⁰ Vance no longer takes this position. Instead, he and his team claim that Johnson made the phone calls to Robinson when they were at 956 Minnehaha with Darlene and Kentrell.

In addition to inculcating Vance by his connection to Richard Robinson, Vance's phone records conflict with his claim that he was with Darlene Jones at the time of the robbery-murder. Vance has been anchoring his alibi to his phone records for years. Specifically, he has been asserting that Darlene was using his phone at 7:44pm to check on her daughter in Chicago. He believes this call proves that he was at 956 Minnehaha at the time of the robbery-murder. But he has not provided reliable corroboration for this claim.

The call to Chicago, which lasted from 7:44 to 7:53pm, does not provide an alibi for the time of the robbery-murder. The robbery-murder occurred more than 90 minutes after the call to Chicago ended. In addition, none of the witnesses can corroborate the claim that Darlene was the person who made the call. Vance has insisted that it must have been Darlene because she had used his phone in the past to call Chicago. But there is nothing to corroborate that Darlene made the call to Chicago on December 22nd. First, none of the witnesses could agree about why Darlene was calling Chicago and who she was calling.²¹¹ Second, the CRU found evidence that the Chicago phone number was most likely registered to someone named J.R.²¹² The CRU spent significant resources trying to find any link between J.R. and anyone from Darlene's family.²¹³ Neither the CRU nor Vance's legal team has been able to link J.R. or her phone number to anyone involved in the Vance investigation.

When the CRU provided Vance's legal team with information linking the number called at 7:44pm to J.R., Vance's legal team responded, offering an explanation. Vance's legal team claimed that J.R. lived near Darlene's sister at 1438 Emerald Ave. in Chicago and that Darlene's mother or sister had used J.R.'s phone to talk with Darlene.²¹⁴ But the CRU found no evidence,

²¹¹ The witnesses' accounts shifted from Darlene calling her mother to check on her daughter to calling her sister to check on her sister's child custody case. In Darlene's CRU interview, she claimed that her daughter was at 956 Minnehaha with her. *See* Video of CRU Interview with Darlene Jones, on May 8, 2023, at 28:00.

²¹² The CRU used a third-party database when it attempted to corroborate Vance's claim that Darlene used his phone to call her mother in Chicago. These databases are not always accurate; therefore, the CRU is not using the name of the person identified as having the phone number at that time.

²¹³ In May 2022, the CRU was able to find that the Chicago number was a landline located at 3517 Federal St., Chicago, IL 60609. The number was registered in J.R.'s name from March 27, 2002, to September 23, 2003. The CRU has not been able to connect J.R. or the Federal Street address to anyone connected to Darlene Jones.

²¹⁴ Email from Dorsey to Sperling, dated May 27, 2023, regarding address of J.R. in 2002.

and Vance's legal team provided no evidence, connecting J.R. to *any* address on Emerald Avenue.

Vance and his attorneys have known of Vance's phone records since before his trial. But no connection between the phone number in Chicago and Darlene Jones has been established. It is unreasonable to assume that the Chicago phone number on Vance's call log was Darlene Jones calling her mother or her sister, especially in the absence of evidence establishing the purpose of the call or for whom it was intended. The call to Chicago does not provide corroboration for Vance's alibi.

In addition, Vance's phone records do not support his claim that he was with Kentrell Anthony when the robbery-murder occurred. Kentrell told law enforcement that she was at the Economy Inn on the evening of December 22nd.²¹⁵ Vance's call records, below, corroborate this fact.²¹⁶ Vance called the Economy Inn at 10:57am on December 22nd. Later, he received calls from that same number at 3:25pm, and again at 8:53pm, which was less than 45 minutes before the robbery-murder.

Vance's phone records corroborate that Kentrell was at the Economy Inn and was making calls to and receiving calls from Vance's phone. One series of calls demonstrates that Kentrell was at the Economy Inn and that Vance likely knew she was there. Vance twice called Kentrell's cell phone just after midnight. Those calls lasted for just ten seconds or less. Then, immediately after those two quick calls, Kentrell returned Vance's call from the Economy Inn's phone rather than from her cell phone.²¹⁷ This evidence suggests that Vance knew he could reach Kentrell on her cell phone, and Kentrell showed a preference for returning his calls from the Economy Inn's phone rather than from her cell phone. This would make sense given the fact that Kentrell said she had a pre-pay phone at that time, and she did not want to use up the pre-paid minutes.²¹⁸

²¹⁵ SSPPD Narrative at CRU0092.

²¹⁶ CRU Master Spreadsheet of Vance Phone Records.

²¹⁷ CRU Master Spreadsheet of Vance Phone Records, on December 23, 00:09-00:12.

²¹⁸ Interview by Captain Vujovich and Agent McManus with Kentrell Anthony, on Aug. 1, 2003, at 19.

Vance's call log from December 22-23rd:

| Type of call | Call start time | Call end time | Call connected with |
|--------------|-----------------|---------------|----------------------------|
| Outgoing | 10:57 | 10:57 | To Economy Inn |
| Incoming | 17:25 | 17:29 | From Economy Inn |
| Incoming | 20:53 | 21:14 | From Economy Inn |
| Outgoing | 00:09 | 00:09 | To Kentrell Anthony's cell |
| Outgoing | 00:10 | 00:10 | To Kentrell Anthony's cell |
| Incoming | 00:11 | 00:11 | From Economy Inn |
| Incoming | 00:12 | 00:17 | From Economy Inn |
| Outgoing | 00:59 | 00:59 | To Kentrell Anthony's cell |

Finally, Vance's call records show that he may not have been truthful with law enforcement about his connection to Yvonne White. Vance repeatedly claimed he did not know Yvonne, and he referred to her as Veronica in a call with Corporal Kreager.²¹⁹ Vance also denied knowing how to contact Yvonne even though his phone records show Yvonne's phone connected with Vance's phone a dozen times on December 22nd and 23rd.²²⁰

Kreager: Do you know these girls?

Vance: Them the same girls who house we was at.

Kreager: What, yeah, what are their names?

Vance: Man, I told you one of them names is Amy. That's the one whose house it is. She wasn't in the car with us. The other one named Veronica or whatever, the one who Stacks was messing with, she was in the car and then eventually after we were all around, they were smoking, we were drinking and shit. They dropped us off back downtown. . . . That's when we came to the [B]uttery. That's when he say, he say—

Kreager: Are you talking about the girls from Eagan that you were talking about?

Vance: Eagan. Eagan. That's who I was in the car with them.

Kreager: What kind of car they got?

²¹⁹ Transcript of Phone Call to Corporal Kreager from Philip Vance, on Jan. 23, 2003, at 3.

²²⁰ CRU Master Spreadsheet of Vance Phone Records. Note that the time *between* many of the calls was less than one second, which suggests that Yvonne's phone number may have been saved on Vance's phone.

Vance: A blue Corsica. It's like a dark blue Corsica.

Kreager: You got any of those girl's [sic] phone numbers or anything?

Vance: No, but I can get it for you. I sure will. I don't even know, I don't even know how to get in contact with them, but I sure will.²²¹

Vance's call log from December 22-23rd:

| Type of call | Call start time | Call end time | Call connected with |
|--------------|-----------------|---------------|-------------------------------|
| Outgoing | 13:21 | 13:28 | To Yvonne White's Residence |
| Incoming | 13:48 | 13:50 | From Yvonne White's Residence |
| Incoming | 15:50 | 15:51 | From Yvonne White's Residence |
| Incoming | 17:05 | 17:07 | From Yvonne White's Residence |
| Outgoing | 18:13 | 18:22 | To Yvonne White's Residence |
| Outgoing | 19:36 | 19:41 | To Yvonne White's Residence |
| Outgoing | 21:41 | 21:42 | To Yvonne White's Residence |
| Incoming | 21:44 | 21:44 | From Yvonne White's Residence |
| Incoming | 21:45 | 21:45 | From Yvonne White's Residence |
| Outgoing | 23:33 | 23:33 | To Yvonne White's Residence |
| Incoming | 00:12 | 0:13 | From Yvonne White's Residence |
| Incoming | 00:30 | 00:30 | From Yvonne White's Residence |

Given Vance's phone records and the interviews with Kentrell, Vance's denials claiming he did not know Yvonne White are questionable.²²² Vance's phone records do not corroborate Vance's alibi. Instead, Vance's phone records contain inculpatory circumstantial evidence.

4. Vance changed his story when officers claimed they had his cell phone data.

Vance's team claims that his encouragement for law enforcement officers to obtain his cell phone location records and his refusal to take a deal, even after officers told him they had

²²¹ Transcript of Phone Call to Corporal Kreager from Philip Vance, on Jan. 23, 2003, at 3-4.

²²² See Interview by Captain Vujovich and Agent McManus with Kentrell Anthony, on Aug. 1, 2003, at 15-16. John Martin also told law enforcement that Vance knew Yvonne White. Martin had been to Yvonne's house, and police corroborated this account by having Martin lead them to the house. SSPPD Narrative at CRU0086.

DNA from the crime scene, is evidence of his innocence. The CRU investigated Vance's responses to law enforcement about his cell phone data and found the evidence mostly incriminating rather than exculpatory.

During Vance's interviews, officers told Vance they had his cell phone records, and the data would tie him to the robbery-murder.²²³ On April 17th, after showing Vance the location of the house where Keitha McKinney lived and drawing a map to show its proximity to Sabreen's, Corporal Kreager told Vance:

The phone records do nothing except tie you guys tighter to South St. Paul again. A block and a half away, that's where they live. That's where Hennessy [Richard Robinson] was with his girlfriend taking the call from the robbery. You guys called it, what, a minute or two before, two or three minutes after? What was Hennessy your lookout or what? We listened to you. You hung it on those phone records. We looked at a lot of phone records off of your phone. Talked to a lot of people. And what we did is exactly what you asked us to do and all it did was tie you tighter to this thing. The time for saying everything is bullshit is over with.²²⁴

In response to this information, Vance suggested that he did not call Robinson. Johnson called Robinson.²²⁵ The next day, on April 18th, Corporal Kreager told Vance:

Kreager: Here's your damn phone records . . . that takes care of everything. Here's the phone calls you were making right along there during the robbery. Those go back to [Richard Robinson's] girlfriend.

...

Vance: . . . I never called the numbers.

Vujovich: No.

Vance: Ever. Stacks might had.

Vujovich: You had the phone.

Vance: Stacks might have had my phone that night. I don't know.²²⁶

²²³ Interview by Captain Vujovich and Corporal Kreager with Philip Vance, on April 18, 2003, at 25.

²²⁴ Interview by Sergeant Pyka, Agent Nygren, Captain Vujovich, and Corporal Kreager with Philip Vance, on April 17, 2003, at 61.

²²⁵ *Id.* at 58.

²²⁶ Interview by Captain Vujovich and Corporal Kreager with Philip Vance, on April 18, 2003, at 15-17.

After that interview, Vance called the officers and requested another meeting.²²⁷ In the interview that followed, Vance abandoned the alibis he had provided in earlier interviews. For the first time during the investigation, Vance claimed that he was *not* with Dominick Johnson on December 22nd *and* that Dominick Johnson had Vance's cell phone the entire day, until 10pm that night, when Vance found Johnson at the Buttery.²²⁸ After providing an account that distanced himself from Johnson, Vance asked the officers about a potential deal. Vance also seemed to indicate a willingness to provide evidence that would incriminate Johnson:

Vance: What if somewhere I, this is hypothetically speaking. What if somebody tried to cut a deal with you all (inaudible) that don't have anything, he don't know nothing about it or nothing to do with it.

...

Vujovich: Because there's enough people telling us what's going on, that they, there is no deal for them to cut. There is no deal.²²⁹

...

Vance: I understand. If I had any information to get me away from this, I don't care if Stacks [Johnson] did it and I knew he did it I'd tell you all so I could be off this shit.²³⁰

The officers expressed exasperation with Vance and his changing accounts shortly before ending the interview. But Captain Vujovich made a point to ask for one short clarification.²³¹

Vujovich: Okay. I just want to clarify one more thing. On the night of the 22nd between 8:00 o'clock and 10:00 o'clock you're telling me you were not with Stacks?

Vance: I'm thinking, no. Un unh.²³²

Vance's abandonment of his earlier alibi—the alibi that tied him to Johnson and to his cell phone calls on the day and time of the robbery-murder—suggests that he realized how incriminating his phone records were. It also indicates that Vance could not remember who he

²²⁷ Interview by Captain Vujovich and Agent Nygren with Philip Vance, on April 21, 2003, at 1.

²²⁸ *Id.* at 3-6.

²²⁹ *Id.* at 14.

²³⁰ *Id.* at 16.

²³¹ *Id.* at 19-20.

²³² *Id.* at 21.

was with and where he was on the evening of December 22nd, or he was not being truthful in his interviews with law enforcement.

Vance's phone data does not provide evidence of innocence; the evidence from his phone records tends to incriminate him and Johnson.

5. The CRU found the recantations that Vance and his team procured unreliable.

Vance and his legal team provided the CRU with four affidavits from recanting witnesses who provided incriminating evidence at Vance's trial.²³³ The CRU did not find reliable evidence in the recantations to undermine Vance's conviction.

The judicial system views post-trial recantations with considerable skepticism.²³⁴ Mostly, the skepticism focuses on trustworthiness. For example, witnesses who were willing to perjure themselves are generally untrustworthy. Witnesses close to the defendant may have motivations other than telling the truth, and recanting witnesses may have been threatened or offered incentives to recant.²³⁵ Recantations also run contrary to the principle of finality.

Science is another reason to critically assess recantations. Memories are limited, malleable, and quick to fade.²³⁶ Memory does not record and retain our experiences like a soundtrack or video. Instead, the accuracy of our memories depends on how information is acquired, encoded, and retrieved. At the acquisition stage of memory formation, reliability is based on whether the witness was paying attention to the relevant details for the time required to form a memory. Once acquired, memories are not perfectly retained. Images and sounds encoded into memory are not stored in perfect condition, and they can be forgotten, revised, and distorted with time. Retrieving a memory is not like hitting re-play on a recording device. Memories are

²³³ The CRU received recantation affidavits from John Martin, Melissa Stites, Regina Hagerman, and Dontay Reese.

²³⁴ Adam Helder & Michael Goldsmith, *Recantations Reconsidered: A New Framework for Righting Wrongful Convictions*, 2012 Utah L. Rev. 99 (2012) at 104-05.

²³⁵ *Id.* at 106. In fact, in an interview with an investigative reporter, Vance's co-defendant, Dominick Johnson, said that he had seen a lot of money passed in prison for recantations and that he has "seen dudes give dudes ten thousand dollars just for a piece of paper saying that they lied on you." Audio of Interview by Investigative Journalist with Dominick Johnson, on March 3, 2021, at 39:30.

²³⁶ See Elizabeth Loftus, *Planting Misinformation in the Human Mind: a 30-year Investigation of the Malleability of Memory*, 12 Learning and Memory 361, 361-366 (2005).

not simply retrieved; they are reconstructed using current knowledge. Every time a witness revisits a memory, there is an opportunity for revision and distortion that takes place outside the witness's awareness. Witness interviews can, and often do, affect the retrieval process and contaminate the memory. As memory researcher Elizabeth Loftus said in 2013, "Memory works . . . like a Wikipedia page. You can go in there and change it, but so can other people."²³⁷

Misinformation, whatever the source, can corrupt memory more easily when witnesses recall events in a social setting. This problem arises in cases where multiple witnesses discuss an event. Witnesses may talk to each other about what they have seen or heard. But because witnesses have different perspectives, they are likely to see, hear, or notice different things. They also remember things differently. When witnesses talk to each other about the event, they may reinforce common memories of the event, and they may also contaminate each other's memories of the event.²³⁸

To assess the trustworthiness of a recantation, especially witness statements regarding events that happened long ago, some basic rules apply:

- memories that are recalled close to the time of the event are likely the most reliable;
- everyone's memories are subject to distortions when they recall an event, and these distortions do not necessarily mean the witness is lying;
- two people can witness the same event and have different memories of it;
- leading questions can alter a person's memory of the event; and
- objective evidence that corroborates the memory is the best indication that the memory is accurate.²³⁹

²³⁷ Elizabeth Loftus, *How Reliable is Your Memory?* TEDTalk, YouTube.com, Sept. 23, 2013, at 5:24. Available at: <https://www.youtube.com/watch?v=PB2OegI6wv>.

²³⁸ For a good explanation and collection of resources on this topic, see *Eyewitness Testimony and Memory Biases*. Available at <https://nobaproject.com/modules/eyewitness-testimony-and-memory-biases#content>.

²³⁹ See Elizabeth Loftus, *Planting Misinformation in the Human Mind: A 30-year Investigation of the Malleability of Memory*, 12 *Learning and Memory* 361, 361–366 (2005); see *Parts IV* (describing more of the research on witness memory).

The CRU's investigation is not an attempt to determine whether the substance of a recantation meets a specific legal test for admissibility. Instead, the CRU looks at the evidence holistically, guided by the current science on memory, to assess its trustworthiness.

Vance's legal team presented the CRU with four affidavits from recanting witnesses. The affidavits were either obtained by Vance or advocates for Vance. The affidavits were provided to the CRU without a record of how they were obtained or what information the witnesses were provided before they signed the affidavits. The CRU received no recordings, notes, or correspondence memorializing the foundation for the recantations. Most of the recantation affidavits do not provide details of how the Vance team came to know the witnesses' new accounts, what the recanting witnesses were told by Vance or his team before signing affidavits, or details of any efforts to corroborate the recanting witnesses' new accounts—an essential part of testing the reliability of the witnesses' memory of the events in question.²⁴⁰ There is no evidence that any of the witnesses approached Vance offering their recantations. Instead, the evidence suggests that Vance and his team found the witnesses, approached at least some of them many times before they would agree to talk, and wrote affidavits for them.²⁴¹ When interviewed by the CRU, the witnesses' memories contained evidence of unreliability. Sometimes witnesses could not remember the facts to which they had recently attested. Sometimes witnesses provided facts in their interviews that directly conflicted with their affidavits. None of the witnesses the CRU interviewed provided persuasive corroboration for their changed accounts.

²⁴⁰ The authenticity of some of the affidavits was also questionable. John Martin's affidavit was written by Vance. Although Melissa Stites's affidavit says she wrote it, she told the CRU she did not write it. Darlene Jones's affidavit appears to be signed with an electronic signature and then printed and notarized. Regina Hagerman's affidavit is not notarized. Two of Maynard Cross's affidavits are not notarized. Trevor Crawford's affidavit is undated. Dontay Reese's affidavit was notarized three days after it was signed. Dominick Johnson's affidavit is not notarized.

²⁴¹ *See, e.g.*, Transcript of CRU Interview with Melissa Stites, on May 23, 2023 (created by Vance team), at CRU0002, 4-5, 13-15; Martin 2007 Recantation Investigation Materials.

John Martin

Martin's recantation is neither trustworthy nor reliable. Martin's recantation "was obtained under circumstances which raised grave doubt" as to its reliability.²⁴² Martin's recantation did not result from Martin's own memory of events. Instead, Vance provided Martin with the facts.²⁴³ And although Martin signed an affidavit recanting his trial testimony, he almost immediately disavowed the affidavit.²⁴⁴

At trial Martin testified that he was at the Radisson with Vance and Johnson, that they were talking about needing money to buy gifts for their children, and that Vance and Johnson left the Radisson with the "South St. Paul Girls" in Nicolle's blue car.²⁴⁵ The testimonial evidence established that Martin connected Vance and Johnson to Nicolle and Yvonne, and Martin provided a motive for the robbery.²⁴⁶

At trial, Vance's defense counsel did not challenge Martin's claim that he was with Vance and Johnson at the Radisson on December 22nd. Instead, the defense had Martin confirm details from his conversation with Vance and Johnson. On cross-examination, Martin confirmed that when he, Vance, and Johnson were at the Radisson, they were talking about needing money for their kids' Christmas presents, that Vance already had some money (he was not broke), and that their conversation was not secretive or "hush hush," as Melissa Stites had described.²⁴⁷

In 2007, when Vance was preparing a pro se petition for postconviction relief, Vance pursued Martin, sending him requests to recant his trial testimony. In a letter to Martin dated February 25, 2007, which was obtained by the Minnesota Department of Corrections, Vance told Martin, "[T]he day we left [with] them White broads wasn't the day of this murder. . . . I remember it clearly."²⁴⁸ Vance enclosed a handwritten affidavit.²⁴⁹ Vance asked Martin to copy

²⁴² *Larrison v. United States*, 24 F.2d 82, at 88 (noting that recantation in and of itself does not necessarily require the court to order a new trial when a witness's recantation was "obtained under circumstances which raised a grave doubt as to its reliability").

²⁴³ SSPPD Narrative at CRU0137-40.

²⁴⁴ *Id.* at CRU0133.

²⁴⁵ Trial Transcript at 183-89.

²⁴⁶ *Id.* Martin was not the only witness who provided a connection to Nicolle, Yvonne, or the blue Corsica, nor was he the only witness to provide a motive for the robbery.

²⁴⁷ Trial Transcript at 193-94. The record suggests that trial counsel consulted with Vance before crafting the cross-examination. Counsel's cross seemed designed to extract favorable evidence from what John Martin heard in the conversation with Vance and Johnson at the Radisson.

²⁴⁸ SSPPD Narrative at CRU0137.

²⁴⁹ SSPPD Narrative at CRU0133.

the affidavit in his own handwriting, sign it, have it notarized, and send it to Vance's attorney.²⁵⁰ Martin complied.²⁵¹

On March 7, 2007, law enforcement interviewed Martin, and Martin immediately recanted his affidavit.²⁵² Martin told Captain Vujovich that the testimony he provided in Vance's trial was correct to the best of his knowledge. Martin added that he had sent Vance's attorney a letter notifying him of that.²⁵³ Martin also told officers that the February 2007 letter from Vance was the second letter Vance had sent him.²⁵⁴

The CRU found Martin's recantation of his trial testimony unreliable for several reasons. First, at trial, Vance did not challenge the fact that Martin was the third person with him and Johnson at the Radisson. Instead, in cross-examination, defense counsel assumed Martin was present at the Radisson, and counsel used Martin to establish that Vance and Johnson were not broke, nor were they acting suspiciously while at the Radisson. Second, Martin's testimony at trial was probably true. His presence at the Radisson on December 22nd was corroborated by Johnson and Vance. Finally, Martin's recantation was obtained under circumstances which raise doubts about its reliability.

The evidence supports a finding that Vance and Johnson were with Martin on December 22nd, and Martin's affidavit, handwritten by Vance, could not be corroborated. Martin's change in account came from Vance's prompting, and Martin immediately disavowed it. Martin's affidavit does not diminish his trial testimony. Instead, considering the circumstances by which the affidavit was obtained, it further diminished Vance's credibility.²⁵⁵

Melissa Stites

Melissa Stites, an important witness for the State, signed an affidavit in 2021 retracting her testimony at trial after being approached by the Vance team.²⁵⁶ When the CRU interviewed Melissa Stites in 2023, she disavowed the affidavit she had signed in 2021. Stites told the CRU

²⁵⁰ *Id.* at CRU0136-01340.

²⁵¹ Affidavit of John Edward Martin, dated March 1, 2007.

²⁵² SSPPD Narrative at CRU0133.

²⁵³ The CRU did not find a letter from Martin in defense counsel's files.

²⁵⁴ SSPPD Narrative at CRU0133.

²⁵⁵ Vance, Johnson, and Martin, in separate interviews, told law enforcement they were together at the Radisson on December 22nd.

²⁵⁶ Affidavit of Melissa Stites, dated Jan. 22, 2021.

that the testimony she gave in the Vance trial was true, “all true.”²⁵⁷ After assessing Stites’s testimony, her recantation, and her CRU interview, the CRU finds her recantation unreliable and her trial testimony partially corroborated.

Stites tended bar at the Radisson, and she had tended bar at the Buttery too.²⁵⁸ Vance was one of her regulars. Stites testified that she served Vance, Johnson, and a third man at the Radisson on the evening of December 22nd. She said Vance was being more secretive than usual and that Vance told her they were “getting their plan on,” a term she took to mean planning a robbery.²⁵⁹ Stites testified that Vance said he would have plenty of money for tips when he got back.²⁶⁰

At the time, Stites was an experienced confidential informant who worked with the Minnesota Gang Strike Force. Stites testified that she contacted Officer McManus, an officer she had worked with as a confidential informant, on December 23rd because she thought Vance may have been talking about a robbery.²⁶¹ After speaking with Officer McManus, Stites also agreed to wear a wire while attempting to buy the gun from Vance.²⁶² Although the gun Stites purchased from Vance was not the murder weapon, Stites provided evidence at trial that connected Vance to the robbery-murder. She testified that during the sting operation on January 3, 2003, Vance told her he “shot a guy two weeks ago over south side five times in the back.”²⁶³

In January 2021, Stites recanted her trial testimony in a typed affidavit. She claimed the testimony she gave at trial was false. The affidavit purports to give her “true and accurate account” of her interactions with law enforcement and with Vance.²⁶⁴ Stites’s affidavit makes the following claims:

²⁵⁷ Transcript of CRU Interview with Melissa Stites, on May 23, 2023 (created by Vance team), at CRU0015.

²⁵⁸ *Id.* at CRU0005, 08.

²⁵⁹ Trial Transcript at 202-05.

²⁶⁰ *Id.* at 204-05.

²⁶¹ *Id.* at 205. Stites testified that “getting your plan on” was slang for planning a robbery.

²⁶² Law enforcement was hoping that Stites could recover a gun that could be tested to determine whether it was the gun used in the murder. Stites was specifically looking for a .22 caliber.

²⁶³ Trial Transcript at 206-07.

²⁶⁴ Affidavit of Melissa Stites, dated Jan. 22, 2021.

- Stites did not reach out to Officer McManus about Vance. McManus approached her and asked her to make false statements about Vance, to wear a wire, and to engage in future conversations with Vance;²⁶⁵
- Stites did not think Vance was planning to commit a robbery or being more secretive than usual when he was at the Radisson on December 22nd;²⁶⁶
- At no time during her conversations with Vance did he tell her that he committed a robbery or that he shot someone;²⁶⁷
- She was in legal trouble at the time she said these things about Vance, and she was told that she would not be charged with crimes and would not face jail time if she said what officers told her to say;²⁶⁸
- She was coming forward with the information provided in her affidavit because she is five years sober and because it is the right thing to do;²⁶⁹ and
- She wrote the affidavit of her own free will.²⁷⁰

The CRU interviewed Stites by phone on May 23, 2023. In the recorded interview, Stites told the CRU's investigator the following:

- She did not write the affidavit;²⁷¹
- She wished she had not signed the affidavit;²⁷²
- She did not remember what was in her affidavit;²⁷³
- A woman from the NAACP flew to Pennsylvania unannounced, came to her work, took her to dinner, and "they kind of convinced [her] to recant the whole thing;²⁷⁴
- The woman told her that the other defendant was exonerated;²⁷⁵

²⁶⁵ *Id.* at para. 5a.

²⁶⁶ *Id.* at para. 5b.

²⁶⁷ *Id.* at para. 5c.

²⁶⁸ *Id.* at para. 5d.

²⁶⁹ *Id.* at para. 5e.

²⁷⁰ *Id.* at para. 2-3.

²⁷¹ Transcript of CRU Interview with Melissa Stites, on May 23, 2023 (created by Vance's legal team), at CRU0004.

²⁷² *Id.* at CRU0006.

²⁷³ *Id.* at CRU0013.

²⁷⁴ *Id.* at CRU0003, 0013.

²⁷⁵ *Id.* at CRU0006.

- Stites had a very limited memory of the events that were the subject of Vance’s trial;
- She had worked as a confidential informant for the Minnesota Gang Strike Force Officers Andy Ghoul and John McManus before the Vance case;²⁷⁶
- She could not remember how she got involved in the case, maybe Colleen McManus’s brother contacted her;²⁷⁷
- She knew Colleen because Stites used to work at the Buttery;²⁷⁸
- She wore a wire and purchased a gun from Vance;²⁷⁹
- To her knowledge, when she testified at Vance’s trial, everything she said was truthful, “one hundred percent”;²⁸⁰
- She felt pressured to recant because she is “not like into discrimination,” she was made to doubt herself, she felt guilty, and she worried there was a racial component to the conviction;²⁸¹
- She said the testimony she gave at Vance’s trial was not false;²⁸²
- She said she trusted the police at the time, she still trusts the police, that “these cops were good people to me”; “[t]hey were very good”; “[t]hey didn’t do anything wrong, not to me.”²⁸³

Based on her 2023 interview, the CRU found Stites’s current memory of the events that transpired in 2002-2004 unreliable but found corroboration for key parts of her 2004 trial testimony.

To put this finding in context, an explanation is warranted. Vance’s counsel voiced strong objections to the way the CRU interviewed Stites. Vance’s counsel argued that the CRU should have questioned Stites about each statement she made in her affidavit, going line-by-line to determine which statements were true and which were untrue. But the kind of interview Vance’s counsel wanted is more akin to a deposition or cross-examination. The CRU looks for the

²⁷⁶ *Id.* at CRU0008, 0010.

²⁷⁷ *Id.* at CRU0008.

²⁷⁸ *Id.* at CRU0008.

²⁷⁹ *Id.* at CRU0010, 0014.

²⁸⁰ *Id.* at CRU0012-13.

²⁸¹ *Id.* at CRU0013.

²⁸² *Id.* at CRU0014.

²⁸³ *Id.* at CRU0015.

reliability of the witness's memory—both at the time of trial and, in this case, when she signed an affidavit almost twenty years later. Given what we know about memory, one cannot assess a witness's memory of events by asking the witness to agree or disagree with specific factual details. That method of questioning contaminates the witness's memory and makes it impossible to determine which facts are the result of the witness's recall and which are the result of suggestion. That method also does not comport with the science-based cognitive interviewing techniques proven to provide more reliable information that the CRU strives to follow.²⁸⁴ Based on these principles, the CRU reached the following conclusions about Stites's memory and the reliability of her testimony at trial.

Stites's 2021 affidavit and 2023 CRU interview do not prove what Vance's legal team contends—that Stites falsely testified when she said she contacted Officer McManus on December 23rd to report Vance's behavior at the Radisson on December 22nd. On this crucial point, Stites's memory is unreliable. For example, the CRU asked Stites when she remembered getting involved with the police regarding Vance, and Stites replied:

Stites: I can't remember if they contacted me or if there was a crime committed and . . . the Philip guy, and I can't remember the other guy, they were kind of running around bars boasting about it. . . . [T]he guy's name, the guy's sister was a manager at The Buttery. I think it is, uh, McManus, Colleen. The guy's name was McManus. And then I don't know if they had gone down to The Buttery, and then McManus maybe was the one who took Andy Ghoul's place, and then they contacted me, and I said yeah, that they were in. They sent . . . maybe they gave me pictures or something to see and then I confirmed that those were the guys in the place.

Investigator: Okay. So, you're believing that uh, McManus was the uh, police officer that contacted you, or did you contact him?

Stites: No, I think he contacted me. Uh, his sister, I do remember, I believe his sister's name was Colleen, I think.²⁸⁵

In this response, Stites collapsed the events of December 23rd—when she first spoke with Officer McManus—with December 27th—the day she viewed photos and identified Vance and Johnson. Stites did not have a reliable memory of the exact timeline of when she first contacted

²⁸⁴ See Katherine Mayer, M.A., *Memory Contamination in Criminal Cases: The Danger of Misinformation and False Testimony, Fact Investigation*, Mayer Consulting, May 8, 2025. Available at <https://kmayerconsulting.com/2025/05/memory-contamination/>.

²⁸⁵ Transcript of CRU Interview with Melissa Stites, on May 23, 2023 (created by Vance team), at CRU0008.

and met with Officer McManus and how the meeting came to be. Because Stites's trial testimony that she contacted Officer McManus was given under penalty of perjury and much closer to the time the events occurred, her affidavit does not undermine her testimony. In the CRU interview, Stites demonstrated that her memory was not as clear as her affidavit suggested, and it may have been contaminated by what was discussed before she signed the affidavit. In the CRU interview, Stites remembered two different days as if they happened at the same time, an error in recalling an episodic memory that is unsurprising.²⁸⁶ But given this error, there is no way to verify the exact sequence of events because she collapsed the events into the same day.

Stites's affidavit does not prove that she testified falsely when she said Vance said he "shot a guy two weeks ago over south side five times in the back." Her trial testimony is corroborated by a recorded conversation she had with Vance about a week after his alleged confession. On January 12, 2003, Stites visited Vance in the Ramsey County Workhouse. Stites was still trying to get information from Vance that would tie him to the robbery-murder:

Stites: The police said that – they said there was a shooting. And they said you were involved. . . . [T]hat gun that I have, should I get rid of it? Huh?

Vance: Put it up.²⁸⁷

Later in their meeting, Stites came back to the topic:

Stites: But I think you're in big trouble. I'm telling you. There's a lot of shit going on out here. The word is that you were involved in

Vance: (abruptly cutting her off) That don't matter does it.

. . .

Stites: Why do they want to talk to me?

Vance: I don't know. How do they know who I am?²⁸⁸

Still fishing for information, Stites continued:

²⁸⁶ See Kathleen McDermott & Henry Roediger III, Washington University St. Louis, *Memory (Encoding, Storage, Retrieval)*, Noba Textbook Series: Psychology (2025). Available at: <https://nobaproject.com/modules/memory-encoding-storage-retrieval#content>; Michael G. Flaherty & Michelle D. Meer, *How Time Flies: Age, Memory, and Temporal Compression*, 35 Soc. Q. 705, 707 (1994) (explaining that as episodic memory fades, individuals may experience temporal compression, leading them to perceive distinct events as occurring closer together in time or even on the same day).

²⁸⁷ Transcript of Meeting between Melissa Stites and Philip Vance, on Jan. 12, 2003, at 2.

²⁸⁸ *Id.* at 4 (emphasis added).

Stites: Hey, do you remember when you told me you shot that guy five times in the (unintelligible).

Vance: Damn. . . . No, hell no. Listen, don't even worry. Man we are going to be cool. Don't trip.²⁸⁹

This exchange between Stites and Vance provides some corroboration for Stites's trial testimony about what Vance told her on January 3rd. In the jailhouse visit, Stites suggested there may be a link between Vance's gun and the shooting, and Vance responded by telling her to "put it up." Then, when Stites indicated that people were saying Vance was the shooter, instead of denying that he was involved, Vance asked how they knew who he was. Finally, when Stites repeated back what Vance allegedly said to her on January 3rd—that he shot a guy—Vance deflected. Instead of correcting her or asking her why she would say something so outrageous, he shut her down.

The conversation between Stites and Vance at the Ramsey County Workhouse does not prove that Vance murdered Khaled Al-Bakri, but it does provide some corroboration for Stites's testimony that Vance said he shot someone two weeks earlier, on the south side.²⁹⁰ Stites's trial testimony is bolstered by some corroboration. But Stites's recantation could not be corroborated. As her CRU interview demonstrated, neither her memory of the investigation nor her memory about what was in the affidavit is reliable.

Maynard Cross aka Monk

Maynard Cross, a witness who did not testify at trial, provided more statements in this case than any other witness. He gave eight interviews to law enforcement,²⁹¹ testified before the grand jury, provided at least one account to Vance's trial investigator,²⁹² and signed three statements for Vance's legal team.²⁹³ The statements are contradictory, and they differ depending on his audience. Cross is not a reliable witness.

²⁸⁹ *Id.* at 5.

²⁹⁰ Trial Transcript at 207.

²⁹¹ SSPPD Narrative at CRU0052-53, CRU0073-74, CRU0080, CRU0089-90.

²⁹² Email from Diltz to Singh, dated Aug. 11, 2004, regarding Cross interview.

²⁹³ Petitioner's Exhibits to Petition for Postconviction Relief, (P1-38), Vance v. State of Minnesota, 19-K6-04-000736, filed Feb. 27, 2025, at P-12, P-13, P-14.

Cross frequented the Buttery, and he associated with some of the same people Vance did.²⁹⁴ Witnesses said Vance and Cross knew each other and that Cross was at the Buttery on December 22nd around 10pm when Vance and Johnson arrived.²⁹⁵ Colleen McManus claims that Cross tried to interrupt Vance when Vance was telling her that he had shot someone, shouting across the bar, “Quit acting crazy. Shut your mouth.”²⁹⁶ Before trial, Cross provided sworn testimony claiming that he spoke to Vance at the Buttery the night of the robbery-murder, and that Vance told him he committed a robbery and shot someone. Shortly thereafter, Cross began claiming that he did not know Vance, that officers from the Minnesota Gang Strike Force “fed him the case,” and that he was looking for better treatment on his murder charge.²⁹⁷ However, Cross had received a life sentence for first-degree murder *before* he gave the sworn testimony.²⁹⁸

Vance’s trial counsel sent the public defender’s investigator to interview Cross before trial and learned that Cross had changed his story and was claiming he was not at the Buttery and did not speak to Vance.²⁹⁹ Vance’s counsel did not subpoena Cross to counter Colleen McManus’s testimony. Instead, Vance’s counsel introduced Cross into the proceedings by raising an alternative-perpetrator reverse-*Spriegl* defense.³⁰⁰ Defense counsel argued that Cross came to the Buttery after committing the robbery-murder and told Vance the details of the

²⁹⁴ SSPPD Narrative at CRU0037 (Mary Fleming said Cross was an acquaintance of Richard Robinson); SSPPD Narrative at CRU0093 (Kentrell Anthony told Capt. Vujovich that Troy and Trevor Crawford hung out with Nicolle); SSPPD Narrative at CRU0045 (Chris Koskie identified Vance, Johnson, and Richard Robinson together at the Buttery on December 22, 2002).

²⁹⁵ Interview by Captain Vujovich and Agent McManus with Fabian Wilson, on July 11, 2003, at 31 (Wilson told officers that Vance “said something to me about a dude named Monk [Cross] before.”); SSPPD Narrative at 100 (Tyrone Crawford indicating that Vance was concerned that Cross would talk to the cops about him).

²⁹⁶ Trial Transcript at 538.

²⁹⁷ Affidavit of Maynard Cross, notarized Aug. 15, 2006.

²⁹⁸ Maynard Cross was convicted and sentenced to life in prison on September 9, 2003. *State v. Maynard Cross*, Case No. 27-CR-03-015908. His sworn testimony in the Vance case occurred on March 3, 2004.

²⁹⁹ Email from Diltz to Singh, dated Aug. 11, 2004, regarding Cross interview. In an interview with Investigator DL Diltz, Cross said he never met or spoke with Vance until after Vance was incarcerated for the Sabreen’s robbery-murder and that Vance never confessed anything. He also said he told police Troy Crawford was the third person involved in the robbery-murder because he knew Troy was in jail at the time. However, records show that Troy Crawford was not in jail in Minnesota on December 22, 2002.

³⁰⁰ Appellant’s Direct Appeal Brief, *State v. Vance*, No. A05-15, 2005 WL 4120317 (June 30, 2005), at 24.

robbery-murder.³⁰¹ The trial court denied the alternative perpetrator defense and would not allow counsel the opportunity to question witnesses about or argue to the jury that the evidence suggested Cross committed the crime.

Considering Cross's shifting statements and Vance's shifting legal claims about Cross, Cross's recent affidavits are not persuasive. Cross's statements are not supported by independent corroboration. None of them are reliable.³⁰²

Regina Hagerman

Regina Hagerman was Kentrell Anthony and Darlene Jones's aunt.³⁰³ At trial, she testified that Vance confessed to her. Specifically, on the day before the 2003 Super Bowl, she said Vance confided that he was under investigation for a murder and that "him and his friend did it."³⁰⁴

Hagerman was one of many witnesses who had testified that Vance admitted to murder. She recanted her testimony in a typed affidavit, signed on February 2, 2021. The affidavit is not notarized, nor is it included in Vance's recently filed petition for postconviction relief.³⁰⁵ The affidavit explains that during the Sabreen's investigation, the police would not leave her alone and were threatening her until she agreed to say what they wanted her to say.³⁰⁶

³⁰¹ Trial Transcript at 537. Vance and his trial attorneys raised an alternative perpetrator defense, naming Cross, along with two others. Vance's trial attorneys attempted to argue that Vance knew details of the crime because Maynard Cross had told him those details at the Buttery on Dec. 22nd.

³⁰² In the first statement, addressed "To whom it may concern" and signed in August 2006, Cross stated that he did not know Vance, and detectives "fed him the case." The second statement, signed in December 2021, adds that he testified before the grand jury hoping to get better treatment on the charges against him and claims, without corroboration, that he was in Milwaukee on December 22, 2002. In the third statement, signed in November 2024, Cross added that he was providing the incriminating information to the MGSF in hopes of getting reward money. *See* Petitioner's Exhibits to Petition for Postconviction Relief (P1-38), *Vance v. State*, 19-K6-04-000736, filed Feb. 27, 2025, at P-12, P-13, P-14.

³⁰³ Regina Hagerman died on June 28, 2022.

³⁰⁴ Trial Transcript at 381-82.

³⁰⁵ The CRU has questions about the authenticity of the affidavit because it was not notarized and the signature on the affidavit does not closely resemble the signatures Hagerman used on official State documents.

³⁰⁶ Affidavit of Regina Hagerman, dated Feb. 2, 2021.

There is some evidence that Hagerman could have felt intimidated. For example, the police executed a search warrant on June 30, 2003, at her home looking for guns and found drug contraband and a letter from Vance to Darlene Jones.³⁰⁷ However, the evidence is ambiguous about threats. In her affidavit, Hagerman alleged that officers raised concerns about the safety of her fiancé, who was housed in a Minnesota Correctional Facility with Dominick Johnson. There is also evidence that Hagerman told investigating officers she was having second thoughts about testifying at trial after hearing from her fiancé. According to Captain Vujovich, Hagerman “indirectly” received comments through her fiancé that “it would not be in her best interest to testify.” Hagerman told Vujovich that Kentrell had also received similar comments.³⁰⁸

The CRU did not have an opportunity to interview Hagerman. The CRU received access to her affidavit and other file materials from Vance’s legal team one month before she died.³⁰⁹ Attempting to corroborate Hagerman’s affidavit, the CRU interviewed Jacqueline Ezell, Hagerman’s mother and Darlene and Kentrell’s grandmother. If anyone were able to corroborate Hagerman’s affidavit, it would have been Ezell. Ezell and her husband, Lugene O’Connor, had been cooperating with the police in the Sabreen’s investigation. They were urging Kentrell to provide investigators with the information she knew, and Ezell accompanied Kentrell in one of her interviews with law enforcement. Ezell and Hagerman knew Vance from his association with Darlene, and they were the only two members of their family to testify at trial.

In a recorded interview with the CRU investigator, Ezell described interactions with Officer McManus that differed from the way Hagerman described her interactions. Ezell told the CRU investigator she remembered the day police “raided” her house at 956 Minnehaha.³¹⁰ She said the police questioned her and other members of the household. She told them that Vance did not live at the house, but he would come by to visit Darlene.³¹¹ Ezell agreed that the name of the officer who kept in contact with her may have been McManus.³¹² She agreed that she might have spoken to him by phone, but she did not remember the calls. She said McManus never promised

³⁰⁷ St. Paul Police Department Incident Report, Case No. 03-133860, dated June 30, 2003.

³⁰⁸ SSPPD Narrative at CRU0124.

³⁰⁹ Minnesota records show Hagerman died on June 28, 2022.

³¹⁰ Audio of CRU Interview with Jacqueline Ezell, on March 8, 2023, at 1:30.

³¹¹ *Id.*

³¹² Audio of CRU Interview with Jacqueline Ezell, on March 8, 2023, at 8:20.

her anything, and she did not remember any conversations about reward money.³¹³ She did not mind if people knew she was talking to McManus because “he wasn’t doing anything to her.”³¹⁴ To her knowledge, McManus never gave her anything, and she does not believe that McManus ever gave Lugene, her husband, anything. She stated, “The only thing he gave my husband was his guns back.”³¹⁵

The CRU could not corroborate the information in Regina Hagerman’s affidavit.

Dominick Johnson

Dominick Johnson did not testify in Vance’s trial. He did, however, offer his account of the crime when he pled guilty to Felony Murder in the Second Degree.³¹⁶ He told the court that on December 22, 2002, he was with John Martin and Philip Vance at the Radisson when Vance talked about wanting to commit a robbery. Johnson agreed to go with him. They were picked up by Yvonne White and Nicolle Rauschnot in her blue Corsica. Nicolle parked in the alley behind Sabreen’s. Johnson knew they were going to commit a robbery. He and Vance got out of the car, donned masks, and entered the store. Vance had a gun with him. Johnson heard shots. He told Vance, “Let’s go,” and they ran out of the store after Vance took the money.³¹⁷ Johnson received a sentence of 150 months.

After his release from prison, Johnson made statements proclaiming his and Vance’s innocence, but those statements conflict with Vance’s theory of the case and the affidavits signed by Vance, Darlene Jones, and Kentrell Anthony. In 2021, Johnson signed an affidavit saying he did not participate in the Sabreen’s robbery-murder, and he was not a witness to the crime.³¹⁸ Johnson said, “I do not know who committed [the crime].” He also claimed, “I know that Philip Vance did not commit this crime.”³¹⁹ Aside from this bald assertion, Johnson provided no avenues for corroboration. For example, Johnson did not provide support for *how* he knows Vance did not commit the crime. He did not provide an alibi for Vance; he did not say he witnessed the crime; and he did not identify witnesses who could support his assertion.

³¹³ *Id.* at 4.

³¹⁴ *Id.* at 6.

³¹⁵ *Id.*

³¹⁶ Johnson Plea Transcript at 2.

³¹⁷ *Id.* at 8-33.

³¹⁸ Affidavit of Dominick Johnson, dated Sept. 19, 2021, at 1.

³¹⁹ *Id.*

In March 2021, before signing the affidavit for Vance, Johnson was twice interviewed by an investigative journalist who was researching the Vance case.³²⁰ Johnson had been speaking with Vance before the second interview took place. Johnson told the journalist he had just talked to Vance ten minutes before the call.³²¹ In the interviews, Johnson gave confusing and seemingly conflicting statements. His statements do not align with Vance's most recent alibi, and they conflict with what he told the investigators during the Sabreen's robbery-murder investigation.

In one of the interviews, Johnson provided an alibi for himself, but not for Vance. Johnson told the investigative journalist that he was at 147 Forbes watching football at the time of the robbery-murder. He claimed that Dominique Blatcher and Vanessa Franco were his alibi witnesses. He said Vance came over, "then [he] left, and whatever happened, happened, and somehow we both end up in prison for murder."³²² Johnson also said he and Vance were at the Radisson that night,³²³ and he knew they were with Nicolle and Yvonne "in a little Chevy Corsica" on December 22, 2002.³²⁴ Johnson told the investigative journalist, "If [Vance] did something, I don't know about it, I didn't do it, I didn't do anything with him."³²⁵

Johnson claimed that he "fabricated [his] statement to law enforcement [in the Sabreen's case] to get a deal." He claimed this happens all the time, and he told the journalist, "I know people in [prison] for stuff that I done."³²⁶ Johnson also claimed that people in prison pay money for recantations. Johnson told the journalist, "Do you know how much money I have seen passed in that prison system for statements and recantations? I have seen dudes giving dudes ten thousand dollars just for a piece of paper saying that they lied on you."³²⁷

The journalist did not ask Johnson to clarify his seemingly conflicting accounts nor whether he had received any threats or benefits for his recantation.

³²⁰ Audio of Interview by Investigative Journalist with Dominick Johnson, on March 28, 2021; Audio Interview by Investigative Journalist with Dominick Johnson, on March 3, 2021.

³²¹ Audio of Interview by Investigative Journalist with Dominick Johnson, on March 28, 2021, at 00:04.

³²² *Id.* at 06:30.

³²³ *Id.* at 07:35.

³²⁴ *Id.* at 05:35.

³²⁵ Audio Interview by Investigative Journalist with Dominick Johnson, on Mar. 3, 2021, at 04:25.

³²⁶ *Id.* at 6:33; 11:31.

³²⁷ *Id.* at 39:30.

The CRU does not consider Johnson's affidavit reliable evidence of Vance's innocence, and Johnson's shifting accounts further diminish his credibility.

6. The CRU found no reliable evidence to support Vance's alibi.

Vance claims that he has a solid alibi for the time of the robbery-murder. Specifically, Vance says he was at 956 Minnehaha in St. Paul with Darlene Jones, Dominick Johnson, Kentrell Anthony, and others. Vance told the CRU that he was certain about where he was the evening of the Sabreen's robbery-murder. He claimed he "knew from the jump where [he] was at."³²⁸

The CRU attempted to corroborate the alibi that Vance's team presented. Vance's alibi is central to his innocence claim. If he was somewhere other than Sabreen's between 9:30 and 9:45pm on December 22nd, he could not have committed the murder. But the CRU's investigation found no reliable corroboration for Vance's alibi.

Vance was interviewed seven times by law enforcement before he was charged. He provided shifting, conflicting, and unsupported accounts of what he did on December 22, 2002, which damaged his credibility. His interviews show he either had no reliable memory of where he was on December 22nd, or he was attempting to deceive law enforcement officers by providing false information. In his first interview, Vance claimed he was too drunk to remember the details of December 22nd. In his last interview, Vance said he was probably drunk, and he could not remember what happened that day. In the five intervening interviews, Vance provided contradictory and detailed accounts that shifted as he responded to incriminating evidence when it was presented to him. Whether due to a lack of memory or deliberate deception, the CRU could find no reliable corroboration for Vance's alibi.

Vance provided shifting alibis.

Below is a summary of Vance's changing alibis, including how each account changed, why it may have changed, and how it conflicts with other, objective evidence in the case investigation.

³²⁸ Notes from CRU Virtual Meeting with Philip Vance & Vance Team, on May 25, 2023.

January 15, 2003—Vance Interview at the Ramsey County Detention Center with Captain Vujovich and Corporal Kreager

In Vance's first interview with law enforcement, he repeated several times that he was drunk and did not remember much about December 22nd. Even so, he did remember being at the Buttery, being with Dominick Johnson, and telling Colleen McManus that he shot someone.

Vance provided the following explanations:

- Vance did not remember what he was doing on December 22nd,³²⁹
- He did not shoot anybody,³³⁰
- He said he probably got drunk the night of December 22nd and said some bullshit, but he did not remember what he said,³³¹
- He was likely at the bar in St. Paul on the evening of December 22nd,³³²
- He was most likely at the Buttery and then went to his "baby's mama house" on the night of December 22nd,³³³
- He was with Dominick Johnson that night.³³⁴

January 16, 2003—Vance Interview at the Dakota County Sheriff's Department with Captain Vujovich, Corporal Kreager, and Detective Sjogren

In his second interview, Vance provided more details about his whereabouts on December 22nd, including that he was at the Radisson with John Martin and Dominick Johnson. This alibi put him at Darlene's house on December 22nd, but not at the time of the murder.

- Vance claimed that he and Johnson watched football, drank a bottle of liquor at Vanessa's house, and then went to the Capitol Bar in the Radisson on December 22nd. He said Melissa Stites works at the Capitol Bar.³³⁵

³²⁹ Interview by Captain Vujovich and Detective Corporal Kreager with Philip Vance, on Jan. 15, 2003, at 9-10.

³³⁰ *Id.* at 11.

³³¹ *Id.* at 23, 25.

³³² *Id.* at 29.

³³³ *Id.* at 30-31. This conflicts with later accounts where Vance claims he spent the night at Yvonne and Amy's house.

³³⁴ *Id.* at 38. This conflicts with later accounts in which he claimed he was not with Dominick Johnson until 10pm on December 22nd.

³³⁵ Interview by Captain Vujovich, Corporal Kreager, and Detective Sjogren with Philip Vance, on Jan. 16, 2003, at 90-91.

- He said they left the Capitol Bar around 6pm, then he and Johnson went to Darlene Jones's house to watch more football and drink. They stayed there until nighttime. Then they took a bus to the Buttery.³³⁶
- He admitted that he and Johnson were with "John" at the Capitol Bar. But John did not go to Darlene's house.³³⁷
- He said Darlene's family was at her house, including her grandma, who was not happy with him, but did not kick him out.³³⁸
- He said they left Darlene's house and went back downtown between 8 and 9pm.³³⁹
- He said that at 9pm or later he told Colleen he shot someone to get a drink.³⁴⁰
- He claimed that Johnson's mom kept calling his cell phone on December 22nd because she had gone to Chicago.³⁴¹
- On the night of December 22nd, Vance and Johnson left the Buttery and went to Vanessa Franco's house and then called a cab and went to Annie's [Amy's] house.³⁴²
- He said they spent the night at Amy's house in Eagan.³⁴³
- He said Colleen called him the next day.³⁴⁴

January 21, 2003—Call from Vance to Corporal Kreager's voicemail

- Vance told Kreager he had information he wanted to give and that he wanted to ask a question.³⁴⁵

January 23, 2003—Call from Vance to Corporal Kreager

³³⁶ *Id.* at 92-94.

³³⁷ *Id.*

³³⁸ *Id.* at 96.

³³⁹ *Id.* at 114.

³⁴⁰ *Id.* at 52, 115.

³⁴¹ *Id.* at 108. Phone records do not show calls from Johnson's mother.

³⁴² *Id.* at 43-45.

³⁴³ *Id.* at 117.

³⁴⁴ *Id.* at 118. Phone records confirm that Colleen called Vance at 17:53 on December 23rd.

³⁴⁵ Transcript of Voicemail Message Left by Philip Vance for Corporal Kreager, on Jan. 21, 2003.

Vance contacted Kreager to confirm that he was with John Martin and Dominick Johnson at the Radisson on the evening of December 22nd.³⁴⁶ This account from Vance is consistent with his phone records, with John Martin's statements, and with Johnson's statements.³⁴⁷

- Vance said he was with John Martin at the Capitol Bar the night of December 22nd, and that Martin would be willing to talk with Kreager to verify.³⁴⁸
- He said after leaving the Capitol Bar, John Martin met up with his girlfriend, and Vance and Johnson hopped into a car with a white girl. They got liquor and smokes and were dropped off later that night downtown.³⁴⁹
- He and Johnson were with two girls when they left the Radisson. One of the girls' names was Veronica. The girls had a dark blue Corsica. He said he did not have the girls' phone numbers.³⁵⁰

April 17, 2003—Vance Interview at Metro Gang Strike Force HQ with Sergeant John Pyka of the Metro Gang Strike Force, Special Agent Dave Nygren of the United States Treasury Department – Bureau of Alcohol, Tobacco and Firearms (ATF), Captain Vujovich, and Corporal Kreager

In this interview, Vance provided an account about where he stayed after he and Johnson left the Buttery. He said he and Johnson stayed with two girls in Inver Grove Heights. Vance claimed he did not know the two girls' names, even though he had provided officers with Amy's name in his January 16th interview.

During the interview, officers showed Vance his phone records, alerting Vance to the fact that his phone called Richard (Hennessy) Robinson's girlfriend's phone immediately before, during, and after the robbery-murder. Officers also explained that Robinson's girlfriend lived less than two blocks from Sabreen's.³⁵¹ After Vance learned about the phone records, he began

³⁴⁶ SSPPD Narrative at CRU0066.

³⁴⁷ This account conflicts with Vance's later interviews, including the March 28, 2024, interview with the CRU.

³⁴⁸ Transcript of Phone Call to Corporal Kreager from Philip Vance, on January 23, 2003, at 2.

³⁴⁹ *Id.*

³⁵⁰ *Id.* at 2-4.

³⁵¹ Officers focused on where Robinson was living at the time, but the phone Robinson used was a cell phone. He could have been anywhere when he took the calls. However, law enforcement's theory was that Robinson was serving as a look out, and the use of a cell phone would have been necessary to observe who went in and out of the store.

to distance himself from his phone calls. He indicated that Johnson must have made the calls to Robinson's girlfriend's phone.³⁵²

- Vance admitted that he lied to Captain Vujovich when he was interviewed in the past.³⁵³
- He admitted that he and Johnson used to hang out with Johnson's cousin, Richard Robinson (Hennessy).³⁵⁴
- He said that if his phone records show that someone used his phone to call Robinson's girlfriend (who lived two blocks from Sabreen's), it would have been Johnson who made those calls.³⁵⁵
- He said he never called Robinson or Robinson's girlfriend and suggested that Johnson made those calls.³⁵⁶
- Vance remembered being at the Buttery on December 22nd and talking with Colleen McManus.³⁵⁷
- He said he and Johnson took a cab to Inver Grove Heights where they stayed at two girls' house. He said he could not remember their names.³⁵⁸

April 18, 2003—Vance Interview at the Ramsey County Annex with Captain Vujovich and Corporal Kreager

Consistent with earlier accounts, Vance said he was with Johnson and John Martin at the Radisson, that John left with his girlfriend, and that Vance and Johnson left with the girls who had a car. When confronted with the timing of calls to Richard Robinson's girlfriend's phone, Vance suggested that Johnson had his phone that night.

- Vance volunteered that he remembered he was at the Radisson with Johnson and John Martin.³⁵⁹

³⁵² SSPPD Narrative at CRU0076.

³⁵³ Interview by Sergeant Pyka, Agent Nygren, Captain Vujovich, and Corporal Kreager with Philip Vance, on April 17, 2003, at 31-32.

³⁵⁴ *Id.* at 29.

³⁵⁵ *Id.* at 30-31.

³⁵⁶ *Id.* at 59-60.

³⁵⁷ *Id.* at 16.

³⁵⁸ *Id.* at 19-20.

³⁵⁹ Interview by Captain Vujovich and Corporal Kreager with Philip Vance, on April 18, 2003, at 3-5.

- When leaving the Radisson, Martin ran into his girlfriend and left with her.³⁶⁰
- Vance claimed he could not remember the names of the girls he got into the car with when they left the Capitol Bar.³⁶¹
- Officers brought up Vance’s phone records and said the records show he made calls to Robinson’s girlfriend, who lived less than two blocks from Sabreen’s, during the robbery.³⁶²
- Vance claimed he never called the number to Robinson’s girlfriend. He suggested that Dominick Johnson may have had his phone that night. Captain Vujovich said, “You had the phone that night.” Vance said he thought Johnson may have had his phone. He did not know.³⁶³

April 21, 2003—Vance Interview at the United States Marshall’s Office in Minneapolis with Captain Vujovich and Special Agent Nygren of the United States Treasury Department – ATF

This interview was scheduled after Vance called Captain Vujovich requesting to speak with him. Vance wanted to clarify information he had provided in his April 18th interview.³⁶⁴ In this interview, Vance remained consistent with earlier alibis on two key facts. He continued to claim that he was with John Martin at the Radisson before 8pm on December 22nd and that he was at the Buttery sometime around 10pm that same evening. But Vance had no verifiable alibi between 8pm and 10pm. He said he was “walking around” and “looking for [Johnson].”³⁶⁵

- Vance said he remembered that on December 21st, he left his phone with Johnson. He said the next day, December 22nd, he woke up around noon, took a bus downtown, drank a bottle of liquor, went to The Lab with Rooster and his girlfriend at 1:30pm, and then went to the Radisson. Vance said he knew he was with John Martin at the Radisson. Vance said he could *not* have been with Johnson.³⁶⁶
- He said that at the Radisson, he was with John Martin, Ty, and Claimy E.³⁶⁷

³⁶⁰ *Id.* at 5.

³⁶¹ *Id.* at 6. Vance later ended up saying the names of the girls after being fed them by investigators.

³⁶² *Id.* at 15.

³⁶³ *Id.* at 17.

³⁶⁴ Interview by Captain Vujovich and Agent Nygren with Philip Vance, on April 21, 2003, at 2.

³⁶⁵ *Id.* at 5.

³⁶⁶ *Id.* at 3-4.

³⁶⁷ *Id.* at 4-5,

- He said he left the Radisson around 8pm, by himself, and was looking for Johnson because Johnson still had his phone.³⁶⁸
- He said he found Johnson around 10pm. Johnson was by himself at the Buttery. Johnson handed him his phone. Vance wanted Johnson to buy him a drink, but Johnson said no. Then Vance walked over to the bar and spoke to Colleen.³⁶⁹
- He said he was not in the blue Corsica with the girls on December 22nd. Instead, that happened on December 21st.³⁷⁰
- He said he left the Buttery around 12:30am and went with Johnson to Vanessa's house.³⁷¹
- Captain Vujovich pointed out Vance's inconsistent alibis and asked, "Which statement is the correct statement?" Vance responded, "I know for a fact that this is what, that, what I just said, just now, that is what happened on the 22nd."³⁷²

The April 21st interview raises questions about Vance's truthfulness and motives. If Vance was with Darlene, Kentrell, and Johnson at 956 Minnehaha on December 22nd, why would he purposefully schedule a meeting with Captain Vujovich to provide law enforcement with a different alibi—one so contrary to the alibi he provided to law enforcement in earlier interviews and contrary to the alibi he has provided the CRU? And given this interview, how could his trial counsel have presented an alibi at trial that the jury would believe?

June 18, 2003—Vance Interview at the Sherburne County Jail with Captain Vujovich and Corporal Kreager

On June 18th, after giving detailed but changing alibis in previous interviews and providing assurances that "I know for a fact that this is what happened,"³⁷³ Vance claimed to have almost no memory of the events that occurred on December 22nd, especially during the one-hour gap between 9 and 10pm, when the robbery-murder occurred. This interview shows that Vance either had an unreliable memory for what he did December 22, 2002, or he was unable to continue reconstructing an alibi to fit the details officers had presented to him. Most details he

³⁶⁸ *Id.* at 5.

³⁶⁹ *Id.* at 5-6.

³⁷⁰ *Id.* at 7.

³⁷¹ *Id.*

³⁷² *Id.* at 9.

³⁷³ *Id.*

gave officers in his June 18th interview conflict with details he had given them in earlier interviews.

- Vance said he has no memory of where he was on December 22nd, except he remembers leaving the Buttery with Johnson.³⁷⁴
- He said he does not remember being at the Radisson on December 22nd.³⁷⁵
- He said he was not driving around with girls on December 22nd.³⁷⁶
- He said he did not remember anything between when he was at the Radisson until he ended up at the Buttery on December 22nd (i.e., the time when the Sabreen's robbery-murder occurred).³⁷⁷
- He said he spoke only to Johnson at the Buttery.³⁷⁸
- When confronted with the calls to Robinson's girlfriend, Vance said he did not dial the number.³⁷⁹
- He claimed he was not drunk on December 22nd.³⁸⁰
- He said he and Johnson left the Buttery that night at 11pm.³⁸¹
- He said after they left the Buttery, they went to Vanessa's house and then to Nikki's house.³⁸²
- He said he thinks he was over on Minnehaha earlier in the day. He said he does not know where he was at 9:30pm on December 22nd (i.e., the time of the murder).³⁸³
- When officers suggested they had receipts from the Radisson, Vance suddenly retracted his earlier statement and said, "I was there. I was there."³⁸⁴

³⁷⁴ Interview by Captain Vujovich and Corporal Kreager with Philip Vance, on June 18, 2003, at 3.

³⁷⁵ *Id.* at 4.

³⁷⁶ *Id.*

³⁷⁷ *Id.* at 5.

³⁷⁸ *Id.*

³⁷⁹ *Id.* at 8-9.

³⁸⁰ *Id.* at 11.

³⁸¹ *Id.* at 15.

³⁸² *Id.* Note that the spelling of Nicolle Rauschnot's name is inconsistent in the record.

Sometimes it is spelled Nicole, and at times she is also referred to as Nicky or Nikki.

³⁸³ *Id.* at 25.

³⁸⁴ *Id.* at 36.

- He admitted he got into a blue Corsica with Yvonne at the Radisson, but he said it was not on December 22nd.³⁸⁵
- He said he must have been at the Radisson because he always watches football on Sunday and “I always go to the bar on Sunday and watch football.”³⁸⁶
- He said he remembered going into the Buttery on December 22nd without Johnson. He thought that was the night Johnson had Vance’s phone. Vance repeated how he found Johnson in a booth at the Buttery, and Johnson would not buy him a drink. He said that was when he went to talk to Colleen at the bar.³⁸⁷
- He said the only thing he remembered from December 22nd is being at the Buttery. He did not remember being at the Radisson.³⁸⁸
- Officers told him that they knew where he was right before and right after the robbery-murder, and they made Vance aware that there was a one-hour gap. Vance told them he did not remember where he was. He must have been drunk.³⁸⁹

Vance’s shifting and conflicting accounts of his whereabouts on December 22, 2002, eroded his credibility, provided circumstantial evidence of his guilt, and cast doubt on the alibi he presented to law enforcement and to the CRU.

The alibi timeline that Vance provided in his CRU interview could not be corroborated by Vance’s alibi witnesses nor by Vance himself.

Based on widely accepted research on memory, we know that memories fade quickly and can be easily contaminated. For example, the mere suggestion that something may have happened on a particular day can change someone’s memory of the day. An alibi constructed from someone’s memory, especially one that has changed over time, is unreliable without independent corroboration.³⁹⁰ Vance’s changing alibis concerned the CRU. While it is true that new details may jog a memory about an earlier event, one cannot, without independent

³⁸⁵ *Id.* at 37.

³⁸⁶ *Id.* at 40.

³⁸⁷ *Id.* at 41.

³⁸⁸ *Id.* at 67.

³⁸⁹ *Id.* at 71.

³⁹⁰ See Marla Paul, *Your Memory is like the Telephone Game*, Northwestern Now, Sept. 19, 2012. Available at <https://news.northwestern.edu/stories/2012/09/your-memory-is-like-the-telephone-game#:~:text=Each%20time%20you%20recall%20an,totally%20false%20with%20each%20retri eval.%E2%80%9D>.

corroboration, distinguish an accurate memory from a contaminated memory or from an intentional lie.

During the CRU's investigation, the CRU met with Vance's legal team several times. In an early meeting, the CRU pointed out the troubling inconsistencies in Vance's shifting alibis and the lack of an alibi. After the meeting, Vance's legal team shifted its focus to providing the CRU with a reliable alibi, and corroboration for the alibi.³⁹¹ Vance's legal team claims that Vance and Johnson were at 956 Minnehaha, where Darlene Jones and Kentrell Anthony were living when the Sabreen's robbery-murder occurred. Darlene and Kentrell signed affidavits claiming they were with Vance on the evening of December 22nd. These witnesses and their affidavits became the cornerstone of Vance's current alibi, but the CRU could not find reliable corroboration for it.

For context, Darlene Jones and Kentrell Anthony are cousins. In December 2002, they were living in two different, but attached, duplex units at 956 Minnehaha. Darlene was romantically involved with Vance. Kentrell was romantically involved with Johnson, and she said the four of them also knew and hung out with Nicolle Rauschnot and John Martin. The gun that Vance sold to Melissa Stites was a gun he had stored under Darlene's mattress, and the gun sale led police to the duplex on January 9, 2003, where they executed an early morning search warrant. Darlene was present when the search occurred, and she told officers that she did not know Philip Vance or Dominick Johnson. Throughout the Sabreen's investigation, Darlene did not go to police with alibi information for Vance or Johnson.

Kentrell did not provide alibi information for Vance or Johnson either. Instead, she gave law enforcement information that incriminated Vance, Johnson, and Nicolle Rauschnot. It was Kentrell herself that reached out to law enforcement the day after officers impounded and searched Rauschnot's blue Corsica, which contained many of Kentrell's belongings.³⁹² At that time, Kentrell provided law enforcement with the following information:

³⁹¹ See, e.g., Email from Dorsey to Sperling, dated Oct. 24, 2022, regarding alibi.

³⁹² SSPPD Narrative at CRU0087-0088. The car contained medication prescribed to Kentrell, linking Kentrell to Nicolle Rauschnot shortly after the robbery-murder. Kentrell had gone to Chicago with Nicolle shortly after the Sabreen's shooting, and Nicolle had abandoned the car after she returned to Minnesota. Kentrell wanted to talk to the officers because she had heard her name had been brought into the investigation and she wanted to provide what information she had to remove suspicion about her involvement in the robbery-murder.

- Kentrell said she knew Vance, Johnson, Nicolle Rauschnot, Yvonne White, and John Martin, and she confirmed that they all knew each other;³⁹³
- Vance was the person who introduced her to Nicolle;³⁹⁴
- Vance and Johnson partied with Nicolle in South St. Paul;³⁹⁵
- She had seen Vance and Johnson riding with Nicolle in her blue car about 20 times;³⁹⁶
- Vance used to always say he was going to South St. Paul;³⁹⁷
- She knew Yvonne hung out in South St. Paul, and she “never [thought] to put them in that place” when the murder happened, but “anything is possible;”³⁹⁸
- Vanessa Franco told her that Johnson shot the Sabreen’s clerk, and Vance threw the gun in the river;³⁹⁹
- Vanessa Franco told her she had a three-way call with Johnson in which Johnson said Nicolle pulled the trigger;⁴⁰⁰
- Kentrell said Vance told her he killed someone;⁴⁰¹
- She said that after the Sabreen’s murder, Vance, Johnson, and Nicolle disappeared for some time;⁴⁰²
- She said, “We all knew the man got shot. It was in the paper,” and Vance was on the run, and he got caught when he came back to get his tax refund;⁴⁰³

³⁹³ SSPPD Narrative at CRU0088, CRU0092, CRU0127. Interview by Captain Vujovich and Agent McManus with Kentrell Anthony, on Aug 1, 2003, at 13-16.

³⁹⁴ SSPPD Narrative at CRU0088. Interview by Captain Vujovich and Agent McManus with Kentrell Anthony, on Aug. 1, 2003, at 5-6.

³⁹⁵ SSPPD Narrative at CRU0088.

³⁹⁶ Interview by Captain Vujovich and Agent McManus with Kentrell Anthony, on Aug 1, 2003, at 13.

³⁹⁷ *Id.* at 18.

³⁹⁸ *Id.* at 16.

³⁹⁹ *Id.* at 25.

⁴⁰⁰ SSPPD Narrative at CRU0092.

⁴⁰¹ Interview by Captain Vujovich and Agent McManus with Kentrell Anthony, on Aug 1, 2003, at 29.

⁴⁰² SSPPD Narrative at CRU0088.

⁴⁰³ Interview by Captain Vujovich and Agent McManus with Kentrell Anthony, on Aug 1, 2003, at 26-27.

- An officer confirmed during the interview that the man at Sabreen's got shot on December 22nd.⁴⁰⁴
- She said she knows she was not at Sabreen's when the shooting happened. She was at the Economy Inn;⁴⁰⁵
- She was staying at the Economy Inn the week before Christmas;⁴⁰⁶
- She was probably making calls to Vance's phone while at the Economy Inn;⁴⁰⁷
- She remembered a call when Vance said they were in Chicago, but Nicolle said they were actually in South St. Paul;⁴⁰⁸
- Vance's sister spoke to Kentrell and told her that if she testified in Vance's trial, she could get "cut."⁴⁰⁹ (Although Kentrell was on the State's witness list, she did not testify at trial.)

Over twenty years have passed since the robbery-murder. It is reasonable to expect fuzzy memories, if any memory still exists at all, about what Kentrell and Darlene were doing at what time on December 22, 2002. Yet Kentrell and Darlene signed affidavits that the Vance team provided to the CRU. These affidavits contained somewhat detailed information about what happened on December 22nd, more than twenty years ago. The affidavits contain contradictions and inconsistencies—with what they told law enforcement during the Sabreen's investigation, with what they said in their interviews with the CRU, and with what Vance claims happened on that day. Darlene and Kentrell are not reliable alibi witnesses and do not corroborate Vance's most recent alibi. The inconsistencies between their statements were too numerous to detail in this report. This report will focus on a few key anchors in Vance's alibi.

Kentrell's affidavit describes Vance, Johnson, and Nicolle visiting the duplex in the afternoon, leaving for a couple of hours, and Vance and Johnson returning in the early evening. She said they stayed until 10 or 11pm.⁴¹⁰ However, when the CRU interviewed Kentrell, she said Vance and Johnson left the duplex earlier in the day and returned to the duplex when it was still

⁴⁰⁴ *Id.* at 51.

⁴⁰⁵ Interview by Captain Vujovich with Kentrell Anthony, on Jan. 8, 2004, at 3.

⁴⁰⁶ *Id.* at 15.

⁴⁰⁷ *Id.* at 16.

⁴⁰⁸ SSPPD Narrative at CRU0092.

⁴⁰⁹ *Id.* at CRU0127.

⁴¹⁰ Affidavit of Kentrell Anthony, notarized Aug. 5, 2022.

light outside—specifically, “the sun was getting ready to set, but it wasn’t dark.”⁴¹¹ Sunset on December 22nd was at 4:35pm, which means, according to Kentrell, Vance must have returned to the duplex before that. This conflicts with Vance’s most recent alibi. Vance claims he was with Edward Townsend at the Radisson, and that Townsend used Vance’s phone to call his grandmother. Vance’s phone records show calls to Ida Townsend at 5:05 and 6:45pm, so either Kentrell’s memory for this important detail—the time Vance and Johnson returned to the duplex—is not reliable, or Vance’s account of who he called and where he was between 5 and 6:45pm is unreliable.

Kentrell’s timeline also conflicts with the interviews she gave to law enforcement during the Sabreen’s investigation. Kentrell stated in law enforcement interviews that she was at the Economy Inn on December 22nd. Vance’s phone records support this. The records show calls to and from the Economy Inn on December 22-23rd. One call was made from the Economy Inn to Vance’s phone at 8:53pm. The call lasted 21 minutes, and it ended just 20 minutes before the robbery-murder.⁴¹² Kentrell was likely truthful when she confirmed with law enforcement that she was at the Economy Inn with her cousin Tanisha when the robbery-murder occurred and not at 956 Minnehaha.⁴¹³

Darlene’s memory of the events of December 22, 2002, is also unreliable. Darlene’s affidavit says that Vance and Johnson returned to the duplex after 5pm, that she began braiding Vance’s hair, and that she called Chicago to check on her daughter. Yet in her CRU interview, she said her daughter was with her on the evening of December 22, 2002. She said that she was calling either her mother or her little sister in Chicago, but she could not remember what phone numbers either of them would have had.⁴¹⁴ This sudden change in Darlene’s account is significant. The call to Chicago had been the anchor for Vance’s alibi, the reason he knew he was at Darlene’s duplex at 7:44pm on December 22nd. But Darlene and Vance’s memories of this event do not align.

⁴¹¹ Audio of CRU Interview with Kentrell Anthony, on Sept. 7, 2022, at 15:00.

⁴¹² CRU Master Spreadsheet of Vance Phone Records, call at 20:53.

⁴¹³ SSPPD Narrative at CRU0092; CRU Master Spreadsheet of Vance Phone Records, calls between 00:09 and 00:12. Vance’s phone records show two quick attempts to call Kentrell on her cell phone just after midnight and a return call from the Economy Inn to Vance’s phone less than one minute later. The calls provided evidence that Kentrell received calls from Vance on her cell phone but returned the calls from the phone at the Economy Inn.

⁴¹⁴ Video of CRU Interview with Darlene Jones, on May 8, 2023, at 28:04.

Darlene's affidavit says that Vance left the duplex around 10pm.⁴¹⁵ But when the CRU interviewed Darlene, just seven days after she signed her affidavit, her memory of December 22, 2002, was different. In her interview, Darlene said Vance stayed at the duplex until 2 or 3am that night and that Vance and Johnson did not leave the duplex together. She remembered that about 30 minutes after Vance left, the police raided the duplex.⁴¹⁶ Darlene said she was certain that her house was raided the same night that Vance threw her shoes on the roof, which she remembers happening on December 22nd. She repeated several times that she was certain Vance and Johnson did not leave the duplex together on the evening of December 22nd.⁴¹⁷

Darlene, Kentrell and Vance also have conflicting memories about whether Darlene was braiding Vance's hair on the evening of December 22nd. In their affidavits, Kentrell and Darlene agreed that Darlene was braiding Vance's hair the evening of December 22nd. In her CRU interview, Kentrell remembered that Darlene began braiding Vance's hair when Kentrell and Johnson went upstairs, and she was still braiding his hair when they came back downstairs after Kentrell and Johnson shared intimate time together.⁴¹⁸ Vance provided an entirely different account in his CRU interview. He claimed that Darlene would not braid his hair. She was braiding some other guy's hair.⁴¹⁹ That made him angry, and he went to the other room to watch TV by himself.⁴²⁰

Both Vance and Darlene remember getting into a fight, which led Vance to throw her only pair of shoes on the roof, but they cannot accurately remember the day on which it occurred. Darlene said she remembered that Vance got mad when her uncles made fun of him.⁴²¹ As a result, Vance threw her shoes on the roof. Vance, on the other hand, told the CRU that he was mad at Darlene for braiding someone else's hair.⁴²² Whatever the dispute, they both

⁴¹⁵ Affidavit of Darlene Walton, dated May 1, 2023, at 1.

⁴¹⁶ Video of CRU Interview with Darlene Jones, on May 8, 2023, at 21:00. There is no evidence that Darlene's duplex was raided by police on December 22nd. Instead, law enforcement executed a warrant at the 956 Minnehaha on January 9, 2003. SSPPD Narrative at CRU0063.

⁴¹⁷ Video of CRU Interview with Darlene Jones, on May 8, 2023, at 24:50.

⁴¹⁸ Audio of CRU Interview with Kentrell Anthony, on Sept. 7, 2022, at 30:30.

⁴¹⁹ Audio of CRU Interview with Philip Vance, on March 28, 2024, at 21:00.

⁴²⁰ *Id.* at 22:20.

⁴²¹ Video of CRU Interview with Darlene Jones, on May 8, 2023, at 19:30.

⁴²² Audio of CRU Interview with Philip Vance, on March 28, 2024, at 22:45.

remembered that Vance took her only pair of shoes and threw them on the roof on December 22, 2002.

This story conflicts with Vance's earlier accounts. For example, Vance informed his trial counsel that he threw Darlene's shoes on the roof on December 21st. And he informed his appellate attorney that he "hid" Darlene's shoes from her on December 20th. The timelines he provided his trial and appellate attorneys are inconsistent with each other and with other accounts.⁴²³

Vance's notes from trial counsel's file⁴²⁴:

* Reminder *
The night before (Dec. 21, 2003) I took Darlene's shoes so she couldn't go nowhere. Cause Gene & Taneisha told me that these 2 dudes that were over there were there to see Darlene and I flipped out on them. So I came on the 22nd to see Darlene and to apologize to granny 4 my behavior the night before.

⁴²³ Vance gave the CRU permission to review his trial and appellate attorney's files, which were necessary to assess his claims that his trial and appellate counsel failed to investigate his alibi. In his interview with the CRU, Vance also confirmed that the timeline provided to his appellate counsel was written in his handwriting.

⁴²⁴ Vance Handwritten Alibi Notes to Trial Defense Attorneys, undated, at 1.

Vance's notes from appellate counsel's file⁴²⁵:

1. (773) 783-3952 Darlene Jones ? 7:44pm
 2. 769-0181 AMY DRAGER - during the robbery?
 3. From 9:19pm to 11:08 All CALLS ARE
 MADE BY STACKS
 (Dec. 22, 2002 Timeline)

| 20 | 21 | 22 | 23 | 24 | 25 |
|---|--|---|----|----------------------------|----|
| Took her old shoes, hid them from Darlene | Came 2 Darlenes house 2 look for her shoes. couldn't find em | bought Darlene some Columbia Boots she didn't want em | | got Darlene some new nices | |

As Vance's own notes to his attorneys demonstrate, he was not able to provide a reliable account of what he did or where he was on December 22, 2002, at the time of the robbery-murder.

Witnesses delayed providing evidence to law enforcement, to Vance's counsel, to Johnson's counsel, or to anyone else.

Kentrell's affidavit says that when the police interviewed her, no one told her that the robbery-murder took place at about 9:45pm on December 22nd. While it may be true that law enforcement did not tell Kentrell the exact time of the robbery-murder, Kentrell read the newspapers, she talked to police, she knew what evening the crime took place, and she knew that Vance and Johnson were suspects. She also verified for police that she was at the Economy Inn the night of the robbery-murder. It is hard to explain why Kentrell would not have disclosed information about Johnson and Vance's whereabouts, if she knew they were innocent, given her knowledge and participation in the investigation. After all, Kentrell provided her own alibi to police to dispel any suspicions that she may have been involved.

⁴²⁵ Vance Handwritten Notes to Appellate Counsel regarding Dec 22 Timeline, undated.

Darlene's affidavit says that when she was questioned by police, no one ever told her that the robbery-murder took place at about 9:45pm on December 22nd. Darlene's contact with police occurred when they were executing a search warrant at 956 Minnehaha two weeks after the robbery-murder. There would have been no reason for police to tell her what time the robbery-murder occurred because Vance had not yet been arrested and had not yet provided an alibi. Law enforcement would have had no reason to believe that Darlene was an alibi witness when they searched her duplex. Law enforcement did ask if she knew Philip Vance and Dominick Johnson. But she said she was confused, and she told the police she did not know them.

In her CRU interview, Darlene gave contradictory answers about why she did not respond to requests, over the years, to verify Vance's alibi. Darlene told the CRU that no one from Vance's defense tried to contact her between 2002 and 2003. Darlene said Vance had sent her letters from jail, but she never talked to him on the phone, and she did not write him back. Darlene remembered that Vance may have called her in 2004, but she could not recall if Vance asked her about a "timeframe" or "what they did."

Vance's trial attorneys' file contradicts Darlene's claim. It shows that defense investigator, D.L. Diltz, reached out to Darlene before trial.⁴²⁶ Vance himself spoke to Darlene before trial. On a recorded jail call, before trial, Vance reached Darlene on a three-way call. When he identified himself to Darlene, she hung up the phone.⁴²⁷

Darlene said she had periodically connected with members of Vance's family, i.e., Vance's mother on Facebook around 2007 or 2008, and Vance's sister, who contacted her a couple of times around 2006. Vance's sister told Darlene that Vance was "getting him a lawyer." Darlene said she was shocked to learn how long Vance's prison sentence was.⁴²⁸ Darlene did not offer to provide a statement about the alibi at that time.

Darlene also spoke with an attorney and law student working with the Great North Innocence Project on September 22, 2017. Darlene told them she remembered that Vance was at her duplex on December 22nd. She remembered him throwing her shoes on the roof that evening,

⁴²⁶ The CRU spoke to Diltz. He did not keep a report of the interview with Darlene.

⁴²⁷ See Audio of Vance Call from Dakota County Jail on June 1, 2004, 108(61220427)(9524762488), at 3:20.

⁴²⁸ Video of CRU Interview with Darlene Jones, on May 8, 2023, at 17:15.

and she said that she had spoken to an investigator for the defense in the past.⁴²⁹ However, that call got disconnected, and the GNIP attorney was not able to connect with Darlene again.⁴³⁰

Vance's alibi witnesses did not reliably corroborate his alibi.

7. The CRU did not find evidence that Vance's trial counsel failed to present a plausible alibi, and the CRU found no reliable potential witnesses who could have testified favorably for Vance.

Vance's legal team claims that his trial counsel performed deficiently when counsel failed to conduct an investigation, call witnesses that would support his alibi, and believe Vance was innocent of the crime.⁴³¹ In addition, Vance claims that his appellate counsel was ineffective for failing to raise trial counsel's failure to preserve Vance's alibi defense. To support his claim that counsel failed to effectively raise his alibi defense, Vance provided the post-conviction court with an affidavit Vance signed on February 26, 2025.⁴³² In the affidavit, Vance claims he was at Darlene Jones's house with Kentrell and Johnson and that Demetrius O'Connor drove them to the Buttery on the evening of December 22nd.⁴³³ Vance also claims that he made his counsel aware of this alibi and that counsel failed to investigate and present the alibi.⁴³⁴ The CRU investigated these claims but could not find reliable evidence to support them.

As a caveat, while the CRU's investigation into Vance's alibi defense is guided by *Strickland v. Washington*'s well-established test for ineffective assistance of counsel, the CRU does not make a legal determination about whether Vance was denied effective assistance of counsel. Instead, the CRU looks for evidence that would support Vance's claim of innocence. This often requires delving into the defense file to determine what exculpatory evidence was available to trial and appellate counsel and why counsel may have decided not to present it. With Vance's permission and appropriate waivers of attorney-client privilege, the CRU reviewed trial

⁴²⁹ Memorandum from Tyler Vivian to Julie Jonas, Great North Innocence Project, regarding Phone Call with Darlene Jones, dated Sept. 22, 2017.

⁴³⁰ *Id.*

⁴³¹ Executive Summary of Case, received from Vance Legal Team, dated Dec. 8, 2021, at 4-5; Memorandum in Support of Petition for Postconviction Relief, *State v. Vance*, 19-K9-04-000736, dated Feb. 27, 2025, at 66-71.

⁴³² Petitioner's Exhibits to Petition for Postconviction Relief (P1-38), *Vance v. State*, 19-K6-04-000736, filed Feb. 27, 2025, at Exhibit P-35.

⁴³³ *Id.* at 1.

⁴³⁴ *Id.*

and appellate counsel's files and interviewed Vance's appellate counsel. The CRU found no evidence that Vance's trial and appellate counsel failed to investigate or present a plausible alibi. Furthermore, there is no apparent evidence that counsel *could have* raised and effectively presented an alibi defense.

Vance admitted to his prior counsel and to the CRU that he could not remember where he was during the robbery-murder.

The alibi that Vance provided to the CRU did not arise from his memory of his whereabouts on December 22nd. Instead, the alibi came after Vance reviewed his phone records and made assumptions about who may have used his phone on the evening of December 22nd.

The evidence suggests that Vance had no clear memory of being with Darlene Jones at the time of the robbery-murder. Although in one of the interviews Vance had with law enforcement he mentioned being at Darlene's house on December 22nd, he said he *left* Darlene's house between 9pm and 10pm.⁴³⁵ In addition, Vance's communications with trial and appellate counsel corroborate his lack of or inaccurate memory.⁴³⁶

On October 21, 2004, Vance completed a Preliminary Questionnaire for the Minnesota Office of the State Public Defender.⁴³⁷ On the form, he was asked to identify the "facts and grounds upon which I seek to challenge my conviction(s)."⁴³⁸ Vance filled the space provided on the form and used two additional blank pages to assert twelve additional grounds for appeal.⁴³⁹ The eleventh assertion was the only one that addressed the particular witnesses his defense failed to call at trial. The list did not include Darlene or Kentrell. Vance wrote⁴⁴⁰:

⁴³⁵ Vance told officers that he left Darlene's house on December 22, 2002, between 9 and 10pm, and he could not give officers a concrete alibi for what he was doing during that crucial time period. *See* Interview by Captain Vujovich, Corporal Kreager, and Detective Sjogren with Philip Vance, on Jan. 16, 2003, at 114.

⁴³⁶ *See* Vance Office of the State Public Defender Preliminary Questionnaire, dated Oct. 21, 2004; Vance Handwritten Alibi Notes to Trial Defense Attorneys, undated.

⁴³⁷ Vance Office of the State Public Defender Preliminary Questionnaire, dated Oct. 21, 2004.

⁴³⁸ *Id.* at CRU002.

⁴³⁹ *Id.* at CRU002, 007-8,

⁴⁴⁰ *Id.* at CRU008.

11. The state & Defense didn't
call Key 'witness' ~~person~~ who's
testimony was key to
the case. (x) M.C. / N R / R R
Y W /

Maynard Cross
Yvonne White
Nicole Raushenoff
The Assumed Drivers

Richard
Robinson
"supposedly"
the lookout

Vance's Preliminary Questionnaire shows that Vance did not initially alert his appellate counsel to trial counsel's failure to investigate and present Darlene, Kentrell, or any other witness from 956 Minnehaha as an alibi defense.⁴⁴¹

In correspondence, Vance complained about not being able to remember where he was at the time of the robbery-murder. For example, Vance told appellate counsel that the police waited too long to speak to him after Colleen McManus had contacted police on December 23rd and named him as a suspect. Vance wrote, "[The police] expected me 2 have an alibi of my whereabouts almost a month prior. If I would've been question on my whereabouts the day after like these 3 [alternative perpetrators] I would've had an air tight alibi also."⁴⁴² Vance provided a similar explanation for his conflicting alibis when the CRU interviewed him.⁴⁴³ For example, Vance said:

I don't think it was fair that they came to me so late, trying to ask me details about something that happened so far back. If I'm a suspect now—why you ain't just

⁴⁴¹ This could be because trial counsel did, in fact, send an investigator to interview Darlene.

⁴⁴² Letter from Philip Vance to Roy Spurbeck, Aug. 20, 2005, regarding reply to State's Response, at 3.

⁴⁴³ Audio of CRU Interview with Philip Vance, on March 28, 2024.

come to me the day after and say, “Where were you last night?” That would’ve been the, wouldn’t that have been a thousand times better? I could have said, “Man, I was over at Darlene’s.”⁴⁴⁴

And when asked why he gave conflicting accounts to investigators, Vance told the CRU, “I don’t remember what I told them. I told them a bunch of different stories, I couldn’t remember where I was at.”⁴⁴⁵

Vance’s complaints about having to provide an alibi weeks after the event are understandable.⁴⁴⁶ Accurate alibis are much harder to provide than people generally believe.⁴⁴⁷ But Vance cannot have it both ways. He cannot claim that law enforcement’s delay in interviewing him denied him the opportunity to provide a solid alibi *and also claim* that he had a reliable, detailed memory for where he was during the robbery-murder.

If Vance had such a detailed memory of where he was, the question arises—why did he mislead law enforcement with incorrect and contradictory alibis when he was interviewed? After all, Vance’s own numerous conflicting alibis to law enforcement were a problem trial counsel would have struggled to explain. Had counsel put Vance on the stand to present his alibi at trial, the prosecutor would have the opportunity to impeach him with his own words. And although Vance’s counsel may have been able to call Vance’s current alibi witnesses to testify, they also could have been discredited with evidence that was available to the prosecutor.

Vance’s counsel could not have called Dominick Johnson as an alibi witness.

Although Vance claims he was with Dominick Johnson on December 22nd, Johnson almost certainly would not have testified, and even if he had, he likely would not have been an

⁴⁴⁴ *Id.* at 2:36:40.

⁴⁴⁵ *Id.* at 2:44:35. In the CRU Interview, Vance also admitted that he did not tell his attorneys about all the people he claims were at Darlene Jones’s house on December 22nd because he could not remember those details. CRU Investigator: “Do you remember telling your attorneys about all these people?” Vance: “I don’t think I knew details about everybody like that, but I knew for a fact Kentrell, Darlene, Uncle Jesse.” *Id.* at 2:37:05.

⁴⁴⁶ Vance’s complaints are understandable, but so is law enforcement’s decision to wait before conducting an interview with Vance. Although Vance may have been able to provide a more accurate alibi had he been approached by law enforcement shortly after the robbery-murder, law enforcement understandably focused on attempting to recover the murder weapon *before* interviewing Vance.

⁴⁴⁷ Emily V. Shaw and Elizabeth F. Loftus, *Punishing the Crime of Forgetting*, 9 *Journal of Applied Research in Memory and Cognition* 24 (2020), at 25.

effective witness. Johnson was a co-defendant. He faced first-degree murder charges just like Vance did. He gave fewer interviews to police than Vance. But in those interviews, he never mentioned being at 956 Minnehaha with Darlene and Kentrell. He, like Vance, could have been impeached on his prior inconsistent statements about his alibi, that is, that he could not remember his whereabouts during the time of the robbery-murder.⁴⁴⁸ Furthermore, it may not have been in Johnson's interest to testify on Vance's behalf. There was circumstantial evidence that connected Johnson to the crime because it was Johnson's cousin that Vance's phone was calling during the robbery-murder. Had Johnson testified, it may have given prosecutors an opportunity to emphasize the calls to Richard Robinson during the robbery-murder and to present Johnson's statements to law enforcement that conflicted with Vance's. Johnson likely would not have been a persuasive alibi witness.

If Vance's counsel presented Vance's alibi through Darlene Jones, it would have given the State an opportunity to undermine her testimony.

There is no evidence that Darlene Jones would have testified for Vance, and if she had, the State could have impeached her. Trial counsel's investigator, D.L. Diltz, attempted to interview Darlene Jones, but Jones was uncooperative.⁴⁴⁹ Appellate counsel's notes also suggest that he contacted Diltz about his investigation of Vance's alibi witness, but there was no evidence of her cooperation.⁴⁵⁰

In 2017, at Vance's urging, the Great North Innocence Project contacted Darlene. She told a GNIP attorney she remembered Vance being at her house on December 22nd. She claimed it was the evening that Vance threw her shoes on the roof. She told the GNIP attorney she remembered speaking with a defense investigator for Vance, but before the GNIP attorney could get further details, the phone call was disconnected. GNIP made attempts to reconnect, but they

⁴⁴⁸ Johnson has not come forward to support Vance's alibi. In the affidavit he provided to Vance's legal team, he did not assert an alibi, and he claimed he was not with Vance when the robbery-shooting occurred. Neither did Johnson provide an alibi to law enforcement when he was questioned by officers during the Sabreen's investigation.

⁴⁴⁹ Vance's jail calls corroborate that, before trial, Vance's investigator attempted to contact Darlene, but she would not talk to him. *See* Audio of Vance Call from Dakota County Jail on June 1, 2004, 108(61220427)(9524762488), at 3:45.

⁴⁵⁰ Appellate counsel had no specific memory of his conversation with Diltz, but appellate counsel remembered that Darlene was not responsive to requests to talk about Vance's case.

failed.⁴⁵¹ This abruptly disconnected phone call with Darlene was similar to a call Vance made to Darlene when he was in jail awaiting trial. In that recorded jail call, Vance had Sanya Clark connect Darlene while he was on the line. When Darlene answered the phone, Vance confirmed it was Darlene on the line, identified himself, and tried to talk to Darlene, but Darlene abruptly hung up the phone. Sanya and Vance stayed on the line and confirmed that the person who answered the call was definitely Darlene, and Vance expressed his disappointment that she would hang up on him.⁴⁵² This recorded jail call was in the police file, and the prosecutor could have used it to impeach Darlene had she been called to testify. These attempts to connect with Darlene provide some evidence that Darlene was unwilling to be an alibi witness for Vance.

Defense files contain evidence that trial and appellate counsel investigated Vance's claim that he was with Darlene on the evening of December 22nd, but they found reasons not to rely on her. In addition, Vance's appellate counsel noted an obvious fact during his interview with the CRU. Vance's recollection that Darlene called Chicago from his phone at 7:44pm, even if true, is not an alibi for a crime that occurred nearby, approximately two hours later.⁴⁵³

Kentrell would not have been an effective alibi witness, and the State would likely have used her testimony against Vance.

Trial counsel could not have called Kentrell Anthony as an alibi witness without risking harm to Vance's defense. Kentrell cooperated with police during the Sabreen's investigation. She provided information that inculpated Vance, including her claim that Vance confessed to killing someone.⁴⁵⁴ Kentrell provided law enforcement with an alibi for herself. She was at the Economy Inn with her cousin.⁴⁵⁵ Vance's phone records corroborate Kentrell's alibi at the Economy Inn. Kentrell was listed as a witness for the State, signaling the prosecutor's readiness to call Kentrell to testify if her testimony was needed. Had Kentrell testified for the defense at trial, the State could have used evidence from the investigation to impeach her.

⁴⁵¹ Memorandum from Taylor Vivian to Julie Jonas, Great North Innocence Project, regarding Phone Call with Darlene Jones, dated Sept. 22, 2017.

⁴⁵² Audio of Vance Call from Dakota County Jail on June 1, 2004, 108(61220427)(9524762488), at 1:55.

⁴⁵³ Audio of CRU Interview with Roy Spurbeck, on March 14, 2023, at 53:13; 1:09:20.

⁴⁵⁴ SSPPD Narrative at CRU0088; Interview by Captain Vujovich and Agent McManus with Kentrell Anthony, on Aug. 1, 2003, at 29.

⁴⁵⁵ SSPPD Narrative at CRU0092; Interview by Captain Vujovich with Kentrell Anthony, on Jan. 8, 2004, at 17.

8. The CRU investigation did not discover reliable evidence that the perpetrators must have been Spanish speaking or that their appearances were inconsistent with Vance and Johnson.

Vance's team claims that the witness who entered the store during the robbery believed the perpetrators of the crime were Spanish-speakers. They argue that because Vance and Johnson are not Spanish-speakers, they could not have been the perpetrators. But the CRU did not uncover reliable evidence to support this claim.

Vance's claim focuses on Kathleen Johnson's statements. Kathleen was the witness who opened the door to Sabreen's and saw a masked man at the cash register taking money. In Kathleen's initial statement to police, she said the masked man turned toward her and then looked down and to the right, like someone was on the floor behind the counter. Then she heard the man say, "hey," followed by a short, muffled sentence she did not understand. She thought it sounded like Spanish.⁴⁵⁶ In her first recorded interview, Kathleen said she heard what she thought was the masked man speaking in a language that was not English. She said it "sounded like maybe Spanish or another language that I didn't understand."⁴⁵⁷ Kathleen described the speaker saying, "vah, vah, vah," as the perpetrator went for his gun.⁴⁵⁸

Vance's legal team argues that Kathleen's statement is proof that the perpetrators spoke Spanish. But this is not the only conclusion that can be drawn from Kathleen Johnson's description. For instance, Ms. Johnson's description is also consistent with Dominick Johnson's description of the exchange between Vance and Khaled Al-Bakri before Khaled was shot. Dominick Johnson heard Vance talking to Khaled. Dominick said the victim, Khaled, was on the ground behind the counter, out of sight. Dominick said he could not understand what Khaled was saying, but it was like he was talking and crying at the same time.⁴⁵⁹

Kathleen Johnson could not see Khaled behind the counter to discern who was speaking in a foreign accent. The speaker that Kathleen heard could have been Khaled. The Arabic word for no is "la." What Kathleen heard could have been Khaled pleading for his life, saying, "No, no, no!" in a foreign language and accent.⁴⁶⁰ Additionally, the juvenile witnesses in the alley who

⁴⁵⁶ SSPPD Narrative at CRU0027.

⁴⁵⁷ Interview by Detective Corporal Kreager with Kathleen Johnson, on Dec. 22, 2002, at 4.

⁴⁵⁸ *Id.*

⁴⁵⁹ Johnson Plea Transcript at 30.

⁴⁶⁰ *Id.*

observed the perpetrators running to the get-away car described them as two black men, about the same height as Vance and Johnson, and wearing clothing similar to what Vance and Johnson were wearing when they arrived at the Buttery around 10:15pm.⁴⁶¹ They also heard the perpetrators speaking English as they ran to the car, yelling, “Let’s go!”⁴⁶² Their descriptions are also consistent with Vance and Johnson.

The CRU investigation did not uncover convincing evidence to validate Vance’s assertion that the perpetrators *must have been* Spanish speakers.

9. The CRU found no reliable evidence to support claims that an alternative perpetrator currently housed in the Stillwater Correctional Facility committed the crime.

Vance has asserted several alternative-perpetrator theories. Initially, he claimed that Maynard Cross committed the crime, but the trial court would not allow Vance’s alternative perpetrator defense as to Maynard Cross.⁴⁶³ After trial, Vance continued to press his theory that Maynard Cross committed the Sabreen’s robbery-murder.⁴⁶⁴ He also raised other alternative perpetrators, urging further investigation.⁴⁶⁵ Vance’s attempts to introduce alternative-perpetrator evidence failed at trial and on appeal.

When Vance applied for CRU review of his case in July 2021, his team did not provide the CRU with any leads to another alternative suspect, and the CRU found no leads to an alternative suspect that had not yet been investigated. In December 2022, Vance filed a postconviction petition and asked the court to stay the proceedings until the CRU had completed its review.⁴⁶⁶ The petition did not raise an alternative-perpetrator defense.

On June 21, 2023, after an extensive review of Vance’s case, the CRU met with Vance’s legal team and informed the team that it had not found compelling evidence of innocence. The

⁴⁶¹ SSPPD Narrative at CRU0027.

⁴⁶² *Id.*

⁴⁶³ At trial and on appeal, Vance asserted that Cross was the alternative perpetrator and that he spoke to Vance the night of the robbery-murder. Yet, after appeal, Vance sought and acquired Cross’s affidavit claiming Cross was not at the Buttery on December 22nd. The Vance team has not provided the CRU with any notes or recordings of their communications with Cross to shed light on his motivations for signing an affidavit in Vance’s case.

⁴⁶⁴ Appellant’s Direct Appeal Brief, *State v. Vance*, No. A05-15, 2005 WL 4120317 (June 30, 2005), at 32-37.

⁴⁶⁵ *Id.* at 37-43.

⁴⁶⁶ Petition for Postconviction Relief, *State v. Vance*, 19-K6-04-000736, dated Dec. 14, 2022.

CRU engaged in a lengthy discussion with Vance's counsel explaining the reasons for closing the investigation. The meeting was not recorded. The CRU left the door open for further evidence, for example, identifying any connection between the Chicago number that Darlene allegedly called and anyone connected to Darlene. The CRU also offered to interview Vance, knowing that he had expressed a desire to tell his story. The CRU advised the Vance legal team that an interview posed potential risks to Vance and that they should discuss those risks with him before agreeing to an interview.

The CRU interviewed Vance on March 28, 2024. The interview was delayed for months because Vance was placed in segregation at DOC's Stillwater facility and then transferred to the Rush City facility. The recorded interview lasted more than three hours and was conducted by a CRU investigator and attorney. Vance's counsel and a law student also attended the interview.⁴⁶⁷ As already discussed in the report, Vance's interview did not provide convincing evidence of his innocence. Instead, it further exposed the inconsistencies in Vance's narrative and added additional information that the CRU had to carefully assess before closing the investigation.

New alternative suspects arose from an anonymous source shortly before Vance filed an amended petition for postconviction relief in 2025.

On May 8, 2024, just over a month after the CRU interviewed Vance, Nico Ratkowski, an attorney who had not represented Vance during the CRU's investigation, sent an email to the CRU. He requested "immediate notification of any decision reached [in the Vance case] by the CRU when one is entered, and for confirmation that a decision has not yet been rendered."⁴⁶⁸ The CRU responded, informing Ratkowski that the CRU had recently concluded an extensive interview with Vance and had not yet issued a report or decision.⁴⁶⁹ Aside from his notice of representation, the CRU received no further information or communications from Ratkowski until March 2025.

In the intervening time, on February 12, 2025, the CRU was alerted to a story published by Unicorn Riot.⁴⁷⁰ The story made the following claims:

⁴⁶⁷ Audio of CRU Interview with Philip Vance, on March 28, 2024, at 00:00.

⁴⁶⁸ Email conversation between CRU and Nico Ratkowski, from May 8-14, 2024, regarding new representation.

⁴⁶⁹ *Id.*

⁴⁷⁰ *Source Claims Philip Vance is Wrongfully Convicted, Knows the Real Killer*, Unicorn Riot, Feb. 12, 2025.

- “. . . an anonymous source has come forward with new details that support Philip Vance’s claims of innocence”;
- “. . . someone that has had contact with the alleged killer’s accomplice told Unicorn Riot they know who killed Al-Bakri, and it’s not Philip Vance. Since Unicorn Riot couldn’t independently verify the claim and have yet to contact the alleged killer to get a statement, we are not publishing the name at this time”;
- “According to the source, the killer and the accomplice are said to have frequented Sabreen’s Supermarket in the months before Al-Bakri’s killing. The alleged accomplice is currently serving life in prison for a shooting less than two years later. Seven months before the murder at Sabreen’s, the alleged killer was convicted of reckless discharge of a firearm”;
- “The alleged accomplice and killer are said to have been involved in selling and using methamphetamine as well as committing robberies at the time”;
- “The source noted that the two men were together when they robbed Sabreen’s in Dec. 2002 and that Gang Strike Force officers interviewed the mother of the alleged killer’s child during the investigation into the Al-Bakri killing.”

Without more details or a source for the information, the CRU had no promising leads that would justify re-igniting the investigation.

Two weeks later, Unicorn Riot published another story about the Vance case. This one focused on the CRU, its work, and a recent external report reviewing the CRU’s effectiveness. The article was heavily weighted on quotes from Vance, including Vance saying, “The CRU is a joke,” the CRU intimidated witnesses during its investigation, and the CRU was “created to help the state from further ridicule of all of these bogus wrongful convictions.”⁴⁷¹

The day after the second Unicorn Riot article appeared, on February 27, 2025, Vance filed his Amended Petition for Postconviction Relief. Vance claimed he was filing the petition because of “excessive delays at the CRU.”⁴⁷² Due to these delays, Vance asked the court to lift the stay and proceed to an evidentiary hearing. The petition did not mention the new alternative perpetrator evidence.

⁴⁷¹ *Done Waiting on CRU, Philip Vance Readies to File Legal Petition for Wrongful Conviction*, Unicorn Riot, Feb. 26, 2025.

⁴⁷² Memorandum in Support of Petition for Postconviction Relief, *State v. Vance*, 19-K6-04-000736, dated Feb. 27, 2025, at 27.

An anonymous source identified the alternative suspects.

Less than a week after Vance filed his postconviction petition, on Wednesday, March 5, 2025, the CRU received an anonymous email naming two alleged alternative perpetrators and suggesting there were recordings of jail call confessions.⁴⁷³ The email read:

Why don't you release Philip Vance?! Haven't you held him wrongfully long enough?! In this email, I have copied over 40 media sources, Keith Ellison's office, the CRU, Governor Walz, the prosecutors office, and the white girl fighting to free Mr. Vance. So everyone will know! It's time for someone to listen!! You have the wrong guy. THAT MAN IS INNOCENT. You need to investigate, Hilder Adolfo Mendoza!! His brother has suggested he was an accomplice as well. And he's right under your nose in one of your prisons. At Stillwater - Michael Medal Mendoza. With all the jailhouse informants and witnesses, you had lie on Mr. Vance, I'm shocked you don't already have recordings of Michael telling people he knows his brother killed that kid! The state of Minnesota needs to do their job!

By Friday, March 7, 2025, just two days after the email was sent, Vance's former attorney, Jim Dorsey, notified the CRU that he had scheduled an interview with Michael Medal-Mendoza, the alternative perpetrator named in the anonymous email. Dorsey invited the CRU's director and investigator to attend the interview.⁴⁷⁴ The interview was rescheduled, which gave the CRU time to investigate the lead. Three weeks later, the CRU interviewed Medal-Mendoza with Vance's newest attorney, Nico Ratkowski, present.

As the CRU began to investigate the alternative perpetrators, the CRU raised a concern that defense counsel may have an adverse interest to Medal-Mendoza's interests.

Almost immediately after receiving the anonymous tip naming Michael Medal-Mendoza, the CRU found a connection between Medal-Mendoza and Ratkowski.⁴⁷⁵ Ratkowski represents James Green, a co-defendant in a drug-sale-gone-bad murder for which Micheal Medal-Mendoza is serving a life sentence.⁴⁷⁶ Ratkowski was seeking postconviction relief for Green, claiming that Michael Medal-Mendoza was entirely responsible for the murders, while Green was just present at the scene.⁴⁷⁷ This connection raised concerns that Ratkowski's representation of Green

⁴⁷³ Email from Anonymous, dated March 5, 2025.

⁴⁷⁴ Email from Dorsey to Sperling, dated March 7, 2025, regarding Medal-Mendoza interview.

⁴⁷⁵ Petition for Postconviction Relief, *State v. Green*, 62-K6-04-001372, dated April 4, 2024.

⁴⁷⁶ *Id.*

⁴⁷⁷ *Id.* at 3.

created an adverse interest that conflicted with Medal-Mendoza's interests.⁴⁷⁸ For example, Ratkowski, on behalf of Green, may be motivated to enhance Medal-Mendoza's role in the drug-sale-gone-bad murders to lessen Green's role. Ratkowski could fortify the argument for his client by demonstrating that Medal-Mendoza participated in a similar crime—killing another man, execution style, for money—as seemed to be the case in the Sabreen's robbery-murder.

Before the interview with Medal-Mendoza, the CRU raised this concern with Ratkowski, who did not believe his presence in the interview would pose a problem. Ratkowski agreed that he would inform Medal-Mendoza about his representation of James Green.⁴⁷⁹ Meanwhile, the CRU prepared for the interview by listening to recorded jail calls and investigating Medal-Mendoza and his brother.

Listening to scores of jail calls, the CRU learned that Vance and his supporters were responsible for the development and publication of the alleged alternative perpetrators.

Given the nature of this potential new claim—a recorded confession by an alternative perpetrator—the CRU began investigating. On March 12, 2025, the CRU requested housing records, phone records, and recorded phone calls for Vance and Medal-Mendoza and read the publicly available records in Medal-Mendoza's case.⁴⁸⁰ As shown in detail below, the calls and records revealed the following:

- The anonymous source for the alternative suspects was likely a former DOC employee who has a romantic relationship with both Vance and Michael Medal-Mendoza and communicated regularly with Vance's supporters;
- There is no evidence that Medal-Mendoza told anyone that he or his brother Hilder were involved in the Sabreen's robbery-murder;
- Vance's supporters were responsible for at least some of the content of the Unicorn Riot article and most likely the content of the anonymous email;

⁴⁷⁸ *Id.*

⁴⁷⁹ This conversation took place on April 8, 2024, in an unrecorded phone call between Carrie Sperling, Nick Foster, and Nico Ratkowski.

⁴⁸⁰ The March 5th anonymous email suggested there would be recorded phone calls of Medal-Mendoza confessing to the crime and that the State should be listening to them: "I'm shocked you don't already have recordings of Michael telling people he knows his brother killed that kid! The state of Minnesota needs to do their job!"

- Vance’s supporters planned the timing of the Unicorn Riot articles with hopes of undermining the CRU and the anticipated findings of its report; and
- One of Vance’s supporters suggested she was willing to falsify an affidavit in order to publish the alternative perpetrator story and protect the anonymous source from being revealed.

The CRU identified a former DOC employee as the anonymous source.

After the CRU received the requested housing records and recorded phone calls from DOC, it identified connections between Vance and Medal-Mendoza. Vance and Medal-Mendoza were housed together at the Stillwater Correctional Facility several times between 2017 and 2022. They also made a significant number of calls to the same phone number between December 2023 and March 2025. After further investigation, the CRU discovered the phone number both Vance and Medal-Mendoza were calling belonged to a former DOC employee.⁴⁸¹

In November 2024, Medal-Mendoza told the former DOC employee that he lived near Sabreen’s in 2002 and had a friendship with its owners, Tariq and Khaled.⁴⁸² Medal-Mendoza called them his “Arab homies.”⁴⁸³ The subject arose naturally while Medal-Mendoza was talking about what he used to do before he went to prison. Medal-Mendoza said he used to sell cars with Tariq and Khaled.⁴⁸⁴ It was a side business for Tariq, and it was an honest way for Medal-Mendoza to make a living. According to Medal-Mendoza, his brother Hilder still owed Tariq money for a car he bought, and when Tariq confronted Hilder, Hilder threatened to kill him. Medal-Mendoza said he ran into Tariq at the airport in January 2003, after Khaled was murdered. Tariq asked him where Hilder was. Tariq believed Hilder killed Khaled. Medal-Mendoza told Tariq that Hilder could not have killed Khaled because Hilder had been locked up

⁴⁸¹ Due to concerns about the former DOC employee’s safety, which were expressed by the Vance team in recorded calls, the CRU will not use her name in this Report.

⁴⁸² Medal-Mendoza Call from MCF Stillwater, at 18:02 on Nov 20, 2024 (1732147357_186_12_176_859.wav), [hereinafter referred to as “Medal-Mendoza MCF Call 01.” Note: Hereinafter all Medal-Mendoza calls made from MCF Stillwater will be cited as “Medal-Mendoza MCF Call ##.” Please refer to Appendix B for index containing call date, time, and file name details]; Medal-Mendoza MCF Call 02-Call 03.

⁴⁸³ Medal-Mendoza MCF Call 01-Call 03.

⁴⁸⁴ *Id.*

at that time. According to Medal-Mendoza, Tariq apologized when he learned that Hilder had been in jail.⁴⁸⁵

The former DOC employee shared Medal-Mendoza's account with a member of the Vance team.⁴⁸⁶ The story quickly circulated through the team, including to Vance's attorney.⁴⁸⁷ Eventually, Unicorn Riot published the story, but the story did not accurately reflect the account Medal-Mendoza gave the former DOC employee.⁴⁸⁸

At no time did Medal-Mendoza say or leave the impression that he or his brother was involved in the robbery-murder.

During the former DOC employee's calls with Medal-Mendoza, he never admitted to any involvement in the Sabreen's robbery-murder. Not his own involvement, nor his brother Hilder's. Instead, he told the former DOC employee that Khaled was his "homeboy," that Khaled and Tariq had treated him like a brother, and that he had lost his friend.⁴⁸⁹ Medal-Mendoza told her he heard it was a "black dude" that killed Khaled, that there were three people involved, and one of them was a female.⁴⁹⁰ Nevertheless, the former DOC employee indicated that she passed the information from Medal-Mendoza to Jason Sole, a leader within the Free Philip Vance group, and the story began to circulate through the Vance team.⁴⁹¹

⁴⁸⁵ *Id.*

⁴⁸⁶ The former DOC employee first provided the information to Jason Sole, a member of the Vance team. Vance MCF Call 01-Call 02, Call 05.

⁴⁸⁷ In a phone call, Nikki Holliday told Vance that Nico Ratkowski was provided the information that later became the Unicorn Riot story. Ratkowski was already familiar with Medal-Mendoza from his representation of Medal-Mendoza's co-defendant, James Green. Vance MCF Call 17, Call 20, Call 22. Nikki Holliday, who was in a romantic relationship with Vance, is also a leader in the Free Philip Vance advocacy group.

⁴⁸⁸ Medal-Mendoza told the former DOC employee that Hilder's wife is named Roxanne. In the Sabreen's investigation, law enforcement interviewed a different Roxanne—Roxanne L., a person who is almost 20 years older than Hilder's wife. SSPPD Narrative at CRU0026; Medal-Mendoza MCF Call 04. On November 29, 2024, at 9:30 pm, the former DOC employee sent Philip the following JPAY message: "Remember that song Sting sings, Roxanne. That's the name. Roxxxxxxanne. Xoxo." JPay Message from the Former DOC Employee to Vance, on Nov. 29, 2024; Vance MCF Call 08-Call 11, Call 22.

⁴⁸⁹ Medal-Mendoza MCF Call 01-Call 03.

⁴⁹⁰ *Id.*

⁴⁹¹ The CRU does not know how the former DOC employee described the information about Medal-Mendoza to Jason Sole, a member of the Vance team, because their conversations were not on calls from a DOC facility. Vance MCF Call 01-Call 02, Call 05.

While listening to relevant jail calls and preparing for Medal-Mendoza's interview, the CRU began investigating Medal-Mendoza and Hilder. Even though Medal-Mendoza never implicated himself or Hilder when talking to the former DOC employee about Sabreen's, Medal-Mendoza could have been telling her the truth about his connection to Tariq and Khaled while falsely denying his role in the crime. These facts raised a legitimate lead and questions for further review.

Medal-Mendoza admitted to the former DOC employee that he had a close relationship with Khaled and Tariq. Medal-Mendoza lived a few houses away from Sabreen's at the time. Medal-Mendoza and Hilder did business with Khaled and Tariq. Medal-Mendoza was familiar with the store's layout. Hilder threatened to kill Tariq. And seven months before the Sabreen's robbery-murder, Hilder had fired an automatic assault rifle at Medal-Mendoza's car while Medal-Mendoza was in it.⁴⁹² As a result, Hilder pleaded guilty to reckless discharge of a firearm.⁴⁹³ Medal-Mendoza also has a violent past. In 2005, he was convicted of murdering two people during a drug deal. Medal-Mendoza is serving a life sentence in Minnesota, and Hilder was deported to Nicaragua.⁴⁹⁴ Medal-Mendoza admitted that he had connections to the Latin Kings in New York.⁴⁹⁵ Vance had told the former DOC employee and Nikki that shortly after he began serving his prison sentence for the robbery-murder, another inmate told Vance he heard that the Latin Kings were responsible for the Sabreen's robbery-murder.⁴⁹⁶

Although the connections between Medal-Mendoza and Sabreen's raise suspicions, the CRU did not find evidence that linked Medal-Mendoza or Hilder to the robbery-murder. Yet, the Vance team, without further investigation or support for their claims, recast their suspicions about Medal-Mendoza and Hilder as evidence that Vance did not commit the Sabreen's robbery-murder, and they planned a strategy for publicizing the information, knowing that it could harm Medal-Mendoza, the former DOC employee, and Roxanne, Hilder's wife.

⁴⁹² Medal-Mendoza MCF Call 01-Call 03, Call 05.

⁴⁹³ *State v. Hilder Adolfo Medal Mendoza*, Case No. 27-CR-02-041691.

⁴⁹⁴ *State v. Michael Medal-Mendoza*, Case No. 62-K8-04-001373.

⁴⁹⁵ Medal-Mendoza denied that he was a member of the Latin Kings in Minnesota.

⁴⁹⁶ Vance MCF Call 04-Call 05, Call 28.

The CRU discovered the Vance team's role in planning the timing, placement, and content of the Unicorn Riot story.

The former DOC employee's calls with Medal-Mendoza provided Vance's supporters with what they thought was a promising lead, something that could break open the case. They had been looking for alternative perpetrators who were Spanish-speaking and had ties to Sabreen's. Medal-Mendoza and his brother Hilder, who is from Nicaragua, are Spanish speakers. Medal-Mendoza's account gave Vance's team a new claim to raise in hopes of overturning Vance's conviction.

The former DOC employee seemed to start a chain reaction. She indicated on calls with Vance that she told Jason Sole about the conversation she had with Medal-Mendoza. Nikki Holliday, a member of the Free Philip Vance group and self-described legal advocate, indicated on jail calls with Vance that Jason Sole had given her the information.⁴⁹⁷ Nikki passed the information to Vance, and Vance later discussed it with the former DOC employee, who Vance called his "little sleuth."⁴⁹⁸ At Vance's direction, the former DOC employee agreed to seek more information from Medal-Mendoza.⁴⁹⁹

Even though Medal-Mendoza never wavered from his initial account of having a friendly relationship with Tariq and Khaled, Vance and his supporters discussed a plan to plant a news story implicating Medal-Mendoza and Hilder in the Sabreen's robbery-murder. In February 2025, members of the Vance team began discussing when and how to publicize the unsupported narrative about Medal-Mendoza and Hilder, and they planned to include Hilder's estranged wife, Roxanne.⁵⁰⁰

On February 6th, Nikki told Vance that Ratkowski was on board with going to the media and presenting information about Medal-Mendoza and Hilder to Unicorn Riot as if it came from

⁴⁹⁷ Vance and Nikki Holliday are also in a romantic relationship. The nature of their relationship is complex. Vance MCF Call 01-Call 02, Call 05.

⁴⁹⁸ Vance MCF Call 08-Call 09.

⁴⁹⁹ *Id.*

⁵⁰⁰ Vance and the former DOC employee seemed excited to learn that Hilder's wife was named Roxanne. There is a Roxanne mentioned in the South St. Paul Police reports, but that Roxanne was a friend of Kathleen Johnson, who witnessed the crime as it was taking place. That Roxanne is not related to Hilder and Medal-Mendoza. SSPPD Narrative at CRU0026; Medal-Mendoza MCF Call 04. On November 29, 2024, at 9:30 pm, the former DOC employee sent Philip the following JPAY message: "Remember that song Sting sings, Roxanne. That's the name. Roxxxxxxanne. Xoxo." JPay Message from the Former DOC Employee to Vance, on Nov. 29, 2024; Vance MCF Call 08-Call 11, Call 22.

an anonymous source, even though Nikki and Vance knew the information came from the former DOC employee.⁵⁰¹

Vance supporters suggested in jail calls that Vance’s attorney played a role in presenting the unsupported alternative perpetrator narrative.

In calls with Vance, Nikki explained the media strategy, and she indicated that Ratkowski was assisting in the development and implementation of the plan.⁵⁰² The plan was to release the article about Medal-Mendoza and Hilder on February 12th, before the press conference Nikki had organized on February 13th. Nikki said Ratkowski would file Vance’s petition sometime after the press conference, and Unicorn Riot would release a story critical of the CRU after that. The purpose of the article criticizing the CRU was to mitigate the CRU’s report, which they believed would be unfavorable.⁵⁰³

Nowhere in any phone calls did the former DOC employee say Medal-Mendoza confessed to or implicated Hilder in the murder. And the phone calls do not indicate whether Nikki actually believed that Medal-Mendoza confessed to the former DOC employee. However, Nikki frequently discussed the possibility of being sued for defamation, which shows she may have been aware that the story was false.⁵⁰⁴ She brushed off concerns about a defamation lawsuit because she claimed Ratkowski told her he would defend her, that Ratkowski gave her a way around it, and that a defamation suit would force an investigation.⁵⁰⁵ Nikki also told Vance that Ratkowski gave her “stuff she could share to make [the story] valid.”⁵⁰⁶ The CRU has been unable to verify whether Nikki’s claims about Ratkowski are true because the CRU has no access to Ratkowski’s calls.

⁵⁰¹ Vance MCF Call 13. The CRU cannot verify that Ratkowski knew of the plan or approved of the plan because the CRU did not, and could not, listen to calls between Vance and Ratkowski.

⁵⁰² Vance MCF Call 13, Call 15-Call 16, Call 17, Call 20, Call 22.

⁵⁰³ Vance MCF Call 12, Call 14, Call 23-Call 27.

⁵⁰⁴ Vance MCF Call 13, Call 16-Call 17, Call 22.

⁵⁰⁵ Vance MCF Call 13.

⁵⁰⁶ The Unicorn Riot story contains information that corroborates Nikki’s information about Medal-Mendoza that Ratkowski would have been familiar with from his representation of Medal-Mendoza’s co-defendant, James Green. *See* Vance MCF Call 17. However, the CRU cannot confirm that Ratkowski was the source of the information.

A Vance supporter who has been involved in securing affidavits for Vance's case said she would falsify an affidavit to protect the anonymous source.

Vance and his supporters also discussed legitimate concerns about the former DOC employee because she is a former DOC employee, and she disclosed information about her personal life to Medal-Mendoza. She could be the target of retaliation. Knowing this, Nikki and Vance had discussions. Nikki told Vance she would be willing to sign an affidavit saying she, instead of the former DOC employee, was the person who received the information from “the streets.”⁵⁰⁷ Vance was less concerned about retaliation. Vance told Nikki that the retaliation would most likely be against Medal-Mendoza or someone close to Hilder, like his estranged wife, Roxanne.⁵⁰⁸ Nikki told Vance several times that she would take a bullet for Vance, lay her life on the line for Vance, and get Vance out of prison by any means necessary.⁵⁰⁹

Phone calls between Vance and Nikki provide evidence that Vance and his supporters planned the timing of the story about Medal-Mendoza and Hilder to break open his case, and they planned the story critical of the CRU to discredit the CRU. The calls suggest that Vance and his supporters were aware that the CRU report would not be favorable to Vance and wanted Unicorn Riot to release an article critical of the CRU before the CRU released its report in the Vance case. Vance's calls provide evidence that Vance and his supporters developed this strategy to create an appearance that the CRU was retaliating against Vance after Unicorn Riot published a story highly critical of the CRU.⁵¹⁰ For example, in one call, Nikki told Vance that Ratkowski said, “That’s a good idea that you drop [the story about the CRU] before the [CRU’s Report] comes out.” Nikki continued:

I was like man, Nico... I said, why you say that? He said, well, because I was thinking if you drop the article after they do their review, it might look like you're retaliating against [the CRU]. I said, oh, okay, that makes sense, and he goes but if you drop the article and then they say something bad about him then it will look like they're retaliating. I said, Oh, good, if they do, then that's what we want because then we can be like oh here we go just because we called you out.⁵¹¹

⁵⁰⁷ Vance MCF Call 03, Call 07.

⁵⁰⁸ Vance MCF Call 21-Call 22.

⁵⁰⁹ Vance MCF Call 04, Call 13, Call 20, Call 22.

⁵¹⁰ Vance MCF Call 12, Call 14, Call 23-Call 27.

⁵¹¹ Vance MCF Call 14.

There is no evidence that Unicorn Riot investigated the lead about Medal-Mendoza and Hilder before publishing the story naming them as alternative perpetrators. Instead, Vance's phone calls suggest that Unicorn Riot worked with Nikki, allowing her to "change some of the verbiage," getting Nikki's final approval on the article, and coordinating release dates.⁵¹²

The calls also suggest a coordinated effort between Vance's attorney, Nikki, and Unicorn Riot to publish the article about Medal-Mendoza, without naming the source. The calls show that Nikki and the former DOC employee were concerned the article could endanger the former DOC employee.⁵¹³ To ensure publication while hiding the true source of the information, Nikki volunteered to sign an affidavit falsely claiming that she was the source.⁵¹⁴

As Vance and Nikki had discussed in recorded calls, on February 12th, Unicorn Riot published its story, based on an "anonymous source," connecting two alleged alternative perpetrators to the Sabreen's robbery-murder. The next day, Vance supporters, including Nikki, held a press conference. Then, on February 26th, Unicorn Riot published an article titled "Done Waiting on the CRU, Philip Vance Readies to File Legal Petition for Wrongful Conviction." The article quoted Vance as saying, "The CRU is a joke," and "the CRU was created to help the state from the further ridicule of all these bogus convictions." In the article, Vance also claimed the CRU intimidated witnesses.⁵¹⁵ Immediately following the article, on February 27th, Vance's attorney filed his Amended Petition for Postconviction Relief.⁵¹⁶

The CRU interviewed Michael Medal-Mendoza and then interviewed the former DOC employee.

On April 9, 2025, the CRU interviewed Michael Medal-Mendoza at the Stillwater DOC facility. In attendance were Nick Foster, the CRU Investigator, Carrie Sperling, Assistant Attorney General and Director of the CRU, Nico Ratkowski, Vance's attorney, and a law student working with Ratkowski. In the interview, Medal-Mendoza said:

⁵¹² Vance MCF Call 14, Call 17-Call 19, Call 22.

⁵¹³ They also knew the story could endanger Medal-Mendoza and Hilder's wife, but they did not express concern about that. Vance MCF Call 13, Call 15-Call 17, Call 20-Call 22.

⁵¹⁴ Vance MCF Call 03, Call 07.

⁵¹⁵ *Done Waiting on CRU, Philip Vance Readies to File Legal Petition for Wrongful Conviction*, Unicorn Riot, Feb. 26, 2025.

⁵¹⁶ Memorandum in Support of Petition for Postconviction Relief, State v. Vance, 19-K6-04-000736, dated Feb. 27, 2025.

- He lived a few houses away from Sabreen's around the time of the robbery-shooting;
- He also lived at a house in Bloomington around the same time;
- He knew Tariq and Khaled, and he sold cars with them;
- Tariq believed that Hilder killed Khaled because when Hilder owed Tariq money for a car, they got into a "heated argument";
- Medal-Mendoza told Tariq that Hilder was in custody after being arrested for a weapons charge;
- When Hilder was released from jail, he was taken into custody by immigration and later deported;
- Medal-Mendoza believed that immigration would have documentation of Hilder's custody and deportation;
- He did not know much about Vance's case until there were protests, and he knows that Vance has always been adamant about his innocence;
- He heard that there were three people involved in the Sabreen's robbery-murder and that one was "a chick";
- He considered Tariq and Khaled friends, he had visited their house, and they had encouraged him to sell cars instead of dealing drugs;
- Medal-Mendoza and Tariq took a road trip together from Minnesota to New York to buy cars;
- Medal-Mendoza left Minnesota for New York on January 3, 2003, and he returned a few weeks later;
- When Medal-Mendoza returned to Minnesota, he ran into Tariq in the airport;
- Tariq wanted to know where Hilder was;
- Tariq thought Hilder killed Khaled;
- Medal-Mendoza said he had not heard that Khaled was killed;
- Medal-Mendoza told Tariq that Hilder had been in custody;
- Tariq hugged Medal-Mendoza and was crying;
- Medal-Mendoza said his mother was with him in the airport when this happened;

- He said that besides Tariq, no one had ever mentioned that Hilder may have been involved in Khaled's murder;
- He said he had told the former DOC employee about his and Hilder's relationship with Tariq and Khaled;
- He knows that the former DOC employee and Vance talk and that she has been advocating for Vance;
- He said he told her the same thing he told us in the interview about his connection to Sabreen's.⁵¹⁷

In the interview, Medal-Mendoza provided an account consistent with what he had told the former DOC employee in his phone calls. And Medal-Mendoza's interview confirmed what the CRU heard in those calls—Medal-Mendoza never told her that he or Hilder had been involved in the Sabreen's robbery-murder. In fact, Medal-Mendoza said the opposite, that Hilder could not have been involved.

Immediately after interviewing Medal-Mendoza, Nick Foster and Carrie Sperling interviewed the former DOC employee in her home.⁵¹⁸ She told the CRU:

- She spoke with Medal-Mendoza on the phone, and we could listen to the recordings;
- She is a Vance supporter and had been to one "Free Philip Vance" protest;
- Medal-Mendoza told her that he and Hilder lived down the street from Sabreen's;
- Medal-Mendoza said he "knew everything in the store or whatever";
- Medal-Mendoza said he and Hilder used to sell cars with Tariq and was familiar with his family;
- Medal-Mendoza said he went back to Brooklyn or Miami when the crime happened, and Hilder was brought up on gun charges and deported to Nicaragua;

⁵¹⁷ Audio of CRU Interview with Michael Medal-Mendoza, on April 9, 2025.

⁵¹⁸ When listening to later DOC calls between Medal-Mendoza and the former DOC employee, the CRU learned that Medal-Mendoza called her immediately after his CRU interview and told her he had just been interviewed by the CRU. He said, "You told them about me. You told them some bullshit." She denied talking to anyone about what Medal-Mendoza told her. She told Medal-Mendoza, "I have never talked to anybody, just so you know." Medal-Mendoza MCF Call 06. In her interview with the CRU, it appears she was not being truthful with Medal-Mendoza because she admitted to sharing the information with Jason Sole, a Vance supporter, and, on recorded DOC calls, she shared the information with Vance.

- She did not know why Medal-Mendoza told her about his relationship with Tariq and Khaled;
- She said Medal-Mendoza first told her about his connection to Sabreen's in Fall 2024, and that Medal-Mendoza knows about Philip's case;
- She said she shared what she learned in Medal-Mendoza's calls with one male friend, who she would not name;
- She described the friend as "on the outside";
- She said her friend did not feel like the information about Medal-Mendoza and Hilder had anything to do with Vance's case;
- She said her friend wondered, "Why are they chasing after who committed this crime, when they need to work [on] the petition that was filed;"
- She also admitted that she shared the information with Vance;
- She said she did not know who the anonymous source for the Unicorn Riot story was but that Nikki had shared the story with her;
- She said she was not the source of the information to Unicorn Riot because there was information in the article that she did not know about;
- She said she believes the information in the article came from a Corrections Officer;
- She said she did not believe that Medal-Mendoza committed the Sabreen's robbery-murder;
- She said that Medal-Mendoza never told her who was responsible for Khaled's murder.⁵¹⁹

What the former DOC employee told the CRU mostly aligns with what Medal-Mendoza told her, as heard in the recorded jail calls. In the calls, Medal-Mendoza seemed to be talking to her as a friend, telling her about his life and what he did before he went to prison. But the former DOC employee implied that Medal-Mendoza must have been giving her this information for a reason. A theory that the former DOC employee and Vance discussed several times was that Medal-Mendoza provided her with the information about Hilder and Tariq because Medal-Mendoza wanted Hilder to "get charged."⁵²⁰

⁵¹⁹ Audio of CRU Interview with former DOC employee, on April 9, 2025.

⁵²⁰ Vance MCF Call 21.

An extensive investigation into the alternative-suspect lead showed it to be unreliable.

The CRU did not find reliable evidence connecting Michael Medal-Mendoza or his brother to the Sabreen's robbery-murder. Instead, the CRU found evidence that supports a conclusion that members of the Vance team created the story and publicized it without investigating it. A member of the Vance team was aware the story could be defamatory. Vance, Nikki, and the former DOC employee seemed aware that the story could threaten her safety, and they attempted to protect her by implicating Medal-Mendoza's sister-in-law, Roxanne, as the source, which would turn the suspicion and threat of retaliation toward Roxanne and away from the former DOC employee.

The CRU found the alternative perpetrator evidence unconvincing. In addition, the CRU found Vance's participation in publishing an unfounded claim about Michael Medal-Mendoza concerning. The fabrication of evidence that could damage others' reputations and pose a threat to an innocent bystander, without evidence, damages the credibility of Vance's innocence claim and the evidence he has presented to support it.

10. The CRU did not discover persuasive evidence that Vance and Johnson were with someone other than John Martin at the Radisson on December 22nd.

Vance's legal team claims that Vance was not with John Martin on the evening of December 22nd at the Capitol Bar in the Radisson. He was with Edward Townsend. The CRU did not find credible evidence to support this claim.

When law enforcement began questioning Vance about his whereabouts on the evening of December 22nd, he claimed he was with John Martin and Dominick Johnson at the Capitol Bar in the Radisson.⁵²¹ When law enforcement officers questioned Johnson, he said he was at the Radisson with Vance and Martin.⁵²² Law enforcement questioned Martin, who also said he was

⁵²¹ Interview by Captain Vujovich, Corporal Kreager, and Detective Sjogren with Philip Vance, on Jan. 16, 2003; Interview by Captain Vujovich and Corporal Kreager with Philip Vance, on April 18, 2003; Transcript of Phone Call to Corporal Kreager from Philip Vance, on Jan. 23, 2003, at 2-3.

⁵²² Audio of Interview by Captain Vujovich with Dominick Johnson, on Jan. 17, 2003, Part 1, at 16:12.

at the Radisson with Vance and Johnson.⁵²³ Hence, at the end of the Vance investigation, three different people, who were questioned independently of one another about their whereabouts, recalled the same thing—Vance and Johnson were with John Martin at the Radisson on December 22nd.

Phone records corroborate their accounts. Vance's phone called Takiya Simmons at 8:09, 8:27, and 9:17pm.⁵²⁴ Takiya Simmons was Martin's girlfriend. According to Martin, Takiya picked him up from the Radisson when Vance and Johnson left the bar with Nicolle in her blue Corsica.⁵²⁵

Vance's team argues that each of the witnesses independently erred about what day they were together at the Radisson. His team claims that everyone mistook what happened on December 22nd with something that happened on some other, undetermined day.⁵²⁶

Vance told the CRU that he came to this conclusion—that he, Johnson, and Martin were wrong about the date—through his review of the phone records.⁵²⁷ Vance now claims that Martin could not have been at the Radisson with Vance and Johnson on December 22nd because there are several calls to Milwaukee from Vance's phone on that day. Vance told the CRU that when he saw the calls to Milwaukee, he came to believe he was with Edward Townsend, not John Martin. Vance said Edward Townsend was the only person Vance knew from Milwaukee, so Townsend must have been the person using his phone to call Milwaukee that night.⁵²⁸

⁵²³ SSPPD Narrative at 83-84, 86. Later, in 2007, Martin claimed in an affidavit that he was not at the Radisson with Vance on December 22nd. This Report addresses the unreliability of Martin's recantation affidavit in Section 5.

⁵²⁴ CRU Master Spreadsheet of Vance Phone Records, at 20:09, 20:27, 21:17.

⁵²⁵ Transcript of Phone Call to Corporal Kreager from Philip Vance, on Jan. 23, 2003, at 2-3. In Vance's interview with the CRU, he claimed that the calls to Takiya Simmons were from him, not John Martin. Vance said Takiya Simmons was his girlfriend, not Martin's. Vance said Martin was too ugly to get a girl like Takiya. This conflicts with what Vance told law enforcement, and it conflicts with Vance's alibi of being at 956 Minnehaha with Darlene Jones at that time.

⁵²⁶ It is possible that Vance, Johnson, Martin, and Stites had a memory about their presence at the Radisson on December 22nd, and that memory was false. But there is no reliable corroboration that they were anywhere else, with anyone else, other than the Radisson during that time period.

⁵²⁷ Audio of CRU Interview with Philip Vance, on March 28, 2024, at 1:45:45; 1:55:00.

⁵²⁸ *Id.* Note that this explanation conflicts with Vance's claims that he knew Darlene Jones used his phone on December 22nd to call Chicago because she was the only person he would allow to use his phone to call long distance.

To be clear, Vance claims no independent memory of being with Townsend at the Radisson on December 22nd.⁵²⁹ Further, there is no evidence that Vance told his trial or appellate counsel that he was with Edward Townsend, and not John Martin.⁵³⁰ Instead, Vance changed his account, about who he was with on December 22nd after he had reviewed his phone records and reasoned backwards from there.

While Vance's phone records show that calls were made to a Milwaukee number registered to Ida Townsend, these calls, by themselves, are not convincing evidence that *Edward Townsend* called Ida Townsend from Vance's phone. The calls prove only that Vance's phone was used to call a phone registered to Ida Townsend. Vance could have been calling Edward Townsend on a cell phone that was registered to Ida Townsend. Vance and some of his friends had phones that were not registered in their own names.⁵³¹ For instance, Vance's phone was registered to Sanya Clark. Richard Robinson used a phone registered to Keitha McKinney. Edward Townsend could have been receiving calls from Vance on a phone registered in someone else's name.

The pattern and timing of the calls suggest they were likely made by Vance or Johnson. There were nine calls to the phone number registered to Ida Townsend between 17:09 and 18:46 on December 22nd. All but two lasted 30 seconds or less. This does not fit the pattern suggested by Vance's legal team—Edward Townsend calling his grandmother to wish her a Merry Christmas. The calls were numerous, and Vance's phone was in constant use, without a break between each call. For example, between 17:14 and 17:15 there were three calls to Ida Townsend. Then, three seconds later, there were two calls to Keitha McKinney, two calls to Ida Townsend, one incoming call from Kentrell at the Economy Inn, and another call to Ida Townsend. These calls happened in quick succession without *any* time passing between each call.⁵³² Whoever called the number registered to Ida Townsend was likely also the person who called Johnson's cousin, Richard Robinson, then immediately took a call from Kentrell Anthony

⁵²⁹ *Id.*

⁵³⁰ See, e.g., Vance Office of the State Public Defender Preliminary Questionnaire, dated Oct. 21, 2004.

⁵³¹ Vance was using a phone registered to Sanya Clark. Richard Robinson was using Keitha McKinney's phone. John Martin did not have a phone, and neither did Dominick Johnson.

⁵³² CRU Master Spreadsheet of Vance Phone Records 17:14-17:33.

that lasted over 4 minutes, and then, without a break, connected again with Ida Townsend.⁵³³

This pattern suggests that one person who knew each of the parties made and received all of the calls.

Whatever the explanation for who was on the other end of the line when Vance's phone called the phone number registered to Ida Townsend, the CRU did not find reliable evidence that would convincingly override the statements of three different witnesses who were interviewed just days to weeks after the robbery-murder. In short, the CRU did not find clear evidence that Edward Townsend, and not John Martin, was the third person with Vance and Johnson at the Radisson on December 22nd.

11. Although the State relied on jailhouse informants, the CRU did not find evidence in this case that the prosecutor failed to disclose inducements that were provided to those who testified at trial.

Vance claims that the use of jailhouse informants in his case led to a wrongful conviction. The use of jailhouse informants has been tied to wrongful convictions. The Center of Wrongful Convictions at Northwestern University Law School issued a report finding that over 45 percent of all wrongful capital convictions involved lying by criminal informants, making “snitching the leading cause of wrongful convictions in U.S. capital cases.”⁵³⁴ Professor Samuel Gross, founder of the National Registry of Exonerations, has estimated that nearly 50 percent of wrongful murder convictions “involved perjury by someone such as a jailhouse informant who stood to gain from false testimony.”⁵³⁵

The article, *The Truth About Snitches: An Archival Analysis of Informant Testimony*, outlines several reasons why jailhouse informant testimony is problematic. Jailhouse informants often testify in exchange for leniency, reduced sentences, or other benefits, creating a strong incentive to fabricate testimony.⁵³⁶ Because informants frequently claim to have overheard confessions while sharing a cell, their accounts are notoriously unreliable and often impossible to

⁵³³ *Id.* at 17:09-18:47.

⁵³⁴ Alexandra Natapoff, *The Shadowy World of Jailhouse Informants: Explained*, THE APPEAL, July 11, 2018. Available at: <https://theappeal.org/the-shadowy-world-of-jailhouse-informants-an-explainer/>.

⁵³⁵ *Id.*

⁵³⁶ Jeffrey S. Neuschatz, et al., *The Truth About Snitches: An Archival Analysis of Informant Testimony*, Psychiatry, Psychology and Law 28 (2021), 508-530.

verify.⁵³⁷ The use of informants is often secretive and not well-documented, with prosecutors sometimes failing to disclose deals or the informant's history of cooperation.⁵³⁸ Pursuant to *Giglio v. U.S.*, 405 U.S. 150 (1972), the U.S. Supreme Court held that the prosecution's failure to disclose a promise of immunity made to a key government witness violated due process under *Brady v. Maryland*, because the witness's credibility was crucial to the case.

Several states, including Minnesota, have reformed their laws to improve the reliability of jailhouse informant testimony. States like Oklahoma and Nebraska now require prosecutors to disclose informants' criminal and cooperation histories, any incentives promised, and any known recantations.⁵³⁹ Illinois goes further by mandating pretrial hearings to assess the reliability of jailhouse informants in serious cases and requires early disclosure of relevant information to the defense, including details surrounding any recantation.⁵⁴⁰ Additionally, states such as California, Connecticut, Oklahoma, and Utah have introduced jury instructions that urge heightened scrutiny of jailhouse informants, emphasizing factors like prior informant activity and changes in testimony.⁵⁴¹

These reforms reflect a growing consensus that recantations should be a key factor in evaluating informant credibility and, in some cases, may justify vacating convictions that rely solely on later-recanted testimony.⁵⁴² For these reasons, the CRU closely scrutinized the testimony of the jailhouse informants and their recantations.

The jailhouse informants who testified at Vance's trial were: Isaac Hodge, John Nunn, Dontay Reese, and Geronimo Estrada. Only Dontay Reese has recanted his testimony. Trevor Crawford, who did not testify at trial but provided law enforcement with evidence against Vance, wrote a letter recanting his statements to law enforcement officers.

⁵³⁷ *Id.*

⁵³⁸ *Id.*

⁵³⁹ Wendy Pamela Heath, Joshua Robert Stein, Sneha Singh & Da'Naia Lynnette Holden, *Sometimes the Snitch Recants: A Closer Look at the Use of Jailhouse Informants in DNA Exoneration Cases*, 4 WRONGFUL CONV. L. REV. 71 (2023). Available at: <https://www.erudit.org/en/journals/wclr/2023-v4-n1-wclr08284/1102001ar.pdf>.

⁵⁴⁰ *Id.*

⁵⁴¹ *Id.*

⁵⁴² *Id.*

Dontay Reese

In Vance's most recent post-conviction petition he alleges that his conviction is defective because it relied on false evidence provided by Dontay Reese. Reese signed an affidavit in 2007 explaining that the investigators in Vance's case said they would speak with the prosecutor regarding a lower sentence in Reese's pending criminal case if he could provide any information about Vance's case. Reese has recanted his trial testimony and stated that Vance never told him that he committed a murder.⁵⁴³

At trial, Reese provided the most detailed account of Vance's involvement in the robbery-murder. Reese had known Vance and Johnson for about five or six years, and he considered Vance a friend.⁵⁴⁴ Much of what Reese told law enforcement is corroborated through independent sources.

Dontay Reese did not initiate a meeting with law enforcement. Instead, an inmate at the Dakota County jail contacted the victim's brother, Tariq Bakkri, claiming that an inmate named Dontay Reese had information about the investigation. Captain Vujovich interviewed Reese on August 4, 2004.⁵⁴⁵ In the interview, Reese said he was in prison when the robbery occurred, but he was later housed with Vance in the Dakota County jail. While there, Reese said Vance told him the following about the Sabreen's robbery-murder:⁵⁴⁶

- Vance was with Johnson and Martin at the Radisson;
- Johnson called two females—Yvonne and Nickie or Tiffany—to pick them up;
- Vance and Johnson got into a blue vehicle, possibly a Corsica, with the females;
- Vance and Johnson met up with Hennessy (Richard Robinson) and Troy, and then they drove to the store with Troy;
- The females remained in the car, which was parked behind the store, while Troy acted as a lookout;
- While in the store, Johnson called out to Vance, and Vance shot the clerk five times in the back of the head;

⁵⁴³ Affidavit of Dontay Reese dated January 27, 2007. Although Reese's affidavit was dated Jan. 27, 2007, it was not notarized until January 30, 2007.

⁵⁴⁴ Trial Transcript at 431.

⁵⁴⁵ SSPPD Narrative at CRU0097.

⁵⁴⁶ SSPPD Narrative at CRU0097-98.

- The two females gave him a ride back to St. Paul.⁵⁴⁷

At trial, Reese's testimony tracked his interview with Capt. Vujovich, and he confirmed that the State agreed to recommend a 36-month reduction on his sentence, in a felony case.⁵⁴⁸ Of all the witnesses who provided testimony against Vance, Reese's statement to law enforcement and his testimony were the most detailed and closely aligned with the known facts in the investigation.

The CRU found Reese's recantation affidavit insufficiently corroborated. Reese was one of the many friends, acquaintances, witnesses, and jailhouse informants that testified against Vance. But the CRU found no evidence that Reese was seeking a deal in exchange for his information, which makes his testimony unique among the informants. Unlike the other informants, Reese did not approach law enforcement himself. He told another inmate about what Vance had told him, and that inmate approached the victim's brother. When law enforcement approached Reese, he said he consulted with his mother and his attorney before agreeing to tell law enforcement what he knew. There are at least three people who could corroborate Reese's account—the other inmate, his mother, and his attorney—yet there is no evidence Vance's team attempted to interview any of them.⁵⁴⁹ The affidavit provides insufficient corroboration to overcome the detailed account Reese provided to law enforcement.

Trevor Crawford

Trevor Crawford, who did not testify at trial, signed an undated affidavit and provided it to Vance.⁵⁵⁰ Trevor and Maynard Cross knew each other. Cross told law enforcement that Trevor Crawford was with him at the Buttery the night of the Sabreen's robbery-murder, and they heard Vance confessing to shooting a guy.⁵⁵¹ That was a lie. Trevor was not at the Buttery on December 22nd.

When officers interviewed Trevor, he, too, lied to them. He said he was with Cross at the Buttery on December 22nd, and he heard Vance talking to Cross about shooting a guy on the

⁵⁴⁷ SSPPD Narrative at CRU0098.

⁵⁴⁸ Trial Transcript 429-439.

⁵⁴⁹ Affidavit of Dontay Reese, dated Jan. 27, 2007.

⁵⁵⁰ Affidavit of Trevor A. Crawford, undated.

⁵⁵¹ SSPPD Narrative at CRU0074.

south side. Officers knew that Trevor's account was false because they checked his custody status and discovered that he was incarcerated on December 22nd.⁵⁵² He could not have been at the Buttery. He was in the Ramsey County jail.⁵⁵³

Sometime after trial, Trevor, signed a statement to "Whom this may concern." Trevor retracted his "initial statement given by [Trevor] and Maynard R. Cross to the South St. [P]aul Police Department in reference to a robbery and Homicide that took place in 2002."⁵⁵⁴ Trevor Crawford's statement is not dated, and he provides no facts by which to corroborate his account. He claims that he was "forced to make a statement by the police, because they threatened to [i]nvolve my older brother." But Trevor did not name which brother or how his brother may have been involved.⁵⁵⁵

Trevor's undated statement is not reliable. He claimed that officers forced him to make a statement against Vance. But the South St. Paul Police Officers' investigation shows that they knew Trevor was not at the Buttery. He was incarcerated at that time. The officers noted that fact in the police reports.⁵⁵⁶

The information that Trevor Crawford provided to law enforcement was false, and officers knew it was false. Trevor was not called to testify at trial, and his statement to the officers did not play a role in Vance's conviction. Trevor's affidavit, claiming he "was forced to make a statement by police," lacks credibility.

12. The CRU found no reliable evidence that the MGSF officers involved in the investigation violated the law or engaged in unprofessional conduct in the Vance case.

Vance's legal team claims that the investigation was conducted by the Minnesota Gang Strike Force and that MGSF officers used manipulation, coercion, and threats during interviews and throughout their investigation to gain information implicating Vance. The CRU did not discover evidence to support this assertion.

⁵⁵² *Id.*

⁵⁵³ *Id.* The CRU also independently verified that Crawford was in custody at the Ramsey County jail on December 22, 2002.

⁵⁵⁴ Affidavit of Trevor A. Crawford, undated.

⁵⁵⁵ *Id.*

⁵⁵⁶ SSPPD Narrative at CRU0074.

First, Vance's legal team notes that two investigators that played a role in Vance's case were disciplined for misconduct in 2010-2011. However, the conduct for which they were disciplined occurred years after the Vance case, was unrelated to the Vance case, and could not have been used to impeach them at Vance's trial.

Second, the South St. Paul Police Department, not the MGSF, led the investigation. The interviews in the case were mostly conducted by SSPPD and led by Captain Vujovich. Some MGSF officers did participate in the investigation. Two of those officers, John McManus and Andy Shoemaker, were disciplined for conduct that took place approximately eight years after the Vance investigation. But their involvement came about because, on the evening of the robbery-murder, Vance made incriminating statements to Colleen McManus, John McManus's sister. McManus also knew Melissa Stites. She had been an informant for the MGSF. Stites provided McManus with information about Vance and Johnson.

Vance and Johnson frequented the Buttery and the Radisson, and they knew Melissa Stites and Colleen McManus. Stites and McManus also knew them. Vance and Johnson frequented the Radisson specifically when Stites was bartending. These facts are not disputed. Vance and Johnson's suspicious behavior at the Radisson and Vance's admission to Colleen McManus that he shot someone on the night of the robbery-murder were the reasons Officer McManus became involved. Vance's statements to Colleen, not Officer McManus's corrupt behavior, triggered an investigation that focused on Vance as the prime suspect.

Melissa Stites assisted McManus by wearing a wire. But the CRU discovered no evidence that she was coerced or given specific benefits to do so. She had been a long-time informant for McManus's predecessor. She had infiltrated a dangerous gang. This was not her first time gathering evidence against a suspect.

Vance's team is highly critical of the MGSF's failure to record the meeting between Stites and Vance when Stites claimed that Vance confessed to shooting a guy in the back on the south side. The CRU agrees. The failure to record the meeting or to retain the recording is problematic. First, a recording should have been preserved even if conditions made the content incomprehensible. Second, law enforcement officers told Vance they had recorded the meeting, and they played portions of the recorded meeting for him.⁵⁵⁷ However, the recording is not in the

⁵⁵⁷ Interview by Captain Vujovich and Corporal Kreager with Philip Vance, on April 18, 2003, at 7-10.

South St. Paul Police Department files. This disconnect—between what they told Vance and what the evidence shows—damages the officers' credibility and fuels allegations and suspicions leading to public distrust of the investigation process.

Despite the problems with the recording, there is other evidence that Vance admitted to Melissa Stites that he shot someone five times in the back with a Winchester on the south side. First, several officers heard the comments and took notes. These officers were from various law enforcement agencies, not just the Minnesota Gang Strike Force. Furthermore, Vance did not deny making a comment about Winchester and the south side during his conversation with Stites. He denied saying he shot someone and explained that he was talking about a guy he knew that lived on Winchester Street in Chicago.

Stites corroborated Vance's admission. She mentioned the inculpatory comment—that he had shot a guy—when she met with Vance at the Ramsey County Workhouse. She asked him if he was in custody for the shooting he had told her about. Rather than denying he made the statement or asking Stites what she was talking about, Vance shut down the conversation.

The officers conducting interviews in this case used the Reid Technique, which has been validly criticized as a coercive and ineffective interrogation method. The goal of the Reid Technique is to get a confession from the suspect. In this case, the techniques were ineffective. Officers got no confession from Vance or any other defendant. It was not coercive interrogations that led to Vance's conviction. The most inculpatory evidence came out when officers simply allowed Vance to talk and to explain. The most inculpatory evidence during Vance's seven interviews was his changing and conflicting accounts, his inability to provide a consistent alibi, and his abandonment of his alibi when confronted with the phone calls to Richard Robinson during the robbery-murder. These accounts were not the result of pressure tactics from law enforcement. The most harmful evidence that Vance provided was during interviews *he* requested. When Vance revised his account after being confronted with incriminating evidence, he laid the groundwork for the State's case against him.

In short, while the CRU is aware of and concerned with the misconduct of MGSF officers, and with coercive police tactics and interrogation techniques, it could not find clear evidence in this case that these factors resulted in the jury receiving false or misleading evidence.

IV. CONCLUSION

Justice requires that criminal defendants be afforded a fair trial. Before conviction, the State carries a heavy burden to convict a defendant who is presumed innocent. The jury must be persuaded beyond a reasonable doubt, and the defendant must be afforded every opportunity to fairly challenge the State's evidence. Once a jury convicts the defendant, the jury's verdict should be respected and upheld, unless there is evidence of procedural violations that affected the defendant's right to a fair trial and those violations presented a reasonable probability that the jury would have reached a different verdict.

When the State secures a conviction that is found to be procedurally sound, the conviction should only be vacated under compelling circumstances, such as clear and convincing evidence of innocence or insurmountable reasonable doubt. If new evidence that was not presented at trial raises concerns about a convicted defendant's guilt, the evidence must be tested to determine: Is it probable? Is it reliable? Is it independently corroborated?

The CRU did not find Vance's claims to be supported by evidence that is reliable and corroborated by other, independent evidence. The CRU follows evidence, pursuing leads to reliable evidence of innocence that can be corroborated. The CRU did not find such evidence in Vance's case. The CRU found a lack of reliable evidence to support Vance's innocence claim. Based on its extensive investigation, the CRU cannot recommend that Philip Vance's conviction be vacated.

APPENDIX A – VANCE MCF CALLS CITED IN CRU REPORT

| Vance Call Recordings from DOC - MCF Rush City | | | |
|---|---------------------|---------------------|-------------------------------|
| Titled in Report | Date of Call | Time of Call | File Name |
| Vance MCF Call 01 | Nov. 23, 2024 | 15:46 | 1732398371_123_12_156_477.wav |
| Vance MCF Call 02 | Nov. 23, 2024 | 21:02 | 1732417361_124_12_242_95.wav |
| Vance MCF Call 03 | Nov. 24, 2024 | 14:26 | 1732480017_124_12_165_635.wav |
| Vance MCF Call 04 | Nov. 24, 2024 | 14:51 | 1732481462_124_12_166_335.wav |
| Vance MCF Call 05 | Nov. 25, 2024 | 8:20 | 1732544427_123_12_179_242.wav |
| Vance MCF Call 06 | Nov. 25, 2024 | 8:34 | 1732545287_123_12_157_321.wav |
| Vance MCF Call 07 | Nov. 25, 2024 | 12:19 | 1732558764_123_12_191_786.wav |
| Vance MCF Call 08 | Dec. 1, 2024 | 13:05 | 1733079916_230_13_131_882.wav |
| Vance MCF Call 09 | Dec. 1, 2024 | 13:26 | 1733081178_124_12_175_233.wav |
| Vance MCF Call 10 | Dec. 1, 2024 | 13:37 | 1733081828_124_13_174_570.wav |
| Vance MCF Call 11 | Dec. 1, 2024 | 14:12 | 1733083970_124_12_192_269.wav |
| Vance MCF Call 12 | Feb. 5, 2025 | 13:12 | 1738782764_230_13_167_346.wav |
| Vance MCF Call 13 | Feb. 6, 2025 | 15:35 | 1738877738_123_13_56_472.wav |
| Vance MCF Call 14 | Feb. 8, 2025 | 17:43 | 1739058219_123_12_164_420.wav |
| Vance MCF Call 15 | Feb. 10, 2025 | 12:30 | 1739212226_124_12_185_233.wav |
| Vance MCF Call 16 | Feb. 10, 2025 | 14:37 | 1739219829_124_13_184_882.wav |
| Vance MCF Call 17 | Feb. 11, 2025 | 15:16 | 1739308572_126_12_230_837.wav |
| Vance MCF Call 18 | Feb. 11, 2025 | 19:05 | 1739322330_124_12_70_752.wav |
| Vance MCF Call 19 | Feb. 12, 2025 | 14:42 | 1739392944_126_13_169_452.wav |
| Vance MCF Call 20 | Feb. 13, 2025 | 8:13 | 1739455988_123_12_72_489.wav |
| Vance MCF Call 21 | Feb. 13, 2025 | 8:46 | 1739458009_124_12_199_384.wav |
| Vance MCF Call 22 | Feb. 13, 2025 | 9:26 | 1739460415_123_12_72_747.wav |
| Vance MCF Call 23 | Mar. 3, 2025 | 18:02 | 1741046545_124_13_212_454.wav |
| Vance MCF Call 24 | Mar. 3, 2025 | 19:26 | 1741051580_124_12_150_818 |
| Vance MCF Call 25 | Mar. 4, 2025 | 8:21 | 1741098068_123_12_195_466.wav |
| Vance MCF Call 26 | Mar. 4, 2025 | 10:23 | 1741105399_124_13_101_798.wav |
| Vance MCF Call 27 | Mar. 4, 2025 | 14:28 | 1741120107_123_13_33_309.wav |
| Vance MCF Call 28 | Mar. 5, 2025 | 12:26 | 1741199180_230_12_199_42.wav |

APPENDIX B – MEDAL-MENDOZA MCF CALLS CITED IN CRU REPORT**Medal-Mendoza Call Recordings from DOC - MCF Stillwater**

| Titled in Report | Date of Call | Time of Call | File Name |
|---------------------------|---------------------|---------------------|-------------------------------|
| Medal-Mendoza MCF Call 01 | Nov. 20, 2024 | 18:02 | 1732147357_186_12_176_859.wav |
| Medal-Mendoza MCF Call 02 | Nov. 20, 2024 | 18:19 | 1732148366_153_13_158_7.wav |
| Medal-Mendoza MCF Call 03 | Nov. 20, 2024 | 20:03 | 1732154590_154_13_154_229.wav |
| Medal-Mendoza MCF Call 04 | Nov. 29, 2024 | 8:50 | 1732891828_247_13_188_949.wav |
| Medal-Mendoza MCF Call 05 | Dec. 22, 2024 | 10:29 | 1734884990_247_13_166_303.wav |
| Medal-Mendoza MCF Call 06 | Apr. 9, 2025 | 10:23 | 1744212236_127_13_30_938.wav |

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