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bringing shit to my house? He bolted. He bolted. I said, what you talking about he bolted? He (inaudible) you tell him all I want is what, by that time my granddaughter came out cuz I already had let him in.

DV Darlene?

JO Darlene had came from the room and I was going to (inaudible) cuz I let Stacks in my, I let him in. So by that time (inaudible) cuz he talking about ah, Florida for being wrong. And so he said you tell Florida boy that all we want, all I want is my money. So me and Darlene (inaudible) so he said something about, he know what I'm talking about. So if he come back you all tell him I want my money. So I said well, okay. Darlene said okay. Cuz he just got shot at. Me and my, my kids, my baby (inaudible) my baby's in her car and my baby's mom was in the car and somebody was shooting at us. They shot up the car. This is what he tells us. I said, well, who shot up the car? I don't know who but, but the police was (inaudible). So I said, well, if the police was right (inaudible) you, I'm pretty sure if they seen somebody shooting at you, and everything, they would ah, try to help or something. It might have been them. This is what he tells me. So I say here Darlene, I'll take you home. And I don't believe nothing, nothing he say. (Phone ringing) (inaudible)

DV Alright.

JO So.

DV Let me, let me just stop you right here. What we did was we just starting chatting before you guys walked in.

?? Sorry about that.

JO That's alright.

DV What we want to do, yeah, we were just chatting before you started walking in. She kind of went into the portion of the story. But ah, Jack, and you want to be called Jackie.

JO Yeah. Jackie.

DV This is Andy Schumaker from Gang Strike Force.

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JO Glad to meet you.

AS Nice to meet you.

DV You know John McManus. And my name is Dan Vujovich.

JO Okay.

DV And how do you spell your first name again, Jackie?

JO Jacqueline.

DV Okay. And the last name is?

JO Ezell. Ezell.

DV E-z-e-l-l?

JO Yeah.

DV You don't have a middle name?

JO No.

DV Okay. What is your date of birth?

JO 2/20/46.

DV You prefer to be called Jackie.

JO Yeah.

DV And what is your home address?

JO 956 East Minnehaha.

DV Okay. Is there a phone number there?

JO Yeah. 651

DV Okay.

JO 776-4241.

DV 0241?

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JO 4.

DV 42

JO I don't have no teeth up here so. (Laughing)

DV I don't have the best hearing. I don't have the best hearing so that's part of the problem. Okay. Well, we're here today to talk to you about some information that you have ah, regarding a robbery and homicide that happened in South St. Paul. And that happened back on December 22, 2002. (Beep, beep) Okay. That's when, that's when our incident happened. Since then we've been investigating (beep) for quite a while ah, in fact we did do a search warrant at your house at one point too.

JO Yeah. I don't, I ain't got over that yet.

DV Okay. So Officer McManus talked to you last week.

JO Right.

DV And it sounds like you have some information that we're interested in and that's why you came down to our office today to talk to us here.

JO Okay.

DV Let's just do a little bit of background and then we'll talk a little bit more about what we were talking about before we started the interview. What is your husband's name?

JO Eugene (inaudible)

DV And both of you live at 956 East Minnehaha?

JO Yes.

DV And who else lives there?

JO My son.

DV Okay. What's his name?

JO Jesse O'Connor.

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DV Okay. Anyone else?

JO Ah, well, they not on my lease. Or

DV No. Just who stays there.

JO Oh, my, my other granddaughter. Her name is Tenisha Wilson.

DV Okay. Now this is a duplex?

JO Yeah.

DV Okay. Who lives upstairs then?

JO My daughter Delores and her 5 kids and her boyfriend.

DV Okay. What's her boyfriend's name?

JO Rolo.

DV Okay. Then who are the 5 kids that live there?

JO Kevin, Cantrell, Kenyata, Shariff and Kyle.

DV Okay. Some of the information that we're going to talk about today came from which of your granddaughters?

JO The information surrounding this incident would be from Cantrell and Darlene.

DV And Darlene is your daughter.

JO No. Darlene is my granddaughter.

DV Another granddaughter. Okay. Where does she live at?

JO She lives, she used to live, at the time of this incident she was living with me. But right now she's staying with my other daughter. Her name is Regina.

DV Okay. Regina Haggerman?

JO Right.

DV Okay. I think we have it straight now.

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JO Okay.

DV Why don't you tell me the information that you heard from Cantrell.

JO Okay. Just yesterday, let's see, was it yesterday? Was day before yesterday, we were just in the (inaudible) so I don't know, it was something on TV, came on TV. And she was talking about, it was something about a reward. And ah, so as she was talking about, boy, I wish it had been me that had that reward for Stacks and them. So I said, what you mean? She said ah, because the, the mama got the money. And (inaudible) we just talking now. So I said, oh, yeah. So I got, just blurted out (inaudible) with this. So then she said, yeah. So I said well, do you know the third party here? So, then she come up with somebody's named John. So I say, you're not talking about Nicholas John or nothing? She say yeah. Because now how to just say it, I don't know. Just me and her talking just like we talking to you. And so (inaudible) I said, well, if it's the Nicholas child I, you know he did. So then she said to call the police and they investigate some white girl and (inaudible) and somehow or another Cantrell and this girl was (inaudible) and the girl was telling her that John was the one involved in it. And so Cantrell asked her how did she know. And, but she never did tell Cantrell how she knew. Now, I don't know the girl, the white girl's name. I don't know her name.

DV Okay. So Cantrell was talking to a white girl?

JO Yeah. And she was telling me that she, the white girl is the snitch. You know, she was telling me a couple, and I was trying to get all the

DV Yeah.

JO information out of here and I (inaudible) I don't believe it was a John. This is what I told her. I said, because, first they was talking about somebody's name started with a M.

DV Okay.

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JO They said, they said the name but I just can't remember the name. Because before all this went about, the incident, the reason why they was, when ah, first heard about them being involved in a robbery. It was a name that came up way before you all even came to my house. It was a name that popped up out of Cantrell's mouth. Like huge, like when, I didn't know Stacks and them did robberies of, (inaudible) or whatever. And the did, when she (inaudible) I'm just going to be stupid and they be talking. But I (inaudible) you know. And ah, they was talking about, you know, Stacks and them doing these things. I said, no, ain't (inaudible) which I did. But they said it was another person but it was another person. His name, she, it sounded like John.

DV Sounded like John?

JO Yeah.

DV Okay. When did you hear that now? Just the other day?

JO Then she brought John's name up again.

DV Okay. What about the first time you heard John?

JO The first time I heard John, this was before, it was like

DV Before we even

JO right after Stacks, when I told you Stacks came behind Florida boy.

DV Okay.

JO About, about being a week or 2 or 3 days late. Wasn't even a week. We was just sitting around talking.

DV (inaudible)

JO You know how you just be sitting, (inaudible) I was telling them that Stacks came to my house talking about Florida boy doesn't give him his money and they were saying, and that's when all the, they said, you know, Florida boy never do rob. But it was always 3 of them.

DV Okay. And John was the third?

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JO And John was the name.

DV Okay.

JO Now, I don't know what his ethnic come from.

DV Have you ever seen John?

JO Well, the John that I know, yeah. He's been to my house.

DV He's been to your house with Florida and Stacks?

JO He's been to my house with, with ah, it might, it's been awhile. I ain't going to lie. I forgot who he was with. But it might have been Stacks. It might have been. But this has been awhile. But I know him if I seen him. (inaudible)

DV Okay. I'm going to show you a picture. This may or may not be him.

JO Yeah. Yep.

DV Okay. This is, this is who?

JO Yep. Cuz his head, that, I still seen him not too long ago (inaudible) in the car. Two or 3.

DV What car?

JO It was, I was downtown.

DV Okay.

JO And he had stuck his head out of this car. And ah, and ah, that's, I seen him, he was in my house.

DV Okay. So you heard the third person, name of John earlier on.

JO Yeah. This is way before you all even came to my house.

DV Before we even came to your house.

JO Yeah. But

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DV Okay. Then did you hear this again the other day?

JO Yeah. When she was telling me she said, (inaudible) like I say we was sitting up talking.

DV Okay.

JO She was talking about the reward on the TV. She was telling me that she was, it had been on, they got the reward because (inaudible)

DV Okay.

JO And so did (inaudible) we just talking. I brought it. I thought you (inaudible) in the third party.

DV Okay.

JO It was third party (inaudible) and I say (inaudible) did you hear about, she said yeah. John supposedly the third party.

DV Okay.

JO And I say where do you get it from? Cuz I told you if I heard it that I wanted to give a whole name, not just a half a name.

DV Right.

JO But the only thing she would tell me was John.

DV And who did she hear it from?

JO Some white girl. Said what police had been to, the white girl's house or whatever. Now what they're doing there I don't know. Cuz (inaudible) to her. The only thing she said is the white girl is the snitch.

DV Okay. Alright.

JO That's all she told me.

DV Did she say what this guy may, what his involvement would have been in the robbery?

JO He was supposedly the lookout.

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DV He was the lookout.

JO Yeah.

DV Okay.

JO Stacks supposedly did the shooting. And Florida boy just took the money. Now, how true that is I don't know.

DV Okay.

JO But I just worried while they was sitting in my house, this is what they say.

DV Okay.

JO And ah, this boy, he had left town.

DV He left town?

JO After he went (inaudible) after it went down he left town. But

DV Where did he go to do you know?

JO I don't know. She just say that after the robbery or whatever he left town.

DV Okay. And now he's back cuz you saw him.

JO Yeah. I seen him not, not too long ago cuz he was in the gray car. And I was standing

DV In a gray car?

JO Yeah. He was in a gray car just somewhere down, downtown I was (inaudible) I went, I went, that was ah, (inaudible) the other day. The 2nd. That's when I saw him. Cuz I had to go to section 8. And I had to be on that, on the 3rd. I'm sorry about that.

DV What kind of, can you describe the car?

JO Just gray. I don't know cars.

DV Was anybody with you when you saw the car and saw him?

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JO (inaudible) but he (inaudible) you don't know him. You know.

DV Okay.

JO But the reason why I noticed him because he had been in my house and like I said he's ugly. And ah, he, his head stuck out the window hollering at somebody. That's what make me look at him and the car was going like this and he was just coming turning. And he was sticking out so (inaudible) be back.

DV Okay. Can you describe the condition of the car?

JO It was a gray. (inaudible) my granddaughter she does have a car. And ah, I asked her what kind of make it is, it's something on that

DV The one that Darlene's driving?

JO Ah, no, Tenisha.

DV Okay. Alright.

JO Tenisha just got a car.

DV It is a newer car? Older car? Nice looking? Ugly?

JO It's, it's gray a little (inaudible) it, it was just a little longer than my granddaughter's car. I don't know cars.

DV I mean the condition. Was it a nice looking car or would it have dents in the (inaudible)

JO No. It, it was, it was clean.

DV Clean car. Okay.

JO It was clean. I didn't even see the driver.

DV Okay.

JO I just seen him. But

DV But John wasn't driving?

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JO No. He was on the passenger's side.

DV Okay. Alright. Now, and I'll take a little bit, you guys feel free to jump in at anytime or

?? Okay.

DV Ah, you're telling me about, earlier about the time that Florida came to your house

JO Ah huh.

DV to get something.

JO Yeah.

DV Do you remember when that was?

JO I don't know the date.

DV Okay. How about the time frame?

JO Oh. (inaudible) but I know the time frame because it was at 12 o'clock.

DV No. But I mean, daytime. Ah,

JO Nighttime.

DV be after Christmas or before Christmas?

JO Oh, this was, I don't, I can't place, I can't place Christmas right now.

DV Okay. Was it before New Year's Eve or after New Year's Day?

JO Alright. It was before Christmas. (inaudible)

DV Okay.

JO (inaudible)

DV Does he know about this day then?

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JO He don't know about, he doesn't know about the gun. He didn't find that out himself a couple days (inaudible) he would of (laughing)

DV But he remembers the (inaudible) that night?

JO He, no. He, yeah.

DV He remembers Florida coming that night.

JO He might. No

DV He remembers Stacks showing up later?

JO He might he might have remembered the next day.

DV Okay.

JO But as far as, as far as the night. The reason why I know it was on a Friday, because I told him not to come back to my house no more and I had to go to work the next day.

DV Okay. And you work on Saturdays.

JO And, and when I, no, no, no, it was, (inaudible) it was on a, I had to go to work that Friday morning and when I come home he was standing, when, you know, I got off the bus. (inaudible) tell him that night before don't come to my house no more.

DV Okay.

JO He was there when I got off the bus. And as I was walking down the street he (inaudible)

DV The next day.

JO the next day.

DV Okay.

JO And my kids and my granddaughter say, he say well let me speak to you mother. My son said no, man, you going to talk to my mother. Cuz she said she, she's pissed off. You don't want to talk to her. She don't want you here. So I invited you to leave. That's what my son told me he told.

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Cuz when I walked up like I said, as I was walking up, he was running across the street to catch the bus. The bus was coming. And I had just got off work. So Eugene (inaudible) if it was before Christmas, I'm pretty sure it was before.

DV Okay. We could talk to him and find out.

JO Cuz he knew what (inaudible) and stuff. I'm getting old. My (laughing)

?? We all are.

DV Why don't you tell me what ah, okay, then Florida showed up late at night?

JO Florida boy came first.

DV What time was that at?

JO That was after 12 o'clock. It was between 12:30 and 1.

DV Okay.

JO Because I was surprised somebody's knocking on my door that late.

DV Okay. And what did he say?

JO He said, may I speak to Darlene. I said Darlene is not here. He said, well, can I, if she, she's (inaudible) she's not here. He said, can I come in? I said, no you cannot come in. Cuz Darlene didn't want to be bothered with him. Okay. I said, he said well, I left something in the room. I said, what did you leave in the room? I'll go get it. He said, I left my sweater. I said, what color is your sweater. He said, well, can I come and get, I said, no, you cannot come in. He said, please I need to come in. I left something. I said, whatever you left tell me and I'll go get it. He said, no, I can't tell you. I have to go get it. I said, no, you're not coming in. Whatever it is, tell me and I'll go get it. You're going to be mad. She ain't going to be mad. I'm going to be mad. I'm like, I'm thinking he may have (inaudible) some drugs. If he, you ain't getting near here unless you tell me what you want. So he said, please don't be mad at Darlene. She didn't know, she don't know nothing about it. I said, please,

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whatever it is you got to tell me. He said it was a gun. I said (inaudible) I know my (inaudible) there ain't no gun in my house. I damn well there ain't no gun in my house. So he say, yes it is. He said now if you go in her room look at the head of the mattress and you'll feel it. I said, I'm still cussing at him. So then I said, well, okay, let me go check. (inaudible) I go to the room and I tell Darlene, I say, I damn well there ain't no gun in there, in my house. He says there's one under that mattress. No it ain't, no it ain't. I don't know what he talking about. So when I went to feel under there, I just, there's no gun. I said, well, he's just lying. He just drunk. So I went back and I told him, there ain't no gun that's under there. What are you talking about? He said, it is let me in. I said, no, you ain't coming in here. He said, well, if you ain't going to let me in, would you go back and feel a little father down, cuz it's in there. I go back in the room. I tell Darlene again. I say, he says there's a gun here. And there better not be no gun here. I'm not (inaudible). So I feel down and there was. I said, well, you mother fucker. That's (inaudible) God damn house. So she tell me I don't know nothing about it Gran. I was (inaudible). I said, well, how did it get here? Cuz it was in the palm of my hand. So I took it to him. I said, here. Do not bring your ass back to my house. Don't come back here. And I would appreciate you bringing shit in my house. Okay. He left (inaudible). Well, it wasn't a half an hour later, Stacks shows up. He's not sobered up. I said, what's is this? Is (inaudible) go to bed, people knocking on the door. Okay. I let him in. I said, what's your problem? So he said Florida boy been here? I said yeah, Florida boy been here. Just left not too long ago. What's the matter? By that time Darlene was sitting next to me. Cuz we tried to figure out why is, they coming to my house. So she (inaudible) he was basically talking to Darlene. I was just sitting there. He said, you tell Florida boy alls I want from him, he cutting me bogus. All I want from him is my money. I should not know (inaudible) anybody come to nobody's house this time of night for no $20 or something like that. So he said, I ain't glad. He said tell him that we through. I don't have nothing to say to him. Alls I want is my money. So that, okay, if he comes back or whatever. I tell him. So they started talking about somebody was shooting at him and then he said the police was around. They followed him. I said, well, if somebody shooting at you, the police has found him, I'm pretty sure they would help him. So I say, well, who

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was shooting at you? I don't know. They shot up my car. Thirteen got bullet holes all in and my wife and my kids, my wife and my babies was in the car. I said, the police stand around looking at this, ain't come to your aid or do nothing. So I told Darlene, he, (inaudible) he said, well, just tell Florida boy what I said. So then he left. As he was going out the door, I said, Darlene, let's go see (inaudible) and that's when I seen this white car. It was basically made, all I know it was base, it was basically made on my son's white car. It was like, something like his car. I ain't seen no (inaudible) so I just thought he was (inaudible).

DV Was anybody in the car with him?

JO We didn't see nobody.

DV Okay.

JO (inaudible) did white (inaudible) whatever. Your girlfriend and the baby's supposedly in the car don't you think they would have been hurt if somebody shot 17 times in to a car?

DV They would be saying something.

JO (inaudible) you would see broken glass or something.

DV Yep.

JO So we just (inaudible) cuz there weren't no bullet holes in that car?

?? Who drove away? Did he drive the car away or did his girlfriend or?

JO He, I did see him sit in the car. But he, he was, he, he was driving. If anybody was in the car he would drive.

DV No. Just let me back track a second here. You said that you went up to a bedroom.

END

DV/jdc

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DATE: **January 16, 2003**

CASE NO: **020018427**

INTERVIEW: **Captain Daniel Vujovich**
Detective Tom Kreager
Detective Sjogren (DCSO)

PHILIP RANDALL VANCE DOB/10-20-80

DS I'll get you some water there if you need it.

PV That's cool.

DS Did you have a - you had a cigarette, right?

PV No I don't smoke.

DS Oh I thought you were going to have a cigarette before you…

PV I don't smoke cigarettes.

DS Okay. All right. Um, I'm Detective Sjogren. I'm with the Sheriff's Office, okay? And I'm a certified operator of the lie detector.

PV Okay.

DS And they asked me to run a test for - on their case, okay?

PV That's cool.

DS And they talked to you up at the Eagan PD?

PV Yeah.

DS And they read you your rights?

PV On the little card?

DS Yeah.

PV Yeah.

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DS I'm going to do that here too, before we begin anything.

PV That's cool.

DS Just because you know, I know you're not in jail. And you're going to be leaving here today. That, the fact that you were brought by police some courts might think that you're in custody. But you're doing this voluntarily right?

PV Yeah, I told them I would.

DS Okay, why don't I read you your rights anyway though.

PV Okay, go ahead.

DS You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to a lawyer now or have the lawyer present now or at any time during questioning. If you cannot afford a lawyer, one will be appointed for you without cost. Do you understand each of those rights?

PV Yes sir.

DS Having those rights in mind do you wish to talk to me?

PV Sure.

DS Okay. And you've agreed to do the test, correct?

PV Correct.

DS Um, so what did - why do you think you are here?

PV The only reason I know I'm here from what they tell me. They tell me they have suspicion that - suspicion that I did this crime - this heinous crime. They showed me the papers and stuff yesterday, the pictures. And I told - I voluntarily told them that I'd volunteer to do this, if 'cause he wanted to know where I was at on the 22nd. And I really don't - I really don't have any kind of evidence because I didn't know this was going to come up. I really don't recall what I do on a daily basis. So I told them

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maybe if I took a lie detector test it could a, at least help me prove, you know what I'm saying, at least to you all…

DS Help you prove your innocence.

PV Yeah, yeah.

DS Okay.

PV You know what I'm saying? (Inaudible) whatever.

DS Say I got one housekeeping matter here. You were looking at it when we came in.

PV Yeah I was reading it.

DS And it's just a signed, have you sign that. It's just a release.

PV (inaudible).

DS Okay everybody we have run these tests we have them sign it.

PV (Inaudible). What does this mean, this word right here. Oh, as per?

DS (Inaudible). It's kind of a legal word.

PV All right.

DS Sound good?

PV Yeah.

DS All right. I'm going to have you sign here. And today is the 16th of January and it's 1:17.

PV 1:17 PM. You say the 6th?

DS January 16th. Thank you. All right. If you want to swing your chair around, um, what this is you've probably heard of a polygraph.

PV Uh huh.

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DS This is a - it's like a lie detector test but it's called a voice stress analyzer. And it's not like the polygraph like the FBI uses where they hook you up to…

PV Hook you up to the (inaudible).

DS It's all based on your, you know, your voice.

PV Okay.

DS And what I'm going to do is when we get started, this is just the microphone. That's the only thing that will be attached to you.

PV Okay.

DS And we'll be going through a series of questions. And they're pretty simple.

PV Okay.

DS Okay?

PV Can I ask you a question?

DS Certainly.

PV How accurate is this?

DS Well it is state of the art. This is what all…

PV I ain't never saying it's - that doesn't say how accurate it is.

DS Very accurate. I use it all the time.

PV Like?

DS If you want a percentage I can't give you a percentage. I mean I, it's, it's very accurate. It's the most accurate state of the art machine out there. Thousands of departments are going to it across the nation.

PV (Inaudible). I just want to know how accurate it is.

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DS They're getting away from the polygraph and they are going to this.

PV Okay.

DS You know it's the computer age.

PV Okay. I'll do it whenever you are ready.

DS Well let me ask you a few things. So they suspect you of doing what?

PV Well he said he - he told me of, of I guess of robbery and shooting somebody. That's what he told me, but, like I said. I never been to that store and I never shot nobody. I don't know.

DS Are you aware of there being a shooting?

PV No, not at all. Not at all.

DS Through the street, through the newspaper, through the TV?

PV Not to - they surprised me.

DS So you don't know anything about this?

PV I don't know nothing about this, nothing.

DS Okay. Do you remember where you were?

PV That day?

DS It was a couple days before Christmas, the Sunday before Christmas.

PV Yeah, they told me. I've been…

DS Somebody could probably remember that.

PV Last night I been trying and trying and trying to remember so bad. Because I know I got a routine on Sunday. I'm a big - I'm like…

DS Football?

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PV The biggest football fan. So I know I was watching football.

DS Me too.

PV I know I was watching football. I just - I was going to…

DS Do you go to a bar or do you go to somebody's house?

PV Sometimes I go to the bar. Most of the time I'm at the house. That's why I was going to ask someone. Because I had some things I was going to do to try to figure out. Because I got a - I got a cell phone but I lost it. And my bill ought to be coming. I can go to the place and get my bill. I was going to get my bill and on the same day I was going to figure out from the calls or whatever the time, because they do the time of the calls and everything.

DS Sure, sure.

PV I was going to get that and I wanted to figure out who played that day.

DS What team do you pull for?

PV Tampa Bay, because I'm from Florida,

DS Okay. Your nickname is Florida, right?

PV Yeah. And so.

DS So you got to figure out when Tampa was playing.

PV Oh they play, no, no I'm trying to figure out who played on the 22nd.

DS Right, that's what I mean.

PV Oh, I don't know. Tampa played Saturday. I know they play this week because (inaudible) go to the Super Bowl. But I'm trying to figure out who played.

DS Who they played on the 22nd.

PV No I'm talking about any game. I watch all games.

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DS Oh okay.

PV Whoever played.

DS Where do you normally watch those?

PV Wherever I'm at. Um, lately I've been watching a lot of games at - I got a friend. She's staying on the East Side of St. Paul. And then I got - (inaudible) Stacks. I'll be watching over there. Sometimes I go to a little bar and watch the game, you know, especially if they got like the little deals and stuff.

DS They've probably got more than one game on.

PV Yeah, you know what I'm saying. You're not going to watch (inaudible) at the same time. But yeah I watch, I don't never miss no games. So I know - if I could find out who was playing I would remember every game and where I watched it at, so. I could be at least in the day time (inaudible) forgot where I was at.

DS Okay. Do you - let me ask you, what do you think should happen to somebody that did that?

PV I think they should be punished.

DS How so?

PV Severely punished.

DS Innocent guy there.

PV Yeah I heard.

DS A couple to the back of the head.

PV Just fucked up.

DS Pretty bad news.

PV Yeah, I seen other ones…

DS What kind of punishment?

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PV Life. Life, I don't think they should even be out, should ever be able to get out. Because I, I thought about that shit last night man. If that happened to somebody in my family I'd be mad.

DS Do you know anybody that's ever been shot?

PV Yeah, a lot of people have been shot. This guy I know last night, he came to my (inaudible) before I left. He was like, he just turned 18 and he got shot the other night. He got shot a - you heard of a shooting at Wendy's.

DS Oh yeah, yeah.

PV At University. Yeah, he was the one that got shot. Him and some other dudes hung out. And the dude that shot him, he was right in the next room.

DS Hmm.

PV They were like looking through the glass looking at each other. Crazy.

DS Do you own any weapons Philip?

PV Do I own any weapons? No, no.

DS No, never had any weapons?

PV No. I've seen a weapon before but I ain't never owned one.

DS No handguns?

PV No.

DS Let me ask you this. What do you think, you know, obviously you are a suspect in this case. What do you think I should ask you? Or what would - if you were in my position, what would you ask?

PV On the test?

DS Um hum.

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PV Uh, honestly I would have - I want you to ask me anything that would clear me of being at the scene of this crime - anything, anything of doing just anything. Anything you feel is possible. Anything you feel you need to ask me that could clear me from being at this scene or doing that, anything. You could ask me anything.

DS Is that because you weren't there?

PV That's because I wasn't there. And I don't know nothing about it.

DS Okay. Are you sure you weren't there going around the store and things got out of hand?

PV I promise. I promise you.

DS Okay.

PV I'm a 100% sure, I promise.

DS Do you know anybody that's been there?

PV I don't even - I never even seen that store. I told the guy I only been to South St. Paul two - I'm going to say two times in my life but only on two occasions. My girlfriend, she was having - on Concord - there's this place called Corner Credit. She used to - she had a car that we used to have to go pay the car loan on it. And then I used to know these girls, these girls house I used to mess with they stayed on Bircher, Bircher whatever the shit is. It's after Homer Street. It's up the hill (inaudible). Them the only two times I ever…

DS Is that by that car dealership or no?

PV It's, it's not.

DS Off of Concord?

PV It's right where you get off 52. As soon as you get off 52 and you go (inaudible). It ain't too far right off when you get off the highway. That's the only time I ever been to South St. Paul ever.

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DS How long have you been in Minnesota?

PV I came up here - the first time I ever came here is like '95. And like - was it '95? It was like '95. but then I went back the same year. Then I came back it was '97. So…

DS How did you end up here?

PV My mom…

DS Do you have family up here?

PV No, my mom got tired of living in Florida. She moved up here and she had wanted me to come up here. But I wanted to stay in Florida. But then I got tired of being in Florida so I just left. I came up here and told my grandma I wanted to come up here.

DS Is your mom up here now?

PV Yeah.

DS Where do you live?

PV Right now I really don't have a stable place to live. I've been moving around. I just been staying at a dude's house. I got - oh go ahead.

DS No, you go ahead.

PV I was going to say I got my clothes at my kid's mom's house. She let me keep my stuff there. I don't live there. (Inaudible) she don't want me not having nowhere to put my clothes and stuff, so when I need to come change I can come over here and change clothes. Plus her and my sister share an apartment, so. That's cool.

DS All right. I've just got a - before we get started here just do a little computer work.

PV Okay.

DS What color is the wall to you?

PV It's like a whitish gray.

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DS Yeah. So what should we call it today, white? Because I'm going to be asking a question, what color the wall is, so.

PV Kind of like a sidewalk white.

DS Well,

PV A light sidewalk. I don't know.

DS Can we call it white or should be call it grey? I think it's grey, but some people call it white.

PV Yeah, it's grey. It's grey.

DS It's not a trick.

PV It's a light grey.

DS What do you got going after this?

PV After I leave? Man, you know, the first thing I want to do?

DS You've been in jail for what a week or so?

PV No, like nine days. Um, the first thing I'm going to do, I'm going to go see my daughters. 'Cause when dude showed me that picture yesterday, dude it made me want to start crying. I called them, it was like, because he kept telling me, I think you did it. You are never going to see your daughter again. And the funny part about it, the day I went to jail, I was supposed to go pick my daughter up early from their grandma house and I didn't.

DS Where is your daughter at?

PV They're at their grandma's house. They grandma got a daycare. And she watches them.

DS Where is that?

PV Right over where they live at. She live in the same complex.

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DS Spell your name for me will you Philip?

PV V, oh Philip, my whole name?

DS How do you spell Philip?

PV P H I, one L, I P.

DS And your last name?

PV Vance, V A N C E. I'm kind of pissed off.

DS Huh?

PV I'm kind of pissed off.

DS Why?

PV Because they didn't give me my money. They couldn't find my clothes. That's what took so long. They couldn't find my clothes. And they couldn't make me a check. I got no money. They told me I got to wait 30 days. So now I got to wait. I got no money.

DS Okay. And I want to make it clear there is no tricks to this thing.

PV That's cool.

DS Straight questions. I'll tell you what the questions are. But there is two questions which I need you to remember.

PV Two, you want me to remember?

DS Question two and question eight.

PV Two and eight?

DS And I will key you up when…

PV Can you write it down?

DS I'll key you up - I'll key in when I ask them. I'm going to ask you to lie to those questions, okay?

PV You want me to lie to them?

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DS Yeah. So the first question I'm going to ask you, is your name Philip? Okay. Then I'm going to ask you question two, is the wall gray?

PV And I tell the truth this time, right?

DS No I want the truth all the time, but on this one I want you to lie.

PV All right.

DS Okay

PV Okay. Two and eight.

DS Then I've got something to gauge.

PV (Inaudible) something to look at (inaudible).

DS And I'm going to ask you, is today Thursday.

PV Okay.

DS And these are all yes, no answers.

PV Okay.

DS They are not yes, da da da da da or no da da da da da.

PV So you're saying…

DS Yes and no.

PV When I get to two and eight you want me to lie.

DS Yeah.

PV All right. And the rest, tell the truth.

DS Then I'm going to ask you, do you know the name of the store?

PV No, he never told me.

DS Okay, it's called Sabreen's.

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PV Who?

DS Sabreen's.

PV Sabreen's?

DS Yep. You've never been in there?

PV Never in my life.

DS I'm going to ask you, did you go into Sabreen's.

PV Okay.

DS On Sunday, December 22nd. Do you know what month it is?

PV It's January.

DS That's what I'm going to ask you after that. And then I'm going to ask you, did you shoot the clerk at Sabreen's.

PV All right. When's question number eight (inaudible)?

DS I'll tell you that. Do you know what city we are in?

PV Uh, South St. Paul?

DS This is Hastings.

PV Oh, Hastings.

DS have you ever been here before?

PV No.

DS Never been in - never been in this jail?

PV No, but I thought, no. I thought Hastings was like in Wisconsin.

DS Well it's right on the - the river separates it.

PV Well I've been in that one over there though.

DS Where, in Hudson?

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PV Not in Hastings, (inaudible) when you go into Wisconsin.

DS No.

PV I think I have been, but I don't know. It might have been Hudson. Yeah, I think it was Hudson. Yeah, I ain't never been here.

DS And I'm going to - number eight. Here's that one question.

PV All right.

DS And you drive right? Maybe you're not supposed to but…

PV Yeah, yeah.

DS Is your license revoked?

PV Uh, suspended.

DS Suspended, okay.

PV Yeah.

DS But you have driven in the past right?

PV (Inaudible).

DS And you've probably driven over the speed limit at some time in your life?

PV Yes.

DS Maybe that is why you're suspended.

PV No.

DS But I'm going to ask you, have you ever gone over the speed limit. And I've gone over the speed limit, you've gone over the speed limit.

PV I'm going to say no.

DS You're going to say no.

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PV I drive the speed limit (inaudible).

DS And I'm wearing a ring here. I'm going to ask you, am I wearing a ring.

PV Okay.

DS That's it.

PV That's cool. All right.

DS Okay? Do you have any questions? Why don't you relax.

PV No, I'm cool.

DS Put the microphone up on your shirt there if you will.

PV (Inaudible), too far?

DS That's probably good. And then just talk like you've been talking to me. You don't have to scream or (inaudible).

PV All right. Okay.

DS I'm going to test your voice here before we start.

PV All right. (Inaudible). Before I leave, you've got a card?

DS Yeah.

PV Because you know what? My girlfriend, one day she told me, she asked me this question. She think I'm messing around with her sister. And no matter how many times I tell her I haven't she don't never believe me. And she goes, the only way I'll believe if you ever find a lie detector place, man, I'll ask you. Do they charge for this?

DS To?

PV I'm saying if you had to do it for somebody else like…

DS No.

PV Oh, you don't - you only do it for cases?

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DS Just for cases.

PV Oh I see.

DS Yeah. Someday maybe I'll make some money. Actually I can do it down in Florida when I retire.

PV Oh, you retire, for cheaters?

DS Do it for employment agencies.

PV Yeah, there's a lot of places.

DS Companies.

PV Yeah a lot of people in Florida are cheats.

DS Internal theft, stuff like that. All right, I'm going to have you run a quick.

PV What do you want me to say something?

DS I just want you to say yes.

PV Yes.

DS Say no.

PV No.

DS Say no.

PV No.

DS And say yes.

PV Yes.

DS Good. And I think we are ready to roll here. Okay, you're all relaxed? That's the key here. Be relaxed.

PV (Inaudible) this is crazy. All right. I'm ready.

DS Okay, is your name Philip?

PV Yes.

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DS Is today Thursday?

PV (Inaudible).

DS I jumped a question here. Remember questions two and eight?

PV Two and eight, yep. The wall and the speed. No, you said the wall and the…

DS And the speed one, yeah.

PV You say to lie on that (inaudible).

DS Okay. Is the wall grey?

PV No.

DS Is today Thursday?

PV Yes.

DS Did you go into Sabreen's store on Sunday, December 22?

PV No.

DS Is this the month of January?

PV Yes.

DS Did you shoot the clerk at Sabreen's store?

PV No.

DS Are we in Hastings?

PV Yes.

DS This is question eight, remember? Have you ever gone over the speed limit?

PV No.

DS And am I wearing a ring?

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PV Yes.

DS Okay good. It wasn't so bad, was it?

PV No. Do you want me to keep this on?

DS Yeah, keep that on. What we do here Philip is just because where you're sitting, some people are pretty stressed out. I always through out the first chart and I'm going to run a second test on you.

PV Um hum.

DS You know, those that are telling the truth and are innocent, it's not going to show any stress. But those people that are lying, you know, it's going to indicate - there's going to be more deception now.

PV All right.

DS Okay? Make sense?

PV All right.

DS So we are going to run another chart.

PV Same questions?

DS Same questions, no tricks.

PV All right, let's go.

DS Want some water?

PV No, I'm cool.

DS Ready to roll?

PV I'm cool. (Inaudible).

DS Okay. Remember questions two and eight?

PV Yep.

DS Is your name Philip?

PV Yes.

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DS I did it again here. Question two, is the wall grey?

PV No.

DS Is today Thursday?

PV Yes.

DS Did you go into Sabreen's store on Sunday, December 22?

PV No.

DS Is this the month of January?

PV Yes.

DS Did you shoot the clerk at Sabreen's store?

PV No.

DS Are we in Hastings?

PV Yes.

DS Question eight, have you ever gone over the speed limit?

PV No.

DS Am I wearing a ring?

PV Yes.

DS Okay, take that off. All right. Why don't you just relax here for a minute while I run this through a mainframe system and then have another guy evaluate the charts with me and then we'll come back with the results. Okay?

PV Okay.

DS Do you need to use the bathroom or anything? You're cool?

PV I'm cool.

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DS All right.

PV Where's Kreager and what's his name?

DS Who is the other one? Oh, Captain Vujovich?

PV Vujovich.

DS Yeah, I think they are - the captain is on his way down. And they're just hanging out in my office.

PV You (inaudible)?

DS Quite a bit, yeah.

PV Oh you do.

DS No, I investigate cases too. But I run these quite a bit for people.

PV That's cool.

DS All right Philip. You know, I'm looking at it and I'm seeing some deception there.

PV Deception?

DS Meaning that I don't think you're being totally honest with me. And I'd like to run one more test, same questions. Okay?

PV (Inaudible).

DS Now let's run one more test and then I'll go over the charts with you. All right?

PV Yeah.

DS Okay. You all set?

PV Yeah.

DS Question one, is your name Philip?

PV Yes.

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DS It didn't register. I'll try it again. Is your name Philip?

PV Yes.

DS Remember question two, is the wall gray?

PV No.

DS You're going to have to - you're a little soft there.

PV Oh, say it again.

DS Is the wall gray?

PV No.

DS Good. Is today Thursday?

PV Yes.

DS Did you go into Sabreen's store on December 22?

PV No.

DS Is this the month of January?

PV Yes.

DS Did you shoot the clerk at Sabreen's store?

PV No.

DS Are we in Hastings?

PV Yes.

DS A little soft there. I'll repeat it. Are we in Hastings?

PV Yes.

DS Have you ever gone over the speed limit?

PV No.

DS Am I wearing a ring?

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PV Yes. (Inaudible).

DS I got them all. You can take that off. All right. I'll run this one more time here.

PV (Inaudible)

DS All right, Philip how are you doing?

PV (Inaudible).

DS Say I got - I'm going to show you these charts here. We've got some problem with them. I'm seeing some deception on the relevant questions. I know this might not mean a lot to you, but your control questions, let's see this is question number two and eight. I'm going to go back to chart two. There's chart three. Okay, chart two. Those are the ones when you tend to kind of block like this so I can see and there's nothing stressful about me asking you is your name Philip. It doesn't create a lot of stress in people. Obviously the questions about shooting, you know, that's where I'm looking for a deception. And here's your control questions. So they are kind of - they are tending to - they are a lot stronger, a lot more blocking going on.

PV Them the two questions?

DS Those are the two you were told to lie to.

PV All right.

DS And then question four and question six are the other questions, the relevant questions. Okay?

PV All right.

DS And I want to work with you here.

PV (inaudible).

DS But I'm seeing some deception here that I'm not being honest with me.

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PV I am. I'm kind of nervous but I ain't going to lie about it. Because like when you ask me, I keep - when you ask me about it, it just, I don't know what the fuck. It kind of throws me off. I'm trying to be cool, you know what I'm saying? I'm answering them all as truthful as possible.

DS And I, and I've, you know, I've worked on this investigation so I know about the case. I know in South St. Paul, they are - they want somebody to go down for this.

PV I understand.

DS Okay. And they're working hard on this case.

PV I understand.

DS But I'm willing to work with you here.

PV (Inaudible).

DS If you made a serious mistake, you know, well what I'm saying is that, you know, maybe you went in there with your boys.

PV I didn't.

DS Went in to rob a store and things went to shit.

PV I didn't.

DS You know, and there is no intention there.

PV I never ever, ever, went in that store ever. I never shot nobody in my life I swear to God, never.

DS Well, you know, I'm seeing some deception here and I know that you're not being truthful with me because of the questions I asked you before the test about ever having guns or drugs.

PV Why do you say that?

DS I mean I know through this investigation that you have had guns in the past. We've talked to a lot of people. We just didn't pull you out of jail.

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PV They told you that?

DS Right.

PV I never owned a gun, never.

DS You've possessed guns though.

PV Have I ever had a gun before?

DS You've had guns on you. You brought probably carried them with you, brought them home.

PV I don't have some.

DS We've got people that are telling us that.

PV (Inaudible).

DS I mean a lot of people are scared of you out there on the street.

PV I don't know why. I don't - I didn't ever, I didn't ever hurt nobody. Never.

DS But go with me here. You've had guns. You've had guns in the past.

PV I had somebody else gun before.

DS You have?

PV I had a long time ago.

DS Who is that? What kind of gun?

PV One of my friends. Just a little (inaudible).

DS 38? 22?

PV No, something little, like a little 38. I ain't never had nothing big. Nothing big.

DS What would you have it for?

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PV No, I never had it. You know what I'm saying? I never had like it was mine or nothing. Just I don't know. I had - people that had guns I was like, oh, let me see your gun, just, I've had them before. I wouldn't even admit - I wouldn't even brought up doing this if I was bullshitting man. I swear.

DS Wouldn't have done what?

PV Brought up doing this. That's my whole point of doing this to try to, you know what I'm saying, to prove that I didn't do this.

DS Okay, but what I'm saying is that…

PV I understand what you're saying. Those two questions that you get to it's all in there like a line, basically.

DS That's correct. Exactly.

PV Man, I don't know. It's like when you ask me them questions and you ask me them questions, it's like I'm just looking at (inaudible). I don't know what the fuck it is. I never ever been in that store before. I don't know what it is. It's like when you ask me them questions I just keep thinking about that picture.

DS Well let's look at that picture.

PV I never been in this store ever in my life.

DS Was something going on that night Philip? You're telling me you're not a killer?

PV I swear.

DS You're not a - you've never hurt anybody?

PV I never hurt nobody. I got into fights. I got in fights.

DS Yeah, but that's why you're in jail, right?

PV No.

DS Didn't you get arrested for disorderly?

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PV No, this girl she called me up. She called - she said a racist term to me and I throwed some water in her face. That's it. That's all that happened.

DS You know, I'm willing to work with you here. You can see that they've processed this thing. Here is where the casings were. They've got video surveillance.

PV That's cool. That's what I'm saying. If they got a video camera then I would assume whoever did it or whoever run it, I never been in this store ever in my life. Ever, I never shot nobody, ever.

DS Not intentionally.

PV No I never ever, ever, never ever fired at nobody ever, ever. I never even pointed a gun at nobody ever in my life. I've (inaudible) guns before. I never…

DS But you had guns before?

PV No, I never had my own gun. Maybe when I was in Florida but never up here. I never had my own gun, never.

DS Well I know that to be a lie. Philip, you're not being straight with me. Like I said, we just didn't fall off the turnip truck here.

PV I understand. I understand.

DS We've done our homework.

PV I understand. And I, but I…

DS We've talked to a lot of people. We've done our background on you. And you're sitting here bullshitting me about…

PV Can I tell you something though?

DS Yes.

PV I'm going to tell you, I swear to God as the honest truth I had - I had a gun before. I had a gun before. I have, all right, I was bullshitting. I had a gun

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before. But I never been in this store and I ain't never shot nobody. I never even pointed it at nobody. I only had the - and when I did have it I only had it for like maybe like a week. Because I ain't had no use for it.

DS What kind of gun was it?

PV It was a 22.

DS And what'd you do with it?

PV It was a little 22. I sold it.

DS Who did you sell it to?

PV I sold it to this one girl. I sold it to a female. She told me she needed it because of something about her mom's boyfriend was beating - always beating her up. Shit I'm like, dude, I ain't had no bullets. It was just a gun with no bullets.

DS Where did you get it?

PV She gave me $100 for it.

DS Hundred bucks?

PV Yeah.

DS Where did you get it?

PV I got it from somebody else, this dude I know.

DS And why?

PV I'm sorry?

DS Why did you get it, if you don't need - or deal with guns, why did you get it in the first place?

PV Man, I don't - I (inaudible) just 'cause it was - just 'cause he had it and I just - I don't know. I just got it just 'cause it was there to be gotten. When I got it I didn't ever carry it around because I was scared to even mother fucking hold - to hold it. So when I got it I put it up somewhere. I never had it. Then she

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asked me about it - she asked me about a gun. And I told her I had one, but then I told her I'm like, hey, I ain't got no bullets or nothing to it. She's like, I don't care. I just sold it to her for a hundred bucks. I got it from him for free and I just sold it. I never shot nobody. I never pointed it at nobody. I never robbed nobody. I never been in this all my life.

DS You didn't do this?

PV I swear to God on my life I didn't do that. I did not do that.

DS If you did do it…

PV I wouldn't do nothing like that.

DS It would have been intentional?

PV I would - I…

DS Things went to shit.

PV I didn't, I never went in the store. I never shot nobody. I never been with nobody shooting at nobody, never. I never even seen this store in my life. I wouldn't do shit like that (inaudible).

DS This guy has got a family.

PV I understand.

DS This guy has got a wife.

PV I understand.

DS Girlfriend, maybe. Kids maybe.

PV I don't know, yeah, I understand.

DS You're a father right?

PV Yeah, I got two daughters. I swear to God I never did that.

DS Help me out then. Why do I see deceptions?

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PV I don't know. Because when you say, when all of a sudden you ask…

DS Okay, let me just add this up. Okay, you weren't straight with the gun thing. And I asked you before we took the test. I said, have you ever been involved in drugs. You weren't straight with me there.

PV You didn't ask me about that. I remember him asking me but I don't know that you asked me about that. What you mean how I being involved in drugs?

DS Use, deal, sell?

PV No, I don't. I used to sell drugs. I'm being honest.

DS How about Dominic?

PV Huh?

DS How about Dominic?

PV I don't - what did he do? What did he do?

DS Is that where you got the gun?

PV No, I got it from a cousin (Toledo) (inaudible). I don't use drugs. I used to sell drugs. I used to. Honestly, I said this last pass, almost a month, I've been doing pretty good. I just…

DS What do you do for - how do you support yourself?

PV Lately I haven't been supporting myself. I got - I talk to a lot of girls. I (inaudible) mess with girls and they always give me stuff.

DS You're a lucky guy.

PV Well not really. Because lately I've been trying - I've been trying to get back my kid's mom. But she told me for me to get back with her I got to get straight. And that's when I been - I've been getting up in the morning at 7:30, going out, signing that little - applications all day long. That's all I've been doing, trying to get a job, trying to get a job.

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I had a job interview Wednesday and I got rocked up too.

DS How old are you Philip?

PV I'm 22.

DS Still a pretty young guy.

PV I'm too young.

DS What I'm saying here is what I'm reading from the graphs, the charts, that you're a young guy. If you did this you need to take responsibility for it.

PV I didn't. That's the whole point. I didn't do this. This…

DS I don't think - I don't know if it was a robbery that went to shit, I don't think that person would do life. Especially if they cooperated.

PV Man, I'm not trying to do nothing because I didn't do nothing. It's so hard 'cause…

DS I need to know the truth.

PV I'm trying to tell you the truth. I'm so - man I'm nervous because I ain't never been - I heard about shit like this happening but I'm talking about it's right here in my face involving me. You know what I'm saying. It's…

DS This is serious stuff.

PV I know. And it's really making me real…

DS This isn't a little dope deal, a little drug deal.

PV No, that's what I'm saying. I was up in here today, my friend got 18 months. Man this shit will send me to fucking jail for my fucking life. I didn't - I wouldn't do no shit like this. I wouldn't even jack around with my life.

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DS Yeah but you're a guy bouncing from house to house. You don't have an income. How are you supporting yourself?

PV No.

DS That's why people stick up convenience stores.

PV Because I'm - it's not - I go - I go from house to house because I go from my baby's mom, she'll let me stay over there if I need to. And then the other - I've got another friend. She's down in Maple Grove. She'll let me stay.

DS Well what I'm saying is that you don't - you're not paying any rent.

PV Yeah.

DS You have no income.

PV No.

DS I mean a person has got to live off -- got to eat, drink.

PV I don't know what else I got to do. I try to do this to prove that I didn't do it. I don't know what it is. It's just, man. Dude, you ask me the other questions and it's just like any other question. I never had nobody ask me, uh, yeah, have you done this, have you done this. Did you kill (inaudible) shoot someone? What? It kind of made me real nervous, like man. I don't know. I didn't do it. I swear. I don't know if I'm just nervous or what. I know it's a nerve thing, but man. I did not do this. I have never been - I have never in my life been in that store. I never saw - I never aimed a gun at nobody ever.

DS Well there is two different people in the world Philip. There are those that have a conscience and those that don't.

PV Okay.

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DS Someone that's a cold blooded killer or someone that screwed up. I mean it's a major mistake but we can talk about it and we can deal about it - deal with it.

PV No that's what I'm trying to say. Because they kept trying to tell me yesterday if I made a mistake and did it, you know what I'm saying, things could be worked out. But I didn't do it. I didn't - man I don't do stuff like this. I don't have to do stuff like this. I know too many…

DS But you're a decent enough guy here coming in.

PV Okay.

DS You're sober.

PV Yeah.

DS Let's say you're buying guns on the street and you're all doped up, cracked up and you're not Philip Vance. You're somebody wacked out on crack and needs some money in his pocket. Let's go stick up a store guys.

PV I don't do drugs.

DS And things go to shit.

PV I don't be with nobody. I don't hang with nobody. Just me, one, I don't hang with nobody (inaudible).

DS Well, Starks, right?

PV Stacks.

DS Stacks.

PV Nobody but him. Just me and him.

DS (Inaudible) call him dope or crack?

PV (Inaudible)?

DS Yeah.

PV I don't know shit about…

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DS That's your buddy right?

PV That's my buddy, yeah.

DS Right hand man?

PV That's my buddy.

DS So if he's smoking crack you can probably assume that you probably smoke a little.

PV I don't even smoke cigarettes. I don't do drugs. I drink a lot though. I drink.

DS And we know that too.

PV Yeah I drink a lot though.

DS We talked to a lot of people and tell me about this - spouting off about shooting somebody? I mean (inaudible).

PV I'm saying…

DS I'm an investigator.

PV I understand.

DS You put all the pieces of the puzzle together.

PV Okay.

DS You're not telling me the truth here. You're not telling me the truth about the gun. Now you are.

PV I'm telling - I'm trying to tell you. I'll tell you the truth about anything I swear to God. I wish I could just - I wish I could just clear everything and start all over and tell you the truth. Because it make me look bad. I was - I came in the bar one night and I was in there and she kicked me out of the bar, you know what I'm saying, because I've been - I guess he - I must have been tripping or something.

DS What bar is this?

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PV This is at the Buttery. She kicked me out of the bar one night and she like uh…

DS Why?

PV I guess that I was drunk and I was in there tripping or whatever. I don't know.

DS (Inaudible) smoking a little crack or no?

PV No, I don't do drugs. I just drink. I don't smoke nothing.

DS What were you drinking to get that whacked out?

PV Huh?

DS How much are you drinking or what are you drinking to get that - so you're tripping out?

PV I'm just saying - no I just drink. I just drink a lot of shots. You know what I'm saying? I don't drink a lot. I go to the liquor store a lot but then after the liquor store closes…

DS Let's get back.

PV Yeah, I go in the butter. And Colleen asked me, she goes, I don't know what it was. I walked through the Buttery and she goes…

DS Who is Colleen?

PV She the bartender.

DS Okay.

PV She goes, she goes Florida. She goes what's wrong, you look sad? And I was just like, she had put me out. See I was broke. I didn't have no money and I wanted to get drunk. She was like, you look sad. Do you want to talk about it? I'm like no man. She goes, she goes you can talk to me about it. And she pulled me like, she come up behind the bar. Well she was already behind the bar. She pulled me and she says, she goes, what happened? And I was like, I was just like man, I made a mistake. I made a mistake and did - I shot somebody.

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And she goes, are you serious? And I just like - I didn't say nothing. I just told her that. And she was like - I was like I need a drink bad, man. She was like, well (inaudible) but I ain't got no money. And she goes, I'll get you some drinks. Come on. And I just sat there and she just gave me free drinks. I got drunk and I just left.

DS Was that on that Sunday?

PV I don't remember what day. I know when he asked me did I ever tell anybody about shooting somebody, I remember telling her that. You know what I'm saying?

DS Why would you just say something like that? It's pretty strange.

PV I don't know. I know man.

DS And I think it happened in the time frame of this shooting.

PV I, I don't know why I said that. I don't know why I said that, but, I was trying to get - I was trying to get drunk. And then I thought about it. Because then I even gave her my cell phone number to call. She was like, she said something and I gave her my cell phone number. And I had went to some girl's house that night. And then the next day I was, she called me on the cell phone and asked me was I all right. And I'm like, yeah, I'm cool. And I hung up, you know what I'm saying. And I left, well I came back the next, I was there, I came up there the next day. (inaudible) I really don't know why I told her that. I really told her that so I don't know. I said something because she was a good person, you know what I'm saying. And she like, she one of the type like if you ain't feeling too good or shit ain't going too right, you know what I'm saying, she'll go behind there and she'll hook you up, you know what I'm saying? You got pay her and she'll get you messed up, whatever. You know what I'm saying. I ain't want to say no crazy shit like somebody in my family died or some shit like that. But I don't know what the fuck made me say shit like that though. Because I really ain't think (inaudible).

DS Maybe it happened.

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PV No it didn't happen. I didn't think it was going - I didn't think it was going to blow up like that. I thought maybe, you know what I'm saying? Because I didn't - all I said was I made a mistake and shot somebody. That's what I told her. I honestly told her that. And after that, she got me drunk. She got me messed up. I got drunk and I left after that. I really didn't think it was going to be (inaudible) and I'm thinking maybe she don't - I don't know. I was just - I probably was already drunk. I don't know what made me say that. But I said it. I said it, honestly (inaudible) I did say it.

DS That's why you're a suspect.

PV I under…

DS That's why we're here today.

PV I understand that.

DS That's why I'm giving you the opportunity here to do the right thing.

PV I swear to God. When I said that I was as - when I said it I didn't do it, I just said it. I just said, I swear I just said that. I never, ever, ever in my life been here, never. I never shot nobody. I never robbed no motherfucker. I never pointed a gun at nobody ever. I said I've had a gun before but I never even used it. I was so scared to even carry the mother fucker around. I'm scared the police going to fucking, as much, as many times as the police pulling me over fucking jump out on me I'd be scared the mother fucker going to catch the gun on me. I never carried it with me, never. I wouldn't even do no shit like this.

DS Well you know there is surveillance in there.

PV I understand that. I understand that fully. He told me.

DS And you know that they've looked for fingerprints.

PV That's cool. I know…

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DS And this is the time to talk now.

PV I promise to you.

DS You add up what you're telling me about telling Colleen this.

PV Okay.

DS Surveillance equipment,

PV Okay.

DS Fingerprints.

PV Okay.

DS Now you're being - deception there.

PV I told you I was 100% sure…

DS You lied about the gun.

PV I was 100% sure about this and you said it came up deceptive. I'm 1000% sure I didn't do nothing. I swear to God. You look at the camera many times, you can fingerprint anything. I never been here ever in my life, ever, ever. Because then I told Colleen that I was dead broke. I ain't got no money.

DS Who was with you that night?

PV I'm trying to remember. I think (Fanna) was with me.

DS Who?

PV Stacks. I think he was with me. But he didn't have, he had a couple dollars but he had already bought him some drinks. And he had one at the bar. He went - I guess he wasn't going to buy me nothing to drink because he didn't even have no money. We both was drunk. That's why I (inaudible) and holler at colleen.

DS One more reason to stick up a store.

PV It sound like a motive, but no. I never did this.

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DS And I think maybe that was your intention, to stick up a store and not kill somebody.

PV No, I never stuck up no store.

DS What's Stacks going to say?

PV You can ask him the same question. I bet he's saying the same shit I'm saying now. I bet he's like man, what the fuck. I ain't never been here a day in my life ever. I ain't never shot nobody. I never did nothing. It's (inaudible). I couldn't even fucking sleep last night. And the funny part about it is I didn't even do nothing but I'm so fucking ner - I'm not scared but I'm nervous as hell, because…

END OF SIDE 1, TAPE 1

PV I heard when he got there he got caught for some shit, but I don't deal with no shit like this man. I don't do shit.

DS This guy is not saying anything Phil.

PV (Inaudible).

DS Imagine what their family is thinking, huh?

PV I promise you I did nothing. But what did the video camera look like? I'm saying, ain't (inaudible) get me off of this. Because I don't know what they have to do. What I was going to do was, I told him I was going to try to get my phone bill, go get my phone bill and…

DS What is your phone number?

PV I ain't had the phone for so damn long. You can call Sonya and she'll give you the number. Because she got the phone for me. That's the one who let me come live where I been staying with her and my baby's mom.

DS Who's that?

PV Sonya.

DS That's your mom or the mother of your kids?

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PV No, my mother of my kid's name is (Inaudible). Her name is Sonya, S A N Y A.

DS And she's got your phone?

PV No, I got mad when - my phone got broke.

DS So you have a temper?

PV Who?

DS You.

PV No, she be trying to talk shit one night because she said I buy you this and I buy you that.

DS I heard you get a little - you get violent when you get all pissed up.

PV I don't know.

DS You seem like a pretty decent guy here today.

PV I'm cool. I'm always like this. I'm always cool.

DS Were you angry at the world when you get drunk?

PV No, I don't be like that. I get drunk because, I don't know.

DS Things aren't going great in your life?

PV Honestly, no.

DS I mean you're not alone there. That's why people…

PV I understand.

DS Abuse drugs and abuse alcohol. Things aren't going good.

PV But it ain't got that bad where I have to go shoot up the mother fucker and rob some shit man. Hell no.

DS Well not the Philip sitting here. But I'm saying the Philip that's all tuned up.

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PV When I'm like - when I'm drunk the first thing that come to mind is I be like, man, I need to go home. Or I be like I need to (inaudible) one of these feelings. I swear to God. I ain't (inaudible) shit like that man.

DS Does anybody consider that, you know, if that was the case?

PV I know they should.

DS They take a lot of things into consideration.

PV I understand. And I'm willing to work with you all any time any place any where doing anything to try to prove - to find out what the hell happened. Because I didn't do this shit. I didn't do it. I'm trying to get myself off, because I didn't do shit. This is crazy shit man. I don't know what the fuck to think. I don't know what the fuck to do. I'm scared as hell man, 'cause, damn I'm just scared as fuck. I don't know what the fuck. I ain't ever been in no situation like this.

DS I understand you're scared. You should be scared. So you need to work with me here.

PV I'm trying to. That's the point. I'm trying to work with you. But it's hard to - I swear man I didn't do this. And it's real messed up because stuff that is really - I know I got a real bad…

DS Now you're being honest.

PV I'm trying…

DS Temper, right?

PV You know what I'm saying? I get mad, I get mad, you know what I'm saying? But it's not like every time I get drunk I get mad and just like when somebody piss me off I just, you know what I'm saying? It's kind of like you mess with a lion or a tiger, or if you mess with a dog, somebody snap bad they get mad. I ain't the type to get drunk and just go off and do some crazy shit. I ain't like that. I'm the type that you do some crap - it's like the girl. She called me up. I

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was in there getting drunk. I was chillin' just doing nothing just drinking, talking, conversating with this female. And she said some racist thing and I got mad and jump and throw the water in her face and I just walked out. Because Colleen was like, you need to leave Florida. And I just left. You know what I'm saying? And that's when the police rode up on me. I don't know what man. I never (inaudible) too good for me right now.

DS You're right, it doesn't look good.

PV I know it don't. But man, the only thing I can trust in is I swear to God on my life on my kids…

DS This is the time to cooperate.

PV I'm trying to.

DS I don't know if the results are in on the prints or not.

PV That's cool. I'm not worrying about none of that. 'Cause I know for a fact I didn't do nothing. I didn't touch nothing. I ain't been no where. I didn't shoot nobody. I ain't did nothing. I got no prints or nothing. I'm - I told them - I asked them about this. I'm like, yeah, (inaudible) lie detector test and (inaudible). And he said, (inaudible) if you do. And I'm like, man I can do that. Man, I'm 100% positive I did not do this. Drunk, because I could be super drunk, super drunk.

DS Maybe you don't remember doing it.

PV No it ain't that. No, I don't blank out like that.

DS Do you black out?

PV I don't - I black out and go to sleep. But not like black out and do no crazy shit and, you know what I'm saying? I'm always aware of what I'm - I might be under the influence but I never black out though.

DS Were you with another person that night when you…

PV When what?

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DS When you were with - told Colleen about the shooting?

PV I was with - I can tell you I was with Stacks, I think.

DS Was there a third person?

PV No it was just me and Stacks. Because I remember that.

DS Did you hook up with anybody there?

PV Let me tell you, I remember that night. Because it make it so bad, that night, I know for a fact it was that night. I left there - we left there and we went to Vanessa's house. And Rochelle was over there.

DS Okay.

PV Stacks girlfriend - well one of his girlfriends parked up over at his house.

DS Who is Vanessa?

PV That's Franco. That's Vanessa Franco. That's the girl, that's (inaudible) sister. That's where Stacks live. That's - I guess that's where they found - supposedly found the coke or whatever.

DS Okay.

PV And.

DS And Rochelle is there?

PV Rochelle was there, you know what I'm saying? They was - I guess they was arguing or whatever, because…

DS Stacks and Rochelle?

PV Yeah, they was talking and arguing and shit, 'cause.

DS About what?

PV Because she said she had been there waiting all day for him. He was supposed to meet 'em, meet her back over there or whatever. And then what happened was, we

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told - he told her he was like man, we got to go down here and meet to get something to eat. We finally go get something to eat. And I had my cell phone and I called a cab and we got in the cab and we went out to eat to these other girl's house.

DS And that's on that Sunday?

PV I know this was the same day that I told Colleen that. Because I remember for a fact. I remember I was leaving the girl's house and Colleen called. That's how I know it was that day. I don't remember what day - which day it was.

DS Was that a football day?

PV Uh, uh, it was on a Sunday. It was on a Sunday.

DS Was there a Sunday night game on?

PV Did I watch anything? (inaudible) it was kind of late. It was like 11:00. It might have been later than that. I don't know. But I know for a fact this was the same date that I told Colleen that. Because I remember we left. Because I remember Colleen. She gave - I gave her my number. Because she was like well, give me your number and stuff, stuff, stuff. And I was like, uh, I was - I just wrote my number down for her and I gave it to her or whatever and left whatever. We then went to Vanessa's house, caught a cab, the cab came, we went out to eat and we was at the girl's house.

DS Where did you eat?

PV Huh?

DS Where did you eat?

PV Where did I eat?

DS You said you called the cab. Where did you go to eat?

PV We ain't never go get nothing to eat. That was the point. He told her we were going to get something to eat so we could leave.

DS Oh okay.

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PV And go to the girl's house. And we went out there.

DS Whose place is that?

PV This one girl named Annie.

DS Where does she live?

PV She live in Eagan, off of Rahn Road. Over by - it's like Rahn. There's a whole bunch of (inaudible).

DS Do you know her last name?

PV No, that's the first time I ever seen her in my life.

DS Whose friend is that?

PV Stacks brought me over there, this girl he was messing with. She - he was over there. And I guess he was trying to hook me up with Annie. Because he was like, there's two girls over here. (Inaudible). And we go over there. And I get over there, oh man, (inaudible) and all that. So I just chilled over there a little. And so we stayed the night over there and we was over there all day just kicking it over there (inaudible). And then that evening we got - we was waiting for the bus because we didn't have no more money. He spent like 25 bucks getting (inaudible). We had like 30 bucks. I remember we went to the bar and when he asked - he had like 30 bucks. We rode to the - we rode out there and we had 5 bucks left. And we had to catch the bus from out there to the Mall of America, because we were stranded. We had to catch a bus from out there to the Mall of America, then from the Mall of America back to St. Paul. So we caught the bus and shit, we came back.

DS None of you guys has a car?

PV No, I ain't got no car.

DS Have you ever had a car? Do you have connections to a car if you need one?

PV Sonya, she the only one. She got a car. She'll come.

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DS What kind of car does she have?

PV She got a gold Camry.

DS And who is this Sonya?

PV She like my friend. She always, you know what I'm saying, she be to come through for me.

DS Tell me about why would she know about the cell phone? You said something about…

PV No, she the one who got it for me. She got it for me for Christmas.

DS So it's in her name?

PV Yeah, yeah.

DS What's her last name?

PV Carter.

DS Where is - how do we get a hold of her?

PV Uh, 763-300-2569.

DS Is that a cell phone?

PV Yeah.

DS Where does she live?

PV She lives in Maple Grove.

DS Okay. Anything you want to tell me? This is the time to talk.

PV I told you that. That's the whole story. From that day, from that day when I told Colleen that's everything that happened that whole day. Well earlier - well I can't remember. That's why - because I remember…

DS Tell me again why you said that to Colleen.

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PV Why? Because I knew, see she would get me drunk. She would let me get - she would give me as many drinks as I wanted, you know what I'm saying? Because I didn't have no money and I was trying to get drunk.

DS You wanted her to feel sorry for you, or what?

PV (Inaudible).

DS Why would you say that you shot someone?

PV I don't know man.

DS I'd rather say somebody died in my family.

PV But I tell you that ain't thinking - I ain't thinking - I didn't really think nothing of it. I was just like, you know, it was like the first thing that came to my head and just said it.

DS Were you depressed that day?

PV No, she told me I looked like I was.

DS Right, you said that.

PV Yeah, she told me I looked - she said…

DS It sounds like she knows you pretty well right? Do you hang out there?

PV Yeah, we go over there.

DS Is she kind of motherly to you?

PV Yeah, she cool like that. She always hook me up when she (inaudible).

DS Why would she say that?

PV I don't know. She was like, she was like - you look, she like you look like…

DS Like something happened.

PV Ain't nothing happened. That's what I'm saying. See but that what she told me. She was like, oh, she came

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to me and she was like you look something wrong. You all right? I'm like man I'm cool. She's like, are you sure? I'm like, I'm sure. And then she came and she was talking - she was trying to talk to me like don't you tell me (inaudible). And I said what I said. And she goes, she goes, oh I bet you need a drink. And I'm like, yeah. And she just let me start - just pouring me drink after drink after drink. And I just got drunk and after that I just left.

DS All right Philip. Well, you know, South St. Paul is going to prove their case up sooner or later.

PV I understand.

DS Right?

PV I promise. I know they are.

DS That's why this is the time to talk if you did this.

PV I swear.

DS Okay.

PV Can I say something?

DS Yep.

PV Can I say something? Check this out. I swear to God, if you, if man, on my kids, on my daughter's head I swear on my life I never been here and I never saw him and I never - and I don't know nothing about it. If you can prove that I did this you can all send me to the electric chair. I swear to God I never did this. I said, I wouldn't even told, when the dude came, when Kreager asked me, did you ever tell anybody you ever shot somebody, I didn't want to say that. I didn't want to say it. I swear to God I didn't because it sounded real fucked up. But I did. I made (inaudible) because I did say it but I didn't do it. And he say, oh it must be a big coincidence that it happened on a certain day around the time it happened. You know what I'm saying? That's what he told me.

DS That's logical.

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PV All I told him - I know. All I told him was - I told her I accidentally shot somebody. I told her that. I honestly said in my mouth. I said, I told her. I don't know why I said it.

DS Why?

PV Just because I told her I know she'd probably feel sorry for me and she'd let me get - man I got a problem drinking. I swear to God I get up every day. I don't get up and go, oh I'm going to get drunk, but I get up and I put on my clothes and get dressed and everything. (inaudible) get drunk. I honestly do. And I told her that. I honestly told her that. I don't know why.

DS Which is why you don't have any money, which is why you don't have a job.

PV Yeah.

DS Which is - leads to sticking up stores.

PV I ain't got shit. No, I ain't gonna stick up no stores. I told you, I could have something, you know what I'm saying? Because Sonya, she begged me to come live with her. She got a big - she got a big three bedroom house. She bought me whatever the fuck I want, anything I wanted she'd give me whatever I want.

DS Is she a black gal, white gal?

PV She white. She give me whatever I want.

DS How old is she?

PV She turned 22 on the 13th.

DS Is there anything you want to say to me?

PV I just…

DS I think I'm going to see if Detective Kreager wants to have a few words with you.

PV That's cool.

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DS Okay.

PV You got a card?

DS Yep. I'll get you a card at the end here.

PV All right. What was your name again?

DS Dave.

PV I promise you Dave, this might be distorted but I swear to God, it might just be because I'm nervous because of this shit. It may - it's a nervous - it's a nervous feeling. It's some shit you need - you really - that's really - I'm worried about it. Because I'm not trying to go down for no shit like this. Especially for no shit that I didn't do. You know what I'm saying? (Inaudible). I don't even know what the fuck to do man. I'm trying to be honest - that's why I be honest as hell. I'll be honest from now on out. I'll be honest as hell.

DS Well you could see why somebody wouldn't want to be honest because it's pretty serious stuff.

PV I know. From now - man, I swear to God, from now on out, I know shit might sound real fucked up. But.

DS You also understand this is the time to say something.

PV I am.

DS Not a week from now, not three weeks from now when…

PV I am.

DS South St. Paul proves their case out.

PV I am. They not going to prove nothing because I wasn't there.

DS Well they're going to find whoever did this.

PV I know. I hope they do.

DS Right.

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PV So I can get off. So I can see (inaudible) like I told you I didn't do it.

DS All right. Thank you.

PV All right. Yeah, thank you.

TK Hello Phil. I was talking to the other investigator that was just in here and I wanted to - there were a couple things I wanted to talk to you about. You doing okay? You got water? You need to go to the bathroom or anything? I don't want you to stress on normal stuff like that.

PV No.

TK One of the things he talked about was what you talked to me about Colleen, when you were talking to her about that thing. And pretty much that's the start of the investigation of you. You understand that? So I want you to think back to that. When you told her, were you just talking or were you drinking a drink or what was going on?

PV No, no. I was - I wasn't even - I wasn't even drunk or nothing.

TK You weren't drunk?

PV No. That's - I came in there because - I walked in there because I wanted to - I wanted a drink. But like I told, she asked me was something wrong with me. And I told her, I was like no. She said, well it looks like something wrong with you. Come tell me what's wrong with you.

TK Why would she think there was something wrong with you?

PV I don't know. That day she was just like - she just say it. She say it like there was something wrong with me.

TK How long have you know Colleen?

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PV Um, I have - I've like known her that level like a buddy level, I've known her probably about maybe five, six months.

TK Okay, so she knew you pretty well? You know, five months.

PV She seen me all the time, yeah.

TK So she was concerned just looking at you about something?

PV Yeah.

TK Anything happen that day before?

PV I don't remember the what happened the day before. I'm still trying to figure out what happened that morning between that time and before that day.

TK Okay.

PV Because this was like, this was kind of, this was kind of early. This may have been like 9:00. This might have been like 9:00 when this happened. Because I know I stayed in the bar for maybe like an hour, hour and a half maybe. Maybe an hour…

TK 9:00 when you were talking to Colleen?

PV Yeah, about 9:00 when I was talking to her.

TK When you were talking to her, did you show - did she - did you demonstrate anything for her? Because I went back and I talked to Colleen again about this. Because this is really - I want to have as much info about this conversation as possible. Do you remember doing anything when you were telling her about shooting somebody?

PV No, I just told her, I just told her that. I said, I never demonstrated or did nothing. She didn't even question it.

TK She said that you made hand gestures when you were saying you shot somebody. Do you remember that?

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PV I ain't do that. I know I just told her, that's all. I just told her.

TK Well why - why would she lie to me about that?

PV I don't know. It had been, if it had been a minute ago I had to remember what happened, you know what I'm saying? I'm saying it to her.

TK Well other police officers talked to her fairly recently after it happened. And she brought that up again. And I wanted to make sure that I understood what she was saying so I talked to her about it.

PV All right.

TK You know? She'd been straight with you for five months or you wouldn't be buddies with her, right?

PV Yeah, for sure.

TK You know? And actually she was worried about you. That's what started this whole thing. She said you looked like, you know, you were down or something, saw a ghost, that kind of a look.

PV Yeah, she told me I looked like something wrong or something.

TK Okay. She said you made a gesture.

PV I don't remember making no gesture. I remember telling her though.

TK Okay, she said you, when you said I messed up bad, I shot somebody, you went like this.

PV We was talking, we was real close to each other like this.

TK She said you went like this. Do you remember that?

PV I don't remember doing nothing like that. I remember telling - because when I told her she got real close to me. And we was like, (inaudible) she was talking to me.

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TK Well why would - do you believe that she is…

PV No, she's a good person. You know what I'm saying?

TK Okay so you just don't remember? You think you might have done it and she…

PV I don't think I, I don't think I done it. I admit to telling her that I said that, but I don't…

TK Well I don't want to pull teeth all day. Okay? Because how long did it take us talking to you just to get to the point where you had the conversation?

PV Forever. It took forever.

TK Forever. You were hosing us for quite a while on that point. And these are things that I want to cover because they are things I can prove. I can call the people and they'll tell us. And to tell you the truth, Colleens, you know, got her shit together. She's a nice lady. I'm going to have to believe her when she's telling me this stuff.

PV I understand.

TK And you're telling me she's got no reason to come out and put this on you other than the stuff that you told her, right?

PV Yeah.

TK She told me you made the gesture like this, you know, the gangster kind of holding the gun up this way. Do you remember doing that?

PV I don't remember doing that.

TK Okay.

PV I remember telling her though but I don't remember.

TK But you think I should believe her, right?

PV I don't know who you believe. I'm telling you, I'm telling you what happened.

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TK She's never given you cause to - she never lied to you about crap, did she?

PV No, she cool.

TK Okay, she's telling me that. She also said when you admitted - this other investigator said that you did have a gun for a short period of time and you sold it, right?

PV Yes sir.

TK Okay so you weren't being completely honest with us yesterday.

PV I wasn't - no sorry.

TK Okay well, you know I just want to…

PV I understand. I told - from this because…

TK If you tell me details about your life that aren't that flattering to you but have nothing to do with this case, I don't care about it.

PV Okay. I'm going to ask you a question.

TK You tell me that you're a pedophile dope dealer, I really don't care.

PV I know, okay.

TK I'm interested in this, okay?

PV Okay.

TK So I want you to keep that attitude and not hold up because you think I'm going to paint some picture of you.

PV I won't. I won't. I'm going to tell you the truth.

TK Where did that gun come from that you sold?

PV I took it.

TK Took it from where?

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PV From this dude, from G.

TK From that G guy that you said just showed it to you?

PV Yeah.

TK Did you take it from him or from his crib or?

PV No, he was like, I was boozing. Like I told you I was in the Buttery. He came in the Buttery. He was like, uh, he was like, I got this uh, he showed - he showed me - he showed me (inaudible) gun. He's like, I got a gun. This is me and Stacks. He saw me and Stacks.

TK Yeah.

PV And he was like, I got this gun. I was like, let me see. And he was like, I ain't going to pull it out here and went in the back. And he just showed it to me like this and I, he put it in my hand and I took it. And I was like dude, let me hold it. He was like, no man, I'm like, dude let me hold it. Just let me - let me hold it. He was like, no man, woo woo. I'm like dude, I'll give it back. He was like man, whatever dude. I'm like, all right. So then I just stuck it in my pocket and I went back in the bar, drunk my drink. And then I left.

TK Okay how long…

PV But then - but then when I took it though, it didn't even have no clip in it.

TK Yeah. How long did you hang on to it before you sold it?

PV Uh, I'm trying to remember when I had it. When did I get the mother fucker? Maybe two weeks. I had it put up though the whole time. I was scared, because the next day - the next day I was like fuck. I was like I'm going to put this - and I put it up that night. I just put it up. I don't know why I…

TK Where did you put it up at?

PV In a shoe box.

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TK Where?

PV At one of my friend's house.

TK What friend? Have we already been there? You know who we did warrants on.

PV Yeah, yeah.

TK Have we already been there?

PV Yeah.

TK So a close friend, somebody that we've already been to.

PV Yeah.

TK So are there any other guns up there?

PV No, that was it.

TK That was the only one?

PV Yeah. And they told me - I told him I was like I'm putting it - the dude's like, no don't put that shit there. And then I had to - I had to - I told him I moved it but I didn't. I had to put - I put it somewhere else.

TK It's in the same apartment or house?

PV Yeah. I moved it. And I guess they thought it was gone. But then I moved it and I sold it. Because I'm like fuck I got to - I'm like fuck I got to (inaudible). I didn't need the mother fucker. I don't know why I got it. I just got it. I just had it. I don't know. Just because it was a gun.

TK Okay now you remember talking to us yesterday? One of the things that you said, if you did get caught up in something this bad you'd just split.

PV No, I said if I did something that bad I wouldn't even been here, you know?

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TK You'd take off.

PV No, I said if I did something - if something happened, if I would have done some shit like that, you know what I'm saying, I would have fucking left.

TK Left where?

PV I'd have left, I don't know. I would so - I would get the hell out of here.

TK Out of St. Paul?

PV I'd have went, I don't know. I would have probably gone out of state, honestly if I did.

TK Okay.

PV Yeah.

TK Go to Florida maybe?

PV Hell no. Because they (inaudible) for Florida.

TK I…

PV No I mean…

TK And I'm telling you what I told you yesterday. You know, and I'm as straight with you as I can. I think you did it. I'll be honest with you. I still think you did. And I'm trying to run down things. If I can confirm, good. It fills my thing. If I'm chasing the wrong guy, I'm wasting my time. That's bull shit too. I want to be able to confirm that too and scratch it off the damn list.

PV That's what I'm trying to - I'm asking…

TK And that's why you've got to be straight with me on some of this shit.

PV I'm trying to. I am.

TK Because you're telling people the day after this that you wanted to get out of town.

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PV No.

TK Well now this is something else. What are we going on now?

PV No man. This is crazy man.

TK How crazy can things get?

PV This is crazy, all this shit.

TK Stop smiling and tell me what the hell you're talking about.

PV No.

TK Why are you talking about getting out of town the next day?

PV No, because it was Christmas. I had told Colleen that I was supposed to be going to Florida for Christmas.

TK Who is in Florida for Christmas?

PV My whole family is in Florida.

TK I thought your mom was up here?

PV She is.

TK And your kids are up here.

PV They are. They're from - they was born up here.

TK Yeah.

PV My moms here and my sisters here.

TK Yeah.

PV But my whole - the rest of my whole family - my grandma and everybody else - they're in Florida. I just told her I was going to Florida for Christmas.

TK How come you didn't go?

PV Because I wasn't going.

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TK What? I'm not here for your amusement.

PV I'm sorry.

TK You understand that I'm trying to get my job done and you're - this shit is flip flopping back and forth here now.

PV I'm telling you. I told her - I told, no, I was like, I'm supposed to be going to Florida for Christmas. I tell her I'm supposed to be going to Florida for Christmas. And then I told - what the fuck did I say? I said, I'm supposed to be going to Florida for Christmas. And then she asked me oh, why didn't you go? I told her because my grandma came up here. That's what I told her. Because I gave her my number that same night. She called me the next day.

TK So your grandma from Florida came up here?

PV No she didn't. But that's what I told her, because the night that I told her about what I had sup - accidentally did, I told her I was supposed to be going to Florida, you know what I'm saying, for Christmas. And she - I gave her my cell phone number. She was like, uh, she wanted my cell phone number. And I gave her my number. And she called me the next day and said, how are you doing? I'm cool. She goes, where are you? I go, I'm uh, I'm not in St. Paul. And she goes I thought you was going to Florida. I'm like no, my grandma she came up here so we're going to stay up here. That's what I told her.

TK But that was bull shit.

PV That was bull shit.

TK You tell too much bull shit to everybody. You understand that.

PV Yeah.

TK And when it comes back to me I'm trying to sort it all out and you're telling me everything's bull shit.

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PV No I'm telling you the truth. This is the God honest truth that I just told you.

TK So you weren't trying to go to Florida?

PV Hell no. For what?

TK Well you just told me you were going there for Christmas.

PV No, 'cause I went shopping up here for my kids the day before Christmas. Why would I go to Florida?

TK Somebody might go to Florida if they didn't want to be in Minnesota if something bad happens, right?

PV All right. I understand. I told you that. I told you that.

TK And I told you… And I've been straight up with you on what I've told you I'm doing. Right, and when we talked yesterday and we talked about coming down here and doing the test…

PV I bullshitted you yesterday. I bullshitted a lot yesterday.

TK And I said, if this test, if this test was a way to cross you off the list, great. If you screw the test, what are you going to tell me next? Didn't I ask you that yesterday?

PV I'm going to tell - I'm telling you the truth right now.

TK Well why am I supposed to start believing you now when I know that every day - every thing you besides your name was a bunch of crap.

PV You just told me something - you just told me something that I want to hear, that you didn't tell me about.

TK What did you want to hear from me?

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PV That you told me if I told you you're a pedophile or a dope fiend, do this, that, you're just trying to get me off the list.

TK I'm trying to get you off the list.

PV I'm trying to say, I'm trying, I'm scared to tell you something about a gun and this and that and this and that.

TK Why would I give a shit about a gun that ain't related to this case?

PV Oh.

TK I told you how many hours a week I've been putting on this since I've been on this?

PV Well I'm sorry.

TK Do you think I give a shit about a bad gun?

PV I'm sorry. I'm sorry. Ask me anything you want to.

TK Okay. Do you deal dope?

PV I used to.

TK How long ago?

PV Like a month ago.

TK Have you used dope in the last month?

PV No, no.

TK Not even weed?

PV No. I don't smoke weed. I don't smoke cigarettes.

TK Well I know you don't do that.

PV No, I don't do any drugs.

TK You don't get lit up at all? Just drinking?

PV Just drinking.

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TK What's your drink?

PV I drink (inaudible). I drink any drink. I drink Remy Martin.

TK We've discussed this thing with Colleen up and down I think. We've discussed some of the things here that we know are lies.

PV What's the lie?

TK From yesterday.

PV Okay.

TK Investigator Sjogren has shown you the charts and told you why we are back in here talking again.

PV Yeah.

TK Now you keep saying that you're just nervous because of all this stuff. What the test takes into account, that's why there's control questions. You know? That's why there's only two questions that really matter on there.

PV Yeah.

TK You know, to pick it up. Okay, we know he's nervous because on these two questions it looks like this.

PV Okay.

TK We know he's nervous because on this one it looks like this. And we know that he's not telling us the whole truth because even taking it into account, he's nervous on these two, these still look different. That's the whole thing of the test, okay? That's how they try to make it fair and eliminate false positives and that kind of stuff. And he's coming back and saying this is still deceptive about being in the store. This is still deceptive about knowledge of the shooting at least. One of the things - and one of the reasons I know about this, that isn't the only conversation. I talked to you yesterday about that. You know, we haven't been sitting at home watching TV

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since this happened. We've been out and about the same places you've been. We've been shaking the trees. We've been talking to everybody. Do you remember making any other statements about shooting people?

PV No. None at all. That's the only statement I…

TK Stop before you answer it that quick and think. Because I'm…

PV I'm telling you that's how - that's what I remember. I remember telling her that. Anything that…

TK Because you're telling me this thing about you came there and she thought you looked bad…

PV Yeah.

TK And you gave her this sob story, well I'm shook up because I shot somebody.

PV Yeah, I made a mistake and shot somebody.

TK It was just total coincidence it came right on the heels of our robbery, okay? And I told you that's a big push in the coincidence scale, one in a million.

PV A million.

TK Easy.

PV I've thought about that.

TK How much - how big of a scale do you think it would go if there was a second statement that I can document for you about this thing? And I told you yesterday, some of the things you said are specific to this case, not random bullshit about shooting people - specific to this case that were made, overheard, documented by people.

PV I ain't (inaudible) about no…

TK Specific about this. How many odds - how fare are the odds on that? Now we're into the trillions of billions.

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PV Now that's billions. I ain't told nobody nothing about nothing. That's all I ever told you was that. That's all I ever told. I get drunk and get to talking shit, you know what I'm saying? But I ain't told nobody no - not no specific detail, no shit like that.

TK Well you've seen that one before. That's…

PV No he didn't show me that one.

TK We got a conversation with you and another person inside the bar.

PV What bar now (inaudible).

TK Stop asking me questions and listen to what I'm saying to you.

PV Oh, I'm sorry.

TK This is the deal. We can pull teeth or you can get on the right side of this…

PV I'm trying to.

TK And show some cooperation.

PV I'm trying to. I'm trying to get the hell of you all list. But I didn't do this.

TK Well that's that one. Do you know - you don't remember any other conversations about shooting people?

PV No sir.

TK And I'm telling you I got one.

PV I don't remember no conversation.

TK Five times in the back. Remember that one?

PV In the back.

TK Shot him five times in the back.

PV I ain't never told nobody. I said I shot someone…

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TK Don't be calling me and everybody I…

PV I'm not calling you no liar. I ain't told nobody nothing.

TK I work - do you think I come to this and do you think I do this without me checking it out?

PV When I told Colleen I asked - I didn't say nothing about how many times or nothing. I just told her I made a mistake and did something. I was bullshitting then. I ain't never told no one I shot (inaudible) five times.

TK You think I'm running some game then?

PV No.

TK I ain't running a damn game.

PV (Inaudible).

TK Five times in the back.

PV I never told nobody that.

TK That's a lie.

PV That's bull shit.

TK No, you're telling me a lie, because I can document that one.

PV Because somebody else told you I said that?

TK Somebody else told me about it. Somebody else verified it.

PV I ain't never say I shot nobody five times in the back.

TK Five times in the back on the south side. Remember it now?

PV Hell no. Hell no. That's too coincidental. I ain't say no shit like that, never.

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TK And again, who are you calling a liar?

PV I'm not calling you a - I'm calling the person who told you this a liar.

TK Another police officer? I'll bring him down here to tell you about it.

PV I ain't told…

TK I told you we were up on you. What do you think we were doing?

PV I understand. You got a job to do. I never shot nobody.

TK Five times in the back on the south side with my Winchester.

PV What the fuck is a Winchester.

TK You tell me.

PV I ain't never said no shit. I know that's a lie. Whoever said that…

TK No, what you're doing now is lying to me. And I don't have to sit here all day for this shit.

PV I promise you I ain't never said that.

TK You want your out on this thing, you got to talk to me straight. Why would you tell somebody that?

PV I don't even know what the fuck a Winchester is.

TK You know the bizarre coincidence? A Winchester may be one of the things in this. We've got ammunition. We've got a gun type. It matches to what the hell you're talking. Take a wild guess how many times he was shot. Take a wild guess how many times this guy was shot. How many shots were fired in the store?

PV (Inaudible).

TK No, you tell me.

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PV Five.

TK There you go. Where else am I supposed to go? Who else am I supposed to talk to?

PV I don't know. I'm looking real fucking bad right now. I did not shoot nobody. I've never been to this store.

TK Then why in the world would you say something with those kind of details that fit like a glove on this thing.

PV I never - I don't know what the fuck a Winchester is.

TK What do you think it's a - like a Cadillac?

PV I don't know.

TK Do you know think it's a shovel?

PV I don't know. I don't know what a Winchester is.

TK You've never heard the word Winchester before in your life?

PV Never, never.

TK Never?

PV I heard of plenty guns in my life, never no damn Winchester.

TK Fine.

PV I promise you.

TK How does this conversation come up on the heels of this on the heels of another conversation about just shooting somebody an hour after this happens, and how can I look at anywhere else but you?

PV Man.

TK How can I? I can't. Look at this fellow.

PV I'm looking.

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TK I…

PV I did not do this. I don't know what the fuck.

TK Tell me you didn't mean to do it. Let's go from there.

PV No, because I didn't. I know for a fact I didn't do it.

TK Then you know who did it.

PV I don't know who did. I don't, I never even been in this store.

TK Maybe you were repeating what you heard to impress somebody.

PV No.

TK Who did you hear it from?

PV I say a lot of shit to impress my friends but I ain't say no shit like that.

TK You didn't say you shot some guy in the back five times?

PV No. I say a lot of shit but I didn't say no shit like that.

TK And I'm telling you I can - I can bring in a string of people that are going to say. And how do they know those particular things to say?

PV Yeah. I don't know.

TK How in the world would they know? I know they didn't do it.

PV They heard somebody say it.

TK They heard you say it.

PV That's what they say.

TK They heard you say it. Time to start thinking about helping yourself.

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PV I'm trying to.

TK I'm doing this for everybody else.

PV I say a lot of bullshit. I'm telling the truth. I say a lot of bullshit man but I ain't never say no shit like that. And I ain't never did this shit, never.

TK Never?

PV Never.

TK Do you know what these are? Just going from what Colleen told me. Everything is fitting on this. And you've got to tell me why you don't fit. Because everything else is fitting.

PV I'm, look my whole intention today I was going to try to figure out where the fuck I was at that day. Because that day I…

TK Have you figured out where you were?

PV I remember where I was from - I told him from when I told Colleen. And I was going to go find - I was going to go figure out the date where the fuck I was at that morning because I was going to go get my phone records. If I can get my phone records, because it got the calls and time and places, and I watch football. I watch football every Sunday. I don't miss one game. If I find out who I - if I could see who was playing that Sunday I could tell you where the fuck I was at.

TK But you want to be able to run around and do that?

PV Man, I don't…

TK You can't come up with anything off the top of your head?

PV I didn't…

TK I can tell you where the hell I was the Sunday before Christmas, even before I got called out because this guy got assassinated in his damn store. What I'm telling you is you're backing yourself into a corner

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where it's either absolutely not me or I am the guiltiest most cold blooded bastard to ever come down the pike.

PV It's absolutely…

TK And which, and are you willing to go with that? Because this I'm telling you, I can bring the people in on the five shots to the back statement. And when we start going in front of a judge, they're going to talk to the judge. They're going to give their testimony. They're going to swear under oath and it's going to go down that way. And the coincidence that you're asking everybody to believe is so far - it's beyond what DNA comparisons are. Those are like one in 500 million.

PV But I didn't do it. I said a lot of bull.

TK Then somebody told you about it to come up with that shit.

PV I say a lot of bullshit but I never told nobody that shit man.

TK That's a lie.

PV Absolutely. I, I swear.

TK That part is a fucking lie. I'm telling you it's a fucking lie because I talked to the people. I've got that in my back pocket.

PV I don't know where the fuck that shit came from man.

TK It came from your mouth. Where did it come from before then?

PV I say a lot of bullshit. I say a lot of bullshit. I told Colleen some bullshit that night and I was bullshitting man, just trying to get fucking drunk.

TK How often has Colleen said, hey, you really look bad. What's wrong? Has she said it to you before?

PV (Inaudible). Maybe once or twice but that night she said it.

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TK Was she on the money once or twice before, you didn't feel good when you came in?

PV No, I was cool that night that I told her that. But it was just the whole (inaudible) I was broke. I was sunk. I was broke. I guess.

TK So instead of telling her your dog died, your kitten fell out the fucking window or something you come up with I just blasted somebody?

PV I said I made a mistake and shot somebody. That's what I told her.

TK You know, everybody else that is investigating is holding out some hope for you of being, having some good part of you because of what Colleen said.

PV I am good.

TK That you were racked up when you came in after it happened, that it did shake you up. That you're not the cold blooded assassin that I think you are.

PV I didn't do that. I didn't. You said dude was shot five times.

TK That's what you said right?

PV I didn't say that.

TK That's what every - and I'm telling you. I'm going to take it as truth.

PV I didn't say that. I told Colleen what I told her and I remember telling her that. I would remember telling somebody some shit.

TK She told me you came in, you looked bad, you asked her what, he asked - she asked you what's up. You said, man I fucked up. Messed up. I shot some dude.

PV I said I - I probably told her I was fucked up and made a mistake and shot somebody. She said I bet you need a drink. I'm like…

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TK And I'm telling you, everybody out in the hallway thinks it's your best bet to tell everybody to go with that. There was a mess up. It screwed up. It went in the toilet.

PV I'm not admitting to nothing I didn't do.

TK Well then you got to tell me how you didn't do it, and these things are still here. You are un - either the most unlucky bastard on the earth.

PV I am, I am. I swear to God I got to be.

TK Or you're the cold blooded murderer.

PV Man, I'm so, man. I…

TK That's the only two options you're leaving for me. You're leaving no in between. It's either all the way one way or all the way the other way.

PV I'm fucking the most unluckiest bastard in the world. Shit is fucked up.

TK Shit ain't fucked up. Shit's fucked up for him.

PV I know.

TK That's where shit is fucked up. You know what, he had six funerals back where his family lived. The whole countryside came and mourned for him. It was such a loss to them. That's what's fucked up.

PV I didn't do it.

TK Well that's who I'm working for. If it was your mom, wouldn't you want a cop like me on the case?

PV Hell yeah, find out who the hell did it.

TK I'm not going to quit until we know.

PV Until you find out. And I want you to find out. I didn't do it. I'm not…

TK Then how do these things keep coming back to you?

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PV I don't know. I don't know. I told you I would have lied. I wouldn't even said anything about Colleen but I told you the truth, because that was the honest truth. I told her that. But I didn't do it. I told you that.

TK And then if somebody talks to you tomorrow and they show you the proof on the conversation I'm talking about, you're going to say yeah, I bullshitted him yesterday.

PV I'm never going to get into no shit like that.

TK But this isn't true. This is - I just made up the bullshit off the top of my head.

PV I'm not going to admit to that. I'm not going to take no rap for nothing I didn't do. I didn't do this. I swear to God I didn't do this. I didn't accidentally shoot nobody. I didn't run in no store. I didn't…

TK And I'm telling you one thing I can prove right now is that you're lying about that statement I made.

PV About what?

TK Five times in the back. I can prove you are lying about that.

PV How?

TK You made that statement. Now you have to ask yourself, if you don't remember, don't - aren't directly involved with it, where you got that from? Were you there when he got shot and didn't do it? Were you there for another reason other than to kill this guy?

PV I never been in that store ever. Ever.

TK Okay and on the lie detector that question didn't work out too good either.

PV It came up deceptive.

TK Did it?

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PV It came up deceptive. I told you, the only two places in South St. Paul I ever been was the car place and to these girl's house. I never - I don't know that area.

TK Does Stacks?

PV He been over to some girl's house with me before.

TK Other girl's houses?

PV I don't know. I know I brought him over there. He came over there with me before.

TK You took him over there?

PV Yeah.

TK Whose car did you take him over there?

PV At that time I had - my girlfriend had her car.

TK Which girlfriend?

PV My kid's mother.

TK Tete?

PV Yeah.

TK What kind of car does she got?

PV She had - no she had a red Ford Taurus.

TK Did Stacks have a car?

PV No.

TK Did he ever have one?

PV A long time ago.

TK Did his girlfriend have a car?

PV No.

TK Did he lose one to a cop, impounded or something?

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PV Uh, I think he did. A little Chevette - he had a little Chevette.

TK How long ago was that?

PV That was like two years ago. That was a long time ago.

TK It's not going to go away.

PV I'm not trying - I…

TK I told you yesterday…

PV I want to look…

TK Some things I understand, okay? I do understand shootings. I do know they can happen quicker than anything. The gun is up and it's going off just as you're thinking bullshit, you know, not even to kill.

PV Whoever shot this gun shot this gun five times you say. Many you don't make a mistake and shoot a gun five times.

TK You know how people get excited? Do you know how many times people do that? They just get excited. They can't stop.

PV Dude I can't do no shit like that. I got an anxiety attack. I couldn't even do no shit like that.

TK You'd have an anxiety attack?

PV Yeah.

TK You have them often?

PV When I get excited a lot, and shit like real crazy happen. My heart gets beating.

TK Do you go to a doctor for that kind of shit?

PV I went to one.

TK What kind of diagnosis did he give you? What did he say was wrong?

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PV They told me I had a heart palpitation.

TK Do you have any mental disease?

PV Who, metal?

TK Disease, depression?

PV No.

TK Shit like that? Bipolar?

PV No, (inaudible).

TK Do you got any medical problems like diabetes, that kind of shit?

PV No, no, no. That's not an excuse though, but I'm telling you, I didn't do that thing. I couldn't do that.

TK I keep coming back.

PV If I didn't do it. Somebody told me (inaudible).

TK You can look in my eyes and I'll tell you straight up. I know that this conversation about five shots in the back happened. And it came out of your mouth. I know that. You're going to have to address that for me. You can't just say it didn't happen, because I know it happened.

PV I get drunk and say a lot of shit but I don't remember saying no shit. Man I'm telling you. I don't - no, I didn't say. You said, you said they say I said you can prove what I said?

TK Huh?

PV I said, you said you…

TK Are you analyzing me or are you answering my God damn questions?

PV No, I didn't say it. I don't remember saying it.

TK You have to address that though.

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PV I don't remember saying it. That's all I can tell you. I don't remember saying no shit like that. I wouldn't say no shit like that.

TK I'm saying that exists. That's part of the report. The documentation of that conversation. Saying I don't remember it doesn't cross you off the list. That's where you say you want to be. You don't want me to talk to you very much more do you?

PV I don't remember saying it. I don't even know what a Win, that ain't even shit I would say.

TK You wouldn't say you shot some guy on the south side?

PV Five times in the back with a Winchester. Hell no.

TK Why not?

PV Because.

TK Why aren't you the type of guy that would do something like this?

PV 'Cause man I'm not like that. I just - I don't know. I ain't like that. I'm always been the peacemaker, but I get fucked up.

TK Now let's think about that too.

PV I get fucked up. I get fucked up and I don't, you know what I'm saying.

TK You get stupid when you get fucked up.

PV Not that stupid. Hell no. I ain't never did nothing that stupid.

TK I ain't saying about this. I know about other things you get stupid about when you get fucked up.

PV Like what?

TK You got a chip on your shoulder. You're looking at me. That kind of shit. Somebody talks shit, you're throwing a drink at them, the bar, whatever.

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PV That happened the other night. That's when I got arrested. The girl called me a racist name. I threw some water in her face.

TK You're supposed to walk away. Normal people walk away and say bullshit.

PV I was upset. She really made me upset.

TK Bigots and assholes deserve themselves, right? How are we going to get over this statement other than you saying you don't remember saying it?

PV I don't remember saying it. If you got proof that I said it and I can't get out of saying I didn't say it, then I can't do nothing about it. But I don't remember saying it.

TK You're not repeating something you heard from somebody else? Because you're saying you didn't say.

PV Was I rappin'?

TK Huh?

PV Was I rappin'?

TK No, are you a rapper?

PV Yeah.

TK You on a label yet?

PV I ain't never said no shit like that. I could be on one but I ain't (inaudible) dude ain't got all his shit yet. That's why I'm saying, no, hell no. Hell no. I'm trying to think if there's any rap songs that go like that but their ain't.

TK What am I supposed to do at this point?

PV That's a good ass question.

TK Arrest you and throw you away?

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PV No, give me a chance to prove myself. I'm going to prove - I can prove to you I didn't do this.

TK Okay so again, you want me to believe these circumstances.

PV I can prove to you.

TK You talked to Colleen about a shooting. You're talking about going to Florida. Then there's another conversation about five shots. You don't remember that one but if it happened the - you don't remember it at all.

PV I don't remember saying it…

TK This is nonsense to you.

PV You said - you said you got documented information I said it. So I can't say I didn't say it, you know what I'm saying? I don't remember saying it.

TK My question is why did you say it?

PV I don't remember saying no shit like that. That's what I'm saying.

TK You believe I know how to do my job, right?

PV Man, I know you do.

TK I've been doing this as long as you've been alive. And how old are you, 21?

PV 22.

TK 22.

PV Yeah.

TK You got a year on my job. When I talk to these people I evaluate when I talk to them. Okay? I'm fairly decent at knowing when I'm getting hosed and when I'm getting the truth.

PV I understand it sir.

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TK Okay?

PV I understand.

TK I know you're saying, aw shit this is the rest of my life.

PV No, but you…

TK You have to understand, like I told you yesterday. The only thing that can turn things around for you is your complete cooperation.

PV I am.

TK And when I have this kind of stuff

PV I'm trying.

TK And I - I know about it, I can't ignore it because you say I don't - I didn't say it.

PV I don't remember saying nothing like that. I get drunk. I say a lot of crazy shit. But I don't, man I don't know what a Winchester is. That's what I'm saying. I never even heard of no Winchester. So why the fuck would I say that?

TK So Winchester could be that desktop right there?

PV No I know what that is. But I'm saying…

TK What is a Winchester?

PV I don't know.

TK No idea.

PV I never heard of it. You said it's a gun. I know lots of guns. I heard of lots of guns but never heard of that before.

TK Never?

PV Never. That's - that sound more two detail, too much detail for me. I ain't…

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TK So you think I'm floating one to see if you'll bite it?

PV No it ain't even that.

TK I am…

PV You coming at me seriously about it and I'm trying to…

TK I'm dead ass serious. And again all I have to do is open my file and this is the first thing I see every day. I talk to his brother almost every day. They tell me about the family. They - the family has to get a phone call about this.

END OF TAPE 1 SIDE 2

PV I don't know who did it and I wasn't there.

TK Are you religious? He was fairly religious. Part of the religion is similar to ours about asking forgiveness at the end. Can you give the family some relief that he had time to ask forgiveness?

PV I didn't - I didn't do this.

TK This is a big thing for the family.

PV I didn't do this. I - man my sympathy is with them, but I didn't do this. I don't know who did this.

TK And I'm saying some of the statements I can document.

PV Man, I don't know what…

TK Give you specific knowledge of what happened.

PV I don't want to admit to nothing I didn't do though. That's what I'm trying to say.

TK I'm not asking for an admission. Can you set the family at ease? Do you have other knowledge that he had time to ask forgiveness?

PV I don't know. I didn't do - I don't know nothing about this. I don't. I don't.

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TK Some of the things that you've said show that you do. That's what I'm asking. Knowing that he had time to ask forgiveness is so important to the family to know.

PV Man I didn't shoot him. I don't know. I wasn't there.

TK I'm saying some of the things that you've said give you specific - were either with the one in a trillion odds or you had specific knowledge of this. And this is something the family wanted me to ask.

PV Are you sure they talking about me? I didn't say nothing about no - I don't know nothing about this.

TK Okay well, I tell you. You take this attitude. There's nothing that's going to come down to me except.

PV No, I'm trying to, I'm trying…

TK Except straight up hard ass enforcement on what I've got.

PV No listen.

TK And if goes straight down the premeditated execution during a robbery for no God damn reason because he was giving up the money anyway.

PV I didn't do it. I don't know who did it.

TK Do you know what that is going to look like when you stand in front of a judge that way?

PV I'm trying to tell you the truth but this ain't sounding right, because I was saying so much bullshit. I didn't do this. I don't know who did it.

TK Now when we started this yesterday, starting talking to you, we told you we didn't want the bullshit. We wanted the truth.

PV I told you I was scared. I was cared 'cause, I was scared because I had got - because it was going to look bad. I was scared to tell you about Colleen.

TK And we said when we go down that road if we start down the road full of bullshit, where - how do we sort it

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out from you? Well, we decide. We've got a machine to help sort it out. That didn't help. Now I've got other things and we're still not getting any help from you to sort it out. You've got to dig deep down. I even asked you to just help the family out and it's not there.

PV Was it a female? Was it a female?

TK What are you asking me questions for?

PV No I'm saying. Because man, you're talking about, I don't, I don't know. I'm saying if I said that, if I said it, man I was bullshitting talking to a female. Because I don't hang with no dudes. The only person I hang with is Stacks. And I'm not going to - all right. I told you I don't remember saying it. If you got a legal document saying that I said it, I'm not going to say - I'm not going to say anybody they're a fucking liar and (inaudible) say it. But I don't remember saying it. I don't know what a Winchester is. I honestly don't.

TK What about the five shots in the back?

PV Man, I don't remember no shit like that man. I wouldn't have had no reason to say no five shots in the back. Man. I'm telling you I did not do nothing like this. I don't know. I'm trying to be truthful with you.

TK You may be trying to be truthful but you're not impressing me at all right now.

PV I'm saying…

TK I'm telling you people come in to swear on affidavits and swear on the bible and stand in front of the judge and say I was there, he said it. It's done. The judge ain't going to say, no I don't believe your bullshit.

PV So what do you want me to do, admit to saying it?

TK No, I want you to think about telling me the truth about these things.

PV I'm trying to.

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TK Because this is one of those things where I now this one, and you're saying no. Most of us don't need this machine. You know when somebody is giving you a bullshit line don't you? Most of the time?

PV Yeah most of the time.

TK Every once in a while somebody will float one by you. But you learn from it and you look for it next time.

PV You've been doing it 21 years.

TK So I sit across from guys in your situation and other situations several times a week for 20 years talking to them, and I get to the point to where my radar works pretty damn good about lies. You're in a place where you're looking for the soft way out.

PV I'm not.

TK You've got to be.

PV I'm not. I'm trying to - I'm trying to…

TK If I was sitting there I would be.

PV I'm trying - the part about…

TK I'd give this cop something to get me out of it, or I'd say this sucks, I fucked up. This is really what happened.

PV No, I didn't do shit. I'm, look. But see I don't want to admit to shit I don't know about. You know what I'm saying. I probably - man I don't know if I said it or not. I say a lot of bullshit when I'm drunk. But I swear I don't remember saying it. I might have said it. I might have said it. I don't know. I don't want to admit to saying I said it because I say a lot of - I get drunk and I get to talking shit, you know what I'm saying?

TK Okay if you might have said it, might it have been…

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PV I didn't say nothing about no Winchester. I don't know nothing about no - I don't even know what the fuck that is.

TK Let's get off of Winchester for a while.

PV All right.

TK If you might have said it, might you be repeating something you heard somebody else?

PV I don't remember anybody saying (inaudible). Ain't nobody tell me no shit like that about no five shots in the back.

TK Who runs down the south side that you know?

PV Who runs?

TK Do you know anybody that hangs out at the South side still? South St. Paul, West side, South side down there?

PV I don't mess with that area. I'm strictly the East side.

TK Were you down in Frogtown before?

PV I used to live there (inaudible).

TK I know you want - I know you want me to put you in the side that says yeah, he's giving me what he has. He's just in a shitty position where he's got no documentation about where he was, where he was with.

PV I didn't know this was going to happen.

TK And this bullshit that he was spouting in a bar was just a bad coincidence. I know you want me to put you there. I'm never going to put you there right now.

PV This is serious. I know you got to get what you got to get. But I don't have nothing to give you like that because I don't know nothing.

TK Okay.

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PV I'm just a drunk mother fucker running off at the fucking - running my mouth, talking shit, saying stupid shit.

TK Well you see, ordinarily that would pass on some other shit. This is a fucking homicide, okay? You started running your mouth off about an hour after it happened. Number one connection. Number two connection, she sees that you're shaken like you been through something.

PV No, I wasn't shaking.

TK Shaken emotionally not standing there shaking.

PV Oh.

TK Number three, talking about Florida. Coincidence on your part, but still running off. Then another conversation, five shots in the back, dude on the south side. Right down the list of what we started out with when I walked into the store to start the investigation. Right down the damn list.

PV I don't know. This got to be the most biggest bullshit ever. I never.

TK Even the way - you may not remember it. She remembers it clearly and I'll put her on the stand. She'll make this motion that gangster TV shooting shit with the gun upside down. That puts the casing rights where they landed.

PV Aw, hell no. Man (inaudible).

TK Right down the damn line so far.

PV It's like you're trying to put it on me now when I didn't even…

TK No, what I'm saying is what everybody else is telling me makes you a likely suspect. What you're telling me and the lies that you told yesterday make you a better suspect.

PV I bullshitted yesterday. Everything I told you today has been the honest to God truth.

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TK Some of the shit that you have said to other people sure gives the impression of specific knowledge of this. And if it isn't you, then I want to know where you heard it.

PV I don't - I ain't hear it nowhere. I don't remember saying nothing like that. But you say you got a lead. I don't want to make you mad or anything.

TK I'm back on my original track that you're not worth talking to on this point and that we're going with the premeditated. You just decided I'm going in there, I'm not leaving any damn witnesses.

PV No, I didn't do this.

TK When then you're going to have to start telling the truth about some other things for me to (inaudible).

PV Because I don't know nothing about this.

TK I'm not going to - I want to know what I ask you. I'm not going to go to you and ask for the fucking weather. I can look out the window. I wasn't there that night. I can't say the exact why why this guy got shot. That's what I need you to fill in. I know how he got shot. I know when. I want to know why. Was it intentional or was it just something you tripped out, somebody else tripped out and it got done and then everybody tripped out scared shitless. That I understand.

PV I didn't do it. I don't, man. I don't man, I don't even know what the fuck to say man. Because I didn't do it. I'm saying, it's hard to answer a question about something that you don't know nothing about.

TK Okay, get back to that statement. That's where - I told you yesterday, your mouth had hung you on this thing, didn't I? Remember that? And that's where I get back to today. These people can't make up these details, separate sources about this shit. And it all, you know what I mean? The whole downtown isn't in a conspiracy to frame you for this thing. I don't know you from shit before the other day, do I? I don't have a bone against you.

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PV Well what if I…

TK My only deal is…

PV What if I didn't do it? How can I prove that I didn't do it.

TK Tell me how I got that conversation and tell me where you were when this went down.

PV Man you is hard. I'm thinking. I'm thinking. You said the lab, the lab.

TK Don't think about what I'm talking about.

PV No, listen. I'm trying to, I put my…

TK You're still trying to figure me out and that ain't going to work.

PV no, I'm trying to put myself in - I'm trying to put myself back at the lab and remember.

TK Think about Sunday before Christmas. That's when this happened. Before you went downtown.

PV Where the fuck was I at? Oh man.

TK You've had all night. We told you when this happened. And you…

PV I remember that. I remember that part for Colleen. But I'm trying to remember that morning time. I know I watched the game. I'm trying to remember what game. It's the same day. This is what I think happened. Check this out. Because I've been thinking about this all night. Listen, I got up. I stayed at Tete house that night. I got up early that morning. I got all my clothes. I went to the bus stop. I remember the night before I got drunk as hell. This is what I remember. I got drunk as hell and I still had a - it was Sunday. I still had a half a - no I had a pint of some E&J in my coke. I was leaving Buttery (inaudible). I remember it was a police parked next to a Broadband truck. And when I went to the bus, I was late for the bus, another police pulled up on me. And he pulled his gun

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out on me and then he (inaudible) on my head and he told me something had happened. And other police came over there and he told me, he told him it wasn't me because he seen me come out of the house. He let me go. I got on the bus. I rode the bus down to - I went to Stack's house.

TK Where is that?

PV At Vanessa's House. I went over there.

TK Which street is that one on?

PV It's on Forest. Franco's house.

TK Okay.

PV I went over there. What happened, what happened? She wasn't there. Or was she there? No she wasn't there because she don't like me. She wasn't there. He said, he, I had a big ass bottle because I was so drunk the night before I couldn't even drink it. Me and him sat there and drunk the bottle.

TK In Vanessa's or outside?

PV In Vanessa's. We drunk the bottle. And we watched. I think that was the day we was watching the Packers play. Anyway, we watched football. And then he got dressed and then we left. We left. We went downtown and we kicked it downtown for a minute. And then I think…

TK How big a bottle?

PV Just like a pint.

TK A pint?

PV Yeah, just a pint man. We drunk that between both of us. Then we went downtown. Sunday, no because on Sunday then I go - I probably went down to what's his name, (inaudible) the Capital. Because I go down there on Sunday too. I watch the game. That's where I watched the game from the Capital.

TK Capital what?

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PV The Capital. It's a bar. It's in the Radisson. It's like a little bar man. I be going up in there and getting drunk and shit up in there.

TK At the Radisson?

PV No, it's like a little bar it's called the Capital Bar and Grill. It's right in the Skyway. Anyway, I went there. I remember I went there. I remember I went there because there is this girl who work there. She cool. She cooked a meal too. She'd get me fucked up.

TK What's her name?

PV Her name Melissa. And I'm going to tell you exactly what happened. She usually get off at 10:00. After she get off at 10:00 I usually go down to the Buttery. I'll stay down there - I'll stay down there and get drunk down there then I'll go down to the Buttery at 10:00 because they close up at 10:00. It was right by Christmas. And I remember she was leaving. She was going out of town. And she got off early. And Stacks can't drink because he not old enough to drink.

TK How old is he?

PV He 20 years old.

TK 20?

PV Yeah, he not old enough to drink. But you know what I'm saying? She think he old enough to drink. She never ID'ed him. You know what I'm saying? Because he always with me. So me and him go up in there and we drink and shit woo woo. And she like, uh, she like I got to leave early because I'm going out of town and shit for Christmas. I even told her we were going out of town that day. This was earlier that day. I told her I was going to Florida. All right?

TK This was Sunday?

PV This was that Sunday.

TK All Sunday, okay.

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PV This was earlier in that day.

TK Like afternoon or morning?

PV Like 5:00, 5:00, 6:00 in the evening.

TK Okay.

PV This is like early.

TK Do you…

PV No…

TK Was Stacks with you there?

PV Yeah.

TK Anybody else with you there?

PV Maybe John was there. I have a homey named John. He used to always be with us for (inaudible). He would never be with (inaudible), he'd just be, he…

TK John?

PV Yeah. This dude I know named John.

TK No name John?

PV No, his name is John.

TK Oh, name is John.

PV Yeah.

TK Okay.

PV Anyway, check it out. So we up in there drinking and shit. And it's like, um, she say, I got to leave early, 'cause I'm going out of town. So she leaves - like she left like 6:00. Yeah, I think like 6:00, yeah by 6:00. So she leaves. And we had to leave. We couldn't even be there. Because after she leave, the lady that is going to be there, she gonna ID Stacks. She gonna ID Stacks. And we left. Then we went to the bar. I had my phone and I get free weekends. This girl

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named Darlene, she stay over there on Minnehaha. She kept calling me on my phone. We was trying to get drunk though. Colleen had kicked me out of the bar. I couldn't go in the bar. I'm like, fuck, 'cause that's - most of all the bars I can't go in downtown.

TK Why is that?

PV Just bullshit man. Fuck, bringing Stacks with me and shit, sneaking him in, giving him drinks and shit.

TK Okay.

PV I talked to this girl. Because the night before I told you that bottle that we drunk that morning, that big bottle, I had bought this girl a bottle too. I bought her a bottle of some drink too. But she don't drink. And she called me on the phone and she like, you going to come over here? I'm like, I was going to come over there. She was like I got - I still got the bottle you bought for me, you know what I'm saying? And I'm like, yeah, cool, because I couldn't…

TK Which girl is this?

PV This girl - it's another girl named Darlene. She's staying on the east side off of Minnehaha. Uh, we - I go over there with Stacks. We go over there and go over there, and you know what I'm saying? We kick it over there. We watch football over there too, drinking shit. We drunk that bottle up. We stayed over there till like nighttime. And then from there we left and went back downtown. And Stacks was like man, I'm going to Buttery man. Because he still can be in there. I just couldn't be in there. And then that's when I walked to the Buttery and Colleen was like, why are you looking all sad, and I'm like, you know, and I hit her with the script, just like that. That's what happened.

TK So you were at Darlene's house?

PV I was at her house that day.

TK Watching TV and drinking her bottle?

PV Yep.

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TK All day?

PV I told you I went at like 6:00. Because Melissa got off…

TK It was 6:00 when you got over to Darlene's?

PV No, Melissa got off at 6:00. I know I left, I left after 6:00 to go to Darlene's house.

TK Okay, so you were at her house by 7:00?

PV More than likely, yeah.

TK And you stayed there until you got up and went over to the Buttery?

PV Yeah, we came back downtown.

TK Stacks was with you at that time?

PV (Inaudible).

TK Was this John guy with you?

PV No, we left him.

TK Where did you leave him at?

PV Downtown. He didn't even go to Darlene's house with us. Because she don't like (inaudible) have people over there.

TK How did you get back downtown?

PV On the bus.

TK You weren't in any cars that day?

PV No. Caught the bus back downtown. Stacks said, man I'm going to go over there and get me a drink. I'm like damn, cousin, you know I can't go in there. He's like, man I'm going to go in there and get a drink real quick and I'm going to come right back out. He goes in there, he sat up - he get his drink but he sat down

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though. I'm like fuck, I don't want to be sitting here waiting for him to sit. So I go in there.

TK Where did you end up after the Buttery that night?

PV That night? We went down - we went back to Stacks house.

TK You just stayed there?

PV No, we went to Eagan.

TK Then you went down to Eagan to them girls.

PV To them girls house, yeah. He told his girl he was going to Mickey's to get something to eat, because his girl had been waiting for him. These other girls had been - they - we was going to go over there that night and stay the night with them. But then we get to his house, his girl was there. And she didn't want…

TK These girls weren't driving you around?

PV No they ain't even have no car. So we had to catch a cab out there.

TK They take a cab back and forth from Eagan downtown?

PV No, they somebody, whoever, I only seen them like twice. They was in like a little blue Corsica. Anyway, that's another story. They got a ride from somebody. But we catch a cab from Vanessa's house. We tell her we're going to Mickey's. We (inaudible) going downtown to get something to eat. We're going to Mickey's. So she (inaudible) on the way here. So we gets in the cab and goes to Eagan, you know what I'm saying? Stacks pay for the shit, because he has - he has some money. He had like 30 bucks. The shit came out to like, he like it's far but ain't that far. Well when we got there thanks it was like 25 dollars. So he gave the dude 25 dollars and we go to the female's house. And I get in there and it ain't (inaudible). The girl that he tried to hook me up with, she (inaudible) shit. So I didn't do shit with this. I ended up going to sleep.

TK Okay, so that's your alibi?

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PV That's my alibi for that day.

TK Over at Darlene's house. Who else was at Darlene's house?

PV Her whole family.

TK Whole family?

PV Her, she has a lot of mother fuckers live over there.

TK I know. I was over there. Did she tell you we were there?

PV I didn't talk to her. I didn't talk - because when I was in the (inaudible) I can't call nobody. Everybody I know, they all said (inaudible). Her, her grandma, her granddad, her uncle, her daughter, Tenesha, Tenesha's daughter and then they got some…

TK She said her mama bounced your ass out of there, don't want you around.

PV Her grandma.

TK Grandma is on your ass.

PV Yeah, she got - because I can't (inaudible) well I had got drunk.

TK That day or before that?

PV I, I've been over there drunk plenty of times. We used to go in the basement and get drunk. But I think that day I had - I had, we was getting drunk in there. And she told me don't bring no alcohol into her house. And I brought alcohol in there.

TK but she let you in this time? Grandma let you stay?

PV Yeah she wanted to - no this was, she didn't put me out till after that.

TK Till after that day?

PV Yeah, it was after that day. I was cool over there that day.

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TK Okay, so what am I supposed to do with these people that are telling me these things though? Where did you get - or why would you pick that kind of phrase to say to somebody?

PV I told you I don't remember saying nothing like that, no five times in the back on the south side. South side. I wouldn't be on the south side.

TK I'm going to tell you, here is the secret of police work. Most police work is as simple as it fucking looks. It just is.

PV I know.

TK If two and two make four, they are going to make four. Two and two are looking like four with you. And I want to know why not. Because I'm telling you, we've already been over to that house you're talking about.

PV You been over there?

TK Yeah, they don't remember anything specific about you on that Sunday. They remember some other specific shit about you that they're not happy about.

PV Yeah.

TK And I'm still saying two and two are looking like four and that's your number right now. How do I get that out of here? My (inaudible) it's simple. I want - however you want to put it. You know, line the blocks up so they make the train right. Fill in the pieces of the puzzle. Two and two make four. It all is the same thing. Most crimes, we don't have these big dark conspiracies and shit like this. Most crimes are as simple as they look and this one looks simple. It's a robbery for whatever reason because there was no point in shooting the guy. Whatever reason it got screwed up and the gun went off. That's what I come back to. That's what everybody else comes back to. That big why the gun went off is the big thing in this case right now. Did it go off because the guy said, fuck you, bang bang bang? Or did it go off and the guy said, aw fuck. Do you see the difference? Fuck you, bang, bang, bang. Bang, bang, bang, fuck, shits fucked up now.

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Made a mistake, this is bad. No way to fix it for him. What's going to happen now? That's the big - that's the whole lynch pin of the whole thing right now. Was this a mistake? Was this a fuck up? Or was this - did this thing get executed exactly the way it was supposed to?

PV This didn't…

TK Go in, kill the guy, take the money and go.

PV I don't know how it was supposed to go. I didn't - I don't know. I wasn't there. I don't know who did it. Man I wish you would believe.

TK And I'm telling you your statements tell me you're lying to me right now. Your statements tell me you're lying to me right now. It's not going to go - some people think I'm going to go away. It's going to go away.

PV I know.

TK I can wait it out. I'm tough, I can stand on my head for longer than this guy can talk. It ain't going to go away. I'm in front of it. His whole family is behind it. His fiancée is behind it, his sister-in-law, his niece, all his aunts and uncles. This doesn't go away. Bury him. He does not go away.

PV I didn't do it. I wasn't there. I don't know…

TK Then how do I get these statements coming out of your mouth? Five shots in the back on the south side. How does that come back to you?

PV I didn't say nothing about shooting nobody no five times in the back.

TK Now we're back to that. Before you said you might have but you don't remember. Now you're saying you didn't.

PV You said that you got a statement and on the statement, I said I don't remember saying that. I said that. But I'm saying why the fuck would I. Because I don't want to bull - I (inaudible) bullshitting but I don't.

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TK Nobody bullshits this stupid. Nobody is this fucking stupid to bullshit about killing people, in a bar that's loaded with, half of them are cops by the time you're talking about this shit. Colleen talk to you about the problems in the bar? Yeah? You don't think the cops are going to help her out with her problems and be around?

PV They told me…

TK God damn yes they were.

PV They're telling me there was undercovers in there. She always tells me that.

TK She was straight with you all down the line on this thing.

PV I have nothing to…

TK And still get misinformation.

PV But I don't have nothing to hide. That's what I'm saying. That's why I'm…

TK Then how does this stuff come out of your mouth if you ain't got nothing to hide? I think you did it. I don't know if there is ever a way that you're going to ante up to it, yourself, you're trying to deny it to yourself, I don't know what. I think you're in on it. Whether you were the guy with the gun or in the store or wherever in the plan you were, I think you knew about it. Because it comes out when you get fucked up and you start talking. It does - five times in the back on the South Side. The only thing you didn't do was draw a picture.

PV Man, you using that stuff about Colleen against me. I told her that. I told her I accidentally did some shit. Okay you use that…

TK Then…

PV I'm saying, no, no, but look. I didn't, I didn't - I told her that but I didn't do that. And then you say I

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told somebody else I shot somebody five times in the back. No man, that shit don't, un huh.

TK So now I'm bullshitting you?

PV No I'm not saying you're bullshitting.

TK Bullshit on that. I'm telling you the truth. Colleen is telling the truth.

PV I know she is. She - I - she told me that. I mean I told her that.

TK And that's your strong suit. Because the first time you talked to about it is it was an accident, I fucked up, I messed up.

PV Okay.

TK I didn't mean for this thing to go this way. Because God damn five times in the backside, don't look like an accident.

PV (Inaudible) fuck up. Don't look like a fuck up. But I didn't do that.

TK Sure as hell don't.

PV I just said it. It was just some bullshit I said. I said that, not knowing, coincidence, knock on wood, that fucking some shit fucking happened like that. I didn't know. Man.

TK Or you did know.

PV I don't know. I don't…

TK Or you didn't know and you have some heart and you were fucked up by it.

PV I don't know man. I don't know. I don't know nothing about this case, nothing about this. Nothing.

TK Well then you are eliminating that possibility for me and I go straight up. There is nothing - no way that me, the other cops that are a little softer on this issue can work with you.

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PV I want you to find out who did this, because I didn't. And you going to find out that I didn't do it. I promise you will. If you say you're going to find the person who did it, I don't want you to put it on me, just because the shit, or the fucking shit…

TK Who am I supposed to put it on? I'm telling you, I didn't create this shit. I didn't sit in the back room and say, well I want to watch Barnaby for a file and then I'm going to write down some shit and come at this fellow. This fellow is (inaudible) around, let's hang it on him. Bullshit, it's been you all along that brought us in to you. Your actions, your words.

PV I going to say this.

TK That brought us to you.

PV I (inaudible) a lot of bullshit, but I didn't do this. I swear to God. I don't know who did it. I say a lot of bullshit when I'm fucked up talking to bitches and shit man.

TK So we're back to that point where I ended today when I got pissed off and I said, so you're just a chicken shit liar about this crap. We're way back to that point.

PV I didn't do it. I just don't want to admit to nothing…

TK We haven't moved - we haven't moved. I gave you the opportunity to take the test. You know, get crossed off the list that way. That didn't make it. I give you all these opportunities to try and help yourself and tell me exactly what happened and why. I gave you an opportunity to put the family's emotions to rest about…

PV I don't know.

TK how he actually died and if he had time to pray…

PV I don't know.

TK before he passed on. You can't help me on any of that. And we go all the way back full circle to where I've

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just had it, I want to just send you away forever and ever. The hell with having a father for your babies. The hell with all that shit. This guy don't deserve it because he's holding out on this.

PV Man I don't fucking know.

TK Because it's there, it's there, it's there. Right here.

PV I don't know. I swear to God I don't know. I don't, I didn't man. I… This shit is crazy. I don't know. Man…

TK It ain't crazy. I ain't making it up.

PV I know.

TK I'm not delusional.

PV I know. It's hard to fucking, I'm…

TK It's hard…

PV being honest as I can.

TK It's hard because you're in a hard spot. I know that. You're in a hard spot. I told you I talked to a lot of people.

PV I'm in a hard spot but, I feel funny because I'm in a hard spot and I didn't do nothing. I got a - well I (inaudible) dug myself a hole and I didn't even do nothing. And I'm trying to - I'm trying to ask you a question, be (inaudible). I ain't getting myself out of the hole (inaudible) but I can't. I don't know what the fuck to do. Man, you keep coming…

TK What I want you to do - do you need any water?

PV I'm cool.

TK (Inaudible), you need a bathroom or anything?

PV No, I don't need nothing.

TK I want you to think about things for a little bit. Because I believe they are, you know, I'm not talking

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to a stone. You're a human being. You got shit going around in your head and it's going around real fast right now. I want you to slow down.

PV You know what I'm thinking about right now?

TK You want to listen to me just for a second. I want you to slow down, catch your breath and think about things for a minute. Now what do you want to tell me?

PV I was going to tell you this. I remember one night I was coming from the Lab. Fuck, I was in the car. Well see man this is shit. Man, this shit probably dig another fucking hole man. But I didn't do it though. I know how bad the shit look. I was there. I was getting a ride home. I was getting a ride home. I was coming from the Lab. I was fucked up. God. I was fucked up and I was getting a ride. But now this mother fucker, this girl gave me this ride home. This is all the time I remember. I remember she kept asking me some crazy ass questions and shit. And I just was like, she just was asking me some crazy, she kept asking me, oh, she was talking about her boyfriend, he in prison or some shit. She was like, oh, she kept saying about she liked bad boys or some shit. And I was just talking to her and shit, man, she kept asking me, uh, what I - she kept telling me she had a gun. What I - she kept telling me she had a gun. She was like, I got a gun. Would you show me how to shoot it, or some shit. And I'm like, yeah. That was the same night that I got put out of (inaudible). That was the same night that granny told me not to come over there no more. I was coming from the Lab. I was drunk as hell. I was in the car with Melissa. She asked me - she said, she say, you ever - she asked me. She was like, you ever shot somebody before? And I was like, I don't remember - I didn't answer the question. I was like, no. I told her no. Wait, she said you ain't never shot nobody before? I told her I shot a gun before, but I ain't never shot - I told her I ain't never shoot nobody. We was both fucked up coming from the bar. And now she dropped me off at granny's house and she left. And that night I was drunk as hell and granny told me don't ever come back over there. Because Darlene wasn't there and I was trying to go up in her house. That's the only time I remember. But she asked me that shit. I don't know why (inaudible) coming at me like that about shooting.

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TK What kind of gun did you sell?

PV It was a 22.

TK What kind though?

PV I don't know. It was just like a little short one. Probably no bigger than maybe no bigger than that pen right there.

TK What color was it?

PV It was brown.

TK Okay. You think about things for a minute, okay?

PV I'm trying. What you want me to think about? I'm thinking.

TK I just want you to slow down and start thinking.

PV I been thinking. I been thinking all night. I been waiting for this all night long. All night. I been waiting for this to have…

TK Well you might as well think for a while. We're not quite done. So you might as well settle down. If you need anything just let me know. Because we're going to have somebody go up to Darlene's house and talk to her again. Okay?

PV All right.

DV How are you doing?

PV Real frustrated.

DV Want a pop?

PV No, I'm cool.

DV Tough day?

PV No, (inaudible) getting a little frustrated. I'm trying to really remember what happened that day. I'm trying to remember everything that happened, but its…

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DV I think that's the problem.

PV Yeah.

DV I think we talked - we talked a little bit about that yesterday. I'm one of the guys that think a little bit different than some of the others here. You know, I think you're pretty well tuned up and some things happened. And whatever it is, we can't go back and change it. And you know that. But from that point we have to go forward and how it's going to play out down the road is what it's going to be. It's going to depend on what you have to say how things happened.

PV That's the part.

DV That's the part of alcohol.

PV I know, but that's the part I…

DV That's the part of alcohol.

PV I know.

DV And as I'm sitting here listening to everybody and I'm listening to the interviews and I'm listening to yesterday, you know, that's exactly what's going on with you is that as time goes on, you remember a little bit more. By choice or by it just coming.

PV Yeah, I'm trying to remember. Last night I sat there in my bed and just, I tried to remember so hard. Because I'm just, I'm trying to remember using little things that I do remember to remember big things that (inaudible) happened. I know exactly what happened from the time I talked to Colleen. No, I just told him what happened. But he told me he gonna have somebody go verify what I said.

DV Up to Darlene's.

PV Yeah, because. But I said that yesterday. I was…

DV Okay we got somebody verifying that.

PV All right.

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DV We've got somebody checking that out.

PV That's cool.

DV But I got to tell you, you know, some of the stuff that you've been telling the other officers that are in here really are - is bullshit.

PV those officers say what?

DV That were sitting in here talking to you, some of that is bullshit what you're saying.

PV Like what?

DV Well about the five shots on the south side.

PV Oh man.

DV Let me just go back with that, all right. You're saying prove it. Right? That's what you're telling the other officers. Because they are saying they heard it from another officer that you said that. All right?

PV Yeah.

DV I'm one of the six guys that were there that night that heard it.

PV That heard it?

DV That heard you say that. I'm one of the six.

PV Heard me say it?

DV Now there is going to be five other officers that are going to walk on in and they are going to be able to say the exact same thing that I'm telling you right now, is that I heard you say that. I was there. You know that, because we talked about that yesterday.

PV I thought I seen you.

DV Yep.

PV I know I seen you before.

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DV Yep. And there was five more with me that heard that. So I know that that - you're not telling the truth with that. All right? So…

PV I'm trying to think. I keep - I'm thinking about that night. I'm going back to that night.

DV You better think real hard.

PV I am.

DV Because here's the deal, okay? You better start thinking real hard.

PV I am.

DV How you want things to play out from this point forward.

PV I'm trying to.

DV Because we can't go back in time and change what happened.

PV But what I'm trying to do…

DV So what we need to do is go from this point forward and you need to think real hard. I know yesterday we left it with that you had some decisions to make in your mind what you think is in the best interest for Philip Vance. Because other people that we're talking to, they're thinking what's in their best interest. Because right now with something like this, it's one man for one man. And they don't care about the other guy. Because when it goes down, they want to do the least amount of time or the easiest time or no time.

PV That's what I want, no time. I'm trying to figure out how I can prove myself innocent. Because I know - I can't tell you about nobody else because I don't, man. I'll go back to that night I was at the bar.

DV Okay. Let's go back to December 22. All right? Where were you in the afternoon?

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PV I was at Darlene's house. I left Franco, Vanessa Franco's house…

DV Excuse me. Okay, you're at Vanessa's house. Whose house - who is there with you?

PV Me and Stacks.

DV Yeah, and you said something about a football game?

PV Yeah, we was watching football and we had a…

DV Stacks wearing his Green Bay jersey that day, huh?

PV No, he ain't…

DV Was it? Well it's not a Green Bay one but it's a gold and green one.

PV uh…

DV Is that yours?

PV That's my shirt.

DV That's yours, huh?

PV Yeah. All right. I'm glad you said that then. Because I can remember - because I remember that. All right. I remember the day before that. I wore that shirt the day before, because (inaudible). No, oh yeah. I went over there. I had left something over there. I left some - I left some clothes over there. And Stacks didn't have nothing to wear. So he can wear my jersey. I let him wear it. I had little bottle. We got drunk. We drunk a pint. We watched football. I remember his I think his mom went to Chicago. She kept calling my phone.

DV Okay, what's her name?

PV Her name is Dominique.

DV Okay.

PV Yeah, she went to Chicago. She kept calling my phone. And then, she called my phone. Dude, it's coming

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together now. Check it out. The night before man I got so drunk. I don't know. I had a - I ain't going to say a lot of money, but I had a large sum of money the night before. And I was so drunk that I had…

DV Where did you get the money?

PV I'm trying to remember. Where did I get it? (Sonya) gave it to me because it was Christmas time. She gave me money for Christmas.

DV How much did she give you?

PV Man it probably was like…

DV How much?

PV I don't know. Probably like 50 bucks, maybe a hundred. I don't know. But I know there was a - I don't remember the exact amount but I had a - it was a nice amount. So I had it because that night before, I got so drunk that I bought a big bottle of some E&J. And I was so drunk I couldn't even drink it. I was that drunk. I couldn't even drink it. And ah, and I had bought a big - a fifth too. So but Stacks told me the night before, I was so drunk he took it from me. He said I forgot it and he took it. He took it and went to (inaudible). So I came over there with that, with the little bottle we drunk there. And then he - him and his girlfriend was over. Was it his girlfriend? His girlfriend, she was there then. Now, let me get my story straight. I'm trying to remember because I remember she drunk the fifth with us when we had it. But that might not have been the day.

DV Dominique?

PV Yeah.

DV I thought you told me she went to Chicago.

PV That's what I'm saying. That might not have been the day though. I'm trying to think. Because she drunk a fifth with us. That wasn't even that day. It wasn't that day. I had the bottle. I had the bottle. That's what we drunk. I don't think - we didn't drink two bottles. I had drunk that one bottle.

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DV Okay.

PV A pint. We drunk that.

DV And where did you go? What time did you leave Vanessa's house on Sunday the 22nd?

PV Uh, I know it was in the evening. It was at least after 1:00, maybe 2:00.

DV Okay, 2:00 in the afternoon?

PV Yeah, maybe 2:00. I know it wasn't like 3:00.

DV Okay, where did you go then?

PV We went - we walked down 7th Street. Because we walked - we always walk there. We walked downtown from where she stay. We just walk around downtown by the Dorothy Day around in the area, just moving around, moving around talking to (inaudible), you know, go on the Skyway. Then I went to uh, we went up to the Capital Bar and Grill.

DV What time was that at?

PV Uh, maybe after 3:00.

DV After 3:00?

PV I know it was after 3:00. Because we was down…

DV How do you know it was after 3:00?

PV I don't know. I know it was evening time because I know Melissa starts working…

DV Is 3:00 evening? It's quarter after 4:00 now.

PV Melissa, well I call her at 8:00 man, I mean, because the lady at the bar, she started working at 3:00.

DV Okay.

PV All right.

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DV Who is Melissa?

PV This girl that work at the bar, at the Capital Bar.

DV All right.

PV So we look over in there. Because Stacks, he not old enough to drink. And uh,…

DV Who was with you?

PV It was me, me, I think it was just me and Stacks. I'm trying to say it right. Because the dude named John, he used to be with us like on and off. But I'm trying to remember, was he with us. No, no.

DV Who is John? White guy, black guy?

PV He a black dude named John. He um, no he weren't with us because I forgot Vanessa don't want him near her. So he didn't come with us. We gets downtown. We goes to the Capital. We go in there, we drink. We watch the rest of the game. We watching football on TV.

DV Okay.

PV We getting drinks and shit, da, da, da, da, da.

DV You, John and who?

PV No, I don't think John was there. I'm trying to think.

DV (Inaudible) with you?

PV Stacks, I know for sure that Stacks was with me.

DV Stacks was with you for sure?

PV Yeah, for sure he was with me.

DV Okay.

PV We go in the bar and we get drinks, we watching the game.

DV Who was playing?

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PV I think it was the Packers. No, it wasn't - did the Packer game go off? Because we was watching - I know for a fact we was watching the Packer game at the house. Because I remember this dude got hit so hard his helmet came off. Stacks don't even watch football. He was (inaudible). I think they was playing Buffalo, Buffalo Bills. I don't remember who played. Was the Vikings playing? It might have been the Vikings playing that evening because we was watching them. Anyway, we getting drunk, whatever. And she tells us she got to leave. She say, at 6:00 I'm leaving, because I'm going to go - I'm going out of town for Christmas.

DV Who is telling you that?

PV Melissa.

DV Okay.

PV We like, all right. And then - because Stacks he can't drink. So we got to leave, because when she leave, the lady behind the bar would try to ID Stacks, because she always try to ID him, but Melissa always - she always straighten it out for him so he can chill in there. So she 6:00 come, we drink, she leaves. So we leave at 6:00 when she leaves. She go her way, we go our way. We go out to the skyway. No, I forgot, before I left, I call Darlene. Darlene told me, she was like, she was like, you was drunk as hell last night. You know you bought me - she said, you bought me a bottle. Because she drank a little bit too but she don't drink like we drink. She said, you bought me a bottle. I didn't even drink it. I'm like, for real? And then - but I was kicked out of the Buttery. I wanted to go down to the Buttery but I couldn't. Plus I got no ID, I couldn't go down to the Lab. So I'm like, cool, going to go over there to Darlene house and drink and go over there and get drunk. So we gets on the bus and go over to Darlene's house and chill over there for a minute.

DV Okay, what time did you go to Darlene's house on Sunday?

PV Uh, it was after 6:00.

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DV After 6:00.

PV I know it was after 6:00, because…

DV All right, how long - where is Darlene's address? What is her address?

PV I don't know the number. I know it's on Minnehaha and Forest.

DV It's 950 Forest.

PV it's like four houses from the corner.

DV Does 956 sound right?

PV Yeah, I know it started with a nine.

DV Minnehaha?

PV Yeah.

DV Okay.

PV So we go…

DV So how long did you stay there?

PV That's what I'm trying to figure out. Uh, what's (inaudible). I'm trying to figure out. I stayed over there - I know I stayed there long enough we drunk the whole bottle over there.

DV Okay, who was there that is going to tell me that you were there?

PV Darlene.

DV Darlene and who else?

PV Her cousin Tenesha. Her uncle Jesse, probably her brother. He's always there.

DV What's his brother - what's his brother's name?

PV Uh, Dwayne.

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DV Okay, Dwayne what?

PV I don't know. I don't even know Darlene's last name. (Inaudible), yeah the grandma was (inaudible). Grandma was there.

DV Grandpa there?

PV He always in the room though.

DV Pardon me?

PV I said yeah, but he always in the room in the back. He don't ever come out.

DV Okay.

PV Yeah, so we stayed over - we stayed over there. I (inaudible) stayed over there all night, but we stayed over there it was nighttime when we left.

DV What time is nighttime to you?

PV It get dark at 5:00.

DV Okay.

PV When we went over there it was dark. You know what I'm saying?

DV Okay so...

PV I say maybe 8:00 or 9:00.

DV Okay, so you leave there at 8:00 or 9:00?

PV 8:00 or 9:00, between 8:00 and 9:00.

DV Okay. Then where did you go?

PV Back downtown.

DV Okay.

PV And I'm not sure if we walked around or did we go straight to the Buttery. We went to the Buttery. I know we went to the Buttery. Stacks (inaudible) go

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over there and get me a (inaudible). I'm like 'cous, you know I can't go in there. Because I was kicked out of the Buttery. And he goes in there. He say he go in there and just smash him a shot and just come right back out. But when I walk by the Buttery and look in the window, he's sitting in a booth sitting there, you know what I'm saying? He ain't even drinking. He just chilling. I'm like, man, so what I do is I come in the bar, I come in the bar and go - I'm conversating with people, what's up, what's up. I see Colleen. She asks me, she goes, she goes are you all right Florida? I'm like yeah. She goes, you don't look too happy. I'm like (inaudible). And then she goes, you want to talk about it. I was like, no. And she goes, um, she came up the bar and she goes, (inaudible) tell me what's wrong. She's like I know you. I know there's something wrong, woo woo. And she goes, and then that's when I told her what I told you I told her.

DV So what time did you tell that to Colleen?

PV It had to be like at least 9:00, at least 9:00.

DV Okay, what was Stacks doing at this time?

PV He was sitting in the booth drinking.

DV Okay, then what time did you leave the Buttery?

PV Probably sat in there maybe an hour. We sat long enough where we got, where we got, we got messed up. Because Colleen after that, she was just giving us free, she was just giving us free drinks and shit. She wasn't even charging us. She was pouring (inaudible) drink.

DV Why does she like you guys?

PV I don't know.

DV What's the deal there?

PV I don't know. She just cool and everything. Somebody introduced me to her. This one dude I know he introduced me because he always there. He always call me his nephew. But she like him because he cool with everybody. And she told - he told…

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DV What's his name?

PV His name Waldo.

DV Waldo?

PV Waldo, yeah. So she told me that we was his nephew and shit. So every time we come in there she always be real cool with us. You know what I'm saying?

DV What time did you leave there?

PV If we got there about - it was after - it was either 10:00 or - I know it was after 9:00. You know what I'm saying?

DV Okay. Then where did you go?

PV I know after 9:00. You know what I'm saying?

DV Okay, then where did you go?

PV Then after that, we went back to Vanessa's house.

DV Okay.

PV And then…

DV How late did you stay at Vanessa's house?

PV We stayed – we didn't even stay there that long. We stayed there maybe like 30 minutes.

DV Okay. About what time was that?

PV I don't know. It was starting to get late though. It was after 10:00.

DV After 10:00?

PV I know it was after 10:00 by then.

DV Okay.

PV Stacks girlfriend – oh not Dominique, not his baby's mom but his other girlfriend Rochelle was over there.

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And she was - they was arguing. That's why I was there so long. They was arguing. Because she had been waiting there all day for him.

DV Okay.

PV To come over there. And he wasn't there. He was with me kicking it. He was like man, we got to go get us something to eat from Mickey's, Mickey's diner.

DV What time did you leave Vanessa's?

PV It had to be about 11:00, because we were there for…

DV Okay that's at 11:00. Okay. Where did you go then?

PV We went to Eagan.

DV To Eagan? How did you get out to Eagan?

PV In the cab.

DV Okay.

PV Mmm hmm.

DV Whose place did you go out there?

PV To Amy's. This girl named Amy.

DV Who?

PV This one girl named Amy.

DV What is her phone number?

PV I don't know. I ain't never been out there. He took me out there.

DV Are you saying Amber?

PV Amy.

DV Oh Amy, okay.

PV Yeah.

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DV Okay, all right. So how late did you stay out there?

PV We stayed the night out there.

DV Stayed the night out there?

PV Yeah.

DV So she is going to verify that?

PV Yeah, for sure. Because I…

DV Okay, Vanessa is going to verify that you were at her house between what times?

PV I know it was after 10:00 till like 11:00, maybe a little after.

DV Vanessa is going to say 10:00 to 11:00.

PV I remember Rochelle was there.

DV And Colleen is going to say that you were at the bar from?

PV Maybe 9:00, between 9:00 and 10:00.

DV And that's your story?

PV That's my story. That's where I was at that whole…

DV That's where you were at. You're sure?

PV There's where I was at. I'm positive. Because what make me so positive about it because when I told Colleen that that night, I forgot to tell you. I had my phone with me. She called me. I wrote my number down. She called me. She called me the next day and I was at a bus stop waiting. Because we had got stranded out there. Stacks told me when…

DV Who called you the next day?

PV Colleen.

DV Why does she care about you?

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PV I don't know. But she just called like this. She called me on my phone. Because I had told…

DV When we went and talked to her about this she is saying, hey if something happened, that's not like Florida.

PV That ain't me. That's what I'm saying.

DV She said, if it did happen, that's not like Florida. I believe what you guys are telling me, but that's not the real Florida. Something is screwed up. Something happened and it was a mistake. And she's the one that's got me believing this. You know, everyone else is talking about the evidence that is pointing towards what happened, that it wasn't a mistake, that it wasn't an accident. For some reason I believe Colleen. She's on your side.

PV I'm glad. But the whole point of what I'm trying to say, I wasn't even there. I don't know, but anyway. Back to where I was at.

DV All right. We've got your timeline.

PV Okay. Like I was saying, she called me the next day. That's how I remember it was - if Colleen can verify that that was the same - this happened the same day I told her that, that's where I was at, because I remember that. She only called me one time ever and I was at the bu - we were stranded. We had no money. Because we was like, we can catch a cab back. But he was like, 'cous I spent all - he had like 30 bucks. He spent 25 dollars getting out there. He had five dollars. And we used that. We was at the bus stop waiting for the bus when she called.

DV Okay.

PV And I was right on Rahn Street.

DV That's your timeline.

PV Yeah.

DV What if I told you that timeline wasn't right?

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PV It got to be right.

DV No I'm telling you it's not right.

PV It ain't right?

DV No.

PV Well that's where I was at that day. Everywhere I said I was. Man this is not right.

DV Let's go back, we go back to that you know, you figure you saw me down at the Lab, all right?

PV That was a different night.

DV Yeah it was a different night.

PV Oh.

DV But we've been working this case. We've got photographs of you. We've got photographs of Stacks. And do you know how many people are willing to talk downtown about you two guys, where you're at, what you're doing?

PV Probably a million.

DV There is reward money out for this. There is reward money out for this crime.

PV I understand.

DV And you go down to the Buttery, you go down to what's the one where you…

PV The Lab.

DV The Lab. You go down there and you drop 25, 50 bucks, 100 bucks after someone gives you some information, people are going to talk. All right?

PV I understand.

DV So we've got a timeline where you were at on Sunday and your timeline isn't right?

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PV How?

DV I'm just telling you. All right?

PV Because we went in the Buttery that night.

DV I'm just, I'm just telling you it's not right. And I think it's the alcohol.

PV I'm trying - I don't…

DV And that's why we go right back to it that I think that you guys were there. You ended up at the store. Something happened by accident. You don't remember all of it but you remember some of it and you're afraid to tell us what parts your remember because you think it's going to get you in more trouble.

PV I wasn't drunk that night. I was not drunk that night that I told Colleen that. That was the whole - that was why I told her that so I could get…

END OF SIDE 1 TAPE 2

PV (inaudible) because, I remember the last time - was that the same day? I think so it was. Cous' was outside. He took off his shirt and he was throwing up.

DV Why was he throwing up?

PV Because he was drunk. That's how I know I wasn't drunk. Because that's the night he was drunk as hell. I wasn't drunk. He took off his shirt. He didn't have on no coat. It was cold as fuck. He had on like a little grey sweater, you know, a little grey little thing. And I had on - I had on this coat with this. I wear this every day.

DV Is this the only coat you have?

PV Yeah.

DV Where is your other coat at?

PV I don't have another one.

DV Where's your old black one at?

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PV I don't have an old black one.

DV Which one did you get Stacks to wear for a while?

PV I didn't give Stacks - I gave - a long time I let Stacks wear, it was like a little jacket.

DV Okay.

PV It wasn't a coat.

DV Okay.

PV All right. But that night I gave Stacks this coat. Because he was saying he was cold. He had throwed up. We was coming from the Lab. We was coming from the Lab that night. I'm trying to figure out how the fuck - and we was at the Buttery too that night. We was at the Lab. We left the Lab. Cous' was drunk as hell. I'm trying to figure out, did I go to the Lab first or the Buttery?

DV Here's the deal Florida. I have to keep telling you something before you keep remembering something.

PV No because maybe…

DV Right? True?

PV (Inaudible).

DV All day yesterday - or not all day yesterday but when we were talking to you yesterday and today through each one of, you know, any officer that is sitting here talking to you, you know, you are just denying it, denying it.

PV No.

DV Wait a minute. You're denying it, denying it, saying I don't know, I don't know or whatever it is until we finally get you to a point where we say this is what happened. And then you come up with, oh yeah, okay, I remember that part.

PV No, no.

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DV And then we go to the next part and we have to go through this whole thing. Do you think, do you think somebody is setting you up? You gave your coat to Stacks. Do you think Stacks went and did this thing and set you up?

PV No I was with him the whole night. We was together the whole night.

DV So you guys were never apart.

PV Never one time.

DV So no one is trying to set you up? Right?

PV Fine, yeah, you're right.

DV Nobody is trying to set you up?

PV No, that's what I was thinking at first, but.

DV So where we have you on this timeline is where you were. Not your timeline but our timeline.

PV But that night I wasn't…

DV What we put together by talking to people.

PV But I wasn't drunk that night. I still remember that night.

DV Okay, and you were with Stacks all that time, right?

PV I was with him all night. He was drunk as hell. 'Cause one thing about me and him , we got an agreement. If one of us get real drunk, the other can't.

DV Why?

PV 'Cause we gotta watch out for each other.

DV Why?

PV 'Cause we both can't be drunk at the same time.

DV Why.

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PV Because we just can't, it just…

DV If you're buddies, why can't you drink together?

PV No, we drink all the time together. But I'm saying, there's a difference between getting drunk and something like getting hammered. And that night…

DV Does that have anything to do with how many people you've t'ed off at a couple of these bars?

PV Probably. Probably.

DV It's not real hard to get people to talk about you and Stacks.

PV I know, 'cause we always together everywhere we go. But I'm real particular…

DV Some places we had to tell people we didn't want to hear anymore, because they'd just want to keep rambling about you two.

PV Because (inaudible) because I don't know why. Man I don't do shit to nobody. They just don't, I don't know. But I remember for - well you said that, why was he throwing up? I remember, 'cause I remember 'cause he told me last time, because last time I throwed up that night, we came from the bar and I remember that night. Because he took off his shirt. He was hot. He throwed up. And he told me he was cold. I gave him my coat and we walked. We walked from downtown to Vanessa house after that. So we must have went to the Buttery first and then went to the Lab, then went to her house. Because he was drunk as hell.

DV Well you can't remember where you were at.

PV No I'm trying. But I know I went - what I told you I know I went to Darlene house, I went to Dar, because I told you, I go to the same place every…

DV So you were at Darlene's house between what time?

PV I know it was in the evening. It was after 6:00. No, damn. Yeah, it was after 6:00. Because I left the bar,

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the Capital Bar after Melissa got off because she had to go out of town. And then after that I went over to Darlene's house and caught the bus home.

DV Okay, what would I say if I told you you were at the Capital Grill or Capital Bar at 8:00?

PV At 8:00? I remember…

DV It kind of messes up your timeline doesn't it?

PV Yeah it messes it up.

DV Yeah it messes it up pretty bad.

PV But I know.

DV No, but wait a minute. We've got people that put you there at 8:00.

PV At 8:00?

DV Yeah. So that's why your timeline is all off my friend, okay?

PV But I know Melissa said she had to leave though.

DV No, no.

PV She was…

DV I don't care about Melissa.

PV No, Stacks can't drink when she's in there so we leave when she leave. That's what I'm trying to say. Whenever she left we left.

DV Okay, I'm just telling you I don't care when you can drink when Melissa is there or not there.

PV Okay.

DV I'm telling you that we've got a person putting you there at 8:00, which just throws this whole timeline that you've been telling me as not true. All right?

PV This is a different thing.

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DV Okay, so now we've got you on, you know, that. Telling us that you didn't shoot somebody or say that you shot somebody five times on the south side.

PV You're making me look like a liar though.

DV I'm just telling you what I know. Okay? So there is another one you're telling me that you didn't say and we've got five cops that are going to testify to that. You know? I was listening to the - I was listening to the other officers talking to you. Yesterday you don't have a gun. Yesterday there is no gun.

PV I was lying yesterday. Because I was scared.

DV How do I know you're not lying again today?

PV Because he told me today, he told me whatever I did in the past or whatever he ain't worried about it. He just trying to solve this case. I didn't know that. I didn't want to tell nobody I had, you know what I'm saying, nothing about the gun or no shit like that. I lied about it. Everything they asked me today has been 100% the truth to my recollection.

DV That's what you told me yesterday though too.

PV No, I was bullshitting.

DV Well, how do I know you're not bullshitting today? That's the problem here. I'm telling you things that I know to be a fact. I'm not bullshitting you. I'm not giving you a story. As you can tell I'm not a cop that jumps up and down and screams. I'm just telling you what I know. I'm telling you what the investigation is finding out. I'm telling you that it's not hard to get people to talk about you and Stacks because you guys aren't the most well liked guys down there. You know? You guys are getting drunk and causing problems which is why you ended up spending a week in jail, because you got drunk and you t'ed somebody off and the cops were around the corner and you got picked up. And then you start giving them shit. So I'm not here to sit here and jump up and down and scream and holler. I'm just here to tell you what I know. And I know more than what I'm telling you. But there is no way that

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I'm going to lay all my cards out on the table right now.

PV I understand.

DV And you know that. You've been around, you've been around the block long enough to know that any cop that is going to tell you everything, you know, tell you things is not going to lay all his cards out on the table right now. This is the opportunity for you to tell us what happened.

PV I'm trying to tell you. I don't know nothing about this case. I wasn't there. I didn't do nothing. I wasn't there. Stacks was with me the whole night that day.

DV That's nice that you're going to alibi Stacks. That's pretty noble of you. You think he's going to alibi you?

PV Shit he should. We was together the whole night. Not one time we separated. Not one time.

DV Do you think he is? How about the third guy you were with up at the Radisson?

PV The third guy?

DV Yeah.

PV Who the fuck…

DV Do you think he's got a vested interest in this?

PV I don't go up there with (inaudible).

DV Do you think he's got a vested interest in this?

PV Who the fuck was with us at the Radisson that night? I only been up to the Radisson with like me and Stacks, me Stacks and John. Me John and Clem, me, Stacks and T Y, me, Stacks and E. Was E with us that night?

DV You don't think that guy is going to try to save his ass?

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PV I don't remember who the hell was there with us that night. Who was with us that night? 'Cause I swear to God it's like it, I don't know what's up with my mind. (Inaudible) remember stuff. I only remember big stuff that night.

DV Well you start remembering more bits every time I throw a little more information out.

PV Because you say something. And when you say something it brings…

DV But as soon as we start talking about the store, it's all of a sudden you remember everything crystal clear that you weren't there.

PV No, I know I wasn't there.

DV Even though there is some things that indicate that you know about that place.

PV No this is when, man I'm so nervous. (inaudible) questions, I never been approached with no shit like this. Never, I got no felonies.

DV And that's it. What was that?

PV I said I got no felonies or nothing on my record. I'm clean too. I just got a bunch of underage consumption tickets.

DV Okay.

PV I ain't never been in no shit like this.

DV With that in mind, don't you think that if this comes out that it's an accident, that it's going to go much easier?

PV But it wasn't an accident. I wasn't there.

DV Look at Stacks' record. Stacks has got a record all over the place.

PV Man, other shit is fucked up.

DV Uh huh.

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PV My shit ain't like that. And I - I wasn't, but that's the part you said because it was an accident. I don't want it to go down as an accident. I didn't do it. I want to be cleared of this.

DV Then who did it?

PV I don't know. I don't know. I wasn't there. I don't know what cous' is telling you all but I know cous' was with me the whole night. We was together the whole night, the whole day. And we didn't go to no South St. Paul. Because he got so drunk, I had to watch him the whole day, the rest of the night he be drunk, flipping out on mother fuckers.

DV So you go and find some girls out in Eagan because he's drunk…

PV No, he, no, no. He know the girls anyway. He - this is what…

DV Now we can go around and around and around.

PV No, we didn't find no…

DV All day long, you know, with some of this stuff. And sooner or later it's going to get…

PV So you saying we was…

DV It's getting to be a broken record.

PV We was at the Capital at 8:00. You say he put us at the… So between 8:00, I know for a fact we was at Vanessa's house like at 11:00. So 8:00, 9:00, 10:00 - that's three fucking hours. We went to - we was at the Lab that night. We went to the Lab that night. Uh, we did. We went to the Lab that night. And that was after the - after the Capital. We was at the Capital at 8:00.

DV A while ago you said you weren't.

PV No, you just said you could place me at the Capital.

DV I can. But you told me that you weren't.

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PV No, but you said you could then. You said I might be off. I was off then.

DV Yep. You're way off on the timeline.

PV Because you said Stacks was throwing up. I remember that night, we was coming from the Lab.

DV Where was Stacks throwing up at?

PV We was right there on - we was on 5th Street. We was all the way down - we were right by the Galtier by the - we was right across the street from the Galtier.

DV That's where Stacks was throwing up?

PV Right there. He started throwing up right there on the sidewalk. And I don't even go that far down there unless I'm coming from the Lab. So I know if I was coming from that way I was coming from the Lab. He was throwing up.

DV You feel comfortable standing on this whole statement?

PV No I feel comfortable that…

DV I asked you that question yesterday and you said, this is my statement. Now we talk to you today and everything you are - most of what you were saying yesterday was bullshit.

PV Fuck.

DV No I'm asking you again, are you comfortable standing on this statement? What's going to happen tomorrow when we talk to you, or next week and it's going to be more lies? Are you going to go back and say well, you know, I was bullshitting you that day too.

PV No, I'm not bullshitting today.

DV You know, I was bullshitting you that day too because I didn't want to get into trouble.

PV I'm, I'm…

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DV Now I'm really in trouble because everything is all done. And now I need you guy's help to get me straight - to get this straightened out. What do you think everybody is going to say?

PV I'm not bullshitting now.

DV What do you think everybody is going to say at that point Florida?

PV Fuck him.

DV Yeah.

PV Throw the book at him. Do this, he did it. (inaudible) now.

DV What do you think should happen to a guy that does something like this? Is there a difference between just shooting somebody or having it by accident? Is there a difference in your mind?

PV Is there a difference when you shoot somebody?

DV If somebody walks into a store and does a robbery, and the clerk gets shot, is there a difference in your mind between that clerk getting shot because he may have done something that caused the gun to go off, or when the person that's doing the robbery shoots the person? Is there a difference in your mind?

PV No, I don't know. I don't think - I think it's all a bunch of bullshit, just the whole thing, 'cause.

DV No I'm not talking about this whole thing. I'm asking you.

PV Do I think there's a difference between somebody coming into…

DV Do you think there is a difference, yeah?

PV Just straight shooting somebody because he said something or shooting him because of what?

DV Just because they shot him because they were doing a robbery. In your mind is their a difference?

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PV No there ain't no difference. You shot him.

DV Okay.

PV You shot him.

DV Okay. Should that person get the same type of punishment that the gun goes off by accident or however it goes off, unintentionally as the person who intentionally shoots somebody? Should they get a different punishment?

PV But how are you going to unintentionally shoot somebody five times?

DV Well I think you just become scared personally. After the first round goes off you just become scared. And you can't count between two and five shots and it just happens. And that's been documented.

PV I'm (inaudible).

DV That's been documented and stuff.

PV I think whoever, honestly, I think whoever did it they intentionally did it, honestly.

DV How do you figure that?

PV I'm saying, that's a lot of - that's a lot of shots, five shots. You know what I'm saying? You don't accidentally do no shit like that. Honestly I don't know, but that's how I would think. I would…

DV So you think that person should get the same punishment as…

PV As a person that accidentally did it?

DV Yeah. Should they get the same punishment?

PV No if they honestly accidentally didn't try to do it, you know what I'm saying, no.

DV It should be different.

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PV It should, yeah.

DV Okay.

PV They get - they going - they get punished but it should be different.

DV And I agree with that.

PV Yeah. Why do you keep coming at me like I accidentally - man you keep asking like I accidentally did it. I didn't do nothing.

DV That's what I think. Others think it just happened automatically.

PV He think I just went in there and did the shit. I didn't - I ain't never been to that store ever. I ain't robbed nobody. I told this that I ain't never pointed no gun at nobody, never.

DV What do you mean - you've never robbed anybody?

PV No.

DV Where did the other gun come from now then? That you were talking about earlier with Detective Kreager?

PV Oh, uh, no, that was - I ain't rob dude.

DV How did you get that gun?

PV Dude let me see it. I told him just let me see it. He was like…

DV Okay, and then what did you do?

PV He didn't say nothing about it.

DV You took off, right?

PV He was like…

DV You took off with the gun.

PV I ain't run off or nothing.

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DV You took off with the gun. You robbed the gun from the guy. So don't tell me I never done…

PV I never rob nobody. I took it.

DV Tell me.

PV Well, that's the same thing. Robbing is, robbing to me is robbing with a gun. Give me what you got. I was like, let me see. And he let me see it. And I said, let me hold this. He goes like no man. I'm like man, come on dude. And he just let me, he let me see it. But he ain't never - I told you like I said, he didn't even have no clip in it, so.

DV What's his name?

PV That's G.

DV What's G's name?

PV His name is G.

DV Where does he hang out?

PV I told you I don't know. The last time I see him before that day he was on the East side over off of Concord.

DV And you don't think he's looking for you if you took a gun from him?

PV No, he ain't looking for me.

DV Why?

PV 'Cause he ain't.

DV 'Cause he's a punk.

PV Huh?

DV Right?

PV (Inaudible).

DV Right?

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PV Yeah.

DV You've got a lot of decisions to make here.

PV I know. I'm trying to do - I'm trying to do the right thing. I'm trying to…

DV I would hope that you would. I really do.

PV It's…

DV I would hope that you would do the right thing, because it's not just your life that you have to start thinking about right now. Nothing can change what has already happened. The only thing that could change is how it affects other's lives that, you know, people who are involved in your life and how it's going to affect their life, you know, whether they are going to see you in three years or whether they are going to see you in five years or whether they are going to see you in six months, I don't know, and where they are going to see you. And that's the decision that you got to make.

PV But what would you do in my shoes? If you know you didn't do this. You said some - he said some shit I ain't going to admit to him because he was talking too (inaudible) man. He said, when I said some shit, one in a million about that I made a mistake and did this. I said that, I admitted I said that. Then he said, supposedly, he - you even said it that you, you said that I said five times in the back on the south side. All right.

DV Plus five other cops know you made that statement.

PV Was this in the Lab? Was this that same night when Stacks threw up? Damn. 'Cause this one night I remember I was in the Lab and I was fucked up. But I was with Melissa.

DV How do I get a hold of this Melissa? She seems to be around you a lot.

PV I don't know where to find Melissa. Did she tell you I came to her thing?

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DV She what?

PV She says I came (inaudible). I don't remember (inaudible). She had her phone cut off now. I got it in here. (inaudible) I know something was up man. I got her number in here. She sent me an emergency message when I was in the (inaudible).

DV Is she one of your girls?

PV No that's the one that work at the, uh, at the Capital.

DV Okay.

PV And usually I be - that's why I'm thinking somebody probably tried to set me up, because man, I be going down to the Buttery with her and mother fucker be down there, hey, they all be trying to talk to her and shit when I'm with her, hey come here, you know what I'm saying. Like man, and I go down to the Lab.

DV What do you think about these decisions you've got to make in your life?

PV I think they hard man, but.

DV Um hum.

PV I'm trying to think about what's going to prove me to be innocent. Because I'm not trying to be - I don't want to just, I don't want to just accept anything when I know I didn't do it. I know I been saying, I know I said some real fucked up shit, you know what I'm saying?

DV (Inaudible).

PV And I dug, man.

DV You dug a hole.

PV Man, shit, (inaudible) a hole. You might as well throw the dirt on me now because I'm laying in the casket now. That's how I feel right now.

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DV See, and I'm telling you that I don't think it's that bad.

PV I do. Because I didn't do nothing. I don't want to admit to nothing I didn't do. If I was in this situation, if I was in this situation and what you say you think happened happened, I probably - I'd have to tell you. Especially when I know it was this, if, if it really - if that happened and you was like I think you accidentally did it or da da da da da and you know what I'm saying? I'll tell you. But honestly, I'm not taking nothing that I didn't do. I swear I did not do it. I don't know nothing about that. Like he said I got to be one of the unluckiest mother fuckers on the planet. And I swear I got to be.

DV Okay. When was the last time you touched any ammunition?

PV Ammunition? Bullets.

DV Bullets?

PV Man, shit it ain't been (inaudible). Last time I shot a loaded gun, damn. A loaded gun. That's been a long ass time. It was one of my homeys, but he don't - (inaudible) he doesn't live, you know. This was like, this was months and months and months and months ago. That's why, I'm…

DV Well I'm trying to figure out when we find prints, fingerprints on the ammunition.

PV On the ammunition?

DV Um hum.

PV No, that's cool.

DV Um hum.

PV That's what I'm saying. All this…

DV And I agree with you what you told the other officer. We're not going to probably find any prints in the store.

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PV No you, didn't you say you got a tape? I'm saying…

DV You saw the picture.

PV I know. I'm saying you all got all this on I don't know, man. I ain't worried about that. I'm trying to get this shit straight. I didn't touch no ammo, man I didn't touch no loaded gun in, it been months and months and months and months. My homey named Smokey. He had like a little 380 he showed me one day and that was it.

DV Who had that?

PV My homey named Smokey. He don't even live in Minnesota no more.

DV Okay.

PV But that was months and months…

DV That's the last gun you had.

PV That's the last loaded gun I ever touched.

DV When was the last time you touched a bullet?

PV A bullet? A bullet? Probably had to be before, way before that.

DV Okay.

PV Dude I don't play with guns. I don't mess with guns.

DV So did you ever give a bullet to anybody else?

PV Give somebody a bullet? No.

DV Because when we – when the prints come back…

PV Okay.

DV The ones that are in the store.

PV Okay.

DV I want to know how your prints got on it.

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PV No, my prints ain't gonna be on no bullets.

DV All right. But if they are, then I'm going to come back and I'm going to ask you. And then you're going to say, oh that's bullshit, because I remember. Now I'll tell you the truth about that.

PV If my prints is on the bullet you don't have to ask me nothing else. You can just charge me with all this. I take everything. I don't know. My prints ain't on no bullets, no nothing. I wasn't here. I don't know nothing about this. I don't. I don't. I know my bag at TeTe house, I honestly know this. I know my bag at TeTe house and my Tommy Hilfiger bag. I got a little zipper with a whole bunch of football cards and shit. And I know there was two little bullets in there that I had found. I had found one big bullet one day. And this was months and months and months ago. And I found a little bullet. And I don't know why. I just, I don't know. I just kept it in there. That's it. I don't even know what the fuck it go to. I just found it one day. It's two little bullets. Two different - to two different guns. And it's in my little Tommy Hilfiger bag.

DV Where is that at?

PV What you mean?

DV Where is your bag at?

PV That bag is at TeTe's house.

DV On Birmingham?

PV Yeah. That's over there where all my clothes and shit is.

DV Okay.

PV Yeah, that's the only bullets.

DV Where did you keep the other gun that you had that you took from the punk, from G?

PV Uh, honestly I had it in a box in the closet.

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DV Where?

PV I put it way up in the closet.

DV Where at?

PV In a shoebox.

DV Where at though? Whose house?

PV At TeTe's.

DV Did she know it was there?

PV I told her I put something up in her closet. She was like what. I say I just put something up in the closet. She was like, it better not be illegal. I'm like, dude, I just, I'm like, I put something up in your closet. She said, if it's illegal man you better get that shit the fuck out of my house. And I'm like, all right man. But I ain't move it. I told her I moved it but I didn't because I had moved it somewhere else. I moved it to another closet and put it up. She didn't even know the mother fucker was in there. And then I moved it. I moved it. I ended up moving it out of the house.

DV Okay. This is going to be your statement?

PV What's my statement? What you got so far? What you got so far?

DV What do I got so far? I've got a bad timeline from you that doesn't make sense where we've got you at. All right? I'm just telling you.

PV I understand.

DV You know, that's your statement. You got a bad timeline plus all the other inconsistencies, talking about what you said and what you didn't say, what you remember, what you don't remember.

PV (Inaudible).

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DV You know, when the officers come in this door and they tell me that you weren't up at Darlene's at all that night, then what?

PV They ain't going to say that.

DV There's another one.

PV How come everything I keep saying don't nothing come back right?

DV I don't know. I think it's the alcohol.

PV Did I say anything that was true?

DV I think it's the alcohol.

PV Oh man.

DV That's what I think it is.

PV I'm trying to even think.

DV You can't - you can't sit there and consciously give me that screwed up of a story today. I don't think you could.

PV Honestly I told you. That day, I told you yesterday honestly. I really don't remember where the hell I was at on that day. But you know what? I told..

DV Okay, let's just go with that for a minute. Is it possible that this happened at the store and you don't remember it?

PV No, hell no. There ain't no way in hell that no shit like that can happen and I not remember it.

DV How do you know?

PV 'Cause.

DV You can't remember anything else until we remind you of it.

PV That's them little events. Them little specific, little small specific events. That's some big shit.

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That's some big shit. Like you all say you all was in the room yesterday and I said something happened and some - you said, what did you say? Some lady was scared - I scared the shit, whoever it is scared the shit out of the lady and was running or whatever. Man, I don't remember all that shit. I don't remember none of this shit. Man.

DV See I don't think you will because you don't remember anything until we finally nail you down to it. And if I'm wasting my time here Florida, tell me I'm wasting my time.

PV No, I'm trying to…

DV You know? I'm the only guy that is on your side right now.

PV I know. But I don't want to, I don't want to…

DV You've got Colleen on your side and you've got me on your side.

PV I don't want to admit to…

DV And we are in the minority.

PV I don't want to admit to nothing I didn't do though. That's the whole point. I'm stuck on that. That's one thing I won't do. I won't admit to nothing I did. I'm not going to say, yeah, I don't remember but I might have been there or some shit like that. No, because I know for a fact I know that night that I told Colleen that I wasn't drunk that night. I was not drunk. Because Stacks was drunk. That's what I'm saying. If this the same, this the same, because I remember, we was at Amy house I remember I told him something. We got over there. He was with his girl. And he, the girl he tried to hook me up with I'm like, oh fuck no. Man, I'm like, dude she's ugly as hell. And we was sitting in there talking and shit. And I told cous' I'm like man, we could have took them, $25 you use in the fucking cab we could have went and got drunk. Because I ain't even drunk. That's just what I told. I remember saying that. I wasn't drunk that night. I was not drunk that night.

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DV How come your time line is so messed up?

PV 'Cause man I, shit I couldn't even tell you what the fuck, I couldn't even hardly tell you what happened Christmas. And Christmas was especially, I remember what happened that morning because I remember giving my kids their gifts and shit because I couldn't even tell you what happened that night.

DV Is that when St. Paul came down and picked you up and told you to get out of there?

PV Get out of where?

DV When you were down on Forbes when St. Paul showed up? Weren't you and Stacks down there?

PV Hold up. What day was that? No that was Christmas Eve. That was Christmas Eve. That was the night I was fucked up that night.

DV That's another night you were screwed up.

PV That was the 24th. Because I remember the night before, uh, I had, me and Stacks had went and got fucked up with his cousins there.

DV Well how messed up were you that night?

PV What? That night?

DV The 24th, Christmas Eve.

PV Man I was fucked up.

DV How about Stacks?

PV I don't know. Well he said he was fucked up, because I left him. I left him that night, because he was making me mad. And we was at his cousin's.

DV Why, did he have too much to drink?

PV Who?

DV Stacks.

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PV No, it's just 'cause when we get around, me and him be together everything be cool. But then we get around his family he get drunk, he get to acting funny. He get to acting real different and shit because he's around his family.

DV Now see that shouldn't happen, because when you're drunk, Stacks isn't.

PV no, this night we was at a…

DV Oh, so you both got drunk that night.

PV Yeah, this night we was all drunk.

DV So it's okay on some nights for you both to get drunk but not other nights?

PV No, we was, I don't know what happened this time.

DV Even though a while ago you told me that you only get drunk - you alternate who gets drunk.

PV We do. We do. But this night it was Christmas Eve, and the house we went to they had a whole, they had a lot of alcohol there. So we got drunk that night and I left Stacks. I lost my phone and shit that night. And then, where the fuck did, I went somewhere after that. Anyway, I left from there and I went back to Stacks house and the police came. Because I had jumped up on the balcony. I jumped up on the balcony and I was knocking on, bamming on the mother fucking door because my fucking, my kids' gifts was in there. I left my shit there that day.

DV Where did you go that night?

PV That night?

DV Yeah. What did the cops do with you that night?

PV They took me to the bar, up the street to the bar and called a cab. He told me I was, he said I was…

DV Where do you get all this money for these cab rides if you're not working?

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PV I told you that day, uh…

DV No, any cab rides? You take a lot of cabs.

PV I only told you about two cabs.

DV Huh?

PV Stacks pay for the one to Eagan. This night - this was the night before Christmas. Sonya had took me shopping and she gave me some more money. And I had some money that day, you know what I'm saying? She gave me some money that day. I went over to Stacks house to get my gifts for my kids because I was going to go over to my baby's momma's house and bring my gifts over there, but.

DV What's Sonya's phone number?

PV 763-300-2569.

DV 25 what?

PV 69.

DV Well what are we going to do here today Florida?

PV You say what are we going to do here today?

DV Yeah, you tell me what we're going to do.

PV I'm trying to answer everything.

DV I know you are, but…

PV I'm tired.

DV You know, from my side and I think you've seen I'm a pretty patient guy.

PV Man, you are patient. I'm trying. I'm trying…

DV But from my side, I have to keep pointing out when you're telling me something different.

PV Well what do you want me tell you? Because you say when I tell you my story is wrong.

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DV Well because I know it's wrong. And I'm telling you why it's wrong. I'm not just over here saying, you know what, you're wrong. I'm telling you why you are wrong. So that shows a little credibility that I have, that I've done my homework. I've read the reports of other officers. I've done some surveillance myself and I know a lot of this stuff. And I tell you when you're wrong.

PV You said it's the alcohol.

DV Yeah, I think it's the alcohol.

PV The alcohol make me forget, because I swear to God. But I don't forget for a long period of time. It just be little stuff.

DV How do you know? It's a progression. Sometimes you forget for 30 seconds. Sometimes you forget for 2 minutes. Sometimes you forget for 10 minutes. How long do you think this robbery took?

PV But I would have had to go out…

DV 30 seconds? A minute?

PV I would have had to go out to South St. Paul. I ain't been out to South St. Paul. Except, I rode through there today when I was riding, when you was bringing me here, I looked at Concord. I know, when I used to go to them girl's house I used to get off 52, get off on Concord, go around. I used to go to - I don't remember. I remember how to get there but I remember it was right - I remember one of the streets was Homer Street and I made the right and I went on I think it was Bircher or something. And they stayed there. And if I kept going on Concord I went to the Car and Credit place. Them are the only two place. Man, my girl car have been broke down for it been almost a year and a half now and I haven't talked to them girls in almost a year now.

DV Who is that?

PV Who the girls? I told, I don't even remember they name that's how long it been.

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DV Who is Stacks' new girlfriend?

PV Rochelle.

DV Who is his other new one?

PV That's the only new girlfriend he has.

DV Who is the one he met New Year's Eve?

PV New Year's Eve? New Year's Eve. I don't know. Because he brought- he met somebody at the bar. He be meeting (inaudible). He told me he was at the bar on New Year's Eve, at the Buttery.

DV Who did he meet there?

PV I don't know. He told me he met somebody there. Well not like meet.

DV Is that his new lady now?

PV No, hell no. His baby momma is his girl. He got a girlfriend and a baby momma. They knew about each other but he ain't got no girlfriend.

DV Okay, who is this baby's momma?

PV Dominique.

DV Who is his girlfriend?

PV Rochelle.

DV Who is your baby's momma?

PV TeTe.

DV Who is your girlfriend?

PV I don't have a girlfriend. I don't have a girlfriend.

DV What about Sonya?

PV Man, she not our girlfriend man.

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DV She's just a pot of gold that keeps funneling you money for no reason.

PV Man, you know what I'm saying.

DV You got to hang on to those, huh?

PV Yes. She cool.

DV Then go back to where we are at. You know, I mean we could sit here for another hour and I could point out more inconsistencies in your story, all right?

PV The alcohol.

DV I think it's alcohol, yeah.

PV Man, I can't, man I would never. See I would, all right. Man, I would have to.

DV Take a deep breath. Think real hard. Because we're almost to the point where we are going to stop. I'm to that point. Okay?

PV Oh man. Man I don't (inaudible) do this to me like this and leave me hanging like this. I'm trying to be honest.

DV Okay. Think real hard. Because I'm about ready to stop. And once I stop, you know what the reports say. You've listened to all the other officers, and that's what the reports are going to say. The only thing that is going to be added is that I'm going to say hey, I went through with him. His timeline is wrong.

PV Man I swear to God I'm telling the truth man. Damn. I remember that night. I promise I remember that night. I left the Lab. We went - we left - we went to Vanessa's house. We left. We didn't go to no South St. Paul. Because I wasn't drunk that night.

DV Maybe you thought you were in St. Paul.

PV No, no. I know where I'm going. I know where I - man that night I was sober as hell. Because I remember in the cab I told Stacks man, we could have used that money and got fucked up.

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DV Well, you wouldn't have done that, because he was fucked up you said. And you stay sober on the nights he's fucked up.

PV Yeah, but I wasn't fucked up. I wasn't fucked up that night. That's why I told him, I could have got fucked up on that. Man, I wasn't. That's how I know I didn't black out. I didn't do nothing. I remember that. I remember that night clear as day that night. I'm trying to remember what happened that day. I remember we was at the Lab. And cous' got drunk. I remember he got drunk.

DV Where were you at 9:00 that night? You just told me you remember clear as day.

PV no, I remember.

DV So where were you at 9:00?

PV I remember we was at the Lab. I don't remember the times because you got all, (inaudible) about time. I know it get dark at 5:00. I ain't got no job so I don't, I'm really just a get up and go person. I'm not a time person. That's why if I get my phone records I know I can find out where the fuck I was at.

DV Well why don't you get them?

PV I got the bill - I got to ask Sonya if she can get them for me. Because it in her name.

DV Who can?

PV Sonya. She the one that got me the phone.

DV Well get them for us.

PV I will. 'Cause look.

DV You've got my card.

PV I got it right here in my pocket.

DV Bring 'em down to my office.

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PV I can get it. I'm telling you.

DV You get a hold of her and you bring them down to my office.

PV I can get them records. I can get - I know if I get that phone record, because I got my phone there and that phone will tell you. They can tell you, but it only got, no it got only incoming call. Oh fuck. Incoming calls.

DV Because see then what we'll do is we can take a look at what towers those phone calls were coming off of too.

PV For real? Because I can - I promise I can get that. And I can prove to you that I was - I can find out where I was at. I can find out where I was at from the phone calls.

DV And then if you made a call from South St. Paul, you're going to go, oh wow. Now I remember that part?

PV No, hell no. I now for a fact I wasn't drunk that day. I…

DV And you were with Stacks the whole time?

PV I was with Stacks the whole time.

DV There's no way that Stacks took any of your clothing?

PV Never. I told you I gave him my coat that night after he throwed up. He said he was cold. And we walked.

DV Okay.

PV Walked from Vanessa's.

DV You were with him that whole time.

PV The whole night. The whole night I was with him. I gave him my coat. And we walked all the way to Vanessa's house from the Lab. Because he was drunk.

DV Okay. And that ever coat you gave him or hooded, or whatever that…

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PV The jacket. That was a - it was like purple and turquoise and white.

DV Okay.

PV Purple, turquoise and white. I let him hold that. That was before. Because I told you he didn't have nothing. He didn't have nothing but like a little, like a little sweater.

DV And the dope that's in that is going to be his then right?

PV It ain't mine. I ain't wear that. I ain't wear that jacket in years.

DV And he's got that time hanging over his head.

PV (Inaudible).

DV We tagged him with another dope charge. You know that.

PV 18 months.

DV How much?

PV I said another 18 months. Or 13 months, something like that.

DV Well, a little more than that.

PV I went to court with him.

DV No.

PV No what.

DV It's longer than that is what I'm being told.

PV I don't know, he told me, he got (inaudible) for (inaudible). I know it was like 18 months. Damn, man.

DV So you're going to alibi Stacks for that whole night too? And he's alibing you the whole night, right?

PV Yeah, we was together the whole night.

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DV You're sure he's going to alibi you the whole night?

PV I promise he will. He should. We was together the whole night. The whole night. That whole night we was together. I need them phone records. That will set me straight.

DV Well, I don't think there is much more sense going around here, because, you know, we're not getting any place. The decisions you have to make deal with how you want the rest of your life to be.

PV I'm trying to. You got to let me, you've got to put this…

DV You've got to think about that. You've got to think about that. And that is where you are at my friend right now. You've got to think about that, what's going to happen, how it's going to happen and how you are going to get through this.

PV You've got to let me prove myself. I can prove myself innocent. I have to.

DV That's the decisions that you've got to make here. All right? Here's something else you've got to think about. You know that we've talked to a lot of people downtown.

PV I know.

DV Anybody that we talked to comes back and tells either myself, Detective Kreager or any of the St. Paul police officers that were working on this case, any of the Minneapolis police officers that were working on this case, any of the Dakota County Sheriff's officers that were working on this case that you even said one bad word to them about why they talked to us, we're going to come snap you up and you're going to go to jail immediately. Do you understand that?

PV Yes sir.

DV And you know I'm dead serious about that.

PV I promise. I promise sir.

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DV One of them says one word to us that you even uttered a word to them, why did you talk to the cops, your ass is going to be done.

PV I promise. I won't say nothing.

DV And you better hope…

PV I'm not saying nothing to nobody.

DV Listen to me. I want you to hear this, because I'm dead serious. You better hope that I'm the cop that comes and gets you that night.

PV No, it's not going to happen.

DV Because there is going to be others that aren't going to be able to control themselves. Do you understand what I'm saying?

PV Dude, I had a dream. I had a dream dude about this. I had a dream where I got my ass whooped by police last night.

DV There is no police that is going to whoop your ass.

PV But I did though. I had a dream that I got the shit beat out of me.

DV And I'm not threatening you with this.

PV No, I understand.

DV I'm just telling you. I'm just telling you what's going to happen to you if you say anything to anybody that we've talked to during this investigation. If you say anything bad…

PV I won't.

DV You are going to be arrested.

PV All right. You got all the numbers I gave? All right. more than likely I'm going to probably be…

DV Do you want to tell me anything else today?

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PV No. Basically I told you - I tried to tell you the truth.

DV Now this is your statement today?

PV Stacks, he can vouch for me.

DV I asked you this yesterday and you said it was your statement and everything was honest. And then you come in today and tell me it's bullshit.

PV Everything today I promise, I can sign my name to it. It was the truth.

DV Oh you will. You will. Because when we go to court, if things go to court, I want to have it so we can say you lied to us.

PV You can say I lied to you?

DV Well if we prove anything that's a lie here today, like I say, I already know some of the stuff you're telling me is a lie today.

PV No, what do you got?

DV No, it's not - okay I won't call it a lie. It's not the truth.

PV What do you got in…?

DV I'm not going through it again. I've already gone through some of it.

PV I'm trying to tell you the truth of everything. I've told you that to my recollection, everything, everything the truth.

DV Okay, that's what you told me yesterday.

PV Man yesterday was bullshit. I was fucking scared yesterday. I'm scared now.

DV I'd be scared if I were you.

PV Yeah, I'm scared now, but.

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DV And I'd be trying to figure out what's the best deal for me if I were you.

PV No I'm not trying to take no deal because I didn't do nothing. What I'm trying to do is prove to you all that that whole day that I didn't go to South St. Paul at all. That's what I'm trying to do. If I can prove to you all that I wasn't in South St. Paul, then I feel I did my job. No matter what nobody said he heard me say or whatever.

DV Where are you going from here tonight?

PV I was going to go call, I was going to go call TeTe and see if - I need to change my clothes. All my clothes are over there.

DV Where is that, on Birmingham?

PV Yeah.

DV Is your bag there with the bullet?

PV No. (inaudible) get it. You want to go there and I go get it for you? I go get it.

DV Do you got anything else you want to tell me?

PV I told you, (inaudible) I told you (inaudible).

DV Okay.

PV I'm getting that phone record. I'm going to get that shit.

DV You've got my card?

PV Yeah I've got it right here.

DV If I'm not there you can leave a voice mail.

PV Man I will. I got both of them right here.

DV Okay, call either one of us with those records.

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PV Somebody (inaudible). You said you could find out from the tower.

DV Well we'll try to do some thing.

PV Yeah, I be (inaudible).

DV Find out where you're at.

PV They be doing more…

TK Can I have a minute with him Dan?

DV Sure.

TK I hate to interrupt, but there's some stuff - I had St. Paul go up and talk to Darlene and the family up there.

DV Do you want to talk to him?

TK Yeah.

DV I'm done. Okay.

PV (inaudible) and do that?

DV Pardon me?

PV Go get that?

DV Yeah, we're going to do that.

PV Oh.

TK You okay? You need a bathroom or anything?

PV No.

TK You got a pop? Or water or whatever you need? Well, Darlene is up on 'haha right?

PV Minnehaha.

TK Yeah. There with her dad? The big guy that lives there.

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PV Her granddad.

TK That's her granddad.

PV Yeah.

TK And stuff like that. I had St. Paul go up there. Because I told you I talked to her the day we were up there.

PV Yeah.

TK And she didn't remember you being over to the house that often. How many times were you up there?

PV What you mean, over at her house?

TK Yeah.

PV I used to come over there every day.

TK Every day?

PV Every day.

TK Was that when everybody else was home too?

PV Well I just come - I come through the day time. But I was on the weekend, everybody there on the weekend.

TK We were there during the week. Everybody was there.

PV Man, that was after 5:00 though.

TK Her grandpa doesn't work, right?

PV Yeah, he's always there.

TK He's always there.

PV Their grandma get off at 4:00.

TK Yeah.

PV And Darlene stays home to watch the two kids and the other kids go to school.

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TK Well as I recall my conversation with Darlene that day last week whenever we were over there, that she said you only been up to the house three, four times. And it's been more - she remembered the one day that grandma got mad at you and stuff. And then once or twice before that. Okay, St. Paul, some of the guys working for us went back up there to talk to the family. And they were talking about the Sunday before like you were telling me, right?

PV Yeah.

TK You said you had stopped by her house.

PV Yeah.

TK After being downtown.

PV Yeah.

TK And then you went back downtown.

PV Yeah.

TK She didn't remember you being there. Nobody remembers you being there that evening.

PV I come over there all the time. He told me, he told me I could get my phone. My phone records of my cell phone.

TK He who? I'm talking to you about Darlene.

PV I'm telling…

TK You told me you were over at Darlene's house.

PV I do. I go over…

TK And like I told you I'm trying to - I'm trying to get things squared away one way or the other. You're either a bad guy or you're not. Well you said this is one way I know I'm not the bad guy because these people over here saw me.

PV You said this was right before Christmas right?

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TK Right.

PV Check it out. I'm going to tell you how it went. I'm telling you, I was over there every day.

TK You told me, didn't you just tell me that you were at Darlene's that evening?

PV Yeah.

TK And you were there with Stacks?

PV Yeah.

TK They say no.

PV They say no?

TK Yeah.

PV Man, I come over there every day.

TK No, she says not every day.

PV No I ain't been coming over there lately because her grandma told me I couldn't come. But then, she didn't kick me out then.

TK Well you weren't there that day according to them. Now are - I know grandma is not happy with you because you were drinking, but none of the rest of them, talking to Darlene she can - she says you're an okay guy. She doesn't like some of the things you do, the drinking too much and stuff. But that's, you know, she knows lots of guys. You know, you ain't no better or worse than most of the guys she's known. So she's saying no on that. So we come back to the point, how am I going to go with what you're telling me? Because I know you're not with me on this stuff yet.

PV I know, I know I was with Stacks that whole day. The whole day.

TK And what we're saying is we think Stacks was in on the robbery with you. So you came up with Darlene and I ran that down and that doesn't wash for you either. Now you've gotta to get behind this one way or the

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other so that we can either eliminate you or get this thing in the right light.

PV I'm trying.

TK You don't want this in the light where it comes out by the - what the physical evidence suggests and what your statements say. Because the statements we are talking about are going to come in. They are. And the other officer, I'm sure, I didn't see what he was talking to you about. But I'm sure you covered that with him. How many people does he say are going to sit down and swear that you said that - five shots in the back?

PV Five, five, six, something like that.

TK A bunch. We can't make a conspiracy that big to frame you. That happened. It was heard. It's not going to - that isn't going to go away just like the rest of this isn't. You've got to understand this is not going away. This is staying here. They are - number one because of my job it's not going away. Number two, because of how I feel about this kind of a thing and I want to make a difference. That's why I am a police officer. And number three, because the family came to me for help on a personal level about his last moment of life. They are so concerned about that. You can't believe.

PV I don't know.

TK These people break into tears every time they think about it. I'm not exaggerating about this.

PV I wasn't…

TK They have such strong family ties it's like they lost an arm or a leg themselves when something - a family member this close is taken away. They want to know that last minute if he had time. The witness that walked in heard the suspect behind the counter say something like, hey, and then something she didn't understand. We want to know if - was that him saying, asking forgiveness? They have different beliefs but they have God. They have their own God. They have their own version of heaven and hell. It makes a huge

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difference to these people how they die. It makes a huge difference how the body is handled, everything. It's all sacred to them. The witness that walked in heard the suspect say something and then look down to where the victim was lying. Then she heard somebody say something she didn't understand. We need to know. Was that him?

PV I don't…

TK Was that him praying at the end?

PV I don't know. I wasn't there.

TK The things that you have said give you specific knowledge that leads us to believe that you were there. If you weren't there then you talked to somebody that was there. Those don't go away for you. They don't. They just won't. This can't go away. My investigation isn't going to stop today. It's going to continue until everything is tucked back in, all the pieces fit. The story is continuous from one end to the other, from one person involved to the other to the other person involved to the end. It will fit together at the end. Right now, it's starting to fit together but your part is a bump way out above the line.

PV No, it ain't fitting together. I wasn't there.

TK It is - I'm telling you everything else is except the words coming out of your mouth.

PV You just making - you saying like it is because of how…

TK I'm not making it anything. I'm not. I'm taking what's out there and putting it together. I don't make facts. I don't make statements. I take them and fit them in where they belong. Right now they are fitting in this way. Everybody wants to know if it is supposed to go this way or if it was going this way and something happened. Maybe he did something. Maybe he made a sudden movement. Maybe he yelled something and then in a startled reaction the gun started going off. I told you I know how a gun can go off. I know what it's like to have it in your hand. I know what it's like to be

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in a situation where you are so pumped up you barely feel it going off. You don't hear it. It's just tiny little pops. And all of a sudden it's done before you can even think about it or know about it. It's done. It may not have been the way you wanted. It may not have been intended at all. But it's done. You can't take them back once they leave the - the barrel. They're gone. They've done what they've done. What we have it what we have.

PV But this dude was shot and I see on the other paper they show that the register was robbed. I don't man, I didn't do not shit like this.

TK I told you all along this was a robbery. They came in and got money and killed the guy. It's a robbery, yes. Was that all it was supposed to be or was this planned out as a robbery homicide, leave no witnesses, kill everybody?

PV I don't know, I didn't, I wasn't there. I'm, and that's my whole point. I'm going to try to…

TK My whole point is…

PV I got to figure out how the fuck I'm going to…

TK Your very words…

PV Fuck.

TK Make us believe you are there.

PV I know.

TK Your lies to us yesterday point us the same way.

PV I only lied about the…

TK Our interview today that started out with this test was another way we were hoping to either eliminate you or include you. Eliminating would have been good for you, scratch your name off the list. We couldn't do it with that. Then we come back and we're like pulling teeth again the whole way.

PV I was nervous when I did that.

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TK Now you gave me an alibi about being with Darlene. I know you're saying you're with Stacks, but we got Stacks being there too.

PV I was, I don't know.

TK So Darlene, we don't have her being there and her family obviously. Her dad - her grandpa doesn't go anywhere hardly, does he?

PV No.

TK Go over there. Have my, you know, they're not bullshitting me. They don't remember you being there that day. What I'm telling you is every time you give me a piece to say this is why, look somewhere else, we are looking somewhere, we are checking that and we come right back to you. And the reason we are here is because of what you have said. Now you gave the other officer a timeline about being here and being there and coming down. It's similar - same thing you told me basically.

PV Yeah.

TK But during the time frame that we're talking about, you gave me Darlene and her family and they say no. So we're back at square one. Now you can have your cell phone. You can have all that stuff. But what I'm saying right now is everything lines up right in a straight line to you.

PV But it will show…

TK And it starts with what you said. And the timing of these events. If we've got something other than the cold blood act of leaving no witnesses, now is the time to get behind that. Like I said, Colleen goes with you on that. You know, she could be your best friend in this whole thing saying, he came in, he couldn't, you know, he was, you know, just distraught, looked upset. And he said he made a big mistake, I can't believe I shot him. Can't believe I shot him. Biggest mistake I ever made. This could be the second biggest mistake you ever made if you go down this road and it goes as a premeditated plan, execution of all

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witnesses for the sake of a convenience store robbery. Way biggest mistake you ever made. Don't compound whatever you're into by making that mistake. This is the time to start talking to us about how God damn the guy yelled something. He got scared.

PV I wasn't there. I don't know.

TK He got scared and freaked.

PV I said that to Colleen, I was, I said that all some bullshit.

TK No, no. The thing about talking to Colleen, how - the same kind of bullshit. You talked to other people later about it. Philip, you've got to understand.

PV I, I, that's the fucking…

TK When this officer, how many cops did my boss say have been working on this?

PV He told me in every county.

TK Every county. There's got to be at least 20 in St. Paul on this. There's five in our town. There's four down here. There's some others in West St. Paul that have been chipping in. Do you know how many man hours spent and how many people we've talked to?

PV And I'm the only person you all think did this?

TK You've got it. The whole everything we've collected, the whole pile just like I told you yesterday. It comes up to a point and you're sitting at the top. You gave me an alibi. I said fine, I'll go - I'll have St. Paul go check it out. It didn't - before I leave. Didn't I say I'd give that to you? And they came back and said, no, no, he wasn't over here that day.

PV Bullshit.

TK So you've got to start deciding where you want to land on this thing. This was just a quick plan to get some quick money.

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PV I didn't do this. I promise. I didn't do this. If I bullshitted about every, if I bullshitted about everything I ever said this is the only shit I'm telling the truth about. I wasn't there and I don't know what happened.

TK The machine said that's a lie though.

PV (Inaudible).

TK That's one of the questions.

PV He says, he asked me, has I…

TK One of the questions, have you ever been in that store.

PV Yeah.

TK And you're saying no, you've never been in there.

PV No.

TK And the machine says you're lying about that. You're not being truthful.

PV Man that is bullshit man.

TK Well this is - I don't understand how this stuff works.

PV I'm saying (inaudible) nervous.

TK I don't understand how we send rockets into space either. But I know they go up and they come down. And this is the same thing.

PV Man it's different.

TK This is what this thing does.

PV He ask me, look, he ask me…

TK You don't play Nintendo on this damn thing. It looks like a laptop but it's set up just for this.

PV I don't know.

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TK This is the whole thing right here. And this guy, he went to school. He's been running this thing for a couple of years.

PV For years, he told me. He knows what he's doing.

TK He knows what these things are.

END OF TAPE 2 SIDE 2

TK Not crazy. The other officers aren't crazy when we get back and we compare notes about this. We're getting hosed on this thing. We can - we can put you with a specific knowledge of this crime.

PV But I wasn't there.

TK I can take - how many people live in St. Paul? Five hundred thousand, something like that. I can line them all up and talk to everybody and everybody that knows all of those people and it would take me ten years and I don't think anybody will say I heard somebody else say I shot some guy five times in the back on the south side that night. That's what I'm talking about. Why would such a statement come out of your mouth about that? Even if I take for granted what you're telling me about Colleen was just some sympathy bullshit as distorted as that thing is for a free drink and to get back into a bar you've been bounced from. How do I get around the fact that this specific kind of language matching up with this thing? I think I could talk to everybody across the US and I don't think in conversation anybody would have thrown out, hey I shot some guy five times in the back on the south side. How do I get around that?

PV If I blacked out, if I blacked out, how the fuck would I have known I'd have did some shit like that.

TK I'm not - I don't think you were blacked out when you did this.

PV I don't - I didn't do it.

TK I think - there's two ways I see this thing going down, okay? One way is like I tell you, the evidence

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can support very easily. It was planned to kill all the witnesses. Go in there, get the money, shoot anybody that's in the store, kill them and get the hell out of there. That's one way to look at it. The second way is plan to do a job, figure just run in there. It's a quiet little market, in and out quick, get the money, scare the guy and get the hell out of the neighborhood. When you're back there with the gun, he does something. He gets scared, he yells something. We know he didn't fight. He's got no defensive wounds. He didn't have his hands up. His hands - he had no bruising from fighting. So we know he didn't fight but maybe he got scared and yelled something and it startled you when you had the gun and it started going off. That's the second version of it. He just freaked. Maybe he started praying. Maybe he was - maybe he was saying something in Arabic you didn't understand too. Maybe something like that happened. Is that possible?

PV No. It can't be possible. I wasn't there. I don't know.

TK Why can't it be possible.

PV I wasn't there.

TK Put yourself in my shoes. Okay, you're the police investigator talking to some guy. You've got this bit of evidence, this bit of evidence, this bit of evidence…

PV And no key (inaudible) witness. (Inaudible) it fits like you said. Shit is, I got the (inaudible).

TK I'm asking you the question to be reasonable with me. If you were me, and you said if your mom got killed you want a cop like me on somebody's ass until you got the truth, right?

PV Yeah.

TK You're that kind of a cop, you're me and you've got this stuff. You've got two different statements implicating a guy. He gives you an alibi, that doesn't wash. And, the statements that he makes are specific knowledge about the crime that hasn't been in the

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paper and hasn't been on the TV at all. What would you be thinking if you were me?

PV This is the guy.

TK You'd think you were on the right track, wouldn't you?

PV No.

TK I'm saying the same thing. I'm on the right track. I think you're involved. You have specific knowledge and I think you want to give this up. You just don't know how yet. I think you're in a bad spot. You know that you're in a tight place. It's painful.

PV I just don't want to admit to something I didn't do.

TK But playing this out saying let the cops,

PV And I don't know nobody who did this.

TK Let the cops prove it is going to bury you in the long run. It's going to bury you because it's going to go down as the cold blooded side. I don't think you're that cold blooded.

PV (Inaudible) they say me say it.

TK You.

PV Man. Why the fuck would I say some shit like that?

TK Just like Colleen told us about you initially about what you told her. She knows you. Some of these other people know you. Street cops in St. Paul know who you are, don't they? How many times have the cops stopped - hold you up, bullshit with you on the street, pat your pockets?

PV A lot.

TK Once a week?

PV Probably more than that.

TK More than that? They know you. Do you get all freaked out when the cops stop and flip your pockets quick?

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PV No, because I ain't, I ain't…

TK So you been talking to cops a lot?

PV Hell no.

TK Well in general.

PV No, I'm saying…

TK This ain't the first time a cop sat across from you and talked to you?

PV Oh, across from me, no. Yeah, this is. This is the first I ever been interrogated by the police.

TK The other stuff is just simple street shit they take care of right there?

PV Yeah. I ain't got no felonies. I ain't did shit.

TK Dump your bottle out, dump whatever.

PV Yeah.

TK Get rid of the shit.

PV Possession, underage consumption. That ain't nothing.

TK Well this is different.

PV I know. This is a fucking - all that shit (inaudible).

TK I don't think this was a cold blooded plan from the start. I think you are - you and Stacks are just a couple of guys getting along easy and fun and you got involved in this and you got over your heard that quick before you could even think about it.

PV I couldn't do no shit like this.

TK You say that but everything else says I could.

PV We was together the whole night.

TK Okay so he was there in the store then.

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PV No, we wasn't in no store. We was together. I, I, look. I - like I told him.

TK I'm going to tell you. This thing is pointing that way. My meter is pointing that way that you were in the store. How tall is…

PV That's it.

TK How tall are you?

PV Five nine.

TK How tall is Stacks?

PV Like five six.

TK He's a little shorter.

PV A little shorter than me.

TK Was it him with the gun then?

PV Man I don't, it, we wasn't there. We wasn't there. I can vouch for both of us. We was together the whole night and we didn't go to no South St. Paul.

TK And this John guy, he wasn't with you all night?

PV No.

TK He was just with you a little bit?

PV (inaudible).

TK Is that the stinky John guy?

PV Yeah.

TK Everybody says he stinks.

PV (Inaudible) yeah, Vanessa won't let him stay there.

TK Am I bullshitting you? I've been around.

PV No, no. I know, yeah. That's John.

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TK I've talked to people. And these other guys have talked to twice as many people as us. Where does stinky John lay up?

PV I don't know. He's homeless. He don't live, he be moving around. He used to come and try to stay the night at Vanessa house but she told him…

TK So he's a total bum or what? Or does he do shit for money?

PV I don't know what John do.

TK This is one of those questions I'm asking you to kind of judge if you're being straight with me.

PV I am.

TK Where does John get some money once in a while?

PV He write checks.

TK If I know about his shit, you know about his shit.

PV I (inaudible) because that's the only way I've been seeing him get some money before.

TK Were you with him when he got money doing the check?

PV When he got what?

TK Got some money for doing a check or got some drinks for a check?

PV Yeah. It was his check. It was his check though. You know what I'm saying.

TK It wasn't any fucking good though was it?

PV (Inaudible) doing that shit.

TK Which bar was that in?

PV I seen him do it at two bars, at the Buttery and at the Capital.

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TK And they're his own checks? He didn't steal them?

PV No, was his name.

TK When's the last time - have you seen him since that night?

PV John, (inaudible) at some house. Yeah I've seen him after.

TK Just downtown or someplace else?

PV Yeah, walking around. He was - when we was with some other people.

TK What were you talking about with John when the three of you were together at…

PV The Capital?

TK Yeah.

PV (Inaudible) to talk about.

TK Well you said you'd been watching football, then you and Stacks went downtown. You just bump into John? You didn't plan to meet him?

PV No, hell no. We always (inaudible). We run into John and he always starts following us. Because even when I know (inaudible) he usually try to come stay the night at Vanessa's house. But she…

TK Did he dump a bad check that night?

PV Maybe, he might have. I don't know. I don't remember but usually he do.

TK Usually he does?

PV Yeah.

TK Whenever he's buying he's dumping a bad check?

PV Yeah, it's his checks though so I don't say nothing about it.

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TK Well did he dump a big check, do you remember?

PV A big check?

TK Yeah, like a hundred buck check?

PV Oh hell no. He don't do no…

TK He's doing them for like 20 or something?

PV Like 30, 40, 50 bucks.

TK And he didn't tag along with you that night though?

PV No.

TK Did you tell him where you were going?

PV No, honestly didn't.

TK Did you tell anybody else in the bar where you were going after the bar? Up to Darlene's?

PV It was just me and cous', that's it. (inaudible) we both a suspect.

TK Was that place empty on that night or what?

PV What?

TK Was the bar empty that night?

PV What, the capital?

TK Yeah, I'm talking about where you were with John.

PV No, Melissa said she was going out of town. She had to leave early.

TK I'm just saying, how many people were in the bar. Were there a lot or just you guys?

PV Oh, there's never a lot of people in that bar. It's always, I'd say maybe not even ten people at the most.

TK So you don't remember what you were talking about with John before you left?

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PV No. We just sitting there having some drinks. We always just be in there bullshitting and talking shit to each other.

TK Then you take off, and you said you went to Darlene's, only Darlene doesn't know about it. You said you took a bus there or did you…

PV (Inaudible) a bus.

TK Well that doesn't shake out.

PV I'm trying to figure, man we ain't been in no car.

TK You said, what time, what time did she quit work when you guys left?

PV Who? Who?

TK You said the waitress that takes care of you?

PV I said she quit at, she quit at evening. It was early like 6:00. But officer told me he pinpointed it there at some other time he told me. I'm like, man I don't know. I know that day she told me she had to leave early. Because if not we would have stayed. We would have stayed down there all the way till 10:00. She get off at 10:00. We'll stay there till 10:00.

TK So she left early at 6:00 like you're saying or whatever it is?

PV I know it was early when she left, so we left. 'Cause Stacks can't drink.

TK This John guy, does he got a car?

PV Hell no. Un huh.

TK Well that still leaves you enough time to go to South St. Paul and come back to the Buttery and be there, when you got there at 10:00 or something. I think that's when Colleen said that you came back - around 10:00.

PV Hell no.

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TK Hell yes. If you leave…

PV We was at the Lab. We went to the Lab that night too.

TK When?

PV That night. I don't remember. I know it was that night though. Because after the Lab we went back to Stack's house.

TK Well if you left the Lab and went to Stack's house, that was after you were at the Buttery.

PV Yep, sure was.

TK See we both figured that one out.

PV Yeah.

TK So we still got that four hour window that we've got to deal with. Because Darlene doesn't stand up on that one. They don't remember you being there. And I've got these statements. I've got everything else…

PV When do you have to turn that in?

TK Huh?

PV When do you turn that stuff in?

TK When I'm done with it.

PV Man, because I just need to get my phone record. I could show you that day. She called me a million times a day to come see her.

TK Who?

PV Darlene.

TK Darlene?

PV Yeah.

TK On that Sunday?

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PV Yes. That's why I want to get my phone records.

TK When I'm talking to her, she's not that keen on seeing you that much.

PV Man.

TK If you're over there, that's fine. If you're not, that's fine with her too. She's more worried about her kid.

PV She always is.

TK What's the kid's name?

PV Diamond.

TK How old is she?

PV Like a year, yeah a year.

TK Okay. This - I…

PV I need to get my phone records. I promise you.

TK I don't think your phone records are going to get you out of this.

PV Yeah it will because it will put me in a position where I was at from who called. I'm telling you because (inaudible) just keep my phone and when people call…

TK What happened to your phone?

PV I ain't got it. Sonya man, she, I got another one coming. Sonya was talking shit one day about my phone. Oh, I'll buy you this and I'll buy you that.

TK What's that got to do? What happened to your phone at the end? Did she take it back from you or what?

PV Yeah.

TK So she figured it's hers she'll take it back from you?

PV She always take it back.

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TK Yeah. What difference is that going to make to this guy though?

PV Because.

TK Whether you got a phone record or not?

PV That,

TK I don't.

PV That day I can ver, I can find out…

TK Okay, so you had a lot of calls from her. That still doesn't put you at her house.

PV If, all right, if.

TK That doesn't – it's not going to put you at her house.

PV It will put me in position, it will let you know who called.

TK It's not.

PV In that time span.

TK So is…

PV (Inaudible) figure out where the hell I was at. Because you (inaudible).

TK So if you got your phone record you might throw another name at me where you went?

PV If I…

TK And what if I, this is like yesterday.

PV I'm going to give you the phone.

TK What I said, you know, okay, what is going to happen after this happens and if you fail it? You say I won't do it. Well, we got, we ended up here anyway. If I get some phone records and another person and I go through the same thing again…

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PV I'm trying to do everything I can to prove that I'm innocent.

TK Where this all boils down to is right here between me and you right now. And what we can do to finish this right now.

PV I'm trying to. I'm trying to, I'm trying to…

TK The phone record isn't going to finish it. The phone record isn't going to finish it. It's not going to satisfy this guys family. A phone record isn't.

PV I didn't do nothing.

TK It wouldn't satisfy your family.

PV I didn't do nothing.

TK I come back to you and say your momma got murdered but I got a phone record. That isn't going to satisfy you. That's not going to satisfy his family. This is the one thing we come back to.

PV I didn't do that. I didn't do that.

TK These…

PV I don't know who did it.

TK Well we have his, you know, if I had one person telling me something about you, I'd look for a reason for him to be telling the truth. I'd look for a reason to be bullshitting me about you. If they had an angle on you, didn't like you, something like that. The problem is these statements were made in front of other people that can be backed up, documented and they come back to you. The five shots in the back on the south side. You're going to hear it from me until I roll in my grave. I can't get past that. There is nothing that can get me past that right now because it's specific knowledge about this that means you at least know what happened.

PV When did I say that? When? When?

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TK When? When doesn't matter to me.

PV No I'm saying that I don't remember…

TK I'm not going to tell you everything I know about you. You're supposed to be impressing me with…

PV (Inaudible) I'm sorry.

TK You're supposed to be impressing me with your honesty and earnest effort to get through this.

PV Honestly I don't remember. But I don't want to say, yeah all right I said it, but I don't remember saying it though, just because you say somebody else, I got people saying I said it.

TK Yeah.

PV I don't want to just say I said it, you know what I'm saying? Because I don't remember…

TK What do you want, a big screen TV with you standing there saying it before you say well I guess I got it? You see, every time you give me a challenge I say okay and I do it. And I end up back in the same place. I'm not going to do that. That's not part of my job satisfying your curiosity.

PV I understand.

TK My job is to get this thing taken care of. And that is what I'm working on now. And my job to some extent is to make sure it's accurate enough that I'm not dumping too much on you. And I don't - if this wasn't a premeditated kill everybody and get the hell out of there job from the start, I don't want to put it on you that way. But that is the way the evidence is shaking out and your statement and your attitude is going to make it. If it wasn't that and you tell me so and why and I can verify that, it will go that way. It was a job to go there and get some damn money and get out of there and it just blew up. It got fucked up.

PV I didn't do nothing. We didn't do it. I'm going to tell you me and…

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TK What did he do then?

PV I don't know what he do.

TK What did he do?

PV I don't know him. I've never seen him. I never been in that store before.

TK And again when you say that, my meter says, (inaudible). That meter says (inaudible). Can't say that.

PV (inaudible) man that shit was, because I was nervous for all them questions. It's easy to answer a question about a wall…

TK Exactly.

PV And my (inaudible) and about what the day is and what time it is and then about a murder.

TK He even talked to you. I mean they weren't surprise questions to catch you off guard. He coached you on what was going to happen. That's - he has to do that to get an accurate reading.

PV I know, but it's…

TK And that's what we got, an accurate reading off the machine that says yes, he was at the store. And yes, he knows about the shooting.

PV I'm being framed. Man, it's…

TK Framed by who? Framed by who?

PV it's starting to really upset me now dude. Because I didn't do nothing. And I know in my heart I swear to God I didn't do this.

TK Then you've got to help me. How…

PV I didn't do this. I don't know. I just - I don't remember saying no shit like that.

TK How did you get this knowledge?

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PV I don't fucking…

TK Were you drunk when you heard it and it came out another time?

PV Man I don't remember hearing nobody tell me no shit or say nothing like that. I don't know, man. I want to say I just - I want to say yeah fuck it, I probably did say it maybe. But I don't want to just say it just 'cause I'm tired of, you keep going over saying it. Because I don't remember saying it.

TK I keep going over saying it because that's what is bringing me here. I wouldn't tell you that I've, some other crazy bullshit. I'm telling you what I got and what brings me to you. That's why I keep repeating it.

PV I'm not going to admit to nothing I didn't do.

TK Then what did you do? What do you know? Because it comes out when you've been drinking and these things are coming out. Colleen saw it in you and this statement…

PV That's bullshit.

TK Colleen isn't bullshitting. You know it.

PV I told, what I told her - I told her that. I admit 100%. I said that. I didn't say no shit like that, because I don't know nothing about no poppin' nobody in the back five times on the south side.

TK Then it, why did it, how did it come out of your mouth that way then? How did it come out? I'll listen to you how it came out.

PV Man, (inaudible).

TK If this thing, if what you were saying leads me to somebody else, it leads me to somebody else. And if that's the way all the blocks line up I'll line them up that way, if that's the way it happened. If it came from somebody else. But you can't cover for somebody. You can't cover.

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PV I'm not trying to cover for nobody. Because I got to do the time. I'm the one who got to do the shit man.

TK Is that all you're worried about is the time?

PV Hell yeah. I want to be out before my fucking, my fucking (inaudible).

TK Think about all the things, yeah your family, his family, his soul, your soul. There is a lot on the line. You know it.

PV I didn't do it. I didn't do that. I'm not, man, I'm not even…

TK There is no way to get right with this if you're involved until it comes out.

PV That's what I'm saying, until it comes out. That's the only reason I'm so sure.

TK There is no - there is no reason. There is no way to get right.

PV Because I know in the long run it's going to come out. Because I didn't do it. You probably got a good, you got a good statement about that. Man that's (inaudible) man I swear to God I didn't say no, I don't remember saying no shit. I'm just going to keep it like that. I don't remember saying no shit like that.

TK You don't remember saying it?

PV No I don't. I'm not calling nobody a liar.

TK But you don't doubt that I got it.

PV I, I don't want to believe that you got it.

TK I don't want you thinking that I'm in - I want to be fair to you. I want to be perfectly fair to you. I don't want you to come out here thinking this Kreager is giving me a big snow job and fucked me over. I want you to base all your decisions on the knowledge that this statement is in the bank. We've got that. Whether you remember saying it or not, we've got it.

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PV Five times in the back on the south side.

TK We've got that. It's there. It's always going to be in this file. And the next paragraph is just going to say he doesn't remember saying it. Then the next paragraph is going to be an explanation of how we believe this thing happened and how the evidence supports that.

PV So this is the only thing I got to say I did it. Because I didn't do shit. Somebody…

TK Okay let's say that I'm a bad guy and I'm in - down in Iowa some place and I sneak up and I steal ten spotted cows and two of them have horns going a weird way. They have no idea who the hell did this shit. But then I get drunk and I go to a bar and I'm talking to somebody, and hey, I got these cows, these cool spotted cows. And you'd never believe, two of them got these weird horns. Now that gets back to the cops, where the hell do you think they're going to go? They're going to be right in my ass as soon as they can be. Specific knowledge about something that happened. The statement that I'm - everybody is talking to you about is in the bank. This is real. It's documented. It won't go away. And it's the same as me shooting my mouth off about spotted cows down in Iowa. It comes straight only to one person. There is nobody else in Iowa talking about spotted cows.

PV You sure they ain't misinterpret what I said? I clearly said this?

TK Clearly said it. And it keeps coming back to you.

PV And five people heard me say it.

TK Okay. When you talked to Colleen you were saying you did it. This thing - the statement about the five shots, points at your knowledge of it. Maybe you didn't actually do it but you have knowledge of it. That much we can't overlook. You have knowledge of what happened there. Where did it come from? Where could it have come from? If you weren't there, then somebody told you about it. But you telling me that you were over at Darlene's that day and stuff doesn't help you. But let's just get back to this basic

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question. We've got this statement and this is not a game. We're not running one over on you. We've got it. How do you have that kind of information? I'm not going to believe that it's a coincidence, the one in a trillion kind of odd thing that you just - comes out. Five shots, south side. Way too long. You would have won the lottery ten times by now.

PV What the fuck. Why would I even say some shit like that? What topic would I be on to bust out five shots on the south side? They ought to have what I said before then too.

TK What do you want me to do? Open my file up for you and let you read through it?

PV No, I…

TK I'm not going to do it.

PV I don't know. If I said that, if I said that, if you can tell me what I said before that and I'll be able to remember. And who did I say it to? I said…

TK Wouldn't that be a better question for me to ask you.

PV You said - it had to happen at the Lab. I don't go to the lab with nobody but cous'. The only person I ever been to the Lab with was cous'. And…

TK I didn't say where the statement was. It was in one of the bars. What you got to - why worry about where, when, how.

PV 'Cause I'm trying to remember. Because certain places I know, man.

TK Even if you remember everything around it, how do you come up with the five shots on the south side? And how does that jive with the machine and what happened yesterday, stuff like that? That's what I'm trying to get to on. If this thing is not direction A straight towards leave no witnesses, leave nobody alive, and it is track B, we went there to get some money, we were just going to go party, no specific big deal going on, and it got fucked up, now is the time we want to hear about it because of the why. And if you can supply

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some comfort to the family I think that's going to go a long way for you. Sitting back and letting the police prove every detail, every little thing along the way.

PV You all got, you all got, you got some good shit.

TK It's going to get (inaudible).

PV And the shit you say you got, that shit is I guess on the outside is good.

TK Of course it is.

PV I'm saying but I didn't do this.

TK I wouldn't…

PV I'm not going to admit to nothing I didn't do.

TK Do you think we, what we got three guys here now spending time with you on this. We wouldn't be doing that if this was a whim. We wouldn't be doing this if we weren't sure that you had specific knowledge of the crime. That's the baseline. Specific knowledge of the crime is the baseline that we know that you have.

PV (Inaudible).

TK How did you gain such information? How did you gain that information? That's the big question.

PV (Inaudible). Dude I need to get my phone record man. 'Cause I can find out.

TK Did somebody tell you on the phone about five shots on the south side?

PV No, hell no. I just need to get…

TK If somebody told you that don't you think you'd perk up?

PV Shit, I'm not going to take no (inaudible) for nobody else. Hell no, I tell you what happened. Shit.

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TK I'm telling you, if somebody was talking shit in the bar and they say hey, I blasted some guy five times on the south side, wouldn't you say, whoa, what is he talking about? Right?

PV Hell yeah, (inaudible) damn.

TK Absolutely. Nobody's talking about killing people in the bar every night.

PV No.

TK That's why it sticks out in everybody else's memory. That's why it should stick out in your memory.

PV I don't - it don't. I don't remember saying no shit like that.

TK Well then it becomes unbelievable when you say it like that. And it gets back to specific knowledge of the crime. Where could it have come from? Either by participating or being - and you're saying you're only around with, hang out with Stacks. Or Stacks participating and telling you about it. Now how long are you…

PV So for sure you're going to keep that? Man, because honestly I'm tired of talking about that part.

TK That's in the investigation

PV I am. I'm tired though. I can't take it away so I can't say nothing about it.

TK You can't say nothing about the five shots in the back?

PV I can't. No. I don't remember saying that.

TK You can't say nothing about how you would even come up with that kind of a statement, where you may have heard it and repeated it or anything like that? It didn't come from Stacks?

PV No cous' won't be saying no shit like that.

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TK What about, what about Darlene not going along with what you're saying about Sunday.

PV I don't know. That shit I don't like. That's bullshit. I go over to her house and she, you all probably scared the shit out of her and she's like oh hell, because that's all, man. She's moved up here from Chicago. She ain't trying to get in no shit man. She just trying to say the fuck out of trouble man.

TK Well that's the way everybody is.

PV I know. I'm trying to stay out of trouble too. But it's hard to get out of trouble when you're so far into shit though.

TK The only reason we're here is because of what you've been saying to other people. We're not making it up. We've got it right here.

PV (Inaudible).

TK Huh?

PV I said, I won't tell on myself.

TK You wouldn't tell on yourself? Why not?

PV Hell no. Why I would?

TK You get caught doing something by your mom, you never cop to it?

PV Hum?

TK Your mom catches you stealing a buck out of her purse, you wouldn't say yeah it was me?

PV Oh yeah, that's different.

TK Okay, what level do you start lying to cover yourself?

PV That's when you - I'm saying that's when you, you know what I'm saying? You know you guilty of the shit. Man, as far deep as I feel I'm in the shit right now, I still feel like I got a good chance of being proven

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innocent, because I didn't do it. No matter how much what somebody said I said or what happened.

TK And you said - think that your cell phone is going to prove you innocent?

PV Man it'll put me - it will take me to December 22. And I better take every number off of December 22 and I can look at that day and see every number and I can tell you right then what happened that day from the phone calls.

TK Now you've given me stuff to go on before and I've gone and checked it out and it hasn't helped you out. What is going to happen if we screw around with the cell phone and the same thing happens? I mean what do I have to bring to you for you to understand where we're at?

PV I understand, you just told me. But what can I say to make you believe me?

TK What do you want to see before you know that we're serious about what I say we got.

PV I understand you're serious.

TK I am not going to roll in the big screen of you hanging out in the bar, bullshitting with everybody and talking about this. What I am going to do is take logical steps to follow up on leads that you give me and other people. Now I've followed up on your leads. They haven't helped you out. I've followed up on other leads and they still seem to be implicating you. I tried to bring in the technology to try and look at it myself, because I had some pretty strong opinions when I left the interview yesterday. And when we do this we're still at the same spot where I left the interview yesterday. I thought you were bullshitting us. Well I didn't think, I knew it. And you admit it. A lot of the crap that you gave me is just bullshit.

PV Bullshit, it was.

TK And we started out today really slow.

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PV Today I've been telling you the truth all day today. I have no reason to lie now, because the shit, everything is out. Everything you've asked about I been giving you the truth about.

TK So the only thing…

PV The only thing I'm stuck on is the five…

TK Let's back away from the five shots, okay, for a minute. Let's go back. Because the one thing where we start the day you get up slow and you have a couple of drinks and you watch some TV. And then when you get on the move you go downtown. Right?

PV Yeah.

TK And you hook up with stinky John.

PV No…

TK (inaudible) stinky John, you hook up with Stacks and Stacks…

PV Then we go back downtown.

TK Okay.

PV Then we go downtown. He - I go to his house and he get dressed. And then we get our drink going and we leave.

TK Okay.

PV And we leave. We drank before we left and then we (inaudible) to go back downtown.

TK Okay, when you're with John how many drinks do you have down there?

PV Um, maybe two. When she pour them she make them like this high though.

TK She does good drinks for you?

PV Yeah.

TK Man drinks, not lady drinks.

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PV No, they just like this.

TK Okay. Did you pay for the drinks?

PV No.

TK Who did?

PV If this the same day John was there, he did.

TK John?

PV Yeah.

TK Well - you said John was there. So he paid for it.

PV I said I don't know if John. You said John was there. I said I don't know if (inaudible) John was there with us that day.

TK No when I was in here before I asked you who you saw at the bar and you said you think John was there.

PV Maybe John, yeah, because he the only other person that goes out with us.

TK Okay.

PV All right, say he was there. All right.

TK Okay.

PV He wrote a check. We get like two drinks a piece so we drink them.

TK The check covered your drinks?

PV No, it ain't like that.

TK Stacks and his?

PV No, un huh. He write a check. She hooked us up.

TK Oh, so he got all the money back for the check?

PV He paid for a drink and he gets the change back.

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TK Yeah.

PV And then he tip her and she hook us up.

TK Hooked you up with the second round or what?

PV Yeah.

TK Okay.

PV She always gives us free drinks.

TK So he just paid for the first round?

PV Yeah. She gives us…

TK And you only had one free round before you left?

PV I know we left - whenever she had to leave we left. We never, since my 6:00 time don't come in, whenever, I know whenever she had to leave we left because we can't be there when she isn't there.

TK What does John look like?

PV He got braids. He got a lot of hair on his face.

TK Like a big beard or just kind of all over?

PV Yeah, like a, he's got a lot of hair on his face.

TK He got bigger braids than you or longer or?

PV No, his braids is kind of like - they might be like the same. But he keep his hair braided to the back.

TK Oh, pulled to the back and down?

PV Yeah.

TK What kind o - what was he wearing that night? Do you remember?

PV Probably had on a brand new outfit, probably had a (inaudible) white shirt. (Inaudible) this but he's got a (inaudible).

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TK How does he scam new clothes?

PV I don't know. Probably with them checks. I don't know.

TK Yeah.

PV I don't ever go in no stores or nothing with him. I just go to the bar.

TK What - you said it was newer looking stuff though.

PV What, his clothes?

TK Nicer stuff at least?

PV Yeah, new shit. He had some - he keeps some, he has some new shit.

TK What color? And he had big - he had jeans on?

PV Yeah.

TK What kind of jacket?

PV What kind of jacket? I don't like. It was like a dark colored jacket. Maybe black. (inaudible) like a (inaudible). It might be another color insulated.

TK Is it like a Fubu thing or some other brand or writing on it?

PV Maybe, I never paid attention to his coat. I ain't never really paid attention to it.

TK It was dark like black or something.

PV It was a dark (inaudible).

TK With a hood?

PV Uh, no he don't got no hood because he keep a hat with him. He got a blue hat with the little things hanging.

TK With the little things hanging?

PV Yeah.

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TK What little things?

PV You know them hats with the little cotton on this inside, the little ears.

TK Oh.

PV He wear one of them.

TK Like the farmer hats?

DV Can I see you a sec Tom?

TK Okay. You okay? You need a bathroom, anything?

PV Uh, no I'm cool.

TK Okay.

(Pause)

DS Do you need to go to the bathroom or anything?

PV Un huh.

DS You okay?

(Pause)

DV Okay, here's the deal. You're getting- I'm sure you're getting close to getting tired. Get you out of here, all right. I'm going to turn this on.

PV What are we going to talk about?

DV Huh?

PV What are we going to talk about?

DV What are we going to talk about?

PV You going to start recording?

DV I'm going to start recording. And I'm going to ask you if you want to tell me anything about what happened.

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PV About the case?

DV Yep. Because here is the deal. You were at the Radisson. You were planning a deal at the Radisson. You were with two other guys at the Radisson, planning it. And you were shooting your mouth off saying, when we come back we're going to have money.

PV Oh my goodness. Who keeps telling these? Where is all this stuff coming from?

DV Now here's the deal. Do you want to tell me what happened that night or do you want - what do you want to do? I'm out of time.

PV I was at the Radisson and I said we could, oh. Can I tell you what I meant by that?

DV Sure. Tell me who you said it to.

PV I was talking to John. It was John. I know exactly what I was talking about.

DV Okay. What did you tell John?

PV You know something?

DV What?

PV That wasn't even Stacks was with me that night.

DV Who was with you?

PV That was Clem.

DV Who?

PV Clem. He this other dude that John know. Was cous', (inaudible) but I remember exactly what he told, no look. John got these checks, right? He got these checks. And this dude I know he told me some shit about checks, right? He told me, no Stacks probably was with us. He told me some shit that - about the check, about (inaudible). You can go to the casino and you can write out a check for so many, you can right it for so many thousands of dollars and you scratch the little, you scratch one of the serial numbers off

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and when you give 'em to 'em, they go through and they give you the money for them, you know what I'm saying? And this dude I know he had - I had - he was telling me about it. He was telling me about these people they was doing this shit. They was getting thousands of dollars doing this shit. And I was asking John if he was going to do this shit. I asked him would he do the shit. Because you gotta have an ID, you got to have a legal ID. That's why I told you, the checks is his. They was his.

DV What's John's last name?

PV Martin.

DV John Martin?

PV Yeah.

DV Where does John Martin live at?

PV I don't know where he live. He homeless. He homeless, he…

DV White guy, black guy?

PV He black. That's what I meant in there. Man I ain't trying to plan no part of no shit like that.

DV All right, okay. But here's the deal.

PV I was on some (inaudible).

DV That's what people are saying. You add that up with all the other - everything else that's going here Florida it doesn't look good. Okay?

PV How do all these people just listen? Out of nowhere they just listening to what I say every time?

DV Absolutely. People are listening. Because you shoot off your mouth. You know that. You know that. You don't whisper. When you start talking tough you don't whisper. You don't whisper.

PV I wasn't even drunk then.

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DV Well, you start talking and it's going around. So if you want to tell me one last time, if you want to change anything in your statement you change it now. Because at this point forward we're going with everything that you said, all right?

PV All right. Where do you want me to start at, the statement?

DV No, I don't want to go over all the bullshit.

PV No. My statement, what statement, where I was at?

DV Yes.

PV Ah fuck.

DV Were you at Sabreen's?

PV No.

DV Were you with the guys that did the robbery?

PV No.

DV Do you know anything about the robbery?

PV I don't know nothing about the robbery.

DV Okay. There is - my patience is about done.

PV I know man. I'm sorry.

DV We're not going to, you know, we're just going to go back over the same stuff.

PV I'm sorry for making you feel like this. But…

DV Okay.

PV You can, you can't (inaudible). Are you we on tape? You gotta see how it feels to be in my shoes for someone I do not even believe that I'm telling the honest to God truth.

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DV Hey, I was the guy sitting here believing most of the stuff. But I'm the one that kept telling you the inconsistencies in your story. All right?

PV I know (inaudible).

DV Now I'm telling you one more and that's the last one I'm telling you, okay? If you want to tell me that it was an accident, I want to listen to it. If you want to tell me that somebody else shot him, I want to listen to that. If you want to tell me that you were sitting in the car and you drove away I'll listen to that. But anything else I don't need to listen to right now. Because it's the same stuff. We're just going over and over and over again.

PV It would be a lie if I told you that.

DV Okay. All right?

PV It will be a lie.

DV Hang on and we'll get somebody out here.

PV Fuck man. I'm going to fucking ride for this shit man. I didn't do nothing. Man they are not going to make me believe that fucking I blanked out on no shit man. Fuck no. I ain't… Hell no. Un huh. I'm not even going for that shit. If I was drunk as fuck I could say I don't remember, I don't know. But I know for a fact that I didn't do shit. That's the night I wasn't even drunk. They could be the nights I be drunk I can't remember shit. They still got to investigate. This shit is still fucked up though. I can't wait till they get those prints back and all that shit man. 'Cause man, they ain't got shit on me. Fuck. I ain't got no fucking money man.

BW This is your property, right?

PV Yeah.

BW So what's the scoop here?

PV Huh?

BW You wasting these guy's time?

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PV No sir. They say I am.

BW Huh?

PV I say they say I am.

BW But you didn't shoot anybody?

PV No.

BW No about anybody been shot? You don't know any of that stuff?

PV No, it's just bad luck man.

BW Bad luck? Why don't you go out in the hallway here? Somebody wants to take a picture I guess. You want that pop with you?

PV Sure. Want it from the side?

BW Oh sure, why not. Why don't you stand against the wall there. (Inaudible). Do you need to use the restroom at all?

PV No.

BW (Inaudible). They had it all.

PV (Inaudible).

BW What do you want to tell them something?

PV No.

BW You want to tell them you did it after all this time?

PV No I didn't do it.

BW Oh. What do you need? I'll get it to them. I can get a hold of them.

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DATE: December 22, 2002

CASE NO: 02018427

INTERVIEW: Detective Corporal Tom Kreager

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South St. Paul, MN 55075
651-455-2696

TK This is Detective Kreager of the South St. Paul Police Department. It's Sunday, the 22nd of December, 2002 at 22:45 hours. What is your first name?

KJ Kathleen with a K.

TK Middle name?

KJ Lorena, L O R E N A.

TK And last name?

KJ Johnson. S O N.

TK And your date of birth?

KJ 9-16-52

TK Okay, and what is your home address?

KJ 1708 Hawley, H A W L E Y, Avenue.

TK H A. And what is your home phone?

KJ 651-455-2696.

TK And is, are you employed?

KJ Yes, US Bank.

TK What do you do for US Bank?

KJ I verify home mortgage loan documents.

TK And is there a office number or work number?

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KJ 651-244-4912.

TK And ah, which US Bank office?

KJ In the First Bank building in St. Paul.

TK Okay. Well, why don't I just open this up to you? Let's start with, were you alone tonight when you went over to the store?

KJ Yes.

TK Okay, did you drive over there or?

KJ Yes.

TK What did you go to the store for?

KJ I went to get a pack of cigarettes before they closed at ten. It was about 9:41 on my car clock.

TK Okay. Do you go shop at Sabreen's?

KJ No.

TK You don't usually shop there?

KJ No, not very often. I was visiting some friends for dinner tonight so.

TK Okay, where do your friends live?

KJ I think their address is 654 2nd. That's where I called from, the 911 from.

TK 6?

KJ I think it's 654. Because when I called they said can you stay at that address? I think that's what they said.

TK What are your friend's names?

KJ Sid and Roxanne Lucas.

TK L U C A S?

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KJ L U C A S.

TK Let's clear some things. And this is, I'm not inferring anything here. It's just the bookkeeping kind of questions. Were you drinking at all?

KJ Not me. Well I had two not 7-Up but that other stuff.

TK Sprites?

KJ They had a couple glasses. Yeah.

TK Something like that.

KJ Yeah.

TK Okay, are you taking any medication?

KJ No.

TK For anything?

KJ Oh well I take, I'm supposed to take Claritan and Prempro but I didn't take any today.

TK What is that for?

KJ Female menopausal stuff and allergies.

TK Yeah, well the one I recognize. Okay, so you weren't drinking. You weren't doing any recreational drugs.

KJ No.

TK Okay great. So you go over to Sabreens for cigarettes on your way home?

KJ No I was, actually I was going back there because we were watching a movie. So I was just, because I didn't have any cigarettes.

TK So you were just running to the store for smokes? Okay, what happened then?

KJ I parked my car in the front of the building.

TK Right by the front door there?

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KJ Right, right in front. And as I was walking to the front door I looked at the lottery sign and I thought, $160 million, I thought, oh, I thought it was 215 so I was just kind of thinking, oh maybe it didn't go, because I have a lottery ticket. And I opened the door. And as I opened the door I looked at the cash register, because the person standing behind there was just whipping the bills out. I didn't even notice until I looked up. Then he had a, he had a black mask on. And I thought, and he started to go, I thought for a gun. You know, he looked like he was going for something out of his pants. And I screamed and ran right out the door. Well my car was parked in the front and I have my keys right in my pocket. By the time I got into my car and just as I was turning the ignition, I thought oh, they are going to come out and start shooting at me.

TK Yeah.

KJ And then two of them, 'cause I didn't know that there was two of them in there. There was only - I only noticed the one behind the cash register. And I thought he said, and he didn't say it in English, like where he didn't say, hey there is somebody in here. To me he sounded like maybe Spanish or another language that I didn't understand.

TK When you saw him behind the register?

KJ And that was when he went ah, vah, vah, vah. And I noticed that he looked like he was going for a gun and I just, he, (inaudible).

TK Then you said you saw two of them.

KJ When they came out. When I started my car and I was just starting to go away, I noticed they were coming out. Then there were two.

TK Was the other man wearing a mask too?

KJ Yes, they both were.

TK Where did they run to?

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KJ They ran, um, around the side of the building. Because where the parking lot is there…

TK The parking lot side, that would be the other side.

KJ Because there was a car parked in there. There was like a maroon car. It's still parked there when they went through. Because I was thinking that that might be there car.

TK Yeah.

KJ But they just kept going right through the back alley.

TK To the alley. Did you see anything else in the back alley?

KJ No, no.

TK Okay. I'm going to slow you down a little bit. When you first walked through the store your attention went to somebody behind the counter emptying the bills. Okay. What was that man wearing?

KJ I recognized the black mask. But I think he had on a blue hooded sweatshirt. I don't recall it being a coat. But then again, I just looked and kind of froze.

TK Okay. I don't want you to over think it. If your impression was a blue hooded sweatshirt…

KJ That's what I told my friend. That's what I recall.

TK And you're sure it was a black mask?

KJ Oh I'm positive the mask was black.

TK Now there is a variety of masks.

KJ A full eyes open, mouth.

TK Just with the open, three openings around the eyes and the mouth?

KJ Full hooded.

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TK Now again think back. You were really drawn to the fact that he was really yanking the money out. Do you remember what his hands looked like?

KJ No.

TK Do you remember if there were gloves?

KJ No.

TK Okay. Um, do you remember anything about how the clothes looked? Did they look…

KJ I only saw from, you know, the counter up. But when they were running out the building,

TK Yeah.

KJ The only thing that came to mind, my mind was oh, them are those big old baggy jeans that hang down to…

TK On both of them?

KJ The only one I noticed was the first one. Because I was trying to drive away.

TK Right, I understand.

KJ Because I (inaudible). But I did notice when he came through the door. And I do know, but I thought they were short people, not tall and thin.

TK Short and thin? And you noticed the eye openings and mouth opening. Could you see any skin inside?

KJ No. Not really. I mean I was only in there for seconds.

TK When they - you said he said something. Was he looking at you when he said something?

KJ No, no. He looked like he was looking, because I was under the impression that the other person was down on the floor there doing something. I wasn't sure.

TK That's the direction he looked when he said something?

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KJ He looked like that, (inaudible). And then…

TK When he made that motion to his waistband, did you see anything in his waistband?

KJ I didn't really look. No, I just thought that he was going for a gun. I didn't see one. I didn't see any skin or you know.

TK You said you, when they came out of the store, the guy you saw behind the counter is the one you know was wearing the baggy, they were just blue jeans?

KJ Blue jeans.

TK Baggy?

KJ Yeah.

TK They weren't black jeans, they were blue jeans?

KJ No they were blue jeans with the big baggy legs.

TK Those big…

KJ Big baggy legs, you know, where they are all you know two feet wide all the way up.

TK Yeah.

KJ And usually they wear them kind of…

TK Did you notice his shoes?

KJ No.

TK Okay. You're sure it wasn't English he was saying?

KJ I don't think it was English. Because if it was I didn't understand it.

TK And your first impression was?

KJ Was Spanish.

TK It wasn't like, I don't know what he said, but or what this sounds like but…

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KJ I just assumed it was Spanish because my sister dates a Spanish man and they speak Spanish quite a bit. And I'm not trying to direct it in that direction, but that's what my first impression was that they were Spanish either kids or young, just because of the size of them. But Spanish people are small too so.

TK What about the tone of voice? I've been told my voice is kind of deeper.

KJ It didn't, it wasn't deep. But mine's deep. No, that's why I got the impression that they were younger. This person was, seemed to be.

TK So a little higher voice?

KJ Just kind of yippy, hard to - not.

TK Speaking real fast?

KJ Yeah, kind of going, um.

TK Do you, I know it's tough especially now, and if you're not familiar with it. Do you remember any, even one word or one sound that he said?

KJ Hey, like it sounded like hey.

TK Hey, and then the words…

KJ Then to me it seemed like that he was alerting somebody that somebody was in the store.

TK But it was hey and then something else?

KJ Something, yes. And that's what alerted me and I just wasn't really expecting that or thinking that so.

TK Okay.

KJ When he yelled hey it was kind of, everything was so fast. When he yelled hey I looked and it was just.

TK So, but when they came out of the store you got a pretty good general look at them, about their size and stuff. Was one much different sized than the other?

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KJ One was a little taller than the other.

TK Would that have been the guy that you saw behind the counter being taller?

KJ The guy I didn't see was taller.

TK But he still wasn't a tall man? He was just taller than the other guy?

KJ He was taller than the other. But I wouldn't say, let's see. I'm five four. So five sevenish maybe, the person behind the counter.

TK So he was a little taller than you but a little shorter than average.

KJ Then the other one, right that's, yeah.

TK Okay, so five six, in there?

KJ Five seven, yeah. He wasn't tall. And that's why my first impression was it was kids. But, you know, I don't.

TK As you were, did you notice anything as you were pulling up to the store?

KJ Nope.

TK The lot was empty, nothing going on?

KJ No, and the lights were on and everything was just normal.

TK And I have, believe me I appreciate, and I'm going to go over this a couple of times with you. And it's, I told you, I've been in one. If I was asked and I mean, I spend a lot more time with these guys and I'd chase them about two blocks before they'd got in a car. And so, if you would have asked me right after I would average, average, average, you know, this and that. You're doing good. But I'll go back over it a couple of times. I want you to try and think. I know when they came out of the store your attention was, well you're mainly come on car, don't fail me now, it's

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time to go. You know, you recognized the one guy as being behind the counter and then the second guy. Can you tell me anything more about the second guy other than that he was taller? Were his clothes a lot, did he appear a lot different than the other guy? Did he have maybe the same style pants even if you can't…

KJ I really couldn't say for sure. I'd be assuming and guessing.

TK Well I don't want you to assume and guess. But I just want you to think back.

KJ All's I can say for sure is that he was a couple inches taller than the other one. And I couldn't even tell you what color his mask was, because I was too scared. And I just was thinking to myself if they pull their arm up like they've got a gun I've got to duck. So I…

TK Did you notice anything in their hands?

KJ No, not even if it was in a bag. I mean, I just was not – I was more scared than alert or attentive.

TK But he was…

KJ They both were thin.

TK Thin build.

KJ Yeah.

TK How did they move when they came out of the store?

KJ Pardon me?

TK How were they moving when they came out of the store?

KJ They were running.

TK I mean like running like 100 yard sprint, just flat out gone, or were they like trotting?

KJ Well they were pretty fast and they were, because um, I thought they were getting ready to chase me first, but then when I noticed they went by that car, I

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thought they are going right to the alley and I mean I didn't even see them.

TK They were just…

KJ They were gone. They were pretty fast.

TK Okay. Let's go back one more time. The reason I do this is because a lot of times, you know, people are excited and things like that. And you know, sometimes they even think they told me something and I hear about it layer and stuff like that. And it's just human nature. And my boss wants me to be a good detective and get as much as I can right away. And you're being a great help. You are.

KJ I wish I was more, but.

TK Well I'm glad you weren't a minute earlier or whatever the difference is there. Okay, you walk in the store. Your attention is drawn to this fellow. The register drawer is already open?

KJ Yep, yep. The register drawer is open and that's the first thing that I noticed was that he was doing it really fast, like this. And I'm, and through my mind was like, I was, I didn't even notice that he had a mask on at that point. I though, oh, are they closing already. And then that was when he said, hey, whatever. And then I noticed the mask and realize they were being robbed and screamed and ran out. Because I was just barely in the door. You can only go in that one door and you push it in. And I - so I wasn't even really in the store probably a foot. I mean one foot got in.

TK Yeah. Do you remember, you remember the money is going like this. Both his hands are occupied with it the way you are demonstrating. What did he do with the money when you said he went like this? Do you remember what?

KJ Well he was pulling with the right hand.

TK Pulling with the right.

KJ Like this and putting it in the left, and then he went to his pants like this with his right. So I don't know

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what he did with it. But I'm assuming he had all this money still in his hand. He may have had a bag but I don't think so.

TK Okay. Pulling with his right and gestured right.

KJ And he was going from left to right and that's exactly what he was doing, very fast.

TK Okay. How long do you think it was, you screamed, he realizes somebody is in the store, looks at you, you realize this is a bad guy, you scream and run, go to your car and you're starting, is your key in the ignition by the time they come out the door?

KJ I, my car was just turning over by the time they were starting to come out the door.

TK Here's another tough question. How many seconds do you think it took you from the time you realized it and screamed till when you were in your car and starting it?

KJ Three or four.

TK Three or four? So you…

KJ I ran,

TK You were running as quick as you can, okay. He never, we'll go back in the store again. Never said anything to you when he made eye contact or anything?

KJ No.

TK When he made eye contact, he turned and looked down, and that's when he said hey. Can you remember that moment when he made eye contact with you?

KJ It was like a split second when he looked up. Because I don't think he heard the door open. I don't even know how he knew I was in there. Maybe there's a bell on the thing. I don't really know.

TK I don't recall. It's been a while since I've been in there.

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KJ No, I don't know. But I just barely got in and I think I did something like that when I, I mean I just don't know. But I don't think he said anything to me. And I don't really think he did other than look at me and then, and then I knew, I mean I knew there was somebody else there that he was talking to somebody else but I didn't see that person until they went running out of the store.

TK Okay. That moment when he made eye contact, could you tell anything about his eyes?

KJ That mask was, I mean it just looked totally black.

TK Okay, it just looked dark inside the eyes?

KJ Um hum.

TK Well I mean you couldn't see, they weren't like bright blue eyes or?

KJ No I think he had, I couldn't, no.

TK Okay. Okay, they come out and run. And I haven't been up there, but well we'll have to, there's people at the scene that will do that. What do you do when your car starts?

KJ (Inaudible)

TK Okay. And you're pretty sure your clock said about 9:41 in your car?

KJ That's what I recall it saying. But I don't know if that's when I left my friend's house or when I got to the store. But I remember thinking, oh I got time, you know, I've got 20 minutes. But my clock is three or four minutes fast too.

TK Okay, so then you drove around to 654, is that 2nd Avenue South?

KJ Yeah, they are only a couple blocks from the store.

TK Did you talk - when you got there, what did you do then, to your friend's house?

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KJ Got back to my friend's house. I was shaking, and I said, oh my God, I just walked into a robbery. And I told them and then I says, I don't know where, she said, where's the guy? Because you know, she goes over there quite a bit. And I said, I didn't see him. I don't know. I said, I don't know if they hurt him. I don't know if he was on the floor, I don't know, better call the cops. So I couldn't really talk so she called.

TK Did she call right away?

KJ Oh yeah, right away when I got in the house.

TK Okay. So maybe from the time you saw this guy at the store doing the cash register till the 911 call would have been?

KJ Oh, three four minutes.

TK Three four minutes?

KJ Yeah. Five tops. Because I think it was about ten to on her clock when I was talking. She talked first and then I talked to somebody.

TK Is there anything else, even an impression that you've got out of this that I haven't talked to you about that…

KJ The only thing, the impressions that I have was that they were possibly early 20's, Spanish gentlemen.

TK But that's just total, you can't point specifically why it's just…

KJ That's just…

TK Size, build, the way they moved and spoke? Okay. Oh, Roxanne, that's why. I want to make a complete X. What is Sid and Roxanne's phone number?

KJ 552-9344.

TK Okay. What I'm going to ask you to do is I'm going to conclude this part of the interview now. I'm going to ask you, do you have family waiting for you at home?

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KJ No my, well I live with my brother-in-law and my sister.

TK Do you want to make a phone call or anything?

KJ Oh no, my car is over at Sid and Roxanne's.

TK Oh. Do you want to call anybody or anything for a minute? I'm going to ask you to stay here for a minute yet.

KJ Oh, no. I'm fine.

TK Okay. If you need, boy it is cold back here isn't it?

KJ (Inaudible).

TK My wife is angry at me for wearing my summer clothes again. Put them away and get my winter clothes out. Okay it is now 23:09 hours. We'll conclude the interview now.

END
TK:kp

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DATE: **April 17, 2003**

CASE NO: **02018427**

INTERVIEW: **PHILIP RANDALL VANCE**

JOHN PYKA
DAVE NYGREN
DANIEL VUJOVICH
TOM KREAGER

JP Excuse me.

PV (Inaudible).

JP Pardon me?

PV (Inaudible).

JP No we're going to take those off of you. Do you want a can of pop or something?

PV No I'm cool.

JP You're fine? Okay.

XX I called back down and they were ready.

JP Yeah. Or you can just leave me those and maybe I'll bring them down. Thank you. I don't think I met you before. You're Philip Vance?

PV Yes sir.

JP I'm Sergeant Pyka, with the - I'm with St. Paul but with the Gang Strike Force.

PV Yeah.

DV Do you remember who I am?

PV Yeah (inaudible).

DV Okay.

PV How you been doing?

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DV Pardon me?

PV I said how are you been doing?

DV Pretty good. How about you?

PV I'm cool. (Inaudible).

JP Let me just get this. P H I L L I P?

PV One L.

JP Here, just spell it for me.

PV P H

JP P H

PV I

JP I

PV L I P.

JP Okay, what's your middle name Philip?

PV Randall, R A N D A Double L.

JP And V?

PV Vance, V A N C E.

JP Thank you.

PV Sure.

JP Are you a junior?

PV Yeah.

JP I didn't know that. How old are you?

PV I'm 22.

JP 22. I've got some stuff here, formalities we got to take care of.

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PV That's cool.

JP What's your birth date?

PV January 20, '80.

JP You got, are you married?

PV No.

JP Do you have kids?

PV Yeah.

JP Are you working at all or anything?

PV Who me?

JP Yeah.

PV (Inaudible).

JP How old are your kids? Well first how many do you have?

PV Two.

JP Boy, girl?

PV Boy and a girl.

JP How old are they?

PV I got a two year old and a one year old.

JP Two year old and a one year old?

PV Yeah.

JP Do they live around here? No?

PV Uh, one of them, one stays on the east side off of um, York, on the corner of York and (inaudible). York and Burn.

JP Okay what address are you staying at?

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PV Lately I been staying where they got me from.

JP Where was that?

PV Over on Barclay, 1110 Barclay.

JP Is that an apartment?

PV Yeah, apartment 2.

JP You don't have a phone there do you?

PV Uh, I got it wrote down by I don't know it.

JP Okay, and you said you're not working.

PV No.

JP Just unemployed?

PV Yes sir.

JP What's the last grade of school you completed?

PV I got my GED. Oh before then?

JP Yeah, did you finish high school and get it?

PV No.

JP Or did you go to 11th? 12th?

PV No, uh huh. The last year I completed was 9th grade.

JP 9th?

PV Yeah.

JP Was that here?

PV No.

JP Where was that?

PV Florida.

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JP That's how you got the nickname Florida boy.

PV Yeah.

JP Okay. You don't remember the name of the school?

PV The last where I completed?

JP Yeah.

PV Uh, Greco Junior High School.

JP Greco?

PV G R E C O.

JP Florida?

PV Yeah, it was Tampa Florida.

JP You want to be called Philip or do you like to be called Florida Boy?

PV (Inaudible) really.

JP It's not big, I've got to do a formality. I got to read you this.

PV That's cool. That's cool.

JP And what I'll do is I'll read it to you and if you understand it, just initial it. And by initialing it just says you understand it. It doesn't say you're guilty or nothing or nothing like that, okay?

PV Um hum.

JP And then when I'm done I'll read this and you - if you want to sign it and I'll sign it and I'll date it and I'll give you a copy, okay?

PV That's cool.

JP Okay. Today is April 17th. You're Philip Randall Vance, is that correct?

PV Correct.

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JP Philip, you have the right to protection against self incrimination listed below. Please read along with the officer and initial each statement if you understand it. You understand that part, right?

PV Yeah.

JP Okay, thank you. Number one, you have the right to remain silent and refuse at any time to answer any questions asked by a police officer. Do you understand that?

PV Yes sir.

JP And then initial just showing me that you understand it. Okay, I'll read number two here. Anything you say - anything you do or say can be used against you. Number three, you have the right to talk to a lawyer and to have the lawyer with you during any questioning. Do you understand that?

PV Yes sir.

JP Did you understand number two also?

PV Yes sir.

JP Thank you. Number four, if you cannot afford a lawyer, one will be appointed to you and you may remain silent until you've talked to a lawyer. Do you understand that?

PV Yes sir.

JP Thank you. Okay, I'll read this final paragraph that says the above rights have been read to me and I have initialed each paragraph to show that I understand each of my rights and I've received a copy of this form. I'll give you a copy if you want to just sign it and I'll give you a receipt.

PV (Inaudible) right here?

JP Yep. Then I'll sign it. Okay thank you. And I'll give you a copy of it.

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PV All right.

JP And it is 10:54. Okay. Do you want to put that in your pocket? Florida tell me and tell Dan too, tell me a little bit about yourself though. I mean what, where you hang out?

PV Lately I haven't been hanging out.

JP Not at all? I mean, you've just been sitting at home?

PV Honestly, uh, a lot of sitting at home lately. I've been thinking about. I just got back in town.

JP Where were you?

PV I went to Kansas City.

JP Kansas City?

PV Missouri.

JP Missouri?

PV Yeah.

JP When did you go there?

PV Maybe almost a month ago.

JP Okay so you were gone.

PV I was gone for like two weeks.

JP Okay, when did you leave? When did you come back?

PV I came back the 8th? I can't remember. It was - I don't really know. I don't (Inaudible).

JP Just give me a month.

PV Oh, I was gone - I left a month ago. I've been back now almost…

JP It's April 17th so…

PV I'd say almost two weeks.

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JP So from April 1st till now?

PV No, what you mean?

JP You got two weeks ago?

PV Yeah. I been back for.

JP So from middle of March till April 1st, huh?

PV Yeah. I went to go see my (inaudible).

JP Where does she live?

PV In Kansas City Missouri.

JP No, no. What address?

PV Oh, I honestly don't know the address.

JP Do you know your mom's name?

PV Yeah, Terynthia Simms

JP Terynthia?

PV Yes.

JP How do you spell that?

PV T E R Y N T H I A

JP Okay, Simms? S I M M S?

PV Yep.

JP What's your daughter's name?

PV Uh, Shamenthia.

JP How do you spell that?

PV S H A M E N T H I A.

JP So since then you've just been over on the east side.

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PV 1110 Barclay.

JP 1110 Barclay.

PV Since I got back.

JP Do you know Dominick Johnson?

PV Maybe.

JP Slacks?

PV Stacks.

JP Stacks. You know I can never get that right. I can never get that right I'm telling you. I do that all the time. I did it before talking to somebody about him. How long have you known Stacks?

PV Um, like two years now.

JP How you been feeling lately?

PV Like I really need to get my life together.

JP Do you feel like you really need to do some talking?

PV (Inaudible).

JP Well do you feel - is your conscience bothering you?

PV No.

JP You know I talked to a lot of people. You hang around the Buttery.

PV No I ain't been to…

JP Well you used to.

PV Oh yeah I used to.

JP And what's the other bar?

PV The Lab.

JP The Lab. You shoot pool down there once in a while.

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PV Yeah.

JP People say you're not a bad guy but sometimes you get drunk and then you get a…

PV Man, ever since him and Kreager came and got me I've been really calm. I ain't - I ain't going to lie and say I haven't been drinking, but I've been, honestly I've been calming down. I ain't even been getting my (inaudible).

JP Well do you believe in the truth?

PV Yeah.

JP Do you believe that, you know, sometimes when you don't tell the truth on things and you hold things inside that you - you're a prisoner inside yourself? Do you feel, do you know what I'm saying?

PV (Inaudible).

JP When's the last time you talked to Dominick Johnson?

PV (Inaudible) about a month ago but I don't remember when.

JP Have you seen him lately?

PV No, I haven't seen him. The last time I seen him was the day I (inaudible).

JP Do you know where I could find him if I wanted to talk to him?

PV I wish I could find him because I need to talk to him. I haven't seen him. Last time I seen him he was over on (inaudible).

JP (Inaudible). What I said before there about the truth can set you free.

PV Yeah.

JP And live in peace.

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PV (Inaudible).

JP Sometimes people do things and they don't mean to. And there is a consequence and you gotta be held accountable. It doesn't mean that you're a bad guy, a bad person. It means that something bad happened. A mistake happened. Do you know Maynard Cross?

PV Who?

JP Maynard Cross.

PV What's that?

JP Do you know a guy named Maynard Cross? No?

PV He got a nickname?

JP Does Maynard have a nickname?

DV Q.

PV Who?

DV Q.

JP Q.

DV Monk.

PV No, I don't know him. I know a dude named Q but he don't live here. He lives in another state.

DV Kapo.

PV Who?

DV He goes by Kapo, Monk, Q.

PV (Inaudible). I know a lot of dudes but I ain't never heard of that. But I know a lot of people. I know a lot of people that I don't even know their names, you know what I'm saying? I might know him. I'd probably know him if I met him and see my face.

JP You've already talked to Captain Vujovich about stuff, haven't you?

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PV Yeah. We talked.

JP You talked a little about South St. Paul.

PV Yeah.

JP What did you guys talk about in South St. Paul?

PV He asked me some questions about have I been there and how many times I've been there and like when I went there where I'd go.

JP What's the guy from earlier today?

DV Pardon me?

JP What's the guy from earlier today?

DV Hennessy.

JP Hennessy. Do you know a guy name Hennessy?

PV Yeah, that's my (inaudible).

JP He's one of your guys?

PV Yeah that's Stack's cousin.

JP It is Stack's cousin?

PV Yeah.

JP How do you know - how do you know him, from hanging around Stacks?

PV Yeah.

JP How long have you known him?

PV (Inaudible) I met him about the same time I met Stacks. Probably like two years ago. We all used to hang out together.

JP You don't know a Q, or Monk, or Maynard? You don't know Maynard Cross at all?

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PV Un huh.

JP Maynard knows you.

PV Where he know me from?

JP Down at the Buttery. Down at the Buttery.

PV Oh.

JP Well here. What if I told you Maynard used to - used to swing some dope once in a while and he'd sell you a little bit of weed and a little bit of crack. Would that be true?

PV Man, no. If he ever sell me anything I would know who he is.

JP You would?

PV Yeah. I ain't never bought nothing from nobody I didn't know.

JP December 22, South St. Paul in a grocery store, Sabreen's grocery store?

DV Yes.

JP Have you ever been there?

PV No.

JP You don't know anything about it?

PV No.

JP Well I'm not going to - I'm not going to sit here and make up stories to you and lie to you and things like that. You're a man and I'm going to treat you like a man. But the thing that puzzles me is you tell me you don't know Q or Monk or whatever name he goes by, or Maynard Cross is his real name. You tell me you don't know the guy when the guy - I've talked to him three times now in the last week. And he knows you real well.

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PV Well I told you I probably do know him but I don't know him by that name. There's a lot of people I see a lot that I don't even know…

JP He knows Stacks. He knows Stacks.

PV Okay.

JP He knows him real well.

PV (Inaudible).

JP Yes they do. How about a girl named Melissa?

PV Yeah I know Melissa.

JP Where do you know her from?

PV Uh, from the bar in the Radisson.

JP The Radisson, which Radisson?

PV The one - not the one on Kellogg.

JP The Radisson Inn.

PV Yeah.

JP Okay.

PV She works at the Capital. She used to work at the Capital. That's the name of it - Capital Bar.

JP Go ahead with it?

DV Yeah go ahead.

JP All right. However well you know Maynard Cross, I also know Maynard Cross.

DV Okay.

JP I know his family.

DV Oh.

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JP Right, I know his father, his friends, I know his uncles. I've been here a few years and I've worked in my community out there. I get along with a lot of those people.

PV Where he live at?

JP He's lived all over St. Paul.

PV Oh.

JP He moved around a lot with his mom.

PV Oh. I (inaudible). I'm telling you. I don't doubt you saying that I know him, but I bet if I see his face I'd (inaudible). You know what I'm saying?

JP Philip do you want to help yourself out?

PV Yeah.

JP You're in a jam right now.

PV I know.

JP And you know what…

PV I'm ready to get through with this. I'm so tired of this.

JP You know what Captain Vujovich and I are here for. Right?

PV Yeah.

JP All right. I've talked to Dominick.

PV Okay.

JP Dominick tells me this whole story about being at the Radisson Inn one night on December 22, about going to a grocery store in South St. Paul. But he didn't know that something was going to happen and an accident happened. He tells me this story about going down to the Buttery and he was so upset and scared that he threw up.

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PV Who threw up?

JP Dominick.

PV I don't remember that. I know we was - I usually go to the Capital a lot but I don't know that.

JP I'm not talking about that. I'm talking - what I'm talking about is Maynard. I spent three days talking to him. (Inaudible) look at me a little bit now.

PV (Inaudible).

JP I want you to look at me so you know I'm not lying.

PV I understand.

JP No there is something, people that I know that know you.

PV Okay.

JP They're telling me there's something eating you up at times.

PV No.

JP Do you want to tell us what happened on December 22 at the grocery store?

PV I wasn't ever there. I don't know. I was at the - I was at the Buttery that night.

JP Okay, what happened at the Buttery? Is Dominick telling me a story, a lie that he threw up?

PV What you told me was a lie because I remember that night. I remember, I ain't gonna say I remember, I can't honestly go back and say I remember exactly because I've been, the (inaudible).

JP Well tell me what you do remember. Tell me what you do remember.

PV Are you talking about - well all right. You talking about the same guy? I remember that night I had a conversation with Colleen.

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JP Who?

PV Colleen.

JP Carl Lynn?

PV Colleen.

JP Colleen.

PV Yeah.

JP Oh the bartender there.

PV Yeah.

JP Okay.

PV And I - we had a - we had a discussion. And after we had a discussion I had a few drinks and she asked me for my, for my number to my phone, you know what I'm saying to make every - I was cool. And I gave her my number. And then we left. That's what I'm saying. This is the same day, discussion we had. Because I don't honestly remember specifically everything that happened that whole day. Because I do a lot of moving around, a lot of running around and do a lot of different things. But if this is exactly the same day, that night I know I went to some female's house with Stacks, because I know the next day she called me.

JP Who, who was the female?

PV (Inaudible).

JP You said you went to a female's house with Stacks? Who is the female?

PV Well it was before we went - we went to some female's house but we went to Vanessa's house first.

JP Who is Vanessa?

PV She like a cool, she like a friend.

JP Okay, but where does Vanessa live?

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PV She's out on Forbes.

JP Forbes?

PV Yeah.

JP She black girl, white girl, Asian girl?

PV She's like (inaudible).

JP What is she?

PV Mexican.

JP Mexican girl?

PV Yeah.

JP What are you looking at?

PV That picture. I'm trying to see if I know him.

JP Oh, that's a different guy.

PV Oh.

JP So what time did you go to Vanessa's, do you remember?

PV Uh, it was after 11 I know that.

JP After 11 o'clock?

PV Yeah. And I know one of Stack's girlfriends…

JP You're talking in the evening, 11 PM in the evening?

PV Yeah, yeah. I know one of Stack's girlfriends was over there that night.

JP Who is she?

PV That's Rochelle.

JP Rochelle?

PV Yeah. (Inaudible).

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JP Does he have kids with her?

PV No. No kids. We was trying to go to these other female's house. And we told them that we was going down to Mickey's to get something to eat. We called a cab, walk up to the cab. And we drove way out man. I remember it cost us like 25 bucks to get out there.

JP You're not working.

PV Huh?

JP You're not working.

PV Who me?

JP Yeah.

PV No.

JP So where do you get the money for a cab?

PV I don't know. He had - Stacks had 30 bucks. Yeah I know, I remember that because we were on the way out there and he told me one of them was going to give him some money. We got out there and they were (inaudible) and the next day we tried to leave we didn't even have enough to catch a cab. We had to find a bus and we had to catch the bus back.

JP Tried to leave from where, Mickey's?

PV No, from way out. I think it was Inver Grove Heights.

JP Who - this doesn't make sense. How did you end up in Inver Grove Heights?

PV We called a cab.

JP So you took a cab from her house to…

PV From Forbes. We told his girlfriend that we were going to Mickey's.

JP Okay.

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PV So we could leave. And we ended up going…

JP Who do you see in Inver Grove Heights?

PV Man Stacks took me out, they was some girls. I forgot their names. There was two games. Some girl he used to write when he was in (inaudible) he tried to hook me up with her friend but. We got out there, I was cool and she was like a fat girl so I (Inaudible).

JP Do you know Trevor Crawford?

PV Trev? Yeah I know Trevor.

JP Okay. Maynard hangs around with Trevor.

PV I don't know who he hangs with. I just know - I know Trevor. I know his brother. I know Troy, his brother. But I don't know no…

JP I know those guys too.

PV He hang around?

JP Are you sure you don't want to help yourself out?

PV I'm trying to. And I'm being as honest as possible. Because the last time I was lying to them about a lot of bullshit. I had a (inaudible).

JP Philip, who were you lying to? These guys?

PV Yeah.

JP What were you lying to them about?

PV Just a lot of little bullshit I lied about.

JP Tell the Captain here, what were you lying about?

PV No, no. Because Kreager he - we already discussed it. It was just little shit about just little stuff about just shit he was asking me questions about I was lying because I was scared about a whole bunch of shit.

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DV Tell me something that you were lying about. What time did you get to these girls' house in Inver Grove Heights?

PV Probably 12, maybe a little after 12. Because we left like…

JP (Inaudible).

PV Yeah after 12.

DV Okay.

PV Did you want to know what I lied about? Man (Inaudible) ask me all those questions. (Inaudible). Because I know that Kreager kept telling me - he told me he don't care if I'm a drug dealer or pedophile or gun slinger he told me he don't care about nothing. He just wanted to know who (inaudible). I lied about the gun.

JP What gun?

PV When you asked me about where I get it from.

JP Um hum.

PV No, no. I told you the truth. I didn't tell you where I got it from.

JP Where did you get it from?

PV It was a dude named Kenny.

JP Kenny. So how did you get it from Kenny?

PV Me and Stacks was in the Buttery and he came in there and he was like, oh, I got a piece on me. I got this gun, woo woo. I was like let me see. And he was like, no, (inaudible) around here. So we got up and went to the bathroom and he showed it to me. You know what I'm saying? He showed me the gun. And I was holding it and shit, woo woo. And my ride was outside. 'Cause I only came in the Buttery real quick just to have a quick shot because I was going to go out Sonya's house and I was going to have a quick shot and they was in the

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bar. So I ended taking - I just took it, 'cause. I don't know.

JP You took it from him?

PV Yeah.

JP Okay, you stole it from him?

PV Yeah.

JP Okay. But didn't he say, give it back, or anything?

PV No, he didn't say nothing to me.

JP Did you point it at him or anything?

PV No.

JP Well why didn't he say nothing?

PV I don't know. He didn't say nothing to me.

JP What else did you…

PV I left Stacks there with him.

JP What else did you lie about?

PV I don't know. I just (inaudible) well he asked me something, I remember 'cause the - you came, 'cause when they came and got me out of jail, they, this is all things they asked me that they already knew the answer to. But they was just asking me to see if I was going to lie. And I remember you came in and gave me - you all took me out, when I got took out to uh, outfit out there I guess where you all (inaudible) and everything after that I just told the truth.

JP Did you ever sell any guns?

PV Yeah.

JP When?

PV I sold that gun that I took from Kenny to Melissa.

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JP Melissa, the woman from the Radisson?

PV Yeah.

JP How much did you sell that for?

PV For 90 bucks.

JP 90 bucks?

PV Yeah. It didn't have no bullets or nothing. Because when I took it, I thought Kenny, when I took it from him. I thought (inaudible) a gun with no bullets or nothing. But what I didn't know, Stacks told me, he was like dude, he didn't have a clip in. He had a little 22 but it didn't have no clip in it. He had the clip in his other pocket. He didn't have it hooked up together.

JP So it was unloaded?

PV Yeah.

JP It sounds like he's smart, then you couldn't shoot him with it.

PV Yeah, but I didn't have no intention of shooting with it. I had no intentions on taking it. I was just (inaudible).

JP So you know Melissa, right?

PV Yeah.

JP What's the girl from the Buttery's name?

PV Colleen.

JP Colleen?

PV Yeah.

JP You know Trevor, right?

PV Yeah.

JP But you don't know Maynard, Maynard Cross?

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PV No.

JP And you know Hennessy right?

PV Yeah.

JP Because he's Stacks' cousin?

PV Yeah.

JP Who are you - listen. I think there is some shit that's just eating you apart right now. You're smiling at me now.

PV No I ain't smiling at you like that. I'm smiling 'cause I'm really doing - I just want this to hurry up and be over. I'm so tired of this.

JP I think this can hurry up and be over. But you got to tell us the truth on December 22.

PV I've been telling…

JP Sabreen's grocery store.

PV I never been there ever in my whole life, ever, ever in my life. I told them before, I only been to South St. Paul two different times.

JP Philip, I don't expect this to be easy for you to tell us the truth, but look at me. I expect you to tell us the truth on this. I've got Dominick Johnson tells me a story. You guys go there, you don't intend on shooting the store clerk. He's a - he's like a Mid Eastern guy. But he tells me that the gun goes off accidentally, then you - and then you shot him a couple more times because you were scared. You grabbed a couple packs of smokes and you run out the door. I got Maynard, hold it, look at me.

PV I don't even know no Maynard.

JP Well Maynard knows you.

PV I know everybody on that list you got…

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JP Maynard said he met you, he was with him and Trevor are close. Maynard said him and Trevor met you and Stacks down at the Buttery after the guy got shot.

PV No, that's bullshit. That's bullshit because Trevor, I never, ever been in no bar with Trevor before, ever. Trevor is underage. I used to work with him when I worked at the grocery store a long time ago. That's bullshit.

JP I got Melissa.

PV Melissa, that's cool. I sold her, I sold her the gun I took from Kenny.

JP Didn't you tell Melissa someone else one night? Didn't you tell her that you shot a dude two, three times on the south side with a Winchester?

PV No, no, no.

JP You didn't say anything like that?

PV No.

JP Remember we talked about that part?

PV Yeah.

JP That I heard that.

PV Yeah, you told me (inaudible) you got five other guys that…

JP Can I tell you something else too?

PV Oh yeah.

JP I heard it too.

PV Un huh. I did not say that. I thought about that a lot. And (inaudible) after that.

JP I thought you just said you were tired of this shit, tired of it?

PV I am. I am.

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JP All right. It's not going to end unless you want it to end.

PV I am.

JP You want to help yourself out.

PV I do, but I'm saying, I'm not going, I'm not going to say that I said something I didn't say.

DV Well you did say that because I heard you.

JP I heard him too. Okay so we got Melissa, we've got Colleen telling me about after the shooting you guys were in the bar, told me about Dominick, how upset he was. We got Dominick. I got Maynard Cross and Trevor Crawford.

PV I don't even know no Maynard. I know Trevor. I know him.

JP What did you do with the gun afterwards?

PV What you mean?

JP After you accidentally shot the guy at the grocery store.

PV I didn't shoot nobody.

JP Here's what I think happen. You ever heard of this? You ever heard of -- look at me. You ever heard of, you ever heard of a sympathetic reflex? You know what that is?

PV Un huh.

JP It means if you're holding something in this hand and you grab for something in this hand, this hand will do almost the same thing. Did you ever hear of that?

PV Un huh.

JP I think you went in there and robbed the guy. You didn't mean to shoot the guy but the damn gun went off. And the guy ends up getting shot and falling

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down. You grab some smokes from behind the counter. I'm not quite sure when you shot him again, then you grab some money out of a box and you guys took off.

PV Un huh. I ain't never shot somebody in my life.

JP Well I got like five people that tell me almost the exact same story about you guys. And one of them is your buddy.

PV Un huh.

JP Now here - we can help you out though.

PV All right.

JP Do you want to wheel and deal with this?

PV (Inaudible).

JP Do you want to help yourself out?

PV Yeah, yeah for sure.

JP Okay, tell me what you want done. Tell us how you want us to help you. What would you like?

PV I want you to find out - I want (inaudible) this investigation. I want you all to find out that I didn't have nothing to do with it. Honestly. And I'm (inaudible). Dude I be with Stacks every day, every day. Well lately I haven't been with him because I don't know…

JP How can you be with him every day? You just told me you haven't seen him for a while.

PV I'm saying, I'm saying I haven't been with him lately. But me and him used to hang out every day together.

JP I bet the first thing you're going to do when you get to a phone you're going to call Stacks up.

PV I don't know where he is. I don't. Honestly, when I find - when I do find Stacks me and Stacks is going to fight.

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JP I wish I had him here right now standing in the doorway.

PV That would be great. Because me and him…

DV Why are you going to fight?

PV 'Cause of some bullshit after when I was in Kansas City. My sister called and he did some real fucked up shit.

JP What did he do?

PV He slapped my sister.

JP Tell us this.

PV What.

JP Is Stacks lying about it? Did he shoot the guy and he's blaming you?

PV No, we didn't do nothing. I can honestly vouch for me and him. We didn't do nothing like this. I ain't did nothing like that. We were together every day since I don't know. When I left and I came back, he was gone. I couldn't find him.

JP Hmm, I wonder why?

PV Wonder why what?

JP I wonder why you can't find him.

PV I don't know. Probably because he got two felony warrants.

JP He don't have any - he don't have any felony warrants.

PV Who?

JP Stacks, he don't have any felony warrants.

PV Yeah he do.

JP That's bullshit. He don't have any felony warrants. Did I just make up a story. Did I just lie to you?

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PV About what?

JP About what I told you what happened at that grocery store?

PV I don't know. I wasn't there. I don't know what happened in there.

JP Do you like living with the thought that you killed somebody? Do you like living with that? Doesn't that bother you?

PV No, I didn't do it, so. I really ain't got no (inaudible) because I didn't do it. I'm upset about it because I'm being accused of doing it when I didn't do it. And it's really hard for me to live in St. Paul right now because almost every police I see they know me now.

JP That is so cold. You look me right in the eye and you tell me you didn't do it when these other people are telling me that you did.

PV (Inaudible). I know Trevor but he don't even know me like this. He don't…

DV How long did you say you know Hennessy?

PV I know Hennessy like two years. Right when I met Stacks. Maybe, he was probably with Stacks when I met him.

DV Okay. Who does Hennessy hang around with?

PV Uh, me, Hennessy, Stacks, (Inaudible), J.

DV I can't hear you. I'm sorry.

PV Me, it'd be me, Stacks, Hennessy, A-1 and J.

JP Who is A-1 and J?

PV That's Stacks' other cousin.

JP What's their real name.

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PV He's got a lot of cousins.

DV Who is Hennessy's girl?

PV I don't know.

DV Who does he date?

PV He got a lot of girlfriends.

DV Yeah? Who would he have been dating about the time of December?

PV I don't know. Hennessy always falls in love. We just call him Hennessy love because any girl he date he always say he loves. I don't know. I don't (inaudible) like that. I know we kick it. Because he always date, they always look different.

DV Give me a name.

PV I don't know none of his girlfriend's specific names.

DV Remember when you told us we should get Sonya's phone records because that was going to prove everything, that you were okay.

PV I heard you got to.

DV (Inaudible). Un huh.

PV That's cool.

DV Do you know what it proves?

PV What does it prove?

DV Why don't you tell me?

PV I don't know. They don't prove anything.

DV Doesn't prove anything?

PV (Inaudible) I told you it was going to prove that I'd be innocent.

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DV You don't know - if you don't know Hennessy's girl is, why do you call on her cell phone?

PV I called her cell phone?

DV Mmm hmm.

PV I never called her. (Inaudible). Well maybe he called her. Maybe Stacks call for him. Because me and Stacks used to use the same phone.

DV He told me and the last time I talked to you that you had the cell phone.

PV I did. It was my phone. Sonya got me the phone.

DV Yeah.

PV And me and Stacks together every day. Whenever he needs to make a phone call he can use the phone.

DV Did you tell me you were the only one making calls on it and that was going to prove everything?

PV I didn't say - I didn't say I was the only one making phone calls. I told you that it would prove that we wasn't in that area. You said you were going to do something with the signal or something to find out what happened. But I let Stacks use the phone. I use the phone. I don't even - I don't know the girl or nothing like that. I don't mess around with my guy's girl.

DV You know, you tell us to check something out, we check it out and it shows, you know, it's just putting another finger pointing towards you Florida.

PV I understand.

DV You know, this doesn't make sense.

PV It don't.

DV No. You tell me that you were lying to me the last time we talked.

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PV No you told, you all, I said that, I said that I lied the first time you all, when we was in the ADC. When I had (inaudible). I told you parts that be the truth, parts that be a little bullshit, bullshit lie. Okay?

DV How about when we were down at the Sheriff's Office? That's all truth?

PV I told the truth the whole time, the whole time. The whole time.

DV Some of that's not true what you're telling me today then.

PV No, I'm telling you the truth.

DV Well if you were telling me the truth when we were at the Sheriff's office and you're telling me the truth tonight, how come they're not the same story?

PV Yes it is.

DV No it's not.

PV I'm telling you the truth. I have nothing to lie.

DV You told me you left the Buttery at 1 o'clock.

PV I ain't (inaudible) 1 o'clock.

DV You told me after closing.

PV No I didn't tell you nothing like that.

DV Um hum.

PV Un huh. Because, no.

DV (Inaudible) 12, at 12 o'clock you were out in Inver Grove Heights.

PV Un huh. I didn't tell you that. I left the Buttery - I had to leave the Buttery probably like at least 11. Because we left. Did we walk to the house that night or did we hop on the bus? We either walked or hopped on a bus that night, because she only stayed like, she

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stayed a little bit, you know where she live at. (Inaudible).

DV (Inaudible).

PV Yeah. She stays out at (inaudible) sometimes we would walk to her house or just hop on the bus. I don't remember. But I know we were in Inver Grove Heights.

DV Does she just let you come and go as you please there?

PV Yeah.

DV But who normally stays there? Stacks?

PV Stacks.

DV And Vanessa is okay with you coming and going?

PV Yeah, that's my buddy.

DV You told me last time that Vanessa doesn't like you hanging out there.

PV She don't. She be flipping out.

DV Yeah. She doesn't let you stay there.

PV Oh she don't let me stay the night.

DV She doesn't like it when you come to her house. That's what you told me.

PV She flip out on me though because she get mad because…

DV Now you're telling me that it's okay for you to go there whenever you want.

PV It is. It's true though. I come over there for Stacks, for (inaudible). She always talk shit but I end up - I never had the stay the night there or nothing.

DV No. You told me last time that you don't even - she doesn't even like you coming there.

PV She don't.

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DV And you meet Stacks downtown.

PV I come over there and get him but she always talks shit when I come. She (inaudible) you know what I'm saying? She don't like me staying the night or something.

DV That's not what you were implying last time? So I don't know when you were - when you're telling the truth though Florida. You understand what I'm saying?

PV I understand.

DV I don't know what, you know, you tell me last time you're telling me or you're telling me this time.

PV (Inaudible) ask questions.

DV I know it. This isn't going to go away.

PV I'm being honest with you. I'm being honest.

DV Pardon?

PV I know this is not going away. I kind of thought it would go away I ain't see you all in so long. But fuck I know one day I see you again.

DV Yeah, and I told you that it wasn't going to go away.

PV I know. You sure did.

DV You know, it's just, too much is coming back to you guys.

PV Man.

DV And you know, it's not going to go away. And now is the time to get it out.

PV I been trying to. I didn't do this man. (Inaudible) was real fucked up.

DV And that could have been it. That could have been it.

PV What?

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DV If you were that messed up.

PV I wasn't, man, no.

DV You told me before that you don't remember some things when you been drinking, right?

PV I usually get real drunk and (inaudible).

DV Yeah. Think back to your life in December. Go back into, you know, just take a second, close your eyes and think about what your life was in December. What were you doing every day?

PV Getting fucked up.

DV Your life was a mess back in December.

PV I know. I know.

DV You were getting drunk every night. You were smoking weed.

PV I don't smoke weed.

DV Or whatever you were doing.

PV Okay.

DV You were going on binges. You don't remember everything. You didn't even have enough money to buy your kid's Christmas presents.

PV I know. You told me that last time. So you figure that's the reason. But look, I told you what happened. I had Sonya buy me, she bought, she always buy me whatever I want. I didn't do this.

DV I'm saying back in December your life was a mess.

PV Yeah.

DV and if you don't remember all of what you did that night that's fine. And that may be what happened. You guys went to the store, it happened and you blocked some of it out because you were so drunk. And if that's what it was then that's what it was. We can't

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change that. I don't think that you guys went down there with intention to shoot the clerk.

JP Hey, accidents happen.

DV It wasn't worth it. And I don't think that's what you guys did. You went down there and it happened.

PV (Inaudible).

DV And the differences that we need to know is how it happened because that's the difference in how the case gets charged out.

PV I know for a fact no matter how drunk I get I didn't do nothing like that.

JP Florida. Look at me for a minute. Maynard Cross, you're telling me you don't know Maynard. Maynard, Maynard knows you, all right? Look at me. Maynard shot a store clerk during a robbery in Northeast Minneapolis in January. Maynard is looking at life in prison. Maynard is cutting a deal with us to help himself out to get time off. What Danny is saying, if you want to help yourself out, there is a big difference…

PV (Inaudible) my name? I'm saying, why is he using my name?

JP Hey, he's going to testify against you. He's going to - he cut himself a deal.

PV He don't even know me.

JP Oh he knows you.

PV He probably know of me but he don't know me.

JP Oh, he knows you. He said he used to sell you a little bit of weed, a little bit of crack down at the Buttery and you'd sell it and make a little money so you'd have something to live on. What Danny is trying to tell you right now…

PV Can I see a picture of him?

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JP I don't have one with you. What he's trying to tell you is there is a big difference between doing something, planning it out, and doing it than something that happens accidentally. There is a big difference between doing something if it's an accident, you might go to prison for four or five years on a manslaughter. If you planned it out you go for the rest of your life.

PV I know.

JP So right now you can do a lot for yourself. You can help yourself out. You can help yourself out a whole bunch.

PV But I didn't do nothing.

JP But I got all these people that said you did it.

PV I didn't do anything. How come I did it?

JP They said you made a mistake. They said you didn't go down there to do it on purpose.

PV No that's bullshit.

JP So Dominick Johnson is lying to me?

PV He's lying.

JP When he tells me you went…

PV If he told you that he bullshitting. And I know he didn't tell you no shit like that.

JP Oh he did.

PV I don't believe that.

JP Well that's fine. Believe what you want to believe. Apparently you're doing that right now. You're believing what you want to believe. If you could see how you look right now from this side, the gestures you're making with your face, your side of your face is twitching, you're squirming around.

PV (Inaudible).

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JP You're messing with me. No you're not. We're trying to help you out here, okay?

PV I'm trying to help you out. And I'm really tired. I can't even, that's why I ain't never get no job, I'm scared as soon as I get a job this is going to end up happening.

JP This ain't going to go away for you.

PV I know it's not. But if I didn't do it…

JP But you, but you did do it.

PV I didn't do it.

DV If you didn't do it, why do you keep telling people that you did it?

PV I didn't tell nobody.

JP Why did you tell seven guys in the lock up at the workhouse that you killed the store clerk at Sabreen's?

PV No that's bullshit, no.

JP Really?

PV I wasn't drunk at all.

JP Really? It's bullshit? Those guys that I talked to, maybe it was six, I don't know. But those guys that I talked to that were in the pod with you guys? When you were locked up in the workhouse.

PV Um hum.

JP Those guys that were in the pod with you. Maybe it wasn't seven, maybe it was six. They tell me the same story.

PV No they didn't.

JP The hell they didn't.

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PV And (inaudible). Man that's some crazy shit.

JP I'll tell you some crazy shit.

PV No, because you know what? Can I tell you something?

JP Let me tell you first this crazy shit. Look at me. Just be a man and look at me will you? What's crazy shit is you don't want to help yourself out.

PV I'm trying to man. It's, man this shit really pisses me off because I didn't do the shit though. And you keep telling me…

DV But you keep telling people.

PV I ain't told nobody. What he just said I was in the workhouse, I was in there, I told the mother fuckers in the workhouse that I'm being investigated for some shit I didn't do. I ain't never told no mother fucker that I did this shit. Never, ever, ever.

DV Then why would we - why would they call us up and tell us that you said that?

PV No. From in the workhouse?

JP They're not getting anything out of it.

PV That's bullshit.

DV Why would they? That doesn't make sense.

PV And I know exactly the little guy that did tell. I remember he left. I remember that same day he left he was gone for so long. And I told Stacks (inaudible). It was some crazy - it's fucked up.

JP I'll tell you what's fucked up is that you don't want to help yourself out.

PV That's fucked up. I am trying to help. You said…

DV Okay do you know why everybody was in - at the workhouse in the same pod you were at?

PV No, not really.

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DV Okay, they were there for probation violations for an operation that St. Paul PD did.

PV Trying to find out…

DV No, they were there on a probation violation. But they were all there. So they were there for St. Paul cases. So you don't think that the St. Paul officers and South St. Paul officers…

PV Are you talking about when I was upstairs in 500? (Inaudible). Aw this is the (inaudible) I tell you about he was downstairs.

JP Now do you remember saying it to him?

PV No, I remember I just said, I remember telling the mother fucker that man, (inaudible) bullshit and they got me under investigation for shit I didn't do. I never told the mother fucker I did do it.

JP They told us, they told us some things that only you would know because you were there.

PV That's bullshit. I wasn't there. I was not there until this day, until I die I'm going to deny it.

DV (Inaudible) other people in Minneapolis…

PV I don't be in Minneapolis. I don't know.

DV (Inaudible) all these independent different places all tell us what you told them and their stories are consistent. They don't know each other. They don't know that.

PV That's bullshit man.

JP Do you want me to draw you a picture of something?

PV Hum.

JP Seriously, do you want me to? Okay, here is the hill. You're in a car right here. That's you. You're going down this hill. There's a big wall there You follow

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me? You're driving this car down this hill. You follow me so far?

PV Oh yeah.

JP When you get to the bottom of the hill there's a wall there. There's no brakes on the car. Now hold on. When you get to the bottom of the hill and you hit that wall you're going to die. The car is going to crash and you're going to die. You got one chance to live. That's to jump out of that car. Look it, look. Jump out of the car. This is your chance to jump out of that car. Why do you want to throw your life away?

PV I don't. I don't. Man I wasn't, man.

JP So now we collect all this evidence. We collect all this testimony from people. And they take it…

PV Everybody that's got something to say gets to (inaudible)…

JP Wait a minute, look at me.

PV They got something, they got something to get off on. They trying to bullshit me.

JP No.

PV I ain't got shit. Man.

JP We get all this stuff together and they throw it at you. And all you got to do is tell us the truth. All you've got to do is tell us the truth and it's a big difference between doing the rest of your life, the whole life in prison or doing just a couple years. There's a huge difference here.

PV I ain't trying - what I'm trying to get across to you, I didn't do this.

DV Here is what the attorney.

PV I didn't do this.

DV Here is what they are going to - here is what it's going to be. They are going to take a look at their

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statement the other day when we were down at the Sheriff's Office.

PV (Inaudible). Okay.

DV And now they are going to look, they're going to say tonight, okay, when was he lying. He said he was lying over there, but was he lying here. But we have all these people that don't know each other telling and they all come back to Philip Randall Vance. They don't pick this name out of their - out of a hat. You know, these people that are all over the cities just don't come up and say, you know what? Let's just tell a story about Philip Vance. And then tie it to the Sabreen's store incident.

PV Look I don't understand how I am being connected with this now. Honestly, I wasn't - I didn't do it. I wasn't there.

JP Philip will you stop this? Will you stop - stop the story telling and just tell the truth on this stuff?

PV I'm telling you the truth. I was not there. I didn't do it.

JP Why would I have all these people that say that you were there?

PV I don't know man. I thought it was some bullshit at first man. I told a lot of mother fuckers (inaudible) I be under investigation for shit, you know what I'm saying? All I did was tell the mother fuckers…

JP You know what? It's just like you're telling Dan and I that night with Melissa that you're telling her down at the Loft, you're telling her that you shot somebody on the south side two or three times with a Winchester. And now you're telling - you're sitting here telling me that I didn't hear that? I mean, are my ears lying?

PV (Inaudible) man I didn't say that.

JP I heard it. I heard it plain as day.

PV I didn't say that. I didn't never say that.

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DV Well you know I heard it.

PV No I didn't say that. You couldn't have heard it if I didn't say it.

DV How could I hear you say it?

PV I sold the gun. I sold her that gun.

JP So that tape I got is a bunch of bullshit?

PV What tape? You never say you got a tape.

JP The tape of you talking to her.

PV What, on the phone?

JP No, when you're in the bar.

PV No, that's bullshit.

JP I watched you park on the street. I watched you guys walk down to the loft.

PV Okay.

JP You guys were in there for a while.

PV Okay.

JP You come back out.

PV All right.

JP When you're out - walking outside, some guy walks by you and you start smarting off to him because you're pissed off about something. I thought I was going to have to run up and break up a fight. I was parked right across the street watching you guys.

DV You even took a leak right there.

JP Yeah you did.

PV (Inaudible).

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JP Oh you did.

PV That's bullshit man.

DV So she covered for you, while you were taking a leak. You got in the car. You were all over.

JP You drive over to Minnehaha. You told her to wait outside you were going to run inside to get a gun.

PV All right, I remember that.

JP You remember that now?

PV I'm saying I remember everything you said, but man. I didn't…

JP But you don't remember ever saying that to her?

PV No.

JP She asked you something about when was the last time you shot it and you say, you say like two weeks ago over on the south side I shot the guy two, three times in the back, a Winchester.

PV No. She asked me have I ever shot a gun before.

DV No. She said, did you ever shoot anybody.

PV No, I ain't never shot nobody.

DV Florida, is this really what you want for everybody to hear?

JP There you go smiling again.

DV You know?

JP All I'm, all I'm asking is the truth.

PV I'm telling you the truth.

JP You said before you're tired of living like this. Tell the truth and set yourself free. That's it.

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PV I'm trying to. You all don't believe me. I'm telling you the truth. I have nothing to lie about. I wasn't there. I don't nothing about it. I told you I been to South St. Paul three times in my life. Because that one time when they took me there I used to know these females and I stayed over there, and I used to pay my car note over there.

DV You used to what there? What with your car?

PV I had to pay a car note.

JP Payments on your car?

PV Yeah.

JP Where?

PV Uh, I don't remember - Car and Credit. It's right off of…

DV What kind of a car did you have?

PV A red Ford Taurus. But that was, man that was way before that.

DV How long ago was that?

PV Man that had to be close to a year ago. I haven't been to South St. Paul in so long.

DV How long did you own the car?

PV Maybe uh, four or five months.

DV How much did you pay for it?

PV I didn't end up paying, I only paid - I was paying almost $200 a month. The transmission went out on it.

DV So you got to go down, pay $200 a month for four months.

PV Yeah.

DV So you were there four times for sure.

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PV Yeah.

DV Right?

PV I didn't go every time. My girl used to go…

DV But that's, when we talked to you before you don't remember, you didn't tell us anything about buying a car down there.

PV I said that last time. I said I only been to South St. Paul on two occasions. There was a girl (inaudible) and I had bought a car I said. I never went to a store over there. I never did anything over there. Not in South St. Paul.

JP Philip Vance you're going to get one chance to help yourself and that's tonight.

PV Damn.

JP Philip?

PV I'm…

JP Philip, Philip, you are going to get one chance. When we are done tonight, we can't help you no more.

PV I'm trying. What you want to know? I'm telling you that…

JP I want the truth. I want the truth.

PV I didn't do this. I don't know who did it. I don't know what I have to…

JP Philip that's bullshit. I got all these other people telling me stuff, independently telling me stuff. I got one person telling that you were in the bar saying you went, doing this here gesture, saying that you really screwed up and you shot somebody, you really fucked up your life. I, I mean, am I lying? Am I making this stuff up? Tell me I'm lying. Tell me I made it up. You're sitting here smiling.

PV You're taking what I said and you using it against me.

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JP No, I'm taking what you said.

PV I told him (inaudible).

JP Am I lying? Did I make it up or am I lying?

PV That was a discussion Colleen (inaudible).

JP Okay, did you do that to Colleen? Did you make that gesture?

PV I didn't, I don't, I didn't.

JP Am I lying?

PV I know for a fact why I said what I said to her.

JP Okay, what did you say to her? Because I already talked to her. I already got a story out of her.

PV I know you have. And I told him and I told Kreager that I did say that. I said that I was bullshitting trying to get me a drink. I told her I fucked up. I said, no, she said, I came in the bar. Stacks was already in the bar. I was broke. I came in the bar. She says, what's wrong? I said, she said something about it look like something is bothering me. I was no. She say, she came around and say you look like something is wrong. I told her I fucked up, some fucked up shit. She said what? I said, I made a mistake. She said what. I said, I made a mistake and I don't want to talk about it. To make a long story short, I say, um…

JP No, tell me the whole story. Don't make it short. This is your life that's…

PV I'm saying, she said…

JP Tell me the whole story.

PV All right. I came in the bar. I was broke. She say I look like something was bothering me. All right? She said I look something was bothering me. She came from around the bar. She asked me, was I all right. I said, I'm cool. She say, what's wrong. I said, I'm cool. She said, you look like - you look like something wrong

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with you. I said, no I'm cool. She said, tell me. I said, man, I'm sorry, woo woo. She said what's wrong, woo woo. I'm like, uh, I said, I said I fucked up. I made a mistake. She said, what did you do? I said I don't feel like talking about it. She said, what did you do? I told her, I say I made a mistake and shot somebody. That's just what I said.

JP You didn't go like this? You didn't say shot somebody and go like that?

PV No, no, no.

JP Okay what else? Tell me the rest?

PV She said, she say are you all right? I say I'm fine. She said, do you need anything? I say, I say I need a drink, woo woo. I said, well I said, I need a drink. She said okay. She went back around the bar. She, I sat at the bar. She at the - she came around the bar and she poured me a couple drinks. She said, are you going to be all right? I said, I'm going to be fine. I had a - she made me a couple drinks. She said it was on her. She made me a couple drinks. I got fucked up.

JP And Trevor Crawford wasn't done there?

PV No, hell no.

JP And Stacks wasn't down there.

PV Stacks was down there.

JP And Stacks didn't get - Stacks didn't go out and puke because he was so fucking nervous?

PV No, hell no.

JP Well that's what they're telling me, the people that were down there.

PV No, Trevor, I never even been in a bar with Trevor in my life, never. I don't even, and Trevor's young. Whoever Monk is, whoever he is, he got to be young. I don't know who the hell that is.

JP You don't know who Monk is?

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PV No. Un huh.

JP You don't know Maynard.

PV Un huh.

JP Well why do these guys tell me they know you?

PV People know of me.

JP Why do they go out of their way and tell me?

PV I don't know.

JP About this. Why did Maynard tell me the exact same story about talking to Colleen? Why did he tell me the same story?

PV Everybody ever goes down there…

JP Wait a minute.

PV Is bullshitting because everybody know that story that (inaudible).

JP No, I'm not bullshitting. Maynard told me the exact same story.

PV (Inaudible).

JP I talked to him last night in jail.

PV But I know him because I told him?

JP I talked to him last night in jail.

PV I don't know man. Unless Colleen told him. I don't know no Maynard. I don't know no Maynard. I know Trevor. I know Hennessy. I know Melissa. I don't know no Maynard, yeah, no Maynard.

JP Okay and you talked about?

PV No.

JP You never talked about that shooting that night.

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PV No, no.

JP Although I got a tape of it, and him and I and a couple other…

PV You got a tape (inaudible). (Inaudible) if you got a tape.

JP I got a tape.

PV I didn't.

DV That's the problem. When this goes to court.

PV Man, if you got a tape on me.

DV Yeah.

PV You can use the tape. Well what's the use of investigating this if you got…

JP I told you. Do you want to help yourself out?

PV I'm telling you, I didn't do it. I'm going to say the same …

JP Wait a minute. Are you tired of this here?

PV Yes.

JP Are you tired of it?

PV Yes.

JP Then tell the truth and help yourself out? Do you want to wheel and deal? Do you want to play Monty Hall right now?

PV (Inaudible).

JP Do you want to help yourself out?

PV I'm not trying to play no game. This is my life.

JP I'm not talking about playing a game. I'm talking about your life./

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PV No, I'm saying, I'm not trying to throw my life away. It seem like my shit is going - slowly going down the drain doesn't it? I didn't do this. I didn't do - I didn't have nothing to do with this. I don't - just got drunk and ran my mouth and say a lot of bullshit.

DV (Inaudible) you failed the voice stress?

PV I don't know, 'cause probably I was nervous.

DV Philip Vance (inaudible) nervous about.

JP It's going to eat you and eat you and eat you and eat you and eat you until you are going to self destruct. What were you nervous about? Just answer me.

PV It just - it just, the whole situation. I mean…

DV That's all taken into account. That's all taken into account with those control questions. Remember that? They would ask you control questions. They would ask you to lie purposely on a question.

PV Yeah, but I'm saying how easy them questions was.

DV If you're stressed out you're stressed out.

PV They was - they was - he was asking me simple questions that were so simple and then all of a sudden just were you in such a such store on such a such night. No. Ask me an easy question, easy question, easy question, did you shoot such and such? I'm saying, man that shit is (inaudible). Man this whole situation is really fucking me up man.

JP Philip, you know, take care of yourself now. Talk to Danny and I.

PV I'm trying to. I didn't do nothing. When I'm actually telling the truth (inaudible) you ain't even trying to hear me.

JP I am hearing you.

PV I'm not going to lie on nobody, because I'm not like that. Whatever you say, shit, I'm not going to lie on

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nobody. I'm not going to say he did this or he did this or he did that, because I don't know nothing about…

JP Philip, I am listening to you. I've listened to you a lot. You've already told us that you lied a few times.

PV All right.

JP All right?

PV Yeah.

JP So why would you lie before we you didn't have to?

PV Because I'm not lying now.

JP Philip.

PV I'm not lying. 'Cause I have nothing to lie about. I didn't know that, I didn't know that at first.

JP Philip, you're talking about the rest of your life man. How old are you?

PV I'm 22.

JP 22 years old.

PV Yeah.

DV Here's where I'm coming from. You know, I told you before and you know that I'm not a cop that's going to get up and jump and scream and holler.

PV You always been cool with me. I've been trying to be (inaudible) with you.

DV You're going to have a little kid with Samantha, right, or Sonya, correct?

PV She say…

DV Sonya's pregnant, right?

PV She say she's pregnant.

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DV She thinks it's yours?

PV Yeah, that's what she say.

DV Is it yours?

PV No.

DV Okay. You got two other kids at home, right?

PV Yeah.

DV I just had a kid myself. Let me just tell you something. It would be so easy for me just to get up and walk out and take this whole case and just tell it to the attorneys, you know, here is Philip Vance's, just listen to me one second okay.

PV Yeah.

DV Here is Philip Vance's story. Here's what he's saying, he's lying here, he tells us he's lying here, here is what we can show that's - inconsistencies in the statement and here is the other people that are all telling us consistent statements of what Philip told them. It would be so easy for me to walk out of here. The problem I have is I've got this kid at home and I know what it means to be there for that kid. And I don't want you to be in a spot where you're not going to see your kid again, because this thing didn't go down as a premeditated murder. Listen to me a second, okay?

PV Yeah.

DV It didn't go down that way. It went down because something went wrong. And if that's what it is, you're still going to have an opportunity to hug your kids, you're still going to have an opportunity to see your kids grow, you're still going to have an opportunity to go out in the park with your kids. And if you decide that you don't want to be in your kids' lives then I guess you can leave them and go whatever. But I think you want to be part of your kids' lives. And that's why I'm staying in this room trying to get the whole story. Because I think it does make a difference for you. You may not think so right now, but when this

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is all over and you can say, hey listen, if I would have just told everybody how it happened, that it wasn't premeditated, I should have done it. I really fucked up that time. But now it's too late. Because what - you're going to come back and nobody is going to listen to you at that point. I'm not going to have any control over it. Sergeant Pyka is not going to have any control over it. It's going to be this is what - this is what we got. That's what it is. That's not fair to those kids. They need a dad. And if dads got to go a way for a little while then that's what it is. But dad is coming back. It could go the other way. Don't fuck up for your kids. You know I'm telling you this from the heart.

PV I know.

DV You know I'm telling you this from the heart.

PV I know, but I don't want to say nothing that - I don't want to say nothing that - I don't want to sit here and tell you that some shit, you know what I'm saying? I'm not going to tell you some shit that I didn't do. I didn't do this.

JP We got all these things that are pointing that say that you did.

DV Come on Philip. Who is going to believe what? Are they going to believe everybody else here or are they going to believe you?

PV Dude them people, them people.

DV Um hum.

JP Philip.

DV And then they are going to put - then they're going to put the cops on the stand. And they are going to say, did you hear Philip Vance say that he shot a guy down on the south side, two and half, two weeks ago and I'm going to say yes. Sergeant Pyka is going to say yes. There are going to be other officers that are going to say yes. And here's going to be Philip, Philip Vance going up there and this is bullshit. So you know it's not all out there yet.

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JP Philip, you're going to have to…

PV (Inaudible).

DV And if it was somebody else's idea for you to go there, I think you owe it to your kids to put this out on the table and…

PV But I don't (inaudible) with nobody else.

JP You're 23?

PV I'll be 23 this year.

JP Okay so you're 22 years old right now. Life in prison basically is 40 years and then they let you out. So you are going to be 62 years old, 63 years old.

PV I won't live (inaudible).

JP I don't know how long anybody is going to live to see anything. But that's what you're looking at. Would you rather - you've got to be accountable. We're going to hold you accountable for something. But would you rather do five years because you made a mistake?

PV Why would you hold me accountable when I didn't do anything.

JP Philip, I don't believe you. IU just - I plain don't believe you.

PV I know you don't.

JP I got too many other things, even your own best friend. He's telling us it was a mistake. He said, I didn't know he was going to go down there and shoot the guy. It was an accident. He didn't mean to happen. Even Dominick is saying it was an accident. I mean, if you want to roll the dice, that's fine. But if you want to help yourself out.

PV He can't - he couldn't have said that because we didn't do nothing.

JP Oh Philip.

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PV What am I arrested - and what do I have a warrant for?

DV Right now?

PV Yeah.

DV You sold us a stolen gun, number one.

PV Huh?

DV The gun, you sold that to us.

PV I didn't sell it to you.

DV Yes you gave it to Melissa. Haven't you put this thing together? Haven't you put this thing together my friend?

PV You been (inaudible) for that long?

DV Pardon me?

PV Even when that happened, you? Oh, you did just say you was across the street.

DV Maybe it is my fault. I thought you were, you know, were putting all this together.

PV I ain't really been (inaudible) on this shit because I didn't do nothing. I'm thinking shit, fuck I hope this shit just…

DV You sold us a stolen gun. This isn't - it's kind of going down the hill here pretty quick. The car is moving.

JP You got a chance to help yourself out.

PV This is some fucked up shit man.

DV (Inaudible). Think of your kids and do the right thing.

PV I didn't do nothing. I sold the gun but I didn't, I didn't shoot nobody. I didn't kill nobody. I didn't plan no robbery. I never been to that store.

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JP You've never done any other stick ups ever?

PV Un huh.

JP Never?

PV Un huh.

JP That's not what other people told me.

PV Hell no.

(Interruption in tape)

PV I don't know - (inaudible) I know he had to go to court for some shit.

DV Yeah.

PV Yeah. I remember he was telling me some shit he had to go to court.

DV You guys are so tight, I'd think you'd know everything…

PV I know. Shit, he go to jail fucking (inaudible) go to jail.

JP You are looking everywhere but at Danny and I. You are looking around the room and shit and trying, and some of it is…

DV I don't understand this.

PV I don't either. I don't…

DV I don't understand. I don't understand why you don't, you know, if you don't want to do, you know, whatever, just talk about what happened. But I just don't understand why you don't want to do the right thing.

PV I didn't do anything. Nothing happened. Nothing happened.

JP Something happened, because it's eating you up.

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PV No it's eating me up because I know I'm sitting in the middle of some bullshit that I…

DV No you're not in the middle of it. You're right in it.

PV That's what I'm saying. They sitting on me.

DV Make no mistake.

PV And I been…

DV Make no mistake. You're not in the middle. You're in it. You got a chance to get out.

PV That's what's eating me up. That's what's eating me up. I don't understand. Why (inaudible) anybody else is, (inaudible) they ain't telling me.

JP Well Philip these guys here are helping themselves out. They are doing the right thing but they're also helping themselves out.

PV (Inaudible) got to do with it? He wasn't even with us that day.

JP He doesn't have to be with you to tell us about it.

DV You were calling him.

JP Probably Stacks.

DV Were you calling him or were you calling his girl behind his back.

PV Well hell no.

DV You tell me.

PV Stacks probably called him.

DV Because you told me the phones were going to prove everything.

PV I did. So I'm saying, did it prove where we was at?

DV The phones proved that you called a person that lives two blocks away from where the store is at.

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PV Two blocks away?

JP Yep.

DV Two blocks away.

PV That's bullshit.

DV Um hum.

JP Come on in.

TK How are you doing?

PV what's up Kreager?

TK I'm okay. How are you doing?

PV (Inaudible).

DV So you tell me to go get the phone records, I go get the phone records. What do they tell me? They tell me I've got to go talk to Florida again.

PV That same night?

DV That same night. I could even draw you a chart. See this?

PV Yeah.

DV See this little window here?

PV All right.

DV That's where the robbery happened. See this line here?

PV Yeah.

DV That's when you called on the phone. See that line there?

PV Yeah.

DV That's when you're calling it again.

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PV Hell no.

DV Down here, 11 o'clock, oh, 11:08. That's when you were calling him again. So either you're calling Hennessy or you're going behind his back calling his girl.

PV I ain't never call his girl.

DV You tell me.

PV That's bullshit.

DV That's…

PV If it was - if this was calls, maybe Stacks called him. I ain't never called him. The only way I know to how to get in contact with him is…

DV You guys were all together.

PV Who?

DV You and Stacks. You told me you were.

PV We always together.

DV You told me you were together that whole night. Stacks told me you were together that whole night. You know? And I can understand it if you say hey, somebody is telling you guys something if because they are trying to maybe help themselves out. Yeah, they are. Because they don't want to go down for it. But there is a couple people on that list and others that we talked to, you know why they are telling us?

PV Why?

DV Because they say, it's not right. This guys got a family. The guy that died has a family.

PV I understand that but.

DV And Florida is out telling us that he did it so I'm telling you what Florida…

PV That's bullshit. Now that's bullshit. I ain't never told nobody that I did that shit.

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TK (Inaudible) That's your thing is everything is bullshit. No matter where we are getting this stuff from you keep telling us it's bullshit. Why - how - are we that inept? Are we retarded here?

PV No, no.

TK No? We're doing our job. We're doing it. You told me how many times about the phone records. What do you think we've been doing. We got the phone records.

PV I understand.

TK 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 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 look out 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.

PV (Inaudible).

TK You've got to slow down and think a little bit here. That's what we've been doing. We've got - how many hours do you think I've got into this before? I told you this was my job.

PV I understand.

TK You know, and it's been two months since I talked to you about it, hasn't it?

PV I know it.

TK That's another, what, 500 hours into this thing maybe.

DV Here's the deal Florida. You know we haven't told you any bullshit. You know that. And you know that what we are telling you is the right stuff and you know you have to do the right thing. The problem is is that I

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think when you realize it, it's going to be too late for you. And I know today happens to be that turning point. You know, the other day when we talked to you, you decided to go with your story. You decided to go with some of the lies that you were talking about. And yes, it did go away. It did go away for, you know, a period of time. But we're right back here because we did our homework and we did our investigation and we talked to more people. And tonight is the turning point. There is going to be no going back after tonight. And you know, you got the kids you got to worry about. I don't know, you got other family? Sounds like you're pissed off at Dominick because of what he did to your sister. You know, I think it's to the point where you just can't think of yourself right at this point. You gotta start thinking about everybody else. And I know that's hard to do. You're 22. It's hard.

PV If I could tell you who did this I swear to God I would. I don't know. I didn't do it.

JP I think you know who did it. He's sitting in the room looking at us right now.

TK The specific knowledge you've been talking about. And these are the cops I was talking about the other time when we talked. These are the guys that heard the exact description of what happened come out of your mouth. You can't go on the stand in front of a judge and say that's bullshit, that's bullshit, that's bullshit with the other cop too. You can't do it. Because it's not. You can't go up there and say it's coincidence that I went up there, she thought that I looked bad so I played it up and made up this story about shooting somebody for a free drink. That's not going to work for you.

PV But that's the truth though.

TK It's not going to work for you. It's not the truth.

PV That's all I'm going to say. That's what I said. I honestly said that.

JP I believe you said that.

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PV Yeah.

JP But I also believe you're not telling me the truth.

PV If I was trying to hide I wouldn't have said that to her.

TK How long did it get me - did it take me to get you to admit that though? We went two hours before you admitted, oh yeah I guess maybe we did.

PV (Inaudible) told Colleen.

TK We're not dentists. We're not going to pull teeth forever. Now you don't like it when I get excited and do all this stuff.

PV No.

TK But I'm telling you, the time for you to think about this is right now.

PV I know.

TK Because you're not going to be able to deny everything that we've built this far. And we took everything that you told us last time, the good and the bad for our case and we looked at it. And we are right back with you here in the middle of the night again. Do you think my boss would be approving that right now, us screwing around with you still if he thought, you know, it was still a 50/50 thing? Hell no. We have to know how it went down, because that's the only thing that makes a big difference right now. And you say you understand that. But I don't know if you realize, we're talking about the whole amount of time you've lived so far is on the line, at least that much time. That's a lot. That's why I wanted you to slow down and think. Don't try and fight these guys with what they are talking about, because it's telling the truth.

PV I know that. I just feel (inaudible).

JP Philip, this is your chance to tell your side of the story.

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PV I'm telling you the truth. That night I don't know - man I honestly don't know.

TK I'm telling you the jury is not going to believe that you are the most unlucky person to blab his mouth.

PV I ever be.

TK You are not. Coincidences don't stretch that long and tall.

JP Philip, how did it go down? How did it happen?

PV I don't know.

JP What do you remember about it?

PV I didn't do none of that. I don't even remember, man I'm trying to…

JP Do you remember getting to the store.

PV No. I didn't…

JP Do you remember going into the store.

PV No, I never went in that store before ever.

JP Did the gun go off accidentally?

PV It's (inaudible) I'm talking about I couldn't have been that drunk that I couldn't remember. That's too (inaudible) around.

JP Philip, if you told me yeah I was drunk, I don't remember a lot, tell us what you do remember. There's got to be part of this thing you remember. If the gun went off accidentally that's a huge thing in your favor.

PV (Inaudible).

JP Like we got Melissa.

PV That's cool. I had that - (inaudible) I had that and I didn't even had no bullets for it.

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JP Maynard, Hennessy and Stacks. I got all these people telling us the same story.

PV Why are they trying to put it on me? Because everything (inaudible).

DV Why would they? I don't understand this. We went over this already. All these different people, they just don't pull the name of Florida out of a hat and say, you know what, I'm going to tell a story about Florida today. And it just so happens that it matches the story from the other person. And from the other one.

PV I don't know (inaudible).

DV You know, you say you don't remember what happened that night. I don't know. Well that's what it is.

JP You already told us about the bar and telling Colleen.

PV (Inaudible).

JP You told us that part of it. Tell us your side of the story. Tell us what happened at the grocery store.

PV I wasn't at no grocery store.

JP We're trying to help you. All you gotta do is fill in the blanks here. Tell us your side of the story so we can help you.

PV (Inaudible) believe me. I'm trying to tell you all.

JP Tell me the story and I'll believe you.

PV I'm telling you. I wasn't there. I don't know what happened at no grocery store.

JP Are these other people lying?

PV They have to be lying. Because I don't know.

TK Then you're telling - calling him a liar and him a liar.

PV They never heard me say nothing about shooting nobody with a Winchester on the south side.

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TK You didn't hear that?

JP I heard it.

TK You didn't hear that?

DV You know I heard it.

JP You know you said it in the bar too?

DV (Inaudible) don't think that I know, you know, last time we talked you said, yep, yeah you probably did - he did hear that.

PV No I ain't…

DV How did I know you were taking a leak outside the bar.

PV The same day?

DV I was there.

PV (Inaudible).

DV You know I was in the area.

PV That's cool.

DV You know.

PV I never say nothing about shooting nobody. I never say nothing about shooting nobody.

JP Yes you did.

DV See this is the problem. We know that you're not - you're lying to us right now. I wouldn't make that up and I wouldn't dwell on that if I was trying to feed you a bunch of bullshit. Nothing here tonight is a trick. You can tell. I'm not getting excited. I'm just telling you the facts.

PV I understand.

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DV I'm not telling you any tricks tonight. I just want you to give yourself a chance and give your kids a chance to do the right thing.

PV I'm trying.

DV If you can't do it for them.

PV I understand.

DV You know what, if you can't do it for them, I know you're not going to do it for yourself, because you don't understand this thing.

PV If I did this thing, you just don't understand officers, if I did this I wouldn't have never came back. I'd have tried to run or do all that.

JP Where are you going to go?

DV Kansas City?

PV No. I don't have nowhere to run.

JP Every place is the same. No matter where you run it's the same thing. Every place is the same. So why would you run. You're not going to run.

PV I'm saying though, but a person, a guilty person would run.

JP No they won't. Where are they going to run? Everything is the same.

TK Or maybe a guilty person will start drinking heavier all the time.

PV Ever since you all - well the first (inaudible) I been cut down on drinking.

TK yeah.

PV Yeah.

TK Well but you spend a hell of a lot that one month drinking didn't you?

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JP Didn't you get detoxed one night?

PV Yeah.

JP Yeah.

PV That was the day I got out of jail. Was that, yeah that was, I got out of jail. I got out of the workhouse.

JP So you cut down on your drinking but you got detoxed.

PV Yeah, but I had just got out of jail that day. I went to the workhouse and they let me out.

TK What do you think we're going to do with this thing, realistically?

PV I understand. I know eventually I end up having to go to court for it.

TK What do you think is going to happen then?

PV Well in court, um.

TK What do you think the best thing that could happen in court. You know how many guys…

PV The best thing that can happen for me, they can find out later, honestly find out from the evidence or whatever they got that, you know, release me. Because I'm not going to plead guilty to nothing I didn't do.

TK We want to get the right man.

PV I understand.

TK That's why we're sitting here talking to you.

PV That's cool. And I'm not going to…

TK Again I got to go back, you've expressed specific knowledge of what happened in that store. The statement you're denying now that everybody heard about shooting a guy on the south side in the back.

PV Okay.

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TK You saw the pictures. I don't have to get those and bring them up to you.

PV No.

TK We got a - the guy that's there, he's dead. The stuff I told you about the family, if you want I can bring in the newspaper clippings to back it up. He was loved by his big family.

PV Big family. He had six funerals.

TK Six different funeral services here and abroad.

PV I remember that.

TK All of this is going on. And you're - your response is he's lying, he's lying, the guys over in jail are lying, people with no reason in the world to lie. Monk is lying.

PV I understand.

TK You don't know Monk too? Is that what I'm?

PV I said I don't know him by the name. I told him, I might know him but I probably know him by a different name.

TK By Monk? Or I don't know if you heard that one.

PV No.

TK No, still don't know him?

PV Maynard.

TK Maynard? He goes by Monk a lot.

PV Okay.

TK Okay, well it don't matter. The more - stronger that, you know, you don't know the guy that well why would he lie about it?

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PV He probably heard them. (inaudible) talking to a lot of people.

DV Who did he hear it from then?

PV Who?

DV Who would Monk hear it from then that you said that?

PV I didn't say nothing to nobody about nothing. I'm saying this - it's so exposed now everybody, everybody even conversating that don't even know about it, they tell me about it.

TK Okay well then let's flip this. You been out and know that we've been investigating you for a couple months now right?

PV Yeah.

TK Have you tried to find out who did it? Have you found anything to lead you to believe somebody else might have done it?

PV No. I figured it's (inaudible).

TK Well you told us to check the phone records. And like I said, you know, I - those things I can just - they're black and white. They just tie you in tighter, you know. Two, a block and a half away from the store is where you guys were calling at the time of the robbery. And again, I don't want to be the only cynical cop in the universe, but it kind of looks like you might have been using him - Hennessy as a look out. You know, he lives right, half a block from the police station and a block and a half from the store. HE could be hanging out anywhere in the block and know what's moving up and down the street, right? I mean it's not impossible for me to think that way.

PV Well, (inaudible).

TK Yeah, well you know, he's with us now. And we're talking to him and going over things. You've got to worry about what you've got though.

PV Um hum.

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TK You've got these statements about the knowledge, what you thought the phone records would help you out they actually tie you in tighter, you know. Now I was, we were fair with you. We ran it down.

PV That's cool.

TK I can - you've heard sometimes I don't see eye to eye with my boss and we fought about that a little bit. I thought it was a waste of time. I guess I'm kind of glad that we did now.

PV (Inaudible).

TK But you sitting back there shaking your head there it didn't happen, and you've been out for two months and you say you're not even talking to people about what happened?

PV No, people been asking me - they ask me why the police been running around. I talked to (inaudible) he tell me you been showing pictures of us and stuff and they been looking for us and stuff.

TK We ain't been looking for you.

PV That's what I said. You know what I'm saying? That's what I said.

DV What it goes back to it's not going to go away.

PV I know. I understand that. And like I said, I have no reason to lie.

DV I think you have a reason to lie. I don't think you understand how…

PV I thought about this so much.

DV Let me give you my pitch. Your shot is that I lie, these guys are going to go away and it's going to be the end of it.

PV I know it's going to take court - that it's going to take a trial, that it's going to take a jury.

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DV And you know that we're not going to go away, because we came back again. And tonight is the turning point. And I guess, you know, you're kind of the judge, jury and the whole ball of wax tonight, because what you are going to say tonight is going to determine how many - what the length of the sentence is going to be. And I just don't understand how you can do this to your sister, your mom, your kids. You know, I'm leaving out the girls because well your girlfriends because they kind of come and go for you. That's your mainstay with your family there. And I just can't see how you are going to deprive your kids of their dad when you have a chance to go this length or this length and you're going to take the long road. I don't understand that. I was wrong. I thought you were much more of a father than that.

PV I know. I'm a very good father.

TK Well then cowboy up. Act like it.

PV It's just that it's, I can't sit here and admit to nothing I didn't do.

TK Now wait. You know, I, yeah. I'm not going to jump up and down on the damn table. But every time we talk to you you say, you know, I can prove this. Okay, we give you the damn (inaudible) you screwed that up, right? Okay. You talk about the phone bills. We run that down, that just ties you in tighter.

PV Ties me in tighter.

TK Okay, we try and talk about these other guys, what they've been saying. You say, you're standard response is they are lying. It's bullshit. You know, the one thing where you decide to admit to you, this shivelly ass thing I shot somebody, God if I wanted a drink I'd say, you know, somebody, you know, I twisted my ankle. I ran over a dog. I wouldn't say I just shot somebody. Most people, she is so kind and compassionate to everybody, most normal people would have thrown your ass out and called the cops right then. You know?

PV Um hum.

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TK And you, initially you were telling me she was lying, you know? Yes you were. Don't tell me I got that backwards. I don't. Now what we're all here about tonight is we've done the things that you've asked. I've done the things my boss has asked and it leads us right back to you, right straight away.

PV (inaudible) I thought it would really be (inaudible).

TK And what is amazing to me is that if I had cops living in my ass about a situation and I had time on my hands and knew all the people that you know downtown, I would be asking myself and trying to get the cops onto somebody else. I would contact the cops and give them my phone bill.

PV I can't (inaudible).

TK I didn't do either one of those things.

PV I can't be downtown. Officer (Beng) told me not to come over here no more.

TK Well, where were you?

PV What you mean?

TK Where you been then? You haven't been in St. Paul?

PV I told both of these officers where I went. I went to Kansas City.

TK So you've been gone to Kansas City for two weeks?

JP You don't know the address.

PV I know, I know I can get there. I know exactly how to get there but I don't know the exact address. I know…

TK Who did you go to Kansas City with?

PV I went by myself. I got on Greyhound. I went to see my daughters and my girlfriend.

TK TeTe there?

PV Yeah, because she move.

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TK Yeah. So you went to visit here?

PV Yeah.

JP Will you please just tell the truth and stop this now? You can help yourself out. This is it.

PV I'm trying to.

TK And it's the same thing. I've been talking about the four month period and you say I wasn't here for two weeks so I couldn't do it. How does, you know, it's amazing to me that you're singling out two weeks as the whole hold up in this thing.

PV No, it's not. I'm - what I'm trying to say here is…

TK What's not is you're not looking for somebody else because you did it. You're in.

PV I don't know where to look at. I don't know.

TK Tell us about how it happened.

PV I don't know. I don't know.

DV You don't know because you don't remember?

PV No, I don't know 'cause I didn't do it. I wasn't there.

JP Then why do these other people say that you did it?

PV I don't know. If they said I did it their lying. They trying, they try to (inaudible) me into something.

JP Let me just ask you this because…

PV (Inaudible).

JP Philip.

PV They not my family.

JP Philip.

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PV Hennessy is Stack's cousin so he not going to say he did it, because that's his cousin.

TK Was it those two guys in the store?

PV I don't know. I Wasn't there. I'm not going to sit here and…

TK Not being there doesn't mean you don't know.

PV Well I don't have any - I don't know who did it. I mean the first time I spoke with (inaudible) and she (inaudible) person ever heard about this situation. I ain't seen it on TV or nothing.

TK Have you talked to him about the towers yet?

PV What towers?

TK More stuff.

PV What?

TK More of that police stuff.

PV Oh yeah.

TK Cell towers.

PV Oh, are you talking about how you can find out?

TK yeah.

PV Well he told me about that before.

TK Yeah. That's not a problem?

PV No. What do they do?

TK Huh?

PV What do they do?

TK They tell you where you are calling from.

PV Oh.

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JP Philip you are so close to telling the truth. Why don't you just give it up and tell us the truth? Why? Why do you keep holding it in?

PV I'm telling you the truth.

JP No you're not.

PV Yes I am.

JP No you're not. You won't even look at me any more.

PV I can't look at not no three of you all. Because I'm really getting tired. I'm starting to get real tired.

JP You're getting tired?

PV Yeah.

JP We're getting tired for Christ sake. I want you to tell me the truth and stop this baloney.

PV I'm not (inaudible).

JP This is the only chance you're going to get to help yourself out. This is it.

DV Don't blow it.

JP This is - you're talking about maybe a few years to 40 years.

PV But I shouldn't do any time. I didn't do nothing at all. The only thing I'm guilty of is taking the gun.

JP No, no, the only thing you're guilty of is killing that guy in Sabreen's accidentally.

PV I never killed nobody in my life. I never shot nobody. I never shot at nobody.

JP I don't believe you. Isn't it a shame? You've lied so much about stuff I don't believe you.

PV (Inaudible) believe. My mamma always told me that - the boy that cried wolf.

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TK Well there is a difference between that when you're looking at 60 years plus (inaudible). Look, we don't need a breathalyzer to tell when somebody is drunk. I mean we can tell.

PV Say what?

TK If somebody is drunk, we don't need a machine to tell us when somebody is not being honest with us. That's what I told you about that day with the stress machine. He knew.

JP Your story about Kansas City, I just, I know where the house is, I don't know what street it's on. I just don't…

PV I know it's off of Bannister Road.

JP Now you know the name of the road?

PV I don't know the - I don't know where her house - and that's just a busy street. Because I know - I told you. I don't know exactly what the address is but I know how to get there.

JP Do you want to do the rest of your - do you want to do the rest of your life in prison?

PV No.

JP Do you want to spend the rest? No? Do you enjoy going to jail? I mean are these squares good friends?

PV Oh, I can do even better than that. I can get you the number.

JP Oh now you remember the number.

PV I know the number. You didn't ask me about the number. You asked me do I know the address.

JP You are just amazing. I don't think you can help yourself out if you wanted to.

PV I need to call her anyway and tell her (inaudible). I ain't got nobody here so.

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DV I think that's a fair statement what you're saying is that Hennessy and Stacks are cousins and they're not going to say anything about each other. That's their take on it because their blood.

PV Well I'm saying….

DV And you're out here - and you're out here hanging by yourself right now my friend. That's where you're at.

PV No what I'm saying, I don't - I know for a fact they say that because we didn't do nothing. I didn't do nothing, Stacks didn't do nothing. I don't know where you get them statements from. That's crazy.

DV Well we're getting statements from different people that don't even know each other. I said, they're not just picking up - pulling this name out of a hat. You know, you are right. You are standing by yourself right now. You're 22. And you've got three guys here in the room talking to you. We're giving you an opportunity to help yourself out. And I know being 22 it's a tough decision. Because you're making a decision what's going to be for the rest of your life and how it's going to affect your kids. And that's a hard decision. But the problem is - the problem is that it happened and the decision has to be made. I know it's a hard one, the decision has to be made. And once this all comes out you're going to take a deep breath and it's just going to go whoosh and yeah, whatever is going to happen is going to happen at that point but you're going to be at peace with yourself. And you're going to know that you're going to be able to take care of your kids and see your kids. And that's, you know, it's a tough, touch decision at 22. Do I take 40 years, do I take 20 years, do I take 2 years, do I take 5 years?

PV Can I ask you three a question?

JP It depends on the question.

PV Just all right. Say, all right, say I, I didn't do this honestly. I didn't do it honestly. And I don't know who did it and don't have any recollection on it. How would I - how would you all (inaudible)? Because I really need you all (inaudible). I'm really - I'm

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hoping that you all find out - I'm trying - I'm - what I'm hoping is that you guys get enough evidence to take me off this case. I feel that you all trying to pinpoint me to it so hard that…

DV Because the evidence keeps coming back to you. You tell us to work on the case to try to prove and find somebody else.

PV Okay.

DV And we get a phone call from somebody that doesn't no anybody that we talked about…

PV (Inaudible).

DV That says hey, Philip Vance did this. And then we say, how do you know Philip Vance did this? I talked to him. I heard him. And we go okay, yeah, right. They say, I'll come in and give you a statement. They come in and give us a formal statement of what they heard you say. That guys not lying. They wouldn't come to our office or meet us and give us a statement. You're 22. You've got to make that decision.

PV I didn't do this.

DV You're going to have to make the decision here. It's the turning point of your life tonight.

PV Damn I can't - I don't know but I'm not going to say anything…

DV If you think - let me tell you something. If you think that you're so twisted into some of these lies or whatever tonight, if you want I'll walk out of this room and you tell these two guys what happened. If you don't think that you can tell me…

PV I don't know…

DV If you don't think that you can tell me tonight because of all the different lies that you've already told me, and you know I'm telling you from the heart, you got to be there for your kids, I'll walk out of this room and you tell these guys what happened.

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PV If I knew who did this, if I could tell you the honest to God truth I swear I would, but I don't know anything about this.

TK Let me tell you…

PV If I could tell you anything that would get me off of this I would. Even if I didn't do it or I knew who did it I would tell you who did it or whatever. I don't know. I didn't - I don't know. I honestly don't know.

TK Let me tell you a little story here. I investigate a lot of serious crimes, okay? Listen up. You know, I listened to you.

PV All right.

TK I had a case where a step-father had been the only father this little kid ever knew. And for whatever reason he turned to sexual abuse on this kid over a period of years. This kid instead of becoming stone hard or an asshole or whatever, um, whatever good genes, God's will or whatever, he's a tough kid. He came in and told the tale, brought dad in, dad denied it, lied, all this crap for a long time. Finally at the end of the interview he tells me the truth and he admits it. And why would a man admit to this is a worse than homicide, worst thing you could possibly do right?

PV Yeah.

TK Fucking your own kids, little boy on top of it.

PV Yeah.

TK Worse thing in the world. I asked him, how, why did he confess to it. That's the only way I got left to show my boy I love him. You hear me?

PV Yeah I heard you.

TK You hearing this?

PV I'm listening to everything you all say. Every time I - I'm not with you I still hear you all and I see you all faces.

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JP Are you tired of this stuff eating you up?

PV Man I'm tried of questioning, interrogation. Man, I just want to - man I wish I had the old life I had when shit was - shits fucked up now, but man, I would have it the other - the old fucked up life or shit was before.

JP You can if you tell us the truth about the shooting at the grocery store.

PV I wasn't there. I don't know. I don't know anything about it.

JP (Inaudible) you're going to have a better life after this is over. You don't have to do a lot of time. You just got to…

PV I won't do any time. I didn't do anything. That's what I'm trying to tell you. And you all don't believe it.

JP Because these other people keep telling us different.

TK Do you think that's a possibility, no time? Realistically?

PV I understand.

TK Again, think about it. Realistically no time isn't an option on the table I don't think.

JP For what you did at the grocery store.

PV No, un huh. The only way I get no time, because you all going to find out that I didn't do it. I promise that you all will. The truth will (inaudible).

DV If we work the case another week we're just going to have somebody else call us in and tell us who did it. That's what the history is showing us. Don't you want to go to the park with your kids and not have to look over your shoulders to see if I'm there?

PV Yeah.

DV You know, that's not much fun.

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PV I ain't really been worried about it lately though. I been chillin'. That (inaudible) because I ain't been trying to hide or run or whatever 'cause…

DV You haven't been putting enough thought into it.

PV Yeah I have.

DV I wish you were putting some thought into it, because…

PV I am.

DV This decision.

PV I think about it every day, every day.

DV Well then maybe tonight's decision shouldn't be that hard for you.

PV I gave you my decision.

JP You're the only one in this room that can tell us what happened in that store.

PV I'm not (inaudible).

JP You are. We can't. Just tell us what happened.

PV I can't tell you what happened because I don't know.

TK I don't think that's…

PV All I can tell you is what you told me.

JP Then tell me this. What did you do with the gun?

PV What gun.

JP The gun that you used to shoot him with. What did you do with it?

PV No, I didn't shoot nobody. I sold Melissa a gun.

TK This all started out with you because of things that you did and said.

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PV No, from what I said, that's where it started. If I would have never said that to Colleen I would have never been in this position.

TK But then you didn't stop.

JP The guys at the workhouse.

TK It kept going. It was a week later or 10 days later when you…

PV You believe a bunch of criminals? Do you believe a bunch of criminals to charge another person.

TK No let's start out with these guys at the table and the officers that heard you that night. But you keep saying no, it didn't happen. Don't say no and look down. It's yes, it did happen. Look him in the face. Yes, it happened. Yes it happened. No bullshit, no fucking around, no game to run on your brain on this one. This fucking happened. They got it. This is the statement I told you the last time was in the bag. Run them all up on the stand they will all say the same thing, they heard it. All licensed police officers.

PV They can say what they want to say. I didn't say it.

TK Do you really think you're that hard that you can go for life?

PV Hell no. I wouldn't even make it. I wouldn't make it. I know I wouldn't. I couldn't even picture even a judge slamming his, life. I'd probably shit all over myself. I'd probably die right there.

TK Then work it out ahead of time.

PV I'm saying, I want to be…

TK I'm telling you the gavel is going to fall (inaudible) here.

PV I could just sit here and make some bullshit just so I can stay (inaudible) woo woo this or just make up some shit so I can get whatever, three or four(inaudible) just be fucked over. I'm not pleading guilty to

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nothing. I didn't do nothing. I didn't do a damn thing.

TK The front side on this thing is way better than the backside on this thing and you know it. Do you understand that part, right?

PV You going to try to send me to prison for something I didn't do.

TK I think you did it. I want you to understand that. I think…

PV That's your job though.

TK We believe that you did it or we wouldn't be here.

PV That's your job. But I didn't do it.

TK You didn't do it.

PV No.

TK No idea who did?

PV No.

TK Stacks, you're going to alibi him too?

PV I'm going to alibi 'cous. But I told you - man if he did shit like that man believe me I would know.

JP Well he's saying you did it.

PV He couldn't say I did it, 'cause… If I would have did it he would have been there with me. And I'm telling you that he wasn't.

JP He said he was there with you. Well who was with you then?

PV You keep trying to put me in. I told you I didn't do it. I wasn't there.

JP Philip Vance, you can help yourself out or not.

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PV I'm trying to sir. I'm honestly trying to. I'm not even (inaudible). But that's your job.

TK Well we're trying to figure out…

PV (Inaudible).

TK (Inaudible) going out and playing around?

DV You got to think about some stuff Philip. I know it's hard.

TK Can you just tell me what is important to you?

PV What's important to me? The biggest thing right now that is important to me?

TK Not necessarily this second.

PV Huh?

TK Not this second, but at some point in your life.

PV Yeah, I'm going to tell you. I really (inaudible). I really wish - I want to be good to my kids so bad. I man, I just want to, I just want to clear my whole life up and I want everything, all the bad stuff I ever did and all the stuff, you know what I'm saying that I may be doing now in (inaudible) right now, I just want to get on with it and I want my whole life to be positive and I won't have to look back.

JP Well you're not doing a good job right now.

PV Yes I am. 'Cause I'm telling you, I, I didn't do this.

TK There is only one way to get a clean start, and you know what it is. Not just with us but with your…

PV Get off this, I got to get off this. I got, I know for a fact that this is not going to end until I go to court until the end. And I'm ready to - I'm really ready to do that.

TK Okay, I want you to think about - you know - I want you to understand the difference between the front end

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and the back end, right? You know what the front end is right? Where you make…

PV Make - let you know what's happening.

TK And you work yourself in and you know what's going to happen. The back end is when the judge (inaudible) the gavel and you don't have any control.

PV (Inaudible).

TK You've got more control over this.

PV I understand that.

TK Than the backend.

PV I'm willing to take that risk, 'cause.

TK Well, the only time you have control is on the front end.

PV I know, but I'm not going to sit here and just tell anything for something I didn't do.

TK I know. But what I'm saying is once you get back past the front end, this stage here, we get into the other stage, you will have less and less control and other people will have more and more. And by the time it's in front of the judge only he can (inaudible). You've got no control over it. These are things I just want you to - I want to know for myself that you understand.

PV I watch Court TV and all that stuff.

TK Well. I've been doing it for 20 years and I don't understand it all the time. I'm telling you it's scary at the back end because there is nobody (inaudible) control.

PV It's scary now. Man, I'm scared every day. And you know the funny part? I had a feeling that I looked in a mirror and I'm seeing (inaudible). I've got a real funny feeling about that. Because I was looking out the window and I seen two police ride past and they kept riding through. I said, man, I hope, I hope they

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ain't coming to get me, and I left. It got nighttime and they came back again. And I was walking back to the house and I counted, one, two, three, four, five, six, seven police cars. And something told me just turn around. I was way up the street. I could have just turned around and went back where I was at. But you know what I said? I said, man, I'm not going to try to run. Because I have nothing to run from. And I kept going.

JP Philip, I'm going to leave. I want to ask you one question.

PV What?

JP Look at me. Do you believe in God?

PV Yeah.

JP Do you think God punishes people that do things that are wrong?

PV Yeah.

JP Well, wait to be punished.

PV That ain't coo. That ain't right.

JP It's true.

PV But I didn't do nothing.

TK There's also a way to square with God too. You know what that is too?

PV Yeah to confess my sins.

TK Yeah, forgiveness.

PV (Inaudible). I believe in God.

DV We talked about your kids.

PV Yeah.

DV Talked about wanting to make a positive life for your kids.

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PV Um hum.

DV Talked about wanting to make a positive life for yourself.

PV Yeah.

DV You've got a lot of decisions to make. Not a lot, you've got one decision to make. Here's what we're going to do. We're going to end the interview for the night. I'll come back and talk to you tomorrow and you let us know what your decision is.

JP You can lie to yourself. You can lie to us. But you can't lie to God. I'm telling you right now.

PV You know what I'm saying, what do we got to talk about tomorrow?

JP Philip.

DV What your decision is going to be.

PV About what?

JP About telling us the truth.

PV I am telling you. I been telling you the same thing over and over.

JP Lie to anybody you want to but don't lie to God about stuff. I'm telling you right now.

PV I don't lie. I don't lie to God. Because I don't have to lie. God know the truth. And God (inaudible). That's all (inaudible). Because I didn't do nothing.

JP I feel sorry for you.

PV Why do you say that.

JP Because you could help yourself out tonight.

PV I could make up something.

DV I feel sorry for your kids.

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PV I could make up something but man, I'm not going to do that.

DV I feel sorry for the kids. You're not even giving them a shot, you know, a shot at having a dad around. That's not fair. That's not fair to those little kids. You got a chance to do the right thing.

PV but I didn't do nothing. I didn't do it. What do you want me to sit here and say I - that I did do it when I didn't do it?

JP No I want you to sit there and tell us the truth.

PV I am telling you the truth.

JP No you're not.

PV The (inaudible).

JP We watched you tonight. Your face is twitching, you're moving around. Then you lie to us about telling things to Melissa that we heard. You want to help yourself out, it's the last chance.

PV I told you all.

JP You won't even look at us.

PV I told you my decision is I didn't do it. I don't know who did it.

JP You already know who did it. He's sitting right there looking at us.

PV That's what you all believe. Man.

TK I'm telling you, that story about the guy I was telling you about that was fucking his boy.

PV Um hum.

TK You have no idea how much I like that guy to put it mildly. All through it I knew he did it and he denied, denied, denied. And really he put this boy through such torture. This kid is never going to be completely

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right. When he finally confessed and told me why, I had some respect for him that he finally put somebody in front of himself. He put his kid in front of his own needs at that point finally. Show something that we can respect. Think about your kids. Show 'em that dads a man.

PV I cool. And I am a man for real. I'm just - I can't sit here and plead to nothing I didn't do.

TK Well I think we - I hope we gave you something to think about for tonight.

PV Yeah.

TK (Inaudible) things change.

PV I just (inaudible).

TK Okay.

PV And my fucking (inaudible).

TK I told you, it won't be over.

PV I understand.

JP What's your tattoo of? Let's see. DRV? What is that?

PV (Inaudible).

JP Initials? What's that, marijuana?

PV Yeah, I got (inaudible).

JP Hey were you really GD?

PV No.

JP Were you GD?

PV No.

JP Not at all.

PV I'm not a gang member.

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DN You got a minute?

DV Yeah.

DN Let me talk to him real quick.

JP Okay.

DN Yeah, have a seat.

JP Do you want those on?

DN Yeah you can take them off for a few minutes. (Inaudible) it's not going to take long. Have a seat Phil. My name is Dave Nygren, okay? I'm a special agent with the Bureau of Alcohol, Tobacco and Firearms. I ain't here to talk - why don't we shut this door. What I'm going to talk to you about isn't what they were talking to you about, okay? Are you familiar with ATF at all, what we do?

PV I see it on TV.

DN I can tell you right now you can wipe that smirk off your face, because this is a different.

PV No, I see it on TV before.

DN Okay, well this ain't TV okay? We enforce federal firearms laws.

PV Uh huh.

DN And that includes possessing and transferring stolen firearms. What you did, okay. Because I was out there that night. I was out there that night. I was out there that night when you went over to Birmingham, picked up that pistol, that 22 and you sold it for 90 bucks. And you went to the Fourth Street Station, right?

PV Yeah.

DN With what's her name, Michelle?

PV Melissa.

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DN Melissa. And I heard you on tape talking about she - her asking you to show you how to shoot that gun. If you ever shot a gun. And I heard you also talk about how you shot somebody on the south side. And I'll tell you right now, maybe they don't have you or maybe you don't want to admit to what happened down there in South St. Paul, but it ain't going to be hard to put a case on you federally for selling that stolen firearm. You're talking a whole different arena federal. And you're going to do federal time. And you're going to do time in a federal prison. When you're 22 years old you got a lot of living to do. You've got a lot of thinking to do right now too. Do you hear where I'm coming from?

PV Yeah.

DN So you better think about that. Federal courts don't screw around. In these times right now with guns and everything going on, you better think hard. Because I'll tell you right now you're done with that stolen firearm. Game over there. You better think about what these guys are talking to you. There's a very small window and that door shuts very quick. And this is your one chance. Everybody gets time at the plate, take their swings, and yours is right now. And if you think it's a joke and this is going away, you're sadly mistaken. I give you a little more credit than that. Maybe you don't know. And you got kids. How many kids you got?

PV Two.

DN You got two kids. How old are they?

PV One and two.

DN one and two. You want to miss the best days of their lives? Do you want to go to a federal penitentiary? You better think. 'Cause that's aside from what they were talking about. I ran you and your stuff in Tampa. I've been out there with them as long as they've been investigating this, following you around. I've got a strong case. It's not that tough. We've got the gun. It doesn't matter if there was ammo. A firearm is a firearm. You ain't skating from this one. But I tell you, it doesn't necessarily have to go there either.

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If you want to talk to them about their case and that incident that occurred in December, this case doesn't have to go to the US attorney's office. Do you hear what I'm saying to you?

PV Yeah.

DN All right.

JP Do you want to tell me the truth now?

PV I told you the truth.

JP Man, you just don't want to (inaudible).

PV I'm telling you the truth.

DN Okay, well I know the other truth. And I know the truth surrounding that stolen gun. And I know those statements I heard. And you know what? I'll get on the stand and testify what you said. And that will come in at your murder trial and what was said. And they are going to call me up there representing the federal government to testify in your trial. This is a separate charge. This is totally separate. Do you know the difference between state and federal? There is no good time for federal.

PV I know.

DN You get ten years, you serve ten years. It could be in Gary. Indiana, Marion, it doesn't matter. You're not going to go to the workhouse, you're going to go to the federal penitentiary. I mean, you're a young kid. You got, you got, you know what? You got so much living you're looking at doing as much time as you've taken growing up. Growing up as a little kid playing on your block. Take that now and spend the rest of those years in prison. I mean how does that make you feel? Pretty shitty, isn't it?

JP Philip, if you tell us the truth right now about - just listen to me. Don't look around the room. Look at me and listen to me. If you tell us the truth of what happened in South St. Paul, Sabreen's grocery store, and you tell me it was an accident, I'll believe it and you're not going to do a lot of time. But if you

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still, if you still keep this hard ass attitude that you weren't there, you don't know nothing about it, you're going to roll those dice and you're going to let those dice land wherever they want. If you want to do that with your life, if you want to roll your life away like a pair of dice, then that's what we're going to do.

PV I don't - (inaudible) I don't know. I honestly don't know. I wasn't there. I didn't do it. I don't know anything.

JP Well besides what we're talking about with this homicide, you got to come up with the federal system.

PV I understand that.

JP So, you know, you were laughing at me earlier tonight smirking and stuff. This is your last chance. Do you want to tell the truth?

PV I have sir.

JP No you haven't.

PV I have.

JP You've lied a whole bunch of times. You came in here tonight and told us from the start that you lied the last time you talked to Dan.

PV Yep. When we talk about little stuff.

JP That's not little stuff.

DN The stuff you said about shooting somebody on the south side. I heard. That was no lie. And you know what, it wasn't just…

JP And then you tell us it was a Winchester.

PV I don't even know what a Winchester is.

JP Well you told us that - we heard you say it that night. You said the name of the gun. And guess what, when we get the forensics back, guess what.

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PV It was a Winchester.

JP Yeah. So now that's another thing. I forgot to even say that before, it's another thing.

DN I remember you were out there, you were in that tan leather coat. She was having trouble with her car, the fan couldn't get going, remember it was a cold night?

JP She had to get…

DN The first one across from the train depot. How can I, how can I make that up?

PV No, I understand what you're all saying. But.

DN What's going through your head right now? What do you…

PV I'm scared a little bit.

DN Well yeah. You know what? It's a bad dream right now.

PV (Inaudible) I say hey.

JP All you got to do is tell us, tell us how it happened in South St. Paul.

PV No, I don't know.

JP but I got all these other people that are telling us that you do know.

PV I don't. I don't know.

JP Why would Trevor tell me that he heard you say it?

PV I don't even hang with Trevor.

JP I didn't say you hang with him.

PV I just know…

JP I'm saying he met you down at the bar that night afterwards. He was down there drinking.

PV I never even got with Trevor drinking ever, ever, ever.

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JP Well why would Slots, I mean Stacks tell me. Why would Stacks -- see I did it again. Why would Stacks say it? Why would he cut a deal with us?

PV I don't know man, that he even told you that.

JP Well there we go.

DN Let me ask you this. Do you - do you want to go to trial on this case here and when we finish that and then also be charged federally?

PV (Inaudible).

DN Because you know what? You're looking at going in your federal time and then the state system, the state system then federal. That's a lot of years.

JP You're a young man. You're going to get out and you're going to be 62 years old.

PV But I didn't do nothing. I don't know who did it. I don't know nothing. I got drunk and said some bullshit or whatever happened.

JP That just happened to be on the same night, a half an hour after a guy was killed in a grocery store. And what did you say to Melissa before you went to the grocery store, telling her about you can give her a bigger tip? You didn't have any money to tip her but you were going to go do something and when you come back you're going to have a lot of money to tip her with. Do you remember saying that? Do you remember that? Well wait, just tell me yes or no. Do you remember saying it?

PV I don't remember saying that.

JP You don't remember saying that? And you go to Sabreen's, you go in there. You accidentally shoot him, you grab a couple packs of smokes, you grab some cash out of the box and you guys take off. Now there's things we don't know about that only you can tell us. Like who was driving the car. Will you tell me who was driving the car at least?

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PV I don't know. I don't ride in no car with nobody like that. I go on the bus.

JP When you killed the guy at Sabreen's, who was driving the car?

PV (Inaudible) I didn't ever go to no Sabreen's. I never been in that store ever. Ever.

JP Did you understand what the other guys were saying to you before about there is a huge difference between going in there and the gun going off accidentally or you premeditated, you think things out, you plan it, you plot it and then you go and do something? Do you understand there is a huge difference in that?

DN There's another thing called acceptance of responsibility. And that's when you stand up and take account for what happened. Now in the case of the stolen gun there is no - there is no reason for you. We don't need you to stand up and do that. You've already - you've already admitted it anyway because we were there. We got the gun. It's in our property room. But acceptance of - what, you think I'm joking?

PV No I believe you.

DN But acceptance of responsibility takes points off of your sentencing time. I mean are we wasting your time?

PV I'm here for nothing.

DN What do you mean here for nothing?

PV I'm saying I'm here because - I'm here being questioned about something I don't know nothing about.

JP Well somebody - if you're not lying then somebody else is lying to us.

DN I can guarantee you haven't seen the last me. I mean you and I are going to see quite a bit of each other. And it'll be in the courtroom before a federal magistrate and before a district judge.

JP What just bothers me is you can sit and lie to us. But you can't lie to yourself. You can't lie to God.

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PV I'm not lying sir.

JP Philip.

PV I (inaudible) I did (inaudible), I took it from them and (inaudible). (Inaudible) had no bullets. I put it up. She had - she had asked me about - she told me she had a gun. You know what I'm saying? And then all of a sudden she tells me she's going out of town. She needed a gun for something, or her dad, her mom's boyfriend (inaudible) shit woo woo whatever. She asked me would I sell her my gun and I told her yeah. But I ain't have (inaudible) bullets or nothing. I had no (inaudible) 'cause I have no money.

JP You know what amazes me, is we heard those exact same things. We heard - we heard you two talking about that. But selectively you forgot you don't recall, talking about shooting that guy on the south side. We all heard that same thing. You remember this part of the conversation you had with Melissa. But you don't remember the other part when you tell her that you shot that guy.

PV I don't know. She asked me if I ever shot somebody before.

JP Yeah and you told her a couple - like a week ago or two weeks ago on the south side a couple times in the back.

PV Un huh. (Inaudible) I didn't say it. She asked me to teach her how to shoot a gun and I told her I (inaudible) shoot a gun.

DN where were - weren't you back by the pool tables when you said that when you were talking about it or were you in the car?

PV Talking about what.

DN About the gun and teaching her how to shoot?

PV That was in the car then.

DN That's on tape isn't it?

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JP Yep. You know what's going to happen?

PV (Inaudible).

JP You're going to go to jail for a long time and then you're going to end up going to hell.

DN If you can live with that. In the meantime I'm going to go home and go to bed.

JP Stand up please.

DN You know, you (inaudible) not only do some thinking, you got to do some soul searching.

PV I'm trying. I'm trying.

DN It's hard.

END
kp

MINNESOTA JUDICIAL BRANCH

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The truth about snitches: an archival analysis of informant testimony

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Informants are witnesses who often testify in exchange for an incentive (i.e. jailhouse informant, cooperating witness). Despite the widespread use of informants, little is known about the circumstances surrounding their use at trial. This study content-analyzed trials from 22 DNA exoneration cases involving 53 informants. Because these defendants were exonerated, the prosecution informant testimony is demonstrably false. Informant characteristics including motivation for testifying, criminal history, relationship with the defendant and testimony were coded. Most informants were prosecution jailhouse informants; however, there were also defence jailhouse informants and prosecution cooperating witnesses. Regardless of informant type, most denied receiving an incentive, had criminal histories, were friends/acquaintances of the defendant and had testimonial inconsistencies. In closing statements, attorneys relied on informant testimony by either emphasizing or questioning its reliability. The impact of informant testimony on jurors' decisions is discussed in terms of truth-default theory (TDT), the fundamental attribution error and prosecutorial vouching.

Key words: jailhouse informant; cooperating witness; truth-default theory; secondary confessions.

In the Nassau County Courthouse on 12 November 1986, Samuel Newsome took the witness stand and promised to tell the truth, the whole truth and nothing but the truth. He testified that he had heard the defendant, Dennis Halstead, confess to the rape and murder of a young girl while the two were playing spades in jail together. Newsome had a long criminal history, and the defence attorney suggested at trial that the criminal charges against him were being dropped in exchange for his testimony. The prosecution had only circumstantial evidence and therefore their star witness was Newsome. He proved to be an effective witness, providing a detailed account of how the victim was raped and killed, including where she had been picked up, the vehicle that was used and even that the defendant had smiled while committing the act. Despite his adamant claims of innocence, Halstead was convicted of rape and murder and sentenced to $33\frac{1}{3}$ years to life. Nineteen years later, DNA evidence conclusively proved that Halstead could not have been the perpetrator; he was exonerated on 29 December 2005. Research has shown that false testimony from informants like Samuel Newsome is one of the leading causes of the growing number of wrongful convictions (Gross et al., 2005; Warden, 2005).

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Since DNA testing became available in the late 1980s, there have been over 350 DNA exonerations of wrongfully convicted individuals. The Innocence Project lists informant testimony among the major contributing factors to wrongful convictions, along with eyewitness misidentification, faulty forensic science, false confessions, government misconduct and inadequate defence (http://www.innocenceproject.org). In capital cases, false testimony from informants is *the* leading cause of wrongful convictions, with informant testimony present in 49.5% of cases since the mid-1970s (Warden, 2005). According to the Innocence Project, informant testimony contributed to more than 15% of the wrongful convictions that were later overturned through DNA testing (http://www.innocenceproject.org). Courts have repeatedly indicated that offering incentives to informants provides enormous motivation to give false testimony and evidence (*Giglio v. United States*, 1972; *United States v. Singleton*, 1998).

Generally, accurate informant testimony is an effective means of securing convictions against guilty defendants. Ideally, false informant testimony should be detected as false by the judges and juries charged with hearing criminal cases. However, as the many wrongful convictions clearly demonstrate, false informant testimony can be compelling evidence against innocent defendants. In order to better understand the influence of informant testimony, DNA exoneration cases involving 53 informants were content analyzed. These cases provide a critical context in which to evaluate and understand informant testimony because any testimony implicating the defendant is demonstrably false, as proven by the subsequent DNA exoneration.

Informant witnesses

Informants, in the most general sense, are individuals who provide information about criminal activity. Sometimes informants are recruited by the government to infiltrate criminal circles and collect incriminating evidence, and sometimes informants initiate contact with the government because they possess incriminating information and have the hope of gaining some incentive in exchange for reporting it. This paper investigates the latter type; that is, informants who collect or encounter incriminating evidence by themselves rather than being planted by the government. The evidence given by these informants has often been referred to as 'bartered testimony', because the informant has negotiated a deal in return for their cooperation (Roth, 2016).

Within this definition of informant there are three subtypes: jailhouse informants, cooperating witnesses and accomplice witnesses (Roth, 2016). Jailhouse informants are individuals who gain evidence about a fellow inmate's case while they are both in custody and who often come forward in return for some promised incentive. Jailhouse informants' testimony typically includes a secondary confession, meaning that they claim to have heard the defendant confess to committing the crime (Neuschatz et al., 2008). Cooperating witnesses are citizens with incriminating evidence about a defendant's case but who require an incentive to testify. Cooperating witnesses typically learn about a case through some connection to the defendant (e.g. they are a friend) or through their own experiences (e.g. as an eyewitness). For example, an eyewitness may be reluctant to testify for fear of retaliation, thus prosecutors may provide some type of incentive (e.g. relocation funds) to secure their testimony. Finally, accomplice witnesses are individuals who allegedly committed the crime with the defendant but testify against the defendant for some leniency in their own case. The present research is focused on jailhouse informants and cooperating witnesses (but not accomplice witnesses), and therefore the term 'informant' is used to refer to these two types collectively.

Despite the prevalence of informants, especially in capital cases, their contribution to wrongful convictions has not been sufficiently studied (Roth, 2016). By contrast, eyewitness

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identification – another leading cause of wrongful conviction – has received a great deal of attention from both the scientific and legal communities. A search of PsycINFO revealed 786 peer-reviewed studies pertaining to eyewitness identification; however, a search for jailhouse informants and cooperating witnesses produced only 9 peer-reviewed studies, 6 of which address the impact of informant testimony on juror decision-making. What little research has been done demonstrated that jurors' verdicts are uninfluenced by informants' incentives for testifying (i.e. no incentive vs. a five-year reduction in sentence) or by their role in the case (i.e. jailhouse informant, accomplice witness or civilian; Neuschatz et al., 2012). These studies have also demonstrated that jurors hold a number of erroneous beliefs about informant testimony (Key et al., 2018), are unable to detect that informants may be lying and rely heavily on informants' testimony when making verdict decisions (Wetmore et al., 2014). Therefore, it is necessary to understand the information that informants provide and the reasons why jurors may be unable to detect their deception. The current analysis addresses these two questions by documenting what informants testified about and how attorneys used the testimony in their arguments to jurors.

Deception detection

There are several findings from the deception detection and attribution literatures that elucidate why jurors tend to believe that informants are telling the truth: they rely on inappropriate cues, exist in a truth-default state, identify when testimony matches the fact pattern of the case and succumb to the fundamental attribution error (Gilbert & Malone, 1995). First, in order for jurors to assess informant testimony accurately they must be able to identify cues that indicate truth telling and deception. Unfortunately, people are generally poor at detecting deception, as accuracy rates are usually at chance levels in studies which have examined this ability (see Vrij et al., 2010). One reason for this is that people often rely on cues which they believe to be indicative of deception, but in fact are not. For instance, it has been found that behaviors which are often believed to be associated with lying (e.g. averting one's eyes, shifting in one's seat or fidgeting) are in fact not at all related to deception (DePaulo et al., 2003; Vrij et al., 2000).

Second, not only do people rely on the wrong cues but they are also naturally inclined to believe that other people are telling the truth – that is, they have a truth bias. According to Levine (2014), people naturally exist in a truth-default state, meaning that they initially evaluate all incoming messages as truthful unless there is a reason to suspect deception. Furthermore, people do not actively look for deception; rather, they have to be compelled to do so. The inclination to believe that people are being truthful and honest may be strengthened in the courtroom, where witnesses must take an oath to tell the truth and where jurors rely on prosecutorial vouching – that is, the belief that prosecutors rigorously vet their witnesses and would not let a dishonest witness testify (Covey, 2014; Roth, 2016).

Third, it may be especially difficult to detect deception when it is embedded in a narrative that is factually accurate. Vrij et al. (2010) have suggested that rather than telling lies which are completely untrue, people often change a few details of an otherwise true account. This strategy tends to be true of criminals (see Hartwig et al., 2007). For example, it has been found that when criminals assume a false identity they only change a small portion of their actual identity (Wang et al., 2004). Informants may adopt a similar strategy, weaving a few lies into an otherwise factually accurate depiction of the case (e.g. facts gathered from media coverage, non-public facts given by the police), making them more believable and making it more difficult for jurors to detect their deception. Along with the presence of accurate facts and details in their accounts, informants are also more likely to be believed if they are thought to be testifying

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against their self-interest (e.g. they may be harmed in jail or a family member may be put in danger as a result of testifying). According to Kassin (2015), statements made against self-interest are reflexively believed.

Lastly, determining whether the evidence points to deception or truth may be very difficult; not only can deception be embedded in accurate facts but individuals often make the fundamental attribution error, or have a correspondence bias, when evaluating others – even informants (Neuschatz et al., 2008; Ross, 1977). The fundamental attribution error refers to the tendency for individuals to overestimate dispositional factors and underestimate situational factors when explaining other people's behavior (Ross, 1977). Therefore, when evaluating an informant's motives for testifying, jurors will identify dispositional reasons (e.g. trying to do the right thing) rather than relying on situational factors (e.g. incentives to cooperate).

Given the issues laid out above, we coded all the DNA exoneration cases involving informants in order to provide some insight into why their testimony was believed by the jurors. Unfortunately, it is impossible to know from this set of cases whether or not the jurors detected the appropriate cues or how they evaluated the evidence. However, it is possible to address various aspects of the cases that relate specifically to the narratives provided by the informants and attorneys, whether statements against self-interest were made or not and whether dispositional or situational explanations for testifying were present. In order to evaluate the narrative components of the case, we coded the informants' testimony for the number of case details and their accuracy, the presence of inconsistencies, how they purportedly heard the confession (if at all), whether or not they received an incentive and whether or not they testified against their self-interest. In addition, we also coded the closing arguments made by the prosecuting and defence attorneys to further evaluate the case facts presented during the trial, the presence of inconsistencies in the informants' testimony and whether or not any ulterior motives or alternative explanations for the informants' testimony were explored.

It is clear that in some, if not all, of the cases examined herein, the juries failed to detect the deceptive nature of the informants' testimony. Nonetheless, it is still an important first step in better understanding the impact of informant testimony to analyze what the informants actually said at trial and how they were portrayed by both the prosecution and the defence. This is important because the way in which attorneys portray informants likely influences jurors' perceptions of their truthfulness, which may in turn affect verdict decisions. Because there is scant research on the content of informant testimony, this study is by necessity exploratory. Even so, some predictions could be derived from the deception detection and attribution literatures. First, because it has been shown that the majority of informants are repeat players (Roth, 2016), we hypothesized that the informants in the present study would also be found to have prior convictions and previous involvement in the criminal justice system (Hypothesis 1). Second, we expected to find that the informants made statements against their self-interest in order to increase their credibility (Hypothesis 2). Kassin (2015) argues that false confessions are persuasive because people reflexively believe that statements made against self-interest are true; therefore, to the extent that jurors perceive informants to be making such statements, they may be more likely to accept their testimony as truthful. Third, we predicted that the informants would be found to have given dispositional reasons for their testimony (e.g. they felt bad for the family) rather than situational explanations (e.g. receiving an incentive; Hypothesis 3). Finally, we expected to find that the prosecutors and defence attorneys specifically addressed the informants' motivations in

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their cross-examinations and closing arguments (Hypothesis 4).

Method

Trial transcripts

We identified and coded all 22 trial transcripts in the Innocence Record that contain at least 1 informant. We defined an informant as someone who claimed to have obtained evidence about the defendant's case while incarcerated (i.e. a jailhouse informant) or someone who learned about the case through some connection with the defendant or through their own experiences but required an incentive to testify (i.e. a cooperating witness). This study is focused exclusively on wrongful conviction cases overturned by incontrovertible DNA evidence. Consequently, these cases provide known examples of instances when informants provided false incriminating testimony in court (excluding the informants who testified for the defence). There are 28 defendants in the identified cases, all of whom were convicted of major crimes: 4 for murder, 6 for rape and 18 for both murder and rape. There are 53 informants in the identified cases (43 jailhouse informants, 10 cooperating witnesses); of the 43 jailhouse informants, 34 testified for the prosecution (79.07%) and 9 testified for the defence (20.93%). All 10 of the cooperating witnesses were called to testify for the prosecution.

Data analysis

In order to analyze the data, we developed a coding scheme to capture information about: (1) the defendants; (2) the jailhouse informants for the prosecution; (3) the jailhouse informants for the defence; (4) the cooperating witnesses for the prosecution; and (5) the attorneys' closing arguments.

Defendants

The demographic information for the defendants includes age, gender, race, education, criminal history, crime date, trial date, presence of multiple trials, sentence and exoneration date. The details of the defendants' testimony include: response to a secondary confession (where relevant); type of contact with the informant; and relationship with the informant.

Jailhouse informants and cooperating witnesses for the prosecution

The demographic information for the jailhouse informants and cooperating witnesses presented by the prosecution includes age, gender, race, education, criminal history, current incarceration and testifying history. The details of these informants' testimony include: a description of the secondary confession (if applicable) or details about the event; the amount of time between the point at which the secondary confession was alleged to have been witnessed (if applicable) and the point at which the informant contacted the prosecutor or police; incentives, motivations and deterrents related to testifying; prior knowledge of the crime; the number of details of the crime that were given; testimonial inconsistencies; the type of contact between the informant and the defendant; and the informant's relationship to the defendant.

Jailhouse informants for the defence

The demographic information for the jailhouse informants presented by the defence (no cooperating witnesses were presented) includes the number of prior convictions and details of their criminal history. The details of these informants' testimony include: the topics discussed; the incentives and motivations for testifying; and the informant's relationship to the defendant. The informants presented by the defence had an overall different purpose for testifying (i.e. impeaching the informants presented by the prosecution) – therefore, fewer variables in the coding scheme are relevant to their testimony.

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Attorneys' closing arguments

The content of the prosecution and defence attorneys' closing arguments includes whether or not they contain mention of: the informant's criminal history; incentives and motivations for testifying; testimonial inconsistencies; non-public details given during testimony; credibility of the defence's informant (if applicable); and overall truthfulness of the testimony.

Additional coding

The informant's motivation for testifying and consistency of testimony were also coded. The informant's motivation was coded as situational, dispositional or both. A situational motivation is characterized as an informant acknowledging that their reason for testifying was due to external influences promoting personal gain – for example, receiving some type of incentive such as a reduced prison sentence or a monetary reward. A dispositional motivation is characterized as an informant stating that their reason for testifying was due to internal characteristics, such as wanting to do the right thing, empathizing with the victim or wanting to help the victim's family.

Inconsistencies within an informant's testimony were coded as present or absent. If inconsistencies were found to be present, they were further categorized into three different types. First, there could be inconsistency between the informant's current testimony and the actual case facts or details of the crime. For example, the informant could have relayed incorrect information about the timing of the crime or the weapon that was used during its commission. Second, there could be inconsistency between the informant's current testimony and prior statements given to the police or prosecutor. For instance, the informant could have initially provided one description of a defendant's secondary confession to the police and then altered the details by the time they presented that information at trial. Finally, there could be inconsistency between the informant's current and previous testimony at trial. For example, the informant could have initially provided testimony in front of a grand jury or alternate trial and then changed their testimony at a different hearing or trial. This also includes informants stating contradictory information within the same trial if their testimony changed between cross-examination and re-direct examination.

At least two independent raters coded each transcript. Afterward, two authors reviewed the coding to evaluate the coding decisions. Any differences between the initial coders were resolved by the authors. The interrater reliability was calculated for 20% of the cases and is sufficiently high, with an average kappa of .877.

Missing data

Data are not available for every variable for all 28 defendants and 53 informants (43 jailhouse informants and 10 cooperating witnesses) due to the following reasons: (1) missing transcript pages; (2) the variable being nested within another variable such that the coding of the higher-order variable makes the lower-order variable not applicable (e.g. if there are no inconsistencies present within an informant's testimony then the subsequent type of inconsistency variable is not applicable); or (3) the attorneys never mentioning the variable during the trial proceedings. Thus, the amount of missing data differs for each variable. To account for these differences, we calculated sample sizes for each variable by subtracting the number of informants/defendants with missing data from the total number of informants/defendants. We only considered data 'missing' for the purposes of these sample size calculations if they were not coded for the first two reasons stated above (i.e. missing transcript pages or nested variables). Accordingly, the sample sizes still include defendants and informants who were not asked about the target variable during the trial proceedings, as we deemed it important to highlight the absence of critical information from the trial. For example, although we coded a total of 34 jailhouse informants for the prosecution, the

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sample size for prior convictions is only 32 because transcript pages were missing for this portion of the testimony of 2 informants; however, that sample of 32 includes 6 informants who were not asked about their prior convictions during the trial. If the final sample size includes less than the total number of people in the applicable category (i.e. less than 28 defendants, 34 jailhouse informants for the prosecution, 9 jailhouse informants for the defence or 10 cooperating witnesses) then we report the number that was used to calculate the percentages next to each result.

Results

Defendants

The defendants were all male. At the time that the crime was committed, the average age of the defendant was 25.21 years ($SD = 6.55$); at the time of the trial, the average age of the defendant was 27.57 years ($SD = 7.10$). Most of the defendants had only one trial (60.71%); however, 11 had multiple trials pertaining to their current offense (39.29%), each of which may or may not have included a jailhouse informant. The defendants are mostly Caucasian (60.71%), followed by African American (32.14%) and Hispanic (7.14%).

Jailhouse informants for the prosecution

A total of 34 jailhouse informants testified for the prosecution against 22 of the 28 defendants; 1 informant was coded twice because she testified in two separate trials against different defendants. The informants were mostly male (91.18%) and had a mean age of 29.55 years ($SD = 11.32$, based on 21 available) when they testified at trial.

Criminal background

Most of the jailhouse informants for the prosecution were incarcerated for nonviolent crimes when they testified at the defendant's trial (68.75% of 32 available); these include crimes that do not rely on a weapon (e.g. burglary, theft; 50.00% of 32 available), crimes that involve deceit (e.g. perjury, fraud; 12.50% of 32 available) or both (6.25% of 32 available). A smaller proportion of these informants were incarcerated for violent crimes (e.g. murder, sexual assault; 21.88% of 32 available) or a combination of violent and nonviolent crimes (9.38% of 32 available).

Three quarters of these informants were found to have a prior history with the criminal justice system (75.00% of 32 available), consistent with Hypothesis 1. Surprisingly, the defence attorneys and prosecutors questioned these informants about their criminal histories at an equal rate (79.31% of 29 available for both the defence and the prosecution). However, despite the vast majority of these informants having had frequent run-ins with the criminal justice system, most were never asked during the trial if they had ever previously testified for the prosecution (68.97% of 29 available). Of the 9 informants who were asked whether or not they had previously testified, 7 responded that they had (77.78% of 9 applicable).

Motives for testifying

Given the argument that incentives are the main motivation for informants to testify, it is not surprising that the majority of the jailhouse informants for the prosecution were asked if they were receiving anything in exchange for their testimony by both the prosecution and the defence (see Table 1). More specifically, 28 informants (of 32 available) were questioned by the prosecution (71.43%) and/or the defence (75.00%) about whether or not they were provided with any incentive to testify. Of these 28 informants, 12.50% admitted to receiving an incentive. In one case, the informant openly admitted that he was receiving a reduced sentence on an unrelated charge in exchange for his testimony against Kenneth Wyniemko (Trial Transcript, 1994, p. WYN-000333). He stated that the prosecutor had promised that he would only need to spend one year in prison for his conviction of

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Table 1. Percentages of variables coded from jailhouse informant and cooperating witness testimony in *the DNA* exoneration cases.

Variable	Coding category	Jailhouse informant	Cooperating witness
Incentive	Receiving	12.50%	22.22%
	Not receiving	75.00%	66.67%
	n/a	12.50%	11.11%
	Missing	2	1
	N	*32*	*9*
Motivation*	Not given	0.00%	20.00%
	Situational	13.79%	0.00%
	Dispositional	44.83%	40.00%
	Both	0.00%	10.00%
	n/a	41.38%	30.00%
	Missing	5	0
	N	*29*	*10*
Deterrents to testifying	Dangerous	34.48%	40.00%
	Inconvenience	3.45%	0.00%
	Relationship w/def.	0.00%	10.00%
	Both	3.45%	0.00%
	n/a	58.62%	40.00%
	Missing	5	0
	N	*29*	*9*
Inconsistencies	Present	64.29%	70.00%
	Not present	35.71%	30.00%
	Missing	6	0
	N	*28*	*10*

Note: *Two informants provided no motivation and 1 informant provided multiple motivations. One informant stated their relationship with the defendant.

unarmed robbery as opposed to five, which is the standard sentence for this class of felony. Nevertheless, the majority of these informants (75.00%) explicitly denied receiving anything in exchange for their testimony. This corresponds with the finding that of the 18 jailhouse informants for the prosecution who were asked why they had decided to testify, 77.79% provided a dispositional motivation such as wanting to do the right thing or testifying out of the goodness of their heart, consistent with Hypothesis 3. For instance, one informant stated in his testimony against John Restivo: 'It's something I'm doing as a man. I feel it's the right thing to do…' (Trial Transcript, 1986a, p. RHK-014802).

The amount of time between the point at which the informant allegedly heard the defendant's secondary confession and the point at which they subsequently contacted the police or prosecutor with this information is available in the trial transcripts for 17 informants. It ranges from less than one day to two and a half years, with 24.14% (of 17 available) reportedly contacting the authorities within two days. Some of the informants claimed that they had been hesitant to contact the police or prosecutor out of fear of being labeled as a snitch. For example, one informant – in his testimony against Curtis McCarty – stated that he had waited to contact the prosecutor because he believed that he might have been in danger 'if the people there in the tank found out that I told anybody about it' (Trial Transcript, 1986b, p. MCC-004042). Throughout the trials, 37.93% of the jailhouse

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informants for the prosecution (of 29 available) recounted similar deterrents to testifying by claiming that they now feared for their personal safety, consistent with Hypothesis 2.

Confession circumstances

Nearly all of the jailhouse informants for the prosecution testified about an alleged secondary confession (93.94% of 33 available), which comprised their role in the trial. There were only 2 informants who did not provide secondary confession evidence (6.06% of 33 available); the first was acquainted with the defendant outside of prison and was able to verify that the defendant owned the type of weapon that was used during the crime, and the second merely corroborated that the defendant had spoken with another jailhouse informant who claimed to have heard a secondary confession. Some of these informants never explained how the secondary confession occurred (37.93% of 29 available). However, those who did explain ($n = 16$) most commonly claimed that the defendant had confessed to them only after being directly asked whether or not they were guilty (43.75%), whereas others claimed that the defendant had confessed on their own without any prompting (25.00%) or that they had overheard the defendant confessing to someone else (18.75%).

In order to establish some credibility for their testimony, informants must show that they have had the opportunity to converse with the defendant. Indeed, almost all of the informants indicated during their testimony that just such an opportunity had arisen. In fact, approximately half of them testified that they were housed in the same area as the defendant at the time (51.72% of 29 available) – in the same cell, tier, block or anywhere else that permitted them to come into contact with each other. A total of 24 informants described the nature of their relationship with the defendant (82.76% of 29 available): 54.17% as acquaintances (they knew each other but had no significant relationship), 20.83% as friends (either from in prison or outside of prison) and 20.83% as complete strangers. Alongside their relationship with the defendant, 24 informants also described the nature of their contact with them (82.76% of 29 available): 5 informants testified to having had singular contact with the defendant while incarcerated (i.e. they only met once; 20.83% of 24 applicable), 2 informants stated that they were merely acquaintances of the defendant (8.33% of 24 applicable) and 3 informants admitted to having no relationship at all with the defendant (12.50% of 24 applicable). One informant claimed that he first met the defendant, Wilton Dedge, in a prison transport van, and that during their short time together Dedge confessed that he had 'raped and cut some old hog' after being asked what he had done to get a 90-year sentence (Trial Transcript, 1984, p. DED-000735).

Secondary confession details

As mentioned earlier, it can be more difficult to detect deception when it is embedded in truth. Therefore, the testimonies of the jailhouse informants for the prosecution were evaluated for the number of crime details they include. Each testimony contains an average of 4.5 crime details ($SD = 3.2$, based on 32 available) with a maximum of 12 details, although 3 informants did not provide any crime details at all. For example, one informant stated that the defendant, Rolando Cruz, had told him that he was going to write a book entitled *How to Kill Little Girls* but had never actually described the murder (Trial Transcript, 1985b, p. HERN-034023). Details were coded as accurate if they were found to be consistent with verifiable facts of the crime. Although some of the details are unverifiable (e.g. claims about what the victim said while being attacked), on average 66.95% of the details stated by each informant were found to

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be accurate (based on the 28 informants who provided details that could be verified as accurate).[1] Details were coded as inaccurate if they were found to directly contradict the factual details of the crime. On average, 12.81% of the details stated by each informant were found to be inaccurate (based on the 29 informants who provided details that could be verified as inaccurate). For instance, one informant testified that the defendant, Chad Heins, had confessed that he had 'stabbed [the victim] and assaulted her and made it look like a burglary' (Trial Transcript, 1996a, p. HEI-001748). Although the victim had indeed been stabbed and assaulted, the crime scene experts who had testified earlier in the trial had explicitly stated that there were no indications of burglary (no forced entry, the victim was wearing all of her jewelry, etc.), a fact that was central to the prosecution's case. Most of the informants (66.67% of 30 available) were questioned on whether or not they had learned about the crime from somewhere else (e.g. newspapers, TV), conceivably to help the jurors ascertain whether or not the defendant's alleged confession was the true source of the crime details being given by the informants. Of those informants who were asked ($n = 20$), 85.00% denied having any prior knowledge about the crime. Additionally, 4 informants' testimonies include one or more accurate details that had never been released to the general public (14.29% of 28 available).

Most of the jailhouse informants for the prosecution were inconsistent in their reports (64.29% of 28 available). Of those informants ($n = 18$), most exhibited inconsistency between their current testimony and the actual case facts (55.56%), followed by inconsistency between their current and previous testimony (50.00%) and inconsistency between their current testimony and the prior statement reported to the police or prosecutors (50.00%). These values add up to more than 100.00% due to the fact that half of the informants exhibited more than one type of inconsistency in their testimony. For example, in the trial of Dennis Williams and Willie Rainge, the informant continually mixed up what he had allegedly heard each defendant confess. In his original police report and during the prosecutor's direct examination, he stated that Williams had claimed to have hidden the weapon. However, during cross-examination, he switched the details and stated that Rainge had claimed to have hidden the weapon. Furthermore, later on within the same testimony he switched back again to Williams, stating that Williams had claimed to have hidden the weapon. In cross-examination, the defence attorney asked him: 'That wasn't too hard to memorize. Why did you forget?' (Trial Transcript, 1978c, p. WILLD-000706). This type of inconsistency was coded as both inconsistency between current and previous testimony and inconsistency between current testimony and the prior statement provided to the police.

Jailhouse informants for the defense

A total of 9 jailhouse informants presented by the defence testified for 6 of the 28 defendants; 2 defendants (7.14%) had multiple informants testify on their behalf. Based on the available data, 5 informants had at least one prior conviction for a nonviolent crime (e.g. burglary, delivery of a controlled substance, trespassing; 62.50% of 8 available) and 4 informants had at least one prior conviction for a violent crime (e.g. murder, armed robbery; 50.00% of 8 available). The attorneys asked 7 informants about their relationship with the defendant, of which 3 reported being friends with the defendant in prison (42.86%), 3 reported being acquaintances of the defendant (42.86%) and 1 reported not knowing the defendant (14.29%).

The testimony of the jailhouse informants for the defence often included information concerning the jailhouse informants for the prosecution (77.78%). Specifically, the

[1]This percentage was calculated by first dividing the number of accurate details by the total number of crime details for each jailhouse informant for the prosecution, then averaging.

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informants for the defence often testified about the motives of the informants for the prosecution for testifying. For example, one informant for the defence testified that an informant for the prosecution had told him: 'this time is killing me and I'm going to set [the defendant] up […] I'm going to get this 20 years up off me man, I can't take it' (Defendant-Appellant's Brief, 1994, HUNT-000276). Another informant for the defence testified about the same informant for the prosecution, stating that he had said 'that he expected to be out of prison by October and that no matter what it took or who he had to burn that he was going to get out of prison' (Defendant-Appellant's Brief, 1994, p. HUNT-000276). In another trial, the informant for the defence testified that he had heard the informant for the prosecution say that 'they were going to get some of their time knocked off, they were doing something to get some of their time taken care of' and that 'they were going to jump on [the defendant's] case. Which meant testify against him' (Trial Transcript, 1996b, p. HEI-001993).

The two jailhouse informants for the defence who did not testify about jailhouse informants for the prosecution both testified for the same defendant, Jerry Watkins. Both of these informants provided information concerning the character of the defendant, as they were acquainted with him through various prison activities, including church and Bible study.

None of the jailhouse informants for the defence explicitly stated that they were receiving an incentive for testifying after being asked by either the prosecutor or the defence attorney. Additionally, most of these informants did not testify as to their motivation for testifying; only one explained his reason for testifying, which was that friends 'watch out for each other' (Trial Transcript, 1996b, p. HEI-002006).

Cooperating witnesses for the prosecution

A total of 10 cooperating witnesses testified for the prosecution against 13 of the 28 defendants. Of these, 2 witnesses (20.00%) testified against multiple defendants and 2 defendants (7.14%) had multiple witnesses testify against them. One trial was missing all transcripts but contained limited information about the witnesses in the appeals documents; therefore, the statistics reported below are based on the available data for each variable.

Demographics

The *cooperating* witnesses were mostly male (80.00%) and had a mean age of 26.50 years ($SD = 5.78$) when they testified at trial. They reported varying involvement with the crime: 7 witnesses claimed to have learned about the crime through their associations with the defendant (70.00%), 2 witnesses claimed to be eyewitnesses (20.00%) and 1 witness allegedly overheard the defendant confess at the crime scene (10.00%). They also reported varying relationships with the defendants: 5 witnesses claimed to be friends with the defendant (50.00%), 4 witnesses claimed to be acquaintances of the defendant (40.00%) and 1 witness claimed not to know the defendant (10.00%).

Criminal background

Defense attorneys questioned 7 witnesses (77.78% of 9 available) and prosecutors questioned 5 witnesses (55.56% of 9 available) about their criminal history. Most of the witnesses reported prior experience with the criminal justice system; 6 had at least one prior conviction for a nonviolent crime (e.g. burglary, drug possession, unauthorized use of a motor vehicle; 66.67% of 9 available), 2 had at least one prior conviction for a violent crime (e.g. rape, murder; 22.22% of 9 available) and 1 had at least one prior conviction for a crime of dishonesty (i.e. forgery; 11.11% of 9 available). Attorneys asked only 1 witness whether or not he had testified for the prosecution in the past (11.11% of 9 available), to which he responded negatively.

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Motives for testifying

Defense attorneys asked all of the witnesses (100.00% of 9 available) and prosecutors asked 3 witnesses (33.33% of 9 available) whether or not they were receiving an incentive in exchange for their testimony (see Table 1). The majority of the witnesses explicitly stated during their testimony that they were not receiving an incentive (55.56% of 9 available), but 3 admitted that they were (33.33% of 9 available), which included funding to relocate (66.67% of 3 applicable) and a reduced sentence for pending charges (33.33% of 3 applicable). In fact, 1 witness explicitly stated that he would not have testified without receiving an incentive, which was relocation for his family and himself. The defence attorney asked when he and the prosecutor had 'decided' that he had seen the defendants, to which he replied: 'I decided that when I was going to be relocated […] I wasn't going to testify against them and live there since everybody around there is kin, some kin and relatives and girlfriends and what have you' (Trial Transcript, 1978b, p. WILLD-000208).

Attorneys also questioned the majority of the witnesses about their motivations for testifying (60.00%) and any deterrents to testifying (60.00%). Of these witnesses, 2 explicitly provided dispositional motivations (e.g. wanting to be a good citizen; 33.33% of 6 applicable), 1 provided a situational motivation (i.e. she felt that her family was in danger; 16.67% of 6 applicable) and 1 provided both dispositional and situational motivations (i.e. thinking about his family and wanting to be relocated; 16.67% of 6 applicable) One witness claimed that she felt compelled to testify: 'in view of everything that happened […] I just felt that we were all in extreme danger and I could no longer jeopardize [my family's] lives and I just couldn't hold back anymore' (Trial Transcript, 1977, p. EVA-000473). Although fear was a motivating factor for this witness, it was also the most prevalent deterrent; 4 witnesses explicitly stated that perceived danger, or fear for their own or their family's safety, had made them hesitant to contact the police and testify at trial (66.67% of 6 applicable).

Testimony details

The cooperating witnesses' testimony includes an average of 4.8 crime details (range = 1–12). None of the witnesses provided non-public crime details and only one provided verifiably inaccurate crime details, testifying that the crime had occurred during the summer when it had actually occurred in November and that the defendant had picked up the victim from a roller-skating rink when other evidence verified that she had left the rink and gone to a restaurant before the crime had occurred.

The testimony of 7 witnesses was found to be inconsistent with what they had reported in the past (70.00%). Of these witnesses, all 7 exhibited inconsistency between their current testimony and what they had previously reported to the police or prosecutor (100.00% of 7 applicable). For example, 1 witness had originally told the police that she had witnessed the crime after leaving work at 6:37 p.m.; however, at trial she testified that she had actually left her workplace at around 8:00 p.m., which was verified as the approximate time at which the victim had left her house, shortly before the crime had occurred. Another 3 witnesses exhibited inconsistency within their testimony (42.86% of 7 applicable), such as 1 witness who – according to appeals documents – 'changed his testimony' regarding whether or not he had told someone else about the crime he had witnessed, shortly after making a 911 call to report it (Defendant-Appellant's Brief, 1994, p. HUNT-000225). Only 1 witness exhibited inconsistency between their current testimony and the case facts (14.29% of 7 applicable). As with the jailhouse informants, these figures add up to more than 100.00% because the majority of the

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witnesses exhibited more than one type of inconsistency in their testimony (57.14% of 7 applicable). Defense attorneys asked all of the witnesses about their inconsistencies during cross-examination (100% of 6 available), whereas prosecutors asked only 1 witness about their inconsistencies during direct examination (16.67% of 6 available).

Sources of information

The cooperating witnesses allegedly came to know the crime details through various sources. As stated above, 2 witnesses claimed to know certain crime details from their own witnessing of the event (20.00%); others allegedly came to know of the crime details through personal conversations with the defendant and outside sources, as discussed below.

Secondary confessions

Most of the cooperating witnesses' testimony includes a secondary confession (70.00%). Those whose testimony does not include a secondary confession claimed to have been eyewitnesses to the crime (66.67% of 3 applicable) or a friend of the defendant who had evidence linked to the crime (33.33% of 3 applicable).

The witnesses testified between 2 and 20 months after the alleged secondary confession had occurred ($M = 8.69$ months, $SD = 6.14$ months). When describing how the secondary confession had occurred, 2 witnesses claimed that the defendant had confessed after being asked if he was guilty (28.57% of 7 applicable), 2 witnesses stated that the defendant had confessed directly to them without any prompting (28.57% of 7 applicable) and 2 witnesses claimed to have overheard the defendant confess to someone else (28.57% of 7 applicable). In one trial, the defendant had allegedly confessed to the witness during a phone conversation from jail that he had committed part of the crime that he was charged with (i.e. rape) but not the whole crime (i.e. murder): 'I had asked [the defendant] to confide in me. I asked what he had done. That the police had to have some evidence against him to indict him' (Trial Transcript, 1986a, p. RHK-014866). The defendant had then allegedly shared that he and his co-defendants had raped the victim and that one of the co-defendants had strangled her in a graveyard.

Outside sources

As another potential explanation for how the cooperating witnesses came to know the crime details, defence attorneys questioned 5 witnesses (55.56% of 9 available) and prosecutors questioned 1 witness (11.11% of 9 available) regarding whether they had learned about the crime from sources other than the defendant or from witnessing the crime themselves. Of those questioned, 5 witnesses admitted to having had prior knowledge about the crime (100.00% of 5 applicable) and 4 witnesses testified that they had read about the crime in the newspaper (80.00% of 5 applicable).

Attorneys' closing arguments

The coding for the closing statements was separated into statements concerning jailhouse informants and statements concerning cooperating witnesses (see Table 2). However, if there were multiple jailhouse informants within a trial, they were coded as a collective unit for the corresponding closing statement. Thus, coding was not recorded per informant but per closing statement for each trial.

Closing statements for the prosecution

During their closing statements, the prosecution mentioned the jailhouse informants in 94.74% of the trials in which they testified (of 19 available) and the cooperating witnesses in 100.00% of the trials in which they testified (of 10 total). When the prosecution mentioned their jailhouse informants, it was done in such a way as to bolster their credibility and promote trust in their testimony. For example, in the trial of David Gray, the prosecution argued that since their informant had already testified

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Table 2. Percentages of variables present in the case materials available that prosecutors and defence attorneys addressed in their closing arguments.

Variable	Coding category	Jailhouse informants		Cooperating witnesses	
		Prosecution	Defense	Prosecution	Defense
Informant mentioned	Present	94.74%	100.0%	100.0%	81.82%
	Absent	5.26%	0.00%	0.00%	18.18%
	Missing	3	2	1	0
	n	*19*	*20*	*10*	*11*
(Un)truthfulness	Present	78.95%	100.0%	80.00%	81.82%
	Absent	21.05%	0.00%	20.00%	18.18%
	Missing	3	2	1	0
	n	*19*	*20*	*10*	*11*
Criminal history	Present	57.89%	85.00%	30.00%	30.00%
	Absent	42.11%	15.00%	70.00%	70.00%
	Missing	3	2	1	1
	n	*19*	*20*	*10*	*10*
Motivation	Present	42.11%	80.00%	70.00%	80.00%
	Absent	57.89%	20.00%	30.00%	20.00%
	Missing	3	2	1	1
	n	*19*	*20*	*10*	*10*
Incentive	Present	47.37%	75.00%	70.00%	80.00%
	Absent	52.63%	25.00%	30.00%	20.00%
	Missing	3	2	1	1
	n	*19*	*20*	*10*	*10*
Inconsistencies	Present	29.41%	66.67%	22.22%	80.00%
	Absent	70.59%	33.33%	77.78%	20.00%
	Missing	5	4	2	1
	n	*17*	*18*	*9*	*10*
Credibility	Present	40.00%	80.00%	0.00%	0.00%
	Absent	60.00%	20.00%	0.00%	0.00%
	Missing	17	17	11	11
	n	*5*	*5*	*0*	*0*
Non-public facts	Present	26.32%	10.00%	10.00%	0.00%
	Absent	73.68%	90.00%	90.00%	100.00%
	Missing	3	2	1	1
	n	*19*	*20*	*10*	*10*

Note: Sample size n + Missing = N.

multiple times in the past, this actually made him *more* reliable:

> Now, [the informant] is a bum, but he's been used in the past, too, and the information that he has provided has been very reliable, in other situations. This is not uncommon, in law enforcement, and his information, in the past, was instrumental in the prosecution of other cases to successful conclusions, and he has furnished reliable facts. (Trial Transcript, 1978a, p. GRAD-000305)

Similarly, throughout the trials, the prosecution mentioned reasons that supported the truthfulness of the testimony given by the jailhouse informants in 78.95% of the trials (of 19

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available) and by the cooperating witnesses in 80.00% of the trials (of 10 total). In the trial of David Camm, the prosecution made a point of mentioning the danger involved in testifying: 'you don't make your status in prison nicer because you testify for the State or cooperate with the police. It's not a good thing, as they say. You actually get threatened' (Trial Transcript, 2006, p. CAMD-015391). Furthermore, the prosecution mentioned the criminal history of the informants in 57.89% of the trials in which the jailhouse informants testified (of 19 available) and 30.00% of the trials in which the cooperating witnesses testified (of 10 total). Despite the presence of a criminal record, the prosecution promoted the trustworthiness of their jailhouse informant in the case against Alejandro Hernandez, stating:

> He's a burglar. He's a criminal. Would he lie? Of course, you have reason to believe he would. The question doesn't stop there, though. Was he lying? And the answer, I submit, is no. He was very forthright in his answers about his own past. (Trial Transcript, 1985a, p. HERN-008418–19)

In this instance, the prosecution argued that since their jailhouse informant had been honest and forthcoming about his own criminal past, that must also mean that he was being honest and forthcoming in his testimony incriminating Hernandez.

The prosecution also addressed the informants' motives for testifying. More specifically, they mentioned the motivations of the jailhouse informants in 42.11% of the trials (of 19 available) and the motivations of the cooperating witnesses in 70.00% of the trials (of 10 total), consistent with Hypothesis 4. Additionally, the prosecution mentioned the potential incentives received by the jailhouse informants in 47.37% of the trials (of 19 available) and by the cooperating witnesses in 70.00% of the trials (of 10 total). In regard to the content of the testimony, the prosecution mentioned the presence of inconsistencies within the testimony of the jailhouse informants in 29.41% of the trials (of 17 available) and within the testimony of the cooperating witness in 22.22% of the trials (of 9 available). However, when the prosecution mentioned these inconsistencies, it was done in a way that could potentially have enhanced the credibility of the informant's inaccurate testimony. For example, in David Gray's trial, the prosecution argued:

> He is reciting what he was told [by the defendant] [...]. If he was being told what the facts were [by the police/prosecution], his story would have been right down the line with the facts, in this case, and it wasn't. (Trial Transcript, 1978a, p. GRAD-000304)

Thus, the prosecution attempted to use the presence of inconsistencies to bolster the overall believability of the informant's testimony. For trials that had a jailhouse informant testifying for the defence, the prosecution attacked the credibility of the informant in 40.00% of the trials (of 5 available). Finally, the prosecution mentioned the presence of non-public crime details within the testimony of the jailhouse informants in 26.32% of the trials (of 19 available) and within the testimony of the cooperating witnesses in 10.00% of the trials (of 10 total).

Closing statements for the defence

The defence mentioned the jailhouse informants for the prosecution in 100.00% of the trials (of 20 available) and the cooperating witnesses in 81.82% of the trials ($n = 11$).[2] When the defence mentioned these informants, it was done in such a way as to attack their credibility and cast suspicion on their testimony. For example, in David Camm's trial, the defence recounted how one informant had altered his testimony after guidance by the prosecution: 'And before your very eyes, [the informant] under [the prosecution's] skillful

[2]The total is 11 instead of 10 because one of the cooperating witnesses presented two separate closing statements at two separate trials, so she was counted twice.

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examination changed his story' (Trial Transcript, 2006, p. CAMD-015499). Overall, throughout the trials, the defence mentioned reasons as to why the testimony of the jailhouse informants for the prosecution was untruthful in 100.00% of the trials (of 20 available) and why the testimony of the cooperating witnesses was untruthful in 81.82% of the trials ($n = 11$). Furthermore, the defence mentioned the criminal history of the jailhouse informants for the prosecution in 85.00% of the trials (of 20 available) and the criminal history of the cooperating witnesses in 30.00% of the trials (of 10 total). In Calvin Washington's trial, the defence stated in regard to the numerous informants presented by the prosecution: 'A parade of liars. A parade of admitted liars. Rapists. Burglars. Thieves. Habitual criminals' (Trial Transcript, 1987, p. WASC-002922).

The defence mentioned the motivations for testifying of the jailhouse informants for the prosecution in 80.00% of the trials (of 20 available) and the motivations of the cooperating witnesses also in 80.00% of the trials (of 10 total), again consistent with Hypothesis 4. Additionally, the defence mentioned the potential incentives received by the jailhouse informants for the prosecution in 75.00% of the trials (of 20 available) and by the cooperating witnesses in 80.00% of the trials (of 10 total). The defence also mentioned the presence of inconsistencies within the testimony of the jailhouse informants for the prosecution in 66.67% of the trials (of 18 available) and within the testimony of the cooperating witness in 80.00% of the trials (of 10 total). In Calvin Washington's trial, the defence stated the following about the prosecution's cooperating witness: 'The reason the inconsistencies are there are not because of faulty memories, [but] because of faulty stories' (Trial Transcript, 1987, p. WASC-002929). Conversely, in trials that had jailhouse informants testifying for the defence, the defence bolstered the testimony of their own informants in 80.00% of the trials (of 5 available). For example, in David Camm's trial, the defence stated: 'for every one of their informants, we have an informant to inform on their informants' (Trial Transcript, 2006, p. CAMD-015497). Finally, the defence mentioned the presence of non-public facts within the testimony of the jailhouse informants for the prosecution in just 10.00% of the trials (of 20 available) and did not mention it in any of the trials with a cooperating witness (of 10 total).

Evidence in the cases

The Innocence Project lists all of the contributing factors to the wrongful convictions of each DNA exoneree (http://www.innocenceproject.org). The six causes within these cases are as follows: informants/snitches, false confessions or admissions, eyewitness misidentification, unvalidated/improper forensics, government misconduct and inadequate defence. In order to gauge whether or not other evidence contributed to the wrongful conviction of these defendants, we analyzed the frequency of all the contributing factors in each trial included in this research. The average number of contributing factors in these cases is 2.68 (1.68 when excluding informants as a factor). The range for the number of contributing factors is 1–5 (1–4 excluding informants). After informants, which are a factor in every case because of the focus of this study, the second contributing factor is unvalidated/improper forensics, which occurred in 12 of the cases. This is followed by eyewitness misidentification, which occurred in 8 of the cases. So, it is clear that the informants were an essential – if not *the* essential – contributing factor to the wrongful convictions. However, it is worth noting that every case analyzed herein has more than one contributing factor.

Discussion

The present study was designed to better understand the substance of false informant testimony. The content analysis has revealed several consistent patterns across the

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testimonies. Most often the informants testified on behalf of the prosecution and had extensive criminal backgrounds (especially the jailhouse informants). Despite this proclivity for criminal behavior, most of the informants claimed to be motivated primarily by a moral imperative – a desire to do the right thing – and not by their desire to earn an incentive. In fact, the majority explicitly stated that they were not getting any benefit for testifying. Furthermore, across both the cooperating witnesses and the jailhouse informants there is a consistent pattern of details given during testimony matching the crime fact pattern. As expected, both the prosecution and the defence highlighted the secondary confession in their closing arguments in nearly all of the cases. The prosecution generally pointed out why the informants should be believed and emphasized the sacrifice that they had to make, ignoring personal risk to deliver their testimony. By contrast, the defence attorneys were more likely to focus on discrediting the informants' testimony. Finally, informant testimony brought to trial by the defence was relatively rare – occurring in only 6 of the 28 trials, just over 20% – and generally was used only to impeach the prosecution's own informants.

Theoretical explanations

The jurors' difficulty in detecting the false testimony given by the informants in these trials can potentially be explained through truth-default theory (TDT; Levine, 2014). TDT consists of 14 propositions which explain when to suspect the presence of a lie, when to conclude that a lie has been told and the conditions under which people make truth-lie judgments. It is centered on the concept that people naturally exist in a truth-default state, evaluating incoming messages as truthful (Levine, 2014). This truth-default state is seen as adaptive because the majority of communication that people encounter on a daily basis is honest (Levine, 2014; Serota et al., 2010). In order to detect deception, the truth-default state has to be abandoned; however, this only occurs following a trigger, or cue, which suggests that deception might be occurring (e.g. an ulterior motive). The trigger must be a strong enough indicator of deception to cause an individual to abandon the truth-default state and enter into a state of suspicion, in which they actively believe that deception might be occurring. Once in this state, the individual actively searches for evidence of truth or deception. If there is enough evidence of deception, the individual then judges the message as deceptive. If there is not enough evidence to make a judgment, the individual remains in a state of suspicion and seeks more evidence; if there is enough evidence of truth, the individual then reverts into the truth-default state and judges the message as non-deceptive (Levine, 2014).

Although we cannot know from the present data whether or not the jurors ever entered into a state of suspicion, TDT identifies a primary factor that could have (and should have) acted as a trigger – namely, the ulterior motives of the informants for testifying. According to TDT, people detect the presence of an ulterior motive when they become aware that an individual can better achieve their goal by lying than by telling the truth. The jurors should have detected that the jailhouse informants had ulterior motives by realizing first that they were already incarcerated and therefore should be identified as dishonest, and second that their desire to receive the incentive might have motivated them to give false testimony. These factors, according to TDT, should have made the jurors aware of the informants' ulterior motives, thereby triggering a state of suspicion. Although their criminal history was addressed in almost 95% of the cases, only a small percentage of the informants admitted to receiving an incentive in exchange for their testimony. This meant that there was little opportunity to question the credibility of the informants based on their having been offered an incentive, and consequently the majority of the jurors were likely not aware that the informants had ulterior motives. It might also

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be the case that merely knowing that the informants had a history of criminality was not enough to trigger a state of suspicion because the jurors committed the fundamental attribution error (Ross, 1977). Consistent with previous research, it is plausible that the jurors believed that the informants had decided to testify out of a moral imperative to do the right thing, as the majority of them claimed during their testimony (Neuschatz et al., 2008).

The data suggest that there are several reasons why the jurors may have been more likely than not to commit the fundamental attribution error and fail to enter into a state of suspicion. First, although all of the defendants were on trial for rape or murder (two of the most violent crimes), only some of the informants had a history of committing violent crimes themselves. Their claims of being morally driven to help put a rapist or murderer away therefore may not have been perceived as conflicting strongly with their tendency to act immorally (but not violently) in the past. Second, laypeople are less likely to suspect an ulterior motive when an individual (i.e. the informant) behaves in a way that works against their self-interest, as there is no apparent motive to deceive. Approximately 44.74% of the 38 informants with available data (both jailhouse informants and cooperating witnesses) gave reasons as to why testifying for the prosecution was, in fact, acting against their best interests, such as the danger of being labeled a snitch in jail or losing time toward serving their prison sentence. All of these factors could have lessened the chances of the jurors entering into a state of suspicion according to TDT and, subsequently, remaining in the truth-default state.

In addition, even if the jurors had entered into a state of suspicion, this does not mean that sufficient evidence of deception would have successfully been detected – merely that the jurors would have started actively searching for it. In most of the cases (83.33% of 24 available), such evidence came from confronting the informants about inconsistencies in their testimony during cross-examination. However, the fact that all of the trials examined in the current study resulted in wrongful convictions indicates that these inconsistencies were insufficient indicators of deception. In the context of TDT, it is possible that if the jurors were not in a state of suspicion then they would not have considered deception as a possible reason for the inconsistencies, and would therefore have been more likely to believe that they had occurred due to a non-deceptive reason, such as forgetfulness or nervousness. Just such a non-deceptive explanation for the inconsistencies was sometimes even offered by the prosecutors, as reflected in 25.93% of their closing statements (based on 26 available, regardless of informant type).However, the results point to an alternative explanation: namely, the matching fact pattern between the informants' testimony and the details of the crime. The high average proportion of factually accurate crime details given within the testimony may have acted as strong evidence of truth and thus counteracted any inconsistencies. Even more compelling, 86.49% of the informants (based on 37 available), both jailhouse informants and cooperating witnesses, gave details that were explicitly identified as non-public, with prosecutors pointing to these details as undeniable proof of the informants' veracity during their closing statements in 20.69% of the cases (based on 29 available). So even if the jurors had recognized the inconsistencies as being suggestive of deception and were aware that the informants were motivated to present false testimony to attain an incentive, their inability to explain how the informants knew non-public crime details may have caused them to believe the informants nonetheless. The above factors would have significantly weakened the power of the inconsistencies to act as an indicator of deception, which helps to explain why the jurors wrongfully convicted the defendants even when the informants exhibited several testimonial inconsistencies.

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Finally, the jurors' belief in the legal system could have influenced their perception of the veracity of the informants. Experts have argued that the credibility of prosecution witnesses, including jailhouse informants and cooperating witnesses, is bolstered by implicit or explicit prosecutorial vouching (see Roth, 2016). Although it cannot be known for sure, the jurors could have assumed that the mere fact that the prosecution had called the informants to take the stand was evidence of honest testimony. Although pro-prosecution biases cannot be measured in the present sample of cases, it is notable that 79.31% of the prosecutors included reasons as to why the informants' testimony must be true in their closing statements (based on 29 available). Trust in both the justice system and the prosecutors may have caused the jurors to become less sensitive to triggers or more prone to dismissing inconsistencies as evidence of deception, thus remaining in the truth-default state and failing to recognize the testimony as fabricated. For instance, jurors' pretrial beliefs or biases have been shown to affect both their perception of evidence and their final verdict decisions (Carlson & Russo, 2001; Lecci & Myers, 2008). Altogether, the current study has found a prevalence of factors which could impair jurors' ability to accurately detect false testimony in the context of TDT.

Limitations

Archival research has the advantage of allowing the analysis of rich, complex, real-world data but it is not without its limitations. For example, in most archival research there is a clear challenge in establishing ground truth. DNA exonerations therefore provide a unique opportunity to examine cases in which the testimony – at least of the prosecution's informants – is indisputably false. However, there is still much that cannot be determined simply by reviewing the case files. For example, it is not possible to determine the extent to which the jurors considered the inconsistencies in the informants' testimony and their stated motivations for testifying when deliberating about the charges. Therefore, it is not clear how much of a role the informants played in the jurors' decisions to convict. Whatever flaws the jurors may have noticed in the informants' testimony – if indeed they noticed them at all – were not sufficient to produce an acquittal. Future research examining how informants are perceived by jurors should be conducted within the context of mock jury paradigms wherein potential variations in informant testimony can be tightly controlled as a reasonable proxy for real-world jury decisions (Bornstein et al., 2017).

We are also constrained in this analysis by the sample of available cases. For example, it is a virtual certainty that informants have also provided false testimony in cases where wrongful convictions have not yet been identified. Whether or not these cases are systematically different from those analyzed herein is difficult to determine. Similarly, we do not have access to cases in which informants provided false testimony but defendants were rightfully acquitted, or where genuinely guilty defendants were convicted despite the presence of false informant testimony. Such cases would provide useful information about whether or not jurors' perceptions of informants can be a primary justification for their verdicts. Although these questions cannot be answered with the cases analyzed herein, future experimental research might identify variables that can produce persuasive informant testimony.

Another limitation of this research is the inability to have a control group. Presumably, there are cases in which informants tell the truth – and one may question whether or not the characteristics of honest informants are different from those of lying informants. Because this study focuses exclusively on wrongful convictions overturned by DNA evidence, these cases can only present prosecution informants that are known to have provided false testimony in court. Unfortunately, there is no definitive way to know that an informant is telling the truth. In order for there to be a

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proper comparison group, a defendant's guilt would need to be verified with DNA evidence alongside informant testimony. Access to cases in which informants provided confirmed honest testimony is not readily available. However, this study could serve as a useful baseline for future research if a database of cases involving honest informant testimony was to be established.

Implications

Assessment of the content of informant testimony is critical to understanding the various ways in which informants contribute to wrongful convictions. For example, given that jailhouse informants are questioned about their motives in 87.5% of cases, researchers should routinely include this variable in studies designed to better understand why informants are persuasive. The content analysis conducted in the current research also speaks to the importance of understanding how informants might shape the early stages of investigations. For example, in their trial testimony, 73.33% of the jailhouse informants (22 out of 28) invoked motives for testifying that *excluded* any mention of an incentive (e.g. wanting to do the right thing). Future research should investigate whether or not these same explanations appear in informants' first encounters with prosecutors and detectives. Do informants try to make themselves believable by invoking a sense of higher purpose from the outset, or do these self-serving explanations only emerge as they are preparing to testify? Knowing how informants' explanations for their decision to testify shift over time might provide fruitful directions for future research designed to help detectives and prosecutors appropriately evaluate potential evidence (e.g. Charman et al., 2019).

The courts have long been aware of the potential for incentives to produce deceit in informants (*Giglio v. United States*, 1972; *United States v. Singleton*, 1998). However, in order to weigh the contribution of incentives appropriately, jurors first have to know about them. Based on the sample of cases analyzed herein, this information is not regularly made available to jurors; only 6 of the 28 informants with available data admitted to receiving an incentive. One reason for this might be that the incentives which informants receive in exchange for their cooperation typically remain hidden. Prosecutors rarely negotiate explicit deals with informants prior to their testimony; rather, prosecutors and informants work together with a shared understanding that an informant's positive performance will eventually be rewarded with tangible benefits (Covey, 2014). The defense attorneys made valiant efforts to impugn the credibility of these informants in the absence of information about incentives; in 67% of the cases they highlighted the inconsistencies in the informants' testimony – and in the small number of cases where an informant testified for the defence, it was usually to impeach the testimony of the jailhouse informants for the prosecution. It is important to note that, unlike prosecutors, defence attorneys cannot offer incentives to informants. This could explain why the defence attorneys called informants at a much lower rate than the prosecution in the present sample. Given that the attempts to undermine the informants' credibility failed, perhaps the simple omission of information about incentives to testify is the primary explanation for why these informants were believed – the jurors did not have complete information with which to evaluate whether or not they were being deceptive. Without a requirement that all informants testify about the incentives they are receiving, the potential for future wrongful convictions based on false informant testimony continues to be strong.

Public significance statement

An examination of the wrongful conviction cases that utilized informant witnesses highlights why jurors may be unable to detect this

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often deceptive testimony. Prosecution informants typically had extensive criminal backgrounds, denied getting any incentive for their cooperation, and provided accurate crime facts. According to Truth-Default Theory, triggers were potentially not readily available for jurors to be able to detect the deceptive testimony.

Ethical standards

Declaration of conflicts of interest

Jeffrey S. Neuschatz has declared no conflicts of interest
Danielle K. DeLoach has declared no conflicts of interest
Megan A. Hillgartner has declared no conflicts of interest
Melanie B. Fessinger has declared no conflicts of interest
Stacy A. Wetmore has declared no conflicts of interest
Amy B. Douglass has declared no conflicts of interest
Brian H. Bornstein has declared no conflicts of interest
Alexis M. Le Grand has declared no conflicts of interest

Ethical approval

This article does not contain any studies with human participants or animals performed by any of the authors.

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References

Bornstein, B. H., Golding, J. M., Neuschatz, J., Kimbrough, C., Reed, K., Magyarics, C., & Luecht, K. (2017). Mock juror sampling issues in jury simulation research: A meta-analysis. *Law and Human Behavior*, *41*(1), 13–28. https://doi.org/10.1037/lhb0000223

Carlson, K. A., & Russo, J. E. (2001). Biased interpretation of evidence by mock jurors. *Journal of Experimental Psychology. Applied*, *7*(2), 91–103. https://doi.org/10.1037/1076-898X.7.2.91

Charman, S., Douglass, A. B., & Mook, A. (2019). Cognitive bias in forensic decision making. In N. Brewer & A. B. Douglass (Eds.), *Psychological science and the law* (pp. 30–53). The Guilford Press.

Covey, R. D. (2014). Abolishing jailhouse snitch testimony. *Wake Forest Law Review*, *49*, 101–157. https://readingroom.law.gsu.edu/faculty_pub/1952/

Defendant-Appellant's Brief. (1994). *State v. Hunt*, No. 84-CrS-42263, 17A91 at HUNT-000225, HUNT-000276 (N.C.)

DePaulo, B. M., Lindsay, J. J., Malone, B. E., Muhlenbruck, L., Charlton, K., & Cooper, H. (2003). Cues to deception. *Psychological Bulletin*, *129*(1), 74–118. https://doi.org/10.1037/0033-2909.129.1.74

Giglio v. United States. (1972). 405 US 150.

19-K6-04-000736
Filed in District Court
State of Minnesota
1/5/2026 4:16 PM

Gilbert, D. T., & Malone, P. S. (1995). The correspondence bias. *Psychological Bulletin*, *117*(1), 21–38. https://doi.org/10.1037/0033-2909.117.1.21

Gross, S. R., Jacoby, K., Matheson, D. J., & Montgomery, N. (2005). Exonerations in the United States 1989 through 2003. *Journal of Criminal Law and Criminology*, *95*(2), 523–560. https://scholarlycommons.law.northwestern.edu/jclc/vol95/iss2/5/

Hartwig, M., Granhag, P. A., & Stromwall, L. A. (2007). Guilty and innocent suspects' strategies during police interrogations. *Psychology, Crime & Law*, *13*(2), 213–227. https://doi.org/ https://doi.org/10.1080/10683160600750264

Kassin, S. M. (2015). The social psychology of false confessions. *Social Issues and Policy Review*, *9*(1), 25–51. https://doi.org/ https://doi.org/10.1111/sipr.12009

Key, K. N., Neuschatz, J. S., Bornstein, B. H., Wetmore, S. A., Luecht, K. M., Dellapaolera, K. S., & Quinlivan, D. S. (2018). Beliefs about secondary confession evidence: A survey of laypeople and defence attorneys. *Psychology, Crime and Law*, *24*(1), 1–13. https://doi.org/10.1080/1068316X.2017.1351968

Lecci, L., & Myers, B. (2008). Individual differences in attitudes relevant to juror decision making: Development and validation of the Pretrial Juror Attitude Questionnaire (PJAQ). *Journal of Applied Social Psychology*, *38*(8), 2010–2038. https://doi.org/10.1111/j.1559-1816.2008.00378.x

Levine, T. R. (2014). Truth-default theory (TDT): A theory of human deception and deception detection. *Journal of Language and Social Psychology*, *33*(4), 378–392. https://doi.org/10.1177/0261927X14535916

Neuschatz, J. S., Lawson, D. S., Swanner, J. K., Meissner, C. A., & Neuschatz, J. S. (2008). The effects of accomplice witnesses and jailhouse informants on jury decision making. *Law and Human Behavior*, *32*(2), 137–149. https://doi.org/10.1007/s10979-007-9100-1

Neuschatz, J. S., Wilkinson, M. L., Goodsell, C. A., Wetmore, S. A., Quinlivan, D. S., & Jones, N. J. (2012). Secondary confessions, expert testimony, and unreliable testimony. *Journal of Police and Criminal Psychology*, *27*(2), 179–192. https://doi.org/10.1007/s11896-012-9102-x

Ross, L. (1977). The intuitive psychologist and his shortcomings: Distortions in the attribution process. *Advances in Experimental Social Psychology*, *10*, 174–221. https://doi.org/10.1016/S0065-2601(08)60357-3

Roth, J. A. (2016). Informant witnesses and the risk of wrongful convictions. *American Criminal Law Review*, *53*, 737–797. https://ssrn.com/abstract=2809282

Serota, K. B., Levine, T. R., & Boster, F. J. (2010). The prevalence of lying in America: Three studies of self-reported lies. *Human Communication Research*, *36*(1), 2–25. https://doi.org/ https://doi.org/10.1111/j.1468-2958.2009.01366.x

Trial Transcript. (1977). State v. *Evans*, No. 76-1106, 76-66504 at EVA-000473 (Ill. Cir. Ct. April 20).

Trial Transcript. (1978a). *People v. Gray*, No. 78-CF-124 at GRAD-000304, GRAD-000305 (Ill. Cir. Ct. Sept. 26–Oct. 2).

Trial Transcript. (1978b). People v. Rainge, No. 78-I6-5186 at WILLD-000208 (Ill. Cir. Ct. Sept. 29).

Trial Transcript. (1978c). *People v. Rainge*, No. 78-I6-5186 at WILLD-000706 (Ill. Cir. Ct. Oct. 6).

Trial Transcript. (1984). *State v. Dedge*, No. 82-135-CF-A at DED-000735 (Fla. Cir. Ct. Aug. 28).

Trial Transcript. (1985a). *State v. Hernandez*, Nos. 84-CF-361-01-12, 84-CF-362-01-12, 84-CF-363-01-12 at HERN-008418, HERN-008419 (Ill. Cir. Ct. Feb. 20).

Trial Transcript. (1985b). *State v. Hernandez*, Nos. 84-CF-361-01-12, 84-CF-362-01-12, 84-CF-363-01-12 at HERN-034023 (Ill. Cir. Ct. Mar.).

Trial Transcript. (1986a). *People v. Restivo*, Ind. No. 61322 at RHK-014802, RHK-014866 (N.Y. Dis. Ct.).

Trial Transcript. (1986b). *State v. McCarty*, No. CRF-85-2637 at MCC-004042 (Okla. Dist. Ct. Mar. 24).

Trial Transcript. (1987). State v. *Washington*, No. 87-08-C at WASC-002929 (Tex. D. Ct. Nov. 30).

Trial Transcript. (1994). *People v. Wyniemko*, No. CR-94-2001FC at WYN-000333 (Mich. Cir. Ct. Nov. 3).

Trial Transcript. (1996a). *State v. Heins*, No. 94-3965-CF at HEI-001748 (Fla. D. Ct. Dec. 16).

Trial Transcript. (1996b). *State v. Heins*, No. 94-3965-CF at HEI-001993, HEI-002006 (Fla. D. Ct. Dec. 17).

Trial Transcript. (2006). *State v. Camm*, No. 87D02-0506-MR-54 at CAMD-015391, CAMD-015497, CAMD-015499 (Ind. Sup. Ct. Feb. 27).

United States v. Singleton (1998)., 144 F.3d 1343 (10th Cir.).

19-K6-04-000736
Filed in District Court
State of Minnesota
1/5/2026 4:16 PM

Vrij, A., Edward, K., Roberts, K. P., & Bull, R. (2000). Detecting deceit via analysis of verbal and nonverbal behavior. *Journal of Nonverbal Behavior*, *24*(4), 239–263. https://doi.org/10.1023/A:1006610329284

Vrij, A., Granhag, P. A., & Porter, S. (2010). Pitfalls and opportunities in nonverbal and verbal lie detection. *Psychological Science in the Public Interest: A Journal of the American Psychological Society*, *11*(3), 89–121. https://doi.org/10.1177/1529100610390861

Wang, G., Chen, H., & Atabakhsh, H. (2004). Criminal identity deception and deception detection in law enforcement. *Group Decision and Negotiation*, *13*(2), 111–127. https://doi.org/10.1023/B:GRUP.0000021838.66662.0c

Warden, R. (2005). *The snitch system: How snitch testimony sent Randy Steidl and other innocent Americans to death row*. Center on Wrongful Convictions.

Wetmore, S. A., Neuschatz, J. S., & Gronlund, S. D. (2014). On the power of secondary confession evidence. *Psychology, Crime & Law*, *20*(4), 339–357. https://doi.org/ https://doi.org/10.1080/1068316X.2013.777963

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24 F.2d 82
Circuit Court of Appeals, Seventh Circuit.

LARRISON et al.
v.
UNITED STATES.

No. 3960.
|
January 7, 1928.

Synopsis

In Error to the District Court of the United States for the Southern Division of the Southern District of Illinois.

Ray Larrison and others were convicted for the burglary of a post office, and they bring error. Affirmed.

West Headnotes (4)

[1] **Criminal Law** Presentation of questions in general

Consideration of questions other than presented to District Court held not permissible on writ of error.

28 Cases that cite this headnote

[2] **Criminal Law** Necessity

There may be a conviction on the uncorroborated testimony of an accomplice.

55 Cases that cite this headnote

[3] **Postal Service** Breaking or entering post office

Evidence held to support conviction for burglary of post office.

1 Case that cites this headnote

[4] **Criminal Law** Decision in General

Return of record for motion for new trial on witness' affidavit that testimony was false held denied under circumstances.

402 Cases that cite this headnote

Attorneys and Law Firms

***82** D. H. Mudge, of Edwardsville, Ill., and A. M. Fitzgerald, of Springfield, Ill., for plaintiffs in error.

Walter M. Provine, of Springfield, Ill., for the United States.

Before EVANS, PAGE, and ANDERSON, Circuit Judges.

Opinion

EVAN A. EVANS, Circuit Judge.

This prosecution grew out of a post office burglary at Alton, Illinois, May 12, 1924. Defendants were charged, in an indictment containing eight counts, with feloniously breaking into a post office with intent to commit larceny, with intent to steal postage stamps, and moneys, and property of the United States, with intent to damage and destroy certain doors, safes, and vaults in the post office, with having stolen thirty-three thousand eight hundred sixty-eight dollars and sixty-nine cents ($33,868.69) in stamps and money et cetera. They were convicted on three counts. Each was sentenced to serve a term in the penitentiary.

They here insist that the evidence is insufficient to sustain the conviction. Other assignments of error are presented, but they are not seriously urged.

They also present certain affidavits upon which they predicate a motion for leave to return the record to the District Court that they might move that court to set aside the verdict and grant a new trial because of the newly discovered evidence set forth in the affidavits.

Inasmuch as the contention that the evidence is insufficient to support the verdict is based upon the weakness of the testimony of an accomplice named Merrill, and inasmuch as the affidavit upon which the motion to return the record is based is one wherein Merrill disputes his oral testimony, it becomes necessary to set forth the evidence rather elaborately.

On May 12, 1924, the United States post office at Alton, Illinois, was burglarized and $33,868.69 in stamps and money

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taken from the safe. The safe was blown open by placing soap around the door and pouring in nitro-glycerine. The acetylene tank, the clawbar and the tamping pick were left in the post office. The burglary occurred about 2 a.m., Monday morning.

Defendants resided in the vicinity of Alton or had so resided for years back. They were all well acquainted, and had been for years.

Defendant Larrison was 35 years old and had operated a soft drink parlor known as the Cadillac Bar. His place of business had been closed upon the motion of the government due to violations of the National Prohibition Act.

Defendant ‘Jackie‘ Adams was a professional safe blower residing near Chicago. He hailed from Alton. He did not testify.

Defendant Joseph Melling did not testify.

Defendant Robert Dooling was an ex-soldier who suffered disabilities during the war and received disability insurance. He testified and denied his guilt.

***83** Defendant Joseph Marino in the summer of 1924 conducted a pool room. In 1924 he was indicted for murder.

Defendant Joseph Meyer was a saloon keeper and, after the prohibition amendment became effective, conducted a so-called soft drink parlor which was closed by order of the court upon complaint of the government. Thereafter he was in the automobile, tire, and accessory business and ‘ran a blind pig.‘

Benjamin Simon's occupation at the time of the burglary was not given, but previously he had worked as hod carrier, boiler maker's helper, had been a bar tender and was a soldier in the late war.

The two principal witnesses for the government admitted the existence of penitentiary records. One was James Kirby, who stated that he had completed three penitentiary sentences, one in California and two at Leavenworth. He was under a fourth sentence and serving his time in the Federal Penitentiary when he testified in this case. He stated that while being taken to the penitentiary the last time he jumped from the moving train and escaped. He shortly thereafter appeared at Alton. By profession he was a safe blower. He went to the Cadillac Bar, where Larrison invited him to join the party that was about to burglarize the post office. He was told that they were looking for a ‘Pete‘ man, meaning a safe blower, and he promptly accepted the invitation.

Shortly thereafter Kirby went with Merrill (alias Sturm) to the post office to look over the ground and examine the safe. A few days thereafter he was captured by the federal authorities and taken to the penitentiary. His guilty participation in the burglary came to an end.

George Merrill (alias George Sturm) was the other accomplice who testified at length upon both trials. He likewise made certain affidavits— one for the defendants upon which they ask that the record be returned to the District Court; the others for the government wherein he states he was induced for a money consideration to make the affidavit for defendants which in his two later affidavits he says was false.

Merrill is by occupation a thief; his residence for about 10 years prior to the trial, the various jails. He could not remember all the jails he had dwelt in. While stealing was his occupation and the jail his abode, he boasted of having engaged in other criminal transactions. He testified that he accompanied Kirby to the post office to view the safe and to study the lay of the ground.

After Kirby was captured and taken to the penitentiary, the plans for the burglary were stayed while the parties searched for a new ‘Pete‘ man. Defendant ‘Jackie‘ Adams was finally selected and Simon and Merrill interviewed him. He hesitated at first, saying ‘he did not want to fool around with any small stuff.‘

The next night, however, he appeared at the Cadillac Bar and joined in the enterprise. Defendants Merrill, Meyer, Dooling, Larrison, Marino and Simon were all present at this meeting. Melling arrived a little later. The plans were discussed and matured.

Merrill further testified that all expected the safe would produce a large sum of money ($90,000)— a pay roll shipment of money believed to be in the post office safe at the hour chosen.

On the evening chosen, the parties assembled. Melling furnished the car. Merrill was one of the outside watches— Simon, Larrison and Adams entered the post office. Dooling acted as another outside guard. About 2:35 the parties came out of the post office and the car was driven to Marino's and the stamps were ‘dumped‘ on the table, the amount being over $35,000. A short time thereafter some stamps were sold by Larrison, who divided $5,000, $200 being paid to Meyer, and $800 being paid to all of the others, except Marino, who refused his share.

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Defendants offered little or no testimony outside of their own statements. No character witnesses were offered by any of them. Several of them did not take the witness stand.

In corroboration of Merrill's testimony it appeared that a witness, March, testified that he was in the automobile business; that about ten days after the burglary Larrison sold him an acetylene torch; and witness sold it to a garage man by the name of Gerson. Subsequent to the indictment, defendant Meyer went to March and asked him if he had bought a torch from Larrison. March replied that he did not care to discuss the matter. A couple of weeks later, defendants Meyer and Marino sought March and asked what became of the torch that he had bought of Larrison. March replied that he did not care to discuss the matter, whereupon Meyer said, 'You— you, are just as guilty of this as I am.' Gerson testified that the torch offered in evidence was the one he bought from March. The torch was such a one as was used in blowing the safe.

Turley, another witness, testified to a conversation with 'Jackie' Adams while both were in the Peoria jail. Adams was asked about the 'rap' (the burglary) and Merrill's ***84** 'stooling' (confessing). He said, 'It was a good 'rap,' but why should a man take a good 'rap' on account of Merrill's 'stooling.''

Merrill in his cross-examination was confronted by a check for $1,200, payable to him and drawn by one Fishman. He stated, 'That was a check for some 'hot diamonds' that Bob Dooling and Benny Simon had. The check was made payable to me because Simon was afraid to have it made out in such a large amount to him. It might cause suspicion going through the bank.' This statement was disputed by Simon, who stated that Merrill told him the check was for some moonshine liquor which Merrill had delivered to a man; that he (Simon) had furnished a car for Merrill to go to Springfield to get the money, for which Merrill had agreed to pay him $50. He said his intimate association with Merrill arose out of his efforts to help Merrill collect this money.

Kirby's testimony was corroborated in a minor matter, which was, however, significant. He described his actions during the days following his escape from the United States marshal and while he was helping to plan the post office robbery. He said he always looked in the window before entering a building. One night, shortly before the burglary as planned, he looked in the window of a road house and saw two government officials— one the deputy marshal and the other a government investigator whom he knew. He withdrew. The deputy marshal testified that he and the government agent were at the road house on the night so fixed and in search of Kirby.

Upon the first trial, the jury disagreed. On the second trial, defendants' counsel examined both Merrill and Kirby freely. Such contradictions as occurred in the testimony of either witness were, on the whole, limited to unimportant matters.

When the case was presented to this court, defendants presented an affidavit of Merrill. In view of its importance, it is herewith reproduced. [1]

The government was given a short time to meet this affidavit. It produced two affidavits by Merrill also herewith reproduced. [2]

***85** The recantation of Merrill and his subsequent repudiation of this recantation brought forth numerous other affidavits from the defendants as well as from the government. They are far too long to be here reproduced. Generally speaking, it may be said that defendants' ***86** affidavits tend to support their claim that the recantation was freely and voluntarily made by Merrill and upon his own suggestion and without any payment of money. The government's affidavits tend to establish the truthfulness of the testimony ***87** given by Merrill and Kirby on the trial and to discredit the first Merrill affidavit.

[1] The writ of error does not permit of a consideration of questions other than those presented to the District Court. In fact, this court must determine the assignments of error on the record as made in the District Court. Towle v. Pullen (C.C.A.) 238 F. 107, 111.

[2] [3] That the evidence amply supports the verdict, we have no doubt. For the unsupported testimony of an accomplice is sufficient to sustain a conviction. Allen v. U.S. (C.C.A.) 4 F. (2d) 688; U.S. v. Heitler (D.C.) 274 F. 401. Here there is the evidence of two accomplices, each supporting the other. Their stories are corroborated in part. No explanation other than a consciousness of guilt can account for the defendants' inquiry of the torch sold by Larrison. Moreover, no satisfactory explanation of how Larrison came into possession of the torch is offered.

Nor is there a word of testimony disputing the evidence showing that Jackie Adams is a professional safe blower, or his admission of guilt after arrest. The damaging effect of this testimony was allowed to go unchallenged evidently on the assumption that such facts were less damaging than

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those which would have been brought out on a cross-examination had he taken the witness stand. His profession, his acquaintance with the other defendants, his admission of guilt, stand undisputed.

Nowhere is there any satisfactory impeachment of Kirby's testimony. No satisfactory motive for his falsifying appears. On the other hand, there is corroboration in minor details that strengthens his testimony. It is true that both Kirby and Merrill were criminals with numerous jail records. Their careers, as admitted on the stand, are an impeachment of their testimony. On the other hand, the government cannot be condemned for offering them as witnesses. The crime charged was a serious felony. Respectable, law-abiding citizens were not engaged in burglarizing post offices. Those engaged in such occupation were of the criminal class. To ascertain and apprehend the guilty parties, it was necessary to trace the doings and follow the careers of criminals and their associates. It was not surprising therefore that, in this search, the investigators found some of the actors in the jails and penitentiaries of the country. If it be charged that Kirby and Merrill have criminal records, the government may well answer that defendants were their associates when they were at large.

Whether defendants' motion to return the record to the District Court should be granted depends, we think, upon the answer to the question, should the District Court grant a new trial upon the so-called newly discovered evidence?

If this question is answered in the negative, it would be idle to return the record for the purpose of passing upon a motion that must be denied. The statement of the various courts, confronted with a somewhat similar question is at least interesting. In many of the cases the facts differ widely from those of the instant case. We have found but few where there was such a clear repudiation of the recantation of the witness' testimony.

20 R.C.L. 299, dealing with perjury as the basis for a new trial, announced the following rules:

'Where a material witness admits under oath that his testimony was mistaken or false, a new trial, has in numerous cases, been granted. In some cases, however, such admission has been held insufficient to justify the conclusion that the evidence given by the witness on trial was false.' (For support of this statement, see People v. Tallmadge, 114 Cal. 427, 46 P. 282; People v. Shilitano, 218 N.Y. 161, 112 N.E. 733, L.R.A. 1916F, 1044.) 'It has been declared that conviction of perjury or his death rendering conviction impossible is necessary.' (For support of this statement see note to 51 L.R.A.(N.S.) 291.) 'And in any case an admission of perjury will not call for a new trial, if, eliminating such evidence, there is still other evidence to support the judgment.' (For cases supporting this view see note 51 L.R.A. (N.S.) 293.) 'Moreover, where the party could have shown the perjured character of the adversary's testimony at the time of trial, a new trial has generally been denied on the ground that there must be an end of litigation.'

[4] We agree with the court in Martin v. U.S. (C.C.A.) 17 F. (2d) 976, and hold that courts should not necessarily deny motions for new trials when the perjured testimony is merely cumulative. The fact that the testimony is cumulative only, should no doubt be considered, but it is not conclusive on the motion for new trial.

We shall approach this question on the assumption that a new trial should be granted when,

(a) The court is reasonably well satisfied that the testimony given by a material witness is false.

(b) That without it the jury might have reached a different conclusion.

***88** (c) That the party seeking the new trial was taken by surprise when the false testimony was given and was unable to meet it or did not know of its falsity until after the trial.

An interesting case is that of People v. Shilitano, supra, where the court makes this statement:

'Bearing in mind that the witnesses to crimes of violence are often of a low and degraded character and that after they have given their testimony they are sometimes influenced by bribery and other improper considerations, it is evident that the establishment of a rule which left the power to grant a new trial to a defendant to depend upon recantation by such witnesses would be subversive of the proper administration of justice. I do not wish to be understood as urging that the fact of recantation is not to be considered by the court in weighing the testimony upon which the defendant was convicted, but I wish to make clear the fact that recantation in and of itself does not necessarily require the court to order a new trial. Such being the case, whether or not a new trial should be granted must depend upon all the circumstances of the case, including the testimony of the witnesses for the people, submitted on the motion for a new trial, in which these witnesses recant the testimony which they gave upon the trial.'

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Speaking of the duty of the court where defendants have offered the sworn recantation statement of a witness for the prosecution the court says:

'But if, on the contrary, he (the judge) was convinced that the second testimony was false, that a criminal league had been formed to set at naught the verdict of the jury and the judgment of the court, his duty was clearly marked. He was not at liberty to shift upon the shoulders of another jury his own responsibility. That would have been to make the conspiracy triumphant. He was charged with the responsibility to seek the truth himself.'

In the consideration of the affidavits and the testimony given upon the trial, all of which must be considered in disposing of the motion to return the record to the District Court, it is significant that:

(1) The trial which resulted in defendants' conviction was the second trial of this case. Both Merrill and Kirby testified at length on the first as well as the second trial. Defendants were therefore not surprised by their appearance as government witnesses nor by their evidence.

(2) The time that elapsed between the two trials permitted defendants to prepare any defense they had. Three of the defendants met these charges by silence— not even a denial of their guilt was made.

(3) Merrill's testimony was cumulative. There was evidence sufficient to convict all the defendants without his testimony.

(4) Merrill's recantation was obtained under circumstances which raised a grave doubt as to its reliability.

(5) He was twice given an opportunity to reaffirm or deny the statements appearing in the first affidavit. On both occasions, he disputed the first statement and reaffirmed the testimony he twice gave in open court and concerning which he was thoroughly cross-examined.

(6) The government's supporting affidavits tend strongly to destroy the probative value of the recantation.

[5] The testimony was cumulative. We are unable to find a motive for Kirby's fabricating. He corroborated in detail the Merrill testimony up to the time he was apprehended and removed from the scene of action. If he too fabricated his story, then its accord with Merrill's story is only explainable on the theory that the government investigators were in a conspiracy to suborn perjury. Their affidavits disproved this charge. One of them produced the original notes taken by him before this case was submitted to the grand jury. They show that Merrill told the same story then that he told on the witness stand. Unless the witnesses falsified, there is no basis for accepting Merrill's recantation.

If Kirby at Leavenworth, and Merrill at Springfield, gave in detail the story of the plan of the burglary and both involved the same parties, they must have told the truth. For if their stories were pure fabrication, then it is inconceivable that both, so far removed, would have fabricated alike.

The circumstances leading up to the execution of the recantation affidavit are not impressive. It does not satisfactorily appear how or why attorneys McGinnis and McGlynn called at the penitentiary. True, Merrill in his first affidavit says he sent a friend to McGinnis. The name of the friend does not appear. But defendants later submitted two affidavits, one from Peterman and one from Pelzallo. The latter stated that he asked Peterman 'to accompany him on a trip to Chicago and while on said trip if he would go to see the said George Sturm or George Merrill and learn if he had anything to say regarding the said case.' He further said that he learned from Peterman that Merrill ***89** wished to see McGlynn. Peterman does not give his occupation but he is described in the affidavit of another as 'owning a 'roadhouse' just outside of Troy.' Ignoring other derogatory statements of Peterman, it is not clear why Pelzallo should take Peterman to Chicago on a trip to ask him to visit the penitentiary to ascertain whether Merrill wanted to recant. Nor is it understood why counsel should keep the existence of Merrill's affidavit a secret until a few hours before the case was called in this court.

In cases of this character, where the parties are dealing with witnesses of the criminal class, lodged in jail, a due regard for the ethics of the profession suggests that the side first learning that a witness wished to recant should advise his adversary of this information and then present it to the trial judge. If any examination or cross-examination of the witness is to take place, it should be done in the court room. The entrance of attorneys into the penitentiary as here disclosed that a convict might be interviewed and his statement used against him, is condemned. If there is reason to believe that a witness falsified and is ready or willing to make a confession, counsel for the accused should notify the district attorney and, if the latter too is convinced that false testimony was given on the trial, he should at once confess error that the injustice may be promptly corrected. If the district attorney be unconvinced, counsel for the accused may present the matter to the court.

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It is stated by counsel for defendants that they received a letter from Merrill subsequent to their visit but it is not attached to the affidavit nor does its contents appear. This letter would have thrown light upon the possibility of Merrill's dictating to a stenographer the affidavit upon which defendants rely.

It is insisted that Merrill's recantation affidavit was, with the exception of the first sentences and the last paragraph, dictated by Merrill to a shorthand reporter. The language of the affidavit itself suggests the falsity of this statement. The letter referred to, however, would have indicated a scholarship that would have verified or disproved our impression respecting his ability to express himself in the manner disclosed by the affidavit.

For the reasons heretofore given, we deny defendants' motion to return the record to the District Court.

The judgment is affirmed.

All Citations

24 F.2d 82

Footnotes

1 I, George Strum, #1299, confined in the Illinois State Penitentiary, Joliet, Illinois, of my own free will and accord, without any prejudice or promises whatsoever, want to make a full statement of misrepresentation I have made heretofore. I want to make this statement in view of the fact that I have heretofore given testimony in the Federal Court at Springfield, Illinois, in the case of the United States versus Ray Larson and others, which was false and untrue, and by reason of which certain men have been wrongfully convicted, and sentenced to the United States Penitentiary at Leavenworth, Kansas:

About two months ago I wanted to get a special letter out to Joe McGlynn, a lawyer in East St. Louis, who was one of the Attorneys for the defendants in this case, but was unable to do so. I received a visit from one of my friends, and I asked him to get in communication with Joe McGlynn, and have him come to see me so that I could make a full, fair statement of what the real facts in the case were.

The first time I heard of the Alton Post Office robbery was in September 1925, when Joe Schrader, a private detective in East St. Louis, asked me what I knew about the Alton Post Office burglary, I told him I didn't know anything about it; he said ‘As long as you are going to operate in East St. Louis you better know something about it,‘ and then I left him. While I was put in jail in Marion, Illinois, I was approached by two Post Office Inspectors, Rona Keefe and Herbert Theurer, they were brought up to me by Sheriff Galligan; the Inspectors asked me about the Alton robbery, saying that Joe Schrader told them that I was one of the men implicated in it, I told them ‘No, I was not in on it.‘ So I guess two months later, just before Christmas, while I was still in jail they came back again, and told me they were going to get me out of that rap, and for me to meet them in East St. Louis the following day. I was let out of jail Christmas Eve, I think it was in 1925, and I met them later in East St. Louis, Keefe, Theurer and Schrader, we met there in Joe Schrader's office, and they told me they got me out of the rap down here alright, and if I didn't want to do a lot of time in Leavenworth that I better do what they told me; I told them that I had not known anything about it, but that I would go ahead and help them and do what they said.

In January, along about the 5th, I went to Alton, I was taken there by Schrader, and on the way there he explained who was responsible for the Alton robbery, and he went on to name the defendants, Larson, Dooling, Meyers, Marino, Melling, Adams and Simon; he asked me if I knew any of these parties, I told him I knew Larson, Dooling and Marino, so he said ‘Get acquainted with the rest of the mob so that you will be able to identify them in Court;‘ so I stayed in Alton several days, and met Joe Meyers and Simon. I never met Adams until I was in the Peoria jail February 1926. I explained to Post Officers Inspectors Keefe and Theurer that I did not know Meyer and Simon or Adams, and Keefe gave me the money with which to go to Alton so

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that I could get acquainted with them, and be able to identify them. I was in Alton five or six days, and I would meet Keefe, Theurer and Schrader at the Alton Post Office and report to them. Another purpose of my visit that I might acquaint myself with these different places so that I might describe them in my testimony.

At the direction of Keefe, Theurer and Schrader I brought Bennie Simon to Springfield in the early part of January, and he was to be arrested by the Post Office Inspectors. For some reason unknown to me, they did not arrest him so we came back to Alton, I was there a day or two when Theurer, Keefe and Schrader came in to Doug Knowles barber shop and got me and brought me up to the Post Office, where they handed me a typewritten statement already prepared before hand, and had me sign it in the presence of the Post Master, they gave me a copy for my own personal use so that I might familiarize myself with it. That afternoon we drove down to the old Custom House in St. Louis, and the next day Keefe and Theurer took me to Springfield, where I testified before the Grand Jury. They then released me and I went home.

About a week later I was arrested in Maywood, Illinois, and taken to Aurora jail, where I stayed about twenty days, then Keefe and Theurer came with several other Post Office Inspectors and fixed the charge against me, but I stayed in jail until they could get a court order to have me apprehended as a material witness, and I was taken from the Aurora jail on February 21st by Ned Dressendorfer and his brother to Springfield, Illinois, where I laid in jail one night, and on Washington's Birthday, February 22nd, I was taken to the Peoria jail. When I got to the Peoria jail they put me in the cell with Jackie Adams, and this was the first time in my life that I ever sae him. I stayed there in jail from February to October, and Keefe and Theurer were up to see me two or three times, and gave me some extra money over and above my dollar a day as a material witness for the Government.

I was taken from the Peoria jail on the morning in October when the case was first started to be tried at the Post Office Inspectors office in the Federal Building at Springfield, and was shown the tarpaulin, rain coat, and billiard table cover, and this was the first time I had ever seen any of these articles, they were taken from there to the District Attorney's office. I then testified in the trial of the case, and my testimony was false and untrue, as I positively did not then know, or do I now know, nor have I ever known, anything about the Alton Post Office burglary, or any connection of the defendants in that trial with the Alton Post Office burglary.

While we were in Springfield during this trial I stayed at the Leland Hotel with Jack Kirby, Byron Shelton, and the Post Office Inspector, and also a squad of police from St. Louis. While we were in Springfield, Jack Kirby said to me that he could help himself if he could testify against the defendants in the Alton Post Office case, he asked me to give him the low down so that he could testify against them, and thereby gain himself good graces with the Court and the Post Office Inspectors, so that he could be pardoned from Leavenworth Penitentiary; I handed Kirby my written statement so that he could read it over, which he did, the statement that I had been given by the Post Office Inspectors in Alton.

As an inducement to have me go along and testify against these defendants, they told me they would see that Joe Schrader would get a reward of $500.00 a piece for each defendant convicted, and that money would be split with me.

I have dictated the above statement of my own free will, and have read the same over after it has been transcribed, and it is true. I have made this statement in the presence of Warden Elmer J. Green, of the Illinois State Penitentiary; Mr. Charles R. Foster, Superintendent of Mails at the Illinois State Penitentiary, Joliet, Illinois; Mr. John J. Broderick, Secretary to Warden Green; Mr. Joseph B. McGlynn and Mr. John F. McGinnis. I would solemnly swear that the above statements are the truth, so help me God.

George Sturm.

Jurat.

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2 I, George Sturm, #1299, confined in the Illinois State Penitentiary, Joliet, Illinois, of my own free will and accord without prejudice or promise whatever want to make a full statement concerning the affidavit purported to have been made by me to Joseph B. McGlynn, John F. McGinnis, Jr., John L. Broderick and C. R. Foster, sworn to before Alice H. Tindall, Notary Public, in the Joliet, Illinois, Penitentiary, on the 5th day of August 1927.

In connection with this statement will say that it was not made by my dictation but by Attorneys McGlynn and McGinnis; that this is the first time I have ever read this statement, nor did I read the statement that was signed by me at the request of McGlynn and McGinnis on August 5, 1927, nor did I know its contents.

Joseph McGlynn Attorney, from East Saint Louis, Ill., told me that he would obtain my release from the Joliet Penitentiary one month after the Appellate Court reversed the decision of the lower court in the case of the Government vs. Ray Larrison et al., for the Alton Illinois Post Office burglary, committed May 12, 1924. He also promised me that he would deposit $2500.00 with Jimmy Peterman of Troy, Illinois, for me, which I was to receive before the case went to the Appellate Court. He also promised that he would have me transferred to Stateville Penitentiary immediately. McGlynn showed me a letter from Attorney General Carlson, which stated in part as follows:

* * * Anything you will do for Mr. McGlynn will be appreciated by,

Oscar Carlson, Attorney General of Illinois.

The affidavit further swears that none of the statements in the affidavit made August 5, 1927, to Attorney McGlynn and McGinnis concerning Post Office Inspectors Keefe and Theurer and J. G. Schrader are true, namely:

The statement that ‘If I didn't want to do a lot of time in Leavenworth, that I had better do what they told me.‘

The Statement that, ‘Schrader in taking me to Alton, Ill., named the defendants, Larrison, Dooling, Meyer, Marino, Melling, Adams and Simon and asked me to get acquainted with the rest of the mob that I did not know in order to identify them in court.‘ The statement that I reported to the post office inspectors for four or five days at the Alton, Illinois, post office, is not true. The statement that I visited Alton, Illinois, in order to acquaint myself with the different places involved is not true. The facts are that I was in Alton, Illinois, many times for weeks at a time since the year 1918, and I was well acquainted with all of the places long before I ever met the Inspectors and before I went into the Alton Post Office burglary with the other men who were convicted in that case. The statement that the post office inspectors handed me a typewritten statement already prepared beforehand in the Alton Post Office for my signature, which was signed in the presence of the postmaster and that they gave me a copy of this statement is not true, as no statement was signed at the Alton post office. The statement that I met Jackie Adams for the first time in my life in the Peoria Jail on February 22, 1926, is not true. The statement that my testimony at the trial of the Alton case was false and untrue and that I did not know, or do I now know, nor have I ever known anything about the Alton Post Office burglary, or any connection of the defendants in that trial with the Alton Post Office burglary, or any connection of the defendants in that trial with the Alton Post Office burglary, is not true, as I participated in this burglary with the defendants, and know that they are guilty.

The statement that I conspired with Jack Kirby to help him give false testimony in this case is untrue and I did not give Kirby a written statement so that he could familiarize with the case.

The statement that I was promised a split on the reward by the post office inspectors is not true, and the statement that J. G. Schrader promised me a part of a reward is not true.

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The statement that I was shown the tarpaulin, rail coat and billiard table cover in the Federal Building at Springfield, Illinois, and that that was the first time I had ever seen those articles is not true.

The statement that I brought Simon to Springfield at the instigation of the inspectors so that they could place him under arrest is not true. I took Simon to Springfield on that occasion to get some hot diamonds.

On August 5, 1927, when the statement purported to have been made by me was written, Joseph McGlynn went to the toilet in the front part of the office off the hall and when he came back he told me to go to the toilet and look down beside the bowl; that he had placed a $100.00 bill there for me. I went to the toilet and found the $100.00 bill where he said it was and brought it with me and kept it. I have $95.00 of it left and it is in the possession of one of the inmates.

The first man that came to see me in regard to the affidavit made by me was Jimmy Peterman. He owns a roadhouse just south of Troy, Illinois, on the hard road. He told me that Dick Mudge, Attorney, called him over to his office in Edwardsville, Illinois, where he met Mrs. Ray Larrison, Mrs. Joseph Marino and Mrs. Joseph Myers. He said that the three women agreed to pay me $2500.00 if I would contradict my testimony given in the trial of the Alton burglary case.

George Sturm.

Jurat.

Second and Later Government Affidavit.

I, George Sturm, #1299, confined in the Illinois State Penitentiary, Joliet, Illinois, of my own free will and accord without prejudice or promise whatever want to make further explanation of the affidavit purported to have been made by me before Joseph McGlynn, and John F. McGinnis, on August 5, 1927.

There was a statement in that affidavit that I had attempted to get out a special letter to Joseph McGlynn about two months prior to the fifth of August 1927. That statement is not true. I never attempted to get out any letter to Joseph McGlynn concerning the Alton Post Office burglary or did I try to get out a letter to anyone else concerning such a matter.

Joseph McGlynn told me while he was here that he and McGinnis were going out to McNeils Island Penitentiary to interview Jack Kirby for the purpose of obtaining a statement from Kirby concerning the Alton Post Office burglary. McGinnis called upon me about three weeks ago and at that time informed me that they could not see their way clear to go to McNeils Island.

The first time I was approached on the subject of making an affidavit was when Jimmy Peterman came here to see me. He told me of the offer made by McGlynn and said he would have McGlynn come to see me. I never sent for McGlynn or anyone else, but McGlynn came to see me, promised me that he would have me released from the penitentiary within one month after the Appellate Court reversed the decision of the lower court, that he would deposit $2500.00 with Jimmy Peterman for me and that he would have me transferred to the new prison at Stateville, in the event that I would sign a statement to the effect that the testimony given by me at the trial in the Alton Post Office burglary case was not true.

This promise was made upon McGlynns first visit to me about July 30, 1927, when he talked to me alone for some time and promised me my liberty.

About one month after I was received at this penitentiary I was approached by the prison Priest. He told me that I had better come to confession; that he heard I had testified falsely against the men convicted on the Alton case, and that I had better confess to him. He also asked me to make an affidavit to him that I had

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testified falsely, advising that he would take the matter up personally. I refused and stated that my testimony given at the trial was true.

This statement concerns the case of the Government v. Ray Larrison et al. known as the Alton Post Office Burglary at Alton, Illinois, on May 12, 1924.

The visit made by Jimmy Peterman was about July 26, 1927, he made the preliminary offer to me, a few days later Joseph McGlynn came and this interview was held in the record office at which time he talked to me alone. When I speak of being alone, I mean that we were to one side and talked in such low tones that we were not overheard by others passing thru the room.

On August 5, 1927, Attorneys McGlynn and McGinnis came to see me. McGlynn first interviewed me in the audience room for about thirty minutes. He then told me to wait and about thirty minutes later, I was called into the record room where they prepared the statement.

George Strum.

Jurat.

End of Document

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MINNESOTA JUDICIAL BRANCH

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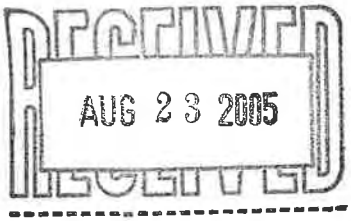

8-20-05

Roy

What's good man? I read the States' response twice & wrote down some things I didn't like. A Reply Brief will be needed. Ms Keena stretched the facts in this brief a lot. But from what I read, she agrees that the court errored in many ways, but still attempts to justify the courts actions. Also inclosed is the most recent info. I received from Trevor Crawford. It's a notarized affidavit stating that the things he wrote were true. (an you send me a copy of the affidavit & letter when you respond to this. What is the Reply Brief? Does the state get to reply to your

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Reply Brief? And what will the oral argument present? What confuses me is how the state's brief attempts to protect Cross, Eide, Magnuson, & Smith. The same evidence used to charge me, they made excuses to exclude these other suspects. Will the courts ever let me present a proper defense or even the testimony of Trevor Crawford; Samantha O'reilly or the other witness' that implicated these ~~[illegible]~~ suspects?

I hope 2 hear from you soon. Please respond to my letter Roy.

TALK to you soon,

P. Vance

P.S. What other measures can I ~~[illegible]~~ ? (APPEAL MEASURES)

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Issues (poor investigation)

(1)

Why did police immediately go & speak w/ Magnuson, Eide & Smith A.S.A.P. They gave officers an alibi & were eliminated as suspects. These 3 were implicated the next day of the crime 12/23/02. Collen McManus implicated me that night 12/22/02, but I wasn't visited by police until mid January. They expected me 2 have an alibi of my where abouts almost a month prior. If I would've been question on my where abouts the day after like these 3 I would've had an air tight Alibi also.

Smith's alibi was he was at home.
J. Magnuson's alibi was he was at Eide's home w/ Eide's MOM????
Eide's alibi was he was at the home of Janell Schwark. → cont.

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(2) In my discovery Magnuson & Eide stated that they were both at home w/ Eide's mom. Now it's different ???? If possible Roy could you compare the statements of their alibis to what Ms Keena has in the brief. Another thing Ms Keena continues to tell the courts that nothing links of connects Magnuson or Eide. Samantha O'reilly clearly stated that Eide made incriminating statements linking himself 2 Sabreens. She also stated that he came up w/ a few hundred dollars worth of drugs the day after the homicide. But I wasn't allowed 2 call her 2 testify 2 these statements. Ms Keena said on (page 24 last paragraph "I was able 2 call Mary Martinez,

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(3)

but how can I put forth a full defense w/ only part of the defense. ??? Another big issue I thought about was, This crime happened 12/22/02, I was implicated the night of the incident. Made a suspect the next day, as well as Magnuson, Eide, Smith. Before police spoke w/ Estrada, Hodge, Crawford, Reese or even Cross. Colleen McManus & Mellissa Stites gave statements, but never said I implicated myself in the actual Robbery/Homicide of Sabreens on 12/22/02 & 12/23/02 Why did police do an undercover sting ??? A week after Colleen & Mellissa called police, they set up a sting. Why didn't they set one up for the other suspects ???

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How can she interpet what someone else wouldve said?

(4) On (page 29 of the states brief paragraph 2) Ms Keena stated "If" M'Manus was 2 testify regarding Mr. Cross she would say that Cross was at the bar from 7:00 pm until After 10pm. In any of Colleen's or Cross' statements do they state any of this. Cross stated in his statements that he got 2 the Buttery at 10pm. So What MS Keena is trying 2 enter 2 the court is B.S! On the topic about witness testifying about fearing 4 their life or threats, Only answer the state came up w/ was it was done 2 Bolster their credibility. Is that official?

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(5) The situation w/ the alledged letter written 2 Mr. Johnson was never found cause I never wrote it. But they made me look like I was tryin 2 coerse state's witness & had no evidence 2 support this. How [redacted] Do I explained things not objected that the state claimed waived the right to appeal? The State say's in paragraph 3 on page 37 that they engaged in limited inquiry regarding the threats. B.S, they told the jury why they search his cell & what was alledgedly said. [redacted] The 1st paragraph of page 44 Ms Keena explains how the redacted transcripts were provided & could been reviewed

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(6) Before being submitted into evidence. What she didn't say was they were provided 2 us during trial right before she played the tapes. And some transcripts being as lengthy as 40-50 pages. I had no idea of what was redacted or even which statement would be played 2 the jury until the tapes were entered as evidence & played at that moment. Ms. Keena says I can't use the letter from Trevor as new evidence before this court. Why not? Could you file whatever motion so this can be reviewed by the courts? These are the things I didn't like about Ms Keena's brief.

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(7)

One more thing Roy. I noticed in the trial transcripts & in the Grand Jury transcripts Mellissa Stites Never identified John Martin as the 3rd person w/ us in the Radisson Bar. If you look at my phone records I sent you, you'll see that the time that Mellissa says we were in the bar my records show calls made outta state. Those calls were made by my buddy named "E" (Edward Townsend) What's weird about that is, police compared Edward's D.N.A to the D.N.A found at the Crime scene. Edward was w/ us that day in the bar not John. Mellissa never ever pointed John Martin out as being in the bar that day. What do you think?

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DEPARTMENT OF POLICE
Thomas E. Smith, Chief of Police

CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

367 Grove Street
Saint Paul, Minnesota 55101

Telephone: 651-291-1111
Facsimile: 651-266-5711

June 24, 2010

Andrew Shoemaker
367 Grove Street
Saint Paul, MN 55101

Dear Officer Shoemaker:

This letter is to notify you of my intent to suspend you without pay for (30) Thirty (8) eight-hour days (240 hours total). You will serve (15) fifteen eight-hour days and (15) fifteen days will be held in abeyance for no same or similar for two years. This is from the meeting that you had with Chief Harrington and Federation President Titus. The date of your suspension will be determined by your Commander. The reason for the suspension is as follows:

These incidents involved your actions over the period from 2001 to May of 2009, while you were assigned to the Minnesota Gang Strike Force and later the Metro Gang Strike Force (GSF). You were not named as a suspect in any criminal incidents after an Audit and review of the practices of the GSF. The GSF in its two forms had operating procedures that incorporated the policies and procedures of the home department from which the Task Force Officers were assigned. There were no rules or procedures in the Gang Strike Force that would take precedence over the operational procedures of the Saint Paul Police Department.

Upon your return to the Saint Paul Police Department, numerous allegations of multiple violations of policy were made. The Saint Paul Police Department initiated an Internal Affairs Investigation into your actions during your time assigned to the GSF. After the investigation (IAU Case Number 09-0906) the case was reviewed by both Internal Affairs Staff and then by me. I concur with the findings of sustained Improper Procedure and Improper Conduct.

This case concerns violations occurring over an extended time period and nine separate incidents. These matters are documented in the Internal Affairs Case summary. Please see IAU Case # 09-0906 for details. The following violations occurred:

Improper Procedure:

- You claim to have turned narcotics into the Saint Paul Crime Lab but no record of narcotics had been submitted into them.
- You failed to accurately document recovery of narcotics. While a GSF report was written as an informational report there was no documentation of the recovery of evidence.
- You appeared to document the wrong item numbers for a case which created two pieces of evidence for the same item number in the same case.
- You inaccurately documented the cross referencing of case numbers between SPPD cases and GSF cases.

Improper Conduct

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- You failed to turn in felony level controlled substances into either a property room or crime lab that can accept this type of evidence.

Internal Affairs investigated a complaint of Improper Procedures and Improper Conduct (09-0906) in which you were the principal. The investigation found that your actions were not within policy and may have created both procedural and evidence issues with not only your cases but the cases of others. The actions demonstrated in this incident are in direct violation of General Order (G.O.) 150.09, Attention to Duty; General Order 230.20 (24) Failure to Inventory; G.O. 439.08 Crime Lab Property/Evidence Procedures; G.O. 230.20 Failure to perform duty imposed by law, City Charter or Department General Orders; G.O. 150.02 Conduct Unbecoming an Officer; G.O.; 416.00, Purpose of Reports, and City of Saint Paul Civil Service Rule 16.B (5), sub 5 and 9, Conduct Unbecoming a City Employee.

Your failure to follow procedures on criminal cases is an example of the type of poor police work that resulted in the Gang Strike Force being dismantled. The extensive negative media coverage of the Task Force has cast doubt on the abilities of law enforcement in general and will create issues for years to come.

Your conduct was not only improper for that of a Saint Paul Police Officer, but also demonstrated poor judgment and the inability to manage your time, cases or information. It is my hope that you will reflect on your actions and resolve to exercise better judgment and skills. Future acts of the same, or similar behavior, will result in increased discipline up to and including termination

Based on the meeting on June 11, 2010, with Chief Harrington, you and Federation President Titus; with the reduction in suspension time, you have agreed to waive your right to appeal this discipline.

Sincerely,

Thomas E. Smith
CHIEF OF POLICE

cc: Assistant Chief Kathy Wuorinen,
Commander Paul Iovino
John McCormick, Office of the City Attorney
Labor Relations
Personnel Unit
Internal Affairs
File

Name of supervisor giving the discipline — Date 6-29-10

Signature of employee (signature signifies agreement of discipline and waiving right to appeal) — Date 6/29/10

Send a signed copy back to Chief Smith and Personnel

07-08-10P12:56 RC

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DEPARTMENT OF POLICE
Thomas E. Smith, Chief of Police

CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

367 Grove Street
Saint Paul, Minnesota 55101

Telephone: 651-291-1111
Facsimile: 651-266-5711

April 24, 2011

John McManus
367 Grove Street
Saint Paul, MN 55101

Dear Officer McManus:

This letter is to inform you that you are being suspended without pay for a period of one (1) eight-hour work day. Senior Commander Axtell will meet with you and determine the actual calendar date in which you will serve your suspension.

The reason for the suspension is that on various dates between 2004 and 2008 while assigned to the Minnesota Gang Strike Force (MGSF) you seized several items without cause and later disposed of them improperly. The Internal Affairs Unit conducted an investigation under IA# 09-0902 and sustained Improper Conduct and Improper Procedure for these actions.

Specifically, during a search warrant on October 26, 2004, you were the affiant. This warrant was executed at 1023 Jessie, up. A Terminator mini bike was seized. This seizure was not authorized in the warrant. You explained in your Internal Affairs interview that the mini bike was unclaimed because you believe it was traded for drugs. You stated you believed you had cause to seize the mini bike. You never documented this in your reports. You acknowledged that the mini bike was given to one of your informants in lieu of cash. You stated this was authorized and practiced within the MGSF. Yet MGSF policies list three ways evidence can be disposed of and none of which makes any reference to turning it over to informants in lieu of cash.

Secondly, On January 29, 2008, you assisted in a search warrant executed at 1766 Lansford Lane in Mendota Heights. You seized two jet skis. These were not listed in the warrant as items to be seized. You admitted to seizing the jet skis in your Internal Affairs interview. You did not properly document the seizure of these items or the reasons and follow-up relating to the two jet skis. In fact you stated, "I guess I wrote a shabby report, or should have included it, but at the time it didn't appear that it was critical, in retrospect now it does." You later found out the Commander of the MGSF was going to sell the jet skis and talked to your sister about them. She in fact bought the jet skis. You stated that "the appearance looks very bad..."

Lastly, On February 17, 2005, you assisted at a search warrant executed at 790 Iglehart Avenue, Saint Paul. A stolen utility trailer was seized. You contacted the victim of the trailer, a business, who declined return of the trailer. You failed to document this. The trailer was later sold by the MGSF Commander to a family member. You admitted in your Internal Affairs interview that you were responsible for this and failed to reduce your finding to writing. You stated, "I've apologized to her (affiant officer) for not writing it down."

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There are issues regarding these incidents which are of concern to me. Your actions reflect poorly on you and the Department. Your actions are potentially damaging to your and the department's relationship with the community. You have discredited yourself.

Based on the above, you have been found to have engaged in Improper Conduct and Improper Procedure. More specifically you have violated Civil Service Rules Section 16B, Subparagraph 2, 4, 5, 6 and 11. Your conduct has violated Department General Orders and MGSF Policy Manual:

120.00 – Law Enforcement Code of Ethics
131.00 -- Primary and Functional Objectives – Purpose
133.04 – Recovery and Return of Property
150.09 – Attention to Duty
230.13 – Conduct Unbecoming a Peace Officer, Principles 3, 4, and 5
323.00 – Investigative Unit Personnel, 4, 9
416.00 -- Report Writing
MGSF 3-14-10 -- Disposal of Evidence

It is my hope and intent that the accompanying discipline will cause you to take an introspective look at your behavior and do what is necessary to modify and correct it. Any further violations will lead to more severe discipline up to and including termination.

You have the right to appeal this suspension. If you wish to do so, you should contact your union representative who has been notified of this discipline.

Sincerely,

Thomas E. Smith
CHIEF OF POLICE

cc: Assistant Chief Thomasser
Senior Commander Axtell, West
Internal Affairs
Personnel
Asst City Attorney John McCormick
Tracey Blees, Labor Relations
File

Name of supervisor giving the discipline — Date 5/4/11

Signature of Employee — Date 5/4/2011
(Signature signifies receipt of discipline letter)

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State of Minnesota
1/5/2026 4:16 PM

STATE OF MINNESOTA
MINN. CORRECTIONAL FACILITY - ST. CLOUD

OFFICE OF SPECIAL INVESTIGATIONS

MCF-SCL

FAX TRANSMISSION

TO: Kathy Keena FAX #: 651-438-4479
Asst Dakota County Attorney

FROM:	Mark Weis	Mike Sjogren	Ross Norman
PHONE:	320-240-3041	320-240-7093	320-240-7012

FAX NO.: 320-240-7058

DATE: 3/1/07 Number of pages including coversheet: 6

MESSAGE: Per your request, please see attached letter. Let me know if I can be of any further assistance.

Regards,
Mike S.

Confidentiality Notice

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the address below via the U.S. Postal Service. Thank you.

Minnesota Correctional Facility - St. Cloud
2305 Minnesota Boulevard; St. Cloud, MN 56304-2424

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1/5/2026 4:16 PM

NOTICE: Mailed from a MN Correctional Facility
Name: Philip Vance
OID#: 215517
Address: 970 Pickett St
City/State/Zip: Bayport MN 55003

Minnesota Correctional Facility – Stillwater

UNITED STATES POSTAGE
PRIORITY MAIL
02 1A $ 00.39⁰
0004378506 FEB 26 2007
MAILED FROM ZIP CODE 55003

A914

Mr John Martin
#221055
2305 Minnesota Blvd.
St. Cloud, MN 56304

56304#2424 C011

MINNESOTA JUDICIAL BRANCH

State's Exhibit 2 - CRU Supporting Materials and Documents - Pg. 978

MAR. 1. 2007 3:38PM 3262467658 NO. 3952 P. 3

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2-25-07

John, man wassup? I sent you a kite & you ain't even get at me. Dig this, I wrote up an affidavit, I need you 2 copy it in your handwriting & have it stamped notarized & signed. Read it, its the truth. I ain't askin you 2 lie, it's just that the day we left w/ them White broads wasn't the day of this murder. What you didnt know was Ria was in the car w/ them white girls to that day. I remember it clearly cuz I only rode in that car maybe 3 times. Another thing is, the state used your testimony to give the jury an idea to build off. W/o your testimony their theory couldnt connect. You see they dismissed all charges on them white girls cuz they ain't have no evidence. They wanted 2 dismiss the charges on Stacks, but he wasnt a man & coped out 2 some shit he ain't even do. And me, I got convicted cause

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I had alot more enemies than I knew Alotta M.F get charges dismissed & time cuts to lie. Stacks get out 2011, the broads are out & I got life 4 some shit I aint do. Alotta false testimony by police & no evidence. No prints, gun, links, nobody actually seen the suspects. People made statements then get 2 trial & changed they statements. When the truth is, if M.F's would've just told the truth from the beginning this situation would've never occured. Vanessa & Kentrell tried to put you in this shit I told them you aint got shit 2 do w/ nothing. But what's important is fixin what's wrong. Write me back, let me know you received my kite. And your opinions on the situation. Try & get this shit signed & notarized A.S.A.P I'm on a time line. I appreciate it. Remember, get at me, let me know wassup. One thang I can say you didn't attempt or try 2 get me locked up so I still Respect you. F.B

PS. When you sign & notarize it send it 2 my lawyer

Roy G. Spurbeck
2221 University Ave.
Suite 425
Minneapolis, MN 55414

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I _____ swear to the following: Some time after New Years of 2003 I spoke w/ Philip Vance. Our discussion centered around trying to figure out his where abouts on the evening of Dec. 22, 2002. Some time around this time myself, Mr. Vance, & Mr. Johnson had visited a bar in the skyway downtown (Radisson Bar) During the discussion between Mr. Vance & myself we came to the conclusion that we had been together on the date of 12/22/02 & he & Johnson later left w/ 2 females Yvonne & Nicole. Once we reached this conclusion Vance felt this gave him an alibi & he couldn have committed any robbery / homicide I testified at trial & before a grand jury to this when the truth is I wasn't 100% positive that the day I testified to was actually 12/22/02. I do remember this day occuring, but actually

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happening on the 22nd of December Im not positive. Johnson & Vance discussed going to the Liquor store. And if the 22nd of December was a Sunday then the day I testified to wasnt on 12/22/02. I never attempted to lie about anything, the date of my recollection was incorrect. And with that I submit this affidavit under the penalty of perjury.

name _____ date _____

notary _____

signature _____

notary signature _____

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1/5/2026 4:16 PM

3/1/07

I John Edward Martin Swear to The following

Sometime after new years of 2003 I spoke with Philip Vance ar discussion center cround trying to figure out his where abouts on The evening of dec 22. 2002 Sometime cround This time myself mr Vance and mr Johnson had visited a bar in The Skyway downtown (Radisson bar) during The discussion between mr Vance and myself we come to The conclusion That we had been together on The date of 12/22/02 mr Vance and mr Johnson later left with two females Yvonne and nicole.

once we reached This conclusion Vance felt This gave him an alibi and he couldnt have committed any robbery or homicide now I testified at trial and before a grand jury to This when The truth is I really wasnt 100 percent positive That The day I testified to was actually 12/22/02.

I do remember This day occuring. but actually happening on The 22nd of december Im ~~not~~ postive now Johnson and Vance discussed going to The liquor Store and if The 22nd of december was a Sunday Then The day I testified to wasnt on 12/22/02.

now I never attempted to lie about anything. The date of my recollection was incomect and with That I submit This affidavit under The penalty of perjury

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John Edward Martin
3/1/07

John Edward Martin
3/1/07

Signature of Notary

EDWIN M. EMERSON
NOTARY PUBLIC-MINNESOTA
My Comm. Exp. Jan. 31, 2009

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State of Minnesota
1/5/2026 4:16 PM

SOUTH SAINT PAUL POLICE
REPORT OF INVESTIGATION
FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS

CASE #

02018427

Subject:
John Edward Martin, date of birth, 03/28/1982

On March 01, 2007, Assistant Dakota County Attorney Kathy Keena informed me, Captain Vujovich, that she had received information from Agent Mike Sjogren, Special Investigations Minnesota Correctional Facility, St. Cloud Philp Vance was attempting to contact John Martin. Agent Sjogren stated Vance is currently being held at MCF Stillwater and Martin is currently being held at MCF St. Cloud. Agent Sjogren indicated during the course of his duties, for security reasons, mail being sent from one correctional facility to another often screened. It was during a security screening he learned Vance was requesting Martin to write to his attorney to indicate during his testimony that he may have been mistaken about the dates and times. Attached to this report is a copy of the letter.

On March 07, 2007, Sergeant Oeffling and I met with Martin at the Anoka County Jail where he was being temporarily held. I explained to Martin the purpose of our presence was to determine if any of his statements during his testimony were incorrect and/or if he was feeling direct or indirect pressure by Vance to amend his testimony. Martin stated this is the second letter Vance has written him. Martin stated he still has the first letter in with his possessions at MCF St. Cloud. Martin stated upon his return to MCF St. Cloud he will turn the letter over to Agent Sjogren. Martin stated the testimony he provided during the Vance's criminal trial was correct to the best of his knowledge. Martin stated he has written Vance's attorney a letter stating the same.

Martin stated at this point he is not feeling any type of direct or indirect pressure by Vance to amend his testimony. Martin was advised if that changes he should notify the MCF St. Cloud staff immediately.

D.S. Vujovich
2102

CC: Dakota County Attorney

MINNESOTA JUDICIAL BRANCH

Filed in District Court
State of Minnesota
1/5/2026 4:16 PM

To: Phillip Vance File
From: Maggie Bischoff
Date: May 2, 2017
Re: Interview with Philip Vance

At 12:30 P.M. on May 2, 2017, Megan Odom and I set out to meet Philip Vance for a legal visit at the Minnesota Correctional Facility – Stillwater. After some small talk, Vance asked us if we were working on behalf of the state. We reassured him that we were with the Innocence Project of Minnesota and he began to relax. He was pleased and shocked that we were investigating his case. It became clear that Vance didn't know that we had been working on his case since the fall semester.

Recently Vance hired a private investigator named Pat Robinson (612) 408-4231 at 5877 Bradbury Ct., Inver Grove Heights, MN 55076. Throughout the interview, Vance repeatedly urged us to call the investigator to collaborate on his case. He hired the investigator to try to find surveillance tapes and/or audio recordings that could help prove his innocence. Vance reported that Pat said he experienced something unusual when he tried to get records from the St. Paul Police Department; apparently typically they give him the file right away, but this time it took two weeks. Vance referenced how he had gotten some "Internal Affairs" documents about McManus and Shoemaker, and Vance knew how long the two men had been suspended for their MGSF conduct. We told him that we're in the process of getting the same documents.

Robinson had apparently told Vance that he could "clean up" the inaudible recording from the undercover gun sting with Melissa Stites. However, this conflicted with our impression from reading police reports and trial testimony that the tapes were never turned on because they knew it would be so inaudible. We said that this was obviously odd and concerning—how could 6 officers hear the conversation if it was too inaudible to record?—but that we did not believe there were any tapes to clean up. Vance says this conversation was different than the prosecution presented. Rather than talking about his Winchester gun, he was talking about a friend, Fabian Wilson, who stayed at 95th and Winchester on the south side of Chicago.

Vance also discussed how he felt like he was playing a game where only one side knew the rules. He thought by cooperating, he would prove he had nothing to hide. In hindsight, he wishes he hadn't spoken to the police at all, because they would get him to agree to something that sounded right, but would later twist it around on him and accuse him of lying. Vance mentioned that he had only been to South St. Paul twice in his life and had never seen Sabreen's. At one point in prison art class, he searched for Sabreen's online to see what the building looked like.

Vance went through a timeline of his night on December 22, 2002. We had him do this without much prompting so as to see what his story was as compared to the story that was presented by the State at trial versus the stories he told in his statements to police. We

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emphasized that it was okay if he did not remember certain parts and that we understood it was almost 15 years ago.

Vance said he started the night out by drinking at the Radisson with Dominick Johnson and Edward Townsend. From there, Vance and Johnson took the bus to Darlene Jones's grandmothers house. Darlene's grandmother Jacqueline Ezell and aunt Regina Hagerman always played bingo on Sundays so they left. Darlene's uncle, Demetrius, showed up and gave Vance and Johnson a ride to the Buttery. Vance did not remember Demetrius's last name. We asked Vance whether John Martin was ever with them; he said that on another day, he had been at the Radisson with Martin, but it wasn't that particular day.

Eric Griffin was drinking with Vance and Johnson at the Buttery. Vance kept his distance from Colleen McManus because he did not want to be kicked out by her like he had been before. Chris Koskie/Coskie was also bartending at the Buttery with Colleen that night. When prompted, Vance indicated that he never told Colleen that he had shot someone. He made it seem like he had agreed to that when the police were interrogating him but that he has no recollection of it ever happening.

After the Buttery, Vance and Johnson went to Vanessa Franco's house. Vance did not say much about this, except that they were on the East side.

Then they took a cab to Yvonne White and Amy's apartment in Eagan. Vance told us that was his first time meeting Yvonne. Dominick was messing around with Yvonne, which was why they went there for the night. Vance also mentioned that the next morning Colleen called him, which he thought was weird. Vance believes that conversation was recorded. He talked about how after the cab ride they only had about $5 left, so they had to take a bus back to St. Paul in the morning.

Vance reflected on his relationship with both Melissa Stites (Radisson bartender, allegedly pre-murder) and Colleen McManus (Buttery bartender, allegedly post-murder). He talked about how he and Melissa had been cool, for the most part, but then she really screwed him over after the gun sting. He learned that she had been part of some check fraud, which John Martin was also a part of, but Vance had never been caught up in that and didn't even know it was going on at the time. Vance said his relationship with Colleen was more hot-and-cold. He knew her brother was a police officer, but he said for the most part Colleen had always been cool. She would warn him about when the cops were coming so he could get out of the bar. When asked, he said he didn't know why either woman might have been out to get him.

Vance told us an interesting story about how sometime after New Years in January 2003, but before he got brought in on the gun sting, Colleen McManus asked Vance to get him drugs. She gave him a large amount of cash to buy the drugs with. Vance said he was weirded out by this and didn't get her the drugs. Even after Vance did not get her the drugs, she never asked for the money back so Vance kept it.

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We then moved on to discussing his supposed confessions to the five jailhouse informants. The only jailhouse informants who Vance says he even spoke with about his case are Dontay Reese (a former friend) and Geronimo Estrada. Vance spent two weeks in the workhouse with Estrada, who was considered a jailhouse lawyer. Vance remembers approaching Estrada because he saw all his books about criminal law and procedure. Vance told Estrada all the details about his case, including information about what was stolen from Sabreen's. We asked Vance how he came to know this, since that had been used against him as "insider knowledge only the culprit could have" at his trial. Vance said he had knowledge of these items because the police left a copy of the search warrant in his home after it was raided. That's how he came to know about the cigarettes, lottery tickets, and plastic bags. Estrada later used this information against Vance. Vance said he told Dontay Reese about his case because they had been friends, but he never told Dontay he had been involved.

Isaac Hodge was mentioned as having a reputation for being a known informant, who is used as a gang expert and has testified in almost a dozen cases. After being stabbed in prison, Vance believes Hodge was moved to FMC – Rochester for his protection. Vance believes everyone who testified against him at trial got deals, otherwise they would not have testified.

We talked briefly about Tyrone Crawford's testimony. We explained to Vance that although he has an affidavit from Trevor Crawford explaining that Tyrone and Maynard Cross were friends, it would be important that we be able to connect with Tyrone himself and see if he'd recant. We told Vance that contacting all five jailbirds is on our agenda for the coming weeks.

We moved on to talking about the alleged confessions to the non-jailhouse informants. Vance says Darlene's aunt Regina, who was a known crack user, was offered $10,000 for her testimony. Vance also talked about going back to Darlene's grandma's house to get the object he left there. This was discussed during his trial, but the item he went back to get was never identified. Vance said it was his gun that he went to get. At first, Vance told her grandma that he left his sweatshirt there. After some further questioning, Vance had to admit to her what he left and she became angry with him. We asked Vance whether he had ever confessed in front of Darlene's grandma, Jacqueline Ezell, but he said no.

Vance never talked to Darlene before the trial because he was told that it would be tampering with witnesses. Police also told told him that Darlene said she was not with him that night, which he later found out was a lie. She never said that; she said she could not recall if she was with him. Darlene Jones' phone number is (773) 501-9374, should we need to reach out to her.

At one point, Vance reflected on how he and Johnson had been incredibly close, best friends, but he has come to realize they are two "different kinds of people." He talked about how Johnson always thought it was cool to be investigated or sent to jail/prison. For example, Vance noted that since Johnson got out on his plea deal for this crime, he's

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been back in several times. Vance, on the other hand, says he never thought this was cool. Vance came across as very mature in this regard. He made multiple references to how he had just been incredibly naïve at 22 when this all happened.

Vance also brought up the letter between himself and Johnson that was introduced at trial containing the language "never ever talk about the past." He explained that because the two men were in jail they could not send each other mail, so they would do it through Vance's girlfriend at the time, Sonya Clark. Vance explained to us how this "never talk about the past" message had nothing to do with the crime; apparently in earlier letters Johnson had talked about girls Vance had been messing around with, which Sonya read and became very upset about. Vance knew Sonya had been reading the letters the men exchanged and he didn't want Johnson to keep talking about Vance's other girls, which was getting Vance in trouble with Sonya. Although this seems like a far-fetched story, perhaps, Vance was very genuine in explaining this and it came across as very believable.

At one point, Vance told us an interesting story about how a few years ago during a prison class he was talking to a man named "Alfredo" about his case. Vance had explained that he was convicted of a South St. Paul murder. Alfredo asked him if he was talking about Sabreen's. Vance said yes, and Alfredo told him he had heard some Latin Kings were responsible for the robbery/homicide. Vance doesn't know Alfredo's real name but will try to find out. We found this particularly interesting in light of the fact that Kathleen Johnson, the 911 caller who walked in on the crime in progress, initially reported that the men were speaking Spanish.

This led us to talk about how at trial the fact that they were speaking Spanish never came out. Vance's attorneys didn't ever cross-examine Ms. Johnson on this point. We asked Vance to reflect on his memories of trial and his trial attorneys in particular—Nitu Singh and Cean Shands. Vance did not have many, if any, good things to say about them. Vance remembered that during trial, Cean Shands would lean over and ask him who each witness was as they went on the stand. He would then pull out their individual folder from his file and skim read it before cross-examining them. Vance mentioned that Nitu Singh quit being an attorney after his case. Vance believes his attorneys did not do anything to help him.

He also mentioned that Pat Robinson, the private investigator, had tried to get Cean Shands's file but Cean was not returning his calls or available at his office. We explained to Vance our efforts to get in touch with Nitu Singh and Cean Shands. We told him that we have both their files at this time, which might explain why Mr. Robinson wasn't able to acquire them.

Vance would like us to follow up with his private investigator, Pat Robinson. He would also like us to talk to Geronimo Estrada and Dontay Reese, in particular. Reese is a registered sex offender so he should not be hard to track down. Vance also asked us to meet with Maynard Cross. Vance recounted that Cross was at trial in the hallway and was ready to testify, but he told the prosecutor that if she called him to the stand he would say everyone was lying; that was why the prosecution never called him as a witness.

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Vance is wondering if there is any way to find surveillance footage from the Buttery or the Radisson, or to get his phone location records. We indicated to him that it was very likely, if not impossible, given how long it has been. Vance reported that his private investigator told him that nothing is ever truly gone and is probably backed up somewhere.

During this visit, we tried to summarize our efforts so Vance knows what we have accomplished so far. We explained our efforts to meet with Colleen and Melissa, as well as our efforts to review Nichole Rauschnot's trial file and hear from Yvonne White. We also emphasized that we have a high burden to meet—"clear and convincing proof of innocence." He understands that the bar is high but seemed appreciative of our efforts. Vance seemed both surprised and impressed that we knew all the involved players and were so familiar with his story.

Vance would like us to send him a letter containing our contact information, as well as a copy of Dominick Johnson's plea. He never read it and was unaware that Johnson implicated him in the murder. We agreed and thanked him for his time. Our visited ended at 2:30 because that was the time limit for legal visits.

MINNESOTA JUDICIAL BRANCH

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State of Minnesota
1/5/2026 4:16 PM

To: Julie Jonas
From: Tyler Vivian
Date: 9/22/17
RE: Phone Call with Darlene Jones

Julie Jonas and I spoke with Darlene Jones for around five minutes on September, 22, 2017. Ms. Jones remembered Mr. Vance, and was aware that he was serving a life sentence for the shooting at Sabreens. More importantly she also remembered the night of the Sabreens shooting, December 22, 2002. She said that on that night Mr. Vance came over to her home in the evening. She said that he stayed over at her place for a while, and was watching a football game there. She said that eventually, the two of them got into a fight and that he threw her shoes on the roof, because he didn't want her going out that night. She said that she would never forget that night, because she had just moved into the home where she was staying and those were her only pair of shoes. She said that Mr. Vance had come over to her place alone that evening, and that he left on foot. She thinks it is correct that her uncle Lawrence O'Connor gave Mr. Vance a ride to the Buttery in downtown St. Paul after the fight. She said that her two uncles and maybe one of her uncle's friends were also at the house that evening.

Ms. Jones said that she was never contacted by the police. She says that she spoke to some investigators, she believes for the defense. Ms. Jones phone cut out on us as we were asking her questions. She seemed friendly and willing to talk, until her phone cut out. We attempted to call her again, but she did not answer, so we left her a voicemail. Her phone number is (773)501-9374.

MINNESOTA JUDICIAL BRANCH

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STATE OF MINNESOTA DISTRICT COURT

COUNTY OF DAKOTA TENTH JUDICIAL DISTRICT

Philip Randall Vance, Case No. 19-K6-04-000736

Petitioner,

vs.

MEMORANDUM IN SUPPORT OF PETITION FOR POSTCONVICTION RELIEF

State of Minnesota,

Respondent.

TO: THE HONORABLE MICHAEL J. MAYER; STATE OF MINNESOTA; MINNESOTA ATTORNEY GENERAL'S OFFICE; AND DAKOTA COUNTY ATTORNEY'S OFFICE.

INTRODUCTION

By petition accompanying this memorandum, Philip Randall Vance ("Petitioner"), respectfully requested that this Court vacate and set aside his conviction for first-degree premeditated murder, first-degree felony murder during an aggravated robbery, and second-degree intentional murder in this matter, among other relief. Petitioner's requested relief is necessary because he was denied effective assistance of appellate and trial counsel, a right guaranteed to him by the Sixth and Fourteenth Amendments to the United States Constitution and Article I, Section 6, of the Minnesota Constitution. Moreover, Petitioner was denied access to exculpatory *Brady*, *Giglio*, and *Youngblood* evidence during the course of his trial, direct appeal, and prior postconviction proceedings. *See Brady v. Maryland*, 373 U.S. 83 (1963); *Giglio v. United States*, 405 U.S. 150 (1972); *Youngblood v. Arizona*, 488 U.S. 51 (1988). Petitioner's conviction was also dependent upon testimony and evidence now known to be false. The false testimony at issue in Petitioner's case invalidates both the conviction and the underlying indictment.

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The constitutional deficiencies in Petitioner's case have been extraordinarily detrimental, causing Petitioner to spend more than 20 years in prison despite being factually innocent of the crime of conviction.

Myriad errors in Petitioner's case, combined with the ineffective assistance of trial and appellate counsel, and fundamentally unfair trial discovery procedures, contravene our system of justice and the integrity of our jury trials, were plainly erroneous, and detrimentally affected Petitioner's substantial rights. Petitioner's convictions must be vacated and set aside in order to ensure the fairness and integrity of our judicial system and proceedings, and also because he is factually innocent. This memorandum is submitted in support of Petitioner's request for postconviction relief.

FACTS AND PROCEDURAL HISTORY

I. DISTRICT COURT PROCEEDINGS

a. Charges, Joinder, and Amendments.

Petitioner was charged by indictment in this matter on March 12, 2004. Exhibit P-1, Indictment. The indictment indicates that a Dakota County Grand Jury met on March 3, 10, and 11, 2004, regarding the investigation into the facts and circumstances surrounding the death of Khaled Al-Bakri. *Id.* at 2. Seventeen witnesses appeared and testified during this investigation, consisting of: Tariq Bakkri; Captain Daniel Vujovich; Corporal Mark Sawyer; Kathleen Johnson; Samantha Renville; Matthew Renville; Dale Marx, Jr.; Mohammed Sedqi; Dr. Lindsey Thomas; John Martin; Melissa Stites; Maynard Cross; Colleen McManus; Eric Griffen; Fabian Wilson; Regina Hagerman; and Geronimo Estrada. *Id.* The grand jury returned an indictment charging Petitioner with three crimes: (1) murder in the first degree (premeditation) in violation of Minn. Stat. § 609.185(a)(1); (2) murder in the first degree (felony murder – aggravated robbery) in

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violation of Minn. Stat. § 609.185(a)(3); and (3) murder in the second degree (intentional) in violation of Minn. Stat. § 609.19, subd.1(1). *Id.* at 2-3.

b. Evidence at Trial.

A trial was held from September 20, 2004 until October 5, 2004, taking place before the Honorable Rex D. Stacey in Dakota County, Minnesota.

The State's theory at trial was that Petitioner had killed the victim in a robbery gone bad, then subsequently admitted to this murder to various witnesses. Johnson was to be his accomplice. Sabreen's was the store. Al-Bakri was the victim. Nearly all of the key fact witnesses have since recanted or admitted they were untruthful. There was no direct witness to the murder who testified at trial.

Numerous witnesses testified falsely and materially. Much of this false testimony was only discovered or admitted to be false recently. *See infra.*

John Martin testified for the State. *See* Exhibit P-3, Trial Tr. at 180. Martin was asked if he received anything in exchange for his testimony, to which he responded "no." *See id.* at 181. However, Mr. Martin was paid $169.50 by the SSPPD to act as an informant in the case. *See* Exhibit P-6, State's Disclosure of Trial Witnesses ¶ 19. Martin claimed to be with Petitioner and co-defendant Dominick Johnson on December 22, 2002 a few hours before the robbery at Sabreen's occurred. *See* Exhibit P-3, Trial Tr. at 183-89. Martin claimed that he saw Petitioner and Johnson get in a car with two girls named Yvonne and Nicole. *See id.* Martin testified that no robbery was discussed. *See id.* at 194. On recross, Martin was asked if he was paid $169.50 to act as an informant, and he said he was not. *See id.* at 180-96. It therefore is plain that Mr. Martin lied about the inducements Martin was given to testify, and the State took no steps to correct this.

Melissa Stites testified for the State. *See* Exhibit P-3, Trial Tr. at 198. Ms. Stites testified

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that she was employed at the Radisson bar in St. Paul on December 22, 2002 and was working that night from 4:30 PM until 10:00 PM. *See id.* at 199. Stites testified that Petitioner and Johnson came into the bar she was working at on December 22. *Id.* at 202-03. Stites claimed they were with a third man who she could not identify. *See id.* at 203. Stites testified that Petitioner and Johnson were more secretive than usual. *Id.* at 203-04. Stites said Petitioner and the other two men were there at around 7:15 to 7:45 PM. *Id.* at 204. Stites claimed that as Petitioner was leaving, she made a comment seeking a tip and he responded, "Don't worry, Baby, when I get back there's going to be plenty of money." *Id.* at 205. Stites reported calling Officer John McManus ("MGSF Officer 1") of the Minnesota Gang Strike Force the next day to report this comment because she "knew something was going on." *Id.* Stites acknowledged previously providing MGSF Officer 1 information about possible criminal activity. *See id.* Stites testified that she acted as a confidential informant ("CI") on January 3, 2003, wearing a wire and having a conversation with Petitioner at a bar in St. Paul called "The Buttery." *Id.* at 205-06. Stites claimed she and Petitioner changed locations, going to another St. Paul bar called "The Lab." *Id.* at 206. Stites testified that police had given her a cell phone, and that before going to the Lab, she called Minnesota Gang Strike Force Officer Andy Shoemaker to get permission to change locations. *Id.* at 206-07. The permission was granted, and Stites drove herself and Petitioner to The Lab. *Id.* at 207. Stites claimed that once they arrived at The Lab, there was a conversation between herself and Petitioner involving guns, in which Petitioner is claimed to have said he had "shot a guy two weeks ago over south side five times in the back." *Id.* at 207.

On cross, Stites confirmed that Petitioner never admitted that he shot anyone in South St. Paul, nor did he ever admit that he shot the store clerk at Sabreen's. *Id.* at 208-09. Stites noted Petitioner did not return to the bar that night. *Id.* at 212. Stites acknowledged that Petitioner never

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claimed he was going to do anything illegal. *Id.* Stites then claimed, quite prejudicially, that she personally believed Petitioner committed the robbery at Sabreen's solely based on his statement that "I am going to get my plan on." *See id.* at 212-14. Stites then claimed that Petitioner confessed to committing the robbery on January 3, 2003. *See id.* at 214-15. Upon further questioning, she acknowledged that Petitioner never told her he committed a robbery. *Id.* at 215. Stites was asked quite directly whether she concocted this story with MGSF Officer 1 after speaking with him. *See id.* Stites acknowledged knowing Officers McManus and Shoemaker from the Minnesota Gang Strike Force quite well, and that they would sometimes pay her for information. *Id.* at 215. Stites clarified that Petitioner claimed to have told her that he shot someone five times on the South Side, and claimed, "**It's all on the recorder**." *Id.* at 216 (emphasis added).[1] Stites testified that she subsequently purchased a firearm from Petitioner for a police sting operation. *Id.* at 216-17. This recording was never produced, and was destroyed, if it ever existed.

Stites acknowledged in her testimony that she was paid $1,500 by the MGSF after the gun purchase. *Id.* at 217. Stites claimed the U-Haul truck was $999, plus expenses for gas, and claimed these were relocation expenses. *Id.* Stites also acknowledged being paid $60 for appearing in Court on the day of her testimony for lost wages, which was apparently supposed to offset an entire week of missed work. *Id.* at 218. On redirect, Stites claimed she moved out of Minnesota because she felt fear, "fear for [her]self, fear for [her] family." [2] *Id.* She claimed the $1,500 was "purely" for

[1] Task Force records that were not given to the jury indicate that officers intentionally chose to forego recording the conversation, supposedly because the bar was too loud, yet those same officers simultaneously claim to have been able to hear the conversation perfectly. *See, e.g.*, Exhibit P-7, Report of Investigation at 2 ("Although the conversations could be heard, background noise was so loud that any attempts at recording the conversations would not be successful.").

[2] When Stites moved out of state, she moved to Pennsylvania. Exhibit P-10, SmartLinx Person Report for Melissa Stites (Feb. 3, 2025). Stites appears to have been romantically involved with someone in Pennsylvania at the time. *See generally* Exhibit P-8, Jailhouse Phone Transcript

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relocation costs. *Id.* at 218.

Colleen McManus, brother of MGSF Officer 1, testified on behalf of the State. Exhibit P-3, Trial Tr. at 220. Colleen McManus testified that she was employed and working at The Buttery on December 22, 2002. *Id.* at 220-21. Ms. McManus said she worked from 7:00 PM until 8:15 PM, and from 10:15 PM until 2:00 AM on December 23, 2002. *Id.* at 222. Ms. McManus claimed to have seen Petitioner and Johnson exit the car they were in when they left the Buttery, describing the car as a mid-sized, newer model, four-door car that appeared silver or light green in color. *See id.* at 222-23. Ms. McManus then saw Petitioner and Johnson in The Buttery. *Id.* at 224. Ms. McManus claimed that Petitioner and Johnson appeared "very nervous." *Id.* at 225. Ms. McManus claimed that another gentleman at the bar, Mr. Maynard Cross, was yelling at Petitioner at some point that evening. *See id.* at 226-27. Ms. McManus also claimed that Petitioner told her he "really fucked up this time." *Id.* at 226. Ms. McManus claimed Petitioner cried. *Id.* at 227. Ms. McManus claimed Petitioner confessed, or at least failed to deny, to her that he shot someone. *Id.* at 227-28. Ms. McManus claimed Petitioner told her he was going to be skipping town the next day. *See id.* at 229. Ms. McManus testified that she reported this conversation to her brother, MGSF Officer 1. *Id.* at 229-30. Ms. McManus testified that on December 23, 2002, she was asked by Dakota County Sheriff's Office Detective David Sjogren to call Petitioner; she complied and claims that Detective Sjogren taped the phone call. *Id.* at 230.

Ms. McManus testified that Petitioner had given her his new cell phone number a day or two prior to December 22, 2002. *Id.* at 230. This is odd, considering Ms. McManus had just testified that Petitioner had been kicked out of The Buttery a few weeks prior to December 22,

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Between Stites and Johnson (Jan. 6, 2003) at 1-2, 11-13; *see also* Exhibit P-37, Google Maps Screenshot (showing that the Pennsylvania address listed for Ms. Stites from 2003-2005 is only a 30-minute drive from USP Canaan, a federal prison).

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2002 and was not allowed to return. *See id.* at 224. Ms. McManus testified that Petitioner returned to The Buttery on December 29, 2002 and told her what he had bought his kids for Christmas, noting he spent about $400-450 on their presents. *Id.*

On cross, Ms. McManus admitted that Petitioner never told her any specifics about the Sabreen's robbery. *Id.* at 233. Ms. McManus admitted that the money Petitioner spent on Christmas presents for his children was never claimed or indicated to be the proceeds of a robbery. *Id.* Ms. McManus confirmed that Petitioner never admitted or denied shooting someone. *Id.* at 234. Ms. McManus claimed that when Maynard Cross supposedly yelled at Petitioner from across the bar on December 22, he said, "Quit acting like a crazy motherfucker. Shut your mouth." *Id.* at 234-35. Ms. McManus stated that when she called Petitioner on December 23, 2002, he was still in town. *Id.* at 236.

On recross, Ms. McManus added that Maynard Cross also allegedly yelled at Petitioner from across the bar, "Don't be a dumb nigger and shut your mouth." *Id.* at 238. Ms. McManus was then asked why she would not have told her brother, MGSF Officer 1, if Petitioner had given her specific details about the robbery. *Id.* at 239. Her response was:

> A: I didn't want to interfere. I mean here's my brother, a police officer, and I am – you know, it was real complicated.
>
> Q: Why is it complicated? Why wouldn't you do that?
>
> A: I didn't want to, you know, in appearances of impropriety, the collusion or – because my [other] brother is also in the judicial practices.
>
> Q: You've got a brother that's a judge in Dakota County?
>
> A: Yes.
>
> Q: So it's your practice to try and –
>
> A: Not have it look too incestuous, you know. But I mean it was.
>
> Q: And you don't want to become a witness in your brother's case?

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> A: I didn't mind becoming a witness. I just didn't want it to appear that were was any kind of setup or coercion or --.

Exhibit P-3, Trial Tr. at 239.

Ms. McManus was then dismissed. However, after the jurors were excused, the State's prosecutor told the Court that Ms. McManus "chided [the State] for not asking [a] follow-up question" regarding Petitioner's employment at United Hospital. *Id.* at 241. The witness, Ms. McManus essentially asked the State to recall her so that she could testify that Petitioner told Ms. McManus he quit his job at United Hospital "**three** days" after being hired. *See id.* (emphasis added). Ms. McManus apparently felt this was important because it would ostensibly demonstrate that the $400-450 Petitioner spent on his children's Christmas presents would appear to have come from the Sabreen's robbery. To the State's credit, they admitted to the Court that this was a witness-driven recall request. *Id.* Petitioner's attorney objected, but that objection was overruled by the Court. *Id.* at 241-42. Ms. McManus was recalled and testified that Petitioner told her he quit his job at United Hospital "**four**" days after being hired. *Id.* at 243 (emphasis added). *But see id.* at 241 ("three days"). Ms. McManus went so far as to testify that she knew Petitioner was unemployed around Christmas time, claiming she knew this because she would "see him at all hours," notwithstanding her prior comment that Petitioner had been kicked out of The Buttery, or 86'ed, permanently, weeks prior to December 22, 2002. *Id.* at 244. No explanation was provided for how Petitioner was allowed in the bar the week after he had been 86'ed permanently.

Neither the State nor defense counsel asked Ms. McManus whether she was given any inducements to testify or cooperate with the State. *See* Exhibit P-3, Trial Tr. at 220-44. Therefore, the jury was never made aware that Ms. McManus was paid $330.00 by the SSPPD for acting as an informant in this case. *See* Exhibit P-6, State's Disclosure of Trial Witnesses ¶ 8.

MGSF and St. Paul Officer Andrew Shoemaker testified for the State. Exhibit P-3, Trial

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Tr. at 244. Shoemaker was asked about the sting operation involving Melissa Stites that occurred on January 3, 2003. *Id.* at 245. Shoemaker testified that Stites was "wired for sound." *Id.* at 246. Shoemaker testified that, prior to this operation, he was made aware of Petitioner through his partner, MGSF Officer 1, who had talked to him previously about Petitioner. *Id.* Shoemaker acknowledged participating in the actual surveillance on January 3. *Id.* Shoemaker claimed he was able to monitor the conversation between Stites and Petitioner on January 3. *Id.* at 247. Shoemaker testified that while Stites was at The Buttery and talking to Petitioner and Johnson on January 3, Stites called MGSF Officer 1 from the bar and asked if she could go to The Lab with Petitioner. *Id.* at 248. Shoemaker claims that Stites and Petitioner went to The Lab, while Johnson remained at The Buttery. *Id.* at 248-49. Shoemaker claims to have heard conversations occur between Petitioner and Stites regarding guns. *Id.* at 249. Shoemaker claims to have heard Petitioner tell Stites, while in The Lab, that he shot someone "about two weeks ago over south." *Id.* Shoemaker claims Stites asked, "What did you do? What happened?" *Id.* Shoemaker claims Petitioner responded, "I had to shoot a guy in the back five times." *Id.* Shoemaker claims Petitioner also claimed that "he's had to shoot at quite a few people previously." *Id.*

Shoemaker was asked whether he or his team were "able to record any of this conversation?" *Id.* Shoemaker responded, stating, "No. We initially intended to record this conversation, but immediately at the Buttery and then through the night, over to the Lab, Fourth Street Station, the background noise was so loud and it was so much interfering that it was difficult at points to hear the conversation. From past experience in similar situations as this, we recognized right away that a tape would not be possible, where you could actually hear the conversation on a tape-recorder. Just a lot of background noise, voices yelling and shouting, music, just a lot of noises and some distortion or static in the transmitter itself would make it impossible to receive any kind

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of quality recording – or make any quality recording that night." *Id.* at 250. Nonetheless, Shoemaker claimed that the one important part of the conversation to which he had testified was somehow able to heard "very clearly." *Id.* Shoemaker does not explain why the recording was not turned on during moments of clarity. *See generally* Exhibit P-3, Trial Tr. at 244-55. Shoemaker admitted that he was the only officer in the car monitoring the conversation. *Id.* at 251. This absurd scenario wherein the officer testified to what he heard via a recording device, but did not record, was allowed unchallenged and no recording was ever produced.

St. Paul Police Officer Sandra Kennedy, who was also assigned to the MGSF, testified for the State similarly to Shoemaker regarding the relevant portion of the allegedly monitored conversation from The Lab. *See id.* at 256, 260. Officer Kennedy acknowledged she had a bit of trouble hearing the conversation between Stites and Petitioner, as it "was a little distorted" and noted that at The Lab, "with the music in the back, it was loud, but you could still pick up what was being said." *Id.* at 261. Defense counsel did not cross-examine Officer Kennedy. *Id.*

St. Paul Police Officer John Puka, who was also assigned to the MGSF, testified for the State similarly to Shoemaker regarding the relevant portion of the bugged conversation from The Lab. *See* Trial Tr. at 262-65. Defense counsel did not cross-examine Officer Pyka. *Id.* at 266.

ATF Special Agent David Nygren testified for the State similarly to Shoemaker regarding the relevant portion of the bugged conversation from The Lab. Exhibit P-3, Trial Tr. at 266-69. Although he was part of the ATF, apparently SA Nygren was also assigned to the MGSF. *Id.* at 267. Defense counsel did not cross-examine SA Nygren *Id.* at 269. All these people claimed to have heard portions of this monitored conversation, but did not record it, or destroyed any recording of it, and no attempt was ever made to reconcile this with the fact Shoemaker testified he was the only person in the car monitoring the conversation.

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St. Paul Police Officer Thomas Kreager testified on behalf of the State. *See* Exhibit P-3, Trial Tr. at 296-301, 315-40. Officer Kreager testified that during the investigation of the Sabreen's homicide, his investigators received information about other individuals, separate from Petitioner and Johnson, who may have committed the Sabreen's homicide. *See id.* at 329-30. When Kreager was asked if it was true that Kreager authorized deals to be given to other people in exchange for information that Petitioner may have said something about the crime while he was in jail, Kreager responded in the negative. *Id.* at 330. Kreager clarified that while he did not authorize these deals or offers, he was aware such offers were being made by investigators. *Id.* Kreager also confirmed that when Petitioner was first questioned about the homicide, he was not in custody and, even after those interviews, never tried to abscond from St. Paul or leave the jurisdiction. *Id.* Kreager confirmed that Petitioner cooperated with every interview request made by police investigators. *Id.* Kreager testified that despite telling Petitioner during an investigatory interview in April 2003 that officers could get the surveillance footage from Sabreen's, and despite telling Petitioner in the same interview that officers had fingerprints, ammunition, and the shell casings from the shooting, and despite telling Petitioner that DNA and fingerprint testing would be used, Petitioner continued to proclaim his innocence and submit to interviews, confident he would be exonerated by the investigation. *See id.* at 333-34. Kreager confirmed that Petitioner was, in fact, never seen on any surveillance footage inside Sabreen's or even near Sabreen's. *Id.* at 334. Kreager testified that foot impressions of shoeprints were taken from the crime scene, and that Kreager was never made aware of any claim that those impressions matched Petitioner. *See id.* at 334-35.

South St. Paul Police Captain Daniel Vujovich testified on behalf of the State. Exhibit P-3, Trial Tr. at 342. He was employed in that position on December 22, 2002 and was the principal investigator in Petitioner's case. *See generally id.* at 342-43. Vujovich testified that Sabreen's was

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located at 345 Fourth Ave. S., South St. Paul, MN. *Id.* at 343. Vujovich indicated he received leads on potential suspects from the MGSF early on in the investigation. *Id.* The first information given to Vujovich came from informant Colleen McManus, who had called her brother, MGSF Officer 1, on December 22, 2002 from The Buttery. *See id.* Captain Vujovich then provided hearsay testimony to indicate that Petitioner mimed shooting a gun, which defense counsel objected to as hearsay. *See id.* at 343-44. The Court asked the attorneys to approach, did not rule on the objection, and the State moved onto other questions. *Id.* at 344. Vujovich also testified that he received information, via the MGSF, from Ms. Stites. *Id.* Vujovich testified that he was involved in the January 3, 2003 sting operation involving Stites and Petitioner. *Id.* at 345. Vujovich claimed he was able to monitor the conversation between Stites and Petitioner, and testified to the relevant portions of that conversation involving a firearm in a manner mostly consistent with Officer Shoemaker. *Id.* at 345-46.

Vujovich testified that The Buttery and The Radisson are approximately a block or a block and a half apart. Exhibit P-4, Trial Tr. at 358-59. Vujovich testified that the distance between that vicinity of St. Paul was approximately 5.4 miles from Sabreen's. *Id.* at 359. Vujovich claimed to have driven a route between the area in St. Paul at issue and Sabreen's, and claimed it took him about 12 minutes to make the drive. *Id.* at 360.

On cross examination, Vujovich appeared to have trouble hearing defense counsel's questions. Exhibit P-4, Trial Tr. at 364. Defense counsel asked Vujovich if he has hearing problems, and Vujovich said, "I do have slight hearing loss, yes. If you would speak up, I'd appreciate it a little bit." *Id.* Vujovich admitted that when he was sitting in on the sting operation on January 3, he also had hearing loss at that time. *Id.* Vujovich testified that he told witness Eric Griffen that he would talk to the prosecuting authorities of Ramsey County about dismissing a

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third-degree controlled substance crime case if Griffen provided information about Petitioner regarding the Sabreen's homicide. *Id.* at 366. Vujovich was asked if he arranged with the Dakota County prosecution a 36-month sentence reduction for Dontay Reese's second-degree criminal sexual conduct conviction in exchange for informing on Petitioner, but for some reason that question was never answered despite the answer being a clear and obvious yes. *Id.* at 367; *see also* Exhibit P-6, State's Disclosure of Trial Witnesses ¶ 25 ("In exchange for his cooperation, the state has agreed to a downward durational departure from 98 months to 62 months"). Vujovich admitted giving witness Geronimo Estrada "funds for his inconvenience for phone bills," but claimed this money was not an inducement to cooperate against Petitioner. *See* Exhibit P-4, Trial Tr. at 368. Vujovich said he gave Mr. Estrada approximately $400. *Id.* Vujovich admitted that Estrada claimed other people were present during the conversation between Estrada and Petitioner where Petitioner supposedly confessed to Estrada, that police talked to the other person who was there, and that the other person was uncooperative. *See id.* at 378-79.

On October 1, 2004, Petitioner's attorney moved for a mistrial because one of the State's witnesses (Keitha McKinney) was represented by counsel, and the County Attorney's office failed to notify her counsel that she was being subpoenaed to testify. *See* Exhibit P-4, Trial Tr. at 355-57. Defense counsel argued that Ms. McKinney's testimony is evidence that should not have been admitted, and that this error prejudiced Petitioner. *Id.* The State responded by questioning why defense counsel was worried about the constitutional rights of a witness. *See id.* at 355-56. The mistrial was denied.

Regina Hagerman testified on behalf of the State. Exhibit P-4, Trial Tr. at 380. Hagerman testified that she is the aunt of Darlene Jones and the daughter of Jacqueline Ezell. *Id.* at 381. Hagerman testified that

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Petitioner went to her house in January of 2003, the day before the Super Bowl (Saturday, January 25, 2003). *Id.* Hagerman testified that Petitioner was visiting Darlene, drinking, and talking, staying at the residence for about five to six hours. *Id.* Somewhat incredibly, Hagerman testified that Petitioner was openly talking about being under investigation for a murder and that he and his friend committed the murder he was under investigation for. *See id.* at 381-82. Ms. Hagerman was asked questions about whether Petitioner mentioned anything about the police investigation, and she said no. *See id.* at 382. The State tried to refresh her memory of her grand jury testimony, but even after reading the testimony, Hagerman said she did not remember Petitioner saying anything about the investigation. *Id.* at 383-84. The State's prosecutor, despite having told Hagerman not to read her testimony, then pointed to the testimony she wanted Hagerman to read, and Hagerman complied, stating that Petitioner said he was under investigation but that the police would not be able to prove Petitioner committed the crime. *Id.* at 384. The State then tried to refresh Hagerman's memory again with a different document, showing her a transcript of her police interview from April 23, 2003. *See id.* at 384-85. Hagerman reviewed it and said she did not remember that interview. *Id.* at 385. Finally, the State got the answer they were looking for, and Hagerman testified that Petitioner "said he was under investigation for a murder him and his friend committed, but he had good lawyers and they wasn't coming up with nothing, the police." *Id.* [3] The State then tried to ask Hagerman additional questions about Petitioner's demeanor, tried refreshing her recollection again, and gave up when Hagerman again insisted that she did not know whether Petitioner was serious or joking when he allegedly made that statement. *See id.* at 386.

Eric Griffen testified on behalf of the State. Exhibit P-4, Trial Tr. at 389. Griffen confirmed

[3] Petitioner was not provided with counsel in this matter until June 19, 2003. Exhibit P-9, Letter from Atty. Lisa Janzen.

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that in exchange for his testimony against Petitioner, the MGSF recommended to the Ramsey County prosecutor that Griffen's pending drug charge be dismissed. *Id.* at 389-90. Griffen claimed to be at The Buttery at approximately 10:00 PM on December 22, 2002. *Id.* at 391. Griffen said he saw Petitioner and Johnson there. *Id.* Griffen claims he spoke with Petitioner on December 22. *Id.* at 392. Griffen claimed there were other people present during the conversation, but it was just Petitioner and Griffen speaking. *Id.* Griffen claims Petitioner said, "he had just did a robbery and it had gone bad, and the guy he was robbing, he had fucked him up," and added that Petitioner claimed to have told Griffen this happened in South St. Paul. *Id.* at 393. Griffen acknowledged that his first contact with MGSF investigators regarding Petitioner was "about having them help [him] get out of jail." *Id.* at 395. Griffen said he told the investigators he had information about the case and would only speak to them if they helped him get out of jail. *Id.* Griffen stated he did not take Petitioner's story seriously on December 22, 2002. *Id.* at 396. Griffen claims he was threatened after providing information to MGSF investigators and insinuated that the threat came from Petitioner. *Id.* at 398-99. Griffen claims this caused him to move out of Minnesota. *Id.* at 399.

Isaac Hodge III testified on behalf of the State. *See* Exhibit P-4, Trial Tr. at 400. He claimed not to receive any inducements to testify against Petitioner. *Id.* at 403. Hodge testified that he was housed with Petitioner in Sherburne County Jail and that Petitioner confessed to committing a murder-robbery and that it was not worth it because he did not receive enough money. *See id.* at 402-06.

Tyrone Crawford testified on behalf of the State. *See* Exhibit P-4, Trial Tr. at 407. Crawford testified that he was housed at Sherburne County Jail from February 2002 until March 31, 2004. *Id.* at 407-08. Crawford claimed that Petitioner told Crawford he recognized Maynard Cross from the newspaper article that published his picture after Cross was involved in a murder-robbery in

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Minneapolis. *See id.* at 408-11. Crawford claimed that Petitioner told him Petitioner had "shot a guy at the grocery store, and he was concerned that was going to come back on him." *Id.* at 411. Crawford claimed he did not receive any inducements to testify against Petitioner. *Id.*

John Nunn testified on behalf of the State. Exhibit P-4, Trial Tr. at 414. Nunn is Isaac Hodge III's uncle. *Id.* at 415. Nunn claims to have met Petitioner in county jail and Sandstone Prison. *Id.* Nunn claimed Petitioner told him about a robbery where someone "got murked" and that Petitioner was scared the gun would be found. *Id.* at 416. Nunn claims Petitioner admitted to committing the robbery. *Id.* at 416-17. Nunn claimed Petitioner told him that the gun used in the robbery was a .22 and that the gun was stashed at some girl's house. *Id.* at 417. Nunn claimed to have received no inducements for his testimony. *Id.* Nunn claimed he had no discussion with his nephew about the case or testimony. *Id.* at 419-20.

Sanya Clark testified on behalf of the State. Exhibit P-4, Trial Tr. at 421. Ms. Clark testified that she has been romantically involved with Petitioner and shares a child in common with him. *Id.* at 422. Ms. Clark testified that she would assist Petitioner in sending letters periodically to Johnson because she knew that inmates could not send letters from one jail to another. *See id.* at 424.

South St. Paul Police Officer Philip Oeffling testified on behalf of the State. Exhibit P-4, Trial Tr. at 424. Oeffling testified that he went to MCF Stillwater on September 23, 2004 and performed a search after learning from Captain Vujovich that Regina Hagerman had reported her fiancé, who was also house in MCF Stillwater, had received a threat over Hagerman's involvement in this case. *Id.* at 425-26. Oeffling suggested that the threat came from a letter from Johnson, who was also housed in Stillwater. *Id.* at 426. Oeffling conducted a search of Johnson's property; he did not find a threatening letter, but did find other letters, including a letter he received from

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Petitioner. *See id.* at 426-27.

Dontay Reese testified on behalf of the State. Exhibit P-4, Trial Tr. at 429. Reese confirmed that in exchange for his testimony, the Dakota County Attorney's Office would recommend a sentence reduction of 36 months on a 98-month sentence. *Id.* at 430. Reese testified that he was housed in Dakota County Jail recently with Petitioner. *Id.* at 432-33. Reese indicated he had conversations with Petitioner about Petitioner's case, but that Petitioner did not want anyone else to hear about the case so they would cut off conversations whenever any other inmates got too close. *See id.* at 433-34. Reese claimed Petitioner first said he did not do the robbery or murder. *Id.* at 434. Reese claimed Petitioner claimed to have shot the clerk solely because Johnson said Petitioner's name in Sabreen's. *Id.* Reese claimed Petitioner admitted to shooting the clerk five times before going back downtown to a bar. *Id.* at 435. Reese mentioned John Martin being at the Radisson. *Id.* at 436. Reese mentioned the names Yvonne and "Tiffany or Nikki." *Id.* Reese claimed that Petitioner said Petitioner, Johnson, and Troy Crawford robbed a mom-and-pop store. *Id.* at 437. Reese said Petitioner told him the girls dropped Petitioner at The Buttery. *Id.* at 438. Reese said Petitioner told him the make of the car was maybe a "Corsica or Accord or something like that. I don't remember." *Id.* at 439. Reese said Petitioner told him he used a .22 caliber firearm to commit the murder. *Id.* at 439.

On cross, Reese acknowledged that the first time he was asked by law enforcement about the Sabreen's murder, he told officers he had no information about the crime. *Id.* at 440. He testified that he changed his mind after speaking with his family members and lawyers, at which point he was given the offer for a 36-month sentence reduction. *Id.*

Geronimo Estrada testified on behalf of the State. Exhibit P-4, Trial Tr. at 444. Estrada testified that he was incarcerated at the Ramsey County Workhouse in February 2003. *Id.* at 445.

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Estrada testified that he and Petitioner were housed in the same unit. *Id.* at 446. Estrada testified that Petitioner was asking him questions about murder laws while Estrada was with another inmate named Deville. Estrada testified that Petitioner started randomly stating that the cops were not going to catch him, that they do not have anything on him, and claims Petitioner started mocking officers and joking around like it was nothing. *Id.* at 447-48. Estrada claimed that Petitioner said, "I touched him like they touched my cousin up on the hill." *Id.* at 448. Estrada claimed Petitioner mentioned that he had a new Cadillac that was used to leave Minnesota, but that the car hit a deer and there were holes in the hood of the car, so they left the car at the rest stop with everything else inside of it. *Id.* at 448. Estrada claimed Petitioner was calling the victim of the shooting a little bitch, and claimed Petitioner said the victim "cried like a bitch when he got shot." *Id.* at 449. Estrada, after being refreshed with his grand jury testimony, also claimed that Petitioner told him that when they entered the store, they rushed the clerk right away and "were going after the money while another guy was grabbing stuff, cigarettes, bags, and stuff like that," along with a phone. *Id.* at 451. Estrada testified Petitioner told him he had shot the clerk "once in the back of the head." *Id.* Upon hearing Estrada mention one shot, the State approached the witness and showed him his grand jury testimony again. *Id.* Estrada's memory then changed, and he said Petitioner said he fired two shots into the clerk. *Id.* at 451-52. Estrada also claimed that there was a conversation between him, Petitioner, and Johnson where Johnson started talking about having money and lottery tickets to cash in whenever he gets out of jail. *Id.* at 452-53. Estrada clarified that the rest stop the Cadillac was abandoned at was apparently in Wisconsin. *Id.* at 454.

Estrada testified that he called his fiancé and told her about what he had heard. *Id.* at 455. Estrada testified that Petitioner claimed that he and his accomplice(s) were wearing masks and dark clothing. *Id.* at 457-59. Defense counsel did not bother to cross-examine Estrada. *See id.* at

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459. The victim was shot at four times, not once or twice. In short, everything Estrada testified to was inconsistent with the actual murder, and appeared to have been gleaned from reviewing portions of Petitioner's discovery while feigning assistance in the law library at the jail. *See* Exhibit P-11, Property & Inventory Reports at 2-3 (showing what items were taken from Sabreen's). Alternatively, Estrada could have gleaned this information from being given copies of police reports or otherwise being told what was taken from Sabreen's during one of the unrecorded meetings between Estrada and police investigators.

Captain Vujovich was recalled as a witness for the State. *See* Exhibit P-4, Trial Tr. at 461. Vujovich stated that he was unable to confirm Estrada's story about Petitioner leaving the murder weapon with any specific person. *See generally id.* at 461-63. Vujovich testified that he investigated the story about the abandoned vehicle in Wisconsin and could not confirm any of the details of that story. *See id.* at 463-64. Vujovich testified that he received information from John Martin that placed Petitioner and Johnson in a blue Corsica prior to the time of the homicide. *Id.* at 464-65. Vujovich testified that the blue Corsica was found in July of 2003 and that a search of the vehicle was conducted. *Id.* at 465. Vujovich confirmed that a forensic search of the vehicle by the BCA found nothing of evidentiary value. *Id.* at 465-66.

After the State rested, defense moved for a directed verdict. Exhibit P-4, Trial Tr. at 471. The directed verdict motion was denied. Argument was reserved for the following day. *Id.* at 471-72. Petitioner was then examined out of the jury's earshot about whether he wished to testify in his own defense. *Id.* at 472. During this colloquy, Petitioner acknowledged that he had been given multiple offers by the State to plead guilty to lesser offenses during the trial. *Id.* at 474. One of the offers was to plead to a second-degree intentional murder with an expected sentence of approximately 300 or more months of imprisonment. *Id.* Another offer was for 40 years in prison.

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Id. at 475. Petitioner refused both deals. *Id.* The State clarified they never made an offer for less than 40 years. *Id.*

Defense counsel called no witnesses, introduced no alternative perpetrator evidence, and did not have Petitioner testify in his own defense. *See generally* Exhibits P-2 – P-5, Trial Tr.

c. Jury Deliberation, Verdict, and Sentencing.

Jury deliberations began on October 5, 2004 at 12:00 PM. Exhibit P-5, Trial Tr. at 561. The jury reached a verdict at 8:30 PM the same day, returning guilty verdicts on all counts. *Id.* Sentencing was set for October 8, 2004. *Id.* Petitioner was sentenced to a term of life imprisonment.

II. DIRECT APPEAL TO THE SUPREME COURT OF MINNESOTA

Petitioner appealed his conviction and sentence directly to the Supreme Court of Minnesota. The issues presented in the petition for review were: (1) the trial court erred in denying his motion to admit certain alternative-perpetrator evidence and reverse-*Spreigl* evidence; Petitioner was denied a fair trial due to the cumulative prejudicial effect of errors by the trial court, including the admission of evidence that witnesses were threatened, felt threatened, or were fearful; (3) the trial court failed to sua sponte give a cautionary instruction respecting the evidence in the preceding paragraph; (4) the trial court failed to sua sponte give a limiting instruction with respect to unredacted statements by police officers asserting that Petitioner was lying; (5) newly discovery evidence entitles him to a new trial; (6) the trial court erroneously excluded introduction of a relevant letter; and (7) prosecutorial misconduct occurred when the prosecutor cried during her opening statement. *See State v. Vance*, 714 N.W.2d 428, 433 (Minn. 2006) ("*Vance I*").

On May 25, 2006, the Supreme Court of Minnesota affirmed Mr. Vance's conviction and rejected all of these arguments for reversal. *See id.* at 433, 436-44.

The Supreme Court determined the following facts to be relevant:

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Tariq Bakkri (Bakkri), Al–Bakri's brother and the owner of Sabreen's Supermarket (Sabreen's) in South Saint Paul, was working at Sabreen's on the afternoon of December 22, 2002. At about 2:00 p.m., Al–Bakri arrived and offered to work the rest of the afternoon and evening. Bakkri left the store between 9:27 p.m. and 9:30 p.m. At about 9:41 p.m., Kathleen Johnson arrived at Sabreen's. When she entered the store, she observed a man in a black mask taking money out of the cash register. She thought she heard the man shout something and she saw him make a "motion like he was going to pull a gun out from his pants." She immediately ran from the store to her car. As she drove away, she observed two people running out of the store. One person was slightly taller than the other. Both were slender and wore baggy pants, hooded sweatshirts, and masks.

Also around 9:30 p.m., four teenagers, including D.M., walked to Sabreen's. As they were walking, one of the teenagers noticed a car parked in an alley just outside of Sabreen's. He described the car as a four-door, "regular sized car," "darkish," shiny, and "tinted gray." Another of the teenagers testified that it was a big, dark, "grayish-black," four-door car. The group observed two men run from the store, jump into the car, and drive away quickly. One of the teens described the two men as wearing baggy clothing, while another observed that the two men wore sweatshirts and dark jeans.

When the teenagers entered the store, they could not locate the clerk. As they waited at the counter, D.M. noticed that the cash register was open. He leaned over the counter and saw Al–Bakri lying on the floor, motionless. He also noticed some blood. The teenagers immediately ran back to D.M.'s home and called the police.

Al–Bakri was pronounced dead at the scene. The cash register indicated that the cash drawer was last opened at 9:35 p.m. for a no-sale transaction. The police found four cartridge casings from a .22 caliber gun on the floor of the store. Two of the cartridges were determined to be Winchester Western brand ammunition and two were CCI brand ammunition. Two bullets were found in Al–Bakri's body, a third was found in a flashlight near his body, and the fourth was not located. The police were unable to find any physical evidence at the scene connecting Vance or any other suspect to the murder and the murder weapon was never recovered.

A number of witnesses testified about Vance's activities before and after the murder on December 22. John Martin, a convicted burglar, testified that on December 22, 2002, he, Vance, and Dominic Johnson were at the Radisson bar in downtown St. Paul between 7 p.m. and 8 p.m. While at the bar, the three discussed the upcoming holidays, and Vance and Johnson discussed making arrangements to buy presents for their children. Martin testified that the three did not discuss a robbery while at the Radisson bar. According to Martin, around 8:30 p.m., Johnson made a phone call from Vance's cell phone to Yvonne and Nicole, two women from South St. Paul. Vance and Johnson told Martin they were going to South St. Paul and invited him along. Martin declined, and the three left the bar. As Martin was heading to his bus, he saw Yvonne and Nicole arrive in a four-door, dark blue Chevy Corsica. The car pulled up to the area where Vance and Johnson were

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standing.

Melissa Stites, the head bartender at the Radisson bar, testified that on December 22, 2002, Vance, Johnson, and a third man came into the bar around 7:30 p.m. Stites knew both Vance and Johnson, and she testified that they were "more secretive" than usual that evening. When Stites asked them what was going on, Vance replied "that they were getting their plan on." Stites interpreted "getting their plan on" to mean "planning to commit a robbery." Vance and Johnson were in the Radisson bar for about half an hour. As they were leaving, Stites commented that tips were low that night, because Vance and Johnson normally did not tip her. Vance responded, "Don't worry, Baby, when I get back there's going to be plenty of money."

Eric Griffin, an acquaintance of Vance and Johnson, testified that he saw Vance and Johnson arrive at The Buttery, a bar in St. Paul, sometime after 10:00 p.m. on December 22, 2002. Griffin testified that Vance's demeanor was "kind of wild * * * from drinking." Vance was wearing a black hooded sweater and loose-fitting dark blue jeans. Vance told Griffin "that he had did a robbery and it had gone bad, and the guy he was robbing, he had f___ed him up." Vance told Griffin that the robbery had occurred in South St. Paul.

Colleen McManus, the night manager at The Buttery, saw Vance and Johnson outside the bar as she arrived at work sometime between 10:15 p.m. and 10:30 p.m. on December 22. She saw the two get out of a car, which she believed was a four-door, "silver, light green" midsized car. Johnson wore a white hooded sweatshirt, a light blue Starter jacket, dark jeans, and white tennis shoes. Vance wore a dark blue jacket with leather sleeves, dark pants, and a dark hooded sweatshirt. As she entered the bar, she saw Vance and Johnson talking to a group of people, which included Maynard Cross. Vance approached McManus and asked her not to "throw him out" of the bar. Vance and Johnson both seemed nervous. When McManus asked Vance what was wrong he said, "I really f___ed up this time." She responded, "It couldn't have been that bad," and he said, "Oh, yeah, it was. I really did it this time. I did it this time." At one point, Vance started crying, which McManus noted was unusual for him. When she again inquired about his agitation, he said, "Well, I didn't mean for it to happen, it wasn't supposed to happen that way." He then made a motion that McManus interpreted to mean that he had shot someone. When she asked him if he had shot someone, he replied, "It wasn't supposed to happen like that."

McManus immediately called to report her conversation with Vance to her brother, John McManus, a police officer assigned to the Minnesota Gang Strike Force (MGSF). On December 23, 2002, Stites also reported the conversation she had had with Vance at the Radisson bar to Officer McManus, whom she knew because she had previously provided information to him.

Stites agreed to participate in an undercover investigation of Vance and on January 3, 2003, Stites met with Vance and Johnson at The Buttery. Stites was meeting with Vance under the guise of purchasing a gun from him, with the hope

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that she would be able to elicit information about the murder. The police had arranged to intercept Stites' conversation with Vance. At some point during the meeting, Vance asked Stites to accompany him to the Lab, another St. Paul bar. Johnson did not accompany Stites and Vance to the Lab.

At the Lab, Stites asked Vance if he had any guns that she could buy and if he would teach her how to shoot. Vance told her that he had four guns. When asked by Stites if he had ever shot anyone, Vance replied that he had "shot a guy two weeks ago over south side five times in the back." Police officers who listened to the conversation corroborated Stites' recollection, with slight variations in the exact words that were used to describe the prior shooting: "Two weeks ago Winchester on the south side * * * I shot a guy five times in the back"; "Yes, about two weeks ago over south, Boo * * * I shot a guy in the back five times"; "he shot somebody in the south side five times and it was a Winchester"; "he had shot a guy five times in the back on the south side * * * I shot a guy two weeks ago on the south side." Vance subsequently sold a .22 caliber handgun to Stites. That gun did not match the weapon used to kill Al–Bakri.

The state also presented testimony from witnesses who were incarcerated with Vance before trial. According to Isaac Hodge, he and Vance were incarcerated at the Sherburne County jail together in 2003. At one point, Vance and Hodge were looking at a newspaper and Vance saw a picture of a man who was later identified as Maynard Cross, one of the people seen talking to Vance at The Buttery the night of the murder. Vance stated, "Man, this dude put my name in some bulls___t." Hodge also testified that Vance, without going into great detail, told him that he was involved in a murder-robbery. In addition, Vance said "it wasn't worth it," which Hodge interpreted to mean that the amount of money that Vance got in the robbery did not justify the murder. Tyrone Crawford, who was housed at the Sherburne County jail around the same time, had a similar conversation with Vance, in which Vance told him that Vance "shot a guy at the grocery store, and he was concerned that that was going to come back on him." Vance also indicated that Cross "was going to testify against him about shooting somebody * * * at a grocery store."

John Nunn was housed at both the Sherburne County jail and Sandstone Prison with Vance. Nunn testified that Vance told him that he had committed a robbery in which someone "got murked," which Nunn interpreted to mean the person was either hurt or shot and killed. Vance told Nunn that he was concerned about the police finding a .22 caliber handgun that had been used in the robbery.

Dontay Reese testified that, while in the Dakota County jail with Vance, he had multiple conversations with Vance about a murder in which Vance was involved. Vance told Reese, in reference to shooting the clerk, that "it wasn't supposed to go down like that" and "[Johnson] said my name and it wasn't supposed to go down like that. I was zooted, I was drunk and I gave the dude five. And then we got the money and got lit." Vance also told Reese that Johnson, Vance, and Martin were at a bar and left after Johnson called two women, named Yvonne and Tiffany or Nikki,

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to get a ride to Johnson's cousin's house. Vance told Reese that the women drove a blue Corsica or Accord. Vance and Johnson then met another man and went to a "mom-and-pop store" where Vance and Johnson went inside to commit a robbery. During the robbery, Johnson said Vance's name, so Vance shot the clerk. Vance told Reese he used a "deuce-deuce" to kill the clerk, which Reese interpreted to mean a .22 caliber handgun.

Geronimo Estrada testified that he was incarcerated with Vance at the Ramsey County Workhouse and that they discussed the murder on multiple occasions. According to Estrada, Vance told Estrada that when he entered the store he immediately ran behind the counter and grabbed the clerk, who was startled and did not know what was going on. Vance said the clerk was hysterical and crying saying, "please don't hurt me," and that Vance shot the clerk once or twice in the back of the head. Vance also told Estrada what they took from the store, which included money, cigarettes, plastic bags, lottery tickets, and a telephone. Officer Daniel Vujovich testified that those were the items taken from Sabreen's and that at no time during the investigation was the list of items stolen from Sabreen's disclosed.

At trial, the state introduced recordings of interviews Officer Thomas Kreager and other police officers conducted with Vance during the investigation. During the course of the interviews, the officers accused Vance of lying.

Vance did not testify and presented no witnesses in his defense.

Vance I, 714 N.W.2d at 433-36.

III. POSTCONVICTION PROCEEDINGS

Petitioner submitted multiple postconviction petitions after his direct appeal.

A. First Postconviction Petition – Minn. Stat. §§ 590.01, *et seq.*

Petitioner's first postconviction petition was filed pursuant to Minn. Stat. Ch. 590 and was filed timely in May 2007. *See Vance v. State*, 752 N.W.2d 509, 512 (Minn. 2008) ("*Vance II*"). The district court denied the petition, finding the claims were *Knaffla*-barred and/or baseless, lacking in specificity, and/or lacking in merit. *See id.* Petitioner appealed the postconviction denial to the Minnesota Supreme Court, arguing that he was entitled to postconviction relief based on: (1) ineffective assistance of trial and appellate counsel; (2) newly discovered evidence of witness recantation; (3) the insufficiency of the indictment in light of recanted witness testimony; (4)

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prosecutorial misconduct; (5) failure to submit his charge pursuant to Minn. Stat. § 609.11 (2006) to the grand jury or the jury; (6) cumulative errors preventing him from receiving a fair trial; and (7) the district court abused its discretion by denying him an evidentiary hearing. *Vance II*, 752 N.W.2d at 512. The Minnesota Supreme Court affirmed the district court's summary denial of the postconviction petition. *Id.* at 517.

B. Second Postconviction Petition – *Habeas Corpus* – 28 U.S.C. § 2254

On July 21, 2008, Petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. *See, e.g.*, *Vance v. King*, No. 08-CV-4756-ADM/SRN, 2009 WL 294361, at *10 (D. Minn. Feb. 5, 2009) ("*Vance III*"). Petitioner argued he was entitled to habeas corpus relief because of: (1) the trial court's refusal to admit testimony of Petitioner's witnesses; (2) the admission at trial of allegedly perjured testimony of witnesses; (3) the failure of the prosecution to disclose to Petitioner evidence favorable to him; (4) prosecutorial misconduct during closing argument; (5) prejudicial error by the prosecution misstating and misusing evidence; (6) the denial of a right of appeal; and (7) ineffective assistance of counsel. *Id.* The district court denied the habeas petition. *Id.* at *20.

The Office of the Minnesota Attorney General, through its Conviction Review Unit ("CRU"), has been reviewing Mr. Vance's convictions for years. Pursuant to the CRU charter, at the conclusion of its investigation, the CRU may join this Petition.

C. Third Postconviction Petition – Minn. Stat. §§ 590.01, *et seq.*

On May 8, 2019, Petitioner filed a third postconviction petition under Minn. Stat. Ch. 590. Index #3. The basis of the third petition was an allegation that the State offered testimony from two witnesses whose combined testimony was alleged to amount to obstruction of justice by the State. *See id.* at 3. The petition alleged this error justified granting postconviction relief. *See id.* at

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3-4. The State filed a response on May 23, 2019. Index #8. On June 7, 2019, the Honorable Rex D. Stacey issued an Order denying the petition "for the reasons set forth in the State's Answer." Index #11. In other words, the court dismissed the petition because: (1) it was untimely; (2) Petitioner failed to invoke any exceptions to the two-year filing requirement; and (3) the *Knaffla*-bar applies. *See* Index #8 at 1-2; *State v. Knaffla*, 243 N.W.2d 737 (Minn. 1976).

D. Fourth Postconviction Petition – Minn. Stat. §§ 590.01, *et seq.*

On August 22, 2019, Petitioner filed a fourth postconviction petition under Minn. Stat. Ch. 590. Index #15. The basis of the fourth petition was the same as the basis listed in the third petition. *Compare* Index #3 *with* Index #15. On August 27, 2019, the State filed a motion to dismiss the petition on the basis of collateral estoppel. Index ## 20-21. The Court denied the postconviction petition on August 28, 2019. Index #22.

E. Fifth (Present) Postconviction Petition – Minn. Stat. §§ 590.01, *et seq.*

On December 14, 2022, Petitioner, through counsel, filed a fifth postconviction petition under Minn. Stat. Ch. 590. Index #24. The bases of the fifth petition were: (1) newly discovered evidence disproves key elements of the state's case; (2) newly discovered evidence reveals a pattern of illegal police conduct in the investigation of the crime; and (3) newly discovered evidence proves that, at the time of the crime, Petitioner was with three other people at a duplex at 956 Minnehaha Ave. E. in St. Paul, Minnesota. Index #24 at 2. On the same date, Petitioner's counsel filed a letter explaining that the petition was being filed within two years of obtaining four separate witness affidavits, signed by: (1) Melissa Stites on January 22, 2021; (2) Regina Hagerman on February 2, 2021; (3) Dominick Johnson on September 19, 2021; and (4) Kentrell Anthony on August 5, 2022. Index #23 at 1-2. In the same letter, counsel requested that the matter be stayed until the Minnesota Attorney General's Conviction Review Unit ("CRU") concludes its

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review of Petitioner's case, which was ongoing at that time, and which remains ongoing. *See id.*

On December 30, 2022, the State filed a memorandum stating it does not oppose Petitioner's stay request, but noted that by agreeing to the stay, it is not waiving any arguments relating to the petition being time barred under Minn. Stat. § 590.01, subd.4. Index #26.

On January 5, 2023, the Honorable Shawn Moynihan granted Petitioner's request to stay the deadline in this matter until 45 days after the completion of the CRU's investigation. Index #27. Because of excessive delays at the CRU, Petitioner is now filing an amended petition, various exhibits, and a legal memorandum in support of his pending postconviction petition. Petitioner concurrently requests that the stay be lifted and that the case proceed to an evidentiary hearing.

IV. NEWLY DISCOVERED EVIDENCE

a. Newly Discovered Witness Recantations & Statements

i. Overview

In the period since Petitioner's conviction, ***twelve*** key witnesses (seven of whom were relied upon by the State during Petitioner's trial and/or during the grand jury proceedings preceding Petitioner's indictment) have signed statements that recant their testimony and/or otherwise provide essential information regarding the case before the Court. The witnesses who have signed recantation / statement affidavits are: (1) Maynard Cross (recantation affidavits signed in 2006, 2021, and 2024); (2) Regina Hagerman (recantation affidavit signed in 2021); (3) Dominick Johnson (recantation affidavit signed in 2021); (4) Melissa Stites (recantation signed in 2021); (5) Darlene Walton (statement signed in 2023); (6) Kentrell Anthony (statement signed in 2022); (7) Dontay Reese (recantation signed in 2007); (8) Edward Townsend (statement signed in 2007); (9) John Martin (recantation signed in 2007); (10) Michael E. White (statement signed in 2007); (11) Wayne Jones (statement signed in 2007); and (12) Trevor Crawford (statement

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signed prior to submission of 2007 postconviction petition).[4]

Each of the seven witnesses who have signed recantation affidavits provided material inculpatory evidence against Petitioner at his trial. Mr. Cross and Ms. Hagerman also provided inculpatory evidence against Petitioner in the grand jury proceedings preceding the issuance of an indictment. The other two witnesses who have signed statements that constitute newly discovered evidence (Darlene Walton & Kentrell Anthony) are alibi witnesses who should have been called at trial in Petitioner's defense, and who could have otherwise provided defense with testimony that would have likely exposed the fact that investigating law enforcement officers were bribing and threatening witnesses in order to convince them to provide false testimony at Petitioner's trial.

Of these affidavits, those signed by Melissa Stites, Dominick Johnson, Regina Hagerman, Darlene Walton, Kentrell Anthony, and Maynard Cross (2024 version) are the most important to this petition. Each of these six affidavits demonstrates to a reasonable certainty that the recanted testimony was false, and that the recantations are genuine. *See* Exhibits P-14 – P-19. Each of these six affidavits demonstrates that Petitioner was provided ineffective assistance of counsel, provided with a fundamentally unfair trial, has a substantial claim of actual innocence, and his continued conviction and incarceration violates due process and fundamental fairness. *See Pippitt v. State*, 737 N.W.2d 221, 226-27 (Minn. 2007); *Opsahl v. State*, 710 N.W.2d 776, 782 (Minn. 2006). The affidavits allow the Court to conclude that the jury might have reached a different conclusion without the recanted testimony, or in the case of Walton/Anthony, that the jury might have reached

[4] Exhibit P-12 (Cross Recantation – 2006); P-13 (Cross Recantation – 2021); P-14 (Cross Recantation – 2024); P-15 (Hagerman Recantation – 2021); P-16 (Stites Recantation – 2021); P-17 (Johnson Recantation – 2021); P-18 (Walton Statement – 2023); P-19 (Anthony Statement – 2021); P-20 (Reese Recantation – 2007); P-21 (Martin Recantation – 2007); P-22 (Townsend Statement – 2007); P-23 (White Statement – 2007); P-24 (Jones Statement – 2007); P-25 (Crawford Statement – in or around 2007).

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a different conclusion if they been called to testify in Petitioner's defense. *See Pippitt*, 737 N.W.2d at 227. The affidavits demonstrate, at least in part, that Petitioner was taken by surprise at trial or did not know of the falsity of false testimony until after trial. *See id.*; *see also* Exhibit P-17, Johnson Aff. ¶ 6 ("Back in 2004, and especially after [Petitioner] was convicted, I felt I had no way of proving that people were testifying falsely against us"). These recantation affidavits constitute "newly discovered evidence" because they: (1) "provide[] facts necessary to sustain one or more legally cognizable claims for postconviction relief"; (2) could not have been ascertained by the exercise of due diligence by the petitioner or petitioner's attorney within the two-year time period for filing a postconviction petition"; (3) "are not cumulative to evidence presented at trial"; and (4) are not presented merely or principally for the purpose of impeachment. Minn. Stat. § 590.01, subd.4(b)(2).

Additionally, the recantation affidavits signed by Maynard Cross and Regina Hagerman demonstrate that the indictment used to prosecute and convict Petitioner is defective because the indictment relied on false grand jury testimony provided by Mr. Cross. *See Vance II*, 752 N.W.2d at 517, n.4; *see also Opsahl v. State*, 710 N.W.2d at 782.

ii. Melissa Stites Recantation

Ms. Stites' testimony was key to Petitioner's conviction. In her newly discovered recantation, Ms. Stites acknowledges that she testified at Petitioner's trial, stating: (1) she "contacted Police Officer John McManus on December 23, 2002 to report a conversation that [she] had with [Petitioner] the day before;" (2) she interpreted Petitioner's "comment about 'getting his plan on' to… mean 'planning to commit a robbery';" (3) Petitioner "was 'more secretive than usual';" and (4) when she "later wore a wire, [she] asked [Petitioner] if he ever shot anyone, and he said 'I shot a guy two weeks ago over south side five times in the back.'" Exhibit P-16, Stites

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Aff. ¶ 4. Stites now unequivocally swears, under penalty of perjury, that all of this "testimony was false." *Id.*

> Stites states that the following testimony reflects the truth:
>
> On some date on or around December 23, 2002, Police Officer John McManus and other officers came into the Radisson Hotel and asked me questions about Philip Vance, who was also known as "Florida." **During the course of my conversation with Officer McManus, I was asked to make false statements about Philip Vance. I was also pressured by the officers to wear a wire and engage in future conversations with Philip. I did not reach out to these officers; they came to me.**
>
> I was familiar with Philip and his friends because they came into the bar fairly regularly. **Philip did come into the bar on December 22, 2002, and I recall having a conversation with him. However, I did not think he was "more secretive than usual," or that he was planning to commit a robbery. Officers instructed me to say this.**
>
> Officers placed me in a potentially dangerous situation more than once by having me wear a wire to buy a gun from Philip and question him at the jail. **At no time during the conversation did Philip tell me that he committed a robbery or that he shot anyone, and I have no reason to believe he did.**
>
> **I agreed to say and do these things, because during that time, I had gotten into some legal trouble. The officers told me that they would not charge me with any crimes and I would not face any jail time if I said what they told me to say and did what they told me to do. I did not feel like I had a choice.** At the time, I was a 26-year-old woman, and I was spending time with the wrong people. I was vulnerable and scared of getting in trouble. I was also struggling with chemical dependency. **I agreed to give false statements about Philip Vance in an effort to protect myself.**
>
> Today, I am five years sober, and I help other women stay on the right path. **I am coming forward now to correct the statements I made about Philip, because it is the right thing to do.** Back then I did not feel like I had a voice or a say in the matter, but now I do. I never wanted to lie, wear a wire, or be involved in this case.

Exhibit P-16, Stites Aff. ¶ 5 (emphasis added).

Ms. Stites' newly discovered recantation implicates the Minnesota Supreme Court's 2008 decision in *Vance II* (postconviction appeal), where the Minnesota Supreme Court affirmed a denial of an evidentiary hearing requested on the basis of the Martin and Reese recantations,

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relying heavily on Stites' testimony. *See Vance II*, 752 N.W.2d at 515 ("neither Martin's nor Reese's alleged recantation satisfies the second requirement set out in Pippitt. Vance has not shown that, absent Martin's testimony, the jury might have reached a different conclusion. Martin was not the only one to testify that Vance was at the Radisson bar the night of the murder, as at least one other witness also placed him there. Stites, the head bartender at the Radisson bar, testified that Vance, Johnson, and a third man came into the bar around 7:30 p.m. on December 22, the night of the murder."); *Vance II* at 515 ("Vance has failed to show that the outcome of the trial might have been different absent Reese's testimony. Several other witnesses testified about interactions they had with Vance in which Vance implicated himself in the murder. In addition to Griffin's and McManus's testimony, there was testimony at trial that, in the course of an undercover investigation, Vance admitted to Stites that he 'shot a guy in the back five times' on the 'south side' 2 weeks before their conversation."). Now that Stites has recanted such testimony, the previously recanted testimony of Martin and Reese must be considered as well, and the Court's prior denial of relief on this basis is no longer applicable.

iii. Maynard Cross Recantation

Mr. Cross' testimony was key to Petitioner's conviction. In his newly discovered recantation, Mr. Cross acknowledges that he testified at Petitioner's trial and before the grand jury. Exhibit P-14, Cross Aff. (2024) ¶ 2. Cross states that while he was in jail "pending first-degree murder charges," in another case, he was "approached by officers from the Metro Gang Strike Force regarding the robbery and shooting at Sabreen's on December 22, 2002. [He] did not know Philip Vance and… did not know anything about what happened at Sabreen's." *Id.* ¶ 6. Nonetheless, according to Cross, "[t]he MGSF officers asked [him] to incriminate Philip Vance for the crime. [Cross] told the officers [Cross] didn't know anything about the case and told them

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to leave [him] alone. The officers told [Cross] details about the crime and about Philip Vance. The officers also mentioned a monetary reward that was being offered for information about the case." *Id.* ¶ 7. Cross states:

> **Even though I told the investigators I did not know Philip Vance, they kept coming back and asking me questions about the case. All of the information I learned about the case came from the officers telling me about it during these conversations. Each conversation I had with the officers was audio recorded.**

Id. ¶ 8 (emphasis added). Cross further states:

> **If there are not audio recordings of conversations that I had with MGSF investigators that demonstrate I knew nothing about the case and was being fed information by those investigators, then the investigators must have either lost or destroyed the tapes.**

Id. ¶ 9 (emphasis added).

Cross has also stated in a separate newly discovered affidavit on the night of the shooting, December 22, 2002, he "was in Milwaukee, Wisconsin." Exhibit P-13, Cross Aff. (2021) ¶ 8. He explains that in his testimony "before the grand jury on March 3, 2004, **I was untruthful when I stated that I was at the Buttery Bar on December 22, 2002 and that I spoke with Philip Vance and Dominick Johnson**." *Id.* (emphasis added).

Cross has been consistent in stating since 2006 that his testimony at Petitioner's trial and grand jury proceedings was false. *See* Exhibit P-12, Cross Aff. (2006). The import of the Cross affidavit, and its impact on the veracity and propriety of this conviction cannot be overstated.

iv. Regina Hagerman Recantation

Ms. Hagerman's testimony was key to Petitioner's conviction. In her newly discovered recantation, Ms. Hagerman acknowledges that she provided false testimony at Petitioner's trial. Exhibit P-15, Hagerman Aff. ¶ 1 ("I testified against Philip Vance before the Grand Jury and at his trial in 2004. **My testimony was false. I gave the false testimony because of pressure and threats from the police**") (emphasis added).

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Hagerman explains that police wanted to talk to her because Hagerman's niece, Darlene Jones, was dating Petitioner at the time of the murder. *See id.* ¶ 2. Hagerman states:

> **The police wanted me to say that [Petitioner] was involved in the robbery and killing at Sabreen's. I didn't know anything about that, and I told them so. But they would not leave me alone. They kept telling me I had to say something against [Petitioner]. I kept telling them that I didn't know anything about it, so I had nothing to say. They said I had to say something.**

Exhibit P-15, Hagerman Aff. ¶ 3 (emphasis added).

Hagerman then goes on to describe a calculated and extraordinarily coercive harassment campaign, stating:

> **Police would often be at my house when I came home from my job…, and they would keep pressuring me to say something against [Petitioner].** Also, when I went to work in the morning, the police would show up and confront me at my bus stop, still trying to get me to say that I knew something about [Petitioner] being involved with what happened at Sabreen's. But I didn't know anything so I had nothing to tell them. Sometimes they would be at the bus stop when I was coming back from work, and they would confront me again. **It scared me when I would see them at the bus stop. I thought I was in trouble.**
>
> **The police threatened me. They told me that I would go to jail if I did not tell them what they wanted to hear about [Petitioner]. Also, at the time my fiancé and my child's father, George McCleod, was in jail, and the police told me that something bad was going to happen to George in jail if I would not tell the police what they wanted to hear about [Petitioner].**
>
> **I was scared for myself and for George. I didn't want to go to jail, I didn't want anything to happen to George, and I wanted to be left alone. That is why I agreed to say that [Petitioner] was at my house the Saturday before the Superbowl in 2003. He never said that he was involved in a crime.** I testified about this before the Grand Jury and at the trial.

Exhibit P-15, Hagerman Aff. ¶¶ 4-6 (emphasis added).

Hagerman states, unequivocally and under penalty of perjury, that the testimony she gave about what Petitioner allegedly said "was false. The truth is, [Petitioner] never said that he had anything to do with the robbery and killing at Sabreen's. Like I told the police at the beginning, I don't know anything about it." *Id.* ¶ 8. Hagerman explains that she is finally willing to cop to her

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false testimony because her "false testimony… has bothered [her] more and more over the years," and she is "worried that because [she] gave in to pressure and threats from the police, an innocent man may be in prison for life." *Id.* This newly discovered evidence from Hagerman is also critically important to the analysis, and the use of coercive tactics on the part of law enforcement to obtain knowingly or recklessly false statements to obtain a conviction are not only repugnant to our system of ordered liberty, but also plainly violated the due process rights of Petitioner. First, in the obtention of the false statements through illegal and coercive means, and secondly through the failure to disclose the same, which constituted *Brady*/*Giglio* evidence.

v. Dominick Johnson Recantation

Petitioner's co-defendant was Dominick Johnson. Although Mr. Johnson did not testify at Petitioner's trial, he did plead guilty and therefore testified in his own plea colloquy hearing and at his sentencing hearing. In 2021, Mr. Johnson signed an affidavit recanting the testimony he offered at his change of plea hearing, wherein he testified that Petitioner committed the robbery and killing at Sabreen's. *See* Exhibit P-17, Johnson Aff. ¶¶ 1-5. Johnson explained that he gave this false testimony on his attorney's advice to secure a favorable plea deal and thereby avoid risking a life sentence. *See id.* ¶¶ 5-6. Johnson explains that he was aware of Petitioner's recent conviction "based on very limited evidence, and [he] was afraid that the same thing would happen to [him]." *Id.* ¶ 5. Johnson acknowledges that, "[b]ack in 2004, and especially after [Petitioner] was convicted, [Johnson] felt [he] had no way of proving that people were testifying falsely against [Petitioner and Johnson], and [Johnson] had no faith in the justice system." *Id.* ¶ 6.

Johnson's affidavit corroborates Petitioner's claim of innocence, and also goes to demonstrate that Petitioner, like Johnson, did not know how to rebut the false testimony that was presented at Petitioner's trial as a result of coercive and unconstitutional police investigatory

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tactics.

vi. Other Recantations

Because the following recantations were obtained in or around 2007, they do not constitute newly discovered evidence at this time, and are not relied upon as a basis for tolling the statute of limitations. Nonetheless, the fact that these recantations were signed in 2007 buttresses the credibility and import of the newer recantations and statements that are relied upon to toll the statute of limitations. The contents of these earlier recantations also buttress the credibility of the newer recantations and statements, and the substance thereof gains new import in light of the more recent recantations/newly discovered evidence.

Dontay Reese provided one such recantation in 2007. *See* Exhibit P-20, Reese Aff. Through his affidavit, Reese explains that he was promised leniency in his own criminal matter by investigators in Mr. Vance's case if Reese could provide any information about Mr. Vance's case. *Id.* Reese has recanted his trial testimony and stated that he never heard Mr. Vance make any statement indicating that he played any role in the killing of Khalid Al-Bakri. *Id.*

The other recantation from 2007 was provided by John Martin. *See* Exhibit P-21, Martin Aff. Martin's recantation is not especially important, but it does acknowledge that Martin is no longer sure if his trial testimony is correct. *See id.*

b. Newly Discovered Witness Statements

In addition to the newly discovered recantations of trial witnesses, Petitioner and his counsel have also obtained newly discovered affidavits and evidence of other witnesses who were not called at Petitioner's trial, but whose testimony bears on the merits of this postconviction petition.

i. Darlene Walton (formerly known as Darlene Jones)

In her newly discovered witness statement, Ms. Walton asserts numerous factual

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allegations that severely impeach the fundamental fairness of Petitioner's trial. *See* Exhibit P-18, Walton Aff.

Walton explains that she was Petitioner's girlfriend at the time of the shooting, and that she was living with her grandmother Jacqueline Ezell and her grandfather Eugene O'Connor in the lower unit of a duplex located at 956 Minnehaha Ave. E., St. Paul, MN at all times relevant to this case. *Id.* ¶ 2. Walton states that Petitioner and his co-defendant, Dominick Johnson, were with her and her family and friends at Walton's house during the afternoon and evening of December 22, 2002. *Id.* ¶¶ 4-5. Walton confirms that Petitioner and Johnson did leave the house for a few hours in the late afternoon of December 22. *Id.* ¶ 6. Walton states that her grandmother and aunt left the house at around 5 PM to play bingo. *Id.* ¶ 7. Walton states Petitioner and Dominick "returned to the house in the early evening," and that upon their return Walton used Petitioner's cell phone "to call Chicago to check on how [Walton's] young daughter was doing." *Id.* ¶ 8. Walton recalls that later in the evening, she and Petitioner got into an argument that culminated with Petitioner throwing Walton's only pair of shoes onto the roof so that she could not storm off. *See id.* ¶ 9. After throwing the shoes, Petitioner "was walking and yelling in the alley behind the house. At about that same [time] (around 10 pm that evening), [Walton's cousin] Kentrell arranged for [Walton's] uncle Demetrius O'Connor to drive [Petitioner] and Dominick from the duplex… to the Buttery Bar." *Id.* ¶ 10. Walton states that her cousin Kentrell "rode in the car with" Petitioner, Johnson, and Demetrius O'Connor. *Id.* ¶ 11. Demetrius and Kentrell then returned to the duplex. *Id.* ¶ 11. Walton reports that Petitioner, ostensibly feeling bad about throwing her shoes on the roof, "dropped by the house and gave [Walton] a new pair of shoes." *Id.* ¶ 12.

Walton states:

> Several weeks after that, the police kicked in the doors at our duplex and questioned us about Philip and Dominick and a murder that had taken place on December 22. I

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was questioned once at my grandmother's place on Minnehaha Avenue and later, when I moved in with my aunt, Regina Hagerman, at her place. But I was never taken to a police station for questioning.

On the two occasions when I was questioned by the police, no one ever told me that the robbery and murder took place at about 9:45 pm on Dec. 22, 2002. If someone had done so, I would have told the police that neither Philip nor Dominick could have been involved in that crime because they were both with me at the duplex where I was living at 956 Minnehaha Ave. East in St. Paul until about 10 pm that evening.

The police offered my grandfather, Eugene O'Connor, lots of money if we would just say what they wanted us to say. So my grandfather, who as usual had spent most of that day in his bedroom and had no knowledge of who was there or what had happened that day, encouraged us to say whatever the police wanted us to say.

Exhibit P-18, Walton Aff. ¶¶ 13-15 (emphasis added).

ii. Kentrell Anthony

Kentrell Anthony is the cousin of Darlene Walton and was living at 956 Minnehaha Ave. E. in St. Paul, MN with Ms. Walton, Eugene O'Connor, Jacqueline Ezell, and other persons on December 22, 2002.

In 2021, Ms. Anthony signed an affidavit which was provided an affidavit to the CRU. Exhibit P-19, Anthony Affidavit; *see also* Exhibit P-26, Anthony's CRU Interview Tr. Ms. Anthony was subsequently interviewed by CRU investigators. Exhibit P-26, Anthony's CRU Interview Tr. In that interview, Ms. Anthony explains that the police raided her residence at around 3 in the morning and pointed their guns at the occupants before escorting Ms. Anthony to the police station for questioning about the Sabreen's murder. *See id.* at 22-24. Ms. Anthony then states that while she was being questioned about the murder and Petitioner's alleged involvement in the murder, police "wound up sending [Ms. Anthony's] grandpa [Eugene O'Connor] there to talk to [Ms. Anthony]." *Id.* at 24. **Ms. Anthony's grandfather told Ms. Anthony that the police "are going to give us $10,000 if [Ms. Anthony] tell[s] [police] [Ms. Anthony] know[s] what's**

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going on." *Id.* (emphasis added). Ms. Anthony told her grandfather she did not know anything, but the officers were persistent and "that police officer used to come over every week and talk to [Ms. Anthony's] grandpa and try to get information out of us and try to make us remember stuff." *Id.* Ms. Anthony felt like she "was being stalked by [police]." *Id.* at 25. **Every time Ms. Anthony was forced to talk to the investigating officer, her grandfather "always used to bring up that this man was offering us $10,000."** *Id.* (emphasis added); *id.* ("He offered my auntie money, he offered my grandpa money. And any time he come to us and tell us to talk to him, they tell us to tell this man what they want to hear so that we can get this money."). Ms. Anthony states that she eventually told the cops what they wanted to hear. *Id.*

During the CRU interview, Ms. Anthony also stated:

> **My grandpa always just brought up the money. He always told us let's try to get this money. They telling us they gon' get us $10,000, they kicked in our door.** He always used to like, yeah Officer such-and-such is very friendly man but **my grandpa, he was more of a police loving man, so he was up, he about all the stuff with the police. Whatever the police said he, yes he's right, you know.**

Exhibit P-26, Anthony's CRU Interview Tr. at 27 (emphasis added).

Ms. Anthony even seemed to have personal knowledge of police officers bribing Ms. Hagerman (Ms. Anthony's aunt), as Ms. Anthony stated:

> [A]ll I remember is that I know that my grandpa always used to tell us "tell them what they want to hear so that we can get this money." **And my Auntie, Regina, got offered money from them to[o]. So they was offering money, I was like okay well, we needed the money, let's do it, you know? But I think that's probably why they didn't use me because I think I probably told that police officer after he was recording me, I said, "am I going to get my money now?" and he was like "what do you mean?" And I said well, my grandpa said I was getting some money from this and that police officer was mad at me after that. He never talked to me no more after that.**

Exhibit P-26, Anthony's CRU Interview Tr. at 27 (emphasis added); *see also id.* at 28 ("that police officer really hated my guts after a while. Cause **I figured, if you put me on the stand, I'm tell the judge that you told me that he was giving me some money to do this. Cause I told you I**

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didn't know nothing and you steady pushing it on me like he knew something but when you get on that stand, I'm tell the judge on you. And that officer hated me, like, he, I was not one of the people that he wanted to deal with.") (emphasis added).

Ms. Anthony further stated that both Ms. Hagerman and Ms. Ezell were told by police that they would be paid for providing testimony at the grand jury proceeding. *See id.* at 28.

Ms. Anthony also noted concerning practices by law enforcement regarding the use of audio recording devices, stating, "the police officers were in there talking to us. One minute they be recording and the next minute they wouldn't be." *Id.*

Ms. Anthony's affidavit and CRU interview corroborate Ms. Walton's recantation affidavit by demonstrating that Eugene O'Connor was offered a significant amount of money (which was never disclosed at trial or to defense counsel) if any of his family members provided false information to police for the purpose of successfully prosecuting Petitioner for the Sabreen's murder. Ms. Anthony's CRU interview corroborates Ms. Walton's statement that Ms. Anthony was in the vehicle driven by Demetrius O'Connor when Demetrius dropped Petitioner and Johnson off at The Buttery at roughly 10pm on December 22, 2002. *See* Exhibit P-26, Anthony's CRU Interview Tr. at 36-38. Ms. Anthony's CRU interview also corroborates Ms. Walton's alibi statements. *See id.* at 37 (Interviewer: "The robbery occurred around 9:45 that night." Ms. Anthony: "They couldn't have been at that robbery." … Interviewer: "Kentrell, if the police had told you that the crime occurred at 9:45, what would you have said to them?" Ms. Anthony: "That a lie cause they was at my house.").

iii. Other Statements

Because the following statements were obtained in or around 2007, they do not constitute newly discovered evidence and are not relied upon as a basis for tolling the statute of limitations.

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Nonetheless, the fact that so many of these statements were signed in 2007 buttress the credibility and import of the newer recantations and statements that are relied upon to toll the statute of limitations. The contents of these earlier statements also buttress the credibility of the newer recantations and statements.

Edward Townsend provided one such statement in 2007. *See* Exhibit P-22, Townsend Aff. The Townsend statement corroborates the newly discovered statements of Darlene Walton and Kentrell Anthony by noting that after Petitioner and Johnson left the Radisson, Petitioner and Johnson were headed back "to Darlene's and Kentrell's house." *Id.* Townsend also states that while at the Radisson with Petitioner and Johnson, there was no discussion of robberies or murders. *See id.* Townsend also explained that he knew providing this information earlier was important, but that he did not want to get involved, ostensibly because of the police pressure so many other witnesses have recently complained of. *See id.* Townsend's 2007 statement corroborates Ms. Stites' newly discovered recantation affidavit by confirming that Ms. Stites did not and could not have heard about any robbery plans.

Michael E. White also provided a statement, dated March 21, 2005, which explains that White was housed in the segregation unit of MCF St. Cloud with Dontay Reese wherein he had a conversation with Reese about Petitioner's case. *See* Exhibit P-23, White Aff. White reportedly asked Reese why Reese testified against Petitioner, and Reese responded, stating, "It's my life, and I had to do what I had to do to get home to my family." *Id.* White reports that in a subsequent conversation, Reese seemed to have a guilty conscious before stating, "it's not about how you get down, or how you don't get down, it's about doing what needs to be done to better your situations." *Id.* The White statement corroborates Reese's prior recantation.

Wayne Jones also provided a statement, dated November 1, 2007. *See* Exhibit P-24, Wayne

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Jones Aff. Mr. Jones reports that he was in the courtroom during one of the days of Petitioner's trial, and that he was represented by Cean Shands, who was Petitioner's trial attorney. *See id.* Mr. Jones reports that attorney Shands told Mr. Jones during Petitioner's trial that his client Philip Vance was guilty and that if he would of kept his mouth closed he wouldn't of been tried." *Id.* This affidavit demonstrates that attorney Shands already believed Petitioner guilty at the time of the trial, likely because of: (1) the false evidence and testimony created through coercive and unconstitutional police investigatory tactics, (2) the State's failure to disclose *Brady*, *Giglio*, and/or *Youngblood* evidence, (3) attorney Shand's refusal to investigate Petitioner's alibi claims, and (4) attorney Shand's refusal to call Darlene Jones (Walton) or Kentrell Anthony as alibi witnesses.

Trevor Crawford also provided a statement. *See* Exhibit P-25, Crawford Statement. Though the statement is undated, it was obtained in or before 2007, as it was submitted with Petitioner's 2007 postconviction petition. In this statement, Crawford explains that Cross' grand jury and trial testimony is false, and that Crawford knew it was false but went along with it against his better judgment because police "threatened to [i]nvolve [Crawford's] older brother." *Id.* Crawford's statement corroborates the newly discovered recantations and statements of Maynard Cross, Melissa Stites, Regina Hagerman, Darlene Walton, and Kentrell Anthony, at least to the extent that they recall coercive police tactics during the investigation.

c. Discovery of *Brady, Giglio,* and/or *Youngblood* Evidence That Was Not Previously Disclosed to Petitioner or his Counsel

i. Petitioner's Case

In the period since Petitioner's conviction, Petitioner's counsel and investigators have managed to locate, identify, and obtain exculpatory evidence in the South St. Paul Police Department's ("SSPPD") physical case files from their previous investigation into and prosecution of Petitioner. This newly discovered exculpatory evidence was not disclosed to Petitioner or to his

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trial, appellate, or previous postconviction attorneys.

The newly discovered exculpatory investigatory documents that have been identified and obtained by Petitioner's counsel include, at minimum:

- A 39-page document consisting of SSPPD Captain Daniel Vujovich's case notes from the investigation into Petitioner which consists of internal notes spanning between the dates of December 22, 2002 and November 21, 2003.[5] *See* Exhibit P-27, 39-Page Vujovich Report & Summary.

After these documents were located, counsel received a document that originated in the Dakota County Public Defender's Office which indexes all the case files their office received from the State in discovery during Petitioner's trial proceedings, and which they otherwise received, collected, or compiled. The index is numbered and lists 289 separate records received in discovery. *See* Exhibit P-28, PD Index. The 39-page Vujovich document now relied upon is not found in the Public Defender's index. *Id.*

Captain Vujovich's case notes identify numerous possible alternative perpetrators and the witnesses and contact information of witnesses who reported such persons as suspects. Exhibit P-27 at 1-5, 8-9, 11, 13, 14-17, 18, 20-25, 29-30, 37-39. The document also identifies various motives other alternative perpetrators may have had to kill the victim. *E.g.*, *id.* at 10-11, 15.

Captain Vujovich's case notes identify that certain conversations between Petitioner and inculpatory trial witnesses were audio recorded, which is notable because such recordings were never handed over to Petitioner's trial counsel. *See* Exhibit P-27 at 11. With respect to the conversation between Petitioner and Ms. Melissa Stites on January 3, 2003, in which Petitioner is

[5] Vujovich was SSPPD's lead investigator prior to the issuance of the indictment and while the investigation remained ongoing after the indictment issued.

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claimed to have admitting having "shot an individual in the back five times with [a] Winchester," Vujovich's notes explicitly state: "MS was equipped with a voice transmitter, the conversation was recorded and heard by numerous officers." Exhibit P-27 at 11 ("**MS was equipped with a voice transmitter, the conversation was recorded**") (emphasis added). The contents of the conversation supposedly overheard by officers are now directly rebutted by Ms. Stites' newly discovered recantation affidavit. Exhibit P-16, Stites Aff. ¶¶ 4-5.

Captain Vujovich's case notes indicate that on January 15, 2003, Vujovich met with Mr. Irxam Tasamoun at Sabreen's, where Tasamoun was shown a photo lineup of Petitioner and his co-defendant (Dominick Johnson), and that he was unable to identify them from the lineup despite being a full-time employee at Sabreen's and working "many hours there." *See* Exhibit P-27 at 13.

Captain Vujovich's case notes indicate that he met with eventual trial witness Geronimo Estrada in the Ramsey County Workhouse on February 9, 2003; in that note, there is no indication that Vujovich recorded his initial conversation with Estrada, nor that he brought any other prove-up witnesses with him; in the note, there is no indication that Vujovich recorded this initial conversation with Mr. Estrada. *See* Exhibit P-27 at 16. A subsequent note from the same date indicates Estrada then called Vujovich on what was obviously a recorded line to report information to Vujovich about Petitioner. *See id.* at 17. The case notes indicate Vujovich then went back to the detention facility for another in person interview with Estrada on February 11, 2003, this time bringing audio recording equipment. *See id.* at 18.

Captain Vujovich's case notes indicate that officers met with Maynard Cross on March 26, 2003; it does not appear from the notes that this interview was audio recorded, but Mr. Cross swears in his affidavit that "[e]ach conversation [he] had with the officers was audio recorded." *See id.* at 24; Exhibit P-14, Cross Aff. (2024) ¶ 8. Vujovich's notes further show that the same

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investigators met with Cross again on April 16, 2003, and took an audio-recorded statement from Cross. *See* Exhibit P-27 at 25. The notes indicate Vujovich, along with the officers that previously met with Cross, all met with Cross again on May 28, 2003 and took another audio-recorded statement from Cross. Exhibit P-27 at 30. The notes indicate that investigating officers met with Cross again on October 21, 2003, and again claim to have obtained a recorded statement. *Id.* at 37. The same entry indicates that investigators arranged for Cross' custodial restrictions to be lifted in order to allow Cross to begin having contact with Petitioner's co-defendant, Dominick Johnson, who was housed in the same cell block as Cross. *Id.* The investigators also arranged for Cross's phone privileges to be restored. *Id.* The notes indicate further in-person communications between Cross and law enforcement investigators on November 12, 2003. *Id.* at 37-38.

Notably, the State's trial witness list disclosed to Petitioner's trial counsel which identifies each witness' known convictions and inducements, and which lists Maynard Cross, does not include in the inducement section for Cross anything about arranging for Cross' custodial restrictions to be lifted nor does it identify that his phone privileges were restored. *See* Exhibit P-6, State's Disclosure of Trial Witnesses ¶ 11.

Within the SSPPD's investigative file, there are numerous cassette tapes and mini cassette tapes. Within those tapes, there may be interviews with Mr. Cross or other key witnesses that are exculpatory and/or impeaching and which were not disclosed to Petitioner or his trial counsel. The SSPPD has not honored counsel's request to provide full and complete copies of each tape and other form of audio and/or video recording in the investigative case file at the SSPPD. If such tapes or recordings exist, they constitute undisclosed *Brady* and/or *Giglio* evidence; if bad faith by investigators was the reason such tapes were not disclosed, the tapes constitute *Youngblood* evidence. *See infra.*

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The documentary records in the SSPPD's possession regarding the investigation of Petitioner are extremely voluminous and likely include additional exculpatory or potentially exculpatory documents that were not disclosed, and which consequently constitute *Brady* and/or *Giglio* and/or *Youngblood* material.

ii. Investigation Into The MGSF

Many of the principal law enforcement investigators in Petitioner's case were members of the MGSF. *See, e.g.*, Exhibit P-29 at 2-7 (making repeated reference to members of the MGSF being involved in the investigation). Such investigators include, but are not limited to: Chris Freichels, John McManus, John Pyka, and Andrew Shoemaker. *Accord* Exhibit P-29 at 2-7.

On August 20, 2009, The Metro Gang Strike Force Review Panel, formed on May 26, 2009 at the Request of the Minnesota Commissioner of Public Safety, issued a report ("MGSF Review Report") following the May 20, 2009 Financial Audit Division Report by the Minnesota Office of the Legislative Auditor ("Legislative Auditor's Report"). *See* Exhibit P-30, MGSF Review Report.[6] One of the panel members is recent U.S. Attorney for the District of Minnesota, Mr. Andrew Luger. *Id.* The other panel member was Mr. John Egelhof, a retired FBI agent. *See id.*

The Legislative Auditor's report concluded that the MGSF's "internal controls were not adequate to safeguard seized and forfeited property, properly authorize its financial transactions, accurately record its financial activity in the accounting records, and conduct its financial activities in a reasonable and prudent manner." *Id.* "**Following the issuance of the Legislative Auditor's report, on the night of May 20, a number of Strike Force officers were observed shredding documents at the Strike Force offices**." *Id.* (emphasis added). "At that time, the Commissioner

[6] This document is admissible hearsay pursuant to Minn. R. Evid. 803(6) (records of regularly conducted business activity), 803(8) (public records and reports), 803(19) (reputation concerning personal or family history), 803(21) (reputation as to character), and 807 (residual exception).

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of the Department of Public Safety **shut down the Strike Force** pending further investigation by this Panel and the FBI." *Id.* (emphasis added). The documents that were shredded by strike force officers could easily include administrative subpoenas for cell phone records in Petitioner's case that were obtained but never disclosed to defense counsel, exculpatory witness statements that were obtained by police in Petitioner's case but never disclosed to defense counsel, and other actual or potential exculpatory evidence. *See id.* at 28 ("We have been unable to determine what the officers shredded or why"); *id.* at 29 ("The Panel feels compelled to emphasize the unusually poor and problematic state of the Strike Force investigative documentation. The most basic underpinning of criminal investigation is preservation and documentation.").

The MGSF Review Report noted that "[s]hortly after undertaking its work, … the Panel learned of credible allegations of misconduct relating to Strike Force employees that went beyond the findings of the Legislative Auditor" which "raised serious questions regarding the Strike Force's operations." *Id.* at 2.[7] "Consequently, on June 11, 2009, the Panel issued a Preliminary Report recommending that the Department of Public Safety not re-open the Strike Force under its current structure during the pendency of the Panel's investigation. *Id.*

In conducting the investigation, the Review Panel "[r]eviewed hundreds of case files as well as other records maintained by the Strike Force" and found that "[m]any of the case files contained little documentation to explain the work performed on that matter. These poorly documented cases often made it difficult for the Panel to understand and comment on particular investigations." *Id.* at 3, n.3 and accompanying text.

The Review Panel "uncovered substantial evidence of misconduct by Strike Force employees. … [I]t is this misconduct that will always be associated with the [MGSF]. … The

[7] Using internal page numbers at the bottom of the page.

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behavior uncovered by this Panel is **deeply disturbing** and must be addressed by law enforcement leaders, policy makers and the community." *Id.* at 4 (emphasis added). The MGSF Review Report noted that "[s]ubstantial quantities of evidence that should still be in the evidence room are missing." *Id.* It found that "[m]any items that were seized by the Strike Force, including narcotics, were never entered into evidence and were found in the offices outside of the evidence room." *Id.* It found that certain items, "such as two firearms, were found outside of the evidence room and cannot be traced to any individual case." *Id.* at 5. It found that MGSF employees routinely committed thefts under color of law by seizing property and money "without regard to whether the funds could reasonably be connected to illegal activity." *Id.* It found that "[o]n repeated occasions… Strike Force officers searched the cell phones of individuals who were stopped," despite such persons not having been arrested and despite officers not having a search warrant. *Id.* It found that even when searches were conducted pursuant to lawful warrants, "Strike Force officers often seized money and personal items… that, based on our review, bore no relation to the matter under investigation and could not be tied to criminal activity." *Id.* "On at least one occasion, seized property was later ordered returned but was missing from the Strike Force offices." *Id.*

The Review Panel found that "[a] relative of a Strike Force employee had regular access to the Strike Force offices and was observed handling seized property." *Id.* at 6. The Review Panel found that:

> **On the day that the Legislative Auditor's report was released, a number of Strike Force officers shredded documents and most likely placed a large amount of additional material in bins inside the Strike Force offices for shredding by a professional firm. These bins were full when reviewed by this Panel shortly thereafter. The bins included material relevant to numerous cases, including one entire case file. Additionally, sensitive material, including official case material, old items of evidence, at least two live rounds of ammunition and sensitive information about a Strike Force officer were placed in a publicly accessible dumpster outside of the Strike Force's offices.**

Id. (emphasis added). Moreover, "[i]n the days following the Legislative Auditor's report, a Strike

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Force employee tried to delete a file relating to confidential informants working with the Strike Force." *Id.* Considering one informant in Petitioner's case was Ms. Colleen McManus, the brother of MGSF Officer 1 (who was directly involved in investigating Petitioner), and considering Ms. McManus' concern at trial about the appearance of collusion between herself and her MGSF brother, there is a material possibility that the file attempting to be deleted related to Colleen McManus' involvement in Petitioner's case. Moreover, considering the fact that Ms. Stites received more money from the MGSF for relocation expenses than was disclosed, and considering Ms. Stites now acknowledges under penalty of perjury that she never heard Petitioner admit to shooting or robbing anyone despite the fact that multiple police officers testified to hearing such words, there is also a material possibility that the file attempting to be deleted related to Ms. Stites' involvement in Petitioner's case. There is also a far more likely possibility that portions of the investigative file related to Petitioner, and especially to obtaining false testimony from cooperating witnesses was destroyed in the MGSF purge.

The Review Panel found that MGSF's problems began as early as 2003 when the predecessor to the MGSF "lost much of its state funding." *Id.* at 7; *see also id.* at 10 (breaking down the differences between the Metro Gang Task Force and its predecessor, the Minnesota Gang Task Force). Moreover, the MGSF "did not have a functional Record Management System in place, nor a uniform reporting method for its officers." *Id.* at 8. The Review Panel found that MGSF officers lacked any meaningful direction or administrative supervision. *Id.* at 7.

This information about the MGSF, coming years after Petitioner's trial but implicating the period in which the crime occurred and was investigated and prosecuted, is strong circumstantial evidence that supports concluding that members of the MGSF involved in the investigation and prosecution of Petitioner obtained exculpatory or potentially exculpatory evidence relating to

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Petitioner and failed to disclose such evidence to defense counsel while acting in bad faith, thereby committing *Brady* and/or *Youngblood* violations. *Brady v. Maryland*, 373 U.S. 83 (1963); *Youngblood v. Arizona*, 488 U.S. 51 (1988). The reasonable inferences that can be drawn from the MGSF Review Report further support this conclusion.

Recently, Petitioner's counsel obtained newly discovered documents underlying the MGSF Review Report which implicate Officer MGSF Officer 1 in unlawful and unprofessional conduct while employed at the MGSF, including but not limited to selling a jet-ski seized by MGSF to his sister, Ann McManus. Exhibit P-38 at 5-6, 12-13. It is unlikely that the documents received by counsel directly from the Department of Public Safety are exhaustive, and they appear partially redacted to protect the identity of at least one confidential informant who may have played a role in the prosecution of Petitioner. Officer Shoemaker, who was central to the prosecution of Petitioner, was also a member of the MGSF, subject to many of the subsequent federal legal actions related thereto, and was individually named in at least two federal civil rights cases as a defendant for his misconduct with the MGSF.[8] *See also* Exhibit P-38 at 6, 13 ("Shoemaker and [MGSF Officer 1] seized about $36,000 and then paid an informant out of the seized funds. ADDITIONAL INVESTIGATION.").

Officers Shoemaker and MGSF Officer 1 both eventually received suspensions in relation to their activities at the MGSF. *See* Exhibit P-31, Shoemaker Suspension Notice; Exhibit P-32, McManus Suspension Notice. The Shoemaker suspension notice implicated wrongdoing by Shoemaker in the period between 2001 to May 2009. Exhibit P-31 at 1. The MGSF Officer 1 suspension notice implicated wrongdoing between 2004 and 2008. Exhibit P-32 at 1. The MGSF

[8] *See Mackey v. Shoemaker*, 0:04-CV-04362-DWF-SRN (D. Minn. 2004); *Mackey v. Shoemaker*, 0:10-CV-00647-RHK-LIB (D. Minn. 2010).

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Officer 1 suspension notice notes that the officer repeatedly used his position to give gifts of unlawfully seized evidence to his family, and further demonstrates the officer would pay confidential informants with illegally seized property that was not properly documented. *See id.* at 1-2. The Shoemaker suspension notice indicates that Shoemaker repeatedly failed to document and preserve evidence. Exhibit P-31 at 1-2. The Shoemaker suspension notice informed Shoemaker that his "failure to follow procedures on criminal cases is an example of the type of poor police work that resulted in the Gang Strike Force being dismantled." *Id.* at 2. The MGSF Officer 1 suspension notice informed the officer that his actions have "discredited [himself]." Exhibit P-32 at 2.

The MGSF Review Report and underlying documents recently obtained by counsel buttress the claims by Stites, Cross, Walton, Anthony, Hagerman, and Crawford regarding the unconstitutional and highly coercive conduct of investigating law enforcement officers in Petitioner's case. These same documents are relevant to demonstrating that any potentially exculpatory evidence that was withheld by MGSF officers was done in bad faith.[9]

[9] Further bad faith is demonstrated by reviewing a false statement known to be false or made in reckless disregard of the truth in a search warrant application for Petitioner's DNA. *See* Exhibit P-33, Application for Search Warrant and Supporting Affidavit (May 21, 2003). The affiant is referencing three confidential informants. *See id.* at 2. CI #1 refers to Melissa Stites. *See id.* CI #2 refers to Colleen McManus. *See id.* CI #3 references Geronimo Estrada. *See id.* The affidavit states that "CI#2 has no known non-traffic criminal history." *Id.* This statement was known to be false, as public records indicate that Ms. Stites was convicted of DUI on Apr. 17, 1998 in Ramsey County Case No.: 62-K7-97-003840 and was convicted of **offering a forged check** on November 20, 1996 in Hennepin County Case No.: 27-CR-95-059976. *See* Exhibit P-34, MCRO Printout for Melissa Stites. The forged check crime implicates the CI's penchant for truthfulness, or the lack thereof, and was a material lie intentionally told to obtain a warrant for Petitioner's DNA. *See Glossip v. Oklahoma*, 604 U.S. --, -- S. Ct. --, 2025 WL 594736, at *2-3 (Feb. 25, 2025) (holding that the prosecution "violated its constitutional obligation to correct false testimony" and ordering a new trial).

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ARGUMENT

I. PETITIONER'S PETITION FOR POSTCONVICTION RELIEF IS PROPERLY BEFORE THIS COURT.

A person convicted of a crime who claims the conviction violated their rights under the Constitution or laws of the United States or of the State of Minnesota may commence a proceeding to secure relief by filing a petition in the district court in the county in which the conviction was had. Minn. Stat. § 590.01, subd. 1. The petitioner may request the Court to vacate and set aside the judgment and to discharge the petitioner, resentence the petitioner, grant a new trial, correct the sentence, or make other disposition as may be appropriate. *Id.* Minnesota statutes limit this right for postconviction relief in distinct ways, but none of those limitations are applicable here. Two of the most common limitations are addressed below.

First, a petition for postconviction relief after a direct appeal has been completed may not be based on grounds that could have been raised on direct appeal of the conviction or sentence. *Id.* Similarly, "where [a] direct appeal has once been taken, all matters raised therein, and all claims known but not raised, will not be considered upon a subsequent petition for postconviction relief." *State v. Knaffla*, 243 N.W.2d 737, 741 (Minn. 1976).

Petitioner could not have raised the grounds identified in his petition during his direct appeal because they relate to the ineffective assistance he received from his appellate counsel. *See Arredondo v. State*, 754 N.W.2d 566, 571 (Minn. 2008) ("But we have said that '[c]laims of ineffective assistance of appellate counsel on direct appeal are not barred by the *Knaffla* rule in a first postconviction appeal because they could not have been brought at any earlier time.'"); *see also Wright v. State,* 765 N.W.2d 85, 90 (Minn. 2009). Moreover, Petitioner was not aware of the legal issues identified in his petition for postconviction relief at the time of his direct appeal, did not discuss those issues with his appellate counsel, and therefore did not know the underlying

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claims would be neglected by his appellate counsel. This issue is discussed in more detail *infra* after the merits of Petitioner's underlying claims are addressed.

Second, in most circumstances, a petition for postconviction relief may be filed no more than two years after the later of (1) the entry of judgment of conviction or sentence if no direct appeal is filed, or (2) an appellate court's disposition of petitioner's direct appeal. Minn. Stat. § 590.01, subd. 4(a). However, various exceptions to the two-year filing requirement exist. Minn. Stat. § 590.01, subd.4(b). The exceptions allow a court to hear a petition for postconviction relief that would otherwise be untimely if, *inter alia*:

> [1] [T]he petitioner alleges the existence of newly discovered evidence, including [but not limited to] scientific evidence, that provides facts necessary to sustain one or more legally cognizable claims for postconviction relief, if such evidence could not have been ascertained by the exercise of due diligence by the petitioner or petitioner's attorney within the two-year time period for filing a postconviction petition, is not cumulative to evidence presented at trial, and is not for impeachment purposes;
>
> [2] [T]he petitioner asserts a new interpretation of federal or state constitutional or statutory law by either the United States Supreme Court or a Minnesota appellate court and the petitioner establishes that this interpretation is retroactively applicable to the petitioner's case; [or]
>
> [3] [T]he petitioner establishes to the satisfaction of the court that the petition is not frivolous and is in the interests of justice.

Minn. Stat. § 590.01, subd.4(b)(2)-(3), (5). Any petition invoking one of the above exceptions "must be filed within two years of the date the claim arises." Minn. Stat. § 590.01, subd.4(c).

A. This Petition is Timely.

Petitioner filed within two years of the recently discovered evidence, and the statute of limitations was subsequently tolled. The petition is therefore timely. Petitioner has established multiple other exceptions to the two-year filing rule. *See* Amended Postconviction Petition. Petitioner first relies on Minn. Stat. § 590.01, subd.4(b)(2), submitting that this petition is timely because it alleges the existence of newly discovered evidence that provides material facts

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necessary to sustain one or more legally cognizable claims for postconviction relief; the petition alleges such evidence could not have been ascertained by the exercise of due diligence by the petitioner or petitioner's attorney within the two-year time period for filing a postconviction petition, is not cumulative to evidence presented at trial, and is not for impeachment purposes.

Here, Petitioner obtained four affidavits between 2021 and 2022 that constitute newly discovered evidence providing facts that are necessary to grant Petitioner postconviction relief. *See, e.g.*, Index #23 at 1-2. Petitioner, through counsel, then filed the original version of the present postconviction petition on December 14, 2022, well within the two-year filing deadline for newly discovered evidence. Since that time, one of the affidavits has been updated and supplemented, and remains timely, newly discovered evidence for purposes of the two-year filing rule. Moreover, counsel has obtained two other affidavits since 2021, which are also timely and which are now relied upon in the amended postconviction petition. Similarly, the *Brady*, *Giglio*, and *Youngblood* violations are alleged to have been discovered within two years of December 14, 2022, and/or after that date; such discoveries could not have been uncovered earlier through an exercise of diligence by Petitioner or his counsel.

Petitioner also relies upon Minn. Stat. § 590.01, subd.4(b)(5) to invoke the interests of justice exception, and submits that as a threshold matter, the petition is not frivolous. *See, e.g.*, *Gilbert v. State*, 2 N.W.2d 483, 487 (Minn. 2024) ("For an unraised claim, there are two exceptions to the *Knaffla* procedural bar: (1) if a novel legal issue is presented; or (2) if the interests of justice require review."). Further argument regarding the interests of justice is provided *infra.*

B. The *Knaffla* Bar Is Inapplicable.

The grounds that justify granting this Petition could not have been raised on direct appeal of the conviction or sentence.

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On direct appeal, Petitioner had no subpoena authority to compel further appearances or testimony from witnesses who provided false evidence at Petitioner's trial, meaning Petitioner could not have demonstrated that evidence was false on direct appeal. He therefore could not have raised any of Grounds 1-7 (as enumerated in the Amended Petition) on direct appeal.

On direct appeal, Petitioner was not yet aware and could not have become aware through an exercise of diligence that he did not receive mandatory *Brady*, *Giglio*, and *Youngblood* disclosures in criminal discovery. *See Brady v. Maryland*, 373 U.S. 83 (1963); *Giglio v. United States*, 405 U.S. 150 (1972); *Youngblood v. Arizona*, 488 U.S. 51 (1988). Petitioner was unable to learn that he did not receive *Brady*, *Giglio*, and *Youngblood* evidence from the State until his attorneys were finally given access to review the internal files related to his case that were housed at the South St. Paul Police Department, and this review did not commence until roughly 2021. Petitioner therefore could not have raised Ground 8 (as enumerated in the Amended Petition) on direct appeal.

Similarly, until 2021, Petitioner could not demonstrate that he was prevented from presenting alibi witnesses through a combination of witness tampering by police and ineffective assistance of trial counsel. Petitioner therefore could not have raised Ground 9 (as enumerated in the Amended Petition) on direct appeal.

Petitioner was prevented from bringing his ineffective assistance of trial counsel claims on direct appeal because of his appellate counsel's ineffective assistance on direct appeal. Petitioner could not have brought an ineffective assistance of appellate counsel claim on direct appeal because that would have required his counsel on direct appeal to claim to be ineffective in the course of the direct appeal. *See Arredondo v. State*, 754 N.W.2d 566, 571 (Minn. 2008) ("But we have said that '[c]laims of ineffective assistance of appellate counsel on direct appeal are not barred

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by the *Knaffla* rule in a first postconviction appeal because they could not have been brought at any earlier time.'"); *see also Wright v. State,* 765 N.W.2d 85, 90 (Minn. 2009). Petitioner therefore could not have raised Grounds 10-11 (as enumerated in the Amended Petition) on direct appeal.

Thus, the *Knaffla* bar is wholly inapplicable to these proceedings.

Petitioner also relies upon Minn. Stat. § 590.01, subd.4(b)(5) and *Gilbert v. State*, 2 N.W.2d 483 (Minn. 2024) to invoke the interests of justice exception to the *Knaffla* bar. *See, e.g.*, *Gilbert v. State*, 2 N.W.2d 483, 487 (Minn. 2024) ("For an unraised claim, there are two exceptions to the *Knaffla* procedural bar: (1) if a novel legal issue is presented; or (2) if the interests of justice require review."). Further argument regarding the interests of justice is provided *infra.*

II. AN EVIDENTIARY HEARING MUST BE GRANTED.

Unless the petition and the files and records of the proceeding conclusively show that the petitioner is entitled to no relief, the Court shall promptly set an early hearing on the petition and response thereto, and promptly determine the issues, make findings of fact and conclusions of law with respect thereto, and either deny the petition or enter an order granting appropriate relief. Minn. Stat. § 590.04, subd.1. Unless otherwise ordered by the Court, the burden of proof of the facts alleged in the petition shall be upon the petitioner to establish the facts by a fair preponderance of the evidence. Minn. Stat. § 590.04, subd. 3. The Court may order the petitioner to be present at the hearing. *Id.*

"To receive an evidentiary hearing on a timely postconviction claim of newly discovered evidence, a defendant is required to allege facts that, if proven by a fair preponderance[10] of the

[10] Minn. Stat. § 590.01, subd.4(b)(2) was amended in 2024 to remove the more onerous standard of proving "by clear and convincing evidence that the petitioner is innocent of the offense or offenses for which the petitioner was convicted." MN LEGIS 123 (2024), 2024 Minn. Sess. Law Serv. Ch. 123 (H.F. 5216) (WEST); *compare* Minn. Stat. § 590.01, subd.4(b)(2) (2005) *with* Minn. Stat. § 590.01, subd.4(b)(2) (2024-2025).

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evidence, would satisfy the four-prong test set forth in *Rainer v. State*, 566 N.W.2d 692 (Minn. 1997)." *Bobo v. State*, 820 N.W.2d 511, 517 (Minn. 2012). Under the *Rainer* test, a defendant is entitled to a new trial only if he proves the following four elements. First, "the evidence was not known to the defendant or his/her counsel at the time of the trial." *Rainer*, 566 N.W.2d at 695. Second, "the evidence could not have been discovered through due diligence before trial." *Id.* Third, "the evidence is not cumulative, impeaching, or doubtful." *Id.* Fourth, "the evidence would probably produce an acquittal or a more favorable result." *Id.* For purposes of *Rainer*'s third prong, "[e]vidence is not cumulative when 'it [is] the only evidence offered on' an issue." *Bobo*, 820 N.W.2d at 518 (quoting *State v. Penkaty*, 708 N.W.2d 185, 203 (Minn. 2006)).

Here, Petitioner has demonstrated that the evidence he relies upon—*i.e.*, witness recantations, newly discovered witness statements, and unlawfully suppressed *Brady* and/or *Giglio* and/or *Youngblood* evidence—was not known to Petitioner or his counsel at the time of trial. Petitioner has likewise demonstrated that such evidence could not have been discovered through due diligence before trial. Regarding this second point, Petitioner had no effective way of compelling witnesses to tell the truth in sworn affidavits before they were willing to do so; the threats and police pressure placed on such witnesses had a natural tendency of inhibiting witnesses from being willing to come forward. Similarly, with respect to the newly discovered investigative documents that were illegally suppressed, it must be noted that in order to obtain such documents, Petitioner's counsel and agents engaged in a level of diligence far above what is meant by "due diligence," and it is likely that any efforts to obtain full and unfettered access to police investigative documents by defense counsel would have been futile prior to the close of trial. *See generally* Minn. Stat. § 13.82, subd.7 (rendering criminal investigative data "confidential or protected nonpublic while the investigation is active"). Thus, the first two prongs of *Rainer* are satisfied.

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The evidence Petitioner now relies on is not cumulative, impeaching, or doubtful. The witness recantations and newly discovered witness statements all demonstrate, for the first time, that police officers and witnesses supporting the prosecution perjured themselves at trial and before the grand jury. The recantations and statements also explain that the reason for false witness testimony stems from a combination of witness tampering, coercion and payment by police investigators. Such evidence was not offered at trial, nor largely known to trial counsel, and any acknowledgements of inducements to testify that were offered at trial were incomplete, misleading, and prejudicial to Petitioner as a result of their incomplete and misleading nature. Moreover, with respect to Mr. Cross' 2024 recantation, this affidavit demonstrates by a preponderance of the evidence that *Brady* evidence in the form of audio recorded interviews with Mr. Cross were unlawfully withheld from Petitioner and his trial counsel. Thus, the recantations and statements are not cumulative.

Similarly, the recantations and statements are not merely impeaching. The recantations and statements of Stites, Cross, Walton, Hagerman, and Anthony all deal with substantive testimony that provided key circumstantial evidence needed to convict Petitioner and affirm his conviction on appeal. Stites, Hagerman, and Cross all testified to having personal knowledge that Petitioner was at Sabreen's on the night of the robbery, or at least that Petitioner confessed to being at Sabreen's on the night of the robbery despite there being no physical evidence found to corroborate these claims. Each of these three witnesses now recants those inculpatory statements and provides exculpatory statements in their place. Similarly, the newly discovered affidavits of Ms. Walton and Ms. Anthony provide evidence of perjury by Jaqueline Ezell and Regina Hagerman (and testifying officers), a motive for committing such perjury, and further provides a substantive and exceedingly important alibi for Petitioner. Thus, the recantations and statements are not merely

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impeaching.

Likewise, the recantations and statements of Stites, Cross, Walton, Hagerman, and Anthony are not doubtful. Stites and Hagerman all provide detailed, cogent, and facially credible reasons for providing false testimony to the grand jury and at Petitioner's trial, and Walton's and Anthony's statements likewise provide detailed, cogent, and facially credible reasons for Hagerman's, Stites', and Ezell's false testimony to the grand jury and at Petitioner's trial. All of these witnesses are adamant that they were coerced and threatened by police to give such false reports, false testimony, and were consequently terrified of telling the truth after the trial. Now, however, with the passage of time and the disbanding of the disgraced MGSF, these witnesses are finally ready to come forward. Their affidavits corroborate one another and are further corroborated by the Minnesota Department of Public Safety and other governmental reports into the illegal and systemically unfair law enforcement practices of the MGSF in the period during and immediately following the investigation and prosecution of Petitioner. *See* Exhibit P-30, MGSF Review Report. Thus, *Rainer*'s third prong is satisfied.

The contents of the newly discovered witness recantations and other affidavits, especially when considered in combination with the newly discovered 39-page Vujovich summary record, would probably produce an acquittal or more favorable result at trial. Without Stites' testimony about thinking Petitioner was acting "shady," was going to commit a robbery, and her claims to have heard Petitioner confess to a murder, Petitioner would have likely been acquitted. Stites' affidavit goes one step further, however, and provides not only that Petitioner did not say these things, but that Stites was pressured to provide false testimony on these topics by police. This would almost certainly produce an acquittal if the jury heard this evidence at the original trial. Similarly, if Hagerman had not testified that Petitioner admitted to committing a murder when he

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was supposedly with Hagerman a few days before the Superbowl, it is likely the jury would have acquitted Petitioner, especially if Stites had also told the truth at trial as she does now.

Similarly, if Cross had told the truth at trial, as he does now, it would have had the effect of depriving the State of a confession and would have further had the effect of impeaching various police witnesses (or causing them to alter their testimony to be more truthful and less prejudicial), and this would have increased the likelihood of an acquittal by a significant extent. If Walton's and/or Anthony's testimony had been provided at trial, it would have lessened the prejudicial effect of Hagerman's and Ezell's perjured testimony (or caused them to be unwilling to give false testimony), and would have also provided Petitioner with a credible alibi. Each of these affidavits on their own is sufficient to make an acquittal more likely, and their effect in combination is to make an acquittal a near certainty, especially when considered in combination with the newly discovered Vujovich summary. Thus, *Rainer*'s fourth prong is satisfied.

There are material facts in dispute and the allegations, if true, entitle Petitioner to relief. *See* Minn. Stat. § 590.04; *Martin v. State*, 825 N.W.2d 734, 740 (Minn. 2013); *See Glossip v. Oklahoma*, 604 U.S. --, -- S. Ct. --, 2025 WL 594736, at *2-3 (Feb. 25, 2025) (holding that the prosecution "violated its constitutional obligation to correct false testimony" and ordering a new trial). Each of the witness recantations has sufficient "indicia of trustworthiness" to warrant a hearing, especially when the recantations are considered together and in combination with other supporting evidence that corroborate the recantations and statements. *See State v. Ferguson (Ferguson I)*, 742 N.W.2d 651, 660 (Minn. 2007). Thus, the Court must grant Petitioner an evidentiary hearing. *Bobo v. State*, 820 N.W.2d 511, 516 (Minn. 2012) (any doubts as to whether to conduct an evidentiary hearing should be resolved in favor of the petitioner); *see also Ferguson v. State (Ferguson II)*, 779 N.W.2d 555, 560 (Minn. 2010) (observing that an evidentiary hearing

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is often necessary to resolve credibility determinations regarding a recanting witness' conflicting statements).

III. THE RELIEF REQUESTED BY PETITIONER MUST BE GRANTED AFTER AN EVIDENTIARY HEARING DUE TO ANY ONE OF THE INDEPENDENT, BUT RELATED, GROUNDS IDENTIFIED IN HIS PETITION.

A. A New Trial Is Warranted.

After an evidentiary hearing, the Court will see that Petitioner must be given a new trial. "The *Larrison* test sets forth the criteria to determine whether a defendant is entitled to a new trial on a claim of witness recantation." *Martin*, 825 N.W.2d at 740 (citing *Larrison v. United States*, 24 F.2d 82, 87-88 (7th Cir. 1928)). The *Larrison* criteria are as follows:

> (1) the court is reasonably well-satisfied that the testimony given by a material witness was false;
>
> (2) that without the testimony, the jury might have reached a different conclusion; and
>
> (3) the petitioner was taken by surprise when the false testimony was given and was unable to meet it or did not know of its falsity until after trial.

Martin, 825 N.W.2d at 740 (citing *State v. Turnage (Turnage II)*, 729 N.W.2d 593, 597 (Minn. 2007). "The first two prongs are compulsory," and the "third prong is relevant, but not an 'absolute condition precedent' to a new trial." *Martin* at 740 (citing *Opsahl v. State (Opsahl II)*, 710 N.W.2d 776, 782 (Minn. 2006)); (quoting *Ferguson v. State (Ferguson II)*, 779 N.W.2d 555, 559 (Minn. 2010)).

The first *Larrison* prong is satisfied because the Court can be reasonably well satisfied that the testimony given by Stites, Cross, Hagerman, and Walton, *inter alia*, was false; each of these witnesses is clearly material. Moreover, their new recantation testimony demonstrates that the testimony of many other trial witnesses, including but not limited to testifying law enforcement witnesses, gave false testimony at Petitioner's trial, which further adds to the materiality of the

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testimony of Stites, Cross, Hagerman, and Walton.

The second *Larrison* prong is satisfied because without the false trial testimony of these three witnesses, there would have been three less people claiming that Petitioner confessed. If the Johnson recantation is further considered, there would be four less people claiming that Petitioner confessed. Even if Stites, Cross, Hagerman, and Walton had not affirmatively testified that they were pressured to lie by police investigators, there is a real and significant chance that the jury would have reached a different conclusion. *See Martin v. State*, 825 N.W.2d at 743-44 ("Previously, we have concluded that the postconviction court should examine what testimony was recanted, and then determine whether it *might* have made a difference if that testimony had not been presented at trial.") (alteration as original); *Martin* at 743 ("'might' is 'something more than an outside chance although much less than ... 'would probably.'") (citations omitted). If Stites, Cross, Hagerman, and Walton had also testified about the coercive tactics used by police investigators, the likelihood of an acquittal would have increased exponentially.

The third *Larrison* prong is satisfied because Petitioner was taken by surprise when the false testimony was given and was unable to meet it.[11] Petitioner was unable to meet the false testimony of Stites, Cross, Hagerman, and Walton because their false testimony was corroborated by the false testimony of police officers, which had the natural effective of corroborating the false testimony of the lay witnesses to such an extent as to make a refutation impossible. Anything Petitioner said, true or not, would have been disbelieved by the jury due to the overwhelming aggregated weight of the false testimony. Petitioner was also unable to meet the false testimony

[11] Petitioner does not claim that he was unaware that the witnesses were lying when they said Petitioner confessed, as Petitioner has always known he did not commit the murder and did not confess to committing the murder. While Petitioner may have been unaware of the falsity of many of the other lies told in the case, he was firmly aware that he did not commit the murder or robbery at Sabreen's.

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provided at trial because his trial counsel pressured Petitioner not to testify in his own defense, and because trial counsel also failed to present any witnesses or evidence in Petitioner's defense despite Petitioner's request for counsel to do so.

B. The "Structural Error" Doctrine Requires Vacating Petitioner's Conviction.

In *Chapman v. California*, 386 U.S. 18 (1967), the United States Supreme Court "adopted the general rule that a constitutional error does not automatically require reversal of a conviction." *Arizona v. Fulminante*, 499 U.S. 279, 306 (1991) (citing *Chapman*, *supra*). If the government can show "beyond a reasonable doubt that the error complained of did not contribute to the verdict obtained," the Court held, then the error is deemed harmless and the defendant is not entitled to reversal. *Id.* at 24. The Court recognized, however, that some errors should not be deemed harmless beyond a reasonable doubt. *Id.* at 23, n. 8. On the other hand, certain constitutional errors can be so grave as to nearly always require reversal because they have infected the fundamental fairness and framework of the trial, and these are known as structural errors. *See Fulminante*, 499 U.S. at 309–310. "The purpose of the structural error doctrine is to ensure insistence on certain basic, constitutional guarantees that should define the framework of any criminal trial. Thus, the defining feature of a structural error is that it 'affect[s] the framework within which the trial proceeds,' rather than being 'simply an error in the trial process itself.'" *Weaver v. Massachusetts*, 582 U.S. 286, 294-95 (2017) (quoting *Fulminante* at 310). "For the same reason, a structural error 'def[ies] analysis by harmless error standards.'" *Id.* (quoting *Fulminante* at 309).

"The precise reason why a particular error is not amenable to that kind of analysis—and thus the precise reason why the Court has deemed it structural—varies in a significant way from error to error. There appear to be at least three broad rationales." *Weaver* at 295.

> **First, an error has been deemed structural in some instances if the right at issue is not designed to protect the defendant from erroneous conviction but instead protects some other interest.** This is true of the defendant's right to

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conduct his own defense, which, when exercised, "usually increases the likelihood of a trial outcome unfavorable to the defendant." *McKaskle v. Wiggins,* 465 U.S. 168, 177, n. 8, 104 S.Ct. 944, 79 L.Ed.2d 122 (1984). That right is based on the fundamental legal principle that a defendant must be allowed to make his own choices about the proper way to protect his own liberty. See *Faretta v. California,* 422 U.S. 806, 834, 95 S.Ct. 2525, 45 L.Ed.2d 562 (1975). Because harm is irrelevant to the basis underlying the right, the Court has deemed a violation of that right structural error. See *United States v. Gonzalez–Lopez,* 548 U.S. 140, 149, n. 4, 126 S.Ct. 2557, 165 L.Ed.2d 409 (2006).

Second, an error has been deemed structural if the effects of the error are simply too hard to measure. For example, when a defendant is denied the right to select his or her own attorney, the precise "effect of the violation cannot be ascertained." *Ibid.* (quoting *Vasquez v. Hillery,* 474 U.S. 254, 263, 106 S.Ct. 617, 88 L.Ed.2d 598 (1986)). Because the government will, as a result, find it almost impossible to show that the error was "harmless beyond a reasonable doubt," *Chapman, supra,* at 24, 87 S.Ct. 824, the efficiency costs of letting the government try to make the showing are unjustified.

Third, an error has been deemed structural if the error always results in fundamental unfairness. For example, if an indigent defendant is denied an attorney or if the judge fails to give a reasonable-doubt instruction, the resulting trial is always a fundamentally unfair one. See *Gideon v. Wainwright,* 372 U.S. 335, 343–345, 83 S.Ct. 792, 9 L.Ed.2d 799 (1963) (right to an attorney); *Sullivan v. Louisiana,* 508 U.S. 275, 279, 113 S.Ct. 2078, 124 L.Ed.2d 182 (1993) (right to a reasonable-doubt instruction). It therefore would be futile for the government to try to show harmlessness.

These categories are not rigid. In a particular case, more than one of these rationales may be part of the explanation for why an error is deemed to be structural. See *e.g., id.,* at 280–282, 113 S.Ct. 2078. For these purposes, however, **one point is critical: An error can count as structural even if the error does not lead to fundamental unfairness in every case.** See *Gonzalez–Lopez, supra,* at 149, n. 4, 126 S.Ct. 2557 (rejecting as "inconsistent with the reasoning of our precedents" the idea that structural errors "always or necessarily render a trial fundamentally unfair and unreliable" (emphasis deleted)).

Weaver, 582 U.S. at 295-96 (bold emphasis added).

The false testimony in this case was so pervasive that it infected the entire trial and caused a structural error. Assuming the facts alleged in support of this petition are true, as we must at this stage, it is clear that the unlawful, unconstitutional, coercive, threatening, and briberous behavior of law enforcement investigators towards actual and potential trial witnesses resulted in

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fundamental unfairness. Moreover, it is clear that such conduct by investigating law enforcement officers will *always* result in fundamental unfairness, especially when such behavior is not disclosed to defense counsel prior to trial, as was the case here.

Additionally, the fact that it is now known that investigating and testifying law enforcement officers *knowingly* provided false testimony, and caused other testifying witnesses to provide false testimony, to obtain a conviction further evidences that a structural error has occurred, even if the false testimony offered in the case does not by itself rise to the level of a structural error. The fact that so much false testimony was offered despite the declarant's knowledge of the falsity *always* results in fundamental unfairness.

The combination of knowingly false testimony, combined with the lack of disclosures of exculpatory and potentially exculpatory evidence in this matter, further demonstrates structural error even if the provision of copious knowingly false testimony does not by itself rise to the level of a structural error. The lack of required disclosures by the State *always* results in fundamental unfairness. One manifestation in which this unfairness is demonstrated is defense counsel's inability to meaningfully cross-examine the State's witnesses due to the State's failure to make mandatory disclosures of documents and evidence bearing on the witnesses' credibility or lack thereof.

The conduct of the investigating officers and other testifying witnesses consequently rises to the level of a structural error that requires automatic reversal, especially in light of the *Brady*, *Giglio*, and *Youngblood* violations that occurred in this case. *See State v. Gant*, 996 N.W.2d 1, 7 (Minn. Ct. App. 2023) ("An invalid waiver and the corresponding denial of the right to counsel are 'structural error[s]' that require reversal.") (citing *Bonga v. State*, 765 N.W.2d 639, 643 (Minn. 2009)); *State v. Chavez-Nelson*, 882 N.W.2d 579, 587 (Minn. 2016) ("Because the district court's

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error was not a violation of [the appellant's] constitutional right to counsel, we conclude that the error in this case does not fall into the very limited class of structural errors that require automatic reversal of a conviction."); *State v. Brown*, 732 N.W.2d 625, 630 (Minn. 2007) ("Structural errors require automatic reversal because such errors 'call into question the very accuracy and reliability of the trial process.'") (quoting *State v. Osborne*, 715 N.W.2d 436, 448 n.8 (Minn. 2006)); *Brown*, 732 N.W.2d at 630 ("Structural errors always invalidate a conviction whether or not a timely objection to the error was made.") (citing *Sullivan v. Louisiana*, 508 U.S. 275, 276-82 (1993)); *McGurk v. Stenberg*, 163 F.3d 470, 474 (8th Cir. 1998) (structural errors "call into question the very accuracy and reliability of the trial process"); *Glossip v. Oklahoma*, 604 U.S. --, -- S. Ct. --, 2025 WL 594736, at *2-3 (Feb. 25, 2025) (holding that the prosecution "violated its constitutional obligation to correct false testimony" and ordering a new trial).

Because a structural error implicating fundamental unfairness in every case has been demonstrated, at least to a *prima facie* extent, it is totally unnecessary for Petitioner to demonstrate ineffective assistance of trial counsel or appellate counsel; the Court must grant this petition *even if* trial and/or appellate counsel were effective because it is clear that the conduct of law enforcement officers, and the State generally, deprived Petitioner of his constitutional right to due process, inhibited his counsel's ability to be constitutionally effective, and caused Petitioner to be confronted by false witnesses and evidence. Moreover, by bribing Petitioner's alibi witnesses, law enforcement investigators effectively violated Petitioner's Sixth Amendment right to have compulsory process for obtaining witnesses in his favor by causing those witnesses to provide false testimony for the purpose of obtaining a conviction and otherwise inhibited Petitioner's ability to present a complete defense. Similarly, because of the structural error, it was impossible for Petitioner to receive constitutionally effective assistance of counsel.

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C. Petitioner Received Ineffective Assistance of Trial & Appellate Counsel.

To establish a claim of ineffective assistance of counsel, a defendant must meet a two-pronged test evaluating deficiency and prejudice. *Strickland v. Washington*, 466 U.S. 668, 687 (1984). *First*, it must be proven by a preponderance of the evidence that counsel's performance was so deficient that it fell below an "objective standard of reasonableness." *Strickland*, 466 U.S. at 687–88. An attorney acts within the objective standard of reasonableness when he provides his client with the representation of an attorney exercising the customary skills and diligence that a reasonably competent attorney would perform under the circumstances. *State v. Doppler*, 590 N.W.2d 627, 633 (Minn. 1999). *Second*, it must be proven by a preponderance of the evidence that counsel's deficient performance resulted in prejudice. *Strickland*, 466 U.S. at 687. In the context of a claim of ineffective assistance of appellate counsel, a defendant "must be able to show that absent his appellate counsel's error, the outcome of his direct appeal would have been different." *Pierson*, 637 N.W.2d at 579; *quoting Dukes v. State,* 621 N.W.2d 246, 256 (Minn. 2001).

Therefore, to receive an evidentiary hearing on a postconviction claim of ineffective assistance of counsel, a petitioner is required to allege facts that would show that counsel's representation fell below an objective standard of reasonableness and there is a reasonable probability that, but for counsel's errors, the result of the proceeding would have been different. *State v. Nicks*, 831 N.W.2d 493, 504 (Minn. 2013). A petitioner must overcome the "presumption that counsel's performance fell within a wide range of reasonable" representation. *Gail v. State*, 732 N.W.2d 243, 248 (Minn. 2007). When deciding whether to grant an evidentiary hearing, a postconviction court must take the facts alleged in the petition as true and construe them in the light most favorable to the petitioner. *Andersen v. State*, 913 N.W.2d 417, 422-23 (Minn. 2018).

i. Trial counsel

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Although it should be unnecessary to demonstrate ineffective assistance of trial counsel, due to the structural error implicating fundamental fairness noted above, Petitioner nonetheless submits that his trial counsel provided ineffective assistance of counsel.

Trial counsel's representation of Petitioner was objectively unreasonable in at least two key respects. First, it was unreasonable for trial counsel not to call Darlene Jones (Walton), Kentrell Anthony, and/or Demetrius O'Connor as alibi witnesses. Petitioner informed his trial counsel that he was with these individuals on December 22, 2002 at the time the murder occurred. Exhibit P-35, Petitioner's Affidavit ¶¶ 2-7, 9.

Petitioner provided his trial counsel with the contact information of Darlene and Kentrell, or at least with enough information to allow counsel to track down their contact information. *Id.* at ¶¶ 4-6.

At minimum, if trial counsel had called Ms. Anthony as an alibi witness, she would have informed the jury that police officers were pressuring and bribing her and her family members to provide false testimony, and would have told the jury that Petitioner and Johnson were at her house at 9:45 PM on December 22, 2002. *See* Exhibit P-26, Anthony's CRU Interview Tr. at 24-27, 37-38. Ms. Anthony's testimony was absolutely necessary for Petitioner to have *any* realistic chance of rebutting the false testimony presented by the State's witnesses, yet trial counsel did not call Ms. Anthony as a witness. *See also* Exhibit P-19, Anthony Aff. ¶ 12 ("In the course of the police interviews/interrogations, no one ever told me that the robbery and murder took place at about 9:45 pm on Dec. 22, 2002. If someone had done so, I would have told the police that neither Philip nor Dominick could have been involved in that crime because they were both with me at the duplex where I was living at 956 Minnehaha Ave. East in St. Paul until about 10 or 11 pm that evening.").

Similarly, if trial counsel had called Ms. Jones (Walton) as an alibi witness, she would have

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testified that Petitioner was with her at 9:45 PM on December 22, 2002, and that Johnson was with Ms. Anthony at the same time on the same date. *See* Exhibit P-18, Walton Aff. ¶¶ 2-10. Ms. Jones (Walton) would have also testified that Petitioner and Johnson left her house around 10:00 PM on December 22, 2002 with Ms. Anthony and Mr. Demetrius O'Connor, with Mr. O'Connor driving Petitioner and Johnson to The Buttery. *Id.* ¶¶ 10-12. Moreover, if counsel had called Ms. Jones (Walton) as an alibi witness, she could have confirmed that she made at 10 minute phone call to 773-783-3952 while she was with Petitioner just two hours before the murder, solidifying Petitioner's alibi with phone records. *See* Exhibit P-35, Petitioner's Affidavit ¶¶ 2-7; Exhibit P-36, Call Detail Records at 4. Had counsel called Ms. Jones (Walton) as an alibi witness, there is a significant likelihood Ms. Jones would have admitted or discussed the coercive police investigatory tactics used against her and her family, yet trial counsel did not call Ms. Jones (Walton) as a witness.

While it would have been mostly pointless to call Mr. Demetrius O'Connor as the only alibi witness, his testimony, if called by the defense, would have corroborated the alibi testimony that should have been offered by Ms. Jones (Walton) and Ms. Anthony. Failure to investigate this alibi defense and to interview and call these witnesses was ineffective assistance of counsel, and but for that professional error, the outcome would have likely been different.

It was objectively unreasonable for trial counsel to fail to present a timely alibi notice, and to not present these alibi witnesses despite having enough information prior to trial to know of the alibi and the witnesses' availability to testify. *See, e.g.*, *Upshaw v. Stephenson*, 97 F.4th 365, 371-72 (6th Cir. 2024) ("Many courts—including this one—'have found ineffective assistance of counsel in violation of the Sixth Amendment where ... a defendant's trial counsel fails to file a timely alibi notice and/or fails adequately to investigate potential alibi witnesses.'") (quoting

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Clinkscale v. Carter, 375 F.3d 430, 443 (6th Cir. 2004)); *see also Wiggins v. Smith*, 539 U.S. 510, 534 (2003) (reaffirming counsel's duty to investigate); *Williams v. Taylor*, 529 U.S. 362, 399 (2000) (same). To the extent trial counsel did not present these alibi witnesses because trial counsel did not know what they would say, it was objectively unreasonable for trial counsel not to interview these witnesses prior to trial to investigate the veracity of Petitioner's alibi claims. *E.g.*, *Upshaw*, 97 F.4th at 373-74 (affirming the district court's determination that an attorney's "failure to investigate Upshaw's alibi witnesses, and his 'failure to attempt to remedy the situation' when he missed the alibi witness deadline, constituted independent bases supporting Upshaw's ineffective assistance of counsel claim.").

Both of these errors clearly prejudiced Petitioner and constitute independent reasons to grant this petition. The effect of such errors was to prevent the jury from hearing evidence that was capable of creating reasonable doubt as to the identity of the shooter *even if* evidence of police corruption had never been introduced. The second-order effect of such errors was to remove any chance of eliciting testimony about the police corruption that occurred during the investigation.

Thus, Petitioner has satisfied both *Strickland* factors for ineffective assistance of trial counsel with respect to trial counsel's failure to call alibi witnesses.

Trial counsel representation of Petitioner was also unreasonable because trial counsel failed to introduce any alternative perpetrator evidence relating to Michael Smith. This error is made more egregious and unreasonable by the concomitant failure to investigate or call alibi witnesses. The main point of contention in Petitioner's case was the shooter's identity. Before the defense chose not to call any witnesses, trial counsel knew that Petitioner would not be testifying on counsel's advice. Trial counsel had previously obtained an order on a motion in limine allowing the defense to introduce alternative perpetrator evidence relating to Michael Smith. *See Vance I*,

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714 N.W.2d at 437-40 (discussing alternative perpetrator evidence and related evidentiary rulings). Trial counsel was therefore permitted to introduce an admission made by Smith against his penal interest "that the day after the shooting Smith called Mary Rose Martinez and told her that [Smith], [Jesse] Magnuson, and [Lorenzo] Eide had committed the murder" at Sabreen's and "that Eide, Magnuson, and Smith live in South Saint Paul." *See id.* at 438. "In the end, for reasons unknown, [Petitioner's counsel] did not offer the Smith alternative-perpetrator evidence at trial."

The effect of not introducing alternative-perpetrator evidence was fatal to Petitioner's chances of acquittal, especially in the absence of any alibi witnesses and in the presence of so much false testimony. *See Bobo v. State*, 820 N.W.2d 511, 518-19 (Minn. 2012) ("Indeed, the identification of a specific alternative perpetrator is an important, powerful, and distinct part of a defendant's constitutional right to present a complete defense.") (citing *State v. Ferguson*, 804 N.W.2d 586, 590-91 (Minn. 2011)). Trial counsel's failure to introduce alternative perpetrator evidence likely stemmed from trial counsel's apparent belief during the trial that Petitioner was guilty. *See* Exhibit P-24, Wayne Jones Aff. (declarant states his "attorney Cean Shands" told him "that [Shands'] client Philip Vance was guilty and that if [Vance] would of kept his mouth closed [Vance] wouldn't of been tried"). The combined effect of failing to investigate or call alibi witnesses and failing to introduce admissible alternative perpetrator evidence was extraordinarily prejudicial to Petitioner's defense.

The cumulative effect of trial counsel's errors and prosecutorial misconduct by police officers in this case have combined to deny Petitioner his Due Process right to a fair trial. This requires reversal of the conviction and a new trial. *State v. Keeton*, 589 N.W.2d 85, 91 (Minn. 1998); *State v. Mayhorn*, 720 N.W.2d 776, 792 (Minn. 2006); *See Glossip v. Oklahoma*, 604 U.S.

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--, -- S. Ct. --, 2025 WL 594736, at *2-3 (Feb. 25, 2025) (holding that the prosecution "violated its constitutional obligation to correct false testimony" and ordering a new trial).

ii. Appellate counsel

The United States and Minnesota constitutions guarantee a criminal defendant's right to effective assistance of appellate counsel. *See Deegan v. State*, 711 N.W.2d 89, 98 (Minn. 2006) (Holding that a defendant's right to the assistance of counsel under Article I, section 6 of the Minnesota Constitution extends to one review of a criminal conviction); *see also Pierson v. State*, 637 N.W.2d 571, 579 (Minn. 2002) (acknowledging that the Due Process Clause of the Fourteenth Amendment guarantees a criminal defendant the right to effective assistance of appellate counsel and citing to *Evitts v. Lucey*, 469 U.S. 387, 396 (1985)).

Appellate counsel is not required to raise all possible claims on direct appeal, and counsel need not raise a claim if she "could have legitimately concluded that it would not prevail." *Cooper v. State*, 745 N.W.2d 188, 193 (Minn. 2008). Therefore, representation by appellate counsel does not fall below an objective standard of reasonableness if counsel could have legitimately concluded that a claim would not have prevailed. *Arredondo*, 754 N.W.2d at 571. To determine whether an appellate counsel could have legitimately concluded that a claim would not prevail, an examination of the merits of that claim is necessary. *Id.*

Although it should be unnecessary to demonstrate ineffective assistance of appellate counsel, due to the structural error implicating fundamental fairness noted above, Petitioner nonetheless submits that his appellate counsel provided ineffective assistance of counsel.

Appellate counsel's representation of Petitioner was objectively unreasonable in at least three key respects. First, it was unreasonable for appellate counsel not to argue that Petitioner's trial counsel was ineffective for failing preserve an alibi defense by timely noticing the defense.

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See Exhibit P-35, Petitioner's Affidavit ¶¶ 3-7, 9. Second, it was unreasonable for appellate counsel not to argue that trial counsel was ineffective for failing to call Darlene Jones (Walton), Kentrell Anthony, and/or Demetrius O'Connor as alibi witnesses. *See id.* Petitioner informed his appellate counsel that he was with these individuals on December 22, 2002 at the time the murder occurred. *See id.* Third, it was unreasonable for appellate counsel not to argue that Petitioner's trial counsel was ineffective for failing to introduce admissible alternative perpetrator evidence relating to Michael Smith. *See id.* at ¶¶ 2-9.

With respect to this second point, it is notable that counsel *did* argue that the trial court abused its discretion by disallowing alternative perpetrator evidence relating to Lorenzo Eide and Jesse Magnuson. *See Vance I*, 714 N.W.2d at 436-40. In response, the Minnesota Supreme Court concluded that "the exclusion of evidence of Eide as an alternative perpetrator." *Id.* at 439. The evidence that was improperly excluded was Eide's statement to Samantha O'Reilly wherein Eide told her "he would do to her what he did to the guy at Sabreen's" after O'Reilly saw Eide the day after the murder and noted Eide "had a gun and a 'couple of hundred dollars worth of drugs the very next night after the shooting.'" *Id.* Although the Minnesota Supreme Court determined that the trial court's error in disallowing the alternative perpetrator evidence relating to Eide was harmless, one is left to wonder whether the Court would have reached the same conclusion if appellate counsel had argued that trial counsel was ineffective for failing to introduce the alternative perpetrator evidence relating to Smith. Had such evidence been introduced, the likelihood of the trial court's evidentiary ruling constituting harmless error would have decreased significantly because then the alternative perpetrator evidence relating to Eide would have strengthened and corroborated the alternative perpetrator evidence relating to Smith that could and should have been introduced. This is doubly true because the Minnesota Supreme Court only

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determined that the error was harmless due to Petitioner's alleged "admissions to a number of witnesses[, many of whom have since recanted,] that he committed the murder. *Id.*

For all of the reasons stated in the previous sections, but with particular emphasis here, an appellate attorney exercising the customary skills and diligence that a reasonably competent attorney would perform under the circumstances would have both identified the ineffective assistance of trial counsel, discussed it with his client, and raised it on direct appeal. As detailed above, the claim would have been meritorious had it been raised, and therefore appellate counsel could not have legitimately concluded that it would not prevail. Moreover, there was no strategic advantage gained by appellate counsel in not raising the issue, as the ineffective assistance of counsel claim would have been congruent with appellate counsel's alternative perpetrator evidentiary argument and related sufficiency of the evidence argument relating to the identity of the shooter. Had counsel raised the issue, there is more than a reasonable probability that Petitioner's convictions would have been reversed. Therefore, Petitioner has alleged facts sufficient to obtain an evidentiary hearing on his claim. After his allegations are proven at an evidentiary hearing, a reversal of his conviction will not only be warranted, but will be necessary to ensure Petitioner's right to effective assistance of counsel under the Sixth and Fourteenth Amendments to the United States Constitution and Article I, Section 6 of the Minnesota Constitution, and the right to a fair trial under the Due Process Clause of the United States Constitution.

CONCLUSION

For the reasons articulated *supra*, Petitioner respectfully requests that this Court grant him the relief requested in his petition for postconviction relief.

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Dated: February 27, 2025

Respectfully submitted,

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MINNESOTA JUDICIAL BRANCH

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M[illegible]NESOTA GANG STRIKE F[illegible]CE
REPORT OF INVESTIGATION

TYPE OF REPORT
☒ INITIAL REPORT
☒ INVESTIGATION REPORT
☒ CRIMINAL INVESTIGATION
☐ CASE CLOSURE
☒ GANG IDENTIFICATION REPORT

TO BE FILED
☒ INVESTIGATIVE
☒ GANG GROUP
☒ PERSONAL

APPROVED BY:

GSF NUMBER	OFFENSE CATEGORY	OFFENSE CODE
02-000504	Investigation of Death	

COUNTY OF OCCURRENCE	DATE / TIME OF INCIDENT	SUBMITTED BY:	REGION
Dakota	12/22/02 @ 2143 hrs.	Shoemaker	Metro

CASE TITLE	CROSS REFERENCE	DATE / TIME ACTIVITY
S. St. Paul Robbery/Homicide	S.St. Paul P.D. 02-018427	01/03/03 @ 2200 hrs.

SUBJECT(S):
1. CRI X0164
2. VANCE, Phillip Randall, B/M, dob/102880, AKA: FLORIDA, lives at 956 E. Minnehaha, St. Paul. Unkn. if upstairs, or down.
3. JOHNSON, Dominick Dwayne, B/M, dob/111582, AKA: STACKS, unkn. address.

SYNOPSIS:
Met with the CRI at CRI's place of business. CRI finished work at 2200 hours. CRI was outfitted with a transmitter, then went to the "Buttery", located at the corner of Robert/6th St., to meet with the above parties and see if CRI could get the above suspects to say anything about the above incident which would indicate that they were involved in the above Robbery/Homicide.

PERSONNEL ASSIGNED:
Shoemaker, McManus, Kennedy, Bautista, Meskan, Freichels, Pinoniemi, Sgt. Pyka - MGSF, Capt. Vujovich - S. St. Paul P.D.

DETAILS:
This reporting Officer (Shoemaker - MGSF #120) is currently assigned to the Minnesota Gang Strike Force, as an Investigator.

From information obtained by the CRI, and a second Concerned Citizen (CC), information was obtained which leads Officers to belive that the above individuals have knowledge of, or were involved in, a shooting incident during the past two weeks.

I was assisted by Officers McManus, and Kennedy. We met with the CRI at 311 Minnesota Street at approx. 2200 hours. The CRI works in the downtown area. The CRI told us that VANCE had stopped by earlier in the evening and agreed to meet with the CRI at the "Buttery" at approx. 2230 hrs. Officer Kennedy gave the CRI a hardwire transmitter, which would allow us to monitor any conversation the CRI had with anyone. We also gave the CRI instructions as to what questions the CRI should ask VANCE or JOHNSON, and several safety rules to follow.

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We followed the CRI to the Butt[illegible]at 2307 hrs., and observed the CRI en[illegible]he Buttery at 2315 hrs. The CRI could be seen through the front windows of the business at the corner of Robert/6th and the CRI was immediately met by two parties the CRI had previously described/identified to us as VANCE, and JOHNSON.

JOHNSON was wearing a white "doo rag" on his head, a black jacket - carharts type, and black jeans. VANCE was wearing a white/beige/brown leather jacket, black pants, and had recently taken the braids out of his hair, making his hair, "stand up irregularly". A third B/M was also with the above two parties. This B/M went by the name of "Rooster" and is believed to be: WILLIAMS, Montrell, B/M, dob/020976, 602, 157#, unkn. address.

The CRI spoke with the above parties while seated near the windows. The CRI and suspects were monitored by all Officers assigned to this detail. Although the conversations could be heard, background noise was so loud that any attempts at recording the conversations would not be successful. At 2342 hrs., the CRI went to the restroom and phoned Officer McManus. The CRI said things were going okay, and that VANCE wanted to go to another downtown bar called, "The Lab". We advised the CRI that it would be okay to take VANCE to that location and that we would provide constant surveillance while enroute there. The CRI left the Buttery with VANCE at approx. 0010 hrs. and arrived at the Lab (actually called the 4th Street Station) which is located at the NE corner of 4th St./Sibley in the Lowertown portion of St. Paul, at 0019 hrs.

The CRI had told us that VANCE was collecting money constantly while in the Buttery. People were giving him $20 bills and while seated there, VANCE collected what the CRI estimated to be $300 in cash. VANCE told the CRI that he is a drug dealer, and deals drugs in the Buttery and at, "The Lab". While with VANCE, the CRI saw VANCE with several bags of what the CRI recognized as marijuana, and observed VANCE make several drug sales.

At approx. 0045 hrs., the CRI asked VANCE about guns. The following conversation took place between the CRI and VANCE:

CRI-Do you have any guns? CRI- Will you teach me how to shoot? VANCE-Yeah, I got four of them. CRI-When's the last time you used one? VANCE-Two weeks ago, over south, Boo. CRI-What happened? CRI-What did you do? VANCE-I shot the guy five times in the back. CRI-Didn't you stop to see if he was dead? VANCE-Nope, I just kept going. VANCE-I've shot at lots of people before.

Following the above conversation, the CRI told VANCE that the CRI owned a gun, but didn't know how to shoot it. VANCE told the CRI that he shoots all the time by some railroad tracks. The CRI and VANCE then discussed going shooting the next day. VANCE said he would teach the CRI how to shoot the gun.

The CRI left the 4th Street Station (LAB) with VANCE at 0116 hrs. They walked to the CRI's vehicle together. The CRI and VANCE were still talking about going shooting. VANCE offered to show the CRI one of his guns, and directed the CRI to his "crib", which is a street term for home, or residence. We tailed the CRI and VANCE W/B 4th St. onto N/B Sibley, then E/B on 5th St., to N/B Wall, then E/B I94. The CRI exited at the 6th St./Mounds Blvd exit, then continued E/B on 6th St. to Forest, then N/B Forest to Minnehaha, then E/B a short distance on Minnehaha where the CRI pulled to the curb at 956 E. Minnehaha.

The CRI was told by VANCE to wait outside, he was going inside to get one of his guns to show the CRI. Officers set up in the area, but it was extremely difficult to see up to the front of 956 E. Minnehaha as no street lights or porch lights were on in the immediate area. The CRI waited approx. five minutes at which point we contacted the CRI and told the CRI to leave and meet us at a prearraged location. The CRI pulled away at approx. the same time that VANCE was observed by surveillance Officers to come back out the front door and wait on the steps near where the CRI had been waiting. The CRI cleared 956 E. Minnehaha at 0128 hrs.

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Two vehicles were observed par' . unoccupied in front of 956 E. Minnel . a and possibly related to that address. Vehicle #1 is a grey Mercury, Minnesota license plate FDX-556. Vehicle #2 is a Minnesota license plate of 363-NUX. Vehicle #1 (FDX-556) lists to a 1985 Mercury 4door, gray, registering to KERAN, Katherine Marie, dob/022252, of 118 13th Ave. S., So. St. Paul, Mn 55075. Vehicle #2 (363-NUX) lists to a 1989 Ford Tempo, gray, registering to DACCARDI, Robert James and Sharon Marie, of 8558 Hyde Ave. So, Cottage Grove, Mn. This vehicle is flagged, held for resale, from a dealership.

We met briefly with the CRI after the CRI had left the residence. It should be noted that the CRI told Officers that VANCE was still in possession of several bags of marijuana when he went into the residence at 956 E. Minnehaha.

DESCRIPTION AND CUSTODY OF EVIDENCE:
N/A

CASE STATUS: OPEN☒ CLOSED☐ CONTINUED PENDING INFO☐

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HOW TIME FLIES:

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HOW TIME FLIES: Age, Memory, and Temporal Compression

Michael G. Flaherty
Eckerd College
Michelle D. Meer
Eckerd College

We formulate a comprehensive theory that accounts for variation in the perception of time. According to our theory, lived time is perceived to pass slowly (protracted duration) when conscious information processing is high; lived time is perceived to be synchronized with clock time (synchronicity) when conscious information processing is moderate; and lived time is perceived to have passed quickly (temporal compression) when conscious information processing is low. We examine that portion of the theory concerning temporal compression in light of empirical materials. Since episodic memory erodes as time passes, we hypothesize that this generates the experience of temporal compression by lowering the density of conscious information processing. Our data were drawn from three different age cohorts, and we find strong support for the hypothesis.

As you read Mead's (1934) lectures in *Mind, Self, and Society*, you repeatedly encounter people who have problems. There is the person who "has a nail to drive . . . reaches for the hammer and finds it gone" (p. 83). There is the person who "cannot get a lock to work" (p. 94). And there is the "man walking across country [who] comes upon a chasm which he cannot jump" (p. 122). Mead's (1938, p. 79) imagery reflects one of the cardinal tenets of his theoretical framework: "Reflective thinking arises in testing the means which are presented for carrying out some hypothetical way of continuing an action which has been checked."

Dewey's (1922, p. 178) position strongly resembles that of Mead: " . . . it is a commonplace that the more suavely efficient a habit the more unconsciously it operates. Only a hitch in its workings occasions emotion and provokes thought."[1] There is, however, an obvious difference in their respective positions. Dewey argues that, in addition to thought, emotion is also galvanized by problematic circumstances. For Mead (1934, p. 149), role taking is crucial to the emergence of self-consciousness, and this is, of necessity, a cognitive process because emotion "does not directly call out in us the response it calls out in the other."

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The writings of Mead and Dewey suggest that the volume of what James (1890, p. 239) calls the stream of consciousness varies in response to the relationship between self and situation. Mead and Dewey agree that, when confronted by problematic circumstances, increased attentional resources are brought to bear on whatever is blocking otherwise routine and relatively unself-conscious conduct. In a novel or difficult situation, there is heightened self-consciousness of tacit social action in the form of thinking and feeling. Cognition and emotion are different facets of subjective experience, but both cognition and emotion are amplified whenever habit and custom are challenged by problematic circumstances (Turner and Billings 1991, p. 119). In any event, the issue at hand concerns the total volume of experience and not analysis of its variegated content. Given the relationship between self and situation, we believe that variation in the perceived passage of time is conditioned by variation in the volume of experience.

Neither Mead nor Dewey ever deals with the perceived passage of time and its relationship to variation in the volume of experience. Still, Mead has much to say about how temporality figures in the dynamics of self-consciousness and social interaction. Mead's interest in temporality stems from a desire to use evolutionary principles in an analysis of mind, with the latter viewed as an ongoing adaptation to changing circumstances (Strauss 1991). Consequently, Mead has to account for the emergence of new forms of consciousness. As he (1932, p. 31) puts it, the "novelty of every future demands a novel past." Mead fundamentally alters the stimulus-response arc of behaviorism by insisting that, in human interaction, there is an intervening moment—the "specious present" (1938, p. 65)—during which the individual interprets the situation and self-consciously considers alternatives to "the response which has been inhibited" (1938, p. 7). Mead is intent on showing how human beings redefine the past from the standpoint of the present, and how such redefinitions create the possibility of novel futures (Maines, Sugrue, and Katovich 1983). In this manner, he tries to reconcile determinism and emergence.

It is unlikely that Mead would have endorsed research on a possible link between the volume of experience and perception of the passage of time, although such research is implied by his own tenets. He (1938, p. 66) contends that "the unit of existence in human experience is the act." According to Mead (1938, p. 151; Denzin 1988, p. 53), the act is composed of four phases: impulse, perception, manipulation, and consummation. As but one phase among four, perception does not warrant separate attention beyond the part it plays in the social act. And, from Mead's (1938, p. 160) standpoint, experience is embedded within the social act because experience proceeds through self-reflection: "Action of the organism with reference to itself is, then, a precondition of the appearance of an object in its experience." Moreover, Mead (1938, p. 54) tells us that experience can only be grasped from a particular social perspective: "experience . . . has its character over against actual or possible audiences or observers whose selves are essential to the existence of our own selves."

Mead's subordination of experience to action does not square with his own argument that action is prefigured in self-consciousness as one considers various hypothetical solutions to the problem at hand. Perhaps his pragmatism is showing. A particular aspect of experience may or may not lead to consummation of the act; it may or may not have practical (that is, behavioral) effects. Nevertheless, there is much more to life than solving problems, and, with Denzin (1988, pp. 60–61), we assert that Mead's position unnecessarily restricts the symbolic interactionist enterprise:

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> By placing priority on the act, Mead shifted attention off the ongoing flow of temporal experience that shapes the context wherein the act supposedly occurs. For him . . . the act takes precedence over the moment.
>
> . . .
>
> *The act, not temporal experience, thus becomes the key concept for Mead, and by implication the generations of interactionists who have followed him.*

If we change the emphasis from action to consciousness, then we can examine a facet of experience—perception of the passage of time—that has no place in Mead's theoretical framework.[2]

"There is a certain temporal process going on in experience," states Mead (1932, p. 13). We will show that there is also a certain experiential process going on in temporality. This change in emphasis implicates the writings of phenomenologists.[3] Heidegger (1927/1962) is critical of the way ordinary speech depicts time as if it were autonomous from human existence because he views temporality as an "integral part of human experience" (Lindesmith, Strauss, and Denzin 1991, p. 7). It follows that variation in temporal experience reflects variation in social conditions. Thus, Heidegger (1927/1962, p. 39) proposes that "time . . . functions as a criterion for distinguishing realms of Being."[4] This proposition mandates investigation of subjective and situated processes that shape the perception of time.

Consciousness is composed of successive experiences: "By thinking, we move through time" (Denzin 1982, p. 38). But how is it that we perceive duration in successive experiences? Husserl (1928/1964, p. 79) suggests that the essence of duration is found in the interplay of "memory and expectation." He points out that we only ever hear one note at a time when listening to a song. Our grasp of the melody results from our ability to remember previous notes and anticipate future notes. Husserl (1928/1964, pp. 44 and 57) differentiates memory into primary remembrance or "retention" and secondary remembrance or "recollection." Each particular note of the melody is perceived now, that is, in the present, but Carr (1986, p. 21) observes that with the "just-pastness" of retention, we have "a special sort of memory" through which "I hear one note *as* succeeding" or "taking the place *of* its predecessor."[5] This is in contrast to our recollection of those past events that are not immediately related to the present. Similarly, Husserl (1928/1964, p. 62) differentiates anticipation into primary expectation (or "protention") and secondary expectation. According to Carr (1986, p. 22), Husserl's theory concerns the relationship between figure and ground in that "the temporal is experienced by us as a kind of 'field' like the visual field: the present is its focus" and it stands out against a receding horizon formed by retention and protention. Husserl (1928/1964, p. 47) concludes that human beings have a "temporally constitutive consciousness" which produces the sensation of duration by integrating perception, memory, and anticipation.

A great deal of the sociological research on time has centered on the social organization of temporality as this is manifest in clocks, calendars, and schedules (Fine 1990; Maines and Hardesty 1987; Melbin 1969, 1978; Zerubavel 1977, 1979, 1981, 1982a, 1982b, 1985). Scholars in the new Iowa school of symbolic interactionism use audiovisual recordings in the laboratory to explore the temporal basis for coordinated action (Couch 1982; Katovich 1984; Katovich and Couch 1992). Other studies focus on temporal fea-

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tures of social order, such as pauses (Snow and Brissett 1986) and various types of deviance (Reese and Katovich 1989). These studies illuminate behavioral patterns and collective representations, but they overlook the fact that temporal organization is not synonymous with the lived experience of time. Research on temporal order points to the need for development of a social psychology of temporality that embraces the subjectivity as well as the objectivity of time (Flaherty 1987a, 1993).

The potential for research on temporal aspects of subjectivity is evident in the symbolic interactionist literature concerning illness and dying. Early investigations revealed that patients interpret time spent in a hospital by reference to "time perspectives" (Davis 1956, p. 583) or "timetable norms" (Roth 1963, p. 12) which enable patients to anticipate how long their treatment will take. Similarly, the staff at a hospital comes to anticipate certain "dying trajectories" on the basis of their "experiential careers" (Glaser and Strauss 1968, pp. 5, 14). More recently, Maines (1983a, p. 109) has examined the "diabetic experience as lived time," and Lopata (1986) has described the altered temporal experience occasioned by widowhood. Charmaz (1991, p. 4) summarizes her own findings, as well as those of her colleagues, when she states that "being ill gives rise to ways—often new ways—of experiencing time."

These studies provide a wealth of insight concerning the particular temporality of illness and dying, but the findings do not "add up" to a general theoretical understanding of variation in lived time. The symbolic interactionist paradigm does not exclude scientific generalization (Couch 1989). Indeed, Couch (1984, p. 10) calls for research that is directed toward isolation of "abstract sociological principles." Our interests are social psychological rather than sociological; nevertheless, we are intent on discovery of those principles which make for "generic temporal processes" (Maines 1989, p. 114). With respect to the experience of duration, such principles, taken together, would constitute systematic specification of the formal or generic properties of lived time. In this paper, we formulate a general theory of lived time and examine a portion of our theory in light of empirical materials.

THEORY

There is, then, a tendency for sociological students of temporality to gloss over the basic observation that what feel like minutes for one person may feel like hours for another person. This offhand treatment is remarkable because even cursory reflection indicates that variation in the experience of time does not occur because there are different kinds of people, but because people find themselves in different kinds of circumstances. The variation is evident despite our common socialization to an intersubjective structure of standard temporal units, such as months, weeks, days, hours, and seconds (Sorokin and Merton 1937). Standard temporal units are elements of "the cultural context in which time takes on meaning" (Maines 1983b, p. 185). Put differently, the experience of time is culturally embedded (Davis 1984; Maines 1989).

So, in spite of socialization, each of us feels, now and then, that time is passing quickly or slowly. Therefore, we can conceptualize three points along a continuum that represents the perceived passage of time: synchronicity, protracted duration, and temporal compression. Ordinarily, our perception of time is roughly synchronized with the flow of standard temporal units. In other words, 10 minutes as measured by the clock *feel* like approximately 10 minutes from the perspective of subjectivity. We can refer to this sensation as

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synchronicity. But under certain circumstances, there are two other possibilities: 10 minutes as measured by the clock may feel like a much longer or much shorter length of time. Let us refer to the former as protracted duration and the latter as temporal compression.

We argue that variation in the perceived passage of time is a function of the density of experience per standard temporal unit, which is, in turn, conditioned by one's subjective involvement with self and immediate circumstances. According to this formulation, protracted duration occurs when the density of experience is abnormally high, synchronicity occurs when it is moderate, and temporal compression occurs when it is low.

Protracted Duration

Two concepts were especially helpful in our effort to formalize a theory of lived time. Lewis and Weigert (1981, p. 437) use their concept "time embeddedness" to describe "the fact that all social acts are temporally fitted inside of larger social acts." For example, when we meet a colleague in the hall during finals week, we know that time available for chatting is limited by the deadline for grades. In related fashion, Hogan (1978, p. 417) defines "stimulus complexity" as the totality of "the individual's environmental experiences." It follows that for the person in a given setting, the higher the degree of time embeddedness, the higher the degree of stimulus complexity. Both concepts refer to objective features of the situation, but both concepts have implications for the individual's assessment of his or her place in that situation.

The experience of protracted duration emerges in situations characterized by either high or low levels of embedded activity. Paradoxically, both solitary confinement and hand-to-hand combat can seem interminable. Previous research (Flaherty 1987b, 1991, 1992) resolves this paradox by specifying five sequential elements that engender the sensation of protracted duration: (1) the immediate circumstances are extremely eventful or extremely uneventful; (2) the individual has a highly emotional concern for understanding the problematic situation; (3) there is great cognitive engrossment with self and situation; (4) there is abnormally intensified stimulus complexity brought on by heightened attention to self and situation; (5) this results in greater than normal density of experience per standard temporal unit. Thus, it has been shown that the sensation of protracted duration is produced by the individual's response to subjective involvement in unusual circumstances.[6]

Synchronicity

The orderliness of normal interaction presumes that individuals are experiencing synchronicity. In other words, we can conceive of synchronicity as one of the "background expectancies" (Garfinkel 1967, p. 53) that structure interpersonal relations in everyday life. As such, it is a taken-for-granted and thereby unconscious facet of subjectivity. It is, nonetheless, a skill that one acquires during primary socialization, and we contend that it is accomplished through variations on the same five elements that induce protracted duration: (1) the individual is acting in a situation that is unproblematic[7]; (2) emotional concern for one's understanding of the situation is moderate; (3) cognitive engrossment with self and situation is also moderate; (4) this level of involvement with self and situation generates the normal amount of stimulus complexity; (5) this results in a routine and consequently familiar density of experience per standard temporal unit.

The routinization of the density of experience per standard temporal unit is produced by

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processes that are external and internal with respect to the individual. From the outside, the individual's experience is modulated by habits, schedules, calendars, seasons, and other socially-defined regularities. From the inside, the individual uses "interpretive procedures" (Cicourel 1974, p. 11) so as to modulate his or her own experiences, thereby avoiding under- or over-involvement with self and situation.[8] The upshot is that individuals learn the normal correspondence between experience and standard temporal units. It is familiarity with this correspondence that enables individuals to translate the flow of subjective experience into standard temporal units, and vice versa.

Temporal Compression

While protracted duration and synchronicity are primarily phenomena of the present, temporal compression is a phenomenon that is uniquely associated with the past. Its most familiar manifestation is the shocked look backward that is expressed in common questions: where have the hours (days, months, or years) gone? In keeping with the preceding discussion, we can extend the emerging theory by conceptualizing temporal compression as a product of situations in which standard temporal units carry *less* conscious experience than is ordinarily the case. We have identified two factors that lower the density of experience per standard temporal unit: habitual conduct and the loss of memory over time.

Habitual Conduct. The writings of Mead and Dewey imply that the volume of conscious experience is lowest when the individual pursues habitual conduct. Ashcraft (1989, pp. 67–68) and other cognitive psychologists refer to the subjective side of habitual conduct as "automaticity" or "automatic processing." This involves:

> . . . mental processes that seem to occur without any conscious awareness or involvement. For skilled readers, one such automatic process is the identification of words. You don't have to decide consciously to identify a word you see printed on the page in front of you—in fact, you . . . can't avoid becoming aware of its meaning as an automatic by-product of perceiving it. . . .

Habitual conduct enables the individual to act on the basis of automatic processing, but as we saw with protracted duration, problematic situations "capture attentional resources," because the individual "must revert back to more conscious control . . . under unusual circumstances" (Ashcraft 1989, p. 68).[9] Habitual conduct and automatic processing play an important role in temporal compression, although these concepts have not been used in research on the perception of time.

If the passage of time is perceived to slow (protracted duration) when the density of experience per standard temporal unit is greater than usual, then the passage of time should be perceived to have quickened (temporal compression) when the density of experience per standard temporal unit is less than usual. This is exactly what transpires with habitual conduct and automatic processing because the individual is not directing his or her activity with conscious attention to the details of experience. But why do some busy intervals seem to pass slowly while, in retrospect, other busy intervals seem to have passed quickly? Because there are two kinds of busy intervals: problematic complexity and routine complexity. With problematic complexity, the situated challenge demands that increased attentional resources be brought to bear on difficult circumstances. Protracted duration is the result. With routine complexity, the familiar task at hand requires that less than normal attentional resources be brought to bear on habitual circumstances. Temporal compression is the result.

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Memory. The second element that generates the sensation of temporal compression is the loss of memory over time, and this is the more common of the two. Habitual conduct and automatic processing are most noticeable in our short-term memory of the near-past (i.e., the last few minutes or hours), but forgetting is more evident in our long-term memory of the distant past (i.e., the last few days or months). Each individual's biography differs, yet nearly everyone notes how the past seems to have gone by quickly. The homogeneity with which time erodes memory is reflected in the uniformity with which we perceive the passage of time: all of us must contend with the fact that time begins to erode memory almost as soon as events have transpired.[10] The loss of memories over time reduces the quantity of experience that was carried by each standard unit of temporality. Thus the past is constantly contracting in our memories, and the speed at which it seems to have transpired quickens as each quantum of experience is forgotten. The passage of time should be perceived to have quickened when standard temporal units carry less experience than is ordinarily the case. Clearly the effect of forgetting fits the emerging theory. The past is perceived to have passed quickly, and is perceived to have passed at an increasing rate, as loss of memory erodes remembered experience per standard temporal unit.

We can complete our formal model of the perception of time by specifying five sequential factors that produce the sensation of temporal compression: (1) the individual is pursuing habitual conduct; (2) the individual has a low degree of emotional concern for understanding the situation; (3) there is low cognitive involvement with self and situation; (4) there is abnormally low stimulus complexity brought on by the absence of need for attention to self and situation; (5) this results in a lower than normal density of experience per standard temporal unit. As a variation on the foregoing, we must also note that most remembered intervals seem to have passed quickly, and seem to have passed increasingly quickly, as the episodic memory of those intervals erodes over time.

Hypotheses

In earlier studies, the concepts protracted duration and synchronicity were generated inductively through the use of qualitative methods (Flaherty 1987b, 1991, 1992). Those components of the theory are already grounded in empirical materials. We have extended the theory to include temporal compression by identifying two factors that should reduce the density of experience per standard temporal unit: habitual conduct and the loss of memory over time. These concepts are logical extensions of the theory, but they are, as yet, untried against empirical materials. Moreover, in contrast to previous research, those components of the theory representing temporal compression have deductive and quantitative implications that lend themselves to straightforward statistical tests.[11] Thus, we have derived two hypotheses concerning memory and temporal compression.

First, we hypothesized that time would be perceived as having passed more quickly the further back one is asked to remember. If the loss of memory erodes the density of remembered experience per standard temporal unit, then last year should be perceived as having passed more quickly than last month, and last month should be perceived as having passed more quickly than yesterday.

Second, we hypothesized that, on average, subjects would not report protracted duration if we asked them how they perceived time to have passed yesterday, last month, and last year. Again, if the loss of memory erodes the density of remembered experience, we should find that the average response is at least 3.0 on a scale where 1 = Very Slowly, 2 = Slowly, 3 = Normally, 4 = Quickly, and 5 = Very Quickly.

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Neither of our hypotheses address automatic processing because empirical examination of that concept requires methods that are quite different from those used to examine the loss of memory over time. In cognitive psychology, the operational definition of automatic processing involves interference designs. Subjects are said to engage in automatic processing when their performance of a primary task is not degraded by simultaneous performance of a secondary task which has been shown to demand attentional resources. Hence, automatic processing does not lend itself to direct measure of recollection by pencil-and-paper instruments because it is a concept that refers to activity one pursues with little or no conscious involvement, and there is, consequently, little or nothing to remember.

METHODS

Sample

The age of our subjects was an important consideration. First, there was the possibility that the hypothesized relationship between memory and the perception of time might be conditioned by the subject's age. Second, we anticipated that age might have its own effect on the perception of time. Fortunately, there were three undergraduate programs on our campus, each of them serving a very different constituency in terms of age. Our subjects were 366 students drawn from courses in those three programs. The first subgroup (N = 122) consisted of traditional students enrolled in the residential program. Their mean age was 19.8, with 46.8 percent male and 53.2 percent female. The second subgroup (N = 122) consisted of nontraditional students enrolled in the continuing education program. Their mean age was 38.4, with 42.6 percent male and 57.4 percent female. The third subgroup (N = 122) consisted of students enrolled in the Elderhostel program which brings older people to campus for brief noncredit courses. Their mean age was 71.2, with 38.3 percent male and 61.7 percent female. We selected courses with similar enrollments, and accepted only the necessary number of volunteers, thereby generating an equal number of subjects in each of three subgroups: young, middle-aged, and elderly.[12]

Measurement

In measuring our subjects' perception of the passage of time, we used three Likert-type scales where 1 = Very Slowly, 2 = Slowly, 3 = Normally, 4 = Quickly, and 5 = Very Quickly. We measured the effects of memory by asking the subjects to consider three different periods of their lives: yesterday, last month, and last year. Our data were gathered during the first week of March, 1990. Subjects were instructed to define the phrase "last month" as February of 1990. Subjects were instructed to define the phrase "last year" as 1989. The questionnaire asked our subjects to take a few moments and think about yesterday. They were asked to think about the things they did and the things they experienced. Then they were asked to select the number most accurately indicating how time seemed to have passed yesterday. This same format was used to measure their perception of how time seemed to have passed last month and last year. We hypothesized that our subjects would remember less of their experiences last year than of last month, and less of their experiences last month than of yesterday.[13]

Design

The dependent variable is the subject's perception of the passage of time, and it consists of the subject's selections of one number from each of the three Likert-type scales. There

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