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We received a report that we were, overall, well managed.

State Multi-Jurisdictional Task Forces Review - 2007
This was conducted by Bob Bushman, the Statewide Coordinator for the Gang/Drug Task Forces. We received an "excellent" rating with some recommendations for future improvements in two areas. We updated our Confidential Informant files per his recommendation and staff was continuing to work on record keeping for case file issues when I retired.

GENERAL COMMENTS BEFORE I ADDRESS SPECIFICS
Before I respond to several specifics about the auditors' findings I would like to preface my remarks with a few facts that may help in understanding my comments.

* For the record, in the first eleven plus years the Gang Strike Force existed I had been the Commander. I always reported to, at least, a 15-member Oversight Board. Over the years those members, my immediate supervisors, consisted of 39 different individuals who were Police Chiefs, County Sheriffs, Attorneys General, Superintendents, and State Commissioners. Each month I prepared a report for their information regarding our administrative activities and our investigative operations. These were then discussed at our monthly meetings.

* I left the Metro Gang Strike Force on October 10, 2009, when I retired. I obviously do not have any records or files. They remained at the office when I left several months ago. Therefore, I am the only person involved in this audit process who is hampered in being able to respond to these findings. I can only rely on my memory and my year-end reports for information.

When I left seven plus months ago I did prepare an exit memo, as I was requested to do, and sent it to the Chair of the Metro Gang Strike Force Oversight Committee, Chief Bud Shaver. I advised the Board that I would assist in anyway I could with the transfer of information or any other help I could provide with the transition to a new Commander.

I did not receive even a response that the Chair had received my memo which I knew he had. Since my retirement no one has asked me for any assistance with the transfer of information or with the two audits until I met with you and your audit staff on April 21st as you were completing your audit. Your auditors asked a few questions about not having located some files. I advised them I could not speak to why the current staff could not provide this information but could only suggest no one had ever asked for my input or direction during any of these processes.

* When I retired I left documents with the interim Commander indicating the total amounts of forfeiture dollars we had been responsible for that were legally taken from persons involved in criminal activities. From the year 2000 through 2008 I had deposited a total of **$2,253,203.00** with our fiscal agent. I also left a total of **$305,731.00** in cash that had not yet been cleared for deposit into our forfeiture accounts. This cash was evidence and was handled properly as such. The evidence was sealed separately with the corresponding case file numbers and documentation. The proper chain of evidence protocol was followed so the cash could be used

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as evidence in court or for final disposition as forfeited funds to be transferred to our fiscal agent.

* After several years of reducing our budget at the Legislature, the Gang Strike Force was dealt a crippling blow at the end of the 2003 Legislative Session. At 3:00 a.m. in the morning, at a strange conference committee meeting, then Representative Rich Stanek offered up some of our funding to Senator Jane Rannum for other purposes. She accepted, and the 2003 Legislature cut the **$3,000,000.00** left in our base budget, thereby eliminating all the money available to pay for police officers. Several departments were forced to withdraw from the Gang Strike Force. Those that stayed were reimbursed at a greatly reduced rate for the officers they contributed. The money we used from that point on to keep the Gang Strike Force in business came from the Metro Region forfeiture accounts.

* I have always felt it to be very important to keep the Oversight/Advisory Boards (my bosses) informed and up to date regarding the administration and operational aspects of how our organization was run. I prepared and detailed a report for discussion at our monthly meetings (the meetings became bi-monthly meetings in 2005). This was particularly important when we started using forfeiture funds for our operation. This was completely legal but we no longer could follow our established policy and procedures to the letter.

During this time frame, because of various positions they held, both now Commissioner Michael Campion and Sheriff Rich Stanek were members of our Advisory Boards. They received my reports and I cannot remember at any time that they considered our policy and procedures to be wrong or improper. At least they never informed me of any problems they had with the way we ran this organization.

MY RESPONSE TO A FEW SELECTED FINDINGS AND RECOMMENDATIONS
Note: Again, please remember I do not have access to files. These remarks are from memory or a few notes I may have taken.

Finding 1
(Page 7, Line 9) *"We were unable to substantiate the disposition of $18,126.00 of forfeited cash."*
I talked with you about this previously. I know the auditors missed a deposit of at least $2,960.00 from this total. We also would pay cash during exigent circumstances (but very rarely). I seem to recall just under $5,000.00 being paid to a state employee whose funding was lost. We paid her in order to keep her working with the Gang Net System until she could get her contract with either Ramsey County or the Saint Paul P.D.

I thought we placed cash into the buy/CI fund on more than one occasion during this time frame. Your auditors have identified the one transaction but not the other deposits. I would expect this would be part of these monies. We needed the money for operations immediately. These were exigent circumstances so I simply took the cash I received from Cindy and placed the monies in the buy fund. I did create a paper trail. (Normally I would deposit the cash with the fiscal agent,

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send a request for $10,000.00, take the check to the bank to cash, then we would bring the cash to the office and place the cash in the safe. This process could take up to a week. We needed the cash sooner.) There are a couple of other smaller amounts, I recall, that were needed immediately. One for use in obtaining information on a gang homicide. Money was needed on a weekend. A paper trail and receipts were in a file that apparently your auditors can no longer find.

As I said, we very rarely distributed these forfeitures in cash but on occasion we had done this in the past. I recall once paying for a training session for the Office of Justice Programs in cash. Their budget time frame had passed and this was the only vehicle we could find to pay the firm who put on the training and was long overdue their payment for services that amounted to approximately $3,000.00 plus. Again, we always created a paper trail of the transaction and receipts.

(Page 7, Lines 17 - 34) *"The Strike Force did not deposit receipts immediately with the fiscal agent...The delay in depositing this cash increased the risk of loss or theft."*
I have also previously addressed this issue. When I left, there was $305,731.00 in the safe. It was evidence and was sealed and followed the proper evidence protocol. I also advised your auditors that we were under orders from federal prosecutors that they needed the actual confiscated cash, for some of the cases involved. The court would not accept pictures of seized cash as evidence.

I'd like to address the auditors' comments, "The delay in depositing this cash increased the risk of loss or theft." To the best of my knowledge, with the procedures we had in place, never did we loose any of this cash evidence. The only real concern I now have is after reading an article in the Saint Paul Pioneer Press of April 10, 2009. It contained a quote made by the Media Spokesman for the Department of Public Safety. Following his comments suggesting there was something wrong or sinister by holding onto cash evidence, he stated "... the day Ryan retired and $300,000.00 in forfeitures was later found in the evidence room." This was a totally irresponsible public statement to make. By publicly identifying the location of this cash it certainly must have peaked the interest of many local burglars.

(Page 8, Line 22) *"The Strike Force Commander did not have someone review the deposit memos or verify the supporting currency log. Such a review could have detected these errors."*
The fiscal agent, in this case Trudi, obviously reviewed the memos when "she" counted the cash. If the memos and cash did not agree, she detected the problem and would notify me to rectify any discrepancies. This almost never happened.

Finding 2
(Page 9, Line 14) *"The Strike Force could not locate 13 of the 80 vehicles forfeited between August 2005 and October 2008."*
I called you on this finding. As I advised you, I know Officer John McManus filled out a report for Commander Omodt that was to be sent to your auditors with the dispositions for these vehicles, but your report still suggests no one can locate 13 vehicles.

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I cannot comment as to why the dispositions were not entered into the tracking report but it is my understanding the vehicles are all accounted for. I saw the list of vehicles and I know one went to the Saint Paul P.D. The vehicle is titled to them and is being used by one of their officers. At least three of the vehicles were involved in negotiations with lien holders when I left. We were trying to determine who would pay for storage costs before we would release the vehicles to them. There appear to be five or six vehicles listed that were released by the previous Assistant Commander when he cleared out a large number of vehicles from our contract lots. Again, I cannot speak to why their dispositions were not recorded.

Our Administrative Assistant, Cindy, receives a monthly updated record from the tow company. It lists what vehicles they are holding for us in their three lots. They also bill us for services and storage. These bills and reports have to reconcile before payment is sent to the tow company.

Finding 3
(Page 10, Lines 37 - 43) *"The Project Safe Neighborhood grant for $168,000.00 provided funding for technological equipment software and services. The Strike Force used some funds...However, because the Strike Force failed to submit a needs assessment, the Department of Public Safety cancelled $73,000.00 of the grant."*
This statement is very misleading. It is suggesting we should have used this money to improve the property room and we squandered the money.

We had several meetings with the U.S. Attorney's Office and worked on starting a collaboration with them on building intel on gang members. We developed a list of surveillance equipment that we needed to assist in our investigations and we made several purchases for computers and programs that has enhanced the work of our two Criminal Analysts. We also built a state of the art interview room at our office to help in our investigations. We also invited all law enforcement agencies to use our facility to assist in their work. All these purchases were made from our Project Safe Neighborhood grant.

As to the money that Public Safety suggested was canceled, I had been working with task forces in Greater Minnesota on assisting them with purchases using the money that was left over. The Office of Justice Programs suggested I stop working with them and they would take over caring for their needs.

Finding 4
(Page 11, Line 18) *"The Strike Force did not have sufficient administrative staff to conduct it's operations."*
That is an area we often struggled with. When we started we had two administrative people. After we started losing our funding, staffing suffered. We would employee part-time people from time to time but with the increasing workload that occurred the past few years, caused by the incredibly successful work of our investigators, it was apparent we needed to make changes. When I met with you and your auditors on April 21, 2009, you reported to me that at a meeting with the Advisory Board a month ago, you were advised I did not want more administrative help.

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This is simply not true. We identified approximately $30,000.00 that could be used to fill that position. I began working with Ramsey County to find an employee. We purchased a work station and had it installed next to Cindy's. However, in early 2008, at an Advisory Board meeting, it was decided to instead add an investigator from the North Saint Paul P.D. That was accomplished by using the money we had identified for the administrative position. Meanwhile, added administrative support was put on hold. I agree with your findings, there needs to be more administrative support.

Finding 6

(Page 13, Line 20) *"$279.00 advance to the former Commander in violation of the Oversight Council's guidelines, which prohibit a Strike Force Commander to disburse confidential informant funds to himself."*

An officer needed money for an investigation during a time that the office was closed. I gave him $279.00 out of my pocket. When he completed the required paperwork with Cindy she reimbursed me.

(Page 14, Line 5) *"Finally, the fiscal agent did not require any documentation to support the amount requested to replenish the confidential informant account... The grant agreement requires that grant funds only be used to reimburse the Strike Force for actual costs."*

There may be some misunderstanding of how this account works. It is a buy fund/CI payment account. It needs cash in the account so when officers need money for a buy or to pay informants they can get it right away. When they receive the money from Cindy they fill-out the paper documentation. I am the one who requested the checks and it was usually when the cash on hand went below $7,000.00. We tried to keep cash on hand between $7,000.00 and $10,000.00 for the buy fund.

Finding 8

(Page 15, Line 39) *"The Strike Force did not have documentation to show that it served seizure notices for 202 of 545 cash seizures we tested, totaling about $165,650.00."*

This is another statement I called you about. I do not know what files your auditors looked at or did not look at but it is another example of why someone should have contacted me while you were looking for information.

Simply stated, these results are absurd. I personally handled this seizure process. We had a forfeiture tracking report that was backed up by hard files for each suspect who was subjected to an administrative seizure notice. If for some reason I missed a seizure notice all I had to do was call Jim Early at the Attorney General's Office. The criminal got a copy, a copy went into the report file, I got a copy and the A.G.'s Office got a copy. In addition the final review for this process rests with the court. If we did not follow proper procedure the court would not allow the Strike Force to receive these forfeited funds. Proper procedure had to include serving the suspect with the seizure notice. During my tenure, the court never returned $165,650.00 of funds back to suspects because they did not receive their seizure notices.

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Finding 9

(Page 16, Line 34) *"The Strike Force's former Commander routinely directed the fiscal agent to retain forfeited amounts that should have been paid to the Attorney General's Office. Our review of forfeiture distributions made by the fiscal agent identified at least $229,000.00 retained by the Strike Force that should have been paid out to the Attorney General's Office."*
Former Minnesota Attorney General Mike Hatch was one of our original Gang Strike Force Advisory Board members. He was very committed and supportive of our mission. He assigned a full-time prosecutor, legal counsel, and a lawyer to handle our forfeitures.

When the 2003 Legislature cut the funding to pay law enforcement officers assigned to the Strike Force, A.G. Mike Hatch contributed $135,000.00 from his office's forfeiture funds. These dollars assisted us by providing operating funds to stay in business. He advised the Board at the time the $135,000.00 came from the Strike Force when we contributed the 20% to them for doing our forfeiture work. He suggested the process was counter productive and said we should stop sending them the 20% fee. This information can be found in the 2004 year end report and I am sure would also be contained in the Board minutes.

Finding 11

(Page 19, Lines 16 - 25) *"The Advisory Board did not ensure the Strike Force's former Commander implemented recommendations made by the Oversight Council's Statewide Coordinator following his evaluation of the Strike Force's 2007 operations...When the Statewide Coordinator reviewed the 2008 operations, he found the Strike Force continued to have deficiencies in these areas. The Advisory Board failed to ensure the Commander resolve these deficiencies."*
I would assume this finding followed an interview with Bob Bushman, the Statewide Coordinator. I would suggest his comments are a little disingenuous and he has not let the facts get in the way of his comments. I am sure if your auditors checked the Board minutes you will have found the Metro Gang Strike Force received an "excellent" on it's report from him in the year 2007. He also listed some issues we should work on for further improvement.

From my memory, it was Dakota County Chief Deputy Dave Bellows who asked how we would respond to a suggestion to improve the Confidential Informant files. There had been some files that did not contain a picture of the informant and some that did not have the informant's signature signing a document enclosed in each file. I had a former Assistant Commander and Cindy review each of the over 100 files and make the upgrades to the files when discrepancies were found. After they reviewed each file and completed the upgrades, I reported it to the next Advisory Board meeting per my instructions. The minutes should indicate this report. The update to investigators' reports was still ongoing when I left.

As to what new problems Mr. Bushman found that occurred in these locked CI files during the year 2008 I cannot speak to.

CONCLUSION

Were all of the records systematically setup to be viewed by the auditors? Obviously not. I still

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contend had I not been kept out of this process and been involved early on, I could have assisted in a more meaningful gathering of information. To wait until I am gone for over seven months with the files left behind, obviously being compromised, does not put me or my employees on a very level playing field for this process.

While I was the Commander was there anything sinister or underhanded taking place at the Strike Force? Absolutely not! Instead, we are a group of police officers whose main mission was to target gang members involved in criminal activity. Did we accomplish our goals and successfully serve the taxpayers of Minnesota? Absolutely yes, way above and beyond any expectations. We were arguably the best task force that the State of Minnesota has ever funded. The administration that has inherited this fine organization should never allow the accomplishments of our officers to be diminished.

The men and women who have contributed to the tremendous success of the Gang Strike Force are owed a huge debt of gratitude and not deserving of the attacks and innuendos implied by some law enforcement officials, political officials and certain members of the media.

I believe there should be an audit of the police work that has taken place at the Minnesota/Metro Gang Strike Force. The communities they serve should be allowed to see how they have attempted to make this a safer place in which to live. That is the real story that needs to be told.

Thank you for allowing me to submit this response to the legislative audit!

CC: Sheriff Rodney Bartsh, Chair
Minnesota Gang and Drug Oversight Council

Chief Bud Shaver, Chair
Metro Gang Strike Force Advisory Board

Sheriff Bob Fletcher
Fiscal Agent for Metro Gang Strike Force

State's Exhibit 2 - CRU Supporting Materials and Documents - Pg. 1556

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GREENE ESPEL
ATTORNEYS & COUNSELORS

ANDREW M. LUGER
DIRECT DIAL NO. (612) 373-8348
ALUGER@GREENEESPEL.COM

June 11, 2009

VIA FACSIMILE

Michael Campion, Commissioner
Department of Public Safety
Bremer Tower, Suite 1000
445 Minnesota Street
Saint Paul, MN 55101

Re: Metro Gang Strike Force Review Panel

Dear Commissioner Campion:

Late last month, you retained us to form a Metro Gang Strike Force Review Panel. The purpose of the panel was to provide you with certain advice related to the Metro Gang Strike Force. Specifically, you requested that we: (1) provide you with policies and procedures for the implementation of the Legislative Auditor's recommendations concerning the Strike Force; and (2) conduct an investigation to determine the factors and set of circumstances that gave rise to the issues addressed in the Legislative Auditor's report. You have requested that we make a report to the Metro Gang Strike Force Advisory Board on June 30, 2009 describing the steps we believe the Strike Force should take to implement the Auditor's recommendations. One purpose of this report was to assist the Advisory Board in re-opening the Strike Force as quickly as possible so that it may assist local law enforcement agencies combat and prevent gang violence this summer. Our investigation into the underlying causes of the problems identified by the Auditor is expected to continue past the June 30 date.

We are writing at this time to provide you with a preliminary report on our work to date, and to recommend changes to the above-described plan based on information that has come to our attention.

For the past few weeks, we have: (1) met with a number of Advisory Board members and their staffs; (2) interviewed individuals with knowledge of the Strike Force's operations; (3) reviewed documents relevant to the issues addressed by the Legislative Auditor; and (4) spoken with individuals who have described allegations regarding the Strike Force. As a result of this work, we make the following preliminary report:

- While there has been a great deal of discussion between Advisory Board members about the mission of the Strike Force, there is no clear consensus among the Board. Board Members we interviewed expressed a wide variety of views as to the best direction for the Strike Force, and disagree as to the mission of this law enforcement entity. Advisory Board members will be meeting in the coming

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weeks to try and reach consensus. The lack of agreement as to the mission of the Strike Force makes it difficult to draft policies and procedures for the entity.

- We have received information from a variety of sources raising allegations about the Strike Force dating back a number of years. In coordination with the FBI, we are investigating all allegations that are brought to our attention. At this point in time, we are not able to reach conclusions about these matters, but we take them seriously. As requested, to the extent our investigation demonstrates that the allegations are credible, we will bring these matters to the attention of the FBI. For a number of reasons, our investigation of these allegations will not be completed by June 30. We strongly recommend that the Department of Public Safety not re-open the Strike Force under its current structure until we can provide you with a report on these allegations.

- At the same time, we are well aware of the need for an entity to address and prevent gang violence. The leadership within local law enforcement agencies for the most part support and indeed request the existence of a gang-focused multi-agency law enforcement body while issues related to the Strike Force are under review. While we do not recommend that you re-open the Strike Force in its current configuration at this time, we do believe it advisable and in the public interest to formulate a short term solution that will meet the needs of the public and local law enforcement. We are available to discuss how to accomplish this task at your convenience.

We want to make clear that, while we are recommending that you delay re-opening the Strike Force, we have not reached a conclusion as to the allegations we have received. We are working diligently to determine the facts of the matters brought to our attention and will continue to do so. We expect to report to you on these matters later this summer.

Very truly yours,

Andrew M. Luger
Co-Chair
Metro Gang Strike Force Review Panel

John Patrick Egelhof
Co-Chair
Metro Gang Strike Force Review Panel

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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

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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
2/27/2025 10:57 AM

ORIGINAL

STATE OF MINNESOTA COUNTY OF SHERBURNE TENTH DISTRICT COURT

STATE OF MINNESOTA)
) SS.

APPLICATION FOR SEARCH WARRANT AND SUPPORTING AFFIDAVIT

Steve Ploeckelmann, duly sworn upon oath, hereby makes application to this Court for a warrant to search the persons hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of the affiant's own knowledge, save as to such as are herein stated on information and belief, and as to those, Affiant believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

1) Body fluid (Saliva) sample of sufficient quantity from the person of Philip Randall Vance, Date of Birth 10-20-1980, a black male, 5'10", approximately 148 pounds, for purposes of DNA testing and comparison

will be
on the persons described as:
Philip Randall Vance, Date of Birth 10-20-1980, a black male, 5'10", approximately 148 pounds
(Currently being held at the Sherburne County Sheriff's Jail)

This Affiant applies for the issuance of a search warrant upon the following grounds:

The property above described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The facts tending to establish the foregoing grounds for issuance of a search warrant are as follows:

I, Steve Ploeckelmann, am a licensed Police Officer with the South St. Paul Police Department, and have been so for nineteen years. I am currently assigned to the Investigative Division. I have been involved in the preparation and execution of numerous search warrants. I have reviewed this matter, conducted an investigation, and spoken with other officers and believe the following to be true and to establish probable cause sufficient to support the requested search.

On December 22, 2002, officers of the South St. Paul Police Department responded to 345 4th Avenue South, Sabreens, a local small convenience store, in reference to a 911 call. The caller indicated there was a robbery in progress at that location. Prior to squads arriving at the scene a second 911 call was received. Responding squads were informed there was a victim down and bleeding. At the scene, officers discovered a male laying on the floor, behind the counter. The male later identified as a store employee, K.M.R.A-B. K.M.R.A-B was pronounced dead at the scene by Health East Rescue Personnel. K.M.R.A.-B. died as a result of gunshot wounds to the head. Additionally, officers observed the business cash drawer was open. Officers then exited the business and secured the crime scene pending further investigation.

Officers at the scene were able to locate several witnesses who were interviewed by South St. Paul Police Department, Dakota County Sheriff's Department, and Bureau of Criminal Apprehension Investigators.

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Through these interviews Investigators learned a unidentified male suspect wearing a black face mask and baggy pants was observed behind the business counter removing contents from cash drawer. Shortly after a witness observed two unidentified male suspects leaving the business. These unidentified male suspects fled on foot to a waiting vehicle parked in the alley to the rear of the business which was being driven by a third unidentified male. The suspect vehicle then fled southbound in the 300 block alley between 4th Avenue and 3rd Avenue South, South St. Paul.

Based on the above information a search warrant was written requesting the courts permission for complete processing, complete photographing, and seizure of potential evidence from the crime scene, 345 4th Avenue South, South St. Paul, Minnesota,. On December 23, 2002, the search warrant application was presented to Dakota County District Judge E. Lynch. After reviewing the search warrant application Judge Lynch signed the search warrant.

Due to the type of crime, Robbery / Homicide the processing of the crime scene was performed by the Bureau of Criminal Apprehension Forensic Specialists Team. During the processing of the crime scene numerous items of potential evidentiary value were recovered including a portion of a used cigarette and empty beverage can. During the evidence processing procedure unknown DNA samples were obtained from both items.

During the course of the investigation a suspect, Philip Randall Vance, date of birth, 10/20/1980, A.K.A. Florida or Florida Boy, was identified. Vance is described in booking information as a black male, 5'10" tall, approximately 148 pounds. During the course of this investigation officers interviewed two cooperating individuals, identified herein as CI#1 and CI#2. CI#1 has no criminal history. CI#1 came voluntarily to law enforcement and is receiving nothing in return for the information. CI#2 is cooperating with law enforcement and has provided information which has been corroborated by law enforcement. Additionally, CI#2 has no known non-traffic criminal history. Officers also interviewed a third individual, CI#3, who has a known criminal history.

CI#2 works at a bar in St. Paul. On the night of the homicide/robbery, at a time before the crime was committed, she observed 3 men, including Vance who was known to her, in the bar who looked nervous and intent on their discussion. When she commented about the fact that she wasn't making money in tips that evening, Vance said that when he got back from where he was going he would have plenty of money because he was getting a plan on.

CI#1 works in another bar in St. Paul. Less than an hour after the commission of the robbery/homicide, she observed 2 men in the bar. One was Vance, who was known to her. The other man was visibly upset and eventually vomited. Vance made statements indicating his personal involvement in the crime, including; I did not mean to do it, my life is over, I just shot a guy and capped him in the back on the South Side. There were no other shootings/murders within a week prior to this incident. Additionally, Vance continued coming into the bar over the next several weeks and continued making statements indicating his involvement in the homicide/robbery.

CI#3 told officers that he was incarcerated with Vance about 2 months after the robbery/homicide. CI#3 heard Vance admit his involvement in the robbery/homicide, describing how he forced the clerk to lie down and how the clerk pled for his life. Vance also described purchasing the masks used in the robbery.

During the course of this investigation, after being advised of his rights per MIRANDA, Vance has been interviewed by officers. Vance denied his involvement in the robbery/homicide. Vance admitted that he told CI#1 that he had been involved in the robbery/homicide but stated that he only said that to get a free drink. During an initial interview with Vance he provided officers with details of his movements on December 22, 2002. During subsequent interviews Vance has made statements that contradict statements made during the

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previous interviews.

Vance is currently being held in the Sherburne County Jail pending a court date in Federal Court for a weapons violation.

WHEREFORE, Your Affiant requests a search warrant be issued, commanding Steve Ploeckelmann of the South St. Paul Police Department and Sergeant Steve Olmanson, Deputy of Sherburne County Sheriff's Office and other officers under their direction and control, peace officers of the State of Minnesota, to execute this search warrant between the hours of 7:am and 8:pm, with announcement of authority and purpose, to search the hereinbefore described persons for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.

Affiant

Subscribed and sworn to before me
this day 21 day of Mar 2003.

Judge of District Court

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MINNESOTA
JUDICIAL BRANCH
MINNESOTA COURT RECORDS ONLINE (MCRO)

Case Search Results

Your Search Criteria: Person Name

Last Name: Stites **First Name:** Melissa

Additional Search Options

Case Category: Criminal
Case Status: All
Locations: All

Your search returned multiple results

Search executed on 02/25/2025 02:17 PM

Showing 7 of total 7 results.

Result 1 of 7

Case Number: 62-VB-10-810037526 **Date Filed: 05/06/2010**

Case Title: State of Minnesota vs. MELISSA CECILIA STITES

Case Type: Crim/Traf Non-Mand
Case Location: Ramsey County, Ramsey Criminal Downtown
Case Status: Closed
Citation Number: 810037526

Defendant
STITES, MELISSA CECILIA
DOB: 03/31/1976

Charges

1 Block alley or driveway **Statute:** 157.02.1

Disposition: Convicted **Disposition Date:** 06/25/2010

Level of Charge: Petty Misdemeanor

Offense Date: 05/05/2010

Result 2 of 7

Case Number: 82-K7-06-006214 **Date Filed: 09/28/2006**

Case Title: The State of Minnesota vs. MELISSA CECILIA STITES

Case Type: Gross Misdemeanor
Case Location: Washington County, Washington, Stillwater
Case Status: Closed

Defendant
STITES, MELISSA CECILIA
DOB: 03/31/1976

Charges

1 (TCIS Amended Charge) IDENTITY THEFT **Statute:** 609.527.2 3 3

Disposition: Convicted **Disposition Date:** 06/15/2007

Level of Charge: Converted: Offense Level Not Available

Offense Date: 10/28/2005

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Result 3 of 7

Case Number: 62-T1-06-606226 **Date Filed: 05/16/2006**

Case Title: The State of Minnesota vs. MELISSA CECILIA STITES, [MW/3/051306]

Case Type: Non- Traffic Misdemeanor
Case Location: Ramsey County, Ramsey Criminal Suburban
Case Status: Converted Closed
Citation Number: 906136441

Defendant
STITES, MELISSA CECILIA
DOB: 03/31/1976

Charges

1 DISORDERLY CONDUCT **Statute:** 609.72

Disposition: Dismissed **Disposition Date:** 07/17/2006

Level of Charge: Converted: Offense Level Not Available

Offense Date: 05/13/2006

2 FALSE INFO TO POLICE **Statute:** 609.506

Disposition: Guilty **Disposition Date:** 07/17/2006

Level of Charge: Converted: Offense Level Not Available

Offense Date: 05/13/2006

3 NO PROOF OF INSURANCE MIS **Statute:** 169.791

Disposition: Dismissed **Disposition Date:** 07/17/2006

Level of Charge: Converted: Offense Level Not Available

Offense Date: 05/13/2006

Result 4 of 7

Case Number: 82-K7-05-005442 **Date Filed: 08/19/2005**

Case Title: The State of Minnesota vs. MELISSA CECILIA STITES, [CG

Case Type: Misdemeanor
Case Location: Washington County, Washington, Cottage Grove
Case Status: Converted Closed

Defendant
STITES, MELISSA CECILIA
DOB: 03/31/1976

Charges

1 (TCIS Amended Charge) CHECK FORGERY **Statute:** 609.631

Disposition: Convicted **Disposition Date:** 10/16/2006

Level of Charge: Converted: Offense Level Not Available

Offense Date: 04/07/2005

Result 5 of 7

Case Number: 62-T6-02-012870 **Date Filed: 02/25/2002**

Case Title: The State of Minnesota vs. MELISSA CECILIA STITES, [CFD/3/021902]

Case Type: Non Mvng Misdemeanor
Case Location: Ramsey County, Ramsey Criminal Downtown

Defendant

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Case Status: Converted Closed
Citation Number: 902197139

STITES, MELISSA CECILIA
DOB: 03/31/1976

Charges

1 FAIL TO TRSFR TITLE [250] **Statute:** 168.A30

Disposition: Dismissed **Disposition Date:** 05/29/2002

Level of Charge: Converted: Offense Level Not Available

Offense Date: 02/19/2002

2 FAIL TO SIGNAL CHG/CS[90] **Statute:** 169.18.5

Disposition: Guilty **Disposition Date:** 05/29/2002

Level of Charge: Converted: Offense Level Not Available

Offense Date: 02/19/2002

3 NO PROOF OF INSURANCE **Statute:** 169.791

Disposition: Dismissed **Disposition Date:** 05/30/2003

Level of Charge: Converted: Offense Level Not Available

Offense Date: 02/19/2002

Result 6 of 7

Case Number: 62-K7-97-003840 **Date Filed: 12/02/1997**

Case Title: The State of Minnesota vs. MELISSA CECILIA STITES, [5-9/20/97]

Case Type: DWI - Criminal Series
Case Location: Ramsey County, Ramsey Criminal Downtown
Case Status: Converted Closed

Defendant
STITES, MELISSA CECILIA
DOB: 03/31/1976

Charges

1 LSA - GM **Statute:** 169.09.1

Disposition: Dismissed **Disposition Date:** 04/17/1998

Level of Charge: Converted: Offense Level Not Available

Offense Date: 09/20/1997

2 DWI - ALCOHOL - MISD **Statute:** 169.121.1A3B

Disposition: Dismissed **Disposition Date:** 04/17/1998

Level of Charge: Converted: Offense Level Not Available

Offense Date: 09/20/1997

3 OVER .10 - MISD **Statute:** 169.121.1D3B

Disposition: Convicted **Disposition Date:** 04/17/1998

Level of Charge: Converted: Offense Level Not Available

Offense Date: 09/20/1997

4 OVER .10/2 HOURS - MISD **Statute:** 169.121.1E3B

Disposition: Dismissed **Disposition Date:** 04/17/1998

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Level of Charge: Converted: Offense Level Not Available

Offense Date: 09/20/1997

5 FALSE CRIME REPORT - MISD **Statute:** 609.505

Disposition: Dismissed **Disposition Date:** 04/17/1998

Level of Charge: Converted: Offense Level Not Available

Offense Date: 09/20/1997

Result 7 of 7

Case Number: 27-CR-95-059976 **Date Filed: 07/25/1995**

Case Title: State of Minnesota vs MELISSA CECILIA STITES

Case Type: Crim/Traf Mandatory

Case Location: Hennepin County, Hennepin Criminal Downtown

Case Status: Closed

Defendant

STITES, MELISSA CECILIA

DOB: 03/31/1976

Charges

1 OFFERING A FORGED CHECK **Statute:** 609.631S3

Additional Statute: Additional Statute (S609.631S4.3A)

Disposition: Convicted **Disposition Date:** 11/20/1996

Level of Charge: Felony

Offense Date: 06/30/1995

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State of Minnesota)
) S.S.
County of Rush City)

Affidavit of Philip Randall Vance

I, Philip Vance, declare under penalty of perjury pursuant to Minn. Stat. 358.116 that the following is true and correct to the best of my knowledge and belief.

1. My name is Philip Randall Vance. I am submitting this affidavit in support of my petition for postconviction relief in Dakota County Case No.: 19-K6-04-00736.

2. I am innocent of each offense for which I was charged, convicted, and sentenced in this case.

3. I expected my trial counsel to present an alibi defense. When I was discussing the facts of the case with them, I told them that I was with Darlene Jones when the murder happened. I also told them that Dominick and I were driven to the bar after leaving Darlene's place by Demetrius O'Connor. I told my attorneys that Kentrell Anthony was in the car with us when we were driven to the bar by Demetrius.

4. When I initially told my attorneys about my alibi, I also gave them the phone number, address, and full name of Darlene Jones so that they would contact her and develop her as a defense witness. I also gave my trial counsel the address for Jacqueline Ezell, the grandmother of Kentrell Anthony, and told them that Jacqueline was Kentrell's grandmother, and that Kentrell lived next-door to Jacqueline. I also gave my trial counsel sufficient information to be able to locate and contact Demetrius O'Connor. This interaction occurred during an in-person attorney-client visit at the jail.

5. Every time we talked about the case and where I was, I told my trial attorneys that I was with Darlene and that I was dropped off at the bar by Demetrius and Kentrell after leaving Darlene's place.

6. When I received my phone records in discovery, I highlighted a phone call for my attorneys that Darlene made to Illinois from my phone and told my attorneys that this proved I was with Darlene on the evening of December 22, 2002.

7. I do not know why my attorneys did not call my alibi witnesses. I was not consulted about this decision. My attorneys never told me that they failed to notice an alibi defense.

8. I also expected my lawyers to introduce alternative perpetrator evidence at trial to the extent allowed by the judge.

9. I did not know until my attorney stood up and said that the defense rests that he would not be calling any alibi or alternative perpetrator witnesses in my defense. He had told me shortly before this occurred that I needed to say I did not wish to testify when the judge asked me. I fought him on this and was unhappy with his decision, but he told me to say it

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and I listened to my attorney. He did not tell me, however, that he would not call any other witnesses either. If he had told me that he was not going to be presenting any defense or calling any witnesses, I would have distrusted his advice regarding my own testimony and would have been less willing to listen to his instructions about waiving my own right to testify.

Dated: February 26, 2025 Signed: /s/ Philip R. Vance

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System Options Windows Help

View usage detail - 0121750486 : 0121750489

Enter search criteria. 0121750489

Usage type
- Unbilled
- Billed

Usage source: All Except IP

Call detail
Called number:
Call date: 12/22/2002
Call time: : :
MSID: Exact match

Other criteria
Bill date: 01/20/2003
Orig SID/BID:

Search

Select matching item(s).

Call date	Call time	Calling number	MSID	Called destination	Called number	Charged airtime	Home/ Roamer	Orig. SID/BID	Total charges
12/22/2002	21:20:37	(651)398-5888	000006513985888	ST PAUL, MN	(651)387-6929	00:03:00	Home	04155	$0.00
12/22/2002	21:31:03	(651)398-5888	000006513985888	ST PAUL, MN	(651)387-6929	00:09:00	Home	04155	$0.00
12/22/2002	21:40:07	(651)398-5888	000006513985888	ST PAUL, MN	(651)387-3727	00:01:00	Home	04155	$0.00
12/22/2002	21:41:27	(651)398-5888	000006513985888	ST PAUL, MN	(651)769-0181	00:02:00	Home	04155	$0.00
12/22/2002	21:44:41	(651)398-5888	000006513985888	INCOMING, CL	(651)398-5888	00:01:00	Home	04155	$0.00
12/22/2002	21:45:03	(651)398-5888	000006513985888	INCOMING, CL	(651)398-5888	00:01:00	Home	04155	$0.00
12/22/2002	21:45:45	(651)398-5888	000006513985888	ST PAUL, MN	(651)387-6929	00:01:00	Home	04155	$0.00
12/22/2002	21:46:12	(651)398-5888	000006513985888	ST PAUL, MN	(651)387-6929	00:07:00	Home	04155	$0.00
12/22/2002	21:58:37	(651)398-5888	000006513985888	TWINCITIES, MN	(651)340-5824	00:02:00	Home	04155	$0.00

Total billed calls:
Total billed minutes:
Total billed usage amount:
(Discounts not applied)

Calculate

Clear

Done

09:12:31 AM Mar. 20, 2003

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State of Minnesota
2/27/2025 10:57 AM

System Options ... lows Help

View usage detail - 0121750486 : 0121750489

Enter search criteria. 0121750489

Usage type
- Unbilled
- Billed

Usage source: All Except IP

Call detail
Called number:
Call date: 12/22/2002
Call time: __:__:__
MSID: ☐ Exact match

Other criteria
Bill date: 01/20/2003
Orig SID/BID:

Search

Select matching item(s).

Call date	Call time	Calling number	MSID	Called destination	Called number	Charged airtime	Home/ Roamer	Orig. SID/BID	Total charges
12/22/2002	22:08:09	(651)398-5888	000006513985888	TWINCITIES, MN	(651)340-4929	00:01:00	Home	04155	$0.00
12/22/2002	22:16:10	(651)398-5888	000006513985888	TWINCITIES, MN	(651)340-8154	00:04:00	Home	04155	$0.00
12/22/2002	22:43:14	(651)398-5888	000006513985888	INCOMING, CL	(651)398-5888	00:02:00	Home	04155	$0.00
12/22/2002	23:03:29	(651)398-5888	000006513985888	SHOREVIEW, MN	(651)493-4847	00:01:00	Home	04155	$0.00
12/22/2002	23:04:08	(651)398-5888	000006513985888	SHOREVIEW, MN	(651)493-9358	00:01:00	Home	04155	$0.00
12/22/2002	23:06:49	(651)398-5888	000006513985888	ST PAUL, MN	(651)387-6929	00:02:00	Home	04155	$0.00
12/22/2002	23:08:20	(651)398-5888	000006513985888	ST PAUL, MN	(651)387-6929	00:10:00	Home	04155	$0.00
12/22/2002	23:18:46	(651)398-5888	000006513985888	ST PAUL, MN	(651)398-5888	00:01:00	Home	04155	$0.00
12/22/2002	23:19:53	(651)398-5888	000006513985888	ST PAUL, MN	(651)776-5263	00:01:00	Home	04155	$0.00

Total billed calls:
Total billed minutes:
Total billed usage amount:
(Discounts not applied)

Calculate

Clear

Done

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State's Exhibit 2 - CRU Supporting Material and Documents - Pg. 1573

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System Options Windows Help

View usage detail - 0121750486 : 0121750489

Enter search criteria. 0121750489

Usage type
- Unbilled
- Billed

Usage source: All Except IP

Call detail
- Called number:
- Call date: 12/22/2002
- Call time: __:__:__
- MSID: ☐ Exact match

Other criteria
- Bill date: 01/20/2003
- Orig SID/BID:

Search

Select matching item(s).

Call date	Call time	Calling number	MSID	Called destination	Called number	Charged airtime	Home/ Roamer	Orig. SID/BID	Total charges
12/22/2002	20:24:21	(651)398-5888	000006513985888	ST PAUL, MN	(651)645-0575	00:01:00	Home	04155	$0.00
12/22/2002	20:25:00	(651)398-5888	000006513985888	ST PAUL, MN	(651)643-0575	00:01:00	Home	04155	$0.00
12/22/2002	20:26:32	(651)398-5888	000006513985888	MINNEAPOLS,...	(612)990-5007	00:01:00	Home	04155	$0.00
12/22/2002	20:27:33	(651)398-5888	000006513985888	TWINCITIES, MN	(651)340-3686	00:25:00	Home	04155	$0.00
12/22/2002	20:53:52	(651)398-5888	000006513985888	INCOMING, CL	(651)398-5888	00:22:00	Home	04155	$0.00
12/22/2002	21:15:44	(651)398-5888	000006513985888	ST PAUL, MN	(651)271-0626	00:01:00	Home	04155	$0.00
12/22/2002	21:16:34	(651)398-5888	000006513985888	ST PAUL, MN	(651)271-0626	00:02:00	Home	04155	$0.00
12/22/2002	21:17:58	(651)398-5888	000006513985888	TWINCITIES, MN	(651)340-3686	00:01:00	Home	04155	$0.00
12/22/2002	21:19:38	(651)398-5888	000006513985888	ST PAUL, MN	(651)330-3618	00:01:00	Home	04155	$0.00

Total billed calls:

Total billed minutes:

Total billed usage amount: (Discounts not applied)

Calculate

Clear

Done

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View usage detail - 0121750486 : 0121750489

Enter search criteria. 0121750489

Usage type
- Unbilled
- Billed

Usage source: All Except IP

Call detail
Called number:
Call date: 12/22/2002
Call time: __:__:__
MSID: Exact match

Other criteria
Bill date: 01/20/2003
Orig SID/BID:

Search

Select matching item(s).

Call date	Call time	Calling number	MSID	Called destination	Called number	Charged airtime	Home/ Roamer	Orig. SID/BID	Total charges
12/22/2002	19:36:27	(651)398-5888	000006513985888	ST PAUL, MN	(651)769-0181	00:06:00	Home	04155	$0.00
12/22/2002	19:44:01	(651)398-5888	000006513985888	CHICAGO, IL	(773)783-3952	00:10:00	Home	04155	$0.00
12/22/2002	20:00:12	(651)398-5888	000006513985888	INCOMING, CL	(651)398-5888	00:02:00	Home	04155	$0.00
12/22/2002	20:05:14	(651)398-5888	000006513985888	MINNEAPOLS,...	(612)990-5007	00:01:00	Home	04155	$0.00
12/22/2002	20:05:56	(651)398-5888	000006513985888	MINNEAPOLS,...	(612)990-5007	00:01:00	Home	04155	$0.00
12/22/2002	20:09:27	(651)398-5888	000006513985888	TWINCITIES, MN	(651)340-3686	00:01:00	Home	04155	$0.00
12/22/2002	20:18:40	(651)398-5888	000006513985888	MINNEAPOLS,...	(612)990-5007	00:01:00	Home	04155	$0.00
12/22/2002	20:20:06	(651)398-5888	000006513985888	MINNEAPOLS,...	(612)990-5007	00:01:00	Home	04155	$0.00
12/22/2002	20:22:38	(651)398-5888	000006513985888	GOLDEN VLY, MN	(651)230-4338	00:01:00	Home	04155	$0.00

Total billed calls:
Total billed minutes:
Total billed usage amount:
(Discounts not applied)

Calculate

Clear

Done

09:12:30 AM Mar. 20, 2003

MINNESOTA JUDICIAL BRANCH

Exhibit P-36

19-K6-04-000736

Filed in District Court
State of Minnesota
1/5/2026 4:21 PM
Filed in District Court
State of Minnesota
2/27/2025 10:57 AM

State's Exhibit 2 - CRU Supporting Materials and Documents - Pg. 1576

ystem Options Views Help

View usage detail - 0121750486 : 0121750489

Enter search criteria. 0121750489

Usage type
- Unbilled
- Billed

Usage source: All Except IP

Call detail
Called number:
Call date: 12/22/2002
Call time: __:__:__
MSID: Exact match

Other criteria
Bill date: 01/20/2003
Orig SID/BID:

Search

Select matching item(s).

Call date	Call time	Calling number	MSID	Called destination	Called number	Charged airtime	Home/ Roamer	Orig. SID/BID	Total charges
12/22/2002	18:32:22	(651)398-5888	000006513985888	ST PAUL, MN	(651)772-4028	00:13:00	Home	04155	$0.00
12/22/2002	18:46:32	(651)398-5888	000006513985888	MILWAUKEE, WI	(414)933-4015	00:02:00	Home	04155	$0.00
12/22/2002	19:02:02	(651)398-5888	000006513985888	TWINCITIES, MN	(651)340-8154	00:02:00	Home	04155	$0.00
12/22/2002	19:11:55	(651)398-5888	000006513985888	ST PAUL, MN	(651)387-6929	00:01:00	Home	04155	$0.00
12/22/2002	19:12:30	(651)398-5888	000006513985888	ST PAUL, MN	(651)387-6929	00:02:00	Home	04155	$0.00
12/22/2002	19:17:41	(651)398-5888	000006513985888	INCOMING, CL	(651)398-5888	00:02:00	Home	04155	$0.00
12/22/2002	19:30:43	(651)398-5888	000006513985888	MINNEAPOLS,...	(612)990-5007	00:02:00	Home	04155	$0.00
12/22/2002	19:34:12	(651)398-5888	000006513985888	TWINCITIES, MN	(651)340-5824	00:02:00	Home	04155	$0.00
12/22/2002	19:36:00	(651)398-5888	000006513985888	ST PAUL, MN	(651)769-0101	00:01:00	Home	04155	$0.00

Total billed calls:
Total billed minutes:
Total billed usage amount:
(Discounts not applied)

Calculate

Clear

Done

09:12:29 AM Mar. 20, 2003

MINNESOTA JUDICIAL BRANCH

Exhibit P-36

19-K6-04-000736

Filed in District Court
State of Minnesota
Filed in District Court PM
State of Minnesota
2/27/2025 10:57 AM

SEARCH WARRANT

STATE OF MINNESOTA, COUNTY OF DAKOTA DISTRICT COURT

TO: **INVESTIGATOR JOHN MCMANUS**, (A) PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, **INVESTIGATOR MCMANUS** has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described Specific Cell Site Information on (651) 398-5888 from Sprint Cellular.

The specific cell site information of Sonya Marie Clark dob [redacted] Sprint Cellular number (651) 398-5888 for the date of 12-22-02.

located in the City of South St. Paul, County of Dakota Ramsey, STATE OF MINNESOTA, for the following described property and things:

See attached warrant 2-1A.

WHEREAS, the application and supporting affidavit of Investigator McManus was/were duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds:

1. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

IT IS ORDERED, that SPRINT CELLULAR, disclose to Investigators of the Minnesota Gang Strike Force, the specific cell site information for the cellular telephone bearing number (651) 398-5888 for the date 12-22-02.

BY THE COURT:

Dated : March 18, 2003

Robert C. Kang
JUDGE OF DISTRICT COURT

MINNESOTA JUDICIAL BRANCH

19-K6-04-000736

Filed in District Court
State of Minnesota
Filed in District Court
State of Minnesota
2/27/2025 10:57 AM

WARRANT 2-1A

ITEMS TO BE SEARCHED FOR

1.Cellular phones including specific cell site information, on telephone number (651) 398-5888 from Sprint Cellular.

MINNESOTA JUDICIAL BRANCH

19-K6-04-000736

Filed in District Court
State of Minnesota
1/5/2026 4:21 PM
Filed in District Court
State of Minnesota
2/27/2025 10:37 AM

ystem Options ows Help

View usage detail - 0121750486 : 0121750489

Enter search criteria. 0121750489

Usage type
- Unbilled
- Billed

Usage source: All Except IP

Call detail
Called number:
Call date: 12/22/2002
Call time: __:__:__
MSID: Exact match

Other criteria
Bill date: 01/20/2003
Orig SID/BID:

Search

Select matching item(s).

Call date	Call time	Calling number	MSID	Called destination	Called number	Charged airtime	Home/ Roamer	Orig. SID/BID	Total charges
12/22/2002	12:28:52	(651)398-5888	000006513985888	SAINT PAUL, MN	(651)245-2323	00:01:00	Home	04155	$0.00
12/22/2002	13:12:40	(651)398-5888	000006513985888	INCOMING, CL	(651)398-5888	00:08:00	Home	04155	$0.00
12/22/2002	13:21:21	(651)398-5888	000006513985888	ST PAUL, MN	(651)769-0181	00:08:00	Home	04155	$0.00
12/22/2002	13:41:30	(651)398-5888	000006513985888	ST PAUL, MN	(651)398-5888	00:01:00	Home	04155	$0.00
12/22/2002	13:46:18	(651)398-5888	000006513985888	INCOMING, CL	(651)398-5888	00:03:00	Home	04155	$0.00
12/22/2002	13:48:28	(651)398-5888	000006513985888	INCOMING, CL	(651)398-5888	00:03:00	Home	04155	$0.00
12/22/2002	13:58:54	(651)398-5888	000006513985888	ST PAUL, MN	(651)330-3618	00:01:00	Home	04155	$0.00
12/22/2002	13:59:31	(651)398-5888	000006513985888	ST PAUL, MN	(651)330-3618	00:01:00	Home	04155	$0.00
12/22/2002	14:00:14	(651)398-5888	000006513985888	ST PAUL, MN	(651)748-0367	00:07:00	Home	04155	$0.00

Total billed calls:
Total billed minutes:
Total billed usage amount:
(Discounts not applied)

Calculate

Clear

Done

09:12:26 AM Mar. 20, 2003

State's Exhibit 2 - CBU Supporting Materials and Documents - Pg. 1579

Exhibit P-36

19-K6-04-000736

Filed in District Court
State of Minnesota
1/5/2026 4:21 PM
Filed in District Court
State of Minnesota
2/27/2025 10:57 AM

ystem Options ows Help

View usage detail - 0121750486 : 0121750489

Enter search criteria. 0121750489

Usage type
- Unbilled
- Billed

Usage source: All Except IP

Call detail
Called number:
Call date: 12/22/2002
Call time: __:__:__
MSID: Exact match

Other criteria
Bill date: 01/20/2003
Orig SID/BID:

Search

Select matching item(s).

Call date	Call time	Calling number	MSID	Called destination	Called number	Charged airtime	Home/ Roamer	Orig. SID/BID	Total charges
12/22/2002	14:33:28	(651)398-5888	000006513985888	MINNEAPOLS,...	(612)414-6055	00:01:00	Home	04155	$0.00
12/22/2002	14:52:13	(651)398-5888	000006513985888	ST PAUL, MN	(651)793-0936	00:01:00	Home	04155	$0.00
12/22/2002	14:53:59	(651)398-5888	000006513985888	ST PAUL, MN	(651)330-2543	00:01:00	Home	04155	$0.00
12/22/2002	14:54:50	(651)398-5888	000006513985888	INCOMING, CL	(651)398-5888	00:01:00	Home	04155	$0.00
12/22/2002	15:25:18	(651)398-5888	000006513985888	TWINCITIES, MN	(651)340-8154	00:03:00	Home	04155	$0.00
12/22/2002	15:50:23	(651)398-5888	000006513985888	INCOMING, CL	(651)398-5888	00:02:00	Home	04155	$0.00
12/22/2002	16:09:34	(651)398-5888	000006513985888	ST PAUL, MN	(651)222-4433	00:01:00	Home	04155	$0.00
12/22/2002	16:12:08	(651)398-5888	000006513985888	INCOMING, CL	(651)398-5888	00:01:00	Home	04155	$0.00
12/22/2002	16:12:56	(651)398-5888	000006513985888	SHOREVIEW, MN	(651)493-1202	00:02:00	Home	04155	$0.00

Total billed calls:
Total billed minutes:
Total billed usage amount:
(Discounts not applied)

Calculate

Clear

Done

09:12:27 AM Mar. 20, 2003

State's Exhibit 2 - CRU Supporting Material and Documents - Pg. 1580

MINNESOTA JUDICIAL BRANCH

Exhibit P-36

19-K6-04-000736

Filed in District Court
State of Minnesota
1/5/2026 4:21 PM
Filed in District Court
State of Minnesota
2/27/2025 10:57 AM

State's Exhibit 2 - CRU Supporting Materials and Documents - Pg. 1581

ystem Options ows Help

View usage detail - 0121750486 : 0121750489

Enter search criteria. 0121750489

Usage type
- Unbilled
- Billed

Usage source: All Except IP

Call detail
- Called number:
- Call date: 12/22/2002
- Call time: __:__:__
- MSID: Exact match

Other criteria
- Bill date: 01/20/2003
- Orig SID/BID:

Search

Select matching item(s).

Call date	Call time	Calling number	MSID	Called destination	Called number	Charged airtime	Home/ Roamer	Orig. SID/BID	Total charges
12/22/2002	16:31:54	(651)398-5888	000006513985888	ST PAUL, MN.	(651)776-4241	00:02:00	Home	04155	$0.00
12/22/2002	16:32:53	(651)398-5888	000006513985888	INCOMING, CL	(651)398-5888	00:02:00	Home	04155	$0.00
12/22/2002	16:56:25	(651)398-5888	000006513985888	SHOREVIEW, MN	(651)493-8922	00:01:00	Home	04155	$0.00
12/22/2002	16:56:58	(651)398-5888	000006513985888	MINNEAPOLS,...	(612)388-0203	00:01:00	Home	04155	$0.00
12/22/2002	16:59:15	(651)398-5888	000006513985888	ST PAUL, MN	(651)291-0719	00:01:00	Home	04155	$0.00
12/22/2002	17:00:20	(651)398-5888	000006513985888	MINNEAPOLS,...	(612)388-0203	00:01:00	Home	04155	$0.00
12/22/2002	17:05:35	(651)398-5888	000006513985888	INCOMING, CL	(651)398-5888	00:03:00	Home	04155	$0.00
12/22/2002	17:09:10	(651)398-5888	000006513985888	MILWAUKEE, WI	(414)933-4015	00:01:00	Home	04155	$0.00
12/22/2002	17:10:46	(651)398-5888	000006513985888	TWINCITIES, MN	(651)340-3663	00:01:00	Home	04155	$0.00

Total billed calls:

Total billed minutes:

Total billed usage amount:

(Discounts not applied)

Calculate

Clear

Done

09:12:27 AM Mar. 20, 2003

Exhibit P-36

19-K6-04-000736

Filed in District Court
State of Minnesota
1/5/2026 4:21 PM

Filed in District Court
State of Minnesota
2/27/2025 10:57 AM

ystem Options Windows Help

View usage detail - 0121750486 : 0121750489

Enter search criteria. 0121750489

Usage type
- Unbilled
- Billed

Usage source: All Except IP

Call detail
Called number:
Call date: 12/22/2002
Call time: __:__:__
MSID: Exact match

Other criteria
Bill date: 01/20/2003
Orig SID/BID:

Search

Select matching item(s).

Call date	Call time	Calling number	MSID	Called destination	Called number	Charged airtime	Home/ Roamer	Orig. SID/BID	Total charges
12/22/2002	17:11:20	(651)398-5888	000006513985888	ST PAUL, MN	(651)772-4028	00:03:00	Home	04155	$0.00
12/22/2002	17:14:39	(651)398-5888	000006513985888	MILWAUKEE, WI	(414)933-4015	00:01:00	Home	04155	$0.00
12/22/2002	17:15:17	(651)398-5888	000006513985888	MILWAUKEE, WI	(414)933-4015	00:01:00	Home	04155	$0.00
12/22/2002	17:19:13	(651)398-5888	000006513985888	ST PAUL, MN	(651)387-6929	00:01:00	Home	04155	$0.00
12/22/2002	17:19:59	(651)398-5888	000006513985888	ST PAUL, MN	(651)387-6929	00:01:00	Home	04155	$0.00
12/22/2002	17:20:53	(651)398-5888	000006513985888	MILWAUKEE, WI	(414)933-4015	00:05:00	Home	04155	$0.00
12/22/2002	17:25:19	(651)398-5888	000006513985888	INCOMING, CL	(651)398-5888	00:05:00	Home	04155	$0.00
12/22/2002	17:29:44	(651)398-5888	000006513985888	MILWAUKEE, WI	(414)933-4015	00:05:00	Home	04155	$0.00
12/22/2002	17:34:27	(651)398-5888	000006513985888	ST PAUL, MN	(651)310-0544	00:01:00	Home	04155	$0.00

Total billed calls:
Total billed minutes:
Total billed usage amount:
(Discounts not applied)

Calculate

Clear

Done

09:12:28 AM Mar. 20, 2003

State's Exhibit 2 - CRU Supporting Materials and Documents - Pg. 1582

MINNESOTA JUDICIAL BRANCH

Exhibit P-36

19-K6-04-000736

Filed in District Court
State of Minnesota
1/5/2026 4:21 PM
Filed in District Court
State of Minnesota
2/27/2025 10:57 AM

State's Exhibit 2 - CBU Supporting Materials and Documents - Pg. 1583

ystem Options ows Help

View usage detail - 0121750486 : 0121750489

Enter search criteria. 0121750489

Usage type
- Unbilled
- Billed

Usage source: All Except IP

Call detail
Called number:
Call date: 12/22/2002
Call time: __:__:__
MSID: Exact match

Other criteria
Bill date: 01/20/2003
Orig SID/BID:

Search

Select matching item(s).

Call date	Call time	Calling number	MSID	Called destination	Called number	Charged airtime	Home/ Roamer	Orig. SID/BID	Total charges
12/22/2002	17:43:23	(651)398-5888	000006513985888	ST PAUL, MN	(651)772-4028	00:04:00	Home	04155	$0.00
12/22/2002	17:49:04	(651)398-5888	000006513985888	SHOREVIEW, MN	(651)493-4847	00:10:00	Home	04155	$0.00
12/22/2002	18:03:42	(651)398-5888	000006513985888	TWINCITIES, MN	(651)340-4792	00:01:00	Home	04155	$0.00
12/22/2002	18:04:24	(651)398-5888	000006513985888	ST PAUL, MN	(651)488-2773	00:01:00	Home	04155	$0.00
12/22/2002	18:05:22	(651)398-5888	000006513985888	ST PAUL, MN	(651)488-2773	00:02:00	Home	04155	$0.00
12/22/2002	18:08:29	(651)398-5888	000006513985888	ST PAUL, MN	(651)330-3618	00:05:00	Home	04155	$0.00
12/22/2002	18:13:53	(651)398-5888	000006513985888	ST PAUL, MN	(651)769-0181	00:10:00	Home	04155	$0.00
12/22/2002	18:18:19	(651)398-5888	000006513985888	INCOMING, CL	(651)398-5888	00:02:00	Home	04155	$0.00
12/22/2002	18:29:51	(651)398-5888	000006513985888	ST PAUL, MN	(651)489-8466	00:02:00	Home	04155	$0.00

Total billed calls:
Total billed minutes:
Total billed usage amount:
(Discounts not applied)

Calculate

Clear

Done

09:12:28 AM Mar. 20, 2003

Exhibit P-36

MINNESOTA JUDICIAL BRANCH

19-K6-04-000736

Filed in District Court
State of Minnesota
1/5/2026 4:21 PM

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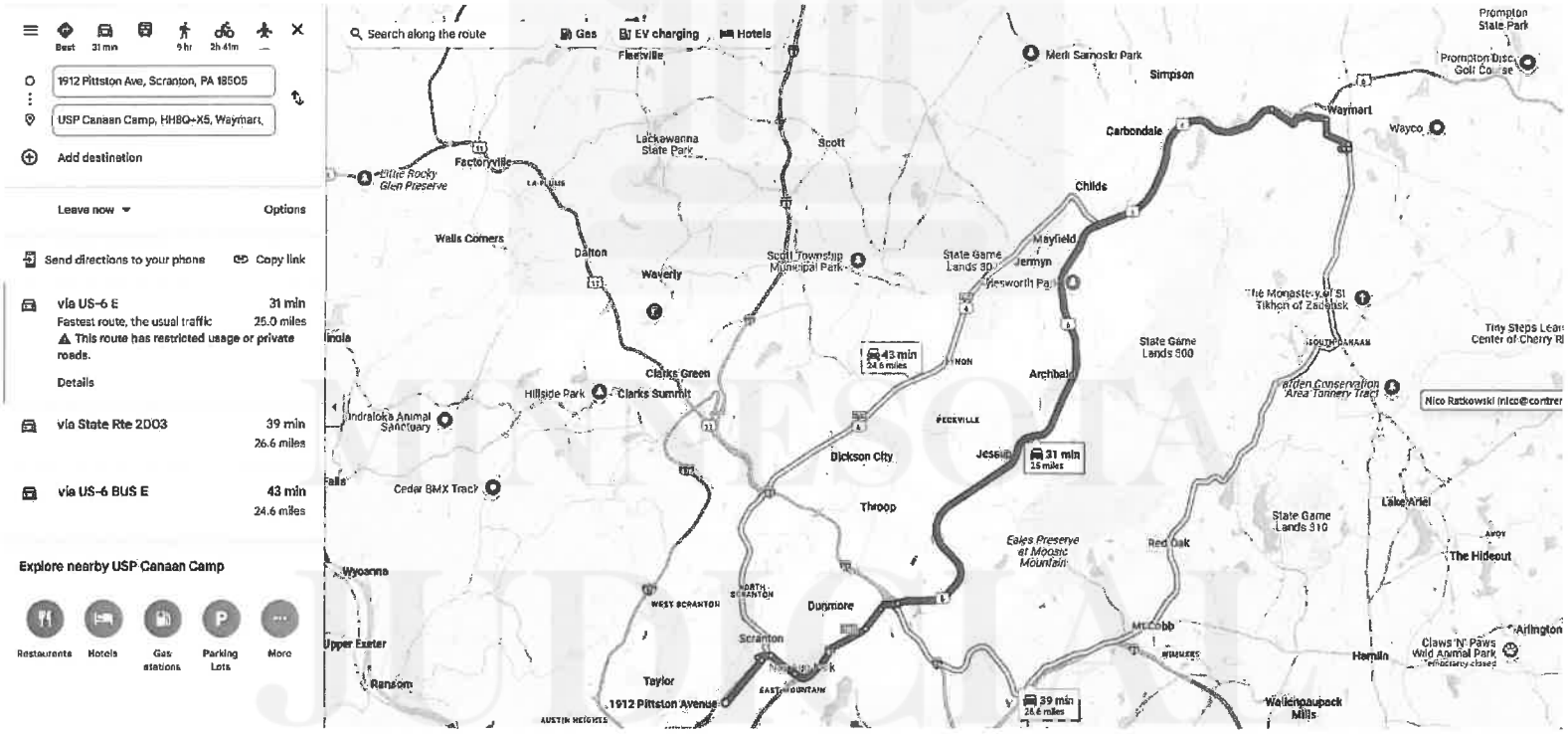
State of Minnesota
2/27/2025 10:57 AM



MINNESOTA JUDICIAL BRANCH

19-K6-04-000736

Filed in District Court
State of Minnesota
1/5/2026 4:21 PM
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State of Minnesota
2/27/2025 10:57 AM

STRATEDGY MEMO RESPONSE

MINNEAPOLIS PD

Mike Nimlos

INCIDENT: $1600 missing from McClain Search Warrant, MGSF case MP09-118190. DECLINED.

EVIDENCE: Recorded call between Nimlos and Mario McClain. McClain acknowledges "the paper" is there, he needs to check on the status to confirm seizure. In a statement to MPD IA, Mario claims Nimlos took the $1600, saying if McClain became an informant, Nimlos would return the money. No note of the $1600 is made in the property section of the report, or the SW inventory. No seizure form was found in the case file.

INCIDENT: Nimlos, along with R Olson, L Peterson, and D Garman, were at Jordan Hall warrantless search on a hostage situation. GSF file 09-000122/MPD 09-042126. DECLINED.

EVIDENCE: MPD reports, MPD internal affairs reports. Drugs and phones were seized. This incident is being reviewed by the DOJ for a civil rights violation, specifically, physical abuse of officer(s) towards the occupants.

Jeff Jindra

INCIDENT: At MPD impound lot seizure. DECLINED.

EVIDENCE: Questionable probable cause to search/seize cash. Case was based off Officer Pinoniemi CRI providing information of a vehicle with narcotics in the trunk at the impound lot. Surveillance was called off. Officers proceeded to the impound lot and seized money from 2 individuals that appear to be unrelated to the original investigation. Discrepancy of claimed $4000-$4500 taken and reported $4014 seized. (see FBI Bruan report of Pinoniemi). FBI interview of subject says "about $4000". Since, an $80,000 settlement had been made in this case with City of Minneapolis.

INCIDENT: Jindra was at Salinas/Clemente where $900 and a gold chain were missing. SW was for her son who resides at her residence. Happened after GSF was shut down. DECLINED.

EVIDIDENCE: This incident occurred on 6-2-09, after the GSF had been shut down on 5-20-09 and was done by three MPD officers. It is felt this falls out of the scope of the investigation into the GSF and should be forwarded to MPD. Vitim statement claiming her locked bedroom was search and afterwards, money and chain was missing. No report of money found/seizure forms filed. MPD case files shows Officers had an arrest warrant for Clemente and Clemente's Probation Officer was present at the time.

19-K6-04-000736

Filed in District Court
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1/5/2026 4:21 PM

Filed in District Court
State of Minnesota
2/27/2025 10:57 AM

INCIDENT: Jindra was the Supervisor that signed off on the Gabby's Saloon where $3316 and $2646 was seized during a citizen witnessed sale, despite outside of state guidelines of at least $100 worth of drugs (found with 6 grams of weed). DECLINED.

Evidence: Seizure forms dated 03/01/09, money count sheets, and MPD report 09-166346. After reviewing all reports and with input from the HCAO, it appears this incident was properly documented and the required paperwork was present. Upon review by the HCAO, charges were declined.

Dave Garman

INCIDENT: At Gabby's Saloon where $3316 and $2646 was seized during a citizen witnessed sale, despite outside of state guidelines of at least $100 worth of drugs (found with 6 grams of weed). DECLINED.

EVIDENCE: Evidence: Seizure forms dated 03/01/09, money count sheets, and MPD report 09-166346. After reviewing all reports and with input from the HCAO, it appears this incident was properly documented and the required paperwork was present. Upon review by the HCAO, charges were declined.

INCIDENT: Garmen was at Jordan Hall warrantless search on an alleged hostage situation. DECLINED.

EVIDENCE: MPD reports, MPD internal affairs reports. Drugs and phones were seized. This incident is being reviewed by the DOJ for a civil rights violation, specifically, physical abuse of officers towards the occupants.

INCIDENT: Garmen gave a 9mm handgun to Erin Spruance.ADDITIONAL INVESTIGATION.

EVIDENCE: Statement from DOC Lundquist, former roommate to Spruance. Spruance had shown Lundquist the gun.

Francisco Porras

INCIDENT: Was at Salinas/Clemente where $900 and a gold chain were missing. SW was for her son who resides at her residence. Happened after GSF was shut down. DECLINED.

EVIDIDENCE: This incident occurred on 6-2-09, after the GSF had been shut down on 5-20-09 and was done by three MPD officers. It is felt this falls out of the scope of the investigation into the GSF and should be forwarded to MPD. Victim statement claiming her locked bedroom was search and afterwards, money and chain was missing. No report of money found/seizure forms filed. MPD case files shows Officers had an arrest warrant for Clemente and Clemente's Probation Officer was present at the time.

19-K6-04-000736

Filed in District Court
State of Minnesota
1/5/2026 4:21 PM
Filed in District Court
State of Minnesota
2/27/2025 10:57 AM

INCIDENT: Was at the MPD impound lot. DECLINED.

EVIDENCE: Questionable probable cause to search/seize cash. Case was based off Officer Pinoniemi CRI providing information of a vehicle with narcotics in the trunk at the impound lot. Surveillance was called off due to CRI falling through. Officers proceeded to the impound lot and seized money from 2 individuals that appear to be unrelated to the original investigation. Discrepancy of claimed $4000-$4500 taken and reported $4014 seized (see FBI Bruan report of Pinominieimi). FBI interview of subject says "about $4000". Since, an $80,000 settlement had been made in this case with City of Minneapolis.

Randall Olson

INCIDENT: At impound lot At MPD impound lot. DECLINED

EVIDENCE: No probable cause to search/seize cash. Case was based off Officer Pinoniemi CRI providing information of a vehicle with narcotics in the trunk at the impound lot. Surveillance was called off. Officers proceeded to the impound lot and seized money from 2 individuals that appear to be unrelated to the original investigation. Discrepancy of claimed $4000-$4500 taken and reported $4014 seized. (see FBI Bruan report of Pinominieimi). FBI interview of subject says "about $4000." Since, an $80,000 settlement had been made in this case with City of Minneapolis.

INCIDENT: Olson was stalking his girlfriend, Sara Mann while a GSF employee possibly utilizing GSF equipment. ADDITIONAL INVESTIGATION into emails and GSF vehicle use by MANN.

EVIDENCE: MPD IA reports, information from subpoena, FBI reports, MPD reports, emails, Sara Mann computer, Olson's personal and GSF computers, DVS ran by Olson from vehicles around Mann's, including neighbors and family members, possible time theft, possible removal of jewelry from evidence to Mann.

Jim Heimerl:

INCIDENT: Sold washer/dryer combo for $300 to Erin Spruance. It is possible the washer/dryer, as evidence, may have gone to Heimerl's mother, and her washer/dryer went to Spruance. ADDITIONAL INVESTIGATION.

EVIDENCE: Statement from DOC Lundquist, former roommate to Spruance.

INCIDENT: Heimerl may have taken up to 20 watches from a case by Bean. ADDITIONAL INVESTIGATION.

EVIDENCE: Investigator Bean saw Gehlsen and Heimerl handling watches after the case had been closed. Heimerl immediately poke with Bean, advising him there was nothing wrong going on. 70 watches were seized, 50 were found after GSF shut down during inventory.

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1/5/2026 4:21 PM
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2/27/2025 10:57 AM

INCIDENT: Heimerl defied a written order by Bud Shaver, Advisory Board head, not to destroy or remove any evidence while in transition from Ryan to Omodt. DECLINED.

EVIDENCE: Letter from Shaver to Heimerl. Files/documents were being destroyed in spite of this letter. Question of whether shredding is appropriate at the closing of an office/job transition. The shredding may be more of a policy/procedural issue, rather than criminal.

Kelly O'Rourke

INCIDENT: Removed an ice auger from evidence. ADDITIONAL INVESTIGATION.

EVIDENCE: No direct evidence to show O'Rourke possessed or removed the auger. Statements from various individuals during interviews indicates O'Rourke was responsible, however, to date no eyewitness that can say he removed it, possessed it out of the GSF office, or brought it back to the GF office.

RAMSEY COUNTY SO

Ron Ryan

INCIDENT: Authorizing selling of jet skis for $800, possibly with a trailer, to John McManus sister Ann McManus, paid for by niece Weir. ADDITIONAL INVESTIGATION.

Evidence: GSF reports, statements from Ann McManus acknowledging the deal. Claims the jet skis were inoperable have not been confirmed. Possible if in poor condition, the price paid may be somewhat in line. Sale did not follow protocol.

INCIDENT: Sold a trailer to himself, trailer to his daughter, gave trailer to Maplewood PD. ADDITIONAL INVESTIGATION.

EVIDENCE: Ryan possesses a trailer that may have been sold to himself and a sweetheart deal. MWPD trailer was seized and did not have a serial number, and Ryan's daughter purchased a trailer that was recovered/stolen and not returned to the owner Gander Mountain according to Fridley PD reports

INCIDENT: Ryan had lack of oversight over officers under his control. DECLINED.

EVIDENCE: Numerous incidents in Egelhof's report and FBI interviews outlining improper documentation, storage, and disposal/disbursement of property, drugs, and money.

INCIDENT: Ryan use of the Lincoln Navigator. DECLINED.

EVIDENCE: This appears to have been properly seized and forfeited. The vehicle was in official used and returned after it was contested and ordered released to the owner.

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INCIDENT: Ryan use of leaf blower from evidence. ADDITIONAL INVESTIGATION.

EVIDENCE: Note to Gehlsen about getting rid of property stating "I put that leaf blower back".

INCIDENT: Ryan offers St Paul Public Works free tools from evidence marked "destroyed" in exchange for hauling away other undescribed evidence. ADDITIONAL INVESTIGATION.

EVIDENCE: Memo dated 5-3-2008, signed by R Ryan.

ST PAU PD

John McManus

INCIDENT: Selling of jet skis for $800, possibly with a trailer, to his sister Ann McManus, paid for by niece Weir. ADDITIONAL INVESTIGATION.

Evidence: GSF reports, statements from Ann McManus acknowledging the deal. Claims the jet skis were inoperable have not been confirmed. Possible if in poor condition, the price paid may be somewhat in line. Sale did not follow protocol.

INCIDENT: McManus may have taken a home theater new in a box. DECLINED.

EVIDENCE: Seizure notice from Early. It was noted on a seizure form along with three vehicles from Matilda Garcia, GSF case 06-000-180. It is unclear if the item was found in one of the vehicles and if so, if it remained with the vehicle.

INCIDENT: McManus dealings with Cars with Hearts. DECLINED.

EVIDENCE: Statements from the business owner, Christian Brackey, offer no indication of improper dealings. Cars for Hearts still owe the GSF approximately $5000 for the cars purchased through the deal by McManus, claiming he was never sent a bill by the GSF.

INCIDENT: McManus purchased a car along with his nephew from Cars With Hearts at a discount. DECLINED.

EVIDENCE: From information available to date, it appears the cars were older with higher mileage. The prices paid may be somewhat in line. The purchases were made privately and not directly related to the GSF.

INCIDENT: McManus seized a Navigator and Lincoln Town car and they can't be located. Related to Blazing Saddles. ADDITIONAL INVESTIGATION.

EVIDENCE: They appear to still be missing.

INCIDENT: Items from 2 of 3 search warrants may have been improperly forfeited from Blazing Saddles. DECLINED.

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EVIDENCE: McManus had Ruiz sign a forfeiture form covering the contents of the business El Primo. There are no seizure forms noted for the 2 residential search warrants done for the same case in which jet skis and vehicles were taken.

INCIDENT: 13.82, subd. 17(c) who was a paid CI. ADDITIONAL INVESTIGATION.

EVIDENCE: Information supplied by Egelhof 6-29-10. This was also spoken about by John Boulger to Egelhof.

INCIDENT: McManus and Shoemaker seized about $36,000 and then paid an informant $3600 directly from the seized funds. Of the actual $37,340 seized in his case, records show $1732 was actually deposited under this case number. ADDITIONAL INVESTIGATION.

EVIDENCE: Case 08-000155. Need to examine the informant files and conduct an interview of CI#192 to determine if the informant exists. A Prosecutor needs to advise on whether this is a procedural or criminal matter on how the fee was paid.

Sandra Kennedy

INCIDENT: May have TV and snow blower. TV would have been for her son TJ. ADDITIONAL INVESTIGATION.

EVIDENCE: Angela Backer statement saying Kennedy told her this, first person. Backer is unsure of the year this happened and it may have occurred, possibly prior to the move to New Brighton. Also statement by Joe Murphy says that Kennedy took the snow blower home.

Andrew Shoemaker

INCIDENT: Evidence from Mackey search warrants, including gang photos and patches, it was retained and not returned. DECLINED.

EVIDENCE: During inventory of GSF offices after closing, these items were in the offices and at Shoemaker's desk. Possible it was used for educational purposes during presentations. It does not appear the items left the GSF office to be used for personal reasons.

INCIDENT: Shoemaker and McManus seized about $36,000 and then paid an informant out of the seized funds. ADDITIONAL INVESTIGATION.

EVIDENCE: Need to examine the informant files and conduct an interview to determine if the informant exists. A Prosecutor needs to advise on whether this is a procedural or criminal matter on how the fee was paid.

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Rich Straka

INCIDENT: Straka may have used a seized vehicle that was not forfeited. While in use, the vehicle sustained damage to the L/F fender. DECLINED.

EVIDENCE: Case 06-000220. Documentation the vehicle was seized undamaged, the vehicle was signed out from impound by "OD" or "DG" and returned damaged.

Paul Meskan

INCIDENT: Forfeiture form from case 06-0180, SPPD, lists a home theater in box and DVR on a form with three vehicles. There is no accounting for what happened to the electronic items. Search was based on a McManus SW, forfeiture form filled out/signed by Meskan. DECLINED.

EVIDEDNCE: Seizure form with Meskan's name on it.

INCIDENT: May have taken a laptop computer. ADDITIONAL INVESTIGATION.

EVIDENCE: Statement from evidence tech/intern mentioning this.

Cindy Gehlsen

INCIDENT: May have taken some of the 20 missing watches. ADDITIONAL INVESTIGATION.

EVIDENCE: Bean seized and entered 70 watches. Bean saw Gehlsen and Helmerl handling the watches outside of the evidence room. Inventory done when the GSF was closed showed 50 watches remaining from the case. Documents and interviews of jewelers which had purchased evidence from the GSF prior show no watches of this type listed.

INCIDENT: Received TVs, laptop and other items improperly from the GSF evidence room. DECLINED.

EVIDENCE: Statement admitting during search.

INCIDENT: Missing baseball cards from Metry/Lovas SW 07-0598. DECLINED.

EVIDENCE: Statements made by Gehlsen showing an interest for the cards for her child.

INCIDENT: Received a stereo system in 2008 from the evidence room. ADDITIONAL INVESTIGATION.

EVIDENCE: Statement from employee "D" observing Gehlsen taking the system and commenting it had been approved.

INCIDENT: NCIC violations. DECLINED.

EVIDENCE: Admissions to FBI

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INCIDENT: Had evidence disposal forms pre-signed. DECLINED.

EVIDENCE: Pre-signed evidence forms recovered during inventory after closure of GSF.

INCIDENT: Lied to a Federal Agent. DECLINED.

EVIDENCE: FBI Palokangas report covering an interview with Gehlsen.

INCIDENT: Theft of property and money in general. ADDITIONAL INVESTIGATION.

EVIDENCE: Gehlsen had complete access to evidence and money. Gehlsen had control over records and reports governing seizures evidence logs.

Christopher O'Hara

INCIDENT: Received a bullet-resistant vest, gloves, TV, metal detector, and back pack possibly from GSF evidence or funds. DECLINED.

EVIDENCE: His statement and Rice County jailer statements. It appears the vest is legit, may be issues with the gloves and pack. During his interview, O'Hara supplied receipts to show everything was legit. TV was purchased for $30 and returned.

*After a meeting with Tom Fabel on 7-7-10, each incident was reviewed with Fabel. A notation indicating the decision by Fabel is noted on each incident for reference.

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UPDATE OF ADDITIONAL INVESTIGATION

7-15-2010

Based on the previous meeting with Tom Fabel on 7-7-10, below are the incidents that warranted further investigation and their current status.

Jeff Jindra

INCIDENT: Garmen gave a 9mm handgun to Erin Spruance. ADDITIONAL INVESTIGATION.

EVIDENCE: Statement from DOC Lundquist, former roommate to Spruance. Spruance had shown Lundquist the gun.

UPDATE: In an interview, Spruance acknowledged she had received a handgun, not from Garmen, but from Jindra. Spruance provided a serial number which was searched through the GSF files, and it does not appear it came from GSF evidence. Spruance also had purchased a washer/dryer combo from Heimerl's mother, Mabel. Mable was moving into and assisted living facility and no longer had use for the items. Mable had kept original documents to the washer/dryer and Mabel had applied her name in numerous places on them.

Randall Olson

INCIDENT: Olson was stalking his girlfriend, Sara Mann while a GSF employee possibly utilizing GSF equipment. ADDITIONAL INVESTIGATION into emails and GSF vehicle use by MANN.

EVIDENCE: MPD IA reports, information from subpoena, FBI reports, MPD reports, emails, Sara Mann computer, Olson's personal and GSF computers, DVS ran by Olson from vehicles around Mann's, including neighbors and family members, possible time theft, possible removal of jewelry from evidence to Mann.

UPDATE: This has not been addressed at this point.

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Jim Heimerl:

INCIDENT: Sold washer/dryer combo for $300 to Erin Spruance. It is possible the washer/dryer, as evidence, may have gone to Heimerl's mother, and her washer/dryer went to Spruance. ADDITIONAL INVESTIGATION.

EVIDENCE: Statement from DOC Lundquist, former roommate to Spruance.

UPDATE: Spruance purchased a washer/dryer from Heimerl's mother. It has not been confirmed if Heimerl had given/sold his mother a washer/dryer, however it is unlikely she would have needed them as she moved into an assisted living facility.

INCIDENT: Heimerl may have taken part in removing up to 20 watches from a case by Bean. ADDITIONAL INVESTIGATION.

EVIDENCE: Investigator Bean saw Gehlsen and Heimerl handling watches after the case had been closed. Heimerl immediately poke with Bean, advising him there was nothing wrong going on. 70 watches were seized, 50 were found after GSF shut down during inventory.

UPDATE: Heimerl has not yet been interviewed. In a recent interview, Gehlsen has denied taking the watches and is unaware of anyone taking the watches.

Kelly O'Rourke

INCIDENT: Removed an ice auger from evidence. ADDITIONAL INVESTIGATION.

EVIDENCE: No direct evidence to show O'Rourke possessed or removed the auger. Statements from various individuals during interviews indicates O'Rourke was responsible, however, to date no eyewitness that can say he removed it, possessed it out of the GSF office, or brought it back to the GF office.

UPDATE: This has not been addressed at this point.

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Ron Ryan

INCIDENT: Authorizing selling of jet skis for $800, possibly with a trailer, to John McManus sister Ann McManus, paid for by niece Weir. ADDITIONAL INVESTIGATION.

Evidence: GSF reports, statements from Ann McManus acknowledging the deal. Claims the jet skis were inoperable have not been confirmed. Possible if in poor condition, the price paid may be somewhat in line. Sale did not follow protocol.

UPDATE: Ann McManus was interviewed and explained the jets skis were purchased and upon their initial use at their cabin on Deer Lake, WI, both suffered mechanical failure. Both were taken to a local repair facility in the area for repairs totaling approximately $2000. A phone conversation with the repair facility confirmed what McManus explained. Investigators are awaiting documents from the repair facility. Estimates on their value by the repair shop was $2000 each. With the purchase price and repairs added, each has cost $1400 each.

INCIDENT: Sold a trailer to himself, trailer to his daughter, gave trailer to Maplewood PD. ADDITIONAL INVESTIGATION.

EVIDENCE: Ryan possesses a trailer that may have been sold to himself in a sweetheart deal. MWPD trailer was seized and did not have a serial number, and Ryan's daughter purchased a trailer that was recovered/stolen and not returned to the owner Gander Mountain according to Fridley PD reports.

UPDATE: Upon reviewing the MSF reports, it appears the original owner of the trailer Ryan sold himself could not have been determined due to the serial number being removed. The trailer appears to be a kit or home built and a value is difficult to determine. Ryan agreed to speak with investigators with his attorney present, however, his attorney declined interviews with his client. Investigators still want to view the trailer to confirm there are no identifying marks that could determine an owner. On the memo detailing the sale of the trailer, it appears Ryan forged Cindy Gehlsen's initials.

The trailer donated to Maplewood PD is in official use and with the serial number being removed, the original owner likely could not have been determined.

Upon reviewing the reports of the trailer Ryan sold to his daughter and son-in-law, they clearly show the trailer was stolen/obtained fraudulently from Gander Mountain and could/should have been returned to the business upon recovery by MSF officers. An interview with Maria Hanggi revealed the trailer is located at her father's property in northern Minnesota. Hanggi declined to answer any more questions, but would try to obtain further information and contact investigators about viewing and turning the trailer over.

INCIDENT: Ryan use of leaf blower from evidence. ADDITIONAL INVESTIGATION.

EVIDENCE: Note to Gehlsen about getting rid of property stating "I put that leaf blower back".

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UPDATE: An interview with Gehlsen failed to provide additional information on this incident. Ryan has declined to speak with investigators.

INCIDENT: Ryan offers St Paul Public Works free tools from evidence marked "destroyed" in exchange for hauling away other undescribed evidence. ADDITIONAL INVESTIGATION.

EVIDENCE: Memo dated 5-3-2008, signed by R Ryan.

UPDATE: Ryan has declined an interview. St Paul Public Works have not been contacted to this point. A question of the evidence being labeled as "destroyed" and being offered to a city department for official use needs to be made.

John McManus

INCIDENT: Selling of jet skis for $800, possibly with a trailer, to his sister Ann McManus, paid for by niece Weir. ADDITIONAL INVESTIGATION.

Evidence: GSF reports, statements from Ann McManus acknowledging the deal. Claims the jet skis were inoperable have not been confirmed. Possible if in poor condition, the price paid may be somewhat in line. Sale did not follow protocol.

UPDATE: Ann McManus was interviewed and explained the jets skis were purchased and upon their initial use at their cabin on Deer Lake, WI, both suffered mechanical failure. Both were taken to a local repair facility in the area for repairs totaling approximately $2000. A phone conversation with the repair facility confirmed what McManus explained. Investigators are awaiting documents from the repair facility. Estimates on their value by the repair shop was $2000 each. With the purchase price and repairs added, each has cost $1400 each.

INCIDENT: McManus seized a Navigator and Lincoln Town car and they can't be located. Related to Blazing Saddles. ADDITIONAL INVESTIGATION.

EVIDENCE: They appear to still be missing.

UPDATE: In reviewing documents and conversations with employees of Twin Cities Towing, the Town Car was returned to the owner, and when the GSF was shut down, the Navigator was released to the lien holder.

INCIDENT: 13.82, subd. 17(c) who was a paid CI. ADDITIONAL INVESTIGATION.

EVIDENCE: Information supplied by Egelhof 6-29-10. This was also spoken about by John Boulger to Egelhof.

UPDATE: Though some CI files have been examined, this has not yet been confirmed.

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INCIDENT: McManus and Shoemaker seized about $36,000 and then paid an informant $3600 directly from the seized funds. Of the actual $37,340 seized in his case, records show $1732 was actually deposited under this case number. ADDITIONAL INVESTIGATION.

EVIDENCE: Case 08-000155. Need to examine the informant files and conduct an interview of CI#192 to determine if the informant exists. A Prosecutor needs to advise on whether this is a procedural or criminal matter on how the fee was paid.

UPDATE: Investigators reviewed CI files and found documentation in the form of receipts and letters indicating CI192 had received the $3600. CI192 was identified solely for the purpose to confirm receiving payment. Investigators met CI192 and confirmed payment.

Sandra Kennedy

INCIDENT: May have TV and snow blower. TV would have been for her son TJ. ADDITIONAL INVESTIGATION.

EVIDENCE: Angela Backer statement saying Kennedy told her this, first person. Backer is unsure of the year this happened and it may have occurred, possibly prior to the move to New Brighton. Also statement by Joe Murphy says that Kennedy took the snow blower home.

UPDATE: This incident has yet to be addressed to this point.

Andrew Shoemaker

INCIDENT: Shoemaker and McManus seized about $36,000 and then paid an informant out of the seized funds. ADDITIONAL INVESTIGATION.

EVIDENCE: Need to examine the informant files and conduct an interview to determine if the informant exists. A Prosecutor needs to advise on whether this is a procedural or criminal matter on how the fee was paid.

UPDATE: Investigators reviewed CI files and found documentation in the form of receipts and letters indicating CI192 had received the $3600. CI192 was identified solely for the purpose to confirm receiving payment. Investigators met CI192 and confirmed payment.

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Paul Meskan

INCIDENT: May have taken a laptop computer. ADDITIONAL INVESTIGATION.

EVIDENCE: Statement from evidence tech/intern mentioning this

UPDATE: This incident has not been addressed to this point.

Cindy Gehlsen

INCIDENT: May have taken some of the 20 missing watches. ADDITIONAL INVESTIGATION.

EVIDENCE: Bean seized and entered 70 watches. Bean saw Gehlsen and Heimerl handling the watches outside of the evidence room. Inventory done when the GSF was closed showed 50 watches remaining from the case. Documents and interviews of jewelers which had purchased evidence from the GSF prior show no watches of this type listed.

UPDATE: In an interview with Gehlsen, she was denied taking any watches. Heimerl has not been interviewed yet.

INCIDENT: Received a stereo system in 2008 from the evidence room. ADDITIONAL INVESTIGATION.

EVIDENCE: Statement from employee "D" observing Gehlsen taking the system and commenting it had been approved.

UPDATE: In an interview with investigators, Gehlsen denied taking a stereo from the evidence room that was marked for disposal or otherwise.

INCIDENT: Theft of property and money in general. ADDITIONAL INVESTIGATION.

EVIDENCE: Gehlsen had complete access to evidence and money. Gehlsen had control over records and reports governing seizures evidence logs.

UPDATE: In a lengthy interview with investigators, Gehlsen failed to provide any additional information that would aid in the prosecution of herself or others. Gehlsen did acknowledge having officers sign blank disposal forms. Other that what has been previously admitted, Gehlsen denied any additional thefts of property or cash. Gehlsen did not have any information that other MGSF employees took property other than what was previously discussed. Gehlsen did not know of sales of property other than the TV to O'Hara.

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NAMES	PROPERTY DESC.	SOURCE OF INTEL	PROOF OF THEFT
JOHN MCMANUS	electronics	egelhof rpt	none-allegations from Backer
JIM HEIMERL	Took 20 Watches	statement by T. Bean	none-suspicion
JIM HEIMERL	sold washer/dryer to Spruance	statement by Lundquist	none-Spruance bought Heimerl's moms
KELLY O'ROURKE	took ice auger	various statements	none-auger returned
ANN MCMANUS	2 Seadoo Jet Skis	various documents	none-appears to be a legal purchase
BRAD HANGGI	bought alum trailer, approved by Ryan	documents, including st paul pd a/w affidavit and fridley pd docs	trailer on Ryan property.
RON RYAN	Atwood' home made trailer		possible theft, trailer on Ryan property.
SANDRA KENNEDY	TV and Snow Blower	egelhof rpt	none-allegations from Backer and Murphy
CINDY GEHLSEN	watches	T. Bean	none-suspicion
CINDY GEHLSEN	TV's, dvd player, HP printer, Compaq laptop	Gehlsen admission	proven, HOWEVER- beyond stat of limitations
CHRIS O'HARA	TV'S	Egelhof rpt	none- TV was purchased and returned
SHANNON GUARNERI	Throne-Like chair	Egelhof rpt	none-not a 'sweetheart' deal.
BRIAN BATAGLIA	2 speakers	self reported	none-given property up for destr.
JOSH FAHEY	stereo	Egelhof rpt	none-no time frame/conf emp "D" egl notes
JANA HEIN	pearl necklace	egelhof rpt/Metry statement	none-item returned
PAUL MESKAN	unknown	Metry statement	none
PAUL MESKAN	appliances	Thompsen statement	purchased from destroyed case
CHRIS TAYSON	TV	Thompsen /Metry	purchased-evidence from destroyed case

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generalized georgia

PCS_Nbr	ESN	Calling_#	Dialed_#	Called_#	Start_DTTM	Seconc	SID	Role	Swtch	Code	3WC	CFD	CW	VMR	Repoll	
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6513985888	6802140233	(651) 398-5888	587-1823	(651) 587-1823	12/23/2002 0:59	42	4155	0	3	1	N	N	N	N	60
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6513985888	6802140233	(651) 493-4847	(651) 398-5888	(651) 398-5888	12/23/2002 2:38	212	4155	1	3	1	N	N	N	N	60
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6513985888	6802140233	(651) 398-5888	(651) 398-5888	(651) 398-5888	12/23/2002 11:23	51	4155	0	3	1	N	N	N	N	60

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6513985888	6802140233	(651) 398-5888	340-8154	(651) 340-8154	12/23/2002 22:00	58	4155	0	3	1	N	N	N	N	60
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6513985888	6802140233	(651) 340-5824	(651) 398-5888	(651) 398-5888	12/23/2002 23:21	110	4155	1	3	1	N	N	N	N	60
6513985888	6802140233	(651) 398-5888	776-4241	(651) 776-4241	12/23/2002 23:36	52	4155	0	3	1	N	N	N	N	60
6513985888	6802140233	(651) 398-5888	340-5824	(651) 340-5824	12/23/2002 23:49	485	4155	0	3	1	N	N	N	N	60
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6513985888	6802140233	(651) 398-5888	(651) 340-8858	(651) 340-8858	12/24/2002 0:05	58	4155	0	3	1	N	N	N	N	60
6513985888	6802140233	(651) 398-5888	228-1677	(651) 228-1677	12/24/2002 0:06	64	4155	0	3	1	N	N	N	N	60
6513985888	6802140233	(651) 398-5888	387-6929	(651) 387-6929	12/24/2002 0:12	37	4155	0	3	1	N	N	N	N	60
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6513985888	6802140233	(651) 398-5888	748-0367	(651) 748-0367	12/24/2002 0:23	36	4155	0	3	1	N	N	N	N	60
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6513985888	6802140233		(651) 398-5888	(651) 398-5888	12/24/2002 2:56	67	4155	1	3	1	N	N	N	N	60
6513985888	6802140233	(763) 416-0860	(651) 398-5888	(651) 398-5888	12/24/2002 11:05	57	4155	1	3	1	N	N	N	N	60
6513985888	6802140233	(651) 776-4241	(651) 398-5888	(651) 398-5888	12/24/2002 11:09	193	4155	1	3	1	N	N	N	N	60
6513985888	6802140233	(651) 398-5888	(763) 300-2569	(763) 300-2569	12/24/2002 11:15	27	4155	0	3	1	N	N	N	N	60
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6513985888	6802140233	(651) 398-5888	776-4241	(651) 776-4241	12/24/2002 15:36	8	4155	0	3	1	N	N	N	N	60
6513985888	6802140233	(651) 398-5888	776-4241	(651) 776-4241	12/24/2002 15:36	8	4155	0	3	1	N	N	N	N	60
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6513985888	6802140233	(773) 264-2739	(651) 398-5888	(651) 398-5888	12/24/2002 17:23	184	4155	1	3	1	N	N	N	N	60
6513985888	6802140233	(651) 398-5888	340-8154	(651) 340-8154	12/24/2002 17:32	42	4155	0	3	1	N	N	N	N	60
6513985888	6802140233	(651) 340-8002	(651) 398-5888	(651) 398-5888	12/24/2002 17:36	40	4155	1	3	1	N	N	N	N	60
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6513985888	6802140233	(651) 340-8002	(651) 398-5888	(651) 398-5888	12/24/2002 18:11	149	4155	1	3	1	N	N	N	N	60
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6513985888	6802140233	(651) 398-5888	387-6929	(651) 387-6929	12/24/2002 19:25	40	4155	0	3	1	N	N	N	N	60
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6513985888	6802140233	(651) 245-2323	(651) 398-5888	(651) 398-5888	12/24/2002 21:50	55	4155	1	3	1	N	N	N	N	60
6513985888	6802140233	(651) 340-8154	(651) 398-5888	(651) 398-5888	12/24/2002 21:54	185	4155	1	3	1	N	N	N	N	60
6513985888	6802140233	(651) 340-5824	(651) 398-5888	(651) 398-5888	12/24/2002 21:57	61	4155	1	3	1	N	N	Y	N	60
6513985888	6802140233	(651) 340-8154	(651) 398-5888	(651) 398-5888	12/24/2002 21:58	31	4155	1	3	1	N	N	N	N	60
6513985888	6802140233	(651) 398-5888	340-8154	(651) 340-8154	12/24/2002 22:04	85	4155	0	3	1	N	N	N	N	60
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State's Exhibit 2 CRRD Supporting Materials and Documents.pdf 16688

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STATE OF MINNESOTA — IN DISTRICT COURT

COUNTY OF DAKOTA — FIRST JUDICIAL DISTRICT

---------- — File No. K4-04-735

State of Minnesota,

Plaintiff,

vs. — PLEA & SENTENCE

Dominick D. Johnson,

Defendant.

The above-entitled matter came duly on for Hearing before the Honorable Rex D. Stacey, one of the Judges of the above-named Court, on November 12, 2004, at the Dakota County Judicial Center, Hastings, Minnesota.

A P P E A R A N C E S :

KATHRYN M. KEENA, Assistant Dakota County Attorney, 1560 Highway 55, Hastings, Minnesota 55033, appeared representing the State.

DAVID WARG and TIM WERMAGER, Public Defender's Office, 919 Vermillion Street, Hastings, Minnesota, appeared representing the defendant.

FILED DAKOTA COUNTY
VAN A. BROSTROM, Court Administrator
APR 13 2005
BY [signature] DEPUTY

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WHEREUPON, the following proceedings were had, to-wit:

THE COURT: Dominick Dwayne Johnson. David Warg and Tim Wermager appear with Mr. Johnson. Kathryn Keena appears for the state. Ms. Keena.

MS. KEENA: Your Honor, at this time the state would advise the court that there has been a plea agreement reached in this matter.

The state has just filed a notice of motion and motion to amend the indictment, which has been served on counsel. We are asking the court to allow amendment of the indictment to add Count IV, Felony Murder in the Second Degree.

It's the state's understanding that Mr. Johnson will in fact be pleading guilty to that offense this morning. In exchange he will be committed to the Commissioner of Corrections for a period of 150 months, which is a downward durational departure of 45 months. The basis of the departure is that Mr. Johnson played a more minor and passive role in the murder of Khaled Al-Bakri.

In addition, Mr. Johnson is required this morning to provide full factual disclosure as to the events surrounding the homicide, including the involvement of other co-defendants that have been charged, including Philip Vance, and any other

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potential co-defendants.

The agreement is not contingent upon Mr. Johnson testifying against anybody. However, the state does want Mr. Johnson to understand that if there are any trials that are held in this matter, that he will be subpoenaed by the state to testify at those trials and potential grand juries.

If Mr. Johnson fails in any of those regards this morning and if he does not provide factual disclosure as to what happened, the state will be withdrawing the plea agreement and we will be proceeding to trial on Monday.

Anything to add, Mr. Warg?

MR. WARG: No, Your Honor. Ms. Keena has correctly stated our plea agreement. I would also note that we have agreed that Mr. Johnson will receive jail credit for all incarceration back to the date of the offense, December 22nd of 2002.

I have calculated the credit at 579 days. I have confirmed that jail credit with the various institutions. I have also gone over my figures with Ms. Keena and we are in agreement that that's the amount of credit he receives as of today.

THE COURT: Then, Mr. Johnson, have you had all the time you want or need to review this

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matter with your attorneys?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Do you understand what's going on?

THE DEFENDANT: Yes.

THE COURT: Are you under the influence of any drugs or alcohol today?

THE DEFENDANT: No.

THE COURT: Are you currently suffering from any type of mental illness?

THE DEFENDANT: No.

THE COURT: What is your plea, then, to a new Count IV of the indictment, Felony Murder in the Second Degree, aiding and abetting, punishable by up to 40 years in prison, guilty or not guilty?

THE DEFENDANT: Guilty.

THE COURT: Raise your right hand, sir.

DOMINICK DWAYNE JOHNSON,

being duly sworn, was examined and testified as follows:

MR. WARG: I will go over the petition with my client and Ms. Keena will go over the factual basis.

THE COURT: Thank you.

EXAMINATION BY MR. WARG:

Q Mr. Johnson, I am showing you a two-page, four-sided document entitled Petition to Enter a Plea of

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Guilty. Is that the document that we went over this morning prior to coming to court?

A Yes.

Q The document has a total of 28 paragraphs. Have you had an opportunity to go through each and every one of these 28 paragraphs?

A Yes.

Q Do you understand this information?

A Yes.

Q More specifically, Mr. Johnson, do you understand that you are giving up all the constitutional rights that are set forth in this document?

A Yes.

Q Do you understand that your case is set for a jury trial this coming Monday, and that you have an absolute right to that jury trial, where you would be presumed innocent, and the state would be required to prove your guilt beyond a reasonable doubt to a unanimous 12-person jury in order for you to be convicted; do you understand that you are giving up your right to that trial?

A Yes.

Q At that trial you could confront and cross-examine the state's witnesses, you could subpoena witnesses to testify on your behalf, and you could either

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choose to testify or remain silent. That would be entirely up to you. If you chose to remain silent, no one could comment on that or infer any guilt from your exercising that right. All those trial rights are gone. Is that understood?

A Yes.

Q You have been represented by me and Mr. Wermager throughout these proceedings. Are you satisfied with our representation?

A Yes.

Q Do you believe that I've got all the facts that I need about this case in order to properly advise you?

A Yes.

Q Now you indicated that you are not suffering from any mental disorder or you are not under the influence of alcohol or any medications whatsoever?

A Yes.

Q So you've got a clear mind today and you fully understand what we are doing?

A Yes.

Q Now we've set forth the plea agreement on the record. It's also set forth in paragraph 20. Other than this plea agreement, has anyone made any threats or promises whatsoever to get you to plead

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guilty?
A No.
Q Are you pleading guilty of your own free will and because you are guilty?
A Yes.
Q Is this your signature on the reverse side of the last page of this document?
A Yes.
Q Did you sign this because you understand it and you want Judge Stacey to accept your guilty plea?
A Yes.
Q Now you understand that you have the right to a presentence investigation report where the probation office would gather information about you and your background to present to Judge Stacey prior to sentencing, but based upon the plea agreement that we've reached, do you want to waive that presentence investigation and be sentenced today?
A Yes.

MR. WARG: Your Honor, I offer the petition.

MS. KEENA: No objection.

THE COURT: Received.

MR. WARG: Ms. Keena.

MS. KEENA: Thank you.

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EXAMINATION BY MS. KEENA:

Q Good morning, Mr. Johnson. This may take a little while, so if you need any water or anything, just speak up and let us know. Okay?

A Yes.

Q Mr. Johnson, I would like to draw your attention to December 22, 2002. Do you recall that day?

A Yes.

Q Were you with Philip Vance on that day?

A Yes.

Q How long prior to that time had you known Mr. Vance?

A Since I came to Minnesota.

Q That was approximately when?

A June of 2000.

Q How would you describe your relationship with Mr. Vance?

A Close.

Q In your statements you refer to him as your *home boy*.

A Right.

Q And what does that mean?

A Friend, associate.

Q On December 22, 2002, what time did you meet up with Philip Vance?

A I think in the afternoon like around five o'clock,

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six o'clock.

THE COURT: Mr. Johnson, could I ask you to speak up a little? Maybe move a little closer to the mike, and could we turn the mike up a little.

THE DEFENDANT: Okay.

BY MS. KEENA:

Q Where did the two of you meet up, Mr. Johnson?

A At my house.

Q Was that the house on Forbes?

A Yes.

Q Who resided at that house?

A Me, Vanessa and her children.

Q That's Vanessa Franco?

A Yes.

Q You eventually left that house, correct?

A Yes.

Q What time did you leave?

A Six-thirty, seven o'clock.

Q Where did you go after leaving?

A To the Radisson.

Q When you were at Vanessa Franco's house that night, when Mr. Vance initially came over, who was present at the house?

A Just me and him.

Q Was Vanessa there at the time?

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A No.
Q It's my understanding that Vanessa and Mr. Vance didn't get along very well, is that true?
A Right.
Q So after you left your house, where did you and Mr. Vance go?
A To the Radisson.
Q Do you recall what time you got to the Radisson?
A About eight o'clock -- between seven-thirty, eight o'clock.
Q And did you meet anybody else at the Radisson that night?
A It was other people there, but we wasn't going to meet them.
Q Did somebody else sit with you?
A Yes.
Q Who was that?
A John.
Q Do you know John's last name?
A No.

MS. KEENA: Permission to approach, Your Honor?

THE COURT: Granted.

(Exhibit No. 1 was marked for identification.)

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BY MS. KEENA:

Q Mr. Johnson, I am going to show you a picture, and there's no name present on the picture. It's marked as Exhibit 1. Do you know who that person is?

A Yeah. That's John.

Q This is John?

A Yes.

Q That's the person that sat with you at the table that night?

A Yes.

MS. KEENA: Your Honor, just for the record, I do have a picture of Exhibit 1. The name has been blocked off, and I am going to remove that at this time and establish that it is a picture of John Martin.

MR. WARG: We have no objection to the introduction of this exhibit, Your Honor.

THE COURT: Exhibit 1 is received.

(Exhibit No. 1 was received in evidence.)

BY MS. KEENA:

Q While you were at the Radisson, was it just you, Mr. Vance and John Martin sitting at a table?

A Yes.

Q And what did the three of you talk about while you

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were sitting there?
A At first we was just drinking and then we start talking about needing some money, it was Christmas time.
Q Did you have any discussions about how you were going to get that money?
A Well, me and Florida Boy was talking and he was like he knew where liq was at.
Q When you talk about what a *liq* is, does that mean a robbery?
A Yes.
Q Just for the record, *Florida Boy* is the nickname for Mr. Vance, is that right?
A Yes.
Q So were you talking about that in front of Mr. Martin?
A He didn't know what we was talking about.
Q Prior to going to the Radisson, did you and Mr. Vance have discussions about this *liq* that you just referred to?
A We was talking about getting some money, but not specifically what happened.
Q So you didn't specifically talk about Sabreen's at that point?
A Right.

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Q What did Mr. Vance tell you about this liq?
A He just said somebody told him where it was at, and if I wanted to go with him.
Q When did that discussion occur?
A Well, that discussion, we was talking about that after we left the Radisson Bar.
Q Okay. So there were no discussions about doing a robbery in front of John Martin, is that correct?
A Right.
Q So eventually the three of you left the Radisson, is that correct?
A Right.
Q Do you recall what time you left the Radisson?
A About 8:30, 9:00 o'clock.
Q And did the three of you leave at the same time?
A No, John left before us.
Q Okay. Prior to leaving did you make any phone calls to anybody?
A No.
Q Did somebody call for a ride?
A Well, the female, I was already talking to her, so she was going to come and pick me up anyway.
Q Who was that female?
A Yvonne.
Q Do you know Yvonne's last name?

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A White.

MS. KEENA: Permission to approach, Your Honor.

THE COURT: Granted.

BY MS. KEENA:

Q Mr. Johnson, I am going to show you a second picture here that's marked as Exhibit 2. There's no name present on the picture. Is that correct?

A Yes.

Q Do you recognize that person?

A Yes, that's Yvonne.

Q Yvonne White?

A Yes.

MS. KEENA: Your Honor, just for the record, I do have her name blocked off and I am going to remove the paper from the exhibit establishing that it is a picture of Yvonne White.

MR. WARG: No objection, Your Honor.

THE COURT: Exhibit 2 is received.

(Exhibit No. 2 was received in evidence.)

BY MS. KEENA:

Q Now Mr. Vance had a cell phone during this time-frame, is that correct?

A Yes.

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Q So were you calling Yvonne White on his cell phone?
A No, they already had planned to pick us up.
Q But earlier, before --
A Yes.
Q So you had already made arrangements that she was going to come and pick you up?
A Well, she pick me up every day.
Q What car would she have when she picked you up?
A She would be with her friend.
Q Who is her friend?
A Amy -- no, not Amy. What is her name? I can't remember her name.
Q Do you remember what she looks like?
A Yeah.

MS. KEENA: Permission to approach, Your Honor?

THE COURT: Granted.

BY MS. KEENA:

Q Just for the record, Mr. Johnson, I am showing you what's been marked for identification as Exhibit 3. It's another picture. There's no name on it, is that correct?
A Yes.
Q Do you recognize who this person is?
A Yes.

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Q Who is this person?
A Her name is Nicky.
MS. KEENA: For the record, I am going to remove the paper that's blocking her name and would establish for the record that it is in fact a picture of Nicole Rauschnot.
MR. WARG: No objection, Your Honor.
THE COURT: Three is received.
(Exhibit No. 3 was received in evidence.)
BY MS. KEENA:
Q So was it common for you to get rides from Nicole Rauschnot?
A Yes.
Q How long had you known Nicole Rauschnot before December 22nd?
A A month.
Q And how about Yvonne White? How long had you known her?
A The same time.
Q And do you recall what type of vehicle Nicole Rauschnot had?
A Corsica.
Q What color was it?
A Blue.

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MS. KEENA: Permission to approach, Your Honor?

THE COURT: Granted.

BY MS. KEENA:

Q Mr. Johnson, I am going to show you what's been marked for identification as Exhibit 4. It's another picture. Do you recognize that?

A Yes.

Q What's that a picture of?

A The Corsica.

Q Is that Nicole's Corsica?

A Yes.

MR. WARG: No objection.

THE COURT: Exhibit 4 is received.

(Exhibit No. 4 was received in evidence.)

BY MS. KEENA:

Q So on that night, I just want to get clear, at what point had you talked to Yvonne about getting a ride that night?

A I talked to her all during the day. She was not my girlfriend, but --

Q You were involved with her?

A Right.

Q And so how did they know when to come and pick you

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up from the bar?
A I can't remember, but I probably called her. I don't know.
Q If there were phone calls on Mr. Vance's cell phone to that number, would that have been you calling?
A Well, yes.
Q He didn't have a relationship with Yvonne White?
A No, he knewed her.
Q She had a roommate at the time, correct?
A Right.
Q That was Amy Drager?
A Right.
Q And Mr. Vance wasn't dating or seeing Amy Drager, is that correct?
A Right.
Q So after you left the Radisson, did you get picked up?
A No, we went to the Buttery.
Q You went to the Buttery first?
A Yes.
Q Are you sure about that?
A Yes.
Q What time did you go to the -- did you go to the Buttery right after?
A It's like a block away from the Radisson.

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Q Did you go inside of the Buttery?
A Yes.
Q What did you do inside of the Buttery?
A Had a few drinks.
Q And was it just you and Mr. Vance that were having drinks together?
A Yes.
Q And while you were in the Buttery did you have any discussions about committing a robbery?
A Yes.
Q Tell me what those discussions were.
A It was like I told you at first, he told me he knew somewhere where we get some money and asked me did I want to go. At first I didn't want to go, but then I was like I'll go.
Q At that point did he indicate to you where this liq was located?
A Yes.
Q Where did he tell you?
A Sabreen's.
Q Did he tell you the name of the store?
A Well, he didn't tell me the name of the store, he just say he knew where it was at.
Q Did he say anything about South St. Paul?
A Yes.

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Q And what did he say about South St. Paul?
A He just said he knew where a store was at in South St. Paul.
Q Prior to going to the Buttery, had he told you that this was located in South St. Paul?
A (No response)
Q The reason why I'm asking is because John Martin has provided information that indicated the two of you told him you were going to South St. Paul that night.
A Well, I was drinking that night, so if he said something before we left the Radisson, then it probably slipped my mind.
Q So you are in the Buttery and having these discussions. Did Mr. Vance tell you how he found out about Sabreen's?
A No, I never asked him.
Q So he didn't tell you who put him onto this store?
A No.
Q Did he ever tell you who put him onto this store?
A After that happened, I didn't have too much contact with him.
Q At this point, did you know whether or not Mr. Vance had a firearm?
A Yes.

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Q And what conversations did you have about that?
A I just knew he had it.
Q Did you know whether it was loaded?
A No.
Q Do you know where he got that gun?
A No.
Q Did he show it to you while you were in the Buttery?
A Yes.
Q Where did he have it on his person?
A In his pocket.
Q What was Mr. Vance wearing that night?
A I told you I was drinking, I don't know.
Q Do you remember what you were wearing that night?
A I wear black all the time, so.
Q Did you have a black hoodie on that night or a dark colored hoodie?
A Yes.
Q How about Mr. Vance, do you recall if he had a hoodie on that night?
A Probably so. It was cold outside.
Q When you said he had it in his pocket, pocket of what?
A Coat.
Q And do you recall what coat he was wearing?
A No.

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Q Did he wear one typically that you were familiar with?
A He had a couple different coats.
Q What were the couple different coats that he had?
A I don't really know the names of `em.
Q What color were they?
A Dark color coats.
Q So when you are in the Buttery having these discussions, did you talk about how you were going to do it?
A Not really, we was like -- I was drunk, so it was really he was going to do it, and that was --
Q You weren't so drunk that you didn't know what you were doing that night?
A They said it in the papers I threw up. I was drunk.
Q Right, but you weren't so drunk that you didn't know that you were going to go commit a robbery and --
A Right. I knew I was going to commit a robbery.
Q Okay. At that point were there any discussions had about what you would do to overcome any clerks or anything in the store?
A No.
Q So were there any discussions that you were going to go in and that the clerk was going to be shot?
A No.

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Q How long were you at the Buttery?
A Probably five minutes.
Q And then what did you do after you left the Buttery?
A We got in the car and left.
Q Again, when you say the car, who came and picked you up?
A Nicky.
Q Nicky. Was anybody with Nicky?
A Yvonne.
Q And they picked you up in what car?
A The Corsica.
Q And where did they pick you up from?
A In front of the Buttery.
Q Is there a bus stop located close to there?
A Yes, right in front of it.
Q When Nicky and Yvonne picked you up, who was driving?
A Nicky.
Q And was it common for her to be the one that was always driving her car?
A Yes.
Q Where was Yvonne seated?
A In the passenger seat.
Q In the front?
A Yes.

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Q So did you and Mr. Vance get in the car?
A Yes.
Q And did you then get in the back seat together?
A Yes.
Q When you got in the car, what did you tell the two women?
A To go to the store.
Q So you told them to drive to Sabreen's?
A Yes.
Q And who gave them directions to Sabreen's?
A I think she knew where it was at.
Q Nicole knew where it was at?
A Yeah.
Q Did the two of you tell them why you were wanting to go to Sabreen's?
A We didn't really tell `em, but I think they had an idea.
Q What makes you say that?
A I don't know nobody in that area.
Q Did Mr. Vance say anything to them about what he was going to do at Sabreen's at that point?
A Yes.
Q Yes?
A Yes.
Q What did he say?

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A He said he was going to go hit a liq.
Q And then told them to drive to Sabreen's?
A Yes.
Q So did Nicole drive directly to Sabreen's?
A Yes.
Q And do you remember what route you took to get there?
A I don't really even know too much about Minnesota.
Q So you're not familiar with the streets?
A No.
Q Approximately how long do you think it took you to get to Sabreen's after you got picked up at the Buttery?
A About twenty-five minutes or so.
Q So when you got to the area of Sabreen's, where did the car get parked?
A Behind -- I think it was in the alley or something.
Q And did somebody direct Nicole to park in the alley?
A No.
Q Did she just go park there on her own?
A He told her to park in the alley.
Q Okay. How long were you parked in the alley before anybody got out of the car?
A Not long.
Q And while you were parked -- or before that, did you

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and Mr. Vance talk about how this was going to go down, what you were going to do once you got inside of the store?

A He was supposed to just take the money out of the cash register.

Q And did the two of you have black masks on when you did this?

A Yes.

Q And who had those?

A Who had them?

Q Yes. Who brought them along?

A He already had them.

Q And did he give you one?

A Yes.

Q Where were you at when you put these black masks on?

A Getting out of the car.

Q So did the two women see you put these black masks on?

A I don't think so.

Q Did just the two of you get out of the car?

A Yes.

Q After you got out of the car what did you do?

A We went to the store.

Q And did you go around to the front of the store?

A Yes.

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Q At any time did you try to get into the back door of the store?
A No.
Q Prior to going into the store, did you see anybody, any cars parked out in the front of the street at all?
A I wasn't really paying attention.
Q So take us through what happened -- when you went through the front door of the store, what happened?
A I was just standing there, like facing outside of the store, and like a minute later I heard some gunshots, and I came out the store.
Q So you were inside of the store? I misheard you.
A Yes.
Q So when you went into the store, where did Mr. Vance go?
A Towards the cash register.
Q So did he go behind the counter?
A Yes.
Q Did he do that immediately, he went behind the counter?
A No, not at first.
Q Where did he go initially?
A I just -- I seen him standing by the counter and I was looking outside. Next thing I knew I heard

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gunshots.

Q I am just going to show you a picture to kind of understand where everyone was at. I just kind of want to set up what Sabreen's looks like. When you come through the front door, to your right, you can immediately get behind the counter. Do you remember that?

A I don't even remember what the inside looked like. I'd never been there before.

Q I know, so I'm going to show you a picture, Exhibit 5. This is a picture of the inside of Sabreen's.

A All right.

Q So just to kind of orient you where we are at here, this is a picture that would be taken from the front of the store. So this is the main aisle, and you come through the front door and you can immediately get behind the counter that way?

A Right.

Q Then this shows all the different aisles of the store.

A Correct.

Q So when you got into the store, where was the clerk standing?

A He was behind it.

Q He was behind the counter?

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A Yeah.
Q Okay, and when you came in, where did you go?
A I stayed.
Q By the front door?
A Yeah.
Q So were you looking out at the street?
A I was, like, looking in and out.
Q What was your job in doing that?
A Just to make sure that nobody seen him getting the money.
Q Okay. And at some point did you go to another location in the store?
A I can't even remember. I was frantic.
Q And the next thing, you said, you heard gunshots?
A Right.
Q And what did Mr. Vance tell the clerk? What did he say to him to get the money?
A He just told him -- I can't remember what he was saying. It was a lot of noise, and then I couldn't understand what the clerk was saying, and I just heard the shots go off.
Q Did you see if Mr. Vance put the clerk down on the floor any way prior to shooting him?
A I think he did.
Q You think he did. What do you think he did?

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A Like I told you, I was facing back and forth so I didn't see the dude, and then I heard gunshots.
Q What type of exchange in conversation did you hear between the clerk and Mr. Vance? What do you recall being said?
A I really don't remember what was said. I just heard -- it was noise, like he was talking and the other dude was talking. I couldn't understand what the other dude was saying. And then I just heard the gunshots.
Q Did the clerk cry at any point prior to being shot?
A Right, you know, like if you're talking and crying at the same time. Like that.
Q So he was visibly shaken?
A Yes.
Q Do you recall how many shots were fired?
A Three or four.
Q Did the clerk get shot before there was any money taken?
A I think that's why he shot him because he wouldn't give him the money at first or something.
Q So after the clerk was shot, what happened?
A I told him I was going to leave, like *let's go*, because I didn't know that was going to happen, you know, he say he was screaming like he *didn't mean* to

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do it. And we just ran out of the store after he took the money.

Q Now there were other items missing from the store. Do you recall how much money you took from the store?

A No.

Q Did you ever get any of the money?

A No.

Q What else was taken that night?

A I don't even really know. After that happened, you know, I left. And I didn't even want to be with him no more after that.

Q There were a bunch of white plastic bags with smiley faces on them. Did you ever see any of those?

A No.

Q There were cigarettes that were missing and lottery tickets. Did you see any of those?

A Some cigarettes.

Q Cigarettes. Do you remember what kind of cigarettes were taken?

A No.

Q Did you take those or did Mr. Vance?

A I didn't take nothing.

Q There was a cordless phone that was taken as well. Did you see that?

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A No.
Q Did you see that at any point that night or afterwards?
A I told you I was drunk and I was frantic. I was just trying to get away.
Q I am just asking afterwards did you see any of those items?
A Like after that day, like I really wasn't even with him.
Q While you were in the store, do you recall a woman entering?
A There was somebody outside when I ran out, but I don't know if it was a woman, I don't know who it was.
Q Well, there was a woman that entered the front door. So when she entered the front door, you obviously couldn't have been standing by the front door anymore because she never saw you. Do you recall if you went --
A No, I think I tried to leave out the back because I didn't want to leave out the front. I couldn't find it, so I told him *let's go*. So then I ran out the front.
Q Okay. Did both of you run out the front door?
A Yes.

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Q Where did you go?
A Ran back to the car.
Q And were you still wearing your black masks when you ran back to the car?
A In the front, but like in the alley, no.
Q So what did you do?
A Took it off.
Q So when you got in the car, you weren't wearing the masks anymore?
A Right.
Q And when you got back into the car, what did you tell the women to do?
A Told them to leave.
Q Did you tell them why to leave?
A I think they knew.
Q What makes you say that?
A Like we running back to the car with hoods on, you know.
Q And did Mr. Vance or did you tell the women at some point what you had done?
A I didn't tell them nothing. I told them to drop me off.
Q And while you were in the car with them, did Mr. Vance tell them what had happened?
A He was just sitting there like shook up, crying --

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not crying, but like he just did something he wasn't supposed to do.

Q When he came out into the car was he carrying the money in his hands?

A No.

Q Where did he put the money?

A I don't know where he put it.

Q Was he carrying anything in his hands?

A The mask.

Q There were some kids that were walking down the alley that heard -- you know, saw two guys running to a car and heard somebody yell "Go, go, hurry, hurry." Who would that have been?

A It wasn't me. I just got in the car and said drop me off.

Q So it would have been Mr. Vance?

A Yes.

Q Where did you tell the two women to drop you off?

A At the Buttery.

Q Did you get rid of the gun or anything between the time you left?

A I was standing away from him, but like he had no-where to go, you know. He had his baby mama house but he didn't want to go there. I had somewhere to stay, but I had like some more females. I didn't

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want to leave him out there, so I took him with me after we left the Buttery.

Q Let's talk about the time between when you're in the car with the two women and you're being driven to the Buttery. Did you stop anywhere on the way?

A No.

Q So when you got dropped off at the Buttery, did you go inside of the Buttery?

A Yes.

Q When you were in the Buttery, did Mr. Vance have conversations with Colleen McManus?

A Like I said, I wasn't even around him in there.

Q So you weren't together the whole time?

A Not in the Buttery that night.

Q Did the two of you leave the Buttery together?

A Yes.

Q Where did you go after you left the Buttery the first time?

A We went to another bar, it's called The Lab.

Q And you stayed there for how long?

A Not that long, like 20 minutes.

Q Why did you leave the Buttery to go to The Lab?

A They have pool tables.

Q So did you shoot pool while you were in The Lab?

A No, I didn't.

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Q How long did you stay at The Lab then?
A Like twenty minutes.
Q Then what did you do?
A We left and went back to the Buttery.
Q Okay. Did you stay at the Buttery until closing time?
A Yes.
Q You left the Buttery together?
A Yes.
Q Then you were just talking about how Mr. Vance didn't have any place to go, so you went where, to Vanessa Franco's house?
A Yes.
Q As I recall from your statement, you didn't stay there. Is that correct?
A Right.
Q And where did you end up going after you left there?
A To Eagan.
Q And that was to Yvonne White's place?
A Yes.
Q And both of you went there together?
A Yes.
Q And how did you get out there?
A Taxi cab.
Q Who paid for the taxi?

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A I did.
Q At that point did you know where any of the items were that had been taken, including the money?
A Huh-uh, no, I knew he had the money, but I didn't know where nothing else was at. I didn't see him have nothing else.
Q When you went out to Yvonne White's that night, you got there pretty late, is that correct?
A Yes.
Q Like two-thirty in the morning, does that sound right?
A Yes.
Q And at any time that you were with Mr. Vance, from the time that you got dropped off up until you went out to Yvonne White's place, did Mr. Vance get rid of any evidence?
A I don't know what he did with the gun or none of that.
Q Did you ever see him with that gun again after that night?
A No.
Q Do you know where he got the gun?
A No.
Q And you don't know what he did with it?
A No.

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Q Did you do anything with the clothes that you were wearing that night? Did you get rid of them?
A No.
Q How about your shoes?
A No.
Q You still have those shoes?
A No, I get different pair of shoes like -- I don't know.
Q What shoes were you wearing that night?
A I can't even remember.
Q Do you remember what shoes you owned at that time?
A I had, like, four pair of shoes.
Q Tennis shoes?
A Yes.
Q If you were to see them again, would you remember?
A Yes.
Q There were officers that took pictures of your shoes, is that right?
A They came to the workhouse and took pictures of the shoes that I had on in the workhouse.
Q Do you remember if those were the same shoes you were wearing that night?
A No, they wasn't.
Q They weren't the same shoes?
A No.

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Q Now during the timeframe that this robbery would have been occurring, there were a number of cell phone calls to Keitha McKinney's cell phone. And you know that Keitha McKinney was dating Richard Robinson at the time, correct?
A Yes.
Q And Richard Robinson is in fact your true cousin, is that right?
A Yes.
Q And at the time Keitha McKinney was living about a block and a half from Sabreen's. What were the phone calls that were going on immediately prior to the robbery and immediately after the robbery?
A Well, I talked to my cousin. That's my cousin.
Q Did you tell your cousin, because these phone calls are immediately afterwards, did you tell him what you had done?
A No.
Q What was your reason for calling him so soon?
A He was selling some liquor, and we was going to buy some of it, but we never went there.
Q Were those the phone calls beforehand that you were going to go to his place and buy some liquor from him?
A Right.

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Q This was a Sunday night, is that correct?
A I believe so.
Q So the liquor stores weren't open?
A Right.
Q When you guys went into Sabreen's, who had Vance's cell phone?
A He did. It was his.
Q There was a phone call to Yvonne White's residence while this robbery was going on. Who called her? Or who called that residence?
A The phone probably was in the car, I don't know.
Q So that's a possibility that it could have been left in the car?
A Right.
Q Mr. Johnson, when you were in the store, did you touch anything?
A The door.
Q Were you guys wearing gloves that night?
A Yes.
Q Was Mr. Vance wearing gloves?
A I believe so.
Q When you went out to Yvonne and Amy's later, did either one of you tell Amy what had happened?
A No.
Q Did you have any other discussions with Yvonne about

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what happened?

A No.

MS. KEENA: Permission to approach the witness, Your Honor.

THE COURT: Granted.

BY MS. KEENA:

Q Mr. Johnson, I just want to show you Exhibit 6. It's a letter that was taken out of your cell at Stillwater. Do you remember that?

A Yes.

Q And do you remember this --

A Can I talk to my attorney briefly?

Q Sure.

(OFF THE RECORD)

BY MS. KEENA:

Q Mr. Johnson, again I'm showing you Exhibit 6. It's just the letter that was found in your cell, is that correct?

A Correct.

Q And is this a letter that you received from Mr. Vance?

A Yes.

Q And in there he talks about never, ever, discussing the past. Do you recall that from the letter?

A Yes.

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Q What did you take that to mean? To not talk about this incident?
A If you continue to read the letter, he was just saying like when we get out, to start over, you know. I didn't take it, you know -- I didn't really take it as nothing. I just got a letter in the mail.

MS. KEENA: I offer Exhibit 6.
THE COURT: Any objection to six?
MR. WARG: No, Your Honor.
THE COURT: Six is received.
(Exhibit No. 6 was received in evidence.)

BY MS. KEENA:

Q Mr. Johnson, just a couple more questions about the gun. You saw the gun that night?
A Yes.
Q What type of gun was it?
A I ain't really familiar with guns, so.
Q Was it a pistol?
A A little gun.
Q Did he tell you what caliber it was?
A I never asked.
Q Did he ever tell you?
A No, I believe it was a twenty-five or twenty-two, or

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something.

Q When you went into the store you said he had the gun in a pocket?

A Um-hum.

Q Did he ever change the location of where he kept that gun?

A I never paid any attention to it.

Q Everything you testified to here today is the truth?

A Yes.

Q You have given a number of statements to the police in this case. Do you recall those?

A Yes.

Q And when you indicated in those statements that you had no knowledge or involvement in the robbery at Sabreen's, you weren't telling the truth at that point, is that correct?

A Yes.

Q And you would agree that Sabreen's is located in South St. Paul, in Dakota County, Minnesota?

A Yes.

MS. KEENA: I have nothing further, Your Honor.

THE COURT: You can step down, Mr. Johnson. Proceed to sentencing?

MR. WARG: We are prepared for sentencing,

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Your Honor.

THE COURT: Anything else you need to cover with Mr. Johnson?

MR. WARG: If I could briefly, Your Honor. Mr. Johnson, you have talked a lot about consuming alcohol that night, is that right?

THE DEFENDANT: Yes.

MR. WARG: That's why in some respects your memory is a little bit fuzzy regarding some of the details, is that correct?

THE DEFENDANT: Yes.

MR. WARG: Now there is a defense of intoxication. You do recall the events generally and you knew what you were doing, is that right?

THE DEFENDANT: Yes.

MR. WARG: You weren't so intoxicated that you didn't realize what you were doing?

THE DEFENDANT: I didn't think nobody was going to get killed.

MR. WARG: Right. What you thought was going to happen is that you were going to go in there, you were going to do the robbery real quick, get some money and get out of there, is that right?

THE DEFENDANT: Yes.

MR. WARG: You didn't intend for anyone to

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be hurt?

THE DEFENDANT: No.

MR. WARG: No further questions, Your Honor.

THE COURT: Proceed to sentencing?

MR. WARG: The defense is prepared for sentencing, Your Honor.

THE COURT: Anything from the state?

MS. KEENA: Your Honor, the state is prepared. The victim's family is present in the courtroom today and do not wish to make a victim impact statement.

THE COURT: Thank you.

MR. WARG: Would you like us to approach the bench for sentencing, Your Honor?

THE COURT: Please. Anything else from the state on sentencing?

MS. KEENA: No, Your Honor.

THE COURT: Mr. Warg, anything?

MR. WARG: Your Honor, as Mr. Johnson indicated in his testimony today, he had no idea that Mr. Vance was going to use the firearm that he brought that night. Mr. Johnson didn't intend in any way for anyone to get hurt.

I can tell you that he feels terrible

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that this young man lost his life as a result of what happened that night. He lives with this every day.

He is extremely sorry for what happened, and he appreciates the fact that he is able to work out a negotiation in this case so that he can get out and return to a life with his family and children.

That's what's important to him right now is to do his time, to pay the penalty, and to move on with his life. But he does want the court and he does want the family to know that he is extremely sorry for what happened that night.

THE COURT: Thanks. Mr. Johnson, is there anything you want to say before I sentence you?

THE DEFENDANT: No, Your Honor.

THE COURT: Then I will accept your plea to Count IV of the Amended Indictment, Felony Murder in the Second Degree, aiding and abetting. I will dismiss the other counts in the Indictment.

I will commit you to the custody of the Commissioner of Corrections for one hundred fifty (150) months. That's a downward departure of 45 months based on the lesser role that you played in the commission of the murder.

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I will give you credit for time served. That's 579 days or approximately 19.3 months. You will actually serve 100 months minus the credit for time served. The other 50 months you will spend on supervised release or parole, provided you don't lose that so-called good time by engaging in any misbehavior in the institution.

I will waive the fine, but you will pay a $65.00 surcharge from prison and supervised release wages.

You will make restitution to the family, joint and several, with Mr. Vance in an amount determined by Corrections. Again, that will be paid from prison and supervised release wages.

And provide a DNA sample.

Anything else?

MS. KEENA: I think that covers it, Your Honor.

MR. WARG: It does, Your Honor.

(Matter concluded)

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STATE OF MINNESOTA)
: ss.
COUNTY OF DAKOTA)

I, Theresa Kossan, being one of the official court reporters for Dakota County, First Judicial District, State of Minnesota, do hereby certify that the foregoing transcript, consisting of the preceding 47 pages, is a true and accurate reproduction of my original Stenographic machine shorthand notes taken by me on November 12, 2004

Dated:

Theresa Kossan
Official Court Reporter
Dakota County Judicial Center
Hastings, MN 55033
(651) 438-8041

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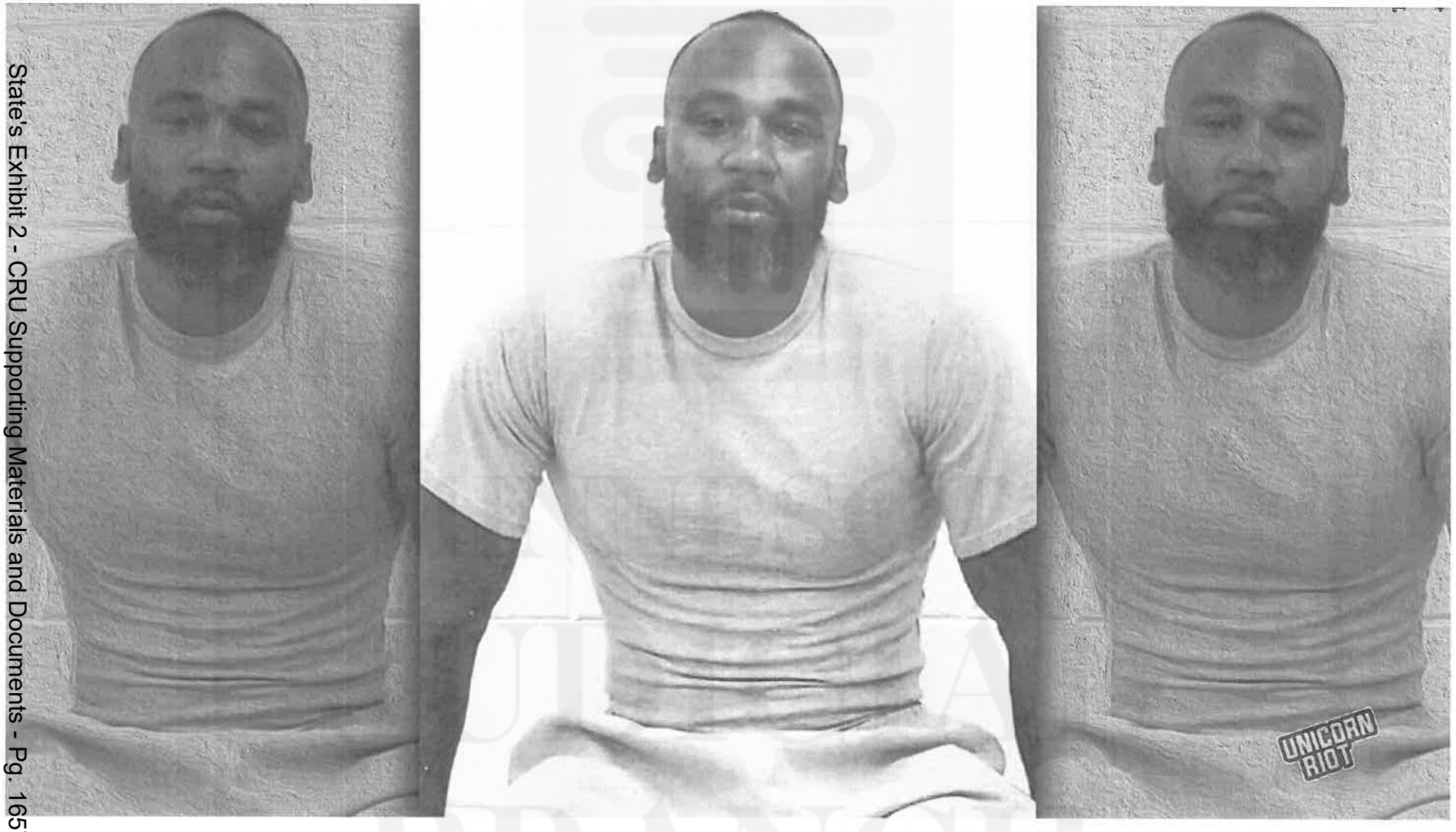

PRISON

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Source Claims Philip Vance is Wrongfully Convicted, Knows the Real Killer

By Niko Georgiades, Unicorn Riot ▶ February 12, 2025

South Saint Paul, MN — Twenty three years after the killing of South Saint Paul clerk Khaled Al-Bakri, and 21 years since Philip Vance was convicted and given a life sentence for the deadly robbery, an anonymous source has come forward with new details that support Philip Vance's claims of innocence.

Speaking on condition of anonymity, someone that has had contact with the alleged killer's accomplice told Unicorn Riot they know who killed Al-Bakri, and it's not Philip Vance. Since Unicorn Riot couldn't independently verify the claim and have yet to contact the alleged killer to get a statement, we are not publishing the name at this time.

On December 22, 2002, Khaled Al-Bakri, a twenty-five-year-old store clerk at Sabreen's Supermarket in South Saint Paul, was fatally shot. In 2004, Philip Vance was given a life sentence after being convicted of Al-Bakri's murder despite no physical or ballistics evidence linking him to the shooting. Additionally, the prosecution relied on coerced testimonies, which have since been recanted, to secure a conviction against Vance. Philip Vance has maintained his innocence from day one and is currently housed in MCF-Rush City.

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Sabreen's Supermarket in South Saint Paul is the site of the murder of Khaled Al-Bakri and has since been demolished and replaced with a residence.

According to the source, the killer and the accomplice are said to have frequented Sabreen's Supermarket in the months before Al-Bakri's killing. The alleged accomplice is currently serving life in prison for a shooting less than two years later. Seven months before the murder at Sabreen's, the alleged killer was convicted of reckless discharge of a firearm.

The alleged accomplice and killer are said to have been involved in selling and using methamphetamine as well as committing robberies at the time.

The source noted that the two men were together when they robbed Sabreen's in Dec. 2002 and that Gang Strike Force officers interviewed the mother of the alleged killer's child during the investigation into the Al-Bakri killing that Vance was later convicted of. The task force was disbanded in 2009 after federal investigators found officers involved in a myriad of illegal activities.

Furthermore, one of the witnesses interviewed in Vance's case said that during the robbery of Sabreen's they heard the killer speaking Spanish. According to the source, the alleged killer does in fact speak Spanish. Philip Vance does not speak Spanish.

State's Exhibit 2 - CRU Supporting Materials and Documents - Pg. 10 of 59

Members of the Free Philip Vance team are holding a news conference this Thursday, February 13 to share details from an upcoming legal petition that will be filed. Included in the filing will be new information on more witnesses recanting – totaling more than 10 affidavits of recanted testimony – and details alleging the Gang Strike Force paid and induced witnesses and jailhouse informants in Vance's case.

Cover image of Philip Vance (2023) illustrated by Unicorn Riot.

Catch up on our past coverage of Philip Vance's case.

Community Demands Exoneration for Philip Vance on 22nd Anniversary of Murder

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Demands to Free Philip Vance From 'Wrongful Conviction' on 22nd Anniversary of Murder

Unicorn Riot

State's Exhibit 2 - CRU Supporting Materials and Documents - Pg. 1661

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Please consider a tax-deductible donation to help sustain our horizontally-organized, non-profit media organization:

Recent Unicorn Riot Prison Coverage:

Philip Vance's Postconviction Filing Kicked Back by Prosecutors to Wait For CRU Report [March 2025]

The day after the motion was filed, the prosecuting Dakota County Attorney's Office got approved by a judge to delay their response to Vance's petition, giving them 45 days after they receive the CRU's final report of Vance's case. Nearly a month after Vance's court filing, the CRU has yet to finalize Vance's report.

Done Waiting on CRU, Philip Vance Readies to File Legal Petition for Wrongful Conviction [Feb. 2025]

After waiting years for Minnesota's Conviction Review Unit (CRU) to finalize their investigation on his case, Vance's legal team is now preparing to bypass the CRU and file a new petition for postconviction relief with newly acquired evidence proving his innocence.

Source Claims Philip Vance is Wrongfully Convicted, Knows the Real Killer [Feb. 2025]

Speaking on condition of anonymity, someone that has had contact with the alleged killer's accomplice told Unicorn Riot they know who killed Al-Bakri, and it's not Philip Vance.

Community Demands Exoneration for Philip Vance on 22nd Anniversary of Murder [Jan. 2025]

"I just want the world to know that I am innocent," said Philip Vance from a prison phone. Volunteers with the Free Philip Vance team braved frigid temperatures to hold a press conference on the 22nd anniversary of the robbery-turned-murder in a St. Paul suburb for which Vance was convicted and is now serving a life sentence.

State's Exhibit 2 - CRU Supporting Materials and Documents - Pg. 1662

Living Life on His Own Terms: Reflections from Former Political Prisoner Eric King on His Release [Dec. 2024]

Former political prisoner Eric King was released from prison on December 12, 2023, after spending nearly 10 years behind bars. Seven and a half of the ten were in solitary confinement, with five and a half being consecutive. As he walked off the Florence Federal Correctional Complex property toward a small crowd of friends and supporters, his wife and child ran up to him, embracing him tightly. King spoke with Unicorn Riot in December 2024, reflecting on his release day a year earlier and how life in the halfway house was.

Recanted Jailhouse Testimonies Lead to Renewed Calls to Release Bobo and Ferguson [July 2024]

Family members and advocates of two men serving life sentences in Minnesota — Deaunteze Bobo and Jermaine Ferguson — renewed their demands for their loved ones to be released from prison, saying they were wrongfully convicted.

Target, 'Junk Science' and Unreliable Testimonies: The Contentious Conviction of 15-Year-Old Mahdi Ali [June 2024]

Overlooked details have emerged casting serious doubt on Mahdi Hassan Ali's conviction for a 2010 triple murder, as well as the integrity of the investigation by the Minneapolis Police Department (MPD) and the Hennepin County Attorney's Office. **"I was the perfect scapegoat."** – Mahdi Hassan Ali

Nationwide 'Week of Abolition' Envisions an Abolitionist Future Without Prisons, Police [March 2024]

Live stream of the National Lawyers Guild's Week of Abolition event Rattling the Cages: Oral Histories of North American Political Prisoners Book Talk and Reception.

Activists and Families Demand MN Department of Corrections End Political Imprisonments [March 2024]

Prisoners are continuing to face retribution six months after 100-plus inmates in Minnesota's MCF-Stillwater prison protested their living conditions and took part in a day of non-violent civil disobedience. Several incarcerated participants spent the last half year in

State's Exhibit 2 - CRU Supporting Materials and Documents - Pg. 1663

solitary confinement for speaking out during the protest. Another prisoner has faced "misinformation" charges for speaking to the press and was given a week in solitary and a man was arrested upon his release from Stillwater for prepping to speak with the media and bringing water from inside the prison to be tested by outside sources.

Marvin Haynes Exonerated and Released From Prison After 19 Years [Jan. 2024]

In a historic ruling, Hennepin County Judge William Koch vacated Marvin Haynes' murder conviction, dismissed his charges with prejudice, and ordered his release from prison where he was sentenced to serve life. Haynes walked out of MCF-Stillwater as an exonerated man into the loving arms of his family and supporters on Dec. 11, 2023.

'Let Me Pay My Taxes' Says Incarcerated Industry Worker [Nov. 2023]

From inside a Minnesota prison cell, an incarcerated worker in the state's Prison Industries Enhancement Certification Program (PIECP) is demanding the Department of Corrections (DOC) allow him to pay his taxes. Kashaun Pierce Sr. said for the last seven years he's been trying to pay his taxes but the DOC has been listing him as an independent contractor.

#NoKidsInPrison Art Installation Highlights Youth Incarceration Driven By Target [Oct. 2023]

The #NoKidsInPrison traveling art installation highlighted artwork from several cities across the U.S. along the theme of abolishing youth imprisonment. We were given a tour of the Saint Paul exhibit.

Be Their Voices Presser: 'No More Jail Deaths!' [Oct. 2023]

At least 15 people have died this year while inside Minnesota jails and at least 65 since 2018 and several have died this year. Five years after losing her son Hardel Sherrell to medical malpractice and improper care while in a Minnesota jail, Del Shea Perry leads another protest against in-custody deaths.

Family Seeks Answers Months After Cristian Rivera-Coba's Death in Anoka County Jail [Sept. 2023]

State's Exhibit 2 - CRU Supporting Materials and Documents - Pg. 166

Cristian Rivera-Coba died in the Anoka County Jail in July. Months later, his family and advocates are still left seeking information about the circumstances surrounding his death and demanding an investigation into the jail where, only weeks before Cristian died, 24-year-old Miles Jackson was also found dead in a cell.

Report: Prisoners Strike at Oak Park Heights Canteen [Sept. 2023]

Incarcerated workers at the nearby 'level 5' MCF-Oak Park Heights prison canteen have staged a work strike, according to activists who regularly stay in touch with prisoners.

Prisoners Face Retaliation for Protest at MCF-Stillwater [Sept. 2023]

An email sent to the media on the morning of Sept. 12 from a person housed in B East details some of the retaliatory actions by corrections officers and the **"aggravated"** charges that those demanding humane treatment inside Stillwater now face for their actions.

Latest Unicorn Riot newsletter focusing on related stories [Sept. 2023]

A peaceful protest in a Minnesota prison and prisoners in Georgia and Alabama have been taking stands. We take the reader through some of our recent coverage of prison related stories.

Civil Disobedience Inside Minnesota's Stillwater Prison [Sept. 2023]

Men housed in Stillwater Prison's B East unit refused to go back to their cells on Sept. 3, protesting no air conditioning, no clean or cold water and whole units intentionally being locked down with no recreation time nor showers because a staffing shortage.

'I Can't Take This Shit No More': Alabama Prisoner Takes a Stand [Aug. 2023]

Derrol Shaw's attempted escape from Donaldson Correctional Facility in Alabama speaks to a wider human rights crisis in the state's corrupt, neglectful and deadly prison system.

State's Exhibit 2 - CRU Supporting Materials and Documents - Pg. 1665

Limited Funds Stunt Minnesota's Conviction Review Unit — Families Want Expediency [July 2023]

Created to prevent, identify, and remedy wrongful convictions, Minnesota's first-ever Conviction Review Unit had completed only one official investigation in nearly two years.

Minnesota Inmate Calls on DOC to 'Value Us as Human' [June 2023]

Unicorn Riot received a statement from Kashaun Damon Pierce Sr., a man housed at MCF-Faribault. Pierce provides a short glimpse into the state prison system and calls out what he calls the dehumanization of prisoners as a fundamental issue.

The Case of Marvin Haynes – An Investigative Series & Film [2023]

Despite no evidence tying Marvin Haynes to a 2004 murder and Marvin's consistent claims of innocence, Haynes has remained in prison for nearly two decades based off of coerced testimony of jailed teenagers. We examine his case in our investigative series.

About this post

Categories: Prison

Tagged: anonymous source, claims of innocence, Free Philip Vance, gang strike force, Khaled Al-Bakri, Minnesota, new details, philip vance, recanted testimonies, Sabreen's Supermarket, source, South Saint Paul, wrongful conviction

Published February 12, 2025

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MINNESOTA JUDICIAL BRANCH

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CN# 02018427 - Police Officers/ Firefighters/ Paramedics Present on Homicide Scene:

South St. Paul Police Officers:

Name:	*Date of Birth:*
1. David Lange Greengo	11-06-67
2. Mark Edward Sawyer	06-13-60
3. Daniel Sam Vujovich	03-30-57
4. Richard Anthony Roehlen	12-12-57
5. Michael Phillip Smith	06-21-63
6. Brian John Wicke	08-02-73

South St. Paul Firefighters:

Name:	*Date of Birth:*
1. Gregory Lee Oftedahl	11-23-52
2. Harry Frank Rund	06-26-48
3. Brent Steven Dvorak	10-12-72
4. Benjamin Joseph Bailey	06-21-76
5. Thomas John Brooks	04-07-70

Healtheast Paramedics:

Name:	*Date of Birth:*
1. David William Kraft	03-10-53
2. Daniel Marvin Hockinson	09-11-54

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State of Minnesota
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DAY/DATE/TIME COMPLAINT RECEIVED:	SOUTH SAINT PAUL POLICE REPORT OF INVESTIGATION FOR ALL CRIMES, ATTEMPTS, INVESTIGATIONS & INCIDENTS	CASE #
SU/12-22-02/2143		02018427

OFFENSE/INCIDENT:	LOCATION OF OCCURRENCE (ADDRESS):
ARMED ROBBERY/HOMICIDE	345 4TH AVE S.

HOW COMPLAINT RECEIVED: (CHECK ONE):

RADIO X PHONE ☐ CITIZEN ☐ LETTER ☐ OFFICER INITIATED ☐

DAY/DATE/TIME OCCURRED:	OFFICER ASSIGNED:	DAY/DATE/TIME REPORT MADE:	
SU/12-22-02/2143	2129/2108/2125/2133	SU/12-22-02/2300	
VICTIM/COMPLAINANT/WITNESS (IF BUSINESS, ADD NAME ALSO): VICTIM ☐ COMPLAINANT ☒ SUSPECT ☐ SABREENS SUPER MARKET	BUSINESS ADDRESS: 345 4TH AVE S.	BUSINESS PHONE: 651-455-0900	OFFENSE LEVEL: FELONY ☒ MISD. ☐ PTY. MISD. ☐ GR. MISD ☐
	HOME ADDRESS:	HOME PHONE:	
IF VICTIM IS A PERSON: RACE: SEX: DOB:	OCCUPATION:	FURTHER INVESTIGATION NEEDED: YES ☒ NO ☐	
REPORTING PERSON: R.P./WITNESS: KATHLEEN LORENA JOHNSON DOB: 9-16-52	BUSINESS ADDRESS: 1ST BANK BLDG-ST. PAUL	BUSINESS PHONE: 651-244-4912	
	HOME ADDRESS: 1708 HAWLEY AVE SSP 55075	HOME PHONE: 651-455-2696	

SQUADS RESPONDED TO A ROBBERY IN PROGRESS AT SABREENS MARKET. UPON ARRIVAL FOUND THE STORE EMPLOYEE LYING UNRESPONSIVE ON THE FLOOR BEHIND THE CASH REGISTER. CPL. SAWYER,OFFICER ROEHLEN AND I (SMITH) SEARCHED THE BUILDING FOR SUSPECT(S) WITHOUT SUCCESS.UPON FURTHER EXAMINATION ,THE STORE EMPLOYEE WAS DETERMINED TO BE DECEASED AND APPEARED TO HAVE A GUNSHOT WOUND TO THE HEAD.CRIME SCENE WAS TAPED OFF AND CORONER WAS NOTIFIED.

VICTIM/DECEASED: KHALED MAJED RAJAB AL-BAKRI 3-23-77
(LAST KNOWN ADDRESS) 207 BURON LN. #10, SSP H-UNKNOWN

VICTIM'S VEHICLE: (D63858) BLK INFINITY Q30 4DR
R.O.-AUTO PLUS
1010 UNIVERSITY AVE #208
ST. PAUL MN 55104

SUSPECT 1: BLK MALE, EARLY 20'S, WEARING DARK KNIT CAP AND DARK CLOTHES

SUSPECT 2: BLK MALE, EARLY 20'S, WEARING DARK KNIT CAP AND DARK CLOTHES

SUSPECT VEHICLE: GRY 4DR CADILLAC FULL SIZE MODEL

WITNESS 2: SAMANTHA JEAN RENVILLE 6-13-88
257 3rd AVE S., SSP H-651-457-2541
PARENTS- RICK & DIANE

WITNESS 3: MATTHEW RICHARD RENVILLE 2-27-87

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257 3rd AVE S., SSP H-SAME AS ABOVE
PARENTS-RICK & DIANE

WITNESS 4: DALE DWANE MARX 5-29-61
334 4 TH AVE S.,SSP H-651-451-6783

WITNESS 5: DALE DWANE MARX JR. 9-13-80
334 4TH AVE S., SSP H-SAME AS ABOVE

WITNESS 6: DAVID ALLEN MICHAELSON 1-18-82
946 MARION ST., ST. PAUL H-651-459-4543

WITNESS 7: JAMES ROBERT LASCEWSKI 7-29-82
124 4TH AVE S., SSP H-651-493-8770

ON 12-22-02 AT 2143 HRS OFFICERS RESPONDED TO A ROBBERY IN PROGRESS AT SABREENS SUPER MARKET. WHILE ENROUTE DISPATCH RELAYED THAT SOMEONE WAS DOWN AND BLEEDING IN THE STORE. UPON ARRIVAL I (SMITH) MET OUTSIDE THE FRONT OF THE STORE WITH CPL. SAWYER AND OFFICER ROEHLEN. OFFICER ROEHLEN HAD A W/M SUBJECT DOWN AT ON THE GROUND AT GUNPOINT OUTSIDE INFRONT OF THE STORE. PER OFFICER ROEHLEN HE HAD OBSERVED A MALE VICTIM WITH A GUNSHOT WOUND TO THE HEAD AND WHO APPEARED DECEASED. THE VICTIM WAS IN THE STORE, LYING ON HIS SIDE ON THE GROUND BEHIND THE CASH REGISTER. AT THIS TIME SGT. GREENGO ARRIVED AND I ASKED SGT. GREENGO TO STAY WITH OFFICER ROEHLENS SUBJECT. CPL. SAWYER , OFFICER ROEHLEN AND I THEN MADE ENTRY INTO THE STORE AND BEGAN A SEARCH OF THE STORE FOR ANY SUSPECTS WITH NEGATIVE RESULTS. I HAD DISPATCH RESPOND MEDICS AND THE CORONER TO SABREENS.THE B.C.A. WAS ALSO NOTIFIED FOR SCENE PROCESSING.

CPL. SAWYER, OFFICER ROEHLEN AND I THEN MADE A SEARCH OF THE EXTERIOR OF THE STORE AND DID LOCATE SOME POSSIBLE FOOTPRINTS IN THE SNOW TO THE REAR OF THE STORE. CPL. SAWYER THEN SECURED THE FRONT AND REAR AREA'S OF SABREENS WITH YELLOW POLICE TAPE.

I BEGAN TO CANVAS THE HOUSES NEARBY SABREENS AND OBTAINED WITNESS INFORMATION FROM WITNESS #2 SAMANTHA JEAN RENVILLE AND WITNESS #3 MATTHEW RICHARD RENVILLE. BOTH STATED THAT AT ABOUT 2130 HRS THERE WERE IN THE 300 BLK ALLEY TO THE REAR OF SABREENS AND A LITTLE WAYS NORTH AND OBSERVED WHAT THEY THOUGHT WERE 2 BLACK MALES EXITING THE REAR OF THE STORE AND HURRIEDLY ENTERING INTO A GREY CADILLAC VEHICLE 4DOOR SIMILAR IN SIZE TO OUR POLICE SQUADS (FORD CROWN VICTORIA).THE VEHICLE THEN DROVE OFF SOUTHBOUND DOWN THE ALLEY BEHIND SABREENS, THEN WENT EASTBOUND ON 4TH ST.S.. THE 2 SUSPECTS WERE WEARING WHAT APPEARED TO BE BLACK KNIT HATS AND DARK CLOTHING. THEY BOTH APPEARED TO BE IN THERE EARLY 20'S.

THE SUBJECT OFFICER ROEHLEN HAD DOWN ON THE GROUND WAS ALSO DETERMINED TO BE A WITNESS AND WAS TRANSPORTED TO H.Q. BY OFFICER ROEHLEN TO BE INTERVIEWED BY DETECTIVE KREAGER. I THEN TRANSPORTED BOTH WITNESS #2 AND #3 TO H.Q. TO AWAIT AN INTERVIEW FROM DETECTIVE KREAGER. SEE OFFICER ROEHLEN AND DETECTIVE KREAGERS SUPPLEMENTAL REPORTS WHICH INCLUDE THE ADDITIONAL ABOVE LISTED WITNESSES # 4,5,6 &7 AND THE REPORTING PARTY/WITNESS KATHLEEN JOHNSON.

CPL. SAWYER, SGT. GREENGO AND SEVERAL RESERVE OFFICERS REMAINED TO PROTECT THE SCENE UNTIL THE CORONER AND THE B.C.A. ARRIVED TO PROCESS THE SCENE. THE DECEASED VICTIM WHO WAS WORKING AT SABREENS WAS IDENTIFIED AS KHALED MAJED REJAB AL-BAKRI.

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CC: INVESTIGATIONS

MICHAEL P. SMITH 2129

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South St. Paul Police Department

NARRATIVE
(CONTINUED)
SUPPLEMENTARY

CASE # 02018427

VICTIM: Khaled Majed Rajab Al-Bakri DOB: 3/23/77
207 Buron Lane #10

CRIME SCENE LOG

SSP FIRE/RESCUE PERSONNEL: Capt. Harry Rund
Greg Oftedahl
Ben Bailey
Brent Dvorak
Tom Brooks

HEALTH EAST PARAMEDICS: Dan Hockinson
Dave Krafft

SSP OFFICERS: Chief Messerich #2101
Capt. Vujovich #2102
Sgt. Greengo #2108
Cpl. Sawyer #2125
Cpl. Kreager #2127
Officer Roehlen #2133
Officer Smith #2129
Officer Wicke #2144

DAKOTA CO. DEPUTIES: Brad Wayne
Terry Eckert

DAKOTA CO. CORONER: Dr. Leslie Thomas
Jill Romin

SSP RESERVE OFFICERS: Eric Micek
Tia Johns
Christine Kalden
Kyle Schroeder
Kent Zoya
Brian Juhnken
Kim Woog
Shane Rambaum
Richie Schwab

BCA: Crime Scene Team

WITNESS: Dale Dwane Marx DOB: 5/29/61
334 4th Av. S. PH #451-6783

On 12/22/02 at approx. 2143 hours, Officer Smith, Officer Roehlen, Sgt. Greengo and myself (Cpl Sawyer) responded to a possible armed robbery in progress at Sabreen's Grocery (345 4th Av. S.). Dispatch advised us while en route that a man was down behind the counter and the cash register was open.

As I approached the scene from the north, I observed Officer Roehlen arriving from the south, a few seconds before me. As I arrived I parked my squad in the north driveway to the parking lot. I observed Officer Roehlen had a male subject proned out at gun point in front of the store. This male was later identified as a witness (**MARX**). Several kids were yelling that wasn't the suspect and began approaching the scene. I advised the kids to stay back away from the scene, which they did.

I requested emergency traffic on the radio and dispatch cleared the radio frequency. I covered **MARX** at gun point,

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while Officer Roehlen looked inside the store. Officer Roehlen then entered the store briefly, but quickly returned outside. Officer Roehlen advised me that there was a man down behind the counter, who appeared to have been shot.

At this time Officer Smith and Sgt. Greengo arrived to assist us. I retrieved my shotgun from my squad and with the help of Officer Smith and Officer Roehlen, we searched the building for suspects, with negative results. Once I determined that the scene was safe, I had dispatch advise the medics that they could enter the building. I also advised dispatch that they could clear the emergency status on the radio frequency.

I looked behind the counter and found the victim (**AL-BAKRI**) laying on the floor, with what appeared to be a bullet hole to the head. At this time the above listed SSP Fire/Rescue personnel entered and I advised them that I believed that **AL-BAKRI** was deceased. I instructed the rescue personnel to make sure that **AL-BAKRI** was deceased, but not to disturb anything because this was a crime scene. Rescue personnel checked **AL-BAKRI** and then were escorted out of the building. Health East Ambulance Paramedics arrived and also confirmed that **AL-BAKRI** was deceased. Both paramedics were wearing rubber gloves and didn't touch anything. Once they verified that **AL-BAKRI** was deceased they cleared the area.

While Sgt. Greengo was notifying Capt. Vujovich, I began cordoning off the area, with crime scene tape. Both the front and back of the store were cordoned off, including the street and alley. I instructed Reserve Officer Johns and Kalden to block off each side of the crime scene, in the alley. I stood by in the alley, securing the scene until they arrived. The front of the crime scene was being secured by Sgt. Greengo, Officer Smith and Officer Roehlen.

Once the rear of the crime scene was secure, I returned to the front of the building. I continued to secure the crime scene, with the assistance of the above listed Reserve Officers and Sgt. Greengo.

The BCA Crime Scene Team arrived and Capt. Vujovich drafted a search warrant for the crime scene. Sgt. Vujovich listed me on the search warrant as the primary officer, so I remained at the scene during the execution of the search warrant. At approx. 1225 hours, Capt. Vujovich got an amended search warrant, allowing Sgt. Oeffling to take over the execution of the search warrant. I was then relieved by Sgt. Oeffling and cleared the scene.

CC: Investigations

Mark E. Sawyer #2125

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South St. Paul Police Department
NARRATIVE
(CONTINUED)

CASE #
02018427

Supplement to Homicide Report, Sabine's Market, 345-4th Avenue South

Original Time: 1943 Hours

Witness: Dale Dwane Marx, DOB/5-29-61, 334-4th Avenue So., SSP, Phone 651-451-6783
Dale Dwane Marx, Jr., DOB/9-13-80, 334-4th Avenue So., SSP

While on routine patrol southbound on 2nd Avenue in the 200 block I monitored radio traffic to the effect that a robbery was in progress at Sabine's Market, 345-4th Avenue South. As I continued in the direction of Sabine's traveling southbound on 2nd Avenue I heard another radio transmission that someone was down in the store. I then arrived in front of the store and observed a male subject exiting the front door of the store. This subject, later identified as Dale Dwane Marx, DOB 5-29-61, 334-4th Avenue South, South St. Paul, was told to get down on the ground at gunpoint. As I was doing this several individuals walked across the street from across from Sabine's stating that this male subject was not involved. These individuals were told to stay back. Corporal Sawyer had arrived on the scene and assisted in the securing of the male subject. I then entered the store via the front door to check on the victim. I could see that the victim was deceased, with an obvious gunshot exit wound in the head. The victim was lying on his side, behind the store counter. The cash register was open, as were some cabinet doors behind the counter. I then exited the store, told Corporal Sawyer what I had observed. I told Corporal Sawyer that the store had not been checked. Officer Smith, who had arrived on the scene, Corporal Sawyer and I then checked the store, with negative results on suspects.

Corporal Sawyer, Officer Smith, and I then checked the area around the store. Corporal Sawyer secured the area with yellow Police tape. Later Mr. Marx and his son, Dale Dwane Marx, Jr. DOB 9-13-80, same address, were taken to police headquarters to be interviewed as witnesses. Other witnesses were located and taken to police headquarters to be interviewed by investigators.

Roehlen, 2133

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South St. Paul Police Department
NARRATIVE
(CONTINUED)

CASE # 02018427

Supplemental Report Of Officer Mincke

Date : January 29, 2003
Time : 14:45 Hours
Location ; 6Th Avenue and Southview Boulevard

Possible Suspect : Jesse Lee Magnuson D.O.B./ 05-15-81
Observed Suspect Description : Black male, early twenties, lighter skinned, smaller mustache, short hair with very distinct corn rows and ½ " space between corn rows. (Only approximately five (5) rows across the top of the head.)

Vehicle : 1998 or newer, Ford Crown Victoria, dark grey in color, very good condition, four (4) door, no front plate.

While on routine patrol in the area of 6TH Avenue and Southview, I, (Officer Mincke) observed the above noted suspect and vehicle matching the description of those wanted in the Sabreens sales attendant murder.

The vehicle was brought to my attention because it had no front plate. As the vehicle passed my location, I observed a light skinned black male with a smaller mustache and very distinct corn row style hair. Due to the corn rows being spaced out with approximately ½ " between them, there were only approximately five (5) rows across the top of his head.

The vehicle matched that of the description given by witnesses of the attendant murder at Sabreens. Witnesses describe the vehicle as that of an old police car. The vehicle observed at 14:45 hours, was a 1998 or newer Ford Crown Victoria. The vehicle was dark grey in color all over including the bumper areas and was in very good condition.

I attempted to get a plate number but there was no front plate. There also appeared to be no bracket for a front plate. The vehicle was lost in traffic as I went around the block and it could not be relocated.

At 15:00 hours, I (Officer Mincke) responded to the station to look at pictures of the four possible suspects in the murder. The person observed in the vehicle by myself matches the picture of Jesse Lee Magnuson.

D. Wayne Mincke
Patrolman

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DEC 23 '02 03:58AM P.2/2

AMBULANCE REPORT

① RIC # 101	DATE 12-22-02	REASON FOR CALL Head Inj	
② HOSPITAL 10-45	SCENE LOCATION 345 4th Ave S	CITY SSP	
③ AGE	④ SEX: M F	DOB	WEIGHT
PHONE # ( )			
NAME			APT. #
ADDRESS			
CITY SSP	STATE MN	⑤ ZIP 55075	
⑥ PT MD	MED CONTROL MD/RN	ICD CODE(S)	

⑦ CHIEF COMPLAINT: Gun Shot to Head

⑧ HISTORY OF PRESENT ILLNESS: Call to above address for possible gun shot wound to head

Seat Belts ☐ Yes ☐ No | Starred Windshield ☐ Yes ☐ No | Loss of Consciousness @ Scene ☐ Yes ☐ No

⑨ PMH: ☐ Cardiac ☐ TBP ☐ CVA ☐ Diabetes ☐ Seizures ☐ COPD ☐ Asthma ☐ Psych ☐ Dementia ☐ NONE ☐

MEDS:

ALLERGIES:

MEDICAL ASSISTANCE #			
HMO INS. NAME			
GROUP #	POLICY #		
RESP. PARTY			
FIRST RESPONDER SSP		Time Called	2 1 4 7
BILLING CODE D04	Run referred to 911 by RN/Other ☐	En-Route	
RUN # 35628		Arr. Scene	
DRIVER 308	Hosp. Miles	Lv. Scene	
ATT - 1 311	Scene Miles	Arr. Hosp.	
ATT - 2 / Rider	Total Miles	In Serv.	

MEDIC #	AIRWAY TYPE / SIZE	O_2 4pm	ATMPTS	SUCC
	Mask, Cannula, ET, Combi ET/I, oral, nasal			☐Y ☐N
	Mask, Cannula, ET, Combi, ET/I, oral, nasal			☐Y ☐N
	Mask, Cannula, ET, Combi, ET/I, oral, nasal			☐Y ☐N

MEDIC #	IV SIZE	IV (RATE, SITE)	ATMPTS	SUCC
		NS –		☐Y ☐N
		NS –		☐Y ☐N

MEDIC #	TIME	MEDICATION	DOSE	ROUTE
		Medics on scene		
		311 DAN Hockinson		
		308 Dave Kratt		

MENTAL STATUS (Alert & Oriented X 3): ☐ YES ☐ NO — How: Doc. Details in Phy. Findings

LOC SCALE: ☐ ALERT ☐ VERBAL ☐ PAIN ☐ UNRESP.

AFFECT: ☐ COOPERATIVE ☐ ANXIOUS/AGITATED ☐ DROWSY ☐ CONFUSED ☐ UNCOOPERATIVE ☐ COMBATIVE

NEURO STATUS: CNS intact x 4: Y N — Note: Document deficit on Human figure diagram

	INITIAL	FINAL
GLASGOW SCALE		
TRAUMA SCORE		
AR SCORE		

LUNG SOUNDS (Initial & Final)

	LEFT	RIGHT
	I F	I F
CLEAR	☐ ☐	☐ ☐
RALES	☐ ☐	☐ ☐
RHONCHI	☐ ☐	☐ ☐
WHEEZES	☐ ☐	☐ ☐
STRIDOR	☐ ☐	☐ ☐
TIGHT	☐ ☐	☐ ☐
DECREASED	☐ ☐	☐ ☐
ABSENT	☐ ☐	☐ ☐

PUPILS (Initial & Final)

	LEFT	RIGHT
	I F	I F
REACTS	☐ ☐	☐ ☐
CONSTRICTED	☐ ☐	☐ ☐
MIDPOINT	☐ ☐	☐ ☐
DILATED	☐ ☐	☐ ☐
SLUGGISH	☐ ☐	☐ ☐
UNREACTIVE	☐ ☐	☐ ☐
BLIND / CATARACTS	☐ ☐	☐ ☐

JVD ☐ None ☐ Min ☐ Mod ☐ Severe

PEDAL EDEMA ☐ None ☐ Min ☐ Mod ☐ Severe

CHEST

	LEFT	RIGHT
UNREMARKABLE	☐	☐
DECREASED	☐	☐
ASYMETRICAL	☐	☐
TRAUMA	☐	☐
FLAIL SECTION	☐	☐

NOTE: Draw injury in detail using Human figure diagram.

TRACHEA ☐ UNREMARKABLE ☐ DEV. LT. ☐ DEV. RT.

ABDOMEN

	LUQ	RUQ	LLQ	RLQ
UNREMARKABLE	☐	☐	☐	☐
TENDERNESS	☐	☐	☐	☐
RIGID	☐	☐	☐	☐
BRUISING	☐	☐	☐	☐
EVISCERATED	☐	☐	☐	☐
PULSATING MASS	☐	☐	☐	☐
DISTENDED	☐	☐	☐	☐

SKIN

	I	F
WARM & DRY	☐	☐
PALE/ASHEN	☐	☐
DIAPHORETIC	☐	☐
FEVERISH	☐	☐
FLUSHED	☐	☐
CYANOTIC	☐	☐
COLD/HYPOTHERMIC	☐	☐
JAUNDICED	☐	☐

TIME	BP	PULSE	RESP	SpO_2	TEMP	bG mg/dl
Enroute	/	R L				
	/	R L				
	/	R L				
	/	R L				

⑩ On arrival we found Patient..... Lying face down behind counter of store

Physical / Other findings not checked above.... Pt has what appears to be an exit wound to back of head minimal bleeding to site. Dsto crime scene pt not moved Pt skin in extremities of mark shows pooling — Cool to touch. No distal pulses found

⑪ Patient Treatment: Advised of such to PD. No Treatment or movement of pt. Left scene @ 1653

1. Abrasion
2. Avulsion
3. Burns
4. 3Crcl/Cap Refill
5. Deformity
6. Fracture
7. Hematoma/Bruise
8. Laceration
9. ↓ROM/Movement
10. Numbness
11. Pain
12. Puncture/Stabbing
13. Swelling
14. Tingling
15. _____

Outcome: ☐ NC ☐ Improved / Cardiac Save ☐ Deteriorated ☐ Pronounced @ scene

I have been offered & decline treatment or transport. I voluntarily refuse this transportation & I have been advised to call 911 if I have any further problems or concerns. Patient/Guardian Signature X

Witness Signature X

Date

EMS 9256-6 3/02

CHECK FOR RUN REVIEW ☐

RECEIVING RN / MD

SIGNATURE Dave Hockinson EMT-P

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SUPPLEMENTARY HOMICIDE REPORT

1-704 (Rev. 8-12-92)
Form Approved
OMB No. 1110-0002

This report is authorized by law Title 28, Section 534, United States Code. While you are not required to respond, your cooperation in using this form to list data pertaining to all homicides reported on your Return A will assist the FBI in compiling comprehensive, accurate data regarding this important classificatio on a timely basis.

1a. Murder and Nonnegligent Manslaughter

List below specific information for all offenses shown in item 1a of the monthly Return A. In addition, list all justifiable killings of felons by a citizen or by a peace officer in the line of duty. A brief explanation in the circumstances column regarding unfounded homicide offenses will aid the national Uniform Crime Reporting Program in editing the reports.

Situation*	Victim** Age	Victim** Sex	Victim** Race	Victim** Ethnicity	Offender** Age	Offender** Sex	Offender** Race	Offender** Ethnicity	Data Code (Do Not Write In These Spaces)	Weapon Used (Handgun, Rifle, Shotgun, Club, Poison, etc.)	Relationship of Victim to Offender (Husband, Wife, Son, Father, Acquaintance, Neighbor, Stranger, etc.)	Circumstances (Victim shot by robber, robbery victim shot robber, killed by patron during barroom brawl, etc.)
1 C	25	M	U	U						Handgun .22 Cal.	Stranger	Victim Shot by Robber

* See reverse side for explanation

December 2002
Month and Year

MN0190600
Agency Identifier

Prepared By

Captain
Title

So. St. Paul P.D
Agency

Minnesota
State

Chief, Sheriff, Commissioner, Superintendent

DO NOT WRITE HERE	
Recorded	
Edited	
Punched	
Verified	
Adjusted	

FBI/DOJ

CRU0013

State's Exhibit 2 - CRU Supporting Materials and Documents - Pg. 1678

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South St. Paul Police Department

Use of Force Reporting Form

CASE #: 02018427

DATE/TIME: 1943 12-22-02

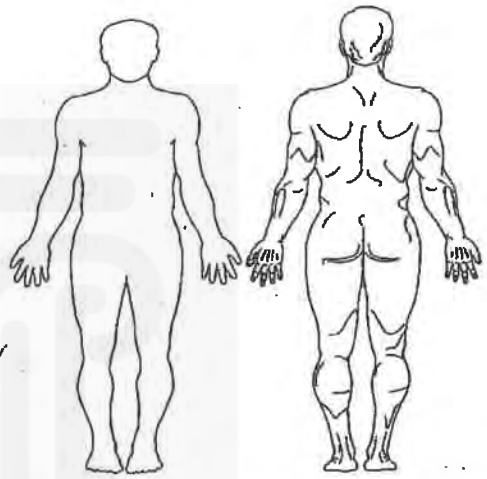
OFFICER: R Roehler

OTHER OFFICERS INVOLVED:
Sawyer Smith
Greengo

SUBJECT: DALE DWANE MARX
DOB 5-29-61

42 Age M Sex

_____ Height _____ Weight



CONDITION: EDP / drugs / alcohol/ attempted suicide / other:

MARK INJURY / CONTACT POINTS ON DIAGRAM
Mark "T" where a Taser contact penetrated and "B" where struck by bean-bag

CALL TYPE: Homicide / Robbery

TYPES OF FORCE USED OR DISPLAYED BY SUBJECT (*check all that apply*) ( ) Physical ( ) Impact ( ) Cutting Instrument ( ) Firearm ( ) Other Explain:

NONE

TYPE OF FORCE USED BY OFFICER(S) (*check all that apply*) ( ) Physical ( ) O.C. Spray ( ) ASP ( ) Taser ( ) Shotgun Propelled Bean-Bag Rounds (X) Firearm ( ) Other Explain:
If Taser or Shotgun Propelled Bean-Bags were used on a subject, Officers must complete 2nd Page of Use of Force Reporting Form.

INJURY DESCRIPTION (if any) *Mark injury locations on diagram above*:

NONE

MEDICAL ATTENTION GIVEN: ( ) Fire Rescue ( ) Ambulance ( ) Hospital ( ) Subject Refused

ADDITIONAL INFORMATION (use second page if necessary):

Subject told at gunpoint to lay on ground; subject complied.

REPORTING OFFICER: R Roehler #2133 **SUPERVISOR APPROVAL:** _____

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SOUTH SAINT PAUL POLICE DEPARTMENT
OFFICER LOG SHEET

DATE: 12-23-2

OFFICER: Duffy SQUAD #: 315 S RADAR UNIT SER#: _____

MILEAGE IN: _____ TIME ON DUTY: 1225 RADAR UNIT TYPE: _____

MILEAGE OUT: 34504 TIME OFF DUTY: _____ TUNING FORK # _____ MPH: _____

TOTAL MILEAGE: _____ TUNING FORK # _____ MPH: _____

ORIGINAL TIME	CLEAR TIME	LOCATION	INCIDENT	CASE #	REPORT?
1225		Police	315 - Standby		
( )					

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Page of

South St. Paul Police Department
NARRATIVE
(CONTINUED)

CASE #
02018427

SUPPLEMENT REPORT FOLLOW UP INVESTIGATIONS INTERVIEWS BY OFFICER GRAVEM

Witness: Laura Lynn Rassett 122871Work Phone 842-3219
347 4th Ave S #2 H Ph 493-9385
Interviewed: 122302 Approximately 0930 Audio Recorded

States was in the store between 8:50 - 9:00 PM and bought a pack of cigarettes. Heard Khaled talking to somebody on the phone in Arabic and sounded very upset. No other customers in the store at the time. Khaled was the only person who Rassett seen at the time. Rassett was also on scene after the Police had arrived and had one of the persons at gun point on the ground.

Witness: Edith Ann White 021965 Ph 552-0919
337 3rd Ave S
States her kids told her that Jeremy Meyers said he was in the alley when it happened heard the gun shot.

Witness: Jeremy Lee Meyers 121081 Ph 457-9381
353 3rd Ave S
Interviewed: 122302 Approximately 10:00 Audio recorded

Meyers says he got home 9:00 - 9:30 and heard from inside his house what he thought was a gun sound and then heard the cops. Meyers says that it resembled that sound of the trains hooking up. Meyers does know the owners of Sabreens and was asking if it was Khaled because he saw the other brother was working earlier in the day. Meyers says he was told about what happened around 10:00PM. Meyers asked to look at the video that he is in the store all the time and sees the movement on the Monitor. Meyers also said he wasn't sure if they recorded the video or not.

Witness: Eugene Charles Aylward 050169
Currently 31 Langer Circle IGH Ph 451-7381 Was at Ph 330-3528

Info Linda Anonymous at 4920 Ashley Ln Ph 455-8778 South View Gables.
Interviewed: 122402 Audio recorded. Thinks person in paper who was shot was a neighbor of hers not sure by the picture in the paper. Three black males hanging in parking lot. Linda says one is taller. 2 Cadillac park in parking lot 1 in the garage a lot of activity. Daughter says they hang out in the parking lot not sure if all Three live there. Low rider pants baggy, hats to the side, hoodlum looking. One seen driving Cadillacs is younger and shorter not sure if he owns the one in the garage all newer looking and gray. Will get plate and have them for us. Daughter did not want to give her name but would get plate numbers and have them for us if we needed them later.

Info Maurice Kendall Ph 763 560-4208 Brooklyn Center. Works for Swanson Young Dale Inc.
Interviewed: 122402 Audio recorded. Says works with David Lee who seen the persons who shot the clerk. It wasn't three black males. He was inside the store buying a pizza when it occurred lives right off the alley. He saw the person who did it in a Chev Lumina. He heard about it while at the bar right afterwards. He still has the pizza.

Witness: David Edward Lee 040570
356 3rd Ave S Cell Ph 651 235-0207
Interviewed: 122602 Audio recorded. Unsure what happened to the recording but as time goes on the recording volume goes way down. Detective Kreager later interviews Lee again. Lee's pizza is the last purchase on the receipt. Believes he was the last person in the store and bought a pizza for $3.39. It was sometime after 9:00 PM he was in the store. Lee walked from his residence to the store entering from the North side of the property. Lee saw Tarqui and his girlfriend outside the store. Tarqui spoke with Khaled as Lee left the store. Lee left the same way on the north side of the store and reached the alley. Lee seen a vehicle S/B in the alley and slowed at the opening that he just walked through and stopped for 15 to 20 seconds. Lee says it was as if the were either waiting for him to leave the area or for Tarqui to leave from in front of the store. The vehicle then left and drove right past him. Lee seen the driver who was a W/M 18 - 20 YOA taller had thick blonde hair with dark roots, no facial hair, and no glasses.

State's Exhibit 2 - CRU Supporting Materials and Documents - Pg 1681
CRU0013

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There were at least three people in the vehicle, one rear seat and two up front. Vehicle was a teal green or darker blue Chev lumina 4 door sedan. Lee is sure on the lumina because he wasn't sure if it was a Corsica or a lumina at first and read it right off the vehicle left side by the tail light "lumina". Lee believes that it was about a 97 or 98 clean and newer vehicle. The vehicle went past him and stopped for 4th St. Lee believes the back seat person may have been younger because he appeared to be smaller in size and could not see the front passenger at all. Lee says that he put the pizza in his truck and headed to Big John's Bar. He again walked past Sabreens and Targui was still there in front of the store with his girlfriend. It wasn't until later while at the bar did Lee hear about the robbery. Lee is very concerned about reporting this because he believes that the persons in the vehicle seen him go into his truck and that his parents also live at the residence.

Other
Michael Guy Balsimo
Work 1633 S Robert St Cell Ph 612 290-3199

Interviews
Audio recorded 123102,011003, 010903, 011003,011503,011403,011503
Balsimo states that some of his employees have heard rumors that Lorenzo Eide has been threatening Oreilly that if you say anything the same thing will happen to you that happen to the guy at Sabreens. This occurred on new years Eve 123102. On 122302 Eide had a gun on him while in her car. While at Erica Beatrice Griffin house party Eide was able to come up with a couple of hundred dollars worth of drugs the very next night after the shooting(122302) the same day she saw the gun. Oreilly will be trying to get further information on this. Eide would get very upset when she would bring up Sabreens. Anthony Bubak (300 10th Ave S) also states that he knows who did the shooting but would not tell her.

Witness:
Samantha Marie Oreilly 012085

Victim:
ICR# 03000996 Terroristic threat reports
1057 Beatrice St Eagan Ph 454-1937 Cell 303-3760

Interviewed
Audio recorded 012203 and 012703
Oreilly reports that she had seen Eide with a gun and has threaten Oreilly that if you say anything the same thing will happen to you that happen to the guy at Sabreens. This occurred on new years Eve 123102. On 122302 Eide had a gun on him while in her car. This occurred while at Erica Beatrice Griffin's house party Eide was able to come up with a couple of hundred dollars worth of drugs the very next night after the shooting (122302) the same day she saw the gun in his waist band. Oreilly will be trying to get further information on this. Eide gets very upset when people would bring up Sabreens. Anthony Bubak (300 10th Ave S) also states that he knows who did the shooting but would not tell her.

this is a start ruff draft

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South St. Paul Police Department
NARRATIVE
(CONTINUED)

CASE #
02018427

Supplemental Report to 02018427
Detective Kressly
February 12, 2003

Subject: Joseph John Schultz
Current address:
Ramsey County Workhouse.

On 2-12-03 I, Detective Kressly, contacted Joe Schultz to speak to him regarding the Robbery/Homicide investigation. SSPPD believed that Joe had information that would assist in the investigation. Officer Gravem had spoken with Joe several weeks ago when Joe was incarcerated in Dakota County Jail. Joe was suppose to contact Gravem after he was released and Joe never did. In Gravem's initial conversation, Joe had heard rumors and was going to try to get more information.

Joe called me from the Workhouse, at my request. This conversation was recorded. Joe was uncooperative about giving information. He requested that I get him out of his 80 day sentence that was imposed on him in Ramsey County. He only would state that the person involved was Lorenzo Eide. He requested that I come to the workhouse and talk to him. He also stated that he did not want to testify.

Joe had had several opportunities to contact Officer Gravem in the past couple of weeks while free from custody and did not. It appears that he only wants to give information when he is incarcerated and will only talk for exchange for time off.

The audio tape is submitted with the report.

P. Kressly
#2130

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South St. Paul Police Department
NARRATIVE
(CONTINUED)

CASE #
02018427
Ploeckelmann

Subjects spoken to: Jesse Lee Magnuson 5-15-81
981 N St Albans St #203
St Paul, Mn
330-0612
1940 Oakdale #214
W St Paul, Mn
493-9598

Michael Lamont Smith 7-11-72
1268 Matilda St
St Paul, Mn
NP

Vanessa Sue Franco 3-29-78
147 Forbes Av #4
St Paul, Mn
NP

Rochelle Lanette Perez 1-24-86
420 Mt Ida #1
St Paul, Mn
340-5824
Mother-Grace

Mary Rose Martinez 3-8-82
1240 Bryant Av #17
S St Paul, Mn
330-0596

Tiffany Jean Bassett 12-6-83
1651 Summit Av
St Paul Park, Mn
459-5060

Trish Ann Bailey 6-24-78
314 Main St upper
Somerset, Wi
C-651-983-4546/4645
715-247-2150

I spoke with the above listed people in regards to this investigation, besides checking tires on dozens of vehicles in the metro area.

I interviewed Jesse Magnuson on tape after reading him miranda, he stated that he was not feeling well on the night of this incident and was sleeping at the Eide residence at the time of

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occurrence, which I verified with Rebecca Eide. He also denied any knowledge of who else may have been involved.

I interviewed Michael Smith off tape at his residence, he was hesitant to give an interview and asked if he needed an attorney present, I advised that I was trying to establish his whereabouts at the time of the robbery, he did advise that he had Jesse Magnuson a ride to Eide's house earlier in the evening, was back home before dark, made dinner for the family, then spent the rest of the evening at home watching TV with his girlfriend and some friends, who happened to be at the residence while I was there and did verify that he had been home.

I interviewed Vanessa Franco off tape at her request while at her residence, she is Dominick Johnson's ex-girlfriend/mother of one of his children, she advised that neither Johnson or Vance had admitted to her that they were involved, but that she believed that they were very capable of doing it, I asked her who would be a possible third suspect and she said possibly John Martin, 23 yoa, black male with bad teeth, hangs out at Dorothy Day and the Buttery. I also asked about shoes that Johnson may have worn and she advised that he sometimes wore his current girlfriends shoes (Rochelle Perez). I also asked about clothing, she said that Johnson had borrowed a pair of "platinum FUBU/Fat Albert pants from her that she was willing to give to me but she could not locate them and she thought that they may have been taken when the search warrant was done at her apt. I finally asked if she had ever known Johnson or Vance to have a handgun and she said that Vance had taken one away from another person she knew as Kenny Wilson.

I spoke with Rochelle Perez off tape at her school, she had not seen Johnson the night of the robbery, she had seen him two days before when she took back her shoes that he was wearing (and that she was wearing, which did not match the shoe prints from the scene), she next saw him X-mas Eve when they argued about cheating. She knew that he was a suspect in this robbery and has asked him about it, he has denied being involved and denied being with Vance and John, but she is convinced that he is lying and will continue to ask him about his involvement and call me if she hears anything.

I spoke with Mary Martinez, our conversation was taped, she continues to claim that Smith, Magnuson and Eide are involved by their own admission.

I spoke with Tiffany Bassett, she dated Eide for a short period of time, but is still friends with him, there was a question about some gloves that she had given him and he threw away, she advised me that the gloves she had given him were a X-mas present that he did not receive until after New Years due to her being out of town. She further advised that she has not heard him make any statements taking credit for the robbery.

I spoke with Trish Bailey in my unmarked squad outside of the Ramsey Co Workhouse, she did not know anything about the robbery, she did however own a vehicle that resembled our suspect vehicle, she advised and I was able to verify through the dealership that she purchased the vehicle from, that it had broken down and was returned to the dealership in mid December. Additionally she did not meet Johnson until New Years Eve.

I have also checked dozens of vehicles over the metro area trying to match tire tread patterns without success.

We received info that the vehicle used had been driven to Eau Clair Wi., and that on the way it was involved in a one car accident with a deer that rendered the vehicle inoperable and it was then abandoned. I checked with each County, City, State Patrol and tow company from St Paul to Eau Clair with a description of the vehicle without success.

Ploeckelmann

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JTD:kma

United States District Court

STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA
V.
PHILLIP RANDALL VANCE

WARRANT FOR ARREST
CASE NUMBER: 03mj168 AJB

TO: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest PHILLIP RANDALL VANCE
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

☐ Indictment ☐ Information ☒ Complaint ☐ Order of court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

On or about January 7, 2003 in Ramsey County, in the State and District of Minnesota defendant(s) did did knowingly and intentionally possess and transfer a stolen firearm

in violation of Title 18 United States Code, Section(s) 922(j)

Arthur Boylan
NAME OF ISSUING OFFICER

U.S. MAGISTRATE JUDGE
TITLE OF ISSUING OFFICER

SIGNATURE OF ISSUING OFFICER

4/18/03 St. Paul, MN
DATE AND LOCATION

Bail fixed at $ _____ by _____

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

Filed in District Court
State of Minnesota
12/5/2026 4:21 PM

United States District Court

STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA
V.
PHILLIP RANDALL VANCE

WARRANT FOR ARREST
CASE NUMBER: 03mj168 AJB

TO: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest PHILLIP RANDALL VANCE
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

☐ Indictment ☐ Information ☒ Complaint ☐ Order of court ☐ Violation Notice ☐ Probation Violation Petition

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Arthur Boylan
NAME OF ISSUING OFFICER

U.S. MAGISTRATE JUDGE
TITLE OF ISSUING OFFICER

SIGNATURE OF ISSUING OFFICER

4/18/03 St. Paul, MN
DATE AND LOCATION

Bail fixed at $ _____ by _____

RETURN

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DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

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State of Minnesota
1/5/2026 4:21 PM

JTD:kms

United States District Court

STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA
V.
PHILLIP RANDALL VANCE

CRIMINAL COMPLAINT
CASE NUMBER: 03mg168 AJB

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 7, 2003 in Ramsey county, in the State and District of Minnesota defendant(s) did, (Track Statutory Language of Offense)

did knowingly and intentionally possess and transfer a stolen firearm

in violation of Title 18 United States Code, Section(s) 922(j).

I further state that I am a(n) Special Agent and that this complaint is based on the following
Official Title

facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant
David S. Nygren
ATF

Sworn to before me, and subscribed in my presence,

April 18, 2003 at St. Paul, MN
Date City and State

Arthur Boylan, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

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State of Minnesota
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STATE OF MINNESOTA)
) ss. AFFIDAVIT OF DAVID S. NYGREN
COUNTY OF RAMSEY)

Your affiant, David S. Nygren, being first duly sworn under oath, deposes and states as follows:

1. Your affiant is employed as a Special Agent (S/A) with the United States Treasury Department, Bureau of Alcohol, Tobacco and Firearms (ATF), and has been so employed since January 1991. Your affiant is assigned to the St. Paul III Field Office, with duties that include investigating violations of the Federal firearms laws.

2. Your affiant bases this affidavit upon his training, experience, personal knowledge and observations in this investigation, as well as discussions with other law enforcement officers and agents directly involved in this investigation, as well as receiving and reviewing official reports submitted in relation to this investigation. This affidavit contains information to support probable cause but is not intended to convey facts of the entire investigation.

3. On June 14, 1997, within the County of Otter Tail, Sate of Minnesota, the residence of Dale Walter Venzke, Box 107, Route 1, Henning, Minnesota, 56551 was burglarized. As a result of the burglary, one of the items taken from the Venzke

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residence included, a Beretta USA Corporation, Model 21, .22 caliber, pistol, serial number BBS36757U. A report of theft was filed by Mr. Venzke with the Otter Tail County Sheriff's Department regarding the aforementioned firearm theft.

4. On or about December 23, 2002, Kenneth Lee Wilson, while standing on the street near the intersection of Minnesota Avenue and Fifth Street, located within the City of Saint Paul, County of Ramsey, State of Minnesota, produced and presented one handgun described as being a Beretta USA Corporation, Model 21, .22 caliber, pistol, serial number BBS36757U, to an individual named PHILLIP RANDALL VANCE. As a result, PHILLIP RANDALL VANCE took possession of the aforementioned Berretta handgun and fled on foot with said firearm.

5. On January 7, 2003, Melissa Stits, while assisting investigators and law enforcement officers assigned with the South Saint Paul Police Department and the Minnesota Gang Strike Force, met with PHILLIP RANDALL VANCE for the purpose of purchasing a handgun. On this same date, Melissa Stits purchased from PHILLIP RANDALL VANCE one Beretta USA Corporation, Model 21, .22 caliber, pistol, serial number BBS36757U, for the sum of $90.00 dollars.

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6. On April 17, 2003, while in the custody of the Minnesota Gang Strike Force, PHILLIP RANDALL VANCE, having been advised of his Miranda Rights, voluntarily made admissions to having knowingly taken the above described Beretta USA Corporation, Model 21, .22 caliber, pistol, serial number BBS36757U from Kenneth Lee Wilson and subsequently sold it to Melissa Stits for the sum of $90.00.

7. Based upon the above information, your affiant submits that there is probable cause to believe that on January 7, 2003, PHILLIP RANDAL VANCE did knowingly possess and transfer a stolen firearm, in violation of Title 18, United States Code, Section 922 (j).

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FURTHER YOUR AFFIANT SAYETH NOT.

DAVID S. NYGREN, Special Agent
Bureau of Alcohol, Tobacco and Firearms

Subscribed to and Sworn Before me this the 18th day of April, 2003.

ARTHUR J. BOYLAN
UNITED STATES MAGISTRATE JUDGE

MINNESOTA JUDICIAL BRANCH

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South St. Paul Police Department
NARRATIVE
(CONTINUED)

CASE #
02018427
Ploeckelmann

Subject: Philip Randall Vance 10-20-80

At the request of Capt Vujovich, I went to the Sherburne Co Government Center where I had a search warrant signed by Judge Varco, for the purpose of obtaining a DNA sample to compare to samples recovered at the Robbery/Homicide scene.

I did receive a 2x2 cotton gauze pad from Vance, who had placed it into his mouth, rubbed it around, then spit it into a new, clean brown paper bag that I had provided, I sealed the bag and then attempted to interview Vance.

I read Vance his rights per Miranda, he acknowledged his rights and when asked if he wanted to discuss the incident his response was "no", I concluded the taped interview and returned to the So St Paul PD, where I placed the DNA sample into the property lockers to await transport to the BCA for comparison.

Ploeckelmann

MINNESOTA JUDICIAL BRANCH

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South St. Paul Police Department
NARRATIVE
(CONTINUED)

CASE #
020218427tk

ROBBERY / HOMICIDE SUPPLEMENT BY DETECTIVE CORPORAL TOM KREAGER
12-22-02

VICTIM / DECEASED

KHALED MAJED RAJAB AL-BAKRI AGE 25 3-23-77

OWNER / SABREEN`S MARKET

TARIQ TALIQ BAKRI 4-22-79 WIFE / KATHARINE MARY BAKRI 10-8-79
5902 CANDICE AVE. INVER GROVE HTS. MN 55076
HOME 651 554 9890
MARKET 651 455 0900
CELL 651 226 8877

WITNESSES INTERVIEWED

KATHLEEN LORENA JOHNSON 9-16-52
1708 HAWLEY AVE. SOUTH ST PAUL, MN 55075
H - 651 455 2696
U S BANK, MORTGAGE DEPT. 1ST BANK BLD , ST PAUL, MN
W - 651 244 4912

DALE DEWANE MARX JR AGE 16 9-13-86
334 4TH AVE. S. SOUTH ST PAUL, MN 55075
10th GRADE STUDENT AT SOUTH ST PAUL HIGH SCHOOL
651 451 6783

MATTHEW RICHARD RENVILLE AGE 15 2-27-87
257 RD AVE. S. SOUTH ST PAUL, MN 55075
10TH GRADE STUDENT AT SOUTH ST PAUL HIGH SCHOOL
651 457 2541

KIMBERLY ANN BURRESS 5-11-64
RYAN TYLER MUNKHOLM SON AGE 16 1-2-86
151 4th AVE.S. SOUTH ST PAUL, MN 55075
651 457 7080

I WAS CALLED OUT FROM HOME TO ASSIST WITH A HOMICIDE INVESTIGATION ON 12-22-02 AT ABOUT 2200 HOURS. I RESPONDED TO THE SOUTH ST PAUL POLICE STATION AND WAS BRIEFED BY CAPTAIN VUJOVICH. I LEARNED THAT THERE HAD BEEN AN APPARENT ROBBERY AT SABREEN`S MARKET AND THAT THE STORE CLERK, KHALED AL-BAKRI HAD BEEN SHOT TO DEATH. SEVERAL WITNESSES WHERE AT THE POLICE STATION WAITING TO BE INTERVIEWED.

I SPOKE WITH KATHY JOHNSON FIRST AND RECORDED THE CONVERSATION ON AUDIO TAPE. KATHY SAID THAT SHE HAD BEEN AT HER FRIEND`S HOUSE ( SID AND ROXANNE LUCAS, 654 2ND AV S , SSP 651 552 9344 ) WATCHING A MOVIE WHEN SHE RAN OUT OF CIGARETTES. KATHY DROVE TO SABREEN`S MARKET AND PARKED CURBSIDE DIRECTLY IN FRONT OF THE STORE AND TURNED THE CAR`S IGNITION OFF. KATHY RECALLED THE CLOCK IN HER CAR, A WHITE '94 BUICK LESABRE , SHOWED IT TO BE 2141 HRS. KATHY WALKED TO THE FRONT DOOR , OPENED IT AND TOOK A STEP IN WHEN SHE NOTICED A MAN BEHIND THE COUNTER, SHE STOPPED THERE BECAUSE THIS DID NOT SEEM RIGHT. THE MAN WAS WEARING A DARK BLUE HOODED SWEATSHIRT AND WAS ABOUT 5'-7" TALL WITH A THIN BUILD. THIS MAN WAS EMPTYING THE CASH REGISTER

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DRAWER. KATHY SAW HIM QUICKLY PULLING THE CASH FROM THE FROM THE CASH DRAWER WITH HIS RIGHT HAND AND PLACING INTO HIS LEFT HAND. KATHY THOUGHT BRIEFLY THAT THIS MAN WAS CLOSING THE STORE EARLY AS SHE KNOWS " SABREEN`S " IS USUALLY OPEN UNTIL 2200 HRS. THE HOODED MAN THEN LOOKED IN KATHY`S DIRECTION AND MADE EYE CONTACT WITH HER, SHE THEN SAW HE WAS WEARING A BLACK KNIT SKI)SK THAT COVERED HIS ENTIRE FACE BUT FOR THE EYE AND MOUTH HOLES. KATHY SAID A SECOND LATER THE HOODED MAN LOOKED DOWN AND TO THE RIGHT AND SAID " HEY " AND A SHORT MUFFLED SENTENCE THAT KATHY DID NOT UNDERSTAND, SHE THOUGHT IT SOUNDED LIKE SPANISH. KATHY SAID IT APPEARED THAT THE HOODED MAN SAID THIS TO SOME ONE ON THE FLOOR BEHIND THE COUNTER. THE HOODED MAN THEN LOOKED BACK TOWARD KATHY AND REACHED WITH HIS RIGHT HAND FOR SOMETHING IN THE WAIST BAND OF HIS PANTS. KATHY BELIEVED THIS MAN WAS REACHING FOR A GUN BUT SHE DID NOT ACTUALLY SEE A GUN. KATHY SCREAMED AND RAN BACK TO HER CAR, SHE WAS STARTING HER CAR WHEN SHE LOOKED BACK TOWARD THE STORE AND SAW TWO MALES RUN OUT THE FRONT DOOR. KATHY AGAIN SAW THE MAN THAT HAD BEEN BEHIND THE COUNTER, SHE NOW SAW HE WAS WEARING VERY BAGGY BLUE JEANS WORN BELOW THE HIPS. KATHY THEN SAW THE SECOND MAN WAS ABOUT 2" TALLER THAN THE FIRST WITH A THIN BUILD ALSO. THIS SECOND MAN WAS WEARING SIMILAR DARK CLOTHING, DARK COLORED FACE MASK - HOODED SWEATSHIRT - BAGGY LOW SLUNG JEANS. KATHY BELIEVED THAT BOTH MEN WERE IN THEIR EARLY 20 ' S JUDGING THE WAY THEY LOOKED, MOVED , AND SOUNDED. THEY RAN NORTH TO THE CORNER OF THE BUILDING AND THEN EAST ALONG THE SIDE OF THE BUILDING , BETWEEN THE PARKED CARS AND THE BUILDING. THEY APPEARED TO BE RUNNING TOWARD THE WALKWAY BETWEEN THE STORE AND A GARAGE THAT LEADS TO THE REAR ALLEY. KATHY DID START HER CAR AND LEAVE AS QUICKLY AS POSSIBLE, SHE THEN DROVE BACK TO THE LUCAS HOME . KATHY QUICKLY TOLD THEM THAT SHE HAD WALKED IN ON A ROBBERY AT SABREEN'S MARKET AND TOLD THEM TO CALL 911.

I THEN SPOKE WITH DALE MARX JR AND AUDIO RECORDED THE CONVERSATION. DEPUTY TERRY ECKERT ALSO TOOK PART IN THE CONVERSATION. DALE SAID HE HAD BEEN AT MATT RENVILLE`S HOUSE, 257 3RD AVE. S. , THE EVENING OF DECEMBER 22, 2002. DALE SAID THAT HE , MATT, MATT`S BROTHER JACOB (AGE 11), AND MATT`S SISTER SAMANTHA ( AGE 14 ), DECIDED TO GO TO SABREEN`S MARKET FOR SNACKS AFTER 2100HRS. THEY WALKED SOUTH IN THE ALLEY BETWEEN 3RD AVE. S. AND 4TH AVE. S. WHICH LEADS TO THE REAR OF SABREEN`S MARKET. DALE SAID HE DID NOT REMEMBER MUCH FROM THE WALK AS HE WAS OFING AROUND SLIDING ON THE ICE AS THEY WALKED. DALE SAID THAT MATT DID SAY SOMETHING ABOUT . .AR IN THE ALLEY BEHIND SABREEN`S BUT DALE DID NOT SEE THE CAR WELL AS IT LEFT SOUTH BOUND IN THE ALLEY. THE FOUR OF THEM WENT INTO THE SABREEN`S BY THE FRONT DOOR. THEY LOOKED AROUND THE STORE FOR THEIR THINGS AND NOTICED NO ONE WAS TENDING THE STORE. DALE LIVES ACROSS THE STREET FROM THE STORE AND KNEW BOTH TARIQ AL-BAKRI AND HIS BROTHER KHALED. TARIQ OWNS SABREEN`S AND KHALED HELPS RUN THE STORE. DALE LOOKED AROUND THE STORE BUT COULD NOT FIND EITHER OF THEM. DALE RETURNED TO THE CHECKOUT COUNTER IN THE FRONT OF THE STORE AND LEANED OVER THE COUNTER. DALE SAW A MALE`S BODY LAYING ON THE FLOOR BEHIND THE REGISTER , FACE DOWN, WITH BLOOD ABOUT THE HEAD . DALE BELIEVED THE MAN WAS DEAD SO HE YELLED FOR HIS FRIENDS TO RUN FROM THE STORE. THEY ALL RAN ACROSS THE STREET TO DALE`S HOUSE. DALE WOKE HIS FATHER UP AND TOLD HIM WHAT HE SAW. DALE MARX SR RAN BACK TO SABREEN`S TO SEE IF HE COULD GIVE ASSISTANCE WHILE THE FAMILY CALLED 911. DALE JR DID SAY THAT MATT RENVILLE DID SEE A CAR AND TWO BLACK MALES RUNNING TO IT IN THE ALLEY BEHIND SABREEN`S AND THAT MATT HAD MORE DETAILS ABOUT THAT.

I AND DEPUTY ECKERT THEN SPOKE WITH MATT RENVILLE AND AUDIO RECORDED THE CONVERSATION. MATT CONFIRMED WHAT DALE HAD SAID. MATT SAID THAT AT AROUND 2130 HRS ON 12-22-02 HE, DALE , SAMANTHA, AND JAKE LEFT MATT`S HOUSE FOR SABREEN`S MARKET TO GET SOME FOOD. SABREEN`S IS ABOUT 1 BLOCK SOUTH OF MATT`S HOUSE DOWN THE ALLEY BETWEEN 3RD AND 4TH AVE. S. MATT SAID THAT HE WAS ABOUT TWO HOUSES NORTH OF SABREEN`S WHEN HE SAW TWO YOUNG BLACK MALES RUN FROM THE AREA OF SABREEN`S PARKING LOT. THESE TWO BLACK MALES RAN EAST BOUND ACROSS THE ALLEY TO A FULL SIZE CAR THAT WAS WAITING, RUNNING WITH THE DRIVER IN IT, ON THE EAST SHOULDER OF THE ALLEY BEHIND SABREEN`S MARKET. MATT SAID THE MEN WERE DRESSED IN BAGGY DARK CLOTHING AND HAD ON KNIT HATS. MATT HEARD ONE OF THE MEN SAY " LET`S GO !" AS THEY GOT IN THE CAR. MATT SAW ONE MAN GET IN THE FRONT PASSENGER DOOR AND THE OTHER GET IN THE REAR PASSENGER DOOR. THE CAR`S INTERIOR LIGHTS CAME ON WHEN THE DOORS OPENED BUT MATT COULD NOT ADD TO THE DESCRIPTIONS HE HAD GIVEN. MATT SAID THE CAR THEN LEFT SOUTHBOUND IN THE ALLEY AND TURNED EAST BOUND ON 4TH ST. AND OUT OF SIGHT. MATT REMEMBERED THE CAR HAD VERTICAL STYLE TAILLIGHTS AND A 3RD BRAKE LIGHT IN THE CENTER ABOVE THE TRUNK. MATT SAID THEY CONTINUED INTO THE STORE, THEY DID NOT SEE ANYONE

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ELSE IN OR AROUND THE STORE. MATT SAID THAT THEY WALKED AROUND THE STORE LOOKING AT THINGS UNTIL DALE FOUND THE VICTIM AND BEGAN YELLING FOR EVERYONE TO LEAVE. MATT SAID THEY RAN ACROSS THE STREET TO DALE`S HOUSE, TOLD DALE`S FATHER WHAT THEY SAW, AND CALLED THE POLICE.

SGT DAVID GREENGO HAD RESPONDED TO SABREEN`S MARKET AND SEIZED THE STORE SECURITY TAPE. THE VICTIM`S WALLET HAD ALSO BEEN SEIZED. DEPUTY ECKERT BROUGHT THESE TWO ITEMS FROM THE MARKET TO THE SOUTH ST PAUL POLICE STATION. I VIEWED THE SECURITY TAPE AND FOUND THAT THE TIME STAMP ON IT WAS OCTOBER 8TH 2002 THROUGH OCTOBER 10TH 2002, THE STAMPED TIME WAS ABOUT ONE HOUR FASTER THAN THE ACTUAL TIME. THE WALLET DID CONTAIN THE IDENTIFICATION OF THE ABOVE VICTIM, KHALED AL-BAKRI. THE VIDEO TAPE AND WALLET WERE HELD AS EVIDENCE.

I SPOKE WITH KIMBERLY BURRESS ON 12-23-02. SHE WAS DRIVING HER CAR NORTH BOUND IN THE 300 BLOCK OF 4TH AVE.S. ON THE EVENING OF THE 22ND. HER SON , RYAN, WAS WITH HER. KIMBERLY SAID THAT AS SHE APPROACHED SABREEN`S SHE SAW A WHITE FEMALE RUN FROM THE STORE AND GET INTO A LARGE WHITE CAR THAT WAS PARKED IN FRONT. THEY DID NOT SEE ANYONE ELSE LEAVE THE STORE , THEIR ATTENTION WAS ON THE WOMAN WHO STARTED HER CAR AND PULLED OUT ONTO 4TH AVE. S. DIRECTLY BEHIND THEM. KIMBERLY DROVE HOME , NOT SEEING ANYTHING ELSE SUSPICIOUS.

SOUTH ST PAUL LEADS AND SUBJECTS

ITNESS

MARY ROSE GARVEY MARTINEZ 3-8-82
1240 BRYANT AV APT # 17, SOUTH ST PAUL, MN 55075
651 330 0596
NO WORK

SUBJECTS

JESSE LEE MAGNUSON 5-15-81
A K A VICK VEGA
981 N ST ALBENS APT # 203, ST PAUL, MN
651 330 0612
NO WORK

LORENZO RAY EIDE 9-8-80
612 STEWART AV APT # 1, SOUTH ST PAUL, MN 55075
651 455 5328

MICHAEL LAMONT SMITH 7-11-72

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Detective Kreager, South St. Paul Police Department, continuation of supplemental homicide report number 02018427.

Add to the South St. Paul leads and subjects section under witness will be:

WITNESS

SHEILA BRIDGET MCDONOUGH
1587 11th Avenue, #2
Newport, MN
651-458-1067

NARRATIVE:

I was contacted by Sheila McDonough on 12-23-02 at approximately 10:14 hours. Sheila told me that her daughter, Mary Rose Garvey Martinez had called her and told her that friends of hers had told her they were involved in the Sabreens robbery/homicide. Sheila asked that I contact Rose to further investigate this lead.

I contacted Mary Rose Martinez shortly after speaking to her mother. We spoke on the phone at length about what she had heard concerning the Sabreens robbery. She told me that Michael Lamont Smith had called her on the morning of the 23rd at around 9:30 in the morning. Mike told Rose that he, Lorenzo Eide, and Jesse Lee Magnuson had committed the robbery. Rose spoke to him quite a bit about this as the robbery had been in the news. Mike told Rose that they had shot the store attendant.

Rose then began calling her friends to try and speak with Jesse or Lorenzo. She had several conversations that morning with Lorenzo and Jesse on separate calls and at least one three way call. She confronted both of them with the information she had received and told me that initially they told her that they had been involved and shot the store clerk. Towards the end of the conversations and the different phone calls both Jesse and Lorenzo said that they were not involved, they were just putting Rosie on when they said they were.

Rose told me that she had also heard that Dexter Salsbury may be involved as the driver. She told me that Dexter's younger sister Grace also hangs out with Lorenzo.

I and Brad Wayne of the Dakota County Sheriff's Office went to the Salsbury home on 12-27-02 at approximately 13:00 hours. We found that both Dexter and Grace were at home at that time. Dexter stayed in his bedroom while we spoke with Grace and recorded the conversation.

We spoke with Grace for approximately 20 minutes concerning the events on Sunday the 22nd and Monday the 23rd. Grace recalled that Sunday evening clearly and told us that she spent the entire evening and night of the 22nd with Janelle Schwark at Janelle's residence on Elrose Court. Grace said that she arrived at Janelle's home at

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around six in the evening with Lorenzo Eide. She said that other people came and went from Janelle's home but that she and Lorenzo were there all night. Grace said that they watched movies and while it was not a party, several people were there at different times but she was quite positive that they spent the entire evening and night together there.

Grace said the following morning they received phone calls which began from Lorenzo's mother looking to speak to Lorenzo. Lorenzo learned that Rose had called and spoken to Lorenzo's mother about his possible involvement in the robbery/homicide. This led to several calls back and forth between Lorenzo and Rose and Jesse Magnuson. Grace said what she learned from what she could overhear was that Lorenzo was trying to find out why Rose thought they were involved at all and why Rose had called his mother and upset her.

Grace was quite sure of the time frame that she had told us that from approximately 6:00 on the evening of the 22nd through the mid morning of the 23rd that Lorenzo was with her. He did not leave the apartment at all and therefore could not have been involved in the Sabreens robbery.

Grace told me that Jesse Magnuson would have come with them to Janelle's house on the evening of the 22nd but he stayed at the Eide residence where he resides because he was very sick and did not feel like going out. She believed that he had been there the entire evening after she talked further the morning after with Lorenzo who had spoken with his mother about the events and then she believed Jesse stayed at home with Lorenzo's mother the entire evening.

Grace also informed us that her brother Dexter had been at his own house, their family residence, on the evening of the 22nd. She knew this as she had called home various times and spoken to him on the home phone that evening.

I and Brad Wayne then interviewed Dexter Salsbury. Dexter said that he had heard the rumor that Jesse and Lorenzo had done the robbery at Sabreens store. Dexter did not believe that they were involved in this as he had heard that Lorenzo had spent the night with his sister Grace at an apartment and did not leave the apartment until the following morning. Dexter also told us that he no longer ran with this group of individuals as he had settled down and is expecting a child himself. Dexter said that he has been working regularly at the South St. Paul MGM liquor store and staying home often in the evening so that he may go to work regularly.

Dexter, when asked if he thought Lorenzo and Jesse could have done it is quite sure that they were not involved, not only because Lorenzo spent the night with Dexter's sister, but it would not be in their character to do such a thing. Dexter said he has spoken with both Lorenzo and Jesse since the 22nd and both have denied any involvement to him in the robbery. Dexter also noted that he has seen no change in their behavior since the robbery nor do they act any different when he questions them about the robbery.

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I did speak with Jesse Magnuson about his involvement in the robbery at Sabreens by telephone. Jesse denied any involvement in the robbery and stated that he was sick that day and spent the evening and night sleeping on the sofa and watching TV at Lorenzo Eide's residence and that Lorenzo's mother was with him most of that time. Jesse said that he also had heard from several people that he was involved in the robbery and that he believed the rumor started with Rose Martinez.

I also spoke with Lorenzo Eide by telephone. Lorenzo relayed that he had spent the evening of the 22nd and the early morning hours of the 23rd with Grace Salsbury at the home of Janelle Schwark. Lorenzo said he arrived there early in the evening and did not leave until the following morning.

Lorenzo said that on the morning of the 23rd he received a phone call from his mother stating that Rose Martinez had called looking for him and Jesse and told her that she believed they had done the robbery at Sabreens. Lorenzo did tell me that he did call Rose back and as a prank told her that he did do it. He said there were several conversations by phone with Rose and Jesse concerning the robbery on the morning of the 23rd and that they eventually told Rose the truth that neither one of them were involved in the robbery.

Lorenzo told me he has heard from several sources that the rumor is that he and Jesse did do the robbery at Sabreens and killed the store clerk. Lorenzo believes that these rumors all began on the morning of the 23rd with the phone calls to Rose Martinez.

Michael Lamont Smith was also contacted and questioned concerning the Sabreens robbery. Mike said that he is working regularly and staying at his girlfriend's house in St. Paul and has done so for several months. Mike said that on the evening and night of the 22nd he was staying at his girlfriend's house in St. Paul and did not leave. He recalls that Rose called him on the morning of the 23rd and asked him if he heard what had happened in South St. Paul that night.

Mike said that he had heard about the robbery/homicide and in speaking with Rose he indicated that he and Lorenzo and Jesse did as a prank on Rose. He said she seemed to believe him and continued to ask him about the incident and at that point he told her that they weren't involved, that he made it up.

Mike said that he had spoken to Rose on several other calls throughout the 23rd and since then and Rose continues to ask him about the robbery and he continues to deny it to her saying that none of them were involved.

I did speak with Janelle Schwark concerning events on the evening of the 22nd. Janelle said that the aunt who she lives with on Elrose Court was out of town that evening so she had some friends come over. She recalled that Grace Salsbury and Lorenzo Eide were among the people that came to her house early in the evening and they watched a movie on the television for the early evening hours. Janelle believes they started to watch the movie around 7 o'clock in the evening and that Lorenzo and Grace had been there

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prior to the movie starting. Janelle was quite sure that both Grace and Lorenzo spent the entire evening of the 22nd and the early morning hours of the 23rd at her apartment.

I did speak with Lorenzo Eide's mother who verified what I had been told by both Jesse and Lorenzo concerning the evening of the 22nd. She said that Lorenzo went out to a party that evening and that he left her home fairly early in the evening. She said that Jesse was very sick and spent the evening laying on the sofa in her living room watching TV with her. She said that she and Jesse stayed home the entire evening of the 22nd and he was still sleeping on the sofa when she went to bed late that night. She said that Jesse was still at her home when she woke up the morning of the 23rd and that he was still on the sofa.

Throughout the course of this investigation, several people came forward with information that implicated Jesse, Lorenzo, Mike and at times Dexter. I investigated each of these leads and found the information always originated with conversations individuals had had with Rose Martinez. These conversations were initiated by Rose apparently in an attempt to gain further information concerning the robbery and the involvement of Jesse and Lorenzo. I was unable to find any independent information that implicated Jesse Magnuson, Lorenzo Eide, Michael Smith or Dexter Salsbury.

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South St. Paul Police Department
NARRATIVE
(CONTINUED)

CASE #
02018427

Supplemental Report to 02018427
Detective Kressly
August 1, 2003

Chain of custody

Item: MN LIC/ JWF567 - 1996 Chev. Vin: 1G1LD55MXTY243744
Registered owner : Nicole Lynn Rauschnot DOB/3-23-79

On 7/23/03 I, Detective Kressly, had the above listed vehicle towed from the South St. Paul Police Garage to the BCA for Forensic evidence. The vehicle was towed by Southeast Towing Company. I kept visual contact on the vehicle at all times. I turned over custody to the Forensic specialists at the BCA.

On 7/30/03 I responded to the BCA again with Southeast Towing company and took custody of the above listed vehicle. The vehicle was towed to the South St. Paul Police Garage and secured. I kept visual contact of the vehicle at all times.

On 8-1-03 the above listed vehicle was towed from the South St. Paul Police Garage to the SSP)ervice Center. I kept visual contact on the vehicle at all times. The vehicle was secured in an interior fenced in area of a building. I placed red evidence stickers on the vehicles doors that had had previous seals on them. I also placed evidence seals on the truck. These seals that I placed were dated 8/1 and were initialed by myself.

The vehicle's keys were logged and were given to Capt. Vujovich.

P. Kressly

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South St. Paul Police Department
NARRATIVE
(CONTINUED)

CASE #
02018427

Supplemental Report to 02018427
Detective Kressly
November 20, 2003

Time Line of in custody

Subject 1: Philip Randal Vance DOB/10-20-80

7/26/02 through 8/20/02 Ramsey County
1/8/03 through 1/16/03 Ramsey County Jail
2/4/03 through 2/6/03 Ramsey County Jail
2/6/03 through 2/10/03 Ramsey Workhouse
3/11/03 in and out - released on own recognizance
4/18/03 through 4/21/03 Ramsey County Jail - released to ATF
4/21/03 through present Sherburne County Jail for Federal charges. Currently has active Ramsey County Warrant.

Subject 2: Dominick Dwayne Johnson DOB/11-15-82

9/13/02 through 11/17/02 Ramsey County Workhouse
12/12/03 through 12/18/03 Ramsey County Jail - released on own recognizance
1/6/03 through 2/12/03 Ramsey Workhouse
3/5/03 through 3/10/03 Ramsey County Jail
6/6/03 through 6/11/03 Ramsey County Jail released to Department of Corrections
6/11/03 through present - St. Cloud Correctional Facility

Subject 3: Maynard Ramey Cross DOB/11-30-79

No contact in Ramsey County Jail or Workhouse
2/21/03 through 9/12/03 Hennepin County Jail - released to Department of Corrections
9/12/03 through present - St. Cloud Correctional Facility.

Subject 4: Richard Vincent Robinson DOB/4-20-81

12/11/03 through 12/12/03 Ramsey County Jail
12/12/03 through 12/14/03 Ramsey County Jail
1/31/03 through 2/6/03 Goodhue County Jail
2/12/03 through 2/13/03 Ramsey County Jail
4/17/03 through 4/18/03 Ramsey County Jail
4/21/03 through 4/25/03 Ramsey County Workhouse

Subject 5: Devell Harris DOB/8/22/74

1/31/03 through 2/4/03 Ramsey County Jail
2/4/03 through 2/28/03 Ramsey County Workhouse
10/11/03 through 10/15/03 Hennepin County Jail
10/30/03 through 11/5/03 Hennepin County Jail

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Subject 6: Geronimo Estrada DOB/10-8-66

10/23/02 through 11/04/02 Ramsey County Workhouse
11/04/02 through 11/05/02 Writ from Ramsey to Dakota Jail
11/5/02 through 11/10/02 Ramsey County Workhouse
1/17/03 through 1/22/03 Ramsey County Jail
1/22/03 through 02/03/03 Ramsey County Workhouse
2/03/03 through 2/4/03 Writ from Ramsey to Dakota Jail
2/4/03through 2/24/03 Ramsey County Workhouse

P. Kressly
#2130

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South St. Paul Police Department
NARRATIVE
(CONTINUED)

CASE #
02018427
Ploeckelmann

Subject: Dominic Dwayne Johnson 11-15-82

Witness: Rochelle Lynette Perez 1-24-86
420 Mt Ida #1
St Paul, Mn
651-340-5824
Mother: Grace Perez

While attempting to locate Dominic Johnson on Tue Apr 15, 2003, with the assistance of the Mn Gang Strike Force at the residence of Grace Perez, I spoke with Grace for the second time in a week, and her daughter (Rochelle), we were asking for the where-abouts of Johnson and again were told by Grace as well as Rochelle that Johnson had left the state and was currently in Peoria Ill. at his mothers residence.

I advised that we had information that Johnson was still in the area, Rochelle insisted that Johnson was in Peoria, that she had accepted collect phone calls from him from Peoria.

I asked if they had caller ID, they stated that they did not, I asked how they knew that Johnson was actually in Peoria and was told that they just knew, they were advised that there was a warrant out for Johnson and that if they assisted in hiding him they could also be criminally charged, they advised that they would be cooperative and would call if they located Johnson.

Ploeckelmann

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SOUTH SAINT PAUL POLICE REPORT OF INVESTIGATION FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS	CASE # 02018427

Involved: Christina NMN Persaud; 10/12/77
MCF-Shakopee

Mary Elizabeth Fleming; 1/10/85
MCF-Shakopee

On 1/30/04, DC Detective Sjogren and I met with Fleming at the MCF Shakopee. Fleming was convicted of aiding in a Minneapolis robbery / homicide that occurred in January, 2003; also arrested in that incident was Fleming's boyfriend, Maynard Cross. We spoke with Fleming in preparation for a later interview with Cross that same day. During our conversation with Fleming, she denied any involvement or knowledge of the Sabreen's incident. She also said she had never heard that Cross had been involved in the incident nor did he have any knowledge of the event. She did say she had been to SSP on occasion while transporting Cross to purchase / sell drugs earlier in 2002 and visiting an older, white female's residence; she guessed the woman's name was Mary. She described the home as including more than one apartment and said it sat much higher than street level. I had knowledge of Cross's involvement with a SSP resident name Mary Kay Bitney during 2002 and knew her home was multi unit and built on an incline.

Fleming agreed to look at photographs we brought along and the only one she recognized, besides that of Cross, was a MN DVS photo of Richard Robinson. She did not know the person's real name but said she knew him as "Hennessy." She said she knew him to be an acquaintance of Cross.

On 2/10/04, I received a telephone call from Persaud. She identified herself as being currently housed at the MCF Shakopee and asked if I had been the investigator who had interviewed Fleming the previous week. When I confirmed that I was, Persaud said she had information about the SSP homicide and she wondered if there was "anything we could offer her." She then said she and Fleming are good friends and Fleming had confided in her about our incident after our recent meeting. She said Fleming and Cross came to her just days prior to the homicide and asked to borrow her car. She said she refused and Fleming had since told her they had intended on using that vehicle in the robbery. She then said they were able to arrange for a car through Cross' friend, Trevor. She was unable to describe the vehicle during that conversation. Persaud said Fleming told her she was the driver of the vehicle in the robbery and that Cross was the person responsible for shooting the victim. She said there were two other people in the car, one of which was the same person arrested with Cross and Fleming in Mpls, and another she had not yet identified. When asked if she knew how much money was taken from the store, Persaud claimed Fleming told her, "Around $200." She then said she would be able to get additional information about the incident quickly and asked when I would be able to meet with her. The phone call was recorded and can be transcribed if needed.

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On 2/11/04, Capt Vujovich and I interviewed Persaud at the Shakopee facility. She claimed she and Fleming are close friends dating back to before they entered the prison. She repeated that Cross and Fleming came to her a few days prior to the Sabreen's robbery and asked to borrow her car. She said she refused and said Fleming had since told her they had arranged to borrow a car from Cross' friend, Trevor. She said Fleming had described the vehicle to her just this morning and Persaud stated the vehicle was a dark, two door Ford Thunderbird with out of state plates. She went on to say it was the same vehicle used in the Mpls homicide according to Fleming. She said Fleming told her this morning that there was actually only one other person involved in the incident and identified him only as, "Hennessy." Persaud claimed Fleming told her she drove Cross and Hennessy to the store and stayed in the vehicle while they entered to the store. According to Persaud, Fleming said the two men came out briefly and then returned to the store where they stayed for approximately 30 minutes before finally robbing and shooting the victim. Persaud said Fleming told her they then went to "Mary Kay's" house where they stayed for several hours before going home. According to Persaud, Fleming claimed she and Cross went back to Mary Kay's several days later to hide the gun that was used in the incident.

I advised Persaud that much of what she was claiming to have heard from Fleming was not corroborated by what we already knew to be true surrounding the incident and it's involved persons. She had said earlier that Fleming and Cross were involved in a "few" similar robberies and I asked her if she or Fleming were maybe confusing the SSP event with another; Persaud continued to claim Fleming was referring to the SSP robbery. I asked Persaud why she was volunteering this information. She said she was hoping to have her remaining prison time rescinded so she could begin serving her pending INS hold immediately. Our interview was recorded and can be transcribed if needed.

Later that same day, I was able to have a lengthy conversation with Deb Wienand who works at the Shakopee facility as a Special Investigator. Wienand indicated to me the Persaud has a history of fabricating information in an effort to gain early release. She said Persaud had, within the previous year, claimed to have developed breast cancer and even went as far as having false medical documents sent to prison officials in an effort to be released. Wienand said the cancer claims were eventually proved to be false and Pesaud was disciplined for the incident. Wienand cautioned that Persaud is willing / able to pass false information if the possibility exists to shorten her incarceration.

Considering how the only portion of Persaud's information that was credible was that which was discussed during my previous conversation with Fleming, it was decided that Persaud would be asked to submit to a Voice Stress Analysis.

On 2/12/04, DC Capt Wayne and I met with Persaud in Shakopee. She agreed to submit to the analysis. Upon completion of the analysis, Capt Wayne, a Certified Voice Stress Analyst, indicated to me that Persaud was showing deception. He said she was showing the greatest amount of deception while answering the question: "Did Mary tell you she was the driver and Maynard Cross was the shooter during the SSP robbery / homicide in December 2002?" We then interviewed Persaud and confronted her with our doubts about her information; she continued to claim her statements were legitimate. Our conversation was recorded and can be transcribed if needed.

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Later that same day, we were able to brief the DC Attorney's office of the information received from Persaud. After some discussion, it was agreed that her information did not appear to be credible but we would still confront Fleming with the accusations.

Capt Wayne and I returned to the Shakopee facility and interviewed Fleming. I explained to Fleming why were there and proceeded read her a Miranda Advisory from a preprinted card; she agreed to speak with us. Fleming immediately denied any involvement or knowledge of the SSP incident. She reiterated what we discussed during our 1/30/04 interview acknowledging she had been to SSP in the past and had recognized Hennessy from the photograph we had presented to her. I explained that we had received information directly implicating her to the robbery and, if she was involved, she should speak with us know in an effort to receive any consideration from the County Attorney's office; she again denied any involvement or knowledge. I ended our interview and turned off the recorder. Fleming was very emotional and immediately began to cry. When I asked why she was crying she said someone in the facility was trying to get her into trouble and she just wanted to complete her sentence without any additional problems. The recording will be transcribed and included in the case file.

On 2/13/04, I received yet another call from Persaud. She asked if we had been to visit Fleming yesterday and I told her we had. She said it seemed that Fleming suspects her of contacting our office. I assured her we did not identify anyone to Fleming and kept the source of the information very general. I then advised her of our decision regarding her information. She said she understood but then offered three more items. She said she learned the victim was "middle-eastern", the store was located on the corner of a block, and the gun used was a .357. I repeated our decision regarding her assistance and ended the conversation.

Oeffling #2107

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SOUTH SAINT PAUL POLICE
REPORT OF INVESTIGATION
FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS

CASE #
02018427

On 1/30/04, Dakota County Detective D. Sjogren and I met with Maynard Cross who is currently housed at the MN Correctional Facility in Rush City where he is serving a life sentence for murder. We met with Cross in relation to a previous statement he gave investigators regarding the robbery / homicide that occurred in So St Paul on 12/22/02. Cross spoke to investigators from the MN Gang Strike Force about the incident on 4/16/03 and indicated he could provide "concrete" evidence against Johnson and Vance for consideration on his own case.

During our initial meeting with Cross, he again indicated he had, or could get, information regarding the Sabreen's homicide. Cross refused to provide a taped statement or detailed information during this visit but then went on to say the vehicle used in the incident was a smaller, blue four door, possibly with a dent, and was driven by a white female. Cross also confirmed information received by the previous investigators that Vance and Johnson were responsible for the crime by saying "You've got the right guys." He also said Vance was the person responsible for shooting the victim and said it resulted from the victim being difficult to understand or responding to slowly. Cross said the gun used in the incident would not be found. When asked why / how the suspects chose Sabreens to rob, he said, "They just lucked into it." Cross also indicated there was an additional suspect involved in the incident but refused to provide additional information.

On 2/2/04, we again met with Cross at the Rush City facility. During this visit, Cross did provide a short taped statement. As he had told the previous investigators, he said Vance sought him out at the Buttery bar on the night of the homicide and admitted to doing a "lick" on the south side and shooting the clerk. Cross again refused to identify the additional suspect or female at this time.

On 2/3/04, we again met with Cross at the Rush City facility. This time Cross did agree to provide us with additional information but refused to have the statement recorded. He identified the additional suspect as Troy Crawford (Troy Leonard Crawford; 2/25/82) whom he has known his entire life. Cross said Crawford came to him the day following the incident seeking advice which is how he (Cross) learned of these details. Cross said he instructed Crawford to "stay cool" and forget about the entire incident. Cross said Crawford told him he had gone into the store prior to the robbery to "check things out" before returning to the vehicle; Vance and Johnson would later enter the store. Cross identified Crawford as above but confirmed his identity by viewing a MN driver's license photo and a MN Dept of Corrections photo.

Cross was presented with three separate six person photo arrays. Cross identified photo number 5 in array #560 and photo number 4 in array #561 as people he has seen or knows but couldn't identify them by name. Those photos were of Vanessa Franco and Yvonne White respectively. He said that neither of these females was involved in the incident. Cross then viewed array #559 and identified photo number 6 as the driver of the blue car that was involved in the incident. This photo was a MN driver's license photograph of Nicole Rauschnot. Cross

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said he learned of her involvement while speaking with Crawford immediately following the homicide and added that he had seen this same female (photo #6) driving the suspect vehicle just days prior to the homicide during which he also observed Crawford and an unknown female in the car as well. Cross said he actually spoke with the group at that time and leaned into the vehicle. Cross identified the other female as "Troy's girl."

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	SOUTH SAINT PAUL POLICE REPORT OF INVESTIGATION FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS	CASE # 02018427

Interviewed: Rochelle Lanette Perez; 1/24/86
884 Thomas Av, St Paul

On 1/9/04, Dakota County Detective Sjogren and I interviewed Rochelle Perez at Arlington HS. She no longer claims she was with Stacks the night of the incident as she had back in her June statement. She said she made the improper statement in June to protect Johnson but denies him ever asking her to provide an alibi. Claimed to have not seen Johnson again until Christmas day following the homicide. Perez claimed she had never heard Johnson speak about the homicide.

Upon viewing a MN DVS photo of Rauschnot she said she recognized her as someone familiar and claimed to have seen her with Vance.

Perez's timeline for 12/22/02 was: Johnson, Franco and herself at Franco's residence for most of the afternoon. Vance arrives at approximately 1500 and Vanessa and Rochelle leave. Franco and Perez return at approx 1800 and argue with Stacks. Stacks and Vance leave at approx 1930 in cab claiming to be enroute to Eagan to see two "runners". Perez remains at Vanessa's for the night and says Vance and Johnson never return.

Our conversation was recorded and will be transcribed and added to the case file.

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SOUTH SAINT PAUL POLICE REPORT OF INVESTIGATION FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS	CASE # 02018427

Interviewed: Dominique Shavonna Blatcher; 12/2/83
602 Mendota St #4, St Paul; No telephone

On 1/8/04, Dakota County Detective Sjogren and I attempted to identify the person who made / received calls from 651/493-4847 during the times surrounding the incident. The number lists to Delois Bailey (996 Grotto). In speaking to Bailey at her residence, we learned that the number no longer belongs to her, although she still resides at the address. When shown a picture of Johnson, she identified him as the father of her best friend's baby. She identified her friend as Dominique Blatcher. We obtained an address of 602 Mendota St #4 in St Paul for Blatcher.

On 1/9/04 we interviewed Blatcher at the SSP PD. She recalls being at Bailey's the night of the homicide and admits the calls from that address were likely made by her. Doesn't recall anything significant about the conversations and denies ever hearing Johnson speak of the homicide. Acknowledged she has a child with Johnson.

Our conversation with Blatcher was recorded and will be transcribed and added to the case file.

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SOUTH SAINT PAUL POLICE REPORT OF INVESTIGATION FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS	CASE # 02018427

Interviewed: Vanessa Sue Franco; 3/29/78
147 Forbes Av #4, St Paul; No telephone

On 1/27/04, DC Detective Sjogren and I interviewed Franco at the SSP PD. She denied any direct knowledge of the homicide or ever hearing Johnson or Vance discuss it. She denied receiving any calls from Stacks while he was in the MCF St Cloud and denied telling anyone about his implicating Nicole as the person responsible for shooting the victim. She also denied ever discussing the gun or it's whereabouts with John Martin.

Our conversation was recorded and will be transcribed and added to the case file.

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SOUTH SAINT PAUL POLICE REPORT OF INVESTIGATION FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS	CASE # 02018427

Interviewed: Christopher Alan Koskie; 6/10/77
201 McBoal, St Paul; 330-1109

On 1/16/04, DC Detective Sjogren and I interviewed Koskie at the Buttery bar where he is employed as a bartender. He confirmed that he was working on the night of the incident and also indicated he was very familiar with Vance and Johnson due to the frequency with which the visited the bar during the period prior to the homicide. He identifies Vance and Johnson as coming in the bar on 12/22/02 at approx 1800 for a few minutes. He said they left and returned at approximately 1900 before leaving again at 1930. He said they returned at approx 2330 with a third male whose name he did not know. Koskie later viewed a photo array (DCSO ID #468) and selected photo #4 as the same person he observed entering the bar with Vance and Johnson at approximately 2330. Photo #4 is a booking photograph of Richard Robinson.

Koskie said Vance's mood had changed significantly since returning to the bar and sees him talking to the bar manager, CM and looking very distraught. CM later tells him that FI admits to shooting someone earlier that night.

Our conversation was taped and will be transcribed to be included in the case file.

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SOUTH SAINT PAUL POLICE REPORT OF INVESTIGATION FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS	CASE # 02018427

Interviewed: Keitha Lamarco McKinney; 4/6/73
1222 Westminster #302, St Paul
Employer: Family-Counseling Clinic
6860 Shingle Creek Pkwy
Brooklyn Center; 763/560-4860

On 1/13/04, Dakota County Detective Sjogren and I Interviewed Mckinney at 6860 Shingle Creek Pkwy. She claims no knowledge of the cell phone calls the night of the homicide or ever hearing any discussion of the incident. Said it was not uncommon to receive numerous calls on the cell because it was the main house phone at the time. Denies knowing any of the suspects with the exception of Johnson whom she identified as Robinson's cousin; claims to have met him once while downtown St Paul. Says none of the suspects or witnesses had ever been to her SSP residence as far as she knows. Says she began dating Robinson in 11/02 and ended the relationship in 4/03 just after being arrested with him and acknowledged they were living together in SSP during the time of the incident. Says no contact since with the exception of some phone calls immediately following the break up. She said the phone number in Vance's records was her cell phone and that Robinson did have access to it at the time. Acknowledged that some of Robinson's telephone calls involved drugs and he routinely would leave the room while speaking on the phone. Said she may have been at the hospital (Regions or United) the night of the homicide with hepatitis as she had been sick all of December. She said she used to own a white Crown Victoria but returned it to the dealership due to mechanical difficulties. She said Robinson did have access to the car and drove it regularly.

Our conversation was recorded and will be transcribed and added to the case file.

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SOUTH SAINT PAUL POLICE REPORT OF INVESTIGATION FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS	CASE # 02018427

Subject: Keitha Lamarco McKinney; 4/6/73
1222 Westminster #302, St Paul
Employer: Family-Counseling Clinic
6860 Shingle Creek Pkwy
Brooklyn Center; 763/560-4860

Boyfriend: Richard Vincent Robinson; 4/20/81
Aka. "Hennessy"
No permanent address

Charge: Aiding an Offender (609.495 subd. 3)

On 1/13/04, Dakota County Det Sjogren and I interviewed McKinney at her worksite in reference to this case. During that interview, McKinney claimed to have been at home (141 4th Av S in SSP) on the night of the incident. She mentioned that she suffered from hepatitis during that period and may have visited a St Paul hospital for treatment but, absent the hospital visit, she would have been at her residence on that date and time. She said she remembers spending the evening in her apartment with Robinson and claimed no one came to visit them nor did Robinson leave at any time during the evening. She acknowledges that numerous phone calls were received on her cell phone on that evening but claimed that was not unusual, as most people knew to reach her or Robinson on that phone. She denied having any knowledge of the robbery / homicide either directly or indirectly. She did say she knew D. Johnson was Robinson's true cousin and had met him on one occasion.

She described her relationship with Robinson as intimate and claimed they began seeing each other in 11/02 and that the relationship ended immediately after their 4/03 arrest; she said Robinson moved into her SSP apartment shortly after they began seeing each other. She also said at the time of the incident, she owned a 1995 Ford Crown Victoria that she had purchased early in 2002 from Car and Credit Connection in SSP. She claimed the vehicle developed mechanical problems in 1/03 and she reached an agreement with the dealership to return the vehicle. She said she did own the vehicle at the time of the incident and admitted Robinson had access to it and, in fact, drove it on several occasions. She identified Robinson's street name as Hennessy.

On 1/14/04, I visited Car and Credit Connection and learned McKinney did indeed purchase her vehicle from them on 3/12/02. The owner, Marne Detmar, said McKinney did not return the vehicle due to mechanical problems as claimed but, rather, the vehicle had been repossessed due to lack of payment.

On 1/14/04, Det Sjogren and I also interviewed Robinson. He described his relationship with McKinney as beginning early in 2002 and ending just weeks ago in December 2003. He could not explain why she said the relationship consisted of only six months. During this interview,

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Robinson claimed to have been home during the entire evening / night of the homicide and said McKinney was with him. He also acknowledged the phone calls from Johnson / Vance. Robinson told us that Johnson / Vance claimed to be in Chicago at the time and then later added they were "partying" with a female. He denied any knowledge of the incident. He did confirm his street name to be Hennessy.

On 1/16/04, Detective Sjogren and I interviewed C.K. who was working as a bartender at the Buttery bar on the night of the homicide. C.K. identifies Robinson as entering the bar with D. Johnson and P. Vance at approximately 2300 – 2330 on 12/22/03.

Later that same day we spoke with another employee of the Buttery who was working on 12/22/02, C.M. C.M. said she knows "Hennessy" to be Johnson's true cousin and saw him in the bar after the time of the incident on 12/22/02. She said she knew McKinney to be Hennessy girlfriend and said she (McKinney) was also present in the bar after the incident. C.M. identified McKinney via a MN DVS photo as the same person she knows to be McKinney.

I would leave a message for McKinney to contact me on 1/16/04; my call when unreturned.

On 1/20/04, Capt Vujovich, Det Sjogren and I spoke with the Dakota County Attorney's Office and relayed our findings with regards to McKinney and Robinson. It was determined that probable cause existed to believe both McKinney and Robinson were aiding an offender and would be arrested. Det Sjogren and I proceeded to McKinney's worksite and spoke with her again. I asked her to clarify where she was on the night of the incident. Although she was very angry about our additional visit, she again claimed to have been at home or the hospital. I then asked her again if she had ever been to the Buttery bar. She again claimed to have never been to the bar and then said she no longer wanted to cooperate with our investigation. I informed her she was under arrest and we transported her to the station.

At the station, I read McKinney a Miranda advisory from a pre-printed card; she said she understood the advisory and agreed to speak with me. McKinney continued to deny any knowledge of the incident and again claimed to have been either at home or the hospital on the night of the incident and, if at home, she never left the apartment during the evening or night. She also continued to say Robinson was with her during that same period but added, "If I'm thinking of the right day." She also continued to claim she has never been to the Buttery bar and anyone claiming to have witnessed her there at any time would be mistaken. She said she could not explain why Robinson would insist their relationship lasted longer than she claimed. With regards to the car, she said the car may have been repossessed but it did suffer from mechanical problems and that is why she allowed it to be taken.

During our conversation, McKinney admitted that a reasonable person would believe that she or Robinson could be involved, to some degree, with the incident based on their proximity to the store, cell phone records, vehicle, Robinson's association with Johnson, and witnesses claiming to have seen them in the Buttery shortly following the incident. However, when I requested she submit to a Voice Stress Analysis, she declined and requested to speak with her attorney prior to considering the test.

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I ended our conversation and provided her access to a telephone. She said she left a message with her attorney's office and was expecting a call back. She agreed to let me contact the attorney in an effort to explain my request; I also was forced to leave a message. After approximately one hour, the calls went unreturned and it was decided McKinney would be released pending further investigation and she, or her attorney, would contact me to schedule a time for the voice stress test. Det Sjogren and I transported McKinney back to her worksite and released her.

At approximately 1600, I received a call from McKinney's attorney who identified himself as Ira Whitlock with a telephone number of 221-1075. He had not yet spoken to McKinney and, after providing a brief explanation as to the day's events, I directed him to his client.

Note: While awaiting a call from McKinney's attorney, Det Sjogren and I attempted to locate Robinson; we were unsuccessful as of this writing.

Phillip Oeffling #2107

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SOUTH SAINT PAUL POLICE
REPORT OF INVESTIGATION
FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS

CASE #
02018427

Interviewed: Richard Vincent Robinson; 4/20/81
Aka: Hennesey
185 E Como; 612/803-4044

On 1/14/04, DC Detective Sjogren and I interviewed Richard Robinson at the SSP PD. He denied having any knowledge of the homicide or ever hearing Johnson/Vance discussing it. He said he was home the night of the incident and vaguely remembers receiving numerous phone calls from Vance and Johnson. He said many of the calls centered around Vance and Johnson coming to his SSP residence to buy some liquor from him. He said they were obviously drunk and made statements about being with a girl and heading to Chicago.

He said that while he was in the RC Annex in 2003, Florida began yelling at him about talking to the cops. He also said he received a call from Johnson the day after he (Robinson) was released from the annex and said the only mention of the homicide during that conversation occurred when he told Johnson of his conversation with police. However, he said Johnson offered nothing significant. He did say it was the first time Johnson had contacted him since January of 2003.

Robinson submitted to a VSA and showed deception when asked if he was with Johnson/Vance at the time of the event and showed deception when asked if they had spoken to him about their involvement. He did contradict Keitha's description (length) of their relationship saying that had been together for about 9 months prior to the homicide and just broke up in 12/03 when he left for Peoria.

Our entire conversation was recorded and will transcribed and added to the case file.

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SOUTH SAINT PAUL POLICE REPORT OF INVESTIGATION FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS	CASE # 02018427

Interviewed: Amy Michelle Ne'Rae Drager; 8/3/82
4166 Rahn Rd #23; No telephone
Eagan, MN 55122

Yvonne Marie White; 1/13/84
4166 Rahn Rd #23; No telephone
Eagan, MN 55122

On 1/8/04 Dakota County Deputy Sjogren and I interviewed Amy Drager and Yvonne White; Drager at Eagan PD and White at SSP PD. Both claim Johnson telephoned Drager from the RC workhouse following the homicide and, when he learned they had told us the actual time he and Vance arrived on 12/23/02, said, "Why did you tell them that?" Drager said she had the impression he was using them as his alibi and he made statements about the time she should have told us they arrived. Neither claimed to have any knowledge of the homicide or ever hearing it discussed. Both confirmed that Nicole Rauschnot was familiar with both Vance and Johnson and had spent time with each.

Our conversations were recorded and will be transcribed and added to the case file.

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SOUTH SAINT PAUL POLICE REPORT OF INVESTIGATION FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS	CASE # 02018427

On 1/30/04, Dakota County Detective D. Sjogren and I met with Maynard Cross who is currently housed at the MN Correctional Facility in Rush City where he is serving a life sentence for murder. We met with Cross in relation to a previous statement he gave investigators regarding the robbery / homicide that occurred in So St Paul on 12/22/02. Cross spoke to investigators from the MN Gang Strike Force about the incident on 4/16/03 and indicated he could provide "concrete" evidence against Johnson and Vance for consideration on his own case.

During our initial meeting with Cross, he again indicated he had, or could get, information regarding the Sabreen's homicide. Cross refused to provide a taped statement or detailed information during this visit but then went on to say the vehicle used in the incident was a smaller, blue four door, possibly with a dent, and was driven by a white female. Cross also confirmed information received by the previous investigators that Vance and Johnson were responsible for the crime by saying "You've got the right guys." He also said Vance was the person responsible for shooting the victim and said it resulted from the victim being difficult to understand or responding to slowly. Cross said the gun used in the incident would not be found. When asked why / how the suspects chose Sabreens to rob, he said, "They just lucked into it." Cross also indicated there was an additional suspect involved in the incident but refused to provide additional information.

On 2/2/04, we again met with Cross at the Rush City facility. During this visit, Cross did provide a short taped statement. As he had told the previous investigators, he said Vance sought him out at the Buttery bar on the night of the homicide and admitted to doing a "lick" on the south side and shooting the clerk. Cross again refused to identify the additional suspect or female at this time.

On 2/3/04, we again met with Cross at the Rush City facility. This time Cross did agree to provide us with additional information but refused to have the statement recorded. He identified the additional suspect as Troy Crawford (Troy Leonard Crawford; 2/25/82) whom he has known his entire life. Cross said Crawford came to him the day following the incident seeking advice which is how he (Cross) learned of these details. Cross said he instructed Crawford to "stay cool" and forget about the entire incident. Cross said Crawford told him he had gone into the store prior to the robbery to "check things out" before returning to the vehicle; Vance and Johnson would later enter the store. Cross identified Crawford as above but confirmed his identity by viewing a MN driver's license photo and a MN Dept of Corrections photo.

Cross was presented with three separate six person photo arrays. Cross identified photo number 5 in array #560 and photo number 4 in array #561 as people he has seen or knows but couldn't identify them by name. Those photos were of Vanessa Franco and Yvonne White respectively. He said that neither of these females was involved in the incident. Cross then viewed array #559 and identified photo number 6 as the driver of the blue car that was involved in the incident. This photo was a MN driver's license photograph of Nicole Rauschnot. Cross said he learned of her involvement while speaking with Crawford immediately following the homicide and added

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that he had seen this same female (photo #6) driving the suspect vehicle just days prior to the homicide during which he also observed Crawford and an unknown female in the car as well. Cross said he actually spoke with the group at that time and leaned into the vehicle. Cross identified the other female as "Troy's girl."

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South St. Paul Police Department
Narrative

02018427
D.S. Vujovich / 2102

Suspect:
Philip Randal Vance **date of birth, 10/20/1980**
A.K.A. Florida, Florida Boy

Suspect:
Dominick Dwayne Johnson **date of birth, 11/15/1982**
A.K.A. Stacks

Victim:
Khaled Majed Rajab Al-Bakkri **date of birth, 03/23/19 77**

Owner:
Tarqi Majed Bakkri **date of birth, 04/22/1979**

On December 22, 2002, officers of the South St. Paul Police Department responded to 345 4th Avenue South, Sabreens, in reference to a robbery / homicide incident. At the scene officers observed a lone male, later identified as Khaled Majed Rajab Al-Bakkri, date of birth, 03/23/77, laying face down behind the front check out counter. Kahled was pronounced dead at the scene by members of the South St. Paul Fire Rescue Unit and members of Health east Ambulance Service.

Based on their observations the responding officers exited the store and secured the crime scene. Searching the immediate area the following individuals were identified as witnesses:

- **Kathleen Lorena Johnson** **date of birth, 09/16/1952**
- **Samantha Jean Renville** **date of birth, 06/13/1988**
- **Matthew Richard Renville** **date of birth, 02/27/1987**
- **Dale Duane Marx JR** **date of birth, 09/13/1986**
- **Dale Duane Marx SR** **date of birth, 05/29/1961**
- **David Allen Michaelson** **date of birth, 01/18/1982**
- **James Robert Lascewski** **date of birth, 07/29/1982**

On December 22, 2002, Detective Kreager interviewed Kathleen Lorena Johnson, date of birth, 09/16/1952, in reference to this investigation. Kathleen stated she parked her vehicle in front of Sabreens. When she entered the store she observed an individual behind the front check out counter empting the cash register's contents. She stated when the individual observed her he made a comment as if he were alerting a seconded individual. Kathleen stated at this point she did not see anyone else in the store. Kathleen stated as she began to focus on the individual behind the check out counter he made a movement with his hand towards his waist as if he were reaching for a weapon. It was at this point she

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stated she exited the store and retreated to her vehicle.

As she was preparing to leave the area, Kathleen stated she observed two individuals exit the store and run north to the end of the building. At the end of the building they ran east bound toward the alley. Kathleen stated she left the area and went to a friend's home, 654 2nd Avenue South, South St. Paul, and called the police department to report her observations. A transcript of that 911 call is included in this case file.

Kathleen describes the individual behind the front check out counter as;
- **A male in his early twenties (identified as a male by his voice)**
- **About 5 - 7 in height with a thin build**
- **Was wearing a dark blue hooded sweatshirt, baggy low slung jeans, and a black ski type mask**

Kathleen describes the second individual as;
- **A male (identified by appearance)**
- **A bout 5-9 in height with a thin build**
- **Wearing a dark blue hooded sweatshirt, baggy low slung jeans and a black ski type mask**

The interview with Kathleen was audio recorded. The audio recording has been transcribed and is included in this case file.

On December 22, 2002, Lieutenant Brad Wayne and Investigator Gene Leatherman interviewed Samantha Jean Renville, date of birth, 06/13/1988, in reference to this investigation. Samantha stated she was walking southbound in the 300 block alley between 3rd Avenue and 4th Avenue in the 300 block, en route to Sabreens, when she observed two individuals running from the store area into the alley and enter a newer / gray/sliver vehicle. Samantha stated as the individuals were running she heard one of them yell "hurry, go go". The vehicle then left the area southbound. Samantha states the two individuals were wearing dark colored clothing and hats that appeared to be the hood of a sweatshirt.

Samantha stated she continued to Sabreens and after discovering Khaled she exited the store.

The interview with Samantha was audio recorded. The audio recording has been transcribed and included in this case file.

On December 22, 2002, Detective Kreager and Detective Terry Ecker interviewed Dale Duane Marx JR, date of birth, 09/13/1986, in reference to this investigation. Dale stated he was walking southbound in the 300 block alley between 3rd Avenue and 4th Avenue in the

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300 block, en route to Sabreens, when his friends observed two individuals running from the store area enter a vehicle. Dale stated he did not directly observe the individuals in the alley.

Dale stated after entering the Sabreens and discovering Khaled he exited the store and went to his residence, 334 4th Avenue South, located across the street from Sabreens, and told his father what he had just seen. Dale JR called the police. A copy of the 911 transcript of that call is included in the case file.

The interview with dale was audio recorded. The audio recording has been transcribed and included in this case file.

On December 22, 2002, Detective Ecker interviewed Matthew Richard Renville, date of birth, 02/27/1987, in reference to this investigation. Matthew stated he was walking southbound in the 300 block alley between 3rd Avenue and 4th Avenue in the 300 block, en route to Sabreens, when he observed two individuals who were running from the store area into the alley. The individuals entered a newer full size vehicle gray vehicle that was waiting in the alley. Matthew stated he heard one of the individuals yell "hurry go go. The vehicle then left the area southbound.

Matthew stated he continued to Sabreens and after discovering Khaled he exited the store.

The interview with Matthew was audio recorded. The audio recording has been transcribed and included in this case file.

On December 23, 2003, Lieutenant Brad Wayne and Investigator Gene Leatherman interviewed Dale Duane Marx SR, date of birth, 05/29/1961, in reference to this investigation. Dale stated he was at his home, 334 4th Avenue South, located across the street from Sabreens, when his son Dale Jr came into the home and told him what he had observed at Sabreens. Dale Sr stated he then when to Sabreens to see if he could be of assistance. Dale Sr stated after observing Khaled he exited the store.

The interview with Dale Sr was audio recorded. The audio recording has been transcribed and included in this case file.

On December 23, 2002, Lieutenant Brad Wayne and Investigator Gene Leatherman interviewed David Allen Michaelson, date of birth, 01/18/1982, in reference to this investigation. David stated he was in Sabreens when he observed a suspicious individual. David describes this individual as a white male about 5-10 to 5-11 in height, late twenties to early thirties, small to medium build, light mustache, wearing a dark gray hooded sweatshirt. David stated he also observed a suspicious vehicle in the area which he

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describes as a gray Nissan or Volkswagen.

The interview with David was audio recorded. The audio recording has been transcribed and included in this case file.

On December 23, Lieutenant Brad Wayne and Investigator Gene Leatherman interviewed James Robert Lascewski, date of birth, 07/29/1982, in reference to this investigation. James stated he was in Sabreens about 9:30 pm when he observed a suspicious individual. James describes this individual as a white male wearing a gray hooded sweatshirt about 5-7 to 5-8 in height. James stated he also observed a suspicious vehicle gray in color in the area.

The interview with James was audio recorded. The audio recording has been transcribed and included in this case file.

On December 23, 2003, Detective Kreager interviewed Tarqi Majed Barkki, date of birth, Date of birth. 04/22/1979, in reference to this investigation. Tarqi is the owner of Sabreens and brother of the victim Khaled. Tarqi stated he was at the store working with his brother. Tarqi stated he left the store about 9:31 p.m. after faxing a document. He stated his brother was going to work until closing. Tarqi also provided basic information about his brother and the store operation.

The interview with Tarqi was audio recorded. The audio recording has been transcribed and included in this case file.

On December 23, 2002, Corporal Kreager interviewed Katharine Mary Bakkri, date of birth, 10/08/1979 in reference to this investigation. Katharine is Tarqi's spouse. Katharine stated she and Tarqi were at the store and she went out to there vehicle with their daughter while Tarqi was faxing document. Katharine stated while waiting for Tarqi she did not notice any suspicious individuals or activity.

Due to the nature of this investigation robbery / homicide and limited initial suspect information I spoke with Tarqi and explained the investigative process. Tarqi stated he understood and would cooperate with the investigation. I reviewed a South St. Paul Police Department Consent and Waiver form with him. After reviewing the form, Tarqi signed the form authorizing officers to conduct a search and perform complete processing of 345 4th Avenue South, South St. Paul.

A copy of the signed form is included in this case file.

I made contact with the on call duty agent of the Bureau of Criminal Apprehension and

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requested assistance from the Special Operation Forentisic Unit for processing the crime scene. The request was approved and a Crime Scene Team under the direction of Mohamed Sedqi responded to the scene.

On December 23, 2002, I drafted a Search Warrant seeking the court permission to perform a complete search and forensics processing of 345 4th Avenue South, South St. Paul. The search warrant application was reviewed and signed by First Judicial Judge Edward Lynch. Later in the day a second Search Warrant was reviewed and signed by Judge Lynch. The second Search Warrant expanded the named officers that were required to remain at the scene until the search and processing was completed.

Copies of the Search Warrants are included in this case file.

The Bureau of Criminal Special Operation Forentisic Unit seized numerous items of potential evidentiary value including shoe impressions, latent prints, and a portion of a used cigarette, pop can, four .22 caliber shell casings, and a shell projectile. Included in this case file are reports completed by Bureau of Criminal Apprehension personnel relating to seizing and analyzing of items of potential evidentiary value.

At this point the crime scene was released to Tarqi Bakkri.

On December 23, 2002, I was advised by Lieutenant Brad Wayne that Officer John McManus, a St. Paul Police Department Officer assigned to the Minnesota Gang Strike Force, received information from a Confidential Informant two individuals identified by their street names, Florida and Stacks where at the Buttery Bar located at 395 North Robert Street, St. Paul on December 22, 2002. . The Confidential Informant stated Florida was making comments that he needed to get out of town, he had screwed up and he had just shot an individual. The Confidential Informant stated Stacks was visibly upset and had vomited. Per the Confidential Informant both Florida and Stacks' behavior was out of character for them.

On December 23, 2002, I was advised by Lieutenant Brad Wayne that Officer Andy Shoemaker, a St. Paul Police Department Officer assigned to the Minnesota Gang Strike Force and Officer McManus received information from a Confidential Informant that three individuals were at the Radisson Bar, located at 411 Minnesota Street, St. Paul about 8:00 pm, December 22, 2002, discussing what appeared to her as a plan of some type. As they were leaving the bar, the Confidential Informant , an employee of the bar, made a comment to the individuals that the evening tips were low to which there was a general response when they returned they would have a lot of money.

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On December 23, 2002, Detective Dave Sjogren interviewed Colleen Mary McManus, date of birth, 12/12/1954 in reference to this investigation. Colleen has been identified as the

Confidential Informant who contacted Officer McManus. (Note Colleen's name is disclosed in this report, with her knowledge, due to it being learned by the suspects during this investigation) Colleen stated she is employed at the Buttery Bar as a night manager. She stated as she was arriving at work on December 22, 2002, she observed Florida and Stacks standing near a newer gray / sliver vehicle. Colleen stated this seemed to be unusual but did not record the vehicle's registration. Colleen stated later in the night, inside the bar, Florida made several suspicious comments. As he was making these comments he was holding his arm straight out, as if he had a gun, illustrating his actions. These comments prompted her to contact Officer McManus. The comments include;

- **I really screwed up this time**
- **I messed up**
- **I can not tell you**
- **It was not supposed to go off, I only meant to scare him**
- **Replied Yeah, when asked if he shot him, and then started to cry**

Colleen stated Florida was wearing the following described clothing;
- **A dark colored jacket, hooded sweatshirt, baggie pants and shoes**

Colleen stated Stacks was wearing the following described clothing;
- **A dark hooded sweat shirt, blue starter jacket, and a stretchy stocking cap**

(Based on initial information provided by Colleen McManus officers of the Minnesota Gang Strike Force searched their files and learned of a possible name for Florida, Philp Randal Vance, date of birth, 10/20/1980.)

A photograph show up consisting of six photographs including a photograph of Philip Vance was constructed.

Colleen identified Vance as the individual known to her by the street name Florida.

A copy of the photograph show up shown to Colleen is included in this case file.

The interview with Colleen was audio recorded. The audio recording has been transcribed and included in this case file.

On December 23, 2002, Doctor Thomas, Dakota County Corner, performed an autopsy on Khaled Bakkri. The results of the autopsy confirmed he died of two gun shot wounds to

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the back of his head. A copy of the autopsy report is included in this case file.

On December 23, 2003, Dakota County Detective Steve Forrey took custody of items of evidentiary valve from the Dakota County Corner's Office and transported those items to the B.C.A. for further analysis.

On December 24, 2002, Detective Ploeckelmann met with Khaled's family members at Sabreen's where he took custody of a battery that potentially contained a shell projectile. Detective Ploeckelmann contacted Investigator Leathermann and transferred custody of the potential evidence to him. Investigator Leathermann later transported the item to the to the Bureau of Criminal Apprehension for further analysis.

On December 26, 2002, at the request of Tarqi, William NMN Lupe, date of birth, 12/05/1945, (Tarqi's father-in-law) came to the South St. Paul Police Department to take custody of Khaled's wallet. Community Service Officer Running released it to him.

Based on initial information provided by Colleen McManus officers of the Minnesota Gang Strike Force searched their files and learned of a possible name for Stacks, Dominick Dwayne Johnson, date of birth 11/15/1982. A photograph show up consisting of six photographs including a photograph of Johnson was constructed.

On December 27, 2002, Officer McManus and I met with Colleen McManus in reference to this investigation. The purpose of this meeting was for her to view the photograph show up that included a photograph of Dominick Johnson. After viewing the photographs Colleen identified Dominick Dwayne Johnson, date of birth 11/15/1982 as the individual known to her by the street name Stacks and with Vance at the Buttery Bar on 12/22/02.

A copy of the photograph show up shown to Colleen is included in this case file.

On December 27, 2002, I met with Melissa Cecilia Stites, date of birth, 03/31/1976 in reference to this investigation. Melissa has been identified as the Confidential Informant who contacted Officer McManus and Officer Shoemaker. (Note Melissa's name is disclosed in this report, with her knowledge, due to it being learned by the suspects during this investigation.)

After viewing a photograph show up that included a photograph of Johnson, Melissa identified Johnson as being the individual known to her by the street name Stacks and with Vance at the Radisson Bar on the night of December 22, 2002.

After viewing photograph show up that included a photograph of Vance, Melissa identified Vance as being the individual known to her as Florida and with Johnson at the Radisson

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Bar on the night of December 22, 2002.

A copy of the photograph show ups shown to Melissa are included in this case file.

On December 28, 2002, I received a telephone call from Colleen McManus. Colleen stated she allowed Vance to use her cellular telephone and he made four telephone calls. Colleen stated the telephone numbers are, 612 998 6711, 612 879 9792, 612 827 4549, and 651 330 6958. Colleen stated that Vance continues to act out of character.

Note: During the course of this investigation officers began checking the cellular telephone calls made to or from the cellular telephone being used by Vance at the time of this incident. Included in this case file is a report completed by Detective Kressly listing of those numbers and subscriber information.

On December 30, 2002, I received a telephone call from Officer Tony Holter, a St. Paul Police Officer, who stated while reviewing a briefing bulletin he learned Vance may be a suspect is this investigation. Officer Holter stated on December 24, 2002, he responded to a call for service at 147 Forbes Avenue, St. Paul on a report of an unwanted guest. There he learned Vance was attempting to gain entrance to an apartment occupied by Vanessa Franco. Officer Holter stated Vance was located and escorted out of the area. Officer Holter stated Vance's behavior was out of character (acting very nervous) for the incident. A check of St. Paul Police Department records shows Johnson has been staying at Vanessa's residence.

On December 31, 2002, I received a telephone call from Colleen McManus stating she observed Vance at the Buttery Bar with an unknown white female in her twenties, about 175 pounds, brown hair, and dark eyes. Colleen stated the unknown female was driving Minnesota Registration AVL 543. Colleen also stated Vance informed her he has a new cellular telephone number and the number is 763 443 5640. (The subscriber information for this number will be addressed later in this report.)

On December 23, 2003, Officer McManus received a telephone call from Melissa Stites stating that Vance was at the Radisson Bar and was acting out of control. Melissa stated Vance's behavior was out of character for him.

On January 03, 2003, I spoke with Sergeant Gainey, a St. Paul Police Officer, who stated during an unrelated investigation he had contact with Vanessa Franco. Sergeant Gainey stated during that investigation he learned Johnson does stay at Vanessa's residence and has personal property there. He also stated Vanessa informed him that she considers Vance a problem and that she does not want him at her residence.

On January 03, 2003, I received information from Sprint listing the subscriber information

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for 651 398 5888, the cellular telephone being used by Vance on December 22, 2002, is Sanya Marie Clark, date of birth, 01/13/1981. Per Sprint, Sanya's mailing address is 13663 78th Avenue North, Maple Grove, Minnesota, telephone number 763 416 0860. I made telephone contact with Sonya and advised her as to the purpose of the telephone call.

Sonya confirmed she is the owner of the cell phone being used by Vance. Sonya stated she and Vance have a significant relation ship and she is pregnant with his child. Sonya stated she gave Vance the phone to use as a way of keeping in contact with him.

On January 03, 2003, arrangements were made with Melissa Stites to meet with Vance. Melissa was equipped with a transmitting device to allow officers the ability to monitor the C.R.I. and Vance's movements as well as their conversation.

During this meeting the conversation began to focus on guns. Vance told Melissa he had four guns and that the last time he used one was about two weeks prior over on the south side. Vance further stated he shot an individual five times in the back with his Winchester and that " I' have shot lots of people. " Included in this case file are reports completed by officers of the Minnesota Gang Strike Force.

On January 03, 2003, working with officers of the Minnesota Gang Strike Force 960 East Minnehaha, St. Paul, was identified as a location where Vance and Johnson are known to frequent. At that address we observed Minnesota Registration FDX556. A standard check of this vehicle shows it is registered to Katherine Marie Keran, date of birth, 02/22/1952, 118 13th Avenue South, South St. Paul, Minnesota. I made telephone contact with Kathryn and learned the vehicle was sold to Delores Jones who resides at 960 East Minnehaha, St. Paul. (This vehicle was searched later and did not appear to be used during this incident.)

On January 04, 2003, a decision was made based on Melissa 's pervious night's conversation with Vance to attempt to purchase a weapon from Vance. On January 07, 2003, Melissa was able to purchase a .22 caliber Beretta firearm from Vance. The details of this purchase and follow up investigation are outline in a separate reports, South St. Paul Case Number 03002366 and Alcohol Tobacco and firearms Case Number, 778030 02 0020. Copies of those reports are included in this case file.

On January 04, 2003, Detective Kreager, Detective Ploeckelmann, Officer Gravem and I met with Tarqi at Sabreens in reference to this investigation. The purpose of this meeting was to discuss re-checking the store area for a fourth projectile or a fifth shell casing. Tarqi agreed to our request and after reviewing a South St. Paul Police Department Waiver and Consent to Search form he signed the form authorizing our search of the property, 345 4th Avenue South.

The following items were seized:

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- **Plenticell "C" Battery**
- **Doral Red and Black Flashlight**
- **New register tape showing history 12/22/2002 from Casio register used at the time of the robbery**

- **Shelf from register counter**

Detective Kreager took custody of these items and later logged them as property at the South St. Paul Police Department.

On January 04, 2003, I spoke with Tarqi to determine the amount of cash taken on December 22, 2002. Tarqi stated based on his records the loss amount was between $ 625.00 and $650.00.

On January 05, 2003, Melissa Stites contacted Officer McManus and informed him she had a telephone conversation with Johnson and during that conversation she discussed with him her desire to purchase a firearm. Johnson stated he would be willing to sell her a firearm. Melissa stated during this conversation and one on January 06, 2003, Johnson told her Vance has a .22 caliber weapon that would be willing to sell it to her.

On January 07, 2003, Detective Kreager received information from the B.C.A. Lab stating that the .22 caliber shell casings seized from the crime scene were two separate brands. One being a common CCI brand and the other being a somewhat unique Winchester brand that has not been made since 1969.

On January 08, 2003, Detective Kreager checked with various metro area police departments and coroner's office to determine if other shooting deaths were reported during the time frame of this incident. None were found.

Based on information learned about Vance and Johnson, officers of the Minnesota Gang Strike Force drafted search warrants for the below listed locations. The search warrants were executed on January 09, 2003.
- **966 Minnehaha, St. Paul**
- **147 Forbes, St. Paul**
- **2057 Bradley, Maplewood**
- **291 Birmingham, St. Paul**

Included in this case files are reports completed by officers of the Minnesota Gang Strike Force detailing the execution of the above listed search warrants and property seized.

On January 09, 2003, I met with Monica Jean Blatcher, date of birth,06/26/1956, at her residence, in reference to this investigation. Monica is the mother of Dominique Blatcher,

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Johnson's girlfriend and mother of his child. I explained to Monica the purpose of my presence. Monica stated she does not have any knowledge of this incident. Monica stated her daughter Dominique has a relationship with Johnson but she does not approve of it and hope they will end it some day. Monica stated in her opinion Johnson is trouble waiting to

happen.

On January 15, 2003, I met with Iram Tasamoun, date of birth, 07/28/1965, an employee at Sabreens in reference to this investigation. The purpose of the meeting was for Iram view a photograph show that included a photograph of Vance and a photograph show up that included a photograph of Johnson to determine if he has seen them in the store previous to December 22, 2002. After reviewing the photograph show ups Iram was not able to identify Vance or Johnson as being in the store when he was working.

On January 15, 2003, Detective Kreager and I met with Vance in reference to this investigation. Vance was being held at the Ramsey County Jail on unrelated charges. I advised Vance as to the purpose of our presence.

I read Vance his rights per Miranda. Vance stated he understood his rights and was willing to speak with us. Vance provided the following information;

- **Vance made statements / comments that Sanya Clark dropped him off downtown on 12/22/02 between 3:00 pm and 4:00 pm**
- **Vance made comments / statements about being downtown about 5:00 pm on 12/22/02**
- **Vance made comments / statements that he was with Johnson on 12/22/02 and provided a time line for his actions that day**
- **Vance made statements / comments admitting he told Colleen McManus that he shot somebody as a way for her to feel sorry for him and give him a drink**
- **Vance made comments / statements that others are lying when told what they are saying**
- **Vance denied being involved in the robbery / homicide**
- **Vance made comments / statements that he has not been in South St. Paul**
- **Vance agreed to take a Voice Stress Test on January 16, 2003**

The interview with Vance was audio recorded. The audio recording has been transcribed and included in this case file.

Earlier in this investigation Johnson informed Colleen in early January he had to report to the Ramsey County Workhouse to serve time. Based on visiting records at the Ramsey County Workhouse Trisha Ann Baily, date of birth, 06/24/1978, was identified as being an individual on the visitor list for Johnson.

On January, 15, 2003, Detective Ploeckelmann made contact with Trisha Bailey at the

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Ramsey County Workhouse. Detective Ploeckelmann explained to her why he wanted to speak to her and she agreed to do so. Trisha stated she met Johnson News Year Eve and learned of his incarceration and was simply there to visit him. Trisha stated she does not have knowledge of this incident or Johnson's involvement. A check of motor vehicle

records shows she has a 1992 Chevrolet Lumina listed to her, Minnesota registration EVY815. Trisha stated she had problems with that vehicle and returned it to the car dealer in mid December 2002. Detective Ploeckelmann was able to verify Trisha's information.

On January 16, 2003, Vance was released from the Ramsey County Jail. As arranged with Vance on January 15, 2003, Officer Gravem met him there and gave him a ride to the Dakota County Sheriff's Department where Detective Sjogren would administer a Voice Stress Test.

After explaining the test to Vance, Detective Sjogren read Vance his rights per Miranda. Vance again agreed to speak with officers. At the completion of the test Detective Sjrogen advised Vance the test results showed he was being deceptive when answering key questions about the robbery / homicide at Sabreens. Vance continued to deny his involvement.

At the completion of Detective Sjogren's interview with Vance Detective Kreager and I spoke with Vance. During this interview Vance provided the following:

- **Vance made comments / statements admitting to consuming alcohol to excess and when he does so he can have a bad temper**
- **Vance made comments / statements he was with Johnson on 12/22/02**
- **Vance made comments / statements now denying making a statement to Colleen McManus that he shot somebody**
- **Vance made comments / statements he and Johnson were at Vanessa Franco's home and left from there to go to a friend's home in Eagan**
- **Vance made comments / statements he was not truthful with officers during the previous interview but now was speaking the truth**
- **Vance made comments / statements describing how he stole the firearm that was purchased from him during this investigation**

The interview with Vance was audio recorded. The audio recording has been transcribed and included in this case file.

On January 17, 2003, I met with Johnson at the Ramsey County Workhouse in reference to this investigation. Johnson was there serving time for an unrelated offense.

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After advising Johnson as to the purpose of my presence I read him his rights per Miranda. Johnson stated he understood his rights and was willing to speak to me. During this interview Johnson stated the following.

- **Johnson made comments / statements admitting to being with Vance on 12/22/02**
- **Johnson made comments / statements admitting to being with Vance at the Radisson Bar on 12/22/02**
- **Johnson made comments / statements admitting to being at the Buttery Bar about 10:00 pm and staying there until closing**
- **Johnson made comments / statements about going with Vance to a friend's apartment in Eagan and arriving there between 1:30 am – 2:30 am**
- **Johnson made comments / statements about Vance when he is intoxicated he likes to fight**
- **Johnson agreed to take a Voice Stress Test**
- **Johnson made comments / statements denying involvement in this incident**

The interview with Johnson was audio recorded. The audio recording has been transcribed and included in this case file.

On January 23, 2003, Corporal Kreager received a telephone call from Philip Vance in reference to this investigation. During the conversation Vance told Corporal Kreager he spoke with John, third person he was with on 12/22/02, and that John was willing to speak with officers. Vance stated after leaving the Radisson he met up with the two girls home he went to later that evening, Amy and Yvonne, and they drove around, in a blue Corsica, to get some liquor. Vance stated the others were smoking a little weed but he was not. Vance stated John called him the next day on his cellular phone asking where he was.

The telephone conversation was audio recorded. The audio recording has been transcribed and included in this case file.

On January 29, 2003, I met with Tarqi Bakkri at the South St. Paul Police Department. During this meeting Tarqui provided me with a copy of his telephone statement confirming he was at the store at 9:31 p.m. faxing a document and then leaving a short time later. The phone statement is included in this case file.

During conversations with Tarqi Bakkri on January 29, 2003 and February 04, 2003, I asked him if there was a possibility if he felt he was the intended target of this crime rather then his brother, Kahled. Tarqi stated he has no reason to believe either he or his brother were an intended target of this violent act and believes this incident was a random act of violence.

On February 09, 2003, I received a telephone call form Sonya Lee McKenzie, date of birth,

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10/02/1970, who stated she received a telephone call from her boyfriend, Geronimo Estrada, date of birth, 10/08/1966, who is currently serving time at the Ramsey County Workhouse. Sonya stated Geronimo asked her to call the South St. Paul Police Department because he heard an individual speaking about a robbery / homicide that took place in South St. Paul.

On February 09, 2003, I met with Geramino NMN Estrada, date of birth, 10/08/1966, at the Ramsey County Workhouse in reference to this investigation. Geramino stated Vance and Johnson are currently servicing time at the Ramsey County Workhouse. Geronimo provided the following information;

- **Vance made comments / statements about how he made the clerk lay down on the floor and then popped him**
- **Vance made comments / statements about stealing plastic bags, cigarettes, and a phone**
- **Vance made comments / statements about wearing masks and purchasing them at the Unidale Mall in St. Paul**

Due to a technical problem the audio recording of the interview did not happen. (A seconded interview was conducted on February 11, 2003, documenting information learned during this interview.)

On February 10, 2003, Detective Sjrogen and I met with Johnson at the Ramsey County Workhouse. The purpose of this meeting was for Johnson to take a Voice Stress Test as discussed during the January 17, 2003, interview. Johnson was advised of his rights per Miranda by Detective Sjogren. Johnson stated he understood his rights and was willing to speak with us in reference to this incident. The test was administered by Detective Sjrogen.

Upon completion of the test Detective Sjorgen informed Johnson that the test results showed he was being deceptive when answering key questions about his involvement in the robbery / homicide at Sabreens. During the interview Johnson provided the following information;

- **Johnson made comments / statements that he was with Vance and John Martin at the Radisson Bar on December 22, 2002**
- **Johnson made comments / statements he was with Vance at the Buttery Bar on December 22, 2002**
- **Johnson made comments / statements he went with Vance to Yvonne White's apartment located in Eagan arriving there on December 23, 2002**
- **Johnson made comments / statements he and Vance took a cab, City Wide or Diamond, to Yvonne White's apartment**
- **Johnson made comments / statements that Vance stole a .22 caliber handgun from an**

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individual with the street name "G"

- **Johnson made comments / statements numerous times if we had evidence we should charge him**
- **Johnson continued to deny involvement in this incident**

Due to technical problem, same as the initial interview with Geromino Estrada on February 09, 2002, the interview with Johnson did not record.)

On February 10, 2003, I made telephone contact with Yvonne Marie White, date of birth, 01/13/1984, in reference to this investigation. According to Vance and Johnson they went to her apartment during the early morning hours of December 23, 2002. I advised Yvonne as to the purpose of my telephone call. During this conversation Yvonne provided the following information;

- **Yvonne made comments / statements confirming Vance and Johnson came to her apartment on December 23, 2002, about 2:30 a.m arriving by cab**
- **Yvonne made comments / statements confirming she is friends with Johnson and just recently met Vance**
- **Yvonne made comments / statements that she has no information relating to this the robbery / homicide and that neither Johnson nor Vance made any comments to her about being involved in a robbery / homicide**

The interview with Yvonne was audio recorded. The audio recording has been transcribed and included in this case file.

I received a telephone call from Sergeant Gilbertson, a St. Paul Police Officer, who stated she spoke with Amy Drager and asked if I was looking for Amy in reference to this investigation. I advised her Amy is Yvonne White's roommate and that I would be contacting her.

On February 11, 2003, I made telephone contact with Amy Michelle Drager, date of birth, 08/03/1982, in reference to this investigation. Amy stated she spoke with her roommate Yvonne White and wanted to know more of why we were contacting them. I advised Amy as to the purpose of the telephone call. During my conversation with Amy she provided the following information;

- **Amy made comments / statements that Vance and Johnson arrived at her apartment in a green and white taxi about 3:00 am and Vance was intoxicated**
- **Amy made comments / statements about receiving a telephone call from Johnson asking about what she or Yvonne had told the police**
- **Amy made comments / statements that she thought Vance and Johnson were using her**

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residence as an alibi

The telephone conversation with Amy was audio recorded. The audio recording has been transcribed and is included in this case file.

On February 11, 2003, I made telephone contact with Sanya Marie Clark, date of birth, 01/13/1981, in reference to this investigation. After advising Clark as to the purpose of my telephone call Sonya provided the following information;

- **Sanya made comments / statements she is Vance's girlfriend and is pregnant with his child**
- **Sanya made comments / statements that she is the owner of cell phone number 763-416-0860 which was used by Vance during the time frame of this incident**
- **Sanya made comments / statements that she gave Vance the cellular phone so she could have a way of contacting him during the pregnancy**
- **Sanya made comments / statements the last time she last saw Vance on December 22, 2002, when she dropped him off in downtown St. Paul in the morning hours**
- **Sanya made comments / statements that she has spoken with Vance and he told her not to worry he has an alibi**
- **Sanya made comments / statements confirming her vehicle is a four door Toyota gold in color, per Minnesota Department of Motor Vehicle the registration is (This vehicle was checked by Detective Ploeckelmann and it does not appear to be involved in the robbery / homicide)**
- **Sanya made comments / statements that she was with Vance when he took possession of a firearm from an individual while at the Buttery**

The telephone conversation with Sonya was audio recorded. The audio recording has been transcribed and included in this case file.

On February 11, 2003, Detective Ploeckelmann met with Vanessa Sue Franco, 03/29/1970, in reference to this investigation. Vanessa was identified earlier in this investigation as the renter of an apartment where Johnson is known to stay. During this conversation Vanessa told Detective Ploeckelmann that she does not have direct knowledge that Vance or Johnson was involved in this incident.

On February 11, 2003, I again met with Geronimo Estrada at the Ramsey County Workhouse in reference to this investigation. During this interview Geromino provided the following information;

- **Vance made comments / statements how he told him (the clerk) to get on the ground and popped him while he was saying please don't hurt me and he popped him**
- **Vance made comments / statements how he stole plastic bags, cigarettes and the store**

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telephone

- Vance made comments / statements how they got rid of their shoes by leaving them in the vehicle they were using at the time that was later abandoned after being involved in an accident

- Vance made comments about wearing ninja masks
- Vance made comments / statements that Johnson was with him and that there was a third person
- Vance made comments / statements about a third person being involved but did not give a name but did state he needed to speak with Boone and it seemed important
- Johnson made comments / statements about having a girlfriend in South St. Paul
- Johnson was making comments / statements mocking the police because they do not know where the gun or car is
- Johnson made comments / statements about having a girl friend in South St. Paul

The interview with Greramino was audio recorded. The audio recording has been transcribed and included in this case file.

On February 11, 2003, MGSF Sergeant Pyka and MGSF Officer Shoemaker interviewed Johnson at the Ramsey County Workhouse in reference to this investigation. After being advised of Miranda Johnson agreed to speak with them. Sergeant Pyka outlined the details of this interview in a report which is included in this case file.

On February 11, 2003 I made telephone contact with an individual who identified himself as John an employee at Suburban Taxi and explained to him we were attempting to verify a pick up in downtown St. Paul with a destination of Eagan on December 22 – 23, 2002. John requested I send him a written request for that information which I did. John replied to that request stating he was not able to locate that record.

On February 11, 2003, I made telephone contact with an individual who identified himself as Ron an employee at Diamond Cab explained to him we were attempting to verify a pick up in downtown St. Paul with a destination of Eagan on December 22 – 23, 2002. Ron replied to my request stating he was not able to locate that record.

On February 14, 2003, I received an audio recording of the telephone call between Geronimo Estrada and his girlfriend. Sonya McKenzie. The audio recording confirms Geromino requested Sonya to call the South St. Paul Police in reference to this investigation.

On February 14, 2003, Detective Sjogren and A.T.F. Agent Dan Vooth met with Tarqi Majed Bakkri, date of birth, 04/22/1979, in reference to this investigation. The purpose of this meeting was for Tarqi to provide details of the store operation and to learn if he had

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potential suspect information. During this interview Tarqi provided a time line for the evening of 12/22/02 and an overview of the store operation. Tarqi was not able to provide a specific motive for this crime.

The interview with Tarqi was audio recorded. The audio recording has been transcribed and is included in this case file.

On February 18, 2003, I made contact with Katherine Marie Keran, date of birth, 02/22/1952, who is the listed owner per Minnesota Department of Motor Vehicle of FDX556, which was observed at 956 East Minnehaha, St. Paul. Katherine stated she sold the vehicle to Dolores Ezell on October 02, 2002. Katherine stated her boyfriend Robert Alan Plemmons, date of birth, 12/5/1956, took care of the transaction. I met with Robert and he viewed a photograph show up that included a photograph of Vance. Robert indicated the photograph of Vance looked familiar but was not able to identify him as being there when the transaction was made. Robert then viewed a photograph show up that included a photograph of Johnson. Robert was not able to identify Johnson as being there when the transaction was made.

On February 21, 2003, I again met with Iram Tasamoun, date of birth, 07/28/1965 an employee of Sabreen's. Iram stated while reading the St. Paul Pioneer Press Paper he observed a picture of an individual identified as Maynard Raymond Cross, date of birth, 11/30/1079, who was involved in a robbery / homicide in Minneapolis. Iram stated he observed Maynard in Sabreen's about two to three days before the robbery / homicide. Included in this case file is a copy of the Pioneer Press news article.

Later in the day I again met with Iram at the South St. Paul Police Department. The purpose of this meeting was from him to view a photograph show up, constructed by Officer McManus, that included a photograph of Maynard Cross. After viewing the photograph show up Iram was not able to identify any of the individuals as the same individual he saw in the St. Paul Pioneer Press article. (It should be noted Cross's photograph in the photograph show up was somewhat different then that in the Pioneer Press.)

I then showed the same photograph show up to Tarqi who was with Iram. After viewing the photograph show up, Tarqi identified Maynard as being at either his St. Paul store or his South St. Paul store. After some thought Tarqi could not say for certain which store he remembers him from.

A copy of the photograph show up shown to Iram and Tarqi are included in this case file.

On February 22, 2003 I met with Mary Kay Bitney, date of birth 05/19/1949, at Sabreen's.

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She was there for a community vigil that was being held in Kahled's memory. Mary stated she use to reside in the 300 block of 2nd Avenue South, South St. Paul. Mary stated while reading the St. Paul Pioneer Press she observed a photograph of an individual know to her by the street name "Q" who was involved in a robbery / homicide in Minneapolis. Mary

stated while living in South St. Paul "Q" was a frequent visitor. Mary stated she did not have any specific information linking "Q" to this incident but felt she needed to make it known to law enforcement that she knows him and he would have knowledge of where Sabreens is located.

On February 25, 2003, I again met with Mary Bitney in reference to this investigation. The purpose of this meeting was for her to view a photograph show up that included a photograph of Maynard Ramey cross, date of birth, 11/30/1979. Mary identified Maynard as the individual she knows by the street name "Q".

A copy of the photograph show up show up to Mary is included in this case file.

On February 27, 2003, I again met with Colleen McManus in reference to this investigation. Earlier when speaking with Colleen she mentioned other individuals who where at the Buttery Bar on December 22, 2002, one being an individual known to her by a street name "Q". Colleen viewed a photograph show up which included one of Maynard Cross. Colleen identified Maynard as the individual know to her by the street name "Q".

This interview with Colleen was audio recorded. The audio recording has been transcribed and included in this case file.

A copy of the photograph show up show up to Colleen is included in this case file.

On March 04, 2003, Detective Ploeckelmann and Sergeant Pyka met with Anthony Lamonte Hayes, date of birth 12/22/1981. Anthony and Maynard Cross were arrested for their roles in a robbery / homicide incident in Minneapolis. Anthony stated he had information relating to this investigation but was not willing to provide it unless his attorney was present. Attempts were made to arrange such meeting were unsuccessful.

On March 07, 2003, I again spoke again with Tarqi in reference to this investigation. During this conversation Tarsi informed me that he believes the phone base to the store's cordless phone may have been handled by the suspects and requested we seized it as potential evidence. Tarqi stated he believes this because the cordless handset has been missing since the night of the robbery / homicide. (This is of particular interest due to Greamino statement about Vance commenting to him that they stole the store's phone).

Detective Kreager took custody of the cellular phone base which was later transported to

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the Bureau of criminal Apprehension for analysis.

Officer McManus made telephone contact with Melissa Stites who has been relocated due to this investigation. Melissa stated she was willing to view a photograph show up in

an attempt to identify who the third individual was with Vance and Johnson at the Radisson Bar on December 22, 2002.

On March 14, 2003, Officer McManus and I faxed a photograph show up that included a photograph of Maynard Cross to a local police department where Melissa is located. After viewing the photograph show up Melissa stated she is not able to identify any of the individuals as being with Vance and Johnson at the Radisson Bar on December 22, 2002.

While reviewing the cellular phone records for the cellular telephone being used by Vance during the time frame of this incident it was discovered several calls were either made to or received from the Economy Inn, located at 149 University Avenue East, St. Paul, MN.

On March 19, 2003, I stopped at the Economy Inn and was allowed checked the visitor records. At that time I did not notice any names associated with this investigation. The individual working the front desk did say that many times visitors do not register under their correct name.

Based on the conversation with Anthony Hayes Detective Ploeckelmann and Sergeant Pyka felt that Maynard Cross may have information relating to this investigation and a decision was made to contact him.

On March 26, 2003, Detective Ploeckelmann, Sergeant Pyka and Officer Kennedy met with Maynard Ramey Cross, date of birth, 11/30/1979, at the Hennepin County Jail in reference to this investigation. During this meeting Maynard stated he and another individual, Trevor Crawford, have information about this investigation. Maynard stated he would be willing to provide that information if he could receive some type of consideration when he appears in court on his current charges. At this time no deal was offered to Maynard but he was told if he did provide information at the time of sentencing it would be noted he cooperated with this investigation. Included in this case file is a copy of a report completed by Sergeant Pyka detailing this conversation with Maynard

On April 04, 2003, I again made telephone contact with Amy Drager and Yvonne White in reference to this investigation in attempt to see if either had learned any information that may be beneficial to this investigation. Both Amy and Yvonne stated they had not.

On April 08, 2003, Detective Ploeckelmann met with Trevor Alvin Crawford, date of birth, 04/14/1983, who was identified by Maynard as having information about this investigation.

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During this meeting Trevor provided the following information;

■Trevor made comments / statements about being at the Buttery Bar, with Maynard Cross, when he heard Vance talking to Maynard about shooting a guy over south and

he guy talks with an accent
■Trevor made comments / statements describing Johnson as being real shook up

(Note: The conversation that Trevor is referring to did not take place the night of this incident due to him being incarcerated held at the Ramsey County Jail on December 22, 2002.)

The conversation with Trevor was audio recorded. The audio recording has been transcribed and is included in this case file.

On April 16, 2003, Sergeant Pyka and Officer Kennedy met again with Maynard Cross at the Hennepin County Jail in reference to this investigation. During this meeting Maynard provided the following information;

■Maynard made comments / statements he was with Trevor at the Buttery Bar and Trevor would validate his information
■Maynard made comments / statements that he had a conversation with Vance on December 22, 2002, during which Vance indicated to him he was involved in a robbery that had gone bad
■Maynard made comments / statements indicating Vance is the shooter
■Maynard made comments / statements Vance and Johnson are known to do "stick ups"
■Maynard made comments / statements Richard Robinson, a cousin of Johnson, who has ties to South St. Paul

This interview was audio recorded. The audio recording has been transcribed and included in this case file.

On April 17, 2003, Keitha Lamarco McKinney, date of birth, 04/06/1973, and Richard Vincent Robinson, date of birth, 04/20/1981, were arrested in Ramsey County for a narcotics offense. Richard is Johnson's cousin and Keitha is Richard's girlfriend. Keitha lists her address as 141 4th Ave South, South St. Paul, Minnesota. This address is about two blocks north of Sabreen's which is 345 4th Avenue South. When reviewing telephone calls placed from the cellular telephone being used by Vance on December 22, 2002, it was noted telephone calls were being placed to a cellular telephone owned by Keitha about the time of the robbery / homicide and again later in the night. Additionally, while reviewing telephone records for Johnson while at the Ramsey County Workhouse there were telephone calls being made to Keith's telephone.

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On April 17, 2003, Detective Kreager and Detective Ploeckelmann met with Keitha Lamarco McKinney, date of birth, 04/06/1973 in reference to this investigation. During the interview Keitha provided the following information;

- **Keitha made comments / statements confirming Robinson, Johnson, and Vance do hang together**
- **Kethia made comments / statements that she does not have any information relating to this investigation**
- **Keitha was not able to explain the telephone calls to her telephone other than they may have been calling Robinson**

The interview with Keitha was audio recorded. The audio recording has been transcribed and included in this case file.

On April 17, 2003, Detective Kreager and Detective Ploeckelmann met with Richard Robinson, date of birth, 04/20/1981, in reference to this investigation. During the interview Richard made the following comments:

- **Richard made comments / statements confirming Johnson is his cousin**
- **Richard made comments / statements he knows Vance**
- **Richard made comments / statements about receiving telephone call from Johnson that he is going or coming from Chicago with Vance**
- **Richard made comments / statements that Johnson has a girlfriend in South St. Paul**
- **Richard made comments / statements that he has been to Sabreen's**
- **Richard made comments / statements he has no knowledge this incident**

The interview with Richard was audio recorded. The audio recording has been transcribed and included in this case file

On April 17, 2003, I again spoke with Colleen McManus in reference to this investigation. I asked her if she knew if Richard Robinson, AKA Hennessey, was at the Buttery Bar on December 22, 2002, she stated she does not recall him being there.

On April 18, 2003, Vance was arrested by officers of the Minnesota Gang Strike Force for possession / sale of a stolen firearm. A copy of the arrest report in included in this case file.

April 18, 2003, Sergeant Pyka, Detective Kreager and I interviewed Vance at the St. Paul Police Department. After being advised of Miranda Vance agreed to speak with us. During this interview Vance provided the following information;

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- **Vance made comments / statements admitting to knowing Trevor Crawford but he has not been to a bar with him**
- **Vance made comments / statements admitting to knowing Richard Robinson**
- **Vance made comments / statements denying he made any telephone calls to Keltha McKinney's phone to speak with her or Robinson but maybe Johnson did**
- **Vance made comments / statements that he does not know Maynard Cross**
- **Vance made comments / statements denying involvement in this incident or being at Sabreen's**
- **Vance made comments / statements that he went to Vanessa Franco's home before going to Eagan, after 11:00 pm and that Rochelle Perez was there, and arriving in Eagan shortly after midnight**
- **Vance made comments / statements that the last time he spoke with us he was lying about a lot of bullshit**
- **Vance made comments / statements that his life in December 2002 was a mess**
- **Vance made comments / statements that he did make comments to Colleen McManus that he had shot somebody and made a mistake**

The interview with Vance was audio recorded. The audio recording has been transcribed and included in this case file.

On April 18, 2003, I received a telephone call form Vance who was being held at the Ramsey County Jail. Vance stated he had an opportunity to think about the statement he gave earlier in the day and comments he made to Melissa. Vance stated when he made the comment to Melissa about the last time he used his gun when he shot a guy on the Southside five times he was actually referring to 45th and Winchester an address in Chicago. Since the call was being placed by a jailer and Vance was connected to me I did not have audio recording equipment at my location. I terminated the telephone call and informed Vance I would speak with him later in the day. An audio recorded statement was taken on April 21, 2003, documenting this telephone conversation.

On April 18, 2003, Detective Kreager, ATF Agent Dave Nygren and I met with Vance at the Ramsey County Jail. During this meeting Vance again agreed to speak with us about the investigation. Vance stated he remembered his rights per the Miranda Warning. During this interview Vance provided the following information;

- **Vance made comments / statements stating the third person at the Radisson Bar was John Martin**
- **Vance made comments / statements about meeting girls downtown and driving around in a blue Corsica car to get some liquor**
- **Vance made comments / statements that Yvonne was there that night**

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The interview with Vance was audio recorded. The audio recording has been transcribed and included in this case file.

On April 18, 2003, AFT Agent Nygren informed Vance that he was being detained on

Federal Charges for possession / sale of a stolen firearm. Included in this case file is a copy of Agent Nygren's report detailing the investigation.

On April 21, 2003, Agent Nygren and I met with Vance at the United States Marshal's Office in Minneapolis where he was being detained until a morning court appearance. Vance was again advised of his rights per Miranda. Vance again agreed to speak with us. During this interview Vance provided the following information;

- **Vance made comments / statements that what he was saying now was the truth**
- **Vance made comments / statements that he was not with Johnson at the Buttery Bar or between leaving the Radisson Bar about 8:00 pm and arriving at the Buttery Bar 10:00 pm.**
- **Vance made comments / statements that he left the Buttery Bar with Johnson, went to Vanessa Franco's home, and then they went to Eagan**
- **Vance made comments / statements when he spoke about meeting girls downtown and driving around to get liquor during an earlier interview he had his dates wrong stating that it was the 21st and when he woke up on the 22 he went downtown**
- **Vance made comments / statements that when he spoke about 45th and Winchester he was referring to an address in Chicago**
- **Vance made comments / statements continuing to deny involvement in this incident**

The interview with Vance was audio recorded. The audio recording has been transcribed and included in this case file.

On April 23, 2003, Officer McManus and I interviewed Regina NMN Hagerman, date of birth, 11/03/1971, in reference to this investigation. Regina was identified to Officer McManus, by Lugene O'Connor, as an individual who may have information relating to this investigation. During the interview Regina provided the following information;

- **Regina made comments / statements Vance is a friend of her niece, Darlene Jones, who resides at 966 East Minnehaha, St. Paul**
- **Regina made comments / statements Vance was at her residence the Saturday before Super bowl Sunday (January 2003) and told her he was being investigated for murder**
- **Regina made comments / statements Vance told her he and a friend killed somebody but it would not be proven due to lack of evidence and he has a good lawyer**
- **Regina stated the conversation was terminated when others entered the room**

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The interview with Regina was audio recorded. The audio recording has been transcribed and included in this case file.

On April 23, 2003, Officer McManus and I met with Lugene NMN O'Conner, date of birth, 01/08/1946, in reference to this investigation. Lugene resides at 956 East Minnehaha St. Paul and has prior conversations with Officer McManus during this investigation. During this interview Lugene provided the following information;

▪Lugene made comments / statements in December 2002 between Christmas and New Years Johnson came to his residence looking for Vance and when told Vance was not there Johnson stated they should tell him (Vance) he wanted his half of $650.00.

This interview with Vance was audio recorded. The audio recording has been transcribed and included in this case file.

On May 01, 2003, Agent Nygren and I met with Kenneth Lee Wilson, date of birth, 12/01/1983, at the Ramsey County Workhouse in reference to this investigation. Kenny was identified as the individual from whom Vance stole the .22 caliber firearm recovered earlier in this investigation.

During this interview Kenny provided Agent Nygren with a written statement detailing how Vance stole the firearm from him.

During the interview with Kenny he gave us permission to go to his residence 759 Jesse to meet with his mother Ina Kendrick to check his property for the weapon's clip. We did meet with Ina and she showed us three rounds of .22 Calibers. Detective Kreager took custody of this ammunition and later logged it into evidence at the South St. Paul Police Department.

A copy of Kenny's statement is included in Agent Nygren's report which included in this case file.

On May 02, 2003, I received a telephone call from Mohammad Sedqi, supervisor at the BCA. Mohammad stated DNA found on a portion of a used cigarette seized from the parking lot of Sabreens matched the DNA found on a cigarette at a burglary scene in Wright County, Case Number 03006569.
(At the time of this report the individual who has this DNA profile has not been identified. It does not appear the incidents are related)

On May 21, 2003, Detective Ploeckelmann drafted and executed a search warrant for

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Vance's DNA. This search warrant was presented to the Honorable Judge (Unknown) , Sherburne County. (Vance was being held in Sherburne County Jail pending formal federal charges) After reviewing the application the judge signed the warrant authorizing officers to obtain a sample of Vance's saliva for DNA testing purposes. The sample was later taken to the Bureau of Criminal Apprehension for analysis.

A copy of the search warrant is included in this case file. This search warrant was originally sealed but after the charging of Vance was filed on February 18, 2004.

As this investigation continued Officer McManus learned from various sources Johnson, who had an active warrant for his arrest, may have left the area and possibility headed to Peoria Illinois. This information was forwarded to the Minnesota Fugitive Task Force.

On May 27, 2003, I received information Johnson was arrested in Peoria Illinois per an outstanding Ramsey County Probation Warrant.

On May 27, 2003, Detective Kreager, Sergeant Pyka and I interviewed Johnson in Peoria Illinois County Jail in reference to this investigation. After being advised of his rights per Miranda Johnson spoke with us. During this interview Johnson provided the following information;

- **Johnson continued to make comments / statements denying his involvement in this incident**
- **Johnson made comments / statements that he does not know Maynard Cross**
- **Johnson made comments / statements denying that he knows Robinson's girlfriend lives in South St. Paul**
- **Johnson made comments / statements that he may have called McKinney's telephone but he does not recall**
- **Johnson made comments / statements about taking a taxi to Eagan and arriving about 1:30 am – 2:30 am**

The interview with Johnson was audio recorded. The audio recording has been transcribed and included in this case file.

On May 28, 2003, Sergeant Pyka and Corporal Kreager met again with Johnson at the Peoria County Jail in reference to this investigation. Sergeant Pyka again read Johnson his rights per Miranda. Johnson continued to deny involvement and provided no new information.

This interview with Johnson was audio recorded. The audio recording has been transcribed and included in this case file.

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On May 28, 2003, Sergeant Pyka and Officer Kennedy met with Maynard Cross in reference to this investigation. During this meeting Maynard provided the following information;

- **Maynard made comments / statements he was at the Buttery Bar on 12/22/02 with his father**
- **Maynard made comments / statements his father was gone when Vance and Johnson arrived**
- **Maynard made comments / statements about Vance making comments / statements to him that he just did a lick at a grocery store and it went bad**
- **Maynard made comments / statements that Vance made comments / statements that he popped the guy and thought he may have killed him**
- **Maynard made comments / statements that Trevor Crawford could confirm this information**

Included in this case file is a report completed by Sergeant Pyka detailing the conversation with Maynard.

On June 04, 2003, Officer McManus again spoke with Lugene O'Conner in reference to this investigation. During this conversation Lugene told Officer McManus that his granddaughter Kentrell Anthony may information in reference to this investigation. Lugene also stated that he heard it was Johnson who shot the clerk and it was his .22.

On June 05, 2003, I interviewed Sanya Marie Clark, date of birth, 01/13/1981, at the South St. Paul Police Department in reference to this investigation. The purpose of this interview was for her to review the cellular phone records for her phone that was being used by Vance. After reviewing the cellular phone calls Sonya stated she did not make any of the listed calls and that they were all made by Vance. Sanya also provided the following information;

- **Sonya made comments / statements about recognizing the name Hennessey but does not know his real name**
- **Sonya made comments / statements describing Vance when he was drinking as not being able to remember his actions**

The interview with Sonya was audio recorded. The audio recording has been transcribed and included in this case file.

On June 03, 2003, Detective Ploeckelmann met with Rochelle Lanette Perez, date of birth, 01/24/1986, in reference to this investigation. Rochelle was identified as being a girlfriend of Johnson's at Vanessa Franco's residence on 12/22/02. During this interview Rochelle

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provided the following information;

- **Rochelle made comments / statements confirming she was staying at Vanessa Franco's residence on 12/22/02**

- **Rochelle made comments / statements confirming she and Johnson are involved in a relationship**
- **Rochelle made comments / statements she and Johnson had an argument about 7:00 pm and he was intoxicated**
- **Rochelle made comments / statements indicating Johnson was at Vanessa Franco's residence on 12/22/02 until 12:00 am**

The interview with Rochelle was audio recorded. The audio recording has been transcribed and included in this case file.

On June 05, 2003 and June 11, 2003, Detective Ploeckelmann made telephone contact with Rochelle Lanette Perez, date of birth 01/24/1986, in reference to this investigation. The purpose of this telephone call was to determine if Rochelle had any other information to add to the statement she made on June 03, 2003. Rochelle stated she did not and that Johnson did not make any statements to her about being involved.

The conversations were audio recorded. The audio recordings have been transcribed and are included in this case file.

On June 05, 2003, Detective Ploeckelmann and Officer McManus met with Lugene O'Conner and Jacqueline NMN Ezell, date of birth, 02/20/1946, in reference to this investigation during this meeting they made did not provided any additional information other then they were trying to persuade Kentrell Anthony, their granddaughter, into speaking with us.

On June 08, 2003, Sergeant Pyka, Corporal Kreager and I interviewed Johnson again in reference to this investigation. Sergeant Pyka read Johnson his rights per Miranda. During the course of this interview Johnson continued to deny involvement in this crime and provided no new information.

This interview with Johnson was audio recorded. The audio recording has been transcribed and included in this case file.

On June 09, 2003, Officer McManus, Officer Shoemaker and I interviewed Lugene NMN O'Connor, date of birth, 01/1946, at the Minnesota Gang Strike Force office. During this interview Lugene provided the following information;

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- **Lugene made comments / statements his granddaughter Kentrell Anthony may have information about this case,**
- **Lugene made comments / statements per Kentrell Johnson did the shooting**
- **Lugene made comments / statements he heard Vance and Johnson used Johnson's baby's mama car**
- **Lugene made comments / statements he knows Vance can be a violent individual**

The interview with Lugene was audio recorded. The audio recording has been transcribed and included in this case file.

On June 09, 2003, Officer McManus, Officer Shoemaker and I interviewed Jacqueline Ezell, date of birth, 02/20/1946, at the Minnesota Gang Strike Force office in reference to this investigation. Jacqueline is Lugene's wife and resides at 956 East Minnehaha. Jacqueline Ezell Lugene's wife. During the interview Jacqueline provided the following information;

- **Jacqueline made comments / statements that her granddaughter Kentrell has information relating to this investigation**
- **Jacqueline made comments / statements describing when Vance came to her residence to pick up a gun that he had stored there**
- **Jacqueline made comments / statements describing when Johnson came to her residence looking for Vance and when he was not there he stated he wanted his share of money**
- **Jacqueline made comments / statements' indicating that an individual named John is the third person**
- **Jacqueline made comments / statements that she heard Johnson did the shooting**

The interview with Jacqueline was audio recorded. The audio recording has been transcribed and included in this case file.

On June 11, 2003, Detective Ploeckelmann made telephone contact with Rochelle Lanette Perez, date of birth, 01/24/1986 in reference to this investigation. Rochelle did not provided any additional information but did say she heard that two individuals, Lord and G, who have the same physical appearance of Vance and Johnson were claiming they were responsible for the robbery / homicide. Rochelle was going to make contact with her cousin who had more information. (As of this report Rochelle has not provided additional information but later statements admitted to not being truthful with officers to protect Johnson.)

On June 18, 2003, Detective Kreager and I interviewed Vance at the Sherburne County Jail in reference to this investigation. After being advised of his rights per Miranda Vance again agreed to speak with us. During this interview Vance provided the following

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information;

- **Vance made comments / statements admitting that he was at the Buttery Bar with Johnson but he does not remember being at the Radisson Bar**

- **Vance made comments / statements that when he spoke about driving around in a car in looking for liquor he was not referring to December 22, 2002, he was thinking about the wrong date**
- **Vance made comments / statements that he was drunk that night, referring to December 22, 2002**
- **Vance made comments / statements that he can not remember where he was at 9:30 pm that night referring to December 22, 2002**
- **Vance made comments / statements that Robinson had a gray vehicle but it was involved in an accident (Copy of the police report is included in this case file)**
- **Vance made comments / statements that he is not involved in this incident**

The interview with Vance was audio recorded. The audio recording has been transcribed and is included in this case file.

On June 20, 2003, I was informed by Assistant Dakota County Attorney Kathy Keena Vance has been appointed legal council. She stated Lisa Jensen of the First Judicial Public Defender Office has been appointed to represent him.

On June 2003, Detective Ploeckelmann, Officer McManus and I met with Monica Jean Blatcher, date of birth, 06/26/1956 in reference to this investigation. During the conversation Monica continued to deny having knowledge in reference to this investigation. Monica stated that when her daughter Dominique is around Johnson she has limited contact with her. Monica does not see Johnson as a positive influence on her daughter.

Detective Ploeckelmann checked a vehicle that Monica has access to but it did not match the suspect vehicle description and did not appear to be involved in this incident.

On July 11, 2003, Officer McManus, Deputy Misken and I met John Edward Martin, date of birth, 03/28/1982, at the Ramsey County Jail where he was being held on an unrelated offense. John was identified by Johnson as being at the Radisson Bar on December 22, 2002, with Vance and Johnson. John was advised as to the purpose of our presence. After being advised of his rights per Miranda John agreed to speak with us. During this interview John provided the following information;

- **John made comments / statements confirming he was at the Radisson Bar with Vance and Johnson about 8:00 p.m.**
- **John made comments / statements he met them there after receiving a telephone call from**

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them

- **John made comments / statements Vance and Johnson told him that they were going to call their South St. Paul Girls and meet up with them**
- **John made comments / statements that he declined their offer to join them**

- **John made comments / statements he left the bar to return to his girlfriend's when he saw Vance and Johnson being picked up in a blue vehicle**
- **John made comments / statements describing how he spoke with Vance after this incident and he does not remember much due to alcohol consumption but he did tell him that he was in trouble for robbery / homicide**

The interview with John was audio recorded. The audio recording has been transcribed and included in this case file.

During the interview with John he stated that we may want to speak with Fabian Wilson who was also being held at the Ramsey County Jail on unrelated charges. John stated Fabian has information relating to this investigation.

On July 11, 2003, Officer McManus and I interviewed Fabian Lionel Wilson, date of birth, 05/07/1983, in reference to this investigation. Fabian was advised as to the purpose of our presence. Fabian was advised of his rights per Miranda. Fabian agreed to speak with us and provided the following information;

- **Fabian made comments / statements he has a child with Vance's sister**
- **Fabian made comments / statements describing a conversation he was having with Vance and this investigation became the topic**
- **Fabian made comments / statements Vance admitted to him that he and Dominick did it and that we gave him five to the back of the head**
- **Fabian made comments / statements describing asking Vance if he killed the dude and that Vance replied Yeah**
- **Fabian made comments / statements about Vance and Johnson knowing a couple of girls in South St. Paul**
- **Fabian made comments / statements he has seen Vance and Johnson in a blue vehicle**
- **Fabian made comments / statements he has seen Vance violent when intoxicated and knows him to black out and not remember events when intoxicated**

The interview with Fabian was audio recorded. The audio recording has been transcribed and included in this case file.

On July 11, 2003, Officer McManus, and I again met John Martin at the Ramsey County Jail. The purpose of this interview as for him to view photographs of various individuals to determine if he had seen them with either Vance or Johnson. During this interview John

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identified Yvonne Marie White, date of birth 01/13/1884 as an individual who associates with Johnson and as a passenger in the vehicle that picked up Vance and Johnson on the night of this incident. Johnson further stated that Vance and Johnson refer to her as one of the "South St. Paul Girls."

After reviewing South St. Paul Police Department Consent to Search Waiver Form John provided a sample of his saliva for purposes of DNA testing to be compared to that found at the crime scene. A copy of the signed consent form is included in this case file.

The interview with John was audio recorded. The audio recording has been transcribed and included in this case file.

On July 11, 2003, Officer McManus and I again interviewed Fabian Wilson in reference to this investigation. The purpose of this interview as for him to view photographs of various individuals to determine if he had seen them with either Vance or Johnson. During this interview Fabian identified Amy Michelle Drager, date of birth, 08/03/1982, as being and individual known to associate with Vance and Johnson.

The interview with Fabian was audio recorded. The audio recording has been transcribed and included in this case file.

On July 15, 2003, Detective Kreager made telephone contact with Yvonne White and Amy Drager in reference to this investigation. During this interview Yvonne provided the following information;

- **Yvonne made comments / statements she has friends and a grandmother in South St. Paul**
- **Yvonne made comments / statements confirming Vance and Johnson have been to her apartment**
- **Yvonne made comments / statements Martin has been to her apartment**
- **Amy made comments / statements a mutual friend, Nicolle Rauschnot has a blue vehicle that was purchased at the Car Hop**
- **Amy made comments / statements that Nicole knows Vance and Johnson and Yvonne has driven Nicole's vehicle**

The telephone conversation with Yvonne and Amy was audio recorded. The audio recording has been transcribed and included in this case file.

On July 15, 2003 Detective Kreager learned that Nicole Rauschnot's vehicle, Minnesota Registration JFW 567 was currently being held at Magnum Towing, located in Eagan. A hold was placed on the vehicle. Per Magnum Towing the vehicle was impounded after being reported as an abandoned vehicle.

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On July 16, 2003, Detective Ploeckelmann met with the owner of Magnum Towing and made arrangements to have the vehicle towed to the South St. Paul Police department pending further investigation.

On July 16, Detective Ploeckelmann and Officer McManus met with Nicole Rauschnot, date of birth, 03/23/1979, at her place of employment in reference to this investigation. During this interview Nicole admitted ownership of Minnesota registration JWF567. She stated she is the main driver of the vehicle but has allowed Yvonne White to use it on rare occasions. Additionally, Nicolle denied being in South St. Paul on December 22, 2002, having any information about this investigation, or knowing Vance, Johnson, or John Martin.

The interview with Nicole was audio recorded. The audio recording has been transcribed and included in this case file.

During this interview Nicolle dropped a cigarette that she was smoking. After she left Detective Ploeckelmann and Officer McManus pick up the cigarette and seized it as evidence. Detective Ploeckelmann logged the item in as evidence. It was later transported to the B.C.A. for analysis.

On July 17, 2003, Officer McManus and I met John Edward Martin, date of birth, 03/28/1982, at the South St. Paul Police Department. The purpose of this meeting was for him to show us where the individuals identified as the "South St. Paul Girls" reside. While there he observed Nicolle's vehicle in the police garage. During a subsequent interview John provided the following information;

- **John made comments / statements describing how he knew it was Nicole's vehicle that picked up Vance and Johnson on 12/22/02**
- **John observed a photograph of Nicole in my portfolio and identified her as the driver of the blue vehicle**
- **John made comments / statements identifying Nicole Rauschnot as an individual known to him as Nicki and that she is the owner and driver of the blue vehicle that picked up Vance and Johnson**
- **John made comments / statements that Vance and Johnson introduced him to Nicole**

The interview with John was audio recorded. The audio recording has been transcribed and included in this case file.

On July 17, 2003, John rode with Officer McManus and I and showed us where he Yvonne White resides. He stated he has been there on prior occasions. John directed us to 4166 Rahn Road in Eagan. This is where she resides.

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On July 18, 2003, Detective Ploeckelmann and Officer McManus again met with Nicole Lynn Rauschnot, date of birth 03/23/1979 at her place of employment in reference to this investigation. When told her vehicle was identified as picking up Vance and Johnson and

she was identified as the driver, Nicole stated she did not want to speak with them and that they should speak with her attorney. Nicole stated that she does not know them referring to Vance and Johnson.

The interview with Nicole was audio recorded. The audio recording has been transcribed and included in this case file.

Detective Kreager and the Dakota County Attorney's Office received notice that Nicole Rauschnot has retained legal council. Future communications / contact will be made through her attorney, Mr. Earl Gray.

On July 25, 2003, Detective Kressly met with First Judicial District Judge Edward Lynch. Judge Lynch who reviewed and signed a search warrant authorizing the search of Minnesota Registration JWF 567, listing to Nicole Lynn Rauschnot, for items of evidence relating to this investigation.

Detective Kressly made the necessary arrangements for the vehicle to be transferred to the Minnesota Bureau of Criminal Apprehension for processing and later return to the South St. Paul Police Department. .

The vehicle was processed at the B.C.A. under the supervision of Mohamed Sedqi. Items of potential evidentiary value were seized. Included in this case file is a copy of the B.C.A. report.

A copy of the search warrant is included in this case file. This search warrant was originally sealed but after the charging of Vance was filed on February 18, 2004.

On July 30, 2003, I met with First Judicial District Judge Thomas Murphy who reviewed and signed a search warrant authorizing the search of Minnesota registration JWF 567, listing to Nicole Lynn Rauschnot, for items of evidentiary value in reference to this investigation.

On July 30, 2003, Detective Kreager, officer McManus and I executed the above noted search warrant. The following items were seized;

- **Traffic Citation 903092765 issued to Rauschnot**
- **Health Partners prescription Cipro for Kentrell L Anthony**

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- **Traffic Citation 903087964 issued to Rauschnot**
- **Miscellaneous papers with suspected telephone numbers**
- **Mcleod USA invoice for Rauschnot**

These items of evidence were photographed and collected by Detective Kreager. They were later logged into evidence at South St. Paul Police Department with the exception of the miscellaneous papers that were taken by Officer McManus for analysis at Minnesota Gang Strike Force Office.

On July 31, 2003, Officer McManus received a telephone call from Kentrell Anthony. Kentrell's name was given to us by Lugene O'Connor as an individual who may have information pertaining to this investigation. Kentrell, resides at 956 East Minnehaha, and is related to Lugene. Kentrell told Officer McManus that she heard her name is being brought into this investigation and she was willing to meet with officers to provide what information she has.

On August 01, 2003, Detective Kressly supervised the transfer of Nicolle Rauschnot's vehicle from the South St. Paul Police Department to the evidence garage at the South St. Paul Service Center.

On August 01, 2003, Officer McManus and I interviewed Kentrell Laticia Anthony, date of birth 10/28/03 in reference to this investigation. Kentrell was identified by Lugene O'Connor as possibly having information relating to this investigation. During this interview Kentrell provided the following information;

- **Kentrell made comments / statements that she used to have a relationship with Johnson**
- **Kentrell made comments / statements that she Vance and Johnson remain friends**
- **Kentrell made comments / statements that Vanessa Franco told her that Johnson told her that he did it and that Vance threw the gun in the river**
- **Kentrell made comments / statements that Vance has told her in conversation that he has killed a person**
- **Kentrell made comments / statements when Vance is intoxicated she knows him to forget things**
- **Kentrell made comments / statements that she has seen Vance in stolen cars on occasions**
- **Kentrell made comments / statements that Nicole does know Vance and Johnson and that she met Nicole through them**
- **Kentrell made comments / statements that after this incident Nicolle (a friend with hers), Vance and Johnson, disappeared for some time**
- **Kentrell made comments / statements that she has seen Vance and Johnson in Nicolle's car and they talk about partying in South St. Paul**

The interview with Kentrell was audio recorded. The audio recording has been

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transcribed and included in this case file.

On August 04, 2003, Detective Ploeckelmann and Officer McManus again met with

Vanessa Franco in reference to this investigation. Vanessa was identified earlier in this investigation as allowing Johnson to stay at her residence. During this interview Vanessa provided the following information;

- **Vanessa states she has no knowledge of either Vance or Johnson's involvement in this incident**
- **Vanessa agreed to take a Voice Stress Test**

On August 05, 2003, Detective Ploeckelmann met Vanessa Franco, as pre arranged on August 04, 2003, and gave her ride to the Dakota County Sheriff's Department where Detective Sjogren administered a voice stress test. Upon completion of the test Vanessa was advised the test results showed she was being deceptive when answering questions relating to this investigation. Vanessa continued to deny any knowledge but did provide the following information;

- **Vanessa made comments / statements about Vance, Johnson, and Martin being together and specifically Vance and Johnson being together on 12/22/02**
- **Vanessa made comments / statements about Vance coming to her home pulling his hood down to see if she could notice him and then making a statement that he was leaving town due to being investigated for murder and she not worry**
- **Vanessa made comments / statements about John Martin leaving town shortly after the execution of a search warrant at her residence.**

The interview with Vanessa was audio recorded. The audio recording as been transcribed and included in this case file.

On August 08, 2003, Detective Ploeckelmann and Officer McManus met with Dominique Shovanna Blatcher, date of birth, 12/02/1983, in reference to this investigation. Dominique and Johnson have a common child. She was also with Johnson when he went to Peoria Illinois. Dominique denied any knowledge of Johnson or Vance's involvement in this investigation.

On August 13, 2003, I again met with John Edward Martin, date of birth, 03/28/1982, in reference to this investigation. John agreed to write Johnson a letter asking him to call him or write him to let so they can discuss this investigation. A copy of the letter in included in this case file. As of this time no response has been received.

On October 21, 2003 Detective Ploeckelmann again met with Maynard Raymond Cross,

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date of birth, 11/30/1979, in reference to this investigation. Maynard is now being held at the MCF St. Cloud the same as Johnson. Maynard agreed to relay any information he receives about this investigation to Detective Ploecekelmann.

On November 13, 2003, Detective Ploeckelmann received a telephone call from MCF St. Cloud Investigator who stated he had contact with Cross who stated to him that Johnson made a comment to Maynard that he heard he has spoken with officers. Johnson then made the comment that the gun we recovered is not the one that was used.

Included in this case file is a letter written by Johnson and sent to Vance dated November 10, 2003. In the letter Johnson asks Vance how he is doing and not to worry that there is no evidence in this case and if there was charges would have been filed. A copy of the letter is included in this case file.

On November 18, 2003, Detective Ploeckelmann made contact with Maynard Cross's father to verify that he was with Maynard at the Buttery Bar on December 22, 2002. During that conversation Maynard's father stated he has been to the Buttery Bar with his son but does not remember specifically if he was there on December 22, 2002. He did say that his son does not share much information with him about other individual's activity.

I received information from Officer McManus that officers of the Minnesota Gang Strike Force received information from a Confidential Informant indicating an individual known by the street name St. Louis, is involved in the sale of illegal narcotics. During their preliminary investigation officers learned St. Louis was residing at 786 Aurora Avenue # 3, St. Paul, with Sherita Nicole Jenkins, date of birth, 04/01/1977.

Early in the investigation Colleen McManus told officers an individual know to her by the street name St. Louis was in the Buttery Bar on December 22, 2002, and that Vance and Johnson were speaking with him. Additionally listed in cellular phone records a telephone call was placed from the cellular telephone used by Vance to Jenkins residence on December 22, 2002.

On December 29, 2003, officers of the Minnesota Gang Strike Force executed a search warrant at 786 Aurora Avenue # 3, St. Paul. Present at the residence was Sherita Nicole Jenkins, date of birth, 04/01/1977 and her boyfriend Eric Lamont Griffin, date of birth, 12/16/1970. Eric confirmed his street name is St. Louis.

I briefly spoke with Sherita and explained to her why the purpose of my presence. During my conversation Sherita provided the following information.

- **Sherita made comments / statements that she does not know Vance or Johnson but has heard of them by their street names, Florida and Stacks, from her boyfriend Eric**

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- **Sherita made comments / statements that she does not recall either Vance or Johnson calling her residence**

I briefly spoke with Eric and explained to him the purpose of my presence. During my conversation with him he provided the following information.

- **Eric made comments / statements that he does know Vance and Johnson from spending time at the Buttery Bar**
- **Eric made comments / statements that he does not recall either of them calling his residence and that they would not have his number**
- **Eric made comments / statements denying any knowledge of this incident or comments that either Vance or Johnson made at the Buttery Bar**

On January 05, ~~2003~~ 2004, Officer McManus, Officer Mitchner, and I met with Eric Griffin at the Ramsey County Jail. During this meeting Eric informed us he had information about the robbery / homicide that happened in South St. Paul. Eric stated he does know Vance and Johnson and that he was at the Buttery Bar on 12/22/02. Additionally Eric stated he had direct information about statements made by Vance while at the Buttery Bar.

On January 07, 2004, Officer McManus, Officer Mitchner and I met with Eric Griffin at the Ramsey County Jail. During this meeting Eric agreed speak with us in reference to this investigation. During the interview Eric provided the following information;

- **Griffin identified Vance and Johnson as also going by the street names of Florida and Stacks**
- **Griffin made comments / statements that he knows Vance and Johnson**
- **Griffin made comments / statements that he was at the Buttery Bar, arriving there about 10:00 pm and spoke with Vance about what he believed was this incident**
- **Griffin made comments / statements that Vance told him he was involved in a robbery, spoke about South St. Paul, that it went bad, the guy refused to give up the money, and he fucked him up**
- **Griffin made comments / statements that Shine and Q (Maynard Cross) were also at the bar that night**
- **Griffin made comments / statements that he has seen Vance in a blue vehicle, Oldsmobile 88 or 98**
- **Griffin made comments / statements that when Vance is drunk he can be aggressive and violent**
- **Griffin made comments / statements that he may have used Vance's cellular telephone to call his girlfriend Sherita Jenkin's home because neither Vance nor Johnson has that telephone number**

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The interview with Eric was audio recorded. The audio recording has been transcribed and is included in this case file.

On January 08, 2003, arrangements were made to meet Kentrell Latasa Anthony, date of birth, 10/28/1983, at the South St. Paul Police Department. The purpose of this meeting was to see if she had additional information in reference to this investigation. During the interview with Kentrell she provided the following information;

- **Kentrell made comments / statements describing how she met Vanessa Franco some time after Thanksgiving and Vanessa told her she received a three way telephone call from Johnson who indicated that Nicolle pulled the trigger and he did not want anyone to snitch him out**
- **Kentrell made comments /statements describing how she met John Martin downtown and that he told her he knows where the gun used is**
- **Kentrell made comments / statements stating that during the time of this incident she was staying with friends at the Economy Inn in St. Paul and was making telephone calls to Vance's cell phone**
- **Kentrell made comments / statements describing a telephone conversation she had with Johnson who stated they were in Chicago and later Vance getting on the line telling her they were in Chicago and the Nicolle getting on the line and saying they were in South St. Paul**

The interview with Kentrell was audio recorded. The audio recording has been transcribed and included in this case file.

On January 08, 2004, Sergeant Oeffling and Detective Sjorgen interviewed Dominique Shavonna Blatcher, date of birth, 12/02/1983, in reference to this investigation. Included in this case file is a report completed by Sergeant Oeffling.

On January 08, 2004, Sergeant Oeffling and Detective Sjogren interviewed Amy Michelle Ne'Rae Drager, date of birth, 08/03/1982 and Yvonne Marie White, date of birth, 01/13/1984, in reference to this investigation. Included in this case file is a report completed by Sergeant Oeffling.

On January 09, 2004, Sergeant Oeffling and Detective Sjogren interviewed Rochelle Lanette Perez, date of birth, 01/24/1986, in reference to this investigation. Included in this case file is a report completed by Sergeant Oeffling.

On January 09, 2004, Officer McManus and I gain met with Kentrell Anthony in reference to this investigation. During this meeting Kentrell stated she checked with her cousin, Tanisha Wilson, and confirmed they were staying at the Economy Inn during the time of this incident and making telephone calls to Vance's cellular telephone. I asked Kentrell if

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she was able to remember the name she and her friends used when they registered. She stated she could not.

On January 13, 2004, Sergeant Oeffling and Detective Sjogren interviewed Keitha Lamarco McKinney, date of birth, 04/06/1973 in reference to this investigation. Included in this case file is a report completed by Sergeant Oeffling.

On January 14, 2004, Sergeant Oeffling and Detective Sjogren interviewed Richard Vincent Robinson, date of birth, 04/21/1981, in reference to this investigation. Included in this case file is a report completed by Sergeant Oeffling.

On January 16, 2004, Sergeant Oeffling and Detective Sjogren interviewed Christopher Alan Koskie, date of birth, 06/10/1977, in reference to this investigation. Included in this case file is a report completed by Sergeant Oeffling.

On January 27, 2004, Sergeant Oeffling and Detective Sjogren interviewed Vanessa Sue Franco, date of birth, 03/29/1979, in reference to this investigation. Included in this case file is a report completed by Sergeant Oeffling.

On January 30, 2004, February 02, and February 03 Sergeant Oeffling and Detective Sjogren interviewed Maynard Ramey Cross, date of birth, 11/30/1979, in reference to this investigation. During this interview Maynard identified Troy Crawford and Nicole Rauschnot as being involved in the robbery / homicide at Sabreens. Included in this case file is a report completed by Sergeant Oeffling.

On February 05, 2004, Officer McManus made telephone contact with Kentrell Anthony in reference to this investigation. When asked if Troy Crawford and Niclolle Rauschnot know each other Kentrell stated they did and both are known to hang out downtown (St. Paul). Additionally, Kentrell stated Nicolle and Trevor Crawford, Troy's brother, were "kicking it" for about a month and half about a year – year and a half ago.

On February 05, 2004, arrangements were made with the Ramsey County Sheriff's Office to transport Troy Crawford from the Ramsey County Work House to the Ramsey County Law Enforcement Center to meet with his brother Trevor Crawford to discuss our wanting to speak with him in reference to this investigation.

On February 05, 2004, Sergeant Oeffling and Detective Sjorgen met again with Troy Crawford in reference to this investigation. Sergeant Oeffling read Troy his rights per Miranda. Troy stated he understood his rights and requested his attorney be present before speaking with officers.

On February 06, 2004, the Dakota County Attorney's Office staff made contact with Nicole

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Rauschnot's attorney of record, Earl Gary. After some discussion Mr. Gray stated he would be speaking and learning if Nicole wanted to provide a statement. On February 10, 2004, Mr. Gary stated he and Nicole are agreeing to meeting with investigators on February 11, 2004, to discuss this investigation. On February 11, 2004, Mr. Gray contacted the Dakota County Attorney's office and advised that Nicole already spoke with officers on July 16, 2003, and that is her statement. Mr. Gray stated there was no need to have to have a meeting. The meeting was cancelled.

On February 06, 2004, Sergeant Oeffling received a voice mail message for the Ramsey County Public Defender's office indicating the represent Troy Crawford and to contact their office. This information was forward to Assistant County Attorney Kathy Keena who will be following up on the phone message.

On February 10, 2004, Sergeant Oeffling received a telephone call form Christina NMN Persaud, date of birth, 10/12/1977, who is currently incarcerated at Minnesota Correctional Facility Shakopee, in reference to this investigation. Christina stated she had information about this investigation and wanted to speak with an investigator.

On February 11, 2004, Sergeant Oeffling and I met with Christina at MCF Shakopee. During this interview Christina indicated she could provide information about the suspect in this investigation. As the interview continued Christina provide information that was not consistent with prior verified information. Included in this case file is a report completed by Sergeant Oeffling.

On February 12, 2004, Sergeant Oeffling and Captain Brad Wayne again met with Christina at the MCF Shakopee. During this interview Christina agreed to Voice Stress Test. The test was administered by Captain Wayne. The test results indicated Christina was being deceptive when answering a key question. When confronted with that information Christina indicated her information was legitimate. Included in this case file is a report completed by Sergeant Oeffling.

On February 13, 2004, Vance made his first appearance in First Judicial District Court, Hastings, in reference to criminal charges filed by the Dakota County Attorney's Office.

On February 17, 19 and 20, 2004, Sergeant Oeffling and Detective Sjogren interviewed Johnson in reference to this investigation. Included in this case file is a report completed by Sergeant Oeffling.

On February 20, 2004, Johnson made his first appearance in First Judicial District Court, Hastings, in reference to criminal charges filed by the Dakota County Attorney's Office.

On February 20, 2004, Sergeant Oeffling and I met with Frank Anthony Lopret, date of

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birth, 02/27/1969, in reference to this investigation. Frank is currently incarcerated at the Dakota County Jail and in the same unit as Vance. Frank called Dakota County Dispatch requesting to speak with an investigator. During this meeting Frank stated he is in the same unit as Vance and overheard him saying that as long as Johnson does not talk he will walk on these charges. Frank indicated he knew Vance and had purchased drugs from him sometime during October 2003. Frank also stated he overheard Vance indicating that there was a "hit" on Johnson so he would not talk. Frank stated he overheard Johnson talking on the phone to an unknown person and saying he was not the one talking.

Note: According to Frank either his time line is off or he did not purchase drugs form Vance in October of 2003 because Vance was incarcerated at that time. Frank stated before he would provide an audio recorded statement but he wanted to have a discussion with the Dakota County Attorney's staff in reference to his current situation. We agreed and before taking such a statement we will verify Frank's truthfulness. At this time we are not able to verify Frank's truthfulness therefore no statement will be taken.

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On March 03, 2004, Assistant Dakota County Attorney Kathy Keena and I met with Colleen McManus to explain the Grand Jury process and her role. During this meeting Colleen began speaking about the night when Vance made the earlier noted comments / statements. Colleen then stated sometime after that initial conversation and before News Year Eve ,Vance made comments to her about purchasing about four hundred dollars worth of Christmas gifts for his children, specifically three pair of shoes, six outfits, and a winter jacket for his son and pair of boots, pair of shoes, a winter jacket, and a Dora backpack for his two daughters.

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SOUTH SAINT PAUL POLICE
REPORT OF INVESTIGATION
FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS

CASE #

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On June 21, 2004, I received information from Corporal Sawyer advising Dale Lee Johnson, date of birth November 11, 1966, is currently being held in the Dakota County Sheriff's Office Jail. Johnson indicated he had information relating to this investigation. Sergeant Oeffling made contact with the Dakota County Sheriff's Office Jail staff and left a message for Johnson to contact him.

On June 24, 2004 I received a telephone call from Tarqi stating Johnson had contacted him and identified an individual named Dontay Reese as possibly having information about this investigation.

I checked the Dakota County Sheriff's Office Jail records and learned an individual named Dontay Larvice Reese, date of birth of May 2, 1981 is currently in custody. A check of the Minnesota Department of Corrections records shows Reese was incarcerated at the time of the Sabreen's robbery/homicide.

On June 25, 2004 I met with Johnson at the Dakota County Sheriff's Office Jail. Johnson stated he is currently being held on narcotics violation. Johnson stated he met and spoke with an inmate identified as Dontay Reese. Johnson viewed a Dakota County Sheriff's Department Jail booking photograph and confirmed he is referring to Dontay Larvice Reese, date of birth May 02,1981.

Johnson stated he had conversations with Reese and Reese indicated to him he had information about Vance's actions during the Sabreen's robbery / homicide. Reese also indicated to him that the police had not spoken to him.

On July 08, 2004, Sergeant Oeffling and I met with Reese at the Dakota County Sheriff's Department Jail. I advised Reese as to the purpose of our visit. He stated he understood why we were there but he did not want to speak about it. Reese was told to contact us if he changed his mind.

On July 16, 2004, while at the Ramsey County Sheriff's Department Jail awaiting court on an unrelated matter he asked a correctional officer make contact with our office in reference to this investigation. Sergeant Oeffling spoke with Reese and he confirmed he had information about the Sabreen's robbery/homicide.

On August 4, 2004, I met with Reese who, after speaking with various individuals agreed to provide a statement in reference to the Sabreen's robbery/homicide. The interview with Reese was audio recorded. The audio recording has been transcribed and is included in this case file.

During the interview the following information was learned;

Reese stated he has known Vance and Johnson (known to him as Stacks) for approximately 6 years and that he used to hang out with them in St. Paul.

Reese stated during the time frame of this incident, December 22, 2002, he was in prison at the time of the robbery/homicide.

Reese stated, approximately 4 to 5 months prior he spoke with Vance who is also being held in the Dakota County Sheriff's Department Jail

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Vane made comments / statements indicating that he was being held in connection to a robbery /homicide incident

Vance made comments / statements indicating on the night of this incident he was at a bar described as the Radision Bar in St. Paul with Johnson and another individual known as "E", later identified as Johns Edward Martin.

Vance made comments / statements Johnson used his cellular telephone to call two females to identified as Yvonne and Nickie or Tiffany to come and pick them up

Vance made comments / statements the two females picked him and Johnson up, at the bus stop in a blue vehicle, possibly a Corsica, and that " E " did not go with them

Vance made comments / statements the four of them met with Johnson's cousin, Hennessey later identified as Richard Vincent Robinson and Troy, later identified as Troy Crawford.

Vance made comments / statements indicating he, Johnson, Troy, and the two females drove to a store parking the vehicle in the rear area.

Vance made comments / statements indicating the females remained in the vehicle and Troy acted as the look out while he and Johnson went into the store

Vance made comments / statements that while in the store Johnson called out to him and he shot the clerk 5 times to the back of the head.

Vance made comments / statements indicating he was under the influence of possibly alcohol during this incident and did not know what he was thinking

Vance made comments / statements indicating the two females gave him and Johnson a ride back to St. Paul

On August 5, 2004 Sergeant Oeffling and I met with Reese the Ramsey County Sheriff's Department Jail. Sergeant Oeffling showed him a photograph of John Edward Martin. Reese identified Martin as a person known to him by the street name of "E" . Sergeant Oeffling showed him a photograph of Richard Vincent Robinson. Reese identified Robinson as a person known to him as Hennessey. Sergeant Oeffling showed Reese a photograph of Troy Crawford. Reese identified Crawford as a person known to him as Troy.

On August 5, 2004 Sergeant Oeffling and Detective Sjorgen met with Yvonne White in reference to this investigation. White advised Sergeant Oeffling that she did not want to speak with him without an attorney.

On August 6, 2004 Sergeant Oeffling and the Minnesota Gang Strike Force Agency Andy Shoemaker met with George Jerry Matlock at Stillwater Prison in reference to this investigation. When speaking with Reese he indicated Vance may have went to Matlock's home after this incident. Matlock stated that he did not have any information in reference to this investigation.

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On August 6, 2004 I made contact with Nicole Rauschnot's mother at her residence. I advised Ms. Rauschnot we have received new information again indicating Nicole's involvement in this incident. Ms. Rauschnot stated Earl Gary continues to represent her daughter and requested we make contact with him if we need to speak with Nicole.

On August 9, 2004, Sergeant Oeffling and I met with Richard Vincent Robinson who was being held at the Ramsey County Sheriff's Department Jail. Robinson was advised as to the purpose of our visit. Robinson stated that he did not have any additional information in reference to this investigation.

On August 9, 2004, Detective Rignotti, Hastings Police Department, arranged for Yvonne White and her mother Laurie White meet with Assistant County Attorney Kathy Keena and I. The purpose of this meeting was to explain to White new information has been received indicating she may be involved in this incident. Additionally, White was told if she need legal representation and did not have sufficient funds we would make the necessary arrangements. White stated she did not have any information to add to her previous statements.

On September 15, 2004, about 1046 hours I checked the distance from the Buttery Bar, 395 North Robert Street, St. Paul to Sabreen's, 345 4th Avenue South, South St. Paul. The distance is approximately 5.4 miles and it took approximately 12 minutes to travel having to stop for 4 of the 12 traffic signals.

The route was; Robert Street to Concord / southbound on Concord to Grand Avenue / westbound on Grand Avenue to Third Avenue / southbound on Third Avenue to Third Street / westbound on Third Street to the alley between Third Avenue and Fourth Avenue in the 300 block / southbound in the alley stopping in the rear area of Sabreen's.

On September 15, 2004, about 1101 hours I checked the distance form 141 4th Avenue South, South St. Paul to Sabreen's, 345 4th Avenue South, South St. Paul. The distance to travel to the rear area of Sabreen's following the legal flow of traffic was .2 miles and it took approximately 1 minute.

The route was; 4th Avenue to Southview / eastbound Southview to Third Avenue / southbound Third Avenue to Third Street / westbound Third Street to the alley between Third Avenue and fourth Avenue in the 300 block / southbound in the alley stopping in the rear area of Sabreen's.

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SOUTH SAINT PAUL POLICE REPORT OF INVESTIGATION FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS	CASE # 02018427

Interviewed: Tyrone Powell Crawford; 6/1/72

On 3/2/04, Dakota County Detective Sjogren and I interviewed Crawford at the Sherburne County Jail where he is housed on a federal fraud charge. We met with him in reference to information he had regarding Phillip Vance and this incident.

Crawford said he was housed with Vance at the Sherburne Co facility for a period of time during 2003; he estimated it to have been several months. Crawford said that he and Vance struck up a friendship when Vance told him he knew Crawford's brothers, Trevor and Troy.

Crawford told us the following:

* Vance told Crawford he had shot somebody while robbing a grocery store. Crawford said Vance told him he committed the robbery with another person but could not remember the person's name. Vance claimed they had taken over $1000 during the incident. Crawford said Vance claimed the shooting was an accident and the gun just went off because he was nervous.
* When Maynard Cross' Mpls case was receiving media coverage, Vance told Crawford he was worried Cross might talk to the cops about him (Vance). Crawford originally thought Vance was concerned about Cross implicating him in a drug case, as Crawford knew both to sell drugs, but has since realized Vance was talking about the homicide.
* Vance told Crawford he was making a court appearance in October 2003 and could be sentenced up to 6 years for the weapons violation. Crawford said Vance told him he was unconcerned and could easily serve the time. Upon returning from the court appearance, Crawford said Vance appeared depressed. When Crawford asked him what happened in court, Vance said he had only received 36 months for the weapons violation but then learned he was about to be charged in the "other thing" they had spoken about and that he had seen paperwork confirming the pending charges. Crawford knew the "other thing" to be the robbery/homicide.
* Crawford said Vance routinely spoke of his willingness to shoot people and often spoke with him about the many guns he has owned.

Our conversation was recorded and will be transcribed to be included in the case file.

I checked with an official with the Sherburne County Jail and requested he review Crawford and Vance's housing records. He advised me that the two were housed in the same dormitory from 9/23/03 through 11/8/03. He also said the records indicated Vance had attended a court appearance on 10/31/03.

Oeffling #2107

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11-8-/ 11-28

DATE: 2-MAR-04 BY: 3310 *** SHERBURNE COUNTY JAIL *** PAGE 12
RUN TIME: 15:41 ENFORS JAIL REPORT
REPORT #: 3 JAIL ACTIVITY LOG WITH DATE-TIME ENTERED jal-print20r03t154141
DATE-TIME: ALL No of Text Lines: 3
PRISONER NAME: crawford, tyrone powell SORT SEQUENCE: (3) PRISONER ID & DATE-TIME

DATE	TIME	AREA	ACTIVITY TYPE	ACTIVITY DESCRIPTION	PRISONER ID	PRISONER NAME	CELL	LOC	CORR. OFFICER	DATE-TIME ENTERED
11/08/03	1853		loca		0200644	crawford, tyrone powell	s631	s6	03306	11/08/03 1853
TEXT: new location s6										
old location dh										
11/08/03	1853		cella	cell assignment	0200644	crawford, tyrone powell	s631	s6	03306	11/08/03 1853
TEXT: new cell s631										
old cell d204l										
no contact boughton,aaron & carter, laquan										
11/09/03	0900	s5	dhc00	Hour Out of Cell	0200644	crawford, tyrone powell	s631	s6	03332	11/09/03 0859
TEXT: on his hour out.										
11/09/03	1002	s5	dhc00	Hour Out of Cell	0200644	crawford, tyrone powell	s631	s6	03332	11/09/03 1002
TEXT: back to his cell.										
11/10/03	0900	s6	dhc00	Hour Out of Cell	0200644	crawford, tyrone powell	s631	s6	03338	11/10/03 0902
TEXT: hour out to shower clean and make phone calls										
3316										
11/11/03	0856	s6	dhc00	Hour Out of Cell	0200644	crawford, tyrone powell	s631	s6	03338	11/11/03 0857
TEXT: on 1 hour out from 0900-1000										
11/12/03	0900	s1	dhc00	Hour Out of Cell	0200644	crawford, tyrone powell	s631	s6	03338	11/12/03 1018
TEXT: on 1 hour out from 0900-1000										
11/14/03	0745	s1	tm000	transport to medical ap	0200644	crawford, tyrone powell	s631	medapt	03326	11/14/03 0918
TEXT: taken out by scso transport for medical ok										
11/14/03	0845	s1	tm000	transport to medical ap	0200644	crawford, tyrone powell	s631	s6	03326	11/14/03 0918
TEXT: returned from med apt										
11/14/03	1253		class	classification review	0200644	crawford, tyrone powell	s631	s6	03274	11/20/03 1253
TEXT: 2 - lockdown ends 112803 then reclassify to intake for 72 hour minimum										
11/15/03	0905	s6	dhc00	Hour Out of Cell	0200644	crawford, tyrone powell	s631	s6	03391	11/15/03 0905
TEXT: hour out										
11/16/03	0934	s2	dhc00	Hour Out of Cell	0200644	crawford, tyrone powell	s631	s6	03343	11/16/03 0934
TEXT: Hour Out @ 0900 -1000										
11/17/03	0858	s3	dhc00	Hour Out of Cell	0200644	crawford, tyrone powell	s631	s6	03334	11/17/03 0926
TEXT: on his hour out										
11/18/03	0911	s3	dhc00	Hour Out of Cell	0200644	crawford, tyrone powell	s631	s6	03334	11/18/03 0911
TEXT: on his hour out										

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RUN DATE: 2-MAR-04 BY: 3310 *** SHERBURNE COUNTY JAIL *** PAGE 13
RUN TIME: 15:41 ENFORS JAIL REPORT
REPORT #: 3 JAIL ACTIVITY LOG WITH DATE-TIME ENTERED jal-print20r03t154141
DATE-TIME: ALL No of Text Lines: 3
PRISONER NAME: crawford, tyrone powell SORT SEQUENCE: (3) PRISONER ID & DATE-TIME

DATE	TIME	AREA	ACTIVITY TYPE	ACTIVITY DESCRIPTION	PRISONER ID	PRISONER NAME	CELL	LOC	CORR. OFFICER	DATE-TIME ENTERED
11/20/03	0915	s6	dhc00	Hour Out of Cell	0200644	crawford, tyrone powell	s63l	s6	03316	11/20/03 0936
TEXT: hour out to clean shower and make phone calls										
11/21/03	0900	s6	dhc00	Hour Out of Cell	0200644	crawford, tyrone powell	s63l	s6	03316	11/21/03 0906
TEXT: hour out accepted										
11/21/03	1120		class	classification review	0200644	crawford, tyrone powell	s63l	s6	03274	11/24/03 1120
TEXT: lockdown ends 11/28/03										
11/24/03	0859	s1	dhc00	Hour Out of Cell	0200644	crawford, tyrone powell	s63l	s6	03328	11/24/03 0859
TEXT: offered his hour out, accepted.										
11/25/03	0900	s6	dhc00	Hour Out of Cell	0200644	crawford, tyrone powell	s63l	s6	03356	11/25/03 0901
TEXT: hr out from 0900 to 1000 hrs										
11/26/03	0900	s6	dhc00	Hour Out of Cell	0200644	crawford, tyrone powell	s63l	s6	03356	11/26/03 0855
TEXT: hr out from 0900 to 1000										
11/27/03	0900	s6	dhc00	Hour Out of Cell	0200644	crawford, tyrone powell	s63l	s6	03356	11/27/03 0852
TEXT: hr out from 0900 to 1000 hrs										
11/27/03	0900	s6	dhc00	Hour Out of Cell	0200644	crawford, tyrone powell	s63l	s6	03356	11/27/03 0852
TEXT: hr out from 0900 to 1000 hrs										
11/28/03	0900	s6	dhc00	Hour Out of Cell	0200644	crawford, tyrone powell	s63l	s6	03341	11/28/03 0904
TEXT: hour out from 0900-1000										
11/28/03	1820		loca		0200644	crawford, tyrone powell	di06l	dni	03327	11/28/03 1820
TEXT: new location dni										
old location s6										
11/28/03	1820		cella	cell assignment	0200644	crawford, tyrone powell	di06l	dni	03327	11/28/03 1820
TEXT: new cell di06l										
old cell s63l										
no contact boughton,aaron & carter, laquan										
12/01/03	1956		loca		0200644	crawford, tyrone powell	d109l	dn	03350	12/01/03 1956
TEXT: new location dn										
old location dni										
12/01/03	1956		cella	cell assignment	0200644	crawford, tyrone powell	d109l	dn	03350	12/01/03 1956
TEXT: new cell d109l										
old cell di06l										
no contact boughton,aaron & carter, laquan										

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RUN DATE: 2-MAR-04 BY: 3310 *** SHERBURNE COUNTY JAIL *** PAGE 14
RUN TIME: 15:41 ENFORS JAIL REPORT
REPORT #: 3 JAIL ACTIVITY LOG WITH DATE-TIME ENTERED jal-print20r03t154141
DATE-TIME: ALL No of Text Lines: 3
PRISONER NAME: crawford, tyrone powell SORT SEQUENCE: (3) PRISONER ID & DATE-TIME

DATE	TIME	AREA	ACTIVITY TYPE	ACTIVITY DESCRIPTION	PRISONER ID	PRISONER NAME	CELL	LOC	CORR. OFFICER	DATE-TIME ENTERED
12/02/03	1911	dn	p0000	problem report	0200644	crawford, tyrone powell	d109l	dn	03350	12/02/03 1911
TEXT: told not to put his feet on the chairs. has been warned in the past. told ld next time.										
12/03/03	1233		class	classification review	0200644	crawford, tyrone powell	d109l	dn	03272	12/03/03 1234
TEXT: Had 30 dey review. See file for comments.										
12/05/03	1916		loca		0200644	crawford, tyrone powell	g206u	g	03350	12/05/03 1916
TEXT: new location g old location dn										
12/05/03	1916		cella	cell assignment	0200644	crawford, tyrone powell	g206u	g	03350	12/05/03 1916
TEXT: new cell g206u old cell d109l no contact boughton,aaron & carter, laquan										
12/20/03	1003		vis00	visitor to the jail	0200644	crawford, tyrone powell	g206u	g	03273	12/20/03 1003
TEXT: betty jane junek 021651										
12/21/03	1547	g	p0000	problem report	0200644	crawford, tyrone powell	g206u	g	03350	12/21/03 1547
TEXT: told not to lean in his chair. 1st warning										
12/26/03	0926	g	cc010	gym/rec	0200644	crawford, tyrone powell	g206u	rec	03358	12/26/03 0940
TEXT: new location rec old location g										
12/26/03	1026	rec	cc010	gym/rec	0200644	crawford, tyrone powell	g206u	g	03358	12/26/03 1026
TEXT: new location g old location rec										
12/26/03	1030		class	classification review	0200644	crawford, tyrone powell	g206u	g	03272	12/26/03 1030
TEXT: Had 30 day review. See file for comments.										
01/05/04	0701		cella	cell assignment	0200644	crawford, tyrone powell	g206l	g	03328	01/05/04 0701
TEXT: new cell g206l old cell g206u no contact boughton,aaron & carter, laquan										
01/06/04	0830	g	cc010	gym/rec	0200644	crawford, tyrone powell	g206l	rec	03338	01/06/04 0858
TEXT: new location rec old location g										
01/06/04	0925	rec	cc010	gym/rec	0200644	crawford, tyrone powell	g206l	g	03338	01/06/04 0925
TEXT: new location g old location rec										

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RUN DATE: 2-MAR-04 BY: 3310 *** SHERBURNE COUNTY JAIL *** PAGE 15
RUN TIME: 15:41 ENFORS JAIL REPORT
REPORT #: 3 JAIL ACTIVITY LOG WITH DATE-TIME ENTERED jal-print20r03t154141
DATE-TIME: ALL No of Text Lines: 3
PRISONER NAME: crawford, tyrone powell SORT SEQUENCE: (3) PRISONER ID & DATE-TIME

DATE	TIME	AREA	ACTIVITY TYPE	ACTIVITY DESCRIPTION	PRISONER ID	PRISONER NAME	CELL	LOC	CORR. OFFICER	DATE-TIME ENTERED	
01/22/04	0857	g	cc040-school		0200644	crawford, tyrone powell	g206l	school	03332	01/22/04	0905
TEXT: new location school old location g											
01/22/04	1030	school	cc040-school		0200644	crawford, tyrone powell	g206l	g	03340	01/22/04	1054
TEXT: new location g old location school											
01/22/04	1548		class-classification review		0200644	crawford, tyrone powell	g206l	g	03273	01/22/04	1548
TEXT: had 30 day review see file for comments											
01/22/04	1958	g	a0000-administrative other		0200644	crawford, tyrone powell	g206l	g	03309	01/22/04	2000
TEXT: Per USM paperwork in his file can be writted out to ramsey cnty. 012604 mon. court @ 1329 hrs.											
01/23/04	2006		relea-RELEASED		0200644	crawford, tyrone powell			03339	01/23/04	2006

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RUN DATE: 2-MAR-04 BY: 3310 *** SHERBURNE COUNTY JAIL *** PAGE 9
RUN TIME: 15:41 ENFORS JAIL REPORT
REPORT #: 3 JAIL ACTIVITY LOG WITH DATE-TIME ENTERED jal-print20r03t154141
DATE-TIME: ALL No of Text Lines: 3
PRISONER NAME: crawford, tyrone powell SORT SEQUENCE: (3) PRISONER ID & DATE-TIME

DATE	TIME	AREA	ACTIVITY TYPE	ACTIVITY DESCRIPTION	PRISONER ID	PRISONER NAME	CELL	LOC	CORR. OFFICER	DATE-TIME ENTERED	
04/17/03	0914		class	classification review	0200644	crawford, tyrone powell	g110	g	03271	04/17/03	0914
TEXT: had 30 day review; see file for comments											
04/22/03	1818	g	p0000	problem report	0200644	crawford, tyrone powell	g110	g	03313	04/22/03	1821
TEXT: warned for having wristband turned inside out- 1st warning for this on trac king sheet.											
05/02/03	1103		vis00	visitor to the jail	0200644	crawford, tyrone powell	g110	g	03273	05/02/03	1103
TEXT: antoinette r florez 8-7-67											
05/07/03	1600	g	p0000	problem report	0200644	crawford, tyrone powell	g110	g	03366	05/07/03	1600
TEXT: wanted to use hair clippers, I told him that they are only handed out after breakfast. Started to argue, while meds were here, then walked away.											
05/08/03	0717	g	fedou	us marshal taken out of	0200644	crawford, tyrone powell	g110	fedout	03205	05/08/03	0718
TEXT: usm out											
05/08/03	0717	g	fedou	us marshal taken out of	0200644	crawford, tyrone powell	g110	fedout	03205	05/08/03	0718
TEXT: usm out											
05/08/03	1939		loca		0200644	crawford, tyrone powell	g110	g	03336	05/08/03	1939
TEXT: new location g old location fedout											
05/12/03	0729	n	fedou	us marshal taken out of	0200644	crawford, tyrone powell	g110	fedout	03311	05/12/03	0730
TEXT: released to transport for usm court											
05/12/03	1855		loca		0200644	crawford, tyrone powell	g110	g	03336	05/12/03	1855
TEXT: new location g old location fedout											
05/16/03	0938		cella	cell assignment	0200644	crawford, tyrone powell		g	03340	05/16/03	0938
TEXT: new cell old cell g110 no contact boughton, aaron											
05/16/03	0948		loca		0200644	crawford, tyrone powell	o107	o	03390	05/16/03	0948
TEXT: new location o old location g											
05/16/03	0948		cella	cell assignment	0200644	crawford, tyrone powell	o107	o	03390	05/16/03	0948
TEXT: new cell o107 old cell no contact boughton, aaron											

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RUN DATE: 2-MAR-04 BY: 3310 *** SHERBURNE COUNTY JAIL *** PAGE 10
RUN TIME: 15:41 ENFORS JAIL REPORT
REPORT #: 3 JAIL ACTIVITY LOG WITH DATE-TIME ENTERED jal-print20r03t154141
DATE-TIME: ALL No of Text Lines: 3
PRISONER NAME: crawford, tyrone powell SORT SEQUENCE: (3) PRISONER ID & DATE-TIME

DATE	TIME	AREA	ACTIVITY TYPE	ACTIVITY DESCRIPTION	PRISONER ID	PRISONER NAME	CELL	LOC	CORR. OFFICER	DATE-TIME ENTERED	
05/16/03	1247		class-classification review		0200644	crawford, tyrone powell	o107	o	03272	05/16/03	1248
TEXT: had 30 day review; see file for comments											
06/04/03	0846	o	p0000-problem report		0200644	crawford, tyrone powell	o107	o	03340	06/04/03	0846
TEXT: issued new wristband---old one too loose											
06/04/03	1027		cc121-prof. visit w/attorney		0200644	crawford, tyrone powell	o107	o	03270	06/04/03	1031
TEXT: charles hawkins-attorney											
06/07/03	1718	o	p0000-problem report		0200644	crawford, tyrone powell	o107	o	03326	06/07/03	1718
TEXT: warned for storing personal items on window ledge											
06/19/03	2107	o	p0000-problem report		0200644	crawford, tyrone powell	o107	o	03313	06/19/03	2108
TEXT: warned for leaning back in his chair- 1st warning on tracking sheet for this											
06/19/03	2109	o	p0000-problem report		0200644	crawford, tyrone powell	o107	o	03313	06/19/03	2109
T: warned for leaning back in his chair- 1st warning on tracking sheet for this correction feet up on his chair.											
06/26/03	0927		loca		0200644	crawford, tyrone powell	n118	n	03349	06/26/03	0927
TEXT: new location n											
old location o											
06/26/03	0927		cells-cell assignment		0200644	crawford, tyrone powell	n118	n	03349	06/26/03	0927
TEXT: new cell n118											
old cell o107											
no contact boughton, aaron											
07/09/03	1213		class-classification review		0200644	crawford, tyrone powell	n118	n	03271	07/09/03	1213
TEXT: had 30 day review; see file for comments											
07/12/03	1135		vis00-visitor to the jail		0200644	crawford, tyrone powell	n118	n	03273	07/12/03	1135
TEXT: antoinette rose florez 8-7-67, tommie perris crawford 3-8-74											
07/23/03	1613		class-classification review		0200644	crawford, tyrone powell	n118	n	03273	07/23/03	1613
TEXT: had 30 day review see file for comments											
07/31/03	1508	n	p0000-problem report		0200644	crawford, tyrone powell	n118	n	03327	07/31/03	1508
TEXT: had a laundry bag full of books in his cell told him it is no longer accepta ble to do this. He said, "but they're my books!" i told him it doesn't ma tter and he needs to take them out.											
08/07/03	1547	n	p0000-problem report		0200644	crawford, tyrone powell	n118	n	03363	08/07/03	1550
t 23 id for vincent during laundry exchange, per 355											

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RUN DATE: 2-MAR-04 BY: 3310 *** SHERBURNE COUNTY JAIL *** PAGE 11
RUN TIME: 15:41 ENFORS JAIL REPORT
REPORT #: 3 JAIL ACTIVITY LOG WITH DATE-TIME ENTERED jal-print20r03t154141
DATE-TIME: ALL No of Text Lines: 3
PRISONER NAME: crawford, tyrone powell SORT SEQUENCE: (3) PRISONER ID & DATE-TIME

DATE	TIME	AREA	ACTIVITY TYPE	ACTIVITY DESCRIPTION	PRISONER ID	PRISONER NAME	CELL	LOC	CORR. OFFICER	DATE-TIME ENTERED	
08/19/03	1049		vis00-visitor to the jail		0200644	crawford, tyrone powell	n118	n	03273	08/19/03	1050
TEXT: antoinette rose florez 080767											
08/19/03	1115		vis00-visitor to the jail		0200644	crawford, tyrone powell	n118	n	03273	08/19/03	1116
TEXT: tommie perris crawford 030874											
08/20/03	1606		class-classification review		0200644	crawford, tyrone powell	n118	n	03274	08/20/03	1606
TEXT: had 30 day review - see file for comments											
08/24/03	1607		igrvn-grelvance not in favor		0200644	crawford, tyrone powell	n118	n	03274	09/11/03	1608
TEXT: answered by sgt olson on 8/28/03 - this is not an issue to be addressed by a grievance - but will be reviewed											
09/18/03	1157		class-classification review		0200644	crawford, tyrone powell	n118	n	03274	09/18/03	1157
TEXT: had 30 day review - see file for comments											
07/03	1052		cc121-prof. visit w/attorney		0200644	crawford, tyrone powell	n118	n	03274	11/07/03	1052
TEXT: charles hawkins											
11/07/03	1830	n	p0000-problem report		0200644	crawford, tyrone powell	n118	medapt	03334	11/07/03	2058
TEXT: this inmate came up to CO desk with tissue paper on his mouth saying he ran into his cell door, upper lip was split clean through approximately 1/4 inch up, 3306 notified, inmate went to hospital											
11/07/03	1830	n	m0000-medical		0200644	crawford, tyrone powell	n118	medapt	03334	11/07/03	2059
TEXT: this inmate came up to CO desk with tissue paper on his mouth saying he ran into his cell door, upper lip was split clean through approximately 1/4 inch up, 3306 notified, inmate went to hospital											
11/07/03	1916		loca		0200644	crawford, tyrone powell	n118	medapt	03363	11/07/03	1916
TEXT: new location medapt old location n											
11/07/03	2214		loca		0200644	crawford, tyrone powell	n118	n	03363	11/07/03	2214
TEXT: new location n old location medapt											
11/08/03	1801	n	p0000-problem report		0200644	crawford, tyrone powell	d204l	dn	03565	11/08/03	1820
TEXT: this i/m placed in delta north busted lip from carter, laquan 0303103											
11/08/03	1808		loca		0200644	crawford, tyrone powell	d204l	dn	03327	11/08/03	1808
TEXT: new location dn old location n											
11/08/03	1808		cella-cell assignment		0200644	crawford, tyrone powell	d204l	dn	03327	11/08/03	1808
TEXT: new cell d204l old cell n118 no contact boughton, seron & carter, laquan											

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RUN DATE: 2-MAR-04 BY: 3310 *** SHERBURNE COUNTY JAIL *** PAGE 7
RUN TIME: 15:39 ENFORS JAIL REPORT
REPORT #: 3 JAIL ACTIVITY LOG WITH DATE-TIME ENTERED jal-print20r03t153956
DATE-TIME: ALL No of Text Lines: 3
PRISONER NAME: vance, philip randall SORT SEQUENCE: (3) PRISONER ID & DATE-TIME

DATE	TIME	AREA	ACTIVITY TYPE	ACTIVITY DESCRIPTION	PRISONER ID	PRISONER NAME	CELL	LOC	CORR. OFFICER	DATE-TIME ENTERED	
09/08/03	0936	rec	cc010	gym/rec	0301745	vance, philip randall	g106u	g	03324	09/08/03	0936
TEXT: new location			g								
old location			rec								
09/10/03	1303		cc121	prof. visit w/attorney	0301745	vance, philip randall	g106u	g	03273	09/10/03	1303
TEXT: peter wold											
09/15/03	1059	g	p0000	problem report	0301745	vance, philip randall	g106u	g	03349	09/15/03	1101
TEXT: warned to make bed properly-just threw blanket up - complied											
09/15/03	1059	g	p0000	problem report	0301745	vance, philip randall	g106u	g	03349	09/15/03	1103
TEXT: warned for noise											
09/15/03	1103	g	p0000	problem report	0301745	vance, philip randall	g106u	g	03349	09/15/03	1105
TEXT: told 2nd and final warning for noise											
15/03	1612		cella	cell assignment	0301745	vance, philip randall		g	03349	09/15/03	1612
TEXT: new cell											
old cell			g106u								
09/15/03	1613		cella	cell assignment	0301745	vance, philip randall	g106l	g	03349	09/15/03	1613
TEXT: new cell			g106l								
old cell											
09/16/03	1022		vis00	visitor to the jail	0301745	vance, philip randall	g106l	g	03273	09/16/03	1022
TEXT: sanya marie clark 111381											
09/20/03	1430		vis00	visitor to the jail	0301745	vance, philip randall	g106l	g	03207	09/20/03	2145
TEXT: sanya marie clark 1/13/81											
09/22/03	1049		vis00	visitor to the jail	0301745	vance, philip randall	g106l	g	03273	09/22/03	1049
TEXT: sanya marie clark 011381											
09/23/03	2127		loca		0301745	vance, philip randall	n127u	n	03324	09/23/03	2127
TEXT: new location			n								
old location			g								
09/23/03	2127		cella	cell assignment	0301745	vance, philip randall	n127u	n	03324	09/23/03	2127
TEXT: new cell			n127u								
old cell			g106l								
09/24/03	2137		cella	cell assignment	0301745	vance, philip randall	n122u	n	03324	09/24/03	2137
TEXT: new cell			n122u								
old cell			n127u								

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RUN DATE: 2-MAR-04 BY: 3310 *** SHERBURNE COUNTY JAIL *** PAGE 8
RUN TIME: 15:39 ENFORS JAIL REPORT
REPORT #: 3 JAIL ACTIVITY LOG WITH DATE-TIME ENTERED Jal-print20r03t153956
DATE-TIME: ALL No of Text Lines: 3
PRISONER NAME: vance, philip randall SORT SEQUENCE: (3) PRISONER ID & DATE-TIME

DATE	TIME	AREA	ACTIVITY TYPE	ACTIVITY DESCRIPTION	PRISONER ID	PRISONER NAME	CELL	LOC	CORR. OFFICER	DATE-TIME ENTERED	
09/25/03	1325		cella-cell assignment		0301745	vance, philip randall	n211l	n	03344	09/25/03	1325
TEXT: new cell			n211l								
old cell			n122u								
09/26/03	1039	n	cc010-gym/rec		0301745	vance, philip randall	n211l	rec	03334	09/26/03	1047
TEXT: new location			rec								
old location			n								
09/26/03	1129	rec	cc010-gym/rec		0301745	vance, philip randall	n211l	n	03334	09/26/03	1129
TEXT: new location			n								
old location			rec								
09/26/03	1448		vis00-visitor to the jail		0301745	vance, philip randall	n211l	n	03272	09/26/03	1449
TEXT: sanya marie clark 011381											
09/29/03	1100		vis00-visitor to the jail		0301745	vance, philip randall	n211l	n	03272	09/29/03	1100
T: sanya marie clark 111381											
10/01/03	2040		cella-cell assignment		0301745	vance, philip randall	n216	n	03366	10/01/03	2040
TEXT: new cell			n216								
old cell			n211l								
10/04/03	1121		vis00-visitor to the jail		0301745	vance, philip randall	n216	n	03274	10/04/03	1122
TEXT: clark, sanya marie 1/13/81											
10/06/03	1449		vis00-visitor to the jail		0301745	vance, philip randall	n216	n	03272	10/06/03	1450
TEXT: sanya marie clark 110581											
10/06/03	1451	n	vis00-visitor to the jail		0301745	vance, philip randall	n216	n	03324	10/06/03	1457
TEXT: had a video visit in booth #2											
10/07/03	1439		vis00-visitor to the jail		0301745	vance, philip randall	n216	n	03272	10/07/03	1439
TEXT: sanya marie clark											
10/07/03	1514		class-classification review		0301745	vance, philip randall	n216	n	03274	10/07/03	1514
TEXT: had 30 day review - see file for comments											
10/09/03	1545		vis00-visitor to the jail		0301745	vance, philip randall	n216	n	03274	10/09/03	1545
TEXT: clark, sanya marie 011381											
10/13/03	1436		vis00-visitor to the jail		0301745	vance, philip randall	n216	n	03274	10/13/03	1436
TEXT: clark, sanya marie 11/3/81											
5/03	1440		vis00-visitor to the jail		0301745	vance, philip randall	n216	n	03272	10/15/03	1441
TEXT: sanya marie clark											

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RUN DATE: 2-MAR-04 BY: 3310 *** SHERBURNE COUNTY JAIL *** PAGE 9
RUN TIME: 15:39 ENFORS JAIL REPORT
REPORT #: 3 JAIL ACTIVITY LOG WITH DATE-TIME ENTERED Jal-print20r03t153956
DATE-TIME: ALL No of Text Lines: 3
PRISONER NAME: vance, philip randall SORT SEQUENCE: (3) PRISONER ID & DATE-TIME

ACTIVITY DATE	TIME	AREA	TYPE	ACTIVITY DESCRIPTION	PRISONER ID	PRISONER NAME	CELL	LOC	CORR. OFFICER	DATE-TIME ENTERED	
10/16/03	1432	n	cc010	gym/rec	0301745	vance, philip randall	n216	rec	03313	10/16/03	1442
TEXT: new location			rec								
old location			n								
10/16/03	1530	rec	cc010	gym/rec	0301745	vance, philip randall	n216	n	03313	10/16/03	1530
TEXT: new location			n								
old location			rec								
10/18/03	1558		vis00	visitor to the jail	0301745	vance, philip randall	n216	n	03273	10/18/03	1558
TEXT: sanya marie clark 011381											
10/19/03	1657	n	p0000	problem report	0301745	vance, philip randall	n216	n	03355	10/19/03	1658
TEXT: warned for having his feet on the table											
10/20/03	1605		vis00	visitor to the jail	0301745	vance, philip randall	n216	n	03274	10/20/03	1605
TEXT: clark, sanya marie 1/13/81											
10/21/03	1100		vis00	visitor to the jail	0301745	vance, philip randall	n216	n	03274	10/21/03	1101
TEXT: clark, sanya marie 1/13/81											
10/22/03	1228		cell0	cell assignment	0301745	vance, philip randall	n114	n	03334	10/22/03	1228
TEXT: new cell			n114								
old cell			n216								
10/26/03	1923	n	p0000	problem report	0301745	vance, philip randall	n114	n	03350	10/26/03	1923
TEXT: told not to lean in his chair.											
1st warning											
10/26/03	2124	n	p0000	problem report	0301745	vance, philip randall	n114	n	03350	10/26/03	2124
TEXT: told not to put his feet on the walls or chairs.											
2nd warning, next time ld											
10/27/03	1058		vis00	visitor to the jail	0301745	vance, philip randall	n114	n	03273	10/27/03	1058
TEXT: sanya marie clark 011381											
10/28/03	1033		vis00	visitor to the jail	0301745	vance, philip randall	n114	n	03273	10/28/03	1034
TEXT: sanya marie clark 011381											
10/31/03	0745		loca		0301745	vance, philip randall	n114	fedout	03306	10/31/03	0745
TEXT: new location			fedout								
old location			n								
10/31/03	1837	fedout	fedin	us marshal back to fact	0301745	vance, philip randall	n114	n	03363	10/31/03	1838
TEXT: new location			n								
old location			fedout								

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RUN TIME: 15:39
REPORT #: 3
DATE-TIME: ALL
PRISONER NAME: vance, philip randall

*** SHERBURNE COUNTY JAIL ***
ENFORS JAIL REPORT
JAIL ACTIVITY LOG WITH DATE-TIME ENTERED
SORT SEQUENCE: (3) PRISONER ID & DATE-TIME

Jal-print20r03t153956
No of Text Lines: 3

DATE	TIME	AREA	ACTIVITY TYPE	ACTIVITY DESCRIPTION	PRISONER ID	PRISONER NAME	CELL	LOC	CORR. OFFICER	DATE-TIME ENTERED
11/01/03	1546		vis00	visitor to the jail	0301745	vance, philip randall	n114	n	03272	11/01/03 1546
TEXT: sanya clark										
11/01/03	1706	n	p0000	problem report	0301745	vance, philip randall	n114	n	03314	11/01/03 1706
TEXT: told not hop up on the staff desk										
11/03/03	1102		vis00	visitor to the jail	0301745	vance, philip randall	n114	n	03273	11/03/03 1102
TEXT: sonya marie clark 011381										
11/04/03	1040		vis00	visitor to the jail	0301745	vance, philip randall	n114	n	03273	11/04/03 1040
TEXT: sonya marie clark 011381										
11/05/03	1014		cc121	prof. visit w/attorney	0301745	vance, philip randall	n114	n	03274	11/05/03 1015
TEXT: peter wold										
11/06/03	1535		vis00	visitor to the jail	0301745	vance, philip randall	n114	n	03273	11/06/03 1535
TEXT: sanya marie clark 011381										
11/07/03	1549		vis00	visitor to the jail	0301745	vance, philip randall	n114	n	03273	11/07/03 1549
TEXT: sanya marie clark 011381										
11/10/03	1056		vis00	visitor to the jail	0301745	vance, philip randall	n114	n	03272	11/10/03 1056
TEXT: sanya marie clark										
11/12/03	1433	n	cc010	gym/rec	0301745	vance, philip randall	n114	rec	03323	11/12/03 1441
TEXT: new location			rec							
old location			n							
11/12/03	1449	rec	cc010	gym/rec	0301745	vance, philip randall	n114	n	03323	11/12/03 1529
TEXT: new location			n							
old location			rec							
11/13/03	0857	n	cc010	gym/rec	0301745	vance, philip randall	n114	rec	03359	11/13/03 0859
TEXT: new location			rec							
old location			n							
11/13/03	0950	rec	cc010	gym/rec	0301745	vance, philip randall	n114	n	03359	11/13/03 0950
TEXT: new location			n							
old location			rec							
11/15/03	1049		vis00	visitor to the jail	0301745	vance, philip randall	n114	n	03274	11/15/03 1049
TEXT: sanya marie clark 1/13/81										
11/18/03	1455		vis00	visitor to the jail	0301745	vance, philip randall	n114	n	03272	11/18/03 1456
TEXT: sanya clark										

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RUN DATE: 2-MAR-04 BY: 3310 *** SHERBURNE COUNTY JAIL *** PAGE 11
RUN TIME: 15:39 ENFORS JAIL REPORT
REPORT #: 3 JAIL ACTIVITY LOG WITH DATE-TIME ENTERED Jal-print20r03t153956
DATE-TIME: ALL No of Text Lines: 3
PRISONER NAME: vance, philip randall SORT SEQUENCE: (3) PRISONER ID & DATE-TIME

DATE	TIME	AREA	ACTIVITY TYPE	ACTIVITY DESCRIPTION	PRISONER ID	PRISONER NAME	CELL	LOC	CORR. OFFICER	DATE-TIME ENTERED
11/25/03	1434		vis00	visitor to the jail	0301745	vance, philip randall	n114	n	03274	11/25/03 1434
TEXT: sanya marie clark 011381										
11/26/03	1520		vis00	visitor to the jail	0301745	vance, philip randall	n114	n	03274	11/26/03 1520
TEXT: sanya marie clark 011381										
11/27/03	2227	n	p0000	problem report	0301745	vance, philip randall	n114	n	03311	11/27/03 2228
TEXT: id 23 hrs for offensive sexual comment to this co										
12/02/03	1446		vis00	visitor to the jail	0301745	vance, philip randall	n114	n	03274	12/02/03 1446
TEXT: sanya marie clark 011381										
12/03/03	1228		class	classification review	0301745	vance, philip randall	n114	n	03272	12/03/03 1228
TEXT: Had 30 day review. See file for comments.										
12/03/03	1530		vis00	visitor to the jail	0301745	vance, philip randall	n114	n	03273	12/03/03 1530
TEXT: shana renee vance 101183										
12/03/03	1631		vis00	visitor to the jail	0301745	vance, philip randall	n114	n	03273	12/03/03 1631
TEXT: sanya marie clark										
12/08/03	0602		relea	RELEASED	0301745	vance, philip randall			03311	12/08/03 0602

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RUN DATE: 2-MAR-04 BY: 3310 *** SHERBURNE COUNTY JAIL *** PAGE 1
RUN TIME: 15:40 ENFORS JAIL REPORT
REPORT #: 3 JAIL ACTIVITY LOG WITH DATE-TIME ENTERED Jal-print20r03t154015
DATE-TIME: ALL No of Text Lines: 3
PRISONER NAME: vance, philip randall SORT SEQUENCE: (3) PRISONER ID & DATE-TIME

DATE	TIME	AREA	ACTIVITY TYPE	ACTIVITY DESCRIPTION	PRISONER ID	PRISONER NAME	CELL	LOC	CORR. OFFICER	DATE-TIME ENTERED
04/21/03	1735		dcain		0301745	vance, philip randall			03336	04/21/03 1735
TEXT: prisoner detained										
04/21/03	1748		b1000-Book Prisoner		0301745	vance, philip randall			03336	04/21/03 1748
04/21/03	1813		loca		0301745	vance, philip randall	di04u	dni	03358	04/21/03 1813
TEXT: new location			dni							
old location										
04/21/03	1813		cella-cell assignment		0301745	vance, philip randall	di04u	dni	03358	04/21/03 1813
TEXT: new cell			di04u							
old cell										
04/21/03	1813		clas1-Re-Classify/Move	from C	0301745	vance, philip randall	di04u	dni	03358	04/21/03 1813
TEXT: new class stat risk				0nn0ny0 bfhld						
old class stat risk				0 bfhld						
04/22/03	1529		loca		0301745	vance, philip randall	d213u	dn	03325	04/22/03 1529
TEXT: new location			dn							
old location			dni							
04/22/03	1529		cella-cell assignment		0301745	vance, philip randall	d213u	dn	03325	04/22/03 1529
TEXT: new cell			d213u							
old cell			di04u							
04/22/03	1644		cella-cell assignment		0301745	vance, philip randall	d213l	dn	03325	04/22/03 1644
TEXT: new cell			d213l							
old cell			d213u							
04/23/03	1741	dn	p0000-problem report		0301745	vance, philip randall	d213l	dn	03353	04/23/03 1841
TEXT: sbv i/m was told to remove his feet f/chairs										
he complied 1st										
04/24/03	0654	dn	fedout	us marshal taken out of	0301745	vance, philip randall	d213l	fedout	05201	04/24/03 0655
TEXT: usm court										
04/24/03	1805	fedout	fedin	us marshal back to faci	0301745	vance, philip randall	d213l	fedin	03206	04/24/03 2008
TEXT: new location			fedin							
old location			fedout							
returned from marshals										
04/24/03	1926	dn	p0000-problem report		0301745	vance, philip randall	d213l	fedout	03353	04/24/03 1929
TEXT: sbv i/m was told politely that i didn't want to hear his filthey language										
again he complied 1st										

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RUN DATE: 2-MAR-04 BY: 3310 *** SHERBURNE COUNTY JAIL *** PAGE 1
RUN TIME: 15:39 ENFORS JAIL REPORT
REPORT #: 3 JAIL ACTIVITY LOG WITH DATE-TIME ENTERED jal-print20r03t153956
DATE-TIME: ALL No of Text Lines: 3
PRISONER NAME: vance, philip randall SORT SEQUENCE: (3) PRISONER ID & DATE-TIME

DATE	TIME	AREA	ACTIVITY TYPE	ACTIVITY DESCRIPTION	PRISONER ID	PRISONER NAME	CELL	LOC	CORR. OFFICER	DATE-TIME ENTERED	
04/21/03	1735		dtain		0301745	vance, philip randall			03336	04/21/03	1735
TEXT: prisoner detained											
04/21/03	1748		b1000-Book Prisoner		0301745	vance, philip randall			03336	04/21/03	1748
04/21/03	1813		loca		0301745	vance, philip randall	di04u	dni	03358	04/21/03	1813
TEXT: new location			dni								
old location											
04/21/03	1813		cella-cell assignment		0301745	vance, philip randall	di04u	dni	03358	04/21/03	1813
TEXT: new cell			di04u								
old cell											
04/21/03	1813		class1-Re-Classify/Move from C		0301745	vance, philip randall	di04u	dni	03358	04/21/03	1813
TEXT: new class stat risk					OnnOny0 bfhld						
old class stat risk					0 bfhld						
04/22/03	1529		loca		0301745	vance, philip randall	d213u	dn	03325	04/22/03	1529
TEXT: new location			dn								
old location			dni								
04/22/03	1529		cella-cell assignment		0301745	vance, philip randall	d213u	dn	03325	04/22/03	1529
TEXT: new cell			d213u								
old cell			di04u								
04/22/03	1644		cella-cell assignment		0301745	vance, philip randall	d213l	dn	03325	04/22/03	1644
TEXT: new cell			d213l								
old cell			d213u								
04/23/03	1741	dn	p0000-problem report		0301745	vance, philip randall	d213l	dn	03353	04/23/03	1841
TEXT: abv i/m was told to remove his feet f/chairs											
he complied 1st											
04/24/03	0654	dn	fedou-us marshal taken out of		0301745	vance, philip randall	d213l	fedout	03201	04/24/03	0655
TEXT: usm court											
04/24/03	1805	fedout	fedin-us marshal back to faci		0301745	vance, philip randall	d213l	fedin	03206	04/24/03	2008
TEXT: new location			fedin								
old location			fedout								
returned from marshals											
04/24/03	1926	dn	p0000-problem report		0301745	vance, philip randall	d213l	fedout	03353	04/24/03	1929
TEXT: abv i/m was told politely that i didn't want to hear his filthey language											
again he complied 1st											

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RUN DATE: 2-MAR-04 BY: 3310 *** SHERBURNE COUNTY JAIL *** PAGE 2
RUN TIME: 15:39 ENFORS JAIL REPORT
REPORT #: 3 JAIL ACTIVITY LOG WITH DATE-TIME ENTERED Jal-print20r03t153956
DATE-TIME: ALL No of Text Lines: 3
PRISONER NAME: vance, philip randall SORT SEQUENCE: (3) PRISONER ID & DATE-TIME

DATE	TIME	AREA	ACTIVITY TYPE	ACTIVITY DESCRIPTION	PRISONER ID	PRISONER NAME	CELL	LOC	CORR. OFFICER	DATE-TIME ENTERED	
04/24/03	2020		loca		0301745	vance, philip randall	d213l	dn	03201	04/24/03	2020
TEXT: new location			dn								
old location			fedin								
04/24/03	2035	dn	p0000-problem report		0301745	vance, philip randall	d213l	dn	03353	04/24/03	2036
TEXT: sbv i/m entered the cell of blank #0300259 i/m vance was warned that he's not to do that again he'd be ld											
04/26/03	2112	dn	p0000-problem report		0301745	vance, philip randall	d213l	dn	03316	04/26/03	2112
TEXT: inmate has been warned a couple of times for his noise level											
04/28/03	1842	dn	p0000-problem report		0301745	vance, philip randall	d213l	dn	03316	04/28/03	1846
TEXT: ld 25 for being loud in dayroom after several warnings											
04/29/03	1630		class-classification review		0301745	vance, philip randall	d213l	dn	03273	04/29/03	1630
TEXT: has handbook; saw orientation video; questions were answered											
04/30/03	1236	dn	cc010-gym/rec		0301745	vance, philip randall	d213l	rec	03390	04/30/03	1238
TEXT: new location			rec								
old location			dn								
04/30/03	1236	rec	cc010-gym/rec		0301745	vance, philip randall	d213l	dn	03390	04/30/03	1325
TEXT: new location			dn								
old location			rec								
05/01/03	0847		cc121-prof. visit w/attorney		0301745	vance, philip randall	d213l	dn	03272	05/01/03	0848
TEXT: peter wold											
05/08/03	1853		loca		0301745	vance, philip randall	o129	o	03365	05/08/03	1853
TEXT: new location			o								
old location			dn								
05/08/03	1853		cella-cell assignment		0301745	vance, philip randall	o129	o	03365	05/08/03	1853
TEXT: new cell			o129								
old cell			d213l								
05/23/03	0903		cc121-prof. visit w/attorney		0301745	vance, philip randall	o129	o	03273	05/23/03	0905
TEXT: peter wold-attorney											
aaron morrison-law clerk											
05/27/03	1030		class-classification review		0301745	vance, philip randall	o129	o	03273	05/27/03	1031
TEXT: had 30 day review; see file for comments											
06/02/03	1443	o	cc040-school		0301745	vance, philip randall	o129	school	03329	06/02/03	1521
TEXT: new location			school								
old location			o								

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RUN DATE: 2-MAR-04 BY: 3310 *** SHERBURNE COUNTY JAIL *** PAGE 3
RUN TIME: 15:39 ENFORS JAIL REPORT
REPORT #: 3 JAIL ACTIVITY LOG WITH DATE-TIME ENTERED jal-print20r03t153956
DATE-TIME: ALL No of Text Lines: 3
PRISONER NAME: vance, philip randall SORT SEQUENCE: (3) PRISONER ID & DATE-TIME

DATE	TIME	AREA	ACTIVITY TYPE	ACTIVITY DESCRIPTION	PRISONER ID	PRISONER NAME	CELL	LOC	CORR. OFFICER	DATE-TIME ENTERED	
06/02/03	1541	school	cc040-school		0301745	vance, philip randall	o129	o	03329	06/02/03	1616
TEXT: new location o											
old location school											
06/03/03	1139	o	p0000-problem report		0301745	vance, philip randall	o129	o	03340	06/03/03	1144
TEXT: after 4 stories/lies, the truth came out that i/m wants clean towels because he slept through exchange the last time laundry exchanged towels. denied											
06/05/03	1530	o	cc010-gym/rec		0301745	vance, philip randall	o129	rec	03313	06/05/03	1547
TEXT: new location rec											
old location o											
06/05/03	1630	rec	cc010-gym/rec		0301745	vance, philip randall	o129	o	03313	06/05/03	1649
TEXT: new location o											
old location rec											
/10/03	0714		fedou-us marshal taken out of		0301745	vance, philip randall	o129	fedout	03311	06/10/03	0714
TEXT: transported to usm court											
06/10/03	1817		loca		0301745	vance, philip randall	o129	o	03358	06/10/03	1817
TEXT: new location o											
old location fedout											
06/14/03	1131	o	p0000-problem report		0301745	vance, philip randall	o129	o	03349	06/14/03	1131
TEXT: warned for having newspapor in cell											
06/18/03	1445		cc123-prof visit/law enforcem		0301745	vance, philip randall	o129	o	03273	06/18/03	1445
TEXT: dan vujovich, thomas kreager											
06/19/03	2001	o	p0000-problem report		0301745	vance, philip randall	o129	o	03313	06/19/03	2002
TEXT: warned for leaning back in his chair. 1st warning for this on his tracking s heet.											
06/27/03	1801	o	p0000-problem report		0301745	vance, philip randall	o129	o	03323	06/27/03	1801
TEXT: warned for walking behind desk to sharpen pencil -1st											
07/02/03	1651	o	p0000-problem report		0301745	vance, philip randall	o129	o	03350	07/02/03	1651
TEXT: told not to lean in his chair. this inmate has been warned before for this. next time id.											
07/07/03	0930	o	cc010-gym/rec		0301745	vance, philip randall	o129	rec	03359	07/07/03	0932
TEXT: new location rec											
old location o											
07/07/03	1047	rec	cc010-gym/rec		0301745	vance, philip randall	o129	o	03359	07/07/03	1047
TEXT: new location o											
old location rec											

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RUN DATE: 2-MAR-04 BY: 3310 *** SHERBURNE COUNTY JAIL *** PAGE 4
RUN TIME: 15:39 ENFORS JAIL REPORT
REPORT #: 3 JAIL ACTIVITY LOG WITH DATE-TIME ENTERED jal-print20r03t153956
DATE-TIME: ALL No of Text Lines: 3
PRISONER NAME: vance, philip randall SORT SEQUENCE: (3) PRISONER ID & DATE-TIME

DATE	TIME	AREA	ACTIVITY TYPE	ACTIVITY DESCRIPTION	PRISONER ID	PRISONER NAME	CELL	LOC	CORR. OFFICER	DATE-TIME ENTERED	
07/08/03	1500		vis00	visitor to the jail	0301745	vance, philip randall	a129	a	03272	07/08/03	1500
TEXT: sonya marie clark 011381											
07/08/03	1538	a	vis00	visitor to the jail	0301745	vance, philip randall	a129	a	03324	07/08/03	1543
TEXT: vance had a video visit in booth #1											
07/08/03	1544	a	cc010	gym/rec	0301745	vance, philip randall	a129	rec	03324	07/08/03	1608
TEXT: new location			rec								
old location			a								
07/08/03	1625	rec	cc010	gym/rec	0301745	vance, philip randall	a129	a	03324	07/08/03	1625
TEXT: new location			a								
old location			rec								
07/09/03	0850	a	cc010	gym/rec	0301745	vance, philip randall	a129	rec	03359	07/09/03	0932
TEXT: new location			rec								
old location			a								
07/09/03	1022	rec	cc010	gym/rec	0301745	vance, philip randall	a129	a	03359	07/09/03	1022
TEXT: new location			a								
old location			rec								
07/15/03	1018	a	cc010	gym/rec	0301745	vance, philip randall	a129	rec	03324	07/15/03	1020
TEXT: new location			rec								
old location			a								
07/15/03	1020	rec	cc010	gym/rec	0301745	vance, philip randall	a129	a	03324	07/15/03	1122
TEXT: new location			a								
old location			rec								
07/15/03	1537	a	vis00	visitor to the jail	0301745	vance, philip randall	a129	a	03206	07/15/03	1546
TEXT: sonya marie clark 1- 13-81											
07/17/03	1003	a	cc010	gym/rec	0301745	vance, philip randall	a129	rec	03324	07/17/03	1006
TEXT: new location			rec								
old location			a								
07/17/03	1045	rec	cc010	gym/rec	0301745	vance, philip randall	a129	a	03324	07/17/03	1045
TEXT: new location			a								
old location			rec								
07/25/03	0936	a	cc010	gym/rec	0301745	vance, philip randall	a129	rec	03360	07/25/03	0941
TEXT: new location			rec								
old location			a								

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RUN DATE: 2-MAR-04 BY: 3310 *** SHERBURNE COUNTY JAIL *** PAGE 5
RUN TIME: 15:39 ENFORS JAIL REPORT
REPORT #: 3 JAIL ACTIVITY LOG WITH DATE-TIME ENTERED jal-print20r03t153956
DATE-TIME: ALL No of Text Lines: 3
PRISONER NAME: vance, philip randall SORT SEQUENCE: (3) PRISONER ID & DATE-TIME

DATE	TIME	AREA	ACTIVITY TYPE	ACTIVITY DESCRIPTION	PRISONER ID	PRISONER NAME	CELL	LOC	CORR. OFFICER	DATE-TIME ENTERED	
07/25/03	1027	rec	cc010-gym/rec		0301745	vance, philip randall	o129	o	03360	07/25/03	1027
TEXT: new location			o								
old location			rec								
07/25/03	1518		vis00-visitor to the jail		0301745	vance, philip randall	o129	o	03273	07/25/03	1518
TEXT: sanya marie clark 1-13-81											
08/04/03	1457		vis00-visitor to the jail		0301745	vance, philip randall	o129	o	03203	08/04/03	1502
TEXT: sanya marie clark dob/19810113											
08/12/03	1441		vis00-visitor to the jail		0301745	vance, philip randall	o129	o	03273	08/12/03	1442
TEXT: sanya marie clark 1-13-81											
08/14/03	0938	o	cc010-gym/rec		0301745	vance, philip randall	o129	rec	03356	08/14/03	0947
TEXT: new location			rec								
old location			o								
08/14/03	1026	rec	cc010-gym/rec		0301745	vance, philip randall	o129	o	03356	08/14/03	1026
TEXT: new location			o								
old location			rec								
08/18/03	1459		class-classification review		0301745	vance, philip randall	o129	o	03274	08/18/03	1459
TEXT: had 30 day review - see file for comments											
08/19/03	1516		vis00-visitor to the jail		0301745	vance, philip randall	o129	o	03273	08/19/03	1516
TEXT: sanya marie clark 01/13/81											
08/21/03	1436	o	cc010-gym/rec		0301745	vance, philip randall	o129	rec	03313	08/21/03	1440
TEXT: new location			rec								
old location			o								
08/21/03	1524	rec	cc010-gym/rec		0301745	vance, philip randall	o129	o	03313	08/21/03	1524
TEXT: new location			o								
old location			rec								
08/23/03	1447		vis00-visitor to the jail		0301745	vance, philip randall	o129	o	03273	08/23/03	1447
TEXT: sanya marie clark 011381											
08/25/03	1534	o	p0000-problem report		0301745	vance, philip randall	o129	o	03346	08/25/03	1534
TEXT: abv inmate was told to go get his commissary then go to rec,he said he would get it after rec, I told him get it now or not until tommorrow. He went to rec. abv inmate can have his commissary at 1440. logged late busy											
08/25/03	2148		loca		0301745	vance, philip randall	g225u	g	03392	08/25/03	2148
TEXT: new location			g								
old location			o								

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RUN DATE: 2-MAR-04 BY: 3310 *** SHERBURNE COUNTY JAIL *** PAGE 6
RUN TIME: 15:39 ENFORS JAIL REPORT
REPORT #: 3 JAIL ACTIVITY LOG WITH DATE-TIME ENTERED jal-print20r03t153956
DATE-TIME: ALL No of Text Lines: 3
PRISONER NAME: vance, philip randall SORT SEQUENCE: (3) PRISONER ID & DATE-TIME

DATE	TIME	AREA	ACTIVITY TYPE	ACTIVITY DESCRIPTION	PRISONER ID	PRISONER NAME	CELL	LOC	CORR. OFFICER	DATE-TIME ENTERED	
08/25/03	2148		cella-cell assignment		0301745	vance, philip randall	g225u	g	03392	08/25/03	2148
TEXT: new cell			g225u								
old cell			o129								
08/26/03	1317		class-classification review		0301745	vance, philip randall	g225u	g	03274	08/26/03	1317
TEXT: had 30 day review - see file for comments											
08/26/03	1332		cella-cell assignment		0301745	vance, philip randall	g227l	g	03343	08/26/03	1332
TEXT: new cell			g227l								
old cell			g225u								
08/31/03	2202		cella-cell assignment		0301745	vance, philip randall	g228u	g	03353	08/31/03	2202
TEXT: new cell			g228u								
old cell			g227l								
09/01/03	1810	g	p0000-problem report		0301745	vance, philip randall	g228u	g	03323	09/01/03	1810
TEXT: lockdown 23 for extra issues found during shakedown											
09/03/03	1728		cella-cell assignment		0301745	vance, philip randall	g228l	g	03361	09/03/03	1728
TEXT: new cell			g228l								
old cell			g228u								
09/04/03	0620		fedou-us marshal taken out of		0301745	vance, philip randall	g228l	fedout	03315	09/04/03	0620
TEXT: out for court											
09/04/03	1807		loca		0301745	vance, philip randall	g228l	o	03339	09/04/03	1807
TEXT: new location			o								
old location			fedout								
09/06/03	0814		loca		0301745	vance, philip randall	g106u	g	03345	09/06/03	0814
TEXT: new location			g								
old location			o								
09/06/03	0814		cella-cell assignment		0301745	vance, philip randall	g106u	g	03345	09/06/03	0814
TEXT: new cell			g106u								
old cell			g228l								
09/06/03	1522		vis00-visitor to the jail		0301745	vance, philip randall	g106u	g	03205	09/06/03	1524
TEXT: sanya marie clark 19810113											
09/06/03	1522		vis00-visitor to the jail		0301745	vance, philip randall	g106u	g	03205	09/06/03	1524
TEXT: sanya marie clark 19810113											
09/08/03	0850	g	cc010-gym/rec		0301745	vance, philip randall	g106u	rec	03324	09/08/03	0902
TEXT: new location			rec								
old location			g								

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SOUTH SAINT PAUL POLICE REPORT OF INVESTIGATION FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS	CASE # 02018427

On 3/9/04 while meeting with Stites and County Attorney Keena, I faxed a release of information form, produced by the County Attorney's Office and signed by Stites, to the Radisson Capitol Bar (Attn: Cheri Mickelburg) for Stites' timesheet information on 12/22/02. I would eventually receive that information and have attached it to this report.

Phillip Oeffling #2107

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SOUTH SAINT PAUL POLICE
REPORT OF INVESTIGATION
FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS

CASE #

SUPPLEMENT TO SOUTH ST. PAUL ICR #02018427
Sergeant David L. Greengo

SUBJECT: Philip Randall VANCE DOB: 10-28-80

At approx. 0815 hrs, 2-13-04, I Sergeant Greengo was requested by Captain Vujovich to respond to the Sandstone Federal Correction Facility, Sandstone, MN to arrest and take Philip VANCE into custody for 1st Degree Homicide. I responded to the Dakota County Sheriff's Department where I made contact with Deputy T. Jacobson. Deputy Jacobson and I then responded to the Federal Correctional Facility in Sandstone.

At approx. 1050 hrs, 2-13-04, contact was made with Phillip VANCE at which time I advised him that he was under arrest for 1st Degree Homicide and that his custody was being turned over to Deputy Jacobson and I. VANCE was searched, secured in restraints and escorted from the Sandstone facility. VANCE was secured in Deputy Jacobson's transport van and at approx. 1055 hrs, we departed the facility enroute to the Dakota County Jail.

VANCE did not make any statements while being transported or during transfer of custody.

At approx. 1235 hrs, 2-13-04, Deputy Jacobson and I arrived at the Dakota County Jail. VANCE and his property were released to the custody of jail staff at which time he was booked into custody. The jail staff then provided me with a copy of the booking photo and fingerprints taken at the Dakota County Jail.

Upon returning to the South St. Paul Police Department, the arrest card, booking photos and fingerprints were turned over to Captain Vujovich.

David L. Greengo
Patrol Sergeant #2108

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SOUTH SAINT PAUL POLICE
REPORT OF INVESTIGATION
FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS

CASE #

02018427
D.S. Vujovich

Sergeant Oeffling met with John Nunn in reference to this investigation. During the interview Nunn made mention of an unknown individual who may live near Maryland and 35 E in St. Paul that may have information about this investigation. A check of Sandstone records in indicates that individual may be Cassandra A Yorga.

Using the internet I was able to locate Cassandra A Yorga residing at 265 Ravoux, St. Paul, MN. 651 222 7899.

On September 25, 2004, I made telephone contact with Yorga and explained the purpose of the telephone call. Yorga stated she had a relationship with Vance when she was sixteen. After their relationship was terminated they remained friends. Yorga stated she has not seen Vance for some but did speak with him on the telephone. Yorga was not able to offer any information about this investigation.

The telephone call with Yorga was audio recorded. The audio recording will not be transcribed unless needed.

D.S.Vujovich
2102

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SOUTH SAINT PAUL POLICE REPORT OF INVESTIGATION FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS	CASE # 02018427

Interviewed: Dominick Dwayne Johnson; 11/15/82
MCF – Faribault

On 2/17/04, DC Detective Sjogren and I interviewed Johnson at the Minnesota Correctional Facility in Faribault. Johnson continued to deny any involvement in the incident.

On 2/19/04, Detective Sjogren and I transported Johnson to the DC Jail to await charging in the robbery / homicide. Later that same day, we interviewed Johnson and he continued to deny any involvement in the event. He does identify Troy Crawford as someone he knows after viewing a photo lineup containing Crawford's picture. He looks at an array containing a photo of Nicole Rauschnot and identifies her as someone he knows to be one of Yvonne's friends. He said he had been in her vehicle in the past and described the vehicle as a smaller blue car. When told Nicole denies knowing him, he says she is lying but fails to offer an explanation.

On 2/20/04, Detective Sjogren and I interviewed Johnson at the DCSO. As he is describing his activity on the evening of the homicide, he said Vance, Martin, and himself were drinking at the Radisson bar and eventually left together. He claims they walked directly to the Buttery where they stayed until leaving for the Lab later in the evening. He said Martin accompanied him and Vance to the Buttery because Martin "had some checks that he was writing." I confronted Johnson about claiming Martin was with them at the Buttery and told him both Martin and Vance said Martin left without them when they were finished at the Radisson. Johnson continued to claim Martin was with them at the Buttery but then claimed he may have been thinking of a different night.

The topic of Johnson vomiting at the Buttery came up and Johnson simply dismissed as the result of drinking on an empty stomach. He said he vomited in the alley behind the bar rather than in the bathroom as we indicated.

I advised Johnson of his Miranda rights prior to each interview and, in every instance, he agreed to speak with us. All of our conversations were recorded and will be transcribed to be included in the case file.

Oeffling #2107

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SOUTH SAINT PAUL POLICE
REPORT OF INVESTIGATION
FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS

CASE #

02018427
D.S. Vujovich

On September 17, 2004, I spoke with Regina Hagerman in reference to this investigation. Regina was at the South St. Paul Police Department meeting with Assistant Dakota County Attorney Kathy Keena in reference to her upcoming court appearance. Regina informed me she was having second thoughts about testifying. Regina stated indirectly she has received comments indicating it would not be in her best interest to testify. Regina stated the comments were forwarded to her through her fiancé Jerry Matlock who is currently being held in the Minnesota Correctional Facility, Stillwater, the same facility as Dominick Johnson. Regina also stated she believes Cantrell Anthony has also received such comments.

After meeting with Ms. Kenna Regina stated she would be testifying.

Sergeant Oeffling will be following up on the allegations made by Regina.

D.S. Vujovich
2102

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SOUTH SAINT PAUL POLICE REPORT OF INVESTIGATION FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS	CASE # 02018427

On 9/23/04, I took custody of the original letter found in Johnson's cell at MCF Stillwater in which Vance instructs him to never speak to others of their past; I received the item from Lt. Smith. I completed a property sheet and logged the item into evidence.

Oeffling #2107

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SOUTH SAINT PAUL POLICE
REPORT OF INVESTIGATION
FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS

CASE #

02018427
D.S. Vujovich

During this investigation Sergeant Oeffling met with John Nunn. Nunn told Sergeant Oeffling Vance indicated to him that he was concerned that the police may locate a gun involved in this investigation. Additionally Nunn informed Sergeant Oeffling he believes the location that concerned Vance was at a friends home near 35 E and Marion in St. Paul.

I checked a document given to us by the Sandstone Correctional Facility. On the document the telephone number 651 222 7899 is listed a telephone call made by Vance. Checking the internet and Minnesota Department of Public Safety records I learned that telephone number is assigned to Cassandra A Yorga residing at 265 Ravoux, St. Paul, Minnesota.

On September 25, 2004, I made telephone contact with Yorga and explained the purpose of the telephone call. Yorga stated she had a relationship with Vance when she was sixteen that has ended but they remain friends. Yorga stated Vance has called her since being incarcerated and has written her a letter. She stated has no knowledge of Vance's involvement in this investigation.

When asked if Vance has stayed at her residence she indicated that he did on one occasion, she recalls that because when there he took out the trash, but could not remember the date. Yorga at first thought it was in the spring but later thought it was around this time of the year. .

The telephone call with Yorga was audio recorded. The audio recording will be transcribed and included in this case file.

D.S.Vujovich
2102

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SOUTH SAINT PAUL POLICE
REPORT OF INVESTIGATION
FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS

CASE #

02018427
D.S. Vujovich / 2102

On November 22, 2004, I again spoke with Kentrell Anthony in reference to this investigation. I informed Kentrell Nicole Rauschnot and Yvonne White had been arrested for their involvement in the robbery / homicide. During the conversation I informed Kentell Nicolle was again making statements about not knowing either Vance or Johnson. Kentrell again informed me that Nicole was not being truthful and if needed she would be willing to testify to the fact they do know each other.

During this conversation Kentell informed me in June 2004 (date unknown) she met Shauna Vance, Philip Vance's sister, near the intersection Earl Street and Margaret. During their brief meeting Shauna made comments to Kentrell about her speaking to police about Philip's involvement in the robbery / homicide. Shauna then said if she were to testify she should start watching her back and she could get "cut". Kentrell stated she feared for her personal safety and decided the best precaution she could take was to not make herself available to testify. I asked her if she reported this incident to St. Paul Police Department and she stated she had not.

D.S. Vujovich
2102

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SOUTH SAINT PAUL POLICE REPORT OF INVESTIGATION FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS	CASE # 02018427mps

Supplemental report

SUBJECT: YVONNE MARIE WHITE 1-13-84
PRESENT LOCATION: DAKOTA COUNTY JAIL

On 11-12-04 at 1800 hrs I (Smith) arrived at the Dakota County Jail and took custody of Yvonne Marie White and transported her to the Regina Hospital in Hastings. White who is 8 1/2 months pregnant was complaining of stomach pains. Upon arrival Regina medical staff examined White and determined that her stomach pains were possibly due to stress but she was otherwise healthy. Regina Hospital provided me with a medical release form allowing White to be transported back to the Dakota County jail.

While transporting White to the Regina Hospital and back to the jail, there was no conversation between us concerning her criminal charges.

Upon arrival, White was released to the custody of the Dakota County Jail staff. The medical release form was forwarded to the jail staff.

Michael P. Smith
Badge # 2129

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SOUTH SAINT PAUL POLICE
REPORT OF INVESTIGATION
FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS

CASE #

02018427
D.S. Vujovich / 2102

On October 26, 2004, I spoke with John Martin in reference to this investigation. Martin stated he spoke with an individual who was later identified as Price Arvell Jordan, date of birth 03/05/1982, 1883 Reaney Avenue, St. Paul, Minnesota, who indicated to him he may have information relating to this investigation.

On October 29, 2004, I received a telephone call from Colleen McManus in reference to this investigation. During the conversation McManus stated Vance directed a threatening gesture toward her when she attended his sentencing hearing on October 06, 2004. McManus stated she was seated in the public seating area and when Vance saw her he "threw" her a hand signal of "upside down forks",(a street sign showing her disrespect), followed by positioning his hand as to illustrate he had a weapon and was going to shoot her. McManus stated she took his actions to mean he would harm her if given the opportunity. McManus stated due to the sentence he received she did not immediately report the incident but after speaking with family members a decision was made that she should. Since the incident happened in the court room I contacted Captain Brad Wayne, Dakota County Sheriff's Department and made him aware of the incident. Captain Wayne stated an investigator would be assigned and an investigation would be conducted.

On November 03, 2004, Sergeant Oeffling and I met with Prince Jordan near his residence. He was advised as to the purpose of our presence. Jordan initially stated he did not have any information. After a short discussion Jordan did agree to contact us is he did recall any information specific to this investigation.

In mid September I received a telephone call from Detective Brian Gunderson, Eagan Police Department, in reference to this investigation. Detective Gunderson stated he received information from a Confidential Reliable Informant, currently held in the Dakota County Jail, indicating an individual identified as Dale Lee Johnson, date of birth, 11/07/1966, made comments he was searching for an individual who would be willing to carry out a threat to harm Vance.

After relaying this information to Captain Brad Wayne, Dakota County Sheriff's Department, he made contact with the Confidential reliable Informant. Captain Wayne stated Johnson has been released from the jail and that he was not able to gather any specific information.

On November 02, 2004, after learning Johnson was residing at 342 2nd Avenue South, South St. Paul, Captain Wayne and I made contact with Johnson at his residence. We advised Johnson as to the purpose of our presence. Johnson denied making any such comments or knowledge of a plan to harm or threaten, Vance. Johnson again stated Khaled was a friend of his and is saddened by his death.

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02018427
D.S. Vujovich / 2102

On November 12, 2004, Dominick Johnson appeared in Dakota County District Court and pled guilty for his actions relating to this robbery / homicide. During sworn testimony Johnson confirmed Yvonne Marie White, date of birth 01/13/1984 and Nicolle Lynn Rauschnot, date of birth, 03/23/1979, was involved in this crime. Based on Johnson's testimony, and information gathered during the investigation a decision was made to issue a probable cause arrest pick up for White and Rauschnot.

On November 12, 2004, Hastings Police Department Officers located and arrested Yvonne White. She was transported to the Dakota County Jail pending formal charging.

On November 12, 2004, Sergeant Oeffling and I met with White at the Dakota County Sheriff's Department. I advised White as to the purpose of our presence. I then read White her rights per Miranda. White stated she understood her rights and did not want to talk to us. The interview was terminated and no questions were asked.
White was then booked into the Dakota County Jail. Prior to being held Officer Smith transported her to Regina Hospital to be examined. Officer Smith's report which is included in this case file.

On November 13, 2004, Sergeant Greengo contacted Dakota County District Judge Rex Stacy who approved a Judicial Determination of Probable Cause to Detain. A copy is included in this case file.

On November 12, 2004, Officer McManus, Minnesota Gang Strike Force, received information Nicolle Rauschnot was currently being held in the Ramsey County Jail on an unrelated matter and was due to be released on November 13, 2004 at 1200 hours.

On November 13, 2004, Sergeant Greengo met Nicolle Rauschnot at the Ramsey County Jail. There he informed her she was being arrested for her actions relating to this robbery / homicide. Sergeant Greengo then transported her to the Dakota County Jail pending formal charges. Sergeant Greengo's report is included in this case file.

On November 13, 2004, Sergeant Greengo contacted Dakota County District Judge Rex Stacy who approved a Judicial Determination of Probable Cause to Detain. A copy is included in this case file

On November 15, 2004, Sergeant Greengo and I met with Amy Drager at her residence. The purpose of the meeting was to inform her Dominick Johnson's sworn testimony conflicts with her earlier statements relating to Yvonne White being with her the entire night of the robbery / homicide. Her response was Johnson must be lying. Drager stated she is sure White was with her that night. When asked if maybe she has the dates confused she sated she did not think so because she recalls them (Vance and Johnson) calling her house that night asking for a ride. Drager was advised to contact us if she recalled any other details of that evening.

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SOUTH SAINT PAUL POLICE REPORT OF INVESTIGATION FOR ALL CRIMES, ATTEMPTS, INVESTIGATION & INCIDENTS	CASE # 02018427mps

Supplemental report

SUBJECT: YVONNE MARIE WHITE 1-13-84
PRESENT LOCATION: DAKOTA COUNTY JAIL

On 11-12-04 at 1800 hrs I (Smith) arrived at the Dakota County Jail and took custody of Yvonne Marie White and transported her to the Regina Hospital in Hastings. White who is 8 1/2 months pregnant was complaining of stomach pains. Upon arrival Regina medical staff examined White and determined that her stomach pains were possibly due to stress but she was otherwise healthy. Regina Hospital provided me with a medical release form allowing White to be transported back to the Dakota County jail.

While transporting White to the Regina Hospital and back to the jail, there was no conversation between us concerning her criminal charges.

Upon arrival, White was released to the custody of the Dakota County Jail staff. The medical release form was forwarded to the jail staff.

Michael P. Smith
Badge # 2129

MINNESOTA JUDICIAL BRANCH

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State of Minnesota
1/5/2026 4:21 PM

Page 3 of 3	South St. Paul Police Department NARRATIVE (CONTINUED)	CASE #

02018427
D.S. Vujovich

On November 16, 2004, I received a telephone call from Amy Drager. Drager indicated in her statements White was with her the night of this incident. Drager indicated she believed that to be true because she recalls being at her mothers gathering Christmas gifts on that date, a Sunday. Drager stated after we left her residence yesterday she called her mother to confirm her thoughts. It was then she learned she may have made an error because she now believes she was at her mothers on a Saturday not a Sunday.

Drager agreed to give it more thought and contact me in a few days at which time I will be asking her for a formal statement. The telephone conversation with Drager was audio recorded. The audio recording has been transcribed and is included in this case file.

D.S. Vujovich / 2102

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State of Minnesota
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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

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State of Minnesota
1/5/2026 4:21 PM

OFFICE OF DAKOTA COUNTY ATTORNEY
JAMES C. BACKSTROM
COUNTY ATTORNEY

Dakota County Judicial Center
1560 Highway 55
Hastings, Minnesota 55033-2392
Phillip D. Prokopowicz, Chief Deputy
Karen A. Schaffer, First Assistant
Monica Jensen, Community Relations Director

Telephone
(651) 438-4438
FAX: (651) 438-4479 (Civil Division)
FAX: (651) 438-4500 (Criminal Division)
FAX: (651) 438-4499 (Juvenile/Admin Division)
E-mail: attorney@co.dakota.mn.us

FACSIMILE COVER SHEET

SEND TO: Danny Vujovich

AT FAX NO.: 651-[redacted] 554-3301

OFFICE:

PHONE:

FROM: K. Keena

DATE:

TIME:

SUBJECT:

COVER PAGE PLUS 6 **ADDITIONAL PAGES**

☐ **ORIGINAL TO FOLLOW VIA U.S. MAIL**

Additional Comments/Instructions: Per Vance

CONFIDENTIALITY NOTICE: The document(s) accompanying this fax contain confidential information which is legally privileged. The information is intended only for the use of the intended recipient named above. If you are not the intended recipient, do not disclose, copy, distribute or take any other action in reliance on the contents of this telecopied information. If you have received this fax in error, please notify us immediately by telephone to arrange for return of the original documents to us.

If you have any problems with this transmittal, please call us at (651) 438-4438 as soon as possible for retransmission.

CIVIL/FORMS/FAX

Criminal Division
Scott A. Hersey, Head
Victim/Witness Coordinator
Patricia Ronken

Juvenile and Protective Services Division
Donald E. Bruce, Head
Office Manager
Norma J. Zabel

Civil Division
Jay R. Stasson, Head
Child Support Enforcement Division
Sandra M. Torgerson, Head

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State of Minnesota
1/5/2026 4:21 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 L.

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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State of Minnesota
1/5/2026 4:21 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
02 1A $ 00.39⁰
0004378506 FEB 26 2007
MAILED FROM ZIP CODE 55003

Mr John Martin
#221055
2305 Minnesota Blvd.
St. Cloud, MN 56304

3630482424 C011

MINNESOTA JUDICIAL BRANCH

MAR. 1. 2007 3:38PM 3202407858 NO. 3992 P. 2 02/05

State's Exhibit 2 - CRU Supporting Materials and Documents - Pg CRU0136

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1/5/2026 4:21 PM

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 handwritting & 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 too 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 wasn't 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 got charges dismissed & time cuts to lie. Stacks get out 2011, the broads are out & I got life 4 some shit I ain't 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 ain't 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 sh.t 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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State of Minnesota
05/05/2026 4:21 PM

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. Sometime 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 could'n 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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State of Minnesota
1/5/2026 4:21 PM

happening on the 22nd of December I'm 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 wasn't 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

MINNESOTA JUDICIAL BRANCH

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State of Minnesota
1/5/2026 4:21 PM

City of South St. Paul
Police Department

Michael J. Messerich
Chief of Police

Investigative Division
Charging Fax Cover Sheet

Routing:		Attention:
☑	Dakota County Attorney's Office Criminal Division	Kathy Keena
☐	Dakota County Attorney's Office Juvenile Division	
☐	Dakota County Social Service	
☐	South St. Paul City Attorney Criminal Division	
☐		

The following is submitted for:

☐	In custody pending formal complaint	☐	For your information
☐	Review for formal charging	☐	Per your request
☑	Attachment for existing case file	☐	

Investigator:

☑	Captain Daniel Vujovich / 651 554 3304	☐	Sergeant Phil Oeffling / 651 554 3313
☐	Corporal John Sneitzer / 651 554 3312	☐	Investigator Cory Slifko / 651 554 3314
☐		☐	

South St. Paul Police Case Number: 0201849?

Incident: Robbery - Homicide

Suspect information: Yvonne Marie White

Miscellaneous information: Phone call w/ Amy Dragen.

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State of Minnesota
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TRANSMISSION VERIFICATION REPORT

TIME : 11/19/2004 11:51

DATE,TIME	11/19 11:50
FAX NO./NAME	COUNTY ATTY
DURATION	00:00:58
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

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State of Minnesota
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City of South St. Paul
Police Department

Michael J. Messerich
Chief of Police

Investigative Division
Charging Fax Cover Sheet

Routing: Attention:

☑	Dakota County Attorney's Office Criminal Division	Cathy Keena.
☐	Dakota County Attorney's Office Juvenile Division	
☐	Dakota County Social Service	
☐	South St. Paul City Attorney Criminal Division	
☐		

The following is submitted for:

☐	In custody pending formal complaint	☐	For your information
☐	Review for formal charging	☐	Per your request
☑	Attachment for existing case file	☐	

Investigator:

☑	Captain Daniel Vujovich / 651 554 3304	☐	Sergeant Phil Oeffling / 651 554 3313
☐	Corporal John Sneitzer / 651 554 3312	☐	Investigator Cory Slifko / 651 554 3314
☐		☐	

South St. Paul Police Case Number: Incident:

05018497	Robbery - Homicide

Suspect information:

Amy Michelle Dwyer 8/3/1982

Miscellaneous information:

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State's Exhibit 2 - CRG Supporting Materials and Documents - Pg CR 10142

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State of Minnesota
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TRANSMISSION VERIFICATION REPORT

TIME : 09/22/2004 15:51

DATE,TIME	09/22 15:45
FAX NO./NAME	COUNTY ATTY
DURATION	00:06:14
PAGE(S)	18
RESULT	OK
MODE	STANDARD ECM

MINNESOTA JUDICIAL BRANCH

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State of Minnesota
1/5/2026 4:21 PM

Jean Welle

From: Philip Oeffling
Sent: Tuesday, November 09, 2004 8:51 AM
To: Jean Welle

Can you make 2 copies of the audio recording of the interview I had with Dominic Johnson on 2/9/04 (CN 02-18427). Please send the copies to K.Keena (one is for her and one is for the defense). I'm sure it is a digital file....(at least I think).

Thanks

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State of Minnesota
1/5/2026 4:21 PM

City of South St. Paul
Police Department

Michael J. Messerich
Chief of Police

Investigative Division
Charging Fax Cover Sheet

Routing:		Attention:
☑	Dakota County Attorney's Office Criminal Division	Kathy Keenan
☐	Dakota County Attorney's Office Juvenile Division	
☐	Dakota County Social Service	
☐	South St. Paul City Attorney Criminal Division	
☐		

The following is submitted for:

☐	In custody pending formal complaint	☐	For your information
☐	Review for formal charging	☐	Per your request
☑	Attachment for existing case file	☐	

Investigator:

☑	Captain Daniel Vujovich / 651 554 3304	☐	Sergeant Phil Oeffling / 651 554 3313
☐	Corporal John Sneitzer / 651 554 3312	☐	Investigator Cory Slifko / 651 554 3314
☐		☐	

South St. Paul Police Case Number:	Incident:
02018487	Robbery - Homicide

Suspect information:

Yvonne Marie White - 1-13-1984

Miscellaneous information:

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State's Exhibit 2 - CRU Supporting Materials and Documents - Pg CRU 0146

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State of Minnesota
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TRANSMISSION VERIFICATION REPORT

TIME : 11/19/2004 10:07

DATE,TIME	11/19 10:03
FAX NO./NAME	COUNTY ATTY
DURATION	00:04:23
PAGE(S)	11
RESULT	OK
MODE	STANDARD ECM

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TRANSMISSION VERIFICATION REPORT

TIME : 11/19/2004 10:00

DATE,TIME	11/19 09:59
FAX NO./NAME	COUNTY ATTY
DURATION	00:01:20
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

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City of South St. Paul

Police Department

Michael J. Messerich
Chief of Police

Investigative Division
Charging Cover Sheet

Routing:

		Attention:
☒	Dakota County Attorney's Office Criminal Division	Scott Mabey - Kathy Keefe
☐	Dakota County Attorney's Office Juvenile Division	
☐	Dakota County Social Service	
☐	South St. Paul City Attorney Criminal Division	
☒	South St. Paul Police Department Records	
☐		

The following is submitted for:

☐	In custody pending formal complaint	☐	For your information
☐	Review for formal charging	☐	Per your request
☒	Attachment for existing case file	☐	

Investigator:

☒	Captain Daniel Vujovich / 651 554 3304	☐	Sergeant Phil Oeffling / 651 554 3313
☐	Corporal John Sneitzer / 651 554 3312	☐	Investigator Cory Slifko / 651 554 3314
☐		☐	

~~South St. Paul Police Case Number:~~	~~Incident:~~
02018497	Homicide - Robbery

Suspect information:

Philip Vawee.

Miscellaneous information:

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SAINT PAUL POLICE
Trusted service with respect

CASE NUMBER: 03-133860

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Incident Overview

Case Status	:	**Closed**	Occ Date From	:	**06/30/2003, 19:45**
Case Number	:	**03-133860**	Occ Date To	:	**06/30/2003, 21:07**
Reported Date	:	**06/30/2003, 16:49:04**	Bias Motivation	:	
Location	:	**1095 4 Street E, St Paul, MN 55117**	Arrest	:	**No**
			Resistance Encountered	:	
Offenses	:	**Search Warrant-Execution Of Search Warrant**			

Incident Summary

Created by:

Execution of a search warrant at 1095 4th Street East. No one arrested.

CASE NUMBER: 03-133860

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SAINT PAUL POLICE
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CASE NUMBER: 03-133860

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Staff Involved

Officer	Type	BWC	ICC	Resistance Encounter	Force Used	Vehicle Pursuit
Barber, Jean	Submitter					
Gainey, Raymond	Submitter					

Narratives

Narrative 1 Created by: **Barber, Jean** **06/30/2003, 21:07**

Synopsis :

Execution of a search warrant at 1095 4th Street East. No one arrested.

Narrative :

I, Officer Barber of the St. Paul Police SIU/Narcotics Unit assisted Sgt. Moore from SIU and Officer Kennedy of the Minnesota Gang Strike Force with an execution of a search warrant at 1095 4th Street East. I was dressed in a polo shirt that clearly marked in large letters ST. PAUL POLICE, and my gun belt.

When we arrived their were two adult males sitting in chairs in the yard. I got out of the vehicle with my gun drawn and ordered both males to the ground. When the males didn't comply, I took one of the male's by his right arm and guided him to the ground. When I got one male to the ground the other male go up from his chair and laid face down on the ground. While both males were on the ground, I handcuffed both males. The males were identified as: James Barnett (dob 05-12-64) and Mark Lamont Bell (dob 06-30-03).

Sgt. Gainey and other members of the St. Paul Police department and the Minnesota Gang Strike Force secured the interior to the house. See Sgt. Gainey's report.

While at the house, we recovered several items of evidence, which I placed on the Receipt, Inventory and Return sheet. A carbon copy of the Receipt, Inventory and Return Sheet was left at the scene.

1. A red and blue Phila #3 jersey, which was found in the basement hanging on a hanger on a wall.
2. A white and purple head scarf found in the basement under the mattress, next to item #3.
3. A red jersey with the name of SAPP and the #99 on it. The jersey was folded next to item #2.
4. A red and blue warm up outfit with the name of P. Miller on it, found on the basement floor next to stairs.
5. A letter addressed to Darlene Jones from FLA BOY, found in the kitchen draw, east of the sink.

JUDICIAL BRANCH

MINNESOTA

CASE NUMBER: 03-133860

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State of Minnesota
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SAINT PAUL POLICE
Trusted service with respect

CASE NUMBER: 03-133860

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

6. 10 scrapes of paper with phone numbers, found in the basement.
7. An Excel energy statement, found in the kitchen in the drawer east of the sink.
8. One paper with a name and phone number found in the drawer east of the sink.
9. One crack pipe found in the northeast main floor bedroom night table.
10. One crack pipe found on top of the high boy dresser in the northeast main floor bedroom.

At HQ, I turned over the above items to Sgt. Gainey and he placed them into the property room. A copy of the search warrant was left at the scene.

Narrative 2 Created by: **Gainey, Raymond** **06/30/2003, 21:44**

Synopsis :

Assisted with the execution of a search warrant.

Narrative :

On 06/30/03 at 1930 hours I assisted with the execution of this search warrant at 1095 E Fourth St. This warrant was being executed by the SIU/Narcotics Unit and the MN GSF. This was one of five warrants being executed reference the "Lower Town Gangsters". The door was unlocked so there was no need to force entry. There were two people outside the front of the house that were taken into custody. There was nobody inside the house.

The following officers assisted with the warrant. Sgt. Stanton, Officer Barber, Officer McManus, Officer Longen, Deputy Hankes, Deputy Meskan from the MN GSF, and SA Dave Nygren from ATF. After the house was secured we conducted our search of the residence. We recovered several items that were later turned into PL #15. See officers Barber inventory sheet for the items recovered. There were no arrests.

A copy of the inventory and a copy of the warrant were left at the house with Regina Hagerman.

CASE NUMBER: 03-133860

State's Exhibit 2 - CRU Supporting Materials and Documents - Pg. 1820

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SAINT PAUL POLICE
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CASE NUMBER: 03-133860

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Offenses

Offense 1 - SEARCH WARRANT-EXECUTION OF SEARCH WARRANT

NIBRS Offense Description	:	Criminal Activity Gang Info	:
Crime Scene Type	:	Weapons Used	:
Forced Entry	: No	Bias Motivation	:
Attempt Only	:	Bias Target	:
Number Of Premises Entered	:	Bias Based On	:
Offender Suspected Of Using	:		

Offense 2 - SEARCH WARRANT-EXECUTION OF SEARCH WARRANT

NIBRS Offense Description	:	Criminal Activity Gang Info	:
Crime Scene Type	:	Weapons Used	:
Forced Entry	: No	Bias Motivation	:
Attempt Only	:	Bias Target	:
Number Of Premises Entered	:	Bias Based On	:
Offender Suspected Of Using	:		

CASE NUMBER: 03-133860

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State of Minnesota
1/5/2026 4:21 PM

SAINT PAUL POLICE
Trusted service with respect

CASE NUMBER: 03-133860

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Participants / Persons

Person 1

Info			Phones	
Participant Type	:		Cell Phone	:
Age	:		Home Phone	:
Gender	:		Work Phone	:
Race	:		Email Address	:
Hispanic	:	No	Social Media	:
Business Name	:			

Physical Description			Attributes		
Height	:		School Name	:	
Weight	:		Employer Name	:	
Eye Color	:		Occupation	:	
Hair Color	:		Requested Non Public	:	No
Build	:		License / ID Number	:	
			Limited English / Language	:	

Employment		Injuries	
Employer	:	Type of Injury	:
Type	:		
Occupation	:		
Address	:		

Arrest Detail

CASE NUMBER: 03-133860

MINNESOTA JUDICIAL BRANCH

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State of Minnesota
1/5/2026 4:21 PM

SAINT PAUL POLICE
Trusted service with respect

CASE NUMBER: 03-133860

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Person 2

James Barnett **DOB: 05/12/1964**
179 Arch Street, St Paul, MN

Info

Participant Type	:	**Complainant**
Age	:	**39**
Gender	:	**Male**
Race	:	**Black**
Hispanic	:	**No**
Business Name	:	

Phones

Cell Phone	:	
Home Phone	:	
Work Phone	:	
Email Address	:	
Social Media	:	

Physical Description

Height	:	
Weight	:	
Eye Color	:	
Hair Color	:	
Build	:	

Attributes

School Name	:	
Employer Name	:	
Occupation	:	
Requested Non Public	:	**No**
License / ID Number	:	
Limited English / Language	:	

Employment

Employer	:	
Type	:	
Occupation	:	
Address	:	

Injuries

Type of Injury	:	

Arrest Detail

CASE NUMBER: 03-133860

MINNESOTA JUDICIAL BRANCH

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State of Minnesota
1/5/2026 4:21 PM

SAINT PAUL POLICE
Trusted service with respect

CASE NUMBER: 03-133860

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Person 3

Mark Lamont Bell **DOB: 08/04/1965**
St Paul

Info

Participant Type	:	**Other**
Age	:	**37**
Gender	:	**Male**
Race	:	**Black**
Hispanic	:	**No**
Business Name	:	

Phones

Cell Phone	:	
Home Phone	:	
Work Phone	:	
Email Address	:	
Social Media	:	

Physical Description

Height	:	
Weight	:	
Eye Color	:	
Hair Color	:	
Build	:	

Attributes

School Name	:	
Employer Name	:	
Occupation	:	
Requested Non Public	:	**No**
License / ID Number	:	
Limited English / Language	:	

Employment

Employer	:	
Type	:	
Occupation	:	
Address	:	

Injuries

Type of Injury	:	

Arrest Detail

CASE NUMBER: 03-133860

MINNESOTA JUDICIAL BRANCH

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State of Minnesota
1/5/2026 4:21 PM

SAINT PAUL POLICE
Trusted service with respect

CASE NUMBER: 03-133860

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Person 4

Darlene Latanya Jones **DOB: 11/07/1982**
St Paul

Info

Participant Type	:	**Other**
Age	:	**20**
Gender	:	**Female**
Race	:	**Black**
Hispanic	:	**No**
Business Name	:	

Phones

Cell Phone	:	
Home Phone	:	
Work Phone	:	
Email Address	:	
Social Media	:	

Physical Description

Height	:	
Weight	:	
Eye Color	:	
Hair Color	:	
Build	:	

Attributes

School Name	:	
Employer Name	:	
Occupation	:	
Requested Non Public	:	**No**
License / ID Number	:	
Limited English / Language	:	

Employment

Employer	:	
Type	:	
Occupation	:	
Address	:	

Injuries

Type of Injury	:	

Arrest Detail

CASE NUMBER: 03-133860

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State's Exhibit 2

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SAINT PAUL POLICE

Trusted service with respect

CASE NUMBER: 03-133860

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Person 5

[redacted] [redacted]

Info

Participant Type	:	**Other**
Age	:	**11**
Gender	:	**Male**
Race	:	**Black**
Hispanic	:	**No**
Business Name	:	

Phones

Cell Phone	:	
Home Phone	:	
Work Phone	:	
Email Address	:	
Social Media	:	

Physical Description

Height	:	
Weight	:	
Eye Color	:	
Hair Color	:	
Build	:	

Attributes

School Name	:	
Employer Name	:	
Occupation	:	
Requested Non Public	:	**Yes**
License / ID Number	:	
Limited English / Language	:	

Employment

Employer	:	
Type	:	
Occupation	:	
Address	:	

Injuries

Type of Injury	:	

Arrest Detail

CASE NUMBER: 03-133860

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SAINT PAUL POLICE
Trusted service with respect

CASE NUMBER: 03-133860

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Person 6

[redacted] [redacted]

Info

Participant Type	:	**Complainant**
Age	:	**12**
Gender	:	**Male**
Race	:	**Black**
Hispanic	:	**No**
Business Name	:	

Phones

Cell Phone	:	
Home Phone	:	
Work Phone	:	
Email Address	:	
Social Media	:	

Physical Description

Height	:	
Weight	:	
Eye Color	:	
Hair Color	:	
Build	:	

Attributes

School Name	:	
Employer Name	:	
Occupation	:	
Requested Non Public	:	**Yes**
License / ID Number	:	
Limited English / Language	:	

Employment

Employer	:	
Type	:	
Occupation	:	
Address	:	

Injuries

Type of Injury	:	

Arrest Detail

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SAINT PAUL POLICE
Trusted service with respect

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INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Property

Property 1

Involvment Type	:	**Recovered**	Model Number	:	
Make	:		Quantity	:	
Serial Number	:		Value	:	
Model	:		Fingerprints	:	**No**
Property Description	:	**A red and blue Phila #3 jersey found in the basement hanging a wall.**			
Article Description	:	**Clothing**			

Property 2

Involvment Type	:	**Recovered**	Model Number	:	
Make	:		Quantity	:	
Serial Number	:		Value	:	
Model	:		Fingerprints	:	**No**
Property Description	:	**A white and purple head scarf found in the basement under mattress next #3**			
Article Description	:	**Clothing**			

Property 3

Involvment Type	:	**Recovered**	Model Number	:	
Make	:		Quantity	:	
Serial Number	:		Value	:	
Model	:		Fingerprints	:	**No**
Property Description	:	**A read jersey w/ name of 'SAPP' #99 found folded under mattress next #2**			
Article Description	:	**Clothing**			

Property 4

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INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Involvment Type	:	**Recovered**	Model Number	:	
Make	:		Quantity	:	
Serial Number	:		Value	:	
Model	:		Fingerprints	:	**No**
Property Description	:	**A red and blue warm-up outfit "P Miller" found on basement floor by stairs.**			
Article Description	:	**Clothing**			

Property 5

Involvment Type	:	**Recovered**	Model Number	:	
Make	:		Quantity	:	
Serial Number	:		Value	:	
Model	:		Fingerprints	:	**No**
Property Description	:	**A letter addressed to Jones, found in the kitchen draw east of sink.**			
Article Description	:	**Miscellaneous items**			

Property 6

Involvment Type	:	**Recovered**	Model Number	:	
Make	:		Quantity	:	
Serial Number	:		Value	:	
Model	:		Fingerprints	:	**No**
Property Description	:	**10 scrapes of paper w/ phone # found in basement.**			
Article Description	:	**Miscellaneous items**			

Property 7

Involvment Type	:	**Recovered**	Model Number	:	

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INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Make	:		Quantity	:	
Serial Number	:		Value	:	
Model	:		Fingerprints	:	No
Property Description	:	xcel energy bill to Jones found in kitchen draw next to sink			
Article Description	:	Miscellaneous items			

Property 8

Involvment Type	:	Recovered	Model Number	:	
Make	:		Quantity	:	
Serial Number	:		Value	:	
Model	:		Fingerprints	:	No
Property Description	:	paper with number on it found in kitchen draw next to sink.			
Article Description	:	Miscellaneous items			

Property 9

Involvment Type	:	Recovered	Model Number	:	
Make	:		Quantity	:	
Serial Number	:		Value	:	
Model	:		Fingerprints	:	No
Property Description	:	crack pipe find in Jones bedroom, in nightstand, northeast bedroom.			
Article Description	:	Miscellaneous items			

Property 10

Involvment Type	:	Recovered	Model Number	:	
Make	:		Quantity	:	

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SAINT PAUL POLICE

Trusted service with respect

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INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Serial Number	:		Value	:	
Model	:		Fingerprints	:	**No**
Property Description	:	**a crack pipe found on top of the highboy dresser, in the northeast bedroom.**			
Article Description	:	**Miscellaneous items**			

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STATE OF MINNESOTA

IN SUPREME COURT

A05-15

Dakota County

Page, J.
Took no part, Gildea, J.

State of Minnesota,

Respondent,

vs.

Filed: May 25, 2006
Office of Appellate Courts

Philip Vance,

Appellant.

SYLLABUS

1. The trial court did not abuse its discretion when it excluded alternative-perpetrator evidence related to two alleged alternative perpetrators.

2. The trial court did abuse its discretion when it excluded alternative-perpetrator evidence with respect to a third alleged alternative perpetrator, but the error was harmless.

3. The trial court did not err when it admitted evidence that witnesses were threatened, felt threatened, or were assaulted.

4. The trial court did not commit error, plain or otherwise, when it failed to *sua sponte* provide a cautionary instruction with respect to evidence of witnesses being threatened, feeling threatened, or being assaulted.

5. The trial court did not commit plain error when it failed to *sua sponte* give a cautionary instruction with respect to unredacted police statements that appellant was being untruthful.

6. Appellant's claims with respect to newly discovered evidence, the exclusion of a letter for lack of foundation, and prosecutorial misconduct fail for lack of merit.

Affirmed.

Heard, considered and decided by the court en banc.

OPINION

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PAGE, Justice.

On October 5, 2004, a Dakota County jury found appellant Philip Vance guilty of first-degree premeditated murder, first-degree felony murder during an aggravated robbery, and second-degree intentional murder for the shooting death of Khaled Al-Bakri (Al-Bakri). The trial court judge sentenced Vance to life imprisonment. In this direct appeal, Vance raises a number of issues. He contends that the trial court erred when it denied his motion to admit certain alternative-perpetrator evidence and reverse-*Spreigl* evidence. He also contends that he 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; the trial court's failure to *sua sponte* give a cautionary instruction with respect to that evidence; and the trial court's failure to *sua sponte* give a limiting instruction with respect to unredacted statements by police officers asserting that Vance was lying. Pro se, Vance argues that: (1) newly discovered evidence entitles him to a new trial; (2) the trial court erroneously excluded introduction of a relevant letter; and (3) the prosecutor committed misconduct when she cried during her opening statement and while presenting the state's case. We affirm.

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.

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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 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."

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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.[1] 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 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.

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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

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after Johnson called two women, named Yvonne and Tiffany or Nikki, 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.

I.

Evidentiary rulings are within the discretion of the trial court and will not be overturned absent an abuse of that discretion. *State v. Gutierrez*, 667 N.W.2d 426, 436 (Minn. 2003). The appellant has the burden of establishing that the trial court abused its discretion and that the error was prejudicial. *Huff v. State*, 698 N.W.2d 430, 435 (Minn. 2005).

We first address Vance's claim that the trial court abused its discretion when it excluded certain alternative-perpetrator evidence. Vance contends that the trial court's exclusion of this evidence denied him his constitutional right to present a complete defense. When identity of the perpetrator is at issue, the defendant may present evidence showing that an alternative perpetrator committed the crime. *State v. Blom*, 682 N.W.2d 578, 621 (Minn. 2004). Alternative-perpetrator evidence is admissible if it has an inherent tendency to connect the alternative party with the commission of the crime. *State v. Jones*, 678 N.W.2d 1, 16 (Minn. 2004). Once the defendant establishes that the evidence has an inherent tendency to connect the alleged alternative perpetrator to the commission of the crime, "'it is permissible to introduce

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evidence of a motive of the third person to commit the crime, threats by the third person, or other miscellaneous facts which would tend to prove the third person committed the act,' in order to cast a reasonable doubt on the state's case." *Id.* (quoting *State v. Hawkins*, 260 N.W.2d 150, 159 (Minn. 1977)).

The defendant may also "present evidence of other crimes, wrongs, or bad acts committed by the alleged alternative perpetrator in order to cast reasonable doubt upon the identification of the defendant as the person who committed the charged crime." *Id.* This evidence is often referred to as reverse-*Spreigl* evidence. *Id.* In order for reverse-*Spreigl* alternative-perpetrator evidence to be admitted, the defendant must, as with all alternative-perpetrator evidence, meet the threshold requirement of connecting the alternative perpetrator to the commission of the crime with which the defendant is charged. *Id.* If this threshold requirement is not met, the reverse-*Spreigl* alternative-perpetrator evidence is not admissible. *See Hawkins*, 260 N.W.2d at 159. If the threshold requirement is met, the defendant must also show by clear and convincing evidence that the alleged alternative perpetrator participated in the reverse-*Spreigl* incident. *Woodruff v. State,* 608 N.W.2d 881, 885 (Minn. 2000). If that showing is made, the trial court must then determine whether the reverse-*Spreigl* incident is relevant and material to the defendant's case and whether the probative value of the evidence outweighs its potential for unfair prejudice. *Id.*

Harmless error analysis applies to the erroneous exclusion of alternative-perpetrator and reverse-*Spreigl* evidence. *Blom*, 682 N.W.2d at 622. An error is harmless beyond a reasonable doubt if the verdict rendered is surely unattributable to the error. *State v. Juarez*, 572 N.W.2d 286, 292 (Minn. 1997).

We first address Vance's claim that the trial court erred when it excluded reverse-*Spreigl* alternative-perpetrator evidence involving Cross. At a hearing on the state's motion in limine, Vance offered the following evidence in support of admitting the Cross alternative-perpetrator evidence: (1) a Sabreen's employee told detectives that Cross was in Sabreen's two or three days before Al-Bakri's murder; (2) Bakkri recognized Cross but could not identify whether he had seen Cross at Sabreen's or at a store in St. Paul; (3) Cross matched the height and build of the individuals who killed Al-Bakri; (4) Cross had knowledge of Sabreen's and was a frequent visitor to South St. Paul; (5) Cross was seen at The Buttery on December 22, 2002; (6) Cross admitted to being at The Buttery with Vance on December 22, 2002; (7) Cross had information about the murder that he claimed to have received from Vance; and (8) Cross was convicted of first-degree murder for the death of a store clerk at a Stop'N'Go in Minneapolis. In the memorandum explaining why the Cross evidence was excluded, the trial court indicated that, "The proffer

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doesn't come close to the connections established in *Jones* regarding the two alternative perpetrators alleged in that case." We understand this statement to mean that the trial court concluded that Vance failed to present any evidence having an inherent tendency to connect Cross to Al-Bakri's murder.

We agree. While the evidence offered suggests that Cross had knowledge of Sabreen's, was seen in Sabreen's two or three days before Al-Bakri was murdered, and was seen at and admitted to being at The Buttery with Vance on December 22, 2002, none of the evidence places Cross either at or near Sabreen's at the time of Al-Bakri's murder. *See, e.g., State v. Richardson*, 670 N.W.2d 267, 281 (Minn. 2003); *Woodruff*, 608 N.W.2d at 885. Thus, Vance failed to present to the trial court any evidence having an inherent tendency to connect Cross to Al-Bakri's murder. Therefore, the trial court did not abuse its discretion when it excluded the reverse-*Spreigl* alternative-perpetrator evidence related to Cross.

Vance also sought to introduce alternative-perpetrator evidence relating to Lorenzo Eide, Jesse Magnuson, and Michael Smith. In support of the admission of this evidence, Vance proffered the following: (1) that the day after the shooting Smith called Mary Rose Martinez and told her that he, Magnuson, and Eide had committed the murder; (2) that Samantha O'Reilly told officers that she was with Eide the day after the murder, Eide had a gun and a "couple of hundred dollars worth of drugs the very next night after the shooting," and Eide threatened her on New Years Eve 2002, telling her "he would do to her what he did to the guy at Sabreens [sic];" (3) that Eide, Magnuson, and Smith live in South Saint Paul and had been involved in and convicted of criminal activities; (4) that an individual identified as Michael Balsimo said that his employees had heard rumors that Eide threatened O'Reilly about Eide's involvement in the robbery; and (5) that Eide's alibi was that he was with Magnuson until 11:30 p.m. the night of the robbery.

The trial court determined that Vance had met the threshold foundational requirement with respect to Smith but failed to meet it with respect to Eide and Magnuson. In support of that conclusion, the trial court found that Martinez's statement was an admission on the part of Smith and not the other two, and that Balsimo's statement was inadmissible hearsay. Implicit, but unstated in the trial court's memorandum, is the conclusion that Martinez's statements about Eide and Magnuson also constituted inadmissible hearsay. Although the trial court found O'Reilly's statements about Eide "more difficult" because of the clear and convincing standard for the admission of reverse-*Spreigl* alternative-perpetrator evidence, the trial court concluded that, because it had already determined that the evidence proffered did not have an inherent tendency to connect Eide to Al-Bakri's murder, there was no need to determine whether the reverse-*Spreigl*

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evidence was clear and convincing. In the end, for reasons unknown, Vance did not offer the Smith alternative-perpetrator evidence at trial.

We conclude that the trial court did not err in finding that Martinez's statement with respect to Magnuson was inadmissible hearsay. According to the proffer, Smith told Martinez that he, Magnuson, and Eide shot Al-Bakri. As an admission against his penal interest, Smith's statement to Martinez met the standard of evidence having an inherent tendency to connect Smith to Al-Bakri's murder and was admissible.

However, Smith's statement to Martinez, as it pertains to Eide and Magnuson, contains no admission on their part. Thus, Martinez's statement contains only inadmissible hearsay as it relates to Eide and Magnuson. Therefore, we conclude that Smith's statement to Martinez did not have an inherent tendency to connect Eide and Magnuson to Al-Bakri's murder. Because Vance offered no other evidence having an inherent tendency to connect Magnuson to the crime, the trial court properly excluded alternative-perpetrator evidence as it related to Magnuson.

Vance did, however, offer other evidence with respect to Eide. Vance proffered Balsimo's statement that Balsimo's employees had heard rumors about Eide's involvement in the murder. In addition, he offered O'Reilly's statement about Eide's threats to do to her what "he did to the guy at Sabreens [sic]." The trial court determined that Balsimo's statement was inadmissible hearsay and declined to consider it in determining whether Vance had met the threshold requirement. *See* Minn. R. Evid. 802. In our view, the Balsimo statement fails the inherent-tendency-to-connect test for the same reasons statements Smith made to Martinez about Magnuson failed. As inadmissible hearsay, it does not have an inherent tendency to connect Eide to Al-Bakri's murder.

Unlike Smith's statement to Martinez, the trial court did not consider whether Eide's statement to O'Reilly that "he would do to her what he did to the guy at Sabreens [sic]" was sufficient to satisfy the foundational inherent-tendency-to-connect test for admitting evidence of Eide as an alternative perpetrator. Yet, like the admission Smith made to Martinez, this statement by Eide was, in essence, an admission by Eide that he was involved in Al-Bakri's murder. As such, it had an in inherent tendency to connect Eide to Al-Bakri's murder. Thus, the trial court erred when it excluded alternative-perpetrator evidence regarding Eide.

Having concluded that the exclusion of evidence of Eide as an alternative perpetrator was error, we must determine whether the error is harmless error. As stated above, an error is harmless beyond a

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reasonable doubt if the jury's verdict is surely unattributable to that error. *Juarez*, 572 N.W.2d at 292. Here, the evidence incriminating Vance was strong. Particularly significant are Vance's admissions to a number of witnesses that he committed the murder.

Witness testimony established that Vance was going to South St. Paul a short time before the murder took place and that, immediately before departing for South St. Paul, Vance indicated that he would have "plenty of money" when he returned. Approximately 30 minutes after the murder took place, Vance told Griffin that he had been involved in a robbery that had "gone bad." Vance later told Stites, who was wearing a listening device for the police, that he had "shot a guy two weeks ago over south side five times in the back." Police officers, who were listening to Vance's conversation with Stites, corroborated that Vance made the statement to Stites. There was also evidence that Vance knew in detail the items that were taken from Sabreen's at the time of the murder, even though that information had not been made known to the public.

Further, Vance made statements to at least five different individuals while he was incarcerated, admitting, in varying degrees, to having committed the murder. Estrada testified that Vance described in detail the events surrounding the murder, including how Vance ran behind the counter and grabbed the store clerk, the store clerk's emotional reaction to the event, and the shooting itself. Vance told Hodge he was involved in a murder-robbery, and Vance told Crawford that he had "shot a guy at the grocery store." Vance told Nunn that he had committed a robbery in which someone "got murked"[2] and expressed concern that the police would find a .22 caliber handgun that had been used in the robbery. Vance also described the events surrounding the murder to Reese, and said that he "gave the dude five" with a "deuce-deuce."[3] Based on Vance's admissions, we conclude that the error in excluding evidence of Eide as an alternative perpetrator did not affect the outcome of the trial and was, therefore, harmless beyond a reasonable doubt.[4]

The other proffered evidence regarding Eide constitutes reverse-*Spreigl* alternative-perpetrator evidence. Specifically, Vance offered evidence that Eide was "involved in various criminal activities," and O'Reilly's statement that Eide was in possession of a gun and drugs the day after the murder. For this evidence to be admissible, it would have to meet the additional reverse-*Spreigl* alternative-perpetrator requirements. *See Woodruff*, 608 N.W.2d at 885.

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Vance's bare assertion that Eide was "involved in various criminal activities," without more, fails to meet the clear and convincing requirement for the admission of reverse-*Spreigl* alternative-perpetrator evidence. Based on Vance's proffer, we also conclude that Vance failed to show how evidence of Eide's prior convictions was relevant to this case. Therefore, it was not error for the trial court to exclude that evidence. We need not decide whether the trial court erred when it excluded O'Reilly's statement that Eide was in possession of a gun and drugs the day after Al-Bakri was murdered because, even if the exclusion of that statement was error, the error was harmless beyond a reasonable doubt for the same reasons that the erroneously excluded Eide alternative-perpetrator evidence was harmless.

II.

We next address Vance's claim that the cumulative effect of the trial court's erroneous admission of evidence that certain witnesses were threatened, felt threatened, or were fearful as a result of testifying, and allowing the jury to hear statements made by police officers during interrogations of Vance in which the officers indicate that he was not being truthful denied him a fair trial. These claims involve trial testimony from Melissa Stites, Eric Griffin, Officer Vujovich concerning trial witness Geronimo Estrada, who was incarcerated at the Ramsey County Workhouse with Vance, and from Sergeant Phillip Oeffling concerning a search of co-conspirator Johnson's prison cell.

On cross-examination, defense counsel elicited testimony that Stites had relocated since the murder, and that the police had given her approximately $1,500 to assist with relocation expenses and lost wages. On redirect, to explain why the police had assisted Stites with relocation expenses and lost wages, the prosecutor elicited testimony that Stites "felt in fear, fear for [her]self, fear for [her] family."[5]

On cross-examination, Griffin testified that, in exchange for his testimony at trial, the MGSF agreed to recommend to the prosecutor that a drug charge against Griffin be dismissed. On redirect, Griffin testified that he had to leave town because he felt threatened after an incident in which some men stopped him and asked about Vance and Johnson. After Griffin admitted he knew Vance and Johnson, Griffin testified that he thought the men were retrieving something from the back seat of the car, so Griffin ran away. As a result of that encounter, Griffin moved out of state for his safety.[6]

In cross-examining Officer Vujovich, Vance's defense counsel elicited testimony that authorities gave Geronimo Estrada, an inmate in the Ramsey County Workhouse with Vance and a witness at his trial, funds with which to pay telephone charges for calls to his girlfriend and that, over time, Estrada had been given approximately $400. On re-direct, in explaining why Estrada was given the money, Vujovich

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testified that during their investigation of the Al-Bakri murder, police officers had told Vance, without mentioning Estrada's name, that the police had received additional information about the murder from an inmate at the Ramsey County Workhouse. Shortly thereafter, Estrada was assaulted while at the workhouse and Officer Vujovich requested that the workhouse place him in protective custody, which entails segregation from the other inmates, for Estrada's safety.

Sergeant Oeffling testified, without objection, about an alleged threat against the fiancé of trial witness Regina Hagerman that led to a search of Johnson's prison cell. That search resulted in the discovery of a letter from Vance to Johnson that read, in pertinent part, "never, ever discuss the past." No testimony regarding the alleged threat against Hagerman's fiancé was introduced.

Finally, the state, in its closing, argued that, because of her fears as a result of her testimony, McManus had to quit her job at The Buttery.

At trial, Vance objected to the testimony regarding Griffin and Estrada on relevance grounds. He made a general objection to Stites' testimony. He did not object to Sergeant Oeffling's testimony or the prosecutor's closing argument comment about McManus quitting her job.

Vance argues that there was no evidence linking him to any threat against Stites, Griffin, Estrada, or Hagerman's fiancé, nor was there any evidence introduced at trial indicating that Vance did anything to cause McManus to quit or leave her job. Thus, he argues that, because the threats and fears these individuals felt could not be linked to him, the trial court erred in admitting that testimony. He further argues that, even if the evidence was properly admitted, it was error for the trial court not to provide a "cautionary instruction ensuring that the jury did not misuse the evidence."

A defendant may impeach a witness's credibility by demonstrating that the witness received some benefit in exchange for the witness's testimony. *See State v. Harris*, 521 N.W.2d 348, 352 (Minn. 1994) ("the defendant is entitled to impeach the witness' credibility by establishing the witness benefitted [sic] from the [government sponsored protection] program"). At the same time, evidence that the witness's decision to testify resulted in negative consequences is relevant to rebut "'the appearance of special treatment and improper motivation or bias.'" *Id.* (quoting *United States v. Melia*, 691 F.2d 672, 676 (4th Cir. 1982)).

The state offered the testimony regarding threats to Stites, Griffin, and Estrada only after Vance's attorney attacked these witnesses' credibility by highlighting benefits each received from the state in

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exchange for cooperating with the state's prosecution of Vance. Thus, the evidence was relevant for purposes of bolstering the credibility of the witnesses involved.

Even when relevant, however, evidence regarding threats will be excluded "if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury." *State v. Clifton*, 701 N.W.2d 793, 797 (Minn. 2005) (internal quotation marks omitted). Specifically, evidence of negative consequences resulting from the witness's testimony may "be highly prejudicial in that the jury may infer the defendant is connected to the negative consequences." *Harris*, 521 N.W.2d at 352.

In *Harris*, we held that the trial court erred when it allowed the prosecutor to focus on threats in the direct examination of witnesses, repeatedly question multiple witnesses about threats, continuously refer to threat evidence, and create an inference that the defendant was the source of the threats. *Id.* at 352-53. In this case, unlike *Harris*, the evidence of threats against witnesses was not "an important focus of [the prosecutor's] direct-examination of these witnesses." *See id.* at 352. Moreover, the testimony regarding the threats was isolated, admitted only with respect to three witnesses, offered only in response to defense counsel's attacks on the witnesses' credibility, and mentioned only briefly during closing argument when addressing witness credibility. On that basis, we conclude that the probative value of the threat evidence regarding Stites, Harris, and Estrada was not outweighed by the potential for unfair prejudice. In that we conclude the threat evidence was relevant and that its probative value was not outweighed by its potential for unfair prejudice, we also conclude that it was not error for the trial court to admit the evidence.

At trial, Vance did not object to Sergeant Oeffling's testimony regarding the search of Johnson's cell. The testimony of Sergeant Oeffling, which Vance claims was improperly admitted, was elicited by the state on direct examination. Vance did not cross-examine Sergeant Oeffling or object to the testimony. In his testimony, Sergeant Oeffling gave background information explaining how the state acquired Vance's letter to Johnson. As part of the explanation, he testified that he had searched Johnson's prison cell at the Minnesota Correctional Facility in Stillwater (MCF-STW) as a result of a report from Hagerman that her fiancé, who was housed at MCF-STW, had been threatened by Johnson about Hagerman's involvement in the case. Evidentiary issues to which a party does not object at trial are forfeited for appeal. *See Blom*, 682 N.W.2d at 617. This court may choose, in its discretion, to review forfeited issues if those issues constitute plain error affecting substantial rights. *State v. Griller*, 583 N.W.2d 736, 740 (Minn. 1998). If the errors constitute plain error, this court may grant a new trial if it is required to ensure

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the fairness and integrity of the judicial proceeding. *See State v. Morton*, 701 N.W.2d 225, 234 (Minn. 2005).

Here, the challenged evidence was offered solely as foundation and context for the letter from Vance to Johnson. Further, the threat was mentioned only in passing and was not referenced again. We therefore conclude that the testimony was properly admitted. Because the testimony was properly admitted, Vance's claim fails the plain error test.

Vance also claims that it was error for the trial court to permit the prosecutor to argue in closing that McManus "had to quit her job." We view Vance's claim as one of prosecutorial misconduct. Our review of the record indicates that there was no evidence presented that indicates that McManus had to quit her job or that she was threatened. The record also indicates that Vance did not object to the statement during the closing argument. Therefore, our review is for plain error. Having carefully considered the record, we are satisfied that to the extent the prosecutor's reference to McManus having to quit her job constituted misconduct, that misconduct did not effect Vance's substantial rights. Thus, Vance is not entitled to any relief.

Vance further claims that, even if the threat evidence was admissible, the trial court should have given a cautionary instruction regarding the evidence. Vance did not request such an instruction. Ordinarily it is not plain error for the trial court to fail to *sua sponte* give an instruction. *State v. Vick*, 632 N.W.2d 676, 687 (Minn. 2001). In the absence of a request for a cautionary instruction, courts are hesitant to *sua sponte* give an instruction because an instruction may draw additional attention to potentially prejudicial issues. *See, e.g., McCollum v. State*, 640 N.W.2d 610, 617 (Minn. 2002) (stating that a no-adverse inference instruction regarding a defendant's decision not to testify draws attention to defendant's silence and should not be given absent a request). Moreover, a defendant may choose not to request an instruction for strategic reasons.[7] Therefore, the trial court did not err in not *sua sponte* giving a cautionary instruction with respect to the threat evidence admitted at trial.

We next address Vance's claim with respect to the jury being presented with unredacted statements by police officers, made during police interviews with Vance, that Vance was being untruthful in answers to some questions. In a pretrial motion, Vance requested that no police officers be permitted to state an opinion regarding Vance's credibility, reliability, and/or truthfulness of statements made by the defendants or any witnesses. The court declined to issue an order, holding that no one would elicit opinion evidence from police or other witnesses regarding credibility or reliability because to do so would violate the

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Minnesota Rules of Evidence. The recordings presented to the jury contained multiple police officers' statements that Vance was lying about his participation in the murder. In addition, after being cross-examined regarding his training in specific interrogation techniques, Officer Kreager testified that the "signals" Mr. Vance was "sending" during the interviews "were not consistent with open honesty."[8] Vance did not object to Officer Kraeger's testimony or to the admission of any police statements presented to the jury, nor did he at any time request a limiting or cautionary instruction regarding the statements made by police. Here, Vance does not argue that admission of the statements was error, he argues only that the court's failure to *sua sponte* give a cautionary instruction was error. Therefore, we will review this claim for plain error.

When police interviews with a defendant are admitted, statements by police during the interviews are generally admissible to give context to the defendant's statements. *See State v. Lindsey*, 632 N.W.2d 652, 663 (Minn. 2001); *State v. Tovar*, 605 N.W.2d 717, 726 (Minn. 2000). Courts may give a jury instruction that the statements of police are not evidence. In the absence of a request for a jury instruction limiting comments of the police during an interview, plain error review applies. *See Tovar*, 605 N.W.2d at 725. Further, as discussed earlier, ordinarily it is not plain error for a trial court to fail to *sua sponte* give a cautionary instruction. *Vick*, 632 N.W.2d at 687. On that basis, we conclude, as we did with the threat evidence, that the trial court did not err when it did not, *sua sponte*, give a cautionary instruction with respect to the unredacted police statements that Vance was being untruthful.

III.

Vance raises three additional claims in his pro se brief. He claims that: (1) newly discovered evidence entitles him to a new trial; (2) the trial court erroneously excluded a letter from being introduced at trial; and (3) the prosecutor committed misconduct when she began "weeping" during her opening statement and while presenting the state's case.

Vance claims he has newly discovered evidence in the form of a letter from Trevor Crawford [9] to Vance allegedly stating that Crawford lied to police to corroborate Cross's claim that Cross did not commit the murder. Vance has not produced the letter. To substantiate a claim for newly discovered evidence, Vance must show:

> (1) the evidence was not known to the defendant or counsel at trial; (2) the failure to learn of the evidence before trial was not due to a lack of diligence; (3) the evidence is material, not merely impeaching, cumulative, or doubtful; and (4) the evidence will probably result in either an acquittal or a more favorable result for the defendant.

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Hooper v. State, 680 N.W.2d 89, 96 (Minn. 2004).

Vance has not sustained his burden with respect to any of these requirements. Most importantly, because Vance has not made the contents of the letter clear, it is not apparent that "the evidence will probably result in either an acquittal or a more favorable result" for him, and therefore this claim fails.

Vance next claims that the court erred when it excluded a letter written by Bakkri to Cross offering Cross $3,000 to help convict Vance.[10] The purpose of the letter was to show witness bias. The trial court held that the letter was inadmissible because Vance did not lay proper foundation for its admission. In so holding, the trial court stated that, in order to show that Cross was influenced by the offer of payment, Vance would first have to establish that Cross had received the letter, which Vance failed to do. The court did allow Vance to question Bakkri about the contents of the letter. Bakkri acknowledged that he wrote a letter to Cross but claimed that he gave the letter to the police and he did not think the letter was sent. Bakkri also testified that the letter offered $3,000 to Cross for information about Al-Bakri's death. On this record, we are satisfied that the trial court did not abuse its discretion in excluding the letter.

Finally, Vance claims that the prosecutor "wept" during her opening statement and while presenting the state's case. Beyond his bare assertion, Vance provides no support for this claim, nor has our review of the record identified any support for it. Absent such support, the claim has no merit.

Affirmed.

GILDEA, J., not having been a member of this court at the time of the argument and submission, took no part in the consideration or decision of this case.

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[1] McManus had requested that Vance leave The Buttery a few weeks earlier after Vance punched another person at the bar.

[2] Nunn interpreted "murked" to mean that the person was either hurt or shot and killed.

[3] Reese interpreted "deuce-deuce" to mean a .22 caliber handgun.

[4] We note that Vance's claim that he was denied the right to present a complete defense by the trial court's exclusion of certain alternative-perpetrator evidence is undercut by his failure to introduce at trial alternative-perpetrator evidence the trial court found to be admissible.

[5] On recross, Stites stated that she had never been directly threatened by Vance.

[6] On recross, Griffin stated that he had never been directly threatened by Vance.

[7] *See State v. Doppler*, 590 N.W.2d 627, 635 (Minn. 1999) (concluding that an attorney's decision not to focus on intoxication as a defense and failure to request an intoxication jury instruction was a matter of trial strategy); *State v. Eling*, 355 N.W.2d 286, 293 (Minn. 1984) (stating that an attorney's decision not to request a cautionary instruction "regarding the possibility of defendant's appearing in handcuffs in view of the jurors" was a tactical decision that probably reflected the attorney's attempt to avoid calling further attention to the defendant's restraints).

[8] While it may have been improper for Officer Kreager to comment that his impression was that Vance's "signals" "were not consistent with open honesty," Vance does not argue that admission of that statement was error.

[9] It is not clear whether Vance is referring to Tyrone Crawford, who testified at his trial, or someone who did not appear at trial.

[10] The trial record indicates only that the letter in question offered a reward for information, not for help convicting Vance.

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DATE: January 17, 2003

CASE #: 02018427

INTERVIEW: Captain Daniel Vujovich

SUBJECT: DOMINICK JOHNSON

DV Today's date is January 17, 2003. The time is 1454 hours. This is an interview being conducted at the Ramsey County Workhouse between myself, Captain Daniel Vujovich and Dominick Johnson. It will be for South St. Paul case number 02018427. Dominick for the audio recording would you please state your full name and spell your last name.

DJ Dominick (inaudible) Johnson, J-o-h-n-s-o-n.

DV Dominick what is your date of birth?

DJ 11-15-82.

DV What is your home address?

DJ Right now 147 (inaudible).

DV Okay. What is your phone number there?

DJ No phone.

DV Okay, how long will you be here at the, ah, workhouse?

DJ Till February 7th.

DV Okay. Dominick, when you walked in here I told you that I wanted to talk to you about an incident that happened in South St. Paul, is that correct?

DJ Yes.

DV Okay, you're going to have to speak up a little bit for the audio recording.

DJ Yes.

DV Okay. And I also told you before I would ask any questions because, ah, you are in custody for a, an unrelated charge, but you are in custody, ah, and there could be some potential charges from our case I want to read you your rights per the Miranda Warning, is that correct?

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DJ Yes.

DV Okay, I'm going to read that to you and I want you to listen carefully because at the conclusion I'm going to ask you a couple questions. 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 and have him present with you while you are being questioned. If you cannot afford to hire a lawyer one will be appointed to represent you before any questioning if you wish. You can decide at any time to exercise these rights and not answer any questions or make any statements. Do you understand each of these rights I have explained to you?

DJ Yes.

DV Having these rights in mind do you wish to talk to me now?

DJ I'll talk.

DV Pardon me?

DJ I said I'll talk to you.

DV Okay. Do you want to tell me what you know about, ah, what's going on right now?

DJ Nothing. I'm serious. I don't even be in South St. Paul. I don't know nobody in South St. Paul. I used to go with these girls out there. That was a year and a half, two years ago when I first got up here. So whatever you all got I don't know how you all got my name in it so that's about it. I don't know nothing about out there.

DV Okay. Who, who was your girl in South St. Paul?

DJ Chenelle Brooks. She live in Chicago now.

DV Okay. Where did Chenelle live?

DJ (Inaudible) alright let me see. I (inaudible) forgot the name that she (inaudible) I can think of.

DV Was it a house, apartment,

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DJ It was apartment buildings. But this was like a year and a half ago I was talking to her.

DV Okay, where abouts in town?

DJ Huh?

DV Where abouts in South St. Paul?

DJ It's like, it's when you come up 52

DV Okay.

DJ it's like you go, as soon as, when you see that South St. Paul sign

DV Okay.

DJ that first block you turn and go up a little hill and go back and like, like three full apartment buildings. She live there.

DV Right by the St. Paul border or more into South

DJ More like right by the St. Paul border. As soon as you see the South St. Paul, it's that first corner you turn.

DV Okay. Right off of Concord?

DJ Right.

DV When was the last time you were in South St. Paul?

DJ About like, I don't know. (Inaudible) long time. I ain't, I don't even go to South St. Paul. I be downtown St. Paul or at the house or with my girl or somebody. So, I just want to know how did my name get in something like that? That's all I want to know 'cuz whatever kind of information you all got is bull shit 'cuz I ain't did nothing. Honestly.

DV Well I, you know, my personal thing is the information is showing that it's more than Florida did it. And I'm sure Florida has told you that already if you've talked to him.

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DJ He was just telling me that they trying to get me and him on some bull shit and I'm like but I be with Florida all the time and to be honest with you he told me everything happened, you showed him pictures of everything. My home boy is a puck, he wouldn't even do nothing like that to be honest with you. You know what I'm saying. And I know that for a fact. So whoever gave you all information on us man they need to come up with another story 'cuz that's bull shit. That bothers me. It does. (Inaudible) someone does this kind of is on the record what he saw.

DV Okay.

DJ How did you all raid my people's houses and stuff? That's what I wanted to know.

DV Okay. We've been working with other agencies which I'm sure you're well aware of and, ah, there was enough information to lead us to these houses and, ah, based on that we made application for a search warrant to the courts and the courts agreed that there was enough information to go search these houses for evidence.

DJ Right. So I said could you tell me how my name even came up in this?

DV Well you've been associated with Florida.

DJ Right. That's my best friend.

DV Okay. How long have you known Florida?

DJ Since I've been up here. I met him like two, three months after I came to Minnesota.

DV Okay. When did you come to Minnesota?

DJ I came up here June I want to say June, it was either June 3rd or June 6th of 2000. I met him in September.

DV Okay.

DJ 2000.

DV And where did you come from?

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DJ Peoria, Illinois.

DV Okay. Alright. Since you've known Florida have you ever seen him with a gun?

DJ Yeah. He had a little, I ain't got no reason to lie. He had a little black gun but it didn't have no clips on it you know what I'm saying. He had no bullets or nothing like that.

DV Where did he get that gun?

DJ We was in the, we was in the bar one night and dude showed it to him and the dude didn't really get along and he just walked off with it and dude didn't do nothing.

DV Who's the dude?

DJ Ah, I know his name too, Kenny, ah, Kenny I don't know his last name. I knew it but (inaudible).

DV What does he look like?

DJ About, about (inaudible) lighter than me.

DV Okay.

DJ Got like little (inaudible) on his face. Dark skinned. He got long hair. Not long hair but he got hair.

DV About how old?

DJ I'm older than Kenny I think. I think he like 19.

DV Okay. What's he doing in a bar if he's 19?

DJ I don't know. He just walked in there 'cuz he seen us in there.

DV How old are you?

DJ 20.

DV 20? You're (inaudible) bars drinking.

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DJ I wasn't drinking. I ain't going to lie to you. I was drinking.

DV You know that's not why I'm here for. This is a lot more serious than you hanging out at a bar drinking.

DJ Right.

DV Okay.

DJ But yeah, man, to be honest with you my home boy, man, I don't believe it. We be together all the time. And even if he was to do something like that we traded blood so I know he would have told me, you know what I'm saying. And now I'm in this bull shit and I got 2 kids and I don't got time for this shit, you know what I'm saying. So

DV I agree with you. I agree with you.

DJ you know what I'm saying. So I don't know what's going on. To be honest with you I know my (inaudible)old man he ain't got the heart to do no shit like that. I know that. (Inaudible.)

DV Okay. So what did he do with this gun?

DJ Wilson. That's Kenny's last name.

DV What's his name?

DJ Kenny Wilson. Kenny Wilson or Kenny (inaudible). What did he do with it?

DV Yeah.

DJ The gun that Florida had?

DV Yeah.

DJ Well I, I had turned myself in but he told me that he gave it to, ah, this girl that we know that work at this bar.

DV What's her name?

DJ Um, Melissa. I don't know her last name. I just know she work at the bar.

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DV Which bar?

DJ Ah, I don't know what it's called but it's in, it's in the Radisson.

DV Okay is this the same place where you, where you took the gun from the guy?

DJ No.

DV Okay, what, what bar was that at?

DJ In the, ah, (inaudible) where he got it. And she work at the Radisson and he told me that he sold her the gun, you know what I'm saying. That's what he, well she told me that first 'cuz I, I had her number and everything and she said the police came up to her job, you know what I'm saying, wanted to question her for something and she was scared. And she asked me should she give the gun to the police that she got from Florida. I'm like you got that from him. She's like yeah. I'm that's up to you if you want to give it to them. 'Cuz I didn't know what was going on, you know what I'm saying. I got kind of scared because my kid's mother, she's mad at me now, you know what I'm saying, because they kicked in our door, raided our house, you know. So. To be honest with you guy whoever put my name in something there they wrong 'cuz I had nothing to do with nothing, you know what I'm saying. I don't know what happened. The first time I heard about what was going on was today when (inaudible) told me why, that he got questioned yesterday. He was telling me what happened. That's the first time I heard anything, you know, so. I knew they had raided (inaudible) but I was asking her like what are they raiding (inaudible) for. Well nobody tell her. They was just asking her questions and where I be at and this and that and you told me that it happened, ah, December 22nd. Come on now man I ain't bought my kids not one present for Christmas. I'm broke. I don't have really no staple money. I get money from my girl every month. She give me $150.

DV (Inaudible.)

DJ Dominick (inaudible).

DV Okay.

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DJ That's my kid's

DV Where do you get a hold of Florida at today?

DJ Today?

DV Yeah.

DJ He was at, ah, his sister house.

DV His sister's?

DJ Yeah.

DV That's the one on Birmingham?

DJ I don't know the name of that street.

DV The apartment?

DJ Yes an apartment.

DV About what time was that?

DJ It was earlier this morning 'cuz his, his baby mama, I been trying to get in touch with him. His baby mama and my baby mama is friends because they got (inaudible) together go to the movies and my baby mama was over there so that's how I was getting in touch with her 'cuz she wasn't here this morning when I called. He was there, you know.

DV Okay. What's the phone number there?

DJ Ah, 651-340-8154.

DV Okay let's go back to December 22nd and that's a Sunday before Christmas. Where were you that day?

DJ Man I drink so, you know, I know where I was at that night because I was thinking (inaudible) when Florida told me. He told me the date that the crime happened on. I don't know where I was at during that day but I know that night I went to Eagan 'cuz I got a little female that I talk to out there and he was with me. We was at Eagan.

DV Okay.

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DJ Woke up the next day, well the 23rd, we all woke up that next day and got on the bus

DV Okay.

DJ and came back

DV What time was that at?

DJ That went out there?

DV Yeah.

DJ We didn't go to Eagan until late that night. It was probably about 1:00 or 2:00 after the bar closed.

DV Okay. Which bar were you at that night?

DJ Ah, the Buttery.

DV Okay so what time were you at the Buttery?

DJ Oh probably from like 10:00 or something like that.

DV 10:00 o'clock?

DJ Yeah.

DV Till what time?

DJ Probably to, I think till it closed. I think we stayed there until it closed.

DV And then you went to Eagan?

DJ No we went to my house first 'cuz we was going to spend the night at my house because little Florida boy didn't have nowhere to go.

DV Okay.

DJ So, and so we was going to spend the night at my house but the person I live with was tripping so we went to Eagan.

DV Okay so you then you went from (inaudible)

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DJ (Inaudible) to Eagan.

DV Okay then (inaudible) to Eagan. How did you get out there?

DJ In a cab.

DV What's a cab ride cost out to Eagan? 25, 30 bucks?

DJ It costed like $30 but he only charged us 25 because I had $20 and Florida had $10. So he gave him 25.

DV Well if you don't work and you don't have money why would you waste 30 bucks or 25 bucks

DJ 'Cuz he did not know where else to go and the person that I was living, the person I live with don't like him, you know. And I knew I had this other female out here that we could go to her house. It was cold outside. So we went out there.

DV What's her name?

DJ Ah, ah, Yvonne.

DV Yvonne what?

DJ Yvonne White.

DV Okay, so you got out to her house about what time?

DJ Probably like 1:30 or 2:00.

DV So where were you at before the Buttery at 10:00 o'clock?

DJ Man I don't know. We, we be drinking, we be some everywhere, man, we was probably, we just got on the bus and move around.

DV Were you blasted that night?

DJ Was I blasted?

DV Drunk.

DJ Blasted. Yeah I was

DV Stiff?

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DJ No I wasn't that drunk to where I don't know what I was doing.

DV (Inaudible) whatever word you want to use.

DJ What I would, you know what I'm saying, I don't know if, I don't be thinking where I'm at. I ain't no nothing like this was going to come up. If I knew something like this was going to come up I would've knew where I was at. But we just be everywhere. We be at a lot of people's houses.

DV Okay.

DJ We got a lot of friends.

DV Do you remember where you were at before the Buttery?

DJ No.

DV Were you up on the East Side on Minnehaha?

DJ Matter of fact we probably was over at (inaudible) house 'cuz little Florida boy messed with this girl he likes to talk to cousin so we probably was over there (inaudible).

DV Were you, were you there?

DJ Was I there?

DV Were you?

DJ I don't even know if he was there that day but he probably was. I was probably there that day. Yeah we was going over there almost every day.

DV Do you have any idea about what time you might have been there?

DJ Probably about 6:00 or 7:00 or something like that.

DV Okay and after 7:00 o'clock where did you go between 7:00 and 10:00 o'clock?

DJ I don't know, man. We be drinking I told you man. I don't know where I was at.

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DV You guys both get lit up at the same time?

DJ Well we, we drink together, you know. He be feeling good. I be feeling good. We probably went back downtown. We probably was up by where Melissa work at, you know. We just be moving around.

DV Who were you with at that bar then?

DJ At what bar? Melissa's bar? Who the hell was we with that night. I don't know.

DV This is a bar and you make sure that we're in the right spot, this is a bar that you kind of take an escalator up to?

DJ Yeah the Radisson.

DV Okay.

DJ Yeah.

DV Alright. So who were you with there?

DJ Dude I was with little Florida boy.

DV And who else?

DJ Who the fuck else was up, shit, John probably was with us that night.

DV Who?

DJ John.

DV What's John's last name?

DJ I don't even know the dude's last name to be honest with you. I'm serious. He just be with us. As a matter of fact he was with us that day because, ah, he had some checks and Melissa told us, she showed us this paper like he had already wrote some checks that bounced, you know, so, he was with us that night.

DV And who wrote the checks that bounced?

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DJ John. It was his checks.

DV And they cashed them?

DJ Yeah. He (inaudible) checks, he got ID, it's his.

DV Okay.

DJ So I ain't looking at you like that man, I'm telling you what I know, man.

DV I know but I can't believe they'd take a check if they know it's bad.

DJ They don't know the check was bad. He wrote the check.

DV Oh he wrote the check?

DJ Yeah he wrote the check, he wrote the check and she took the check.

DV Okay so we don't know who John is?

DJ I know who he is. I just don't know his last name.

DV What does he look like?

DJ He got fucked up teeth.

DV White or black guy?

DJ Black.

DV About how old?

DJ He's the same age as me, 20.

DV How tall?

DJ Taller than me. Probably about your height. About 5!10" or something, 6'.

DV Large build, thin build, medium build? Fat, skinny?

DJ Medium, medium build.

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DV What was he wearing that night?

DJ Shit I don't know. I wasn't looking at his clothes, man. You're asking some crazy questions now, dude. I wasn't looking at his clothes. I don't know.

DV I'm just asking you questions 'cuz this is your chance to get this out. You know what you do with it is up to you.

DJ Right.

DV I'm not here to give you any line, I'm not here to, I'm just here to get your story. If you want to tell it to me I want to listen to it. If you want to think I'm asking crazy questions I could just get up and walk out and go with what we have. So you make your decision my friend.

DJ Well I don't know. I'm not looking his clothes man. I don't know what he got on. To be honest with you I don't know shit about this case that you're talking about, you know what I'm saying.

DV Okay, so you're at the Buttery at 10:00 o'clock and you're probably at the Radisson before that?

DJ Right.

DV About what time? Any idea?

DJ Man no I don't.

DV Well if you were at Minnehaha between 6:00 and 7:00.

DJ Probably between 8:30, 9:00, you know.

DV Okay.

DJ 'Cuz they close at 9:00 up there at the, ah, Radisson.

DV Okay. Where were you between 9:00 and 10:00?

DJ Probably walking around downtown.

DV Have you ever had any guns?

DJ No I ain't never owned no guns. Never.

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DV Never had any?

DJ No.

DV So we won't find a gun with your prints on it ever?

DJ Ever.

DV Positive?

DJ Positive.

DV How many other guns does Florida have?

DJ Florida, that's the only gun I ever seen him with.

DV You ever saw him with another one?

DJ No.

DV What else did Florida tell you this morning?

DJ What you mean what else did he tell me?

DV About what was going on.

DJ (Inaudible) he's got. What you mean like what kind of problems? You mean like this?

DV Yeah.

DJ He told me that you all took him somewhere yesterday.

DV Yeah. Florida's problem is is when he's drinking he says a lot of things. True?

DJ Yeah he, when he get in trouble he get to talking (inaudible).

DV Did you ever hear any of the crazy stuff he's been saying?

DJ I hear him say a lot of crazy stuff.

DV Like what?

DJ A lot of crazy stuff.

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DV You ever hear him talk about shooting somebody?

DJ I've heard Florida say crazier shit than that so no. I've been around for two years.

DV You've heard him say crazier things than I shot somebody?

DJ Man when Florida get drunk he want to fight and all kinds of shit. We even

DV That's how he ended up in jail in St. Paul for a week, right?

DJ Yeah.

DV He decided he wanted to try to tell probably some of the cops what their job was down there and where they could put it. And he tried telling some other customer where they could put it and that got him into trouble. What about this other stuff he's talking about though? Why would Florida say he shot somebody?

DJ I ain't never heard him say he shot nobody. I heard him say all type of crazy shit. That's what I'm saying, you know. I ain't never heard him say he shot nobody. I know he ain't never shot nobody, you know what I'm saying.

DV He's been telling, he's telling a lot of people that he has.

DJ He ain't told me that.

DV He's telling other people in the bars. Why would he say that?

DJ Go investigate them then, ask them. I don't know.

DV We are asking them. Be straight with you just like I told Florida, you know, with this case there's some reward money out there, you know. It's not hard to get people to talk about Stacks and Florida. You know, I don't know what you guys have done but, you know, you don't have a whole lot of friends out there.

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DJ Nobody ever say nothing bad to you about me, so I don't know. But I can, I can tell you ain't nobody saying nothing bad about me. If it was it was probably my baby mom's (inaudible). That's about it 'cuz she don't like me.

DV I agree with you there. I guess she didn't like you before we showed up.

DJ Yeah.

DV So, I don't think we hurt any relationship there. What did you hear about the South St. Paul deal?

DJ That I just hearing some shit that I shouldn't be hearing I know that, you know. (Inaudible) shit I need man. Go check my record man. I got drug cases and alcohol cases and shit like that man. I don't fuck around like that.

DV I thought you had a robbery charge too coming up.

DJ Ah, that shit, I'm already, that's what I'm in here for.

DV For the robbery?

DJ Violating probation. I got two cases.

DV Okay.

DJ That's together. They concur together.

DV Okay.

DJ But man that type of shit man I don't get out like that man. I got kids. That ain't even in my vocabulary, no, so. Whoever did the shit you all need to find them 'cuz you all are fucking with the wrong people to be honest with you. If I be in some shit like that think I'd be in St. Paul man. I'm not even from here. Never, you know. South St. Paul at that man I ain't got no (inaudible). I don't even, the only time I know how to get to one place in South St. Paul and get back to where I be at.

DV Where's that place?

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DJ That's Chenelle's house or her old house. You know, that's the only place, that's the only time I ever been out there, so, whatever, you know. 'Cuz, ah, the bull shit that's going on man I ain't got nothing to do with it.

DV Well I can tell you, you know, that we just didn't come about and pull your, your name out of a hat and Florida's name out of a hat.

DJ Right. You all are asking somebody some shit that lied to you all.

DV Well I don't thinking people are lying I think they're just repeating what's being said out there.

DJ Oh. Well there ain't nobody heard me say nothing, you know. If they (inaudible) say something when you're working with me then that's all (inaudible).

DV Right.

DJ But I know he ain't saying nothing crazy to me, around me. Not like that. I (inaudible). You see what I'm saying.

DV I agree and I think that goes back to what we were talking about at the first part of our conversation is that, you know, at a certain point everybody's going to have to fend for themselves and do what they think is right for them and their family. And, ah, you know, that's why I'm here today is to talk to you about getting your time line down, where you were that day. And you're saying that you were with Florida this whole time.

DJ Right. I be with Florida every day. That's my home boy, you know what I'm saying. So I told you that's the only thing, I can't tell you anything else man I don't know.

DV Okay. Where were you guys at before, ah, you were up at Minnehaha then at 6:00 o'clock on

DJ I, I mean I was at home 'cuz I be sitting at home with my girl. So I think I probably walked to the hospital and called him, asked him where he was at, we met up. Went to the (inaudible) got us something to drink. Went over there.

DV To (inaudible)?

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DJ No not (inaudible). I told you, ah, you know, like the person I live with don't like him.

DV Right.

DJ So he don't come over to my house.

DV Okay so he was never at (inaudible) on the 22nd?

DJ No.

DV You guys weren't there?

DJ We meet up with each other, you know.

DV Okay.

DJ He had come through there but he don't be there sitting chilling.

DV Would you guys hang out and watch and football game there? Are you buddies that way?

DJ Yeah we didn't, we can sit down and watch football kind of but if Vanessa's at home she ain't having that 'cuz she don't like him, you know.

DV Alright. So on this date you guys didn't hang out there?

DJ As a matter of fact I don't know, man, I just know where I was at that night, you know, 'cuz I remember I was going out there because he didn't have nowhere else to go, you know what I'm saying. But I know we got (inaudible) 'cuz that's where this girl was living at, you know,

DV (Inaudible)?

DJ What the fuck is that damn girl's name? Darlene. That's it.

DV So Darlene is out on Minnehaha?

DJ Yeah.

DV Alright. She, that's the first time you remember being with him on the 22nd is when you guys were out there?

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DJ I'm saying I don't even know if we was there that day. I know we pops up over there, here and there, now and then. I know we met up that day. We always meet up 'cuz he got a cell phone and I don't. And when I leave the house I go to the hospital call the cell phone, ask him where he's at.

DV Which hospital?

DJ Children's. Right there across the street from, where (inaudible) at. But I just call the cell phone and we meet up. Either he'd be in (inaudible) he'd be anywhere, you know what I'm saying. But we'd meet up. So most of the time I call he'd be over there though and then I'd just get on the bus and come over there and meet him.

DV Okay. So what you're saying is that you probably weren't at Forbes that day?

DJ No I was at Forbes (inaudible).

DV You and Florida weren't there. You guys hooked up some place and then from there you went and did this.

DJ Earl said he called, came over there and then (inaudible) you know, or I called him, but I know we was together. (inaudible) all through Christmas, you know. Cuz I got out of jail January, I mean, November 17th and we was just together all the time, you know. But, I know I was at home that day. I think I probably called him he got up. But I know we was together. You know.

DV But you have no idea what time you guys met up?

DJ No. Cuz I don't even be wake up until like 2. I don't wake up, and I don't even get up and go outside until about, when it's ready to get dark and stuff. I'll be laying in the house watching TV and eating so.

DV Drink a lot?

DJ I drink but I ain't no alcoholic. You know, I know how to, when I get drunk, I know when it's enough.

DV Do you black out at all when you drink?

DJ No.

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DV How about Florida?

DJ Florida don't black out. He just don't know when to quit talking. (Laughing) (inaudible) he always (inaudible)

DV Well, that's what's got you in this jam. To be honest with you. (inaudible)

DJ (inaudible) He didn't say nothing about me if he did say something. That's what I'm saying. That's why I want to know how is my name in this?

DV Because you're always with Florida.

DJ Oh.

DV And you guys are together. And you guys go out drinking together. And Florida (inaudible)

DJ Florida talks.

DV What they're doing is, they're putting, people are putting the two of you together, so if they're suspecting Florida as (inaudible)

DJ I don't believe this shit man. To be honest with you man. This is like a joke or something.

DV Well, it's not a joke.

DJ I know that it ain't no joke up I'm saying, I go nothing to do with this shit man, so. You know what I'm saying? Cuz whatever happened, I ain't got nothing to do with this. You all raid my people's cribs. You all seen in there I ain't go nothing to do with it. You raiding the cribs. Cuz there ain't shit there that, you know what I'm saying, that I did, to show you that I did something. You know? I (inaudible) and I want to ask you, why did they come and take my shoes from here?

DV Because there's evidence at the scene.

DJ Well, not from my shoes.

DV Well, that's what they need to prove or disprove. (inaudible) shoes now?

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DJ They gave me my shoes back. They just took my shoes and gave them back.

DV They took the pictures of them.

DJ Oh.

DV They're comparing them to the evidence at the scene. And that's why I go back to that. This, you know, if what you're telling me is all the truth,

DJ Right.

DV if you were ever at the store, Sabreen's in South St. Paul, and that's the other, you just got to tell me. Hey, I was there I brought something. That would explain when it comes back, if your shoes show up

(Second side of tape)

DV I'm just asking the questions. Because if this does, if you were in the store legitimately,

DJ Right.

DV someone, you know, I've done this long enough. If someone says hey, I was in there, okay. That explains why your finger prints would be in that store then. But that doesn't mean anything. Now if you're saying that you're not in there, and when the lab does all the work-up if your finger prints come back, that they're in there, that turns the whole story around. Right?

DJ Right. (inaudible)

DV I got to ask that question.

DJ But I never even, (inaudible) I never been in a place of business in South St. Paul. Never. I don't have no reason, I don't have family in South St. Paul. I know how to get to one place and back in South St. Paul. Know shit about South St. Paul.

DV Okay. Can you think of anything else you should tell me?

DJ Actually, if I could tell you, then I'm going to tell you.

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DV (inaudible) drugs?

DJ Smoke weed. That's it.

DV Do you sell any drugs?

DJ No.

DV How about Florida?

DJ Not that I know of. I could just vouch for me man. I don't sell shit. I got collared for that already. That's why I'm in here. On a probation violation.

DV Ever saw Florida, have you seen Florida do any drugs?

DJ Weed. But he don't even smoke weed no more.

DV Did he ever run drugs for anybody?

DJ Not that I know of.

DV What would happen if they found some drugs at your place on Forbes. Whose drugs would that be, yours of Vanessa's?

DJ Shit, it would have to be hers. They ain't mine.

DV Have you ever seen her do drugs?

DJ Vanessa don't do drugs. She don't even smoke cigarettes.

DV No?

DJ Ah, whatever, I know she be having a lot of niggers in the house, so.

DV A lot of what?

DJ A lot of dudes in her house. That's all, she has a different dude over there every night. Do you know what I'm saying? So,

DV So any drugs found in that house would be, not be yours?

DJ Hell no.

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DV They'd be hers.

DJ Hers or whoever she'd be letting, her boyfriend, whoever she'd be letting come in the house.

DV Well, if they found drugs there, your prints shouldn't be on any of the bags.

DJ Shit. I guess, no, they, they couldn't be.

DV Okay. Who else does Florida hang around with besides you?

DJ Shit he got (inaudible) be rocking with Beasley.

DV Who's that?

DJ The dude he be rapping with.

DV What's his name?

DJ Beasley.

DV Beesie?

DJ Beasley.

DV Beasley.

DJ Yeah.

DV Where does he hang out at?

DJ Let's see. I don't pay too much associate with (inaudible) go there that day. I just know that was his home boy before we got to hanging out. He used to hang with them two.

DV What does Beasley look like?

DJ White skinned dude. (inaudible) look like.

DV Light skinned?

DJ Yeah.

DV White, black?

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DJ I mean, black but he light.

DV Lighter?

DJ Yeah. Yellow type.

DV Okay. How old is he?

DJ Like 22, 24.

DV Have you ever seen him at the bars?

DJ No. He don't come out with us. Went to the studio with him once. That's how I met him. But I know he (inaudible) when he was with me or he'd be at home.

DV Who else would Florida be with?

DJ Shit. I don't know. Cuz I told you we be together all the time. You know? Or his, his, but his big brother. He Florida boy.

DV Does he got a brother up here?

DJ Yeah, but he's (inaudible) I don't even know what the fuck that's called. Somewhere in the suburb.

DV Where abouts in the suburbs?

DJ I don't know. I just know it's a suburb. I ain't never been out there. I just know it's in the suburbs.

DV They call him Big Florida?

DJ Yeah. (laughing)

DV It is actual, ah, blood brother or (inaudible) blood brother?

DJ I guess they brothers. But I don't think they got the same mom. I know that. Cuz I know Florida boy mom.

DV Okay.

DJ Yeah.

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DV Alright. But you've never seen Florida with a gun, other than that one?

DJ Yep.

DV And you were with him all that night?

DJ Right. He, he spent the night out at my other people's crib and he.

DV Okay.

DJ And then, he didn't even get that gun until like after Christmas. He got that gun.

DV Where abouts after Christmas?

DJ This was like the 27th or the 28th when he got that gun.

DV What did he do with it?

DJ What do you mean what did he do with it?

DV After he got it, where, where did he keep it?

DJ (inaudible) for me.

DV Ran off from you?

DJ Yeah. He jumped in the car with some girl and left and I ain't seen him for like 2 days. (inaudible) so.

DV Did he ever tell you where he kept the gun at?

DJ I wouldn't try to find out. She, I don't care.

DV Why would he take the gun without a clip?

DJ Being stupid. (Laughing)

DV That is stupid. You want to carry a gun without a clip?

DJ (laughing)

DV I get the same ah, just doesn't make sense. You know anybody else Florida hangs out with?

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DJ Nope.

DV So you guys go out drinking together. You both get trumped up about the same way then?

DJ No, man, I mean, I would (inaudible) I just, cuz I don't get drunk to where I, all like that, you know. I'm neat. Just feel my (inaudible) that's it.

DV Everything you're telling me is the truth?

DJ Man, if I was in shit like this man, no, I ain't got no reason to lie to you man. No reason to lie to you man.

DV Okay. Would you get, consider taking what they call a voice stress test?

DJ I take what I, whatever kind of test, whatever you want to do. DNA, blood, fingerprint, anything. I ain't got shit to do with nothing. I'm willing to do whatever.

DV Okay. Do you know the difference between going in and having a robbery happen, if you go in and plan that you're going to shoot the clerk, versus going in and just having it go bad?

DJ Yeah, no

DV And (inaudible) get shot?

DJ I didn't rob no damn store.

DV No. I'm, I'm asking you if you know the difference.

DJ Uh uh (negative).

DV Okay. One is premeditated, where you go in and say we're going to go rob this place and we're going to shoot that guy.

DJ Right.

DV Versus you go in and rob a place and the guy does something, or something happens and the guys gets shot. Does something and the gun goes off. There's a difference.

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DJ Right.

DV Do you understand that?

DJ Now I do.

DV Okay. One is more explainable than the other. Right?

DJ Alright.

DV I want you to understand that. Cuz ah, that, that's the two scenarios of what could have happened.

DJ Alright.

DV So you take a voice stress test?

DJ Man, I'll take whatever kind of test you want to give me man. Anything.

DV Okay.

DJ Just so I can be out of this shit. I ain't go nothing to do with this shit. I'm supposed to get up out of here on the 7th. I got kids man. This shit right here ain't me man. This ain't even a part of, I don't even think of doing shit like that. That shit don't come across my mind man.

DV Well, it's kind of coincidental. You got to agree with that. If Florida's shooting his mouth off right after this happens.

DJ I didn't hear him shooting his mouth off about no shit like this.

DV Well, that, you know, that's the problem is that you're telling me that you haven't heard any of this, but yet, you're telling me that you're with him all the time.

DJ I do be with, you know, the time I will see, in each other's face. We be together and we get to a place we see people we know and we branch off. But we be together. You know?

DV So it's possible that he could have been by himself for a while that night is what you're telling me?

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DJ I'm saying he could have been by hisself, but I'm saying we, we be together. You know, if we getting ready to go, it's time to go, come on let's go. I want to go. You ain't coming, get a hold of me tomorrow. You know.

DV So do you think on that night that you guys maybe separated for an hour?

DJ No. Because we kept on saying that we going to my crib for tonight. You know what I'm saying? But it didn't end up happening that way cuz Vanessa snapped out. So we had to go out to Eagan. So I know he ain't disappeared. Now while we was in the bar, there was probably a time where he was all by hisself. Do you know what I'm saying? But other than that, I don't, I don't see him going no where. I don't see him go no where else.

DV Have you heard any talk on the street about this robbery?

DJ Nope. I ain't heard nothing about it. Nothing until I got locked up. That's why, when I was calling to see who was going over my people out there, ah, his baby's mama told me they just raided her crib. And it shocked the shit out of me. And then I called back to see what was going on, and she said, my baby mama called over there and told them that they raided her mom crib looking for me. So I'm like, man, I don't know what the hell going on. That's when I first started hearing about it. And they was saying some robbery stuff in South St. Paul. But then when I talked to little Florida boy, he says somebody got killed. You know what I'm saying? So I don't know.

DV Okay. Anything else you want to tell me?

DJ Nope.

DV Everything you told me at this point's been truthful?

DJ Sure.

DV Well, he's what we're going to do. We'll ah, get the voice stress test set up for you. I don't know how we're going to work it out with you being in here. Or, ah, and I'll get that set up for you. How long are you going to be in here til?

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DJ I get out on the 7th of February.

DV Okay.

DJ What is that voice stress test anything like?

DV Well, they can explain it to you cuz I don't, I don't operate the machine.

DJ Alright.

DV So they'll explain it to you okay?

DJ Alright.

DV We'll get that set up and ah, I don't know how we'll do that with you being in here. So they'll get out for a morning so you can go do that. Um, and then ah, we'll go from there. But I appreciate you talking to me and ah,

DJ Alright.

DV what we're going to do is we're going to check some of this out. We're probably come back and talk to you, okay?

DJ Alright.

DV Alright. I'll stop the recording now. And it is 3:42.

END

DV/me,jdc

MINNESOTA JUDICIAL BRANCH

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DATE: **May 23, 2023,**

TITLE: **Conviction Review Unit (CRU) Interview with Melissa Stites**

INTERVIEWER: **Nick Foster (NF) – CRU Private Investigator**

SUBJECT: **Melissa Stites (MS)**

OTHERS: **N/A**

Melissa Stites Interview Transcript:

NF: Hi, my name is Nick Foster, I am a private investigator with Veterans Investigations. We're working with the CRU, and I have Melissa Stites on the phone. Melissa, could you just spell your first, middle, and last name?

MS: Sure, it is Melissa, M-E-L-I-S-S-A. Middle initial, C. Last name, Stites, S-T-I-T-E-S.

NF: Okay, and your date of birth?

MS: Sure, 03/31/1976.

NF: And your current address?

MS: 517 Arthur Ave., Scranton, Pennsylvania 18510.

NF: Okay, um, perfect. Thank you very much. So, I am talking with Melissa here, and we are talking about the Philip Vance case in which we received an affidavit from her, or we received the affidavit from Philip Vance's legal team. And I just want to make sure, Melissa, that you did in-fact sign this affidavit? I know you can't see it, but did you fill out an affidavit and sign it?

MS: Um, yes, I did.

NF: Okay, and can you tell me why you chose to do that?

MS: Why I chose to fill out an affidavit?

NF: Yeah, why?

MS: What a compelling question. Um, well, I don't know. Because there was a crime committed? I don't want to say that I was a part of it. I don't know the proper terminology.

NF: Are you saying... what do you mean?

MS: I don't understand what you're asking me? So, why did I fill out an affidavit? So, and an affidavit is, what? A petition for the court?

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NF: I'm sorry. This affidavit, I received from you recanting your statement, from back in 2004. I believe it was during the trial and during this case.

MS: Oh, um, well there was a lady from the NAACP who contacted me. And um, it kind of felt like... My Lawyer at the time is – Joe Tamburino, Alan Caplan and Associates, Tamburino. He still is my dear friend. He kind of advised me to not get involved with the NAACP. And my nature, because I didn't know if Philip was wrongly convicted, by my human nature (*incoherent sentence structure*). She flew out here and maybe kind of convinced me. I don't know. Like I told you from the very beginning I'm just going to be very honest.

NF: Before we go on, Melissa are you currently represented by Joe Tamburino?

MS: Oh, yeah, I could be. I mean he is one of my dearest friends.

NF: But are you actually like, under retainer with him? Working with him, by any means?

MS: Uh no, I don't have any legal issues.

NF: So, I mean you retained him for this case, is that my understanding, is that what you are saying?

MS: So, let's see if I can remember. Um...

NF: Because if he is representing you, then we do need to stop. I will have to regroup with the Attorney General and we will have to reach out to him. Because, if you are represented right now, then that's what we are going to have to do.

MS: So, I'm not represented, because I am not in any legal trouble. But he was a part of the Philip Vance case, yes.

NF: How was he a part of the Philip Vance case?

MS: I don't know if I called him for help, because, um, the police at the time were using me as like an informant, or whatever, against Philip Vance. And then...I was very young. I was very chemically dependent. It was very scary, and they were like wiring me and like sending me to bars and stuff to get him to confess.

NF: So, Joe was your attorney at the time, around 2002?

MS: Yeah.

NF: Okay that's interesting.

MS: Yeah, and Joe was a part of everything. He's... I trust him implacably. He's one of the best humans I've ever met. So, um, it was very scary for me because I was in chemical dependency hard core, and I was around some very scary people. And, um, so Joe was my buffer. Maybe he was just kind of my protector because I really didn't know what I was getting into. Um, there was an officer named, Andy Ghoul, and I'll never forget

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Andy Ghoul. He was affiliated with the Minnesota Gang Strike Force. And, um, I've also had like the FBI agents – (*inaudible*) Canada – who guarded the President of Chile, who became very good friends of mine. They actually did guard – I don't remember which president – but, um, they were FBI agents. I had a boyfriend at the time who was a drug dealer, so I wasn't necessarily surrounded by the best people. But I had Andy Ghoul at the time who was in the Gang Strike Force. And, um, – you know – there were all kinds of people who tried to look out for me and protect me. But, as far as this goes – uh – Joe Tamburino was my buffer, because I didn't really know what I was getting into.

NF: Yeah.

MS: And I still really don't comprehend what happened because I was a young girl who was very scared with a very bad addiction.

NF: Umm...

MS: I purchased a gun from this guy, yes, apparently it was the gun in the crime. Um, I think it was still the Minnesota Gang Strike Force was involved. Um, let me see if I can remember that officers name, he kind of was Andy Ghouls replacement because Andy had retired. So, I had already had been kind of hurt and been through different situations when I was younger. So, I did understand the Gang Strike Force and like stuff like that so.

NF: Okay, um, you know...I want to clarify, you said someone from the NCAA reached out, her name was Leslie. What was her name?

MS: Hold on, let me put you on speaker. She is actually on Facebook.

NF: Oh Okay.

MS: I'm sorry my work here, one second. (*Checks phone*).

NF: So, Joe Tamburino, was your attorney back then?

MS: Redmond. Leslie E. Redmond. She was affiliated with the NAACP.

NF: Okay, and when did she reach out to you?

MS: Maybe, 2 years ago. Whenever they...they kind of convinced me to recant the thing. Let me get this one call, give me one second (*pause*). It was a credit card thing...they want me to get... sorry. (*MS answers a phone call separate from the interview*).

NF: You said that they tried to convince you to sign this affidavit. Did they pressure you? Did they, like what did they do?

MS: Well, it was like, I gotta tell you, Nick, right?

NF: Yes, it's Nick.

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MS: So, I am a very high empath, I am a very sensitive person. I have worked on myself very hard for 7 years to become the woman that I am today. And, if somebody tells me something is wrong or something is injust (*presumably meant unjust*), it's in the core of my being to put my face right in the fire and not feel like...like...I don't like to be bullied or pushed down. I don't like wrong feely stuff, I don't want to see people suffer. Do you know what I mean? Like, I just...

NF: Oh yeah.

MS: Like, I'm that girl. I'm fire sign. I am a bull in a Chinese shop.

NF: I get it. I got a lot who feel other people's emotions in my life, so I understand what you are saying.

MS: Yeah, I am probably one of the highest you're ever going to meet so...(*laughs*).

NF: (*Laughs*).

MS: When the lady flew out here. It was perfect because she played a friend, a sister, and I was well-aware of the situation. But, when you question my...my um...you know my statement, which, when I wrote. Whenever I wrote – or – whatever happened, I was one thousand percent in the moment. I was one thousand and ten percent. However long ago this case was, 2002 or 2004, whenever this case was. I am obviously going to remember that better back then than I am now. It's just the way it is because I am not going to lie. So, if she is telling me he was wrongfully accused, you know he has family, he has children...I am by nature going to feel bad. Um, and try to fix it. So...

NF: So, Melissa, ah, I gotta be clear on this right because it's obviously really important right?

MS: Uh huh. (*Presumably agreeing with NF*).

NF: Are you saying that, in the time that you filled out this affidavit you were just feeling other people's emotions and you signed it without like really believing it or did you actually believe what you put in this affidavit?

MS: Can you read me the affidavit? Cause I didn't write it.

NF: You didn't write it?

MS: No, they wrote it, and I signed it.

NF: Ah, yeah. Did they write it in front of you or did they do an interview with you?

MS: She flew out here and then they sent me the affidavit. You know what...she flew out here, she came to the dealership where I work selling cars, and then I signed it there.

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NF: Okay, so they didn't do an interview with you beforehand to, like, ask you about what you recall or what you remember?

MS: Yeah, I mean that's the same stuff that I am telling you know.

NF: Okay.

MS: Like, it wasn't like...And, someone advised me not to get involved with the NAACP. And really like the case was the case. And, then I just kind of really felt bad about it. But could you read me the affidavit?

NF: I will. I will definitely read you the affidavit, but before I do that – um – I'd like to ask you just some questions to try to find out what you remember from the timeframe. And then, um, I can read you the affidavit at the end, and, then we can discuss whether or not you believe what's in the affidavit. Um, the reason I do that is because the questions that I put together are meant to be as not leading as possible. I just want to hear what you remember, and I am afraid that if I read you the affidavit without you just kind of telling me what you remember first, that I might lead you in the direction...(*inaudible, presumably stated "I might lead you in the direction that is not from memory"*).

MS: Okay, let's do it.

NF: Okay, so these are going to be very broad questions and I just want you to kind of just be honest. That is all that I am looking for. So, tell me what you remember from December 22, 2002?

MS: Tell me what I remember? I have no idea what I remember?

NF: (*Laughs*). Okay. Um. Alright. Um. Do you remember the police? I mean do you remember that this crime potentially happened on December 22, 2002? Are you aware of that, do you remember that day at all?

MS: Well, all I remember was that I was bartending at the Radisson, and I think that these guys had some crush on me or some crap like that so...And, you know I am quite the salesperson, I know that they come in and they tip really good. And I remember that it was the...I remember it was before Christmas, I don't remember the date. But I remember it was before Christmas, ah, that they came in.

NF: Okay.

MS. Um, and then I remember you know like...I don't remember the lingo...you know...I don't know like...you can't lie. I don't know if it was, "you shot him" or "you did it" or whatever, but (*inaudible*) was going on. You know?

NF: Okay.

MS: Is that the day you are referring to? The day they were in the Radisson?

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NF: So, ah, so on December 22, 2002, right, you, ah, oh. I'm sorry Melissa I am trying to figure out the best way to not...

MS: Yeah, this is like extremely difficult and it's like...it's uprooting my emotional life.

NF: I'm so sorry I'm trying to...

MS: I don't know what to say I can't change anything. I wish I wouldn't have signed the affidavit. I'm not, I'm not....

NF: Okay.

MS: I remember buying the gun. I remember them coming into the bar. I remember...

NF: That, let's start with that. What do you remember about them coming into the bar?

MS: Well, I remember...Okay, well I have all of these rich neighbors and I can't even sit outside and talk. Um...fucking close, uh this is stressful. Hi puppy, what's wrong? You're okay...what? (*It seems that MS is going into her residence from outdoors and when she enters her residence she is speaking to her dog whilst on call with NF*). I remember that they came in. I remember that it was nighttime. I remember...

NF: Wait, are we talking about the Radisson?

MS: Yeah...

NF: Are you talking about where you were working or are you talking about a different bar?

MS: No, the Radisson.

NF: Okay.

MS: So, I just remember them coming in and saying something. I don't know the word tracks, you know I can't remember if it was, "you got him" or whatever. You know what I mean?

NF: Okay. Um, um let's start out with some general questions. Like, ah, when you worked at the Radisson what was your typical shift like? What time did you start and what time did you end?

MS: Um, 4 maybe? Four to midnight or something like that. I don't think the Radisson stayed open like long hours. So, it was probably four to midnight or something.

NF: Okay, and on this particular day you said they came in. Do you remember who came in?

MS: No. I mean, it was Philip and some other guy. The Leslie Redmond lady said he was already exonerated or whatever the word is. Um, I think it was just the two of them or maybe there was a third guy.

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NF: Okay. So, two of them maybe a third. And, you don't remember any of their names, besides Philip?

MS: No, just Philip.

NF: Just Philip? Okay, and um...

MS: I didn't know these people. I didn't like associate, other than I was just a bartender.

NF: Okay. Um, and then...You know, you...Tell me how you know Philip and these new people. Like how did you know them?

MS: I didn't know them. I just knew them from coming in the restaurant and bar.

NF: So, they were just regulars?

MS: Yeah, they would just come in, I don't know if they had a crush on me or whatever. I didn't know them personally.

NF: Okay, and uh, you never hung out with them outside the bar or anything?

MS: No (*laughs*). No, I mean, no.

NF: Okay, and, um, when you saw them, what was their demeanor with you?

MS: Huh? Like, I was the bartender. Like, I don't know...friendly?

NF: Okay. And, okay. So, when they came in – they're regulars, they're friendly – you said that they were big tippers, right? Um, what do you remember about, you know, about December 22nd, 2002, when they came in?

MS: That's just kind of all I remember.

NF: Okay.

MS: Like I don't remember anything different, it's too far out of my memory. I honestly just don't remember.

NF: No that's fine.

MS: I just remember there was talk of like, "you got him" or some shit. I don't really remember the terminology. I don't – I don't remember.

NF: So, I'll, we'll – if you don't remember that day that's fine – if that's the truth that's what I'm looking for, right? So, I don't need to hound you with what happened on December 22nd, but I want to talk to you then about, you said Andy Gale? Is that right?

MS: Ghoul. (*Spelling unknown, form here on "Ghoul"*).

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NF: Ghoul. Um, you said that you knew him before the other guy took over the Minnesota Gang Strike Force, is that right?

MS: Yeah.

NF: And how did you know him? Like, how did you and Andy Ghoul meet?

MS: Well, they were – I was raped, by uh, uh, a biker club, and it just wasn't a good situation, and he was helping me try to put bad people away.

NF: Okay.

MS: I really don't want to talk about this stuff.

NF: Okay, we don't have to talk about –

MS: I just really don't like, I really don't want to be involved in this stuff, I really like, this is just not, I worked too hard to get to where I am in my life. Sorry.

NF: Okay. I won't bring up that situation. I won't ask you a ton of questions about that. Um, when do you remember getting involved with the, uh, police regarding the Philip Vance case?

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

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

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

NF: And what do you remember about Colleen?

MS: Well, she is a drunk, she was a bar manager at The Buttery, and a lot of people went to The Buttery to –

NF: Did you ever socialize with her ever?

MS: Yeah, I mean I used to work – I used to bartend at The Buttery, so I knew them there, you know.

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NF: Okay. So, how long did you bartend at The Buttery for?

MS: I don't remember.

NF: Was it a year? More than, less than?

MS: Could've been. I don't remember. Could've been a year, could've been more, I don't – I don't think it was less than.

NF: Okay, so it wasn't like two months, it was an extended period of time?

MS: It was, yes.

NF: And did you ever meet officer McManus?

MS: Uh, I did yes. I believe so (*inaudible*).

NF: At The Buttery?

MS: Did I meet him at The Buttery?

NF: Yeah, like uh, Colleen was working there, so did you meet officer McManus at the Buttery before this incident ever happened?

MS: I don't – maybe.

NF: Okay, so you don't remember?

MS: Did I meet him? I would think that he probably wired me and sent me to The Buttery.

NF: Okay.

MS: I do remember something like that yeah, I remember and it was like a failed attempt. And then, I think we went to some crazy rock and roll bar after, uh, it was pretty tedious, it was pretty exhausting for me, 'cause they were wiring me, you know?

NF: Mhm, yeah. So, you're saying that officer McManus wired you and sent you in there to do that confidential and controlled purchase, but did you ever meet officer McManus at the Buttery before any of the Philip Vance stuff came up?

MS: I don't remember, I never met him, I don't think I ever met him like – what do you mean for like lunch or dinner or something?

NF: Or you know, while you were working there – anything like that – anything that stands out – ever had a conversation with him? Anything?

MS: I don't...I don't uh. I have to go into my memory vault. Um, I don't think so.

NF: Okay, so you brought up...

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MS: I mean he is such a good guy – I don't – when you're an officer – and when you are a broken drug addict you think; like, there is the person who is going to help you, you know? Like I don't...

NF: Okay.

MS: You know what I mean, like I was not in a good situation with like being raped and like and all of the stuff that I went through with the bikers. Like, uh, there was a sense of comfort and connection with Andy Ghoul and then McManus had taken over his position. So, there was a sense of comfort there as well, cause there was nothing inappropriate there at the time. Like these were people who were, in my opinion, trying to help me from really bad situations. Um, Tamburino knows all of this, he was a vital part of my life back then, and he still is. Like, I can text him right now and tell him that I am on the phone with you. You know what I mean? Like they're...You know Robert Canada, the FBI agent in Chile, and those people who tried to help me because I did not have the best people around me at the time. (*Spelling of Robert Canada's name is unknown, MS brought up the Canada's last name earlier in this interview*).

NF: Okay, um, so the – you, you are talking where you purchased the gun? You said you went to a loud rock n' roll band, who was there?

MS: What do you mean? I don't know. (*Laughs*).

NF: (*Laughs*). Well, I mean, who did you purchase the weapon from?

MS: It wasn't even at the bar. Didn't I purchase, I purchased the gun in St. Paul? I don't believe that I purchased it in the (*inaudible*) bar. I think I got the gun on the East side somewhere; I can't remember.

NF: But do you remember who you met at the bar? Like, before you went to purchase the gun elsewhere?

MS: You mean the police people?

NF: No, I mean the person that you purchased the weapon from?

MS: Philip?

NF: Yes, was he with anybody else?

MS: Uh, good question. I think Philip was by himself at the time.

NF: Okay.

MS: I can't remember.

NF: Okay.

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MS: It was a good question. Honestly, I don't remember. I think that when I actually purchased the gun, he was by himself.

NF: Okay, and you are saying that [was] in the bar or at the location where you guys got the gun?

MS: It was the location – it wasn't in the bar – I think that we agreed in the bar that I was going to meet him somewhere to buy the gun. I believe that's how it worked.

NF: Okay, and do you remember what you talked about with Philip?

MS: No. (*Laughs*).

NF: No? Okay.

MS: I don't think, I mean, it's all like jive, it's all like street stuff. My brain doesn't even wire like that. Yeah, I don't know.

NF: Okay.

MS: I don't know if it was like protection for myself. I don't know. I don't remember.

NF: So, you don't remember what you and Philip talked about or what he may have said at that time? Just that it was street lingo?

MS: I think it was just like hood stuff, maybe that I was buying it to protect myself – or – I don't remember if it was committed in a crime, the gun. Like, I don't remember. Christ how long was 2002?

NF: It was 20 years ago (*inaudible*). Yeah, and I absolutely understand that your memory is not uh...(*inaudible*).

MS: I wouldn't believe anyone whose memory was intact. Like Christ have mercy, I want to go on a spiritual retreat just from this conversation. I don't even go to AA meetings anymore, but I feel like I need one (*inaudible*) (*laughs*).

NF: I know, and I do feel for you. I feel like, yes, I am putting you in a tough spot, but if you know – we are going to move forward with this, then we really gotta get as many answers from you as we can.

MS: I only have like 15 minutes, because I have to go to work. Hold on, my phone. One second, let me see...one second, I am just seeing...okay go ahead. (*MS checks her phone*).

NF: Okay. Had you ever worked as a confidential informant for the police before the Philip case?

MS: Yes, of course.

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NF: And when did you do that?

MS: Oh, multiple times because there was – there was uh – um, a situation where I was like raped, um, by multiple people. And I was put into dangerous shit with the Hells Angels. And um, the Hells Outcast and The Mad Ones – I don't think they are a group anymore – but I was raped by the Mad Ones or the Phemadons is what people would call them. And, uh. (*Phemadons spelling unknown*).

NF: Was that while you were a confidential informant or?

MS: No, no. I was never one until it happened. Since, the Gang Strike Force was called because I was a juvenile and, um, my mom was a real horrible mother. She just didn't care so, so they were called to the juvenile detention center and then that's how I met Andy Ghoul. I was trying to kind of do the right thing. Because there are a lot of drugs back then, lots and lots of drugs. Crystal meth, cocaine, lots of stuff.

NF: Yes of course. Did you work as a confidential informant back then or other people...?

MS: Yes, against the bikers. I didn't know anything about Philip Vance at the time.

NF: And what about, did you work as a confidential informant for any other cases besides the bikers?

MS: Yeah sure, I just can't remember.

NF: Okay.

MS: Like, I would give information to Andy...and then, you know...

NF: Did any of those other cases, did you have to testify in them?

MS: No.

NF: No?

MS: No.

NF: So, Philip was the only case you actually ever had to testify in?

MS: (*Inaudible*). The only person, yeah.

NF: What do you remember testifying at trial?

MS: I remember being scared. I was crying. Joe was there...Tamburino...I was crying. I just tried to recall everything that happened as best as I could. I was scared to look at him. I was scared to look at the two guys or whatever.

NF: Okay. And to your knowledge was what you said at trial truthful?

MS: To my knowledge, yeah.

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NF: Okay.

MS: Yeah 100%.

NF: Okay. And did you ever talk with anybody about...

MS: The Leslie Redmond had played it like it was a black thing. Like it was like, um, there were other cases that McManus had done because of a color thing. And I am really not like into discrimination. I am really like a white light, like a really good person. You know I am sure there are files upon files, upon files, but I don't recall. I don't want to be a part of this anymore. But, I definitely don't want to see anybody convicted if they didn't commit a murder or whatever so this is like (*inaudible*). This thing has followed me like you wouldn't believe. I just really don't know what to do anymore.

NF: Let me go over this affidavit with you, but before I do let me ask you a couple of questions about it. Do you remember what was written in the affidavit?

MS: No.

NF: And you didn't...did you talk with anybody about this case before the affidavit? Like in detail, kind of like what we are doing with questions about what you remember?

MS: Not like this. No.

NF: Did they ask you, like....

MS: It was like, it's the fucking NAACP. I'm like, how the hell and how many years of like sobriety? I'm like in Pennsylvania, I have a phenomenal career. I'm a complete like white light and a recluse. Like I just want to go off the grid in a beautiful A-frame. I'm like freaking NAACP, I don't want to be involved with that NAACP.

NF: So, did you feel pressured then are you saying?

MS: Well yeah, I felt like guilty. Like, if I had something wrong because I don't remember anything. You have to understand, like, I was always trying to do the right thing even at a young age. Like, I had chemical dependency. Like really scary people, you wouldn't imagine the people and I still know to this day...some of them...and they are sober now and they have made amends to me. The stuff that this little girl has seen because I was always very pretty and you know [it] would blow your mind. Things I've never even told the police I have seen and been through. And you know 18 years later or 19 years later the NAACP contacts you after you have changed your whole life. And you think, did I do something wrong, was this a racial thing? You know you have that big (*inaudible*). My mom died like 6 weeks ago. My mom lived right on the East side, and I am thinking you know like this racial shit and it's just a lot. Back then I trusted the police and I still trust the police. I know all of the lawyers and judges here. It was a really scary time for me. Like I was completely taken advantage of by bikers and you know the drug world and all

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of this terrible stuff because I had a terrible addiction and I was pretty. You know 18 years later, you might be a part of and I am quotationing in the air "a wrongful conviction." Christ, what does that do for your, like, sobriety when you are trying to do the right thing in the world?

NF: I am tracking what you are saying.

MS: Like what did I do, like was it wrong? I know I bought a gun, I know that all the things I said were true. Did he commit it? I am not the police.

NF: Okay.

MS: I didn't press the gun. I didn't...I don't have access to the lab.

NF: If the things you said at the time were true...let me...let's talk about this affidavit real quick. You said in part 3 of your affidavit, it says, "I am writing this affidavit out of my own free will. No one has given me or promised me anything in exchange for the statement that I am making in this affidavit." You are saying that you didn't write the affidavit, but you weren't given anything or promised anything. Is that what I am hearing you say?

MS: They wrote it.

NF: They wrote it. Okay.

MS: But they did not promise me anything.

NF: Okay.

MS: I mean I didn't get anything from it.

NF: Okay, number four it says, "In 2002, I was the head bartender at the Radisson Hotel located in downtown St. Paul. On or about October 5th, 2004, I testified at trial that I contacted police officer John McManus on December 23rd, 2002, to report a conversation that I had with Philip Vance the day before I interpreted Philips comments about 'getting his plan on' to mean being planning to commit a robbery. Philip was more secretive than usual. When I later wore a wire, I asked Philip if he ever shot anyone and he said, ' I shot a guy 2 weeks ago over on the south side, five times in the back.' (*Inaudible*). This testimony was false." That's what the affidavit says. So, my question I guess, would be was the testimony that you gave back in 2004 false?

MS: No.

NF: It wasn't?

MS: No.

NF: Okay, so then, this in the affidavit is not correct?

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MS: No.

NF: Okay. Okay, um I could go on through this affidavit and keep asking you questions. And I don't want to put words into your mouth, could you just tell me...Do you believe that this affidavit represents your thoughts on this case currently?

MS: No.

NF: Are you okay?

MS: No, I just feel really bad like it all happened. I can't change time. I can look in the mirror and be a good person, and be helpful, and be there for people. This was a really hard time in my life.

NF: I understand.

MS: When the NAACP flies to Pennsylvania, it's a little intimidating. And those cops were good people to me. They were very good. They didn't do anything wrong, not to me. They were very good. I was a wild girl and in a crazy world. And I just feel like I don't want to be involved. I just want to – you know – glow. I just bought a (*inaudible*) Mercedes; I just bought a 100k car. Like, I've done things I would have never imagined. I owe it to sobriety, and I owe it to really getting honest when I look in the mirror. This is all like mind stuff and I am not really good at all of this mind stuff. Like I'm street stuff and I'm really good at reading people, like if one person blinks, I can know their intentions. I am really good at that. I am not methodical, and I am not mind person. I'm just a really good person with a tough life and I changed my life. And no, I don't....It was all true. It was all true.

NF: You're saying it was all true back in 2004?

MS: Yes, it was all true. The lady devalued him and made me question myself and my integrity. It would be hard to do, to question me, in that state that I was in. It wouldn't be hard, it's not hard to make me doubt myself in those days, back then, you know.

NF: You know, I've gotta ask with what you said about doubting yourself...do you feel like I am making you doubt yourself right now?

MS: No, I think you are very nice.

NF: I just want to make sure that you are not receiving any pressure from me.

MS: No, you are very very kind, and words are completely perfect. And it helps me help my brain remember as clear as I possibly can. No, you've been wonderful (*inaudible*).

NF: Alright, listen Melissa I know you're kind of upset right now. I'm going to reach out to my contact at the AG's office about what we talked about today right. I might have some follow up questions for you, I may have to call you back. That will be based off of

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what they want to say. I just want to make sure that we are on the same page. This affidavit that I have signed by you, you didn't write it and you don't believe that its true is that correct?

MS: Yes.

NF: Okay. Melissa, I really appreciate you talking with me. I will be in touch. If you have any questions for me, you can feel free to reach out to me, this is my phone number. You can give me a call if you have anything you can think of anything you want to talk to me about this case. You feel free to reach out to me alright.

MS: Okay. Alright, I appreciate you, thank you very very much.

NF: Thank you.

MS: Okay have a good day.

NF: You too, bye.

MS: Okay, goodbye.

NF: Time is now 1:35pm. That concludes the interview.

MINNESOTA JUDICIAL BRANCH

Filed in District Court
State of Minnesota
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DATE: January 12, 2003

CASE NO: 02018427

INTERVIEW: CRI
PHILLIP RANDALL VANCE

PV Hey baby.

XX Hello.

PV Yeah.

XX Hey baby.

PV Hey.

XX I see it took all day for them to let us down. He only giving us 10 minutes and stuff.

PV Yeah because we finally got everybody locked down now. I told you at 2:00.

XX You were asleep.

PV Hell yeah. I went up to my room. Shit I kind of figured you all - you all was gonna wait til after 3:00.

XX We can't see you after 3:00. It's from 1:00 to 3:00.

PV That's it?

XX That's it. From 9:00 to 11:00 and 1:00 to 3:00.

PV Oh.

XX Right. Wednesday, Friday and Sundays.

PV Oh.

XX And I can't…

PV Hello?

XX I don't think we should talk. Can you hear me?

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PV Yeah.

XX The police said that - they said there was a shooting. And they said that you were involved.

PV All right.

XX And them, um, that gun that I have, should I get rid of it? Huh?

PV Put it up.

XX Put it up? Did it have anything to do with - did you do it?

PV Hell no. I go to court Thursday. I don't know what the fuck going on though. It's some crazy shit though.

XX Are you okay? You okay?

PV I'm cool.

XX Look, I'm here to see you. You're all right.

PV I know man.

XX I feel bad for you. My phone got disconnected.

PV For, I couldn't call anyone.

XX My phone got disconnected. I didn't pay the bill. Dominique calls me every god damn day.

PV For, I can't call nobody.

XX Why?

PV Because I can't. Don't know numbers.

XX You're skinny.

PV That's because I ain't been eating shit. I ain't been eating shit. I don't know what the fuck up now.

XX I'm scared. I don't know what to do. I'm leaving. I don't want to…

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PV Going where?

XX 'Cause I haven't talked to you. I don't know what to do.

PV Just be cool. I go to court Thursday.

XX What do I do?

PV (Inaudible).

XX All right.

PV Hey, I don't know what the fuck man.

XX What have you been eating? Baloney and apples and milk?

PV Yeah.

XX I know. I've been in here.

PV It's some crazy shit man. I need to get fucked up too man. I'm sitting here like damn.

XX I'll get you fucked up don't worry.

PV Man, where are you going?

XX Huh?

PV Where are you going?

XX I'm going to work.

PV I'm saying where are you leaving? You said…

XX I don't think I can leave because I don't have no money. I don't have no fucking money. I want to leave.

PV You ain't got no money?

XX Barely, I gotta go to work now.

PV Yeah because I ain't got shit. They took all my money.

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XX How much do you need?

PV Man, how much - I don't need that much. Just enough to get me some candy bars or something. Because I came here with some money. They took all my money.

XX Oh, I'll put like $5 in the,

PV Oh.

XX Or $10.

PV Put $10, that would be cool.

XX That's it then. That's all I got.

PV That's cool. Because I can hold - I'll try to hold that down.

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

PV That don't matter does it.

XX But that's what they're saying.

PV Okay that's cool but…

XX And how do they - why do they want to talk to me.

PV I don't know. I want to know how the fuck they know who I am.

XX Why do they want to talk to me?

PV I don't know. How do they know who I am? Don't nobody know who I am, you know what I'm saying? (Inaudible).

XX I know. I'm not getting in trouble.

PV Oh you wouldn't. They didn't ask for no ID?

XX Huh?

PV They ask for your ID?

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XX What?

PV They ask you for no ID? They knew my name.

XX I knew your fucking name. I talked to Dominique.

PV Oh, he told you my last (unintelliglbe)?

XX Yeah, you've got a fucked up name.

PV Shh.

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

PV Damn.

XX Is that this?

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

XX I know but I'm scared. You have to talk - you have to take care of me and tell me.

PV Man I'm going to tell you. I just got to get out.

XX How are you going to take care of me in there?

PV I get out Thursday. You gotta wait till Thursday. I go to court Thursday.

XX Is this separate?

PV What?

XX Is this separate from that?

PV Yeah. That's what they…

XX You didn't kill anybody.

PV Just wait. It's cool. They ain't even charged me with nothing because they ain't got no evidence against me for nothing. You know what I'm saying?

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XX Yeah but I get scared. I don't want to be involved. I've got you too much in my life.

PV Because at my sister house, she told me a raid, they raided her crib.

XX They raided your sister's house?

PV Yeah. They were looking for me and Stash. And check it out, they took - they was - she told me they was looking for a mask, a gun, and they took some of my clothes. But they didn't find nothing.

XX What did you do?

PV I didn't do. I don't know what the fuck man. They say this happened before Christmas. Because they asked her what did I have a lot of money over Christmas time. You know what I'm saying?

XX Yeah. I'm just trying to be supportive.

PV I thought you was going out of town or something.

XX I don't have no money. I have to go. I'm going to go Friday but I have no money.

PV You gonna bounce on me man?

XX I'm not leaving for a long time. I don't even think I should go.

PV You shouldn't. Just chill man. Just wait til I get out so we can kick it.

XX Okay.

PV Because I need to kick it forev. This (unintelligible).

XX I know. How are we going to kick it with you in here. And if you're not honest with me.

PV I'm trying to be. I don't want to talk to you on this phone man, because they record this shit. You know what I'm saying? Man they took all of my money. They told me I have no money. Because I still had that

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money you gave me. And they just kept it all. (Inaudible). But I guess that's under investigation too. They brought Stash back his shoes.

XX They did?

PV Yep. So they ain't have no evidence. If they brought his shit back then they couldn't prove nothing.

XX So why are you still here then?

PV They say I'm here for a probation violation. I was on probation anyway.

XX Man.

PV That's cool. I'm going to go Thursday.

XX Well they don't know nothing about.

PV No.

XX I'm just saying, you can tell me if something's going on.

PV Keep it straight man.

XX I'm gonna. I'm tired of this.

PV Hey don't worry about shit. Just don't let it trip, don't act scared or nothing. Because that's when they try to fuck you when you act scared.

XX I know.

PV They ain't got shit. (Unintelligible).

XX They haven't talked to me yet. I'm scared they're going to talk to my (unintelligible).

PV Yeah, you ain't been to work (unintelligible).

XX Shut up. That's why I have no money.

PV What are you talking about. (Unintelligible).

XX I'm scared.

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PV What happened the other night?

XX Huh?

PV That night?

XX I was fucking puking outside. I threw up all over myself.

PV Man.

XX Colleen came outside and gave me a tissue to wipe my mouth. I was so sick. And then there were police everywhere, everywhere.

PV They came, that's who came and got me.

XX And then I'm like Colleen, here give him his jacket. I gotta go.

PV Yeah she did give me my jacket. Dude, this girl called me a nigger. She was like, fuck you nigger, and I throwed my drink in her face.

XX What?

PV This girl in there.

XX Who was it?

PV Some white girl.

XX She a white girl?

PV Yeah. And I throw my, you know I get a water, I throw the water in her face right, and I walked out. And when I went outside the police pulled up on me and I was fucked up. I was talking shit like, man I ain't…

XX Good thing (unintelligible).

PV They pulled me over. They was like, but I was 10-80. I didn't have no warrants. They arrested me for talking shit.

XX Why did you talk shit?

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PV Because I was 10-8 plus I was drunk and I ain't used to it. I was just leaving. So when I went to court, they say, uh, they threw my case out. They was like, you going to go home today. But then when I was waiting to go home, they told me the warrant, that warrant for that, it came out at 12:00. And they kept me here.

XX It's got to be something.

PV It's something dude. I'll find out on Thursday for sure man. So I gotta wait like I say four more days. The days will…

XX Are you going to get out?

PV Yeah shit I hope so.

XX Did you do something?

PV No I'm cool. This (unintelligible). I know it ain't true. I'm smart.

XX Did somebody else do something that you know of?

PV Not that I know of. Just trust me.

XX I do trust you. That's why I'm here. If I didn't I wouldn't fucking be here. I wouldn't come here.

PV Your ass is crazy.

XX I was like - wait, and then look, look, look. (Unintelligible) and I'm like (unintelligible).

PV Let me see that.

XX No.

PV Damn girl.

XX So anyways.

PV When I get out, are you going to be scared to come?

XX I think you killed him.

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PV What (inaudible).

XX Hum?

PV What color right here?

XX Pink.

PV (Inaudible).

XX Pink, no. Tell me the truth.

PV Tell you the truth what? I'm telling you…

XX Remember what you told me?

PV What's that got to do with anything?

XX Watch.

PV What's that got to do with anything. Just trust me. Listen.

XX I'm trying to trust you.

PV Why are you trying to? I'm telling you the truth. Just listen. Just wait til I get out, all right?

XX Okay.

PV I don't want to talk about it no more, so.

XX All right. I'll put $10 in okay?

PV All right You'll be all right.

XX If nobody said anything to you you're okay probably.

PV I ain't saying shit.

XX Maybe they just told them to leave it alone.

PV I ain't saying shit. That's why I ain't worrying about nothing.

XX All right, all right.

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PV Because if I would, I'd be (inaudible) because I ain't saying shit. So, you know what I'm saying?

XX Just be cool.

PV That's what I'm saying. They say I (inaudible) in South St. Paul. But I ain't been to South St. Paul in like over a year. So I really don't give a fuck.

XX Okay, good. All right. I can't go now because I'm poor and I'm scared and I didn't go to work. That's your fault now.

PV Why it be my fault?

XX Because I've been worried.

PV (Inaudible) I looked at you.

XX I was throwing up all over my pants. Oh my God. I was so embarrassed. Colleen came outside and I'm like, I'm like I gotta go. I smell like puke.

PV You drove yourself home.

XX Huh?

PV You drove yourself home?

XX Um hum.

PV Damn.

XX I know.

PV I was (inaudible).

XX You'll be all right though. Keep your head up.

PV I ain't worried about it.

XX Well if, I don't know.

PV (Inaudible)

XX I don't know though.

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PV What time do you got to be to work?

XX Like 2:00, like now.

PV Don't worry that's cool. I got to go back, we're in lockdown now.

XX Okay.

PV I'm good.

XX Okay keep your head up, okay boo?

PV Be cool.

XX Okay.

PV Bye.

XX Bye.

END

MINNESOTA JUDICIAL BRANCH

Filed in District Court
State of Minnesota
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DATE: January 23, 2003

CASE #: 02018427

INTERVIEW: Corporal Tom Kreager

SUBJECT: Philip Randal Vance

TK Investigation, Kreager.

PV What's up Kreager?

TK Who is this?

PV This is Vance.

TK Oh. How you doing?

PV What's up man? What's happening?

TK Well, you tell me.

PV Nothing man, I been, I called and left messages and shit which there ain't nobody, you all got to know you got to get in contact with me. I just, I walked to the bar today and the lady told me ah, the police come through like 4 times a day looking for me. Shit, I'm like for what? I ain't went nowhere. I'm still here.

TK Through what bar?

PV I walked through the Buttery.

TK Yeah?

PV Yeah.

TK Well, I got your message. I wasn't sure which phone to call you back at.

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PV Oh, I'm sorry. What's going on? I asked, ah, saw, I called Sonja, she told me I had, I got to call her today about them ah, about the phone records and I talked to John, had John the other day. He was waiting when I called and left a message. He told me ah, ah, he wanted to, I, they wanted John Martin. I was with him, he told me if anything you all wanted to discuss with him about he would be willing to discuss and everything and he gave me information that night about where I was that day earlier I was with him. I was with him.

TK John Martin?

PV Yeah.

TK Where were you guys?

PV No, we early had ah, we were at ah, at the bar, the Capitol Bar.

TK Yeah.

PV And then we left from there. We left from there and we was walking around through downtown. He met up with his girlfriend. We was bullshitting outside and shit with some girls. I ended up hopping in the car, me Stacks, we hop, we did hop in the car. We got in the car. It was a white girl and we rode around and we got some liquor and was riding around and shit. They were smoking the shit. We went a couple places and then they dropped us back off downtown that night.

TK And

PV He the one who told me about it cuz he called me the next day on my phone trying to get us to come back to Saint Paul cuz I did go to ah, I did go to ah, ah, what was it, Edina, where did I say I went? The ah, what the hell's that fucking place again? We went out, we got stranded out there. Was that Edina? Something like, (inaudible).

TK So you, you and John hooked up with a couple of girls?

PV No. Me and Stacks did. Me, Stacks, John was with for a minute. His girlfriend came.

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TK Yeah.

PV And we was all together for a minute. And then we, these girls rode up on us, the girls who house we went out to. They rode up on us. Ah,

TK Yeah.

PV We hopped in the car with them. John left with his girl and we was in the car with them.

TK Do you know these girls?

PV Them the same girls who house we was at.

TK What, yeah, what are their names?

PV Man, I told you one of them name's is Amy. That's the one whose house it is. She wasn't in the car with us. The other one named Veronica or whatever, the one who Stacks was messing with, she was in the car and then eventually after we were all around they were smoking, we were drinking and shit. They dropped us off back downtown. That's when we came to the Buttery and no (inaudible) came here. That's when we came to the buttery. That's when he say, he say

TK Are you talking about the girls from Eagan that you were talking about?

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

TK What kind of car they got?

PV A blue Corsica. It's like a dark blue Corsica.

TK You got any of those girl's phone numbers or anything?

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PV No, but I can get it for you. I sure will. I don't even know, I don't even know how to get in contact with them, but I sure will. I just need to ah, I can move around, cuz I seen the girl, I seen her like yesterday, but I didn't ah, I really didn't hit me until I talked to John cuz he asked me, he asked me a lot, he told me your police looking for him and I told him (inaudible) I told him, I asked him about that night. He was like yeah, we went to the Capitol that night. Cuz he did, he must have wrote a check that night and ah, we left. We left and I remember they had, I remember he had, they had some weed and shit and they was smoking. We was standing outside kicking it for a minute and he, the girls (inaudible) and they rode up on us. But he would have went with but his girlfriend was with him, so he left with her. They went and hopped on a bus and me and Stacks got in a car with, with these 2 girls.

TK So the girls had some weed already and you hopped in with them and ah, went and got some booze?

PV Yeah.

TK Okay. What about John? Is there a way I could call him?

PV No, John. I don't know where the hell he is now. I was with him when I left you that message. But I can find him. He told me, he told me to tell you some, well, I'm, I'm going to go look for him now. I'm, I'm downtown now. I'm going to go look for him. Cuz I had a job interview..

TK Yeah.

PV And ah, soon as I find him, I'm going to call you.

TK What I'd like to do, to do is talk to John and ah,

PV And then girls.

TK and ah, these girls.

PV Alright. I'm going to hook it up.

TK See what they have to say.

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PV Alright. I could hook it up. I just didn't, I didn't, I ain't, I just didn't, or, ah, I wasn't sure about what was happening because when I walked through the Buttery, I came from outside and was going through it to go up the escalator, the lady's like you got to get out of here. And I'm like, I'm like, ah, for what? And she goes ah, she goes, because ah, the police come in here 4 times a day looking for you and they're out on the street looking for you. I'm like for what? I ain't going nowhere. I been to Saint Paul the whole time. I ain't went nowhere. I been here.

TK I ain't looking for you yet.

PV Oh. Well, that's what she said. Like, it's like, I didn't, like I was running or something. That's why I called you exactly right now. Like man, what's up?

TK Hey, man, do you know if I want to find you I'll go find your ass.

PV I know you know how to come and get, that's why I say, you know all man?

TK Yeah.

PV Well, look I'm going to

TK Well, you, you dig up this shit

PV Okay.

TK so that I can talk to these people.

PV Okay.

TK And ah, you know, cuz I'll run it down. I listen to anybody.

PV Okay.

TK But I'm telling you, I'm not off you.

PV I know.

TK I ain't off you.

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PV I know you're not.

TK You know, the fact you ain't in jail doesn't mean much to me right now.

PV I know. I know. I'm, I'm trying to, trying to get myself off this shit and I'm going to help you do it. Okay?

TK Okay.

PV If someone want to talk to John McCarty as soon as I get he in my presence alright?

TK Okay. You do that.

PV Alright. Alright.

TK Okay.

PV Bye, bye.

TK Bye.

PV Yep.

TK That was Philip Vance on Thursday, January 23, 2003 at 1418 hours.

END

TK/jdc

MINNESOTA JUDICIAL BRANCH

Filed in District Court
State of Minnesota
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DATE: January 21, 2003

CASE #: 02018427

INTERVIEW: Corporal Tom Kreager

SUBJECT: Philip Randal Vance

PV What's up Kreager? This is Philip Vance. It's 11:31. Ah, I'm just calling cuz I have some information I want to get you and I wanted to ask you something. Um, try to call back later on. Called yesterday but you guys weren't in the office. Try to call back later. If, if I don't call back, you got all them numbers, that's where I'll be at. Call me.

VM To check next, enter 5; delete 6; archive 7; time stamp; 8. (beep) Recorded today at 11:29 a.m. in your message box. To check next enter 5; delete, 6; archive, 7; timestamp 8; re (beep) message archived. There are no further messages. To leave messages enter 5; review old mes

(beep, beep)

TK Received on Tuesday, January 21, 2002.

END

TK/jdc

MINNESOTA JUDICIAL BRANCH

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COPY

DAY 1

STATE OF MINNESOTA — IN DISTRICT COURT
COUNTY OF DAKOTA — FIRST JUDICIAL DISTRICT

File No. K6-04-736

State of Minnesota,

Plaintiff,

Appellate Court File No. 04-0607

vs.

VOLUME 1

Philip Vance,

Defendant.

The above-entitled matter came duly on for Jury Trial before the Honorable Rex D. Stacey, one of the Judges of the above-named Court, commencing on September 20, 2004, at the Dakota County Judicial Center, Hastings, Minnesota.

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APPEARANCES:

KATHRYN M. KEENA, Assistant Dakota County Attorney, Dakota County Judicial Center, 1560 Highway 55, Hastings, Minnesota 55033, appeared representing the State.

NITU SINGH and CEAN SHANDS, Public Defender's Office, appeared as co-counsel representing defendant.

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PART #

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SEPTEMBER 27, 2004

THE COURT: The parties can remain seated. Would the jury please rise and take the oath?

(An oath was administered by the court clerk)

THE COURT: Good morning. The trial is about to begin. During the trial, you are going to hear the testimony of several witnesses. You will have to make judgments about the credibility and weight of their testimony. Be patient and listen carefully to the testimony of all the witnesses. Keep it all in mind until you've heard all of the evidence.

As you listen to the witnesses, you should take note of such matters as the witness's interest or lack of interest in the outcome of the case; the witness's ability and opportunity to know, remember and tell the facts; their experience, frankness and sincerity or the lack thereof; the reasonableness or unreasonableness of their testimony in light of all the other evidence, and any other factors that bear on the question of believability and credibility. In the last analysis, you should rely on your own experience, judgment and common sense.

You may take notes during the trial, but you should not feel required to do that. The most important thing is to give full attention to the testimony as you hear it.

You should keep an open mind about all the

evidence until the end of the trial, until you have heard final arguments of the attorneys and until I have instructed you in the law.

Now evidence is what witnesses say and any exhibits received in evidence and submitted to you in the jury deliberation room is also evidence. What the attorneys say is not evidence. However, you should listen carefully to any statements the attorneys make. Those statements are made so that you can better understand the testimony.

During the trial an objection may be made to some evidence, and I may sustain or overrule the objection, and direct that a question not be asked or answered. You should not speculate about what the possible answer would have been.

If I instruct you during the trial to disregard some statement that a witness has made, then you must disregard it.

There are things you should not do during the trial. I will remind you again. You are not investigators. You are not to go out and do any looking and you are not to ask people about this matter. Above all, you must not talk to anyone who is involved, the lawyers or the witnesses.

You should not discuss the case among yourselves. At the end of the trial you will have as much time as you need to discuss it, but that's at the end and not during the trial.

When you go home during the trial, your family

and friends will be curious as to what you were doing. You may tell them you are sitting as a juror in a criminal case and that's all you should tell them.

You don't have to stay away from people or refuse to speak to them. Do whatever you wish, just don't talk about this case. And don't read about it in the newspapers or listen to news about it on radio or television.

Please make a mental note of the seat you are in and keep that seat throughout the trial.

At this time we will listen to the attorneys' opening statements. This is their opportunity to tell you what they believe the evidence will show.

Thanks. Ms. Keena.

MS. KEENA: Thank you, Your Honor.

Good morning. Welcome back. I would just like to take this opportunity to introduce myself again. I am Kathy Keena, Assistant Dakota County Attorney, and I represent the state in this matter.

I would like to take this opportunity to introduce you to the reason why we are all here. This is Khaled Al-Bakri. Khaled was born on March 23, 1977, in Hebron, which is just south of Jerusalem.

Khaled attended Amon University in Jordan where he earned a degree in accounting. While at the University, he served as a student body president for three years. And when

he graduated, he graduated number one academically in his class.

Khaled came to the United States in the year of 2000 on a student visa. His brother, Tariq Bakkri, was already here and was the owner of Sabreen's Market in South St. Paul.

Khaled lived with his brother Tariq and Tariq's wife Kate for about a year and then he moved out and got his own apartment where he lived for about a year.

While in Minnesota, Khaled was attending Century College where he was taking business classes and English classes. He had also taken a review course in preparation of taking the CPA exam, which he was scheduled to sit for in January of 2003.

Khaled was engaged to be married. His fiancée lived in Hebron, and Khaled was to return there to be wed on June 21, 2003. Unfortunately, it's a wedding that never took place because on the night of December 22, 2002, Khaled's life came to a very tragic end, for it was on that night that the defendant and his good friend, Dominic Johnson, entered Sabreen's and killed Khaled during the course of a robbery.

Khaled was shot twice in the back of his head. It was the defendant who pulled the trigger that night, ending the life of a young man with a bright, promising future.

The defendant has been indicted and is standing trial on three separate counts: Murder in the First Degree

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Premeditated, Murder in the First Degree while committing Aggravated Robbery, and Murder in the Second Degree Intentional.

Over the course of the next few days, the state is going to prove beyond a reasonable doubt that the defendant is guilty of committing these crimes. To do that, the state will be introducing the testimony of several witnesses. And I would like to highlight some of the witnesses' testimony with you at this time.

As I already mentioned, Tariq Bakkri is the victim's brother. He's the owner of Sabreen's Market which is a neighborhood grocery story located in South St. Paul.

On December 22, 2002, Tariq had opened the store at about 8:00 in the morning and it was scheduled to remain open until 10:00 that night.

On that day, as was common for Khaled to do, he came down to see his brother at the store. He came in at about 2:00, and they had coffee and just shot the breeze.

Tariq was a new father at the time, and he left the store at approximately 6:00, and Khaled agreed to work the store in his brother's absence.

Tariq had kind of another sideline business and he was faxing out some letters on that evening in regards to that other business.

Tariq came back to the store at about 9:17 to fax a

letter. He left the store, and on his way home he got a phone call telling him that he needed to fax the letter to another location. So he returned to the store and left for the last time at about 9:29.

According to the last entry on the cash register tape, the till was opened at 9:35 for a no sale. That's when the robbery was occurring.

When Tariq was finally allowed to go back into the store, he determined that there were a number of items that were missing. He estimates that there was between $625 to $650 that was taken. He was missing a cordless phone, which Khaled had a habit of carrying around in his waistband. They were missing lottery tickets, cigarettes and a number of their plastic bags that they loaded groceries into.

Kathleen Johnson had the misfortune of walking into Sabreen's through the front door at the time that the robbery was in progress. On that date she was at a friend's residence just a few blocks from Sabreen's.

At approximately 9:40, she drove to Sabreen's to buy some cigarettes. She parked on the street in front of Sabreen's which has a glass front, but she couldn't see inside because there were so many advertisements hanging in the windows.

She entered the store and saw a man behind the counter emptying the cash register. She heard the man behind

the counter yell something. She couldn't quite make out what the word was, but yell something as if alerting a second person in the store.

When the man behind the counter saw her, he reached for his waistband and she thought he was reaching for a gun. She ran out of the store and returned to her car.

While she was sitting in her car, she observed two men run out the front of the store, turn and run around the corner towards the back of the store. There's an alley that runs behind the store.

She described both men as having thin builds, one being approximately five-nine, the other approximately five-seven. She described what both men were wearing, dark hooded sweatshirts, baggy, low-slung jeans, and not able to identify their faces because they both were wearing black ski masks.

She immediately returned to her friend's residence and told them what happened, and they called 911.

In the meantime, in the back of the store in the alley, Sam and Matt Renville, who are kids, they are brother and sister, they were walking to Sabreen's with Dale Marx, who is a friend of theirs and who lives in the neighborhood. He lives right across the street from Sabreen's, as a matter of fact. Those three, along with a younger boy named Jacob, were walking to the store to get snacks. They were having a

sleepover at the Renville residence that night and knew that the store closed at 10:00 and that they needed to get themselves down there if they wanted to get there before it closed.

They were walking to Sabreen's in the alley. And as they were approaching the store, they see that there's a car parked in the alley, and that it's running. They see two males run out from between Sabreen's and a garage, run to the waiting car, yelling, "Go, go, hurry, hurry."

They described the males as wearing baggy, dark colored clothing. Samantha sees that both are wearing hoodies, which are hooded sweatshirts. Again, because they are so far away from the car, they were not able to provide a description as far as the faces of what these two men looked like.

So the kids enter Sabreen's and they don't see anybody. They know Khaled well, they go to the store often. Dale Marx helps out at the store. He works at the store every once in a while. So he is looking around the store. He's looking everywhere in the store to try to find Khaled.

As they get up to the counter, they notice that something doesn't look right about the cash register, the drawer is missing. So Dale peers over the counter and sees that Khaled has been shot.

He tells the others to run from the store. They run

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to Dale Marx's house across the street, they tell his dad what they discovered, and they call 911.

You are going to hear from the person who performed the autopsy on Khaled. She was called to the scene of the crime. Her name is Dr. Lindsey Thomas. In performing the autopsy, she determines the cause of death to be as a result of two gunshot wounds to the victim's head. She determines the manner of death to be a homicide. During the autopsy she extracts both bullets from the head. It did not go through. They were still in his head.

The Minnesota Bureau of Criminal Apprehension was called to the crime scene to process it. In processing the crime scene, they found four .22 caliber cartridge casings near the victim's body behind the counter. There was one bullet found imbedded in a flashlight that was on a very low shelf behind the counter. So they had one bullet from the flashlight. They had two bullets from the head and they were never able to find the fourth bullet, which you will understand when you see the size of them. They are small.

Kurt Moline, with the BCA, examined the four cartridge casings and determined that all four were fired from the same weapon, *boom, boom, boom, boom.* Two of the casings were Winchester brand and two of the casings were CCI brand. He will describe to you how -- for those of you who are not familiar with ammunition, that each cartridge has a head-

stamp on it identifying who the manufacturer is.

One of the witnesses you are going to hear from is a woman by the name of Colleen McManus. On December 22, 2002, she was employed as the night manager at the Buttery Bar, which is located in downtown St. Paul. At that point she had worked there for approximately one and-a-half years and was familiar with both Mr. Vance and his friend Dominic Johnson.

Between 10:15 and 10:30 that night -- she had been at the bar at 7:00, that's when she started work. She left at about 8:15, or so, to go home and make sure that the kids were all in bed. She has older teenagers. So she is returning to the bar at 10:15, 10:30. And when she drives up, as she is driving up to the bar, she sees Mr. Vance and Mr. Johnson being dropped off.

She goes into the bar, puts her things away, and has an opportunity to talk to Mr. Vance. She notices that there is something not quite right. Mr. Vance and Mr. Johnson aren't acting their normal selves. So she talks to them, and Vance tells her that he really needs to leave town because he had really fucked up this time.

Vance told her that he didn't mean for it to go off and that he just wanted to scare him. As he was making these comments, Mr. Vance held out his hand like he was holding a gun. At this point Colleen McManus has no idea what had

happened at Sabreen's. She has no idea what he's talking about.

She will describe to you that Mr. Vance seemed very upset and started crying when talking to her, which was very unusual for Mr. Vance.

Conversation continued and finally she asked Vance, "Did you shoot someone?"

Vance's reply was "Yeah, I did."

Between 11:00 and 11:15, Vance and Johnson left the Buttery Bar and then they returned at about 12:25 on December 23rd.

She again spoke to Vance at that time. He was still upset, cried again. She noted that Mr. Johnson was unusually quiet and at one point went into the bathroom and vomited. He vomited twice that night, and did once in the bathroom and one outside the front door of the bar.

Both Vance and Johnson left the bar at closing. Now Colleen McManus just happens to have a brother who is a St. Paul Police Officer assigned to the Minnesota Gang Strike Force. So she calls her brother and asks him, you know, "Have you heard anything about any shootings?" She tells him what Mr. Vance told her in the bar that night.

At that point, he wasn't aware of any homicides, but he wasn't yet aware of what had happened at Sabreen's in South St. Paul.

Eventually, after he found out about the shooting, he relayed the information that his sister told to him to the South St. Paul Police Department.

Following that night, Vance had been to the bar after that night, December 22nd, on a number of occasions. On one occasion Vance told Colleen McManus that he had spent four hundred dollars on Christmas presents for his children. Colleen found this very suspicious in light of the fact that Mr. Vance had not been employed for over a year.

While at the Buttery Bar that night on December 22nd, 2002, there was a man there by the name of Eric Griffin. He has a street name of St. Louis. Throughout this trial you are going to hear people referred to both by their given name and street names. A lot of these folks don't know each other except by their street names. Mr. Vance's street name was Florida and Mr. Johnson's street name was Stacks. So if you hear that --

MR. SHANDS: Your Honor, I am going to object at this time.

THE COURT: Why don't you approach.

(Off record discussion at bench)

MS. KEENA: I apologize, they are nicknames. The nickname for Eric Griffin is *St. Louis.* The nickname for Mr. Vance is *Florida.* And the nickname for Dominic Johnson is *Stacks.*

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Mr. Griffin was at the Buttery Bar on the night of December 22, 2002. He arrived at approximately 10:00 p.m. and spoke with Vance after Vance got there.

Vance told him that he had just committed a robbery in South St. Paul. Vance indicated that the robbery went bad because the guy refused to give up the money and Vance fucked him up.

The investigation revealed that prior to the murder Mr. Vance and Mr. Johnson were at the Radisson Bar which is also located in downtown St. Paul. It's technically, I think, the Capitol Grill and Bar, but a lot of people refer to it as the Radisson Bar.

Melissa Stites was a bartender there. She came forward on December 23, 2002 and reported that on the night of December 22, 2002 she was working at the bar and that at approximately 8:00 p.m. Mr. Vance and Mr. Johnson were in the bar with a third individual who was later identified as John Martin.

Ms. Stites reported that while seated in the bar, the three men appeared to be very secretive and appeared to be planning something. At one point Mr. Vance told her that they were just getting their plan on.

As the men left the bar, she commented to them that tips were low that night. In response, Mr. Vance told her, "Baby, when I get back I will have a lot of money."

Melissa Stites decided to try and help in the investigation, and she did so by agreeing to go undercover in an attempt to purchase the murder weapon from Mr. Vance. On January 3, 2003, she was wired and she met with Vance first at the Buttery Bar and they later traveled to a bar called the Lap.

The conversations between she and Vance were monitored by members of the Minnesota Gang Strike Force, the South St. Paul Police Department, and a Special Agent from ATF.

During the conversation between Melissa Stites and Vance on that night, Melissa asked Vance whether he had any guns and whether he would teach her to shoot.

In response, Vance told her that he had four guns. She asked, "Well, when is the last time you used one"? In response, Vance told her "Two weeks ago, a Winchester over on the south side."

When she asked Vance what happened, he told her that he shot a guy five times in the back. She asked Vance, "Well, did you stop to see if the guy was dead?" Vance replied, "Nope, I just kept going."

You are going to hear the officers who are going to come in and testify, the officers that monitored that conversation.

During the course of the investigation, officers talk

to John Martin, who was the third individual that was at the Radisson Bar prior to the murder. They were at the bar together for approximately, what John Martin recollects, about an hour and a half.

While at the bar, Vance and Johnson told John Martin that they were going to South St. Paul that night. John Martin denies that they discussed any robbery plans in front of him, but that the two did mention -- and ignore my typo there. I just caught it -- did discuss how they were going to put two and two together to buy Christmas presents for their kids.

While at the bar, using Vance's cell phone, Vance and Johnson called who John Martin refers to, and what they are commonly referred to, as the *South St. Paul Girls*, Yvonne and Nicole. They called Yvonne and Nicole for a ride.

The three men then left the bar together. And John Martin was going over to his girlfriend's place, he wasn't going with Mr. Vance and Mr. Johnson that night. While he was waiting for his bus, he saw Mr. Vance and Mr. Johnson being picked up by Nicole and Yvonne in a blue Corsica.

The car was being driven by Nicole. And as the testimony will bear out, Nicole is actually Nicole Rauschhot and she did in fact own a blue Corsica at the time.

Another witness that you are going to hear from is Fabian Wilson. Fabian actually came to light through John Martin. John Martin told officers that "My half-brother Fabian

Wilson has information."

Fabian Wilson has a child in common with Mr. Vance's sister. Fabian Wilson tells officers that when he was at Shawna Vance's house one night, Mr. Vance's sister, Vance was there and they briefly talked about the homicide at Sabreen's. In the context of that conversation, Vance told Fabian Wilson that he and Dominic did it and that they gave him fives to the back of the head.

You are also going to hear testimony from Regina Haggerman. Regina Haggerman lives in St. Paul. In December of 2002, Mr. Vance was dating her niece, Darlene Jones.

The Saturday before the January 2, 2003 Super Bowl, Vance was at her house and started talking about a homicide. This was the first time Regina Haggerman ever met Mr. Vance.

In talking about it, Vance tells her that he and one of his friends killed someone. Vance told her that the police were investigating him for the murder, which he knew because by this point he has already been questioned by the police a couple times. He knows he is being investigated for the murder, but that the police had no evidence and that he had good lawyers.

He said that he committed the murder, but that nobody is going to be able to prove it. And you know what? It's true about one of the statements. The state doesn't have

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any actual physical evidence. If you're looking for DNA to be all over a piece of clothing that Mr. Vance might have been wearing that night, we don't have it.

One of the things when you are looking at the evidence with the coroner, and the amount of blood, you are going to see that there wasn't a lot of blood. There was no blood splatter at this crime scene. It's one of the neatest crime scenes I've ever been. We don't have that.

We don't have foot imprints. You know, that was one of the things why I asked you about CSI. We tried. The BCA worked their buns off. We tried to get partial prints. Nothing. So he is right about that. We don't have any physical evidence. But, by God, we got a bunch of people that he told.

Another person that he told was Tyrone Crawford. Tyrone Crawford was housed with Vance in the Sherburne County Jail for a period of time in 2003. Vance knows he is being investigated for this murder. He knows it. He can't keep his mouth shut, though.

He tells Crawford that he and another person had robbed a grocery store and shot a guy. When he tells it to Mr. Crawford, he says that the shooting was an accident and that the gun had discharged because Vance was nervous. It discharged four times. And, granted, these guys have criminal histories. You are going to hear about it. But he is telling this to a lot of different folks in a lot of different settings.

John Nunn. John Nunn and Vance were also incarcerated together at the Sherburne County Jail and again at the Sandstone Correctional Facility. And John Nunn came to us after Tyrone Crawford said, "You know, he talked to these other guys too. They were pretty close. You might want to go interview them."

So the police did. And John Nunn said, "Yeah, Vance told me he was being investigated for committing this murder at Sabreen's."

During conversations between the two, Vance told him that he had to merck somebody -- and Mr. Nunn will explain that to merck somebody means that you actually hit somebody with a bullet -- and that he did it at a store and that he used a .22. Now there were .22 casings that were found at the store.

Isaac Hodge. Isaac Hodge came to us through John Nunn. John Nunn said, "Well, if you're talking to me, you should talk to Isaac Hodge. He's my nephew. He and Vance were even closer than we were."

Mr. Hodge and Mr. Vance were incarnated at the Sherburne County Jail. In numerous conversations Vance told him -- again knowing that he was being investigated for the Sabreen's homicide -- that he had killed someone during the course of a robbery and that it wasn't worth it. That they didn't get that much money and it wasn't worth it.

Dontay Reese is another witness you're going to hear from. Dontay Reese has a criminal history, and I'll be up front with you. Dontay Reese, we found out about him through another inmate at the Dakota County Jail. And when we first approached Dontay Reese, he didn't want to talk. He wasn't saying anything against Mr. Vance.

So after having a conversation with his dad and his mom -- and I will be upfront with you, he was, and still is, being held in jail on a serious felony matter and he is going to get 36 months off of his sentence for coming in and cooperating. Sometimes it's something you have to do when you are weighing seriousness of each case.

So the defense is going to pound on that, but Dontay Reese, when you hear his testimony, it all kind of starts to fit together. Dontay Reese has known Vance and Johnson for six years. They were friends outside of jail.

They were housed together in the Dakota County Jail, and while together Vance told him, "You know, I am charged with the homicide at Sabreen's."

In conversations between the two, Vance provided the following details to Mr. Reese: On December 22, 2002, Vance and Johnson met John Martin at the Radisson Bar. While at the bar, Johnson used Vance's cell phone to call two women for a ride. Reese remembers the names as Yvonne and Nicky. He has no idea who these South St. Paul girls are. He

thought it was Yvonne and Nicky or Ricky, or something like that.

The two women picked Vance and Johnson up in what Reese recalls as either a blue Corsica or an Accord. He remembers it had an A in it. And he is recalling this conversation about five or six months after it actually happened.

The four meet up with a man by the name of Richard Robinson who has a nickname of Hennessy. They also meet up with a man by the name of Troy Crawford, and they meet at a residence of Robinson's girlfriend, which is located in South St. Paul. It actually is the residence of Keitha McKinney, who was dating Robinson at the time, and she only lived about a block and-a-half from Sabreen's.

Keitha McKinney is going to come in and testify. She's never met Mr. Vance. She thinks that the night that this happened she was battling -- she had hepatitis and had been hospitalized and she doesn't recall whether she was in the hospital at that time or whether she was home sick.

According to Dontay Reese, Vance told him that he, Johnson, Crawford and the two girls drove to Sabreen's and parked in the alley. Vance and Johnson entered the store while Mr. Crawford acted as a lookout in the back of the store.

While inside Sabreen's, Johnson yelled something at Vance, while Vance was behind the counter, which is consistent with what Kathleen Johnson says, that she heard

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somebody yell something. It was Johnson alerting Vance that someone had entered the store.

Vance told Reese that he "gave the dude five to the back of the head, got the money, and got out of there." They then got back into the car and got dropped off at the Buttery. As to the type of weapon used, Vance said he used a *deuce deuce*. That's how he described it to Dontay Reese. Dontay Reese, in his mind that means a .22 pistol.

Finally, you are going to hear -- one of the witnesses you are going to hear from is Geronimo Estrada. Geronimo Estrada, in February of 2003, was housed in the Ramsey County Workhouse with Vance and Johnson. He actually was in the same unit as Mr. Vance.

Vance told him that he was being investigated for the homicide at Sabreen's. Vance told him how it went down. He told Mr. Estrada that he and Johnson entered Sabreen's and that Vance went behind the counter. Vance described how he told the victim to get on the ground and that the victim was pleading with Vance not to hurt him. Vance stated that he laid the victim on the floor and popped him two times.

Vance told him that they were wearing Ninja masks at the time that this happened, which is consistent with what Kathleen Johnson indicated, that the two men were wearing Ninja masks.

Ninja masks are black masks that cover your

entire face. That was consistent with what Kathleen Johnson has indicated.

Vance indicated that he threw away the shoes he was wearing the night of the homicide, and he indicated -- and this was never made public. He indicated that they got stacks of money, lottery tickets, cigarettes, a phone, and baggies. By gosh, what were they missing from the store? You know, what's Tariq Bakkri going to testify to? Those are the exact things that they were missing from the store.

So that's a brief summary of what some of the evidence that the state intends to introduce during the course of this trial.

During your questioning that you underwent to be a member of this jury, I believe I asked every one of you whether you thought you had good common sense. And each of you assured me that you did. As you listen to the facts of this case, use your common sense.

What does the evidence tell you? What does it tell your common sense? Make the reasonable conclusions of the facts that are presented to you.

At the close of this case, the state is going to ask you to apply your common sense to the facts and law that are presented to you, and is going to ask you to return guilty verdicts on all three counts that Mr. Vance is charged with.

Thank you.

THE COURT: Ms. Singh.

MS. SINGH: Your Honor, may it please the court, ladies and gentlemen of the jury, Mr. Vance, Ms. Keena and Mr. Shands. On December 22, 2002, Khaled Al-Bakri told his brother, "Go home, take your young family home, I will close up, it's Sunday night. It's not very busy here."

His family went and he stayed behind. Moments later, Kathleen Johnson walks into the store. She doesn't make it very far into that store. She walks into the front door, something's just not right, and she notices it right away.

She's not in there for more than a couple moments. Remember, she sees a man behind the counter. He is dressed in all black, he's got a mask on. He's about five-seven, she says. So she turns around and walks out.

She doesn't see anybody else inside of that store. She just sees that one man, but she notices he motions for somebody else. She knows something's wrong, so she walks out.

When she walks out, she gets into her car. Now mind you, moments are going by. This isn't happening at a slow pace, it's happening very quickly. She gets into her car and as she is about to drive off, she sees two people walk out of Sabreen's, outside the front door, and run through the parking lot and into the back alley.

She notices one man is small and one man is

bigger. She says their height's about five-seven for one of them and the other one about five-nine.

It's an evening, it's winter time, it's dark out, it's a residential street. But that's what she notices.

Moments later, four local teenagers are on their way to Sabreen's. It's Christmas vacation. They've got time off. They're watching movies at a friend's house, so they want to get some snacks. They're walking to Sabreen's, they're just having a good time, sliding on the ice, just having fun, not really paying attention to what's going on around them.

They see two men getting into a car. And this is the testimony that you will hear from some of these kids. Samantha Renville and her brother Matt, they notice the car. They notice that it was a silver-grey automobile. And the size of that car is very critical. They notice it to be a full-sized car. They said it was a full-sized car.

Samantha will identify it like a Cadillac and Matthew will say it's kind of like a police-sized car, a Crown Victoria, something bigger, not that small car, a bigger car. They see the two people getting into the car. One in the front passenger seat and one in the back passenger seat.

Matthew Renville will testify they were all wearing black, baggy clothes, everything. The state told you that's what they were wearing. But that's what the kids saw. They don't think anything of it until they walk into Sabreen's. They're

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having a good time, it's vacation and they don't have to worry about school the next day.

Matthew walks in, he hangs out at the counter, while Samantha and their other young friend go get snacks. And Dale Marx, Jr., he notices that something is amiss. He doesn't see the store owner there, the clerk, so he walks back to the cooler to see if he can find the store owner. He knows who these people are, he lives across the street.

He walks to the back, he goes to the cooler, he doesn't see anybody, doesn't see anything, so he comes back up front, and that's when he notices the register is open.

He walks behind the counter, he looks over the counter, that's when he notices Khaled Al-Bakri on the ground. He's laying on his side and he's got gunshot wounds, and there's blood. There's change strewn everywhere.

So the young Mr. Marx runs across the street to his parents' home and he says, "Something's wrong, something's wrong, call the cops." His father, not believing him, he's a young teenager, goes across the street and checks it out himself. And that's when the investigation began.

The Bureau of Criminal Apprehension is called, the coroner's office is called. They block it off with yellow tape. The crime scene is processed. The coroner takes the body to later do an autopsy. Dr. Mohammed Sedqi, from the Bureau of Criminal Apprehension, will come in here and he will tell you

about what he did as far as the crime scene -- the crime scene things.

He will tell you how he took fingerprints, body fluids, any body fluids that they could find, they took those to process, any footprint impressions they could find in that store. And he will tell you they did find a lot of footprint impressions along with fingerprints. He will tell you this is a convenience store, there's a lot of people. He will tell you that he finds those.

He will also tell you that the other thing that they did was they processed the crime scene and they found random cigarette butts out in the parking lot, because they went as far as the parking lot and to the back alley because they knew that the individuals left from back there.

So they found cigarette butts, they took impressions of tire tracks. They found empty soda cans, they took anything and everything they could find, because they wanted to process this crime scene to see what they could get off of it.

That same evening, on December 22, 2002, about 10:15, 10:30, Colleen McManus -- she's a night manager at the Buttery Bar in downtown St. Paul -- has a conversation with Mr. Vance.

You will learn that Mr. Vance was kicked out of the Buttery Bar because he got into a fight with somebody earlier. A few days earlier he got kicked out of there. So he walked in,

he was a little nervous, he doesn't know if she's going to kick him out again. And Mr. Vance, being a smart fellow and realizing that, you know, maybe I could have a few drinks, he goes up to her and he does make a comment.

He tells her, "I was nervous." He says, "I shot him five times in the south side." Do not forget that. It's very critical because you will hear that more than once.

There are other people in that bar who he had conversations with: Eric Griffin, and there's another individual in that bar. There's a person by the name of Maynard Cross, who will come in here and testify that he was there too.

Now the evening of December 22nd Ms. McManus, after having a conversation with Mr. Vance, is a little concerned. She has a right to be. She knows these people. She knows that Mr. Vance's nickname is Florida. Why is his nickname Florida? He grew up in Florida. He came to Minnesota as a teenager, and he would tell people he grew up in Florida, so they called him Florida.

Ms. McManus is a little concerned, so what does she do? She asks Mr. Vance for his phone number. He gives her his cell number. That same evening she contacts her brother, John McManus from the St. Paul Police Department. He tells her he doesn't know if there's been any shootings tonight, but he'll check on it.

And he checked on it the next day. The police

department in South St. Paul has got a suspect. On December 23rd they've got a guy in a bar who's been drinking, he made some comments to get a free drink, they got a suspect. This is what I want you to remember and pay attention to as you hear these witnesses come in and testify because this is the beginning of the police officers in South St. Paul's tunnel vision. It begins and ends with Mr. Vance and his friend, Mr. Johnson.

As the investigation proceeds, they get information from other people in the neighborhood. This is a neighborhood store. People know the people who run Sabreen's. They get information from other neighborhood people who contact the police officers and say, "Hey, there's been some rumblings going on down at such and such a place, and so and so has been saying this or that."

What do the police officers do with that information they get? Now this is a homicide investigation. Anyone and everyone should be investigated here. What do they do? They dismiss those people after five minutes of checking out that information.

You see, the eyewitnesses that were there that night, very critical here, that were there that night, cannot tell us who the people were inside of Sabreen's Supermarket. They can't tell us that. They can't tell us if they were Black, Asian, Hispanic or White. They can't tell us anything.

The only words we have that begin this process is

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Should not have happened.

the words of Mr. Vance. So the South St. Paul Police Department, they've got their suspect. Now the next step here for them, instead of letting the evidence that they have collected lead them to the individual, they're going to create the evidence to get their suspect.

MS. KEENA: Objection, Your Honor.

THE COURT: It's a little argumentative.

MS. SINGH: The evidence is being collected here. Now the evidence should lead them to the suspect. So the police officers contact Mr. Vance. They find out that he is being housed at the Ramsey County Workhouse. They contact Mr. Vance, he is in there. They interview him a couple times, and this is the consistent part of what he says to them. Every time the police officers speak to Mr. Vance he says, "I didn't do this. What do I do to clear my name? I didn't do this."

What do the police officers do? They get Melissa Stites involved as an agent for them. She becomes an undercover officer for them. She engages Mr. Vance in a conversation because, remember, they've got their suspect, so now they've got to get some evidence against him.

So they set up this operation with Melissa Stites. She goes undercover. They give her government funds to purchase a weapon from him. He'll admit it. She purchases a weapon from him. "Ding, ding, ding, we got our murder weapon, we're going ahead with this investigation." The police

officers are happy, they're excited, this is going along, this is what we want.

Now this is critical. That gun that was purchased, it gets tested. It gets tested eventually and, low and behold, it doesn't match. It doesn't match to that gun.

Let's talk about the other stuff that doesn't match. Kurt Moline will come in here and he will testify about the shell casings that were found and the bullets that were found, his testing that he did.

The Bureau of Criminal Apprehension has a hundred year old method for testing guns and testing bullets, casings, and so forth. A tried and true method. This is something they have been doing for years, and that's what they're good at, and this is what they do. None of it ever matches to that gun. The only tie that actually exists to Mr. Vance, the gun, it doesn't ever match.

Now the other things that were collected. The other things that were collected that we talked about, the body fluids, any fluids they could find, fingerprints, the footprints, the cigarette butts, the empty soda can, any of that stuff that was collected at the crime scene, none of it ever matches to Mr. Vance. It never places him inside of Sabreen's on December 22nd, 2002. Why doesn't it place him in there? Because he wasn't there. He's not the one that they have, even though the tunnel vision has begun and gone.

Now let's talk about the timeline here. The investigation for the BCA, that takes time. So they didn't have their reports back for the DNA analysis and the fingerprint analysis. That took some time, so they didn't have this information back until about, I would say, probably sometime in mid 2003. This evidence tends to take time. This isn't like on TV where everything gets resolved in an hour.

It's about January -- late January, early 2003, early February 2003. Police officers have got Mr. Vance in mind, so they go to speak to him, and they talk to him. And what do they say to him?

They say, "We've got evidence against you. We got the gun, we got the video surveillance from the store, and the guy was shot five times in the back of the head. We've got your fingerprints, when that stuff comes back, your DNA, everything is going to come back. It's going to match up to you." That's what they tell him. And these are trained police officers. They know it's their job to get information from people.

How do they get information from people? They give them things. They tell them things. And what did Mr. Vance say? When presented with all this evidence that they had on him, what does he say? "I didn't do this. I don't know what you're talking about. What do I do to clear my name?" He was very consistent in saying this.

Now Ms. Keena talked about a person by the name

of Geronimo Estrada. He is an individual who was in the Ramsey County Workhouse around the end of January-February, 2003. He tells the police officers in South St. Paul that he is in there with Mr. Vance and Mr. Johnson. He tells the police officers that he's engaged in a conversation with Mr. Vance and Mr. Johnson at different times.

Now one of the things that you didn't hear Ms. Keena talk about, but Mr. Geronimo Estrada will definitely testify to, is this. Mr. Estrada contacted the South St. Paul Police Department through his girlfriend. And Mr. Estrada is getting a benefit for walking into this courtroom and taking the stand.

MS. KEENA: Your Honor, objection. Could we approach?

THE COURT: Yes.

(Off record discussion at the bench)

MS. SINGH: Mr. Estrada, he's in custody with Mr. Vance and Mr. Johnson. At this time Mr. Vance knows he is being investigated for a homicide in South St. Paul. He's had conversations with the police department. He's had many conversations with the police department. He knows he's being under investigation.

And, ladies and gentlemen, I am going to tell you about something. When people are in custody, when people are in jail, there's a hierarchy among people. There are some

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people that are in custody for petty crimes, misdemeanors, and then there are some people that are in custody for very serious offenses.

At that time, Mr. Vance was in there for something petty. But he knew that he was being looked at for something very serious. He knew that he was under investigation for a homicide. And at that time he needed to get some information. And you would be so surprised, the people in the criminal justice system, they've got a lot of knowledge. Conversations in jail, there's a lot of knowledge there. So he asks people about that.

This, I want you to remember, this is very critical, because this is where it all starts. It starts with Mr. Estrada-- the gravy train that becomes Mr. Vance. He's under investigation for a homicide. "Let's get this guy talking. Let's have him talk about the sun, the moon and stars, and let's have him talk about anything and everything," because we know that as soon as we contact the police department, we could use that to leverage our own case. That's what people in jail know. That anyone and everyone who walks through these doors and takes this witness stand, they either have a criminal record or convicted felons. Or, they've got something pending.

Some of them, you will hear, were given actual cash, money. Others, you will hear, will get their charges dismissed. Wow, the ultimate benefit. They don't have to

worry about going to jail. And others, as Ms. Keena spoke of, Dontay Reese, he's getting a full three years knocked off his sentence. They are getting a benefit for being here. And don't forget the other people who are getting a benefit for being here, the people that you never hear about, the people that you don't talk about, the individuals from the South St. Paul Police Department.

This crime occurred almost two years ago. This investigation has been going on for that long. It's been going on for a very long time. The number of man hours, the number of funds, the money that has gone into this, if you don't think that the South St. Paul Police Department isn't invested in coming in here and telling you about their case, then you are very mistaken because they have a vested interest.

Their vested interest does exist here. They want this case closed. They think they know who did it. But pay attention, because they really don't know who did it. Their tunnel vision took over a long time ago. They let a lot of critical leads pass them by.

Now there's another individual who's going to come in here and testify. He also was at the Buttery on December 22nd, a person by the name of Maynard Cross. Mr. Cross will be a witness. What will his testimony be?

He will testify, it's anticipated he will testify to being there and having a conversation with Mr. Vance that

same night. And he will speak of the conversation of how Mr. Vance told him about this event. Pay attention to Mr. Cross's testimony. You see, Mr. Cross, he's in prison. Why is he in prison? Because he and his associate and his girlfriend went to a store in Minneapolis and --

MS. KEENA: Your Honor, objection.

THE COURT: Sustained.

MS. KEENA: Can we approach?

THE COURT: Yes.

(Off record discussion at bench)

MS. SINGH: Maynard Cross, that's where we left off. He will come in here and he will testify. Maynard Cross, ladies and gentlemen, is a convicted murderer. He only spoke to the South St. Paul Police Department and various people while his case was pending, and he wanted to work something out with them as well. He wanted to ride the gravy train.

One thing that you will hear consistently throughout these proceedings is this. A lot of people will come in and testify that Mr. Vance told them a lot of things. "Number five to the back of the head." That's a number that's used a lot, five.

You will learn, through Lindsey Thomas, the coroner -- excuse me. Dr. Lindsey Thomas will come in here and she will testify that Khaled Al-Bakri died of two gunshot wounds. One was in the neck and one was up on the top of his head. Those were the two fatal bullets that killed him.

Dr. Sedqi will come in here and testify that as part of their processing the crime scene, they found four shell casings behind the counter. These four shell casings were then matched up to three bullets. The three bullets that they were matched up to, two inside Mr. Khaled Al-Bakri, and one in a flashlight found on a shelf.

The fourth bullet was never found. He will testify they did anything and everything to try to find that fourth bullet. They even used, you know, this is the BCA Crime Lab, they've got sophisticated techniques. This might be a small bullet, but this is sophisticated stuff that they deal with. They used various methods to try to locate that fourth bullet and it was never found. They even used some type of a lead component to try to detect lead inside of there and it wasn't found.

Remember that, ladies and gentlemen. Those are the numbers that are going to be very critical here. Any and all of the witnesses that come in here and testify will never say "Mr. Philip Vance told me he talked into Sabreen's on December 22nd and he shot and killed the clerk. And this is how he did it." None of them will ever say that.

You know who else will never come in here and say anything? That phantom party. Those teenagers will testify, the Renville children and Mr. Marx, they will come in here and testify that two people got into a car, they got into the front passenger seat and the back passenger seat.

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Who drove that car? Who was there that night? Who has information about this? That person won't be here because Mr. Vance wasn't there. He doesn't know anything about this crime.

There are a lot of things you are going to hear in this case about the way Mr. Vance lived. He didn't work, he didn't have a job, he ran around with many women. He is a young man in his early twenties. His lifestyle is not going to be to your liking. You know what? That's not what's on trial here. His lifestyle isn't an issue. It's whether the state can prove that Philip Reynold Vance was inside of Sabreen's on December 22, 2002, and you will learn he wasn't there.

The state cannot prove its case. There are way too many *ifs*, *ands* and *buts* throughout this whole case. It's a mystery, and it is still a mystery. This case hasn't been resolved. The family of Khaled Al-Bakri still doesn't know who did this.

The tragedy that occurred that night, it is a tragedy. And Mr. Vance will tell you it's a tragedy. I will tell you it's a tragedy. It's awful what happened to Mr. Khaled Al-Bakri that night. Those emotions you have to put aside.

Many, if not all of you, told Mr. Vance that you will be fair. You are to listen to all the evidence that's presented to you. Everything that's presented to you, every witness that takes the stand. You're going to have to weigh their credibility.

You're going to have to weigh their testimony. You are going to have to use you experiences in life to see if you believe what that person is saying. Even after you hear that -- they are coming in here to testify and they might have worked something out with the state to come in and testify. Even after you hear that, you will have to weigh their testimony. That is your job as jurors.

One of the other things I want you to remember about this case is this. Like I said, there are too many *ifs*, *ands* and *buts* here. I just want to step back here a little. After reviewing my notes, I forgot a critical point that I wanted to point out.

Let's go back to the night of December 22nd to the one person, John Martin, who saw Mr. Vance and Mr. Johnson that evening. They are at the bar, they're drinking, they're having a couple cocktails. And you will hear that Mr. Vance likes to drink. Again, his lifestyle is not on trial here.

They are having their cocktails, Mr. Martin leaves, he has got to go to his girlfriend's house, he has to catch the bus to the east side, he's on his way. He has a conversation with Mr. Vance and Mr. Johnson earlier that evening, where they talk about Mr. Vance and Mr. Johnson need money for Christmas gifts for their children.

But you will never hear Mr. Martin say they planned a robbery. You will never hear him say that they

planned to go to Sabreen's Supermarket in South St. Paul and rob it.

It's December 22nd, Christmas is two days away. They don't have any gifts for their children. They don't have jobs. They're a little concerned, well, you know, they would rather have a good time than worry about their children, but they still want to buy Christmas gifts for their kids.

So Mr. Martin will talk about how he leaves, he gets on a bus, and he sees Mr. Vance and Mr. Johnson getting into a blue Corsica with two girls. A blue Corsica.

A Corsica is a mid-sized car. It's not a compact car. It's a four-door. The only eyewitnesses to this crime, those teenagers and Ms. Johnson. Ms. Johnson didn't see the car, but the kids saw the car. And they described the car as a gray-silver, full-sized automobile.

Don't forget those critical facts. Those are the critical facts and those are the small details that I want you to pay attention to throughout these proceedings because those are the ones that are going to lead you to the *ifs*, *ands* or *buts* in this case. And they're going to lead you to the conclusion the state cannot prove its case.

The state cannot prove its case. And we are asking at the end of this trial, after you've given careful consideration to the testimonies of everyone that's brought in here, there's no physical evidence, it's just going to be testimony, after that,

that you return a verdict to Mr. Vance of not guilty.

Thank you.

THE COURT: Let's take a 19-minute break.

(Morning break was taken)

THE COURT: Have a seat. Please proceed, Ms. Keena.

MS. KEENA: Your Honor, the state calls as its first witness Tariq Bakkri.

THE CLERK: Please step forward and be sworn. Raise your right hand.

TARIQ BAKKRI,

being duly sworn, was examined and testified as follows:

THE CLERK: For the record, please state your full name, spelling your first and last name.

THE WITNESS: My name is Tariq Bakkri, first name T-A-R-I-Q. Last name Bakkri, B-A-K-K-R-I.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. KEENA:

Q Good morning.

A Good morning.

Q Are you the owner of Sabreen's Supermarket?

A Yes, I am.

Q Where is that located?

A It's located at 345 Fourth Avenue South, South St. Paul,

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Minnesota 55075.
Q Is that located in Dakota County?
A Yes.
Q How long have you owned the store?
A Since September of 2000.
Q Were you the owner of the store on December 22, 2002?
A Yes, I was.
MS. KEENA: Permission to approach, Your Honor?
THE COURT: You may.
(Exhibit Nos. 1 through 6 were marked for identification)
BY MS. KEENA:
Q Mr. Bakkri, I am showing you what's been marked for identification as Exhibit 1. Do you recognize that?
A Yes.
Q What is that?
A This is the front of the store.
Q It's a picture of the front of your store?
A Yes.
Q Does that picture accurately reflect what the front of the store looked like on December 22, 2002?
A Yes, it does.
MS. KEENA: Your Honor, for the record, I am showing counsel. The state would offer Exhibit No. 1.
MR. SHANDS: We have no objection, Your Honor.

THE COURT: Exhibit 1 is received.
(Exhibit No. 1 was received in evidence.)
MS. KEENA: Your Honor, I am just going to publish it to the jury by showing it up on the screen.
THE COURT: Go ahead.
BY MS. KEENA:
Q So, Mr. Bakkri, just behind you on the screen, that's the picture that I just showed you?
A Yes.
Q Is this the only entrance into Sabreen's or is there another entrance?
A Well, this is the main, but there's an emergency exit in the back. But this is the entrance, yes.
Q I am now showing you what's been marked for identification as Exhibit 2. Do you recognize that?
A Yes.
Q What is that?
A This is the store.
Q Is that a picture of the store?
A Yes.
Q Is that an aerial view of the store?
A Yes.
Q Does that picture accurately depict what the store looked like on December 22, 2002?

A Yes, it does.
MS. KEENA: For the record, I am showing defense counsel Exhibit 2. Your Honor, the state would offer Exhibit 2.
THE COURT: Any objection?
MR. SHANDS: No objection, Your Honor.
THE COURT: Exhibit 2 is received.
(Exhibit No. 2 was received in evidence.)
BY MS. KEENA:
Q Mr. Bakkri, I am going to put a picture up on the screen behind you. Is that the picture that I just showed you?
A Yes.
Q Could you get up and kind of explain the buildings that are around Sabreen's and where the alley is?
A This is the entrance to the store. This is the building, the whole building, all the way to the end. The emergency exit will be right here (indicating), and that's fenced too. This is the three garages of the store. You could walk out all the way to the alley from here and a small car could get into to drive.
Q Is that the parking lot then?
A Yes, and this area is the whole parking lot to the store.
Q What's the street that runs in front of Sabreen's?
A This is Fourth Avenue.
Q Thank you. You may be seated. I am now showing you a picture that's been marked for identification as Exhibit 3. Do

you recognize that?
A Yes.
Q What is that a picture of?
A This is a picture of the store right here (indicating).
Q Is that an aerial view of the store again?
A Yes.
Q From the back side?
A Yes.
Q Does that picture accurately depict what the area looked like on December 22nd, 2002?
A Yes.
MS. KEENA: For the record, I am showing Exhibit No. 3 to defense counsel. Your Honor, the state would offer Exhibit 3.
MR. SHANDS: No objection, Your Honor.
THE COURT: Exhibit 3 is received.
(Exhibit No. 3 was received in evidence.)
BY MS. KEENA:
Q Mr. Bakkri, again I am going to put a picture up on the screen behind you. Is that the picture that I just showed you?
A Yes.
Q Could you just explain to the jury what we are seeing here?
A Okay. This is aerial pictures of the store, the back side of it. This is the whole store right here (indicating), and this is the

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three garages to the store. And the parking lot right here (indicating).

Q Is that the alley, then, that runs behind the store?

A Well, this is the alley right here (indicating).

Q All right, you may be seated. Thank you. I am now showing you a picture that's been marked for identification as Exhibit 4. Do you recognize that?

A Yes.

Q What's that a picture of?

A This is when you walk into the store, the front of the store when you walk in.

Q Does that picture accurately depict what the store looked like on December 22, 2004?

A Yes.

MS. KEENA: For the record, I am showing Exhibit No. 4 to defense counsel.

MR. SHANDS: No objection, Your Honor.

MS. KEENA: Your Honor, the state would offer Exhibit No. 4.

THE COURT: Exhibit 4 is received.

(Exhibit No. 4 was received in evidence.)

BY MS. KEENA:

Q Mr. Bakkri, again I am putting a picture up on the screen behind you. Is that the picture I just showed you?

A Yes.

Q Could you again explain to the jury what it is that we are seeing here?

A This is the main entrance of the store when you walk in. This is the front area of the store.

Q So if you walk into the front entrance of the store, where is the counter in relation?

A That would be when you walk in on the right side, right in this area it would be (indicating).

Q At the time this happened, was that the only way you could get behind the counter?

A Well, you mean just walking, yeah. You walk in from here (indicating), and -- yeah.

Q You may be seated. Thank you. I am now showing you a picture that's been marked for identification as Exhibit No. 5. Do you recognize that?

A Yes.

Q What's that a picture of?

A This is the counter of the, you know, the cash register, counter of the store.

Q Does that picture accurately reflect what it looked like on December 22, 2002?

A Yes, it does.

MS. KEENA: For the record, I am showing Exhibit No. 5 to defense counsel.

MR. SHANDS: No objection, Your Honor.

MS. KEENA: The state would offer Exhibit 5.

THE COURT: Exhibit 5 is received.

(Exhibit No. 5 was received in evidence.)

BY MS. KEENA:

Q Mr. Bakkri, I am putting a picture up on the screen behind you. Is that the picture that I just showed you?

A Yes.

Q Would you please describe what it is we are seeing here.

A This is the counter of the store, this is the cash register, and behind it the cigarettes.

Q So where would you enter to get behind the counter?

A You'll walk -- well, as an employee, right?

Q Yes.

A You walk in to here, this area is open so you could walk in and go behind the counter.

Q Was there any way to get out from this side of the counter if you were down past the cash register?

A No. It has next to it some coolers for pop and soda.

Q You may be seated.

A Thank you.

Q Showing you a picture that's been marked for identification as Exhibit 6, do you recognize that?

A Yes.

Q What's that a picture of?

A This is the picture as you walk in the front. On the right side of the counter and cash register and this would be the first aisle going all the way to the end of the store.

Q Does that picture accurately reflect what the store looked like on December 22, 2002?

A Yes.

MS. KEENA: For the record, I am showing Exhibit No. 6 to defense counsel.

MR. SHANDS: No objection, Your Honor.

MS. KEENA: The state would offer Exhibit 6.

THE COURT: Exhibit 6 is received.

(Exhibit No. 6 was received in evidence.)

BY MS. KEENA:

Q Mr. Bakkri, I am placing a picture up on the screen behind you. Is that the picture I just showed you?

A Yes.

Q Again, this is the first aisle as you are walking through the front door?

A Yes, all the way to the end of this one (indicating).

Q How many aisles are there total in the store?

A This first aisle, second and third, but long one.

Q Thank you. Be seated. I would like to draw your attention to December 22, 2002. Did you work on that date?

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A Yes, I did.
Q Did you typically work at the store?
A Yes.
Q What were your hours of operation on that date?
A On the date of December 22nd we opened at 8:00 in the morning until 10:00 p.m. at night.
Q And those were your typical hours of operation?
A Yes.
Q That's the hours you were open on December 22nd?
A Yes.
Q Did anyone help you at the store on December 22nd?
A Yes.
Q Who was that?
A That was my brother Khaled.
Q What time did he arrive at the store that day?
A He arrived about 2:00 p.m., afternoon.
Q Was he an employee?
A No, he wasn't.
Q How often would he help you out at the store?
A Whenever I need him.
Q Did your wife work at the store?
A Yes.
Q How often would she work?
A She was working since we opened up in the morning, she used to manage it. In the morning and at night, I usually work from

one or two o'clock until ten o'clock. Most of the time, or sometimes, my brother would help me out, Khaled.
Q So what's your wife's name?
A Katie, Katherine.
Q Katie would work in the morning?
A Yes.
Q During this timeframe in December was she working in the store?
A No, she wasn't. Actually, in December frame she had -- she was pregnant. We had our baby, a newborn, December 1st. So at that time of the month I had a cousin of mine help me for a little bit, trained to be hired in January as a manager to take over the store. And Khaled, too. He was helping me.
Q On December 22nd were you initially planning to work until 10:00 that night?
A Yes, I was.
Q When your brother arrived at 2:00, what did the two of you do?
A Well, you know, he is not even supposed to be there. He just came 2:00, he came, I was talking overseas to the family. He talked to the family too. And we just chatting and, you know, drinking coffee together. So he stayed for his time with me.
Q Did you leave the store at some point?
A Yes, I did.
Q What time did you leave the store?
A Well, I was not behind the cash register probably from, I would

say, 5:30 all the way until -- well, maybe 5:00 until 7:00. I was doing, you know, we have a huge parking lot, as you see, so I was cleaning the whole leaves, you know, I was cleaning the whole parking lot because it's my job to do that.
Q Then did you actually leave the store?
A Then actually I left the store. I had some business to take care of, you know, for emergency. I had to go and do some typing. I have to do invitation letter for a businessman supposed to come to do some business with me. So it was actually Sunday, and overseas would be the next day in the morning, and so he needed it on Monday. So I went to Kinko's and then to my mother-in-law to do the typing. And my wife she was at her family. Then I picked her up and we came back at the store.
Q What time did you arrive back at the store?
A I did arrive back, I left a few hours, probably I was -- the first time it was 9:10, 9:17, along that. And then I -- this is when my wife and my newborn child was and she, my wife, she went inside, got some grocery items, you know, and then she came back to the car. I was waiting in the car because we have a newborn. We can't leave a newborn in the car.
Q So you went into the store and did your letter –
A Yes.
Q – came back out to the car –
A Yes.
Q – and let Katie go into the store to get groceries?

A Yes. Then I drove all the way to Fifth Avenue, it's about a couple blocks down from the store, and I received a phone call from overseas requesting me to fax some paper to the Embassy of United States in Dubai, United Arab Emirates. So I came back, I did the faxing and I left after that.
Q What time did you leave?
A I would say 9:27 to 9:30, at the most, I was gone.
Q Did you talk to your brother when you came back to the store that second time?
A Yes, "Do you need anything?" I said. You know, every Sunday we would usually go to -- there is a café, you know, they serve Middle Eastern food, so we go every Sunday at night. I told him, "Do you want me to come back?"

He said, "No, just go help your wife," because she cannot carry stuff. So I said, "Okay, I'll come back before you close."

He said, "No, no, don't come back. I'll come to the house and we'll drive one car and we go and have dinner."
Q Did you then go home?
A Yes, I did.
Q When did you learn of your brother's death?
A After 10:00.
Q How old was your brother when he died?
A He was twenty-five years old.
Q How long had he been in the United States?
A About two years.

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Q Was he going to school?
A Yes, he was.
Q For what?
A He was doing his master's degree in accounting, plus he was doing -- last month he was accepted actually to do the test of CPA, certified public accounting.
Q How tall or how big was Khaled?
A Same, typical like me.
Q Same size as you?
A Yeah, if you look at the back, you cannot recognize one or the other.
Q How tall are you?
A That's a good question. Maybe five-eight, I don't know.
Q After the crime scene was investigated, did you have an opportunity to go back into your store?
A Yes.
Q Did you determine whether anything was missing from the store?
A Yes.
Q What did you determine to be missing?
A There was some of the items we determined that it was actually missing for sure, like moneywise. When we did the "Z" closing for the cash register and the money that the police of South St. Paul gave us, we got the difference. It was approximately between six hundred twenty-five to six hundred fifty dollars.

That's the first. The second, we believe there was some cigarettes items missing by cartons.
Q But you weren't able to tell exactly how many?
A Couldn't tell exactly. Then some lottery tickets and the way how they were displayed.
Q Were you missing anything else?
A At the time or after? After we found out that we were missing the cordless phone for the store.

MS. KEENA: Your Honor, permission to approach?

THE COURT: Go ahead.

(Exhibit 7 was marked for identification)

BY MS. KEENA:
Q I am showing you what's been marked for identification as Exhibit 7. Do you recognize that item?
A Yes.
Q What is that?
A This is the base of the cordless phone that was missing.
Q This is the one that was in your store?
A Yes.
Q And it was in your store on December 22, 2002?
A Yes.

MS. KEENA: For the record, I am showing defense counsel Exhibit 7.

MR. SHANDS: Your Honor, can I voir dire briefly?

THE COURT: Sure.

BY MR. SHANDS:
Q Mr. Bakkri, the telephone base in your store, did you put any markings on that so you could specifically distinguish that telephone base from any other telephone base like it?
A We have only that phone in the store.
Q Right. Did you do anything to the base at the store so that you could identify it from others?
A Not that I am aware of.

MS. KEENA: Your Honor, may I show him what he is referring to?

THE WITNESS: Maybe that would be a good idea.

BY MS. KEENA:
Q Mr. Bakkri, I am showing you the exhibit again. There is some writing that appears to be possibly a case number. Did you write that on there?
A No, I didn't.
Q Did the police come and take this from you and put it into evidence?
A Yes.

MS. KEENA: Okay.

MR. SHANDS: Your Honor, we object to the foundation from this witness to admit it into evidence.

THE COURT: Overruled. It's received.

(Exhibit No. 7 was received in evidence)

BY MS. KEENA:
Q Mr. Bakkri, where was that phone kept, the phone base?
A The phone base was next to the fax, behind the counter, and if there's a picture I could show you exactly where it was.
Q Mr. Bakkri, I am showing you what's been marked for identification as Exhibit 8. Do you recognize that?
A It's right here (indicating).
Q We'll get there. I am showing you a picture. Would you just please describe what that is a picture of?
A This is a picture of the base of the phone. This is behind the counter. It's sitting on a cabinet next to the fax.
Q Does that picture accurately depict what Sabreen's looked like on December 22, 2002?
A Yes.
Q Does that picture accurately depict where the base of the phone was located on that date?
A Yes.
Q Would you just take this marker and draw a circle around the phone base?
A (Witness complies)
Q Then just put your initials by it.
A (Witness complies)

MS. KEENA: Your Honor, for the record, I am showing Exhibit 8 to defense counsel.

MR. SHANDS: We have no objection, Your Honor.

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THE COURT: Exhibit 8 is received.

(Exhibit No. 8 was received in evidence)

BY MS. KEENA:

Q Mr. Bakkri, I am going to put a picture up on the screen behind you. Is that the picture that I just showed you?

A Yes.

Q Would you point out to the jury --

A This is the base.

Q That's behind the counter?

A Yes.

Q Where would the cash register be located in relation to that?

A A little bit further on that side (indicating).

Q Right on the corner of the picture?

A This is the credit card machine, so next to it.

Q Thank you. You may be seated.

MS. KEENA: Permission to approach, Your Honor?

THE COURT: Granted.

BY MS. KEENA:

Q Mr. Bakkri, did you have like shopping bags that you used in your store?

A Yes.

Q What did they look like?

A They're a *Smiley* bag, yellow surrounds with the blue.

Q What's the primary color of the bag?

A White.

Q Okay. I am showing you what's been marked for identification as Exhibit 9. Do you recognize that?

A Yes.

Q What is that?

A This is the shopping bags that we use.

Q Are these the bags that you were using on December 22, 2002?

A Yes.

MS. KEENA: For the record, I am showing Exhibit 9 to defense counsel.

MR. SHANDS: We have no objection, Your Honor.

MS. KEENA: The state would offer Exhibit 9.

THE COURT: Received.

(Exhibit No. 9 was received in evidence)

BY MS. KEENA:

Q Where were those bags kept?

A They are in a box -- next to the cash register, they come with a hook, so we hook them up with it.

Q Mr. Bakkri, I am showing you what's been marked for identification as Exhibit 10. It's a picture. Could you please describe what it's a picture of?

A This is the picture of behind the counter.

Q And does that picture accurately depict what the counter -- behind your counter at Sabreen's looked like on December 22,

2002?

A Yes.

Q And the white hook that you talked about that you kept the bags on, is it present in that picture?

A Yes.

Q Just please take this pen and draw a circle around that.

A It's right here (indicating).

Q And put your initials down.

A (Witness complies)

MS. KEENA: For the record, I am showing Exhibit 10 to defense counsel.

MR. SHANDS: We have no objection, Your Honor.

MS. KEENA: The state offers Exhibit 10.

THE COURT: Received.

(Exhibit No. 10 was received in evidence)

BY MS. KEENA:

Q Mr. Bakkri, I am going to put a picture up behind you on the screen again. Is that the picture that I just showed you?

A Yes.

Q And could you point the hook out to the jury.

A This is the white hook right here (indicating).

Q So that's where you kept the bags?

A Yes.

Q When you were at the store earlier in the day, any idea how

many bags were on that hook?

A There was at least a stack, you know, it comes in a bundle, so at least -- bundle, two bundle.

Q So how many in a bundle, like fifty or one hundred?

MR. SHANDS: Objection, Your Honor, leading.

THE COURT: How many in a bundle, do you know?

THE WITNESS: It's like, I think they come five packs -- 1,000 so it should be about two hundred, Your Honor, I believe so.

THE COURT: Thank you.

MS. KEENA: All those bags were missing?

MR. SHANDS: Objection, Your Honor, leading.

THE COURT: Can you rephrase it?

BY MS. KEENA:

Q Were there any bags present on that hook when you got back into the store?

A After I get back, not on the -- I didn't see none.

Q Did you find any of those bags around the store anywhere?

A No.

Q Could you point out to the jury where the lottery tickets are?

A Right here (indicating).

Q Now there appears to be one set of lottery tickets that's pulled out to the floor.

A Yes, which is that one (indicating).

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Q And is that unusual?
A Yes.
Q How did you usually keep them?
A Okay. This is the way how we keep them. Like you see, like the first tray right here (indicating), this is the way how we keep our lottery, you know. At the most, it will be one ticket out or two. That's at the most, not all the way down.
Q You can be seated.
A Thank you.
Q Mr. Bakkri, the cash register that you had in the store, did that have like a cash register tape?
A Yes.

MS. KEENA: Permission to approach, Your Honor?

THE COURT: Granted.

(Exhibit 11 was marked for identification)

BY MS. KEENA:

Q Mr. Bakkri, I am showing you what's been marked for identification as Exhibit 11. Do you recognize that?
A Yes.
Q What is that item?
A This is the cash register tape that show all the sales that have been done through the whole day.
Q Was that the cash register tape that was in your cash register--
A Yes.
Q On what date?

A December 22nd of 2002.
Q Now on your cash register tape, when there's a sale that's rung up, what does it show?
A It will say the date, the time and exactly what was sold and how much change. If the cash register get opened, it will still register that the cash register got open and what time.
Q Now did you have any problems with the time --
A Yes.
Q -- on your cash register?
A Yes. Like this right here, like it said 22:22. It's actually 21:22.
Q So it was off an hour?
A Yes, and we didn't fix it because I am the one that usually do the closing, so I know it's off an hour.
Q There are some initials and a date at the very bottom of the cash register tape. That isn't anything that you did, correct?
A No, I didn't do that.
Q This is something that the police took into evidence, is that correct?
A Yes.
Q According to the cash register tape, what was the last item on the tape?
A Well, 9:22 p.m. there was a sale for three thirty-nine and somebody gave five dollars to the tiller and the change was one dollar and sixty-one. Then you see "NS", no sale, cash got opened at 9:35.

Q So the cash register was opened at 9:35 according to the tape?
A Well, "NS" mean no sale. In the cash register there is a button, you just push it and it will open the cash register. That was at 9:35, 21:35.
Q There's another little receipt in this bag. Do you have any idea what that is?
A Yes.
Q What is that?
A Okay. This is the batch -- we do a batch, every time we do like for the credit cards we have to do like the total sales, so this is a batch of total sales.
Q For that date?
A For that— that was done, at 12/23/02 at 5:37 in the morning that was done. So I didn't do it.
Q You didn't do it?
A I didn't do it.

MS. KEENA: For the record, I am showing Exhibit Number 11 to defense counsel.

MR. SHANDS: We have no objection, Your Honor.

THE COURT: Exhibit 11 is received.

(Exhibit No. 11 was received in evidence.)

BY MS. KEENA:

Q The cigarettes, where were they kept in the store?
A Behind the counter, the display.

Q So in order to get to them, the clerk would have to get them for you -- if I were to come in and buy some cigarettes?
A Yes.

MS. KEENA: Your Honor, the state has no further questions of this witness.

THE COURT: Thanks. Mr. Shands.

MR. SHANDS: Thank you, Your Honor.

(Exhibit 12 was marked for identification)

MR. SHANDS: Your Honor, may I approach, please?

THE COURT: Sure.

CROSS-EXAMINATION

BY MR. SHANDS:

Q Mr. Bakkri, I am showing you what's marked as Exhibit 12 for identification. Do you recognize that?
A Yes.
Q How do you recognize that?
A This is my signature.
Q What is it?
A It's a letter. Do you want me to read it?
Q No, not yet. Does that letter appear to be in the same condition as when you wrote it?
A It is.
Q Does it look like -- is that the letter that you wrote?
A Yes.
Q Besides the three holes that have been punched on the side

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and there's a little highlight of your name here, other than that, does this appear to be a true and accurate depiction of the letter?

A Yes.

MR. SHANDS: We offer Exhibit 12.

MS. KEENA: Your Honor, I am going to object. If we may approach?

THE COURT: Sure.

(Off record discussion at the bench)

THE COURT: I am going to give you a short break and bring you back in a few minutes.

(JURORS EXCUSED)

THE COURT: Mr. Bakkri, you can step down if you would like. Don't go too far because you'll be back in a minute.

We are back on the record. The jury has been excused. Mr. Shands seeks to offer into evidence a February 3, 2004 letter to Maynard Cross signed by Tariq Bakkri. Mr. Shands.

MR. SHANDS: Your Honor, I am offering the letter into evidence as a letter that was written by the witness. The witness has testified that letter is true and correct as to what he wrote down. He wrote this letter because he was offering reward money. The letter was given to us by the state.

The letter, for one, we are offering it to show that in fact the reward money was offered and who it was offered to.

Basically, I mean, the letter speaks for itself. It's our position that it's not hearsay. The witness is here, the witness is here to testify to it, and it's true and accurate for what it depicts. And that's what we are offering it for.

MS. KEENA: Your Honor, the state objects to the introduction of this letter because foundation has not been completed yet. They still have to prove that Mr. Maynard Cross actually received this letter, and it's at that time. I mean, this is the first piece of foundation they have to lay, but they have to prove that Maynard Cross actually got this letter.

This letter is being introduced for the purpose of impeaching Maynard Cross if he testifies. So until that full foundation is laid, the state objects to it in that regard. I don't have any objection to it coming in if Maynard Cross gets up and testifies and says he got it.

If the evidence does come in, the state would object to portions of the letter because it refers to the facts of Mr. Maynard Cross's underlying crime that he is currently serving time for. The court has ruled that any of that alternative perpetrator evidence, what he did, doesn't come in to evidence. So if the court allows it, that portion of it should come out.

MR. SHANDS: Your Honor, we are not offering it to impeach Mr. Cross's testimony. I am offering this letter for the sole fact that this witness, Mr. Bakkri, actually wrote the letter and sent the letter.

I have not commented on the fact that it got to Mr. Cross. I am offering it solely to show that in fact Mr. Bakkri wrote it and Mr. Bakkri sent it.

MS. KEENA: It's irrelevant. The whole letter is about Maynard Cross and what Maynard Cross might get in return for his testimony.

MR. SHANDS: That's not true, Your Honor. The letter is very relevant in that he was offering reward money. He is sending a letter out to potential witnesses, that I know of. I have a question regarding who he sent it to. I have a question in regards to if he gave it to the police officer, did they even know about it? I am assuming they did, since the state in fact gave us this letter. But for Ms. Keena to say that I am introducing it for bias and all that, I am introducing it to show that he offered reward money, he offered that money in the form of a letter. This is the letter that he wrote and sent.

MS. KEENA: Your Honor, I think -- go ahead.

THE COURT: Ms. Keena is right in one respect. If you are going to argue that Maynard Cross was influenced by an offer of a reward, he will have to testify, number one. And he will have had to have received the letter. So foundation is not complete, if that's the reason you are offering it, unless and until Maynard Cross testifies.

You can certainly ask Mr. Bakkri if he offered a reward and who he offered it to. But the letter addressed to

Maynard Cross, I mean, it's addressed to a specific purpose. I didn't see an address on it. I don't know where he sent it. But the letter can't go in unless and until Cross testifies, but you can ask Mr. Bakkri who he offered rewards to.

MR. SHANDS: Okay. Subsequently if I ask him did he offer a reward, did he offer it to a specific person, why did he just send the reward to this person? There had to be a reason for it, and then offer is this the letter you sent?

THE COURT: What would the relevance be?

MS. KEENA: It's not relevant unless Mr. Cross gets up and testifies.

MR. SHANDS: She can object. I think it is relevant. It's a piece of evidence that went in. He wrote it. The relevance is it's a piece of evidence that he wrote and I understand there is maybe facts that hurt the state's case, but that's the nature of what we are doing here. There are facts that are going to hurt their case. This is a letter that should get in, it's been authenticated and Ms. Keena can make her objections and I can ask questions --

THE COURT: Maybe there is some other reason for your offering it, other than to show bias.

MR. SHANDS: It's not reverse Spreigl. We are offering it as third party perpetrator.

MS. KEENA: Well, that's out on Maynard Cross.

MR. SHANDS: No, you said reverse Spreigl is out.

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We can question him, the investigation went through and he does exist. They talked to him.

MS. KEENA: Reverse Spreigl and alternative perpetrator is the same thing. Reverse Spreigl is one type of alternative perpetrator.

THE COURT: It is. But my ruling was not just that the reverse Spreigl was inadmissible, but that alternative perpetrator evidence was inadmissible with respect to Mr. Cross.

MR. SHANDS: All I am saying is it's our position if we don't bring in the substance, "Did you talk to this person?" "Did you send him a reward or request for reward?" That's fine. That's as far as I need to go.

MS. KEENA: You have done that.

THE COURT: Make me some kind of offer of proof. I mean this letter is dated February 3rd. Had Mr. Cross already spoken with the police about the conversation with Mr. Vance on December 22nd or 23rd?

MS. SINGH: 2004. The letter is dated February of 2004.

THE COURT: So, Mr. Bakkri, would you step out of the courtroom, please?

THE WITNESS: Sure.

THE COURT: Thanks. So he is not writing Mr. Cross because he thinks Cross did it, right? He is writing

Cross because he knows that Cross --

MS. KEENA: Has information about the case.

THE COURT: -- allegedly spoke to Vance on the night in question and then communicated that information to the police. So it's not an alternative perpetrator matter.

MS. KEENA: No, it's not. It's a letter that the foundation hasn't been set for until Maynard Cross gets on the stand and says --

THE COURT: But I can't receive it and put it into evidence solely on the basis that he wrote it and put it in the mail, but if Cross testifies, then you are right. I think it comes in.

MR. SHANDS: Well, can I question other witnesses about it? Here's the problem. If I question other witnesses about it, or what not, the reason I want to get it in through the witness, Mr. Bakkri, is because he is the one who created it. He is the one who can testify to "Yup, this is what I put in. This is what's going on." He is the only one who can authenticate it.

MS. KEENA: He just did.

THE COURT: You can ask him all that. You can ask him about offering a reward and who he offered the reward to. That's certainly fair game. And why, too.

MR. SHANDS: We got a record. Thank you.

THE COURT: But I will have to reserve receiving it

until we see what happens with Cross.

MR. SHANDS: Okay. Nitu, make a note that he reserved receiving this.

THE COURT: Can you bring the jury back in?

(Jurors seated in courtroom)

THE COURT: Mr. Shands.

BY MR. SHANDS:

Q Mr. Bakkri, the letter that I am showing you, that's a letter that you wrote and sent to a gentleman named Maynard Cross?

A Yes, I wrote. I don't think it got sent.

Q You don't think it got sent?

A No.

Q Why don't you think it got sent?

A Because I just gave it to the police. That's it.

Q In this letter you talk about --

MS. KEENA: Objection, Your Honor, on foundation.

THE COURT: Yes. General questions.

BY MR. SHANDS:

Q Mr. Bakkri, you wrote a letter offering Maynard Cross at least $3,000 for information concerning your brother's death. Isn't that correct?

MS. KEENA: Your Honor, objection again.

THE COURT: Overruled. You can answer. Can you answer that?

THE WITNESS: Three thousand, yes.

BY MR. SHANDS:

Q At a minimum?

A Three thousand, that's what I offered, that was my intention.

Q The reason you sent the letter to Maynard Cross is because you received --

A Again, I didn't send it, I gave it to the police.

Q The reason you wrote the letter to Maynard Cross was because at some point you found out that that individual would have some information concerning your brother's death, is that correct?

A Yes.

THE COURT: Was the date mentioned, the date on the letter?

MS. KEENA: No, it was not, Your Honor.

MR. SHANDS: You wrote this letter in February of 2004, is that right?

MS. KEENA: Objection, Your Honor, he already indicated that he did not write the letter.

MR. SHANDS: No, he didn't, Your Honor. He indicated he did not mail the letter.

THE COURT: He wrote it and gave it to the police.

THE WITNESS: No. You mean like write it or type it?

THE COURT: Yes.

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THE WITNESS: No, I didn't.

THE COURT: Who typed it?

THE WITNESS: Actually, I was supposed to come like two hours on that day, I remember, and I was late because of traffic. So I came real late, so I talked to the captain then and I told him why don't you just write it what he wants briefly because anyway I don't know how to write like, you know. So I just signed it.

THE COURT: Okay. Understood.

THE WITNESS: So I did not type it or write it, and I did not send it. I signed it, very much --

MR. SHANDS: Objection, Your Honor. Non-responsive. There's really no question before the witness at this point.

THE COURT: Okay. Go ahead.

BY MR. SHANDS:

Q Let's talk about the lottery tickets. You testified that at the store you sell lottery tickets, correct?

A Yes.

Q Do the lottery tickets have any sort of serial numbers or batch numbers so the state can identify these lottery tickets if they show up elsewhere?

A Yes.

Q Did the police officers ask you for the serial numbers or batch numbers for the lottery tickets so they could identify them?

A Not at the time, no.

Q Did they ever ask you, I mean during the whole course of investigation?

A Yes, they did afterwards, but I went to the state lottery and -- very much they do six-month updating and they couldn't get that information for me. Unless if I have to go through my paper and, as I said again, it's definite, the money. We believe highly that there was lottery that was taken.

MR. SHANDS: Objection.

BY MR. SHANDS:

Q You believe lottery tickets were taken?

A Yes.

Q Do you know exactly how many?

A Lots. I mean, I am assuming at least -- you mean number of tickets?

Q I don't want you to assume. If you don't know, you don't know. You don't know specifically how many tickets were taken?

A Specifically, no. I cannot recall that.

Q Now you testified that you believed some cigarettes were taken?

A Yes.

Q Now when you get the cigarettes, do you get a specific count or do they actually have any specific identification for each carton?

A I don't understand the question, again state it.

Q Are you able to identify, how are you able to identify how many

cigarettes you have in the store?

A In the store, okay. First of all, a quick explanation.

Q Please.

A This business is operated by a family, so I do operate the business. Usually I would know if there's a cigarette missing. We do not count, you know, like we don't count exactly how many cartons because I don't have employees that will -- so, there's no reason to count the cigarettes, first of all.

Second of all, by looking at the pictures or the scene, you could tell right away there are some cigarettes, at least a minimum of five cartons of Marlboro, I believe, that was taken. This is the only way that -- when I got in, I could tell that at least Marlboro was taken.

Q So when you came in you looked at it and you said, "Cigarettes are missing." That was done by you just kind of eyeballing and looking at it?

A Through my experience of five years in grocery business, five years before that, so ten years, yes, I can.

Q So you did not have a running ledger of how many cigarettes you specifically had?

A No. We could try it, but not specifically, as you say.

Q Now I am showing you what's been marked as Exhibit 10. I believe you testified that's the hook where the plastic bags are?

A Yes, sir.

Q Now when you get your plastic bags, you testified that you get

them in a bundle?

A In boxes, yes.

Q Well, first, when you went back into the store, after your brother was killed, and you looked to see if there was anything missing, plastic bags, the police had already been there. Is that correct?

A Yes.

Q The crime scene had already been processed?

A Yes, I couldn't get in until they let me in.

Q How long did it take before they allowed you to get in?

A I think they closed it -- again, I cannot recall the exact, but they closed it at least a few days. Nobody could get in a few days or three days.

Q So about three or four days nobody could get in?

A Yes.

Q So when you testified here concerning what appeared to be missing, that is what you identified four or five days after the death of your brother, correct?

A Yes, after I got into the store, there's no way I cannot -- I wouldn't be able to get into the store before that because it's a crime scene.

Q Okay. Did you count your bags? Those plastic bags that you showed --

A Do you think I am going to count the bags, honest?

Q I am asking you, I don't know.

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A No, I am not going to count the bags, but by bundles, by every day. When you go low, you got to fill up on bags.
Q So when you testified that it appeared that some bags were missing, you don't have a specific number of bags that were missing, correct?
A Estimated number, yes.
Q Estimated number, so it's a guess?
A It's a guess.
Q Now the letter that you had written -- now the letter that I was showing you when I was up there next to you, I want to understand how that happened. Now you testified that you did not write the letter out.

MS. KEENA: Objection, asked and answered.

THE COURT: Yes, you didn't write it.

THE WITNESS: No.

BY MR. SHANDS:

Q Did you type it?
A No.
Q Where was it typed?
A It was typed in the police station because of my time.
Q Did the police officers ask you -- did you ask them to draft the letter for you?
A Yeah.
Q You asked them to create it for you?
A Well, just, you know, like this -- what's his name, I don't even

know.
Q Maynard Cross.
A You got it. He requested some. So he told me and if I approve, I said, "Okay, that's fine." So they asked me if I want to do this and it's obvious that I had rewards money for $25,000. It's obvious thing, you know.
Q Do you remember being shown a picture of Maynard Cross, a photograph from the newspaper?

MS. KEENA: Objection, Your Honor. May we approach?

THE COURT: Yes.

(Off record discussion at bench)

BY MR. SHANDS:

Q Mr. Bakkri, do you know who Maynard Cross is?
A At the time being now today?
Q Yes.
A Yes, I know.
Q February 3, 2004, did you know who Maynard Cross was?
A Not really, no.
Q Mr. Bakkri, have you since looked for the telephone handset that was missing?
A What's that again?
Q Have you looked for the telephone handset that was missing?
A Yes, we did look, but we couldn't find it.

MR. SHANDS: No more questions, Your Honor.

MS. KEENA: Just a few followup questions, Your Honor.

REDIRECT EXAMINATION

BY MS. KEENA:

Q Mr. Bakkri, there has been a lot of talk about reward money. Let's clarify. You set up a fund, a reward fund, is that correct?
A At the beginning, yes. But if you ask me right now do I have the funds, I say no.

MR. SHANDS: Objection, Your Honor, non-responsive.

THE COURT: Overruled.

BY MS. KEENA:

Q You can continue.
A Okay.
Q Why did you put a reward fund together?
A Friends and family suggested that, so I did it.
Q And why? Why did you do that?
A So if somebody has any information, they would come up and do it because there's a lot of -- my understanding of reward situation like there's people like --

MR. SHANDS: Objection, Your Honor, non-responsive and irrelevant.

THE COURT: Overruled.

BY MS. KEENA:

Q Go ahead.

A It's like, you know, the cops, what they told me about it, when I asked them about the $25,000, they told me there's people like they needed money to move, they needed money to travel, they needed money to, you know, they lose a job because of that, because it would be dangerous for them. So that's why I put the $25,000 up. Plus if there's somebody who has information. Don't worry, I don't have it now. It's gone.
Q I want to talk about the lottery tickets. You get assigned lottery tickets from the state lottery office, correct?
A Yes.
Q The state lottery office keeps track of what they give you, correct?
A Yes.
Q And they give you a certain number how often? Do you get lottery tickets at the store anymore?
A No, the reason why I closed it --

MR. SHANDS: Objection, Your Honor, irrelevant.

THE COURT: Overruled.

THE WITNESS: I closed, I don't have no more lottery at my store. I don't carry it.

BY MS. KEENA:

Q At the time of around December 22nd of 2002, how often would you get batches of lottery tickets?
A Every week, weekly.
Q And if you're missing lottery tickets, do you have to pay the

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state lottery office for the tickets you are missing?
A Yes.
MR. SHANDS: Objection, Your Honor. Leading.
THE COURT: Overruled.
THE WITNESS: Again, the question? He's disturbing me. I'm sorry.
BY MS. KEENA:
Q If you are missing tickets, the lottery office comes back and they get their tickets and there are some that are unaccounted for, do you have to pay for those lottery tickets?
A Yes, no matter what, we have to pay for it. It's a weekly base report. We close daily the machine. And at the end of the week, Monday, beginning of the week, they withdraw the money from the bank electronically, so it doesn't matter. If we have them, don't have them, if we sold them, if we didn't sell them, they will take the money.
Q All right. The last question has to do with the cordless phone that was missing. Did your brother have any special habits in regard to that phone?
A Yup.
Q What was that?
A Usually he would put it in his right side.
Q Like in his waistband?
A Yeah, like there's a clip where he could put the cordless phone.
Q Would he carry it around the store with him?

A Oh, absolutely, yeah, and he would have his cell on the left side.
MS. KEENA: I have no further questions, Your Honor.
MR. SHANDS: Just briefly.
RECROSS EXAMINATION
BY MR. SHANDS:
Q Briefly. Did the State Lottery Commission charge you for the lottery tickets that were missing?
A Yes.
Q Again, the reward money was offered because you felt that this person had information that could help in finding who murdered your brother, correct?
A I didn't even know what kind of information he had, but I would offer anybody for information.
Q Was anyone else offered reward money?
MS. KEENA: Your Honor, objection, that goes beyond the scope of redirect.
THE COURT: It does.
MR. SHANDS: Your Honor, in speaking he talked about what the reward money was written for, why he was there at the police office.
THE COURT: Okay. Go ahead.
MR. SHANDS: Did you write any letters offering reward money to any other people?

THE WITNESS: No.
MR. SHANDS: No further questions.
MS. KEENA: Nothing further, Your Honor.
THE COURT: Thank you. We will break for lunch. See you at 1:30.
(JURORS EXCUSED)

MR. SHANDS: Your Honor, I think we were on the record outside of the hearing of the jury. The only thing I really need to make a record of, I want to make the record clear, is that we were offering into evidence, I believe, Exhibit 12. It is our position that that letter should have been received. It should have been received in its entirety.
THE COURT: Is that what I will be reversed on or my ruling on the alternative perpetrator matter?
MR. SHANDS: I don't know. Maybe you won't get reversed.
THE COURT: Ms. Keena, anything?
MS. KEENA: Your Honor, I think we already made a record. That's when we excused the jury and the witness. And I think there was a sufficient record made at that time.
THE COURT: Okay. Thanks. See you later.
(Lunch break was taken)

SEPTEMBER 27, 2004 - AFTERNOON SESSION
THE COURT: Please proceed.
MS. KEENA: Your Honor, the state would call Mark Sawyer as a witness.
MARK SAWYER,
being duly sworn, was examined and testified as follows:
THE CLERK: For the record, please state your full name, spelling your last name.
THE WITNESS: My name is Mark Sawyer, S-A-W-Y-E-R.
THE CLERK: Thank you.
DIRECT EXAMINATION
BY MS. KEENA:
Q Good afternoon.
A Good afternoon.
Q Officer, by whom are you employed?
A City of South St. Paul.
Q In what capacity?
A I am a corporal with the police department.
Q Are you a licensed peace officer in the state of Minnesota?
A Yes, I am.
Q How long?
A Twenty years.
Q How long have you been employed in your current position in South St. Paul?

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A Fifteen years.
Q Were you employed as a police officer elsewhere?
A Yes, I was.
Q Where was that?
A City of Goodhue.
Q That's in Minnesota?
A Yes, it is.
Q Were you employed in your current position on December 22nd of 2002?
A Yes, I was.
Q On that date were you dispatched to Sabreen's Supermarket?
A I was.
Q When you were dispatched to that location, what information did you have?
A The original call was possible armed robbery in progress. While we were in route to the store, we received additional information that there was possibly somebody down behind the counter and that the cash drawer was open.
Q What time did you get to Sabreen's?
A It would have been approximately 9:43 p.m.
Q Were there 911 calls that had been made reporting this information?
A I believe so.
Q What did you observe upon arriving at the scene?
A I arrived approximately a few seconds after, and another officer

who had a male person proned out in front of the store at gunpoint, and that person we later determined to be a witness, not a suspect.
Q Do you recall the name of that person?
A Mr. Marx.
Q What did you do next?
A I covered Mr. Marx while Officer Rochlen looked inside the front window of the store, and briefly went inside and then came back out.
Q Did you enter the store?
A Yes, we did. When other officers arrived, we three officers, including myself, went in and searched the building to make sure it was clear of any suspects.
Q Did you find any suspects in the store?
A We did not.
Q Did you find any victims in the store?
A Yes, we did.
Q How may?
A One.
Q Where was that victim located?
A Behind the counter on the floor in the front of the store.

MS. KEENA: Permission to approach, Your Honor?
THE COURT: You may.
(Exhibit No. 13 was marked for identification)

BY MS. KEENA:
Q I am showing you what's been marked for identification as Exhibit Number 13. Can you tell me what that is?
A It's a photograph of the victim laying on the floor.
Q And is that behind the counter?
A Yes, it is.
Q Does that picture accurately reflect what you saw when you arrived at the store on December 22, 2002?
A Yes, it does.
Q Did you move the body at all?
A No, I did not.
Q Did you move anything behind the counter?
A No.

MS. KEENA: For the record, I am showing defense counsel Exhibit 13.
Your Honor, the state would offer Exhibit 13.
THE COURT: Any objection?
MR. SHANDS: No objection, Your Honor.
THE COURT: Exhibit 13 is received.
(Exhibit No. 13 was received in evidence)

BY MS. KEENA:
Q Officer, I am going to blind you here with the light and show you picture on the screen behind you. Is that the picture I just showed you?

A Yes.
Q Again, you didn't touch anything behind the counter?
A I did not.
Q Did you bring in any medical personnel?
A Yes, I did.
Q And did they move the body at all?
A They did not.
Q Thank you. When you initially approached the victim, what did you notice?
A The victim was face down on the floor. The cash register was opened, the cash drawer was laying in the area of the deceased. There appeared to be a bullet wound in the back of the victim's head and blood on the back of the head and neck.
Q Did you approach the body to see if there was any indication of life yourself?
A Yes, I did.
Q What did you do?
A I bent down and basically looked to see if I could see any respirations.
Q Did you see any?
A No, I did not.
Q Did you notice anything about the victim's head in particular?
A It appeared to have a gunshot wound in the back of the head.
Q I am showing you what's been marked for identification as Exhibit 14. Can you tell me what that is?

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A It appears to be a close-up of the victim's torso and back of his head.
Q Does that picture accurately depict how you found him on the evening of December 22, 2002?
A Yes, it does.
MS. KEENA: For the record, I am showing defense counsel Exhibit 14. The state would offer Exhibit 14.
MR. SHANDS: No objection.
THE COURT: Received.
(Exhibit No. 14 was received in evidence)

BY MS. KEENA:

Q Officer Sawyer, I am going to put a picture up behind you. Is that the picture I just showed you?
A Yes, it is.
Q Could you kind of point out the wounds that you noticed that you described in the head.
A Right here (indicating) is what appears to be a bullet hole.
Q And the cash register drawer, that's kind of under his arm, right arm pit, that's how it was positioned when you got there?
A Yes, it is.
Q What's that laying on his back, that white item?
A I am not sure.
Q It doesn't come up very well. I'll show you the picture again. Can you tell from that what that is?

A It appears to be a plastic bag.
Q And you didn't put that on the body or anything?
A No, I did not.
Q At that point did you identify the victim at all?
A No, I did not.
Q Did you secure the crime scene?
A Yes, I did.
Q How did you do that?
A Using crime scene tape by cording off the store, the street and the alley behind the store, positioned officers and reserve officers to keep everybody out.
MS. KEENA: I have no further questions, Your Honor.
MR. SHANDS: May I approach the witness, Your Honor?
THE COURT: You may.

CROSS-EXAMINATION

BY MR. SHANDS:

Q Officer Sawyer, I am showing you what's been marked as Exhibit 13. You've identified it, correct?
A Correct.
Q Now there appears to be a bundle of cash right here. Did you see that when you looked down?
A No, I did not.
Q Okay. But you did not go down -- you testified when you came in you didn't open the door, this cabinet door -- it appears to be a cabinet door. You didn't open any doors to expose it or anything?
A I didn't touch anything by the counter.
Q Okay. So everything that appears in this picture sitting there was just as it's shown in the picture?
A That's correct.
MR. SHANDS: No further questions, Your Honor.
MS. KEENA: I have no questions, Your Honor.
THE COURT: Thank you.
(Witness excused)
MS. KEENA: Your Honor, the state calls Kathleen Johnson.

KATHLEEN JOHNSON,

being duly sworn, was examined and testified as follows:
THE CLERK: For the record, please state your full name, spelling your first and last name.
THE WITNESS: My name is Kathleen Marie Johnson, K-A-T-H-L-E-E-N J-O-H-N-S-O-N.
THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. KEENA:

Q Good afternoon. What city do you reside in, Ms. Johnson?
A South St. Paul.
Q Are you employed?
A Yes.
Q Where do you work?
A U.S. Bank Corporation.
Q What do you do there?
A I verify home mortgages, loans.
Q I would like to draw your attention to December 22, 2002. Do you recall that date?
A Yes, I do.
Q What did you do in the early evening hours of that day?
A I was visiting friends and having dinner.
Q And where did your friends live at the time?
A In the six hundred block of Second Avenue in South St. Paul.
Q Are you familiar with Sabreen's Market in South St. Paul?
A Yes, I am.
Q Did you go there often?
A Not too often.
Q On the evening of December 22, 2002, did you go to Sabreen's?
A Yes, I did.
Q How did you get there?
A I drove.
Q Why did you go to Sabreen's?
A To buy a pack of cigarettes.
Q Approximately how far is Sabreen's from your friend's residence?
A It's about three blocks. Three of the long blocks, and then just

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two up, so relatively close.
Q Approximately what time did you arrive at Sabreen's that night?
A I would guess it to be about 9:41.
Q How do you recall that time?
A Because when I got in my car, when I turned, I looked at the clock and I just warmed my car up for a little bit and drove over there. I recall thinking to myself I have 20 minutes before they close.
Q When you arrived at Sabreen's where did you park?
A Directly in front of the store on the street.
MS. KEENA: Your Honor, may I approach?
THE COURT: Yes, you may.
BY MS. KEENA:
Q Ms. Johnson, I am going to put a picture up on the screen behind you. Could you just stand up and show the jury where you were parked?
A Exactly right here (indicating).
Q Which way was your car facing?
A This way, going north (indicating).
Q Okay.
THE COURT: Can we have the exhibit number?
MS. KEENA: It would be Exhibit 2, Your Honor.
BY MS. KEENA:
Q When you parked in front of the store, were you able to see

inside?
A No.
Q Why not?
A Well, from my car I didn't even really look, but even as I approached the store, there was advertisements in the windows.
Q Ms. Johnson, I am just going to show you Exhibit 1. Is that how the store looked on December 22nd when you drove up to it?
A Um-hum.
Q That's a yes?
A Yes, it is.
Q Okay. Did you enter Sabreen's?
A Yes.
Q What door did you use?
A The door on the right side.
Q Right in the front there?
A Right.
Q What did you observe when you entered the store?
A Initially I was digging in my purse, so I really didn't notice anything right when I walked in the door, then the first thing I noticed was money being removed from the till, really fast. And I thought *they're closing already?* Then I looked up and noticed that it wasn't the clerk, it was a masked man.
Q And what color was the mask?

A Black.
Q Did it cover his entire face?
A Yes.
Q Did you see him do anything else at that point?
A Not initially, no.
Q What happened next?
A I think it was almost kind of simultaneous that we noticed each other or I might have a second before he noticed me. Then he made an alarming kind of -- I didn't understand what he said other than "Hey," and some other words. I don't know if I was in shock or if it was a different language or -- I just knew it sounded like he was alerting somebody that I was there. Then he made a motion like he was going to pull a gun out from his pants, and I just screamed and turned around and ran out the door.
Q So at that point you didn't see another person in the store?
A No.
MS. KEENA: If I may, Your Honor.
Q I am going to put Exhibit 4 up on the screen behind you, Ms. Johnson. Could you just show the jury approximately -- do you recognize what that is?
A Yes.
Q Could you show the jury approximately where you were standing when you initially noticed the man behind the counter?

A Probably just in here (indicating). I had just entered in the door, so not too far, two steps.
Q And where was the person located that you saw?
A This is the cash register side, right?
Q Yes.
A Farther up -- the cash register is up in this area, so he was right at the cash register. He was in front of the cash register taking the money from the till.
Q When you say in front of the cash register, was he behind the counter?
A Yes. Kind of like an L shape.
Q Okay. At that point did you notice anything about the build of the man that you saw behind the counter?
A That's not really when I noticed it because I was more concerned about just leaving. I noticed the builds when they came running out of the store.
Q You said, you indicated that it appeared to you that he was reaching for a gun out of his waistband?
MR. SHANDS: Objection, Your Honor, asked and answered.
MS. KEENA: I'm leading into the next question.
THE COURT: Okay. Go ahead.
BY MS. KEENA:
Q Did you actually see a gun?
A No.

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A Probably just in here (indicating). I had just entered in the door, so not too far, two steps.
Q And where was the person located that you saw?
A This is the cash register side, right?
Q Yes.
A Farther up -- the cash register is up in this area, so he was right at the cash register. He was in front of the cash register taking the money from the till.
Q When you say in front of the cash register, was he behind the counter?
A Yes. Kind of like an L shape.
Q Okay. At that point did you notice anything about the build of the man that you saw behind the counter?
A That's not really when I noticed it because I was more concerned about just leaving. I noticed the builds when they came running out of the store.
Q You said, you indicated that it appeared to you that he was reaching for a gun out of his waistband?

MR. SHANDS: Objection, Your Honor, asked and answered.

MS. KEENA: I'm leading into the next question.

THE COURT: Okay. Go ahead.

BY MS. KEENA:

Q Did you actually see a gun?
A No.

Q Were you able to see the floor behind the counter at all?
A No.
Q You indicated that you heard him yell something?
A Yes.
Q Did he turn his head or anything when he yelled?
A The way he was facing, he would be facing on the first aisle and it was more as if someone was down that aisle. And I didn't know at that time if he was talking to the clerk or -- I didn't know there were two until they exited the building.
Q So you ran out of the store, you said. What did you do then?
A Went right to my car, turned on the key, and as I was starting to put my car into park, they were coming out the front door.
Q How many people came out the front door?
A Two.
Q And were they running, walking?
A They were running very fast.
Q What did you observe about them as they were running out?
A I observed that one person was several inches taller than the other one. That they appeared to both be slender. They were not too tall. I assumed young, because they had very big, baggy pants on, hooded sweatshirts.
Q Do you recall any of the color of the clothing?
A The person behind the cash register had on a blue hooded sweatshirt and the person that was following him as they were exiting the store had either red or maroonish color.

Q When you say maroonish or red, like a darker --
A Darker, yeah, but it wasn't blue.
Q And the blue that the other man had on, how would you describe that type of blue?
A (No response)
Q Let's say a baby blue compared to a dark blue.
A In between, middle, somewhat like that denim shirt, but a little darker, but not navy blue.
Q You indicated that the person in the store had a mask that covered that person's entire face?
A Yes.
Q How about the second person that you saw?
A Well, I saw him for less than a second, but they both had masks on and it appeared to be the same type and style. There was only a short area from the door, and then they went up the side of the building, and it was dark. Once they went around the corner you couldn't see them any more.
Q So you never saw their faces?
A No.
Q When they came running out of the store, where did you see them run to?
A Right next to the building and around. That's all you could see. It was dark.
Q So into like the parking lot?
A Yup. In the parking lot and they were like right close to the

building. There was a car parked there and that's all you could -- well, by that time I am driving away, too.
Q What did you do then when you drove away?
A I didn't have a cell phone, so I went right back to my friend's house and told her. The first thing she asked me was "Where was the clerk?". I said, "I didn't see him." So she actually made the 911 call because I couldn't.

MS. KEENA: I have no further questions, Your Honor.

CROSS-EXAMINATION

BY MR. SINGH:

Q Ms. Johnson, you stated that when you walked in the store the first thing you noticed was hands taking money out of the till, is that correct?
A Correct.
Q Now those hands that you noticed, were they wearing any gloves?
A That I did not notice.
Q So you couldn't tell the race of the person that you saw behind the counter?
A No, I could not.
Q Ms. Johnson, throughout your testimony here you used the pronoun *he*.
A Yes.
Q Now these individuals were wearing baggy clothing and hooded

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sweatshirts, you stated, correct?
A. Yes.
Q. And they had masks on, correct?
A. Yes.
Q. But you have been using the pronoun *he*. What led you to that belief?
A. I believe it would be his voice, his tone of voice, very deep or you could tell it was a male.
Q. Ms. Johnson, you stated that you saw one person inside of the store.
A. Yes.
Q. But two people running outside of the store?
A. Yes.
Q. The two people were -- one was taller than the other, correct?
A. Yes.
Q. And they ran past you, correct?
A. I was in my car. They ran right out of the door and right around the building. So they didn't run by me, because I am driving down the street as they are running out.
Q. Ms. Johnson, you didn't see them carry anything as they ran around the corner, did you?
A. No, I didn't.
Q. Did you see the person doing anything else inside of the store besides taking money out?
A. No.

MS. SINGH: No further questions, Your Honor.
MS. KEENA: Just a couple followup. Ms. Johnson, what was going through your mind as you were leaving the store getting into your car?
MR. SHANDS: Objection, Your Honor. Irrelevant.
THE COURT: Overruled.
THE WITNESS: I thought if I see an arm come up, I am ducking and driving.
MS. KEENA: So would it be fair to say that you were feeling kind of frantic?
MR. SHANDS: Objection, Your Honor. Leading.
THE COURT: Sustained.

BY MS. KEENA:

Q. How would you describe your emotions at that point?
A. I guess I would say I was in shock. I mean, I wasn't even sure even after I had been telling my friend, "Wow, this weird thing I just walked in on.". I didn't really set in my mind anything until after.
Q. You were asked a question, and the way it was worded to you is "You didn't see them carrying anything?" Do you recall that question?
A. Yes.
Q. Was it because you actually didn't see anything in their hands or you didn't notice anything in their hands?
A. I did not notice anything. I didn't pay attention. I was more

concerned with getting out of there.
MS. KEENA: I have nothing further, Your Honor.
MR. SHANDS: Ms. Johnson, just one question. The description you gave of what was happening after you had run out of the store and gotten in your car --
MS. KEENA: Your Honor, can we approach? I have an objection.
THE COURT: Yes.
(OFF RECORD DISCUSSION)

BY MR. SHANDS:

Q. Ms. Johnson, is it fair to say that a lot of description of what was happening as you were leaving the store, you observed it through your rearview mirror.
A. Incorrect, no.
Q. Or, were you turning around looking?
A. When they came out of the store, my car was still in park. And as I pulled down my shifter, I looked out my window. So it wasn't through my rearview mirror, it was through my window.
MR. SHANDS: Okay, I have no further questions, Your Honor.
MS. KEENA: Nothing further.
(Witness excused)
MS. KEENA: The state calls Matthew Renville.

MATTHEW RENVILLE,

being duly sworn, was examined and testified as follows:

THE CLERK: For the record, please state your full name, spelling your first and last name.
THE WITNESS: Matthew Richard Renville, M-A-T-T-H-E-W R-I-C-H-A-R-D R-E-N-V-I-L-L-E.
THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. KEENA:

Q. Good afternoon.
A. Good afternoon.
Q. Mr. Renville, what grade are you in this year?
A. Eleventh.
Q. I am going to ask you to speak up a little bit, okay?
A. Eleventh.
Q. What city do you live?
A. South St. Paul.
Q. Are you familiar with Sabreen's Market?
A. Yes, very much.
Q. Did you go there often?
A. Yeah, a lot.
Q. How often would you go there?
A. Like four times a day.
Q. How far is Sabreen's from your house?
A. A block.
Q. So did you know the owner?
A. Yes.

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Q And did you know Khaled?
A Yes.
Q I would like to draw your attention to the evening of December 22nd of 2002. Do you recall that date?
A Yes.
Q On that particular night did you go to Sabreen's?
A Yeah.
Q How did you get there?
A We walked.
Q Who was with you?
A My sister and a friend.
Q Which friend?
A Dale.
Q What's his last name?
A Marx.
Q What's your sister's name?
A Samantha Renville.
Q Was there anybody else with you?
A My little Godbrother, Jacob.
Q How old is he?
A I am saying fourteen.
Q And were you at home at the time that you decided to go to Sabreen's?
A Yes.
Q What time did you leave home to go?

A Around nine-thirty.
Q How do you recall that time?
A Because we were trying to make it there before it closed.
Q What time does it close?
A Ten.
Q What route did you take to go to Sabreen's that night?
A Well, I live across the street, and I go down the one-way and down the alley.

MS. KEENA: Could I have permission to approach, Your Honor?

THE COURT: You may.

BY MS. KEENA:

Q I am going to put a picture up on the screen behind you, Exhibit 3, for the record. Do you recognize that?
A Yes.
Q And so where would you have been coming from as you were walking to Sabreen's?
A Over here (indicating).
Q So that would be north of Sabreen's?
A (Nodding)
Q That's a yes?
A Yes.
Q And you were walking, and that's the alley?
A Yeah.
Q How is the lighting in the alley?

A Very bad.
Q Are there any street lights or anything in the alley?
A I think there is only like one light around this area here by the trees.
Q So the night that you were walking up to Sabreen's, what was the lighting like that night?
A I couldn't see anything really.
Q So it was dark?
A Yeah.
Q As you were approaching Sabreen's, did you notice anything in the alley?
A Yes, a car parked in the middle of the alley.
Q Where do you recall the car being parked?
A Right here (indicating).
Q Was it like parked in the middle of the alley, off to the side?
A In the middle.
Q Is that paved?
A Yes.
Q What did the car look like?
A Regular sized car, gray.
Q What kind of gray?
A Shiny.
Q Shiny --
A Shiny, tinted gray.
Q I am not quite sure what that looks like. A light color, dark

color?
A Darkish.
Q Darkish?
A Yeah.
Q Did you notice how many doors the car had?
A Four.
Q What part of the car was facing you?
A The back end.
Q When you saw the car, did you notice if there were any -- were there any lights on inside of the car?
A No, there wasn't.
Q Did you notice any lights on the outside, like the headlights or the tail lights, if they were on?
A The tail lights, they're oval.
Q Do you know if the car was running?
A No, I didn't hear it.
Q What did you see next?
A Couple guys ran out, jumped in and then took off.
Q And could you just show up on the picture where you saw them running from?
A When we were over here (indicating).
Q Where did they run out from?
A Right here (indicating).
Q So between the store and that garage?
A Yes.

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Q Did you hear either one of them say anything?
A Yeah, I heard them say, "Hurry up, let's go and get out of here."
Q Did they get into the car?
A Yes.
Q I'm sorry, I don't remember if I asked you this, but did you notice how many car doors there were?
A Four.
Q Do you recall which doors they got into?
A Both on the passenger side.
Q So, one --
A The back passenger and the front passenger side.
Q Did you notice if there was anybody else in the car?
A No.
Q No, you didn't notice?
A No.
Q Did you notice what the men were wearing?
A No, I didn't, it was too dark.
Q Did you notice anything about the clothing at all?
A Just baggy.
Q You talk about *baggy*. What kind of clothing were they wearing?
A Black, I don't know, jeans, maybe a sweatshirt.
Q Were you able to see the men's faces at all?
A No, I wasn't.
Q Did you notice anything about their physical builds?

A No.
Q Did you notice if either one of them were carrying anything?
A No, I couldn't. I was too far down the street to.
Q Did the car drive off?
A Yes.
Q And did it drive off slowly, quickly?
A It took off pretty fast.
Q When the car drove off, did the car have its headlights on?
A Once it turned the corner, they turned them on.
Q When you say turned the corner, where did the car drive off to?
A That way (indicating), and it took a left, and then turned the lights on.
Q Were you able to see the license plate at all?
A No, I wasn't.
Q What did you do next?
A I didn't know what to do next.
Q Did you think anything of what you had just seen?
A No, I didn't.
Q So did you go into the store then?
A Yes.
Q And what door did you use to go inside of the store?
A The right door in the front.
Q So did you walk through the parking lot?
A Yeah.
Q To get to the front doors?

A Yes.
Q What did you do once you went into the store?
A We went and got the things that we were going to get and we brought them up to the counter, and my friend Dale was looking all around for the guy and he couldn't find him.
Q So when you got in there, did you see anybody?
A No.
Q And you said Dale went and looked around the store?
A Yes.
Q Did you go walk around the store?
A No, I didn't.
Q What did you do?
A I just went with my sister to get her stuff and went up to the counter and just sat there.
Q So you didn't walk around looking for him, but you walked to a location and got some groceries?
A Yeah, right in the front there.
Q What happened next?
A My friend Dale looked over the counter and there he was, and we all like ran out.
Q Where did you run to?
A Across the street.
Q When you were in the store did you notice anything unusual about the cash register?
A Huh-uh.

Q Did you notice anything out of place in front of the counter at all?
A No, I didn't.
Q Did you ever go behind the counter?
A No.
Q Did you see any of your friends go behind the counter?
A No.
Q They didn't go behind there?
A No.
Q Then where did you run to?
A Across the street to my friend's house.
Q Which friend was that?
A Dale.
Q Dale Marx?
A Yes.
Q What did you do there?
A We called the police.
Q Did you do that by 911?
A Yes.

MS. KEENA: I have no further questions.
MS. SINGH: No questions, Your Honor.
THE COURT: Thank you.
(Witness excused)
MS. KEENA: The state would call Samantha Renville.

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SAMANTHA RENVILLE,

being duly sworn, was examined and testified as follows:

THE CLERK: For the record, please state your full name, spelling your first and last name.

THE WITNESS: Samantha, S-A-M-A-N-T-H-A, Renville, R-E-N-V-I-L-L-E.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. KEENA:

Q Miss Renville, how old are you?
A Sixteen.
Q What grade are you in this year?
A Tenth.
Q What city do you live in?
A South St. Paul.
Q Are you familiar with Sabreen's Market?
A Yes.
Q Do you go there often?
A Yes.
Q How often?
A Like every day.
Q How far away is Sabreen's from your house?
A Two blocks.
Q I would like to draw your attention to the evening of December 22nd of 2002. Do you recall that date?

SAMANTHA RENVILLE 116

SAMANTHA RENVILLE,

being duly sworn, was examined and testified as follows:

THE CLERK: For the record, please state your full name, spelling your first and last name.

THE WITNESS: Samantha, S-A-M-A-N-T-H-A, Renville, R-E-N-V-I-L-L-E.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. KEENA:

Q Miss Renville, how old are you?
A Sixteen.
Q What grade are you in this year?
A Tenth.
Q What city do you live in?
A South St. Paul.
Q Are you familiar with Sabreen's Market?
A Yes.
Q Do you go there often?
A Yes.
Q How often?
A Like every day.
Q How far away is Sabreen's from your house?
A Two blocks.
Q I would like to draw your attention to the evening of December 22nd of 2002. Do you recall that date?

A Yes.
Q On that particular night did you go to Sabreen's Supermarket?
A Yes.
Q What were you doing before you went to Sabreen's?
A Sitting at my house.
Q And who ended up going to Sabreen's that night?
A Me, my brother, my brother's friend Dale, and our little Godbrother.
Q How did you get there that night?
A Walked through the alley.
Q I am just going to put up a picture behind you. For the record, it's Exhibit 3. Can you just turn around and look at that? Do you recognize that?
A Yes.
Q I will point out this is where Sabreen's is.
A Yeah.
Q Okay. So how did you get there from your house?
A Walked.
Q And which route did you use?
A The alley.
Q Does that run right from your house or how did you --
A We had to go through the one-way, then turn in the alley.
Q Do you recall what time you left the house to go to Sabreen's?
A I can't remember. Around, like, nine.
Q Was there a special reason why you were going to Sabreen's

that night?
A To get candy.
Q So it was dark out?
A Yeah.
Q Were you worried about getting there before it closed or anything?
A No.
Q As you were approaching the store, did you notice anything in the alley?
A A car.
Q And where did you see the car?
A Parked right here (indicating).
Q That was in the alley?
A Yup.
Q When you saw the car, what part of the car was facing you?
A The back.
Q What did the car look like?
A It was dark, four-door.
Q It was a dark four-door, was it a bigger car, smaller car?
A Bigger.
Q At one point you had indicated, I think in one of your statements, that you thought it was the size of a Cadillac.
A Yeah.

MR. SHANDS: Objection, Your Honor, leading.

THE COURT: Sustained.

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BY MS. KEENA:

Q Do you think the car that you saw was -- there's many different sizes of cars. Do your mom and dad have a car?
A Yeah.
Q What type of car is that?
A Small Ford.
Q Was this car that you saw --
A Bigger.
Q Was it a lot bigger or a little bit bigger?
A Lot bigger.
Q How many doors did it have?
A Four.
Q And I'm sorry, what did you say the color was?
A Like grayish-black.
Q Darker?
A Yeah.
Q How is the lighting in the alley back there?
A It's bright, but dark. Some spots have light and then some spots don't.
Q How about on that night, do you recall what it was like?
A It was -- like once we get by the store, there's lights, so we could see, but we couldn't.
Q Where were you at when you first noticed the car?
A Right here (indicating).
Q And how is the lighting right behind the store?

A Dark.
Q When you saw the car were there any lights on the inside?
A No.
Q Did you notice that the car was running at all?
A No.
Q It wasn't running or you didn't notice?
A Didn't notice.
Q What, if anything, did you see next?
A I saw two dudes run out.
Q Where did you see them run out from?
A Right here (indicating).
Q So from between Sabreen's and that garage?
A Yup.
Q Where did they run to?
A The car.
Q Did you see them get inside of the car?
A Yeah.
Q Did you hear either one of them say anything?
A "Go, hurry, hurry."
Q When they opened the car doors, do you recall if any of the interior lights came on?
A None.
Q Could you see if they were holding anything?
A No.
Q Why weren't you able to see?

A It was dark.
Q Did you notice anything about what the two men were wearing?
A Like sweatshirts, pants. Maybe a hood.
Q What type of pants?
A Jeans.
Q And did you notice anything in particular about the jeans?
A No.
Q As far as color?
A Probably black.
Q So they were darker?
A Yeah.
Q Did you notice anything about the fit of the jeans?
A No.
Q Did you notice, like, for example, if they were tight?
A Probably loose.
Q Probably or they were loose?
A Loose, yeah.
Q What makes you say that?
A I don't know. Just how I saw it.
Q Okay. That's what you recall seeing?
A Yeah.
Q Then you talk about sweatshirts. Do you recall what color?
A No, too dark.
Q And you said something about hoods. What was that?
A Couldn't see their face, it happened too fast.

Q I am not following you. Did they have the hoods up that you couldn't see their face?
A Yeah.
Q Okay. Did you notice anything about their physical builds?
A No.
Q Did you see the car drive off?
A Yes.
Q How did the car leave?
A Just went out the alley.
Q When it left, did it drive away slow or how would you describe the speed?
A Medium.
Q Were you able to see the license plate at all?
A No.
Q What did you do next?
A We went to the store because we didn't suspect anything of it.
Q So that didn't -- what you just saw didn't really hit you that anything happened?
A No.
Q What did you do inside of the store?
A We went and got some food and put it on the counter. And usually the guy is standing right behind the counter, so we knew something was wrong. My brother and his friend Dale looked around the store, and Dale looked behind the counter and saw him. And we ran to his house across the street and

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called the police.

MS. KEENA: I have no further questions, Your Honor.

CROSS EXAMINATION

BY MS. SINGH:

Q Ms. Renville, it's your testimony here today that you couldn't see the faces of the individuals in the back alley?

A Right.

Q So you weren't able to identify what race they were, if they were black, white, Spanish or Asian?

A They were black, though, because they had hoodies on, but I noticed that they were black because, if they turned, you could see all dark.

Q But they had hoodies on, you said?

A Yeah.

Q But you couldn't see their faces?

A Yeah.

Q How could you identify their race if you couldn't see their face?

A I don't know.

Q It's your testimony that you couldn't identify their race.

MS. KEENA: Your Honor, she asked and answered that question.

THE COURT: Overruled.

MS. SINGH: No further questions.

MS. KEENA: I just want to clear that up.

BY MS. KEENA:

Q You said that they turned their faces?

A No, I said if they turned their faces.

Q I am not following. You said that they turned their heads. Did they turn their heads?

A (No response)

Q Miss Renville?

A No.

Q That's all right, we are just asking you what you remember. Okay? So you saw the hoodies up over their heads?

A Yeah.

Q And you can't identify the physical features of the face, right?

A Right.

Q Okay. But you indicated that you thought or you said that they were black?

A Yeah.

MR. SHANDS: Objection, Your Honor. Leading. I move to strike the response.

THE COURT: Overruled.

MS. KEENA: So you saw black?

THE WITNESS: Yeah.

MS. KEENA: Okay, I have no further questions.

MS. SINGH: No questions, Your Honor.

THE COURT: Thank you. That's it.

(Witness excused)

MS. KEENA: The state calls Dale Marx.

DALE MARX,

being duly sworn, was examined and testified as follows:

THE CLERK: For the record, please state your full name, spelling your first and last name.

THE WITNESS: Dale Duane Marx, D-A-L-E M-A-R-X.

THE CLERK: Thank you.

THE COURT: Can you speak up, please, Dale? Thanks.

DIRECT EXAMINATION

BY MS. KEENA:

Q Mr. Marx, how old are you?

A Eighteen.

Q Are you still in high school or did you graduate?

A I am still in high school.

Q What school do you go to?

A South St. Paul High School.

Q Where do you live?

A South St. Paul, across the street from the store.

Q From Sabreen's?

A Yeah.

Q I would like to draw your attention to the evening of December 22, 2002. Do you recall that date?

A Yes.

Q What were you doing that night?

A Sleeping over at a friend's house.

Q Whose friend's house was that?

A Matt Renville's.

Q On that particular night did you go to Sabreen's?

A Yeah.

Q Why did you go there?

A To get some snacks.

Q Did you go to Sabreen's often?

A All the time.

Q How often?

A About three times a day.

Q Did you ever work there?

A I helped, I would stock the shelves and stuff.

Q So you know the owner?

A Yeah.

Q Did you know Khaled?

A Yeah.

Q How did you get to Sabreen's on December 22nd?

A We walked.

Q Do you recall what time you left Renvilles to go to Sabreen's?

A It was towards closing time, it was almost closing time, and we were trying to hurry up to get there.

Q What did you think closing time was?

A I think it was like ten, but I don't remember.

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Q Who went to Sabreen's with you that night?
A Me, my friend Matt, his sister Sam, and Jacob.
Q And what route did you take to go to Sabreen's?
A We went down a one-way, and then down an alley.
Q And does that alley run behind Sabreen's?
A Yeah.
Q As you were walking up the alley towards Sabreen's, did you notice anything?
A A car speed off.
Q Prior to seeing the car speed off, did you happen to see it just -- did you see it parked or?
A Well, I saw it there for a second, but I didn't really pay attention to it.
Q What were you doing as you were going up the alley?
A Sliding on the ice.
Q Did you notice anything about the car?
A No.
Q Did you notice anything about the size of the car?
A I don't remember.
Q How about the color?
A It was pretty dark out. It was a darker color though.
Q While you were walking up to the store, did you see anyone else?
A We saw a couple people run out to the car.
Q Where did they come running from?

A From the entrance leading to Sabreen's, the back way.
Q So like from the parking lot?
A Yeah.
Q Did you hear these men say anything?
A No.
Q And you didn't see their faces at all, is that fair?
A Yeah, we didn't see them.
Q Did you notice what car doors they got into?
A I believe the passenger door opened. Yeah, I think I saw the passenger door open, that was about it, I think.
Q What part of the car was facing you?
A The back.
Q Did you see either one of them get into the driver's door?
A No.
Q And you indicated that the car sped off?
A Yeah.
Q Did you see where it went to?
A I just remember seeing a car speed off and then I turned my head.
Q So at this point did you think there was anything out of the ordinary?
A No.
Q What did you do next?
A Walked to Sabreen's.
Q And did you go into Sabreen's?

A Yeah.
Q And what doors did you use to enter?
A The front doors.
Q When you entered the store, did you see anybody?
A No.
Q What did you do when you got inside?
A I started to look for him. I knew him pretty well, so I started to walk around looking for him, and stuff.
Q When you say *him*, who are you referring to? The owner or Khaled?
A Khaled.
Q Where did you look?
A I walked towards the back of the store and I walked in the back and then I walked back up to the front looking for him. And then I just -- I saw the cash register open and I just looked over the counter.
Q And when you looked over the counter, where were you standing?
A On the farther side of the desk piece.
Q So near the cash register or?
A Um.
Q I will show you an exhibit. I show you Exhibit 5. Does that show where you were standing?
A Over here (indicating).
Q So as you were facing the counter, you were to the left of the

cash register?
A Yeah.
Q How did you look over the counter? Did you just stand on your tippy toes and peer over?
A I just leaned just a little bit over.
Q What did you see?
A Him laying there.
Q Who is *him*?
A Khaled.
Q How did he appear to you?
A Not moving, some blood.
Q Where did you see blood?
A On the ground and stuff.
Q Did you think he was dead?
A Yeah, I just -- when I glanced over there, I just quick glanced at everything, I just kind of just ran out of the store, across the street to my house.
Q Did you go behind the counter at all?
A No.
Q And did any of the others that were with you go behind the counter that night?
A No.
Q You said you ran home?
A Yes.
Q What did you do when you ran home?

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A I woke up my dad and then he started going across the street to Sabreen's, and then I called 911.

MS. KEENA: I have no further questions, Your Honor.

MR. SHANDS: Your Honor, we have no questions for this witness.

THE COURT: Thanks.

(Witness excused)

MS. KEENA: Could we approach briefly?

THE COURT: Is it a good time for a break?

MS. KEENA: No, I just want to talk to you.

(OFF RECORD DISCUSSION)

MS. KEENA: Your Honor, the state would call Dale Marx.

DALE MARX, SR.

being duly sworn, was examined and testified as follows:

THE CLERK: For the record, please state your full name, spelling your first and last name.

THE WITNESS: Dale Duane Marx, M-A-R-X.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. KEENA:

Q Good afternoon, Mr. Marx. Where do you live?

A 334 Fourth Avenue South.

Q What city?

A South St. Paul.

Q Are you familiar with Sabreen's Market?

A Yes, I am.

Q Where is your house located in relation to Sabreen's?

A Almost right across the street and one house over.

Q I would like to draw your attention to the evening of December 22, 2002. Do you recall that date?

A Yeah.

Q Are you the father of Dale Marx, Jr.

A Yes, I am.

Q Does he go by *Junior*?

A Yeah.

Q At some point on that evening, did your son come and report something to you?

A Yeah, he came while I was sleeping, he woke me up out of bed, and he told me that the guy over at the store was laying down behind the counter. And they were yelling and screaming.

Q What did you do?

A Jumped out of bed, put my pants on, and ran across the street. I thought maybe he had a heart attack, or something, and I thought maybe I could help him.

Q So when the kids came over, they didn't tell you the circumstances or what he looked like or --

A No.

Q I'm sorry, why did you go to the store?

A Because the boys were yelling and screaming that the guy at the store was laying behind the counter.

Q So were you going to go try to help him?

A Yeah.

Q Did you know Khaled Al-Bakri?

A I am bad with names.

Q The people that own the store.

A Yeah.

Q Did you go into Sabreen's often?

A Lot, yeah. That's where I get my milk and stuff.

Q What did you do when you got inside of the store?

A I just looked over the counter and turned around and walked back out. I knew I couldn't help him.

Q What did you see when you looked over the counter?

A You could tell he was dead.

Q How could you tell that?

A Well, he already had went in his pants and stuff. From my schooling I know, what I was taught, you know, that they're gone.

Q What kind of schooling do you have that you knew that?

A I got three years of college as a forester and some of it's law enforcement and stuff.

Q Did you have, like, first aid training as part of that?

A Yes, I'm a first responder, I also have that.

Q Do you recall how the body was positioned?

A He was on his side.

Q I am going to show you a picture. I am going to put Exhibit 13 up on the screen behind you. Do you recognize that?

A Yeah.

Q Is that an accurate depiction of what you saw that night?

A Yeah, because I was over here (indicating), just kind of looked over the counter, and that's all I did.

Q Oh, so you were at the end of the counter and you looked over?

A Right. I just looked over, you know.

Q So you didn't look over the counter?

A No.

Q Okay. Mr. Marx, did you ever go behind the counter for any reason?

A No, I did not.

Q So you didn't touch anything behind the counter?

A No.

Q Did you touch the body at all?

A No.

Q What did you do after you saw this?

A Turned around and walked outside the door there and standed there for a couple seconds and that's when the squads came up.

Q So the police arrived?

A Yeah.

MS. KEENA: I have no further questions, Your

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Honor.

MR. SHANDS: I have no questions, Your Honor.

THE COURT: Thank you. That's it.

(Witness excused)

MS. KEENA: Your Honor, may we approach?

THE COURT: Yes.

(OFF RECORD DISCUSSION)

THE COURT: We are actually a little ahead of schedule. We are out of witnesses for today. We are going to let you go. Be back at 9:00, ready to go at 9:00.

Remember, don't talk to anyone about the case. Thanks, and see you tomorrow.

(Adjourned)

SEPTEMBER 26, 2001

THE COURT: Have a seat. I apologize for the delay. I had a case on at 8:30 that went longer than they told me it would. Ms. Keena.

MS. KEENA: Thank you, Your Honor. The state calls Dr. Mohamed Sedqi.

DR. MOHAMED SEDQI,

being duly sworn, was examined and testified as follows:

THE CLERK: For the record, please state your full name, spelling your first and last name.

THE WITNESS: My name is Dr. Mohamed Sedqi, M-O-H-A-M-E-D S-E-D-Q-I.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. KEENA:

Q Good morning, Dr. Sedqi.

A Good morning.

Q By whom are you employed?

A With the Department of Public Safety, Bureau of Criminal Apprehension in St. Paul.

Q What is the Bureau of Criminal Apprehension?

A It's a state agency that has three divisions in it. We have the investigative division, with all special agents, and we have the forensic science laboratory that conducts, like, evidence testing and analyses. And we have the Criminal Justice Information

System that tracks basically the criminal background.

Q What do you do at the BCA?

A I am a lead forensic scientist and also a crime scene team leader.

Q What are your duties in your position?

A Which one?

Q Well, let's start with the crime scene team leader.

A I am in charge of a crime scene team that has like three scientists and two agents. And we only respond to major crimes like homicides, attempted homicides, kidnappings, and police involved shooting.

Q What are your responsibilities in your other position?

A I am a lead forensic scientist. Receiving evidence, examining evidence for DNA, and to testify in court when it's necessary.

Q How long have you been employed with the BCA?

A Since 1997.

Q Did you hold any other positions prior to that?

A At the BCA?

Q Well, anywhere.

A Yes. I was a post-doctoral associate in medical school, University of Minnesota.

Q What's your educational background?

A I have a master's and a Ph.D degree in biochemistry from the University of Paris, France. Then I have four years of post-doctoral experience at the University of Minnesota Medical

School, Department of Pharmacology.

Q Do you belong to any professional organizations?

A Yes.

Q What are those?

A The Midwestern Association of Forensic Scientists, the International Association of Identification, the International Association of Blood Spatter Analysts. I think that's it.

Q Do you hold any special certifications at all?

A No.

Q Were you employed by the BCA on December 22nd of 2002?

A Yes.

Q On that date were you called to Sabreen's Supermarket in South St. Paul on a robbery/homicide?

A Yes.

Q And for what purpose were you called to that location?

A For that investigation.

Q In what capacity were you going out there in?

A As a crime scene team leader.

Q And who or how many people made up your crime scene team on that occasion?

A We have three forensic scientists, myself, then we have a team member, and we have special operation division forensic. Then we were about three -- I had also three special agents on the team.

Q When you arrive at a crime scene, what typical steps do you

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undertake?
A Well, the first thing we do is get briefed by the case agent about what they think had happened. Then we basically have a walk-through of the crime scene.
Q What did you do in this case?
A Once we were briefed by the case agent, I asked to not have the walk-through in the crime scene.
Q Why was that?
A Because we basically had a non-suspect case, and I wanted to preserve the floor of the store, preserve any kind of footprint impressions. That's why I did not allow anybody to enter that store.
Q And so did you go in and process the floor first?
A Yes. The floor was processed first.
Q After the floor was processed, did you take a video of the crime scene?
A Yes, our agents took a video of the scene.
Q And you have that video -- you've seen the video?
A Yes, I did.
Q At the time that the video was taken, had anything else been processed in the store?
A Only the floor.
Q So the body remained where it was?
A Yes, behind the counter was not touched yet.
MS. KEENA: May I approach, Your Honor?

THE COURT: Yes.
BY MS. KEENA:
Q Doctor, I am showing you what's been marked for identification as Exhibit 15. Do you know what that is?
A That's the video we are talking about.
Q So that's a video of the crime scene at Sabrecn's?
A Yes, taken at 345 Fourth Avenue, South St. Paul.
Q Is this the original tape or a copy of the tape?
A I believe it's the copy.
Q And you have seen this copy before?
A Yes.
Q Is it an accurate reproduction of the original?
A Yes.
MS. KEENA: Your Honor, the state is going to offer Exhibit 15. For the record, I am showing it to defense counsel.
MR. SHANDS: Your Honor, could I make an objection? May we approach?
THE COURT: Yes.
(OFF RECORD DISCUSSION)
THE COURT: Back on the record. What was the number?
MS. KEENA: Number 15.
THE COURT: 15 is received.
(Exhibit 15 was received in evidence)
MS. KEENA: Your Honor, at this time we are going

to play Exhibit 15. Dr. Sedqi, I'd ask you to come off down the stand.
THE WITNESS: Okay.
(Video being played)
BY MS. KEENA:
Q Dr. Sedqui, this doesn't have any audio on it, correct?
A That's correct.
Q Dr. Sedqi, as we are watching the video, I may have questions for you and just kind of ask you to walk us through the scene. Now right here what are we seeing?
A That's the main entrance to the store located on the west side.
Q What are we seeing here?
A The inside of the store, that's the counter to the right, and the other side is where the body is laying down.
Q That's the body laying behind the counter?
A That's correct.
Q At this point nothing has been moved?
A Nothing has been moved in the area of the store.
Q What are we focusing in here?
A It's a cartridge casing.
Q What's that on his back?
A The white stuff?
Q Yes.
A It's a white plastic grocery bag.
Q There's a white hook right there.

A Yup.
Q Is that how the hook appeared when you were processing the scene?
A Yes.
Q What are we focusing in on there?
A This is a wound to the back of his head.
Q What are we looking at here?
A We are looking east to the back of the store, where the back door is.
Q Would that be the first aisle?
A Yes.
Q Those little yellow placards that we're seeing on the floor, what are those?
A They're indicating where footprint impressions were found on the floor. And we found fourteen inside of the store.
Q Is this the back wall of the store?
A Yes.
Q Where is this?
A It's the back of the store, this is the back door right here (indicating).
Q Like the storage area?
A Yes.
Q Where does that door go to?
A It goes to the back of the store to the east alley.
Q Was that door open or closed when you processed the scene?

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A When we arrived at the scene, the door was barred up, it was locked. And we did not see any kind of forced entry.
Q So it actually had a bar across it?
A That's correct.
Q Is this the third aisle of the store?
A Yes.
Q So now we are back outside of the store. When was this footage shot?
A The next day. We responded at night, then the next day.
Q So is this the north side of the building?
A That's correct, north parking lot.
Q What are we seeing here?
A Now we are looking west. Now we are looking at the east of the east alley. That's where some tire track impressions were found.
Q Is that where the back door comes out, what we just saw there?
A Yes.
Q Thank you, Dr. Sedqi. You may have a seat.

(Video tape completed)

BY MS. KEENA:

Q Dr. Sedqi, I would like to focus on the crime scene investigation behind the counter. You indicated, as we were looking at the video, we noticed the one cartridge casing. Were there any other casings found behind the counter?

A Yes.
Q How many?
A We found four cartridges.
Q Could you explain what a cartridge casing is?
A Basically when you fire a handgun, the bullet will go out and then the cartridge casing will be ejected.
Q So the bullet comes out of the barrel and the casing gets ejected?
A That's correct.

MS. KEENA: Permission to approach, Your Honor?

THE COURT: You may.

(Exhibit No. 16 through 25 were marked for identification)

BY MS. KEENA:

Q Dr. Sedqi, I am showing you what's been marked for identification as Exhibit 25. Could you please describe what's contained in that exhibit?
A They're item 21 through item 24, and they are basically all the four cartridge casings that we collected from the store from behind the counter.
Q And Items 21 through 24, those are numbers that you assigned to each casing?
A That's correct.
Q Are those in the same or similar condition as when you found them on December 22, 2002?

A Yes.

MS. KEENA: For the record, I am showing Exhibit Number 25 to counsel. Your Honor, at this time the state would offer Exhibit 25.

MS. SINGH: No objection.

THE COURT: Exhibit 25 is received.

(Exhibit No. 25 was received in evidence.)

MS. KEENA: Your Honor, if I may publish it to the jury?

THE COURT: You may.

BY MS. KEENA:

Q Dr. Sedqi, I would next like to walk through where you found each of the casings. So first focusing on Item 21, I show you two pictures here. The first one has been marked for identification as Exhibit 16. The second one has been marked for identification as Exhibit 17. Could you please tell me what those are pictures of?
A They are pictures of a cartridge casing, which I collected as Item 21.
Q Do these pictures accurately depict what the scene looked like at the time you collected that evidence on December 22nd -or, was it actually December 23rd when you were there collecting it?
A I believe it's December 23rd, the next day.

Q Are those accurate depictions of what you saw that day?
A Yes. In this case we had to remove a cash register before we could see it.
Q So the tray that we saw in the video, that was lying next to the body?
A Yes.
Q You had to move that?
A In order for us to take a photograph of this one.

MS. KEENA: For the record, I am showing Exhibit Number 16 and 17 to counsel.

Your Honor, the state would offer Exhibits 16 and 17.

MS. SINGH: No objection.

THE COURT: Received.

(Exhibits 16 and 17 were received in evidence.)

BY MS. KEENA:

Q Dr. Sedqi, on Exhibit 17, could you place a circle around the casing that's present in that picture?
A (Witness complies)
Q Just put your initials by it.
A (Witness complies)
Q Dr. Sedqi, I am going to put up a picture on the screen behind you. Is that Exhibit 16 that I just showed you?
A Yes, it is.

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Q It's kind of hard to see on there, but could you point out to the jury where the casing is?
A It's right here (indicating).
Q And I am now going to put Exhibit 17 up on the screen. Again, could you point out where the casing is?
A (Indicating).
Q Thank you.
Q Dr. Sedqi, I am now showing you two pictures that have been marked for identification. The first one is Exhibit 18. The second one is Exhibit 19. Do you recognize those pictures?
A Yes.
Q What are those pictures of?
A They are photographs of the cartridge casing that was collected as Item 22 from behind the counter.
Q And where was this casing located in relation to the body?
A That's the one that was underneath the body basically and/or the victim's left shoulder.
Q So you had to move the body before you could see this casing?
A That's correct.
Q Do these pictures accurately depict what the scene looked like at the time you collected that evidence on December 23, 2002?
A Yes.

MS. KEENA: For the record, I am showing Exhibits 18 and 19 to defense counsel.

Your Honor, the state would offer Exhibits

Numbers 18 and 19.

MS. SINGH: No objection.

THE COURT: Received.

(Exhibits 18 and 19 were received in evidence.)

BY MS. KEENA:

Q Again, Dr. Sedqi, I am going to put a picture up on the screen behind you. Is this the picture that I just showed you, Exhibit 18?
A Yes.
Q And that's the casing that we're seeing?
A That's correct.
Q And I am now putting Exhibit 19 on the screen. Again, that's a picture of the casing?
A Yes.
Q I am sorry, what part of the body did you say it was located under?
A Under the victim's left shoulder.
Q Dr. Sedqi, I am now showing you a series of three pictures that have been marked for identification as Exhibits 20, 21 and 22. Do you recognize those photographs?
A Yes.
Q What is depicted in those photographs?
A Two cartridge casings found behind the counter.
Q And what item numbers are these two casings?

A We labeled them as 23 and 24.
Q And what's depicted in Exhibit 22?
A It shows the two cartridge casings along with several sheet of papers on the floor.
Q Do these pictures accurately depict what the scene looked like at the time you collected this evidence?
A Yes.

MS. KEENA: For the record, I am showing Exhibits 20, 21 and 22 to defense counsel.

Your Honor, the state would offer Exhibits 20, 21 and 22.

MS. SINGH: No objection.

THE COURT: Received.

(Exhibit Nos. 20, 21 and 22 were received in evidence.)

BY MS. KEENA:

Q Dr. Sedqi, I am going to hand you Exhibit 22. Would you just take this black pen and circle the casings on the picture, and initial them?
A (Witness complies)
Q Dr. Sedqi, I am going to put a picture up on the screen behind you again. That's Exhibit 20 that I just showed you. Could you just please tell the jury again what that is?
A That's the cartridge casing collected as item 23 from behind the counter.

Q Now I am putting Exhibit 21 up on the screen, and could you please tell the jury what that is?
A It's a photograph of the cartridge casing that was collected as Item 24, from behind the counter.
Q Finally, I'm bringing the last exhibit up, Number 22. Could you please point out to the jury what we are seeing in this picture?
A We have a cartridge casing right here (indicating), and another cartridge casing by the cabinet. Then we have this sheet of papers that we found scattered at the scene when we arrived.
Q So the cartridge casing that is to your right, is that Item 23?
A Yes.
Q And the one closer to the base of the cabinet is Item 24?
A Correct.
Q Where was the body located in relation to those casings?
A This way (indicating). This is farther in in the counter.
Q Thank you. Did you find any bullets at the scene?
A We found one bullet.
Q Now with four cartridge casings, there should be four bullets, correct?
A That's correct.
Q How many were you able to account for?
A Three.
Q So there was one in the flashlight. Where were the other two that you found?

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A In the victim's body.
Q And you were unable to locate the fourth one?
A That's correct.
MS. KEENA: May I have permission to approach, Your Honor?
THE COURT: You may.
(Exhibit Nos. 26 was marked for identification.)
BY MS. KEENA:
Q Dr. Sedqi, I am showing you what's been marked for identification as Exhibit 26. Would you please identify for the record what that item is?
A It's a bullet that was collected as item 27.
Q Where was that bullet collected from?
A From a flashlight.
Q In Sabreen's?
A In Sabreen's.
Q And is it in the same or similar condition as when you found it?
A Yes.
MS. KEENA: For the record, I am showing Exhibit Number 26 to defense counsel.
Your Honor, the state would offer Exhibit 26.
MS. SINGH: No objection.
THE COURT: Received.
(Exhibit No. 26 was received in

evidence.)
BY MS. KEENA:
Q Dr. Sedqi, I am going to show you Exhibit 13. Do you recognize that picture?
A Yes.
Q And is the flashlight that you collected that bullet from contained in that picture?
A Yes.
Q Where was the flashlight located?
A By the head of the victim.
Q Was it located on a shelf?
A Yes, the bottom shelf.
Q Dr. Sedqi, I am going to put Exhibit 13 up on the screen behind you. Could you just point out to the jury where that flashlight was located?
A (Witness indicates)
MS. KEENA: Permission to approach, Your Honor?
THE COURT: You may.
(Exhibit Nos. 27 and 28 were marked for identification)
BY MS. KEENA:
Q Dr. Sedqi, I am showing you what's been marked for identification as Exhibit 27. Could you please identify what that item is?
A It's the flashlight that was collected from Sabreen's as Item –

Q Let's do it this way instead.
A As Item 44.
Q I am going to show you what's been marked for identification as Exhibit 28. Could you please describe what that item is?
A That's a battery.
Q And when you found the bullet, where was it in the flashlight?
A It was in the battery.
Q So did you have to tear the battery apart to get the bullet out?
A Yes.
Q So that's what Item 28 is?
A That's correct.
Q And I'm seeing a hole in Exhibit 27 up on the top of the flashlight. What is that?
A That's where the bullet entered the flashlight.
Q And except for having to take this battery apart, are these in the same or similar condition as when they were collected?
A Yes, they are.
MS. KEENA: For the record, I am showing defense counsel Exhibits 27 and 28.
Your Honor, the state would offer Exhibits 27 and 28.
MS. SINGH: No objection.
THE COURT: Received.
(Exhibit Nos. 27 and 28 were received in evidence.)

MS. KEENA: Your Honor, if I may, I would like to publish Exhibit 27.
THE COURT: Go ahead.
(Exhibit 27 was published to the jury)
BY MS. KEENA:
Q Dr. Sedqi, you testified earlier that you were only able to recover -- or totally there were only three bullets recovered?
A That's correct.
Q So, presumably, the missing fourth bullet is in the store somewhere?
A That's correct.
Q What type of search did you undertake to attempt to locate that fourth bullet?
A We conducted basically visual search, and we did also some chemical testing on every single hole that we saw in the store. That's what we call lead testing.
Q What type of ceiling was in the store, do you recall?
A I don't know.
Q Did you check the ceiling at all?
A Yes, we did.
Q And you were unable to locate the fourth bullet?
A We could not locate the fourth bullet.
Q Dr. Sedqi, I am now showing you two photographs that have been marked for identification as Exhibits 23 and 24. Do you recognize those photographs?

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A Yes.
Q What is depicted in each of those?
A A bullet hole on one of the shelves of the cabinet.
Q And is this the cabinet where the flashlight was located?
A That's correct.
Q So this is the bullet hole -- so did the bullet travel through that shelving into the flashlight?
A That's correct.
Q Do these pictures accurately depict the scene as it existed on December 23, 2002?
A Yes.

MS. KEENA: For the record, I am showing Exhibits 23 and 24 to defense counsel.

Your Honor, the state would offer Exhibit Numbers 23 and 24.

MS. SINGH: No objection, Your Honor.

THE COURT: Received.

(Exhibit Nos. 23 and 24 were received in evidence.)

BY MS. KEENA:

Q Dr. Sedqi, on the screen behind you I am going to put Exhibit Number 23. Is that the picture that I just showed you?
A Yes.
Q Could you just please describe to the jury what it is that we are seeing here?

A Well, we are seeing a bullet hole on this shelf right there (indicating).
Q And the flashlight is obviously removed from this picture?
A Yes, the flashlight was removed. That's where it was (indicating) when we arrived at the scene.
Q Now I am going to put Exhibit 24 up. Could you please describe to the jury what we're seeing in this picture?
A It's the same bullet hole with a probe or a flag going through it.
Q And what's the purpose of putting a probe through there?
A We were trying to establish the bullet trajectory.
Q And what did you establish?
A That the bullet was going downward.
Q Given the location where you found the body, the casings, the bullets, were you able to form any opinion as to where the shooter was standing at the time?
A We can say that they were behind the counter.
Q And what do you base that opinion on?
A Based on the bullet hole. You have to be either -- I mean, the perpetrator has to be either behind the counter or leaning downward firing his article downward.
Q But in this case you are of the opinion that the shooter was behind the counter?
A Either the shooter or the weapon.
Q Okay. Did you submit the casings and the bullet that you recovered from the scene for analysis to the BCA Lab?

A Yes.

MS. KEENA: Your Honor, I have no further questions.

THE COURT: Your witness.

MS. SINGH: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. SINGH:

Q Dr. Sedqi, you said you have been BCA forensic scientist since 1997, is that correct?
A That's correct.
Q So you've worked on many cases like this, is that correct?
A Yes.
Q You found four shell casings behind the counter, correct?
A That's correct.
Q Two of them were close to the body, correct?
A They were all close to the body.
Q One was actually underneath the body?
A That's correct.
Q And one was underneath a shelf or close to the shelf behind the counter, correct?
A That's correct.
Q Two were in a non-carpeted area, as was depicted in the picture, is that correct?
A That's correct.
Q The body was mostly on the carpet, is that correct?

A That's correct.

MS. SINGH: May I approach the witness, Your Honor?

THE COURT: You may.

BY MS. SINGH:

Q Dr. Sedqi, I am showing you Exhibit 13 again. You stated in your testimony this is the depiction of the scene at Sabreen's the morning when you arrived, correct?
A That's correct.
Q There's some shelves that are here (indicating). Now you didn't do anything to manipulate those shelves or move anything, correct?
A That's correct.
Q So there was no doors on these shelves, correct?
A That's correct.

MS. SINGH: May I approach the witness again, Your Honor?

THE COURT: Yes, you may.

BY MS. SINGH:

Q Dr. Sedqi, I am bringing you back Exhibit 13 here. Now in this picture there's a stack of money on the shelf. Do you recognize that?
A Yes.
Q Now was that money setting out there when you arrived at that scene and processed it?

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A That's correct.
Q That is the same shelf where the flashlight is, correct?
A That's correct, the top shelf.
Q Yes. Now, Dr. Sedqi, you stated that when you processed the floor of Sabreen's you found fourteen footprint impressions, correct?
A Inside of the store, that's correct.
Q Did you find any footprint impressions outside of the store?
A Yes, we did.
Q Did you process those?
A Yes, we did.
Q Did you find any other items outside of the store that you processed?
A Yes, we did.
Q What were those?
A We found a cigarette butt in the north parking lot that was collected as Item 31. We found a pop can in the east alley that was collected as Item 18. We found also some skid marks or tire track impressions on the east alley that were lifted and photographed as Items 16 and 17. And we also found some footprint impressions in the snow, dusting of snow, by the fence, that were lifted and photographed as Item 15, I believe.
Q Dr. Sedqi, did you process any of those items that you lifted from the premises?
A Which one are you talking about?

Q Did you do any testing on any of the items?
A You mean back in the lab?
Q Yes.
A No.
Q Now, Dr. Sedqi, you testified that when you were searching for the fourth bullet to associate to the fourth shell casing, you conducted a visual test?
A Visual search, yes.
Q So you looked at the walls of the counter area in the super-market, correct?
A That's correct.
Q And you looked at the ceiling?
A Yes.
Q Did you look at any insulation of the walls?
A We did, yes.
Q You also conducted a test of -- you stated it was a lead test?
A Yes, that's correct.
Q That test would detect any type of lead that would be in there, is that correct?
A That's correct. If we are dealing with like a bullet hole.
Q Is it the hole that would have the lead in it or the bullet itself that would have the lead in it?
A It's the hole itself, the surrounding of the hole itself. But, again, when it's positive for lead, yes, it's an apparent bullet hole. But when it's negative for lead, it does not mean that it is

not a bullet hole. So we still have to dig it anyway.
Q Now, Dr. Sedqi, when you arrived at Sabreen's, and you showed the video to the jury earlier today, the video was taken down the three separate aisles, correct?
A That's correct.
Q Now this is a small grocery store. Are there any windows on any sides of the walls at all?
A I don't think there is.
Q There is a back fire exit that you had in your video, is that correct?
A That's correct.
Q You stated in your testimony that that door was barred shut, so there wasn't any entry in and out of that?
A That's correct.
Q In your video, the door was in a fenced-in area as well, correct?
A Yes. It leads to a fenced area on the south side of the store.

MS. SINGH: I have no more questions, Your Honor.

MS. KEENA: I have nothing further, Your Honor.

THE COURT: Thank you.

(Witness excused)

THE COURT: Let's take a morning break.

(Morning break was taken)

MS. KEENA: The state calls Dr. Lindsey Thomas.

DR. LINDSEY THOMAS,

being duly sworn, was examined and testified as follows:

THE CLERK: For the record, please state your full name, spelling your first and last name.

THE WITNESS: Lindsey Thomas, L-I-N-D-S-E-Y T-H-O-M-A-S.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. KEENA:

Q Dr. Thomas, what is your occupation?
A I am a forensic pathologist and coroner.
Q Are you licensed to practice medicine in the state of Minnesota?
A Yes.
Q Since when?
A 1984.
Q What is your educational background as it relates to your current position?
A I got my bachelor's degree from Oberlin College in Ohio. I got my medical degree from University of Minnesota in Ann Arbor. Then I did my residency in anatomic and clinical pathology also at the University of Michigan and I became board certified in anatomical and clinical pathology.

Then I did a one-year fellowship in forensic pathology at the Hennepin County Medical Examiner's Office in Minnea-

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polis. I got board certified in forensic pathology in 1988. Then I worked for many years at the Hennepin County Medical Examiner's Office as assistant medical examiner. Since 1997, I have been with the coroner's office here.

Q How long were you in Hennepin County?

A Well, I started there, I think, in '85 and left in about 2000, I think.

Q Are you a member of any medical societies or professional groups?

A Yes. The Minnesota Medical Association; American Medical Association; American Association of Forensic Science; National Association of Medical Examiners; Minnesota Society of Pathology, probably some others.

Q You mentioned that you serve as a coroner?

A Yes.

Q Is that an appointed position?

A Yes.

Q And who appointed you or what body appointed you to that position?

A Each County Board of Commissioners appoints the coroner.

Q And are you coroner for more than one county?

A Yes.

Q How many counties?

A I am coroner for seven counties. I cover Carver, Chisago, Dakota, Fillmore, Goodhue, Houston and Scott Counties.

Q You indicated that you are a forensic pathologist?

A Yes.

Q What is a forensic pathologist?

A Well, forensic pathology is the area in medicine where medical issues and legal issues kind of overlap. So, for example, sexual assaults, toxicology involving alcohol or dugs, injury interpretation, those are all things that come under the education and experience of a forensic pathologist.

Primarily what I do is death investigation, so I investigate deaths that occur either unnaturally or unexpectedly in the counties that I am the coroner for. So forensic pathology also involves doing autopsies in death investigation.

Q You mentioned you perform autopsies?

A Right.

Q Any idea how many you've performed over the years?

A Oh, probably about two thousand, something like that.

Q Have you testified at legal proceedings before?

A Yes.

Q What types of proceedings have you testified?

A Grand juries, criminal cases, civil cases.

Q Approximately how many times have you testified in legal proceedings?

A Oh, one hundred, one hundred fifty, something like that.

Q I would like to draw your attention to the time period of

December 22nd and 23rd of 2002. During that timeframe were you employed in your current position?

A Yes.

Q During that timeframe were you called to a crime scene at Sabreen's Market in South St. Paul?

A Yes, I was.

Q When did you go to the scene?

A On December 23, 2002, I got to the scene at 4:35 a.m.

Q What did you observe upon arriving?

A It was a small grocery store and Mr. Khaled Al-Bakri's body was lying on the floor behind the counter.

THE COURT: Doctor, you are referring to a written document?

THE WITNESS: Yes.

THE COURT: Can you just tell us what that is?

THE WITNESS: It's a copy of my autopsy report.

THE COURT: Thank you.

BY MS. KEENA:

Q I am going to show you a picture. I will put it up on the screen behind you. For the record, that's Exhibit 13. Does that picture accurately depict what you saw when you arrived?

A Yes.

Q So everything is the same?

A Yes.

Q What did you do when you arrived there?

A I just did a brief examination of the body at the scene. And then we took Mr. Al-Bakri back to the Regina Medical Center, where the coroner's office is, and then later that day we did the autopsy.

MS. KEENA: Permission to approach, Your Honor?

THE COURT: Yes, you may.

(Exhibit No. 29 was marked for identification)

BY MS. KEENA:

Q Dr. Thomas, you just testified that you examined the body at the scene. When you did that, did you notice any apparent wounds?

A Yes.

Q Where were those wounds located?

A There appeared to be gunshot wounds to his head.

Q Showing you what's been marked for identification as Exhibit 29, it's a photograph. Could you please describe what that depicts?

A Sure. This is a close-up photograph of the back and side of Mr. Al-Bakri's head at the scene. And it shows two gunshot wounds, although they are hard to see because of the blood, but there is one on his head and one on his neck.

Q Does that picture accurately depict what the body looked like the day that you were there on the 23rd?

A Yes.

MS. KEENA: For the record, I am showing Exhibit

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Number 29 to counsel.

Your Honor, the state would offer Exhibit 29.

MS. SINGH: No objection, Your Honor.

THE COURT: Received.

(Exhibit No. 29 was received in evidence.)

BY MS. KEENA:

Q Dr. Thomas, I am going to put Exhibit 29 on the screen behind you. Is that the picture I just showed you?

A Yes.

Q Could you point out to the jury the wounds that you were just describing?

A There's a wound here on his head, then a wound on his -- somewhere in here (indicating). It's not very clear here in this photograph, on his neck.

Q When you were examining the scene, was there any blood anywhere?

A There was some blood under his head.

Q And where was the blood primarily located, was it pooling or how would you describe it?

A I would describe it as pooling, primarily just under where his head was.

Q Did you notice any other bodily fluids at the scene?

A Yes, it appeared that he had vomited and so there was some vomit on the floor also.

Q And why would that happen?

A It's a fairly common, almost a reflex that happens at the time of death. There's a couple of reasons why it happens. One is that at the time of death all of the muscles relax, so the muscle that holds the contents of the stomach in the stomach also relaxes, and so the food, or whatever, that is in the stomach can just come out.

Also, it can sometimes be a reflex reaction to traumatic head injury or other types of injuries that cause death. So it's fairly common that we see vomit that's occurred at about the time of death.

Q Now you indicated Mr. Al-Bakri's name. You did identify him?

A Yes, he was visually compared to a photograph that was provided.

Q And you also indicated that you performed an autopsy on him?

A Yes.

Q On what date did you perform the autopsy?

A That was on December 23, 2002.

Q Generally speaking, what are you trying to determine when you perform an autopsy?

A Well, the goal when I do an autopsy is to determine the cause of death and the manner of death. With manner of death, we only have five options: accident, natural, suicide, homicide or undetermined.

Then the cause of death is the disease process or the

injury process that actually caused the death. So that's the primary information that I am trying to get when I do an autopsy.

Part of the autopsy involves documenting any diseased processes or injuries that will help me come to a conclusion about the cause and manner of death.

Q Before you actually perform the autopsy and -- in this case did you have to remove any personal items from Mr. Al-Bakri?

A Yes.

Q And in removing his personal items, what did you find?

A He had a cell phone that was clipped to his belt and then there were a few coins and papers in his pockets. Then his clothing was a pair of shoes, pair of socks, pair of jeans, underpants, a belt, T-shirt and a sweater.

Q Did you find a cordless phone?

A No.

Q Based on your examination of Mr. Al-Bakri during the autopsy, did you reach a conclusion on the cause of death?

A Yes.

Q What did you determine that to be?

A Gunshot wounds to the head.

Q Did you extract bullets from Mr. Al-Bakri's head?

A Yes.

Q How many?

A Two.

Q So there were no exit wounds?

A Right.

MS. KEENA: Permission to approach, Your Honor?

THE COURT: Yes, you may.

(Exhibits 30 and 31 were marked)

BY MS. KEENA:

Q Dr. Thomas, I am showing you what's been marked for identification as Exhibit 30 and also Exhibit 31. Would you please describe for the record what those items are?

A Exhibits 30 and 31 are both small pieces of gray metal that are consistent with bullets that have been fired. And these are the two that I retrieved from Mr. Al-Bakri's body.

Q Are they in the same or similar condition as when you extracted them?

A Yes.

MS. KEENA: For the record, I am showing the exhibits to counsel. Your Honor, the state would offer Exhibit 30 and Exhibit 31.

THE COURT: Any objection?

MS. SINGH: No objection, Your Honor.

THE COURT: Received.

(Exhibit Nos. 30 and 31 were received in evidence.)

MS. KEENA: If I may, I would like to publish them to the jury

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THE COURT: Sure.

(Exhibits 30 and 31 published to the jury.)

BY MS. KEENA:

Q Dr. Thomas, I am now showing you what's been marked for identification as Exhibit 32. Do you recognize that?

A Yes.

Q What is that?

A This is a photograph that was taken at the time of the autopsy of Mr. Al-Bakri. And it shows the two gunshot wounds, one to the left side of his neck and one to the left side of the back of his head.

Q Does that picture accurately depict what they looked like at the time you performed the autopsy?

A Yes.

MS. KEENA: For the record, I am showing Exhibit Number 32 to counsel.

MR. SHANDS: Your Honor, I am going to make an objection. May we approach?

THE COURT: Sure.

(OFF RECORD DISCUSSION)

THE COURT: Exhibit 32 is received.

(Exhibit No. 32 was received in evidence)

MS. KEENA: Your Honor, may I publish this picture to the jury?

THE COURT: You may.

BY MS. KEENA:

Q I don't have this on power point, so we have to do this old-fashionedly. I am going to put 29 up, just so we can talk about which wounds that we are relating to in the exhibit that you have in front of you. Could you describe each of the injuries?

A Sure. There are two gunshot entrance wounds. One is this (indicating), to the left side of -- to the back of his head. And then the other is in this area (indicating) to the left side of his neck.

The gunshot wound to the left side of his head went through the left side of his brain, from back to front, and injured the brain tissue on the left side of his brain and also fractured his skull on that side.

The other gunshot wound to the left side of the neck went from back to front and from the left side to the right side, so that one went through the cerebellum, which is a part of the brain that's in the back of the head, and then also went through the brain stem, which is the part of the brain that connects the brain to the spinal cord. And then ended up in the right side of his brain. That one was also associated with injuries to his brain and skull fractures.

Q Would either wound, taken separately, have been fatal?

A Yes.

Q Did you notice, was there any powder or soot around the

wounds?

A I didn't see any powder or soot around either of the wounds. So there are a couple of reasons for that. When a gun is fired not only does the bullet come out of the end of the gun, but there's also soot and powder that comes out. And depending how close the end of the muzzle of the gun is to the person who is being shot, there will be possibly soot or powder around the wound.

However, when I don't see that, it could be one of two things: either that the gun is further back, in which case the soot and powder hasn't traveled; or, in both of these wounds, the one on the back of his head there was hair around it, and hair can filter out soot and powder so that I wouldn't be able to see it.

And the one on his neck, he's got this sweater that had a hole in it, so the bullet went through the sweater. So it's possible that if there was soot and powder, it would be on the sweater. Therefore, I wouldn't see it on his skin.

So for both of those, I would consider them to be indeterminate range, meaning that I can't tell how far away the gun was.

Q Did you see any signs of stippling?

A No.

Q Just briefly explain what that is.

A Stippling is when powder, unburned powder, comes out from

the end of the gun it hits the skin, if it's close enough, and causes little red marks. That's called powder stippling or powder tattooing. Again, it's one of the things that we use when we're trying to make a determination about how far away the gun was from the body, but because of the hair and the sweater, I wouldn't see it on the skin. So I can't really say whether, you know, it would have been there, but for the hair and the sweater.

Q Now you talked about the bullets and the angle of the bullets. Could you just kind of explain how they went through? Were they straight, were they angled?

A Sure. The bullet that entered in the left side of his head went from the back to the front, very slightly to the right. It started on the left side of his head and ended on the left side of his head, but where it ended was closer to the midline. So it was slightly left to right. And then also it very slightly went up, so that it entered in the head a little bit lower than where it ended up. But basically that one went pretty much straight through, back to front.

The other one that went in on the left side of his neck went from the left side of his neck to the right side of his head, so -- and also went from the back to the front, so that one went from left to right, back to front. And that one where the bullet ended up was slightly above where it went in. So again slightly up, left to right, back to front and slightly up on that one.

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Q During your autopsy did you find any bruising or scrapes on the victim's face or body?
A No.
Q Given the trajectory of the bullets and the condition of the body, are you able to give an opinion on how the body was positioned at the time or how Mr. Al-Bakri was positioned at the time that he was shot?
A Well, there's a few things that I can say. I can, you know, I can tell the direction that the bullet went once it entered his body. I can't say exactly, you know, what the relationship between the gun and his body was because it would depend on how the gun was being held.

But based on the fact that he didn't really have any injuries, if someone were shot and they were standing up and then fell full body weight down, I might expect to see some scrapes or bruises, or something like that, so that would make me think that he probably wasn't standing full upright when he was shot.

Then the other thing that I would look at is the evidence from the scene of where the other bullets, if there were other bullets found -- in this case there was one other bullet found and where the casings were found. And then put that together with the information that I have from the autopsy.

And those, put together, would make me think that his body was low down. He was sitting or kneeling, or lying down,

when he was shot.
Q Through your investigation, did you reach a conclusion as to the manner of death?
A Yes.
Q What conclusion did you reach?
A That it was a homicide.
Q What did you base your opinion on in reaching that conclusion?
A Well, as I mentioned, with manner of death we only have five choices. Obviously gunshot wounds to the head aren't natural deaths. There's no way that someone could do this to themselves because each of the wounds independently were fatal, so it wouldn't be a suicide. And then based on the scene and investigation, I concluded that it was a homicide.
Q The bullets that you recovered from the body, did you give those to the BCA?
A Yes, I gave them to, I believe, the Dakota County Sheriff's Office and then they gave them to the BCA.

MS. KEENA: I have no further questions, Your Honor.

CROSS-EXAMINATION

BY MS. SINGH:

Q Dr. Thomas, you stated that you performed an autopsy on December 23, 2002?
A Yes.

Q When you performed that autopsy -- excuse me. Let me backtrack a little bit. When you arrived at the scene at Sabreen's, you made a visual determination of what you saw, correct?
A Right.
Q That determination was that there was gunshot wounds?
A Right.
Q But at that time you were not able to determine how many?
A Right.
Q You had to do that when the body was taken back to the medical center?
A Right.
Q At that time you determined there were two gunshot wounds?
A Yes.
Q One to the head and one to the neck?
A Yes.
Q You stated that some of the property that you recovered from Mr. Al-Bakri was clothing, various items in his pocket, and a cell phone attached to his belt, correct?
A Yes.
Q Now, Dr. Thomas, when you arrived at the scene and you saw the body, was there a lot of blood?
A Not a huge amount.
Q Most of the blood was below the body, correct?
A Right.

Q Is that because of gravity, it just goes down and pools at the bottom?
A Yes.
Q And there were only two entrance wounds that you found, correct?
A Yes.
Q You weren't able to determine where the gun might have been, because there was no stippling or no gun powder residue or anything like that, correct?
A Right.
Q And you also weren't able to determine if Mr. Al-Bakri was kneeling or standing or laying down?
A Right.
Q Dr. Thomas, one of the things you were able to determine was that the gun wasn't pressed up against the body and caused the wounds, correct?
A Right. It did not appear to be a contact gunshot wound.
Q And nothing in the investigation that you did would connect Mr. Vance to this, correct?
A No, that wouldn't be my job.

MS. SINGH: No further questions, Your Honor.
MS. KEENA: Your Honor, may I approach?
THE COURT: Yes, you may.

(Exhibit No. 33 was marked for identification)

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REDIRECT EXAMINATION

BY MS. KEENA:

Q Doctor, I am showing you what's been marked for identification as Exhibit 33. Do you recognize that?

A Well, it's my handwriting that's on the envelope here.

Q Do you recall what was placed in that envelope?

A No. My guess would be that it's the property that was removed from him.

Q I am going to have to open this one up. Just for the record, I've just opened the main envelope contained in Exhibit 33. Could you just tell me what's inside of there?

A This is a cell phone with a clip on it, two pennies, some papers and then envelopes from our office that are probably fingernail clippings and hair, pulled hair.

Q Just for the record, I am going to pull the cell phone out. Is that the cell phone you recovered from Mr. Al-Bakri?

A Yes.

Q And there were no -- again, no cordless phones?

A No.

MS. KEENA: Your Honor, for the record, I am showing the exhibit to counsel.

MS. SINGH: Your Honor, may we approach?

THE COURT: Yes.

(OFF RECORD DISCUSSION)

THE COURT: We are going to remove some of the

items from Exhibit 33, nail clippings, and other things, collected by Dr. Thomas. But the personal effects that were removed from Mr. Al-Bakri will be received in Exhibit 33.

(Exhibit No. 33 was received in evidence.)

MS. KEENA: Your Honor, I have no further questions.

THE COURT: Anything else from the defense?

MS. SINGH: No further questions.

THE COURT: Thank you, Doctor.

(Witness excused)

MS. KEENA: Your Honor, the state calls John Martin.

JOHN MARTIN,

being duly sworn, was examined and testified as follows:

THE CLERK: For the record, please state your full name, spelling your first and last name.

THE WITNESS: John Edward Martin, M-A-R-T-I-N.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. KEENA:

Q Good morning, Mr. Martin.

A Good morning.

Q As a preliminary matter, I would like to briefly review your criminal history. You have a prior conviction for burglary in

the third degree dated October 16, 2003, is that correct?

A Yes.

Q And are you receiving anything in exchange for your testimony here today?

A No.

Q Do you know Philip Vance?

A Yes.

Q And did you know him more commonly by a nickname?

A Yeah, Florida.

Q Is the person that you know as Philip Vance present in the courtroom today?

A Yes.

Q Where is he at?

A Right there (indicating).

MS. KEENA: May the record reflect that the witness has identified Philip Vance?

THE COURT: It may.

BY MS. KEENA:

Q How long have you known Mr. Vance?

A Like two to three years now.

Q How would you describe your relationship?

A As a friend pretty much.

Q How often would you guys get together?

A Not very often, but on certain occasions pretty much.

Q How often would the two of you get together?

A Well, it all depends. Like, I work, so when I see him downtown going to work, I say "Hello, what's up?" Then when I get off work, we'd like go out, but not very often. It all depends, the days vary, what I am doing for the day. But not too often though.

Q When you say *downtown*, what downtown are you referring to?

A Downtown St. Paul, because I use the bus, so I see him downtown on my way going to work and I say, "Hello," see what he's doing. When I get off work, he'll be downtown as well, so it all depends. If I'm tired, then I just go home. If not, then we'll just hang downtown for a minute and have a conversation. That's about it.

Q Do you know Dominic Johnson?

A Yeah.

Q Do you know him more commonly by a nickname?

A Common name is *Stacks*.

Q How long have you known Mr. Johnson?

A About the same time.

Q That was two to three years?

A Yeah, two to three years.

Q Did you ever see Mr. Vance and Mr. Johnson together?

A Yeah.

Q How would you describe their relationship?

A Pretty --

MR. SHANDS: Objection, Your Honor, calls for

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speculation.

THE COURT: Overruled.

THE WITNESS: Pretty much the same. Most likely, they'd be together. They had a good relationship.

BY MS. KEENA:

Q I would like to draw your attention to December 22, 2002. Did you meet up with Mr. Vance and Mr. Johnson that evening?

A Yes.

Q Where did you meet them?

A I met them on Sixth and Minnesota Street.

Q Where did you go from there?

A We went to the Radisson Bar.

Q And where is that located?

A Downtown St. Paul in the skyway area.

Q What time did you get to the bar?

A I would say around, like, 7:00, maybe 8:00.

Q And did the three of you sit together?

A Yes.

Q Where did you sit?

A We sat at the table towards the front at the Radisson Bar.

Q What did you talk about while you were sitting together?

A It was around Christmas time, so we was talking about the Christmas occasions, what we all going to get our kids for Christmas, our girl friends, and et cetera, like that.

Q Did the defendant have children at that time?

A Yes.

Q Do you know how many?

A No.

Q What did the defendant say about Christmas presents for his kids?

A They was talking about how they was going to arrange to get their kids something for Christmas.

Q Was that the words he used or did he use other words?

A No, they was just basically saying they was going to try to figure out how they going to make money arrangements to get their kids something for Christmas.

Q Did they discuss how they planned on doing that?

A No, not really. They just said they was going to ask around and see what they going to get; with the money they already had, they was going to make arrangements to get their kids something for Christmas.

Q And did they talk about a robbery that night with you?

A No.

Q Did either one of them say anything about South St. Paul that evening?

A Not at the very first beginning. When I was ready to depart they made a phone call.

Q Why don't you tell me what happened with that?

A They made a phone call to go to South St. Paul on our departure time, on our way to leave. That was around, like,

8:30.

Q You said they called. What did they call on?

A A cell phone.

Q Whose cell phone was it?

A I think it was Mr. Vance right there, his cell phone.

Q And who made the phone call?

A Stacks made the phone call.

Q And who did he call?

MR. SHANDS: Objection, Your Honor, lack of foundation for this witness to testify to who he called.

THE COURT: Do you know who he called?

THE WITNESS: He called Yvonne and Nicole, to be exact.

MR. SHANDS: Same objection, Your Honor.

THE COURT: How do you know that?

THE WITNESS: Because I was there. I was there when they called.

THE COURT: Okay.

BY MS. KEENA:

Q Did they tell you who they were calling?

A Yeah, they said they was calling Yvonne and Nicole.

Q Do you know who Yvonne and Nicole are?

A I don't know 'em, like, to be exact, like know 'em -- know them, but I seen Nicole and Yvonne like twice.

Q Do you know what their relationship is to Mr. Vance and Mr.

Johnson?

A Just friends.

MR. SHANDS: Objection, Your Honor, non-responsive and lack of foundation.

THE COURT: Overruled.

BY MS. KEENA:

Q Did Mr. Vance and Mr. Johnson talk about Yvonne and Nicole?

A Not really. They just said they was calling Yvonne and Nicole.

MR. SHANDS: Objection, Your Honor. I move to strike everything from *not really* as non-responsive.

THE COURT: Okay.

MR. SHANDS: I would ask for an instruction for the jury to -- I would ask for a jury instruction on that also.

THE COURT: Well, I am not going to prohibit the state from asking additional questions. I suppose there is no point in striking it without instructing -- disregard what he said after *not really*, but I will allow both parties to continue questioning.

Thanks.

BY MS. KEENA:

Q Did Mr. Vance and Mr. Johnson refer to Yvonne and Nicole by a nickname at all?

A Well, Stacks called 'em the South St. Paul girls, to my knowledge.

Q Is that how they were introduced to you?

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A Yes.
Q Now you indicated that -- discussions about South St. Paul. Could you just repeat again what you said?
MR. SHANDS: Objection, Your Honor, asked and answered.
MS. KEENA: We had so many objections I can't keep it straight, Your Honor.
MR. SHANDS: May we approach, Your Honor?
THE COURT: No. Overruled. Go ahead.
THE WITNESS: Can you repeat the question?
BY MS. KEENA:
Q What was said about South St. Paul that night?
A That they was just going to South St. Paul.
Q Did they tell you for what purpose they were calling the girls?
A No.
Q Did they invite you along?
A Yes.
Q What time did you leave the bar?
A Around 8:30. Prior to that time, like, 8:30 -- before 9:00.
Q Did the three of you leave at the same time?
A Yes.
Q Where did you go to?
A I went towards Fifth and Minnesota because I was getting on the sixty-four.
Q Is that a bus stop?

A Yes.
Q Where were you headed to?
A I was going to my girl house.
Q Did you in fact go there?
A Yes.
Q Where was she living at the time?
A 1265 Hazlewood, Apartment 205, St. Paul, Minnesota.
Q Did you see Mr. Vance and Mr. Johnson after you left the bar?
A Yes.
Q Where did you see them?
A On Fifth and Minnesota.
Q Did you see them leave from that location?
A Yeah, they walked over to the other bus stop.
Q What did you see next?
A Before I got on the bus, I seen Yvonne and Nicole car comes around the block before I got on the bus.
Q What did you see next?
A That's pretty much it, I got on the bus.
Q Did you see Mr. Vance and Mr. Johnson get into the car?
MR. SHANDS: Objection, Your Honor, leading.
THE COURT: Overruled. I'm sorry?
THE WITNESS: No, I didn't see them get in the car.
BY MS. KEENA:
Q Did you see them in the car at all?

A No. Prior to -- before the bus came, I seen just Yvonne and Nicole in the car. But before the bus left Fifth and Minnesota, I seen other people in the car.
Q What type of car was it?
A I believe it was a blue Corsica, I believe.
Q What color?
A Blue.
Q I'm sorry, what type of blue?
A Dark blue, I believe.
Q How many doors does this car have?
A I believe four.
Q Who was driving the car?
A Yvonne.
Q I'm sorry, you said Yvonne was driving?
A Yeah.
Q What does Yvonne look like?
A Kind of like heavyset, long hair.
Q Is she white?
A Yeah, she's white.
MS. KEENA: Your Honor, may we approach?
THE COURT: Yes.
MS. KEENA: Never mine, I just need a moment.
BY MS. KEENA:
Q Mr. Martin, you were interviewed by the police in this case, correct?

A Right.
Q And they talked to you about this car, right?
A Yeah.
Q Did they show you any pictures when they were talking about Yvonne and Nicole?
A Yes.
MS. KEENA: Permission to approach, Your Honor.
THE COURT: Granted.
BY MS. KEENA:
Q I am just going to show you a picture here. Do you recognize that picture?
A Yeah.
Q Who do you know that person to be?
A Yvonne or Nicole. Rephrase, because I only seen 'em twice, so I get 'em mixed up.
Q Was she the one --
A She was the passenger.
Q I am going to show you, are those your initials on this piece of paper?
A Yes.
Q Who does it identify that person as being?
MR. SHANDS: Objection, Your Honor, hearsay.
THE COURT: Overruled.
THE WITNESS: Yvonne.
THE COURT: Go ahead.

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BY MS. KEENA:

Q So the person that you know as Yvonne was actually the passenger that night?

A Right.

MS. KEENA: I have no further questions, Your Honor.

CROSS-EXAMINATION

BY MR. SHANDS:

Q Mr. Martin, you testified that you remembered the person that was driving the vehicle as being Yvonne?

A Right.

Q Is that your testimony?

A Yeah.

Q That's what you remember?

A I mean I get 'em mixed up, so I have to see a picture to realize which one is which, because I only met 'em twice, so I really don't know, you know, I got to see they picture because I really don't know 'em by their name. I got to see a picture.

Q That's because this happened two years ago?

A Right.

Q That's a long time ago. Now, let's go back to the bar. You testified that you know Mr. Vance and Mr. Johnson by just kind of meeting downtown in the bar, correct?

A Right.

Q And you have gone to the Radisson Bar before to drink?

A What?

Q You have been to the Radisson Bar before and had cocktails, is that correct?

A Yes.

Q This was something you guys do when you hook up downtown?

A Sometimes, yes.

Q Sometimes you don't?

A Right. Sometimes we don't.

Q You are familiar with the bartender down at the Radisson Bar?

A Yes.

Q What's her name, do you remember?

A Her name is, I believe, Melissa. To be exact -- it's been a while, so I'm not commonly familiar with names, but pretty much I think it was Melissa, I believe it was.

Q You don't know her last name?

A No.

Q Now isn't it true that one of the reasons you go to that bar is because Melissa lets you guys write checks?

A Right.

MS. KEENA: Objection, Your Honor, irrelevant.

THE COURT: Overruled.

MS. KEENA: May we approach, Your Honor?

THE COURT: No.

BY MR. SHANDS:

Q Another reason why you go to that bar is because Melissa lets

Mr. Johnson drink, although she knows he is not twenty-one years old, is that correct?

A Right.

Q Now you testified that you guys met on the 22nd. Is that correct? And you sat down at a table and you guys were just talking about what you were going to do for Christmas. The fact that, you know, what are you guys going to get your kids, your girlfriends, that sort of thing, is that correct?

A Right.

Q This wasn't a hush-hush conversation, is that correct?

A No. No, it was not a hush-hush conversation.

Q In fact, you guys were just kind of sitting there talking?

A Right. We sat there, we had a couple of drinks and we ordered pizza that night. So we just sat there, ate pizza, had a couple drinks, and we talked.

Q You indicated Mr. Vance talked about he had to put two and two together or make some moves?

A Right. We was all saying the same thing. We was all saying that we was trying to get our girls something for Christmas, because I don't have no kids, so I was talking about my girl, and they was talking about their kids.

Q You also participated in this conversation talking about you've got to make some moves or put some stuff together so you can get something nice for your girl?

A Right.

Q At no time did Mr. Vance ever say that he intended on doing a robbery or anything to get any money?

A No, there was no robbery discussed at that table at all that night.

Q Okay. Mr. Vance indicated when he said he had to *put two and two together*, that kind of meant that he had some money.

MS. KEENA: Objection, Your Honor, calls for an opinion on what he meant.

THE COURT: Maybe you could rephrase it.

BY MR. SHANDS:

Q Isn't it true that Mr. Vance already had some money together and he just needed to put some more money together to get some toys?

A Right. We all had money. We wasn't broke. We all had money at the time.

MR. SHANDS: Thank you, Mr. Martin. I have no further questions, Your Honor.

REDIRECT EXAMINATION

BY MS. KEENA:

Q Mr. Martin, just to clarify again, the picture that I showed you earlier, that's the person you know as who?

A Yvonne. That's the passenger in the car.

Q She was the passenger?

A Yes.

Q Again to clarify, where did the two men indicate they were

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going that night?
A South St. Paul.
Q But they didn't say why?
A They didn't say why.

MS. KEENA: I have no further questions.

MR. SHANDS: Just a few questions.

RECROSS EXAMINATION

BY MR. SHANDS:

Q Mr. Martin, isn't it true that you were paid some money by the South St. Paul Police to write a letter to Mr. Johnson to get him to possibly talk about the robbery that took place in South St. Paul?

MS. KEENA: Your Honor, I am going to object to this question. It goes beyond the scope of the state's redirect.

THE COURT: Overruled.

THE WITNESS: No, I was not paid.

BY MR. SHANDS:

Q You received no money from the state at all?
A No.
Q So it's your testimony that the South St. Paul Police Department did not pay you one hundred sixty-nine dollars and fifty cents to act as an informant in this case?
A Nope. I didn't get no hundred and sixty-nine dollars. The only money that I received was for coming down here and testifying. That's it. And that comes in a Dakota check. That's the only

money I ever seen in being a witness for any of this.

MR. SHANDS: Thank you. I appreciate your honesty. Thank you.

THE WITNESS: You are welcome.

MS. KEENA: I have no further questions.

THE COURT: Thank you, Mr. Martin. You can go.

(Witness excused)

THE COURT: Lunch time. We will start again at 1:15.

(JURORS EXCUSED)

THE COURT: We need to make a record about something now that the jury has left. I just want to note for the record that at a side bar there was an objection to Exhibit 32, the photo taken during the autopsy of the back of Mr. Bakri's head. Objection by Mr. Shands was overruled.

MR. SHANDS: Yes, and the basis for that objection was that it's cumulative and we have multiple pictures of the bullet wounds in the back of the head.

I would like the record to also reflect that there was an objection made and Ms. Keena had argued the objection from the table. The reason I wanted to approach is because I wanted the judge to instruct Ms. Keena, as I've raised as an objection, that if there's an objection it needs to be made at the table. And if there's any argument of it, it needs to be done at

a side bar and not in front of the jury. And that had taken place, so that's what I wanted to approach for. The court denied the approach.

THE COURT: For the first time. I have allowed all of you to come up every other time you asked, and it's going to happen less often.

MR. SHANDS: That's fine, Your Honor. I just want the record to reflect that was my purpose for wanting to come up to the bench.

THE COURT: I apologize. I don't recall Ms. Keena arguing at the counsel table.

MR. SHANDS: That's fine, Your Honor. I feel uncomfortable because it puts me in a position where I don't want to say, "Your Honor, Ms. Keena is arguing from the table," to draw more attention to it, so I will figure out a way to deal with that if I need to.

THE COURT: Make the objection and we will always make a record of it as soon as we can.

MS. KEENA: Your Honor, I would just like to note on the photographs, I think the state has been very discreet in what it has introduced as pictures in this case. The state has only introduced one autopsy photo which was pretty benign compared to what the other autopsy photos look like.

THE COURT: I agree, that's why I let it in. It's the only photo that shows the neck wound. Okay, anything else?

MR. SHANDS: No.

THE COURT: It was beyond the scope, but I let you ask it any way. See you at 1:15.

(Lunch break was taken)

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THE COURT: Have a seat. It's impressive how you all come in in order. Go ahead, Ms. Keena.

MS. KEENA: The state calls Ms. Melissa Stites.

MELISSA STITES,

being duly sworn, was examined and testified as follows:

THE CLERK: For the record, please state your full name, spelling your first and last name.

THE WITNESS: Melissa Stites, M-E-L-I-S-S-A S-T-I-T-E-S.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. KEENA:

Q Good afternoon, Ms. Stites. As a preliminary matter, I would like to briefly review your criminal history. You have a conviction for offering a forged check dated November 20, 1996?
A Yes.

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Q I would like to draw your attention to December 22, 2002. Were you employed on that date?
A Yes, I was.
Q Where at?
A The Radisson in St. Paul.
Q And was there somewhere particular in the Radisson that you worked?
A I was the head bartender.
Q What was the name of the bar?
A Capitol City Market Café.
Q Is it also known as the Radisson Bar?
A Yeah, it's connected to the skyway system. There's two Radissons. I worked at the one in the City Centre, in St. Paul.
Q And you indicated you were the head bartender?
A Yeah.
Q How long had you been employed there up until December 22, 2002?
A Probably a year and-a-half.
Q Were you working the night of December 22nd?
A Yes, ma'am.
Q What hours did you work?
A Usually I'd start at 4:30 to 10:00, whenever it was like slow, then we'd close usually at 10:00.
Q At that time did you know two men by the street names of Florida and Stacks?

A Yes, ma'am.

MS. SINGH: Objection, Your Honor. May we approach?

THE COURT: No nicknames.

MS. KEENA: Did I say it again? Sorry. Permission to approach, Your Honor?

THE COURT: Yes.

(Exhibits 34 and 35 marked)

BY MS. KEENA:

Q Ms. Stites, at some point did you come to learn the real names of who Florida and Stacks were?
A Yes, ma'am.
Q How was that done?
A By introduction.
Q Were you shown a photo lineup?
A Yes, I was.
Q Ms. Stites, I am first going to show you Exhibit 34. Do you recognize that?
A Yes, ma'am.
Q What is that?
A That's a picture of Florida, right there (indicating).
Q And there are six photographs on there, correct?
A Yes, ma'am.
Q Did a police officer show this to you?
A Yes.

Q There are some initials, M.S. Then there is a date. What's the date?
A 12/27/02.
Q And the initials are what?
A My initials, M.S.
Q You did that?
A Yes, ma'am.
Q That's the person that you identified as Florida?
A Florida.
Q I am now showing you Exhibit Number 35. Do you recognize that?
A Yes.
Q What's that?
A Stacks, Dominic Johnson.
Q Is that another photo lineup?
A Yes.
Q And a police officer showed that to you?
A Yes.
Q Did you put your initials and date by the photo of the person that you were referring to as who?
A Stacks.

MS. KEENA: For the record, I am showing counsel Exhibits 34 and 35.

MR. SHANDS: No objection, Your Honor.

THE COURT: Exhibits 34 and 35 are received.

(Exhibit Nos. 34 and 35 were received in evidence)

BY MS. KEENA:

Q Ms. Stites, is the person that you know as Florida present in the courtroom today?
A Yes.
Q Where is he?
A He is sitting right there (indicating).

MS. KEENA: May the record reflect she has identified Philip Vance?

THE COURT: It may.

BY MS. KEENA:

Q Going back to December 22nd of 2002 -- I am going to refer to Stacks as Mr. Johnson. Okay?
A Okay.
Q Did Mr. Vance and Mr. Johnson come into the Radisson Bar that night?
A On December 22nd?
Q Yes.
A Yes.
Q Did you know them prior to December 22nd?
A Yes.
Q From where?
A From them coming into the Radisson. They had been in there a few other times.

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Q What time did they arrive at the bar on the evening of December 22nd?
A Approximately 7:30.
Q Was there anyone else with them that night?
A There was another gentleman.
Q And did you know the third man?
A No.
Q What did he look like?
A He was about as tall as Mr. Vance, and lighter skinned, like he had a big nose and like puffed *Eddy* Sunglasses and one of those big leather parka things.
Q Was he an African-American male?
A Yes, ma'am.
Q While they were in the bar did you have an opportunity to observe them?
A Yes.
Q Were they seated inside of the bar?
A Yes, there's like four or five tables in the bar. They sat at the table closest to the bar. The bar is real small.
Q Did you wait on them?
A Yes.
Q During your contact with them, did you notice anything in particular about the way they were acting?
A Just that they weren't like as friendly as they usually were, like more secretive, like, they weren't -- usually when they're in

there they're, like, "Yoa, Melissa, what's up, girl?" You know, "When are we going to go out?" or whatever. They were just real secretive to themselves. I asked them, too, "What's going on?" Florida said, "Oh, we're just --

MR. SHANDS: Objection, Your Honor, non-responsive.

THE COURT: Sustained.

BY MS. KEENA:

Q Did you ask them something?
A I asked them "What's going on?" And he just said that they were getting their plan on.

MR. SHANDS: Objection, Your Honor, vague as to who is speaking.

THE WITNESS: Mr. Vance said that they were getting their plan on.

THE COURT: Overruled.

BY MS. KEENA:

Q Did they eventually leave the bar?
A Yes, ma'am.
Q Do you recall what time?
A Maybe 20, 30 minutes later. They weren't there too long, like, if they were there at 7:15, 7:45, probably there for about a half an hour.
Q As they were leaving, did Mr. Vance make any -- or, did you make any comments to Mr. Vance?

A Yes, I did.
Q And what did you say?
A Well, I told him, I said that *tips are real low that night*, because they generally never tipped, and it was like two days before Christmas. And Mr. Vance said, "Don't worry, Baby, when I get back there's going to be plenty of money."
Q Did you report that to anybody?
A Yes, ma'am. I called Officer McManus the next day.
Q Why did you call Officer McManus?
A Just because I knew something was going on. They were real secretive and *plan on* usually means like a robbery or something.

MR. SHANDS: Objection, Your Honor, non-responsive.

THE COURT: No. Why don't you approach?

(OFF RECORD DISCUSSION)

BY MS. KEENA:

Q This Officer McManus, what department does he work for?
A The Minnesota Gang Strike Force.
Q So had you provided information to him in the past? I mean, you had a relationship with him?
A Yes.
Q Okay. I would like to now draw your attention to January 3, 2003. On that date were you involved in an undercover operation involving Mr. Vance?

A Yes.
Q Could you just -- well, were you wired?
A Yes, I was wired.
Q So were you being monitored by police officers?
A Yes.
Q Did you meet Mr. Vance that night?
A Yes. We met at the Buttery on Sixth and Robert in St. Paul.
Q And after you met him at the Buttery, what happened?
A Well, Florida or Mr. Vance didn't want to be at the Buttery for some reason, so he wanted to go to The Lab, which is in St. Paul.
Q Is that another bar?
A It's another bar in St. Paul. And the police had given me a Cyota (ph) telephone because they said that I couldn't do anything without their permission.

MR. SHANDS: Your Honor, I am going to object at this time. I would ask that questions be asked of the witness and she be not allowed to give a narrative.

THE COURT: Well, as to this particular response, overruled.

BY MS. KEENA:

Q So the police officers gave you a --
A Cyota (ph) telephone. So I went in the bathroom and I called, I think it was Andy Shoemaker, and he is on the Minnesota Gang Strike Force, and I got permission to go from the Buttery

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to The Lab, because there were cars outside, like twelve full of undercover police officers. So I had to get permission to go, so they would follow me over there with Mr. Vance.

Q Did you get permission to go?
A Yes, I got permission to go.
Q Did you go over to The Lab?
A Yes, we went to The Lab, me and Mr. Vance.
Q How did you get there?
A We drove in my car.
Q While you were with Mr. Vance that night, was there any conversation regarding guns?
A Yes.
Q Where did this conversation occur?
A In The Lab.
Q What did Mr. Vance say or what was your conversation in regard to guns?
A Well, we were -- when the gun conversation came up, he said that he had four guns. And I said, "Oh, cool." Then I asked him if he ever shot anybody.

He said that he had "shot a guy two weeks ago over south side five times in the back."

And then I said, "Did you check to see if he was dead?"

MR. SHANDS: Objection, Your Honor.

THE COURT: Overruled.

BY MS. KEENA:

Q I am sorry, what did you just say?
A I asked him, I said, "Oh, did you check and see if he was dead?" and he's like "No, Girl, I just kept going." Or something like that.

MS. KEENA: I have no further questions.

THE COURT: Mr. Shands.

CROSS-EXAMINATION

BY MR. SHANDS:

Q Is it Stites?
A Yes, sir.
Q Now you asked Mr. Vance if he had shot anyone before, correct?
A Yes, sir.
Q Now the reason you were asking this question is because you were trying to elicit a confession from Mr. Vance for the police that were listening, correct?
A Yes.
Q They had instructed you to inquire of Mr. Vance about if he's ever shot anyone, correct?
A Yes.
Q Now Mr. Vance never said he shot anybody in South St. Paul, is that correct?
A He said South Side.
Q The question, he never said he shot anybody in South St. Paul,

did he?

A Never said St. Paul.
Q He never said that he shot the store clerk at Sabreen's, did he?
A No, sir.
Q Now with your relationship, you knew Mr. Vance for a while, correct?
A For about a month prior to December 22nd.
Q You had known him for about a month prior to December 22nd?
A Just from coming into my work.
Q Now he would come into your work and he would have conversations with you, correct?
A Yes.
Q Mr. Johnson would have conversations with you, correct?
A Yup.
Q You know Mr. Johnson also?
A Yes, sir.
Q You know Mr. Johnson is not 21 years old, don't you?
A No.
Q Melissa, isn't it true that the reason why they come to your bar is because you will serve Mr. Johnson even though he is under age?
A No. I didn't know that. If I knew that, I wouldn't have served him.
Q Do you know a John Martin?
A Um -- no.

Q Let's back up. On December 22nd isn't it true that John Martin was sitting with Mr. Vance and Mr. Johnson at the bar?

MS. KEENA: Your Honor, objection. Foundation. She already indicated she didn't know John Martin.

THE COURT: Well, he can get at it another way.

THE WITNESS: I never identified a third person.

BY MR. SHANDS:

Q Isn't it true that, as they sat there, they ordered some pizza?
A They ordered pizza.
Q They ordered some drinks?
A I think they had a drink a piece.
Q Okay. Now you testified that in your opinion -- you asked Mr. Vance what was going on?
A At the Radisson on the 22nd?
Q Correct.
A Did I ask Mr. Vance what was going --
Q You asked Mr. Vance what was going on?
A Yes.
Q At this point you have only known Mr. Vance for about a month?
A About a month.
Q And it's your testimony that this behavior was out of the ordinary from their normal behavior?
A Yes.
Q Okay. So how many times had they been in previously within

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that month?
A Five or six times.
Q Five or six?
A Um-hum.
Q Two maybe?
A Five or six times. They frequented quite a bit more.
Q Five or six times, is that how many times they had been in?
A Yes.
Q Now your testimony is Mr. Vance told you "Don't worry, they got a plan. When they come back they'll have some money," correct?
A They're getting their plan on.
MS. KEENA: Your Honor, objection, that isn't what her testimony was.
MR. SHANDS: Objection, Your Honor. Can we not argue objections from the bench, Your Honor?
THE COURT: You both have just within the last 15 minutes. But that's not what she testified to. If you can use the words that she used, go right ahead.
MR. SHANDS: Well, let me make sure.
BY MR. SHANDS:
Q Mr. Vance and Mr. Johnson get up to leave after being at the Radisson Bar for about 20 minutes, is that correct?
A Twenty or thirty minutes, yes, sir.
Q Is it twenty or is it thirty?

A Twenty minutes.
Q Okay. After being there for twenty minutes, they get up to leave?
A (Nodding)
Q As they are leaving, you engage them, correct? You asked them something?
A Yes.
Q You asked them, you say, "Hey, guys," you remind them about tipping, correct?
A I said, "Tips are low tonight."
Q And you say, "Tips are low" because you want them to give you some money?
A Yeah, because they never did hardly.
Q Mr. Vance says to you, "Don't worry, when we get back, I'll have some money."
A "There's going to be plenty of money."
Q Plenty of money?
A Yeah.
Q Mr. Vance never came back, did he?
A No. I got off work at ten.
Q So he never came back and gave you any money?
A No.
Q Mr. Vance never said he was going to do anything illegal?
A No, not directly.
Q So it's your testimony that Mr. Vance said he had a plan. Is

that correct?
A Yeah. He was getting a plan on.
Q Getting his plan on. Okay, he said nothing about his plan being going to rob someone, did he?
A No.
Q As a matter of fact, he didn't indicate -- that's all he said, correct?
A That he was getting his plan on.
Q Yes. So when you testified that, to you, that plan meant to do a robbery, you were just speculating, isn't that correct?
A Did I ever testify that he was doing a robbery?
Q Is that what you said? That's what I heard you say when you were sitting on the stand.
A Well, that's what *plan on* usually means, doesn't it?
Q No.
MS. KEENA: Objection, Your Honor.
THE COURT: Sustained.
BY MR. SHANDS:
Q So is it your testimony here today that if someone says they're *going to get their plan on*, that means to you to do a robbery?
A Yes.
Q Now have you had that experience in the past?
A A robbery?
Q Or someone saying *get their plan on*, and then they committed a robbery?

A Well, that's how people talk, you know.
Q What people?
A In general.
Q Has anyone ever told you, "I am going to get my plan on," and you found out that they committed a robbery?
A Yes.
Q Okay. Who said that?
A Who said what?
MS. KEENA: Objection, irrelevant, Your Honor.
MR. SHANDS: Who said --
THE COURT: Overruled.
BY MR. SHANDS:
Q Who told you that they're going to get their plan on and then went out and committed a robbery?
A Mr. Vance.
Q So you know he committed a robbery?
A Yes, I believe he did.
Q You believe he did?
A Yes.
Q But you don't have any firsthand knowledge of that?
A I wouldn't be here if I didn't believe he didn't.
Q You don't have any firsthand knowledge of it, do you?
A Well, on January 3rd I got a confession that's exactly what he did.
Q Let's go to January 3rd. Now on January 3rd you testified, as

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you were questioning, he said he shot someone?
A Um-hum. He said he shot plenty of people.
Q And he said he *put five to the back of the head?*
A Um-hum.
Q At no point did he ever say "I did a robbery," did he?
A Well, no.
Q Okay. Now you are coming up with this story after you talked to Officer McManus, isn't that correct?
A No, that's the way it was on January 3rd. That's what he said.
Q He never said anything about a robbery?
A No, he said he shot a guy five times in the back.
Q Okay. Now you testified that you called Officer McManus?
A Yes, sir.
Q How do you know Officer McManus?
A Well, I know Officer McManus and Andy Shoemaker from the Minnesota Gang Strike Force.
Q How do you know them?
A Because I provided information for them before.
Q When you provide information for them, isn't it true that they give you money for being an informant?
A Sometimes.
Q Now at the time that you called them -- this was around Christmas time, correct?
A Yes, sir, it was the day before Christmas.
Q You are working hard, you're trying to get some money to get

presents -- Christmas money, correct?
A Yes.
Q You testified at the grand jury, is that correct?
A For the indictment?
Q At the grand jury, yes.
A Yes, sir.
Q Have you had an opportunity to discuss your testimony, to talk to anyone from the county attorney's office about your testimony?
A No.
Q You haven't talked to Ms. Keena at all?
A No.
Q Have you had an opportunity to review your grand jury testimony?
A No.
Q When you asked Mr. Vance about the gun he was very -- you're sure he told you that he shot the person five times?
A Over South Side, yes. It's all on the recorder.
Q I am asking you, do you remember?
A Yes.
Q He said, "Five times on the South Side"?
A Yes.
Q And he was very specific about that number?
A Yes.
Q Ms. Stites, now the police set up a sting operation. Basically

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they got you to ask Mr. Vance for a gun, correct?
A I bought a gun from him.
Q That was set up by the police?
A Yeah.
Q You didn't go out and buy the gun on your own without the police knowing about it?
A No.
Q You had a wire on?
A Yes.
Q In fact, Mr. Vance sold you a gun?
A Yes.
Q You took that gun and you gave it right to the police, correct?
A Yes.
Q You have relocated since this event, correct?
A Yes.
Q In fact, the police have given you money to help you defer the cost of your relocation?
A Little bit to move, for the general move.
Q They gave you money for it?
A Little bit.
Q Do you know exactly how much they have given you?
A I think it was for the U-Haul truck, like fifteen hundred.
MR. SHANDS: Objection, Your Honor.
A It was fifteen hundred. The U-Haul truck was $999, plus expenses for gas.

Q Did they reimburse your expenses for being here today?
A Twenty dollars and forty for loss of my wages because of my job, because I had to take a week off of work to come here.
MR. SHANDS: I have no further questions, Your Honor.
MS. KEENA: A few follow-up questions, Your Honor.

REDIRECT EXAMINATION

BY MS. KEENA:

Q Ms. Stites, as far as the money that you received, those were purely for relocation costs?
A Purely.
Q And did you move out of state?
A Yes, ma'am.
Q Why did you move out of state?
A Because I felt in fear, fear for myself, fear for my family.
Q So your life was put in an upheaval?
A It's been for two years.
MR. SHANDS: Objection, Your Honor.
THE COURT: Overruled.

BY MS. KEENA:

Q Is the reason why you went and told Officer McManus about what you heard or what Mr. Vance told you at the bar on December 22nd -- did you go tell Officer McManus that to get money?

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A No.

MR. SHANDS: Objection, Your Honor, leading.

THE COURT: Overruled.

THE WITNESS: No.

BY MS. KEENA:

Q You indicated on cross-examination that Mr. Vance never told you exactly *South St. Paul?*

A Yes.

Q And the words he used, you said, were *South Side.*

A Yes.

Q Does the term *South Side* have any meaning for you?

A Well, because we both lived in St. Paul, I thought it meant South St. Paul, that's what I thought it meant.

MS. KEENA: I have no further questions.

MR. SHANDS: Mr. Vance never threatened you, did he?

THE WITNESS: No, he is very aggressive, though.

MR. SHANDS: Mr. Vance has never threatened you, has he?

THE WITNESS: No.

MR. SHANDS: No further questions, Your Honor.

MS. KEENA: Nothing further, Your Honor.

THE COURT: Thank you, Ms. Stites.

(Witness excused)

MS. KEENA: The state calls Colleen McManus.

COLLEEN M. McMANUS,

being duly sworn, was examined and testified as follows:

THE CLERK: For the record, please state your full name, spelling your first and last name.

THE WITNESS: Colleen Mary McManus, C-O-L-L-E-E-N M-A-R-Y M-c M-A-N-U-S.

THE CLERK: Thank you.

THE COURT: Thanks for saying *hello* to me. You didn't do that because I am at a bar every night, did you (laughter)?

THE WITNESS: No, sir.

DIRECT EXAMINATION

BY MS. KEENA:

Q Ms. McManus, I would like to draw your attention to December 22, 2002. Were you employed at that time?

A Yes, ma'am.

Q Where were you employed?

A At the Buttery Bar.

Q Where is that located?

A 395 North Robert Street, St. Paul.

Q How long had you been employed there up until December 22nd?

A Two years.

Q What was your position there?

A I was the night manager.

Q What hours did you typically work?

A 7:00 p.m. to 2:00 a.m.

Q And in your position at the Buttery Bar, did you come to know two individuals referred to as Florida and Stacks?

A Yes, I did.

Q Initially did you know them by their formal names?

A Mr. Vance I knew by his name because I had ID'd him and he had a current valid ID.

Q The person that you know as Mr. Vance, is he present in the courtroom today?

A Yes, he is. He is sitting at that table.

MS. KEENA: I would like the record to reflect she has identified the defendant, Philip Vance.

THE COURT: Okay.

BY MS. KEENA:

Q I am going to refer to Stacks as Mr. Johnson. You know him as that now?

A Yes.

Q How did you come to know Mr. Vance and Mr. Johnson?

A They used to come into the bar.

Q How often would they come into the bar?

A Three or four times a week. Florida, Mr. Vance, was there more than Mr. Johnson.

Q Did you work the night of December 22, 2002?

A Yes, I did.

Q And what hours did you work that night?

A I was there at 7:00 p.m. to 8:15, and I had left to go home. And I came back between 10:15 and 10:30 that night until 2:00 a.m.

Q When you initially arrived at the bar at 7:00, did you see either Mr. Vance or Mr. Johnson at the Buttery Bar?

A No, I did not.

Q And you indicated -- what time did you leave the bar?

A 8:15.

Q And you indicated you went where?

A Home.

Q And at that time, before you left, did you see either Mr. Vance or Mr. Johnson at the Buttery Bar?

A No, I did not.

Q And when you returned to the bar the second time, did you drive back? Did you drive to the bar?

A Yes, I did.

Q Would you just please describe what you observed when you were driving back up to the bar?

A Mr. Johnson and Mr. Vance were getting out of a car that was on 6th Street, between Robert and Minnesota.

Q And do you recall what the car looked like?

A It was a newer model, four-door car. The street lights down-town are really that orange-yellow, so it kind of distorts some of the colors.

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MR. SHANDS: Objection, non-responsive.

THE COURT: Sustained.

BY MS. KEENA:

Q Could you describe the color of the car to the best of your recollection?

A Silver, light green.

Q How is the lighting down by the bar?

A I cannot give a more definitive answer than what I just gave.

Q What was the size of the car?

A It was a midsize car.

Q And so you saw the two men get out of the car?

A Correct.

Q Did you notice anybody else in the car?

A Just the driver. That was the only other occupant.

Q And were you able to provide a description at all of the driver?

A No, I was not.

Q Do you recall what doors Mr. Vance and Mr. Johnson got out of?

A It was the -- it would be the driver's side. Mr. Johnson was getting out of the back and Mr. Vance was already outside of the car when I pulled up.

Q Okay. Did you see where they went, Mr. Vance and Mr. Johnson, after you saw them?

A After I drove away?

Q Yes.

A No.

Q What did you do next?

A I went and parked my car and walked along the side of the building and looked in the window to see who was there. Then I saw Mr. Vance and Mr. Johnson in the bar.

Q Did you enter the bar?

A Yes, I did.

Q What did you do upon entering the bar?

A I looked around to see who was there. Mr. Vance said, "Don't throw me out." And I said, "Well, just a minute, let me go put my coat away." And I went to the back, to the office, and put away my coat and got ready to start work.

Q I'm sorry, who said that to you?

A Mr. Vance.

Q Was Mr. Vance not to be in the bar?

A No, he was not.

Q Why?

A Previous, a couple weeks before that, he had punched somebody.

Q So you kicked him out?

A So he was asked to leave.

Q Did you talk to either Mr. Vance or Mr. Johnson at this point when you're coming into the bar?

A No, I just told them that I would be back and we would talk then.

Q Do you recall what the two men were wearing that night?

A Yes, I do.

Q What were they wearing?

A Mr. Johnson had a white Doorag (ph) hooded sweatshirt and a light blue starter jacket, dark jeans and white tennis shoes.

Q How about Mr. Vance?

A Mr. Vance had like a -- looks like a letter jacket, with leather sleeves, dark blue, dark pants, he had a dark hooded sweatshirt on. The hood wasn't on. And some new tennis shoes.

Q Did you eventually come back out and talk to the two men?

A Yes, I did.

Q Describe what their demeanor was?

A They were both very nervous. Mr. Johnson was hanging onto Mr. Vance's arm and they were very uncomfortable. They were not -- they were real skittery, jittery.

Q Did you talk to Mr. Vance?

A Yes, I did.

Q Where did this conversation take place?

A It took place in the bar. The way the bar is divided, there is a lower bar where the actual bar itself is, there's tables. It was up on the partition.

Q Did you go and talk to Mr. Vance or did he approach you?

A I went and talked to Mr. Vance.

Q Why did you go and talk to him?

A Because I wanted to know what he was doing there when he

wasn't supposed to be.

Q What was the substance of your conversation with Mr. Vance?

A I asked him what he was doing. He said to me, "Don't throw me out. You know, I'm going to be leaving here, and I just wanted to come in and talk to the other guys that were sitting at the bar."

Q And did you respond to that?

A I said -- but he was very, his voice was quaking, he was upset. I said, I asked him, "What was wrong?"

He goes, then, he just said, "I really fucked up this time."

And I said, you know, "It couldn't have been that bad."

He said, "Oh, yeah, it was. I really did it this time. I did it this time."

Then someone interrupted our conversation to say something to Mr. Vance.

Q And then did you continue the conversation with Mr. Vance?

A No, someone had called my attention to another area of the bar, and so our conversation was interrupted.

Q At some point did you have further conversation with Mr. Vance?

A Later on that night.

Q And what happened in the mean time from the time that you were interrupted up until you had another conversation with Mr. Vance?

A There was a gentleman there who was yelling at Mr. Vance,