STATE OF MINNESOTA | DISTRICT COURT

COUNTY OF DAKOTA | FIRST JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

Phillip Randall Vance,

Defendant.

Court File No. 19-K6-04-000736

ORDER

The above-entitled matter before the Honorable Michael J. Mayer on 2/11/26. The Defendant was represented by Nicholas Ratkowski and Andrew Irlbeck. The State was represented by Cheri Townsend.

The Court, having reviewed the above materials, and being fully advised in the premises, makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT:

1) The parties submitted briefs to the Court and the Court took the matter under advisement on Feb 13, 2026.
2) The Court makes this decision based solely on the briefs; the parties' arguments and the exhibits attached to the briefs. This includes a thorough review of the CRU report generated by the CRU division of the Minnesota Attorney General's office.
3) This is Petitioner's fifth petition for post-conviction relief
4) Petitioner was convicted, by jury, of First-Degree Premeditated Murder, First Degree Felony Murder during an Aggravated Robbery and Second Degree Intentional Murder.
5) He was sentenced in October of 2004 to life in prison.

6) Petitioner took a direct appeal to the Minnesota Supreme Court in 2005,

7) He alleged trial court errors regarding failure to admit reverse Speigel evidence, failure to allow alternate perpetrator evidence regarding three separate individuals that he claimed were guilty of the crime. He alleged trial court error for allowing testimony that witnesses felt threatened and intimidated as well as error allowing unredacted statements/ recordings of by law enforcement. He also cited the recantation of testimony of Trevor Crawford and prosecutorial misconduct. The Supreme Court affirmed the conviction and held it was not error to not allow evidence of Maynard Cross as an alternative perpetrator and harmless error to not allow the alternative perpetrator evidence of another alleged perpetrator.

8) The Court affirmed the conviction citing the strength of the incriminating evidence against the Petitioner.

9) His first post-conviction petition was in 2007.

10) His allegations in that Petition were again errors by the trial judge, he also alleged prosecutorial misconduct by not disclosing Brady material, ineffective assistance of counsel at both the trial and appellate level. He also alleged the recantations of two more witnesses who testified at trial.

11) His petition was denied, and the Supreme Court then affirmed the denial of post-conviction relief.

12) In that order the Supreme Court held that the Petitioner did not show ineffective assistance of counsel at the trial court or the appellate court.

13) The Court also held that he was not entitled to a hearing based upon recanted trial testimony because the recantations lacked sufficient indicia of trustworthiness having come several

MINNESOTA JUDICIAL BRANCH

years after the crime and that the outcome would not have been different because of the evidence against him.

14) Petitioner then filed a Writ of Habeus Corpus in Federal Court in 2008 alleging essentially the same claims.

15) The Federal Court denied his third request in February of 2008 saying that his allegations were either not proven or were procedurally barred. They found there was no need to conduct a hearing.

16) Petitioner's third petition for post-conviction relief was brought in May of 2019. Petitioner again raised ineffective assistance of trial court counsel because there was no recording found of the Petitioner's conversations with trial witness Melissa Stites where he admitted shooting someone multiple times on the south side. Petitioner filed a memorandum claiming several errors. He argued that several witnesses should have been allowed to testify in his defense to support an alternative perpetrator defense. He again alleged prosecutorial error, discovery violations, newly discovered evidence and that the trial court erred and allowed improper evidence.

17) His third actual petition for post-conviction relief was denied without an evidentiary hearing on June 17, 2019.

18) He filed a fourth petition for post-conviction relief approximately two months later alleging the same claims that were denied in June of 2019. The Court denied the petition without hearing on Aug 19, 2019.

19) The Petitioner filed an application with CRU requesting that it review his conviction.

20) He acknowledged that CRU was not his attorney but could assist him by investigation of his case and recommending that action be taken by CRU to correct an injustice.

MINNESOTA JUDICIAL BRANCH

21) He asked the State of toll the statute of limitations on his fifth petition until the CRU investigation was complete and that he be given 45 days after the CRU report was filed to file a memorandum. The State agreed but only on the provision that it was not waive any arguments related to affidavits or arguments that were known to Petitioner and were or should have been argued in one of his previous petitions or on appeal. The State did not waive any Knaffla related issues or arguments.

22) The CRU unit conducted a thorough investigation that lasted from his application in July of 2021 to November 18, 2025, when they issued their report.

23) In June of 2023 the CRU met with Petitioner's counsel team and advised that after 2 years of investigation it found no evidence of his innocence but rather found further inconsistencies in the Petitioner's story of what had taken place on the night of the murder.

24) Petitioner's legal team responded by filing an amended petition for post-conviction relief on February 27, 2025. The memorandum of the legal team accompanied the filing.

25) The State responded with its own answer and memorandum on January 5, 2026.

26) The fifth petition alleges, per the memorandum, that newly discovered evidence disproves key elements of the State's case, that newly discovered evidence shows a pattern of illegal police conduct at the time of the murder and that newly discovered evidence proves that at the time of the crime Petitioner was with three other people at a different location at the time of the murder.

27) Petitioner relies heavily on affidavits where witnesses are recanting their testimony at the trial 17 years ago.

28) Melissa Stites provided an affidavit in 2021 indicating that her testimony was false at the trial. She indicates that she was the subject of police pressure wherein she was asked to make false

statements against Petitioner. She was pressured into wearing a wire during subsequent conversations with Petitioner. She did not recant talking with the Petitioner the night of the murder but recants that she thought he was more nervous than usual and that he was planning to commit a robbery. She recants her trial testimony that Petitioner told her that he had committed a robbery and that he had shot someone. She indicates that police coerced her by saying that they would see that she wasn't charged and that she wouldn't do any jail time. She agreed to provide the information to protect herself.

29) In 2023 The CRU team met with Melissa Stites to ask about her recantation. Ms. Stites told the investigator that she did not write the affidavit and wished she had never signed it.

30) Ms. Stites had moved out of state. She told the investigators that a woman from the NAACP showed up unannounced at her place of work in PA. The woman took her to dinner and told her that the other person had been exonerated (not true). It caused Ms. Stites to doubt herself and her testimony. She felt pressured into signing the affidavit because she was pressured to believe there was a racial component to the case.

31) Ms. Stites told the investigator that the testimony she gave at Petitioner's trial was true and accurate and that the police did not do anything wrong in her interactions with them.

32) CRU investigators looked at the original testimony from Stites and found corroboration for the original version in other evidence.

33) Stites met with Petitioner on January 23, 2003, while he was in jail. Petitioner did not deny the murder when it was brought up but did redirect the conversation

34) CRU found that numerous officers were listening to the conversation wherein Petitioner confessed to shooting someone in the back of the head 5 times. Officers took notes during the

conversation and testified to their observations at trial. Of note is that the recording device did not pick up the totality of the conversation because of background noise

35) Petitioner made confessions and statements to others that corroborate Stites original testimony.

36) Petitioner admitted, in a statement, that he told her he shot someone but did just to hope she'd be sympathetic and give him a free drink.

37) The Court finds that the recantation of the original testimony is neither trustworthy nor reliable. There is no indicia of trustworthiness, The affidavit was procured 17 years after the testimony and Stites did not write the affidavit but merely signed what was provided to her. Nor would it have changed the outcome of the case given the amount of evidence against Petitioner.

38) Petitioner produced an affidavit recanting trial testimony from Regina Hagerman. Her affidavit was not notarized but did declare under penalty of perjury that it was true. It was signed in Cook County IL on February 2, 2021. In her affidavit she claims that she testified falsely at the trial because the police were pressuring her. She indicated that police would often be at her home when she returned home from work, would come to her place of employment and would sometimes be at her bus stop before and after work. She indicated that on all of these occasions she was pressured to testify against Petitioner. Ms. Hagerman died on June 28, 2022 and was not able to be interviewed by CRU.

39) CRU investigated the contents of the affidavit by interviewing Jacqueline Ezell was her mother and the grandmother to additional recanters Darlene Walton and Kentrell Anthony. Ms. Ezell indicated that officer McManus was the one who kept in touch with her and that he never promised anything to her anything and never did anything to her.

40) In her original testimony Ms. Hagerman said, under oath, that Petitioner confessed to her on the day before the 2003 Superbowl that he and his friend committed the murder. Her testimony

MINNESOTA JUDICIAL BRANCH

was bolstered by other witnesses who indicated that Petitioner told them he committed the murder.

41) CRU compared the signature on Hagerman's recantation with her signature on official state documents and determined that the signature on her affidavit did not closely resemble the signature on those documents.

42) Ms. Hagerman's affidavit recanting her testimony does not have an indicia of trustworthiness. It was not notarized, the signature is suspect and it does not comport with other evidence against Petitioner. It was procured approximately 17 years after the murder.

43) Maynard Cross has provided three affidavits for Petitioner the first being in August of 2006. In that document Mr. Cross indicated that he did not even know the Petitioner and police gave him details of the case and told him what to say. The second affidavit reiterated the claim that police gave him the details of the case and he testified before the grand jury in an attempt to get a better outcome on a pending criminal charge. Again, he claimed that he did not know the Petitioner and added that he was not even in the state the day of the murder, he was in Milwaukee. His third affidavit makes the same claims but added that all his interviews with police about the case were recorded and if there were no tapes, the police must have lost or destroyed them.

44) His latest affidavit does not contain new evidence and is procedurally barred as will be discussed in the conclusions of law. Even if it were not procedurally barred, it lacks sufficient indicia of trustworthiness because it directly contradicts other evidence/statements in the case and again, it is now 17-20 years after he gave testimony to the grand jury.

MINNESOTA JUDICIAL BRANCH

45) Petitioner's co-defendant Dominick Johnson also provided an affidavit. Mr. Johnson plead guilty to his part in the murder in 2004. In his plea he indicated that he was with Petitioner and that Petitioner did the robbery and murder. He was sentenced to 150 months in prison.

46) In his 2021 affidavit he claims he gave false testimony to the Court during his plea because that is what his attorney told him to do.

47) In his affidavit he alleges that he pled guilty to Second Degree Felony Murder for a crime that he did not commit. He indicates he had nothing to do with the robbery and murder and that he was not a witness to the crime because he was not there. He indicates he does not know who committed the crime but knows that Petitioner didn't do it. He does not say how he knows that and does not provide an alibi for Petitioner. His plea transcript is very detailed.

48) The Court does not find that the affidavit has an indicia of trustworthiness. It conflicts with other evidence and statements. It would not have changed the outcome of the trial.

49) Darlene Walton gave an affidavit and recorded interview with the CRU. There were some significant differences between her affidavit on May 1 and her recorded statement/interview on May 8th of the same year. Her statements also contradict the Petitioner's story of what took place. It is clear that Ms. Walton's memory of the event has faded over 20 years it does not have sufficient indicia of being trustworthy.

50) Walton tells two different tales just seven days apart. In her affidavit she says Petitioner was with her until 10pm the night of the murder. In her statement she claims he left at 2:00 to 3:00 am. She says that Petitioner and Johnson left together at 10:00pm and were given a ride to the Buttery in St. Paul but in her recorded statement she indicates that they did not leave together. In the interview she stated the police raided her place within 30 minutes after the Petitioner left. Evidence showed that a warrant was not executed at her residence until 2 weeks after the

MINNESOTA JUDICIAL BRANCH

robbery/murder. Darlene Walton and Petitioner, by all accounts, were dating or romantically involved at the time of the murder. She initially told police she didn't know Petitioner or Johnson.

51) Several witnesses saw or spoke with Petitioner at the bar in St.Paul after the robbery/murder took place on the day of the crime. Petitioner acknowledged being at the bar and telling Ms. McManus that he shot someone but claimed he said it just to get sympathy and get free drinks.

52) If he left Ms. Walton's house at 2 or 3 am, he could not have been at the bar during operating hours. Her affidavit and statement do not have indicia of trustworthiness. Her testimony at the trial, if she had been called as a witness, because it conflicted with Petitioner's own version and the version from other witnesses, would not have changed the outcome of the trial.

53) The same can be said of the affidavit of Ms. Kentrell Anthony. In her 2021 statement she indicates she lived in the same house as Ms. Walton and Jacquelin Ezell. She stated that police were offering money to her grandpa and that Ms. Ezell was aware of the situation. Ms. Ezell, however, told CRU investigators that the only officer she was in touch with was McManus and that police never did anything menacing to them at all.

54) Ms Anthony told CRU that if the crime took place at 9:45, Petitioner and Johnson could not have done it because they were at her house at that time. She then says she was with them in a car at 10:00pm when they were dropped off at the Buttery. Her statement/affidavit, like Ms. Walton's, does not appear trustworthy at all. It was given approximately 20 years after the robbery/murder and conflicts not only with the Petitioner's recitations of the night in question but also with Ms. Walton's and Ms. Ezell's statements to police. It would not have, in light of all the other evidence, changed the outcome of the trial.

55) Ms. Anthony told police in 2003 that Petitioner told her he killed someone.

MINNESOTA JUDICIAL BRANCH

56) She also told police that she was staying at the Economy Inn when the murder took place and had been there the week before Christmas,

57) Phone records confirm this to be the case.

58) Petitioner's co-defendant, Mr. Johnson, in his 2021 affidavit, says that he pleaded to a crime he did not commit on the advice of counsel. He makes no mention of Ms. Anthony as an alibi witness that he was with at the time of the murder. Ms. Anthony's affidavit lacks any indicia of being trustworthy.

59) Petitioner most certainly knew throughout the course of the trial that the witnesses were testifying against him. He also would have known that he had alibi witnesses available. Likewise, his attorney would certainly call any potential alibi witnesses if they were made available to him or he was advised they existed.

60) Previous courts have already determined that ineffective counsel was not an issue at trial or appeal, and Petitioner would have known all of this sudden information was available to him at the time of the original trial.

61) Petitioner changed his version of the night of the murder and sequence of events several times to investigators. The versions set forth in the recantation affidavits and "new" witness statements do not coincide with each other let alone the Petitioner's statements and admissions.

62) There is no indica of trustworthiness in any of the recantations.

63) There is no indicia of trustworthiness in any of the "new" statements.

64) There is no trustworthy new evidence.

65) The Petitioner would have known all this information at the time of his direct appeal and in the subsequent post-conviction petitions. They are procedurally barred.

MINNESOTA JUDICIAL BRANCH

66) The same can be said regarding the two recantations made in 2007. Not only are they time barred in this proceeding, but their existence shows that back in 2007, when the first post-conviction petition was filed, Petitioner was clearly aware of the possibility of recanting witness yet did not investigate further. Petitioner cannot now claim that the idea of recanting witness or obtaining other or additional statements is a new or novel approach.

67) Petitioner alleges that exculpatory evidence was withheld from trial counsel citing Brady/Giglio They reference case notes taken by Captain Vujovich of the South St. Paul police (SSPPD).

68) The document in question appears to be a chronology of events that took place during the investigation. It does not go into detail but identifies what actions were taken by whom and when they happened. It is not detailed document and does not contain any results of various tips that were received. One of the alleged possible alternate perpetrators, Mr. Eide, says people are throwing names around in order to get the reward money.

69) Petitioner also alleges that are or were missing tapes or recordings not divulged by the SSPPD..

70) His petition also alleges, however, that the SSPPD case file contains numerous cassette tapes and mini cassette tapes but those tapes “may be interviews with Mr. Cross or other key witnesses that are either exculpable and/or impeaching” He also alleges that “if such tapes or recordings exist, they constitute undisclosed Brady or Giglio evidence”

71) These are pure assumptions and constitute nothing more than a fishing expedition.

72) Finally, Petitioner alleges that the SSPPD was assisted by the Minnesota Gang Strike Force and that the entity engaged in harassment of witnesses and witness tampering. The allegations are used in the recantations and witness statements that the Court has already found doubtful and untrustworthy.

MINNESOTA JUDICIAL BRANCH

73) Ms. Ezell indicated to the CRU that she remembers dealing with officer McManus and that he did nothing untoward in his dealings with her.

74) It is true that the Minnesota Gang Strike Force ran into some trouble as a result of inappropriate handling of evidence and sale of some things that had been taken as evidence or pursuant to forfeiture. People received suspensions and letters in their personnel files. Officer McManus is one of the people implicated in that audit. The Minnesota Gang Strike Force was ultimately dissolved.

75) The auditor's report on the Gang Strike Force was released in May 2009.

76) The auditor's report indicates that members of the unit were seen shredding documents in their office that night.

77) The Commissioner of Public Safety then formed the Minnesota Gang Strike Force Review Panel.

78) The review panels report was released Aug 9, 2009.

79) Petitioner alleges that the documents being shredded "could easily include administrative subpoenas for cell phone records in Petitioner's case that were obtained but never disclosed to his defense counsel, exculpatory witness statements that were obtained by police in Petitioner's case but never disclosed to defense counsel and other actually or potential exculpatory evidence".

80) Counsel for Petitioner is absolutely correct that the things that were or may have been going on are deeply disturbing. Law enforcement is, of course, not above the law.

81) Both the Legislative Auditors Report and the investigative report of the Panel were released in 2009.

MINNESOTA JUDICIAL BRANCH

82) The report was released, and it made a huge splash in print and television media outlets. The final discipline of the officers was released in 2010 and 2011.

83) Petitioners third and fourth post-conviction petitions were filed in 2019. Both were analyzed by the Court and were dismissed without evidentiary hearings and no new trial was granted.

84) This claim is procedurally and time barred.

85) There are no novel legal theories presented, and the interests of justice or fairness do not require an evidentiary hearing or a new trial.

86) The evidence presented was not new and could have readily been ascertained at the time of the direct appeal.

87) Even if the recantations and statements are not found to be procedurally barred, there is nothing in the evidence produced that has indicia of trustworthiness.

88) There has been nothing produced that, by a fair preponderance, would suggest the Petitioner's innocence.

Based upon the aforementioned Findings of Fact, the Court makes the following:

CONCLUSIONS OF LAW:

1) This matter is governed by Minnesota Statutes 590.01 et seq

2) Minnesota Statute 590.01 sub 1 indicates that if a direct appeal is taken, this petition for post-conviction relief may not be based on grounds that were or could have been raised on direct appeal.

3) Petitioner took a direct appeal in 2005. He alleged trial court error in denying reverse *Spreigl* evidence regarding Maynard Cross, denying alternate perpetrator regarding Eide,

Smith and Magnuson, allowing testimony regarding witnesses feeling threatened or intimidated and allowing unredacted recordings of his statements. In his brief, petitioner cited the recantation of a witness as well as the cumulative prejudicial effect of errors by the trial court. The Supreme Court affirmed Petitioners conviction, State v. Vance, 714 N.W.2d 428,433 (Minn. 2006).

4) Once a direct appeal has been taken "all matters raised therein, or all claims known but not raised will not be considered upon a subsequent petition for postconviction relief', State v. *Knaffla*, 309 Minn.246, 243 N.W.2d 737(1976). Accordingly, all of the continuing allegations of trial court error, ineffective assistance of counsel, recantations and lack of a fair trial are *Knaffla* barred.

5) Minnesota Statute 590.01 sub 4 imposes time limitations on bringing petitions for post-conviction relief. Generally, there is a two-year time limit. There are exceptions carved out that allow the Petition to be filed if "the petitioner alleges the existence of newly discovered evidence,…that provides facts necessary to sustain one or more legally cognizable claims for post-conviction relief, if such evidence could not have been ascertained by the exercise of due diligence by the petitioner or petitioners attorney within the two year time period for filing a post-conviction petition, is not cumulative to evidence presented at trial and is not intended for impeachment purposes".

6) Petitioner brought his first petition in 2007. The petition was denied and that denial was affirmed by the Supreme Court, Vance v. State, 752 N.W.2d 509 (Minn.2008). His claims therein including; error by the trial court, error by the prosecutor, ineffective assistance of trial counsel for failure to call credible defense witnesses, failure to do basic investigation and failure to object to certain actions by the prosecutor. He also alleged ineffective

MINNESOTA JUDICIAL BRANCH

assistance of appellate counsel for not raising fundamental errors on appeal and finally, he brought up the recantations of two different trial witnesses Martin and Reese.

7) The Supreme Court held that, Petitioner did not show ineffective assistance of trial counsel and could not show ineffective assistance of appellate counsel.

8) The Supreme Court also held that Petitioner was not entitled to a hearing based upon his claim of recanted trial testimony because it lacked indicia of trustworthiness because it came several years after the murder and that the outcome of the trial was not likely to be changed because of the numerous witnesses against Petitioner, ID. 514-515.

9) Petitioner then went to the Federal Courts seeking a writ of Habeas Corpus. He, in essence, alleged the very same facts; trial court error for failure to admit evidence of Petitioner's witnesses and alternative perpetrator evidence, Admission of perjured testimony from witnesses, Brady violations by the state, prosecutorial misconduct during closing, prosecution misstatement and misuse of evidence, denial of the right of appeal and ineffective assistance of counsel for failing to object to evidence, not calling witnesses, not communicating with the Petitioner , not investigating and not properly cross examining a witness.

10) The Federal Court denied his third request for relief in February of 2009 finding that Petitioner's claims were either unproven, or not subject to federal habeas corpus relief because they were procedurally barred.

11) They denied his petition and determined there was not a need for an evidentiary hearing.

12) Again, most of these allegations had already been dealt with by the Minnesota Supreme Court.

MINNESOTA JUDICIAL BRANCH

13) Petitioner's third petition was brought in May of 2019, again alleging ineffective assistance of counsel because there was no recording of his admission to Ms. Stities wherein he admitted to shooting someone five times on the south side. In his brief Petitioner alleged; claiming trial court error with respect to witnesses who should have been allowed to testify, prosecutorial error, discovery violations, newly discovered evidence and improper admission of evidence.

14) His petition was denied without hearing in June of 2019.

15) Petitioner's fourth petition for post-conviction relief was filed in August of 2019 alleging the same claims. His petition was denied without hearing on Aug 19, 2019.

16) This, his fifth Petition was filed on Dec 14, 2022.

17) On July 30, 2021, he and counsel filed an application with the CRU requesting review of his conviction. Petitioner acknowledged that CRU did not represent him but could assist him by cooperatively investigating the matter and recommending actions to correct an injustice.

18) CRU spent approximately four years re-investigating the case by talking with and taking statements from witnesses, and comparing the recantations and witness statements against trial and grand jury testimony.

19) At the conclusion of the investigation CRU determined there was nothing they uncovered that pointed toward Petitioner's innocence and in fact they learned more inconsistencies in Petitioner's statements to law enforcement. They did not find the recantations to have any indicia of trustworthiness or that Petitioner established, by clear and convincing evidence that the evidence he asserts as "new" would establish his innocence, Minnesota Statutes 590.01(4) (b) (2)

MINNESOTA JUDICIAL BRANCH

20) At the initial stage this Court is to assume the assertions in the petition are true, Henderson V. State, 906 N.W.2d 501(Minn. 2018).

21) It seems paradoxical that the Court should assume as true facts that an independent agency (CRU), engaged at Petitioner's request, already found to not have indicia of trustworthiness.

22) Be that as it may, Petitioner's recantation and new statement fail pursuant to the Larrison test which requires three prongs; 1)the Court must be reasonably well satisfied that the testimony given by a material witness is false, 2) without the testimony the jury might have reached a different conclusion and 3) the party seeking a new trial was taken by surprise when the false testimony was given and did not know of the falsity until after the trial, Brown v. State, 895 N.W.2d 612 (Minn. 2017), *Williams v. State*, 692 N.W.2nd 893,896 (Minn. 2005). Petitioner's claims, even if they were not *Knaffla* barred fail the three prong test. This Court is not remotely convinced that the trial testimony was false, despite the recantations. Because the recantations and statements do not have indicia of trustworthiness and because Petitioner's own statements to police are significantly at odds with the recantations, it is not in any way likely that the jury would have come to a different conclusion. It is also not possible that Petitioner was surprised by the testimony as one of the recanters is now claiming she was with Petitioner all evening and is providing an alibi, *Campbell v. State*, 916 N.W.2d 502 (Minn. 2018).

23) The petition, in it's entirety is *Knaffla* and/or statute of limitations barred.

24) This, the fifth petition filed in the matter plus an attempt at an order from the Federal Courts.

25) The issues raised by Petitioner have already been litigated and denied by the Courts.

26) There is no new evidence that could not have been discovered by Petitioner or then counsel with due diligence. Those issues not raised on direct appeal and were, or should have been known, cannot be brought again if they were disposed of on direct appeal or withing 2 years of the claim arising. Minnesota Statute 590.01 (4) (b) (2) and (5) (c), also see Davis v. State, 880 N.W.2d, 373,377 (Minn. 2016).

27) The recantations offered in this Petition are 17-20 years after the trial.

28) Petitioner would certainly have known that witnesses were testifying against him, would have known that he was with someone who could provide an alibi and certainly would have known if the witnesses were testifying falsely.

29) There is nothing in this petition that does anything more than suggest there may have been a Brady violation based on case notes by the SSPPD's Captain. These notes are reflected in the police reports themselves that were generated.

30) These claims are also *Knaffla* barred since the alleged failure to disclose case notes is not new evidence but rather information that has been public record for the past 20 years, State v. *Knaffla*, 309 Minn. 246,243 N.W, 2d 737 (1976)

31) The exceptions to *Knaffla* indicate that 1) novel legal issues that were not available at the time and 2) fundamental fairness is at stake, Id.

32) Neither of these are applicable to Petitioner's situation as discussed in the Findings of Fact.

33) Structural error is a very limited class of error that applies to the heart of the trial itself and is so bad that it requires reversal, *State v. Dalbec*, 800 N.W. 2d, 624 (Minn. 2011). That did not happen here and we are now dealing with claims that are 21 years after the

MINNESOTA JUDICIAL BRANCH

trial. Aggregating all of the already decided issues and relabeling it as structural error is nothing more than trying to rehash the same old arguments.

34) The evidence offered by Petitioner does not, based upon the files and records as well as the CRU report and investigation, does not offer any "indicia of trustworthiness" and as such does not warrant an evidentiary hearing, Caldwell v. State, 853 N.W.2d 766,770 (Minn. 2014).

35) The Supreme Court will not consider arguments on appeal that simply rehash claims already raised and decided, Buckingham v. State799 N.W. 2d 229, 232 (Minn. 2011)

ORDER

1) Petitioner's motion for a new trial is respectfully DENIED.
2) Petitioner's request for an evidentiary hearing is respectfully DENIED.

Dated: 3/24/2026

BY THE COURT:

Michael J. Mayer
Judge of District Court

MINNESOTA JUDICIAL BRANCH