

State of Minnesota  
County of Washington

District Court  
10th Judicial District

Prosecutor File No.  
Court File No.

CR-2016-1851  
82-CR-17-242

State of Minnesota,  
Plaintiff,

**COMPLAINT**  
Order of Detention

vs.

**STEPHEN CARL ALLWINE DOB: 03/04/1973**

7624 110th Street S  
Cottage Grove, MN 55016

Defendant.

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

**COUNT I**

**Charge: Murder - 2nd Degree -Intentional**

Minnesota Statute: 609.19.1(1)

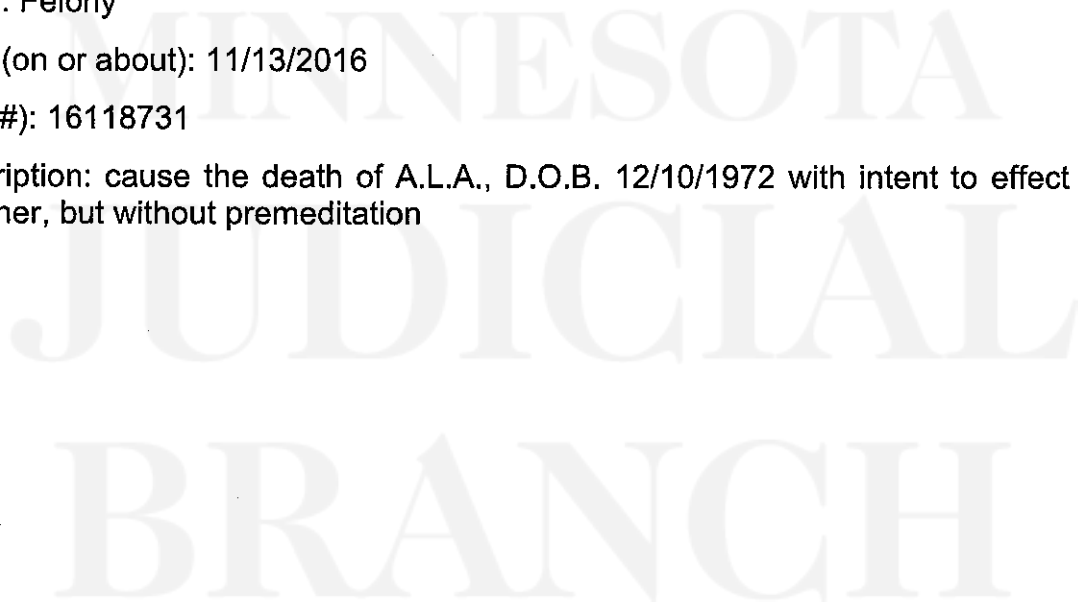
Maximum Sentence: 40 years

Offense Level: Felony

Offense Date (on or about): 11/13/2016

Control #(ICR#): 16118731

Charge Description: cause the death of A.L.A., D.O.B. 12/10/1972 with intent to effect the death of the victim or another, but without premeditation



## STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

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Your complainant is a licensed peace officer in the State of Minnesota, and is employed by the Cottage Grove Police Department. In that capacity, your complainant states the following to establish probable cause:

On November 13, 2016 at approximately 7:00 p.m., officers with the Cottage Grove Police Department were dispatched to the residence at 7624 110th Street South, City of Cottage Grove, Washington County, Minnesota on a report of a gunshot wound. Upon arrival, officers observed an adult male, identified as STEPHEN CARL ALLWINE, D.O.B. 3/4/1973, "Defendant" herein, standing in the open garage with his son, J.L.A., D.O.B. 10/24/2007. Defendant stated that his wife, A.L.A., D.O.B. 12/10/1972, "Victim" herein, was in the rear bedroom, that he was uncertain of her injuries and that a nine millimeter firearm had been used. Officers found Victim lying on the bedroom floor near the door and observed pooled blood on the carpeting near her and under her head. Officers observed a nine millimeter Springfield XDS firearm lying on the floor and against the Victim's left forearm/elbow area. The firearm was secured and taken into evidence. Victim was warm to the touch, but officers were unable to locate a pulse. Uncertain of the extent of Victim's injuries, officers moved Victim's head toward her left shoulder, which revealed a bullet exit wound with brain matter and blood under Victim's head. The head was then moved back. It was determined that Victim was deceased. Officers observed a shell casing on the carpet near Victim's right foot. Officers also observed in the kitchen pumpkins roasting in a roaster oven on the counter. The oven was turned on when observed.

Inside the residence, officers located two cellular phones, a black Samsung Galaxy S7 in a black Otterbox case and a silver iPhone 6. Defendant provided officers with the passcode for the Samsung, which he stated was his personal cell phone, and two possible passcodes for the iPhone, which he stated was his work phone. Officer Liermann spoke with Defendant, who stated that he last saw Victim at approximately 5:29 p.m. when he left to go pick up their son, J.L.A., from Victim's parents' home. Defendant stated that he called Victim's parents at approximately 1:54 p.m. to come over and pick up J.L.A. because Defendant needed to get some work done. Defendant stated he works from home downstairs. He stated that when he came upstairs from working, Victim reported that she did not feel well and was lightheaded. Defendant stated that he asked Victim if she wanted to go to the doctor and she stated she did not. Defendant stated he went back downstairs to work and came upstairs at approximately 5:00 p.m. to check on Victim, who told him to stop checking on her, that she was fine and that he did not need to check on her anymore. Defendant stated that he told Victim he was going to pick up J.L.A. from her parents' residence and take him to a class at the Ninja Warrior gym in Woodbury. Defendant stated that he left their residence and called Victim's parents at approximately 5:29 p.m. to let them know he was coming to pick up J.L.A. Defendant stated he then went to the gas station to fill up his vehicle, where he realized he forgot J.L.A.'s shorts for his gym class at home. After he picked up J.L.A., Defendant stated that he then decided to go to Culver's to eat instead of bringing him to the gym. Defendant stated that after they ate, they came home and found Victim lying in the bedroom.

On December 7, 2016, Detective Raymond received information from Opantix, one of Defendant's employers. Detective Raymond learned that Defendant's shift is from 6:00 a.m. to 5:00 p.m. Sunday through Wednesday. On November 13, 2016, Defendant first logged in at 6:24 a.m. and remained logged in until 12:13, when he took his lunch break for 41 minutes and 23 seconds. Opantix reported that Defendant never entered the phone queue to finish his shift and that he did not enter any case updates for November 13, 2016, despite the fact that Defendant works on customer issues and is supposed to log all

of his activity in his case notes. On December 20, 2016, Detective Raymond learned that Defendant's other employer, Cigna, issued Defendant the iPhone 6. Cigna verified that Defendant did not log into work on November 13, 2016.

Victim's parents, C.M.Z. and J.G.Z., responded to the scene. They reported that Victim was right handed, inconsistent with officers' observations that the firearm was found lying next to and against Victim's left forearm/elbow area and also inconsistent with a self inflicted gunshot wound to the right side of her head.

They reported that Victim and Defendant had a different code to enter their garage door because they monitored who was coming and going after Victim received death threats in the spring of 2016. They stated that Victim did not go into great detail about the threats with them, but neither of them had any idea of who would want to harm Victim, as she had no enemies. Victim's father stated that on November 13, 2016, he had gone to Defendant and Victim's residence after lunch. He installed a lock on a dog door and left around 2:00 p.m. He stated that about fifteen minutes later, Defendant called him, asking if he could come back and pick up J.L.A., as he was going to take Victim to Urgent Care. He reported that J.L.A. was standing in the garage when he arrived and Defendant was standing in the doorway.

Sergeant McAlister also responded to the residence and noted that the wood floor outside of the bedroom where Victim was located appeared very clean, while the bedroom carpet appeared dirty with what appeared to be dog hair. Sergeant McAlister observed the wood floor was hazy with some sort of residue. Sergeant McAlister then contacted Minnesota Bureau of Criminal Apprehension ("BCA" herein) Special Agent Michelle Frascone. After Special Agent Frascone arrived and viewed the scene, the Ramsey County Medical Examiner's Office was called to retrieve Victim's body. Special Agent Frascone then mobilized the BCA Crime Scene Team. A search warrant for the residence was applied for and signed by the Honorable Mary E. Hannon, Washington County District Court Judge.

On November 13, 2016, Officer Bushey transported Defendant to the Cottage Grove Police Department for additional information. Upon arrival, Defendant used the restroom under supervision in order to ensure he did not wash his hands. At the Department, Defendant agreed to provide a sample for the completion of a gunshot residue kit as well as a DNA sample via buccal swab; he signed consent forms for both. Defendant signed consent to search forms regarding the Galaxy S7 and the iPhone. Defendant agreed to speak with Detective Raymond. Defendant stated that he awoke on November 13, 2016 at approximately 5:50 a.m. and began working in his office downstairs. He stated he came upstairs for breakfast at approximately 10:00 a.m., saw Victim and J.L.A., and went back downstairs until approximately 1:00/1:15 p.m. to check on Victim. Defendant stated that Victim was not feeling well and that she reported feeling dizzy and groggy. Defendant stated that Victim asked him to call her father to come pick up J.L.A. so he would not have to be alone. Defendant also stated that Victim's father had been to their residence earlier that day to install a dog door. Victim's father picked up J.L.A. and again, Defendant stated that he then asked Victim how she was doing. He stated that Victim reported that she was dizzy, but was fine and was going to lie down. Defendant stated that he continued working and checked on Victim periodically. Defendant stated at one point he heard a thump while Victim went to the bathroom, but she again said she was fine. Defendant stated that he came upstairs at approximately 5:00/5:15 p.m. and noticed that Victim was kneeling by the bed. Defendant stated that he assumed she was praying, which was not unusual. Defendant stated that he then informed Victim that he was going to pick up J.L.A. and bring him to a gym class at Ninja Warrior in Woodbury. Defendant stated before he left he asked Victim how she was feeling and she stated she was feeling okay. Defendant stated he left the residence driving Victim's Toyota Sienna and realized it was low on fuel, so he went to the Super America located at County Road 19 and 70th Street in Cottage Grove. He then picked up J.L.A. from Victim's parents' residence in Woodbury and began traveling to the gym, when he realized they would not have enough time to make it there. Defendant did not mention having forgotten his son's shorts as he had in his first statement. Defendant stated that they then drove home after he had picked up JAL and had had dinner at Culver's. He stated that J.L.A. entered

before him and asked him, "Why is Mommy sitting on the floor?" Defendant stated he told J.L.A. to start getting ready for bed and he went to the bedroom, where he saw Victim lying on the floor and blood. He stated he then called 911.

Defendant verified that they had installed an alarm at the residence after Victim received threats, but they had gotten lax about setting it. Defendant was referencing a time earlier in 2016 when the Federal Bureau of Investigation ("FBI" herein) contacted the Cottage Grove Police Department regarding a murder-for-hire discovery on a part of the internet, not indexed by search engines, and referred to as the "Dark Web." The FBI had tracked activity on the Dark Web that involved an individual attempting to procure a hitman to kill Victim. On June 1, 2016, FBI Special Agent Silkey and Detective Raymond met with Defendant and Victim at their residence and subsequently had Victim come to the Cottage Grove Police Department for further information. Accordingly, Victim was advised to install security measures at her residence and report any suspicious activity. The Cottage Grove Police Department subsequently learned that on June 22, 2016, Defendant applied for a permit to purchase a firearm and received his permit to carry a firearm on August 10, 2016. Defendant purchased the aforementioned Springfield 9mm handgun after August 10, 2016. Defendant denied having any knowledge about hacking or the Dark Web in his statement to police.

Defendant stated that Victim had been more positive lately and that she had recently gotten back into teaching dog agility training. It was verified that Victim owned her own dog agility training company which operated out of the home address. He stated that their family had taken a trip to Germany and that they all slept well there. He also stated that Victim had been having issues with her email. He stated that he was frustrated because he works in IT and works out of his basement office. Defendant denied any knowledge about hacking and that he knows "how things are supposed to work in the legitimate world." Defendant stated he asked a friend who works in computer forensics about Victim's email issues and asked his friend "Kevin" about whether the FBI would do a "deep dive" on their electronic devices, which were taken by the FBI after the Dark Web threats were made. They were subsequently returned.

Detective Raymond then spoke with J.L.A., who reported that earlier in the day, his mother did not feel well and was dizzy, so his father took her to the clinic. He said he went to his grandma and grandpa's until his dad picked him up to go to the Ninja gym. He reported that his dad then said they did not have time to go there and they went to Culver's for dinner. He reported that when he found his mother, he asked his father why she was sleeping on the floor. J.L.A. reported that his father then stated, "She's probably dead," and called 911. He reported that his father told him that there was blood all over and there was a handgun. Defendant consented to J.L.A. providing a DNA sample at this time.

On November 15, 2016, Detective Raymond assisted in the execution of the search warrant on Defendant and Victim's residence. Detective Raymond observed Defendant's basement office contained a large amount of computer equipment, which appeared to be very sophisticated and technologically advanced. Officers also found five additional cellular phones in the home. A silver iPhone 6 in a Body Glove case and an LG VS876 Lucid 3 in a clear case were found in close proximity to Victim in her bedroom. Two inactive cellular phones were found on Defendant's bedroom nightstand. Finally, a Samsung Galaxy 5S was located in Defendant's personal office in the basement. This phone used the same phone number as Defendant's current personal cell phone, the Samsung Galaxy S7, which Defendant began using on November 9, 2016.

On November 16, 2016, three search warrants were presented to and signed by the Honorable Mary E. Hannon: the first for several cellular phones, the second for the residence's video doorbell system and the third for the Comcast/Xfinity home security system. On November 17, 2016, Sergeant McAlister received an email with information related to the family's video doorbell system (the "Ring" system herein). He had requested all video or audio capture from November 12, 2016 and November 13, 2016. The video system filmed the front door area of the house and was triggered by motion. Seventeen files were attached to the email, but no footage was captured on November 13, 2016 prior to the time Victim was found deceased.

Video #6 was recorded on November 12, 2016 until 2:09 p.m. and there is no further recording until November 13, 2016 at 6:32 p.m., which is police activity. Defendant's name is listed on the Ring account, which was created on June 13, 2016. Defendant's email is listed as the primary email on the account. The Ring account also shows that the system was connected to an Android device, which was registered to the account on November 11, 2016. The Android model registered matches the Samsung Galaxy S5 cellular phone found in Defendant's basement office in the execution of the search warrant for the residence. Additionally, a search of this phone revealed that an application for the Ring system was downloaded onto his phone. Also on this phone, Detective Raymond found what appeared to be a "bitwallet" or a "bitcoin" application commonly used for trading or paying in bitcoins. Bitcoin is a currency form used on the Dark Web to pay for illegal services, goods and transactions, as it is largely untraceable back to the seller and buyer.

On November 17, 2016, Sergeant McAlister received a response from Comcast/Xfinity regarding the home security system which recorded the dates/times that the front and garage access doors are opened.. He learned that on November 13, 2016, the only ingress to and egress from the home occurred at (1) 1:47 and 2:02 p.m., when Victim's father picked up J.L.A., (2) 5:26 p.m. when Defendant left to pick up J.L.A., (3) 6:58 p.m., when Defendant and J.L.A. arrived home, (4) 7:06 p.m., when Defendant and J.L.A. exited the home prior to police arrival, and (5) 7:08 p.m., police arrival. This confirms that after Defendant left the residence at 5:26 p.m., no other individual entered the residence through the three monitored entry points until Defendant and J.L.A. arrived home to find Victim deceased. Most notably, the search warrant return also revealed that after Victim's father left the residence at 2:02 p.m., the service door was opened at 2:40 p.m., 2:42 p.m., and 4:40 p.m. In his statement to Detective Raymond, Defendant stated that after J.L.A. was picked up earlier around 2:00 p.m., he was working in the basement until he left at 5:26 p.m.

On November 29, 2016, Sergeant McAlister received a telephone call and email from the RJ Lee Group, the company the Cottage Grove Police Department uses to examine their gun shot residue kits. Sergeant McAlister learned that Defendant's sample (#10383986) revealed that Defendant's right hand contained a particle characteristic of gun shot residue. Detective Raymond confirmed while watching Defendant sign consent forms on November 13, 2016, that Defendant is right handed.

On November 30, 2016, Sergeant McAlister met with BCA Special Agent Joe O'Brien regarding digital evidence he had obtained from the FBI. The evidence included information regarding a Dark Web website called "Besa Mafia," where individuals solicit murders and assaults for hire. Besa Mafia had been hacked at some point and posts made on open source websites revealed lists of individuals who had purportedly contacted the Besa Mafia for its services. As a result of this hack, the FBI became aware of a conversation on Besa Mafia initiated by an individual with the username "dogdaygod" and email address "dogdaygod@hmamail.com" ("dogdaygod" herein). In a review of the following evidence obtained by the FBI, the Cottage Grove Police Department and BCA mapped out the following timeline. It should be noted that Defendant was not truthful with law enforcement regarding his activity on the internet, as he denied knowing about hacking or the Dark Web, yet information gleaned from examining Defendant's computer revealed that Defendant had accessed the Dark Web as early as 2014.

- On February 14, 2016, dogdaygod opened his/her account on reddit.com. The IP address used by dogdaygod is a known TOR exit out of France; TOR exits are used obtain access to the Dark Web. Dogdaydog immediately inquired on reddit.com that he/she was new to the markets and asked for tips on how to identify law enforcement posing as sellers.
- On February 15, 2016, an email was sent from dogdaygod@hmamail.com to the Besa Mafia website inquiring as to the cost of a "hit." Besa Mafia replied that the cost was \$5,000.00, that bitcoins could be used as payment and that coinbase.com and localbitcoins.com could be used to obtain bitcoins for the purchase of the hit. Dogdaygod ultimately inquired as to how much it would cost to kill Victim and to make it

look like a car accident. Besa Mafia stated that would cost \$6,000.00.

- On February 16, 2016, several cookies were installed on Defendant's Galaxy S5 from coindesk.com, btc-e.com and wemineltc.com, bitcoin websites. Later that day, dogdaygod posted on the Besa Mafia website that the "target" will be traveling to Moline, Illinois in March and asked if this will work. Besa Mafia confirmed that the hit can be done at that time and provided details as to different kind of hits and their associated costs.
- On March 4, 2016, Defendant received a verification token from localbitcoins.com on his Samsung Galaxy S5.
- Between February 29, 2016 and March 5, 2016, dogdaygod discussed on the Besa Mafia website that they "have the bitcoins now." They also discuss a website called "Bitrated" and suggests that a way to launder bitcoins for assassinations would be to claim to be using the bitcoins to purchase "training or consulting or purchasing a car." The Besa Mafia website replies to this by suggesting that a bitcoin escrow service should be used to launder the bitcoins. Besa Mafia confirmed the original plan and stated that the hitman will have his gun with him, because in the event that Victim does not die in the car crash, the hitman will shoot her dead.
- On March 6, 2016, dogdaygod posted on the Besa Mafia website that "she" (dogdaygod purports to be a female) needs "this bitch dead" and confirmed that Victim will be traveling to Moline, Illinois with a companion. Dogdaygod stated that they do not care if Victim's companion gets killed in the process. The Besa Mafia website replies that they have assigned a hit man and will perform the murder during the evening of March 19 or March 20, 2016. Investigation revealed that Victim had indeed traveled to Moline, Illinois during this time for a dog training competition.
- On March 7, 2016, Defendant contacted the Cottage Grove Police Department to report that he had been defrauded in a bitcoin transaction related to an email he had received on March 3, 2016 from an untraceable "guerrillamail.com" address. The email references Cisco training and test preparation materials for \$6,000.00 in bitcoins, which Defendant admitted he tried to purchase but never received from an individual named "Mark," and at some point became suspicious the activity was fraudulent. Law enforcement observed that "Mark" emailed Defendant about the materials, their cost and about how if Defendant is not interested, he will sell it on eBay; however, they observed that in a search of Defendant's outgoing email, at no point before or after "Mark's" email did Defendant communicate with or respond to "Mark."
- In subsequent conversations on Besa Mafia during this time, dogdaygod disclosed very detailed facts about Victim's family, including schedules and where Victim will be on certain days, indicating that dogdaygod is an individual close to Victim.
- On March 20, 2016, Besa Mafia informed dogdaygod that their hitman followed Victim, but did not yet get a chance to kill her. In prior discussion, Besa Mafia told dogdaygod that the hitman would wait for Victim at the airport, tail her in a slow-moving car and cause a car accident to kill her. Besa Mafia then told dogdaygod that they recommend the use of a sniper, which costs an additional ten bitcoins, or approximately \$12,000.00. Dogdaygod replied that while he/she did not have the additional bitcoins on hand, if the killing could not be completed in Moline, that Victim was going to Atlanta in a few weeks and the job could be done then. It was ultimately decided between dogdaygod and Besa Mafia that Victim would be killed at her home and the house would be burned afterward. Besa Mafia stated that with the additional ten bitcoin cost, the plan had a 100% success rate. Dogdaygod agreed to provide the money by the next day.

· On March 22, 2016, dogdaygod told Besa Mafia that when his computer screen refreshed, it provided him/her with the wrong bitcoin address where he/she had sent the additional funds. Dogdaygod asked if Besa Mafia was able to match it to the address the funds should have gone. Dogdaygod provided the address 1FUZ1IECCNHN2KW8MUXHZWOMBW1TCFVIHB. Investigation revealed that bitcoin addresses are considered unique to each transaction. During computer forensics search of Defendant's computer, this specific bitcoin wallet address was found on a backed up deleted file. The file was originally on Defendant's phone, but was transferred to his computer during an iPhone backup. This specific bitcoin wallet address is the exact same address provided by dogdaygod, thus linking Defendant directly to dogdaygod.

· When Victim was not killed and the home not burned down, Besa Mafia told dogdaygod that the hitman was stopped by local police for driving a stolen vehicle and taken to jail prior the hit. Sergeant McAlister noted that during this time, no one was apprehended in Minnesota and western Wisconsin and was arrested in a stolen vehicle and in possession of a gun. Besa Mafia continued to solicit money from dogdaygod, continually delaying the hit.

· On May 18, 2016, an account was created on DreamMarket Forum, another Dark Web website, with the username dogdaygod. The post inquired about a partner for a job, needing to stay anonymous and being paid by bitcoin. Dogdaygod also posted asking, "Does anyone have Scopolomine for sale?" with the topic of the thread labeled, "Looking for drug dealer physically located in Minneapolis area by dogdaygod." Throughout this time, several cookies for reddit and several Tors, or search engines used to search the Dark Web, are installed on Defendant's phone.

· Investigation revealed that on July 23, 2016, in a forensic search of Defendant's computer, the website www.radaris.com was accessed on this day. Forensic evidence further revealed that on Defendant's computer on this day, Victim's and Victim's family members' names were searched.

· On July 24, 2016 at approximately 1:56 p.m., Victim received an email via a Tor, from an anonymous email address, jane@gmail.com, which stated, "[Victim], I still blame you for my life falling apart. I do not know how a fat bitch like you got to my husband, but because of you he left, and my life has become shit. I am sending you this email, because it looks like you already know about me. I see that you have put up a security system now, and I have been informed by people on the Internet that the police were snooping around my earlier emails. I have been assured that the emails are untraceable and they will not find me, but I cannot attack you directly with them watching. Here is what is going to happen. Since I cannot get to you, I will come after everything else that you love. I know about your son, your husband, and your business, but thanks to the internet (www. radaris.com) I see you have a mother and father in Woodbury (7600 Military Rd), a brother in St. Paul, and a sister in Yardley, PA. I have been busy researching topics on the internet, and have found that if you inject water into the brake line, then you will cause them to fail. What would happen if the brakes on the truck failed when your husband was hauling a heavy load? I found how to blow up a gas meter and make it look like an accident. I know that the meter on your house and on your business are on the east side, and the meter on your parents' house is on the south side. I am still watching you and your family. While, I did not see your son this week, I saw last friday [sic] he was wearing a bright pink shirt. I see that you moved the RV. Here is how you can save your family. Commit suicide. If you do not, then you will slowly see things taken away from you, and each time you will know that you could have stopped it, which will eat you apart from the inside. By the time I am done you will want to end it anyway, so why not do it now and save them. Based on lasthope.com the best ways to do it are shotgun to the head (which you might not have) cyanide (which you probably do not have) gunshot to the head (which you might not have) shotgun to the chest (which you might not have) explosives (which you probably do not have) hit by train jump from height (a lot of bridges around) hanging household toxins (anti-freeze, ammonia and bleach) inhaling gas (carbon monoxide) slitting wrist or throat. I know about this website, because I have thought of this option many times. Remember if you do not get it right the first time, then you will likely be committed

for mental health issues, and you will lose your business and possibly your family. so [sic] I would like a reliable method. I think it is an easy choice. 1 life to save 6 lives. Your family does not need you, but you can save them. DO NOT tell ANYONE about this email or this deal is OFF and I will come after your family. You have seen that the police are not able to track my earlier emails, but I was informed of them searching. They will not be able to track this either, but I will know if they look into it. Unless you are a heartless, selfish bitch then I expect to see your obituary in the paper in the next couple weeks." Because this activity was done via the Dark Web and possibly an unidentifiable router referred to as an "onion" router, IP addresses linking the email to the anonymous sender could not be traced.

· On July 31, 2016 at 8:58 a.m., Victim received another email from jane@gmail.com, which stated, "Amy, your family is in danger. Last Sunday you received an email with the solution to this problem, and you have not done anything about it yet. Are you so selfish that you will put your families lives at risk? If you did not see the email then you check your junk mail soon."

· During this time, Defendant inquired on reddit.com about "Tails," which is an operating system used to remove computer artifacts and searches, designed to enable the user to navigate the internet anonymously and privately. There is also evidence that in July 2016, Defendant's computer was used to access guerrillamail.

Forensic extraction was done on all seized cellular phones. The iPhone 6S (Item #2) revealed a contact for "Michelle" at a phone number. Defendant admitted to law enforcement that he had been in a relationship with a "Michelle" from the "western metro Twin Cities area." Special Agent Michelle Frascone determined that "Michelle" was M.W., D.O.B. 10/23/1970. M.W. agreed to speak with law enforcement. She stated that she and Defendant had an affair during his marriage to Victim, meeting on the website Ashley Madison, a website for married people seeking extramarital affairs. She stated that the two had an intimate relationship for several months during which time they took out-of-town trips together, as well as spent time together locally. She admitted that their affair was sexual in nature and provided photographs of the two of them together in which they are hugging and kissing. M.W. stated that at times, Defendant wanted her to come to his house when Victim was out of town, but told her that cameras were up and that he needed her to come through the back way to avoid detection. Photographs were provided that were dated December 11, 12 and 15, 2015. M.W. stated that the romance "fizzled" in February 2016. M.W. stated that if the murder-for-hire plot was true, that Defendant was smart enough to pull it off.

It was subsequently discovered that Defendant had gone out with an individual identified as A.H., who also agreed to speak with law enforcement. A.H. stated that she too met Defendant on Ashley Madison; Defendant reached out to her and asked her on a date in October 2015. A.H. stated that they met for dinner at Legend's Golf Course in Prior Lake and that they ended the evening with a kiss.

On December 19, 2016, the BCA tested several items for DNA. On a blue washcloth taken from the laundry room, DNA was found and both Defendant and Victim cannot be excluded as contributors. On the pistol trigger, the slide release and the slide, DNA was found and a mixture of DNA from Defendant and Victim cannot be excluded as contributors. On the pistol grips, DNA was found. Victim was the major DNA contributor, but Defendant cannot be excluded as a contributor.

In further review of the residence, BCA and local law enforcement noted no forced entry into the home. Outside the bedroom where Victim was found, nine faintly visible smear marks were observed on the hardwood floor, as noted previously by Sergeant McAlister. There is a void between these smear marks and the blood staining the floor next to and under the Victim's head in the bedroom. These nine bloodstains were present in the hallway floor and lower north wall outside the master bedroom. BCA agents classified



these bloodstains as consistent with blood spatter, possibly from a wiping mechanism. Agents observed a large area on the hardwood floor that had blood on it, but had been cleaned. Human blood was found in the tongue-and-groove portions of several floorboards; that floor was lifted and the blood present was confirmed by DNA tests to be Victim's. Agents also found nine separate areas of visible transfer stains and bloodlike substance present on the floor between the master bedroom and laundry room, darkest near the bedroom and progressively lighter near the laundry room. These appeared to be bloody footprints and were only visible when the crime scene team used luminol and not to the naked eye. This area appeared to have been the site of an attempted cleanup. Blood was observed on both sides of the bedroom door and a transfer stain was present on the hallway side of the door. Transfer and spatter stains were found on the bedroom side of the door. A drip pattern of blood was located in the bedroom where Victim was found, consistent with a source of blood from Victim that was elevated above the carpet to create that pattern. The entire surface of the main floor was chemically processed to enhance latent blood residue. It was determined that blood was present in a large pool outside of the master bedroom; there were footprints consistent with a person walking back and forth with blood on their feet found throughout the residence including outside the master bedroom, between the couch and kitchen island, between the dining room table and basement door, in the hallway, in the main floor bathroom, in J.L.A.'s bedroom and in the laundry room. Additionally, the bloody footprints were not found near any access point to the residence except the garage access door.

In an interview on November 15, 2016 with his attorney, Special Agent Frascione and Special Agent Chris Olson, Defendant was specifically asked about blood on the wooden floor outside the bedroom that appeared to have been cleaned up. Defendant stated he had no information about this. He also stated that no one had been previously injured in the home and had no explanation about why human blood on the floor of the home would have been cleaned up. He also stated that Victim had a \$700,000.00 insurance policy through Northwest Mutual Insurance.

Further investigation noted that after dogdaygod's attempts to have Victim killed via the Besa Mafia hitman, dogdaygod inquired about the purchase of scopolamine on the Dark Web's Dream Market Forum. Scopolamine is a drug used in the United States most commonly via a transdermal patch. It is primarily used to treat nausea or motion sickness when recovering from surgery. It is nicknamed the "devil's drug" and is known to erase a person's memory, rendering them incapable of exercising their free will. The drug is made into an odorless and tasteless powder that quickly dissolves in liquids and is commonly put into drinks or sprinkled on food. Law enforcement requested that the Ramsey County Medical Examiner's Office test Victim's blood specifically for scopolamine and it was revealed that Victim's blood contained over forty five times higher concentration of the drug than what it would be after a prescribed therapeutic dose. It was confirmed that Victim was not ever prescribed scopolamine. It should be noted that a search of Victim's iPhone 6 revealed that on November 13, 2016, it was last used to search "Vertigo-Wikipedia" at approximately 2:01 p.m.

The Ramsey County Medical Examiner performed Victim's autopsy, which confirmed she had died due to the gunshot wound. The wound tract is from slightly back to front, right to left and slightly downward when the body is viewed in the anatomical position. No gunpowder stippling was noted on the skin around the entry wound, which is correlated to the distance of the shot; the closer the shot is to the skin the more stippling there is. Victim's hands revealed no soot, no gunpowder stippling, no unburned gunpowder stippling, and no blood on either hand. These findings are inconsistent with a self-inflicted gunshot wound to the head. The medical examiner estimates Victim's time of death at around 3:00 p.m. on November 13, 2016.

PLEASE TAKE NOTICE: YOU MUST APPEAR FOR EVERY COURT HEARING REGARDING THIS CASE. FAILURE TO APPEAR FOR COURT IS A CRIMINAL OFFENSE AND MAY RESULT IN ADDITIONAL CRIMINAL CHARGES BEING IMPOSED AND PUNISHED AS PROVIDED IN MINNESOTA



MINNESOTA  
JUDICIAL  
BRANCH

### SIGNATURES AND APPROVALS

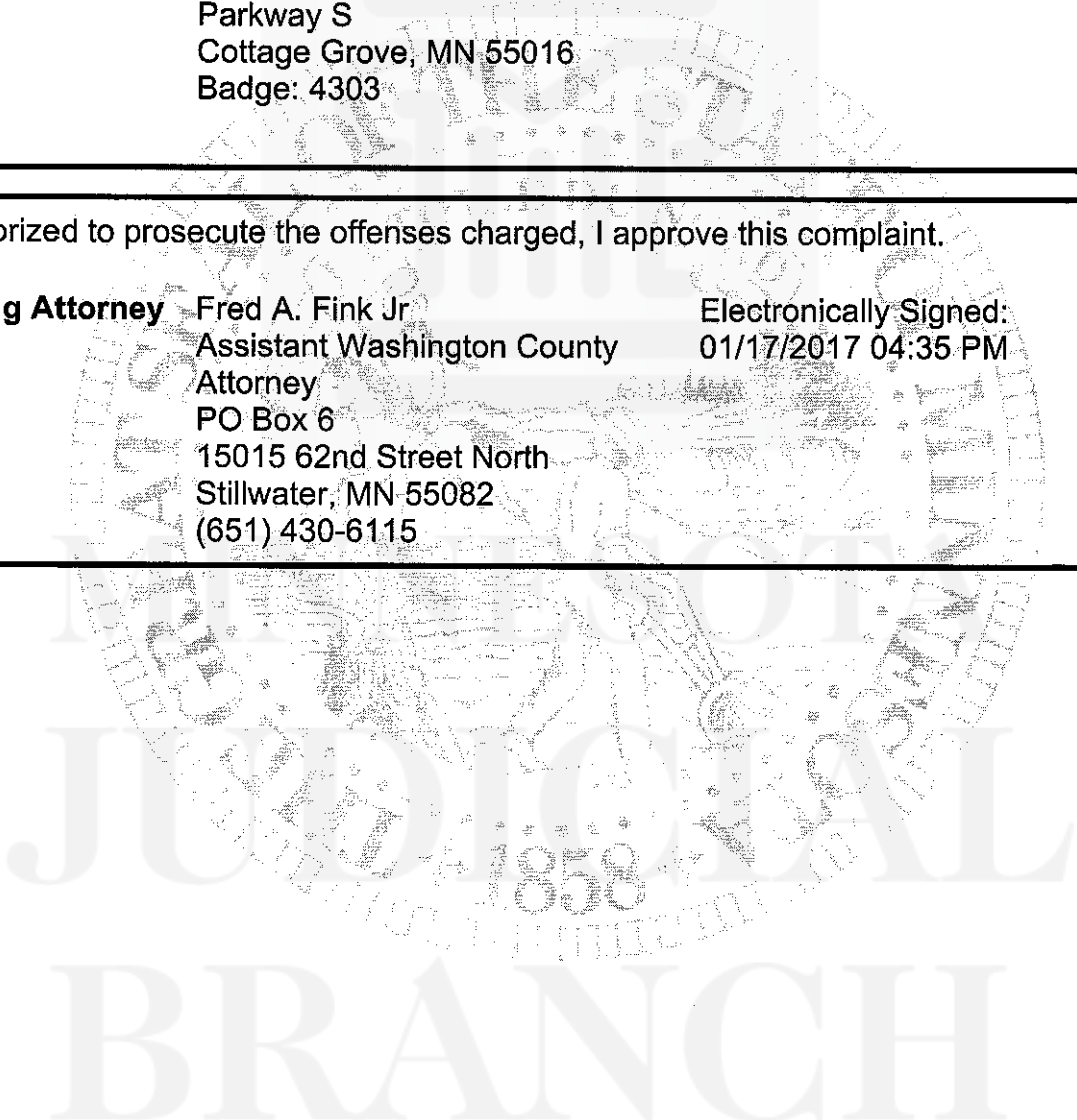
Complainant requests that Defendant, subject to bail or conditions of release, be:  
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or  
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

<b>Complainant</b>	Pete Koerner	Electronically Signed:
	Captain	01/17/2017 04:51 PM
	12800 Ravine Parkway South	Washington County, Minnesota
	Parkway S	
	Cottage Grove, MN 55016	
	Badge: 4303	

Being authorized to prosecute the offenses charged, I approve this complaint.

<b>Prosecuting Attorney</b>	Fred A. Fink Jr	Electronically Signed:
	Assistant Washington County	01/17/2017 04:35 PM
	Attorney	
	PO Box 6	
	15015 62nd Street North	
	Stillwater, MN 55082	
	(651) 430-6115	



### FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

**SUMMONS**

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ AM/PM before the above-named court at 14949 62nd Street N PO Box 3802, Stillwater, MN 55082-3802 to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

**WARRANT**

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

*Execute in MN Only*

*Execute Nationwide*

*Execute in Border States*

**ORDER OF DETENTION**

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$  
Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: January 18, 2017.

Judicial Officer Susan R Miles  
District Court Judge

Electronically Signed: 01/18/2017 09:49 AM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OF WASHINGTON  
STATE OF MINNESOTA

**State of Minnesota**

Plaintiff

vs.

**Stephen Carl Allwine**

Defendant

**LAW ENFORCEMENT OFFICER RETURN OF SERVICE**  
I hereby Certify and Return that I have served a copy of this Order of Detention upon the Defendant herein named.

Signature of Authorized Service Agent:

STATE OF MINNESOTA  
COUNTY OF WASHINGTON

DISTRICT COURT  
TENTH JUDICIAL DISTRICT

IN THE MATTER OF THE CHILD OF:

**PETITION TO TERMINATE  
PARENTAL RIGHTS**

Amy L. Allwine (deceased) and Stephen C. Allwine

Parent(s)

Court File No. \_\_\_\_\_  
County Attorney File No. JV-2017-125

TO THE DISTRICT COURT, JUVENILE DIVISION:

Petitioner, Matthew Stephenson, alleges that:

1. The name, dates of birth, gender, race, current address, and county of residence of the above-named child is as follows:

Name: Joseph Lloyd Allwine  
Date of Birth: 10/24/2007  
Gender: Male  
Race: Caucasian  
Address: See Confidential Form 11.4

2. All rights of the parents to the children should be terminated pursuant to Minn. Stat. Section 260C.301, Subd. 1:

(4) That a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental or emotional needs of the child; and

(6) That a child has experienced egregious harm in the parent's care which is of a nature, duration or chronicity that indicates a lack of regard for the child's well-being such that a reasonable person would believe it contrary to the best interest of the child or of any child to be in the parent's care.

3. That facts upon which Petitioner relies for the assertion that parental rights should be terminated for the reasons aforesaid are as follows:

On January 17, 2017. Washington County Community Services was informed by the Cottage Grove Police Department that they had placed 9 year old Joseph Allwine on a 72 Hour Health and Welfare Hold after arresting his father, Stephen C. Allwine for the murder of his mother, Amy Louise Allwine. Washington County Community Services was informed that the Cottage Grove Police Department had been investigating Ms. Allwine's death which occurred at the family residence in Cottage Grove, Minnesota, on

Appendix 2

November 13, 2016. The facts surrounding Ms. Allwine's death and the law enforcement investigation resulting in Mr. Allwine subsequently being charged with Second Degree Intentional Murder are as set forth in the Complaint-Order for Detention filed with the Washington County District Court which is attached hereto as Exhibit A and incorporated by reference.

Mr. Allwine made his first appearance on the second degree murder charges on January 18, 2017 and bail of \$1,000,000 without conditions or \$500,000 with conditions were imposed. It is anticipated that Mr. Allwine will post bail and be released into the community. Mr. Allwine is now the sole legal and physical custodian of his son. Given the facts set forth in this Petition establish that Joseph Allwine has experienced egregious harm in Mr. Allwine's care and that he is palpably unfit to be a party to the parent and child relationship, Court jurisdiction, including out-of-home placement is necessary to ensure both the child's physical safety and emotional well-being.

4. The name, date of birth, race, gender, post office address, and county of residence of the child's parents, guardian, custodian, spouse and nearest known relative other than parents is:

**Mother:**

Name: Amy Louise Allwine (deceased)  
Date of birth: 10/12/1972  
Race: White  
Gender: Female

**Father:**

Name: Stephen Carl Allwine  
Date of birth: 03/04/1973  
Race: White  
Gender: Male  
P.O. Address: 7624 110th St. S  
Cottage Grove, MN 55016  
County of Residence: Washington

5. The name, post office address, and county of residence of the child's legal custodian, the person having custody or control of the child, or the nearest known relative if no parent or legal custodian can be found:

Name: Stephen Carl Allwine  
Address: 7624 110<sup>th</sup> St S  
Cottage Grove, MN 55016  
County of Residence: Washington

6. The name, post office address, and county of residence of the spouse of the child:  
N/A

7. The Indian Child Welfare Act does not apply to this case because: the child is not an Indian Child.

8. The following persons are **PARTIES** as described in Juvenile Protection Rule 21 and pursuant to Washington County District Court Order dated September 16, 2005:

Name: Stephen C. Allwine  
Role: Father  
P.O. Address: 7624 110<sup>th</sup> St S, Cottage Grove, MN 55016

Name: Washington County Guardian ad Litem  
Role: Guardian ad Litem  
P.O. Address: 14949 62<sup>nd</sup> St N, Stillwater, MN 55082

9. The following persons are **PARTICIPANTS** as described in Juvenile Protection Rule 22:

Name: Joseph Lloyd Allwine  
Role: Child Under 10  
P.O. Address: See Confidential Information Form 11.4

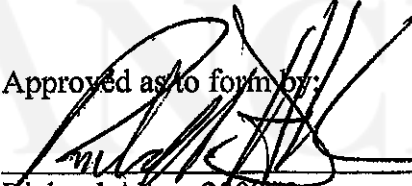
Name: Foster Parent 1  
Role: Foster Parent  
P.O. Address: See Confidential Form 11.4

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF WASHINGTON )

Petitioner, having knowledge of facts and upon information and belief, declares under penalty of perjury that everything I have stated in this document is true and correct.

Dated: January 20, 2017

  
Matthew Stephenson, Petitioner

Approved as to form by:  
  
Richard Allen, 200979  
Assistant County Attorney

2-3

State of Minnesota  
County of Washington

District Court  
10th Judicial District

Prosecutor File No. CR-2016-1851  
Court File No. 82-CR-17-242

State of Minnesota,  
Plaintiff,

**COMPLAINT**  
Filed In Tenth Judicial District Court  
Order of Detention  
Washington County, MN

82-CR-17-242

vs.

**STEPHEN CARL ALLWINE** DOB: 03/04/1973

7624 110th Street S  
Cottage Grove, MN 55016

Defendant.

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

**COUNT I**

**Charge: Murder - 2nd Degree -Intentional**

Minnesota Statute: 609.19.1(1)

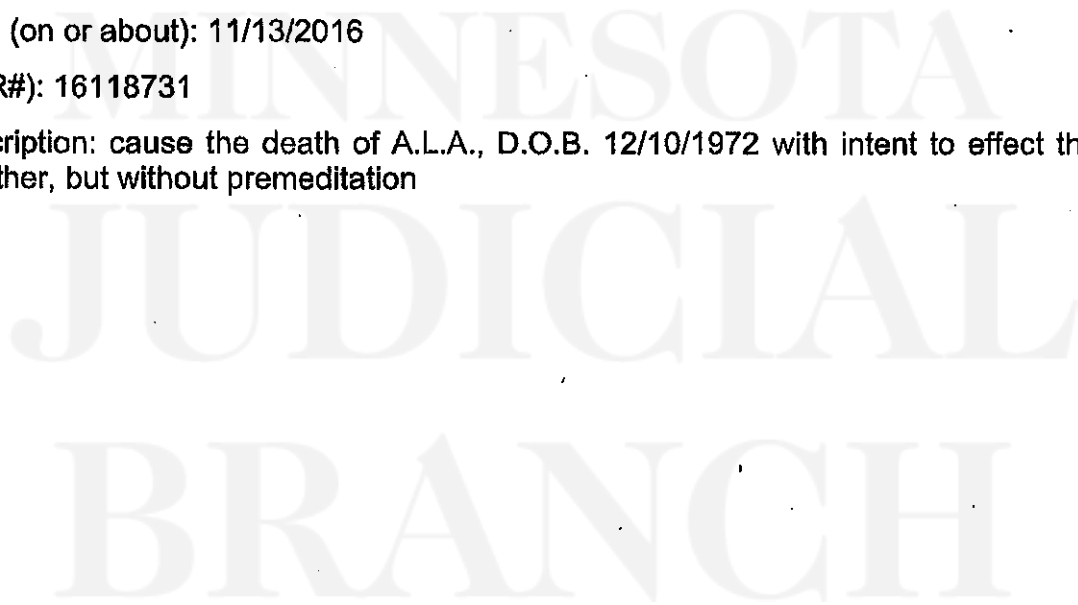
Maximum Sentence: 40 years

Offense Level: Felony

Offense Date (on or about): 11/13/2016

Control #(ICR#): 16118731

Charge Description: cause the death of A.L.A., D.O.B. 12/10/1972 with intent to effect the death of the victim or another, but without premeditation



2-4





**STATEMENT OF PROBABLE CAUSE**

The Complainant states that the following facts establish probable cause:

Your complainant is a licensed peace officer in the State of Minnesota, and is employed by the Cottage Grove Police Department. In that capacity, your complainant states the following to establish probable cause:

On November 13, 2016 at approximately 7:00 p.m., officers with the Cottage Grove Police Department were dispatched to the residence at 7624 110th Street South, City of Cottage Grove, Washington County, Minnesota on a report of a gunshot wound. Upon arrival, officers observed an adult male, identified as STEPHEN CARL ALLWINE, D.O.B. 3/4/1973, "Defendant" herein, standing in the open garage with his son, J.L.A., D.O.B. 10/24/2007. Defendant stated that his wife, A.L.A., D.O.B. 12/10/1972, "Victim" herein, was in the rear bedroom, that he was uncertain of her injuries and that a nine millimeter firearm had been used. Officers found Victim lying on the bedroom floor near the door and observed pooled blood on the carpeting near her and under her head. Officers observed a nine millimeter Springfield XDS firearm lying on the floor and against the Victim's left forearm/elbow area. The firearm was secured and taken into evidence. Victim was warm to the touch, but officers were unable to locate a pulse. Uncertain of the extent of Victim's injuries, officers moved Victim's head toward her left shoulder, which revealed a bullet exit wound with brain matter and blood under Victim's head. The head was then moved back. It was determined that Victim was deceased. Officers observed a shell casing on the carpet near Victim's right foot. Officers also observed in the kitchen pumpkins roasting in a roaster oven on the counter. The oven was turned on when observed.

Inside the residence, officers located two cellular phones, a black Samsung Galaxy S7 in a black Otterbox case and a silver iPhone 6. Defendant provided officers with the passcode for the Samsung, which he stated was his personal cell phone, and two possible passcodes for the iPhone, which he stated was his work phone. Officer Liermann spoke with Defendant, who stated that he last saw Victim at approximately 5:29 p.m. when he left to go pick up their son, J.L.A., from Victim's parents' home. Defendant stated that he called Victim's parents at approximately 1:54 p.m. to come over and pick up J.L.A. because Defendant needed to get some work done. Defendant stated he works from home downstairs. He stated that when he came upstairs from working, Victim reported that she did not feel well and was lightheaded. Defendant stated that he asked Victim if she wanted to go to the doctor and she stated she did not. Defendant stated he went back downstairs to work and came upstairs at approximately 5:00 p.m. to check on Victim, who told him to stop checking on her, that she was fine and that he did not need to check on her anymore. Defendant stated that he told Victim he was going to pick up J.L.A. from her parents' residence and take him to a class at the Ninja Warrior gym in Woodbury. Defendant stated that he left their residence and called Victim's parents at approximately 5:29 p.m. to let them know he was coming to pick up J.L.A. Defendant stated he then went to the gas station to fill up his vehicle, where he realized he forgot J.L.A.'s shorts for his gym class at home. After he picked up J.L.A., Defendant stated that he then decided to go to Culver's to eat instead of bringing him to the gym. Defendant stated that after they ate, they came home and found Victim lying in the bedroom.

On December 7, 2016, Detective Raymond received information from Opantix, one of Defendant's employers. Detective Raymond learned that Defendant's shift is from 6:00 a.m. to 5:00 p.m. Sunday through Wednesday. On November 13, 2016, Defendant first logged in at 6:24 a.m. and remained logged in until 12:13, when he took his lunch break for 41 minutes and 23 seconds. Opantix reported that Defendant never entered the phone queue to finish his shift and that he did not enter any case updates for November 13, 2016, despite the fact that Defendant works on customer issues and is supposed to log all

of his activity in his case notes. On December 20, 2016, Detective Raymond learned that Defendant's other employer, Cigna, issued Defendant the iPhone 6. Cigna verified that Defendant did not log into work on November 13, 2016.

Victim's parents, C.M.Z. and J.G.Z., responded to the scene. They reported that Victim was right handed, inconsistent with officers' observations that the firearm was found lying next to and against Victim's left forearm/elbow area and also inconsistent with a self inflicted gunshot wound to the right side of her head.

They reported that Victim and Defendant had a different code to enter their garage door because they monitored who was coming and going after Victim received death threats in the spring of 2016. They stated that Victim did not go into great detail about the threats with them, but neither of them had any idea of who would want to harm Victim, as she had no enemies. Victim's father stated that on November 13, 2016, he had gone to Defendant and Victim's residence after lunch. He installed a lock on a dog door and left around 2:00 p.m. He stated that about fifteen minutes later, Defendant called him, asking if he could come back and pick up J.L.A., as he was going to take Victim to Urgent Care. He reported that J.L.A. was standing in the garage when he arrived and Defendant was standing in the doorway.

Sergeant McAlister also responded to the residence and noted that the wood floor outside of the bedroom where Victim was located appeared very clean, while the bedroom carpet appeared dirty with what appeared to be dog hair. Sergeant McAlister observed the wood floor was hazy with some sort of residue. Sergeant McAlister then contacted Minnesota Bureau of Criminal Apprehension ("BCA" herein) Special Agent Michelle Frascone. After Special Agent Frascone arrived and viewed the scene, the Ramsey County Medical Examiner's Office was called to retrieve Victim's body. Special Agent Frascone then mobilized the BCA Crime Scene Team. A search warrant for the residence was applied for and signed by the Honorable Mary E. Hannon, Washington County District Court Judge.

On November 13, 2016, Officer Bushey transported Defendant to the Cottage Grove Police Department for additional information. Upon arrival, Defendant used the restroom under supervision in order to ensure he did not wash his hands. At the Department, Defendant agreed to provide a sample for the completion of a gunshot residue kit as well as a DNA sample via buccal swab; he signed consent forms for both. Defendant signed consent to search forms regarding the Galaxy S7 and the iPhone. Defendant agreed to speak with Detective Raymond. Defendant stated that he awoke on November 13, 2016 at approximately 5:50 a.m. and began working in his office downstairs. He stated he came upstairs for breakfast at approximately 10:00 a.m., saw Victim and J.L.A., and went back downstairs until approximately 1:00/1:15 p.m. to check on Victim. Defendant stated that Victim was not feeling well and that she reported feeling dizzy and groggy. Defendant stated that Victim asked him to call her father to come pick up J.L.A. so he would not have to be alone. Defendant also stated that Victim's father had been to their residence earlier that day to install a dog door. Victim's father picked up J.L.A. and again, Defendant stated that he then asked Victim how she was doing. He stated that Victim reported that she was dizzy, but was fine and was going to lie down. Defendant stated that he continued working and checked on Victim periodically. Defendant stated at one point he heard a thump while Victim went to the bathroom, but she again said she was fine. Defendant stated that he came upstairs at approximately 5:00/5:15 p.m. and noticed that Victim was kneeling by the bed. Defendant stated that he assumed she was praying, which was not unusual. Defendant stated that he then informed Victim that he was going to pick up J.L.A. and bring him to a gym class at Ninja Warrior in Woodbury. Defendant stated before he left he asked Victim how she was feeling and she stated she was feeling okay. Defendant stated he left the residence driving Victim's Toyota Sienna and realized it was low on fuel, so he went to the Super America located at County Road 19 and 70th Street in Cottage Grove. He then picked up J.L.A. from Victim's parents' residence in Woodbury and began traveling to the gym, when he realized they would not have enough time to make it there. Defendant did not mention having forgotten his son's shorts as he had in his first statement. Defendant stated that they then drove home after he had picked up JAL and had had dinner at Culver's. He stated that J.L.A. entered

before him and asked him, "Why is Mommy sitting on the floor?" Defendant stated he told J.L.A. to start getting ready for bed and he went to the bedroom, where he saw Victim lying on the floor and blood. He stated he then called 911.

Defendant verified that they had installed an alarm at the residence after Victim received threats, but they had gotten lax about setting it. Defendant was referencing a time earlier in 2016 when the Federal Bureau of Investigation ("FBI" herein) contacted the Cottage Grove Police Department regarding a murder-for-hire discovery on a part of the internet, not indexed by search engines, and referred to as the "Dark Web." The FBI had tracked activity on the Dark Web that involved an individual attempting to procure a hitman to kill Victim. On June 1, 2016, FBI Special Agent Silkey and Detective Raymond met with Defendant and Victim at their residence and subsequently had Victim come to the Cottage Grove Police Department for further information. Accordingly, Victim was advised to install security measures at her residence and report any suspicious activity. The Cottage Grove Police Department subsequently learned that on June 22, 2016, Defendant applied for a permit to purchase a firearm and received his permit to carry a firearm on August 10, 2016. Defendant purchased the aforementioned Springfield 9mm handgun after August 10, 2016. Defendant denied having any knowledge about hacking or the Dark Web in his statement to police.

Defendant stated that Victim had been more positive lately and that she had recently gotten back into teaching dog agility training. It was verified that Victim owned her own dog agility training company which operated out of the home address. He stated that their family had taken a trip to Germany and that they all slept well there. He also stated that Victim had been having issues with her email. He stated that he was frustrated because he works in IT and works out of his basement office. Defendant denied any knowledge about hacking and that he knows "how things are supposed to work in the legitimate world." Defendant stated he asked a friend who works in computer forensics about Victim's email issues and asked his friend "Kevin" about whether the FBI would do a "deep dive" on their electronic devices, which were taken by the FBI after the Dark Web threats were made. They were subsequently returned.

Detective Raymond then spoke with J.L.A., who reported that earlier in the day, his mother did not feel well and was dizzy, so his father took her to the clinic. He said he went to his grandma and grandpa's until his dad picked him up to go to the Ninja gym. He reported that his dad then said they did not have time to go there and they went to Culver's for dinner. He reported that when he found his mother, he asked his father why she was sleeping on the floor. J.L.A. reported that his father then stated, "She's probably dead," and called 911. He reported that his father told him that there was blood all over and there was a handgun. Defendant consented to J.L.A. providing a DNA sample at this time.

On November 15, 2016, Detective Raymond assisted in the execution of the search warrant on Defendant and Victim's residence. Detective Raymond observed Defendant's basement office contained a large amount of computer equipment, which appeared to be very sophisticated and technologically advanced. Officers also found five additional cellular phones in the home. A silver iPhone 6 in a Body Glove case and an LG VS876 Lucid 3 in a clear case were found in close proximity to Victim in her bedroom. Two inactive cellular phones were found on Defendant's bedroom nightstand. Finally, a Samsung Galaxy 5S was located in Defendant's personal office in the basement. This phone used the same phone number as Defendant's current personal cell phone, the Samsung Galaxy S7, which Defendant began using on November 9, 2016.

On November 16, 2016, three search warrants were presented to and signed by the Honorable Mary E. Hannon: the first for several cellular phones, the second for the residence's video doorbell system and the third for the Comcast/Xfinity home security system. On November 17, 2016, Sergeant McAlister received an email with information related to the family's video doorbell system (the "Ring" system herein). He had requested all video or audio capture from November 12, 2016 and November 13, 2016. The video system filmed the front door area of the house and was triggered by motion. Seventeen files were attached to the email, but no footage was captured on November 13, 2016 prior to the time Victim was found deceased.

Video #6 was recorded on November 12, 2016 until 2:09 p.m. and there is no further recording until November 13, 2016 at 6:32 p.m., which is police activity. Defendant's name is listed on the Ring account, which was created on June 13, 2016. Defendant's email is listed as the primary email on the account. The Ring account also shows that the system was connected to an Android device, which was registered to the account on November 11, 2016. The Android model registered matches the Samsung Galaxy S5 cellular phone found in Defendant's basement office in the execution of the search warrant for the residence. Additionally, a search of this phone revealed that an application for the Ring system was downloaded onto his phone. Also on this phone, Detective Raymond found what appeared to be a "bitwallet" or a "bitcoin" application commonly used for trading or paying in bitcoins. Bitcoin is a currency form used on the Dark Web to pay for illegal services, goods and transactions, as it is largely untraceable back to the seller and buyer.

82-CR-17-242

Filed in Tenth Judicial District Court  
1/18/2017 09:55:03 AM  
Washington County, MN

On November 17, 2016, Sergeant McAlister received a response from Comcast/Xfinity regarding the home security system which recorded the dates/times that the front and garage access doors are opened.. He learned that on November 13, 2016, the only ingress to and egress from the home occurred at (1) 1:47 and 2:02 p.m., when Victim's father picked up J.L.A., (2) 5:26 p.m. when Defendant left to pick up J.L.A., (3) 6:58 p.m., when Defendant and J.L.A. arrived home, (4) 7:06 p.m., when Defendant and J.L.A. exited the home prior to police arrival, and (5) 7:08 p.m., police arrival. This confirms that after Defendant left the residence at 5:26 p.m., no other individual entered the residence through the three monitored entry points until Defendant and J.L.A. arrived home to find Victim deceased. Most notably, the search warrant return also revealed that after Victim's father left the residence at 2:02 p.m., the service door was opened at 2:40 p.m., 2:42 p.m., and 4:40 p.m. In his statement to Detective Raymond, Defendant stated that after J.L.A. was picked up earlier around 2:00 p.m., he was working in the basement until he left at 5:26 p.m.

On November 29, 2016, Sergeant McAlister received a telephone call and email from the RJ Lee Group, the company the Cottage Grove Police Department uses to examine their gun shot residue kits. Sergeant McAlister learned that Defendant's sample (#10383986) revealed that Defendant's right hand contained a particle characteristic of gun shot residue. Detective Raymond confirmed while watching Defendant sign consent forms on November 13, 2016, that Defendant is right handed.

On November 30, 2016, Sergeant McAlister met with BCA Special Agent Joe O'Brien regarding digital evidence he had obtained from the FBI. The evidence included information regarding a Dark Web website called "Besa Mafia," where individuals solicit murders and assaults for hire. Besa Mafia had been hacked at some point and posts made on open source websites revealed lists of individuals who had purportedly contacted the Besa Mafia for its services. As a result of this hack, the FBI became aware of a conversation on Besa Mafia initiated by an individual with the username "dogdaygod" and email address "dogdaygod@hmamail.com" ("dogdaygod" herein). In a review of the following evidence obtained by the FBI, the Cottage Grove Police Department and BCA mapped out the following timeline. It should be noted that Defendant was not truthful with law enforcement regarding his activity on the internet, as he denied knowing about hacking or the Dark Web, yet information gleaned from examining Defendant's computer revealed that Defendant had accessed the Dark Web as early as 2014.

- On February 14, 2016, dogdaygod opened his/her account on reddit.com. The IP address used by dogdaygod is a known TOR exit out of France; TOR exits are used obtain access to the Dark Web. Dogdaydog immediately inquired on reddit.com that he/she was new to the markets and asked for tips on how to identify law enforcement posing as sellers.
- On February 15, 2016, an email was sent from dogdaygod@hmamail.com to the Besa Mafia website inquiring as to the cost of a "hit." Besa Mafia replied that the cost was \$5,000.00, that bitcoins could be used as payment and that coinbase.com and localbitcoins.com could be used to obtain bitcoins for the purchase of the hit. Dogdaygod ultimately inquired as to how much it would cost to kill Victim and to make it

look like a car accident. Besa Mafia stated that would cost \$6,000.00.

- On February 16, 2016, several cookies were installed on Defendant's Galaxy S5 from coindesk.com, btc-e.com and wemineltc.com, bitcoin websites. Later that day, dogdaygod posted on the Besa Mafia website that the "target" will be traveling to Moline, Illinois in March and asked if this will work. Besa Mafia confirmed that the hit can be done at that time and provided details as to different kind of hits and their associated costs.

- On March 4, 2016, Defendant received a verification token from localbitcoins.com on his Samsung Galaxy S5.

82-CR-17-242

Filed in Tenth Judicial District Court  
1/18/2017 09:55:03 AM  
Washington County, MN

- Between February 29, 2016 and March 5, 2016, dogdaygod discussed on the Besa Mafia website that they "have the bitcoins now." They also discuss a website called "Bitrated" and suggests that a way to launder bitcoins for assassinations would be to claim to be using the bitcoins to purchase "training or consulting or purchasing a car." The Besa Mafia website replies to this by suggesting that a bitcoin escrow service should be used to launder the bitcoins. Besa Mafia confirmed the original plan and stated that the hitman will have his gun with him, because in the event that Victim does not die in the car crash, the hitman will shoot her dead.

- On March 6, 2016, dogdaygod posted on the Besa Mafia website that "she" (dogdaygod purports to be a female) needs "this bitch dead" and confirmed that Victim will be traveling to Moline, Illinois with a companion. Dogdaygod stated that they do not care if Victim's companion gets killed in the process. The Besa Mafia website replies that they have assigned a hit man and will perform the murder during the evening of March 19 or March 20, 2016. Investigation revealed that Victim had indeed traveled to Moline, Illinois during this time for a dog training competition.

- On March 7, 2016, Defendant contacted the Cottage Grove Police Department to report that he had been defrauded in a bitcoin transaction related to an email he had received on March 3, 2016 from an untraceable "guerrillamail.com" address. The email references Cisco training and test preparation materials for \$6,000.00 in bitcoins, which Defendant admitted he tried to purchase but never received from an individual named "Mark," and at some point became suspicious the activity was fraudulent. Law enforcement observed that "Mark" emailed Defendant about the materials, their cost and about how if Defendant is not interested, he will sell it on eBay; however, they observed that in a search of Defendant's outgoing email, at no point before or after "Mark's" email did Defendant communicate with or respond to "Mark."

- In subsequent conversations on Besa Mafia during this time, dogdaygod disclosed very detailed facts about Victim's family, including schedules and where Victim will be on certain days, indicating that dogdaygod is an individual close to Victim.

- On March 20, 2016, Besa Mafia informed dogdaygod that their hitman followed Victim, but did not yet get a chance to kill her. In prior discussion, Besa Mafia told dogdaygod that the hitman would wait for Victim at the airport, tail her in a slow-moving car and cause a car accident to kill her. Besa Mafia then told dogdaygod that they recommend the use of a sniper, which costs an additional ten bitcoins, or approximately \$12,000.00. Dogdaygod replied that while he/she did not have the additional bitcoins on hand, if the killing could not be completed in Moline, that Victim was going to Atlanta in a few weeks and the job could be done then. It was ultimately decided between dogdaygod and Besa Mafia that Victim would be killed at her home and the house would be burned afterward. Besa Mafia stated that with the additional ten bitcoin cost, the plan had a 100% success rate. Dogdaygod agreed to provide the money by the next day.

· On March 22, 2016, dogdaygod told Besa Mafia that when his computer screen refreshed, it provided him/her with the wrong bitcoin address where he/she had sent the additional funds. Dogdaygod asked if Besa Mafia was able to match it to the address the funds should have gone. Dogdaygod provided the address 1FUZ1IECCNHN2KW8MUXHZWOMBW1TCFVIHB. Investigation revealed that bitcoin addresses are considered unique to each transaction. During computer forensics search of Defendant's computer, this specific bitcoin wallet address was found on a backed up deleted file. The file was originally on Defendant's phone, but was transferred to his computer during an iPhone backup. This specific bitcoin wallet address is the exact same address provided by dogdaygod, thus linking Defendant directly to dogdaygod.

· When Victim was not killed and the home not burned down, Besa Mafia told dogdaygod that the hitman was stopped by local police for driving a stolen vehicle and taken to jail prior to the hit. Sergeant McAlister noted that during this time, no one was apprehended in Minnesota and western Wisconsin and was arrested in a stolen vehicle and in possession of a gun. Besa Mafia continued to solicit money from dogdaygod, continually delaying the hit.

· On May 18, 2016, an account was created on DreamMarket Forum, another Dark Web website, with the username dogdaygod. The post inquired about a partner for a job, needing to stay anonymous and being paid by bitcoin. Dogdaygod also posted asking, "Does anyone have Scopolomine for sale?" with the topic of the thread labeled, "Looking for drug dealer physically located in Minneapolis area by dogdaygod." Throughout this time, several cookies for reddit and several Tors, or search engines used to search the Dark Web, are installed on Defendant's phone.

· Investigation revealed that on July 23, 2016, in a forensic search of Defendant's computer, the website www.radaris.com was accessed on this day. Forensic evidence further revealed that on Defendant's computer on this day, Victim's and Victim's family members' names were searched.

· On July 24, 2016 at approximately 1:56 p.m., Victim received an email via a Tor, from an anonymous email address, jane@gmail.com, which stated, "[Victim], I still blame you for my life falling apart. I do not know how a fat bitch like you got to my husband, but because of you he left, and my life has become shit. I am sending you this email, because it looks like you already know about me. I see that you have put up a security system now, and I have been informed by people on the Internet that the police were snooping around my earlier emails. I have been assured that the emails are untraceable and they will not find me, but I cannot attack you directly with them watching. Here is what is going to happen. Since I cannot get to you, I will come after everything else that you love. I know about your son, your husband, and your business, but thanks to the internet (www.radaris.com) I see you have a mother and father in Woodbury (7600 Military Rd), a brother in St. Paul, and a sister in Yardley, PA. I have been busy researching topics on the internet, and have found that if you inject water into the brake line, then you will cause them to fail. What would happen if the brakes on the truck failed when your husband was hauling a heavy load? I found how to blow up a gas meter and make it look like an accident. I know that the meter on your house and on your business are on the east side, and the meter on your parents' house is on the south side. I am still watching you and your family. While, I did not see your son this week, I saw last friday [sic] he was wearing a bright pink shirt. I see that you moved the RV. Here is how you can save your family. Commit suicide. If you do not, then you will slowly see things taken away from you, and each time you will know that you could have stopped it, which will eat you apart from the inside. By the time I am done you will want to end it anyway, so why not do it now and save them. Based on lasthope.com the best ways to do it are shotgun to the head (which you might not have) cyanide (which you probably do not have) gunshot to the head (which you might not have) shotgun to the chest (which you might not have) explosives (which you probably do not have) hit by train jump from height (a lot of bridges around) hanging household toxins (anti-freeze, ammonia and bleach) inhaling gas (carbon monoxide) slitting wrist or throat. I know about this website, because I have thought of this option many times. Remember if you do not get it right the first time, then you will likely be committed

for mental health issues, and you will lose your business and possibly your family. so [sic] I would pick a reliable method. I think it is an easy choice. 1 life to save 6 lives. Your family does not need you, but you can save them. DO NOT tell ANYONE about this email or this deal is OFF and I will come after your family. You have seen that the police are not able to track my earlier emails, but I was informed of them searching. They will not be able to track this either, but I will know if they look into it. Unless you are a heartless, selfish bitch then I expect to see your obituary in the paper in the next couple weeks." Because this activity was done via the Dark Web and possibly an unidentifiable router referred to as an "onion" router, IP addresses linking the email to the anonymous sender could not be traced.

- On July 31, 2016 at 8:58 a.m., Victim received another email from jane@gmail.com, which stated, "Amy, your family is in danger. Last Sunday you received an email with the solution to this problem, and you have not done anything about it yet. Are you so selfish that you will put your families' lives at risk? If you did not see the email then you check your junk mail soon."

- During this time, Defendant inquired on reddit.com about "Tails," which is an operating system used to remove computer artifacts and searches, designed to enable the user to navigate the internet anonymously and privately. There is also evidence that in July 2016, Defendant's computer was used to access guerrillamail.

Forensic extraction was done on all seized cellular phones. The iPhone 6S (Item #2) revealed a contact for "Michelle" at a phone number. Defendant admitted to law enforcement that he had been in a relationship with a "Michelle" from the "western metro Twin Cities area." Special Agent Michelle Frascone determined that "Michelle" was M.W., D.O.B. 10/23/1970. M.W. agreed to speak with law enforcement. She stated that she and Defendant had an affair during his marriage to Victim, meeting on the website Ashley Madison, a website for married people seeking extramarital affairs. She stated that the two had an intimate relationship for several months during which time they took out-of-town trips together, as well as spent time together locally. She admitted that their affair was sexual in nature and provided photographs of the two of them together in which they are hugging and kissing. M.W. stated that at times, Defendant wanted her to come to his house when Victim was out of town, but told her that cameras were up and that he needed her to come through the back way to avoid detection. Photographs were provided that were dated December 11, 12 and 15, 2015. M.W. stated that the romance "fizzled" in February 2016. M.W. stated that if the murder-for-hire plot was true, that Defendant was smart enough to pull it off.

It was subsequently discovered that Defendant had gone out with an individual identified as A.H., who also agreed to speak with law enforcement. A.H. stated that she too met Defendant on Ashley Madison; Defendant reached out to her and asked her on a date in October 2015. A.H. stated that they met for dinner at Legend's Golf Course in Prior Lake and that they ended the evening with a kiss.

On December 19, 2016, the BCA tested several items for DNA. On a blue washcloth taken from the laundry room, DNA was found and both Defendant and Victim cannot be excluded as contributors. On the pistol trigger, the slide release and the slide, DNA was found and a mixture of DNA from Defendant and Victim cannot be excluded as contributors. On the pistol grips, DNA was found. Victim was the major DNA contributor, but Defendant cannot be excluded as a contributor.

In further review of the residence, BCA and local law enforcement noted no forced entry into the home. Outside the bedroom where Victim was found, nine faintly visible smear marks were observed on the hardwood floor, as noted previously by Sergeant McAlister. There is a void between these smear marks and the blood staining the floor next to and under the Victim's head in the bedroom. These nine bloodstains were present in the hallway floor and lower north wall outside the master bedroom. BCA agents classified

these bloodstains as consistent with blood spatter, possibly from a wiping mechanism. Agents observed a large area on the hardwood floor that had blood on it, but had been cleaned. Human blood was found in the tongue-and-groove portions of several floorboards; that floor was lifted and the blood present was confirmed by DNA tests to be Victim's. Agents also found nine separate areas of visible transfer stains and bloodlike substance present on the floor between the master bedroom and laundry room, darkest near the bedroom and progressively lighter near the laundry room. These appeared to be bloody footprints and were only visible when the crime scene team used luminol and not to the naked eye. This area appeared to have been the site of an attempted cleanup. Blood was observed on both sides of the bedroom door and a transfer stain was present on the hallway side of the door. Transfer and spatter stains were found on the bedroom side of the door. A drip pattern of blood was located in the bedroom where Victim was found, consistent with a source of blood from Victim that was elevated above the carpet to create that pattern. The entire surface of the main floor was chemically processed to enhance latent blood residue. It was determined that blood was present in a large pool outside of the master bedroom; there were footprints consistent with a person walking back and forth with blood on their feet found throughout the residence including outside the master bedroom, between the couch and kitchen island, between the dining room table and basement door, in the hallway, in the main floor bathroom, in J.L.A.'s bedroom and in the laundry room. Additionally, the bloody footprints were not found near any access point to the residence except the garage access door.

In an interview on November 15, 2016 with his attorney, Special Agent Frascione and Special Agent Chris Olson, Defendant was specifically asked about blood on the wooden floor outside the bedroom that appeared to have been cleaned up. Defendant stated he had no information about this. He also stated that no one had been previously injured in the home and had no explanation about why human blood on the floor of the home would have been cleaned up. He also stated that Victim had a \$700,000.00 insurance policy through Northwest Mutual Insurance.

Further investigation noted that after dogdaygod's attempts to have Victim killed via the Besa Mafia hitman, dogdaygod inquired about the purchase of scopolamine on the Dark Web's Dream Market Forum. Scopolamine is a drug used in the United States most commonly via a transdermal patch. It is primarily used to treat nausea or motion sickness when recovering from surgery. It is nicknamed the "devil's drug" and is known to erase a person's memory, rendering them incapable of exercising their free will. The drug is made into an odorless and tasteless powder that quickly dissolves in liquids and is commonly put into drinks or sprinkled on food. Law enforcement requested that the Ramsey County Medical Examiner's Office test Victim's blood specifically for scopolamine and it was revealed that Victim's blood contained over forty five times higher concentration of the drug than what it would be after a prescribed therapeutic dose. It was confirmed that Victim was not ever prescribed scopolamine. It should be noted that a search of Victim's iPhone 6 revealed that on November 13, 2016, it was last used to search "Vertigo-Wikipedia" at approximately 2:01 p.m.

The Ramsey County Medical Examiner performed Victim's autopsy, which confirmed she had died due to the gunshot wound. The wound tract is from slightly back to front, right to left and slightly downward when the body is viewed in the anatomical position. No gunpowder stippling was noted on the skin around the entry wound, which is correlated to the distance of the shot; the closer the shot is to the skin the more stippling there is. Victim's hands revealed no soot, no gunpowder stippling, no unburned gunpowder stippling, and no blood on either hand. These findings are inconsistent with a self-inflicted gunshot wound to the head. The medical examiner estimates Victim's time of death at around 3:00 p.m. on November 13, 2016.

**PLEASE TAKE NOTICE: YOU MUST APPEAR FOR EVERY COURT HEARING REGARDING THIS CASE. FAILURE TO APPEAR FOR COURT IS A CRIMINAL OFFENSE AND MAY RESULT IN ADDITIONAL CRIMINAL CHARGES BEING IMPOSED AND PUNISHED AS PROVIDED IN MINNESOTA**



STATUTES SECTION 609.49.



82-CR-17-242

Filed in Tenth Judicial District Court  
1/18/2017 09:55:03 AM  
Washington County, MN

# MINNESOTA JUDICIAL BRANCH

**SIGNATURES AND APPROVALS**

Complainant requests that Defendant, subject to bail or conditions of release, be:  
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or  
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

**Complainant**

Pete Koerner  
Captain  
12800 Ravine Parkway South  
Parkway S  
Cottage Grove, MN 55016  
Badge: 4303

82-CR-17-242

Electronically Signed  
01/17/2017 04:51 PM

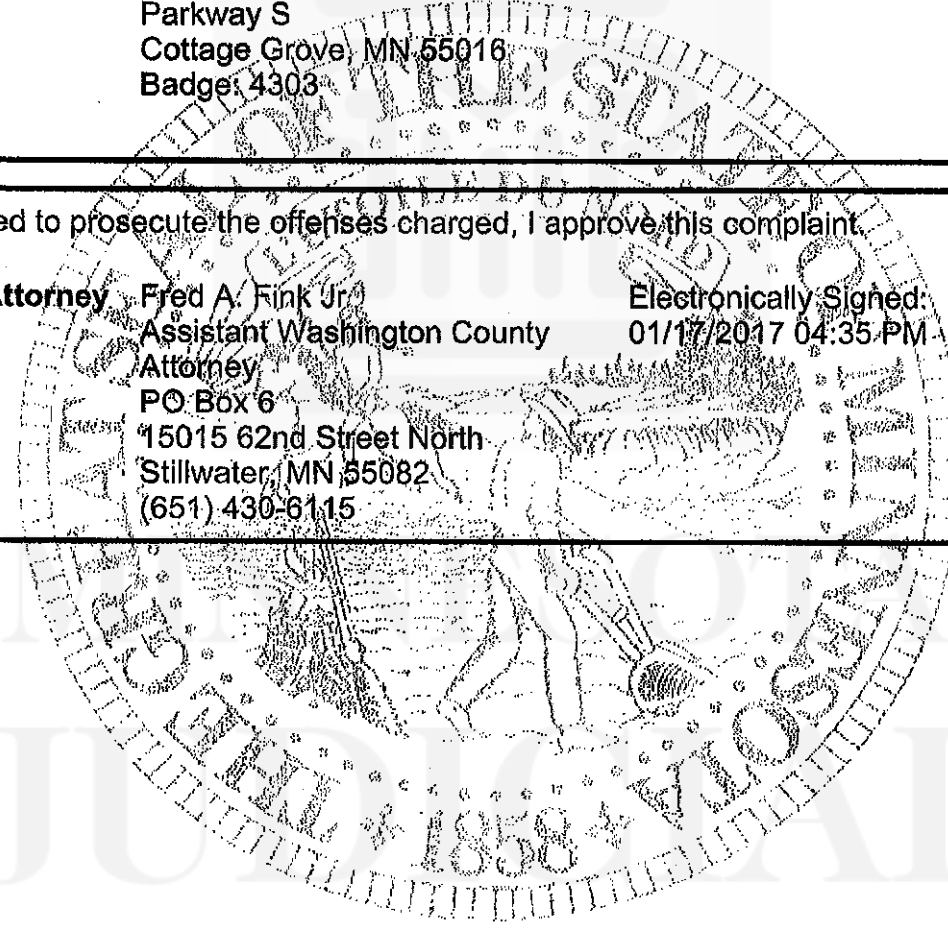
Washington County, Minnesota

Being authorized to prosecute the offenses charged, I approve this complaint.

**Prosecuting Attorney**

Fred A. Fink Jr.  
Assistant Washington County  
Attorney  
PO Box 6  
15015 62nd Street North  
Stillwater, MN 55082  
(651) 430-6115

Electronically Signed  
01/17/2017 04:35 PM



JUDICIAL  
BRANCH

**FINDING OF PROBABLE CAUSE**

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

**SUMMONS**

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ AM/PM before the above-named court at 14949 62nd Street N PO Box 3802, Stillwater, MN 55082-3802 to answer this complaint.

82-CR-17-242

Filed In Tenth Judicial District Court  
1/18/2017 09:05:03 AM  
Washington County, MN

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

**WARRANT**

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

*Execute in MN Only*

*Execute Nationwide*

*Execute in Border States*

**ORDER OF DETENTION**

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$  
Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: January 18, 2017.

Judicial Officer Susan R Miles  
District Court Judge

Electronically Signed: 01/18/2017 09:49 AM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OF WASHINGTON  
STATE OF MINNESOTA

**State of Minnesota**

Plaintiff

vs.

**Stephen Carl Allwine**

Defendant

**LAW ENFORCEMENT OFFICER RETURN OF SERVICE**  
I hereby Certify and Return that I have served a copy of this Order of Detention upon the Defendant herein named.

Signature of Authorized Service Agent:

**Case Name: Allwine, Stephen**  
**Case #: 305205962**

**WASHINGTON COUNTY COMMUNITY SERVICES**  
**FAMILY INVESTIGATION SUMMARY**

**Social Worker: Matt Stephenson**  
**Period of Service: 1/18/17 – 2/17/17**  
**Date of first contact with reported victim(s): 1/19/17**

**Identifying Information**

Parent Name/Address:

Mother DECEASED: Amy Louise Allwine dob 10/12/1972 - dod 11/13/2016  
Father: Stephen Carl Allwine 03/04/1973  
Adoptive parents of Joseph  
7624 110th St. S. Cottage Grove, MN 55016  
Phone: (651)253-8105 and (651)236-7732

**Others:**

Adoptive Maternal Grandparents:  
Charles Matthew Zutz 12/20/1944  
Joanne Gladys Zutz 02/13/1945  
7600 Military Road Woodbury, MN 55125  
Phone: (651)459-9270 and (651)398-4256

NOTE: Joseph Allwine was placed on a 72 hour hold with his grandparents on 01/17/2017

Biological Mother of Joseph Allwine:  
Abigail Clair Eickstadt 11/20/198  
612 Johnson St.  
Anoka, MN 55303  
612-859-7316

Julie Brown maternal aunt  
847.275.0442

Dorothy Schmidt –paternal aunt  
816.729.7876

Child(ren):  
Joseph Loyd Allwine 10/24/1973

**Collateral Contacts**

Allison Fredrickson attorney for the Zutz family  
651-248-9441

Gregg Wacker Probation for conditional release

Appendix 3

x6965

**ICWA:** ICWA does not apply

**Out of Home Placements:** Joseph was placed on a 72 hour old by the Cottage Grove Police on 1/17/17. On 1/20/17 Joseph was placed in to protective care of Washington County Community Services, with placement in a licensed foster home. Currently the Zutz (maternal grandmother) is in process of being licensed as a family foster home.

**Court:**

A TPR petition was filed on 1/20/17 with an EPC held on this date. Joseph is in protective care of WCCS. On 1/25/17 Judge Hannon ordered that Washington County to Cease Reasonable Efforts and that is in the child's best interest.

Stephen was charged with Second Degree Murder on 1/18/17. With conditions Bail was set for \$500,000.

**Child Protection History:**

None

Odyssey check shows only the private agency adoption of Joseph Allwine. The case was opened on 03/10/2008 and the adoption was granted on 04/23/2008.

**Current Reasons for Referral:**

01/17/2017 WCCS intake received a call regarding Joseph Allwine (age 9) who was placed on a 72 hour hold when his father was arrested for murder. Cottage Grove Police Case #116118731. Allegation of threatened physical abuse and allegation of mental injury to Joseph Allwine (age 9) by his father, Stephen Allwine. Mr. Allwine is charged with the murder of his wife, Amy Allwine. After review of police reports it indicates that the child was brought home to the crime scene by his father after the crime had occurred and the child found and observed his mother's body.

01/17/2017 WCCS intake received TC stating Cottage Grove Police have been investigating the death of Amy Louise Allwine. Amy Allwine died 11/13/2016. Cottage Grove Police just arrested Mr. Stephen Allwine for the murder of his wife, Amy Allwine. The couple had one adopted child, Joseph Loyd Allwine 10/24/2007 (age 9), who was with Mr. Allwine today 01/17/2017 when he was arrested. Cottage Grove Police placed the child on a 72 hour hold and placed the child with his maternal grandparents whom the child and Mr. Allwine were currently living. The maternal grandparents are Charles and Joanne Zutz. Cottage Grove police state that at this time the grandparents have hired an attorney and they are supporting their son in law as they believe he is innocent. Cottage Grove police are meeting with the maternal grandparents today to lay out all the evidence against their son in law in the murder of their daughter. The police believe that the child is safe in the care of his grandparents.

**Summary of Investigation**

Cottage Grove Police started the homicide investigation on November 13, 2016, the date Amy Allwine was found dead. On 1/17/17 Stephen was arrested and the police notified social services of the placement and provided investigation reports and the criminal complaint. The investigation reports are located in the file. On 1/20/17 Community Services did file a petition to terminate Stephen Allwine's parental rights based on the finding of a prima facie case that Joseph was subjected to egregious harm based the evidence gathered by Cottage Grove Police and Community Services. Evidence collected regarding the murder of Amy Allwine is in the custody of the Cottage Grove Police Department. Below is the criminal complaint which provides a summary of the collected evidence.

**The Complaint is:**

November 13, 2016 at approximately 7:00 p.m., officers with the Cottage Grove Police Department were dispatched to the residence at 7624 110<sup>th</sup> Street South, City of Cottage Grove, Washington County, Minnesota on a report of a gunshot wound. Upon arrival, officers observed an adult male, identified as STEPHEN CARL ALLWINE, D.O.B. 3/4/1973, "Defendant" herein, standing in the open garage with his son, J.L.A., D.O.B. 10/24/2007. Defendant stated that his wife, A.L.A., D.O.B. 12/10/1972, "Victim" herein, was in the rear bedroom, that he was uncertain of her injuries and that a nine millimeter firearm had been used. Officers found Victim lying on the bedroom floor near the door and observed pooled blood on the carpeting near her and under her head. Officers observed a nine millimeter Springfield XDS firearm lying on the floor and against the Victim's left forearm/elbow area. The firearm was secured and taken into evidence. Victim was warm to the touch, but officers were unable to locate a pulse. Uncertain of the extent of Victim's injuries, officers moved Victim's head toward her left shoulder, which revealed a bullet exit wound with brain matter and blood under Victim's head. The head was then moved back. It was determined that Victim was deceased. Officers observed a shell casing on the carpet near Victim's right foot. Officers also observed in the kitchen pumpkins roasting in a roaster oven on the counter. The oven was turned on when observed.

Inside the residence, officers located two cellular phones, a black Samsung Galaxy S7 in a black Otterbox case and a silver iPhone 6. Defendant provided officers with the passcode for the Samsung, which he stated was his personal cell phone, and two possible passcodes for the iPhone, which he stated was his work phone. Officer Liermann spoke with Defendant, who stated that he last saw Victim at approximately 5:29 p.m. when he left to go pick up their son, J.L.A., from Victim's parents' home. Defendant stated that he called Victim's parents at approximately 1:54 p.m. to come over and pick up J.L.A. because Defendant needed to get some work done. Defendant stated he works from home downstairs. He stated that when he came upstairs from working, Victim reported that she did not feel well and was lightheaded. Defendant stated that he asked Victim if she wanted to go to the doctor and she stated she did not. Defendant stated he went back downstairs to work and came upstairs at approximately 5:00 p.m. to check on Victim, who told him to stop checking on her, that she was fine and that he did not need to check on her anymore. Defendant stated that he told Victim he was going to pick up J.L.A. from her parents' residence and take him to a class at the Ninja Warrior gym in Woodbury. Defendant stated that he left their residence and called Victim's parents at approximately 5:29 p.m. to let them know he was coming to pick up J.L.A. Defendant stated he then went to the gas station to fill up his vehicle, where he realized he forgot J.L.A.'s shorts for his gym class at home. After he picked up J.L.A., Defendant stated that he then decided to go to Culver's to eat instead of bringing him to the gym. Defendant stated that after they ate, they came home and found Victim lying in the bedroom.

On December 7, 2016, Detective Raymond received information from Opantix, one of Defendant's employers. Detective Raymond learned that Defendant's shift is from 6:00 a.m. to 5:00 p.m. Sunday through Wednesday. On November 13, 2016, Defendant first logged in at 6:24 a.m. and remained logged in until 12:13, when he took his lunch break for 41 minutes and 23 seconds. Opantix reported that Defendant never entered the phone queue to finish his shift and that he did not enter any case updates for November 13, 2016, despite the fact that Defendant works on customer issues and is supposed to log all of his activity in his case notes. On December 20,

2016, Detective Raymond learned that Defendant's other employer, Cigna, issued Defendant the iPhone 6. Cigna verified that Defendant did not log into work on November 13, 2016.

Victim's parents, C.M.Z. and J.G.Z., responded to the scene. They reported that Victim was right handed, inconsistent with officers' observations that the firearm was found lying next to and against Victim's left forearm/elbow area and also inconsistent with a self inflicted gunshot wound to the right side of her head.

They reported that Victim and Defendant had a different code to enter their garage door because they monitored who was coming and going after Victim received death threats in the spring of 2016. They stated that Victim did not go into great detail about the threats with them, but neither of them had any idea of who would want to harm Victim, as she had no enemies. Victim's father stated that on November 13, 2016, he had gone to Defendant and Victim's residence after lunch. He installed a lock on a dog door and left around 2:00 p.m. He stated that about fifteen minutes later, Defendant called him, asking if he could come back and pick up J.L.A., as he was going to take Victim to Urgent Care. He reported that J.L.A. was standing in the garage when he arrived and Defendant was standing in the doorway.

Sergeant McAllister also responded to the residence and noted that the wood floor outside of the bedroom where Victim was located appeared very clean, while the bedroom carpet appeared dirty with what appeared to be dog hair. Sergeant McAllister observed the wood floor was hazy with some sort of residue. Sergeant McAllister then contacted Minnesota Bureau of Criminal Apprehension ("BCA" herein) Special Agent Michelle Frascone. After Special Agent Frascone arrived and viewed the scene, the Ramsey County Medical Examiner's Office was called to retrieve Victim's body. Special Agent Frascone then mobilized the BCA Crime Scene Team. A search warrant for the residence was applied for and signed by the Honorable Mary E. Hannon, Washington County District Court Judge.

On November 13, 2016, Officer Bushey transported Defendant to the Cottage Grove Police Department for additional information. Upon arrival, Defendant used the restroom under supervision in order to ensure he did not wash his hands. At the Department, Defendant agreed to provide a sample for the completion of a gunshot residue kit as well as a DNA sample via buccal swab; he signed consent forms for both. Defendant signed consent to search forms regarding the Galaxy S7 and the iPhone. Defendant agreed to speak with Detective Raymond. Defendant stated that he awoke on November 13, 2016 at approximately 5:50 a.m. and began working in his office downstairs. He stated he came upstairs for breakfast at approximately 10:00 a.m., saw Victim and J.L.A., and went back downstairs until approximately 1:00/1:15 p.m. to check on Victim. Defendant stated that Victim was not feeling well and that she reported feeling dizzy and groggy. Defendant stated that Victim asked him to call her father to come pick up J.L.A. so he would not have to be alone. Defendant also stated that Victim's father had been to their residence earlier that day to install a dog door. Victim's father picked up J.L.A. and again, Defendant stated that he then asked Victim how she was doing. He stated that Victim reported that she was dizzy, but was fine and was going to lie down. Defendant stated that he continued working and checked on Victim periodically. Defendant stated at one point he heard a thump while Victim went to the bathroom, but she again said she was fine. Defendant stated that he came upstairs at approximately 5:00/5:15 p.m. and noticed that Victim was kneeling by the bed. Defendant stated that he assumed she was praying, which was not unusual. Defendant stated that he then informed Victim that he was going to pick up J.L.A. and bring him to a gym class at Ninja Warrior in Woodbury. Defendant stated before he left he asked Victim how she was feeling and she stated she was feeling okay. Defendant stated he left the residence driving Victim's Toyota Sienna and realized it was low on fuel, so he went to the Super America located at County Road 19 and 70<sup>th</sup> Street in Cottage Grove. He then picked up J.L.A. from Victim's parents' residence in Woodbury and began traveling to the gym, when he realized they would not have enough time to make it there. Defendant did not mention having forgotten his son's shorts as he had in his first statement. Defendant stated that they then drove home after he had picked up JAL and had had dinner at Culver's. He stated that J.L.A. entered before him and asked him, "Why is Mommy sitting on the floor?" Defendant stated he told J.L.A. to start getting ready for bed and he went to the bedroom, where he saw Victim lying on the floor and blood. He stated he then called 911.

Defendant verified that they had installed an alarm at the residence after Victim received threats, but they had gotten lax about setting it. Defendant was referencing a time earlier in 2016 when the Federal Bureau of Investigation ("FBI" herein) contacted the Cottage Grove Police Department regarding a murder-for-hire

On November 17, 2016, Sergeant McAlister received a response from Comcast/Xfinity regarding the home security system which recorded the dates/times that the front and garage access doors are opened. He learned that on November 13, 2016, the only ingress to and egress from the home occurred at (1) 1:47 and 2:02 p.m., when Victim's father picked up J.L.A., (2) 5:26 p.m. when Defendant left to pick up J.L.A., (3) 6:58 p.m., when Defendant and J.L.A. arrived home, (4) 7:06 p.m., when Defendant and J.L.A. exited the home prior to police arrival, and (5) 7:08 p.m., police arrival. This confirms that after Defendant left the residence at 5:26 p.m., no other individual entered the residence through the three monitored entry points until Defendant and J.L.A. arrived home to find Victim deceased. Most notably, the search warrant return also revealed that after Victim's father left the residence at 2:02 p.m., the service door was opened at 2:40 p.m., 2:42 p.m., and 4:40 p.m. In his statement to Detective Raymond, Defendant stated that after J.L.A. was picked up earlier around 2:00 p.m., he was working in the basement until he left at 5:26 p.m.

On November 29, 2016, Sergeant McAlister received a telephone call and email from the RJ Lee Group, the company the Cottage Grove Police Department uses to examine their gun shot residue kits. Sergeant McAlister learned that Defendant's sample (#10383986) revealed that Defendant's right hand contained a particle characteristic of gun shot residue. Detective Raymond confirmed while watching Defendant sign consent forms on November 13, 2016, that Defendant is right handed.

On November 30, 2016, Sergeant McAlister met with BCA Special Agent Joe O'Brien regarding digital evidence he had obtained from the FBI. The evidence included information regarding a Dark Web website called "Besa Mafia," where individuals solicit murders and assaults for hire. Besa Mafia had been hacked at some point and posts made on open source websites revealed lists of individuals who had purportedly contacted the Besa Mafia for its services. As a result of this hack, the FBI became aware of a conversation on Besa Mafia initiated by an individual with the username "dogdaygod" and email address "dogdaygod@hmamail.com" ("dogdaygod" herein). In a review of the following evidence obtained by the FBI, the Cottage Grove Police Department and BCA mapped out the following timeline. It should be noted that Defendant was not truthful with law enforcement regarding his activity on the internet, as he denied knowing about hacking or the Dark Web, yet information gleaned from examining Defendant's computer revealed that Defendant had accessed the Dark Web as early as 2014.

- On February 14, 2016, dogdaygod opened his/her account on reddit.com. The IP address used by dogdaygod is a known TOR exit out of France; TOR exits are used obtain access to the Dark Web. Dogdaygod immediately inquired on reddit.com that he/she was new to the markets and asked for tips on how to identify law enforcement posing as sellers.
- On February 15, 2016, an email was sent from dogdaygod@hmamail.com to the Besa Mafia website inquiring as to the cost of a "hit." Besa Mafia replied that the cost was \$5,000.00, that bitcoins could be used as payment and that coinbase.com and localbitcoins.com could be used to obtain bitcoins for the purchase of the hit. Dogdaygod ultimately inquired as to how much it would cost to kill Victim and to make it look like a car accident. Besa Mafia stated that would cost \$6,000.00.
- On February 16, 2016, several cookies were installed on Defendant's Galaxy S5 from coindesk.com, btc-e.com and wemineltc.com, bitcoin websites. Later that day, dogdaygod posted on the Besa Mafia website that the "target" will be traveling to Moline, Illinois in March and asked if this will work. Besa Mafia confirmed that the hit can be done at that time and provided details as to different kind of hits and their associated costs.
- On March 4, 2016, Defendant received a verification token from localbitcoins.com on his Samsung Galaxy S5.
- Between February 29, 2016 and March 5, 2016, dogdaygod discussed on the Besa Mafia website that they "have the bitcoins now." They also discuss a website called "Bitrated" and suggests that a way to launder bitcoins for assassinations would be to claim to be using the bitcoins to purchase "training or consulting or purchasing a car." The Besa Mafia website replies to this by suggesting that a bitcoin escrow service should be used to launder the bitcoins. Besa Mafia confirmed the original plan and stated that the hitman will have his gun with him, because in the event that Victim does not die in the car crash, the hitman will shoot her dead.
- On March 6, 2016, dogdaygod posted on the Besa Mafia website that "she" (dogdaygod purports to be a female) needs "this bitch dead" and confirmed that Victim will be traveling to Moline, Illinois with a companion. Dogdaygod stated that they do not care if Victim's companion gets killed in the process. The Besa Mafia website replies that they have assigned a hit man and will perform the murder during the evening of March 19 or March



discovery on a part of the internet, not indexed by search engines, and referred to as the "Dark Web." The FBI had tracked activity on the Dark Web that involved an individual attempting to procure a hitman to kill Victim. On June 1, 2016, FBI Special Agent Silkey and Detective Raymond met with Defendant and Victim at their residence and subsequently had Victim come to the Cottage Grove Police Department for further information. Accordingly, Victim was advised to install security measures at her residence and report any suspicious activity. The Cottage Grove Police Department subsequently learned that on June 22, 2016, Defendant applied for a permit to purchase a firearm and received his permit to carry a firearm on August 10, 2016. Defendant purchased the aforementioned Springfield 9mm handgun after August 10, 2016. Defendant denied having any knowledge about hacking or the Dark Web in his statement to police.

Defendant stated that Victim had been more positive lately and that she had recently gotten back into teaching dog agility training. It was verified that Victim owned her own dog agility training company which operated out of the home address. He stated that their family had taken a trip to Germany and that they all slept well there. He also stated that Victim had been having issues with her email. He stated that he was frustrated because he works in IT and works out of his basement office. Defendant denied any knowledge about hacking and that he knows "how things are supposed to work in the legitimate world." Defendant stated he asked a friend who works in computer forensics about Victim's email issues and asked his friend "Kevin" about whether the FBI would do a "deep dive" on their electronic devices, which were taken by the FBI after the Dark Web threats were made. They were subsequently returned.

Detective Raymond then spoke with J.L.A., who reported that earlier in the day, his mother did not feel well and was dizzy, so his father took her to the clinic. He said he went to his grandma and grandpa's until his dad picked him up to go to the Ninja gym. He reported that his dad then said they did not have time to go there and they went to Culver's for dinner. He reported that when he found his mother, he asked his father why she was sleeping on the floor. J.L.A. reported that his father then stated, "She's probably dead," and called 911. He reported that his father told him that there was blood all over and there was a handgun. Defendant consented to J.L.A. providing a DNA sample at this time.

On November 15, 2016, Detective Raymond assisted in the execution of the search warrant on Defendant and Victim's residence. Detective Raymond observed Defendant's basement office contained a large amount of computer equipment, which appeared to be very sophisticated and technologically advanced. Officers also found five additional cellular phones in the home. A silver iPhone 6 in a Body Glove case and an LG VS876 Lucid 3 in a clear case were found in close proximity to Victim in her bedroom. Two inactive cellular phones were found on Defendant's bedroom nightstand. Finally, a Samsung Galaxy 5S was located in Defendant's personal office in the basement. This phone used the same phone number as Defendant's current personal cell phone, the Samsung Galaxy S7, which Defendant began using on November 9, 2016.

On November 16, 2016, three search warrants were presented to and signed by the Honorable Mary E. Hannon: the first for several cellular phones, the second for the residence's video doorbell system and the third for the Comcast/Xfinity home security system. On November 17, 2016, Sergeant McAlister received an email with information related to the family's video doorbell system (the "Ring" system herein). He had requested all video or audio capture from November 12, 2016 and November 13, 2016. The video system filmed the front door area of the house and was triggered by motion. Seventeen files were attached to the email, but no footage was captured on November 13, 2016 prior to the time Victim was found deceased. Video #6 was recorded on November 12, 2016 until 2:09 p.m. and there is no further recording until November 13, 2016 at 6:32 p.m., which is police activity. Defendant's name is listed on the Ring account, which was created on June 13, 2016. Defendant's email is listed as the primary email on the account. The Ring account also shows that the system was connected to an Android device, which was registered to the account on November 11, 2016. The Android model registered matches the Samsung Galaxy S5 cellular phone found in Defendant's basement office in the execution of the search warrant for the residence. Additionally, a search of this phone revealed that an application for the Ring system was downloaded onto his phone. Also on this phone, Detective Raymond found what appeared to be a "bitwallet" or a "bitcoin" application commonly used for trading or paying in bitcoins. Bitcoin is a currency form used on the Dark Web to pay for illegal services, goods and transactions, as it is largely untraceable back to the seller and buyer.

20, 2016. Investigation revealed that Victim had indeed traveled to Moline, Illinois during this time for a dog training competition.

- On March 7, 2016, Defendant contacted the Cottage Grove Police Department to report that he had been defrauded in a bitcoin transaction related to an email he had received on March 3, 2016 from an untraceable "guerrillamail.com" address. The email references Cisco training and test preparation materials for \$6,000.00 in bitcoins, which Defendant admitted he tried to purchase but never received from an individual named "Mark," and at some point became suspicious the activity was fraudulent. Law enforcement observed that "Mark" emailed Defendant about the materials, their cost and about how if Defendant is not interested, he will sell it on eBay; however, they observed that in a search of Defendant's outgoing email, at no point before or after "Mark's" email did Defendant communicate with or respond to "Mark."

- In subsequent conversations on Besa Mafia during this time, dogdaygod disclosed very detailed facts about Victim's family, including schedules and where Victim will be on certain days, indicating that dogdaygod is an individual close to Victim.

- On March 20, 2016, Besa Mafia informed dogdaygod that their hitman followed Victim, but did not yet get a chance to kill her. In prior discussion, Besa Mafia told dogdaygod that the hitman would wait for Victim at the airport, tail her in a slow-moving car and cause a car accident to kill her. Besa Mafia then told dogdaygod that they recommend the use of a sniper, which costs an additional ten bitcoins, or approximately \$12,000.00. Dogdaygod replied that while he/she did not have the additional bitcoins on hand, if the killing could not be completed in Moline, that Victim was going to Atlanta in a few weeks and the job could be done then. It was ultimately decided between dogdaygod and Besa Mafia that Victim would be killed at her home and the house would be burned afterward. Besa Mafia stated that with the additional ten bitcoin cost, the plan had a 100% success rate. Dogdaygod agreed to provide the money by the next day.

- On March 22, 2016, dogdaygod told Besa Mafia that when his computer screen refreshed, it provided him/her with the wrong bitcoin address where he/she had sent the additional funds. Dogdaygod asked if Besa Mafia was able to match it to the address the funds should have gone. Dogdaygod provided the address 1FUZ1IECCNHN2KW8MUXHZWOMBW1TCFVIHB. Investigation revealed that bitcoin addresses are considered unique to each transaction. During computer forensics search of Defendant's computer, this specific bitcoin wallet address was found on a backed up deleted file. The file was originally on Defendant's phone, but was transferred to his computer during an iPhone backup. This specific bitcoin wallet address is the exact same address provided by dogdaygod, thus linking Defendant directly to dogdaygod.

- When Victim was not killed and the home not burned down, Besa Mafia told dogdaygod that the hitman was stopped by local police for driving a stolen vehicle and taken to jail prior the hit. Sergeant McAlister noted that during this time, no one was apprehended in Minnesota and western Wisconsin and was arrested in a stolen vehicle and in possession of a gun. Besa Mafia continued to solicit money from dogdaygod, continually delaying the hit.

- On May 18, 2016, an account was created on DreamMarket Forum, another Dark Web website, with the username dogdaygod. The post inquired about a partner for a job, needing to stay anonymous and being paid by bitcoin. Dogdaygod also posted asking, "Does anyone have Scopolomine for sale?" with the topic of the thread labeled, "Looking for drug dealer physically located in Minneapolis area by dogdaygod." Throughout this time, several cookies for reddit and several Tors, or search engines used to search the Dark Web, are installed on Defendant's phone.

- Investigation revealed that on July 23, 2016, in a forensic search of Defendant's computer, the website www.radaris.com was accessed on this day. Forensic evidence further revealed that on Defendant's computer on this day, Victim's and Victim's family members' names were searched.

- On July 24, 2016 at approximately 1:56 p.m., Victim received an email via a Tor, from an anonymous email address, jane@gmail.com, which stated, "[Victim], I still blame you for my life falling apart. I do not know how a fat bitch like you got to my husband, but because of you he left, and my life has become shit. I am sending you this email, because it looks like you already know about me. I see that you have put up a security system now, and I have been informed by people on the Internet that the police were snooping around my earlier emails. I have been assured that the emails are untraceable and they will not find me, but I cannot attack you directly with them watching. Here is what is going to happen. Since I cannot get to you, I will come after everything else that

you love. I know about your son, your husband, and your business, but thanks to the internet (www.radaris.com) I see you have a mother and father in Woodbury (7600 Military Rd), a brother in St. Paul, and a sister in Yardley, PA. I have been busy researching topics on the internet, and have found that if you inject water into the brake line, then you will cause them to fail. What would happen if the brakes on the truck failed when your husband was hauling a heavy load? I found how to blow up a gas meter and make it look like an accident. I know that the meter on your house and on your business are on the east side, and the meter on your parents' house is on the south side. I am still watching you and your family. While, I did not see your son this week, I saw last Friday [sic] he was wearing a bright pink shirt. I see that you moved the RV. Here is how you can save your family. Commit suicide. If you do not, then you will slowly see things taken away from you, and each time you will know that you could have stopped it, which will eat you apart from the inside. By the time I am done you will want to end it anyway, so why not do it now and save them. Based on lasthope.com the best ways to do it are shotgun to the head (which you might not have) cyanide (which you probably do not have) gunshot to the head (which you might not have) shotgun to the chest (which you might not have) explosives (which you probably do not have) hit by train jump from height (a lot of bridges around) hanging household toxins (anti-freeze, ammonia and bleach) inhaling gas (carbon monoxide) slitting wrist or throat. I know about this website, because I have thought of this option many times. Remember if you do not get it right the first time, then you will likely be committed for mental health issues, and you will lose your business and possibly your family. so [sic] I would pick a reliable method. I think it is an easy choice. 1 life to save 6 lives. Your family does not need you, but you can save them. DO NOT tell ANYONE about this email or this deal is OFF and I will come after your family. You have seen that the police are not able to track my earlier emails, but I was informed of them searching. They will not be able to track this either, but I will know if they look into it. Unless you are a heartless, selfish bitch then I expect to see your obituary in the paper in the next couple weeks." Because this activity was done via the Dark Web and possibly an unidentifiable router referred to as an "onion" router, IP addresses linking the email to the anonymous sender could not be traced.

- On July 31, 2016 at 8:58 a.m., Victim received another email from jane@gmail.com, which stated, "Amy, your family is in danger. Last Sunday you received an email with the solution to this problem, and you have not done anything about it yet. Are you so selfish that you will put your families lives at risk? If you did not see the email then you check your junk mail soon."

- During this time, Defendant inquired on reddit.com about "Tails," which is an operating system used to remove computer artifacts and searches, designed to enable the user to navigate the internet anonymously and privately. There is also evidence that in July 2016, Defendant's computer was used to access guerrillamail. Forensic extraction was done on all seized cellular phones. The iPhone 6S (Item #2) revealed a contact for "Michelle" at a phone number. Defendant admitted to law enforcement that he had been in a relationship with a "Michelle" from the "western metro Twin Cities area." Special Agent Michelle Frascone determined that "Michelle" was M.W., D.O.B. 10/23/1970. M.W. agreed to speak with law enforcement. She stated that she and Defendant had an affair during his marriage to Victim, meeting on the website Ashley Madison, a website for married people seeking extramarital affairs. She stated that the two had an intimate relationship for several months during which time they took out-of-town trips together, as well as spent time together locally. She admitted that their affair was sexual in nature and provided photographs of the two of them together in which they are hugging and kissing. M.W. stated that at times, Defendant wanted her to come to his house when Victim was out of town, but told her that cameras were up and that he needed her to come through the back way to avoid detection. Photographs were provided that were dated December 11, 12 and 15, 2015. M.W. stated that the romance "fizzled" in February 2016. M.W. stated that if the murder-for-hire plot was true, that Defendant was smart enough to pull it off.

It was subsequently discovered that Defendant had gone out with an individual identified as A.H., who also agreed to speak with law enforcement. A.H. stated that she too met Defendant on Ashley Madison; Defendant reached out to her and asked her on a date in October 2015. A.H. stated that they met for dinner at Legend's Golf Course in Prior Lake and that they ended the evening with a kiss.

On December 19, 2016, the BCA tested several items for DNA. On a blue washcloth taken from the laundry room, DNA was found and both Defendant and Victim cannot be excluded as contributors. On the pistol trigger, the slide release and the slide, DNA was found and a mixture of DNA from Defendant and Victim cannot be excluded as contributors. On the pistol grips, DNA was found. Victim was the major DNA contributor, but Defendant cannot be excluded as a contributor.

In further review of the residence, BCA and local law enforcement noted no forced entry into the home. Outside the bedroom where Victim was found, nine faintly visible smear marks were observed on the hardwood floor, as noted previously by Sergeant McAlister. There is a void between these smear marks and the blood staining the floor next to and under the Victim's head in the bedroom. These nine bloodstains were present in the hallway floor and lower north wall outside the master bedroom. BCA agents classified these bloodstains as consistent with blood spatter, possibly from a wiping mechanism. Agents observed a large area on the hardwood floor that had blood on it, but had been cleaned. Human blood was found in the tongue-and-groove portions of several floorboards; that floor was lifted and the blood present was confirmed by DNA tests to be Victim's. Agents also found nine separate areas of visible transfer stains and bloodlike substance present on the floor between the master bedroom and laundry room, darkest near the bedroom and progressively lighter near the laundry room. These appeared to be bloody footprints and were only visible when the crime scene team used luminol and not to the naked eye. This area appeared to have been the site of an attempted cleanup. Blood was observed on both sides of the bedroom door and a transfer stain was present on the hallway side of the door. Transfer and spatter stains were found on the bedroom side of the door. A drip pattern of blood was located in the bedroom where Victim was found, consistent with a source of blood from Victim that was elevated above the carpet to create that pattern. The entire surface of the main floor was chemically processed to enhance latent blood residue. It was determined that blood was present in a large pool outside of the master bedroom; there were footprints consistent with a person walking back and forth with blood on their feet found throughout the residence including outside the master bedroom, between the couch and kitchen island, between the dining room table and basement door, in the hallway, in the main floor bathroom, in J.L.A.'s bedroom and in the laundry room. Additionally, the bloody footprints were not found near any access point to the residence except the garage access door.

In an interview on November 15, 2016 with his attorney, Special Agent Frascione and Special Agent Chris Olson, Defendant was specifically asked about blood on the wooden floor outside the bedroom that appeared to have been cleaned up. Defendant stated he had no information about this. He also stated that no one had been previously injured in the home and had no explanation about why human blood on the floor of the home would have been cleaned up. He also stated that Victim had a \$700,000.00 insurance policy through Northwest Mutual Insurance.

Further investigation noted that after dogdaygod's attempts to have Victim killed via the Besa Mafia hitman, dogdaygod inquired about the purchase of scopolamine on the Dark Web's Dream Market Forum. Scopolamine is a drug used in the United States most commonly via a transdermal patch. It is primarily used to treat nausea or motion sickness when recovering from surgery. It is nicknamed the "devil's drug" and is known to erase a person's memory, rendering them incapable of exercising their free will. The drug is made into an odorless and tasteless powder that quickly dissolves in liquids and is commonly put into drinks or sprinkled on food. Law enforcement requested that the Ramsey County Medical Examiner's Office test Victim's blood specifically for scopolamine and it was revealed that Victim's blood contained over forty five times higher concentration of the drug than what it would be after a prescribed therapeutic dose. It was confirmed that Victim was not ever prescribed scopolamine. It should be noted that a search of Victim's iPhone 6 revealed that on November 13, 2016, it was last used to search "Vertigo-Wikipedia" at approximately 2:01 p.m.

The Ramsey County Medical Examiner performed Victim's autopsy, which confirmed she had died due to the gunshot wound. The wound tract is from slightly back to front, right to left and slightly downward when the body is viewed in the anatomical position. No gunpowder stippling was noted on the skin around the entry wound, which is correlated to the distance of the shot; the closer the shot is to the skin the more stippling there is. Victim's hands revealed no soot, no gunpowder stippling, no unburned gunpowder stippling, and no blood on either hand. These findings are inconsistent with a self-inflicted gunshot wound to the head. The medical examiner estimates Victim's time of death at around 3:00 p.m. on November 13, 2016.

1/18/17

This worker was assigned case at 11:02 am on this day. This worker contacted the South Washington County School and learned that Joseph attends out of district at Natural Science Academy in St. Paul Park. Worker then proceeded to St. Paul Park to speak with Joseph.

Worker arrived to the school and spoke with Kendra Hunding, Sr. Lead Teacher. Ms. Hunding reports that Joseph was not in school today. They are worried about Joseph as he has been a talkative child, but since his mother's death has been distant and detached. Stated that he was talking about the crime scene to other kids on the playground, and had to be told not to. School is a small charter school and does not have counselors. They have consulted about Joseph and want to help him get what he needs.

Drove to the home listed on the 72 hour hold. Toyota Siena (Amy's car) was located in driveway, but house appeared to be empty.

Worker returned to the office and spoke with Abigail Eickstadt by phone, who is the biological mother of Joseph. Abigail had contacted both the police department and social services requesting a call. Joseph was adopted at birth to Amy and Stephen through the Children's Home Society. It was an open adoption and she has contact twice a month, and visits are sometimes overnight. Abigail reports she got pregnant when she was 20, and did not want to terminate the pregnancy, or have a closed adoption. She decided an open adoption would be best. She is now married, has a 17 month old and pregnant. She has a job with a HR company, and they are gaining custody of her husband's son, her step son, this week. She would like to gain custody of Joseph and is seeking out a lawyer to reverse the adoption.

During the course of the day worker consulted with Tony Zdroik and Rick Allen in the county attorney's office.

This worker received a phone call from Det. Claussen stating that it appears that Stephen will be bailing out today or tomorrow. Stephen has been residing with Joseph at the maternal grandparent's home, and they have believed that Stephen did not commit murder. However, there was a meeting today and it appears that they have changed their mind. Worker also spoke with sister, Julie Brown, who flew in from out of state and she would like to meet with worker with her parents and agreed to meet tomorrow at 1pm.

1/19/17

This worker met with Julie, Joseph, Charles and Joanne Zutz at the family home in Woodbury for a scheduled meeting.

The family meeting occurred on the 4 season porch behind a closed door. Joseph initially was not at home, and was at a friend's house so we could speak. He later came home and worker met with him, also finished up the conversation behind closed door.

The family is struggling with understanding that Amy was murdered by Stephen. Initially, suicide was ruled out quickly, but no one told them this, this was speculated based on

interviews by the police, and because there was the previous death threats that they were aware of.

The family has been given information by the police and reviewed the evidence. The Stephen that they know, could not have done this, and have resolved they never really knew Stephen then.

Stephen had been living with the family until he was arrested.

At this time Joseph can remain with Zutz, but Charles reports that he cannot do this forever. Julie is staying here and getting through school and staying in Woodbury is best for Joe and the goal. Trying to keep him in the same school is also the goal, it is a small school, that has already processed with him the death of his mother, and can get specialists in for his return.

1/26/17

Worker received phone call from Julie Brown to report that Joseph started school today. Joseph had a therapy appointment two days ago to prep him for returning to school. Joseph had a great "normal" day yesterday. The school had a school psychologist present who had done some prepping with the kids the day prior, and Joe reports his day was awesome because it was normal.

Julie reports that there will be a time to tell Joe that she believes that Stephen killed his mother and discussed strategy with that. Discussed working with therapist and creating a plan with a therapist when it is time. Also to watch out for cues from Joe also as he asks questions. Julie does appear to be the person Joe seeks out for information.

Worker asked Julie about Stephen and Amy's relationship, according to police records Stephen had several failed attempts at hiring someone to murder Amy over the course of 2 years and several affairs with other women outside the marriage. Julie reports that this is what made this difficult to believe, that together they "looked like the Obamas". They looked happy together. When they were all vacationing in Germany they were dancing. An anniversary in New York in August they spent several days together while Julie cared for Joe. They seemed so Happy. Even though the FBI was investigating the possibility of someone attempting to kill Amy, she scoffed at the idea it could be Stephen according to Julie.

Julie reports that one of the facts of the case that upsets her besides the murder of Amy, is bringing Joe back to find the body. Julie agrees that egregious.

1/31/17

This worker met with Joseph Allwine at school. Stephen Allwine posted bail on Friday 1/27/17. On 1/30/17 this worker received a call from Joanne Zutz and Julie Brown expressing a concern that over the weekend, Stephen contacted Joanne by text asking about Joseph's Gizmo. On this day worker drove to the school to meet with Joseph about the Gizmo. Joseph denies that he has had any contact with his dad since the arrest and he understands that his dad can't have contact with him. Joseph was asked about the

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gizmo and he report his dad can call him or text him on it and he can call his dad or send "quick messages" which are preprogrammed responses or an emoji. He reports to call there is a list of people programed in for him to call but the only person on the list "is Dad". Grandpa and grandma are not on the gizmo list and they don't call him on it. He reports that the gizmo is not currently charged.

This worker contacted the therapist and discussed Joseph's mental health. This past weekend Joseph made a comment before going to bed that he felt like he could just die. Chuck and Joanne sat with him and talked about it and Joseph went to sleep. They watched Joseph closely and contacted the therapist. Paul Dirskey, crisis therapist, reports that the family handled the situation well. Discussed with therapist about Joe and needing some security items from the home. Informed him Julie had brought his quilt from the home that his mother had made him.

Discussed with Paul the psychological damage, that Stephen Allwine may have caused by killing Joseph's mother and taking her away from Joseph permanently. Discussed by doing so Stephen is depriving him of his mother, which is neglect. Also discussed by killing his mother, and by taking Joseph back home, to the crime scene then sending Joseph into the home first, allowing Joseph to see his mother's dead body is mental injury. This caused permanent emotional harm to Joseph.

Received email from probation later in the day that Stephen was taken into custody by Cottage Grove Police for probation violation.

Throughout the assessment period an ongoing cps case manager and a kinship worker was assigned to the case. Multiple contacts were made with family members seeking out relative information, planning for services, and family group planning. These contacts are located in the chronology of the case in SSIS.

**SDM:**

- A. Safety: Unsafe
- B. Risk: High

**Determination of Protection Referral:**

In the report of 1/18/17 , Washington County Community Services has determined that **maltreatment did occur. Child Protection Services are needed.**

**The reasons for the determination are:**

There is a preponderance of evidence that maltreatment occurred. This decision was made upon review of written reports and interviews. Washington County Community Services does find that Stephen Allwine did intentionally murder his son's mother, Amy Allwine as outlined in the criminal complaint. This action deprived his son of the care and affection of his mother as well as subjecting Joseph to mental injury. By killing Amy Allwine, Stephen removed Joseph's relationship with his mother permanently. Based on information gathered from living family members, Amy Allwine provided physical and emotional care to Joseph on a daily basis in the parenting role as his mother.

According to the complaint, after Stephen Allwine killed Joseph's mother, he left the house to pick up Joseph from his maternal grandparents. Stephen Allwine brought Joseph to Culver's, then drove Joseph back to the family home in Cottage Grove. Stephen Allwine then allowed his son to enter the house first and find the deceased body of his mother, exposing him to the sight of his murdered mother. The loss of Joseph's mother and seeing his mother's murdered body has caused permanent emotional harm as indicated by his therapist.

This is a maltreatment finding of egregious harm which is defined in MN Statute 260.c.007 Subd 14. stating: "The infliction of bodily harm to a child or neglect of a child which demonstrates a grossly inadequate ability to provide minimally adequate parental care.

The level of risk at the conclusion of the assessment is: High  
Family notified of determination on: 2/24/17

**CWTCM:** The child protective service assessment has determined that Joseph Allwine is at risk of maltreatment or out of home placement and CW-TCM will (not) be provided. The child is not on Medical Assistance or Minnesota Care and is/are eligible for CW-TCM. Case Management will be provided to the child, the specific case management services will be documented in the Child Protection / Social Service Case Plan.

**Initial Service Plan**

**Defined Problem:**

Joseph Allwine's mother was murdered by his father. Joseph is without a legal parent to provide care.

**Services to be Provided**

Child protection case management  
Permanency planning  
Ongoing Therapy

**Frequency of Contact:**

Monthly minimally

**Planned Expectations:**

**Estimated Time to Accomplish Plan:**

A TPR petition has been filed, but is stayed until the criminal matter is resolved. Criminal proceeding could be 18 months before a trial.

**Reassessment Date:**

May 2017



## LARSON • KING

**KEVIN W. DeVORE\*\***  
Direct Dial: (651) 312-6519  
E-Mail: [kdevore@larsonking.com](mailto:kdevore@larsonking.com)  
\*Admitted in Minnesota and Wisconsin  
\*\*MSBA Certified Criminal Law Specialist

March 8, 2017

Mr. Matt Stevenson, BA  
Social Worker II  
Community Services  
Washington County Government Center  
14949 62<sup>nd</sup> Street North  
PO Box 30  
Stillwater, MN 55082

RE: Stephen Allwine

Dear Mr. Stevenson:

On behalf of my client, Stephen Allwine, we hereby object to your letter dated February 24, 2017, wherein you find that maltreatment occurred in this case. We ask for the County to reconsider its determination. Your findings are based on circumstantial evidence that my client cannot dispute at this time, given the pending criminal charge. We ask that you postpone your finding of maltreatment until the criminal matter has been completed.

Very truly yours,

LARSON • KING, LLP

  
Kevin W. DeVore

KWD:lab 1599325

cc: Stephen Allwine

<b>State of Minnesota</b>	<b>County of Washington</b>	<b>District Court</b>
<b>Indictment</b>		

	DOMESTIC ASSAULT
	AMENDED COMPLAINT
	TAB CHARGE PREVIOUSLY FILED

DATE FILED	PROSECUTOR FILE NO.	COURT FILE NO.
	CR-2016-1851	82-CR-17-242

File #  
WASHINGTON COUNTY  
DISTRICT COURT

MAR 23 2017

COURT ADMINISTRATOR

By AS Deputy

STATE OF MINNESOTA,

PLAINTIFF

INDICTMENT

VS.

NAME: First, Middle, Last <b>Stephen Carl Allwine</b> 7624 110th Street S Cottage Grove, MN 55016  <div style="text-align: right;">DEFENDANT(S)</div>
--

Date of Birth  03/04/1973
---------------------------------

### INDICTMENT

The above Defendant(s) is/are hereby accused and charged by the Grand Jury of the above-named County, in the State of Minnesota, by this indictment of the offenses(s) of:

Ct	Statute Type	Offense Date	Statute Number & Description	Offense Level	MOC	GOC	Controlling Agencies	Control Numbers
1	Charge	11/13/16	609.185 Subd. (a)(1) Murder - 1st Degree - Premeditated	F	H1H42	N	MN0820700	116118731
	Penalty		609.185 Murder - 1st Degree					

Committed on the 13<sup>th</sup> day of November, 2016 in the city of Cottage Grove, in the above-named County, in the State of Minnesota.

The essential facts constituting the offenses are as follows:

#### Count 1


**Charge:** Murder - 1<sup>st</sup> Degree - Premeditated  
**In Violation of:** 609.185 Subd. (a)(1) and 609.106.2(1) and 609.11  
**Penalty:** Life in prison without the possibility of release

Stephen Carl Allwine caused the death of A.L.A., D.O.B. 12/10/1972, with premeditation and with intent to effect the death of the victim or another.

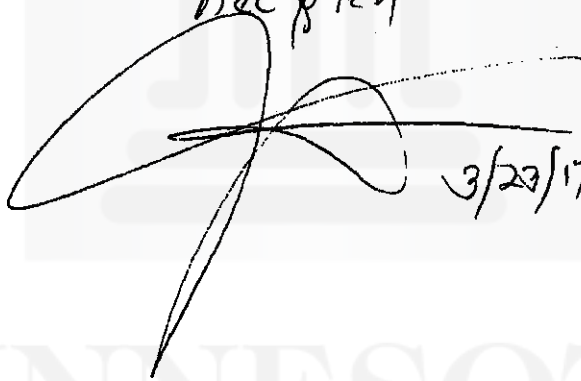
Appendix 5

Witnesses appearing before the Grand Jury:

- Sgt. Randy McAlister
- Scientist Lindsay Garfield
- SA Michelle Frascone
- Mark Lanterman
- Dr. Kelly Mills

<p><b>DATE:</b> March <sup>23</sup> 21, 2017</p>	<p><b>SIGNATURE OF FOREPERSON OF THE GRAND JURY</b>            [Name of Foreperson of Grand Jury]</p>
--	---

Accepted



3/23/17

MINNESOTA  
JUDICIAL  
BRANCH

**STATE OF MINNESOTA, COUNTY OF WASHINGTON**

**STATE OF MINNESOTA**  
Plaintiff,

vs

**Stephen Carl Allwine,**  
Defendant(s)

Clerk's Signature or File Stamp:

*RETURN OF SERVICE*  
I hereby Certify and Return that I have served a copy  
of this  
INDICTMENT upon then Defendant(s) herein named.

Signature of Authorized Agent:





Community Services

April 18, 2017

Kevin W. DeVore  
Larson King, LLP  
30 East Seventh Street, Suite 2800  
St. Paul, MN 55101

RE: Reconsideration Request for Stephen Allwine

Dear Mr. DeVore:

On March 10, 2017, this agency received your letter dated March 8<sup>th</sup>, requesting reconsideration of a child maltreatment determination. This department has completed this reconsideration. I asked representatives of our Citizen Review Panel to participate in the review of this matter, and this review has now been completed.

The Citizen Review Panel members reviewed the case file information, various reports and your request. The Citizen Review Panel members present for this review advised this agency that it would be their recommendation that our original determination not be changed. I have also reviewed the file, various reports and your request. It is my decision that there was a preponderance of evidence to support a child maltreatment determination. The initial findings will not be reversed or changed.

If you are not in agreement with the County's decision, you may contact the Commissioner of Human Services and request a State Agency Appeal, pursuant to Minnesota Statute 256.01. To request such a hearing, you must notify the following office in writing:

Department of Human Services  
Appeals & Regulations Division  
P.O. Box 64941  
St. Paul, MN, 55164-0941  
Phone number: 651-431-3600

You must write the Appeals Division within thirty (30) days of receiving this notice if you wish to appeal, or you may send the letter within ninety (90) days of receiving this notice if you can show good cause not to write within the thirty (30) day period.

Once requested, the appeal for this matter will likely be on hold at the Department Of Human Services pending the resolution of the legal matter.

If you would have any questions or concerns, please contact me at 651-430-6597.

Sincerely,

*Sarah Amundson*  
(sa)

Sarah Amundson, LICSW  
Social Services Division Manager

cc: Mary Farmer-Kubler, Intake Supervisor  
Rick Hodsdon, Assistant Washington County Attorney

Stephen Allwine  
7600 Military Rd., Cottage Grove, MN

Service Center Cottage Grove  
13000 Ravine Parkway  
Cottage Grove, MN 55016  
Phone: 651-430-4159  
Fax: 651-430-4157

Service Center Forest Lake  
19955 Forest Road N  
Forest Lake, MN 55025  
Phone: 651-275-7260  
Fax: 651-275-7263

Government Center  
14949 62nd St N P.O. Box 30  
Stillwater, MN 55082-0030  
Phone: 651-430-6455  
Fax: 651-430-6605

Service Center Woodbury  
2150 Radio Drive  
Woodbury, MN 55125  
Phone: 651-275-8650  
Fax: 651-275-8682

Appendix 6

LARSON • KING

MAY 15 11 40 AM '17

**KEVIN W. DeVORE\*\***

Direct Dial: (651) 312-6519

E-Mail: [kdevore@larsonking.com](mailto:kdevore@larsonking.com)

\*Admitted in Minnesota and Wisconsin

°MSBA Certified Criminal Law Specialist

May 12, 2017

Department of Human Services  
Appeal & Regulations Division  
PO Box 64941  
St. Paul, MN 55164-0941

RE: Appeal of decision of Washington County Social Services regarding Stephen Allwine

Dear Sir or Madam:

On behalf of my client, Stephen Allwine, please accept this letter as an appeal of the April 18, 2017 decision of the Washington County Social Services regarding a child maltreatment determination in the above-referenced matter. We respectfully ask that you forgo any further determination regarding this matter until the underlying criminal matter has been resolved.

Very truly yours,

LARSON • KING, LLP



Kevin W. DeVore

KWD:lab

cc:  Stephan Allwine Rick Hodsdon, Assistant Washington County Attorney

Appendix 7

STATE OF MINNESOTA  
COUNTY OF WASHINGTON

DISTRICT COURT  
TENTH JUDICIAL DISTRICT

State of Minnesota,

Court File: 82-CR-17-242

Plaintiff,

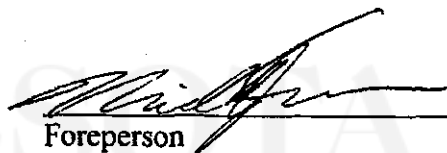
vs.

VERDICT OF GUILTY

Stephen Carl Allwine,

Defendant.

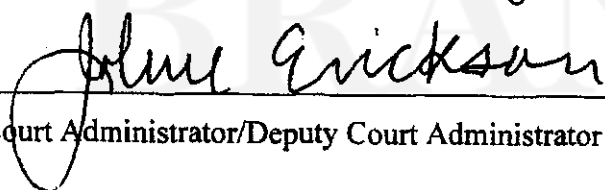
We, the Jury, find the defendant **GUILTY** of the charge of premeditated Murder in the First Degree of Amy Louise Allwine on November 13, 2016, in the County of Washington.

  
Foreperson

Date: 1-31-18

Stillwater, Minnesota

Filed in Open Court on: January 31, 2018  a.m.  p.m.

  
Court Administrator/Deputy Court Administrator

Appendix 8

**The State of Minnesota**  
Washington County  
Washington, Stillwater

File #  
**WASHINGTON COUNTY**  
**DISTRICT COURT**  
**FEB 2 2018**  
COURT ADMINISTRATOR  
By [Signature] Deputy

**District Court**  
10th Judicial District

**State of Minnesota vs Stephen Carl Allwine**

**ORDER**

**Case Number: 82-CR-17-242**

**CURRENT DEFENDANT INFORMATION**

Known Address: 7624 110th ST S Correspondence Address: 7624 110th ST S  
Cottage Grove, MN 55016 Cottage Grove, MN 55016

Phone Number: None Provided Sex: Male  
DOB: 03/04/1973  
SID: MN 17KF1810

**CASE CHARGES**

Ct	Statute	Type	Description	Disposition
1 Amended	609.185(a)(1)	Charging	Murder -1st Degree - Premeditated	Convicted
	609.185	Penalty	Murder - 1st Degree	

**TERMS OF DISPOSITION OR SENTENCE: COUNT 1**

**Date Pronounced: February 02, 2018**

**Offense Information**

Ct	Offense Date	Statute	Description	Offense Disposition
1	11/13/2016	609.185(a)(1)	Murder -1st Degree - Premeditated	Convicted
	<b>MOC at Filing</b>	<b>GOC</b>	<b>Controlling Agency</b>	<b>Controlling No.</b>
	H2011		Cottage Grove Police Department	16118731

**Sentence Details**

**Commit to Commissioner of Corrections - Adult**

Report on: 02/02/2018

Commit to Commissioner of Corrections at the MN Correctional Facility - St. Cloud for Life Without Parole.

*This sentence consists of a minimum term of imprisonment equal to two-thirds of the total executed sentence, and a maximum supervised release term equal to one-third of the total executed sentence, unless the sentence is life or life without the possibility of release.*

Was this a departure from the sentencing guidelines? No

Status: Active

Status Date: 02/02/2018

Appendix 9



**SIGNATURE**



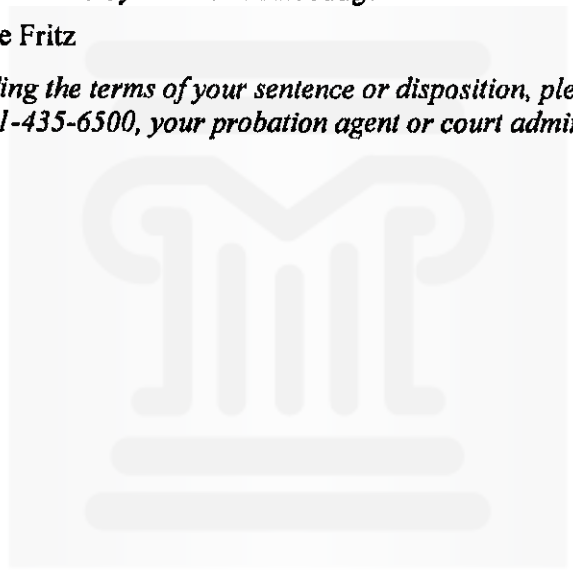
Judge B. William Ekstrum

Sentence pronounced on 02/02/2018 by District Court Judge

Court Administrator: Annette Fritz

651-430-6263

*If you have questions regarding the terms of your sentence or disposition, please contact your attorney, KEVIN WADE DEVORE 651-435-6500, your probation agent or court administrator.*



MINNESOTA  
JUDICIAL  
BRANCH

STATE OF MINNESOTA  
COUNTY OF WASHINGTON

DISTRICT COURT - JUVENILE DIVISION  
TENTH JUDICIAL DISTRICT

*In the Matter of the Welfare of the Children of:*  
AMY L. ALLWINE, Mother (deceased)  
STEPHEN C. ALLWINE, Father

**CONSENT OF PARENT TO ADOPTION**  
*Pursuant to §260C.515, subd. 3*  
**and**  
**WAIVER OF NOTICE OF ADOPTION AND/OR HEARING**  
*Executed Before a Judicial Officer*

Permanency Court File No. 82-JV-1749

Child: JOSEPH LOYD ALLWINE DOB 10/24/2007

STATE OF MINNESOTA            )  
  ) ss  
COUNTY OF WASHINGTON        )

FILED  
FILED  
File # \_\_\_\_\_  
WASHINGTON COUNTY  
DISTRICT COURT  
MAY 23 2018  
COURT ADMINISTRATOR  
By \_\_\_\_\_ Deputy

**CONSENT TO ADOPTION**

I, STEPHEN C. ALLWINE, being first duly affirm upon oath, depose and state the following:

1. I am 45 years old. My date of birth is March 4, 1973.
2. I am the parent of Joseph Loyd Allwine, date of birth October 24, 2007.
3. I understand the effect of my decision to provide my consent to adopt I am doing this of my own free will and with a view to the future health, welfare, and interest of my child, in the presence of the Honorable Mary Hannon, Judge of District Court, Tenth Judicial District, State of Minnesota.
4. I hereby consent to the adoption of Joseph Loyd Allwine, as allowed in Minnesota Statutes §260C.515, subd. 3.

**WAIVER OF NOTICE OF HEARINGS OR PROCEEDINGS**

I hereby waive any and all notice of hearings in the court proceedings now or hereinafter held for the adoption of my child.

Appendix 10

**UNDERSTANDING OF EFFECT OF CONSENT**

I understand the following:

1. The court's acceptance of my consent to adoption confers on the Commissioner of Human Services the guardianship and legal custody of my child.

THE CONSENT ITSELF DOES NOT TERMINATE PARENTAL RIGHTS. PARENTAL RIGHTS TO A CHILD MAY BE TERMINATED ONLY BY AN ADOPTION DECREE OR BY A COURT ORDER TERMINATING PARENTAL RIGHTS. UNLESS YOUR CHILD IS ADOPTED OR YOUR PARENTAL RIGHTS ARE TERMINATED, YOU MAY BE ASKED TO SUPPORT YOUR CHILD.

2. Jason and Abigail Cox have been identified as the prospective the adoptive parents and have agreed to adopt my child.
3. The Washington County Social Services Department must agree and does agree that adoption by the prospective adoptive parents is in my child's best interests.
4. If Jason and or Abigail Cox do not finalize adoption of my child within six (6) months of the execution of this consent, the Washington County Social Services Department must find another adoptive parent for my child, unless the failure to finalize the adoption is not due to the action or failure to act by the prospective adoptive parents.
5. The Washington County Social Services Department must find another adoptive home for my child as soon as it is determined that:
  - a. Finalization of the adoption by the prospective adoptive parent(s) is not possible;
  - b. The prospective adoptive parent(s) are not willing to adopt the child;
  - c. The prospective adoptive parent(s) are not cooperative in completing the steps necessary to finalize the adoption; or
  - d. Adoption by the prospective adoptive parent(s) is not in my child's best interests.
6. I understand that I will have no ability to name another prospective adoptive parent in the event that the named prospective adoptive parent(s) does not adopt.
7. I understand that after the Court accepts my consent to adoption, it is irrevocable immediately under Minn. Stat. 260C.515 sub. 2(i) and I understand that it cannot be withdrawn unless the Court finds that my consent was obtained by fraud and issues an order permitting revocation.

*sc all*  
Stephen C. Allwine, Parent

Dated: 5/23, 2018

10-2

**ACKNOWLEDGEMENT AND ACCEPTANCE BY COURT**

The parent, STEPHEN CARL ALLWINE, personally appeared before me, executed the Consent of Parent to Adoption and Waiver of Notice of Hearings or Proceedings, and acknowledged that such consent was freely given.

The Court hereby accepts this voluntary consent to adoption.



Judge of Washington County District Court  
Juvenile Division

Dated this 23rd day of May of 2018.

MINNESOTA  
JUDICIAL  
BRANCH

STATE OF MINNESOTA  
COUNTY OF WASHINGTON

DISTRICT COURT  
TENTH JUDICIAL DISTRICT

-----  
State of Minnesota,

Plaintiff,

vs.

Stephen Carl Allwine,

Defendant.

**NOTICE OF APPEAL  
TO SUPREME COURT**

DISTRICT COURT CASE NUMBER:  
82-CR-17-242

DATE OF FINAL JUDGMENT  
OF CONVICTION/ORDER:  
February 2, 2018

-----  
TO: Clerk of Appellate Courts, 305 Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, MN 55155.

Annette Fritz, Washington County Court Administrator, Washington County Courthouse, 14949 62nd Street North, P.O. Box 3802, Stillwater, MN 55082.

Peter Orput, Washington County Attorney, 15015 62nd Street N., Stillwater, MN 55082. Telephone: 651-430-6115.

Lori Swanson, Minnesota State Attorney General, 445 Minnesota Street, Suite 1100, St. Paul, MN 55101. Telephone: 651-296-3353.

PLEASE TAKE NOTICE that the above-named defendant, Stephen Carl Allwine, appeals to the Minnesota Supreme Court from defendant's final judgment/order of conviction, date noted above, for the crime of murder in the first degree. By Minnesota Supreme Court Order, ADM08-8001, dated April 12, 2018, the time for filing notice of appeal has been extended to June 4, 2018.

DATED: May 29, 2018

GROSHEK LAW, P.A.



Randall Shimpach  
License No. 0348831  
530 North 3rd Street, Ste. 310  
Minneapolis, MN 55401  
(612) 827-3833  
randall@christagrosheklaw.com

ATTORNEY FOR DEFENDANT

Appendix 11


**DEPARTMENT OF  
HUMAN SERVICES**


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 Appellant: Stephen Allwine
**SUSPENSION ORDER**

For: Maltreatment of a Minor

Agency: Washington County

Docket: 193659

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**FINDINGS OF FACT**

1. On August 6, 2018, the appellant filed an appeal regarding an adverse action taken by the agency. The appeal is regarding maltreatment of a minor.
2. On September 4, 2018, the Appeals Division was informed that the appellant was involved in a pending district court case. The matter before the district court is based on actions that arose out of some or all of the same events or circumstances on which the appellant's fair hearing appeal is based.
3. A state fair hearing to contest a determination of child or vulnerable adult maltreatment, or disqualification, is only available when there is no district court action pending. *Minn. Stat. § 256.045, subd. 3(b)*. If such an action is filed in district court while an administrative review is pending, that arises out of some or all of the events or circumstances on which the appeal is based, the administrative review must be suspended until the judicial actions are completed. *Id.* If the district court actions are completed, dismissed or overturned, the matter may be considered in an administrative hearing. *Id.*
4. Because a similar matter involving the appellant is currently pending before the district court, the administrative state fair hearing must be suspended.

**ORDER**

For the reasons stated above, I order: \_\_\_\_\_

Appendix 12

1. This administrative appeal suspended and continued indefinitely until the action pending before the district court has been completed.
2. The appellant to inform the Appeals Division when the district court action is completed and whether the outcome of the district court action allows for an administrative hearing to go forward.
3. The appellant to submit a copy of the final district court order to the Appeals Division. The order can be mailed to: Appeals Division, Minnesota Department of Human Services, P.O. Box 64941, St. Paul, MN 55164-0941. The order can also be faxed to (651) 431-7523.
4. Unless otherwise notified, the maltreatment determination and/or disqualification remains in effect while the appeal is suspended.

  
\_\_\_\_\_  
Gregory Torrence  
Human Services Judge

Sept 21, 2018  
Date

cc: Stephen Allwine, Appellant  
Christa Groshek, Attorney for Appellant  
Washington County  
Washington County Attorney's Office

STATE OF MINNESOTA  
IN SUPREME COURT

A18-0846  
A20-1588

Washington County

McKeig, J.

State of Minnesota,

Respondent,

vs.

Filed: August 18, 2021  
Office of Appellate Courts

Stephen Carl Allwine,

Appellant.

---

Christa J. Groshek, Anna E. Tobia, Groshek Law, P.A., Minneapolis, Minnesota, for appellant.

Keith Ellison, Attorney General, Saint Paul, Minnesota; and

Pete Orput, Washington County Attorney, Nicholas A. Hydukovich, Assistant County Attorney, Stillwater, Minnesota, for respondent.

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S Y L L A B U S

1. Sufficient evidence supports the jury’s verdict that appellant is guilty of first-degree premeditated murder.

2. The district court did not abuse its discretion by denying appellant’s claim of prosecutorial misconduct without an evidentiary hearing because, even if the alleged facts



were proven by a preponderance of the evidence, appellant is conclusively entitled to no relief on that claim.

3. Based on the information before the district court when it denied appellant's claim of ineffective assistance of trial counsel without an evidentiary hearing, the district court did not abuse its discretion because, even if the then-alleged facts were proven by a preponderance of the evidence, appellant is conclusively entitled to no relief on that claim.

4. A motion for reconsideration of a postconviction order that denies relief cannot introduce new evidence.

Affirmed.

## OPINION

McKEIG, Justice.

After being convicted of first-degree premeditated murder for killing his wife, appellant Stephen Allwine<sup>1</sup> appeals from his conviction and from the district court's denial of his petition for postconviction relief. Allwine presents four issues on appeal. First, he argues his conviction must be reversed because the evidence presented at trial was insufficient to support the jury's verdict that he is guilty. Second, he claims his conviction must be reversed, or alternatively, a postconviction evidentiary hearing must be held, because the State committed prosecutorial misconduct. Third, he argues he is entitled to a new trial because his trial counsel provided ineffective assistance of counsel. Last, he contends an evidentiary hearing must be held to review the opinions of two experts to

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<sup>1</sup> Because we reference multiple members of the Allwine family in this opinion, we will refer to appellant as "Stephen" or "Allwine" to eliminate confusion.

determine if a new trial is warranted. Because we conclude that these claims have no merit, we affirm the judgment of conviction and the decision of the district court that denied postconviction relief.

### FACTS

Stephen and Amy Allwine married in 1998. Stephen worked in information technology. Amy ran a dog training business from the Allwine family residence. Stephen and Amy had a son, J.A. Stephen and Amy were very involved in their church, which does not condone infidelity or divorce. Stephen was a church elder who gave sermons and counseled others in the congregation. If a church elder is found to have committed adultery, that person could no longer serve as an elder and may be asked to leave the congregation. Beginning in 2014, Stephen engaged in multiple extramarital affairs.

In February 2016, a person using the online screen name “dogdayGod” sent a message to Besa Mafia<sup>2</sup> on the dark web,<sup>3</sup> seeking to hire a person to kill Amy. Soon after, dogdayGod sent a second message to Besa Mafia requesting that Amy be killed while she was on a business trip in Moline, Illinois. DogdayGod provided Besa Mafia with the address of the hotel where Amy would be staying, a physical description of Amy, a

---

<sup>2</sup> The record shows that “Besa Mafia” is a store on the dark web that advertises itself as a forum for individuals to hire a hitman.

<sup>3</sup> The record shows the “dark web” is a part of the internet that masks a user’s identity, making the user virtually anonymous. The dark web can only be accessed using a specialized web browser called “TOR.”

description of Amy's vehicle, and a photograph of Amy. DogdayGod paid Besa Mafia in Bitcoin<sup>4</sup> to kill Amy.

In May 2016, the Federal Bureau of Investigation (FBI) learned through an anonymous source that dogdayGod was trying to hire a hitman to kill Amy. An FBI agent and a Cottage Grove police detective notified Amy of the threat against her life. Law enforcement advised Amy to take security precautions and to report any suspicious activity to police. The next month, Amy notified the FBI that she had received two anonymous emails threatening to harm her and her family unless she committed suicide. In response to the threats, the FBI began an investigation. Investigators interviewed Stephen and Amy's work colleagues, and searched Stephen and Amy's two HP Notebook laptop computers.<sup>5</sup> The investigation did not result in any leads.

*November 13, 2016: The Day Amy Allwine Was Killed*

Stephen awoke shortly before 6:00 a.m. and went to his basement office to work. Around 12:00 p.m., Stephen went upstairs to have lunch with Amy and J.A. Soon after, Amy told Stephen that she was feeling dizzy, lightheaded, and that she was going to bed to rest. Around 1:00 p.m., C.Z., Amy's father, arrived at the Allwine residence to finish a home project that he had started a few days earlier. Stephen told C.Z. that Amy was in bed and not feeling well. C.Z. did not see his daughter while he was at the Allwine residence.

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<sup>4</sup> The record shows "Bitcoin" is an online digital currency.

<sup>5</sup> For clarity, these HP laptop computers are not the same as the MacBook Pro laptop computer discussed below.

Around 2:00 p.m., C.Z. left. Minutes later, Stephen called C.Z. and asked him to return and pick up J.A., so that he could take Amy to the clinic for medical attention. C.Z. returned to the Allwine residence, picked up J.A., and the two left.

Around 5:30 p.m., Stephen arrived at C.Z.'s residence to pick up J.A. C.Z. asked Stephen what he learned about Amy's illness at the clinic. Stephen told C.Z. that Amy decided not to go to the clinic. Following a brief conversation, Stephen and J.A. left. Stephen and J.A. returned to the Allwine residence at approximately 6:52 p.m. Upon entering their home, J.A. saw his mother lying on the floor with a pool of blood around her head. At approximately 7:00 p.m., Stephen called 911. On the 911 call, Stephen told the emergency dispatcher: "I think my wife shot herself. There's blood all over." Minutes later, Cottage Grove police arrived at the Allwine residence. Officers went into the master bedroom and saw Amy lying face up on the floor with her pants unbuttoned and unzipped, her hands at her sides, blood on the floor, and a handgun laying on Amy's left forearm. Officers discovered Amy suffered a gunshot wound to the right side of her head.

#### *Stephen Allwine's Trial*

Following an investigation, a grand jury indicted Stephen Allwine on the charge of first-degree premeditated murder. Minn. Stat. § 609.185(a)(1) (2020). Allwine retained private defense counsel. On January 23, 2018, the case proceeded to trial. The State presented several witnesses and experts, including law enforcement officials, the medical examiner who conducted the autopsy on Amy's body, and a computer forensic expert who analyzed over 60 electronic devices that were seized from the Allwine residence—

including a MacBook Pro laptop computer with the username “S Allwine” and an iPhone 6S named “S Allwine’s iPhone.”

A retired officer testified that Allwine reported to police that he had been scammed out of \$6,000 while trying to purchase Bitcoin in March 2016. Another officer testified that the crime scene was “strange” and not consistent with a suicide. The medical examiner testified that she discovered a nontherapeutic amount of scopolamine<sup>6</sup> in Amy’s system. Based on the level of scopolamine, the medical examiner agreed with law enforcement’s assessment that Amy died at 3:15 p.m. or earlier on November 13, 2016. The medical examiner also agreed with law enforcement’s assessment that the evidence was not consistent with a suicide.

The computer forensic expert testified that the user S Allwine downloaded TOR—a web browser needed to access the dark web—on the MacBook Pro laptop computer.<sup>7</sup> The expert testified that he found a “note” on the MacBook Pro laptop computer with an email address “sharklasers.com,” which allows users to send anonymous emails. The expert testified that the user S Allwine composed an anonymous email on the MacBook Pro laptop computer. The expert testified that minutes before dogdayGod sent a message

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<sup>6</sup> The record shows that “scopolamine” is a prescription drug that is commonly used to prevent motion sickness. Scopolamine can cause a person to experience blurred vision, a dry mouth and throat, confusion, hallucinations, dilated pupils, flushing of the skin, drowsiness, or insomnia. Further, the record shows Amy never had a prescription for scopolamine.

<sup>7</sup> The record shows that Allwine told FBI investigators in August 2016 that he had never used the dark web.

to Besa Mafia, requesting that Amy be killed while traveling to Moline, Illinois, the user S Allwine ran a Google search of Moline, Illinois on the MacBook Pro laptop computer. The expert testified that the user S Allwine used the MacBook Pro laptop computer to view Amy's Facebook account and browsed her photographs the day before dogdayGod sent a photo of Amy to Besa Mafia. The expert testified that dogdayGod sought to buy the drug scopolamine online. Last, the expert testified that the same unique 34-digit alphanumeric code that dogdayGod used to pay Besa Mafia in Bitcoin was found on the MacBook Pro laptop computer with the username S Allwine.

The defense argued that Stephen could not have murdered Amy because he was not home at the time Amy was murdered. The defense presented several witnesses<sup>8</sup> who all testified to either seeing Amy sometime in the afternoon in her driveway or to hearing an anonymous vehicle speed off quickly around the Allwine residence. On January 31, 2018, the jury found Stephen Allwine guilty of first-degree premeditated murder. The district court sentenced him to life without the possibility of release.

#### *Postconviction History*

In May 2018, Allwine filed a direct appeal with our court. On September 28, 2018, while his direct appeal was pending, CBS News aired an episode of *48 Hours*—titled “Click for a Killer: Part I.” The episode featured the Allwine case, and included interviews

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<sup>8</sup> The record shows that Allwine's trial counsel hired multiple experts, but none testified at trial because trial counsel believed that their testimony would have been consistent with the State's experts, or because they were not relevant to the defense's theory of the case—that Allwine was not at home at the time Amy was murdered.

with lawyers and law enforcement officials involved in the case. In the episode, an unidentifiable man named “Yura” claimed that a Besa Mafia hitman killed Amy. Subsequently, we granted Allwine’s motion to stay his direct appeal to allow him to pursue postconviction relief in district court. *State v. Allwine*, A18-0846, Order at 1–2 (Minn. filed Apr. 2, 2019).

On August 1, 2019, Allwine filed a petition for postconviction relief.<sup>9</sup> Three weeks later, on August 20, 2019, Allwine made a request for funds under Minn. Stat. § 611.21(a) (2020)<sup>10</sup> to hire a digital forensic expert in support of his petition. The district court denied Allwine’s request for funds on September 5, 2019, because he did not establish he was “indigent” as is statutorily required.<sup>11</sup> On May 4, 2020, the State filed a response to Allwine’s petition for postconviction relief. In support of its response, the State submitted an affidavit of Allwine’s trial counsel, explaining the decisions he made during trial. On

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<sup>9</sup> Seven months later, on March 2, 2020, clarifying language was added to the petition under Minn. Stat. § 590.03 (2020), which allows a district court to “permit amendments” to the petition. *See Rossberg v. State*, 874 N.W.2d 786, 791 (Minn. 2016). Although Allwine captioned the amended document as a “second petition for postconviction relief,” we refer to the two documents as Allwine’s “petition for postconviction relief,” for ease of reference.

<sup>10</sup> Minnesota Statutes § 611.21(a) allows a district court, after making the appropriate inquiry and findings, to authorize counsel for an indigent defendant or a defendant whose annual income at the outset of the prosecution is below a certain level, to obtain “investigative, expert, or other services necessary to an adequate defense in the case.”

<sup>11</sup> This was not Allwine’s first request for funds. On July 8, 2019, Allwine filed a motion for funds to hire an expert, which the district court granted on July 16, 2019.

June 3, 2020, the district court issued an order amending the briefing schedule and closing the record as of June 12, 2020.

On July 8, 2020, Allwine filed another motion for funds under Minn. Stat. § 611.21(a). Before ruling on this additional motion for funds, the district court directed Allwine to provide an affidavit listing his income “at the outset of the prosecution” to determine his eligibility.<sup>12</sup> On August 12, 2020, Allwine’s postconviction counsel informed the district court that she was “working with [Allwine’s] family to determine his assets at the outset of the case,” and anticipated receiving that information “in the next two weeks.” The record contains no indication that Allwine or his counsel ever provided the district court with his income at the outset of the prosecution.

On September 21, 2020, the district court issued Findings of Fact, Conclusions of Law, and an Order denying Allwine’s petition for postconviction relief.<sup>13</sup> Four days later, on September 25, 2020, Allwine filed a motion to set aside the district court’s findings of fact and filed a third motion for funds under Minn. Stat. § 611.21(a), with the district court.

On October 16, 2020, the district court denied Allwine’s motion, which it construed as a motion to reconsider its order denying postconviction relief. It also denied Allwine’s July 8, 2020 and September 25, 2020 motions for funds. The court concluded that Allwine

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<sup>12</sup> The record shows Allwine’s counsel claimed that the “relevant timeframe” when interpreting the statutory phrase “at the outset of the prosecution” contained in Minn. Stat. § 611.21(a), was “when [Allwine] began prosecuting his post-conviction action” in 2019.

<sup>13</sup> Since the court had not received Allwine’s proof of income affidavit, it had not ruled on his July 8, 2020 motion for funds when it issued its postconviction order denying relief.



had not established that he was indigent “at the outset of the prosecution” and, therefore, he did not qualify for funds under Minn. Stat. § 611.21(a).

On November 9, 2020, Allwine filed a second motion to reconsider the district court’s findings of fact in the September 2020 order denying postconviction relief. In support of this motion, Allwine submitted an affidavit from a medical expert, challenging parts of the testimony the State’s medical examiner provided during Allwine’s trial. On November 23, 2020, the district court denied Allwine’s second motion to reconsider its order denying his petition for postconviction relief. On December 3, 2020, Allwine filed a third motion to reconsider the postconviction order denying relief. In support of this third motion, Allwine submitted an affidavit from a digital forensic expert, challenging some of the statements made in the affidavit submitted by Allwine’s trial counsel.<sup>14</sup> On December 17, 2020, before the district court ruled on his third reconsideration motion, Allwine filed an appeal with our court from the district court’s September 2020 order denying postconviction relief. The next day, the district court denied Allwine’s third motion to reconsider, reasoning that the case was before our court and, consequently, its “authority is suspended due to an appeal.”

On December 22, 2020, we consolidated Allwine’s stayed direct appeal with his postconviction appeal. *State v. Allwine*, Nos. A18-0846, A20-1588, Order at 2–3 (Minn. filed Dec. 22, 2020).

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<sup>14</sup> As explained below, the affidavits Allwine submitted on November 9, 2020 and December 3, 2020 with his motions to reconsider were submitted to the district court *after* the scheduling order closed the record, and after the district court issued its order denying Allwine’s petition for postconviction relief.

## ANALYSIS

On appeal, Allwine presents four arguments. He argues (1) the evidence is insufficient to sustain the jury's verdict that he is guilty of first-degree premeditated murder; (2) the State committed prosecutorial misconduct; (3) his trial counsel provided ineffective assistance of counsel; and (4) an evidentiary hearing must be held to review the opinions of the two experts whose affidavits were submitted with the motions to reconsider to determine whether a new trial is warranted. We consider each in turn.

### I.

The first issue we address is whether sufficient evidence supports the jury's verdict that Allwine is guilty of first-degree premeditated murder. In assessing the sufficiency of the evidence, we determine "whether the facts in the record and the legitimate inferences drawn from them would permit the jury to reasonably conclude that the defendant was guilty beyond a reasonable doubt of the offense of which he was convicted." *State v. Moore*, 481 N.W.2d 355, 360 (Minn. 1992).

"A conviction based on circumstantial evidence, however, warrants heightened scrutiny." *State v. Al-Naseer*, 788 N.W.2d 469, 473 (Minn. 2010). This heightened scrutiny requires us to consider whether the reasonable inferences that can be drawn from the circumstances proved support a rational hypothesis other than guilt. *See State v. Taylor*, 650 N.W.2d 190, 206 (Minn. 2002). "Circumstantial evidence must form a complete chain that, in view of the evidence as a whole, leads so directly to the guilt of the defendant as to exclude beyond a reasonable doubt any reasonable inference other than guilt." *Id.*

When “reviewing the sufficiency of circumstantial evidence, our first task is to identify the circumstances proved.” *Al-Nasser*, 788 N.W.2d at 473 (quoting *State v. Anderson*, 784 N.W.2d 320, 329 (Minn. 2010)) (internal quotation marks omitted). In identifying the circumstances proved, we defer “to the jury’s acceptance of the proof of these circumstances and rejection of evidence in the record that conflicted with the circumstances proved by the State.” *Id.* (citation omitted) (internal quotation marks omitted). In simpler terms, we “winnow down the evidence presented at trial” to a “subset of facts” that are consistent with the jury’s verdict and “disregard evidence that is inconsistent with the jury’s verdict.” *State v. Harris*, 895 N.W.2d 592, 600–01 (Minn. 2017). Second, we independently examine the reasonableness of any inferences that can be drawn from the circumstances proved, as a whole, including an inference consistent with rational hypotheses other than guilt. *Al-Nasser*, 788 N.W.2d at 473-74. In considering the reasonable inferences drawn from the circumstances proved, we “give no deference to the fact finder’s choice between reasonable inferences.” *State v. Stein*, 776 N.W.2d 709, 716 (Minn. 2010) (plurality opinion).

To sustain a conviction based on circumstantial evidence, “the reasonable inferences that can be drawn from the circumstances proved *as a whole* must be consistent with the hypothesis that the accused is guilty” and must also be “inconsistent with any rational hypothesis except that of guilt.” *State v. Fox*, 868 N.W.2d 206, 223 (Minn. 2015) (emphasis added). The State was required to prove at trial that Stephen acted with premeditation and intent when he caused Amy’s death. Minn. Stat. § 609.185(a)(1); *see*

also *State v. Leake*, 699 N.W.2d 312, 326 n.10 (Minn. 2005) (explaining the elements of first-degree premeditated murder).

Allwine claims only four facts are consistent with the hypothesis of his guilt: (1) He was married to Amy, (2) Amy was found dead at the home she shared with him, (3) he could not be excluded as a contributor to the DNA found on the gun at the scene, and (4) he was home with Amy for much of the day on which she was killed. Allwine also argues there are many circumstances proved that are inconsistent with the hypothesis of his guilt. The State counters that Allwine's characterization of the circumstances proved is "woefully inadequate" and ignores many facts in record that are consistent with the jury's verdict. We agree with the State here. Both of Allwine's claims are incorrect.

First, the circumstances proved in this case are as follows. On November 13, 2016, the day Amy was killed, Stephen awoke at the Allwine residence at approximately 6 a.m. and did not leave the residence until approximately 5 p.m. Stephen began working from his basement office that morning. At approximately 12:15–12:30 p.m., Amy told Stephen that she was experiencing dizziness, lightheadedness, and dry mouth. Amy then told Stephen she was going to bed to rest. Stephen's last employment activity was at approximately 12:51 p.m. Amy's father picked J.A. up from the Allwine residence at 2 p.m., leaving Stephen and Amy in the home. Based on the level of scopolamine found in Amy's system, the medical examiner agreed with the assessment that Amy died at 3:15 p.m. or earlier that day. Police also discovered a particle of gunshot residue on Stephen's right hand.

Computer forensic analysis of the MacBook Pro laptop computer with the username S Allwine established the following facts. The analysis found that the TOR browser—needed to access the dark web—was installed on the MacBook Pro laptop computer. Stephen previously told law enforcement that he had never used the dark web before. Forensic analysis also discovered that the same computer searched for a service that allows users to send anonymous emails, and that the user clicked the “compose” button to create an anonymous email. Seven minutes before dogdayGod sent an email to Besa Mafia seeking to hire a person to kill Amy while she was on a business trip to Moline, Illinois, a user of the same MacBook Pro laptop computer ran a Google search for Moline, Illinois. The MacBook Pro laptop computer was used to search for the drug “scopolamine,” the same drug found in Amy’s system. Amy never had a prescription for scopolamine. Lastly, the analysis found that the MacBook Pro laptop computer contained the same unique 34-digit alphanumeric Bitcoin code as the code that dogdayGod used to communicate with Besa Mafia. The computer forensic expert also opined that the person using “S Allwine’s iPhone” on March 22, 2016 was the person who paid Besa Mafia in Bitcoin to kill Amy.

Second, Allwine’s claim that there are many circumstances inconsistent with the hypothesis of his guilt misunderstands our circumstantial evidence analysis on review. As noted above, rather than consider circumstances inconsistent with guilt, as he asks us to do, we are bound to *disregard* evidence that is inconsistent with the jury’s verdict when identifying the circumstances proved. *See Harris*, 895 N.W.2d at 601.

Next, we independently examine the reasonableness of all inferences that can be drawn from the circumstances proved. The circumstances proved support three reasonable

inferences in favor of the jury's verdict. First, the circumstances proved support the reasonable inference that the person plotting to kill Amy and using the online screen name dogdayGod was Stephen Allwine. The computer forensic expert provided extensive testimony establishing a chronological and digital nexus between dogdayGod's messages to Besa Mafia and actions taken by the user of the MacBook Pro laptop with the username S Allwine. Particularly, the fact that the same 34-digit alphanumeric Bitcoin code that dogdayGod sent to Besa Mafia was found on the S Allwine MacBook Pro laptop provides a strong inference that Allwine was the person using the online screen name dogdayGod.

Second, the circumstances proved support the reasonable inference that Stephen drugged Amy with scopolamine. Because Amy did not have a prescription for scopolamine, because Stephen—as dogdayGod—was searching the dark web for scopolamine on the MacBook Pro laptop computer, and because a nontherapeutic amount of scopolamine was found in Amy's system after death, a reasonable inference arises that Stephen drugged Amy with scopolamine the day she died.

Last, the circumstances proved support the reasonable inference that Stephen was the person who used the handgun to shoot and kill Amy. The medical examiner testified that Amy died at 3:15 p.m. or earlier. Stephen told investigators he was the only person with Amy at that time, and even claimed he talked to her over an hour after her time of death. Law enforcement testified that the crime scene was inconsistent with a suicide, and Stephen's right hand tested positive for gunshot residue. These inferences are reasonable based on the circumstances proved.

The reasonable inferences are also *inconsistent* with a rational hypothesis other than guilt. When viewed *as a whole*, the circumstances proved do not support a reasonable inference that someone else killed Amy, especially when Allwine’s right hand tested positive for gunshot residue, Allwine—as dogdayGod—searched for scopolamine to purchase on the dark web, a nontherapeutic amount of scopolamine was found in Amy’s system after death, and Amy did not have a prescription for scopolamine. Accordingly, there is no rational hypothesis other than guilt. Therefore, we conclude that the circumstantial evidence is sufficient to support the jury’s verdict that Stephen Allwine is guilty of first-degree premeditated murder.

## II.

Second, we consider whether the facts alleged in the petition for postconviction relief, if proven by a preponderance of the evidence, support a claim that the State committed prosecutorial misconduct. The district court concluded that the State did not and therefore denied Allwine’s claim without an evidentiary hearing. We review the district court’s denial of postconviction relief, including a denial of relief without an evidentiary hearing, for an abuse of discretion. *State v. Nicks*, 831 N.W.2d 493, 503 (Minn. 2013). A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record. *Id.*

Allwine argues the prosecution committed misconduct by failing to disclose the third-party Yura confession, in violation of Minnesota’s “very broad discovery rules” and Rule 3.8(g)–(h) of the American Bar Association’s (ABA) Rules of Professional

Conduct.<sup>15</sup> Because the Minnesota Rules of Criminal Procedure only require prosecutors to disclose exculpatory evidence before or during a trial, and because Allwine's trial was complete before the prosecution was aware of or had possession of the Yura confession, the State argues it did not commit prosecutorial misconduct. We agree with the State here as well.

Rule 9 of the Minnesota Rules of Criminal Procedure governs evidentiary disclosure requirements. The rule requires the State to disclose exculpatory evidence at the defense's request and before the Rule 11 omnibus hearing. Minn. R. Crim. P. 9.01, subd. 1(6). Further, the rule imposes a continuing duty on the State to disclose exculpatory evidence "before and during trial." Minn. R. Crim. P. 9.03, subd. 2(c). By the plain language of these Rule 9 provisions, the State had a duty to disclose exculpatory evidence—such as a third-party confession—to the defense from the filing of charges until the trial has ended.

Here, the record shows prosecutors exchanged several email communications with CBS News staff from January 2018 to September 2018, but none of the communications included exculpatory evidence.<sup>16</sup> Allwine's claim that the State violated "broad discovery

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<sup>15</sup> Without providing a substantive argument, Allwine also asserts in connection with this claim that he "was not charged with Aiding and Abetting so his conviction must be reversed." Because Stephen does not go beyond this conclusory statement in his briefs, we deem the argument waived. *State v. Morrow*, 834 N.W.2d 715, 724 n.4 (Minn. 2013). Even if we reached this argument, however, we would reject it because "aiding and abetting is *not* a separate substantive offense, but rather is a theory of criminal liability." *State v. Ezeka*, 946 N.W.2d 393, 400 n.1 (Minn. 2020) (citation omitted) (internal quotation marks omitted).

<sup>16</sup> An email exchange on May 7, 2018, mentions Yura, but in no way suggests that he had confessed to the murder of Amy.



rules” and the ABA Rules of Professional Conduct is without merit. As mentioned, our discovery rules expressly place a duty on the State to disclose exculpatory evidence to the defense before or during trial—not *after* trial. Nothing establishes that the State had undisclosed exculpatory evidence regarding an alternative perpetrator before or during the trial. Accordingly, there is no disclosure violation. Further, Allwine’s reliance on the ABA’s Rules of Professional Conduct is misplaced because those rules concern *attorney discipline*, not the criminal evidentiary matters at issue here.

Accordingly, even if the facts Allwine alleges in his petition for postconviction relief were proven at an evidentiary hearing, Allwine’s prosecutorial misconduct claim fails as a matter of law. Consequently, the district court did not abuse its discretion when it denied Allwine’s prosecutorial misconduct claim without an evidentiary hearing.

### III.

Third, we determine whether the facts Allwine alleged in his petition for postconviction relief, if proven by a preponderance of the evidence, support a claim that his trial counsel provided ineffective assistance of counsel. “Because claims of ineffective assistance of counsel involve mixed questions of law and fact, our review of decisions by the postconviction court is *de novo*.” *Opsahl v. State*, 677 N.W.2d 414, 420 (Minn. 2004). Ineffective assistance of counsel claims are governed by “the two-prong test announced in *Strickland v. Washington*, 466 U.S. 668 (1984).” *Nicks*, 831 N.W.2d at 504 (applying *Strickland* in the context of a postconviction petition seeking a new trial based on an ineffective assistance of counsel claim). *Strickland* requires a petitioner to show that (1)

trial counsel's representation fell below an objective standard of reasonableness<sup>17</sup> and (2) there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. *Peltier v. State*, 946 N.W.2d 369, 372 (Minn. 2020).

Allwine provides three reasons why his counsel was ineffective.<sup>18</sup> First, he argues his trial counsel was ineffective because he failed "to use an expert to develop alternative perpetrator theory and to present alternative perpetrator evidence" against two persons. He also argues his trial counsel was ineffective because his trial counsel "did not consult with a medical examiner nor did he present the testimony of a medical examiner." Last, he contends his trial counsel was ineffective because his trial counsel failed "to use [a] computer forensic expert." In arguing that the district court erred when it failed to order a

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<sup>17</sup> The objective standard of reasonableness means "representation by an attorney exercising the customary skills and diligence that a reasonably competent attorney would perform under similar circumstances." *White v. State*, 248 N.W.2d 281, 285 (Minn. 1976).

<sup>18</sup> Allwine also argues that the district court's decision to issue its findings of fact, conclusions of law, and order denying his postconviction petition before he submitted the two affidavits "violated [his] right of due process" by "not allowing [him] to submit expert information as to his claim of ineffective assistance of counsel[.]" Accordingly, he claims that "this Court must reverse and remand for an evidentiary hearing." We disagree. On June 3, 2020, the district court issued an order amending the briefing schedule. In it, the district court stated that the "record will close on June 12, 2020 and the Court will take the matter under advisement on that date." Such an order rests within the district court's discretion. *See Matakis v. State*, 862 N.W.2d 33, 40–41 (2015); *cf.* Minn. R. Crim. P. 9.03, subd. 3 (allowing the district court to impose "reasonable terms and conditions" on discovery); Minn. R. Civ. P. 16.02(c) (similar authority for civil cases). Consequently, the district court did not abuse its discretion in ordering that the record close on June 12, 2020. *See Matakis*, 862 N.W.2d at 41.

new trial on his claims of ineffective assistance of counsel, Allwine primarily relies on the two expert affidavits submitted with his motions to reconsider.<sup>19</sup>

In reviewing whether the district court abused its discretion here, we consider the information available to the district court *at the time* the court issued its order denying postconviction relief. *Cf. State v. Jenkins*, 782 N.W.2d 211, 231 (Minn. 2010) (rejecting a police misconduct argument that “was not made to the district court at the time it was considering admission of the motive evidence.”). When the district court issued its September 2020 order denying Allwine’s petition for postconviction relief, the two affidavits had not yet been presented to it. Allwine’s reliance on the affidavits is misplaced and, therefore, his ineffective assistance of counsel argument on appeal cannot prevail. Therefore, the district court did not err when it denied Allwine’s petition for post-conviction relief.

In addition, the district court did not abuse its discretion when it denied Allwine’s three reconsideration motions because such motions *cannot* introduce new evidence into the record. *See Sullivan v. Spot Weld, Inc.*, 560 N.W.2d 712, 715–16 (Minn. App. 1997) (rejecting attempt to supplement record with affidavit submitted in support of motion to reconsider), *rev. denied* (Minn. Apr. 27, 1997). Although we have never squarely considered whether a motion for reconsideration can introduce new evidence into the

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<sup>19</sup> Allwine’s argument regarding alternative perpetrators does not rest on the two expert affidavits. Assuming, without deciding, that Allwine’s trial counsel did not pursue an alternative perpetrator theory, such an omission fails to state a claim of ineffective assistance of trial counsel as a matter of law. Under well-established law, the decision to pursue alternative perpetrators is a matter of trial strategy that we do not scrutinize. *Opsahl*, 677 N.W.2d at 421.

record, the court of appeals' analysis in *Sullivan* is sound and consistent with the advisory committee's comment to the rule that authorizes motions for reconsideration. *See* Minn. Gen. R. Prac. 115.11 advisory comm. cmt.—1997 amendment (“Motions for reconsideration are not opportunities for presentation of facts or arguments available when the prior motion was considered.”). We therefore hold that a motion for reconsideration cannot introduce new evidence. Because Allwine’s motions for reconsideration introduced two affidavits as new evidence, the district court did not err when it denied the motions.<sup>20</sup> For the foregoing reasons, the district court did not err when it denied the petition for postconviction relief and the motions for reconsideration.

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<sup>20</sup> In effect, the State argues that we should not consider the affidavits in determining any of the issues on appeal because an order denying a motion for reconsideration is not an appealable order. *See Hohenwald v. State*, 875 N.W.2d 843, 846 (Minn. 2016). The State’s argument is unsound because it conflates two distinct questions. The first question is whether an appeal may be taken from a particular order. The State is correct that a defendant cannot appeal *from* an order denying a motion for reconsideration. The second question is which orders may an appellate court review when a defendant files an appeal *from* a judgment. As Minn. R. Crim. P. 28.02, subd. 11, makes clear, in an appeal from a judgment, “the court may review any order . . . as the interests of justice may require.” Here, Allwine filed a timely appeal from his judgment of conviction. *See* Minn. R. Crim. P. 29.02, subd. 1(a) (authorizing an appeal in a first-degree murder case from the judgment). Consequently, we may review the district court’s October, November, and December 2020 orders denying Allwine’s motions for reconsideration based on the supporting affidavits presented to the district court at the time it decided each order. But as previously stated, we cannot consider the affidavits in determining whether the court abused its discretion when it made the decision in September 2020 to deny Allwine’s claim of ineffective assistance of counsel without an evidentiary hearing because those affidavits were filed *after* that decision was made.

## IV.

Finally, we determine whether an evidentiary hearing must be held to review the opinions of two experts<sup>21</sup> to determine if a new trial is warranted.<sup>22</sup> As previously mentioned, Allwine improperly submitted the affidavits from the two experts with his motions for reconsideration. Accordingly, Allwine is not entitled to an evidentiary hearing to consider the opinions of the two experts.

**CONCLUSION**

For the foregoing reasons, we affirm the judgment of conviction and the decision of the district court that denied Allwine's petition for postconviction relief.

Affirmed.

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<sup>21</sup> One of these experts is the digital forensic expert previously mentioned that Allwine's trial counsel chose not to have testify during his trial.

<sup>22</sup> Allwine also argues the district court erred when it denied his motion for funding, as authorized under Minn. Stat. § 611.21(a), for him to hire an expert. This assertion is incorrect, however. Section 611.21(a) distinguishes between two categories of defendants: (1) those with "counsel appointed by the court for an indigent defendant" and (2) those with private counsel who have an annual income not greater than 125 percent of the poverty line "at the outset of the prosecution." Because Allwine has a private attorney, he is not entitled to funds for experts unless he established that his annual income was not greater than 125 percent of the poverty line at the outset of the prosecution. Allwine did not do that before the district court. Accordingly, the district court did not err in denying him additional funding. The fact that Allwine has private counsel also dooms his claim that, under Minn. Stat. § 590.05, he is entitled to funding to hire an expert without a showing that his income was not greater than 125 percent of poverty line at the outset of the prosecution.

**STATE OF MINNESOTA**

**SUPREME COURT**

**JUDGMENT**

State of Minnesota, Respondent, vs. Stephen Carl Allwine, Appellant, and Stephen Carl Allwine, Appellant, vs. State of Minnesota, Respondent.

Appellate Court # A18-0846, A20-1588

Trial Court # 82-CR-17-242

*Pursuant to a decision of the Minnesota Supreme Court duly made and entered, it is determined and adjudged that the decision of the Washington County District Court herein appealed from be and the same hereby is affirmed and judgment is entered accordingly.*

*Dated and signed: September 30, 2021*

*FOR THE COURT*

*Attest: Christa Rutherford*  
\_\_\_\_\_  
*Clerk of the Appellate Courts*

*By: [Signature]*  
\_\_\_\_\_  
*Clerk of the Appellate Courts*

13-23

**STATE OF MINNESOTA**

**SUPREME COURT  
TRANSCRIPT OF JUDGMENT**

*I, Christa Rutherford, Clerk of the Appellate Courts, do hereby certify that the foregoing is a full and true copy of the Entry of Judgment in the cause therein entitled, as appears from the original record in my office; that I have carefully compared the within copy with said original and that the same is a correct transcript therefrom.*

*Witness my signature at the Minnesota Judicial Center,*

*In the City of St. Paul*      September 30, 2021  
*Dated*

*Attest:*      Christa Rutherford  
*Clerk of the Appellate Courts*

*By:*        
*Clerk of the Appellate Courts*

MINNESOTA  
JUDICIAL  
BRANCH

AUG-08 '22 #09:44



Appellant: Stephen Allwine  
 For: Maltreatment of a Minor  
 Agency: Washington County  
 Docket: 193659

**DECISION OF  
 STATE AGENCY  
 ON APPEAL**

On March 17, 2022, Human Services Judge Thomas Haluska held a prehearing conference under Minn. Stat. § 256.045, subd. 3.<sup>1</sup> At the hearing, with the consent of both parties, the court issued a scheduling order concerning the submittal of summary disposition motions in this matter, with final briefs submitted no later than June 17, 2022.

The following persons appeared for the hearing:

Stephen Allwine, Appellant;

Kari Lindstrom, Assistant Washington County Attorney, Agency's Attorney.

The Human Services Judge, based on the evidence in the record and considering the arguments of the parties, recommends the following Findings of Fact, Conclusions of Law, and Order.

<sup>1</sup> The Minnesota Department of Human Services conducts state fair hearings pursuant to Minnesota Statutes, section 256.045, subdivision 3. The Department also conducts maltreatment hearings on behalf of the Minnesota Departments of Health and Education pursuant to Minnesota Statutes, sections 260E.33, subdivision 3; and 245C.27, subdivision 1.



## STATEMENT OF ISSUES

The issues raised in this appeal is whether there are material issues of fact that would warrant an evidentiary hearing on whether the Agency's determination that the Appellant committed maltreatment by egregious harm of his minor child J.A., where Appellant murdered his wife, the adopted mother of J.A., in the family home by shooting her in the head with a gun and then deliberately bringing J.A. into the family home where J.A. saw his mother lying on the floor with a pool of blood around her head?

### Recommended Decision:

**AFFIRM** the Agency's maltreatment determination.

### PROCEDURAL HISTORY.

1. On February 24, 2017, Washington County Community Services ("Agency") sent Stephen Allwine ("Appellant") a written notice of action informing Appellant that the Agency made a finding of maltreatment of J.A. by egregious harm. *Agency Appendices, Page 40.*
2. On March 8, 2017, Appellant timely sought reconsideration of the Agency's Maltreatment finding. *Agency Appendices Page 41.*<sup>2</sup>
3. On April 18, 2017, the Agency upheld its determination maltreatment by inflicting egregious harm on his minor child. *Agency Appendices Page 45.*
4. On May 15, 2017, the appellant filed an appeal regarding the Agency's determination that the Appellant maltreated his minor child.
5. On, September 4, 2018, the Appeals Division was informed that the appellant was involved in a pending district court case, resulting in an order, dated September 21, 2018, suspending and continuing the administrative appeal indefinitely until the action pending before the district court has been completed.

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<sup>2</sup> The Agency has not challenged jurisdiction.

6. On April 21, 2021, the Minnesota Supreme Court issue a decision upholding the Appellant's murder conviction of his wife. State v. Allwine, 963 N.W.2d 178, 182 (Minn. 2021), cert. denied, 142 S. Ct. 819 (2022).<sup>3</sup>

7. On March 17, 2022 a prehearing conference was held establishing a Scheduling Order for the Agency's and the Appellant's Cross Summary Disposition motions, with final briefs submitted no later than June 17, 2022.

### FINDINGS OF FACT

1. Appellant is the adopted father of J.A. (DOB 10/24/2007), a minor child under the age of 16 and was the adopted father of J.A on November 13, 2016. *Agency Appendices Page 5.*

2. On November 13, 2016, Appellant murdered his wife, the adopted mother of J.A., in the family home by shooting her in the head with a gun. State v. Allwine, 963 N.W.2d 178, 182 (Minn. 2021), cert. denied, 142 S. Ct. 819 (2022).

3. On November 13, 2016, Appellant deliberately brought J.A. into the family home where "J.A. saw his mother lying on the floor with a pool of blood around her head." State v. Allwine, 963 N.W.2d 178, 182 (Minn. 2021), cert. denied, 142 S. Ct. 819 (2022).

### ARGUMENTS OF THE PARTIES

1. The Agency argues the facts underlying the maltreatment determination have been litigated by the District Court and the murder conviction was affirmed by the Minnesota Supreme Court and Appellant is therefore barred from re-litigating those findings in this forum under the doctrine of collateral estoppel. *Agency's Motion for Summary Disposition.*

2. Appellant essentially argues that he did not kill his wife and that the determination of the court in his murder conviction should not apply to this action and that his action of exposing his son to the murder scene was therefore accidental. *Appellant's Responsive Argument Regarding Summary Disposition.*

<sup>3</sup> Appellant had requested review of his conviction by the Supreme Court of the United States. Appellant's petition for a writ of certiorari was denied.

## APPLICABLE LAW

1. **Jurisdiction.** The Commissioner of Human Services has jurisdiction over appeals involving matters listed in Minnesota Statutes, section 256.045, subdivision 3(a).
2. **Request for Reconsideration.** The subject of a maltreatment finding may request reconsideration, provided the request is made in writing to the investigating agency within 15 calendar days after receipt of the notice of the final determination. *Minn. Stat. § 260E.33, subd. 2(a).*
3. **Request for Fair Hearing.** If the maltreatment finding is upheld, or the investigating agency fails to act upon the request for reconsideration, the subject of the maltreatment finding may file a request for a fair hearing. *Minn. Stat. § 260E.33, subd. 2(b).* Unless federal or Minnesota law specifies a different time frame in which to file an appeal, an individual or organization specified in this section may contest the specified action by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action or within 90 days of such written notice if the person shows good cause why the request was not submitted within the 30 day time limit. *Minn. Stat. § 256.045, subd. 3(i).* In a maltreatment hearing, the "state human services judge shall determine that maltreatment has occurred if a preponderance of evidence exists to support the final disposition under section 626.557 and chapter 260E." *Minn. Stat. § 256.045, subd. 3b(a).*
4. **Required Investigation.** *Minn. Stat. § 260E.06* requires the reporting of neglect, physical or sexual abuse of children in the home, school, and community settings and an investigation when the report alleges substantial child endangerment. The county local welfare agency is the agency responsible for assessing or investigating allegations of maltreatment in child foster care, family child care, legally unlicensed child care, juvenile correctional facilities located in the local welfare agency's county, and reports involving children served by an unlicensed personal care provider organization. *Minn. Stat. § 260E.14.* After conducting an investigation, the local welfare agency shall make two determinations: first, whether maltreatment has occurred; and second, whether child protective services are needed. *Minn. Stat. § 260E.24, subd. 3 (a).*
5. **Maltreatment.** *Minn. Stat. § 260E.03, subd. 12* defines "maltreatment" as any of the following acts or omissions: (1) egregious harm; (2) neglect; (3) physical abuse; (4) sexual abuse; (5) substantial child endangerment; (6) threatened injury; (7) mental injury; or (8)

maltreatment of a child in a facility.

6. **Substantial child endangerment.** In relevant part, Minn. Stat. § 260E.03, subd. 22 defines "substantial child endangerment" to mean "that a person responsible for a child's care, by act or omission, commits or attempts to commit an act against a child under their care that constitutes any of the following:

(1) egregious harm under subdivision 5."

7. **Threatened injury.** In relevant part, Minn. Stat. § 260E.03, subd. 23, in part, defines "threatened injury" to mean "a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury . . . [that] includes, but is not limited to, exposing a child to a person responsible for the child's care, as defined in subdivision 17, who has: (1) subjected a child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm under subdivision 5. . . ."

8. **Egregious Harm.** In relevant part, "[e]gregious harm" means the . . . neglect of a child which demonstrates a grossly inadequate ability to provide minimally adequate parental care." *Minn. Stat. § 260E.03, subd. 5; Minn. Stat. § 260C.007, subd. 14.*

9. **A Person Responsible For the Child's Care.** In relevant part, a "person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent. . . ." *Minn. Stat. § 260E.03, subd. 17.*

10. **Burden of Persuasion.** The burden of persuasion is governed by specific state or federal law and regulations that apply to the subject of the hearing. If there is no specific law, then the participant in the hearing who asserts the truth of a claim is under the burden to persuade the appeals referee that the claim is true. *Minn. Stat. § 256.0451, subd. 17.* The state human services judge shall determine that maltreatment has occurred if a preponderance of evidence exists to support the final disposition. *Minn. Stat. § 256.045, subd. 3b (a).* In this case, the agency carries the burden of proof and must show by a preponderance of the evidence that the appellant committed maltreatment of a minor.

11. **Summary Disposition.** Summary disposition is the administrative equivalent of summary judgment. *In re Gillette Children's Specialty Healthcare, 883 N.W.2d 778, 785 (Minn. 2016).* Summary disposition is appropriate where there is no genuine issue as to any material fact and one party is entitled to judgment as a matter of law. *Id.*

12. **Collateral Estoppel.** Collateral estoppel precludes identical parties or those in privity with them from re-litigating identical issues in a subsequent, distinct proceeding. *State v. Lemmer*, 736 N.W.2d 650, 659 (Minn. 2007), citing *Willems v. Comm'r of Pub. Safety*, 333 N.W.2d 619, 621 (Minn.1983) (quoting *Victory Highway Village, Inc. v. Weaver*, 480 F.Supp. 71, 74 (D.Minn.1979)). Courts may apply collateral estoppel when:

- (1) the issue was identical to one in a prior adjudication;
- (2) there was a final judgement on the merits;
- (3) the estopped party was a party or in privity with a party to the prior adjudication; and
- (4) the estopped party was given a full and fair opportunity to be heard on the adjudicated issue.

*Id.*

### CONCLUSIONS OF LAW AND ANALYSIS

1. **Jurisdiction and Procedure.**

a. **Subject Matter Jurisdiction.** The Human Services Judge has jurisdiction to hear this appeal and to issue a recommended decision to the Commissioner of Human Services, pursuant to Minn. Stat. §§ 256.045, subd. 3(a)(9), and 260E.33, subd. 2.

2. **Burden of Persuasion; Standard of Proof.** The Agency, as the party that determined maltreatment, bears the burden to persuade the Human Services Judge that there is a preponderance of the evidence to conclude that Appellant committed an act that constitutes maltreatment. *Minn. Stat. §§ 256.0451, subd. 17 and 22; 256.045, subd. 3b(a)*. The Agency has met its burden here.

3. **J.A. Was a Minor Under the Age of 16.** J.A. was born October 24, 2007. On November 13, 2016, Appellant murdered his wife, the adopted mother of J.A., in the family home with by shooting her in the head with a gun and deliberately brought J.A. into the family home where "J.A. saw his mother lying on the floor with a pool of blood around her head." *State v. Allwine*, 963 N.W.2d 178, 182 (Minn. 2021), *cert. denied*, 142 S. Ct. 819 (2022). Thus at the time of Appellant's acts of maltreatment, J.A. was a minor under the age of 16.

4. **Appellant was a Person Responsible for J.A.'s Care.** As noted, a "person responsible for the child's care" includes "an individual functioning within the family unit and having responsibilities for the care of the child such as a parent . . ." *Minn. Stat. § 260E.03, subd. 17*. Thus, Appellant was a Person Responsible for J.A.'s care because Appellant was the father of J.A. on November 13, 2016 when Appellant murdered his wife,

5. **Maltreatment of a Minor.** First, I find no merit to Appellant's argument that

summary dispositions or summary judgment motions are not appropriate or are not available for administrative hearings regarding maltreatment findings. As noted there is substantial case law that supports the use of collateral estoppel in administrative hearings and they have historically been used by the Commissioner of Human Services in these types of proceedings.

Appellant also argues that the District Court erred in finding that the Appellant murdered his wife, the adopted mother of J.A., in the family home by shooting her in the head with a gun and deliberately brought J.A. into the family home where "J.A. saw his mother lying on the floor with a pool of blood around her head." Appellant argues that he should have the opportunity to relitigate the issues and facts determined by the district court. I disagree. The issue of whether Appellant murdered his wife and deliberately exposed his young son to the murder scene was already litigated in district court and affirmed on appeal. Appellant cannot relitigate that issue here. . *State v. Lemmer*, 736 N.W.2d 650, 659 (Minn. 2007), citing *Willems v. Comm'r of Pub. Safety*, 333 N.W.2d 619, 621 (Minn.1983) (quoting *Victory Highway Village, Inc. v. Weaver*, 480 F.Supp. 71, 74 (D.Minn.1979)). Further, Appellant was a party to the trial where he was found of guilty of Premeditated First Degree Murder and was represented by an Attorney, giving Appellant "a full and fair opportunity to be heard on the adjudicated issue," which resulted in a final judgment on the merits.

Because the doctrine of collateral estoppel does apply, the Agency is entitled to summary disposition. On January 31, 2018, a jury returned a verdict of guilty of Premeditated First Degree Murder finding that Appellant murdered his wife, the adopted mother of J.A., in the family home by shooting her in the head with a gun. As a result, on February 2, 2018, Appellant was committed to the Commissioner of Corrections for Life without Parole. As part of the murder Appellant deliberately exposed his son to the murder scene. Those acts meet the definition of maltreatment through egregious harm of a minor child, including substantial child endangerment and threatened injury, because, by murdering his wife, Appellant deprived his son of his mother's parental care. By murdering his wife, the Appellant deprived his son of the parental care of the Appellant. By murdering his wife and deliberately exposing his son to the murder scene, the Appellant demonstrated his own "grossly inadequate ability to provide minimally adequate parental care." See, *Minn. Stat. § 260C.007, subd. 14*.

Thus, based on the above, I take judicial notice of the Minnesota Supreme Court decision upholding the Appellant's murder conviction of his wife as well as the findings contained therein. *State v. Allwine*, 963 N.W.2d 178, 182 (Minn. 2021), *cert. denied*, 142 S. Ct. 819 (2022). Because those findings support a determination that Appellant maltreated his minor child by inflicting egregious harm on his minor child, this court is precluded from re-litigating the issue. As a result, the Agency's determination of maltreatment should be affirmed.

**RECOMMENDED ORDER**

Based on all of the evidence, I recommend that the Commissioner of Human Services:

- **AFFIRM** the Agency’s determination that the Appellant maltreated his child by inflicting egregious harm on his minor child.

/s/ Thomas Haluska

3 August 2022

Thomas Haluska  
Human Services Judge

Date

**ORDER**

On behalf of the Commissioner of Human Services and for the reasons stated above, I adopt the recommended Findings of Fact, Conclusions of Law, and Recommended Order as the final decision of the Department of Human Services.

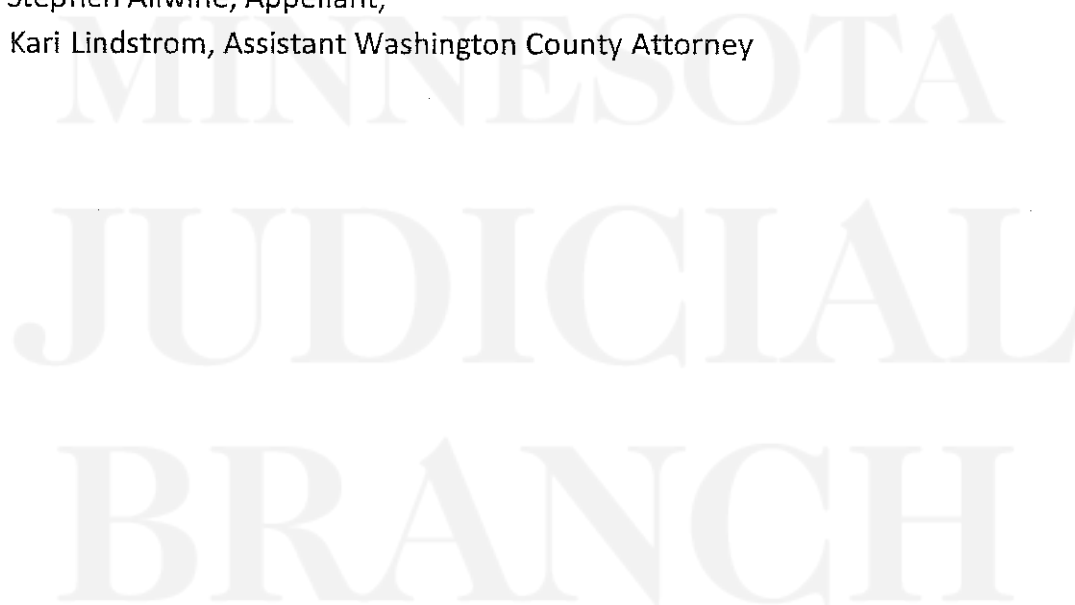
*Anna I. Cortez*  
Anna I. Cortez

August 4, 2022

Co-Chief Human Services Judge

Date

cc: Stephen Allwine, Appellant;  
Kari Lindstrom, Assistant Washington County Attorney



**FURTHER APPEAL RIGHTS**

**This decision is final unless you take further action.**

Appellants who disagree with this decision should consider seeking legal counsel to identify further legal action. If you disagree with this decision, you may:

- **Request the appeal be reconsidered.** The request must state the reasons why you believe your appeal should be reconsidered. The request may include legal arguments and may include proposed additional evidence supporting the request. If you propose additional evidence, you must explain why the evidence was not provided at the hearing. **The request must be in writing and be made within 30 days of the date this decision was issued by the co-chief human services judge.** You can mail the request to: Appeals Division, Minnesota Department of Human Services, P.O. Box 64941, St. Paul, MN 55164-0941. You can also fax the request to (651) 431-7523. **You must send a copy of the request to the other parties.** To ensure timely processing of your request, please include the name of the human services judge assigned to your appeal and the docket number. The law that describes this process is Minnesota Statutes, section 256.0451, subdivision 24.
- **Start an appeal in the district court.** This is a separate legal proceeding that you must start **within 30 days of the date this decision was issued by the co-chief human services judge.** You start this proceeding by: 1) serving a written copy of a notice of appeal upon the Commissioner of Human Services and upon any other adverse party of record; and 2) filing the original notice and proof of service with the court administrator of the county district court. The law that describes this process is Minnesota Statutes, section 256.045, subdivision 7.<sup>4</sup>

<sup>4</sup> County agencies do not have the option of appealing decisions about Supplemental Nutrition Assistance Program (SNAP), Minnesota Family Investment Program (MFIP), or Diversionary Work Program (DWP) benefits to district court under 7 Code of Federal Regulations, section 273.15(q)(2), and Minnesota Statutes, section 256J.40. A prepaid health plan may not appeal this order under Minnesota Statutes, section 256.045, subdivision 7.



Filed in District Court  
State of Minnesota

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STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF WASHINGTON

TENTH JUDICIAL DISTRICT

Stephen Carl Allwine,

Petitioner,

vs.

State of Minnesota,

Respondent.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
ORDER DENYING PETITION FOR  
POSTCONVICTION RELIEF**

Court File No: 82-CR-17-242

This matter came on Petitioner's Petition for Postconviction Relief before Douglas B. Meslow, on March 11, 2022. Petitioner is self-represented. Respondent is represented by Nicholas A. Hydukovich, Assistant Washington County Attorney.

**NOW THEREFORE**, having considered all the facts and circumstances surrounding this matter and the pleadings filed in connection with this Petition, this Court makes the following:

**FINDINGS OF FACT**

1. On November 13, 2016, Amy Allwine ("Amy") died of a gunshot wound to the head. On January 18, 2017, Petitioner Stephen Carl Allwine ("Allwine") was charged with Second Degree Murder-Intentional. On March 24, 2017, Allwine was indicted on First Degree Murder-Premeditated. The jury convicted Allwine of First Degree Murder – Premeditated following a trial that lasted from January 12, 2018, through January 31, 2018.
2. On February 2, 2018, Allwine was sentenced to life imprisonment for the crime of Murder in the First Degree - Premeditated in violation of Minn. Stat. §609.185(a)(1) for the murder of Amy.
3. On May 31, 2018, Allwine filed an appeal with the Minnesota Supreme Court.
4. On April 2, 2019, the Minnesota Supreme Court granted Allwine's motion to stay his appeal to allow him to file a Petition for Postconviction Relief in district court.
5. On August 1, 2019, Allwine filed a First Petition for Postconviction Relief. Allwine did not file a memorandum of law with the First Petition.

6. On September 9, 2019, the Court issued an Order requiring Allwine to file and serve his memorandum of law by December 19, 2019, and the State to file its response by January 15, 2020 (“Briefing Order”).

7. On March 2, 2020, Allwine filed a “Second” Petition for Postconviction Relief (which was essentially an Amended Petition for Postconviction Relief) and a memorandum of law.

8. On June 12, 2020, Allwine filed his response to the State’s brief. Allwine also filed a letter requesting to keep the record open to obtain documentation from Allwine’s trial counsel and information from Allwine’s hired experts. On June 16, 2020, the State filed a letter opposing Allwine’s request to keep the record open. The Court kept the record open until June 22, 2020, when a phone conference was held with the attorneys to discuss Allwine’s request to keep the record open. The Court denied the request to continue keep the record open during the phone conference. Thus, the record closed on June 22, 2020.

9. On September 21, 2020, the Court issued Findings of Fact, Conclusions of Law and Order denying Allwine’s Petition for Postconviction Relief (“Postconviction Order”).

10. Allwine’s appellate counsel filed (3) motions for reconsideration, all of which were denied.

11. The Minnesota Supreme Court reinstated Allwine’s appeal and he also appealed this Court’s Postconviction Order. The Supreme Court affirmed Allwine’s conviction and this Court’s Postconviction Order. *State v. Allwine*, 963 N.W.2d 178 (Minn. 2021).

*The following evidence was introduced at trial:*

12. Allwine and Amy were married in 1998. (12T. p. 32).<sup>1</sup> Allwine was a member of the United Church of Christ and an elder in the church. (12T. pp. 42-44).

13. Allwine had three extramarital affairs. (12T. pp. 182-84, 196, 198-99; 13T. 43-44, 118-33).

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<sup>1</sup> The transcripts are filed in 16 volumes for hearing dates from March 24, 2017, through January 31, 2018, which is the date of the first appearance following the indictment through the last day of trial. The transcripts are labeled by Roman numerals. Transcript Volume #16 from January 31, 2018, the last date of trial, is incorrectly labeled Volume VII. For ease of reading and because two of the filed transcripts from two different trial days are labeled as Volume VII, this Order will refer to the transcripts by numbers rather than Roman numerals.

14. In May 2016, the FBI learned that a person was attempting to hire a hitman to kill Amy through the Besa Mafia website on the Dark Web.<sup>2</sup> (15T. p. 34, Ex. 124). A person with the screen name dogdayGod sent the following message to Besa Mafia:

I am looking to hire you for a hit, but what is the recommended way to convert cash to bitcoin anonymously. If I pull \$5000 out for a hit, after the hit I assume that the police would see that draw and wonder where it went, so even if the bitcoins are not traceable, that missing money would raise suspicion? Is there a way to make it look like I am buying something and end up with bitcoins so that the money looks like it is going to something tangible and not cash to pay for a hit?

15. On May 31, 2016, FBI Special Agent Asher Silkey and a Cottage Grove police detective met with Amy to notify her of the hit attempt. (2T. p. 73). DogdayGod sent messages to the Besa Mafia regarding a March 19, 2016, business trip that Amy was taking to Moline, Illinois.<sup>3</sup> DogdayGod provided the address of the hotel where Amy was staying, a physical description of her, a description of her vehicle, and a picture of Amy. (Ex. 125, 127).

16. On July 31, 2016, Amy called Special Agent Silkey to report that on July 24, 2016, and July 31, 2016, she received anonymous emails telling her to commit suicide and threatening to harm her family members if she did not commit suicide. (2T. pp. 76-77, 79; Ex. 83, 84). The July 24, 2016, email contained details such as her parents' address and the color of shirt that her son was wearing the Friday before the email was sent. (Ex. 84).

17. Police recovered email messages on one of Allwine's email accounts that were exchanged with a person named Ryan Seidel regarding purchasing Bitcoin. (14T. pp. 143-44). On March 4, 2016, Ryan Seidel met a man who he could not identify at a Wendy's restaurant in Minneapolis. (14T. pp. 144-45, 147-48). The man paid \$6,000.00 for Bitcoin. (14T. pp. 143, 145, 156). Allwine had a dinner date that night with Michelle Woodard, a woman with whom he was having an affair. (T14. pp. 120, 129). Allwine texted Ms. Woodard and told her that he would be late because he had met a man at a fast-food restaurant to "exchange" Bitcoin and he locked his keys in his truck. (T.14. p. 129).

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<sup>2</sup> Besa Mafia is a "store" on the Dark Web that advertises itself as a forum to hire a hitman.

<sup>3</sup> The FBI was provided this information in May 2016 from a confidential source who obtained it through a hack of the Besa Mafia website. Thus, the emails were sent prior to May 2016.

Allwine's cell phone records indicate that he called his insurance company for lockout assistance at a Wendy's in Minneapolis on March 4, 2016. (T.14. p. 81).

18. On March 7, 2016, Allwine reported to the Cottage Grove Police Department that he was scammed of \$6,000.00 in Bitcoin from a man named Mark while trying to purchase computer, lab gear, and study material. (12T. 187-88). Police found no emails on any of Allwine's accounts with a man named Mark to purchase training supplies. (12T. pp. 206-07).

19. On the day that Amy was killed, Allwine reported to police that Amy told him around 12:15-12:30 p.m. that she was feeling dizzy and lightheaded and went to lie down in her bed. (Ex. B at p. 4 – transcript of Allwine's November 15, 2016, interview with police).

20. Amy's father was at the Allwine residence the day that Amy died from approximately 1:00 – 2:00 p.m. to finish installing a dog door in the home. (12T. pp. 38-39). Allwine called Amy's father shortly after 2:00 p.m., just after he left the home, and asked him to pick up the Allwines' son, Joseph, so he could take Amy to the clinic. (12T. p. 39). Allwine told Amy's father that he would pick up Joseph at 5:30 p.m. (*Id.*)

21. Amy never went to the clinic. (Ex. B pp. 5-6). Allwine told police that he checked on Amy later in the afternoon and then went back downstairs and finished work. (Ex. B pp. 5-6). The records from Allwine's employer show his last actions on November 13, 2016, were at 12:51 p.m. (12T. p. 165).

22. Amy was shot in the head at 3:15 p.m. or earlier on November 13, 2016. (16T. pp. 58-59).

23. Allwine called Amy's father around 5:00 p.m. and told him that he may be late picking up Joseph because he had to get gas. (12T. p. 40). Allwine arrived at the home of Amy's father to pick up Joseph at 5:30 p.m. (*Id.*). Allwine and Joseph went to Culver's for dinner and arrived home at 6:52 p.m. and found Amy dead. (12T. pp. 128-29, Ex. B at p. 6).

24. Officers found Amy in a bedroom, face up on the floor with a handgun in her left forearm. (11T. pp. 62, 75, 76). The Sergeant at the scene confirmed that Amy was right handed and testified that he had never known someone to commit suicide with a gun using their non-dominant hand. (11T. pp. 136-37).

25. Crime scene investigators opined that Amy had been moved because she was found face up, but the blood from her nose and mouth flowed left and the blood stain patterns near her head showed blood that had dripped from an elevated position above the floor. (11T.

pp. 198-200). Amy's blood was found on the wood floor outside the bedroom. (11T. pp. 207-08).

26. The BCA analyzed swabs taken from the trigger, slide, and pistol grip of the gun found next to Amy which contained mixtures of DNA from which Allwine and Amy could not be excluded, but which excluded over 99% of the world population. (14T. pp. 46-47). Allwine's hands were swabbed the night of the killing and gunshot residue was found on his right hand. (13T. pp. 14, 16-17).

27. Amy had an elevated level of Scopolamine in her system that she ingested orally. (13T. p. 37; 16T. p. 31). Scopolamine is a prescription drug used to treat motion sickness and Amy did not have a prescription for Scopolamine. (13T. pp. 28-29; 16T. pp. 30-31). Scopolamine can cause impaired thought, blurred vision, and slow movement. (13T. p. 38). DogdayGod made two posts on a website asking whether there was a seller of Scopolamine located in the Minneapolis area. (12T. pp. 204-06).

28. Police seized electronic devices from Allwine and his home and delivered (66) devices to Mark Lanterman, Chief Technology Officer of Computer Forensic Services, to analyze.<sup>4</sup> (11T. p. 137; 14T p. 74; 15T pp. 4, 10).

29. A TOR browser is needed to access the Dark Web and Lanterman found a TOR browser installed on a MacBook obtained from Allwine's home with the user name "S Allwine." (15T. pp. 52 -53).

30. Lanterman found that a virtual private network was installed on the MacBook, which can be used to encrypt internet communications. (15T. pp. 52-53). On July 16, 2016, the MacBook user searched the term "Guerilla mail," which is a service that allows users to send anonymous emails. (15T. p. 54).

31. Lanterman found a note with the email address [exqliqv@sharklasers.com](mailto:exqliqv@sharklasers.com) on an iPhone 6S named "S Allwine's iPhone," which Allwine gave to police the night of the murder. (11T. p. 64, 12T p. 122, 15T. p. 56). Sharklasers.com is a service that allows users to send anonymous emails. (15T. p. 56).

32. On February 16, 2016, dogdayGod sent an email to Besa Mafia stating that Amy would be traveling to Moline, Illinois in March 2016, which is a three-hour drive from Chicago, and asked for the price in Bitcoin for doing the hit and making it look like an

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<sup>4</sup> Allwine does I.T. work for two companies, which may explain the large number of devices located at the home.

accident. (15T. 38-39). Five minutes before dogdayGod sent the message to Besa Mafia, the user of the MacBook did a Google search for “Moline, IL” and clicked on a map showing the driving distance between Moline and Chicago. (15T. p. 39).

33. On March 5, 2016, dogdayGod sent a link of a photo of Amy to the Besa Mafia. (15T. p. 41). The photo link of Amy came from the website sallwine.net, but was not posted on that website until 45 minutes before dogdayGod sent the email to Besa Mafia. (15T. p. 44). The MacBook was used to browse photos on Amy’s Facebook account the day before the link to Amy’s photo was sent to Besa Mafia. (15T. p. 44).

34. The first threatening email was sent to Amy on July 24, 2016. (15T. pp. 57-58). The email stated that the sender knew where her parents, brother, and sister lived and obtained this information from a website called radaris.com. (15T. pp. 58-59). The MacBook accessed the radaris.com website and searched for Amy’s relatives on July 8, 2016, and July 23, 2016. (15T. pp. 60-61).

35. On February 14, 2016, dogdayGod sent a message to Besa Mafia requesting to hire a hit and pay for it in Bitcoin. (15T. pp. 36-37). The MacBook was used to search for Bitcoin mining software later that day and an app called Bitcoin Wallet was installed on Allwine’s Samsung Galaxy G5 cell phone. (15T. p. 37; 12T. pp. 149 -50).

36. On March 22, 2016, dogdayGod sent a message to Besa Mafia indicating that Bitcoin was sent to the wrong Bitcoin “address.” (15T. p. 47). The message provided a 34-character code where the Bitcoin was sent and asked if Besa Mafia could “match up” the address. (15T. pp. 46-47).

37. Lanterman found that Allwine’s iPhone had been backed up to the MacBook. (15 T. pp. 47-48). A deleted note from the Notes app on Allwine’s iPhone was recovered on the MacBook. (15T. pp. 48-49). The note contained the same 34-character Bitcoin Wallet address referenced in dogdayGod’s message to Besa Mafia was found on the MacBook.<sup>5</sup> (15T. pp. 48-49). The note with the Bitcoin Wallet address was created on Allwine’s iPhone on March 22, 2016, at 9:54:04 a.m. (15T. p. 50). DogdayGod sent the message to Besa Mafia that contained the 34-character Bitcoin Wallet address 23 seconds after the note was created and 40 seconds later the note was deleted. (15T. p. 50).

38. Following a seven-day trial, the jury convicted Allwine of First Degree Murder – Premeditated.

Allwine's Postconviction Motions:

39. Allwine requests that his conviction be vacated; that the Court grant a new trial; or that an evidentiary hearing be held on the basis of (1) juror misconduct and (2) ineffective assistance of appellate counsel.

From the foregoing Findings of Facts, this Court makes the following:

**CONCLUSIONS OF LAW**

1. Minn. Stat. §590.01, subd. 1, provides, in pertinent part, as follows:

[A] person convicted of a crime, who claims that: the conviction obtained or the sentence or other disposition made violated the person's rights under the Constitution or laws of the United States or of the state ... may commence a proceeding to secure relief by filing a petition in the district court in the county in which the conviction was had to vacate and set aside the judgment and to ... grant a new trial ... or make other disposition as may be appropriate.

2. Minn. Stat. § 590.04, subd. 1 provides that:

Unless the petition and the files and records conclusively show that the petitioner is entitled to no relief, the court shall promptly set an early hearing on the petition and response thereto, and promptly determine the issues, make findings of fact and conclusions of law with respect thereto, and either deny the petition or enter an order granting appropriate relief.

3. To obtain an evidentiary hearing on a petition for postconviction relief, the petitioner must allege facts that would, if proved by a fair preponderance of the evidence, entitle him to relief. *Ferguson v. State*, 645 N.W.2d 437, 446 (Minn. 2002)(citation omitted). "The reviewing court considers the totality of the evidence before the judge or jury in making this determination." *State v. Rhodes*, 657 N.W.2d 823, 842 (Minn. 2003)(citation omitted).

4. "The petition must allege "more than argumentative assertions without factual support.'" *Nissalke v. State*, 861 N.W.2d 88, 91 (Minn. 2015)(*rehearing denied* May 20, 2015)(citation omitted).

5. On appeal, a post-conviction court's determinations will not be overturned absent an abuse of discretion. *Hodgson v. State*, 540 N.W.2d 515, 517 (Minn.1995).

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<sup>5</sup> Bitcoin transactions come out of a Bitcoin Wallet and each wallet has a unique 34-character code. (15T. pp. 16-17).

6. “[W]here direct appeal has once been taken, all matters raised therein, and all claims known but not raised, will not be considered upon a subsequent petition for postconviction relief.” *State v. Knaffla*, 309 Minn. 246, 252 (1976).

7. The court may summarily deny a second or successive petition for similar relief on behalf of the same petitioner and may summarily deny a petition when the issues raised in it have previously been decided by the court of appeals or the supreme court in the same case. Minn. Stat. § 590.04, subd. 3.

8. “The *Knaffla* rule is subject to two exceptions: (1) if a claim is known to a defendant at the time of the direct appeal but is not raised, it will not be barred by the rule if the claim's novelty was so great that its legal basis was not reasonably available when direct appeal was taken; and (2) even if the claim's legal basis was sufficiently available, substantive review may be allowed when fairness so requires and when the petitioner did not deliberately and inexcusably fail to raise the issue on direct appeal.” *Sanchez-Diaz v. State*, 758 N.W.2d 843, 846-47 (Minn. 2008).

**Juror Misconduct:**

9. Allwine claims that a juror told his former pastor that the jury was not convinced that he pulled the trigger and that they were “told” he had to be involved and therefore voted to convict. Allwine contends that this is contrary to the jury’s instructions. Allwine does not state who told the jury this statement.

10. Allwine’s claim is unsupported by the record. The jury was not told Allwine “had to be involved.” The jury was properly instructed on the elements of First Degree Murder. (17T – pp. 8-9). Allwine cites Minn. Stat. §631.09 as support for his claim of juror misconduct. Minn. Stat. §631.09 states as follows:

At the close of the evidence and after the court has charged the jury, the jury may decide the case in court or retire for deliberation. If the jury cannot agree on a verdict without retiring, the court shall swear one or more officers to take charge of the jury. The jury must be kept together in some private and convenient place. No person may be permitted to speak or communicate with any juror, unless by order of court, nor may a person listen to its deliberations. The jury must be returned to court upon agreeing on a verdict or when so ordered by the court. In case of mixed juries counties shall provide adequate, separate quarters for male and female jurors with proper accommodations. If the county fails to provide proper accommodations, the court shall order the jurors to be housed in a suitable hotel for the night.

This section applies only if the jury has failed to agree.



11. Allwine fails to explain how Minn. Stat. §631.09 was violated. Allwine's claim of juror misconduct is nothing more than argumentative assertions without factual support, which do not entitle him to relief.

12. Even if Petitioner's vague accusation is true, there is no evidence of misconduct here. The rules of evidence prohibit the inquiry that Allwine seeks:

Upon an inquiry into the validity of a verdict or indictment, a juror may not testify as to any matter or statement occurring during the course of the jury's deliberations or to the effect of anything upon that or any other juror's mind or emotions as influencing the juror to assent to or dissent from the verdict or indictment or concerning the juror's mental processes in connection therewith, except that a juror may testify on the question whether extraneous prejudicial information was improperly brought to the jury's attention or whether any outside influence was improperly brought to bear upon any juror, or as to any threats of violence or violent acts brought to bear on jurors, from whatever source, to reach a verdict, or as to whether a juror gave false answers on voir dire that concealed prejudice or bias toward one of the parties, or in order to correct an error made in entering the verdict on the verdict form.

Minn. R. Evid. 606(b).

13. Allwine fails to allege sufficient facts that extraneous prejudicial information was improperly brought before the jury; that any outside influence was brought upon a juror; or that there were any threats of violence or violent acts against any juror.

14. Additionally, Allwine fails to allege when he learned of this claim of juror misconduct. If it was before his appeal, it is *Knaffla*-barred.

**Ineffective Assistance of Appellate Counsel:**

15. The state and federal constitutional right to counsel includes the right to effective assistance of counsel. *Strickland v. Washington*, 466 U.S. 668, 686; 104 S.Ct. 2052, 2063 (1984).

16. Claims of ineffective assistance of appellate counsel are not *Knaffla*-barred in the first petition for postconviction relief filed after a direct appeal because the issue could not have been raised on direct appeal. *Erickson v. State*, 725 N.W.2d 532, 537 (Minn. 2007).

17. "When an ineffective assistance of appellate counsel claim is based on appellate counsel's failure to raise an ineffective assistance of trial counsel claim, the appellant must first show that trial counsel was ineffective." *Fields v. State*, 733 N.W.2d 465, 468 (Minn. 2007).

18. “To receive an evidentiary hearing on an ineffective assistance of counsel claim, a petitioner must allege facts that would ‘affirmatively show that his attorney’s representation fell below an objective standard of reasonableness, and that but for the errors, the result would have been different.’” *Leake v. State*, 737 N.W.2d 531, 536 (Minn. 2007).

19. “[T]he standard for attorney competence is ‘representation by an attorney exercising the customary skills and diligence that a reasonably competent attorney would perform under similar circumstances.’” *State v. Gassler*, 505 N.W.2d 62, 70 (Minn. 1993)(citation omitted).

20. Review of counsel’s performance under the first prong of the *Strickland* test is highly deferential. *Griffin v. State*, 941 N.W.2d 404, 408 (Minn. 2020)(citation omitted).

21. “There is a strong presumption ‘that counsel’s performance fell within a wide range of reasonable assistance.’” *State v. Miller*, 666 N.W.2d 703, 716 (Minn. 2003)(citation omitted).

22. “Counsel’s decisions regarding trial strategy are granted particular deference.” *Id.*

23. “Appellate counsel need not raise all possible claims on direct appeal, and a claim need not be raised if appellate counsel could have legitimately concluded that [it] would not [prevail].” *Leake* at 536 (citation omitted).

24. The Minnesota Supreme Court has held that “[l]awyers representing appellants should be encouraged to limit their contentions on appeal at least to those which may be legitimately regarded as debatable.” *Dobbins v. State*, 788 N.W.2d 719, 729 (Minn. 2010) (citation omitted). Appellate counsel need not raise issues merely because their client wants them to. *Id.*

25. “[T]here is no presumption of prejudice in an ordinary case involving a claim of ineffective assistance of counsel where there is no claim of a conflict of interest by defense counsel; rather, the defendant must show that counsel’s errors ‘actually’ had an adverse effect in that but for the errors the result of the proceeding probably would have been different.” *Gates v. State*, 398 N.W.2d 558, 562 (Minn. 1987) (citing *Strickland* at 693-94).

26. “In determining whether prejudice has been shown, ‘the court must consider the totality of the evidence.’” *Id.*

*Alleged failure of appellate counsel to submit evidence into the postconviction record before it closed*

27. Allwine contends that appellate counsel was ineffective because she failed to introduce two expert reports and a crime scene access log. Dr. Arden's report was submitted on November 9, 2020, with Allwine's second motion to reconsider the Postconviction Order and computer expert John Carney's report was filed on December 3, 2020, with Allwine's third motion to reconsider the Postconviction Order. Allwine contends that the expert reports likely would have changed the verdict and that he was prejudiced because the Supreme Court's opinion denied his ineffective assistance of trial counsel claim based on the absence of the expert reports.

28. Allwine's argument ignores this Court's previous findings. In the Postconviction Order, this Court found "[w]hat evidence to present to the jury, including which witnesses to call, represents an attorney's decision regarding trial tactics and lies within the proper discretion of trial counsel." *State v. Doppler*, 590 N.W.2d 627, 633 (Minn. 1999). This Court concluded that trial counsel's "decisions regarding which experts to hire is protected trial strategy and is not ineffective assistance of counsel." That conclusion was not disturbed by the Supreme Court on appeal.

29. Allwine argued in his first motion to reconsider the Postconviction Order that he thought he had more time to submit expert reports before the record closed in his first postconviction motion. On October 16, 2020, this Court issued an Order denying Allwine's first motion to reconsider which stated as follows: "The Court ruled in the Postconviction Order that trial counsel was not ineffective for failing to hire certain experts. Thus, even if Defendant produced a report from an expert that differed from what was presented at trial, he is not entitled to relief." (Conclusion of Law 3).

30. Since this Court concluded that trial counsel engaged in trial strategy by deciding which experts to hire and call as witnesses at trial, the expert reports were irrelevant. Thus, Allwine has failed to show that any unreasonable representation by appellate counsel that prejudiced him.

*Allegations that appellate counsel was ineffective for raising meritless issues*

31. Appellate counsel argued in the first petition for postconviction relief that the prosecutor committed a discovery violation by failing to disclose exculpatory evidence she received after trial. This Court found in its Postconviction Order that "Minn. R. Crim. P.

9.01 and 9.03 do not impose an ongoing duty on the prosecutor to disclose evidence after trial.” *Allwine* contends that this demonstrates ineffective assistance of appellate counsel.

32. This bare allegation fails to meet the second prong of the *Strickland* test because it does not allege any facts related to how the result would have been different if appellate counsel had not raised this issue.

*Alleged failure to timely submit alternative perpetrator evidence*

33. Allwine alleges that appellate counsel was ineffective for failing to submit new evidence of regarding Kristin Elmquist (“Elmquist”), who owned a dog training business that competed with Amy’s business. Specifically, Allwine alleges that the emails suggest that Elmquist was dogdayGod.

34. Allwine claimed in his first Petition for postconviction relief that trial counsel failed to investigate Elmquist as an alternative perpetrator. He now contends that there was evidence that appellate counsel should have raised in the postconviction proceeding that supports Elmquist as an alternative perpetrator. “Assuming, without deciding, that Allwine’s trial counsel did not pursue an alternative perpetrator theory, such an omission fails to state a claim of ineffective assistance of trial counsel as a matter of law. Under well-established law, the decision to pursue alternative perpetrators is a matter of trial strategy that we do not scrutinize.” *Allwine* at n. 19.

35. This allegation fails to meet the second prong of the *Strickland* test because it does not allege any facts related to how the result would have been different if appellate counsel had raised this issue.

*Spreigl evidence*

36. Allwine contends that appellate counsel failed to raise the issue that the trial court abused its discretion by allowing *Spreigl* evidence. Allwine also does not specify what *Spreigl* evidence was erroneously admitted or why it was unreasonable for appellate counsel to fail to raise this issue.

37. As such, Allwine has failed to rebut the “strong presumption ‘that counsel’s performance fell within a wide range of reasonable assistance.’” *Miller* at 716.

*Denial of motion for judgment of acquittal*

38. Allwine contends that appellate counsel failed to raise the issue that the trial court abused its discretion by denying his motion for judgment of acquittal following the State’s case because “the evidence presented by the State pointed to” his innocence.

39. In finding the evidence sufficient to support his conviction, the Supreme Court relied on facts presented during the State's case, not during Petitioner's case. *See Allwine* at 187-88. Allwine fails to show that there is any reasonable likelihood this claim would have succeeded on appeal. Thus, Allwine fails to meet the second prong of the *Strickland* test because he does not allege sufficient facts related to how the result would have been different if appellate counsel challenged the denial of the motion for acquittal.

*Brady violations*

40. Allwine contends that appellate counsel was ineffective for failing to raise the issue that the prosecutor committed a *Brady* violation regarding the following evidence:

- 45 photos taken by the BCA after luminol was sprayed in the home that allegedly demonstrates that Allwine did not clean up the scene;
- Notes of Medical Examiner Investigator Jonathan Banks that demonstrate that Amy died after he left the home;
- Besa Mafia emails that prove that Allwine is not dogdayGod;
- Video from SuperAmerica that shows he was there the night Amy died which supports his alibi that he was not at the home when she died;
- Trailcam photos that contradict the State's timeline of when Amy was alive; and
- Hemo-trace test results from a blue washcloth that indicate dog blood which refutes the State's contention that Allwine used the washcloth to clean up Amy's blood.

41. "[T]he suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." *Pederson v. State*, 692 N.W.2d 452, 459 (Minn. 2005)(citing *Brady v. Maryland*, 373 U.S. 83, 87, 83 S.Ct. 1194 (1963)).

42. "Three elements must be met to succeed on the claim of a *Brady* violation: (1) the evidence must be favorable to the defendant as either exculpatory or impeaching; (2) the evidence must have been suppressed by the prosecution, intentionally or otherwise; and (3) the evidence must be material. In other words, the absence of the evidence must have caused prejudice to the defendant." *Campbell v. State*, 916 N.W.2d 502, 510 (Minn. 2018)(citations omitted).

43. Allwine fails to sufficiently establish that the evidence is material. Most of the claimed violations were issues at trial. “Counsel's decisions regarding trial strategy are granted particular deference.” *Miller* at 716.

44. “[I]t is all too tempting for a defendant to second-guess counsel's assistance after conviction or adverse sentence, and it is all too easy for a court, examining counsel's defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable,” *Strickland* admonishes reviewing courts to ‘judge the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed as of the time of counsel's conduct.’ In *Strickland's* words, “[j]udicial scrutiny of counsel's performance must be highly deferential.” *State v. Rhodes*, 657 N.W.2d 823, 844 (Minn. 2003)(citation omitted).

45. What issues to raise in a postconviction motion is protected strategy and is not ineffective assistance of counsel.

*Alleged ineffective assistance of trial counsel*

46. Allwine claims that appellate counsel was ineffective for failure to raise the issue that trial counsel was ineffective by failing to issue a subpoena for a supervisor of his employer to testify regarding his “lack of actions” on his computer the day Amy was killed.

47. Conclusion of Law 29 of this Court’s Postconviction Order states that an attorney’s decision on which witnesses to call is a question of trial strategy. *Doppler* at 633. Allwine has failed to demonstrate that the decision of appellate counsel to not challenge this issue was unreasonable.

*Alleged failure to correct misleading testimony*

48. Allwine claims that appellate counsel was ineffective for failure to raise the issue that the prosecutor committed misconduct by not correcting the false testimony of A.H. regarding a call to her by Allwine in mid-November that “did not happen;” Mark Lanterman’s testimony regarding tracing the Bitcoin to Allwine’s phone when it was a Besa Mafia address; and Dr. Mills’ testimony that Jonathan Banks arrived on scene at 7:00 p.m. when the Crime Scene Access log shows he did not arrive until 11:31 p.m. --- which changes the time of death window by 4.5 hours.

49. Regarding correction of the testimony of A.H., a woman Allwine dated, she never testified to the jury regarding a phone call in mid-November. A.H. testified that she went on one date with Allwine in April 2015. 13T- pp. 45-47 A.H. accidentally called Allwine from one of the “Steve” contacts in her phone, but she could not recall the date. *Id.*

The “testimony” Allwine references in his motion was the prosecutor making an offer of proof to the trial court outside the presence of the jury regarding the substance of A.H.’s testimony. 4T – p. 13.

50. As to the testimony of Dr. Mills and Mark Lanterman, Allwine has not demonstrated that their testimony was false. Even if he could demonstrate the testimony was false, he fails to show that the prosecutor knew the testimony was false and failed to correct it. Thus, Allwine has failed to show that appellate counsel acted unreasonably by not raising these claims of prosecutorial misconduct or that the outcome would have been different.

*Alleged prosecutor misconduct – turning over evidence to a third party*

51. Allwine contends that appellate counsel should have argued that prosecutors committed misconduct by allowing a third party, Mark Lanterman, to examine various electronic devices. Yet again, this is a question of which issues to raise on appeal, a strategic question not scrutinized by reviewing courts.

52. Allwine cites no authority for the proposition that it is misconduct to have a “third party” examine evidence in a case. As a result, Allwine has also failed to demonstrate that reasonable appellate counsel would have raised this issue or that raising the issue would have been reasonably likely to lead to a different outcome on appeal.

53. Allwine contends that Mr. Lanterman wanted to charge him \$40,000 for images which he could not afford. This has nothing to do with the prosecutor. Allwine’s appellate counsel submitted a Minn. Stat. §611.21 request for approximately \$45,000.00 in funds to obtain mirror images of digital forensic items from Mr. Lanterman after trial for an expert witness that he planned to retain for his postconviction relief petition. On September 5, 2019, that request was denied by this Court on the grounds that Allwine “failed to establish the need for the requested services and/or financial inability to pay for those services.” Thus, this is not an ineffective assistance of appellate counsel issue.

*Alleged prosecution misconduct in closing argument*

54. Allwine claims that appellate counsel was ineffective for failure to raise the issue that the prosecutor committed misconduct in closing arguments by making several statements without evidence.

55. This issue was raised by appellate counsel in the first postconviction proceeding as to some of the statements Allwine currently asserts were made “without evidence in the record.” Specifically, statements made in closing regarding Allwine’s church and its position on divorce. “The prosecutor's argument need not be ‘colorless,’ and it may include

conclusions and inferences that are reasonably drawn from the facts in evidence.” *State v. Matthews*, 779 N.W.2d 543, 551 (Minn. 2010)(citations omitted).

56. Allwine fails to explain how the statements he alleges are misconduct were misstatements of the evidence at trial, as opposed to accurate statements of or reasonable inferences from the evidence. Thus, Allwine fails to show that failure to raise these claims was unreasonable or that raising the claims were reasonably likely to change the outcome on appeal.

57. Allwine also claims that appellate counsel was ineffective for failure to raise the issue that the prosecutor committed misconduct in closing arguments by improperly challenging one of the witnesses regarding time of death. The prosecutor stated:

Dean Cranston. Nice guy. Hard worker.  
He's a shift worker. He said so. Wasn't wearing  
his watch that day. There are times he doesn't even  
know what day it is. Now, I am not being critical,  
but you need to consider that in terms of the timing  
of all of this, or in terms of his memory. Remember  
people lie, people forget, people are mistaken. I  
think it's clear, in view of all of the other  
evidence, that Mr. Cranston was simply mistaken.

It was not unreasonable for appellate counsel to fail to raise this as an issue. This is protected strategy.

*Alleged misstatement of facts by trial counsel*

58. Allwine argues that appellate counsel should have raised an ineffective assistance of trial counsel claim based on statements trial counsel made during his closing argument. Again, what issues to raise on appeal is a question of appellate strategy that is not second-guessed by a reviewing court.

59. Allwine also mischaracterizes trial counsel’s closing argument. Counsel argued that the witnesses called by the defense provided an accurate timeline of when Amy was still alive. 17T – pp. 59-63. Trial counsel argued that the jury should not accept the medical examiner’s stated time of Amy’s death. *Id.* Appellate counsel was not ineffective for failing to claim ineffective assistance of trial counsel when trial counsel was not ineffective, and failure to raise the issue did not change the outcome of the appeal.

*Alleged failure of appellate counsel to fulfill duty of complete discovery*

60. Allwine contends that appellate counsel was ineffective for failing to subpoena Elmquist (alternative perpetrator); Jonathan Banks Investigator Notes; business records from



Elmquist's dog boarding businesses; and Mark Lanterman's "trial testimonial history" for impeachment. Allwine also contends that appellate counsel was ineffective for failing to obtain affidavits from a DNA and blood spatter expert and other information/documentation outside the trial record.

61. Again, this Court concluded in its Postconviction Order "[w]hat evidence to present, including which witnesses to call, represents an attorney's decision regarding trial tactics and lies within the proper discretion of trial counsel." *Doppler* at 633. Appellate counsel's decision not to subpoena certain witnesses or obtain a large amount of information outside the trial record is not unreasonable. The extent of counsel's investigation represents trial strategy. *Opsahl v. State*, 677 N.W.2d 414, 421 (Minn. 2004). A defendant who alleges ineffective assistance of counsel for failure to investigate must show actual prejudice. *Gates* at 562.

62. Thus, Allwine has failed to meet his burden of showing that appellate counsel's representation fell below an objective standard of reasonableness. Allwine has also failed to allege prejudice. Allwine's bare assertions—still unsupported, despite the passage of more than four years since his conviction—do not demonstrate prejudice.

*Alleged failure of appellate counsel to challenge the overall fairness of the trial*

63. Finally, Allwine contends that appellate counsel was ineffective for failing to challenge "the overall fairness of the trial." Again, what issues to raise on appeal is a question of appellate strategy that reviewing courts do not second-guess.

64. Allwine cites no authority in support of this proposition. Indeed, neither this Court nor the supreme court have found any errors at trial, whether by the judge, prosecutor, or defense counsel. Appellate counsel did not act unreasonably by not making a claim that the trial was unfair from a broader perspective. Nor did the failure to raise the claim affect the outcome of the appeal.

From the foregoing Conclusions of Law, this Court makes the following:

**ORDER**

1. The Petition for Postconviction Relief is **DENIED**.

2. The Court Administrator shall provide a copy of this Order to Petitioner, the Washington County Attorney's Office, the Minnesota Clerk of the Appellate Courts, and Minnesota Attorney General Keith Ellison, which constitutes due and proper notice of its provisions for all purposes.

Date: \_\_\_\_\_

**BY THE COURT:**

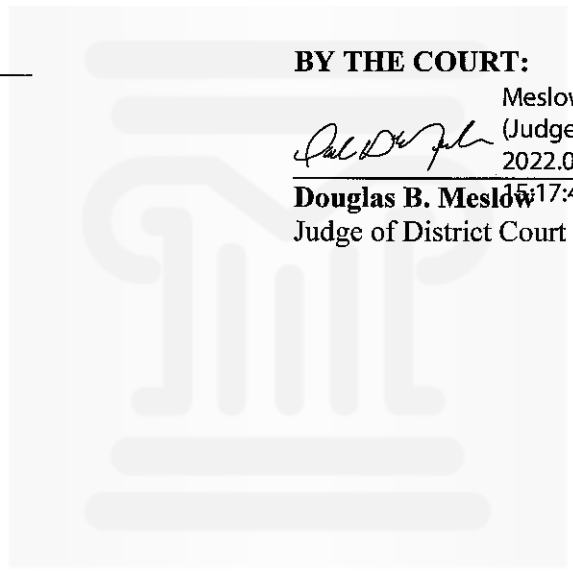
Meslow, Douglas  
(Judge)



2022.08.04

**Douglas B. Meslow**  
Judge of District Court

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