

STATE OF MINNESOTA
COUNTY OF WASHINGTON

MINNESOTA DISTRICT COURT
TENTH JUDICIAL DISTRICT
CIVIL DIVISION

Stephen Carl Allwine

vs.

Commissioner of the Minnesota
Department of Human Services,

and

Washington County Community Services

Respondents

RESPONDENT
WASHINGTON COUNTY'S
BRIEF TO DISTRICT COURT

Court File No. 82-CV-22-4952

TO: Honorable Laura A. Pieten, Judge of District Court, 14949 62nd Street North, Stillwater, MN 55082;

Stephen Carl Allwine, Appellant Pro Se, OID # 256417, MCF-Stillwater, 970 Pickett Street, Stillwater, MN 55082; and

Emily B. Anderson, Assistant Attorney General, Office of the Minnesota Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, MN 55101-2128.

FACTS

On January 31, 2018, Appellant Stephen Carl Allwine was found guilty by a jury of Murder in the First Degree of Appellant's wife, Amy Allwine in Washington County Court File 82-CR-17-242. The conviction resulted from a murder investigation following Ms. Allwine's death on November 13, 2016. In addition to criminal charges, the investigation of law enforcement and child protection resulted in a Termination of Parental Rights action in Washington County Court File 82-JV-18-1749 and a finding of the Maltreatment of a Minor on

February 24, 2017.¹

As detailed in the criminal complaint (Appendix 1), the Petition to Terminate Parental Rights (Appendix 2), and the child protection investigation summary (Appendix 3), Appellant and Amy L. Allwine were the parents of J.L.A., dob 10/24/2007, and resided as a family unit in the City of Cottage Grove, County of Washington. The investigation revealed that after murdering Amy Allwine at the family's home, Appellant brought J.L.A., then 9 years old, back to the family home from a class at a local gym and dinner and allowed J.L.A. to find and observe Ms. Allwine's deceased body in a bedroom with blood pooling around Ms. Allwine's head. Per J.L.A.'s statement to the police, he asked Appellant why his mother was asleep on the floor, and Appellant responded, "she's probably dead." (Appendix 1)

Appellant requested reconsideration of the maltreatment determination, and following the reconsideration decision, Appellant timely appealed the maltreatment determination to the Department of Human Services. Pursuant to Minnesota Statute §256.045, subd. 3(b), the administrative appeal was suspended pending the outcome of the criminal case and the termination of parental rights case in District Court. On May 23, 2018, Appellant consented to the adoption of J.L.A. and waived his right for notice of further proceedings regarding the adoption.

Following the affirmation of the conviction for Murder in the First Degree on August 18, 2021, the administrative appeal of the maltreatment determination resumed. Per the Pre-Hearing Conference on March 17, 2022, the parties agreed to submit motions and supporting arguments

¹ Contrary to Appellant's assertion, the County did not terminate his parental rights under Minnesota Statute Section 260C.301, subd. 1. Rather, Appellant consented to the adoption of J.L.A. under Section 260C.515, subd. 3 (Appendix 10).

via written submissions without hearing. Washington County moved for summary disposition based upon Appellant's conviction for murder, which was the basis for the maltreatment determination. Appellant responded opposing the summary disposition.

By Order dated August 4, 2022, the Commissioner of Human Services issued the Decision of State Agency on Appeal, which granted Washington County's Motion for Summary Disposition. Appellant filed his appeal to District Court by letter dated August 29, 2022.

PROCEDURAL POSTURE

1. On January 18, 2017, Appellant was charged by Complaint-Order of Detention charging Intentional Second Degree Murder of his wife, Amy L. Allwine in Washington County Court File 82-CR-17-242. See Appendix 1.
2. On January 20, 2017, a Petition to Terminate Parental Rights was filed in Washington County Court File 82-JV-18-1749. See Appendix 2.
3. On February 24, 2017, Washington County Community Services found Appellant had maltreated his son, J.L.A., dob 10/24/2007. See Appendix 3.
4. On March 8, 2017, Appellant requested reconsideration of the maltreatment determination. See Appendix 4.
5. On March 23, 2017, Appellant was indicted by a grand jury on the charge of Premeditated First Degree Murder. See Appendix 5.
6. On April 18, 2017, Washington County Community Services responded to the reconsideration request by affirming the maltreatment determination. See Appendix 6.
7. On May 12, 2017, Appellant appealed the maltreatment determination to the

Department of Human Services. See Appendix 7.

8. On January 31, 2018, a jury returned a verdict of guilty of Premeditated First Degree Murder. See Appendix 8.

9. On February 2, 2018, Appellant was committed to the Commissioner of Corrections for Life without Parole. See Appendix 9.

10. On May 23, 2018, Appellant filed a Consent of Parent to Adoption and Waiver of Notice of Adoption and/or Hearing in Washington County Court File 82-JV-18-1749. See Appendix 10.

11. On May 29, 2018, Appellant filed Notice of Appeal to Supreme Court of his criminal conviction. See Appendix 11.

12. On September 21, 2018, a Suspension Order was issued in the above-entitled matter by the Human Services Judge pending the completion of the District Court actions.² See Appendix 12.

13. On August 18, 2021, the Minnesota Supreme Court issued a published decision affirming Appellant's conviction for Premeditated First Degree Murder and the denial of his post-conviction actions.³ See Appendix 13.

14. On March 11, 2022, Appellant filed a third post-conviction action in District Court, which was denied on August 4, 2022. See Appendix 14.

² The Suspension Order appears to incorrectly identify the date of the appeal of the maltreatment determination as August 6, 2018. As documented by Appendix 7 attached, the Notice of Appeal was dated May 12, 2017.

³ Appellant's appellate counsel filed two Petitions for Post-Conviction Relief and three requests for reconsideration of the denials of the Petitions for Post-Conviction Relief between the filing of the Notice of Appeal of the criminal conviction on May 29, 2018, and the Minnesota Supreme Court decision on August 18, 2021. Those pleadings are not attached.

15. On August 4, 2022, the Commissioner of Human Services issued its Decision of State Agency on Appeal which granted Washington County’s Motion for Summary Disposition. See Appendix 15.

16. On August 29, 2022, Appellant appealed the Decision of State Agency on Appeal to the District Court.

17. On September 30, 2022, Appellant filed a Notice of Appeal to the Minnesota Supreme Court of the denial of his third petition for post-conviction relief.

18. On December 7, 2022, Appellant filed his Brief in support of his appeal of the Decision of State Agency on Appeal to District Court.

ISSUE

Whether the Decision of State Agency on Appeal correctly applied the law and was supported by substantial evidence in the record?

ARGUMENT

I. Standard of Review

Review of Decisions of State Agency on Appeal is governed by Minnesota Statutes Section 256.045. “[A]ny party who is aggrieved by an order of the commissioner of human services ... may appeal the order to the district court of the county responsible for furnishing assistance.” Minn. Stat. §256.045, subd. 7. “The Court may consider the matter in or out of chamber, and shall take no new or additional evidence unless it determines that such evidence is necessary for a more equitable disposition of the appeal.” Minn. Stat. §256.045, subd. 8. “Thus,

a district court has the discretion to expand the record only for the purpose of discovering whether the agency properly resolved the matter based on facts *in existence at the time of its decision.*” *Matter of Kindt*, 542 N.W.2d 391, 398 (Minn. Ct. App. 1996) (emphasis in original).

When judicial review is authorized by Section 256.045, the Administrative Procedure Act governs the scope of review. *Zahler v. Minnesota Dept. of Human Services*, 624 N.W.2d 297, 301 (Minn. Ct. App 2001). Both Minnesota district courts and the Minnesota Court of Appeals use this scope of review. *See Brunner v. State of Minnesota Dept. of Public Welfare*, 258 N.W.2d 74, 75 (Minn. 1979) (“The district court applied the scope of review set forth in the Administrative Procedure Act ... We apply the same scope of review.”) The reviewing court may:

Affirm the decision of the agency or remand the case for further proceedings; or it may reverse or modify the decision if the substantial rights of the petitioner may have been prejudiced because the administrative finding, inferences, conclusion, or decisions are:

- (a) in violation of constitution provisions; or
- (b) in excess of the statutory authority or jurisdiction of the agency; or
- (c) made upon unlawful procedure; or
- (d) affected by other error of law; or
- (e) unsupported by substantial evidence in view of the entire record as submitted; or
- (f) arbitrary or capricious.

Minn. Stat. §14.69. Reviewing courts typically defer to the decision of administrative agencies.

In re Excess Surplus Status of Blue Cross & Blue Shield of Minnesota, 624 N.W.2d 264, 278

(Minn. 2001). But appeals involving questions of law are reviewed de novo. *Fish v.*

Commissioner of Minnesota Dept. of Human Services, 748 N.W.2d 360, 363 (Minn. Ct. App. 2008).

II. The Doctrine of Collateral Estoppel Precludes Appellant from Relitigating Adjudicated Facts from the Criminal Trial.

Summary disposition is the administrative equivalent of summary judgment. *See Pietsch v. Minn. Bd. of Chiropractic Exam'rs*, 683 N.W.2d 303, 306 (Minn. 2004). Minnesota Rule of Civil Procedure 56.03 provides that a court shall enter judgment when the moving party shows that the pleadings and discovery responses show that (1) no genuine issue of material fact exists and (2) that the party is entitled to judgment as a matter of law. Minn. R. Civ. P. 56.03; *Fabio v. Bellomo*, 504 N.W.2d 758, 761 (Minn. 1993).

Collateral estoppel precludes identical parties or those in privity with them from relitigating identical issues in subsequent and district proceedings. *State v. Lemmer*, 736 N.W.2d 650, 659 (Minn. 2007), citing *Willems v. Commissioner of Public Safety*, 333 N.W.2d 619, 621 (Minn. 1983) (quoting *Victory Highway Village, Inc. v. Weaver*, 480 F. Supp. 71, 74 (D. Minn. 1979)). The Minnesota Supreme Court has extended the doctrine to apply to administrative agency decisions in which five factors are met:

- (1) The issue to be precluded must be identical to the issue raised in the prior agency adjudication;
- (2) The issue must have been necessary to the agency adjudication and properly before the agency;
- (3) The agency determination must be a final adjudication subject to judicial review;
- (4) The estopped party was a party or in privity with a party to the prior agency determination; and
- (5) The estopped party was given a full and fair opportunity to be heard on the adjudicated issue.

Graham v. Special Sch. Dist. No. 1, 472 N.W.2d 114, 116 (Minn. 1991). In this matter, all five

factors are met and therefore collateral estoppel applies.

III. The Commissioner's Decision was Correct and Should be Affirmed.

The Commissioner correctly applied the doctrine of Collateral Estoppel to find all material facts relevant to the maltreatment appeal had been previously adjudicated, and therefore, properly granted summary disposition to the County affirming the determination of the maltreatment of a minor.

Maltreatment is defined in part as, by act or omission, physical abuse as defined in Minnesota Statute §626.556, subdivision 2, paragraph (k).⁴ Minn. Stat. §626.556, subd. 10(f)(1). Physical abuse is defined, in part, as “any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained the child's history of injures.” Minn. Stat. §626.556, subd. 2(k). Threatened injury is further defined as “a statement, overt act, condition or status that represents a substantial risk of physical or sexual abuse of mental injury, ... include[ing] ... exposing a child to a person responsible for the child's care, ..., who has (1) subjected a child to, or failure to protect a child from, an overt act or condition that constitutes egregious harm, as defined by section 260C.007, subdivision 14.” Minn. Stat. §626.556, subd. 2(p). Egregious harm is defined, in part, as “the ... neglect of a child which demonstrates a grossly inadequate ability to provide minimally adequate parental care.” Minn. Stat. §260C.007, subd. 14.

The adjudicated facts can be found in the Opinion of the Supreme Court of Minnesota, specifically Appendix 13, pages 3 – 10. As supported by the jury verdict, the decision of the

⁴ Minnesota Statute Section 626.556 was recodified under Minnesota Statute Section 260E, effective August 1, 2020.

Minnesota Supreme Court and the denial of multiple post-conviction petitions, the evidence proves beyond a reasonable doubt Appellant murdered his wife, Amy Allwine, depriving J.L.A., the minor child of his mother's presence in his life. In addition, after murdering Amy Allwine and leaving her lying with a pool of blood around her head, Appellant brought the minor child to the family home and allowed J.L.A. to find his mother's deceased body lying on the floor.

Appendix 13, p. 5. As cited by the Human Services Judge in the Decision of State Agency on Appeal (Appendix 14), these adjudicated factual findings preclude Appellant from relitigating the underlying murder case under the guise of a fair hearing in an administrative appeal. Based upon the adjudicated factual findings in the criminal case, the Human Services Judge correctly found all material facts necessary for determination of the maltreatment appeal had been adjudicated and supported the finding of maltreatment of a minor.

Appellant makes no argument under the standard of review for appeal of a state agency decision, nor does he address the application of Collateral Estoppel. Rather, Appellant continues to submit arguments challenging his murder conviction, which have been previously submitted and rejected in the direct appeal and post-conviction petitions in the criminal file.

CONCLUSION

The Agency respectfully requests this Court affirm the Decision of State Agency on Appeal issued on August 4, 2022, which grants summary disposition to the Agency affirming the maltreatment of a minor determination.

Date: January 20, 2023

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