

1 STATE OF MINNESOTA DISTRICT COURT
2 COUNTY OF WASHINGTON TENTH JUDICIAL DISTRICT

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4 State of Minnesota **JURY TRIAL**
5 Plaintiff, **VOLUME I**

6 vs. **Court File No 82-CR-17-242**

7 Stephen Carl Allwine,
8 Defendant.

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10 The above-entitled matter came duly on for
11 hearing before the Honorable B. William Ekstrum, one
12 of the Judges of the above-named Court, on the 24th
13 day of March, 2017, at the Washington County
14 Judicial Center, City of Stillwater, County of
15 Washington, State of Minnesota.

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17 A P P E A R A N C E S

18 Jamie Kreuser and Fred A. Fink, Jr.,
19 Assistant Washington County Attorneys, appeared as
20 counsel for and on behalf of the plaintiff.

21 Kevin DeVore, Esq., appeared as counsel
22 for and on behalf of the defendant, who was
23 personally present.

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1 THE COURT: Please be seated. Matter of the
2 State of Minnesota vs. Stephen Carl Allwine. Let's
3 have appearances, please.

4 MR. FINK: State appears by Fred A. Fink, Jr.
5 and Jamie Kreuser.

6 MR. DeVore: Good morning, Your Honor. Kevin
7 DeVore on behalf of Mr. Allwine, who is with me
8 today.

9 THE COURT: All right. I understand there has
10 been an indictment yesterday. I have seen that in
11 the file.

12 Mr. Fink.

13 MR. FINK: First of all, Your Honor, I have
14 provided a copy of the indictment to counsel.

15 MR. DeVore: I have received it, Your Honor.

16 THE COURT: All right.

17 MR. FINK: As to bail, we would request
18 unconditional bail of \$2 million and conditional
19 bail at \$1 million. Rationale for the increase,
20 obviously with the defendant now facing life in
21 prison without possibility of release, there is a
22 greater public safety risk, as well as a flight risk
23 as a result of the increase in that penalty.

24 To that end, in terms of flight, I have
25 been informed that the defendant has his house for

1 sale presently.

2 THE COURT: All right. Mr. DeVore?

3 MR. DeVore: Your Honor, first of all, that's
4 not correct. He doesn't have his house for sale.

5 The two factors, Your Honor, that the
6 court looks at with respect to the bail is the
7 flight risk and the risk to the public.

8 Your Honor, today is no different than
9 yesterday. Mr. Allwine was charged with an
10 extremely serious charge yesterday. He had
11 significant conditions on his release. He posted
12 \$600,000 bail. He is on GPS monitoring system. He
13 has been in compliance. Hasn't had any problems.
14 There has been no indication, whatsoever, that he is
15 leaving the area, leaving the country, leaving the
16 state that would indicate to anyone that he is a
17 flight risk at all, Your Honor.

18 In fact, basically he spends his time at
19 home on his property. He's got family that visits
20 him regularly there. Your Honor, he turned himself
21 in this morning. We learned about the indictment
22 yesterday afternoon. We learned that there was a
23 warrant that would be out that he could turn himself
24 in this morning.

25 I contacted Mr. Allwine. I told him what

1 the situation was. He was here at 5:45 in the
2 morning and willing to show up for court today.
3 That's been consistent with every time we have
4 always had something going on, he has always showed
5 up.

6 Your Honor, if he wanted to run, there
7 were two months before any charges were brought
8 down. He had his passport, he could have fled, he
9 could have done anything he wanted to, and it
10 wouldn't have been illegal. He didn't. He doesn't
11 have a passport. He's on the GPS. He has already
12 posted a significant amount of money. The fact that
13 he is charged with a new charge shouldn't change
14 anything in terms of whether or not he's a flight
15 risk. He is not a flight risk, and his house is not
16 up for sale.

17 With respect to public safety risk, Your
18 Honor. This is a very singular incident.
19 Mr. Allwine has no prior record at all. Even the
20 allegations, if assumed to be true, are pointed
21 towards one singular event. This is not an issue
22 similar to maybe a drug dealer where if the court
23 lets a known drug dealer back out on the street, you
24 can expect or anticipate that that person would
25 again get involved in the same types of people that

1 he would have been involved with before and might
2 engage in the same types of behavior.

3 There is no indication, whatsoever, that
4 Mr. Allwine has engaged in any kind of criminal
5 activity except for this one charge, these
6 allegations. He's been his entire life law abiding.
7 So there is no indication that he is a risk to the
8 public whatsoever. So there really isn't a change
9 from yesterday to today. So there shouldn't be a
10 significant pressure on the court to change his
11 conditions of release simply because the county
12 decided to bring the case before a grand jury to
13 seek the First Degree indictment.

14 So we would ask the court to release
15 Mr. Allwine on the same conditions previously set.
16 Which currently are \$600,000 conditional bail with
17 the GPS monitoring and a million dollars without
18 conditions.

19 THE COURT: I will observe that in some other
20 states at least, a First Degree Murder charge often
21 has what's called a remand or holding a defendant in
22 custody prior to trial without bail. That's not
23 consistent with the Minnesota constitution. We have
24 a requirement to set bail and I will do so.

25 I will also observe that there is a huge

1 difference between an indictment for First Degree
2 Murder and charge from the county attorney's office
3 of Second Degree Murder. That does ratchet up the
4 seriousness of the charge. Therefore, the presumed
5 risk. But even if I didn't consider an increase in
6 the risk, there certainly is an increase in the
7 flight based on the history and statistics, not just
8 for Mr. Allwine, but for other individuals that are
9 charged with like offenses. That's not just in this
10 state, but that's elsewhere as well.

11 I am granting -- and by the way, I am not
12 considering the business of the house up for sale.
13 I don't have any evidence of that one way or the
14 other. That's not part of my consideration at all.

15 I am setting unconditional bail at \$2
16 million dollars. I am setting conditional bail at
17 \$1 million-dollars. I'm setting conditional bail
18 with all prior conditions. I believe Judge Hannon
19 set those conditions a while back. They will
20 remain, including the no contact, including the GPS
21 monitoring, and all other conditions set previously.
22 Do we need to set a Rule 8 hearing?

23 All right. 1 p.m. April 20th.

24 MR. FINK: Very well. Thank you.

25 THE COURT: Thank you.

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(Proceedings concluded.)



MINNESOTA
JUDICIAL
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1 STATE OF MINNESOTA)
) ss:
2 COUNTY OF WASHINGTON)

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REPORTER'S CERTIFICATE

I, DEBORAH L. FOSTER, do hereby certify that the above and foregoing transcript, consisting of the preceding pages, is a correct transcript of my stenographic notes and is a full, true, and complete transcript of the proceedings to the best of my ability.

Dated: October 25, 2018

DEBORAH L. FOSTER
Official Reporter
Washington County District Court
(651) 430-6354