

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 II**

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 20th
13 day of April, 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 (Whereupon, the following proceedings were
2 Duly had of record:)

3 THE COURT: State vs. Stephen Allwine.

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

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

9 THE COURT: We are here for a Rule 8. So
10 what are we doing on this?

11 MR. FINK: Well, to move things a long
12 here a little bit, Your Honor, defense has filed a
13 motion for access to the transcript of the testimony
14 of the grand jury.

15 THE COURT: Saw that.

16 MR. FINK: There is an attached order.
17 The state has no objection. Counsel and I have
18 previously spoken and I will arrange with the
19 reporter to have that generated and sent to each of
20 us.

21 THE COURT: Without objection, I am
22 signing the order. I may have signed it anyway, but
23 I understand and I was waiting to figure out whether
24 statements or arguments were going to be made today.
25 So I have now signed the order granting that motion.

1 MR. DeVORE: Your Honor, I have a couple
2 of things, too, whenever Mr. Fink is done.

3 THE COURT: Go ahead.

4 MR. DeVORE: One, Your Honor, I don't
5 recall if we addressed this at the arraignment or
6 not, but I do have a request that the court order
7 that the bond be discharged or released in this
8 case. Mr. Allwine is not going to be able to post
9 the remaining bond to be able to get out. And right
10 now the bond company has a lot of their assets tied
11 up with liens and what not. They would rather not
12 have those encumbered. So we are asking the court
13 -- I have never actually requested this before. I
14 am asking the court to discharge the bond. I think
15 it's possible to do that.

16 THE COURT: Any thoughts on that, Mr.
17 Fink?

18 MR. FINK: I do think it's possible, Your
19 Honor, in the event that the defendant, after
20 discharge of this particular bond would want to post
21 bond, he would have to post --

22 THE COURT: The entire amount.

23 MR. FINK: Right. Again.

24 THE COURT: Sure. With that
25 understanding, I will grant your request. I think

1 there are two bonds that have actually been posted.

2 MR. DeVORE: That's correct.

3 THE COURT: I will grant your request and
4 you can submit any appropriate order to me.

5 MR. DeVORE: Okay. I will. One other
6 item, Your Honor. On the no contact order, there is
7 a provision that prohibits Mr. Allwine from having
8 any contact with Charles and Joanne Zutz. They are
9 the parents of the deceased, Amy Allwine. There has
10 been a request by my client, and I believe -- I know
11 that the Zutz's have approved it. That he be
12 allowed to send them birthday and anniversary cards.
13 Not to have phone contact or anything like that, but
14 just be able to send greeting cards to them. I
15 addressed it also in the CHIPS matter with Judge
16 Hannon and she indicated that she would be fine with
17 it as long as the parties are fine with it. First,
18 we had to talk to the criminal side of things as
19 well. My understanding in speaking with Mr. Fink is
20 that the Zutz's would not have a problem with that.

21 THE COURT: Mr. Fink?

22 MR. FINK: That's correct, Your Honor.

23 THE COURT: All right. In fact, I will
24 ask for a written request and a proposed order. And
25 I will consider it and likely grant it, but I would

1 like to see something in writing that we can put in
2 the file in terms of what that request is.

3 MR. DeVORE: Sure. I will provide those,
4 both of those orders.

5 THE COURT: Anything else?

6 MR. DeVORE: No. The other thing we have
7 just set it for uncontested omnibus hearing, and the
8 date I was given is July 12 at 9 a.m.

9 MR. FINK: That's agreeable with the
10 state.

11 THE COURT: All right. We can do that.
12 Everything, other than our discussions regarding the
13 bond, the conditional bond, is granted. So the
14 order for the bond, and the order for conditions
15 still remains in full effect. Thank you.

16 MR. DeVORE: Thank you.

17 MR. FINK: Thank you.

18 (Proceedings concluded.)

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

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REPORTER'S CERTIFICATE

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I, DEBORAH L. FOSTER, do hereby certify

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that the above and foregoing transcript, consisting

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of the preceding pages, is a correct transcript of

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my stenographic notes and is a full, true, and

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complete transcript of the proceedings to the best

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of my ability.

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Dated: October 29, 2018

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

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