

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 VI**

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

7 Stephen Carl Allwine,

8 Defendant.

9 - - - - -

10 The above-entitled matter came duly on for
11 Jury Trial before the Honorable B. William Ekstrum,
12 one of the Judges of the above-named Court, on the
13 16th day of January, 2018, at the Washington County
14 Judicial Center, City of Stillwater, County of
15 Washington, State of Minnesota.

16 * * *
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 State.

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

24
25

1 (Whereupon, the following proceedings were
2 duly had of record:)

3 THE CLERK: Please be seated. As I
4 understand we have someone on the way, right?

5 THE CLERK: Yes.

6 (Prospective juror entered the courtroom.)

7 THE COURT: Come forward, please. I will
8 have you get in one of those central chairs, or
9 actually you can go in the jury box. Right in the
10 jury box. Actually, you can go very near to where
11 there is water, in case that's a need for you.
12 Okay. Have a seat.

13 Now, I am going to have you stand and
14 raise your right hand to be sworn.

15 (The prospective juror was sworn in.)

16 THE COURT: Okay. Have a seat, and please
17 state your full name, please.

18 THE JUROR: Deborah Loretta Griebler.

19 THE COURT: Okay. Ms. Griebler, this is a
20 process called Voir Dire. As I told the whole
21 group, Voir Dire is this questioning process that is
22 adopted. The term is adopted from French, which
23 roughly means to speak the truth. So we appreciate
24 your cooperation.

25 I will have just a few questions for you

1 to start with. Then the defense attorney will be
2 asking you some questions. Then it's possible that
3 the prosecutor would also ask you some questions.

4 Now, during the questioning there may be a
5 request from one side or the other to have you
6 excused for cause. Or there may be a request to
7 exercise what is called a peremptory challenge. Or
8 there may be neither.

9 A challenge for cause occurs if one side
10 or the other thinks there is a reason you shouldn't
11 be on the jury. For one reason or another. I will
12 decide the validity of that if and when it comes up.

13 A peremptory challenge is in the
14 attorney's hands. It can be exercised by either the
15 defense or the prosecution and they decide that.
16 Either way, if those things happen, I would simply
17 excuse you, and thank you for your participation up
18 to this point.

19 I do want to start with this question:

20 BY THE COURT:

21 Q Have you had any conversations with
22 anybody about this case since filling out the
23 questionnaire?

24 A No.

25 Q Have you looked up anything or done any

1 research about this case since filling out the
2 questionnaire?

3 A No.

4 Q Will you able to follow the rules of law,
5 and I am going to be more specific about that. You
6 will get a number of rules of law, but the most
7 basic are these:

8 The defendant is presumed to be innocent.
9 The state has the burden of proof. The state must
10 prove any charge beyond a reasonable doubt. The
11 defendant does not have to prove innocence.

12 Will you be able to follow those rules of
13 law and any other rules as I give them to you?

14 A Yes.

15 Q Is there any reason you can think of, as
16 you sit here now, that you could not be a fair and
17 impartial juror in this case?

18 A No.

19 THE COURT: Mr. DeVore, you may proceed.

20 MR. DEVORE: Thank you.

21 BY MR. DEVORE:

22 Q Good morning, Ms. Griebler.

23 A Good morning.

24 Q Am I pronouncing that correctly?

25 A Yes.

1 Q Couple of days ago you remember filling
2 out a questionnaire form?

3 A Yes.

4 Q Okay. We have the privilege of being able
5 to see what you responded to, so I am going to ask
6 you a few questions about that. Is that okay?

7 A Yes.

8 Q Ms. Griebler, I noticed on one of the
9 questions you were asked, would you tend to believe
10 a police officer more than any other witness, you
11 checked the box yes. Can you explain what you mean
12 by that?

13 A I guess a police officer would know the
14 law, where a witness I wouldn't know if they would
15 know the law.

16 Q What if I told you the intent of the
17 question, or at least the way I read it, would be an
18 officer is simply testifying to facts of a case.
19 Would you tend to believe a police officer versus
20 just a layperson or regular person that might have
21 also witnessed facts?

22 A Believe in one or the other, I guess if it
23 was just facts, I would believe both the police
24 officer and the witness.

25 Q Okay. Kind of what we are getting at,

1 just because an officer is up there and has a badge,
2 or uniform on or something, you wouldn't
3 automatically just assume that everything is more
4 truthful than if somebody else said something?

5 A No. I guess I read that question wrong.

6 Q I understand. I just wanted to clarify.
7 I also see you were asked how you feel about being a
8 juror in this case. You indicated appropriately
9 that it's an extremely serious case, and proper jury
10 selection is crucial. I agree with you. I was just
11 wondering what you meant by the term "proper".

12 A I guess by this process of questioning the
13 jurors to find out if they are qualified or
14 acceptable.

15 Q Now, you have had the weekend to think
16 about, you know, what little you know about the
17 case, but you at least know the nature of the case,
18 correct?

19 A Yes.

20 Q And since that time, has anything come up
21 in your mind that would change your opinion about
22 any of the questions that you were asked about in
23 this questionnaire?

24 A No.

25 Q For instance, for some people it may be a

1 life experience, or just they're uneasy about being
2 on a jury, especially a case like this. Is there
3 anything like that that comes into your mind?

4 A No.

5 Q Now, I want to ask you some questions that
6 weren't on the questionnaire form, okay?

7 A Okay.

8 Q Do you have electronic devices that you
9 use personally?

10 A Yes.

11 Q What kind of electronic devices do you
12 use?

13 A Mobile phone and laptop.

14 Q And your mobile phone, what kind of -- do
15 you have a smart phone, or what kind of phone do you
16 have?

17 A iPhone, smart phone.

18 Q Does that have Internet access on it?

19 A Yes.

20 Q How would you consider yourself to be, as
21 far as using that phone, are you pretty functional
22 with it?

23 A Yes.

24 Q Do you use the Internet on your phone?

25 A Yes.

1 Q Okay. And then you said you have a laptop
2 too?

3 A Yes.

4 Q And at home, are there more than just the
5 laptop at home?

6 A No.

7 Q And your laptop, do you have like an
8 Internet service at home?

9 A Yes.

10 Q As far as your Internet service, do you
11 know how the computers actually work, as far as
12 connecting to the Internet, and things like that?

13 A Yes.

14 Q A little bit?

15 A Yes.

16 Q If you had a problem with your computer,
17 what would you do? Would you try to fix it yourself
18 or bring it in?

19 A No, it's a work computer, so I would have
20 IT at work.

21 Q I see. So it's a work computer?

22 A Yes.

23 Q Do you have a personal computer at home as
24 well?

25 A No.

1 Q And you're married, correct?

2 A Yes.

3 Q Your husband, does he have a computer at
4 home?

5 A No.

6 Q I am just going to ask you how much you
7 know about Internet searches. Do you do searches on
8 the Internet yourself?

9 A Yes.

10 Q Do you know what a search engine is?

11 A Yes.

12 Q What is a -- what's a search engine to
13 you?

14 A Google Chrome.

15 Q Okay. Is it a way to access the World
16 Wide Web, so to speak?

17 A Yes.

18 Q What do you use, typically, for your
19 search engine?

20 A Google Chrome.

21 Q Do you surf the net on your free time?

22 A Yes.

23 Q How frequently are you on the Internet
24 searching around on the Internet?

25 A On my free time?

1 Q On your free time.

2 A Maybe a half hour a day.

3 Q Okay. Is it more just recreational, or is
4 it just for fun, or are you just looking up a
5 specific thing?

6 A Recreational. Shopping.

7 Q Amazon and things like?

8 A Yes.

9 Q Have you ever heard of the Dark Web
10 before?

11 A No.

12 Q Do you know anything about computer
13 programming or anything like that?

14 A Not really.

15 Q You know how to turn them on and how to
16 use them?

17 A Yes.

18 Q Just going to ask you about a few terms.
19 Wondering if you can tell me if you're familiar with
20 them. Do you know what a modem is?

21 A Yes.

22 Q What's a modem?

23 A I don't know. A modem is how you connect
24 to the Internet.

25 Q Okay. Do you have a modem at your house?

1 A Yes.

2 Q All right. Is it down like in the utility
3 room or something like that?

4 A No, it's in the bedroom.

5 Q Okay. What about a router?

6 A Yes.

7 Q Have you ever heard of a router before?

8 A Yes.

9 Q Do you know what that is, or do you know
10 how to explain what it is?

11 A No.

12 Q How about a server?

13 A I know what it is, but I don't --

14 Q Don't know --

15 A I don't have experience with it.

16 Q Okay. Have you ever heard of the term
17 LAN, or Local Area Network; have you ever heard of
18 that before?

19 A Yes.

20 Q Do you know what that is?

21 A No.

22 Q Just heard of it, but you don't know what
23 it is?

24 A Yes.

25 Q Correct?

1 A Yes.

2 Q How about WiFi, have you heard of that
3 before?

4 A Yes.

5 Q Can you tell us what that is?

6 A Yes. It's connecting to the Internet
7 without an actual plug in.

8 Q Do you know what piece of equipment
9 provides the WiFi? Do you know how that works?

10 A My modem provides the wireless connection.

11 Q Okay. When you -- do you have that at
12 home?

13 A Yes.

14 Q When you have that at home, do you have a
15 password that you use to access?

16 A Yes.

17 Q Do you have it automatically saved in your
18 laptop?

19 A Yes.

20 Q So you can easily log -- get connected?

21 A Yes.

22 Q How about a firewall, have you ever heard
23 of that term before?

24 A Yes.

25 Q Do you know what that is?

1 A A way to block out spam and other things.
2 I don't know much about it, but I have heard of it.

3 Q And like malware and antivirus software;
4 do you have those things on your computer?

5 A Yes.

6 Q Is that something your work puts on there
7 for you?

8 A Yes.

9 Q They are the ones that do the updating and
10 things like that?

11 A Yes.

12 Q You don't do that yourself?

13 A No.

14 Q Is your cell phone, is that also personal
15 or --

16 A It's a work phone.

17 Q It's a work phone. I am just wondering,
18 have you ever had anybody that has accessed your
19 computer remotely, like maybe when you are on
20 webinar, or maybe have troubleshooting, and somebody
21 logs into your computer while you're working. Have
22 you ever had that done before?

23 A No.

24 Q Are you familiar with that concept at all?

25 A Yes.

1 Q Are you familiar with the idea that
2 somebody could -- you could give them access and
3 they could interface with your computer?

4 A Yes. That does happen on occasion for
5 work if they need to troubleshoot a problem.

6 Q So somebody, an IT person at work?

7 A Yes.

8 Q May arrange a time for you to allow that
9 person to connect to your computer; is that correct?

10 A Yes.

11 Q Have you ever been there when they do
12 that?

13 A I am always there when they do that.

14 Q What happens on your computer, do you get
15 to see them moving the mouse around?

16 A Yes.

17 Q And flipping through pages and stuff?

18 A Yes.

19 Q Now, do you use your computer for -- or
20 your phone for, like, banking?

21 A Yes.

22 Q You have online banking?

23 A Yes.

24 Q You pay bills from that?

25 A Yes.

1 Q How do you normally pay all your bills, is
2 it online or, do you use credit cards, or write
3 checks?

4 A Online.

5 Q What about when you said you use Amazon
6 and shop online, do you give out your personal
7 information online?

8 A Yes.

9 Q How about Pay Pal, do you use things like
10 that?

11 A No.

12 Q Do you use any kind of secure payment
13 system?

14 A Other than banking, no.

15 Q So you have like a banking app on your
16 phone, maybe you can log into that?

17 A Yes.

18 Q How about Money Gram or Western Union;
19 have you ever used either of those?

20 A No.

21 Q Have you ever experienced any problems
22 with your computer where you thought your computer
23 might have been hacked or someone had got on your
24 computer?

25 A No.

1 Q Have you ever heard of that happening?

2 A Yes.

3 Q What kinds of things have you heard about
4 that happening?

5 A We used to have a personal computer that
6 the kids used to go on, and it had viruses and it
7 was so bad we just threw it away.

8 Q What kind of stuff happened when you had a
9 virus on there?

10 A I didn't use it. I just heard the
11 outcome, so I don't know.

12 Q How long ago was that; do you know?

13 A Probably eight to ten years ago.

14 Q Okay. So eventually you just got rid of
15 the computer, because you were having too many
16 problems?

17 A Yes.

18 Q Do you know how those problems arose, were
19 they clicking on buttons or something?

20 A I believe they were on sites that would --
21 the outcome would be a virus or a problem with the
22 computer.

23 Q Have you ever heard of the term Bitcoin
24 before?

25 A Just recently, but I have no idea what it

1 is.

2 Q What have you heard?

3 A I think I saw a headline on the news about
4 it.

5 Q Do you remember what they said?

6 A I didn't even pay attention to it.

7 Q I know you were asked this in your
8 questionnaire form, but what's your general feelings
9 about the jury system? Do you think it's a good
10 system, works well, has some problems with it; do
11 you have any feelings?

12 A I think it's a good system.

13 Q Do you think it's fair?

14 A Yes.

15 Q Do you remember like a case, like maybe
16 the OJ Simpson case?

17 A Yes.

18 Q Do you remember that?

19 A Yes.

20 Q A lot of people have strong feelings about
21 that case. Do you think the outcome was fair in
22 that case?

23 A No.

24 Q How come?

25 A Based on the facts that I knew, I thought

1 he was guilty.

2 Q You didn't have any personal involvement
3 in that case?

4 A No.

5 Q Where did you get your facts from; do you
6 remember?

7 A The news.

8 Q So you think he got off on a technicality
9 or something?

10 A Yes.

11 Q Now, even though you think that might have
12 happened, do you believe the jury system is still
13 fair or do you think --

14 A Yes.

15 Q Do you blame one side or the other if
16 something like that happens?

17 A No.

18 Q Do you have any experience with training
19 dogs at all?

20 A No.

21 Q Do you have a dog?

22 A No.

23 Q Ever owned a dog?

24 A Yes.

25 Q Did you ever take it to obedience school

1 or anything like that?

2 A No.

3 Q How about do you have any feelings about
4 the crime rates in Minnesota or the country; do you
5 have any strong feelings about that?

6 A No.

7 Q You don't have any specific worries about
8 crime rates in the country or in the state?

9 A No.

10 Q Where do you generally get your
11 information about what's going on in the world; on
12 TV, Internet, or how do you get your --

13 A Primarily TV.

14 Q Okay. You watch the news at night?

15 A Yes.

16 Q Do you have a particular station that you
17 like to watch?

18 A WCCO and CBS.

19 Q How about the newspaper; do you read the
20 newspaper?

21 A Occasionally.

22 Q Do you have one delivered at your house?

23 A No.

24 Q How about the Internet, do you go on line
25 and --

1 A Twin Cities.com.

2 Q Pioneer Press?

3 A No.

4 Q Is that something you go to regularly?

5 A No.

6 Q If you had a, let's say you were talking
7 to somebody and you heard a concept or term that you
8 weren't familiar with, how would you educate
9 yourself on what that term is?

10 A I would Google it.

11 Q So you would go to your computer and type
12 in the term and try to educate yourself that way?

13 A Yes.

14 Q Like Wikipedia and stuff like that, have
15 you ever gone on that?

16 A No.

17 Q What kind of --

18 A Google is what I would use.

19 Q Just Google?

20 A Mm-hmm.

21 Q Do you do that with any frequency?

22 A I would say yes.

23 Q How often?

24 A Few times a week.

25 Q Okay. Do you ever ask somebody else, or

1 talk to somebody, get advice on what something is,
2 or do you typically go to the computer?

3 A Typically to the computer.

4 Q And I want to ask you about, the judge
5 mentioned some basic principles of law that we
6 follow here in the courtroom; did you hear those?

7 A Yes.

8 Q One of those is that the defendant has the
9 right not to testify; are you familiar with that?

10 A Yes.

11 Q If Mr. Allwine was to choose not to
12 testify, would that, in your mind, create a
13 suspicion, or belief, that he might be guilty just
14 because he didn't testify?

15 A No.

16 Q Do you know why that is?

17 A I guess I don't know why. It just really
18 wouldn't affect my decision.

19 Q There could be lots of reasons why he
20 would choose not to testify, correct?

21 A Yes.

22 Q And you work at 3M?

23 A Yes.

24 Q Do you work in Maplewood at the --

25 A Yes.

1 Q -- main corporate office?

2 A Yes.

3 Q Your husband is in construction; is that
4 right?

5 A Yes, he is.

6 Q Now, this trial could take a couple of
7 weeks, would that be problematic for you?

8 A Only in the sense that I -- there is
9 nobody else to do my job. I would have to work at
10 night or when I wasn't in court. I would still have
11 to work.

12 Q So what are your normal hours that you
13 work?

14 A Usually 8:00 to 4:30.

15 Q What do you do?

16 A Meeting and event management.

17 Q And you're the only person in that
18 particular department?

19 A The only person that manages the meetings
20 and events that are in my area, I guess.

21 Q So if we generally had court say,
22 8:30/9:00 in the morning until 4:30 or 5 o'clock in
23 the evening, would you then be driving down to
24 Maplewood to go to your office or would you do some
25 at home?

1 A No. I would work from home.

2 Q And I am just curious if you are going to
3 be pulling allnighters, or would you be a few hours,
4 or what?

5 A No. A few hours.

6 Q Okay. Do you think in your opinion it
7 would be manageable for you to be able to do that,
8 and show up for court every morning, and be
9 attentive, and be able to stay focused.

10 A Yes.

11 Q Even though it might put a little extra
12 pressure on you, it's not going to be such a
13 distraction to make it overly burdensome for you,
14 correct?

15 A No.

16 MR. DEVORE: Just a moment, Your Honor. I
17 have no further questions, Your Honor. May we
18 approach?

19 THE COURT: You may.

20 (Whereupon, court and counsel had a
21 discussion off the record.)

22 THE COURT: All right. We will go to the
23 prosecution next.

24 BY MR. FINK:

25 Q Good morning, Ms. Griebler.

1 A Good morning.

2 Q Could you tell me a little about your job
3 duties?

4 A I work at 3M as a Meeting and Event
5 Management Administrator. I manage the details of
6 all of the meetings and events for one division at
7 3M.

8 Q That entails finding space for the
9 appropriate number of people, water, coffee, things
10 like that?

11 A Air, hotel, food and beverage,
12 transportation.

13 Q Okay. Now, you indicated that sometimes
14 IT has to have remote access to your machine?

15 A Mm-hmm.

16 Q And you said you're always present?

17 A Yes.

18 Q That's because you have to give them
19 consent to get on there, right?

20 A Yes. I call them and give them consent on
21 the phone.

22 Q Okay. In your job, do you regularly make
23 decisions?

24 A Yes.

25 Q Are you comfortable with that?

1 A Yes.

2 Q Making decisions?

3 A Yes.

4 Q Do you think of yourself as a big picture
5 person or detail oriented person?

6 A Detail oriented.

7 Q Do you have the occasion to listen to oral
8 presentations, whether it be school or church, and
9 rely on those presentations for information?

10 A Yes.

11 Q What type of setting?

12 A When you say school or church, it wouldn't
13 be that, but at 3M there are many oral
14 presentations.

15 Q And you get information from the oral
16 presentations that are helpful in your work?

17 A Yes.

18 Q Do you think you have a lot of common
19 sense?

20 A Yes.

21 Q Now, the trouble you had with the home
22 computer is when your kids were high school, right?

23 A Yes.

24 Q You indicated a contact with law
25 enforcement back in 2015?

1 A Yes.

2 Q Do you feel you were treated fairly there?

3 A Yes.

4 Q Did the court system treat you fairly?

5 A Yes.

6 MR. FINK: Okay. May we approach?

7 THE COURT: You may.

8 (Whereupon, court and counsel had a
9 discussion off the record.)

10 THE COURT: Thank you, Ms. Griebler. You
11 are not being removed. So you need to keep in touch
12 with the deputy and jury coordinator in terms of
13 when you need to come back. Thank you very much.

14 THE JUROR: Thank you.

15 (Whereupon, juror exited the courtroom.)

16 THE COURT: Just so it's clear on the last
17 juror, there is no challenge for cause and no
18 peremptory challenge.

19 (Whereupon, juror entered the courtroom.)

20 THE COURT: Sir, come on in. Make your
21 way up. If you see where the carafe of water is, I
22 want you to sit in the jury box, so anywhere close
23 to that.

24 Before you sit down, please raise your
25 right hand to be sworn.

1 (The prospective juror was sworn in.)

2 THE COURT: Have a seat. State your name
3 for the record, please.

4 THE WITNESS: Eric Robert Antonson.

5 THE COURT: Okay. Mr. Antonson, as I
6 believe you understand from previous instructions,
7 this is a questioning process. We call it Voir
8 Dire. That comes from the French, roughly meaning
9 to speak the truth. So we appreciate your
10 cooperation and your truthfulness.

11 I am going to ask you a few questions.
12 Then the defense attorney will have the opportunity
13 to ask. It's possible the prosecutor will ask you
14 some questions as well.

15 During the questioning, there may be a
16 request to excuse you for cause, or to exercise what
17 we call a peremptory challenge, or neither.

18 Now, if there is a challenge for cause, I
19 am the one that decides that, to see if there is a
20 reason that you should not serve as a juror.

21 A peremptory challenge may be exercised by
22 either side and they decide that. Either way, if
23 one of those things happen, I would excuse you and
24 thank you for your service.

25 So I have some initial questions for you.

1 BY THE COURT:

2 Q First, have you had any conversations with
3 anyone about this case since filling out the
4 questionnaire?

5 A No, not details. I told my wife it was a
6 criminal case, but nothing more.

7 Q Nothing more than that?

8 A Correct.

9 Q Have you looked up anything or done any
10 research about this case at all since filling out
11 the questionnaire?

12 A No.

13 Q Will you be able to follow the rules of
14 law, and let me more specific. There are several
15 rules that I will be giving you. But initially, I
16 will guarantee you that they will include at least
17 these:

18 The defendant is presumed to be innocent.
19 The state has the burden of proof. The state must
20 prove any charge beyond a reasonable doubt. The
21 defendant does not have to prove innocence.

22 Do you understand what I have just said?

23 A Yes, I do.

24 Q And would you be able to follow those
25 rules of law and other rules of law that I may give

1 you?

2 A Yes.

3 Q Is there any reason as you sit here now
4 that you think you could not be a fair and impartial
5 juror in this case?

6 A No.

7 THE COURT: Defense counsel may ask some
8 questions. Mr. DeVore.

9 MR. DEVORE: Thank you.

10 BY MR. DEVORE:

11 Q Good morning, Mr. Antonson.

12 A Good morning.

13 Q My name is Kevin DeVore. I am going to
14 ask you a few questions today, okay?

15 A Sure.

16 Q I had the pleasure of reading through your
17 questionnaire form that you filled out the other
18 day. Do you remember doing that?

19 A Yes.

20 Q Just so I don't forget, is there anything
21 that has happened in the last two, three days that
22 you would add more information or change something
23 that is on this questionnaire form?

24 A No.

25 Q What do you do for a living?

1 A I am a social worker for Ramsey County.

2 Q And as a social worker, what does that
3 mean?

4 A I do case management for adults with
5 developmental disabilities. Finding them services,
6 doing assessments on their needs. Finding them
7 either -- depends on the person, but like a group
8 home, or day program, or something like that.

9 Q Now, are you -- do you have any managerial
10 roles?

11 A No.

12 Q How many people like you are working in
13 that department?

14 A Oh, boy. Just changed because they
15 contracted out some of our services to other
16 agencies. But there is probably about I'd say 40 or
17 50 possibly that actually work for Ramsey County.

18 Q 40 or 50?

19 A Yeah. Maybe less than that.

20 Q And I don't know how the process works in
21 Ramsey County for this, but do you have a group of
22 people that you are assigned to?

23 A Yes. I have a caseload of approximately
24 about 50. Probably 52.

25 Q Do you call them clients?

1 A Yes, clients.

2 Q So what happens to your clients when you
3 are not at work?

4 A That's a good question. Nobody really
5 does anything unless it's an absolute emergency.
6 Exceptionally, exceptionally busy right now.

7 Q Why is that?

8 A What was that?

9 Q Why is that?

10 A Just a lot of changes that they have made,
11 and some crisis stuff going on with my caseload. I
12 have had a developmentally disabled person who is
13 currently in the jail, and we're trying to find a
14 group home for him, which can be extremely
15 difficult, because he has some sex offense issues
16 and stuff, so...

17 Q Describe for me what hours do you normally
18 work?

19 A Well, Tuesday through Friday 7:00 to 5:15
20 would be my hours. But I do telecommute, so I do
21 most of my work from home, unless I am at a meeting
22 or something.

23 Q So you don't drive to St. Paul everyday?

24 A Not everyday, no. Usually, just once a
25 week, unless there is a meeting or something

1 downtown.

2 Q Okay. And does your work, you normally go
3 and meet with your clients everyday?

4 A Um, it all depends. You know, a lot of
5 work we can do -- you know, I am working with
6 providers. I don't do direct care for my clients,
7 but I work with the providers that are doing the
8 direct care. So A lot of it can be dealt with over
9 the phone, email, or faxing, or scanning stuff back
10 and forth. But I do have what's called annual
11 meetings. Or sometimes if there's a crisis it could
12 be in a group home, or hospital, or a day program.
13 Some weeks I may not have any meetings. Some weeks
14 I might five or six. So it all really depends.

15 Q So it sounds like you're sort of like a
16 general manager, sort of, for these folks.

17 A Yeah. I am supposed to oversee the
18 services. You know, make sure that, you know, based
19 on their needs, like if they have appropriate goals,
20 they should be working on their communication, or
21 they should be working on community integration, you
22 know, behaviors, behavior plans, and stuff like
23 that. I work with the providers to write up those
24 goals.

25 Q How long have you been doing this?

1 A Well, I have been with Ramsey County
2 for -- it will be 30 years next month. Been in
3 Developmental Disabilities Services for adults for
4 18, 19 years.

5 Q So in 30 years, I imagine, you have taken
6 a vacation or two?

7 A I have.

8 Q What do you do when you are gone for a
9 week?

10 A Well, usually if I know it's coming, I
11 prepare for it. You know, don't schedule anything
12 during that time. Then if somebody calls me or
13 sends me an email, you know, tell them how long I am
14 out. If there is an absolute emergency that cannot
15 wait for my return, then they can call and ask for a
16 coverage person. But in terms of day to day work,
17 somebody doesn't do that unless (inaudible).

18 I also act as about probably 20 some of my
19 clients under state guardianship. I act as their
20 legal guardian. But any other case manager can do
21 that, so like sometimes they need consent for
22 surgery, or psychotropic medication, something like
23 that, that I would need to sign off on.

24 Q Have you ever served on a jury before?

25 A I have not.

1 Q The reason I am asking you all these
2 questions about your work, I am interested in it,
3 but I note that you indicated that your work might
4 be a problem for you.

5 A It's just -- I am just so exceptionally
6 busy. Like I said, many of my clients I have had
7 for, you know 18, 19 years. I feel responsible.
8 And I have some people that are looking for some
9 other services right now. You know, it's not just
10 something that we dump on another case manager. You
11 know, it's really only crisis situations. It's just
12 going to be -- I just feel -- you know, I am a
13 little worried that it may be a little detrimental
14 to my clients that I am seeking services for and
15 stuff.

16 Q Okay. Let me expand on that, because
17 everybody that will eventually be a juror will have
18 their lives, you know, that they kind of alter
19 during this process, right?

20 A Sure. Sure.

21 Q Generally speaking, we will go 8:30/9:00
22 in the morning until 4:30/5:00 in the evening.
23 Generally speaking, I am not saying in particular.
24 But usually about 12 o'clock p.m. to 1:00/1:30 lunch
25 break. Then typically some kind of a 15 minute or

1 so break, like in the morning, like 10:30. Then
2 there's usually one in the afternoon. That's
3 typically how things go.

4 A Sure.

5 Q Knowing that, and during those breaks you
6 would be free to do whatever you want.

7 A Sure.

8 Q Knowing that, would that ease some of the
9 concern that you have?

10 A No. Because, I mean, I also have nine
11 year old twins at home, so I would probably have to
12 go home, and work in the evening, because there is
13 stuff that is just going to have to be done. Most
14 of the things, I mean, I know I can maybe return
15 some phone calls or emails or something. But a lot
16 of the stuff I do, I would have to sit down and work
17 at it steadily for an hour and a half, two hours.

18 Q In the evenings?

19 A Well, I will probably have to in the event
20 I was chosen.

21 Q Is that something that you could actually
22 get your job done in the evening, or is this stuff
23 that has to be done during the day?

24 A You know, I can barely get my job done
25 right now, because of the changes they have made in

1 the last year. It's just been -- I am behind a lot.
2 I am good at what I do, but everybody who does what
3 I do right now is struggling to stay on top of their
4 work. So I mean, I will do what I have to do.

5 Q Now, your nine year old twins, they go to
6 school during the day?

7 A Yes. But again, that's another thing,
8 because I telecommute usually Mondays, Tuesdays and
9 Wednesdays I drop them off at school. The bus isn't
10 an option for them with where we live. So like
11 today, I had to bring them in to the before school
12 program. Sign them up, enroll them in that.

13 Q Oh, okay. All right. Let me ask you some
14 more questions. Okay?

15 A Sure. Absolutely.

16 Q I did mark up another question that you
17 had where you were asked whether or not you or
18 someone close to you has been treated unfairly or
19 inappropriately by a law enforcement agency. And
20 you checked both boxes.

21 A Yeah.

22 Q What's the --

23 A My experiences haven't been bad with the
24 police. But 25 years ago, right after my divorce, I
25 ended up, you know, being arrested for possession of

1 marijuana with intent to distribute. And they
2 raided my house. They stole some items out of my
3 house, some jewelry and stuff that they didn't put
4 on the list. I'm sure not realizing that I was also
5 a working full time job person. Probably like, oh,
6 look he's got all this. He's got a Harley. He has
7 a nice house. He has jewelry, he's a drug dealer.
8 You know, probably somebody who the attitude of
9 that. Somebody took some stuff. Somebody involved
10 in that search.

11 Q What did you do?

12 A I had bigger problems than dealing with a
13 couple of little chains at that point. I told my
14 attorney about it, and he said, yeah, let's worry
15 about these charges for right now. Not anything we
16 could prove.

17 Q But you never got them back?

18 A No.

19 Q How does that make you feel now.

20 A Well, you know, my father and brother were
21 both police officers as well. I mean, you know,
22 there are good cops and bad cops.

23 Q Sure. They are people, right?

24 A Right.

25 Q Which leads me to my next question, which

1 is, you indicated that you would tend to believe a
2 police officer over any other witness.

3 A Yeah. Just because my father was a
4 retired Ramsey County Deputy, and my brother just
5 retired a couple years ago at the Minneapolis Police
6 Department. Got about three other friends that are
7 police officers.

8 Most of my experience is with the police.
9 With my friends, and my family, and stuff that they
10 are good people, and most likely 99.9 percent of the
11 time are going to be honest and tell the truth.

12 Q Even though you had your jewelry stolen?

13 A Well, like I said, there were probably
14 about 30 cops in my house, you know. Probably just
15 took one.

16 Q Okay. Now, what we are getting at with
17 that question is if, you know, a police officer
18 comes in wearing a uniform or whatever, a badge, and
19 he's a cop, and he sits down on the stand and
20 testifies about fact stuff, would it be more
21 believable from a police officer versus say a
22 neighbor or witness or something like that just
23 because he's a cop.

24 A Yes.

25 Q Why is that? Why do you think that?

1 A I think most of the people that are police
2 officers are doing it for good reasons. They are
3 doing it for the right reason.

4 Q So one of your questions -- you asked a
5 question, and you said, how long would I have to be
6 here, right?

7 A Well, was that related to -- what was the
8 question that it asked?

9 Q Sure. What did you think about when you
10 heard of these charges, and you said --

11 A Oh, I was wondering about how long I would
12 have to be here, yeah. I mean, knowing how busy I
13 am with my work.

14 Q Yeah. So if you were here for two weeks,
15 would that be a significant problem for you?

16 A You know, it would be a little bit of a
17 problem. It would be fairly significant, but I
18 would get through it, you know.

19 MR. DEVORE: Your Honor, may we approach?

20 THE COURT: You may approach.

21 (Whereupon, court and counsel had a
22 discussion off the record.)

23 THE COURT: Mr. Fink, do you have some
24 questions?

25

1 BY MR. FINK:

2 Q Good morning, Mr. Antonson. My questions
3 at this point are going to turn around what
4 Mr. DeVore was just talking to you about.

5 Among the rules, the instructions, the
6 judge gives to a jury, there's a methodology to
7 determine the credibility of each witness. Would
8 you be able to follow that instruction and apply
9 that to peace officers as well as civilian
10 witnesses?

11 A Yes.

12 THE COURT: Come on back.

13 (Whereupon, court and counsel had a
14 discussion off the record.)

15 THE COURT: Mr. DeVore, you may continue.

16 BY MR. DEVORE:

17 Q Okay. Now, Mr. Antonson, you said that
18 your father and brother were police officers. Are
19 they both retired?

20 A Yes. My father retired, gosh, he passed
21 away in 2000 and he had been retired for almost ten
22 years before he passed away. My brother, he's
23 alive, but he retired about two years ago from the
24 Minneapolis Police Department.

25 Q Minneapolis, and your father was where?

1 A Ramsey County.

2 Q You also indicated that you had been a
3 victim of a crime; is that right?

4 A Yes.

5 Q How long ago was that?

6 A That's probably about, I would say, about
7 ten years ago, ten/twelve years ago.

8 Q Okay. It was an assault; is that right?

9 A Yes.

10 Q Can you tell us what happened?

11 A I was at a bowling alley with my wife. I
12 mean, you know, I have been a victim of other
13 crimes. This was the significant one. But I've had
14 car broken into, car stolen. But this particular
15 incident, I was at a bowling alley with my wife.
16 There was a group of individuals. They were
17 actually part of an Asian gang. They were being
18 disrespectful, you know, I told them to back off. I
19 got hit in the head with a bowling ball and a couple
20 of bottles. Got kicked up pretty hard.

21 Q Did you report to the police?

22 A Yes. The police were called. But by the
23 time they got there, everybody was gone.

24 Q Did they end up finding anybody that did
25 this?

1 A No.

2 Q In that process of police intervention,
3 did they do their job, you think, or --

4 A Well, yeah, as best they could.

5 Q Did you have to go to the hospital?

6 A No. They wanted me to, but I didn't go.
7 I just had a cut on my eye and a cut on my nose.

8 Q Anything about that incident that would
9 have an impact on your ability to serve as a juror
10 in this case?

11 A No.

12 Q As a social worker, you have had occasion
13 to testify in court before?

14 A Yes.

15 Q Is that testifying on behalf of your
16 clients?

17 A Yes. Typically involving guardianship
18 stuff. Either a family member wants to become a
19 guardian, or another agency, like if a family member
20 is a guardian, and that person passes away, it would
21 be under state guardianship, or if there was one
22 other family member that could do it for them, or
23 another agency. Ramsey County would contract with
24 them.

25 Q And prior to going up on the stand to

1 testify, do you meet with somebody to prepare for
2 your testimony?

3 A Yes.

4 Q Who would you be meeting with?

5 A It's usually the law firm that is Ramsey
6 County, contracts with -- used to be Sweeney, Borer
7 and Sweeney. I think that was Tom (inaudible), or
8 some other name.

9 Q So a firm that is contracted by the
10 county. They do the work.

11 A Correct.

12 Q They put you on the stand and have you
13 testify?

14 A It's pretty brief. A lot of times, you
15 know, I will go and they may not even call me up, or
16 sometimes even the judge, it's usually sometimes
17 just ask me a question while I am sitting there, you
18 know.

19 Q On your -- I know this is a while back,
20 but on your own criminal charge, did you end up --
21 did you get that resolved?

22 A Yes. Ended up adult diversion program.

23 Q Sure. Okay. I am going to ask some other
24 types of questions that you weren't asked the other
25 day. Okay?

1 A Okay.

2 Q You have electronic equipment that you
3 own?

4 A Yes.

5 Q What kind of stuff do you own?

6 A Oh, let's see, personal phone, my work
7 phone, couple of computers, couple of laptops,
8 couple tablets.

9 Q Do you have like a smart phone, flip
10 phone?

11 A Smart phone.

12 Q Do you have Internet access on the phone?

13 A Yes.

14 Q And the computers, do they have Internet
15 access?

16 A Yes.

17 Q Do you know a lot about computers, are you
18 pretty savvy with them?

19 A Pretty much, yes.

20 Q If you have a problem with your computer,
21 would you try to troubleshoot it or would you bring
22 it into the store?

23 A No. I would probably try to troubleshoot
24 it. One at my home is through my work, so we have
25 the IT. If there's a problem with that one, I would

1 probably bring it in. If it's my own personal, I
2 would try to resolve it myself.

3 Q Do you do a lot of Internet searching on
4 the computers?

5 A Sometimes. It all depends how busy I am
6 or if I am doing something with the kids, or
7 whatever, you know.

8 Q Sure. How about just for fun,
9 recreational; do you spend time on the computer?

10 A Yeah. Sure. Facebook. You know, I used
11 to read the paper. Now, I just go to like a web
12 site, news web site.

13 Q Do you have one that you like to go to
14 frequently or --

15 A Um, for news stuff?

16 Q Yea.

17 A Um yeah probably Fox News or CBS.

18 Q Have you ever heard of the Dark Web
19 before?

20 A I have heard of it.

21 Q What do you know about it if anything?

22 A I believe that, you know, most of the
23 stuff I hear on talk radio and stuff about your
24 identity being stolen, and your information ended up
25 on the Dark Web. That's really the extent of what I

1 know about it.

2 Q Have you ever looked up the term?

3 A I have not.

4 Q Sounds like you have a pretty good
5 familiarity with computers. I'm assuming you have
6 heard terms like modem?

7 A Yep.

8 Q And a router and server?

9 A Yep.

10 Q You know what those things are?

11 A Yeah, I just got a new one.

12 Q What a new modem?

13 A New modem, router. Faster one through
14 Comcast.

15 Q At home?

16 A Yes.

17 Q Does that get WiFi at home?

18 A Yes.

19 Q Do you know what that is?

20 A Yes.

21 Q What is WiFi?

22 A It's a wireless signal, so you can connect
23 through your Internet. We actually have two
24 wireless routers. Nine year old twins, they play
25 games and tablets.

1 Q Do you have like antivirus or malware
2 software on your computers?

3 A I do. I have antivirus on my personal
4 laptop. And then my work laptop and computer, it
5 goes through a, it's through a server through the
6 county, so yeah, that's all, you know, it goes
7 through their system before it goes out. So that's
8 to make sure it doesn't get viruses or things like
9 that.

10 Q Have you ever had a computer that had an
11 issue with a virus or anything?

12 A Yeah.

13 Q What was that and what happened?

14 A Oh, it was quite a few years ago.
15 Probably 12 years ago -- 10, 12 years ago at least.
16 I think I ended up losing a bunch of stuff, bunch of
17 pictures and stuff. So I keep all my pictures on a
18 separate external hard drive.

19 Q Okay. What did you do with the computer;
20 did you just throw it away or --

21 A Gosh, you know, I can't recall. I tried
22 to -- yeah, I think I did just end up frying it. I
23 think it ended up just getting tossed.

24 Q All right. Are you familiar with the
25 concept of somebody accessing your computer

1 remotely, like on a webinar or troubleshooting or
2 something?

3 A Yeah.

4 Q Like the Geek Squad or something?

5 A Yeah. Usually, sometimes if I -- if I'm
6 having issues with my computer, my work computer,
7 you know, the Internet, the computer support people
8 will ask for access so that they can access my
9 computer and I click on yes, and they kind of take
10 it over. Try to troubleshoot it.

11 Q So it's a permitted access. You know they
12 are going to be doing it. You give them the access,
13 and all of a sudden they are moving the mouse
14 around.

15 A Right. Exactly.

16 Q I assume -- I shouldn't assume. Do you do
17 banking online?

18 A Yes.

19 Q Pay bills online?

20 A Yes.

21 Q Do you buy stuff online?

22 A Yes.

23 Q Give your credit card number and stuff
24 like that?

25 A Yes.

1 Q What about use Pay Pal?

2 A I did once a long time ago. I do not use
3 Pay Pal now.

4 Q Do you use any kind of a secured payment
5 system?

6 A No. I just usually do it through, you
7 know, like if I buy something on Amazon, I just put
8 my card in.

9 Q What about Money Gram or Western Union;
10 ever use those before?

11 A Long time ago.

12 Q Do you remember why? What the purpose
13 was?

14 A I was either sending or receiving money
15 from Spain. Or sending or receiving some money from
16 a friend of mine, or to a friend of mine.

17 Q Have you ever heard of the term Bitcoins
18 before?

19 A Yes.

20 Q What do you know about that?

21 A Not a whole lot. You know, just other
22 than some things that I have read. Kind of like, I
23 know my neighbors across the street, their son has
24 been involved in buying parts of a Bitcoin. They
25 are very expensive for one at this point. I know, I

1 mean, a little bit about it. Not exactly sure how
2 it works. Seems to me it's almost more like a stock
3 type thing.

4 Q You say your neighbors' son?

5 A Yes.

6 Q How old is he?

7 A He's probably in his early 20's.

8 Q Was the purpose of him buying Bitcoins?

9 A He thinks he's going to get rich off them.

10 Q What's your feelings, generally, about the
11 jury system? Do you think it's a fair system?

12 A Yeah. Depending on the situation. But
13 yeah, for the most part, it is.

14 Q Any feelings about the crime rate in the
15 country, or in Minnesota? Is it about right out or
16 do you think they're out of control?

17 A Well, certainly it would be nice if they
18 were not as high. I mean, generally, I think most
19 people are pretty good.

20 Q Not overly terrified about living?

21 A Depends on the neighborhood.

22 Q If you had a concept or a term that you
23 weren't familiar with, how would you educate
24 yourself on that? Would you read on it?

25 A Research.

1 Q Okay. How would you do your research?

2 A Well, let's see, when I was in college it
3 was the Dewey Decimal System. But now it's the
4 Internet.

5 Q Do you have a particular site that you
6 typically go to?

7 A Probably Google, if there is a term, you
8 know, I didn't know what it meant.

9 Q Then the judge gave you some general
10 instructions, you know, about constitutional things
11 to do before I started asking you questions; do you
12 remember those?

13 A Yeah.

14 Q One of the principles is that the
15 defendant has the right not to testify; have you
16 ever heard of that before?

17 A Yes.

18 Q In this case, if Mr. Allwine chooses not
19 to testify in this case, is that gonna -- in your
20 head, does that automatically say to you that there
21 is something wrong?

22 A No. It really would depend on the
23 situation. You know, sometimes I do watch a lot of
24 ID discovery programs and sometimes, you know, I
25 wonder, you know, why people wouldn't testify. You

1 know, but certainly, I understand sometimes when it
2 doesn't make sense, or under the advice of their
3 attorney suggests that they don't.

4 Q Okay. If the judge was to give you an
5 instruction not to hold that against the defendant
6 would you follow that?

7 A Absolutely.

8 MR. DEVORE: Thank you. Just a minute
9 Your Honor.

10 May we approach Your Honor.

11 THE COURT: Absolutely.

12 (Whereupon, court and counsel had a
13 discussion off the record.)

14 THE COURT: Does the prosecution have any
15 questions?

16 MR. FINK: Just a couple, Your Honor.

17 BY MR. FINK:

18 Q Mr. Antonson, are there occasions in your
19 work or your private life that you listen to oral
20 presentations?

21 A Yes.

22 Q Okay. And you rely on those presentations
23 for important information at work?

24 A Yes.

25 Q Are you comfortable with that?

1 A Yes.

2 Q Would you describe yourself as more big
3 picture or more detail oriented?

4 A Oh boy, I am guessing that would depend on
5 the situation. Probably more big picture in
6 general.

7 Q As a result of the caseload that you got?

8 A Yeah. Yeah.

9 Q You make a lot of decisions for your
10 clients, don't you?

11 A Yes.

12 Q Even the ones that you are not the
13 guardian for, right?

14 A Well, you know -- yes, I do. We are
15 supposed to be person centered. The individual is
16 supposed to have a lot of say. Sometimes when
17 particularly when people have developmental delays,
18 they may not always make the best decisions for
19 themselves.

20 Q You are in a position, based on your
21 training and experience, to analyze needs and to
22 kind of steer them in the direction where they could
23 get those needs met?

24 A Yes.

25 MR. FINK: May we approach?

1 THE COURT: You may.

2 (Whereupon, court and counsel had a's
3 discussion off the record.)

4 THE COURT: You have not been removed,
5 sir. You need to keep in touch with the deputy
6 and/or jury coordinator on when to come back, and
7 thank you very much.

8 THE JUROR: Thank you.

9 (Juror exited the courtroom.)

10 THE COURT: We have another juror coming
11 now. We have other jurors in the vicinity, so we
12 will get through at least one more, and then we will
13 take a break.

14 (Prospective juror entered the courtroom.)

15 THE COURT: Please come forward sir. See
16 a carafe of water there and a cup, you can place
17 yourself near there in the jury box, please.

18 Before you sit down, please raise your
19 right hand to be sworn.

20 (The prospective juror was sworn in.)

21 THE COURT: Have a seat. Please state
22 your name for the record.

23 THE JUROR: Adam Boldt.

24 THE COURT: All right. Would you pull --
25 you see that microphone right in front of you?

1 THE JUROR: Yes.

2 THE COURT: Just want to make sure it's
3 pretty close to where you are, because everyone has
4 to hear whatever your answers are. So I heard your
5 name.

6 Mr. Boldt, there is going to be some
7 questioning here, as I told you when you were all
8 gathered. This phrase Voir Dire simply comes from
9 the French. It means to speak the truth, and we are
10 going to have some questions for you. So we
11 appreciate your truthfulness and your cooperation.

12 I have just a few questions. Then the
13 defense attorney will be asking questions and
14 possibly the prosecutor as well.

15 During the questioning, there may be a
16 request to excuse you for cause. Or there may be a
17 request to exercise what's called a peremptory
18 challenge or there may be neither.

19 And if there is a challenge for cause,
20 that means that one side or the other thinks you
21 should be removed for a specific reason, and I
22 decide that question.

23 If there is a peremptory challenge, that
24 can be exercised by either side, and they decide if
25 they are going to do that. Either way, if one of

1 those happens, I would excuse you, and thank you for
2 your service up to this point.

3 Now, a couple of questions for you
4 initially:

5 Have you had any conversations with
6 anybody about this case since filling out the
7 questionnaire?

8 THE JUROR: No.

9 THE COURT: Have you looked up anything or
10 done any research about this case since filling out
11 the questionnaire?

12 THE JUROR: No.

13 THE COURT: There are some basic rules of
14 law. You are going to be receiving instruction, if
15 you are a juror, as to more than these four. But I
16 am going to read four to you that are basic and
17 constitutional.

18 One is that the defendant is presumed to
19 be innocent. The state has the burden of proof.
20 The state must prove any charge beyond a reasonable
21 doubt. The defendant does not have to prove
22 innocence.

23 Will you be able to follow the rules of
24 law as I give them to you?

25 THE JUROR: Yes, I will.

1 THE COURT: Is there any reason, as you
2 sit here now, that you cannot be a fair and
3 impartial juror in this case?

4 THE JUROR: No.

5 THE COURT: Mr. DeVore, you may proceed.

6 MR. DEVORE: Thank you.

7 BY MR. DEVORE:

8 Q Good morning, Mr. Boldt. My name is Kevin
9 DeVore. Can I ask you a few questions?

10 A Yes.

11 Q Do you remember filling out the
12 questionnaire Friday?

13 A Yeah, I do.

14 Q Is there anything that has happened since
15 Friday that has caused you to remember some things,
16 or change your opinion about any of the answers you
17 gave to us?

18 A Not that I can think of.

19 Q Now, I see in here that you are a
20 phlebotomist; is that correct?

21 A Former.

22 Q Oh, former. Okay. Can you tell me what
23 that is just so we have a record of what it means to
24 be a phlebotomist?

25 A Essentially, I was taking blood from

1 people at a plasma center. Stick people with
2 needles and hook them up to the machine.

3 Q Okay. I believe you said it wasn't a good
4 fit as a phlebotomist?

5 A I wasn't getting paid enough, so I found a
6 different job as a meat cutter.

7 Q Okay. That's what you're doing now?

8 A Yes.

9 Q How long were you a phlebotomist?

10 A Two years.

11 Q What did you do with the samples when you
12 collected the blood? Did you just put it in a --

13 A They were collected in bottles, and then
14 we would process them, freeze them.

15 Q Okay. Did you ever do any of the testing
16 of the blood or anything like that?

17 A Ah, no.

18 Q Were you involved in any of the reading of
19 the test results or anything like that?

20 A I would do tests to make sure people are
21 qualified to donate, but I did not test the actual
22 plasma.

23 Q You just collected it?

24 A Yeah.

25 Q And you have a Bachelor of Science Degree

1 from the University of Wisconsin River Falls; is
2 that right?

3 A Yep.

4 Q Now, one of the answers -- you were asked
5 the question, would you tend to believe a police
6 officer more than any other witness. You indicated
7 yes. Can you explain your answer to that?

8 A I guess I feel that a police officer would
9 be more impartial than some other witnesses could
10 be. I would think that he would just be doing his
11 job and not have a stake in the matter.

12 Q So if it was a regular what we call a lay
13 person, or just a witness, you think that their
14 testimony -- you think their testimony would not be
15 credible? Or do you think it would --

16 A I would think it would be less likely that
17 a police officer would lie, I guess.

18 Q Okay. So if a police officer sits down
19 and he announces, he or she, announces that they are
20 an officer, does it automatically mean that you
21 think they are telling the truth?

22 A Not necessarily. I guess just in
23 comparing between a non-officer and an officer, I
24 guess I would trust the officer a little bit more.
25 Not to say that an officer could not lie.

1 Q What about like a witness to something
2 happening. If somebody got up and testified that
3 they saw something, would they be less credible than
4 a police officer?

5 A I don't think so.

6 Q Now, you indicated that your feelings
7 about the jury system in this country, you said
8 impartial. What did you mean by that?

9 A I guess, I don't really have any
10 experience with it. I guess I think it's probably
11 the best way we can do it. But I guess I don't have
12 an opinion on it, because I haven't gone through
13 that.

14 Q What do you mean by the word impartial?
15 What does that word mean to you?

16 A I don't have feelings one way or the other
17 about it, I guess.

18 Q But you're going to be open minded?

19 A Yes, I am open minded.

20 Q So if you were to make a decision as a
21 juror, you would be what? What would you base your
22 decision on?

23 A What would I base my decision on?

24 Q Yes.

25 A Based on the evidence as presented.

1 Q Now, when you heard about -- that you are
2 potentially going to be a juror in this case, you
3 indicated that you feel uncomfortable.

4 A Yes. Just based on the nature of the
5 case. It's a very serious matter, and I guess I am
6 a little uncomfortable with, I guess, making the
7 wrong decision.

8 Q Okay. So let me ask you a few questions
9 about that. Being uncomfortable, is it to the point
10 that it is going to be paralyzing for you?

11 A No.

12 Q Your level of comfort with this case, is
13 it going to interfere with your ability to make a
14 decision in this case?

15 A I don't believe so.

16 Q Part of being a juror is listening to the
17 evidence presented in a case, and then going back
18 and discussing that, or deliberating that with your
19 other jurors. Would you feel comfortable analyzing
20 the case as you see it, then discussing your views
21 with your co-jurors?

22 A Yes.

23 Q You're not afraid to be on a case like
24 this, are you?

25 A Not afraid, no.

1 Q Is this something that you look forward to
2 being on a case like this?

3 A I think it will be interesting if I am on
4 a case like this.

5 Q Are you able to get off from work to be
6 able to do your job as a juror if you are selected
7 in this case?

8 A Yes.

9 Q You don't have any pressing issues at
10 home, or work, or anything that would get in the
11 way?

12 A No.

13 Q What hours do you usually keep as a meat
14 cutter?

15 A Usually 6:00 to 2:00, or like an 11:00 to
16 7:00. Usually those are my two shifts.

17 Q And if you were here during the day, then
18 would you not be going to work in the evenings then?

19 A Correct. I am union, so they will pay me
20 for that.

21 Q You said 6:00 to 2:00. I assume 6 a.m. to
22 2 p.m.?

23 A Correct.

24 Q And the other shift was what?

25 A 11:00 to 7:00.

1 Q 11 a.m. to 7 p.m.?

2 A Yes.

3 Q What company do you work for?

4 A Kowalski's.

5 Q Oh, Kowalski's, sure. Now, do you watch
6 the news on TV?

7 A No.

8 Q Where did you get your news? How do you
9 find out what's going on in the world?

10 A Typically, I don't pay much attention, but
11 mostly Internet or newspaper.

12 Q Do you get a newspaper delivered to your
13 house?

14 A Not anymore.

15 Q Now, you have lived at your present
16 address for 26 years?

17 A Correct.

18 Q You live with your parents?

19 A Yes.

20 Q Your renting; is that right?

21 A Correct.

22 Q Now, do you own a cell phone?

23 A Yes.

24 Q How about a computer?

25 A No.

1 Q Do you have a computer at home that you
2 use?

3 A No. Pretty much my cell phone is my
4 computer.

5 Q Do you have a smart phone of some kind?

6 A Yep.

7 Q So you have Internet access on it?

8 A Yes.

9 Q Okay. Have you ever owned a computer
10 before?

11 A I had a computer in the home, but I didn't
12 own it.

13 Q But you had one at home that you used to
14 use?

15 A Still there, I just don't use it.

16 Q And you have Internet access on your
17 phone?

18 A Yes.

19 Q What kind of, when you do your Internet
20 stuff, what kind of search engine do you use?

21 A Typically Google.

22 Q Google, okay. And are you familiar with
23 how Internet searches and search engines work,
24 generally?

25 A Generally, yes.

1 Q Have you ever heard of the Dark Web
2 before?

3 A Yes.

4 Q When have you heard of that, and what have
5 you heard about that?

6 A I think it's like either a program or
7 something that -- where you can access sites that
8 you can't access on the regular Internet. I have
9 heard there is a lot of crime, organizations, or web
10 sites on there. I have never personally been there
11 myself.

12 Q Do you know anybody who has?

13 A No.

14 Q Do you know anything about how computers
15 are programmed or any of that stuff?

16 A Not really, no.

17 Q How about do you know what a modem is?

18 A Yes.

19 Q What is a modem?

20 A It's how you connect to the Internet.
21 It's like a phone jack, essentially.

22 Q How about a router?

23 A I think so. That's how you -- you connect
24 that to the modem to connect to the Internet.

25 Q You guys have that kind of stuff at your

1 house?

2 A We have a router.

3 Q How about a server, do you know what that
4 is?

5 A I believe so. I would say that's a
6 collection of computers, or processors to store or
7 process data.

8 Q Okay. And do you know -- you know what
9 WiFi is?

10 A Yes.

11 Q What is that?

12 A Wireless connectivity.

13 Q Do you use WiFi?

14 A Yes.

15 Q When do you use WiFi?

16 A I use it for the benefit of video games to
17 connect to the Internet for that. Also, I use it on
18 my phone. When I am on WiFi I try to stay on that,
19 and not use my data.

20 Q Do you need to be in a certain spot in
21 order to use WiFi?

22 A You have to be within the range of the
23 router.

24 Q Are you familiar with the term like
25 anti-virus or malware software?

1 A Yes, I am familiar with that.

2 Q Have you ever used any of that stuff, or
3 installed any of that on a computer or anything?

4 A Not intentionally.

5 Q Have you ever had an electronic device
6 hacked or anybody --

7 A I had Facebook, someone hacked into my
8 Facebook account once and posted stuff on there.

9 Q And you have a password on your Facebook
10 account?

11 A Yes.

12 Q So someone was able to hack into your
13 Facebook account?

14 A I don't know how, but yes, I had to change
15 my password because of it.

16 Q Did you have to shutdown the account and
17 open up a new or what happened?

18 A Nope. I just had to change my password
19 and haven't had a problem since.

20 Q When was that?

21 A Couple years ago I would say.

22 Q When you have a problem with one of
23 your -- well, you just have the cell phone,
24 apparently. But if you have a problem with your
25 cell phone, do you try to fix it yourself, or do you

1 typically bring it in, or what do you do?

2 A If it ever breaks, I have insurance. I
3 have had to send phones in for that before and get
4 new ones. I don't think I've had any problems other
5 than that.

6 Q Sure. Have you ever had to give someone
7 access to your computer, like remote access, to
8 troubleshoot or something like that?

9 A No.

10 Q Have you ever participated in like a
11 webinar or something where you have gone online and
12 they can move around stuff on your computer?

13 A No.

14 Q Are you familiar with that concept or --

15 A Yeah. I know they can do that, I just
16 haven't had to do that.

17 Q Okay. How often do you spend time surfing
18 on the Internet on your phone?

19 A At least a couple times a day in my down
20 time I will go look at stuff.

21 Q Like if you were to tell me how many hours
22 or --

23 A Maybe an hour.

24 Q Hour a day on the phone that you are
25 looking --

1 A Cumulatively, yes.

2 Q You don't have any iPads or anything,
3 right? You just have the iPhone.

4 A No, I don't have any tablets or anything.

5 Q I suppose I should use the term iPad. It
6 could be any kind tablet.

7 A Yeah, I don't have an iPhone.

8 Q All right. Then how about your banking
9 activities, do you do online banking or do you use
10 checks or --

11 A I have access to online banking.

12 Q Do you use it?

13 A Yep, just to check my accounts,
14 essentially. I don't usually transfer anything or
15 anything like that.

16 Q How do you pay bills?

17 A Just straight out of my checking account,
18 normally.

19 Q So do you use like bill pay on the bank?

20 A I don't do it through the bank.

21 Q Okay. You set it up through whatever
22 provider that you're engaging with and they can just
23 withdraw it out of your account or something?

24 A Yep. For example, I have a separate
25 account for a car payment where money is directly

1 taken out my paycheck and goes into that account.

2 Q Oh, I see. Okay. How about, do you ever
3 buy stuff online, Amazon or other sites?

4 A Yes.

5 Q How do you pay for those?

6 A With my debit card.

7 Q Debit card. Do you use credit card or
8 debit card?

9 A I have a credit card that I use
10 occasionally, but typically just use my debit card.

11 Q Okay. Have you ever used Pay Pal or any
12 other payment source like that?

13 A Once or twice I've used Pay Pal. It was a
14 long time ago, though. Probably, like, over five
15 years ago.

16 Q So not regularly using Pay Pal as your
17 source of payment?

18 A No.

19 Q How about Money Gram or Western Union;
20 have you used those services before?

21 A No.

22 Q Do you know what they are?

23 A I believe it's like a money advance
24 company, or you send money across the country.
25 Something like that.

1 Q Have you ever wired money before yourself?

2 A No.

3 Q Have you ever visited an online dating
4 site?

5 A No.

6 Q Do you know of anyone that has?

7 A Probably, but I don't know that they have.
8 I am sure I know people that have been on them, but
9 I don't know for sure.

10 Q Have you ever heard of Bitcoins before?

11 A Yes.

12 Q What have you heard about Bitcoins?

13 A I don't know much about it. I know it's
14 some form of digital currency. That's pretty much
15 the extent of my knowledge on it.

16 Q Do you have any idea what it's used for or
17 why people would have it?

18 A Nope. I'm a little bit confused by
19 Bitcoin myself.

20 Q Do you know -- do you have any -- do you
21 invest in stocks and things like that?

22 A No. I have had stock before, but it was
23 sold, so ...

24 Q Do you have a retirement plan or anything?

25 A I have a retirement plan through work.

1 Q Through the union?

2 A A 401(k).

3 Q Okay. You manage your own investments and
4 things like that?

5 A Not really.

6 Q Somebody helped you set it up and --

7 A Well, I set it up, and then it's just kind
8 of been going by itself. I haven't really touched
9 it since I set it up.

10 Q Okay. How often do you look at it?

11 A Almost never. Just when I get things in
12 the mail about it.

13 Q Okay. What do you -- how do you feel
14 about the jury system, in general? Do you feel that
15 it's a pretty good system, works pretty well, or do
16 you think people fall through the cracks?

17 A I don't think it's a perfect system, but I
18 can't think of a better system that we can use.

19 Q Okay.

20 A People make mistakes. But I can't really
21 think of a better way to do it.

22 Q Sure.

23 A I feel it's probably the most fair way.

24 Q All right. Do you think you could be a
25 fair juror on this case?

1 A I think I could.

2 Q Do you have any feelings about crime rates
3 in this country? Do you think they are out of
4 control?

5 A I don't have any strong feelings about
6 that. It's always changing, you know, so I feel
7 like we can do better for sure.

8 Q Do you think that we are being tough
9 enough on crime in our country?

10 A I would say yes, because I don't really
11 notice or see people slipping through the cracks,
12 besides people that have a lot of money. I think
13 that could be better.

14 Q Okay. So people that have a lot of money
15 slip through the cracks?

16 A People with money and influence can, I
17 feel like, maybe not necessarily within the justice
18 system. But they can get away with things a lot
19 easier than the normal person that isn't very
20 wealthy can do.

21 Q Are you like kind of thinking of
22 politicians or what are you --

23 A Politicians and CEOs of the big companies.

24 Q Okay.

25 A I think -- I feel like they get away with

1 stuff that they shouldn't.

2 Q They can kind of buy their way out of it
3 or something?

4 A Exactly.

5 Q How about if you -- if you heard a concept
6 that you weren't familiar with, or a word or
7 something, how would you educate yourself on what
8 that concept or word is?

9 A Typically, if I am talking to another
10 person, I would just ask them. But if it was
11 something that I needed to research myself, I would
12 just look on the Internet.

13 Q Google?

14 A Typically, yes.

15 Q Have you ever looked at stuff on Wikipedia
16 and that kind of stuff?

17 A Sure. Yeah.

18 Q How about a defendant's right not to
19 testify. Are you familiar with that principle?

20 A I believe, I do. Basically, you don't
21 have to testify or incriminate yourself.

22 Q Right. So if a defendant chose not to
23 testify in a trial, would that make you think that
24 they were up to something, or make you think that
25 they were guilty because they didn't testify?

1 A Not necessarily. I guess I don't -- I
2 guess I would kind of expect a reason why they
3 wouldn't want to.

4 Q If the judge told you that you are not to
5 take that into consideration, would you be able to
6 do that?

7 A I think so.

8 Q Wouldn't leave you with any suspicion or
9 anything like that if someone chose not to testify?

10 A I would be curious, but it wouldn't
11 necessarily make me think that they were guilty
12 because of that.

13 Q Could be a lot of reasons, right?

14 A Exactly.

15 MR. DEVORE: May we approach, Your Honor?

16 THE COURT: You may.

17 (Whereupon, court and counsel had a
18 discussion off the record.)

19 THE COURT: Mr. Fink, you may proceed.

20 MR. FINK: Thank you.

21 BY MR. FINK:

22 Q Good morning, Mr. Boldt.

23 A Good morning.

24 Q Just have a couple of questions. Would
25 you describe yourself as more big picture oriented

1 or more detail oriented?

2 A If I had to choose between those, I would
3 probably say more big picture.

4 Q Why?

5 A Um, I guess it seems more long term. I
6 guess it depends on what we are talking about.

7 Q Sure. Now, I don't remember, but do you
8 supervise anybody at your present job?

9 A No.

10 Q Do you engage in any decision making at
11 your present job?

12 A Um, we all kind of work as a team to --
13 like I said, I work at a meat shop at Kowalski's.
14 We all make decisions on what we should be doing and
15 stuff like that. But I am not the one that makes
16 the final call on things.

17 Q Okay. But it's more of a cooperative
18 effort?

19 A Yes.

20 Q And you're comfortable working in a team
21 type of setting?

22 A Yes.

23 Q Would you say you think you have a lot of
24 common sense?

25 A I would.

1 MR. FINK: Approach?

2 THE COURT: You may.

3 (Whereupon, court and counsel had a
4 discussion off the record.)

5 THE COURT: Mr. Boldt, you are excused,
6 and I thank you for your cooperation up to this
7 point.

8 (The juror exited the courtroom.)

9 (A recess was taken.)

10 (Prospective juror entered the courtroom.)

11 THE COURT: Come on forward, sir. If you
12 see where that carafe with the cup.

13 THE JUROR: Yep.

14 THE COURT: Okay. Come around and sit in
15 the jury box right by that.

16 THE JUROR: Okay.

17 THE COURT: That is water if you need to
18 drink water. But before you sit down, please raise
19 your right hand to be sworn.

20 (The prospective juror was sworn in.)

21 THE COURT: Have a seat. Please tell us
22 your name, for the record.

23 THE JUROR: Daniel Heitzman.

24 THE COURT: Okay. Mr. Heitzman, you
25 already know that we are doing some questioning

1 here. The phrase Voir Dire is used, that's a French
2 term that simply means, or roughly means, to speak
3 the truth. So I will appreciate your truthfulness
4 and your cooperation.

5 I also appreciate your patience. I know
6 this doesn't always take the time or the schedule
7 that we all think it might. So I know people hurry
8 up and wait, and I appreciate that.

9 There will be a few questions from myself,
10 then the defense will have an opportunity to ask
11 questions. And if appropriate, the prosecution will
12 as well.

13 During the questioning, there may be a
14 request to excuse you for cause. There may be a
15 request to exercise what we call a peremptory
16 challenge, or there may be neither.

17 Now, a challenge for cause is if one side
18 or the other thinks there is a reason to have you
19 removed and I make those decisions. A peremptory is
20 exercised by either side and that's their decision.
21 Either way, if one of those happens, I would simply
22 excuse you and thank you for your cooperation up to
23 this point.

24 Let me ask you, have you had any
25 conversations with anyone about this case since

1 filling out the questionnaire?

2 THE JUROR: No.

3 THE COURT: Have you looked up anything or
4 done any research about this case since filling out
5 the questionnaire?

6 THE JUROR: No.

7 THE COURT: There are some rules of law.
8 The initial ones that are given to you are these:
9 The defendant is presumed to be innocent.
10 The state has the burden of proof. The defendant --
11 or the state must prove any charge beyond a
12 reasonable doubt. The state must do that and the
13 defendant does not have to prove innocence.

14 Would you be able to follow the rules of
15 law as I give them to you, either those or
16 additional rules as they come?

17 THE JUROR: Yes.

18 THE COURT: Is there any reason that you
19 have as you sit there that means you cannot be a
20 fair and impartial juror in this case.

21 THE JUROR: No.

22 THE COURT: Mr. DeVore, you may proceed.

23 MR. DEVORE: Thank you.

24 BY MR. DEVORE:

25 Q Good morning, Mr. Heitzman. My name is

1 Kevin DeVore. I am going to ask you a few
2 questions.

3 Among the rules of law that we have in our
4 court, the defendant has the right not to testify.
5 Are you aware of that?

6 A I am not aware of that, no.

7 Q If a defendant chose not to testify in a
8 case against him, how would that make you feel?

9 A It's his choice.

10 Q Would you presume anything, that he was
11 either guilty or not guilty?

12 A No.

13 Q If the judge told you to disregard the
14 fact that he chose not to testify, would you be able
15 to do that?

16 A Yes.

17 Q I notice that your -- you're from
18 Bloomington, originally, correct?

19 A Yes.

20 Q And your last name is Heitzman. Is that
21 the Heitzman family that owns the nursery, the
22 landscaping business.

23 A It was my cousin, yes.

24 Q One of the questions that you were asked
25 is that have you or anyone else close to you ever

1 been a victim of a crime and you indicated yes.

2 A My wife had a DUI. So that's a crime.

3 Q Okay. I guess that was my question. That
4 was listed as being a victim of a crime.

5 A No, I'm sorry. I guess I misread it.
6 There is no one, no.

7 Q She got charged with a DUI?

8 A Yes.

9 Q Okay. That process, did that run its
10 course. It's done by now?

11 A Yes. It was 2002.

12 Q 2002, okay. And did you feel like things
13 were -- that she was treated fairly?

14 A Yes.

15 Q Little hesitation.

16 A She felt she wasn't. But, I mean, she
17 went to court. She dealt with it, and it was over,
18 and we moved on.

19 Q Do you know she didn't feel like she was
20 treated fairly?

21 A The judge wanted her to spend 90 days.
22 She didn't feel she did anything wrong.

23 Q Oh, I see.

24 A So she had a lot almost call it anger.
25 But she was angry about it, so...

1 Q Did she have a lawyer?

2 A Yes, we did.

3 Q Okay. You settled it. You didn't go to
4 trial; is that correct?

5 A We went to court with our attorney. She
6 was in front of it. And the attorney negotiated a
7 deal that she spend a weekend in the workhouse.

8 Q Okay. All right. Now, you felt like the
9 system acted appropriately?

10 A Absolutely. They did what they were
11 supposed to do.

12 Q I see you have a sister that works in the
13 Anoka County Jail; is that right?

14 A She is a supervisor in the jail system.

15 Q Do you talk to her frequently?

16 A She is one of the only two that I do talk
17 to in my family.

18 Q Okay. How many siblings do you have?

19 A I have five brothers and sisters.

20 Q Your parents, are they still alive?

21 A Deceased.

22 Q So out of the five brothers and sisters,
23 two of them you still communicate with?

24 A I do, yes. I have a twin sister and a
25 younger sister.

1 Q Is there a reason that you don't talk to
2 the other ones?

3 A We just all live our separate lives. I
4 live up here. They live down there. My brother
5 works 7 days a week. They all still -- I have a
6 brother that -- sister and brother that live in
7 Burnsville. Brother lives in Bloomington. No,
8 three of them live in Burnsville. And my sister
9 that is the jailer lives in Blaine. And I live in
10 Hugo. So we don't really cross paths.

11 Q Not a lot of family get together and
12 things?

13 A None.

14 Q Okay. Now, you said you like to watch
15 First 48; what show is that?

16 A It's actually a drama about police
17 agencies that investigate murders.

18 Q Why do you like that show?

19 A It's interesting. I watch a lot of -- my
20 wife calls it cops and cars. So if it has to do
21 with cars, I watch stuff about cars, and a lot of
22 cop shows.

23 Q What do you like about those cop shows?

24 A Well, it's interesting to watch how they
25 come to the conclusion that they come to.

1 Q Okay. You may or may not see some of the
2 same investigative type things in this case.

3 A I believe it's reality TV. So it's not --
4 and they tell you at the end of the First 48, it's
5 not all -- they don't tell you everything.

6 Q Okay.

7 A So yes, I realize that.

8 Q You realize that's TV.

9 A It's TV. I realize that.

10 Q This is real life.

11 A Absolutely.

12 Q So we may not live up to that standard
13 here in this courtroom.

14 A Correct. I believe that, yes.

15 Q You're not going to hold that against us?

16 A No, I will not.

17 Q Do you think you will be able to listen to
18 the instructions that the judge gives you to follow
19 and not think of First 48?

20 A Absolutely. This is real life.

21 Q So those things could have happened in
22 different states or you might not even be getting
23 all of the facts; is that right?

24 A Exactly, yes.

25 Q Might have different laws down there?

1 A Yes.

2 Q And you would be able to just listen to
3 the instructions that the judge gives you?

4 A Yes.

5 Q Now, you like to watch YouTube videos.
6 What kind of videos?

7 A I do watch a lot of people that live in
8 RVs. We are in the process of selling our house and
9 moving to a camper. Should be done by -- the house
10 goes on the market February 1st. The campground
11 opens up April 15th in Hager City, Wisconsin. We
12 will be living in that full time this year.
13 Mid-October we are going to drive to Florida.
14 Sister-in-law that lives in Florida, and we are
15 going to purchase a motor home and go on the road.

16 Q Are you retired now?

17 A I am not retired. I am going to work in
18 the summers and I am going to play in the winter.

19 Q Okay. What do you do?

20 A I am a sales rep for a garbage company.
21 Commercial sales rep.

22 Q So do you work out of the home?

23 A No, I work out of an office. Well, I'm on
24 the road a lot. I do a lot of phone calls. Being
25 commission based, I have to go out and sell.

1 Q Okay. All right. You indicated that if
2 you had a police officer that testified, and another
3 person that testified, that you would tend to
4 believe a police officer more than another witness?

5 A I kind of put it towards hold them to a
6 little higher standard. And if they -- as I always
7 look at it -- if I look and say, if they arrest
8 someone, they didn't do it just to do it. They did
9 it because they felt there was a crime or that there
10 was actually something they did wrong. So I believe
11 that if they arrest somebody, they are not just
12 doing it to do it, you know.

13 Q You would recognize they are human beings?

14 A Absolutely, I do.

15 Q And they can make mistakes just like
16 anyone?

17 A Absolutely.

18 Q Now, you indicated that you had a dental
19 appointment?

20 A Yes, yesterday. I had two crowns put in.

21 Q Are you on any medication or anything?

22 A No. I had another procedure set for
23 yesterday, but I told the dentist that we have to
24 wait.

25 Q So are you going to be able to focus if

1 you were picked?

2 A Yep.

3 Q And your work constraints, you're
4 commission based salesman, what if you were tied up
5 in this trial for a couple weeks?

6 A I have 1,000 customers in my little book
7 of business. We deal with a lot of stuff every day.
8 Plus I have to go out and generate new work, or I
9 don't get paid. So there is somebody in the office
10 that will help. But if I am out not knocking the on
11 doors, I don't make any money. So kind of how it
12 works.

13 Q And does your wife work?

14 A Self employed. Well, she just became an
15 employee of a salon. She works two days week, two
16 and a half days a week. She doesn't make a lot of
17 money, but that's our choice.

18 Q So fair to say that you won't be able to
19 work if you are on this jury?

20 A I will work before I get here. I will
21 work in the hour that I have for lunch. Then after
22 4:30 it's fruitless. So I'll have a lot to do
23 before I get here. Then my hour lunch will be on an
24 iPad dealing with day-to-day problems, and phone
25 calls, and things that I need to deal with every

1 day.

2 Q All right. Now, is that going to make it
3 difficult for you to pay attention on this case?

4 A I am not going to lie to you, yeah, it
5 will. This is my livelihood. So at the end of the
6 day, if I don't make any money -- the company I work
7 for expects me to do so much and they understand I
8 am on jury duty. But if I don't go out and sell
9 somebody garbage service today, I don't make any
10 money. I get a small base, but that doesn't cover
11 my day-to-day living expenses, so ...

12 Q And you have of ongoing bills.

13 A Absolutely.

14 Q So what time would you have to start your
15 day in the morning to get stuff done before you
16 would be coming in here?

17 A Well, obviously I would be on my iPad, so
18 I would be sitting in the car if court starts at
19 9:00, I will be sitting out there at 8:45 walking in
20 here. Just dealing with the phone calls and
21 whatever things that arise.

22 Q Yeah. So it sounds to me like that's
23 going to be distracting to you, right?

24 A It possibly could, yes.

25 Q Okay. Do you think that's going to

1 interfere with your ability to serve as a juror on
2 this case?

3 A I don't think it will interfere with it.
4 There's just my day-to-day life I live as a normal
5 human that I think about stuff like that. I think
6 about selling my house. I think about where we are
7 going to be a year from now. I think about my
8 day-to-day job.

9 Q Okay. I guess what I am getting at, if we
10 are sitting on this trial, and you've got people
11 that come in, and they testify, and your listening
12 to stuff, you know, are you going to be paying
13 attention to what's going on in here or --

14 A Well, I will. But when I come back from
15 lunch, there might be stuff in my head that I should
16 have dealt with something more than I dealt with
17 before I come back in the courtroom.

18 Q Okay.

19 A So yes, there could be. But I don't know.
20 I haven't been put in that position.

21 Q Okay. All right.

22 MR. DEVORE: Your Honor, may we approach?

23 THE COURT: You may.

24 (Whereupon, court and counsel had a
25 discussion off the record.)

1 THE COURT: Sir, you are excused. I thank
2 you for your service up to this point, and you are
3 free to go.

4 THE JUROR: Thank you.

5 (The prospective juror exited the
6 courtroom.)

7 (Prospective juror entered the courtroom.)

8 THE COURT: Come on in, sir. Make your
9 way up here. Do you see where that carafe and the
10 glass is for water. Although you have a bottle in
11 your hand, you certainly can have some liquid when
12 you need it. Come around the other side. Have a
13 seat right by that in the jury box. And before you
14 sit down, please raise your right hand to be sworn.

15 (The prospective juror was sworn in.)

16 THE COURT: Have a seat. If you're
17 sitting there, please pull that mic towards you.

18 First of all, state your name for the
19 record.

20 THE JUROR: Jose Aguirre. Jose Bustamante
21 Aguirre.

22 THE COURT: Jose Bustamante Aguirre,
23 right.

24 THE JUROR: Correct.

25 THE COURT: We are going to be doing some

1 questioning here today. That shouldn't surprise
2 you. We have told you that already. The process is
3 called Voir Dire. Roughly, that means to speak the
4 truth, so I will appreciate your truthfulness and
5 your cooperation.

6 I will ask you a few questions. Then the
7 defense will have the opportunity to ask you some
8 questions. Then the prosecutor may ask you some
9 questions. During the questioning there may be a
10 request from one side or the other to excuse you for
11 cause. Or there may be a request to exercise what
12 we call a peremptory challenge, or there may be
13 neither.

14 A challenge for cause occurs if one side
15 or the other thinks there is a reason that you
16 shouldn't be on the jury. I will decide that if
17 that issue is raised. A peremptory challenge can be
18 exercised by either side and that's their choice up
19 to a certain number. Either way, if one of those
20 things happen, I would simply excuse you and thank
21 you for your service.

22 So my questions for you, have you had any
23 conversations with anyone about this case since
24 filling out the questionnaire?

25 THE JUROR: No.

1 THE COURT: Have you looked up anything or
2 done any research about this case since filling out
3 the questionnaire?

4 THE JUROR: No.

5 THE COURT: There are some rules of law
6 that I think I alluded to them earlier, but some
7 basic ones are these:

8 The defendant is presumed to be innocent.
9 The state has the burden of proof. The state must
10 prove any charge beyond a reasonable doubt. And the
11 defendant does not have to prove innocence.

12 Now, those rules and other rules that I
13 give you during the trial, will you be able to
14 follow the rules of law as I give them to you?

15 THE JUROR: Yes.

16 THE COURT: Is there any reason, as you
17 sit here today, that you think you cannot be a fair
18 and impartial juror in this case?

19 THE JUROR: No.

20 THE COURT: Mr. DeVore, you may proceed.

21 MR. DEVORE: Thank you.

22 BY MR. DEVORE:

23 Q Good morning.

24 A Good morning.

25 Q Is it Mr. Bustamante Aguirre?

1 A Or Jose.

2 Q Or Jose. Okay. We typically go by last
3 names.

4 A Mr. Aguirre.

5 Q Okay. Mr. Aguirre, one of these rules of
6 law that we have is that the defendant has the right
7 not to testify. Okay?

8 A Okay.

9 Q If the judge told you that you are not to
10 hold that against the defendant if he so chooses not
11 to testify, would that be a problem for you?

12 A No.

13 Q Would you draw any inference from that if
14 he chose not to testify?

15 A No.

16 Q There could be a lot of reasons why
17 someone chooses not to do that, correct?

18 A Correct.

19 Q I see that you work for the railroad?

20 A Yes.

21 Q What do you do there?

22 A I repair the railcars.

23 Q Okay. Is that union?

24 A Correct.

25 Q And I know that you said that your wife is

1 a homemaker; is that right?

2 A Correct.

3 Q So she doesn't work outside the home?

4 A Does not.

5 Q If this trial takes a couple of weeks,
6 right, which we anticipate it won't be more than
7 that, but if it did, how would that affect your life
8 at home?

9 A I don't get paid.

10 Q You wouldn't get paid at all?

11 A Right. As far as I know, I don't. You
12 know, as far as my job.

13 Q Would that affect your status in your --
14 at your job?

15 A No, but income, I guess, would become an
16 issue.

17 Q Okay. Would that not getting paid create
18 such a problem that you wouldn't be able to focus in
19 this case?

20 A No.

21 Q I see there in one of the questions that
22 you said you like to spend your spare time -- it
23 might have just misspelled it, but it looks like it
24 says steeping, or was it sleeping?

25 A No, sleeping.

1 Q Okay. I thought that was the case, but it
2 looked like a T. Is that because you have young
3 kids and you work a lot?

4 A I work a lot and I have sleep apnea.

5 Q So tell me about the sleep apnea. Because
6 I know you mention that as a potential problem for
7 this case?

8 A I mean, I can basically fall asleep
9 whenever. Even if I sleep 8 hours a day or more, I
10 still have the tendency to doze off or fall asleep.

11 Q Okay. Do you take medication for that?

12 A From time to time if I really need it.
13 But usually it's not too big of a deal.

14 Q Are there particular circumstances that
15 make it more likely that you would have trouble --
16 that you would fall asleep than others?

17 A Sitting. If I stay active, I stay awake.

18 Q Like if you sat for an hour and 15
19 minutes, hour and a half is that -- not just sitting
20 there doing nothing, but listening and trying to
21 engage, would that be a problem?

22 A It could be. Really kind of depends.
23 Every day is different.

24 Q Okay. Have you ever fallen asleep while
25 driving or anything like that?

1 A Yes, I have.

2 Q You have a brother who is a St. Paul
3 police officer; is that right?

4 A That's correct.

5 Q And how long has he been doing that?

6 A I believe probably 14, 15 years.

7 Q And are you close to him?

8 A Yeah.

9 Q Talk to him a lot?

10 A Yeah.

11 Q If the judge told you not to talk to
12 anybody about the case, you'd be okay not talking to
13 your brother about this?

14 A That's correct.

15 Q Okay. One of the questions you were
16 asked, have you ever been convicted of a crime, and
17 you indicated me, unpaid minor?

18 A I had a warrant out for my -- for one
19 unpaid minor.

20 Q Unpaid minor?

21 A You know, minor consumption.

22 Q Oh, you got a minor consumption ticket?

23 A Well, I mean, I had a few, but yes, that
24 one I guess I didn't pay, and I got stopped, and I
25 got to come here, so ...

1 Q So you had a couple of those minor
2 consumption charges back in the day?

3 A Correct.

4 Q And so you didn't -- did you get arrested
5 for that?

6 A I got fingerprinted and put in a little, I
7 guess, holding cell.

8 Q Yeah, so you were in custody?

9 A Correct.

10 Q How did -- did anything about that process
11 that you felt like it was unfair?

12 A No. I mean, they got their process they
13 have to do, so ...

14 Q Do you think in this particular case, I
15 just want to ask you about that sleep apnea again.
16 If you're sitting for a while, do you think you
17 would be taking the medication then when you would
18 be in this trial?

19 A Ah, yeah. Either that, or some kind of
20 caffeine or substance, I guess.

21 Q Okay. Because you indicated that during
22 certain circumstances, it's more likely to flare up
23 than others; is that right?

24 A Correct.

25 Q Especially when you're sitting.

1 A Sitting. I mean, the medicine is not
2 perfect, but it does fairly well.

3 Q So if you were to take that medication,
4 does that affect your ability to listen and
5 understand things, your judgment. Does it affect
6 anything like that?

7 A No.

8 Q There is no warnings on the -- is it a
9 prescription drug?

10 A Correct.

11 Q Is there any warning that says don't drive
12 on this stuff, or anything like that?

13 A I am sure there is. But it's intended to
14 help you stay awake, so ...

15 Q Okay. Do you think if you took that drug
16 during this case that it would impair your ability
17 to function as a juror?

18 A No.

19 Q Do you have a cell phone, or any computers
20 at home?

21 A I do.

22 Q What do you have?

23 A Cell phones, computers, tablets.

24 Q Bunch of stuff?

25 A Yeah, I guess the usual that anyone would

1 have.

2 Q Okay. You have a five year old, 11 year
3 old, and a 21 year old?

4 A That's correct.

5 Q So I would imagine that at least the two
6 older ones are probably active on computers and
7 stuff, right?

8 A Correct.

9 Q How about you, do you use the computer a
10 lot?

11 A Not really.

12 Q Do you got a cell phone, or a smart phone,
13 or what kind of a phone?

14 A Smart phone.

15 Q Do you have Internet access on those
16 devices?

17 A Correct.

18 Q Do you spend a lot of time on the
19 Internet?

20 A No, I don't.

21 Q How often do you think you go on the
22 Internet and search things or do things online?

23 A Maybe 30 minutes a day, if that.

24 Q Where do you get your news? Where do you
25 find out -- how do you find out what's going on?

1 A I usually don't. I'm not looking at KARE
2 11 or anything like that. If I need a sports score
3 or something like that, then I'll look for that, but
4 that's about it.

5 Q You watch TV?

6 A I do.

7 Q Do you watch the news?

8 A No, I do not.

9 Q What kind of TV shows do you like to
10 watch?

11 A Usually sports. You know if the
12 Timberwolves are playing or the Vikings, or anything
13 sports related.

14 Q Okay. I'm going to ask you how much you
15 know about computers, generally, okay?

16 A Sure.

17 Q Do you know much about how computers work
18 for the programming behind it and things like that?

19 A I do not.

20 Q Have you ever heard of the Dark Web
21 before?

22 A No.

23 Q What type of search engine do you
24 typically use when you go online?

25 A Google pops up.

1 Q Have you heard of the terms like modem and
2 router and server; have you heard those terms?

3 A Yes.

4 Q Do you know what they are?

5 A I do.

6 Q What are they?

7 A I just bought a modem. I guess delivers
8 the Internet to my house.

9 Q Do you have one of those at home?

10 A That's correct.

11 Q And if you have a problem with it, do you
12 troubleshoot it yourself or call somebody?

13 A I do not. My oldest.

14 Q One of your kids does it?

15 A Yes.

16 Q How about a WiFi; do you know what WiFi
17 is?

18 A Yes, I do.

19 Q What's that?

20 A That's how you get it to your laptop
21 itself. I am assuming you guys are getting into
22 your laptop with it now, the WiFi in this room.

23 Q Okay. Do you know what it stands for?

24 A No, I do not.

25 Q Have you ever heard of like antivirus or

1 malware software or anything like that?

2 A I have.

3 Q Do you have that on your computers?

4 A I don't think so.

5 Q Have you ever had a problem with your
6 computer being hacked before?

7 A No, I have not.

8 Q Have you ever heard of that before
9 happening?

10 A I have.

11 Q You heard some -- what kind of stories
12 have you heard about that?

13 A Identity theft, or I guess I really don't
14 do a lot on my computer so -- other than video
15 watching and movies.

16 Q Sure. Do you do online banking?

17 A I do.

18 Q Is that on your phone?

19 A Yes.

20 Q So you have your private information
21 stored somewhere on your online banking app?

22 A Yes.

23 Q You pay bills online?

24 A I do.

25 Q Do you buy stuff online, too?

1 A Yes.

2 Q Do you use your credit card or debit card,
3 or what do you do?

4 A Credit card.

5 Q So if you order something online, you go
6 ahead and type in your credit card information?

7 A I do.

8 Q Do you do anything to verify that its a
9 legit website?

10 A I mean, I only shop at certain ones, but
11 no I don't.

12 Q Which ones do you typically shop at?

13 A Amazon, Dick's Sporting Goods. My wife,
14 Macy's.

15 Q Have you ever used Pay Pal or any other
16 secure payment sites?

17 A I have not.

18 Q How about your wife or --

19 A She just basically uses Pay Pal. I have
20 to pay the bills, so I know.

21 Q She pays them?

22 A No. I know what she did, because I have
23 to pay the bill on Pay Pal.

24 Q Oh, I see. Sure. How about MoneyGram or
25 Western Union; have you ever used those?

1 A I have not.

2 Q Do you know what those are?

3 A It's how you transfer money -- or my wife
4 transfers money to a different country.

5 Q Okay. Have you ever done that before?

6 A I have not.

7 Q Has your wife done that?

8 A She has.

9 Q Has she done it a lot or just one time, or
10 --

11 A A few times. Few times a year she sends
12 money to her mom.

13 Q In a different country?

14 A Correct.

15 Q Have you ever heard of the term Bitcoin?

16 A No.

17 Q Do you know what they are?

18 A I have an idea. Another currency,
19 somewhat popular right now.

20 Q So you have heard of it.

21 A Yes. My youngest has talked about it. My
22 11 year old has.

23 Q Okay. What do you know about it, or what
24 have you heard about it?

25 A Not a lot.

1 Q Have you heard why we have it, or why it's
2 used?

3 A No.

4 Q And so what's your normal form of payment
5 when you pay for something?

6 A Lately it's been credit card, but usually
7 cash.

8 Q How do you feel about using computers to
9 put your personal information into it? Do you feel
10 like it's safe in general, or do you feel like you
11 always have to be on guard?

12 A No, I feel it's safe.

13 Q How do you feel about the jury system, in
14 general?

15 A I really have no opinion about it. It is
16 what it is.

17 Q Have you ever served as a juror?

18 A I have not.

19 Q Do you ever hear about cases where
20 somebody is either convicted or not convicted, and
21 you feel like it was the wrong decision?

22 A I mean, if it's not me, it's not for me to
23 decide.

24 Q Okay. Fair to say that if you don't have
25 all of the information about it, it's hard to judge

1 whether or not it's the right or wrong answer?

2 A Yes.

3 Q How do you make decisions in really
4 important things?

5 A Talk it over with my wife, and go from
6 there.

7 Q Okay. At your work, do you manage anybody
8 at work?

9 A I do not.

10 Q Do you have -- how does your -- you're a
11 mechanic?

12 A Correct.

13 Q So you get to, what, analyze problems; is
14 that correct?

15 A That's correct.

16 Q Figure out solutions?

17 A Correct.

18 Q How do you do that? Is that based on your
19 training?

20 A Training and we also have a -- it's a
21 federal railroad book that tells you basically
22 what's wrong with it or how to fix it. Not too much
23 to think about. Whatever the book says we do.

24 Q Are these like cars where you can plug it
25 into a computer and then analyze it or no?

1 A No.

2 Q So if you have a problem, you look it up
3 in a book?

4 A They have books. Just more time there,
5 and the more you are going to know, I guess, how to
6 diagnose it.

7 Q Do you work in teams or just individually?

8 A Individually.

9 Q You have to go out on site and fix them?

10 A Yes.

11 Q So you have to figure out the problem,
12 figure out the solution, and then implement it?

13 A Correct.

14 Q Okay. How do you feel about crime rates
15 in our country? Do you have any opinion one way or
16 the other?

17 A No opinions on it.

18 Q Sounds like you just sort of keep your
19 head down, work hard, and provide for your family;
20 is that right?

21 A That's correct.

22 Q So what happens, like at work or anywhere
23 else for that matter, if you had somebody mention
24 something, or said something about a concept or a
25 word that you weren't familiar with, how do you

1 educate yourself on what that is? Do you go and ask
2 people or do you go online and research it, or do
3 you go into the library or what do you do?

4 A Probably just ask somebody, or if not, go
5 online.

6 Q Go to Google or something --

7 A Correct.

8 Q -- and do a search. And when you're at
9 work, do you work alone or are you working with
10 other people?

11 A Other people.

12 Q How long have you been doing that?

13 A About ten years in the current position,
14 but all together about 14, 15 years.

15 Q Ten years with the same company?

16 A Correct.

17 MR. DEVORE: All right. Just a minute,
18 Your Honor.

19 May we approach?

20 THE COURT: You may.

21 (Whereupon, court and counsel had a
22 discussion off the record.)

23 THE COURT: Prosecution may proceed with
24 questioning.

25 MS. KREUSER: Thank you, Your Honor.

1 BY MS. KREUSER:

2 Q Good morning, Mr. Aguirre.

3 A Good morning.

4 Q My name is Jamie Kreuser and I am one of
5 the prosecutors on the case. I just have a couple
6 questions for you.

7 You mentioned that when you were answering
8 Mr. DeVore's questions that you had a couple of
9 other minors when you were young, I am assuming.

10 A Correct.

11 Q And each time that happened to you, did
12 you deal with a police officer or police officers?

13 A Yeah.

14 Q Okay. Anything that stands out in your
15 mind about the way any of the police officers
16 treated you, or anybody in the court process that
17 stands out in your mind, or puts a bad taste in your
18 mouth?

19 A No.

20 Q You had said that, at work, if you're not
21 familiar with a solution to a problem, you have a
22 regulation manual that you consult?

23 A That's correct.

24 Q Let's say the book doesn't address that
25 problem at all, would you be more apt to rely on

1 your own personal experience, or would you say that
2 you'd reach out to colleagues and you would
3 collaborate for a solution?

4 A It would be with a colleague or manager,
5 they will tell you what to do.

6 Q Would you say that overall that you are a
7 big picture kind of person, or more detail oriented?

8 A Big picture.

9 Q Why do you say that?

10 A I am not really sure. I just look at the
11 bigger picture. Just kind of the way I am, I guess.

12 Q Just the way you think?

13 A Yes.

14 Q Okay. Would you say you are someone that
15 has a lot of common sense?

16 A I do.

17 MS. KREUSER: May we approach, Your Honor?

18 THE COURT: You may.

19 (Whereupon, court and counsel had a
20 discussion off the record.)

21 THE COURT: Sir, you have not been removed
22 for cause or peremptory, so you are accepted.

23 Please keep in touch with the jury coordinator and
24 the deputy in terms of when you need to call in or
25 figure out when to come back. I thank you, and you

1 may step out.

2 THE JUROR: Thank you.

3 THE COURT: Thank you.

4 (The juror exited the courtroom.)

5 (Prospective juror entered the courtroom.)

6 THE COURT: Please come forward, sir.

7 Have you sit in the jury box. See where that carafe
8 is, where those cups are. That's in case you need a
9 sip of water. So come right around --

10 THE JUROR: Can I do this, first?

11 THE COURT: You can have a sip of water,
12 yes you may. Then make your way around to the jury
13 box, so you can have a seat right there. No. No.
14 Jury box. Set down that cup, but then I'd like you
15 to stand and raise your right hand to be sworn.

16 (The prospective juror was sworn in.)

17 THE COURT: Have a seat. Please state
18 your name for the record.

19 THE JUROR: Jeremey Ekren.

20 THE COURT: Okay. Mr. Ekren, I know you
21 have filled out a questionnaire. You have heard
22 what I said a few days ago, so you know we are doing
23 some individual questioning. This thing that we
24 call Voir Dire, which is this French term that
25 roughly means to speak the truth. So I will

1 appreciate your truthfulness and your cooperation.

2 I will be asking you things first. Then
3 the defense will have a chance, and then the
4 prosecution will have a chance.

5 Now, during questioning, there may be a
6 request from one side or the other to excuse you for
7 cause. Or there may be a request to exercise what
8 we call a peremptory challenge, or there may be
9 neither one of those things.

10 Now a challenge for cause occurs if one
11 side or the other thinks there is a reason you
12 shouldn't be on the jury. Then that would be
13 brought to me and I would decide that. A peremptory
14 challenge can be exercised by either the defense or
15 the prosecution. They have a certain number that
16 they can exercise. They decide that. So if either
17 one of those things happen, I will tell you that you
18 are excused, and that you are thanked for your
19 service. So we will proceed.

20 My first question to you is, have you had
21 any conversations with anyone about this case since
22 filling out the questionnaire?

23 THE JUROR: No more than what you said we
24 could say.

25 THE COURT: Explain.

1 THE JUROR: I just told my wife that --
2 all I told her was the amount of time that I could
3 potentially be here, three weeks, from the
4 questionnaire. I told my boss the same thing. It
5 was a criminal case and that's it. That's all I
6 have told anyone.

7 THE COURT: Have you looked up anything or
8 done any research about this case since filling out
9 the questionnaire?

10 THE JUROR: I have not.

11 THE COURT: There are some rules of law I
12 alluded to that earlier. There will be several
13 rules given to you if you are a juror in this case.
14 The first of those would be that the defendant is
15 presumed to be innocent. That the state has the
16 burden of proof. That the state must prove any
17 charge beyond a reasonable doubt. That the
18 defendant does not have to prove innocence.

19 Now those, or other rules that I may give
20 you, will you be able to follow those rules of law
21 as I give them to you?

22 THE JUROR: Yes.

23 THE COURT: Is there any reason that you
24 think you can not be a fair and impartial juror in
25 this case?

1 THE JUROR: No.

2 THE COURT: Mr. DeVore.

3 MR. DEVORE: Thank you.

4 BY MR. DEVORE:

5 Q Good morning.

6 A Good morning.

7 Q Mr. Ekren, you filled out this
8 questionnaire last Friday; do you remember?

9 A Yes.

10 Q Has there been anything in the last few
11 days, then, that has come up or that you remembered,
12 or came to light that would change any of your
13 responses, or that you would add to this
14 questionnaire form?

15 A No, I don't believe so. No.

16 Q What do you do for a living?

17 A I am Design Engineer.

18 Q What does that mean?

19 A Means I design pressure vessels for
20 propane transportation. Semitrailers that haul
21 propane liquid.

22 Q So you work for a company that
23 manufacturers those?

24 A Mm-hmm. We design and manufacture.

25 Q And how big of a company is this?

1 A Over 1,000.

2 Q Are you the only one in that particular
3 position?

4 A I am not, no.

5 Q So when you are gone, for instance like
6 right now, is there somebody that fills in for you?

7 A On a single day, probably not, no. There
8 are people that can answer questions. Extended
9 period of time we would have to take the work that I
10 am working on and give it to various other people.

11 So the question is, a lot of stuff I do is
12 in production, so if there are questions on the
13 things that I am working on in manufacturing, then I
14 will receive questions, phone calls, on the things
15 that I'm working on.

16 Q Do you have a lot of stuff that you are
17 working on?

18 A I do. Yes.

19 Q What are your normal work hours?

20 A Normal work hours are from 7:30 to 5:00.

21 Q So when you say a prolonged absence, what
22 do you mean by that? You said that they can cover
23 you for a day, but what's a prolonged absence?

24 A Anything over a few days.

25 Q Okay. If I was to tell you that we would

1 anticipate, no promises, but we would anticipate
2 this trial could be done say by the end of the
3 month. So like less than three weeks, but two weeks
4 approximately, would that help with your concern
5 about being gone from work?

6 A Not really. I mean, there are still
7 several projects that I am working on. That, yes,
8 they can handle it. But we'd be putting my work on
9 top of other people's at work. So it would --
10 something would have to fall at work. That's a
11 decision, I guess, my boss would have to make as to
12 what goes where and what takes priority.

13 Q Are you salary or hourly?

14 A Salary.

15 Q So I know that one of your responses when
16 asked if you had any special circumstances that
17 would make it difficult for you to sit as a juror,
18 you said that -- well, you said both, but I think
19 you ended up saying yes.

20 A Yes.

21 Q Then you said, not sure if I would be
22 reimbursed from employer.

23 A Yes.

24 Q So if you were sitting on a jury here, you
25 don't think they would pay you for your time?

1 A I would have to talk to my boss about that
2 to make sure that it's clear. I don't know that I
3 know the company policy. I do know that he said
4 that if I could keep up with emails, answering
5 questions, that it wouldn't be an issue, or not to
6 worry about it, is what he told me.

7 Q So when you keep up with emails, what are
8 you going to have to do? Let me just tell you a
9 typical day. Start at 8:30, 9 o'clock, go to
10 10:30ish. Short little break, maybe 15 minutes.
11 Then go to about noon typically, and then you'll
12 have off to 1:00, 1:30. Go to 3:00, something like
13 that. And then you'll have another 15 minutes,
14 typically. Then go to 4:30 or so. That would be
15 your typical day as a juror.

16 A Sure.

17 Q What would you be doing to keep up with
18 work? Would you be jumping on your phone, jumping
19 on your computer?

20 A Computer probably before and after hours.

21 Q Okay. What kind of hours would you have
22 to put in in the evenings and stuff?

23 A Two, potentially. I guess, I don't know.
24 That's what we talked about. I wouldn't anticipate
25 more than two hours.

1 Q I guess what I am getting at, is your life
2 outside of this courtroom going to be so demanding
3 that it's going to interfere with your ability to
4 focus on this case?

5 A Potentially. I just had a kid. She is
6 nearly six months old now. Sometimes she doesn't
7 sleep. So, obviously, that comes first. So I mean,
8 I just don't know -- I just want to talk with him
9 about if I can't keep up, and that's visible work, I
10 don't know what happens from there. I guess, I am
11 not sure.

12 What we talked about was what my work load
13 is, and what this could be, what I would need to do.
14 That would be to answer any questions that come up
15 with projects that are currently running through the
16 shop. Any production, I guess. Follow through with
17 and respond to any emails, and any extra things that
18 I can do to help the factor at work.

19 Q All right. Another line of questioning I
20 want to ask you about is whether this is the right
21 fit for you. You were asked, what do you think
22 about -- what did you think about when you heard
23 what the charges were in this case. Your response
24 is that I am not prepared to handle a case like
25 this. A person's life in the balance.

1 I just want to get -- I am trying to gauge
2 your temperature on how much you don't feel that you
3 are prepared to handle a case like this?

4 A It's something that's been on my mind
5 since really I heard the charges and over the
6 weekend. Trying to understand what's asked of me.
7 I guess I am unsure of my ability to be able to do
8 that. It's something that I am very unsure.

9 Q Does it interfere with your sleep?

10 A Even over the weekend, I don't know that
11 it interfered with my sleep. At any moment that was
12 free, it was something that this now was something
13 that I was thinking about.

14 Q Is it a religious interference? Or what
15 kind of religious beliefs do you have?

16 A Catholic, but it's not that. It's anxiety
17 of sitting through and being part of this.

18 Q You were also asked, how do you feel about
19 being a juror in this type of case. Your answer was
20 apprehensive. Unsure about my abilities to make
21 correct judgment. Uneasy about details and what
22 needs to be reviewed.

23 Are you worried about this type of stuff
24 that you would have to look at and listen to.

25 A Yes. Again that was one of the things

1 that went through my mind this weekend. I think it
2 will be something that will stick with me for a long
3 time.

4 MR. DEVORE: Judge, may we approach?

5 THE COURT: You may.

6 (Whereupon, court and counsel had a
7 discussion off the record.)

8 THE COURT: Okay. At this point, I am
9 going to allow Ms. Kreuser to ask you some
10 questions. Go ahead.

11 BY MS. KREUSER:

12 Q Hi there. Mr. Ekren, my name is Jamie
13 Kreuser and I am one of the prosecutors in the case.
14 I just have a few followup questions for you.

15 Now, congratulations on your six month
16 old. You are married?

17 A Yes.

18 Q What does your wife do?

19 A She is a teacher.

20 Q Okay. Is she -- does she work full time
21 as a teacher?

22 A Yes.

23 Q Who takes care of your daughter during the
24 day then?

25 A We send her to day care.

1 Q Okay. Great. You had, in answering one
2 of Mr. DeVore's questions, you had said that you had
3 spoken with your boss, though, about the fact that
4 you were called for jury duty, correct?

5 A Correct.

6 Q And so at this point things do seem that
7 he has given you sort of a plan going forward, in
8 terms of answering questions and emails and things
9 like that, correct?

10 A Yes. Correct.

11 Q Now, in a couple of your answers, the fact
12 that you had said that you didn't know if you were
13 prepared to handle a case like this, and you're
14 unsure if you could really judge this case. Is it
15 fair to say that it's understandable that you have
16 that apprehension just knowing what you know now,
17 and nothing further, right?

18 A Correct.

19 Q Okay. Do you think that if you were on
20 the jury, and the judge instructs you as to the law
21 that you are supposed to use in order to make your
22 decisions, that might alleviate some of that
23 apprehension?

24 A I don't know. I think it's just the
25 weight of the whole thing. It would be hard to say

1 it just in terms of the law. I guess I don't know.

2 I am still very -- not sure.

3 Q And one of your answers you kind of talked
4 about that you were, perhaps, apprehensive about
5 viewing some pictures that might come into evidence
6 in this case, correct?

7 A Correct.

8 Q Do you think that, given the fact that
9 these pictures would come in through experts,
10 professionals, people within their job capacity like
11 doctor, medical expert, or police, that might
12 cushion that for you, knowing that when you were
13 going to see these pictures and the capacity that
14 you would see them?

15 A I don't know what they are. So my mind
16 goes to something terrible. If that's the case,
17 then no, even if they are shown in a way that makes
18 them professional or able to view. I just don't
19 know what is in front of me. Maybe it's anxiety,
20 maybe it's apprehension of it. I don't think
21 that -- not knowing what it is without seeing it, I
22 can't say yes or no now. So I can't say yes that
23 that would make it any better.

24 MS. KREUSER: May we approach, Your Honor?

25 THE COURT: You may.

1 (Whereupon, court and counsel had a
2 discussion off the record.)

3 THE COURT: All right. Mr. Ekren, you are
4 excused from jury service on this case. I thank you
5 for your service and go with the deputy. You are
6 excused. Thank you very much.

7 (The juror exited the courtroom.)

8 THE COURT: We will take a lunch break.

9 (The lunch recess was taken.)

10 THE COURT: Okay. A prospective juror is
11 on the way. I will simply note that jurors number 4
12 and 6 have been stricken for cause. And juror
13 number 3 has been removed with a peremptory
14 challenge from the defense. With that, let's
15 proceed as soon as we can.

16 (Prospective juror entered the courtroom.)

17 THE COURT: All right. Please come
18 forward. You will be seating in the jury box in the
19 front row. Please keep coming. And you will see a
20 carafe and a cup there, so you will have access to
21 that if you wish to have water. Before you sit,
22 please raise your right hand to be sworn.

23 (The prospective juror was sworn in.)

24 THE COURT: Now, have a seat. State your
25 name for the record, please.

1 THE JUROR: Kathleen Lois Guerin.

2 THE COURT: Okay. And we will be doing
3 some questioning, of course, along the lines of that
4 term I gave you from French, Voir Dire, which has to
5 do with speaking the truth. So I appreciate your
6 continuing to do that and your cooperation.

7 I will ask a couple of questions, maybe
8 three or four. Then we will move to the defense.
9 And then the prosecution, depending on the
10 situation. And during the questioning, there may be
11 a request from either side to excuse you for cause,
12 or a request to exercise a peremptory challenge, or
13 there may be neither one.

14 A challenge for cause occurs if one side
15 or the other thinks there is a reason that you
16 should not be on the jury. I would make that
17 decision. A peremptory challenge can be exercised
18 by either side. They have a certain number that
19 they can exercise, and they decide that. So that's
20 up to them. If one of those things happen, I would
21 simply thank you for your service, and you would be
22 excused.

23 But right now, I am going to ask you have
24 you had any conversations with anyone about this
25 case since filling out the questionnaire?

1 THE JUROR: I had a conversation telling
2 my husband that I am considered as a prospective
3 juror.

4 THE COURT: Okay. That was all.

5 THE JUROR: Mm-hmm.

6 THE COURT: Okay. Thank you. Have you
7 looked up anything, or done any research about this
8 case since filling out the questionnaire?

9 THE JUROR: No.

10 THE COURT: I gave you some rules of law,
11 and there are some basic ones I am going to repeat
12 now. The defendant is presumed to be innocent. The
13 state has the burden of proof. The state must prove
14 any charge beyond a reasonable doubt. The defendant
15 does not have to prove innocence. That and other
16 rules will be given by me to a jury during a trial.
17 Will you be able to follow the rules of law as I
18 give them to you?

19 THE JUROR: Yes.

20 THE COURT: Is there any reason that you
21 believe that you cannot be a fair and impartial
22 juror in this case?

23 THE JUROR: No.

24 THE COURT: Mr. DeVore.

25 MR. DEVORE: Thank you.

1 BY MR. DEVORE:

2 Q Good afternoon.

3 A Hi.

4 Q Ms. Guerin, I have a question along those
5 same lines. A defendant has a right not to testify
6 in a case. And if the judge tells you that and
7 tells you not to draw any inference from that, would
8 you be able to do that?

9 A I believe so.

10 Q You don't have any preconceived notion
11 that if somebody chooses not to testify that
12 necessarily means good or bad?

13 A No.

14 Q You wouldn't hold that against the
15 defendant if he chose not to testify?

16 A No. I believe that's their right.

17 Q Okay. Thank you. Now, you indicated on
18 your questionnaire form, and we have a copy of it,
19 that you spent 26 years working Deluxe Corp as a
20 customer service rep?

21 A Mm-hmm.

22 Q What kind of responsibilities did you have
23 as a customer service rep?

24 A The main responsibility is customer calls.
25 Taking their check, or form, or deposit order as

1 accurately as possible. Or when they called, if
2 they had a problem, my responsibility was to satisfy
3 them as best as I could.

4 Q Okay. Did you work at the headquarters
5 office?

6 A It's small business office off of Victoria
7 Street in Shoreview.

8 Q And did you have anybody working beneath
9 you; were you managing anybody?

10 A No.

11 Q So when you had -- when people would call
12 in, was it up to you, then, to decide what their
13 issue was and then maybe how to solve it?

14 A Yes.

15 Q And you did that kind of a job for like 26
16 years?

17 A Yes. I am still in that same kind of
18 work.

19 Q Okay. You're still working?

20 A Yes.

21 Q I thought you were retired. Where are you
22 still working at?

23 A At Deluxe Corp on Victoria Street.

24 Q Oh, you're still doing that?

25 A Yes.

1 Q Okay. I misread your questionnaire form,
2 my apologies. Now, is there any questions that, you
3 know, you have had a few days to think about this
4 case and what you know of it, and what questions we
5 asked. Is there anything that you thought of in the
6 last few days, or that came to your mind that you
7 forgot to put in here, or that you wanted to change
8 any answers in here at all. Is there anything like
9 that?

10 A I don't think so. I think I asked my
11 husband about certain family members, if they were
12 close or not, but he agreed with me that they
13 weren't close.

14 Q Sure. And you're probably referring to
15 some of the questions that we asked like, you or a
16 close family member or friend ever work in this
17 field or do this thing?

18 A Right. Right.

19 Q I am not going to get into all of those
20 details on that, but suffice it to say you wouldn't
21 have changed any of your answers then, is that what
22 you're saying?

23 A No.

24 Q Now, you indicated that you would tend to
25 believe a police officer more than any other

1 witness; is that what you said in your
2 questionnaire?

3 A I don't believe that I said I would tend
4 to believe more than anyone else. But that if there
5 was a written statement, or information, I wouldn't
6 have any reason not to believe a police officer.

7 Q Okay. Let me ask you, if you had a person
8 that got on the witness stand that was not a police
9 officer, would you have a tendency to either believe
10 or disbelieve them?

11 A Well, they are under oath, so I would
12 believe them.

13 Q So kind of equal to a police officer,
14 then?

15 A If they are under oath.

16 Q Sure. So just because of somebody's
17 occupation, you wouldn't necessarily believe them or
18 not believe them, purely because of what they do for
19 a living, correct?

20 A Correct.

21 Q You would listen to what they say and then
22 evaluate it on your own?

23 A Correct.

24 Q Now, if we asked you about your feelings
25 about the fairness of our jury system in this

1 country, and you said that sometimes a jury does not
2 get all info about a case, then you listed the OJ
3 Simpson case.

4 A Right. I remember when -- well, it was on
5 TV everything about it, and I remember -- and I
6 think it was jurors who said, after the fact, that
7 they didn't have all of the information given. And
8 I was comparing that to the civil suit.

9 Q Sure.

10 A Versus the trial.

11 Q Okay.

12 A So that's what I meant by that.

13 Q All right.

14 A Whether they did get all of the
15 information, I don't know. But I remember a juror
16 stating that they did not get all of the
17 information.

18 Q Okay. Did that leave you with a feeling
19 that maybe justice wasn't served or something in the
20 OJ Simpson case?

21 A Well, I think at that time, it led me to
22 think the trial he was found not guilty. But then
23 he was found guilty of a civil. Maybe I didn't
24 understand the difference. But at that time, I
25 remember thinking that was odd.

1 Q All right. Okay. And how closely did you
2 watch the OJ Simpson trial back then?

3 A Oh, I didn't watch it every day, but I
4 don't know, maybe 50 percent of the time. I was
5 busy with my kids so. It wasn't like I got up in
6 the morning and that was my goal for the whole day.
7 It was just widespread.

8 Q You were asked what your main source of
9 news is. Looks like you have quite a variety of
10 different places where you get your news from; is
11 that fair to say?

12 A Well, besides the newspaper. We probably
13 watch channel 9 the most. Given the fact that I
14 work 10 hour days, I don't always get to watch the
15 news maybe until 9:00, if I do, and mostly it's the
16 weather that I am interested in.

17 Q So you work 10 hour days. What are your
18 hours that you keep usually?

19 A 7:00 to 5:30 Mondays and Tuesdays. And
20 then I'm down to 32 hours a week. So on Wednesdays
21 I work from 7:00 to 3:00. And on Thursdays I work
22 from 7:00 to noon, give or take some extra time when
23 they are busy.

24 Q What happens if you are picked to be on
25 this jury, and we spend a couple of weeks in this

1 trial, what happens at work?

2 A They excuse me.

3 Q They cover you?

4 A Mm-hmm.

5 Q Somebody would step in and cover you while
6 you were gone?

7 A Well, in my department there are probably
8 20 of us that, you know, take orders, answer the
9 phones. So I would be covered by one of my team
10 members.

11 Q Sure. So your job isn't so pressing that
12 you wouldn't be able to stay focused on this case,
13 correct?

14 A Correct.

15 Q And your favorite TV show, I don't
16 recognize it. Empire? Is that what you put down?

17 A Yes. It was a musical drama series. A
18 lot of music in it.

19 Q Okay. And then The Voice.

20 A Yep. Voice is a musical, too.

21 Q All right. You indicated that you might
22 have a little trouble if we have long stretches of
23 time, if you couldn't stand and stretch; is that
24 right?

25 A I am noted for having to stand during

1 meetings. At my desk, I have a raised desk. I find
2 myself standing a lot.

3 Q Like how often? What's a long period of
4 time for you to be able to sit down?

5 A Well, I have to remind myself to sit down.
6 So maybe I am standing like an hour at a time, two
7 hours at a time.

8 Q I mean, like if you were in this situation
9 where you would be sitting, how often do you think
10 you would need to get up and stretch?

11 A I can sit as long as I have to. But, you
12 know, when I get up, I probably suffer for it if I
13 am sitting more than three hours.

14 Q Oh, sure. I think I would be suffering,
15 too. We should be safe on that.

16 A If I had my choice, I would say I like to
17 stand. I could stand all day. But sitting is a
18 little rough.

19 Q And you're aware of the nature of the
20 charges in this case, right?

21 A Yes.

22 Q And you indicated very serious, that was
23 what your thought was, right?

24 A Yes.

25 Q And you thought you could be fair. What

1 did you mean by that. What does it mean to be fair
2 as a juror in your mind?

3 A Well, for me to be fair would be to listen
4 to both sides and not think of what they meant, but
5 listen to what is actually presented. I think even
6 at my job, you know, if somebody is explaining to me
7 their problem, I may think I know, but until I
8 actually hear them out, I usually repeat it back to
9 them to make sure I understood it correctly.

10 Q Let me ask you, if somebody said something
11 to you, or you heard something that you weren't
12 aware of the word, or concept; how would you educate
13 yourself?

14 A If I wasn't familiar with a word?

15 Q Yes.

16 A If I didn't understand it?

17 Q Didn't understand. Would you ask somebody
18 about it?

19 A Well, I would probably, hopefully, get
20 some information before that would happen. My best
21 guess would be to definitely find out what that
22 meant.

23 Q How would do you that? What would be your
24 normal course? Would you go and ask a friend, or
25 would you go online and look it up, or go to the

1 library?

2 A I think I would probably ask the judge.

3 Q I mean in your regular life.

4 A Oh, in my regular, I'm sorry. I would
5 look up the word.

6 Q Online?

7 A Dictionary, online. At work on our
8 computer, we have a dictionary that we can look up.

9 Q Sure. All right. Let's talk about your
10 use of electronics. Do you use a cell phone?

11 A Cell phone, and computer at work, computer
12 at home. I don't have an iPad or Blackberry.

13 Q What kind of a cell phone, do you have a
14 smart phone or is it a --

15 A No. It's not a smart phone.

16 Q Does it have Internet access on the phone?

17 A Yes.

18 Q Do you look at the Internet on your phone?

19 A I Google. No. I guess not on my phone I
20 don't use the Internet. I use the Internet like at
21 work, but not on my phone.

22 Q You have the capability on your phone, but
23 you just don't use it that often?

24 A Yes.

25 Q How about at home, you have a computer at

1 home?

2 A Mm-hmm.

3 Q And you have get Internet access there?

4 A Yes.

5 Q Do you ever spend time looking around on
6 the Internet?

7 A No. No, I don't. I am on the computer
8 all day long. Unless my grandchildren were to ask
9 me something and I say you look it up. But I can't
10 really say there is too much I am interested in
11 looking up.

12 Q So you're not surfing the web every day?

13 A No.

14 Q Have you ever heard of the term Dark Web?

15 A No.

16 Q Do you know anything about how computers
17 are programmed or anything like that?

18 A No.

19 Q Have you heard of the terms like modem and
20 router?

21 A Modem. My son said he installed a modem.

22 Q Do you know what that's for?

23 A I think it's for Netflix.

24 Q For Netflix.

25 A I thought that's what he said.

1 Q And then what about WiFi; have you heard
2 of that term before?

3 A Yes, I have.

4 Q Do you know what that means?

5 A Just a system -- my grandkids will tell me
6 they are not able to get on sometimes because of my
7 WiFi. I am not -- I am probably informed, but I am
8 not savvy when it comes to that.

9 Q How about like antivirus software and
10 malware?

11 A Yes. We have antivirus on our computer.

12 Q At home?

13 A Mm-hmm.

14 Q But do you know what that's for?

15 A Anyone trying to get into our computer.

16 Q Okay. Kind of keeps a roadblock for them?

17 A Or protects our computer, our information
18 on our computer.

19 Q Have you ever had a problem with your
20 computer being hacked or anything like that?

21 A No, not to my knowledge. Unless my
22 husband didn't tell me, but no.

23 Q When you have a problem with your
24 computer, what do you do? Do you bring it into the
25 store?

1 A My husband takes care of that. If there
2 is any problem, he will call Comcast.

3 Q Have you ever at work maybe done a
4 webinar, or that your work is logged in remotely to
5 either your computer at work or home, where they can
6 do stuff on your computer. Have you ever done that
7 before?

8 A IT. IT has checked our computers from
9 time to time.

10 Q Do they ever do that remotely, so not when
11 they are sitting at your computer, but they --

12 A They have done that from where they are
13 at. You know, different times I remember them
14 saying, do you mind if I take it over? So I know
15 they are doing something.

16 Q Yeah. And sometimes you can even see the
17 little cursor move around?

18 A Right.

19 Q All right. How about your use of the
20 computer. Do you use that for -- like do you do
21 online banking?

22 A No.

23 Q How do you pay your bills, typically?

24 A My husband does.

25 Q Does he use online banking?

1 A No, he doesn't.

2 Q He writes out checks?

3 A Yes.

4 Q How about, like, do you ever go online and
5 order something on Amazon?

6 A I don't. No, I don't.

7 Q Don't do that stuff?

8 A No.

9 Q Do you ever give out your personal
10 information online, I mean, when you order
11 something, or if you use the computer, give out your
12 credit card information?

13 A I have given it to my daughter-in-law and
14 my two daughters. I have given my credit card
15 information to them if they are ordering something
16 for me. Usually at Christmas time, or for the
17 birthdays for the grandkids. You know, if they want
18 to order the gift through -- I know they go through
19 Amazon, because they have told me.

20 Q Usually someone else does the ordering for
21 you?

22 A Yes.

23 Q Okay. How about have you ever heard of
24 Pay Pal before?

25 A No.

1 Q Have you ever sent a MoneyGram or used
2 Western Union or anything like that?

3 A No.

4 Q How about the term Bitcoin, have you ever
5 heard of that before?

6 A Say it again.

7 Q Bitcoin, have you ever heard of that
8 before?

9 A No.

10 Q All right. Do you have any specific or
11 particular feelings about our country and their
12 crime rates. Are they bothersome for you, do you
13 think they are out of whack, or you don't really
14 know that much about them?

15 A Our crime rates?

16 Q Yeah.

17 A Well, I guess it bothers me whenever I
18 hear of shootings going on in the metro area,
19 Minneapolis and St. Paul. That bothers me.

20 Q Okay. You mostly get that from watching
21 the news?

22 A Yeah.

23 Q Yeah, they're good about covering that
24 kind of stuff, huh? Do you have any experience --
25 do you own a dog?

1 A No.

2 Q Have you ever been through any dog
3 training classes or anything like that?

4 A Yes, with my daughter's puppy.

5 Q Was that just a real simple class or was
6 it more involved than that?

7 A Well, Gus was a little pug. Well, it was
8 interesting. It was, you know, a lot of patience.

9 Q More of an obedience class?

10 A Right. Mm-hmm.

11 Q All right.

12 MR. DEVORE: May I approach, Your Honor?

13 THE COURT: Yes.

14 (Whereupon, court and counsel had a
15 discussion off the record.)

16 THE COURT: Prosecution may proceed.

17 BY MR. FINK:

18 Q Good afternoon.

19 A Good afternoon.

20 Q Just got a couple of questions for you.

21 In your spare time, you bond with your
22 grandchildren; how many do you have?

23 A Ten.

24 Q Holy cow. What are the age ranges?

25 A The oldest is 27 and the youngest is 4.

1 Q What do you do with them?

2 A Well, currently I have two grandsons --
3 three grandsons that play hockey. So we are going
4 to games a lot.

5 Q So grandma has become a hockey fan?

6 A Yes.

7 Q When IT remotely takes over your computer
8 at work?

9 A Mm-hmm.

10 Q That requires your consent, right?

11 A Yes.

12 Q Because otherwise just you only have
13 access to that computer, right?

14 A Right.

15 Q So you had your purse taken, when was
16 that?

17 A 20 years ago I want to say.

18 Q Where?

19 A We lived on Winter Street in St. Paul.
20 And I was walking/crossing the street. I was
21 walking to Bethesda Hospital to visit my friend. I
22 was just kind of crossing over a street. A man was
23 coming towards me. A kid was coming towards me. I
24 probably had it like this. I usually carry a purse
25 over my shoulder. Just grabbed it and ran. And I

1 mean, there was nobody out. It was only around 5:30
2 at night.

3 Q Still light?

4 A Light, mm-hmm.

5 Q You ultimately found the purse in the
6 trash, you said, right?

7 A Right. I got a call from Mount Airy.
8 Somebody had found it in the trash I remember.

9 Q What was missing?

10 A Just the money that I had in there. All
11 of my credit cards were left. My identification.
12 So it was just the cash that I had.

13 Q And you reported that to the police?

14 A Yes. Yep.

15 Q Do you know if anything ever -- if any
16 arrest was ever made?

17 A No.

18 Q Would you characterize yourself as big
19 picture oriented or detail oriented?

20 A Detailed.

21 Q Why do you say that?

22 A Well, I say that probably because I am
23 more inclined to read information versus just
24 looking at pictures. That's how I would find
25 myself.

1 Q Do you make a lot of decisions in your
2 work?

3 A I would say there is a fairly few -- well,
4 there is probably a lot of problems that we get
5 called in about orders, so maybe 50/50.

6 Q Okay. So you do a lot of problem solving
7 in your job?

8 A Right. Well, taking care of orders.
9 Correcting them. I would say 50 percent.

10 Q Okay. Do you think that you have a lot of
11 common sense?

12 A I think so.

13 Q Are there occasions either at work, or
14 church, for you to listen to oral presentations?

15 A Well, definitely at church every Sunday, a
16 sermon.

17 Q How about work?

18 A At work, I would say maybe once or twice a
19 month we go to meetings where we are listening to a
20 presentation. Always getting training, always
21 updates.

22 Q So you rely on those oral presentations to
23 highlight the important information?

24 A Right.

25 MR. FINK: May we approach?

1 THE COURT: You may.

2 (Whereupon, court and counsel had a
3 discussion off the record.)

4 THE COURT: Ma'am, there are no challenges
5 for cause or peremptory, so you remain. And I am
6 going ask you to touch base with the jury
7 coordinator and anyone else necessary to know when
8 to call in so you know when to come back.

9 THE JUROR: Its been decided.

10 THE COURT: Yes, ma'am.

11 (The juror exited the courtroom.)

12 (Prospective juror entered the courtroom.)

13 THE COURT: Okay. Come forward. Going to
14 have you take a seat in the jury box. Keep going.
15 Turn the corner and come on back to that front row.
16 You see where that carafe is in case you need a
17 drink of water.

18 THE JUROR: Perfect.

19 THE COURT: And before you sit down, raise
20 your right hand, please, to be sworn.

21 (The prospective juror was sworn in.)

22 THE COURT: Please state your name.

23 THE JUROR: Nadine Schultz.

24 THE COURT: All right. Ms. Schultz, you
25 know that this is involving individual questioning

1 of prospective jurors. The French term Voir Dire
2 that I referred to the other day simply means it has
3 to do with telling the truth. So I appreciate your
4 truthfulness and your cooperation.

5 I will be asking you a short list of
6 questions. Then we move to the defense and the
7 prosecution. During the questioning there may be a
8 request to excuse you for cause. Or there may be a
9 request from one side or the other to exercise a
10 peremptory challenge, or there may be neither.

11 Now, a challenge for cause simply means
12 that one side or the other thinks there is a reason
13 for you not to be on the jury. They will bring that
14 to me and I will make that decision. A peremptory
15 challenge can be exercised by either the defense or
16 prosecution. They have a certain number of those
17 that they can exercise, and they decide that. So if
18 one of those things happens, I will simply excuse
19 you, and thank you for your service.

20 Now, as to the questions. Have you had
21 any conversations with anyone about this case since
22 filling out the questionnaire?

23 THE JUROR: No.

24 THE COURT: Have you looked up anything or
25 done any research about this case since filling out

1 the questionnaire.

2 THE JUROR: No.

3 THE COURT: I gave you some rules, and I
4 am going to state four of them again. There are
5 basic rules of law. The defendant is presumed to be
6 innocent. The state has the burden of proof. The
7 state must prove any charge beyond a reasonable
8 doubt. The defendant does not have to prove
9 innocence.

10 Now, those are basic rules. There are
11 others rules that I may give you during the trial.
12 Will you able to follow the rules of law as I give
13 them to you?

14 THE JUROR: Yes.

15 THE COURT: Is there any reason that you
16 think that you cannot be a fair and impartial juror
17 in this case?

18 THE JUROR: I don't think so. I would try
19 to be fair.

20 THE COURT: Mr. DeVore, your turn.

21 MR. DEVORE: Thank you.

22 BY MR. DEVORE:

23 Q Good afternoon.

24 A Hi.

25 Q You answered the questionnaire a couple of

1 days ago?

2 A Correct.

3 Q Is there anything that has come to mind,
4 or that you've remembered or thought of that you
5 would make some changes to or add to?

6 A I don't believe so.

7 Q The judge just gave you some, what we
8 call, rules of law in this trial. A defendant has
9 the right to not testify. If the judge told you
10 that you're not to draw an inference from that, or
11 assume anything by that, would you be able to follow
12 that instruction.

13 A Yes.

14 Q Okay. You wouldn't draw a conclusion just
15 because the defendant chose not to testify?

16 A I don't think so.

17 Q Now, I am looking at your questionnaire
18 form, and it looks like you are registered nurse?

19 A Correct.

20 Q And you've been doing that -- how many
21 years have you been doing that?

22 A 12 years.

23 Q And you're at St. Paul Children's.

24 A Correct.

25 Q That's how you know Dr. Hudson?

1 A Correct.

2 Q How often do you work with Dr. Hudson?

3 A Very rarely. In passing three or four
4 times a year.

5 Q Do you work with him on cases and things
6 like that?

7 A Very briefly. Where he will -- if we have
8 a case where he is involved in, he will come in and
9 we might have a conversation. But mostly the stuff
10 he does on his own without involving nursing as
11 much.

12 Q Tell me specifically what do you do?

13 A I am a nurse on neuroscience unit where we
14 primarily work with kids with epilepsy seizures,
15 brain tumors, anything with the brain. Also mental
16 health and behavioral health patients. And then any
17 kids that have been abused, primarily if they have
18 traumatic brain injuries.

19 Q So these are kids that would be there for
20 long term?

21 A Some of them are, yes. Depending on the
22 severity of their illness, or trauma, or injury.

23 Q Do you ever get called in to testify for
24 court?

25 A I have not.

1 Q Have you ever been interviewed by a police
2 officer regarding a case you might be working on?

3 A I have not.

4 Q And you are in a managerial role?

5 A Yep. Along with being a floor nurse, I am
6 also the charge nurse. So when I am in charge, I
7 would be the primary nurse that is making
8 assignments. Kind of knowing what's going on with
9 all of the patients and a resource for all of the
10 other nurses on the floor.

11 Q What does it take to become that kind of a
12 charge nurse? Do you have to go to school, or you
13 have to work for a long period of time?

14 A It goes along with experience and kind of
15 the qualifications with communicating with other
16 patients and families. So it's all of those things.
17 If you excel at those things, they would prompt you
18 to be in charge?

19 Q So in essence you've earned it?

20 A Yes.

21 Q Through your work and you've been noticed
22 and you've been asked to move up the ranks?

23 A Yes.

24 Q How many nurses do you oversee then?

25 A Usually about -- if we are at full

1 capacity, nine. Then also three to four nursing
2 assistants as well.

3 Q And in that capacity, do you have occasion
4 where you have to settle arguments, or disputes, or
5 disagreements between your nurses?

6 A Very rarely with nurses. It's mostly if
7 there are concerns with parents. If parents have
8 concerns. If there is sometimes in the nature if
9 the parents are not getting along. Sometimes I will
10 be the first one to go and kind of chat with
11 families. Kind of acting as the person -- if the
12 parent is having a problem with a nurse, I will go
13 in as that neutral person to try to get the family
14 side of the story and settle any -- if they are not
15 satisfied with something that's happening.

16 Q Okay. And would you say when you enter
17 into, I will just call it a situation, do you go in
18 with your mind closed on what you're thinking, or do
19 you go in with your mind open and look at both
20 sides?

21 A I have to go in with my mind open and just
22 going in and trying to talk to the families to find
23 out -- just ask open-ended questions. What the
24 situation is, and then acknowledging what's
25 happening with them. And then we kind of have an

1 acknowledgment and apologize that we carry through
2 with all the families. So I work closely with that
3 model.

4 Q And sometimes you have to make tough
5 decisions that might be against the will of one
6 person or another?

7 A I never have to do that on my own. I
8 always have the support of a higher up manager, or
9 supervisor. If it escalates, I always have the
10 backup of other people. If it's a touchy situation,
11 we also have social workers that I work closely with
12 as well. To have them available as well.

13 Q All right. Now, obviously as a nurse, you
14 probably have some familiarity with medical
15 terminology; is that fair to say?

16 A Yes.

17 Q Do you also have knowledge of certain
18 drugs and things like that, that you have to
19 prescribe in your practice?

20 A Correct.

21 Q Have you ever heard of a drug called
22 scopolamine?

23 A Yes.

24 Q Have you ever administered that in any of
25 your practice?

1 A Not anymore. I used to use it. The floor
2 I used to work on was hematology, oncology. So he
3 did scopolamine packets for nausea on his kids.
4 That's the pretty much the only time we would use
5 that.

6 Q So what was the purpose of the -- you say
7 scopolamine?

8 A Is that the one you were asking about?

9 Q Yes.

10 A It's for antinausea.

11 Q And in a patch form?

12 A Yes.

13 Q And you would give that to a patient?

14 A Correct.

15 Q You kind of indicated that you would --

16 A Usually behind the ear.

17 Q Do you know the level of medication?

18 A Not off the top of my head. No, I don't.

19 Q At some point did you know that or you
20 just can't remember?

21 A No, it wouldn't be something that -- if I
22 would have to look it up. I don't know it off the
23 top of my head.

24 Q Okay. Do you ever have an occasion in
25 your work to have to review an autopsy report or a

1 medical examiner's report?

2 A No.

3 Q Do you ever have an occasion where you
4 have to interpret a blood or urine test?

5 A That's out of my scope of practice as a
6 nurse. We are not to interpret for them. Once they
7 have been read and interpreted by a doctor, or
8 whoever is able to read those, I can understand what
9 it is. But I am not -- it is out of my scope of
10 practice, so no, I cannot interpret.

11 Q Is it because you are not legally allowed
12 to interpret them, or that you cannot?

13 A Because I have been working for 12 years,
14 a lot of them I do understand, and I can look at a
15 test when it comes back before the doctor has it,
16 and probably tell you what it means. But legally, I
17 cannot go and tell a family if something is out of
18 the norm.

19 Q Okay. And are you familiar with drugs
20 when they are referred to therapeutic levels of
21 things like that? Do you know what that term means?

22 A I do.

23 Q Do you have any idea what a therapeutic
24 level is for scopolamine drug?

25 A I do not.

1 Q Are you aware of the effects of that drug
2 on a person's body?

3 A Only that I know scopolamine in a patch
4 that you could have a pupil that's sluggish.

5 Q And have you heard of that drug being used
6 in some other capacity other than a patch?

7 A No.

8 Q Now, your husband is a software engineer?

9 A Correct.

10 Q Where does he work?

11 A He works for the Secretary of State.

12 Q What does he do as a software engineer.

13 A He helps to develop the web site for the
14 Secretary of State and maintain it.

15 Q Okay. So he's pretty smart when it comes
16 to the IT stuff?

17 A Correct.

18 Q How about yourself, are you pretty smart
19 on that stuff, too?

20 A Not really. I mean, I know how to work a
21 web page. I don't know how to program a web site or
22 anything like that, so no.

23 Q All right. Let me ask you a few questions
24 about your computer knowledge. You have a cell
25 phone that you use?

1 A I do.

2 Q What kind? Is it a smart phone or --

3 A It is a smart phone. It's a Alcatel. I
4 get made fun of all the time. I do not have data on
5 it. I have WiFi capabilities and that's it.

6 Q Do you have a computer at home?

7 A I do.

8 Q Do you use it frequently?

9 A Yes.

10 Q Do you ever go on the Internet and search
11 things?

12 A Yes.

13 Q How much time per day/per week do you
14 spend searching the net?

15 A I wouldn't say I go and peruse the
16 Internet. I do it more for emailing and kind of on
17 Facebook, keeping in contact with friends.

18 Q Okay. And you're familiar with the term
19 like search engine?

20 A Yes.

21 Q Which one do you use?

22 A Yahoo and Google.

23 Q Have you heard of the Dark Web before?

24 A No.

25 Q If you were on this jury, with your

1 husband being an IT person, and the judge tells you
2 don't talk to anybody about the case, would you be
3 able to restrain yourself?

4 A (Nodding).

5 Q Okay. You wouldn't go home that night and
6 ask him questions about things we talk about in the
7 trial?

8 A Not if I was told not to.

9 Q Okay. Are you familiar with what a modem
10 is?

11 A Yes.

12 Q How about a router?

13 A Yes.

14 Q What are those things?

15 A It helps my computer get to the Internet.
16 That's about all I know about that.

17 Q And you already said you use WiFi, so you
18 know what that is.

19 A I do know what that is, yeah.

20 Q What is that?

21 A It's the magic that hooks my computer --
22 not magical, but connect to the Internet without a
23 cord.

24 Q All right. How about antivirus software
25 and malware, do you use that stuff?

1 A I believe it is installed on my computer,
2 yes.

3 Q You don't have anything to do with
4 installing that stuff, do you?

5 A No.

6 Q Do you know what that is used for?

7 A So we don't get viruses on the computer.

8 Q Have you ever had that happen to you
9 before?

10 A I think we have had a virus before, yes.

11 Q What did you have to do to fix that?

12 A My husband did something with that.

13 Q Have you ever participated in maybe a
14 webinar or troubleshooting by your work or something
15 where they had to access a computer of yours
16 remotely?

17 A Yes.

18 Q Was it the type where you literally gave
19 them the access and then you watched them. They
20 could just take over your mouse and all that stuff?

21 A Yes.

22 Q So you're familiar with how that works?

23 A Yes.

24 Q Okay. Do you use your computer for your
25 online banking, or how do you do your banking? Do

1 you pay bills online?

2 A I do. My husband does not.

3 Q Is there a reason why he doesn't do it
4 online?

5 A Because he is a software engineer and he
6 knows it's not as safe probably as paper.

7 Q Okay. So who pays the bills in your
8 house?

9 A We both pay some.

10 Q So if you're paying it, then you typically
11 would do it like through your banking website?

12 A I pay my credit card bill and I go online.
13 He does like the Comcast and all that stuff paper.

14 Q With a check?

15 A Mm-hmm.

16 Q Puts it in the mailbox and out the door?

17 A Yes.

18 Q Okay. Does he ever explain to you why you
19 shouldn't be using the online payment stuff?

20 A Because everything is stored online
21 forever. So he says it's not safe.

22 Q Why do you continue to do it?

23 A Because it's convenient.

24 Q Have you ever used Pay Pal?

25 A Once or twice.

1 Q Do you have an account?

2 A Maybe, a long time ago. I haven't used it
3 in years if I do.

4 Q How about MoneyGrams or Western Union,
5 have you ever used that before?

6 A No.

7 Q Do you know what those services are?

8 A Yes. Electronic ways to send money.

9 Q You guys, you or your husband, ever had a
10 home businesses before?

11 A No.

12 Q What about, have you ever heard of the
13 term Bitcoins?

14 A Just recently, yes.

15 Q What have you heard about Bitcoins?

16 A It's like some sort of currency, but only
17 through computers, but you can't spend it.

18 Q Do you know what people use it for?

19 A No.

20 Q Where did you hear that?

21 A On the Big Bang Theory.

22 Q Oh, the Big Bang Theory?

23 A Then I asked my husband what it was, and
24 he gave me a brief explanation, and then I think I
25 blanked on it because I didn't care.

1 Q What's your normal form of payment; cash,
2 credit card, debit card?

3 A Probably credit card, then cash.

4 Q What do you feel about our jury system in
5 general? Do you think it's a pretty good system?
6 Do you think there are some flaws? Do you think
7 people walk away from crimes they commit?

8 A I have no experience in this. I would
9 think that it would be appropriate and fair. I have
10 no idea. I would hope so.

11 Q All right. Now, if somebody said
12 something to you, a concept or term or something you
13 didn't understand, how would you go about finding
14 out what that means? Would you ask somebody else,
15 would you go to the library, or go online to check
16 it out.

17 A I guess it would depend on the context, or
18 who I was with if I felt comfortable asking, I would
19 ask that person. Otherwise, I might look it up
20 later, probably on the Internet.

21 Q Okay.

22 A Or ask someone else.

23 Q All right. I am going to ask you a couple
24 more questions about your questionnaire here.

25 You indicated that your husband's roommate

1 was murdered by his girlfriend's ex-boyfriend?

2 A Correct.

3 Q That was in Maplewood, Minnesota; is that
4 right?

5 A Yes.

6 Q Then he killed himself, then, apparently?

7 A Yes.

8 Q Murder/suicide is what you put?

9 A Yes.

10 Q So this was your husband's roommate. Did
11 you know your husband's roommate?

12 A Yes. My husband and I were dating at the
13 time.

14 Q So how close were you to this roommate?

15 A My husband lived with him for almost a
16 year and I was probably over there three or four
17 times a week, so I knew him quite well.

18 Q And leading up to that were there signs
19 that something was going on, or was it just out of
20 the blue that this happened?

21 A My husband and I didn't really know
22 beforehand, but we had heard after the fact that
23 this gentleman was kind of harassing my husband's
24 roommate and threatening him. Then when my husband
25 had left for work that morning, I don't know the

1 guy's name, broke into the house. Was there for a
2 period of time. Had kept my husband's roommate to
3 call the girlfriend over. She didn't go there. She
4 called the police. When they went in, there was a
5 few gunshots. He had killed Kent and then killed
6 himself. So we don't really know what occurred at
7 the time he was at the house.

8 Q Looks like that was about 13, 14 years ago
9 or something?

10 A Yes.

11 Q So how did that affect you as far as --
12 was that pretty scary, was that --

13 A Yeah, it was pretty scary. Because I was
14 at home. My husband called and said, you need to
15 come over here. Kent was murdered. And it was the
16 day before April Fool's Day. I thought it was a
17 joke. So I went over there, and obviously it was
18 true. Then just, obviously, it was traumatic. But
19 the fact that he had also killed himself put us at
20 ease a little bit because we knew it was done and
21 over, so we weren't scared or anything.

22 Q Did you ever get interviewed by the
23 police?

24 A No.

25 Q Did you or your husband ever have to go

1 through any kind of therapy or anything like that?

2 A No.

3 Q How long had your husband been friends
4 with this guy?

5 A He was a couple years older than my
6 husband, but they had gone to the same high school
7 and lived in the same hometown. Then had kind of
8 hung out a little bit before they had moved in
9 together. So they had known each other for years,
10 but became kind of closer when they lived together.

11 Q Do you know the girlfriend? Did you know
12 her?

13 A I had met her once.

14 Q Did you have any contact with her since
15 that happened?

16 A No.

17 Q You heard what the charge is in this case?

18 A Correct.

19 Q Does that stir up memories or bad feelings
20 or anything like that?

21 A It does not. Just because this is a
22 totally different case. Like I said, with Kent it
23 was kind of an open and shut kind of a thing. There
24 was kind of an end to it. And the fact that the guy
25 killed himself also.

1 Q Okay. After that happened, did you have
2 to help your husband, like, remove his belongings
3 from the apartment, or was it --

4 A It was a house. I did.

5 Q Were you able to see signs of the crime
6 that took place?

7 A They had cleaned most of it up, and it
8 happened in the basement. But when we were moving
9 stuff out of basement, we did see like a bullet
10 casing and whatnot. Everything else was pretty much
11 cleaned up.

12 Q All right. And if you see any pictures in
13 this case of either a deceased person or blood, or
14 something like that, is that -- I mean, you're in
15 the field, so you probably see a certain amount of
16 that, but would that conjure up any feelings or
17 anything that would disturb you?

18 A No, I don't think it would. No.

19 Q I know you indicated that you would be
20 objective unless it involved kids.

21 A It would be more difficult, I think.

22 Q I can tell you that this doesn't involve a
23 child. So would that ease your mind?

24 A That makes it much easier, yes.

25 Q Just one more question. If you were to

1 hear the testimony of Dr. Mark Hudson, would you
2 sway one way or the other because you have a
3 professional relationship with him?

4 A No. Because I know that he is doing it
5 probably as an expert witness, and he is testifying
6 to the facts as he knows them. I don't think it
7 would sway me at all.

8 Q Okay.

9 MR. DEVORE: May we approach, Your Honor?

10 THE COURT: You may.

11 (Whereupon, court and counsel had a
12 discussion off the record.)

13 THE COURT: Prosecution may proceed.

14 BY MR. FINK:

15 Q Good afternoon, Ms. Schultz. You have two
16 little boys?

17 A I do.

18 Q Maybe not so little. I am assuming they
19 have disputes with each other?

20 A Correct.

21 Q How do you manage to officiate that?

22 A A lot of times it's separating. Putting
23 them in their separate bedrooms. Moving one to the
24 one room, one to a different room. They are a
25 little tricky. Sometimes we have tried making them

1 sit knee to knee and hold hands. But constant
2 trying different things, but some days nothing will
3 work, and some days you have to try something else.

4 Q When a tussle or a fight breaks out in
5 another room and you walk in and break it up. They
6 give you different stories as to what happened, how
7 far do you go about determining if either is telling
8 the truth?

9 A We usually make them each tell their side
10 of the story. Then depending on how they are
11 telling it, or what they are doing, usually they
12 both will just -- if it's not witnessed, they will
13 both kind of not get in trouble, but both will be
14 separated and told, because I don't know which one
15 of you did it, you're both going to have no TV right
16 now and you're both going to sit in your rooms and
17 think about it, whatever happened. I don't care
18 which one of you did it, but you're both going to
19 take a break.

20 Q Okay. Now, when IT at work remotely
21 accesses your computer, they do that with your
22 consent, right, with your permission?

23 A Mm-hmm.

24 Q Through the years, you have developed an
25 expertise in your area such that you can look at a

1 test and know what it means, right?

2 A For the most part, yes.

3 Q But I think, you didn't use these words,
4 but you stay in your lane, if you will, in not
5 distributing that information, even though you know.

6 A Correct.

7 Q Do you know if your husband was
8 interviewed by the police in that murder/suicide?

9 A I think -- I believe he was, but I don't
10 believe it was official, like he had to go to the
11 police station or anything. They just talked to him
12 outside of the home.

13 Q Okay. You worked at the Lutheran Home in
14 River Falls while you were a student; is that right?

15 A Mm-hmm.

16 Q Your charge nurse duties are supervisory.
17 Are your other duties supervisory too or no?

18 A Half the time I'm a regular floor nurse so
19 that's when I would have three patients. Take care
20 of them, administering medications. Consult with
21 the doctors and the families. So I'll do that. And
22 then the charge nurse will be the other half of the
23 time.

24 Q Okay.

25 MR. FINK: May we approach?

1 THE COURT: You may.

2 (Whereupon, court and counsel had a
3 discussion off the record.)

4 THE COURT: You remain on the jury. You
5 have not been removed either for cause or peremptory
6 challenge, and so I thank you. You do need to keep
7 in touch with the jury coordinator to follow those
8 instructions and you are excused. Thank you.

9 THE JUROR: Thank you.

10 (The juror exited the courtroom.)

11 (Prospective juror entered the courtroom.)

12 THE COURT: Please come forward. We are
13 going to have you sit in the jury box. You have to
14 come all the way and then back to that front row of
15 the jury box. You can sit near that carafe and cup
16 of water, if you wish. Before you sit down, please
17 raise your right hand to be sworn.

18 (The prospective juror was sworn in.)

19 THE COURT: Have a seat. And state your
20 name for the record, please.

21 THE JUROR: Debra Louise Erickson.

22 THE COURT: Okay. I have some brief
23 comments for you and then a very few questions.
24 Then the defense will have an opportunity to ask
25 questions and so will the prosecution.

1 Now, during the questioning, there may be
2 a request by one side or the other to excuse you for
3 cause, which means a reason. Or there may be a
4 request to exercise a peremptory challenge, or there
5 may be neither one. Now for the cause, that means
6 one side or the other thinks there is a reason or a
7 cause to not have you on the jury. I will decide
8 that question if and when it comes up. As to a
9 peremptory challenge, it can be exercised by either
10 the defense or the prosecution and they decide that.
11 If one of those things happens, I will simply excuse
12 you, and thank you for your service up to this
13 point. And I continue to thank everyone for their
14 patience, because I know there is a lot of hurry up
15 and wait in this process.

16 This is called Voir Dire. That does mean
17 or roughly mean to speak the truth. So I will
18 appreciate your truthfulness and cooperation. Have
19 you had any conversations with anyone about this
20 case since filling out the questionnaires?

21 THE JUROR: I have not.

22 THE COURT: Have you looked up anything,
23 or done any research about this case since filling
24 out the questionnaire?

25 THE JUROR: I have not.

1 THE COURT: There are some rules of law,
2 including the defendant is presumed to be innocent.
3 The state has the burden of proof. The state must
4 prove any charge beyond a reasonable doubt. The
5 defendant does not have to prove innocence. Those
6 and other rules will be given to you by me if you
7 are on the jury. Will you be able to follow the
8 rules of law as I give them to you?

9 THE JUROR: I will.

10 THE COURT: Is there any reason you can
11 think of that you cannot be a fair and impartial
12 juror in this case?

13 THE JUROR: Sensitivity of the case. I
14 might be too emotional for it. I don't like to be
15 put on the spot or in the spotlight so eyes were on
16 me ...

17 THE COURT: Thank you for that. I am
18 going to allow the attorneys if they want to follow
19 up on that answer further.

20 Mr. DeVore, you may proceed.

21 MR. DEVORE: Thank you.

22 BY MR. DEVORE:

23 Q Good afternoon.

24 A Hi.

25 Q Well, okay. I will shift my focus and we

1 will talk just a little bit about that. Is that
2 okay?

3 A Absolutely.

4 Q I did make some notes. I have your
5 questionnaire form. I guess I'd ask you, is there
6 anything that you thought of in the last couple of
7 days that you didn't put down on this, or that you
8 would change your answer in any way?

9 A Nope, just what I just said now.

10 Q Okay. So as a -- let me see if I can
11 address your question that you just brought up. As
12 a juror, you will be one of several people that
13 would listen to the case. Okay?

14 A Okay.

15 Q In the courtroom, there wouldn't be a
16 spotlight on you, so to speak. But as you went
17 back, if you were on this jury, and you went back to
18 deliberate, which would be to sit with your fellow
19 jurors and decide on what the fate of the case would
20 be, I don't know what's going to happen in there,
21 but you might be asked to express your opinion, or
22 you might be asked to hold your ground.

23 A I would be more comfortable in that
24 setting.

25 Q You're talking about public speaking type

1 things?

2 A Correct.

3 Q You did answer a few questions, or
4 somewhat along those lines. I am going to ask you
5 about those, too, okay?

6 A Sure.

7 Q Now, one of the questions you were asked,
8 what did you think when you heard what the charges
9 were in this case. And your answer was shocked, and
10 if it's gotten to this point, the cards may already
11 be stacked against him; is that what you wrote?

12 A Correct.

13 Q Okay. What do you mean by, "the cards may
14 already be stacked against him"?

15 A The defendant wouldn't be here if there
16 wasn't evidence against him to be here.

17 Q What do you know about the criminal
18 justice system? Do you know much about it or how it
19 works?

20 A Just TV.

21 Q You haven't taken any classes on it or
22 anything like that?

23 A I have not.

24 Q I saw you did have a DUI?

25 A Correct.

1 Q Did you end up getting it resolved
2 somehow?

3 A I have had two. Went to court.

4 Q So you went to court, and then did you go
5 to trial and everything?

6 A No trial.

7 Q So you pled guilty?

8 A Correct.

9 Q I assume in that case you were behind the
10 wheel of a car, or something, and you got stopped,
11 and you had some alcohol. So when you say the
12 evidence was there, it was --

13 A Correct.

14 Q There was an officer --

15 A It was a vehicle.

16 Q Yeah, okay. So do you from that
17 experience, is that partially why you say that if a
18 defendant is at trial, the cards are stacked against
19 him?

20 A No. I'm sorry, it's just a belief that, I
21 mean, why be here if there wasn't evidence to have
22 them here.

23 Q Okay. So you heard the judge talk about
24 that a defendant has the right to be presumed
25 innocent, correct?

1 A Correct.

2 Q Do you agree with that rule of law?

3 A Correct.

4 Q Do you also understand that there are two
5 parties here; we have the state and then we have the
6 defense?

7 A Yes.

8 Q And two different parties can look at
9 things two different ways, correct?

10 A Correct.

11 Q So your job as a juror would be to decide
12 whether or not the state presented a case to meet
13 the elements of the offenses. Do you understand
14 that?

15 A Yes.

16 Q One of the things that you have to do is
17 understand how the burden of proof works, okay?

18 A Yes.

19 Q And it's the state's case, so they would
20 have the burden. Would you be comfortable with
21 that?

22 A Again, explain the burden.

23 Q Sure. So a defendant could sit here, not
24 say one word throughout the whole trial. And the
25 state would still have to put on all of evidence and

1 prove all of the elements of the offenses?

2 A Correct. Okay.

3 Q If they did that, you would presumably
4 find for guilt. If they failed to do that, you
5 would find not guilty; do you understand that
6 concept?

7 A Yes.

8 Q And when you say the cards may be stacked
9 against him, are you assuming that Mr. Allwine or
10 that a defendant is likely guilty, probably guilty,
11 some level of guilt as we stand here and walk into
12 this room?

13 A No, I wouldn't say that was true.

14 Q Okay.

15 A When you say it like that, no. I mean, if
16 there is evidence to bring him here, but that could
17 be disputed. I don't know.

18 Q Would you, if you were on this jury, would
19 come into the trial openminded?

20 A Yes.

21 Q What I mean by that, would you come into
22 this trial without having any preconceived notion of
23 what the outcome would be?

24 A Any preconceived I can't say fully.

25 Q Well what we want is, we want jurors that

1 will come into this is trial -- of course we don't
2 expect you to ignore all of your own personal
3 experiences in life. We want your decisions to be
4 based on only what you learn, and hear, and see in
5 this courtroom?

6 A I understand that.

7 Q So you couldn't come into it having seen
8 the latest crime show, or you know some 48 Hours, or
9 something like that and kind of believe a certain
10 thing before you came into this room; do you
11 understand that?

12 A I do understand that.

13 Q Okay. Do you think you could come into
14 this trial if you were a juror and only decide the
15 case based on what the evidence is as presented to
16 you?

17 A Yes.

18 Q Does that help with your -- would you
19 change your answer, or would you kind of keep your
20 answer the same based on what I've just explained?

21 A Yes. Like coming into the courtroom
22 without any kind of preconceived notion, I don't
23 know if I could do that. After listening to the
24 case, and the facts and the evidence, I would --
25 whatever I came in thinking, is not what I would

1 leave thinking. Does that make sense?

2 Q Yeah. What are you thinking right now?

3 A I feel more comfortable sitting here than
4 I did walking in.

5 Q What kind of ideas do you have about this
6 case right now as you sit there?

7 A It's very sensitive. And I am not sure.
8 It's more power than I want to have.

9 Q Are you uneasy about being in this
10 position?

11 A I bit.

12 Q Would it -- would you be bothered by being
13 put in a position of deciding or not if a person is
14 guilty of these kind of charges?

15 A No. Because after, if I had to make a
16 decision, I would believe that the decision I made
17 was the best decision that I could make.

18 Q Okay. And one of your responses on how
19 you feel about this case is that you are worried and
20 uneasy about holding the fate of his future; is that
21 --

22 A Yes. And I think we just kind addressed
23 that. It's a lot of responsibility and power, and I
24 am uneasy with that.

25 Q So I hate to kick a -- I don't want to go

1 too much into that. But what we are getting at is
2 any anxiety that you might have, or any thoughts of
3 this overwhelming responsibility, is that going to
4 interfere with your ability to stay, what we call,
5 impartial in this case until you have heard all of
6 the evidence?

7 A No.

8 Q So it's in your head, but it's not
9 overwhelming?

10 A That's correct.

11 Q And as long as you don't have to stand up
12 in the middle of the courtroom by yourself?

13 A I will probably be fine.

14 Q All right. So you work at UCare; is that
15 right?

16 A Yes.

17 Q What do you do?

18 A Community Engagement Specialist. I do
19 exhibit tables at expos and stuff to market our
20 products.

21 Q Health insurance?

22 A Correct.

23 Q Okay. So is this a particularly busy time
24 of year with people renewing their health insurance
25 and stuff like that or no?

1 A It's not an event busy time of the year.

2 Q Okay. You said you had a cousin in
3 prison; was that for drugs?

4 A I believe so. I didn't get into it with
5 her.

6 Q That's a female?

7 A Yes.

8 Q Are you close with that cousin?

9 A Not really.

10 Q Was there anything from that prison
11 sentence, or conviction, that she expressed that she
12 was treated unfairly or anything like that?

13 A No, not that I know of.

14 Q Your mother was a victim of identity
15 theft?

16 A Ah, yes. Social Security number stolen
17 and stuff like that. Never went to court or
18 anything.

19 Q How did her Social Security number get
20 stolen, do you know?

21 A I think it was a lot of Social Security
22 numbers during the time with her employer.

23 Q During a what time?

24 A During tax season.

25 Q Oh, tax season.

1 A Yeah, tax season.

2 Q So somebody hacked into her employer's
3 data base or something?

4 A Yes.

5 Q And stole a bunch of information?

6 A Yes.

7 Q What did she have to do to fix that?

8 A A lot of leg work trying get her tax
9 returns filed since somebody filed under her name.
10 A lot of leg work to get her own tax return filed.

11 Q Did she work for a big company?

12 A Yes.

13 Q Which company?

14 A Briggs and Morgan.

15 Q Oh, a law firm.

16 A Yes.

17 Q Okay. You were asked how you feel about
18 the jury system in this country, and you said it
19 works.

20 A I believe it does.

21 Q Okay. Why does it work? Do you have an
22 opinion on why it works?

23 A I believe individuals, like myself, being
24 called to be a juror. I think it's more fair a
25 system than bureaucrats or lawyers deciding fate.

1 Q Okay. Now, it might be obvious if the
2 state obviously proves their case, and somebody is
3 convicted, you would say it works, right?

4 A Correct.

5 Q Would you also agree that if the state
6 doesn't prove their case, and somebody is found not
7 guilty, that it also works?

8 A Absolutely.

9 Q Okay. You had mentioned the OJ Simpson
10 case.

11 A Yes.

12 Q What about that sticks in your brain 20
13 some years later?

14 A Just how big it was. How much press it
15 got.

16 Q Okay. Do you have any feelings about that
17 one way or the other, whether or not that was a fair
18 case?

19 A No opinion.

20 Q Do you watch a lot of prime TV crime
21 shows, Law and Order, and stuff?

22 A I used to. I don't anymore.

23 Q Okay. Now, you had an incident yourself;
24 is that correct, when you were younger?

25 A Yes.

1 Q Are you okay talking about that for a few
2 minutes?

3 A Okay. Yes.

4 Q I can see what's on here, so I don't have
5 to -- I know that it wasn't reported?

6 A Correct.

7 Q Was that something that you felt should
8 have been reported?

9 A Um, yes.

10 Q And you blame a particular person or an
11 organization for that?

12 A No.

13 Q Were the police involved at all?

14 A No.

15 Q Okay. Now, being a victim before, is
16 that -- does that impact or affect your ability to
17 serve as a juror in this case at all?

18 A No.

19 Q You won't have any difficulty either
20 attaching or not attaching to an alleged victim in
21 this particular case?

22 A No.

23 Q My last question on the questionnaire is
24 that you said that the allegation itself makes you
25 sad. Maybe that's an obvious response, but what did

1 you mean by it makes you sad?

2 A It's sensitive and there is a lot more
3 people involved other than just the defendant and
4 the victim. It's families and friends, and the
5 whole thing is just sad.

6 Q Sure. Impacts a lot of people?

7 A Correct.

8 Q All right. Now, I just have some
9 questions about your use of electronics?

10 A Yes.

11 Q Do you own a computer?

12 A Yes.

13 Q Do you have a cell phone?

14 A Yes.

15 Q Does your cell phone have Internet access?

16 A Yes.

17 Q Do you go on the Internet frequently?

18 A Yes.

19 Q A lot?

20 A Yes.

21 Q Okay. Do you go on the Internet just for
22 recreation?

23 A Yes.

24 Q How much time do you spend on the Internet
25 searching around?

1 A Maybe an hour a day.

2 Q What kind of stuff are you looking at?

3 A Seriously, I just scroll Facebook mostly.

4 Q See what everybody is up to, and all that
5 stuff?

6 A Yes.

7 Q What about your news; how do you get your
8 news?

9 A Links on Facebook. If enough people are
10 talking about it, I might go look it up.

11 Q Okay. Have you heard of the Dark Web
12 before?

13 A No.

14 Q Do you know how computers are programmed,
15 or the inner workings of a computer?

16 A No. Not really, no.

17 Q Do you know what WiFi is?

18 A Yes.

19 Q What is it?

20 A A wireless access to the Internet?

21 Q And if you have a problem with your
22 computer, do you bring it in, ask somebody to help
23 you, or you try to fix it yourself?

24 A Bring it in.

25 Q Have you ever had anyone remotely access

1 your computer like, say, maybe attending a webinar
2 or something, or somebody from work or something had
3 to, or Geek Squad or something had to do a remote
4 access?

5 A I have done that, yes.

6 Q Okay. And you're familiar with that,
7 where somebody who is not sitting right next to you
8 could get in your computer?

9 A Yes. Our IT department does that a lot.

10 Q Okay. And you are not aware of the fact
11 that you have to give them access, but you're
12 familiar with that concept?

13 A Yes.

14 Q Do you use your computer to pay bills?

15 A Pay bills?

16 Q Yes. Like online banking and stuff?

17 A Yes.

18 Q Even though your mother had her identity
19 information compromised, you still use online
20 services for using your personal information; is
21 that right?

22 A I do.

23 Q You buy stuff online?

24 A I do.

25 Q Amazon and things?

1 A Yes.

2 Q Use a credit card?

3 A Yes.

4 Q How do you pay for things, usually, credit
5 card?

6 A Yes. Bank card. ATM.

7 Q Debit card?

8 A Debit card. Thank you.

9 Q Do you ever use Pay Pal?

10 A Yes.

11 Q Do you have an account?

12 A Yes.

13 Q Do you use it frequently?

14 A Not frequently.

15 Q Why do you use Pay Pal?

16 A Maybe sometimes that's the only payment
17 accepted that the seller will take.

18 Q How about MoneyGram or Western Union; have
19 you ever used either one of those?

20 A I may have in college.

21 Q Just to wire money?

22 A Yes. Request money.

23 Q Do you remember what you would have used
24 it for at college?

25 A Requesting money from the parents. To

1 send money.

2 Q Okay. Sure. Have you ever heard of
3 Bitcoins before?

4 A I have.

5 Q What have you heard about them?

6 A I think they are used in games, apps. Buy
7 them, purchase them. Use them within the app.

8 Q Do you remember where you would have
9 learned about some of that stuff?

10 A On an app itself, advertising. You can
11 buys coins to buy things with the app.

12 Q Okay. Do you have any particular feelings
13 about our crime in this country? People are
14 prosecuted too hard, not prosecuted enough? Too
15 much punishment, not enough punishment? Too many
16 people walking away from crimes they committed,
17 stuff like that.

18 A I honestly haven't thought about it. I
19 don't have an opinion.

20 Q But if you hear about a concept or a word
21 or some theory or something that you're not familiar
22 with, how would you educate yourself to find out
23 what that is? Would you look it up online?

24 A I would Google it?

25 Q That's how you do your research, so to

1 speak?

2 A Yes, I do.

3 Q Are there particular sites that you like
4 to go to to inform yourself?

5 A No. It's a straight Google search.
6 Whatever comes up on the first five.

7 Q Okay. All right.

8 MR. DEVORE: Can we approach?

9 THE COURT: You may.

10 (Whereupon, court and counsel had a
11 discussion off the record.)

12 THE COURT: Ms. Erickson, you have been
13 removed, so you are excused. You have my thanks for
14 your patience and your cooperation up to this point.
15 You are free to leave.

16 THE JUROR: Thank you.

17 (The juror exited the courtroom.)

18 (Prospective juror entered the courtroom.)

19 THE COURT: Please come forward. Come all
20 around the edge there. You get into the jury box.
21 You will be sitting in the front row. You will sit
22 very close to that carafe which has water if you
23 need it.

24 Now, you just sat down, but please stand
25 and raise your right hand to be sworn.

1 (The prospective juror was sworn in.)

2 THE COURT: Have a seat, and tell us your
3 name, please.

4 THE JUROR: Michelle Golden.

5 THE COURT: Ms. Golden, I have a few
6 comments to make, then I will have a short list of
7 questions. Then I will turn it over to the defense
8 and possibly the prosecution will have questions as
9 well.

10 This is all about that subject that I call
11 Voir Dire, which has to do with speaking the truth.
12 So I will appreciate you speaking the truth and your
13 cooperation.

14 Now, during the questioning, there may be
15 a request to excuse you for cause, or there may be a
16 request to exercise what we call a peremptory
17 challenge, or there may be neither one of those
18 things. If there is a challenge for cause, means
19 that one side or the other thinks there is a reason
20 you shouldn't be on the jury, and I will make that
21 decision if that issue comes up. A peremptory
22 challenge can be exercised by either side. They
23 each have a number of those challenges they can
24 exercise and they decide that. So if that happens,
25 that's a decision by the attorneys. Either way, if

1 one of those things happens, I would simply excuse
2 you and thank you for your service.

3 Now, as to my questions, have you had any
4 conversations with anyone about this case since
5 filling out the questionnaire.

6 THE JUROR: No.

7 THE COURT: Have you looked anything or
8 done any research about this case since filling out
9 the questionnaire?

10 THE JUROR: No.

11 THE COURT: There are some rules of law,
12 including the defendant is presumed to be innocent.
13 The state has the burden of proof. The state must
14 prove any charge beyond a reasonable doubt, and the
15 defendant does not have to prove innocence. There
16 will be other rules that I explain to the jury
17 during the trial. Will you be able to follow the
18 rules of law as I give them to you?

19 THE JUROR: Yes.

20 THE COURT: Is there any reason you think
21 that you cannot be a fair and impartial juror in
22 this case?

23 THE JUROR: My only concern is that I am
24 pregnant and my hormones are a little crazy right
25 now, so my mood changes, but I mean I feel I could

1 make a reasonable judgment.

2 THE COURT: Where are you in that
3 pregnancy?

4 THE JUROR: I am 24 weeks. Due in May.

5 THE COURT: I am going to leave any
6 questions on that to the attorneys. Mr. DeVore?

7 BY MR. DEVORE:

8 Q That sounds like a booby trap. I am going
9 to start with your work.

10 A Okay.

11 Q So you're a pharmacy lab technician?

12 A Pharmacy technician.

13 Q Pharmacy technician. So what does that
14 mean?

15 A Well, I am actually a 340B Specialist is
16 my title. I work with a drug pricing program. It's
17 a program that offers hospitals to buy drugs at a
18 discounted rate for patients that qualify for the
19 program.

20 Q Okay. And your employer is Health
21 Partners?

22 A Yeah. So I work for three hospitals
23 within the Health Partners organization. The Hudson
24 Hospital, Westfields Hospital and Amery Hospital.

25 Q Okay. And so could you in your studies to

1 get this job, did you go through pharmacy school or
2 training, or how did you become a pharmacy
3 technician?

4 A Well, I went to UW River Falls for
5 pre-pharmacy. I was going to be a pharmacist and
6 decided that I liked being a technician. I worked
7 as a technician while I was in undergrad. I didn't
8 go through any of the schooling for it, though,
9 other than just general education for undergrad.

10 Q So no medical school then?

11 A Nope.

12 Q Do you work at all, or have experience
13 working with prescription drugs, or anything like
14 that?

15 A Every day.

16 Q And so are you familiar with the drug
17 called scopolamine?

18 A Yes.

19 Q How are you familiar with that drug?

20 A Well, I dispense it at the pharmacy.
21 Prior to being a 340B specialist, I was a pharmacy
22 technician. So I did the filling of prescriptions.
23 So I would fill the prescription and the pharmacist
24 would check it and we would dispense it to the
25 patient.

1 Q Okay. So what kind of drug is this? What
2 do you use it for?

3 A I don't know super specifics about it, but
4 it's usually used for antinausea. It's a patch that
5 you wear. A lot of times they will give it if you
6 are going on like a cruise or something.

7 Q And are you familiar with therapeutic
8 levels of scopolamine?

9 A No, as a technician, I don't have that
10 kind of training.

11 Q Okay. Just so I understand, I see your
12 job more in the business sense, like you're working
13 with hospitals and coordinating pricing of drugs
14 versus actually working in a capacity where you
15 dispense the drugs. Is that --

16 A Yes. My full-time job is to work with the
17 drug pricing program. However, I am casual, still,
18 as a technician so I will pick up weekends here and
19 there where I work as a technician and dispense
20 medications. And that could be either in the retail
21 setting where I fill a prescription and dispense it
22 to a patient or the inpatient setting where I fill
23 dispensing machines in the hospital or IV
24 medications.

25 Q Okay. In your capacity as a pharmacy

1 technician, do you have an occasion to read, like,
2 lab results and things like that?

3 A I have access to any medical charts, but
4 per company policy we are not supposed to read
5 anything that doesn't fit our job description, so it
6 wouldn't be something that I would really happen
7 upon. In my 340B work I do have to verify that the
8 patient is eligible for the discount, so sometimes
9 the diagnosis will come into play so I might dig a
10 little deeper in a chart, but it's not regular
11 practice.

12 Q Okay. So you have the ability to review
13 and analyze and even understand reports. But it's
14 not always required, and sometimes you're not even
15 allowed to do it.

16 A Right.

17 Q How long have you been doing this type of
18 work?

19 A The 340B work, I have been doing for two
20 years. I have been a technician for 12, probably.
21 With this specific company for about six.

22 Q And you said that you are pregnant. Is
23 this your first pregnancy?

24 A It is.

25 Q So kind of a new experience?

1 A Yeah. I don't really know how what to
2 expect, so I just wanted to be open and honest that
3 I am pregnant.

4 Q Are there any physical restrictions or
5 anything that you would have right now?

6 A Not right now.

7 Q Emotionally, I mean tell us, are you
8 saying that I might get too emotional, or I might
9 break down, or I need to have a break, or what are
10 you saying?

11 A I don't foresee that being the case, but I
12 don't know. I mean, for the most part I haven't had
13 a lot of concerns. But there are days where, you
14 know, everyone and everything irritates me. Or
15 something little will make me cry, that wouldn't
16 have happened before. So it's just, you know,
17 something you should be aware of.

18 Q Okay. And has this happened at work
19 sometimes?

20 A Yeah.

21 Q What do you do? Do you just take a little
22 break, walk away from it?

23 A Well, fortunately, I work in an office by
24 myself so I usually I can take a few deep breaths or
25 walk to the bathroom or something and calm myself

1 down.

2 Q Okay. Ultimately, we want to decide if
3 you're the right juror for this type of case. You
4 know, we ask you all of these questions to try to
5 learn more about you. You're the one that
6 experiences these emotions, do you think -- would
7 you be able to sit in this case and listen to this
8 type of a case and stay focused on what's going on?

9 A I guess I don't really have a confident
10 answer on that. I would like to say yes. It's not
11 a consistent thing, you know, where I know how I am
12 going to feel every day of the week, so...

13 Q Okay. So you have some concerns about it,
14 is that fair to say?

15 A Yes.

16 Q Do you think it would be distracting for
17 you?

18 A Possibly.

19 Q If we had to, you know, be here for a
20 couple of weeks, you know, listening and sitting in
21 the box and listening to the case and trying to stay
22 focused, do you see that that's going to be
23 problematic for you?

24 A From what I have experienced so far, I
25 don't. But again, I don't feel I can give you a

1 confident answer on that.

2 Q Okay. Fair enough. Now, you were asked
3 whether or not if you believe a police officer more
4 than any other witness and you said depends on the
5 scenario.

6 A Mm-hmm.

7 Q What did you mean by that?

8 A Well, I don't really know how to answer
9 that. It is totally dependent on what happened, and
10 what I'm asked to believe.

11 Q I guess what we are getting at is just
12 because someone is wearing a uniform and a badge,
13 does that make them more trustworthy than just a
14 normal person?

15 A Probably not, no.

16 Q Would you listen to each witness and
17 determine on their own, as a person, not as a job
18 whether or not they are truthful?

19 A Yes.

20 Q Okay. Now, you have a cell phone that you
21 use?

22 A I do.

23 Q Does it have computer -- or Internet
24 access?

25 A Yes.

1 Q How about do you have computers at home?

2 A Yes.

3 Q They have Internet access as well?

4 A Yes.

5 Q Are you pretty savvy with computers?

6 A I would say, yes.

7 Q You know how they are programmed and
8 things like that?

9 A I am not that detailed into it. I mean, I
10 know how to navigate different programs. But I
11 don't know all of the hard wiring behind everything.

12 Q What kind of search engines do you
13 typically use?

14 A Google.

15 Q Have you ever heard of the Dark Web?

16 A Yes.

17 Q What have you heard?

18 A Just that it's web sites that are really
19 hard to find for the average person, and you can buy
20 things that are illegal on it.

21 Q Where did you hear that stuff?

22 A I guess I don't really know. Just talking
23 with friends about it, probably. I couldn't narrow
24 it down to one specific spot that I have heard about
25 it.

1 Q Have you ever heard of Bitcoins before?

2 A Yes. But I know absolutely nothing about
3 them.

4 Q Do you even know what they are?

5 A No.

6 Q You're familiar with the terms like router
7 and server and modem and that kind of stuff?

8 A Yes.

9 Q WiFi?

10 A Yes.

11 Q How about antivirus software, are you
12 familiar with that?

13 A Yep.

14 Q Malware?

15 A Yes.

16 Q Do you have that on your computer?

17 A I believe so.

18 Q Do you know what a firewall is?

19 A I know the term. I don't totally know
20 what it means.

21 Q What does your husband do, your spouse?

22 A He does a couple of things. He is a real
23 estate agent and the manager of a fireworks store.

24 Q Oh, okay. As a real estate agent does he
25 have his own business?

1 A He was working for a company called
2 Lifestyle Realty, but they are breaking up into a
3 really small business and he is thinking of moving
4 to a different company. So he won't be working for
5 his own business.

6 Q Have you ever had anybody remotely access
7 your computer?

8 A At work, but not at home.

9 Q Is that where, like, you give them access
10 and they can come on your computer and do stuff to
11 it?

12 A Yep.

13 Q And they are not necessarily sitting right
14 next to you, right?

15 A Nope. I'm usually on the phone with them.
16 They get my desktop number and then access it
17 remotely.

18 Q Okay. You use your computer for banking
19 activities?

20 A I usually use my cell phone.

21 Q For online banking?

22 A Yep.

23 Q Is that how you pay most of your bills?

24 A Yep.

25 Q You also buy stuff online?

1 A Yep.

2 Q What do you use there, a credit card or
3 what.

4 A Yep.

5 Q Yes?

6 A Credit card, yeah.

7 Q Do you ever use Pay Pal?

8 A No.

9 Q How about MoneyGram or Western Union; have
10 you ever used those before?

11 A No. The only like non-credit card or cash
12 or check transaction I use is (inaudible).

13 Q Can you tell us what that is?

14 A It's just -- I mean, all I really know
15 about it is that it's an app that I can get on my
16 phone and I can find my friends on it and we can
17 transfer money back and forth.

18 Q Okay. That's nice. I didn't remember,
19 but I might have asked you how many hours or how
20 much time per day you typically spend online?

21 A Ah, maybe an hour a day.

22 Q Is that like doing searches and stuff like
23 that?

24 A Yeah, I mean, mostly just scrolling
25 through Facebook or looking at news websites or

1 something. I don't specifically search for
2 anything.

3 Q Is there a news outlet that you typically
4 use to get your information about the world?

5 A No, not really. I mean to be honest, I
6 really only go on Facebook, and there's a lot of
7 news that I see on there, so ...

8 Q That's where you get most of your news?

9 A Yeah, or just watching TV.

10 Q Do you watch the news at night and stuff?

11 A Not regularly.

12 Q Have you ever had any problems with
13 somebody hacking your computer or getting a virus on
14 your computer or anything like that?

15 A No.

16 Q Have you ever heard of that before?

17 A Yeah.

18 Q How have you heard of that?

19 A Happens to friends, but I don't know
20 specifics about it?

21 Q Have you ever heard of big companies being
22 hacked into and things like that?

23 A Yeah, but I wouldn't know specific
24 details.

25 Q Just what you see on the news?

1 A Yeah.

2 Q I may have asked you this, and I apologize
3 if I did. But one of the rules of law is that the
4 defendant has the right not to testify. Did I
5 already talk to you about that?

6 A No.

7 Q Good. And if the judge tells you the
8 defendant has the right to not testify and you're
9 not to assume anything or draw an inference about
10 that, would you be okay with that?

11 A Yeah.

12 Q You understand the importance of that?

13 A Yeah.

14 Q You wouldn't assume good or bad just
15 because somebody chose not to testify; is that
16 right?

17 A I mean, I would try not to.

18 Q Is there things in your head that would
19 creep in that you would think otherwise, or what?

20 A No, just curiosity and why they wouldn't.

21 MR. DEVORE: Your Honor, may we approach?

22 THE COURT: You may.

23 (Whereupon, court and counsel had a
24 discussion off the record.)

25 THE COURT: Prosecution may proceed.

1 MS. KREUSER: Thank you.

2 BY MS. KREUSER:

3 Q Hi, Ms. Golden.

4 A Hi.

5 Q My name is Jamie Kreuser and I am one of
6 the prosecutors in the matter. First off,
7 congratulations on your pregnancy.

8 A Thank you.

9 Q I wanted to ask you, when you were talking
10 about working in the pharmacy, you at times when you
11 were pharmacy technician, or acting in that
12 capacity, had dispensed scopolamine.

13 A Mm-hmm.

14 Q And you said that it was an antinausea
15 medication?

16 A Mm-hmm.

17 Q What was the way you said that it was
18 administered? What was the form?

19 A A patch.

20 Q Did you ever dispense it in any other form
21 other than in a patch?

22 A Not that I am aware of.

23 Q Okay. Great. When you were talking about
24 work, getting remote access to your computer for
25 whatever reason, this was in an IT capacity; is that

1 right?

2 A Yes.

3 Q When that happened they would go on your
4 computer remotely and you gave them consent to do
5 that; is that right?

6 A Correct.

7 Q Any time they went on it and you didn't
8 give them permission?

9 A Not that I'm aware of.

10 Q Mr. DeVore had asked you about your
11 knowledge of the concept of hacking or viruses.
12 Your answer was that you heard this happening to
13 friends; is that right?

14 A Yes.

15 Q Is this more about hacking or viruses.

16 A Viruses.

17 Q Thank you. Any friends that you know that
18 have been hacked before, to your recollection?

19 A Not that I am aware of.

20 Q In looking through your questionnaire, you
21 had put as, I believe, one of your pastimes taking
22 your dogs for walks?

23 A Yep.

24 Q Do you have multiple dogs?

25 A I have two.

1 Q Two, okay. What kind of dogs do you have?

2 A They are both mutts. So one is a lab
3 weimaraner. The other one is boxer lab. Best guess.

4 Q Okay. How long have you had them?

5 A Five years.

6 Q Both five?

7 A Yes. They are both 5 years old?

8 Q Did you get them from a family, did you
9 rescue them, how did you --

10 A Rescued them both, but from different
11 persons.

12 Q Here locally?

13 A Yes.

14 Q Now, the judge had given you some
15 preliminary instructions and counsel asked if you
16 could be fair to the defendant during the course of
17 this trial. Can you be fair to the state as well?

18 A Yes.

19 Q Do you feel like you're somebody who has
20 to and often does implore your common sense?

21 A Yes.

22 MS. KREUSER: May we approach, Your Honor?

23 THE COURT: You may.

24 (Whereupon, court and counsel had a
25 discussion off the record.)

1 THE COURT: Ms. Golden, you have been
2 removed. So thank you for your cooperation. I wish
3 you luck with your pregnancy and you are excused.

4 THE JUROR: Thank you.

5 THE COURT: Thank you.

6 (The juror exited the courtroom.)

7 THE COURT: We are taking a break, ten
8 after three.

9 (A recess was taken.)

10 (Prospective juror entered the courtroom.)

11 THE COURT: Please come forward, sir. We
12 are going to have you sitting in the jury box over
13 there in the front row, so come all the way to the
14 end and then turn back and find a seat in that front
15 row. Obviously, you have some water with you.

16 THE JUROR: Yes.

17 THE COURT: Any of those seats are fine.
18 Please stand, though, and raise your right hand to
19 be sworn.

20 (The prospective juror was sworn in.)

21 THE COURT: Have a seat and state your
22 name, please, for the record.

23 THE JUROR: Kenneth Warling.

24 THE COURT: Okay. Mr. Warling, I have
25 some comments to make to you. Then I'll have just a

1 few questions. Then I will turn it over to the
2 defense. And then maybe the defense, maybe the
3 prosecution will have some questions as well.

4 You heard me use the term Voir Dire back a
5 few days ago. That's that French term that roughly
6 means to speak the truth. That's what this
7 questioning is about. So I will appreciate your
8 truthfulness and I will appreciate your cooperation.

9 During the questioning there may be a
10 request to excuse for cause. Or there may be
11 request to exercise for what we call a peremptory
12 challenge. Or there may be none of those things.
13 Now, a challenge for cause means that one side or
14 the other is stating that there is a reason to
15 remove you from consideration from being on the
16 jury, and I am the one that will decide that. But a
17 peremptory challenge is in their control. They have
18 a number of peremptory challenges they can make and
19 they can be exercised by either party. They decide
20 that. So if either one of those things happen, I
21 will simply be thanking you for your service and
22 excusing you from jury service.

23 Now, to my questions. Have you had any
24 conversations with anyone about this case since
25 filling out the questionnaire?

1 THE JUROR: No.

2 THE COURT: Have you looked up anything,
3 or done any research about this case since filling
4 out the questionnaire?

5 THE JUROR: No.

6 THE COURT: There are some rules of law.
7 I will give you a few of them now. More would be
8 occurring during the trial, if you are on the jury.
9 The defendant is presumed to be innocent. The state
10 has the burden of proof. The state must prove any
11 charge beyond a reasonable doubt. The defendant
12 does not have to prove innocence. Again other rules
13 would be told to you as well, if you are on the
14 jury. Will you be able to follow the rules of law
15 as I give them to you?

16 THE JUROR: Yes.

17 THE COURT: Is there any reason, as you
18 sit here now, that you think you cannot be a fair
19 and impartial juror in this case?

20 THE JUROR: I am self employed. I am
21 working on a big project right now for the Super
22 Bowl. I do hotels where the team is staying at. I
23 am on a very tight schedule for that. I could
24 possibly lose that whole account, and pretty much
25 everything, because the work has to be done before

1 the team shows up for the Super Bowl.

2 MR. FINK: Your Honor, if we could
3 approach?

4 THE COURT: You may.

5 (Whereupon, court and counsel had a
6 discussion off the record.)

7 THE COURT: Sir, between your
8 questionnaire, and observations of the attorneys,
9 and what you have just said, you are excused. Thank
10 you.

11 THE JUROR: Thank you.

12 (The juror exited the courtroom.)

13 (Prospective juror entered the courtroom.)

14 THE COURT: Come on forward, sir. We are
15 going to put you in the jury box, in the front row
16 there. So keep coming until you get to that jury
17 box. I see you have some water with you. There is
18 water in the carafe as well. Before you sit down,
19 please raise your right hand to be sworn.

20 (The prospective juror was sworn in.)

21 THE COURT: Have a seat. Please state
22 your full name for the record.

23 THE JUROR: Sure. Jacob Michael Marolt.

24 THE COURT: Pronounce that last name
25 again.

1 THE JUROR: Marolt.

2 THE COURT: Marolt. Thank you.

3 Mr. Marolt, I will have some brief comments for you
4 here. Then I will have a few questions for you, but
5 then I am going to turn it over to defense counsel,
6 and then possibly the prosecution for more
7 questioning.

8 You have heard the term Voir Dire last
9 week. You may have heard that term before. But as
10 I said, it roughly means to speak the truth. So I
11 appreciate your truthfulness and your cooperation.

12 Now, during the questioning, there may be
13 a request to excuse you or remove you for cause. Or
14 there may be a request to exercise what we call a
15 peremptory challenge. Or there may be neither one
16 of those things. Now, a challenge for cause occurs
17 if one side or the other thinks there is a reason
18 you should not be on the jury. That is brought to
19 me and I make that decision. A peremptory challenge
20 can be exercised either by the defense or the
21 prosecution. They each have a number of challenges
22 that they can make. They decide that. That's not
23 my decision, that's theirs. So both of those things
24 are possible. If one of those things happens, I
25 would simply excuse you and thank you for your

1 service.

2 Having said that, I have a few brief
3 questions for you before I turn it over to the
4 attorneys. Have you had any conversations with
5 anyone about this case since filling out the
6 questionnaire?

7 THE JUROR: No.

8 THE COURT: Have you looked up anything,
9 or done any research about this case since filling
10 out the questionnaire?

11 THE JUROR: No.

12 THE COURT: There are some rules of law.
13 Some of the basic ones are that the defendant is
14 presumed to be innocent. The state has the burden
15 of proof. The state must prove each and every
16 charge beyond a reasonable doubt. And the defendant
17 does not have to prove innocence. There are other
18 rules of law that I would certainly give a jury
19 during a trial, or following a trial. Will you be
20 able to follow the rules of law as I give them to
21 you?

22 THE JUROR: Yes.

23 THE COURT: Is there any reason you cannot
24 be a fair and impartial juror in this case.

25 THE JUROR: No.

1 THE COURT: Mr. DeVore?

2 MR. DEVORE: Thank you.

3 BY MR. DEVORE:

4 Q Good afternoon.

5 A Hello.

6 Q Mr. Marolt, what do you do for a living?

7 A I'm a sales manager for Vista Outdoor.

8 Q What is Vista Outdoor?

9 A It's a company that owns 52 different
10 brands ranging from Bolle Safety sunglasses to
11 Federal Premium Ammunition, Noxic Company (ph), and
12 (inaudible) company.

13 Q And you represent them in all of those
14 capacities?

15 A Correct. Yep. Yep.

16 Q Now, you indicated in the questionnaire
17 form that you have a mandatory work travel?

18 A That's correct. Our biggest industry
19 trade show is next week in Las Vegas.

20 Q Okay. That's an annual thing?

21 A Yep.

22 Q How long have you been planning to do
23 that?

24 A It's every year. Same third week in
25 January.

1 Q So every year it's always the same thing?

2 A Last eight years I have been there, yep.

3 Q Okay. Is that -- I mean some trade shows
4 you go to and you catch a couple of classes, or do a
5 few things.

6 A No. So this will be -- all of our
7 customers will be there, so we are in customer
8 meetings basically from -- there is a range day on
9 Monday. We are actually on the range shooting
10 ammunition, showcasing the guns and holsters. We
11 have customer meetings Tuesday through Friday.

12 Q So fair to say that that's a pretty
13 important function for you to be at?

14 A Yes. Yep.

15 Q When you say mandator --

16 A Once you get to a certain management
17 level, you go. It's not a -- unless you have a
18 death or birth in the family, we are all expected to
19 be there and meet with our customers the entire
20 week.

21 Q Okay. And obviously, if we are in trial
22 next week, you wouldn't be in Las Vegas if you were
23 on this jury, correct?

24 A Correct.

25 MR. DEVORE: Your Honor, can we approach?

1 THE COURT: You may.

2 (Whereupon, court and counsel had a
3 discussion off the record.)

4 BY MR. DEVORE:

5 Q Mr. Marolt, I am going ask you a few more
6 questions about your -- what is it a trade show?

7 A Yes.

8 Q Is that what we are calling it?

9 A Industry show, trade show.

10 Q Okay. So how big of a company is Vista
11 Outdoor?

12 A I think maybe 6,000 employees, maybe.

13 Q So big.

14 A Yep. Publicly traded.

15 Q Okay. And you know there are times when
16 people can't go to things, right?

17 A Right.

18 Q You're sick or whatever it is, right?

19 A Right.

20 Q So if you are not able to go to this event
21 next week, tell me how that affects you and your
22 job, your work.

23 A Yeah, that would be -- so I actually
24 called my VP last night. I asked him. He said,
25 well, I've never thought about that. I've never

1 thought about not having my key sales manager there.
2 I'm not sure how to handle that. He said, let's
3 just cross the bridge when we come to it.

4 You know, it's the CEO on down are at the
5 meetings. So it would be -- I hate to shirk my
6 civic duty, but it would be a strong negative, I
7 guess, on my work career performance, I guess.

8 Q Are you a salary employee?

9 A Yes. Correct.

10 Q Are you sales?

11 A Yes.

12 Q So is this a big driver, this trade show,
13 a big driver of your sales for year to come?

14 A Yeah, so again, we are meeting with CEO
15 from Cabalas, CEO from Bass Pro Shops. Basically,
16 we are kind of setting the stage, I guess, if you
17 will for a preliminary outline for a plan for what
18 we will do this next 12 months in business.

19 Q And this is a once a year event?

20 A Yep.

21 Q And there isn't one coming up next month,
22 similar thing in the next quarter?

23 A No the show is the third week of January,
24 once a year.

25 Q Okay. Would your -- so you don't know

1 what your company would do, then, if you couldn't be
2 there.

3 A No. He said he had never -- he's never
4 had to deal with a sales executive not attending a
5 show like this. He wasn't sure how he would handle
6 it.

7 Q Okay. All right. And if you were sitting
8 on this jury, and you were missing that event, would
9 that be a distraction for you to be sitting on this
10 jury?

11 A Yes. I would be thinking about that the
12 whole time, unfortunately.

13 THE COURT: Come on up.

14 (Whereupon, court and counsel had a
15 discussion off the record.)

16 THE COURT: Sir, you are excused. You can
17 go to your training.

18 THE JUROR: Thank you.

19 THE COURT: Thank you for your service
20 here, and pay attention when you get another notice
21 for jury duty. But you may go to your trade show.

22 Now, not knowing these last two were going
23 to be as quick as they were, we don't have anymore
24 this afternoon. I have sent them home. They are
25 going to come at 8:30. So I have a couple of

1 issues, though, to raise for you folks, because I
2 think we need to plan for them.

3 We are picking a jury relatively quickly.
4 If it goes at this pace, there is no reason to think
5 we won't have a jury selected by the end of the
6 week. And Mr. DeVore, if your estimate of two weeks
7 is correct, that in fact gets you us done with this
8 trial right around Super Bowl weekend.

9 There are two or three things that attach
10 to what I am saying. One, is the complication that
11 is personal to me. My last duty day as an active
12 judge is January 31st. I do need to take
13 February 1st off. I am told that in multiple ways
14 and I can't get around that. So Thursday of that
15 week, we will not be here.

16 I am also told that if there is
17 sequestration of the jury, and that is something
18 that is at my discretion, but I certainly would want
19 you folks to weigh in on, that there are no rooms.
20 None that could accommodate a jury in the Twin
21 Cities area, maybe as far as Duluth.

22 So I think I heard on the radio somebody
23 was saying that there might be three rooms available
24 somewhere. Who knows at what price, et cetera, but
25 the information I get from court administration is

1 that that's not going to happen. So I will welcome
2 any thoughts either one, anyone of you, will give me
3 at this point in terms of likelihood of
4 sequestration, timing of this trial, and any
5 suggestions as to how we go forward. I certainly
6 will make those decisions, but I wanted to lay that
7 out in front of you.

8 MR. FINK: Counsel and I are both, all
9 three of us, have talked about the sequestration and
10 I think we are in agreement that we would request
11 that.

12 MR. DEVORE: That's correct.

13 THE COURT: Okay. All right. Not a
14 surprise at all.

15 MR. FINK: I fully expect the trial to be
16 done by the end of the month.

17 THE COURT: Okay.

18 MR. FINK: That we won't go over that
19 weekend. But if we have to go over that weekend, I
20 would propose that we not close until Monday then.

21 THE COURT: Have the closing arguments on
22 Monday.

23 MR. FINK: Yes.

24 THE COURT: That's something that I have
25 thought of and that makes sense to me. Mr. DeVore,

1 does that make sense to you?

2 MR. DEVORE: So if we finished by the end
3 of the month, that's the 31st.

4 THE COURT: That's correct.

5 MR. DEVORE: So if we finished on the 31st
6 with testimony.

7 THE COURT: We would have a four day
8 weekend. The converse of that is if we are still
9 taking testimony, I would just take one day off. We
10 would come in on Friday, and we would have testimony
11 on Friday. That still would not get the closing
12 arguments until Monday or later.

13 MR. FINK: None of it is optimal, Your
14 Honor. It's just a matter of not alienating the
15 jury on the one hand, assuming we could get 15 rooms
16 in a row for the deputies as well as the jurors, and
17 basically, stripping the rooms.

18 THE COURT: Right.

19 MR. FINK: Even assuming that, you're
20 going to have some really angry jurors if they are
21 going to be deliberating on the Super Bowl.

22 THE COURT: That's correct. In fact, one
23 of these, I don't even remember which one it is, has
24 volunteer duties to do in connection with the Super
25 Bowl.

1 So here's the way we will proceed: If
2 testimony is done by January 31st, we will have
3 closing arguments on Monday after the Super Bowl,
4 February 5th. If testimony, for whatever reason, is
5 not done by the 31st of January, we will continue
6 with testimony on Friday the 2nd and as long as we
7 need to go, the 5th, the 6th, whatever it is, and
8 have closing arguments in the ordinary course, but
9 not sooner than the 5th of February.

10 Any question about any of that? Okay.
11 Then I will be communicating with the folks from
12 court administration and jury coordination to make
13 sure we are on track for that. It is also possible
14 that we not be in a hurry for opening statements.
15 That's another thing that occurs to me. So I don't
16 know exactly how long it will take to pick this
17 jury. We are talking about 15 people, we have 5
18 right now.

19 So if we, for instance, have 15 by the end
20 of business on Thursday, there are a couple of ways
21 to proceed and I will welcome your thoughts on that
22 as well as we go. Whether we delay opening
23 statements for a day, et cetera. So I will welcome
24 your statements on that as we go.

25 But that's all we are getting done today.

1 9 o'clock tomorrow is when the next juror will be
2 questioned. Thank you.

3 MR. FINK: Thank you.

4 MS. KREUSER: Thank you, Your Honor.

5 MR. DEVORE: Thank you.

6 (Proceedings concluded.)

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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: August 13, 2018

DEBORAH L. FOSTER
Official Reporter
Washington County District Court
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