

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 VII**

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

7

8 Stephen Carl Allwine,

9 Defendant.

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11 The above-entitled matter came duly on for
12 Jury Trial before the Honorable B. William Ekstrum,
13 one of the Judges of the above-named Court, on the
14 31st day of January, 2018, at the Washington County
15 Judicial Center, City of Stillwater, County of
16 Washington, State of Minnesota.

17 * * *

18 A P P E A R A N C E S

19 Jamie Kreuser and Fred Fink, Assistant
20 Washington County Attorneys, appeared as counsel for
21 and on behalf of the state.

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

25

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

3 DEPUTY: They are on their way up, Your
4 Honor.

5 (The jury entered the courtroom.)

6 THE COURT: Everyone please be seated.

7 Members of the jury, I understand there
8 were some questions, or some confusion as to my
9 comment yesterday about sequestration. If I was
10 unclear, you have my apologies.

11 I understand that this whole process takes
12 you away from family and your normal routines, but I
13 believe all that has been covered through
14 communication. And I will confirm that You do need,
15 and I believe you all have, clothing and toiletries
16 that will allow you to be sequestered for as long as
17 it takes to reach a decision, and I thank you for
18 that.

19 So ladies and gentlemen of the jury: I
20 will now instruct you as to the law that applies to
21 this case. You will be given a copy of these
22 written instructions. So you need not feel
23 compelled to take notes.

24 It is your duty to decide the questions of
25 fact in this case. It is my duty to give you the

1 rules of law you must apply in arriving at your
2 verdict. You must follow and apply the rules of law
3 as I give them to you, even if you believe the law
4 is or should be different.

5 Deciding questions of fact is your
6 exclusive responsibility. In doing so, you must
7 consider all of the evidence you have heard and seen
8 in this trial. You must disregard anything you may
9 have heard or seen elsewhere about this case.

10 I have not by these instructions, nor by
11 any ruling, or expression during the trial intended
12 to indicate my opinion regarding the facts or the
13 outcome of this case. If I have said or done
14 anything that would seem to indicate such an
15 opinion, you are to disregard it.

16 In your determination of the facts, you
17 are not to consider the possible penalties. That
18 consideration is the responsibility of the court
19 exclusively. Your only duty is to determine whether
20 or not the guilt of the defendant has been proved
21 beyond a reasonable doubt, without reference to any
22 possible penalty which may accrue.

23 You must consider these instructions as a
24 whole, and regard each instruction in the light of
25 all of the others. The order in which the

1 instructions are given is of no significance. You
2 are free to consider the issues in any order that
3 you wish.

4 Attorneys are officers of the court. It
5 is their duty to make objections they think proper,
6 and to argue their client's cause. However the
7 arguments, or other remarks of an attorney, are not
8 evidence. If the attorneys or I have made, or
9 should make, any statement as to what the evidence
10 is which differs from your recollection of the
11 evidence, you should disregard the statement and
12 rely solely on your own memory. If an attorney's
13 argument contains any statement of the law that
14 differs from the law I give you, disregard the
15 statement.

16 Now, an indictment has been filed by the
17 office of the Washington County Attorney charging
18 Stephen Allwine with Premeditated Murder in the
19 First Degree. The charge reads as follows: On
20 November 13th, 2016 in the County of Washington, Amy
21 Allwine died. Stephen Allwine intentionally killed
22 Amy Allwine and Stephen Allwine acted with
23 premeditation.

24 To this, the defendant has pleaded not
25 guilty. This plea constitutes a denial of every

1 material allegation in the indictment. Therefore,
2 it is necessary for the State of Minnesota to prove
3 all of the material allegations to the degree stated
4 in order to establish the defendant's guilt.

5 The indictment, which I have referred to,
6 is not evidence. It creates no inference of guilt.
7 No member of the jury should in any way permit
8 himself or herself to be prejudiced against the
9 defendant because an indictment has been filed
10 against him, or because he has been arrested or
11 placed on trial.

12 A fact may be proven by either direct or
13 circumstantial evidence or by both. The law does
14 not prefer one form of evidence over the other.

15 A fact is proven by direct evidence when,
16 for example, it is proven by witnesses who testify
17 to what they saw, heard, or experienced, or by
18 physical evidence of the fact itself.

19 A fact is proven by circumstantial
20 evidence when its existence can be reasonably
21 inferred from other facts proven in the case.

22 During this trial, I have ruled on
23 objections to certain testimony and exhibits. You
24 must not concern yourself with the reasons for the
25 rulings since they are controlled by rules of

1 evidence. By admitting into evidence testimony and
2 exhibits as to which an objection was made, I did
3 not intend to indicate the weight to be given such
4 testimony and evidence. You are not to speculate as
5 to possible answers to questions I did not require
6 to be answered. You are to disregard all evidence I
7 have ordered stricken, or have told you to
8 disregard.

9 You are the sole judges of whether a
10 witness is to be believed, and of the weight to be
11 given a witness's testimony. There are no hard and
12 fast rules to guide you in this respect. In
13 determining believability and weight of testimony,
14 you may take into consideration the witness's
15 interest or lack of interest in the outcome of the
16 case. Relationship to the parties. Ability and
17 opportunity to know, remember, and relate the facts.
18 Manner, age and experience. Frankness and sincerity
19 or lack thereof. Reasonableness or unreasonableness
20 of their testimony in the light of all of the other
21 evidence in the case. Any impeachment evidence of
22 the witness's testimony, and any other factors that
23 bear on believability and weight.

24 You should rely in the last analysis upon
25 your own experience, good judgment and common sense.

1 In deciding the believability and weight
2 to be given the testimony of a witness, you may
3 consider evidence of the witnesses' reputation for
4 truthfulness. A witness who has special training,
5 education, or experience in a particular science,
6 occupation or calling is allowed to express an
7 opinion as to certain facts. In determining the
8 believability and weight to be given such opinion
9 evidence, you may consider the education, training,
10 experience, knowledge, and ability of the witness.
11 The reasons given for the opinion. The sources of
12 the information. Factors already given you for
13 evaluating the testimony of any witness.

14 Such opinion evidence is entitled to
15 neither more nor less consideration by you than any
16 other evidence. The state must convince you by
17 evidence beyond a reasonable doubt that the
18 defendant is guilty of the crime charged.

19 The defendant has no obligation to prove
20 innocence. The defendant has the right not to
21 testify. This right is guaranteed by the federal
22 and state constitutions. You should not draw any
23 inference from the fact that the defendant has not
24 testified in this case.

25 Under Minnesota law, a person causing the

1 death of another person with premeditation and with
2 the intent to kill the person is guilty of the crime
3 of Murder in the First Degree.

4 With intent to, or with intent that, means
5 that the actor either has a purpose to do the thing,
6 or caused the result specified, or believes that the
7 act, if successful, will cause that result.

8 Now, the elements of Murder in the First
9 Degree as alleged in this case are: First, the
10 death of Amy Allwine must be proven.

11 Second, the defendant caused the death of
12 Amy Allwine.

13 Third, the defendant acted with the intent
14 to kill Amy Allwine. To find the defendant had the
15 intent to kill, you must find that the defendant
16 acted with the purpose of causing death, or believed
17 the act would have caused that result.

18 Fourth, the defendant acted with
19 premeditation. Premeditation means the defendant
20 considered, planned, prepared for, or determined to
21 commit the act before the defendant committed it.
22 Premeditation being a process of the mind is wholly
23 subjective, and hence not always susceptible to
24 proof by direct evidence. It may be inferred from
25 all of the circumstances surrounding the event.

1 It is not necessary for premeditation to
2 exist for a specific length of time. While
3 premeditation requires no specific period of time
4 for deliberations, some amount of time must pass
5 between the formation of the intent and the carrying
6 out of the act.

7 A premeditated decision to kill may be
8 reached in a short period of time. However, an
9 unconsidered or rash impulse, even though it
10 includes an intent to kill is not premeditated.

11 Fifth, the defendant's act took place on
12 November 13th, 2016 in Washington County. If you
13 find each of these elements have been proven beyond
14 a reasonable doubt, the defendant is guilty of this
15 charge.

16 If you find any element has not been
17 proven beyond a reasonable doubt, the defendant is
18 not guilty of this charge.

19 The state has introduced evidence of
20 conduct by the defendant. As I told you at the time
21 this evidence was offered, it was admitted for the
22 limited purpose of demonstrating the nature and
23 extent of the relationship between the defendant and
24 Amy Allwine, in order to assist you in determining
25 whether the defendant committed those acts with

1 which the defendant is charged in the complaint.

2 The defendant is not being tried for, and
3 may not be convicted of, any behavior other than the
4 charged offense. You are not to convict the
5 defendant on the basis of that conduct. To do so,
6 might result in unjust double punishment.

7 Proof beyond a reasonable doubt is such
8 proof as ordinarily prudent men and women would act
9 upon in their most important affairs.

10 A reasonable doubt is a doubt based upon
11 reason and common sense. It does not mean a
12 fanciful or capricious doubt. Nor does it mean
13 beyond all possibility of doubt.

14 The defendant is presumed innocent of the
15 charge made. This presumption remains with the
16 defendant unless and until the defendant has been
17 proven guilty beyond a reasonable doubt.

18 That the defendant has been brought before
19 the court by the ordinary processes of the law, and
20 is on trial, should not be considered by you as in
21 any way suggesting guilt. The burden of proving
22 guilt is on the state. The defendant does not have
23 to prove innocence.

24 During these instructions, I may have
25 defined certain words and phrases. If so, you are

1 to use those definitions in your deliberations. If
2 I have not defined a word or phrase, you should
3 apply the common ordinary meaning of that word or
4 phrase.

5 That concludes the court's instructions
6 about the particular issues in this case. We will
7 now have the final arguments by the attorneys.
8 After the arguments by the attorneys have been
9 completed, the court will give you some guidelines
10 and rules for your deliberations.

11 As you listen to the attorneys' arguments,
12 bear in mind the following: The attorneys during
13 their final arguments may aim to do several things.

14 First, they will discuss with you what
15 they feel are the true facts or what evidence
16 discloses about the true facts.

17 Second, they may draw inferences or
18 suggest conclusions, or arguments, based on those
19 facts.

20 And third, the attorneys may discuss their
21 understanding of the applicable law. You should
22 listen carefully to the attorneys who have given
23 considerable thought to this case. Their final
24 arguments are intended to aid you in understanding
25 the case, in remembering the evidence, in applying

1 the law, and ultimately in reaching your final
2 verdict.

3 And now we have the final arguments. The
4 state will proceed first. You may proceed.

5 MR. FINK: Each homicide case is
6 difficult. Each homicide case is sad. Each
7 homicide case is a tragedy. In this trial, like all
8 homicides, it got more difficult as it went along.
9 It didn't get easier.

10 It got harder because with each witness,
11 with each day, we all heard more and more evidence
12 on how a human life was taken. More and more
13 evidence of how Amy Allwine was drugged,
14 debilitated, and ultimately killed.

15 More and more evidence of the choices that
16 defendant made to plan, to prepare for, and
17 deliberate over the killing of Amy Allwine for
18 months and months prior to her death.

19 We heard how her life was seized from her
20 son Joe. How her life was taken by this defendant.
21 How this defendant intended to kill Amy Allwine
22 because a divorce would hurt him in the eyes of his
23 church. And to stage it unsuccessfully as a
24 suicide, trying to clean up the blood in the hallway
25 so as to fool police authorities. Ending with this

1 defendant putting the 9 millimeter handgun to Amy's
2 right ear. Pulling the trigger, sending the bullet
3 through her brain, severing her brain stem, killing
4 her instantly.

5 Now, this case is sad for some
6 particularly clear reasons. The death of 43 year
7 old Amy Allwine who thought she was happily married.
8 Who loved her son, her family, her dogs; all dogs.
9 Who started a dog training business with great plans
10 for its future expansion. Her life was stolen from
11 her. Cut short by the violence, the anger, and the
12 plotting of that defendant. Cut short by someone,
13 this defendant, who placed Amy Allwine's value as a
14 human being only to the extent of his own desires
15 being fulfilled. Cut short for no good reason.
16 None. And that is supremely sad.

17 Now, you have heard disturbing graphic,
18 and personal testimony here in this trial. And you
19 heard and saw graphic testimony about the crime
20 scene, and about the wound on Amy Allwine's head.
21 It was necessary for you to see and hear that
22 evidence in order to decide the manner of death, in
23 order to decide -- to be better able to determine
24 the state of mind of the person holding the gun.
25 The killer. This defendant. And also in order to

1 appreciate the other evidence that came in during
2 the course of the case.

3 Because you see, physical and scientific
4 evidence has a value, and that value is that it
5 doesn't lie. People lie. People are mistaken.
6 People forget. Physical and scientific facts don't
7 lie, they don't forget, and they are not mistaken.

8 You heard Dr. Mills' testimony, together
9 with the other physical and scientific evidence.
10 One gunshot. A contact wound. The muzzle was in
11 contact with Amy's ear. The trajectory is slightly
12 back to front, and up to down. Not consistent with
13 a struggle. And it's not consistent with anything
14 but a cold-blooded execution. Because people who
15 commit suicide don't clean up after themselves, and
16 common sense tells us this.

17 Now, ladies and gentlemen, I am certain
18 that all of that was not easy for you to see, for
19 you to hear, but it was necessary.

20 There is an ironic aspect to a homicide
21 case, and that is a life can be taken, but the jury
22 sees very little of that person. Their lives, their
23 loves, their ambitions, their disappointments, their
24 hopes for the future, even their flaws. All of the
25 things that go together to make up a human being.

1 Now, you saw a lot of exhibits in this
2 case, but there were two that were not displayed or
3 circulated, but you need to see it now. This is Amy
4 Allwine (showing jury a picture). You need to
5 remember that we are not just talking about this
6 defendant here today, but as well Amy Allwine.
7 Because their lives are inextricably bound together
8 in your decision making.

9 The defendant's life is not in your hands.
10 It's in his own hands, and it always has been. Amy
11 Allwine's death, and determining responsibility for
12 that death, is in your hands.

13 You now know everything about this case
14 that you are going to know. This case is about this
15 defendant committing First Degree Murder. Causing
16 Amy Allwine's death, intending that she die, and
17 with premeditation.

18 Now, the state's burden of proof is beyond
19 a reasonable doubt, and that's something that the
20 state gladly embraces. That's the way our system
21 operates. It's the same burden of proof in every
22 criminal case tried in every jurisdiction in this
23 country. But it's not to a mathematical or
24 scientific certainty. Reasonable doubt needs to be
25 based on your logic, your reason, your experiences,

1 and your common sense.

2 Now, the judge in his instructions did not
3 tell you to park your common sense at the door of
4 the jury room before you go in for deliberation.
5 Quite the opposite. He told you to take it with
6 you. To apply it to your common experiences, and
7 the facts of this case because it's your most
8 important and valuable tool in your decision making.

9 Now, you will notice that the state
10 doesn't have to prove motive, but it's only human to
11 ask why. Why? This defendant wanted Amy Allwine
12 out of his life, and wanted to be free to play the
13 field. He was an elder in his church. A position
14 he deeply valued. The church did not sanction
15 divorce, and the defendant couldn't bear to have his
16 place in the church marred by one. And don't forget
17 the almost three-quarters of a million dollars in
18 life insurance money.

19 Her death, Amy's death, was the only
20 answer, and he planned for her death. Tried to hire
21 it done. He prepared everything for her death, and
22 it was -- he was determined that she die.

23 Now, the state has to prove certain things
24 in order to find the defendant guilty. Amy Allwine
25 died of a gunshot wound to the head. One that

1 severed her brainstem. Was this a suicide as it was
2 originally reported?

3 This is what the police saw when they
4 walked in. But numerous facts began to accumulate
5 to show that this was not a suicide. Someone
6 cleaned up after her death. And you can see the
7 swipe marks that Lindsey Garfield talked about. You
8 saw proof of that that someone had cleaned up when
9 you saw the flooring after it was doused with
10 Luminal. That was blood that was cleaned up.
11 Someone, clearly someone other than Amy Allwine
12 cleaned up that floor in the master bedroom, and
13 tracked blood all through the house. Down the
14 hallway, into the hallway bathroom, into Joseph's
15 bedroom, into the mudroom. Amy Allwine was not
16 killed in the master bedroom where she was found.
17 Someone moved her. And the physical and scientific
18 facts of this case tell us that.

19 From the pool of blood cleaned up in the
20 hallway, through the kitchen, dining room, this is
21 what the police saw before luminal, and after.

22 From the pool of blood cleaned up in the
23 hallway, and the footprints, toe prints that we saw
24 in the luminal exhibits, to the drip pattern as a
25 satellite stain. Right here (pointing). You heard

1 testimony that that blood didn't reach from the big
2 pool, but rather dropped down onto the carpet
3 because the source of that blood was elevated above
4 the carpet for a period of time. Then the river of
5 blood flowing down the left side of Amy's face, even
6 though her face was found facing straight up. You
7 heard Lindsey Garfield, you heard Dr. Mills talk to
8 you about that, and how that means at one point, her
9 head was slightly back and over like this. And that
10 she was positioned this way in the master bedroom.
11 Amy Allwine's body was posed. Not natural to be in
12 that position and you heard that from several
13 witnesses. Severing of the brainstem eliminates the
14 possibility of any voluntary, or involuntary
15 movement except for crumpling to the floor in a
16 heap. And Dr. Mills and Lindsey Garfield both told
17 you that.

18 Amy Allwine was right handed, yet the gun
19 was found propped against her left elbow. Common
20 sense tells us that that doesn't make any sense at
21 all. Her right hand was almost totally under the
22 bed. Common sense tells us that doesn't make any
23 sense if we are to believe that she shot herself.
24 And the back to front, and slightly up to down
25 trajectory of the bullet. Common sense tells us

1 that doesn't make any sense either for a suicide.

2 There was no blood spatter on the night
3 stand, or the bedspread next to where Amy Allwine
4 was found. There was no blood spatter on her hands
5 or her rings. This was not a suicide. And
6 Dr. Kelly Mills told you so. Someone shot Amy
7 Allwine, and tried unsuccessfully to make it look
8 like a suicide, just as that July 24th threatening
9 email told her to do.

10 Now, the state, as the judge indicated,
11 needs to prove to you -- or prove various elements.
12 The first is that Amy Allwine died. The second that
13 this defendant caused the death. Next, that the
14 death was premeditated, considered, planned,
15 prepared for, and determined to commit the act
16 before he committed it. And it is maybe inferred
17 from all of the circumstances surrounding the event.

18 So how is premeditation proved here?

19 Someone, dogdayGod, endeavored on a month's long
20 attempt to purchase an assassination of Amy Allwine.
21 Someone, dogdayGod, spent at least \$12,000 for that
22 abortive hit. Someone, dogdayGod, wanted to order
23 scopolamine. Someone perpetrated the threats with
24 the July 24th and 31st emails to Amy. Someone dosed
25 Amy with scopolamine. Someone got that gun, their

1 gun. Made sure there was a live round in the
2 chamber, and someone waited until Amy was groggy and
3 disoriented, and someone put the muzzle up to Amy
4 Allwine's right ear. And someone pulled the trigger
5 sending the bullet through Amy Allwine's brain,
6 severing her brain stem.

7 Then someone cleaned up the mess, making
8 it appear as if a suicide. Then posed her, placing
9 the gun next to her left arm. What does all of that
10 prove? That the killer acted with premeditation.

11 We also have to prove that there was an
12 intent to kill. That the killer acted with the
13 purpose of causing death, or believed that the act
14 would have that result, and that it occurred
15 November 13th, in Washington County. So how is that
16 proven?

17 It's a gunshot wound. The location of the
18 wound in the right ear indicates that the killer who
19 pulled that trigger wanted her dead. The type of
20 wound, a contact wound, and you heard Dr. Mills tell
21 you what a contact wound is. That's when the barrel
22 is right up against the skin. That's what caused
23 that tear that she talked to you about.

24 Someone spent at least \$12,000 for an
25 abortive hit, and perpetrated the threats with

1 emails suggesting suicide. This kill was not as a
2 result of a fight. There is no evidence of any sort
3 of mutual struggle. Nothing was missing. Someone
4 got their gun, made sure a live round was in the
5 chamber. Put the muzzle up to her ear, pulled the
6 trigger, severing her brain stem and then cleaned up
7 the mess to make it look like a suicide. What does
8 all of this tell us? That the killer had the intent
9 to kill.

10 It would seem from all of this that
11 whomever is dogdayGod is the killer. So who is
12 dogdayGod?

13 On February 4th of 2016, dogdayGod entered
14 what essentially is an information sharing chat room
15 with this post: New to the markets, but I assume
16 there are LEOs, that's law enforcement officers, as
17 sellers in the market. How do I identify an LEO
18 verses a real seller. Any tips would be helpful.

19 So dogdayGod clearly knew that his
20 endeavor was illegal. On February 14th at 9:28 p.m.
21 DogdayGod posted this message to Besa Mafia, who
22 advertised themselves as a bunch of thugs who would
23 beat people up and kill people for a price.

24 Says, I am looking for a hit. But what's
25 the recommended way to convert cash to Bitcoin

1 anonymously. If I pull \$5,000 out for a hit, after
2 the hit, I would assume the police would see that
3 draw and wonder where it went. So even if the
4 Bitcoins are not traceable, that missing money would
5 raise suspicion. Is there a way to make it look
6 like I'm buying something and ending up with
7 Bitcoins so that the money looks like it's going to
8 something tangible and cash to pay for.

9 And you heard evidence that this
10 defendant, on his password protected MacBook Pro was
11 researching Bitcoin mining and developing ways to
12 buy Bitcoin. You heard that.

13 On February 16th of 2016 from 12:36 to
14 12:41 a.m. someone on the defendant's MacBook Pro,
15 which of course is password protected, did research
16 on Amy's upcoming trip. Searched K-9 Nosework,
17 because it was a nosework competition. Got the
18 trial calendar, and information about it. Googled
19 Moline, Illinois because that was the location that
20 the competition was going to be at. Then searched
21 the directions from Chicago to Moline.
22 Coincidentally, two minutes after that search,
23 dogdayGod sent Besa Mafia a message informing them
24 that Amy would be traveling to Moline, Illinois and
25 suggests that the hit look like an accident. And

1 here's that message: You will notice 12:43 is the
2 timestamp on it. You will notice that whomever was
3 using S. Allwine's MacBook Pro conducted search on
4 K-9 Nosework and so forth ending at 12:41.

5 He sent another message at 3:12 p.m.
6 indicating more information about how he wanted it
7 to look. This is dogdayGod to Besa Mafia. Hit and
8 run is what I was thinking would be the easiest
9 quote, accident, close quote. That would work fine.
10 So can we say 15 Bitcoin for a hit with a car, and
11 for sure fatality? I am in the process of
12 exchanging and tunneling coins. Thanks. Sounds
13 awfully cold, doesn't it?

14 Another message that was sent from
15 dogdayGod to Besa Mafia. This timeframe, he's
16 talking about going through middlemen, if you will,
17 that Brian Seidel talked about, to set up the
18 Bitcoin exchange. But this particular one,
19 apparently, they needed to give them a product or
20 service that that person is buying, and the method
21 of delivery. And dogdayGod is worried that he
22 doesn't want to do that, and suggests a product of
23 training, or consulting, or purchasing a car would
24 serve as an appropriate methodology.

25 On March 5, 2016 dogdayGod sent a message

1 to Besa Mafia describing Amy. Informing Besa Mafia
2 where she was going to be staying in Moline. At the
3 La Quinta Inn, Moline Airport. Indicating the
4 location of the Nosework Dog Trials at the Quad City
5 Christian School, giving an address. Indicating
6 that she would be driving a dark green Toyota
7 Sienna. Offering up 13 Bitcoins and keeping
8 whatever balance had been in that Bitcoin wallet, if
9 it's made to look like an accident.

10 DogdayGod also posted that Allwine.net
11 travel log Hawaii picture of Amy Allwine. After
12 uploading it from Amy's Bluehost server, the
13 operative sentence in that message was this: I want
14 her dead.

15 Now, let's look at the timeline on that
16 picture. At 10:30 p.m. on the 4th, user name S.
17 Allwine on his MacBook Pro computer visits Amy's
18 Facebook and browses pictures. Apparently, he
19 doesn't find anything. But the picture that was
20 uploaded to Allwine.net was from Amy's Bluehost
21 server. So dogdayGod posted that pictures link in
22 that email that you just saw. That's the bottom
23 line over here (indicating).

24 Now, Mark Lanterman testified that the
25 person that took that picture from the Bluehost

1 server and uploaded it to Amy and the defendant's
2 web page had to know that that picture existed. Had
3 to know that that link existed, and had to know
4 precisely where it was. He also discussed with you
5 the fact that it was totally implausible for someone
6 other than the defendant to have done this.

7 Let's go back a couple of days to
8 March 4th, 2016. Someone bought \$6,000 in Bitcoin
9 from Ryan Seidel the day before that message.
10 Someone bought that \$6,000 in Bitcoin from Ryan
11 Seidel at Wendy's at 26th and Lake in Minneapolis.

12 Michelle Woodard told you that she had
13 lunch with the defendant that day. That he informed
14 her that he had just bought Bitcoin from someone at
15 some fast food place. That same day, that same
16 time, defendant inadvertently locked his keys in the
17 car. Called his insurance company for roadside
18 assistance and they responded. Where? Wendy's at
19 26th and Lake. You heard all of that evidence. And
20 the only conclusion that you can draw is that the
21 defendant purchased that \$6,000 in Bitcoin from Ryan
22 Seidel.

23 Now, three days, this is the picture.
24 Three days after buying Bitcoin for \$6,000, this
25 defendant makes a complaint to the Cottage Grove

1 Police Department saying that he had purchased with
2 Bitcoin some testing and other materials, and had
3 been swindled. But Jared Landkamer testified that
4 he went through the entirety of the defendant's
5 emails, and found no trace of any other email
6 talking about buying this product. No solicitation
7 for it, no response, just this.

8 Who else that we know of in this case
9 talked about covering up a Bitcoin purchase by
10 saying training and testing materials were
11 purchased? DogdayGod.

12 Now, the smoking gun, if you will, in
13 identifying dogdayGod occurred or on March 22 of
14 2016 when dogdayGod sent a Bitcoin wallet address to
15 Besa Mafia. My screen refreshed and gave me the
16 wrong Bitcoin address where I sent the other funds.
17 Are you able to match them up? It went to -- and
18 what followed was a 34 digit alphanumeric code which
19 you heard is unique. It's unique.

20 So why is it the smoking gun? Because
21 that same 34 alphanumeric Bitcoin wallet address was
22 then sent by dogdayGod to Besa Mafia. Why is that
23 important? Because where Mark Lanterman found that
24 Bitcoin wallet address originated from that
25 defendant's iPhone 6S in a note application, like a

1 scratch sheet. That note was created at
2 9:54:04 a.m. 20 seconds later, dogdayGod posted
3 that 34 digit alphanumeric unique Bitcoin wallet
4 address, addressed to Besa Mafia. And then 40
5 seconds after that, at 9:54:07 a.m., that was
6 deleted. That note was deleted from that
7 defendant's iPhone.

8 Now, you also heard from Mark Lanterman
9 that the person creating and deleting that note had
10 to have that iPhone 6s in his hand. There is no
11 ability to remotely access or control it. There is
12 no ability to plan out or schedule sending and
13 deletion of a particular note. There is no, on
14 these phones, there is no ability to anyone -- for
15 anyone to affirmatively do any act on that iPhone.
16 That password and thumbprint activated iPhone 6s
17 without being at the keyboard himself with the phone
18 in his hand punching in the note.

19 This shows, beyond a reasonable doubt,
20 that Stephen Allwine, that defendant, was dogdayGod.
21 He was the one that wanted her dead. He was the one
22 that contacted Besa Mafia for them to do it for him.
23 He was the one who spent thousands and thousands of
24 dollars in Bitcoin in an unsuccessful try at having
25 Amy killed. Defendant was dogdayGod.

1 When you go back to the jury room, read
2 the emails back and forth from dogdayGod and Besa
3 Mafia. That's all you need to determine the
4 defendant's state of mind. That he intended to kill
5 Amy. That he planned, prepared for and was
6 absolutely determined to kill her.

7 Scopolamine. Forted by Besa Mafia, this
8 defendant was not finished with his quest to kill
9 Amy Allwine. On May 10th of 2016, and it's easier
10 to read when you have it in front of you. This
11 defendant as dogdayGod sent a query on Dream Market
12 Forum, and he inquired looking for a drug dealer in
13 the Minneapolis area, and inquired on how to acquire
14 scopolamine. Does anyone have scopolamine for sale.
15 And he got a response. There was a seller -- this
16 is a quote, there is a seller, but avoid that shit,
17 mate. It's dangerous as fuck, and you will kill
18 someone. That's all he needed to hear.

19 July 24th of 2016 Amy Allwine was sent an
20 email. Part of it said, since I cannot get to you,
21 I will come after everything else that you love. I
22 know about your son, your husband, and your
23 business, and thanks to the Internet,
24 www.Radaris.com, I see you have a mother and father
25 in Woodbury, 7600 Military road. A brother in St.

1 Paul, and a sister in Yardley, Pennsylvania. That
2 message gave her one week to kill herself, or the
3 killer would go after her relatives.

4 A week later an email came saying, hey,
5 check your junk mail because I don't think it sunk
6 in what I wanted you to do. As you can see, the
7 July 24th email referred to how convenient it is to
8 find people using Radaris.com. That email was sent
9 July 24th. On July 23rd, 2016, and the July 8th as
10 well, S Allwine's MacBook Pro computer researched
11 those very names that appear in the email, and found
12 their addresses. And they are specifically referred
13 to in that email.

14 Further, he found a search on July 15th on
15 the defendant's MacBook Pro password protected
16 computer searching for Guerilla mail. Which, as you
17 heard, is an anonymizing email service. It's a way
18 to send emails without being able to be traced back
19 to the real sender. Both the July 24th and
20 July 31st emails to Amy Allwine were sent from an
21 anonymous source right after that defendant was
22 searching for ways to anonymize emails. The
23 defendant sent those threatening emails, and common
24 sense tells us this.

25 I would like to remind you that the

1 evidence that you heard in this case, including the
2 defense witnesses, all say Amy was an amazing person
3 and had no enemies. Well maybe one.

4 Because now we go to the day of the
5 murder. Now, the defendant, thinking he was smarter
6 than everyone else, trips up in his statements and
7 convicts himself.

8 He states he got up around 5:50 in the
9 morning and immediately went to the basement door.
10 He states he went out for breakfast around 10:00
11 with Amy and Joe and then went back downstairs to
12 work. States he came up for lunch around noon.
13 Finishing lunch around 12:15. The defendant and
14 Charles Zutz both agree that Charles came over to
15 put a latch on the newly installed dog door in the
16 garage.

17 And a little bit before 2:00, Charles Zutz
18 left, only to be called back about five minutes
19 later to come and pick up Joe for the afternoon,
20 because they, Amy and the defendant, were going to
21 be going to a clinic. That's what the defendant
22 said.

23 The defendant said that Amy was
24 complaining about not feeling well after lunch. She
25 was dizzy, groggy and flushed.

1 So Charles leaves with Joe, and the
2 defendant and Amy Allwine are now alone in the
3 house. Those symptoms that the defendant indicated
4 to police that Amy was suffering from are the
5 identical symptoms that Stephanie Hrico, gunshot
6 residue expert and Ayako Hosokawa testified would be
7 effects of a large amount of scopolamine. And you
8 heard the same thing from Dr. Kelly Mills.

9 So defendant and Amy Allwine around 2:00
10 were now alone in that house. The house that would
11 become her coffin.

12 Defendant stated that he went back
13 downstairs to work. But we know from the Optanix
14 documents that he did no work in the afternoon. So
15 what was the defendant doing between 2 p.m. and 5:29
16 when we know from the door faults that he left to
17 pick up Joe. What was he doing in that time period?
18 He was killing his wife, Amy Allwine, and cleaning
19 up afterward, after he moved her.

20 Amy was debilitated, hallucinating by the
21 defendant's own statements. So the defendant got
22 the handgun that they had purchased because they
23 were afraid. No. Make that Amy was afraid as a
24 result of the threats on her life. The defendant
25 couldn't have been afraid, because he was the source

1 of those threatening emails. And of course, he was
2 also dogdayGod.

3 So defendant took that gun and put it to
4 the right ear of Amy Allwine; groggy, hallucinating,
5 out of it completely, in the hallway outside the
6 master bedroom. The hallway he would later have to
7 clean up. And he put that handgun to the side of
8 her head and pulled the trigger. And the bullet
9 entered her brain, and severed the brainstem,
10 leaving her incapable of any movement, other than to
11 crumple to the floor, if she was not already on the
12 floor when the shot was taken.

13 In fact, that would account for that low
14 lying blood spatter that you saw against the wall
15 next to the cleaned up blood on the floor.
16 Defendant then dragged, carried, Amy Allwine into
17 the master bedroom to comport with the position
18 beside the bed, the praying, that he ultimately told
19 the police that she was doing when he last saw her.
20 At one point, we know that Amy's head was elevated
21 above the floor because of the satellite drip
22 pattern.

23 The defendant then cleaned up as best he
24 could. Leaving the blood outside the master bedroom
25 and down the hall, virtually, but not completely

1 invisible to the human eye. And you saw that blood.
2 You saw those footprints, those toe prints in the
3 luminol exhibits. And you heard, Ross Thomas tell
4 you that it was Amy's blood. And you heard from
5 Lindsey Garfield that the blood was somewhat fresh
6 based on its color and her experience.

7 You heard on the tape that the defendant
8 said he always takes his shoes off and did when he
9 came back home. In fact, takes his shoes off when
10 he enters the house. You saw those tow prints,
11 footprints, and heard evidence from people at the
12 scene that saw them up close.

13 You heard Lindsey Garfield tell you that
14 someone wearing no shoes, either barefoot, or in
15 socks was the source of those prints up and down the
16 hallway into the bathroom, into Joe's room during
17 the cleanup.

18 You also heard from Michelle Frascone from
19 the Bureau of Criminal Apprehension that one of
20 those footprints was measured using the floorboard
21 width as a guide. That footprint of the blood was
22 of a adult.

23 So after the cleanup the defendant started
24 to craft his alibi. He nonchalantly left the house
25 at 5:29 p.m. that he remembered that time. Stopping

1 first at the SA for gas, and keeping the receipt,
2 which is date and time stamped. Then picking up Joe
3 for ultimately dinner at Culvers. They ate in the
4 restaurant, according to the defendant. And then
5 the defendant kept the receipt which was date and
6 time stamped.

7 When you eat in a fast food restaurant,
8 who keeps their receipt? It's in the bag. You put
9 everything back up in the bag, and you crumple it up
10 and you toss it. Common sense tells us that. But
11 who does that? Someone who wants to document their
12 alibi. Why doesn't that work here?

13 Dr. Kelly Mills is the Ramsey County
14 Medical Examiner who did the autopsy. After the
15 autopsy, and after finding that this was a homicide,
16 she sent out blood and gastric contents to be tested
17 for scopolamine.

18 And you heard Dr. Mills talk about the
19 symptoms of having an excess of scopolamine. The
20 test came back. Amy Allwine's had eight times --
21 eight times the therapeutic dose of scopolamine in
22 her blood stream. Designated as 16 nanograms per
23 milliliter and 140,000 nanogram per milliliter in
24 the gastric contents in her stomach. It is clear
25 that this defendant, sometime during that day,

1 heavily dosed Amy Allwine with scopolamine.

2 Kelly Mills put this together with her
3 prior findings, and told you that she was killed at
4 3:15 or earlier on November 13 of 2016. And she
5 told you that in her redirect testimony.

6 The defendant, himself, puts her last meal
7 at 12:15 to 12:20. Kelly Mills' testimony tells you
8 that Amy Allwine was dead before the defendant left
9 the house at 5:29. Between 2:00 and the time he
10 left, he killed her. This defendant killed Amy
11 Allwine and cleaned up the mess trying to make it
12 look like a suicide. But I told you before, people
13 lie, people forget, people are sometimes mistaken.
14 But physical and scientific facts don't lie. They
15 are not mistaken, and they don't forget.

16 That's what we have here, together with
17 the defendant placing himself in the house alone
18 with Amy for that period of time.

19 Let's go through that timeline again. He
20 leaves the house at 5:29 in the afternoon. But
21 let's go backwards to the morning. He gets up at
22 5:50, goes downstairs to work. Goes back upstairs
23 for breakfast at around 10:00. Goes up for lunch.
24 They finish around 12:15, and Amy starts to complain
25 about not feeling well. 1:00 or so, Charles Zutz

1 arrives to put the lock on the dog door.
2 Approximately 2:00, Charles leaves. He's called
3 five minutes later to pick up Joe. 2:00 to 5:29,
4 the only person that had access to Amy Allwine was
5 that defendant. Kelly Mills stated she was killed
6 3:15 or earlier. So from 2:00 on, the only two
7 people in the house were Amy and that defendant.
8 He's the only person that could have killed Amy.

9 Now, at the beginning of this case,
10 Ms. Kreuser, my cocounsel posed a question to you.
11 Who would want to kill Amy Allwine. You now have
12 all you need to answer that question. The answer to
13 that question is the defendant seated right over
14 here (indicating).

15 The state has proven beyond a reasonable
16 doubt that this defendant intentionally, and with
17 premeditation did what God should only do. He took
18 a human life. He executed Amy Allwine. He executed
19 her.

20 Now, in any trial there are no winners and
21 there are no losers. Because the only things at
22 stake are truth and justice.

23 The truth is that this defendant is guilty
24 of First Degree Premeditated Murder. Justice will
25 be served only when you return a verdict that speaks

1 that truth. Defendant is guilty. Make him
2 responsible.

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

4 MR. DEVORE: Thank you. So I have my
5 prepared remarks, but sometimes I have to deviate my
6 plan because I hear things that the state says in
7 their closing argument that I think are important.
8 There were several of them that Mr. Fink brought up
9 that I want to draw to your attention.

10 The state is right. They don't have to
11 prove a motive, but they seem desperate to give you
12 a motive. Because it doesn't make sense why
13 somebody like Steve Allwine would kill his wife.
14 Nice home, good business. Successful in his own
15 business. Rental property. Close family. Why
16 would he want to do that?

17 So they give you things like elder in the
18 church. But we didn't hear any evidence at all that
19 it was so important to the defendant. So important
20 to the point where he would want to kill somebody to
21 avoid having a divorce. We didn't hear any of that
22 evidence.

23 They also throw out in closing argument
24 this stuff about the life insurance policy. In
25 Mr. Allwine's statement, yeah, he said we have life

1 insurance policies. He has one on himself, and his
2 wife got one. They got it ten years before when
3 they were doing estate planning when they adopted
4 their son. This is one of those red herring things.
5 I am not bringing the motive thing in. The state
6 desperately wants to give you guys a motive because
7 it doesn't make sense.

8 Again, no evidence was presented to you
9 regarding any financial difficulties. In fact, I
10 believe we heard testimony that there were no
11 financial difficulties. Mr. Allwine said that
12 himself. So there is no motive in this case.

13 I also heard Mr. Fink say, it would seem.
14 That's exactly the essence of what we are talking
15 about in the state's case. Assumptions and
16 theories. It would seem.

17 The state said that Mr. Lanterman
18 testified, and you will be the determination of what
19 was actually said in this trial based on your
20 recollection, but Mr. Fink said that the defendant's
21 iPhone was backed up. Actually, what Mr. Lanterman
22 said was that a phone that had a name of S. Allwine
23 was backed up. That's what he said. He also
24 testified that more than one phone could have the
25 name -- could have the same name. Maybe it sounds

1 absurd, but that is what the evidence was presented
2 to you at trial.

3 Now, the Radaris searches. The state says
4 that the defendant went on Radaris, R-A-D-A-R-I-S,
5 dot com to look up the addresses of himself and his
6 family. Why would the defendant have to look up the
7 address for himself or his family on the Radaris
8 website. That doesn't make any sense. The
9 footprints, those are distractions. Right? Because
10 nobody testified in this case that the footprints
11 were left at the time of the scene when it was
12 during some cleanup process.

13 In fact, Ms. Garfield testified that you
14 can not tell when the footprints were put down. We
15 are not arguing that Steve Allwine walked around in
16 the house. You heard the 911 call. He got to the
17 house. His son actually walked around in there,
18 too. 911 dispatch told him to go check on Amy
19 Allwine, so that we know that he was walking around
20 in the house.

21 Look at luminol pictures when you get in
22 the deliberation room. Look where they were
23 walking. It's just between the bedroom and down the
24 hallway through the kitchen. Goes into the bathroom
25 which is where he told Joe to go.

1 I believe you can hear that on the 911
2 tape itself. Goes into Joe's bedroom. It appears
3 that the footprints are at the base of Joe's bed.
4 There is some other prints, maybe Joe's prints. As
5 if somebody is sitting down on the bed.

6 You see a pair of shorts there, which is
7 what Mr. Allwine told the Investigator Frascone that
8 they didn't go to Ninja warrior thing because he
9 forgot his shorts. Then you see light prints
10 exiting the house out to the mudroom. They don't
11 deviate and go to the wash basin where they found
12 that blue rag.

13 There's not a lot of -- there's no
14 footprints that are around the washtub or anything
15 like that. Those are just footprints that maybe
16 they belong to Steve Allwine, maybe they didn't
17 belong to him. But we know that he was in the
18 house. We know that he walked around with his socks
19 on, right? So there is no dispute on that. So the
20 footprints don't mean anything.

21 In fact, there is no testimony that says
22 the footprints are of any relevance whatsoever
23 regarding this crime scene.

24 Now, Kelly Mills, the doctor, the medical
25 examiner. She said 3:15 or earlier. You saw the

1 way she testified about it. She didn't want to give
2 a specific time. It's kind of a moving target, so
3 to speak. But when pressed on it, she said 3:15 or
4 earlier.

5 The reason she said that is because her
6 assistant examiner had gone out to the scene and
7 checked the body and felt that it was cool. Now,
8 she couldn't remember when her assistant examiner
9 got to the scene. But we know from other testimony,
10 such as Frascone, who testified that she arrived at
11 about 8:30 and that the MEs weren't there yet.

12 We also know that the body was removed
13 according to Dr. Mills at around 11:30. So the ME
14 that arrived, would have been there sometime between
15 9:00 and 11:00 ish or something like that. So she
16 didn't know when that ME was there. That's why she
17 was hesitant to give a time of death.

18 I will get to the time of death in my
19 discussion as we move along. But a few days ago, or
20 a week or so ago I stood in front of you and gave
21 you a Power Point as to what we would see in this
22 case, and much of that -- in fact, almost all of it
23 has come exactly true as I told you.

24 Because I told you that the state's case
25 is going to rely on a lot of assumptions and

1 theories and speculation. Because they need you to
2 make the leap. They present all this evidence
3 about -- off of the computers that have very little,
4 in fact no evidence, to indicate on the date of
5 November 13th, 2016 to link the crime to
6 Mr. Allwine.

7 What you heard in this case is that the
8 state had theories. They absolutely had theories.
9 Right? And it's all based on assumption and
10 speculation. But what we are here to do in this
11 court is to see if the state proved their case.
12 Right? Because they have to prove that Mr. Allwine
13 killed his wife. Okay.

14 They have to prove that on November 13th,
15 2016 he killed his wife. Okay. What we didn't see,
16 we saw this same Power Point a week ago. We didn't
17 see any fingerprints that linked Mr. Allwine. There
18 was no DNA that would connect him to the crime.

19 There were no confessions that were made. No
20 eyewitnesses and there's no recordings capturing
21 this incident, or video showing him leaving or
22 something like that at a critical time.

23 So they have to use a computer analyst,
24 and what I call distractions to get their point
25 across to get you to follow their lead, and take

1 that leap of faith. Because they provide very
2 little information to you regarding the actual day
3 of her death to put it on Mr. Allwine.

4 Now, Lanterman. Mark Lanterman testified
5 to you. Again, he is claiming that he was able to
6 do what the FBI could not do. The FBI spent a lot
7 of time on this case. They interviewed a lot of
8 people. They examined the same computers. They put
9 all of their resources into this just like he did,
10 and they were not able to come up with what he did.

11 Again, same thing with Cottage Grove.
12 Same thing with Woodbury Police. Paul Torguson was
13 brought in on this case by the Cottage Grove Police
14 Department. Nobody can figure this out, but
15 Lanterman says he could crack the code. They spent
16 months investigating the case. They interviewed Amy
17 Allwine several times. They had several contacts
18 with her over time. They examined all of the same
19 electronics. They interviewed possible witnesses.
20 They didn't come up with anything.

21 Now, his tone of voice and way of speaking
22 is very comforting. Right? It's like a fireside
23 chat. Very comfortable. He's testified 2500 times
24 in court. Right.

25 He says Torguson was wrong. Torguson was

1 brought in because of his knowledge and his ability
2 to do the forensic background search. He was
3 brought in by the Cottage Grove Police Department.
4 Requested by the Cottage Grove Police Department,
5 because they didn't have the sophistication to do
6 this kind of stuff. But yet, Torguson (sic) says
7 he's flat out wrong. In fact, he went so far to say
8 that Torguson contaminated the data. Right?
9 Manipulated it. Pretty strong words.

10 But Sergeant McAllister testified that he
11 reviewed all of Torguson's reports, and he didn't
12 find any errors in Torguson's reports. So one has
13 to ask if Torguson is that bad, what else did he
14 contaminate. Because he was the first one to be
15 able to get the image of the computers.

16 A lot of this stuff, at least, was over my
17 head. Lanterman talked and explained very
18 complicated and complex things. Again, he spoke in
19 a tone that was comforting, but it was complicated,
20 complex discussion about computer stuff. Again, the
21 state needs you to trust in Lanterman in order to
22 prove their case. Their case rests on computer
23 analysis, not on facts. Not on evidence. Because
24 they didn't provide any evidence to you as of the
25 day of the crime.

1 Now, some interesting things that we found
2 out about -- from Lanterman. And this is from him,
3 right, he didn't find any of this tail stuff on
4 Allwine computers. He didn't find any evidence of
5 dogdayGod, hard evidence of dogdayGod, on the
6 Allwine computers or their network, or anything like
7 that.

8 There is no physical hard evidence to
9 connect Mr. Allwine to the Besa Mafia. There is no
10 physical evidence to connect his computer, or any
11 device that he had to Besa Mafia.

12 The photographs. Lanterman testified
13 that, you know, these photographs were taken and
14 shared through the Besa Mafia site. But his was an
15 eyeball test. He testified that, you know, there is
16 a lot of data, meta data that goes behind the
17 photographs to make sure the photographs match. But
18 all he did was an eyeball test. In fact, he didn't
19 analyze any of the meta data. He didn't do any
20 scientific match. In fact, the picture that he got
21 from the disclosure from the Besa Mafia was a
22 printout off of a computer. That's not a scientific
23 match of these pictures. We don't know where the
24 source of these pictures came from. And he also
25 said that someone, if they had access, they could

1 access the Allwine website and actually download the
2 pictures themselves.

3 And he used the term, deleted doesn't mean
4 deleted. Lanterman said he found a note. The
5 Bitcoin wallet chain. He said he found the note on
6 the MacBook Pro. And he said it came from a phone
7 named S. Allwine. That's what he said. However,
8 when he looked at the actual phone, he didn't find
9 any note.

10 He said deleted doesn't mean deleted.
11 Shouldn't the note still be on Allwine's phone. He
12 had the actual phone, right? Because his testimony
13 was that a phone downloaded this note. So when he
14 had the actual phone, there was no evidence of this
15 note on the actual phone. And it was his words that
16 he said deleted doesn't mean deleted. Again, they
17 need you to take a little leap, right? Make an
18 assumption, speculate.

19 Some other things we used -- or that we
20 learned. And why do we care? Because all of this
21 talk about Tor. Right? Just the idea of it seems a
22 little scary for a lot of us, right?

23 So the onion router. Why do we use it for
24 legal purposes. Well, we had testimony in this case
25 that you should very well use the Tor browser just

1 simply because you don't want to be tracked. You
2 don't want pop up ads, right? You can still access
3 regular websites like Google. Even Lanterman's
4 company itself can still access those websites
5 through Tor.

6 Now, the medical examiner. She suggested,
7 or testified, that she believed the body was
8 manipulated. And I asked her, what do you mean by
9 that? She said, I think it was moved. I think
10 somebody picked it up and moved the body.

11 I asked her how much does Amy weigh,
12 240 pounds. I ask you to use your common sense.
13 Okay. Think about how much that is, and how
14 difficult that would be for one person to move that
15 body. Especially if the body is not trying to help
16 you move. Nobody is putting their arm up, you know,
17 to move with you. This is a dead body. If this
18 body was moved, 240 pounds is a very heavy body to
19 move when they are not helping.

20 Why is that significant? Because we see
21 no evidence at all that a body was dragged. There
22 was no blood that smeared. There is no blood in
23 between the blood on the hardwood floor and the
24 blood that's in the bedroom a few feet away. You
25 will see the pictures. You can see how far it was.

1 You might notice Frascone was -- she didn't want to
2 estimate, but you can look at it. You've got the
3 blood, and the blood stain that was in the wood
4 floor. Then you've got the one where she was found.

5 There is no evidence at all that the body
6 was dragged. How do you pick up a body, 240-pound
7 body, by yourself, and move it into -- move it into
8 a new place all alone, and not show any signs of
9 that happening. No blood dripping along the way,
10 and just to physically do that. Think about how
11 difficult that would be. But not for more than one
12 person. If there were two people in there, much
13 easier to do. Right.

14 Why is that important? Because we had
15 testimony from Roland Heley who saw two cars racing
16 out of this neighborhood between 5:45 and 6:00. You
17 heard his recorded statement. You didn't see him
18 testify, but we played the recorded statement
19 through one of the officers who took his statement.
20 That's what he testified to.

21 They also luminoled the bedroom, right? I
22 ask Frascone, did you luminol the whole bedroom?
23 Yep, we did. Didn't find any footprints. So that
24 footprint thing is all about out to the body, and
25 back out the house. There is nothing in and around

1 the bedroom that we weren't hearing about or
2 anything like that. There is no footprints in
3 there.

4 The DNA results, what did the state
5 provide you that could help you determine who did
6 this. Right. What is the evidence that they gave
7 you. They didn't. They can't conclude. The DNA on
8 the pistol grip can be up to three or more people.
9 Right. You would expect that Mr. Allwine's DNA
10 might be on the gun at some point. It was his gun.
11 Okay.

12 There was nobody that testified that that
13 meant anything. It just was there. You had heard
14 about it. It's nice to know, but it doesn't mean
15 anything. It doesn't prove the case whatsoever.

16 The washcloth. A lot of discussion about
17 this washcloth. First of all, the luminol
18 footprints that go through the mudroom, none of them
19 go up to the wash basin where that washcloth was.
20 Okay. Again, it's not really proof of anything,
21 because they can only eliminate about 60 percent of
22 the world. Okay.

23 They checked his clothing. There was
24 nothing to report on that. We didn't hear any
25 information. They took his clothing, and he gave it

1 to them voluntarily. There was no visible stains on
2 that. There was no evidence that they recovered
3 from testing the clothing.

4 The outside of his shoes didn't show any
5 kind of evidence at all. Never heard anything about
6 the outside of his shoes. Heard about the inside of
7 his shoes, which would make sense if he walked
8 through the house, like he said he did, in the 911
9 call. Then he put his shoes on to leave, you know,
10 at 7:00 when his son was there when he called 911.
11 That would make sense that there might be evidence
12 of blood inside his shoes, but nothing on the
13 outside of his shoes.

14 The scopolamine, we heard evidence that it
15 was taken orally, but we have no idea in what
16 format. There was nothing -- we don't have anything
17 about when it was taken. All at once? Taken over a
18 long period of time? We don't have any information
19 like that. There was no evidence found in the house
20 of any kind of scopolamine. Nothing at all. And no
21 evidence when it was taken. So again, it is there,
22 it was in her body, but we don't have any evidence
23 on how it got there, when it was taken, and who gave
24 it to her.

25 The affairs, I talked about this in my

1 opening. Right. What did they prove with the
2 affairs? Okay. They proved that he had a couple of
3 affairs. Right. These are red herrings. These are
4 not reasons that you would kill your wife. Based on
5 the evidence that they gave you, all of these
6 relationships ended years or months before this
7 happened. Okay. And he ended each one of them.
8 These are nothing. These are distractions.

9 The wood burner. No, we didn't --
10 Mr. Fink didn't discuss that in his closing, but we
11 heard evidence of that in this trial. Right. Troy
12 Larson testified that he got home around 1:30, 2:00,
13 started working outside and he noticed heavy smoke.
14 The insinuation is that, again, or the assumption or
15 the speculation, is that that meant Steve Allwine
16 must have been burning some evidence in his wood
17 burning stove. But that's not supported by the
18 actual evidence.

19 We know that the building is used for --
20 or the arena is used for training. We know that
21 it's windowless, and we know that it was cold that
22 morning because Gail Hunter testified that it was.
23 And she saw Steve loading it up with wood. Okay. I
24 have CSO Bobick -- well, we had actually several
25 officers that checked that wood burning stove for

1 ashes, and they all determined that there was
2 nothing suspicious in there.

3 And plus we also have Dean Cranston who
4 testified -- and I will talk about him in a
5 minute -- that he saw Amy in the late afternoon. So
6 that would be inconsistent with burning evidence
7 early in the afternoon, like Troy Larson said.
8 Again, it's just a distraction. It's just something
9 that is out there that needs to be addressed because
10 it is not part of this case.

11 The gunshot residue, I told you how
12 somebody can get that on their hands and this is
13 exactly what you heard in this trial. You heard
14 that it can attach to somebody's hand by having, if
15 they had contact with somebody's skin, or body, or
16 clothing that had GSR on it. We know that Amy had
17 GSR on it.

18 The lady from RJ Lee Group, I don't know
19 why she didn't know that their office didn't test
20 Amy's hand for GSR, but apparently Dr. Mills had it
21 tested there, and it showed the presence of GSR.

22 We also know that GSR can attach -- gun
23 shot residue -- can attach to somebody's hand if
24 they have contact with the floor, or a nightstand,
25 or a desk. Okay. What we found is that Steve had

1 on particle of GSR. Okay. We know that he had
2 contact with Amy, because the 911 operator told him
3 to go in there and check on her.

4 When I asked the lady from RJ Lee Group,
5 Ms. Hrico, what's a large amount of GSR on
6 somebody's hand. And she said that it could be in
7 the thousands of particles. So we have one particle
8 on his hand. They found 34 particles on Amy's right
9 hand and 15 of the two part particles. They found
10 two particles of GSR on her left hand, and three of
11 the two-part particles, which have two of the
12 components of the GSR, but not enough to
13 distinctively say that it's GSR. So she did have
14 the gun shot residue on her hands. It makes sense
15 if Steve went and checked on her, he might have that
16 as well.

17 Again nobody said that is -- that this
18 proves that he did something. There is a good
19 reason for that. Because this stuff can get on your
20 hands very easily.

21 Now, did they do a complete investigation?
22 I told you that Officer Bailey went in there and
23 moved the gun. That's exactly what happened. He
24 went in there, he contaminated the scene. He took
25 the gun, discharged it. I understand for safety

1 purpose, but no pictures were ever taken before he
2 moved the gun. So the scene itself has been
3 changed, or altered from what was originally there.

4 Also know that the first responders moved
5 Amy's head back and forth. So we know that that was
6 altered as well.

7 The sliding glass door. We heard
8 testimony from several people that that doesn't
9 lock. Okay. Didn't work. And yet -- and it wasn't
10 connected to the security system. Was not
11 connected. So you have an open unlocked door not
12 connected to the security system. We know that the
13 Allwine's were gone the night before until 10:00.
14 Yet the police did not do any search of that. They
15 didn't take any fingerprints off of the door. They
16 didn't test for DNA. They didn't do anything to
17 follow up on that door that didn't lock.

18 They talked about, and they testified that
19 the front door was dead bolted. No signs of prying,
20 and no signs of damage to the door. They talked
21 about the door in the garage. No signs of prying,
22 no signs of damage. Why did they do that? Because
23 they want to rule out the idea that someone would
24 break in. That somebody else would do this. Right.
25 Well, they didn't have to, because there was a door

1 that didn't lock, and it wasn't on the system.

2 There is a gate on the fence that's not
3 covered by the security cameras. The back door is
4 unlocked. It doesn't work. It's not on the system.
5 So that's something that they can't explain. Right.
6 so don't just focus on the door that were locked and
7 not damaged. You've got to pay attention, also, to
8 the door that was unlooked and not on the security
9 system.

10 Again, no followup by police. Why not?
11 Why didn't they do anything. Why didn't they at
12 least fingerprint the door, or do something to heck
13 to see if there was anything of value. Nothing
14 done.

15 Again, solid leads that were wasted. We
16 have people telling the police that there were
17 suspicious cars, or a car that were racing out of
18 the neighborhood. Seen by several people, heard by
19 several people at critical times. Right. I mean,
20 these are important facts that the police never
21 followed up on.

22 This is similar to what I told you before,
23 right. We are not relying on the computer analyst,
24 or theories, or assumptions. And we are not relying
25 on hired experts to come in here to tell you

1 something to prove a case. We are just asking that
2 you listen to the witnesses. Okay.

3 Listen to what the fact witnesses -- they
4 don't want to be here. None of them wanted to be
5 here. They came here because they had some
6 information that was important for you to hear. You
7 heard from Dean Cranston. You heard from Roland
8 Heley. That was on the tape that we heard. It's
9 still his testimony. Denise Reuter, you heard from
10 her. She was at the training arena to train her
11 dog. And you heard from Jennifer Watters. She was
12 also there to train her dog. You also heard from
13 Gayle Hunter, but that had to do with the chilliness
14 and the wood burning stove.

15 Now, Dean Cranston, he comes in and he
16 testifies. You know, he is thinking back 14 months
17 and trying to remember when it was. You know, I
18 understand, and he didn't want to pin down a time,
19 just like Dr. Mills didn't want to pin down a time.
20 But then when I asked him, you know, I tried to get
21 it so he could help us understand a little better
22 idea of, you know, when. Because you've given us
23 like a two and a half hour window. When did you see
24 her. Right. Interestingly, he talked about his
25 yard. He said he started at 11:00, and finished at

1 5:30 when it got dark. And he said that he ended
2 the job in the northwest corner.

3 The northwest corner is where he was able
4 to see Amy Allwine. So common sense will tell you
5 to figure out what part of that window that he gave
6 us that he would have seen Amy Allwine. Right.
7 That would be later in the afternoon. Late in the
8 afternoon, right? You can use common sense to help
9 you figure out testimony of these types of
10 witnesses, just like you can use common sense to
11 figure out stuff that Mr. Fink is asking you to pay
12 attention to.

13 Now, what did he say about Amy, right? He
14 said that she was alone, and she was functioning
15 fine. I asked him, did she appear to have any
16 trouble moving around or anything like that;
17 dizziness, hallucinations, and all that. He said
18 from his point of view she looked like she was
19 operating fine and on her own. She didn't need any
20 help. She was busy doing some -- loading boxes, or
21 doing some stuff.

22 He also witnessed a blue van leaving the
23 neighborhood. It is what it is. He saw another van
24 that he hadn't seen before leaving the neighborhood.

25 Roland Heley, he's the guy on the tape

1 again. He testified to the police, and this is a
2 recording that was like the next day after this
3 happened. And he told the police, not 14 months
4 later, but the next day. He told the police that he
5 witnessed a car and a pickup racing down the street.
6 We all have our streets that we live on, and
7 sometimes cars drive by and we probably can't
8 remember, you know, that much about them. But this
9 was the next day. And this was a big enough deal
10 that he mentioned to his wife, wow, they must really
11 be in a hurry. And he told the police that they
12 must have been going 50 miles an hour. A pickup and
13 a car. Right. But there was nothing that the
14 police did to follow up on. Right. They didn't go
15 out and kick tires, and check leads, and things like
16 that. They just left it.

17 Denise Reuter she was there training her
18 dog. She saw a vehicle when she came in that she
19 didn't recognize. And she said during the class
20 that someone drove through the west lot where they
21 normally park. And she said it accelerated and
22 kicked up gravel. And she said that -- and she
23 looked over at somebody, and either said or made a
24 gesture or a look or something, like, what was that.
25 Again, something that was significant. She said it

1 was highly unusual. Okay. The timing seems very
2 coincidental to the two cars that were seen by
3 Roland Heley racing out of the neighborhood.

4 Jennifer Watters backs up that same story.
5 Before the class ended, said in the latter half of
6 the class, she heard a vehicle accelerating, kicking
7 up gravel. It was very loud, and it was very close
8 to the building. She said it was over on that west
9 lot again. That lot where she was talking about is
10 on the other side of the arena away from the
11 Allwines' house. Kind of in that area where there
12 is a lot of other cars, but there's, you know, where
13 Ms. Reuter had seen that car parked on the north
14 lot.

15 Again, Jennifer Watters said that was
16 something unusual to hear. It registered in her
17 mind. Wasn't something that just happened all of
18 the time.

19 Time of death seems to be an important
20 timing here. Now, the medical examiner, I guess
21 already talked about that because I had wanted to
22 make sure we didn't forget about that. Medical
23 examiner puts the time of death at 3:15 or earlier.
24 But she said she wouldn't write that in her report
25 because that's a little bit of a moving target.

1 Again, that was based in part on the fact
2 that her assistant checked the body for temperature
3 or for coolness. That guy didn't get there until
4 pretty late in the evening. You know, definitely
5 after 8:30, but they didn't remove the body until
6 like 11:30, so it was pretty late.

7 And the state also supports the time of
8 death trying to, with Troy Larson, who says that he
9 saw this smoke. And he testified that it was
10 earlier in the afternoon when he was cleaning his
11 pond. He said he got home about 1:30 or 2:00. So
12 that would suggest that there was some, like,
13 evidence that was being burned. So he wouldn't be
14 burning evidence if he didn't already do a crime,
15 right. So that's kind of the support the state has
16 for the timing of the death.

17 But that's not exactly lining up with the
18 evidence that we have from eye witnesses. Because
19 Dean Cranston said that he saw Amy out there between
20 3:00 and 5:30. We also know that he said he saw her
21 from that northwest corner. And he was there at the
22 end of his shift, or the end of his work project
23 that he was doing, mowing his lawn.

24 There is an Xfinity door fault. You will
25 get the exhibit that has the times the doors were

1 apparently opened. And there is one at 4:40. That
2 would be very consistent with what Dean Cranston
3 said, when he saw Amy Allwine. That would be
4 inconsistent with the medical examiner's opinion
5 about the time of death.

6 There is another door fault, and that
7 might suggest when Steve Allwine, who said he left,
8 and that's at 5:26. That's when he left to go pick
9 up his son, Joe. But he drove the ten or fifteen
10 minutes. You heard that from a couple of officers
11 who testified as to how far the SuperAmerica was
12 away. I believe Sergeant Nickle testified that it's
13 six or so miles. And there's stoplights, so he
14 guessed ten to fifteen minutes to get to the
15 SuperAmerica.

16 You have cars that are seen racing out of
17 the neighborhood sometime between 5:54 and 6:00.
18 That's a significant event. And you have Steve --
19 you've got confirmation of what Steve is doing, you
20 know, along the way. You've got him picking up his
21 son, Joe, from the Zutz residence. You've got him
22 going out to eat. Right.

23 So the receipts. They find the
24 SuperAmerica receipt in the car, is what I recall
25 when the officer testified. The receipt for

1 Culvers. I don't know. I don't know if people save
2 receipts, don't save receipts. Stuff them in their
3 pocket, not stuck in their pocket. Maybe it's a to
4 go bag. You know, that they didn't finish all of
5 their food. Who knows. Maybe we didn't have any
6 information about the receipt, we only have the
7 receipt.

8 At 7:00, or seven something, maybe 6:58,
9 or whatever it was, Steve calls 911. So that
10 timeline doesn't really line up with what the state
11 says as the time of death.

12 So could it have been later than 3:15?
13 Absolutely. Right. We have Cranston's testimony.
14 We have the door fault. We've got Steve that
15 testified, or told Frascone that the last time he
16 saw Amy was at 5:15. We have first responders that
17 say that Amy was warm to the touch and that no rigor
18 mortis set in.

19 Now, some of these first responders are
20 medical people. These are people that have training
21 and medical assistance. Right. They show up. They
22 are not just lay people that don't know anything.
23 Right. When they feel a body, they felt many bodies
24 before. When they say warm, it comes from some
25 experience, training, and knowledge. Okay. That

1 can help you with your assessment of Dr. Mills's
2 testimony regarding the time of death.

3 Now, keep it simple, right? I mean, our
4 defense has been from day one, right, that the
5 timelines just don't match up. There is a lot of
6 testimony that came in from the state that had to do
7 with what they believe stuff took place from say,
8 March, February 2016, until the summer of 2016.
9 Right. They spent a lot of their effort and time
10 focusing on the computer stuff. That they believe
11 happened during the spring and summer of 2016. But
12 they have very little evidence that they presented.
13 In fact, I would submit really nothing that they
14 have given to you that has to do with November 13th
15 date.

16 When you look at the time lines of the
17 people that were in that neighborhood, that were
18 there on the Allwine property, their evidence
19 doesn't line up with what they are asking you to
20 come to a conclusion on. Because the neighbors say
21 it's so. The trainers that were there say it was
22 so. They say somebody else did this. It wasn't
23 Steve Allwine. And the state is attempting to prove
24 their case through a computer analyst, and little or
25 no evidence on the actual crime itself. It's based

1 on theories, assumptions, and speculation.

2 Now, one more question. We spent a lot of
3 time on, you know, the scene, right? And the gun
4 that was found. And yes, Officer Bailey moved the
5 gun, right? But he said that they found it on her
6 left arm. Right. Now, if Steve Allwine did this as
7 the state would have you believe, right? And they
8 have said that he was very calculated and he spent
9 months trying to do this. Months planning. And
10 he's a smart guy, and every detail was taken care
11 of. And every detail was accounted for, right?

12 Then why would he put it on her left hand, right?
13 When he knows she is right handed, right? Why would
14 he do that?

15 If he was trying to stage this thing,
16 Steve Allwine, who knows his wife, he was married to
17 her for 20 years. If he was trying to stage this,
18 why would he do that. Why would he put it on her
19 left hand. Now, if somebody else did this that
20 didn't know Amy Allwine, they might not know what
21 hand she was, right? It's a question, right?
22 Questions that remain unanswered. It was a major
23 red flag that the state kept putting out there. The
24 location of this gun.

25 Now, burden of proof. Proof beyond a

1 reasonable doubt. That's what the state has to
2 show. Now, what that means is that the defense has
3 no obligation to do anything in the case. Okay? I
4 don't even have to say anything to you folks, right?
5 The state bears all of the burden of proof.

6 So what that means is that when there are
7 questions that aren't answered, right, if a witness
8 was on the stand, and either me, or Mr. Fink, or
9 Ms. Kreuser, we didn't ask, oh, gosh, I wish they
10 would have just asked that next question. Or I wish
11 they would have gone down this road, right? If that
12 was a failure to present evidence to you, that
13 failure falls on the state. Because the defendant
14 is presumed innocent, and has no burden to prove
15 anything in the case.

16 So when there are questions, right? When
17 there are questions about relevance, and questions
18 about when things happen and pieces of evidence that
19 were not answered, then you got to hold that against
20 the state, because they have the burden to prove
21 this case.

22 Now, last thing, right? Again, we heard a
23 lot of stuff about computers, and the Dark Web, and
24 all this stuff, right? But what did they give you
25 to prove that Steve Allwine caused the death of Amy

1 Allwine? Because that's one of the elements, right?
2 That's element number two of this offense is that
3 Mr. Allwine, the defendant, caused the death, right?

4 They say he did it. Did it with his own
5 hand. But what did they give you to prove that?
6 November 13, 2016 what evidence did they show to you
7 that he did this? The rest of it is speculation,
8 assumption, and theories. And I can't stress that
9 enough. Because we are deciding whether or not
10 Steve Allwine did this crime on November 13th, 2016.
11 Not whether he was a good husband, or what he was in
12 the church or anything like that. We are deciding
13 whether he committed the this crime, and the state
14 has not given you evidence to support that. They
15 have not proven their case beyond a reasonable doubt
16 what happened on November 13th, 2016. Because of
17 that, they have failed, and you should find the
18 defendant, Stephen Allwine, not guilty of this
19 charge. Thank you.

20 THE COURT: Mr. Fink, do you have any
21 rebuttal?

22 MR. FINK: I do.

23 THE COURT: You may proceed.

24 MR. FINK: What if, what it, what if, what
25 if. That's what you just heard. That calls for

1 speculation. The judge told you in his instructions
2 you're not supposed to speculate. You are supposed
3 to deal with the evidence that came out of the
4 mouths of witnesses and the exhibits in this case.
5 Nothing more.

6 What if the police would have done more
7 follow up? What if the police fingerprinted the
8 sliding door? That's not evidence.

9 The sliding glass door. Defendant told
10 police time and again how frightened they were. How
11 worried for their safety they were. They got
12 security cameras. There was one showing the back
13 door, but that one didn't record because the
14 defendant said he didn't want to pay for that
15 because the dogs would be out there all of the time.
16 While logical, in conjunction with all of other
17 facts in this case, and the lack of a locking
18 mechanism on the sliding door, this was another part
19 of his plan.

20 If he was that worried for their safety,
21 why keep the door unlocked, and only lock it with
22 the wood thing in there, the dowel in there, when
23 you go on vacation? That's nonsense.

24 The footprints in the luminal. It was at
25 that point that Mr. DeVore asked you to almost

1 specifically park your common sense at the door. He
2 would have you believe, though, what if those are
3 actually his foot sock prints, the defendant's foot
4 sock prints when he came in the house and found his
5 wife dead. If that's so, why don't we see all of
6 the footprints of all of the police officers that
7 almost immediately responded in those luminal
8 prints. Those prints showed up because they had
9 blood on them. They were made. And common sense
10 tells us, that they were made by the person that
11 cleaned up that pool in front of the master bedroom.

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

21 Remember that the defendant continually
22 denied knowing anything about hacking or the Dark
23 Web, yet a Tor browser was installed on his MacBook
24 Pro password protected computer.

25 I disagree with counsel. You people are

1 smart enough to have understood Mark Lanterman. You
2 are. I know you are.

3 In terms of the analysis of the MacBook
4 Pro computer, you will remember that Officer Silkey
5 indicated that he took defendant's Hewlett Packard,
6 HP, I think it was a notebook, and that's what the
7 FBI examined. The FBI never examined the MacBook
8 Pro.

9 And Dr. Mills. We all know that physical
10 and scientific facts don't lie. They don't forget.
11 They are not mistaken. Dr. Mills testified in this
12 chair right here that Amy Allwine was killed before
13 3:15 p.m. And she also testified that the symptoms
14 that she was exhibiting, combined with the amount of
15 scopolamine in her blood, and the gastric contents
16 were consistent with her having consumed that
17 scopolamine about an hour prior.

18 Now, from 2:00 to 3:15, the defendant
19 tells us that it's only he and Amy Allwine in that
20 house. And Dr. Mills tells us that she was killed
21 3:15 or earlier.

22 Okay. Let's go through the timeline of
23 the day again. Defendant gets up at 5:50. Goes
24 downstairs to work. 10:00 comes up for breakfast.
25 Noon all three of them have lunch. Then Amy later,

1 after 12:15, starts complaining about the symptoms
2 that you heard in his statement that she was
3 exhibiting, which match up with the symptoms that
4 Kelly Mills told you would be present about an hour
5 after being orally administered scopolamine.

6 Charles Zutz was in the house at 1:00 to
7 2:00, but in the garage. He leaves around 2:00 and
8 has to come back and pick up Joe. At this point,
9 the only person with access to Amy Allwine is
10 sitting at that table over there. The only person
11 that could have killed Amy Allwine is sitting at
12 that table over there.

13 The state has proven beyond a reasonable
14 doubt that that defendant is dogdayGod. The state
15 has proven beyond a reasonable doubt that he killed
16 Amy Allwine between 2:00 and 3:15. And the physical
17 and scientific evidence, together with his
18 statement, his own statement, tell us that. That's
19 what you need to remember.

20 This has been a long trial. Your duty is
21 going to be upon you pretty soon. Use your common
22 sense. Just use your common sense.

23 Circumstantial evidence. You get certain
24 facts and you draw inferences from them. And the
25 judge told you that circumstantial evidence is to be

1 treated the same as direct evidence. Look at this
2 example. You have facts that your child has crumbs
3 on his face. The cookie jar was full of cookies
4 before, minutes before, the lid is off. The cookies
5 are missing. The child asks mom for a glass of
6 milk. No one saw the child take the cookies.

7 Okay. What are the inferences that we can
8 draw from all of that? That the child took the
9 cookies from the jar? That the dog took the
10 cookies? That an invisible person parachuted in and
11 took the cookies? Or the cookies evaporated? What
12 you need to determine in those situations is what
13 inference is reasonable based upon facts that you
14 know. There's your answer.

15 So when you go to deliberate, you can
16 consider only what's inside the circle. The
17 evidence, the testimony, audio/video tapes, photos,
18 documents, and credibility. All of that other stuff
19 you have to disregard. Please let your verdict
20 speak the truth.

21 THE COURT: Members of the Jury: Now that
22 the attorneys have completed their closing
23 arguments, I will give you some final instructions.

24 When you return to the jury room to
25 discuss this case, you must select a jury member to

1 be foreperson. That person will lead your
2 deliberations.

3 Now, in order for you to return a verdict
4 whether guilty or not guilty, each juror must agree
5 with that verdict. Your verdict must be unanimous.

6 You should discuss the case with one
7 another, and deliberate a view towards reaching
8 agreement if you can do so without violating your
9 individual judgment.

10 You should decide the case for yourself,
11 but only after you have discussed the case with your
12 fellow jurors and have carefully considered their
13 views.

14 You should not hesitate to reexamine your
15 views, and change your opinion if you become
16 convinced that they are erroneous. But you should
17 not surrender your honest opinion simply because
18 other jurors disagree, or merely to reach a verdict.

19 The foreperson must date and sign the
20 verdict form when you have finished your
21 deliberation and reached a verdict.

22 And I will make reference to the verdict
23 forms. In this case they are very simple, so I will
24 read some language. And the order in which I do
25 this is of no significance. I have a verdict of not

1 guilty that says: We, the jury, find the defendant
2 not guilty of the charge of Premeditated Murder in
3 the First Degree of Amy Louise Allwine on
4 November 13th, 2016 in the County of Washington.

5 I have another verdict that says: We, the
6 jury, find the defendant guilty of the charge of
7 Premeditated Murder in the First Degree of Amy
8 Louise Allwine on November 13th, 2016 in the County
9 of Washington.

10 Now, when you agree on a verdict, notify
11 the deputy. You will return to the courtroom where
12 your verdict will be received, and read out loud in
13 your presence.

14 You have been allowed to take notes during
15 the trial. You may take those notes with you to the
16 jury room. You should not consider these notes
17 binding or conclusive whether they are your notes or
18 those of another juror. The notes should be used as
19 an aid to your memory, and not as a substitute for
20 it. It is your recollection of the evidence that
21 should control. You should disregard anything
22 contrary to your recollection that may appear from
23 your own notes or those of another juror. You
24 should not give greater weight to a particular piece
25 of evidence solely because it is referred to in a

1 note taken by a juror.

2 Ladies and gentlemen, in considering this
3 case, remember you are not partisans or advocates,
4 but that you are judges of the facts. The final
5 test of the quality of your service will lie in the
6 verdict that you return to the court, and not in the
7 opinions any of you may have as you retire from this
8 case. Your duty is to arrive at a just and proper
9 verdict. To that end, the court will remind you
10 that in your deliberations in the jury room, there
11 can be no triumph except the ascertainment and the
12 declaration of the truth.

13 Remember that this case is important to
14 both sides. It is important in the respect that the
15 a person who is guilty of the commission of a crime
16 be brought to justice and be punished. It is
17 equally important that a person who is not guilty of
18 a commission of a crime, should not be punished for
19 something that they did not do.

20 That concludes my final instructions.
21 Counsel, do you wish to call the court's attention
22 to any errors, omissions, or corrections in the
23 instructions? First from the prosecution.

24 MR. FINK: No, Your Honor.

25 THE COURT: From the defense?

1 MR. DEVORE: No, Your Honor.

2 THE COURT: I now have a duty that is an
3 uncomfortable one. It is one that I am not allowed
4 to do until this point in the proceedings. Those of
5 you who have counted know that there are 15 of you
6 sitting in that box. In fact, 12 of you make up a
7 jury for a felony case in the State of Minnesota.

8 Due to the nature of the case, the length
9 of the testimony, and the possibility that a juror
10 would need to be replaced at some point, we have had
11 three alternates. Interestingly enough, they are
12 all sitting together. Ms. Woods, Mr. Bruggeman and
13 Ms. Buresh you are the alternates. You are excused.
14 I never know if that message is received well or
15 poorly. The rest of the jury has work to do. You
16 may wish to be participating in the rest of this,
17 but at this point you are not allowed to, or you may
18 be relieved not to participate in the rest of this.
19 I don't know. But in any event, you are excused.
20 You may gather your things and leave. I absolutely
21 thank you for your service and patience. And I hope
22 you will understand that you have contributed to
23 this trial, even though you will not deliberate.
24 You may leave now, and I thank you. So the three of
25 you.

1 (Whereupon, the alternate jurors exited
2 The courtroom.)

3 THE COURT: We now have a job to do in
4 terms of swearing deputies.

5 (Whereupon the clerk administered the oath
6 to the deputies.)

7 THE COURT: All right. And there may be
8 other deputies that are involved, if this involves
9 overnight stays and transportation. Those deputies
10 either have been, or will be, sworn to the same
11 promise in terms of their duties with the jury and
12 the sequestration of deliberations. So now the jury
13 may retire.

14 (The jury exited the courtroom.)

15 THE COURT: Have a seat. Counsel for both
16 sides. You certainly may examine the exhibits and
17 other items. I know you have done that already, but
18 you certainly may do that in order that we are
19 taking the proper items into the deliberation room.
20 The court administrator and deputies will assure
21 that that happens.

22 We also need contact information. So that
23 contact information certainly is important for
24 today, but if it goes beyond today, we need that as
25 well. So whatever information in terms of

1 contacting you that would be necessary either to
2 address a question of the jury, if one comes up, or
3 to receive the verdict. Any of those things. Thank
4 you.

5 MR. DEVORE: Judge, can we approach?

6 THE COURT: You may.

7 (Whereupon, court and counsel had a
8 Discussion off the record.)

9 THE COURT: All right. The courtroom will
10 remain locked during jury deliberations. If the
11 jury has a question, or if the jury needs to
12 observe, or listen, or watch a tape, if they make
13 that specific request, we will bring them back in
14 the courtroom to do that. But there is equipment
15 here to assist us with doing that. So the courtroom
16 will be locked when we are not in session. And I
17 thank you all.

18 (Proceedings concluded.)

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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: February 24, 2018

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

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