

08:40:53

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

3 - - - - -

4 State of Minnesota **JURY TRIAL**

5 Plaintiff, **VOLUME VII**

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

7 Stephen Carl Allwine,

8 Defendant.

9 - - - - -

10 The above-entitled matter came duly on for
11 Jury Trial before the Honorable B. William Ekstrum,
12 one of the Judges of the above-named Court, on the
13 17th day of January, 2018, at the Washington County
14 Judicial Center, City of Stillwater, County of
15 Washington, State of Minnesota.

16 * * *
17 A P P E A R A N C E S

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

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

24
25

08:57:48 1 (Whereupon the following proceedings were
2 duly had:)

3 (Prospective juror entered the courtroom.)

4 THE COURT: Please come forward. We are
5 going to put you in the jury box over there for some
6 questioning. So keep coming all the way to the
7 front. Around there to the front row of the jury
8 box. There is some water there with a carafe, if
9 you need it. And before you sit down -- that's
10 okay. Before you sit down, please raise your right
11 hand to be sworn.

12 (The prospective juror was sworn in.)

13 THE COURT: Have a seat. Let's start by
14 you stating your name, please.

15 JUROR: Debra Raeker.

16 THE COURT: Okay. Ms. Raeker, I am going
17 to make some comments to you, and then ask you just
18 a few questions. And then the defense will be able
19 to ask you some questions and possibly the
20 prosecutor as well.

21 Now, during the questioning, we are
22 talking about this French term Voir Dire that I
23 talked about last week. That simply means to speak
24 the truth. So I will appreciate both your honesty
25 and your cooperation in this process. That will be

09:02:12 1 very helpful.

2 Now, there may be a request at some point
3 to excuse you for cause, or someone may exercise a
4 preemptory challenge, or neither of those things
5 might happen. Now, a challenge for cause is if one
6 side or the other thinks there is a reason you
7 shouldn't be on the jury. A preemptory challenge is
8 something they can exercise on their own, beyond
9 that. Challenge for cause is something I decide.
10 The preemptory challenge is their decision. If
11 either of those things happen, I would certainly
12 thank you for your participation up to this point,
13 but you would be excused.

14 JUROR: Okay.

15 THE COURT: All right. Now, have you had
16 any conversations with anyone about this case since
17 filling out the questionnaire?

18 JUROR: No.

19 THE COURT: Have you looked up anything or
20 done any research about this case since filling out
21 the questionnaire?

22 JUROR: No.

23 THE COURT: There are some rules of law,
24 some of which I will state right now. Some of them
25 the jury will hear about as we go along. Certainly,

09:03:21 1 the defendant is presumed to be innocent. The state
2 has the burden of proof. The state must prove each
3 and every charge beyond a reasonable doubt. And the
4 defendant does not have to prove innocence. Now,
5 whether those or other rules that I give, will you
6 be able to follow the rules of law as I give them to
7 you?

8 JUROR: Yes.

9 THE COURT: As you sit here today, is
10 there any reason you think you cannot be a fair and
11 impartial juror in this case?

12 JUROR: No, I don't think so.

13 THE COURT: Mr. DeVore.

14 BY MR. DEVORE:

15 Q Good morning, Ms. Raeker.

16 A Good morning.

17 Q The other day you filled out a
18 questionnaire form, last week?

19 A Yes.

20 Q Anything you found out, or learned about,
21 or think you would change in your questioning or add
22 to it since last Friday?

23 A I don't think so. I don't remember the
24 questions anymore.

25 Q Well, sometimes people after they reflect

09:04:20 1 on what they were asked, they go, oh yeah, that's
2 right. I remember this thing or something like
3 that. That's not the case?

4 A No.

5 Q Okay. Now, I understand that you are a
6 lab technician; is that right?

7 A Yes.

8 Q Certified Lab Technician?

9 A Yes.

10 Q Tell me what that means. What kind of a
11 job is that?

12 A I draw blood on patients. Then I run the
13 blood samples, their CBC, hemoglobin, white blood
14 count.

15 Q Who do you work for?

16 A Minnesota Oncology.

17 Q How long have you been doing this as a lab
18 technician?

19 A Lab technician? I don't know, 40 years.

20 Q And so you draw the blood and then you run
21 the tests on the blood?

22 A Mm-hmm. Yes.

23 Q Are you looking for specific things with
24 the tests that you run?

25 A No. It's just general.

09:05:21 1 Q What are you looking for?

2 A I work on a machine that you put the blood
3 through, get your hemoglobin, white count, your
4 platelets, your red count.

5 Q Okay. Do you ever do any drug screening
6 or anything like that?

7 A No.

8 Q Have you ever done that in your career?

9 A No.

10 Q Do you get reports that come back from
11 tests that were done that include, you know, drug
12 screening, or alcohol screening, or anything like
13 that?

14 A No.

15 Q Have you ever had a job or a position
16 where you have been in that kind of capacity?

17 A To get the results back?

18 Q Results of a drug test or anything?

19 A Yes.

20 Q You have?

21 A (Nods head.)

22 Q What kind of job and when was that?

23 A It was in a hospital setting. 19 -- no.
24 Probably 1990 to 1999.

25 Q Okay. What did you do? Where was that

09:06:27 1 at?

2 A At Regina Hospital in Hastings.

3 Q Okay. What was your job position at that

4 --

5 A Lab Tech. Lab technician to the patients
6 and run tests.

7 Q And the tests that you would run, that
8 would be at the direction of a doctor, for instance?

9 A The doctor would order the test, and then
10 I ran the lab. I was like the lab manager.

11 Q So doctors would order tests and they
12 would tell you what they wanted you to do, what they
13 wanted you to look for, things like that?

14 A Yeah.

15 Q Did you ever in your job at Regina
16 Hospital, did you ever have to send samples out to
17 be tested by a private company?

18 A We did most of the tests there. I guess
19 sometimes we would send tests out to request
20 diagnostics or something like that.

21 Q And in your capacity at Regina Hospital,
22 did you ever work on a criminal matters where they
23 were looking for things within like the blood or
24 anything like that?

25 A No.

09:07:44 1 Q Have you ever heard of the drug called
2 scopolamine?

3 A No.

4 Q I saw in your questionnaire form, you
5 indicated that your son had been wrongfully
6 convicted of a crime?

7 A Mm-hmm.

8 Q Can you tell me when that happened?

9 A Last year. I think it happened last year.

10 Q Was it in Minnesota?

11 A Yes.

12 Q Was it in Washington County?

13 A No.

14 Q What county was it?

15 A Carver.

16 Q Can you tell me the nature of the crime?

17 A What do they call it? Well, they said
18 that he hit his wife and he did not.

19 Q So like a domestic assault?

20 A Yes.

21 Q Do you remember if it was like a
22 misdemeanor or felony?

23 A I have no idea. I don't know what it was
24 called.

25 Q So he got charged with a crime.

09:08:56

1 A Mm-hmm.

2 Q And did you go to court with him?

3 A No.

4 Q You weren't a witness to it or anything
5 like that?

6 A No.

7 Q And you think -- you believe that he was
8 wrongfully convicted; why is that? Why do you it
9 was --10 A Yes, because she lied. She said that in
11 court that she lied.

12 Q So this is a spouse or a girlfriend?

13 A Spouse.

14 Q Are they still married?

15 A No.

16 Q She claimed that he struck her or
17 something?

18 A Yes.

19 Q Is that a yes?

20 A Yes, I'm sorry.

21 Q And in court she testified that that
22 didn't happen?

23 A That's correct.

24 Q What was the result; did they go to trial
25 or something?

09:09:44 1 A Yes.

2 Q So kind of like this setting?

3 A Yes.

4 Q Did you watch the trial?

5 A No.

6 Q So what is your source of information, is
7 that from your son?

8 A Yes.

9 Q Have you ever talked to the spouse about
10 what happened?

11 A Yes.

12 Q She told you the same thing?

13 A Yes.

14 Q So how do you feel about that, that your
15 son was apparently convicted of a crime that he
16 didn't commit?

17 A Upsetting. Just shows me the jurors were
18 not listening, paying attention.

19 Q Do you blame the defense attorney, for
20 instance? Was he represented by counsel?

21 A Yes, he was.

22 Q Do you blame the attorney?

23 A No. I don't know. I don't know what he
24 said.

25 Q True. How about the prosecutor, do you

09:10:39 1 think maybe they should have done something, maybe
2 dropped the charge, or something like that?

3 A I suppose that could have been a
4 possibility. I don't know how this stuff works, so
5 I don't know.

6 Q Okay. So how does it, knowing this, make
7 you feel about our jury system, in general, how it
8 works?

9 A I am sure it works pretty well. But
10 obviously in that case, they were not paying
11 attention or whatever. So it's like -- I don't
12 know.

13 Q Okay.

14 A Juries are probably -- they have to listen
15 and pay attention, and come in with an open mind in
16 that they say they are guilty until proven innocent,
17 because they are innocent until proven guilty.

18 Q Okay. Well, knowing all of that, or with
19 that background and history, do you think that you
20 could be a fair juror in a case like this?

21 A I really would want to because of what has
22 happened to my son to really listen and pay
23 attention, and do a fair thing, yes.

24 Q And we call -- we ask for the jurors to be
25 impartial. Have you ever heard of that term?

09:12:02 1 A Yes.

2 Q What does that mean to you to be
3 impartial?

4 A To not favor either side. To be
5 openminded, and listen, and you know, figure out
6 what the truth is in what goes on in here.

7 Q Now, you indicated you were asked a
8 question, please describe your feelings about the
9 fairness of the jury system in this country. Your
10 response was, I do not think highly of it. Nothing
11 fair about it. Now, we have had a pretty detailed
12 conversation about your background to that.

13 A Right.

14 Q Is there anything that you would add to
15 this, or explain that a little more?

16 A Well, I think I also said, as far as me
17 being on a jury, I feel that I could be a fair
18 juror. I am only talking about myself. I don't
19 know about who else is on here. Talking about
20 myself. I feel I could be a fair and impartial
21 juror. But like I said, I can't answer for anybody
22 else that would be on here.

23 Q Yeah. Okay. I just, I don't want to drag
24 on too much. When you say nothing fair about the
25 system, what are you referring?

09:13:39 1 A I am just referring to my son's case. It
2 just wasn't fair.

3 Q Okay. What does your son do for a living?

4 A Mechanical engineer.

5 Q Now, I see that you indicated that you
6 might know one of the potential witnesses in the
7 case?

8 A Mm-hmm. I just recognize the name. I
9 don't know them personally.

10 Q That's Craig Woolery?

11 A Yes.

12 Q How did you know him or how you might know
13 him?

14 A He was a cop in Cottage Grove.

15 Q That's where you live?

16 A Yes.

17 Q So you might have had contact with him
18 over the years?

19 A When my kids were in grade school, he ran
20 the DARE program. So I just know his name from him
21 being the cop that ran the DARE program for the
22 students.

23 Q Okay. All right. I am going to ask you a
24 few questions about computers and stuff like that.

25 Okay?

09:15:07 1 A Yes.

2 Q Do you have a cell phone?

3 A Yes.

4 Q Is it one that you can go on the Internet
5 with?

6 A No.

7 Q Is it a flip phone?

8 A No. No, it's an old, old phone.

9 Q Like a Blackberry or something?

10 A I couldn't even tell you what it is.

11 Q So how do you use your phone, do you use
12 it just to make phone calls?

13 A For emergencies only.

14 Q What about at home, do you have a computer
15 at home?

16 A Yes.

17 Q Like a -- you got like a box that is on
18 the floor?

19 A No, I have a laptop.

20 Q Do you have more than one computer at
21 home?

22 A No. But I don't have Internet at home.

23 Q What do you use the computer for at home?

24 A I don't use it at home, because I don't
25 have Internet. I drag it to my work so that -- I

09:16:06 1 have a Fitbit, so I can download my Fitbit, my
2 steps. That's what I use it for.

3 Q Is that why you bought the computer?

4 A No. I had Internet years ago. But I
5 don't have Internet anymore, so if I need Internet I
6 run to the library, or upload my steps and that's
7 it.

8 Q Sure. So fair to say that you don't spend
9 a lot of time surfing the Internet?

10 A No, I do not.

11 Q Do you know what a search engine is? Have
12 you heard of that term?

13 A I have probably heard of it, but I am not
14 computer savvy at all.

15 Q That's fine. I am just trying to figure
16 out what level of understanding you are in. Have
17 you heard of Google before?

18 A Yes.

19 Q How about the Dark Web, have you ever
20 heard of that before?

21 A No.

22 Q Do you know anything about how the
23 computers work, like the programming behind it, and
24 stuff like that?

25 A No, not really.

09:17:19 1 Q What about like WiFi; are you familiar
2 with that term?

3 A Yes.

4 Q Do you know what that is?

5 A I use WiFi at work when I bring my
6 computer in.

7 Q Do you have a way of explaining what WiFi
8 is?

9 A I know what it is. It's there, so I can
10 hook my computer up.

11 Q Okay. Have you ever heard of like
12 antivirus software or malware?

13 A Yes.

14 Q Have you ever heard of computers getting
15 hacked into?

16 A Yes.

17 Q Have you ever heard of company's that had
18 their systems hacked into?

19 A I've heard of it, yes.

20 Q Do you have any that you can remember that
21 you have heard of?

22 A No. I just know people get hacked. I
23 don't know.

24 Q Have you ever had that happen to you?

25 A No.

09:18:19 1 Q Now, have you ever -- if you have a
2 problem with your computer what do you do, do you
3 bring it in, or fix it yourself?

4 A Call one of my sons and say, can you help
5 me?

6 Q They come over and take a look at it?

7 A Or I bring it over there. I bring it over
8 there, because I don't have Internet, so ...

9 Q Sure. So how often -- I mean, other than
10 downloading your Fitbit, how often do you think you
11 use a computer or go online?

12 A I don't know. Once or twice a week.
13 Right now, I am kind of looking for a new car, so I
14 am online at the library looking at cars and stuff
15 like that. Otherwise, once or twice a week. Not
16 that much.

17 Q So if you need to go search something, you
18 typically will go to the library and use the public
19 computer?

20 A Yes.

21 Q How about your banking stuff, do you do
22 banking online?

23 A No way.

24 Q Why is that?

25 A Number one, I don't have Internet. Number

09:19:29 1 two, I don't trust it. I am a person that goes to
2 the bank.

3 Q You use checks to pay for bills?

4 A Yes.

5 Q How about a credit card; do you use a
6 credit card or debit card?

7 A Yes, credit card.

8 Q When you get a statement you pay that with
9 a check or something?

10 A Yes.

11 Q Do you ever purchase items online?

12 A Very little.

13 Q Would you do that on your own or would
14 that -- you would have one of your sons come over
15 and help you order something, or how do you --

16 A No, I have done it myself before. If I
17 order something from -- if I have ordered anything,
18 it's been like from a store; Herberger's, or Kohl's,
19 or something like that. Not from any outside
20 company.

21 Q Okay. And you have to probably put in
22 your credit card information or something like that,
23 usually?

24 A Yes.

25 Q How about, have you ever sent a Money Gram

09:20:27 1 or used Western Union before?

2 A No.

3 Q Have you ever heard of it?

4 A I have heard of it.

5 Q Do you know what it is?

6 A People use that to send money someplace
7 else. I don't know.

8 Q Sure. Have you ever heard of the term
9 Bitcoins?

10 A No.

11 Q Okay. Do you have any feelings about our
12 crime rate in this country, as far as maybe you
13 think that it's really a violent country, you don't
14 really have an opinion, you feel safe here?

15 A I feel safe here, yes.

16 Q You haven't had any problems yourself with
17 crime?

18 A No.

19 Q If you had something that you had a term,
20 or a concept, or something that you hadn't heard
21 about before, how would you educate yourself as to
22 what that was? Like, would you go to the library,
23 go to a computer and look it up, would you ask
24 somebody; how do you educate yourself on new topics?

25 A Probably ask someone or go online and

09:21:57 1 search it.

2 Q Have you done that before?

3 A Probably. I couldn't give you an example.

4 I probably have. I don't know.

5 Q Where do you get your source of news
6 primarily?

7 A Either in my car, or listen to the radio
8 station, or TV.

9 Q What kind of radio stations do you listen
10 to?

11 A Religious station.

12 Q Like do you have a particular one that you
13 listen to?

14 A KTIS.

15 Q KTIS?

16 A Mm-hmm.

17 Q Is that pretty much standard in your car
18 that that's on?

19 A That's the only station that is on.

20 Q Is that a talk radio show primarily?

21 A It's more music.

22 Q More music?

23 A Yeah.

24 Q And then I haven't listened to that one,
25 do they have a segment every hour where they cover

09:23:00 1 the news?

2 A Probably. I don't know how often they do
3 the news, but it's probably something like that.

4 Q I am just wondering, do you keep up with,
5 you know, kind of the ongoing events of what's
6 happening with just locally news or nationally or
7 world wide?

8 A No.

9 Q Is that of interest to you?

10 A No.

11 Q Okay. Did you say you watch television?

12 A Yes.

13 Q What news program do you typically watch?

14 A WCCO News.

15 Q Is that like the evening news?

16 A Yes, at 10.

17 Q Is that pretty normal to every day watch
18 the news?

19 A Pretty much. Try to watch it, usually
20 fall asleep, but try to watch it.

21 Q Okay. So the beginning part of the news
22 usually covers sort of what's going on in the world.

23 A Right.

24 Q And then locally and stuff like that?

25 A Yes.

09:24:01 1 Q Is that usually for sure what you catch?

2 A Yes.

3 Q Then you fall asleep during the weather?

4 A I could be falling asleep by 10:00,
5 depends when I lay down on my couch.

6 Q All right. Now, one of the rules of law
7 that we have in this court, is that a defendant has
8 the right not to testify; have you ever heard of
9 that before?

10 A Yes.

11 Q And the judge would advise you that you
12 can't infer anything from that, okay?

13 A Yes.

14 Q Is that going to be a problem for you if
15 the defendant chooses not to testify, would you
16 automatically think one way or the other?

17 A No, I don't think so.

18 Q So that wouldn't play into your
19 calculation?

20 A No.

21 Q Do you own a dog?

22 A No.

23 Q Have you ever?

24 A Yes.

25 Q Do you have any experience with dog

09:25:05 1 training or anything like that?

2 A No.

3 MR. DEVORE: If I could just have a
4 minute, Your Honor.

5 BY MR. DEVORE:

6 Q Oh yeah, I forgot to ask you. At your
7 current job, which is Minnesota Oncology?

8 A Yes.

9 Q You have a supervisory role there; is that
10 correct?

11 A My thing is, I am lab lead at the clinic.
12 I am the only one that works there. I am the only
13 lab person that works there.

14 Q Okay. So when you indicated that you
15 might supervise up to two people; does that happen
16 at work?

17 A I don't necessarily supervise them,
18 because obviously when I am gone, that's when they
19 are there. I don't supervise them, watching them.
20 But when I come back to work, then I see what they
21 did or didn't do. Then I let my boss know.

22 Q So basically, you are the lab technician
23 for the company?

24 A Yes.

25 Q If you're gone on this trial for a couple

09:26:54 1 of weeks, how would that affect your job, if
2 anything?

3 A Well, they have floats that would cover
4 when I am gone.

5 Q So are you the lab tech for that
6 particular location, then there are other lab techs
7 --

8 A Yes, there are other locations in the Twin
9 Cities.

10 Q I got it. When you were at Regina
11 Hospital, you said that you were the -- I can't
12 remember if you said you were the manager there?

13 A No, I was just one of the workers there.

14 Q Oh, I see.

15 MR. DEVORE: May we approach?

16 THE COURT: You may.

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

19 THE COURT: Come back up.

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

22 THE COURT: None of this means that you
23 are not a fair person, but you have been excused.
24 So you have my thanks for the participation in the
25 process and you are free to leave. Thank you very

09:29:11 1 much.

2 JUROR: All right.

3 (The juror exited the courtroom.)

4 MR. FINK: Your Honor, while we have a
5 little bit of a break in the action, on the
6 methodology for striking.

7 THE COURT: Yes.

8 MR. FINK: As you recall, I was a little
9 bit confused yesterday.

10 THE COURT: Yes.

11 MR. FINK: But I went back and looked up
12 the rule, and the preferred way, and I assume that
13 there are other ways as well, that the defense
14 questions. It's 26 -- Rule 26 --

15 THE COURT: Yes, I'm familiar.

16 MR. FINK: And it indicates that the
17 defense questions, passes for cause, then exercises
18 a strike if they want, and only then does the state
19 question.

20 THE COURT: Same process for this person.
21 I will look it up and respond.

22 MR. FINK: Thank you.

23 (Prospective juror entered the courtroom.)

24 THE COURT: Please come forward. We are
25 going to put you in that first row of the jury box.

09:31:01 1 So come all the way forward and around into that
2 first row. You can have a seat next to, or near
3 that carafe of water. That would be a good thing.
4 And before you sit down, please raise your right
5 hand to be sworn.

6 (The prospective juror was sworn in.)

7 THE COURT: Please have a seat, and please
8 state your name.

9 JUROR: My name is Ramona Erickson, Your
10 Honor.

11 THE COURT: All right. I have a few words
12 for you and just a few questions. Then I will turn
13 it over to the defense attorney. You heard that
14 phrase Voir Dire, that's what this is is a
15 questioning process. And since that is related to
16 this phrase speak the truth, I will appreciate your
17 truthfulness and your candor and cooperation.

18 So both sides may do some questioning, and
19 we will see how this goes. During the questioning,
20 there may be a request to excuse you for cause, or a
21 request to exercise what we call a preemptory
22 challenge, or neither one. A challenge for cause
23 means someone thinks you shouldn't be on the jury
24 for a particular reason. Then I will decide that.
25 A preemptory challenge can be exercised by either

09:32:26 1 the defense or the prosecution. They have a certain
2 number of those that they get and they decide that.
3 If one of those things happens, you will be excused,
4 and I will simply thank you for your service.

5 So have you had any conversations with
6 anyone about this case since filling out the
7 questionnaire?

8 JUROR: No, Your Honor.

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

12 JUROR: No, Your Honor.

13 THE COURT: There are some rules of law.
14 I actually said some of them earlier. The defendant
15 is presumed to be innocent. The state has the
16 burden of proof. The state must prove any charge
17 beyond a reasonable doubt. And the defendant does
18 not have to prove innocence. Those and other rules
19 will be explained to the jury during a trial. Will
20 you be able to follow the rules of law as I give
21 them to you.

22 JUROR: Yes, Your Honor.

23 THE COURT: Is there any reason you cannot
24 be a fair and impartial juror in this case?

25 JUROR: No, Your Honor.

09:33:35 1 THE COURT: Mr. DeVore.

2 MR. DEVORE: Thank you.

3 BY MR. DEVORE:

4 Q Good morning.

5 A Good morning.

6 Q Ms. Erickson, there is another rule of law
7 that is the right for a defendant not to testify;
8 are you familiar with that?

9 A I have just heard of that happening
10 before.

11 Q And if a defendant in the trial should
12 choose not to testify, the jury can be instructed
13 not to infer anything or assume anything because of
14 that?

15 A Yep.

16 Q Are you comfortable with that concept?

17 A Yes.

18 Q Now, I see that you are married, correct?

19 A I am, yes.

20 Q And your spouse is a state trooper; is
21 that correct?

22 A Yep.

23 Q What area is he assigned to?

24 A He actually works in Washington County.

25 Kind of Woodbury/Stillwater area.

09:34:19 1 Q And how long has he been doing that?

2 A He has been doing that for eight years,
3 going to be nine soon.

4 Q Was he a peace officer before that
5 somewhere else?

6 A No, he was not.

7 Q What kind of training did he have to go
8 through to become a state trooper?

9 A He did their legal program. So he did
10 have a background in that, so he had to take some
11 extra courses through their service. Then he had
12 the academy, which is up in Little Falls area. So
13 that was the training.

14 Q Sure. Now, what's his assignment; is it
15 patrol, or does he have a --

16 A Nope, it's the state patrol. So he is
17 traffic, highway, speed, crashes; those sorts of
18 things.

19 Q Does he also do maybe any investigations
20 or maybe SWAT team?

21 A No, he actually does not. No.

22 Q Is he generally satisfied with his career?

23 A Yes.

24 Q Does he talk to you about his job and
25 things that he's up to?

09:35:25 1 A Once in a while. Again, he doesn't ever
2 give names or anything like that. But for the most
3 part, it's lots of crashes due to weather, since
4 he's on the highway, and lots of speed. Once in a
5 while DWI's or things like that.

6 Q And I imagine he has to go in and testify
7 from time to time?

8 A Yes, he has had to do that before. Never
9 in front of a jury, just in front of a judge based
10 on, you know, how fast was someone going based on
11 what his machine says, you know, his radar, things
12 like that. But that's all he's had to do for that.

13 Q Sure. When he has had to go in to
14 testify, does he ever kind of just talk about his
15 feelings about testifying?

16 A Not really. Actually, if he has to go to
17 court, he will just say, I have court today, and
18 that's about it.

19 Q Do you know at all what he does to prepare
20 for being able to go in to testify?

21 A No, I don't actually.

22 Q Okay. Now, I understand that you also --
23 you served in the military?

24 A Yes, correct.

25 Q Did your husband as well?

09:36:27 1 A Yes, he did as well.

2 Q What -- tell me about your service in the
3 military?

4 A I was in the Minnesota National Guard and
5 did have to go overseas. We started out with a
6 chemical operation company, then got retrained to be
7 driver assistance. Heavy equipment transporter. So
8 huge trucks. 88 mics, we got retrained to go
9 overseas to Iraq. So I was over there for a year.

10 Q When was that?

11 A That was in 2004 to 2005.

12 Q Thank you for your service. Are you still
13 active in the military?

14 A Nope.

15 Q What kind of a term did you have to serve?

16 A It was, so eight years, two years. Six
17 and two. Eight years total. Six active, two years
18 of active. So when you are in IR, I didn't need to
19 get called during that time.

20 Q So you went through basic training?

21 A Yes.

22 Q Where did you do that?

23 A That was in Kansas.

24 Q Not Georgia?

25 A No, Kansas.

09:37:35 1 Q And then did you do the two weekends?

2 A Yep. One weekend a month, two weeks in
3 the summer.

4 Q One weekend a month. And did you do that
5 at Fort Ripley?

6 A Yep, sometimes. Yes. The two weeks --
7 one weekend a month was actually in Northfield
8 because that's where our company was based out of.
9 Chemical operations was in Northfield, Minnesota.

10 Q Is that where you met your husband, then?

11 A No, actually, ironically we knew each
12 other in high school. So we met each other at the
13 very end -- like the very end of high school we
14 ended up signing up at the same time. Both of us
15 needed college money. Our parents -- we just needed
16 a way to pay for college. That was prior to 2001,
17 then September 11th happened, but we were already
18 signed up.

19 Q All right. And you're from Stillwater
20 originally?

21 A Correct.

22 Q In your service in the military, did you
23 have any training in like law enforcement training?

24 A No, we were just truck drivers, and then
25 chemical was -- I was the particular, I was the

09:38:33 1 smoke company, or smoke platoon. So we would have
2 to go and provide cover if there were other people
3 that had to go in the recon area. There wasn't any
4 training with law.

5 Q Okay. But you have had training with the
6 use of firearms?

7 A Yes.

8 Q So you're familiar with how they work and
9 how to shoot them?

10 A Yes. Just in particular the M16 that's
11 the only thing I have. And the SAW. The SAW M249,
12 that's it.

13 Q What is the SAW?

14 A The SAW is a big one. It's usually used
15 on gun trunks. So in the convoy, if you have be the
16 gunner, it's a bigger one automatic weapon.

17 Q And it's mounted?

18 A Yes.

19 Q How about any handguns?

20 A Nope. Not even with my husband. I've
21 never shot a handgun. I don't know anything about
22 those really.

23 Q Okay. And do you have a license to carry
24 a weapon?

25 A No, I don't.

09:39:36 1 Q I assume that your husband obviously has a
2 firearm, right?

3 A Yep.

4 Q What's the mechanism of storing the
5 firearm at home?

6 A It's locked in the safe.

7 Q Where is that?

8 A That is down in our closet, fastened to
9 the floor, the safe is.

10 Q Okay. All right. Well, you remember when
11 you filled out the questionnaire form. Is there
12 anything since last Friday that you can remember
13 that something you thought about over the weekend,
14 or something like that, that I should have put that
15 in there or anything like that?

16 A No. I filled out everything that it asked
17 me to do.

18 Q I noticed when you were asked a question,
19 would you tend to believe a police officer more than
20 any other witness, you indicated no.

21 A Yeah. I truly do believe, like any
22 profession, there are good cops and there are bad
23 cops. So just because you're a police officer,
24 doesn't mean your testimony is any extra valuable
25 compared to any other witness. Every witness is

09:40:47 1 valuable. There are good and bad people in every
2 profession.

3 Q Sure. What do you do for a living?

4 A I teach kindergarten.

5 Q Is that full time?

6 A Yes.

7 Q You have two younger kids?

8 A Yep. Two boys.

9 Q One that is probably in school and one
10 that's --

11 A Yep. One is in kindergarten, and one is
12 just in preschool.

13 Q So are you teaching your son, then.

14 A I try. As much as I can. I get a little
15 tired. I've already taught all day, so I don't
16 teach him. He doesn't go to my class or anything.
17 Just class of mom stuff at home.

18 Q How long have you been a teacher?

19 A This will be my fifth year.

20 Q What made you decide to go into teaching.

21 A I always wanted to be a teacher. Just
22 when we went overseas in the National Guard, I was
23 kind of tired. I was originally going for undergrad
24 in elementary education and then I just needed a
25 break. So I came back, finished, got my degree and

09:41:45 1 then went to work for Hartford for a while. Then I
2 knew I wanted to become a teacher, so that was just
3 the time to do it then.

4 Q Your time over in Iraq, I am sure you saw
5 your fair share of violence and things like that; is
6 that right?

7 A We saw a little bit. Nothing to -- most
8 of things on us. Nothing too major. I was
9 actually -- I got to work in the OPs tent, so I got
10 to be more in charge handing out the missions, and
11 disseminating those out to the people and
12 communicating with them while they were on their
13 missions. So I didn't have to go on that many
14 missions when I was overseas. I only had to go on
15 maybe one. I think I did that. Just because I
16 applied to be in the operations tent, which is the
17 person who helps run everything and puts everything
18 down to the other people in the troop.

19 Q Okay. Have you received any kind of
20 therapy or counseling or anything since you have
21 been back home?

22 A No.

23 Q And you looked at the list of potential
24 witnesses. I know there was a lot of them on there.
25 With your husband being a state patrol officer, is

09:43:00 1 there anybody in here that --

2 A No, I didn't recognize any of the names.

3 Q Do you -- does your husband socialize with
4 other peace officers?

5 A Mainly only the ones he works with in his
6 station. That's about it. So I know their names.
7 But other than that, I don't know even know all of
8 their last names. But I know all of their first
9 names. Other than that, not really. We have other
10 friends, not just work friends. We have more -- we
11 socialize more with other friends than our work
12 friends.

13 Q Okay. All right. Do you have a cell
14 phone that you own?

15 A I do have a cell phone.

16 Q Does it have Internet access?

17 A Yes.

18 Q How about do you have computers, or a
19 computer at home?

20 A Yep.

21 Q Do you have Internet access there?

22 A Yep.

23 Q Do you use your computer with your
24 Internet access devices frequently?

25 A Yeah.

09:43:54 1 Q Do you spend time looking on the Internet?

2 A Yeah, I mostly, you know, I check out
3 Facebook to see what other people are doing. I do
4 some on-line shopping, pay bills online. Go to my
5 bank account. That's the majority of my searching.

6 Q So other than Facebook, what kind of web
7 sites do you like to go to.

8 A Mainly on Amazon. It's a lot of shopping,
9 and then like paying the bills. I don't have any
10 favorites. I don't have any other social media or
11 anything like that.

12 Q If you have free time without your kids,
13 and dealing with their stuff, and about work, would
14 you find yourself on the computer looking around, or
15 would you be doing other things?

16 A I probably would be doing other things.
17 Lots of chores. Lots of -- there is always
18 something to be done.

19 Q And just want to get your level of
20 understanding of computers, do you have any training
21 or computer programming?

22 A No.

23 Q You obviously know how computers work and
24 what a search engine is?

25 A Yep.

09:45:04 1 Q Okay. Have you ever heard of the Dark Web
2 before?

3 A I have heard of it.

4 Q What do you know about it or what have you
5 heard?

6 A Nothing, other than I wouldn't go there.
7 I mean, it's a place that some people go, I guess, I
8 don't even know what you for sure find there. I
9 have just heard the term before.

10 Q Do you know where you heard it or how you
11 heard it?

12 A Probably TV. I feel like on some show or
13 something that I have watched.

14 Q Does it conjure up a negative impression
15 in your mind?

16 A No. I just wouldn't necessarily go -- I
17 mean, it wouldn't be something that I would seek
18 out. I don't know what's there either, so ...

19 Q How about Bitcoins have you heard of them?

20 A I have heard of Bitcoins, yes. On the
21 news, if it's on in the house. I still don't even
22 know what they are.

23 Q Do you know why people would have them, or
24 --

25 A No. No. I don't know. I haven't looked

09:45:54 1 into that process. No. Interesting. Different
2 term. But no, I haven't looked into it at all.

3 Q Do you know where you would have heard
4 about it?

5 A On the news when they were talking about
6 Bitcoin is all the rage. And I hadn't heard of it
7 prior to that, and haven't heard of it since the one
8 time I heard of it in passing.

9 Q Do you know what they were referring to,
10 as like a --

11 A Something with currency. That's all I
12 know. I don't know how you would use it, or what
13 you would use it for.

14 Q Are you familiar with the terms like
15 modem?

16 A Yep.

17 Q And router?

18 A Yep.

19 Q What about WiFi; are you familiar with
20 that?

21 A Yes.

22 Q Are you familiar with like antivirus
23 softwares?

24 A Yes.

25 Q And malware; are you familiar with that

09:46:39 1 stuff?

2 A Yep.

3 Q If you had a problem with your computer,
4 would you try to do some troubleshooting yourself or
5 would you --

6 A I would probably give it to the husband to
7 try to troubleshoot. I wouldn't personally, no.

8 Q Okay. Have you ever had an occasion,
9 maybe through work or some other capacity where
10 you've allowed somebody to access your computer
11 remotely? Maybe a webinar or something like that?

12 A No. Because of each at work have our own
13 laptops and computers. We don't really have access
14 to each others. People have never had to access it.
15 I have had to share something with people through
16 Google drive type of situation, a document that I
17 created or something. But no one has ever had to
18 access my computer.

19 Q Like if you had a -- you have a work
20 computer, then, that stays at your school?

21 A Well, I can bring it home, but yeah, it's
22 just a laptop.

23 Q When you have had problems, or maybe you
24 need updates on your computer at the school, have
25 you ever had an IT person that might have logged in

09:47:52 1 remotely?

2 A Yes. Not necessarily remotely, they
3 usually come in and take it for a while and come do
4 it with you there. We have an IT guy that comes
5 certain days to our school. So he has come in and
6 updated things or helped out if there was a problem
7 with something before.

8 Q Usually right when you are sitting next to
9 him?

10 A Yes.

11 Q Now, you said that you do your banking on
12 line?

13 A Mm-hmm.

14 Q Yes?

15 A Yes.

16 Q We just have to say yes or no?

17 A Yes, I do.

18 Q And you said you purchase items online?

19 A Yes.

20 Q You use a credit card for that, or how do
21 you --

22 A Yeah, either credit card or debit card.
23 Whichever.

24 Q But you're comfortable with the concept of
25 entering information and using that to pay for

09:48:37 1 things?

2 A Yes. My husband has Pay Pal set up. I
3 don't have my own Pay Pal, but yes, we have Pay Pal.

4 Q Do you know what that's for?

5 A I know you can use it with certain
6 sellers. So if you buy something from Etsy, that
7 site where they make handmade things, you can use
8 Pay Pal so you are more anonymous when you use them.

9 Q What site is that?

10 A Etsy. It's like when people -- people
11 make handmade soaps, or knitted hat, or you're
12 looking for something that you are not necessarily
13 going to find in a store. You can go on that
14 website where people sell what they make.

15 Q Okay. So if I'm hearing you correctly,
16 Pay Pal is something that you use to do more of an
17 anonymous type payments?

18 A Yes. That's what we have used it for
19 before.

20 Q How about Money Gram and Western Union;
21 have you heard of that before?

22 A Yes. I have heard at that. I used to
23 work at a bank, but I never used that.

24 Q Do you know what they are?

25 A Yes.

09:49:34 1 Q What are they?

2 A Where you pay cash and you end up with a
3 check in return for it.

4 Q Okay. Do you know why people use those?

5 A I guess, I mean, I would assume maybe if
6 you're paying some money you don't want to have to
7 give them your information, and it's cash. I'm not
8 sure. I guess I don't know why there would be a
9 need for that other than just handing over cash.

10 Q Do you have any home businesses, you or
11 your husband?

12 A No.

13 Q Have you ever heard of people having their
14 computers hacked?

15 A Yes.

16 Q Has that happened to you or anybody close
17 to you?

18 A No.

19 Q What have you heard about people having
20 computers hacked?

21 A You know, just hearing from other -- like
22 we were watching shows, and this person hacked in or
23 things like that. They can get all of their
24 information and take everything off your computer,
25 basically.

09:50:29 1 Q Have you heard of companies being hacked?

2 A Yeah, so like I've heard of, you know,
3 Best Buy, or like the big credit one that got hacked
4 in and they could take people's information.

5 Q Equifax?

6 A Yeah.

7 Q Have you ever heard of anyone using an
8 online dating site?

9 A Yes.

10 Q Have you ever done that?

11 A No.

12 Q Whom, do you have a friend or somebody
13 that's done that?

14 A No. My mother-in-law tried to do it. She
15 is not very computer savvy so it didn't work out.
16 She didn't understand the process. I didn't help
17 her or anything, but I know she tried to set it up
18 on her own.

19 Q Okay. Now, your feelings generally about
20 the jury system, do you feel like it's a fair
21 system?

22 A Yes, I do.

23 Q Why do you feel like it's fair?

24 A Because you should -- the object of the
25 jury is to listen to all of the facts of the case

09:51:26 1 and make a decision based on what you hear. So
2 that's how the process works. I believe in that
3 process. That everyone should listen to everything
4 presented, then come up with a solution, or answer,
5 or whatever the situation is.

6 Q Okay. Do you have any experience with dog
7 training at all?

8 A No. I had a dog, but not specific
9 training.

10 Q Okay. Any feelings about crime rates in
11 our country?

12 A No. I mean, I think it's sad that our
13 crime rates are higher, but nothing -- no feelings
14 one way or the other. I don't know the solution to
15 the problem.

16 Q Sure. You're not overly fearful?

17 A No. I am not fearful.

18 Q All right. And if you heard about an idea
19 or a concept that you hadn't heard about before, how
20 would you go about educating yourself?

21 A The best way is to always ask questions.
22 If somebody is trying to tell me something or
23 explain something to me. That's the best way to get
24 the answers.

25 Q I wonder if you didn't have a chance to

09:52:33 1 ask them questions, what would you do? How would
2 you find out about it?

3 A Then you would have to research it
4 yourself. Look into it. Figure out what it is that
5 they are referring to, if no one could answer.

6 Q How would you do that?

7 A I guess the first place you would go is
8 online to see if you could find anything like
9 regarding that subject.

10 Q Like Google and stuff like that?

11 A Yeah, maybe. You know, hopefully from a
12 reputable source of information. Not just a blog or
13 something like that. Yeah.

14 MR. DEVORE: If I can have a minute, Your
15 Honor.

16 THE COURT: You may.

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

18 THE COURT: You may approach.

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

21 THE COURT: Prosecution may proceed.

22 BY MR. FINK:

23 Q Good morning.

24 A Good morning.

25 Q Does your husband work days?

09:54:19 1 A Variety. Yes. For the most part, unless
2 there is a big snowstorm, or anything like that,
3 then he has to work whatever time things are
4 occurring. He gets called out.

5 Q Then it's all hands on deck, right?

6 A Yes. Exactly.

7 Q What kind of dog do you have?

8 A A Westie.

9 Q How long have you had it?

10 A He is eight.

11 Q And you have been teaching kindergarten
12 for five years?

13 A Yep.

14 Q That's got to be an adventure everyday,
15 huh?

16 A Yes, it's an adventure.

17 Q Do your two sons ever get into it at home
18 with each other?

19 A Yes. They wrestle around and get mad at
20 each other.

21 Q Okay. When that happens outside of your
22 presence, how do you handle it?

23 A So if we overhear it? If we overhear it,
24 we usually end up first calling them in, what's
25 going on, asking them about it. Then depending upon

09:55:20 1 the situation, we do take a break. So they have to
2 go to their room and take a break, if they need it,
3 depending upon what happened.

4 Q How do you handle it when they each tell
5 you a different story about what happened?

6 A That luckily hasn't happened too much yet,
7 because they're only six and three. So that hasn't
8 happened too much. The three year old is more
9 straight forward. With the six year old, he knows
10 to be a little for more deceptive. So we usually
11 can figure it out at this age. They are just not
12 there yet.

13 But I think if that would happen, I would
14 still have them both take a break, and then come
15 down when they're ready to tell the story and talk
16 about the importance of not lying. The six year old
17 is already learning that.

18 Q Okay. You said earlier that, from what
19 you know of the Dark Web, you wouldn't go there.
20 Why is that?

21 A I would assume that you can get in trouble
22 for things on there. So I wouldn't want to, you
23 know, put myself in a situation that I need to have
24 that conversation, or deal with any consequences
25 that could happen because of something when I just

09:56:50 1 wanted to go see what it was about. I don't need
2 anything that would be there, so it wouldn't be
3 worth the risk to go check it out for me.

4 MR. FINK: Okay. Approach?

5 THE COURT: You may.

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

8 THE COURT: This has nothing do with who
9 you are or whether you are fair, you have been
10 removed. You are excused. I thank you for your
11 service up to this point, and you may leave.

12 JUROR: Thank you, Your Honor.

13 THE COURT: Thank you.

14 (The juror exited the courtroom.)

15 THE COURT: We have timing situation, so
16 the next potential juror is on his way, but
17 evidently not ready to go quite yet. So we will
18 take a break in just a moment.

19 As to the subject that Mr. Fink brought
20 up, I have read and reread that rule. The method is
21 discretionary. Having said that, I did say that I
22 would follow the rule. And the rule does include
23 this statement on completion of defendant's
24 examination. The defendant may exercise a challenge
25 for cause or preemptory challenge.

09:58:58 1 My concern earlier was that just as the
2 state might want to follow up on a request for
3 removal for cause with its own questions, the
4 defense may want to do that as well.

5 It strikes me that when I think of the
6 reason for the defendant doing that, it would not
7 involve the preemptory challenge. It would involve
8 simply challenging the state's position on wanting
9 to remove for cause.

10 So it seems to me reasonable to require
11 the defendant to make a decision on that at the end
12 of its questioning. That I do after rereading that
13 rule and thinking about it.

14 Mr -- just a moment. So either side want
15 any comments to be made. I will go to you first.

16 MR. DEVORE: Your Honor, I read the rule,
17 too. It is your discretion. It always seemed odd
18 to me that we would in the way -- in the fashion
19 that we do it under the rule, with respect to the
20 First Degree Murder cases, because it almost puts
21 the defense at a little bit of a disadvantage.
22 Because there could be things that come up in the
23 state's examination that maybe I didn't think of, or
24 didn't ask, or something like that, that would lead
25 a defendant to want to use one of their preemptory

10:00:58 1 strikes.

2 So when we do an open panel, you know, you
3 wouldn't do your peremptories until all the
4 examination was done by both parties.

5 THE COURT: I understand.

6 MR. DEVORE: It always seems kind of weird
7 to me that we do it that way. I think it's more
8 fair to do it the way we've been doing it for all of
9 the jurors so far, except for the first two. But I
10 do acknowledge the rule, as you read it, states what
11 you have said.

12 I will leave it to your discretion. If
13 that's the way we are going to do it by the rule, we
14 will just have to pay sure we pay attention very
15 closely.

16 THE COURT: I will follow the rule, which
17 means that the defense certainly can request if
18 the state has brought a challenge for cause and the
19 defendant wants to challenge that request. But
20 otherwise, I will follow the rule.

21 We will take a break now. Just a moment.
22 We will take a break and be prepared to start up
23 about 10:15 and I will have people check to make
24 sure.

25 (A recess was taken.)

10:18:06 1 (Prospective juror entered the courtroom.)

2 THE COURT: Okay, sir, come on forward.
3 We are going to put you in the front row of the jury
4 box for some questioning. So keep on going all the
5 way to the front, and turn to get in the front row
6 of the jury box. Not there. The jury box. Not the
7 witness chair.

8 JUROR: Sorry.

9 THE COURT: That's okay. Not a problem.
10 There is a carafe there if you need any water while
11 being questioned, sir. Stay standing for just a
12 moment. I am going to have you raise your right
13 hand to be sworn.

14 (The prospective juror was sworn in.)

15 THE COURT: Have a seat. Let's start by
16 you simply stating your name.

17 JUROR: Terry Anderson.

18 THE COURT: I have a few things to say to
19 you and then a very few questions. Then I am going
20 to turn it over to defense counsel to ask some
21 questions. There may be also questions from the
22 prosecution.

23 This phrase I gave you last week called
24 Voir Dire, that's what this is. It's the
25 questioning of prospective jurors. Since that

10:19:22 1 relates to the meaning to speak the truth, I will
2 appreciate your truthfulness, as well as your
3 cooperation in this process.

4 Now, during the questioning, there may be
5 a request to excuse you for cause, or there may be
6 something called a preemptory challenge, or there
7 may be neither one of those things. Now, a
8 challenge for cause occurs if one side or the other
9 thinks there is a reason you shouldn't be on the
10 jury, and they would bring that to me, and I would
11 decide that. A preemptory can be exercised by
12 either side and they have a certain number of those
13 that they have at their option. They decide that.
14 So if one of those things happen, I would simply
15 thank you for your service, and excuse you, and you
16 would be removed from the jury process.

17 Now, having said that, have you had any
18 conversations with anyone about this case since
19 filling out the questionnaire?

20 JUROR: No.

21 THE COURT: Have you looked up anything or
22 done any research about this case since filling out
23 the questionnaire?

24 JUROR: No.

25 THE COURT: There are rules of law. The

10:20:32 1 ones I am stating are not the only rules, but they
2 are very basic. The defendant is presumed to be
3 innocent. The state has the burden of proof. The
4 state must prove any charge beyond a reasonable
5 doubt. And the defendant does not have to prove
6 innocence. Those and other rules that may be
7 explained during the trial would come to the jury
8 from me. Will you be able to follow the rules of
9 law as I give them to you?

10 JUROR: Yes.

11 THE COURT: Is there any reason you think
12 you cannot be a fair and impartial juror in this
13 case?

14 JUROR: I can't think of anything.

15 THE COURT: Okay. Thank you. Mr. DeVore.

16 MR. DEVORE: Thank you.

17 BY MR. DEVORE:

18 Q Good morning, Mr. Anderson.

19 A Good morning.

20 Q Do you remember a few days ago when you
21 came in and filled out the questionnaire?

22 A Yes.

23 Q Is there anything that you thought of
24 since that time, or anything that you would change
25 in the questionnaire, or is everything pretty much

10:21:32 1 the way you intended it to?

2 A I think it's pretty well intended.

3 Q Okay. Now, what do you do for a living?

4 A I work for White Bear Lake Schools
5 custodian.

6 Q Custodian. Okay. And you've had that job
7 for 29 years?

8 A 88, so 29 years.

9 Q You work primarily on the evenings or
10 during the day?

11 A 6:00 to 2:30.

12 Q 6 a.m. to 2:30 p.m.?

13 A Yes.

14 Q And you're married?

15 A Yes.

16 Q Where does your spouse work?

17 A Century Link, the phone company, downtown
18 St. Paul.

19 Q And I see that she works in 911 repair
20 call; what does that mean?

21 A She works 9:00 at night until 7:30 in the
22 morning. 911 numbers go down, or emergency phone
23 lines go down, she gets the call and fills out the
24 tickets. Calls the supervisor to see if they can
25 send people out.

10:22:42 1 Q So she gets the calls from law enforcement
2 agencies that say our phone lines are down?

3 A Yeah, if there is phone lines down, or
4 somebody hits those green boxes on the side of the
5 road that takes out -- I don't know what they are
6 called. The green boxes that are phone lines. They
7 are involved in the accident, they take out the
8 phone lines.

9 Q She doesn't take 911 calls?

10 A No.

11 Q She just --

12 A She does the repairs. Sends people out,
13 technicians out, to fix the problem.

14 Q Okay. I got it. You have a son that
15 lives at home as well?

16 A Yes.

17 Q And he's a manager. Where is he a manager
18 at?

19 A An old folks senior citizen home.

20 Q Okay.

21 A Manager of the dietary area.

22 Q Is that in Willernie area, or where is
23 that?

24 A White Bear Lake.

25 Q You have never served on a jury before?

10:23:53 1 A Nope.

2 Q Now, you were asked whether or not you
3 would believe a police officer more than any other
4 witness. You indicated that that was a no, correct?

5 A Yes.

6 Q Can you just explain what your thoughts
7 are behind that, just so I can understand what you
8 are thinking?

9 A Because I got a couple of tickets. I got
10 a ticket running a stop sign when he was sitting in
11 the lobby there at City Hall parking lot, where you
12 can plainly see there was a police officer. I
13 stopped at the stop sign. I didn't have a muffler
14 on my car and I rolled through the stop -- or I
15 stopped. Then I put the car in neutral, as I
16 coasted I stopped, and then I put the car back in
17 drive. Went through the stop sign real slow. Then
18 he pulled out behind me. And I went to another stop
19 sign and stopped, let a car go. I went. And I
20 stopped at another stop sign while on Stillwater
21 Road and County Road E. Stopped there and let
22 another car go by. I went up to the stop sign. The
23 lights came on and he said I run the stop sign. I
24 said, I'm sorry, sir. I did not. Well, okay. He
25 wrote me a ticket. He said, you take this to court.

10:25:14 1 I am going to get you for running all three of them.

2 Q Okay.

3 A So I have no faith in -- I mean, there is
4 a lot of good police officers. That one kind of
5 burned me.

6 Q When did this happen?

7 A Probably back in '81, '80.

8 Q Okay. Now, back in '81, obviously, we
9 didn't have cameras in the squad cars back then,
10 right?

11 A Yes.

12 Q And so it was just kind of his word
13 against yours?

14 A Yes, and I lost. I took it to court and
15 the prosecutor, or the guy you talk to before you
16 see the judge, said, well, he is trying to get you
17 for running all three stop signs. He said, but he
18 can't, because he didn't give you a the ticket at
19 the time.

20 Q Okay. Did you end up going to trial on it
21 or what did you do?

22 A No. I just pled guilty on it and walked
23 out.

24 Q Paid a fine or something like that?

25 A Yes, I had to pay a fine. Didn't give me

10:26:25 1 any faith in the justice system at that time. Since
2 then, I just had an accident that I got blamed for
3 that wasn't my fault.

4 Q It wasn't an actual accident, though
5 right, it was --

6 A What happened was, a car pulled off on
7 County Road E but half the van was in my lane and
8 half the van was on the side of the road. And a car
9 stopped right behind him. Taillight was out, so she
10 was tapping the brake like she was going to go on to
11 the right shoulder, because the left light was out,
12 and stopped half way in between. And the car
13 stopped behind her, I was too close. So I just
14 backed up and I went into the left lane and then she
15 pulled back out, and I caught the front of her car.
16 There again, her husband was a St. Paul police
17 officer, so I lost.

18 Q Okay. So was that a different incident or
19 same?

20 A No, that is different.

21 Q Oh, I thought we were talking about the
22 same one.

23 A No. Sorry.

24 Q Okay. When did this one happen?

25 A Had to be '90, '91.

10:27:48 1 Q Was that also in Washington County?

2 A Yes, it was.

3 Q All right. Did you get a ticket for that
4 one, too?

5 A Yes, for careless driving.

6 Q What did you do with that one?

7 A I paid the fine. I hired a lawyer and I
8 lost.

9 Q You lost, meaning you went to trial?

10 A Yeah. The lawyer took care of it. He
11 just went and stuff. I ended up paying a fine.

12 Q So does that make you feel like you have a
13 little problem with the justice system?

14 A Yes.

15 Q Now, do you understand that, you know,
16 those things happened quite a few years ago, right?

17 A Yes. I still believe police officers
18 still have too much power when they pull you over.

19 It's your word against theirs.

20 Q So let's try to frame it in the context of
21 this particular case. We don't have a situation
22 like where a police officer pulled a car over or
23 anything like that. And if you had an officer that
24 got on the witness stand and testified, would you be
25 telling me that you automatically would think

10:29:15 1 negatively about that officer and his testimony or

2 --

3 A Not necessarily.

4 Q Okay. What about the jury system itself,
5 do you know much about how that works?

6 A No.

7 Q If you were on this jury, and the judge
8 asked you to sit and listen to the trial, he would
9 ask you to listen to what went on in the courtroom,
10 here, okay?

11 A Yes.

12 Q So the judge would instruct you to only
13 make your decision based on the information that you
14 learned in this courtroom. Okay?

15 A Yes.

16 Q And then, eventually, if you are on the
17 jury, you would go back and deliberate with your
18 other jurors and decide whether or not the state met
19 its burden; do you understand that concept?

20 A Kind of, I guess. Meaning the trial is
21 over, and we have to figure out if he's guilty or
22 innocent, that type of deal.

23 Q Yes.

24 A Yes.

25 Q You're kind of familiar with how that

10:30:28 1 works, right?

2 A Yes.

3 Q So then one of your jobs would be to
4 determine the credibility, or the weight, that you
5 would give to a particular person's testimony.
6 Would you be able to do that?

7 A I guess I would have to hear what they
8 say.

9 Q Okay. What's your thought about being
10 looked at as a juror on this particular case? Is
11 that something you don't think -- don't want to do,
12 or something you want to do, or you're sort of
13 indifferent about it?

14 A I have never done it. Never experienced
15 it. So I don't know what to expect of it. I know
16 how it works, but I guess I can't think of how to
17 explain it.

18 Q Okay. Now, you said your feelings about
19 the jury system in this country. You said, okay.
20 What did you mean by okay?

21 A I'm sorry, what was that?

22 Q In the questionnaire form, you were asked
23 to describe your feelings about the fairness of the
24 jury system in this country. And your answer was
25 okay.

10:31:42 1 A Like I say, I am no good at filling papers
2 out, so I don't know what to think.

3 Q You're no good at --

4 A I don't know how state nothing. Put a
5 statement in.

6 Q Okay. All right. Now, you said that you
7 also had a DUI conviction; is that right?

8 A A what?

9 Q Were you convicted of a DUI?

10 A Yes.

11 Q When was that?

12 A Got to be the late '90's.

13 Q That was on a Jet Ski.

14 A Probably 2005. Got to be about 11 years
15 ago.

16 Q That was on a Jet Ski?

17 A Yes.

18 Q Was that on White Bear Lake?

19 A No, Atkin County. Farm Island Lake.

20 Q How did that happen?

21 A Me and the wife were out on a very clear
22 blue day on Jet Skis and I didn't think I had that
23 much to drink. We pulled up at the dock, and a
24 minute after 8:00 and the DNR pulled me over. And
25 he said, do you know what time you're supposed to be

10:33:08 1 off the lake? I said, no, sir. Never had one,
2 never been on one. It was an hour before sunset. I
3 said, okay. Well, what's an hour before sunset.
4 How do you tell when you ain't got a watch on. What
5 time is sunset? So he did the DUI test, and he said
6 I failed. So took a urine test, and it was like
7 point -- that's when the law was .10, or before they
8 changed it to .08. I was half an ounce of whatever,
9 just over.

10 Q Okay. So how did you resolve that when I
11 assume you got charged, then?

12 A Yes. I just went in and pled guilty.

13 Q Did you feel like you were wrongfully
14 accused on that one?

15 A Well, as far as being stopped, yes.

16 Because how do you tell when it's a nice clear blue
17 sky and everything, sunshine. How do you tell an
18 hour before sunset?

19 Q Okay. So you have had some maybe
20 difficulty dealing with the police once in a while;
21 is that fair to say?

22 A Yes.

23 Q You indicated that you have a
24 daughter-in-law that works in the medical field; is
25 that right?

10:34:41 1 A Yes.

2 Q I couldn't understand what you said; what
3 does she do?

4 A I don't get involved with talking to the
5 kids. I don't know. She is a nurse. I don't know
6 if she takes the people back and checks them out
7 before the doctor comes in, or she takes
8 appointments or --

9 Q Okay. Now, how many kids do you have?

10 A Three.

11 Q Then do you have -- are you -- do you
12 spend time with them, or --

13 A Yes, as much as we can. One's in Forest
14 Lake, one's in North St. Paul, and the other one
15 lives at home. I don't have contact with them every
16 day.

17 Q All right.

18 A Again, I'm sorry. I don't know how to
19 express things on --

20 Q That's totally okay. That's why I am
21 here. I just want to follow-up. We just appreciate
22 that you answer the questions.

23 Now, in your job as a janitor at the White
24 Bear Lake, are you at the high school?

25 A Elementary. I was at the middle school

10:36:08 1 for, I believe, for 15 years.

2 Q Okay. Do you have any managerial duties
3 or supervisor?

4 A No. I am just custodial engineer. Fix
5 things when they break or clean up messes during the
6 day, during school, when they happen.

7 Q Okay. Are you the only one on duty during
8 the day, then?

9 A There is the head engineer that does
10 maintenance only. He's there half a day. Then he
11 has two other buildings he has to go to, so I am
12 there by myself most of the time.

13 Q When you fix things stuff, do you ever
14 work on electronic stuff?

15 A I have, like vacuum cleaners. I put
16 motors in vacuum cleaners.

17 Q How about computers and that stuff?

18 A Nope. Nope.

19 Q Do you own a computer?

20 A Yes, but I don't know nothing about them.
21 I don't go on it. The only time I go on it is to
22 when I am forced to do it at work, to put in for my
23 vacation and my time when I start and end. Other
24 than that, I do nothing with computers.

25 Q Okay. How do you figure out what's going

10:37:33 1 on in the world?

2 A I don't. Just the news or -- I don't want
3 a computer. I don't like them. To me, they are
4 going to ruin the world.

5 Q They are going to ruin the world?

6 A Everybody is getting hacked and stuff like
7 that. People's information is being stolen, so ...

8 Q Sure. So do you watch TV?

9 A Yes.

10 Q You indicated Channel 5, is that what you
11 watch?

12 A The news on Channel 5.

13 Q Is that evening news then?

14 A 4:30 and 5:00.

15 Q Okay. Is that pretty regular that you
16 watch the news?

17 A For the most part, yes.

18 Q Is that kind of where you learn what's
19 going on in the world and stuff like that?

20 A Yes.

21 Q Do you get a newspaper at home?

22 A No.

23 Q Do you read the newspaper?

24 A Yeah, if there might be one laying around,
25 I might grab it and look at it. I don't buy one or

10:38:40 1 I don't go looking for one.

2 Q Do you have any magazines that you read
3 regularly or anything like that?

4 A No.

5 Q I see that you said you like to be
6 outside?

7 A Yes.

8 Q You said outdoors?

9 A Yes. I like sitting in the backyard
10 having fires, or going camping, or going up to
11 people's cabins.

12 Q Okay. Now, do you have a cell phone?

13 A Yes.

14 Q Is it one that you can access the Internet
15 with?

16 A Yes.

17 Q Do you ever do that?

18 A Nope. I don't even know how to do it on
19 my phone. I don't even touch it on my phone.

20 Q All right. Are you familiar with terms
21 like modem, and a router, and stuff like that?

22 A I have heard of them. But the modem is
23 what the Internet comes in on. The router, I
24 believe, is the same thing pretty much.

25 Q How about WiFi, have you ever heard of

10:39:46 1 that before?

2 A Yes, we have it at work. I believe that
3 just helps the Internet spread out further, I
4 believe.

5 Q Okay. Have you heard of antivirus
6 softwares and malware?

7 A Yes.

8 Q Do you know what that stuff is for?

9 A Stops from being scammed or hacked into.

10 Q Now, you have an aversion to being on
11 computers because you think they get hacked into?

12 A No, I just have no desire to learn them.

13 Q Have you heard of anybody having their
14 computer being hacked into?

15 A Yes, my wife.

16 Q She had hers hacked into?

17 A Well, our account at the bank. Because
18 she is always doing her banking stuff online, and
19 somebody ordering stuff out of our account.

20 Q When did this happen?

21 A Probably three, four years ago.

22 Q So how did you figure out that somebody
23 had access to your account?

24 A The bank had called. Somebody was
25 ordering some church CDs.

10:41:02 1 Q So what did your wife do then?

2 A She took care of it at the bank. She
3 said, well, could your husband have ordered them?
4 She goes, no, he is never on the computer. He
5 doesn't even know the computer.

6 Q Okay. And did you end up losing money or
7 anything like that?

8 A No. The bank reimbursed us.

9 Q Okay. Did she have to, like, change
10 passwords and do stuff like that?

11 A I am not sure what she did. I didn't ask
12 her.

13 Q Have you ever used Money Gram or Western
14 Union?

15 A No.

16 Q Do you know what those are?

17 A Where you send money or transfer money?

18 Q Yes.

19 A No.

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

22 A Nope.

23 Q How about Bitcoins, have you ever heard of
24 that before?

25 A No.

10:42:00 1 Q How do you pay for bills, typically,
2 yourself?

3 A The wife does them all.

4 Q How do you buy stuff yourself?

5 A I use the check card.

6 Q Like a debit card or something?

7 A Yes.

8 Q Safe to say you don't buy stuff online
9 then?

10 A Nope. If I want something online, I ask
11 the wife to order it. She is always on Amazon.

12 Q How long have you been married?

13 A Got married May '82. 34, 35 years.

14 Q Do you have any feelings about the crime
15 rates in our country? Think they're out of control,
16 or you don't really have an opinion about it?

17 A I do with the gangs in St. Paul and
18 Minneapolis.

19 Q What about them?

20 A I don't go down there. Everyday you are
21 hearing somebody getting shot in St. Paul,
22 Minneapolis. I try to stay out of them.

23 Q Why do you hear that stuff, is that on the
24 news?

25 A Yes.

10:43:17 1 Q And if you hear about something, a
2 concept, or a term, or hear something and you don't
3 know what that is, how do you -- if you're
4 interested in knowing what it is, how would you
5 figure it out?

6 A I guess it depends on what it is. If it's
7 history, then I just try to watch it on TV, the
8 history, or Discovery Channel, or something.

9 Q Would you ever go to a library to try to
10 figure something out?

11 A No.

12 Q Would you go to a computer ever to figure
13 something out?

14 A I have and I messed them up.

15 Q Messed up the computer?

16 A Yes.

17 Q What do you mean?

18 A I had way too many things opened up, I
19 guess, and the computer froze up.

20 Q That was at home?

21 A Yes. I tried, but the computer freezes up
22 on me, and things happen. Heck with it.

23 Q So there is a rule of law that we have
24 here in our courtroom, and it's about the
25 defendant's right not to testify; have you ever

10:44:28 1 heard of that before?

2 A No.

3 Q If you were a juror in this case, and the
4 defendant chose not to testify, would you draw any
5 kind of negative feelings about that, or would you
6 say that's his right not to do that?

7 A Well, I guess I would say it should be his
8 right to say it.

9 Q So he can choose to do it or not?

10 A Yes.

11 Q If the judge told you that you are not to
12 assume anything, or draw an inference, whether or
13 not he testifies, would you be able to do that?

14 A Can you explain that?

15 Q Sure. If the judge told you that if the
16 defendant chose not to testify, that you are not
17 to -- do you know what an inference is, to draw an
18 inference from that?

19 A No.

20 Q Meaning that you shouldn't assume
21 something because he is choosing not to testify.
22 Does that make sense?

23 A Yes. If I think what you are saying, that
24 he doesn't want to testify, I think he shouldn't
25 have to testify. If I am getting what you are

10:45:52 1 trying to ask.

2 Q Yeah. Do you think that a defendant
3 should have to testify on their own behalf?

4 A Yes.

5 Q You think they should have to? They
6 should be forced to go up there?

7 A If it pertains to the case, I would think
8 so. If you are summonsed to it.

9 Q Okay. So in our system, we have the
10 right -- a person has the right not to testify.
11 They don't have to go up there and defend
12 themselves. Are you comfortable with that concept?

13 A Yes.

14 Q But if a defendant chose to exercise that
15 right and not go up and testify in his case, would
16 you assume something negative because of that?

17 A No.

18 Q Okay. There could be a lot of reasons why
19 somebody would choose not to testify, correct?

20 A Yes.

21 Q That was a really long way to get to that
22 answer. My fault.

23 A I don't understand the big words or
24 anything like that. My life is just kind of simple
25 and easy.

10:47:06 1 Q Okay.

2 A I don't understand all of the big words.
3 I made it through school, and it was a push through
4 school when I went.

5 Q What do you mean by that?

6 A If you knew how to read. If you didn't
7 know how to read, or spell, or anything they just
8 kind of move you along and graduated you. That's
9 where I am at. As you can see on the paper there,
10 probably spelling some things wrong.

11 Q You went to Mahtomedi High School.

12 A Yes.

13 Q You graduated?

14 A Yes.

15 Q And obviously, you know how to read and
16 write because you filled out this questionnaire
17 form, right?

18 A Yeah. I hope it's right.

19 Q You obviously know how to read?

20 A Yes.

21 Q I think what you're saying is --

22 A I don't have 12th grade reading and
23 writing.

24 Q You have a lot of common sense, and
25 functioning, and you may not know the big terms.

10:48:12 1 A Yes.

2 Q Is that right?

3 A Yes.

4 Q Have you lived in Mahtomedi your whole
5 life?

6 A Yes. I was born and raised in Willernie.
7 Moved across the line to Mahtomedi.

8 Q They are pretty much the same.

9 A Yes. City inside of a city.

10 MR. DEVORE: Can I have a few minutes,
11 Your Honor.

12 May we approach?

13 THE COURT: You may.

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

16 THE COURT: Prosecution may proceed with
17 questions.

18 BY MR. FINK:

19 Q Hi, Mr. Anderson.

20 A Hi.

21 Q Now, Mr. DeVore asked you a bunch of
22 questions about the right of the defendant not to
23 testify. You seemed kind of hesitant about that.
24 Am I correct in saying that you want to hear both
25 sides if you're a juror?

10:50:04 1 A Well, I don't believe they should have to
2 testify on themselves.

3 Q Okay. Now, you seem to have had some bad
4 experiences with law enforcement, that's safe to
5 say, isn't it?

6 A Yes.

7 Q You remember those particular instances
8 pretty vividly.

9 A Yes.

10 Q Do you have a general problem with law
11 enforcement?

12 A No. Just when they -- I don't know if
13 it's just the routine when they pull you over.
14 Okay. Do you know why I pulled you over? No. Then
15 they, okay, where are you going, where you coming
16 from? Is it any of their business where I am going
17 or where I'm coming from, no.

18 Q It sounds like you have a real problem
19 with law enforcement, though; is that right?

20 A No. If it pertains to pulling me over,
21 you know, get to that issue, and not where I am
22 going or where I am coming from.

23 Q Given your experience with law
24 enforcement, can you put that aside when police
25 officers testify during the course of the trial?

10:51:37 1 A Yes, I think so.

2 Q Or will you be constantly looking at their
3 testimony through the lense of your experiences with
4 law enforcement?

5 A I think so. To me, I think they have too
6 much power and do what they want to do and they get
7 believed more than we do.

8 MR. FINK: Approach?

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

11 THE COURT: Sir, I thank you for your
12 cooperation. You are being removed, so you are not
13 going to be serving on the jury. You are excused,
14 and I thank you very much.

15 (Prospective juror entered the courtroom.)

16 THE COURT: Please come forward. We are
17 going to put you in the first row of that jury box.
18 Second or third chair in, you see where the carafe
19 of water is, if you need it, so just have a chair
20 right in that area. But before you sit down, please
21 raise your right hand to be sworn.

22 (The prospective juror was sworn in.)

23 THE COURT: Have a seat. Let's start by
24 you stating your name.

25 JUROR: Beth Grover Wiederholt.

10:54:39 1 THE COURT: Ms. Wiederholt, I have got
2 just a few comments for you, and then a few
3 questions for you. Then we will turn it over to the
4 defense for questioning. There may be questions
5 from the prosecution as well.

6 This phrase Voir Dire that I used last
7 week is, in fact, what we are going through now. It
8 does relate to the concept of speaking the truth.
9 So I will appreciate your truthfulness and your
10 cooperation.

11 Now, during the questioning, there may be
12 a request to excuse you for cause. Or there may be
13 a request to exercise a preemptory challenge. Or
14 there may be neither one of those things. A
15 challenge for cause occurs if one side or the other
16 thinks there's a reason you shouldn't be on the
17 jury. If that comes up, I will decide that. A
18 preemptory challenge can be exercised by either
19 side. They have a certain number that they can
20 exercise. That's their decision, that's not mine.
21 So if either one of those things happen, you would
22 be removed. I would simply excuse you and thank you
23 for your service.

24 Now, have you had any conversations with
25 anyone about this case since filling out the

10:55:54 1 questionnaire?

2 JUROR: No.

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

6 JUROR: No.

7 THE COURT: There are some rules of law.
8 Some basic ones are that the defendant is presumed
9 to be innocent. The state has the burden of proof.
10 The state must prove any charge beyond a reasonable
11 doubt. And the defendant does not have to prove
12 innocence. Those and other rules would be given by
13 me to the jury during a trial. Will you be able to
14 follow the rules of law as I give them to you?

15 JUROR: Yes.

16 THE COURT: Is there any good reason you
17 cannot be a fair and impartial juror in this case?

18 JUROR: No.

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

20 MR. DEVORE: Thank you.

21 BY MR. DEVORE:

22 Q Good morning, Ms. Weiderholt.

23 A Yes.

24 Q We also have another rule of law where the
25 defendant has the right not to testify. Have you

10:56:52 1 heard of that before?

2 A Absolutely.

3 Q Okay. Do you have any issue with that, or
4 any problem if the defendant chooses not to testify?

5 A I do not.

6 Q If the judge told you not to draw an
7 inference from that or assume anything, would you be
8 able to do that?

9 A Yes.

10 Q My understanding is that you're an
11 attorney?

12 A I am.

13 Q And you're currently working at Securian;
14 is that right?

15 A Yes.

16 Q And how long have you been there?

17 A 19 years.

18 Q What do you do there at Securian?

19 A I am a litigation attorney. So I manage
20 civil litigation around the country and in Canada,
21 including FINRA arbitrations.

22 Q Okay. And that has to do with financial
23 investment complaints and things like that?

24 A Yeah. Either life insurance issues or
25 financial and investment issues.

10:57:49 1 Q All right. So are you the senior counsel
2 or a senior counsel, or what --

3 A A senior counsel.

4 Q Okay. So your job, then, is to -- you
5 oversee other attorneys working in your office?

6 A Not in my office. I hire and supervise
7 attorneys in the jurisdiction where the cases are
8 pending.

9 Q In that capacity, you're hiring outside
10 law firms; is that right?

11 A Yes.

12 Q Okay. And you -- are you the one that
13 goes out and meets with them, interviews them, and
14 then decides which one is the right firm to handle
15 the job?

16 A Yes.

17 Q Then are you assigned to overseeing their
18 work, then, as they work on a particular project?

19 A Yes. I direct the strategy, and oversee
20 their work, and review and approve bills.

21 Q Okay. And then do you submit that to
22 somebody above you and then they approve it, or how
23 does that work?

24 A Good question. It's electronic. I know I
25 have authority level. I am not sure what it is. I

10:59:03 1 assume if I go above my authority level, somebody
2 else has to review it.

3 Q Okay. How many lawyers are in your
4 department?

5 A I think we have 21 or 22.

6 Q Okay. Now, you obviously went through law
7 school, did you have any classes that you took in
8 criminal law or anything like that?

9 A I took criminal procedure, I think, was
10 the only required criminal law class.

11 Q Okay. And I see that you also worked in
12 private practice, it looks like, before Securian?

13 A I did.

14 Q Looks like you were an associate and then
15 a partner. Can you tell me about your private
16 practice?

17 A Sure. I was a civil trial lawyer, and I
18 did primarily personal injury cases.

19 Q Where was that at?

20 A Anoka County. My office was in Anoka.

21 Q Did you have your own firm?

22 A Yes.

23 Q And so eventually you had a partner?

24 A Yes. I was an associate, then I became
25 partner in a small firm.

11:00:19 1 Q What firm was that?

2 A When I left, the name of the firm was
3 Soucie, Buckman, Weiderholt and Bolt.

4 Q Fred Soucie, the guy that smokes the
5 cigars?

6 A Chewed on them when I was there.

7 Q Chewing on them, okay. I've seen his
8 billboards.

9 Did you handle cases to trial, then, as a
10 civil lawyer?

11 A Yes, I did.

12 Q So you did jury trials?

13 A I did.

14 Q And it was always the plaintiff that you
15 represented?

16 A Yes.

17 Q That was, obviously, against like
18 insurance companies, then, typically?

19 A Yes.

20 Q Okay. So you have gone through this Voir
21 Dire process yourself; is that correct?

22 A Yes.

23 Q Have you ever served as a juror before?

24 A No.

25 Q When you were a private lawyer, did you

11:01:15 1 have any supervisory or managerial duties?

2 A Yes.

3 Q Can you talk to us about those?

4 A Yes. So the last few years that I was
5 there, I was responsible for supervising the legal
6 assistants, and support staff, and dealing with
7 personnel issues.

8 Q How many people were in your office at
9 that time?

10 A Well, we had four partners, two
11 associates. We had five legal assistants, and about
12 four or five other support staff.

13 Q So 20ish or something like that?

14 A 20ish, yes.

15 Q And when you -- did you ever have issues
16 between employees that you had to resolve?

17 A Yes.

18 Q What was your methodology of trying to
19 determine what happened, and what the right response
20 would be?

21 A I tried to give, it was two people in a
22 dispute, give them each a chance to tell me their
23 side of the story. Essentially, tried to mediate
24 the dispute.

25 Q All right. So you had to go into it with

11:02:35 1 an open mind?

2 A Yes.

3 Q And you had to listen to both sides?

4 A Yes.

5 Q And then either try to bring them
6 together, or come to a conclusion about what you
7 were going to do, correct?

8 A Correct.

9 Q Now, when you were a trial lawyer, you
10 know that you were looking for jurors to be that
11 same way; is that correct?

12 A Absolutely.

13 Q As a trial lawyer, you remembered that you
14 had your side, and the other table had their side of
15 what happened; is that correct?

16 A Correct.

17 Q And you would imagine the same to be true
18 in a case like this; is that your understanding?

19 A Yes.

20 Q If you were a juror in this case, would
21 you be able to come into this room and focus on just
22 the evidence that was presented to you in this case?

23 A Yes.

24 Q Then you would be able -- would you stay
25 openminded until you heard all of the evidence in

11:03:27 1 the case?

2 A Yes.

3 Q Listen to both sides, and then make a
4 decision as to what you think is right and wrong?

5 A Yes.

6 Q And you understand the concept of the
7 judge giving you instructions on the law that you're
8 supposed to follow as a juror; is that right?

9 A That's right.

10 Q Sometimes you may not necessarily agree
11 with the law that he would give you?

12 A That's true.

13 Q But would you be willing to follow the law
14 that the judge gives you whether or not you felt
15 that was the right law or not?

16 A Yes.

17 Q I also noticed you had some training as a
18 Guardian ad Litem; is that right?

19 A Yeah. Right after law school, you know, I
20 did that. Went through the training. Then realized
21 I didn't have time to be involved in that program.

22 Q What made you want to do that?

23 A I don't know. I guess I just understood
24 that there were volunteer opportunities out there
25 and young lawyers should volunteer their time when

11:04:42 1 they can.

2 Q Okay. Is there anything in particular
3 about the Guardian ad Litem Program that drew you
4 in, or was it just because it was an opportunity to
5 volunteer?

6 A Just an opportunity to volunteer.

7 Q Are there any other advocate groups that
8 you have participated in over the years?

9 A No.

10 Q When did you graduate from law school?

11 A 1988.

12 Q Now, where do you normally get your source
13 of news as to what's happening in the world?

14 A Well, usually radio or Internet.

15 Q What kind of radio stations do you listen
16 to?

17 A Usually public radio.

18 Q Like MPR?

19 A Yes.

20 Q Okay. Then do you get a newspaper at home
21 or --

22 A Just the Sunday Trib.

23 Q What about the Internet, where do you go
24 online?

25 A I usually look at the Tribune website or

11:05:50 1 CNN website.

2 Q Do you have a subscription at the Tribune
3 so you can get past their little advertisement
4 stuff?

5 A Yes.

6 Q Then what did you say, CNN?

7 A Yes.

8 Q Now, your husband is a stay-at-home dad;
9 is that correct?

10 A Yes.

11 Q If I didn't catch it, I apologize, but did
12 he go to college, too?

13 A Yes, he has a college degree.

14 Q Did he have a working career outside the
15 home before he became a stay-at-home dad?

16 A Yes. He was a manager at a computer
17 reseller. Primarily responsible for inventory and
18 warehouse and those kinds of operations.

19 Q Is he pretty good with computers and
20 electronics and stuff?

21 A Not as good as you would hope.

22 Q How about yourself, are you good with
23 that?

24 A You know, I wouldn't consider myself a
25 real electronics buff, but I can manage.

11:07:02 1 Q Now, I see that -- where is Amboy,
2 Minnesota?

3 A It's south of Mankato. About five miles
4 south of Mankato.

5 Q Farming community?

6 A Yes.

7 Q I've never heard of that town before. Is
8 that a big town?

9 A No. About 500 people.

10 Q Now, you said that you had a friend that
11 was assaulted, but never reported it. Was this a
12 close friend of yours?

13 A Yes. Law school classmate.

14 Q And when did that happen?

15 A Early '90s.

16 Q Was it a physical assault or a sexual
17 assault?

18 A Both.

19 Q And why didn't it get reported? Did she
20 not want to report it?

21 A She did not want to report it.

22 Q Did somebody try to talk her out of it or
23 something?

24 A No.

25 Q How did that -- did that have any lasting

11:08:00 1 effect on your thoughts about the criminal justice
2 system or anything like that?

3 A No.

4 Q Have you ever had to testify in court
5 before?

6 A Not in court, but I have given
7 depositions.

8 Q I am sure you have prepped witnesses many
9 times to testify, correct?

10 A Absolutely.

11 Q And when you've done that, what do you
12 typically do when you get someone ready to testify?

13 A Well, my three points I always give them
14 are listen to the question, understand the question,
15 and answer the question. Then the advice flows from
16 there.

17 Q What about going through the facts, and
18 going through the evidence, and things like that?

19 Do you typically do that with a witness that you
20 would put on the stand?

21 A Yes, for prepping. We review the case and
22 the information they are likely to be asked about,
23 so that it's fresh in mind for them.

24 Q Do you get into counseling them about,
25 like, areas that we would prefer not to get into if

11:09:12 1 they can avoid things like that?

2 A Sure. In civil litigation, absolutely.

3 Q Obviously, you don't want them to lie,
4 right?

5 A Right. I just don't want them to
6 volunteer information that's not asked for.

7 Q And you don't want them to step on any
8 landmines if they don't have to?

9 A Absolutely.

10 Q Now, you indicated that you would not tend
11 to necessarily believe a police officer's testimony
12 over another witness's testimony; is that your
13 belief?

14 A That's true, yes.

15 Q Can you tell me, just briefly, why you
16 feel that way?

17 A Oh, I think police officers are human. I
18 don't know. I don't see that their testimony should
19 carry any more or less weight than any other human.

20 Q Fair to say if someone got on the stand
21 and swore under oath that they would tell the truth,
22 that they would be telling the truth?

23 A Yes.

24 Q Do you have any issues at work that would
25 interfere with your ability to be a juror in this

11:10:38 1 case, if it was to take a couple weeks?

2 A To be honest, I didn't think at the time I
3 filled out the juror questionnaire, but I do have a
4 couple of witnesses that are going to be deposed on
5 the 30th and 31st. I am fairly certain those are
6 going to go forward, because we have a February 1st
7 discovery cutoff. So, yeah, I am concerned about
8 that, because I think they are going to go forward.
9 And while I am not attending the depositions, I will
10 be prepping witnesses and supporting the witnesses
11 through that process. It's going to be video
12 conferencing, so that always introduces other
13 possible technical issues that I would deal with.

14 Q So what jurisdiction is that in?

15 A That is in federal court in Eastern
16 District of Pennsylvania.

17 Q So if you weren't on a jury, or anything
18 else, would you be flying out to Pennsylvania, then,
19 to be there?

20 A No. It would be in our offices in St.
21 Paul. We would use a video conference room there.

22 Q And the law firm, do you have an outside
23 firm that's handling that case?

24 A Yes. The lawyer would be coming in from
25 Philadelphia to St. Paul to attend the depositions.

11:12:05 1 Q If you couldn't be there, what would your
2 work do?

3 A My boss would have to fill in for me.

4 Q Okay. Does that happen from time to time
5 in your work?

6 A Yes. But this is a little bit more
7 procedurally complicated case than we usually hand
8 off to each other.

9 Q So if you were on this jury, and we were
10 to be in court on the 30th and 31st, would it be
11 fair to say that you would maybe have to do maybe
12 some work in the evening or something to kind of get
13 that lawyer prepared or something like that?

14 A Yes.

15 Q Is that something that could be done?

16 A If it had to be done, yes, it could be
17 done.

18 Q Would you still be able to stay focused on
19 this case, then, even though that was going on?

20 A I think I could. I think I could. Like I
21 say, I have mixed feeling about it, because it is a
22 complex case. But I am pretty good about focusing
23 on a task at hand. So if I was required to be here,
24 I would give this my attention.

25 Q As a lawyer, you're used to dealing with

11:13:29 1 maybe multiple problems at one time, and trying to
2 keep a lot of balls in the air I would assume,
3 right?

4 A Yes.

5 Q That would help you with being able to
6 handle both of these situations if you were on this
7 jury?

8 A Yes.

9 Q Now, do you use computers a lot?

10 A Yes.

11 Q Every day?

12 A Every day.

13 Q Do you have a cell phone?

14 A Yes.

15 Q Does it have Internet access?

16 A Yes.

17 Q Do you go on the Internet a lot?

18 A Yes.

19 Q Do you ever go on the Internet just for
20 recreational purposes, other than work?

21 A Yes.

22 Q What kind of stuff do you do when you go
23 online?

24 A Well, I plan my family vacations. You
25 know, I research other activities and opportunities

11:14:22 1 for things we can do.

2 Q Looks like you like to spend a lot of time
3 with your -- you have twins?

4 A I do.

5 Q And your husband?

6 A Yes.

7 Q Do you ever look up things online that
8 you're not -- strike that. If you were to hear
9 about a concept or, you know, hear somebody say
10 something that you didn't know what it was, would
11 you go online to look it up maybe, or how would you
12 educate yourself?

13 A Yeah, that would probably be my first
14 thing.

15 Q Would that be on the phone typically, or
16 what would you do, go sit down on the computer?
17 What's your natural thing to do?

18 A Yeah, I would be more likely to do it at a
19 computer.

20 Q Okay. And you're familiar with things
21 like the modems and routers and servers, that kind
22 of stuff?

23 A I know, generally, what they are.

24 Q What about the WiFi, are you familiar with
25 that?

11:15:24 1 A Yep.

2 Q What do you think of when you hear the
3 word WiFi?

4 A I think of some wireless Internet access.

5 Q How about the Dark Web, have you ever
6 heard of that before?

7 A I have.

8 Q What have you heard?

9 A I was at a CLE on data privacy, and there
10 was a speaker that talked about the Dark Web as a
11 place that -- where personal data -- it's a
12 repository for personal data after -- after a
13 person's ID has been stolen.

14 Q Do you remember who the speaker was?

15 A He was a -- I don't know if he was former
16 law enforcement, but he is someone who acted as
17 consultant for lawyers, and I think law enforcement.
18 I am not sure.

19 Q Do you remember if his name was Mark
20 Lanterman?

21 A I don't recall his name.

22 Q Do you remember what he looked like?

23 A Caucasian, 50ish. That's about all I can
24 remember.

25 Q Did he have dark brown hair?

11:16:46 1 A I don't recall. It was at a State Bar
2 Association CLE. I don't think it was last summer,
3 maybe the summer before.

4 Q Was that in Minnesota?

5 A Yes.

6 Q All right. So at that conference, then,
7 you also probably got like a power point or some
8 materials or something like that; is that true?

9 A That's true.

10 Q Did you look through that stuff?

11 A No. I tossed that stuff.

12 Q All right. But you attended that
13 conference and you listened to the speaker, right?

14 A That's right.

15 Q What else did they tell you about the Dark
16 Web?

17 A That it has a lot of Russian ties. Then
18 he focused on more of what people can and should do
19 to keep their personal data secure. So he talked
20 about the, you know, hotel key cards and stuff that
21 might contain your credit card information, things
22 like that.

23 Q What about protecting your computers at
24 home; did he talk about that?

25 A He did not focus on that, no. Not that I

11:18:22 1 recall.

2 Q Do you recall if this gentleman was from
3 Minnesota or not?

4 A I don't know.

5 Q If you have a problem with your computer
6 or something, and it isn't working right, do you
7 typically try to fix it yourself, or you bring it
8 in, or what do you do?

9 A Typically, in terms of our personal
10 information at home?

11 Q Yeah, like your personal one, yeah.

12 A So typically, we would rely on like the
13 Geek Squad at Best Buy. Either take the computer
14 there, or have someone come out.

15 Q Have you ever had anyone that you have
16 allowed to access your computer remotely to deal
17 with troubleshooting?

18 A Yes.

19 Q Have you ever been sitting there, and you
20 can see that they can all of a sudden move your
21 cursor around?

22 A I have had that experience at work not at
23 home.

24 Q Sometimes if you attend a webinar, they
25 can do stuff like that, it seems too, right?

11:19:38 1 A Yes.

2 Q Okay. Do you use the Internet for your
3 banking needs?

4 A Yes.

5 Q You pay bills online and things like that?

6 A Yes.

7 Q What about buying things online; do you
8 purchase things on Amazon, websites like that?

9 A Christmas presents and that kind of stuff.
10 I don't do the groceries and stuff like that online.

11 Q How do you pay for those when you buy
12 stuff online?

13 A We have one credit card that we use for
14 online purchases.

15 Q Oh, so like a designated card?

16 A Yes.

17 Q Why do you have the designated card?

18 A Just to -- well, primarily to track the
19 expenses and if it is compromised, it's just one
20 card that gets compromised.

21 Q Have you ever had your computer hacked, or
22 had a problem with a virus or anything?

23 A Had a problem with viruses, yes.

24 Q Anything that worthy of talking about, or
25 what did you do?

11:20:46 1 A I think we ended up upgrading whatever
2 kind of security software we had.

3 Q Did you figure out what the source of the
4 problem was or what happened?

5 A No.

6 Q How did you know you had a problem with
7 your computer?

8 A My husband was complaining about it, and
9 it wasn't -- it was really slow, so he took the
10 computer in to Best Buy, and they said, you have
11 this virus on it. We can't really fix it. So we
12 recommend you buy this other computer.

13 Q Oh, that was convenient, wasn't it?

14 A Sure was.

15 Q How about Pay Pal, ever use that before?

16 A Yes.

17 Q You have an account there?

18 A Yes, I think you need that to do some of
19 the stuff through the schools.

20 Q Okay. So you have gone in there and
21 entered your personal information so that they
22 can -- you can use it for making payments; is that
23 right?

24 A Yes.

25 Q What about Money Gram and Western Union;

11:21:58 1 are you familiar with those companies?

2 A I have heard of those companies.

3 Q Have you ever used them before?

4 A No.

5 Q Do you know what they are for?

6 A It's for sending money to the folks that
7 aren't here, other places. So people send them out
8 of the country if they need to.

9 Q What about Bitcoins; have you heard of
10 that before?

11 A I have heard of it, but I don't understand
12 it.

13 Q What's your understanding of Bitcoins?

14 A It's some sort of virtual currency.

15 Q Do you know why people use it or why they
16 have it?

17 A No.

18 Q Where did you hear stuff about Bitcoin?

19 A Well, on public radio they were talking
20 about how the value of Bitcoin had dropped
21 dramatically. I didn't really understand what they
22 were talking about.

23 Q So as an investment or something?

24 A Yes.

25 Q How do you normally pay for things when

11:23:05 1 you buy stuff? Is it with cash, credit card, check?

2 A Usually credit card.

3 Q Okay. Do you have any strong feelings
4 about the jury system in our country, as far as you
5 think it works pretty well, you think it's fair, you
6 there's some problems with it?

7 A Well, I don't want to get on a soapbox.
8 But I think the jury system is good. I think that
9 jurors take their roles very seriously. And in my
10 experience as a lawyer, I have never doubted the
11 sincerity or the hard work of jurors.

12 Q Okay. Have you heard of any cases where
13 you thought that it didn't work out well, or that
14 the system failed?

15 A There have been times when, based on, you
16 know what you see in the news, you wonder how a jury
17 got to that decision that they got to. But I have
18 always tried to be careful to say, well, I am only
19 getting a little piece of what's in the newspaper.
20 I don't know all of the information that those
21 jurors had to consider.

22 Q Sure. How about crime rates in the
23 country; do you have any strong feelings about that
24 one way or the other?

25 A I think that the folks that are concerned

11:24:46 1 about crime rates rising are overreacting.

2 Q Why do you say that?

3 A Because I think especially in the last
4 election, there was a lot of hysterical talk about
5 crime rates, and needing to crackdown on crime. And
6 I thought that was politically motivated. And I
7 wasn't convinced that there was a rising crime rate
8 that required that kind of attention or talk.

9 Q Sure. I am going to ask you one more
10 question or maybe two.

11 This speaker that you had at the CLE about
12 the Dark Web.

13 A Yes.

14 Q Since you don't know his name, right?

15 A Right.

16 Q If you were to see a person in this trial
17 testify and you went, oh, that was the guy. Okay.
18 Do you think that you would be able to focus on what
19 he said and take it in perspective of what we are
20 learning in this trial? Or would you automatically
21 say, you know what, I formulated an opinion before
22 that this guy whatever he says is golden. So
23 whatever he says, I am going to believe him
24 100 percent? So would you be able to focus on just
25 what he is talking about in this case and make your

11:26:46 1 determination there?

2 A Yes. If it happened to be the same
3 speaker that I saw, my impression of him at the CLE
4 was that he seemed very knowledgeable, but I also
5 felt that he was selling his consulting services.

6 Q Okay. Do you remember the name of the
7 company that he was selling, by chance?

8 A No.

9 MR. DEVORE: Can I have a few minutes,
10 Your Honor.

11 THE COURT: You may.

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

13 THE COURT: You may.

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

16 THE COURT: You have been removed. You
17 are excused. I thank you for your cooperation.
18 You're free to go.

19 JUROR: Thank you.

20 (The juror exited the courtroom.)

21 (Prospective juror entered courtroom.)

22 THE COURT: Come on in. Please come
23 forward. We are going to put you in the first row
24 of the jury box. Come all the way to the front.
25 Work your way around that corner and back to that

11:31:37 1 first row. Back to that chair that's turned the
2 wrong way, may be appropriate. Before you sit down
3 please raise your right hand to be sworn.

4 (The prospective juror was sworn in.)

5 THE COURT: Have a seat. And let's start
6 with you stating your name.

7 JUROR: Kim Janet Bruss.

8 THE COURT: By the way, there is a carafe
9 in front of you and a cup. If you need some water,
10 you're welcome to it.

11 I am going to make some comments here that
12 I will ask you a very few questions. Then turn it
13 over to the defense to ask some questions. The
14 prosecution may have questions as well.

15 This phrase I used last week, Voir Dire,
16 does really mean to speak the truth. So I will
17 appreciate your truthfulness and your cooperation
18 during this process.

19 During the questioning, there may be a
20 request to excuse you for cause. Or there may be a
21 request to exercise what we call a preemptory
22 challenge, or neither one of those things. Now, if
23 a challenge for cause occurs it is that one side or
24 the other thinks there is a reason you shouldn't be
25 on the jury. That would be brought to me and I

11:32:51 1 would make that decision. A preemptory challenge
2 can be exercised by either side. They have a
3 certain number of challenges they can do in that
4 fashion, and they make that decision. I don't.
5 Either way, if one of those things happens, I would
6 remove you, excuse you, and thank you for your
7 service.

8 Now, have you had any conversations with
9 anyone about this case since filling out the
10 questionnaire?

11 JUROR: I have not.

12 THE COURT: Have you looked up anything or
13 done any research about this case since filling out
14 the questionnaire?

15 JUROR: I have not.

16 THE COURT: There are some basic rules of
17 law. I am going to state four of them. Others may
18 come by me during the trial given to the jury as
19 rules of law. The defendant is presumed to be
20 innocent. The state has the burden of proof. The
21 state must prove any charge beyond a reasonable
22 doubt. The defendant does not have to prove
23 innocence. As I said, other rules likely will be
24 explained to the jury during the trial. Will you be
25 able to follow the rules of law as I give them to

11:34:05 1 you?

2 JUROR: I will.

3 THE COURT: Is there any reason you cannot
4 be a fair and impartial juror in this case?

5 JUROR: Not that I know of.

6 THE COURT: Mr. DeVore?

7 BY MR. DEVORE:

8 Q Good morning. Is it Ms. Bruss?

9 A Or Kim.

10 Q You're a dental hygienist?

11 A I am.

12 Q And you've been so for a number of years.

13 How long have you been doing that?

14 A I have worked at this office for 40 years,
15 so I've been in practice for 41 years.

16 Q So just getting started?

17 A Yeah. Looking forward to the future.

18 Q What did you have to do for training to
19 become a dental hygienist?

20 A I graduated from the University of
21 Minnesota with an Associates Degree.

22 Q Okay. And then was there specialized
23 training to be a hygienist?

24 A Yeah. Well, it was in the dental program
25 especially for dental hygiene.

11:34:59 1 Q Did you have any medical training or
2 anything?

3 A You know, the medical and dental fields
4 kind of cross on occasion. So we have to understand
5 how medications interact, and we have CPR, and how
6 the mouth is related to your whole body as a system,
7 that type of thing.

8 Q And I imagine you go to some continuing
9 education?

10 A Yes, we do.

11 Q And you learn about new topics and things
12 like that?

13 A Yes.

14 Q Do you ever have to analyze lab reports
15 and things like that?

16 A Specifically, I am not the one that would
17 diagnose those. We may read reviews of those, but
18 we don't -- we are not the ones that are diagnosing
19 that.

20 Q So if there is blood work that is done, or
21 urinalysis or anything like that, would you ever
22 have to do that in your job?

23 A I don't have to be the one to diagnose it.
24 I may read it, and just have it as knowledge. But I
25 don't do the diagnosing of it.

11:35:57 1 Q How about, like, you mentioned that
2 sometimes you get involved in analyzing drugs, or
3 prescription drugs, that someone would use; is that
4 right?

5 A So I don't analyze them, but they are part
6 of the health history that we have to determine if
7 we can do a certain procedure, depending on if they
8 are on a certain drug or whatever. I am not a
9 pharmacist or anything like that.

10 Q Have you ever heard of the drug called
11 scopolamine?

12 A I do not know what that drug is.

13 Q You're married. What does your spouse do?

14 A He's a Chemical Engineer.

15 Q What does that mean?

16 A So he graduated from the University of
17 Minnesota with a Chemical Engineering Degree. He's
18 a project manager of a few different processes.

19 Q Okay. What kind of stuff? Like, give me
20 an idea of what he does.

21 A So he does -- that's a good question,
22 because we all ask him what he really does. So he
23 works with different kinds of tape making, and
24 things like that. He has at 3M. Been in a variety
25 of projects.

11:37:09 1 Q Okay. Now you, in your capacity as a
2 hygienist, you manage other people in your office?

3 A I have. I am not a team lead currently,
4 but I have been the team lead.

5 Q Okay. Does that change your -- do your
6 duties change once in a while or --

7 A Yep. We just kind of change it up to keep
8 things fresh and different.

9 Q What does that mean to be a team lead,
10 then?

11 A So that team leads means that you work
12 with the scheduling, and time off, and you
13 coordinate continuing education, you coordinate the
14 meetings for the hygiene team in our office. Then
15 you're part of the core decision making for people
16 in the practice.

17 Q All right. How many people would you be
18 overseeing if you were the team lead?

19 A So right now, we have 13 hygienists in our
20 practice. So the team lead would be in charge of
21 13, yes.

22 Q Okay. Now, as a team lead, would mean
23 that if one of your hygienists had a problem or an
24 issue, would they come to you first and then --

25 A Correct.

11:38:07 1 Q And then you might take it on to the
2 owners or something?

3 A Right. Yep.

4 Q And then do you ever have issues between
5 hygienists that you have to resolve?

6 A Conflict resolution type things?

7 Q Yes.

8 A Yes, we do.

9 Q So what do you do? Is there a certain
10 procedure that you go through to handle that sort of
11 thing?

12 A Our protocol is to try to work it out
13 within ourselves. If that doesn't happen, we go to
14 the team lead and they try to mediate that. And if
15 that doesn't work, then we work our way up the scale
16 in the office.

17 Q If you were the team lead, and you had a
18 couple of hygienists that came to you with a problem
19 with each other, how do you solve that problem?

20 A So we sit down and talk. Both people
21 discuss their side of the story. Like I say, you
22 try to come to a compromise on that. Most of the
23 time that's how that works out. We come to a
24 compromise.

25 Q Okay. So you listen to both sides before

11:39:04 1 you make a decision?

2 A Mm-hmm.

3 Q That would be similar in a case like this.

4 That's what we would be asking the jurors to do to
5 listen to both sides before they made the decision.

6 A I think that's best.

7 Q Does that make sense to you?

8 A It makes perfect sense to me.

9 Q Where do you get your news. I see that
10 you -- you get a newspaper at home?

11 A Mm-hmm. St. Paul Pioneer Press.

12 Q Then you watch the news on TV?

13 A Yep. Usually channel 4 or channel 9.

14 Q How about online. Do you ever go online?

15 A I don't really do that. I mean, I do go
16 online for other things, but I don't search news
17 online.

18 Q Okay. What kind of things do you do
19 online?

20 A My banking, and my email, and I will
21 Google, like, places to go eat. I don't spend a lot
22 of time on the computer, because I would rather be
23 outside, but yeah.

24 Q So you do banking online?

25 A Mm-hmm.

11:40:05 1 Q Pay your bills?

2 A Mm-hmm.

3 Q You have to say yes or no.

4 A Yes.

5 Q She's taking down our answers.

6 A Yes, I do.

7 Q And you also buy things online; Amazon and
8 things stuff like that?

9 A Yes, I do.

10 Q So when you do that, how do you pay for
11 that kind of stuff?

12 A With a credit card.

13 Q With a credit card. So you're okay with
14 entering credit card information online?

15 A Yes.

16 Q Have you ever heard of anybody having
17 trouble with that, getting their computer hacked or

18 --

19 A Yes.

20 Q What have you heard?

21 A Well, we have experienced that, too.
22 Somebody has gotten our credit card number, so we
23 have had to go through that process of resolving
24 that.

25 Q Okay. Did you ever have any -- has

11:40:49 1 anybody ever gotten a virus on your computer or
2 anything like that?

3 A You know, I think we maybe had something.
4 My husband kind of takes care of all of the back
5 systems on the computers, so there may have been
6 something in there, but I don't know the details of
7 that.

8 Q Okay. Do you know how this person was
9 able to access your credit card information?

10 A Yes. It was from a restaurant in
11 Stillwater.

12 Q So you paid for something, swiped your
13 card, and then they ended up that they were able to
14 get your information?

15 A Yep.

16 Q How did you figure that out that there was
17 a problem?

18 A Because the people that we were with also
19 had the same situation happen.

20 Q So you looked at your statement and saw
21 that there was a charge on there that --

22 A Actually, the credit card company is the
23 one that came back to us with that information.

24 Q They notified you of a suspicious charge
25 or something?

11:41:46 1 A Yes.

2 Q Now, one of the questions we asked is
3 whether you had any training or employment in
4 various different fields, and one of them was legal,
5 and you checked yourself. Do you have some training
6 in the legal field?

7 A Well, I guess I maybe didn't understand
8 that question properly. But, legally, I mean I know
9 the legal things that I can and can't do in my
10 profession, HIPPA policies and things like that.

11 Q Okay.

12 A Not a courtroom person at all or police
13 officer or anything like that.

14 Q Sure. No formalized training or education
15 in the law?

16 A No.

17 Q Other than how it affects you at your
18 work?

19 A Right.

20 Q And then you indicated relatives and a
21 friend. You have friends or relatives that are
22 lawyers or --

23 A Nobody is a lawyer. I have a friend who
24 is a paralegal.

25 Q I see you like NCIS as one of your TV

11:42:52 1 shows?

2 A Yes, I do.

3 Q What is it about that show that you like?

4 A I just like the intrigue of the
5 interaction, and how they work things out. Kind of
6 get addicted to the people that are in it. And
7 following their lives and how their interactions
8 are.

9 Q What do you think about the investigation
10 part of that show, as far as when they investigate
11 crimes and stuff?

12 A It intrigues me. I just really like to
13 see how things fit together. You know, one person's
14 perspective and another person's perspective. It's
15 kind of exciting and adventuresome to kind of see
16 how that all works.

17 Q And is it fair to say that they usually,
18 by the end of the hour show, or however long it is,
19 they usually come to an answer or a conclusion?
20 They catch a person?

21 A Yes. They usually do. Unless it's to be
22 continued.

23 Q Yeah. And you understand that that's just
24 a TV show?

25 A I do understand that.

11:43:50 1 Q And that we may not do that kind of stuff
2 in this courtroom, right?

3 A I understand that.

4 Q You don't get confused that that's not
5 reality?

6 A I understand that.

7 Q Just fun to watch?

8 A Yep.

9 Q Now, your husband, does he have some
10 computer programming background?

11 A He does. He does work with a lot of
12 different computer programs at work. He is on the
13 Superuser Program which (inaudible) that he does,
14 but he is involved with their computers there.

15 Q I am not familiar with that. So what is a
16 Superuser?

17 A I guess they are coordinating computer
18 systems that are coming together. That's what I
19 know about it.

20 Q Oh, okay. Now, you said that you
21 indicated that you would tend to believe a police
22 officer more than any other witness; is that fair to
23 say?

24 A That's fair to say.

25 Q Why is that? Why do you feel that way?

11:44:54 1 A Well, I feel that they have gone through
2 training and that they have taken an oath to serve
3 the public as best they can. So I would like to
4 believe that they are doing their job. I do
5 understand that may not always be the best choice.

6 Q What about somebody that would sit down
7 and put their hand up and swear to tell the truth
8 and then get up here in front of everybody and tell
9 their story. Would you believe that they were
10 telling the truth, unless there was something to
11 indicate that they weren't?

12 A Right. Yes. If there was something to
13 indicate that they weren't, yes. Because I think if
14 you swear to tell the truth, you should tell the
15 truth.

16 Q If somebody was under oath like that,
17 would that kind of even things out with a police
18 officer, so then you would maybe able to trust them
19 at the same level?

20 A I would be listening to both sides that
21 were telling the truth, yes.

22 Q Okay. Now, I noted that you mentioned you
23 feel our jury system is fair, and that we are trying
24 to achieve innocent until proven guilty; is that
25 right?

11:46:06 1 A That's correct.

2 Q One of the rules of law that we have is
3 that a defendant has the right not to testify in his
4 own defense; have you heard of that before?

5 A Yes.

6 Q Would that be a problem for you if the
7 defendant chose not to testify in his own trial.

8 A Not if that's the way it was going to be
9 done. It would be the way it is.

10 Q Yeah. So if the judge told you not to
11 make any assumptions or inferences because he chose
12 not to testify, would you be able to follow that?

13 A I would.

14 Q Just focus on the evidence that was
15 presented?

16 A Right.

17 Q Now, I see that you have indicated that
18 you might have some special circumstances that might
19 make it difficult for you to serve as a juror in
20 this case?

21 A So my job -- obviously, I've been in the
22 practice for a long time so my patients are
23 scheduled. I generally have a full schedule of
24 patients. But I can accommodate that as long as I
25 can give them notice that I'm not going to be there.

11:47:10 1 So I love my job, and I respect the people that come
2 and trust me as their hygienist. So I would like to
3 be able to let them know more than, you know, a
4 nighttime before that I cannot be there. That's the
5 one concern that I have.

6 Q So let's say that we were to ask you to be
7 here Monday morning, and then you would be here
8 until -- through all of next week. Let's just
9 assume all of the following week, okay? Would
10 that -- it could go longer, but would that give you
11 enough time to let everybody know that you wouldn't
12 be there, or what kind of an advance notice do you
13 think you would need?

14 A Well, it's always nice if -- I am booked
15 six months out. So it's always nice if you can give
16 them more. Like last night we had to call our
17 patients for today to cancel them. Which I just
18 always feel bad about that. I am not compensated by
19 my job to be here, so I would be here as a citizen.
20 I feel it's my duty to do this and I respect that.
21 So we can make that happen. It just inconveniences
22 my patients and my coworkers, but I am willing to do
23 that if that's the way it is.

24 Q So you don't have anybody in your office
25 that can step in and fill in?

11:48:35 1 A So we do try to cover for each other's
2 schedules. I have a lot of patients who request me,
3 just because I have been there a long time.

4 Q So it could be that they could keep their
5 appointment maybe, but then they would be treated by
6 somebody else?

7 A Yep, that is correct.

8 Q If they chose not to, then they could
9 reschedule.

10 A That is correct.

11 Q You indicated when you were asked about
12 being a juror on this kind of a case you said it
13 would probably be stressful. Is that a healthy
14 level of stress, or do you have a specific anxiety
15 about the case?

16 A No. I just kind of build myself up. I
17 try to weight things out evenly. I work under
18 stress. I probably function best under stress. But
19 I think it would be a little stressful to evaluate
20 all of the information.

21 Q So you think it would be something that
22 you would be able to manage though?

23 A Yes.

24 Q Have you heard of the term Bitcoin?

25 A I have heard of that.

11:49:59 1 Q What have you heard or what do you know
2 about it?

3 A Just recently talking about Bitcoins. My
4 nephew was over and they were talking about
5 Bitcoins. And I'm like, what's a Bitcoin? And I
6 understand it's something that is worth some money,
7 and I don't really understand it at all.

8 Q Do you know what people use it for, like
9 to buy stuff or investments?

10 A I don't really understand it, to be
11 honest.

12 Q You said your cousin was over?

13 A My nephew.

14 Q And did the nephew say that he owned some
15 of this stuff?

16 A He does have some, yes.

17 Q He does. What does he have it for, do you
18 know?

19 A I have no clue. It was kind of one of
20 those conversations where I was in the kitchen and I
21 was trying to understand what it was. But I was
22 busy with other things, so that's about as much I
23 picked up on that.

24 Q Have you ever heard of the Dark Web
25 before?

11:50:54 1 A I don't really know what that is.

2 Q Have you ever heard of it?

3 A I have heard of that term, but I couldn't
4 define it for you.

5 Q When you go online and do your searches,
6 how do you do that?

7 A Google.

8 Q Google?

9 A Yes, that's my go to.

10 Q Yeah. Do you know what a modem is?

11 A Modem is kind of that main driver part of
12 a computer.

13 Q What about a router?

14 A That's part of the computer, too.

15 Q Have you ever heard of WiFi before?

16 A Yes. You have to have that to have
17 Internet access.

18 Q How about have you ever heard of the term
19 firewall?

20 A Yes. I think that's kind of something
21 that protects the viruses from coming into your
22 computer.

23 Q Like antivirus software, malware; have you
24 heard of those terms?

25 A Yep, to keep those viruses out of your

11:51:46 1 system.

2 Q Have you used those systems before?

3 A Yeah, like we have Norton Antivirus on our
4 computer at home.

5 Q And if you have a problem with one of your
6 computers, you go to your husband, is that what you
7 do?

8 A Yes, I do.

9 Q Have you ever had anybody that has
10 accessed a computer of yours remotely? Like for
11 instance, you have a problem, you call the Geek
12 Squad and then they get access so they can look
13 around and see if there anything wrong?

14 A Dave may have used that at some point in
15 time. If there is a computer problem, I kind of
16 stay out of the way, so he may have used that.

17 Q Okay. What's your normal form of paying
18 for things; cash, credit card?

19 A We use cash a majority of the time.
20 Credit card also, though.

21 Q Do you have any feelings about the jury
22 system and maybe if it's failed or didn't seem like
23 it worked very well, or do any of those things come
24 to mind?

25 A I don't have any strong feelings about

11:53:12 1 that. I haven't really been involved with it.

2 Q Okay. Is your general feeling about it a
3 positive thing that it works?

4 A Yeah, that's my general feeling.

5 Q What about crime rates in the country? Do
6 you have any strong feelings about that?

7 A I don't like that we have high crime
8 rates, but I don't have real strong -- I'm not out
9 there protesting or anything like that.

10 Q Okay. And if you hear about a concept, or
11 an idea, or a word, or something that you haven't
12 heard before, how do you educate yourself about
13 that?

14 A I usually ask questions. I like facts. I
15 am a fact finder, so I like to understand what we
16 are talking about.

17 Q Would you ever go online in the computer
18 and look something up?

19 A Yes. I would type in a word and look it
20 up. Yes, I would do that.

21 Q Do you have any magazines that you
22 typically like to read?

23 A I personally don't subscribe to any
24 magazines. We get some in our dental office. My
25 husband gets some golf and outdoor activity

11:54:29 1 magazine, that type of thing.

2 Q Okay. And you said you have books and
3 magazines, newspapers that you like to read. You
4 said Christian?

5 A Christian are my kind of go to ones. And
6 I also like real adventure ones.

7 Q Are you a regular church goer?

8 A Yes.

9 Q You're at St. Andrews?

10 A Yes, I am.

11 Q Do you volunteer sometimes there, too?

12 A Yes, I do.

13 Q What kinds of things do you volunteer to
14 do?

15 A I play in the handbell choir there. I
16 work with the community resource center. I
17 volunteer at the Sanders Village, senior community.

18 Q Any other volunteer work that you do?

19 A Um, well as our kids were growing up, I
20 volunteered a lot with their teams, and music
21 groups, and things like that. I will give care to
22 my mom. That's kind of what I have been doing
23 lately.

24 Q How about any advocate groups that you
25 participated in?

11:55:34 1 A I do not participate in those.

2 MR. DEVORE: Can I have a few minutes,
3 Your Honor?

4 THE COURT: You may.

5 MR. DEVORE: Couple more questions, Your
6 Honor.

7 THE COURT: Go ahead.

8 BY MR. DEVORE:

9 Q Ms. Bruss, I just want to get your
10 thoughts on, have you ever worked in a group setting
11 before where you have to work together
12 collaboratively to come up with ideas or things
13 maybe at work or something like that?

14 A Yes.

15 Q And what do you do when, let's say, you
16 know you think it should be this way and some other
17 people think it should be another way? Do you plant
18 your feet, do you just give in right away? What's
19 your thought process?

20 A I am not really the one to go, this is the
21 way it has to be done, but I will say what I think.
22 I am probably more on the compromising side than
23 having to have it just my way.

24 Q And if you believe, you know, strongly in
25 something, would you be afraid to stand your ground?

11:58:36 1 A No.

2 Q Are you comfortable talking about why you
3 believe in it a certain way?

4 A Yes, I am.

5 Q And you feel like you're a reasonably
6 minded person?

7 A I think I am.

8 Q And you use common sense?

9 A I do.

10 Q Would you consider yourself to be an
11 introverted type of person, or extroverted type of
12 person or somewhere in between?

13 A Probably somewhere in between. I mean, I
14 enjoy being with people. I don't have a problem
15 talking with people. But I don't want to be
16 front/center stage, but I don't want to be hidden in
17 a corner. So I would say in between.

18 Q Have you ever done any public speaking
19 before?

20 A No.

21 Q When you are a lead team lead at work, do
22 you have, like, meetings with the other hygienists?

23 A Yes.

24 Q And then do you have to organize meetings
25 and stuff?

11:59:50 1 A Yes. You have to put the agenda together
2 and keep it on track.

3 Q Do you have to maybe sometimes have to
4 stand up and talk about what you're covering?

5 A Yes.

6 Q And do you have -- how do you feel about
7 that? How does that make you feel about presenting?

8 A I don't have a problem presenting as long
9 as I have the facts to work with.

10 Q At some times do you get questions from
11 the other hygienists about things?

12 A Yes.

13 Q And do you get some push back on some
14 things?

15 A Yes.

16 Q How do you deal with that when people push
17 back a little?

18 A Again, we try to really work it out.
19 Sometimes we try one way, and then try it the other
20 way, and evaluate which way really works, or what
21 product works better. Again, it's kind of a
22 compromise. It's not necessarily a push down, take
23 them a away type of thing.

24 Q Sure. But you don't have a problem
25 speaking up and arguing a position and talking to

12:00:50 1 your other hygienists?

2 A No. I like to share my ideas, and present
3 them, and stand behind them unless I am shown that
4 that's not right or something else is better.

5 Q Okay. All right. Thank you.

6 MR. DEVORE: May we approach?

7 THE COURT: You may.

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

10 THE COURT: Prosecution may proceed.

11 MS. KREUSER: Thank you, Your Honor.

12 BY MS. KREUSER:

13 Q Hi Ms. Bruss.

14 A Hi.

15 Q My name is Jamie Kreuser, and I am one of
16 the prosecutors. I just have a few questions for
17 you. It won't take long.

18 I wanted to ask you, your son is a doctor
19 in forensic psychology; is that right?

20 A My daughter-in-law is.

21 Q Your daughter-in-law. Okay. I'm sorry.
22 What exactly does that involve?

23 A So she works down in St. Peter, and she
24 works with people who have been determined not ready
25 to stand trial, or able to stand trial. And she

12:02:18 1 does testing and writes up reports and sometimes
2 testifies in court.

3 Q Got you. Okay. Thank you. When you had
4 said that your husband has had to call the Geek
5 Squad before when the computer has had an issue or
6 something. And maybe he had had the computer
7 remotely accessed, that would -- any time that that
8 has happened, he had given the Geek Squad permission
9 to do that; would that be right?

10 A Yes, that would be right. That's not
11 something he does all of the time, but he may have.
12 I don't know.

13 Q Sure. Mr. DeVore had said that, you know,
14 we ask jurors to listen to both sides, right?

15 A Yes.

16 Q And the judge will also instruct you to
17 listen to the evidence and to follow the law as a
18 juror. Can you do that as well?

19 A Yes, I can.

20 MS. KREUSER: May we approach, Your Honor.

21 THE COURT: Ms. Bruss, there are no
22 challenges. You are not removed. You are part of
23 the jury. So you are excused for now, but please
24 check with a jury coordinator as to just exactly
25 when and how you need to report.

12:04:10 1 JUROR: Okay.

2 THE COURT: And we will continue this
3 process, so make sure you check with that.

4 JUROR: Okay.

5 THE COURT: Thank you.

6 JUROR: Thank you.

7 (The juror exited the courtroom.)

8 THE COURT: We are going to break for
9 lunch and start again at 1:15.

10 Just to make a record, I have preemptory
11 challenges by the defense on juror number 3, number
12 9, number 10 and number 14. That's 4, leaving 11
13 peremptories still remaining.

14 I have for the prosecution peremptories
15 that have been exercised on 13 and 16. Leaving 7 to
16 still be executed or available.

17 I have 5 removals for cause, regardless of
18 who initiated the removal, none of them were
19 contested other than some follow-up questions. So
20 those are on jurors 4, 6, 11, 12 and 15. So we have
21 jurors that will be seated and they will be number
22 1, 2, number 5, number 7, number 8, number 17.
23 That's where we are right now. We will continue at
24 1:15.

25 MS. KREUSER: Thank you.

12:05:51 1 MR. DEVORE: Thank you.

2 (Lunch recess was taken.)

3 (Prospective juror entered the courtroom.)

4 THE COURT: Come on in and please come all
5 the way to the front. We are going to put you in
6 the jury box there in that chair that is half way
7 turned around now. So work your way to that.
8 Before you sit down, please raise your right hand to
9 be sworn.

10 (The prospective juror was sworn in.)

11 THE COURT: Have a seat. There is a
12 carafe in front of you and a cup if you need some
13 water, go ahead.

14 This process of questioning I have already
15 told you is called Voir Dire. That comes from a
16 French phrase meaning to speak the truth. So I will
17 appreciate your truthfulness and candor and
18 cooperation as we go through this process.

19 I have a few comments to give you and a
20 very few questions to ask you. Then I will turn it
21 over to the attorneys. Now, during the questioning,
22 there may be a request to excuse you for cause, or
23 there may be a request to exercise a preemptory
24 challenge, or there may be neither.

25 Now, a challenge for cause simply means

13:19:08 1 that one of the attorneys thinks there is a reason
2 that you shouldn't be on the jury. They will tell
3 me that and I will make that decision. A preemptory
4 challenge is their choice. They each have a number
5 of those challenges, and they can exercise them.
6 Has nothing to do whether they think you're a fair
7 person. They are just trying to decide. That's
8 their choice. Now, if one of those things happened,
9 I will simply tell you you have been removed. I
10 will excuse you and thank you for your service.

11 So I will start. Have you had any
12 conversations with anyone about this case since
13 filling out the questionnaire?

14 JUROR: No.

15 THE COURT: Have you looked up anything or
16 done any research about this case since filling out
17 the questionnaire?

18 JUROR: No.

19 THE COURT: There are a number of rules of
20 law. I am going to give you just a few right now.
21 But there are others that could be given during the
22 trial. The defendant is presumed to be innocent.
23 The state has the burden of proof. The state must
24 prove any charge beyond a reasonable doubt. And the
25 defendant does not have to prove innocence. As I

13:20:21 1 said, there are other rules that you will be hearing
2 about if you are on the jury. Will you be able to
3 follow the rules of law as I give them to you?

4 JUROR: Yes.

5 THE COURT: As you sit here this
6 afternoon, is there any reason you cannot be a fair
7 and impartial juror in this case?

8 JUROR: No.

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

10 MR. DEVORE: Thank you.

11 BY MR. DEVORE:

12 Q Good afternoon, is it Mr. Morschen?

13 A Morschen.

14 Q Morschen. There is another rule of law
15 that we follow, and that is a defendant has the
16 right not to testify. Have you ever heard of that
17 before?

18 A No.

19 Q Okay. If the judge told you the defendant
20 has the right not to testify, and you're not
21 supposed to draw an inference from that, or make an
22 assumption about why he chose not to testify, would
23 you be able to follow that?

24 A Yes.

25 Q Now, since you filled out your

13:21:15 1 questionnaire last Friday, is there anything that
2 has changed or that you thought of in the meantime
3 that you add to this?

4 A No.

5 Q Okay. You -- I know that you said that
6 you're a laborer. Where do you work and what do you
7 do?

8 A I work for Newman's Construction Company
9 down in Welch, Minnesota.

10 Q Okay. So you drive down to Welch every
11 day?

12 A Yep.

13 Q What do you do down there?

14 A Mainly drive truck. Operate a little bit
15 of equipment, little bit of labor work, but mostly
16 drive truck. This time of year it's snow removal.

17 Q Do you have your commercial driver's
18 license?

19 A Yes.

20 Q What kind of trucks do you drive?

21 A Mack dump truck.

22 Q Like a big tandem dump truck?

23 A Yeah. Tri-axle, yep.

24 Q You haul snow around in the winter
25 sometimes, too.

13:22:08 1 A We just push it off the roads, and we do
2 the township of Welch and Douglas Township. We just
3 remove the snow. Plow it off the roads and lay rock
4 and sand and salt for traction. We don't haul that.
5 We use the dump trucks in the summertime mostly.

6 Q So if this trial goes on for the next
7 couple of weeks, if it snows, what happens to your
8 position?

9 A We have backup employees, other guys that
10 would just cover my route. It's laid back.

11 Q All right. Is that over the middle of the
12 night typically where you're plowing?

13 A It does happen. We usually do it in the
14 early morning or evening.

15 Q So if you were on this jury and it was
16 snowing, would you, after you finished here at 4:30,
17 5:00 in the evening, would you then go out and work?

18 A No. I would just take the time off from
19 work.

20 Q So you can be focused on the case?

21 A Correct.

22 Q And then how about your spouse; you're
23 married, correct?

24 A Correct.

25 Q What does your spouse do?

13:23:10 1 A Right now she is unemployed, but she works
2 mainly for the last 20 some years for a car
3 dealership, office manager?

4 Q Oh, okay. Which dealership did she work
5 for?

6 A Hastings Chrysler.

7 Q Now, you listed your source of news as
8 pretty much what, KFAN?

9 A Yep.

10 Q Is that because you're driving a lot, that
11 you listen to it on the radio?

12 A Correct.

13 Q Do you watch the news at night?

14 A I do not.

15 Q Do you get a newspaper at the office?

16 A No, we just have a small office. We don't
17 get the paper down there.

18 Q How about at home?

19 A No.

20 Q I'm sorry.

21 A I'm sorry. We used to get the newspaper
22 years ago when my daughter was young for the ads.
23 And my wife would read a little bit of it. We don't
24 get the paper. I am not much of a reader, to tell
25 you the truth.

13:24:16 1 Q I may have asked you, or I might have
2 forgot, do you watch news on the TV at night?

3 A Once in a while I turn it on at 10:15 for
4 the weather. But I have an app for that on my phone
5 now, so I don't need to. I usually watch something
6 else at 10:00 on like Discovery or History Channel,
7 so I am not really checking out the news much.

8 Q What about, you mentioned your cell phone?

9 A Yes.

10 Q You have Internet access on that?

11 A Yes.

12 Q Do you look at the -- do you search on the
13 Internet at all?

14 A I do Craig's List mostly and YouTube, and
15 eBay sometimes.

16 Q What are you looking for on Craig's List,
17 stuff to buy?

18 A Yeah, Craig's List stuff to buy or sell.
19 Sometimes my wife will help me place an add for it,
20 because I'm not real computer savvy. I will sell
21 stuff or buy stuff, but recently I was just looking
22 for a crock for sauerkraut which I found.

23 Q A Crock-Pot?

24 A Yeah. A crock, yep. For fermenting
25 cabbage, not one you heat up.

13:25:33 1 Q Okay. Do you do a lot of cooking?

2 A I do.

3 Q What kind of cooking do you like to do?

4 A Just basic stuff. I watch a lot of Food
5 Channel Network. I take recipes I find that I might
6 like there and try to make stuff that way.

7 Q Okay. So you see stuff on TV, and you
8 think that looks kind of good, and then you figure
9 out how to make it, and make it up?

10 A Yes.

11 Q Do you ever go online and search different
12 ingredients or different menus or recipes and things
13 like that?

14 A Not really, no.

15 Q Okay. You mentioned a TV show that you
16 like to watch, Black List. I am not familiar with
17 that, what is that about?

18 A It's -- I am trying to think of the
19 actor's name. The guy was hired, he's a criminal.
20 He was hired by the FBI to help them with this so
21 called black list of people that are wanted by the
22 FBI. In turn they help him kind of undercover.
23 They are not supposed to know he's helping them. He
24 gives ideas to the FBI, who happens to be his
25 daughter, which they just found out. He kind of --

13:26:45 1 he helps them. It's kind of interesting because
2 they -- you never know which way it's going. The
3 way he helps them out, because he's wanted by the
4 FBI himself, but they let him stay out of jail to
5 give him these lists and he's privy to it.

6 Q So do you like, generally, criminal shows,
7 criminal investigation shows?

8 A No. I just happen to like that show. I
9 watch a lot of documentaries like the History
10 Channel, Discovery and that. They are my favorite
11 channels.

12 Q Okay. You mentioned something about that
13 a drunk driver almost hit you one time. When was
14 that?

15 A I don't know. It was the year I was
16 working at the gas company at the time. A propane
17 company. It was Inver Grove Heights, Minnesota. It
18 was -- I going on the onramp to Highway 52 and he
19 came up the offramp and he went through the median
20 and knocked the sign down and almost hit me. And
21 then ended up down in a retaining pond. And I
22 thought, well, that's odd. Tried getting out of
23 there. He ended up going down the road. He had a
24 flat tire. So thought, you know, I called 911.
25 Then he was down road with his flat tire pulled

13:28:09 1 over, and I asked him if he needed help because I
2 knew an officer was coming. And if he was okay, and
3 he was having a heart attack or something. He was
4 standing there and I could see that he was fine.
5 Then I got a call. It happened to be a Friday that
6 night, and the officer called me and thanked me for
7 calling in because he got his first .30 arrest or
8 something for drunk driving, and he was on meds, and
9 thanked me for calling.

10 Q So when you were standing there talking to
11 this gentleman, did you make any observations about
12 whether he might be under the influence?

13 A No. Because he was standing -- I was
14 still in my vehicle. I never got out. He stood
15 there and told me he was fine. I said, okay. Just
16 then, it happened so fast, that the officer must
17 have been in the area, and he pulled up. Just kind
18 of odd the way it happened. Are you going to give
19 him a breathalyzer or just let him go. He said, no,
20 we'll check it out. Don't worry. That's the last I
21 heard until that call that morning.

22 Q You didn't have to be involved in the
23 criminal case at all.

24 A I think it was a summons. But they were
25 going to try to take his vehicle. But then it got

13:29:11 1 canceled. It must have settled or something. I
2 called in. They said, no, don't worry about it,
3 because it's not going to court.

4 Q Did you get interviewed by the police
5 then?

6 A No.

7 Q Even on the scene?

8 A No. He just got my information from me
9 and that was it.

10 Q Any other interactions that you've had
11 with police?

12 A No. I mean, I got a speeding ticket a
13 long time ago.

14 Q Okay. And you have never served as a
15 juror before, right?

16 A No.

17 Q But you did mention, though, that you
18 think the jury system works well. Tell me a little
19 bit why you think it works well.

20 A Yes. Just things I heard in the past.
21 Maybe like, maybe something somebody said. High
22 school going through the government class or
23 whatever. Stuff I've learned. It's been a few
24 years ago. I just think it's a good system, because
25 you know, obviously when you do hear about trials

13:30:15 1 and stuff now and then. It seems like it's a good
2 system. It's a fair system I believe.

3 Q In your work, is it largely independent,
4 so you're kind of on your own a lot when you're in
5 your truck and stuff like that?

6 A Yes.

7 Q Do you have occasions through your work
8 where you collaborate with other coworkers and
9 things like that?

10 A In the morning when we get to work, we are
11 usually a couple minutes early. Go in to our little
12 trailer we have there and wait for the boss to tell
13 us what to do.

14 Q Do you ever engage in conversation, not
15 just what the Vikings do or anything, but actually
16 talk about assignments and things like that?

17 A For our work, yes.

18 Q Okay. Have you ever been in a position
19 where you might manage or supervise other people?

20 A No.

21 Q Have you ever had a dispute with another
22 worker, or seen somebody have a dispute with another
23 worker?

24 A Nothing that would be, you know, a fist
25 fight or anything like that. But a verbal

13:31:30 1 confrontation, sure, where maybe somebody got
2 scolded for -- or told they did something wrong, or
3 didn't do it quite the right way. But nothing that
4 sticks out that would be a major altercation.

5 Q Okay. Have you ever had to be in a
6 position to help maybe two people reconcile some
7 differences? Maybe it was your kids, or coworkers
8 or something where you had to try to figure out
9 answers and solutions and things like that?

10 A Yeah. Nothing major, but you know, just
11 in daily life. I am sure at work, you know, I can't
12 think of an individual time. But, you know, I am
13 sure something like that where you had given
14 somebody advice where -- I'm sure I did. I know I
15 have given people advice before, yes.

16 Q Okay. How do you feel about if you have a
17 feeling about something, are you the type of person
18 that is willing to express your feelings, you know,
19 in front of a group for instance, and you know, feel
20 strongly about the way you do? Or are you the kind
21 of person that, generally, if there is any conflict,
22 you are going to avoid it?

23 A Well, it depends the severity. I will
24 keep it in, but I don't like -- I found out if you
25 just leave things in inside, you know, whatever,

13:33:01 1 going to bottle up, it's going to make it worse. I
2 like to, if something is bothering me, I like to get
3 it out in the open and say, let's talk about it.
4 Because otherwise it festers up, and you forget
5 things. It just goes out of proportion.

6 Q Okay. When -- if you hear of a term or a
7 concept, a word that you have never heard of before,
8 how would you educate yourself on what that means?

9 A Well, if I'm near my wife, I would ask
10 her.

11 Q What if you weren't near your wife?

12 A But if I wasn't, I would ask somebody, or
13 I would probably have to get out my phone and look
14 it up on my phone what the term is. Google it.

15 Q Google it. Do you do that from time to
16 time?

17 A I do use Google, yes.

18 Q Do you use Google or the Internet
19 recreationally, just for fun to play around on it.

20 A Very little. Only if I need to look
21 something up. Details on one of my recipes or maybe
22 to order something. I might have seen on a TV show.
23 Like once in a while when I'm watching a TV show and
24 I seen, for instance, me and my wife are watching
25 something. I can't remember which show it was. But

13:34:25 1 the lady from that TV. Flo from the TV commercial
2 was on a TV show. So I said to my wife, I think
3 that's her. She goes, I don't think it is, so I
4 Googled what her name was, Flo's name and the
5 commercial. That type of thing.

6 Q Okay. Trivia stuff?

7 A Right. Right.

8 Q How much time you do you think you spend
9 on the computer? Is it a phone?

10 A My phone. We have a laptop at home. My
11 wife usually uses it. I don't use it much. I am
12 almost 60 years old and I don't have no use for a
13 computer much. So I am not real savvy with it. So
14 I usually have to ask her questions anyhow, how to
15 do stuff, so ...

16 Q What do you do for your banking? Do you
17 go online?

18 A My wife does our banking.

19 Q Do you ever purchase stuff online?

20 A Yes, through my wife.

21 Q Like on Amazon?

22 A Yes. Amazon and eBay, I have bought stuff
23 on there. I can barely do anything else, so

24 Q What about -- what kind of -- how do you
25 pay for stuff typically, with cash?

13:35:41 1 A On the Internet?

2 Q No, just in general.

3 A No. We use our credit card and we pay it
4 off monthly.

5 Q Okay. Have you ever -- I am going to ask
6 you about a few terms, see if you have ever heard of
7 them before. Do you know what the search engine is?

8 A Yes.

9 Q What is that?

10 A That's like Google.

11 Q What about the Dark Web, have you ever
12 heard of that before?

13 A I have heard the term Dark Web.

14 Q What have you heard about that?

15 A The name. I have no idea what that is. I
16 don't do much on the Internet, like I said, because
17 I just don't know now that much about it. I usually
18 have to ask my wife to help me with this or that.
19 She is sick of doing that, so I don't do much.
20 Sorry to say that all of the time, but that's how it
21 is.

22 Q Let me ask you about that. Obviously, if
23 you were a juror, your wife couldn't be in there
24 with you. I'm sure you can function just fine
25 without her?

13:36:43 1 A I do.

2 Q So what do you do when you have questions
3 and your wife isn't around and stuff like that?

4 A Well, I figure that stuff out. I'm pretty
5 good at just asking the question about the Internet,
6 and I just don't have much -- but I function just
7 fine. You know, I go to work every day and things
8 like that.

9 Q Yeah, I figured. Just wondering how your
10 thought process was.

11 A No, I understand.

12 Q All right. Have you ever heard of like a
13 modem before or router?

14 A Yes.

15 Q Do you know what those things are?

16 A Yep. The modem is the main part of the
17 computer. And what was the --

18 Q Like a router?

19 A Router and modem is what you need to hook
20 your computer up to to get WiFi, and whatever it is.

21 Q Do you know what -- can you tell me what
22 you think WiFi is?

23 A Yes. It's the -- it is the --

24 Q You don't have to --

25 A The wireless thing you need to get your

13:37:51 1 computer to work when you are not -- so you don't
2 use data.

3 Q Okay. How about, have you heard of the
4 term like firewall?

5 A Yes.

6 Q Do you know what that is?

7 A Yea. It helps protect you from people
8 accessing your personal information.

9 Q How about like antivirus software,
10 malware.

11 A Yep.

12 Q You've heard of that stuff?

13 A Yep.

14 Q Do you know if you have that stuff on your
15 computer?

16 A I know I got something through Google on
17 my phone. And I know my wife has one of those
18 things on the computer, obviously, because you know
19 the way it is now with the hacking and all of that.

20 Q What have you heard about hacking?

21 A That it's getting worse.

22 Q What do you mean?

23 A Well, there is more and more of it. I
24 heard about the multimillion people that got hacked.
25 I don't remember how they got hacked anymore. A lot

13:38:56 1 of us have been hacked through that major deal.
2 This was after Target, but just recent. But I don't
3 know.

4 Q Was that Equifax?

5 A Yes.

6 Q Is that what -- were you a part of that?

7 A Well, I think my wife -- I know my wife
8 checked on it. Not directly, but they thought
9 everybody -- not everybody, but are we are a low
10 level of that. That's how -- like I said, I'm no --

11 Q Sure. So there might have been something.

12 A Yeah. Nothing -- we haven't ever
13 gotten -- been personally hacked. But they gave us
14 the a free whatever it is, they were given out free
15 -- I'm sorry, I obviously don't know much about
16 that.

17 Q All right. Have you ever used a Money
18 Gram or Western Union before?

19 A No.

20 Q Do you know what those things are?

21 A Directly wire money.

22 Q How about Pay Pal, have you ever heard of
23 that?

24 A My wife has Pay Pal.

25 Q Do you know what that is?

13:40:04 1 A Yeah, so she can buy stuff on line without
2 having to try to use cash.

3 Q Have you heard of the term Bitcoin?

4 A No.

5 Q Now, do you have any thoughts or feelings
6 about the crime rates in this country?

7 A I do not really. I know it's a part of
8 life. It happens. But all in all, I think crime
9 is -- some crime is down, actually.

10 MR. DEVORE: If I could have a minute,
11 Your Honor?

12 THE COURT: You may.

13 BY MR. DEVORE:

14 Q Okay. Now, you indicated in one of your
15 responses that, you were asked, would you tend to
16 believe a police officer more than any other
17 witness. Do you remember that question?

18 A Yes.

19 Q And you checked the box yes?

20 A Yes.

21 Q What's your thought behind that?

22 A Well, I really didn't know for sure if the
23 question pertained to this scenario or in general.
24 And generally, I think that would be true because an
25 officer would be in a stand situation or whatever in

13:42:42 1 a courtroom, would be telling the truth maybe more
2 than somebody else that was being questioned because
3 he would be there for recalling about some of the
4 facts. Probably that they got off some type of a
5 scene scenario, or crime scene. And a person that
6 came into call into court as a witness, would be
7 somebody who never even seen anything about that,
8 but has recollection or known something, parts of it
9 being involved one way or another, and maybe could
10 easily not tell the truth. Not easy, but a little
11 more tendency than an officer. I would believe an
12 officer a little bit more over someone. Not to say,
13 you know, I don't think someone is out purposely
14 lying or something like that. I am just answering
15 it truthfully.

16 Q So are you saying that maybe a regular
17 person might make a mistake more often or --

18 A Well, in this type of thing, maybe.
19 Because there again, referring to the officer, would
20 be more for facts versus what really happened. And
21 somebody maybe could have had feelings, and you
22 know, they just a little bit more. It's how I
23 perceive the question.

24 Q Sure. I just, in the perspective that we
25 are talking about in this world, in this courtroom,

13:44:25 1 if you had an officer that came and testified. And
2 then somebody came up later, a regular person, but
3 was sworn under oath, right, to tell the truth?

4 A Right.

5 Q Then they testified about things that they
6 observed, would you consider that to be equal or do
7 you think that, hey, it's an officer. I am going to
8 hold them at a higher standard?

9 A No. An equal. It's just that if the
10 questioning was, you know, if they were -- I thought
11 they would tell the truth more. I do believe that.
12 It's just, like I said, the circumstances of it all.
13 With them having the facts of maybe being on site.
14 I'm assuming they are not just going to pull some
15 officer out because he would be related to a
16 particular case unless he was called there. Because
17 maybe something he gathered, or picked up, or saw
18 there versus somebody that's coming into court to to
19 ask questions because they were involved in some way
20 or another. And the officer wouldn't be involved,
21 so he would be more not involved with it. I am
22 trying to think of the right word. I am nervous.

23 Q Unbiased?

24 A I just can't think of the word.

25 Q Do you get nervous when you have all these

13:45:53 1 people staring at you?

2 A Yes. I am usually by myself in my dump
3 truck.

4 Q I got it.

5 MR. DEVORE: Your Honor, can I have a few
6 minutes?

7 THE COURT: You may.

8 MR. DEVORE: May we approach?

9 THE COURT: You may. Prosecution may
10 proceed with questions.

11 MS. KREUSER: Thank you, Your Honor.

12 BY MS. KREUSER:

13 Q Mr. Morschen, good afternoon.

14 A Good afternoon.

15 Q My name is Jamie Kreuser, and I am one of
16 the prosecutors on the case. Okay?

17 A Okay.

18 Q So just to followup to the last question
19 that you were asked about the police officer thing.
20 In a criminal trial, you would be instructed by
21 Judge Ekstrum as to the law that you're to follow as
22 a juror. So if Judge Ekstrum gives the jury
23 instructions on sort of a guideline, or a
24 methodology to follow in terms of the weight that
25 you can give to witnesses, whether they are police,

13:47:31 1 or a state's witness, or a defense witness; would
2 you just be able to follow that instruction?

3 A Yes.

4 Q Now, you had talked about some of the TV
5 that you watch. You had referred to Black List.
6 And I think the actor you were talking about is
7 James Spader; does that ring a bell?

8 A Yes.

9 Q Okay. Then you also talk about the
10 History Channel and the Discovery Channel. What
11 kind of shows do you specifically watch?

12 A Anything I can watch about World War II
13 history. I don't know if they are called
14 documentaries, but I like watching the moonshiners.
15 I don't know if they are on history or discovery at
16 this time. I watch the Street Outlaws. That's
17 another show where they drag race on the streets
18 somewhere. That kind of stuff.

19 Q Great. Thank you. Thank you for sharing
20 about the incident in which, you know, you had
21 talked about how it eventually led to a drunk
22 driving prosecution. But you had also mentioned
23 that you got like most people, got a speeding ticket
24 a long time ago, right?

25 A Yes.

13:48:49 1 Q Anything that you can recall from that
2 instance or the process where you thought the police
3 were not good to you, or court, or anything that
4 stands out in your mind about it?

5 A No. It was, I believe, close to 20 years
6 ago, if not more. I just never got a ticket. I was
7 guilty.

8 Q Thank you. Now, another thing that
9 Mr. DeVore had asked you about was sort of your
10 knowledge, just to get a gauge of your knowledge of
11 computers, Internet, that kind of thing. You had
12 said that you knew about hacking, and that it was
13 getting worse; is that right?

14 A Yes.

15 Q So I wanted to just ask you, you had
16 referred to that major deal and maybe it was the
17 Equifax thing, or something like that. Do you know
18 if Equifax thing, was that related, from your
19 knowledge of hacking, is this more of businesses or
20 is it in people's individual personal computers?

21 A It was individual computers. Anybody who
22 -- whatever that company handled at the time. A lot
23 of people use that, and I don't remember what they
24 use, what it's for, but many millions of people have
25 to use that. Could have been, you know, through

13:50:21 1 checks or something. I don't know.

2 Q Okay.

3 A I know that some of the people use that
4 company's product, or what the company does, and
5 somebody got ahold of their database, or whatever
6 you call that, and got all of their information on
7 all these people that they have.

8 Q Got you. So when you say information, is
9 it like names or computer -- or I'm sorry, like
10 credit card numbers; do you know?

11 A I know that it could be credit card
12 numbers or Social Security numbers, I believe.

13 Q Got you. It was through this business?

14 A Yes, it was through this business.

15 Q Would you say that you are more of a big
16 picture kind of person or a detail oriented person?

17 A I'm kind of both. I see the big picture,
18 but yet when I need to be detailed, I can detail it.

19 Q Very fair answer. Okay. Last question,
20 would you say that you're someone that has to use,
21 and does use your common sense?

22 A Yes.

23 MS. KREUSER: Can we approach?

24 THE COURT: You certainly may.

25 (Whereupon, court and counsel had a

13:51:58 1 discussion off the record.)

2 THE COURT: Mr. Morschen, you have not
3 been removed. You are going to be a juror. You are
4 excused now, but you need to keep in touch with the
5 jury coordinator to determine when to come back.
6 This is a long process, this questioning process.
7 So it's a moving target right now. So keep in touch
8 with the jury coordinator and they will let you
9 know. Thank you.

10 JUROR: Thank you.

11 (The juror exited the courtroom.)

12 (Prospective juror entered courtroom.)

13 THE COURT: Please come forward. We are
14 going to put you in the jury box there for some
15 questioning. So come all the way forward and then
16 you turn around there to your right, and then find
17 that chair that's partially turned. And before you
18 sit down, please raise your right hand to be sworn.

19 (The prospective juror was sworn in.)

20 THE COURT: Have a seat. And we will
21 start by you stating your name, please.

22 JUROR: Julie Brewer.

23 THE COURT: Okay. Ms. Brewer, I am going
24 to provide some comments, and then I will ask you
25 just a few questions.

13:53:57 1 JUROR: Okay.

2 THE COURT: Then I am going to turn it
3 over to the defense to ask more questions. There
4 may be questions from the prosecution as well.

5 Now, during the questioning, keep in mind
6 this word or phrase, *Voir Dire*, that's what this
7 questioning is all about. To tell the truth and to
8 help us figure out a whole bunch of things on how to
9 select a jury. So we are going to appreciate your
10 truth telling, and your cooperation during this
11 process.

12 Now, there may be a request to excuse you
13 for cause. There may be a request to exercise a
14 preemptory challenge, or neither one. Now, a
15 challenge for cause means, someone thinks there is a
16 reason you shouldn't be on the jury, and they will
17 bring that to me, and I will make a decision about
18 that.

19 JUROR: Okay.

20 THE COURT: A preemptory challenge can be
21 exercised by either side. They have a number of
22 challenges that they can exercise and that they make
23 that decision, I don't.

24 JUROR: Okay.

25 THE COURT: If one of those things happen,

13:55:06 1 then you would be removed and excused, and I would
2 simply thank you for your service.

3 Now, have you had any conversations with
4 anyone about this case since filling out the
5 questionnaire?

6 JUROR: No.

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

10 JUROR: No.

11 THE COURT: There are rules of law. I am
12 going to state a few right now, but there are other
13 rules of law that may be -- almost certainly will be
14 given to the jury during the trial. Just to be
15 basic, the defendant is presumed to be innocent.
16 The state has the burden of proof. The state must
17 prove any charge beyond a reasonable doubt. And the
18 defendant does not have to prove innocence. Now,
19 those and others rules that are given, will you be
20 able to follow the rules of law as I give them to
21 you?

22 JUROR: Yes.

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

13:56:11 1 JUROR: No.

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

3 BY MR. DEVORE:

4 Q Thank you. Good afternoon, Ms. Brewer?

5 A Good afternoon.

6 Q I am going to jump to one of your
7 questions that I flagged, because I want to ask you
8 about your availability to be a juror in this case.
9 Okay?

10 A Yes.

11 Q So you indicated that you have some prior
12 obligations concerning your father; is that correct?

13 A Yes.

14 Q And you indicated that he was recently
15 diagnosed with esophageal cancer and that you have
16 an appointment or appointments tomorrow?

17 A Yep, only tomorrow.

18 Q Okay. So if tomorrow you were free to do
19 whatever you wanted to, would you be available then
20 after that?

21 A Yep.

22 Q So that was the only day that was a
23 conflict?

24 A Yes.

25 Q So if I was to tell you that tomorrow we

13:57:03 1 won't need you, does that clear your mind of
2 concern?

3 A Yes.

4 Q All right. I will jump back. I
5 understand that you are a registered nurse?

6 A Yes.

7 Q Where do you work, Regions?

8 A Yep.

9 Q What area are you in?

10 A Oncology.

11 Q Oncology unit, okay. And you have been
12 there for about three and a half years?

13 A Yep.

14 Q What do you do in that department at
15 Regions?

16 A So I work outpatient cancer center. So we
17 administer chemotherapy. I work directly with a few
18 doctors pretty closely. Some days I will give chemo
19 and infusions and some days I work more on the
20 clinic side where we see patients directly.

21 Q You administer drugs per doctor's orders?

22 A Yes.

23 Q Do you get to see prescriptions that they
24 are prescribing?

25 A Yep.

13:58:04 1 Q And you actually handle them and then
2 administer them, correct?

3 A Yes.

4 Q Okay. So have you had some training in
5 the effects of drugs on a person's body and things
6 like that?

7 A Yeah.

8 Q Do you ever get to look at lab results?
9 Is that a yes?

10 A Yes.

11 Q Like a urine test?

12 A Yes.

13 Q How about a blood test?

14 A Yes.

15 Q When you get to look at those, are you
16 looking at them so you can analyze them and figure
17 out what's going on, or is it just so you can see
18 them after a doctor has already looked at them?

19 A Typically, I look at them first. Because
20 the doctors are in with patients during the day.
21 Then I bring it to their attention that there is
22 concerning findings, or just need them to review it
23 so that we can notify the patient, or that I can.

24 Q So what are you looking for, specifically,
25 in your line of work?

13:58:59 1 A Usually infection. Like they have an
2 infection and there's blood in the urine.

3 Q You're looking for, like, white blood cell
4 counts and things like that?

5 A Yep.

6 Q Okay. What about drugs, is there any drug
7 screening that you do?

8 A Not typically. I can't say if I have ever
9 had a drug screen come in through the cancer center
10 that we have directly done.

11 Q Have you worked in any other capacity as a
12 nurse other than at Regions?

13 A Yes, I worked inpatient oncology in Eau
14 Claire, Wisconsin.

15 Q Okay. Any other internships or anything
16 that you have done?

17 A I did an internship on that department.

18 Q And in any of those other capacities would
19 you have been in a position where you would have
20 been reviewing like drug screening tests or blood
21 work, like that kind of stuff?

22 A No.

23 Q Have you ever heard of the drug called
24 scopolamine?

25 A Yes.

14:00:01 1 Q What do you know about that drug?

2 A What do I know about scopolamine patches?
3 Sometimes patients can use them for delayed nausea.

4 Q What's the purpose of using that
5 particular drug?

6 A If nothing else, it's working kind of in
7 our line of treatment.

8 Q For what, though? What does it do to the
9 patient?

10 A Oh, it helps with nausea.

11 Q Okay. Helps them feel less nauseous?

12 A That's our goal, yeah.

13 Q So is it kind of like Dramamine or what is
14 it?

15 A Similar. I guess I haven't used it a lot.
16 When I worked inpatient, some of our patients that
17 would go on comfort care would use scopolamine
18 patches to dry up secretions as well.

19 Q So is that the correct -- I've been
20 calling it scopolamine, but you're saying it's
21 scopolamine?

22 A Scopolamine, scopolamine. I don't know.
23 I have heard it both ways.

24 Q Oh, okay. I just want to make sure I am
25 saying it the right way. Have you seen it in any

14:01:13 1 other form other than in the patch form?

2 A Um, no.

3 Q And you say you don't work with it much.

4 Like you have been doing this for how many years?

5 A Probably six now.

6 Q How many times have you seen scopolamine
7 used?

8 A I probably, honestly, haven't used it
9 since I have been at Regions Outpatient Center.
10 Inpatient for my three years, I probably used it
11 maybe once a month.

12 Q Have you ever heard of scopolamine drug
13 being used in some non prescribed way?

14 A No.

15 Q Like in some other country or something
16 like that?

17 A No.

18 Q Because not all drugs are used in the way
19 they are prescribed, right?

20 A I do know some people get a prescription
21 for it to use for like motion sickness and stuff.
22 But I think, like, if they are going on amusement
23 park rides and stuff like that.

24 Q What kind of other prescription? Would
25 that be in a patch form again?

14:02:22 1 A Yes.

2 Q Do you know if it comes in some other
3 form, or is it just patch?

4 A I am not aware. All I know is the patch.

5 Q Now, as a nurse over at Regions, do you
6 have a supervisory or managerial duties over there?

7 A I mean, I would consider working with the
8 doctors. I kind of do more that kind of work,
9 managing their labs, and do whatever the doctor
10 tells me to do.

11 Q Sure. So are you managing other people,
12 though?

13 A Coworkers?

14 Q Yes.

15 A No. I am not a charge nurse at this
16 facility.

17 Q So I guess what I am referring to, or what
18 we are asking for in this question is like, are
19 there people in your job that look to you as their
20 supervisor, or leader, or that you give assignments
21 to, or do that kind of stuff?

22 A No, not directly. I don't have that
23 title. I would say if our charge nurse is sick, I
24 am probably one of the ones to come to.

25 Q Okay. So you're kind of the first

14:03:25 1 assistants or something?

2 A Yeah.

3 Q How do you get to be at that level? Is
4 that just from working there for a long time?

5 A Just your skills, I think. How I manage
6 things and stay on top of things, and address the
7 things that we would expect to happen.

8 Q And do you ever have to resolve conflict
9 or issue/disputes with other coworkers?

10 A Ah, not typically.

11 Q Okay. You said you like to -- one of your
12 shows you like to watch is Criminal Minds?

13 A Mm-hmm.

14 Q Is that the one on ion, that TV show, that
15 station?

16 A I don't know. I watch it on Netflix.

17 Q Okay. What is it about that show that you
18 like?

19 A I just like trying to figure out what's
20 going on and anticipate what's coming.

21 Q Okay.

22 A Just the investigating part.

23 Q So then at the end of each hour, or
24 episode, they typically come to a conclusion, right?

25 A Mm-hmm.

14:04:31 1 Q They usually figure it out, right?

2 A Yeah.

3 Q And they might use some fancy
4 investigative tools and things like that, right?

5 A Mm-hmm.

6 Q Now, in this courtroom we may or may not
7 use that kind of stuff. You understand that there
8 is a difference between criminal minds investigation
9 and then reality?

10 A Yes.

11 Q You wouldn't confuse the two or interject
12 criminal minds' level of investigation with what we
13 have here?

14 A No.

15 Q Okay. Just entertainment, right?

16 A Yes.

17 Q Just like to watch it. Okay. How do you
18 typically get your news? How do you figure out
19 what's going on in the world?

20 A I try to watch once in a while, like,
21 Nightly News. But otherwise we just use the
22 Internet.

23 Q Okay.

24 A I don't the watch it enough, I don't
25 think.

14:05:29 1 Q You don't have an automatic 10 o'clock sit
2 down and watch TV?

3 A No.

4 Q When you do watch the news, is there a
5 particular segment that you look for, or you just
6 kind of sit and watch the whole thing?

7 A Probably sports and weather.

8 Q So the latter half?

9 A Yes.

10 Q So what's your feelings about the crime
11 rates in this country, do you have any?

12 A Not really right off the bat. Probably
13 higher than they need to be or should be. I don't
14 know.

15 Q Okay. Now, you were asked a question,
16 would you tend to believe a police officer more than
17 any other witness, and you -- appears that you
18 hesitated because both boxes are checked. I think
19 you answered no, but maybe can you tell us what your
20 thoughts are on that?

21 A I mean, I didn't know if they were looking
22 at the aspect of believing a police officer over a
23 witness.

24 Q That's what --

25 A But obviously, a police officer I would

14:06:43 1 believe. But I mean, I don't want to turn off a
2 witness. I feel like they would be telling the
3 truth as well, so there has to be some investigating
4 about --

5 Q So let me see if I can phrase it a
6 different way.

7 A Sure.

8 Q Everybody that sits down in this trial
9 will be put under oath, so they will be sworn to
10 tell the truth, okay?

11 A Mm-hmm.

12 Q And would it be your belief as a juror if
13 you heard them swear to tell the truth, would you
14 assume that they're going to tell the truth?

15 A Yes.

16 Q Okay. Now, they may say somethings in
17 your testimony, and you say, no, no, or whatever.
18 But as they sit down, you would assume that both of
19 them would be telling the truth, correct?

20 A Yes.

21 Q Okay. And I guess what we are looking for
22 is, automatically just because it's a police
23 officer, would you say that person is going to be
24 more truthful than another person?

25 A I mean, I feel like they are both sworn in

14:07:40 1 to tell the truth and they said they would, then no.

2 Q Okay.

3 A I wouldn't look at them differently.

4 Q Okay. That's what we are asking for.

5 A Okay. Thank you.

6 Q Now, you said you believe the jury system
7 is fair, why -- do you have a particular reason,
8 just in general, why you think the jury system is
9 fair?

10 A Um, I just feel like I think cases that
11 are brought to court are fairly executed, I would
12 assume.

13 Q Let me ask you, is the jury system fair
14 regardless of the outcome? For instance, if a
15 person is found guilty, then it might have been
16 fair. But if they're found not guilty, is it also
17 might have been fair?

18 A Um yeah, I think so.

19 Q Is it the process that you're looking at
20 is the fair part?

21 A Yeah. Kind of like the steps to determine
22 if someone is guilty or not guilty.

23 Q Okay. Would you agree that fair is the
24 process to get to the conclusion, correct?

25 A Yes.

14:08:56 1 Q And if the conclusion is based on the
2 evidence that is presented in trial, whether that's
3 guilty or not guilty, that's a fair result, correct?

4 A Yes.

5 Q Okay. And you think, in your head, in
6 your mind, you think we have a pretty good system
7 accomplishing that?

8 A I think so.

9 Q Have you ever served on a jury before?

10 A No.

11 Q Do you have any lawyers in your family or
12 close friends that are?

13 A No.

14 Q Just on your father's situation again real
15 quickly, is there anything that you foresee that is
16 going to come up in the next couple of weeks that
17 might demand your further attention with him?

18 A I don't think so.

19 Q Are there any appointments that you're
20 planning that you might learn of a result of a test,
21 or something, that could impact your ability to
22 focus on this case?

23 A Nope. We have his schedule planned out
24 for the next five weeks. We kind of have, between
25 my siblings and family, who is driving what days.

14:10:06 1 The only one I am responsible for is tomorrow's.

2 Q He is in the treatment stage?

3 A Yes. There is no scans or anything prior
4 to the end of treatment.

5 Q All right. Now, you indicated that you
6 feel that this is an important process, but you are
7 a little bit nervous?

8 A Yeah. Just sitting here being here. I
9 have never been through this. Like nervous, but yet
10 interesting and intriguing.

11 Q Sort of a, I call it a healthy nervousness
12 or healthy anxiety.

13 A Yeah.

14 Q You're not losing sleep over the process,
15 right?

16 A No.

17 Q How do you -- do you find yourself to be
18 an extroverted or introverted type of person by
19 nature?

20 A Um I've never answered that question.
21 Maybe slightly more introverted depending on the
22 situation. But yet I am very outgoing. I don't
23 know.

24 Q Well, if you are in a group of people, are
25 you going to be making an effort to go around and

14:11:21 1 introduce yourself and engage in interaction, or
2 would you tend to maybe select a smaller group to
3 hang out with?

4 A Probably a little bit smaller group. I
5 try to engage everyone.

6 Q Okay. Is a larger group, 10, 12 people
7 type group if you were in, would that be
8 intimidating to you at all?

9 A No.

10 Q What if you were asked to voice, what do
11 you think, what's your opinion? Would that be
12 intimidating to you?

13 A No. I would give my opinion.

14 Q Do you own a cell phone?

15 A Yes.

16 Q And do you have any computers at home?

17 A I have a tablet.

18 Q A tablet. Okay. Any other computers?

19 A Nope. My fiance has a laptop.

20 Q And your tablet and your cell phones,
21 those have Internet access?

22 A Yep.

23 Q Do you use that frequently?

24 A On my phone I do.

25 Q What kind of thing do you do on the

14:12:26 1 Internet on your phone?

2 A Typical Facebook and Instagram, Google and
3 weather.

4 Q Instagram, okay. Connect with friends and
5 stuff like that?

6 A Oh yeah. I have text and talk.

7 Q What about searching on the Internet?
8 Surfing the web, if they still use that terminology?

9 A I don't know. If there's something I'm
10 looking for, then I would look it up. I don't just
11 go on Google and search stuff.

12 Q So recreationally in your free time you
13 wouldn't find -- we wouldn't find you looking at
14 your phone just searching various different things?

15 A No.

16 Q More of a purpose of being there kind of a
17 search?

18 A Yes.

19 Q Are you familiar with the different search
20 engines that are out there?

21 A Like --

22 Q Do you know what a search engine is?

23 A Google, yes.

24 Q Yeah.

25 A That's what I would use, yes.

14:13:31 1 Q What about the Dark Web, have you ever
2 heard of that before?

3 A No.

4 Q Do you know anything about computers, how
5 they work, how they're programmed?

6 A Not really, no.

7 Q If you had a problem with your computer,
8 would you take it in or would you try to fix it
9 yourself?

10 A I would take it in.

11 Q Take it in. Have you ever had anybody
12 access your computer, like Geek Squad or
13 something -- some technical, somebody is going to
14 get access to your computer so they can see if
15 there's a problem with it. Have you ever had that
16 done?

17 A I have had, like, Verizon do it. They had
18 to get on my phone, and they can manage it from
19 behind the scenes.

20 Q So remotely?

21 A Yes.

22 Q They weren't sitting right next to you?

23 A Correct.

24 Q So you talk to him, said I'm having this
25 problem. They were able to go into your phone and

14:14:33 1 figure stuff out?

2 A Mm-hmm.

3 Q Take care of things?

4 A Yes.

5 Q How about with your TV, do you have like
6 cable TV?

7 A Not right now, no.

8 Q Have you ever had cable TV before?

9 A Yes.

10 Q Have you ever had a problem with your TV
11 and you call the company and then they access your
12 TV stuff remotely?

13 A Yes.

14 Q So you're familiar with that concept of
15 remote access?

16 A Yes.

17 Q Now, are you familiar with terms like
18 modem and server and router; are you familiar with
19 those things?

20 A Yes.

21 Q How about WiFi; do you know what that is?

22 A Yes.

23 Q What is that?

24 A Wireless Internet.

25 Q How about antivirus software and malware;

14:15:17 1 are you familiar with that stuff?

2 A I mean, a little bit.

3 Q Do you know what it's for?

4 A Yes, protect viruses and other things from
5 getting on your computer.

6 Q Okay. Protect other people from getting
7 on your computer?

8 A Mm-hmm.

9 Q Have you ever experienced a problem in
10 that way that somebody got on your phone or
11 computer?

12 A Luckily, no.

13 Q Do you know of anybody that that's
14 happened to?

15 A Yes.

16 Q Who is that, friends or family?

17 A Yes, friends.

18 Q So you have had some friends who have had
19 some issues with somebody hacking their computer?

20 A Yes. Like hacking their Facebook account
21 or --

22 Q And Facebook accounts, you have a password
23 for your Facebook account?

24 A Yes.

25 Q So somebody was able to access your

14:16:15 1 friend's account and do something to it?

2 A I guess, yeah.

3 Q Have you heard of that otherwise, the big
4 companies that get hacked?

5 A I guess I have heard it on the news.

6 Q All right. How do you do your banking, do
7 you bank online?

8 A Yes.

9 Q Do you send payments through the website,
10 the banking website?

11 A Yeah. I have automatic payments set up
12 through their website.

13 Q Like bill pay?

14 A Yes.

15 Q How about anything, do you purchase things
16 online?

17 A Sometimes, yeah.

18 Q What do you use to purchase things? Like,
19 do you use a credit card?

20 A Yeah.

21 Q So you type in your credit card
22 information?

23 A Yeah.

24 Q And hit send?

25 A Yeah.

14:16:58 1 Q How about Pay Pal, have you ever used that
2 before?

3 A You know, I don't think I have ever used
4 that. I hear all about it, but I almost never use
5 it, or never have used it for anything.

6 Q What about Money Gram and Western Union;
7 have you ever used those before?

8 A No.

9 Q Do you know what they are?

10 A Money Gram?

11 Q Yeah.

12 A No.

13 Q Do you know what Western Union is?

14 A No.

15 Q Have you ever visited an online dating
16 website?

17 A Yes.

18 Q Have you ever used one before?

19 A Yes.

20 Q Have you ever met anyone on there before?

21 A Yes.

22 Q Which website or websites have you used?

23 A I used Match.com and Tinder.

24 Q Okay. And on those websites, do you have
25 to, what, put in some of your personal information?

14:17:58 1 A Yeah. You create an account with your
2 name and then they ask for your age or something.
3 Your hobbies.

4 Q When did you use those sites?

5 A Like probably three to five years.

6 Q Okay. Have you ever heard of Bitcoins?

7 A No.

8 Q Ever heard of that concept, that term?

9 A No.

10 Q When you pay for stuff at a store, or what
11 have you, how do you pay for it typically; cash,
12 credit card, debit?

13 A Typically, credit card, debit.

14 Q All right. Some type of a card?

15 A Yep.

16 Q All right. And so, we kind of touched
17 this in the beginning, but if there was a concept or
18 a word or something that you hadn't heard of before,
19 you weren't familiar with it, how would you educate
20 yourself as to what that means? Would you go to the
21 library, would you go ask somebody?

22 A Look it up on my phone.

23 Q Look it up online. Do you have a
24 particular website that you go to for information?

25 A Just Google. Type it in the search engine

14:19:28 1 and whatever pops up.

2 Q Okay. Are there any advocate groups at
3 all that you volunteer for?

4 A No.

5 Q Like Cornerhouse or Guardian ad Litem or
6 anything like that?

7 A No.

8 Q Are there any nonprofit groups or
9 organizations that you participate in regularly?

10 A No.

11 Q What do you typically find yourself doing
12 in your free time?

13 A Visiting family and friends. I am
14 originally from Wisconsin, so I go back home. I try
15 to visit them. Try to be active, otherwise water
16 sports.

17 Q Vikings?

18 A Packers.

19 Q Now, you've only lived here for what, two
20 years?

21 A Yep.

22 Q Otherwise, you were in Wisconsin?

23 A Yep.

24 MR. DEVORE: Okay. Could I have a few
25 minutes, Your Honor?

14:20:47 1 THE COURT: You may.

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

3 THE COURT: You may.

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

6 THE COURT: All right. You have been
7 removed.

8 JUROR: Okay.

9 THE COURT: I thank you for your service
10 up to this point. You are excused and you are free
11 to go.

12 JUROR: Okay.

13 THE COURT: Thank you.

14 (The juror exited the courtroom.)

15 (Prospective juror entered the courtroom.)

16 THE COURT: Please come forward, sir. We
17 are going to put you in the first row of that jury
18 box. So come all the way to the front and then turn
19 that way. You have a chair that's turned partly
20 around, that's probably a good place to sit. Before
21 you sit down, raise your right hand, please, to be
22 sworn.

23 (The prospective juror was sworn in.)

24 THE COURT: Okay. Have a seat, sir.

25 Let's start by you simply stating your name.

14:24:12 1 JUROR: Terrence Mistalski.

2 THE COURT: Okay. We have this word
3 truthfully that's just been asked of you. This
4 phrase Voir Dire, which means to speak the truth.
5 That's what this questioning is all about. While we
6 appreciate your truthfulness and your cooperation
7 with the process.

8 I have a few things to say to you. And
9 then I will ask you just a few questions. Then I
10 will turn it over to the defense to ask some
11 questions, and possibly the prosecution as well.

12 Now, during the questioning there may be a
13 request to excuse you for cause. Or there may be a
14 request to exercise what we call a preemptory
15 challenge. Or there may be neither one of those
16 things. Now, a challenge for cause means that one
17 side or the other thinks there is a reason you
18 should not be on the jury. That gets brought to me
19 and I make that decision. A preemptory challenge
20 can be exercised by either the defense or the
21 prosecution. They each have a number of those that
22 they can do. That's their choice where they could
23 remove you without stating a reason. If either of
24 those things happens, I will simply tell you that
25 you are removed, and excuse you, and thank you for

14:25:34 1 your service.

2 So the questions: Have you had any
3 conversations with anyone about this case since
4 filling out the questionnaire?

5 JUROR: I have not.

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

9 JUROR: I have not.

10 THE COURT: Now, there are some rules of
11 law. I am going to tell you a few of them. The
12 defendant is presumed to be innocent. The state has
13 the burden of proof. The state must prove any
14 charge beyond a reasonable doubt. And the defendant
15 does not have to prove innocence. There are other
16 rules of law as well that will be instructed to the
17 jury from me during the trial. Will you be able to
18 follow the rules of law as I give them to you.

19 JUROR: Yes, I can. Yes, I will.

20 THE COURT: Is there any reason in your
21 mind that you cannot be a fair and impartial juror
22 in this case?

23 JUROR: I do not.

24 THE COURT: Mr. DeVore.

25 MR. DEVORE: Thank you.

14:26:40 1 BY MR. DEVORE:

2 Q Good afternoon, Mr. Mistalski.

3 A Hello.

4 Q I see that you are a consultant. Is that
5 what you do for --

6 A Medical device and health care systems.

7 Q And that's what you are doing currently?

8 A Yes.

9 Q You work out of the home then?

10 A Yes, I do.

11 Q How long have you been in that capacity?

12 A About four years.

13 Q So tell me what you do in that capacity.

14 A I work with small startup companies. Help
15 them out getting the market penetration, talking to
16 some health care systems that might be interested in
17 new devices or systems to use for health care and
18 patient outcomes.

19 I work with established companies that may
20 have new technology to bring out. For instance, I
21 worked with Australian companies about a year and a
22 half ago working with new technology, market
23 development, things like that.

24 Q So do you come from a business development
25 background and you happen to work in the health care

14:27:55 1 industry or do you come from --

2 A Yes. I have been in marketing and
3 business development for decades.

4 Q Always in the health care industry or is
5 that --

6 A About the last 20 years.

7 Q What is it about the health care industry
8 that that's where you took your practice?

9 A Well, I was in retail and I've been in
10 corporate America for many, many years. And I
11 was -- there was a fairly small company that I
12 helped them out. Again with new systems for health
13 care. Because of some of my background when I
14 worked at Ecolab, I was vice-president of marketing
15 so I helped them with their marketing in 2001
16 probably.

17 Q Okay. So you said that you have been in
18 corporate America. So you still work at Ecolab?

19 A Right. Yep. And the last two companies,
20 the previous one. Was in corporate employment for
21 close to 40 years overall.

22 Q So you were vice-president of marketing;
23 is that what you said?

24 A Yes.

25 Q So does that mean that you were in charge

14:29:16 1 of managing other people?

2 A Yes.

3 Q How many other people worked underneath
4 you?

5 A Probably close to 15 people, I guess, at
6 different locations.

7 Q 5-0?

8 A 15.

9 Q So these are people that worked around the
10 country or --

11 A Mostly here in the Twin Cities, or other
12 parts of the country, other states.

13 Q So was it your job as a manager to check
14 in with them frequently?

15 A Frequent, no. Case depending. Depending
16 on, you know, the products they were working on. If
17 they had questions as to the forum, but yes.
18 Different times depending on the system situation.

19 Q Okay. When you might run into issues with
20 some of your -- back when you were a manager, when
21 you would run into problems, how did you solve
22 problems with your people that were working
23 underneath you?

24 A Typically, one on one discussions. Hey,
25 what's going on? You got some issues. How can I

14:30:28 1 help you with that? What do you need from me? What
2 can we do? Things like that. If need be, we need
3 to do some things like work with HR, see if there
4 was someone who had the information. Hoping best
5 resolution for the employer/employee.

6 Q Okay. So you went -- are you on your own,
7 then, with your consulting business?

8 A Yes. I am currently. I am no manager for
9 anyone else. I am currently on my own. I am
10 self-employed consulting.

11 Q And you have been doing that in that
12 capacity for four years now?

13 A Little over four years.

14 Q Okay. So at home, then, do you have a
15 computer system at home that you use?

16 A Yes, I do.

17 Q Is it fairly sophisticated, simple, or
18 what do you have?

19 A Well, I'm not a whiz. But I am pretty
20 good with a laptop. You know, I have a full screen
21 of office software, fax, scan, things like that.
22 That's about it.

23 Q Do you have like a server at all?

24 A Not really a dedicated server. Just out
25 in the cloud as well as in the hard drive.

14:32:05 1 Q Okay. What about, do you use things like
2 antivirus software, malware, things like that?

3 A Yes.

4 Q How do you know about those thing? Did
5 somebody tell you to put those on there?

6 A I learned that stuff over the years. When
7 I went by myself, I went to a local consultant, some
8 computer software expert here in the Stillwater
9 area. Make sure they set me up with antivirus scans
10 and fixes.

11 Q Sure. Have you ever had any problems with
12 anybody hacking into your computer or a virus or
13 anything?

14 A Not that I know of. I don't think so.

15 Q Anybody close to you that you have seen
16 that happen to?

17 A No, I don't think so.

18 Q Did you ever read in the paper or see on
19 the news where that has happened, some of the big
20 companies?

21 A I'm sorry, of what company?

22 Q Just have you heard on the news about any
23 big company getting hacked into or anything like
24 that?

25 A Of course.

14:33:15 1 Q Where do you typically get your news from?

2 A Radio and TV.

3 Q What kind of radio stations do you listen
4 to?

5 A News.

6 Q Do you have a particular station that you
7 listen to?

8 A Yeah, Minnesota Public Radio.

9 Q Okay. That's just kind of -- some people
10 just have that on in the background playing all of
11 the time. Is that sort of the case or --

12 A It is streaming. When I'm working out of
13 my home office, I have that on for talk or looking
14 at -- listening to music there, too.

15 Q Okay. When you have computer issues, do
16 you typically solve them yourself, or try to solve
17 them yourself, or do you have an IT person that you
18 go to.

19 A If I can't do it myself, I will get an IT
20 guy.

21 Q Have you ever seen anybody access your
22 computer remotely in order to do like
23 troubleshooting or anything like that, Geek Squad?

24 A I have not had one of those, except for a
25 company -- an Australian company I did consulting

14:34:17 1 for about a year and a half ago. They did do some
2 install remotely with some new medical information
3 about a year and a half ago, I suppose.

4 Q So they needed to access your laptop
5 remotely and install some software?

6 A Yes.

7 Q So you're at least familiar with the
8 concept of somebody accessing a computer remotely?

9 A Oh, sure. With my -- my -- it's called --
10 trying to think of the word.

11 Q Like password?

12 A They can't do it without my approval to
13 access it.

14 Q Now, your role as a medical device
15 consultant, health care consultant, do you ever have
16 occasion to review lab reports and things like that
17 or is that not done?

18 A I do not.

19 Q Any medical training in your past?

20 A Yeah.

21 Q Have you had like medical school or
22 anything like that?

23 A I was going to be -- I did kind of like a
24 premedical. In fact, that's my undergrad and I
25 worked in a number of other related ones, you know,

14:35:51 1 biology, things like that.

2 Q So you were going to go premed back in
3 college?

4 A Yes. Many years ago.

5 Q Sure. I did see as well that you were
6 called as a witness in a patent infringement
7 deposition?

8 A Yes.

9 Q Did you used to work in that field or is
10 that something that you still do?

11 A The company I work for was being
12 potentially sued by a patent infringement.

13 Q Okay. What did you have to testify about?
14 Were you an expert or a witness?

15 A Well, I was, I think, this goes back 20
16 plus years ago, because I headed up a product line
17 that one of the products in that product line may
18 have been targeted as being part of a patent
19 infringement. And I worked for -- I was -- the
20 department that was having this product go into
21 that, I had a, again, a deposition, and that's kind
22 of what I had to add to the potential attorney from
23 the other company.

24 Q And what is your -- are you married?

25 A Yes, I am. I am married.

14:37:26 1 Q What does your spouse do?

2 A High school teacher in Washington County.

3 Q Okay. Now, you have also volunteered as a

4 boardman for a nonprofit organization?

5 A Yes.

6 Q Which organizations?

7 A Community Threads here in Stillwater.

8 Q Community Threads?

9 A Pardon me?

10 Q Community what?

11 A Community Thread. It's targeted for

12 senior services here (inaudible).

13 Q Okay. Any other ones?

14 A Valley Chamber Chorale. It's a singing

15 organization here in Stillwater as well.

16 Q Okay. Any other ones?

17 A No.

18 Q Are you a board member on those

19 organizations?

20 A Yes.

21 Q Okay. And how big are the boards on these

22 organizations?

23 A No more than ten per -- for each

24 organization.

25 Q And do you have regular meetings with

14:38:48 1 these organizations?

2 A Well, once a month. At least once a
3 month.

4 Q Have you ever served as chair of one of
5 those organizations?

6 A I have not.

7 Q Do you have subcommittees in these?

8 A Yes.

9 Q Have you ever been asked to lead one of
10 those subcommittees?

11 A Yes. Probably some fundraising
12 initiative, probably.

13 Q When you have these board meetings you get
14 together as a group?

15 A No. A lot of times, typically, it's
16 during the workday so most of us try to get together
17 as a group, but sometimes we just can't do it. But
18 yes, typically as a group. Not one on one or just
19 one. Just because, I think, you know, we have to
20 have at least a quorum.

21 Q Sure. So at these meetings you talk about
22 different things and get to discuss your thoughts
23 and exchange ideas and stuff like that; is that
24 right?

25 A That's a good way of summarizing it.

14:39:56 1 Q Sometimes do you have disagreements;
2 healthy ones?

3 A I suppose you could call it that. Just
4 sharing views and opinions, things like that. Very
5 individual organization and discussions.

6 Q Okay. Would you think of yourself, or
7 define yourself as being more of a conformist or
8 more of a rebel?

9 A That's a tough one. Always like a shade
10 of gray or something. I likely don't agree with
11 everybody on every stand on every event. But I am
12 certainly not a rebel. I would never be described
13 as that.

14 Q All right. If you're in the boardroom and
15 you have an idea, are you confident enough in
16 yourself to be able to talk about it, address it?

17 A Absolutely.

18 Q Explain your thoughts?

19 A Yep.

20 Q And you're a counsel member at the Marine
21 on St. Croix?

22 A Yes. Number of years ago.

23 Q Oh, past?

24 A Yeah, this is again, probably 18 years
25 ago, something like that.

14:42:00 1 Q Okay. You indicated that you might have
2 some special circumstances that might make it
3 difficult for you to serve as a juror in this case.
4 Can you explain that to me, please?

5 A Yeah. I just had a number of speech
6 therapy sessions I have had over the last couple of
7 months.

8 Q Okay. And you have some scheduled
9 appointments?

10 A Yeah, once a week. I think into --
11 through into February. Once a week, one day per
12 week here in until February.

13 Q One day every week. So what happens if
14 you miss one of those?

15 A Well, I would have to reschedule and I
16 don't know.

17 Q And is this for yourself?

18 A Yes, it is.

19 Q Is this something that you have been
20 doing?

21 A About four months ago.

22 Q Is there something that happened that
23 resulted in that?

24 A Yes. I had a stroke in September.

25 Q Okay. And have you recovered from that

14:43:23 1 for the most part or --

2 A Well, no one has given me a barometer on
3 that. But I believe I have. It's been minimal.
4 It's physical, just some speech issues.

5 Q Okay.

6 A That's about it.

7 Q How about anything affecting, you know,
8 the ability to focus, paying attention, things like
9 that?

10 A I have not had -- I was evaluated to not
11 have any cognitive deficiencies. I had associated
12 neuroscience.

13 Q Okay. I am just going to ask you a few
14 questions about your knowledge about the Internet
15 and things like?

16 A Okay.

17 Q Have you ever heard of the term Dark Web?

18 A Dark?

19 Q Correct.

20 A I may have heard of it in an article, but
21 I can't give a definition if you were to ask me.

22 Q Okay. Have you ever heard of the term
23 Bitcoins?

24 A Yes, I have definitely heard it used.

25 It's up and coming. Yeah.

14:45:07 1 Q What have you heard?

2 A It's fairly new. It's an electronic
3 selling and paying of finance technology.

4 MR. DEVORE: Can I have just a minute,
5 Your Honor?

6 THE COURT: You may.

7 MR. DEVORE: May we approach?

8 THE COURT: Yes, you may.

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

11 THE COURT: Sir, you have been removed.

12 You will be able to go to your sessions. So you are
13 excused. I thank you for your cooperation. You may
14 leave.

15 JUROR: Okay. Thank you.

16 THE COURT: Thank you.

17 (The juror exited the courtroom.)

18 THE COURT: Going to take a break. Start
19 with the next witness at five after three.

20 (A recess was taken.)

21 (Prospective juror entered courtroom.)

22 THE COURT: Come on forward, please. Come
23 back to that chair that's turned partially there.
24 Before you sit down, please raise your right hand to
25 be sworn.

15:06:49 1 (The prospective juror was sworn in.)

2 THE COURT: Have a seat. If you need it
3 as we go, there is a carafe of water with a cup.
4 You may use that.

5 Please state your name for the record.

6 JUROR: Teresa McCartney.

7 THE COURT: Ms. McCartney, there is going
8 to be some questioning here. You already heard the
9 term Voir Dire that I gave you a few days ago. That
10 has to do with speaking the truth. So I will
11 appreciate your truthfulness, and your candor, and
12 your cooperation.

13 I have some comments to make to you, and
14 then some questions, not very many, for you. Then I
15 will turn it over to the attorneys. The defense
16 attorney will ask you some questions. Possibly the
17 prosecutor will as well.

18 During the questioning there may be a
19 request to excuse you for cause, or there may be a
20 request to exercise what we call a preemptory
21 challenge, or there may be neither one of those
22 things. A challenge for cause simply means that one
23 side or the other thinks that there is a reason you
24 shouldn't be on the jury. They will bring that to
25 me and I will make that decision. A preemptory

15:08:05 1 challenge can be exercised by either side. They
2 each have a number that they can do. They don't
3 have to give a reason for it. It just is their
4 option. If one of those two things happens, you
5 will be excused, you will be removed, and I will
6 thank you for your service. But here we go.

7 Have you had any conversations with anyone
8 about this case since filling out the questionnaire?

9 JUROR: No.

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

13 JUROR: No.

14 THE COURT: There are some rules of law.
15 I am going to read four of them to you. But there
16 are other rules of law that will be given to the
17 jury during the trial. The ones I am giving you now
18 is, the defendant is presumed to be innocent. The
19 state has the burden of proof. The state must prove
20 any charge beyond a reasonable doubt. And the
21 defendant does not have to prove innocence.

22 As to these or other rules will you be
23 able to follow the rules of law as I give them to
24 you?

25 A Yes.

15:09:15 1 Q Is there any reason that you cannot be a
2 fair and impartial juror in this case?

3 A No.

4 THE COURT: Mr. DeVore.

5 MR. DEVORE: Thank you.

6 BY MR. DEVORE:

7 Q Good afternoon, Ms. McCarney.

8 A Good afternoon.

9 Q I saw here -- I got an opportunity to read
10 your questionnaire. Is there anything that you have
11 remembered, or thought of that you would add to, or
12 change, or delete from this questionnaire since you
13 filled it out?

14 A No.

15 Q I see here that you said that you were a
16 victim of some Internet scam of some kind?

17 A Correct.

18 Q Can you tell me what that was about?

19 A It was online dating that someone
20 corresponded that they were supposedly military.
21 They were trying to start a business, so I wired
22 them some funds.

23 Q When did this happen?

24 A About three and a half years ago.

25 Q Do you remember which website this was?

15:10:17 1 A eharmony.

2 Q eharmony. Are there other dating web
3 sites that you visited as well?

4 A Yes. Match.com.

5 Q Match.com and eharmony?

6 A Mm-hmm.

7 Q Let's talk about this incident that
8 happened. With eharmony, what, do you fill out a
9 profile or something like that?

10 A So eharmony you fill out a profile and
11 then you're shown matches. And somehow they come up
12 with a match for you and you can only see the
13 matches that the computer Internet site has
14 designated that's going to be a good fit for you.

15 Q And so you saw one, and you made a
16 connection, or did they make a connection with you
17 or how did that work?

18 A They clicked on me.

19 Q Then how did you facilitate a conversation
20 with the person; was it all online?

21 A And through texting and messenger.

22 Q Oh, instant messenger?

23 A Instant messenger.

24 Q All on the computer, thought?

25 A Correct. Or texting via a phone.

15:11:28 1 Q Right. But all electronic?

2 A Right.

3 Q This particular person told you they were
4 somebody that it turns out they weren't; is that the
5 case?

6 A Correct. And then we exchanged pictures
7 and other items like that, so I thought it was
8 legit.

9 Q Did you ever meet up with this person?

10 A No.

11 Q Did you ever talk to them directly on the
12 telephone?

13 A No.

14 Q Did you do any Skype or anything where you
15 could actually see a body?

16 A No.

17 Q And so, let me understand what happened.
18 Then how did it end up being that you sent some
19 money to this person?

20 A Because they said they were getting done
21 with their tour and that they were going to get
22 ready to, you know, exit the military. Then they
23 were going to try to start a business. It was like
24 a martial arts supply business. So they asked me to
25 kind of help them establish that, so I wired them

15:12:28 1 some money. And also money to, like, a shipping
2 company, that was going to ship the merchandise.

3 Q Did this person claim they were from
4 Minnesota?

5 A Yes.

6 Q Was it -- like what kind of money are we
7 talking about, ballpark range?

8 A About \$30,000.

9 Q Okay. How did you wire or how did you
10 send that money to this person?

11 A From a bank to a bank. So from my bank to
12 a Bank of America account in the United States.

13 Q And how did you find out that this wasn't
14 actually the person that you thought it was?

15 A Because things started to come up that
16 didn't make sense. So once in a while I questioned
17 things. So I figured out -- I Googled and figured
18 out how to rent an IP address. I noticed that they
19 weren't coming from the shipping company. It has an
20 address. It has a phone number of Ohio. But the
21 correspondence that I had with some of the business
22 components side of the interaction, besides the
23 person, were being out of Maryland or Baltimore and
24 Los Angeles, and actually, Nigeria.

25 Q Okay. So what did you do as a result?

15:13:49 1 Did you report it to the police?

2 A So I did. There were two things that I
3 was supposed to report on the Internet, so I did
4 that. Then I reported a police report to Washington
5 County, which I was instructed to do.

6 Q Okay. And what happened as a result of
7 that? Police officer come out and talk to you?

8 A It was all over the phone.

9 Q Did you give a statement to the police
10 officer?

11 A I did. I have a copy of that, so it's on
12 file.

13 Q And do you know if anything happened? Did
14 they investigate it or catch somebody?

15 A They did not catch anyone. Then I also
16 went to Wells Fargo and reported that way as well.

17 Q Do you remember the name of the
18 investigator that worked on the case?

19 A I do not.

20 Q You read through the list, the large list,
21 of potential witnesses in this case?

22 A Correct.

23 Q Did you recognize a name on there?

24 A No, I did not.

25 Q Do you harbor any negative feelings

15:14:54 1 towards the investigator or the sheriff's department
2 here in Washington County?

3 A No.

4 Q Do you have any negative feelings because
5 of this situation towards just the court system in
6 general?

7 A No.

8 Q Do you feel like you were treated fairly
9 by the police?

10 A I do.

11 Q You don't necessarily blame them, maybe,
12 for not finding this particular person?

13 A No.

14 Q What have you done, if anything, as a
15 result of this incident happening to you? How has
16 it changed your life?

17 A Oh, I became a little more cautious. So
18 when I am in the dating arena, then I know not to
19 wire money. I am more upfront. I want to see
20 people. I want to meet people in a public place
21 earlier on in the relationship. I want to do that
22 to let one of my friends know where I am going.

23 Q So this was three and a half years ago; is
24 that what you said?

25 A Mm-hmm.

15:16:01 1 Q And since that time, have you used online
2 dating websites?

3 A Yes.

4 Q Have you still used eharmony?

5 A No.

6 Q Which ones have you done?

7 A So I've done Match and DBW site in the
8 last two years, and Plenty of Fish is the other one.

9 Q Plenty of Fish?

10 A Plenty of Fish. I mean I go on there, but
11 never really used it. Short term.

12 Q All right. And you said that when this
13 happened, you already did some investigation of your
14 own, right? You went online and searched some
15 things?

16 A Mm-hmm.

17 Q What kind of a -- where did you go, like
18 Google, or what do you use to search?

19 A I used Google, yes.

20 Q And have you ever heard of a term called
21 the Dark Web?

22 A I have heard of it.

23 Q What have you heard about it?

24 A It's more what people have talked about on
25 TV shows or something like that. It's a side of the

15:16:59 1 web where maybe illegal activities occur.

2 Q Okay.

3 A But I don't know more than that.

4 Q All right. Where did you hear about this
5 stuff, if you know?

6 A Probably off a TV series, like I watch a
7 lot of comic series like Arrow, and Punisher, or
8 something like that. Something I picked that term
9 up. I am sure I didn't Google that. I just heard
10 the term.

11 Q What are Arrow and Punisher? What are
12 those --

13 A A D.C. comic, TV shows, Netflix shows.

14 Q All right.

15 A So that's where I probably would have
16 picked that up.

17 Q Have you ever heard of Bitcoins before?

18 A Yes.

19 Q Do you know what those are?

20 A So I am guessing, but I think it is
21 instead of using cash, it's a way of establishing
22 wealth using technology.

23 Q Okay.

24 A I couldn't give you more details than
25 that.

15:17:55 1 Q Do you know why people use Bitcoins?

2 A I can assume. This is a guess, but it's a
3 way to gather wealth or control your wealth in
4 markets that are not financial. Financial, but not
5 in the monetary sense.

6 Q Okay.

7 A And I could be totally wrong.

8 Q Sure. Have you ever seen or heard of a
9 site called Ashley Madison?

10 A No.

11 Q How often do you find yourself looking on
12 the Internet? Do you do it, like, recreationally at
13 home at night or things like that?

14 A I do it at night and also I will sometimes
15 at work I look up stuff.

16 Q Do you like to look at the Internet just
17 on your free time, just to see what's going on in
18 the world, or do you go there for a specific
19 purpose, typically?

20 A I tend to look at travel sites, airplane
21 flights, and prices. Places I want to travel.
22 Restaurants, recipes. More like spiritual travel,
23 journals. But I don't go -- and then for work, I
24 might look up something that I wouldn't know the
25 term, or see if there is evidence to use something.

15:19:28 1 Q All right. Do you have a cell phone?

2 A Correct.

3 Q Do you have Internet access on your cell
4 phone?

5 A Yes, I do.

6 Q And you have a computer at home, too?

7 A Yes.

8 Q More than one?

9 A I have a laptop and an iPad.

10 Q Okay. Are you -- do you consider yourself
11 to be pretty computer savvy or --

12 A No.

13 Q Do you know much about the interworkings
14 of a computer, how they are programmed, things like
15 that?

16 A No.

17 Q If you have a problem with your computer,
18 what do you do, take it in?

19 A I hope it's related to work and I call the
20 IT guys at work. If it's my own personal stuff, I
21 go to Apple. There is a reason why I buy Apple.

22 Q Have you ever had occasion where you
23 allowed someone to have remote access to your
24 computer, like one of your IT guys or something like
25 that, a Geek Squad?

15:20:25 1 A So for the organization that I work with,
2 the IT guys have access to my computer.

3 Q Okay.

4 A But for my personal computer, if I'm at a
5 Apple store, and they are walking me through how to
6 problem solve something.

7 Q Sure. But your IT guys at work, they can
8 access your computer remotely?

9 A Only my work computer. That is correct.

10 Q Right. But you don't need to be sitting
11 next to them in order for that to be done, right?
12 They can do it from wherever they are at?

13 A Yes.

14 Q Have you ever heard of the terms modem and
15 router; ever heard of those?

16 A Yes.

17 Q Do you know what those are?

18 A I know they are different, and I know that
19 somehow I needed them at the time to have home
20 Internet. But now most of the Internet systems, for
21 example, I have Xcel Internet. The box has it all
22 in there together. But I don't know. I know I used
23 to have a separate device, but that's all I know
24 about that.

25 Q Sure. What about WiFi, have you heard of

15:21:39 1 that before?

2 A I've heard of it.

3 Q Do you know what that is?

4 A Yes. That's how I can use my phone and
5 Internet services.

6 Q Do you have antivirus and malware software
7 on your home computer?

8 A No.

9 Q You have Apple product; is that right?

10 A Correct.

11 Q Have you ever had anybody that -- well,
12 you had this Internet fraud that happened. But have
13 you ever had anybody that has obtained illegal
14 access to your computer, hacked into your computer,
15 or caused a virus to be on your computer?

16 A No.

17 Q Have you ever heard of that being -- that
18 happening to someone?

19 A Yes.

20 Q Friends or family?

21 A Friends, colleagues.

22 Q And have you had conversations with them
23 about what happened and things like that?

24 A They would make a comment about, they
25 clicked on something they weren't supposed to and

15:22:40 1 then they got a virus. I just say back, you should
2 have got an Apple. That was kind of the dialogue.

3 Q Okay. How do you do your banking? Do you
4 do it online?

5 A Online.

6 Q You pay bills online?

7 A Some bills online, yes.

8 Q Do you buy stuff online?

9 A Yes, I do.

10 Q Like shopping things like that?

11 A Amazon.

12 Q Amazon. And you have a credit card that's
13 registered with Amazon; is that right?

14 A Yes, it is. That I can pull up off of my
15 laptop.

16 Q You sometimes buy things online and you
17 have to type in your credit card information?

18 A Correct.

19 Q What about Pay Pal; have you ever used
20 that before?

21 A Yes.

22 Q Do you have an account?

23 A Yes.

24 Q Do you know why you got that?

25 A I had to create an account because we were

15:23:36 1 collecting money as a group for work to give a gift.
2 And the girl made a Pay Pal account so we could just
3 give her money because we don't work together in the
4 same location. So it was a way for us to get money
5 to her for a gift she was buying for another
6 colleague. That's when I used that system.

7 Q How about Money Gram or Western Union;
8 have you heard of those companies before?

9 A Yes.

10 Q What do you think of -- what do you think
11 those companies do?

12 A They wire money.

13 Q Have you ever used them before?

14 A I used them once for the scam.

15 Q Oh, that was part of that deal?

16 A Yes. It was mainly through the bank. But
17 one time I did do Western Union.

18 Q What did you have to do when you did
19 Western Union? Have to go to the bank and set it up
20 or --

21 A I went to Walgreens.

22 Q And brought cash in, or what did you do?

23 A Yes. It was all on like a ATM machine.

24 Q All right. I think I kind of addressed
25 this before. If you hear of a word or concept that

15:24:52 1 you haven't heard of before, how would you figure
2 out what it meant?

3 A So you mean here or in my own personal
4 life?

5 Q Just in your own personal life?

6 A Then I would tend to Google it. Or if I'm
7 with someone, I would ask, like, a friend or
8 colleague, hey, what's this? I don't know what it
9 is. But I tend to try to figure out what it is.

10 Q Okay. And I understand that you are --
11 are you a Registered Nurse?

12 A Yes.

13 Q And you've been doing that for quite a
14 while?

15 A I have been a Registered Nurse since 2000.

16 Q Where do you work?

17 A So I currently work at North Memorial as a
18 Nurse Practitioner for about two and a half years.

19 Prior to that, my only other nursing job was with
20 the University of Minnesota as a Registered Nurse.

21 Q What's the difference between a Registered
22 Nurse and a Nurse Practitioner?

23 A Additional education and certification.

24 Q To be a Nurse Practitioner?

25 A Correct.

15:25:52 1 Q What do you do as a Nurse Practitioner?

2 A I work in geriatrics and rehab.

3 Q Okay. Do you get an occasion to look at
4 lab reports and things like that?

5 A Yes.

6 Q How about blood tests and urine tests, do
7 you look at those?

8 A Yes, for anything that I order, I have to
9 look at.

10 Q What kind of a situation would you have to
11 order a blood test?

12 A If I am concerned about any health issues.
13 So if I'm checking renal function, liver function.
14 Checking white blood cell count for infection.
15 Checking enema for hemoglobin. Checking thyroid
16 tests. Checking the urine for culture analysis for
17 someone who has a UTI, so I am doing all that for my
18 patient population.

19 Q What is a UTI?

20 A Urinary Tract Infection. I'm sorry.

21 Q Okay. What about looking for drugs? Do
22 you do ever do a drug screen?

23 A I do not.

24 Q Have you ever analyzed a lab result that
25 had something to do with a drug screen?

15:26:53 1 A Not as a health care provider.

2 Q In your life?

3 A So as a nurse, as a registered nurse, I
4 don't analyze. When I was bedside nurse, I don't
5 have the ability and that was out of my scope to
6 analyze. But I can look and see if the result was
7 positive for a certain drug. But as a health care
8 provider, as a Nurse Practitioner, I have never
9 ordered or looked at drug tests in my current
10 practice.

11 Q Have you ever heard of the drug
12 scopolamine?

13 A Yes, I have.

14 Q What is that?

15 A So it dries up -- it's anticholinergic and
16 it dries up the secretions. We use it, like, after
17 surgery. We use it for people who are dying that
18 have extra secretions.

19 Q Okay.

20 A People also use it for motion sickness or
21 for like travel.

22 Q So it sounds like you use it a fair
23 amount?

24 A I have personally used it when I have had
25 surgery. And I have used it for lab patients,

15:27:50 1 correct.

2 Q Okay. So you have personally used it
3 yourself?

4 A Correct.

5 Q What form was that prescribed?

6 A It was a patch behind my ear after I had
7 my gall bladder removed in November of this past
8 year.

9 Q Do you know what the medication level was
10 in that patch?

11 A That was on me? I do not.

12 Q Are you familiar with the level of
13 medications that are prescribed to patients that you
14 work with?

15 A I am. If I question it, then I look it
16 up, to confirm it is not an appropriate dose given
17 the age and renal function.

18 Q These patches, do they come from, like, a
19 manufacturer and they all contain the same level of
20 dosage or are they made up per specific
21 prescription?

22 A They are manufactured at a certain dose so
23 you can't, like, change the dose and by adding
24 medication to the patch.

25 Q Okay. So let's talk about your experience

15:28:54 1 with the scopolamine. It was a patch and what was
2 the purpose of it?

3 A To dry up secretions after surgery. Like
4 oral secretions. Helps with nausea post anesthesia.

5 Q How long did you use that drug?

6 A It was placed on at 8 a.m. and taken off
7 the next morning at that time, per instructions from
8 my surgeon.

9 Q So one day?

10 A Correct.

11 Q What effect, other than internally it had
12 an effect, but did it have an effect on your
13 function, or your brain, or your ability to stay
14 focused or anything?

15 A I can't answer that question because I was
16 under anesthesia, recovery.

17 Q All right.

18 A All I can tell you is that it gave me a
19 very dry mouth. So I have no -- but I can't tell
20 you anything else, because I had anesthesia on
21 board. And I also received Dilaudid -- or I'm
22 sorry, fentanyl postop.

23 Q So maybe not with you specifically, but
24 how about some of your patients that have used this
25 scopolamine. Have you seen, or do you know of the

15:29:58 1 effects it can have on a person's body, other than
2 the internal stuff that we talked about.

3 A I do not, because it's the end of life
4 hospice patients that we use it with.

5 Q Do you know of any illegal uses of that
6 drug, scopolamine, that people have used it for?

7 A I do not.

8 Q Ever hear about stuff out on the Internet
9 or anything else?

10 A I do not, but now I question it.

11 Q Just asking.

12 A No, I never heard it was an illegal use
13 medication.

14 Q Do you know of any other format that this
15 drug can be obtained or used, maybe in a pill, or a
16 liquid form, or anything like that?

17 A I do not. I only know of the patch.

18 Q Do you know how this drug, where it comes
19 from, the source of the drug?

20 A I don't understand that question.

21 Q Well, is it plant based?

22 A I do not know. I think it would be
23 synthetic because it is a drug. But many of our
24 drugs are made from plant bases that they find in
25 nature. That's how we get to that drug.

15:31:08 1 Q Sure. And are you, as a Nurse
2 Practitioner, do you have the ability to prescribe
3 medications to your patients?

4 A I do.

5 Q Your job currently, are you -- do you ever
6 work in a managerial or supervisory role?

7 A Not in my current.

8 Q In your previous employment?

9 A Yes. I worked as a charge nurse.

10 Q How many nurses did you oversee as a
11 charge nurse?

12 A So nurses, would be about 13 at a time for
13 that shift.

14 Q And you were charged with setting up their
15 schedules for work; is that right?

16 A Setting up a patient, which patient they
17 would take care of for the day.

18 Q Okay.

19 A Patient assignments.

20 Q Okay. And did you also have to resolve
21 any problems, issues, or disputes that the nurses
22 might have amongst each other?

23 A Yes.

24 Q Okay. Do you have a certain protocol, or
25 system, or way of doing that kind of a thing?

15:32:26 1 A No. There's no protocol.

2 Q When you are approached by somebody with a
3 problem, what's your response to that? Do you go
4 and --

5 A So my response to that is, okay, please
6 tell me your side, what's going on? Do you want to
7 talk to the person with me now, or do you want me to
8 go talk to the coworker that you're having issues
9 with, to also talk to them to explain how you feel?
10 And then depending on the person that approaches me,
11 then we kind of come up with a plan, and then if I
12 can't resolve it, then I would have sent it back to
13 my manager or if it was my thought process that it
14 wasn't something I could handle, then I would call
15 the house supervisor and have her indirectly go that
16 route.

17 Q All right. You were asked -- one of the
18 questions that you were asked was whether or not you
19 would tend to believe a police officer over any
20 other witness, and you indicated yes.

21 A Yes.

22 Q Why is that?

23 A I mean, I have to have faith in our
24 system. So it was -- I think it is just the way I
25 was raised to respect people in certain positions.

15:34:02 1 Unless there is something that would make me feel
2 otherwise. Unless I would witness something else.
3 But, you know, they take a responsibility for that
4 position.

5 Q Okay. If you had somebody that got on the
6 witness stand and swore under oath to tell the
7 truth, would you assume that they were telling the
8 truth?

9 A I would.

10 Q Have you heard of occasions where somebody
11 thought that they were wrongfully convicted of
12 something?

13 A Yes.

14 Q What are your thoughts when you hear
15 something like that? The person is just a big
16 complainer, or do you think that happens?

17 A No. It makes me -- makes you question
18 about society and about things that go on in life.
19 It makes me question, but do I go any further than
20 that, no.

21 Q Now, you said in one of your answers, you
22 said that when describing the fairness of the jury
23 system in this country, you said that, jury of
24 peers, evidence must be solid for proof of guilt.
25 Have you heard of like burdens of proof before in

15:35:21 1 our judicial system?

2 A Yes.

3 Q What do you know about them?

4 A That it's, as he also stated, so it's not
5 like other countries where you're guilty and you
6 have to prove your innocence. Here you have to --
7 it has to be proved that the person is guilty. So
8 the evidence has to be provided to prove that that
9 person is guilty of what they are charged with. So
10 that's the burden that you're asking about.

11 Q Okay. And we have a rule of law here that
12 says a defendant has the right not to testify in
13 their own trial. Have you heard of that before?

14 A Yes.

15 Q And if the judge told you that you are not
16 to draw inferences on that, that the defendant
17 chooses not to testify, would you be able to follow
18 that instruction?

19 A Yes.

20 Q You understand there may be a lot of
21 reasons why somebody may not testify?

22 A Yes.

23 Q Is there anything about your job that
24 would make it difficult for you to serve as a juror
25 on this case?

15:36:41 1 A No.

2 Q Time constraints? People waiting and
3 depending on you? Anything like that?

4 A So I have colleagues that have -- that are
5 covering for me. So we have a plan in place.

6 MR. DEVORE: If I could have a few
7 minutes?

8 THE COURT: You may.

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

10 THE COURT: You may.

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

13 THE COURT: Prosecution may proceed with
14 questions.

15 BY MR. FINK:

16 Q Good afternoon, Ms. McCarney.

17 A Good afternoon.

18 Q When IT remotely accesses your computer,
19 that's work, right?

20 A Correct.

21 Q And they can only do that with your
22 permission and/or your typing in your password,
23 right?

24 A Um, I think I am already logged in. Then
25 they pop up on a screen and say, will you allow so

15:39:36 1 and so.

2 Q Right, but you need to give permission to
3 do that. You need to click on something.

4 A Correct.

5 Q Okay. They can't just barge in?

6 A No.

7 Q Now, when you answered the question that
8 you would believe a police officer more than any
9 other witness, you should know that among the rules
10 that the judge is going to give the jury at the end
11 of the case is kind of a methodology for evaluating
12 credibility of various witnesses in case there is
13 inconsistencies?

14 A Mm-hmm.

15 Q And would you be able to follow those
16 instructions using that methodology?

17 A Yes.

18 Q Now, I think I missed the reason, but you
19 said that's the reason you buy an Apple, in answer
20 to one of the questions?

21 A Oh, so what I did, it used to be in the
22 past Apple was harder and there was less of the spy
23 ware and items getting into Apple versus like the
24 IBM or other type.

25 Q PCs?

15:40:41 1 A Yes, sorry.

2 Q So you have been informed and you believe
3 that viruses and spy ware are -- it's more difficult
4 to get into Apple products like a MacBook?

5 A It used to be a little bit more. I think
6 now in the last couple of years it might be
7 different. But I've never had any problems with it.

8 Q And you don't -- I'm sorry, go ahead.

9 A From what I have been told, my computer is
10 -- when I started doing an Apple, like in the last
11 five to eight years, that was kind of the reason why
12 I went Apple versus to get a PC.

13 Q Was it St. Kates that brought you up from
14 Missouri?

15 A No. You said it right. After college, I
16 moved out to begin to study. I grew up in a small
17 town. So I wanted to go to the big city. I wanted
18 a different way of life.

19 Q Where is Kirksville in Missouri?

20 A Kirksville is in the northeast corner.
21 It's about 60 miles south of the Iowa border and
22 maybe 60 to 90 miles east -- I'm sorry, west of
23 Illinois. So if you have heard of Hannibal,
24 Missouri, it's about an hour from there.

25 Q And you work on the North Memorial campus?

15:42:21 1 A No. I work in long term care. So I see
2 North Memorial patients that are in rehab
3 facilities, nursing homes and apartments. So I go
4 to those sites.

5 Q Okay. I was going to say, that would be
6 quite a long hike for you.

7 A Actually, I do have to drive every day to
8 the west metro.

9 Q You do?

10 A Yes.

11 Q Okay. Clearly in monitoring your
12 patients, you don't have any difficulty making
13 decisions, true?

14 A I would say that's true.

15 Q Okay. Do you look upon yourself as having
16 a lot of common sense?

17 A I used to until the Internet scam
18 happened. That made me question that. But
19 typically, yes, I would say that I have common sense
20 and I would go with that.

21 Q I suppose this is depending upon what
22 function you're performing, but do you think of
23 yourself as a big picture oriented or detail
24 oriented?

25 A Detailed.

15:43:40 1 Q Okay. You have to go through continuing
2 education to remain licensed, correct?

3 A Correct.

4 Q So there are occasions where you have to
5 listen to oral presentations and rely on those for
6 important information?

7 A Correct.

8 Q How often about?

9 A It depends. I have to have 100 hours
10 every three to five years. But I tend to go to a
11 conference every year, so I am doing it for three to
12 four days a year at least.

13 MR. FINK: May we approach?

14 THE COURT: You may.

15 (Whereupon, court and counsel had a
16 discussion off the record.)

17 THE COURT: Ms. McCartney, you have not
18 been removed, so you are accepted as a juror. You
19 do need to keep any former instructions in mind, and
20 you do need to keep in touch with the jury
21 coordinator to make sure you know when to come back.
22 This long process continues for now. But please
23 coordinate with the jury coordinator.

24 Thank you.

25 (The juror exited the courtroom.)

15:45:53 1 (Prospective juror entered the courtroom.)

2 THE COURT: Please come forward. We are
3 going to put you in the first row of that jury box.
4 All the way until you get -- no, no. In the jury
5 box. Before you sit down, please raise your right
6 hand to be sworn.

7 (The prospective juror was sworn in.)

8 THE COURT: Please have a seat. Let's
9 start with you simply stating your name.

10 JUROR: Larry Moore.

11 THE COURT: Okay. Mr. Moore, we are in
12 the process of Voir Dire, which is that phrase that
13 means truth telling, or to speak the truth in this
14 questioning. So I will appreciate your being
15 truthful and your being cooperative.

16 I have some comments to give you. Then I
17 am going to ask you some brief questions. Then I
18 will turn it over to the attorneys. The defense
19 attorney will ask you some questions. Possibly the
20 prosecutor as well.

21 Now, during the questioning, there may be
22 a request to excuse you for cause. There may be a
23 request to exercise what we call preemptory
24 challenge, or there may be neither one of those
25 things. A challenge for cause simply means that one

15:47:00 1 side or the other thinks there's a reason you
2 shouldn't be on the jury. But they will bring that
3 to me and I'll decide it. A preemptory challenge
4 can be exercised by either side. And they decide
5 that. They have a number of challenges they can
6 make without stating those. If either of those
7 things happened, you would be removed. I would
8 simply excuse you and thank you for your service.

9 JUROR: Okay.

10 THE COURT: Now, have you had any
11 conversations with anyone about this case since
12 filling out the questionnaire?

13 JUROR: No.

14 THE COURT: Have you looked up anything or
15 done any research about this case since filling out
16 this questionnaire.

17 JUROR: No.

18 THE COURT: There are some basic rules of
19 law. The attorneys may ask you about that a bit,
20 but some basic ones are that the defendant is
21 presumed to be innocent. The state has the burden
22 of proof. The state must prove any charge beyond a
23 reasonable doubt. And the defendant does not have
24 to prove his innocence. Now, I will be giving those
25 and other rules to the jury during the trial, will

15:48:13 1 you be able to follow the rules of law as I give
2 them to you.

3 JUROR: Yes, sir.

4 THE COURT: Is there any reason you think
5 you cannot be a fair and impartial juror in this
6 case?

7 JUROR: No.

8 THE COURT: Mr. DeVore.

9 MR. DEVORE: Thank you.

10 BY MR. DEVORE:

11 Q Good afternoon, Mr. Moore. Now, I see
12 that you're retired now?

13 A Yes.

14 Q And you had some prior experience in,
15 looks like in a variety of different things?

16 A Yes.

17 Q What is the last job that you had, what
18 were you doing?

19 A My last job?

20 Q Yeah, before you retired?

21 A I was working as a -- let's see. Can't
22 remember which one came first. Last job I had, I
23 worked for the vet center in New Brighton.

24 Q Okay.

25 A And prior to that, I was a corporate

15:49:07 1 rebuyer.

2 Q What's that?

3 A That was -- I was giving you a history of
4 what I have done. That wasn't -- this was in the
5 80's when I did that.

6 Q All right. I see. What does that mean, a
7 rebuyer?

8 A Rebuyer?

9 Q Yeah.

10 A Means I buy merchandise from vendors to
11 put into our inventory, in our company inventory, to
12 sell to our customers.

13 Q All right. Did you also own a restaurant?

14 A Yes, I did.

15 Q Where was that located?

16 A That was in Springfield, Illinois.

17 Q What kind of a restaurant was that?

18 A Healthy food.

19 Q Healthy foods?

20 A Yes.

21 Q What was the name of it?

22 A New Eat Cafe.

23 Q How long did you operate that business?

24 A Little less than five years.

25 Q How come you got out of the business; id

15:50:05 1 you sell or --

2 A Didn't like it.

3 Q Didn't like it. What didn't you like
4 about it?

5 A Too long of hours and not much money.

6 Q Well, those are good things to not like.
7 How long have you lived here in Minnesota?

8 A 14 years.

9 Q 14. And you're married?

10 A Yes.

11 Q Is your spouse working?

12 A Yes.

13 Q And what does your spouse do?

14 A I'm sorry.

15 Q What does your spouse do?

16 A He works for a corporation downtown St.
17 Paul.

18 Q Okay.

19 A He's a high level customer service tech.

20 Q Did you say eye level?

21 A High level.

22 Q So customer service tech?

23 A Yes.

24 Q And I also see that you worked as a legal
25 clerk for a DA in North Carolina?

15:51:10 1 A Yes. I was about 23 years old.

2 Q Now, have you been to law school?

3 A No. When I was in the Marine Corp, when I
4 came back to the states, I worked for the Judge
5 Advocate General at Santa Anna Air Base. That's
6 where I got some of my experience.

7 Q So you were in JAG Corp?

8 A Yes.

9 Q Was that an assignment that you took?

10 A Yes.

11 Q What was your job title then, was it legal
12 clerk?

13 A Legal clerk, yes.

14 Q And so what did you do in your position as
15 legal clerk in the JAG Corp?

16 A I was also court reporter in my position.

17 Q So you took down --

18 A Yes, but I didn't have her little machine
19 then.

20 Q Okay. You did it by hand?

21 A Yes.

22 Q Shorthand?

23 A Yes.

24 Q And in your capacity as a legal clerk, did
25 you help them, you know, work on their cases that

15:52:11 1 they had?

2 A Only sometimes.

3 Q What did you do?

4 A It just depended. I wasn't assigned to do
5 that, but I could be assigned to do that.

6 Q Okay. And those were criminal type cases,
7 correct?

8 A No. They were misdemeanors, too.

9 Q Sure. But they weren't civil matters,
10 correct?

11 A No.

12 Q That's when somebody did something wrong,
13 and you helped them prosecute the case against them?

14 A Yes. Usually processing discharges is
15 more or less what I did.

16 Q Sure. How long did you do that for?

17 A For about a year, because I got out then.

18 Q Sure. Were you honorably discharged from
19 the military?

20 A No.

21 Q What was your status after discharge?

22 A I was -- what do you call it -- the
23 president's part when they excuse my absence. So I
24 was given alternative service, and I completed that.
25 Then at that time, I was given a clemency discharge.

15:53:27 1 Q What was the last part?

2 A I was given a clemency discharge because I
3 left.

4 Q What was that? What was the reason for
5 that?

6 A Because I left.

7 Q Oh, okay. You left before your service
8 was up?

9 A Yes. I had about a year more to go.

10 Q Okay. That process when you left, then,
11 did you have to come back and turn yourself in or
12 did they come and get you or what?

13 A No, I turned myself in.

14 Q Did you go through a --

15 A Eight months of alternative service. I
16 had to work for a nonprofit for a term of eight
17 months.

18 Q But you went through the administrative
19 process of a court martial -- was it a court martial
20 process?

21 A No.

22 Q No. Okay. But you went through a
23 process, sort of like a diversion type program?

24 A I was there with about 2,000 other people
25 on the day that I was there to be processed out of

15:54:39 1 the service.

2 Q I got it. Okay. Do you think that
3 process was handled appropriately or do you think
4 you feel like you were wrongly treated?

5 A No. For that time, back then, no, it was
6 probably the best it could have been.

7 Q What year was that?

8 A 1974.

9 Q And you had already been over to Vietnam?

10 A Yes. I was there for two years.

11 Q Were you in combat over there, or what did
12 you do?

13 A Yes.

14 Q What was your assignment?

15 A It was different.

16 Q Whatever they asked you to do?

17 A Yeah, whatever they asked me to do, I did.

18 Q Okay. Then you also were a CNA Med.

19 A Yes.

20 Q What is that?

21 A Certified Nursing Assistant.

22 Q How long did you do that, act as a
23 Certified Nursing Assistant?

24 A Probably all total about 14 years.

25 Q Is that -- what was your last job? I

15:56:06 1 might have missed that. But before the veterans
2 work that you did?

3 A I worked for the U of M.

4 Q Doing what?

5 A As a CNA.

6 Q As a CNA. So that was your last
7 professional job except for the veteran service that
8 you did?

9 A Yes.

10 Q At the veterans what did you do for the --

11 A At the vet center?

12 Q Yeah, at the vet center?

13 A I answered phones. I helped out the
14 psychologists with their work. I just -- whatever
15 they needed me for. It was a part time job.

16 Q All right.

17 A It was for seniors.

18 Q So your last full time was as a CNA and
19 that was at the University of Minnesota?

20 A Yes.

21 Q When did you leave there?

22 A Leave where?

23 Q When did you leave the U of M?

24 A The U of M? I believe around 2007.

25 Q Now, did you have some medical training,

15:57:05 1 then, to become a Certified Nursing Assistant?

2 A I did many years before. But I went
3 through a course to be a CNA.

4 Q In the military you mean?

5 A No.

6 Q Did you have to work with people -- well,
7 let me ask you this: Have you ever had a job where
8 you have analyzed like lab results for blood tests?

9 A No.

10 Q Did you ever work with having to
11 administer drugs to people?

12 A No. As CNA you can't do that.

13 Q What, specifically, did you do as a CNA
14 then?

15 A Took care of patients by helping them to
16 the bathroom, washing them up, bringing them to
17 appointments. Total care. Getting them up in the
18 morning, helping them get their shower or getting
19 washed up. Getting them to their breakfast,
20 bringing them back from their breakfast. Laying
21 them down. Bringing them for lunch, and the whole
22 thing, for supper.

23 Q All right. Is it similar to a personal
24 care assistant?

25 A Similar, yeah.

15:58:39 1 Q Now, you said that you have a number of
2 different TV shows that you like to watch. One of
3 them is NCIS. What is it about that show that you
4 like?

5 A I find it more real.

6 Q Real meaning what?

7 A Real meaning, it's just more real to me.

8 Q Do you like the -- you mean real like the
9 way they do their investigation stuff?

10 A Yes.

11 Q At the end of the show, usually they draw
12 to a conclusion, and somebody is caught, and they
13 move on to the next mission, right?

14 A In most cases, yes.

15 Q Okay. They probably have some ways of
16 doing investigative work that seems kind of unique
17 and clever, I imagine, right?

18 A I guess.

19 Q Well, we may not quite get to that level
20 here in this courtroom. We may. I don't know. But
21 would you be able to kind of put away the stuff you
22 see on the TV show and just focus on the kind of
23 stuff that you see here in the courtroom?

24 A Yes.

25 Q Okay. You remember that that's TV and

15:59:59 1 this is real life?

2 A I know it's not real.

3 Q Yeah, okay. But there isn't an
4 expectation of how we should be operating or how our
5 investigation should be done, right?

6 A No.

7 Q Just curious, when you were with the JAG
8 Corp, was that -- did you ever have to work on a
9 level of discipline or crime that required a like a
10 trial?

11 A Did I ever have to what?

12 Q Did you ever have to work on any trials?

13 A Only in being a court reporter. I never
14 gathered evidence or anything like that.

15 Q Did you ever have to prep witnesses or
16 anything like that?

17 A No.

18 Q Did you ever have to write any legal
19 papers or anything like?

20 A None other than the cases as I took them.

21 Q Okay. How do you get your -- how do you
22 stay on top of what's going on in the world? Do you
23 watch TV, do you watch the news?

24 A Watch the news.

25 Q Is that kind of a daily thing?

16:01:03 1 A World news. Not local news.

2 Q How come?

3 A There is too much talking about other

4 things on the local news to me.

5 Q What do you mean?

6 A I can't keep interested in it.

7 Q What interests you?

8 A I am not interested in who is going to the

9 fair, and who is doing this, and who is doing that.

10 I am more interested in pure news.

11 Q All right. Not the feel good stuff, you

12 just want the news?

13 A Right.

14 Q Do you go online and search the Internet

15 to get some of your news?

16 A No.

17 Q Do you listen to the radio?

18 A I do once in a while go to Yahoo News, but

19 not as a rule I don't.

20 Q Do you listen to the radio?

21 A Not really. More what I do is I usually

22 have the television on. I can hear it.

23 Q Do you get newspaper everyday at home?

24 A Not everyday. Thursday and Sunday.

25 Q All right. One of the questions you were

16:02:20 1 asked, would you tend to believe a police officer
2 more than any other witness. You responded yes to
3 that question.

4 A Okay.

5 Q Can you tell me why you responded with a
6 yes versus a no. What were you thinking when you
7 answered it?

8 A That he takes an oath for his position.

9 Q If a person got on the witness stand and
10 they were not a police officer and they swore to
11 tell the truth, would you expect that they were
12 going to tell the truth?

13 A I hope so.

14 Q Would you think that by swearing to tell
15 the truth in front of a courtroom like this, that
16 you would expect that they would tell the truth as
17 much as a police officer would?

18 A I would expect them both to tell the
19 truth.

20 Q Do you think a police officer is more
21 trustworthy just because they are a police officer?

22 A Well, they have a responsibility.

23 Q Okay. All right. You said you feel
24 confident in the jury system. What is it about the
25 jury system that makes you feel comfortable and

16:03:33 1 confident?

2 A Well, they have all sworn an oath to do
3 this. You've picked them.

4 Q We try. Do you have any positions either
5 previously at work, or organizations you're involved
6 with where you interact with groups of people, say
7 10 to 15 people at a time?

8 A Right now?

9 Q Or maybe in the past?

10 A Well, I haven't had that many people
11 working for me.

12 Q But you've been in a managerial role in
13 the past, so you have had people that report to you
14 and that would have to come to you with questions
15 and things like that?

16 A Yes.

17 Q Where was that at?

18 A At the restaurant.

19 Q At the restaurant. And so when you would
20 have somebody that would come up and say, I have a
21 complaint about somebody else, what would you do to
22 get to the bottom of things, and try to fix the
23 problem, or solve the problem?

24 A Depends if it's between the staff, or is
25 it between a customer and a staff?

16:04:50 1 Q Let's call it a two staff people.

2 A A what?

3 Q Between two staff people.

4 A I would tell them to leave and work it
5 out.

6 Q Okay.

7 A And when they have they can come back.

8 Q Did you ever have to intervene further
9 than that and actually --

10 A No. They are there to work. They are not
11 there to have fights or disagreements.

12 Q Okay. What would you do if they couldn't
13 resolve their own issues on their own?

14 A They don't work for me anymore.

15 Q You get rid of both of them?

16 A Yep.

17 Q Have you had any other jobs where you've
18 been in a managerial role?

19 A Not that I can think of at this time.

20 Q Okay. Have you ever volunteered on like a
21 nonprofit board or something like that?

22 A A nonprofit board? Give me an example.

23 Q Well, some people volunteer at a local
24 neighborhood association group.

25 A I'm not part of an association,

16:06:21 1 neighborhood association.

2 Q Okay. Sometimes people volunteer at a,
3 you know, they might sit on a board of like a food
4 shelf organization, or something like that, where
5 they might get together on a like a monthly basis
6 with other board members who talk about how to run
7 the organization. Have you ever done anything like
8 before?

9 A No.

10 Q Have you ever been in a capacity where
11 you've had to interact with a group of people to try
12 to reach a conclusion or a consensus on something?

13 A I am not sure what you are looking for
14 there.

15 Q Okay. You know what a board of directors
16 is?

17 A Yes.

18 Q Is it fair to say that a board of
19 directors is a group of people who meet regularly to
20 talk about how to best run a business?

21 A Talks about the business going, and spend
22 the money they have.

23 Q Yeah. Have you ever served in that
24 capacity before?

25 A No.

16:07:32 1 Q Would you consider yourself to be an
2 introverted type of person or extroverted type of
3 person?

4 A Probably more introverted.

5 Q If you showed up at a function, maybe a
6 church or a social function, would you find yourself
7 going around and saying hello to people, and walking
8 up to people you don't know, or would you tend to,
9 maybe --

10 A No. I would stay with people I know. If
11 I am in a standing close to someone, I might strike
12 up a conversation but I tend to stay around the
13 people that I know.

14 Q If you hear of someone talk about a
15 concept, or a term, or a word that you haven't heard
16 about before, how would you educate yourself about
17 what that means? Would you go to the library, for
18 instance, would you go talk to somebody, would you
19 look it up online?

20 A I would Google it.

21 Q So you would go to a computer and look it
22 up?

23 A Yes.

24 Q Do you spend a lot of time on the
25 computer?

16:08:55 1 A No. I do more gaming than anything else.

2 Q So you have a cell phone?

3 A Yes.

4 Q Does it have Internet access on the phone?

5 A It does, but I don't have it connected.

6 Q So you don't use the Internet on the

7 phone?

8 A No.

9 Q You have a computer at home?

10 A Yes.

11 Q Maybe more than one?

12 A I have a pad at home.

13 Q iPad or something?

14 A Yes.

15 Q And then you also have like a laptop or --

16 A Mm-hmm, laptop.

17 Q If you had some free time would you go

18 your computer and play around on the Internet and

19 things like that, or --

20 A Usually do casino games.

21 Q Like to play casino games? Okay. How

22 much time per day, or week do you spend doing that,

23 do you think?

24 A Maybe an hour a day.

25 Q Is that where you're spending money?

16:09:49 1 A No. No.

2 Q Just for fun?

3 A Just free games that you play.

4 Q Okay. Have you ever heard of the term

5 Dark Web?

6 A Maybe.

7 Q Do you know where you heard or what you

8 heard about it?

9 A No, I have not. I don't think so.

10 Q How about Bitcoins; have you ever heard of

11 that before?

12 A Yes. I couldn't tell you what it is,

13 though.

14 Q Do you remember where you heard it?

15 A I have seen it as a -- what do you call it

16 -- as a solicitation on a computer.

17 Q Okay.

18 A Comes up and wanted me to do something

19 about Bitcoin.

20 Q Oh, somebody solicited you about Bitcoins?

21 A Yes. They are probably not targeting just

22 me.

23 Q Okay.

24 A There could be thousands of people that

25 they are sending the same thing to.

16:10:40 1 Q Sure. Have you ever gone to an online
2 dating website?

3 A No.

4 Q Do you know much about how computers --
5 the inner workings of a computer, and how it's
6 programmed and things like that?

7 A Pretty much. I work my way around it.

8 Q Okay. Where did you learn that kind of
9 stuff?

10 A Classes.

11 Q When did you take those?

12 A At Century College and St. Paul College.

13 Q You took some computer, and IT computer
14 software classes?

15 A Yep.

16 Q Was that for a career change reason, or
17 what was that for?

18 A Just my own enjoyment.

19 Q Just so you can learn about them?

20 A Yes.

21 Q Okay. So in total, how many years of
22 college do you have studying computer stuff?

23 A I have a little over 500 credits.

24 Q Okay. So is it fair to say that you have
25 a pretty good working knowledge about computers?

16:12:00 1 A I can understand it, yes.

2 Q All right. You're familiar with what a
3 modem is?

4 A I'm sorry.

5 Q Are you familiar with like what a modem
6 is?

7 A A motive.

8 Q A modem?

9 A A modem, yes.

10 Q Okay. What about a router?

11 A Yes.

12 Q What are those things?

13 A Router?

14 Q Yes.

15 A Well, in my case, it's Comcast that gives
16 me my Internet. So it comes into the house to the
17 modem and to the router. The router directs all of
18 the bandwidth to my network within the house.

19 Q So have you heard of a Local Area Network
20 before?

21 A I'm sorry.

22 Q Have you heard of a Local Area Network?

23 A Yes.

24 Q What is that?

25 A A Local Area Network? Well, my house

16:12:56 1 could be one.

2 Q Okay. What about WiFi?

3 A WiFi? I believe you folks have WiFi
4 downstairs.

5 Q Probably do.

6 A You might have it in here.

7 Q What is it?

8 A It allows me to connect to it. It's part
9 of the bandwidth. It's Internet.

10 Q How about firewalls, have you ever heard
11 of that before?

12 A Yes.

13 Q What is that used for?

14 A That's used to keep you out.

15 Q And how about antivirus software or
16 malware; do you have that stuff on your computer?

17 A I have malware.

18 Q What is that used for?

19 A For security.

20 Q Have you ever had a problem with your
21 computer being hacked or anything like that?

22 A No.

23 Q Have you ever had a friend, or family
24 member, or anybody you know that has had their
25 computer hacked?

16:13:57 1 A No.

2 Q Have you heard about it happening in the
3 outside world, people getting their computers
4 hacked?

5 A Not anybody that I know, no.

6 Q Have you ever had like maybe a Geek Squad,
7 or another company, or somebody who accessed your
8 computer remotely to do some troubleshooting or
9 anything like that?

10 A No.

11 Q You try to fix the stuff on your own,
12 that's what you said; is that right?

13 A If I have a problem with it, yes.

14 Q If you can't fix it, what do you do?

15 A I haven't had that problem, so I don't
16 know.

17 Q All right. What do you do with your
18 banking activities. Do you bank online or do you go
19 to the bank, or write checks out, or what do you do?

20 A I access my bank account online.

21 Q Do you pay bills online?

22 A I do.

23 Q How about purchasing items; do you go to
24 websites and purchase items?

25 A Sometimes.

16:15:04 1 Q How do you pay for those, with a credit
2 card?

3 A Yes.

4 Q Do you have any reservation about doing
5 that?

6 A Sometimes.

7 Q What would make you feel insecure about
8 that?

9 A Depends on the company.

10 Q What about Pay Pal; do you have a Pay Pal
11 account?

12 A No.

13 Q Have you ever used a Money Gram or Western
14 Union before?

15 A No.

16 Q What is your normal form of payment when
17 you buy something?

18 A Just buy something. My ATM card.

19 Q Your debit card. Have you had any
20 dealings with the police at all?

21 A No.

22 Q Good or bad.

23 A No.

24 Q Okay. Mr. Moore, if I asked you this
25 already, I apologize, but I'm going to ask again,

16:16:49 1 because I don't remember me asking.

2 One of the rules of law that we have is,
3 the defendant has the right not to testify.

4 A Has the what?

5 Q That a defendant has the right not to
6 testify. Did I already talk to you about that?

7 A No.

8 Q If the judge told you that the defendant
9 has the right not to testify, and if he chooses to
10 do that, you're not to draw an inference on that, or
11 assume anything. Would you be comfortable with
12 that?

13 A Yes.

14 Q Have you heard that concept before?

15 A Yes.

16 Q One other question that I have, do you
17 have any trouble with your hearing at all?

18 A Yes.

19 Q What is it? Have you been able to hear me
20 okay?

21 A Yes.

22 Q Does it help when I lean into this
23 microphone.

24 A You have a monotone type of voice. It's
25 hard to --

16:17:38 1 Q Puts you to sleep?

2 A No, it doesn't put me to sleep, but it
3 could.

4 Q Do you think you would have any trouble in
5 this case? Would you need to sit in a certain spot,
6 do you think, if you were on this jury?

7 A No. I was assuming that you have a
8 speaker system.

9 Q We do. I should be on the speaker.

10 A I don't think it's on right now.

11 Q Have you had trouble hearing before in
12 situations like a big room like this?

13 A I can't remember when I have had to be in
14 a big room like this since I've had trouble with my
15 hearing.

16 Q All right.

17 A I might be more concerned about being able
18 to go to the bathroom during the trial.

19 Q I was going to ask you about that. Can
20 you tell me a little bit more about --

21 A I have prostate problems, and have had for
22 about four or five years now.

23 Q All right. So you indicated on the
24 questionnaire form that you might have to go to the
25 bathroom as many as like every 10 to 15 minutes.

16:18:50 1 A I don't know when it will happen, it just
2 does it. It all has to do with whatever I eat or
3 drink.

4 Q Is there a particular time of day or
5 anything like that that affects you?

6 A Morning is the worst.

7 Q Okay. Does that concern you for your
8 ability to be able to sit for a period of time?

9 A A little bit, yeah.

10 Q I mean, we won't ask you to sit for three
11 to four hours. But you might sit for hour, hour and
12 a half maybe.

13 A An hour might -- an hour to an hour and a
14 half should be okay. I was told I would be able to
15 raise my hand, though, to be excused for a moment.

16 Q Okay. All right.

17 A Is that true?

18 THE COURT: You certainly can raise your
19 hand, sir, and we try to be accommodating. Let's
20 just leave it at that.

21 MR. DEVORE: Okay. All right. If I can
22 have a couple of minutes, Your Honor.

23 THE COURT: You may.

24 BY MR. DEVORE:

25 Q I neglected to ask you a couple of

16:20:22 1 questions, okay?

2 A Okay.

3 Q One of them was that you thought maybe
4 that you had read or heard something about this
5 case; is that true?

6 A No.

7 Q Oh, okay. I just want to make sure. I
8 will read back what we asked, and then I will make
9 sure that that's not the case. We asked you, do you
10 think that you have read or heard anything about
11 this case. And my form here says that you checked
12 yes.

13 A No.

14 Q Okay. Then when asked to describe, you
15 said, I watch the local news everyday. Do you think
16 you misread the question, you think?

17 A Oh, I might have said, that once we get
18 into it, I might remember having heard about this
19 case. I don't even know the name at this point, so
20 I couldn't tell you.

21 Q Well, the defendant's name is Steve
22 Allwine?

23 A Doesn't ring a bell with me.

24 Q Okay. I see that you have -- actually
25 have served on a jury before; is that correct?

16:21:39 1 A Yes, it is.

2 Q Did you go back and deliberate with the
3 jurors?

4 A No. I had to quit before the trial was
5 over because I had gotten injured. I had gone home
6 at night and opened my garage door, and the garage
7 door spring broke and hit me in the eye. The judge
8 excused me, and sent me a certificate and letter,
9 that I would never have to serve on another jury in
10 the State of Illinois.

11 Q Oh, okay. That was nice of him. How far
12 along in the case did you get?

13 A I couldn't tell you.

14 Q You were picked to sit on the jury?

15 A We were listening to both lawyers, so ...

16 Q All right. But you went through this kind
17 of process?

18 A It was insider trading and fraud.

19 Q Was that federal or state court?

20 A It was federal court.

21 Q Federal court?

22 A Yes. I was in downtown Chicago.

23 Q So you didn't get to the point where you
24 were asked to go back with your fellow jurors and --

25 A No. When I got injured, they were still

16:22:59 1 talking. They weren't asking us to come up with any
2 decision.

3 Q All right. Okay.

4 MR. DEVORE: If I can have a few minutes.

5 THE COURT: You may.

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

8 THE COURT: Mr. Moore, you are removed.

9 Thank you for your cooperation up to this point.

10 You are excused and you may leave. Thank you.

11 JUROR: Thank you.

12 (The juror exited the courtroom.)

13 THE COURT: All right. We will start at
14 9:00 in the morning. So be here a few minutes
15 before then obviously. I will see you then.

16 MS. KREUSER: Thank you, your Honor.

17 (Proceedings concluded.)
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16:28:29 1 STATE OF MINNESOTA)
) ss:
2 COUNTY OF WASHINGTON)

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REPORTER'S CERTIFICATE

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

Dated: October 6, 2018.

DEBORAH L. FOSTER
Official Reporter
Washington County District Court
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