

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

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4 State of Minnesota **JURY TRIAL**

5 Plaintiff, **VOLUME VIII**

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 18th 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.

23
24
25

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

3 MR. FINK: Your Honor, before we call the
4 first juror, some housekeeping?

5 THE COURT: All right.

6 MR. FINK: At the rate we are going, it
7 looks like we will fill the jury probably tomorrow.

8 MR. DEVORE: Well, it could be.

9 MR. FINK: And so I would propose, given
10 the fact that we wouldn't be able to let other
11 jurors already selected know to come in and when to
12 come in on Friday, we start -- irrespective when we
13 finish picking a jury, that we start on Monday.

14 THE COURT: That makes sense to me.

15 MR. DEVORE: That's fine with me.

16 THE COURT: I have been thinking along
17 those lines. I have also had conversations with
18 court administration, and we have had conversations
19 before, but the end of the trial is very likely to
20 have closing arguments the Monday after Super Bowl
21 unless the trial is still going. So let's work on
22 that, too, but we can talk about that.

23 MR. FINK: I think it all depends on how
24 quickly we are -- the state is able to put in its
25 case.

1 THE COURT: Absolutely, I understand that.

2 MR. FINK: We have what, 29, 30 witnesses.
3 There are a lot of them that I anticipate, anyway,
4 will be very, very short.

5 THE COURT: All right. With that, let's
6 get going.

7 MR. DEVORE: Judge, one more thing. If
8 it's possible, if we could try to land on a 10:30
9 break time. I have a client that's going to be on
10 the calendar downstairs, on the bail calendar.

11 THE COURT: I'll work at it.

12 MR. DEVORE: If we could do it, that would
13 be great. I can just run down there quick.

14 THE COURT: I'll pay attention.

15 MR. DEVORE: Thank you.

16 (Prospective juror entered the courtroom.)

17 THE COURT: Come on forward, sir. We are
18 going to put you in the first row of the jury box
19 over there. So keep coming all the way to the front
20 until you turn the corner to get back in the jury
21 box. There's a chair that is turned sideways. That
22 would be a good one for you. Before you sit down,
23 please raise your right hand to be sworn.

24 (Prospective juror administered an oath.)

25 THE COURT: Have a seat. There is a

1 carafe of water -- or a carafe and a cup of water in
2 front of you. If you wish to partake there. Please
3 state your name for the record.

4 JUROR: Robert Moore Gray.

5 THE COURT: Mr. Gray, we are here
6 continuing our process of Voir Dire. As I said last
7 week that relates to a French phrase talking about
8 speaking the truth, so I will appreciate your
9 truthfulness and your cooperation in the process.

10 I have some comments for you. I also have
11 a very few questions. I will then turn it over to
12 the defense for any questions. There may also be
13 questions from the prosecution. During the
14 questioning, there may be a request to excuse you
15 for cause, or there may be a request to exercise a
16 preemptory challenge, or there may be neither one of
17 those things. A challenge for cause occurs if one
18 side or the other thinks there is a reason that you
19 should not be on the jury. That's brought to my
20 attention, and I make that decision. A preemptory
21 challenge can be exercised by either the defense or
22 the prosecution. They simply have a number of those
23 that they can exercise without my involvement.
24 That's their decision. So if one of those things
25 happens, I would thank you for your cooperation.

1 You would be removed, and I would excuse you, and
2 that would be it.

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 a number of rules of
12 law that get explained to the jury during a trial.
13 Some basic ones are that the defendant is presumed
14 to be innocent. The state has the burden of proof.
15 The state must prove any charge beyond a reasonable
16 doubt. And the defendant does not have to prove
17 innocence. Those and other rules would be given to
18 the jury in a jury trial process. Will you be able
19 to follow the rules of law as I give them to you?

20 JUROR: Yes.

21 THE COURT: As you sit here, do you have
22 any reason that you think you cannot be a fair and
23 impartial juror in this case?

24 JUROR: No.

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

1 MR. DEVORE: Thank you.

2 BY MR. DEVORE:

3 Q Good morning, Mr. Gray.

4 A Hi.

5 Q Can you tell us what you do for
6 occupation?

7 A I am vice-president of trust at First
8 State Bank and Trust.

9 Q And I understand, I'll just jump right to
10 it, that you expressed a concern about the time of
11 this trial.

12 A Because of the nature of my work, end of
13 year and approaching tax season is our busiest time
14 at work.

15 Q So why don't you explain to me what you do
16 in your job.

17 A I administer trusts. So I manage
18 individual assets of trusts. You know, manage any
19 distributions, interpret trust language, meet with
20 clients for various needs.

21 Q Explain to me why this time of year is
22 exceptionally busy for you.

23 A A lot of trusts have, obviously, tax
24 issues. With April 15 as tax deadline, usually
25 meeting with clients approaching that to look at

1 what their tax issues are. Just, typically, it's a
2 time that clients like to meet.

3 Q So do you -- you have like your own book
4 of business?

5 A I do.

6 Q So you have clients that you need to meet
7 with and --

8 A Correct.

9 Q -- and go through their financial affairs?

10 A Correct.

11 Q What happens if you are tied up and you
12 can't do that, does somebody else fill in for you?

13 A One of my colleagues would have to fill
14 in. It may not be, obviously, they are not as
15 familiar with clients. Don't have the relationships
16 with the individuals that I do.

17 Q Sure. Is there sort of like a level of a
18 relationship and trust that you have built over time
19 with your clients?

20 A Oh, absolutely.

21 Q Safe to say, if somebody fills in, they
22 would just be doing some patch work to kind of
23 maintain things until you got back?

24 A Trust is a very relationship business. So
25 you know the family members, you know the story, you

1 know, typically, the intent of why a trust was
2 created. So you develop a close bond with your
3 clients.

4 Q If we selected you as a juror in this
5 trial, and we spent the next couple of weeks in
6 trial, what would you be doing? Would you have to
7 go and work at night, things like that?

8 A More than likely I'd be, during breaks and
9 the evening I would be checking email and probably
10 going into the office and, you know, seeing what
11 hadn't been taken care of that I needed to attend
12 to. Probably working on weekends, which I am
13 currently doing now.

14 Q Do you think that this would add a level
15 of stress on you, pressure on you, that it might
16 interfere with your ability to serve as a juror in
17 this case?

18 A It would certainly add a level of stress
19 worrying about what's not being taken care of back
20 at the office.

21 Q Is it safe to say that a different time of
22 year would work out better for you to serve as a
23 juror?

24 A I would agree with that.

25 Q This is probably your busiest of the year?

1 A It is.

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

3 THE COURT: You may.

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

6 THE COURT: We are going to move to some
7 questions, I think briefly, but questions from the
8 prosecution at this point. We may go back to the
9 defense.

10 Ms. Kreuser, you may proceed.

11 MS. KREUSER: Thank you, Your Honor.

12 BY MS. KREUSER:

13 Q Good morning, Mr. Gray.

14 A Good morning.

15 Q My name is Jamie Kreuser, and I am one of
16 the prosecutors on the matter. I just wanted to
17 also ask you a little bit about the circumstances
18 relating to your job right now. I understand with
19 tax season coming that it is a very busy time as you
20 indicated in your written answer here.

21 If this trial would go, you know, we start
22 next week, and it goes until maybe the last days in
23 January, or the first couple days of February, that
24 would be about a two week time period.

25 A Mm-hmm.

1 Q You said that there are some clients that,
2 you know, it's a very personal relationship kind of
3 thing, correct?

4 A Mm-hmm.

5 Q During just the two week time period,
6 would there be ways for you to maybe reschedule with
7 some of those so that you would be able to
8 accommodate them if they really wanted to meet with
9 you?

10 A Certainly for any scheduled appointments
11 we could. The nature of our -- because I work at a
12 community bank, we often have clients that just stop
13 in unannounced without an appointment and want to
14 talk, or just call that day, you know, want to see
15 if they can come in. So it's the nature of a
16 community bank, I guess.

17 Q And I also understand and fully respect
18 that you said that there would be a certain level of
19 stress if you were to be on this jury for the next
20 couple of weeks. Would that mean that if you were
21 selected, that you wouldn't be able to concentrate
22 on the trial? Or do you think that you would be
23 able to supplement nights and weekends albeit it
24 would give you some additional stress, but you would
25 still be able to do your civic duty, and focus on

1 the evidence presented, and be fair to the
2 defendant, be fair to the state, and pay attention
3 as a juror in this case?

4 A I think I could certainly be able to pay
5 attention and do my utmost duty. But I think during
6 breaks, or in the evenings, I would certainly be
7 worried about what's going on, and probably going
8 back to the office and trying to catch up. So it
9 would just be a matter of trying to manage the
10 stress.

11 Q Okay. All right. Would you say that it's
12 more uncomfortable or would it be an impossibility
13 for you to do it?

14 A It wouldn't be impossible, but it would
15 certainly add to the already busy, stressful time.

16 Q Okay. Thank you.

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

18 THE COURT: You may.

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

21 THE COURT: Mr. Gray, you are removed, so
22 I excuse you. I thank you for your cooperation and
23 you may leave.

24 (The juror exited the courtroom.)

25 (Prospective juror entered the courtroom.)

1 MR. FINK: Come on in. Please come
2 forward. We will put in the first row of that jury
3 box over there. Come all the way to the front to
4 get to that first row. There is a chair turned
5 sideways. That would be a good place to sit.
6 Before you sit down, raise your right hand to be
7 sworn.

8 (The prospective juror was sworn in.)

9 MR. FINK: Have a seat. That is a carafe
10 in front of you and cup for water, if you want or
11 need that. Let's start by you stating your name.

12 JUROR: Laura Lackner.

13 THE COURT: I have comments for you,
14 Ms. Lackner and very few questions. Then I will
15 turn it over to the defense for questioning. There
16 may be questioning by the prosecution as well.
17 During the questioning, there may be a reason to
18 request to excuse for cause or exercise a preemptory
19 challenge, or there may be neither. A challenge for
20 cause occurs if one side or the other thinks there
21 is a reason that you shouldn't be on the jury. They
22 would bring that to me, and I would make that
23 decision. A preemptory challenge is something
24 either side can exercise without my input. In other
25 words, they have a number of challenges where they

1 can remove a juror without stating a reason, and
2 they decide that. So if either of those things
3 happens, I would thank you for your service, you
4 would be removed, I would excuse you, and that would
5 be it.

6 Now, in terms of the questioning, we are
7 in the process of what we call Voir Dire, which I
8 told you last week is related to a phrase meaning
9 speak the truth. So I will appreciate your
10 truthfulness and your cooperation.

11 Have you had any conversations with anyone
12 about this cases since filling out the
13 questionnaire?

14 JUROR: About the case itself, or about
15 the process that I am going through? Can I clarify?

16 THE COURT: Certainly, explain it, please.

17 JUROR: You know, because I have just, I
18 have a family, husband and a son. And I just told
19 them that I am nervous about this and I'm not -- you
20 know, you don't know what to expect. We just kind
21 of talk in general terms about the process that I am
22 going through right now, and how I feel about it.

23 THE COURT: What did you tell them?

24 JUROR: Well, think back for exact things.
25 Just that I felt that I didn't -- I wasn't clear on

1 what was going to be happening. And that I wished
2 that I knew more about the process, and what was
3 going to be happening that day. Because I felt like
4 I was -- I was coming in when I first came, I said,
5 I don't know if I am going to go in and be called
6 that day to go onto a jury, or if I had to be
7 interviewed first or what was going on. So I just
8 kind of expressed some concerns and being nervous
9 about not knowing what exactly was going to happen,
10 how this process works.

11 THE COURT: Okay. Do you remember the
12 instruction that I gave you that if you were
13 questioned by anyone when you left this courtroom,
14 that you could state that you were a prospective
15 juror on a criminal case, and that's all you should
16 tell them.

17 JUROR: Yes, I told them that, too. I
18 said, all I can say is that it's a criminal case.
19 But did you mean that I shouldn't say anything about
20 how I felt about the process of being picked? I
21 didn't know. I'm sorry if I misunderstood.

22 THE COURT: I am not responding to that.
23 I am simply asking.

24 JUROR: Oh, okay. Right.

25 THE COURT: Did you understand that

1 instruction?

2 JUROR: Yes. Yes. Definitely.

3 THE COURT: Do you believe you have
4 cooperated with that instruction?

5 JUROR: Yes.

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

9 JUROR: Not at all.

10 THE COURT: There are a number of rules of
11 law, some of which I gave, or mentioned last week.
12 I am going to mention them again now. There will be
13 other rules of law that get told to the jury during
14 a jury trial, or before or after a jury trial.

15 One is that the defendant is presumed to
16 be innocent. Another is the state has the burden of
17 proof. Another is that the state must prove any
18 charge beyond a reasonable doubt. Another is that
19 the defendant does not have to prove innocence.
20 That and other rules, will you be able to follow the
21 rules of law as I give them to you?

22 JUROR: I believe I can.

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

1 JUROR: No. I think I can be fair.

2 THE COURT: Mr. DeVore.

3 MR. DEVORE: Thank you, Your Honor.

4 BY MR. DEVORE:

5 Q Good morning, Ms. Lackner.

6 A Good morning.

7 Q I had an opportunity to review your
8 questionnaire that you filled out last Friday. Is
9 there anything that you thought about over the
10 weekend or the last few days that you would add to,
11 change, or delete on your questionnaire?

12 A No. The only thing I thought about it
13 was, I realized when I got home that when you had to
14 fill out if you knew anybody in certain areas like
15 legal areas, I failed to put down my father. He was
16 a police officer. And I was like, oh, when I
17 thought of legal, I thought of attorneys, judges,
18 and that kind of a thing. But on other areas of the
19 form I had mentioned that my father was a police
20 officer. So I thought that was okay.

21 Q Sure.

22 A That was really the only thing I thought
23 about. Well, except for sources of news. You know,
24 they asked for the main source of news. And it's to
25 have one main source, so I did the best I could on

1 that.

2 Q Okay. Now, I did see that you mentioned
3 that your father was a police officer in St. Paul;
4 is that correct?

5 A Yes.

6 Q What level of officer was he; was he a
7 patrolman?

8 A Yes, he was a patrolman. The last few
9 years -- he passed away at age 47. A few years
10 before that, he was doing where he would drive
11 around and do parking meter tickets instead.

12 Q Okay.

13 A So he used to do West 7th Street was his
14 beat.

15 Q How old were you, then, when he passed?

16 A He passed in '80, so I was 24, I think.

17 Q Growing up, did you have occasion to
18 listen to your father, and hear about his stories,
19 and things that happened at work?

20 A He did not talk about details of work.

21 Q Okay.

22 A The only thing I remember in the 60's is I
23 remember my mom being concerned for his safety and
24 everything, but we never heard any details of his
25 work.

1 Q Okay. Now, I noticed that when you were
2 asked, would you tend to believe a police officer
3 more than any other witness, you checked the box
4 yes. Can you tell me why you checked the box yes?

5 A Well, I guess maybe my father being a
6 police officer has something to do with it. When
7 you know somebody in that line of work personally
8 and you see that they are a person of great
9 integrity. You know, that kind of transfers over, I
10 guess.

11 Q Sure. What if somebody that wasn't a
12 police officer was on the witness stand, and they
13 swore to tell the truth in front of, you know, the
14 courtroom here. Would you consider them to be sort
15 of equal in terms of trustworthiness with a police
16 officer?

17 A I would have to assume that they are
18 telling the truth if they swore to tell the truth.

19 Q Okay. So for purposes of being in this
20 courtroom, and listening to the evidence, whether
21 it's a police officer or non police officer, you
22 know, if they are swearing to tell the truth, you
23 would kind of treat them as equal?

24 A For sure.

25 Q Okay. Then of course you would listen to

1 what they say, and then you would evaluate what you
2 think about that. Is that what you're thinking?

3 A Yes, absolutely.

4 Q Now, it looks like your main source of
5 news is basically TV; television?

6 A That was a hard one that I struggled with.
7 I took a bit of time to go over in my head. I am
8 not like an avid sit down every night when the news
9 comes on to watch it. I kind of tend to pick up a
10 little bit here, little bit there.

11 Q Do you get a newspaper at home.

12 A We do. We get the Pioneer Press.

13 Q Do you read the paper?

14 A I do. I clip articles and save them,
15 so...

16 Q All right. What kind of articles do you
17 clip?

18 A Mostly I clip the editorials.

19 Q All right.

20 A But if there is -- you know, if there is
21 certain issues that are really hot at the time,
22 maybe like immigration, or taxes, and school issues
23 or things like that, I try to clip them so I can
24 keep up with it. So I am a big note taker, kind of,
25 in a way. Because I find that in my memory I need

1 to go back and look at things again. Some people
2 might read a little bit and then they remember it
3 for a long time. So I just kind of clip articles
4 that I am especially interested in.

5 Q What do you do with them, do you put them
6 in a file folder or something?

7 A Yeah, I will organize them according to
8 topic.

9 Q Oh, you do. How about do you ever go on
10 the Internet and research stuff on line?

11 A I am on Facebook. I have learned that
12 there is fake news, and yes, if I see something that
13 seems to be a little out there on its claims, I have
14 learned to do some research to find out if it's true
15 or not.

16 Q Okay. Where do you go when you want to do
17 some research? Do you have a particular website or
18 place that you go to?

19 A If I do research, what I generally do is I
20 will just put the topic into Google search, and then
21 look at all of the different web sites that come up
22 that are connected to that.

23 Q How often would you say you spend time
24 online on your computer?

25 A Online on the computer? I spend a lot of

1 time online on the computer, because I do listen to
2 a lot of YouTube videos and stuff like that. For
3 me, it's biblical research that I enjoy. So I am
4 taking classes like on the bible in the ancient
5 east, or biblical Hebrew and stuff like that.

6 Q So you're attending some online classes;
7 is that what you're saying?

8 A Um, well, I just audited one. Just got
9 done with that one.

10 Q What do you mean by that?

11 A You don't have to pay for it, and you're
12 not earning credits toward a degree. You just
13 listen to the videos online and you can follow along
14 on the course. Like, right now, there is one that I
15 started and it's from Yale University on the bible.
16 And then the one I did before this was from Illium
17 Bar University in Israel. I just completed that
18 one, so yes, I spend a lot of time online.

19 Q You do. Like on a daily basis, how many
20 hours or --

21 A Wow. Probably five hours, six hours
22 maybe. Yeah, when I'm doing a course like that or
23 I'm trying to watch these videos and stuff,
24 sometimes they are like an hour long.

25 Q Okay. You said that you indicated that

1 you're retired; is that right?

2 A Yes.

3 Q What did you do before you were retired?

4 A I really have been a homemaker through the
5 years. I have worked a little bit here and there.
6 I taught karate for like a year and a half. For a
7 year maybe.

8 Q Okay. What level are you at in karate?

9 A Second degree.

10 Q How many years have you been doing that?

11 A Well, I am not doing it anymore.

12 Q Okay.

13 A I did that in my 40's and early 50's.

14 Q All right. Just curious, have you ever
15 heard of the term Dark Web before?

16 A Not specifically.

17 Q Ever heard of it at all?

18 A No.

19 Q How about Bitcoins, have you ever heard of
20 that?

21 A I have heard of Bitcoins.

22 Q What have you heard about Bitcoins?

23 A Well, I know that they exist. I think
24 it's some -- I think from -- I haven't read an
25 article about them. I guess it hasn't been a very

1 strong interest for me, because it's not something I
2 would partake in. I think it's some kind of like
3 virtual money or something.

4 Q Sure. Do you have any idea why people
5 have it or use it?

6 A Not really. Like I said, I have seen
7 headlines about it, and I've heard of it, but it's
8 not anything I have been interested in.

9 Q All right. Now, you indicated that your
10 favorite TV show is Columbo?

11 A Columbo.

12 Q And you like to watch the reruns,
13 obviously.

14 A Mm-hmm.

15 Q What is it about Columbo that you like?

16 A Well, I like his manner and his
17 personality and the puzzle. Putting together the
18 puzzle. We don't have cable, we have never had
19 cable. So we have antenna TV, and we are happy with
20 that.

21 Q Okay. So what stations do you pick up
22 then with the antenna TV?

23 A Well, we just get the standard like
24 channels 2, 1, 2, 3, 4, you know, 4 and 5 and all of
25 those.

1 Q Okay.

2 A 9, 11. I really never -- I rarely watch
3 TV to be honest with you. Sundays that's why I look
4 forward to Columbo, because it's one time of the
5 week that I will actually say, hey, it's my
6 evenings. I'll sit down and watch a TV show.

7 Q Sure. So what else other than being
8 online, what do you do in your free time during the
9 day?

10 A Housework. Cleaning, cooking, shopping.
11 And then when we can, we like to go for walks. My
12 husband and I will go for walks and hike.

13 Q Is your husband still working?

14 A No, he's retired.

15 Q What did he do?

16 A He had a doctorate in pharmacy. So he
17 worked with a company -- the last few years, he
18 worked with a company that provided pharmacy
19 services for the people down in Virginia for the
20 Iron Workers Union. Before that, he was like ten
21 years at the University of Minnesota being a
22 professor of pharmacy.

23 Q Okay. Do you have any knowledge about
24 pharmaceutical products due to the fact that you
25 were married to a pharmacist?

1 A Some. Some.

2 Q Just kind of a basic knowledge or ...

3 A Yes. Yes. You know, I would hear him
4 talk about things. But again, like I said, if you
5 don't use it, you lose it. I hear it, it's
6 familiar. I might recognize some names of different
7 things. Maybe a little bit more than the average
8 person. But I am no where near any expert on
9 pharmacy and drugs.

10 Q And your son lives at home with you?

11 A He does.

12 Q So you're taking care of the house, and
13 taking care of him, and your husband and yourself?

14 A Well, he's like 26, so he doesn't need any
15 taking care of.

16 Q Sure. Okay. All right. I am going to
17 ask you follow up questions to some of the things
18 that we've talked to you about in this
19 questionnaire, okay?

20 A Sure.

21 Q One of the things that you indicate is
22 that you have, you yourself, have been a victim of a
23 crime; is that right?

24 A Correct. Yes.

25 Q Are you comfortable talking about that in

1 this setting?

2 A Sure.

3 Q Okay. Now, I know what happened based on
4 what you put in here, okay?

5 A Right.

6 Q And my understanding, based on what you
7 wrote, is that they did catch the person?

8 A Oh, yes.

9 Q He was convicted?

10 A Yes. Served time.

11 Q Served time in prison or something?

12 A Mm-hmm.

13 Q And was that something that you were
14 involved in the process of the police investigation?

15 THE COURT: As you handle it, push the --
16 there's a -- there you go.

17 JUROR: All right. Thank you. Just don't
18 want to be coughing.

19 THE COURT: That's all right. Go ahead,
20 Mr. DeVore.

21 MR. DEVORE: I'll wait.

22 BY MR. DEVORE:

23 Q I just wanted to know if you were -- how
24 involved you were in the investigation process.

25 A I was not involved in it.

1 Q How old were you at the time?

2 A I think I was 17. Something like that
3 pretty young. As I said, my father was a police
4 officer. I think everything was just handled
5 without my -- you know, I wasn't very involved.

6 Q Was this somebody that you knew?

7 A No. No. I worked, the company no longer
8 exists, and I went in on a Saturday to do some extra
9 work. And a girlfriend was supposed to meet me for
10 work and she never did show up. So I was alone in
11 the office. This was a security guard. He would
12 just come through once in a while. And I was very
13 young and very naive, and I didn't think anything of
14 it. So.

15 Q Okay.

16 A So I went to leave, and he said, well, I
17 will walk you out to your car. When we were
18 leaving, then he grabbed me by the throat, and
19 choked me until I passed out and I woke up on the
20 floor.

21 Q Okay. Obviously, it was a very traumatic
22 experience for you, I would assume?

23 A Yes. I partly consider my thankful that
24 he actually choked me until I passed out so I didn't
25 have to experience it, to be honest with you.

1 Q All right. Let me ask you about any
2 lasting effects of that with respect to just how you
3 deal with stress. Is there anything that you have
4 done? Did you have any therapy after that or along
5 those lines?

6 A Afterwards I was on leave from work for I
7 think maybe three months or so. My dad took me to
8 work the first day back. He is the one, he just
9 really just talked to me a lot about it. Saying,
10 how are you feeling? We talked about the importance
11 of facing up to your fears and just pushing through
12 it. So I had a supportive family.

13 Q That was quite a few years ago. But are
14 there any lasting effects today that you deal with?

15 A No. No. I completely realized it's
16 nothing I -- I am not the guilty person, he was.

17 Q All right. Now, you also mentioned that
18 when whether you heard about what this case was
19 about, the allegation of a murder of a spouse or
20 wife, you said that you felt sympathy for the wife.
21 What do you mean by that? Can you explain that a
22 little bit?

23 A Well, because I think being female, I
24 imagine, has a lot to do with that feeling that
25 you're less strong. You're not as strong

1 physically. You know, if you get into an
2 altercation, you know, a male is more than likely
3 going to have the upper hand over you. So in that
4 sense, I have sympathy.

5 Q All right. Do you think that what you
6 have experienced yourself, personally, when you were
7 17, do you think that that plays into your feelings
8 today as you wrote down in this answer?

9 A Well, that would be a question for a
10 little bit of a psychological examination I suppose,
11 on my behalf. I did not put those two together at
12 the time. I think I look at life, in general, and I
13 mean men are just stronger than women. I think
14 that's just a fact of life to me.

15 Q Sure.

16 A Physically. I don't mean in other ways.
17 But, you know, I think that women certainly can do
18 things. I took karate. You know, take conceal and
19 carry classes to kind of equal that playing field a
20 little bit. But without those things, I think that
21 men do have an upper hand physically over a woman.

22 Q So do you have a permit to carry?

23 A I don't.

24 Q What did you say the class that you took?

25 You took karate, and then you said --

1 A Just karate. No, I was saying that in
2 order to level the playing field you could do that.

3 Q Oh.

4 A I'm just saying, she can do things to make
5 herself less of a victim, you know.

6 Q All right. Now, if you -- I just want to
7 gauge your level of sympathy because obviously there
8 is always a level of sympathy for somebody that is
9 deceased, correct?

10 A Right.

11 Q I want to know if knowing that you have
12 a -- you've stated that you have sympathy for the
13 wife, if you're able to maintain an objective
14 viewpoint of this case, and listen to the facts that
15 are presented in this trial?

16 A To be honest with you, I think that I
17 could. I mean, I have three sons, and my husband.
18 And I know that they also have their struggles.
19 They are very human. You know, they are not like
20 these superhuman people. I am not meaning to make
21 men come across like that. You know, does it make
22 sense to you what I am saying? That if you get in a
23 physical altercation, the male is going to have some
24 advantage over a female. But to me, it doesn't
25 carry across into everything in life. I think that

1 men can be very vulnerable on many levels.

2 Q I think you have answered my question.

3 What I am getting at, to make sure, that some people
4 have such strong feelings about a woman being in a
5 more submissive role as you've indicated, that any
6 allegation would cause them to put up their hackles,
7 and it would be more of a, not innocent until proven
8 guilty, but guilty until proven innocent.

9 A Correct.

10 Q Okay. And I just want to make sure that
11 that's not what you are dealing with.

12 A Correct. And I hope I made it clear to
13 you.

14 Q I think you did. You believe that a
15 defendant is innocent until proven guilty; is that
16 right?

17 A Has to be.

18 Q Okay. And unless the state can show you
19 proof beyond a reasonable doubt that they have met
20 all of the elements of the offense, that's what they
21 have to prove; is that what your understanding is?

22 A Correct. And I believe, myself, that I am
23 able to distinguish between my feelings, my
24 emotions, versus coming back to say what are the
25 facts.

1 Q Okay. All right. I am going to move on
2 then. I appreciate your comments on that topic.

3 Now, I have another question about one of
4 your responses, and I just wanted to get your
5 thoughts on it. You were asked, is there any reason
6 why you think you might have difficulty being
7 completely impartial in this case where Mr. Allwine
8 is charged with Murder in the First Degree. You
9 indicated, not sure. And said, I would work to be
10 fair, though. You said, I will admit that I was a
11 bit shocked by the charges. Maybe I'll just start
12 there. Tell me just what you were thinking and why
13 you were shocked by the charges. Did you think that
14 you weren't capable of being on a case like that or
15 was it just --

16 A I think it was just knowing the reality
17 that something like this occurred in an area that I
18 live in. I'm assuming that it happened in
19 Washington County, since that's where it is. You
20 know, something I think is a pretty serious offense,
21 obviously. Just, you know, in my day to day life, I
22 don't think in those terms about that kind of thing
23 a whole lot. I guess it's just the reality, when
24 the rubber hits the road. You know, it's like wow,
25 this is really serious.

1 Q Okay. And you also, you said in that same
2 response, you said a fair trial is owed to the man.
3 You also said, it brings up a lot of questions in my
4 mind. Tell me what kind of questions are you
5 talking about that come to your mind.

6 A Well, again my mind first went to, gee, a
7 woman is less strong. So how -- you know, she would
8 be more easy to take advantage of in a situation.
9 And then I thought, well -- and I knew in my head,
10 you know, you have to hear the details. That wasn't
11 something that I could apply across the board. So
12 instead it brought up a lot of, well, I am sure
13 there is just a lot of details that would come out
14 in a case that I couldn't even imagine right now.
15 So that is really is behind that saying, it brought
16 up a lot of questions. I imagine there is going to
17 be a lot of different evidence presented and a lot
18 of different details that I can't even think of.

19 Q All right. And it sounds like you're kind
20 of a detail oriented person; is that fair to say?

21 A I think I am.

22 Q And you like to take notes?

23 A I do.

24 Q And you would be provided a notepad and
25 pen or pencil during this trial, so I assume you

1 would be taking some notes?

2 A I definitely believe I would be.

3 Q Okay. Now, have you had occasion to work
4 in a group setting with people where you have to
5 talk about your opinions and thoughts?

6 A Not so much. I mean, I took a couple of
7 classes at Anoka Ramsey Community College where you
8 had to work in a group setting. Generally, I have
9 really been a housewife through the years.

10 Q So when you've gone to social engagements,
11 or church, or wherever and there is a group of
12 people, do you find yourself trying to meet new
13 people and say hello, or do you find yourself kind
14 of focusing on the people only that you already
15 know?

16 A I have been at different things. Like
17 with my husband, we would go to his work parties and
18 stuff like that. I generally tend not go around the
19 room reaching out to people I don't know. I would
20 let them come to me first. The type of person I am.
21 I would sit back more and observe. I am not a
22 very -- what do you call, extrovert.

23 Q Sure. So what about when you're
24 challenged on your feelings and thoughts, are you
25 the type of person that will be able to stand up for

1 yourself and state what you think or do you think
2 that you would --

3 A That is interesting. I just remembered
4 one thing, too. I did go to my first ever -- what
5 do you call it again, a caucus?

6 Q Oh, sure.

7 A Yes. And I did find it interesting that
8 -- and I noticed that about myself. I went in there
9 with my ideas, what I was going to do. And as I
10 listened to the other people around the room, I
11 ended up changing my thoughts and my ideas on it.

12 Q Okay.

13 A Now, whether that's a good thing or a bad
14 thing, I haven't kind of concluded that either. On
15 one hand that could be good, and on the other hand
16 not so good. I don't know.

17 Q When you were in that situation where you
18 changed your thoughts and ideas, did you come to
19 realize that there was additional information that
20 maybe you weren't aware of and that's what changed
21 your mind?

22 A I think it was just -- I don't remember
23 all of the details of it. But I just remember
24 hearing where other people were coming from. As I
25 listened to that, I learned that there was more than

1 one way to see it.

2 Q Okay. And ultimately, did you feel like
3 you came to the right conclusion based on all of the
4 observations of the other people?

5 A Well, I will tell you the truth. I
6 switched my vote and so the person that I switched
7 my vote to actually won Minnesota's votes or
8 whatever, but eventually lost. So on one hand, I
9 was like, okay, the person I switched it to lost.
10 Maybe the person I was going to vote for would have
11 lost anyway. So I was like, I wasn't sure if by
12 having switched I had really gained that much. Does
13 that make sense? I mean, I listened to them, and I
14 switched it, and then I did have second doubts about
15 it. I was like, well, did it make a difference? I
16 don't know.

17 Q So what do you think you might do in the
18 future if you were in that same situation, how might
19 you react or behave?

20 A Well, I think one thing is, we were
21 under -- I felt under a time pressure. So I didn't
22 feel like I had a lot of time to really go back over
23 things to look at it a second time. You know,
24 deliberate about what I really thought about it.
25 You know you kind of like listen to everybody and

1 then they pass everything around and you just had to
2 do it right then.

3 Q What was the time constraints, like give
4 me a -- like within a few hours or --

5 A Oh, no. No. No. No, it wasn't a few
6 hours at all. There was just a lot going on at the
7 caucus, too. Pretty much everybody had a say around
8 the room and everything like that. And then it was
9 right like that after that that you put down your
10 vote. It was immediate.

11 Q All right. So you would have --

12 A Had I had more time, you know, to really
13 think about it a lot, I don't know what I would have
14 done to be honest.

15 Q All right. I am going ask you a few more
16 questions about your use of computers and
17 electronics, okay?

18 A Sure.

19 Q I understand that you spend a fair amount
20 of time online, right?

21 A Yes.

22 Q Do you know much about the inner workings
23 of a computer, like do you know how they are
24 programmed and things like that?

25 A No. Not too much, no.

1 Q All right. What about search engines?

2 Are you familiar with what a search engine is?

3 A I do know that.

4 Q What kind of search engines do you use?

5 A Well, I had been using Google. Then I had
6 heard that they keep track of everything you search.
7 So I wanted to keep it more private so I switched to
8 Bing, and everybody has now told me, and I seem to
9 have experienced it that sometimes Bing is not so
10 thorough, so I have gone back to Google again.

11 Q What is it about not wanting people to see
12 where you search that's important to you?

13 A Just seems to be un-American kind of, you
14 know. I just don't like strangers, these companies
15 out there, having logs of what I am doing.

16 Q All right. And you think that they have
17 logs of what you are doing without your permission
18 to have that?

19 A No. I think if you go online, I think
20 it's an understood thing that you're being tracked
21 by companies. I am not a conspiracy theorist.

22 Q Are you aware of any programs that are out
23 there that would allow you -- your searches to not
24 be tracked?

25 A I have heard that there is such of a

1 thing.

2 Q What have you heard about that?

3 A That it is exists.

4 Q Do you know anymore about that?

5 A No. And I have never looked anymore into
6 it. Like I said, I kind of did it at the time
7 because it just seemed like, well, if I can use Bing
8 and it's more private, then why not do that?

9 Q Sure.

10 A Now like I said, I have gone back to
11 Google, because I have had some experiences with
12 Bing that it's like, wow, I couldn't find what I
13 wanted. But I did when I went into Google. I
14 couldn't believe it made a difference what search
15 engine you used.

16 Q Sure. Is there anything that you use on
17 your computer to protect yourself from intruders and
18 viruses and things like that?

19 A Well, I think -- I have Windows 10, and I
20 think that that already has that program on it to do
21 that.

22 Q Have you heard of antivirus and malware?

23 A Yes. I used to have Nortons on there and
24 everything. But my son, my younger son, he knows a
25 little bit more about computers than I do. I do

1 have a nephew and I put him on there that he has a
2 college degree in -- he went into computer work. He
3 said it just slows down your computer, it's not
4 worth it, you don't need it. So now I don't have
5 any of those other things on it.

6 Q Have you ever heard of anybody, friend or
7 family or somebody that you know that has had their
8 computer hacked?

9 A Computer hacked? No, I have heard of
10 people that have had like their email hacked, or
11 their Facebook account has been hacked.

12 Q Okay. What happened. Somebody got in
13 there and was able to do something to their account?

14 A Well, apparently they stated that they
15 will open up a new Facebook page in their name.

16 Q Okay. And do you know what the term WiFi
17 stands for?

18 A Yes.

19 Q What is it?

20 A Well, it's the internet connection.
21 Wireless -- I guess I don't -- I know what it is,
22 but I don't know why.

23 Q Sure. So if you have a problem with your
24 computer or something is going wrong, what do you
25 do? Do you bring it in, give it to your son?

1 A Yeah, we call up, Joel, come and help me.

2 Q Your son?

3 A Yes.

4 Q Okay. Have you ever brought a computer
5 into Geek Squad or anything like that?

6 A No.

7 Q All right. How do you do your banking
8 activity? Do you do that online or do you write out
9 checks, or what do you do?

10 A We do both. I write out checks but I also
11 do things online.

12 Q So you have -- you go to your bank's web
13 site or an app or something?

14 A Yes. Balance the checkbook each month,
15 and then we have certain bills that are on automatic
16 pay.

17 Q So you use the bill pay function?

18 A Yes.

19 Q Do you ever purchase items online?

20 A Oh, all the time.

21 Q Amazon?

22 A Yep.

23 Q Do you use a debit card or a credit card
24 when you make those purchases?

25 A Sometimes I use a credit card, sometimes I

1 use Pay Pal.

2 Q So you have a Pay Pal account, too?

3 A Yes. Mm-hmm.

4 Q Why do you have a Pay Pal account?

5 A Supposed to be more secure.

6 Q Gives you a sense of security when you use

7 Pay Pal?

8 A As secure as you can be online, I guess.

9 Q What are you being more secure from?

10 Somebody getting your information?

11 A Yes.

12 Q Have you ever heard of Money Gram or

13 Western Union before?

14 A Western Union, sure.

15 Q What's your understanding of what those

16 are for?

17 A That you can wire money to people.

18 Q Have you ever used them before?

19 A No.

20 Q I just have to ask you a question about

21 your general feelings about the jury system. Do you

22 think it's a fair system? Do you have any feelings

23 about the jury system?

24 A I don't. This is my first experience with

25 it.

1 Q Okay. Safe to say that you don't really
2 understand what the process is all about?

3 A No, I think I understand what the process
4 is about. I haven't had anybody, personally, that I
5 have known that has served as a juror on a case at
6 all. I don't know. I just don't have personal
7 experience with it.

8 Q Okay.

9 A I think when I have seen the cases that
10 have been in the news where there are jurors that
11 have come forward to speak out after a case, I think
12 my impression is that it's a very difficult job.

13 Q I know you mentioned that you read some
14 news accounts about jurors defending themselves.

15 A Right.

16 Q Do you think that's -- do you have any
17 problem with that? Do you think that's fair that a
18 juror should have to defend themselves? Do you have
19 any strong feelings on that either way?

20 A No. I just think that those people are
21 very brave when they come out and speak like that.
22 Because the most recent one that I am thinking of, I
23 think the public sentiment was against what the jury
24 decided.

25 Q Which case was that?

1 A I think it was the one with Philando
2 Castile where the jurors spoke out.

3 Q Sure.

4 A And the conclusion that they came to
5 wasn't necessarily the popular one. I just viewed
6 them as, it takes a lot of bravery to be on a jury.

7 Q So let me ask you, if you had to make a
8 decision as a jury and you didn't think it would be
9 a popular one, do you think that would influence
10 your decision or would you just make your decision?

11 A I would just make my decision.

12 Q Okay. Do you have any feelings
13 necessarily about the crime rates in our country?
14 Do you think they are high, low, or any feelings at
15 all?

16 A Well, I read newspaper articles and things
17 that they keep telling us that certain crime rates
18 are going down. But personally, I think they are
19 higher than I like it to be. I guess, partially
20 with my age, I look back when I was young versus how
21 things are now. You know, I think it was better
22 back then.

23 Q I just want to ask you one more question.

24 A Sure.

25 Q We have rules of law in this court. And

1 one of them is that the defendant has the right not
2 to testify, okay? Do you understand that?

3 A I understand that they have that right.

4 Q Does that create a problem for you? If a
5 defendant chose not to testify, would you
6 automatically think one way or the other?

7 A I think it would leave a big question mark
8 in my head, you know.

9 Q Okay.

10 A I would have to ponder as to the rest of
11 all of the evidence. As to why, why is he not.
12 Because I understand, sometimes, if they don't want
13 to testify, because sometimes people can be
14 pressured into making statements that come out
15 wrong, and some of the words could be twisted. So I
16 can understand where people might say they don't
17 want to testify. I certainly would wonder. I would
18 have questions about it. I don't know to me how
19 would you not wonder.

20 Q So if the judge told you that you are not
21 to draw a negative inference from that, would you be
22 able to do that?

23 A I believe I could.

24 Q You would be able to follow the judge's
25 instruction?

1 A Oh, I believe I could.

2 Q Okay.

3 A I do believe that I could follow the
4 judge's instructions. I don't know. Maybe it's my
5 age, you know. But having been through a lot of
6 things, I think a person by my age hopefully has
7 learned to sort through emotion versus logic. My
8 husband is very logical. We have had a lot of
9 experiences in life. So I think I have learned to,
10 you know, appreciate logic.

11 MR. DEVORE: Okay. Thank you. Judge, can
12 I have a few minutes?

13 THE COURT: You may.

14 MR. DEVORE: Can we approach, Your Honor?

15 THE COURT: Absolutely.

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

18 THE COURT: We will move to the
19 prosecution for any more questions.

20 MS. KREUSER: Thank you, Your Honor.

21 BY MS. KREUSER:

22 Q Good morning, Ms. Lackner.

23 A Good morning.

24 Q My name is Jamie Kreuser. I am one of the
25 prosecutors on the case. I just have a few more

1 questions for you. Okay?

2 A Okay.

3 Q When you were talking about your father,
4 he was a police officer for St. Paul?

5 A Yes.

6 Q You had said that he passed away when he
7 was rather young, 47?

8 A Yes.

9 Q Did he pass in the line of duty?

10 A No. He was at home and he had a stroke.

11 Q Okay. Regardless, I am sorry for your
12 loss.

13 A Thank you.

14 Q Another difficult, I guess, topic for you.
15 The assault that you endured when you were 17. One
16 question that I guess that I had when you were
17 talking about it was, you know, you had said that
18 you weren't really involved in any of the after or
19 investigation steps, or prosecution part of it. But
20 did you actually, then, tell someone and report it,
21 or were you found? How did all that unfold?

22 A Right. Well, when I came to afterwards, I
23 went to the ladies room immediately. I felt safe
24 there and tried to clean up a little bit. I called.
25 I don't remember if I called my dad first, then my

1 boyfriend, which is now my husband. Or my boyfriend
2 first and then my dad. I don't remember. They came
3 out and got me.

4 Q Thank you. You had said that you use your
5 computer quite a bit. Now, I don't, and I'm sorry,
6 I don't remember your answer if you were asked this
7 or not. Has your computer, personally, ever been
8 hacked?

9 A No.

10 Q What kind of computer do you have?

11 A I have a Hewlett Packard right now. I
12 just got it maybe a year and a half ago.

13 Q What did you use before that?

14 A A Dell.

15 Q Always a PC person, not a Mac or Apple
16 person?

17 A Correct.

18 Q Now, you had answered in your jury
19 questionnaire that you had a brother who went to
20 prison for a drug offense?

21 A Yes.

22 Q Can you tell us a little about that? How
23 long ago it was, what the severity, how that all
24 kind of played out?

25 A Okay. Yeah. I think after my dad passed

1 away, my brother got really heavily into drugs a
2 lot. I don't know, maybe being -- I don't know. He
3 just -- it spiraled for a lot of years out of
4 control. He finally ended up in prison for it. I
5 can tell you he used to call from prison once in a
6 while. It was never his fault. I think when he
7 finally came down to reality, and it hit him, he
8 needed to make life changes and stuff. So he did
9 and he became a pastor and now he preaches in the
10 prisons.

11 Q Wonderful. But he's out, though, now?

12 A He is out. He has probably been out,
13 gosh, quite a few years. 15 years, something like
14 that.

15 Q Okay. Great.

16 A Doing good.

17 Q How about, you answered that your friend's
18 son was convicted of some kind of criminal sexual
19 conduct offense.

20 A Yes.

21 Q Close friend, not close friend?

22 A Fairly close. I went to high school with
23 them. We have maintained a relationship through the
24 years. The relationship, though, is not one where I
25 would really like confide in them things. It's just

1 a friendship. We get to together couple times a
2 year, go to dinner, stay in touch. But now with
3 this development, I am actually babysitting once a
4 week their grandson. So it has brought us a little
5 bit more in contact with them. We talk and see them
6 a little more often than we did before.

7 Q I understand. Has this friend talked to
8 you a lot about the process of her son being
9 prosecuted?

10 A No. Not really.

11 Q So no conversation between the two of you
12 about whether the process has been fair or not fair
13 towards her son?

14 A Correct.

15 Q Okay.

16 A No. I think they are kind of the type
17 that, let's just put it behind us and move on, and I
18 just let it.

19 Q Okay. You had said that, when Mr. DeVore
20 was questioning you about, kind of a little in line
21 when you were talking about your experience with the
22 caucus, now if you were in a jury setting or group
23 setting, and you had -- the rest of the group had an
24 opinion that you felt was unpopular. You had said,
25 you know, that you would have your decision, and

1 that would be your decision. But would you also be
2 able to, if you're charged as a juror and you are
3 charged to go back and deliberate, would you be able
4 to go back and listen to the other jurors in the
5 case, and their feelings and opinions as well in
6 your deliberation, or would you stick your head in
7 the sand and not listen to anyone at all?

8 A Oh, I have never been one to stick my head
9 in the sand and not listen at all.

10 Q Okay.

11 A So I -- well, an example, the last very
12 contentious presidential debate, I have nephews that
13 are on the opposite side of the fence, and we had
14 many discussions, and I do try to listen to where
15 they are coming from.

16 Q Sure. Okay.

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

18 THE COURT: Yes, you may.

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

21 THE COURT: Ms. Lackner, you have been
22 removed. You have my great thanks for your
23 cooperation up to this point. So you are excused
24 and I thank you. You may leave.

25 JUROR: Thank you.

1 (The juror exited the courtroom.)

2 (Prospective juror entered the courtroom.)

3 THE COURT: Please come forward. I am
4 going to put you in that first row of the jury box.
5 So turn right and go back to that chair that's
6 partially turned.

7 JUROR: Okay.

8 THE COURT: Before you sit down, please
9 raise your right hand to be sworn.

10 (The prospective juror was sworn in.)

11 THE COURT: Have a seat. Please state
12 your name.

13 JUROR: Brenda Linn.

14 THE COURT: Ms. Linn, we are in the middle
15 of what we call Voir Dire, which is a questioning
16 process. You heard me say that that has to do with
17 speaking the truth, so I will appreciate your
18 truthfulness and your cooperation during this
19 process.

20 I will have some comments for you. I will
21 have a few questions for you. Then I will turn it
22 over to defense counsel and there will be more
23 questions, and possibly to the prosecution in terms
24 of questioning as well.

25 During the questioning there may be a

1 request to excuse you for cause, or there may be a
2 request to exercise a preemptory challenge, that's
3 what we call it, or there may be neither.

4 Now, a challenge for cause occurs if one
5 side or the other decides that there is a reason you
6 shouldn't be on the jury, and they would tell me
7 that right here at the bench, and I would make that
8 decision.

9 A preemptory challenge can be exercised by
10 either side. They have a number of those. They
11 don't have to tell me why. That's up to them.
12 That's their decision, not mine. If one of those
13 things happens, you would be removed. I would
14 excuse you and thank you for your service.

15 Now, have you had any conversations with
16 anyone about this case since filling out the
17 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 a number of rules of
24 law. I gave you some or mentioned them last week,
25 but I will go back to them. The defendant is

1 presumed to be innocent. The state has the burden
2 of proof. The state must prove any charge beyond a
3 reasonable doubt. And the defendant does not have
4 to prove innocence. Those and other rules of law
5 get delivered to a jury during and/or after a trial.
6 Will you be able to follow the rules of law as I
7 give them to you?

8 JUROR: Yes.

9 THE COURT: Do you believe there is any
10 reason that you cannot be a fair and impartial juror
11 in this case?

12 JUROR: No.

13 THE COURT: Mr. DeVore.

14 MR. DEVORE: Thank you, Your Honor.

15 BY MR. DEVORE:

16 Q Good morning, Ms. Linn.

17 A Good morning.

18 Q I have the pleasure of receiving your
19 questionnaire that you filled out the other day. Is
20 there anything that you have thought about in the
21 last few days that maybe that you would change, add
22 to or delete to this?

23 A No, I didn't really think about it.

24 Q Okay. Sometimes people think about things
25 as they go home. All right. I just have a couple

1 of questions about some of your responses. Okay?

2 A Okay.

3 Q You indicated that you have some legal
4 experience, or checked the box there, but I didn't
5 see a reference to it. Can you tell me what your
6 background is?

7 A Currently my job is a lunch lady at
8 Washington County. But prior, my career job, I
9 worked at West Publishing which became Thomson
10 Reuters. So even though I didn't deal with legal
11 cases per se, I did make corrections to cases once
12 in a while. So I didn't really have any training,
13 but I do have a little bit of background with making
14 corrections.

15 Q All right. What was your position at
16 Thompson Reuters?

17 A I was considered a publishing specialist.

18 Q So when you say you may make corrections
19 to cases, you mean like case law?

20 A Right. I was in their digest area. So I
21 would get corrections from like attorney editors to
22 change a word, or add punctuation, or things like
23 that.

24 Q So more grammatical corrections?

25 A Yes.

1 Q You weren't charged with doing the
2 research or figuring out if they had come to the
3 right conclusion?

4 A No. Strictly clerical.

5 Q And your husband works at Boston
6 Scientific?

7 A Yes.

8 Q What does he do there?

9 A He's a quality assurance technician. They
10 make medical devices. So he supports the
11 manufacturing area and makes sure that they are
12 making their parts up to spec.

13 Q Okay. And I see that you do some
14 volunteer work at Feed My Starving Children?

15 A Yes.

16 Q How often do you volunteer there?

17 A It really kind of varies. In between my
18 jobs I did a little bit more, but now it's probably
19 two or three times a year.

20 Q And you're a lunch lady is that right?

21 A I am.

22 Q Where is that?

23 A Lake Middle School in Woodbury.

24 Q How long have you been doing that?

25 A About 18 months.

1 Q That has to be an enjoyable job?

2 A I love it. You know, for 36 years I had
3 sat behind a desk and did miscellaneous work and I
4 absolutely love working with the kids and being up
5 and moving around.

6 Q Okay. If you were picked as a juror in
7 this case, you might be out of work for a couple of
8 weeks. Would that be a problem for you or would
9 somebody cover for you?

10 A Oh, someone would cover for me.

11 Q Okay. Now, you indicated that you have a
12 couple of incidents where you were a victim of a
13 crime. One was your vehicle was broken into and a
14 purse was stolen?

15 A Yes.

16 Q I assume you weren't in the vehicle at the
17 time.

18 A I was not.

19 Q So it's fair to say that it's something
20 where you came out and you noticed that your car was
21 broken into?

22 A Right.

23 Q What did you do as a result of that? Did
24 you contact the police?

25 A Yes. It was on my brother's wedding day.

1 So I left my purse in my vehicle because I was
2 decorating his facility for the reception. And I
3 was going to go pick up some more decorations. So
4 it was at a park. And somebody at the park, I had
5 just asked them if they had a phone and they called
6 911. I can't really remember, but the city didn't
7 have their own police force.

8 Q What city was this?

9 A I think it was Arden Hills or Shoreview.

10 Q Okay.

11 A So then somebody came out and took my
12 statement. But I was in a hurry because I had to
13 get to the wedding. So they had broken my window.
14 So we cleaned up the glass as best as we could.
15 Then I was excused to leave.

16 Q Was there any follow-up done to that? Did
17 they ever find the person or your purse?

18 A They did not find either. They tried to
19 use my credit cards. But because we acted -- they
20 figured it had been like a 15 minute window. So on
21 my way home, I was able to use my friend's cell
22 phone and call my husband. And my husband did a
23 bunch of calling of the credit cards and whatnot.
24 We got it stopped in time. But no, nothing was ever
25 -- I mean, other than me following up with my bank.

1 Q When did that happen?

2 A That was in 2000.

3 Q Did you feel like the police responded and
4 acted appropriately in the case?

5 A I do.

6 Q And you also indicated that at work when
7 you were working at a convenience store that you
8 were robbed?

9 A Yes.

10 Q What year was that?

11 A That was in 1981.

12 Q How old were you at the time?

13 A 21.

14 Q And when you were working at a convenience
15 store, were you behind glass?

16 A No. Back in the day, no. 1981 it was
17 just out in the open.

18 Q Tell me about that incident. Did the
19 person have a gun or a weapon?

20 A They had a knife. Basically, when it
21 started I thought they were like a short change
22 artist. He wanted a pack of gum, and gave me some
23 money. Then there was an exchange back and forth.
24 When I went to hand him some money, he grabbed me
25 and then put a knife to my neck and wanted me to

1 open a safe. And I went to open the safe, but in
2 the meantime, there is a button that I could push.
3 So I pushed the button and went to open the safe. I
4 am not exactly sure what happened, but the safe was
5 right by the door. So when I went to open the safe,
6 he left. I don't know if he got scared, or because
7 the safe was by the door. But the police were
8 called then because of the button I pushed. They
9 came and took my statement.

10 Q What city or town?

11 A That was in -- well, yeah. In St. Paul.
12 It was off of White Bear Avenue and Stillwater Road.

13 Q How did that make you feel, scared,
14 petrified?

15 A Yeah, I was pretty petrified. Especially,
16 you know, with him grabbing me and putting the knife
17 to my neck, I was pretty petrified.

18 Q Did it require you to go to any therapy,
19 or counseling, or anything?

20 A No.

21 Q I know you indicated that you felt
22 disappointed about the outcome?

23 A Yeah. Because obviously I wish they would
24 have been able to catch whoever did it, but they
25 didn't.

1 Q So I just want to understand the
2 disappointment. Is that in just the fact that at
3 the end of day you didn't have somebody responsible
4 for the crime?

5 A Correct.

6 Q Do you think the police did their job
7 appropriately?

8 A I did. I even had to go down to the
9 St. Paul police station and look at mug shots and
10 whatnot. So I feel like they interviewed me fine
11 and had me go down and look at the mug shots.

12 Q Do you have any feelings about the crime
13 rates in our country, in general, today? Do you
14 feel they are too high or any strong feelings either
15 way?

16 A Not strong feelings. I am sure in the
17 perfect world I wished there was no crime. But I
18 understand that people aren't perfect.

19 Q Sure. Okay. You mentioned when asked
20 about our jury system, you said you don't believe
21 it's 100 percent fair, but it's fairly close.
22 That's probably a good answer. But is there any
23 reason why you said you don't think it's 100 percent
24 fair? Is there a case that happened that you didn't
25 like, or something like that?

1 A No. I just meant because you are dealing
2 with humans and we are not perfect. I know what I
3 set my standard to, but I have always been on the
4 right side of the law -- well, not always, because
5 of course I'm not perfect. But, you know, I
6 understand that if somebody does something, that
7 they have to be held accountable.

8 Q Sure. Do you think a result of a trial is
9 fair if a person is found guilty because the state
10 proved their case, just as much if the defendant is
11 found not guilty, if the state doesn't prove their
12 case? Do you think either way is fair?

13 A Yeah.

14 Q Okay. What I'm getting at is that if the
15 system isn't fair only because a person gets
16 convicted, correct?

17 A Correct.

18 Q When you heard about this case, you said
19 that you were a little bit nervous. I just want to
20 gauge, is that a healthy level of nervousness?

21 A Yeah. It's, you know, just a situation
22 that I have never been in before, never been on a
23 jury case.

24 Q Sure.

25 A Yeah. It's not nervous to the point where

1 I am going to make myself sick or anything like
2 that.

3 Q Okay. do you feel like you're capable of
4 being on a jury of this type?

5 A I do.

6 Q If you're selected, you will be in a group
7 of a number of other people that will eventually
8 talk and decide on the fate of the case; do you
9 understand that?

10 A Yes.

11 Q Are you comfortable to be in a group of
12 people and to express your viewpoints?

13 A I am.

14 Q Okay. You're also equally comfortable in
15 listening to other people's viewpoints?

16 A Oh, yes.

17 Q Have you ever had any experience where you
18 have been in a situation like that in a group
19 setting where you collaborated on things?

20 A Yes. Not in my current position, but in
21 my former position we were on a team of people and
22 sometimes we would have to troubleshoot or come up
23 with new ways of doing things.

24 Q Have you ever worked in a managerial role
25 or had a supervisory position?

1 A Yes.

2 Q Was that at your previous job?

3 A Yes.

4 Q What kind of -- how many people,
5 typically, would you be supervising?

6 A It was about eight.

7 Q Sometimes did you have to resolve disputes
8 with other people?

9 A Yes.

10 Q What was your -- did you have a way of
11 doing that, collecting the data, and figuring out
12 the answers?

13 A Yes.

14 Q What did you do?

15 A I just tried to listen to what was
16 happening with the situation and kind of throw out
17 some ideas for a good conclusion.

18 Q Sometimes you probably weren't able to
19 make everybody happy, I imagine?

20 A Ah, no.

21 Q And you were okay with that?

22 A Yes.

23 Q Okay. I am going to ask you some
24 questions about your use of electronics?

25 A Okay.

1 Q Do you own a cell phone?

2 A I do.

3 Q Does it have Internet capabilities?

4 A Yes.

5 Q Do you use the Internet?

6 A Not very much on my cell phone I don't.

7 Q Okay. How about a computer? Do you have
8 a computer at home?

9 A Yes.

10 Q You probably don't have one at work, I
11 imagine?

12 A No. Well, technically, the cash register
13 that I have is a computer, but it doesn't access the
14 Internet.

15 Q But at home you have your own computer?

16 A Yes.

17 Q Laptop?

18 A Laptop and iPad.

19 Q You're an Apple person?

20 A Yes. Well, only by default of my
21 children, because they are Apple people and then
22 they can show me how to do everything.

23 Q I get it. Stay in sync, right?

24 A Yes.

25 Q How much time per day, per week, would you

1 typically spend online?

2 A A week, probably two hours.

3 Q When you go online, are you doing it
4 typically for a purpose like you're looking for
5 something, or do you just kind of jump on and play
6 around on the Internet and see what's out there?

7 A I do a little bit of social media. And
8 then most of the time I am doing other things like
9 doing banking, or looking up information if I want
10 to buy a new blender or something like that. I use
11 it for a resource.

12 Q So you do your banking online?

13 A Yes.

14 Q Pay bills online?

15 A Some of them.

16 Q And you buy products and services online?

17 A Yes.

18 Q What do you use a credit card or debit
19 card to pay for those?

20 A Yes.

21 Q Do you ever use Pay Pal?

22 A Yes.

23 Q Do you have an account?

24 A Yes.

25 Q Why do you have a Pay Pal account?

1 A I thought it was extra security to hold my
2 data. I am not so sure that is true now, because I
3 think everybody's data is up in the air.

4 Q All right. Have you heard of people
5 having their computers or data compromised?

6 A Yes.

7 Q What have you heard?

8 A Just that there are hackers out there, and
9 a lot of times they access your information mostly
10 through store -- acquiring information through store
11 credit card data, I think.

12 Q Have you ever had that problem yourself?

13 A No.

14 Q Any friends or close friends or family
15 that you know of that have had that problem?

16 A No.

17 Q Most of that comes from hearing it on TV
18 or the news?

19 A Yes. And I bank at Wells Fargo, so I
20 think I got a letter even stating that some of their
21 data was stolen.

22 Q So wells Fargo had their computers hacked
23 into or something?

24 A Yes.

25 Q Now, do you know what a modem is?

1 A Um, I think I have one in my house. But I
2 am not real familiar with it.

3 Q Sure. Something to do with your computer,
4 right?

5 A Yes.

6 Q How about the WiFi, do you know what that
7 is?

8 A Yes.

9 Q What do you think the WiFi is?

10 A A wireless Internet connection.

11 Q You ever hear of the term firewall?

12 A Yes. I have heard of it, but I don't know
13 what it is.

14 Q All right. How about antivirus software
15 and malware?

16 A I have heard of both. Antivirus I kind of
17 understand. Malware, I have no idea.

18 Q What do you understand about antivirus?

19 A I believe it's some sort of protection
20 against hackers.

21 Q Okay. Do you know if you have that on
22 your computer?

23 A Yes, we do.

24 Q When you have a problem with your
25 computer, what do you do?

1 A We have a company that we -- that's why I
2 know that we have some antivirus software on there,
3 because our computer was running slow and we have a
4 company that we brought it to. We used to have
5 Norton's Antivirus, and they told us to switch over
6 to Windows Defender, so we did.

7 Q Okay.

8 A But we wouldn't know how to do that
9 ourselves, so we take it somewhere.

10 Q All right. When you take it in, have you
11 ever had them -- have they ever logged onto your
12 computer remotely? Like, you call them and say, I'm
13 having this problem and then they say, well, I want
14 to be able to access your computer?

15 A Um, no. Because actually our computer is
16 a laptop, so we just bring it to them.

17 Q Okay. All right. Have you ever heard of
18 Money Gram or Western Union before?

19 A Western Union I have. Money Gram, no.

20 Q What do you know about Western Union?

21 A I believe it's a place that you can send
22 money to other people and they charge you a fee.

23 Q Okay. Have you ever used it before?

24 A No.

25 Q Have you ever heard of the Dark Web

1 before?

2 A Yes.

3 Q What have you heard?

4 A I think I have just heard it mentioned. I
5 just think it's all bad people doing things behind
6 the scenes to mess with the good people.

7 Q Okay. Do you know where you might have
8 heard that?

9 A No. I would assume TV, or news, or
10 something.

11 Q Okay. Have you ever heard of Bitcoins
12 before?

13 A I have.

14 Q What do you know about Bitcoins?

15 A That it's a really confusing outer space
16 currency.

17 Q All right.

18 A That's about it.

19 Q Do you know why people own Bitcoins?

20 A No, I don't.

21 Q Or how they use them? Do you know
22 anything about that?

23 A No. I think they buy them -- I don't even
24 know how they buy them, because they are not real
25 money. So no, it's something that I don't have

1 enough knowledge of that to know what they are
2 talking about.

3 Q Okay. When you pay for stuff at a store
4 or whatnot, what do you typically use cash, credit
5 card, check?

6 A Probably 50 percent cash, 50 percent debit
7 card.

8 Q Okay. If you were to hear of a term or a
9 concept or a word or something that you hadn't heard
10 about before and you didn't know what it was, what
11 would you do to educate yourself about that topic?
12 Would you go and ask somebody, go to the library, or
13 read a book, or go online? What would you do?

14 A Usually, I would ask a friend or family
15 member if they had ever heard of it. Then if it
16 interested me enough, I would probably go to the
17 Internet.

18 Q Okay. Do you have a particular website
19 that you go to to find out stuff?

20 A No. Usually I just put it in Google and
21 see what happens.

22 Q Okay.

23 A Is this water?

24 THE COURT: It is. I neglected to tell
25 you that. You absolutely are welcome to have some

1 water.

2 JUROR: Thank you.

3 MR. DEVORE: I am just going take a
4 minute, Your Honor, to review my notes.

5 THE COURT: You may do that.

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

7 THE COURT: You may.

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

10 THE COURT: Ms. Linn, you have been
11 removed. So you have my thanks for your service.
12 You are excused. You may go.

13 JUROR: Okay. Thank you.

14 THE COURT: And we will take a break now
15 and come back at five minutes to eleven.

16 (A short recess was taken.)

17 MR. FINK: Moving things along, I would
18 exercise a preemptory on juror number 26, which is
19 the next one.

20 (Prospective juror entered the courtroom.)

21 THE COURT: Please come forward, sir. We
22 are going to sit you in that first row of the jury
23 box. So come all the way to the front, turn to your
24 right. Get back into the jury box. You will see
25 that chair that's turned about half way around,

1 that's a good place. But before you sit down, raise
2 your right hand, please, to be sworn.

3 (The prospective juror was sworn in.)

4 THE COURT: Have a seat. Please state
5 your name.

6 JUROR: My name is Darrin Cresswell.

7 THE COURT: All right. Mr. Cresswell, I
8 have some comments for you. I will have some brief
9 questions for you. Then I will turn it over to the
10 defense for some questions. Prosecution may have
11 questions as well.

12 Now, we have this process called Voir Dire
13 which is all about questioning, and it's about
14 telling the truth. So I will appreciate your
15 truthfulness, and I will appreciate your
16 cooperation.

17 During the questioning, there may be a
18 request to excuse you for cause, or a request to
19 exercise what we call a preemptory challenge, or
20 there may be neither one of those things.

21 A challenge for cause occurs if one side
22 or the other thinks there is a reason you shouldn't
23 be on the jury and they bring that to me and I make
24 that decision.

25 A preemptory challenge can be exercised by

1 either the defense or the prosecution. They have a
2 certain number that they can exercise. That's their
3 decision. They don't have to tell a reason for
4 that. If one of those things happens, you would be
5 removed, and I would simply excuse you and thank you
6 for your service up to this point.

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

10 JUROR: I have not.

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

14 JUROR: No, I have not.

15 THE COURT: There are some basic rules of
16 law. I am going to mention a brief list of them
17 now. The defendant is presumed to be innocent. The
18 state has the burden of proof. The state must prove
19 any charge beyond a reasonable doubt. And the
20 defendant does not have to prove innocence. That
21 and other rules would be given to a jury in a trial
22 like this. Would and will you be able to follow the
23 rules of law as I give them to you?

24 JUROR: Yes.

25 THE COURT: Is there any reason you cannot

1 be a fair and impartial juror in this case?

2 JUROR: No.

3 THE COURT: Mr. DeVore.

4 MR. DEVORE: Thank you, Your Honor.

5 BY MR. DEVORE:

6 Q Good morning, Mr. Cresswell.

7 A Good morning.

8 Q I had the pleasure of reading through your
9 questionnaire that you filled out the other day.
10 Since that time, have you thought of anything that
11 you forgot to put in there, or would you like to
12 make any changes or deletions to it?

13 A None that I can think of.

14 Q Okay. I understand that -- are you
15 currently working at Thompson Reuters?

16 A That's correct.

17 Q What's your position there?

18 A I'm in IT. I do application support
19 supporting our West Law product.

20 Q So the West Law product or service that
21 you guys provide obviously has to do with legal
22 stuff. Do you have anything to do with analyzing
23 legal work or reviewing case law or anything like
24 that?

25 A No, I do not. Strictly application work.

1 Q Do you have any legal training,
2 background, education?

3 A I do not.

4 Q And your job is IT. So tell me what do
5 you do in your capacity at Thompson Reuters?

6 A At Thomson Reuters, so we -- my group
7 supports the applications that run West Law. So we
8 decode deployments. We monitor and maintain the
9 systems to make sure they are up and running.
10 Mitigate any issues that may arise. On board, new
11 applications, new features as they are developed.

12 Q So are you on the team that actually
13 writes the codes?

14 A No.

15 Q Okay. Do you actually help do the
16 programming for the particular programs that you
17 guys are --

18 A No, I do not.

19 Q So explain to me. I don't understand
20 exactly what you do?

21 A From an IT capacity, our developers write
22 the code and the software. Once the software has
23 been tested in the lower environment, and is ready
24 to go to production, then our group is the one that
25 deploys it. We don't manipulate it or have access

1 to it in any way. We simply deploy it to the
2 servers that it runs on.

3 Q And how do you do that? How do you deploy
4 an application?

5 A Various methods. Typically, standard
6 deployment type software. It varies widely.

7 Q I guess I don't know what that means.
8 When you deploy it, they give it to you on a disc
9 and you put it in a computer and you play it or what
10 do you do?

11 A It's all online. It's all stored on final
12 shares. So there is no disks. But it's usually
13 some type of -- it's a piece of software developed
14 for deployment. So it will copy the necessary files
15 into places.

16 Q Okay. So you're taking what they created
17 and then you're putting it into an interface that a
18 customer would be able to use.

19 A Correct. It's been built and compiled.
20 We are taking that compiled runnable software and
21 putting it on the correct servers.

22 Q So obviously, you may not have the ability
23 to affect the application, but you have the
24 background inner workings of your server so you can
25 put it in the right place, correct?

1 A Yes.

2 Q And so I assume that that is protected
3 pretty well by different things to keep people from
4 hacking into those computers?

5 A Yes.

6 Q Are you familiar at all with firewalls
7 antivirus and malware programs?

8 A More or less, yes.

9 Q Is that pretty basic stuff in your field,
10 or is that something you guys are using something
11 far more advanced than that simple stuff?

12 A I am sure that there is more there that
13 falls outside of my area. We are dealing strictly
14 with the applications. There are other teams that
15 provide the security around the servers.

16 Q Okay. So you are not involved in that
17 part of things?

18 A No, I am not.

19 Q I assume you own your own computer?

20 A Yes.

21 Q Probably have a work computer as well?

22 A Yes.

23 Q I assume you have a cell phone?

24 A Yes.

25 Q Probably have internet access on the cell

1 phone, too?

2 A Yes.

3 Q What kind of computer do you use at home?

4 A I have a Dell.

5 Q PC?

6 A PC. Standard PC, yes.

7 Q And do you have -- do you use antivirus
8 software, malware at home on your home computer?

9 A Yes.

10 Q Do you typically do all of your own
11 computer stuff yourself?

12 A Yes.

13 Q If you have a problem on your computer, do
14 you try to figure stuff out yourself?

15 A Typically, yes.

16 Q Do you ever have to go to an IT
17 specialist, Geek Squad, to get them to figure it
18 out?

19 A I haven't yet, no.

20 Q And are you familiar with the idea that
21 people can hack into other people's computers?

22 A Yes.

23 Q Is that what your understanding and the
24 purpose of some of those software is to protect the
25 computer?

1 A Yes.

2 Q How about a firewall, have you heard of
3 that term before?

4 A Yes.

5 Q What does a firewall mean to you?

6 A Firewall is a device that controls access.

7 Q Okay. So it keeps people out?

8 A Keeps people out. Only lets certain
9 people in.

10 Q Sure. Are you familiar with the idea that
11 somebody can remotely access a computer?

12 A Yes.

13 Q Sometimes we have like a Geek Squad. Give
14 them permission, they get on our computer and we can
15 even watch them change things and move the mouse
16 around. Are you familiar with that concept?

17 A Yes, I am.

18 Q Have you done that before, yourself, where
19 somebody has gotten on your computer like that?

20 A Yes.

21 Q Okay. And I know you would have to give
22 them permission to do that, correct?

23 A Correct.

24 Q Now, do you spend a lot of time on your
25 computer in your free time?

1 A I don't actually. I get enough computer
2 work at the office.

3 Q All right. Do you have occasion to go
4 online and do searches of different things that you
5 might be interested in?

6 A Sure. Yes.

7 Q What type of a search engine do you
8 typically use?

9 A Google mostly.

10 Q Do you have particular sites that you like
11 to go to in general? How do you use your computer,
12 typically?

13 A Depends what I am looking for, I guess --

14 Q Do you go online recreationally just to
15 play around? Or do you typically go online and look
16 for something in particular?

17 A Depends on what I am doing. If I have
18 free time, then I might just be browsing.

19 Typically, I will have something in mind I will be
20 looking for. Whether that's a home project I'm
21 trying to do and figure out how I'm actually going
22 to do it. Or I am a musician and I'm trying to
23 learn something. So I find somebody providing a
24 lesson or showing me something.

25 Q Looking at YouTube stuff once in a while?

1 A Sure. Yes.

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

3 A Ah, yes.

4 Q What have you heard? What do you know
5 about that?

6 A I know it exists, that it's out there. I
7 have no idea how to access it or do anything with
8 any of that.

9 Q Do you know what it is?

10 A Yes, I have heard of it.

11 Q To you, what is the Dark Web?

12 A The Dark Web is usually illegal stuff that
13 is kept hidden, and you need to know how to find it
14 and get to it.

15 Q Okay. Do you know how somebody would
16 access the Dark Web?

17 A I do not.

18 Q Have you ever heard of a program called
19 TOR?

20 A No, I have not.

21 Q Or the onion router; have you ever heard
22 of that before?

23 A No.

24 Q Do you know how to program a computer? Do
25 you know how that stuff works?

1 A Programming is not my background. I know
2 some basic scripting, but I am not a programmer by
3 trade.

4 Q If somebody asked you to -- if they had a
5 problem with their computer and asked you to help
6 diagnose the problem, would you be able to go deep
7 into their computer and figure things out?

8 A That I can help with, yes.

9 Q Do you know what a Local Area Network is?

10 A Yes.

11 Q What is that?

12 A It's a group of computers all joined
13 together to form a network. Usually, it's small.

14 Q Okay. Do you use your computer to pay for
15 bills online?

16 A Yes.

17 Q Do you have online banking?

18 A Yes.

19 Q How about, do you buy stuff online?

20 A Yes.

21 Q Amazon and things like that?

22 A Yes.

23 Q What do you use to purchase items online?

24 A Payment wise?

25 Q Yes.

1 A My debit card.

2 Q Debit card. How about Pay Pal, have you
3 heard of that before?

4 A Yes.

5 Q Do you have a Pay Pal account?

6 A I do.

7 Q Why do you have a Pay Pal account?

8 A There was -- my daughter was seeing a
9 therapist and that was the easiest way to pay her,
10 so

11 Q Do you know what the purpose of Pay Pal
12 is? Why somebody would have Pay Pal verses just
13 using their own credit card?

14 A I don't use it much, so no. I personally
15 don't find it that convenient.

16 Q Is it a secured way to make payment?

17 A As far as I know, yes.

18 Q How about Money Gram and Western Union,
19 have you heard of those companies before?

20 A I have. I do not use them, but I've heard
21 of them.

22 Q Do you know what they do?

23 A Transfer money.

24 Q Do you have a home business?

25 A I do not.

1 Q Have you ever heard of Bitcoins before?

2 A I have.

3 Q What have you heard about Bitcoins?

4 A I just heard the word. I don't know what
5 it is, or how it works. Seems to pop up in the
6 headlines a lot.

7 Q On the news and stuff like that?

8 A Yes.

9 Q Have you heard anything about why somebody
10 would own a Bitcoin?

11 A No.

12 Q Have you made a connection to Bitcoins in
13 a certain population or anything like that?

14 A I have not.

15 Q When you pay for stuff, typically, at a
16 store, do you use credit card, debit card, or cash?

17 A I use my debit card.

18 Q Debit card. Have you ever visited an
19 online dating site?

20 A I have not.

21 Q All right. If you had a problem with --
22 or I'm sorry. If you had a word, or a concept, or a
23 theory, or something that somebody was talking about
24 that you had never heard of before, how would you
25 educate yourself about that? Would you typically

1 ask somebody, or go to a library, maybe go online;
2 what would you normally do?

3 A I would probably go online. Ask my
4 friends as well as go online.

5 Q Do you have a particular website that you
6 go to when you do that stuff?

7 A Not necessarily. Depends on what it is.
8 Usually start with Google.

9 Q See what pops up?

10 A Yep.

11 Q Now, I am going to ask you a few questions
12 about responses you gave in your questionnaire.

13 A Okay.

14 Q Do you spend a lot of time watching TV?

15 A Not a lot, no.

16 Q One of the -- you indicated that one of
17 the sources of your news is television.

18 A One thing I will watch, I will turn on the
19 10 p.m. news at night before going to bed.

20 Q And you typically watch channel 11?

21 A Typically.

22 Q Anything about channel 11 that you like
23 more than others?

24 A Just used to it, I guess.

25 Q Do you usually watch the news from start

1 to finish or are there certain parts that you pay
2 more attention to, and maybe you can shut it off
3 early or something?

4 A No. I guess I usually watch the whole
5 thing.

6 Q I know at the beginning of the news, they
7 cover a lot of local -- a lot of it has to do with
8 crime stuff, right?

9 A The news, the real news, is usually the
10 first five minutes. After that it gets softer.

11 Q What do you think about crime rates in our
12 country? Do you have any strong opinions about
13 that?

14 A You hear a lot about crime. I am not a
15 criminal, so I don't travel those circles. I don't
16 know exactly. But it seems like it's fairly
17 prevalent these days.

18 Q Do you think it's getting, like, out of
19 control or anything like that?

20 A I wouldn't characterize it as out of
21 control, no.

22 Q Have you ever had any interaction with the
23 police yourself?

24 A I have not.

25 Q Now, you say you do volunteer work at

1 church?

2 A Yep.

3 Q What kind of stuff do you volunteer?

4 A I am a musician, so I play in the worship
5 band.

6 Q Oh, okay. What church do you go to?

7 A Community Hope in Rosemount.

8 Q Is that a non-denominational?

9 A It's technically Lutheran.

10 Q All right. It sounds like you have a
11 close friend who is a city prosecutor?

12 A Yes, that's correct.

13 Q What's that friend's name?

14 A Matt Brokel.

15 Q What city is Matt in?

16 A Well, he works for -- I don't even
17 remember the -- he works for a firm that provides
18 the city work. I forget the cities he actually
19 covers.

20 Q Do you know what firm he works for?

21 A I want to Campbell Knutson, is that --
22 that may be --

23 Q I'm sorry?

24 A Campbell Knutson.

25 Q Okay. And how close of a friend are you

1 with Mr. Brokel?

2 A I have known him for probably 18 years
3 now.

4 Q Okay. And do you talk to him often?

5 A We are in a cover band together, yes.

6 Q When you talk to him, does he talk about
7 his work sometimes?

8 A Not typically, no.

9 Q Okay. He doesn't -- you haven't had
10 occasion to maybe talk about a trial or a case that
11 he's had, or a defendant in particular, or anything
12 like that?

13 A I can't think of anything, no.

14 Q Okay. If you're on this jury and you
15 listen to this case, would you have any reservations
16 about seeing your friend, Mr. Brokel, like say you
17 decided one way or the other, would you feel
18 pressure from him to decide one way or the other?

19 A No. I wouldn't discuss it with him.

20 Q Sure.

21 A I am sure he would understand that.

22 Q Sure. Now, you indicated that you would
23 tend to believe a police officer more than any other
24 witness; can you tell me what you meant by that?

25 A That's an interesting question, I guess.

1 Largely circumstantial about who you would listen
2 to. But I guess I view the police as the authority
3 and I would tend to believe them. But whether they
4 are right or wrong, I guess, is subject to the
5 situation.

6 Q Okay. And that's an appropriate response.
7 Let me tell you, that if a person got up on the
8 witness stand in this trial, and swore to tell the
9 truth under oath, would you believe that they might
10 be equally as truthful as an police officer if they
11 do that?

12 A I would assume so, yes.

13 Q You said that the jury testimony is set up
14 to be as fair as it can. Is there any reservation
15 in your mind that maybe there are some flaws in our
16 jury system that --

17 A I am sure there are flaws. That's an
18 interesting question to answer. I suppose it's
19 dependent on the people that are actually in the
20 jury, how fair it actually is.

21 Q Are there any cases that you have heard of
22 that give you reservation, that make you less
23 confident in our jury system?

24 A None that I can think of, no.

25 Q Is it fair to say that other than until

1 last Friday that you probably didn't spend a lot of
2 time thinking about a jury?

3 A That is correct.

4 Q Now, you mentioned that -- you checked the
5 box that you wouldn't have any special circumstances
6 making it difficult to sit as a juror. But you did
7 mention that it was important to end each day on
8 time. Can you tell me, do you have some things that
9 are going on in your life?

10 A Yes. Being a musician, I have some
11 planned gigs, so I need to be there for those. It
12 wouldn't in any way conflict with being on the jury,
13 unless it went longer, off hours.

14 Q Okay. So what are your gigs that you play
15 in? What time are we talking about?

16 A Evening time.

17 Q Like what time is that?

18 A We usually start probably 8:00 or 9:00.

19 Q And what time would you go until,
20 typically?

21 A Midnight or 1:00.

22 Q And is that during the week?

23 A No. Fridays or Saturdays.

24 Q Okay. So we wouldn't have -- you wouldn't
25 be out until midnight or 1:00 during the week when

1 we would be in the trial?

2 A No.

3 Q How about work, is there going to be any
4 issue if you were on this jury? Would there be any
5 issue with you being gone for a couple of weeks?

6 A I don't believe so.

7 Q You could have someone fill in your spot
8 or cover for you?

9 A Yes, I am part of a team. Yes.

10 Q Do you have any managerial experience with
11 your team?

12 A I do not.

13 Q Have you ever had a position where you
14 have been in a management type position?

15 A No, I have not.

16 Q Or had other employees or people that
17 report to you?

18 A No.

19 Q Have you ever been in a situation where
20 you had to work in a group that had to talk about
21 things and explore ideas, and listen to each other,
22 and make some decisions on what to do.

23 A I can't think of anything offhand, no.

24 Q It could be at work, or it might be at --
25 or you might have sat on a volunteer board or

1 something like that; have you ever done anything
2 like that?

3 A I have not, no.

4 Q How do you feel about being involved in a
5 group of people where you might have to say what you
6 believe, and talk about things that you believe in?

7 A I am okay with that.

8 Q Okay. How about when -- if somebody
9 interacts with you, and maybe pushes back some, what
10 kind of a person are you; do you typically -- would
11 you then give in quickly, or do you think that you
12 would be able to stay true to your position, but
13 also be able to remain openminded?

14 A I think I would stay true to my position.
15 But I would -- but I consider myself openminded. If
16 they can make their case, I guess.

17 Q Sure. So in a group setting, would you be
18 willing to listen to what others have to say?

19 A Yes.

20 Q Are you a note taker by trade, or do you
21 typically like to listen and just kind of pay
22 attention?

23 A Probably some of both, but I do like to
24 take notes, yes.

25 Q Do you do any reading in your spare time?

1 A When I can, yes.

2 Q What do you like to read?

3 A Mostly just action/adventure/thriller kind
4 of stuff.

5 Q What kind of movies do you like to watch?

6 A Dramas, thrillers.

7 Q Do you have any interest in criminal
8 investigation stuff, or anything like that?

9 A Depends on the setting, I guess, but not
10 typically, no.

11 Q You answered about your feelings about
12 being a juror in this type of case. You said that
13 you were a bit nervous. Is that a healthy
14 nervousness, or are you kind of stressed out about
15 it?

16 A No, I would say it's healthy. I have
17 never served as a juror before, so ...

18 Q And I noticed in the previous answer, you
19 indicated that you weren't expecting anything this
20 serious for your first case. Would you expect that
21 somebody on their first time on a jury would be put
22 on a jury of a lesser serious case?

23 A I guess not, no.

24 Q Would it bother you to be on a jury with
25 this kind of a charge?

1 A No, I guess not. No.

2 Q Would any nervousness that you might have
3 overcome your ability to stay focused?

4 A I don't think so, no.

5 Q If I told you that a defendant has the
6 right to not testify in his own trial, would that
7 bother you?

8 A Bother me in what way?

9 Q Well, would it make you think negatively,
10 or draw some inference to that?

11 A No. That's their right, so no.

12 Q If the judge told you not to draw any
13 inference to that you could follow that instruction?

14 A I believe so, yeah.

15 Q What do you like to do in your free time?

16 A Well, I have two children, so I like to
17 spend time with them when I can. Spend time with my
18 girlfriend and her boys. Like doing home projects.
19 Going to concerts, playing music, watch movies.

20 Q Okay. The band that you play in, what
21 kind of music is that?

22 A Rock covers.

23 Q Is that stuff you write your own music?

24 A No, they're covers. Other people's songs.

25 Q What kind of rock; soft rock, hard rock?

1 A Danceable rock. Something you hear in a
2 bar.

3 Q What kind of venues do you play in?

4 A Typically bars.

5 Q Around the Twin Cities?

6 A Yes.

7 Q And how many people are in the band?

8 A There are five.

9 Q Is there a manager of the band?

10 A No. A hired manager, no. We take care of
11 things ourselves.

12 Q Okay. Do you have one of you that takes
13 the lead on kind of running the band a little bit?

14 A Yes.

15 Q Is that you?

16 A No, that is not me.

17 Q What instrument do you play?

18 A I play drums.

19 Q Is this for -- do you get paid for these
20 gigs?

21 A Yes.

22 Q And how long has the band been together?

23 A About ten years now.

24 MR. DEVORE: If I could just have a
25 minute, Your Honor, to look at my notes.

1 THE COURT: You may.

2 MR. DEVORE: May we approach?

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

5 THE COURT: Mr. Cresswell, you have been
6 removed. So you are excused, and I thank you for
7 your service at this point.

8 JUROR: Thank you.

9 (The juror exited the courtroom.)

10 (Prospective juror entered the courtroom.)

11 THE COURT: Please come forward. You are
12 going to be sitting in that first row of the jury
13 box. Come all the way to the front. Going to turn
14 right, back to that first row.

15 Before you sit down, please raise your
16 right hand to be sworn.

17 (The prospective juror was sworn in.)

18 THE COURT: Have a seat. There is a
19 carafe of water in front of you and a cup if you
20 want or need that.

21 JUROR: Okay. Thank you.

22 THE COURT: Now, Ms. Anfinson, the phrase
23 Voir Dire has been used. You have heard it. That's
24 the process of questioning. It's the process of
25 truth telling. So I will appreciate your

1 truthfulness and your cooperation.

2 I have some comments that I am going to
3 give to you, and then just a few questions from
4 myself. Then I am going to turn it over to defense
5 counsel. So there may be questions from the
6 defense, and possibly from the prosecution.

7 During the questioning, there may be a
8 request to excuse you for cause. Or there may be an
9 exercise of a preemptory challenge. Or there may be
10 neither one of those things. A challenge for cause
11 occurs if one side or the other thinks there is a
12 reason that you shouldn't be on the jury. They
13 bring that to me and I make that decision.

14 A preemptory challenge can be exercised by
15 either side, and they each have a number that they
16 can exercise. They decide that. They don't have to
17 come to me, or give me a reason. So if one of those
18 things happens, you would be removed and I would
19 excuse you, and of course, thank you for your
20 service.

21 Now, have you had any conversations with
22 anyone about this case since filling out the
23 questionnaire?

24 JUROR: Yeah, I thought I was dismissed.

25 THE COURT: I'm sorry?

1 JUROR: Yeah, I thought I was dismissed
2 when they didn't call me for, whatever the next day
3 was, for Tuesday. I thought I would be on the next
4 case.

5 THE COURT: I see. What conversations
6 have you had?

7 JUROR: Just that it was a murder case.

8 THE COURT: Okay. How many people did you
9 talk to?

10 JUROR: Just my boss.

11 THE COURT: And tell me a little more
12 detail about the conversation with your boss.

13 JUROR: Well, I told him I was glad I
14 wasn't on the murder case, because I thought it
15 would be a long time.

16 THE COURT: Anything else?

17 JUROR: No.

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

21 JUROR: No.

22 THE COURT: There are a number of rules of
23 law, basic ones include that the defendant is
24 presumed to be innocent. The state has the burden
25 of proof. The state must prove any charge beyond a

1 reasonable doubt, and the defendant does not have to
2 prove innocence.

3 Those and other rules would be given to a
4 jury during a trial. Will you be able to follow the
5 rules of law as I give them to you?

6 JUROR: Yes.

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

9 JUROR: Well, in thinking about it over
10 the weekend, my best friend, her family, had some
11 domestic violence, so I mean, I am kind of partial
12 in that sense.

13 THE COURT: Your family?

14 JUROR: My best friend's family.

15 THE COURT: Your best friend's family.

16 Okay. Do you think that would stop you from being
17 an impartial juror?

18 JUROR: Honestly, it probably would.

19 THE COURT: In other words, during a
20 trial, facts would be presented.

21 JUROR: Mm-hmm.

22 THE COURT: And the jury would listen and
23 decide whether it's testimony, whether it's
24 exhibits, however the evidence comes in, decide
25 what's true and not true and make a decision. With

1 that, do you think that -- this is the third time I
2 have asked it, so I want to be sure of your answer,
3 do you think you would have trouble being impartial?

4 JUROR: Based on facts, I guess, no.

5 THE COURT: You would be able to listen to
6 the facts.

7 JUROR: Yeah, I would be able to listen to
8 the facts.

9 THE COURT: And make a decision based on
10 the facts.

11 JUROR: Yes, based on the facts.

12 THE COURT: Mr. DeVore, I will turn it
13 over to you.

14 MR. DEVORE: Thank you.

15 BY MR. DEVORE:

16 Q Good morning. Your concern about being on
17 a jury like this, why would it -- why does it
18 concern you because of your friend's situation?

19 A It's just hits a little close to home. I
20 was pretty close to the family.

21 Q Okay. What was the situation there?

22 A I mean, he would beat her. He was
23 arrested on multiple cases. He is deceased now. It
24 still -- I, basically, was another one of their
25 kids.

1 Q Okay. So it stays with you pretty -- to
2 this day?

3 A Yes.

4 Q How long ago was that?

5 A He passed away two years ago. It was
6 right up to the end.

7 Q I'm sorry?

8 A It was right up to the end.

9 Q Was that fairly traumatic for you?

10 A Yeah. She was beat up pretty badly.

11 Q Okay. So it sounds like it's obviously
12 important to you. You're questioning whether it
13 would interfere with your ability to serve as a
14 juror in this case, correct?

15 A Yeah.

16 Q What's your concern, that you wouldn't be
17 fair?

18 A Yeah. I mean, I like to think that I
19 would be fair, but I don't know that I could. I
20 guess it just brings up a lot of the past for
21 myself. I don't know that I would deal with it as
22 well.

23 Q Do you think you would have trouble
24 listening to this kind of stuff and dealing with
25 the --

1 A Yes, honestly thinking about it over the
2 weekend, yeah. Like I said, I thought I wasn't
3 going to be on this case, so I wasn't concerned
4 about it until today.

5 THE COURT: Counsel, approach.

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

8 THE COURT: Ms. Anfinson, you are removed.
9 So I thank you for your cooperation and you are free
10 to go. Thanks.

11 JUROR: Okay.

12 (The juror exited the courtroom.)

13 THE COURT: The next prospective juror is
14 not here. We are going to break now for lunch, but
15 I want to start right at 1:00. Thank you.

16 (Lunch recess was taken.)

17 (Prospective juror entered the courtroom.)

18 THE COURT: Please come forward sir. We
19 will put you in the jury box there in that first
20 row. Come all the way to the front. Turn right to
21 get in the jury box. Then the first chair there.

22 Before you the sit down, please raise your
23 right hand to be sworn.

24 (The prospective juror was sworn in.)

25 THE COURT: Have a seat. There is a

1 carafe of water in front of you and a cup if you
2 need or want that.

3 This is a process of questioning that we
4 call Voir Dire which has to do with telling the
5 truth. So I would appreciate you being truthful and
6 cooperative during this process.

7 I have some comments for you and I will
8 have some brief questions for you. Then I will turn
9 it over to the defense with some questioning. It's
10 possible the prosecution will ask questions as well.

11 During the questioning, there may be a
12 request to excuse you for cause. There may be a
13 request to exercise a preemptory challenge. Or
14 there may be neither one of those things.

15 A challenge for cause means that one side
16 or the other thinks that there's a reason you
17 shouldn't be on the jury. They bring that to my
18 attention and I make a decision.

19 A preemptory challenge can be exercised by
20 either side, and they don't have to have a reason
21 for it. They have a certain number of those that
22 they can exercise and they make that decision.

23 If one of those things happens, I would
24 simply remove you, excuse you from this process, and
25 thank you for your service.

1 Now, have you had any conversations with
2 anyone about this case since filling out the
3 questionnaire?

4 JUROR: No, I have not.

5 THE COURT: Have you looked up anything or
6 done any research about this case since filling out
7 the questionnaire.

8 JUROR: No, I have not.

9 THE COURT: There are some basic rules of
10 law. I am going to refer to some of them right now.
11 The defendant is presumed to be innocent. The state
12 has the burden of proof. The state must prove any
13 charge beyond a reasonable doubt. And the defendant
14 does not have to prove innocence.

15 Now, those and other rules will be given
16 to the jury during the trial. Will you be able to
17 follow the rules of law as I give them to you?

18 JUROR: Yes.

19 THE COURT: Is there any reason that you
20 think of that you cannot be a fair and impartial
21 juror in this case?

22 JUROR: No.

23 THE COURT: Mr. DeVore.

24 MR. DEVORE: Thank you, Your Honor.

25

1 BY MR. DEVORE:

2 Q Good afternoon, Mr. Kissell.

3 A Good afternoon.

4 Q I have had a chance to read through the
5 questionnaire that you filled out last Friday. And
6 I'm just wondering, is there anything that maybe you
7 thought of, or remembered, or anything like that
8 that you would want to add or change to your
9 questions?

10 A Nope, not that I can think of. No.

11 Q Now, I understand you have your own
12 business?

13 A Correct.

14 Q Is that in construction?

15 A Correct.

16 Q What is that in, home building?

17 A Residential construction.

18 Q And are you currently actively working and
19 building?

20 A Yes.

21 Q Year round?

22 A Correct.

23 Q Looks like you have had, or you do
24 currently manage up to as many as 50 people, is that
25 --

1 A Correct.

2 Q Is that like currently you're managing
3 that many people?

4 A Correct.

5 Q When you say manage, are they employees?

6 A Yes. They are employees of my other
7 company, Linn Building Maintenance.

8 Q Okay. So let's talk about the other
9 company then, the Linn Building Maintenance. That's
10 a company that you -- you own that company?

11 A It's a family company.

12 Q And what does Linn Building Maintenance
13 do?

14 A We do commercial janitorial work.

15 Q So you -- do you have contracts and you
16 provide the janitorial services?

17 A Correct.

18 Q Is that primarily like an evening or night
19 job?

20 A Yes.

21 Q Are you telling me somebody has to be on
22 site and working the crews?

23 A No.

24 Q What's your role?

25 A I am the vice president.

1 Q Vice president?

2 A Yep.

3 Q What do you typically do?

4 A Sales, overlook operations. We have an
5 operations manager that runs our other employees and
6 so forth.

7 Q Okay. How big of a company? How many
8 employees are employed by Linn Building?

9 A 65.

10 Q All right. Is there a corporate office
11 somewhere around the area?

12 A Yes.

13 Q I will just ask you, I know you sometimes
14 know the answer to my question, but just so she can
15 take down our notes, wait until I finish the
16 question and then answer. I'll try to do the same
17 thing for you.

18 Q Okay. What about Kissell Construction,
19 what kind of a business -- it's a construction
20 business, how many employees there?

21 A There are zero employees with Kissell
22 Construction.

23 Q Okay. Just you?

24 A Yes.

25 Q So is that like a side business or is this

1 something that you do full time?

2 A We subcontract all of our work out of
3 residential. So we have subcontractors that we have
4 used over the years that complete the task for us.
5 We -- or I pretty much general everything. Put the
6 people where they need to be. Oversee it.

7 Q So you're a general contractor in that
8 regard.

9 A Correct.

10 Q So fair to say that you go out and get --
11 do sales, get people that want to build a house or
12 do a home improvement?

13 A Yes.

14 Q Then you put together the contractors to
15 do the work?

16 A Yes.

17 Q Do you have projects going on right now?

18 A Yes.

19 Q The reason I am asking all of these
20 questions, if you are selected on this jury, and
21 this takes a couple of weeks to try this case, would
22 you be able to cover your workload during that
23 period of time?

24 A I believe so, yes.

25 Q And if you, you know, if during the day,

1 basically 9:00 to 5:00 for instance, we would be
2 going into court with some breaks in between and a
3 lunch break, would you be able to focus on the trial
4 that's going on?

5 A Yes. I am sure I would have some voice
6 messages, if I was able to answer those, and get
7 back and forth to people, but yes.

8 Q Okay. Would you be working evenings,
9 then, typically as well?

10 A Yes, to cover -- to make up for the time I
11 lost during the day. Yes.

12 Q And the whole reason I am asking is just
13 to find out, would you be able to stay attentive to
14 the case and listen to all the details and pay
15 attention to what's going on during the trial?

16 A Yes.

17 Q Now, with the supervisory role that you
18 are in, do you manage your employees, then, up to 50
19 of them; is that what you said?

20 A Correct.

21 Q Are you in a position where you have to
22 sometimes resolve issues and disputes with
23 employees?

24 A Yes.

25 Q Probably more than you'd like?

1 A Yes.

2 Q What's your process of doing that? How do
3 you handle when you have, like, a couple of people
4 that aren't getting along well? What do you do to
5 address the situation?

6 A First, we have to look at their history
7 with us. If they have been employed with us for
8 quite some time, or if they are a new employee, we
9 have to gather the information. Supervisors, or
10 operation managers, or our clients in particular,
11 that might have a problem with an individual of
12 ours.

13 Then we go through and decipher, you know,
14 are they following our guidelines that we lay out
15 for them and supervise them to. Or if not, then we
16 have repercussions from there which could be, maybe,
17 moving that employee to a different facility at the
18 time. One that may be easier, or have a different
19 workload for them.

20 A A lot of the people that we deal with, we
21 really need to look at their workload or their tools
22 that they have, per se, to put them in the right
23 position to succeed.

24 Then we would take that information and go
25 about what we need to do from there.

1 Q When you say "we", are you working with
2 like a team of executives that make decisions like
3 that or is it mostly on you?

4 A It comes down to my operations manager who
5 I coordinate with on a routine basis. Because she
6 is the one that deals with, primarily, the employees
7 directly. Then if I have to, I step in.

8 Q Okay. Sometimes do you have to make
9 decisions that aren't the most popular for the other
10 people?

11 A Certainly.

12 Q But you're able to make good decisions,
13 follow through with them, and the repercussions are
14 what they may?

15 A Yes.

16 Q Have you ever had an occasion to work in a
17 group setting, like maybe sitting on board of
18 directors, or working with a team of people where
19 you try to come up with solutions to problems and
20 things like that?

21 A I have not, no.

22 Q Okay. If you -- do you find yourself to
23 be more of extroverted or introverted type of
24 person?

25 A I am an outgoing person. I enjoy

1 conversation. I like to be able to have good
2 conversations.

3 Q Have you ever participated in any debate
4 clubs or anything like that?

5 A No.

6 Q If you were in a group setting with 10, 15
7 other people and you had to express your viewpoints
8 and things like that, do you think you would have
9 the ability to do that?

10 A Yes.

11 Q That you wouldn't have any fear of, you
12 know, public speaking type fear of, you know, saying
13 what your feelings are?

14 A No.

15 Q Have you ever served as a juror before?

16 A No, I have not.

17 Q Now, you indicated that you have some
18 relatives that are in the legal, or have some legal
19 training.

20 A Yes.

21 Q Who is that?

22 A It's a cousin of mine. David Stern is his
23 name. He is in California.

24 Q Okay. What kind of law? What are you
25 talking about?

1 A Corporate.

2 Q So he's a lawyer?

3 A Yes.

4 Q You also indicated that you have a
5 relative in law enforcement?

6 A Yes.

7 Q Who is that?

8 A My brother. Keith Kissell.

9 Q Where does Keith work?

10 A Oak Park Heights.

11 Q Okay. Right down the road?

12 A Yep.

13 Q Okay. And how long has he been a police
14 officer?

15 A Guessing 18 to 20 years.

16 Q Is he also involved in the family
17 business, too?

18 A No, he is not.

19 Q Is that business something that your
20 family has had in your family for a long time?

21 A 1973.

22 Q Now, your brother, are you close with your
23 brother?

24 A No, not close.

25 Q You don't talk to him very frequently?

1 A Holidays.

2 Q Is there a reason you're not close?

3 A He's older. Different common goals, I
4 guess.

5 Q Give me an idea of what you mean, common
6 goals?

7 A He's kind of inverted to his family and
8 doesn't come out of the box too often. So we don't
9 get a chance to talk to him or see him very often.

10 Q Okay. So kind of his choice to stay a
11 little more closed in?

12 A Yes.

13 Q Have you ever had an occasion to talk to
14 your brother about his job and what he does?

15 A Yes.

16 Q Did he ever tell you about some of the
17 work he's doing and stuff like that?

18 A He has mentioned some situations before,
19 yes.

20 Q Do you think any of the discussions that
21 you've had with your brother have impacted your view
22 on either how police works, or how the court system
23 works?

24 A I just think it's a real tough job.

25 Q To be a cop?

1 A Yes. I wouldn't want to do it, put it
2 that way.

3 Q Okay. That might be obvious, but why is
4 that you think it's a tough job?

5 A It's just now a days with everything
6 that's happening with the guns and the sense of --
7 to use them quicker than rationally one would think
8 is something that is a little concerning. The
9 amount of language barriers now is something that
10 would be concerning, yeah.

11 Q Okay. And do you own any guns?

12 A Yes.

13 Q Do you have a permit to carry?

14 A I do not.

15 Q Do you own them for, like, hunting
16 purposes?

17 A Correct.

18 Q Do you own any handguns or?

19 A No.

20 Q Now, you also indicated that you have a
21 relative that works in the medical or pharmaceutical
22 field?

23 A Yes.

24 Q Can you tell me about that person, who is
25 that?

1 A That is my brother's wife, Sue Kissell.
2 She is an RN. I believe she is now managing an
3 elderly care facility. That's about all I know from
4 that.

5 Q Is that your police officer brother's
6 wife?

7 A Yes.

8 Q So you probably don't see her a whole lot
9 either, then, right?

10 A Correct.

11 Q And you indicated that you have somebody
12 that works either in the probation or prison system?

13 A That was my brother, Keith.

14 Q Same thing?

15 A Yep.

16 Q And then also you indicated that you have
17 of a relative that works in computer programming or
18 IT?

19 A Yes.

20 Q Who is that?

21 A That's my wife.

22 Q What does your wife do?

23 A She works as a business analyst for a
24 company in Minneapolis that does student loan
25 guarantee. And she handles some of the IT stuff

1 that goes along with that.

2 Q So she actually gets inside of the
3 computer and does some of the programming stuff?

4 A She helps write programs.

5 Q She is actually doing the coding and
6 stuff?

7 A Correct.

8 Q Have you ever done any of that stuff?

9 A No.

10 Q Do you know anything about it?

11 A I do not.

12 Q I imagine she had some training to be able
13 to learn how to do that?

14 A That was in their field that she -- she
15 has been there 20 years. Kind of taken over the
16 position that she is in. Yes.

17 Q Okay. Does she ever talk about her work
18 with you at all?

19 A Yes.

20 Q Does she ever explain how coding works,
21 how computers work, things like that?

22 A No. More personnel issues and so forth.

23 Q Sure. How about your use of computers.
24 Do you own a computer?

25 A Yes.

1 Q How about a cell phone, do you have a cell
2 phone?

3 A Yes.

4 Q Does it have Internet access on it?

5 A Yes.

6 Q Do you use the Internet with any
7 frequency?

8 A Yep. I am on it daily, yes.

9 Q Probably for work, I imagine, right?

10 A Yes.

11 Q Do you ever use it personally on your own
12 free time?

13 A Yes.

14 Q In what capacity do you use the Internet
15 typically?

16 A I use it -- I have a program on it that I
17 put hockey practice plans and so forth because I
18 coach youth hockey. That's probably the only
19 another reason I'm on it.

20 Q Where do you coach hockey?

21 A Forest Lake.

22 Q Forest Lake?

23 A Yes.

24 Q What age level?

25 A 11, 12 youth.

1 Q So you use it for communicating with
2 parents, and schedules, and stuff like that?

3 A Correct.

4 Q How about just generally going online and
5 surfing the net, and just searching around. Do you
6 ever do any of that kind of stuff?

7 A Only when I want to look at purchasing an
8 item, I will use Craig's List quite a bit.

9 Q Okay. So you do purchase items online?

10 A Yes.

11 Q What do you use for payment?

12 A I use credit card.

13 Q Okay. Do you do your banking online?

14 A My business banking, I do. My wife does
15 our personal banking.

16 Q Online?

17 A Yes.

18 Q And you use bill pay, pay bills online?

19 A Yes.

20 Q Now, your computers at home, do you have
21 any malware or antivirus software on those
22 computers?

23 A Yes.

24 Q Do you know what those things are for?

25 A Yes.

1 Q How do you know you have them?

2 A I purchased it when the computer was
3 originally set up. I actually think mine might need
4 to be updated on my current laptop.

5 Q Oh, okay. How come? Why do you think
6 that?

7 A Because it has a pop up reminder that I
8 haven't got to yet.

9 Q Oh, I got it. Have you ever had any
10 problems with a computer that you have owned that's
11 been hacked?

12 A No.

13 Q Do you know of anybody that has had that
14 happen to them?

15 A No.

16 Q Are you -- what kind of search engine do
17 you typically use?

18 A AOL or Google.

19 Q Do you have particular sites that you go
20 to when you are searching something?

21 A No.

22 Q Have you ever heard of the term Dark Web?

23 A No.

24 Q Never heard of that?

25 A No.

1 Q How about Bitcoins, have you ever heard of
2 that?

3 A Yes.

4 Q What have you heard about Bitcoins?

5 A That the value has gone up.

6 Q Do you know what they are?

7 A My understanding is that it's a form of,
8 or a way to pay for items without -- it's basically
9 in the air. It's imaginary.

10 Q Do you have any knowledge about what
11 Bitcoins are typically used to purchase?

12 A I do not.

13 Q How about, are you familiar with the terms
14 modem and router?

15 A Yes.

16 Q Do you understand what those are?

17 A Yes.

18 Q How about WiFi, do you know what that is?

19 A Yes.

20 Q What's a WiFi?

21 A The Internet.

22 Q What about a Local Area Network, or LAN,
23 have you ever heard of that before?

24 A I believe that is the circumference of the
25 area that's open for access to the web or WiFi.

1 Q If you had a problem with a computer that
2 you have, what would you do with it? Would you
3 bring it in to somebody or try to fix it yourself?

4 A I have an agreement with Best Buy that we
5 would take it to.

6 Q Okay. The Geek Squad?

7 A Yes. Correct.

8 Q Have you ever used that before?

9 A Yes.

10 Q Have you ever had an occasion where maybe
11 somebody trying to work on your computer logged in
12 remotely and did some stuff?

13 A Yes.

14 Q Okay. Was that like a Geek Squad person?

15 A They would be one, yes. Then MITC, which
16 manages our other office computer, would be another
17 person.

18 Q Okay. And when they do that, have you
19 ever been sitting there, and you can watch them flip
20 through your computer, and move the mouse around and
21 stuff like that?

22 A Yes.

23 Q Or the cursor I should say.

24 A Yes.

25 Q Have you ever used Pay Pal before?

1 A Yes.

2 Q Do you have an account?

3 A I do, but I haven't used it for quite some
4 time.

5 Q Do you know why -- do you remember why you
6 started that up?

7 A I was purchasing something. I can't
8 remember what I was purchasing. But that's when I
9 set it up for more security, I guess, would be a
10 reason.

11 Q Keep people from getting your information?

12 A Correct.

13 Q How about Western Union or Money Gram;
14 have you used those before?

15 A No.

16 Q Have you heard of those before?

17 A Yes.

18 Q What do you know about those?

19 A It's just a way to transfer funds to
20 another individual.

21 Q Okay. Now, you were asked about your
22 feelings about the fairness of the jury system. You
23 indicated that you imagined it's as fair as one
24 could get. Do you have any -- what's the reason
25 that you believe it's fair? What do you believe

1 happens in a jury system?

2 A Again, I am unfamiliar. I haven't sat on
3 a jury. But I believe that -- I guess I want to
4 believe that everybody is there to gather the
5 information and be as partial and fair as what the
6 information you have.

7 Q One of the rules of law that we have in
8 the criminal court is that a defendant has the right
9 not to testify. Have you ever heard of that before?

10 A Yes.

11 Q If the judge tells you that you should not
12 draw an inference on that, or make any assumptions
13 about why he chose not to testify, would you be able
14 to follow that?

15 A Yes.

16 Q And you were asked whether or not you tend
17 to believe a police officer over -- police officer
18 more than any other witness, and you indicated that
19 you would not. Is there a reason why you don't
20 believe a police officer is more trustworthy than a
21 regular witness?

22 A I think I trust -- I believe everybody is
23 trustworthy. It goes both ways. So, like I said, I
24 guess my reason I didn't answer that is because it
25 depends on the person that I am getting information

1 from.

2 Q Sure. So fair to say that if the people
3 that come before you as a juror swear to tell the
4 truth, you are going to assume they are telling the
5 truth unless you have a reason to believe otherwise?

6 A Yes.

7 Q And you were asked in the questionnaire
8 what you thought about when you heard what the
9 charges were in this case, and you said, not good.
10 Just explain what you meant by that.

11 A I don't understand your question.

12 Q Sure. The question was, what did you
13 think about when you heard what the charges were in
14 this case, and you said not good.

15 A Just that someone had been apparently
16 killed, or something happened.

17 Q That it's a serious case?

18 A Right.

19 Q Do you feel like you would have the
20 ability to stay focused on a serious case like this?

21 A Yes.

22 Q Have you had occasion, work, or personal
23 life where you have dealt with stressful situations?

24 A Yes.

25 Q Now, you indicated that you might know one

1 of the witnesses in the case?

2 A The name on the -- I marked the name on
3 the sheet, I believe.

4 Q Chris Olson?

5 A Yes.

6 Q Who is the Chris Olson that you know?

7 A I believe she is a wife of a friend of
8 mine.

9 Q What's your friend's name.

10 A Darrin Olson.

11 Q And what is -- do you know what Chris
12 Olson does for a living?

13 A She manages, I believe, the White Bear
14 Lake Gambling Association for the pull tabs and
15 stuff like that.

16 Q Okay. Do you own any dogs?

17 A Yes.

18 Q Do you ever do any training with your dog?

19 A Yes.

20 Q Do you have more than one?

21 A One.

22 Q Do you have -- do ever do anything beyond
23 just the simple obedience type classes?

24 A Yes.

25 Q What kind of stuff have you done with your

1 dog?

2 A Pheasant training.

3 Q So hunting training?

4 A Yes.

5 Q What did that consist of? What kind of
6 training?

7 A Using live birds, and setting them aside
8 so the dog will pick up scent and flush the birds
9 using dummies with scent on them to drag them so the
10 dog will pick up that scent, and so forth.

11 Q Is that something that you went to a
12 school, or a class, or did you do it on your own?

13 A On my own.

14 Q Okay. How did you learn about doing that
15 kind of stuff?

16 A From a neighbor of mine.

17 Q Are you an avid hunter?

18 A Yes.

19 Q If you heard of a concept or a term that
20 you hadn't heard before, how would you educate
21 yourself on what that meant?

22 A I would look online, Google that term.

23 Q Okay. And if you did that, is there a
24 particular website that you might go to to learn
25 more about it?

1 A The same one I use religiously AOL, the
2 search Google there.

3 Q Do you have an AOL email?

4 A Yes.

5 Q So you have had the same email for a while
6 then?

7 A Yes.

8 MR. DEVORE: If I can have a few minutes,
9 Your Honor.

10 THE COURT: You may.

11 MR. DEVORE: May we approach?

12 THE COURT: You may.

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

15 THE COURT: The prosecution for question.
16 You may proceed.

17 MS. KREUSER: Thank you, Your Honor.

18 BY MS. KREUSER:

19 Q Good afternoon, Mr. Kissell.

20 A Hello.

21 Q Hi. My name is Jamie Kreuser. I am one
22 of the prosecutors on the case. I just have a
23 couple of questions for you. It won't take very
24 long.

25 A Sure.

1 Q So you had talked about that you have a
2 couple of -- you wear a couple of different hats for
3 the jobs that you do, correct?

4 A Yes.

5 Q Okay. One question I had, and this is --
6 I was just curious, what do you do when you, like
7 when you do construction work even in the winter
8 time, there are things that can be done inside, I am
9 assuming?

10 A There are things that can be done inside,
11 and we still continue to build outside. You know,
12 depending if we took some cross coverages to keep it
13 so we can still excavate and construct. It has to
14 go year round.

15 Q Okay. Even when it's this cold.

16 A We tend not to work when it's this cold.
17 There will be certain days that we are not working,
18 but it's still there when the weather turns.

19 Q Okay. Gotcha. Okay. You had talked
20 about that you are a hockey coach in Forest Lake?

21 A Yes.

22 Q What got you started in that?

23 A I played hockey. My kids got involved in
24 the association. That's pretty much what drove it.

25 Q Awesome. How old are -- you have boys?

1 A I have two girls and a boy.

2 Q Great. All of them play hockey?

3 A Two of them do. One of them has passed.

4 She passed away when she was five and a half.

5 Q I'm so sorry to hear that. You have my
6 sympathy.

7 A Thank you.

8 Q When Mr. DeVore was talking to you about
9 your computer usage, and you had said that you
10 remember a time or times when there were -- you gave
11 -- you had -- someone got remote access into your
12 computer. Those times, you gave that person or that
13 business permission to do that; is that correct?

14 A Correct.

15 Q There wasn't ever a time where anyone just
16 went on your computer without your permission?

17 A No. Correct.

18 Q Would you say that you're someone who has
19 a lot of common sense?

20 A I like to think so, yes.

21 Q Okay. Now, Judge Ekstrum had talked to
22 you a little about, some of the base importance of
23 what jurors need to keep in mind in terms of
24 fairness. And Mr. DeVore had talked about some
25 things that jurors need to keep in mind in order to

1 be fair to the defendant. Can you also be fair to
2 the state if you were a juror in this trial?

3 A I believe so, yes.

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

5 THE COURT: Yes, you may.

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

8 THE COURT: Mr. Kissell, you have not been
9 removed. You are accepted as a juror. You do need
10 to keep close contact with the jury coordinator to
11 figure out just when you need to come back. Because
12 we are still in this process of Voir Dire or
13 questioning.

14 So you are excused right now, but keep in
15 contact with the jury coordinator and you will be
16 called back when we get started with the jury.

17 JUROR: Okay.

18 THE COURT: Thank you.

19 (The juror exited the courtroom.)

20 THE COURT: I have a note here that says,
21 I am sure I don't have the whole story, but juror
22 number 30 didn't know she was supposed to be here
23 now, so she is on her way. But I am going to move
24 to 31. We are going to keep going.

25 (Prospective juror entered the courtroom.)

1 THE COURT: Come on forward. We are going
2 to put you in that first row of the jury box.

3 JUROR: This here?

4 THE COURT: Yes. So keep going forward
5 until you get to the end there. Then turn right a
6 time or two and get back to where that chair is.
7 Before you -- right there. And before you sit down,
8 please raise your right hand to be sworn.

9 (The prospective juror was sworn in.)

10 THE COURT: Have a seat. You will notice
11 a carafe of water in front of you, and a cup. So if
12 you want or need that, you certainly may do that.

13 JUROR: Thank you.

14 THE COURT: This is a process we call Voir
15 Dire. As I told you a few days ago, that has to do
16 with speaking the truth. So I will appreciate you
17 being truthful and cooperative. We will go forward
18 with the questioning.

19 I have a few comments to make to you
20 first, and then just a few questions. Then I will
21 turn it over the defense to ask some questions.

22 JUROR: Okay.

23 THE COURT: And possibly the prosecution
24 will ask questions as well.

25 JUROR: Okay.

1 THE COURT: Now, during the questioning,
2 there may be a request to excuse you for cause. Or
3 there may be a reason or a request, rather, to
4 exercise a preemptory challenge. Or there may be
5 neither one.

6 Now, let's tell you what those are.

7 JUROR: Okay. Thank you.

8 THE COURT: A challenge for cause means
9 that one side or the other thinks there is a reason
10 you shouldn't be on the jury. They will come and
11 tell me, and I will make that decision.

12 JUROR: Okay.

13 THE COURT: A preemptory challenge can be
14 exercised by either party, and they have a certain
15 number that they can do that with. I don't have any
16 say in it. They don't have to tell me a reason.
17 That's their choice.

18 JUROR: Okay.

19 THE COURT: And if one of those things
20 happen, then you will be removed and I will tell you
21 you're excused and I will thank you for your service
22 up to that point.

23 JUROR: Okay.

24 THE COURT: Now, have you had any
25 conversations with anyone about this case since

1 filling out the 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 basic
8 principles of law. You are going to hear a few of
9 those right now. There are others that will be told
10 to the jury, as in any trial, but certainly in this
11 trial. The defendant is presumed to be innocent.
12 The state has the burden of proof. The state must
13 prove any charge beyond a reasonable doubt. And the
14 defendant does not have to prove innocence. Those
15 and other rules are going to be given to the jury.

16 Will you be able to follow the rules of
17 law as I give them to you?

18 JUROR: Yes.

19 THE COURT: Do you think there is any
20 reason that you cannot be a fair and impartial juror
21 in this case?

22 JUROR: No.

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

24 MR. DEVORE: Thank you.

25

1 BY MR. DEVORE:

2 Q Good Afternoon, Ms. Blakely.

3 A Good afternoon.

4 Q There is a another rule of law that we use
5 and that is the defendant has the right not to
6 testify in a trial. Have you ever heard of that
7 before?

8 A Just watching court cases on TV, yes.

9 Q Sure. If the defendant chose not to
10 testify, would you hold that against him?

11 A No.

12 Q If the judge told you that you weren't
13 supposed to hold it against him, you would be able
14 to follow that instruction?

15 A Yes.

16 Q Now, I had the privilege of reading
17 through your questionnaire. And you filled that out
18 last week, correct?

19 A Mm-hmm.

20 Q And I might as well -- when the court
21 reporter is taking down everything we say, so
22 whenever you respond it has to be either a yes or a
23 no.

24 A I apologize, yes.

25 Q No problem. Now, is there anything that

1 you have thought of, maybe over the weekend, that
2 something came to your mind that you wanted to
3 change or add to your questionnaire?

4 A No.

5 Q Now, you said that you're a senior
6 accountant; is that right?

7 A Yes.

8 Q Where do you work?

9 A Marsden Services.

10 Q What is that?

11 A Marsden Services. It's a janitorial
12 company.

13 Q As a senior accountant, what are your
14 duties at Marsden Services?

15 A I do the accounting for three of our --
16 it's a holding company, so I do the accounting for
17 three companies across the country; Texas,
18 California, and Arizona.

19 Q And Marsden Services, I believe they do
20 janitorial services?

21 A They do.

22 Q Is that the only business that they are
23 in?

24 A HVAC. Yeah, HVAC is the only other
25 business they are in. I'm sorry, calibration.

1 Q And you said that you have been doing that
2 for about eight months, correct?

3 A Yes. Before that, I worked for a company
4 called Nextern. They were a medical manufacturing
5 company.

6 Q What did you do there?

7 A I was the accountant there for our China
8 location.

9 Q All right. So your background, you went
10 to Illinois State University.

11 A Yes.

12 Q And did you graduate?

13 A Yes.

14 Q And you graduated with a Bachelor of
15 Science?

16 A Yes.

17 Q And then have you had formal training in
18 accounting?

19 A No. Well, all my training has been on the
20 job. My degree is in economics.

21 Q All right. And in your capacity as a
22 senior accountant, do you have occasion to manage
23 other people or supervise?

24 A Not in this position, but previous
25 positions I was a supervisor.

1 Q And how many people did you oversee?

2 A One job was as little as six and the other
3 one as much as 12.

4 Q So in your job when you had the managerial
5 responsibilities, were there times when people would
6 have conflicts and disputes with one another?

7 A Yes.

8 Q And was it your job to help figure those
9 out and solve them?

10 A Myself and my manager, yep.

11 Q So what would you do when some of your
12 employees would have a conflict with one another?
13 What was your approach to the situation?

14 A Normally, we would listen to both sides.
15 We would do our own assessment based on what we see,
16 and come up with some sort of a resolution. I mean,
17 there is not much conflict when it comes to
18 accounting. You kind of do your own personal work.
19 But a lot of times it's, she's not doing this, or
20 it's more personal. It's not anything that --

21 Q Okay.

22 A -- that was like a major conflict.

23 Q All right. I see as well that you serve
24 on your finance committee at your church; is that
25 right?

1 A That's correct.

2 Q Do you serve on the board as well?

3 A Well, at one point I was on the Board of
4 Trustees, but now it's just the Finance Committee.
5 A division of it.

6 Q When you were on the Board of Trustees,
7 was that a group of people?

8 A It was.

9 Q How many people?

10 A 21.

11 Q Would you guys have meetings sometimes?

12 A Monthly, yes.

13 Q And at those meetings, I imagine you guys
14 would have talks collectively; is that right?

15 A Yes.

16 Q When you would do that, I would assume
17 that at some point you had to talk through things,
18 and come to some conclusions on certain things; is
19 that fair to say?

20 A That's correct.

21 Q When you are engaged in that kind of a
22 setting, what's your thought about contributing to a
23 group setting like that? Do you feel confident in
24 yourself to express what you think?

25 A Normally, the way I would approach it,

1 it's probably my particular situation is I am 50
2 years old, and I am probably the baby when it came
3 to that. So there are a lot of older people that
4 had very strong opinions. So I would actually stop,
5 listen and only really interject when I actually --
6 when it was -- you know, I would let them go at it.
7 I would actually go when I had a point that was
8 strong and I would need to bring it in. Otherwise,
9 I would just kind of let it go. Eventually, we have
10 all different sides, based on all kinds of
11 experiences. So I was the younger and I had the
12 younger perspective. We just kind of worked it out.

13 Q Do you feel like when you have had maybe
14 hotter issues, do you feel you were able to reach a
15 decent resolution to those issues?

16 A Yeah. I mean, we would -- I would come
17 with research or what I thought, and based on what I
18 looked up, or what we have seen in the past. A lot
19 of times we would use -- for me, because I am in
20 accounting and finance, we would talk about
21 historical information, and how it factors -- how we
22 factor this in or what we should factor out of a
23 decision.

24 Q So it sounds like you did your homework
25 first, then you came to the meeting.

1 A With that group, yes, you had to do your
2 homework first.

3 Q Would you consider yourself to be a
4 detailed oriented person?

5 A I would.

6 Q Isn't that the nature of accounting?

7 A It is.

8 Q Pay attention to the details?

9 A Yes.

10 Q All right. What led you to want to
11 volunteer your time on a church board?

12 A I was approached because a few people knew
13 my background, and also we are all required to serve
14 in some capacity. So that was my what we call my
15 spiritual gift, so that's what you use, you know.

16 Q Okay. That was -- you weren't paid to do
17 that, right?

18 A No.

19 Q I see that your spouse works in IT?

20 A Yes.

21 Q What kind of job does your spouse have?

22 A He is a systems analyst.

23 Q Is it for a big company? What kind of
24 company?

25 A He works at Marsden.

1 Q Oh, at Marsden. All right. And so when
2 you say IT, tell me what he does.

3 A Well, he is like the liaison between our
4 offsite -- who does our offsite database management
5 and the actual companies out in the field. So
6 basically, if they are any system's problem, they go
7 through him, and he kind of coordinates between our
8 providers and make sure that their services are met
9 in an IT perspective.

10 Q So he helps --

11 A Help desk, basically.

12 Q I'm sorry?

13 A He's help desk, basically.

14 Q So he's working from the Twin City area
15 here and he may be talking to people around the
16 country?

17 A Yes.

18 Q Does he ever do remote access of other
19 people's computers when they're having trouble and
20 help them out and things like that?

21 A Yes.

22 Q And so he's pretty smart when it comes to
23 computers, as far as the inner workings of things?

24 A Smarter than I am, yes.

25 Q How smart are you when it comes to

1 computers?

2 A Not very at all.

3 Q Do you have a computer at home?

4 A I do.

5 Q Do you use it, yourself?

6 A I do. Mostly for spread sheets and
7 databases and things like that.

8 Q Doing some work?

9 A Yeah. And then just my own shopping or
10 things like that. But nothing where I am doing
11 movies, or clips, or anything the younger kids are
12 doing.

13 Q Okay. And when you buy stuff online, you
14 give your credit card information and buy stuff
15 online sometimes?

16 A Only for recognized sites like Amazon. I
17 do it rarely. Or a store that I actually would
18 visit, if they have it online, I would do that.

19 Q Have you heard of Pay Pal before?

20 A I have.

21 Q Do you have a Pay Pal account?

22 A I do not.

23 Q Have you ever heard of Bitcoin before?

24 A It sounds familiar, but no. I mean, there
25 is new ones I think maybe my son might have said

1 something about that one, but I am not familiar with
2 it.

3 Q Okay. What about Money Gram and Western
4 Union, have you heard of those before?

5 A Yes.

6 Q Have you ever used them before?

7 A No. But probably 20 years ago I used to
8 work in collections, so we would have people use
9 Money Gram for that. So that's why I'm familiar
10 with that.

11 Q So you have seen how that system works
12 with those?

13 A Right. Yep.

14 Q And then what about, do you do your
15 banking online?

16 A I do.

17 Q And you pay bills online?

18 A I do.

19 Q Do you ever just kind of go in your free
20 time and go online and just kind of see what's going
21 on in the world? Just do some searching online?

22 A Not really. You mean, like news wise?

23 Q Just play around. I don't know, just surf
24 the web, you know, that kind of stuff?

25 A No. Usually I'm more specific. Looking

1 for furniture, or vacations, or things like that.

2 Q What do you do in your free time usually?

3 A Well, we watch TV, hang out with my kids.

4 Don't have very much free time. Kind of a
5 workaholic.

6 Q And your kids are 23 and 18?

7 A 23 and 18.

8 Q They live -- one of them -- your daughter
9 lives at home, right?

10 A Yes. She is a senior.

11 Q And then is it your son or daughter?

12 A My son is 23.

13 Q What is he doing?

14 A He is in school, and he is a teacher's
15 assistant.

16 Q Oh, good. All right. What kind of TV
17 shows do you like to watch?

18 A I watch HG TV a lot, the Hallmark Channel.

19 Q What's HG TV?

20 A The home and garden TV with Fixer Upper
21 and all those shows. Cooking channel. This Is Us,
22 which is a popular show.

23 Q What's the Hallmark Channel movies? What
24 is that?

25 A They are more sappy kind of stories. You

1 know feel good stories.

2 Q You choose those, the dramas, more than --

3 A No, I don't like dramas.

4 Q Do you like crime scene ones?

5 A No.

6 Q You like to be entertained?

7 A I do. I like to relax when I finally get
8 a chance to relax.

9 Q How many hours a week do you typically
10 work?

11 A About 50, 52.

12 Q And if we spend -- if you are on this
13 jury, and we spend a few weeks in this trial, you
14 would have to be here at the courthouse. How would
15 that impact your job, if anything?

16 A Um, well, we are at year end right now.
17 It will make it a little difficult, but I could work
18 from home. I actually worked from home this morning
19 and I will do it when I get back.

20 Q Okay. Does that mean that you would have
21 to be up real late at night, things like that?

22 A Maybe. I will probably work until 8:00 or
23 9:00.

24 Q Do you think that you would be able to
25 handle the workload and still show up for court here

1 every morning when we are in trial, and be able to
2 stay focused and stay awake and listen to
3 everything?

4 A Yes. I have had kids, yes.

5 Q Then there is nothing so pressing going on
6 right now with being that you're in accounting, with
7 year end stuff, that is like you have some deadlines
8 that are just looming over you right now?

9 A We always have deadlines. The only issue
10 that my controller had concern with is there is an
11 audit that comes up at year end, so they like to
12 have people available for it.

13 Q Okay.

14 A Internal audit.

15 Q I'm sorry?

16 A I said internal audit.

17 Q Internal audit. Okay. So you like to
18 cook?

19 A I do.

20 Q What kind of foods do you like to cook?

21 A For the first time, I just made chicken
22 marsala. I never made that before. And just try to
23 perfect recipes that I see on TV.

24 Q Oh, sure. Do you ever watch the news?

25 A Rarely.

1 Q How do you keep yourself informed on
2 what's happening in the world?

3 A My husband is a big news person. So if
4 there is anything major he will talk to me. I don't
5 typically like to hear a lot of bad news, especially
6 at night before we go to bed. So anything that is
7 major, you will see it on any kind of media on your
8 phone or something like that. But I don't watch the
9 news, no.

10 Q When you heard what this case was about,
11 how did that make you feel?

12 A I think I had two emotions. Initially, a
13 little nervous, because I know that's a very
14 serious -- serious charge. Then I was more
15 concerned because I know that that kind of thing is
16 stressful on families. So it's probably -- you
17 probably need to have someone that's going to be
18 fair. So it was more of, that's a big
19 responsibility. But then, you know, in a situation
20 like that, you actually need to get the truth. Just
21 for both sides of the family.

22 Q And do you feel like you would be the
23 right person to be on a jury on this type of a case?

24 A Yes.

25 Q You mentioned in your answer that you

1 recognize the importance of a fair trial. But you
2 also said that importance of a speedy trial. What
3 did you mean by that?

4 A Just because there is angst when there is
5 situations like that. Always people nervous about
6 it. You know, you don't want it to drag on and on.

7 Q Okay. Well, you mentioned that you don't
8 like to watch shows that are -- or hear about
9 violence at night before you go to bed. Do you
10 think you would have any trouble if you heard about
11 a criminal case like this. Would you have any
12 trouble at night when you went home or things like
13 that?

14 A It's hard to say.

15 Q Sure.

16 A It's hard to say whether or not I would or
17 not. I mean, I don't -- when I say that, I don't
18 want to day to day hear. I mean, news is rarely
19 good news. It's just usually, here's what happened,
20 terrible today. So I choose not to do that. But I
21 can't say whether or not I am going to like or
22 dislike that. I can just say that, you know --

23 Q It's kind of funny how the news works with
24 putting all the bad stuff on all of the time.

25 A Yeah. If there is some good news in

1 there, that's great. But it's usually a blurb in
2 the middle of a bunch of stuff that isn't great.

3 Q Okay. So if you had a witness that got on
4 the stand, or any witness that gets on the stand in
5 this trial and we put them under oath and swear to
6 tell the truth. And then let's say an officer gets
7 on the stand and they also swear to tell the truth,
8 do you think you would give greater weight to one or
9 the other, or would you assume that both of them
10 were going to tell the truth?

11 A I assume both would tell the truth.

12 Q So you wouldn't give an elevated or higher
13 standard to a police officer just because of their
14 job, would you?

15 A No.

16 Q Now, if you had heard a word, or a
17 concept, or terminology that you hadn't heard
18 before, how would you educate yourself as to what
19 that was? Would you go and ask somebody, go
20 online, go to the library?

21 A If it was somebody that was giving me the
22 word, I would ask them. If I didn't understand it,
23 I would probably look it up.

24 Q What kind of a -- how would you look it
25 up? What do you go to? What's your search engine

1 that you use?

2 A Probably Webster's.

3 Q Dictionary website?

4 A Yeah, dictionary.

5 Q Okay. Do you go to that site frequently?

6 A If I run across it. That's my first
7 go-to, or Wikipedia or something like that. But
8 normally Webster's.

9 Q Are you familiar with the terms like modem
10 and router, have you heard those before?

11 A In computers.

12 Q Correct.

13 A Yes.

14 Q Do you know what those are for?

15 A The router is, I think, that moves --
16 husband would kill me if he knew this. The router
17 is where the information goes through, and the modem
18 is the junction, like where you plug into to get
19 information through.

20 Q Okay. How about a Local Area Network, or
21 a LAN, have you heard of that term?

22 A That, I believe, is where your lines that
23 are connected to your main server.

24 Q What about WiFi, have you heard of that?

25 A Yes.

1 Q What does that mean?

2 A It is --

3 Q What do you think it means?

4 A Well, I mean, it's your connection that is
5 not connected to wires. You have your modem, your
6 router. It will send out a signal to pick up your
7 Internet access. We have it on our phones and
8 computers.

9 Q Have you ever heard of antivirus software
10 or malware?

11 A Yes.

12 Q Do you have that kind of stuff on your
13 computers?

14 A I do.

15 Q What is that for?

16 A To keep out viruses.

17 Q Have you ever had any issues with your
18 computer having a virus or being hacked?

19 A No.

20 Q Have you ever heard of that happening to
21 anybody you know?

22 A It happens a few times at work. We will
23 get a strange suspicious email and we will get a
24 mass email saying, if you get this email, don't open
25 it up. So somebody is trying to hack somebody's

1 email.

2 Q Okay.

3 MR. DEVORE: Can I have a couple of
4 minutes, Your Honor?

5 THE COURT: You may.

6 MR. DEVORE: May we approach?

7 THE COURT: Come on up.

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

10 THE COURT: The prosecution may ask some
11 questions. You may proceed.

12 BY MR. FINK:

13 Q Good afternoon, Ms. Blakely.

14 A Hi.

15 Q Excuse me. In your work, you have to be
16 very precise, right?

17 A Correct.

18 Q Is it fair to say in accounting that there
19 is only one answer at the bottom of the ledger
20 that's correct?

21 A When you balance, that's correct.

22 Q Now, the judge indicated that the state's
23 burden of proof is beyond a reasonable doubt.

24 A Correct.

25 Q But that doesn't mean to a mathematical

1 certainty and he will tell you that later on if you
2 are on this jury. Can you accept that burden?

3 A I'm sorry, say that again.

4 Q It's not to a mathematical certainty.

5 It's just beyond a reasonable doubt. He will
6 instruct you at the end of the case exactly how you
7 determine reasonable doubt.

8 A Okay.

9 Q Are you comfortable dealing in a situation
10 where the answer is not to a mathematical certainty?

11 A Yes.

12 Q Okay. Probably when you're dealing with
13 your kids growing up, huh?

14 A Yes.

15 Q Now, they are five years apart, right?

16 A Six. Almost six.

17 Q But I still imagine that there were times
18 when they got into it with each other?

19 A A little bit, yes.

20 Q When that happened outside of your
21 presence, how did you handle that?

22 A When it happened outside of me being
23 there?

24 Q Yeah, like you were in the next room or
25 something, and you heard the ruckus.

1 A Oh, I separate them. Go talk to them
2 separately. Find out what went on. Then, I guess,
3 make a decision accordingly. Normally, I had
4 expectations of both of them, so I have to see if
5 they met them. You know, my son, you know better,
6 and my daughter is, don't be spoiled. So that kind
7 of thing.

8 Kind of depends on what the situation was.
9 It was never anything that was really major.

10 Q I am just going towards your problem
11 solving techniques, that's all.

12 A Oh, okay.

13 Q If they were to give you different stories
14 about what happened, how would you deal with that?

15 A I would actually keep questioning until I
16 got to the root of it. They always have a different
17 version of it. Then you just question some more,
18 and then it eventually comes to what probably is the
19 closest of what actually happened.

20 Q So you look at a whole bunch of different
21 things. The changes in their story. Their
22 demeanor, maybe?

23 A Oh, yeah.

24 Q To determine which story is more credible
25 than the other?

1 A Right.

2 Q Your son is in school presently, where?

3 A Metro State.

4 Q And what is he studying?

5 A Education.

6 Q Now, Mr. DeVore's defense, all of those
7 questions about the computer weren't a test, so you
8 don't have to worry about that. But you indicated
9 that there are times when at work IT gets remote
10 access to your machine? That has?

11 A Mm-hmm.

12 Q That's always with your permission, right,
13 you have to consent to that?

14 A Yes. You have to accept for them to come
15 in.

16 Q So you have to make an affirmative move on
17 the machine with your cursor in order to allow them
18 in?

19 A Yeah. I think you have to click -- it
20 will give a little warning saying they want to gain
21 access. So you have to click and accept it in, yes.

22 Q Okay. Given the fact that you don't like
23 crime scene shows, if you're selected for this jury
24 you're probably going to see some somewhat
25 disturbing exhibits.

1 A Okay.

2 Q Photographs. Will you be able to do that?

3 A I think so.

4 Q Okay. Can you give this defendant a fair
5 trial?

6 A Yes.

7 Q Can you give the state a fair trial?

8 A Yes.

9 MR. FINK: Approach.

10 THE COURT: Ma'am, you have not been
11 removed. You are accepted as a juror. So you do
12 need to keep contact with the jury coordinator. As
13 you can see, we are going through this process and
14 this is a lengthy process. So keep in contact with
15 that jury coordinator so you know when to come back.

16 JUROR: All right.

17 THE COURT: Thank you.

18 (The juror exited the courtroom.)

19 (Prospective juror entered courtroom.)

20 THE COURT: Please come forward. We are
21 going to put you in the first row of that jury box.
22 So come all the way up. You are going to turn right
23 when you get to the end and go back to that chair.
24 And before you sit down, please raise your right
25 hand to be sworn.

1 (The prospective juror was sworn in.)

2 THE COURT: Have a seat. There is a
3 carafe and a cup there available if you need some
4 water. This is a process of questioning that's
5 called Voir Dire. That does mean to speak the
6 truth, so I will appreciate your truthfulness and
7 your cooperation.

8 I have some comments for you to start
9 with. I have just a few questions. Then I will
10 turn it over to the defense attorney and you will
11 get some questions. It may be that the prosecution
12 has questions as well.

13 Now, during the questioning there may be a
14 request to excuse you for cause. Or there may be a
15 request to exercise a preemptory challenge. Or
16 there may be neither one of those things.

17 Now, a challenge for cause occurs if one
18 side or the other thinks there is a reason you
19 shouldn't be on the jury, they will bring that to me
20 and I will make that decision.

21 A preemptory challenge can be exercised by
22 either the defense or the prosecution. They have a
23 certain number of those that they can do. And they
24 don't have to tell me the reason, and it's their
25 choice.

1 So if one of those things happens, you
2 would be removed. I will tell you you're excused
3 and I would thank you for your cooperation up to
4 this point.

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

8 JUROR: No.

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

12 JUROR: No.

13 THE COURT: There are a number of legal
14 rules and principles that are going to apply in the
15 case. I am going to go over just a few right now.
16 The defendant is presumed to be innocent. The state
17 has the burden of proof. The state must prove each
18 charge beyond a reasonable doubt. And the defendant
19 does not have to prove his innocence. Now, other
20 rules would certainly be given during the course of
21 a trial. Will you be able to follow the rules of
22 law as I give them to you?

23 JUROR: Yes.

24 THE COURT: Is there any reason you think
25 you cannot be a fair and impartial juror in this

1 case?

2 JUROR: No.

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

4 MR. DEVORE: Thank you.

5 BY MR. DEVORE:

6 Q Good afternoon.

7 A Good afternoon.

8 Q Can you tell me how to pronounce your last
9 name?

10 A Muse.

11 Q Muse. Okay.

12 A I actually have a second last name, too.
13 It's also Farah.

14 Q Farah. What do you prefer to go by?

15 A Muse.

16 Q All right. I have read through the
17 questionnaire that you filled out last week. Just
18 wanted to know since that time, have you remembered
19 anything, or thought of anything new, or anything
20 that you wanted to fix, change or add to?

21 A No.

22 Q Now, looks like you had -- you graduated
23 from Armstrong High School, and then you did some
24 school at Minneapolis Community Tech?

25 A Yes.

1 Q Did you get a degree from there?

2 A No.

3 Q How many years of schooling did you go to
4 or how much?

5 A About a year and a half.

6 Q What were you studying?

7 A I just took Liberal Arts.

8 Q Is that something you intend to go back to
9 or what do you --

10 A I am taking a break right now. I hope to
11 go back in the future.

12 Q What are you doing now?

13 A Working.

14 Q Where do you work at?

15 A I work at a company called UP. I am
16 direct support staff.

17 Q Did you say UP, like U-P?

18 A Yeah. Unlimited Possibilities.

19 Q Oh, that's what that stands for. All
20 right. I had written a question mark by that. What
21 do you do there?

22 A I work with the client. I take him to his
23 appointments, give him medications. I just hang out
24 with him and keep him company.

25 Q All right. Why don't you tell me what UP

1 does. What kind of a company is UP?

2 A They have staff for people with mental
3 illnesses. They can either get 24 hour service,
4 which would be having someone daytime, evening and
5 overnight. Or you could be where they have someone
6 to come in to check on to make sure they are keeping
7 up with their responsibilities and taking their
8 medication on time.

9 Q How did it come that you started working
10 there?

11 A I heard it from my mother's friend.

12 Q Sounded interesting?

13 A Yeah.

14 Q And it sounds like you have a client, or
15 do you have a number of clients that you work with?

16 A A client. Just one.

17 Q So what are your hours that you normally
18 keep?

19 A I work a 12 hour shift on Sunday and a 5
20 hour shift on Monday, Tuesday, and Wednesday.

21 Q What are your five hour shift times?

22 A Evening. So it would be four to nine.

23 Q And if you were picked to be on a jury in
24 this case, we might be in trial for a couple of
25 weeks. We generally would end the day at 4:30 or

1 5:00, in that range. How would that impact your
2 work, if any?

3 A The hours are very flexible, and I could
4 find someone to cover my shifts.

5 Q Do you believe that you would then go to
6 work after you finish here each evening?

7 A Yeah, I could.

8 Q And then you said you go to about
9 9 o'clock?

10 A Yes.

11 Q And would that allow you enough time to
12 get sleep and do whatever you needed so you'd be
13 back here everyday so that you could focus on the
14 case?

15 A Yes.

16 Q You don't think that would cause you any
17 problems?

18 A No. I usually get about eight hours of
19 sleep every night.

20 Q Okay. Now, I know you mentioned that you
21 stay at home and help your mother, and sounds like
22 you help with your brothers running errands and
23 such?

24 A Yeah. I take them to school, get
25 groceries. I also run errands for a few of my mom's

1 friends, too.

2 Q Like, do you get paid to do that or do you
3 just do that as a friendly gesture?

4 A As a friend gesture.

5 Q You live at home with your mom?

6 A Yes.

7 Q Who else lives there with you?

8 A Just me, my mom, and two younger brothers.

9 Q Looks like, they are not too much younger
10 than you, right?

11 A No, just a year and a half. They are both
12 19.

13 Q Looks like they go to college?

14 A Yep, Century College.

15 Q Taking general courses?

16 A Yes.

17 Q Is there a reason that you decided to stop
18 going to college?

19 A I didn't know what to choose as my major.
20 And I was having some anxiety.

21 Q Okay. What were you anxious about?

22 A Just schoolwork and pressure from family
23 members about choosing my major.

24 Q Oh, okay. They wanted you to start making
25 some decisions?

1 A Yeah.

2 Q Have you ever worked in a setting where
3 you would be working with 10 or 15 other people to
4 talk about things and then come up with solutions?

5 A My work, that I work right now, we have
6 team meetings to talk about our client and what we
7 can do better to provide support.

8 Q Okay. And how many people are in those
9 meetings?

10 A About -- so it would be the supervisor,
11 me, daytime. So five people.

12 Q In those meetings, do you have to express
13 what you think and what's going on and tell them
14 that your feelings are and thoughts?

15 A Yeah.

16 Q And do you ever get questioned from those
17 other folks about how things are going, and you have
18 to respond to them?

19 A Yeah, about what I am doing.

20 Q How would you feel about being in a group
21 of 10 or 15 people, and having to state what your
22 feelings are about something?

23 A Honestly, I would probably be a little
24 nervous. Talking isn't my strong point, but I have
25 done things like that before.

1 Q So speaking publicly isn't one of your
2 strong points; is that what you're saying?

3 A Yeah.

4 Q What kind of a person are you as far as
5 listening? Are you a detail oriented type of
6 person?

7 A Yes.

8 Q Do you like to take a lot of notes?

9 A Yes.

10 Q Okay. When you go to a social event,
11 would you find yourself working the room and talking
12 to different people, trying to meet new people?

13 A No. I just talk with people I know.

14 Q Would you say you're more introverted or
15 extroverted?

16 A Introverted, definitely.

17 Q If you felt strongly about something, and
18 someone else felt strongly in a different direction,
19 and wanted to engage in, you know, healthy debate;
20 how would you respond to that?

21 A I am not the type of person that I am
22 quick to anger. I think I can do a healthy debate.
23 Usually agree to disagree.

24 Q Okay. Agree to disagree?

25 A Yeah.

1 Q And have you ever been in a situation
2 where you have had to maybe help settle a dispute
3 between two people, maybe even your brothers?

4 A Yeah.

5 Q And what do you do when your two brothers
6 are maybe having an argument or something?

7 A I try to get both sides of their story,
8 and try to see if they can come to a compromise. If
9 that doesn't work, I usually just separate them.

10 Q Do you ever have to make decisions that
11 maybe one of the brothers didn't like?

12 A Yes.

13 Q Where you have to kind of lay the law
14 down?

15 A Yeah.

16 Q Do you feel very comfortable with that?

17 A Definitely. They are my younger brothers
18 and I feel like I have to watch out for them.

19 Q What did you think about when you heard
20 that you were being looked at as a juror in this
21 kind of a case?

22 A Shocked at first. A little nervous.

23 Q Why did you feel shocked?

24 A I just didn't expect to be here.

25 Q How come?

1 A I never really thought about it before.

2 Q Okay. Does it make you nervous?

3 A I guess a little bit.

4 Q Now, you said that you had some anxiety
5 with some pressures from your family about your
6 college.

7 A Mm-hmm.

8 Q And you chose to stop going to college?

9 A Yeah.

10 Q At least temporarily, right?

11 A Mm-hmm.

12 Q Do you think that you would have some
13 anxiety being on a jury in this kind of a case?

14 A Maybe. I can't say for sure. I guess if
15 I was by myself I would be nervous. Having more
16 jurors around me, probably not.

17 Q Okay. Do you think that if the jurors
18 around you provide comfort because it's easier to
19 conform with those jurors?

20 A No. I still have my own opinion. I make
21 my own decisions.

22 Q All right. You just don't have the weight
23 of it all on just your shoulders, is that what
24 you're kind of saying?

25 A I guess so.

1 Q Okay. Now, in this trial, there is likely
2 to believe some pictures of what some people might
3 say are disturbing or gruesome. That's up to the
4 eye of the beholder. But would you have any
5 difficulty looking at photographs of like a deceased
6 body?

7 A Yes.

8 Q I know you checked that you would in the
9 questionnaire. What's the nature of your -- why
10 does that disturb you, or why would you have
11 difficulty with that?

12 A I guess I am just squeamish, even when I
13 just to play video games with like theft or action
14 movies, I just have been -- I would never
15 participate in that.

16 Q What did you find yourself doing when you
17 were confronted with that kind of stuff with your
18 brothers?

19 A Sorry, my eye is watering. I would just
20 usually walk away, go to my room, use my phone.

21 Q Trying to avoid it?

22 A Yeah.

23 Q In this case, part of being a juror is
24 making sure that you examine all of the evidence,
25 including photographs. You know, how would you

1 respond to that if you had to look at pictures like
2 that?

3 A I guess since it's important, I would just
4 have to stomach it.

5 Q Do you think that you would be able to
6 stay focused or -- knowing yourself, do you think
7 that you would be bothered by it?

8 A Probably a little bothered by it.

9 Q Do you think that being bothered by it
10 would have an impact on how you would look at the
11 case?

12 A No, I probably would just be --

13 THE COURT: You either need to pull the
14 microphone a little closer, or speak up, because we
15 have to hear you, too.

16 JUROR: I said probably will feel a little
17 ill looking at it. I don't know if I make a quick
18 judgment just based on pictures without hearing
19 anything else first.

20 BY MR. DEVORE:

21 Q Like physically ill do you think?

22 A Probably.

23 Q I'm sorry?

24 A Probably. I get a little bit squeamish
25 around blood, so ...

1 Q Do you feel like maybe this case probably
2 isn't the best case for you to be a juror on?

3 A Yes.

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

5 THE COURT: You may.

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

8 THE COURT: Young lady, you are removed.
9 So I am going to excuse you at this time. Thank you
10 for your cooperation and you may leave.

11 (The juror exited the courtroom.)

12 (Prospective juror entered courtroom.)

13 THE COURT: Come forward please. We will
14 put you in the jury box in the chair that is
15 partially turned. So keep coming all the way
16 forward until you turn and go to your right in that
17 jury box area.

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

20 (Prospective juror administered an oath.)

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

23 JUROR: Sheila Friedrich.

24 THE COURT: Ms. Friedrich, this is the
25 process of questioning or Voir Dire. As I told you

1 a few days ago, Voir Dire has to do with speaking
2 the truth. So I will appreciate your truthfulness
3 and your cooperation. I have some comments to make
4 to you briefly and then a very few questions. Then
5 I'll turn it over to the defense counsel for some
6 more questions and possibly the prosecution may have
7 questions as well.

8 During the questioning, there may be a
9 request to excuse you for cause. Or there may be a
10 request to exercise a preemptory challenge. Or
11 there may be neither one of those things.

12 Now, a challenge for cause occurs when one
13 side or the other thinks there is a reason that you
14 shouldn't be on the jury. They will bring that to
15 me. I will make that determination when it comes
16 up.

17 JUROR: Okay.

18 THE COURT: A preemptory challenge can be
19 exercised by either side. They have a certain
20 number of those challenges. And they decide that,
21 not me. So if either one of those things happens,
22 you would be removed. And I would simply excuse you
23 and thank you for your service up to this point.

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

1 questionnaire.

2 JUROR: I have not.

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

6 JUROR: I have not.

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

15 JUROR: Yes, I would be able to.

16 THE COURT: As you sit here, can you think
17 of any reason why you cannot be a fair and impartial
18 juror in this case?

19 JUROR: No.

20 THE COURT: Mr. DeVore?

21 MR. DEVORE: Thank you.

22 BY MR. DEVORE:

23 Q Good afternoon, Ms. Friedrich.

24 A Good afternoon.

25 Q Before I start asking you questions, I

1 have had a chance to look through your
2 questionnaire. I just want to know, is there
3 anything that you thought of since the time you
4 filled this out that you would change or add to in
5 this questionnaire.

6 A I don't think so.

7 Q I understand that you're an administrative
8 assistant?

9 A That's correct.

10 Q Is that at Village Green Landscapes?

11 A Yes.

12 Q What do you do as an administrative
13 assistant?

14 A Your basic office duties. I do all the
15 monthly billings. Answer phones. Work with our
16 subcontractors. Kind of a Girl Friday.

17 Q Like a what?

18 A A Girl Friday.

19 Q Okay.

20 A Whatever needs to be done outside my
21 regular duties.

22 Q Sure. How many people are employed with
23 Village Green Landscaping?

24 A About 250.

25 Q How many people work in that office, then,

1 where you're in?

2 A About 25.

3 Q In your capacity as an administrative
4 assistant, or any role that you play at that Village
5 Green, do you ever work as a -- or have to be
6 anything of a supervisor or a manager where you
7 manage people?

8 A I do not, no.

9 Q Have you ever had a job where you have had
10 to do that?

11 A I haven't. I was self employed for
12 several years. Many years.

13 Q Oh, what did you do?

14 A I was landscape designer.

15 Q Did you run that out of your home?

16 A Mm-hmm. Yes, I did.

17 Q I assume that you got to know the people
18 at Village Green and then ended up going to work for
19 them; is that fair to say?

20 A That's not actually how it happened.

21 Q Oh, okay.

22 A When the economy hit, or went down in 2008
23 it was pretty hard to sell landscaping at that time.
24 So I actually went and worked for a financial
25 company. Unfortunately that office was shut down.

1 And from there, I worked at a bridal shop. My
2 manager at the bridal shop found this job that was
3 posted and she said, I think this will be perfect
4 for you since it's in your profession. So yeah, out
5 of about 300 people, I was the first one interviewed
6 and they hired me right on.

7 Q Oh, wow. Good for you.

8 A Yeah, so I am back in my field, I guess,
9 so ...

10 Q Now, the financial company that you work
11 for got shut down, what do you mean by that?

12 A It was Raymond James. I worked for -- I
13 guess he was -- he was a financial adviser, it was
14 his office. Unfortunately, he had some tax issues
15 and the parent company, Raymond James, had to shut
16 him down because he couldn't pay his back taxes
17 without getting into a whole story about it.

18 Q Sure. How well -- were you good friends
19 with this -- was it Raymond James that you worked
20 for?

21 A Raymond James was the parent company,
22 correct.

23 Q And then the person that you worked for,
24 how well did you know that person?

25 A I only knew him for the ten months that I

1 worked for him.

2 Q Okay.

3 A Yeah.

4 Q Was that like a criminal investigation or
5 anything that went on there?

6 A No.

7 Q Just a tax issue?

8 A He just ended up being a liability for the
9 company. So they didn't want to shut down his
10 particular branch, because he was a very good
11 adviser. But again, he got hit by the 2008 crash.
12 Kind of a long story, but yeah, so he ended up going
13 to a different financial firm. There wasn't any
14 criminal dealings with that at all.

15 Q Okay. And in your job now, for trial and
16 if you are on this jury and we spend the next couple
17 of weeks in trial, do you have somebody to cover
18 your position, or how does that work?

19 A They would probably be able to get by
20 without me for just a few weeks. If it was a couple
21 of months, they would probably have to call somebody
22 in. But, you know, they would understand for a
23 couple of weeks if I needed to be gone.

24 Q Do you get paid a salary or hourly wage?

25 A Hourly.

1 Q And I know that you mentioned that you
2 have some concern about how this might affect you
3 financially if you're not at work, true?

4 A Well, yeah. I mean, the court doesn't pay
5 a high wage per day. So your \$20 wouldn't compare
6 to what I would be making at work normally.

7 Q Yeah.

8 A So, you know, financially I would probably
9 miss a pay check. I do get one week paid for jury
10 duty.

11 Q Okay.

12 A Anything beyond that would have to be, you
13 know, either taken without pay or use up sick days
14 or vacation days.

15 Q So I just want to make sure I understand
16 the financial effect on your family, really is what
17 I am looking at.

18 A Okay.

19 Q Now, you're married?

20 A I am.

21 Q Is your spouse employed?

22 A He is.

23 Q Does he, obviously, will continue to get
24 paid?

25 A Correct.

1 Q Now, do you both rely on both of your
2 incomes then for your family?

3 A We do. For the most part, yes.

4 Q And if your income is affected in the way
5 that we were just talking about in this case, is
6 that going to put such a financial strain on you and
7 your family that it would detrimentally impact your
8 ability to serve as a juror in this case?

9 A We would be able to get by. I mean, it's
10 losing income, but it wouldn't -- it's not going to
11 break us.

12 Q Okay. Would you feel like you could -- it
13 wouldn't distract you from paying attention to this
14 case, would it?

15 A No.

16 Q All right. And what does your husband do?

17 A He's a customer service rep.

18 Q And for who?

19 A Anderson Windows.

20 Q All right. And then you have at least one
21 child that lives at home?

22 A I do.

23 Q And he's going to school at Century?

24 A He is.

25 Q What's he studying?

1 A His generals for now. Then he will be
2 transferring to Mankato.

3 Q Okay. And then you have another child as
4 well?

5 A I do.

6 Q What's that child do?

7 A She is a student at the U of M.

8 Q Okay. What is she studying?

9 A She is studying biology. She is in the
10 College of Biological Sciences.

11 Q Now, I understand your daughter had an
12 incident down at the U of M?

13 A She did, in a bathroom.

14 Q When did that happen?

15 A That was her freshman year.

16 Q So three years ago maybe?

17 A Three years ago.

18 Q Now, you indicated that your daughter was
19 assaulted at a frat party?

20 A She was.

21 Q But it wasn't reported, right?

22 A It was not. It was not a rape and she
23 wasn't comfortable reporting it.

24 Q Okay. Was it because she knew the person?

25 A I don't know if she knew the person or

1 not.

2 Q Okay. Do you know many of the details?

3 A I do not.

4 Q Do you have any lasting concerns or
5 problems with that that maybe she should have
6 reported it or something like that?

7 A Um, you know, I guess when I first found
8 out about it, I had asked her if she reported
9 anything. She said no, she wasn't open to talking
10 about it. I wish she had, but now that we are out a
11 couple of years, she has handled it very well. So I
12 am actually not concerned at this point about it.

13 Q All right. Have you had an occasion to
14 have to call the police and report something?

15 A I have not.

16 Q Did you have a situation where your son's
17 stereo was stolen?

18 A Yes, we did.

19 Q Somebody called the sheriff; is that
20 right?

21 A My son did.

22 Q So he called them himself?

23 A Yes.

24 Q Were you there when it happen then?

25 A I was not. I was at work.

1 Q Was that at your house?

2 A Yes.

3 Q Somebody broke into your garage?

4 A That's correct.

5 Q Sometimes people feel a certain negative
6 feeling. Sometimes a little bit violated when their
7 house gets broke into. Is there any of that feeling
8 in your head?

9 A Um, I guess at the time when it happened,
10 sure. You know, you're like, why were we chosen.
11 But again -- yeah, you do feel a little violated.
12 However, we found out that several of the neighbors
13 were broken into, and they were all the neighbors
14 who didn't have security systems. So we believe
15 that there was inside information.

16 You know, there is a lot more in the
17 garage that they could have taken than just the
18 stereo. So I think they were just out for some key
19 things that might have been worth some money, you
20 know, when they turn it around.

21 Q Sure.

22 A But, yeah, sure. I mean, if someone comes
23 on your property without permission, you're going to
24 feel a little violated for sure.

25 Q And you reported it to the police, or the

1 sheriff?

2 A My son did.

3 Q Did they ever catch the person?

4 A No, they did not.

5 Q Do you feel like law enforcement did their
6 job?

7 A Yes.

8 Q You feel like they did whatever they could
9 have done?

10 A Yes.

11 Q You don't have any negative feelings
12 towards law enforcement or anything?

13 A I do not.

14 Q Does it give you a sense that people that
15 do crimes, you know, get away too often, or anything
16 like that?

17 A In that particular incident?

18 Q Just in general.

19 A Um, no. You know, every case is its own
20 case. I guess I never thought about it that much.
21 I think usually justice prevails with the way we
22 have our court system set up.

23 Q Okay.

24 A You know it's not perfect. I said that on
25 my questionnaire, it's not perfect. But it's a good

1 system.

2 Q Do you think justice can prevail when
3 there is a not guilty verdict, if the circumstances
4 are right?

5 A Can justice prevail if there is a not
6 guilty? Well, I guess justice does prevail if it's
7 not guilty, because that's what the evidence showed.

8 Q Just like the opposite, right, if the
9 evidence showed the opposite, then a guilty verdict
10 would be just; is that correct?

11 A Correct.

12 Q You agree either way is just, as long as
13 it was done in the right way?

14 A Yes.

15 Q How about if a police officer gets on the
16 stand and testifies, would you think that that
17 person is more credible or trustworthy just because
18 they are wearing a uniform?

19 A I would hope so. However, police officers
20 are human, too. So that's where you will also see
21 in my questionnaire where I put down that I would
22 tend to believe a police officer because of the
23 oaths that they take, and the job that they do, but
24 they are human. Some do make mistakes. And some
25 probably don't always tell the truth. I guess I

1 would have to look at that particular circumstance
2 to answer that question directly.

3 Q If a non police officer or a lay person
4 got on the stand and swore under oath to tell the
5 truth, would you believe that their testimony would
6 be just as truthful as a police officer?

7 A I would say yes.

8 Q All right.

9 A I mean, I would hope so. I would hope if
10 you're taking an oath that you are telling the
11 truth.

12 Q Okay. You said that your mother was a
13 Guardian ad Litem back in the '90's and 2000's?

14 A She was.

15 Q And do you know why your mom chose to do
16 that?

17 A I don't actually know. She was just
18 always very involved in community things. I don't
19 think there was any particular reason why she picked
20 that program to volunteer in, but I know she got a
21 lot of satisfaction out of it.

22 Q Have you ever volunteered in a capacity
23 like that?

24 A As a Guardian ad Litem, no. I have
25 volunteered for other things.

1 Q What kind of things?

2 A I have volunteered for a lot of church
3 activities, vacation bible school. I was director
4 one year. Having just a blank. What else have I
5 volunteered for?

6 Q Nonprofit type things?

7 A Absolutely. Yeah.

8 Q Have you ever sat on like a board or a
9 committee or something?

10 A I have not.

11 Q Have you ever been in a situation where
12 you work with a group of people to try to talk about
13 things and come up with solutions or answers?

14 A Well, at work.

15 Q At work you do that?

16 A Yeah.

17 Q Do you find that you have the ability to
18 effectively communicate your position in the face
19 of, you know, looking at 10 or 12 or 15 other
20 people?

21 A Yeah, I think so.

22 Q Okay. Some people have a fear of talking
23 in public, and I just wanted to know if you were one
24 of those.

25 A I would say no.

1 Q Now, how do you get your news, for the
2 most part, see what's going on in the world?

3 A Mostly on the Internet.

4 Q What kind of sites do you like to go to on
5 the Internet?

6 A Lots of different sites. I will look at
7 World.daily. I will look Drudge. I will look at
8 MSNBC. I will look at Fox.

9 Q What was the one, the second one?

10 A Drudge Report.

11 Q Drudge Report?

12 A Yeah.

13 Q Why do you like that one?

14 A I just like to get my news from all
15 different sources. Because these days it's hard to
16 know who's reporting the correct stories.

17 Q You don't want that the fake news?

18 A I am not into fake news.

19 Q How about TV? Do you watch TV?

20 A I do watch some TV.

21 Q Do you watch the news on TV?

22 A Very rarely. I try not to.

23 Q How come?

24 A I don't trust the sources on TV.

25 Q Okay. Now, you said you use the Internet,

1 so I assume you have a computer?

2 A I do.

3 Q Do you like to spend time on the Internet?

4 A I do.

5 Q Do you ever find yourself, when you have
6 free time, to just kind of poke around and see what
7 you can find?

8 A Usually on Pinterest.

9 Q Pinterest?

10 A Mm-hmm.

11 Q When you go online and use the computer,
12 is it more for a purpose of trying to accomplish a
13 task or a goal, or is it just sort of because you
14 have free time and you want to just see what's going
15 on?

16 A Usually when I'm on the computer, I'm
17 either looking at the news, trying to find out
18 what's going on in the world and in the nation. Or
19 yes, I'm on there to, like I said, Pinterest. I
20 don't know if you're familiar with the site.

21 Q Tell me what it is.

22 A It's a lot of different ideas. Things you
23 can do to your house. A lot of do it yourself fixer
24 upper type things. There's so many things on
25 Pinterest to look at. I am usually on there trying

1 to get an idea for my next project.

2 Q Is it a site where you can type something
3 in and people can type things back to you and stuff
4 like that?

5 A No. No. It's just more of an
6 informational site.

7 Q People can post things and then you can
8 find it?

9 A Correct.

10 Q Okay.

11 A It's not a social interactive site at all.

12 Q Okay. Have you ever heard of the Dark Web
13 before?

14 A The Dark Web? I don't believe I have.

15 Q How about Bitcoins, have you ever heard of
16 Bitcoins.

17 A Mm-hmm.

18 Q Is that a yes?

19 A Yes.

20 Q What have you heard about Bitcoins?

21 A Not to invest in them.

22 Q How come?

23 A I don't know what the reason would be.

24 Q Do you know what a Bitcoin is?

25 A Is it a currency?

1 Q I am just asking you if you know what --

2 A I think it's a currency. If what I'm
3 thinking is incorrect reference, I think what you're
4 asking me I think is a currency or investment type
5 deal. I don't know a lot about it, but I have heard
6 about it.

7 Q On the Internet you've probably heard
8 about it?

9 A Mm-hmm.

10 Q Like news and stuff?

11 A Correct.

12 Q Now, on your computer, do you have like --
13 do you use like antivirus software and malware type
14 things?

15 A I do not.

16 Q Why is that?

17 A I have a Mac computer.

18 Q Is that the reason you have the Mac
19 computer?

20 A Pretty much, yes. Well, it's one of the
21 reasons. It's very hard to break into a Mac
22 computer.

23 Q Is that a concern of yours that someone
24 could hack into your computer?

25 A Well, sure.

1 Q Have you heard of that happening before?

2 A Not to anyone I know personally, but I am
3 sure people are hacked often.

4 Q Do you know what a modem and a router are?

5 A Mm-hmm.

6 Q Yes?

7 A Yes.

8 Q Sorry. She's taking down everything you.

9 Say.

10 A Oh, I'm sorry.

11 Q That's why we have to say yes or no.

12 A Yes.

13 Q What about a Local Area Network; are you
14 familiar with that term, that terminology?

15 A I have heard it. I don't know if it's
16 where all your cable lines run in to broadcast into
17 your home, or wherever you're at. I've heard of it,
18 yes, but I don't know technically exactly what it
19 does.

20 Q How about WiFi?

21 A Yes.

22 Q What do you think that is?

23 A Well, it's Internet, or the wireless
24 connection to the Internet.

25 Q Okay. If you have a problem with your

1 computer, what do you do with it? Do you try to fix
2 it yourself or do you bring it in?

3 A Well, first I ask my husband to fix it.
4 If he is unsuccessful then yes, we would call the
5 cable company, or the Internet company.

6 Q Okay. Have you ever had an occasion where
7 you allowed somebody to log on to your computer
8 remotely to try to fix something, or
9 troubleshooting?

10 A At work I have, yes. At home, no.

11 Q That's where you set up a time, or
12 something, and then you arrange for them and they
13 can log on and give them access and all that stuff,
14 right?

15 A Yes.

16 Q And then if you sit there and you look,
17 you can see them moving the cursor around?

18 A Yes.

19 Q Now, do you use your computer for your
20 online banking?

21 A I do. My home computer only, though.

22 Q Okay. You pay bills with that and stuff?

23 A I do.

24 Q What about, do you ever buy stuff online?

25 A Yes, I do.

1 Q How do you pay for that typically?

2 A Usually through Pay Pal.

3 Q You use Pay Pal?

4 A Mm-hmm.

5 Q Have you ever used a credit card?

6 A I have, yes.

7 Q Why do you have a Pay Pal account?

8 A I just think it's safer.

9 Q So your information isn't compromised; is
10 that right?

11 A Correct. Yes.

12 Q Have you heard of Money Gram and Western
13 Union?

14 A Yes.

15 Q Do you know what those are?

16 A Sending money through the banks. I have
17 never used it, but yes, I know what it is.

18 Q How much time, per day, do you think you
19 spend looking around on the Internet on your free
20 time?

21 A On my free time? I would say an hour and
22 a half to two hours.

23 Q Okay. Do you have any thoughts or
24 concerns about our crime rates in this country?

25 A Thoughts or concerns. I guess I haven't

1 really -- I don't live in a high crime area, so I
2 want to say that I don't believe our crime rates are
3 that high, but I do believe as we get more
4 populated, of course with more population more
5 crimes occur.

6 Q Okay. Where do you think -- when you
7 think of high crime rate areas, what do you think
8 of?

9 A Well, I have visited Haiti and there is a
10 lot of crime down there. I guess a high crime area,
11 I guess I would think the Middle East.

12 Q If you heard a word, or a concept, or a
13 term that you weren't familiar with, how would you
14 educate yourself on what that means?

15 A I would look that up.

16 Q Online?

17 A Mm-hmm.

18 Q What kind of a search engine do you
19 typically use for that?

20 A Typically Duck Duck Go.

21 Q What is that?

22 A Duck Duck Go.

23 Q Duck duck?

24 A Yes.

25 Q Like D-U-C-K?

1 A Correct.

2 Q What is Duck Duck Go, I have never heard
3 of that.

4 A It's a search engine like Google or Yahoo,
5 but they don't track what you are looking to and
6 where you're going to.

7 Q And why is that important to you?

8 A I just believe that a lot of tech
9 companies on Google. I would not say that I am
10 paranoid, but I do think that there is a lot of
11 tools where they are tracking people, and I just
12 don't want to be tracked. So Duck Duck Go is a
13 search engine that I believe, basically, it doesn't
14 keep your cookies or look after your cookies. I am
15 not a techy, but I am trying to describe it as best
16 I can.

17 Q Sure.

18 A It just doesn't trace where you're going.
19 So ads can't follow you. You know, sitting there
20 and you're reading an article and an ad pops up.

21 Q Sure. Where did you hear about Duck Go.

22 A On the Internet.

23 Q Okay. Did you do a search like, how to
24 find a search engine?

25 A I didn't. I read it in the comments

1 column.

2 Q Then you looked it up on Google, right?

3 A I did. I typed it into the search engine
4 and it came up.

5 Q Have you ever heard of the onion router or
6 TOR? Ever heard of that before?

7 A I have not.

8 Q And you've -- I just want to make sure on
9 the financial part of it, because you did say in
10 your questionnaire that it would be very difficult.
11 But you would be okay with it, right, to be on this
12 jury?

13 A I would be okay. I feel that there is a
14 certain duty that -- like I said, it won't break us.
15 It will be hard to miss a paycheck or two, but we
16 could do it.

17 Q Okay. And one of the rules of law that we
18 have here in this courtroom is that a defendant has
19 the right not to testify. Have you ever heard of
20 that before?

21 A Yes.

22 Q And if the judge tells you that you're not
23 to draw any inference or make any assumptions
24 because a defendant chooses not to testify, could
25 you follow that instruction?

1 A I believe I can.

2 Q You understand that there are lots of
3 reasons why a defendant would choose not to testify?

4 A Sure.

5 Q Okay. Just about, I am almost done, but I
6 did see when you were asked about the charges in
7 this case, you said that it's very serious, but you
8 said also that you felt nervous about being a juror
9 in this case. Tell me about that?

10 A Well, obviously, there's been one life
11 that has been lost, and another life that the future
12 is very dependent upon a jury. I just think it's a
13 very big responsibility. I have never been called
14 to be a juror before. So yes when the charge was
15 read I was surprised and a little nervous about it.

16 Q So knowing that big responsibility, how do
17 you feel about yourself being looked at as a
18 potential juror in this case? Do you think you're
19 the right person for the job?

20 A Um, I do believe that I could look at all
21 of the evidence and be fair.

22 Q Okay. You might see some pictures that
23 might not be as comfortable. Are you going to be
24 okay with that?

25 A I believe I would be okay. But depending

1 on the pictures, it may be a little disturbing, but
2 I would think that I would be able to be rational
3 about it. You know, putting emotions aside, and
4 look at evidence. That's what jurors are called to
5 do.

6 Q All right.

7 MR. DEVORE: Can I have a few minutes,
8 Your Honor?

9 THE COURT: You may.

10 MR. DEVORE: If you want some water, go
11 ahead and help yourself.

12 JUROR: Yes, please. Thank you.

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

14 MR. FINK: You may.

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

17 THE COURT: Move to the prosecution for
18 any questions.

19 BY MR. FINK:

20 Q Hi.

21 A Hi.

22 Q What brought you to Haiti?

23 A Um, it was actually a mission trip with my
24 daughter. She wanted to go there before she went to
25 college. She wanted to serve after the earthquake.

1 So we went with a group called the Praying Pelicans
2 and we went down there in 2012, I believe it was.
3 We were down there for a week. That was -- that was
4 an eyeopening experience.

5 Q Tell me more about that.

6 A Well, we went down with a group of people.
7 We actually worked on a local church slash school,
8 and we laid cement. It was very backbreaking work.
9 By just being immersed in the culture like that
10 after the devastation that they had after the
11 earthquake, there were so many different emotions
12 and feelings that went with that. When we first got
13 there, I thought, what did we get ourselves into. I
14 have to admit, it was scary. It's just such a
15 different country. You know, they are just so poor
16 down there. It's just so different from the way we
17 live here. But by the end of the week, I didn't
18 want to leave the people that I had met. I had
19 formed friendships, and it was really a gratifying
20 experience. So when we got home, I told my son that
21 I felt he needed the experience. So the following
22 summer, we went back again, and served again. It
23 was quite fascinating.

24 Q Now, your kids are two years apart?

25 A They are, yes.

1 Q So there were times, I'm sure, then they
2 were younger when they got into it with each other?

3 A Sure.

4 Q And if you heard that ruckus, or whatever
5 it happened to be, argument or whatever, and you
6 were in the other room, how did you handle dealing
7 with the two of them?

8 A Um, if they were just arguing, you know,
9 it wasn't like full on fighting, I would let them
10 work it out.

11 Q Okay.

12 A If they are going after each other,
13 because they have, I would obviously break it up.
14 If I ask them, you know, whose fault this is -- or
15 not whose fault, but who started this, who is
16 responsible, of course you know how kids are, not
17 me, not me. I would always tell them, you know, you
18 are going to have to take responsibility. So I
19 guess along with their fighting, I just tried to
20 instill some values in them. It's dependent upon
21 what they were fighting about, and how they were
22 going about it.

23 Q Mm-hmm. How did you handle when they gave
24 conflicting stories?

25 A Well, that's a good question. Because you

1 don't always know, you know, which one is telling
2 the right story. I would hear them out and try to
3 conclude who was in the right or wrong. A lot of
4 times you didn't know.

5 Q Would you keep asking questions and
6 feeling -- and viewing their responses as being
7 consistent with their earlier responses as an
8 example?

9 A Well, sure. Sometimes their stories would
10 change.

11 Q And their demeanor?

12 A Mm-hmm. Correct.

13 Q Along those same lines, the judge, if you
14 are selected for jury duty here, will give you
15 another one of his instructions, rules, if you will.
16 Which give the jury a methodology of determining
17 credibility of the witnesses, believability of the
18 witnesses. Particularly useful if there is some
19 inconsistencies between them.

20 A Okay.

21 Q Do you think you can listen to that
22 instruction and apply that in making a believability
23 determination?

24 A I believe I could.

25 Q Now, when IT remotely got into your

1 computer, that was at work, right?

2 A Correct.

3 Q You had to consent to that. You had to
4 give them permission to do that, right?

5 A Yes.

6 Q How does that work?

7 A Well, usually you're on the phone with the
8 IT guy. It's been a while since I've had to do it.
9 I don't know if you -- if they have to send you a
10 pass code or whatever. But obviously, when I am on
11 with them on the phone. Then they remote into the
12 computer while I'm on the phone with them. I am
13 assuming that whoever is on my computer is who I am
14 on the phone with. And I trust that they are the
15 right -- they are -- okay, what do I want to say? I
16 am trusting that they are the ones getting into my
17 computer.

18 Q Right.

19 A I don't think it's easy to get into your
20 computer if you don't give permission. So that's
21 why I think you maybe have to have a pass code. But
22 it's been a while since that happened.

23 Q Okay. And that accessibility, or lack of
24 accessibility by viruses and other methods of
25 computer invasion is why you got Mac at home?

1 A Mm-hmm. Yes.

2 Q All right.

3 MR. FINK: May we approach?

4 THE COURT: You may.

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

7 THE COURT: Ms. Friedrich, you have been
8 removed. You have my thanks for your cooperation.
9 You are excused and you may leave.

10 JUROR: Thank you.

11 THE COURT: Thank you.

12 (The juror exited the courtroom.)

13 THE COURT: Take a break. And we will
14 start at 20 after 3.

15 (A recess was taken.)

16 (Prospective juror entered the courtroom.)

17 THE COURT: Please come forward. We have
18 to put you in that jury box over there.

19 JUROR: This one?

20 THE COURT: Yes. So you have to come all
21 the way to the front to get there and then turn
22 right. And before you sit down in that chair,
23 please raise your right hand to be sworn.

24 (Prospective juror was administered oath.)

25 THE COURT: Have a seat. You have a

1 carafe in front of you with water and a cup if you
2 want or need that.

3 JUROR: Okay.

4 THE COURT: Please state your name.

5 MS. KREUSER: Chris Jennrich. You want my
6 full name?

7 THE COURT: Sure.

8 JUROR: Christine Jennrich.

9 THE COURT: Ms. Jennrich, this is a
10 continuation, of course, of the process of
11 questioning, or Voir Dire. As I said a few days
12 ago, Voir Dire has to do with speaking the truth so
13 I will appreciate your truthfulness and cooperation.
14 I have some comments to give you. Then I will have
15 a few questions, not too many, for you. Then I am
16 going to turn it right over to the defense attorney
17 who will have questions for you, and then possibly
18 the prosecution may have questions as well.

19 During the questioning, there may be a
20 request to excuse you for cause. Or there may be a
21 request to have a preemptory challenge exercised.
22 Or there may be neither one of those things.

23 Now, a challenge for cause occurs if one
24 side or the other thinks there is a reason you
25 should not be on the jury. They bring that to me

1 and I make that determination.

2 A preemptory challenge can be exercised by
3 either side. They each have a number of them that
4 they can exercise. That's their choice. They don't
5 have to give me a reason. If either one of those
6 things happens, I would remove you, simply excuse
7 you and thank you for your service.

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

11 JUROR: No.

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

15 JUROR: (Nods head.)

16 THE COURT: And you do have to answer out
17 loud.

18 JUROR: Sorry, no.

19 THE COURT: Because this lady is taking it
20 down, so we are making a record.

21 I have some rules of law, just a few, that
22 I am going to state now. The defendant is presumed
23 to be innocent. The state has the burden of proof.
24 The state must prove any charge beyond a reasonable
25 doubt. And the defendant does not have to prove

1 innocence. Those are rules of law for this trial.

2 During a trial, I may, indeed likely will,
3 give the jury additional rules of law. Will you be
4 able to follow the rules of law as I give them to
5 you?

6 JUROR: Yes.

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

9 JUROR: I don't think so.

10 THE COURT: Mr. DeVore.

11 MR. DEVORE: Thank you.

12 BY MR. DEVORE:

13 Q Good afternoon, Ms. Jenrich.

14 A Hi.

15 Q I have had a chance to read through your
16 questionnaire that you filled out last week. I just
17 want to ask you, is there anything that you thought
18 of or remembered that you didn't put in the
19 questionnaire last Friday?

20 A Not that I can think of.

21 Q Okay. Just going ask you some questions.
22 some follow up stuff. I understand that you're
23 married; is that correct?

24 A Yes.

25 Q And your spouse -- I didn't quite

1 understand what you said your spouse's occupation
2 was.

3 A Material handler. He does -- he works
4 with material and cuts material.

5 Q Okay. What's mission shot, is that what I
6 --

7 A Pretty much. It's just the shop that he's
8 at.

9 Q Okay. I just didn't recognize that word.
10 And you, yourself, you're a cook?

11 A Yes.

12 Q Cook manager?

13 A Cook manager.

14 Q Does that mean you cook, too?

15 A Yep. I cook and I manage.

16 Q Where do you work at?

17 A Eastridge High School.

18 Q Full time?

19 A Yes.

20 Q And you have been doing that for 16 years?

21 A Yes.

22 Q At Eastridge?

23 A Not at Eastridge. I was at Pine Hill,
24 then to Newport, and then I went to Eastridge when
25 they opened up.

1 Q So are you employed by Washington County?

2 A School District, yep, 833.

3 Q The school district, okay.

4 A Mm-hmm.

5 Q So you're the manager of the kitchen?

6 A Yes.

7 Q And when the manager of the kitchen isn't
8 at work, how do they all get by?

9 A They do okay.

10 Q Yeah?

11 A I am missed when I am gone. I don't miss
12 very much, so ...

13 Q So if this trial -- if you're selected on
14 the jury in this trial and it takes a couple of
15 weeks, what are they going to do?

16 A I have no idea. I would probably go in in
17 the evening to catch up for the girls, to help them
18 out. Because I don't know what I would do.

19 Q All right. So do they have a replacement
20 for you while you're gone?

21 A They do. They do. I mean, somebody could
22 fill in for me. You know, that's what -- you know,
23 it would have to go that way.

24 Q Okay. If you went in in the evening, how
25 many hours do you think you'd be putting in?

1 A At least five maybe. Do ordering and you
2 know all that stuff. I don't know.

3 Q So you think you would have to put in a
4 good number of hours each night?

5 A Probably.

6 Q How do you think that might affect your
7 ability to stay focused in a case like this?

8 A I don't know. I might get exhausted. I
9 don't know. I might do just fine.

10 Q Okay. I know that we demand a lot out of
11 our jurors, but one of the things we want to make
12 sure is that there aren't too many distractions in a
13 juror's life outside of what happens here in the
14 courtroom so that we have people that stay focused
15 and stay awake?

16 A Yeah.

17 Q And easier said than done if you are
18 putting a lot of hours in. I am just wondering if
19 you are going to be so taxed outside of the
20 courtroom here in the evenings, or whenever you
21 would be working, that it's going to impact --
22 negatively impact your ability to serve as a juror.
23 Do you think that that's going to happen?

24 A I would hope not, but it could.

25 Q Okay. Have you ever had an extended

1 absence from work before?

2 A No.

3 Q What's the most you have missed?

4 A Just like a day or two from being sick,
5 otherwise I have always been there.

6 Q Okay. Does this make you concerned about
7 what's going to happen at the kitchen if you're not
8 there?

9 A A little bit. Just because it's a full
10 time job. It's busy.

11 Q Is it distracting for you?

12 A No.

13 Q So your focus will be able to stay on
14 what's happening in the courtroom?

15 A Yes.

16 Q Okay. You're not going to be distracted
17 and worrying about stuff that's happening at the
18 school?

19 A No.

20 Q And just trying to gauge your ability to
21 adapt and how you can function when you are taxing
22 yourself, do you feel like you can handle this if
23 you had to work in the evenings like you're saying?

24 A Well, if it's only a couple of weeks, I
25 probably could handle it, yes.

1 Q All right. How many people do you manage
2 in the kitchen there?

3 A I have 11 employees.

4 Q So 11 people that you are responsible for;
5 is that right?

6 A Yes.

7 Q And in your job as the manager of that
8 kitchen, do you have an occasion where there are
9 problems that arise between some of the workers?

10 A Once in a while, yes.

11 Q Ever have to settle arguments or
12 disagreements between your workers?

13 A I usually put everybody together and we
14 kind of discuss it, because there's always two sides
15 to a story. Then sometimes I just have them work it
16 out themselves, because I will just talk to them
17 both and I'll say, you guys have to, you know, I
18 don't know, I just have them work it out or I help
19 them work it out. We move on.

20 Q Okay. Have you ever had a role on a
21 board, or advisory board, or board of directors, or
22 anything where you have worked with a group of
23 people to work on solutions to things?

24 A Yes.

25 Q What was that?

1 A For attendance. People that don't come to
2 work. So you have to write them up and then you
3 have to speak to them. And if they still keep being
4 late, or still not coming to work, then you do, you
5 know, your supervisor. My supervisor would come and
6 we would all sit down and talk to her and find a
7 solution on what we could do to help her to get her
8 to work on time, or get her to work at all.

9 Q Okay. Do you feel that you have the
10 ability to speak your mind in a group of people?

11 A I think so, yes.

12 Q You feel confident in your ability to do
13 that?

14 A Yes.

15 Q Do you also feel like you have the ability
16 to stay open minded and listen to other people?

17 A Yes.

18 Q Your husband, he works full time?

19 A Yes.

20 Q Is there any financial concerns for your
21 family if you weren't at work every day?

22 A Yes.

23 Q Yes?

24 A Yes.

25 Q You wouldn't get paid if you weren't

1 there?

2 A I would have to use my vacation time.

3 Q Tell me the financial impact of that on
4 your family, if any?

5 A Well, my husband, a couple years ago, had
6 a major heart attack. Well, actually, five years
7 ago. He wasn't able to work for about three years.
8 So now he is back to work, but he has a very low
9 paying job because he is unable to function, you
10 know. So he was never going to go back to work to
11 what he was doing before. So he's just at a little
12 company that keeps him focused, and he just does
13 what he can do.

14 Q Okay.

15 A Then I make most of the money, so I am the
16 one that, you know, brings it home.

17 Q Yep. And I can tell that you're a
18 positive person. But I just want to make sure that
19 being on a jury isn't going to put an over amount of
20 stress on you and your family.

21 A I get that. I think it would be stressful
22 for me.

23 Q Okay. Well, then let's go the next step
24 which is, a healthy amount of stress is doable. But
25 is that stress going to create problems for you and

1 your family if you are on this jury?

2 A I don't know.

3 Q Are you worried about that?

4 A A little bit.

5 Q What do you worry about that you won't be
6 able to pay the bills?

7 A Pay the bills, and you know, get things
8 done.

9 THE COURT: Approach, please.

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

12 THE COURT: Ms. Jennrich, I am going to
13 excuse you. Thank you for coming and cooperating,
14 and you are excused.

15 JUROR: Thanks.

16 (Prospective juror entered the courtroom.)

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

19 So you've got to come all the way to the front and
20 turn right to get back into the jury box.

21 JUROR: Right there?

22 THE COURT: You bet. And before you sit
23 down, please raise your right hand to be sworn.
24 Have a seat. Let's start with you saying your name,
25 please.

1 JUROR: Douglas Rydel.

2 THE COURT: Okay. Mr. Rydel, this is a
3 process of questioning that we call Voir Dire. As I
4 said a you few days ago, that's a French term that
5 has to do with speaking the truth. So I will
6 appreciate your truthfulness and your cooperation.

7 I will have some comments for you in just
8 a moment. Then I will have just a few questions for
9 you. Then I will turn it over to the defense
10 attorney. The defense attorney may have questions
11 for you and the prosecution may have questions for
12 you.

13 JUROR: Okay.

14 THE COURT: Now, during the questioning
15 there may be a request to excuse you for cause, or
16 there may be a request to exercise what we call a
17 preemptory challenge, or there may be neither one of
18 those things.

19 A challenge for cause occurs if one side
20 or the other thinks there is a reason you should not
21 be on the jury. They would bring that reason to me.
22 I would make that decision.

23 JUROR: Okay.

24 THE COURT: A preemptory challenge can be
25 exercised by either the defense or the prosecution.

1 They have a certain number of those that they can
2 exercise, and they don't have to give me a reason.
3 They just use their preemptory challenge and they
4 decide that.

5 JUROR: Okay.

6 THE COURT: If either one of those things
7 happen, you would be removed. So I would simply
8 excuse you and thank you for your service. So we
9 will see how this goes.

10 Have you had any conversations with anyone
11 about his case since filling out the questionnaire?

12 JUROR: No.

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

16 JUROR: No.

17 THE COURT: There are some rules of law
18 that apply. I am not going to tell you all of those
19 rules now, but I will tell you four of them.

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

24 Now, that plus other rules are things that
25 I give the jury during a trial. Will you be able to

1 follow the rules of law as I give them to you?

2 JUROR: Yes.

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

6 JUROR: I think I put it down on my
7 questionnaire. I thought I was pretty honest
8 putting it down. My attention span for, if it's a
9 long case, I put that down there.

10 THE COURT: Explain that a little more,
11 please.

12 JUROR: So I have two college -- I have
13 twins. Two kids. They are both in college. They
14 went through the Stillwater School District. When
15 they go to their classes, they go home and they do
16 four hours of homework. I went to a vocational
17 school, so I had to do all my homework before I
18 left. So it's -- I try to take in what I can,
19 right, for hearing everything out. I want to be the
20 best I can. But I did put that down in my
21 questionnaire. That's the only thing I put down.
22 Do I feel stupid for putting it down, kind of.

23 THE COURT: No one is trying to put you on
24 the spot, sir. As I said, your truthfulness is
25 appreciated. Your specific words were, "not a good

1 fit, only because it could be long and my attention
2 span is not good." You said a few things after that
3 as well.

4 But there will be things presented in the
5 trial whether through testimony of people that will
6 get up on the witness stand, or evidence, material
7 things, that get introduced at trial for you to look
8 at and think about.

9 Are you telling me you can't do that?

10 JUROR: No, I can do that. I want to be a
11 good citizen. If this is what you have -- I mean, I
12 know the room was full of people. But I am here to
13 serve if I can. But how do I -- I guess sometimes
14 like when people are talking to me, I am 57, but
15 sometimes I kind of like, oh, what did they say? Or
16 sometimes -- I am not a drug head or alcoholic, but
17 I just sometimes -- if something is really -- this
18 is interesting, because it's someone's life, you
19 know, that trying to defend it but I guess I try
20 to -- yeah, I would do the best job I could. I am
21 not going to quit. You would have to tell me to go.

22 THE COURT: Okay.

23 JUROR: I played sports, I don't quit.
24 But I am just being honest.

25 THE COURT: I appreciate that.

1 JUROR: 52 questions. I took my time
2 filling it out.

3 THE COURT: I appreciate that. Counsel
4 approach.

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

7 THE COURT: I do appreciate your
8 cooperation, sir. You are being removed, and so you
9 are excused. I do thank you.

10 JUROR: Thank you.

11 (The juror exited the courtroom.)

12 THE COURT: All right. That is all we
13 have for today. So we have to start at 9:00 in the
14 morning.

15 Let me do this for the record before we
16 leave. I believe today the state has exercised
17 three peremptories, and so has the defense. We have
18 had some people removed for cause.

19 Right now I have the state as having
20 exercised five peremptories, and the defense has
21 exercised eight. So that leaving four and seven,
22 respectively. We have ten jurors, prospectively,
23 that are being seated. And I have number 4, 6, 11,
24 12, 15, 20, 28, 30 and 33, and 22 as well, removed
25 for cause.

1 MR. DEVORE: I didn't catch the numbers on
2 the cause, but I am with you on all of rest.

3 THE COURT: All right. Thank you.

4 MS. KREUSER: Thank you, Your Honor.

5 (Proceedings concluded.)

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

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REPORTER'S CERTIFICATE

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

Dated: September 27, 2018.

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