

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 X**

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 22nd day of January, 2018, at the Washington County
14 Judicial Center, City of Stillwater, County of
15 Washington, State of Minnesota.

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

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

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

24
25

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

3 THE COURT: Please be seated. Let's get
4 going.

5 MR. DEVORE: Your Honor, can we make a
6 record where we are at with our strikes?

7 THE COURT: We certainly can. Thank you
8 for reminding me of that. I have defense as having
9 used 11 of 15. I have prosecution having used 6 of
10 9. I can make a record of which ones I have. I
11 have indicated the numbers each time.

12 MR. DEVORE: That's what I show, Your
13 Honor.

14 THE COURT: Okay. And I have 15 removals
15 for cause. And again, I can indicate which juror is
16 which, but that is what I have. And I have 13
17 accepted jurors, which means 12 plus an alternate,
18 and we have two more to go. At least that's my
19 record and I can make a record of the number and
20 maybe at the end of this process I will do that.

21 MR. DEVORE: Your Honor, I show 16 jurors
22 struck for cause.

23 THE COURT: Okay. Tell me the numbers. I
24 have properly recorded that but in the notes I am
25 taking on my tablet I missed 34. So that's where we

1 are. I can identify those jurors by number if need
2 be, and I think I will do that when we are done with
3 the process today.

4 Let's get going.

5 (Prospective juror entered courtroom.)

6 THE COURT: All right. Sir, come on
7 forward. We are going to seat you in the jury box
8 in the front row. So keep coming forward until you
9 pass the barrier there that allows to you get in the
10 jury box. That first chair will be just fine.
11 Before you sit down, please raise your right hand to
12 be sworn.

13 (Prospective juror administered an oath.)

14 THE COURT: Have a seat. Please state
15 your name.

16 JUROR: Eugene Bruggeman.

17 THE COURT: Mr. Bruggeman, I have a few
18 comments for you and then a few questions. Then I
19 will turn it over to the defense attorney. There
20 will be more questions. It's possible the
21 prosecution will have questions as well.

22 During the questioning, there may be a
23 request to excuse you for cause. Or there may be an
24 exercise of what we call a peremptory challenge. Or
25 there may be neither one of those things.

1 A challenge for cause occurs if one side
2 or the other thinks you should be removed and there
3 is a reason for that. They bring that reason to me
4 and I decide that.

5 A peremptory challenge can be exercised by
6 either the defense or the prosecution. They have a
7 certain number of those. They make that decision
8 and they don't have to bring that to me other than
9 to tell me that they are doing that.

10 If either one of those things happens, I
11 would simply inform you that you are removed. I
12 would excuse you and thank you for your service up
13 to that point. Now, have you had any conversations
14 with anyone about this case since filling out the
15 questionnaire.

16 JUROR: No, sir.

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

20 JUROR: No, sir.

21 THE COURT: There are a number of rules of
22 law. Some basic ones are that the defendant is
23 presumed to be innocent. The state has the burden
24 of proof. The state must prove any charge beyond a
25 reasonable doubt. And the defendant does not have

1 to prove innocence. Those and other rules would be
2 explained to a jury during a trial. Will you be
3 able to follow the rules of law as I give them to
4 you?

5 JUROR: Yes, sir.

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

9 JUROR: None that I can think of.

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

11 MR. DEVORE: Thank you.

12 BY MR. DEVORE:

13 Q Good morning, Mr. Bruggeman.

14 A Good morning.

15 Q Over a week ago, you had an opportunity to
16 fill out the questionnaire form; do you remember
17 doing that?

18 A Yes.

19 Q Is there anything since that time that you
20 have thought of or something you remembered that you
21 wish you would have put down or any changes that you
22 would like to make?

23 A None that I can think of.

24 Q Now, I understand -- where do you work?

25 A Called Endeavor. St. Paul Park refinery.

1 Q Okay. I just didn't understand the name.

2 A They just sold out. We just switched
3 names in July.

4 Q Okay. What did it used to be called?

5 A Last year it was Northern Tier Energy, and
6 two years before that we were Marathon Petroleum.

7 Q What do you do at the refinery then?

8 A Shift supervisor.

9 Q What does that mean?

10 A I am in charge of 35 guys. Two crews.
11 Make sure all of the work gets done. Rearrange the
12 workload, maintenance, scheduling.

13 Q What kind of work do you guys do there, in
14 general.

15 A Make gas, oil. We make the fuel for most
16 of the metro area here. All of the Super Americas,
17 a lot of the Quick Trips.

18 Q So you get raw product in. Does it get
19 piped in?

20 A Yeah, it's piped in. Sometimes we will
21 barge it in. 95 percent of it would come through
22 the pipe line. Like to get out of Canada, but right
23 now we are bringing it up from the south.

24 Q Okay. Now, you supervise quite a number
25 of people then?

1 A Yes.

2 Q Like 35 you said?

3 A It fluctuates every week between 25 to 35
4 depending on what the workload is for the duration.

5 Q Do you ever have meetings with your
6 workers?

7 A Every day.

8 Q In groups or small groups?

9 A We break them into two groups. 25 usually
10 and 15. It's called FCC unit and crude unit. So
11 each one gets a different lead.

12 Q Do you ever meet with your higher ups as
13 well?

14 A Every morning at 7 a.m.

15 Q So you're meeting with the guys that are
16 working for you, and then you also meet with the
17 people you're working for?

18 A Yes.

19 Q In those meetings, when you are meeting
20 with the people that you work for, your supervisors,
21 do you have an occasion where you have to talk and
22 explain things and tell them what's going on with
23 your world?

24 A Every morning, yes.

25 Q So you got to come to work prepared to

1 explain what's happening with your stuff.

2 A Yes. Our shift starts at 6 a.m. So at 6
3 you're meeting with one crew, and 6:30 with the
4 other crew and then at 7 a.m. the management meeting
5 starts. So you have to go in and prepare what they
6 are doing.

7 Q Do you ever get asked questions about
8 what's going on?

9 A Oh, yes.

10 Q So you have to be willing to state what's
11 happening?

12 A Every morning. You have to have an
13 answer.

14 Q How many people are in those meetings
15 typically?

16 A Meeting of 12.

17 Q So you don't have any reservations about
18 speaking your feelings in front of a group of
19 people?

20 A No.

21 Q When you are acting as a supervisor and
22 you had some of your employees, did you ever have
23 disputes nor issues?

24 A Daily.

25 Q What do you do to resolve those? What's

1 your method of doing that?

2 A This is going to sound really odd, but I
3 have raised three children and 16 dogs. And I treat
4 them like my children and dogs.

5 Q Okay. Explain that to me.

6 A Everybody has a temper. Everybody has a
7 attitude. Everybody has a different way of looking
8 at things. So the guys is wound up and upset, blows
9 his steam, that's fine. I don't take it personally
10 either way. 95 percent of it is they want to vent.
11 So it's no big deal.

12 Q What happens if you have a disagreement
13 between two people and you weren't there to observe
14 it. How do you get to the bottom of things and
15 figure out a solution?

16 A The refinery is union and I am not union.
17 So if we have a discrepancy like that, it gets
18 turned over to the chief union steward. In 21
19 years, I have never had to do that. We have been
20 able to talk it out and settle our disagreements. I
21 have a great group of guys.

22 Q How about at home raising your kids when
23 you'd have one kid says one thing, another kid says
24 another. How do you figure out who did what and
25 what the right solution should be?

1 A It's a challenge. To be honest, I was
2 super lucky. I raised three girls and never really
3 had any issues. I've really been lucky.

4 Q Would it be a stretch if I asked you if
5 you stayed open minded when you walked into a
6 situation when there is a dispute between two
7 people?

8 A You have to. You can't go in this guy is
9 right, this guy is wrong. If you weren't there, you
10 didn't see the whole picture, you don't have a clue
11 on what happened. You have to determine which is
12 which.

13 Q Now, I know that in your response to your
14 feelings about our jury system, you indicated that
15 you thought it was a fair and that everyone should
16 be given a fair chance. Is that kind of along the
17 same lines that you have to come in with an open
18 mind?

19 A Yes. I have been in court before. I have
20 had a speeding ticket and stuff. I have been given
21 a fair shake. I paid my fine. They listened to me
22 and stuff. So I think it's a good system.

23 Q If the judge instructed you that a
24 defendant has the right not to testify, and that you
25 are not to assume anything, or draw any inference on

1 that, would you be okay with that?

2 A Yes.

3 Q You wouldn't have a problem with that?

4 A Mm-mmm. I don't see why.

5 Q Okay. Do you have any demands at work
6 that are so pressing that it would interfere with
7 your ability to serve as a juror on this case?

8 A No, sir. They would have to cover my
9 shifts. But you can work around it. My supervisor
10 he knows I'm here.

11 Q And you said you usually start your shift
12 at 6 a.m.?

13 A Yes. We rotate shifts. Like this week,
14 right now, I am on Monday through Thursday day
15 shift. Then we go on what we call eight day break.
16 Then I go back on my four night shift, Friday,
17 Saturday, Sunday night shift. So every week, I am
18 either days or nights. I rotate every week.

19 Q Okay. Would you be working at night if
20 you were here during the day serving as a juror?

21 A No. They will excuse me from work. They
22 are pretty cool like that.

23 Q And you're married?

24 A Yes, I am. 37 years.

25 Q What does your spouse do?

1 A She stays at home. Basically, babysits
2 our new granddaughter.

3 Q How many grandkids do you have?

4 A Just one. I want more.

5 Q Sure. You have three children, three
6 girls?

7 A Yes.

8 Q Are they all married?

9 A Nope, just the oldest one.

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

11 A Summer time I ride Harley all summer long.

12 A lot of trips on the bike and stuff. Wintertime

13 just kind of hanging low. I don't get much into

14 snow and cold weather. Now, with the new

15 granddaughter, spend a lot of time with her.

16 Swimming lessons. Just kind of having fun with her.

17 Q Okay. When you go on the motorcycle
18 trips, is that something that your spouse usually

19 goes with you?

20 A No. She has a bad back, so she really
21 can't ride on the bike. My middle daughter, Brenda,

22 her and I have been riding now 15 years together.

23 So we do our trips together all the time.

24 Q Where do you go? Just around Minnesota or
25 all over?

1 A No. No. Last year we went down to
2 Tennessee and we toured the Jack Daniels Brewery.
3 Then we went to the Badlands. We just sign up with
4 tours through Faribault Harley. They schedule
5 different tours in different areas. The year
6 before, we went up to Washington, Seattle,
7 Washington, and we ferried our bikes to all of the
8 islands. We go to everyone of them. We were there
9 for 14 days.

10 Q Oh, nice. Now, one of your daughters is a
11 nurse; is that right?

12 A Yes. Works in the baby ward in Milwaukee.

13 Q That's not the one that you ride with?

14 A No. She is single down in Milwaukee.

15 Q Looks like you haven't had any interaction
16 with police that you have listed on here. You got a
17 speeding ticket, but that's about it?

18 A Knock on wood. Almost 20 years ago.

19 Q Sure. Now, you indicated when you were
20 asked, would you tend to believe a police officer
21 more than any other witness and you said no. Just
22 give me an explanation for why you think that way.

23 A I guess I don't know how to explain it.
24 They are human. I mean everybody gets a fair shake.
25 Just because he is wearing a badge doesn't mean he's

1 honest.

2 Q Sure. You would assume that if somebody
3 got on the witness stand and swore to tell the truth
4 that they would be telling the truth.

5 A Yes. I would hope so.

6 Q Sure. Unless they gave you a reason to
7 think otherwise, right?

8 A Yes.

9 Q If the judge gave you the law that you
10 were to apply in this case, would you be able to
11 follow that?

12 A Yes.

13 Q You heard the nature of the charges in
14 this case, but you don't know any of the facts,
15 right?

16 A I do recall. It was real hard to hear
17 that day, but I caught bits and pieces of it, yes.

18 Q Okay. The allegation is that Mr. Allwine
19 committed Murder in the First Degree. Did you hear
20 that?

21 A Yes. I didn't catch the name of Allwine.
22 But I did hear the murder part. I didn't pay
23 attention to the name.

24 Q Does that, now hearing the name, does that
25 ring a bell? Have you ever heard that name before?

1 A No. Never.

2 Q Okay. Do you spend any time on a
3 computer?

4 A I'm embarrassed to say, I am not real good
5 on computers. Like my girls say, it's just better
6 if I stay off them, I wreck them. Because I don't
7 do a lot of computer stuff. I am old fashioned, I
8 hate to say.

9 Q That's all right. Do you have a computer
10 at home?

11 A Yes. I have an old laptop, yes.

12 Q Do you ever use it?

13 A Yeah, I do eBay and Amazon.

14 Q Okay. So you buy some stuff online?

15 A Yes, I do.

16 Q When you do that, what do you use; credit
17 card, debit card?

18 A My charge card.

19 Q Do you have things on your computer like
20 antivirus and malware; have you ever heard of those
21 before?

22 A I think so. I should. Whatever my
23 daughter has set up for me.

24 Q So you have a daughter left at home?

25 A No. None of them live at home. It's just

1 me and my wife and dogs at home right now.

2 Q Okay. Have you ever heard of WiFi before?

3 A Yes.

4 Q You know what that is?

5 A Yes.

6 Q What is it?

7 A Just a signal you can get like in the
8 building here to pick up computer stuff.

9 Q Have you ever heard of the Dark Web?

10 A Doesn't sound familiar.

11 Q Have you ever heard of Bitcoins?

12 A Yes, on the news.

13 Q What did you hear about that?

14 A Just that a lot of people are making a lot
15 of money off it. I don't know what it is or
16 anything. I never really researched it.

17 Q Okay. Do you ever use -- do you do your
18 banking online?

19 A Yes, I do.

20 Q So you pay bills online?

21 A Yes. It's through my credit union.

22 Q Do you know what Pay Pal is?

23 A Yes. I have that with eBay. I buy my dog
24 food online.

25 Q Okay. So you have a Pay Pal account?

1 A Yes, I do.

2 Q Do you know why you have a Pay Pal account
3 and not just use your credit card to pay for it?

4 A More secure that way. Again, a
5 discrepancy if you buy something, they help you out.

6 Q Okay. Have you ever had any problems with
7 your computer before?

8 A Problems as far as crashing or --

9 Q Yeah. Have you ever had anybody that has
10 got a virus on your computer or that has hacked into
11 your computer or anything like that?

12 A Not that I can recall. Like I said, my
13 laptop is probably 7, 8 years old. It's an older
14 model. I don't have any issues with it. My
15 daughters take care of everything on it. I brought
16 it in and had it refreshed and stuff here about two
17 years ago because it was so slow.

18 Q What kind of a computer is it?

19 A I am thinking it's a Dell. I couldn't
20 guarantee. Either a Dell or HP, one of those two.

21 Q Have you ever heard of MoneyGram or
22 Western Union?

23 A Western Union I have.

24 Q Have you used those before?

25 A No.

1 Q Do you know what they are for?

2 A Just to buy stuff, I guess. I've never
3 had a reason to use them or need them.

4 Q Do you ever go online and search the
5 Internet and look up things and just do some
6 research and stuff like that?

7 A At work we do. We look up for parts and
8 refining and stuff. But as far as home research,
9 not too much. I research my truck before I bought
10 that.

11 Q What do you use for a search engine?

12 A Google, I guess. Under Google I just
13 typed in Ram trucks, Chrysler.

14 Q Did you just buy a new truck?

15 A I bought one in '15. I've got a lot of
16 problems with it. So it's in there right now on its
17 second week of warranty work.

18 Q Well, at least it's under warranty.

19 A Right. Supposed to be done today.

20 Q You said that you have had like, what, 16
21 dogs?

22 A During the course of the years. Pugs.

23 Q Pugs?

24 A Yes.

25 Q What kind of dog is that?

1 A Little flat nose. They snore and they
2 snort. They make loud weird noises. We have been
3 hooked on pugs. My whole family.

4 Q What makes you hooked on the pugs?

5 A I really like them, I guess. If you want
6 to go for a walk, they will go for a walk. If you
7 want to just lay on the couch, lay on the couch.
8 They are great little dogs. I love them. They are
9 cute.

10 Q Have you ever done any obedience classes
11 for the dogs?

12 A No. We are not that in depth. Just have
13 them for family fun.

14 Q Okay. Are they just house dogs?

15 A Yes.

16 Q So they just run around the house?

17 A Yes. Like in this cold weather, it's
18 like, you're lucky to get them out on the step.

19 Q All right. When you pay for stuff, you go
20 to a store and buy something, how do you typically
21 pay for it? Cash, credit card?

22 A 90 percent of the time cash.

23 Q Do you have any strong feelings about our
24 jury system, whether you think it's a fair system?

25 Do you have any problems or you've heard cases that

1 bother you or anything like that?

2 A No, I think it's a good system. I think
3 it's working well. I have never really -- never sat
4 on a jury or anything. I can't say really bad or
5 really good. I have no complaints or discrepancy on
6 how it's run.

7 Q Have you ever had to testify in court
8 before?

9 A No.

10 Q Do you have any feelings about our crime
11 rates in the country or anything?

12 A Always those ones that bug you that it
13 should be better, should be worse. I think we are
14 doing really well overall.

15 Q Overall?

16 A Yes, overall.

17 Q It's what you would expect for 300 million
18 people?

19 A It's just my opinion. I think we could
20 have more police officers, but, you know, you have a
21 budget you have to stick with. We have what we have
22 and doing the best we can.

23 Q Now, if you heard of a word or a concept
24 that you haven't heard before, someone was talking
25 about it; what would be your normal way of educating

1 yourself. Would you go online, look it up in a
2 book. Go to the library?

3 A Usually start by asking the individual
4 what they meant. I mean, I would use the good old
5 fashioned dictionary when I get home. I'm not real
6 shy, so I will ask an individual what did you mean
7 by that.

8 Q Do you find that you're able to
9 communicate with people well?

10 A Oh, yes.

11 Q If you come into a room full of people
12 that you haven't met before, do you have a problem
13 introducing yourself?

14 A No. My wife calls me the Gazette. I love
15 talking to everybody. I can always find somebody I
16 can chat with or communicate with.

17 Q Sure.

18 MR. DEVORE: Can I have a couple of
19 minutes, Your Honor?

20 THE COURT: You may.

21 MR. DEVORE: Your Honor, may we approach.

22 THE COURT: You certainly may.

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

25 THE COURT: Move to the prosecution for

1 some questions and folks you may proceed.

2 MS. KREUSER: Thank you, Your Honor.

3 BY MS. KREUSER:

4 Q Good morning.

5 A Good morning.

6 Q My name is Jamie Kreuser. I am one of the
7 prosecutors on the case. I won't keep you very
8 long. I just have a couple of other questions for
9 you.

10 When you had said that you had gotten a
11 speeding ticket about 20 years ago, did you go to
12 court for it?

13 A Yes, I did.

14 Q Okay. Did you speak with a prosecutor, or
15 a hearing officer, or do you recall who you
16 interacted with?

17 A I think at that time they called it an
18 arbitrator it was.

19 Q Got you. Okay. Anything about the whole
20 experience, whether it was the cop that pulled you
21 over, the person in court, or I don't know if you
22 had a defense attorney with you or anything like
23 that. Anything negative stick out in your mind
24 about how you were treated?

25 A Well, actually the officer that stopped me

1 said that I was pretty cool about it. He actually
2 knocked the fine down for me when we went to the
3 arbitrator. Because I was speeding. I took the
4 ticket. I was wrong.

5 Q Thank you. It sounds like you have three
6 daughters and a grandchild now. Sounds like you are
7 very close with your family; is that fair to say?

8 A Yes.

9 Q Now, Mr. DeVore, the defense attorney, had
10 asked you about your answer to you wouldn't tend to
11 believe a police officer more than any other
12 witness. If you're on a jury, a jury is instructed
13 by the judge, as Judge Ekstrum had told you about
14 lots of other stuff, beyond what he already
15 explained to you. And one of the things that he
16 will explain is how jurors are to use a certain
17 methodology that he is going to explain to you in
18 order to weigh credibility of witnesses that you
19 will hear. Knowing that there will be a methodology
20 given to you, would you be able to follow that, do
21 you think?

22 A Yes.

23 Q Where do you get your main source of news
24 from?

25 A Hit or miss on the radio, and the TV, and

1 stuff. I am real lax in it. I don't really get too
2 involved in the news and what's going on. I just
3 know what people would tell me about it. Kind of
4 day by day.

5 Q Sure. And with that tough schedule, I
6 suppose it's hard to watch the nightly news?

7 A Yes.

8 Q Got you.

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

10 THE COURT: You may.

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

13 THE COURT: Mr. Bruggeman, you have not
14 been removed. That means you are accepted as a
15 juror on the panel. So what you need to do at this
16 point is make sure you keep in contact with the jury
17 coordinator to tell you just when to come back. As
18 you can see, this is a lengthy process that we have
19 in preparing for this trial. So whether it's
20 tomorrow, whether it's another time, you need to be
21 keeping up on that and then coming back when you're
22 told to do so. Thank you, very much. You're free
23 to go.

24 JUROR: Okay. Sorry.

25 THE COURT: Go with the deputy and just

1 keep in touch with that jury coordinator.

2 JUROR: Okay. Thank you. Have a good
3 day.

4 (Juror exited the courtroom.)

5 (Prospective juror entered courtroom.)

6 THE COURT: Sir, come on forward. We are
7 going to put you in the jury box. In the first row
8 of the jury box. So you have to come all the way
9 forward until you reach the end of that barrier
10 where you turn to the right. Get you way back into
11 the box. Before you sit down, please raise your
12 right hand to be sworn.

13 (Prospective juror administered an oath.)

14 THE COURT: Have a seat.

15 JUROR: Thank you.

16 THE COURT: Please state your name.

17 JUROR: Paul Christopher Karas.

18 THE COURT: Okay. Mr. Karas, I have some
19 comments for you and some brief questions. Then I
20 am going to turn it over to defense counsel and ask
21 some more questions. As you see, you do have that
22 carafe and you are welcome to that water whenever
23 you want or need it.

24 JUROR: Thank you.

25 THE COURT: After defense counsel asks

1 questions, it may be that the prosecution asks
2 questions as well.

3 Now, during the questioning there may be a
4 request to excuse you for cause. Or there may be
5 the exercise of a peremptory challenge. Or there
6 may be neither one of those things.

7 Let me explain. A challenge for cause
8 occurs if one side or the other thinks that there is
9 a particular reason you shouldn't be on the jury.
10 They would come and tell me that reason and I will
11 decide whether that is a reason to excuse you for
12 cause.

13 A peremptory challenge can be exercised by
14 either the defense or the prosecution. They're the
15 ones that decide that. They each have a number of
16 challenges they can make and they don't have to give
17 a reason. They just inform me that they are
18 exercising a peremptory challenge. Either way, I
19 would inform you that you have been removed, and
20 excuse you, and thank you for your service if either
21 one of those things happens.

22 Have you had any conversations with anyone
23 since filling out this questionnaire?

24 JUROR: No.

25 THE COURT: Have you looked up anything or

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

3 JUROR: No.

4 THE COURT: There are some basic rules of
5 law and I am going to read some to you. There are
6 others that will occur and be told to the jury
7 during the trial. The defendant is presumed to be
8 innocent. The state has the burden of proof. The
9 state must prove any charge beyond a reasonable
10 doubt. And the defendant does not have to prove
11 innocence.

12 Now, as I indicated, these and other rules
13 would be explained to the jury during a trial. Will
14 you be able to follow the rules of law as I give
15 them to you.

16 JUROR: Absolutely. Yes.

17 THE COURT: Now, I notice that you had an
18 emergency in your family, and you have my sympathies
19 for that. I am going to ask this question, so the
20 attorneys don't need to get into it, although they
21 can followup if they want. How is your stepfather?

22 JUROR: He passed away that day that I
23 filled out that questionnaire.

24 THE COURT: I am sorry to hear that, sir.
25 Is that and any of the details of that going to

1 affect you during this process?

2 JUROR: No.

3 THE COURT: Have you gone through a
4 memorial service?

5 JUROR: Yes. We did all of that last
6 week.

7 THE COURT: Again, you have my sympathies.
8 The attorneys can ask you more if they want, but I
9 wanted to get that out on the table first. Thank
10 you for bringing us up to date on that.

11 As you sit here, is there any reason you
12 cannot be a fair and impartial juror on this case?

13 JUROR: No. No reason.

14 THE COURT: Mr. DeVore.

15 BY MR. DEVORE:

16 Q Good morning.

17 A Good morning.

18 Q Mr. Karas, I see here that you work at
19 Delta airlines; is that right?

20 A Yes.

21 Q And you're in group sales?

22 A Yes.

23 Q Tell me about that.

24 A I do reservations for groups of 10 or more
25 people. A lot of big companies call in to do big

1 group. Something like Wal-Mart does a lot of big
2 stuff and a lot of other companies do a lot of big
3 events and planning. So I just book groups of 10 or
4 more people.

5 Q So is this something where you go out and
6 try to solicit business or market and stuff like
7 that or are you at a call center?

8 A Call center. Everything flows into us.
9 They call us. We don't solicit.

10 Q Okay. What's your position there?

11 A Actually, right now I am in the schedule
12 change department. If there is weather -- or mostly
13 if they are discontinuing a flight, I will rebook
14 groups on different flights to try to protect them,
15 we call it, on different flights, so people can make
16 still make their destination on time. Where they
17 want to go. Usually pretty easy when there's one or
18 two people reserved, but a group of 40, that can be
19 a little tricky.

20 Q Sure. Looks like you manage some people,
21 too?

22 A A handful. Two or three in our group.

23 Q So you have two or three people in your
24 group, and you are the lead; is that fair to say?

25 A I would not say that I am the lead, no. I

1 am one of, I guess, top people working there that if
2 there is really complicated stuff, they like me to
3 be a good resource to help out with the situation.
4 But I am not the lead, no. We have a specific
5 person who is the lead.

6 Q Do you have meetings with the people that
7 are in your group?

8 A We have a morning briefing, kind of thing.
9 Like now, if there is weather in the air travel
10 system, we will have a morning briefing to try to
11 anticipate anything that might be coming up.

12 Q Who monitors those meetings or puts those
13 on?

14 A My lead does. She coordinates everything.

15 Q Now, in those meetings, do you get to
16 voice your opinions and feelings?

17 A Yes.

18 Q Do you ever have where people ask you
19 questions about things?

20 A Yes.

21 Q And sometimes they might even challenge
22 you sometimes, and you have to respond, and take a
23 position; does that ever happen?

24 A In this industry, not really. I mean,
25 people ask questions all of the time, yes, but it's

1 never really much of a challenge. Just kind of
2 bantering about different ideas on how to handle a
3 certain situation or something like that.

4 Q Okay. Now, have you worked in a capacity
5 or ever participated in a group where you have had a
6 group of 10, 15 people that you have had to kind of
7 work together and try to reach a conclusion or
8 answers on things? Like maybe a board of directors
9 or something like that?

10 A Yes. Nothing like board of directors.
11 Nothing that heavy duty. I used to do industrial
12 flooring. We used to go to job sites mostly in
13 Iowa. We would have a crew of, you know 5 to 15
14 people. So I was not the lead on most of those
15 jobs, but I was up there next to the lead, kind of,
16 helping to facilitate making sure they got done
17 smoothly and properly.

18 Q Sometimes did you have to resolve disputes
19 between some of the people that you were helping
20 manage?

21 A I don't know if I would say resolve. I
22 would be more of a voice of reason to help keep
23 everyone even keel, and at bay, and not let things
24 escalate, and get out of control.

25 Q Okay. Now, I see that you had a job, at

1 least for a short time, at the Lino Lakes prison
2 facility; is that correct?

3 A Yes, that's correct.

4 Q Looks like you were still within the
5 probation period when you decided it wasn't a good
6 fit?

7 A Correct. Yes.

8 Q How long had you worked there before you
9 decided it wasn't --

10 A It was less than six months. To be fair,
11 they decided that I wasn't a good fit. I didn't
12 like it anyway. Yes, it's one of the worst jobs I
13 have ever had.

14 Q Why is that? Why do you say that?

15 A It was sadly. It was like going back to
16 high school. I was worried that the inmates would
17 be more of a problem or issue, and they definitely
18 were a handful at times. But your coworkers were
19 very divisive and backstabbing and trying to keep
20 their own job and throw you under the bus to do such
21 a thing.

22 Q Okay. You said that the correctional
23 facility thought you weren't a good fit. Why would
24 they feel that way?

25 A I think I asked too many questions.

1 Q Okay. Were you terminated or was it sort
2 of a mutual walk away?

3 A Well, it was during the probationary
4 period. So they had the choice to say, no, this
5 isn't a good fit. So I guess you can call it
6 termination.

7 Q Sure. When was that?

8 A I don't know exactly the date.

9 Q Like give me a ballpark. Just wondering
10 how long ago it was.

11 A Well, I have been at Delta for a little
12 over four years. And I was at Industrial Flooring
13 for probably a year and a half. So probably about
14 five years ago then at the prison, five and a half.

15 Q Okay. And did you have to go through any
16 training then to become a correctional officer?

17 A Yes. It was pretty extensive.

18 Q What did you have to do for that.

19 A Self defense training. Look for certain
20 things within the inmate population, gang signs,
21 paraphernalia, things like that. How to avert
22 issues. Keep prison riots from happening and then
23 the procedural protocol stuff.

24 Q Do you have a law enforcement degree?

25 A No.

1 Q What made you think that you wanted to
2 become a correctional officer?

3 A At the time the economy was pretty lousy
4 and I was basically just desperate for a job and
5 they were willing to hire me so I was like, okay. I
6 will give it a try.

7 Q Okay. Now, you are in the Minnesota real
8 estate investment club?

9 A Yes.

10 Q Do you own some real estate?

11 A I have one property in St. Paul.

12 Q Rental property?

13 A I am actually currently rehabbing it to
14 flip it. Considering renting it for the Super Bowl
15 if I can get it finished.

16 Q Okay. Well, are you doing the work on it?

17 A I have a general contractor, but we kind
18 of split the work. I do a lot of the work. He does
19 some of the stuff that I don't know how to do and
20 can't do. If it needs a licensed contractor to do
21 the work he'll do it.

22 Q Okay. Is this a single family home?

23 A Yes.

24 Q Well, the Super Bowl is coming up in a few
25 weeks, so you got a lot to do?

1 A No. A lot of small things. Hang a door
2 here and there. Put handles on the cabinets. Some
3 touch up painting.

4 Q And if you were on this jury for the next
5 couple of weeks, how would you do that stuff?

6 A On weekends and nights, which is basically
7 when I do it now anyways when I am working at Delta.
8 So it wouldn't be a problem at all.

9 Q What's the Minnesota Real Estate
10 Investment Club?

11 A It's just a guy who has been investing for
12 pretty much his entire life. Probably about my age.
13 About 50. But he is very successful. Has a lot of
14 real estate. I think he likes the -- he doesn't
15 want to do infomercials or anything like that, but
16 he does like to get out and network and communicate
17 and share his experiences and ideas with people so
18 we just put together a club. They get together, and
19 I don't meet with them all the time, of course, but
20 I think they meet every other month or something
21 like that.

22 Q Is this a volunteer thing or do you pay to
23 be in this group?

24 A I think I am supposed to pay. They've
25 never really asked me or enforced me to pay.

1 Because I think there is a fee of like \$200
2 annually. I have never paid it and they still want
3 me to come to meetings, so.

4 Q Okay. How many people are in that group?

5 A Obviously don't know. I have not met them
6 all. But it's got to be anywhere from 20 to 50, I
7 am guessing. They do have some pretty big events
8 that roll around.

9 Q Now, you indicated that you had your house
10 broken into?

11 A Yes.

12 Q When was that?

13 A That was probably about 8, 9 years ago.

14 Q Okay. Did they -- were you home at the
15 time?

16 A I was not. I was out with some friends
17 and we did not know that they had broken in until I
18 got home. I pulled into my driveway and I think my
19 headlights scared them off, because they jumped out
20 of my porch. They kicked in the window and ran out
21 the back. I did not know that. I surmised that
22 after I assessed the situation. Because when I
23 pulled into my garage all of the lights were
24 flashing. Everything, you know, like when you trip
25 the little safety like kind of thing. All of the

1 lights were flashing. Things were thrown around. I
2 thought my wife had a meltdown and started throwing
3 things or something. Turned out it was not her. I
4 was in the garage, checking, wondering why
5 everything was thrown around. She called me on my
6 cell phone and said, why did you just come in the
7 kitchen and leave. I was like, what are you talking
8 about? Turns out it was the people that broke into
9 the house, they were in the kitchen.

10 Q So she was home at the time?

11 A She was home, in the bathroom, with a new
12 born baby in the bathtub, actually. That could have
13 been really scary. Could have been.

14 Q Did you report that to the police?

15 A Yes. They came instantly.

16 Q What did they do in response to that?

17 A They pretty much looked at all of the
18 damage and the neighbor house, the people -- they
19 didn't break in, but they were after -- turns out
20 they had a pretty good idea who it was. Some punk
21 teen-ager who lived down the road who was always
22 getting into trouble. Needed money, so he was
23 looking for copper pipe and aluminum and all that
24 stuff. Broke the neighbor's gas line. So you could
25 hear the gas just hissing away. So the police had

1 to come evacuate the neighborhood.

2 Q Did they catch this guy then?

3 A I never did find out. They knew who it
4 was because this is how bright this guy was. He
5 stole my wife's cell phone off the counter. Then
6 when he ran out of the house he called his dad to
7 wish him a happy birthday. Which his dad was in
8 prison at the time, or in jail at least. Called his
9 dad to wish him happy birthday and dropped the phone
10 in my yard which we found like a day or two later.
11 His dad actually called back and left a voice mail
12 on my wife's phone. We gave all of that to the
13 police, so they definitely knew who the person was,
14 but never did find out if he caught him or not. Not
15 sure.

16 Q Well, you mention that in this -- when you
17 were asked about if you'd been a victim of a crime
18 and you said you had. And then you were asked about
19 your feelings about the outcome. You said, it
20 stinks. I like to see justice served to those that
21 commit wrongdoing. Do you still harbor some
22 negative feelings about this situation you went
23 through?

24 A I wouldn't say negative. I would say just
25 more cautionary. Even though you know who did it,

1 sometimes it's just not possible to get perfect
2 justice in all situations. If you can't find the
3 guy, you can't find the guy. I don't know what else
4 you can really do.

5 Q Do you feel like you cast any blame on
6 anybody for not doing their job right?

7 A No. Newport is pretty small city, small
8 police department. Now it falls under the
9 Washington County jurisdiction, but back then, they
10 actually had their own small police department with
11 limited resources I am sure. So I guess my
12 expectations weren't super high to have a rosy
13 outcome.

14 Q Okay. When you were asked whether or not
15 you -- what you thought about being on this type of
16 a case, and you said that you were excited and
17 hoping to be allowed to be a juror. Why is that?

18 A Just because I have watched my share of
19 Law and Order, I guess, and see these types of cases
20 I always find them fascinating and interesting. So
21 I think it would be a good experience, I guess.

22 Q Okay. Do you spend anytime on the
23 computer?

24 A Yes. A little bit.

25 Q Do you look around on the Internet

1 sometimes?

2 A Yes.

3 Q What type of websites do typically look
4 at?

5 A Sadly fantasy football. Real estate
6 websites, looking for properties to purchase, and
7 financial educational stuff mostly. Occasionally,
8 movie, entertainment stuff.

9 Q All right. Do you ever -- have you ever
10 visited an online dating site before?

11 A Yes.

12 Q Which one?

13 A Amoatina for Latin ladies south of the
14 border.

15 Q Okay. Anything else?

16 A I think there is an Asian dating site for
17 Chinese women.

18 Q When did you visit those?

19 A Probably this weekend.

20 Q Are you separated.

21 A Yes.

22 Q So this weekend you were visiting those
23 sites?

24 A Yes.

25 Q Any time before that that you had visited

1 any sites like that?

2 A Yeah. Probably had been on those sites
3 for several months now.

4 Q Okay. Have you ever met up with anybody
5 that you connected with on the sites?

6 A I have actually. Working at Delta, I was
7 able to travel down to Columbia and met a few
8 people.

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

11 A I have heard of it and I have no idea what
12 it is or find it. Is it something where they have
13 two separate websites side by side? I don't
14 understand it at all.

15 Q Sure. How about Bitcoins, have you ever
16 heard of that before?

17 A Heard of it. Know absolutely nothing
18 about it.

19 Q What have you heard?

20 A Nothing actually. I have heard that it is
21 a kind of a cyber currency. That you can only use
22 it -- this is the only thing I understand about
23 it -- you can only use it if somebody else is
24 willing to use it as a currency in place of regular
25 currency, I think, is my understanding. I don't

1 know.

2 Q Okay. Do you know anything about how
3 computers are programmed or how they work
4 internally?

5 A No.

6 Q If you have a problem with your computer,
7 what do you do, do you try to fix it yourself or do
8 you bring it in?

9 A I turn it off, and turn it back on, I
10 guess, and hope it fixes it. I really don't know
11 how to fix it. I would have to call somebody.
12 Hopefully I have a friend, or my brother he works
13 with Comcast. He was walking in during the Vikings
14 bad game. He claimed to be an IT guy and was trying
15 to help me answer questions. But I don't know if I
16 trust him as an IT guy.

17 Q Sure. Do you have any malware or virus
18 protection software on your computer?

19 A I did at one point on my old computer,
20 which did not work very well. So that computer was
21 broken and fried. So I pretty much just use only my
22 iPad nowadays. Which, as I understand it, is a
23 totally separate system. So viruses and malware
24 can't get access to that whole operating system, is
25 how I understand it.

1 Q Okay. Do you use the Internet to pay for
2 bills online?

3 A Occasionally.

4 Q Do you use online banking?

5 A Not really. I mean, I have access to my
6 bank account online, yes. But I don't do much in
7 way of transactions.

8 Q How do you pay for things, like bills that
9 come in, do you write a check?

10 A Old school, yes. I write a check.

11 Q Do you ever buy -- you said you did buy
12 some stuff online, right?

13 A Yeah. I buy stuff for my house that I am
14 working on.

15 Q Do you just use your credit card for that?

16 A Yep. Just a credit card.

17 Q Have you ever used Pay Pal before?

18 A Never.

19 Q How about MoneyGram or Western Union, have
20 you ever used them before?

21 A I think I wired money on Western Union
22 once before.

23 Q What was that for?

24 A A friend was overseas in the Philippines
25 and needed some money to help with whatever

1 situation he was in.

2 Q If you heard about a word or a concept
3 that you haven't heard of before, and you wanted to
4 educate yourself on what it meant, how would you do
5 that?

6 A Depending on the word or concept, I would
7 probably Google it and/or depending on that word or
8 concept, see if I know anybody who knows anything
9 about this word and just kind of use my resources
10 that are currently and quickly around me.

11 Q Okay. If the judge told you in this case
12 that the defendant has the right not to testify, and
13 he told you that you are not to assume anything or
14 draw an inference from that, would you be able to
15 follow that instruction?

16 A Absolutely.

17 Q You have heard of that before?

18 A Mm-hmm.

19 Q Yes.

20 A Yes.

21 Q Do you own any dogs?

22 A No.

23 Q Ever?

24 A When I was a wee little kid.

25 Q Not as an adult, though?

1 A No. Not as an adult. My wife is allergic
2 to everything with fur except for hamsters. So we
3 have hamsters and turtles.

4 MR. DEVORE: Can I have a few minutes,
5 Your Honor?

6 THE COURT: You may.

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

8 THE COURT: Yes, you may.

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

11 THE COURT: Mr. Karas, you have been
12 removed. So you are excused from jury service in
13 this matter. You have my thanks for your
14 cooperation. My continued sympathies regarding your
15 stepfather and you certainly are free to leave.

16 JUROR: Thank you, sir.

17 (The juror exited the courtroom.)

18 (Prospective juror entered courtroom.)

19 THE COURT: Please come forward. I'll
20 have you sit in the first row of the jury box. So
21 come all the way forward, turn right, and right
22 again to go back to that chair by the carafe of
23 water. Before you sit down, please raise your right
24 hand to be sworn.

25 (Prospective juror administered an oath.)

1 THE COURT: Have a seat. Please state
2 your name.

3 JUROR: Do I have to talk into the
4 microphone or --

5 THE COURT: You know, it wouldn't be a bad
6 idea to pull it towards you because you have a soft
7 voice. But you don't have to lean forward, just
8 speak up.

9 JUROR: I am Courtney Roen.

10 THE COURT: Okay. You do see the carafe
11 of water, so you may use that if you want or need
12 it. I will have some comments for you here and then
13 just a few questions. Then I will turn it over to
14 the defense. You will get some more questions.
15 It's possible the prosecution may have questions as
16 well.

17 During the questioning, there may be a
18 request to excuse you for cause. Or there may be an
19 exercise of a peremptory challenge. That's
20 something we call by that name. Or there may be
21 neither of those things.

22 A challenge for cause occurs if one side
23 or the other thinks there is a valid reason to not
24 be on the jury. They bring that reason to me and I
25 make that decision.

1 A peremptory challenge can be exercised by
2 either the defense or the prosecution. They each
3 have a number of those challenges. They can
4 exercise them without giving me a reason. They
5 simply tell me they are doing that, so that' their
6 decision.

7 If one of those things happens, I would
8 inform you that you are removed. I would excuse you
9 and I would thank you for your service here today.

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

13 JUROR: No.

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

17 JUROR: No.

18 THE COURT: There are some basic rules of
19 law. I am going to read just a few to you. The
20 defendant is presumed to be innocent. The state has
21 the burden of proof. The state must prove any
22 charge beyond a reasonable doubt. The defendant
23 does not have to prove innocence. Now, those and
24 other rules of law would be explained to a jury
25 during a trial. Will you be able to follow the

1 rules of law as I give them to you?

2 JUROR: Yes.

3 THE COURT: As you sit here today, is
4 there any reason you cannot be a fair and impartial
5 juror in this case?

6 JUROR: No.

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

8 MR. DEVORE: Thank you.

9 BY MR. DEVORE:

10 Q Good morning.

11 A Hi.

12 Q Now, you're a student at River Falls
13 University?

14 A Yeah.

15 Q Full time student?

16 A Yes. Today was my first day back.

17 Q Oh, all right. Are you missing school
18 right now then?

19 A Yes.

20 Q If you're picked for a jury like this, we
21 expect this to take approximately two weeks, week
22 and a half to two weeks, how would that impact your
23 school or your studies.

24 A It would definitely interfere. Because I
25 have -- school goes from 8 a.m. my first class to

1 2:50. So if we are here 8:00 to 4:30, I would be
2 missing however long it would take for the trial.

3 Q Sure. And I assume you already paid for
4 the school?

5 A My first tuition payment is due on the
6 28th.

7 Q Do you know if there is a rule on the
8 number of classes that you can miss for school?

9 A Not that I'm aware of. I would have to
10 ask. I am sure I could ask about it.

11 Q And the classes that you have, do you have
12 the same class like on Monday, Wednesday, and
13 Friday; is that how it works?

14 A Yes.

15 Q Then you might have the same classes on
16 Tuesday and Thursday?

17 A Yes.

18 Q So potentially, for a two week trial, for
19 instance, if you're going to miss six of some
20 classes and four of others?

21 A Yes.

22 Q Is there a way that you can try to keep up
23 with this at night or anything like that, or if you
24 miss the class, you miss the class?

25 A I don't know. I mean, you're supposed to

1 be, you know, there is no what am I trying to say,
2 if I have to go to -- if I am a juror, then they
3 would have to understand and they would have to give
4 me the material outside of the classroom so I could
5 take notes from a classmate or you know, just let
6 them know that I have to makeup for things that I
7 have missed.

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

9 THE COURT: You may.

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

12 THE COURT: Ms. Roen, we are going to let
13 you get to your school. So this is a lengthy
14 process. I appreciate your cooperation up to this
15 point. You are excused and I thank you.

16 JUROR: Okay. Thank you.

17 (Juror exited the courtroom.)

18 (Prospective juror entered the courtroom.)

19 THE COURT: Please come forward. We are
20 going to have you sit in the first row of that jury
21 box. So come all the way forward until you get past
22 that barrier of the jury box. Turn right. And
23 before you sit down in that chair, please raise your
24 right hand to be sworn.

25 (Prospective juror administered an oath.)

1 THE COURT: Have a seat. Please state
2 your name.

3 JUROR: Karen Barron.

4 THE COURT: Ms. Barron, I have some
5 comments for you, and then I have some brief
6 questions for you. I will then turn it over to the
7 defense attorney for the questions. It's possible
8 the prosecution may have some questions.

9 During the questioning, there may be a
10 request to excuse you for cause. Or there may be
11 the exercise of what we call a peremptory challenge.
12 Or there may be neither.

13 A challenge for cause occurs if one side
14 or the other thinks there is a valid reason you
15 should not be on the jury. They bring that reason
16 to me and I make that decision.

17 A peremptory challenge can be exercised
18 either by the defense or the prosecution. They have
19 a certain number of challenges that they have
20 available to them and they can make those challenges
21 simply inform me that they have done. That's their
22 decision, that's not my decision. If one of those
23 things happens, you would be removed. I would
24 simply excuse you and thank you for your service up
25 to this point.

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

4 JUROR: No.

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

8 JUROR: No.

9 THE COURT: There are basic rules of law
10 that I am going to mention just a few to you. The
11 defendant is presumed to be innocent. The state has
12 the burden of proof. The state must prove each
13 charge beyond a reasonable doubt. And the defendant
14 does not have to prove innocence. Those and other
15 rules of law would be explained to the jury during a
16 trial. Will you be able to follow the rules of law
17 as I give them to you?

18 JUROR: Yes.

19 THE COURT: As you sit here, is there any
20 reason you cannot be a fair and impartial juror in
21 this case?

22 JUROR: I am, in growing up, I had a
23 girlfriend that was killed by her husband, and
24 thrown on the side of the highway. I just don't
25 know if I could be a fair juror in this case because

1 of that reason.

2 THE COURT: You know the charge here is a
3 First Degree Murder charge?

4 JUROR: Mm-hmm.

5 THE COURT: Is that a yes?

6 JUROR: Yes. I'm sorry.

7 THE COURT: She is taking it down, so
8 mm-hmm doesn't translate very well. And you know
9 that the defendant is presumed to be innocent?

10 JUROR: Yes.

11 THE COURT: And you know that you're going
12 to be asked to pay attention to evidence, whether it
13 comes through from testimony, or physical evidence,
14 or whatever it is during trial.

15 JUROR: Yes.

16 THE COURT: You are going to be asked to
17 make a decision along with the whole jury to make a
18 decision regarding that. Do you understand that?

19 JUROR: Yes.

20 THE COURT: And having known those things,
21 are you still telling me that because of that
22 experience, and I actually saw other things on your
23 questionnaire as well, but because of that
24 experience, you actually don't believe you can be
25 fair and impartial?

1 JUROR: I cannot say 100 percent that I
2 can be.

3 THE COURT: Counsel, approach.

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

6 THE COURT: Ms. Barron, you are removed.
7 So you are excused. You do have my thanks. This is
8 a lengthy process. I know you had to wait and I
9 know you had to come back in. I appreciate your
10 patience. I appreciate the cooperation, but you are
11 excused.

12 JUROR: Thank you.

13 THE COURT: Thank you.

14 (The juror exited the courtroom.)

15 THE COURT: That's all we have right here
16 right now, so we are going to take a 15 minute break
17 and come back.

18 (A recess was taken.)

19 (Prospective juror entered courtroom.)

20 THE COURT: Please come forward. We are
21 going to have you sit in the jury box in the front
22 row there. So you have to come all the way to the
23 front until you find the way to the end of that
24 barrier, and turn right, and go right into the jury
25 box there. Right there by that carafe of water.

1 Before you sit down, please raise your right hand to
2 be sworn.

3 (Prospective juror administered an oath.)

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

6 JUROR: Kathleen Woods.

7 THE COURT: Ms. Woods, I have a few
8 comments to give you and then a few questions for
9 you. Then I will turn it over to the defense
10 attorney he will have some more questions. It's
11 possible the prosecution may have questions as well.

12 During the questioning, there may be a
13 request to excuse you for cause. Or there may be a
14 request to exercise what we call a peremptory
15 challenge. Or there may be neither one of those
16 things.

17 A challenge for cause occurs if one side
18 or the other thinks there is a valid reason that you
19 should not be on the jury. They bring that to me
20 and I make that decision.

21 A peremptory challenge may be exercised by
22 either side. They have a certain number of those
23 challenges they can make. They don't have to tell
24 me the reason. They simply exercise the challenge
25 and that's their decision. Either way, if one of

1 those things happens, I would remove you. I would
2 excuse you from further service here, and thank you
3 for your service.

4 Now, have you had any conversations with
5 anyone about this case since filling out the
6 questionnaire?

7 JUROR: No.

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

11 JUROR: No.

12 THE COURT: There are a number of rules of
13 law. Some of the basic ones include that the
14 defendant is presumed to be innocent. That the
15 state has the burden of proof. That the state must
16 prove each charge beyond a reasonable doubt. And
17 the defendant does not have to prove innocence.
18 Now, those and other rules of law would be explained
19 to the jury during a trial. Will you be able to
20 follow the rules of law as I give them to you?

21 JUROR: Yes.

22 THE COURT: As you sit here today, is
23 there any reason you cannot be a fair and impartial
24 juror in this case?

25 JUROR: No reason.

1 THE COURT: Mr. DeVore.

2 BY MR. DEVORE:

3 Q Good morning, Ms. Woods.

4 A Good morning.

5 Q I have had the opportunity to review the
6 questionnaire form that you filled out a little over
7 a week ago; do you remember that?

8 A Yes.

9 Q Is there anything since that time that you
10 wanted to add or change to this questionnaire form?

11 A No.

12 Q Now, you work at a company called
13 Triangle?

14 A Yes. Triangle Benchmark. It's pretty
15 nice, actually.

16 Q What do you do there?

17 A I am a customer service rep and an
18 assistant dispatcher.

19 Q What kind of a company is that?

20 A Trucking company. We move freight from
21 company to company.

22 Q Okay. Looks like you've been there for
23 about three years?

24 A Yes. I was there previously, too.

25 Q What did you do previously?

1 A I was a customer service rep at that time.
2 It was ten years ago. Excuse me, with the economy,
3 I got let go, and then I was called back.

4 Q Oh, okay. I get it. If you were picked
5 as a juror in this case, and had to spend a week and
6 a half, two weeks in this trial, would you be able
7 to get out of work for that?

8 A Yes, they understand.

9 Q You already talked to them about the
10 possibility?

11 A Yes, I did.

12 Q And I believe just you and your husband
13 that live at home; is that right?

14 A My boyfriend.

15 Q Boyfriend, okay. And what does he do?

16 A He works at Amazon.

17 Q Okay. You said that an ex-spouse of yours
18 worked as a dispatcher; what kind of a dispatcher?

19 A Trucking company. We both worked together
20 before I got let go.

21 Q How do you get your source of news,
22 typically?

23 A Generally the TV and the Internet.

24 Q Nightly news?

25 A Yes.

1 Q Which do you like?

2 A Usually 10 o'clock.

3 Q 10 o'clock. Is that pretty standard at
4 night for you?

5 A Yes.

6 Q Do you have a particular station that you
7 like to watch?

8 A 11.

9 Q Why is that?

10 A Just like the way they do the weather.
11 Usually watch for the weather.

12 Q Yeah, I've heard that before. So do you
13 typically only tune in at certain portions of the
14 news?

15 A Yes, weather time.

16 Q What is it about the stuff at the
17 beginning that you don't like to see?

18 A I just think there is way too much going
19 on that we don't really need all of the information
20 that they throw out. Some of it is not to me, is
21 irrelevant.

22 Q Okay. You also said that you like to go
23 online and do some news searching there, too?

24 A I usually read the front page of the MSN
25 page. I do read that and that's about it.

1 Q Like in the mornings?

2 A Yeah.

3 Q Do you have a computer at home?

4 A Yes, I do.

5 Q What kind of computer do you have?

6 A It's a laptop.

7 Q Apple, Mac?

8 A No, it's not an Apple, it's not a Mac.

9 It's just a laptop computer.

10 Q PC?

11 A Yeah. I am not very tech savvy.

12 Q How often do you use the computer at home?

13 A Probably once a day.

14 Q How many hours or -- typically?

15 A I would say at the most an hour, and

16 that's usually to play some games.

17 Q What kind of games do you like to play?

18 A The bingo games.

19 Q Do you ever just search the Internet, just
20 randomly kind of see what is going on, see what you
21 can find?

22 A Nope. Only if I have questions.

23 Q Okay. Do you do any online banking?

24 A No. I only go online to check my balance.

25 Q Do you ever pay any bills online?

1 A Two.

2 Q Two bills that you pay online?

3 A Yeah.

4 Q How do you pay your bills otherwise?

5 A Usually send out the paper.

6 Q A check?

7 A Yes.

8 Q What about, do you ever use Pay Pal

9 before?

10 A Once a very long time ago. Otherwise I
11 don't usually do it.

12 Q Do you know why you used the Pay Pal?

13 A It was the only way I could buy something
14 online at the time for Christmas.

15 Q Do you buy other things on line?

16 A Very rarely. I would rather go to the
17 store and see what I am buying.

18 Q All right. Have you ever used MoneyGram

19 or Western Union before?

20 A Yes. I have sent money down to a friend.

21 Q Okay. Are you -- do you find yourself
22 pretty tech savvy?

23 A No. I can do the basics.

24 Q Are you familiar with what a search engine
25 is?

1 A Yes.

2 Q Which ones do you use, typically?

3 A Google.

4 Q Have you heard of terms like a modem and
5 router and that kind of stuff?

6 A Yes.

7 Q How about WiFi?

8 A Yes.

9 Q Tell me what you think WiFi is.

10 A I don't usually use it.

11 Q What is it?

12 A Where you can get on the Internet without
13 having to be at home.

14 Q Okay. Have you ever heard of the Dark Web
15 before?

16 A No.

17 Q How about Bitcoins, have you heard of
18 those?

19 A Only what I have seen on the front pages
20 of MSN. I don't normally pay attention to it.

21 Q What have you heard about them?

22 A Just that it's some online kind of
23 currency.

24 Q Okay. Anything good, bad, or otherwise
25 about it?

1 A No.

2 Q Do you know if you have a firewall or
3 antivirus software on your computer?

4 A Yes, I do.

5 Q Is that something that you purchased and
6 put on there?

7 A I received it through my Internet company.

8 Q What does that do?

9 A Protects me from hackers getting in, and
10 so forth, and getting into my stuff.

11 Q Have you ever had a problem with anyone
12 hacking into your computer?

13 A No.

14 Q Do you know of anybody that has had that
15 kind of a problem?

16 A No.

17 Q Have you heard of that happening, though?

18 A Yes.

19 Q Where have you heard of that?

20 A At work a couple of drivers have come in
21 and said they have been hacked. That's as far as it
22 goes.

23 Q Do you have hear about that stuff on the
24 news?

25 A Only the big companies that have had it,

1 such as Target.

2 Q Is Target a place that you have gone to --
3 have you ever purchased anything online at Target?

4 A No.

5 Q If you have a problem with your computer,
6 do you bring that in or do you typically try to fix
7 that yourself?

8 A I take it in.

9 Q Like a Geek Squad or something?

10 A Yes.

11 Q Have you ever had them remotely access
12 your computer to do some troubleshooting?

13 A No.

14 Q Have you ever done that kind of a thing at
15 work maybe on a computer? That an IT person had to
16 get access to your computer to do some things?

17 A Only when we are given new applications,
18 then the IT tech will go in and do what he has to
19 do, then we are on our own.

20 Q Do they come over physically at your
21 computer and --

22 A Sometimes.

23 Q Sometimes do they do it remotely?

24 A Yes.

25 Q You give them access to do that, but then

1 they go in and do what they have to do?

2 A Yes.

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

5 A Yes. It's where I met my boyfriend.

6 Q Oh, okay. Which site was that?

7 A Match.com.

8 Q Any other ones other than Match.com?

9 A No. I tried one, but I got out of it
10 right away, because I didn't like it.

11 Q Oh, okay. Do you know what the name of
12 that one was?

13 A No. I don't remember.

14 Q How long had have been on the Match.com
15 site?

16 A Probably six months or so.

17 Q That's one where you had to enter some of
18 your own personal information?

19 A Yes.

20 Q And then do find matches for you; is that
21 how it works?

22 A They would send me some, and I would
23 rather look for myself.

24 Q Okay. So then what did you have to do?
25 Did you have to send out like an email or something?

1 A You press a like button and see if they
2 respond back.

3 Q Then do you typically engage in a
4 conversation online?

5 A Little bit of back and forth, yeah.
6 Couple of emails.

7 Q Then, obviously, it turned into something
8 where you met in person?

9 A Yes, been with him for 12 years.

10 Q So that was quite a while ago?

11 A Yes.

12 Q So the stuff actually works?

13 A Sometimes, yeah.

14 Q All right. Do you have any particular TV
15 shows that you like to watch?

16 A The Black List. Right now that's my
17 favorite one.

18 Q What is it about that show that you like?

19 A The characters in it. Just how I can
20 actually see that that really wouldn't happen, that
21 type of thing. That one shouldn't be there.

22 Q All right. I am not familiar with that
23 show. What is that about?

24 A It's about a man who is -- he's got so
25 many different things that he can do, but he's

1 wanted. But he keeps giving FBI people to go after
2 that are also as bad as him, but he is helping the
3 FBI.

4 Q Okay. And you find that interesting,
5 because it makes you think?

6 A Yes.

7 Q Now, you have some training in medicine.
8 I see that you worked at a hospital pharmacy?

9 A Years ago.

10 Q How long ago was that?

11 A My teenage years, 18 through 21.

12 Q All right. Do you have any formalized
13 education or training in pharmacy?

14 A No. Not anymore. I went to school for
15 medical assistant and ended up dropping out when I
16 found out that the school was not doing what they
17 should with the monies.

18 Q What school was that?

19 A Rasmussen.

20 Q Now, do you know about prescription drugs
21 and things like that?

22 A Yes.

23 Q And do you know how to read prescriptions?

24 A Yes.

25 Q Did you fill prescriptions?

1 A No, I did not.

2 Q What did you do at the pharmacy?

3 A I would set up the different bigger
4 bottles for the pharmacist to fill. By name, they
5 would give me the list and I would pull them off the
6 shelves and set them up. I would deliver certain
7 medications up to the different floors. A lot of
8 paperwork. Some of them I packaged. We actually
9 had a machine that would package into individual
10 little spots for the patients.

11 Q Okay. Have you ever heard of the drug
12 called scopolamine or scopolamine?

13 A No.

14 Q Do you have any training on how drugs
15 affect people?

16 A No. But I do know how they affect people.
17 I read about like the prescriptions that I get. I
18 will read in depth on how they will have reactions
19 and so forth.

20 Q Sure. Have you ever read anything about
21 the drug scopolamine?

22 A No.

23 Q Looks like you and your ex-husband were
24 robbed at some point?

25 A Yes.

1 Q When was that?

2 A About 14 years ago.

3 Q Was that at gunpoint or a weapon?

4 A Yes. It was a home invasion.

5 Q Was a weapon involved?

6 A Yes.

7 Q Were you hurt in any way?

8 A Was I what?

9 Q Were you hurt, physically?

10 A No.

11 Q Did the -- did you call the police?

12 A Yes.

13 Q Was the case -- did they ever catch the
14 guy?

15 A They did stop what they felt were the
16 suspects. And they brought charges against on them
17 against something else. They robbed somebody else.
18 We never went to court for it. Well, I didn't. My
19 husband said he went down. My ex-husband, excuse
20 me. Went down to the court. He was called in but
21 he never had to talk to anybody but the lawyer.

22 Q Okay. Do you feel that that case was
23 resolved in a way that you are satisfied with?

24 A Yes and no. Yes, that they had them on
25 other charges and they served their time. And no,

1 because ours was not implemented into it.

2 Q So you don't feel like you got heard, so
3 to speak?

4 A Right.

5 Q I saw that you also had an incident when
6 you were younger; is that right?

7 A Yes.

8 Q That resulted in you feeling empty?

9 A Yes. Because I am really cautious about
10 my surrounding and where I go.

11 Q That is because that person was never
12 caught.

13 A Right.

14 Q Do you cast any blame on any particular
15 person for that happening?

16 A No.

17 Q Do you harbor any resentment towards like
18 the legal system or law enforcement?

19 A No.

20 Q Do you think that those two things that
21 happened to you would have any impact on your
22 ability to stay fair and impartial in this case?

23 A No.

24 Q That situation that happened to you when
25 you were young, that was many years ago; is that

1 right?

2 A I was in ninth grade.

3 Q Do you think that -- do you worry that
4 sitting on a criminal case that that might conjure
5 up some bad feelings, some emotions?

6 A No.

7 Q You are satisfied that you can deal with
8 anything?

9 A Yes.

10 Q Now, you were asked to talk about what
11 your thoughts were on the jury system. You thought
12 it was good. Then you said all information is
13 considered, talked out, presented to all. Can you
14 explain that to me as far as what your knowledge
15 about the jury system?

16 A I served one other time. So I kind of
17 have the knowledge of knowing that you need to
18 listen to it all. You need to listen to all aspects
19 and all evidence, then make the decision as a group
20 of jurors.

21 Q Okay. That was a civil case, right?

22 A Yes.

23 Q Back in '83?

24 A Yes, somewhere in there.

25 Q What county was that in?

1 A Washington County.

2 Q And you served on the jury and actually
3 reached a verdict?

4 A Yes.

5 Q So you got to do the deliberating part?

6 A Yes.

7 Q Where you met with your fellow jurors and
8 talked through things?

9 A Yes.

10 Q During that process, were you called upon
11 to state what your opinions were?

12 A In the room with all of the other jurors,
13 yes.

14 Q Okay. Did you find that to be troubling,
15 or did you do that and had no problem doing that?

16 A No problem doing that.

17 Q Were you able to stay focused and listen
18 to what other people had to say as well?

19 A Yes.

20 Q In this case, this is a criminal case.
21 The judge will give you some rules of law, including
22 the defendant has the right not to testify. Have
23 you ever heard of that before?

24 A Yes.

25 Q And if the judge told you that you were

1 not to draw any inferences from that, or make any
2 assumption why he chose not testify, would you be
3 able to follow that instruction?

4 A Yes.

5 Q You wouldn't have a problem with that?

6 A No.

7 Q Then you stated, would you tend to believe
8 a police officer more than any other witness, and
9 you said no. Is that because you think of a police
10 officer as equal or the same as any other witness
11 that would get up on the stand?

12 A Yes.

13 Q Is it fair to say that if a person got up
14 on the stand and swore to tell the truth, that you
15 would expect that they would do that?

16 A Yes.

17 Q And then you could decide later if you
18 thought that they compromised their testimony or
19 something like that?

20 A Yes. Right.

21 Q That's sort of one of your jobs as a
22 juror, right?

23 A Mm-hmm.

24 Q Is that a yes?

25 A Yes.

1 Q Do you have any reservations about being a
2 juror in a case like this?

3 A No.

4 Q If you heard about a concept, or a theory,
5 or a word that you weren't familiar with, how would
6 you educate yourself as to what that means?

7 A I would probably look it up. Look up the
8 word. See what the definition was.

9 Q How would you look it up? In a book,
10 online or --

11 A Whatever was accessible at the time. If
12 there was a book, I would look it up in the book or
13 otherwise online.

14 Q Okay.

15 MR. DEVORE: May I have a few minutes,
16 Your Honor?

17 THE COURT: Yes you may.

18 MR. DEVORE: May we approach?

19 THE COURT: Yes, you may.

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

22 THE COURT: We will move to the
23 prosecution for questions. You may proceed.

24 MR. FINK: Thank you.

25

1 BY MR. FINK:

2 Q Good morning.

3 A Good morning.

4 Q So you're a fan of Mr. Reddington?

5 A Yes.

6 Q Would you say that you're more big picture
7 or detail oriented or a combination?

8 A Combination.

9 Q Can you explain that a little bit?

10 A When learning in school, I did better when
11 I could see and hear what needed to be done. Such
12 as a math equation, something showing me how it was
13 done while explaining it worked better for me.

14 Q So you learned better visually then?

15 A Mm-hmm.

16 Q You need to say yes or no. The young lady
17 there is taking it all down. Thanks.

18 A Yes.

19 Q Are you comfortable making decisions?

20 A Yes.

21 Q Now, the prior jury service that you were
22 on, it was a civil case. Can you give us a general
23 framework what the case was about?

24 A A gentleman versus worker's comp. And he
25 was caught working when he should not have been. It

1 was almost a cut and dry case. He himself put
2 himself guilty.

3 Q From your prior jury service, you know
4 that there are often conflicts in testimony?

5 A Yes.

6 Q The judge talked to you about the fact
7 that we operate by a bunch of rules in the
8 courtroom. At the end of the case, the judge is
9 going to instruct you on dealing with conflicts in
10 testimony. Going to give you a methodology that you
11 use to determine the believability of various
12 witnesses?

13 A Mm-hmm.

14 Q Would you be able to follow that
15 instruction?

16 A Yes.

17 Q Would you say that you have a lot of
18 common sense?

19 A Yes.

20 Q When you experienced that home invasion,
21 how long ago was that?

22 A About 14 years ago.

23 Q Okay. And you were frustrated by your
24 event not being included in the prosecution; is that
25 right?

1 A Correct.

2 Q Is that frustration such that you wouldn't
3 give the State of Minnesota a fair trial if you were
4 a juror?

5 A No, I would give a fair trial.

6 Q And could you give the defendant a fair
7 trial?

8 A Yes.

9 MR. FINK: Approach?

10 THE COURT: Yes, you may.

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

13 THE COURT: All right. Ms. Woods, you
14 have not been removed. That means you are accepted
15 as a member of the jury panel. At this point, you
16 need to keep close contact with the jury coordinator
17 to figure out exactly when you need to come back.

18 I will tell you from what I know about
19 where we are in the process, it's very likely that
20 will be tomorrow. But make sure you keep contact
21 and thank you for your cooperation today.

22 JUROR: Thank you.

23 THE COURT: You're free to go at this
24 point.

25 JUROR: Thank you.

1 (Juror exited the courtroom.)

2 THE COURT: I believe we have a jury. If
3 you want to check on your prospective jury list that
4 was handed to you. I have number 1, number 2,
5 number 5, number 7, number 8, number 17, number 18,
6 number 21, number 29, number 31, number 35, number
7 38. That gets us to 12. Anything beyond that would
8 be an alternate. Number 39, number 47, number 51.

9 So that we can be clear in the record, I
10 have peremptory challenges that have been exercised
11 by the defense as to number 3, number 9, number 10,
12 number 14, number 19, number 23, number 25, number
13 27, number 41, number 43, number 45, number 48.

14 I have peremptories exercised by the
15 State: Number 13, number 16, number 24, number 26,
16 number 32, and number 37.

17 I have removals for cause as to number 4,
18 number 6, number 11, number 12, number 15, number
19 20, number 22, number 28, number 30, number 33,
20 number 34, number 36, number 40, number 42, number
21 44, number 46, number 49, number 50.

22 All those numbers agree with your records,
23 Mr. DeVore.

24 MR. DEVORE: Yes, Your Honor.

25 THE COURT: Mr. Fink?

1 MR. FINK: They do.

2 THE COURT: We had a brief comment about
3 the fact yesterday that we are not going to try to
4 start this afternoon. We will start tomorrow
5 morning with opening statements. If you look out
6 the window, I think there is an additional reason
7 for that. So is there anything that needs to be put
8 on the record and/or anything for which you will
9 need me in preparing for tomorrow morning?

10 I see a table has already been set up. I
11 think I have asked, but I think Mr. DeVore, you're
12 planning, unless something changes drastically, to
13 give your opening statement right after the state.

14 MR. DEVORE: That's right.

15 THE COURT: What else might we need to do
16 at this point? Mr. Fink?

17 MR. FINK: I have made arrangements with
18 court security to bring our exhibits up.

19 THE COURT: All right.

20 MR. FINK: We will likely set up our
21 computer and try it at the same time this afternoon.

22 THE COURT: Good.

23 MR. FINK: So hopefully it will be ready
24 to go.

25 THE COURT: You bet. Mr. DeVore, anything

1 from you?

2 MR. DEVORE: No, Your Honor.

3 THE COURT: Okay. Then we will be ready
4 to go. It would be my intent to have the jurors in
5 the courthouse at 8:30, and in the courtroom at
6 9:00. That's the message I want them to be given.
7 I want also any electronic devices, cell phones, et
8 cetera, to be left in the jury assembly room. So
9 that message needs to be understood by security and
10 by the jury coordinator. So I think that will allow
11 us to move forward.

12 MR. DEVORE: I do have one question.

13 THE COURT: Go ahead.

14 MR. DEVORE: On the order of the
15 alternates, so if somebody drops out, then Ms. --
16 the alternate juror number 39 would be the first to
17 fill in.

18 THE COURT: That would be my practice to
19 go right down the line; 39, 47, 51. Thank you.

20 MS. KREUSER: Thank you, Your Honor.

21 MR. FINK: Thank you.

22 (Proceedings concluded.)

23

24

25

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

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REPORTER'S CERTIFICATE

I, DEBORAH L. FOSTER, do hereby certify that the above and foregoing transcript, consisting of the preceding pages, is a correct transcript of my stenographic notes and is a full, true, and complete transcript of the proceedings to the best of my ability.

Dated: October 25, 2018.

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