

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

7

8 Stephen Carl Allwine,
9 Defendant.

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11 The above-entitled matter came duly on for
12 Jury Trial before the Honorable B. William Ekstrum,
13 one of the Judges of the above-named Court, on the
14 23rd day of January, 2018, at the Washington County
15 Judicial Center, City of Stillwater, County of
16 Washington, State of Minnesota.

17 * * *

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

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

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

25

1 (The jury entered the courtroom.)

2 THE COURT: Everyone have a seat. Start
3 by my thanking you for your patience and
4 cooperation. We get hit by this snowstorm.
5 Minnesota ought to be used to these things, but we
6 are maybe not as used to them as we are, so it
7 causes road problems. For some it causes kid
8 problems in terms of getting to school, and I
9 understand that.

10 Most of you, actually, were here early,
11 and I appreciate that. Some may have a little
12 problem getting here on time. I am thanking you for
13 your attention, and I am also thanking you for your
14 patience. So here we go.

15 Would you now stand so that you can be
16 sworn as a jury.

17 (Whereupon, the clerk administered the
18 jurors the oath.)

19 THE COURT: Please be seated.

20 Would the attorneys approach, please.

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

23 THE COURT: All right. Members of the
24 Jury: This trial is about to begin. You have now
25 been sworn in. It is important that you, Members of

1 the Jury, be able to see and hear everything that
2 takes place during the trial. So if you have any
3 difficulty hearing or understanding what a witness
4 is saying, or if a witness or an attorney should
5 block your view, raise your hand immediately so we
6 can correct the problem.

7 Now, here are some basic rules about your
8 job as a juror. Your job will be to find out what
9 the facts are in this case by considering the
10 evidence. As Judge, I will apply the rules of
11 evidence, and tell you what you can and cannot
12 consider as evidence.

13 Evidence can be what witnesses say on the
14 stand. This is called testimony. Evidence can be
15 items like photographs and documents. These items
16 are called exhibits. Evidence can be facts that the
17 parties agree on. This agreement is called a
18 stipulation.

19 The following is not evidence. Nothing
20 the attorneys say during the trial, including
21 opening statements and closing arguments, is not
22 evidence. However, listen to any statements the
23 attorneys make. Those statements are made to help
24 you better understand the evidence. The attorneys'
25 questions are not evidence. The witnesses' answers

1 are.

2 Objections are not evidence. Attorneys
3 may object if they think a question or answer is
4 against the rules. I will sustain the objection if
5 I think it is against the rules, and then you should
6 ignore this question or answer. If I overrule the
7 objection, the answer is evidence like the rest of
8 the witness's testimony.

9 You cannot consider anything you hear or
10 learn about this case outside this courtroom. You
11 must follow the instructions on what you can
12 consider as evidence.

13 Now, you do have notepads and pencils, I
14 believe, so you may take notes during the trial.
15 You do not have to take notes. Do not let your note
16 taking distract you. The most important thing is to
17 listen to the testimony as you hear it. Your notes
18 must stay in the courtroom during the trial. That
19 means even when you go on a break. You must take
20 them -- you may take them into the jury room during
21 deliberations. That's at the end of the trial. Use
22 your notes as an aid to your memory, and not as a
23 substitute for your memory. Fit the notes in with
24 your total recollection of the facts. A written
25 note does not necessarily make a piece of evidence

1 more important whether you, or another juror wrote
2 it down.

3 Wait until you have heard all of the
4 evidence before you make up your mind. Your best
5 guide is your own good judgment, experience and
6 common sense. You must decide what testimony to
7 believe and how much weight to give it.

8 In deciding this, you may consider the
9 following: Will a witness gain or lose if this case
10 is decided in a certain way? What is the witness's
11 relationship to the parties? How did a witness
12 learn the facts? How did he or she know, remember,
13 and tell the facts? What was his or her manner?
14 What was his or her age and experience? Did the
15 witness seem honest and sincere? Was the witness
16 frank and direct? Is the testimony reasonable
17 compared with other evidence? Are there any other
18 factors that bear on believability and weight?

19 You must decide the facts. You and only
20 you can decide the facts. Do not take anything I
21 say or do as a sign of what the verdict should be.
22 Once the facts are decided, you must follow the law.
23 You must follow the law even if you don't agree with
24 it.

25 I am now going to instruct you about the

1 rules on how to act now that you are a jury member.
2 Before I do, I want to tell you why you must follow
3 these particular rules. The Minnesota Judicial
4 System has developed a number of rules, including
5 Rules of Procedure, and Rules of Evidence on how to
6 conduct a trial. The purpose of all of these rules
7 is to insure that each side receives a fair trial.
8 It is your duty to decide what the facts of the case
9 are at the end of the trial. You must limit
10 yourself to what you hear and see in this courtroom
11 during the trial. If you do not do so, then you
12 will be denying one side or the other the fairness
13 that this trial tries to guarantee. Your failure to
14 follow the rules that I am about to give, may result
15 in an unjust outcome, and may require this case to
16 be tried again.

17 Here are the rules: Do not let outsiders
18 influence you. This includes family members, and
19 friends, and anyone else who is not actually
20 involved in this trial. Do not discuss this case
21 with other jury members during the trial, you will
22 have plenty of time to do this at the end of the
23 trial. Once you have all of the evidence, and I
24 have sent you to the jury room with my instructions
25 and the verdict forms.

1 Do not talk to anyone involved in this
2 case. The defendant, the lawyers, the witnesses.
3 If anyone tries to discuss this case with you
4 outside the courtroom, report this to me.

5 When you go home during the trial, do not
6 talk to your family, friends, or others about this
7 case. You may tell them that you are a juror on a
8 criminal case, and that is all you should tell them.
9 Do not have any electronic equipment with you in the
10 courtroom. Even if it's shut off. Do not report
11 your experiences as a juror while the trial and
12 deliberation are going on. In this electronic age,
13 do not email, blog, tweet, text, or post anything to
14 Twitter, Facebook, MySpace, LinkedIn, Google,
15 YouTube. All of the names that I haven't even heard
16 of other social networks working sites about this
17 trial, even if I have not specifically mentioned
18 them. Do not visit any chat rooms where this case
19 may be discussed. Do not read or listen to news
20 reports on newspapers, magazines, radio, television,
21 pod casts, or other media, internet, anything about
22 this case.

23 Do not do your own investigation. Do not
24 ask people about this case. Do not visit any of the
25 locations mentioned in the trial. Do not use

1 internet map applications, or any other mapping
2 device to view the location. Do not research
3 anything about the case including the issues,
4 evidence, parties, witnesses, location, or the law
5 through any form of written print, electronic or
6 internet media.

7 Do not create your own demonstrations or
8 reenactments of the events, which are the subject of
9 the case. Keep an open mind until you have heard or
10 seen all of the evidence. Remember you cannot
11 consider anything you hear, or learn about this case
12 outside of this courtroom. If you do not follow
13 these instructions, you may jeopardize the trial.
14 This may require the whole trial to be redone and we
15 will have to start over. You may also be penalized
16 for your misconduct.

17 You'll also note that I repeated an
18 instruction. I will be repeating some things to you
19 during the trial. That is not just to be
20 repetitive, it is because I consider them to be
21 important and worthy of repeating.

22 If you become aware that another juror may
23 have violated any of these rules, you must report it
24 to me. I know this can be a difficult thing to do,
25 but in order to preserve the fairness that is

1 guaranteed to the parties, everyone involved, it is
2 very important that you do so.

3 These rules will apply until I dismiss you
4 from this case. I will also repeat these rules when
5 we take a break, at least some of them, and when you
6 leave at the end of the day. I do not do this to
7 insult you or because I don't think you are paying
8 attention. I do this because I understand that in
9 this age of electronic communication, it is a
10 natural impulse for all of us to look things up. To
11 discuss the things we are doing with our friends,
12 and to post our activities on the Internet. It is
13 not, however, an impulse we can follow during the
14 course of the trial regarding what we have seen in
15 the trial.

16 Once we have completed the trial, and you
17 have given your verdict, and I have discharged you
18 from the case, you will be free to do any research
19 you choose, or share your experiences either
20 directly, or through your favorite electronic means
21 all you want.

22 Please make a mental note of the seat in
23 which you are now sitting. Please keep that seat
24 throughout this trial.

25 I will attempt to maintain a reliable

1 schedule as it relates to this case, although there
2 are sometimes reasons for the schedule to vary. I
3 will normally want to begin in the courtroom at 9:00
4 in the morning every day. That delayed a bit today,
5 but that's my goal, and that's my intent.

6 So unless I tell you differently at the
7 end of the day, please arrive at the jury assembly
8 room by 8:30 in the morning. That will allow you to
9 put away any personal items and ready yourself for
10 the day's work.

11 I normally will direct the attorneys to be
12 here at 8:30 which will allow me to meet with them
13 to discuss any trial management issues, so we can
14 begin promptly at 9:00. We will take at least two
15 15-minute breaks each day. One in the morning and
16 one in the afternoon. We will also have a break for
17 lunch. Other breaks may occur if discussions become
18 necessary with the attorneys. In any event, we will
19 try to end each day at 4:30 p.m. to allow you to
20 meet your personal and family obligations. I
21 certainly will give you notice if there is any
22 variance from these times.

23 This is repeated again, but I also ask
24 that you not have any electronic equipment with you
25 in the courtroom even if it is shut off. That

1 includes cell phone, iPods, iPads, or any other
2 electronic device. If you do bring such item to the
3 courthouse, please leave it in the jury assembly
4 room. You can coordinate that with the jury
5 coordinator and/or the security people.

6 Members of the jury panel, each of the
7 attorneys are now given an opportunity to make an
8 opening statement to you. The defendant's attorney
9 may choose to make his opening statement at the
10 completion of the state's case. I remind you that
11 the statements of the attorneys are not themselves
12 evidence.

13 Prosecution may proceed with an opening
14 statement.

15 MS. KREUSER: Thank you, Your Honor.

16 Good morning, Ladies and Gentlemen of the
17 Jury.

18 I got the chance to meet all of you, see
19 all of you, in the jury selection process. But to
20 again remind you, my name is Jamie Kreuser, and I am
21 one of the two attorneys who represent the state of
22 Minnesota in this matter.

23 On the evening of Sunday, November 13,
24 2016, nine-year-old Joseph Allwine walked into his
25 home in Cottage Grove followed by his father. As he

1 walked into the home, he turned around and he said
2 to his father, why is mommy laying on the floor?
3 His mother, 43 year old Amy Louise Allwine, lay on
4 her back on her bedroom floor in a pool of blood. A
5 single gunshot wound to her head. Her lifeless eyes
6 were fixed upward.

7 Who would want to do this? Who would want
8 to? She was a mother. She was a friend. She was a
9 sister, a daughter. She was a dog owner. A dog
10 lover. She owned her own business training them.
11 She was, as you will learn, a genuinely nice woman.
12 She was a faith filled woman. And she was a wife.

13 So who would want to do this? You will
14 learn someone who did not want to be married to her
15 anymore. Stephen Allwine. The defendant. You will
16 learn he wanted to do this. How did this
17 defendant's desire to not want to be married to Amy
18 Allwine anymore evolve? How did it already play
19 out?

20 It probably all started back in 2015. The
21 defendant was counseling married couples in his role
22 as an elder in his church. The United Church of God
23 he and Amy Allwine attended in Newport. And the
24 defendant grew up in this faith. You will learn
25 that it was very important to him. And his position

1 in the church, you will also learn, was very
2 important to him.

3 He was an active member his whole life.
4 He became what's called a Deacon, and ultimately, he
5 was given the title of Elder. In this capacity he
6 gave sermons. He counseled members and he even
7 traveled to give sermons and spread the word.

8 And through this role as Elder and
9 counseling married people, Stephen Allwine came to
10 learn about a dating website. A dating website
11 called Ashley Madison. This website, in particular,
12 is a dating website for people who are married
13 seeking affairs.

14 So after hearing about this website,
15 Ashley Madison, the defendant too signed up for
16 service on it. Through this site, you will learn
17 that he met at least two women. One with whom he
18 began an affair, and that lasted into 2016.

19 So while the defendant was seeking,
20 meeting, dating different women on the internet, he
21 was also accessing a portion of the internet called
22 the Dark Web. You access the Dark Web in a
23 different way than you access regular internet. You
24 use a connection called Tor, T-O-R, also known as
25 the onion router. That gets you onto the Dark Web.

1 You need it to get onto the Dark Web.

2 Because activity on the Dark Web is very
3 difficult to monitor or trace, unlike open source
4 internet that we use every day, both legal and
5 illegal activities take place there on the Dark Web.
6 And you will learn, in evidence, that the
7 defendant's activities on the Dark Web were highly
8 illegal. He assumed a persona, a user name
9 dogdayGod.

10 What did the defendant do as dogdayGod on
11 the Dark Web? You will learn that he found a web
12 site there. This web site was called the Besa
13 Mafia. Now, the Besa Mafia on the Dark Web claimed
14 to run a group of hitmen. Hitmen who you can hire
15 to assault or kill other people. They do that for
16 money. But that money needs to be untraceable
17 because you can't, after all, pay a hitman with your
18 credit card.

19 But how can money be untraceable on the
20 Dark Web? You use an electronic form of currency
21 called Bitcoin. You will learn more about the Dark
22 Web, Tor, Bitcoin, the Besa Mafia and dogdayGod as
23 this trial continues.

24 You will also learn that the defendant, as
25 dogdayGod entered into a series of messages between

1 himself and the Besa Mafia. The defendant as
2 dogdayGod, provided the description of Amy Allwine,
3 his wife. He provided a description of what she
4 looked like. He provided information where she was
5 going to be traveling for her dog business, for dog
6 training out of state. He provided information even
7 about some day to day whereabouts of her. He did
8 this because the defendant, you will learn, wanted
9 the Besa Mafia to kill his wife.

10 The defendant initially paid the Besa
11 Mafia \$6,000 in Bitcoin to do it. When the Besa
12 Mafia told him that they were going to need more
13 money, the defendant paid more money. During the
14 time you will see that these messages between the
15 defendant and Besa Mafia was happening, the
16 defendant was also actively searching and buying
17 Bitcoin. Why? Because he needed it to pay the Besa
18 Mafia.

19 You will see these messages in evidence
20 between the defendant as dogdayGod and the Besa
21 Mafia. You will see, also, in these messages how
22 the Besa Mafia strung him along. Made excuse after
23 excuse as to why this hit couldn't be done time and
24 again. Why each planned hit, assassination attempt,
25 murder attempt of Amy Allwine didn't happen as the

1 defendant had requested, plotted and planned.

2 Ultimately frustrated by the Besa Mafia's
3 lack of follow through on this hit on Amy Allwine,
4 the defendant turned elsewhere, but not before
5 making a fatal mistake. He left evidence of a
6 unique Bitcoin code on his iPhone. That is the very
7 same unique Bitcoin code that you will see dogdayGod
8 posted to the Besa Mafia in connection with the hit
9 on Amy Allwine. That's how you will learn and know
10 that the defendant is dogdayGod.

11 But the defendant was not done with the
12 Dark Web when the Besa Mafia hit didn't happen. He
13 continued activity as dogdayGod on the Dark Web
14 seeking a drug. A drug called scopolamine.
15 Scopolamine is therapeutically used commonly in
16 patch form you will learn to treat nausea from sea
17 sickness, or anesthesia, or if you have a certain
18 illness.

19 However, when administered in very high
20 dose, scopolamine leaves a person feeling dizzy,
21 drowsy, dry mouth, experiencing vertigo. It can
22 render an individual helpless. Ultimately, when
23 that Besa Mafia hit didn't happen, the defendant
24 chose another route, you will learn.

25 The defendant on July 24th, and July 31st

1 of 2016 sent Amy Allwine two anonymous emails. You
2 will learn that these emails, the sender essentially
3 made up a story posing to be someone who was
4 incredibly angry with Amy Allwine for ruining their
5 life. So angry was this sender, that the sender
6 told Amy Allwine to kill herself. The sender
7 suggested multiple ways that Amy could do that; jump
8 off a bridge, poison yourself, even shoot yourself.

9 The sender threatened if Amy Allwine
10 didn't do this, the sender would systematically kill
11 those Amy loved the most. Her mother and father,
12 her sister, her brother, her son, and her husband.
13 The sender included facts that showed Amy Allwine
14 that she was perhaps being watched. The sender
15 included facts about those loved ones listed in her
16 email, names and addresses. The sender said that
17 they got those names and addresses of Amy's loved
18 ones from a web site called Radaris.

19 You will learn in the course of this trial
20 that the defendant's computer accessed Radaris just
21 days before these emails were sent. You will also
22 learn that these two emails were sent using
23 anonymizing email software. This one was called
24 Guerrilla Mail. You will also learn how the
25 defendant's laptop, his MacBook Pro also accessed

1 Guerrilla Mail.

2 Now, during this time of these threats on
3 Amy Allwine's life through the Besa Mafia and her
4 receiving these anonymous threatening emails, the
5 FBI had been alerted to the Besa Mafia activity on
6 the Dark Web about Amy Allwine. So the FBI alerted
7 Stephen and Amy Allwine explaining to them what they
8 had uncovered.

9 And you will learn that Amy Allwine was
10 just as perplexed as law enforcement as to who would
11 want to do this to her. She could offer them no
12 leads. The FBI talked to many people in Amy's life;
13 her family and her friends. No one could offer any
14 leads.

15 So who would want to do this? It was
16 November 13th, 2016. It was a Sunday. Amy Allwine,
17 the defendant, and their 9 year old son, Joseph,
18 were at home, at their home, in Cottage Grove. The
19 defendant said that he got up that morning about
20 5:50 a.m. and went downstairs to his home office to
21 work.

22 Now, it's important to explain that the
23 defendant is an IT specialist. Information
24 Technology. He has been working in this capacity,
25 Information Technology, computer usage, for over 20

1 years. You will learn that the defendant knows
2 computers.

3 The basement, his home office, was full of
4 laptops, iPhones, computer equipment, cords, travel
5 drives, servers. You will see pictures of that. In
6 all, law enforcement and forensic specialists
7 eventually reviewed and went through 66 electronic
8 devices taken from Stephen Allwine's home after Amy
9 Allwine's death.

10 Now, the defendant said that after he went
11 downstairs and was working, he came up for
12 breakfast. He had breakfast with Amy Allwine and
13 Joseph at about 10:00 a.m. He said that after
14 breakfast, he went back downstairs and continued to
15 work until about lunchtime. Came up at about 12:00,
16 12:15. He said that he had lunch with Amy Allwine
17 and Joseph. He went back downstairs again, and
18 continued to work. He also said that around
19 lunchtime that Amy Allwine told him that she wasn't
20 feeling well. That she was feeling dizzy. She
21 wanted to lie down.

22 Also around this time, Amy's father,
23 Charles Zutz, had come over to the Allwine
24 residence. He was finishing work that he had
25 started just a few days before, that Friday before,

1 and it was a Sunday. He was helping Amy Allwine
2 install a dog door. Amy Allwine, this was in line
3 with the person that she was. She had two dogs. A
4 Newfoundland and an Australian Shepherd. Great big
5 dogs. Like I told you, she was a dog trainer and a
6 business owner of the same.

7 You will hear from her father. He will
8 tell you that he was very close -- he and his wife
9 were very close with Amy Allwine. He often came
10 over to her residence to help her with things. So
11 Mr. Zutz came over. He finished installing the dog
12 door and then he spoke with the defendant.

13 The defendant told him that Amy wasn't
14 feeling well, and that she was lying down in their
15 bedroom. So Charles Zutz not seeing his daughter,
16 just learning that she wasn't feeling well through
17 the defendant, decided to leave since he completed
18 his work. So he got in his blue Honda CRV and
19 started driving from the Allwine residence in
20 Cottage Grove back to his home in Woodbury. But not
21 five minutes later, you will learn, the defendant
22 called Charles Zutz, his father-in-law, Amy's dad,
23 and he asked him to come back. He asked him to pick
24 up their 9 year old son, Joseph, because Amy was
25 feeling so poorly he was going to take her to the

1 doctor's office. So Charles Zutz came back to the
2 Allwine residence. Got Joseph and took him to his
3 house.

4 That was approximately 2:00 in the
5 afternoon. No one else was in the Allwine home that
6 afternoon. No one else, except the defendant who
7 stated, at this point, that Amy Allwine decided she
8 didn't want to go to the doctor. So he said that he
9 went back downstairs and continued to work for the
10 duration of the afternoon periodically checking on
11 his wife.

12 Now, it is important to note, that as I
13 explained to you, you will learn the defendant was
14 employed by two companies for which he did IT work.
15 When law enforcement talked to those two companies,
16 they learned that the company said that the
17 defendant performed absolutely no work functions or
18 actions for either of the two companies for the
19 duration of November 13th. What else was he doing
20 then?

21 Fast forward to about 5:00 in the
22 afternoon. The defendant said that at about that
23 time he came upstairs from working, and he said that
24 Amy Allwine was awake. Her face was flushed, but
25 she was awake. He said that she was in their

1 bedroom kneeling by their bed, praying. Said that
2 this wasn't entirely uncommon for Amy to do, so he
3 said that he was going to leave and go pick up
4 Joseph from Charles' residence. He said that he
5 left Amy Allwine kneeling by her bed praying at
6 5:29 p.m.

7 On his way to get Joseph, the defendant
8 realized that he was low on gasoline. So he stopped
9 at the SuperAmerica. He went to Charles Zutz's
10 house, got Joseph, and then took Joseph to Culvers.
11 You will learn that Stephen Allwine was sure to keep
12 both of his time stamped receipts from SuperAmerica
13 and Culvers in that window of time.

14 The defendant and Joseph arrived back home
15 to their house at 6:58 p.m. In all, the defendant
16 was gone for 1 hour and 27 minutes. The defendant
17 sent his son ahead into the house where Joseph found
18 his mother. Found his mother dead. A 9 millimeter
19 handgun. The Allwines' 9 millimeter handgun leaned
20 against the inside elbow of Amy Allwine's left arm.

21 The defendant said that he looked into the
22 bedroom and saw his wife, saw blood, and so he
23 called 911. You will hear that telephone call. The
24 police were dispatched. Her parents, her friends,
25 and even the defendant told them that Amy was not a

1 suicidal person. She had a son that she cherished.
2 She had a dog business that she was so proud of, and
3 worked so hard for. She was a committed believer in
4 her faith. A faith that did not condone suicide.

5 The Minnesota Bureau of Criminal
6 Apprehension, or BCA, as you will come to hear in
7 this trial. They brought in their crime scene team.
8 You will hear how when they were brought in, how all
9 possible signs of a suicide quickly disappeared.

10 Furthermore, the Ramsey County Medical
11 Examiner performed an autopsy on Amy Allwine. They
12 found a near contact gunshot wound to her right ear.
13 It had a slight back to front, and up to down
14 projectory. The medical examiner found no visible
15 soot on Amy Allwine's hands. You would typically
16 find that if someone had shot a gun. They also
17 found no brain or blood matter on her hands.

18 The BCA crime team found something else on
19 the wooden floor just outside of the master bedroom
20 where Amy Allwine was shot to death. They found
21 what appeared to be a freshly cleaned area, complete
22 with what appeared to be swipe marks, a residue you
23 can see almost.

24 The crime scene team applied luminal to
25 that area. Luminal is a chemical used to detect the

1 presence of blood that cannot be seen by the naked
2 eye. And indeed, the crime scene team uncovered a
3 large area of blood. Blood that it appeared someone
4 tried to clean up. But not everything was cleaned
5 up.

6 You will see photographs, blood had
7 dripped through the floorboards there. Blood was
8 found spattered low on the wall next to that area.
9 And as you can see, there were bloody footprints
10 from either bare feet or socks leading to different
11 places in the Allwine home, all the way up to the
12 laundry room sink.

13 So who could have cleaned this up? As a
14 result of this information, the Ramsey County
15 Medical Examiner changed the cause of Amy Allwine's
16 death from undetermined to homicide. Further
17 testing of Amy Allwine's blood and stomach contents
18 showed a high concentration of the drug called
19 scopolamine. She had eight times the therapeutic
20 dose in her system at the time of her death.

21 Law enforcement and medical personnel
22 confirmed that Amy Allwine never had a prescription
23 for the drug scopolamine in her life.

24 The medical examiner, Dr. Kelly Mills, the
25 woman who did the autopsy, will testify and tell you

1 that she can't give a time of death, but she will,
2 through her testimony, tell you that through the
3 investigative file and through her own findings,
4 that Amy Allwine was killed within three hours of
5 consuming her last meal, which we know was about
6 12:00, to 12:15 that day.

7 So 12:00, 12:15, three hours, 3:00, 3:15.
8 This is the span of time when only one other person
9 was present. Who was in the home? The defendant.
10 No one else.

11 So again, who would want to do this? Who
12 would want to kill this woman, this mother? A lover
13 of dogs, a friend, a daughter and a sister, a wife.
14 The state submits that you will learn the defendant
15 wanted to.

16 You are going to learn that Stephen
17 Allwine did not want to be married to Amy Allwine
18 any longer. He was seeing other women, but he
19 didn't want to divorce her. Not with his position
20 in the church. Not as an Elder. Not as a longtime
21 dedicated member of his church.

22 Now, the state doesn't have to prove
23 motive in the case. It's not an element of a crime.
24 But the state gives you motive regardless, and
25 perhaps no one will ever fully know why, or

1 understand why Stephen Allwine chose the way that he
2 did. But we do know some things.

3 You will learn, and come to know, that the
4 defendant was dogdayGod. He plotted and planned to
5 have Amy Allwine assassinated. How will you learn
6 that? Because you will hear that in a search of
7 Stephen Allwine's MacBook Pro computer, after Amy
8 Allwine's death, the authorities took that and
9 searched it. And forensic experts located a backup
10 to Stephen Allwine's iPhone on his MacBook Pro. You
11 can think of backup as sort of a mirror image. A
12 mirror image of what was happening on the iPhone,
13 backed up onto his MacBook Pro.

14 An expert found a note from the iPhone,
15 created on the iPhone. And the note contained a
16 code. But not just any code. As I said, it
17 contained a Bitcoin code. A unique Bitcoin code.
18 Bitcoin codes are so unique, that they are virtually
19 impossible to replicate.

20 So this code, as I said, was found one
21 other place by authorities. It was found posted by
22 dogdayGod on the Besa Mafia web site. This
23 ultimately verifies that Stephen Allwine was, and
24 is, dogdayGod. The person who wanted Amy Allwine
25 dead, and the person who killed her. No one else.

1 So accordingly, you will learn that the
2 defendant planned the murder of his own wife for a
3 long time, and in multiple ways.

4 First, he tried to hire someone on the
5 Dark Web. He planned for it, and he paid for it
6 time and again. And when that didn't happen, he
7 planned more. He sought and poisoned Amy Allwine
8 with a drug called scopolamine to incapacitate her,
9 and to render her helpless. Then he used their own
10 gun to shoot her, trying to make it look like a
11 suicide in line with those two anonymous emails he
12 sent her. No one else would do this.

13 Stephen Allwine premeditated, planned,
14 plotted, and ultimately executed the death of Amy
15 Allwine by placing the barrel of that 9 millimeter
16 in her ear and pulling the trigger. You will find
17 that this is First Degree Murder.

18 Ladies and gentlemen: Please listen to
19 all of the testimony and the witnesses carefully.
20 The state's burden, beyond a reasonable doubt, is a
21 high standard. You have already heard this perhaps,
22 and you will hear it again. But that is the state's
23 duty, and the state fully embraces that. It brought
24 these charges because it believes it will deliver
25 the evidence to you that meets that burden.

1 At the end of this trial, the state will
2 have an opportunity to talk with you one more time.
3 We will review all of the evidence that you heard in
4 the course of this trial. The evidence that you
5 will be instructed by Judge Ekstrum to use. And at
6 that time, the state will ask that you find the
7 truth. The truth about Amy Allwine's tragic and
8 senseless death, and the truth about who caused it.
9 At that time the state will ask that you return a
10 fair verdict. The state will ask that you return a
11 verdict finding the defendant, Stephen Allwine,
12 guilty of First Degree Premeditated Murder.

13 Thank you, very much.

14 THE COURT: Does the defense wish to
15 proceed with a statement at this time?

16 MR. DEVORE: Yes, Your Honor.

17 THE COURT: You may proceed.

18 MR. DEVORE: Sounds like an amazing story.
19 Sounds like a TV show or a movie. But this is not a
20 TV show. And we are not going to be done in an hour
21 and have the case all wrapped up. TV shows don't
22 have burden of proof. TV shows make assumptions,
23 they take commercial breaks, and they come back and
24 they have things that have jumped to the next scene.

25 But in this courtroom, we have a thing

1 called the burden of proof. And the burden of proof
2 rests solely on the state. That is proof beyond a
3 reasonable doubt. That's their burden to prove all
4 of these amazing things that counsel just told you
5 about.

6 Now, what you are going to hear in this
7 case. You are going to hear a lot of theories, a
8 lot of assumptions, and you're going to hear
9 speculation. You are going to hear theories with
10 gaps. You are going to hear assumptions to bridge
11 those gaps. And you are going to hear speculation
12 without proof.

13 This is not a movie. It is not a TV show.
14 This is real life.

15 What we won't see in this case, we won't
16 see any fingerprints. There won't be any offering
17 of proof, or any evidence of a fingerprint that was
18 picked up. We won't see any DNA evidence that links
19 the defendant to any of this. We won't hear any
20 confessions of the defendant in a statement to a
21 neighbor, a friend, a police officer. We are not
22 going to hear any eye witnesses from the state. We
23 are not going to have any recordings capturing any
24 of the crime. None of the traditional evidence.

25 Instead what the state is going to use is

1 a computer analyst, and a bunch of distractions to
2 make its case.

3 Now, the computer analyst. The guy named
4 Mark Lanterman. Now, Mark Lanterman runs his own
5 business. Real smart guy. Testified hundreds of
6 times. He's part of a bunch of associations. He's
7 given speeches on all kinds of computer stuff. And
8 he's made a nice living working for the state, and
9 testifying for the police and the prosecution over
10 the years.

11 But amazingly, Mark Lanterman is going to
12 do this for free. He heard about the case, and he
13 reached out to the state, and he said, I want to
14 make sure this is done right. The same criteria
15 that the judge gave you to evaluate the credibility
16 of a witness can be used not only for the
17 defendant's witnesses, but also for the states.

18 Remember the criteria that the judge gave
19 you. What motivation does a person have when they
20 testify in this court? You get to determine the
21 weight of the credibility of every witness,
22 including Mark Lanterman.

23 Now, Mark Lanterman claims that he cracked
24 the code. It's a code that the FBI couldn't crack.
25 He did it in a few weeks. They took months and they

1 couldn't find anything. Neither the FBI, nor the
2 Cottage Grove Police could have done what apparently
3 he claims to have done in a couple of weeks. Why is
4 that? How is that? Does he have more money than
5 the FBI? Does he more resources than the FBI?
6 Questions that you can consider when you determine
7 the credibility of his testimony.

8 Now, what did the FBI and Cottage Grove
9 do? They had an active investigation going on in
10 this case for months. The FBI found a threat on the
11 Dark Web against Amy Allwine in the spring or summer
12 of 2016. They reached out to the Allwines and told
13 them about this threat. They advised the Allwines
14 to take security measures. Get a security system.
15 Maybe even get a gun to protect the family. Okay.
16 They were working on this case.

17 They interviewed Amy multiple times. They
18 had constant contact with Amy. There were emails
19 going back and forth between Amy and the FBI special
20 investigators. There are two of them. You'll hear
21 from one. And they had constant -- it was an open
22 communication line. They asked her all kinds of
23 questions. Who it might be, what she knew. They
24 analyzed everything. Just like you would expect the
25 FBI to do.

1 Now, they also examined the Allwine's
2 electronics. They took those computers. They took
3 those cell phones. They looked at them. Nothing.
4 They interviewed witnesses, possible suspects. They
5 really canvased the area to try to figure out what
6 this was all about. Followed up on all of the
7 leads. But they were not able to come up with any
8 answers. They were unable to crack the code.
9 Unable to link it to anyone. Cottage Grove unable
10 to crack the code. Unable to link it to anyone.
11 Lanterman comes along, offers to do this for free,
12 right? And says, I cracked the code. I figured
13 this out. How is that?

14 Now, that's the state's case. That's it.
15 They are going to try to prove their case through a
16 computer analyst. The rest of the stuff is
17 distraction. Right? All this stuff about affairs,
18 right? Bottom line is, the state is going to try to
19 introduce evidence of affairs, and they're going to
20 say that is a motive. They are going to say that if
21 he had an affair, he can commit a murder. But the
22 reality is, just because he had an affair, does not
23 mean that he committed a murder. Doesn't even mean
24 that he doesn't love his wife.

25 The reality also is that Steve Allwine,

1 himself, ended these relationships. Angela
2 Richardson, you will probably hear testimony from
3 her. That was over in 2014. Autumn Hamilton. That
4 was one dinner in 2015. And Michelle Woodard. You
5 will probably hear from her. That ended in February
6 of 2016 because Steve Allwine said, I don't want to
7 do this anymore. It doesn't feel right. Nine
8 months before Amy passed. These are red herrings.
9 These are distractions.

10 Another distraction you're probably going
11 to hear about. You're going to hear this discussion
12 about a wood burner. The Allwines heat their home,
13 in part, with a big wood burner. It's outside their
14 house. They fill it with wood, and it heats their
15 home. It also heats a huge arena. A pole barn. A
16 4,000 square foot pole barn that Amy uses to hold
17 her dog training classes.

18 She's got people coming and going,
19 especially on the weekends. They don't check in
20 with her. They just have their appointments, and
21 they can go and they can train and they can do all
22 of their stuff. They have obstacles. There is
23 various different things for the dog work that they
24 do in that arena. That arena is windowless. Right.
25 When the arena is cold, it stays cold. If it's

1 chilly at night, it's chilly during the day.

2 Now, you're going to hear from Gayle
3 Hunter. She is a dog trainer person. She was there
4 early in the morning. 8:30 she gets there. She will
5 tell you that it was chilly. Why do I make a big
6 deal about whether it's chilly? I'll tell you why
7 in a minute. She saw Steve loading the wood burner
8 with wood. No big deal.

9 And you will also hear evidence of
10 Community Service Officer Bobick who went in after
11 they were on the scene. He went in and checked the
12 ashes. He confirmed that it was all wood ashes.
13 Why is this a big deal? Because the state will
14 probably bring a guy named Troy Larson in. He's a
15 neighbor. And Troy is going to tell you that on
16 13th of November it was a warm day, and he decided
17 he wanted to work outside. He was going to clean
18 his pond, or something like that.

19 He is going to say that he didn't have his
20 wood burner burning, and none of the other neighbors
21 had their wood burner burning, but he saw Allwine's
22 burner going and he saw smoke coming out, thick
23 smoke. He's going to say, it didn't even smell like
24 wood. Okay?

25 He's going to say that was about 3:30.

1 Why is that important? Because the state is going
2 to try to assert that Mr. Allwine was burning
3 evidence. They didn't find any evidence in the
4 house that Mr. Allwine was connected to this, so
5 they figured that he probably burned it. Well, that
6 ain't true. The fact is, the neighbors don't have a
7 commercial business. They don't have a 4,000 square
8 foot pole barn on their property that they have to
9 keep heated. They don't have a confirmation from
10 the Community Service Officer that said that the
11 ashes were from the wood, and nothing else.

12 And we also know from another neighbor
13 that I'll talk about in a bit, Dean Cranston, who
14 saw Amy outside after 3:30. So it doesn't make any
15 sense. Again, it's a red herring. It's a
16 distraction.

17 Now, we might also hear about gunshot
18 residue, or what's called GSR. The authorities took
19 swabs of the hands of Amy Allwine. They found GSR,
20 metal particles, that are released from the
21 discharge of a firearm. They found it on both her
22 hands. They tested Steven Allwine. They didn't
23 find any on the left. They found one particle on
24 the right. Sounds incriminating, right? Well, GSR
25 can be on your hand because you shot a gun. It can

1 be on your hand because you're near somebody that
2 shot a gun. Or it can be on your hand because you
3 touched something later that had GSR on it.

4 You could touch her body, which he did at
5 the advice of a 911 dispatcher. Told him to go
6 check on her. See if he could find a pulse. If you
7 touch somebody's skin, they have gunshot residue on
8 them, you're going to have gunshot residue on you.

9 Now, do we have a complete investigation
10 in this case? Far from it.

11 You are going to learn that Officer
12 Bailey, one of the first responders on the scene, he
13 picked up the gun before any pictures were taken.
14 That picture that we saw of Amy Allwine wasn't
15 accurate and true. That was after he put the gun
16 back to where he thought it was. He picked up the
17 gun. He unloaded it. Took the magazine out, and
18 put it in the living room or the kitchen. It sat
19 there. Other officers are in and out of the house.
20 They moved her body about to check on her.

21 Then later, one of his superior officers
22 told him, go put that gun back where you think you
23 found it. So that's where he put it. That's where
24 the pictures were taken. So the pictures that you
25 see are not completely accurate. The scene was

1 contaminated.

2 There is also a foot print. We have
3 officers that found a footprint outside the bedroom
4 when they went on a big search and they photographed
5 everybody's feet. Well, it turns out that the
6 footprint is from one of the BCA agents. This isn't
7 a perfect -- this isn't a TV investigation. Stuff
8 happens. Scenes get contaminated.

9 Now, we've got solid leads in this case
10 that you are going to hear about, that Mark followed
11 up on. Solid lead. We know that two cars were
12 racing out of this neighborhood at a very critical
13 time; 5:45, 6:00 at night.

14 You are going to hear from several people
15 that were on the Allwine property. Right? You'll
16 hear from Denise Reuter. You'll hear from Jennifer
17 Watters. And they heard a car, or cars,
18 accelerating out of the Allwine property, kicking up
19 gravel to the point that they made a recollection on
20 it. They even commented on it. It wasn't just an
21 everyday occurrence, something that happens all of
22 the time. This is something that they remember.
23 This is what they told the officers a day after this
24 incident.

25 The same cars were also seen by neighbors.

1 They gave them descriptions, colors, possible make,
2 the type of cars. Two cars. A pickup and a sedan.
3 Okay. No follow up.

4 We also have evidence of the Allwine
5 network, computer network, being remotely accessed.
6 Big deal, right? Well, it was done on the 13th of
7 November at 10:45 p.m. Steve Allwine was at the
8 police station. The police had his computers. He
9 didn't have access to them at 10:45 p.m. No follow
10 up. They just let it go.

11 Now, the defense, what are we going to do?
12 We are not going to rely on theories or complicated
13 explanations. We are not going to bring in hired
14 experts to find solutions. We are not going to ask
15 the jury to take a leap of faith. Our case is
16 simple. Eye witness testimony. You are going to
17 hear from Dean Cranston, Roland Heley, Denise
18 Reuter, and Jennifer Watters. These people have no
19 skin in the game. They probably don't even want to
20 be here.

21 Dean Cranston, he's a neighbor, lives
22 across the street. Nice gentleman. Was out working
23 in his yard all day on the 13th of November. He
24 said he saw Amy Allwine between 5:00 and 5:30. He
25 changes his time a little bit, but he certainly said

1 between 5:00 and 5:30. Late in the evening -- late
2 in the afternoon. She was alone. She was moving
3 boxes around. He made note of it. He kind of
4 thought it was weird. In his head, he kind of
5 thought, well, it kind of looked like she was
6 packing up her van or something like that. But he
7 made note of it, right? This was a day after the
8 incident. This is on the 14th of November he's
9 interviewing the police telling them what he saw.

10 He also saw the two cars racing out of the
11 neighborhood and gave a description of the color,
12 make, type, what he thought they were a day after
13 this happened.

14 Roland Heley. We are going to hear his
15 recorded statement, because he is not able to be
16 here to testify himself. We are going to hear his
17 recorded statement. He said 5:30 to 6:00. He
18 witnessed a car and a pickup racing down his
19 residential street, 30 miles an hour speed limit.
20 Mentioned to his wife, they were really in a hurry.
21 He thought they must have been going at least
22 50 miles an hour. Not an every day occurrence. You
23 don't say that to your spouse when it just happens
24 and somebody drives by 30 miles an hour. Somebody
25 was hauling butt to get out of there at a critical

1 time.

2 Denise Reuter, right. She said when she
3 arrived to do her dog training she saw an SUV that
4 she didn't recognize parked in a place where most
5 people don't park. She didn't do anything about it.
6 But she just thought it was sort of odd. Right.
7 She also will testify that during the class someone
8 drove through, it was towards the end of the class,
9 that somebody drove through the parking lot, and was
10 kicking up gravel as if they were accelerating out
11 of the parking lot. She looked over at Barb, one of
12 the other instructors, or trainers, and said, what
13 was that? Not just an everyday occurrence. Not
14 just it happens all of the time. You don't say that
15 stuff if this happens all of the time. This was
16 something that happened, and it's something that she
17 told the police the day after.

18 Same thing with Jennifer Watters. She is
19 also there, working her dog at the Allwine property.
20 And around 5:45 to 6:00 she heard this car or cars
21 racing out of their parking lot. All of these
22 things are connected and they are all important.

23 Because the timeline goes like this: Dean
24 Cranston, the neighbor, sees Amy Allwine, he
25 believes between 5:00 and 5:30 p.m. Steve Allwine

1 called the Zutzes somewhere between 5:15 and 5:25.
2 He called Charles Zutz, his father-in-law, to let
3 him know I am on my way. But he also let him know
4 that I am driving Amy's car, and it's empty so I
5 have to stop and get gas. I have a printed receipt
6 from SuperAmerica. 15 minute drive. 16 gallons of
7 gas he filled up.

8 6:00, Steve's at the Zutzes house picking
9 up his son, Joe. This is the time that everybody
10 said these cars were racing out of the neighborhood.
11 6:15 they're at Culvers. 7:00 he called 911. Those
12 are all undisputed facts. That's a time line.

13 Now, keep it simple, right. Don't rely on
14 complicated theories and assumptions and
15 speculation. Listen to the witnesses. Listen to
16 the eye witnesses that were there, and they will
17 tell you a story.

18 The time line says it's impossible. The
19 neighbors and the dog trainers say, someone else did
20 this. It wasn't Steve. Steve wasn't at his house
21 at 5:45, 6:00 at night. There is no proof that he
22 hired anybody to do this. Everything the state is
23 going to throw at you is assumptions, theory, and
24 speculation. That's not good enough in this
25 courtroom.

1 When I get up here, whenever we are done
2 with this trial, I am going to remind you of these
3 facts that I went through here. I'm going to remind
4 you that the burden of proof that rests 100 percent
5 on the state, is proof beyond a reasonable doubt.

6 When you factor all of this stuff in,
7 you're going to reach a conclusion that says, you
8 didn't meet your burden. Mr. Allwine is not guilty.
9 Thank you.

10 THE COURT: We are going to take 15 minute
11 break and then proceed with testimony.

12 Members of the jury, please go with the
13 deputy.

14 (A recess was taken.)

15 THE COURT: Before the jury comes in would
16 the attorneys please approach.

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

19 (The jury returned to the courtroom.)

20 THE COURT: Please be seated.

21 Members of the jury, I have been
22 instructed that the first witness involves actually
23 a transcript of a taped conversation. So let me say
24 this to you: You will each be provided by what is
25 purported to be a transcript of the taped

1 conversation. The parties do not agree that the
2 transcripts are exact transcripts. Nor do they
3 agree what was said or what was heard from a portion
4 of the tapes in some instances.

5 The differences in understanding of
6 meaning or meaning what was said, may be caused by
7 such factors as the inflection of a voice, or
8 inaccuracies of the transcript. You should rely on
9 what you hear rather than what you read, if you find
10 a difference between the tapes and the transcripts.

11 The transcripts are provided to you to
12 assist you in listening to the tapes, and will be
13 collected from you at the conclusion of the playing
14 of each tape. The transcripts will not be available
15 to you during your deliberations to reach a verdict.

16 Now, sometimes on the tapes it appears
17 that two or more persons talk at the same time. It
18 is for the jurors to determine from the tape which
19 party talked first. The transcript is not to
20 control, the tape is to control.

21 The prosecution may proceed.

22 MS. KREUSER: Thank you, Your Honor.

23 The state calls Victoria Herrmann.

24 THE COURT: Please come forward to the
25 witness chair. Before you sit down, raise your

1 right hand to be sworn.

2 VICTORIA HERRMANN,

3 having been first duly sworn, was examined

4 and testified on her oath as follows:

5 THE CLERK: Please be seated. State your
6 full name and spell your last name for the record.

7 THE WITNESS: My name is Victoria
8 Herrmann. V-I-C-T-O-R-I-A, Herrmann,
9 H-E-R-R-M-A-N-N.

10 THE COURT: Ms. Kreuser, you may proceed.

11 MS. KREUSER: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MS. KREUSER:

14 Q Good morning, Ms. Herrmann.

15 A Good morning.

16 Q Ms. Herrmann, what is your occupation?

17 A I am a 911 dispatcher for Washington
18 County.

19 Q How long have you worked as such?

20 A A little over two years.

21 Q Can you explain your education and
22 training?

23 A I have a four year degree in Criminal
24 Justice. I have overall been a dispatcher for four
25 years with Washington County, too. I have been

1 through almost a year of training with Washington
2 County alone.

3 Q Can you explain some of your duties as a
4 911 dispatcher for Washington County?

5 A I am responsible for answering both
6 nonemergency and emergency phone calls. I am
7 responsible for giving officers accurate information
8 and full information. And dispatching them to
9 certain calls.

10 Q Were you on duty on November 13th, 2016 at
11 approximately 7 o'clock p.m.?

12 A Yes.

13 Q Did you receive a call to your dispatch
14 line at that time?

15 A I did.

16 Q Who called?

17 A Stephen Allwine.

18 Q What did he say?

19 A He stated that he believed his wife just
20 shot herself.

21 Q Are you trained to take calls like these?

22 A I am.

23 Q What did you instruct him to do upon
24 hearing that?

25 A I instructed him to check on her to see if

1 she was breathing.

2 Q Had he checked on her already, to your
3 knowledge?

4 A To my knowledge, no.

5 Q Did he do that?

6 A He did.

7 Q Can you explain what happened?

8 A He -- I asked him if he was willing to
9 check on her to see if she was breathing. He did go
10 into the room. He checked momentarily. A minute
11 later he said she was not breathing.

12 Q Okay. Did he explain what he did in
13 checking on her?

14 A No.

15 Q What was his demeanor while he was on the
16 phone with you?

17 A It went from calm to hysterical in certain
18 parts.

19 Q And was anyone else with him?

20 A His son.

21 Q When you say calm, but hysterical in
22 certain parts, can you elaborate?

23 A He started off very hysterical. I almost
24 thought he wasn't on the line at first. It seemed
25 like he couldn't get the address out. Then after

1 that, he was just very calm, but then in certain
2 parts it was almost like he would cry, or let out a
3 little cry or tear. Then he would go back to being
4 calm.

5 Q And you had said, in your testimony, that
6 a child was with him?

7 A Yes.

8 Q Did this stand out to you?

9 A It did.

10 Q Can you explain?

11 A The child was very close to the phone. I
12 could hear every word that the child was saying, and
13 it almost felt like he could hear what I was saying.
14 That's abnormal to me, because I have never had that
15 before.

16 Q Okay. Anything stand out to you about
17 what the child was doing or what he said?

18 A At one point in the conversation he did
19 ask if his dad was going to remarry.

20 MR. DEVORE: Objection, hearsay.

21 THE COURT: The question does not elicit
22 hearsay, so ask your question again so we can have
23 it answered appropriately.

24 MS. KREUSER: Sure, Your Honor.

25

1 BY MS. KREUSER:

2 Q Ms. Herrmann, was there -- you had said
3 that it stood out to you that a child was in the
4 background. Did anything that -- did anything that
5 the child said stand out to you while you were
6 taking this 911 call?

7 A I heard him say --

8 MR. DEVORE: Objection, hearsay, Your
9 Honor.

10 MS. KREUSER: May we approach?

11 THE COURT: You may.

12 (Whereupon, court and counsel had an
13 off-the-record discussion at the bench.)

14 THE COURT: Objection overruled. You may
15 answer.

16 THE WITNESS: I did hear the child ask his
17 father if he was going to remarry.

18 BY MS. KREUSER:

19 Q Did you hear anything else?

20 A Not that I can remember.

21 Q Anything the defendant said in response to
22 that?

23 A I think he said something along the line
24 of, I don't know, bud.

25 Q Anything else remarkable about this call,

1 in terms of the defendant's demeanor, or what he did
2 or did not do compared to other similar calls that
3 you've had?

4 A I felt like I was on the phone for quite a
5 long time. Typically, a minute seems like a life
6 time in these situations. He never asked if
7 responders were en route, or on their way, or close.

8 Q Okay.

9 MS. KREUSER: Your Honor, may I approach
10 the witness?

11 THE COURT: You may.

12 MS. KREUSER: Thank you.

13 BY MS. KREUSER:

14 Q Ms. Herrmann, I am showing you what's been
15 marked as Exhibit 81; do you recognize that?

16 A I do.

17 Q What is it?

18 A It's a disc of the 911 call.

19 Q How do you know that that's what it is?

20 A I have my initials on it, I heard it, and
21 I signed it.

22 Q Is it a true and accurate copy of the 911
23 call that you took on November 13th, 2016?

24 A It is.

25 MS. KREUSER: Your Honor, I would offer

1 Exhibit 81.

2 MR. DEVORE: No Objection.

3 THE COURT: It's received.

4 MS. KREUSER: Your Honor, I would ask for
5 permission to publish.

6 THE COURT: You have permission to
7 publish. Go ahead.

8 MS. KREUSER: Thank you. Your Honor, I
9 would ask for permission to distribute what's been
10 premarked as Court Exhibit A, the transcript.

11 THE COURT: You may also do that. I will
12 instruct the jury to remember what I said in my
13 earlier instructions to you. Do not rely on the
14 transcripts, they are an aid to you. They will be
15 collected after the tape is played.

16 (Whereupon, Exhibit 81 was published by
17 Audio means to the jurors.)

18 MS. KREUSER: I will collect the court
19 exhibits at this time, Your Honor.

20 THE COURT: Absolutely.

21 MS. KREUSER: Your Honor, the state has no
22 further questions for this witness. Thank you,
23 Ms. Herrmann.

24 THE COURT: Mr. DeVore.

25 MR. DEVORE: Thank you.

1 CROSS EXAMINATION

2 BY MR. DEVORE:

3 Q Good morning.

4 A Good morning.

5 Q Ms. Herrmann, on November 13th, 2016 how
6 long had you been working at the 911 dispatch?

7 A I had been working there at that time 1
8 year and 11 months.

9 Q Okay. If I understood correctly, it
10 sounds like you instructed Mr. Allwine to go check
11 on his wife; is that right?

12 A That's correct.

13 Q And it sounds as though he did that; is
14 that right?

15 A Correct.

16 Q And it sounds like he told you that the
17 last time he had seen her was roughly 5:15 or 5:30;
18 is that right?

19 A Yes.

20 Q While he was on -- while we were on -- you
21 were on the phone with him, I heard typing; is that
22 your typing in the background?

23 A Yes.

24 Q What are you doing when you're typing?

25 A I am updating my partners with all of the

1 information that he had given me.

2 Q So when you send out a call, you can do it
3 by your computer?

4 A Yes.

5 Q You don't have to put them on hold, and
6 then get on a different phone and call somebody?

7 A Correct.

8 Q Okay. When did you place the call out to
9 the officers to go to the scene?

10 A I am not sure what the time was. It was
11 -- I mean, in the length of the call, it was pretty
12 much right away. And my partners had given it out
13 to the officers to respond.

14 Q Okay. So basically, once you surmised
15 what the nature of the call was, that's when you
16 type up a notice that goes out?

17 A Correct.

18 Q Is that what you did in this case?

19 A Yes.

20 Q And can you tell from the call where the
21 call address is coming from?

22 A I did. He called off of a landline.

23 Q All right. So did you already know where
24 he was located?

25 A Yes.

1 Q And would it be safe to say that you had
2 already sent the call out to your officer to that
3 address before Mr. Allwine even gave you the
4 address?

5 A I had it typed in. It's not safe to say
6 that the officers had already received it. I still
7 had to figure out the nature of the call, once he
8 said that she shot herself, it was immediately
9 dropped.

10 Q Do you know that it was from a landline or
11 a cell phone?

12 A It was from a landline.

13 Q How do you know that?

14 A It popped up with all of his landline
15 information. When you call from a landline, it
16 gives the address and the person that it's
17 registered to right on our screen.

18 MR. DEVORE: I have no further questions.

19 THE COURT: Any redirect?

20 MS. KREUSER: No redirect from the state.
21 Thank you.

22 THE COURT: You may step down.

23 Call your next witness.

24 MS. KREUSER: Thank you, Your Honor. The
25 state calls Officer Brianna Zeterlu.

1 THE COURT: Please come forward. Before
2 you sit down, raise your right hand to be sworn.

3 OFFICER BRIANNA ZETERLU,
4 having been first duly sworn, was examined
5 and testified on her oath as follows:

6 THE CLERK: Please be seated. State your
7 full name and spell your last name.

8 THE WITNESS: Brianna Faye Lutz Zeterlu,
9 Z-E-T-E-R-L-U.

10 THE COURT: You may proceed.

11 MS. KREUSER: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MS. KREUSER:

14 Q Good morning, Officer Zeterlu. Are you a
15 state certified and licensed peace officer?

16 A Yes.

17 Q How long have you been a state certified
18 and licensed peace officer?

19 A Five years.

20 Q Can you describe your education and
21 training for the court?

22 A I have a Bachelors Degree in Criminal
23 Justice and then skills through Alexandria.

24 Q And what is skills?

25 A It's the hands on portion for law

1 enforcement for state certified.

2 Q For what jurisdiction do you work?

3 A Cottage Grove Police Department.

4 Q Have you held any other jobs in law
5 enforcement prior to working with Cottage Grove?

6 A Yes. Albert Lea Minnesota.

7 Q What did you do there?

8 A I was a police officer.

9 Q How long?

10 A Two years.

11 Q Any other jobs in law enforcement?

12 A No.

13 Q What are your duties with the Cottage
14 Grove Police Department?

15 A I am a patrol officer. A Field Training
16 Officer and Use of Force Instructor.

17 Q As a patrol officer, what are your duties?

18 A Responding to calls and then doing
19 proactive policing throughout the community.

20 Q And do you receive training specific to
21 receiving calls for service?

22 A Yes.

23 Q Do you do this as part of your regular
24 duties as a patrol officer?

25 A Yes.

1 Q Were you on duty on November 13th, 2016 at
2 approximately 7 o'clock p.m.?

3 A Yes.

4 Q Did you receive a call for service at this
5 time?

6 A Yes.

7 Q What was the nature of the call, officer?

8 A It was a level 1 medical gun shot wound,
9 unknown injuries.

10 Q What does level one mean?

11 A It's a response when we drive code, using
12 our lights and sirens. Means needs immediate
13 attention.

14 Q And did you, in fact, respond?

15 A Yes.

16 Q To what address?

17 A 7624 110th Street in Cottage Grove.

18 Q Is that in Washington County, Minnesota?

19 A Yes.

20 Q Did you respond alone, or with someone
21 else?

22 A We had multiple officers respond. Officer
23 Bailey, Bushey, Liermann, Phillips, Sergeant Nickle
24 and Sergeant Martin.

25 Q Did you arrive alone in your squad, or

1 with another officer?

2 A Alone.

3 Q What number to the scene were you?

4 A I was number one.

5 Q Upon arrival, did you exit your squad car
6 and approach the home?

7 A Yes.

8 Q What did you see?

9 A I saw a garage door open with two people
10 standing inside of it.

11 Q Do you know who those two people were?

12 A Once I made contact, it was Stephen and
13 his son, Joseph.

14 Q When you say "Stephen", who are you
15 referring to?

16 A Mr. Allwine.

17 Q Okay. Do you see him here today?

18 A Yes.

19 Q Can you explain where he is sitting and
20 describe an article of clothing that he is wearing?

21 A To the right, wearing a gray suit and
22 white shirt.

23 MS. KREUSER: Your Honor, may the record
24 reflect that Officer Zeterlu has identified the
25 defendant?

1 THE COURT: The record may so reflect.

2 MS. KREUSER: Thank you, Your Honor.

3 BY MS. KREUSER:

4 Q Officer Zeterlu, after you approached the
5 home and you saw Mr. Allwine and Joseph standing
6 there, what did you do?

7 A I inquired about the injuries and where
8 the person was located.

9 Q What did you learn?

10 A He informed me that his wife, Amy, was in
11 the rear bedroom, furthest from the garage. That a
12 9 millimeter handgun had been used, and he wasn't
13 sure of her injuries.

14 Q Did you then enter the home?

15 A I waited for more officers to arrive on
16 scene. Once Officer Bailey and Lierman arrived, I
17 decided to enter through the garage.

18 Q And who all went in with you?

19 A Initially, it was Officer Bailey and
20 Lierman, and then Officer Bushey came.

21 Q And who walked in first?

22 A Officer Bailey.

23 Q What order were you?

24 A Number two.

25 Q You were behind Officer Bailey?

1 A Yes.

2 Q And --

3 MS. KREUSER: Your Honor, may I approach
4 the witness?

5 THE COURT: You may.

6 MS. KREUSER: Thank you.

7 BY MS. KREUSER:

8 Q Officer Zeterlu, I am showing you what's
9 been marked as Exhibit 6; do you recognize that
10 document?

11 A Yes.

12 Q What is it?

13 A The door that we entered into.

14 Q Is it an accurate representation of the
15 door that you entered through that evening?

16 A Yes.

17 MS. KREUSER: Your Honor, I would offer
18 Exhibit 6.

19 MR. DEVORE: I haven't seen it.

20 THE COURT: Let's make sure you see it.
21 Ms. Kreuser, please retrieve it.

22 MR. DEVORE: I can go up there too, if you
23 want.

24 THE COURT: You may do that.

25 MR. DEVORE: No objection.

1 THE COURT: Exhibit 6 is received.

2 MS. KREUSER: Thank you, Your Honor.

3 Permission to publish.

4 THE COURT: Yes, you may.

5 MS. KREUSER: Thank you.

6 BY MS. KREUSER:

7 Q And Officer Zeterlu, looking at Exhibit 6,
8 can you describe the way you entered into the home,
9 where you were coming from and where you went?

10 A We came in a stack. That means we were
11 right next to each other, touching, for tactical
12 approach. Officer Bailey and I went directly to the
13 rear bedroom. Officers Lierman and Bushey had split
14 off to go downstairs.

15 MS. KREUSER: May I approach, Your Honor?

16 THE COURT: You may.

17 MS. KREUSER: May I approach the witness?

18 THE COURT: You may.

19 BY MS. KREUSER:

20 Q Officer Zeterlu, I am showing you what's
21 been mark as Exhibit 15; do you recognize that
22 picture?

23 A Yes.

24 Q What is it of?

25 A Of Ms. Allwine laying in the rear bedroom.

1 Q Is it a true and accurate copy of what you
2 saw that evening?

3 A Yes.

4 Q Now, it's also true that other police
5 officers arrived with the Cottage Grove Police
6 Department, correct?

7 A Yes.

8 Q And they took these pictures, correct?

9 A I took some of them.

10 Q And you took some of them. Okay. And so
11 these pictures, including the two that you've looked
12 at, are kept in the normal course of business of the
13 Cottage Grove Police Department, correct?

14 A Yes.

15 MS. KREUSER: I would offer Exhibit 15.

16 MR. DEVORE: No objection.

17 THE COURT: Received.

18 MS. KREUSER: Permission to publish, Your
19 Honor.

20 THE COURT: Granted.

21 MS. KREUSER: Thank you, Your Honor.

22 BY MS. KREUSER:

23 Q And looking at Exhibit 15, Officer
24 Zeterlu, can you explain?

25 A Upon us entering the house.

1 Q I'm sorry. Upon you entering the house
2 and going to the back bedroom.

3 A Officer Bailey and I were approaching and
4 the door was partially open. What we could see was
5 what appeared to be a female laying on the ground.
6 Could see blood. We then pushed the door open. We
7 saw a firearm laying on her left arm, like on her
8 forearm, the muzzle up. Officer Bailey took hold of
9 the firearm to clear it. It's one of our safety
10 protocols when we have firearms on the scene. So he
11 went to the living room to go clear it. Then I
12 checked for a pulse on Ms. Allwine.

13 Q Can you explain how Amy Allwine was
14 positioned when you first saw her?

15 A As she is in the photos. Face up, and her
16 arms to her side, and her legs to the side.

17 Q And you had said that you tried to locate
18 a pulse. Can you explain what you did and what you
19 learned?

20 A By taking your two fingers and pressing it
21 in. She still felt warm to the touch, and she was
22 soft. I couldn't feel a pulse.

23 Q Okay. Did you make any other observation
24 about her injury at that time?

25 A I shifted her head to her left shoulder

1 attempting to see what the injury was. Upon doing
2 it, I saw it was traumatic injury and we wouldn't be
3 able to perform CPR. So I placed her head back
4 straight up.

5 Q Can you again explain how you saw the gun
6 when you first walked into the room.

7 A It was laying on her left forearm. The
8 muzzle was up.

9 Q And it was your testimony that Officer
10 Bailey had removed that gun, why?

11 A We do it for officer safety protocols when
12 we have a firearm on scene. We take it and clear
13 it.

14 Q Okay. What was ultimately done with the
15 gun once it was cleared for safety?

16 A One of the supervisors, I believe, advised
17 him to put it back.

18 Q And you saw it when it was put back in
19 that position?

20 A Yes.

21 Q Was it the same position as you had found
22 it?

23 A Yes.

24 Q Did you observe anything else in relation
25 to the weapon, or ammunition in the bedroom?

1 A Once I was taking photographs of the
2 bedroom, I found a shell casing near her right foot.

3 Q Okay. Now, you spoke with your
4 supervising sergeant, correct?

5 A Yes.

6 Q And what did you learn from him?

7 A He provided me with two cell phones, and
8 asked me if I would go speak with Mr. Allwine and
9 see if he would be willing to give us the pass codes
10 for them.

11 Q You learned that he obtained those cell
12 phones how?

13 A I am not sure how he got them.

14 Q Okay. Did you indeed go do that?

15 A Yes.

16 Q Okay. What did you do to do that?

17 A I found Mr. Allwine in the back of a
18 vehicle, and I asked him if he would provide the
19 codes for the two phones. A Samsung and an iPhone.
20 He drew one of the codes for me, because it was a
21 design pattern. And then the other one, he provided
22 me with two possible codes.

23 Q Why two possible codes on one of them?

24 A He wasn't sure if it was an anniversary or
25 birthday.

1 Q And do you see the defendant here today?

2 A Yes.

3 Q Can you explain where he is sitting, and
4 describe an article of clothing that he is wearing?

5 A He's in the right side of the room with a
6 gray suit and white shirt.

7 MS. KREUSER: Okay. Your Honor, may the
8 record reflect that Officer Zeterlu has identified
9 the defendant.

10 THE COURT: The record may reflect that.
11 It's somewhat incomplete, but the record may
12 correctly reflect that the defendant has been
13 identified.

14 MS. KREUSER: Thank you, Your Honor.

15 BY MS. KREUSER:

16 Q Office Zeterlu, did you have the occasion
17 to be in the Allwine home for some time that
18 evening, during the course of your investigation?

19 A Yes.

20 Q Can you explain the temperature inside the
21 home?

22 A It was very warm.

23 Q How warm would you say?

24 A At one point we all discussed how hot it
25 was. We looked at the thermostat and it was in the

1 high 80's.

2 MS. KREUSER: Your Honor, the state has no
3 further questions of this witness.

4 THE COURT: Cross examine.

5 MR. DEVORE: Thank you.

6 BY MR. DEVORE:

7 Q Good morning.

8 A Good morning.

9 Q That photograph, Exhibit Number 15, you
10 got that in front of you?

11 A Yes.

12 Q That was taken after Officer Bailey put
13 the gun back in place; is that correct?

14 A Yes.

15 Q Was there any photographs taken of
16 Ms. Allwine's body in that position prior to the gun
17 being moved?

18 A No.

19 Q What time was that when that photograph
20 was taken?

21 A I am not sure.

22 Q Did you take that photograph?

23 A It could have been. We took multiple of
24 similar angles.

25 Q When did you take photographs of the

1 Allwine home?

2 A After we discussed that she couldn't be
3 saved. Then our supervisors told us to start taking
4 photographs.

5 Q How long had you been on the scene before
6 you started taking photographs?

7 A Approximately a half an hour.

8 Q Is that when Officer Bailey put the gun
9 back?

10 A I believe so.

11 Q About a half hour?

12 A I believe so.

13 Q How many officers had been on the scene at
14 that point?

15 A Officers Bushey, Lierman, Bailey, myself,
16 Sergeant Nickle, Sergeant Martin, and Officer
17 Phillips, so seven.

18 Q Seven officers. And you said you touched
19 Amy Allwine's body. It felt, you said, warm to the
20 touch and soft, right?

21 A Yes.

22 Q And had any rigor mortis begun?

23 A It did not appear so.

24 Q And when you went out to get passwords
25 from Mr. Allwine, he was outside the house?

1 A He was in a vehicle.

2 Q Did you walk up with the two cell phones
3 that you had?

4 A Yes.

5 Q And you showed them to him?

6 A Yes.

7 Q And you asked him for the passwords?

8 A Yes.

9 Q Did he hesitate?

10 A No.

11 Q He gave them to you?

12 A Yes. He drew one out for me, and then he
13 provided me with the verbal words for the other two.

14 Q When he drew it out for you, what, did he
15 unlock it and make it so he wouldn't have to do that
16 again or how did you get back into it later?

17 A We drew it on a piece of paper with
18 numbers 1, 2, 3, 4, then he drew it out.

19 Q But he was cooperative, correct?

20 A Yes.

21 Q And you were the first one to come in the
22 bedroom to check on Amy; is that correct?

23 A Officer Bailey was in front of me, but I
24 was the first one to make contact with her.

25 Q Yeah, that's what I meant.

1 A Yes.

2 Q And you said you had to move her to check
3 on her -- check on the injuries; is that right?

4 A Yes.

5 Q Were you wearing gloves or what were you
6 --

7 A Yes, gloves.

8 Q Like rubber gloves, or what do you wear?

9 A Rubber ones that we throw away.

10 Q And then after, how long did it take you
11 to take the photographs at the house?

12 A All together? I am not sure. I didn't
13 keep track of how long.

14 Q What did you use to take photographs?

15 A A cell phone.

16 Q Do you know what areas of the house that
17 you took the photographs of?

18 A I took them from the hallway leading to
19 her bedroom. I took them in her bedroom from all
20 angles. That was all I had taken.

21 Q And then did you remain on the scene then?

22 A For a short while, until I spoke with
23 Mr. Allwine. Then I took the phones back to the PD.

24 Q Police department?

25 A Yes, sir.

1 Q Cottage Grove Police Department?

2 A Yes.

3 Q And do you know who those phones belonged
4 to?

5 A Didn't tell me which one was whose. They
6 didn't give me specifics.

7 Q Do you know where they were found?

8 A No. Sergeant Nickle had provided them to
9 me?

10 Q Did you look at the phones at all once you
11 got them unlocked?

12 A I put them on airplane mode, then we turn
13 them off. But I didn't look through them, no.

14 MR. DEVORE: Okay. I have no further
15 questions. Thank you.

16 THE COURT: Any redirect?

17 MS. KREUSER: Nothing from the state, Your
18 Honor. Thank you.

19 THE COURT: You may step down.

20 Call your next witness.

21 MS. KREUSER: Thank you, Your Honor. The
22 state calls Officer Nicholas Bailey.

23 THE COURT: Please come forward. Before
24 you sit down, please raise your right hand to be
25 sworn.

1 OFFICER NICHOLAS BAILEY,
2 having been first duly sworn, was examined
3 and testified on his oath as follows:
4

5 THE CLERK: Please be seated. State your
6 full name and spell your last name.

7 THE WITNESS: Full name is Nicholas
8 Bailey. Last name is B-A-I-L-E-Y.

9 THE COURT: You may proceed.

10 MS. KREUSER: Thank you, Your Honor.

11 DIRECT EXAMINATION

12 BY MS. KREUSER:

13 Q Good morning, Officer Bailey.

14 A Good morning.

15 Q Officer, are you a state certified and
16 licensed peace officer?

17 A I am?

18 Q How long have you worked as such?

19 A Five years.

20 Q Can you describe your education and
21 training?

22 A I have an Associates Degree in Law
23 Enforcement. Went through the skills academy out of
24 Hennepin Tech. Graduated high school, college, and
25 now I also have -- I have been through numerous Use

1 of Force trainings, and other trainings with the
2 department.

3 Q For what jurisdiction do you work?

4 A Cottage Grove.

5 Q Have you held any other jobs in law
6 enforcement before working for Cottage Grove?

7 A As a sworn officer, no. I was a Community
8 Service Officer for Cottage Grove.

9 Q How long were you a Community Service
10 Officer?

11 A Three years before I got hired as a police
12 officer.

13 Q What is your title with Cottage Grove?

14 A I am a patrol officer.

15 Q What are your duties as a patrol officer?

16 A Respond to calls to service. Do routine
17 traffic stops. Just enforce city ordinances and
18 state laws.

19 Q Have you received training specific to
20 responding to calls for service?

21 A I have.

22 Q And you do this as part of your regular
23 job duties?

24 A I do.

25 Q Were you on duty on November 13th, 2016 at

1 approximately 7 o'clock p.m.?

2 A I was.

3 Q Did you receive a call for service at that
4 time?

5 A I did.

6 Q To where?

7 A It was to -- I don't recall the exact
8 address. On 110th Street in Cottage Grove.

9 Q Was that address on 110th Street in
10 Washington County, Minnesota?

11 A That is correct.

12 Q What was the nature of the call?

13 A The caller had reported that a female had
14 possibly shot herself.

15 Q Did you respond?

16 A I did.

17 Q Upon arrival, did you exit your squad car
18 and approach the scene?

19 A I did.

20 Q What did you first see?

21 A When I arrived, Officer Zeterlu was
22 already up speaking to the complainant, which was
23 Stephen Allwine. And I walked up and started to
24 proceed to the garage.

25 Q And when you proceeded to the garage, what

1 did you learn?

2 A As I was walking to the garage, Officer
3 Zeterlu advised me that the female, which was Amy
4 Allwine, was in the back bedroom.

5 Q Did you then enter the home?

6 A I did.

7 Q How did you enter?

8 A I entered through the service garage door,
9 in the garage, into the residence.

10 Q Okay. And --

11 MS. KREUSER: May I approach, Your Honor?

12 THE COURT: You may.

13 BY MS. KREUSER:

14 Q Officer Bailey, would you please look at
15 what's been marked and already offered in evidence
16 as Exhibit 6?

17 A Yes.

18 Q Can you explain if this is what you saw
19 and describe your entry into the home.

20 A Yes. This is what I observed. This was
21 the service garage door to enter the residence.
22 Walked up those stairs, and then opened the door,
23 and it opened up into like a mud/laundry room.

24 Q Okay. Once you got into the mud or
25 laundry room; what did you see?

1 A We just -- we seen the washing machine.
2 And then myself and Officer Zeterlu, being that we
3 were told that the female, Amy Allwine, was in the
4 back room, we proceeded through the entry -- there
5 is an entry hallway, entrance out, and then
6 proceeded through the kitchen area back towards
7 where Amy was located.

8 Q Okay. And can you explain what you saw as
9 you approached?

10 A I should clarify approached the back room?

11 Q Correct.

12 A When we approached the back room, I
13 observed that the back bedroom door was about half
14 way open. Approached the door, and then I could see
15 Amy laying on than the ground, or a female at the
16 time, laying on the ground. And I could see what
17 appeared to be blood around her head.

18 Q Okay. Can you explain the position in
19 which you found Amy Allwine?

20 A She was laying on her back, kind of head
21 just straight up. At that point, that's all we
22 could see.

23 Q Okay. And did you make any observations
24 about her injuries at that time?

25 A At that time, we did not. We just seen

1 the blood. At that time we were getting ready to
2 open the door completely to see everything that we
3 could in the room.

4 Q Okay. So what did you do next?

5 A We then pushed the door completely open.
6 At which time, I observed her left arm out to her
7 side and I then observed a firearm on her, like,
8 elbow, tricep area.

9 Q Then what did you do?

10 A I then went and picked up the firearm to
11 secure it, because we were unsure at that time
12 exactly her condition, if we were going to be
13 rendering aid or not. So I grabbed the firearm and
14 brought it out of the room so we could secure that
15 room before we started any other assessments of her.
16 I brought the firearm out. Cleared the firearm by
17 dropping the magazine out of the firearm. I set the
18 magazine on the coffee table in the living room. I
19 then racked the slide back of the firearm. A 9
20 millimeter round came out of the firearm. I then
21 placed the round that came out next to the magazine.
22 I then locked the slide of the firearm back and
23 placed it on the end table.

24 Q So for those who may not know, what is a
25 magazine?

1 A A magazine is what goes, normally, in the
2 handle of the gun, or loaded gun. It holds the
3 bullets for that firearm.

4 Q Okay. When you say you racked the slide
5 and a 9 millimeter came out; what does that
6 indicate?

7 A That indicates that there was a round in
8 the chamber of the firearm.

9 Q Thank you. What did you do with the
10 firearm, and the magazine, and the 9 millimeter
11 round after you cleared the gun for safety?

12 A I then set it on that coffee table in the
13 living room area right next to the couch.

14 Q There were other officers who had
15 responded back to the bedroom at this point; is that
16 correct?

17 A That is correct.

18 Q And did you subsequently let your sergeant
19 know about the firearm, and tell him what you did?

20 A Yes, I did.

21 Q And did you have conversation about that?

22 A We did.

23 Q Okay. And what did he instruct you to do
24 then?

25 A My Sergeant then instructed me to go grab

1 the firearm, not reload it, and bring it back and
2 place it back to where I had initially seen it
3 located in Amy Allwine's elbow/tricep area.

4 Q Okay. And did you do that?

5 A I did.

6 Q After you put the gun back, what was done
7 to secure the scene?

8 A Once we had assessed everything and that
9 room was clear, we then -- everyone backed out of
10 the room. I then went and grabbed police caution
11 tape, and we had blocked off, or used the caution
12 tape to block off, kind of starting at the kitchen
13 are through the living room. At that time -- from
14 that point on, it was -- that scene was secure. No
15 one was to enter or leave without it being logged.

16 Q Okay. You said without it being logged,
17 who did the logging?

18 A I did the logging.

19 Q What do you do when you log a scene?

20 A When you log scenes, I had a piece of
21 paper on a clipboard. Any time someone wants to
22 enter the scene, I would write their name down, the
23 time that they were entering the scene, and why.
24 When they went to leave the scene, I would then
25 write the time that they were exiting the scene.

1 Q And you had the opportunity, Officer
2 Bailey, to be not only in the back bedroom, but also
3 in other areas -- other immediate areas, correct?

4 A Correct.

5 Q Were you able to be in the kitchen at all?

6 A I was.

7 Q Okay. Did you notice anything about what
8 was in the kitchen?

9 A There was a big slow cooker or Crock Pot
10 device that seemed to be running. It was on. We
11 could smell like something was cooking in that
12 kitchen area.

13 Q Okay. Thank you.

14 MS. KREUSER: May I approach the witness,
15 Your Honor?

16 THE COURT: You may.

17 MS. KREUSER: Thank you.

18 BY MS. KREUSER:

19 Q Officer Bailey, I am showing you what's
20 been marked as Exhibit 17 and 18; do you recognize
21 those?

22 A I do.

23 Q What are they?

24 A That is the roaster oven, or the -- that I
25 described as like a Crock Pot/slow cooker that was

1 on the counter that was on. It was on at the time
2 and plugged in. Then inside of it is the pumpkins
3 that was located inside of that oven.

4 Q Okay. And is that the slow cooker and the
5 pumpkins that you saw on the evening of
6 November 13th?

7 A It is.

8 Q And you would agree that those pictures
9 were taken by the Cottage Grove Police Department
10 and kept in the normal course of business of the
11 Cottage Grove Police Department, correct?

12 A That is correct.

13 MS. KREUSER: Your Honor, I would offer
14 Exhibit 17 and 18.

15 MR. DEVORE: No objection.

16 THE COURT: Received.

17 MS. KREUSER: Permission to publish.

18 THE COURT: Granted.

19 MS. KREUSER: Thank you.

20 BY MS. KREUSER:

21 Q Officer Bailey, looking at Exhibit 17, can
22 you explain what we are looking at?

23 A Exhibit 17 are the pumpkins that were
24 being cooked inside that roaster oven.

25 Q Okay. And looking at Exhibit 18, can you

1 explain?

2 A That is the roaster oven with the cap on,
3 that is currently on at that time that we were
4 there.

5 Q Thank you. Officer Bailey, did you have
6 the opportunity to be in the residence for a period
7 of time that evening?

8 A Yes, I was.

9 Q And did you make any observations or
10 notice anything about the temperature of the
11 residence?

12 A The residence seemed to me to be very
13 warm.

14 Q Do you know how warm?

15 A I do not recall exactly how warm.

16 Q Okay. How long did you stay on the scene
17 that evening?

18 A I believe I got there shortly after the
19 call came out, and I cleared just after midnight.

20 Q Had Amy Allwine's body been removed by the
21 medical examiner at this point?

22 A Yes.

23 Q Okay. And after everyone had left, what
24 was done to insure the integrity of the scene at
25 that point?

1 A We had, with the assistance of our
2 investigations, we started to put seals on the doors
3 to make sure that we would be able to tell if anyone
4 tried to enter or leave the residence.

5 Q Great. Did any officer remain on the
6 scene?

7 A Reserve officer, I believe. I am drawing
8 a blank on his name, but there was a reserve officer
9 that remained outside for scene security.

10 MS. KREUSER: Thank you. I have no
11 further questions.

12 THE COURT: Cross examine.

13 CROSS EXAMINATION

14 BY MR. DEVORE:

15 Q Officer Bailey, what is a CSO?

16 A A CSO is Community Service Officer.

17 Q And what does that mean?

18 A Community Service Officer, normally, it is
19 a paid position with the city. You respond to
20 normally city ordinance complaints; parking
21 complaints, animal, dogs at large, cats at large.
22 Mostly enforce ordinances and then you help out
23 throughout the department, wherever you can.
24 Whether it's doing jail transports or helping wash
25 squads.

1 Q So most CSO's are they already law
2 enforcement officers, or they have the training or
3 --

4 A Most Community Service Officers are
5 normally going through the schooling process. It's
6 normally a part time job that they're trying to gain
7 experience in the police department, or in the law
8 enforcement field.

9 Q Okay. What's a reserve officer?

10 A A reserve officer is a volunteer officer
11 that volunteers their time to come in and help.
12 They normally do patrols, just checking parks. They
13 also can respond to animal complaints, parking
14 complaints. They also will do jail transports and
15 assist officers when need be.

16 Q Okay. The CSO's, do they have full
17 uniform and firearm and everything?

18 A Community Service Officers do not carry a
19 firearm. They do have their own uniform. It is a
20 light blue uniform, so it does look different than
21 the police officer's uniform.

22 Q What about the reserve officer?

23 A Reserve officers are the same. They would
24 not carry a firearm with them, but they do have a
25 light blue uniform, excuse me.

1 Q So that photograph up there, Exhibit 15.

2 Do you have that up there with you?

3 A Yes, I got it. Exhibit 15.

4 Q Okay. That's the one that shows

5 Ms. Allwine in the bedroom, correct?

6 A Correct.

7 Q That was taken after you had picked up the

8 gun, you had moved it. You set it down, and then

9 later put it back; is that correct?

10 A That is correct.

11 Q There was no photographs that were taken

12 of the scene before anybody had any contact with

13 Ms. Allwine; is that correct?

14 A That is correct.

15 Q And how long did it take -- you discharged

16 the gun, and then locked it, correct?

17 A Correct.

18 Q And you put it in the kitchen or in the

19 living room?

20 A Correct.

21 Q How long was it before you then put it

22 back into the bedroom?

23 A I don't recall the exact length of time.

24 Q How many other officers were on the scene?

25 A At that time, I can recall there being a

1 total of four of us immediately.

2 Q Okay. And when you put it back to where
3 you thought you found it, you didn't load it again
4 and everything, right?

5 A I did not load it.

6 Q So you put it back in the unloaded state;
7 is that correct?

8 A That is correct.

9 Q Okay. And you said that you secured the
10 residence, initially?

11 A Correct.

12 Q You put some caution tape up; is that
13 right?

14 A I wouldn't call it securing the residence,
15 but we were securing that scene.

16 Q Okay. So what does that mean, you put the
17 caution tape up? Are you securing the bedroom, or
18 are you securing the inside of the house, or what
19 are you securing?

20 A We are securing just the area inside the
21 house to prevent anyone from walking into that
22 bedroom.

23 Q Okay.

24 A Without it being logged.

25 Q Sure. So we have seen some pictures. You

1 can come into the house before you hit that tape
2 that you put up; is that right?

3 A That is incorrect.

4 Q So you wouldn't be able to come into the
5 house at all?

6 A Well, you would be able to come in the
7 house, but without -- you would have to cross the
8 tape.

9 Q Okay. Well, tell me where did you put the
10 tape?

11 A The tape was cutting across the kitchen
12 into the living room area. And then I know there is
13 a front door, that which was locked.

14 Q Okay. That was done before the medical
15 examiner arrived?

16 A That is correct.

17 Q What time did the medical examiner arrive
18 on the scene?

19 A I do not recall what time the medical
20 examiner arrived.

21 Q Do you know how long, approximately, you
22 had been on the scene before they arrived?

23 A At this time, I do not recall.

24 Q Okay. Between the time that you put up
25 the tape, and the time that the medical examiner

1 arrived; what were people doing in the house?

2 A At that time, I was keeping log and
3 investigators at that time started coming in, taking
4 photos, and investigating the scene.

5 Q So where were you taking log?

6 A I was taking log right at the caution tape
7 that was set up.

8 Q So you were just standing there?

9 A That is correct.

10 Q And you had like notepad or something?

11 A Clip board with paper.

12 Q How many people did you confront or give
13 access to the scene, then, when you were taking log?

14 A I do not have the log in front of me, so I
15 do not know how many people at that time. It would
16 be on the log.

17 Q But fair to say that other people kept
18 arriving on the scene to do their work; is that
19 right?

20 A I guess. I would have to clarify what you
21 mean by other people.

22 Q Well, I am just trying to understand how
23 many officers, total, were kind of on the scene
24 throughout that day.

25 A Like I said, anyone that entered that

1 scene would be on the log.

2 Q Okay. And it was officer, or Sergeant
3 Nickle that asked you to put the gun back; is that
4 right?

5 A That is correct.

6 Q Is that because they wanted to take some
7 photographs?

8 A That is correct.

9 Q All right. And then my understanding is
10 that you then went around and helped secure the
11 residence at some point later in the evening; is
12 that right?

13 A That is correct.

14 Q And when you secure the residence, what do
15 you do?

16 A What I was instructed to do is, make sure
17 the doors are locked. And there was a yellow piece
18 of caution, like a sticker that you put on the
19 crevice of the door, or on the door. So in order to
20 open that door, even if you got it unlocked, you
21 would have to rip that seal.

22 Q Sure. That way you'd know if somebody was
23 there, right?

24 A Correct.

25 Q My understanding is that the sliding door

1 on the back of the house was not able to lock; is
2 that correct?

3 A I do not recall.

4 Q Did you seal that one or no?

5 A I did not seal that one.

6 Q Which ones did you seal?

7 A I put the seal on the front door, the
8 service door to enter the house from the garage, and
9 then the garage door.

10 Q Who did the other sealing of the doors?

11 A I do not recall.

12 Q Were you assigned to do certain doors, or
13 was it just you grabbed some tape and you just went
14 to the nearest door and did it and kept walking, or
15 how does that work?

16 A We were instructed to go to a door. And
17 if it was not secure, to secure it.

18 Q All right. What about the perimeter of
19 the property? Did anybody go seal off the perimeter
20 of the outside of the house?

21 A Could you clarify on the actual house, or
22 the property itself?

23 Q Sure. Well, my understanding is there
24 were other buildings on the property.

25 A That is correct.

1 Q First of all, did any other office go and
2 walk around the property to check it out?

3 A I do not recall. I did not, so I do not
4 recall who did that.

5 Q Okay. Did you ever go and visit any of
6 the other out buildings that were on the property?

7 A I did not.

8 Q Okay. And were you there when the medical
9 examiner arrived on the scene?

10 A I was.

11 Q You were keeping the logs still at that
12 point?

13 A Correct.

14 Q And then you were there when the body was
15 removed?

16 A That's correct.

17 Q And then how long after that do you think
18 you were there before you left the scene?

19 A Like I said, I don't recall how long
20 before -- when the body was removed to the time when
21 I left.

22 Q At any other time after when you left that
23 evening, did you go back to the property to do
24 anything for work?

25 A That night?

1 Q At all.

2 A At all. Later -- I don't recall the day.
3 They needed people to sit in on the house to make
4 sure it remained secure, so I did sit in one day,
5 just in the kitchen area to make sure -- to keep it
6 secure for investigations and the BCA.

7 Q Oh, okay. How many -- when was that in
8 comparison to the November 13th date?

9 A I do not recall the date.

10 Q So the house was sealed off and barred
11 from anybody having contact with the house other
12 than law enforcement for some period of time,
13 correct?

14 A That is correct.

15 Q At least one of the days after this
16 November 13th, you were in the house making sure
17 that it was safe; is that right?

18 A I was just more or less seeing to
19 security, yes.

20 Q Was there still investigation going on
21 inside the home when you were the scene security.

22 A At that point when I was, no one was in
23 the residence to investigate at that time. They
24 were more or less keeping us in there for when they
25 needed to come back.

1 Q Was there still the tape up all over the
2 doors and windows?

3 A I don't recall that there was or not.

4 MR. DEVORE: All right. I have no further
5 questions. Thank you.

6 THE COURT: Redirect.

7 MS. KREUSER: Thank you.

8 REDIRECT EXAMINATION

9 BY MS. KREUSER:

10 Q Officer Bailey, can you describe when you
11 put the gun back next to Amy Allwine's left arm how
12 you placed it?

13 A I placed it back in the location, and how
14 it was when I first initially observed it before I
15 picked it up.

16 MS. KREUSER: Thank you. I have nothing
17 further.

18 THE COURT: Anything further?

19 MR. DEVORE: No, Your Honor.

20 THE COURT: You may step down. We are
21 going to break for lunch.

22 Members of the Jury: I have told you this
23 before, but I don't want you talking to anyone
24 involved in the case. The defendant, the lawyers,
25 or the witnesses. I don't want you to discuss the

1 case at all with anyone, including other jury
2 members. But that also includes other people. So
3 don't do that.

4 If anyone tries to discuss this case with
5 you outside the courtroom, report it to me. And you
6 have heard my instructions about electronic devices.
7 I don't want you to use those devices to communicate
8 about this case as well.

9 So with those instructions in mind, please
10 go with the deputy, and we will resume at 20 minutes
11 after one.

12 (The jury exited the courtroom and the
13 lunch recess was taken.)

14 THE DEPUTY: All rise for the jury.

15 (The jury returned to the courtroom.)

16 THE COURT: Everyone please be seated.
17 Call your next witness.

18 MS. KREUSER: Thank you, Your Honor. The
19 state calls Officer Andrew Bushey.

20 THE COURT: Come forward to the witness
21 chair. Before you sit down, raise your right hand
22 to be sworn.

23 OFFICER ANDREW BUSHEY,
24 having been first duly sworn, was examined
25 and testified on his oath as follows:

1 THE CLERK: Please be seated. State your
2 full name and spell your last name.

3 THE WITNESS: My name is Andrew Bushey,
4 B-U-S-H-E-Y.

5 THE COURT: You may proceed.

6 MS. KREUSER: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MS. KREUSER:

9 Q Good afternoon, Officer.

10 A Good afternoon.

11 Q Are you a state certified and licensed
12 peace officer?

13 A Yes.

14 Q For how long have you worked as such?

15 A Approximately five years and six months.

16 Q Would you describe your education and
17 training for the court?

18 A Sure. I have an Associates Degree in Law
19 Enforcement. Training wise, I am a Use of Force
20 Instructor, Firearms Instructor, and a SWAT team
21 member.

22 Q For what jurisdiction do you work?

23 A City of Cottage Grove, Washington County.

24 Q Have you held any other jobs in law
25 enforcement prior to working for the Cottage Grove

1 Police Department?

2 A No, I have not.

3 Q Can you explain your duties with the
4 Cottage Grove Police Department?

5 A Yes. My primary duty would be patrol
6 officer. As previously stated, I am a Firearms
7 Instructor, Use of Force Instructor, and a
8 Washington County SWAT team member.

9 Q Okay. And can you explain your duties
10 specifically as a patrol officer?

11 A Sure. Day to day respond to calls for
12 service. Be proactive and look for violations or
13 laws being broken.

14 Q Have you received training specific to
15 responding to calls for service?

16 A Yes.

17 Q And do you do this as part of your regular
18 duties as a patrol officer?

19 A I do.

20 Q Were you on duty on November 13th, 2016 at
21 approximately 7 o'clock p.m.?

22 A I was.

23 Q Did you receive a call for service at that
24 time?

25 A I did.

1 Q Can you explain the nature of that call?

2 A Yes. Officers were dispatch to 7624 110th
3 Street South for a medical, categorized as a Level
4 1. Most urgent response. For a female that had
5 been shot. Unknown injuries at the time.

6 Q And this address that you just listed, is
7 that in Washington County, Minnesota?

8 A It is.

9 Q Did you respond alone in your own squad
10 car, or with another officer?

11 A Alone, meaning yes, I responded by myself
12 in my own squad car, but there were multiple
13 officers responding.

14 Q Okay. Do you know what number of officer
15 you were on the scene to arrive?

16 A I believe I was number four.

17 Q Upon arrival, did you exit your squad car
18 and approach the scene?

19 A Yes.

20 Q What did you initially see?

21 A Initially, I saw officer Zeterlu speaking
22 with Stephen Allwine at the front of the residence.
23 I overheard her speaking with him. And at that
24 point, we proceeded to -- I proceeded to go to the
25 outside of the residence to search for anyone that

1 could have been outside, and proceeded from there.

2 Q Okay. So your testimony is that you
3 observed officer Zeterlu speaking with Stephen
4 Allwine, correct?

5 A Correct.

6 Q Now, that person that you're referring to,
7 do you see him here today?

8 A I do.

9 Q Can you explain or describe where he is
10 sitting in the courtroom?

11 A Sure. He is seated to your left, but it
12 would be my right, at the defendant's chair.

13 Q Okay. Can you describe an article of
14 clothing that he is wearing?

15 A A suit coat with a white shirt.

16 MS. KREUSER: Your Honor, may the record
17 reflect that Officer Bushey has identified the
18 defendant.

19 THE COURT: Without objection, I will
20 reflect that the record shows that.

21 BY MS. KREUSER:

22 Q Officer Bushey, you had said that then
23 after you had seen Officer Zeterlu speaking with
24 Stephen Allwine, you had searched the outer
25 perimeter. Can you explain what you did?

1 A Sure. As previously stated, Officer
2 Zeterlu was speaking with Stephen. I did overhear
3 her say that Amy was located in a back bedroom of
4 the residence.

5 At that point, Officer Zeterlu, Officer
6 Bailey, and Officer Liermann entered the residence
7 through an open garage door and service door. I
8 then took it upon myself to go to the east and north
9 of the residence to look in the side yard and
10 backyard of the residence. Just to make sure no one
11 else was outside.

12 After I found no one outside, I entered
13 through the same door that all of the other officers
14 had gone through which would be a service door of
15 the garage. I located them in, basically, in the
16 living room of the house just outside of the door
17 where Amy was located. Asked Officer Liermann if
18 the basement had been cleared for any other person.
19 He said no, it had not. Myself and Officer Liermann
20 then went downstairs, cleared the basement and then
21 went back to the area Amy was located.

22 Q Okay. Thank you.

23 MS. KREUSER: Your Honor, may I approach
24 the witness?

25 THE COURT: You may.

1 BY MS. KREUSER:

2 Q Officer Bushey, I am showing you what's
3 been marked as Exhibit 1 through 5; do you recognize
4 those?

5 A I recognize Exhibit 4. Not specifically
6 the camera that's in the upper left-hand corner, but
7 being the side yard. It looks like it's the east
8 section, or the east part of the yard from the
9 house.

10 Q Okay.

11 A The others, I did not observe the cameras
12 as I was walking around outside, mainly because I
13 wasn't looking for a camera, if you will.

14 Q Do you recognize the actual geography,
15 though, depicted in the picture?

16 A I do. Yes. I recognize the geography.

17 Q Okay. Great. Just going one by one, what
18 do those depict, based on what you saw.

19 A In every exhibit I can see there is a
20 field camera in one, field camera in two. Looks
21 like there's a wired camera in three, wired camera
22 in four, and a wired camera in five.

23 Q Okay. And are those accurate
24 representations of the geography, the house, the
25 things that you saw that night, Officer?

1 A Yes.

2 Q All right. Going back through 1 through
3 5, can you explain what we are looking at, in terms
4 of the property and the home?

5 A Sure.

6 Q Before you do that, you did say that they
7 are true and accurate copies of the actual -- of
8 what you actually saw the outside of the home?

9 A Yes.

10 MS. KREUSER: Your Honor, at this point, I
11 am going to move for admission of Exhibits 1 through
12 5, before I ask him.

13 MR. DEVORE: May I approach?

14 THE COURT: You may.

15 MR. DEVORE: I mean up to the witness.

16 THE COURT: You may.

17 MR. DEVORE: Can I stand up here, Your
18 Honor. I'm going to ask him questions.

19 THE COURT: For a limited time, you may do
20 that.

21 MR. DEVORE: Thank you.

22 BY MR. DEVORE:

23 Q Office, I am showing you Exhibit 1. Did
24 you see that on the night of November 13th, 2016?

25 A I did not. The camera, specifically. I

1 saw the landscape, but not the camera specifically.

2 Q And then Exhibit 2, did you see that on
3 the night of November 13th?

4 A Again, specifically, I did not see the
5 camera, but I saw the landscape.

6 Q And then Exhibit 3, did you see that as
7 well?

8 A Again, I did not see the camera
9 specifically, but I did see the house.

10 Q Okay. I believe you said that you
11 recognize Exhibit 4?

12 A I recognize the landscape, the yard, yes.

13 Q And then similarly in Exhibit 5, you
14 didn't see that specifically, but you recognize the
15 landscape?

16 A Correct.

17 Q And you didn't take these photos, right?

18 A Right.

19 MR. DEVORE: Your Honor, I would object to
20 the Exhibits 1, 2, 3 and 5. This witness has no
21 foundation for these particular photographs. They
22 are just simply close up photos of some stuff that
23 he didn't even see.

24 THE COURT: Ms. Kreuser?

25 MS. KREUSER: Your Honor, that's fine with

1 the state.

2 THE COURT: All right. Exhibit 4 is
3 received, the others are not.

4 MR. DEVORE: May I retrieve the exhibits
5 that weren't admitted then?

6 THE COURT: You may do that.

7 CONTINUED DIRECT EXAMINATION

8 BY MS. KREUSER:

9 Q Officer Bushey, drawing your attention to
10 Exhibit 4 --

11 MS. KREUSER: Your Honor, I am going to
12 ask to publish Exhibit 4.

13 THE COURT: You may.

14 MS. KREUSER: Madam Clerk?

15 BY MS. KREUSER:

16 Q Officer Bushey, can you explain the layout
17 of what Exhibit 4 depicts and what you saw?

18 A Yes. So I believe that the front door
19 would be just off left of the picture here. This
20 depicts the east portion from the house -- from the
21 residence.

22 Q Okay. And in relation to what we can see
23 in at least this picture right now, can you explain
24 when you approached the house kind of where you went
25 and where you walked?

1 A Sure. So I would have come across the
2 front of the house leading west to east. Made my
3 way to the corner. Maybe right up next to where the
4 downspout would be. Cleared -- by cleared I mean
5 look around the corner to the east section. Maybe
6 where the egress window there would be. Made my way
7 up to the fence. Then walked continually north
8 around to the back side of the fence.

9 Q Okay. Did you find anything?

10 A I did not.

11 Q Officer Bushey, after you did this, did
12 you go in the back of the house?

13 A No, I did not.

14 Q No backyard or anything, correct?

15 A I went into the backyard, but I did not
16 enter the residence from the back.

17 Q Okay. How did you go to the back of the
18 house, then?

19 A Around the fence it opened up to the
20 backyard.

21 MS. KREUSER: All right. Your Honor, may
22 I approach?

23 THE COURT: You may.

24 BY MS. KREUSER:

25 Q Officer, I am showing you what's been

1 marked as Exhibits 10 and 11; do you recognize
2 those?

3 A I do.

4 Q What do they depict?

5 A Looks like Exhibit 10 is a depiction of
6 the backyard. And then Exhibit 11 is the backyard
7 stairway, if you will, leading to a sliding rear
8 door.

9 Q Okay. And do they accurately depict the
10 backyard and the stairwell leading to the back
11 sliding door that you saw that evening?

12 A Yes.

13 Q The same route that you took and what you
14 saw?

15 A Yes.

16 MS. KREUSER: Your Honor, I would move for
17 Exhibits 10 and 11.

18 MR. DEVORE: No objection.

19 THE COURT: Received.

20 MS. KREUSER: Madam clerk, please.

21 THE COURT: Pardon?

22 MS. KREUSER: I am just -- oh, I'm sorry.

23 Can I -- I am asking for permission to publish.

24 THE COURT: That is granted.

25 MS. KREUSER: Thank you, Your Honor.

1 Appreciate that. Thank you.

2 BY MS. KREUSER:

3 Q Officer Bushey, looking at Exhibit 10, can
4 you explain the backyard, and where you would be,
5 your perspective based on this picture, and what we
6 are looking at?

7 A To me, this picture depicts someone
8 looking north from the house as if my back was to
9 the house.

10 Describing the backyard would be, it was
11 very evident that there had been dogs that used the
12 backyard. There was a dog dish. I believe there
13 was access from the garage into the backyard. A dog
14 door, if you will, somewhere a dog could run around
15 in the back.

16 Q Okay. And there are posts in this
17 picture. What are those posts or what is that?

18 A Fence posts. Something that secure the
19 backyard. Secure an animal or something inside,
20 basically.

21 Q Was it an actual fence?

22 A From what I recall, it was.

23 Q Okay. Thank you. Turning to Exhibit 11,
24 can you explain what that is?

25 A Yep. So this is a stairway to the rear

1 sliding door.

2 Q Where is that on the house?

3 A That would be on the north side of the
4 house.

5 Q And where does that enter into the house?

6 A So that would enter into, basically, like
7 a small dining room with a kitchen off to your left.
8 And then immediately to your right would be a living
9 room.

10 Q Does this come out to the backyard that we
11 had just seen?

12 A Yes.

13 Q Thank you. When you were in the backyard
14 did you find anything?

15 A I did not.

16 Q After you were done outside, you testified
17 that you went into the home.

18 A Yes.

19 Q Can you explain, again, what you did at
20 that point?

21 A Sure. So after I went inside, like I
22 said, there was an open garage door, meaning
23 overhead door, that went into a service door.
24 That's how we entered in. I believe that entered in
25 off of a laundry room. Which then there was a short

1 hallway that went into this area that the sliding
2 door would be accessed to.

3 After that, like I stated previously,
4 Officer Bailey, Zeterlu, and Liermann were standing
5 just outside the door that Amy was located. I asked
6 Officer Liermann if the basement had been secured or
7 cleared, and he said it had not. I had to pass that
8 door. It would have been off to my right as I made
9 my way to them. Myself and Officer Liermann then
10 went downstairs and found no one downstairs.

11 Q Thank you. After you had secured or
12 cleared the basement, what was your role next?

13 A So after that, it appears, as I stated,
14 the three of them were just at the door where Amy
15 was located. They were attempting to tend to either
16 her injuries or see if they could render aid to her.
17 I did observe through the door that there was
18 another open door, which ultimately led to a
19 bathroom. I had asked if anyone had looked into the
20 bathroom to see if possibly anyone was inside. They
21 said no. I did have to step past where Amy was
22 laying on the ground. Went into the bathroom, no
23 one was there.

24 Q Master bathroom of sorts?

25 A I would assume. It was off the master

1 bedroom.

2 Q After you cleared the master bathroom,
3 what was your role in this?

4 A Then my Sergeant, who was working at the
5 time, Sergeant Martin, asked for me to remain on
6 scene and make sure that the scene did not get
7 contaminated. That no one came or went from this
8 immediate room, if you will. So I basically stood
9 in the living room, dining room, kitchen area to
10 make sure no one had access to Amy.

11 Q Okay. About how long did you do that for?

12 A I don't know exactly, but I would say
13 close to two hours.

14 Q And what did you do next?

15 A Then after that, investigations was
16 contacted. They were advised to take the crime
17 scene and basically create a corridor in which, if
18 you wanted to, access the scene. Where we were, you
19 would have to be signed in or out. I believe
20 Officer Bailey was the person in charge of that.

21 Q Okay. Then did you eventually speak with
22 Sergeant Nickle?

23 A I did.

24 Q Okay.

25 A Sergeant Nickle advised that he wished for

1 me to transport Stephen to the police department
2 where Detective Raymond wished to speak with him.

3 Q Did you transport the defendant?

4 A I did.

5 Q When you got -- did you bring him to --
6 where did you bring him to?

7 A I took him from the location at 7624 110th
8 Street to the Cottage Grove Police Department.

9 Q At the police department, can you explain
10 what initially happened?

11 A Sure. So prior to transporting Stephen,
12 he had advised that he wished to use the restroom.
13 I was advised prior to making contact with Stephen
14 that he was not able to wash his hands due to the
15 fact that they wished to swab his hands for gunshot
16 residue.

17 He had asked me if he could use the
18 restroom. I advised him when we got to the police
19 department that he could, but I would need to escort
20 him. So I did escort him to the police department
21 where I allowed him to use the restroom. I was in
22 the restroom with him and he did not wash his hands.

23 Q Then what did you do after that?

24 A So then after he was done using the
25 restroom, I walked him to one of our interview rooms

1 where Detective Raymond was waiting for us. After
2 Detective Raymond was speaking with him, he stated
3 that he no longer needed my assistance.

4 Q Did you return to the Allwine residence?

5 A I did.

6 Q And what did you do there?

7 A Then at the time Detective McCabe was on
8 scene and Sergeant McAllister. They wanted me to
9 secure all of the entrances or exits of the
10 residence. I was advised by Detective McCabe to
11 secure the sliding door, the front door, the east
12 window. There was a small garage door on the would
13 be the west side of the property. The ones that I
14 did not secure were the large overhead double door.
15 The service door to the garage, and I believe that
16 was it.

17 Q Okay. How do you secure these kind of
18 things?

19 A So basically it looks like maybe a 20-inch
20 piece of yellow very sticky tape that you would
21 sign. Meaning that you were the person that applied
22 the tape. You would put it in the, I would say,
23 entrance or exit of the door if that entrance, or
24 exit, or window, or whatever it may be, were opened.
25 The tape is so sticky that it would tear and it

1 would show, obviously, that it had been accessed.

2 Q What was the point of the Cottage Grove
3 Police Department in securing these things?

4 A Basically to preserve the crime scene.

5 Q How long did you stay on the scene that
6 evening?

7 A I believe it was the majority of my shift.
8 So I started at, I believe, 1800 hours that day, and
9 was finished about 0600. So I was there pretty much
10 the entire time.

11 Q What is 1800 hours?

12 A Military time meaning 6 p.m.

13 Q Until 6 a.m.

14 A Yes.

15 MS. KREUSER: I have no further questions
16 for this witness.

17 THE COURT: Cross examine.

18 MR. DEVORE: Thank you.

19 CROSS EXAMINATION

20 BY MR. DEVORE:

21 Q Officer Bushey, do you prepare a police
22 report in cases where you are involved?

23 A Yes.

24 Q What's the purpose of doing that?

25 A To recall the actions that you performed.

1 Q When do you normally prepare a police
2 report in relation to the incident?

3 A You try to do it as soon as possible, due
4 to the fact that you wish to recall as much detail
5 as possible.

6 Q So like most times would you do it still
7 on the same shift?

8 A If possible you would, or the next
9 immediate day.

10 Q Would you agree that police reports help
11 you refresh your memory later when you have to go
12 back and remember what happened?

13 A Correct.

14 Q Are you fairly detailed in your police
15 reports when you do those?

16 A I try to be.

17 Q Because it's important to make sure you
18 have a good record of what took place, right?

19 A Yes.

20 Q Would you agree as time passes, people
21 tend to not remember things quite as well?

22 A Yes.

23 Q Is that why we have police reports?

24 A Yes.

25 Q You did one in this case, right?

1 A I did.

2 Q When did you draft that one; do you
3 remember?

4 A I don't. I would think that I did it
5 immediately thereafter, so probably in the same
6 shift.

7 Q Did you get a chance to take a look at
8 that before you testified today?

9 A Yes.

10 Q When did you do that?

11 A After I was notified of trial. I don't
12 recall the exact day.

13 Q Like within a couple of weeks?

14 A Couple of weeks of what?

15 Q Like a couple weeks ago, or when did you
16 look at it?

17 A Yes.

18 Q Okay. What else did you do to prepare for
19 your testimony today? Did you meet with anybody?

20 A Met with the attorneys, yes.

21 Q When did you do that?

22 A Prior to -- couple months ago.

23 Q Okay. Go through what happened, and what
24 you did?

25 A Basically go through your report, yes.

1 Q All right. So when you arrived on the
2 scene, and you did like a perimeter search, is that
3 what you would call it?

4 A Sure.

5 Q And you walk around the property; is that
6 right?

7 A Yes.

8 Q Other officers went inside, and you went
9 outside.

10 A Correct.

11 Q Did another officer also go outside, or
12 just you?

13 A Just me.

14 Q So you went to the east and the north?

15 A Correct.

16 Q Did anybody go around to the south and the
17 west?

18 A No.

19 Q Front of the house faces south, right?

20 A Yes.

21 Q And the pictures that we saw, those look
22 they are pretty well lit. Is that how it was that
23 night?

24 A It was not.

25 Q How was it different?

1 A It was approximately 7 p.m. in the fall,
2 so it was fairly dark.

3 Q So when you were walking around, how were
4 you able to see?

5 A So I had had my service pistol drawn, and
6 I do have a light on that. So I used that to
7 illuminate what I needed to see.

8 Q So it is like a flashlight mounted on
9 there?

10 A Yes.

11 Q Is it pretty broad, or is it more of a
12 narrow?

13 A I would say it's fairly broad.

14 Q And generally, what are you looking for
15 when you were out there doing that perimeter search?

16 A A person.

17 Q Were you also looking for evidence? Like
18 were you looking for footprints, and fingerprints,
19 and things like that?

20 A Not really.

21 Q Not at that time.

22 A No.

23 Q You were just looking to make sure the
24 property was clear of anybody, any people, that
25 might cause a problem, right?

1 A Correct.

2 Q And that picture of the backyard where the
3 fence is back there, or whatever it is, the post,
4 did you, yourself, walk back there and look at the
5 fence?

6 A I may have made it around to the north
7 part of the property where maybe it gets a little
8 thicker in brush, but that was about it.

9 Q Well, it looked like it was quite a ways
10 out there. How far out there was that, do you know?

11 A I don't.

12 Q You don't have any idea?

13 A I don't. I don't know how big the
14 property is. I was looking in the immediate area
15 around the house, specifically.

16 Q Like within 10, 20 feet?

17 A No. Maybe within 10 or 20 yards.

18 Q 10 or 20 yards of the house that was kind
19 of your perimeter that you were --

20 A Sure. Yep.

21 Q All right. And so you then -- you went
22 and advised Mr. Allwine that you needed to have him
23 transported down to the Cottage Grove Police
24 Department?

25 A Correct.

1 Q So where was he at that time?

2 A At the time, I believe he was, let's say,
3 just south of the property, just east of the road.
4 There was a series of vehicles that had shown up. I
5 don't know exactly who they were. But I believe he
6 was standing with them. He was also, I believe,
7 sitting with, at the time, CSO Malcolm.

8 Q Okay. So he was away from the house; is
9 that right?

10 A Yes.

11 Q Out on 110th Street?

12 A Correct.

13 Q And there were other officers that were
14 out there with him, correct?

15 A A CSO, I believe, yes.

16 Q Is that a Community Service Officer?

17 A Yes.

18 Q And then when you came up and said, hey,
19 we need to take you down to the police station; was
20 he cooperative?

21 A He was.

22 Q Did you transport him?

23 A I did.

24 Q So he was in your squad?

25 A Yes, sir.

1 Q Did CSO Malcolm transport somebody?

2 A He may have. I am not positive.

3 Q All right. So you had Mr. Allwine in the
4 back of your car?

5 A Yes, sir.

6 Q Did you guys have a conversation before
7 you took off, or did he just jump in the back seat
8 and --

9 A Again, I believe he asked me to use the
10 restroom. I knew we needed to get him to the police
11 department to speak with Detective Raymond. So I
12 advised there was a bathroom more accessible at the
13 police department for him to use.

14 Q All right. And did you obtain
15 Mr. Allwine's cell phone on your transport?

16 A I don't believe I did no.

17 Q Who obtained all that stuff?

18 A I can't say. I don't know for sure.

19 Q All right. You said he was cooperative
20 with you?

21 A He was. Yes.

22 Q Then did somebody transport Joe as well,
23 his son?

24 A Again, I don't know for sure. I am
25 assuming somebody did transport him. I don't know

1 if it was a family member, or one of my colleagues.

2 I don't know.

3 Q All right. Then you said that you came
4 back to the scene some time later. When was that
5 that you came back?

6 A I don't know exactly the time. It would
7 have been on my log. Again, Mrs. McCabe was on
8 scene and so was Sergeant McAllister, so it was some
9 time later.

10 Q Like an hour, or what do you think?

11 A Sure.

12 Q Just ballpark?

13 A Sure.

14 Q Think somewhere like an hour?

15 A Yeah.

16 Q Where is the Cottage Grove Police
17 Department?

18 A Address is 12800 Ravine Parkway. In
19 relation to where Mr. Allwine's property was, maybe
20 a ten minute drive.

21 Q Okay. And then when you came back to the
22 residence, you said that you were then tasked with
23 securing the egress, and windows, and doors, and
24 things like.

25 A Correct.

1 Q Was anybody else commissioned to do that
2 or just you?

3 A At the time it was just myself. I was the
4 only one walking around the property at that point.

5 Q I believe Officer Bailey was the one that
6 said he secured some of the doors?

7 A Sure. And he may have after, but I
8 believe at that time he was tasked with signing
9 people in or out of the property. At the time that
10 I was actually securing windows and doors. It was
11 just myself at that time.

12 Q So which doors and windows did you secure
13 then?

14 A Again, specifically, I remember doing the
15 front door, east egress, rear sliding door. There
16 was the small garage door on the west end of the
17 property. And then the back -- there was a back
18 door that accessed the backyard from the garage. I
19 believe those were the access points that I secured.

20 Q Tell me about the sliding door, is that
21 the one that comes off the deck?

22 A It is.

23 Q Did you check the locks on all of the
24 doors when you tried to open or shut them?

25 A I believe the rear sliding door did not

1 lock.

2 Q What do you mean by that?

3 A I believe the lock did not work for some
4 specific reason.

5 Q So it was able to open and shut when you
6 were there?

7 A Yep.

8 Q So you still put a piece of the tape down?

9 A Correct. Again the tape was only for
10 evidentiary purposes to see if someone had accessed
11 it. Not to actually secure it.

12 Q Yeah. It wouldn't necessarily keep
13 somebody from the opening or shutting the door.
14 Just to let everybody know if somebody did, right?

15 A Right.

16 Q How about the other outbuildings. Did you
17 notice that there were some other buildings on the
18 property?

19 A I did.

20 Q Did you ever secure any of those?

21 A I did not, no.

22 Q Did you ever walk over and look at any of
23 those?

24 A I released two dogs to a woman, and a
25 leash needed to be obtained. And we accessed it

1 from one of the outbuildings, but I didn't clear it,
2 specifically, for any persons, if you will.

3 Q And even when you came back later that
4 night, when you put the tape down and stuff, did you
5 go and secure any of the outbuildings?

6 A No. Due to the fact that at that time Amy
7 was not located there.

8 Q Sure. But at the time, you were
9 considering it to be a crime scene, potentially.

10 A Yes. But I was also advised by someone
11 else on what to do.

12 Q Okay. And that someone else, told you to
13 seal off the house to the residence, correct?

14 A Correct.

15 Q So you didn't have anything to do with --
16 you never looked in the arena. Did you ever look in
17 the trailer that was parked on the property?

18 A No, I did not.

19 Q Do you see that there, though?

20 A Ah, I don't recall one in my mind
21 specifically, but there were other vehicles, and
22 other things on the property as well.

23 Q Okay. This was at night when you were
24 primarily doing most of your work?

25 A Yes.

1 Q And you said it was already dark when you
2 first arrived?

3 A Yep.

4 Q And when you came back from the police
5 station, it was still dark, correct?

6 A Correct.

7 Q Did you guys like bring in a bunch of spot
8 lights, and stuff like that, to light up the
9 outside?

10 A BCA may have. I did not.

11 Q Okay. BCA. When did they come?

12 A Later that night. I don't know a specific
13 time. That wasn't any of my responsibility.

14 Q Yeah. But you said you were on the scene
15 for a few hours before you came back to the
16 residence, right?

17 A Maybe an hour, yeah.

18 Q Oh, I thought you said two hours. Hour?

19 A Sure. Enough time to actually secure the
20 windows and doors.

21 Q Okay.

22 A Again, I don't know a specific time.

23 Q Well, I thought I understood that you --
24 you went to the police station, you dropped
25 Mr. Allwine there.

1 A Sure.

2 Q And you said that was about an hour,
3 right, by the time you got back to the Allwine
4 residence, it had been about an hour; is that right?

5 A Sure. That would make sense.

6 Q And then I wrote down from your testimony
7 that you stayed on for another two hours to secure
8 the scene, and then make sure nobody got on there.

9 A And that may have been, yeah.

10 Q But then were your responsibilities over
11 at that point?

12 A Yes.

13 Q And what is your normal shift that you
14 work? At least back then on November 13th.

15 A 6 p.m. to 6 a.m.

16 Q 6 p.m. to 6 a.m.

17 A Correct.

18 Q And then did you move on to other stuff
19 going on with work?

20 A I believe, maybe, I started to prep my
21 report at the PD. Again, I don't know specifically
22 when I made my way back to the police department,
23 but that's what I was doing.

24 Q Okay. And were you there, then, when the
25 medical examiner arrived?

1 A I don't recall.

2 Q Were you there when the BCA showed up?

3 A I don't recall that either.

4 Q Do you remember Michelle Frascone? Do you
5 remember her?

6 A Yes.

7 Q Do you know who that is?

8 A Yes.

9 Q Was she there when you were still there?

10 A Yes, I believe she was.

11 Q She worked for the BCA, right?

12 A Correct.

13 Q Who was the scene commander on duty that
14 particular night?

15 A So initially, it would have been Sergeant
16 Nickle. And then when investigation showed up, it
17 would have been Sergeant McAllister.

18 Q So Nickle initially, and then once
19 McAllister showed up he took over?

20 A Yes.

21 Q How do know who is the -- who's the -- who
22 is in charge?

23 A Typically, it's the person with the
24 highest rank.

25 Q So McAllister outranks Nickle?

1 A Not necessarily, but he's in charge of
2 investigations, so they were called in specifically
3 to do an investigation.

4 Q When you guys -- when that happens the
5 changing of the guards, so to speak, do you guys
6 have like a meeting or something, or how does that
7 work?

8 A I don't know. I am not of command status,
9 so I'm not sure.

10 Q Well, how did you know when it shifted
11 over?

12 A Sergeant McAllister is obviously the
13 Sergeant of investigations, so he's the one that's
14 usually in charge.

15 Q Okay. When you went out to talk to
16 Mr. Allwine when you guys were still at the house
17 there, before you left for the police station.

18 A Mm-hmm.

19 Q You said CSO Malcolm was out there with
20 him?

21 A I believe so. Yes.

22 Q Did you have any conversations with CSO
23 Malcolm?

24 A Just the fact that I was going to be
25 transporting him to the police department.

1 Q Do you know if the roads or streets were
2 secured as well?

3 A No, I don't know that.

4 Q Would that be normal procedure in a case
5 like this?

6 A I don't know. It depends how big they
7 think the crime scene needs to be.

8 Q And during your two hours on the property
9 when you returned from the police station, how many
10 other officers were on the scene?

11 A I can't say for sure. But I remember
12 Officer Bailey, Diane McCabe, and then Sergeant
13 McAllister.

14 Q And Officer Bailey, too?

15 A Yes, there were four that I had listed.

16 Q And Zeterlu?

17 A Zeterlu was not.

18 Q She left?

19 A I believe so. I did not see her. So I
20 don't know if she was there or not, but I did not
21 see her.

22 MR. DEVORE: All right. I have no further
23 questions. Thank you.

24 THE COURT: Redirect.

25 MS. KREUSER: No, Your Honor.

1 THE COURT: You may step down.

2 Next witness.

3 MS. KREUSER: Thank you, Your Honor. The
4 state calls Sergeant Patrick Nickle.

5 THE COURT: Please come forward to the
6 witness chair. Before you sit down, please raise
7 your right hand to be sworn.

8 PATRICK NICKLE,
9 having been first duly sworn, was examined
10 and testified on his oath as follows:

11 THE CLERK: Please be seated. Please
12 state your full name, spelling your last name.

13 THE WITNESS: Patrick Nickle, N-I-C-K-L-E.

14 THE COURT: You may proceed.

15 DIRECT EXAMINATION

16 BY MS. KREUSER:

17 Q Good afternoon, Sergeant.

18 A Good afternoon.

19 Q Are you a state certified and licensed
20 peace officer?

21 A I am.

22 Q How long have you worked as such?

23 A 14 years.

24 Q Could you describe your education,
25 background and training.

1 A I have a Bachelors Degree in law
2 enforcement. Training on the -- I'm the SWAT
3 commander, I have been on SWAT for 11 years. I have
4 been -- I am now retired, but I was in the military
5 26 years.

6 Q What did you do in the military?

7 A Military police.

8 Q For what jurisdiction do you work?

9 A Cottage Grove.

10 Q Have you held any other jobs in law
11 enforcement prior to working for Cottage Grove?

12 A I have not.

13 Q What is your rank right now?

14 A I am a Patrol Sergeant.

15 Q Before you were made Sergeant, did you
16 hold any other titles in the Cottage Grove Police
17 Department?

18 A I was School Resource Officer.

19 Q You work patrol?

20 A I was.

21 Q Can you explain your duties as a Sergeant
22 for Cottage Grove?

23 A I am patrol Sergeant. So I manage -- at
24 the time, I was managing seven officers on the
25 street.

1 Q What kinds of things do you do when you
2 manage patrol officers?

3 A I oversee -- I received their reports. I
4 receive pretty much their training, insure that they
5 are at training, participating in training. Whether
6 it's in classroom, via the web. Hands on.

7 Q And have you received training at a
8 certain point in your career specific to responding
9 to calls for service?

10 A I have.

11 Q And you do this as a part of your regular
12 duties as patrol officer or Sergeant, correct?

13 A I do.

14 Q Were you on duty on November 13th, 2016 at
15 approximately 7 o'clock p.m.

16 A I was.

17 Q Did you receive a call for service at that
18 time?

19 A I did.

20 Q Where were you dispatched to?

21 A 110th Street. 7624, I believe.

22 Q That's in the City of Cottage Grove?

23 A Yes.

24 Q And that's in Washington County,
25 Minnesota?

1 A Yes, it is.

2 Q Sergeant, what was the nature of the
3 call?

4 A It was a suicide, or believed to be
5 potential suicide.

6 Q Okay. And did you respond?

7 A I did.

8 Q Okay. And did you respond alone or with
9 other officers or sergeants?

10 A Yes. Both officers and another Sergeant.

11 Q Okay. When you arrived, what did you see?

12 A So several things. I got to the house,
13 there were already officers on scene. I saw
14 Mr. Allwine outside the house with his son. His son
15 had ear muffs on.

16 There was, what I believed at the time to
17 be, a burner on the left side of the house that was
18 running. We went into the house. Went into the
19 mudroom, through the garage into what is the
20 mudroom. There was a dog in its kennel. Went
21 through the mudroom into the, kind of the hallway,
22 but it's open. Living room to the right. Kitchen
23 to the left. Straight ahead was what we will call
24 the master bedroom.

25 Q Okay.

1 A And there I saw her on the floor,
2 Mrs. Allwine.

3 Q Okay. Now, Sergeant again, can you
4 explain the entry by the way that you entered the
5 home?

6 A So if you're looking at the house, the
7 garage is on the left. So I went in the garage.
8 And then there is a service door in the garage. I
9 went through that way.

10 MS. KREUSER: May I approach, Your Honor?

11 THE COURT: Yes, you may.

12 BY MS. KREUSER:

13 Q Sergeant Nickel, I am showing you what's
14 been marked and offered in evidence as Exhibit 6; do
15 you recognize that?

16 A I do.

17 Q Okay.

18 MS. KREUSER: Permission to publish again,
19 Your Honor.

20 THE COURT: Granted.

21 BY MS. KREUSER:

22 Q Is this the way you went into the home?

23 A It is.

24 Q And in relation to what you have already
25 described, can you kind of put this into context

1 again?

2 A Okay. So go up to the stairs, and right
3 in there is what I consider to be a mudroom. And in
4 that mudroom was a kennel. So that's where the dog
5 was to the left. You go straight down -- you go
6 straight in. And as you kind of go through the
7 mudroom, and go straight down, there is the master
8 bedroom.

9 Q Okay.

10 MS. KREUSER: Madam clerk, would you exit
11 from this, please, for one moment? Thank you. And
12 if you'd like to put it back on, that's fine. Thank
13 you.

14 Your Honor, may I approach the witness
15 once more?

16 THE COURT: Yes, you may.

17 MS. KREUSER: Thank you.

18 BY MS. KREUSER:

19 Q Sergeant Nickle, I am showing you what's
20 been previously marked and entered into evidence as
21 Exhibit 15; do you recognize that?

22 A I do.

23 MS. KREUSER: Permission to publish again,
24 Your Honor?

25 THE COURT: Granted.

1 MS. KREUSER: Thank you.

2 BY MS. KREUSER:

3 Q You said that you walked in through the
4 mudroom, and then approached. Can you explain what
5 you saw in context of this picture?

6 A Well, I saw the victim lying there, and a
7 couple of officers were right there. Officer
8 Zeterlu, she told me that she checked, and she was
9 gone. I saw what I believed to be a blood -- or I'm
10 sorry, a hole in the left side of her head. So
11 later I asked Mr. Allwine if she was left handed.

12 I saw the gun. The gun was actually out
13 from the position that it is currently in this
14 video, or this picture.

15 Q Sure.

16 A I saw her pants unbuttoned and unzipped.

17 Q What was the position of her body?

18 A Just like this. Her back -- she was lying
19 on her back.

20 Q Okay. Did you go into the bedroom?

21 A I stepped a step in. I didn't go back
22 past her body. I took a step in, knelt down,
23 looked.

24 Q Okay. All right. Thank you. Now, let's
25 go back to a couple of things that you had just

1 testified to, Sergeant. You had said that the gun
2 was not there as it was shown in the picture?

3 A Correct.

4 Q Where was it?

5 A Officer Bailey had the gun.

6 Q Okay. Can you explain?

7 A Well, I understand why he did it. He
8 wanted to -- the house hadn't been cleared yet. He
9 wanted to take the -- make sure the gun was safe.

10 MR. DEVORE: Objection, hearsay, Your
11 Honor.

12 THE COURT: As asked and answered.
13 Sustained. Rephrase.

14 MS. KREUSER: Okay.

15 BY MS. KREUSER:

16 Q Sergeant Nickle, you observed that the gun
17 was not as it was shown in the picture, correct.

18 A Correct.

19 Q Okay. And so where was it when you first
20 got there?

21 A Officer Bailey had the gun.

22 Q And did you tell Officer Bailey to do
23 anything? What did you say?

24 A I told Officer Bailey to -- it was already
25 unloaded. I told him to put it back for the purpose

1 of the investigation, because there was already some
2 things that I didn't think were right. So I told
3 him to put it back where he thought it was, and put
4 it back in the position that he thought it was.

5 Q All right. So your testimony is that
6 there were some things that -- I don't know what
7 phrase you used, but there were some things that
8 stood out to you.

9 A Yes.

10 Q Can you talk about that?

11 A So, in suicides that I have gone to, I
12 have never seen one with their pants unbuttoned or
13 unzipped. That was strange to me. It appeared at
14 the time that the hole was in the left side of the
15 head. And so, um, when I had gone outside to ask
16 him if she was left-hand -- or what was her dominant
17 hand and he said left, or I'm sorry, right, I
18 thought that to be strange.

19 I have never known someone to, when they
20 commit suicide, to do that with their non-dominant
21 hand.

22 Then their son, Joseph, had his earmuffs
23 on. And I later found out that he had them -- he
24 asked for them. But at the time, I felt that to be
25 suspicious. So because of that, I called

1 investigation, or called Sergeant McAllister, the
2 investigator.

3 Q Why did you feel wearing earmuffs was
4 suspicious?

5 A If something were -- if someone didn't
6 want to hear, want someone to hear a pop, then
7 nothing better than a set of earmuffs to be put on.

8 Q And did you have an opportunity to speak
9 with the defendant?

10 A I did.

11 Q And what did you ask him?

12 A Couple of things. I asked about the --
13 what dominant hand she was. I asked if he had
14 any -- and after that I had walked -- I had left. I
15 came back, I asked if he had any phones. I ended up
16 taking the one phone -- or he gave me the one phone.
17 Then officer Liermann had another phone, so I had
18 them both. Gave them to Officer Zeterlu and then
19 asked her to go back and get the passwords. I also
20 asked where he was tonight.

21 Q What did he say?

22 A He said that he had gone to, I forget,
23 Ninja Warrior. I think that's the correct term, or
24 name of the place. But Ninja Warrior where he has
25 taken his son. They went to grab something to eat,

1 and then they went to Ninja Warrior.

2 Q Okay. Did you observe his demeanor that
3 evening?

4 A I did.

5 Q As you were speaking to him?

6 A Yes.

7 Q Can you explain what you saw?

8 A He was, what I consider, to be a
9 rollercoaster up and down. At one point giggling
10 when he was talking to his son.

11 Q So then you said you decided to call
12 investigations, correct?

13 A Correct.

14 Q And who would have been the individual
15 that you spoke to if you called investigations?

16 A Real quick, if I can go back one. That
17 would be Sergeant McAllister, to answer your
18 question. He is the investigative sergeant. But
19 one other thing that I thought to be suspicious. So
20 after he had said that, I talked -- I asked Joseph
21 how Ninja Warrior was. Because I was already
22 suspicious, so I asked him how Ninja Warrior was,
23 and he said that they hadn't gone. So then it was
24 at that point that I made the call.

25 Q Okay. When you spoke with the Detective

1 McAllister, did he instruct you to do anything?

2 A Yes. He was the one that advised me to
3 grab the phones. I asked if he would be willing to
4 give up the phones. I'm sorry, phone, and then I
5 realized I found out that there was two.

6 Q Which phone did you get?

7 A I don't know. I'm sorry.

8 Q But you got one and Officer Liermann had
9 another?

10 A Yep. And then I got that one from Officer
11 Liermann and gave them to Officer Zeterlu.

12 Q Okay. And is it true that you spoke with
13 Officer Bushey?

14 A That night?

15 Q Yes.

16 A Yes.

17 Q What did you direct him to do?

18 A I don't remember, I'm sorry. I mean, I
19 spoke to all of the officers on the scene, so I
20 don't remember exactly what -- I would have to look
21 at his report. I don't remember.

22 Q That's fine. Do you know if the defendant
23 remained on the scene or went to the Cottage Grove
24 Police Department that night?

25 A He did end up going back and with Officer

1 Bushey.

2 Q And were you -- did you remain on the
3 scene that night when Detective McAllister arrived?

4 A I did.

5 Q Did you and he have a discussion?

6 A We did.

7 Q What did you ultimately decide to do in
8 terms of next steps?

9 A So he wasn't -- we don't see these kinds
10 of things. So I had actually called him. When I
11 talked to him on the phone, kind of went over some
12 things. The things that I thought to be suspicious.
13 And so then once he got on the scene, he wanted to
14 make sure that it was secure. Wanted to make sure
15 that we started the death certificate access log.
16 Things like that.

17 Q All right. Were you on scene when the BCA
18 was called?

19 A I was actually. I left shortly
20 thereafter.

21 Q And when you left, Detective McAllister
22 was in charge?

23 A He was. Yes.

24 MS. KREUSER: I have no further questions.

25 THE COURT: Cross examine.

1 MR. DEVORE: Thank you.

2 CROSS EXAMINATION

3 BY MR. DEVORE:

4 Q So Sergeant Nickel, when you arrived on
5 the scene, Officer Bailey still had the gun in his
6 hand?

7 A It was still in his possession. It was on
8 the counter right next to -- I'm sorry, little like
9 coffee table, if you will. It was on that table
10 next to him with him.

11 Q So it was already sitting on the table,
12 correct?

13 A No, I'm sorry. Yes, it was.

14 Q Yeah?

15 A Mm-hmm.

16 Q So you arrived. Gun's on the table. You
17 start doing some stuff, and then eventually you tell
18 Officer Bailey to put the gun back where he found
19 it; is that right?

20 A Yes, sir.

21 Q All right. And you said that you noticed
22 that there was a hole on the left side of the
23 victim's head; is that right?

24 A That is correct. It turned out to be a
25 blood clot. It was not a hole.

1 Q Okay. And then you also said that
2 Mr. Allwine said that the victim was right handed;
3 is that right?

4 A That is correct.

5 Q All right. Now, part of your duties as a
6 sergeant, do you patrol the streets, too?

7 A Yes, sir.

8 Q So that means that you drive around in the
9 City of Cottage Grove looking for various
10 violations?

11 A Yes, sir.

12 Q Do you do that at every work shift?

13 A Yes, sir.

14 Q You know the roads pretty well?

15 A I do.

16 Q Well, first of all, what's the speed limit
17 on a residential road, like 110th Street?

18 A That be 30 or 35. 30.

19 Q And I understand that you visited a Super
20 America on Jorgenson Lane; is that right?

21 A That's correct, sir.

22 Q Why did you do that?

23 A Video surveillance. I was actually
24 advised by Sergeant McAllister to try and get some
25 video surveillance from there, and the Culvers in

1 Cottage Grove because he had said that he had been
2 to both of those places.

3 Q He being Mr. Allwine?

4 A Yes, sir.

5 Q And what is the address, 7033 Jorgenson
6 Lane, Cottage Grove?

7 A That sounds right, sir. Yes, sir.

8 Q And you drove to that Super America?

9 A Yes, sir.

10 Q And you asked them about surveillance
11 cameras, correct?

12 A Yes, sir.

13 Q And they didn't have any, or they weren't
14 working, or something like that, right?

15 A That was Culvers, sir. They had
16 surveillance there, but they didn't have him there
17 that night.

18 Q Okay. But ultimately, you learned of a
19 receipt that you guys found during your
20 investigation; is that correct?

21 A I didn't.

22 Q You don't know?

23 A I don't know.

24 Q All right. So I want to ask you, where is
25 this Super America? I don't know where Jorgenson

1 Lane is?

2 A It's off of Keats and 70th, sir.

3 Q Okay.

4 A So if you -- are you familiar with the
5 police department location?

6 Q Yeah, I think I am, off of 80th?

7 A That's the old one. So if you are
8 traveling down 61, take Innovation or Keats Road.

9 Q Okay.

10 A Take a -- go north. You go a few miles
11 and there is a Super America by Carbone's, right off
12 of 70th.

13 Q How far is that from the Allwine
14 residence?

15 A It would be -- depending on which way he
16 went, one -- we will go closest route. 1, 2, 3, 4,
17 5, 6 and a half miles.

18 Q Okay. If someone was to drive that, how
19 long would it take to drive that?

20 A Well, so you're talking various speeds.
21 10, 12 minutes.

22 Q Okay.

23 A And there are stoplights along the way.

24 Q So it can vary?

25 A Yes, sir.

1 Q 10 to 15 minutes, would that be a fair
2 estimate?

3 A Yes, sir.

4 Q Now, I saw in the information I received,
5 a picture of your shoe in one of them. What was
6 that for?

7 A Okay.

8 Q Why did you take a picture of your shoe?

9 A My shoe?

10 Q Yeah.

11 A I don't recall taking the picture.

12 Vaguely -- there was -- I don't know that I took
13 that picture. But I don't remember.

14 Q Do you remember a shoe print that you guys
15 were trying to figure out, who it belonged to?

16 A I don't, sir.

17 Q All right. So if somebody came along in
18 this case and took a picture of your shoe; is that
19 fair to say?

20 A I would say it is if it's in someone's
21 report, yes. I don't recall it though.

22 Q Okay. What kind of boots do you wear?

23 A That night would have been Danners. I no
24 longer have those, but Danners.

25 Q Okay.

1 MR. DEVORE: May I approach, Your Honor?

2 THE COURT: You may.

3 BY MR. DEVORE:

4 Q Sergeant Nickle, I am showing you a
5 photograph of a shoe. Does that look like the shoe
6 that you wore back on November 13th?

7 A Well, that could be. That's my SWAT boot.
8 That could be.

9 Q Does that look like your shoe?

10 A Yes, sir.

11 Q Do you remember why you had that picture
12 taken?

13 A I can make an assumption, but I don't.

14 Q What do you think?

15 A Tracks, to see what kind of tracks. That
16 is what would be commonly taken for to see
17 footprints.

18 Q Compare them to other tracks that might
19 have been at the scene?

20 A Yes, sir.

21 Q Okay. All right. So now initially you
22 were the scene commander; is that correct?

23 A Yes, sir.

24 Q How long were you the scene commander that
25 particular night?

1 A From time of call. So there's two
2 supervisors on that night, myself and Sergeant Gwen
3 Martin.

4 Q So did you guys share duties, then, as
5 commanders or how does that work?

6 A Well, she is senior, so she would have
7 been. But she was close to the victim, as she does
8 a community program.

9 Q Okay.

10 A Ms. Allwine was part of that program. So
11 I took over. So from the time -- it was decided
12 within minutes of us both being there that I would
13 be in charge until Sergeant McAllister got there.
14 And I can't tell you how long, hour and a half
15 maybe. I don't know how long.

16 Q If you were there when the BCA arrived; is
17 that correct?

18 A Yes, sir.

19 Q And the medical examiner, too?

20 A No. I don't recall the medical examiner?
21 I don't recall the medical examiner being there.

22 Q Now, as the scene commander, did you have
23 your officers do a perimeter sweep to make sure that
24 there wasn't anybody else on the property?

25 A The whole property?

1 Q Yeah.

2 A The property is too big for that. But the
3 house we did scene security within the house.

4 Q Okay. You say it was too big. How big is
5 this property we are talking about?

6 A Well, you have a pole barn, or there is
7 some type of barn, or building, to the left of the
8 driveway. We didn't secure that. And, you know,
9 there is a field behind them.

10 Q There are other small out buildings and
11 stuff on the property; is that right?

12 A Yes, sir. There is -- well, there's
13 that -- I forget what it's called, but that thing to
14 the left what I understand heats the floor, but at
15 the time I didn't realize that. There is that and
16 then there is a little mini shed.

17 Q Was there a camper on site, too?

18 A I don't recall seeing the camper.

19 Q Do you know how many acres total the
20 property was?

21 A I don't.

22 Q Have you learned since how big it was?

23 A No, sir.

24 Q And just so I get a sense of the lighting
25 on the property, are there big overhead lights that

1 light everything up, or was it -- tell me about the
2 lighting around the property.

3 A Well, I know looking out it was pretty
4 dark. I was concerned about neighbors, people
5 coming out looking in with squad cars and headlights
6 being pointed at the house. It was pretty lit. As
7 far as lighting around the house, I couldn't answer
8 that. I know it was lit with the squad cars.

9 Q This area where this house is, it's fairly
10 rural; is that correct?

11 A Yes, sir.

12 Q Houses are fairly far apart, for the most
13 part?

14 A Yes, sir.

15 Q And is it that most people have a certain
16 number of acres that they live on?

17 A I would say that is correct, sir.

18 Q Okay. Then there is also some woods that
19 are separating some of the houses and things like
20 that?

21 A Yes, sir.

22 Q And this road, 110th Street, describe that
23 for me. Describe, does it come to a dead end at
24 some point?

25 A Yes, sir. It does.

1 Q And describe for me where the Allwine
2 property is in vicinity to where the road dead ends.

3 A So they live fairly close to the dead end.
4 There is a -- I don't recall seeing a house to the
5 left of them.

6 Q As you're looking at their house?

7 A Yes, sir.

8 Q So what direction would that be?

9 A As you are looking at the house, so west.
10 I don't believe there was a house to the west of
11 theirs.

12 Q Okay. So their house faces which
13 direction?

14 A Faces south.

15 Q Faces south.

16 A I believe.

17 Q So to the west, you don't think there is a
18 house that way. What is it a big cul-de-sac, or
19 what is it? Describe that dead end. What's down
20 there?

21 A Well, I couldn't describe that for you. I
22 don't know if it dead ends or if it's an actual
23 cul-de-sac.

24 Q Have you ever patrolled that road before?

25 A I have. I don't get out there that often.

1 We don't get a lot of calls out there. We don't get
2 any driving complaints on that road. So I am not
3 out there a lot.

4 Q All right. You said Mr. Allwine's
5 emotions were like a rollercoaster; is that right?

6 A That's correct.

7 Q Now a rollercoaster goes up and it goes
8 down. Is that what you were referring to?

9 A Yes, sir.

10 Q So is it fair to say that at some times
11 his emotions were, like you said laughing, and at
12 other times, what, maybe crying?

13 A Yes, sir.

14 Q In your conversation with him, did you
15 record that conversation?

16 A I did not.

17 Q Where did that conversation take place?

18 A On the road. Yes, sir.

19 Q That was -- was CSO Malcolm out there at
20 that time?

21 A He was. He was actually with Joseph at
22 the time. Then it was right at that time where her
23 parents arrived.

24 Q Is that Charles and Joanne Zutz, or do you
25 know?

1 A I don't know, sir.

2 Q Was there any other officers out on the
3 road with them?

4 A Officer Liermann was out there at one
5 point. He was actually the officer that kind of
6 stayed out there with Mr. Allwine until Officer
7 Bushey brought him back to the PD.

8 Q Okay. So Officer Liermann was mostly with
9 Steve Allwine, and CSO Malcolm was kind of hanging
10 out with Joe, that's what you saw?

11 A Yes, sir.

12 Q Okay.

13 MR. DEVORE: I have no further questions.
14 Thank you.

15 THE COURT: Redirect.

16 MS. KREUSER: No, Your Honor. Thank you.

17 THE COURT: You may step down. We are
18 going to take a break. We will return at 10 minutes
19 to 3.

20 (The jury exited the courtroom.)

21 (A recess was taken.)

22 (The jury returned to the courtroom.)

23 THE COURT: Please be seated.

24 Next witness.

25 MR. FINK: Your Honor, the state is

1 recalling Sergeant Pat Nickle for a very brief Q and
2 A.

3 THE COURT: All right. Sergeant Nickle,
4 have a seat and remember you are still under oath.

5 THE WITNESS: Yes, sir.

6 MR. FINK: May I approach the witness,
7 Your Honor?

8 THE COURT: You may.

9 CONTINUED REDIRECT EXAMINATION

10 BY MR. FINK:

11 Q Now, Sergeant Nickle.

12 A Yes, sir.

13 Q I am showing you Exhibits 16 and 38
14 through 46 inclusive. And I would like you to take
15 a look at those, please.

16 A Yes, sir.

17 Q In general terms, those show the deceased
18 and the environment around her; is that correct?

19 A I'm sorry, can you say that one more time?

20 Q In general, those photographs are of the
21 deceased and the environs around her; is that
22 correct?

23 A Yes, sir.

24 Q And do they accurately depict what you saw
25 on November 13th of 2016?

1 A Yes, sir.

2 MR. FINK: I would move for their
3 admission, Your Honor. That's 16 and --

4 THE COURT: I believe you said 38 through
5 46.

6 MR. FINK: That's correct.

7 MR. DEVORE: No objection.

8 THE COURT: All those pictures are
9 received.

10 MR. FINK: That's all we have.

11 MR. DEVORE: No questions.

12 THE COURT: You may step down. Next
13 witness.

14 MS. KREUSER: Thank you, Your Honor. The
15 state next calls Officer Ryan Malcolm.

16 THE COURT: Please come all the way up to
17 the witness chair. Before you sit down, sir, raise
18 your right hand to be sworn.

19 RYAN MALCOLM,
20 having been first duly sworn, was examined
21 and testified on his oath as follows:

22 THE CLERK: Please be seated. State your
23 full name and spell your last name.

24 THE WITNESS: Ryan Malcolm, M-A-L-C-O-L-M.

25 THE COURT: You may proceed.

1 MS. KREUSER: Thank you, Your Honor.

2 DIRECT EXAMINATION

3 BY MS. KREUSER:

4 Q Are you a state certified and licensed
5 peace officer?

6 A Yes.

7 Q How long have you been a state certified
8 and licensed peace officer?

9 A Just shy of one year.

10 Q Where do you work?

11 A Currently with the City of Inver Grove
12 Heights.

13 Q What is your role there?

14 A I am a patrol officer.

15 Q Have you worked in other law enforcement
16 jobs prior to working for the City of Inver Grove?

17 A Yes.

18 Q What was that?

19 A I was a Community Service Officer for the
20 City of Cottage Grove.

21 Q How long were you Community Service
22 Officer with Cottage Grove?

23 A Three years.

24 Q When you were Community Service Officer
25 for Cottage Grove, what were your duties?

1 A They varied. Mostly was animal control
2 and enforcing city ordinances. But I was also able
3 to do basically anything as assigned. So providing
4 overwatch of crime scenes, transporting arrestees to
5 Washington County jail. Just kind of anything as
6 assigned.

7 Q Were you on duty on November 13th, 2016 at
8 approximately 7 o'clock p.m.?

9 A Yes.

10 Q In your capacity as a CSO?

11 A Yes.

12 Q Were you dispatched on a call for service
13 at this time?

14 A I was requested by a sergeant to assist,
15 yes.

16 Q Where were you requested to go?

17 A I forget the street number. It was on
18 110th Street.

19 Q What city?

20 A Cottage Grove.

21 Q Is that in Washington County, Minnesota?

22 A It is.

23 Q Who lived there?

24 A It would be the Allwine residence.

25 Q What was the nature of your superior

1 requesting that you respond?

2 A I was requested, initially -- referring to
3 what the call was dispatched as?

4 Q Yes.

5 A It was a female that had shot herself.

6 Q And upon arrival, what did you see?

7 A So I was the last person there pretty
8 much, just because I was a Community Service
9 Officer. As I pulled up, I got out of my squad car
10 and Sergeant Nickle was near the house. He directed
11 me to stand with Mr. Allwine and his son.

12 Q Did you do that?

13 A I did.

14 Q Did the defendant talk to you?

15 A A little bit. He didn't say a ton
16 directly to me.

17 Q Now, did anyone else approach you while
18 you were next to the defendant?

19 A Officer Liermann was in the area, but not
20 directly next to me.

21 Q Any other citizens?

22 A No.

23 Q Any other family?

24 A No. Well, not at first.

25 Q Okay. What about later?

1 A Later it was Mr. Allwine's in-laws had
2 been on scene. That was a considerable amount of
3 time later.

4 Q How did they happen to arrive there; do
5 you know?

6 A He had called them, and I had notified
7 them of what had transpired.

8 Q Okay. When you say he called them, what
9 do you mean?

10 A So when I arrived and approached
11 Mr. Allwine and his son, he was on the phone. I
12 later learned that he was on the phone with his
13 in-laws. And he had said, Amy's dead. She had shot
14 herself.

15 Q When you were waiting with them, where
16 exactly was this?

17 A When I first made contact with them, they
18 were near the garage. Since it was cold that night
19 and they were shivering. I asked them if they
20 wanted to sit in the back of a patrol car to stay
21 warm. So Officer Liermann offered his patrol car,
22 since it was close to the driveway.

23 Q And did they stay in Officer Liermann's
24 patrol car the entire time?

25 A Not the entire time.

1 Q Where did they go next?

2 A Once the in-laws arrived, Stephen and his
3 son went to the back seat of their car.

4 Q Okay. And did anything else happen
5 between you and the defendant during this time?

6 A We sat there talking for what I recall to
7 be a couple of hours. At one point while we were
8 conversing, he pulled an iPhone out of his pocket,
9 and said something to effect, I think you guys are
10 going to want this because you had my other one, or
11 something to that effect.

12 Q What kind of phone was it?

13 A It was a black iPhone.

14 Q Now, it's your testimony that you were
15 next to the defendant and visited with him for a
16 couple of hours?

17 A Sort of close to. It felt like a couple
18 of hours.

19 Q What was his demeanor during this time?

20 A Quiet.

21 MS. KREUSER: I have nothing else for this
22 witness.

23 THE COURT: Cross examine.

24 MR. DEVORE: Thank you.

25 CROSS EXAMINATION

1 BY MR. DEVORE:

2 Q Is it Officer Malcolm?

3 A Currently it is now.

4 Q You are now an officer with the Inver
5 Grove Police Department?

6 A Yes, sir.

7 Q How long have you been an officer there?

8 A I started March 27th of last year.

9 Q March 27th of 2017?

10 A Yes, sir.

11 Q And before that, you were a CSO, Community
12 Service Officer?

13 A Yes, sir.

14 Q How long were you a CSO?

15 A Three years almost to the day.

16 Q That was all with Cottage Grove Police
17 Department?

18 A Yes.

19 Q Prior to becoming a CSO, when kind of
20 training did you have in law enforcement?

21 A I had a couple of classes under my belt,
22 then Metropolitan State University. That's where I
23 did my Bachelors Degree. Not directly related to
24 law enforcement, but I was also a part-time
25 firefighter, EMT, at the City of Woodbury.

1 Q So then did you have to take some more
2 classes to become a peace officer then?

3 A Yes.

4 Q Did you do that -- when did you do that?

5 A That was all simultaneously with my
6 employment with the City of Cottage Grove.

7 Q When you were a CSO with Cottage Grove,
8 did you drive a squad car?

9 A Yes.

10 Q Did you wear a uniform?

11 A Different from a police officer, but yes.

12 Q Now, you arrived on the scene of the
13 Allwine residence, what time was that?

14 A Shortly after 7 p.m.

15 Q Who was -- was there -- you said there
16 were already officers on the scene?

17 A Yes.

18 Q How did you get the call; are you on
19 dispatch?

20 A I am. So what had happened is, we were
21 all at the police department. And I told, I forget
22 which sergeant it was. It was one of the sergeants
23 that said, hey, let me know if you need anything.
24 They said, you can start floating down that way.

25 Q Floating? Is that what you said?

1 A Yeah. Heading towards the direction of
2 the scene.

3 Q Okay. So somebody told you, hey, we are
4 probably going to need your help, so you might as
5 well start heading in that direction?

6 A Yes.

7 Q Now, when you were sitting with
8 Mr. Allwine, that was out in front of property on
9 the road out there?

10 A For the first probably minute or so. It
11 was near the garage.

12 Q Oh, okay. Then you guys went out to the
13 car?

14 A Yes.

15 Q When you were out there, you said at some
16 point Mr. Allwine voluntarily gave you his iPhone;
17 is that right?

18 A Yes, sir.

19 Q That was just kind of out of the blue?

20 A Seemed to be.

21 Q And then he told you that Officer Liermann
22 had collected his other phones before; is that
23 right?

24 A Yes.

25 Q And then did he, like, open it up for you,

1 or give you the password, or what happened?

2 A He turned it off and then handed it to me.

3 Q Just handed it over?

4 A Yes.

5 Q Was he being cooperative with you when he
6 was in the squad car?

7 A Yes.

8 Q Now, you wrote a report in this case; is
9 that right?

10 A Yes.

11 Q Why did you do that?

12 A Because I was requested to, just because
13 of my involvement. Standard procedure that I would
14 have written a report.

15 Q Okay. As a police officer or as a CSO,
16 you said it's standard procedure to write a report?

17 A Typically.

18 Q Why is that?

19 A Just as a transcript of the events that
20 transpired, or a record.

21 Q What do you need that for?

22 A Any potential future recollection.

23 Q Do you rely on that sometimes later on?

24 A Depends on your definition of rely, I
25 guess.

1 Q Well, do you read through it to refresh
2 your recollection?

3 A Yes.

4 Q Is that what it's for?

5 A Yes.

6 Q Is it -- have you been trained on writing
7 reports?

8 A Yes.

9 Q Who trained you?

10 A My Field Training Officer as a Community
11 Service Officer gave me kind of a brief overview. I
12 had a class at Metropolitan State on report writing.
13 Then my Field Training Officer through Inver Grove
14 Heights also trained me in on how to write a report.

15 Q So what's important to have in a report?

16 A Details of the event that are important to
17 me to kind of jog my memory.

18 Q Okay. Writing specific fact details,
19 sometimes that's important, right?

20 A Yes.

21 Q And are reports written so that other
22 people can read them, too?

23 A Yes.

24 Q Okay. So when you write a report, you
25 write it in a narrative; isn't that right?

1 A Yes.

2 Q So it's not like bullet points
3 necessarily. It's written as if you are talking
4 almost, right?

5 A Yes. That's my personal style, yes.

6 Q Did you read through your report before
7 you testified today?

8 A Yes, sir.

9 Q When's the last time you looked at your
10 report?

11 A Probably an hour ago.

12 Q Did you also meet with anybody to prepare
13 for testifying?

14 A Yes.

15 Q Who was that?

16 A That would have been the prosecution?

17 Q When did you do that?

18 A Probably a month ago, two months ago.

19 Q Okay.

20 A Late last year.

21 Q All right. Now, you drove Joseph Allwine
22 to the police department; is that correct?

23 A No, sir.

24 Q Oh, I thought you did that. Who did that?

25 A I don't recall.

1 Q Once Officer Bushey transported
2 Mr. Allwine to the Cottage Grove PD, what did you do
3 after that?

4 A So I -- once both the Allwines were gone,
5 I cleared. I left the scene.

6 Q Then you were done?

7 A Yes.

8 Q What did you do with the cell phone?

9 A As soon as it was handed to me, I
10 immediately gave it to Officer Liermann.

11 Q Okay.

12 MR. DEVORE: I have no further questions.

13 THE COURT: Any redirect.

14 MS. KREUSER: No, Your Honor. Thank you.

15 THE COURT: You may step down.

16 THE WITNESS: Thank you.

17 MR. FINK: Call David Liermann.

18 THE COURT: Please come forward to the
19 witness chair. Before you sit down, please raise
20 your right hand to be sworn.

21 OFFICER DAVID LIERMANN,
22 having been first duly sworn, was examined
23 and testified on his oath as follows:

24 THE CLERK: Please be seated. State your
25 full name, and spell your last name.

1 THE WITNESS: First name is David, last
2 name is Liermann. It's L-I-E-R-M-A-N-N.

3 THE COURT: You may proceed.

4 DIRECT EXAMINATION

5 BY MR. FINK:

6 Q How are you employed, sir?

7 A I am employed as a police officer with
8 City of Cottage Grove.

9 Q How long have you had that position?

10 A 15 years.

11 Q You're a patrol officer?

12 A I am.

13 Q Did you have any law enforcement
14 experience prior to that?

15 A I had almost four years of 911 dispatcher
16 with the City of Cottage Grove.

17 Q Now, were you on duty on November 13th of
18 2016 about 7:00 in the evening?

19 A I was.

20 Q And at that time, did you have the
21 occasion to receive a dispatch?

22 A I did get a dispatch, yes.

23 Q What was the substance of that dispatch?

24 A It was a call of a party who had possibly
25 just shot themselves basically by committing

1 suicide.

2 Q At what location?

3 A We were sent to 7624 110th Street in the
4 City of Cottage Grove.

5 Q When you arrived, what number officer were
6 you on the scene; do you remember?

7 A I was like the second one on the scene,
8 but I also arrived with Officer Bailey and Officer
9 Bushey. There was already one person that was
10 already there and that was Officer Zeterlu.

11 Q What did you immediately see when you
12 arrived?

13 A I saw Officer Zeterlu outside the
14 residence talking to a male and a juvenile male.

15 Q What did you do?

16 A We approached her, and then at that time
17 we made the decision that we were going to go inside
18 the house to make sure the house was clear.

19 Q What sort of house was it?

20 A It was a -- looked like a single story
21 from the outside. So it was like a rambler style
22 house. It had through the garage, and then the
23 house attached to the garage. Then they also had
24 like an outbuilding out there as well.

25 Q So you, Bailey, Zeterlu went inside then?

1 A Yes.

2 Q Where did you go?

3 A We went in through the garage, up through
4 the garage entry, and ended up going in the house.
5 That's where we ended up seeing the victim laying on
6 the floor. And that's where we ended up going right
7 to was the bedroom.

8 MR. FINK: May I approach the witness?

9 THE COURT: You may.

10 BY MR. FINK:

11 Q I would like to show you Exhibit 15
12 previously received in evidence. Do you know what
13 that is?

14 A I do.

15 Q What is it?

16 A It is a photo of Mrs. Allwine laying on
17 the bedroom floor.

18 Q Does it accurately depict what you saw on
19 this occasion?

20 A It sure is.

21 Q Did you have any other duties that evening
22 inside the house?

23 A We did. After we got there, Officer
24 Bushey and I then decided we were going to clear the
25 rest of the house. We also ended up going in the

1 basement and make sure nobody else was in the house.

2 Q When you say "clear", what does that mean?

3 A Just looked to make sure that nobody else
4 was in the house. Make sure that there was no, real
5 quick, cursory search, to make sure nobody else was
6 in the house besides the victim.

7 MR. FINK: Approach the witness?

8 THE COURT: You may.

9 BY MR. FINK:

10 Q Showing you what's marked Exhibit 21, and
11 ask you if you know what that is?

12 A That is a work station that I did see in
13 the basement when we did just check the basement to
14 make sure nobody else was in the house.

15 Q Does that accurately depict what you saw
16 on that occasion?

17 A It is.

18 MR. FINK: Move for admission.

19 MR. DEVORE: No objection.

20 THE COURT: Received.

21 BY MR. FINK:

22 Q That evening did you end up receiving a
23 phone call from CSO Malcolm?

24 A I did.

25 Q Okay. And you took that back to the

1 police department?

2 A Yes.

3 Q Put it into evidence?

4 A I gave it to Officer Raymond -- or excuse
5 me, Detective Raymond.

6 Q After you cleared the basement, what did
7 you do?

8 A I went outside and that's where I ended up
9 going and speaking to Mr. Allwine and his son, who
10 were outside.

11 Q Okay. Now, when you say Mr. Allwine, is
12 the person you know as Mr. Allwine in the courtroom
13 today?

14 A Yes, he is.

15 Q Could you please point him out, and tell
16 me what he's wearing?

17 A He's sitting over there, and he's wearing
18 a dark suit with a black tie.

19 MR. FINK: May the record reflect he has
20 correctly identified defendant.

21 THE COURT: The record may reflect that.

22 BY MR. FINK:

23 Q So you went outside and you spoke to the
24 defendant?

25 A I sure did.

1 Q What did he tell you?

2 A He told me that the last time he was at
3 the house, he called his -- Mrs. Allwine's
4 grandparents, and it was roughly at 1:54 is when he
5 called them, to have them come pick up their son.
6 And then he was saying, you know, because he had to
7 do some work downstairs.

8 Then when his son came and got picked up,
9 he said he was working downstairs. Mrs. Allwine was
10 not feeling well. She was feeling lightheaded. He
11 asked her if she needed to go to the clinic. She
12 said no. Then at approximately 7 -- excuse me, 5:29
13 is when he called Mrs. Allwine's parents that he was
14 going to come and pick up his son because he needed
15 to take him to a gym in Woodbury.

16 Q Did he say 5:29?

17 A Yes, he did.

18 Q Did he say what he did next then?

19 A He said that when he left he was going to
20 go pick up their son. And then when he realized on
21 the way that he forgot his son's, basically, gym
22 shorts at the house, he went and picked him up.
23 Excuse me, he went to get gas, then he went and
24 picked him up, and then they went out to eat after
25 that prior to coming back to the house.

1 Q Did you ask him about the handgun?

2 A I did ask him about the handgun.

3 Q What did he say?

4 A He said that they just purchased the
5 handgun recently because of a threat that they got
6 from an FBI agent in regards to a death threat that
7 Amy -- or Mrs. Allwine happened to receive.

8 Q Did the defendant tell you where it was
9 normally located.

10 A On her side of the bed under the mattress.

11 Q Did you ask if Mrs. Allwine was right or
12 left handed?

13 A I asked her parents that.

14 Q When you were talking to the defendant,
15 what was his demeanor?

16 A It was a little odd. He -- for somebody
17 that, to me, just looking at their wife just
18 happened to commit suicide, or just happened to pass
19 away, he didn't seem too upset or concerned about
20 her. You know the moment that I told him that she
21 is passed away, she did die. At that point he did
22 kind of break down. I kind of patted his back. To
23 me, he was kind of breathing hard, you know like he
24 was starting to cry. But then after I was done, he
25 went and started talking to her parents some more,

1 talking to their son. It just didn't seem any
2 remorse after that.

3 Q Were you assigned any follow-up duties
4 relative to this case?

5 A The only other follow-up duty I did was
6 speaking to neighbors around the -- that lived on
7 the same street. As I spoke to approximately ten --
8 ten houses, ten neighbors, find out if they happened
9 to see anybody, hear anything or anything like that
10 at the time prior to when we were there.

11 MR. FINK: That's all.

12 THE COURT: Cross.

13 MR. DEVORE: Thank you.

14 CROSS EXAMINATION

15 BY MR. DEVORE:

16 Q Is it Officer Liermann?

17 A Yes.

18 Q Officer Liermann, you spoke to some of the
19 neighbors you said, correct?

20 A I did.

21 Q Now, when you go out and talk to people,
22 do you typically take notes?

23 A I had my digital recorder with me, and I
24 also had my squad video running at the same time.

25 Q Do you typically write a police report

1 when you do something on a case?

2 A Yes, I did.

3 Q What's the purpose of a police report; why
4 do you do that?

5 A The purpose of a police report is to try
6 to have a chronological report of what I did and
7 what people said.

8 Q Okay. And why is that important?

9 A Just for recollection for myself, and also
10 for the court to, you know, know what went on. What
11 kind of happened at that point in time.

12 Q Your recollection meaning what? That
13 sometimes you forget things?

14 A No. Just sometimes you have been --
15 sometimes you have to look at it and you have to
16 remember that, okay, this is what went on that day
17 because it's been over a year since this thing has
18 happened. Since this has happened.

19 Q So it's important to capture your memory
20 at the time that something happens?

21 A Correct.

22 Q Does that the same philosophy apply when
23 trying to track down potential witnesses to a case?

24 A Yep.

25 Q Is that important to try to make contact

1 with witnesses as soon as possible because you want
2 to capture what they recall?

3 A Yes.

4 Q I mean, if you had a list of potential
5 witnesses in a case, would you choose to sit on
6 them, or would you kind of go out and maybe try to
7 talk to them as soon as you could?

8 A I would try to go and talk to them as soon
9 as I could.

10 Q Why is that?

11 A Because a lot of times with witnesses, the
12 sooner you can talk to them, the better their
13 recollection is of what they happen to see, or what
14 they happen to hear.

15 Q Now, you went out and talked to a whole
16 bunch of neighbors, right?

17 A Approximately ten couples, ten houses,
18 yes.

19 Q One of the persons that you talked to was
20 a gentleman by the name of Dean Cranston; is that
21 right?

22 A I don't recall what his name was, but it
23 does sound familiar, yes.

24 Q Okay. When did you do these interviews?

25 A Approximately an hour after I cleared

1 bringing Joseph, their son, Joseph Allwine, back to
2 the police department after getting cleared from
3 there. I don't recall exactly the right -- the
4 certain time.

5 Q Okay. So would it have been that you went
6 in the middle of the night when you talked to these
7 folks?

8 A It was, I believe, somewhere around 9:00 I
9 tried to talk to them, after I was instructed by an
10 investigator to do it.

11 Q So late in the evening. So you tried to
12 get to them as soon as possible?

13 A Yes.

14 Q How about Charles Zutz; did you have
15 occasion to talk with him?

16 A I did, yes.

17 Q He's the father of Amy Allwine; is that
18 right?

19 A That's right.

20 Q And also you talked to a person by the
21 name of Roland Heley; is that correct?

22 A I don't recall that name. It's possible.

23 Q Okay. If you saw your police report,
24 would that refresh your recollection?

25 A Sure would.

1 MR. DEVORE: May I approach, Your Honor?

2 THE COURT: Yes, you may.

3 BY MR. DEVORE:

4 Q Feel free to scroll through with the pad
5 there.

6 A Yes, I remember speaking to him.

7 MR. DEVORE: May I ask another question
8 while I'm up here, Your Honor?

9 THE COURT: Yes, you may.

10 BY MR. DEVORE:

11 Q I am just scrolling up to the same
12 document. Looks like it says Officer Liermann?

13 A Yep.

14 Q Does it also say that whether or not you
15 talked to Mr. Cranston?

16 A It does.

17 Q Do you recall talking to him?

18 A I do.

19 Q It appears that's dated -- what's the date
20 on there?

21 A The date up there it just says on 11-14,
22 so the same night.

23 Q Okay. Now, you said that you recorded the
24 conversations that you had with the neighbors; is
25 that right?

1 A Yes.

2 Q And then you, part of your procedure, is
3 to take those recordings and then download those to
4 some sort of evidence that you guys save; is that
5 right?

6 A That's correct.

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

8 THE COURT: You may.

9 MR. DEVORE: Your Honor, for the record,
10 this is the testimony recording of Roland Heley. If
11 you recall, we stipulated to the admission of that.

12 THE COURT: I do.

13 MR. DEVORE: This is marked Exhibit 200
14 just to separate the defense from the state's
15 exhibits.

16 THE COURT: Very well.

17 MR. DEVORE: Your Honor, I would offer
18 Exhibit 200 pursuant to our stipulation.

19 MR. FINK: No objection.

20 THE COURT: Received.

21 MR. DEVORE: May I publish the CD?

22 THE COURT: You may. Do we have a
23 transcript of this?

24 MR. DEVORE: I do. I'm sorry. My fault.

25 THE COURT: If you're going to publish,

1 let's provide these. Then we will recover them at
2 the end.

3 Same instructions apply as I gave earlier
4 on the other tape. Again, Members of the Jury: You
5 are being provided what is purported to be a
6 transcript of the taped conversation.

7 The parties may or may not agree that the
8 transcripts are exact, nor do they agree as to what
9 was said, or what was heard. The difference is
10 understanding, or meaning what was said, may be
11 caused by such factors as the inflection of a voice,
12 or inaccuracies of the transcripts. So you should
13 rely on what you hear, rather than what you read, if
14 you find a difference.

15 You will get the transcripts, and they
16 will be collected after the tape is played.

17 (Whereupon, Exhibit 200, a recording, was
18 played in open court.)

19 THE COURT: Please pass down those
20 transcripts.

21 BY MR. DEVORE:

22 Q Officer Liermann, do you recall that
23 interview?

24 A I do.

25 Q That was one of the neighbors of the

1 Allwines'; is that correct?

2 A That is correct.

3 Q Who was the other officer that was with
4 you when you did that interview?

5 A That was Officer Bushey, or Officer
6 Bushey, however you want to say it.

7 MR. DEVORE: Okay. I have no further
8 questions. Thank you.

9 THE COURT: Redirect.

10 MR. FINK: No, Your Honor.

11 THE COURT: You may step down.

12 THE WITNESS: Thank you.

13 MR. FINK: Call Lindsey Garfield.

14 MR. DEVORE: Please come forward to the
15 witness chair. Before you sit down, raise your
16 right hand to be sworn.

17 LINDSEY GARFIELD,
18 having been first duly sworn, was examined

19 and testified on her oath as follows:

20 THE CLERK: Please be seated. State your
21 full name, and spell your last name.

22 THE WITNESS: Lindsey Garfield,
23 L-I-N-D-S-E-Y, Garfield is, G-A-R-F-I-E-L-D.

24 MR. DEVORE: You may proceed.

25 MR. FINK: Thank you.

1 DIRECT EXAMINATION

2 BY MR. FINK:

3 Q How are you employed?

4 A I'm employed with the Minnesota Bureau of
5 Criminal Apprehension, or BCA for short, in the
6 Forensic Science Laboratory.

7 Q How long have you work for the BCA?

8 A I have worked for the BCA since February
9 of 1999.

10 Q What's your current job title?

11 A My current job title is a forensic science
12 supervisor for the evidence intake and processing
13 section, as well as the crime scene sections for the
14 BCA.

15 Q What's your educational background?

16 A I have a major in biology, and a minor in
17 chemistry from Carthage College, which is located in
18 Kenosha, Wisconsin.

19 Q Prior to being employed at the BCA, did
20 you have any relevant employment experience?

21 A Yes.

22 Q What is it?

23 A Prior to being employed at the BCA, I
24 worked for Medtox Laboratories in St. Paul. And
25 prior to that, I worked for Wisconsin State Crime

1 Lab system in Milwaukee just after graduating from
2 college.

3 Q Now, how many years were you with the
4 Wisconsin crime lab?

5 A Not long, maybe six months.

6 Q Then you came up here to Medtox.

7 A Correct.

8 Q How long have you been processing crime
9 scenes?

10 A I have been processing crime scenes since
11 2000.

12 Q Your prior roll on the team was team lead,
13 right?

14 A It still is.

15 Q Okay. What are the duties of a crime
16 scene team leader?

17 A A crime scene team leader is a team member
18 that has extensive training in all aspects of crime
19 scene processing, as well as speciality exam
20 education, which is shootings and reconstruction
21 blood stain pattern analysis.

22 We go through training, we pass a
23 competency test and then once that's successful,
24 that team leader then is in charge of accepting the
25 call from law enforcement anywhere around the state,

1 and then proceeding to the scene to assist in
2 forensic evidence collection.

3 Q What type of scenes do you normally
4 respond to?

5 A We have set criteria. We respond to
6 homicides, suspicious deaths, officer involved
7 incidents that may or may not include a death. We
8 respond to clandestine graves. We will do a limited
9 response for speciality examinations, such as
10 shooting scene and blood stain pattern analysis.
11 And then any situation where a victim cannot aid
12 local law enforcement. We would respond either
13 in a full or limited status to that situation.

14 Q What aspects of crime scene processing are
15 you trained in?

16 A I am trained in all aspects.

17 Q You also receive ongoing training?

18 A Yes.

19 Q Could you briefly describe how that
20 process works at the BCA?

21 A Ongoing training usually comes in the form
22 of possibly purchasing new equipment that we would
23 use at a scene or webinars that we would view over
24 the internet, or at times when we are approved to go
25 to conferences we would then sit in on workshops,

1 case presentations, things like that.

2 Q Do you, yourself, provide training?

3 A Yes, I do.

4 Q In what?

5 A I provide training in basic crime scene
6 processing to law enforcement throughout the state
7 of Minnesota. I also provide shooting scene
8 reconstruction training, and blood stain pattern
9 analysis training.

10 Q Are you a member of any professional
11 organizations?

12 A I am?

13 Q Which one?

14 A I'm a member of the Minnesota Division of
15 IAI, which is International Association for
16 Identification. And I'm also a member of the IABPA,
17 which is the International Association for Blood
18 Stain Pattern Analysts. And I was recently, as of
19 2017, included as a member in the ASCLAD
20 organization, which is American Society of Crime Lab
21 Directors.

22 Q Now, you mentioned blood stain pattern
23 analysis a couple of times. Can you give the jury a
24 thumbnail description of what that is?

25 A Generally, blood stain pattern analysis is

1 looking at blood left at a scene which is the result
2 of a dynamic event. It's the static aftermath of a
3 dynamic event. So we would be looking at stains or
4 groups of stains to determine if we could figure out
5 either how they were made, and/or where they
6 originated from. Sometimes we can do that with the
7 staining that is present, and sometimes we can't.

8 Q Now, when responding to a crime scene, who
9 makes up the laboratory crime scene team?

10 A The team is comprised of two laboratory
11 members. A team leader, such as myself, and a team
12 member who is also a trained member of the crime
13 scene team that assists in the evidence collection
14 and documentation.

15 We have a third member that goes out which
16 is one of the agents, and they do our videography
17 and our photography for us at the scene.

18 Q What does the crime scene team do at a
19 crime scene?

20 A What we do at a scene is obtain any
21 initial briefing information from the agency, and
22 then we proceed to process the scene for forensic
23 evidence.

24 Q What does it mean to process?

25 A To process a scene, it means to document

1 the scene, and to collect evidence. And
2 documentation, as I said, can occur in many forms
3 such as photography, videotaping, diagramming and
4 then the actual evidence collection itself. It also
5 is contained with taking notes, drawings, things of
6 that nature.

7 Q Could you tell these folks about the
8 evidence collection procedure?

9 A The evidence collection process is
10 standard, really, for all types of evidence
11 regardless of what it is.

12 Evidence that is identified to be
13 collected is given a unique item number. It's
14 photographed. It's placed in the scene relative
15 with measurements. It's then collected into
16 appropriate packaging by itself. Then that item
17 will then travel back to the lab with us for
18 potential analysis in a section.

19 Q So it's collected, taken to a lab. What
20 happens there?

21 A Once back at the laboratory, the team
22 leader, and the case agent, law enforcement agency
23 personnel, sometimes the county attorneys or the
24 city attorneys, will have conversations on which
25 items should be processed first in the laboratory,

1 in which sections. Then those items would proceed
2 to those sections. The other items would be held
3 back in our central evidence vault.

4 Q Now, directing your attention to
5 November 14, 2016 was there a request made for you
6 to respond to 7624 110th Street South, Cottage Grove
7 Washington County?

8 A Yes, there was.

9 Q When did that request come in?

10 A That request came to me about 1:30 in the
11 afternoon.

12 Q What were you requested to do?

13 A I was requested by Special Agent Michelle
14 Frascone to accompany her to the residence, to take
15 a forensic look at the inside of the residence.

16 Q What did you do when you first got there?

17 A When we first got there, I took a
18 photographer with me as well. We took some general
19 photos outside of the residence, and of the lot
20 itself. We broke the seal on the door, and then
21 proceeded to take some photographs inside the house.
22 Then we began to examine the house from the laundry
23 room door forward.

24 Q When you say you broke the seal, what does
25 that mean?

1 A Each of the windows and the doors. So all
2 access points of the house had a yellow law
3 enforcement tape seal on them. All of those seals
4 were intact and we broke one of those to gain access
5 to the house.

6 Q Now, ultimately, was a diagram made of the
7 scene?

8 A It was.

9 Q And are you familiar with that diagram?

10 A I am.

11 Q Was it prepared under your direction?

12 A It was.

13 THE COURT: Yes, you may approach.

14 MR. FINK: Sorry, Your Honor.

15 BY MR. FINK:

16 Q I would like to show you what's marked as
17 Exhibit 138. I am going to ask you if you know what
18 that is.

19 A Exhibit 138 is a large foam poster board
20 of the diagram that we made at the scene while we
21 were there. It's got our investigative and
22 laboratory case numbers on it. The Cottage Grove
23 Police Department case number. The address. The
24 date of the drawing. The individual scientist that
25 took all of the measurements at the scene and then

1 one of our special agents who rendered this in a
2 computer software system.

3 Q Is this an accurate depiction of the
4 layout of the house as you remember it?

5 A It does.

6 MR. FINK: We move 138 into evidence, Your
7 Honor.

8 MR. DEVORE: No objection.

9 THE COURT: Received.

10 MR. FINK: May I approach the witness?

11 THE COURT: You may.

12 BY MR. FINK:

13 Q I am showing you Exhibit 6, 7, 12, 13, and
14 18, and ask you if you know what those are.

15 A Yes, I do.

16 Q What are they?

17 A Exhibits 6, 7, 12, 13, 14 and 18 are
18 photographs taken either by the BCA or Cottage Grove
19 Police Department of the inside of the home.

20 Q And do they depict what you observed when
21 you went there?

22 A They either depict what I observed when I
23 went there, or the photographs I observed after
24 going there.

25 MR. FINK: May I approach again, Your

1 Honor?

2 THE COURT: You may.

3 MR. FINK: Move the admission of Exhibits
4 7, 12, 13, 14. 6 and 18 are already admitted by my
5 records.

6 MR. DEVORE: Can I look at them, Your
7 Honor?

8 THE COURT: Your certainly may.

9 MR. DEVORE: No objection.

10 THE COURT: It's correct that 6 and 18
11 were previous admitted 7, 12, 13, and 14 are now
12 received into evidence.

13 MR. FINK: Approach the witness?

14 THE COURT: You may.

15 BY MR. FINK:

16 Q Now, Ms. Garfield, showing you exhibits
17 marked 24 through 37 inclusive, and ask that you
18 take a look at those.

19 A Okay.

20 Q What are they?

21 A Exhibits 24 through 37 inclusive are
22 photographs from inside the home.

23 Q Do they depict the home at that location?
24 Is that an accurate reflection of what you saw when
25 you were at the scene?

1 A Yes.

2 MR. FINK: I would offer 24 through 37
3 inclusive.

4 MR. DEVORE: No objection.

5 THE COURT: They are all received.

6 MR. FINK: Madam clerk?

7 THE COURT: Yes, you may publish.

8 MR. FINK: Thank you. This was already
9 received and published.

10 THE COURT: It was. This one was.

11 MR. FINK: Request to publish all those we
12 put in through this witness so far.

13 THE COURT: You may do that.

14 MR. FINK: Thank you.

15 BY MR. FINK:

16 Q Exhibit 6 is showing on the board,
17 Ms. Garfield. Can you tell the jury what this is?

18 A Exhibit 6 is a photograph looking inside
19 the garage to the steps to the access door to the
20 inside of the house. The door behind, which is
21 straight ahead in the center of the photograph, goes
22 out to the backyard.

23 Q This is Exhibit 7, what do we see here?

24 A Exhibit 7 is a closeup view of the door
25 knob, and the locking mechanism onto the door that

1 goes to the backyard. This is on the inside of the
2 door in the garage.

3 Q Is there any sort of sign of forced entry?

4 A No.

5 Q This is Exhibit 24; what do we see here?

6 A Exhibit 24 is looking from the access door
7 from the garage into the laundry room slash mudroom
8 of the home.

9 Q Are we able, in this picture, to see the
10 dog kennels or not?

11 A Not quite yet.

12 Q This is Exhibit 25; what do we see here?

13 A Exhibit 25 is showing the other side of
14 the laundry room. You can see the dog kennels as
15 Mr. Fink is referencing in the top center of the
16 photograph. Then you can see the washer and the
17 dryer situated behind the open door.

18 Q This is Exhibit 26; what do we see here?

19 A 26 is looking straight into the laundry
20 room into a closet with several ribbons hanging from
21 the coatrack.

22 Q This is Exhibit 27; what do we see here?

23 A 27 is showing you the doorway from the
24 laundry room into the main hallway of the home that
25 connects most of the rooms of the home.

1 Q So you go from the garage through the
2 laundry room into a hallway?

3 A Correct.

4 Q This is Exhibit 28; what do we see here?

5 A Exhibit 28 is looking through the laundry
6 room door past the hallway into the child's bedroom
7 directly across from the laundry room.

8 Q This is Exhibit 29; can you tell the jury
9 what this is?

10 A 29 is a photograph of one of the bathrooms
11 in the home. This is in the hallway close to the
12 laundry room, and close to the child's room, and to
13 the spare bedroom.

14 Q This is Exhibit 30; what are we seeing
15 here?

16 A Exhibit 30 is a little bit dark, but what
17 we are looking at is kind of the end of the hallway
18 looking into an open concept type area of a dining
19 room, kitchen, living room. What you are looking at
20 is part of the kitchen, and part of the dining room.

21 Q This is Exhibit 31; what are we seeing
22 here?

23 A 31 is showing the dining room area of that
24 open concept living space, including a patio door
25 that goes to the backyard.

1 Q This is Exhibit 32.

2 A 32 is showing from the dining room table
3 more of an encompassing view of the kitchen area,
4 and the island, and the contents within the kitchen.
5 Some yellow crime scene tape in the middle of the
6 photograph.

7 Q What are we seeing here in Exhibit 33?

8 A 33 we are looking at the contents of the
9 kitchen island. Some Tupperware containers, plants,
10 bag of cookies, a Culvers cup, some paperwork, and
11 then on the far end of the island is a plastic bin
12 with the innards of a pumpkin. And then cooking
13 pumpkin flesh inside the white NESCO roaster.

14 Q This is Exhibit 34; what are we seeing
15 here?

16 A 34, this is just another view of the
17 kitchen and the kitchen island.

18 Q This is Exhibit 17, what is this?

19 A 17 is showing the inside contents of the
20 NESCO roaster. So the pumpkin skin flesh that I
21 referenced earlier.

22 Q This is Exhibit 18.

23 A Exhibit 18 is showing -- I misspoke, it's
24 a Rival rotisserie oven. It is showing the settings
25 on the oven, and also the letters, A-L-L-W-I-N-E,

1 written. Which would appear to be in like a black
2 Sharpie marker.

3 Q What is the temperature set at; can you
4 tell?

5 A I believe it says 350 from where I'm
6 sitting.

7 Q This is Exhibit 35; what are we seeing
8 here?

9 A Exhibit 35, we are looking at the
10 fireplace and a portion of the living room area in
11 the open concept area of the home.

12 Q This Exhibit 36; what do we see here?

13 A 36 is a more encompassing view of the
14 living room, and also the front door of the home.

15 Q This is Exhibit 37; what are we seeing
16 here?

17 A 37 is a continued pan toward the left.
18 Some family photos on a short segment of wall, and
19 then beginning of a small hallway into the master
20 bedroom.

21 Q Is that looking at the front door?

22 A Yes, it is.

23 Q Marked Exhibit 12; what are we seeing
24 here?

25 A Exhibit 12 is showing a midrange to closer

1 view of doorknob and the locking mechanism of the
2 front door.

3 Q And Exhibit 13?

4 A Exhibit 13 is an even closer view, and you
5 can see the deadbolt is engaged into the molding of
6 the door.

7 Q Is there any sign of forced entry on that
8 door?

9 A No.

10 Q This is Exhibit 14; what is this?

11 A This is a photograph taken by Cottage
12 Grove Police Department from the living room area,
13 looking into the master bedroom.

14 Q This is Exhibit 38; what are we seeing
15 here?

16 A Exhibit 38 is, again, a Cottage Grove
17 Police Department photograph. We are a little bit
18 closer to the doorway of the master bedroom, and you
19 can see the body of a deceased female, and a gun on
20 her left arm on the floor.

21 Q This is Exhibit 15; what is this?

22 A Exhibit 15 is a slightly different
23 perspective than the previous photograph.

24 Q This is Exhibit 39; what are we seeing
25 here?

1 A 39 is a closer view of the deceased female
2 on the floor. You can see some apparent blood
3 pooling on the floor. A little bit closer view of
4 the gun on the left arm. And the position of her
5 legs out fairly straight, and her left arm straight
6 out.

7 Q Was there any sign of struggle in this
8 room, or anywhere else in the house?

9 A No.

10 Q Was there anything obviously missing from
11 your evaluation?

12 A Not that was obvious.

13 Q Like a television.

14 A Correct.

15 Q Things like that. From your observations,
16 was there any sign of any defensive wounds on
17 Ms. Allwine?

18 A Not from the photographs that I observed,
19 no.

20 Q Now, I would like you to look at Exhibit
21 40 here. Based upon your experience in dealing with
22 crime scenes, is there anything remarkable about
23 this picture?

24 A Well, what I noticed about this picture is
25 her face is relatively positioned in a neutral

1 position, and facing straight towards the ceiling.
2 And I noted that she had blood flow emanating from
3 both her nostrils and her mouth. And predominantly
4 that flow is coming towards the left side of her
5 face, from both orifices, which would indicate to me
6 that her head was not straight up the entire time of
7 that blood flow, but was more tilted towards the
8 left or semi north for orientation in the home.

9 Q Because of gravity?

10 A Correct.

11 Q Now, Exhibit 16, are we better able to see
12 your point on this?

13 A This is a different orientation, just a
14 different prospective of the same type of
15 photograph. Again, showing the position of her
16 head, and then the blood flow emanating from those
17 orifices towards the left.

18 Q This is Exhibit 42. Is there anything
19 that drew your attention on this photo?

20 A Yes.

21 Q What was that?

22 A In Exhibit 42, this is a photograph taken
23 from Cottage Grove Police Department. What they are
24 using there is a white L scale to get a general size
25 of the apparent blood staining on the carpet near

1 the left side of her head. And to the lower left of
2 the corner of that L scale, towards the corner of
3 the photograph, are some circular sized blood stains
4 with very small blood stains surrounding them. That
5 area was of interest to me, because it is different
6 from the rest of the pool of blood around her head.

7 Q What did that satellite stain tell you?

8 A What those stains tell me is that that is
9 a drip pattern. Meaning that a source of blood
10 dripped from an elevated position above the carpet.
11 The blood drops fell straight down, and the smaller
12 stains are small droplets of blood that hit the
13 carpet and break away from we call the larger parent
14 stain. So you can see some of the larger parent
15 stains roughly a quarter size, maybe a little bit
16 bigger. Then we have all these little tiny stains
17 surrounding them. That is classic of a drip
18 pattern.

19 Q In that satellite stain, had that
20 saturated all the way into the carpet?

21 A It was definitely into the top fibers of
22 the carpet. I did not pull the carpet up to see if
23 it went through to the padding.

24 Q Okay. Now, have you been at suicide/crime
25 scenes previous to this situation?

1 A Yes, that were suspicious in nature.

2 Q And those with guns to the head?

3 A Yes.

4 Q Assuming the brainstem itself was hit by
5 the bullet, in your experience what would the body
6 do?

7 A In my experience, shots to the head, that
8 where the brainstem is affected, the body tends to
9 crumble down from a -- anything other than a laying
10 down position. So from a kneeling position it would
11 crumble. From a standing position, it would
12 crumble. That's assuming no additional movement
13 afterward. But a brainstem injury would likely not
14 allow that.

15 Q So is Ms. Allwine's position on the floor
16 consistent in your experience with suicide?

17 A No.

18 Q The drop down blood that we saw in Exhibit
19 42, the satellite stain, is that consistent with a
20 suicide at this location?

21 A No.

22 Q This is Exhibit 43, what are we seeing
23 here?

24 A Exhibit 43 is a photograph taken by
25 Cottage Grove Police Department, and it's showing

1 the weapon after it had been cleared, and put back
2 in relatively the same spot on her left arm.

3 Q Can you tell whether that ejects right or
4 left?

5 A It's a right ejecting gun.

6 Q This is Exhibit 44; what do we see here?

7 A 44 is another Cottage Grove Police
8 Department photograph showing a shell casing. This
9 would be next to her lower right leg in the bedroom,
10 between her leg and the bed. It's silver colored.

11 Q This is Exhibit 45; what do we see here?

12 A Exhibit 45 is showing predominantly in the
13 center of the photograph, the master bedroom door.
14 This would be the hallway side of the door, as it
15 opens into the bedroom, and pretty much covers up
16 the doorway to the master bedroom closet.

17 Q This is Exhibit 46; what do we see here?

18 A Exhibit 46 is a kind of a small area of
19 transfer staining on the hallway side of the master
20 bedroom door, right by the very base of the door.

21 Q What is a transfer stain?

22 A A transfer stain simply means that
23 something that was bloody came into contact with an
24 area that was not. So it's either an impression or
25 an amount of blood that is deposited to a surface in

1 a nondescript shape, typically. This is what this
2 transfer stain was. It was a nondescript shape.

3 MR. FINK: May I approach the witness?

4 THE COURT: You may.

5 BY MR. FINK:

6 Q Now, Ms. Garfield, I am showing you what's
7 marked as Exhibits 48 through 59 inclusive. Can you
8 tell me, generally, what they are?

9 A Exhibits 48 through 59, inclusive, are
10 photographs from inside the home.

11 Q Do they accurately depict what you saw
12 when you were there?

13 A Yes.

14 MR. FINK: I would move 48 through 59 into
15 evidence.

16 MR. DEVORE: No objection.

17 THE COURT: Received.

18 MR. FINK: May I retrieve them?

19 THE COURT: You may.

20 MR. FINK: May I publish those?

21 THE COURT: You may.

22 BY MR. FINK:

23 Q This is Exhibit 48, what do we see here,
24 Ms. Garfield?

25 A Exhibit 48 is showing the one of two

1 nightstands from the master bedroom centralized in
2 this photograph. On top of the nightstand are a
3 couple of drinking containers. Little flip chart of
4 something, some photographs, and what appear to be
5 just general paperwork, and then some bi-folded
6 prayer cards.

7 Q Did you inspect the nightstand and the
8 comforter on the bed?

9 A Yes.

10 Q Did you find any blood spatter?

11 A No.

12 Q Would you have expected that with an
13 dynamic event occurring in that bedroom?

14 A Um, it's hard to say. She had hair around
15 the area of your entrance wound. And depending on
16 how much her hair would have caught, or how close
17 she was to the bed, or the nightstand there may have
18 been, or may not have been blood stains that reached
19 those two locations. So not finding blood on there
20 was not very surprising.

21 Q Okay. While you and your team were there,
22 did you search the bedroom?

23 A Yes.

24 Q Showing you Exhibit 49, ask you if you
25 know what that is?

1 A Exhibit 49 is a photograph underneath the
2 bed on the opposite side of the bed where her body
3 was located. This is a pistol magazine on the
4 carpet and then a small handgun case.

5 Q Exhibit 50?

6 A 50 is showing the magazine, which is empty
7 and a handgun case as we had pulled them out from
8 under the bed to observe them further.

9 Q And Exhibit 51.

10 A 51, after locating the key to the handgun
11 case inside the master bathroom, we opened it and
12 these were the resulting contents of the handgun
13 case.

14 Q Where was the key again?

15 A Inside the master bathroom.

16 Q Do you know where in the master bath?

17 A Inside a cupboard next to the bathtub, at
18 the very top back of the cupboard.

19 Q This is Exhibit 52. Is this the condition
20 of the bedroom after Ms. Allwine was removed?

21 A Yes.

22 Q This is Exhibit 53. Do you know what this
23 is?

24 A 53 is -- what you are looking at is the
25 flooring just outside the master bedroom. This is

1 oblique or side lighting with the flashlight. And
2 the kind of herring bone pattern you're looking at
3 there is a shoe print on the flooring, which was
4 suspected to have been from one of our agents.

5 Q Michelle Frascone?

6 A Correct.

7 MR. FINK: Approach the witness?

8 THE COURT: You may.

9 BY MR. FINK:

10 Q Showing you Exhibit 47, ask you if you
11 know what that is?

12 A I do.

13 Q What is it?

14 A Exhibit 47 is an annotated photograph.
15 The photograph is from the crime scene annotations
16 and in it are from my field report after I published
17 my observations from being at the scene.

18 Q Does it accurately depict the area outside
19 the master bedroom?

20 A It does.

21 MR. FINK: Move 47 into evidence, Your
22 Honor.

23 MR. DEVORE: No objection.

24 THE COURT: Received.

25 MR. FINK: Request that it be published.

1 THE COURT: Granted.

2 BY MR. FINK:

3 Q This is Exhibit 47. What are we seeing
4 here?

5 A Exhibit 47 is showing a segment of the
6 flooring just outside the master bedroom. This was
7 actually the area of flooring that I observed first
8 inside the home, which caught my attention, which
9 proceeded us into additional processing inside the
10 home.

11 What we are looking at here is bamboo
12 flooring, which has a very linear woodgrain to it.
13 It's a little bit hard to see because of the shading
14 and with the lighting in this photograph. But just
15 to the lower left of the box that indicates north
16 with the arrow, there are swipe marks that go
17 against the grain of the wood. They start to go up
18 towards the top of the photograph, and then they
19 round out towards the bottom of the photograph.

20 They were reddish in appearance, and then
21 there was darker shinier red substance in the floor
22 boards itself. So I asked for an official crime
23 scene call-out after observing this to test this
24 substance for human blood.

25 Q Did it test positive for blood?

1 A Yes. Three different areas tested
2 positive for human blood.

3 Q What sort of test do you use?

4 A We use a test called hemo-trace test. It
5 looks actually like a small pregnancy test. And
6 samples of the substance were swabbed and put into
7 this little cartridge. And then over a few minutes,
8 if you have two lines it's positive, and if you have
9 none, it's not. And two lines were there, so it
10 indicated the presence of human blood.

11 Q This is Exhibit 54. What is this?

12 A 54 is me pulling up the floor boards just
13 outside of the master bedroom. They were tongue and
14 groove construction with a barrier below them. In
15 between the tongue and groove construction, we had a
16 blood like substance. And one area that it is
17 indicated there as item 3 did test positive for
18 blood.

19 Q What is Exhibit 55?

20 A 55 is a closer view of the area we swabbed
21 as item 3 in between the floor boards.

22 Q What do you we see at Exhibit 56?

23 A 56 is additional photographic
24 documentation of the blood in between the floor
25 boards.

1 Q This is 57. What are we seeing here?

2 A 57 is additional floor boards pulled apart
3 to view the blood in between them.

4 Q This is 58. What's significant here?

5 A 58 on the bottom side of the ruler in the
6 center of the photo is one of the floor boards. It
7 appeared to be the longest area of blood that we had
8 between the floor boards. And it was about a
9 two-foot span on that floor board, so it's just
10 documenting that length.

11 Q Okay. And is that board that's being
12 pulled up and measured from about the center of the
13 dotted line figure that you showed us earlier in 47?

14 A Yes. It's roughly in the center.

15 Q This is Exhibit 59. What are we seeing
16 here?

17 A 59 is showing a couple of things. It's
18 showing some of the proximity of the area flooring
19 that we were looking at to the bloodstain carpet
20 inside the bedroom of the master bedroom. I drew
21 dotted lines on the outside perimeter that I could
22 see visually with my naked eye. That's the area of
23 the white marks.

24 Then there were some areas that are small
25 that are circled, and those were independent

1 blood-like stains found on the flooring, the
2 baseboard, and the wall. Then to the center right
3 of the dashed area of the blood on the floor, there
4 is a small orange arrow pointing to a visible area
5 of blood, human blood, on the floor.

6 MR. FINK: May I approach the witness?

7 THE COURT: You may.

8 BY MR. FINK:

9 Q Ms. Garfield, I am showing you what's been
10 marked as Exhibit 60 through 79, and ask you to take
11 a look at them, please.

12 A Okay.

13 Q Can you tell me what is in 60 through 79.

14 A 60 through 79, inclusive, are photographs
15 from inside the home, and some of the processing as
16 it was done.

17 Q Does it accurately reflect what you saw
18 when you were there?

19 A It does.

20 Q May I retrieve the exhibits?

21 A You may.

22 MR. FINK: Move 60 through 79, inclusive,
23 into evidence.

24 MR. DEVORE: No objection.

25 THE COURT: Received.

1 MR. FINK: Request permission to publish.

2 THE COURT: Granted. Attorneys approach,
3 please.

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

6 THE COURT: Proceed with publishing.

7 BY MR. FINK:

8 Q This is Exhibit 60. What are we seeing
9 here?

10 A Exhibit 60 is showing the area outside the
11 master bedroom on the flooring, as well as some of
12 the small circular marks that I made for the stains
13 independent of that area on the floor.

14 Q There is some circles on the wall, too?

15 A Correct.

16 Q Where what are they?

17 A Those are blood stains as well.

18 Q Okay. This is Exhibit 61. What are we
19 seeing here?

20 A 61 is just showing a closer view of the
21 blood stains on the baseboard and those on the wall
22 as well.

23 Q Do those tell anything about what may have
24 happened out in that hallway?

25 A These stains are small. They are in the

1 category of what we call a spatter stain. Spatter
2 stains can happen from a very variety of reasons.
3 It could have been from the wiping action that
4 happened in the hallway. Could be from several
5 things, but that is one possibility.

6 Q Okay. Exhibit 62; what do we see here?

7 A 62 is a photograph from the laundry end of
8 the hallway showing, again, the small orange arrows
9 on the visible areas of blood in the hallway. There
10 were nine different areas of these throughout the
11 hallway between the master bedroom and the laundry
12 room door.

13 Q This is 63. The same thing?

14 A Correct.

15 Q Different location?

16 A Correct. This is closer. We are just
17 outside the doorway to the basement at this point
18 looking into the kitchen and the living room.

19 Q This is 64.

20 A 64 is showing more of the same. Going
21 through the living room and back towards the master
22 bedroom in the upper right of the photo.

23 Q And 65?

24 A 65 is again more of the same. More of an
25 elevated view. The back of the couch with the

1 arrows on the floor, and doorway to the master
2 bedroom in the top center of the photograph.

3 Q So did you devise any way to make what you
4 felt was blood in the hallway visible?

5 A Yes.

6 Q How?

7 A We have a chemical screening tool called
8 luminal and it reacts with several things, one of
9 which is blood. It's a clear fluid that we spray
10 from a spray bottle, and we turn out the lights. If
11 blood, or a cleaning solution, or anything that
12 contains metal is present, it will luminescent to a
13 bright blue color. So we proceeded to spray luminal
14 throughout the main floor of the home.

15 Q Now, this is Exhibit 67. What are we
16 seeing here?

17 A Exhibit 67 is showing an area of luminal.
18 This is just outside the master bedroom doorway.
19 This is the area of dash lines that I referenced
20 earlier in the visible light photographs. Then you
21 can see some footwear impressions coming from that
22 area of luminescence towards the lower left of the
23 photograph. And there are distinct toe impressions
24 in what you're seeing. So it's either a bare foot,
25 or most likely a sock, which had blood that could

1 repeat that transfer pattern on the floor.

2 Q And whoever made those marks wasn't
3 wearing shoes?

4 A Correct.

5 Q This is Exhibit 68.

6 A 68 is a luminal photograph. On the very
7 right side of the photograph would be coming from
8 the master bedroom. And towards the top left of the
9 photograph, we are going between the kitchen island
10 and the living room couch, towards the laundry room.

11 Q This is 69.

12 A 69 is a white light photograph of the
13 kitchen island and dining room table and the
14 flooring in front of it.

15 Q This is 70.

16 A 70 is a photograph going down the hallway.
17 The doorway to the basement is on the left side of
18 the picture. You can see the light in the basement
19 underneath the doorway. Those are foot impressions
20 going back and forth in front of the doorway.

21 THE COURT: We are going to leave it
22 there. I want to make sure the jury gets out on
23 time. We have a pattern that I don't want to
24 disturb of getting you out on time.

25 So Ms. Garfield, you will still be on the

1 stand tomorrow morning. We are going to -- I am
2 going to do what I asked you to do which is come at
3 8:30 so you're ready to go at 9:00. I will ask the
4 attorneys to be here at 8:30 as well, in case there
5 is anything we need to discuss.

6 I am going to repeat some things I have
7 told you earlier. Do not let outsiders influence
8 you. That includes family members, and friends, and
9 anyone else who is not actually involved in this
10 trial.

11 Do not discuss this case with anyone.
12 Even with other jury members during the trial. You
13 will have plenty of time to do this at the end of
14 the trial once you have all of the evidence, and I
15 have sent you to the jury room with instructions and
16 verdict forms.

17 Do not talk with anyone involved in this
18 case. The defendant, the lawyers, or the witnesses.
19 That's any conversation of any kind. Now, if anyone
20 tries to discuss this case with you outside of the
21 courtroom, report it to me.

22 When you go home at night, don't talk to
23 your family, friends, or others about this case.
24 You may tell them you are a juror on a criminal
25 case, and that is all you should tell them. That is

1 all your allowed to tell them.

2 Don't have any electronic equipment with
3 you in the courtroom. Remember that when you come
4 in next time. But regarding electronics, don't
5 report your experiences as a juror, or do anything
6 else in communication with electronics while this
7 trial is going that relates to this case.

8 I also want to caution you, do not read or
9 listen to news reports on newspaper, magazine,
10 radio, television, pod casts, any Internet, any
11 other media about the case, and don't do your own
12 investigation. I told you that as well.

13 Remember you can't consider anything you
14 hear or learn about this case outside this
15 courtroom. These instructions are important.
16 Please remember them. Leave your notes on the
17 chair. You are excused for the evening. Have a
18 good evening. We will see you tomorrow morning.

19 (The jury exited the courtroom.)

20 THE COURT: Thank you. See you tomorrow
21 morning.

22 (Proceedings concluded.)

23

24

25

1 STATE OF MINNESOTA)
2 COUNTY OF WASHINGTON) ss:
3)
4)

5 REPORTER'S CERTIFICATE
6
7

8 I, DEBORAH L. FOSTER, do hereby certify
9 that the above and foregoing transcript, consisting
10 of the preceding pages, is a correct transcript of
11 my stenographic notes and is a full, true, and
12 complete transcript of the proceedings to the best
13 of my ability.
14
15

16 Dated: February 28, 2018
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18
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21 _____
22 DEBORAH L. FOSTER
23 Official Reporter
24 Washington County District Court
25 (651) 430-6354

BY MR.**DEVORE: [12]**

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THE COURT:
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