

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

7
8 Stephen Carl Allwine
9 Defendant.

10 - - - - -

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 24th 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
24 personally present.

25

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

3 THE COURT: Please be seated. I
4 understand that Mr. Fink has something he wants to
5 raise for the record.

6 Mr. Fink, go ahead.

7 MR. FINK: Just real quick, Your Honor.
8 After we finish with Ms. Garfield, Charles Zutz is
9 going to be called, and he will not swear, he will
10 affirm.

11 THE COURT: We have talked about that.

12 MR. FINK: Just a reminder. Secondly,
13 when he is excused from testifying, may he stay in
14 the courtroom to observe the proceedings?

15 THE COURT: Yes, he may. That means he
16 will not be testifying again. Any input on that,
17 Mr. DeVore?

18 MR. DEVORE: No. We talked about that.

19 THE COURT: Okay. So I will allow that.
20 You understand that's the issue, though. He will
21 not be testifying again.

22 MR. FINK: I get it.

23 THE COURT: All right. Very well. I am
24 going to step down, and the jury should be ready to
25 come in about five minutes to 9:00. If there's any

1 variance on that, it won't be very much. And so
2 we'll get started hopefully by 9:00, and I will
3 hopefully be in here just before 9:00.

4 MR. FINK: Does Your Honor want
5 Ms. Garfield in the witness box when the jury comes
6 in?

7 THE COURT: Not necessary. We can bring
8 her up after the jury gets seated.

9 (Short recess was taken.)

10 THE DEPUTY: All rise for the jury.

11 (The jury entered the courtroom.)

12 THE COURT: Everyone please have a seat.
13 I heard that at least some of you folks were having
14 trouble with the pencils, so you each now have a
15 pencil and a pen. You can use either one.

16 Please remember that you are not required
17 to take notes, that is your decision. The most
18 important thing is for you to pay attention to the
19 proceedings.

20 So let's get started. Ms. Garfield was on
21 the stand, and Ms. Garfield, please return to the
22 stand. Have a seat.

23 THE WITNESS: Thank you, Your Honor.

24 THE COURT: And remember that you are
25 still under oath.

1 THE WITNESS: Yes, Your Honor.

2 THE COURT: You may continue with your
3 direct examination, Mr. Fink.

4 MR. FINK: Thank you. Madam clerk?

5 BY MR. FINK:

6 Q Looking at Exhibit 58 that you previously
7 testified about, did you take blood samples between
8 the floor boards?

9 A Yes. Between -- not in this photo, but in
10 another photograph we have, item number 2 or 3, I
11 believe, and it's a blood sample from in between the
12 floor boards.

13 Q Okay. Did you take blood, or swabs from
14 the surface of the outside of the master bedroom?

15 A Yes, in two different areas.

16 Q Did you take any other samples of suspect
17 blood?

18 A There was a blue washcloth kind of draped
19 over the laundry basin, the laundry tub, in the
20 laundry room. That gave an indication of blood
21 through luminol. And then again, with the
22 presumptive test that we have for blood, so the
23 entire washcloth was collected.

24 Q That presumptive test is called what
25 again?

1 A That presumptive test is phenolphthalein
2 or phenol for short.

3 Q Okay. Now, directing your attention to
4 Exhibit 67. Now, can you describe for the jury why
5 that fluoresces?

6 A So as I stated yesterday, this chemical
7 called luminol reacts with several things. It's
8 kind of a broad spectrum screening tool that we use
9 with a screening chemical. The main component that
10 it does react with is metal, and we have iron in our
11 blood. So the thought is that that luminescence is
12 actually a reaction of part of what is in the
13 chemical along with iron in the blood, and it gives
14 thus a blue glow when the lights are off.

15 Q This is where we stopped yesterday at
16 Exhibit 70. Can you tell the jury what we see here?

17 A Again, for Exhibit 70 what we are looking
18 at is the hallway floor. We are kind of just next
19 to the dining room table in the home. You can see
20 the glow to the downstairs, just under the door on
21 the left side of the photograph. And we are looking
22 at footprints on the floor that are luminescing with
23 the luminol.

24 Q Could you describe for the jury the
25 appearance of the footprints?

1 A We have lighter and darker areas of
2 luminescence in this photograph. And some
3 indication of travel towards the laundry room and
4 travel back towards the master bedroom based on the
5 toe impressions in the floor.

6 Q You say toe impressions, can you expand on
7 that?

8 A Somewhat centered in the photograph. You
9 can see two or three kind of oval shapes. And one
10 crescent is face downward, and one crescent shape is
11 faced upward. Those are the toe impressions that
12 are opposing each other which would indicate two
13 different directions of travel.

14 Q With someone without shoes on?

15 A Correct.

16 Q Okay. This is Exhibit 71. And what is
17 this?

18 A Exhibit 71 is showing the rest of the
19 hallway from about the bathroom location towards the
20 laundry room door, which would be on the upper right
21 of the photo. The child and spare bedroom doors on
22 the left. That's me standing in the spare bedroom
23 doorway with the spray bottle of luminol. This is
24 just showing the area that we are going to spray
25 once the lights are turned out.

1 Q And Exhibit 72. Is this after you have
2 sprayed the hallway, and turned the lights out?

3 A That's correct.

4 Q This shows, basically, the same shot as
5 the Exhibit 71 but with the luminol and lights out?

6 A That's correct.

7 Q Exhibit 73; what is this?

8 A This is a photograph showing the bathroom
9 just off the hallway from the doorway.

10 Q This is Exhibit 74; what is this?

11 A 74 is the darkened photograph of the
12 bathroom from the hallway. Again, showing some
13 luminescence on the floor, which would be in front
14 of the sink or vanity area.

15 Q This is Exhibit 75; what is this?

16 A 75 is showing the child's bedroom floor,
17 and some of the bed, and contents of the room from
18 the doorway.

19 Q And Exhibit 76.

20 A Exhibit 76 is the luminal photograph of
21 that, with the lights turned off showing
22 luminescence in the carpeting. And you will see
23 some of the carpeting has kind of a very light blue,
24 we call that background. The areas of presumed
25 blood have a brighter blue color to them.

1 Q So there may be some metal, as an example,
2 in the carpet?

3 A Or some cleaning solution just from being
4 in the carpet, or a reaction with the carpet itself.

5 Q This is Exhibit 77; what do we see here?

6 A 77 is showing the area that was sprayed
7 with luminal. So portions of the floor, the shoes,
8 the vanity, the front of the washer and dryer,
9 things of that nature.

10 Q Okay. And you talked about a blue rag
11 earlier, is that shown in Exhibit 77?

12 A It is. It is draped over the laundry tub.

13 Q And you retrieved that after it tested
14 presumptive for blood?

15 A Yes, as item 4.

16 Q Now, all of the items that you collected
17 at the scene, the suspect's blood on the blue rag,
18 what did you do with it?

19 A When we collect these items, so the blood
20 from the flooring was collected with swabbings which
21 is standard protocol. The wash rag is small enough
22 and portable enough. We collected it in its
23 entirety. Those four items then went with us back
24 to laboratory for submission to the DNA section for
25 analysis.

1 Q This is Exhibit 78; what do we see here?

2 A Exhibit 78 is showing most of the flooring
3 of the laundry room. What we are looking at is an
4 area rug with sequential squares on it. You can
5 kind of see one of the black shoes on the right side
6 of the photograph, to orient you, that was close to
7 the laundry tub. And at the top of the photo is the
8 access door between the laundry room and the garage.
9 Then we are looking at some of the brighter
10 luminescence on the carpeting.

11 MR. FINK: May I approach the witness?

12 THE COURT: You may.

13 BY MR. FINK:

14 Q Ms. Garfield, I will have you look at
15 Exhibit 80. Ask you if you can identify that.

16 A Yes.

17 Q What is it?

18 A Exhibit 80 is a stapled six page report of
19 my field examinations from processing the house. It
20 indicates the items that were collected and/or given
21 to us while we were at the scene by law enforcement.
22 It indicates the team, and some of the case number
23 information, things like that. Then we drop into a
24 narrative which includes a smaller version of the
25 replica of the diagram that we went through

1 yesterday on the poster board. And some annotated
2 pictures, which were shown yesterday. One of which
3 was shown yesterday. Then my determination for
4 observations at the scene and conclusions for blood
5 stain pattern analysis. Then towards the end of the
6 report, there's an indication of what sections each
7 of the items would go to for testing in the
8 laboratory.

9 MR. FINK: Move the admission of Exhibit
10 80.

11 MR. DEVORE: No objection.

12 THE COURT: 80 is received.

13 MR. FINK: Your Honor, I am going to be
14 asking the witness some questions as to Exhibit 138.
15 I think for clarity purposes, she may need to come
16 down into the well.

17 THE COURT: I will allow that.

18 BY MR. FINK:

19 Q Ms. Garfield, if you could come down here.

20 MR. DEVORE: Judge, I am going to move
21 over here so I can see.

22 THE COURT: That was my thought. I want
23 to make sure that you can see. If there are any
24 requests about not being able to see, I will
25 consider those. You certainly can come over so you

1 can see what's being done. Go ahead, Mr. Fink.

2 THE WITNESS: Would you prefer I stand on
3 one side or the other?

4 THE COURT: I think if you stand on this
5 side, toward my bench it will work just fine, but we
6 can adjust as we go. Mr. Fink, you may proceed.

7 MR. FINK: Thank you.

8 BY MR. FINK:

9 Q In general terms, can you tell the jury
10 what we see in Exhibit 138?

11 A Exhibit 138 is a diagram that was
12 generated through measurements taken by an
13 electronic tool or a piece of equipment that we use
14 at the crime scene. It measures the inside of the
15 house, and components inside of it, as well as items
16 that are collected for testing. So what you are
17 seeing on the left side of the diagram is a bird's
18 eye view, or a top down view of the inside of the
19 home as if you were looking straight down taking off
20 the roof, looking straight down into the house.

21 The red numbers with the arrows that lead
22 into the diagram are items that were collected, and
23 the location they were collected from inside the
24 scene.

25 The red dots that you see, there are nine

1 of them here between the master bedroom door and
2 laundry room door. Those were areas of visible
3 blood-like substance that we saw on that bamboo type
4 flooring. Some of the rooms are labeled as to what
5 they are.

6 Then we have blue dots located throughout
7 the home, and those are reference measurements, or
8 reference points that we use for that electronic
9 piece of equipment to use as an orientation to
10 stitch all of that together into this diagram.

11 The legend is located here on the right
12 side of the diagram. Then a compass indicating
13 north just above that.

14 Q Could you point out on the exhibit the
15 various rooms, so the jury can be oriented that way?

16 A Certainly. So at the top of the diagram,
17 we have the indication of a three-car garage. And
18 just to the lower right of that, we have an access
19 door between the garage and the interior of the
20 home.

21 As I stated before, you walk into the
22 laundry room area where the dog kennels were, the
23 washer and the dryer are. There's a doorway from
24 the laundry room that leads into a long hallway that
25 connects several of the rooms of the home. Directly

1 BY MR. DEVORE:

2 Q Ms. Garfield, I wanted to ask you a few
3 questions about some of the things you talked about
4 this morning.

5 A Certainly.

6 Q What are the different things that luminal
7 can react with? I know you said metal, right?

8 A Correct.

9 Q And blood?

10 A Correct.

11 Q Did you say cleaning solutions, too?

12 A Some cleaning solutions. It can react
13 with bleach, depending on the strength of the
14 bleach. Some types of different carpet cleaners it
15 can react with things like that. That's why it's --
16 we indicate it as more of a screening tool. It's
17 not presumptive to one thing or the other. Just
18 gives us an idea where we might need to look.

19 Q Sure. Is there any significance to the --
20 some of these show light patterns of luminal and
21 some have more of what appears to be a brighter or
22 heavier/darker pattern. Is there any significance
23 to that?

24 A Not really. As I stated before, like we
25 saw in the child's bedroom on the carpet, if you

1 you'll recall, there was just a light blue
2 background color. We actually call that background.
3 Then if there is anything of note that we would look
4 like at further, it always luminesces in a much
5 brighter fashion than the background. So it
6 distinguishes itself from the background.

7 Q How about the actual spots or the stains
8 themselves, not necessarily the background stuff.
9 It looks like some of them are darker, some of them
10 are lighter. Is there any significance to that?

11 A Yes. Oh yes. I'm sorry, I misunderstood
12 you. Yes. The lighter and darker colors of
13 luminescence in the areas we are looking at is
14 dependent upon the level, or the amount of, blood or
15 substance that's deposited in that area. So if it's
16 a very light transfer of something, we would result
17 and have a light colored luminescence. If it's a
18 heavier, or more of an amount that is deposited in
19 an area, it typically results in a much brighter
20 luminescence, if that answers your question.

21 Q Sure. Then how about just as far as like
22 the pressure on the surface its stepping on. Is
23 that also something that would leave a darker, or
24 lighter or is it just only related to the amount of
25 liquid or substance that's being --

1 A I suppose it could be both. It's
2 generally dependent upon the amount that's present.
3 But if it's touched lightly, or gingerly, or
4 deposited, you know, not with normal pressure or
5 something, it would result in a lighter color.

6 Q Okay. Now, going back to yesterday when
7 you testified, what time did you arrive, and what
8 day was it that you were first out on the scene?

9 A I arrived initially at, just a few minutes
10 before 3:00, at 2:57 p.m. on November 14th. That
11 was prior to the rest of the crime scene team
12 arriving.

13 Q Okay. Ms. Allwine was found on the 13th
14 of November in the evening; is that correct?

15 A That's correct.

16 Q So her body had already been removed at
17 the time that you came to the house?

18 A That's correct.

19 Q And the pictures that you reference or
20 that we looked at, when were those pictures taken?

21 A Some of the photos taken by Cottage Grove
22 Police Department were taken on the 13th, the date
23 prior to my arrival at the home. And some of the
24 photos were taken from our photographer during our
25 time in the home of examining the inside of the

1 home.

2 Q Okay. And you went through and walked
3 through the entire house; is that right?

4 A Correct.

5 Q Okay. And I know you checked different
6 entry points throughout the house?

7 A Yes.

8 Q In your report I noticed you said the
9 locking mechanism on the dining room patio door was
10 not operational; is that correct?

11 A Correct. It was operational, in that you
12 could swing the lock on the door. However, it
13 didn't engage with the locking mechanism on the
14 molding. So if you shut the door, and swung the
15 lock, you could still open that patio door. So it
16 would move, it just wouldn't engage to the molding
17 to lock.

18 Q Can you show us where that door is on your
19 diagram up here?

20 A Certainly.

21 THE COURT: Just so everyone knows, when
22 you're asked that kind of a question, go right
23 ahead. As long as it's to the diagram, and back to
24 your seat.

25 THE WITNESS: Thank you, Your Honor.

1 So to orient you on the diagram here, the
2 patio door that Mr. DeVore is referencing is here,
3 in the middle right of the diagram just offside of
4 the dining room table, and that leads out to the
5 backyard.

6 BY MR. DEVORE:

7 Q That's just off the kitchen, correct?

8 A Correct.

9 Q Sort of an open kitchen/dining room
10 setting?

11 A That's correct.

12 Q Now, yesterday we talked about, or we
13 looked at Exhibit 47, and it showed some white marks
14 on the floor.

15 A Correct.

16 Q Okay. You indicated a pattern that you
17 said -- you know, you just made a gesture as to how
18 that might have been put on the floor.

19 A Correct.

20 Q Can you tell from the swipe marks what
21 direction the swipe marks are in?

22 A I can't. In order to tell direction,
23 generally, we would need something visible on one
24 end or the other that would look like feathering, or
25 more of a linear pattern indicating a start and an

1 end this way. Or a start and an end this way.

2 Neither one of those situations I observed on the
3 floor. I just observed crescent shaped marks that
4 went against the woodgrain of the floor.

5 Q Okay. What about in combination with --
6 you indicated that there was some blood spatter on
7 the -- towards the floor board of the wall next to
8 that swipe mark.

9 A Correct.

10 Q Can you tell anything by that, what
11 direction that might have been?

12 A It's very hard to tell the stains that are
13 on the wall. The wall is very, very textured. It's
14 also close to what I would call a knockdown texture
15 from a popcorn. So based on the fact that that wall
16 is textured, it's very difficult to tell which way
17 those droplets were hitting the wall.

18 One of the droplets on the floor was
19 pointing away from the master bedroom door. Kind of
20 angled away towards the north from the master
21 bedroom door.

22 Q What would that indicate?

23 A Just indicate that it had traveled from an
24 area towards the -- from the master bedroom door
25 towards that base board.

1 Q Just in the direction of that, is that
2 what you're referring to?

3 A That's correct.

4 Q But there was just one drop? What about
5 the other ones? You couldn't tell because of the
6 texture of the wall?

7 A Correct.

8 Q Do you have an opinion about the source of
9 those stains on the wall, down towards the floor
10 board?

11 A Typically, if we could determine the
12 travel or direction of those stains on the surface,
13 we would attempt to determine in a point in space
14 where those originated from. But without having
15 those observed characteristics, I am unable to say
16 exactly where their source is from.

17 Q Okay. Now, did you also search the rest
18 of the property at the Allwine residence?

19 A I walked around the outside of the home,
20 but I did not go into the out buildings, or to the
21 dog arena, or to I think there was a road, or some
22 kind of driveway behind the fence line. I did not
23 go out there.

24 Q Okay. You are talking about a dirt road
25 out on the north side of the property?

1 A Yes. Well, it runs, from my memory, it
2 ran on the backside of the house. Backside of the
3 house. It lined the backyard. Our agent was out
4 there taking photos, but I did not personally go out
5 and observe that area.

6 Q Okay. Who is your agent?

7 A Special Agent Mike Kaneko.

8 Q Can you spell the last name?

9 A Yep. K-A-N-K-O?

10 Q K-A-N-K-O?

11 A K-A-N-E-K-O, excuse me.

12 Q Who else helped you with your
13 investigation out at this Allwine property?

14 A My team member was Ross Thomas. The
15 initial photographer that went with me to take the
16 forensic look at the home was Senior Special Agent
17 Bill O'Donnell. And then he left when Special Agent
18 Mike Kaneko arrived. Then Michelle Frascone was the
19 case agent from the BCA.

20 Q Was she there as well when you were doing
21 your investigation?

22 A Yes.

23 Q Were all of those people there at some
24 point during your investigation?

25 A Yes, they were.

1 Q How long did you spend out there at the
2 Allwine property?

3 A I was personally there for 19 hours.

4 Q At one point, or total?

5 A Complete, without leaving.

6 Q 19 hours you spent inside the house?

7 A Correct.

8 Q And on the impressions that were left, the
9 luminal impressions, are you able to measure those
10 to line up with how big they are, or whose foot it
11 is, or anything like that?

12 A Typically, we do have ways of doing that
13 with glow in the dark markers that we can take
14 photographs during when the lights are off. And in
15 white light, we can put an L scale to it. But
16 typically, we are doing that if we have some sort of
17 impression that we would compare unknown to. Such
18 as, like a shoe tread, or if we actually saw ridge
19 detail from the bottom of someone's bare foot. We
20 would then want to scale that to compare to some
21 type of inked impression, or a submitted item.

22 In this case, I did not see any detail
23 other than just shapes, so I did not go ahead and
24 measure the size of those.

25 Q Now, I do know that you lifted a print and

1 you marked it as item two in your report; what was
2 that print that you're referring to?

3 A Item two was what he referenced yesterday,
4 which was the shoe print. We looked at it in a
5 photograph with side lighting, or oblique lighting
6 on the floor. Had kind of a herring bone pattern
7 impression to it that we suspected was from Special
8 Agent Michelle Frascone. That was lifted on a gel
9 lift, and submitted to the trace section for
10 analysis.

11 Q And that turned out to be Special Agent
12 Frascone's footprint?

13 A I can't remember exactly what their report
14 says. But there was a likeness to the impression
15 and her shoe, yes.

16 Q It was a nonissue. You didn't investigate
17 it any further?

18 A Correct.

19 Q Now, the drip pattern that we talked about
20 yesterday in Exhibit 42.

21 A Yes.

22 Q That was on the bedroom floor next to Amy
23 Allwine?

24 A Correct.

25 Q Okay. Now, can you tell the elevation of

1 whatever the source of the blood was? Can you tell
2 how high it was to make a drip pattern that it made?

3 A No. A drip pattern is just blood that
4 falls from a given height. It could fall from a
5 high point or a low point, but there just has to be
6 distance between that bleeding source and the
7 surface in order to create the pattern.

8 Q So you can't tell by the pattern that was
9 created on the floor in the bedroom how high up the
10 source of the blood was?

11 A That's correct.

12 Q How about the blood that was on the wood
13 floor outside of the bedroom. Can you tell how much
14 that was? How much blood are we talking about?

15 A I can't tell because it had been cleaned
16 up. What I can tell you is it was enough blood to
17 leave wiped residue over that surface, and then also
18 enough to get into the cracks of the floorboard.

19 But the volume that would've been sitting there, or
20 the size of it, I can't tell you.

21 Q Okay. Now, did you find any fingerprints
22 in the house that were of any significance?

23 A No. We did not look for fingerprints.

24 Q You didn't look for them, or didn't find
25 any?

1 A We didn't look for them.

2 Q Isn't that normal procedure to look for
3 fingerprints?

4 A Looking for fingerprints depends on the
5 case information that we have at the time. It also
6 depends on what we observe in the scene. If we
7 observe what would be a foreign object, or a weapon
8 in the scene. If we would observe forced entry or
9 sign of a struggle, or there would be specific case
10 information as to an object used, a surface touched,
11 something that had been reported, we would go ahead
12 and do fingerprints in those situations. We did not
13 have that information in this case.

14 Q Well, you have a sliding door that
15 wouldn't lock; isn't that correct?

16 A That's correct.

17 Q And you never tested the door handle for
18 the fingerprints?

19 A No, I did not.

20 Q Now, you testified about the blue rag that
21 you found in the laundry room, right?

22 A Correct.

23 Q And did you find any other items of
24 clothing, or rags, or gloves, or anything like that
25 that indicated that there was blood on them?

1 A No. We looked through, myself and my team
2 member, looked through numerous items of clothing
3 and towels that were inside the dryer. They are
4 clean and dry. There wasn't any indication of blood
5 or previously washed blood on any of those items.
6 We also looked through the clothing in the master
7 bedroom closet, and the clothing in a laundry basket
8 in the master bedroom closet, and none of which gave
9 any indication of a blood-like substance.

10 Q Okay.

11 MR. DEVORE: I have no further questions.
12 Thank you, Ms. Garfield.

13 THE WITNESS: Thank you.

14 THE COURT: Redirect.

15 MR. FINK: Thank you, Your Honor.

16 REDIRECT EXAMINATION

17 BY MR. FINK:

18 Q I want to get this right, because I am not
19 sure I understand it. But the brightness of the
20 florescence is dependent upon the amount of blood
21 deposition?

22 A Correct.

23 Q The gel lift on the floor that you took of
24 the agents' shoe, that was in dust, right?

25 A Correct.

1 Q That's why you were able to get a lift; is
2 that right?

3 A That's right.

4 Q What was the color of the blood in the
5 cracks of the floorboard?

6 A In the cracks of the floorboard, as you
7 saw in some of the photographs, it was fairly red in
8 color. Some of it kind of shiny, but it was all
9 dry. It was fairly red.

10 Q Okay. And in your experience, did that
11 have an effect on your opinion as to how recent that
12 was deposited there?

13 A In my experience, typically the redder the
14 blood, the more recent the deposition on a surface.
15 If blood is left on a surface or in the cracks of
16 floorboards for an amount of time, the longer it has
17 exposure to oxygen the browner it will look over
18 time, typically speaking.

19 Q Now, the satellite stain in the bedroom,
20 the one to the side of the pool of blood under
21 Ms. Allwine's head, while you can't say how high it
22 was for that drip pattern, but is it correct to say
23 that the source of that blood was elevated above the
24 carpet at that location at some point?

25 A Yes.

1 Q Was there any signs of struggle anywhere
2 in the house?

3 A No.

4 Q Any signs that items were obviously
5 missing?

6 A No.

7 MR. FINK: That's all.

8 MR. DEVORE: Your Honor, recross?

9 THE COURT: You may.

10 RE CROSS EXAMINATION

11 BY MR. DEVORE:

12 Q And I just want to be clear as well. On
13 the impression that's left in the hall in the
14 luminal, it can be -- the darkness or lightness of
15 it can be dependent on either the amount of the
16 substance blood; is that correct?

17 A Correct.

18 Q But it can also be dependent on the
19 pressure, or the amount of pressure, that was
20 applied when the stain was left; isn't that correct?

21 A Correct. That's also possible.

22 MR. DEVORE: No further questions.

23 THE COURT: You may step down.

24 THE WITNESS: Thank you, Your Honor.

25 THE COURT: Next witness.

1 MS. KREUSER: Thank you. The state calls
2 Charles Zutz.

3 MR. FINK: May I get this out of the way,
4 Your Honor?

5 THE COURT: You may. Mr. Zutz, please
6 come to the front of the courtroom to the witness
7 chair. Before you sit down, please raise your right
8 hand so you can affirm.

9 CHARLES ZUTZ,
10 having been first duly sworn, was examined
11 and testified on his affirmation as follows:

12 THE CLERK: Have a seat. Please state
13 your full name for the record, spelling your last
14 name.

15 THE WITNESS: My name is Charles Matthew
16 Zutz. Last name is spelled Z-U-T-Z.

17 THE COURT: You may proceed.

18 MS. KREUSER: Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY MS. KREUSER:

21 Q Go morning, sir.

22 A Good morning.

23 Q Mr. Zutz, did you know Amy Allwine?

24 A Yes, she was my daughter. I know that
25 because I was there when she was born and I had the

1 opportunity to cut the umbilical cord.

2 Q Would you say that you were close with
3 your daughter Amy Allwine?

4 A Yes, I would.

5 Q How would you describe your daughter?

6 A Well, she was a very lovely daughter.
7 Always wanting to please. Always wanting to help
8 very giving. She got her greatest joy in life
9 bringing joy to others, so she was a joy to us, our
10 family she was. I think her care for people and
11 wanting to help others is really what made her
12 business so successful.

13 Q Mr. Zutz, where do you live?

14 A I live at 7600 Military Road in Woodbury.

15 Q Where is that in relation, distance wise,
16 to where Amy Allwine lived?

17 A We were about 20 minutes away, I think,
18 from her house.

19 Q Mr. Zutz, are you married?

20 A Yes, I am.

21 Q What is your wife's name?

22 A My wife's name is Joanne.

23 Q Do you have any other children?

24 A We have two. We have an older daughter,
25 Julie, and we have a younger. Our son is younger --

1 the youngest.

2 Q What is his name?

3 A His name is Stephen.

4 Q Considering that you lived -- the
5 proximity that you lived from Amy Allwine's
6 residence, did you have the occasion to see Amy
7 Allwine often?

8 A I would say on average through the year,
9 we probably seen her twice a week.

10 Q Now, your daughter Amy Allwine was
11 married, correct?

12 A That's correct.

13 Q To whom did you get married?

14 A She was married to Stephen Allwine.

15 Q And you were there when they got married?

16 A Yes.

17 Q And you had the occasion to interact with
18 Stephen Allwine on a regular basis as well?

19 A That's correct.

20 Q Okay. So that person you know as Stephen
21 Stephen Allwine, do you see him here today?

22 A Yes, I do. He is sitting with a dark suit
23 on, next to his attorney.

24 Q To what side of his attorney is he
25 sitting?

1 A He's on the right. My right side.

2 Q Thank you.

3 MS. KREUSER: Your Honor, may the record
4 reflect that the Mr. Zutz has identified the
5 defendant.

6 THE COURT: It may reflect.

7 MS. KREUSER: Thank you.

8 BY MS. KREUSER:

9 Q Mr. Zutz, do you recall how your daughter,
10 Amy Allwine, met Stephen Allwine?

11 A She met him at the Ambassador College in
12 Texas.

13 Q When, approximately, were they married?

14 A About 20 years ago.

15 Q Now, they had a child?

16 A They did. They had a child that they
17 adopted, Joseph.

18 Q When did they adopt Joseph?

19 A I think it was about 10 years ago.

20 Q How old was Joseph when he was adopted?

21 A I think she brought him home, and he was
22 two days old.

23 Q Did Amy want to be a mom?

24 A Yes, she did.

25 Q Can you describe Amy as a mother?

1 A Well, she was a very caring mother. Just
2 very tender. Always looking out for him, and doing
3 the things that brought him joy in his life. Very
4 caring person.

5 Q Can you describe Amy as a wife?

6 A Well, from what we saw or seen, she loved
7 her husband very much. She really, in many ways,
8 conducted her life around him. When he had his
9 health issues with Crohn's, you know, she was very
10 careful to prepare food that he could eat that would
11 help him with that. She was very concerned about
12 him and his health issues.

13 Q Now, your daughter was a business owner,
14 correct?

15 A That's correct.

16 Q Can you explain how she came to be a
17 business owner; what it was all about?

18 A Well, she was working for a company, or
19 another lady, in a dog training business. I think
20 she worked there two, three years. And the lady
21 wanted to spin off a part of her business which was
22 the agility training business. So she asked Amy if
23 she would like to take it over.

24 Amy loved pets and dogs ever since she was
25 a small child. I have a picture of her, she was

1 about six, and she had her lap full of puppies from
2 our dog that had puppies. It's just a very lovely
3 picture.

4 So she said she would. She would love to
5 take that over, that business. Then she started her
6 own company. She called it Active Dogs Sports
7 Training. It went from there. That's how she got
8 started with her business.

9 Q Approximately how long ago was that?

10 A Could have been 15 years, because I think
11 she was starting to get her own place for that when
12 Joseph came into her life. So that would be 10
13 years that she started.

14 Q Now, Amy's dog business as of 2016, where
15 was it in relation to the Allwine home?

16 A It was on the same property as the home.
17 They bought it for that particular reason to have it
18 there on the home.

19 Q How far away from the house, about, was
20 the dog facility?

21 A Maybe 50 yards.

22 Q Was her business important to her?

23 A Well, very much so. Just because she
24 loved what she was doing. You know they say if you
25 love what you are doing, you will never work another

1 day in your life. It really fit her lifestyle.

2 Q You had already said that you and your
3 wife saw Amy maybe on average two times per week.
4 Based on that, would you say that you and your wife
5 were close with Amy and her family?

6 A Yes, we were.

7 Q Can you explain the kinds of things you
8 did together maybe on that weekly basis?

9 A Well, we had a tradition of Friday night
10 dinners that we were probably doing for the past 35
11 years, I think. On that night, my wife would set
12 the good China and silverware. And then I would --
13 I prepared the food every Friday night.

14 The highlight probably was the desert,
15 because Amy always brought desert. And she had --
16 well, she was just a wonderful, wonderful cook. But
17 my wife's favorite desert was a fresh strawberry
18 pie. Amy would go to the U Pick place when
19 strawberries were in season. She would pick
20 strawberries, and she would take Joseph with. We
21 had the biggest, reddest, sweetest strawberries you
22 ever tasted. I know it was my wife's favorite.

23 Q Thank you. Mr. Zutz, you had also said
24 that in spending time together with Amy, did you
25 have the occasion to help her with things?

1 A That was her third house that she lived in
2 and I helped her with all three of them. Many
3 projects that I helped her with. I helped Steve
4 with, also. Because there are always things to do.
5 I was retired, so I had the time to do it.

6 Q Now, did you help install new flooring at
7 the Allwine residence?

8 A Yes, I did.

9 Q About when was that?

10 A About a year ago, or somewhere in there.

11 Q A year ago from today, or a year ago from
12 when Amy passed?

13 A Probably from when she passed away.

14 Q What area was installed?

15 A It was installed in the living room, the
16 kitchen, and the hallway.

17 Q So all of the wood floor in that main area
18 in the hallways?

19 A Yes.

20 Q Who did the installing? You and who else?

21 A Steve and I worked together.

22 Q Was anyone injured during the installation
23 of that flooring, to your recollection?

24 A No, there was not.

25 Q Mr. Zutz, I would like to turn your

1 attention to November 13th, 2016. You helped Amy
2 that day as well, correct?

3 A I did.

4 Q Can you explain what you did?

5 A Would have to go back to the Friday
6 before. Amy asked me to install a dog door in their
7 garage for their Newfoundland dog, which is a big
8 dog. So I said, yes, I would. I came down Friday
9 after lunch with my tools, and I cut the door in the
10 garage wall so they could go out into their dog
11 area. So I put it in, and we checked it out.

12 The dog door had a sliding door on the
13 outside that you could put in so the dogs couldn't
14 get out if you didn't want them out. So what I told
15 them I was going to do was I was going to come back
16 Sunday afternoon and put a locking pin on the door
17 so someone on the outside couldn't open it up and
18 come in the garage if they weren't home or even if
19 they were home. So I went home to do that, and I
20 made it up. Then I came back Sunday afternoon to
21 install it.

22 Q What time did you come over about?

23 A It was probably about 1:00 in the
24 afternoon.

25 Q Did you drive over there yourself?

1 A I did. I drove over by myself.

2 Q In your vehicle?

3 A In my vehicle, yes.

4 Q What is your vehicle? What does it look
5 like?

6 A We have a blue 2015 CRV.

7 Q Now, when you were done installing the dog
8 door, can you explain who you talked to and what
9 happened?

10 A I got there about 1:00. Garage door was
11 open. Amy's car was in the garage. I went into the
12 house to talk to her. Steve was in the kitchen. He
13 said that she wasn't feeling well. So I said, well,
14 would you put the dogs in their kennels so they
15 wouldn't get under way, under my foot when I was
16 working.

17 Q Did you go ahead and finish your work
18 there?

19 A I did. I finished what I was doing. When
20 I got done, I went in the house. Told Steve I was
21 done, and that he could put the dogs out if he
22 wanted to put them out. Then I left.

23 Q Did you talk to Amy when you were there
24 that day?

25 A I did not.

1 Q Do you know where she was?

2 A I assume she was in her bedroom, because
3 the bedroom door was closed. The bedroom was right
4 off the living room and kitchen. So the door was
5 closed. She wasn't feeling well, so I would assume
6 that's where she was.

7 Q Who did you learn from that she wasn't
8 feeling well?

9 A Steve told me that when I came because I
10 expected to talk to her, and she wasn't there, so..

11 Q About what time did you leave then?

12 A It was about 2:00 when I left there.

13 Q Did you go home?

14 A I started home. I got about five minutes
15 away and Steve called me on my cell phone and
16 asked -- he asked if I would come back and get
17 Joseph, because they were going to go to one of the
18 outpatient clinics to see what was wrong with Amy,
19 and that he would pick up Joseph at my house at 5:30
20 when they went to the gym.

21 Q Did you turn around and go back to the
22 Allwine residence?

23 A Yes, I did.

24 Q When you went back, what happened?

25 A I drove up to the door, and they were

1 standing on the landing in the garage. Joseph ran
2 out to my car, and got in my car, and we went to my
3 house with Joseph.

4 Q When you say "they", who was standing on
5 the landing?

6 A Steve and Joseph were standing there.

7 Q Is it common to have had your grandson
8 over to your house?

9 A Yes, we did quite often.

10 Q Have you ever been requested to come back
11 and get him after leaving so abruptly like that
12 happened?

13 A Not that I can recall.

14 Q When did you hear from Stephen Allwine
15 next?

16 A He called, it was around 5:00. He said
17 that he might be late because he would have to stop
18 and get gas for his car.

19 Q Did he come and get Joseph?

20 A Well, he did show up at 5:30 as he said.
21 When he walked in the upstairs back door, first
22 thing I said was, what did you find out about Amy?
23 And he said, Amy decided not to go. Then in a
24 couple minutes, Joseph put his shoes on, and they
25 left.

1 Q When did you hear from Stephen Allwine
2 next?

3 THE COURT: Take your time, sir.

4 THE WITNESS: I was sitting in the living
5 room in my chair. The phone rang and Steve said,
6 Amy is dead. And I said, what? And he repeated
7 that she was dead. My wife was standing there, and
8 knowing by my tone of voice that something was
9 definitely terribly wrong. So I thought, how do I
10 tell my wife of 49 years that our precious daughter
11 is dead. The precious daughter that she got
12 together with twice a week.

13 So I sat down on the couch with her. Told
14 her. The pain and disbelief in her eyes was hard.
15 So I had asked Steve if he wanted us to come down on
16 the phone before. He said, yes. So we got in our
17 car. We started down to her house. It was the
18 longest, most painful, saddest drive we have ever
19 made.

20 A When I turned on the street where they
21 lived, and I saw all of the red flashing lights from
22 police cars, I realized that there was nothing I
23 could do to help Amy, as I had done so many times
24 before.

25

1 BY MS. KREUSER:

2 Q Mr. Zutz, you let me know when you are
3 ready to continue. Take your time.

4 Mr. Zutz, you then did respond to the
5 Allwine residence that evening, correct?

6 A That's correct, yes.

7 Q And you learned that Amy had passed away?

8 A Yes.

9 Q Did you ever know Amy Allwine to be
10 suicidal?

11 A No. She loved life too much to be there.

12 Q Was faith important to Amy Allwine?

13 A Yes, it was.

14 Q Can you explain?

15 A Well, with her servant's heart that she
16 had, she was very much involved. She was a
17 Deaconess in our church, which is an ordinance to
18 serving. That's what she did. She looked after the
19 church. Different things that were going on. Took
20 care of many activities. Always seeking to help
21 those who needed help.

22 Q Did she attend regularly?

23 A Yes, she did.

24 Q Now, is this the same church that you
25 attend?

1 A That's correct.

2 Q What is the church's name?

3 A It's the United Church of God.

4 Q Where is it?

5 A We meet in Newport at the United Methodist
6 Church.

7 Q Amy Allwine was raised in this church,
8 correct?

9 A That's correct.

10 Q To your knowledge, does Stephen Allwine
11 share the same faith?

12 A Yes, he did.

13 Q He was raised in the church as well?

14 A I believe he was, yes.

15 Q Can you explain his involvement in the
16 church, over the years, since you have known him?

17 A Well, he was also a Deacon at that time,
18 at first, which was an office of service as well.

19 The time line I don't quite remember, but a man of
20 the church, they can move on to be an elder if they
21 show the interest and diligence in studying the
22 bible, and showing the fruits thereof. And being
23 able to teach that to others what they know, what
24 they have learned. So he was an elder at the time
25 of Amy's death.

1 Q What kinds of things do elders do?

2 A Elders give sermons in church. They
3 counsel people. They anoint people that are sick.

4 Q Mr. Zutz, what is your church's position
5 on suicide?

6 A I don't know how to put that.

7 Q Does the church's have a position? Do
8 they condone it? Do they not condone it?

9 A They do not condone it, I would say.

10 Q What about divorce or infidelity?

11 A Well, they don't condone either of those
12 as well.

13 Q Is elder status affected by that?

14 A Well, if someone is an elder, and it is
15 proven that they have committed adultery, they can
16 no longer be an elder, and may be asked not to
17 attend church as well.

18 Q Now, after your daughter passed, is it
19 true that Stephen Allwine stayed with you and your
20 wife in your home for several months after that?

21 A Well, the night that it happened, the
22 house was a crime scene, so they could not stay
23 there so they came to our house. Joseph did not
24 want to go back to the house and just stayed there.
25 So they came to stay at our house. Our basement is

1 set up like an apartment. They can live down there.
2 They stayed there for two months until he was
3 arrested for the first time.

4 Q About what time did you stay at the
5 Allwine residence on the night of November 13th,
6 2016, approximately, the night Amy passed; how late
7 were you at her home?

8 A Well, we got there about 7:30. I thought
9 we left about 11, 11 p.m.

10 Q And what time, approximately, did Stephen
11 Allwine come back to your home that night?

12 A I think that he rode with us, if I am not
13 mistaken, because his cars were all on the premises
14 and I don't think he could take them with him.

15 Q So you had an opportunity to be around
16 Stephen Allwine after Amy Allwine had passed,
17 correct? Is that a yes?

18 A That's correct, yes.

19 Q And during this time, did you notice any
20 demeanor change in Stephen Allwine? Did he seem
21 saddened by the loss of his wife?

22 A His demeanor was sober.

23 Q Did Stephen Allwine continue with his
24 involvement in the church after Amy Allwine passed?

25 A Yes, he did.

1 Q Can you explain?

2 A He still continued to give sermons, other
3 than that I don't know what he did outside of that.

4 Q Now, Mr. Zutz, were you aware of the FBI
5 contacting Amy Allwine about threats that were made
6 to her, either on her life, on the Internet, or
7 through emails?

8 A I think Amy mentioned something to us a
9 week or two after the first one.

10 Q So she shared that information with you
11 and your wife?

12 A Yes.

13 MS. KREUSER: Your Honor, may I approach
14 the witness?

15 THE COURT: You may.

16 BY MS. KREUSER:

17 Q Mr. Zutz, showing you what's been marked
18 as Exhibit 82; do you recognize that picture?

19 A Yes, I do.

20 Q And what is it?

21 A That's our daughter, Amy.

22 Q You have seen that picture before?

23 A Yes, I have.

24 Q Does that accurately depict your daughter
25 Amy Allwine?

1 A Very much so.

2 MS. KREUSER: Your Honor, I would offer
3 Exhibit 82.

4 MR. DEVORE: No objection.

5 THE COURT: Received.

6 BY MS. KREUSER:

7 Q Mr. Zutz, did Amy Allwine share with you,
8 in the wake of sharing the information about the
9 threats on her life, if she knew of anyone that
10 wanted to harm her?

11 A No, she did not.

12 Q Did she ever talk to you about any enemies
13 she may have had?

14 A No, she did not.

15 Q Do you know of anyone in Amy Allwine's
16 life who would have wanted to harm her?

17 A No, I do not.

18 MS. KREUSER: Thank you. I have no
19 further questions. Thank you.

20 THE COURT: Cross.

21 CROSS EXAMINATION

22 BY MR. DEVORE:

23 Q Good morning, Mr. Zutz.

24 A Good morning.

25 Q Now, Mr. Zutz you said that Steve and Amy

1 had been married for over 20 years; is that what you
2 said?

3 A Right.

4 Q And you described your contacts with her
5 being at least, on average, about twice a week; is
6 that right?

7 A That's correct.

8 Q Are those contacts that you had with Amy,
9 at least in the last 20 years or so, most of them
10 included contact with Stephen as well?

11 A Not every time, no.

12 Q Sure. You guys had a tradition of having
13 Friday night dinners at your house?

14 A We did, yes.

15 Q Would Steve also be at those dinner?

16 A Yes, he was.

17 Q Was he very involved in your family as
18 well?

19 A Not as much as Amy.

20 Q Amy's your daughter?

21 A Yes.

22 Q And Steve is your son-in-law?

23 A Son-in-law, yes.

24 Q When you would have these family dinners,
25 who would be there?

1 A Generally be my wife and I, our son, Amy,
2 Stephen, Joseph, and sometimes we would have other
3 people with us. Maybe at least once a month other
4 people would be with us.

5 Q Okay. Now, the church that you belong to,
6 you observe the Sabbath on Saturdays, correct?

7 A That's correct.

8 Q Not on Sunday?

9 A That's correct.

10 Q Can you describe a typical Saturday?
11 Because you go to church every Saturday; is that
12 fair to say?

13 A That's correct.

14 Q And when you go to church every Saturday,
15 did your wife go as well?

16 A That's correct.

17 Q How about when Amy and Steve were still
18 together, did you also go with them as well?

19 A They would come there as well, yes.

20 Q And Joe as well?

21 A That's correct.

22 Q So describe to me how when you went to
23 church, you would be there for several hours; isn't
24 that true?

25 A Church starts at 1:30, we would be there

1 at 12:30. The service goes for an hour and a half
2 to two hours, and then the fellowship continues for
3 an hour, hour and a half afterwards.

4 Q And Steve and Amy would both participate
5 in all of that, too?

6 A Yes.

7 Q So Friday nights you guys would
8 traditionally get together, have dinner at your
9 house.

10 A Mm-hmm.

11 Q Saturdays you were together at church.

12 A Right.

13 Q And then Sunday didn't you go to the
14 Allwine house to have dinners frequently?

15 A Probably once a month, maybe twice.
16 Maybe.

17 Q Now, you had your own key code and
18 everything for their garage?

19 A That's correct.

20 Q You were free to come and go to their
21 house anytime you wanted?

22 A Yes.

23 Q Now, describe to me, if you would, Steve
24 and Amy as parents of Joe, their son?

25 A Well, they were both involved in his life.

1 Amy took care of, what do you call, the duties of a
2 mother. Providing that he had clothing and things
3 to wear. She was always -- how she -- her -- when
4 it came to her business, she was the one that took
5 care that made sure that he had someone to take care
6 of him. Whether we would come down, or she would
7 drop him at our house, or she would get a
8 babysitter. She probably got a babysitter more
9 often than we would take care of him. But she
10 always made sure there was someone to take care of
11 him.

12 Q Okay. How about parenting as far as
13 guidance and discipline and things like that. Can
14 you describe for me both Steve and Amy how they both
15 parented their child?

16 A Well, they were both involved in.

17 Q Were they both loving parents?

18 A I would say they were, yes.

19 Q Did they ever have to discipline Joseph?

20 A They did.

21 Q How would that -- what kind discipline
22 would they have?

23 A Just a verbal reprimand.

24 Q Did you ever see Steve physically
25 discipline Joseph at all?

1 A No, I did not.

2 Q How about Amy?

3 A No, I did not.

4 Q Describe Steve's demeanor in general. Was
5 he an excitable person, calm person, how would you
6 describe him?

7 A I would say he's pretty calm.

8 Q Would you say he's more outspoken, or more
9 on the quiet side?

10 A I would say he was more on the quiet side.

11 Q Did you ever see Steve lose his temper?

12 A No, I did not.

13 Q Did you ever see him raise his voice?

14 A I think a couple of times, yes.

15 Q On those occasions was it appropriate for
16 him to raise his voice?

17 A I don't know that I can say that, answer
18 that.

19 Q In 20 plus years of marriage, did you ever
20 have any concern that Steve was physically abusive
21 towards Amy?

22 A No, I did not.

23 Q Who was the primary bread winner in the
24 family?

25 A I would say Steve was.

1 Q Now, he worked out of the house as well;
2 is that right?

3 A That's right.

4 Q Both he and Amy worked on their own
5 property?

6 A Pretty much, yes.

7 Q That means they would be together pretty
8 much all day long?

9 A Well, Steve worked in his basement, and
10 that's where, I would say, he spent most of his day.
11 He had two jobs, so he worked during the day, and
12 then he had an evening job that he worked at.

13 Q Also in the basement?

14 A Yes.

15 Q And I know that you guys, both you and
16 Steve, did some home improvement projects at their
17 house, right?

18 A We did.

19 Q You put the floorboards in upstairs, but
20 you also did some stuff downstairs, right?

21 A We finished a bathroom. I pretty much did
22 the plumbing in the bathroom. Also worked on a
23 heating system that they were installing.

24 Q So when you were there doing that, you
25 would be there at just random times working on the

1 house?

2 A Right.

3 Q So you would -- I know you said you
4 averaged twice a week you would see him, but it
5 could vary depending on the week, you might be there
6 several times?

7 A Right. That's correct.

8 Q Did you ever feel like you weren't welcome
9 in their house?

10 A No, I did not.

11 Q Now, you guys did some trips together, did
12 you not?

13 A We did, yes.

14 Q How often did you travel with Steve and
15 Amy?

16 A Probably every other year for the past 20
17 years, I guess.

18 Q So every other year for the past 20 years?

19 A Yes.

20 Q What kind of trips would these be?

21 A We keep a religious festival in the fall,
22 and that's when we would go with them. Someone
23 would decide on where we wanted to go as a family.

24 Q So your church, you had opportunities to
25 travel all over the world with your church?

1 A Yes.

2 Q Sometimes you did travel in different
3 countries; isn't that true?

4 A Yes, that's true.

5 Q Recently, did you go on a trip to Germany
6 with Steve and Amy?

7 A Yes, we did. That was in October of '16.
8 Yes.

9 Q So in October of 2016, you and Joanne went
10 on a trip with Steve, and Amy, and Joseph?

11 A Our son was there, too. And our other
12 daughter was there.

13 Q That was through the church?

14 A Yes.

15 Q What did you guys do on that kind of trip?

16 A Well, we have services everyday. When
17 they were over, we would go out in the countryside,
18 or whatever, and see different sites that were
19 available.

20 Q Was that pretty typical for those trips
21 that you took?

22 A Yes.

23 Q Now, did Steve and Amy also go to summer
24 camps that they would go to?

25 A They did, yes.

1 Q Are those through the church as well?

2 A Yes.

3 Q Did you go to the summer camps as well?

4 A No, I did not.

5 Q What were those summer camps about?

6 A The young people, the teenagers in the
7 church, it's an opportunity for them to get out to
8 be together, and then form friendships with the
9 other young people in the church, and to learn Godly
10 activities.

11 Q So Steve and Amy would help be mentors?

12 A Yes. That's correct.

13 Q Were those over the weekends?

14 A Some of those were like a week.

15 Q That was summer and winter; is that right?

16 A Winter for sure. Summer, they went to
17 some of the summer ones. I don't know how many they
18 did. But they went to the winter ones every winter.

19 Q Did you guys get together for bible study
20 other than the Saturdays that you would worship?

21 A Not that I recall. Our church has bible
22 study during the week sometimes, so we would get
23 together there, but not at our house.

24 Q Now, at the Allwine property, where Steve
25 and Amy lived, you said that she has lived in three

1 different houses?

2 A That's correct.

3 Q Were all three of those with Steve?

4 A Yes, that's correct.

5 Q I believe as of 2016, they still owned two
6 of them; is that correct?

7 A That's correct.

8 Q What did they do -- they lived on one,
9 what did they do with the other one?

10 A The other one was rented out, as I recall.

11 Q So they owned it as a rental property?

12 A Yes.

13 Q Where was that one located?

14 A That was on Glen Road in Woodbury.

15 Q Was that a residential home?

16 A Yes, it was.

17 Q Then you said that they bought the
18 property in Cottage Grove for partly because they
19 wanted the arena for her business?

20 A That's correct, yes.

21 Q Do you know how big that property is? How
22 many acres it is.

23 A It's 28 acres.

24 Q 28 total acres?

25 A Yes.

1 Q Now, did they use all of the acreage or
2 did they rent some of it out?

3 A Most of it was rented out for truck
4 gardening.

5 Q Truck gardening?

6 A Yes.

7 Q What's that?

8 A The neighbor there has -- sells produce,
9 and he would plant sweet corn on it for them. He
10 would harvest it and pay them for the rent on the
11 land.

12 Q They also installed some solar panels;
13 isn't that right?

14 A Right.

15 Q What was the purpose of all of that?

16 A Well, the solar panels were on their house
17 to supplement their electricity.

18 Q And how did they heat their house?

19 A They heat their house with wood,
20 basically. They had a gas furnace which they didn't
21 use because they had a wood boiler that heated the
22 house and the arena. So they could heat both.

23 Q Describe for me where the wood burner was
24 located?

25 A Wood burner is between the house and the

1 arena. Out in the middle.

2 Q Okay. And describe how it works. Does it
3 have a door that you open up and you put wood in
4 there.

5 A Pretty good size door that's probably 20
6 inches square that you can put wood in.

7 Q And who was in charge of getting the wood
8 that they would burn?

9 A Well, Steve was in charge of it, but I
10 hauled many, many loads of wood that I had cut, and
11 hauled, and split. Which I was used to doing, so it
12 was a way to help them and serve them.

13 Q So they would have a pile of wood, or
14 stacks of wood that they would use?

15 A Yes, that's correct.

16 Q That's how they heated, you said, both the
17 house and the arena?

18 A Right.

19 Q Describe for me the arena, how big is the
20 arena?

21 A Could be like 100 by 80 square feet.
22 Something like that.

23 Q So do you know how many square feet?

24 A No, I don't.

25 Q That puts us in the 8,000 square foot

1 range; does that sound about right?

2 A Could be, yes.

3 Q Pretty big.

4 A Yes, it is.

5 Q Big enough that you could, like, drive a
6 car around in there?

7 A That's correct.

8 Q Were there a lot of windows on this
9 building?

10 A I don't think there were any, except for
11 the garage door.

12 Q Now, Amy would have -- she conducted her
13 work out of that building, correct?

14 A Correct.

15 Q And was it the kind of thing that people
16 would have to check in, or would they just make
17 appointments and they could show up and come and go
18 as they wanted to?

19 A I am not quite sure how she ran that.

20 Q Was there like parking lots around there?

21 A There is a parking lot on the west side of
22 the building.

23 Q Was that a tar or gravel?

24 A Gravel.

25 Q And did she have an office over there,

1 too?

2 A Yes, she did.

3 Q And did she have like a -- was there a
4 restroom over there, too?

5 A There was a restroom there, yes.

6 Q What is that a septic system out there?

7 A Yes, they have a septic system.

8 Q So they had running water, but it was well
9 water.

10 A Right.

11 Q That was for both the house and the arena?

12 A They had two separate wells. One for the
13 arena and one for the house.

14 Q And then her office, did she have like
15 computer and electronics and stuff like that out
16 there.

17 A I don't believe she did. I think she had
18 that in her office in her house.

19 Q Okay. Do you know what was in her office
20 out there?

21 A She had a desk, some chairs, refrigerator,
22 and couple of shelves for materials that she had.

23 Q Did you go in there much?

24 A Depending on what I was doing there.

25 Maybe once a week.

1 Q When she moved her business in there, when
2 she first moved in there, did you help her build
3 that out, kind of make it the way she wanted it, and
4 stuff like that?

5 A In the arena?

6 Q Yeah.

7 A I helped some, yes.

8 Q Okay. What was the flooring in the arena,
9 was it dirt?

10 A It was concrete.

11 Q Oh, it's concrete?

12 A They had a rubber mat down in the arena
13 area.

14 Q Okay. Now, they also had a camper. Did
15 Steve and Amy have a camper?

16 A Had a trailer. Camping trailer, yes.

17 Q How big was that?

18 A Might have been 27 feet.

19 Q Where did they store that?

20 A They stored it on the property.

21 Q Was that right by their house?

22 A Depending on what they were doing.

23 Sometimes it was by their house. Sometimes it was
24 back in the back by their other shed.

25 Q Now, on the -- prior to the 13th of

1 November, isn't it -- you were aware that Amy was
2 having some issues with her computer?

3 A Vaguely, I do. I don't recall a lot about
4 it.

5 Q And do you remember having a conversation
6 with an Investigator Zerwas from the Woodbury Police
7 Department way back in November of 2016. Probably
8 interviewed by him.

9 A Repeat that, please.

10 Q Sure. Do you remember being interviewed
11 by a police officer back in November of 2016? After
12 Amy's death.

13 A Yes. A Woodbury investigator, yes.

14 Q And I just wanted to ask you, when you
15 stopped by, or when you were at this Allwine
16 property on the 13th of November, isn't it true that
17 you could hear Amy and Steve talking, but you never
18 actually saw her?

19 A I did not hear them.

20 Q So if Officer Zerwas' report indicates
21 otherwise, that would be incorrect?

22 A That would be incorrect, yes.

23 Q And you came back, and you got a phone
24 call from Steve Allwine saying, could you come back
25 and get Joe?

1 A That's correct.

2 Q And Joe met you and you took him back to
3 your house and you spent --

4 A That's correct.

5 Q -- the rest of the afternoon with Joe?

6 A Yes. That's correct.

7 Q And did you notice anything about Joe's
8 demeanor that was odd, or different, or unusual?

9 A No, I didn't.

10 Q When you were talking with Steve on the
11 13th of November, did you notice anything different
12 about his demeanor than normal?

13 A No, I did not.

14 Q He didn't seem to be anxious or excited in
15 any way?

16 A No, he did not.

17 Q Did he seem excited at all to you?

18 A No, he did not.

19 Q Did he talk clearly and function well?

20 A Yes.

21 Q Just like he always does?

22 A Yes.

23 Q Is that correct?

24 A That's correct.

25 Q And then following Amy's death, then he --

1 Steve lived with you for a couple of months; is that
2 right?

3 A That's correct.

4 Q Now, when he was living with you, did he
5 have all of his computers and cell phones and things
6 like that?

7 A I couldn't say if he did or not. He was
8 in the basement, so I don't know what he had there.

9 Q Sure. Did he ever have to use Joanne's
10 cell phone to make calls?

11 A He did use his her cell phone, I believe.

12 Q And following the night of November 13th,
13 you were down at the Cottage Grove Police Department
14 when Steve was down there being interviewed or no?

15 A I believe we took him down there because
16 he didn't have a car. I think that's where we --

17 Q You picked him up?

18 A We took him there. And then we waited to
19 pick him back up. It was a couple of hours, I
20 think. They interviewed him.

21 Q And then you guys had to run to --
22 somebody had to run to Wal-Mart to get some clothes;
23 is that right?

24 A I don't recall that.

25 Q Do you remember if the pastor and his wife

1 were at the police station, too?

2 A I don't think he was, but I couldn't say
3 for sure. Not the day after.

4 Q I am talking about the night of.

5 A The night of, our pastor was there that
6 night.

7 Q Oh, okay. I guess maybe you were
8 confused. So on November 13th down at the Cottage
9 Grove Police Department.

10 A Oh.

11 Q Your pastor was around during that time?

12 A Yes, he was.

13 Q Didn't he have to give them a ride to
14 Wal-Mart to get them some clothes?

15 A I don't recall that.

16 MR. DEVORE: I have no further questions.
17 Thank you, Mr. Zutz.

18 THE COURT: Redirect.

19 MS. KREUSER: Nothing Your Honor.

20 THE COURT: Mr. Zutz, you can step down,
21 sir.

22 We are going to take a break. Return at
23 quarter to eleven.

24 Please remember my admonition not to talk
25 to anybody about this case, folks. You may go.

1 (The jury exited the courtroom.)

2 (A recess was taken.)

3 (The jury returned to the courtroom.)

4 THE COURT: Everyone please be seated.

5 Next witness, please.

6 MR. FINK: State calls Officer Silkey.

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

10 OFFICER ASHER SILKEY,
11 having been first duly sworn, was examined
12 and testified on his oath as follows:

13 THE CLERK: Please be seated and state
14 your name and spell you last name.

15 THE WITNESS: Officer Silkey, S-I-L-K-E-Y.

16 THE COURT: You may proceed.

17 DIRECT EXAMINATION

18 BY MR. FINK:

19 Q Can you spell your first name for the
20 record, please?

21 A A-S-H-E-R.

22 Q How are you employed?

23 A Special agent with Federal Bureau of
24 Investigation. Assigned to the Minneapolis field
25 office.

1 Q How long have you been with the FBI?

2 A Approximately 13 years.

3 Q Prior to that, did you have any law
4 enforcement experience?

5 A Yes.

6 Q Where was that?

7 A Los Angeles Police Department.

8 Q How long for that?

9 A Five years.

10 Q What's your specific assignment in the FBI
11 right now?

12 A Currently, I work gang and drug
13 investigations.

14 Q And in the calendar year of 2016, what was
15 your assignment?

16 A Worked violent crime investigations,
17 primarily fugitive-investigations.

18 Q What's your education?

19 A Bachelors Degree.

20 Q In? PW ARB?

21 A In Physics and Criminal Justice?

22 Q From where?

23 A Hamline University.

24 Q Could you explain, just in general terms,
25 the job duties of an FBI agent?

1 A Investigating federal crimes.

2 Q Now, in 2016 did you have the occasion to
3 learn of a hack, and therefore the contents of a
4 Dark Web site -- Dark Web website called Besa Mafia?

5 A Yes.

6 Q When was that?

7 A That was in May of 2016.

8 Q How did it come to your attention?

9 A I received a lead from another field
10 office regarding they had received this hack from a
11 source, and provided the specific information
12 regarding Amy Allwine to Minneapolis field office
13 because she lived in this area.

14 Q Were you provided Besa Mafia message
15 exchanges with a user name of dogdayGod?

16 A Yes.

17 Q And were those the messages that referred
18 to Amy Allwine?

19 A Yes.

20 MR. FINK: May I approach the witness?

21 THE COURT: You may.

22 BY MR. FINK:

23 Q Agent Silkey, showing you what's marked
24 Exhibit Number 85, and ask you if you know what that
25 is.

1 A Yes, I do.

2 Q What is it, sir?

3 A It is the contents of the path from the
4 Besa Mafia web site pertaining to communications
5 from dogdayGod.

6 Q And referencing Amy Allwine?

7 A Yes.

8 Q Referencing her in what way?

9 A Communications in general. Trying to hire
10 someone to do a hit on Amy Allwine.

11 MR. FINK: I would move Exhibit 85 into
12 evidence, Your Honor.

13 MR. DEVORE: Can I inquire, Your Honor.

14 THE COURT: You may.

15 BY MR. DEVORE:

16 Q Special agent Silkey, did you obtain those
17 emails?

18 A Yes.

19 Q How did you obtain those emails?

20 A Initially, I had them provided from an FBI
21 agent from a different division that had received
22 them. Then down the road, I also subpoenaed them.

23 Q Okay. And the initial FBI special agent
24 that sent them to you, how did that person get them?

25 A He received them from a confidential

1 source.

2 Q Then did you also execute a subpoena as
3 well?

4 A Yes.

5 Q And you received the same documents?

6 A Yes.

7 MR. DEVORE: No objection, Your Honor.

8 THE COURT: Received.

9 CONTINUED DIRECT EXAMINATION

10 MR. FINK: May I approach?

11 THE COURT: Yes.

12 BY MR. FINK:

13 Q Special Agent Silkey, I would like to draw
14 your attention to Exhibit 124, and ask you if you
15 know what that is.

16 A It's an excerpt from one of the messages
17 contained in the previous exhibit.

18 Q Is it true and accurate?

19 A Yes.

20 MR. FINK: I would move 124 into evidence.

21 MR. DEVORE: No objection.

22 THE COURT: It's received.

23 MR. FINK: May I publish it?

24 THE COURT: You may.

25

1 BY MR. FINK:

2 Q Now, Special Agent Silkey, could you read
3 Exhibit 124 for the jury, please?

4 A Yes. I am looking to hire you for a hit.
5 But what is the recommended way to convert cash to
6 Bitcoin anonymously if I pull \$5,000 out for a hit?
7 After the hit, I assume the police would see the --
8 correction, I would assume the police would see the
9 draw, and wonder where it went. So even if the
10 Bitcoins are not traceable, that missing money would
11 raise suspicion, question mark. Is there a way to
12 make it look like I am buying something and end up
13 with Bitcoins so that the money looks like it is
14 going to something tangible, and not cash to pay for
15 a hit, question mark.

16 Q Now, after you received the information
17 from the Denver field office, what did you do?

18 A I went to the Cottage Grove Police
19 Department, briefed them on the information I had
20 received. And then myself and Detective Raymond
21 from Cottage Grove went to Amy Allwine's residence.
22 She wasn't there. Her husband, Stephen Allwine, was
23 there. We told him that we needed to get ahold of
24 her. Then arrangements were made to meet her at the
25 Cottage Grove Police Department.

1 We met her at the Cottage Grove Police
2 Department, and advised her of the potential threat
3 and interviewed her as far as what information she
4 might have as to why someone might want to harm her.

5 Q Did she provide you with any information?

6 A Yes. She didn't have any idea of who
7 would want to cause her harm.

8 Q What was her response when you informed
9 her?

10 A She was surprised.

11 Q Now, that was on May 31st of 2016, right?

12 A Correct.

13 Q How did you leave the interview with her?

14 A Just let her know to take any security
15 precautions that she felt would be appropriate, and
16 to contact -- call 911 if she saw anything
17 suspicious, or let myself or Detective Raymond know
18 if she was concerned for her safety at all.

19 Then also to try to think about who might
20 be trying to harm her, and that I would have further
21 contact with her.

22 Q And throughout 2016, you did?

23 A Yes.

24 Q Did you learn whether she and the
25 defendant put in any sort of security for the

1 homestead?

2 A Yeah, they did put in a security system.

3 Q Do you know what kind?

4 A Xfinity.

5 Q Turning again to the Besa Mafia dogdayGod

6 communications; did you read in there about the

7 initial proposed assassination of Amy Allwine?

8 A Yes.

9 MR. FINK: May I approach?

10 THE COURT: You may.

11 BY MR. FINK:

12 Q Special Agent Silkey, I am showing you

13 what's marked as Exhibits 125 and 127. Do you know

14 what they are?

15 A Yes. They are both excerpts from the same

16 communications.

17 Q And they are true and accurate?

18 A Yes.

19 MR. FINK: I would move 125 and 127 into

20 evidence, Your Honor.

21 MR. DEVORE: No objection.

22 THE COURT: Received.

23 MR. FINK: May I publish?

24 THE COURT: You may.

25

1 BY MR. FINK:

2 Q Now, this is Exhibit 125. Can you read
3 the contents of that exhibit for the jury?

4 A The target will be traveling to Moline,
5 Illinois in March. That is about a three hour drive
6 from Chicago. I am assuming that this would not
7 work for the hit, question mark. If it would, then
8 it would be the perfect time. Also, you give the
9 price in U.S. dollars, but then say we pay in BTC.
10 What is the price in BTC for the hit and ideally
11 making it look like an accident.

12 Q Do you know what BTC is?

13 A I would assume they are referring to
14 Bitcoin.

15 Q Exhibit 127, could you read that for the
16 jury, please.

17 A She is about 5-foot 6. She looks about
18 200 pounds. Saturday night, March 19th, she should
19 be staying at LaQuinta Inn Moluna Airport, 5450 27th
20 Street, Moline, Illinois, 61625.

21 Sunday, March 20th she is supposed to be
22 participating at a dog trial at Quad City Christian
23 School. 4000 11th Street, Moline, Illinois. She
24 should be driving a dark green Toyota Sienna
25 minivan. I want her dead. That is the 13 Bitcoins.

1 If it can look like an accident, then you have the
2 rest. Not sure if the picture is downloading. I
3 got it from here. HTTP://www.Allwine.net travel log
4 yp1020057.dot jpg.

5 Q So that last line is a wink; is that
6 correct?

7 A Yes.

8 Q Drawing your attention to the month of
9 July. Did Amy Allwine report anything to you?

10 A Yes. The evening of July 31st.

11 Q What did she report?

12 A She called me on my cell phone late in the
13 evening. Said she had received a disturbing email,
14 which was a threat.

15 Q What did you do?

16 A I drove out to the residence and met with
17 her and Steve. And Steve printed out the email.
18 There were two emails. He gave me a copy of them.
19 Then I asked her a few questions about -- pertaining
20 to the emails, and if she had any idea of who would
21 have sent it.

22 Q Did she appear afraid?

23 A Yes, she was upset.

24 MR. FINK: May I approach the witness?

25 THE COURT: You may.

1 BY MR. FINK:

2 Q Like to show you Exhibit 83, and ask you
3 if you know what that is. It's a page document?

4 A Yes. That's one of the emails that she
5 had received.

6 Q Okay. Does it have a date on it?

7 A Sunday, July 31st, 2016.

8 Q Addressed to?

9 A Amy@Activedogsportstraining.com.

10 Q Okay. Is there anything in the from line?

11 A Jane@gmail.com.

12 MR. FINK: Move 83 into evidence, Your
13 Honor.

14 BY MR. FINK:

15 Q The second page, do you know what all of
16 that stuff is? It's not the message itself, is it?

17 A It's the header connected to the message.

18 Q Was that printed out also for you?

19 A Yes, they were both printed out.

20 MR. DEVORE: No objection, Your Honor.

21 THE COURT: Exhibit 83 is received.

22 MR. FINK: May I approach?

23 THE COURT: You may.

24 BY MR. FINK:

25 Q I'd like to show you what's marked as

1 Exhibit 84, and ask if you know what that is?

2 A That's the other email that Amy received
3 that was provided to me.

4 Q It's a true and accurate representation?

5 A Yes.

6 MR. FINK: Move that into evidence, Your
7 Honor.

8 MR. DEVORE: Can I just ask a question,
9 Your Honor.

10 THE COURT: Go ahead.

11 BY MR. DEVORE:

12 Q Special Agent Silkey, the last page, what
13 is that stuff?

14 A It's information regarding the email where
15 it was delivered/received from, IP addresses.

16 Q And that was all printed off?

17 A That was all printed off, yep.

18 Q By Mr. Allwine?

19 A Correct.

20 MR. DEVORE: No objection, Your Honor.

21 THE COURT: 84 is received.

22 MR. FINK: May we publish 83?

23 THE COURT: You may.

24 BY MR. FINK:

25 Q Special Agent Silkey could you read the

1 contents of Exhibit 83 for the jury?

2 A From is anonymous emailer, Austria. Sent
3 Sunday July 24th, 2016, 1:56 p.m. To Amy at
4 Activedogsportstraining.com. Subject: Your family.
5 Needs ??? do not share with anyone.

6 Amy, I still blame you for my life falling
7 apart. I do not know how a fat bitch like you got
8 to my husband. But because of you, he left, and my
9 life has become shit. I am sending you this email,
10 because it looks like you already know about me. I
11 see that you have put up a security system now, and
12 I've been informed by people on the Internet that
13 the police were snooping around my earlier emails.
14 I have been assured that the emails are untraceable
15 and they will not find me. But I cannot attack you
16 directly with them watching.

17 Here's what's going to happen. Since I
18 cannot get to you, I will come after everything else
19 that you love. I know about your son, your husband,
20 your business. But thanks to the Internet,
21 www.radaris.com, I see you have a mother and father
22 in Woodbury, 7600 Military Road, a brother in St.
23 Paul, and sister in Yardley Pennsylvania, or PA.

24 I have been busy researching topics on the
25 Internet. I have found that if you inject water

1 into the brake line, then you will cause them to
2 fail. What happens if the brakes in the truck
3 failed when your husband was hauling a heavy load.
4 I found out how to blow up the gas meter, and make
5 it look like an accident. I know the meter on your
6 house and on your business are on the east side, and
7 the meter on your parents is on the south side.

8 I am still watching you and your family.
9 While I did not see your son this week, I saw last
10 Friday he was wearing a bright pink shirt. I see
11 that you've moved the RV.

12 Here's how you can save your family:
13 Commit suicide. If you do not, then you will slowly
14 see things taken away from you and each time you
15 will know that you could have stopped it, which will
16 eat you apart from the inside. By the time I am
17 done, you will want to end it anyway. So why not do
18 it now and save them.

19 Based on lasthope.com, the best ways to do
20 it are shotgun to head, which you might not have.
21 Cyanide which you probably do not have. Gunshot to
22 head, which you may not have. Shotgun to chest
23 which you might not have. Explosives which you
24 probably do not have. Hit by train. Jump from
25 height, a lot of bridges around. Household toxins,

1 antifreeze, ammonia and bleach, inhaling gas, carbon
2 monoxide, slitting wrist or throat.

3 I know about this website because I have
4 thought of this option many times. Remember, if you
5 don't get it right the first time, you will likely
6 be committed for mental health issues, and you will
7 lose your business and possibly your family. So I
8 would pick a reliable method.

9 I believe it is an easy choice. One life
10 to save six lives. Your family does not need you,
11 but you could save them. Do not tell anyone about
12 this email, or this deal is off, and I will come
13 after your family. You see the police are not able
14 to track my earlier emails, but I was informed of
15 them searching. They will not be able to track this
16 either, but I will know if they look into it.

17 Unless you're a heartless, selfish bitch
18 then I expect to see your obituary in the paper in
19 the next couple of weeks.

20 Q And for the record, that's Exhibit 84,
21 right?

22 A Correct.

23 Q Could you read Exhibit 83 for the jury?

24 A From Jane@gmail.com. Sent Sunday July
25 31st, 2016, 8:58 a.m. To Amy at Active Dog Sport

1 Training dot com. Subject, Your family.

2 Amy, your life is in danger. Last Sunday
3 you received an email with a solution to this
4 problem, and you have not done anything about it
5 yet. Are you so selfish that you will put your
6 family at risk? If you did not see the email, then
7 you should check your junk mail soon.

8 Q And that's the entirety of Exhibit 83?

9 A Correct, 83.

10 Q Based upon your receipt of those emails,
11 what did you do?

12 A Later in the day on August 1st, myself and
13 another agent arranged to come back to Amy's house
14 and we interviewed Stephen Allwine. Also got
15 consent to review some of their electronics.

16 Q Did they provide you with any electronics?

17 A Yes.

18 Q Specifically, Amy's HP Pavilion laptop?

19 A Correct.

20 Q And Stephen Allwine's HP Notebook laptop?

21 A Correct.

22 Q What did you do with those?

23 A Took them back to the FBI office and
24 imaged them. Then -- which just makes a copy of
25 what's on the hard drive and then returned them

1 within a day or two, couple days, back to the
2 Allwines.

3 Q About those emails, when you talked to her
4 -- to Ms. Allwine, on August 1st, 2016, what did you
5 talk to her about?

6 A I asked her some of the information that
7 was included, as far as, for example what her son
8 was wearing as far as a pink shirt, and where the
9 gas meters were just to verify if some of the
10 information in the email was accurate, which it was.

11 Q Okay. Did you speak with the defendant at
12 that point?

13 A Yes.

14 Q Did you ask him about his church?

15 A Yes.

16 Q What did he say?

17 A That he belongs to the United Church of
18 God, and they have about 100 members.

19 Q Did he say what his job was?

20 A Yeah. He worked for Cigna in voiceover
21 IT, managing telephone system.

22 Q Did you ask him about the Moline trip that
23 was referred to in one of the exhibits?

24 A Yes.

25 Q What did he say about that?

1 A He said he didn't know who would know
2 about it. And he didn't even remember if he
3 specifically knew where they were staying.

4 Q Did you ask him at all about the status of
5 their marriage?

6 A Yes.

7 Q What did the defendant tell you?

8 A He said they have a happy marriage. No
9 issues in the marriage. Family gets along well.

10 Q Did you ask him about his use of the Dark
11 Web?

12 A Yes.

13 Q What did he say?

14 A Said he hadn't used it.

15 Q That he had not?

16 A Had not.

17 Q After the computers were imaged by your
18 forensic folks, was anything found on either
19 computer?

20 A No, not that stood out.

21 Q Nothing relevant to this investigation?

22 A Correct.

23 Q During the course of the investigation,
24 did you have occasion to interview and speak with
25 people that were involved in Amy Allwine's dog

1 business?

2 A Yes.

3 Q And during that part of the investigation,
4 did you ever uncover anything that indicated any of
5 those folks were involved?

6 A No.

7 Q And, in fact, you got some of their
8 computers and imaged them as well, correct?

9 A Correct.

10 Q Directing your attention to November 13th
11 of 2016, did you have the occasion to receive a
12 telephone call from Stephen Allwine?

13 A Yes, I did.

14 Q What time was that; do you know?

15 A It was later in the evening. I don't
16 remember the exact time, but it was in the evening.

17 Q What did he tell you?

18 A Said that Amy was dead.

19 Q Anything else?

20 A Yes. He said that she had shot herself
21 with their gun, and that he had called the police.

22 Q When he was telling you this, what was his
23 demeanor?

24 A If I remember, when he called, he seemed
25 fairly calm when he called.

1 Q Now, do you see Stephen Allwine here today
2 in this courtroom?

3 A Yes.

4 Q Could you please point him out, and tell
5 me what he is wearing.

6 A Yes. He's sitting at the desk there with
7 a dark suit. Black tie, white shirt, glasses.

8 MR. FINK: May the record reflect that he
9 has correctly identified the defendant?

10 THE COURT: It may.

11 BY MR. FINK:

12 Q Now, there were other supposed targets on
13 that Besa Mafia website; is that correct?

14 A Yes.

15 Q Having nothing to do with dogdayGod, other
16 user names, correct?

17 A Correct.

18 Q Did you learn if any of those other people
19 were ever killed?

20 A No, not to my knowledge.

21 MR. FINK: That's all of the questions I
22 have.

23 THE COURT: Cross examine.

24 MR. DEVORE: Thank you.

25 CROSS-EXAMINATION

1 BY MR. DEVORE:

2 Q Good morning, Special Agent Silkey.

3 A Good morning.

4 Q Tell me your educational background again?

5 A I have a Bachelors Degree.

6 Q And you've been with the FBI for 13 years?

7 A Correct.

8 Q What kind of training did you go through
9 to become an FBI agent?

10 A Attended the FBI Academy in Quantico,
11 Virginia.

12 Q Tell me about that program, how long of a
13 program is it?

14 A At the time I went it was approximately
15 four months.

16 Q And you learn about all kind of law
17 enforcement tactics and different things?

18 A Correct.

19 Q And then over the years, have you gone
20 through other kinds of training to stay up to date
21 with current changes in the criminal law?

22 A Yes.

23 Q Some of those include computer forensic
24 stuff?

25 A I haven't personally gone to training on

1 -- I am not a computer forensic examiner, but

2 Q What kinds of things did you train with?

3 A As far as -- we do yearly legal updates,
4 and tactical training of various topics.

5 Q Okay. And you said that you do an FBI
6 investigations. Tell me what an investigation --
7 what does that mean? What do you do in an
8 investigation?

9 A It depends on what kind of case it is, and
10 what the circumstances are.

11 Q Okay. Visit crime scenes sometimes.

12 A Yes.

13 Q Talk to people?

14 A Correct.

15 Q Do interviews?

16 A Correct.

17 Q Examine electronics?

18 A Correct.

19 Q How many people, or how many agents are in
20 your office in Minneapolis?

21 A I don't know the exact number.

22 Q Give me a ballpark.

23 A Say over 100.

24 Q Over 100 agents?

25 A In the division, yes.

1 Q And then do you also have some other
2 non-agents there?

3 A Yes.

4 Q Support staff, for instance?

5 A Yes.

6 Q But you probably also have people who
7 specialize in certain areas?

8 A Correct.

9 Q Do you have people that specialize in the
10 computer area?

11 A Yes.

12 Q You talked about that you gathered the
13 Allwine's computers, and then you had them imaged?

14 A Correct.

15 Q Did you do the imaging, or did someone
16 else do that?

17 A Someone else did.

18 Q Do you have like a team of people that do
19 that kind of stuff? You turn in the computer and
20 then they do their business, and they give it back
21 to you?

22 A Correct.

23 Q Now, when you're working with the FBI, you
24 have full access to not only just the agents in your
25 particular division, but also, sounds like, around

1 the country; is that fair to say?

2 A Correct.

3 Q Because you got this lead from,
4 apparently, in Denver; is that right?

5 A Yes.

6 Q So you talk to agents not only in your
7 office, but all around the country frequently?

8 A Yes.

9 Q Sounds like you also have the ability to
10 get a subpoena if you want to gather documents?

11 A Yes.

12 Q And you can also subpoena people to come
13 in and talk to you; isn't that right?

14 A I can't, but the U.S. Attorney's Office
15 can.

16 Q Sure. You have a methodology of being
17 able to get somebody to come in and talk to you if
18 you want them to, right?

19 A Correct.

20 Q And in this particular case, you just
21 simply asked the Allwines, and they just handed over
22 their stuff; is that right?

23 A Correct.

24 Q And they also voluntarily sat down with
25 you, whenever you wanted to, and answered your

1 questions; is that right?

2 A Yes.

3 Q Now, when was your first contact with Amy
4 and/or Steve Allwine? What was the date that you
5 went out to the house?

6 A It would have been May, if I remember
7 right. I believe it was May 31st.

8 Q And did you have a partner that you worked
9 on this case with?

10 A Yes. Not initially, but I brought in a
11 partner.

12 Q What was that person's name?

13 A Special Agent Chris Boeckers.

14 Q How do you spell Boeckers?

15 A B-O-E-C-K-E-R-S.

16 Q Mr. Boeckers, correct, male?

17 A Yes.

18 Q And Special Agent Boeckers, did he work on
19 the case with you?

20 A Yes.

21 Q He's in your Minneapolis field office?

22 A Yes.

23 Q Now, you interviewed Amy Allwine on more
24 than one occasion; is that right?

25 A Yes.

1 Q Do you know how many times you interviewed
2 her?

3 A I don't. But I had a number of phone
4 conversations with her.

5 Q How many in-person meetings have you had
6 with Amy Allwine?

7 A I don't recall exactly. I would say at
8 least several.

9 Q Several?

10 A Yes.

11 Q And you would drive out to the Cottage
12 Grove house?

13 A Yep.

14 Q And meet with them?

15 A Yep.

16 Q And the same with Steve. Was he usually
17 there when you meet with Amy?

18 A At least two occasions. The initial
19 contact he was there, Amy wasn't. Then she met me
20 and Detective Raymond from Cottage Grove Department
21 at the police station.

22 And the second time, when they received
23 the emails on the night of July 31st, they were both
24 there. And we went back during the day, and they
25 were both there.

1 Q Then you also made contact with Amy
2 Allwine; is that right?

3 A Yes.

4 Q And you guys exchanged numerous emails
5 back and forth over the course of those several
6 months; is that correct?

7 A Yes. Correct.

8 Q And she would even sometimes touch base
9 with you just on how things were going, and things
10 like that?

11 A Correct.

12 Q And over time, you kind of even developed
13 a friendship of sorts; is that fair to say?

14 A Yeah. We definitely communicated quite a
15 bit, yep.

16 Q And then did you also talk with her on the
17 telephone as well?

18 A Yes.

19 Q All right. When you sat down with the
20 Allwines early on in your investigation, did you
21 talk to them about different security measures that
22 they might introduce into their family to better
23 protect themselves?

24 A Yes. Initially, I met with Amy Allwine
25 with Detective Raymond, I recommended that she take

1 whatever security precautions that she thought were
2 necessary. Then I know they did get an alarm
3 system, I believe, in May.

4 Q What kind of security precautions did you
5 talk about with Amy?

6 A I'm sorry, it would have been after May,
7 because I talked to her in May. I know they got a
8 security system down the road.

9 Q Okay.

10 A Just that, and calling 911 if she saw
11 something -- you know, if she was in fear for her
12 safety or saw something suspicious, or to call me
13 anytime.

14 Q Are you aware -- sorry.

15 A Sorry. And then just to think about who
16 might be wanting to harm her. You know, if it was a
17 legitimate threat, and why someone would want to
18 harm her.

19 Q At some point, were you informed that the
20 Allwines had purchased a handgun?

21 A They may have mentioned it in one of our
22 contacts that they had a gun. I don't know if they
23 mentioned specifically purchasing it. But I think
24 that was a word that they had some type of firearm.

25 Q All right. And when you interviewed, or

1 talked with Amy, you asked her to provide you with a
2 list of names of potential people that you could
3 talk to.

4 A Yes. People that knew her, that knew her
5 well.

6 Q Who might have access to some of her
7 personal information, that kind of stuff?

8 A Yep. That and people who might have some
9 idea of who else -- basically trying to figure out
10 who it was.

11 Q Did she provide you with names?

12 A She did.

13 Q Did you follow up with those people?

14 A Some, not all of them, because she had a
15 vast number of people that she is associated with
16 her dog business.

17 Q Okay. How did you choose which names to
18 follow up with and which not to?

19 A Just based on what she told me, as far as
20 people that would be the most knowledgeable about
21 her activities.

22 Q Okay. Any names come to your memory, as
23 far as which ones that she named off?

24 A There is Kristin Elmquist, a person that
25 she has had a lot of business activities with.

1 Q Who is Ms. Elmquist?

2 A She is in the dog business as well.

3 Q Did you speak with Ms. Elmquist?

4 A Yes.

5 Q Did you speak with her alone, or was
6 somebody with her when you spoke with her?

7 A I had other agents with me.

8 Q Did she have a lawyer?

9 A Oh yes, initially.

10 Q Did she request -- she requested to have a
11 lawyer with her when you spoke to her?

12 MR. FINK: Object, hearsay.

13 THE COURT: Sustained.

14 BY MR. DEVORE:

15 Q When you met with her, did she have a
16 lawyer with her?

17 A Yes.

18 Q Okay. Did you examine some of the people
19 that Amy Allwine gave you on the list, did you ever
20 examine their electronics?

21 A Some of them.

22 Q Do you remember which ones?

23 A Kristin Elmquist, Gayle Hunter.

24 Q Do you remember why you chose to gather
25 their electronics and not --

1 A There were a couple others as well. Just,
2 basically, the people that she thought had the most
3 -- who would be most knowledgeable about what was
4 going on in her life.

5 Q Okay. And did you work with Amy to kind
6 of decide which ones you would gather the
7 electronics from?

8 A Yep. Well, not specifically that. But as
9 far as people that we were going to contact that she
10 thought would be most knowledgeable about some of
11 the information that this person had about her.

12 Q Now, part of your training as an FBI
13 agent, you went through training on interviewing
14 tactics; is that right?

15 A Yes.

16 Q And you've had training on investigative
17 tactics; is that right?

18 A Yes.

19 Q And you've had training -- and you have
20 experience in doing those things; is that right?

21 A Yes.

22 Q And so you understand best ways to gather
23 information that you're looking for, correct?

24 A Yes.

25 Q And so when you have somebody like Amy

1 that you're working with, you're not necessarily
2 looking for her to give you advice on how to do your
3 investigation; is that fair to say?

4 A Yes.

5 Q You're looking for contacts, and then you
6 decide what the best route to go with your
7 investigation; is that fair to say?

8 A Yes.

9 Q Do you know how many names she gave you?

10 A Probably hundreds.

11 Q Hundreds?

12 A Because she sent a list of all of the
13 people affiliated with her dog business. So there
14 were multiple people that she knew that attended dog
15 training, or that she had trained over the years.

16 Q So when you get a list of hundreds of
17 names --

18 A And that's not all at the same time. Just
19 saying overall, in the large -- I'm guessing, but it
20 was a large list of people that she continuously --
21 like she'd assign rosters of her whole student list,
22 things like that.

23 Q Okay. And did you ever go out -- well,
24 you were at her house.

25 A Yes.

1 Q So you were on the property?

2 A Yes.

3 Q Did she show you around her property?

4 A No. Just went to the house.

5 Q And when you get names of hundreds of
6 people, do you then ask her, well, maybe you could
7 help me drill down a little bit to get to a shorter
8 list, or what did you do?

9 A Yeah. I mean, a lot of our conversations
10 was trying to figure out who would know some of the
11 specific information that this person knew.

12 Q Okay. Then were you able to come up with
13 a shorter list then?

14 A Yeah, I mean of the people we decided to
15 interview at that point.

16 Q Okay. So let's focus on those folks.
17 What number do you think that was? How many people
18 that you talked to?

19 A I interviewed there, I think there were
20 four people associated with her dog business.

21 Q So you did four interviews?

22 A Yes.

23 Q That's it?

24 A Yes.

25 Q Do you remember the four names?

1 A Kristin --

2 Q You said Gayle Hunter.

3 A -- Elmquist, Gayle Hunter, Sharon
4 Middendorf and Mary Hanson.

5 Q Who was the last one?

6 A Hanson. Mary Hanson, I believe.

7 Q Who's Mary Hanson?

8 A Another person affiliated with her dog
9 business.

10 Q And then you, at the end there, you were
11 about to say somebody else.

12 A Oh yeah, then Gayle Hunter's husband. I
13 don't remember his first name.

14 Q Why did you interview him?

15 A Just wanted to get some more information
16 about her from him.

17 Q Okay. So after you interviewed Gayle,
18 then you wanted to interview her husband?

19 A Yes.

20 Q What was it that gave you concern there?

21 A She knew a lot of information about Amy,
22 because they worked closely together.

23 Q Anything about her personality or anything
24 that gave you pause?

25 A I think she had some -- I don't know

1 specifically, but some kind of depression or
2 something like that.

3 Q Do you remember when you interviewed Gayle
4 Hanson -- or Hunter, I'm sorry.

5 A I don't remember the date. I don't know
6 the date. It would have been in August, I believe,
7 of 2016.

8 Q Is that when you did most of these
9 interviews?

10 A Yes. Mm-hmm.

11 Q When you would do these interviews, were
12 they like at their homes or were they at your
13 office?

14 A Yes, at their homes, generally.

15 Q In my experience, I learn that FBI agents
16 rarely record those interviews. Is that fair to say
17 what happened here, too?

18 A No, I recorded -- I believe I recorded.

19 Q Audio recording?

20 A Yes.

21 Q You also took notes, though, right?

22 A Correct.

23 Q And then you did reports?

24 A Correct.

25 Q During these interviews, you had Special

1 Agent Boeckers with as well?

2 A Yes.

3 Q Anybody else?

4 A On a couple of them, I think I had a
5 forensic examiner with to download some of the
6 devices right there, so we didn't have to take them.

7 Q Okay. So you had somebody from your
8 office come with you?

9 A Yes.

10 Q What was that person's name?

11 A Cynthia Brown. She came to the interview
12 with Gayle.

13 Q Does Ms. Hunter also have an IT
14 background, or computer background that you're
15 aware?

16 A She may. I don't remember specifically.

17 Q Now, it's true that Amy Allwine expressed
18 to you some concerns, or complaints, about how her
19 computers were operating; is that true?

20 A Yes.

21 Q What did she tell you about that?

22 A She said that she is having some kind of
23 issue with her computer. She had gotten a new
24 computer, but she was holding onto the old one.

25 Q Did she describe what issues that she was

1 having?

2 A Not specifically that I can recall. I
3 think she just said she was having some issues with
4 it and got a new one.

5 Q When were those conversations?

6 A In November she had called. I don't
7 remember the exact date, but it was in November.

8 Q Of 2016?

9 A Correct.

10 MR. DEVORE: I have no further questions.
11 Thank you.

12 THE COURT: Redirect.

13 MR. FINK: Thank you, Your Honor.

14 REDIRECT EXAMINATION

15 BY MR. FINK:

16 Q So you imaged the computer of Kristin
17 Elmquist; is that right?

18 A No. I believe we imaged her phone. But
19 the computer, there was a forensic examiner that
20 came out on that as well, and he looked through it
21 on site.

22 Q In those reviews, was she tied into
23 anything relating to the dogdayGod/Besa Mafia
24 communications?

25 A We didn't find anything.

1 Q And as to Gayle Hunter, the same question.

2 A Yes. Her computers were imaged, and we
3 didn't find anything pertinent.

4 Q Nothing that tied her into that
5 dogdayGod/Besa Mafia communications?

6 A Correct.

7 Q And similarly, was it a similar result on
8 the other computers that were imaged?

9 A The other two, yes. As far as -- I don't
10 remember specifically what we searched, but we
11 didn't find anything pertinent. They were both
12 imaged.

13 Q And the people that she, Amy Allwine, gave
14 you the names of --

15 A Mm-hmm.

16 Q Sounded like those were her customers.
17 right?

18 A Customers or people she had worked with.

19 Q Okay.

20 MR. FINK: That's all.

21 THE COURT: Any recross?

22 MR. DEVORE: Yes.

23 RE CROSS EXAMINATION

24 BY MR. DEVORE:

25 Q Some of the names she gave you were other

1 dog trainers; is that correct?

2 A Correct.

3 Q She also gave you some names of just some
4 people she knew that maybe had been to their house;
5 is that correct?

6 A I don't specifically recall that. I think
7 pretty much everybody she knew was somehow
8 associated with the dog business to the best of my
9 recollection.

10 Q Did she give you the name of someone that
11 would come over and take care of her dog and stuff
12 like that, or dogs?

13 A She may have. I don't specifically recall
14 it.

15 MR. DEVORE: Okay. No further questions.

16 Thank you.

17 THE COURT: You may step down.

18 THE WITNESS: Thank you. Do you want me
19 to leave the exhibits here?

20 THE COURT: Please.

21 MR. FINK: May I retrieve them, Your
22 Honor?

23 THE COURT: Yes, you may. Call your next
24 witness.

25 MS. KREUSER: Thank you, Your Honor. The

1 state calls Detective Terry Raymond.

2 THE COURT: Please come forward to the
3 witness chair. Before you sit down, raise your
4 right hand to be sworn.

5 DETECTIVE TERRY RAYMOND,
6 having been first duly sworn, was examined
7 and testified on his oath as follows:

8 THE CLERK: Please be seated. State your
9 full name and spell your last name.

10 THE WITNESS: My full name is Terrance Lee
11 Raymond. My last name is spelled R-A-Y-M-O-N-D.

12 THE COURT: You may proceed.

13 MS. KREUSER: Thank you.

14 DIRECT EXAMINATION

15 BY MS. KREUSER:

16 Q Good morning, Detective.

17 A Good morning.

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

20 A I am.

21 Q Are you employed with the Cottage Grove
22 Police Department?

23 A Yes, I am.

24 Q For how long have you been employed as
25 such?

1 A I have been with Cottage Grove Police
2 Department for almost 15 years.

3 Q All those years as a detective, or other
4 roles?

5 A No. I have served various roles. I've
6 been assigned to patrol, rotating investigator prior
7 to this. I have also done other duties such as
8 Field Training Officer, Use of Force Instructor,
9 Taser Instructor.

10 Q Did you hold previous jobs in law
11 enforcement prior to working with Cottage Grove?

12 A I did not.

13 Q Can you explain your current -- what is
14 your current job title officially?

15 A I am a detective.

16 Q And what are some of those duties that
17 coincide with being a detective?

18 A I investigate general crimes. I also
19 draft and execute search warrants and investigate
20 crime scenes, collect evidence. I also investigate
21 and examine computers and phones forensically.

22 Q Can you briefly explain your education and
23 training, and any continued training for the jury?

24 A Okay. I have an Associates in Science in
25 Law Enforcement. I have received training in

1 drafting search warrants, interviewing,
2 interrogation, crime scene investigation, and then
3 training in computer and Opol ?? forensics.

4 Q Okay. Now, Detective, have you had the
5 occasion to investigate deaths or death cases in
6 your career?

7 A Yes, I have.

8 Q Is it true that you came to be involved in
9 the death investigation of Amy Allwine?

10 A Yes.

11 Q Is it true that you actually were involved
12 in this matter prior to Amy Allwine's death?

13 A I was, yes.

14 Q Can you explain in what capacity?

15 A Back on May 31st of 2016, I was contacted
16 by FBI Special Agent Asher Silkey regarding some
17 murder for hire information they received on the
18 Dark Web, the FBI had, for one of our residents Amy
19 Allwine. So he asked if I could assist him on
20 locating her and speaking with her.

21 Q Okay. And did you do that?

22 A I did.

23 Q Can you explain how that was done.

24 A We first, Asher and myself, went to the
25 Allwine residence. Made contact with the defendant.

1 Amy wasn't home at that point, but we arranged to
2 have her meet us at the Cottage Grove Police
3 Department, and she did. We brought her into an
4 interview room at the Cottage Grove Police
5 Department and kind of explained to her what the FBI
6 had uncovered.

7 Q Okay. And now you made reference to the
8 defendant; who are you referring to?

9 A Stephen Allwine.

10 Q And you had said that when you went to the
11 Allwine residence he was there?

12 A Yes.

13 Q Is this the same person that you're
14 referring to when you say Stephen Allwine?

15 A Correct.

16 Q Do you see the individual that you're
17 referring to from his residence, as you described
18 here in the courtroom today?

19 A Yes, I do.

20 Q Can you explain -- can you point him out
21 and explain where he is sitting and describe an
22 article of clothing that he is wearing.

23 A He's right there. He's got gray hair.
24 Sitting at the front desk next to his attorney and
25 he's got a dark colored tie on (indicating).

1 Q Okay.

2 MS. KREUSER: Your Honor, I would ask that
3 the record reflect that the witness has identified
4 the defendant.

5 THE COURT: The record may so reflect.

6 MS. KREUSER: Thank you, Your Honor.

7 BY MS. KREUSER:

8 Q Detective Silkey, you said that Amy
9 Allwine did, then, respond to the Cottage Grove
10 Police Department to talk with you and Special Agent
11 Silkey; is that right?

12 A That is correct.

13 Q And after you -- what did you talk to her
14 about exactly?

15 A Well, we talked to her about what he had
16 found, as far as they had uncovered some
17 solicitation on the Dark Web for a murder for hire
18 for her. And that they had some pretty specific
19 details, like itinerary for a recent trip that she
20 had just taken to Moline, Illinois. Information
21 about her dog business and such. Personal
22 information. Also information that the solicitor of
23 the hit, apparently Amy had had an affair with this
24 person's husband.

25 Q Okay. And when you say that you were with

1 Special Agent Silkey and then they had information,
2 who is they?

3 A I refer to the FBI.

4 Q When you explained -- when you and Special
5 Agent Silkey explained this to Amy Allwine, did she
6 have any information at that point, any suspicion,
7 as to who was responsible?

8 A No, she didn't. She had no idea who we
9 would be talking about, or anybody who would want to
10 kill her.

11 Q Okay. Detective Raymond, I would like to
12 draw your attention to June 23rd, 2016. Were you
13 made aware of a call that Amy had made to the
14 Cottage Grove Police Department?

15 A Yes.

16 Q Can you explain what that call was in
17 regards to?

18 A Amy contacted me because she had noticed a
19 vehicle that she thought was suspicious that had
20 parked down at the cul-de-sac, right at the end of
21 her street.

22 Q Okay. Do you recall any details about
23 that vehicle, what it was doing, what it looked
24 like?

25 A Sure. I contacted one of our patrol

1 officers, Detective Landkamer who was then Officer
2 Landkamer on patrol. He made contact with the
3 vehicle and its occupant. That person stated to
4 Officer Landkamer that he was just taking a nap
5 while on break from his nearby work.

6 Q So everything checked out?

7 A Yes.

8 Q I would like to draw your attention to
9 August 1st, 2016. Were you contacted again by
10 Special Agent Asher Silkey?

11 A Yes.

12 Q Okay. Can you explain why he contacted
13 you?

14 A He contacted me because Amy had received a
15 couple of emails, anonymous emails sent to her, that
16 he provided our department with.

17 MS. KREUSER: Okay. Your Honor, may I
18 approach the witness?

19 THE COURT: You may.

20 MS. KREUSER: Thank you.

21 BY MS. KREUSER:

22 Q Detective Raymond, I am showing you what's
23 been marked and offered into evidence and received
24 as Exhibits 83 and 84; do you recognize those
25 documents?

1 A I do.

2 Q Looking at Exhibit 83, can you explain --
3 have you seen it before, and can you explain what it
4 is?

5 A I have seen it. This is one of the emails
6 that Special Agent Silkey provided to me. It's
7 dated July 31st, and it's telling -- or the sender
8 is telling Amy that your family is in danger, and
9 that she received an email prior to this with a
10 solution to that problem. And that she should check
11 her junk email.

12 MR. DEVORE: Objection, non-responsive.
13 He asked the witness what it was.

14 THE COURT: Anything beyond this, that's
15 correct. I will not sustain the objection up to the
16 answer at that point. It was fine. Ask your next
17 question.

18 MS. KREUSER: Sure, Your Honor.

19 BY MS. KREUSER:

20 Q Detective Raymond can you just -- you said
21 that you have seen that email in Exhibit 83 --
22 comprised of Exhibit 83 before, correct?

23 A Yes.

24 Q What is the date of that email?

25 A July 31st, 2016.

1 Q Okay. And can you generally explain the
2 contents of that email, if you can recall.

3 A It was an email stating that Amy should
4 check her junk folder, because she received an email
5 earlier that her life was in danger.

6 Q I'm sorry?

7 A That her life was in danger.

8 Q And then looking at Exhibit 84; do you
9 recognize that?

10 A I do.

11 Q That's an email dated July 24th, correct?

12 A Correct.

13 Q Generally, based on your recollection,
14 what were the contents of that email?

15 A That the sender had specific information
16 about Amy and her family. Such as where her parents
17 lived. Where gas meters were located on their
18 house. The fact that the sender had noticed Amy's
19 son about a week prior wearing a pink shirt and that
20 they had moved an RV. That they had found
21 information about them checking the website
22 Radaris.com.

23 Q Okay. Now, it's true, Detective Raymond
24 that you continued to be involved with this
25 investigation after the death of Amy Allwine; is

1 that right?

2 A That's correct.

3 Q Who notified you of Amy Allwine's death?

4 A Sergeant Randy McAlister.

5 Q What did you do once you were notified by
6 Sergeant McAlister?

7 A I responded to the Allwine residence.

8 Q Okay. What did you do there?

9 A I met with Detective McAlister outside of
10 the residence, and he advised me to have the
11 defendant and Amy's son, Joe Allwine, brought to the
12 Cottage Grove Police Department to get a statement
13 from both of them.

14 Q Okay. Was that done? Was the defendant
15 transported to the police department?

16 A Yes, he was.

17 Q And did you interview the defendant?

18 A I did.

19 Q What day was this?

20 A This was November 13th, 2016.

21 Q Once you got to the police department,
22 what did you do.

23 A I met with Office Bushey who had
24 transported the defendant to the police department.
25 Officer Bushey advised me that the defendant had

1 just used the bathroom. I verified with him that he
2 had not washed his hands and then he was brought
3 in -- the defendant was brought into one of our
4 interview rooms.

5 Q Who was present during this interview?

6 A Myself and the defendant.

7 Q And did you advise the defendant before
8 speaking with him?

9 A I did.

10 Q Can you explain how you did that?

11 A I read him a non-custodial advisory, which
12 is explaining to him that -- explaining to him that
13 his statement that he would give would be voluntary,
14 that he wasn't under arrest. That he would be
15 allowed to leave upon the completion of the
16 interview. Anything that he told would be put in a
17 police report, and he could be prosecuted for it.

18 Q So how did you begin the interview?

19 A I began by telling him that I would like
20 his consent to search his phones. I would like to
21 take a DNA sample from both him and his son, and GSR
22 kit, which is a gunshot residue kit from him. And I
23 had him sign consent forms for these.

24 Q Okay. Let's talk about GSR, as you
25 testified, gunshot residue. Why did you want to

1 perform this on Stephen Allwine?

2 A I was instructed to collect the GSR kit
3 and the DNA from Sergeant.

4 Q Can you explain the process of collecting
5 gunshot residue from an individual?

6 A Okay. The gunshot residue kit comes in a,
7 like a sealed package/envelope. It's an envelope.
8 Once opening up, it has two metal vials in it. One
9 for each hand. It also comes with a pair of Latex
10 gloves, so prior to doing anything I put Latex
11 gloves on.

12 So what you do is you open up one of the
13 vials. I believe I asked him what handed he was at
14 this point. So I did that hand first. Grabbed that
15 vial first.

16 So the vile when you unscrew the top, the
17 cap has a, like an adhesive pad on the bottom of it.
18 So what you do then is you blot the hand in this
19 area so the thumb and the forefinger, you blot all
20 around that area to try and collect whatever is on
21 the hand.

22 Once that's done, you screw it back up and
23 then do the other just the same. Then they are put
24 back into the envelope that it came in with a form
25 that's filled out. And then it's sealed back up

1 with an evidence seal that they provided with the
2 kit.

3 Q And did you, using that process, take a
4 sample for gunshot residue from Stephen Allwine?

5 A I did.

6 Q After you were done taking that sample,
7 did you properly seal the kit and place it into
8 evidence?

9 A I did.

10 Q Was that kit then sent to a testing
11 facility?

12 A Yes, it was.

13 Q Do you know the name of the testing
14 facility?

15 A I don't off the top of my head.

16 Q Then you also testified that you took a
17 DNA sample from Stephen Allwine?

18 A Yes.

19 Q And why did you take a DNA sample from
20 Stephen Allwine?

21 A I was instructed to from Detective -- or
22 Sergeant McAlister.

23 THE COURT: We are going to leave it at
24 that and break for lunch. We are going to return at
25 1:15.

1 I am going to take just a few moments to
2 instruct the jury before you leave. Some of this is
3 repetitive, you've heard it, but I told you how
4 important it is.

5 I don't want you talking to anyone
6 involved in the case. Don't even talk to the
7 defendant, the lawyers, or the witnesses. But I
8 also don't want you discussing the case with anyone
9 at all. That's even other jury members, but it's
10 anyone at all.

11 It strikes me that I need to explain that
12 a bit more. If someone comes up to you and says,
13 oh, you must be the juror on the, that kind of an
14 approach. You cannot respond even with a mm-hmm, or
15 maybe, or anything like that. Your response is, I
16 am a juror on a criminal case. That is all you tell
17 them.

18 Also, there is information that you have
19 heard from witnesses. I don't want you following up
20 on anything of it whether it seems significant,
21 insignificant, related or not. Don't follow up.
22 Don't look up anything on the Internet. Don't do
23 any of your own research, your own investigation.

24 So you are dismissed for lunch. We will
25 get back at 1:15. Please follow those instructions.

1 Thank you.

2 (The jury exited the courtroom.)

3 (A recess was taken.)

4 THE DEPUTY: All rise for the jury.

5 (The jury returned to the courtroom.)

6 THE COURT: Everyone please be seated.

7 Detective Raymond, please come back to the
8 witness stand. Have a seat. I would remind you
9 that you are still under oath and you may continue
10 with direct examination.

11 MS. KREUSER: Thank you, Your Honor.

12 CONTINUED DIRECT EXAMINATION

13 BY MS. KREUSER:

14 Q Detective Raymond, you just finished
15 explaining the gunshot residue collection process
16 and we had turned to the process of collecting DNA;
17 is that correct?

18 A Yes.

19 Q Okay. So let's go back. Can you explain
20 the process of DNA collection?

21 A There is also a DNA kit that comes in an
22 envelope that's produced by the BCA, the Bureau of
23 Criminal Apprehension. So I obtained one of those,
24 and again put on a fresh pair of Latex gloves. That
25 is sealed, so I unsealed it.

1 Within that kit, there is a couple of
2 evidence seals, some instructions, a form to fill
3 out with information about the case. And then an
4 inner envelope that contains two long swabs. Kind
5 of look like giant Q-tips, so I then removed those
6 two swabs from the envelope.

7 Then it's a process of taking the cotton
8 end, and rubbing it in between the cheek and the
9 lip. Or the gum and the lower lip there. I do them
10 at the same time. When I obtain that sample, I put
11 it in a specified envelope, that has a self stick
12 seal on it. Then that was later -- or after I
13 collected that, I sealed it in the envelope. It's
14 later secured in my office. I do that to dry them
15 out before placing them into evidence and placing
16 them into another envelope that is what gets sent to
17 the BCA for testing.

18 Q Did you take a DNA sample according to the
19 method that you just described from Stephen Allwine?

20 A Yes.

21 Q Did you properly seal it, and eventually
22 place it into evidence?

23 A I did.

24 Q Was it sent to -- was it sent out for
25 testing?

1 A Yes, it was.

2 Q Where was it sent to?

3 A BCA, Bureau of Criminal Apprehension.

4 Q Now, you had already testified that you
5 had the defendant sign a consent form for the
6 gunshot residue and the DNA, correct?

7 A Yes.

8 Q And then you also testified that you had
9 the defendant sign consent to search forms for some
10 phones; is that right?

11 A Yes.

12 Q What phones were they?

13 A One was a Samsung Galaxy S7, and the other
14 one was an Apple iPhone 6Plus I believe, or 6S.

15 Q Okay. All right. So in speaking with the
16 defendant further, did you ask him about the evening
17 prior to November 13th?

18 A Yes, I did.

19 Q What did he say?

20 A He explained to me that on November 12th,
21 which would have been a Saturday, that he and his
22 family were at a church function until about 9:30,
23 10:00.

24 Q Okay. And did he say anything about their
25 plans for the next day?

1 A He said that since it was a late day, and
2 they usually have their son in bed earlier than
3 that, they wanted their son to sleep until about
4 10:00 and that Amy was going to sleep in.

5 Q What did he say happened the morning of
6 November 13th?

7 A He stated that he woke up about 5:50 a.m.
8 and started work about 6 a.m.

9 Q Where was work?

10 A He worked at his home in an office that he
11 had on the lower level of the house, in the
12 basement.

13 Q After he said that he worked for a while,
14 what did he say happened next?

15 A He stated then that he came upstairs about
16 10:00 for breakfast and that that was the first time
17 that he saw the rest of his family that day.

18 Q And after they had breakfast, what did he
19 say he did next?

20 A Then he told me he went back downstairs
21 for work and didn't come up until lunchtime.

22 Q When was lunchtime, according to the
23 defendant?

24 A Initially, I believe, he told me he came
25 up about 1:00, 1:30. Then later he told me he must

1 have come up about 12:30 because he remembered
2 checking on Amy about 1:00, 1:15.

3 Q And why did he check on her?

4 A Because she had told him that she wasn't
5 feeling well. That she was feeling kind of dizzy
6 and groggy.

7 Q So his statement to you was after he
8 finished lunch at 12:30 he did what?

9 A He told me he went back downstairs to
10 work.

11 Q Okay. Did he say that after he came back
12 up to check on Amy, was anyone else home at the
13 Allwine home at this time?

14 A Well, when he came up -- when he told me
15 that he came up to check on her again, she had
16 requested that he contact her father to come and
17 pick up Joe, because they were thinking of taking
18 her to the clinic, because she wasn't feeling well.

19 Q Okay. Was her -- why did she ask about
20 her father to come back?

21 A Well, he stated to me that her father had
22 already previously been at the residence helping
23 install a dog door, and had just left. So he
24 explained that she requested to have her father come
25 back and pick up Joe to babysit him while they went

1 to the clinic.

2 Q Did he tell you that her father did indeed
3 come back?

4 A Yes.

5 Q Did they go to the clinic?

6 A No, they did not.

7 Q What did he say about that?

8 A He said after Joe was picked up, he asked
9 her. She said that she was fine, and that she just
10 wanted to lay down for a bit.

11 Q So what did the defendant say he did next?

12 A He stated that he went back and continued
13 working from downstairs.

14 Q How long did he do this for,
15 approximately?

16 A He stated that at one point he heard her
17 -- a thump when she went to the bathroom, but that
18 she said she was okay, so he went back downstairs
19 and told me that he periodically checked on her
20 until about 5:00.

21 Q Okay. What did he say that he did at
22 5:00?

23 A 5:00 he stated that he was done working.
24 So he came upstairs when he noticed that Amy was
25 kneeling by the bed praying. And that he told her

1 that he was going to pick up Joe, and take him to
2 the Ninja Warrior gym.

3 Q Okay. And what time -- so did he say he
4 left the residence?

5 A Yeah, he told me that they left about
6 5:00, 5:15, he did.

7 Q And when he left, what did he say he did?

8 A He stated he was going to go pick up Joe
9 from her father. But when he got in her vehicle,
10 Amy's vehicle, he noticed she was low on gas, so he
11 stopped at the Super America store on 70th and
12 Jorgenson and fueled up. He also stated that he
13 contacted Amy's father, called him, to let him know
14 he was going to be a little late.

15 MS. KREUSER: Okay. Your Honor, may I
16 approach the witness?

17 THE COURT: You may.

18 BY MS. KREUSER:

19 Q Detective Raymond, showing you what's been
20 marked as Exhibit 19; do you recognize that?

21 A Yes.

22 Q What is it?

23 A It's a receipt for purchased gasoline at
24 the Super America store.

25 Q Did that come into evidence by the Cottage

1 Grove Police Department?

2 A Yes.

3 Q How was it found?

4 A It was found in the execution of a search
5 warrant of the residence on November 15th. It was
6 found in his vehicle, which I believe is in the
7 garage.

8 Q And you have had the occasion to see that
9 actual receipt, correct?

10 A Yes.

11 Q And is that a true and accurate depiction
12 of the Super America receipt?

13 A Yes, it is.

14 MS. KREUSER: Your Honor, I offer Exhibit
15 19.

16 MR. DEVORE: No objection.

17 THE COURT: Received.

18 MS. KREUSER: Permission to publish?

19 THE COURT: You may.

20 MS. KREUSER: Thank you.

21 BY MS. KREUSER:

22 Q So Detective Raymond, in looking at
23 Exhibit 19, what is the time stamp on that?

24 A It would be 5:42:25 p.m.

25 Q Okay. And what's the date on it?

1 A November 13th, 2016.

2 Q Thank you. So after the defendant said
3 that he filled up his gas tank, what did he say he
4 did next?

5 A He stated after getting gas, he drove to
6 Amy's father's residence to pick up Joe.

7 Q Okay. And did he indeed pick up Joe?

8 A He told me he did, yes.

9 Q Okay. Then what did he say he did?

10 A He said then they were going to go to the
11 Ninja Warrior gym, and started driving towards
12 there. Then he realized -- or he told me that he
13 realized they wouldn't have enough time, because
14 they like to get Joe into bed at about 7:30 at
15 night. So he said they turned around and headed
16 back to Cottage Grove, and decided they would just
17 stop and eat at Culver's on the way home.

18 Q I am showing you what's been -- already
19 brought it up there -- what's been marked as Exhibit
20 20; do you recognize that?

21 A Yes.

22 Q What is it?

23 A That is a receipt for food purchased at
24 Culver's.

25 Q Okay. And how did the Cottage Grove

1 Police Department come to receive that?

2 A The defendant offered it to me when I was
3 interviewing him.

4 Q Is it a true and accurate depiction of the
5 Culver's receipt that you saw?

6 A It is.

7 MS. KREUSER: Your Honor, I would offer
8 Exhibit 20.

9 MR. DEVORE: No objection.

10 THE COURT: Received.

11 MS. KREUSER: Permission to publish.

12 THE COURT: Granted.

13 MS. KREUSER: Thank you.

14 BY MS. KREUSER:

15 Q Okay. Detective Raymond, in looking at
16 Exhibit 20, what is the date and time stamp on that
17 receipt?

18 A Again, November 13th, 2016 at 6:14:59 p.m.

19 Q Thank you. After the defendant said --
20 well, let me ask you about this: Did he say whether
21 they ate at Culvers or brought it home, or what was
22 --

23 A Yeah, he told me they ate in. They dined
24 in.

25 Q Okay. Then after they ate in at Culvers,

1 what did the defendant say he did?

2 A He stated that they then drove home.

3 Q Okay. And did he -- when did he say they
4 approximately got home?

5 A I believe he told me they got home about
6 7:00, 7:15 p.m.

7 Q Okay. And when they got home, was it just
8 Stephen Allwine and Joe that arrived?

9 A Yes, in the van. Yes.

10 Q Did the defendant explain how they entered
11 the residence?

12 A Yes. He told me that they drove into the
13 garage, and that he parked in the garage. And they
14 entered the house through -- into the mudroom, so
15 there was a service door from the garage into the
16 house.

17 Q Upon entering the home, what did the
18 defendant say he did?

19 A The defendant told me he took his shoes
20 off when he entered the home, but that his son Joe
21 was ahead of him.

22 Q And then when his son was ahead of him,
23 what did he say happened?

24 A He told me that Joe had gone into the
25 kitchen area prior to him. Then had come back to

1 him and asked him why is mommy sitting up.

2 Q Did the defendant say he responded?

3 A I believe he told me that he would check
4 on her, or -- yeah, that he would check on her and
5 for Joe to go into his bathroom and start getting
6 ready for bed.

7 Q Okay. What did the defendant say that he
8 did next?

9 A He told me that he looked into the room
10 and saw her lying on the floor, and that he saw
11 blood.

12 Q When he saw this, what did he do?

13 A He told me he then called 911.

14 Q Okay. And when he called 911, did he talk
15 about that and the interaction with 911?

16 A Yeah. He told me that the 911 dispatcher
17 told him to go check if she was breathing.

18 Q Did he say he did that?

19 A He said he felt her chest to see if she
20 was breathing, and he didn't feel anything.

21 Q Did he say whether he checked on her
22 before he called 911?

23 A No, he didn't.

24 Q And so after 911 told him to go check on
25 her, and he felt her chest to see if it was moving,

1 did he say he saw anything else?

2 A He said he saw a gun. I believe he said
3 it was off on the left.

4 Q Did the defendant say where Joe was during
5 this time?

6 A Yes. He stated that he was in his
7 bathroom, because he had told him to stay there.

8 Q Okay. Did the defendant talk about Amy's
9 state of mind lately?

10 A Yes. He said that she was getting better,
11 more positive. That she had started teaching a
12 couple of new dog classes, which she hadn't done for
13 a while.

14 Q Why not? Do you know? Can you elaborate?

15 A I believe he said because of the whole
16 death threat and the fear that they had been living
17 under.

18 Q Did you ask the defendant about his job?

19 A Yes. I asked him where he worked. He
20 told me he works two jobs. One was for a company
21 called Optanix, and the other was for Cigna
22 Insurance and he does IT work for both of them.

23 Q Did you ask him -- did you inquire further
24 about his use of computers?

25 A Excuse me, can you rephrase?

1 Q Yes. Did you ask him about his knowledge
2 of computers and his use of them?

3 A Well, he explained to me that he only --
4 he didn't know anything about hacking computers.
5 That he only knew how computers were supposed to
6 work in the legitimate world.

7 Q Did you ask him about whether their
8 computers had been taken and reviewed prior, in
9 previous times?

10 A Yeah. He did explain to me that Special
11 Agent Silkey had taken a computer -- I believe a
12 computer and a phone back in early August. And that
13 they had made images, or copies of them, and then
14 returned them.

15 Q Did you ask him about whether he believed
16 Amy would have wanted to harm herself?

17 A I did. He told me that he couldn't think
18 that she would want to harm herself.

19 Q Did you ask him whether he could think of
20 anyone that wanted to harm her?

21 A I did. And he said he couldn't think of
22 anyone that would want to hurt her.

23 Q Did he say where their dogs were that day?

24 A Yeah, I asked him. And he told me that
25 they were in the kennel. And that they were in the

1 kennel all day.

2 Q You had an opportunity to interview
3 Stephen Allwine for the duration of this interview,
4 correct?

5 A Correct.

6 Q Can you explain his demeanor from your
7 perspective?

8 A Um, yes. I noted him to be very normal
9 communication. Kind of flat, not emotional for the
10 most part. At one point, he started crying a
11 little, but for the most part it was like two people
12 talking back and forth to each other.

13 Q Did you have the occasion to learn whether
14 Stephen Allwine was left or right handed?

15 A He was right handed.

16 Q How did you learn that?

17 A I asked him. I also observed him on video
18 sign forms with his right hand.

19 Q Now, after this interview with the
20 defendant, did you have occasion to work further on
21 this investigation?

22 A I did.

23 Q I would like to draw your attention to the
24 next day, November 14th, 2016. Did you have the
25 occasion to interact with the defendant again,

1 pursuant to this investigation?

2 A I did. I was contacted by BCA Special
3 Agent Chris Olson to accompany him to the
4 defendant's location to attempt to collect his
5 clothing from the prior day, which would have been
6 the 13th.

7 Q And where did you do that?

8 A We did that at Charles Zutz's residence.

9 Q The defendant was there?

10 A Yes.

11 Q Okay. And can you explain that process
12 and what you did?

13 A Well there was a lot of family there that
14 night, so myself, Agent Olson, and the defendant
15 went into like an office room area and asked him for
16 his clothes. He was able to provide me with a pair
17 of blue warmup pants, pair of white socks, fleece --
18 dark fleece jacket and pair of black Under Armour
19 shoes.

20 Q And did you ask him whether he had washed
21 his clothing?

22 A I did. I asked him if they had been
23 laundered and he told me that he believe they did --
24 or they were.

25 Q Did you make any observation about his

1 clothing since you were the one who collected it?

2 A I did. When I brought it back to the
3 police -- or Cottage Grove Police Department and
4 repackaged everything separately, I noticed that
5 none of it appeared to be freshly laundered. It
6 didn't smell freshly laundered and it appeared
7 dirty.

8 Q Now, Detective Raymond, did you personally
9 participate in the execution of a search warrant on
10 the Allwine property?

11 A Yes, I did.

12 Q Notably the residence?

13 A Yes.

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

15 THE COURT: You may.

16 BY MS. KREUSER:

17 Q Detective Raymond, I am showing you what
18 has been previously offered and entered into
19 evidence, Exhibit 21, and then Exhibits 22 and 23.
20 Do you recognize -- let's just start with Exhibit
21 21. If you can look at that.

22 MS. KREUSER: If I could, Madam Clerk.

23 Thank you.

24 BY MS. KREUSER:

25 Q Now, Detective Raymond, when you were a

1 part of the execution of the search warrant, did you
2 have the occasion to go into the basement?

3 A I did.

4 Q Okay. And in looking at Exhibit 21, would
5 you say that that accurately depicts what you saw?

6 A Yes.

7 Q Okay. And can you just explain using the
8 exhibits, based on your recollection as well, what
9 kind of the layout of the basement was, and the
10 things you saw.

11 A Well, I first entered down in the basement
12 and there was kind of a living area, like a family
13 room area, where he had a bunch of computer
14 equipment in the corner there. Looked sort of like
15 servers, and a lot of wires going to them.

16 Then as you go down the hallway, this is
17 towards the end of the hallway. There was a lot of
18 computer stuff in there. It was very cluttered. A
19 lot of monitors and hard drives. A lot of computer
20 equipment and manuals. It was very cluttered in
21 there.

22 Q And turning your attention to Exhibit 22
23 and 23, do you recognize those photographs?

24 A Yes.

25 Q What do they show?

1 A They show an Apple computer that was
2 located in his office.

3 Q And you had the opportunity to see the
4 Apple computer, correct?

5 A Yes.

6 Q Does it accurately depict how you remember
7 that Apple computer?

8 A Yes.

9 MS. KREUSER: Your Honor, I would offer
10 Exhibit 22 and 23.

11 MR. DEVORE: No objection.

12 THE COURT: 22 and 23 are received.

13 MS. KREUSER: Thank you. Permission to
14 publish, Your Honor?

15 THE COURT: You may do so.

16 BY MS. KREUSER:

17 Q Detective Raymond, looked at Exhibit 22,
18 can you explain what we see here?

19 A An open Apple computer on the ground.

20 Q What kind of Apple computer is it?

21 A It's a MacBook.

22 Q Okay. Thank you. And in looking at
23 Exhibit 23, can you explain what we are looking at?

24 A Same computer, just with the lid closed.

25 Q Thank you. All right. Then as the

1 execution of the search warrant continued, what else
2 did you find, if anything, in the basement?

3 A We located a locked wall safe, which would
4 have been situated right behind that -- it was
5 situated behind one of the monitors, the TV's.

6 Q I'm sorry. Now, Detective Raymond, can
7 you repeat your answer using Exhibit 21 as a guide,
8 reference.

9 A Yes. There was a wall safe. I believe it
10 was behind that top TV there (indicating).

11 Q All right. Can you explain what -- were
12 you able to get into the wall safe?

13 A The wall safe was locked, so I contacted
14 the defendant by phone, and he voluntarily gave me
15 the pass code for it. So myself and another
16 detective opened up the safe.

17 Q What did you find inside?

18 A I located a container that contained 29
19 silver bars, and then \$2,900 in cash money.

20 Q Now, that MacBook Pro that you had
21 identified, that just saw pictures of, was that
22 seized into evidence?

23 A Yes.

24 Q Detective Raymond, were you aware of
25 several security measures that the Allwines had

1 taken on their property?

2 A Yes.

3 Q Okay. And there were some video cameras;
4 is that right?

5 A Correct.

6 Q What did -- did you execute any search
7 warrants on any kind of recording device on the
8 Allwine property?

9 A I did look at a trail camera that they had
10 set up.

11 Q What kind of camera was this?

12 A It a Cuddeback trail camera.

13 Q Where was it positioned on the property
14 and what area did it record?

15 A It was located in the front yard. They
16 had kind of a line of shrub trees between the house
17 and the street. It was mounted on one of the trees
18 that faced out onto the road towards the west where
19 you could see the end of their driveway as it met
20 110th Street and then down to the west.

21 MS. KREUSER: May I approach?

22 THE COURT: You may.

23 BY MS. KREUSER:

24 Q Detective Raymond, I'm showing you what's
25 been marked as Exhibit 1 and 2. Do you recognize

1 those pictures?

2 A Yes.

3 Q What are they pictures of?

4 A Those are pictures of the Cuddeback trail
5 camera mounted on the trees.

6 Q That's the same Cuddeback trail camera
7 that you did a search of, correct?

8 A Correct.

9 MS. KREUSER: Your Honor, I would offer
10 Exhibits 1 and 2.

11 MR. DEVORE: No objection.

12 THE COURT: 1 and 2 are received.

13 MS. KREUSER: Thank you.

14 BY MS. KREUSER:

15 Q Detective Raymond, can you talk about how
16 one searches a trail camera?

17 A For this trail camera, it contains a
18 memory card inside of it. November 14th, 2016
19 Detective McAlister -- or Sergeant McAlister handed
20 me the trail camera and the memory card that had
21 come out of it separately. So I took that memory
22 card and using a forensic tool called FTK imager,
23 stands for Forensic Tool Kit, I made an image, which
24 is a copy, of what the original media is. Then I
25 looked at the information from the copy.

1 Q And can you explain how -- what you
2 learned about how this particular camera activates
3 and records?

4 A I learned that this camera, it's motion
5 detection. And when it detects motion, it will take
6 like a still snapshot, then it will start recording
7 for, I believe, ten seconds with sound.

8 Q And anything in terms of its timing?

9 A Yes. I noticed that the still photo and
10 the video photo that are created at the same time,
11 the video photo has a slight lag in it. So if there
12 is a fast moving vehicle or something, you will get
13 a still picture of it, but then there won't be
14 anything on the video because the vehicle is already
15 out of the picture by the time it kicks in.

16 Q And when you did review the trail camera
17 activity, was there any -- anything that was caught
18 from November 13th, 2016 that was significant to
19 you?

20 A Yes.

21 Q Can you explain?

22 A There was a capture of, I believe it was
23 at 1:47. And that was what we believe to be Charles
24 Zutz's vehicle arriving back at the residence.
25 Excuse me, at 1:47 it was Charles Zutz's vehicle

1 leaving the residence. Then there was another
2 capture at 1:57 where the same vehicle was coming
3 back. Then at 1:59 that vehicle was leaving again.

4 Then there is various activity throughout
5 the afternoon until about 4:42 p.m. Both vehicle
6 and pedestrian. Then there was nothing after 4:42
7 until 6:52 p.m. where we could observe Stephen
8 Allwine -- or the defendant's vehicle driving back
9 into the driveway.

10 Then there was a video at 7:03 which is a
11 Cottage Grove officer walking in front of the
12 camera.

13 Q Do you believe those times to be accurate?

14 A I believe the camera to be about three or
15 four minutes behind. After comparing the 7:03
16 picture where the officer walked in front of the
17 camera to our dispatch logs, and watching the first
18 arriving officers video camera, I believed her to
19 arrive around 7:07 p.m., so I figured the camera was
20 three or four minutes behind.

21 Q When you say various traffic and
22 pedestrian activity, can you just explain a little
23 more?

24 A It was just the camera was activated
25 because people were walking down the road, or one of

1 the neighbors cutting the grass across the street.

2 So there were people coming and going throughout the
3 afternoon.

4 Q What about traffic?

5 A Vehicles too, yes.

6 Q And did you also, in your involvement in
7 this case, have the occasion to execute search
8 warrants on multiple cell phones?

9 A I did.

10 Q Can you explain how you extract
11 information from a cell phone?

12 A Depending on what kind of a phone it is.
13 For the most of part it's either an Android or an
14 Apple. For an Apple phone I will go into the
15 settings and change it so the screen does not turn
16 off. I will also disable the password.

17 For an Android it's similar. I will set
18 the screen to not turn off. Disable the password.
19 And for Androids I will go into what's called, into
20 the settings, into the build number. And there is a
21 way to get at a hidden menu called the developer
22 options, where I then open that menu up and check an
23 app called USB debugging which will allow the phone
24 to communicate with the computer.

25 So once I prepare the phones, they are

1 then connected to one of our two forensic tools that
2 we use. Either celebrate or oxygen.

3 Q Did you have the occasion to process
4 Stephen Allwine's Samsung S7?

5 A I did.

6 Q What kinds of things did you review in
7 your extraction of the phone? What were some of the
8 various things that you observed?

9 A Well, mostly appeared to be a relatively
10 new phone. I believe there was the first text
11 message on it was November 10th. He told me that
12 that one was his personal phone. I noted a couple
13 of text messages, I believe, on November 13th,
14 9:13 a.m. He got a notification from Comcast that
15 an alarm had been executed on their alarm system, to
16 give them an alert if the camera went off between
17 11 p.m. and 10 a.m. Then there was an outgoing text
18 message that he sent to Amy at 6:45, I believe, on
19 November 13th telling her they had just left Culvers
20 and if she wanted anything.

21 Q What time was the text at?

22 A It was 6:45 p.m.

23 Q What was the time stamp on the Culvers
24 receipt?

25 MS. KREUSER: Your Honor, may the --

1 THE WITNESS: May I check the exhibit?

2 THE COURT: You may.

3 THE WITNESS: Thank you. On the Culvers
4 receipt it's 6:14.

5 MS. KREUSER: Thank you.

6 BY MS. KREUSER:

7 Q Included in the things that you were able
8 to look in your processing of Stephen Allwine's
9 Samsung S7, were you able to look at his call logs?

10 A Yes.

11 Q Were you able to look at his call logs
12 from November 13th, 2016?

13 A Yes.

14 Q Did you generate a report as such?

15 A Yes.

16 MS. KREUSER: Your Honor, may I approach
17 the witness?

18 THE COURT: You may.

19 MS. KREUSER: Thank you.

20 BY MS. KREUSER:

21 Q Detective Raymond, I am showing what's
22 been marked as Exhibit 141; do you recognize that?

23 A I do.

24 Q What is it?

25 A This is a formal report that I created for

1 the call logs for the defendant's Galaxy S7.

2 Q Okay. And you created that yourself,
3 correct?

4 A Yes.

5 Q Is it an accurate depiction of the call
6 log that you created?

7 A Yes.

8 MS. KREUSER: Your Honor, I would offer
9 Exhibit 141.

10 MR. DEVORE: No objection.

11 THE COURT: Received.

12 MS. KREUSER: Permission to publish.

13 THE COURT: You have permission.

14 MS. KREUSER: Thank you.

15 BY MS. KREUSER:

16 Q Okay. So looking at Exhibit 141, and then
17 if you want to direct your attention to the screen,
18 Detective Raymond, I have just brought out a portion
19 of Exhibit 141. Looking at that screen and the
20 exhibit you have in front of you, is that still a
21 true and accurate depiction of Exhibit 141?

22 A Yes, it is.

23 Q Now, looking at the highlighted portion,
24 can you list off Stephen Allwine's call log starting
25 at -- well, where it's highlighted. Starting at the

1 bottom.

2 A Okay. So where it says number eight, that
3 is to his father-in-law Chuck Zutz. And that phone
4 call was recorded on 11-13, 2016 at 1:54:34 p.m.
5 The next one is again to Chuck Zutz. That phone
6 call on the same day there is at 5:11 p.m. The
7 duration zero. Looks like he called again at
8 5:11 p.m. for 43 seconds, and then at 5:29 he calls
9 Chuck Zutz again for 38 seconds. Then the next one
10 up is he calls Joanne Zutz at 7:08 p.m.

11 Q Okay. Thank you.

12 A Yes.

13 Q Did you also have an occasion to do an
14 extraction of Stephen Allwine's iPhone 6s?

15 A Yes.

16 Q And did you do similar things in this
17 extraction, such as texts and call logs?

18 A Yes. This was supposed to be a work phone
19 that I believe he was using for his personal phone,
20 too, because I found personal pictures on there too.
21 I also found a contact on there that we thought was
22 significant.

23 Q Why was it significant, based on what you
24 knew?

25 A Because I know that during the defendant's

1 interview with BCA agents, he had told them about an
2 affair that he had had, and he had given the first
3 name of Michelle. And I found a contact in his
4 phone for Michelle which was later confirmed by BCA
5 Agent Frascone as belonging to Michelle Woodard.

6 Q Did you have the opportunity to perform an
7 extraction on Stephen Allwine's Samsung Galaxy S5?

8 A Yes.

9 Q Can you talk about what you learned about
10 this phone?

11 A This phone appeared that it was still used
12 recently. I believe November 11th it still had
13 messages on it. But this phone shared the number
14 with the S7, so it led me to believe that it was a
15 replacement. The S7 was a replacement for the
16 Galaxy S5. But he had a number of interesting
17 applications on there, such as he had one
18 application called Bitcoin Wallet. He also had
19 application Orfox and another one Orbot. And both
20 of those are used --

21 MR. DEVORE: Objection, nonresponsive.

22 THE COURT: At this point it is. It has
23 become narrative and I am sustaining. Ask another
24 question.

25 MS. KREUSER: Sure, Your Honor.

1 BY MS. KREUSER:

2 Q When you looked on the iPhone, can you
3 explain items of interest that you found?

4 A On the iPhone?

5 Q I'm sorry, on the Galaxy S5, my apology.

6 A Items of interest that I found were the
7 applications -- installed applications for Bitcoin
8 Wallet and Orbot and Orfox.

9 Q And what are Orbot and Orfox?

10 A They allow so a mobile device can access
11 the Dark Web using through a TOR.

12 Q What does TOR stand for?

13 A The Onion Router.

14 Q And did you have an occasion to perform an
15 extraction of Amy Allwine's iPhone?

16 A Yes.

17 Q Were you able to review similar things on
18 this extraction; texts, phone log, that kind of
19 thing?

20 A Yes.

21 MS. KREUSER: May I approach the witness,
22 Your Honor?

23 THE COURT: You may.

24 BY MS. KREUSER:

25 Q Detective Raymond, I am showing you what

1 has been marked as Exhibits 87, 88, and 89. Drawing
2 your attention to Exhibits 87 and 88; do you
3 recognize those documents?

4 A Yes.

5 Q What are they?

6 A They are form reports that I created for
7 Amy Allwine's iPhone.

8 Q Okay. And what kind of report is it?
9 What does it show?

10 A These are showing text messages and
11 browser web history.

12 Q Just in reference to 87 and 88.

13 A Oh, I'm sorry.

14 Q What does that show?

15 A Showing text messages.

16 Q Okay. And you created it.

17 A Yes.

18 MS. KREUSER: Your Honor, I would offer
19 Exhibits 87 and 88.

20 MR. DEVORE: No objection.

21 THE COURT: 87 and 88 are received.

22 BY MS. KREUSER:

23 Q And then, Detective Raymond, turning your
24 attention to Exhibit 90; what does that -- what is
25 that exhibit?

1 A That shows browser history.

2 THE COURT: Excuse me. I heard Exhibit
3 89, is it 90?

4 MS. KREUSER: It's 90. Yes. Yes. I'm
5 sorry.

6 THE COURT: Thank you.

7 MS. KREUSER: Thank you, Your Honor.

8 BY MS. KREUSER:

9 Q Just looking at Exhibit 90, can you
10 explain what that is?

11 A Yes, that's browser history.

12 Q And you created that report?

13 A Yes.

14 Q And it's a true and accurate depiction of
15 the report you created, correct?

16 A Yes.

17 THE COURT: Your Honor, I would offer
18 Exhibit 90 as well.

19 MR. DEVORE: Inquire quickly, Your Honor?

20 THE COURT: You may.

21 BY MR. DEVORE:

22 Q Browser history of what?

23 A Safari browser for the device.

24 Q For whose phone or computer?

25 A For Amy's. Her iPhone 6.

1 MR. DEVORE: All right. No objection.

2 THE COURT: Received.

3 MS. KREUSER: Thank you. Your Honor, I
4 would ask for permission to publish Exhibit 87, 88
5 and 90.

6 THE COURT: You may.

7 MS. KREUSER: Thank you.

8 BY MS. KREUSER:

9 Q Detective Raymond, turning to Exhibit 88
10 first. They are turned around in numbering. Can
11 you begin with the relevant text messages that start
12 on November 13th, 2016 and explain what that text
13 message is, and who it is from?

14 A Okay. This is an iMessage from Sharon
15 Middendorf that she receives at 9:14 a.m. Sharon
16 writes to her, while I am texting to apologize that
17 somehow I deleted the link, I guess on Facebook when
18 I was uploading the premium for the ORT premium on
19 the website. I know I can probably figure out how
20 to do it, but you had it in there a couple ways, so
21 I thought it might make more sense for you to put it
22 back. I'm sorry to make work for you.

23 Q And you said "she" received them, who are
24 you referring to?

25 A Amy had received them.

1 Q Then turning your attention to Exhibit 87,
2 can you explain the next message that Amy Allwine
3 either sent or received in time on November 13th,
4 2016.

5 A Okay. The next message was sent. It was
6 sent at 9:16 a.m. It's a reply to Sharon Middendorf
7 where it states, no worries. I have also done it in
8 the past, so I copied the code to a file. It should
9 be an easy fix.

10 Q Thank you. Then the next one in time.

11 A The next one in time is again at 9:16. A
12 few seconds later. That is a received message, but
13 there is no content.

14 Q Okay. Could there be a reason why, or you
15 don't know.

16 A She could have just not typed anything.

17 Q Then the next one in time.

18 A The next one is an incoming message at
19 6:45 p.m. from the defendant stating, just went to
20 Culvers. On our way home. Do you want anything.

21 Q And finally the last one.

22 A The last one is received one at 9:21 p.m.
23 for remote party. Just a phone number. Asking, are
24 you okay.

25 Q Thank you. Then turning to Exhibit 90.

1 Now, you have the actual true exhibit in front of
2 you Detective Raymond. If you direct your attention
3 to the screen I have just highlighted the certain
4 items on the exhibit for viewing purposes. But
5 looking at your true exhibit and what is on the
6 screen right now, is that still the same exhibit?

7 A Yes.

8 Q Okay. Now, would you explain, starting at
9 the bottom, or I guess sequentially as you see it,
10 explain the document is, what happens, what came up.

11 A Okay. Well, if you look to the bottom one
12 there, number 7, it shows that the site Wikipedia
13 was visited for the subject vertigo. It shows a
14 time at 7:48, but it's actually six hours less than
15 that. I don't know if you can see where it's blown
16 up. It says UTC-6. So subtract six hours there.
17 So that would make it 1:48.

18 The next search, again, is at the same
19 time there. That's the same search. What likely
20 happened there is that it redirected to a mobile
21 version of the page.

22 Then there is a Bing search at 1:49 for
23 DUI. And then a Bing search at 1:50 for EIE. And
24 then again, same time for DIYVWHH.

25 Q Thank you. And can you explain now why

1 these are in what you refer to UTC; what does that
2 mean?

3 A I don't quite recall what UTC stands for.

4 Q Okay. That's fine.

5 A It's a time code for what base time is
6 depending on where you are in the -- on the globe.
7 It will change for time periods.

8 Q Thank you. Okay. And did anything stand
9 out to you about the searches?

10 A Yes.

11 Q What was that?

12 A That they didn't make any sense.

13 Q Thank you. Now, Detective Raymond, did
14 you also have the occasion to continue your
15 investigation surrounding Stephen Allwine's
16 employment?

17 A I did.

18 Q Did you have the occasion to execute
19 search warrants in relation to his two companies?

20 A Yes.

21 Q What kind of companies are they?

22 A Well, Optanix is an IT company. Cigna is
23 an insurance company.

24 Q What kind of -- did your investigation
25 reveal what kind of work Stephen Allwine does for

1 them?

2 A Yes. He did IT work for them.

3 Q Did you come to learn of his work schedule
4 on the day of Amy Allwine's death?

5 A I did.

6 Q Let's talk about Optanix. What was his
7 shift for that day?

8 A His shift for that day was from 6 to 5.

9 Q And what did you learn from Optanix as to
10 his work activity on November 13th, 2016?

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

12 THE COURT: You may.

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

15 THE COURT: We are going to take a break.

16 Remember my instructions of not talking to anybody.

17 I am anticipating 20 minutes, but we will see. I
18 need to talk to the attorneys.

19 (The jury exited the courtroom.)

20 (The following proceedings were had while
21 The jury was out of the courtroom.)

22 THE COURT: And I am going to ask that you
23 step down, sir, and be out of the courtroom right
24 now. Please be seated everyone.

25 I am going to put on the record what's

1 been said. And let me start by saying that I have
2 that stipulation right in front of me. There were
3 questions raised off the record just now at the
4 bench about the nature of the stipulation and where
5 we might be going with some testimony.

6 What I see is a stipulation regarding
7 foundation and chain of custody. The parties have
8 stipulated that a number of records may be received
9 without the necessity of calling records custodians,
10 and those are listed at 1 through 13. I am sure you
11 all have them in front of you. Or if you don't, you
12 know what I am talking about.

13 I have a number 2 and a number 3 that say
14 the parties further stipulate and agree that
15 evidence of receipt of those records by law
16 enforcement may be introduced at trial through a
17 case detective who will testimonial summarize the
18 above records. And I think that's at the center of
19 what we are talking about.

20 Number 3 says the parties stipulate and
21 agree that the chains of evidence seized are intact,
22 and I don't think we are worried about the chains of
23 evidence here. I think we are talking about
24 precisely the nature of the phrase introduced at
25 trial through a case detective who will testimonial

1 summarize the above records.

2 Now, Mr. DeVore, what's your objection?

3 MR. DEVORE: Your Honor, I think -- I
4 believe that Mr. Raymond is going to testify as to a
5 summary of his conversation with the person by the
6 name of Michael Wade that he had a conversation with
7 on December 12th, 2016. Mr. Wade is a person who is
8 either the attorney for, or someone that works for
9 Optanix. And Mr. Raymond asked him a series of
10 email questions, about nine of them, and then
11 solicited responses from Mr. Wade to those
12 questions.

13 That is, I believe, the source of what he
14 is going to be testifying to here today. Our
15 stipulation is so that we don't have to have someone
16 come in and say I work at Optanix, and I printed
17 these records off of our computers and here they
18 are. That's a waste of time. We do that routinely
19 all the time.

20 Mr. Raymond -- I have no objection to
21 Mr. Raymond testifying to what the records are, or
22 offering the records if they want to put those in as
23 evidence. But if he is going to testify about
24 conversations that he had with somebody, which I
25 believe is where he is going, that's not what the

1 purpose of that stipulation was for, because I might
2 have questions for this individual as well.

3 THE COURT: Ms. Kreuser.

4 MS. KREUSER: Your Honor, we would need to
5 clarify further with Detective Raymond. But
6 Mr. Fink and I did ask him as he was leaving the
7 courtroom whether -- what we are going to be asking
8 him which is, in part, what Mr. DeVore has referred
9 to. But whether that information is included in the
10 records that were sent by Optanix and Cigna. So if
11 that's the case, and he says that he believes so, I
12 would like to verify as an officer of the court.

13 THE COURT: All right.

14 MS. KREUSER: But in that case, the state
15 would submit that the stipulation covers that.

16 THE COURT: I will allow you to look into
17 that. We will meet back here in 15 minutes.

18 MS. KREUSER: Thank you, Your Honor.

19 (A recess was taken.)

20 MR. FINK: Your Honor, if we could have
21 ten more minutes, we can clear this all up and it
22 will go off pretty swiftly.

23 THE COURT: Then I'll allow you to do
24 that.

25 Let me just say for the record another

1 thing that I was just noticing, number one, there is
2 not a formal objection that's been made yet, it's
3 just an issue that's been raised.

4 Number two, there is no document that is
5 before me that is being presented for evidence.
6 Having said that, it's in that context, and I will
7 give you another ten minutes.

8 MR. FINK: Thank you.

9 (A brief recess was taken.)

10 THE DEPUTY: Remain seated and come to
11 order.

12 THE COURT: All right. I think it's
13 Ms. Kreuser that I turn to at this point.

14 MS. KREUSER: Thank you, Your Honor. The
15 state also thanks the court for its patience in
16 letting us figure out the situation to do things the
17 right way procedurally.

18 THE COURT: Sure.

19 MS. KREUSER: I believe that the parties
20 are in agreement that the state will be putting into
21 evidence through Detective Raymond an executive
22 summary that was produced by Optanix to the Cottage
23 Grove Police Department as a result of a search
24 warrant.

25 THE COURT: Correct?

1 MR. DEVORE: That is correct, Your Honor.
2 That's my understanding of what the stipulation was.

3 THE COURT: I understand, and interesting
4 language to parse. But having said that, we will
5 move forward.

6 MR. DEVORE: I do have one additional
7 comment.

8 THE COURT: Go ahead.

9 MR. DEVORE: So not knowing how he's going
10 to testify, Your Honor, I mean, I might be real
11 sensitive to if he starts to get into conversations
12 that he has had beyond what's contained in this
13 document. I will be making objections if that
14 happens.

15 THE COURT: I understand that, and I think
16 you've made that very clear.

17 MS. KREUSER: And the state will limit its
18 questioning.

19 THE COURT: Good. Let's get the jury
20 back. And we can call Detective Raymond back and
21 have him on the stand.

22 Detective Raymond, have a seat. Remember
23 you are still under oath.

24 THE WITNESS: Yes, sir.

25 THE COURT: Let's bring them in.

1 THE DEPUTY: All rise for the jury.

2 (The jury returned to the courtroom.)

3 THE COURT: Everyone please be seated.

4 Ms. Kreuser, you may continue.

5 BY MS. KREUSER:

6 Q Detective Raymond, it's true that you --
7 the Cottage Grove Police Department executed a
8 search warrant on Optanix, Stephen Allwine's
9 employer, correct?

10 A Correct.

11 Q And you had the opportunity to receive the
12 results of that search warrant request in a report
13 by Optanix, correct?

14 A Correct.

15 Q And you've had the opportunity to review
16 that, and you received that as part and parcel of
17 your employment with Cottage Grove Police
18 Department, correct?

19 A Yes.

20 MS. KREUSER: Your Honor, I would offer
21 Exhibit 142. I'm sorry, may I approach, is what I
22 am going do first.

23 THE COURT: You may. We need to go
24 through a couple of other things first, but go
25 ahead.

1 MS. KREUSER: Your Honor, may I approach?

2 THE COURT: Absolutely.

3 MS. KREUSER: Getting ahead of myself
4 here.

5 BY MS. KREUSER:

6 Q Detective Raymond, I'm showing you what's
7 been marked as Exhibit 142; do you recognize that
8 document?

9 A Yes.

10 Q What is it?

11 A That's a search warrant return.

12 Q Is it a true and accurate copy of the
13 search warrant return that you received from
14 Optanix?

15 A Yes.

16 MS. KREUSER: Your Honor, I would offer
17 Exhibit 142.

18 MR. DEVORE: Just one inquiry question,
19 Your Honor.

20 THE COURT: Go ahead.

21 BY MR. DEVORE:

22 Q Detective Raymond, if you look on page 4
23 of that document, there is a highlighted portion.
24 Did you highlight that or is that how it came to
25 you?

1 A That's how it came.

2 MR. DEVORE: No objection, then.

3 THE COURT: 142 is received, and you may
4 proceed, Ms. Kreuser.

5 BY MS. KREUSER:

6 Q Detective Raymond, turning your attention
7 to the portion of the search warrant results under
8 Executive Summary of Findings. Now, the search
9 warrant was done for Stephen Allwine's work activity
10 on November 13th, 2016, correct?

11 A Correct.

12 Q And under the Executive Summary of
13 Findings, it indicates that three emails were sent
14 by Stephen Allwine that day; what are the times?

15 A Would you like our time, or Eastern time?

16 Q You can do it to our time.

17 A 6:09, 8:01 and 12:51.

18 Q Is that a.m. or p.m. for those times?

19 A 6:09 and 8:01 are a.m. and 12:51 is p.m.

20 Q Thank you. Does the summary of findings
21 discuss whether Stephen Allwine made any calls
22 during -- on the internal phone system during this
23 time period?

24 A It stated that no calls were made.

25 Q Any internal or customer tickets created

1 by Stephen Allwine?

2 A No.

3 Q Does it show that one ticket was updated?

4 A Yes, it says one ticket was updated twice
5 at 0800 and 10:06 a.m.

6 Q Was there any other recorded activity by
7 the defendant on November 13th, 2016 reported by
8 Optanix through that summary Executive Summary and
9 Finding?

10 A No.

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

13 THE COURT: Cross examine.

14 MR. DEVORE: Thank you. Just have a
15 second, Your Honor. I wasn't prepared to start.
16 Need to look at my notes.

17 CROSS EXAMINATION

18 BY MR. DEVORE:

19 Q All right. So Detective Raymond, you did
20 more than just one search warrant execution on
21 Optanix, right? You did other ones as well for this
22 incident that happened?

23 A For this case?

24 Q Yeah.

25 A Yes.

1 Q You did a search warrant execution on some
2 computer hardware at the arena; isn't that correct?

3 A I am not sure what you are asking.

4 Q Did you get a hard drive that belonged to
5 Amy's business?

6 A I did not examine it.

7 Q Did you execute a search warrant for a
8 Toshiba hard drive; do you remember that?

9 A Could you be more specific?

10 Q I'll keep asking you questions. I'll come
11 back to that. Okay.

12 Now, you have been involved in this
13 investigation during the summertime when Special
14 Agent Silkey was also involved from the FBI?

15 A Yes.

16 Q And he said that he went and interviewed
17 various people during his investigation of that
18 case, did you go along with him on some of them?

19 A No.

20 Q Did you go out -- you said you went out,
21 initially, to talk to Amy, but she wasn't there;
22 isn't that correct?

23 A Correct. We went to the residence on May
24 31st, 2016.

25 Q On the night of November 13th, 2016 you

1 interviewed Mr. Allwine, correct?

2 A Correct.

3 Q That was done where?

4 A At the Cottage Grove Police Department.

5 Q What time did you start the interview?

6 A Well, I can't recall exactly. I know I
7 arrived at the house at 8:30 p.m. So in the course
8 of events after that, I know it lasted into the
9 evening hours I think. When we were finally done it
10 was close to midnight.

11 Q Okay. So when you were done interviewing
12 Mr. Allwine it was close to midnight?

13 A Well, when we were finally done. When
14 Mr. Allwine and his son left.

15 Q Did you interview his son as well?

16 A Yes. Briefly, yes.

17 Q When you were done interviewing them, did
18 Mr. Allwine stick around when you were interviewing?

19 A Yes. I believe he stayed at the police
20 department.

21 Q Okay. And then when you guys were done,
22 did you guys come out in the lobby and then
23 Mr. Allwine was out there waiting for his son, Joe.

24 A Correct.

25 Q Was there anybody else also waiting for

1 them in the lobby?

2 A Yes.

3 Q Who was out there?

4 A I don't remember, specifically. I know
5 his -- I believe it was his pastor that was out
6 there. Then I don't recall who else, exactly, was
7 out there.

8 Q Okay. Do you know how long the interview
9 was with Mr. Allwine?

10 A Approximately an hour and 15 minutes.

11 Q Was that recorded?

12 A Yes.

13 Q That was done in an interview room at the
14 police department?

15 A Correct.

16 Q Was it just you in the room with
17 Mr. Allwine or was anybody else in that room with
18 you?

19 A Initially, Officer Bushey was in the room
20 while I was not standing in there with him.
21 However, when I started interviewing the defendant
22 he -- it was just him and I.

23 Q And he answered all of your questions that
24 you asked him?

25 A Correct.

1 Q He didn't hesitate?

2 A Hesitate as far as on a specific question?

3 Q Well, I mean he was cooperative with what
4 you were asking, correct?

5 A He was cooperative.

6 Q And I don't recall if you said, but did
7 you have to obtain any passwords or anything from
8 him to any of his electronic devices?

9 A For his phones, I believe he provided
10 those to the patrol officers.

11 Q So you already had that information?

12 A Yes.

13 Q And the camera that you testified about,
14 is it Cuddeback camera?

15 A Yes, sir.

16 Q That was located along some shrubs or some
17 short trees in the front yard; is that right?

18 A Correct.

19 Q What side of the property was that on?

20 A In relation to the drive way or --

21 Q Well, let's say if you're looking at the
22 front of the house from the road.

23 A You would be looking north, so it was on
24 the south side of the house.

25 Q Okay.

1 A Maybe I'm not understanding your question.

2 Q Okay. So if you're on 110th Street, and
3 that goes in front of house; is that correct?

4 A Correct.

5 Q Where would this camera be, off to your
6 right, off to your left?

7 A Well, depending on where you were standing
8 on the property, it was to the right of the
9 driveway.

10 Q Was it on one end of the property line or
11 the other, or was it just in a group of trees that
12 were in the front yard?

13 A I can't say exactly where it was on the
14 property line.

15 Q Okay. And what was it recording? Where
16 was it aiming?

17 A It was aiming towards the west, so you see
18 on 110th Street, and towards the end of the Allwine
19 driveway.

20 Q Okay. And I note that you saw some --
21 captured some videos on there. A lot of them were
22 ones you just ignored, right?

23 A Correct.

24 Q But some of them you indicated were
25 significant. I know you said the last video was at

1 4:42 and then there wasn't anymore video until 6:52;
2 is that what you said?

3 A Yeah, there wasn't any activations.

4 Q And during that period of time,
5 approximately two hours of time, were there photos?
6 I know you said sometimes it would capture some
7 still photos. Were there any photos that were
8 captured during that time?

9 A No. The photos and videos coincided.

10 Q Right. I think what you said was
11 sometimes the video wouldn't capture it because
12 something went by too quickly?

13 A Right. It would still record, it just
14 wouldn't have the vehicle in it that the photo
15 captured.

16 Q Okay. Now, you testified that in those
17 photos, or videos, you were able to see Charles Zutz
18 when he came back to the house; is that correct?

19 A We saw a vehicle we believed to be his,
20 yes.

21 Q Now, you weren't able to capture when he
22 got there originally, the first time; is that
23 correct?

24 A That was not on there.

25 Q And I didn't hear whether or not you said

1 that you were able to capture when Mr. Allwine left
2 the house.

3 A Yep, I did not locate that either.

4 Q And did that camera show anything toward
5 the front of the house, you know, like over towards
6 the driveway and the garage, and maybe towards the
7 pole shed or the arena?

8 A No. It captured the street, and the end
9 of the driveway, and some of the residences across
10 the street.

11 Q Okay. And you indicated that you got some
12 cell phone records from Mr. Allwine's phone from
13 November 13th?

14 A Yes.

15 Q What was the last call on the 13th, when
16 was that?

17 A Make sure we are on the same exhibit here.
18 Showing Exhibit Number 141, the last call was to a
19 Brian Shaw.

20 Q What time was that?

21 A 7:25 p.m.

22 Q Is that the UTC time or regular time?

23 A That would be the regular time.

24 MR. DEVORE: Your Honor, may I approach?

25 THE COURT: You may.

1 BY MR. DEVORE:

2 Q All right. Detective Raymond, I was
3 trying to figure out what I was talking about with
4 the search warrant before. Would you take a look at
5 this and see if that refreshes your memory.

6 A Okay. Yes.

7 Q Detective Raymond, now that search warrant
8 that I just showed you, that was for what? What
9 were you trying to get at with that?

10 A That was for a computer storage that they
11 located in Amy's outbuilding.

12 Q Okay. What is it? It says that you were
13 looking for a NAS, or Network Attached Storage.
14 What is that?

15 A It's a storage device for computer backup.

16 Q Is that like, you can buy those external
17 hard drives; is that what we are talking about?

18 A Yes, I believe so. Well, it's a series of
19 four hard drives.

20 Q Okay. What is it? Is it in a box or
21 something?

22 A Yes, it was a box.

23 Q And then it looks like you -- or that
24 contained four two terabyte Toshiba hard drives; is
25 that right?

1 A Correct.

2 Q And where were -- where was that located
3 at?

4 A I did not seize it.

5 Q You said something about an outbuilding,
6 or something.

7 A That's where I was told, yes, that it was
8 located.

9 Q And that was for running her business, I
10 would presume?

11 A I don't know.

12 Q Did you examine that stuff?

13 A I did not.

14 Q I don't recall if you said, but were you
15 involved in any interviews with Amy in the summer of
16 2016?

17 A I was in attendance when Special Agent
18 Silkey interviewed her on May 31st.

19 Q How actively involved were you with that
20 investigation with the FBI during the summer of
21 2016?

22 A Well, I was notified by Agent Silkey when
23 we received the two emails, and when Amy called me
24 about the suspicious vehicle that was in the
25 cul-de-sac. That was the extent --

1 Q Were you -- I'm sorry.

2 A That was the extent of my involvement.

3 Q I know that Special Agent Silkey had sort
4 of an ongoing communication with her; did you also
5 have that kind of communication with her?

6 A I was not aware or was not part of that
7 conversation between Special Agent Silkey and Amy.

8 Q Okay. Did you do any of the examination
9 of any of the hard drives, or the computers, or the
10 phones, or anything like that?

11 A Just the phones.

12 Q Just the phones?

13 A Yes.

14 Q Who did the examination of the computers?

15 A I believe they were first by Detective
16 Torguson with Woodbury.

17 Q Is that Paul Torguson?

18 A Yes.

19 Q So Woodbury also worked on this case?

20 A Yes.

21 Q Do you know why Woodbury worked on it?

22 A Just volume. Assistance from other
23 agencies just because of the scope of the amount of
24 work. Resources.

25 Q Sure. What was Detective Torguson's

1 specialty?

2 A Computer forensics and investigation.

3 Beyond that, you would have to ask him.

4 Q And this Orfox application that you found,
5 you indicated that it can be used to search the Dark
6 Web. But it can also be used to search the regular
7 World Wide Web, correct?

8 A I believe so, yes.

9 MR. DEVORE: I have no further questions.
10 Thank you.

11 THE COURT: Redirect.

12 MS. KREUSER: Nothing. Thank you.

13 THE COURT: You may step down.

14 Next witness.

15 MS. KREUSER: Thank you, Your Honor. The
16 state calls Angela Richardson.

17 May we approach, Your Honor?

18 THE COURT: You may.

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

21 THE COURT: Members of the Jury: You have
22 heard reference to conduct, or relationship
23 evidence, involving the defendant. You are about to
24 hear evidence, I believe you are about to hear
25 evidence, of conduct by the defendant.

1 This evidence is being offered for the
2 limited purpose of demonstrating the nature and the
3 extent of the relationship between the defendant and
4 Amy Allwine in order to assist you in determining
5 whether the defendant committed those acts with
6 which the defendant is charged in this indictment.
7 That means First Degree Murder.

8 The defendant is not being tried for, and
9 may not be convicted of any behavior other than the
10 charged offense. So you are not to convict the
11 defendant on the basis of that conduct. To do so,
12 might result in unjust double punishment.

13 Call your witness.

14 MS. KREUSER: Thank you, Your Honor. The
15 state calls Angela Richardson.

16 THE COURT: Please come up to the witness
17 chair. Before you sit down, raise your right hand
18 to be sworn.

19 ANGELA RICHARDSON,
20 having been first duly sworn, was examined
21 and testified on her oath as follows:

22 THE CLERK: Please be seated. State your
23 full name and spell your last name.

24 THE WITNESS: Angela Richardson,
25 R-I-C-H-A-R-D-S-O-N.

1 THE COURT: You may proceed.

2 MS. KREUSER: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MS. KREUSER:

5 Q Good afternoon, Ms. Richardson.

6 A Good afternoon.

7 Q Ms. Richardson, where do you live?

8 A Cedar Rapids, Iowa.

9 Q Were you living there from July 2014 to
10 November 2014 as well?

11 A Yes.

12 Q Is it true that you came to know Stephen
13 Allwine?

14 A Yes.

15 Q And it's true that you spoke with
16 detectives from the Cottage Grove Police Department
17 in connection with this matter, correct?

18 A Yes.

19 Q I am going to bring you back to July 2014.
20 Did you begin email communications with Stephen
21 Allwine at that time?

22 A Yes.

23 Q Was that done through your email address
24 Rita's Playhouse at Yahoo dot com that belongs to
25 you?

1 A Yes.

2 Q And you engaged in email messages with who
3 you came to know as Stephen Allwine with the email
4 address Grin, G-R-I-N-5-5-0-7-7, at Yahoo dot com,
5 correct?

6 A I don't recall that particular address,
7 but yes, the communication.

8 MS. KREUSER: May I approach the witness,
9 Your Honor?

10 THE COURT: You may.

11 MS. KREUSER: Thank you.

12 BY MS. KREUSER:

13 Q Ms. Richardson, I am showing you what's
14 been marked as Exhibit 97; do you recognize that
15 document?

16 A Yes.

17 Q Have you had an opportunity to look at
18 that document before?

19 A Yes.

20 Q And you had an opportunity to review all
21 of the messages in that document, correct?

22 A Yes.

23 Q And you would agree that you were the
24 sender of some of the messages in that document,
25 correct?

1 A Yes.

2 Q And the email address that you have just
3 testified to, Ritasplayhouse@Yahoo.com, that's
4 depicted in that document, correct?

5 A Correct.

6 Q Okay. And there is another email address
7 in that document as well, correct?

8 A Yes, I see that.

9 Q And you acknowledge that you have seen
10 that email address before in connection with that
11 message chain, correct?

12 A Yes.

13 Q And it's true that you, yourself,
14 participated in the creation of those messages that
15 are depicted in that document, correct?

16 MR. DEVORE: Your Honor, I am going to
17 object to this line of questions as leading.

18 THE COURT: It is. It's leading.

19 Rephrase. I am sustaining the objection, rephrase.

20 BY MS. KREUSER:

21 Q Okay. How do you know that that is a
22 document that you created, in part?

23 A Because it is a transcript of my
24 particular email address.

25 Q Okay. Do you recall creating those

1 messages?

2 A Yes. Typing those, yes.

3 MS. KREUSER: Your Honor, I would offer
4 Exhibit 97?

5 MR. DEVORE: Can I see it, Your Honor?

6 THE COURT: You may.

7 MR. DEVORE: No objection.

8 THE COURT: 97 is received.

9 MS. KREUSER: Thank you, Your Honor.

10 BY MS. KREUSER:

11 Q Now, Ms. Richardson, I would like to turn
12 your attention to July of 2014. Did you make plans
13 for a date with Stephen Allwine in August of 2014?

14 A Yes.

15 Q Can you explain what happened on that
16 date?

17 A We went out to dinner, then later we
18 played pool.

19 Q And how did this date, based on your
20 recollection, come to be made? Did you have a back
21 and forth, who suggested what; can you just explain
22 the context a little?

23 A Well, it was through email communication.
24 And I believe it was me that suggested going to an
25 Italian restaurant in town for dinner and then also

1 playing pool afterwards.

2 Q So did Stephen Allwine, in fact, come down
3 to Cedar Rapids for this date?

4 A Yes.

5 Q Now, the person that we are referring to
6 is Stephen Allwine. But more importantly, the
7 person that you went on the date with, do you see
8 him in the courtroom today?

9 A Yes. He is seated at that table with a
10 dark suit, and sort of a purplish tie and glasses.

11 MS. KREUSER: Your Honor, may the record
12 reflect that the witness has identified the
13 defendant.

14 THE COURT: The record may so reflect.

15 MS. KREUSER: Thank you.

16 BY MS. KREUSER:

17 Q Ms. Richardson, it's true that after this
18 first date that the defendant contacted you again,
19 correct?

20 A Yes.

21 Q Did you have further email communication
22 with him?

23 A Yes.

24 Q Did you make plans for another date?

25 A Yes.

1 Q And can you explain when, approximately,
2 that was?

3 THE COURT: Ma'am, I don't want you
4 reading from the document. You can certainly look
5 at it, if you need to refresh your recollection.

6 THE WITNESS: Right. I know it was a few
7 months later.

8 BY MS. KREUSER:

9 Q Can you explain what you did, or how you
10 made plans for that date.

11 A Well, we actually went to my apartment and
12 fixed dinner.

13 Q Now, Ms. Richardson, did defendant spend
14 the night on these two dates?

15 A Yes.

16 Q And was there a sexual component of these
17 dates?

18 A Yes.

19 MS. KREUSER: I have no further questions.

20 THE COURT: Cross examine.

21 CROSS EXAMINATION

22 BY MR. DEVORE:

23 Q The second date, that was in 2014?

24 A Yes.

25 Q Was that the last time?

1 A Yes.

2 MR. DEVORE: No questions, Your Honor.

3 Thank you.

4 THE COURT: Anything further?

5 MS. KREUSER: Nothing else for this

6 witness. Thank you.

7 THE COURT: You may step down.

8 Next witness.

9 MS. KREUSER: Thank you. State calls Gena
10 Kroshus.

11 THE COURT: All the way up to the witness
12 chair. And before you sit down, please raise your
13 right hand to be sworn.

14 GENA MARIE KROSHUS,
15 having been first duly sworn, was examined
16 and testified on her oath as follows:

17 THE DEPUTY: Please be seated. State your
18 full name, and spell your last name.

19 THE WITNESS: Gena Marie Kroshus,
20 K-R-O-S-H-U-S.

21 THE COURT: You may proceed.

22 MS. KREUSER: Thank you.

23 DIRECT EXAMINATION

24 BY MS. KREUSER:

25 Q Ms. Kroshus, what is your current

1 occupation?

2 A I stay at home currently.

3 Q What did you do prior to that?

4 A I was police officer with the Cottage
5 Grove Police Department for 11 years.

6 Q Were you a state certified and licensed
7 peace officer?

8 A Yes.

9 Q And can you describe your education and
10 training for the court and the jury to be a police
11 officer.

12 A I have Bachelors Degree in Criminal
13 Justice and a certificate through the State of
14 Minnesota in law enforcement.

15 Q Did you hold any other jobs in law
16 enforcement prior to working for Cottage Grove?

17 A No.

18 Q What was your title with the Cottage Grove
19 Police Department during your time there?

20 A Police officer.

21 Q Can you explain some of your duties?

22 A The majority of my career I was on patrol.
23 I was also assigned to investigations for a year in
24 2010. I was also a Field Training Officer for
25 approximately three years.

1 Q Did you receive training specific to
2 responding for calls for service and taking reports?

3 A Yes.

4 Q Did you do this as part of your regular
5 duties as a police officer with Cottage Grove?

6 A Yes.

7 Q Ms. Kroshus, I would like to turn your
8 attention to March 7, 2016 at approximately
9 11:19 a.m. Were you on duty on that date and time?

10 A Yes, I was.

11 Q Did you take a crime report at that time?

12 A I did.

13 Q Did you take the report on the phone or in
14 person?

15 A In person.

16 Q From whom?

17 A Stephen Allwine.

18 Q What did you learn?

19 A He came in to report a scam. That he had
20 been scammed.

21 Q Okay. And can you explain how -- what
22 this scam involved?

23 A He stated that he had been scammed out of
24 \$6,000.

25 Q Okay. What was he trying to purchase?

1 A He was notified via email from somebody
2 who he believed to have known by the name of Mark.
3 Mark was offering to sell him computer and lab gear
4 and study material. Stephen was interested in this
5 because he stated that it pertained to a project
6 that he was working on at the time.

7 Q Okay. Did he say how he paid for it?

8 A Yes.

9 Q What was that?

10 A Bitcoin.

11 Q Did you obtain any kind of proof of this
12 email?

13 A He did provide me with an email. He
14 forwarded it to me after he had left, but yes.

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

16 THE COURT: You may.

17 BY MS. KREUSER:

18 Q Ms. Kroshus, I am showing you what's been
19 marked as Exhibit 91; do you recognize that
20 document?

21 A Yes, I do.

22 Q What is it.

23 A It's the email that was provided to me by
24 Stephen Allwine.

25 Q All right. What is the date of the email?

1 A The date of the original email, or the
2 date that it was forwarded to me?

3 Q Before I go further, let me just strike
4 that and ask you a different question.

5 Does that depict a true and accurate copy
6 of the email that was provided to you by Stephen
7 Allwine?

8 A Yes.

9 MS. KREUSER: Your Honor, I would offer
10 Exhibit 91.

11 MR. DEVORE: No objection.

12 THE COURT: Received.

13 MS. KREUSER: Permission to publish, Your
14 Honor.

15 THE COURT: Granted.

16 MS. KREUSER: Thank you.

17 BY MS. KREUSER:

18 Q Okay. So now using -- Ms. Kroshus is what
19 is depicted on the screen is that your true Exhibit
20 91?

21 A Yes.

22 Q What is the date that the email was
23 forwarded to you?

24 A March 7th, 2016.

25 Q What was the date of the email that was

1 originally -- that was forwarded to you by Stephen
2 Allwine?

3 A March 3rd, 2016.

4 Q Did he provide any other emails? Any back
5 and forth between him and Mark?

6 A No, he did not.

7 Q Did he tell you whether he received the
8 materials referenced in the email?

9 A He stated he did not receive them.

10 Q Did he explain why he thought he was
11 scammed?

12 A He noticed after some time that the IP
13 header on the email address was an international
14 address, and assumed that he had been scammed based
15 off of that.

16 Q So he appeared to know what this Gorilla
17 Mail was?

18 A Yes.

19 Q You have said that he said that he paid
20 for it in Bitcoin?

21 A Yes.

22 Q Did you follow up on that with him at all?

23 A I did. I had never heard of Bitcoin
24 before. I had no idea what a Bitcoin was, so I had
25 to ask him what a Bitcoin is. He advised me that it

1 is an online currency that is untraceable.

2 MS. KREUSER: Thank you very much. I have
3 no further questions.

4 THE COURT: Cross.

5 CROSS EXAMINATION

6 BY MR. DEVORE:

7 Q Did Mr. Allwine give you the Bitcoin code,
8 the address for that?

9 A No, he did not.

10 Q Did you do a written report on this case?

11 A I did.

12 Q Do you have it with you?

13 A I do not.

14 Q Did Mr. Allwine explain to you what the
15 lab gear was?

16 A No, he did not.

17 Q You didn't ask him what it was for?

18 A No, I did not. Well, what the lab gear
19 was for?

20 Q Yes.

21 A He told me that it was for a project that
22 he was working on.

23 Q That's what I asked you. Did he tell you
24 what it was for.

25 A So yes, he did.

1 Q Did he tell you what he did for work?

2 A Something in computers.

3 Q Did you guys talk about the content of the
4 email that he sent you?

5 A No.

6 Q When he forwarded this email to you, did
7 you have any response back to him?

8 A No, I did not.

9 Q Did you follow up with him afterwards?

10 A I don't recall if I did or not.

11 Q Did you do anything in response to getting
12 the email from Mr. Allwine?

13 A No, I did not.

14 Q When did you write your report?

15 A I would have to have that in front of me,
16 but I would assume I did it that day.

17 Q The day you got the email, or the day you
18 met with Mr. Allwine?

19 A He sent me the email the same day I met
20 with him.

21 Q How did he report it to you initially, did
22 he walk into the police station?

23 A Yes.

24 Q And you just happened to be the officer on
25 duty or something?

1 A I was on light duty, so I was actually
2 working up at the front desk taking lobby calls and
3 walk-in calls, or phone calls -- or reports over the
4 telephone.

5 Q Okay. When did you retire from the police
6 department?

7 A December 31st, 2016.

8 MR. DEVORE: I have no further questions,
9 Your Honor. Thank you.

10 THE COURT: Any redirect?

11 MS. KREUSER: No, Your Honor.

12 THE COURT: You may step down.

13 Next witness.

14 MR. FINK: State calls Jared Landkamer.

15 THE COURT: Please come up to the witness
16 chair. Before you sit down, raise your right hand
17 to be sworn.

18 DETECTIVE JARED LANDKAMER,
19 having been first duly sworn, was examined
20 and testified on his oath as follows:

21 THE DEPUTY: Please be seated. State your
22 full name and spell your last name.

23 THE WITNESS: Jared Landkamer,
24 L-A-N-D-K-A-M-E-R.

25 THE COURT: Before the testimony starts,

1 Members of the Jury, I believe this is also a
2 witness that you will hear some evidence of conduct
3 by the defendant.

4 Again, the evidence is being offered for
5 the limited purpose of demonstrating the nature and
6 extent of the relationship between the defendant and
7 Amy Allwine in order to assist you in determining
8 whether the defendant committed those acts with
9 which the defendant is charged.

10 So he is not being tried for any other
11 offense. That's the gist of what I am telling you.
12 So you are not to convict the defendant on the basis
13 of conduct that you are going to hear about. But it
14 does talk about the nature and extent of the
15 relationship between the defendant and Amy Allwine
16 to assist you in your deliberations on the
17 particular charge here. Go ahead.

18 MR. FINK: Thank you.

19 DIRECT EXAMINATION

20 BY MR. FINK:

21 Q How are you employed, sir?

22 A Detective with Cottage Grove Police
23 Department.

24 Q How long have you been with the Cottage
25 Grove Police?

1 A Since 2003. I started as a Community
2 Service Officer in 2003, and I was sworn as a police
3 officer in 2005.

4 Q Okay. Thank you. As a detective, what
5 are your duties, generally?

6 A Various investigations. Death
7 investigations. Narcotics. People/property crimes,
8 thefts, things of that nature.

9 Q Did you come to be involved in the
10 investigation of the death of Amy Allwine in
11 November of 2016?

12 A I did.

13 Q And did you draft and execute numerous
14 search warrants for email sites and for various user
15 names?

16 A I did.

17 Q More specifically, did you draft a search
18 warrant for the Yahoo account belonging to Steve
19 Allwine? That would be grin55077@yahoo.com?

20 A Yes, I did.

21 Q And did you print out and summarize some
22 of the contents of that search warrant?

23 A I did.

24 MR. FINK: May I approach, Your Honor?

25 THE COURT: You may.

1 BY MR. FINK:

2 Q I would like to show you what's marked
3 Exhibit 97, and ask you if you know what that is?

4 A I do. It's the email conversations from
5 the grin55077 email account with a female who is
6 later identified as Angela Richardson.

7 Q And it concerns two separate instances; is
8 that correct?

9 A Correct.

10 Q What was the first one?

11 A The first communication took place in July
12 of 2014 where Mr. Allwine reached out to Angela and
13 responded to a Backpage posting that Angela had had.
14 He had asked her how much for an overnight visit.

15 MR. FINK: Excuse me. May we approach?

16 THE COURT: You may.

17 (Court and counsel had a discussion off
18 the record at the bench.)

19 THE COURT: All right. The last comment
20 made by Mr. Landkamer is stricken. You are to
21 disregard it. It was not responsive to the
22 question, and it was an improper answer. It is to
23 be stricken. I will be careful in not allowing not
24 only leading questions, but also hearsay information
25 and other things that may be improper. I am the one

1 that considers those rules. You're not the ones who
2 have to worry why I make the rules, but that is our
3 ruling.

4 And we, in fact, are going to take a short
5 break. Go with the deputy, and I have -- we have
6 something to take care of.

7 By the way, this is not a 20 minute break.
8 Right next door will do just fine.

9 (The jury exited the courtroom.)

10 (A recess was taken.)

11 THE DEPUTY: Remain seated and come to
12 order.

13 THE COURT: Are you ready to go, Mr. Fink?

14 MR. FINK: Yes, Your Honor. I'm sorry for
15 the delay, but it looks from the lines out the
16 restroom doors that it was well received.

17 THE COURT: That's fine. Is the jury
18 ready to come back?

19 THE DEPUTY: All rise for the jury.

20 (The jury returned to the courtroom.)

21 THE COURT: Everyone please be seated.

22 Mr. Fink, you may continue with your
23 direct examination.

24 MR. FINK: Thank you.

25

1 BY MR. FINK:

2 Q Mr. Landkamer, there was on Exhibit 97,
3 there was email traffic between Angela Richardson
4 and Stephen Allwine; is that right?

5 A Correct.

6 Q Now, going to the first date, if you will,
7 when was that to occur?

8 A They started communicating late July,
9 July 24th or 25th, I believe. The date was
10 ultimately set forth for August 1st of 2014.

11 Q What was the date to entail, based upon
12 the email conversation?

13 A An overnight encounter. Also, they also
14 agreed on getting dinner at an Italian restaurant
15 prior to starting the overnight visit.

16 Q And the second instance was when?

17 A That was later in the year. The
18 communication started October of 2014. Mr. Allwine
19 sent Angela an email saying that he had a good time
20 with her last time, and asked if she would be
21 available for another overnight visit.

22 Q And what did she indicate?

23 A She indicated she would be up for that.
24 The two communicated about instead of going out to
25 dinner this time, staying in her apartment and

1 making a lasagna dinner.

2 Q And who suggested that?

3 A Mr. Allwine.

4 Q In fact, he even provided the recipe; is
5 that right?

6 A He did.

7 Q Also, as a result of the search warrant
8 executed on Grin55077@yahoo.com, you received some
9 other information; is that right?

10 A I did.

11 Q Showing you --

12 MR. FINK: May I approach?

13 THE COURT: Yes, you may.

14 BY MR. FINK:

15 Q I would like to show you Exhibit 98
16 through 101 inclusive. Have you take a look at
17 those, please.

18 A Yep.

19 Q What is Exhibit 98?

20 A Exhibit 98 is an incoming email from a
21 website called Naughtydate.com.

22 Q That was found on defendant's Grin55077
23 Yahoo account?

24 A It was.

25 MR. FINK: I would move 98 into evidence,

1 Your Honor.

2 MR. DEVORE: No objection.

3 THE COURT: Received.

4 BY MR. FINK:

5 Q Exhibit 99, what does that represent?

6 A It is an email into an incoming email and
7 then into Mr. Allwine's Yahoo account from
8 Lonelymilfs.com.

9 Q And it's MILFS, M-I-L-F-S?

10 A Correct.

11 Q What does that stand for; do you know?

12 A Yeah, I do. Pardon my language, but it's
13 Mother I'd Like to Fuck.

14 MR. FINK: Move that into evidence, Your
15 Honor, 99.

16 MR. DEVORE: No objection.

17 THE COURT: Received.

18 BY MR. FINK:

19 Q Okay. Now back to Exhibit 98, what was
20 the date on that?

21 A December 18th, 2016.

22 Q And the date on Exhibit 99?

23 A December 19th, 2016.

24 Q Now, referring to Exhibit Number 100; what
25 is that?

1 A That is also an incoming email from
2 Naughtydate.com.

3 Q And what date is represented on that?

4 A December 20th, 2016.

5 MR. FINK: Move 100's admission.

6 MR. DEVORE: No objection.

7 THE COURT: It's received.

8 BY MR. FINK:

9 Q Referring to Exhibit 101; what does that
10 appear to be?

11 A It's an email from -- incoming email into
12 Mr. Allwine's account for adult affairs network
13 agent.

14 MR. FINK: Move admission of 101.

15 MR. DEVORE: No objection.

16 THE COURT: Received.

17 BY MR. FINK:

18 Q And what is the date on Exhibit 101?

19 A December 22, 2016.

20 Q Did you also find in the documentation
21 that you received from that execution of the search
22 warrant on the grin55077@yahoo.com a series of
23 emails between the defendant and an Autumn Hamilton?

24 A I did.

25 MR. FINK: Approach?

1 THE COURT: You may.

2 BY MR. FINK:

3 Q Detective, I am showing you Exhibit 102,
4 and ask you if you know what that is?

5 A Yes.

6 Q What is it?

7 A This is an email exchange between
8 Mr. Allwine and Autumn Hamilton.

9 Q That was received in the proceeds of the
10 search warrant on his Yahoo account?

11 A Correct.

12 MR. FINK: I would move the admission of
13 Exhibit 102.

14 MR. DEVORE: No objection.

15 THE COURT: Received.

16 MR. FINK: During the course of your
17 involvement in this investigation, did you draft and
18 execute a search warrant on user name
19 bitwalletlb91@gmail.com?

20 A I did.

21 Q Did you receive information from that
22 search warrant?

23 A I did.

24 Q What did you receive?

25 A There was incoming -- excuse me, incoming

1 messages only from that particular email account. I
2 noted that there were several conversations
3 involving Bitcoin transactions.

4 Q Did it identify the sender of those
5 messages?

6 A It did.

7 Q Who was that?

8 A There were several. One being Ryan
9 Seidel. The other one was a gentleman Mike Borch.

10 Q Borch?

11 A Borch, excuse me. The last one was a
12 person with user name Bitcoin girlfriend.

13 MR. FINK: Approach?

14 THE COURT: You may.

15 BY MR. FINK:

16 Q Showing you Exhibit 96, and ask you if you
17 know what that is.

18 A I do.

19 Q What is it?

20 A It is the incoming conversation from
21 Mr. Ryan Seidel where they are communicating about
22 meeting at a Wendy's in South Minneapolis to
23 exchange some Bitcoins.

24 Q On what date?

25 A That would be March 4th of 2016.

1 MR. FINK: I will move the admission of
2 Exhibit 96.

3 MR. DEVORE: No objection.

4 THE COURT: Received.

5 BY MR. FINK:

6 Q Did you have the occasion to conduct an
7 open source search on the Internet using dogdayGOD
8 as the entry?

9 A I did.

10 Q What's an open source search?

11 A A free search engine such as Google, Bing;
12 things of that nature.

13 Q So you just typed in dogdayGod in Google
14 or whatever?

15 A Correct.

16 Q Did you receive any hits for that?

17 A Yes.

18 Q What did you receive?

19 A There was a link to a website called Dream
20 Market in which the dogdayGod user was looking to
21 purchase a drug called scopolamine.

22 MR. FINK: Approach?

23 THE COURT: You may.

24 BY MR. FINK:

25 Q Now, your open search, was that conducted

1 on your work computer?

2 A Yes.

3 Q I am showing you what's marked Exhibits
4 117 and 118.

5 A Yes.

6 Q 117, do you know what that is?

7 A I do.

8 Q What is it?

9 A It's a posting on the website that I was
10 referring to, Dream Market Forum, looking for
11 somebody physically located in the Minneapolis area.

12 Q That's the text on it?

13 A Right. Correct.

14 Q That's a screen shot of your search; is
15 that right?

16 A Yes.

17 MR. FINK: Move 117 into evidence.

18 MR. DEVORE: No objection.

19 THE COURT: Received.

20 BY MR. FINK:

21 Q What is 118, sir?

22 A 118 is also from a screen shot from the
23 Dream Market Forum where dogdayGod is asking anyone
24 if they have scopolamine for sale.

25 Q Was there any responses?

1 A There was. There was a couple that
2 advised dogdayGod that there is a seller, but that
3 they are to avoid him. And also telling him that
4 the drug is dangerous and to stay away from it.

5 MR. FINK: Move 118 into evidence, Your
6 Honor.

7 MR. DEVORE: No objection.

8 THE COURT: Received.

9 BY MR. FINK:

10 Q Did you at some point in the summer of --
11 spring and summer of 2016, become aware of
12 defendant's report of being scammed by someone of
13 \$6,000?

14 A I did.

15 Q What did you do to follow up on that?

16 A I drafted search warrants for his email
17 accounts, and checked the email accounts for any
18 further communication between the defendant and the
19 mystery man identified as Mark.

20 Q Did you receive documentation from that
21 search warrant?

22 A I did.

23 Q Did you go through it?

24 A Extensively.

25 Q And was there any indication that

1 defendant had corresponded with anyone about
2 training supplies?

3 A There was not.

4 Q Do you know what an anonymized email is?

5 A I do.

6 Q And in fact the email that was turned over
7 to the police by defendant was from an anonymized
8 email address; is that right?

9 A Correct.

10 Q Could you explain that to the jury?

11 A It's an anonymized email is an email that
12 if you want to remain totally anonymous, they have
13 different applications you can -- or different sites
14 such as Gorilla Mail. You enter the recipients
15 email address and that will send out an email. And
16 it hides your email address so it makes it look like
17 it's coming from an unknown person. They are
18 virtually untraceable because they bounce all around
19 the country. It will show that it's from Eastern
20 Europe or somewhere, when actually it could be your
21 neighbor, or just anyone that wants to remain
22 anonymous.

23 Q Did you draft and execute a search warrant
24 to two of Amy Allwine's email accounts?

25 A I did.

1 Q That would be AAllwine@gmail.com, and
2 Amy@Activedogsportstraining.com; is that right?

3 A Correct.

4 Q For what purpose?

5 A To see if she was communicating with
6 anybody. With the information of the anonymous
7 threats that she had, one of those threats it
8 alluded to the fact that Amy was maybe involved in a
9 relationship with somebody. I believe it said
10 something to the effect of, she destroyed her
11 marriage, or something to that nature.

12 So the primary purpose was to look to see
13 if there were any secret conversations, or if she
14 had any contact with any male figures. Or even if
15 she was confiding in any of her friends or family
16 members about things that were going on in her life.

17 Q Did you receive proceeds from each of
18 those search warrants?

19 A I did.

20 Q Did you go through all of them?

21 A Extensively as well.

22 Q Did you find anything to indicate that Amy
23 Allwine was talking to other men except on business
24 issues related to dog training?

25 A None whatsoever.

1 Q Now, directing your attention to June 23rd
2 of 2016; do you remember that date?

3 A I do.

4 Q Now, you were a warrant officer that date,
5 right?

6 A Correct.

7 Q You were working that day and you received
8 either a report or a dispatch; is that right?

9 A Correct.

10 Q Directing you to do what?

11 A Check on a suspicious vehicle that was
12 parked down the street from the Allwine residence.

13 Q And did you do that?

14 A I did.

15 Q What did you find?

16 A I found a male who was just taking a nap
17 in his vehicle.

18 Q Did he explain why he was there, and why
19 he was taking a nap?

20 A He did. He stated that he worked a couple
21 miles away and he was on his lunch break and he was
22 just there taking a nap.

23 Q What kind of vehicle was it?

24 A Blue minivan.

25 MR. FINK: That's all.

1 THE COURT: Cross.

2 MR. DEVORE: Thank you, Your Honor.

3 CROSS EXAMINATION

4 BY MR. DEVORE:

5 Q Detective, I didn't catch it at the
6 beginning. What is your background, educational
7 background?

8 A Associates Degree from Century College.

9 Q And then you started with -- did you start
10 with Cottage Grove in 2005, or is that when you
11 became a detective?

12 A No. I started in 2003 as a Community
13 Service Officer. I got sworn in as an officer in
14 2005. I did a tour in 2007 as a rotator detective.
15 Then I did several years up at Washington County as
16 a narcotics detective. And my current assignment, I
17 am a general detective.

18 Q Is that what -- did you say general?

19 A General, that's what we call it. Yes,
20 sir.

21 Q Do you have any specialized training in a
22 lot of this computer forensic stuff that you have
23 been talking about today?

24 A No.

25 Q Do you have any training at all in the

1 computer forensic stuff?

2 A Sure. Limited. We have a computer
3 forensic expert in our unit, so he is primarily in
4 charge of doing the forensic stuff.

5 He will extract the information, and then
6 us general people will decipher through it, and go
7 through it.

8 Q Oh, okay. Who is that person?

9 A Detective Terry Raymond.

10 Q Now, Exhibits 98, 99, 100 and 101; do you
11 have those in front of you?

12 A I do.

13 Q Those are those incoming emails that you
14 found in the email address, correct?

15 A Correct.

16 Q Did you find that any of those emails were
17 responded to?

18 A I did not.

19 Q And it looks like they are still in bold.
20 Does that mean that they weren't open, or can you
21 tell whether or not they were opened?

22 A I can't say whether they were opened or
23 not.

24 Q These were incoming emails, correct?

25 A Correct.

1 Q Now, you interviewed Troy Larson; is that
2 right?

3 A I was with Detective Eulin ?? yes.

4 Q Who is Detective Eulin?

5 A He is a detective with -- in our police
6 department.

7 Q What's his first name?

8 A Tom.

9 Q Who is Troy Larson?

10 A He is a neighbor of the Allwines.

11 Q Did you also interview some of the dog
12 trainers as well?

13 A I did.

14 Q Which ones?

15 A Honestly, there was an extensive list. I
16 can't name them offhand, I apologize.

17 Q Did you prepare any reports in this case?

18 A I did.

19 Q Written?

20 A Yes, sir.

21 Q When you write a report, what's the
22 purpose of you writing a report?

23 A To document the information that was
24 received.

25 Q Did you receive training in writing police

1 reports?

2 A Absolutely.

3 Q What do they tell you to put in those
4 reports?

5 A The information that is received.

6 Q That's because why? What's the importance
7 of writing down what information you receive?

8 A To recall it at a later date.

9 Q Because sometimes you don't go back to
10 those cases for quite some time; is that correct?

11 A Correct.

12 Q Sometimes you forget?

13 A Correct.

14 Q But did you look at your reports then to
15 refresh your recollection of things that happened?

16 A Yes.

17 Q Did you do that in preparation for today?

18 A I did.

19 Q Did you also meet with the county
20 attorneys at any point to prepare for your
21 testimony?

22 A I did.

23 Q When was that?

24 A A month ago maybe. I'm not sure of the
25 exact date.

1 Q Now, you talked about you searched -- I
2 believe you said you searched Amy's computer at some
3 point looking for communications with suspicious
4 people.

5 A Her email accounts.

6 Q Email accounts?

7 A Correct.

8 Q How did you get those? Did you get those
9 in like a printout form, or on the computer, or how
10 do you get them?

11 A On one of the accounts, I believe it was
12 the active dog account, there was too much
13 information to put on a disk. Typically, we get
14 either a thumb drive or a disk. There was -- the
15 volume of emails in that account was way too big, so
16 I spoke with the legal department and they provided
17 me with her log in information so I could log in
18 directly to their server and review it from there.

19 Q The legal department of where?

20 A I believe it was Blue Host or whoever was
21 in charge of managing the Active Dog email server.

22 Q Okay. So how many emails are we talking
23 about?

24 A Tens of thousands.

25 Q So you went through tens of thousands of

1 emails?

2 A Absolutely. More than that.

3 Q How many emails do you think you had to
4 look through?

5 A Thousands. I mean, Amy's email accounts
6 were astronomical, so I mean, she probably had
7 20,000 just in hers.

8 Q Some were just junk email, I assume?

9 A Majority of them were spam.

10 Q Where did you find those, just in her
11 inbox or what?

12 A In the spam folder.

13 Q So she had a number of different folders
14 and you searched through all those, too?

15 A Correct.

16 Q So you had a, sounds to me when you say
17 tens of thousands, you're talking 20, 50,000 emails?

18 A Probably, yes.

19 MR. DEVORE: I have no further questions.

20 Thank you.

21 THE COURT: Redirect.

22 MR. FINK: No, Your Honor.

23 THE COURT: You may step down.

24 MR. FINK: May we approach?

25 THE COURT: You may.

1 (Court and counsel had a discussion off
2 the record at the bench.)

3 THE COURT: Members of the jury: We are
4 not going to hear any more testimony today. I am
5 going to take just a few minutes to make sure you
6 understand a variety of things.

7 Anytime you do hear evidence of conduct by
8 a defendant, in terms of a variety of things that
9 you have been hearing, note that he is not being
10 tried for any separate offense. The purpose of
11 those offerings is for demonstrating the nature and
12 extent of the relationship between the defendant and
13 Amy Allwine to assist you in determining whether the
14 defendant committed the acts with which he is
15 charged in this case. So keep that in mind. There
16 may be other witnesses, and I may remind you of that
17 again.

18 Now, as you go home tonight, of course do
19 not create your own demonstrations or reenactments.
20 Don't do your own investigation. Don't ask anybody
21 about the case. Don't visit any location mentioned
22 in the trial. Don't get on the Internet to do any
23 exploring about this case. Do not read or listen to
24 news reports on newspapers, magazines, radio,
25 television, podcasts, Internet, anything. Don't do

1 that. Do not report your experiences to anyone else
2 as a juror.

3 My former instructions will apply to you
4 and they will apply to you very seriously. And
5 again, to the extent that you are thinking why is he
6 saying this over and over, it is because it is
7 important. Don't let outsiders influence you. That
8 includes family members and friends, and anyone else
9 who is not actually involved in this trial. Don't
10 discuss the case with other jury members during the
11 trial. Don't talk to anybody about this case.
12 Anybody.

13 You will have plenty of time to do this,
14 in terms of your fellow jurors at the end of the
15 trial when I send you to the jury room with
16 instructions and the verdict forms.

17 Don't talk to the defendant, the lawyers,
18 or the witnesses about anything. If anyone tries to
19 discuss this case with you outside of the courtroom,
20 report it to me. That's an important part of what I
21 am telling you.

22 When you go home, of course, which you are
23 about to do now, don't talk to your family, friends,
24 or anybody else about this case. It's the same
25 instruction that I have given you before. You tell

1 them you are a juror on a criminal case, and that is
2 all you should tell them.

3 I believe you have been obeying my request
4 not to have electronic equipment with you in the
5 courtroom, even if it is shut off, and I thank you
6 for that. Having said that, you are going to
7 likely, some of you anyway, go right to your cell
8 phone, or right to a computer, or something like
9 that when you leave, and you can do that. But I
10 don't want you looking up anything regarding this
11 case. Please remember all of those instructions.

12 You are free to go. Have a good evening.
13 Come in at 8:30 in the morning, and we will try to
14 start by 9:00.

15 (The jury exited the courtroom.)

16 THE COURT: Thank you. See you tomorrow
17 morning.

18 (Court was in recess for the day.)

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

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REPORTER'S CERTIFICATE

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

Dated: July 16, 2018

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

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