

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 XIV**
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 26th 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 and Fred A. Fink, Jr.,
20 Assistant Washington County Attorneys, appeared as
21 counsel for and on behalf of the State.

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

25

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

3 THE COURT: Please be seated. All right.
4 Before we bring the jury in, Mr. DeVore, I know you
5 were asking me to do something I did not do
6 yesterday, and you were going to do some exploring
7 overnight. Is there anything you wish to put on the
8 record right now?

9 MR. DEVORE: Your Honor, my understanding
10 is that maybe Michelle Frascone might be here today.
11 And at some time during a break if I could have a
12 conversation with her, I might be able to -- might
13 not be an issue.

14 THE COURT: All right. We will certainly
15 allow you to do that.

16 Would counsel approach, then.

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

19 THE DEPUTY: All rise for the jury.

20 (The jury returned to the courtroom.)

21 THE COURT: Everyone please be seated.

22 Good morning, members of the jury. Thank
23 you for your patience.

24 As you now have found out, significantly
25 there are times when we will have breaks in this

1 trial because of issues that come up that need to be
2 dealt with that do not require and cannot have the
3 jury present. That will happen from time to time.
4 You need not worry yourself about the reason for
5 those breaks. But I do thank you for your presence,
6 and I thank you for your patience.

7 Let's go to the prosecution. Call your
8 next witness.

9 MS. KREUSER: Thank you, Your Honor. The
10 state calls Sharon Middendorf.

11 THE COURT: Please come up to the witness
12 chair. Before you sit down, please raise your right
13 hand to be sworn.

14 SHARON MARIE MIDDENDORF,
15 having been first duly sworn, was examined
16 and testified on her oath as follows:

17 THE CLERK: Please be seated. State your
18 full name and spell your last name.

19 THE WITNESS: Sharon Marie Middendorf,
20 M-I-D-D-E-N-D-O-R-F.

21 THE COURT: You may proceed.

22 MS. KREUSER: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MS. KREUSER:

25 Q Good morning, Ms. Middendorf.

1 A Good morning.

2 Q Did you know Amy Allwine?

3 A Yes.

4 Q When did you first meet her,
5 approximately?

6 A I met Amy in 2002 because I had a dog.

7 Q Okay. Can you explain how you came to
8 know Amy because of your dog?

9 A I had a border collie mix that needed a
10 job to do before she destroyed my house. So I
11 needed to get her into agility. So I hooked up with
12 agility program at All Breed, and Amy was the
13 instructor. Fell in love with Amy that first day.
14 She, and Izzy my dog, and I had a great time
15 learning agility through her.

16 Q What is agility?

17 A Agility is an obstacle course that you
18 train your dog to go around, like ramps and weaves,
19 and tunnels, and jumps. If you're lucky you keep up
20 with your dog. Amy was the one that guided us
21 through this, and got us to a national title.

22 Q What was All Breed?

23 A All Breed was a training school in the
24 suburb of Woodbury, Minnesota.

25 Q Can you explain the evolution of Amy's

1 career after -- or during and after All Breed?

2 A In around 2006-2007, Amy was approached by
3 the owner of All Breed to take over the agility
4 program permanently, as an owner of that program to
5 school, and develop her own agility schooling. And
6 we had coffee one morning, and Amy shared that news
7 with me and asked me if I would come and join her.
8 I had already been instructing agility classes at
9 All Breed under Amy's guidance. I said that I would
10 be more than happy to go anywhere with you. And the
11 school started in 2008.

12 Q What was that school's name?

13 A Active Dog Sports Training.

14 Q So was your relationship only professional
15 with Amy, or was it friendly as well?

16 A Amy was my closest friend.

17 Q Take your time, Ms. Middendorf.

18 Can you, when you feel comfortable,
19 describe your friendship with Amy.

20 A Oh, knowing Amy is like knowing the
21 brightest light in the world. She was always there
22 for you with love, with joy, with compassion.
23 Always giving of herself. And we had some amazing
24 times together.

25 We would travel around the country to

1 different events either for continuing education for
2 ourselves as instructors, or with our dogs to do
3 different things. Go to competitions. We competed
4 both in agility and a sport called Nosework. We
5 send the dog out to find a certain odor, and we have
6 to be able to read our dog and call alert and get an
7 award for that. Or we would go to camps with our
8 dogs.

9 During all of those trips, we spent many,
10 many hours laughing, talking, getting to know each
11 other, sharing stories about college, about family,
12 friends, and amazingly enough dogs.

13 Q So that brings me exactly to my next
14 question. I assume -- can you explain whether Amy
15 owned dogs, and if so, what kinds, how many?

16 A When I first knew Amy, she had two dogs.
17 Freckles who was an Australian Shepherd. And
18 Oxford, another Australian Shepherd.

19 As things happen in life, she lost
20 Freckles. She got another dog. She got George. An
21 Australian Shepherd, wild child. Then she finally
22 got a Newfie Bosen (ph) so she had many dogs in her
23 life.

24 Q What's a Newfie?

25 A A Newfoundland.

1 Q Now, Amy was a mother?

2 A Yes.

3 Q Did she talk about her son?

4 A Oh, she loved talking about Joseph.

5 Q Can you explain when you said that she
6 loved talking about Joseph?

7 A Oh, she took great joy in talking about
8 his passion for cars. And just insatiable interest
9 in everything in the world, and his curiosity. That
10 he loved being with the dogs with her. He would
11 come and make up different things that they could
12 do, in training classes even. He was taking part in
13 helping teach the dogs Nosework. The trips that
14 they would take together when they would go every
15 fall on a trip with the family and she would be
16 looking forward to the things she could be doing
17 with Joseph there. The sports that he was involved
18 with. She just loved that boy.

19 Q Now, Amy was married?

20 A Yes.

21 Q Did she talk about her husband at all?

22 A Some, but not much.

23 Q To whom was she married?

24 A To the defendant.

25 Q What's his name?

1 A Stephen Allwine.

2 Q And you have met him before, interacted
3 with him?

4 A On occasion, yep.

5 Q Now, that person that you knew as Stephen
6 Allwine, and met, and interacted with; do you see
7 that person here today?

8 A Yes.

9 Q Can you point him out and explain --

10 A He's sitting over there (pointing).

11 Q And can you explain where he is sitting
12 and describe some articles of clothing that he's
13 wearing?

14 A He's sitting to the left of the attorney
15 and he's wearing what looks like a green,
16 greenish/brown jacket.

17 MS. KREUSER: Your Honor, may the record
18 reflect that the witness has identified the
19 defendant.

20 THE COURT: The record may so reflect.

21 MS. KREUSER: Thank you, Your Honor.

22 BY MS. KREUSER:

23 Q Now, Ms. Middendorf, can you explain in
24 the months leading up to November, 2016 what was
25 your involvement in the dog business, and what did

1 you do?

2 A I was teaching mostly the Nosework
3 classes. I taught about nine classes a week. And
4 then a sport called waggets (ph) which took many of
5 the competition type sports in the dog world down to
6 the family dog level and made it very accessible for
7 anybody to come and have fun with their dog at the
8 school. And then a little bit of agility as well.

9 Then also working with Amy on developing
10 curriculum program, and just some basic operational
11 things with the school. I helped manage the web
12 site, as well as the -- it's called Dog Biz Pro
13 which was the software class registrations and
14 things like that.

15 Q Now, were all classes for the business
16 held at the dog facility?

17 A No. We would do field trips sometimes.
18 But for the most part, we were either down at the
19 Cottage Grove facility. Or if it was agility, we
20 had two locations. One was at the Cottage Grove
21 facility and the other one was in Woodbury.

22 Q When you say the Cottage Grove facility,
23 what are you referring to?

24 A That's the one on 110th Street.

25 Q In relation to the Allwine residence, can

1 you explain distance, roughly?

2 A It was on the property. Maybe from the
3 residence itself maybe about 50 yards away.

4 Q Thank you. How often were you there at
5 that facility on a given week?

6 A Any given week, I could be down there four
7 to five times.

8 Q So you're familiar with the area itself
9 and the setup?

10 A Yes.

11 Q Can you describe the road, when you say
12 110th Street coming into the property, what that
13 looks like. And then the various ways you could
14 enter and exit the property itself?

15 A Well, 110th Street itself is a dead end
16 lane. It ends at a nature preserve. The property
17 is at the end of that lane. It is a paved road
18 itself. And there were three ways onto the
19 property. There was a small road just before the
20 house itself that took you to a section of the
21 property back behind, and then the main driveway
22 toward the house. And then just beyond that, there
23 was another drive to the main entrance of the dog
24 training school. I'm sorry, there's a fourth one,
25 too. Way down just a little dirt road to the back

1 end of where the agility ring was located.

2 Q Would it be uncommon to hear cars drive by
3 when you were at the facility?

4 A No, it was very common.

5 Q How about the rate of speed, or their
6 travel?

7 A It varied. You would hear some cars go
8 down there, you know, at fairly high speeds for that
9 lane or some just at very slow speeds.

10 Q Was there hunting activity in the area?

11 A Yes.

12 Q Can you explain?

13 A We would hear like gunshots. It was very
14 common to hear those on the lane just because when
15 we were out in the area is near the river. So there
16 is a lot of country space, farm land, open space,
17 and we would hear gunshots there on a regular basis.

18 Q Now, gunshots from what exactly?

19 A I couldn't give you an answer to what type
20 of weapon.

21 Q Are we talking hunting or --

22 A Yep. As far as I could tell, yes.

23 Q Okay. Can you explain, having testified
24 to your relationship with Amy, her demeanor in the
25 months leading up to November 2016?

1 A Privately, she would share things with me.
2 But for our students, and in public, Amy did the
3 best she could to have a brave face. She was one of
4 the bravest people I knew as she was going through
5 this. She kept her focus on wanting to be
6 supportive for everyone she met, for the students,
7 for her instructors. Just was there. She was an
8 amazing woman. She gave of herself every single
9 time you were around her.

10 Q When you say "privately" she would share
11 things with you; can you explain?

12 A She shared with me one of our trips in
13 September when we went to New York the full details
14 of the FBI investigation that was going on.

15 Q What did she say about that?

16 A Well, she would tell me that she was, you
17 know, how this was affecting her. We would talk
18 about whether or not this was someone we could
19 figure out who it was. There was no one we could.
20 She would also just say that she was thinking that,
21 perhaps, it would be time to scale back in her world
22 and focus more on family and faith. Things like
23 that.

24 Q Was Amy -- did her health suffer in any
25 way because of the stress?

1 A I would say, I would notice that she was
2 more fatigued. That she had some short term memory
3 issues, and that she had more migraines.

4 Q Okay. When you say she had short term
5 memory issues, what stands out in your mind?

6 A We would have a conversation one day, and
7 then pick it up the next day, and she wouldn't have
8 recalled some of the details that we had. You know,
9 talking about setting up classes or who was going to
10 be teaching, things like that.

11 Q Did -- in sharing with you the details
12 about these threats on her life, did she ever
13 discuss with you security measures that she took in
14 the home, or around the home?

15 A She had told me they had installed a
16 security system. That they had purchased a gun.
17 And that she had been counseled on different things
18 to do, and how to be more self aware as she was
19 going out and about by the police department and the
20 FBI.

21 Q Did she tell you who purchased the gun?

22 A I don't recall that she did.

23 Q Now, you had testified that you had had
24 the opportunity to meet and interact with Stephen
25 Allwine on occasion in the past, correct?

1 A Yes.

2 Q Can you explain his general demeanor based
3 on your perception?

4 A I never felt comfortable around him.
5 There was an aloofness, a standoffish nature that
6 made it very difficult to even have a general
7 conversation with him.

8 Q Was he involved with the dog business?

9 A No.

10 Q What was Amy's general outlook on her
11 business?

12 A Oh, this was her dream. She loved this
13 business. And we were in the midst of planning for
14 what we were going to be doing in 2017. What we
15 could be adding, you know, as far as classes and new
16 instructors, and new sports for the thing. This was
17 her joy, you know, as far as her profession.

18 Q You just mentioned that you had made
19 future plans with Amy Allwine. Can you explain what
20 those plans were and when?

21 A We were getting the schedule ready for the
22 2017 Nosework program. And part of that program
23 involves holding different competitions. We call
24 them trials. What we were going to be doing for
25 different competitions in Nosework in the area.

1 With what kind of levels we would be doing for the
2 dogs. Where we want to be holding them. How we
3 were going to work on the logistics. Who would be
4 helping to manage them and how many we were going to
5 have.

6 She was also working on developing the
7 agility program for 2017. Then what we really
8 wanted to do was focus on growing what we call the
9 Wags program. That was the program where we took
10 the sports and lowered them down for just the
11 average dog owner to come in and play.

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

14 THE COURT: You may.

15 BY MS. KREUSER:

16 Q Ms. Middendorf, I am showing you what's
17 been marked as Exhibit 106. Do you recognize this
18 picture?

19 A Yes, I do.

20 Q What is it a picture of?

21 A This is a picture of Amy with her
22 Australian Shepherd, George.

23 Q And does that accurately depict how you
24 would often see Amy, whether that's with her own
25 dogs, or in the dog business?

1 A Yes, it does. This depicts how Amy was
2 not just for dogs, but for everyone around her. The
3 smile, the body language. Just the joy.

4 Q And that's a true and accurate copy of the
5 picture that you've seen in the past, correct?

6 A Yes.

7 MS. KREUSER: Your Honor, I would move for
8 admission of Exhibit 106.

9 MR. DEVORE: No objection.

10 THE COURT: 106 is admitted.

11 MS. KREUSER: Thank you.

12 BY MS. KREUSER:

13 Q Ms. Middendorf, I would like to draw your
14 attention to November 13, 2016.

15 A All right.

16 Q Now, did you communicate with Amy Allwine
17 that day?

18 A I sent her a text about midmorning telling
19 her that I had accidentally deleted the Facebook
20 icon on our website, and I didn't know how to get it
21 back.

22 Q Did she respond to you?

23 A She responded some time after 12:00 to me
24 that she had done it herself, and she would take
25 care of it.

1 Q Did you hear from her again that day?

2 A I did not.

3 Q Did you hear about her passing on that
4 day?

5 A I did.

6 Q Who did you hear that from?

7 A I heard it from her mother.

8 Q Now, would you say that you knew Amy
9 Allwine well?

10 A Yes.

11 Q Was Amy Allwine's faith important to her?

12 A It was vital to her existence.

13 Q How do you know that?

14 A Because every trip we took involved going
15 on a weekend. And her devotion to her faith was so
16 profound that she would not take part in any event
17 on her Sabbath. And I knew she struggled with that,
18 because she was missing out on getting continuing
19 education, on being with the people that were part
20 of the Nosework community or agility community. But
21 her belief was that was far more important to be
22 there for her family and for God, she would never
23 give that up.

24 Q Based on your friendship with Amy Allwine
25 and your knowledge of Amy Allwine, was she suicidal?

1 A No.

2 Q Ms. Middendorf, you know a lot of people
3 involved with Amy's dog business, and in the dog
4 community, correct?

5 A Yes.

6 Q Do you know of anyone, at any time, who
7 ever wanted to hurt Amy Allwine?

8 A No.

9 Q To your knowledge, based on what you have
10 testified regarding your friendship with Amy
11 Allwine, did she have any enemies, or was anyone
12 angry with her?

13 A No.

14 MS. KREUSER: I have no further questions.

15 THE COURT: Cross examine.

16 MR. DEVORE: Thank you.

17 CROSS EXAMINATION

18 BY MR. DEVORE:

19 Q Ms. Middendorf, Amy talked favorably about
20 her husband and her marriage; isn't that right?

21 A For the most part, yes.

22 Q She said she had a happy marriage; is that
23 correct?

24 A Yes.

25 Q Now, you said that you managed a website

1 for Amy's business.

2 A I would do updates to it, yes.

3 Q You said you also administered the dog
4 training scheduling program?

5 A I helped participate in that, yes.

6 Q Were you an owner of the business?

7 A No.

8 Q What was the dog scheduling program?

9 Explain that to me.

10 A It's call Dog Biz Pro. That's where we
11 set up the classes for the students to go online to
12 register for their classes. They could have a link
13 to her Pay Pal account to make payments. They could
14 find out information about what a certain class was
15 about and maybe even who was instructing it.

16 Q And who would have access to that;
17 trainers and customers?

18 A It was a website, so anyone could access
19 the front facing part of the website.

20 Q Then they could sign up for a class or
21 something like that?

22 A Yes.

23 Q Then they had to pay for the classes?

24 A Yes.

25 Q How much did they charge for the classes?

1 A It depended on the class.

2 Q Give me an idea of what they ranged?

3 A It could range between \$75 to \$175.

4 Q Is that per hour?

5 A Yes.

6 Q Are most of the classes hour classes?

7 A Yes.

8 Q When are these classes, every day of the
9 week?

10 A There were no classes on Saturdays. We
11 held them mostly Sunday afternoons through
12 Thursdays.

13 Q So on a typical Sunday tell me about the
14 day, as far as the training goes?

15 A There would be, probably from maybe two in
16 the afternoon to five, or later, just depended on
17 the schedule. Each session had a different schedule
18 depending on what we needed to offer the students.

19 Q Did some people arrive at the Allwine
20 arena, the place where you do the dog training, did
21 they arrive earlier than 2 o'clock frequently?

22 A They would typically arrive 10 to 15
23 minutes earlier just to get their dogs pottied. And
24 if they had a crate they needed to set up, they
25 would do that so they would be ready for when the

1 class started.

2 Q How about other trainers, would some of
3 them come at different times, maybe even in the
4 morning sometimes?

5 A On occasion, if there was a class being
6 held, or they were doing private lessons, or we had
7 a specialty event going on.

8 Q Okay. So sometimes trainers scheduled
9 their own private lessons at the arena?

10 A Yes.

11 Q How would they do that?

12 A They would look at the calendar or call
13 Amy and ask, is this time slot open, can I come down
14 and do a private. So she knew if they were coming
15 down to do privates.

16 Q Who were some of the trainers at the dog
17 training facility?

18 A Well, Gayle Hunter, Jessica Salic, Melissa
19 Kellman, Miranda Bauer.

20 Q Okay. Were you at the property on
21 November 13th --

22 A I was.

23 Q -- 2016?

24 A Yes.

25 Q And tell me what time you were there?

1 A I got there approximately 8:00 in the
2 evening.

3 Q Were you there to train a dog or were you
4 there because you heard something happened?

5 A I had been informed that something had
6 happened to Amy and I went down to see what was
7 going on.

8 Q So you didn't have any dog training
9 classes that day?

10 A No.

11 Q Now, when people would come to train their
12 dogs, how did they access the arena?

13 A For the most part, they would come in --
14 the school would sit here, the drive to the school
15 is here. They would come into this drive and park
16 on this side, and then come into that door
17 (indicating).

18 Q What side were you referring to where they
19 would park?

20 A This would be -- oh, my goodness -- side
21 closest to the end of the road. I think it's north.

22 Q North side?

23 A Mm-hmm.

24 Q Is there a parking lot or something?

25 A Yes. There is a parking lot there and

1 that's where the students were always directed to
2 park when they came for classes.

3 Q So all the students would typically park
4 in the same area?

5 A Typically.

6 Q And then how would you access the
7 building?

8 A There were two doors. The main access was
9 on that same parking lot side. And then around that
10 parking lot area, there was a smaller door. But for
11 the most part, we accessed it through the main door.

12 Q Who got down and unlocked the door?

13 A The instructors had individual codes.

14 Q Did you have a code?

15 A Yes.

16 Q So every instructor had their own code, or
17 did they all have the same code?

18 A We did not have the same code.

19 Q What was it like, a keypad or something?

20 A It was a keypad, mm-hmm.

21 Q And then that would unlock the door?

22 A Yes.

23 Q So the ladies that you named off, Gayle,
24 Barb and those other ladies, those are instructors?

25 A And students. They did both.

1 Q Did students have access with the code,
2 too?

3 A No.

4 Q So how many people total do you think had
5 the code, or had their own code?

6 A Maybe eight.

7 Q When you worked on the website and helped
8 out with that stuff, where would you do that at?

9 A I usually did it at my house.

10 Q All right. Describe the arena for me.
11 Obviously, there was an arena where you guys did
12 your work, right?

13 A Yes.

14 Q Was there a bathroom there, was there
15 offices; what else was there?

16 A There was one small bathroom on the left
17 when you entered the building. And then when you
18 entered the building on the right was the parading
19 area for the dogs and the students to stand while
20 they were waiting their turn. There was a small
21 half wall. Then we had the main training ring.
22 Behind the main training ring was our storage area
23 for all of the equipment. Then just behind the
24 bathroom was an area that Amy called her office, but
25 it was like an office supply storage as well.

1 Q So where was that office? Is that over by
2 the bathroom and such?

3 A It was behind the bathroom.

4 Q So she used that for storage, and did she
5 do some work out of there, too?

6 A She didn't really do most of her work.
7 She did most of that out of her house. It was
8 computer work. She didn't really do it in the
9 school.

10 Q Was there electronic devices that were out
11 in the office in the arena?

12 A I'm sorry, could you repeat that?

13 Q Was there electronics that were out there
14 in that arena?

15 A No.

16 Q But there was the code box to get the door
17 open, right?

18 A Yes.

19 Q Now, you said most people parked on the
20 north side, but are you positive about your
21 directions?

22 A They parked on the main entrance side of
23 the school. That's what I'm positive. Whether it's
24 north or west, I can't recall.

25 Q So kind of along side of the road, 110th

1 Street?

2 A Off the parking area that's off 110th,
3 that's where they were.

4 Q That side of the building?

5 A Yes.

6 Q And when you -- during a normal day, Amy
7 wasn't necessarily always out at the arena when
8 training was going on; is that fair to say?

9 A That is correct.

10 Q Because people did their own private
11 lessons, and sometimes did classes that didn't
12 involve her, right?

13 A Yes.

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

16 THE COURT: Any redirect?

17 MS. KREUSER: Thank you, Your Honor.

18 REDIRECT EXAMINATION

19 BY MS. KREUSER:

20 Q Ms. Middendorf, you had testified that the
21 arena, in your estimation, was about 50 yards from
22 the house, correct?

23 A That's a best guess, yes.

24 Q So when you testified about the
25 positioning of the driveway, so the driveway to the

1 arena was on the far side, like away from the
2 Allwine house, correct?

3 A Yes.

4 MS. KREUSER: I have no further questions.
5 Thank you.

6 THE COURT: Anything.

7 MR. DEVORE: Nothing. Thank you.

8 THE COURT: You may step down.

9 Next witness.

10 MR. FINK: State calls Randall Burg.

11 THE COURT: Come forward, please, sir. Up
12 to the witness chair. Before you sit down, please
13 raise your right hand to be sworn.

14 RANDALL BURG,
15 having been first duly sworn, was examined
16 and testified on his oath as follows:

17 THE CLERK: Please be seated. State your
18 full name and spell your last name.

19 THE WITNESS: Randall Burg, B-U-R-G.

20 DIRECT EXAMINATION

21 BY MR. FINK:

22 Q Good morning, Mr. Burg?

23 A Good morning.

24 Q How are you employed?

25 A I used to own a company that is called

1 Scene Clean. I have sold my shares recently to my
2 partner, but we had a crime scene cleanup company
3 and I also own a real estate brokerage.

4 Q Okay. Did you own Scene Clean during the
5 latter part of 2016?

6 A Yes.

7 Q Did you come to contract with someone to
8 do a crime scene cleanup on 110th Street, Cottage
9 Grove, Washington County?

10 A Yes.

11 Q That was on November 18 of 2016, correct?

12 A Yes.

13 Q And you went there and put together an
14 estimate?

15 A Yes.

16 Q After you gave the estimate, did you
17 notice that you had left any of your personal
18 property on the property?

19 A When I drove away, I couldn't find my blue
20 tooth headset, so I figured it was just stuck in my
21 car between the seat and didn't want to dig it out
22 while driving. I realized after I got home that I
23 couldn't find it. Just figured it would pop up,
24 like you lose something and it pops up a day later,
25 you know.

1 Q Sure. Were you later informed by anyone
2 that those ear buds had been found?

3 A Yes.

4 Q Who was that?

5 A We got a call from the Cottage Grove
6 Police Department Detective, I think, yeah.

7 Q And that was a brand name Plantronics,
8 right?

9 A Right.

10 MR. FINK: That's all I have.

11 THE COURT: Any cross?

12 MR. DEVORE: No.

13 THE COURT: You may step down.

14 MR. FINK: State calls Ross Thomas.

15 THE COURT: Please come forward. Come up
16 to the witness chair. Before you sit down, please
17 raise your right hand to be sworn.

18 ROSS THOMAS,

19 having been first duly sworn, was examined
20 and testified on his oath as follows:

21 THE CLERK: Please be seated. State your
22 full name, spelling your last name.

23 THE WITNESS: My name is Ross Thomas.

24 R-O-S-S, T-H-O-M-A-S.

25 THE COURT: You may proceed.

1 MR. FINK: Thank you.

2 DIRECT EXAMINATION

3 BY MR. FINK:

4 Q Good morning, Mr. Thomas.

5 A Good morning.

6 Q How are you employed?

7 A I am employed by the Minnesota Bureau of
8 Criminal Apprehension in the Forensic Science
9 Laboratory in the Biology or DNA section.

10 Q How long have you had that position?

11 A A little over ten years. The first
12 years -- three years as a student worker. Then
13 about two years as a research scientist, a support
14 role. Then about the last five or six years in my
15 current capacity as a forensic scientist.

16 Q Do you ever get out of the lab?

17 A I do. I am a member, as well, of the
18 crime scene response team.

19 Q And in fact you were just named one of the
20 team leaders; is that right?

21 A Correct.

22 Q Overall, other than the crime scene team,
23 and we will get to that, what are your duties?

24 A So my main duties are with the DNA or
25 Biology lab. And they are, I have a body fluid

1 identification role or capacity. So I can look case
2 dependent. I can look for blood, semen, saliva,
3 possibly urine if needed, and take samples from
4 physical items of evidence to pass them along for
5 DNA testing.

6 The majority of my role is, though, DNA
7 testing, where we will test samples from those other
8 items that have been looked at for body fluid
9 identification and passed to a DNA scientist. I
10 will analyze the results. Write a report. And
11 testify in court, as needed, like today.

12 Q What's your educational background?

13 A I have a Bachelors of Science degree from
14 the University of Minnesota Twin Cities in Biology.

15 Q And have you had any specialized training
16 since joining the BCA?

17 A I have.

18 Q On what?

19 A I have passed the Body Fluid
20 Identification, also known as Serology, training
21 module which is several months long.

22 I have also passed the nuclear DNA
23 training module, or training program, which is about
24 a year long process.

25 Inside each of those are written exams,

1 oral interviews from technical lead workers in my
2 discipline, as well as supervisors to test me on the
3 knowledge I am supposed to know to pass the training
4 program. There is about 200 to 300 literature
5 articles involved to be read up on, to prepare, and
6 pass those training programs as well as over the
7 course of those training programs probably several
8 hundred training samples to go through.

9 Then any time new technology, variance to
10 a method, or new chemicals come on line, we have to
11 pass a competency test which is usually backed up
12 with a written exam to prove that I know what I am
13 doing to perform this new method, or new technology
14 as we go forward.

15 Every month in our section, in our biology
16 section, we have current literature articles that we
17 all have to read as a group based on upcoming
18 technologies, new opinions in the field, variances
19 to methods. We can also conduct research as
20 necessary, and we are educated on research projects
21 and validations that go through our lab on a monthly
22 and yearly basis, among other miscellaneous
23 trainings.

24 Q Now, let's talk briefly about the lab
25 itself, in general.

1 A Okay.

2 Q Go ahead and help yourself to some water.

3 A Okay.

4 Q All set?

5 A Yes.

6 Q Okay. Is the BCA laboratory accredited?

7 A Yes, we are.

8 Q Through what organization?

9 A We are accredited through what's known as
10 ASCLD Lab. It's the American Society of Crime
11 Laboratory Directors, Lab Accreditation Board.

12 Q How long has that lab been accredited by
13 ASCLD Lab?

14 A The BCA has been accredited since 1994.

15 Q What are the specific issues addressed in
16 becoming accredited?

17 A So the accreditation process is a -- I
18 like to think of it as a comprehensive audit, and
19 accreditation of everything that a laboratory
20 consists of. So everything from building and
21 evidence security, to personnel records. Making
22 sure I have the appropriate training to do -- to
23 perform the tests that I am performing to our
24 quality assurance program. To security and
25 integrity of the evidence, chain of custody if you

1 will. Audit where items are supposed to be. Making
2 sure that they are in that spot. There is about 20
3 overarching sections that make up about 400 core
4 criteria. And the whole goal with that
5 accreditation process is to insure that we are being
6 held to a known standard. And to rules and
7 procedures that we ourselves put in place. So if we
8 say we are doing something in the laboratory, like a
9 standard operating procedure, we are being
10 accredited against that, making sure we are
11 upholding ourselves to what we say we are doing.

12 Q So everybody does the same thing on a
13 given piece of evidence?

14 A Correct.

15 Q And correct me if I am wrong, but
16 Minnesota State Statute also requires a laboratory
17 like yourself to be accredited?

18 A Correct.

19 Q When were you last accredited?

20 A Our last full accreditation was in 2014.

21 Q How long does that extend before you have
22 to re-up, if you will?

23 A Reaccreditation takes place every five
24 years. So 2019 will be our next independent body,
25 independent team of forensic experts will come from

1 across the country to have us go through an
2 accreditation process.

3 Q Are there biology section audits in
4 addition to the accreditation process?

5 A Yes, there are.

6 Q Why do you perform those?

7 A Per the FBI, the FBI's quality assurance
8 standards, known as the QAS, for DNA testing
9 laboratories, we must be accredited every year in
10 between the accreditations.

11 How we break it up, on the first year is
12 the large accreditation. And then the second and
13 fourth year is an internal audit which covers the
14 same documents going across the same criteria to
15 make sure we are looking at our program every single
16 year.

17 In the third and fifth year, before the
18 reaccreditation starts over, we have an external
19 group from another forensic laboratory that is also
20 accredited come and audit us against this FBI
21 accreditation audit document.

22 Q Now, I am going to ask you some questions
23 about evidence handling. Can you tell the jury what
24 process the BCA has to document evidence brought to
25 you by law enforcement to be tested?

1 A So any law enforcement agency throughout
2 the State of Minnesota, and federal agencies in the
3 state can submit evidence to us in person, or mail
4 us physical items of evidence to be tested.

5 When an item, or items, come in in a new
6 case, it will get logged into our Computer Inventory
7 Management System as a new case with its unique case
8 number. From there, everything within the case,
9 whether it be one item, or 100 items gets a unique
10 item number under that case number. So we keep
11 everything -- kept track of that way.

12 Everything gets a yellow bar code. And we
13 have these little grocery store scanners that we
14 track at every computer, the movement of any item to
15 a shelf, to a room, to myself to make this audit
16 trail, if you will, a chain of custody from when an
17 item walked in our door, to when it goes in secure
18 vaults. Who brings it upstairs, what shelf it's
19 sitting on so I can go and grab it. I scan it back
20 to a shelf to be returned, and it finds its way back
21 to the originating agency, all tracked through our
22 computer system.

23 Q Prior to an item of evidence being
24 processed, where is it stored?

25 A We have several secure evidence vaults

1 with limited access, based on who needs the access
2 to that particular vault.

3 Q So it's safe to say that at the end point,
4 in the handling of a case of evidence from the BCA,
5 that the location, time, date, and all analysts who
6 handled it are tracked?

7 A Correct.

8 Q Is there a BCA policy on what condition
9 items of evidence must be in when they are received?

10 A Yes.

11 Q What is that?

12 A Items of evidence that come in the door
13 must be in a dry condition, and in a taped, sealed,
14 and initialed condition.

15 Q What is DNA?

16 A DNA is a chemical compound found in most
17 every cell almost in your body. It's what makes you
18 you and what makes you unique. And you get half
19 from your mother and half from your father. That
20 unique combination of DNA from two people is what
21 makes you a unique individual and allows us through
22 this type of testing to aid in forensic, or criminal
23 matters.

24 Q Could you describe for us the full process
25 of DNA testing?

1 A Yes. There are four main steps. The
2 first step is when we put the sample that we are
3 going to test in a little tube with chemicals. And
4 those chemicals break open any cells; and skin
5 cells, or blood cells that are present, releasing
6 DNA.

7 The second step is called quantitation.
8 It's called a counting step. We need to count to
9 see how much DNA is there, if any DNA is there.
10 Because for our third step, we need to target a
11 specific amount of DNA. So if we have far too much
12 DNA, it kind of overruns the system. If we don't
13 have enough DNA, we stop with that sample.

14 So that third step is like a Xerox copy
15 machine. We are making millions, and millions, and
16 millions of copies of the DNA in the tube. So on
17 the fourth and final step, a computer with analyzing
18 software can show us a picture, if you will, of
19 these types of DNA that were in the tube. And all
20 of the visual representation that it shows us, is
21 what makes a DNA profile.

22 Q What type of DNA testing do you use?

23 A We perform what we call nuclear DNA
24 testing. That just means that we are looking at
25 that unique DNA in the nucleus of the cell. That's

1 the DNA that's half from your mother, and half from
2 your father that makes you you.

3 Q What types of results could you get from
4 these samples?

5 A So there is about three overarching types
6 of results we can get. We can get a no result.
7 Whether that be a no profile where you take the
8 sample all the way through the four steps and there
9 is just nothing there.

10 We might see at that counting step, the
11 second step, that there is not enough DNA there so
12 we stop the process.

13 Or we might get to the end, and we just
14 really don't have enough DNA there to say anything
15 about it. So those are no result types of results.

16 The other result would be a single source
17 profile and that would be an indication that the DNA
18 obtained is from a single person. Think about maybe
19 a pop bottle left behind at a burglary. Maybe just
20 one person sipped out of it. We can look at that,
21 and it looks like one person was on it.

22 The other result would be a mixture of
23 DNA. That's where it looks like there are several
24 types of DNA, and we can tease out information to
25 make a determination on how many people, at a

1 minimum, contributed to that mixture.

2 Q Can you also tease out, if you will, and
3 determine the major profile within that mixture?

4 A Yes.

5 Q How is that done?

6 A I like to think of this as if you are
7 driving into downtown St. Paul or Minneapolis, when
8 you start to see the skyscrapers from a distance,
9 you can pick out maybe the IDS Center, or Foshay
10 Tower, or maybe the stadium. Those stand out far
11 and above the little buildings.

12 So in a mixture of DNA if someone
13 contributes a larger fraction of DNA to that
14 mixture, their DNA types would stand out at a larger
15 scale than the other DNA present. So in those
16 instances, we can call a major profile from within a
17 mixture.

18 Q How do you determine how many people are
19 in a sample?

20 A Since your mother and father can give you
21 a type of DNA each, at any one location we look at
22 for a single person, we can see up to two DNA types.
23 So if we look at a location in a mixture and it has
24 four DNA types, we say that's a mixture of two or
25 more people. So we take a look at the mixture as a

1 whole, and we divide the most DNA types we see by
2 two to determining how many people, at a minimum, is
3 in that mixture.

4 Q Okay. Do you use a set of protocols when
5 doing your DNA testing?

6 A Yes, we do.

7 Q Is it used by all labs, or just yours?

8 A Our methods and standard operating
9 procedures are widely used by the forensic
10 community.

11 Q Based on your training and experience, do
12 you have an opinion as to whether the DNA testing
13 methods that you use at the BCA lab are generally
14 accepted in the scientific community?

15 A Yes, I do.

16 Q What is that opinion?

17 A That our methods and technologies we use
18 are widely accepted by the greater forensic
19 community in the United States and the world.

20 Q Your lab became involved in the
21 investigation of the death of Amy Allwine; is that
22 correct?

23 A Correct.

24 Q Did you receive any items in connection
25 with that case?

1 A Yes, I did.

2 Q What were those items?

3 A There is a number of items. There were
4 three known reference samples from Stephen Carl
5 Allwine, Joseph Lloyd Allwine, and Amy Louise
6 Allwine to make comparisons to question samples.

7 Q And were you asked to compare these known
8 samples with unknowns?

9 A Yes.

10 Q What unknowns did you receive?

11 A We received --

12 MR. DEVORE: Your Honor, is this witness
13 reading from a report of some kind, or testifying.
14 We would object if he is reading.

15 THE COURT: Understood. Sir, you
16 certainly can check a report, and reference to
17 refresh your memory. But Mr. DeVore is correct, I
18 don't want you simply reading a sentence or
19 paragraph from the report. So if from time to time
20 you need to check your report to refresh your
21 memory, that's just fine. Then you do that, and you
22 tell Mr. Fink when you're done doing that. And he
23 will ask his question again, if he needs to.

24 Go ahead, Mr. Fink. Ask your next
25 question.

1 BY MR. FINK:

2 Q You received a lot of items in this case,
3 right?

4 A Correct.

5 Q And you recorded them as per your standard
6 operating procedure?

7 A Yes, in a report.

8 Q You don't have those memorized at this
9 point, do you?

10 A This is too large of a case with too many
11 results to accurately memorize.

12 Q So did you receive blood from the
13 floorboards outside the master bedroom?

14 A Yes, I did.

15 Q Did you receive a Springfield XDS 9mm
16 handgun?

17 A Yes, I did.

18 Q Did you receive a blue washcloth?

19 A Yes, I did.

20 Q Now, did you compare the blood that you
21 received from the floor, in between the floorboards
22 outside the master bedroom with known samples?

23 A Yes, I did.

24 Q What were the results?

25 A The results for that item was a single

1 source female. Single source DNA profile indicated
2 as female that matches Amy Louise Allwine, and does
3 not match Joseph Lloyd Allwine, or Stephen Carl
4 Allwine. That DNA profile would not be expected to
5 occur more than once among unrelated individuals in
6 the world's population.

7 Q So did you compare the blood on the slide
8 of the handgun that you received? The Springfield
9 XDS 9mm?

10 A Yes. There were two items with blood
11 indicated on them from that firearm.

12 Q Where were those two locations?

13 A The two locations were for item 7-1 on the
14 slide near the muzzle. And for BCA item 7-2. That
15 was blood indicated on the slide above the serial
16 number.

17 Q When we are talking about the slide, can
18 you kind of tell the jury what that is on a pistol?

19 A On a pistol the slide, when we are
20 referencing a slide, is on the top portion where you
21 would think maybe of the word barrel. That's where
22 the slide can be engaged to the back to cock the
23 gun.

24 Q And what did you find on samples item 7-1
25 and 7-2?

1 A Those were the same results. It was a
2 single source DNA profile indicated as female that
3 matched Amy Louise Allwine. Did not match Joseph
4 Lloyd Allwine, or Stephen Carl Allwine. And again,
5 would not be expected to occur more than once in the
6 world's population among unrelated individuals.

7 Q Did you compare the DNA found in the blue
8 washcloth, item 4-1, with known samples?

9 A Yes, I did.

10 Q What were the known results?

11 A The results were a mixture of four or more
12 individuals. Joseph Lloyd Allwine was excluded from
13 being a contributor. Stephen Carl Allwine and Amy
14 Louise Allwine could not be excluded from being
15 possible contributors to the mixture. The
16 statistics associated were four of the ten locations
17 of DNA that were suitable for comparisons also met
18 the BCA criteria for statistical calculations. So
19 the statistic associated was, it was estimated that
20 59.8 percent of the general population could be
21 excluded from being contributors to this mixture.

22 Q That's the general population of the
23 world.

24 A Correct.

25 Q What was item 7-3?

1 A 7-3 for the BCA item number was a swab
2 from the trigger releases and the slide of that same
3 firearm.

4 Q And did you subject that to DNA testing?

5 A Yes.

6 Q What were the results?

7 A The results were a mixture of two or more
8 individuals with Joseph Lloyd Allwine being excluded
9 from being a contributor. And then a mixture of DNA
10 from Stephen Carl Allwine and Amy Louise Allwine
11 could not be excluded as being the source of that
12 DNA mixture.

13 The statistics associated were -- it was
14 estimated that 99.9995 percent of the general
15 population could be excluded from being contributors
16 to that mixture.

17 Q And item 7-4 was the DNA from the pistol
18 grip; is that correct?

19 A Correct.

20 Q Did you do a DNA analysis comparing it to
21 known samples?

22 A Yes, I did.

23 Q What were the results?

24 A The results were a mixture of three or
25 more individuals and a major DNA profile indicated

1 as female that matches Amy Louise Allwine. The
2 statistic for the major profile, was it would not be
3 expected to occur more than once among unrelated
4 individuals in the world's population. For the
5 mixture, Joseph Lloyd Allwine was excluded as being
6 a possible contributor to the mixture. And Stephen
7 Carl Allwine could not be excluded from being a
8 possible contributor to the mixture. With a
9 statistic that it was estimated that 99.8 percent of
10 the general population could be excluded from being
11 contributors to the mixture.

12 Q Did you also compare a blood DNA from a
13 pair of shoes that were provided to you?

14 A Yes.

15 Q That was a series of items, with the 19 as
16 the preface; is that right?

17 A Correct.

18 Q What was 19A-1?

19 A 19A-1 was the inside of the right back
20 half of the shoe that was a mixture of three or more
21 individuals, with a major male DNA profile that
22 matched Stephen Carl Allwine. And did not match
23 Joseph Lloyd Allwine, or Amy Louise Allwine. And
24 then the statistic for the major male DNA profile,
25 was that it would not be expected to occur more than

1 once in the world's population among unrelated
2 individuals. Then due to insufficient genetic
3 information, I could make no statements about the
4 minor types of DNA that were present.

5 Q That's what you referred to earlier, where
6 you stopped after step two?

7 A No. Those are -- if you go back to my
8 analogy of skyscrapers, those are the small
9 buildings. You can't really discern what they are,
10 but you know they are there.

11 So there are indications that there were
12 more types of DNA there, but they were so small, I
13 could make no statement about them.

14 Q Thanks for clearing that up. Did you
15 examine item 19A-2?

16 A Yes.

17 Q What was that?

18 A 19A-2 was from the right shoe on the
19 inside front half. That also was a mixture of three
20 or more individuals with a major male profile that
21 matches Joseph Lloyd Allwine. Does not match
22 Stephen Carl Allwine, or Amy Louise Allwine. The
23 statistic -- that major male profile would not be
24 expected to occur more than once among unrelated
25 individuals in the world's population.

1 And again, due to insufficient genetic
2 information, I can make no statements on the minor
3 types of DNA that were there.

4 Q Did you examine 19B-1?

5 A Yes, I did.

6 Q What was that?

7 A That was the inside back half of the left
8 shoe. And the results were a mixture of three or
9 more individuals with a major mixture of two or more
10 individuals.

11 Joseph Lloyd Allwine and Amy Louise
12 Allwine were excluded from the major mixture.
13 Stephen Carl Allwine cannot be excluded from being a
14 part of the major mixture of two people.

15 And statistic I have to read.

16 THE COURT: And again, I don't want you
17 simply reading. Take your time, if you need to
18 refresh your memory, but then testify without doing
19 that as a reading exercise.

20 THE WITNESS: It is estimated that greater
21 than 99.9999999999 percent of the world's population
22 could be excluded from being a contributor to that
23 major mixture. And it was followed up with due to
24 insufficient genetic information, I could not make
25 a statement about any minor types of DNA.

1 Q I don't think we are surprised that you
2 didn't know that number off the top of your head.
3 Did you examine item 19B-2?

4 A Yes, I did.

5 Q What was that?

6 A It was from the left shoe. The front half
7 of the inside of it.

8 Q What were the results?

9 A That was also a mixture of three or more
10 individuals with a major male DNA profile that
11 matched Stephen Carl Allwine. Did not match Amy
12 Louise Allwine or Joseph Lloyd Allwine.

13 The statistic associated for the major
14 male DNA profile would be that it would not be
15 expected to occur more than once in the world's
16 population among unrelated individuals.

17 Again, due to insufficient genetic
18 information, I could make no statement to the minor
19 types.

20 Q Do you remember what kind of shoes those
21 were?

22 A Yes.

23 Q What kind?

24 A They were an Under Armour brand of black
25 shoes.

1 Q Do you remember the size?

2 A I would have to find that in my notes.

3 Q You don't have that off the top of your
4 head?

5 A I do not.

6 Q If you refer to your notes, would that
7 refresh your recollection?

8 A It would.

9 Q Please do so.

10 A They were a size 12 shoe.

11 Q Did you prepare a report indicating the
12 evidence that you received, and the testing that you
13 did?

14 A Yes, I did.

15 MR. FINK: May I approach the witness?

16 THE COURT: You may.

17 BY MR. FINK:

18 Q I am providing you Exhibit 109, which is a
19 multipage document, containing two reports, and ask
20 if you could identify that document.

21 A Yes. These are two of my DNA reports for
22 this case.

23 Q Does that accurately reflect the items
24 that you received for testing purposes, as well as
25 the results that you achieved?

1 A Yes.

2 MR. FINK: I would move that into
3 evidence, Your Honor.

4 MR. DEVORE: No objection.

5 THE COURT: Exhibit 109 is received.

6 MR. FINK: That's all of the questions I
7 have for this witness, Your Honor.

8 THE COURT: Cross examine.

9 MR. DEVORE: Thank you.

10 CROSS-EXAMINATION

11 BY MR. DEVORE:

12 Q Mr. Thomas, just so we are clear, that
13 last exhibit, 109, that contains two reports,
14 correct?

15 A Correct.

16 Q One exhibit, two reports.

17 A Correct.

18 Q One is report number two that you had, and
19 one is report number nine; is that right?

20 A Correct.

21 Q Okay. So I want to ask you a couple of
22 questions on report number two.

23 MR. DEVORE: May I approach, Your Honor?

24 THE COURT: You may.

25

1 BY MR. DEVORE:

2 Q I will just give you 109 so you can look
3 at it. Now you can look at it, okay.

4 A Okay.

5 Q So I want to ask you these questions. You
6 can dummy it down for somebody like me, okay?

7 A Okay.

8 Q All right. So you -- first of all, I want
9 to know the difference between a blood sample and a
10 DNA sample. What's the different there?

11 A I guess the difference would just be
12 slang, or how you want to reference the sample. We
13 have DNA in our blood, in the components of our
14 blood. So a DNA sample could be slang for skin
15 cells. Could be in reference to sperm cells. It
16 would all depend on how I would use the term. Blood
17 sample would mean that there is an indication of
18 blood. That's part of the body fluid identification
19 process.

20 Q So DNA is actually a larger reference than
21 blood?

22 A Correct.

23 Q So blood is actually kind of within the
24 DNA description, correct?

25 A Correct. There is DNA in blood.

1 Q Sure. But I mean, when you say DNA, it
2 could be a skin cell, it could be blood, it could be
3 sperm, it could be body fluid of some kind, correct?

4 A Correct.

5 Q And can you tell when DNA items, or DNA
6 items are deposited onto a surface that you test?

7 A No. I make no statements or conclusions
8 as a DNA analyst about how something got there, when
9 it got there.

10 Q You're only testifying as to whatever
11 samples were taken, that's what they showed up?

12 A Correct.

13 Q All right. Now, I understand -- the
14 mixture of the major DNA and the minor DNA, can you
15 tell me what that is again?

16 A Yes. So at the end of the process when I
17 am looking at data, and there is a sample with
18 indications of more than one person, that is what I
19 would reference as a mixture. Sometimes the
20 contribution from the two people, let's say, in a
21 mixture are close enough that you cannot discern,
22 and you cannot divvy up, if you will, the DNA.

23 But if one person in a mixture contributes
24 a significant amount more DNA to that mixture, that
25 DNA stands out. Those DNA types stand out above the

1 rest of the mixture. So much like my reference to a
2 skyscraper versus little buildings. You can see
3 from quite an easy vantage point the IDS Center,
4 let's say. Whereas like a minor type of DNA may be
5 a small two-story, four-story office building.

6 Q Okay. When I am looking at item 7-4,
7 that's the pistol grip on the gun. You indicated
8 that the major DNA profile matched Amy Allwine,
9 correct?

10 A Correct.

11 Q And you indicated that the major DNA
12 profile did not match Stephen Allwine or Joseph
13 Allwine, correct?

14 A Correct.

15 Q Then when I look at the washcloth, item.
16 4.4-1, it indicates a mixture of four or more
17 individuals; is that what it says?

18 A Correct.

19 Q Is that because there was identifiable DNA
20 from four or more individuals that you could see?

21 A Yes. There is indications in that mixture
22 that four people or more contributed to it.

23 Q So then your estimate on that were about a
24 60 percent confidence rating; is that fair to say?

25 A Yes, 58 or 59.8.

1 Q 60 percent. That's for the whole world
2 population, correct?

3 A Correct.

4 Q So to put it in perspective, 7 billion
5 people in the world, you can -- there is about
6 3 billion that you can't exclude; is that a fair
7 statement?

8 A I refuse to do math on the stand, but that
9 sounds accurate.

10 Q A big number.

11 A Correct.

12 Q Then on the next report, report number 9
13 that's also in Exhibit 109.

14 A Yes.

15 Q Okay. So there you were testing some
16 shoes, right, tennis shoes?

17 A Correct.

18 Q 19A-1 and 19A-2, those are the same shoe,
19 correct?

20 A Correct. Those are from the inside of the
21 right shoe.

22 Q Because 19A-1 says that you were able to
23 identify a major DNA profile to Stephen Allwine,
24 correct?

25 A Correct.

1 Q But 19A-2 says that you were able to
2 detect a major DNA match to Joseph Allwine, and it
3 didn't match Stephen Allwine; is that what that
4 says, too?

5 A Correct.

6 Q And that's accurate?

7 A Yes.

8 Q That wasn't a typo or anything?

9 A No.

10 Q Now, you were out at the Allwine property,
11 right?

12 A I was.

13 Q You were out there with Lindsey Garfield?

14 A Correct.

15 Q She is in your same office?

16 A Yes, same laboratory.

17 Q And you guys checked the washer and dryer,
18 correct?

19 A Correct.

20 Q You didn't find anything in there, right?

21 A No. Not to my recollection.

22 Q No samples, or DNA, or blood, or anything
23 like that?

24 A Correct.

25 Q You checked the locking mechanism on the

1 dining room patio door and you said that was not
2 functional; is that correct?

3 A I believe Lindsey checked that.

4 Q But you had a report that you did in this
5 case, though, right?

6 A For only the DNA.

7 Q Oh, I get it. So your responsibility part
8 was just for the DNA part?

9 A Correct. At the scene, I was a team
10 member. I helped with making a diagram of the
11 entire property, noting evidence, writing notes.
12 Assisting Lindsey Garfield, who is the team leader,
13 in the case testing evidence, collecting evidence as
14 needed.

15 Q Okay. I saw your name on here, so I
16 thought you wrote the report. Did you do a walk
17 around of the property outside of the house or did
18 you just focus inside the house?

19 A Personally, I only walked the driveway, in
20 the garage, front of the house, inside the house.

21 Q All right.

22 MR. DEVORE: I have no further questions.

23 Thank you.

24 THE COURT: Redirect.

25 MR. FINK: Thank you.

1 REDIRECT EXAMINATION

2 BY MR. FINK:

3 Q You said you can extract DNA from three
4 separate things; sperm, blood and skin cells, right?

5 A Yes. Those are the main three.

6 Q All right. In a sperm DNA analysis you
7 would find a sperm cell fraction, right?

8 A Yes.

9 Q And you found nothing like that here?

10 A Nothing was tested for sperm here, as
11 there was no --

12 Q Okay. And when you referred to testing
13 something for blood DNA, that's because it had
14 already presumptively been tested for the presence
15 of blood; is that right?

16 A Correct.

17 Q Now, on the pistol grip, which is -- now,
18 I have to go through the file. Item 7-4, Stephen
19 Allwine cannot be excluded as a possible
20 contributor; is that correct?

21 A That is correct.

22 MR. FINK: May I approach the witness?

23 THE COURT: You may.

24 BY MR. FINK:

25 Q I would like to show you what's marked

1 Exhibit 138. Can you see that from here, from where
2 you're at?

3 A Yes.

4 Q Do you recognize it?

5 A I do.

6 Q What is it?

7 A This is the diagram of the residence that
8 I helped in making and taking the data points,
9 measurements, at the scene.

10 Q And the measurements are true and accurate
11 as reflected on 138?

12 A Yes, sir.

13 Q And the other items of interest numbered
14 as well as with the red dots, are those also
15 accurate?

16 A Yes.

17 MR. FINK: That's all I have.

18 MR. DEVORE: Just one brief question, Your
19 Honor.

20 THE COURT: You may.

21 RECROSS EXAMINATION

22 BY MR. DEVORE:

23 Q On the pistol grip, when I asked you
24 before that you can't tell when the DNA was
25 deposited on the surface; do you remember that?

1 A Yes.

2 Q Okay. That applies to the same thing, the
3 test that you did like the pistol grip, right? You
4 can't tell when the DNA was deposited on something,
5 correct?

6 A Correct. I make no statement about when
7 something got there or how.

8 MR. DEVORE: No further questions.

9 THE COURT: You may step down.

10 Take a break. Come back at 25 minutes to
11 11. Go with the deputy.

12 I share, by the way, the same scratchy
13 throat that some of you. I heard at least three of
14 you. So you have my sympathy. Do whatever you need
15 to do to get water, cough drops or whatever, and we
16 will go forward.

17 Remember my admonition not to talk to
18 anybody about the case.

19 (The jury exited the courtroom.)

20 (A recess was taken.)

21 MR. FINK: All right. Before we bring the
22 jury back in, Mr. DeVore, I understand you have had
23 the opportunity to talk with Ms. Frascone; is that
24 true?

25 MR. DEVORE: That's correct, Your Honor.

1 I have talked to Michelle Frascone, and I am
2 prepared to let her testify and move forward. We
3 are ready to go, based on your decision yesterday.

4 THE COURT: All right. I understand that.

5 THE DEPUTY: All rise for the jury.

6 (The jury returned to the courtroom.)

7 THE COURT: Everyone please be seated.

8 Call your next witness.

9 MR. FINK: Call Randy McAlister.

10 THE COURT: Please come forward to the
11 witness chair. Raise your right hand to be sworn.

12 RANDY McALISTER,

13 having been first duly sworn, was examined
14 and testified on his oath as follows:

15 THE CLERK: Please be seated. State your
16 full name and spell your last name.

17 THE WITNESS: Randy McAlister,
18 M-C-A-L-I-S-T-E-R.

19 THE COURT: You may proceed.

20 MR. FINK: Thank you.

21 DIRECT EXAMINATION

22 BY MR. FINK:

23 Q Good morning.

24 A Good horning.

25 Q Where do you work?

1 A I work for the City of Cottage Grove
2 Police Department.

3 Q How long have you been with them?

4 A I am just finishing up my 20th year.

5 Q Do you have a rank?

6 A I do, Detective Sergeant.

7 Q What does that mean? What do you do?

8 A I supervise investigations for the Cottage
9 Grove Police Department.

10 Q How long have you been doing that?

11 A Since, I believe, January 1st of 2012.

12 Q Directing your attention to November 13th
13 of 2016, were you called to 7624 110th Street South
14 in Cottage Grove, Washington County?

15 A Yes, I was.

16 Q For what purpose?

17 A For a suspicious death investigation.

18 Q When did you get there?

19 A I got called about -- shortly after 7 p.m.
20 So I think I arrived around 8:15.

21 Q What did you do when you got there?

22 A Upon arrival I saw lots of other police
23 squads there, so I parked out in the road. And
24 first encounter, I think, Officer Liermann who sort
25 of gave me a rundown of what they had. From there,

1 I basically did a walk around of the house.
2 Particularly in the fenced backyard, and then
3 eventually made my way into the house.

4 Q Okay. What did you see there?

5 A Well, outside the house I didn't see
6 anything unusual. I was really checking for, you
7 know, are doors intact, are windows intact. Does
8 the fence appear intact. Those kinds of things. I
9 didn't see anything out of the ordinary from there.
10 So from that point I went into the garage. The
11 large overhead garage door was open and I went in
12 through the service door from the garage to the
13 mudroom.

14 Q When you walked through the mudroom, did
15 you make any observations?

16 A I did. There were two dog kennels in the
17 mudroom with a large dog in each kennel. I noted
18 there was a lot of hair on the floor of the mudroom.
19 Appeared pretty dirty to me. From there I went into
20 the hallway, which now becomes a, I think, it was a
21 bamboo type wood, laminate flooring.

22 Immediately on the right, as I am going
23 down the hallway, so walking from the garage to the
24 east side of the house is what I believed to be the
25 son's bedroom. Then past that on the right is

1 another spare bedroom it looks like. There is a
2 bathroom on the left. And then you arrive at what
3 is essentially a great room with kitchen and dining
4 room on the left, and a sort of a living room with a
5 TV, and those kinds of things on the right.

6 Q Did you find dog hair all over that
7 hallway?

8 A No. It looked clean to me, different from
9 the mudroom floor, which was very dirty.

10 Q Did you check the front door?

11 A Yes.

12 Q What was its status?

13 A It was locked, including the deadbolt.

14 Q What did you do next?

15 A Upon my arriving there, I found, I
16 believe, Officer Bailey. He was keeping a crime
17 scene log. He kind of told me a little bit about
18 what he had done, what he had seen. He directed my
19 attention to the master bedroom, which is basically
20 on the east side of the house, then past the great
21 room. He indicated to me that that's where the body
22 of Amy Allwine was.

23 Q What did you observe there?

24 A Again, I observed the floor was clean in
25 that area. But immediately outside of the master

1 bedroom, there was a very faint film on the wood. I
2 would describe it as maybe a foot to two feet in
3 diameter. I couldn't really tell what it was, due
4 to the lighting and the time of the night.

5 Then I found Amy's body immediately inside
6 the door to the master bedroom.

7 Q Which was carpeted?

8 A Which was carpeted, yes.

9 Q Did you make any observation about the
10 area around Amy Allwine?

11 A Yeah. The carpet in the bedroom was also
12 very dirty. Lots of dog hair, those kinds of
13 things. Kind of like it was in the mudroom. Again,
14 that was, to me, seemed different from the wood
15 floor area.

16 Q Did you make any observations around the
17 blood in the carpet?

18 A I did. Amy's body was, essentially, she
19 was on her back. Her arms were roughly 45 degrees
20 out to her sides, on both sides. Her nose was
21 pointed straight up in the air. Her head was very
22 close to the end table near her side of the bed.
23 You could immediately see a large blood pool around
24 her head. And separate from that blood pool were
25 separate blood drops, which was odd to me as well.

1 Q From your experience, that does that tell
2 you?

3 A Well, that would suggest that there was
4 something suspended or held above that area where
5 those blood drops were. So they didn't flow, you
6 know, sort of continuous with the main blood pool.

7 Q It was a satellite stain, if you will?

8 A Satellite stain, yes.

9 Q Did you then, on the 14th of November,
10 2016 obtain a search warrant for the house?

11 A Yes, we did.

12 Q Did you also call in BCA Special Agent
13 Michelle Frascone?

14 A I did that evening of the 13th.

15 Q How come?

16 A Because of the peculiarities that I saw.
17 In particular, the blood, but also the position of
18 the gun which we recovered, which was in Amy's sort
19 of the left elbow area of her arm. And then I also
20 had prior knowledge of some threats that the FBI had
21 been investigating.

22 MR. FINK: Okay. May I approach?

23 THE COURT: You may.

24 BY MR. FINK:

25 Q I am showing you what's been marked as

1 Exhibits 1 through 5 inclusive, and 10 and 11. Ask
2 you to take a look at those, please.

3 What are those pictures?

4 A They are pictures of the exterior of the
5 house on 110th.

6 Q Do they accurately depict what you saw on
7 that occasion?

8 A They do.

9 MR. FINK: I would move for Exhibits 3 and
10 5 into evidence, Your Honor. The others were
11 already admitted.

12 MR. DEVORE: No objection.

13 THE COURT: 3 and 5 are received.

14 MR. FINK: Madam clerk.

15 THE COURT: Are you asking to publish?

16 MR. FINK: Oh yes, I am, Your Honor. I
17 apologize.

18 THE COURT: Then you have that permission.

19 BY MR. FINK:

20 Q What we see here is Exhibit 1. Could you
21 tell the jury what we see here?

22 A Yes. That is a photo of the trees near
23 the road on 110th and near the driveway. In
24 particular, in the middle of the photograph is a
25 trail camera.

1 Q Did you ultimately retrieve that camera?

2 A Yes, we did.

3 Q This is Exhibit 2. What are we seeing
4 here?

5 A That's just a closeup of the same camera.

6 Q Exhibit 3.

7 A That is a surveillance camera mounted on
8 the Allwine's house. That one appears to be on the
9 front of the house. So it would be sort of the
10 southeast corner, and it faces in a westerly
11 direction toward the front door.

12 Q Okay. This is Exhibit 4. What do we see
13 here?

14 A That's the east side of the house. You
15 can see an egress window at the bottom there. Then
16 there is also another surveillance camera up near
17 the roofline that points toward that egress window.

18 Q Exhibit 5, what do we see here?

19 A That appears to be the same camera
20 monitoring the egress window. Could you back that
21 up one.

22 Q To 4?

23 A Yes. Okay. Yep. Yeah, that appears to
24 be the same camera.

25 Q Okay.

1 MR. FINK: May I approach?

2 THE COURT: You may.

3 BY MR. FINK:

4 Q I am showing you Exhibits 6 through 9
5 inclusive, and Exhibit 12. Ask you if you can tell
6 us, in general terms at least, what those are?

7 A Yeah. These appear to primarily be photos
8 of the garage and the doors.

9 Q Do they accurately reflect what you saw on
10 that occasion?

11 A Yes.

12 MR. FINK: I would move 8 and 9 into
13 evidence, Your Honor.

14 MR. DEVORE: No objection.

15 THE COURT: They are received.

16 MR. FINK: May I publish?

17 THE COURT: You may.

18 BY MR. FINK:

19 Q Showing you Exhibit 6 previously received;
20 what is this?

21 A That's a photo looking into the garage.
22 Towards the door on the left goes to the outside
23 backyard. Then the door on the right there up the
24 stairs goes to the mudroom.

25 Q Exhibit 7; do you know what that is?

1 A Yeah, that appears to be the door to the
2 backyard from the garage.

3 Q Are there any signs of pry marks, forced
4 entry, anything like that on that door, or its jamb?

5 A No.

6 Q This is Exhibit 8; do you know what that
7 is?

8 A Yeah, that's the service door from the
9 garage to the mudroom.

10 Q Is there any sign of forced entry, pry
11 marks on either the door or the jamb on that?

12 A No.

13 Q This is Exhibit 9; what is this?

14 A That's the doorframe for that same door,
15 the service door. Also appears to be a keypad up
16 there for the alarm system.

17 Q Nothing untoward in terms of the door jam
18 on that exhibit?

19 A No.

20 Q This is Exhibit 10 that's been previously
21 identified; do you know what this is?

22 A Yes. That's the backyard and fence.

23 Q Do you know how high that fence is?

24 A It's actually 6-foot, roughly.

25 Q Exhibit 11 previously entered. Do you

1 know what this is?

2 A Yes. That would be the rear slider door
3 with the small deck. That slider goes right into
4 the dining room.

5 Q This is Exhibit 12; do you know what that
6 is?

7 A That would be the view of the front door
8 from inside the house.

9 Q From this view, are there any signs of
10 forced entry, pry marks, or anything like that?

11 A No.

12 Q This is Exhibit 13; do you know what that
13 is?

14 A Yeah. Same door showing the deadbolt is
15 thrown, so it's locked.

16 Q This is Exhibit 14. Can you identify
17 this?

18 A Yep. That's the view from the living room
19 area into the master bedroom where Amy was located.

20 Q So it's just a small hallway between the
21 great room and the master?

22 A Correct. Very short.

23 Q This is Exhibit 15. Is this what you
24 observed on November 13th, 2016?

25 A Yes, it is.

1 Q This is Exhibit 16. Is this the way you
2 found Amy Allwine positioned upon your entry into
3 the house?

4 A Yes, it is.

5 Q Exhibit 17; do you know what this is?

6 A Yes. That's a pumpkin in a big roaster
7 that was turned on, roasting, and it was in the
8 kitchen.

9 Q It was turned on and plugged in?

10 A Correct.

11 Q Exhibit 18; do you know what that is?

12 A That's the roaster with the cover on.

13 Q Now, as part of your investigation,
14 Detective Raymond spoke to Stephen Allwine; is that
15 correct?

16 A Correct.

17 Q In terms of his whereabouts on that day?

18 A Correct. That was part of it.

19 Q Now, showing you what's marked Exhibit 19,
20 ask you if you have ever seen that before?

21 A Yes, I have.

22 Q What is it?

23 A That is a receipt from the SuperAmerica
24 gas station in Cottage Grove.

25 Q Can you tell the date and time stamp on

1 that or not?

2 A Yes, I can. November 13th, 2016 at
3 5:42 p.m.

4 Q This is Exhibit 20, have you ever seen
5 this before?

6 A Yes, I have.

7 Q What is that?

8 A That's a receipt from Culver's, also in
9 Cottage Grove also for November 13th.

10 Q Is there a time stamp on that, too?

11 A Yes. 6:14 p.m.

12 Q Now, as a result of the search warrant,
13 what sorts of things were seized from the residence?

14 A Well, initially, we seized a lot of
15 electronics, in particular; computers, storage
16 media, some cameras, cell phones, hard drives. All
17 those kinds of things.

18 Q In fact, Stephen Allwine had previously
19 provided Cottage Grove Police with, I think, three
20 cell phones?

21 A He provided us with two cell phones,
22 initially. I believe one was a Samsung and one was
23 an iPhone?

24 Q iPhone6s?

25 A Yes.

1 Q And among the computers that were seized
2 as a result of the search warrant, was a MacBook
3 Pro?

4 A Correct.

5 Q Did you secure them?

6 A Yes, we did. We brought them back to the
7 Cottage Grove Police Department and logged them into
8 our evidence room.

9 Q And ultimately, did you transport them to
10 it Computer Forensic Services business in
11 Minnetonka?

12 A Yes, I did.

13 Q And that was in February of 2017?

14 A Yes. It was right at the end of January,
15 or beginning of February.

16 Q Now, you previously indicated that there
17 had been prior contacts between this family, and the
18 FBI, and your office; is that right?

19 A Correct.

20 MR. FINK: Approach?

21 THE COURT: You may.

22 BY MR. FINK:

23 Q Showing you what's marked Exhibit 83 and
24 84. Ask you if you know what these are.

25 A Yes, I do.

1 Q What are they?

2 A They are copies of two emails received by
3 Amy in her work email inbox in July of 2016. One is
4 dated July 24th, and the other is July 31st.

5 Q What is the general content?

6 A Well, the first one, the 24th, is the
7 longest one. It's got some -- it calls her a fat
8 bitch in the first line. It's a little demeaning in
9 that way. It suggests that, essentially, that she
10 should kill herself. It said -- the writer says
11 that he has checked a web site called Radaris.com
12 and has found location information for Amy's family
13 members. Sort of the assumption is that they are
14 kind of at risk if she doesn't do something that the
15 writer wants her to do.

16 There are also some suggestions about how
17 she should kill herself, different methods. And
18 there is also suggestions about how the sender
19 could -- or what kinds of things could be done to
20 her family to hurt the family members.

21 Q Okay. Now, as a result of these, did you
22 learn that they put in various security measures in
23 the house?

24 A Well, some of those were -- the security
25 measures were installed before.

1 Q Okay.

2 A Before the letters were received.

3 Q Okay. Were you able to determine what
4 security measures were installed in the house as a
5 result of your execution of the search warrant?

6 A Yes. In particular, a Ring, a video
7 doorbell was installed in June. Around June 13th.
8 It was -- an account was activated for a Ring. Ring
9 is, essentially, a video doorbell. It will activate
10 and chime if you push the button. It also records
11 video at the same time. It also senses motion
12 nearby. So you could be notified just by motion
13 setting it off without having to push or operate the
14 button.

15 Q Did you observe any other security in the
16 dwelling?

17 A Yes. She had a Comcast Xfinity alarm
18 system, which included door contacts and the video
19 cameras. Two of which we have seen already.

20 Q As a result of this, did you execute a
21 search warrant on Ring?

22 A I did.

23 Q What was the result of that search
24 warrant?

25 A They were able to -- I specifically asked

1 for any videos associated with it. Any times and
2 dates, obviously, associated with any pushes or
3 activations of the button. They were able to
4 provide some video clips for that, and none of them
5 were on the 13th of November, however.

6 Q Did you execute a search warrant on
7 Xfinity for their records?

8 A Yes, I did.

9 Q Could you describe to the jury what sort
10 of security Xfinity had installed in the house?

11 A Yeah. So there were three security
12 cameras outside. One was basically monitoring the
13 rear slider, glass door, out into the backyard.
14 There was one on the east side of the house that
15 looked down at the egress window. And there was one
16 on the front of the house that looked at the front
17 door. There was also a motion sensor inside the
18 house. That was on the short wall, basically
19 between the kitchen and the master bedroom. So it
20 was looking sort of in a westerly direction.

21 Then there were also door contacts. There
22 were three door contacts. There was one on the
23 front door. There was one on the egress window.
24 Then there was one on the door from the mudroom into
25 the garage.

1 Q Can you tell me what a door contact is?

2 A Yeah. Door contacts would just indicate
3 when that door is opened. They work, basically, by
4 having a sensor, and then a little magnet on the
5 other side of door, or on the frame. So when those
6 are separated by an inch or two, then it causes a
7 fault or an alarm. That's registered on the system.

8 Q Okay. And did you receive records of
9 those door faults?

10 A We did.

11 Q And did you prepare a list of those door
12 faults on November 13th of 2016?

13 A Yes, I did.

14 MR. FINK: May I approach?

15 THE COURT: You may.

16 BY MR. FINK:

17 Q I'd like to show you what's marked Exhibit
18 113. I'll ask you if you know what that is?

19 A Yes. These are times of the door faults
20 for the service door going from the garage to the
21 mudroom.

22 MR. FINK: Move 113 into evidence.

23 MR. DEVORE: No objection.

24 THE COURT: Received.

25

1 BY MR. FINK:

2 Q Now, did you serve an administrative
3 subpoena on Verizon for Stephen Allwine's phone
4 records?

5 A Yes, I did. Not for the -- for a short
6 period, I think, in March, in particular. I can't
7 remember the timeframe on the subpoena request.

8 Q Did you find on that phone a call on March
9 4th of 2016?

10 A Yeah. We found several calls from his
11 cell phone that, with an area code of 651, I can't
12 remember the exact number, but yes.

13 Q Was one of those phone calls on March 4th
14 to Liberty Mutual Roadside Assistance?

15 A Yes, at 1304 hours a call was placed from
16 his cell phone to Liberty Mutual Roadside
17 Assistance.

18 Q And in civilian time that's what?

19 A 1:04 p.m.

20 Q Did you serve administrative subpoenas on
21 Liberty Mutual?

22 A I don't believe I served a subpoena on
23 them. I found out that they contract for roadside
24 assistance with a company called Agero, and then
25 served a subpoena on Agero.

1 Q What was the proceed of that
2 administrative subpoena?

3 A They were able to furnish a record of a
4 call for roadside assistance from Stephen Allwine as
5 well as an address of the location of that service
6 request and what the nature of it was.

7 Q Okay. What date was that?

8 A That was March 4th, 2016.

9 Q At what time?

10 A Well, the call was at 1304 hours. The
11 initial call to Liberty Mutual was.

12 Q Do those records then indicate the reason
13 for that assistance?

14 A Yeah. It was for a lock out. Keys locked
15 in a vehicle, essentially.

16 Q What was the location?

17 A It was on 26th Avenue in South
18 Minneapolis. I can't remember the exact address.

19 But it's a Wendy's, and it's very near the
20 Minneapolis Police Third Precinct if you know where
21 that is.

22 Q So about 26th and Lake, right?

23 A Correct.

24 Q Also on the Verizon phone, did you
25 locate -- on March 4th of 2016, any sort of Bitcoin

1 verification code?

2 A Yes. I am aware of some verification
3 tokens for Bitcoin on his phone as a result of our
4 forensics.

5 Q That was on March 4th?

6 A Correct.

7 Q Did you have an occasion to serve a search
8 warrant on Bluehost.com?

9 A Yes, we did.

10 Q What was that for?

11 A Well, we found out that the Allwines had
12 some websites up and I believe administered web
13 sites for the church. Those were all done through
14 Bluehost who was the host for those websites, and
15 it's a company out of Utah, I believe.

16 MR. FINK: May I approach?

17 THE COURT: You may.

18 BY MS. KREUSER:

19 Q Showing you Exhibit 111.

20 A Yes.

21 Q Do you recognize that?

22 A I do.

23 Q What is that?

24 A That is a photo of Amy Allwine. It
25 appears to be in Hawaii.

1 Q And it has a JPEG identification number, a
2 string, identifying it?

3 A Correct. It has got a long URL string
4 identifying it. The last three numbers in that
5 string are 20057 and then dot, JPEG.

6 Q I would move Exhibit 111 into evidence.

7 MR. DEVORE: Well, objected to as to
8 foundation, Your Honor.

9 THE COURT: Ask other questions. I
10 believe foundation is not established yet.

11 BY MR. FINK:

12 Q You received that from Bluehost.com; is
13 that right?

14 A Correct. Bluehost.com provided this,
15 along with on the back side of this exhibit is the
16 actual file times for the upload of that photo.

17 Q Okay. When was that?

18 A That was on March 5th at 1929 hours
19 according to this. And I believe that's in the
20 mountain time, so when you adjust it to central
21 standard time, our time one it would be 2029 hours,
22 or 8:29 p.m.

23 Q How is that significant to you in your
24 investigation?

25 A Because a photo with that exact URL was

1 sent to the website Besa Mafia also on the same
2 date, March 5th, 2016.

3 Q By what user name?

4 A DogdayGod.

5 MR. FINK: Move its admission.

6 MR. DEVORE: Just one question.

7 THE COURT: Go ahead.

8 BY MR. DEVORE:

9 Q There appears to be some markings on that
10 photograph?

11 A On this particular copy, yes.

12 Q There is some red ink on there, right?

13 A Right. This is actually a screen shot of
14 that photo. At one point you're actually able to go
15 to the web site and pull it up. The circles are
16 just circling the JPEG number. At the top of the
17 image, it is also showing that it's the same JPEG
18 number in the Besa Mafia email exchange.

19 MR. DEVORE: Can I approach, Your Honor?

20 THE COURT: You may.

21 MR. DEVORE: May I inquire when I am up
22 here, because I can show him the document?

23 THE COURT: You may.

24 BY MR. DEVORE:

25 Q Sergeant McAlister, I see the photograph

1 on the upper half of this document.

2 A Right.

3 Q Then I see this Besa Mafia order.

4 A Correct.

5 Q How did that get on there?

6 A Those are two screen captures. So the top
7 photo is a screen capture from the computer. And
8 then the bottom part here is a screen capture from
9 that portion of the Besa Mafia email exchange.

10 Q You created this.

11 A I created that. The raw data was also
12 turned over.

13 Q But you didn't get all of this Besa Mafia
14 stuff from Bluehost?

15 A No, no, no. That was from the Besa Mafia
16 data that was turned over to the FBI. That document
17 was just created to show that the FBI matched the
18 URL of the photo provided by Bluehost.

19 Q Then there's language up here, that's
20 something you typed in there?

21 A Yes.

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

23 THE COURT: You may.

24 MR. FINK: Your Honor, with a couple of
25 questions, I might be able to clear this up.

1 THE COURT: Well --

2 MR. DEVORE: I'd still like to approach.

3 THE COURT: Come on up.

4 (Whereupon, court and counsel had a
5 discussion off the record at the bench
6 out of the hearing of jury.)

7 BY MR. FINK:

8 Q Detective McAlister --

9 MR. DEVORE: Well, just hang on. I want
10 to -- he moved for admission of the document; is
11 that right?

12 THE COURT: That's correct.

13 MR. DEVORE: Do you want us to deal with
14 that now, Your Honor?

15 THE COURT: I have not ruled on it. I
16 would like you to ask a couple more questions to
17 clarify what we just discussed. Go ahead.

18 BY MR. FINK:

19 Q Now, is it true that Bluehost basically
20 told you there was too much information for them to
21 copy, and they sent you the link and the password to
22 that site, Allwine dot net?

23 A I worked with our computer forensic folks
24 with the Bluehost company. They provided a -- they
25 provided the document in total, but it was thousands

1 of pages of file types. Then they also, I think it
2 was on USB drives or something. So we got all of
3 that from them physically. This is essentially like
4 when I was in elementary school, and I had to show
5 my work for my math problem. That's just to sort of
6 link the two together to show how they --

7 Q I understand. But in terms of the picture
8 was a screen shot because of the wealth of
9 information that Bluehost provided you was
10 computerized?

11 A Yes. It was all computer data, yes.

12 MR. FINK: Again, I would renew my motion.

13 MR. DEVORE: Your Honor, we would object
14 as to the foundation of this document. Also it's
15 hearsay. It's information that he added to the
16 document. We believe that it is unfairly
17 prejudicial to the defendant having his language on
18 there. His marks on there to highlight certain
19 specific areas.

20 THE COURT: I will clarify it for the jury
21 that the additions to that picture have been made
22 both by Detective McAlister and pursuant to the
23 questions and answers that have been given. You now
24 have knowledge that things have been added to that
25 exhibit. Having said that, and with that knowledge,

1 I am overruling the objection and admitting 111.

2 BY MR. FINK:

3 Q Did you have the occasion to execute a
4 search warrant on the defendant's TCF Bank account.

5 A Yes, we did.

6 Q That was on --

7 MR. FINK: May I approach?

8 THE COURT: You may.

9 BY MR. FINK:

10 Q Showing you what was marked as Exhibit
11 120. Ask you if you know what that is.

12 A Yes. Those are copies of two statements
13 for Stephen and Amy's -- one of their TCF accounts.

14 Q Is there a withdrawal noted on Exhibit --
15 well, strike that. Is that part of the proceeds you
16 received from the search warrant on TCF?

17 A Yes.

18 MR. FINK: We move its admission.

19 MR. DEVORE: No objection.

20 THE COURT: 120 is received.

21 BY MR. FINK:

22 Q Directing your attention to a transaction
23 on March 3, 2016 can you tell the jury what that
24 was?

25 A Yes. March 3rd, 2016 there was a

1 withdrawal for \$7,000 from the TCF account.

2 Q And directing your attention to a
3 transaction on March 21st of 2016.

4 A Yes. March 21st there was a withdrawal
5 for \$6,000.

6 Q As part of your -- as part of your duties,
7 are you equipped with the ability to access what's
8 known as the Dark Web at your computer?

9 A Yes, I am.

10 Q How does that work?

11 A I'm not sure how much explanation has been
12 given for the Dark Web. The Dark Web is essentially
13 the part of the Internet that you can't search with
14 a normal search engine like Google, or Bing, or
15 Internet Explorer, all of those things. So you need
16 a special browser. And the browser I use is called
17 Tor. It stands for the onion router. It's a
18 Firefox, I believe, based browser. But that's the
19 only way to get on the Dark Web is using Tor. I
20 think there are some other ones out there as well,
21 but that's the chief one.

22 Q Did you then have the occasion, as part of
23 your investigation, to search the Dark Web typing in
24 dogdayGod?

25 A I did.

1 Q What did you receive? Were there any
2 hits?

3 A Yes. In particular, I went to a web site
4 called Dream Market, which is essentially a web site
5 on the Dark Web for buying illegal substances or
6 drugs, those kinds of things. I was able to punch
7 in dogdayGod, and I got a couple of posting on Dream
8 Market with that user name.

9 MR. FINK: Approach the witness?

10 THE COURT: You may.

11 BY MR. FINK:

12 Q Showing you Exhibits 117, 118, and 119.
13 Ask you if you know what those are.

14 A I do. These are printouts of the
15 dogdayGod search on Dream Market, which again is a
16 Dark Web website.

17 Q And those are screen shots. That's
18 exactly what you observed when you went on that
19 site?

20 A Correct. Again, these are screen
21 captures.

22 Q Correct?

23 A Right.

24 MR. FINK: Would move 119 into evidence.

25 MR. DEVORE: No objection.

1 THE COURT: 119 is received.

2 MR. FINK: And for safety purposes, it's
3 my belief that 117 and 118 are already in.

4 THE COURT: They are.

5 MR. FINK: Thank you. May I publish?

6 THE COURT: You may.

7 BY MR. FINK:

8 Q This is Exhibit 117. Could you tell the
9 jury what's on that?

10 A Yes. So that's a post from a user named
11 dogdayGod on May 18th, 2016. And it's the top one.
12 If you can see sort of that middle box, it says
13 topic in the upper left hand corner. Then under
14 that, there is a word called -- it's a drug,
15 scopolamine. Then there is right below that is
16 another post where dogdayGod is looking for a drug
17 dealer physically located in the Minneapolis area.

18 Q This is Exhibit 118. What do we see here?

19 A So those are, again, the same posts from
20 May 18th, 2016. One is asking does anyone have
21 scopolamine for sale.

22 Q Who asked for that?

23 A DogdayGod. These are all from dogdayGod,
24 the original post.

25 Q Could you read the first response?

1 A Yep. There is a seller, but avoid that
2 shit mate. It's dangerous as fuck and you will kill
3 someone, period.

4 Then there is another. Somebody else
5 responds, yeah bro, try P3ND8S on Dream, but be
6 careful. That shit will make you gladly hand over
7 your kidneys, and have no idea where, why, or who
8 when you come back to reality.

9 Q And this is Exhibit 119. What is this?

10 A That's a post also from dogdayGod on 5-18,
11 2016. And it reads, looking for a partner for a
12 job, comma, need to be willing to stay anonymous and
13 be paid by Bitcoin, period.

14 Q And on all three of those, that's exactly
15 what you viewed when you went to that forum?

16 A Correct.

17 MR. FINK: Approach?

18 THE COURT: You may.

19 BY MR. FINK:

20 Q Detective McAlister, I am showing you
21 what's marked Exhibit 112. I would like you to tell
22 me what that is.

23 A This is an application for a permit to
24 purchase a firearm. And the applicant's name is
25 Stephen Carl Allwine.

1 Q That was applied for at the Cottage Grove
2 Police Department?

3 A Correct. Applied for at the Cottage Grove
4 Police Department in June of 2016.

5 MR. FINK: Move 112's admission.

6 MR. DEVORE: No objection.

7 THE COURT: Received.

8 BY MR. FINK:

9 Q Now, Detective, did you bring with you
10 today anything seized from the house on
11 November 13th, 2014?

12 A I did.

13 Q What is that, sir?

14 A I have a loaded magazine for a Springfield
15 XDS 9 millimeter pistol. And then I have the
16 Springfield XDS 9 millimeter pistol as well.

17 Q Okay. As you sit there on the stand, do
18 you have either of those?

19 A I have the magazine currently.

20 Q That is marked what, as an exhibit number?

21 A 115.

22 MR. FINK: If I may?

23 THE COURT: You may.

24 MR. FINK: May I approach the witness,
25 Your Honor?

1 THE COURT: You may.

2 MR. FINK: I would move 115 into evidence.

3 MR. DEVORE: No objection.

4 THE COURT: Received.

5 MR. FINK: If the court pleases, I'll ask
6 the Detective Sergeant to open that to display its
7 contents to the jury.

8 THE COURT: Granted. You may do so.

9 THE WITNESS: That is a magazine. It
10 holds eight rounds total. Then these are the rounds
11 that were repackaged by the BCA it looks like.

12 BY MR. FINK:

13 Q You don't have to open those up.

14 A Okay.

15 Q If you want to put those back into Exhibit
16 115.

17 MR. FINK: My understanding, Your Honor,
18 by court rule, I provide that to your Judicial Aid
19 for safekeeping at this point.

20 THE COURT: Yes.

21 MR. FINK: Approach the witness.

22 THE COURT: You may.

23 BY MR. FINK:

24 Q Showing you Exhibit 114. Ask you if you
25 know what this is.

1 A That's a firearm evidence box. Should be
2 containing the Springfield XDS 9 millimeter pistol
3 that was found at the scene.

4 MR. FINK: Request permission for the
5 witness to open the box to display. Move it into
6 evidence first.

7 MR. DEVORE: No objection.

8 THE COURT: 114 is received, and
9 permission granted to open the box and display the
10 contents.

11 (Whereupon, the witness opened the sealed
12 evidence box.)

13 BY MR. FINK:

14 Q Now, before you show that to the jury,
15 just so anybody's fears are allayed; is that pistol
16 in there incapacitated?

17 A Yes, it is.

18 Q How so?

19 A It has a zip tie through the action in the
20 barrel, so it's impossible to fire.

21 Q Okay. Could you show this to the jury
22 then, please.

23 (Showing the exhibit to the jury.)

24 MR. FINK: Again, may I approach the
25 witness?

1 THE COURT: You may, indeed. The same
2 rule applies.

3 MR. DEVORE: Your Honor, may I approach
4 just to see it before he packages it up?

5 THE COURT: You may.

6 MR. DEVORE: Thank you.

7 MR. FINK: Madam clerk.

8 BY MR. FINK:

9 Q Now, in your time as an investigator, a
10 detective, have you been present at suicides by
11 handgun to the head?

12 A Yes.

13 Q And you're familiar with those scenes?

14 A Yes.

15 Q Was there anything unusual about this
16 scene that struck you?

17 A Yes. As I mentioned previously, in
18 particular, the placement of the gun, and the left
19 antecubital fossa, which is this part of your
20 forearm, that was odd.

21 Q Why?

22 A Well, for one thing, she was right handed
23 according to the family members. And her right hand
24 was actually under the bed somewhat. So that was
25 odd. The blood drippings outside the blood pool was

1 inconsistent, in my opinion, with a suicide. She
2 also was positioned in such a fashion that it almost
3 seemed a little staged or manipulated because
4 frequently when I've been on firearm suicide cases,
5 they just crumble. You know, a lot of times you
6 will see arms and legs underneath their body. Those
7 kinds of things. And in this case, she was just
8 laid out, straight on her back, essentially.

9 Q As part of the investigation, did you
10 execute a search warrant on an outfit called Reddit?

11 A That was the subpoena, actually.
12 Administrative subpoena.

13 Q What were you asking for?

14 A I was asking for any user information.
15 And IP login history for any Reddit user by the name
16 of dogdayGod.

17 Q Did you receive at least one?

18 A I did.

19 MR. FINK: May I approach?

20 THE COURT: You may.

21 BY MR. FINK:

22 Q I am showing you Exhibit 110, 1-1-0.

23 A Yes.

24 Q Do you know what that is?

25 A Yes. That's the actual posting from

1 dogdayGod on Reddit. Reddit is essentially a
2 discussion board web site. So you can post a
3 question about anything or discuss anything you want
4 to. This particular discussion board is titled Dark
5 Net Markets Noobs. Noobs, actually, from my
6 understanding stands for newbies or people who are
7 new to that particular topic.

8 There is a question posted by dogdayGod
9 which happened to be on Valentines Day 2-14 of 2016.
10 And it says, new to the markets, but I assume there
11 are LEOs posing as sellers in the markets. How do
12 you identify a LEO verses a real seller. Any tips
13 would be helpful.

14 Q What's a LEO?

15 A Law Enforcement Officers is typically what
16 LEO stands for.

17 MR. FINK: Move Exhibit 110 into evidence.

18 MR. DEVORE: No objection.

19 THE COURT: 110 is received.

20 MR. FINK: That's all of the questions I
21 have for this witness.

22 THE COURT: Cross examine.

23 MR. DEVORE: Thank you.

24 CROSS-EXAMINATION

25

1 BY MR. DEVORE:

2 Q Sergeant McAlister, you are a detective
3 supervisor?

4 A Correct.

5 Q What does that mean to be a supervisor?

6 A Well, primarily, I assign cases. I tidy
7 up loose ends on many cases. Those kinds of things.
8 I coordinate with other agencies if we are working
9 with them, or bringing them in on cases.

10 Q How many supervising detectives are there
11 in your department?

12 A Well, I have four, essentially, full time
13 detectives. General detectives. And then two
14 school resource officers slash juvenile detectives.

15 Q Are you the top detective in the Cottage
16 Grove Police Department?

17 A Yes.

18 Q So were you the lead on this case then?

19 A Well, I was the lead that night, because I
20 was the on-call detective on November 13th. It was
21 a huge group effort. In the end it ended up being
22 primarily myself and Detective Landkamer doing the
23 bulk of the investigation, probably after the first
24 month.

25 Q Okay. Now, you mentioned that you would

1 sometimes have to outsource with other departments;
2 is that right?

3 A We will work with other departments.
4 Sometimes they may have resources that we don't
5 have, so we may bring them in for that kind of a
6 deal.

7 Q Like what kind of things are you talking
8 about?

9 A Like crime scene forensics. You know, we
10 would bring in the BCA as we did in this case.
11 Computer forensics, maybe. We have our own computer
12 forensic specialist.

13 Q Who is that?

14 A That would be Terry Raymond.

15 Q Okay.

16 A But in this case, there were so many
17 electronic devices that we, basically, decided to
18 divide and conquer, and I asked Woodbury, initially,
19 to help out with that. And Detective Raymond did
20 primarily the cell phones.

21 Q Okay. Who from Woodbury helped you out?

22 A Detective Paul Torguson.

23 Q What did he do?

24 A He did initial analysis of the computers
25 and the hard drives. So essentially everything

1 except for the cell phones.

2 Q Now, do you, as part of your duty as
3 supervising detective, do you get a chance to review
4 different reports that your other officers write up?

5 A Yes, for the detectives. Yes. And patrol
6 officers, yes.

7 Q Okay. Your job is to understand the case
8 top to bottom, right?

9 A Well, technically -- usually, that's the
10 assigned officer, the lead officer, who is expected
11 to understand it from top to bottom.

12 Q Right. Who was the assigned officer in
13 this case?

14 A Jared Landkamer was the primary, along
15 with myself. Like I say, it was sort of a team
16 effort.

17 Q Both of you?

18 A Yes.

19 Q All right. And so -- now, you also had an
20 occasion to hire a company called -- or a person by
21 the name of Mark Lanterman; is that correct?

22 A Yes, his company. Computer Forensic
23 Services.

24 Q And when did you do that?

25 A Again, that was late January, early

1 February of 20 -- well, it would have been 2017
2 then.

3 Q What kind of services did Computer
4 Forensic Services or service provide for you?

5 A The same stuff that we -- you know all the
6 computer forensic analysis. The imaging of the hard
7 drives, and then the cell phones as well.

8 Q Okay. Is that partially what Investigator
9 Torguson did as well?

10 A Yeah, he did some of that.

11 Q He did the initial, and then you brought
12 in Computer Forensic Services?

13 A Yes.

14 Q That is right?

15 A Yes.

16 Q And then did Torguson continue to work on
17 the case as well?

18 A Not really. To the best of my knowledge,
19 he did one -- he provided one additional work
20 product a few months later.

21 Q What was that?

22 A It was looking at -- it was really a list
23 of like several hundred file numbers. It was beyond
24 my scope.

25 Q Okay. Now, describe the work that you had

1 Computer Forensic Service do then?

2 A So essentially a computer forensic
3 specialist, or investigator does, they image a hard
4 drive on a computer. That means they make an exact
5 copy of the hard drive. And there is hardware and
6 software to insure that it's not altered or edited
7 in any sort of fashion.

8 Once they get that image, the image is
9 actually what they analyze. So they use any number
10 of forensic computer programs to do searches on an
11 image, and you know, basically produce a report.

12 Q Okay.

13 MR. FINK: Your Honor, excuse me counsel,
14 could we approach, please?

15 THE COURT: You may.

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

18 BY MR. DEVORE:

19 Q Now, Sergeant McAlister, just for a point
20 of clarification, your police department didn't
21 actually hire Computer Forensic Service, correct?

22 A Correct.

23 Q That was done by the county; is that
24 right?

25 A I don't know who wrote the check, but I

1 was directed to take our stuff there, yes.

2 Q Now, your description of the imaging the
3 hard drive of computers, that's what a computer
4 forensic analyst does; is that right?

5 A Correct.

6 Q That's what Detective Torguson did as
7 well; is that correct?

8 A Correct.

9 Q Now, have you had occasion to review the
10 report from Computer Forensic Service?

11 A Yes.

12 Q Have you also had an occasion to review
13 the report of Detective Torguson?

14 A Yes.

15 Q Now, is it -- at some point, did you
16 become aware of a disagreement between Detective
17 Torguson and Mark Lanterman?

18 MR. FINK: Objection, calls for hearsay.

19 THE COURT: Not yet. It's whether he was
20 aware. I'll allow that. Overruled. You may
21 answer.

22 THE WITNESS: In regards to some data that
23 they pulled, you mean?

24 BY MR. DEVORE:

25 Q Yes.

1 A I was unaware of any particulars in terms
2 of a disagreement between their two reports.

3 THE COURT: Next question.

4 BY MR. DEVORE:

5 Q Sure. At some point, you became aware of
6 Torguson finding some errors in Lanterman's report;
7 isn't that correct?

8 A I am unaware of what those errors would
9 be, if there are some.

10 Q Are you aware of Torguson finding errors
11 in Lanterman's report?

12 MR. FINK: Object, Your Honor. Again,
13 this is -- the basis of the question is in fact
14 hearsay.

15 THE COURT: And he has answered he is not
16 aware. Next question.

17 MR. DEVORE: All right. May I approach,
18 Your Honor?

19 THE COURT: You may.

20 BY MR. DEVORE:

21 Q Now, Sergeant McAlister, I am showing you
22 a document. Can you just read it to yourself? Just
23 kind of refresh your memory as to what that is, if
24 you recognize it.

25 Now, Sergeant McAlister, you made

1 reference in an email yourself that there were some
2 issues that Investigator Torguson had found in the
3 Lanterman report; is that correct?

4 A I am unaware of what any of those issues
5 would be is my point.

6 Q Okay. Sure.

7 A I don't speak enough computer language to
8 understand the intricacies of both of the reports
9 necessarily. I understand that they have some
10 disagreements. I still don't understand really what
11 the basis of those disagreements are, or what the
12 specifics in terms of each of their analysis is. I
13 have no idea.

14 Q Okay. Fair enough. Now, you indicated --
15 well, let me ask you this: Did you do a walk around
16 of the Allwine property?

17 A Which date?

18 Q At all, ever. Did you do a walk around of
19 the whole property, not just the house?

20 A I did not. Woodbury detectives did a very
21 large property walk around when we executed our part
22 of the search warrant.

23 Q Okay. Do you know when they did that?

24 A That would have been Tuesday the 15th of
25 November.

1 Q So were there other Woodbury officers
2 helping out other than just Detective Torguson?

3 A Yeah. It was Detective Zerwas and
4 Jagodzinski. Don't ask me to spell that.

5 Q No, I won't.

6 A Okay.

7 Q I won't even ask you to spell Zerwas. All
8 right. So you said you had an opportunity to review
9 Detective Torguson's report that he did in this
10 case; is that correct?

11 A Yeah, I have read through it.

12 Q But you're not the computer guy by nature;
13 is that right?

14 A I am not a computer expert.

15 Q Okay. Now, the security system that you
16 testified about, that was through Xfinity, in the
17 Allwine house?

18 A Correct.

19 Q And you said that there were three door
20 contacts, or contacts I should say. One was at the
21 front door?

22 A Correct.

23 Q Then we saw a picture of that that had a
24 deadbolt on it; is that correct?

25 A Yeah, the front door. Correct.

1 Q And then one was a service door that went
2 from the mudroom into the garage?

3 A Correct.

4 Q And then one was the egress window; is
5 that correct?

6 A Correct. In the basement.

7 Q And then there was also the sliding door
8 to the back; is that correct?

9 A Correct.

10 Q That did not have one of those door
11 contacts on it?

12 A It did not.

13 Q So that means that it wasn't monitored by
14 the security system; is that fair to say?

15 A Yes, that part of it. Although, it was
16 covered by a surveillance camera.

17 Q Did you get video from that camera?

18 A No, because the Allwines did not pay for
19 that coverage for that camera.

20 Q The camera wasn't working, right?

21 A It works. It just doesn't record so you
22 can go back and look.

23 Q Right. So they had certain areas that
24 were covered, and certain areas that weren't?

25 A Correct.

1 Q That sliding door, you checked the lock
2 mechanism on that door?

3 A I did.

4 Q Did it work?

5 A It was not working when I got there.

6 Q Where is the -- you're familiar with the
7 gate for that backyard?

8 A Yes.

9 Q Where was that located?

10 A So that's flush with the west wall of the
11 garage, so on the west side of the house.

12 Q Is that a normal gate that has a latch or
13 something that a person can walk through, or what
14 kind of a gate are we --

15 A Yeah. It's like a 6-foot high hurricane
16 fence. It's got an L shape like galvanized steel
17 locking mechanism.

18 Q Sure. Now, you indicated that the body of
19 Ms. Allwine seemed to be, or appeared to be,
20 manipulated; is that what you said?

21 A It seemed inconsistent with most of the
22 other suicides that I have been on where they
23 received a gun shot to the head.

24 Q Sure. The overall picture seemed
25 inconsistent?

1 A Correct. Yes.

2 Q And specifically as to the body, you
3 indicated that it seemed manipulated. In what way,
4 can you describe that to me?

5 A Well, it was just laid out flat on her --
6 she was laid out flat on her back. I don't see that
7 often with a suicide with a gun shot to the head.

8 Q Okay.

9 A Typically, if you have a major trauma to
10 the brain or the spinal cord, you just go down right
11 there, immediately, in a heap. So it's not common
12 to see legs or arms sort of fallen on.

13 Q Supine position?

14 A Yeah.

15 Q And you mentioned that you noticed like a
16 film or something on the floor outside the bedroom,
17 correct?

18 A Yes.

19 Q Did you -- were you able to see anything
20 physically with your own eyes, as far as other than
21 this film? Did you see any blood or anything?

22 A I couldn't tell what it was due to the
23 lighting. So it just looked like a film to me of
24 some sort.

25 Q Then did you see the floor when the BCA

1 was there spraying luminal around?

2 A I did not. I was not there for that.

3 Q You weren't present during that process?

4 A Nope. I was not.

5 Q How much time did you spend on the 13th of
6 November when you were there? You said you got
7 there, I think you said about 8:00?

8 A 8:15ish is when I got there. And I
9 called -- once I kind of got a gist of what was
10 going on there, I called the BCA three or four phone
11 calls before I got ahold of Special Agent Frascone.
12 She responded to the scene. And then we decided to
13 call the ME's office. I think --

14 Q What time do you think you left?

15 A It's in the crime scene log. It's
16 probably around midnight. Just after possibly.

17 Q So around four hours or something?

18 A Yes.

19 Q Then at any time after that, did you
20 return to the property to do more investigation?

21 A We did.

22 Q When was that? The next day or what?

23 A Well, the BCA came back the next day once
24 we had the search warrant signed. We had kept an
25 officer there 24/7 until we released it back to --

1 could have been you, I can't remember, or Chuck
2 Zutz.

3 Q Did you say me?

4 A I can't remember. I remember talking to
5 you about releasing it. I can't remember who showed
6 up. I wasn't there when it was released, so I don't
7 know.

8 Q Sure. How about, did you ever, I can't
9 recall if I asked you, but did you do a little walk
10 around on the perimeter of the property?

11 A So initially, when I got there I did a
12 quick look-see around -- especially around the east
13 side of the fence, the west side, and the front of
14 house. I never, myself, did a complete walk around
15 the 20, or 25 acres, whatever it is.

16 Q How about over by the arena, did you walk
17 around over there?

18 A I did make it over there, yes. Not that
19 night, I don't think, but when we did our search
20 warrant.

21 Q It was dark that night, right?

22 A Yeah, it was dark when I got there. Yeah.

23 Q Did you walk around the property during
24 the day time at all?

25 A Yes, a little bit.

1 Q Did you walk into the arena at all and
2 look around?

3 A I did.

4 Q Now, describe the arena. Where's the main
5 entrance to the arena? Which direction of the
6 building was that on?

7 A Well, I believe there is an entrance on
8 the west side and then on the north side. I am not
9 sure which one they would call the main entrance.

10 Q You didn't have occasion to learn that
11 from speaking to anybody?

12 A Not me, personally.

13 Q Was there parking lots for the arena?

14 A Yes. I believe on the north side, and
15 wrapping around to the west side.

16 THE COURT: We are going to stop there.
17 Going to break for lunch. There is a reason that we
18 need to delay the afternoon a little bit, so we will
19 resume at 2:00. So you have a little bit longer to
20 go for lunch. Go with the deputy, please.

21 Please remember the instructions. I won't
22 give them all to you again. But I will remind you
23 that if anyone tries to discuss this case with you
24 outside of the courtroom, report it to me. Don't
25 talk to anyone involved with this case; the

1 defendant, the lawyers, or the witnesses in any way.
2 But don't discuss the case with anyone else, even
3 jurors, fellow jurors.

4 So you may go and have your lunch. We are
5 going to resume at 2:00.

6 (The jury exited the courtroom.)

7 (Lunch recess was taken.)

8 THE DEPUTY: All rise for the jury.

9 (The jury returned to the
10 courtroom.)

11 THE COURT: Everyone please be seated.

12 Have Sergeant McAlister on the witness stand. Come
13 forward please.

14 Have a seat, sir. Remember you are still
15 under oath.

16 I believe we are in the middle of
17 cross-examination. Mr. DeVore, you may proceed.

18 MR. DEVORE: Thank you.

19 CONTINUED CROSS-EXAMINATION

20 BY MR. DEVORE:

21 Q Detective McAlister, did you ever instruct
22 anybody to check the wood burning stove at the
23 Allwine property?

24 A Yes.

25 Q Who was that?

1 A Actually several people did it. Our
2 Community Service Officer did it. The Woodbury
3 detectives did it. I did it. So it was checked
4 probably at least three times.

5 Q Anything of significance found in there?

6 A No. Burns real hot.

7 Q Okay. You checked around, right, and
8 nothing was in there?

9 A Yes.

10 Q That CSO that was Bobick, right?

11 A I believe it was Bobick, yes.

12 MR. DEVORE: No further questions. Thank
13 you.

14 THE COURT: Redirect.

15 REDIRECT EXAMINATION

16 BY MR. FINK:

17 Q The wood burner wasn't checked on the
18 13th, was it? It was a day or so later?

19 A It was probably a day or so later, yes.

20 Q Now, it's common for law enforcement
21 agencies to execute what is known as joint power
22 agreements; is that right?

23 A Yes.

24 Q And that's where when one agency needs
25 help from another, they automatically come and help?

1 A Yes.

2 Q You have one of those with Woodbury Police
3 Department?

4 A Yes.

5 Q So that's why the computers, their initial
6 analysis, went to Officer Torguson at Woodbury; is
7 that right?

8 A Yes.

9 Q My office obtained the assistance of
10 Computer Forensic Services; is that right?

11 A Yes.

12 Q That's why the computer and the phone
13 analysis was moved to them; is that right?

14 A Correct.

15 MR. FINK: That's all.

16 THE COURT: Any recross?

17 MR. DEVORE: No, Your Honor. Thank you.

18 THE COURT: You may step down. Next

19 witness.

20 MS. KREUSER: The state calls Michelle
21 Woodard.

22 THE COURT: Please come forward all the
23 way to the witness chair. All the way around, so
24 you can be seated there. But before you sit down,
25 raise your right hand to be sworn.

1 MICHELLE WOODARD,
2 having been first duly sworn, was examined
3 and testified on her oath as follows:

4 THE CLERK: Please state your full name
5 for the record, spelling your first and last name.

6 THE WITNESS: Michelle Christine Woodard.
7 M-I-C-H-E-L-L-E, W-O-O-D-A-R-D.

8 THE COURT: Have a seat. You may proceed.

9 MS. KREUSER: Thank you, Your Honor.

10 BY MS. KREUSER:

11 Q Good afternoon, Ms. Woodard. I will let
12 you help yourself to some water.

13 Now, it's true that you were contacted by
14 the Cottage Grove Police Department and the BCA, or
15 Minnesota Bureau of Criminal Apprehension, in
16 connection with this case, correct?

17 A The BCA, yes.

18 Q Now, why were you contacted?

19 A They contacted me in November to -- they
20 asked me to come meet them at the Bloomington Police
21 Department because they had some questions.
22 Eventually, that's when they told me that Amy had
23 died. They just asked me a bunch of questions about
24 my relationship, and what I knew about Steve.

25 Q Okay. In November of what year?

1 A 2016.

2 Q When you say your relationship with Steve,
3 to whom are you referring?

4 A Steve Allwine.

5 Q And it's true that you had a relationship
6 with Stephen Allwine?

7 A Yes.

8 Q How did you first come into contact with
9 Stephen Allwine?

10 A We met on Ashley Madison.

11 Q What is Ashley Madison?

12 A It's a dating site for not just married
13 people, but a lot of people on there are married.

14 Q When approximately was this?

15 A October of 2015.

16 Q Do you know if he contacted you, or vice
17 versa?

18 A I believe he contacted me.

19 Q How did you begin the initial
20 communication on Ashley Madison? Is it done through
21 messaging, email; how does it work?

22 A Messaging on the system, and then we
23 exchanged texts, cell numbers.

24 THE COURT: I am going to stop you right
25 there, because I am going to repeat something to the

1 jury. I think the jury understands this, because I
2 told you that there would be multiple witnesses in
3 this regard. So this applies both to people you
4 have heard, and to the current witness.

5 You are hearing evidence of conduct by the
6 defendant. This evidence is being offered for the
7 limited purpose of demonstrating the nature and
8 extent of the relationship between the defendant and
9 Amy Allwine in order to assist you in determining
10 whether the defendant committed those acts with
11 which the defendant is charged here, which is First
12 Degree Murder. Defendant is not being tried for,
13 and not be convicted of any behavior other than the
14 charged offense. So you are not to convict the
15 defendant simply on the basis of the conduct you are
16 hearing. To do so might result in unjust double
17 punishment. And you may proceed.

18 MS. KREUSER: Thank you, Your Honor.

19 BY MS. KREUSER:

20 Q Now, Ms. Woodard, you were saying that you
21 began by messaging and then texting? If you need to
22 finish that answer, that's fine.

23 A Yes, texting.

24 Q After you had this initial communication,
25 did the two of you eventually meet in person?

1 A Yes, we did.

2 Q Where did you first meet?

3 A Um, he offered to attend a doctor's
4 appointment with me, so I met him at my clinic.

5 Q Did you do anything after?

6 A Yes, we went to dinner afterwards.

7 Q And can you describe -- when was this
8 about?

9 A October 2015.

10 Q And how did the relationship continue from
11 that point; what did you do?

12 A We dated. We were intimate. I went on a
13 few vacations with him. Well, they were work trips
14 for him.

15 Q Okay. I will stop you there. When you
16 say that you were "intimate", was it a sexual
17 relationship?

18 A Yes.

19 Q When you would meet, what would you do?
20 Would you go out, would you stay in? Would you do
21 both? Can you just kind of explain that?

22 A Both. Usually always to lunch or dinner
23 or something to that effect.

24 Q Would you primarily be at your residence,
25 his residence; can you explain that?

1 A At my residence.

2 Q Now, these work trips that you referenced,
3 can you explain how many did you go on?

4 A Two.

5 Q When you say "work trips", whose work
6 trips were they?

7 A Steve's.

8 Q Now, let's talk about the first one in
9 time. Approximately when was that?

10 A It was November of 2015.

11 Q Where did you go?

12 A Hartford, Connecticut.

13 Q Can you explain you accompanying him on
14 that trip?

15 A Um, we -- like the actual trip? We flew
16 to Philadelphia first, and our flight got canceled.
17 There were no other flights to get to Hartford that
18 night, and he had to be -- it was Sunday evening.
19 He had to be at his work at 8 a.m. to receive an
20 award. So we ended up having to rent a car, and
21 drive from Philadelphia to actually the Hartford
22 airport before it closed to get our luggage, which
23 was sent. I was a wreck about it, but I have -- I
24 was at the time on medical leave for severe
25 depression and anxiety. Steve wasn't phased by it

1 at all. In fact, I asked him --

2 MR. DEVORE: Objection, narrative.

3 Nonresponsive, Your Honor.

4 THE COURT: At this point it is narrative.

5 Next question.

6 MS. KREUSER: Sure.

7 BY MS. KREUSER:

8 Q When you were en route to Hartford, did
9 anything stand out to you about that venture?

10 A Just how calm he was.

11 Q And once you -- you made it to Hartford?

12 A We did.

13 Q What kind of things did you do over the
14 duration of the trip?

15 A He had booked a really quaint B & B in a
16 small little town called Simsbury. I could have
17 used the rental car, but at the time my anxiety was
18 too high for me to want to drive. So I stayed there
19 during the day, and walked around the town, and
20 spent some time with the innkeeper. When he was off
21 of work, we would go out to dinner.

22 Q About how long did that trip to Hartford
23 last; how many days?

24 A It was Sunday to Thursday, I think is when
25 we flew back.

1 Q What was the second trip that you
2 accompanied him on?

3 A To Syracuse, New York and Niagara Falls.

4 Q When was that approximately?

5 A December 2016.

6 Q '16?

7 A Oh, I'm sorry. '15. 2015.

8 Q Can you just talk about what you did on
9 that trip?

10 A On that trip he worked. I think we got
11 there on Friday or Saturday, and then he started
12 working like Sunday. I did eventually take the car.
13 And I don't know if anybody cares, but drove myself
14 to Cooperstown and did a bunch of things while he
15 worked. And then we would meet in the hotel like
16 happy hour area when he would get home from work.
17 We went through a Christmas light tour around the
18 lake. We went to Syracuse University campus. We
19 went out to eat a lot. Then on Wednesday, we drove
20 to Niagara Falls, and stayed two nights in Niagara
21 Falls, and then came home.

22 Q Okay.

23 MS. KREUSER: May I approach?

24 THE COURT: You may.

25 MS. KREUSER: Thank you.

1 BY MS. KREUSER:

2 Q Mrs. Woodard, I am showing you what's been
3 marked as Exhibit 89, and Exhibits 103, 104, and
4 105. We will deal with those first. Drawing your
5 attention to Exhibits 103, 104 and 105; do you
6 recognize those pictures?

7 A Yes.

8 Q Did those come from your phone?

9 A Yes.

10 Q Are they true and accurate copies of
11 pictures that you had on your telephone?

12 A Yes.

13 MS. KREUSER: Your Honor, I would move for
14 admission of Exhibits 103, 104, and 105.

15 MR. DEVORE: No objection.

16 THE COURT: Received.

17 MS. KREUSER: Thank you. Permission to
18 publish, Your Honor.

19 THE COURT: You have that permission.

20 MS. KREUSER: Thank you.

21 BY MS. KREUSER:

22 Q Ms. Woodard, looking at Exhibit 103, can
23 you explain what that picture is?

24 A This was a picture that I took as a joke
25 during one of the happy hours at the hotel we were

1 staying at.

2 Q On which trip?

3 A To Syracuse.

4 Q Who is that in the picture with you?

5 A Steve Allwine.

6 Q Going to Exhibit 104, what's depicted
7 there?

8 A It's a picture of me and Steve at the
9 restaurant where we had dinner.

10 Q Do you recall where the restaurant was?

11 A I think this was in Syracuse as well.

12 Q And Exhibit 105, can you explain what that
13 picture is?

14 A It's a picture of me and Steve kissing.

15 Q Thank you. Turning your attention to
16 Exhibit 89, Ms. Woodard, do you recognize that
17 packet?

18 A Yes.

19 Q Have you seen it before?

20 A Yes.

21 Q What is it?

22 A It's text messages from the end of October
23 to early November, and then a few in the fall of
24 2015, and then a few from the fall of 2016.

25 Q Okay. That, for the record, is already

1 entered into evidence as Exhibit 89, if my record
2 reflects correctly. It's been offered and accepted.

3 THE COURT: Just a moment. I don't have
4 it as entered.

5 MS. KREUSER: Okay. I'm glad I asked. I
6 will inquire further, Your Honor.

7 BY MS. KREUSER:

8 Q Ms. Woodard, those text messages, did you
9 provide your cell phone to police or to the BCA?

10 A Yes.

11 Q Okay. So you would agree that those text
12 messages are true and accurate depiction of the
13 content of your cell phone that you gave the BCA,
14 correct?

15 A Correct.

16 MS. KREUSER: Your Honor, I would move to
17 offer Exhibit 89.

18 MR. DEVORE: No objection to the leading
19 questions, and no objection to the exhibit, Your
20 Honor.

21 MS. KREUSER: Just establishing
22 foundation, Your Honor.

23 THE COURT: You two don't have to get into
24 it, and the exhibit is received.

25 MS. KREUSER: Thank you. May I continue

1 to inquire, Your Honor?

2 THE COURT: You may.

3 MS. KREUSER: Thank you.

4 BY MS. KREUSER:

5 Q Ms. Woodard, how would you describe
6 Stephen Allwine's overall demeanor with you during
7 the time you spent with him?

8 A He was kind to me. Very polite. Didn't
9 show much emotion at all, actually. He was, for the
10 most part, responsible, reliable, predictable. I am
11 not sure how to really answer besides that. It was
12 a time where I needed --

13 MR. DEVORE: Objection, nonresponsive.

14 THE COURT: At that point, it's starting
15 that way. Next question.

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

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

19 BY MS. KREUSER:

20 Q Ms. Woodard, when you spent time with
21 Stephen Allwine, did he ever talk about his faith
22 with you?

23 A No.

24 Q Did you know about it?

25 A Yes.

1 Q How?

2 A I Googled his name.

3 Q Did he talk about Amy Allwine with you?

4 A Sometimes.

5 Q Do you recall what he said, if anything?

6 A Early on, when we first met, I told him
7 specifically that I didn't want to get close in
8 another relationship with somebody that was
9 committed to their marriage. He had told me that he
10 didn't know what the future held. Later, he just
11 said that she didn't spend enough time with the
12 family. She was too busy with her job. She didn't
13 see her son much, and that kind of thing.

14 Q Now, is it true that things eventually
15 cooled between the two of you?

16 A Yes.

17 Q Did you still keep in communication with
18 Stephen Allwine?

19 A Yes.

20 Q How did you do that?

21 A We were -- early on, we switched from
22 texting on our cell phones to messaging on Kik?

23 Q Okay. Did you ever meet him in person
24 again?

25 A Yes.

1 Q I would like to draw your attention to
2 March of 2016.

3 A Okay.

4 Q Did you have lunch with Stephen Allwine
5 that day?

6 A I did.

7 Q Can you explain?

8 A It was his birthday. I don't remember the
9 date. We were meeting at the Blue Door Pub in
10 Minneapolis for lunch. And he texted me that he was
11 going to be late because he had locked his keys in
12 his truck. I asked him where he was, and what he
13 was doing. He said he was -- he had met a man to
14 exchange Bitcoin at some fast food restaurant. I
15 don't remember where. And I asked him if he was
16 close, and if he wanted me to come pick him up. He
17 said no, that the locksmith was on its way.

18 Q Did you ever have occasion to go to Steve
19 Allwine's residence?

20 A One time.

21 Q Can you explain?

22 A I think it was in April of 2016. I just
23 was interested in seeing his property, and all the
24 solar stuff and unique things he had there. So his
25 wife was out of town, I think, for a dog show, and

1 son was in school. I just came over and he walked
2 me through the property, and showed me the house,
3 and then I left.

4 Q I would like to draw your attention to
5 September of 2016. Did you have the occasion to
6 meet Stephen Allwine then?

7 A Yes.

8 Q Can you explain?

9 A We met for lunch at the Twin City Grill at
10 the Mall of America.

11 Q Okay. And do you recall the conversation
12 that you had that day?

13 A Yes. He told me he could now open up
14 about -- he had told me back in June that the FBI
15 had been to his house, and he couldn't tell me
16 anything about it. He told me then at lunch that he
17 could fill me in a little bit more on what was going
18 on, because it was kind of out in the open now, or
19 something to that effect.

20 Q Did you talk about anything else in that
21 conversation?

22 A I just asked him, you know, what's going
23 on? You know, is everything okay. He said that
24 there had been death threats towards his wife. I
25 didn't mean to laugh, but I joked. I thought, who

1 would want to do that? He talked about we are
2 learning a lot about the Dark Web and she has
3 received some threatening emails and phone calls.
4 And I just kept saying -- he had mentioned one of
5 the emails said that I know that if she is gone, he
6 will probably give the business to me. I just said,
7 well, that's just -- I was still kind of laughing.
8 Who would want to kill somebody over a \$50,000
9 business. But anyway, it was odd.

10 MR. DEVORE: Objection, nonresponsive,
11 Your Honor.

12 THE COURT: The last sentence is stricken.
13 It was nonresponsive. Next question.

14 BY MS. KREUSER:

15 Q Okay. Ms. Woodard, did you have any
16 further meetings or texting conversations with
17 Stephen Allwine after that?

18 A No meetings, but a few texts.

19 Q What were the general context of those
20 text messages?

21 A I checked in in October of 2016, and asked
22 if -- how things were going, if everybody was okay.
23 He had replied that they had just got -- returned
24 home from Germany. I texted back, did you have a
25 good time, and he replied that it was nice to get

1 away from it all. He offered and asked if he could
2 stop by my home that evening. And I replied that --
3 this was the end of October, so whatever that last
4 week of October. It was a Wednesday because I play
5 in a concert band and I said I would be at
6 rehearsal, so I wouldn't be home. Then he asked me
7 to lunch two days after, Friday. He said how about
8 lunch on Friday. I said that I was busy, and that
9 was the last text.

10 Q Okay. You were then contacted by law
11 enforcement regarding the passing Amy Allwine,
12 correct?

13 A Correct.

14 Q Did you have any contact with Stephen
15 Allwine after this?

16 A Yes.

17 Q Can you explain?

18 A I sent a Kik message saying -- I am not
19 sure exactly what I said, but I don't know what to
20 do with all of this that I am learning about. I
21 don't know what to think.

22 Q Okay. Did he respond?

23 A He did. His response, to the best of my
24 memory was, to the effect of, I could never do
25 something like this. I still think it was someone

1 she worked with.

2 Q So that individual that you had a
3 relationship with, and referred to as Stephen
4 Allwine, do you see him in the courtroom today?

5 A Yes.

6 Q Can you point him out? That's fine.

7 A (Pointing).

8 Q And you're pointing in the general
9 direction of defense counsel table?

10 A Yes.

11 Q Can you explain where he is sitting at
12 that table, and identify an article of clothing that
13 he is wearing?

14 A He is wearing glasses, and he's seated to
15 the right. From my right of his attorney.

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

19 THE COURT: The record may reflect that.

20 MS. KREUSER: Thank you, Your Honor.
21 Nothing further.

22 THE COURT: Cross examine.

23 MR. DEVORE: Thank you.

24 CROSS-EXAMINATION

25

1 BY MR. DEVORE:

2 Q Ms. Woodard are you married?

3 A Yes.

4 Q How long have you been married?

5 A 14 years.

6 Q Were you married when you had this
7 relationship with Mr. Allwine?

8 A Yes.

9 Q Did your husband know about this
10 relationship?

11 A He knew that I saw other people, yes.

12 Q Back then?

13 A Yes.

14 Q In fact, Mr. Allwine wasn't the only
15 person that you met on this site; is that correct?

16 A Correct.

17 Q How many other men were you engaged with
18 during the time that you were seeing Mr. Allwine?

19 A No one else.

20 Q How many were you engaged with immediately
21 after seeing him?

22 MS. KREUSER: I am going to object, it's
23 not relevant.

24 THE COURT: I am going to allow it. I am
25 overruling up to a point. It has to do with

1 credibility, and I am going to allow it. You may
2 continue.

3 THE WITNESS: I wasn't -- I have not been
4 in any relationship since that.

5 BY MR. DEVORE:

6 Q Okay. When I said engaged, I meant men
7 that you would meet up with. How many other men
8 were you meeting up with?

9 A I don't do that on that site. That's not
10 my goal to meet up.

11 Q Okay. Outside of that site then.

12 A No.

13 Q No?

14 A I don't -- I am not the typical type for
15 that site that you would assume that I am just
16 looking for a sexual relationship. I don't need
17 that. I was concentrating on getting back to work
18 and taking care of my own.

19 Q Who is Barry Warren?

20 A Warren Barry?

21 Q Yeah, Warren Barry.

22 A It's a friend of mine that I worked with
23 for 23 years.

24 Q How about Matt Merrick?

25 A My nephew.

1 Q How about Bloomington John?

2 A No idea.

3 Q You don't know who that is?

4 A No.

5 Q Jeff Fish?

6 A Don't know.

7 Q None of these men? You don't know any of
8 these guys that I'm saying? These guys?

9 A They're not people that I have met. I may
10 have texted, but I don't know them personally.

11 Q Will Hoffman?

12 A Will is a friend of mine that I know, but
13 did not have a relationship with.

14 Q Okay. Corey Crump or Cramp?

15 A I don't know who that is.

16 Q Okay. So at the time back in 2015 and
17 '16, you said that your husband was aware of what
18 you were doing?

19 A My husband and I had discussed that matter
20 in 2012.

21 Q And now you remember meeting with Special
22 Agent Donny Cheung, and Special Agent O'Brien at the
23 Bloomington Police Department?

24 A Yes.

25 Q That was in November of 2016?

1 A Yes.

2 Q And do you remember telling them that your
3 romance -- the romance between you and Steve Allwine
4 fizzled after February of 2016?

5 A Yes.

6 Q And do you remember telling them that
7 Steve told you that he and his wife had had a long
8 talk in February, and that they were going to work
9 out their issues?

10 A Yes. He told me at lunch that they had
11 been up late working on her taxes, and that they had
12 a discussion. She was going to make an effort to
13 spend more time with the family.

14 Q Okay. And then you knew at that point
15 that your romance with Steve Allwine was over; is
16 that correct?

17 A I presumed that, yes.

18 Q That's what you told the agents, correct?

19 A Yes.

20 Q And then you also told the agents that
21 Mr. Allwine never promised you that he would leave
22 his wife for you; is that correct?

23 A Correct. And I didn't ask him to, nor did
24 I want him to.

25 Q He never spoke negatively about his wife,

1 Amy; isn't that correct?

2 A No. I think he spoke negatively when he
3 stated that she didn't spend enough time. That she
4 didn't participate in the activities that they did
5 as a family.

6 Q When you were asked by Special Agent
7 O'Brien whether or not he spoke negatively about his
8 wife, you indicated no.

9 A Okay.

10 Q Is that true?

11 A I don't know if I would paint that
12 negative or not, so I don't know what the correct
13 answer is. As far as saying mean things, no.
14 Expressing disappointment, yes.

15 Q Sure. Well, I assume you might have been
16 on that site because of feelings about your own
17 marriage; isn't that correct?

18 A Yes.

19 Q I mean there is a reason you went on that
20 site, right?

21 A Correct.

22 Q And there was a reason that you were
23 looking for a relationship, right?

24 A Yes.

25 Q And you're still married to your husband?

1 A Yes.

2 Q You said Steve was respectful to you?

3 A Yes.

4 Q You said he was calm?

5 A Yes.

6 Q All right. Did he ever get aggressive
7 with you in any way?

8 A No.

9 Q Did he ever yell at you in any way?

10 A No.

11 Q Did he ever swear at you in any way?

12 A No.

13 Q Did you ever feel threatened by him in any
14 way?

15 A No.

16 Q Was he ever physically abusive toward you?

17 A No.

18 Q Now, the last time you had any kind of
19 romantic relationship with Mr. Allwine was when?

20 A You mean the last time we were intimate
21 together?

22 Q Yes.

23 A Probably April of 2016.

24 Q Okay. Do you know that for sure?

25 A No. But I do know that we were intimate a

1 few times after he had stated that he was -- had the
2 talk with his wife.

3 Q Sure. But not sure on the date, right?

4 A I'm not sure on the date.

5 Q But you do remember speaking with agents
6 and that was in November of 2016, correct?

7 A Correct.

8 Q Do you still love your husband?

9 A Yes.

10 MR. DEVORE: I have no further questions,
11 Your Honor.

12 THE COURT: Any redirect?

13 MS. KREUSER: Nothing, Your Honor.

14 THE COURT: You may step down.

15 Next witness.

16 MR. FINK: Call Ryan Seidel.

17 THE COURT: Please come forward to the
18 witness chair. Before you sit down, please raise
19 your right hand to be sworn.

20 RYAN SEIDEL,
21 having been first duly sworn, was examined
22 and testified on his oath as follows:

23 THE CLERK: Please state your full name
24 for the record, spelling your first and last name.

25 THE WITNESS: Ryan Seidel, R-Y-A-N,

1 S-E-I-D-E-L.

2 THE COURT: Have a seat. And you may
3 proceed.

4 MR. FINK: Thank you.

5 DIRECT EXAMINATION

6 BY MR. FINK:

7 Q Good afternoon. How are you employed?

8 A I was a chemist, but now I stay home with
9 my daughter.

10 Q At one time, did you sell Bitcoin?

11 A Yes.

12 Q When was that?

13 A Probably late 2012 to -- would have been
14 late 2016.

15 Q Okay. How is it that you sold Bitcoin?
16 What methodology did you use?

17 A I employed the web site LocalBitcoins.com.
18 It's like a Craigslist where you could list that you
19 had Bitcoins available, and then buyers would
20 contact you. You can either arrange to do it
21 online, or you can meet up in person and exchange
22 cash, and then exchange the Bitcoin that way.

23 Q In terms of whatever money you might make,
24 which would be the preferable way?

25 A Preferable would be in person cash.

1 There's just less opportunity for scams on either
2 end from the seller or the buyer.

3 Q And LocalBitcoin.com didn't get a
4 percentage of that transaction then either, right?

5 A Yeah, if you met in person, you could
6 bypass it. You were there in person, so there was
7 no need to use their escrow system.

8 Q So the contact was set up through
9 LocalBitcoins.com, but you didn't necessarily
10 transact through them, correct?

11 A Correct. You could go outside of it.

12 Q Why would one want to buy a Bitcoin?

13 A Investment. Sometimes online retailers
14 would give a discount if you use Bitcoin verses
15 credit card or something like that. Or if you
16 wanted to send money internationally, it's much
17 easier to do that with Bitcoin verses traditional.

18 Q Were there any other uses for it?

19 A Yeah, you can also use it for illegal
20 activities like buying drugs, or things where you
21 didn't want the payment to be traced.

22 Q So that's not a traceable transaction?

23 A You can take steps to make yourself
24 anonymous, but there are ways to check it. You
25 could check the transaction, but there are ways to

1 block our personal identification from being
2 associated with that.

3 Q So you could track the transaction, but
4 you couldn't necessarily determine who either the
5 buyer or the seller was?

6 A Correct.

7 Q Again, how did you secure buyers?

8 A Through LocalBitcoins.com, that was the
9 primary way. You know, after being on there for a
10 while, people realize, oh, this guy has Bitcoin, so
11 sometimes the word would spread that way as well.

12 Q Got it. Now, taking you to March 4th of
13 2016, did you have communications with an individual
14 looking to buy Bitcoin?

15 A Yes.

16 Q For how much money, and how many Bitcoin;
17 do you remember?

18 A I don't know exactly the amount of
19 Bitcoin. I think the exchange rate -- I don't know
20 what the exchange rate was, but I think it was
21 \$5,000 worth. Five to seven or so, yeah. I think
22 that was probably about seven or eight Bitcoins at
23 the time.

24 Q Okay. That fluctuates, right?

25 A Yeah, I mean, by the second. Yeah.

1 Q Okay. Thank you. What was your user
2 name, your email user name?

3 A User name was Seidelryan.

4 MR. FINK: May I approach?

5 THE COURT: You may.

6 BY MR. FINK:

7 Q Mr. Seidel, I am showing you Exhibit 96,
8 and ask if you recognize that?

9 A Yes.

10 Q What is it?

11 A This would be a message from -- this would
12 be an automated email thing that a LocalBitcoins
13 would generate based on a message. So if you got a
14 message on the website, they would generate an
15 auto-email saying you've got a message, and this is
16 what the message is.

17 Q Okay. And what are the substances of
18 those messages?

19 A Just arranging the meeting place, and
20 telling the person what I would be wearing so they
21 would be able to identify me.

22 Q Where was the meeting place?

23 A The Wendy's at 2931 26th Avenue South.

24 Q In Minneapolis?

25 A In Minneapolis, yes.

1 Q That's roughly 26th and Lake, isn't it?

2 A Correct.

3 Q And you did meet an individual at Wendy's
4 on March 4 of 2016?

5 A Correct, yes.

6 Q And you made the Bitcoin transaction?

7 A Yes.

8 Q And you collected cash money?

9 A Yes.

10 Q How did you give the person the Bitcoin?

11 A It was transferred via cell phone. So
12 he -- I probably scanned a QR code that was on his
13 phone, and that would transfer the -- I forget how
14 many digits it is, somewhere around 16 alpha-numeric
15 address that I put in my phone. Then transfer it.
16 Then he would see it in his account after I
17 transferred it.

18 Q So like a wire transfer, then, right?

19 A Yes.

20 Q That 16 point alpha-numeric code that you
21 talked about, is that unique?

22 A Yes. They are generated thousands a day.
23 They are very plentiful. Because 16 digit, case
24 sensitive, so there is, you know, billions of
25 trillions of different combinations.

1 Q Okay. So it's unique?

2 A Mm-hmm, yes.

3 Q Is that a yes? She has to take this down.

4 A Yes. Sorry.

5 MR. FINK: May I approach?

6 THE COURT: You may.

7 BY MR. FINK:

8 Q Mr. Seidel, I am showing you Exhibit 86.

9 Ask if you know what this is.

10 A This is a screen shot of my wallet history
11 that I sent to a DHS agent that asked me questions
12 at my home earlier in 2016, I believe. I am not
13 quite sure when it was.

14 Q DHS is Homeland Security?

15 A Correct. Yes.

16 Q Does it reflect the transaction that you
17 just talked about?

18 A Yes.

19 Q Where?

20 A Looks to be the 7.16 Bitcoins that were
21 sent labeled internal transaction to, and then the
22 wallet address.

23 MR. FINK: Move 86 into evidence, Your

24 Honor.

25

1 BY MR. DEVORE:

2 Q The handwriting that's on there, what's
3 that from?

4 MR. DEVORE: I'm sorry, may I ask a
5 question.

6 THE COURT: You may. Go ahead.

7 BY MR. DEVORE:

8 Q Mr. Seidel, the handwriting that's on
9 there, received and sent, who wrote that?

10 A I did. It wasn't handwriting. I just
11 used a paint tool for the screen shot to draw over
12 it, because the headers were further up. I didn't
13 want to include this whole list of unrelated
14 transactions.

15 MR. DEVORE: No objection.

16 THE COURT: 86 is received.

17 BY MR. FINK:

18 Q Mr. Seidel, do you think you would
19 recognize the person that you did that transaction
20 with?

21 A When the DHS agent questioned me, at first
22 she showed me a lineup.

23 MR. DEVORE: Objection, nonresponsive,
24 Your Honor.

25 THE COURT: It was not a direct answer to

1 the question. Would you recognize the person.

2 THE WITNESS: No.

3 MR. FINK: Okay. That's all I have, Your
4 Honor.

5 THE COURT: Cross.

6 CROSS EXAMINATION

7 MR. DEVORE: Can I approach, Your Honor?

8 THE COURT: You may.

9 BY MR. DEVORE:

10 Q Mr. Seidel, that's a screen shot of your
11 cell phone; is that right?

12 A I took it from my desktop computer.

13 Q Computer?

14 A Yes.

15 Q And it looks like there is a whole bunch
16 of stuff on there. Did you do other transactions
17 also on the same day?

18 A Ah, yes.

19 Q Give me an idea of how many Bitcoin
20 transactions you were doing on daily, weekly basis?

21 A Probably, I would do Monday to Friday, and
22 I probably meant -- probably average of one person a
23 day, so five a week.

24 Q Looks likes there is a whole bunch of --

25 A Yes. In addition to in person, I would be

1 doing online transactions as well. I could do many
2 more of those, because I don't have to take the time
3 to meet the person. Those could all -- many of
4 those could be going concurrently.

5 Q Okay. So what, you just have a big
6 collection of Bitcoins, and you're selling them off,
7 or what do you do on here?

8 A Typically, I would buy enough for the day,
9 just because of the price, volatility. I didn't
10 want to hold it too much. So I would buy enough for
11 the day and then I would sell off throughout the
12 day.

13 Q Oh, so you were doing like day trading
14 type stuff?

15 A Yeah. Yep.

16 Q So you had a system or ability to watch
17 the price of Bitcoins as it went up and down?

18 A Yes. There are several websites that will
19 monitor, and you can watch them.

20 Q I got it. So is it fair to say that you
21 started off this venture with some money that you
22 put in and you bought some Bitcoins. Then you just
23 stated trading, and selling them, and buying them?

24 A Yep. I was completely self started.

25 Q When did you start trading Bitcoins?

1 A I think I became aware of it middle of
2 2012. I tried different things with Bitcoin, and
3 then realized that I could make money trading it,
4 and selling it this way towards the end of 2012.

5 Q What other things were you trying? You
6 said you tried some other things with Bitcoins.

7 A Um, you can mine Bitcoins. If you have a
8 powerful enough computer at the time, you could be
9 sort of generating the Bitcoins.

10 Q So you could make your own Bitcoins?

11 A Yeah. Yep.

12 Q Is that what mining is?

13 A Yes. Correct.

14 Q You take away fine little pieces of it out
15 there, and eventually it makes enough to pull them
16 together?

17 A Yeah. I don't know how much -- how deep
18 into it you want to go. It gets pretty complicated.

19 Q Well, I mean, the concept, if I'm not
20 mistaken, you have a mine program on your computer,
21 right?

22 A Yes.

23 Q That searches for kind of stray Bitcoins
24 that are out there, correct?

25 A No.

1 Q Chunks of them?

2 A No.

3 Q All right. What does mining do then?

4 A Um, you're solving a very hard math
5 problem. So that's how you know that -- it's sort
6 of like a proof of work, is what they say. You had
7 to exert so much computing power to generate this
8 Bitcoin. That's what makes them scarce. Nobody can
9 just generate them without investing computing power
10 into it.

11 Q You were doing that yourself, or you tried
12 doing that yourself?

13 A Yes, but it wasn't as profitable as
14 trading and selling.

15 Q What kind of money were you making trading
16 and selling Bitcoins?

17 A I think I probably made about \$50,000 in
18 my best year.

19 Q How many years did you do that?

20 A So it would have been end of '12 to middle
21 -- beginning to middle of '16, so around fourish
22 years.

23 Q Okay. Are you still trading Bitcoins?

24 A No.

25 Q Do you still watch the price of Bitcoins?

1 A Yeah. I pay attention to the news.

2 Q Pretty high now?

3 A Well, it just crashed now, so...

4 Q Oh, it did?

5 A Yeah.

6 Q What is it trading at right now?

7 A Last I checked it was around nine and a
8 half, nine and a half thousand.

9 Q \$9,500?

10 A Yes. Yep.

11 Q Back in 2016, what was it roughly trading
12 at?

13 A I don't remember. But I guess it would
14 have been whatever 6000 divided by 7.16 is.
15 Whatever that number is.

16 Q Maybe \$800, \$900 in that range?

17 A Yeah, somewhere around that, yes.

18 Q Do you know other people that invest in
19 Bitcoins?

20 A I knew a few people from online, but I had
21 never met them. And a few people I met in person
22 sort of dabbled, but nothing like what I was doing.

23 Q Why'd you get out of the market?

24 A Well, this case pretty much.

25 Q This case?

1 A Yeah. I was like, do I really want to be

2 --

3 Q Dealing with this stuff?

4 A Yeah. Enabling, you know, illegal
5 behavior such as this.

6 Q That's what the investigators told you?

7 A I'm sorry?

8 Q Well, you're making an assumption, isn't
9 that correct?

10 A What do you mean?

11 Q Well, illegal behavior. You don't really
12 know what happened, right?

13 A Well, right. Well, yeah, that's the thing
14 is I was always like, well --

15 Q Just scared to, is that what you --

16 MR. FINK: Your Honor, counsel keeps
17 interrupting the witness's answer.

18 THE COURT: Correct. And let's back up
19 and start over. Ask a question.

20 MR. DEVORE: I'll move on.

21 BY MR. DEVORE:

22 Q So what do you do now, Mr. Seidel?

23 A I stay home with my daughter.

24 Q Okay. What do you do to support yourself?

25 A My wife is a doctor, and I have some real

1 estate properties on the side that I manage.

2 Q Okay. Tell me about the local Bitcoin
3 site. Is that the site that you use primarily to
4 manage your Bitcoin transactions?

5 A Yes.

6 Q Is that kind of like a trading site or
7 something, or what is that?

8 A Yeah. I'd say it's pretty akin to like
9 eBay, except there's not bidding. But you could
10 either, you know, buy Bitcoins by send -- like you
11 could deposit money into somebody's bank account and
12 when they saw that it was in the account, they would
13 release the coins to you. Or you could decided to
14 meet up with somebody for cash and do the trade in
15 person.

16 Q All right. But then it has to go through
17 like a clearinghouse, right? Like
18 LocalBitcoins.com, or something?

19 A Yep. So one of their services would be as
20 an escrow. So when somebody contacted you to buy
21 Bitcoins, the Bitcoins would then be held in the
22 escrow so then neither party controlled it. Then
23 either the Bitcoins were released to the buyer, if
24 it was completed, or released back to the seller if
25 it was canceled.

1 Q Okay. So you would have to have an
2 account on the LocalBitcoins.com?

3 A Correct. Yes.

4 Q Are there other sites like that,
5 LocalBitcoins.com, or is that kind of the main one?

6 A That's the only one that would facilitate
7 local meet ups, I believe. There are some other
8 websites that popped up that tried to emulate the
9 escrow system, and you know, matching buyers and
10 sellers.

11 Q But fair to say, LocalBitcoin.com is the
12 one that you used?

13 A Yes.

14 MR. DEVORE: I have no further questions.

15 THE COURT: Redirect.

16 MR. FINK: Thank you.

17 REDIRECT EXAMINATION

18 BY MR. FINK:

19 Q If you engaged in a cash transaction, that
20 bypassed LocalBitcoins.com completely; is that
21 right?

22 A If you wanted it to, yes.

23 Q On March 4th of 2016, that's what
24 happened. That's how you handled it, right?

25 A Yes. It was still -- the Bitcoins were

1 still held at LocalBitcoins and transferred to the
2 buyer's LocalBitcoin wallet, but we did not use the
3 escrow system.

4 Q And you indicated that the transaction was
5 actually for \$6,000; is that right, not \$5,000?

6 A Yes. That's what it looks like. It could
7 be adjusted because we went off of -- we didn't use
8 that exact trade. So sometimes people show up with,
9 oh, I'm down \$20, so you can adjust it that way.
10 But it was probably six.

11 Q And that is what your records show?

12 A Yes.

13 Q That's Exhibit 86, is it?

14 A Yes.

15 Q Thank you.

16 MR. FINK: That's all.

17 THE COURT: Any recross?

18 MR. DEVORE: No. Thank you.

19 THE COURT: You may step down.

20 Attorneys please approach.

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

23 THE COURT: We are going take a break and
24 start at 3:15.

25 (The jury exited the courtroom.)

1 (A recess was taken.)

2 (The jury returned to the courtroom.)

3 THE COURT: Everyone please be seated.

4 Next witness.

5 MS. KREUSER: Your Honor, the state calls
6 Michelle Frascone.

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

10 MICHELLE FRASCONE,
11 having been first duly sworn, was examined
12 and testified on her oath as follows:

13 THE CLERK: Please state your full name
14 for the record, spelling both your first and last
15 name.

16 THE WITNESS: First name is Michelle.
17 Last name is Frascone, F-R-A-S-C-O-N-E.

18 THE COURT: Have a seat.

19 THE WITNESS: Thank you.

20 THE COURT: Go ahead.

21 DIRECT EXAMINATION

22 BY MS. KREUSER:

23 Q By whom are you currently employed?

24 A I am currently employed by the Minnesota
25 Bureau of Criminal Apprehension.

1 Q Are you a state certified and licensed
2 peace officer?

3 A Yes, I am.

4 Q How long have you worked as such?

5 A I have worked for the BCA for
6 approximately two years. Prior to that, I worked
7 for the Woodbury Police Department for ten years.

8 Q What is your current job title with the
9 BCA?

10 A I am currently a Special Agent with the
11 BCA, assigned to the metro homicide unit.

12 Q How do you go from being a police officer
13 with Woodbury to being a Special Agent with the BCA?

14 A Through training, and experience, and then
15 ultimately being hired by the state. So I started
16 as a patrol officer. Became a DARE officer when I
17 was at Woodbury. I eventually moved into
18 investigations. At that time, I applied to the
19 State of Minnesota to become a Special Agent.

20 Q Can you please describe your educational
21 background?

22 A I have a four year degree from Metro State
23 University, as well as a law enforcement
24 certificate.

25 Q What are some of your duties as a Special

1 Agent with the BCA?

2 A As a Special Agent assigned to the metro
3 homicide unit, my primary responsibilities are
4 responding to death scenes. Homicides, suicides,
5 natural deaths, things like that. Also high profile
6 missing person cases, as well as conflict cases
7 which would be something either involving an officer
8 or usually political figures.

9 Q And Special Agent Frascone, if I could
10 just ask if you'd slow down your answer just a
11 little bit. We have someone trying to take down
12 everything and you're speaking quickly.

13 A Yes. I apologize. We made eye contact.

14 Q All right. When you listed your duties,
15 I'm not sure if you addressed this so I'll ask. Is
16 processing crime scenes or aiding in the processing
17 of crime scenes a part of your duties?

18 A That's part of my duties when I am at
19 crime scenes, yes.

20 Q Can you estimate approximately how many
21 crime scenes you respond to in a given year?

22 A Typically, in a given year I respond to
23 approximately 80 crime scenes.

24 Q And have you received training specific to
25 investigations?

1 A Yes, I have.

2 Q Can you explain some of that training?

3 A I have specialized training in crime scene
4 or death scene investigation, as well as
5 investigation interviewing techniques. I have
6 background history in some of the more specific
7 crimes that we are starting to see through
8 forensics, as well as some of the crypto currencies,
9 and things that are becoming trendy in our area
10 right now.

11 Q Do you receive ongoing training as well?

12 A I do.

13 Q Similar to what you have described?

14 A That's correct.

15 Q Special Agent Frascone, I would like to
16 direct your attention to November 13th, 2016. Did
17 you come to learn about an incident that occurred at
18 the Allwine residence?

19 A I did.

20 Q Is that located in Washington County,
21 Minnesota?

22 A That's correct.

23 Q How did you come to learn about an
24 incident that occurred there on that date?

25 A I was contacted through our com center, by

1 the Cottage Grove Police Department. Sergeant Randy
2 McAlister had contacted the BCA for assistance.

3 Q Now, can you explain how that happens, how
4 the BCA is called out for assistance and why?

5 A Yep. So the BCA is an assist to law
6 enforcement only. So a citizen wouldn't necessarily
7 be able to call the BCA for assistance. It's for
8 law enforcement partners only. So they typically
9 call in through a com center, and then an agent
10 assigned to their area will respond out or take in
11 information on those types of requests.

12 Q Approximately, what time were you
13 initially alerted by Sergeant McAlister?

14 A I was called at approximately 9:30 p.m.

15 Q Did you learn anything from Sergeant
16 McAlister over the phone, or did you respond and
17 then learn what was going on?

18 A Sergeant McAlister provided me a short
19 brief. He said that they had responded to a
20 residence in the Cottage Grove area, and that they
21 had a deceased female with a gun on scene.

22 Q Did you respond to the scene?

23 A I did.

24 Q Did you learn the identity of the
25 deceased?

1 A I did.

2 Q What was that?

3 A Amy Allwine.

4 Q Approximately, when did you arrive?

5 A I arrived at approximately 10:14 p.m.

6 Q And upon arrival, what did you learn?

7 A I learned that they had a crime scene set
8 up within the home. I met with a couple of officers
9 that were on scene as well as Randy McAlister.

10 Q Had you at that point learned what had
11 happened to Amy Allwine?

12 A I was advised that they had responded to
13 the residence on a 911 call. And that upon arrival,
14 they had located Amy deceased in her bedroom.

15 Q Now, once you arrived, did you go inside
16 the residence?

17 A I did.

18 Q Can you explain how you entered the
19 residence and where you went?

20 A I entered through the garage door. Came
21 in through the kitchen area. I signed into a crime
22 scene long that they had started. Then I proceeded
23 to the bedroom area.

24 Q Did you have the occasion to observe Amy
25 Allwine's body?

1 A I did.

2 Q Can you explain what you saw, and how she
3 was positioned?

4 A Amy was laying on her back. Her hands
5 were out, kind of splayed out to the side. She had
6 obvious signs of trauma. She had a gun shot wound
7 to the head. She was wearing a shirt as well as
8 pants.

9 Q Did you have occasion to see a weapon?

10 A I did. There was a handgun located near
11 her left elbow area.

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

14 THE COURT: You may.

15 MS. KREUSER: Your Honor, may I place the
16 exhibits from the last two witnesses at the table
17 away from this witness?

18 THE COURT: Makes sense to me. Go right
19 ahead and do that.

20 BY MS. KREUSER:

21 Q Special Agent Frascone, I am showing you
22 Exhibits 6, 25, 24, 79, 27, 32, 18, 36, 15 and 16.
23 These have already been entered into evidence. Do
24 you recognize those pictures?

25 A Yes, I do.

1 Q And just generally, can you explain what
2 they are?

3 A Yes. These are overall crime scene photos
4 of the Allwine residence.

5 Q Have you had the occasion to see them
6 already? You have seen them before?

7 A Yes. That's correct.

8 Q And they are as you remember of that
9 evening?

10 A Yes, they are.

11 Q I am going to direct you to Exhibit 6.

12 MS. KREUSER: These have already been
13 published but I will ask permission.

14 THE COURT: They have been published and
15 we certainly can proceed.

16 BY MS. KREUSER:

17 Q Can you explain what Exhibit 6 is?

18 A This is as you walk in through the garage
19 area of the Allwine residence. As you would walk up
20 the steps, you would enter into a mudroom type
21 area.

22 Q Is this the way that you entered the
23 residence that evening?

24 A Yes, it is.

25 Q Exhibit 25. Did you take this route as

1 well?

2 A I did. This is, again, walking through
3 the door, through the garage area and then into the
4 mudroom/laundry room area.

5 Q And Exhibit 24; what do we see here?

6 A This is also the same area just as you
7 continue to walk forward towards the home, or
8 through the home, excuse me.

9 Q Did you make any observations when you
10 were in the mudroom? Anything that stood out to
11 you?

12 A Yes. There was quite a bit of dog hair
13 present in the home. There were shoes that were --
14 that were lined up there. It looked like an entry
15 into a home.

16 Q What kind of shoes did you see there?

17 A I saw everybody's shoes. It appeared to
18 be everybody's shoes. It appeared to be everybody's
19 shoes within the home. It appeared to be their main
20 entry in and out of their home.

21 Q Showing you Exhibit 79; did you see that?

22 A I did.

23 Q What is that?

24 A This is a towel that was on the
25 washer/sink area.

1 Q And Exhibit 27; what are we seeing here
2 and what are you approaching?

3 A Again, walking through that same room area
4 into the main hallway of the house.

5 Q Exhibit 32; do you recognize that?

6 A I do. Then this is as you enter into the
7 home, you are walking down that hallway, you look
8 into the kitchen. It opens up into the home, which
9 would be the kitchen and living room area of their
10 home.

11 Q From that exhibit, Special Agent Frascone,
12 where -- just to get some orientation -- would the
13 master bedroom be closest to or next to?

14 A The master bedroom, as you're looking at
15 the photograph is straight ahead or off to the right
16 of the photo, or as you look at it off to your
17 right.

18 Q Thank you. And did you happen to see
19 what's portrayed in Exhibit 18?

20 A I did.

21 Q Can you explain?

22 A This is the roaster that was unplugged at
23 the time I arrived. However, I was told my law
24 enforcement that when I was there it had been
25 plugged in. And inside this roaster is pumpkin.

1 Q Was it still warm?

2 A It was.

3 Q And Exhibit 36?

4 A This is the living room area. It's right
5 off of the kitchen. It is one big room. There's
6 two -- a couch and loveseat that are within there
7 and then you're also looking at the front door.

8 Q Were you able to take a look at the front
9 door? Did you see any signs of forced entry or
10 anything like that?

11 A I was able to view it, and I didn't see
12 any signs.

13 Q Exhibit 15; do you recognize this picture
14 and perspective?

15 A I do.

16 Q Can you explain what you saw?

17 A This is a picture taken from just outside
18 the bedroom door. So if you were to stand outside
19 that bedroom door and look in, this is visually what
20 you would be looking at.

21 Q And Exhibit 16, were you able to see that
22 perspective as well?

23 A Yes, I was.

24 Q Can you talk about what you saw in your
25 recollection?

1 A This is what I saw when I initially
2 responded. This is Amy laid in her bedroom. You
3 can see that her arms are kind of out to the side.
4 She has a dark shirt on. Then the white that you're
5 seeing are her underwear, and then the pants are
6 down a little bit lower. This is up next to a
7 bedside table.

8 Q Do you recall where her hands were as they
9 were splayed out?

10 A Yep. Her right hand was covered
11 underneath the bed. And her left hand, as you see
12 in the photograph, was down to the side.

13 Q Thank you. Special Agent Frascone, based
14 on your training and experience, is it common for
15 you to respond to female suicides?

16 A I have responded to female suicides, but
17 it is unusual.

18 Q And you said that you had an opportunity
19 to view that whole first floor of the house,
20 correct?

21 A Yes, I did. That's correct.

22 Q And the basement?

23 A That's correct.

24 Q Did you observe anything obviously
25 disturbed or signs of a struggle?

1 A There was nothing obviously out of place.
2 The home was fairly well kept, and just appeared
3 that there were people living in it.

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

5 THE COURT: You may.

6 BY MS. KREUSER:

7 Q Okay. Special Agent Frascone, I am
8 showing you what's been marked as Exhibit 48. It's
9 been offered into evidence. Do you recognize that
10 picture?

11 A I do.

12 Q What is it?

13 A It's a picture of the Allwine's bedroom,
14 and specifically focusing on the bedroom or side
15 table.

16 Q Okay. And did anything stand out to you
17 about the bed or what you were looking at there?

18 A Specifically, there are notes that are on
19 the table that there are two drinking items that are
20 on the table as well as the bed is made. Totally
21 made and put together.

22 Q And can you just look at the screen that
23 the jurors are seeing. Is that an accurate
24 representation of the bed as you saw it that
25 evening?

1 A Yes, it is.

2 Q Thank you. Did you observe any obvious
3 blood spatter on the bed?

4 A I did not.

5 Q How about the nightstand?

6 A I did not.

7 Q And did you come into information
8 regarding the Dark Web, FBI, the threats on Amy
9 Allwine's life?

10 A Yes. While I was at the home with the
11 Cottage Grove Police Department, Sergeant McAlister
12 advised me that Amy had been contacted earlier that
13 summer about some threats that had been made and
14 located on the dark net.

15 Q So based on your observations, and the
16 information you learned, did you request that the
17 home ultimately be secured?

18 A Yes. I requested that the home be held
19 for autopsy.

20 Q Did someone from the medical examiner's
21 office come?

22 A Yes, they did.

23 Q Did you speak with that person?

24 A Yes. I spoke with a medical
25 examiner/investigator regarding my concerns at the

1 scene. Specifically having to do with gun
2 placement. The void of having blood on the bed,
3 which she would have been next to. And generally,
4 the overall inconsistencies with the scene.

5 Q And when the individual with the medical
6 examiners office came there, did you, yourself,
7 watch them prepare Amy Allwine's body for removal?

8 A I did. After speaking with the
9 investigator, I let them know about my concerns.
10 And as a result in our longstanding partnership with
11 them, he did prepare her as I would typically see in
12 a homicide scene. So her hands were bagged for
13 preservation and she was carefully placed in a body
14 bag.

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

17 THE COURT: You may.

18 BY MS. KREUSER:

19 Q Special Agent Frascione, I am showing you
20 what's been offered and entered into evidence as
21 Exhibit 53; do you recognize that picture?

22 A I do.

23 Q What is that picture?

24 A That is a picture of my shoe print.

25 Q Can you explain that for the jury, Special

1 Agent Frascone?

2 A That's where I stood. This is clearly a
3 picture of my footprint. We worked closely with our
4 forensic team. But as an investigative, there is a
5 difference between science and investigation, so
6 this print was lifted at the scene. However, this
7 is in fact my footprint.

8 Q How did you know that was your footprint?

9 A I was able to look at the bottom of my
10 shoes, and those shoes were in fact submitted on my
11 own up to our trace evidence lab.

12 Q What about that picture that indicates
13 that that was your shoe we are looking at that?

14 A The chevron pattern is my shoe print.

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

17 THE COURT: Yes, you may.

18 MS. KREUSER: Thank you.

19 BY MS. KREUSER:

20 Q And showing you what's been marked as
21 Exhibit 143; do you recognize that?

22 A I do.

23 Q What is it?

24 A It's a photograph of what I believe to be
25 a footprint.

1 Q Were you present when this photograph was
2 taken?

3 A Yes, I was.

4 Q Is it a true and accurate depiction of
5 your observation of the floor at that time?

6 A Yes.

7 MS. KREUSER: I would offer Exhibit 143.

8 MR. DEVORE: Can look at it real quick,
9 Your Honor?

10 THE COURT: You may.

11 MR. DEVORE: No objection.

12 THE COURT: 143 is admitted.

13 MS. KREUSER: Thank you. Permission to
14 publish, Your Honor.

15 THE COURT: Granted.

16 BY MS. KREUSER:

17 Q So Special Agent Frascone, that's a
18 footprint, correct?

19 A That's correct.

20 Q Now, using the screen, can you explain how
21 you came to that conclusion?

22 A Do I have permission to stand?

23 THE COURT: You can go ahead, yes.

24 THE WITNESS: Thank you. It is a bit hard
25 to see, but as you look at it from your perspective,

1 there is what I believe to be a big toe here as you
2 come up around the heel there.

3 BY MS. KREUSER:

4 Q Now, this is different from a shoe print,
5 correct?

6 A That's different than a shoe print, yes.

7 Q Based on your observations, and your
8 measurements of the hallway, can you opine, or do
9 you have an opinion as to whether it's an adult or
10 child size footprint?

11 A I believe based on the size of the
12 hallway, as well as the size of the boards that this
13 would be an adult size.

14 Q Now, did you continue to investigate the
15 case?

16 A I did.

17 Q Did your investigation also include
18 following up with Stephen Allwine?

19 A It did.

20 Q Did you take a statement from Stephen
21 Allwine?

22 A Yes, I did.

23 Q When and where was this statement taken?

24 A The statement was taken two days after the
25 original call on the 15th, and it was taken at the

1 Cottage Grove Police Department.

2 Q November 15th, 2016?

3 A That's correct.

4 Q And you personally attended this interview
5 and participated in it, correct?

6 A I did.

7 Q And the person that was the subject of the
8 interview who you referred to as Stephen Allwine, do
9 you see him here today?

10 A I do.

11 Q And can you point explain -- can you point
12 him out where he is in the courtroom, explain where
13 he is sitting and identify an article of clothing
14 that he is wearing?

15 A He is seated in a green color suit
16 directly next to his counsel, and he is wearing
17 glasses.

18 Q Thank you.

19 MS. KREUSER: Your Honor, may the record
20 reflect that the witness has identified the
21 defendant.

22 THE COURT: It may so show.

23 MS. KREUSER: Thank you.

24 BY MS. KREUSER:

25 Q Now, Special Agent Frascone, were you

1 aware of any other previous statement that the
2 defendant had provided?

3 A Yes. I was aware that he provided a
4 statement to Detective Terry Raymond.

5 Q Can you describe how this statement was
6 initially arranged and who all was present?

7 A It was arranged through Stephen's
8 attorney, Mr. DeVore. And present for the interview
9 was Stephen, Mr. DeVore, myself, and senior special
10 agent Chris Olson.

11 Q Was the statement voluntary?

12 A Yes, it was.

13 Q Can you explain the kind of advisory that
14 was explained to Mr. Allwine?

15 A Yes. We explained to him that this was a
16 voluntary statement. That he did not need to make a
17 statement to us, and that he was free to leave and
18 if he needed to have a conversation with Mr. DeVore,
19 we would step out. And of course, he could end it
20 at any time as well.

21 Q Now, did you have the occasion to ask the
22 defendant about the history of the hit on Amy
23 Allwine and the FBI involvement?

24 A I did.

25 Q What did he say about that?

1 A He explained that an FBI agent, Asher
2 Silkey, had come to their residence in the summer,
3 and explained that Amy's name had been located on
4 some information of someone who had put out a hit to
5 have her killed.

6 Q And did you talk with the defendant about
7 the time leading up to the discovery of Amy
8 Allwine's body?

9 A I did.

10 Q Okay. So let's go back to where you began
11 that timeline. Did you talk about the evening
12 before November 12th, 2016?

13 A Yes. We started by speaking about the
14 night before, which was a Saturday evening.
15 Mr. Allwine explained to me that they were attending
16 a church function at their church. And that as a
17 result of this function that they were at, they
18 arrived home around 10 p.m.

19 Q Had they discussed the following day at
20 all?

21 A Yes. Mr. Allwine said as they got home
22 and realized that it was quite late after Joseph's
23 bedtime, that they had discussed him sleeping in a
24 little bit later, 9:00, 9:30, up to 10:00
25 specifically, and that Amy was also going to sleep

1 in.

2 Q Now, did he say what happened early in the
3 morning of November 13, 2016?

4 A Yes. He explained that he got out of bed
5 at about quarter to 6:00 or 5:45 in the morning and
6 went down to work.

7 Q And did he say when he came upstairs for
8 the first time after that?

9 A Yes. He said that he came back upstairs
10 when they were up for breakfast. That they all had
11 breakfast together. And then he went back
12 downstairs to continue working.

13 Q Did he mention what Amy Allwine and Joseph
14 were doing at this time?

15 A Yes. He explained that while he was
16 downstairs working, that they were cleaning up the
17 home. Specifically, a toy area that had kind of
18 outgrown itself, and they were doing some general
19 picking up.

20 Q Okay. And then what did he say he did?

21 A He said that he went back downstairs to
22 work.

23 Q Until when?

24 A He said he returned back upstairs between
25 12:15 and 12:30 for lunch. Lunch was over at 12:15,

1 12:30, so prior to that time he had returned back
2 upstairs for lunch.

3 Q Did he explain anything remarkable during
4 that period of time?

5 A He said that while they were upstairs
6 having lunch, Amy discussed she was going to be
7 moving some agility equipment for her dog business.
8 Then directly after lunch, which would be this
9 12:15, 12:30 timeframe, she began to not feel well,
10 and that she was going to go and lay down.

11 Q So when he said that Amy went to lie down,
12 what did he and Joe do?

13 A He said as a result of Amy not feeling
14 well, that he allowed Joe some screen time with his
15 iPad or electronic device for approximately an hour.

16 Q What did the defendant do?

17 A He went back downstairs to work.

18 Q What did he say happened next?

19 A He said he arrived back upstairs about
20 that hour later or so and checked on Amy.

21 Q Okay. Anyone else present at the
22 residence at that point?

23 A Not that I was told.

24 Q How did he say Amy was doing?

25 A Said he went to check on Amy who was

1 laying in bed. She was now sitting up, but was
2 still feeling fairly dizzy, and overall not well.

3 Q Did he mention anything about Amy's
4 father?

5 A Yes. He said that Mr. Charles Zutz had
6 come over to work on a dog door that he had
7 previously started installing a few days before. So
8 he was over at the home just finishing that up.

9 Q Did he make any commentary about how Amy
10 looked during this time?

11 A I'm sorry?

12 Q Amy's appearance while she was in bed.

13 A Mr. Allwine? Did Mr. Allwine?

14 Q Correct.

15 A Okay. I just wanted to clarify.

16 Q I'm sorry.

17 A No. Yes. He said overall she was very
18 flushed and not looking well.

19 Q Now, after her dad was there installing
20 this dog door, what did the defendant explain
21 happened next?

22 A That he -- that Mr. Zutz had left, but
23 that Amy ultimately wasn't feeling well, and there
24 was discussion about her going to the clinic. As a
25 result, she asked Mr. Allwine to call Amy's father

1 back to pick up Joseph.

2 Q So did the defendant say that's what he
3 did?

4 A Yes.

5 Q Then what did he say happened?

6 A After that, Mr. Zutz did return back to
7 the home and picked up Joseph.

8 Q Do we know, did the defendant say exactly
9 when that was?

10 A I believe he said it was around 1:30 in
11 the afternoon.

12 Q Now, did the defendant say whether they
13 went to the clinic or not?

14 A Yes. He said that he had gone and checked
15 on Amy and that she did not want to go to the
16 clinic.

17 Q What did she do instead?

18 A Mr. Allwine stated that she went back and
19 laid back down in bed.

20 Q What did he do?

21 A He went back downstairs to work.

22 Q Did he say what happened over the course
23 of the afternoon?

24 A Yes. He said that he went back upstairs
25 and checked on her again. He described her as still

1 being flushed, being dizzy, having some of those
2 similar symptoms. He specifically referred to an
3 event where he was talking to Amy, and she was
4 looking up in the corner, or towards an area in
5 their bedroom discussing bubbling of wallpaper, or
6 something similar to that.

7 Q What about that stood out to him?

8 A That it wasn't consistent with what was
9 going on. There was -- she was talking about
10 bubbling and some issues going on, and that wasn't
11 there.

12 Q And then so given this condition and her
13 state at this point, did the defendant tell you what
14 he did?

15 A Yes. He said that he went back downstairs
16 to work.

17 Q Did he check on her symptoms, or anything
18 like that?

19 A Yes. He said when he returned back
20 downstairs, he did a Web MD search of some of the
21 symptoms that Amy was having.

22 Q Did you ask the defendant if Amy Allwine
23 had any medical issues?

24 A I did.

25 Q What did he say?

1 A He said she did not have medical issues,
2 however she did occasionally have migraines.

3 Q Did you ask the defendant if Amy Allwine
4 was on any kind of prescription medication?

5 A I did.

6 Q What did he say?

7 A He said she was not on prescription
8 medication.

9 Q So after all of this occurred, what did
10 the defendant say that he did?

11 A He said that he finished up work. At
12 approximately 5:00 came back upstairs and went in to
13 let Amy know what his plans were for the evening.

14 Q Did he say that he spoke with Amy Allwine
15 at that point? And if so, what did they talk about?

16 A He said that he observed her now out of
17 the bed. She was kneeling next to the bed
18 approximately half way down the bed. He mentioned
19 that he was going to take their son, Joe, to a Ninja
20 gym which was a typical plan for their Sunday
21 evening. Let her know that he would be going to
22 pick Joseph up.

23 Q And did he explain whether he was able to
24 see Amy Allwine at this point?

25 A He said that he was able to see her. That

1 she responded that that was okay, but was not able
2 to see her face, although believed it was still
3 flush.

4 Q So did the defendant say that he left at
5 this point?

6 A Yes.

7 Q And what did he say he did when he left?

8 A He said he got into their vehicle, and
9 once he was inside their vehicle, he noticed that
10 they were low on gas.

11 Q So what did he do?

12 A Mr. Allwine told us that he went to a gas
13 station to fill the gas up. And then to also let
14 Mr. Zutz know that he would be running a little
15 late.

16 MS. KREUSER: May I approach, Your Honor.

17 THE COURT: You may.

18 BY MS. KREUSER:

19 Q Special Agent Frascone, I am showing you
20 what's been marked Exhibit 19 and 20. They have
21 been offered into evidence. Do you recognize
22 Exhibit 19?

23 A I do.

24 Q What is Exhibit 19?

25 A This is a gas receipt from Super America

1 in Cottage Grove.

2 Q Have you seen that before?

3 A I have.

4 Q And did the defendant say whether he then
5 went to his in-laws to pick up Joseph?

6 A Yes, he did.

7 Q What did he say about that?

8 A He said that he went to the Zutz's
9 residence where Amy's dad had inquired about how she
10 was feeling. He said that they had not ended up
11 going to the clinic, and he would be taking Joe to
12 the Ninja gym, which is located in the City of
13 Woodbury.

14 Q So did they go to the Ninja gym.

15 A Mr. Allwine stated that they were on their
16 way to the Ninja gym. That they got about half way
17 there and he realized that in fact it was after 6
18 o'clock and they would not make their time they
19 typically went there. So they turned back around
20 and came back towards Cottage Grove.

21 Q Okay. And what did they do then?

22 A They went to Culvers restaurant.

23 Q Do you know approximately what time this
24 was; what did he say?

25 A I do not recall the exact time.

1 Q Do you know if they ate there or got it to
2 go?

3 A They dined in. They ate there.

4 Q Drawing your attention to Exhibit 20; do
5 you recognize that?

6 A I do.

7 Q What is it?

8 A It's the Culvers receipt.

9 Q Is that time stamped?

10 A Yes, it is.

11 Q What time is it stamped for?

12 A 6:14 p.m.

13 Q Thank you. When they left Culvers, did
14 the defendant say he did anything?

15 A Yes. He said while at the restaurant, he
16 sent a text to Amy and asked if she wanted any food.
17 If he could pick her up anything.

18 Q Did she respond?

19 A He told us that she did not.

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

21 THE COURT: Yes, you may.

22 BY MS. KREUSER:

23 Q Special Agent Frascone, I am showing you
24 what's been marked as Exhibit 87 and offered into
25 evidence. Do you -- drawing your attention to that

1 exhibit, do you see a text -- the text that you had
2 just referred to?

3 A Yes.

4 Q What time was that sent at?

5 A It is timestamped at 113, 2016 at
6 6:45 p.m. and 38 seconds.

7 Q 113, did you say?

8 A Excuse me, 11-13, 2016.

9 Q Okay. Are you familiar with UTC?

10 A I am.

11 Q And do you know how to translate from UTC
12 into our time.

13 A I do it usually depends on the time zone
14 we are currently in, but yes.

15 Q Okay. And do you know what time the text
16 was actually sent, out time?

17 A I would not -- I believe that's the 6:45
18 time.

19 Q Perfect. That is correct. Thank you.

20 A Having to do math on the stand. All
21 right.

22 Q My apologies for that. So did you ask the
23 defendant what time he and Joseph arrived back at
24 the residence?

25 A I did.

1 Q What did he say?

2 A He said between 7:15 and 7:30.

3 Q Based on your investigation, when did they
4 actually get home?

5 A About 6:58 p.m. is when they arrived home.
6 And then the 911 call was placed at 7 p.m.

7 Q How do you know they returned home at
8 6:58?

9 A It was based on a trail camera that was at
10 the home, at the driveway.

11 Q When the defendant said that they arrived
12 home, did he describe how he and Joseph entered the
13 residence?

14 A Yes. He said that he pulled the vehicle
15 into the garage. That Joseph got out of the vehicle
16 first, and that he went into the home.

17 Q He, who?

18 A I'm sorry, that Joseph went into the home
19 first before Mr. Allwine went into the residence.

20 Q Okay. And what did Mr. Allwine do?

21 A Mr. Allwine got out of the vehicle. Took
22 a gym bag out of the vehicle and then was coming
23 into the home.

24 Q Did he say what he did when he walked into
25 the house?

1 A He said Joseph was coming back down that
2 hallway towards him, and reported what was going on
3 with mom. What happened to mommy.

4 Q Did the defendant say whether or not he
5 kept on his shoes?

6 A He said that he had taken his shoes off.

7 Q And I'm sorry, what did he say that Joseph
8 said to him?

9 A What happened to mommy, or something about
10 mommy laying on the floor.

11 Q Okay. What did Stephen Allwine say he did
12 once Joseph told him that?

13 A He asked him to get ready for bed, to go
14 into the bathroom, and get ready for bed.

15 Q What did Stephen Allwine say he did then?

16 A He said after asking Joseph to get ready
17 for bed, that he then went down that hallway and
18 checked on Amy.

19 Q Did he say how he checked on her?

20 A He said he observed blood on the floor.

21 Q Anything else?

22 A That he went in to check on her.

23 Q Did he say whether he checked for life
24 signs?

25 A He did not at that time. He said that he

1 called 911.

2 Q So did he explain what he said when he
3 called 911?

4 A He said that he told the dispatchers that
5 his wife had shot herself.

6 Q And did they instruct her to do anything?

7 A Yes. They asked him to check for signs of
8 life.

9 Q Okay. So signs of life or did they ask
10 him to check if she was breathing, or chest, or can
11 you explain what they told him, or what he said they
12 told him?

13 A Specifically to check for breathing. He
14 said that he checked around her chest and mouth
15 area.

16 Q Did he say whether she was breathing?

17 A He said she was not.

18 Q Did you ask him if he actually touched
19 her?

20 A I did.

21 Q What did he say?

22 A He could not recall.

23 Q Did you follow up and ask him how far into
24 the room he went when he checked on her?

25 A I did.

1 Q What did he say?

2 A That he couldn't recall.

3 Q Did he say where he went, or walked
4 immediately after calling 911?

5 A I did ask that.

6 Q What did he say?

7 A That he couldn't recall.

8 Q Did you ask him about the socks that he
9 had been wearing on that evening?

10 A I did.

11 Q What did you ask him about the socks?

12 A I asked him if he was able to tell me if
13 there were any blood on his socks.

14 Q What did he say?

15 A That he couldn't recall.

16 Q Did he say whether the police eventually
17 arrived?

18 A He did.

19 Q Did he say that when he looked at his home
20 if anything looked out of place?

21 A Yes. We asked him about that, and he
22 didn't notice anything disturbed or out of place.

23 Q Now, did you ask Stephen Allwine about the
24 firearm?

25 A I did.

1 Q Okay. What did you ask him?

2 A I asked him, generally, about a firearm in
3 the house. He had said that they purchased the
4 firearm because of the information that was provided
5 by the FBI.

6 Q So he told you that it was their gun?

7 A Yes. He told us it was his gun.

8 Q Did you ask him if Amy Allwine was
9 familiar with the gun?

10 A I did. He stated to me that he thought I
11 would ask that question of him, and that they had,
12 in fact, had a date night where they had gone out
13 and shot the firearm.

14 Q Did you ask him about ownership of any
15 other firearms?

16 A I did.

17 Q What did he say?

18 A He said they had a long gun that they also
19 kept at the home, a shotgun.

20 Q Where did they keep it?

21 A Under the bed.

22 Q Which side of the bed?

23 A Under his side of the bed.

24 Q Where did they typically keep the handgun?

25 A Mr. Allwine said that they keep the

1 handgun on Amy's side of the bed.

2 MS. KREUSER: May I approach?

3 THE COURT: You may.

4 BY MS. KREUSER:

5 Q Showing you what's been marked and entered
6 into evidence as Exhibits 49 and 50. Turning to
7 Exhibit 49, what is that?

8 A This is a picture of a handgun safe taken
9 at the scene.

10 Q Is that how you saw it at the scene?

11 A That's correct.

12 Q And Exhibit 50; what are we seeing there?

13 A This is a closer visual of the same
14 handgun with the locking mechanism, as well as a
15 magazine laying next to it.

16 Q Okay. And whose side of the bed was that
17 kept on?

18 A These were found on Mr. Allwine's side of
19 the bed.

20 Q Now, did you ask the defendant about any
21 other security measures that had been instituted in
22 the home?

23 A I did.

24 Q What did he say about that?

25 A He said they had an Xfinity system

1 installed in the home which included some door
2 connections that would alert when doors were open,
3 as well as some cameras.

4 Q Did he say why they got that, or who
5 suggested it.

6 A He said that they had spoken with FBI
7 Agent Silkey regarding the security system. And
8 although the agent advised him that he didn't
9 necessarily recommend it, they felt more comfortable
10 having it.

11 Q How did he describe their use of the
12 security system?

13 A He said originally when it was installed,
14 they used it quite frequently. That they would get
15 alerts to their phones when doors were open, and
16 things like that. But as time progressed, they
17 became less likely to use it, or have it turned on.

18 Q Did you ask him about which doors had it
19 and which doors didn't?

20 A I did.

21 Q Okay. Can you explain what he said?

22 A Yes. He specifically said that the back
23 door did not have a security contact because they
24 had large dogs, and they didn't have an overall
25 concern about that -- about the back door.

1 Q Did you ask the defendant what he thought
2 happened to the Amy Allwine?

3 A I did.

4 Q What did he say?

5 A He said that he believed that she had
6 taken her own life. That she had committed suicide.

7 Q Anything else that stood out to you about
8 his answer?

9 A Yeah, he specifically said that he would
10 place blame on himself for not recognizing the
11 signs, if that was the case.

12 Q Now, Special Agent Frascone, you had the
13 ability to observe the defendant during the duration
14 of this interview, correct?

15 A That's correct.

16 Q Can you explain his demeanor?

17 A Through the majority of the interview, Mr.
18 Allwine was soft spoken, head down, quiet. He was
19 emotional during parts of the statement.

20 Q Was there any time that you observed a
21 change in his demeanor?

22 A Yes. Mr. Allwine, when he would speak
23 about his church or his affiliation with his church,
24 it was very clear on his attendance and position
25 within his church.

1 Q Did you notice anything physically change
2 about him?

3 A Yes. He sat up. He made eye contact. He
4 spoke very clearly when speaking about the church.

5 Q Did you have the occasion in the interview
6 to ask Stephen Allwine about his religious
7 affiliation?

8 A I did.

9 Q And what did he explain about that?

10 A He explained that their church is a
11 Saturday Sabbath type church. It follows the Jewish
12 holidays, but it is a Christian based church.

13 Q And did your investigation in this matter
14 reveal anything about Stephen Allwine's involvement
15 with his church?

16 A Yes. It revealed that he was an elder
17 within his church. At times preached within his
18 church, but he clearly attended it, and was involved
19 within his church.

20 Q Now, did you ask the defendant about his
21 church's position on suicide?

22 A I did.

23 Q What did he say?

24 A He said it is not accepted within the
25 church.

1 Q Did your investigation reveal that Amy
2 Allwine shared the same religious affiliation?

3 A Yes.

4 Q Did you have the occasion to ask the
5 defendant about his church's position on divorce?

6 A I did.

7 Q What did he say about that?

8 A He also mentioned that the church does not
9 condone divorce. They see it as a marriage between
10 a man and woman and God. And that if on a case by
11 case basis that there was a divorce, that typically
12 the person would not remarry.

13 Q Did you have the opportunity to ask the
14 defendant about his marriage to Amy Allwine?

15 A I did.

16 Q And how did he describe it?

17 A He described it as a great marriage. He
18 said that they met when they were young, attending
19 college together. That they had the chance to grow
20 up as friends, and take their relationship slow, and
21 that they had had a very good relationship.

22 Q You said that he described them as
23 friends?

24 A Correct.

25 Q Was he more specific than that?

1 A Best friends.

2 Q Now, part of your investigation revealed
3 that Amy Allwine had received threatening emails
4 from an anonymous email address in July of 2016,
5 correct?

6 A That's correct.

7 Q Did you ask the defendant about this
8 threat that Amy should kill herself?

9 A I did.

10 Q Did you talk about the contents of the
11 email, in that other people that Amy knew and loved
12 were identified?

13 A Yes.

14 Q And what stood out to you about that?

15 A That when we were discussing it,
16 Mr. Allwine stated that he wasn't sure where the
17 information had come from in the email, because some
18 of it was not correct with regards to addresses.

19 Q Now, you'd agree in the July 24, 2016
20 email, you had an opportunity to read that, correct?

21 A I did.

22 Q You're familiar with that?

23 A I am.

24 Q And the sender alleges that Amy Allwine
25 has ruined their life by stealing their husband, or

1 something to that effect, correct?

2 A Yes. They allege that there is an affair
3 or some type of extramarital affair going on.

4 Q Did you ask Stephen Allwine whether this
5 was possible with Amy Allwine?

6 A Yes. That question was posed and he said
7 that they had discussed it, and Amy was not having
8 an affair.

9 Q Did your investigation reveal anything
10 else related to extramarital affairs in the
11 Allwine's marriage?

12 A Yes.

13 Q What was that?

14 A That Stephen was in fact involved in
15 extramarital affairs.

16 Q So did you ask him -- did you ask him
17 about that?

18 A I did.

19 Q What did he say?

20 A He said that he was involved with a female
21 by the name of Michelle and that we would be able to
22 learn her identity through a contact in his phone.
23 And that it was more of a counseling type of
24 relationship.

25 Q Did he say where he met her?

1 A He said he met her on Angie's List.

2 Q Angie's List?

3 A Correct.

4 Q Did he say whether she ever came to the
5 Allwine residence?

6 A I asked if she had been to the Allwine
7 residence, and he stated that she had not.

8 Q Did anything stand out to you about that
9 answer? About what your investigation revealed?

10 A Yes. That she had, in fact, been to the
11 home.

12 Q Did your investigation -- what did your
13 investigation reveal about any relationship between
14 the defendant and a Michelle?

15 A That there had been a longstanding sexual
16 relationship between the two of them.

17 Q Did your investigation reveal how they
18 met?

19 A That they met on a website called Ashley
20 Madison, which is a website typically for married
21 people. It's a paid website.

22 Q Did you ask him whether he shared this
23 information about this woman Michelle with the FBI
24 in the spring and summer of 2016?

25 A I did ask that.

1 Q What did he say?

2 A He stated that he did not share that
3 information.

4 Q Did you ask him if he had had recent
5 communication with this Michelle?

6 A I did.

7 Q What did he say?

8 A He originally said that he didn't. Then
9 he said that there were text messages that they had
10 had recent communication.

11 Q Did your investigation reveal that
12 Michelle was the only woman involved in extramarital
13 involvement with Stephen Allwine?

14 A No. It showed that there were other
15 women.

16 Q Did Stephen Allwine disclose that to you
17 during the course of the statement that he made to
18 you?

19 A He did not.

20 Q What did he say?

21 A He said that Michelle was the only person.

22 Q Did your investigation reveal anything
23 about Stephen Allwine's occupation?

24 A Yes.

25 Q What was that?

1 A That he had been involved in the IT world
2 for approximately 20 years.

3 Q Now, did you have the opportunity to see
4 Stephen Allwine's work space?

5 A I did.

6 Q Where was that?

7 A It was located in the basement of the
8 home.

9 Q Can you describe when you viewed it what
10 you saw?

11 A It is an extensive work station. There is
12 quite a few monitors, as well as towers, as well as
13 a server system down there. A lot of cords.

14 Q Special Agent Frascone, I am showing you
15 what's been marked and entered into evidence as
16 Exhibit 21; do you recognize that?

17 A I do.

18 Q And can you explain, does that accurately
19 depict what you saw in the Allwine basement?

20 A It does.

21 Q Can you explain in context what we are
22 looking at here?

23 A So we are looking at the work station
24 overall. But you can see the number of computer
25 monitors, as well as a laptop, some of the cords,

1 printers, file cabinets, things of that type.

2 Q Thank you. Did you ask the defendant
3 whether he was familiar with the Dark Web?

4 A I did.

5 Q What did he say?

6 A He said he was not aware of the Dark Web
7 prior to speaking to the FBI. He said in his
8 experience that in the world of IT, he works in the
9 normal part where you can track emails and things
10 like that.

11 Q Now, Special Agent Frascone, you are the
12 lead BCA investigator on this case, correct?

13 A That's correct.

14 Q And have you had access to the entire
15 investigative file in this matter?

16 A I have had access to the entire BCA file
17 as well as any information that's been provided to
18 me by the Cottage Grove Police Department.

19 Q Does that include various expert reports?

20 A It does.

21 Q Have you reviewed the BCA case file,
22 expert reports, police reports from any agency
23 involved in the entirety of this matter?

24 A Yes.

25 Q As a result of that review, did you

1 compile a timeline summary of various events
2 relative to this case?

3 A I did.

4 Q More particularly, did you cause to be
5 created a timeline summary showing the relationship
6 between dogdayGod's activity and the defendant's
7 activity?

8 A I did.

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

10 THE COURT: Yes, you may.

11 MR. DEVORE: Your Honor, can we approach
12 real quick.

13 THE COURT: Absolutely.

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

16 THE COURT: A reason we need to stop now,
17 so we will break for today.

18 You will hear some very repetitive things
19 right now, and I told you why I do this. Do not let
20 outsiders influence you. This includes family
21 members, and friends, and anyone else that is not
22 actually involved in this trial.

23 Do not discuss this case with other jury
24 members during the trial. You will have plenty of
25 time to do this at the end of the trial once you

1 have all of the evidence, and I have sent you to the
2 jury room with my instructions and the verdict
3 forms. Do not talk to anyone involved in this case;
4 the defendant, the lawyers, or the witnesses. If
5 anyone tries to discuss this case with you outside
6 of the courtroom, report it to me.

7 When you go home during the trial, do not
8 talk to your family, friends, or others about the
9 case even if they initiate the conversation. You
10 may tell them that you are a juror on a criminal
11 case, and that is all you are allowed to tell them.

12 Do not have any electronic equipment with
13 you in the courtroom even if it is shut off. Do not
14 report your experiences as a juror while the trial
15 and deliberations are going on. Do not email, blog,
16 tweet, text, do anything electronic in terms of
17 communication, or visit any social networking site.
18 Don't do any of that, even if I have not
19 specifically mentioned a particular method or a
20 particular site.

21 Do not visit any chat rooms where the case
22 may be discussed. Don't read or listen to news
23 reports, on newspapers, magazines, radio, television
24 pod casts or any other media, including the
25 Internet.

1 Do not do your own investigation. Do not
2 ask people about this case. Do not visit any
3 location mentioned in the trial. Do not use
4 Internet map applications or any other mapping
5 device to view a location.

6 Do not research anything about the case
7 including issues, evidence, parties, witnesses
8 location, or the law through any form of written
9 print, electronic, or Internet media.

10 Do not create your own demonstrations or
11 reenactments of any event that is the subject of
12 this case.

13 Keep an open mind until you have heard or
14 seen all of the evidence. Remember that you cannot
15 consider anything that you hear or learn about this
16 case outside this courtroom.

17 It is now Friday. It's coming up to 20
18 minutes after 4. We will start Monday. Have a good
19 week. We will be here at 9:00 to start. So come
20 about 8:30 in the morning to the jury room and I
21 thank you for your attention.

22 (Proceedings concluded.)

23

24

25

1 STATE OF MINNESOTA)
2 COUNTY OF WASHINGTON) ss:
3)
4)

5 REPORTER'S CERTIFICATE
6
7

8 I, DEBORAH L. FOSTER, do hereby certify
9 that the above and foregoing transcript, consisting
10 of the preceding pages, is a correct transcript of
11 my stenographic notes and is a full, true, and
12 complete transcript of the proceedings to the best
13 of my ability.
14
15

16 Dated: July 26, 2018
17
18
19
20

21 _____
22 DEBORAH L. FOSTER
23 Official Reporter
24 Washington County District Court
25 (651) 430-6354

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