

State of Minnesota,  
Plaintiff,

vs.

Stephen Carl Allwine,  
Defendant.

**FINDINGS OF FACT AND ORDER  
DENYING DEFENDANT’S THIRD  
REQUEST FOR RECONSIDERATION  
OF ORDER DENYING DEFENDANT’S  
SECOND PETITION FOR  
POSTCONVICTION RELIEF**

Court File No. 82-CR-17-242

The above-entitled matter before the Douglas B. Meslow, Judge of District Court, in chambers on December 3, 2020, on Defendant’s Third Motion to Set Aside this Court’s September 21, 2020, Findings of Fact, Conclusions of Law and Order Denying Defendant’s Second Petition for Postconviction Relief and on December 10, 2020 on Defendant’s Supplement to his Third Motion to Set Aside Findings. Defendant is represented by Christa J. Groshek, Esq. The State is represented by Nicholas A. Hydukovich, Assistant Washington County Attorney.

**FINDINGS OF FACT**

1. On September 21, 2020, the Court issued Findings of Fact, Conclusions of Law and Order Denying Petitioner (Defendant)’s Second Petition for Postconviction Relief (“Postconviction Order”).

2. On September 25, 2020, Defendant filed a motion to set aside the Court’s September 21, 2020, Order. The State did not file a response to the motion.

3. The Court considered Defendant’s motion a motion for reconsideration. On October 16, 2020, the Court issued an Order Denying Defendant’s motion for reconsideration of the Court’s September 21, 2020, Order.

4. On November 9, 2020, Defendant filed a Second Motion to Reconsider the Court’s September 21, 2020, Order Denying his Second Petition for Postconviction Relief. The State did not file a response to the motion.

5. On November 23, 2020, the Court issued an Order Denying Defendant’s Motion to Reconsider the Court’s September 21, 2020, Order.

6. On December 3, 2020, Defendant filed a Third Motion to Set Aside the Court’s September 21, 2020, Order Denying his Second Petition for Postconviction Relief. On December 10, 2020, Defendant filed a Supplement to his Third Motion to Set Aside the Court’s September

21, 2020, Order Denying his Second Petition for Postconviction Relief. The State did not file a response to the motion or the supplement.

7. On December 10, 2020, the Minnesota Supreme Court issued an Order Denying Defendant's Request to Extend the Stay of his Appeal. The Order required Defendant to either move to dismiss his appeal or vacate the stay by December 21, 2020.

8. On December 17, 2020, before the Court issued an Order on Defendant's Third Motion to Set Aside, Defendant filed a Notice of Appeal of this Court's September 21, 2020, Order Denying his Second Petition for Postconviction Relief.

### **ORDER**

1. Defendant's Third Motion to Set Aside this Court's September 21, 2020 Order is **DENIED** on the basis that this Court's authority is suspended due to the appeal.

2. The court administrator shall serve a copy of this Order on counsel of record.

**BY THE COURT:**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Douglas B. Meslow  
Judge of District Court