

STATE OF MINNESOTA
COUNTY OF WASHINGTON

DISTRICT COURT
TENTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

TRANSCRIPT OF PROCEEDINGS

vs.

File No. CR-17-242

Stephen C. Allwine,

Defendant.

The above-entitled matter came on for hearing before the Honorable Susan R. Miles, Judge of District Court, Washington County Government Center, Stillwater, Minnesota, on January 18, 2017.

APPEARANCES:

FRED A. FINK, JR., Assistant Washington County Attorney, appeared for and on behalf of Plaintiff, State of Minnesota.

KEVIN DEVORE, ESQUIRE, 724 Bielenberg Drive, Suite 110, Woodbury, MN 55125, appeared for and on behalf of Defendant, Stephen C. Allwine.

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January 18, 2017

(WHEREUPON THE FOLLOWING PROCEEDINGS WERE DULY HAD:)

THE COURT: State versus Stephen Carl Allwine.
Good morning. For the record are you Stephen Carl
Allwine?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Mr. Allwine, you are appearing on a
complaint which charges you with the felony offense of
murder in the second degree. Before we get to that, I
do have a Statement of Rights which summarizes your
rights in this proceeding. Did you read and sign that
document?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Do you have any questions about
your rights?

THE DEFENDANT: No, Your Honor.

THE COURT: Do you understand that you have a
right to be represented by an attorney?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Mr. Devore?

MR. DEVORE: Morning, Your Honor.

THE COURT: You filed a Certificate of
Representation?

MR. DEVORE: We did.

1 THE COURT: You're on board for the duration?

2 MR. DEVORE: I am.

3 THE COURT: For the state?

4 MR. FINK: The state appears by Fred A. Fink,
5 Junior.

6 THE COURT: All right. Mr. Devore, you may
7 step up and retrieve a copy of the complaint. Mr. Fink,
8 do you have any documents to file and serve at this
9 time?

10 MR. FINK: I do, Your Honor. I'm filing a
11 Firearms Motion and Order with Madam Clerk. I
12 previously provided the Rule 7 and 9 obligations plus a
13 criminal complaint to counsel.

14 THE COURT: If you need another copy of the
15 complaint, it's yours.

16 MR. DEVORE: Thank you.

17 THE COURT: Mr. Allwine, the complaint which
18 has just been transferred to Mr. Devore alleges that on
19 November 13th in the City of Cottage Grove you committed
20 acts constituting the felony offense of murder in the
21 second degree involving ALA. Do you understand the
22 charges?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Do you understand that if convicted
25 of this it is punishable by up to 40 years?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Do you acknowledge receipt,
3 Mr. Devore?

4 MR. DEVORE: We do, Your Honor.

5 THE COURT: Do you waive further reading?

6 MR. DEVORE: Yes.

7 THE COURT: Let's move on to conditions of
8 release. Mr. Fink?

9 MR. FINK: Your Honor, while the bail
10 evaluation is somewhat unremarkable, the severity of the
11 offense obviously is. The sophistication involved as
12 recited in the complaint and the planning involved and
13 what appears to be an absolute determination to kill
14 this woman, together with a possible flight risk, he has
15 been out of the country within recent memory. He has
16 the funds to flee. In recent weeks and months he has
17 liquidated silver coins and silver ingots for cash. And
18 recent intelligence developed by police indicates that
19 he may be planning a move.

20 For all those reasons we'd request
21 unconditional bail in the amount of two million dollars,
22 conditional bail in the amount one million with the
23 conditions of a GPS, that he not leave the State of
24 Minnesota, that he surrender his passport, and I'm
25 uncertain whether the police have seized that or not at

1 this point, as well as no unsupervised contact between
2 the defendant and JA, who is his son.

3 THE COURT: Mr. Devore?

4 MR. DEVORE: Your Honor, I didn't read this as
5 a flight risk issue. I looked at the bail evaluation
6 report and pretty much focused that this is, if
7 anything, a public safety issue for the Court to be
8 concerned with, but if Mr. Fink is addressing the flight
9 risk issue, I will tell the Court of a few things.
10 Number one, the passport of Mr. Allwine was taken when
11 they executed the search warrant. So he hasn't had that
12 for a couple months now.

13 Number two, Mr. Allwine is the sole provider
14 for his son, the 9 year old son, who is living with his
15 in-laws or the son's grandparents right now.

16 Number three, Mr. Allwine -- This incident
17 happened or the death happened two months ago.
18 Mr. Allwine has been in almost constant contact with me,
19 has voluntarily met with the police, has given his
20 statement. If he was going to run, he could have run at
21 any time the last two months and he has shown no
22 indication of that whatsoever. He owns his house in
23 Cottage Grove, although he's been staying with his
24 in-laws since his wife's passing, just sort of to get
25 his son away from it, to get him away from it, but

1 there's been no indication whatsoever that Mr. Allwine
2 has either made arrangements to or attempted to flee or
3 move or anything of the sort. There has absolutely been
4 nothing, no evidence of that whatsoever.

5 Mr. Allwine -- it's been quite sometime since
6 he's been out of the state or out of the country, Your
7 Honor. There's just no indication that he's a flight
8 risk whatsoever and I think that's properly evaluated or
9 set forth in the bail evaluation report.

10 Your Honor, this is what I see as not a flight
11 risk issue at all. In fact, he's got family here that
12 are supporting him and have been supporting him 100
13 percent throughout this entire investigation. This is
14 just simply what the Court would feel comfortable with
15 as far as public safety.

16 Your Honor, a million dollar bail, even with
17 conditions, is something that Mr. Allwine simply cannot
18 afford to post that kind of bail. Not many people can.

19 THE COURT: Well, one piece of information that
20 I'm missing is his annual income.

21 MR. DEVORE: I believe it to be -- if you can
22 just give me a moment, Your Honor.

23

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(Discussion off the record)

25

1 MR. DEVORE: Your Honor, Mr. Allwine has
2 indicated that his annual income is somewhere around a
3 hundred and fifty thousand a year.

4 THE COURT: And the fair market value of his
5 house or his net equity in his house?

6 MR. DEVORE: I believe the net equity -- fair
7 market value to be around five hundred and fifty
8 thousand, net equity on that is about a hundred
9 thousand.

10 THE COURT: Okay. Please proceed.

11 MR. DEVORE: Your Honor, Mr. Allwine to my
12 knowledge has no prior criminal history. He had a zero
13 on his prior history score. Other than this allegation,
14 Your Honor, he's been an upstanding citizen in every
15 respect. A million dollar bail is just simply a number
16 he will not be able to reach in any capacity and he will
17 be in jail.

18 If there's a way the Court can set a bail
19 amount that satisfies the Court's concerns for the
20 public safety, there really shouldn't be any concern for
21 his flight risk. Your Honor, I would submit to you that
22 a bail in the amount of two hundred and fifty thousand
23 with conditions is certainly reasonable and something
24 that I believe is attainable for Mr. Allwine to be able
25 to secure his release, which will then obviously help in

1 developing and defending himself in the case. And this
2 is a complicated case and it's a 10 page complaint and
3 there's a lot of issues that need to be looked into and
4 investigated on our front and with him in jail it makes
5 it much more difficult to do all that, Your Honor. So
6 we're asking the Court to set a conditional release
7 amount of two hundred and fifty thousand dollars.

8 THE COURT: Given the severity of the charges
9 I am concerned about flight risk. You've referenced,
10 Mr. Fink, some evidence the police have that Mr. Allwine
11 is planning a move?

12 MR. FINK: Excuse me for interrupting, Your
13 Honor.

14 THE COURT: Go ahead.

15 MR. FINK: In response to that it's my
16 understanding there is one of those pod devices for
17 storing home goods that has arrived on the property of
18 Mr. Allwine and the inferences that can be drawn from
19 that.

20 THE COURT: The house isn't listed for sale?

21 MR. FINK: No, not that I know of.

22 THE COURT: You get the last word, Mr. Devore.

23 MR. DEVORE: Your Honor, if there is any
24 intention whatsoever to move, simply the house just
25 brings bad memories, Your Honor, but there has been no

1 affirmative action other than apparently a pod that
2 might have been delivered to the home, but the house is
3 not for sale, it hasn't been listed with anybody, it's
4 not on the MLS, I mean, this is far from the point where
5 a house might be up for sale, Your Honor, and it really
6 is not an indication of a flight risk. You don't sell a
7 home, take the time to go through the process to sell a
8 home, get a pod, put all your belongings in there, move
9 to a different location wherever that may be, and that's
10 not a flight risk. That's not somebody that's trying to
11 get away. A flight risk is I'm gone, see you later.
12 Nobody knows where I went.

13 THE COURT: Bail without conditions is set at
14 one million dollars. Bail with conditions is five
15 hundred thousand dollars. The conditions are that
16 Mr. Allwine be connected with a GPS device and comply
17 with that device, the rules applicable to that device,
18 in all respects. He is not authorized to leave the
19 State of Minnesota without prior permission. The
20 passport is to remain in custody of the Cottage Grove
21 Police and he's not to have any unsupervised contact
22 with the parties son in common, JA. Do you need a
23 speedy Rule 8?

24 MR. DEVORE: Well, Your Honor, given the two
25 dates that I was given they are not all that far apart.

1 I'm going to go with the February 13th date, Your Honor,
2 and waive the speedy.

3 THE COURT: Okay. Just let me check one thing
4 with the clerks.

5 (Discussion off the record)

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7 THE COURT: The case will be assigned to Judge
8 William Ekstrum and I understand that February 13th is
9 consistent with a date that he can have a Rule 8 hearing
10 on this matter. And so unless you have anything else, I
11 will conclude today's proceeding.

12 MR. DEVORE: That's it. Thank you.

13 THE COURT: Mr. Fink?

14 MR. FINK: Thank you, Your Honor.

15 THE COURT: Oh, and I will sign the firearm
16 order. I would assume any firearms have already been
17 turned over to Cottage Grove Police?

18 MR. DEVORE: Yes. They were already taken when
19 they executed the search warrant.

20 THE COURT: Just to seal it up the firearms
21 order will be signed.

22 MR. FINK: Thank you.

23 (WHEREUPON THE PROCEEDINGS WERE CONCLUDED)

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REPORTER'S CERTIFICATE

I, Ben C. Blair, Official Court Reporter, do hereby certify that I reported the foregoing matter and that the foregoing transcript has been carefully compared by me with my stenographic notes as taken by me in machine shorthand and by me thereafter transcribed, and that it is a true and correct transcript of the proceedings had in said matter.

Dated this 5th day of July, 2018



Ben C. Blair,
Court Reporter

