

STATE OF MINNESOTA  
COUNTY OF RAMSEY

DISTRICT COURT  
SECOND JUDICIAL DISTRICT

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State of Minnesota,

Court File No.: 62-CR-21-6868

Judge: Leonardo Castro

Plaintiff,

vs.

Brian Harry Kjellberg,

**SCHEDULING ORDER**

Defendant.

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The above-entitled matter came on for a Scheduling Conference before the Honorable Leonardo Castro, Judge of District Court, on May 4, 2022, via Zoom technology. Assistant Ramsey County Attorneys Makenzie Lee and Nelson Rhodus appeared on behalf of the State. Attorneys Earl Gray and Amanda Montgomery appeared for and with Defendant Brian Kjellberg.

Based on all the files, pleadings, records, and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. Defendant waives his right to a speedy trial as of May 4, 2022.
2. This matter is set for **date-certain** Jury Trial beginning on **March 27, 2023, at 8:30 a.m.** in person at the Ramsey County Courthouse. The trial is estimated to last eight (8) days.
3. No further amendments of the Complaint herein shall be permitted without leave of the Court.
4. All motions to suppress evidence, *Spreigl* notices (Minn. R. Evid. 404(b)), constitutional and procedural issues, motions for aggravated sentence, and any other evidentiary issues requiring testimony, shall be e-served and e-filed by no later than **September 14, 2022**; responses, if any, shall be e-served and e-filed by **September 30, 2022**. (Failure to file a response will not prevent a party from opposing any motion at the hearing.) A motion hearing will be held **October 14, 2022 at 9 a.m.** in person at the Ramsey County Courthouse.

5. On or before **November 18, 2022**, the parties must e-file and e-serve **witness and exhibit lists**. Unlisted witnesses, including rebuttal witnesses, will not be permitted to testify unless the court finds that good cause exists for failing to timely disclose the witness. Exhibits must be premarked by counsel in a single series of Arabic numbers, without designation of the party offering the exhibit. The State's exhibits shall be marked beginning with number 1. The Defense's exhibits shall be marked beginning with the number 500.

When submitting audio or video evidence, the audio or video shall be marked with a number and include the corresponding transcript marked with the same number and the letter "A". For example, a video DVD would be numbered 504, and the corresponding transcript would be identified as 504A. Transcripts not accompanied by video/audio shall be identified by number only. All audio recordings must be accompanied by a transcript.

Any party introducing audio or videotaped evidence must provide a verbatim transcript of the recording. If the proponent intends to use only a portion of the recording, the proponent must provide a verbatim transcript of that portion used, and all other portions must be deleted from the recording. The Court will not exclude recordings submitted without a transcript pursuant to Minn. Stat. § 634.36, but may require the proponent to submit a post-trial verbatim transcript of the recording. The court reporter will not be responsible for transcribing audio or videotaped evidence introduced at a trial.

Any party intending to have a weapon in the courtroom to be used as an exhibit must provide proper notice to the Court on or before **November 18, 2022**. The proponent of any weapons to be offered as evidence at trial must comply with the requirements of the Second Judicial District Courtroom Weapons Protocol. A copy of these procedures will be emailed to the parties after the Court receives notice.

6. Counsel for the parties shall meet and confer and submit (in **Microsoft Word format**) to the Court **one joint jury questionnaire** by end of business on **February 17, 2023**.
7. Motions in limine and motions to admit any impeachment evidence of prior convictions (Minn. R. Evid. 609), opinion and reputation (Minn. R. Evid. 608(a)), and specific instances of conduct (Minn. R. Evid. 608(b)) to be offered against either the defendant or a testifying witness, shall be e-served and e-filed by no later than **January 28, 2023**. These motions and issues shall be heard **February 21, 2023, at 1:30 p.m.** in person at the Ramsey County Courthouse.
8. Parties requesting the use of courtroom technology equipment shall contact Judge Castro's law clerk at [2ndJudgeCastroChambers@courts.state.mn.us](mailto:2ndJudgeCastroChambers@courts.state.mn.us) or (651) 266-8193 by no later than **February 21, 2023**. Parties using courtroom technology shall arrive early to court to prepare and test any technology to be used at trial.

9. Parties shall e-file and e-serve a list of proposed jury instructions by no later than end of business on **March 3, 2023**. Where the proposed instructions are directly from the Minnesota Jury Instruction Guides - Criminal, only the numbers and titles need be given. All other proposed instructions must include the written instruction along with citations to applicable authority.

Courtesy copies of proposed jury instructions **in Microsoft Word format** must be e-mailed to Judge Castro's law clerk at [2ndJudgeCastroChambers@courts.state.mn.us](mailto:2ndJudgeCastroChambers@courts.state.mn.us).

10. Parties intending to request expedited transcripts, daily copies, or any other special court reporting request must make such requests by the end of business on or before **March 3, 2023**, by directly contacting the court reporter at [colleen.maloney@courts.state.mn.us](mailto:colleen.maloney@courts.state.mn.us) or (651) 266-8194.
11. If the defendant is in custody at the time of trial, defense counsel shall ensure that any change of clothing necessary for the defendant is provided the week before the commencement of trial in accordance with Law Enforcement Center regulations. Defense counsel may submit Clothing Orders for signature by this Court. Clothing provided to defendants should include long sleeves to cover jail identification bracelets.
12. On the morning of trial, the parties shall:
  - a. Meet with the court reporter for the purpose of organizing exhibits;
  - b. Identify any additional disputed evidentiary issues;
  - c. Identify any exhibits, graphics, or illustrations to be used in opening statements. Prior to publishing to the jury, the Court must approve any exhibit, graphic, or illustration that has not previously been admitted into evidence.
13. In the event the parties reach a settlement before the day of trial, counsel must advise the Court and request that the matter be advanced or separately scheduled for a plea hearing.
14. All communications with the Court, including courtesy copies of filings, must be addressed and sent to Judge Castro's law clerk at [2ndJudgeCastroChambers@courts.state.mn.us](mailto:2ndJudgeCastroChambers@courts.state.mn.us).
15. **FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN THE IMPOSITION OF SANCTIONS.**

16. NO EXTENSIONS OR CONTINUANCES WILL BE GRANTED WITHOUT THE PERMISSION OF THE COURT.

**IT IS SO ORDERED.**

**BY THE COURT:**

Dated: July 15, 2022

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Leonardo Castro  
Judge of District Court

MINNESOTA  
JUDICIAL  
BRANCH