

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

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

State of Minnesota,

Plaintiff,

MOTION FOR NEW TRIAL

vs.

Brian Harry Kjellberg,

Defendant .

Pursuant to Minn. R. Crim. P. 26.04, Subd. 1 (1), Brian Kjellberg, through his lawyers, moves the Court for a new trial, secondary to the defense Motion for Judgment of Acquittal.

A verdict or finding of guilty was not justified by the evidence and is contrary to the law.

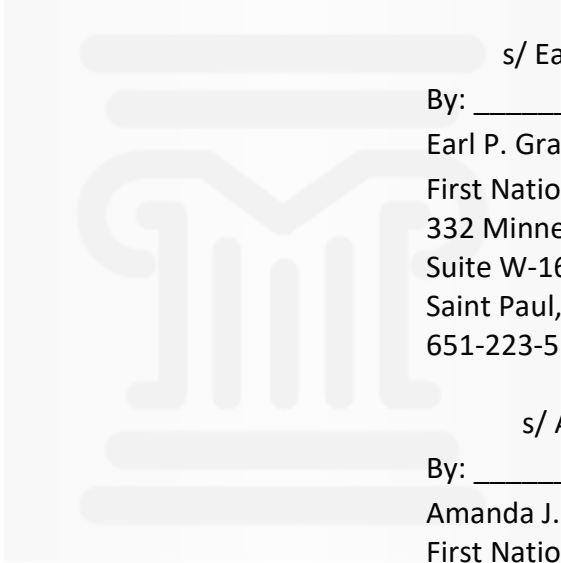
Additionally, the interests of justice require a new trial.

As outlined in the defense Motion for Judgment of Acquittal, the evidence presented at trial in this case does not support a guilty verdict. The defendant set forth the defense of self and the evidence presented does not prove beyond a reasonable doubt Mr. Kjellberg did not act with reasonable self-defense.

Equally important, the jury was not fair and impartial as they swore to be. The defendant was not given a fair trial by 12 fair and impartial jurors as he is entitled to have. The jury foreman came into the case with a bias opinion and did not divulge this information either in the questionnaire or during voir dire, see Affidavit with Exhibit A and B. The foreman did not discuss his strong views regarding race and his opinions that would certainly affect the outcome in this case. Also, the foreman did not share when asked that he possibly knew of Earl Gray,

which he certainly did based on his several posts related to George Floyd, Derek Chauvin, and Kim Potter.

Date: April 12, 2023



s/ Earl P. Gray

By: _____

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s/ Amanda J. Montgomery

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