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A P P E A R A N C E S

Makenzie Lee, Assistant Ramsey County Attorney,
appeared for and on behalf of the State.

Hassan Tahir, Assistant Ramsey County Attorney,
appeared for and on behalf of the State.

Earl Gray, Attorney at Law, appeared with and on
behalf of the Defendant.

Amanda Montgomery, Attorney at Law, appeared with and
on behalf of the Defendant.

MINNESOTA
JUDICIAL
BRANCH

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1 P R O C E E D I N G

2 THE LAW CLERK: All rise.

3 THE COURT: Good morning. You may be seated.
4 All right. We're back on the record with State of
5 Minnesota versus Brian Kjellberg. Is there anything we
6 need to address before we bring out the jurors?

7 MR. TAHIR: No, Your Honor.

8 MR. GRAY: No.

9 THE COURT: All right. Let's go get the
10 jurors.

11 THE LAW CLERK: All rise for the jury.

12 (The jurors entered the courtroom.)

13 THE COURT: You may be seated. Good morning.

14 JURY: Good morning (as a whole.)

15 THE COURT: You may proceed, Mr. Tahir.

16 MR. TAHIR: Your Honor, the State calls Marie
17 Gagnon, M-A-R-I-E G-A-G-N-O-N.

18 THE COURT: Thank you.

19 Good morning, ma'am.

20 THE WITNESS: Good morning.

21 THE COURT: Please come forward and watch
22 your step there. I'd ask you to please raise your
23 right hand.

24 MARIE GAGNON,

25 was called as a witness and, being first duly

1 sworn, was examined and testified as follows:

2 THE COURT: Thank you, ma'am. Please have a
3 seat, state your name, and spell it for us.

4 THE WITNESS: Marie Rose Gagnon, Marie
5 M-A-R-I-E, Rose R-O-S-E, Gagnon G-A-G-N-O-N.

6 THE COURT: And is that microphone on? It
7 is. Can you just move it a little closer to you?
8 Thank you.

9 Go ahead, Mr. Tahir.

10 MR. TAHIR: Thank you, Your Honor.

11 DIRECT EXAMINATION

12 BY MR. TAHIR

13 Q. Good morning, Ms. Gagnon. What's your date of birth?

14 A. 1/22/74.

15 Q. Are you currently employed?

16 A. Yes.

17 Q. What do you do for a living?

18 A. I work at the V.A. Hospital.

19 Q. What do you do at the V.A. Hospital?

20 A. I work in the dental department. I do registration,
21 eligibilities, scheduling.

22 Q. Okay. And how long have you had that job?

23 A. Almost five years.

24 Q. All right. What city do you live in?

25 A. St. Paul.

1 Q. How long have you lived in St. Paul?

2 A. Um, like seven years.

3 Q. Okay. Currently, what's your address?

4 A. 1734 Seventh Street East.

5 Q. How long have you lived there?

6 A. Almost three years.

7 Q. And that's in the City of St. Paul, Ramsey County,
8 Minnesota?

9 A. Yes.

10 Q. When did you move in exactly to that address?

11 A. May 21st of 2020, I think.

12 Q. Okay. Do you reside there alone or with others?

13 A. With others.

14 Q. Who else lives with you?

15 A. Currently my two youngest sons.

16 Q. Okay. How many children do you have?

17 A. I have four.

18 Q. What's the age range for these children?

19 A. 30, 29, 25, and 19.

20 Q. And the 25-year-old and the 19-year-old live with you
21 at 1734 Seventh Street East?

22 A. Yes.

23 Q. Would one of those be Marcel McMath?

24 A. No.

25 Q. Larry McMath?

1 A. Yes.

2 Q. Okay. And who's other child?

3 A. Ronald Stewart.

4 Q. Ronald Stewart. Marcel McMath, he lives elsewhere?

5 A. Yes.

6 Q. Does he come visit you from time to time at 1734?

7 A. Yes.

8 Q. What type of residence or building is this? I suppose
9 is it a single family home or a duplex?

10 A. Correct. Single family home.

11 Q. Do you own that property or are you a renter?

12 A. I own.

13 Q. All right. And you purchased it back in May of 2020?

14 A. Yes.

15 Q. Okay. On your block is there an old -- what used to be
16 a fire station, no longer an active fire station?

17 A. Yes, on the corner.

18 Q. And that's on -- the address for that is 1720 Seventh
19 Street East?

20 A. Yes.

21 Q. Is that about -- well, not about. Is that two doors --
22 excuse me. Two houses down from you?

23 A. Yes.

24 Q. Okay. And that's kind of the corner lot of Seventh
25 Street and Flandrau; is that correct?

1 A. Yes.

2 Q. F-L-A-N-D-R-A-U?

3 A. Yes.

4 Q. Okay. Does somebody live there, do you know?

5 A. Yes.

6 Q. Okay. It's not a fire station anymore. It's actually
7 a residence now; is that accurate?

8 A. Yes.

9 Q. Are you generally familiar with your neighborhood, the
10 area? If you saw a map you'd be able to recognize it?

11 A. Yes.

12 MR. TAHIR: May I approach the witness, Your
13 Honor?

14 THE COURT: Yes, you may.

15 BY MR. TAHIR

16 Q. Ma'am, I'm showing you what I've got marked as
17 Exhibit 5 and Exhibit 6. Could you please take a look
18 at that and just tell me if you recognize these two
19 exhibits, and then I will ask you some more questions?

20 A. Yes, I do.

21 Q. Is Exhibit 5 an overhead satellite map that contains
22 both your residence along with the address of 1720
23 Seventh East?

24 A. Yes.

25 Q. Along with 1733 Ross Avenue; is that correct?

1 A. Yes.

2 Q. And Exhibit 6 is a similar overhead satellite map
3 that's just zoomed in further onto those addresses; is
4 that right?

5 A. Yes.

6 MR. TAHIR: State offers 5 and 6.

7 MR. GRAY: No objection.

8 THE COURT: Exhibits 5 and 6 are admitted.

9 MR. TAHIR: May I publish, Your Honor?

10 THE COURT: Yes, you may.

11 BY MR. TAHIR

12 Q. Okay. Ms. Gagnon, I've got Exhibit 5 displayed. Can
13 you just describe to me where your residence is? Is it
14 the one that's labeled 1734 on this map?

15 A. Yes.

16 Q. And the map, it's oriented. North is at the top, south
17 is at the bottom, and west is on the left, and east is
18 on the right; is that true?

19 A. Yes.

20 Q. Okay. To the east of your residence, not the very next
21 house, but the one on the corner -- excuse me. On the
22 west, that's 1720. Is that the old fire station?

23 A. Yes.

24 Q. Is that where an individual by the name of Brian
25 Kjellberg resides?

1 A. Yes.

2 Q. Okay. 1733, is that also one of your neighbors? Is
3 that where Shawna Edwards resides?

4 A. Yes.

5 Q. Can you tell me a little bit about your residence,
6 1734, in terms of -- how much parking space does it
7 have?

8 A. There's an old slab for where a garage used to be
9 that -- it's just the slab and then there is a like a
10 dirt area there. It's sort of weird how it is, because
11 if you're parked a certain way you can't really get out
12 of there, because of the garage that's directly behind
13 us.

14 Q. Okay. So if you are trying to get out of that driveway
15 and you've entered the driveway, the front of the car
16 facing forward, what's the easiest way -- according to
17 your experience of having lived there -- what's the
18 easiest way to get out of the driveway?

19 A. Well, it depends where you're parked. Because if
20 you're on the old garage slab, it's not just flat with
21 the ground, it's up higher. So if you were walking
22 towards the alley, the garage slab is up and there is a
23 drop off where like the alley is. So -- and then this
24 part of the driveway is just like this (indicating).

25 So if you're on the slab and you're backing

1 out, because of where her garage is you can't just back
2 out and go out the alley forward because we're on a
3 dead-end alley. So you would have to back out and back
4 your car backwards out of the alley.

5 Q. Going to the west --

6 A. Correct.

7 Q. -- toward Flandrau Street?

8 A. Yep. Because at the east there is no exit to that
9 alley. It's a dead end.

10 Q. Okay. And you said her garage that's behind your
11 residence, would that be 1733? Ms. Edwards' garage?

12 A. Correct.

13 Q. Do you have a specific spot that you park on, on your
14 driveway?

15 A. Yes.

16 Q. Okay. And where is that?

17 A. I pull directly in so I'm not on the slab. I try to
18 avoid it because my daughter's car has gotten stuck and
19 it's scary. So I try to avoid it. So my spot is right
20 by the door on just the -- not the slab, just the
21 driveway, I guess you would call it.

22 Q. Okay. I'm going to show you Exhibit 6 as well. It's
23 just further zoomed in. Is that slab that you're
24 describing? Are you able to see it on this map?

25 A. Yes.

1 Q. And where would that be?

2 A. So in the back of 1734 you can see, like, where the
3 trash cans are, that slab is the garage. So if you go
4 to the left of that, that's where the slab is. It's
5 like a straight-forward slab that goes towards like the
6 grass and the back porch.

7 Q. And the west of that, immediately to the west, that's
8 your driveway, a single-car lane driveway?

9 A. Yes.

10 Q. And that stretches all the way up to your residence?

11 A. There is some grass in between where the steps is, but
12 yes basically.

13 Q. Okay. And again, just to describe it, if you're
14 pulling out, the easiest way is to back your car all
15 the way off to the west in the alley, all the way to
16 Flandrau?

17 A. If you don't pull out at a right angle. There's --
18 I've lived there long enough now that I know where I
19 park in my spot, I can pull out and go -- where I can
20 go straight out. If there's is no other cars in the
21 driveway, it's easier.

22 Q. Okay. Do you have social guests that visit your house
23 from time to time?

24 A. Yes, I do.

25 Q. Do they park in your driveway?

1 A. Yes, they do.

2 Q. Okay. On occasion do you sometimes have to ask them to
3 move their car so other people can park -- you can
4 park?

5 A. Well, my kids will tell their friends to move if they
6 know I'm coming home because that's my spot. Yes, we
7 do ask people to move.

8 Q. And your spot would be at the front of the driveway?

9 A. Yes.

10 Q. All right. Okay. Is one of your sons' friends -- did
11 they have a friend by the name of Arnell Stewart?

12 A. Yes.

13 Q. Did you know him personally?

14 A. Yes.

15 Q. How often would he come visit your residence?

16 A. I mean, he didn't live here all the time, so when he
17 was in town we would see him periodically.

18 Q. Okay --

19 A. I mean, I'd probably say maybe once a month, once every
20 other month.

21 Q. And was he Larry McMath's friend?

22 A. He's friends with both of my older sons --

23 Q. -- so that would be Larry and Marcel --

24 A. -- Larry and Marcel --

25 Q. And only one of us can speak at a time --

1 A. I'm sorry.

2 Q. Because we have a stenographer that's typing
3 everything --

4 A. I'm sorry.

5 Q. That's all right. That's how -- we all make those
6 mistakes. Just a polite reminder to let me finish my
7 question before you answer.

8 Mr. Stewart, did he visit your residence on
9 December the 2nd of 2021?

10 A. Yes, he did.

11 Q. Were you at home when he first arrived, or were you
12 elsewhere?

13 A. I was at work.

14 Q. Okay. What time did you return home from work?

15 A. About -- I want to say around 6:30.

16 Q. Where did you park your car?

17 A. In my spot.

18 Q. On the driveway?

19 A. Correct.

20 Q. And was there any other car parked in that driveway at
21 the time?

22 A. Not in the driveway but on the slab.

23 Q. Whose vehicle was that?

24 A. Will, one of their other friends.

25 Q. Okay. Not Mr. Stewart's vehicle?

1 A. No.

2 Q. Okay.

3 MR. GRAY: Excuse me, Your Honor, could I --
4 did you say "Will"?

5 THE WITNESS: Will.

6 MR. GRAY: Okay. Thank you.

7 BY MR. TAHIR

8 Q. When you got home, was Mr. Stewart inside the
9 residence?

10 A. Yes.

11 Q. Along with who else?

12 A. Marcel, Larry, Will, and Will's brother. I'm not sure
13 of Will's brother's name. And then my younger son was
14 upstairs with his girlfriend, so Ronald and Ashley were
15 upstairs.

16 Q. That would be Ronald Stewart?

17 A. Yes.

18 Q. Were you socializing with them, or were they kind of
19 doing their own thing?

20 A. When I got home we were all in the kitchen socializing.

21 Q. Okay. And I'm sorry. Is it Marcel that does not live
22 with you?

23 A. Yes.

24 Q. Okay.

25 A. He did live with me at the time.

1 Q. He did live with you at that time?

2 A. Yes, but not currently.

3 Q. Okay. So he was there. Larry was there along with
4 Will, Ronald Stewart, and Ashley -- that would be
5 Ronald's girlfriend?

6 A. Yes.

7 Q. At some point do you recall Mr. Stewart leaving your
8 residence?

9 A. Yes, that was later.

10 Q. So not at 6:30 when you arrived, but later on that
11 evening?

12 THE COURT: Can we get a clarification which
13 Stewart you're referring to?

14 BY MR. TAHIR

15 Q. I'm sorry. Mr. Arnell Stewart. Did he leave the
16 residence?

17 A. Yes.

18 Q. And do you know what prompted him to leave?

19 A. Um, my son Larry was leaving and he called my older son
20 Marcel and said that there was a man by his car.

21 Q. Okay. And that prompted Mr. Arnell Stewart to leave?

22 A. Yes.

23 Q. Did you know where he was going or anything of that
24 nature?

25 A. To check on his car.

1 Q. Okay. Did you happen to know what his vehicle looked
2 like, or what he was driving at the time?

3 A. No.

4 Q. What's the door that you use in your residence? The
5 front door or the back door, as a means of entry and
6 exit?

7 A. The rear door.

8 Q. The rear door?

9 A. Yes.

10 Q. Okay. So going back to Exhibit 6, would that be the
11 door facing south towards the alley?

12 A. Yes.

13 Q. Okay. Do you know where Larry was going at the time?

14 A. He was leaving the house. Will and his brother had
15 already left. Larry was leaving. It was sort of
16 breaking up. I was cleaning up. People were leaving.

17 Q. Okay. And he's the one that called Marcel McMath and
18 informed him about someone near Mr. Arnell Stewart's
19 vehicle?

20 A. Yes.

21 Q. Did Mr. Arnell Stewart return to your residence?

22 A. Yes.

23 Q. Approximately how much time elapsed?

24 A. I want to say a couple minutes.

25 Q. Can you describe the circumstances? What did you

1 observe when he first returned?

2 A. Um, he walked in, he was holding his chest, and he
3 said, "That white man stabbed me."

4 Q. And did he come in through the rear door again?

5 A. Yes, he did.

6 Q. What did he do when he entered your residence?

7 A. He walked towards the couch and I have a chaise and he
8 fell down on the chaise. I thought he was playing.
9 The kids, they joke a lot. I didn't see blood and I
10 said to A.J., "stop playing," and I heard him, like,
11 gasping, and I knew he wasn't playing at that point.

12 Q. Was he sitting down at the time?

13 A. He laid down on the chaise and then rolled onto the
14 floor.

15 Q. Was he speaking to you at all?

16 A. No.

17 Q. In fact, what could you hear in terms of sounds from
18 him?

19 A. It sounded like he was drowning.

20 Q. At this point did you think -- I think you described
21 that you thought he was playing or joking around?

22 A. No, I knew that it was serious then.

23 Q. Were his eyes open?

24 A. Yes.

25 Q. Were you able to look at his face?

1 A. Yes.

2 Q. Did his eyes begin to change in any way?

3 A. He wasn't looking at me. He was like looking past me.

4 Q. Could you see any visible wound on his body at the
5 time?

6 A. I didn't see it at first. I lifted up his shirt, and I
7 seen the -- just a little tiny slit on his chest.

8 Q. Did you do anything to assist him?

9 A. I was applying pressure. I was -- I called 911 and I
10 was on the phone with them, but with him sounding like
11 he was drowning, I was scared of doing chest
12 compressions. I was scared it was going to cause more
13 damage.

14 Q. And you stated that you were on the phone with 911 as
15 well?

16 A. Yes.

17 Q. Did you grow frustrated with the 911 operator?

18 A. Yes.

19 Q. Why was that?

20 A. I just wanted them to get there to save him.

21 Q. Did you notice anything else about Mr. Stewart as he
22 laid there on the floor?

23 A. I just felt like he wasn't there, like -- at one point
24 he urinated, and I really lost it then.

25 Q. Why is that? Why did that make you lose it?

1 A. Just because I know like with end-of-life things
2 usually happen like that.

3 Q. You interpreted that to mean that he was --

4 A. That he was passing.

5 Q. Okay. You were growing frustrated with the 911
6 dispatcher. Did it take them some time to arrive?

7 A. It felt like forever.

8 Q. Ultimately, did first responders arrive?

9 A. The police arrived first.

10 Q. The police arrived first. Can you describe kind of
11 what happened when police first arrived?

12 A. It was really chaotic. I remember them just telling us
13 to get away from him, but I was frustrated because I
14 didn't feel like they were doing anything. They were
15 just standing above him, so I was upset. I wanted them
16 to save him.

17 Q. How long did it take for medical personnel to arrive
18 then?

19 A. They came like right after the police.

20 Q. Okay. What was -- were you able to observe Mr. Arnell
21 Stewart at that time?

22 A. Yes.

23 Q. And I don't know if I asked you this -- did you and
24 your sons refer to Mr. Arnell Stewart as A.J. as well?

25 A. Yes.

1 Q. Okay. And what were you able to observe about
2 Mr. Arnell Stewart?

3 A. He wasn't coherent. I was trying to get his attention.
4 I kept just asking him to look at me. I kept
5 screaming, "Look at me," and he was not looking at me.
6 He would say things, but none of it made sense.

7 Q. Now your son Larry McMath, that night was he driving a
8 white sedan?

9 A. Yes.

10 Q. Do you know the make and model?

11 A. It's -- I want to say a Chevy Impala.

12 Q. Okay. At some point -- well, he's the one who called
13 Marcel McMath about Mr. Arnell Stewart's car. Did he
14 leave the scene at that point in time?

15 A. I think he left shortly and then came back.

16 Q. Okay. Okay. So he came back later on?

17 A. Yes.

18 Q. At that point Mr. Arnell Stewart was already inside
19 your residence?

20 A. Yes.

21 Q. And Mr. Larry McMath, he had a -- had a warrant at the
22 time; is that true?

23 A. Yes.

24 Q. In fact, initially he didn't want to give a statement
25 to the police, because he thought he might get in

1 trouble; is that true?

2 A. Yes.

3 Q. But ultimately he did talk to the police?

4 A. Yes.

5 Q. The medics, were you able to see what they did to
6 Mr. Arnell Stewart?

7 A. Yes.

8 Q. What did they do?

9 A. They put him on a sheet and carried him out of my
10 house.

11 Q. While they were doing that, had Mr. Arnell Stewart's
12 condition improved in any way, or was it kind of the
13 same?

14 A. It was the same.

15 MR. TAHIR: Thank you, ma'am. I have no
16 further questions.

17 THE COURT: Any cross-examination?

18 MR. GRAY: Yes, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. GRAY

21 Q. Good morning. Is it -- how do you pronounce your last
22 name, Gagnon?

23 A. Yes.

24 Q. Ms. Gagnon, I'm going to ask you a few questions. You
25 testified that you had lived at that residence at 1720

1 is it? Or 17 --

2 A. 34.

3 Q. 1734 for three years; is that right?

4 A. Yes.

5 Q. And during that time, your sons all lived -- or who
6 did --

7 A. They lived there at different times.

8 Q. Okay. Well, let's deal with December 2nd of 2021. Who
9 lived there then?

10 A. Ronald and Marcel.

11 Q. And do you know where Larry lived?

12 A. He lived with his girlfriend.

13 Q. And how old is Marcel?

14 A. Twenty-nine.

15 Q. And Ronald?

16 A. Nineteen.

17 Q. And Larry?

18 A. Twenty-five.

19 Q. Okay. And this was a Thursday night, do you remember
20 that?

21 A. Yes.

22 Q. And what time do you get off work on Thursday?

23 A. I get off at 3:30, but I stay till six typically.

24 Q. Okay. When I ask you a question, I'd ask you just to
25 answer it and not add something at the end. You can do

1 that when the prosecutor asks you questions. But you
2 got off at 3:00 that day?

3 A. No, I got off at six that day.

4 Q. Well, why did you say you got off at 3:00?

5 A. My normal shift is it 7 to 3:30. I stay overtime so
6 that --

7 Q. -- okay --

8 A. -- typical day I worked till 6:00.

9 Q. Okay. So in your statement that you gave the police
10 you said that you got home between 6:00 and 6:30; is
11 that an accurate statement?

12 A. I left work at 6:00. I got home about 6:30 that night.

13 Q. All right. And when you got home, you parked in the
14 back, correct?

15 A. Yes.

16 Q. Now, let's move back to the purchase of the house. In
17 the exhibit that we have here, Exhibit 6, the map of
18 your neighborhood, there is parking in the front of the
19 house; is that correct?

20 A. Yes, there is.

21 Q. And there's parking in your back, correct?

22 A. Yes, there is.

23 Q. And did you notice whether or not there was -- there
24 were any cars in the front of your house that night,
25 parked?

1 A. I did not notice.

2 Q. But you did, when you got home -- you wanted
3 Mr. Stewart's car moved?

4 A. No. It was moved when I got there.

5 Q. How did that happen?

6 A. My son asked him to move it.

7 Q. And how did he know?

8 A. How did who know?

9 Q. Your son.

10 A. Know what?

11 Q. Know that you wanted the car moved. Did you call and
12 tell him?

13 A. No, because it's my spot and he knows nobody should be
14 parked there when I get home.

15 Q. Okay. So could he have told Mr. Stewart that he should
16 move his car before 6:00?

17 A. I don't know what their discussion was.

18 Q. I know. But is that possible that he could have told
19 him that, "Hey, move your car at 5:30"? Did he tell
20 him that -- you don't know when he told him to move his
21 car; is that right?

22 A. I don't.

23 Q. And all you know is that when you got home the car was
24 moved?

25 A. Correct.

1 Q. And when you drive into your alley, there are no
2 parking signs at the fire station, Mr. Kjellberg's
3 residence, in three different spots, correct?

4 A. I don't know that.

5 Q. Well, you've driven that down that alley many times?

6 A. I don't know what was there on that day. I don't know.

7 Q. So, your testimony under oath today is that you don't
8 know that there were three no parking signs when you
9 drive down that alley? You never noticed that?

10 A. I never noticed there were three parking signs in his
11 driveway on that day. I did not notice it.

12 Q. Okay. Did you ever notice it before that day?

13 A. No.

14 Q. Did you ever notice it after that day?

15 A. After the day I looked. I don't know how many there
16 are. I can't tell you how many there are.

17 Q. Okay. Did you ever park in that area with your car?

18 A. No, I did not.

19 Q. Because you knew it was a no parking area, correct?

20 A. That's not why I never parked there. I have a parking
21 spot, so I would not park in his.

22 Q. Okay. Do you know whether or not your kids knew that
23 you could not park there?

24 A. My kids know that.

25 Q. They did know they couldn't park there?

1 A. Yes.

2 Q. And Mr. Stewart, you testified that prior to December
3 2nd, the Thursday, he had visited your home, what, once
4 or twice a month?

5 A. Possibly, yes.

6 Q. And when he visited your home, usually if you're home,
7 he would stay for a couple hours? Was it just in and
8 out, or do you know?

9 A. I'm not sure. It would vary.

10 Q. Okay. And when he visited your home, he would -- his
11 good friend was Larry or Marcel?

12 A. He was friends with both of them.

13 Q. Okay. But who was he closer to, Larry or Marcel?

14 A. I can't -- I don't know.

15 Q. You don't know. And again, how old is Larry? 25?

16 A. Yes.

17 Q. And Marcel is 29?

18 A. Yes.

19 Q. And this was a Thursday, you remember that?

20 A. You're saying it. It's -- I don't remember exactly
21 what day of the week it was, but I know the day.

22 Q. And the alleyway is a dead end. You drive down that
23 alley, you've got to turn around and come back,
24 correct?

25 A. Yes.

1 Q. And when you back out of your parking area, in order to
2 drive without backing up, you have to turn and then
3 drive?

4 A. Yes.

5 Q. Down to Flandrau, correct?

6 A. Yes.

7 Q. And it is true, is it not, that when you come home from
8 work you don't want anybody parking in your spot? You
9 want to be able to park there and get in your house,
10 correct?

11 A. Yes.

12 Q. And that was one of the rules of the house, I take it?

13 A. I mean, they just know don't park there. I mean, it's
14 not a said rule.

15 Q. But if somebody is parked there you're going to tell
16 them to move --

17 A. -- yes --

18 Q. You're going to park there.

19 A. Yes.

20 Q. Do you remember what -- when you got home, was
21 Mr. Stewart there when you arrived home? I believe you
22 said 6:30. 6:30, you got home?

23 A. About 6:30, yes.

24 Q. Do you remember if Mr. Stewart was there?

25 A. Yes.

1 Q. And how long was he there prior -- did you know or did
2 you learn from any of your children -- how long he had
3 been there prior to 6:30?

4 A. I -- from what I have heard, he was there most of the
5 day.

6 Q. Okay. And when you got home, did you learn what these
7 men were doing before you got home? What were they
8 doing?

9 A. They were playing a game.

10 Q. Playing a game?

11 A. Yep.

12 Q. Do you know what kind of game?

13 A. No. I mean they have PCs and Xboxes. They play all
14 kinds of games.

15 Q. When you moved in there, you were aware that it was a
16 private residence on the corner, that fire station,
17 correct?

18 A. Not as soon as I moved in, but eventually I figured it
19 out.

20 Q. Well, so you -- you bought the house, and at the time
21 you bought this house three years earlier you didn't
22 check to see if that fire station was actually a fire
23 station or a residence?

24 A. No, I did not. I -- it was a closed down fire station.
25 I knew that, but I didn't know that somebody lives

1 there until later.

2 Q. So you learned after you moved in that somebody lived
3 there?

4 A. Yes.

5 Q. And as far as prior to December 2nd, the Thursday
6 night, you never had any issues yourself with
7 Mr. Kjellberg, did you?

8 A. No.

9 MR. GRAY: Thank you, ma'am. That's all I
10 have.

11 THE COURT: Any redirect?

12 MR. TAHIR: No, Your Honor.

13 THE COURT: Thank you, ma'am. You're free to
14 go. You're excused.

15 THE WITNESS: Thank you.

16 MR. TAHIR: Your Honor, the State calls Larry
17 McMath.

18 THE COURT: Sir, please come forward. Good
19 morning.

20 THE WITNESS: How are you doing?

21 THE COURT: I'm all right. I'll have you
22 please raise your right hand.

23 LARRY MCMATH,

24 was called as a witness and, being first duly
25 sworn, was examined and testified as follows:

1 THE COURT: You can put your hand down. If
2 you can please state your name for us and spell it for
3 us?

4 THE WITNESS: Larry McMath.

5 THE COURT: And spell it?

6 THE WITNESS: L-A-R-R-Y M-C-M-A-T-H.

7 THE COURT: Thank you. All right. And I'd
8 ask you to move that microphone just a little closer to
9 you. Thank you.

10 Go ahead, Mr. Tahir.

11 DIRECT EXAMINATION

12 BY MR. TAHIR

13 Q. Mr. McMath, what's your date of birth, sir?

14 A. 7/1/97.

15 Q. Are you currently employed?

16 A. Yes. I'm fitting to start working on the fourth, at
17 Cisco.

18 Q. What do you do there?

19 A. I'm in shipping and receiving. So, like, picking and,
20 you know, like shipping stuff out basically. It's a
21 warehouse.

22 Q. Kind of warehouse work?

23 A. Yeah.

24 Q. Okay. Do you have any siblings?

25 A. Yeah, I got four.

1 Q. Is one of your siblings Marcel McMath?

2 A. Yes.

3 Q. What's your mom's name?

4 A. Marie Gagnon.

5 Q. Okay. Do you know where Ms. Gagnon, your mom, where
6 she resides?

7 A. Yeah.

8 Q. Where is that?

9 A. On the east side of St. Paul, 1734 Seventh Street.

10 Q. Okay. Do you live with her?

11 A. Yeah.

12 Q. Have you always lived with her?

13 A. Um, no not at -- no.

14 Q. For a period of time were you living with your
15 girlfriend?

16 A. Yes.

17 Q. Would that period of time include the date of December
18 the 2nd of 2021?

19 A. Yes.

20 Q. During that time, when you were living with your
21 girlfriend elsewhere, would you come visit your mom's
22 house?

23 A. Everyday.

24 Q. Why was that?

25 A. Um, you know, that's like where, like, we hang out. My

1 brother was living there at the time, so I go there and
2 hang out with him, play the game, we'd have friends
3 come over, and just hang out.

4 Q. When you say "play the game" what do you mean?

5 A. The video game, like the PlayStation, Call of Duty.

6 Q. Okay. And you'd play that with your brother?

7 A. Yeah.

8 Q. Would you have other friends over as well?

9 A. All the time.

10 Q. Okay. Would your brother Marcel also have friends
11 over?

12 A. All the time.

13 Q. Was one of those friends an individual by the name
14 Arnell Stewart?

15 A. Yes.

16 Q. Did you call him A.J.?

17 A. Yeah.

18 Q. How close were you to him?

19 A. Um, he was really my big brother's friend, but we was
20 still close. I'm close to his little brother, so.

21 Q. Okay. How often would you see Mr. Arnell Stewart?

22 A. I'd probably say, like, four times a week or something
23 like that, you know. It really -- three times a week
24 or something, not too much. He was more with my
25 brother. He'd come to see my brother.

1 Q. Would it always be at your mom's house, or --

2 A. No.

3 Q. -- okay --

4 A. No, no.

5 Q. Where else would you guys hang out?

6 A. I told you I was friends with his little brother, too.
7 So at his momma's, outside, you know, I got friends in
8 common. All types of -- like, I was in Atlanta with
9 them in September.

10 Q. Okay. So you were friends with Mr. Arnell Stewart's
11 little brother as well?

12 A. Yes.

13 Q. Okay. And you would all collectively hang out together
14 at a variety of locations?

15 A. Yes.

16 Q. When Mr. Stewart, Mr. Arnell Stewart, would come over
17 to your mom's house, what would you guys do together?

18 A. Um, chill, hang out, play the game, that sort of stuff.
19 You know, my mom would be there. My brother would be
20 there. We just chill, you know. It would be a normal
21 day, nothing out the ordinary to be honest.

22 Q. How would you get from whenever you were residing to
23 your mom's house?

24 A. My girlfriend's car.

25 Q. Okay. What type of vehicle is that?

1 A. An Impala.

2 Q. Was it a -- what color was it?

3 A. White.

4 Q. So kind of like a white sedan?

5 A. Yeah.

6 Q. Were you using it on December the 2nd of 2021?

7 A. Yes.

8 Q. Is that the car that you drove to 1734 Seventh Street
9 East that day?

10 A. Yeah.

11 Q. And that's the car that you used to leave 1734 Seventh
12 Street East that day as well?

13 A. Yes.

14 Q. What's the parking setup like in terms of -- let's
15 start with the alley and the driveway on the rear of
16 your mom's residence. What's the situation in terms of
17 parking back there?

18 A. It's kind of hard to get in there, or like back out,
19 but when you got -- I'm coming, my mom car there, and
20 my brother car there, it's pretty full. So my friends
21 don't really have anywhere to park.

22 Q. Okay. Is it kind of like a single-lane driveway?

23 A. Yeah.

24 Q. Is there also a concrete slab?

25 A. But you can't like -- it's kind of hard to get over

1 there. There's other cars right there. It's
2 difficult. It's difficult, like, it's hard to kind of
3 explain it. You've got to see it.

4 Q. So if you pull into the driveway driving forwards and
5 you need to get out of that driveway, how do you go
6 about doing that?

7 A. Um, you've got to reverse. Like I said, it's difficult
8 getting out. So I mean, you just do the best you can
9 without hitting the garage that's right there. It's
10 kind of hard.

11 Q. Okay. So you reverse out of the driveway and then do
12 you continue reversing to the west?

13 A. Oh, you're saying it like it's happening?

14 Q. Just in general.

15 A. Oh, yeah. I mean, it depends on, you know -- sometimes
16 I reverse out, sometimes I drive out forward. It's
17 different all the time.

18 Q. Okay. To the east of the alley that's actually a dead
19 end; is that true?

20 A. Yeah, you can't get out that way.

21 Q. What time did you arrive at your mom's house that day?

22 A. Um, I can't really remember specific times, but it
23 probably was earlier. Like, you know, I probably was
24 in and out of my mom's house that day, because that's
25 where, like, more of my friends live over on the east

1 side of St. Paul. And I was living in New Brighton at
2 the time. So I would go to my mom's house and leave
3 from her house when I need to go somewhere. So I don't
4 know the time exactly.

5 Q. Was it still daylight out?

6 A. Yeah.

7 Q. And I want to be clear. I said, "that day" I'm
8 referring to December 2nd, 2021, is that what you
9 understood --

10 A. -- yes. Yeah, yes --

11 Q. -- when I asked that question --

12 A. -- yeah, yes.

13 Q. And only one of us can speak at a time, sir. So --
14 you're not in trouble or anything. You have to wait
15 for me to finish my question since everything we're
16 saying is being typed down. I know that it's natural
17 to anticipate what I'm going to ask you.

18 Sir, where did you park when you arrived?

19 A. In the back by my mom house in the driveway.

20 Q. You parked in the driveway?

21 A. Yeah.

22 Q. Was your mom home at the time?

23 A. No.

24 Q. So she arrived later that evening?

25 A. She got off of work.

1 Q. All right. Does she have a particular spot in the
2 driveway that she liked to park in?

3 A. Yeah, she got her own spot. Can't nobody park there.
4 We can't park there.

5 Q. So do you have to -- who else was parked in the
6 driveway?

7 A. My brother and my little brother, I believe. He had
8 his car sitting next to my mom's. He had a parking
9 spot there, too.

10 Q. Was Mr. Arnell Stewart also parked in your driveway?

11 A. No.

12 Q. Okay. So when you got there his car was not parked in
13 the driveway?

14 A. No, no.

15 Q. Did you have to move your car in order for your mom to
16 be able to get into the driveway?

17 A. I don't recall. I moved my car so many times for my
18 mom, so I really don't recall that day.

19 Q. So you just don't --

20 A. -- yeah --

21 Q. -- that day if that --

22 A. -- I don't be in her garage. Got cussed out so many
23 times for being in her spot. So I don't know if it was
24 that day that I had to move out of her spot.

25 Q. But based on just habit and based on you being there so

1 many times, you agree that if you were blocking your
2 mom's spot, you would have had to move your car?

3 A. Yeah, yeah.

4 Q. And if Mr. Arnell Stewart was blocking it, would he
5 have also had to do that?

6 A. Of course, yes.

7 Q. No exceptions to that rule?

8 A. No. No.

9 Q. All right. When you got there, you said it was still
10 daylight out. Was A.J., Mr. Arnell Stewart -- was he
11 inside the residence?

12 A. No, he came after I came.

13 Q. He came after you came?

14 A. Yeah.

15 Q. When he came who else was in the residence?

16 A. My brother, and his -- my brother friend, and also
17 another one of his friends, his name is Mellow. We
18 call him Mellow.

19 Q. Mellow, M-E-L-L-O-W?

20 A. Yeah.

21 Q. And that's a nickname?

22 A. Yeah.

23 Q. What did you guys do?

24 A. Played the game, hang out, talk smack to each other,
25 same stuff boys do, you know, probably play fight,

1 anything, like just a normal day. It was nothing
2 different.

3 Q. Okay. At some point did you have to leave?

4 A. I mean, I was fitting to go home to my girlfriend.

5 Q. And how were you going to go do that?

6 A. I was going to drive her car.

7 Q. Okay. I forgot to ask you. We'll continue with this
8 line of questioning, but I didn't ask you. Parking in
9 front of the residence. Is there a place to park
10 there, as well?

11 A. Yeah, there's places to park there, but it's pretty
12 much full all the time. It's an apartment building.

13 Q. Which door do you use to get in and out of the
14 residence?

15 A. The back. Nobody go through the front. It's like a
16 main street, so we really don't want people using the
17 front door.

18 Q. Okay. So if you have guests that are coming to your
19 mom's house, they would also use the rear door?

20 A. Yes.

21 Q. Okay. Returning to the topic of you leaving. You were
22 going to go back to your girlfriend's house, and did
23 you say you were going to use her white car?

24 A. Yes.

25 Q. Where was it parked when you were leaving?

1 A. In the back of my mom's.

2 Q. Okay. How did you go about getting out of there?

3 A. I reversed like (indicating) like my mom, I want to
4 say, like the back -- going towards like the east side,
5 and me facing like the west.

6 MR. GRAY: Your Honor, could he speak more
7 into the mic?

8 THE COURT: Yeah, could you speak more into
9 the mic?

10 A. I said, I reversed like -- I reversed out the parking
11 spot with the back of the -- rear of the car facing
12 towards, like, the east side of the alley. I'm pretty
13 sure that's the dead end of the alley, and then I drove
14 forward out.

15 Q. Okay. And did you see anything when you did that?

16 A. Yeah, as I was driving out I noticed A.J. car was
17 parked behind the firehouse or whatever it is. And it
18 was somebody standing next to the car, like, on the
19 phone, like they was going to get it towed. So I
20 called A.J. -- I tried to call A.J. He didn't answer.
21 I called my brother and my brother told A.J. to go move
22 his car.

23 Q. Which brother?

24 A. Marcel.

25 Q. Marcel McMath?

1 A. Yes.

2 Q. How do you recognize Mr. Arnell Stewart's car?

3 A. I mean, it's his car. It's the car he drive. I know
4 that's his car.

5 Q. You've seen him drive it before --

6 A. Yeah, yeah.

7 Q. At this point did you stay in the alley in your car, or
8 did you drive away?

9 A. No. I waited right there. I was still on the phone,
10 so I sat right there. And I was talking to my
11 girlfriend. I was calling my girlfriend, you know.

12 And then honestly, I just looked up and A.J.
13 was like hanging over in front of my car breathing
14 heavy. And I didn't know who he was at first so I was
15 fitting to pull off because it was a sketchy
16 neighborhood and I didn't want to spend any more time
17 over there, so I was finna to pull off, but I noticed
18 it was him so I stopped, and he was like, "The white
19 man stabbed me."

20 Q. Okay. Let me stop you there. You said that you
21 called -- you tried to call A.J., Mr. Arnell Stewart.
22 He didn't answer. And then you called your brother
23 Marcel McMath about the individual next to A.J.'s car.
24 Did you see A.J., Mr. Arnell Stewart, come out of your
25 mom's house?

1 A. No, no. I never seen him, no.

2 Q. And you're in your vehicle the entire time?

3 A. Yes, yes.

4 Q. And the front of your vehicle is facing the street?

5 A. Yeah.

6 Q. Okay. And then the next thing you notice -- you're on
7 the phone with your girlfriend --

8 A. Yeah.

9 Q. What's the next thing you notice happened?

10 A. I was looking down at my phone, and I looked up and he
11 was bent over, like, kind of, like, towards the hood of
12 my car. He was, like, breathing heavy. I was fitting
13 to pull off. I was a little nervous, I didn't know who
14 he was. But I stopped, I rolled my window down, and he
15 was like, "The white man just stabbed me."

16 Do you want me to continue?

17 Q. When you say that "he," who are you referring to?

18 A. A.J.

19 Q. Okay. You recognized him as A.J., Mr. Stewart?

20 A. Yeah, after I noticed. Because he had dreads and when
21 he was bending over his hair was like over his face, so
22 I didn't know who he was, so I was finna to pull off.

23 Q. So how did you react when he told you that someone
24 stabbed him?

25 A. He showed me the wound, and the wound was little. It

1 was like a little -- like he stabbed him with a pencil
2 or something. I'm thinking A.J. going to be okay.

3 So at the time I had a DOC warrant. I had
4 parole, and I heard -- I don't know his name, the man
5 on the phone with the police. He was like, I just
6 stabbed someone or something. Can you send a squad
7 car?

8 So after that, I'm like, I got to go. I told
9 A.J., "Run to my momma house," and then I pulled off,
10 and --

11 Q. And then you left?

12 A. No, no. I came back because I kept calling my mom and
13 she wasn't answering, and I didn't know if A.J. made it
14 in the house or not.

15 Q. Okay. We'll get to that point, too. But at that point
16 you drove away?

17 A. Yeah, yeah.

18 Q. Did you see where A.J. -- or excuse me -- where
19 Mr. Arnell Stewart went?

20 A. He ran to my mom's down the alley.

21 Q. That other individual that you described being on the
22 phone, were you able to see where he was?

23 A. No, I pulled off. I wasn't even worried about him.

24 Q. When you did see him, where was he standing?

25 A. He was standing like by his house, by A.J.'s car kind

1 of, on the phone.

2 Q. And would that be kind of like the old fire station
3 that's on the corner of the block?

4 A. Yes, yeah.

5 Q. And that's where A.J., Mr. Stewart's, vehicle was also
6 parked?

7 A. Yeah, right behind the door in the back.

8 Q. So you left because you were afraid of your warrant
9 becoming an issue?

10 A. Yes.

11 Q. At some point did you return to the scene?

12 A. Yeah, I -- when I left, I just got to thinking, like,
13 man, he got to make it in the house. He got to be
14 okay. And so I start calling my mom, and she wasn't
15 answering, and I just -- it was weighing on me. So I
16 had to make sure that he made it into the house. So I
17 turned around and got to my mom's, and it was chaos
18 going on.

19 Q. What did you see when you got inside?

20 A. Um, my mom was yelling. Like, she was on the phone
21 yelling. And I believe she had like a towel pressing
22 down on A.J. wounds, doing what the lady on the phone
23 was telling her to do --

24 Q. Okay.

25 A. And, yeah, really that's it. I was just, like, saying

1 to him, "Stay woke. Stay woke." And, you know, my
2 mom, like, kept trying to hit him to keep him up,
3 because he was like -- you could tell he was fading
4 away.

5 Q. Why do you say that? What made you think of that --

6 A. Like his eyes. Like that he was -- man, you see his
7 eyes going behind his head. Like, man, you could
8 see -- like, he wasn't looking at us. It was like he
9 was looking past us or something. It was just -- he
10 kept saying, like, "I'm okay."

11 Q. Was he on the ground?

12 A. Yeah, he was laying on his back.

13 Q. At that point were you able to see -- you said that he
14 showed you the wound earlier. Did you take a look at
15 that again?

16 A. No, my mom was holding, pressing down with the towel.

17 Q. At some point did the police arrive?

18 A. Yeah.

19 Q. Were you still at 1734 at the time?

20 A. Yeah.

21 Q. Were you still worried about your warrants?

22 A. Yeah. Yep, yep.

23 Q. So, what -- did you talk to the police?

24 A. No, I actually -- my mom. Well, I didn't want nothing
25 to happen to the person that did something to A.J. So

1 it was, like, I know I can't tell the police what
2 happened. They're going to take me to jail. And so I
3 told my little brother to tell them everything that I
4 seen.

5 Q. And your little brother, that's Ronald Stewart?

6 A. Yes.

7 Q. Ultimately, did you talk to the police and tell them it
8 wasn't Ronald, it was actually you?

9 A. Yes. And they called my mom and were like, we don't
10 care about his warrant. We just want to know what
11 happened.

12 Q. And then you gave the statement to the police?

13 A. Yeah.

14 Q. Have you parked by that old fire station ever when you
15 visited your mom?

16 A. Yeah. Everybody parked there. Like, we -- honestly,
17 some people didn't know like somebody lived there. You
18 know, you wouldn't know nobody lived there. I didn't
19 know that.

20 Q. Okay. Have you seen the no parking signs that are
21 there?

22 A. At the time it wasn't three. And the parking signs he
23 got, they like leaning over, tipped over, broken, you
24 can't tell --

25 Q. Okay. So if you saw them, you didn't really --

1 A. Yeah.

2 Q. -- pay any attention to them?

3 A. No.

4 Q. You would park there in spite of that?

5 A. Yeah, yeah.

6 Q. A lot of people would park there?

7 A. Yes.

8 MR. GRAY: Objection; as to leading, Your
9 Honor.

10 THE COURT: Overruled. You can answer the
11 question.

12 THE WITNESS: Yes.

13 BY MR. TAHIR

14 Q. Were you ever -- strike that. Did anyone ever have a
15 conversation with you about parking there or not
16 parking there by the old fire station?

17 A. No, no. Usually, like, if me and my friends are being
18 a problem, you know, one of the neighbors or somebody
19 would say something to my mom or one of us.

20 Q. Okay. Just you specifically, did anyone have a
21 conversation with you --

22 A. No.

23 Q. -- about not parking there?

24 A. No.

25 Q. Okay. And you know the individual that lives there is

1 Mr. Brian Kjellberg. He's here in court today; is that
2 true?

3 A. Yeah.

4 Q. Did he in particular ever have a conversation with you
5 about not parking there?

6 A. No.

7 Q. Did you have any problems with Mr. Kjellberg as a
8 neighbor or anything like that?

9 A. No, not that I know of.

10 Q. No -- have you ever, you know, gotten into an argument
11 with him or anything of that nature?

12 A. No.

13 Q. Would you describe your relationship with him as
14 cordial and just the average neighbor relationship?

15 A. Yeah.

16 MR. TAHIR: Thank you. I have no further
17 questions.

18 THE COURT: Cross-exam.

19 MR. GRAY: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. GRAY

22 Q. Mr. McMath, I'm going to ask you a few questions. If
23 you don't understand the question, tell me.

24 A. Okay.

25 Q. Is it your testimony today that prior to December 2nd

1 of 2022, that you had parked on occasion in the parking
2 lot of the fire station?

3 A. I have parked on the side. I have parked there --
4 yeah.

5 Q. Yes?

6 A. Yes.

7 Q. About how many times a month --

8 A. I don't know.

9 Q. -- did you park there?

10 THE COURT: You have to let him finish the
11 question.

12 THE WITNESS: I don't know.

13 BY MR. GRAY

14 Q. Well, you do know you parked there. Would it be one
15 time a month? Twice a month?

16 A. I go to my mom's house every day, but I don't know.

17 Q. If the -- if there were cars at your mom's place and
18 you could not park there, would you then park at the
19 fire station parking lot?

20 A. Yeah. Or I parked next door at my neighbor's house.

21 The white lady who lived next door --

22 THE COURT: Just answer the question, all
23 right?

24 THE WITNESS: All right. Okay.

25

1 BY MR. GRAY

2 Q. On occasion when the cars -- the parking lot at your
3 mother's house was full, did you park at the fire
4 station parking lot?

5 A. Yes.

6 Q. And approximately how many times a month?

7 A. I answered that already. I don't know.

8 THE COURT: Sir.

9 THE WITNESS: Did I not answer that?

10 THE COURT: Sir.

11 THE WITNESS: I answered that through, Your
12 Honor. He's asking it again.

13 THE COURT: Sir. Number one: Wait till the
14 question is asked --

15 THE WITNESS: He asked the question already.

16 THE COURT: You're interrupting me now. Now
17 you're walking into some serious territory.

18 THE WITNESS: Am I the one that killed
19 somebody?

20 THE COURT: Sir.

21 THE WITNESS: Have I committed a crime?

22 THE COURT: You haven't done anything yet.

23 THE WITNESS: I know.

24 THE COURT: You just keep on interrupting me.
25 That's all you're doing. So wait until the question is

1 done and then just answer the question that's asked.
2 Whether it's been asked one time, four times, that's
3 not your concern.

4 THE WITNESS: Okay.

5 BY MR. GRAY

6 Q. Mr. McMath, do you remember talking on December 4th of
7 2021 to a police officer named Daniel Zebro?

8 A. Yes, sir. December what?

9 Q. December 4th of 2021, two day after this incident?

10 A. Was it on the phone?

11 Q. Yes.

12 A. Yes, I do.

13 Q. Okay. Do you remember telling him at that time that --
14 McMath said, "He knows Kjellberg does not like when
15 people park in the driveway." Do you remember that?

16 A. Yeah.

17 Q. Do you remember telling them that?

18 A. Yeah.

19 Q. Okay. And that's the reason you called Stewart to tell
20 him to move his car, correct?

21 A. But -- yes.

22 Q. Okay. And even though you knew that, you had on
23 occasion prior to this parked in that parking lot,
24 correct?

25 A. Yes.

1 Q. Prior to whoever -- prior to parking there, did you
2 ever ask Mr. Kjellberg if you could park there?

3 A. No.

4 Q. And is it your testimony that there were not three no
5 parking signs visible on December 2nd, 2021?

6 A. Yes.

7 Q. There were not?

8 A. No.

9 Q. How many were there?

10 A. They were broken. They're not even fixed signs. Them
11 signs are not working. If a sign is leaning over who
12 is to say that sign is --

13 Q. How many signs were there?

14 A. We don't know.

15 Q. -- leaning over --

16 A. Don't know.

17 Q. You don't know how many signs --

18 A. Don't know.

19 Q. Wasn't there a sign right where you pull in the alley
20 that says, "No Parking. Violators will be towed."

21 Wasn't there a sign there?

22 A. Towed, not killed.

23 Q. No.

24 THE COURT: Sir, again, I am going --

25 MR. GRAY: I'd move to strike the last

1 answer, Your Honor.

2 THE COURT: Ladies and Gentlemen, please
3 disregard that statement.

4 THE WITNESS: Disregard it?
5 I'm not going to lie. I don't want to do
6 this no more. I said what I got to say.

7 THE COURT: You don't get to decide this.

8 THE WITNESS: All right. Okay.

9 THE COURT: You may continue your
10 questioning.

11 MR. GRAY: Thank you, Your Honor.

12 BY MR. GRAY

13 Q. You said you had your girlfriend's white Chevrolet on
14 that day; is that correct?

15 A. (Witness nods head.) Yeah.

16 Q. And was your girlfriend with you at the time?

17 A. No.

18 Q. When you left the -- your mother's house, where were
19 you headed?

20 A. To my girlfriend's.

21 Q. Okay. And where was your girlfriend at?

22 A. At home, New Brighton.

23 Q. At home. And you don't need to give the exact address
24 but where?

25 A. New Brighton, Minnesota.

1 Q. New Brighton?

2 A. Mm-hmm. (Witness nods head.)

3 Q. And this was a Thursday, December 2nd. Were you
4 employed on that day?

5 A. No, I was -- I had an active fugitive warrant. No, I
6 wasn't.

7 Q. What do you mean by an "active fugitive warrant?"

8 A. I just got out prison on parole for a crime I committed
9 when I was 18.

10 Q. And the -- the crime that you committed in 2017, March
11 of 2017, was the -- excuse me.

12 A. Incorrect. It wasn't.

13 Q. April 9th of 2017 you were convicted on in August --
14 let me get this straight -- excuse me. March 13th,
15 2017, you were convicted of Assault in the Second
16 Degree, Dangerous Weapon, and Riot Second Degree, Armed
17 Dangerous Weapon, aid and abet; is that true?

18 A. Yeah.

19 Q. And what county was that in?

20 A. Hennepin.

21 MR. GRAY: Excuse me one second, Your Honor.

22 I have no further questions, Your Honor.

23 THE COURT: Any Redirect?

24 MR. TAHIR: No, Your Honor.

25 THE COURT: All right, sir. Thank you. You

1 are excused.

2 You may call your next witness.

3 MR. TAHIR: State calls Marcel McMath.

4 THE COURT: And, sir, if you would please
5 come forward. I'd ask that you please raise your right
6 hand.

7 MARCEL MCMATH,

8 was called as a witness and, being first duly
9 sworn, was examined and testified as follows:

10 THE WITNESS: Yes, sir.

11 THE COURT: All right. Thank you. If you
12 could state your full name and spell it for us.

13 THE DEFENDANT: Marcel M-A-R-C-E-L, Terrel
14 T-E-R-R-E-L, McMath M-C-M-A-T-H.

15 THE COURT: Thank you. And I'm just going to
16 ask you to move the microphone in front of you. Thank
17 you very much.

18 Go ahead, Mr. Tahir.

19 MR. TAHIR: Thank you.

20 DIRECT EXAMINATION

21 BY MR. TAHIR

22 Q. Good morning, Mr. McMath. What's your date of birth?

23 A. 7/27/93.

24 Q. Are you employed?

25 A. Yes.

1 Q. What do you do for a living?

2 A. Right now I'm a safety and support at a high school.

3 Q. Okay. What does that mean?

4 A. I'm a -- like a safety and support, I basically check
5 the kids in, make sure no one is bringing in any
6 contraband in the school, and deal with troubled kids,
7 and things like that.

8 Q. Okay. Who do you live with?

9 A. I live with my girlfriend right now.

10 Q. Prior to that, where did you live?

11 A. At my mother's.

12 Q. Is that at 1734 Seventh Street East in St. Paul, Ramsey
13 County, Minnesota?

14 A. Yes, sir.

15 Q. How long had you been living with her?

16 A. Probably like two years.

17 Q. Were you living there on December the 2nd of 2021?

18 A. Yes, I was.

19 Q. Who else was living there?

20 A. Ah, I believe it was just me and my little brother
21 Larry, my little brother Ronald, and my mom.

22 Q. Okay. And did you have a vehicle at the time?

23 A. I don't think I -- nope, I didn't.

24 Q. Okay. You didn't have a vehicle -- your mother had a
25 vehicle?

1 A. Yes.

2 Q. Did Larry have a vehicle that he used?

3 A. Yes.

4 Q. Okay. What about Ronald Stewart? Did he have a
5 vehicle?

6 A. Yes, he did.

7 Q. What's the parking setup like at that address?

8 A. Ah, Ronald usually parks on the left as soon as we come
9 in our driveway. My mom parks on the right next to the
10 pat-- the porch, and whoever else is extra just pulls
11 in like the regular driveway.

12 Q. When you say, "anyone else who's extra," would that
13 include social guests?

14 A. Yeah.

15 Q. Would you have lots of people over at that house to
16 hang out with and socialize with?

17 A. Yes.

18 Q. Would one of those individuals be your friend Arnell
19 Stewart?

20 A. Yes.

21 Q. How long had you known Mr. Stewart?

22 A. Like a year.

23 Q. Okay. How did you guys meet?

24 A. Ah, through his brother.

25 Q. Younger brother or older?

1 A. Younger brother.

2 Q. Okay. How often would he come over to hang out at
3 1734?

4 A. Probably like two or three times a week, maybe more.

5 Q. Okay. And he'd hang out with you, or would he hang out
6 with your other siblings?

7 A. He would hang out with me, and he would hang out with
8 Larry sometimes, but it was mainly me.

9 Q. Okay. All right. At the time were you employed, or
10 were you spending most of your time at home?

11 A. Spending most of my time at home.

12 Q. Your mom was working?

13 A. Yes.

14 Q. So she was -- she would leave the house?

15 A. Yep.

16 Q. Sometimes would he arrive and leave while your mom was
17 out and she would never see him?

18 A. Yep.

19 Q. Okay. Mr. Stewart -- did he come visit you on December
20 the 2nd of 2021?

21 A. Yes, he did.

22 Q. Who invited him over that day?

23 A. I did.

24 Q. And what were you guys doing that day?

25 A. We were just chilling in the crib, playing a game,

1 eating.

2 Q. And did he in fact come over?

3 A. Yeah.

4 Q. Do you remember when he came over?

5 A. He came over earlier that day. He was over there all
6 day, and he came over probably like 11, 12:00.

7 Q. And he stayed there until it got dark out?

8 A. Yep.

9 Q. At some point in the night did he leave to do something
10 with his car?

11 A. Ah, yep. He had to -- because my mom pulled in. So
12 when my mom -- because he was parked in my mom's spot.
13 So I was basically -- I had told him, like, go move
14 your car to the side street.

15 Q. Okay. And why is that?

16 A. So she could get her parking spot.

17 Q. -- she has her own?

18 A. Designated spot where she parks.

19 Q. You have to let me finish my question, sir.

20 A. Oh, I'm sorry.

21 Q. That's all right. And is that what Mr. Stewart did
22 then? He moved his vehicle?

23 A. Yes.

24 Q. Did you go with him when he did that?

25 A. Um, no. I, like -- no, I didn't. Nope, I didn't.

1 Nope.

2 Q. You just told him --

3 A. Yeah.

4 Q. -- to go move the car?

5 A. Yeah, just move your car for my mom.

6 Q. So he went and did that and then did he come back to
7 the house?

8 A. Yes.

9 Q. Your mom gets home around what time? 6:00, 6:30; is
10 that accurate?

11 A. Yes.

12 Q. Okay. Later in the evening, did Larry leave?

13 A. Yeah.

14 Q. At some point did you get a phone call from Larry?

15 A. Yep.

16 Q. What was that about?

17 A. He said somebody was by A.J.'s car.

18 Q. Okay. And you heard this, and what did you do?

19 A. I told A.J. that somebody was by his car, and A.J. had
20 ran outside. I had, like, ran down to the end of the
21 driveway. But I'm like, okay. It's probably just
22 dude, you know? It's probably just -- because I had
23 seen where his car was parked. So I was like, okay,
24 it's just dude telling him to move his car, and he
25 wasn't supposed to be parked right there.

1 Q. When you say, "dude," who do you mean?

2 A. Ah, Brian.

3 Q. Okay. Mr. Brian Kjellberg?

4 A. Yeah.

5 Q. You knew that he lived at the fire station?

6 A. Yes.

7 Q. Okay. What did you know about the parking situation in
8 terms of that fire station?

9 A. Ah, he was just like -- he was a rude person. Like, he
10 just didn't want anybody -- like nobody on his property
11 at all. Like, how our driveway is set up, we have to
12 like back up. And we sometimes would back in his
13 driveway and just pull out. Like, we'll be there for
14 not even two seconds.

15 Q. Okay. So you understand you're not allowed to park
16 there?

17 A. Yeah.

18 Q. And so you understood that it's probably Mr. Brian
19 Kjellberg that wanted that car, Mr. Stewart's car, to
20 move?

21 A. Yep.

22 Q. So you ran out, but what did you do when you got to the
23 end of the driveway?

24 A. I turned back around.

25 Q. Did you enter the alley?

1 A. Ah, probably like a foot, like, you know, stepped in.
2 And then seen -- because like, you have to step into
3 the alley, because there is a garage right there. So
4 you've got to like to step into the alley to even see
5 like over towards his area.

6 Q. I guess my question is: Did you actually walk down the
7 alley --

8 A. No.

9 Q. You have to let me finish my question, sir.

10 A. All right.

11 Q. Did you walk down the alley towards Mr. Stewart's car?

12 A. No.

13 Q. You went back inside?

14 A. Yes.

15 Q. What's the next thing you remember happening in terms
16 of Mr. Stewart coming back to the house?

17 A. Ah, I remember a Ring doorbell going off, and me going
18 to the back door.

19 Q. What's a Ring doorbell?

20 A. A Ring doorbell is something that -- a camera that
21 captures any movement coming towards your house.

22 Q. And is that pointed towards the alley at the garage
23 that's behind your alley?

24 A. Yes.

25 Q. It doesn't show Mr. Kjellberg's house or anything like

1 that, does it?

2 A. No.

3 Q. Okay. So that went off and that indicated to you that
4 there is somebody at the back door of the residence?

5 A. Yes.

6 Q. So what did you do?

7 A. I opened the door and I seen A.J. like, holding his
8 chest and basically saying the white man on the corner
9 stabbed him.

10 Q. Did you let him in?

11 A. Yes.

12 Q. What did he do once he was let in?

13 A. He, like, stumbled. He fell on the floor.

14 Q. Okay. How did you react to this?

15 A. I called 911.

16 Q. Was your mom also there at the time, Ms. Gagnon?

17 A. Yes.

18 Q. Did she also call 911?

19 A. Yes.

20 Q. What was -- how long were you on the phone with the 911
21 dispatcher, approximately? You don't have to give me
22 an exact time.

23 A. Um, five, ten minutes.

24 Q. Did it feel like a long time?

25 A. Yes.

1 Q. What was Mr. Stewart's condition during this time
2 period?

3 A. We were just -- really just trying to keep him awake.
4 He was like going in and out of consciousness.

5 Q. And how could you tell that?

6 A. Because, he just like -- he was like trying to say
7 words but, you know, really wasn't able to get them
8 out, you know. Like, just not really speaking, like,
9 you know?

10 Q. Did you stay inside the residence this entire time?

11 A. No. I think when A.J. came back in I ran outside.

12 Q. You did. So you ran out after A.J. came in?

13 A. Yeah.

14 Q. The rear of the residence?

15 A. Yes.

16 Q. Into the alley?

17 A. Yes.

18 Q. What did you see in the alley at the time?

19 A. A tow truck driver.

20 Q. There was a tow truck there?

21 A. Yeah.

22 Q. It was parked in the alley?

23 A. Nope. It was parked on the street.

24 Q. Okay. Was it pulling into the alley?

25 A. It looked like it was going to.

1 Q. All right. What did you do?

2 A. I asked him, you know, What's going on? What happened?
3 You know? And he didn't have any answers, and then I
4 ran back in the house.

5 Q. Okay. Did you approach anybody else while you were in
6 the alley?

7 A. No.

8 Q. Just the tow truck driver?

9 A. (Witness nods head.)

10 Q. Okay. How would you describe the demeanor that you had
11 when you were having that conversation with the tow
12 truck driver?

13 A. Aggressive.

14 Q. You were aggressive?

15 A. Yeah.

16 Q. Okay. Did you guys get into a fight or anything like
17 that?

18 A. No.

19 Q. So when you say "aggressive" what do you mean?

20 A. Ah, I was probably a little bit dramatic. My friend
21 was just saying he was stabbed by somebody on the
22 corner, so.

23 Q. Were you suspecting that it might have been the tow
24 truck driver?

25 A. Ah, a little, yeah.

1 Q. Okay. How long did this conversation last between you
2 and the tow truck driver?

3 A. Not even 60 seconds.

4 Q. And after it was done, you didn't -- what did you do?

5 A. Went back in the house.

6 Q. 1734?

7 A. Yep.

8 Q. Through the rear entrance?

9 A. Yes.

10 Q. And when you got back inside, were -- had police
11 arrived then or --

12 A. No.

13 Q. No. Were you still on the phone with 911?

14 A. Yes.

15 Q. Ultimately did police arrive?

16 A. Yes.

17 Q. And did you talk to them?

18 A. Yeah.

19 Q. You gave them a statement?

20 A. Yep.

21 Q. Described what you remember happening that night; is
22 that true?

23 A. Yes.

24 Q. Okay. You didn't leave -- Larry is the one that left.
25 You stayed at the residence?

1 A. Yes.

2 Q. Other than that momentary period of time when you went
3 and talked to the tow truck driver; is that true?

4 A. Yes.

5 Q. Ultimately, did medical personnel arrive inside 1734?

6 A. Yes.

7 Q. Were you still there?

8 A. Yes.

9 Q. Did they attend to Mr. Stewart?

10 A. Yes.

11 Q. And finally, you also have a felony-level conviction
12 for Threats of Violence; is that accurate?

13 A. Yes.

14 Q. Okay.

15 MR. TAHIR: Thank you, sir. I have no
16 further questions.

17 THE COURT: Any cross-exam?

18 CROSS-EXAMINATION

19 BY MR. GRAY

20 Q. Just to back up a little bit. I'm going to ask a few
21 questions. If you don't understand, I will try to
22 rephrase them, okay?

23 A. Yes.

24 Q. When you said you went outside to see the tow truck
25 driver, did somebody come with you?

1 A. Yes.

2 Q. Who was that?

3 A. My friend Mellow.

4 Q. Does he have a name, or is that --

5 A. That's what I know him by. I don't know his real name.

6 Q. How long did you know him?

7 A. It was probably like two years.

8 Q. And in those two years, you always know him as Mellow?

9 A. Yep.

10 Q. So would it be fair to say that at this period of time
11 in December 2nd, of 2021, Mr. Stewart, also known as
12 A.J., would visit the home that you lived at, your
13 mother's, two or three times a week?

14 A. Yes.

15 Q. And when you visited the home two or three times a
16 week, did you usually just play video games?

17 A. Played video games, eat, chill, talk, watch TV.

18 Q. And you weren't employed at that time?

19 A. No.

20 Q. Was your girlfriend living at that place, too, at your
21 mother's house?

22 A. No.

23 Q. And you were aware that you were not allowed to park in
24 the parking lot of the fire station, correct?

25 A. Yeah.

1 Q. And you knew that because there were signs -- at least
2 three signs?

3 A. No, there was not.

4 Q. There were no signs?

5 A. There was no signs out there at the time of this
6 incident.

7 Q. No signs -- no parking signs at the time of this
8 incident?

9 A. Nope.

10 Q. Not a sign when you drive in the alley that says, "No
11 parking, violators will be towed"? There wasn't a sign
12 there like that?

13 A. No.

14 Q. There was a sign after but that night there wasn't?

15 A. Nope.

16 Q. And there wasn't a sign right next to the Mercedes
17 before you go into the fire station? There wasn't a
18 sign right there?

19 A. Not that I know of.

20 Q. Well, are you testifying there wasn't a sign there, or
21 not that you knew?

22 A. Not that I know of.

23 Q. Are you testifying, not that you know of -- that there
24 was not a sign before you go into the alley, or just
25 not that you knew of it?

1 A. Not that I knew of.

2 Q. Okay. And are you also saying that there was not
3 another sign further down from the second sign saying
4 no parking?

5 A. Not that I knew of.

6 Q. Okay. So your testimony today is that on December 2nd,
7 2021, you never noticed any no parking signs at this
8 place?

9 A. No.

10 Q. And is it your testimony that you believe that those
11 parking signs -- no parking signs were put up after
12 that night?

13 A. Yes.

14 Q. Is that right?

15 A. Yes, that's what I believe --

16 Q. Pardon me?

17 A. That's what I believe.

18 Q. Okay. How long after this were these signs put up?

19 A. Like two days.

20 Q. Two days?

21 A. Well, when I noticed them.

22 Q. Well, you lived there at the time, correct?

23 A. Yeah, but I don't go and inspect his property every
24 day.

25 Q. You do drive down the alley to park at your mother's

1 place though, do you not?

2 A. Yes.

3 Q. And you lived there for how many years before
4 December 2nd?

5 A. Probably like a year.

6 Q. Okay.

7 A. A year or two.

8 Q. And during that time, did you have a car?

9 A. No.

10 Q. So what -- if you didn't drive, was the entryway of
11 your mother's house usually in the back?

12 A. Correct.

13 Q. Did you usually enter your mother's house in the rear
14 by the alley or the front?

15 A. Yes, through the rear.

16 Q. All right. And your testimony is that you didn't
17 drive. You walked -- you walked down the alley to get
18 into your mother's house?

19 A. I drove and I walked. I had a ride.

20 Q. And that would be almost every day that you'd leave the
21 house and come back, correct?

22 A. Sometimes. Sometimes I wouldn't leave the house.

23 Q. Right. But how many times a week did you leave the
24 house, do you think? Several days, two, three?

25 A. Three, four.

1 Q. Okay. And when you left the house, you would go down
2 the alley to Flandrau, would you not?

3 A. Yeah.

4 Q. And when you go down the alley, you would either be
5 driven by a friend, drive yourself, or walk, correct?

6 A. Yep.

7 Q. And when you came back to visit your mother, you
8 didn't -- going down the alley, you would either walk,
9 drive a car, or be given a ride by a friend, correct?

10 A. Yes.

11 Q. And it's your testimony under oath today that when you
12 did that, you never saw any signs saying no parking?

13 A. Before that day.

14 Q. Pardon me?

15 A. Before that, no. I had not seen the sign.

16 Q. Before December 2nd -- and December 2nd, you never saw
17 the no parking signs were up?

18 A. No.

19 Q. Okay. Let's go to your felony convictions. On April
20 11, 2022, which would be not even a year ago, you were
21 convicted of Threats of Violence, Reckless Disregard, a
22 felony, correct?

23 A. Yes, sir.

24 MR. GRAY: That's all I have. Thank you,
25 sir.

1 THE COURT: Mr. Tahir, any redirect?

2 MR. TAHIR: No, Your Honor.

3 THE COURT: Thank you, sir. You can step
4 down. Thank you.

5 MR. TAHIR: Your Honor, can we approach?

6 THE COURT: Yes.

7 (A bench discussion was held off the record.)

8 MR. TAHIR: Your Honor, the State calls
9 Mitchell Rhiel, R-H-I-E-L.

10 THE COURT: Good morning, Officer.

11 THE WITNESS: Good morning.

12 MITCHELL RHIEL,

13 was called as a witness and, being first duly
14 sworn, was examined and testified as follows:

15 THE COURT: Please have a seat, sir, state
16 your name, and spell it for us.

17 THE WITNESS: Officer Mitchell Rhiel,
18 R-H-I-E-L.

19 THE COURT: You may proceed, Mr. Tahir.

20 MR. TAHIR: Thank you, Your Honor.

21 DIRECT EXAMINATION

22 BY MR. TAHIR

23 Q. Officer Rhiel, where are you employed, sir?

24 A. I'm employed at the St. Paul Police Department.

25 Q. And what do you do there?

1 A. Currently, I work in our major crimes division for the
2 gang unit.

3 Q. Okay. You're a police officer; is that true?

4 A. Yes.

5 Q. Licensed?

6 A. Yes.

7 Q. And the unit that you're assigned to, how long have you
8 been a part of that?

9 A. Since January. Prior to that I worked in the eastern
10 district of the St. Paul Police Department.

11 Q. Okay. And that was as a patrol officer, correct?

12 A. Yes.

13 Q. The eastern district, that's more of a geographic
14 designation; is that true?

15 A. That's correct.

16 Q. It includes the majority of the east side of the city?

17 A. Correct.

18 Q. A patrol officer, what does a patrol officer do?

19 A. We respond to multiple different calls for service
20 ranging from domestics, shootings, accidents, medicals,
21 and also conduct traffic stops and investigations that
22 pertain to crime, active crime.

23 Q. So, if somebody calls 911 or calls a nonemergency
24 number and asks for police, the vast majority of the
25 time it would be a patrol officer that shows up to

1 assist them; is that true?

2 A. That is correct.

3 Q. And how are you alerted to a call when it comes into
4 the dispatch center?

5 A. We were notified through via radio through our dispatch
6 center or through our computers that are in our squads.
7 They send an alert to our screen that we're sent a
8 call.

9 Q. Okay. And what do those alerts look like?

10 A. It's just a screen and it's got a list. It has
11 addresses, what type of call you're sent to, and then
12 they update information in the call log from what the
13 911 call taker is receiving.

14 Q. And during a given shift do you have a list of a
15 variety of different calls that are on your screen at
16 any one given time?

17 A. Yes.

18 Q. Are they ranked in any sort of way?

19 A. Yes, they are. They are prioritized one through five,
20 and one is the -- obviously the higher priority and
21 that's usually your shootings or, like, active crimes
22 where there is injury or fear of injury.

23 Q. What is an example of a level five be?

24 A. A level five is usually -- somebody is at a house with
25 a warrant but is not an active threat to anybody.

1 Q. What would a parking complaint be ranked as?

2 A. I don't know, lower than a five.

3 Q. Lower than a five?

4 A. Yeah.

5 Q. Okay. Wouldn't be ranked at all?

6 A. Yeah, I don't handle parking complaints, so I don't
7 think they're ranked.

8 Q. Okay. When you get that notification on your screen,
9 how do you decide whether or not to respond to that
10 call? Or do you -- how do you decide whether you're
11 going to go or if one of the many other patrol officers
12 in the city are going to go to a call?

13 A. Usually it just depends on locations of our squad cars
14 or GPS. So dispatch can tell if we're close to a call,
15 they will send us the call first. Or if it's a high
16 priority call, we just volunteer and go if we're not on
17 another call.

18 Q. What would a stabbing be ranked as?

19 A. Two or higher, two or one.

20 Q. Okay. That would be a high priority call?

21 A. Yes.

22 Q. Do you recall getting a notification through dispatch
23 about a reported stabbing at the address of 1734
24 Seventh Street East on December 2nd of 2021?

25 A. Yes.

1 Q. Approximately 8:00 p.m. or so that night?

2 A. Yes.

3 Q. Did you respond to that call?

4 A. I did.

5 Q. Were you working alone that night or with a partner?

6 A. I worked with a partner.

7 Q. Who was that partner?

8 A. Officer Brandon O'Kane.

9 Q. Could you just spell his name for the record?

10 A. Yeah. His last name is spelled O-K-A-N-E.

11 Q. And you were both in one squad car?

12 A. Yes.

13 Q. Who was driving?

14 A. I do not recall who was driving that night.

15 Q. One of you was driving?

16 A. Yes.

17 Q. And you drove to this address, 1734; is that true?

18 A. Correct.

19 Q. When you got there, what did you do?

20 A. We went inside the residence and I attempted to locate
21 the victim that the call was about.

22 Q. Where did you go in order to locate him?

23 A. I went through the front door and located a male laying
24 on his side in the living room of the residence and was
25 alerted by people inside the residence that he was

1 stabbed.

2 Q. Okay. What was his condition at the time, as best you
3 could recall?

4 A. He was still breathing, tracking people moving
5 throughout the house. He was being asked questions but
6 wasn't answering them appropriately.

7 Q. He wasn't answering appropriately?

8 A. Correct.

9 Q. What do you mean by that?

10 A. When he was asked simple questions, he just wouldn't
11 respond. He would just look.

12 Q. Okay. And when you say, "simple questions," what are
13 we talking about here?

14 A. Like, "What happened?" Ask for a name, questions along
15 those lines.

16 Q. Was he moving at all?

17 A. I do not recall.

18 Q. But he was on the floor?

19 A. Correct.

20 Q. Lying on the floor?

21 A. Yes, on his side.

22 Q. Were you able to locate wounds of any kind?

23 A. Yes, I was.

24 Q. Where did you locate that?

25 A. I located what appeared to be a small puncture wound in

1 his upper left chest.

2 Q. Did you observe anything else about this individual?

3 A. Just that his lips were bluish in color, and he
4 appeared, like, ash in color.

5 Q. Okay. Did you see any blood on his body?

6 A. Yes. I noticed that he urinated himself as well.

7 Q. Okay. Did you and your partner get there first, or did
8 medics get there first?

9 A. We got there first.

10 Q. And did medics also respond?

11 A. Yes, they did. Shortly after we arrived.

12 Q. And what you observe them do?

13 A. I observed them take the victim and get him out of the
14 house rapidly and brought him to the hospital.

15 Q. Were there other people in the house as well?

16 A. Yes. There was multiple other people in the house.

17 Q. How would you describe their demeanor?

18 A. Frantic, like worried.

19 Q. Did you attempt to locate any cameras that might be in
20 the area that might capture what happened?

21 A. Yes, I did.

22 Q. How did you go about doing that?

23 A. After the patient was transported, I walked out to the
24 rear of the residence toward an alleyway and just
25 started walking the alleyway and looking for cameras

1 and walked along the houses and garages.

2 Q. Would that have been the alleyway towards 1734?

3 A. That is correct.

4 Q. Okay. Ultimately you were able to find a house that
5 had a camera?

6 A. Yes, I did.

7 Q. You spoke to the person that lived at that address?

8 A. Yes.

9 Q. Would that have been 1733 Ross Avenue?

10 A. Yes.

11 Q. Did you recover the video, or did somebody else do
12 that?

13 A. Somebody else did.

14 Q. But you notified your department as a whole that, hey,
15 there might be video available from this camera?

16 A. Correct.

17 Q. At that point in time did you remain on scene?

18 A. Yes, I did.

19 Q. For what purpose?

20 A. Due to the nature of the crime, we did not know the
21 severity of the injuries. So we waited on scene to
22 hold it in case we had an active crime scene.

23 Q. All right. Did you receive information that made you
24 determine that this was in fact an active crime scene?

25 A. Yes.

1 Q. What was that information?

2 A. I later was notified by my dispatch center to contact a
3 nurse at Regions Hospital, which I later did. And they
4 notified me that the victim had perished.

5 Q. I'm sorry. Did you say "perished"?

6 A. Yes. Died.

7 Q. Died. The victim would be Mr. Arnell Stewart; is that
8 true?

9 A. Correct.

10 Q. Was there another individual at the scene that you
11 talked to as well?

12 A. Not that I recall.

13 Q. How long did you remain on scene then? For the rest of
14 the night?

15 A. I remained on scene for maybe -- probably another hour
16 and then I cleared.

17 Q. Okay. And at that point in time, it was an active
18 crime scene, and the area had been cordoned off?

19 A. Correct.

20 Q. How is that done?

21 A. Um, officers staged their patrol vehicles to keep
22 people from coming in and out of the alley. And they
23 walked around the house and placed crime scene tape up
24 around the area where they believe the crime occurred.

25 Q. Okay. Crime scene tape. How is that placed in an

1 area?

2 A. It depends on the situation, but it's tied to a fixed
3 object, whether that's a tree, fire hydrant, squad car.

4 Q. It's just yellow colored tape that has "Crime scene.
5 Do not enter" on it?

6 A. Correct.

7 MR. TAHIR: I believe that's it. Thank you,
8 Officer.

9 THE COURT: Any cross?

10 MR. GRAY: Yes, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. GRAY

13 Q. You were partnered with a -- I'm going to ask you a few
14 questions, sir?

15 A. Yep.

16 Q. You were partnered that night with O'Kane?

17 A. Correct.

18 Q. And Squad 376?

19 A. Correct.

20 Q. And when you were partnered with him, a call comment
21 came out: "Comp says a black male is trying to take
22 his vehicle. Says he is fighting with the complainant.
23 Decline medics. Comp is refusing to let the male -- to
24 take it." Says "send someone soon."

25 A. Correct.

1 Q. Do you recall that?

2 A. Yes. We were initially dispatched for disorderly
3 conduct.

4 Q. Disorderly conduct. And that was the quote from the
5 dispatch, "send someone soon"?

6 A. Correct.

7 Q. And then unknown -- then while en route, the call
8 updated and comments stated "Black male, 30, 5'7", thin
9 build, unknown clothing." Now says "male ran into the
10 house two houses to the east of the complainant." And
11 based on your investigation, that would be the house
12 where Stewart was at; is that right?

13 A. That would be correct.

14 Q. And the other house would be at the fire station on the
15 corner, correct?

16 A. That would be correct.

17 Q. And that call stated -- says, "male hit him" -- or
18 here, "No weapon seen." Says, "Male hit him four times
19 in the face." Is that right?

20 A. I believe so.

21 Q. Well --

22 A. I don't recall the exact CAD comments just due to
23 being --

24 Q. Well, that's what the report says, so that would be
25 accurate, correct?

1 A. Correct.

2 Q. And that would be the individual Brian Kjellberg that
3 said he was hit four times in the face, correct?

4 A. I believe so, yes.

5 MR. GRAY: Thank you, sir. That's all I
6 have.

7 THE COURT: Anything else?

8 MR. TAHIR: Just very briefly, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. TAHIR

11 Q. Officer Rhiel, those comments were updated later,
12 sir -- before you had responded to the scene -- to say
13 "Male named A.J. not breathing. Lots of screaming in
14 the background"; is that true?

15 A. Correct.

16 MR. TAHIR: I have nothing else, Your Honor.

17 RECROSS-EXAMINATION

18 BY MR. GRAY

19 Q. And that was after the dispatch I just read to you,
20 correct?

21 A. Correct. It was continuously updated.

22 Q. And by the way, the call came in at 7:50 --
23 approximately 7:50 that evening, correct?

24 A. Yes.

25 Q. Do you have any idea as to the time between the male

1 saying he was hit four times in the face, and the next
2 call? Do you know what --

3 A. I do not know the time.

4 MR. GRAY: That's all I have. Thank you,
5 sir.

6 THE COURT: Anything on that?

7 MR. TAHIR: No, Your Honor.

8 THE COURT: Thank you, Officer.

9 THE WITNESS: Thank you.

10 THE COURT: Appreciate it.

11 Ladies and Gentlemen, at this time we're
12 going to take our morning break. I remind you: Please
13 keep your badges on at all times while you are in the
14 building. Do not discuss the case amongst yourselves.
15 Do not discuss it with anyone else. Do not do any
16 research about the case.

17 All right. Let's have you back in the jury
18 deliberation room at 10 till 11:00, all right? And
19 then we can get started as soon as everybody is ready
20 to go.

21 All right. Thank you. All rise.

22 The jury is excused for break. And please --
23 I'm sorry. Leave your notepads face down on your
24 chairs. I forgot to mention that.

25 (The jury exited the courtroom.)

1 THE COURT: You may be seated. Anything we
2 need to address before we recess?

3 MR. GRAY: I have nothing.

4 MR. TAHIR: Nothing, Your Honor.

5 THE COURT: All right. We're in recess.

6 (A brief break was taken.)

7 THE COURT: Anything we need to address?

8 MR. TAHIR: I just wanted the Court to know,
9 Your Honor, we have two more witnesses scheduled this
10 afternoon -- this morning. I'm not sure how long
11 they'll take. We're trying to get a third one here,
12 but it doesn't seem likely. We only have four
13 additional witnesses, so we think we'll rest today, but
14 we might end prior to the noon lunch break this
15 morning.

16 THE COURT: All right. Yeah, we'll just take
17 an early lunch then if you don't have any additional
18 witnesses.

19 MR. TAHIR: Very well. Thank you, Your
20 Honor.

21 (A brief break was taken.)

22 THE COURT: All right. You can go ahead and
23 get the jury.

24 THE LAW CLERK: All rise for the jury.

25 (The jurors entered the courtroom.)

1 THE COURT: You may be seated. And Ms. Lee,
2 you may call your next witness.

3 MS. LEE: The State calls Christopher
4 Sonsalla.

5 THE COURT: Good morning, sir.

6 THE WITNESS: Good morning.

7 THE COURT: Please come forward. I'd ask you
8 to please raise your right hand.

9 CHRISTOPHER SONSALLA,
10 was called as a witness and, being first duly
11 sworn, was examined and testified as follows:

12 THE COURT: Please have a seat. I'd ask you
13 to please state your name and spell it for us.

14 THE WITNESS: Christopher Sonsalla,
15 S-O-N-S-A-L-L-A.

16 THE COURT: Thank you.

17 You may proceed.

18 MS. LEE: Thank you.

19 DIRECT EXAMINATION

20 BY MS. LEE

21 Q. Good morning, Mr. Sonsalla.

22 A. Good morning.

23 Q. Where are you currently employed?

24 A. Budget Towing Incorporated.

25 Q. And what position do you have?

1 A. A tow truck operator.

2 Q. And how long have you been a tow truck operator?

3 A. Um, 30-plus years.

4 Q. And have you always worked for Budget, or did you have
5 a previous employer?

6 A. No. I've been working for Budget for a year, and a --
7 a little over a year and a half.

8 Q. And can you briefly explain how you receive calls for
9 towing?

10 A. Um, an individual will call our office line, and our --
11 either our dispatcher or the owner will have the phone
12 and take down all of the vehicle information they can
13 get, address. They will call me and give me the
14 information.

15 Q. And at that time will you go up to the location of that
16 vehicle?

17 A. Yes.

18 Q. And I'm going to take you back to December 2nd of 2021.
19 Do you remember that evening?

20 A. Yes.

21 Q. Where were you located that evening around 7:00 p.m.?

22 A. I was at home in bed.

23 Q. And were you on call at that time?

24 A. I was.

25 Q. And what does being on call look like for you?

1 A. I essentially work from home. I have the truck at my
2 house. I get a call, I leave -- get up, get dressed,
3 head out to the truck, and then head to the address
4 that was given.

5 Q. Approximately how long would you say it takes you to
6 leave your house once you get a call?

7 A. Once I get the call?

8 Q. Yes.

9 A. Within five minutes.

10 Q. And on the evening of December 2nd of 2021, did you
11 receive a call from dispatch?

12 A. I did.

13 Q. And what information did you have from that call?

14 A. I was given the information that we had an impound,
15 which is a car that's -- or a vehicle that's illegally
16 parked on private property. So I went to the address.

17 I don't remember the address off the top of my head,
18 but I went to the address and waited for -- I called
19 my -- the owner who had the phones that night. And
20 told him to call for the signer or the person who
21 called it in that is able to sign off on getting the
22 vehicle towed.

23 Q. And do you remember the vehicle information from this
24 call?

25 A. Um, when I got there -- I hadn't been given any vehicle

1 information when I had gotten there. The signer was
2 supposed to point out the vehicle to me and show me
3 which vehicle.

4 Q. And when you arrived, was the signer available to point
5 the vehicle out to you?

6 A. I waited about five to ten minutes for the signer to
7 show up. I called my boss twice in that time. I was
8 like, where is this signer at?

9 Q. Did the signer eventually approach you or speak to you?

10 A. Yeah, it was about five or ten minutes after I had
11 arrived.

12 Q. And did you receive the name of the signer at that
13 location?

14 A. I did not.

15 Q. Did you -- but you did speak with someone?

16 A. I did.

17 Q. And do you have a description of the individual that
18 you spoke with?

19 A. Um, for -- what I remember was he was actually about my
20 height and my build.

21 Q. And what did this individual say to you when you spoke
22 with them?

23 A. Um, so he told me -- he pointed at a maroon or dark
24 reddish colored Mercedes Benz SUV that was parked --
25 not in the alley but right up -- and like between the

1 alley and the back of the building. And he pointed at
2 it and was like, "This is the vehicle. Get it out of
3 here." And at that point I was like -- I said, "Okay.
4 I need to get your signature," and he took off.

5 Q. And when you say, "he took off," what do you mean?

6 A. He wouldn't sign the paper for me. He walked around
7 the edge of the building, the west side of the building
8 towards -- going north towards East Seventh Street.

9 Q. So he walked essentially to the -- towards the front of
10 the building?

11 A. Correct.

12 Q. And did you tow the vehicle at that time?

13 A. I did not.

14 Q. And what was the reason for that?

15 A. At that point another car -- I was parked -- my tow
16 truck was parked facing east in the alley and another
17 car drove past me between the vehicle I was supposed to
18 get and then -- where I was parked. And at that point
19 I saw a lot of cop lights going on, and then a cop
20 pulled in right behind me off to my left.

21 Q. And what type of vehicle was it that you observed
22 speeding past you?

23 A. It was a white four-door car. I can't remember off the
24 top of my head.

25 Q. And after the police pulled up behind you, what

1 happened?

2 A. Um, well, the way the vehicle had pulled in, I didn't
3 know what was going on. But he had pulled in really
4 rapidly or fast. And when he pulled in, within a
5 matter of 15 to 20 seconds there was lights from --
6 like coming -- shining between the buildings from like
7 the cop cars. And then the cop, like, one cop car
8 pulled in right behind me, and so I didn't know what
9 was going on. I just kind of was like --

10 Q. Did you speak to a police officer at that time?

11 A. I did. And I told him I didn't know what was going on.
12 I just -- I figured, you know, something was going on
13 with that car and they were chasing that car or
14 something. And so I told them that, hey, that car went
15 through the alley and around the corner right there.

16 Q. Did you also give the police information about leading
17 up to that event, and why you were at the address?

18 A. Ah, I -- at that moment, I had not.

19 Q. Eventually did you?

20 A. I did eventually, yes.

21 Q. At some time after the commotion started were you
22 approached by a different individual?

23 A. I was.

24 Q. And did you know that individual?

25 A. I did not.

1 Q. What did they look like?

2 A. Ah, he was African American, right around six foot, I
3 guess. He was taller than me, slender. And he was
4 yelling about I'm not -- pardon my language, but he was
5 like, "You're not towing shit."

6 Q. And was there any other information that you got at
7 that time?

8 A. I did not, no.

9 MS. LEE: No further questions, Your Honor.

10 THE COURT: Any cross-exam?

11 MR. GRAY: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. GRAY

14 Q. Do you have a time -- do you remember a time that you
15 arrived at this residence?

16 A. I'm usually -- from the time I get the call till I get
17 there is right around 20 minutes.

18 Q. Okay.

19 A. And I'm not that far away so it might have been
20 shorter.

21 Q. All right. And you got the call that night. Assuming
22 it was at 7:00, you would have arrived there about
23 7:20?

24 A. Yeah. If the call had come in at 7:00, if I got the
25 call at 7:00, I would have probably been there right

1 around 7:20.

2 Q. Okay. And before you get the call, your boss would get
3 a call for the tow, correct?

4 A. Correct.

5 Q. And then they call you and you go get the car?

6 A. Yes.

7 Q. Is there a rule that you will not tow the car unless
8 the police are there?

9 A. No.

10 Q. Okay. And when you arrived there in the back, how long
11 was it before the police arrived?

12 A. Um, probably about -- like I said, ten to 12 minutes.

13 Q. After you arrived?

14 A. Yep, because I was waiting for the signer. We can't
15 tow -- our company policy is we cannot tow a vehicle
16 without a signer.

17 Q. Okay. And when the man who has a physique like yours
18 or similar walked away, he walked north to Seventh
19 Street, correct? Is that right?

20 A. To my recollection, yes.

21 Q. And I take it from where you were parked in the alley,
22 you could not see what was in -- on Seventh Street?

23 A. Correct.

24 Q. So if there were police officers that he was walking to
25 see, you wouldn't know that, correct?

1 A. I would not, no.

2 MR. GRAY: Thank you. That's all I have.

3 MR. TAHIR: Nothing, Your Honor.

4 THE COURT: Thank you, sir. That will be
5 all.

6 THE WITNESS: Thank you.

7 MS. LEE: Your Honor, the State calls
8 Christopher Leon.

9 MR. TAHIR: May we approach, Your Honor?

10 THE COURT: Yes.

11 (A bench discussion was held off the record.)

12 THE COURT: So Ladies and Gentlemen, it
13 appears that we're short on witnesses this morning.
14 And no fault of anyone's, just that it looks like we
15 went a little faster this morning than we had
16 anticipated. So what I am going to do is call an
17 early, longer lunch and ask that you all be back at
18 1:00 so we can start at 1:00.

19 And we should have sufficient witnesses to
20 fill up our afternoon then. All right. Okay? I
21 apologize for that, but as I stated earlier, we're at
22 the mercy of the witnesses' availability, all right?

23 Again, keep the badges on while you're in the
24 building. Don't discuss the case amongst yourselves or
25 anyone else. Leave your notepads face down during

1 breaks. If you can be back in the jury deliberation
2 room at 1:00 then we can get promptly started. All
3 right? Great.

4 All rise. The jury is excused.

5 (The jurors exited the courtroom.)

6 THE COURT: And you may be seated. Is there
7 anything we need to address before we break?

8 MR. TAHIR: I don't believe so, Your Honor,
9 no.

10 MR. GRAY: I think you'll be done this
11 afternoon?

12 MR. TAHIR: I anticipate that we'll rest this
13 afternoon. Were --

14 MR. GRAY: Today's Wednesday?

15 THE COURT: It is.

16 MR. GRAY: So we'll be ready to go in the
17 morning I hope.

18 THE COURT: All right. Do you -- do you know
19 how long your case-in-chief might be?

20 MR. GRAY: We'll be done by the afternoon.

21 THE COURT: All right.

22 MR. GRAY: Maybe. I don't think we'd go into
23 Friday. I'm not sure of that.

24 MS. MONTGOMERY: We have one witness that
25 told us he's only available Friday, but we're going to

1 try to change that.

2 THE COURT: All right. Appreciate that. If
3 we can close up tomorrow that would be great, and if we
4 can't close tomorrow then we can close Friday morning.

5 MR. GRAY: Okay.

6 THE COURT: All right. And if there's going
7 to be any other 609 impeachment, can y'all let me know
8 before you do it?

9 MR. GRAY: Yeah, that's it.

10 MR. TAHIR: I don't think there is any more.

11 THE COURT: All right. Thank you. All
12 right. We're in recess. Thank you.

13 (A brief break was taken.)

14 THE LAW CLERK: All rise.

15 THE COURT: All right. If there is nothing
16 we need to address, let's bring out the jury.

17 THE LAW CLERK: All rise for the jury.

18 (The jurors entered the courtroom.)

19 THE COURT: You may be seated. Welcome back,
20 Ladies and Gentlemen.

21 Ms. Lee, you may proceed.

22 MS. LEE: Your Honor, the State calls
23 Christopher Leon.

24 THE COURT: Good afternoon, Officer. Please
25 raise your right hand.

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CHRISTOPHER LEON,

was called as a witness and, being first duly sworn, was examined and testified as follows:

THE COURT: Please have a seat, state your full name, and spell it for us, please.

THE WITNESS: My full name is Christopher Leon. First name C-H-R-I-S-T-O-P-H-E-R, last name Leon L-E-O-N.

THE COURT: Thank you.

Ms. Lee.

DIRECT EXAMINATION

BY MS. LEE

Q. Good afternoon. Could you please tell the Court where are you employed?

A. Currently employed with the St. Paul police.

Q. And are you a licensed peace officer?

A. Yes.

Q. How long have you been a police officer?

A. Three years.

Q. And could you briefly describe your training and experience to become a police officer?

A. Yes. Before becoming a police officer I had to go to school, college, I went two years -- got my two-year degree with Century College. After that we did our skills program at Hennepin Tech, which helps us become

1 police officers. After that, we apply to get our
2 license for the POST board. And after that I applied
3 for the St. Paul Police Department, which hosts a 14-,
4 16-week academy which improves our skills.

5 Q. Thank you. And to what unit are you currently
6 assigned?

7 A. Patrol in the eastern district.

8 Q. And what are your typical duties as a patrol officer?

9 A. My normal duties are responding to 911 calls, domestic
10 assaults, it's a large variety of calls that we respond
11 to.

12 Q. And I'm going to take you back to the night of December
13 2nd, 2021. Do you recall that night?

14 A. Yes.

15 Q. And were you on duty that night?

16 A. Yes.

17 Q. Shortly before 8:00 p.m., did you respond to a call?

18 A. Yes.

19 Q. And do you remember what that call was for?

20 A. It was -- at first it was a parking complaint, and then
21 it came in as an assault call.

22 Q. Do you remember the location of that call?

23 A. I don't remember the house number, but it was the
24 intersection of Seventh and Flandrau.

25 Q. And when you arrived on scene at that call what were

1 your initial observations?

2 A. It was a little bit chaotic. We had officers just
3 trying to figure out what was going on. And at the
4 time I decided to preserve the evidence and create a
5 perimeter, put crime tape up.

6 Q. And you said it went from a parking complaint to an
7 assault call?

8 A. Correct.

9 Q. And so when you arrived on scene, it was an assault
10 investigation?

11 A. Correct.

12 Q. At any point during the investigation did it change in
13 the type?

14 A. It did. After medics advised us that the victim was
15 deceased.

16 Q. And you said when you arrived you were creating a
17 perimeter and preserving evidence?

18 A. Correct.

19 Q. At some point while you were there did you take some
20 photos?

21 A. I did.

22 Q. And do you have experience or training in taking photos
23 for evidence?

24 A. Yes.

25 Q. What does that look like?

1 A. Well, during the academy we had multiple trainings, and
2 we were trained in how to get a land for scripts and
3 take photographs from scenes, as well as we were given
4 other classes that we were able to attend where we kind
5 of know the fundamentals of operating the camera.

6 MS. LEE: Your Honor, may I approach?

7 THE COURT: Yes, you may.

8 BY MS. LEE

9 Q. Officer Leon, I'm showing you a few documents that are
10 marked for evidence as Exhibit 74 through 82. Will you
11 just take a second to look at these and let me know
12 when you're done looking at them?

13 A. Yes.

14 Q. And do you recognize these exhibits?

15 A. Yes.

16 Q. What are they?

17 A. They are overall photos of Mr. Kjellberg.

18 Q. And do you remember them because you took these photos?

19 A. I did.

20 MS. LEE: Your Honor, the State would offer
21 Exhibit 74 to 82.

22 MR. GRAY: No objection.

23 THE COURT: And those are admitted.

24 MS. LEE: Your Honor, permission to publish?

25 THE COURT: Yes.

1 BY MS. LEE

2 Q. Officer Leon on the screen is Exhibit 74. Can you
3 please describe what this is a photo of?

4 A. That's the initial overall photo of Mr. Kjellberg.

5 Q. Thank you. Moving to Exhibit 75, could you please
6 describe what this is?

7 A. Yes, that is a close-up photo of his face.

8 Q. And when you say, "his," who are you referring to?

9 A. Mr. Kjellberg.

10 Q. Thank you. And again, Exhibit 76?

11 A. Full overall with clothing of Mr. Kjellberg.

12 Q. And now Exhibit 77?

13 A. It's going to be the top of his left hand,
14 Mr. Kjellberg's left hand.

15 Q. And Exhibit 78?

16 A. The palm of Mr. Kjellberg's hand, left hand.

17 Q. And Exhibit 79?

18 A. The top of Mr. Kjellberg's right hand.

19 Q. Exhibit 80?

20 A. The palm of Mr. Kjellberg's right hand.

21 Q. Exhibit 81?

22 A. That's going to be the left profile photo of
23 Mr. Kjellberg.

24 Q. And Exhibit 82?

25 A. And is a right profile of Mr. Kjellberg.

1 Q. Thank you.

2 And so you referred to this individual as
3 Mr. Kjellberg. At some point in the investigation he
4 was identified?

5 A. Correct.

6 Q. And do you see this individual in the courtroom today?

7 A. He's sitting to the right.

8 Q. Can you describe what he's wearing?

9 MR. GRAY: We'll stipulate he's referring to
10 Mr. Kjellberg, Your Honor.

11 THE COURT: All right. So stipulated.

12 MS. LEE: No further questions.

13 THE COURT: Counsel?

14 MR. GRAY: One second.

15 CROSS-EXAMINATION

16 BY MR. GRAY

17 Q. After you arrived at the scene, how long was it before
18 you took these photos, approximately?

19 A. Approximately, I would say 20 minutes, sir.

20 Q. So -- and how long did it take you to arrive there once
21 you got the call?

22 A. It took roughly five minutes, sir.

23 Q. Were you five minutes away?

24 A. No. We were going lights and sirens, sir, from the
25 eastern district.

1 Q. And prior to that lights and siren call, did you ever
2 get a call for this 1720 or 1734?

3 A. I recall that there was a call -- at the time that
4 there was a call when I was sitting in the team
5 writing.

6 Q. I'm sorry?

7 A. I was writing at the eastern district -- writing a
8 report for another call that I had.

9 MR. GRAY: Okay. That's all I have. Thank
10 you, sir.

11 MS. LEE: I have nothing further.

12 THE COURT: Thank you, sir.

13 THE WITNESS: Thank you.

14 THE COURT: You may step down.

15 MS. LEE: Your Honor, the State calls Chad
16 Brouwer.

17 THE COURT: Good afternoon, Officer.

18 THE WITNESS: Hello.

19 CHAD BOUWER,
20 was called as a witness and, being first duly
21 sworn, was examined and testified as follows:

22 THE COURT: Please have a seat, sir. If you
23 could state your name and spell it for us, and don't
24 get too close to the mic.

25 THE WITNESS: Okay.

1 THE COURT: All right. That's perfect.

2 THE WITNESS: So Officer Chad Brouwer, that's
3 C-H-A-D, B-R-O-U-W-E-R.

4 THE COURT: Ms. Lee.

5 MS. LEE: Thank you.

6 DIRECT EXAMINATION

7 BY MS. LEE

8 Q. Good afternoon. Can you please tell the Court where
9 you're employed?

10 A. I work for the St. Paul Police Department.

11 Q. And are you a licensed police officer in the State of
12 Minnesota?

13 A. I am.

14 Q. And how long have you been a police officer?

15 A. A total of 16 years, six years with St. Paul.

16 Q. Okay. And where were you employed previously?

17 A. Phoenix Police Department.

18 Q. And what unit are you assigned to?

19 A. I work patrol in the eastern district.

20 Q. And were you working patrol in the eastern district on
21 December 2nd of 2021?

22 A. I was.

23 Q. And on that night around 8:00 p.m. did you respond to a
24 call in the eastern district?

25 A. I did.

1 Q. And do you remember the type of call it was when you
2 were responding?

3 A. Ah, I believe it was an assault call that we were
4 responding to.

5 Q. And do you remember the location of the call?

6 A. In the area of Seventh Street and Flandrau.

7 Q. And when you arrived to that location, what were your
8 initial observations?

9 A. When I arrived at that location, I believe I parked at
10 like Seventh and Flandrau and kind of took a perimeter
11 spot until we figured out what was going on regarding
12 the assault call.

13 Q. And what happened after that?

14 A. While I was standing there I was approached by a
15 gentleman who was involved with the call.

16 Q. And did you get that gentleman's name?

17 A. Yes. I believe it was Mr. Kjellberg.

18 Q. And did you have a conversation with that individual at
19 that time?

20 A. I did.

21 Q. And on this night, while you were in this location,
22 were you wearing a body-worn camera?

23 A. I was.

24 Q. And can you just briefly describe what a body-worn
25 camera is?

1 A. A body-worn camera is typically worn in the center of
2 your chest or above your waistline. It's on my coat
3 right now. But it captures any activity that we have
4 on the call, conversations, and actions. We're
5 supposed to activate it prior to our arrival.

6 Q. And so that was activated prior to arriving at the
7 location?

8 A. Yes.

9 MS. LEE: Your Honor, may I approach?

10 THE COURT: Yes, you may.

11 BY MS. LEE

12 Q. Officer Brouwer, I'm showing you what's been marked for
13 evidence as Exhibit 83 and 83A. Can you take a look at
14 these for me?

15 A. Yes.

16 Q. And do you recognize these exhibits?

17 A. Yes I do.

18 Q. And how do you recognize them?

19 A. This would be a copy of my body-worn camera from that
20 night, and then the transcript of my conversation with
21 Mr. Kjellberg that night.

22 Q. And before coming to court today did you have a chance
23 to review this --

24 A. I did.

25 Q. These exhibits?

1 A. Yes.

2 Q. And did you make markings on these to note that these
3 are the ones that you reviewed?

4 A. I did. I signed the video and then I signed the
5 transcript.

6 MS. LEE: Your Honor, I would offer
7 Exhibit 83 into evidence and 83A as a court exhibit.

8 MR. GRAY: No objection.

9 THE COURT: All right. Those exhibits are
10 admitted.

11 MS. LEE: Permission to publish, Your Honor?

12 THE COURT: Yes, you may. Do you have
13 transcripts you want to hand out to the jurors?

14 And, again, Ladies and Gentlemen, you are
15 receiving these transcripts to assist you with what is
16 being said on the video. If what's on the transcript
17 is different than what you hear, you are to rely on
18 what you hear and not what is on the transcript.

19 (Exhibit 83 is played in open court before the
20 jury.)

21 THE COURT: All right. Ladies and Gentlemen,
22 if you can pass those down to your left.

23 MS. LEE: Your Honor, the State has no
24 further questions.

25 THE COURT: Cross-examination?

1 MR. GRAY: No questions, Judge.

2 THE COURT: Thank you, Officer.

3 THE WITNESS: Thanks, Your Honor.

4 MR. TAHIR: Your Honor, the State calls
5 Ebonee Townsend.

6 THE COURT: Good afternoon.

7 THE WITNESS: Afternoon.

8 THE COURT: Please watch your step.

9 EBONEE TOWNSEND,

10 was called as a witness and, being first duly
11 sworn, was examined and testified as follows:

12 THE WITNESS: Yes, I do.

13 THE COURT: Please have a seat and state your
14 name and spell it for us, please.

15 THE WITNESS: Ebonee Townsend E-B-O-N-E-E,
16 T-O-W-N-S-E-N-D.

17 MR. TAHIR: Could I just have a moment, Your
18 Honor, to get set up?

19 THE COURT: Yes.

20 DIRECT EXAMINATION

21 BY MR. TAHIR

22 Q. Good afternoon, Ms. Townsend.

23 A. Good afternoon.

24 Q. Where are you employed, ma'am?

25 A. I'm employed in the St. Paul Police Department in the

1 forensic services unit and by the City of St. Paul.

2 Q. Are you a licensed peace officer or are you a civilian
3 employee of the St. Paul Police Department?

4 A. I'm a civilian employee.

5 Q. The forensic services unit, what is that?

6 A. The forensic services unit is a special unit at the
7 request of others that will go process crime scenes,
8 burglaries -- we also accept items to process in our
9 lab. We do latent print comparisons, footwear
10 comparisons, and mostly a lot of documentation.

11 Q. How many officers and civilian employees do you have in
12 the forensic services unit? Approximately, you don't
13 have to give me the exact number.

14 A. The last time I counted, we have at least 13 employees.

15 Q. Okay. And do you do any investigation on your own or
16 are you always in an assisting role to other units in
17 the St. Paul Police Department?

18 A. We're always in an assisting role. We generally don't
19 do witness interviews or interactions. We're just
20 there to document the scene. The investigator from the
21 unit that's requesting our aid will conduct those.

22 Q. And you stated it's the homicide robbery unit that
23 sometimes asks for your assistance?

24 A. Yes.

25 Q. You stated that the burglary unit sometimes also asks

1 for your assistance?

2 A. Yes. Other units like traffic or pedestrian will also
3 request. Sex crimes will also request our assistance.

4 Q. Does the forensic services unit respond to every single
5 call that the St. Paul Police Department receives for a
6 purported crime?

7 A. No. We only respond when another unit requests our
8 assistance.

9 Q. I believe you stated that you also have a lab in the
10 forensic service unit. What is done in that?

11 A. In our lab that's where we conduct our latent print
12 examiners -- examinations, excuse me. Our footwear
13 examinations. We also receive evidence. For example,
14 every day we gather all of the guns that were submitted
15 to property, and we'll do a DNA collection up in the
16 lab. We will also process items of evidence for latent
17 prints. We do serial number restorations on firearms,
18 and I'm sure I'm forgetting a couple more things.

19 Q. That's all right. All of these things that you're
20 capable of doing, do you necessarily have to employ all
21 those resources in each investigation that you have to
22 conduct?

23 A. No. Generally we only do what's asked of us from other
24 units.

25 Q. Okay. So would it be fair to say that you work at the

1 direction of the investigator from that other unit that
2 has called you in to assist them?

3 A. Yes.

4 Q. Typically how does that process begin? How are you
5 called in to assist? So let's focus on the homicide
6 robbery unit. If an investigator from that unit needs
7 the assistance of the forensic services unit, how does
8 that process work?

9 A. So in a scenario of a homicide, my understanding is the
10 homicide occurs and patrol responds. Patrol then will
11 notify their supervisor, who will request the homicide
12 unit to come out. The homicide unit will then make a
13 request for forensic services to respond. We have the
14 option of briefing at our office about the crime that
15 occurred. Investigators will tell us during the
16 briefing what they would like for us to do, the area of
17 the crime scene, and what other processing they would
18 like done.

19 For example for a shooting, if we meet in the
20 homicide unit, they'll tell us, okay, we think maybe
21 these shooters are in these areas, our crime scene
22 spans maybe two blocks. We'd like for you guys to go
23 in and take photographs of the entire crime scene,
24 maybe span out, search the area. If certain vehicles
25 were struck, they might request a shooting

1 reconstruction.

2 And after everything we'll go back to our
3 office, gather all of the supplies that are necessary,
4 go on to the scene, and start conducting our process.

5 Q. And in order to do that, do you respond -- you yourself
6 alone or with a team of people?

7 A. We respond as a team. In general I like to have a team
8 of a minimum of three people to go out to a scene.

9 Q. And is there somebody that's in charge of that team?

10 A. There -- that team can consist of a police sergeant who
11 generally is the supervisor, but in a team there will
12 always be a primary, and that's someone that we
13 consider the captain of the team. They will tell other
14 team members what to do, they will give them roles, and
15 assign tasks to that person.

16 Q. And the other team members, what are the type of tasks
17 that they do?

18 A. For every scene we'll need a primary, a photographer,
19 an evidence collector, and it would be really nice if
20 we could have someone to do package handling and run
21 equipment back and forth to us.

22 Q. Okay. So the photographer and the evidence collector,
23 for example -- is all of their work done under the
24 guidance and supervision of the primary, who you
25 described as the captain of the team?

1 A. That's correct.

2 Q. Okay. Do you recall being asked to assist the robbery
3 homicide unit on December the 2nd of 2021 for a
4 stabbing that occurred in the area of Flandrau and
5 Seventh Street East in the City of St. Paul, Ramsey
6 County, Minnesota?

7 A. The date I have for responding to that is December 3rd.

8 Q. Okay. So past midnight is when you guys were called
9 in; is that accurate?

10 A. Correct.

11 Q. Okay. Who did your team consist of?

12 A. I was the primary for that scene. So I was the captain
13 of the team. Our photographer was Officer Lane Nock,
14 L-A-N-E N-O-C-K. Our evidence collector was Officer
15 Phuong Chung, P-H-U-O-N-G C-H-U-N-G. And our package
16 hander was Officer Ler Htoo, L-E-R H-T-O-O. Yes,
17 that's -- and I also created a sketch of the scene.

18 Q. When you arrived at the scene, what was your
19 understanding as to what occurred there, and what you
20 needed to document and look for?

21 A. When we arrived on the scene -- instead of briefing at
22 the office before arriving, I had a call with the
23 investigator and we did a phone call briefing. I was
24 informed that someone was stabbed and the weapon that
25 was used was still on scene. It was inside a rock

1 pile. There was a red Mercedes in the parking area
2 around the building, and we were told to photo document
3 the alleyway behind 1720 East Seventh Street and to
4 collect the weapon.

5 Q. Okay. Did your team take photos?

6 A. We did take photos.

7 Q. And ultimately you did recover the weapon that you were
8 tasked with looking for?

9 A. Yes.

10 MR. TAHIR: May I approach the witness, Your
11 Honor?

12 THE COURT: Yes, you may.

13 BY MR. TAHIR

14 Q. Ms. Townsend, I am showing you Exhibits 22 through 73.
15 This will take some time. Just look through them
16 individually and let me know when you're done, and I'll
17 ask you a question.

18 A. (Witness complies.)

19 Q. Have you finished reviewing Exhibits 22 through 73,
20 Ms. Townsend?

21 A. I have finished.

22 Q. Do those depict the photos that your team took of the
23 location, 1720 East Seventh Street East, along with the
24 tool -- the weapon that you recovered from that scene?

25 A. Yes.

1 MR. TAHIR: State offers 22 through 73, Your
2 Honor.

3 MR. GRAY: No objection, Your Honor.

4 THE COURT: Exhibits 22 through 73 are
5 admitted.

6 MR. TAHIR: May I publish, Your Honor?

7 THE COURT: Yes, you may.

8 MR. GRAY: Judge, I've already looked at
9 them.

10 THE COURT: (Nods head.)

11 BY MR. TAHIR

12 Q. All right. Ms. Townsend, we're going to go through
13 them one by one. I've got Exhibit 22 displayed here in
14 the courtroom. Can you tell us what this photo
15 depicts?

16 A. This was an image of the building 1720 East Seventh
17 Street, this close-up evidence includes the address
18 placard.

19 Q. All right. What do we see in Exhibit 23?

20 A. This is an overall image from the front of 1720 East
21 Seventh Street.

22 Q. And the front that you describe, this would actually be
23 facing Seventh Street itself, correct?

24 A. Correct.

25 Q. Exhibit 24?

1 A. This is a picture with the center being a sidewalk
2 going around the right side of 1720 East Seventh
3 Street.

4 Q. Exhibit 25?

5 A. This is a similar picture showing the sidewalk, but
6 with better lighting, going around the right side of
7 1720 East Seventh Street.

8 Q. How do you go about getting that better lighting?
9 There a significant difference in lighting in these two
10 photos.

11 A. We changed our camera settings. We increased our time
12 for our shutter speed. So I'm not saying we made our
13 shutter speed faster. I'm saying we allowed more time
14 for the camera to capture light.

15 Q. Okay. Would the previous exhibit be closer to what you
16 would see with your naked eye if you were present at
17 the scene?

18 A. Yes.

19 Q. Exhibit 26?

20 A. We are now walking around that side of the building.
21 This is a picture of the sidewalk on the right side of
22 1720 East Seventh.

23 Q. And again, these photos you've adjusted the exposure
24 settings and the shutter settings on the camera to
25 capture more light over a longer period of time; is

1 that accurate?

2 A. That's true.

3 Q. Exhibit 27?

4 A. We are working back further around the right side of
5 1720. This is showing a sidewalk that goes behind that
6 building.

7 Q. Exhibit 28?

8 A. Continuing to work behind 1720. Right now we are
9 seeing the opening of the alleyway.

10 Q. And just to the right-hand side of this photograph,
11 that street that would be Flandrau; is that correct?

12 A. It's out of this image. It's not being captured, the
13 street, but I believe that that's the street, yes.

14 Q. All right. 29, What do we see here?

15 A. We are now standing in the opening of the alleyway
16 behind 1720. You can see the back side of that
17 building.

18 Q. And we're facing to the east?

19 A. Yes.

20 Q. And Exhibit 30, what do we see?

21 A. We see a parked red Mercedes in the alleyway behind
22 1720. You can also see the back side of that building.

23 Q. Exhibit 31?

24 A. This was a closer image of the red Mercedes as well as
25 the back side of 1720.

1 Q. And there appears to be some white coloration
2 throughout the image; what is that?

3 A. It was snowing at the time. So right now these images
4 are catching the snow falling and that's why it's a bit
5 blurred.

6 Q. Exhibit 32?

7 A. This is an overall image. We're standing on the far
8 right side of that alley catching the entire back side
9 of 1720 as well as the red Mercedes.

10 Q. And the photographer in this image would be facing
11 north?

12 A. Correct.

13 Q. Exhibit 33?

14 A. This is an image with at the center a red Mercedes that
15 also captured the back side of 1720.

16 Q. I'm sorry. I didn't hear this, but are you saying that
17 that's the Defendant's Mercedes? Or are you saying --

18 A. No.

19 Q. Okay.

20 A. I just said the red Mercedes.

21 Q. Okay. Exhibit 34, what do we see here?

22 A. This is an angle of 1720. It's relative to the back
23 side of it. The left side of this image also includes
24 a red Mercedes.

25 Q. And exhibit 35?

1 A. To the right -- excuse me. To the east side of 1720
2 there seems to be a parking port. This is capturing
3 that parking port. It's askew from the alleyway.

4 Q. And again we're facing north, the photographer would be
5 facing north?

6 A. Yes.

7 Q. Do you see a placard, a sign of some kind, towards the
8 right-hand side of this image?

9 A. Yes.

10 Q. Did you inspect that in person?

11 A. Yes.

12 Q. Do you know what it says?

13 A. It says, "No Parking."

14 Q. Exhibit 36? What do we see there?

15 A. This is the south side 1720. The photographer would be
16 facing northwest, and you can see a red Mercedes and
17 the two vehicles in this image.

18 Q. And do you see another no parking sign?

19 A. There is another sign, but I believe in this image it's
20 blown out. There is too much light for you to read
21 what's written on the sign.

22 Q. We'll get closer to it. Exhibit 37, what do we see
23 there?

24 A. This captures another angle from the back side of 1720
25 to include the red Mercedes and another vehicle.

1 Q. And the photographer is now moving north to
2 northwest -- mostly west now; is that true?

3 A. Correct.

4 Q. Exhibit 38?

5 A. The photographer in any image would be mostly pointing
6 north, northwest. It's a closer-up image of two
7 vehicles that were parked in that carport, and you can
8 better -- visibly read that no parking sign on the
9 right side of the image.

10 Q. And Exhibit 39, please?

11 A. This is the east side of 1720. At the center of this
12 image you can see an apparent rock pile, and on the
13 left side of the image you can see a red Mercedes and
14 two other vehicles on the left side of the image.

15 Q. There also a water softener barrel next to the rock
16 pile?

17 A. At the time of processing I wasn't sure what the bucket
18 was. I referred to it as a white bucket.

19 Q. Okay. Exhibit 40? What do we see there?

20 A. There is the east side of 1720. You can see some patio
21 furniture on the left side of the image. You can see
22 the rock pile and two other vehicles.

23 Q. Exhibit 41?

24 A. In this image the photographer is facing south. They
25 are on the east side of the building, so in this image

1 you can see the east side of 1720. I'm not sure what
2 type of vehicle that is, but I see the back side of a
3 black colored vehicle and kind of the parking carport
4 area of 1720.

5 Q. Okay. And Exhibit 42?

6 A. You see two vehicles in this image. This is the east
7 side of 1720. The photographer is facing southwest.

8 Q. Exhibit 43?

9 A. The photographer is now facing south. This is
10 capturing the east side of 1720. There appears to be a
11 carport on the east side. You can see two vehicles and
12 a garage of a different address.

13 Q. And Exhibit 44?

14 A. This is the east side of 1720. You can see the red
15 Mercedes on the left of the image and a blue colored
16 vehicle on the right on the carport.

17 Q. Can you also see a rock pile?

18 A. You can see the rock pile.

19 Q. And can you see that white bucket as well?

20 A. Yes, you can.

21 Q. Exhibit 45?

22 A. This is a midrange photo consisting of a red Mercedes,
23 the rock pile, a white bucket, and it's on the east
24 side of 1720.

25 Q. Exhibit 46, please?

1 A. This is another midrange photo with a focus of the rock
2 pile, white bucket on the east side of 1720.

3 Q. And there's a sign there which, again, I think in this
4 photo it's blown out so you can't really read it; is
5 that accurate?

6 A. That's true.

7 Q. Exhibit 47?

8 A. This is a midrange photo of that rock pile. You can
9 see the sign that's a little blown out. There is too
10 much light exposure to read it clearly. A white
11 bucket. This is on the east side of 1720.

12 Q. And Exhibit 48?

13 A. We're working our way around. The center of this photo
14 is a midrange photo of the rock pile and the white
15 bucket as well as the sign.

16 Q. And you can also see the Mercedes on the left-hand side
17 of the image as well?

18 A. Yes, that's correct.

19 Q. I don't know if it's just these screens or what, but
20 did you -- were you able to read what that sign said
21 when you were there in person?

22 A. It was a no parking sign.

23 Q. Exhibit 49?

24 A. This is a midrange photo. We're working in to what is
25 depicted in this image, a manila envelope in this rock

1 pile. In the left of this image you can see a white
2 bucket.

3 Q. Does that manila envelope have any significance?

4 A. Because it was snowing and raining at the time, patrol
5 officers placed this manila envelope over the desired
6 weapon that investigators wanted to preserve DNA, so
7 that it wouldn't be excluded or washed away from the
8 rain.

9 Q. So this photo then, all of these photos that we've
10 looked at, they were taken by your team before anything
11 was manipulated that was present at the scene. Would
12 that be true?

13 A. Yes. The only thing that changed before, to my
14 knowledge, before we arrived, was the addition of the
15 manila envelope. Our overall images depict how the
16 scene was when FSU arrived -- being the Forensic
17 Services Unit.

18 Q. And Exhibit 50?

19 A. This is a photo with better lighting of the rock pile,
20 the manila envelope, and a white bucket.

21 Q. And Exhibit 51? Can you describe what that sign board
22 states?

23 A. That sign says, "No Parking." This is an image showing
24 at the center that manila envelope on the rock pile.
25 To the right of the image is that white bucket.

1 Q. And Exhibit 52?

2 A. This is another midrange photo of the manila envelope
3 on the rock pile, with the white bucket to the left of
4 this image.

5 Q. Exhibit 53?

6 A. We are walking in to zoom in onto this manila envelope
7 on top of a rock pile.

8 Q. And Exhibit 54?

9 A. This is a close-up image of the manila envelope on the
10 rock pile.

11 Q. Exhibit 55?

12 A. This is a midrange photo with focus of the white bucket
13 on the left half of the image.

14 Q. Exhibit 56?

15 A. This is a midrange photo of that white bucket. The
16 photographer is working their way inside of the bucket.

17 Q. Exhibit 57?

18 A. This is an overall image of the contents of that white
19 bucket.

20 Q. Were any of the contents of that bucket pertinent to
21 your investigation?

22 A. There was a small red colored stain on what appeared to
23 be salt in that white bucket. It's not very visible in
24 this photo right now, but that was of interest to us.

25 Q. Were you able to collect a sample of sufficient size

1 that could aid you in determining what that red
2 substance was?

3 A. We were able to collect it for other agencies to
4 determine. There wasn't much of that red stain visible
5 in that. When we see a red stain at a scene and we
6 believe it to be blood, we test with a presumptive test
7 to make sure it is blood. The sample that we saw at
8 this accident scene was not large enough to test. We
9 were just able to collect it.

10 Q. Got it. And maybe we can see it a little better now,
11 maybe. Exhibit 58?

12 A. This is a close-up image of the contents of the white
13 bucket. The stain might be on the left half of the
14 image, kind of center of the salt of that left half.

15 Q. Okay. Exhibit 59?

16 A. This is an image of the front side of the Mercedes.

17 Q. Does it have a visible front-end damage?

18 A. Yes. The front bumper has some damage. The license
19 plate on this red Mercedes is Minnesota CFZ721.

20 Q. Exhibit 60?

21 A. This is a image of the red Mercedes taken from the
22 right side of the vehicle.

23 Q. What do we see in Exhibit 61?

24 A. This is a close-up image of some sunglasses that were
25 found on the windshield area of the red Mercedes.

1 Q. Was there any particular reason you took a photo of the
2 sunglasses?

3 A. At the time we weren't sure if investigators would like
4 the vehicle to be towed for later processing, and
5 anything on the outside of the vehicle we'd like to
6 keep pristine for processing, and we wouldn't want
7 anything to be lost during the tow.

8 In this particular scenario, I called the
9 investigator to see if they wanted the vehicle towed,
10 if they wanted the sunglasses collected. I was
11 instructed, no, at the time.

12 Q. Exhibit 62, please?

13 A. This is another angle of the sunglasses on the
14 Mercedes. They are on the front windshield.

15 Q. And Exhibit 63?

16 A. This is an overall image of the back side of 1720. At
17 the center there is the white bucket and on the right
18 side of the image is the red Mercedes.

19 Q. Exhibit 64?

20 A. This is a midrange photo. At this point of our
21 processing we've set down tents for our evidence of
22 interest that we want to collect. Right now, this is
23 an overall image of Item F-1. The item in the rock
24 pile. In front of that you can see the white bucket,
25 and on the right side of the image you can see the red

1 Mercedes.

2 Q. That evidence tent that you described -- well, you
3 described it as a tent. Would the correct term be
4 evidence tent?

5 A. Evidence tent, evidence marker.

6 Q. Okay. And is that that yellow item in the background
7 of the image with the number one on it?

8 A. Yes.

9 Q. All right. Exhibit 65?

10 A. This is a midrange photo of Item F-1. It is on a rock
11 pile and you can see that white bucket to the left of
12 the image.

13 Q. And at this time did you go ahead and remove that
14 manila envelope that was previously covering the item
15 of interest?

16 A. Yes. When we were marking items for photography before
17 we collect them, we removed the manila envelope that
18 was used to mark or protect the item and we laid our
19 own tents down.

20 Q. Exhibit 66?

21 A. This is another midrange photo of Item F-1 on top of
22 that rock pile.

23 Q. Exhibit 67?

24 A. This a midrange photo of Item F-1, that tool in the
25 rock pile.

1 Q. And when you say "that tool in the rock pile," can you
2 kind of describe its positioning?

3 A. So I've been referring to it as weapon -- but for now
4 I'm going to refer to it as a tool to better depict
5 what we're looking at. Tools generally have a handle,
6 and in this rock pile that's all you can see is the
7 butt of that handle. So in this image you see a
8 circular black item in that rock pile, and that's kind
9 of what the F-1 tent is squaring around.

10 Q. Exhibit 68. What do we see?

11 A. This is a close-up image of Item F-1, the tool in the
12 rock pile.

13 Q. The tool -- well, we will get to it in a second. But
14 would you agree that it's -- the front metal end of it
15 is lodged into the rock pile?

16 A. Yes.

17 Q. Okay. Exhibit 69?

18 A. This is a close-up image of that tool, Item F-1.

19 Q. And Exhibit 70?

20 A. We have removed the tool from the rock pile, laid it
21 out on clean paper, and put a scale behind it. This is
22 a documentation photo of Item F-1, the tool that we
23 removed from that rock pile.

24 Q. Do you know what that tool is?

25 A. I do not. I thought at first it was a screwdriver. It

1 is not.

2 Q. It appears as though there is some black discoloration
3 all over that tool; what is that?

4 A. I believe that's dirt from the rock pile. I'm not
5 quite -- I'm not certain what the debris is, but that's
6 what I believe it to be.

7 Q. And Exhibit 71? Does that just give us a better view
8 of the ruler that you used to measure this item?

9 A. Yes.

10 Q. And Exhibit 72. What's depicted there?

11 A. This is another documentation photo of Item F-1, that
12 tool.

13 Q. And finally, Exhibit 73?

14 A. This is an evidentiary photo of Item F-1, the tool.
15 What makes this image evidentiary is that the scale has
16 been brought up to meet the same plane as that tool,
17 which makes the measurements more accurate.

18 Q. Okay. And in total length, how long is this tool,
19 including the plastic handle?

20 A. Um, I could give you an estimate.

21 Q. Would you like to refer to the paper copy of the
22 exhibit?

23 If I may, Your Honor?

24 THE COURT: Yes, you may.

25 THE WITNESS: Thank you.

1 BY MR. TAHIR

2 Q. I'm handing you the paper Exhibit 73.

3 A. Our scale is measured in millimeters. To measure the
4 length of that metal part, it's measured at
5 220-millimeters, and the base of the tool is at
6 115-millimeters, so that would be in centimeters about
7 15.

8 Q. Okay. How that -- just the metal part of it, how long?

9 A. The metal part was that long.

10 Q. Okay. How about the tool?

11 A. Itself?

12 Q. In total.

13 A. We have it measured at the base starting at
14 15-millimeters and the tip to 220 millimeters; that
15 would be around 210 millimeters.

16 Q. All right. Thank you. I'll come take that back from
17 you.

18 MR. GRAY: Hassan, can I see that?

19 MR. TAHIR: Yes.

20 MR. GRAY: Thank you.

21 BY MR. TAHIR

22 Q. How does your team go about collecting an item like
23 that which is suspected of being used in this type of
24 offense?

25 A. For any item collected on scene our evidence collector

1 will wear a mask. They'll have a fresh, clean pair of
2 gloves, and our package handler will also have the
3 same. They will walk over -- in this scenario the
4 evidence collector went to the rock pile and with their
5 clean gloves, picked up the tool. And the package
6 handler held open the envelope. And the evidence
7 collector placed the tool inside that. Excuse me. I
8 misspoke.

9 In this case, we collect our weapons or
10 anything sharp inside of a box. So the package handler
11 would be holding an open box and the evidence collector
12 would place that tool inside of a box.

13 Q. And was all of that done under your direction since you
14 were the primary on this team?

15 A. Yes. I watched the evidence collector and package
16 handler conduct this action, and in my notes I document
17 who did it and what time they did it.

18 Q. Okay. What do you do after the item is placed into
19 that box?

20 A. At that time we brought it -- we closed it, brought it
21 into the truck. We decontaminated it. We have a table
22 on the truck, we decontaminated it on the table, laid
23 it down on the clean paper, and we collected DNA from
24 the tool, as well as apparent blood.

25 Q. And how is the item then stored for future retrieval?

1 A. Upon completion of DNA and blood collection we place
2 the tool inside of a box, added zip ties so that it
3 wouldn't move in the box for safety. The box was then
4 taped and the collector's initials are signed on the
5 side of the tape to ensure that it's sealed.

6 Q. Does it then go into some sort of vault or something?
7 Where it's stored?

8 A. Once we are done with scene processing we return to the
9 office, I create item labels for the evidence, and we
10 submit it to the property room.

11 Q. All right. Today before you came in to testify, did
12 you go retrieve Item F-1 from the property room?

13 A. I did.

14 MR. TAHIR: May I approach the witness, Your
15 Honor?

16 THE COURT: Yes, you may.

17 BY MR. TAHIR

18 Q. I'm showing you what's been marked at Exhibit 97.
19 Ms. Townsend, can you please tell me what that is?

20 A. This is the box containing Item F-1, and in the upper
21 left corner I have a label that I created. This is
22 what our property room uses to store and keep track of
23 items. There is tape around this box. On the bottom
24 of the box you can see the initials of my evidence
25 collector and the date that they were collected, and it

1 overlaps the tape as well as onto the packaging.

2 Q. All right.

3 MR. TAHIR: State offers 97, Your Honor.

4 MR. GRAY: Are you going to show the --

5 MR. TAHIR: Yes, with the Court's permission
6 I would like open the box and have Ms. Townsend just
7 hold it in the air.

8 MR. GRAY: I'd like to see it before I
9 object.

10 THE COURT: All right. Let's go ahead and
11 open the box.

12 THE WITNESS: At this time this will be the
13 first time this box has been opened since it was
14 collected.

15 MR. GRAY: I have no objection, Your Honor.

16 THE COURT: Exhibit 97 is admitted.

17 MR. TAHIR: And may the witness publish it,
18 Your Honor, by opening the box and displaying it to the
19 jury?

20 THE COURT: Certainly.

21 THE WITNESS: (Witness complies.)

22 BY MR. TAHIR

23 Q. And Ms. Townsend, if you can hold it up high above your
24 head so everyone can see it.

25 A. I just want to make sure that the zip ties are secured.

1 All right. So here we have the tool that we collected.
2 We used zip ties to secure it to the box.

3 THE COURT: Can everybody see that?

4 MR. TAHIR: All right. Thank you, ma'am.

5 BY MR. TAHIR

6 Q. I'll come grab that from you.

7 Was your team asked to search the interior of
8 1720 at all?

9 A. No.

10 Q. Were you asked to search the interior of 1734 at all?

11 A. No.

12 Q. Okay.

13 MR. TAHIR: Thank you. That's all the
14 questions I have.

15 THE COURT: Cross-examination?

16 MR. GRAY: Thank you, Your Honor.

17 Could you pull up Exhibit 60? 61, I'm sorry.

18 MR. TAHIR: That's fine.

19 CROSS-EXAMINATION

20 BY MR. GRAY

21 Q. Now, those glasses on Exhibit 61, are those the glasses
22 you're referring to that you found there?

23 A. Yes.

24 Q. And did you or any of your team members check to see if
25 they were prescription glasses?

1 A. No, those glasses actually weren't touched by anybody.

2 Q. Okay. And if they weren't touched by anybody, that's
3 where they're lying at the time of the incident,
4 correct?

5 A. No, that's the -- where they were positioned upon FSU
6 arrival. When I say, "nobody touched them," I mean
7 nobody on my team.

8 Q. Okay. And you don't know if anybody touched them
9 before that?

10 A. Correct.

11 Q. And when did you arrive there.

12 A. A little after midnight. I think it was 12:05.

13 Q. Okay. And that would be December 3rd, and you worked
14 there until what time?

15 A. Around 1:30 p.m.

16 Q. Okay. So you put in a good morning and almost
17 afternoon, correct?

18 A. Yes.

19 Q. And during all that time those glasses remained where
20 they're at; is that correct?

21 A. During our processing, yes.

22 Q. Okay. And was that car moved at all before you left?

23 A. Not during our processing.

24 Q. Okay. And did you -- when you contacted the
25 investigator, did you ask about those glasses, did you

1 not?

2 A. (No audible response.)

3 Q. I have in your report -- I hope it's you. On Page 3 of
4 5. I believe it's your report. Do you have it there?

5 A. Yeah, may I refer to it?

6 MR. GRAY: Okay. You can take a look at it.

7 THE COURT: Is there any objection?

8 MR. TAHIR: No objection, Your Honor.

9 THE WITNESS: Your question was: Did I
10 inquire about the sunglasses?

11 BY MR. GRAY

12 Q. Yes.

13 A. Yes.

14 Q. Okay. And to whom did you inquire?

15 A. Sergeant Skog.

16 Q. I'm sorry, Sergeant?

17 A. Skog, S-K-O-G.

18 Q. Okay. And --

19 A. That was the investigator from the homicide unit.

20 Q. And that's the investigator that was the head of this,
21 or?

22 A. The one that instructed my team and requested us to
23 come out and process the scene.

24 Q. And when you -- did you know whether or not Sergeant
25 Skog ever looked at those glasses or touched them at

1 all?

2 A. I do not know. I was aware that he had been to the
3 scene before we arrived, but he was not there when we
4 did our walk-through --

5 Q. Okay --

6 A. -- for me to witness him do anything.

7 Q. And when you did, you inquired of Sergeant Skog whether
8 or not to collect the glasses, correct?

9 A. Correct.

10 Q. And Sergeant Skog said, no, leave them there, correct?

11 A. Correct.

12 Q. Did you consider those of evidentiary value yourself?

13 A. I consider them to be if the vehicle were to be towed.

14 Q. And the vehicle was towed, correct?

15 A. We were told it was not going to be. To my knowledge
16 today, it was not towed.

17 Q. And again, there was a scissors found next to the
18 vehicle, correct?

19 A. No, it wasn't next to the -- when you say "the
20 vehicle," it was not next to the red Mercedes.

21 Q. Is this your report, Page 3 of 5?

22 A. Yes.

23 Q. Did you say, "informed investigator of scissors next to
24 vehicle"?

25 A. "With Minnesota plate 005VDE."

1 Q. Which vehicle is that? I apologize if it wasn't the
2 burgundy vehicle.

3 A. There was a vehicle slightly down the alley towards --
4 you would -- if you were to drive down the alley, you
5 would be driving eastbound. There's is a vehicle
6 parked next to a fence and an apparent junk pile, and
7 that's where we found the scissors.

8 Q. Okay. And those you didn't seize either, correct?

9 A. Correct.

10 Q. Pursuant to Sergeant Skog?

11 A. Yes.

12 Q. And prior to you contacting Sergeant Skog, you yourself
13 being an investigator, educated, knowing what you're
14 doing, you considered those to be evidence?

15 A. The sunglasses and the scissors?

16 Q. No, the sunglasses only.

17 A. The sunglasses. I considered them -- they could have
18 been important, but I don't have information about the
19 scene. I just know that there was a stabbing and that
20 this was the general area it happened. Upon our search
21 and overall look of the scene, I saw something that may
22 have been of interest. I confirmed with the
23 investigator if it was. I wasn't sure what
24 investigation he had done to determine if --

25 Q. -- so --

1 A. -- those were not of value.

2 Q. So if there was an altercation next to that vehicle,
3 and somebody was wearing those glasses and they flew
4 off -- they could end up right where they're at, right
5 on that window, correct?

6 A. Yes.

7 Q. And you didn't know if they were prescription glasses
8 or regular glasses. I think I asked you this already?

9 A. Right. I did not know.

10 Q. You have nothing to do with putting the tent, I guess
11 they're called, evidence tent, over that tool; is that
12 correct?

13 A. The evidence tent or the manila envelope?

14 Q. That little envelope, yeah.

15 A. Right. The envelope, no. Our team didn't do anything
16 to put it over.

17 Q. And underneath that was the tool, correct?

18 A. Yes.

19 Q. And there is no question in your mind that there were
20 no parking signs in this area, correct?

21 A. (No audible response.)

22 Q. In the area that you photographed there were signs, no
23 parking?

24 A. Yes. There were signs in what we photographed, yes.

25 Q. And you started this investigation at midnight or close

1 to that on December 3rd --

2 A. Yes.

3 Q. -- correct? And based on your knowledge, the incident
4 occurred that night on December 2nd, correct?

5 A. Yes.

6 MR. GRAY: Excuse me a minute.

7 THE COURT: One second -- hold on for one
8 second.

9 THE LAW CLERK: There you go.

10 THE WITNESS: Thank you.

11 THE LAW CLERK: Yep.

12 THE COURT: Go ahead, Mr. Gray.

13 MR. GRAY: Thank you, Your Honor.

14 BY MR. GRAY

15 Q. I'm going to approach you with these exhibits and show
16 them to you, and take a look at all of them at one
17 time.

18 A. (Witness complies.)

19 THE COURT: Do we know what they're
20 identified as?

21 MR. GRAY: Yes. Sorry, Judge. 206, 208,
22 209, and 212, Defense Exhibits.

23 BY MR. GRAY

24 Q. Are those -- are those exhibits, all of them, are those
25 true and accurate pictures that you took that night?

1 A. I believe so, yes.

2 Q. Okay. I got them from your --

3 A. Yes.

4 Q. Okay. I have a question --

5 I offer them, Judge.

6 MR. TAHIR: No objection.

7 THE COURT: All right. Exhibits 206, 208,
8 209, and 212 are admitted.

9 MR. GRAY: 212.

10 BY MR. GRAY

11 Q. And with respect to these exhibits, there are white
12 markings. Is that snow?

13 A. Yes, that's snow.

14 Q. Okay.

15 THE COURT: And you can have a seat unless
16 she needs to see them. Thank you.

17 MR. GRAY: I was going to show them to her
18 again.

19 THE COURT: No, you can show them to her.
20 Why don't you just leave them up there?

21 MR. GRAY: Okay. Why don't you go through
22 those. Are these up on the computer?

23 MR. TAHIR: Can I publish them, Your Honor.

24 THE COURT: Sure, which one --

25 MR. GRAY: All of them.

1 THE COURT: Well, do you want to do 206
2 first?

3 MR. GRAY: Yes.

4 THE COURT: All right.

5 BY MR. GRAY

6 Q. In that photo, 206, that's a photo of the Mercedes; is
7 that correct?

8 A. Yes.

9 Q. And was that where it was parked when you got there?

10 A. Yes.

11 Q. And the -- 208 is another photo of that Mercedes; is
12 that correct?

13 A. Yes. This is the right side of the red Mercedes.

14 Q. And 209 is another photo of the Mercedes; is that
15 correct?

16 A. This is the rear end of the Mercedes, yes.

17 Q. And looking straight, I think it would be east, there
18 is a no parking sign, correct?

19 A. Correct. It's on the left side of this image, upper
20 left corner.

21 Q. And 212, and that's the same no parking sign up close,
22 yes? Correct?

23 A. Yes.

24 Q. Now, did you --

25 MR. GRAY: Can you go to 29 -- Exhibit 29?

1 MR. TAHIR: Sure.

2 THE COURT: That's previously been admitted?

3 MR. TAHIR: Yes, Your Honor.

4 THE COURT: Okay.

5 BY MR. GRAY

6 Q. Okay. Now, on Exhibit 29, you see it up there?

7 A. Yes.

8 Q. Okay. That big white -- looks like a van. Is that
9 your crime investigation van?

10 A. Yes, that's our crime scene van.

11 Q. And that's parked in the alley, is it not?

12 A. That's correct.

13 Q. And the Mercedes, based on this photo, is parked in the
14 parking lot, correct?

15 A. Yes.

16 MR. GRAY: That's all I have. Thank you,
17 ma'am.

18 You can take them down.

19 MR. TAHIR: Just a brief redirect, Your
20 Honor.

21 THE COURT: Sure.

22 REDIRECT EXAMINATION

23 BY MR. TAHIR

24 Q. Sticking with Exhibit 29. I want to talk about those
25 scissors just for a moment. Where exactly were those

1 found? Are you able to see that area in this image?

2 A. So in the center of this image is that red Mercedes.

3 Towards the front left of that red Mercedes you can see
4 that no parking sign. That fence is where, down
5 underneath that fence in the corner where it turns from
6 the yard, and down the alley. There is an apparent
7 junk pile, kind of yard debris and fence clippings,
8 just random stuff in that pile and that's where the
9 scissors were found.

10 Q. And so how much of a gap is there in terms of distance
11 between the Mercedes and that fence, if you could just
12 approximate? Maybe if I show you a different photo.
13 Let's take a look at Exhibit 35?

14 A. Two car lengths, maybe.

15 Q. And in Exhibit 35, we can actually see that fence that
16 you were referring to; is that true?

17 A. Yes.

18 Q. And the no parking sign as well?

19 A. That's correct.

20 Q. And that's where the scissors were found, more than two
21 car lengths away from the Mercedes; is that true?

22 A. That's correct.

23 Q. Okay.

24 MR. TAHIR: Thank you. That's all I have.

25 RECROSS-EXAMINATION

1 BY MR. GRAY

2 Q. The glasses were found right on the Mercedes on the
3 windshield, correct?

4 A. Yes.

5 Q. And you don't know if they're prescription or not,
6 correct?

7 A. Correct.

8 MR. GRAY: Thank you.

9 THE COURT: Anything on that?

10 MR. TAHIR: No, Your Honor.

11 THE COURT: Thank you very much.

12 THE WITNESS: Thank you.

13 THE COURT: You're excused.

14 MR. TAHIR: Your Honor, the State calls
15 Shawna Edwards.

16 THE COURT: Good afternoon.

17 THE WITNESS: Afternoon.

18 THE COURT: Watch your step there. Please
19 raise your right hand.

20 SHAWNA EDWARDS,

21 was called as a witness and, being first duly
22 sworn, was examined and testified as follows:

23 THE COURT: Please have a seat, ma'am. If
24 you can state your name and spell it for us, please.

25 THE WITNESS: Shawna Lee Edwards. First name

1 S-H-A-W-N-A, Lee L-E-E, Edwards E-D-W-A-R-D-S.

2 THE COURT: Go ahead.

3 MR. TAHIR: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MR. TAHIR

6 Q. Ms. Edwards, what's your date of birth?

7 A. 11/10/77.

8 Q. Where do you reside?

9 A. 1733 Ross Avenue in St. Paul.

10 THE COURT: And ma'am, you are a fast talker.

11 THE WITNESS: Sorry.

12 THE COURT: So I'm going to ask you to please
13 slow it down.

14 THE WITNESS: Okay.

15 THE COURT: Thank you. And can you repeat
16 that address?

17 THE WITNESS: 1733 Ross Avenue in St. Paul.

18 THE COURT: Thank you.

19 THE WITNESS: In St. Paul.

20 BY MR. TAHIR

21 Q. How long have you lived there?

22 A. Ah, just past 14 years.

23 Q. Okay. I'm going to show you what's already in evidence
24 as Exhibit 5. It's -- so this is an overhead satellite
25 map of a number of residences. Can you see your

1 residence depicted on this map?

2 A. Yes.

3 Q. Is it the residence that's demarcated 1733?

4 A. Correct.

5 Q. And your residence actually faces the south; is that
6 true?

7 A. Yes.

8 Q. Onto Ross Avenue?

9 A. Yes.

10 Q. And to the north of you would be the address 1734, the
11 front of which faces Seventh Street East; is that true?

12 A. Yes.

13 Q. Okay. I'm also going to show you Exhibit 6. This
14 gives us a better view of your residence. Do you have
15 a garage that's behind your residence?

16 A. I do.

17 Q. Is that depicted here?

18 A. It appears so. I'm sorry. It's -- it's fuzzy for me.

19 Q. Well, would you like to have a paper copy of the
20 exhibit in front of you? Do you think that would help?

21 A. I -- no, it's fine, I mean, I have a garage and yeah it
22 appears that it's in that satellite.

23 Q. It's kind of where the number is, 1733 --

24 A. Where the tag is over the top, yeah.

25 Q. That little building right there, that's your garage;

1 is that true?

2 A. That's correct.

3 Q. Okay. And between your garage and 1734 is there an
4 alleyway?

5 A. Yes.

6 Q. Do you have a camera on the north side of your garage
7 recording the movements in the alley?

8 A. Two of them.

9 Q. One facing to the west and one facing to the east?

10 A. Correct.

11 Q. When did you install those?

12 A. Those were installed in late 2017 after the garage was
13 replaced.

14 Q. Okay. Is it -- are the cameras functional?

15 A. Yes.

16 Q. And were they functional on December the 2nd of 2021?

17 A. Yes.

18 Q. How does this surveillance system of yours work? Does
19 it record to an SD card or does it upload to a cloud?

20 How does it work?

21 A. They record to an SD card and also hook up to Wi-Fi
22 that I can stream to my phone.

23 Q. Okay. On December the 2nd of 2021, in the late evening
24 hours past 8:00 p.m., at some point did law enforcement
25 approach you and take an interest in your cameras?

1 A. Yes. I mean, they didn't approach me. Somebody had
2 let them know I had cameras. But yes, at some point
3 they did come to me, yes.

4 Q. They came to you and you provided them with the footage
5 that your two cameras captured from that night; is that
6 true?

7 A. Video and audio, yes.

8 Q. And I just want to be clear about this. I want to go
9 back to Exhibit 6 for a second.

10 So, again, your garage which is depicted in
11 this exhibit where the numbers 1733 are, that building.
12 You've got two cameras, one facing to the west and one
13 facing to the east, right?

14 A. Correct.

15 Q. And it would -- the one facing to the west would
16 capture any movement taking place near the address of
17 1720 Seventh Street East, correct?

18 A. It does catch a part of that property, yes.

19 Q. All right. Did you provide surveillance footage what
20 of that west-facing camera captured that night between
21 the hours of 7:00 p.m. and 8:00 p.m.?

22 A. Yes.

23 MR. TAHIR: May I approach the witness, Your
24 Honor?

25 THE COURT: Yes, you may.

1 BY MR. TAHIR

2 Q. I'm showing you Exhibits 94 and 95, ma'am. Do you
3 recognize what these are?

4 A. Yes.

5 Q. These are two discs that contain the surveillance
6 footage that you provided to law enforcement once they
7 made contact with you; is that correct?

8 A. They do have some footage. I was not -- I did not see
9 100 percent of what was on each disc from start to
10 finish.

11 Q. Understood. But you have reviewed them and the video
12 that is on there that you reviewed fairly and
13 accurately depicts what your camera caught happening
14 that night?

15 A. Yes.

16 Q. The second one, Exhibit 95, that actually includes two
17 separate clips that are on 94 stitched together; is
18 that accurate?

19 A. That's what I was told. Again, I did not see
20 everything from start to finish on both of the discs,
21 but I believe that would be it, yes.

22 Q. And you watched 95?

23 A. I did, yes.

24 Q. And the video that was on there is fair and accurate
25 according to what you watched on your surveillance

1 system yourself that night?

2 A. Yes.

3 MR. TAHIR: The State offers 94 and 95, Your
4 Honor.

5 MR. GRAY: No objection.

6 THE COURT: 94 and 95 are admitted.

7 MR. TAHIR: And we're not going to publish
8 these quite yet.

9 Thank you, ma'am. I don't have any further
10 questions.

11 CROSS-EXAMINATION

12 BY MR. GRAY

13 Q. You said you lived at the residence for 14 years?

14 A. We closed January 1, 2009, yes.

15 Q. Okay. Still remember that?

16 A. Mm-hmm.

17 Q. After moving in there and living there, did you meet
18 Mr. Kjellberg?

19 A. Um, yes, face to face. I've known -- my family has
20 known Mr. Kjellberg for over -- roughly about 20 years.

21 Q. You and your family, have you had any issues with
22 Mr. Kjellberg?

23 A. Never.

24 Q. What about 1734? The house right behind yours?

25 A. Met them when they moved in. Seemed like decent, nice

1 people. They've only been there for two or three
2 years.

3 Q. Okay.

4 MR. GRAY: That's all I have. Thank you,
5 ma'am.

6 THE COURT: Anything on that?

7 MR. TAHIR: No, Your Honor.

8 THE COURT: Thank you, ma'am. You're
9 excused.

10 Ladies and Gentlemen, we're going to take our
11 afternoon break at this time. Again, do not discuss
12 the case amongst yourselves or with anyone else. Do
13 not do any research about the case. Make sure those
14 juror badges on are on at all times while you are in
15 the building, and leave your notepads face down on your
16 chairs. Let's see. If I can get you back in the jury
17 deliberation room at a quarter till, so at 2:45, that
18 would be great. All right. Thank you.

19 All rise. The jurors are excused.

20 (The jurors exited the courtroom.)

21 THE COURT: You may be seated. Anything we
22 need to discuss?

23 MR. GRAY: I have nothing.

24 MR. TAHIR: One thing, Your Honor. I've
25 gotten a transcript of the portion that I'm going to

1 play from the video, but I don't plan on handing it out
2 because I want them to watch the actual video as
3 opposed to staring at a transcript. If that's okay
4 with the Court, I will offer it as a court exhibit.

5 THE COURT: There is no requirement. Do you
6 have any objection to that?

7 MR. GRAY: Um, depends on what
8 Officer DeSanto says. We filed a motion in limine
9 prohibiting her from giving her opinion as to what that
10 video shows and states in the audio. And we have a
11 transcript that does not have on it what she says that
12 she saw and heard.

13 THE COURT: All right. Well, the transcript
14 isn't introduced into evidence. It's a court exhibit.
15 So whatever she says and whatever you hear, you can
16 certainly cross-examine her on that.

17 MR. GRAY: Okay.

18 Well, our motion in limine, Judge, was to
19 prohibit her from giving that opinion.

20 THE COURT: Well, I think -- and right now it
21 escapes me what my decision was on that. I mean, did
22 we make a decision?

23 MR. GRAY: Well, there was a reason.

24 MR. TAHIR: We didn't object, Your Honor.
25 She's not going to render an opinion as to what the

1 audio is. The jury can decide. We might argue it in
2 our closing arguments, but she's not going to render
3 her opinion.

4 THE COURT: Perfect.

5 MR. GRAY: Okay.

6 THE COURT: All right. Solved that problem.
7 We're in recess, unless there was anything else?

8 MR. GRAY: I'd like to have a little schedule
9 if it's all right, because I've got to -- are we going
10 to argue this case Friday morning? Would that be?
11 We'll be done with our case tomorrow if he rests today.

12 MR. TAHIR: We're going to rest today.

13 THE COURT: Right. And how long will you be
14 tomorrow?

15 MR. GRAY: Well, it depends upon a couple of
16 things.

17 THE COURT: So you know the schedule better
18 than I do.

19 MR. GRAY: Well, it hasn't been totally
20 decided yet, Judge.

21 THE COURT: So I can't give you one, because
22 I don't know how long you're going to take.

23 MR. GRAY: I will take the morning at least,
24 and probably not -- I'm not quite sure. Hold on.

25 What do you think?

1 MS. MONTGOMERY: We probably -- if the State
2 rests this afternoon, we probably would be done by noon
3 tomorrow.

4 THE COURT: Well, if we're done by noon then
5 we'll argue it tomorrow in the afternoon.

6 MR. GRAY: Okay. Can't do it Friday?

7 THE COURT: We can. Only, I'd rather not --
8 what reason would we need to?

9 MR. GRAY: Well, there is a lot of evidence
10 I've got to go through, but that's all right. I can.

11 THE COURT: No, we can do it on Friday, I
12 mean, I just thought.

13 MR. GRAY: It's up to you. Do you mind doing
14 it Friday?

15 MR. TAHIR: I don't have a preference.

16 THE COURT: Well.

17 MR. TAHIR: Ms. Lee will be closing.

18 MS. LEE: And I don't have a preference
19 either.

20 THE COURT: So let's see where we end
21 tomorrow and then I will decide there. I mean if, you
22 know, if it's early -- it's not too late in the morning
23 then we'll just take an extra-long lunch and then try
24 to maybe try to close tomorrow.

25 MR. GRAY: Okay.

1 THE COURT: If not, then if you need the
2 afternoon, we'll take the afternoon.

3 MR. GRAY: And we talked about instructions
4 before?

5 THE COURT: Oh, absolutely.

6 MR. GRAY: Okay.

7 THE COURT: That's why we probably will --
8 depending on what time you finish tomorrow, we probably
9 will wait till Friday morning.

10 MR. GRAY: All right. Thanks, Judge.

11 THE COURT: Because there might be some
12 issues as to the instructions. So, all right. Great.
13 We're in recess.

14 (A brief break was taken.)

15 THE LAW CLERK: All rise.

16 THE COURT: Thank you. You may be seated.
17 Anything we need to address before we bring out the
18 jury?

19 MR. TAHIR: No, Your Honor.

20 MR. GRAY: We'll probably be done tomorrow
21 morning.

22 THE COURT: Okay.

23 MR. GRAY: Not early, but -- so -- if you
24 want to argue tomorrow, I'll be ready.

25 THE COURT: All right.

1 MR. GRAY: It's up to you, Judge.

2 THE COURT: Thank you. Appreciate that.

3 THE LAW CLERK: All rise for the jury.

4 (The jurors entered the courtroom.)

5 THE COURT: All right. You may be seated.

6 Mr. Tahir, you may proceed.

7 MR. TAHIR: Your Honor, the State calls Abby
8 DeSanto, D-E-S-A-N-T-O.

9 THE COURT: Please come forward.

10 THE WITNESS: Good afternoon.

11 THE COURT: Please raise your right hand.

12 ABBY DESANTO,

13 was called as a witness and, being first duly
14 sworn, was examined and testified as follows:

15 THE COURT: Please have a seat, and if you
16 can state your full name and spell it for us.

17 THE WITNESS: Abby Desanto, A-B-B-Y
18 D-E-S-A-N-T-O.

19 THE COURT: Go ahead.

20 MR. TAHIR: Thank you, Your Honor.

21 DIRECT EXAMINATION

22 BY MR. TAHIR

23 Q. Sergeant DeSanto, where are you employed?

24 A. The City of St. Paul, St. Paul Police Department.

25 Q. And is there a unit that you're assigned to?

1 A. Yes, the homicide robbery unit.

2 Q. How long have you been a member of that unit?

3 A. About a year and a half -- well, two years.

4 Q. And what's the entire length of your law enforcement
5 service?

6 A. I was hired in 2011 -- like everything I've done?

7 Q. Yes.

8 A. I was on patrol, and then I went into our East Force
9 Unit, and then I went into our FBI Safe Streets Task
10 Force Unit, and then I went into our Special -- our SIU
11 unit, Special Investigations Unit, and then I went into
12 our Criminal intelligence Unit, and then I finally
13 ended up in the homicide robbery unit for the past two
14 years. Yes.

15 Q. Okay. What does the homicide robbery unit do?

16 A. We investigate robberies, we investigate assaults, we
17 investigate homicides, and we investigate harassments.

18 Q. Okay. What's the distinction between an investigator
19 such as yourself and an ordinary patrol officer?

20 A. Ah, well we -- we carry cases. So we have to -- the
21 patrol officer takes the calls and writes down all of
22 their information that they have. And then we get that
23 case, probably I'll say the next day, and then we'll
24 investigate the case, meaning we look into the case
25 more than a patrol officer would.

1 Q. Understood. And when it comes to homicide cases, do
2 you actually respond to the scene? Are you -- do you
3 have like an on-call system?

4 A. Yes.

5 Q. When it comes to homicides?

6 A. Yes, we do.

7 Q. How does that work?

8 A. The on-call system works -- we are on call for a week
9 at a time. And there's three of us and if there is,
10 say, a homicide, we would get called in by our senior
11 commander.

12 Q. All right. And do you recall being on call the week of
13 December 2nd of 2021?

14 A. Yes.

15 Q. And was there a suspicious death that occurred that
16 night that required you to get involved?

17 A. Yes.

18 Q. That took place in the area of East Seventh Street and
19 Flandrau Street in the City of St. Paul; is that true?

20 A. Yes.

21 Q. What time were you notified by your commander that this
22 is going to be your case?

23 A. I'm not 100 percent sure on the exact time. Between
24 1900 to 2000 hours.

25 Q. Okay. So between 7 and 8:00 p.m.?

1 A. Yes.

2 Q. Okay. And when you get that call, what did you do?

3 A. We, at that time, met at our homicide robbery unit to
4 discuss who was going to go out to the scene and who
5 was going to stay in the office and do work that needed
6 to be done in the office. So me and my partner
7 Sergeant Skog went out to the scene.

8 Q. Okay. And the third member of your team, was that
9 Sergeant Daniel Zebro?

10 A. Yes.

11 Q. And he stayed back at the office to do the work that
12 needed to be done at the office?

13 A. Yes.

14 Q. And one of the things that he did at the office was
15 interview people; is that true?

16 A. Yes.

17 Q. And we'll get to those interviews -- or that interview
18 here in a second. But as part of your investigation,
19 did you canvass the area of the scene to see if there
20 were surveillance cameras? Did you have patrol
21 officers do that for you?

22 A. We did it, yes.

23 Q. You did it yourself?

24 A. Yes.

25 Q. Okay. And was there an address that did, in fact, have

1 a surveillance system?

2 A. Yes.

3 Q. And that would be 1733 Ross Avenue?

4 A. Correct.

5 Q. That would be an address that's to the south of Seventh
6 Street and the two addresses in -- that are relevant to
7 this case; is that true?

8 A. Yes.

9 Q. Did you review that surveillance footage?

10 A. I did.

11 Q. And was the -- the encounter between Mr. Arnell Stewart
12 and Mr. Brian Kjellberg, was that captured by one of
13 the cameras that was on that residence?

14 A. Yes.

15 MR. TAHIR: May I approach the witness, Your
16 Honor?

17 THE COURT: Yes, you may.

18 MR. TAHIR: May I retrieve an exhibit as
19 well?

20 THE COURT: Yes.

21 BY MR. TAHIR

22 Q. So I'm going to show you Exhibit 94 and 95 that are
23 already in evidence, Sergeant DeSanto. I'm also going
24 to show you Exhibit 96. Ninety-five -- excuse me, 94
25 and 95 are videos taken directly from the surveillance

1 camera, and you have reviewed those; is that correct?

2 A. Yes.

3 Q. Can you tell me what's on Exhibit 96?

4 A. The same thing but it's zoomed in.

5 Q. Okay. And what do you mean by that?

6 A. Oh, I'm sorry. The same thing that's on Exhibit 95 and
7 94, but zoomed in on 96.

8 Q. And by "zoomed in," is that like an effect that's added
9 to the video? What exactly do you mean?

10 A. It's the exact same video. It just is more zoomed in
11 to where Mr. Kjellberg and Mr. Stewart were.

12 Q. Okay. And that's something that was done after the
13 fact? It's not the physical camera itself that zoomed
14 in, did it?

15 A. No.

16 MR. TAHIR: Okay. The State offers 96.

17 MR. GRAY: No objection.

18 THE COURT: 96 of is admitted.

19 MR. TAHIR: May I publish -- well, before I
20 do that.

21 BY MR. TAHIR

22 Q. Sergeant DeSanto. I'm also showing you 95A, do you
23 recognize this?

24 A. I do.

25 Q. What is that?

1 A. It's a transcript.

2 Q. Is this a transcript of time the period on Exhibit 95,
3 19:46:15 through 19:51:05?

4 A. Yes.

5 Q. And you reviewed it for accuracy and you agree that
6 this is a fair transcription of the audio that can be
7 heard in the video; is that correct?

8 A. Yes.

9 MR. TAHIR: State offers 95A as a court
10 exhibit.

11 MR. GRAY: No objection.

12 THE COURT: Exhibit 95 is admitted.

13 MR. TAHIR: May I publish Exhibit 95, Your
14 Honor?

15 THE COURT: Yes, you may. And which one is
16 not going to have the transcript?

17 MR. TAHIR: There are portions of the video
18 that don't have a transcript. I will just mute any
19 audio that's played during that period.

20 THE COURT: Okay. And which ones -- we had
21 discussed that there are certain publications that
22 you -- will not give the jurors a transcript. Does
23 this include these?

24 MR. TAHIR: Yes.

25 THE COURT: Okay.

1 All right. So Ladies and Gentlemen, the
2 parties have agreed that they'd rather have you listen
3 closely to what's being displayed rather than to read
4 it in a transcript. So we will try to get the volume
5 just right, so it's not too loud or too weak. And
6 right now you're showing Exhibit 95; is that correct?

7 MR. TAHIR: That's correct, Your Honor. Just
8 one moment, Your Honor. I know what causes this
9 problem. I just have to fix it.

10 THE COURT: I'm glad you do because I have no
11 idea.

12 MR. GRAY: I could help out.

13 BY MR. TAHIR

14 Q. All right. Sergeant DeSanto, I've got the video of
15 Exhibit 95. There is only one file on that disc. I
16 have fast-forwarded a little bit to internal time stamp
17 19:46:14, which is depicted on the top right-hand
18 corner. Do you agree that that's what we're looking
19 at?

20 A. Yes.

21 Q. Does it have a date stamp as well?

22 A. Yes.

23 Q. And that would be December the 2nd of 2021?

24 A. Yes.

25 Q. I just want to ask you briefly about the date and time.

1 Did you cross-reference these times with times in squad
2 camera video and officer body-worn camera to see if
3 they generally match up?

4 A. Yes.

5 Q. So would it be your opinion that this -- these time
6 stamps are in fact accurate?

7 A. Yes.

8 Q. Okay. I'm going to start playback here at 19:46:14,
9 and Sergeant DeSanto, does this portion of the video
10 have audio as well?

11 A. Yes.

12 Q. And that was captured by the camera that's positioned
13 here on the garage behind 1733 Ross Avenue; is that
14 true?

15 A. Yes.

16 Q. Okay. I'm going to start playback now at 19:46:14.

17 (Exhibit 96 was played in open court.)

18 BY MR. TAHIR

19 Q. I've stopped at 19:46:34. What did we just observe,
20 Sergeant DeSanto?

21 A. A white vehicle leaving Mr. Stewart's address.

22 Q. That would be 1734 Seventh Street?

23 A. Yes.

24 Q. Okay. I'm going to resume playback at 19:46:34.

25 (Exhibit 96 was played in open court.)

1 BY MR. TAHIR

2 Q. I've stopped at 19:46:49. What did we just watch
3 Sergeant DeSanto?

4 A. We watched the white vehicle back up into the area of
5 1720 Seventh Street, Mr. Kjellberg's address.

6 Q. That's where Mr. Kjellberg resides at the old fire
7 station?

8 A. Yes.

9 Q. Okay. I am resuming playback at 19:46:49. Stopped at
10 19:47:15. What did we just observe?

11 A. The white vehicle backing up more by the -- on Flandrau
12 or just past Flandrau.

13 Q. It's kind of -- it's now closer to Flandrau than it is
14 to 1720?

15 A. Yes.

16 Q. Okay. And do you see a vehicle parked next to the
17 address of 1720? It's kind of in the background at the
18 top, kind of midway left to right. Do you see what I'm
19 talking about?

20 A. Yes.

21 Q. Do you see an individual standing next to that vehicle
22 as well?

23 A. Yes.

24 Q. There's another vehicle in front of it, closer to the
25 foreground of this still frame. That's an unrelated

1 vehicle; is that correct?

2 A. Yes.

3 Q. And between the vehicle in the background where that
4 individual is standing and the vehicle in the
5 foreground there's another driveway that leads to kind
6 of a parking area next 1720 Seventh Street; is that
7 true?

8 A. Yes?

9 Q. I'm going to resume at 19:47:15. I'm stopped at
10 19:47:53. What did we just see, Sergeant DeSanto?

11 A. Mr. Stewart.

12 Q. Is Mr. Stewart running south on the driveway into the
13 alley?

14 A. Yes.

15 MR. TAHIR: And, Your Honor, for this portion
16 could I ask the volume to be turned all the way up?

17 THE COURT: All the way?

18 MR. TAHIR: Well, I mean, yes.

19 THE COURT: Okay. Well, let's get it there.
20 It's pretty loud.

21 MR. TAHIR: Okay. I will resume playback at
22 19:47:53. I've stopped at 19:48:38. Sergeant DeSanto,
23 are you able to see an individual still stationed by
24 the vehicle next to 1720 Seventh Street?

25 A. Yes.

1 Q. Okay. Resuming. And I stopped at 19:48:40. Do you
2 see an individual walking south kind of at the end of
3 the alley near Flandrau Street?

4 A. Yes.

5 Q. And he's walking towards the white car that's parked
6 there that we saw earlier?

7 A. Yes.

8 Q. All right. I'm resuming at 19:48:40. I've stopped at
9 19:50:00. Who was that individual that's running east
10 on -- in the alleyway?

11 A. Mr. Stewart.

12 Q. Resuming playback at 19:50:00.

13 MR. TAHIR: And I'm going to mute the rest of
14 the video, Your Honor, since the rest of it is not
15 transcribed.

16 THE COURT: All right. All right. Go ahead.
17 It's playing now?

18 MR. TAHIR: Yes, it is.

19 THE COURT: Okay.

20 BY MR. TAHIR

21 Q. I've stopped at 19:52. I will fast-forward a little
22 bit. I'm going to fast-forward to 19:54:51. And
23 resume playback from there. Stopped at 19:55:05.
24 Sergeant DeSanto, did you see a vehicle pull into the
25 alley?

1 A. Yes.

2 Q. What type of vehicle was that?

3 A. Can you just back it up a second? Sorry.

4 Q. Yes, I'll play that portion for you again. I'm going
5 to play the portion for you starting at 19:54:46,
6 stopped at 19:54:53. What type of vehicle is that
7 that's pulling into the alleyway?

8 A. A tow truck.

9 Q. Okay. All right.

10 MR. TAHIR: Permission to publish Exhibit 96,
11 Your Honor?

12 THE COURT: Go ahead. And that's the zoomed
13 version?

14 MR. TAHIR: That's correct, Your Honor.

15 THE COURT: Was it loud enough for you?

16 MR. TAHIR: Yes.

17 THE COURT: Okay.

18 MR. TAHIR: Thank you.

19 BY MR. TAHIR

20 Q. And I'm now publishing Exhibit 96, Sergeant DeSanto.

21 This is the same video. Just momentarily we'll see the
22 cam -- well not the camera itself, but the video zoomed
23 forward; is that true?

24 A. Yes.

25 Q. Okay. I'm going to start playback at 19:47:16. And I

1 stopped at 19:49:35, and the remainder of the video, is
2 it identical to what we just watched in Exhibit 95?

3 A. Yes.

4 MR. TAHIR: And, Your Honor, for the record
5 the transcript 95A is also a transcription of the audio
6 portion in 96.

7 THE COURT: Okay.

8 MR. TAHIR: It's just -- they're the same
9 video, just one zoomed in.

10 THE COURT: All right. Thank you.

11 BY MR. TAHIR

12 Q. Okay. Sergeant DeSanto, next I'm going to turn to the
13 interviews that we sort of touched on earlier. The
14 Defendant, was he arrested that night and brought to
15 the St. Paul Police Department headquarters for further
16 questioning?

17 A. Yes.

18 Q. And was it Sergeant Daniel Zebro who conducted that
19 questioning?

20 A. Yes.

21 Q. How does that process work? Where does the -- where do
22 those interviews take place?

23 A. They take place in our second-floor robbery homicide
24 unit in the interview room.

25 Q. And these interview rooms, could you just describe kind

1 of generally what they look like?

2 A. Yeah. They are -- yes -- we have a small table and
3 then there is a chair on one side of the table. And
4 then usually two chairs on the other side of the table.
5 It's a small room.

6 Q. Do you have any video and audio recording equipment
7 placed in that room?

8 A. Yes. Both video and audio.

9 Q. And is it hidden, or is it capable of being seen by
10 people that are inside the room?

11 A. The camera is in our clock in the room, so you can't
12 see it.

13 Q. Okay. So that clock just looks like an ordinary clock?

14 A. Yes.

15 Q. But it actually has a video camera inside of it?

16 A. Yes.

17 Q. Okay. Do you know whether or not that camera was
18 functioning when Sergeant Zebro interviewed the
19 Defendant?

20 A. Yes.

21 Q. And it captured the entirety of that interview?

22 A. Yes.

23 Q. And you've reviewed that, and it fairly and accurately
24 depicts the recording that you saved on your secure
25 system?

1 A. Yes.

2 MR. TAHIR: Your Honor, the State offers
3 Exhibit 93 into evidence, and 93A; I believe the
4 parties stipulate to foundation and authenticity.

5 MR. GRAY: No objection, Your Honor.

6 THE COURT: Those are admitted.

7 MR. TAHIR: And may I publish Exhibit 93,
8 Your Honor? And I have a stack of transcripts.

9 THE COURT: Let's hand out the transcripts.
10 I understand this is over an hour long?

11 MR. TAHIR: It's about an hour.

12 THE COURT: It's about an hour. I just
13 wanted to warn the jury.

14 Ladies and Gentlemen, again, the transcript
15 is provided to you as a guide. If you hear something
16 different on the video than is on the transcript, what
17 you hear is to control, all right? Thank you.

18 BY MR. TAHIR

19 Q. And before I play this, Sergeant DeSanto a question for
20 you: On the top left-hand side appears to be some
21 writing. What's that?

22 A. I can't see that far.

23 Q. Well, would you agree --

24 A. -- it would be the time stamp.

25 Q. -- That's --

1 A. The date and the time stamp. Sorry, I just can't see
2 that far.

3 Q. No, that's all right. It says 23:11:56; is that
4 accurate?

5 A. Yes.

6 Q. Okay. And that would be the time that this interview
7 started? This is where the recording started; is that
8 true?

9 A. Yes.

10 Q. December 2nd of 2021?

11 A. Yes.

12 MR. TAHIR: All right. I'm going to play the
13 video from the beginning. It's the only file that's on
14 Exhibit 96.

15 (Exhibit 96 was played in open court.)

16 THE COURT: Ladies and Gentlemen, please hand
17 the transcripts down to your left.

18 Go ahead, Mr. Tahir.

19 MR. TAHIR: Thank you, Your Honor.

20 BY MR. TAHIR

21 Q. Sergeant DeSanto, about 12:30 a.m., in that video that
22 we just watched, do you recall an officer came in and
23 took some photos of the Defendant?

24 A. Yes.

25 Q. And you reviewed them prior to coming into court today?

1 A. Yes.

2 MR. TAHIR: May I approach the witness, Your
3 Honor?

4 THE COURT: Yes, you may.

5 BY MR. TAHIR

6 Q. Showing you 84 through 92, are these the photos that
7 were taken of Mr. Kjellberg at approximately 12:30 a.m.
8 December the 3rd of 2021 in the interview room at the
9 St. Paul Police Department?

10 A. Yes.

11 MR. TAHIR: State offers 84 through 92.

12 MR. GRAY: I have no objection.

13 THE COURT: Those are admitted.

14 MR. TAHIR: May I publish?

15 THE COURT: Yes, you may.

16 BY MR. TAHIR

17 Q. Sergeant DeSanto, we're looking at Exhibit 84. Is that
18 the Defendant, Mr. Kjellberg?

19 A. Yes.

20 Q. We're now looking at Exhibit 85. Is that
21 Mr. Kjellberg?

22 A. Yes.

23 Q. Is this a photo of his head and upper body?

24 A. Yes.

25 Q. Okay. Exhibit 86, is this a photo of the left side of

1 Mr. Kjellberg's face?

2 A. Yes.

3 Q. Exhibit 87, is this another photo of the left side of
4 Mr. Kjellberg's face?

5 A. Yes.

6 Q. Exhibit 88, is this a photo of Mr. Kjellberg pointing
7 to an area on his face?

8 A. Yes.

9 Q. And is this Exhibit 89. Are we looking at the right
10 side of Mr. Kjellberg's face?

11 A. Yes.

12 Q. And again, Exhibit 90, do we see Mr. Kjellberg in this
13 photo pointing towards his chin?

14 A. Yes.

15 Q. Exhibit 91, is this a photo of Mr. Kjellberg's hand?

16 A. Yes.

17 Q. Palm facing down?

18 A. Yes.

19 Q. And Exhibit 92, is this a photo of Mr. Kjellberg's
20 hands, palms facing up?

21 A. Yes.

22 Q. All right.

23 MR. TAHIR: Thank you. I have no further
24 questions.

25 THE COURT: Any cross?

1 MR. GRAY: Yes, Your Honor. Keep going?

2 THE COURT: How long are you going to be?

3 MR. GRAY: Well, I'm not quite sure. It will
4 be a little bit.

5 THE COURT: Okay. Why don't we break then.
6 This might be a good time to break and get folks home.

7 All right. Ladies and Gentlemen, we're going
8 to break and recess for the evening. Please do not
9 discuss the case amongst yourselves or with anyone
10 else. Do don't do any research on the case. Make sure
11 what you come back in the building your juror badges
12 are on, and leave your notepads face down when you
13 leave. Same time -- if you can be here at 8:45, that
14 would be much appreciated.

15 All right. All rise. The jury is excused.
16 (The jurors exited the courtroom.)

17 THE COURT: You may be seated. Anything
18 before we recess for the evening?

19 MR. TAHIR: Nothing from the State.

20 MR. GRAY: I have nothing from me.

21 THE COURT: All right. And Sergeant DeSanto,
22 I will remind you not to discuss your testimony with
23 anyone.

24 THE WITNESS: Okay.

25 THE COURT: All right?

1 THE WITNESS: Yes, Your Honor.

2 THE COURT: Thank you. We're in recess.

3 MR. GRAY: And she's coming back tomorrow
4 morning?

5 THE COURT: It's tomorrow morning --

6 THE WITNESS: I'll be there.

7 THE COURT: -- right here. 8:45.

8 (The proceedings concluded at 4:46 p.m.)

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MINNESOTA
JUDICIAL
BRANCH

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

I, Colleen Maloney, an official court reporter for the Second Judicial District, in and for the County of Ramsey, State of Minnesota, do hereby certify that the foregoing pages are a true and accurate transcript of my original stenograph notes which were transcribed into writing by computer-aided transcription, taken relative in the aforementioned matter on March 29, 2023, in the City of St. Paul, County of Ramsey, and State of Minnesota before the Honorable Leonardo Castro.

Signed this 7th day of October, 2023.

s:/ Colleen Maloney

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