

1 STATE OF MINNESOTA

DISTRICT COURT

2 COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

3 -----

4 STATE OF MINNESOTA,

5 Plaintiff,

6 vs.

TRANSCRIPT OF PROCEEDINGS

7 TAMIKA SUTTLES and DANIEL DRLJIC,

8 Defendants.

9 -----

10 DISTRICT COURT FILES: 62-CR-10-1465 and 62-CR-10-1464

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12 The above-entitled matter came on for jury trial before
13 the HONORABLE GAIL CHANG BOHR, one of the judges of the
14 above-named court, on the 23rd day of November, 2010, in the
15 Ramsey County Courthouse, St. Paul, Minnesota.

16 * * *

17 APPEARANCES

18 ELIZABETH LAMIN, of the RAMSEY COUNTY ATTORNEY'S
19 OFFICE, 50 West Kellogg Boulevard, Suite 315, St. Paul,
20 Minnesota 55102, appeared representing the Plaintiff.

21 JILL CLARK, of the LAW OFFICE OF JILL CLARK, P.A., 2005
22 Aquila Avenue North, Golden Valley, Minnesota 55427,
23 appeared representing the Defendants.

24

25 (Whereupon, the following proceedings were duly had.)

1 THE COURT: Let me just summarize this, if I
2 may, Ms. Lamin? Ms. Lamin has run a criminal
3 background check on all of the jurors.

4 MS. LAMIN: Not all the jurors, just some
5 jurors that either came up -- came up in that list
6 or --

7 THE COURT: Oh, there was a previous list?

8 MS. LAMIN: Yes, Your Honor, I'm sorry, the
9 State does get a list of possible jurors.

10 THE COURT: Oh, okay.

11 MS. LAMIN: And this list is not all
12 inclusive.

13 THE COURT: Okay.

14 MS. LAMIN: It excludes many people and it's
15 overinclusive.

16 THE COURT: Okay.

17 MS. LAMIN: And so some of the people when
18 they spoke about having been accused of a crime or
19 arrested for a crime didn't necessarily mention
20 things that were on there, and so that list is
21 fairly inaccurate. So this morning we ran some
22 criminal history checks -- actual criminal
23 histories on some of the people based on what they
24 said, and I have copies of those now to share with
25 everyone.

1 THE COURT: All right.

2 MS. CLARK: I'd like -- sorry.

3 THE COURT: Those names are Michael Vang --
4 do you want to give us the names?

5 MS. LAMIN: Yes, Michael Vang, Brandon
6 Biljan, Anthony Cook, Amanda Puariea, P-A--
7 P-U-A-R-I-E-A. There was someone else, but he's
8 still in the galley. His name is Marshall Harris.
9 I ran him because --

10 MS. CLARK: He had his hand up anyway.

11 MS. LAMIN: A lot.

12 THE COURT: His hand went up quite a bit.

13 MS. LAMIN: Exactly.

14 THE COURT: Yes.

15 MS. CLARK: Yes, so he was forthcoming.

16 THE COURT: And he probably would have said
17 more if we had actually asked him.

18 MS. CLARK: And I'd just like to make a brief
19 record. I have in my hand now, passed to me by
20 the prosecutor, a list that says, jurors summoned
21 week 11/22/10, and the date of it is 10/14/2010 --
22 the date of the printout. So it appears -- and
23 then it's stamped Ramsey County Sheriff's
24 Department, October 26, 2010, Criminal History
25 Unit. It appears that somehow the prosecutors are

1 getting long ahead of time lists of potential
2 jurors, jurors who've been summoned. And so I
3 know from talking off the record this morning that
4 Your Honor is not aware of who actually produces
5 the list, but I want to try to find out this week
6 while we're here and ask for a copy, and if I'm
7 not given a copy, then I will be making an
8 objection if the prosecution has superior access
9 to information than we do.

10 I'm also -- that's enough for now. I have
11 some other records that we've agreed, Your Honor,
12 we can make later.

13 THE COURT: All right. So --

14 MS. LAMIN: And, Your Honor, my only request
15 is to talk to these people individually at this
16 point.

17 THE COURT: Right, you're not asking for
18 anybody to be off?

19 MS. LAMIN: No.

20 THE COURT: And, frankly, that's going to be
21 my decision, right?

22 Okay. So why don't we start? Hannah, we'll
23 need to just call -- are they back there?

24 THE CLERK: I just got notification I can get
25 the additional ten.

1 THE COURT: Uh-huh.

2 THE CLERK: And I also need to tell you that
3 I'm missing one juror and the jury office doesn't
4 know where he is, either.

5 THE COURT: I'm sorry?

6 THE CLERK: The jury office also does not
7 know where he is.

8 THE COURT: Okay. And who are we missing?

9 THE CLERK: Anthony Cook.

10 THE COURT: Okay. So do we have any of the
11 jurors up here right now?

12 THE CLERK: We have everyone from yesterday,
13 except for Mr. Cook.

14 THE COURT: Okay. So here's what we'll do:
15 We just need to speak with Michael Vang, Brandon
16 Biljan, and Amanda Puariea, but individually, so
17 if we can pull them out and just have them come in
18 individually. So probably start with Michael
19 Vang, and then you'll need to go down and get
20 those ten.

21 THE CLERK: Okay.

22 THE COURT: Okay. And then when you come
23 back, then we'll need to get Brandon Biljan.

24 THE CLERK: Who was the third one? I'm
25 sorry.

1 THE COURT: Amanda Puariea. Do you have the
2 seating chart?

3 THE CLERK: I do. Yes, I do.

4 THE COURT: Okay.

5 THE CLERK: So you'd like me to go get
6 Mr. Vang?

7 THE COURT: Yes. And then I don't know how
8 the jury office wants to deal with Mr. Cook, but
9 we probably can put somebody else in. Is that --

10 MS. CLARK: It's also possible he'll be here
11 by the time we get done with the individual voir
12 dires and that he's just late.

13 THE COURT: We may need to pull somebody else
14 in.

15 MS. CLARK: Sure.

16 THE CLERK: They said it was up to you.

17 MS. CLARK: I don't have a Vang.

18 MS. LAMIN: He's behind Amanda Puariea.

19 THE COURT: Right now, we'll start with
20 Michael Vang and Biljan and Amanda. And then if
21 he shows up, we need to talk to him, but he should
22 be here by now.

23 Okay. Bring Mr. Vang in.

24 (Whereupon, whereupon, after a brief
25 off-the-record discussion, the clerk escorted

1 Mr. Vang into the courtroom.)

2 THE COURT: Good morning, Mr. Vang. Do you
3 want to have a seat right there (indicating)?

4 PROSPECTIVE JUROR VANG: All right.

5 THE COURT: Thank you. We just wanted to
6 follow up on your questioning from yesterday.

7 PROSPECTIVE JUROR VANG: Okay, uh-huh.

8 THE COURT: And I believe when I asked the
9 question, if you could be fair and impartial, you
10 said that you thought that would be a little hard.

11 PROSPECTIVE JUROR VANG: Uh-huh.

12 THE COURT: Am I correct? I'm paraphrasing,
13 so I don't want to put words in your mouth. Do
14 you remember what you said?

15 PROSPECTIVE JUROR VANG: Yeah, I do.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR VANG: I'm just saying, you
18 know, I might not be the right juror because I've
19 been through this situation before --

20 THE COURT: Uh-huh.

21 PROSPECTIVE JUROR VANG: -- and I see how it
22 is. I just want to -- you know, I don't -- I
23 don't think I should be a juror because I wouldn't
24 be fair. You know, I will be biased.

25 THE COURT: You think you won't be fair --

1 PROSPECTIVE JUROR VANG: Yeah.

2 THE COURT: -- or that you know you won't be
3 fair?

4 PROSPECTIVE JUROR VANG: I -- I kind of know
5 that, too, because I've been -- this is what I've
6 been through before.

7 THE COURT: On the other side, is what you
8 are saying --

9 PROSPECTIVE JUROR VANG: Yeah, yeah.

10 THE COURT: -- as the defense?

11 PROSPECTIVE JUROR VANG: Uh-huh.

12 THE COURT: In that situation?

13 PROSPECTIVE JUROR VANG: Yeah, and that's the
14 only reason -- that's the only reason why, because
15 I've been there.

16 THE COURT: You didn't think you had a fair
17 trial; is that what you're saying?

18 PROSPECTIVE JUROR VANG: I didn't -- it's not
19 a fair trial. I just pled guilty because I was
20 sent to jail, pay about \$5,000 restitution --
21 five, six years probation. And all of that stuff
22 haunted me, and I'm just kind of like, hey, I
23 don't want anybody to go through that stuff, you
24 know.

25 THE COURT: I'm sorry, what? You don't want

1 what?

2 PROSPECTIVE JUROR VANG: I just don't want to
3 see anybody go through that stuff, the same way I
4 went through, and like sit in jail.

5 THE COURT: Okay. But who's anybody?

6 PROSPECTIVE JUROR VANG: Well, I'm just
7 saying -- you want me to judge people, but I
8 can't. I really, you know, can't do that. I
9 can't send anybody -- I don't know.

10 THE COURT: So you think you would have a
11 tendency to favor one side --

12 PROSPECTIVE JUROR VANG: Yes.

13 THE COURT: -- over the other; is that what
14 you're saying?

15 PROSPECTIVE JUROR VANG: Yes, that, too.
16 Yes.

17 THE COURT: Tell me more about that.

18 PROSPECTIVE JUROR VANG: Like why do I favor
19 one side over the other side?

20 THE COURT: What would go into that
21 assessment?

22 PROSPECTIVE JUROR VANG: Well, I grew up and
23 I was with a background growing up with nothing,
24 you know.

25 THE COURT: That's your situation?

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PROSPECTIVE JUROR VANG: Yeah, that's my situation.

THE COURT: I'm trying to get at more on another level.

PROSPECTIVE JUROR VANG: Yeah, I understand that.

THE COURT: If you're able to extract from that experience --

PROSPECTIVE JUROR VANG: Uh-huh.

THE COURT: -- what is it that would make you be more one-sided than the other?

PROSPECTIVE JUROR VANG: Well, I see myself in that position, you know.

THE COURT: Okay.

PROSPECTIVE JUROR VANG: I see myself in that position, and I can't -- you know, I'm not going to judge other people. That's not what I do, you know.

THE COURT: Uh-huh.

PROSPECTIVE JUROR VANG: I paid my dues, I did my time.

THE COURT: You understand that --

PROSPECTIVE JUROR VANG: Uh-huh.

THE COURT: -- there is going to be evidence that comes in?

1 PROSPECTIVE JUROR VANG: Uh-huh.

2 THE COURT: And you have to make an
3 assessment about that evidence?

4 PROSPECTIVE JUROR VANG: Uh-huh.

5 THE COURT: That's an instruction that you
6 get?

7 PROSPECTIVE JUROR VANG: Yeah, I understand
8 that, too, but deep in my heart, as the person I
9 am, I cannot send anybody -- I cannot sentence
10 anybody or do anything to anybody. That's not who
11 I am, so, you know.

12 THE COURT: Now, you realize --

13 PROSPECTIVE JUROR VANG: I know I'm under
14 oath and I'm telling the truth. That's who I am.

15 THE COURT: Oh, that's fine, but you
16 understand --

17 PROSPECTIVE JUROR VANG: Uh-huh.

18 THE COURT: -- that some people might think
19 that you would make a very good juror --

20 PROSPECTIVE JUROR VANG: Uh-huh.

21 THE COURT: -- because you might favor the
22 idea of having, you know, your own personal
23 experiences coming in?

24 PROSPECTIVE JUROR VANG: I understand that.

25 THE COURT: So how would you answer those

1 kinds of questions?

2 PROSPECTIVE JUROR VANG: Well, myself, I
3 never went to trial, you know.

4 THE COURT: What?

5 PROSPECTIVE JUROR VANG: I said, myself, I
6 never went to trial.

7 THE COURT: You didn't go to trial?

8 PROSPECTIVE JUROR VANG: Yeah, I just pled
9 guilty.

10 THE COURT: Yes.

11 PROSPECTIVE JUROR VANG: I did the crime, I
12 just pled guilty, and then I did my time --

13 THE COURT: Yes.

14 PROSPECTIVE JUROR VANG: -- paid my
15 restitution, you know. That's who I am. I'm --
16 you know.

17 THE COURT: Okay. All right.

18 MS. CLARK: I'd like to ask some questions.

19 PROSPECTIVE JUROR VANG: Sure.

20 THE COURT: Okay. You may.

21 VOIR DIRE

22 BY MS. CLARK:

23 Q Mr. Vang, we realize everyone comes to the jury with
24 life experiences?

25 A Yeah.

1 Q We don't want a jury that's completely devoid of anyone
2 who has any experience with the criminal justice
3 system?

4 A Uh-huh, I understand --

5 Q We want all --

6 A -- that.

7 Q -- all different shapes and sizes of people, right?

8 A Uh-huh, yes.

9 Q Can you listen?

10 A Pardon?

11 Q Do you know how to listen well?

12 A I can listen well --

13 Q Okay.

14 A -- okay.

15 Q If you'll just answer my questions?

16 A Okay.

17 Q Are you able to --

18 MS. LAMIN: Your Honor, may we approach? He
19 should be allowed to fully answer the question.

20 MS. CLARK: I should be allowed to voir dire
21 him without interruption.

22 MS. LAMIN: Without leading questions, Your
23 Honor. He's expressing --

24 THE COURT: All right. And you're not on
25 trial at all, Mr. Vang.

1 PROSPECTIVE JUROR VANG: No, I'm not on
2 trial, I understand.

3 THE COURT: We just want to make sure that
4 we're --

5 PROSPECTIVE JUROR VANG: No, I just want to
6 tell the truth because that's the way I am.

7 THE COURT: Okay. Well, let's continue. And
8 then, you know, allow the answer, okay? We'll
9 allow the answer regardless of what it is.

10 Q (By Ms. Clark, continuing) Can you listen to my
11 question?

12 A Yes.

13 Q Okay. And just can you -- for this portion, can you
14 try to work hard to answer my questions?

15 A Sure.

16 Q Are you able to listen to the evidence?

17 A Yes.

18 Q Are you able to listen to witnesses talk and decide if
19 you think they're telling the truth?

20 A Yes.

21 Q Are you able to apply the law that the Judge gives you?

22 A Yes.

23 Q At the end of the trial, the Judge will describe what
24 the law is that applies to the case?

25 A Uh-huh.

1 Q Will you listen carefully to that and can you apply
2 that?

3 A No.

4 Q Why?

5 A Because I have my own ideas. I grew up in a different
6 culture and this is not what we do in our culture, you
7 know.

8 Q Are you trying to get off this jury?

9 A I'm not trying to get off. I'm willing to transfer to
10 a different case, but not a criminal case, you know. I
11 don't like -- the more I say, I just get in trouble,
12 but I'd like to be transferred to a different case.

13 MS. LAMIN: Your Honor, I ask that Mr. Vang
14 be struck for cause. He's repeatedly said he
15 can't be fair.

16 THE COURT: I'm going to let you go,
17 Mr. Vang.

18 PROSPECTIVE JUROR VANG: Okay.

19 THE COURT: All right. Mr. Vang, you need to
20 go back downstairs.

21 PROSPECTIVE JUROR VANG: Yes, I will.

22 THE COURT: Okay.

23 (Whereupon, after a brief off-the-record
24 discussion, the court reporter left the courtroom
25 briefly and returned with Prospective Juror

1 Brandon J. Biljan.)

2 THE COURT: Good morning, Mr. Biljan. Thanks
3 for coming in. We just wanted to follow up on
4 some of the questions from yesterday.

5 PROSPECTIVE JUROR BILJAN: Okay.

6 THE COURT: And you had raised your hand, I
7 believe, when we asked if you had been -- ever
8 committed a crime or been a victim of a crime. Am
9 I recollecting this correctly?

10 PROSPECTIVE JUROR BILJAN: Yes.

11 THE COURT: Okay. And can you expand on that
12 again, please?

13 PROSPECTIVE JUROR BILJAN: Yeah. I'd say I
14 actually haven't been convicted or anything. I'm
15 pleading not guilty in a fifth degree domestic
16 case.

17 THE COURT: Okay. And that's an ongoing
18 situation?

19 PROSPECTIVE JUROR BILJAN: Yes.

20 THE COURT: And that might have been part of
21 that question. Did I ask about this in the past
22 tense, also? Were you ever convicted of a crime?

23 PROSPECTIVE JUROR BILJAN: Did I raise my
24 hand then?

25 THE COURT: I can't recall, but do you

1 remember? Do you remember if you did?

2 PROSPECTIVE JUROR BILJAN: No, I didn't.

3 THE COURT: You had not?

4 PROSPECTIVE JUROR BILJAN: No.

5 THE COURT: Okay. Well, we may have
6 information, Mr. Biljan --

7 MS. LAMIN: Your Honor, may we approach?

8 THE COURT: Yes.

9 (Whereupon, a brief off-the-record discussion
10 was held.)

11 THE COURT: All right. Well, I'm going to
12 turn it over. The defense attorney may proceed.

13 PROSPECTIVE JUROR BILJAN: Okay.

14 VOIR DIRE

15 BY MS. CLARK:

16 Q You just have the one case and it sounds like you're
17 pleading not guilty. It's in progress?

18 A Yes.

19 MS. CLARK: I don't have any further
20 questions.

21 THE COURT: Okay.

22 MS. CLARK: I mean, for this portion, for
23 this segment.

24 THE COURT: Right, right, right.

25 VOIR DIRE

1 BY MS. LAMIN:

2 Q Good morning, Mr. Biljan.

3 A Good morning.

4 Q So is this case here, in Ramsey County?

5 A Yes.

6 Q And do you know if it's the City Attorney or if it's
7 the County Attorney? Do you know?

8 A Well, I just -- I know that the State picked up the
9 case --

10 Q Okay.

11 A -- because it's a case against my son's mother and she
12 decided not -- or she doesn't even really want to
13 proceed -- or she didn't really want to proceed through
14 the case, I guess, or so the public defender told me,
15 so.

16 Q Can you tell us a little bit about what happened?

17 A Yeah. Basically, the morning of -- I think it was
18 October 15 or whatever, we were supposed to go look at
19 a place to live, an apartment to live in together, and
20 she had --

21 MS. CLARK: Your Honor, this juror has Fifth
22 Amendment rights. I very much just object to the
23 process. I mean, I think that we've cleared up
24 the issue the prosecutor said they wanted to clear
25 up and now we're --

1 THE COURT: I think he can answer this
2 question. It's okay. Go ahead.

3 PROSPECTIVE JUROR BILJAN: Okay. We were
4 supposed to go look at an apartment together. One
5 of her friends had called and asked if she could
6 give her son a ride to school because she'd missed
7 -- or he'd missed the bus. And so before she left
8 she asked me if I could lay out some clothes for
9 her so she could be ready to go see the apartment,
10 and I was -- after she had left, I laid my son
11 down for a nap. And when I was laying him down, I
12 laid down with him because he just falls asleep
13 easier, and I had fell -- and I had fallen asleep
14 with him so I never laid the clothes out for him.
15 When she came back, she was up in arms and
16 basically pissed off that I hadn't done that and
17 started yelling at me and saying that I was lazy
18 and never did anything. And I told her that,
19 well, since I never do anything, then I'm not
20 going to go look at the apartment with you, and
21 then that's when she got really pissed off and
22 came at me and tried to hit me in the face. And I
23 had grabbed her arms and then just kind of put her
24 arms down and wrestled her to the ground so I
25 could walk away. That's when she called the cops.

1 talking about the court process piece of it so
2 far. Have things been moving or are you just
3 waiting at this point?

4 PROSPECTIVE JUROR BILJAN: Well, yeah, I went
5 to -- let's see here. It was November 15, I
6 believe, that I went to the pretrial, okay --

7 THE COURT: Okay.

8 PROSPECTIVE JUROR BILJAN: -- and I pled not
9 guilty in the pretrial and then they set a court
10 date for December 13.

11 THE COURT: Okay. So you have a trial coming
12 up?

13 PROSPECTIVE JUROR BILJAN: Yes.

14 THE COURT: How do you think -- so, so far --
15 I mean, you know, everything is happening all at
16 the same time?

17 PROSPECTIVE JUROR BILJAN: Yes.

18 THE COURT: How is that for you?

19 PROSPECTIVE JUROR BILJAN: I'm just kind of
20 handling it as it goes. I mean, it's -- I'm
21 currently not working right now.

22 THE COURT: Oh, okay.

23 PROSPECTIVE JUROR BILJAN: So I'm just
24 collecting Unemployment.

25 THE COURT: So if you're sitting there and

1 you're watching this trial, are you thinking ahead
2 about your trial?

3 PROSPECTIVE JUROR BILJAN: Not really, not at
4 the moment. I'm just kind of -- this is the first
5 time I've ever done this, so I'm kind of, you
6 know, paying attention, and I just want to be able
7 to try and do everything right.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR BILJAN: So it's not really
10 -- I mean, it's always something that's in the
11 back of my mind --

12 THE COURT: Uh-huh.

13 PROSPECTIVE JUROR BILJAN: -- but it's not --
14 you know, it's not something that's obstructing
15 what goes on right now, so.

16 THE COURT: Okay. So you're able to follow
17 what's going on?

18 PROSPECTIVE JUROR BILJAN: Yes.

19 THE COURT: You're able to actually listen to
20 what's going on?

21 PROSPECTIVE JUROR BILJAN: Yes.

22 THE COURT: And just keep an open mind about
23 things?

24 PROSPECTIVE JUROR BILJAN: Yes.

25 THE COURT: Is it hard to do that?

1 PROSPECTIVE JUROR BILJAN: Not -- not really.
2 Like I said -- I mean, I don't -- there's -- there
3 wasn't any unnecessary roughness like between the
4 police or anything like that. I don't feel -- I
5 mean, I feel like the system is kind of unfair as
6 in they didn't -- there was no witnesses as to
7 what happened and I still went -- you know, they
8 still took me to jail and are trying to prosecute
9 me, but I mean, there's -- you know, I guess it's
10 the law, and there's nothing I can do about that.
11 There's -- I feel confident that I'll be able to
12 win my case, so.

13 THE COURT: Okay. And do you think, sort of,
14 you could put your situation aside, follow what's
15 going on here, keep an open mind --

16 PROSPECTIVE JUROR BILJAN: Uh-huh.

17 THE COURT: -- and apply the law as I give it
18 to you?

19 PROSPECTIVE JUROR BILJAN: Yes.

20 THE COURT: Even if you think it's not right?

21 PROSPECTIVE JUROR BILJAN: Well, that's one
22 of the things that I understood that you said
23 yesterday, that --

24 THE COURT: Right.

25 PROSPECTIVE JUROR BILJAN: -- it doesn't

1 matter what I think. You know, I should be able
2 to make a decision on the evidence that's given in
3 the courtroom and as you give it --

4 THE COURT: Right.

5 PROSPECTIVE JUROR BILJAN: -- or as you tell
6 it in the courtroom, so.

7 THE COURT: All right. And so do you believe
8 you could be fair and impartial in this case?

9 PROSPECTIVE JUROR BILJAN: I believe so.

10 THE COURT: Okay. And you understand that
11 that goes both to everybody in the courtroom,
12 right?

13 PROSPECTIVE JUROR BILJAN: Yes, ma'am.

14 THE COURT: Fair and impartial is for
15 everybody?

16 PROSPECTIVE JUROR BILJAN: Yes, ma'am.

17 THE COURT: Okay. So the State also needs
18 fair and impartial and the defense needs fair and
19 impartial, right?

20 PROSPECTIVE JUROR BILJAN: Yes, ma'am.

21 THE COURT: Okay. Fair and impartial is fair
22 and impartial?

23 PROSPECTIVE JUROR BILJAN: Right.

24 THE COURT: Okay. Any other questions?

25 MS. CLARK: No.

1 MS. LAMIN: If I can ask a couple more?

2 THE COURT: Yes.

3 Q (By Ms. Lamin, continuing) You said that in your
4 particular situation you think the system is being
5 unfair?

6 A Correct.

7 Q Do you feel like you can put aside your personal
8 feelings in terms of the system, even while you're in
9 the middle of the system?

10 A I believe so. I think -- you know, like I said, I
11 think -- I mean, it's always something that's at the
12 back of my mind. But like I said, as far as whatever
13 goes on in here, I understand that no matter what I
14 feel it doesn't -- you know, it has to be just left
15 behind and just -- I have to pay attention to what goes
16 on here and make a decision on the facts or on what's
17 brought into evidence in the courtroom and what the law
18 states.

19 Q And if you feel that the State has proved its case
20 beyond a reasonable doubt, could you find the
21 defendants guilty?

22 MS. CLARK: Objection to the extent it seeks
23 a pledge.

24 THE COURT: I'm not going to allow that
25 question.

1 Q (By Ms. Lamin, continuing) Well, it would go both ways.
2 If the State didn't, could you find the defendants not
3 guilty?

4 MS. CLARK: Objection to the extent it seeks
5 a pledge.

6 THE COURT: I think the question should be
7 placed more in terms of whether or not the
8 decision could be fair and impartial.

9 Q (By Ms. Lamin, continuing) Do you feel that the system
10 could be fair to someone else, even though it's not
11 being fair to you?

12 A I believe in -- I guess I would have to say in -- like
13 in a certain situation other than -- I mean, I can't
14 really say because I've never -- I don't have a
15 criminal history, so I don't -- you know, I don't --
16 it's not like -- I don't know how they would treat me
17 if I did this and how they would treat me if I did such
18 other crimes. I know that I just feel like I was
19 treated unfairly because of just the way the law is
20 with that particular incident. But as far as anything
21 else goes, I believe that, you know, our system is
22 fair, as far as I know.

23 MS. LAMIN: Your Honor, no further questions.

24 THE COURT: All right. Anything further?

25 MS. CLARK: (Shaking head.)

1 THE COURT: All right. Mr. Biljan, thanks
2 for coming in and -- what book are you reading?

3 PROSPECTIVE JUROR BILJAN: It's called
4 Subterranean Twin Cities. It's a book about a guy
5 that explored some of the caves along the
6 Mississippi River in Minneapolis.

7 THE COURT: Interesting. Thank you.

8 PROSPECTIVE JUROR BILJAN: Yup, thank you.

9 THE COURT: All right. Hannah, can you take
10 him back and bring in Amanda Puariea, please?

11 (Whereupon, the clerk left the courtroom
12 briefly and returned with Prospective Juror Amanda
13 Puariea.)

14 MS. CLARK: Your Honor, while they're getting
15 the next juror, I don't understand why this can't
16 be done in front of the other jurors. I believe
17 that this should be done in front of the other
18 jurors and that the prosecution, for reasons that
19 are unclear, does not want it done in front of the
20 other jurors. I'm not understanding the process
21 that we're being engaged in right now. I thought
22 the point was -- I thought the reason the
23 prosecutor wanted these solo voir dires was to
24 make allegations regarding people who hadn't been
25 truthful about their criminal history. Now it

1 seems like we're doing the voir dire of the person
2 in private, and I don't think that's appropriate.

3 Your Honor, what the prosecution is doing is
4 they're keeping from the ears of all the rest of
5 the jurors the fact that someone, you know, has a
6 case that they don't think is fair. You know, I
7 just don't think the prosecution gets to sequester
8 that type of information.

9 And then I want to add also that I think that
10 whatever this gentleman said about his pending
11 case should be sealed so that prosecutors can't
12 purchase this transcript.

13 THE COURT: Right. Okay.

14 (Whereupon, the clerk escorted Prospective
15 Juror Amanda Puariea into the courtroom.)

16 PROSPECTIVE JUROR PUARIEA: Hello.

17 THE COURT: Good morning. How are you?

18 PROSPECTIVE JUROR PUARIEA: Good. How about
19 yourself?

20 THE COURT: Good, thanks. And I'm going to
21 mispronounce your name again. It is Puariea?

22 PROSPECTIVE JUROR PUARIEA: It's Puariea.

23 THE COURT: Puariea, okay. All right.

24 Thanks for coming in, Ms. Puariea. I think
25 yesterday at different points you raised your hand

1 to some questions, and we just wanted to follow up
2 on those.

3 PROSPECTIVE JUROR PUARIEA: Okay.

4 THE COURT: I have to admit I didn't take all
5 of these notes down, but I do have that you had a
6 domestic assault in 2005?

7 PROSPECTIVE JUROR PUARIEA: Yeah, it wasn't
8 me. I was a witness, yeah.

9 THE COURT: Okay. That's right, that's
10 right. And then had you raised your hand when I
11 asked about if you had been convicted of a crime?

12 PROSPECTIVE JUROR PUARIEA: Yeah, I had a
13 DUI.

14 THE COURT: And that was how long ago, again?

15 PROSPECTIVE JUROR PUARIEA: In 2005, I
16 believe.

17 THE COURT: Okay. And that was the last --

18 PROSPECTIVE JUROR PUARIEA: Yeah, yeah.

19 THE COURT: -- of anything like that?

20 PROSPECTIVE JUROR PUARIEA: Yeah, yeah.

21 THE COURT: Okay. And how did you think the
22 system treated you?

23 PROSPECTIVE JUROR PUARIEA: Good. I was a
24 minor, so it was good.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR PUARIEA: It wasn't too
2 bad.

3 THE COURT: All right. Is there anything
4 else that I forgot to follow up on that you raised
5 your hand for yesterday --

6 PROSPECTIVE JUROR PUARIEA: Nope.

7 THE COURT: -- in terms of convictions or
8 criminal history or any of that sort?

9 PROSPECTIVE JUROR PUARIEA: No, that was it.

10 THE COURT: And you were a juvenile for --

11 PROSPECTIVE JUROR PUARIEA: Yeah -- well, no,
12 I wasn't a juvenile. I was just -- I wasn't 21
13 yet.

14 THE COURT: Okay. Okay. All right. I'm
15 going to turn it over. Do you have any questions,
16 Ms. Clark?

17 MS. CLARK: I just have one.

18 VOIR DIRE

19 BY MS. CLARK:

20 Q It sounds like you feel like you could listen to the
21 evidence and be fair to everybody?

22 A Yes.

23 MS. CLARK: I have no further questions.

24 THE COURT: Ms. Lamin.

25 VOIR DIRE

1 BY MS. LAMIN:

2 Q Ms. Puariea?

3 A Puariea.

4 Q Like the water?

5 A Yup.

6 Q Puariea?

7 A Yeah.

8 Q Sorry about that.

9 A No, that's fine. I get it all the time.

10 Q When you testified in this other case, it was a
11 criminal case?

12 A Yeah.

13 Q And you were sworn and took the witness stand?

14 A Yup.

15 Q How did you feel about the experience?

16 A Well, it was overwhelming because it was my niece that
17 I, you know, defended because I seen her -- you know,
18 she was the one that was domestically abused. I mean,
19 it was -- you know, I got -- she got justice, that's
20 all that mattered to me. You know, the truth was told.

21 Q And do you have any strong feelings about the criminal
22 justice system based on that experience?

23 A No.

24 Q Do you feel that you can be fair and impartial to both
25 sides?

1 A Yeah -- I mean, I was -- actually, her boyfriend was my
2 best friend's brother, you know, so I had a
3 relationship with both of them, but I just told the
4 truth, you know, and that's all.

5 MS. LAMIN: No further questions, Your Honor.

6 THE COURT: All right. Okay. Thank you.

7 PROSPECTIVE JUROR PUARIEA: Okay.

8 THE COURT: All right. Hannah will take you
9 back.

10 PROSPECTIVE JUROR PUARIEA: All right.

11 THE COURT: I think we may be ready for --
12 did the other person show up?

13 THE CLERK: Yes. Everybody from yesterday is
14 now here and the additional jurors are also here.

15 THE COURT: Okay. We'll have Mr. Cook come
16 in, then.

17 THE CLERK: Mr. Cook?

18 THE COURT: Yes.

19 (Whereupon, the clerk left the courtroom
20 briefly and returned with Prospective Juror
21 Anthony Cook.)

22 MS. LAMIN: Your Honor, Mr. Cook did have a
23 misdemeanor theft. It looks like it was
24 originally continued -- it's from 2008 and there
25 was a warrant issued at one point for failure to

1 appear -- I believe at one point you asked if
2 anyone had been arrested -- and the theft then was
3 continued for dismissal and then ultimately became
4 a petty misdemeanor.

5 Again, Your Honor, I believe this is just an
6 opportunity to clarify because you had asked if
7 anyone had been accused of a crime or arrested.

8 MS. CLARK: Again, defendants object to the
9 way this is being handled. Mr. Cook is
10 African-American. I'm wondering if I could make
11 my record?

12 THE COURT: No.

13 (Whereupon, the clerk escorted Prospective
14 Juror Anthony Cook into the courtroom.)

15 THE COURT: Good morning, Mr. Cook.

16 PROSPECTIVE JUROR COOK: Good morning.

17 THE COURT: How are you, sir?

18 PROSPECTIVE JUROR COOK: All right.

19 THE COURT: Okay. Thanks. It was a little
20 hard to get here this morning?

21 PROSPECTIVE JUROR COOK: Yes, ma'am.

22 THE COURT: Okay. Well, I'm glad to see you.

23 PROSPECTIVE JUROR COOK: Thank you.

24 THE COURT: So I think yesterday when I was
25 asking questions about if you had been convicted

1 of a crime or -- I'm trying to find the actual
2 words. Actually, have you been involved with the
3 City Attorney's office -- let me make sure I get
4 this right. Have you testified in court, been
5 accused of a crime, been the victim or a witness
6 of a crime --I don't recall that I asked the
7 question if you have been arrested. I don't think
8 it's in my questions.

9 MS. CLARK: I don't recall it at all.

10 THE COURT: I don't recall that question.
11 Let me just ask you, Mr. Cook, as you have been
12 sort of following this, had you raised your hand
13 for any of the questions regarding convictions or
14 anything?

15 PROSPECTIVE JUROR COOK: Well, I was trying
16 to yesterday, but everybody else, they was raising
17 their hands.

18 THE COURT: I'm sorry, say it again.

19 PROSPECTIVE JUROR COOK: I said, yesterday I
20 was trying to raise my hand, but everybody else,
21 they was raising their hands so I didn't get a
22 chance to speak.

23 THE COURT: You didn't get a chance to raise
24 your hand?

25 PROSPECTIVE JUROR COOK: Chance to speak.

1 THE COURT: Okay. All right. Well, let me
2 just say, you don't have to be shy. Just keep it
3 up there, I'll get to you, okay?

4 PROSPECTIVE JUROR COOK: Okay.

5 THE COURT: But if you need to tell me
6 something, we can also do it like this, but if you
7 don't raise your hand, I won't know, okay?

8 PROSPECTIVE JUROR COOK: Yes.

9 THE COURT: So is there anything you want to
10 follow up on from yesterday?

11 PROSPECTIVE JUROR COOK: Yes, ma'am.

12 THE COURT: Okay. Tell me what that is.

13 PROSPECTIVE JUROR COOK: I was -- well, I was
14 charged with theft, but that was like back in
15 2008 --

16 THE COURT: Uh-huh.

17 PROSPECTIVE JUROR COOK: -- for like taking
18 the table that was not by us. The police, they
19 gave me a ticket --

20 THE COURT: Uh-huh.

21 PROSPECTIVE JUROR COOK: -- but they never
22 arrested me, but I had missed my court date --

23 THE COURT: Oh, okay.

24 PROSPECTIVE JUROR COOK: -- so I had to turn
25 myself in.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR COOK: And once I got out,
3 I had to pay a fine.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR COOK: So that's the only
6 thing that I have been convicted of, but I have
7 also been in detox.

8 THE COURT: Oh, you've also been in detox?

9 PROSPECTIVE JUROR COOK: Yes, ma'am, that's
10 the only things I've been in for.

11 THE COURT: I'm sorry?

12 PROSPECTIVE JUROR COOK: I said, that's the
13 only things I have been in for, was detox and that
14 deal.

15 THE COURT: That theft charge?

16 PROSPECTIVE JUROR COOK: Yes, ma'am.

17 THE COURT: Okay. How did you think the
18 system treated you?

19 PROSPECTIVE JUROR COOK: They treated me
20 good. I think they treated me fair, you know. I
21 mean, if you break the law, you've got to pay your
22 price.

23 THE COURT: Oh, okay. Okay.

24 PROSPECTIVE JUROR COOK: They treated me
25 good.

1 THE COURT: So as you're sitting there,
2 you're able to hear and see and understand
3 everything that we've done so far; is that
4 correct?

5 PROSPECTIVE JUROR COOK: Yes, ma'am.

6 THE COURT: Okay. And do you find that
7 you're able to concentrate on what's going on and
8 listen to what's going on in the courtroom?

9 PROSPECTIVE JUROR COOK: Yes, ma'am.

10 THE COURT: And that you'll have an open mind
11 when we have the witnesses in and giving evidence;
12 can you do that?

13 PROSPECTIVE JUROR COOK: Yes, ma'am.

14 THE COURT: Okay. So it's your sense that
15 you could be fair and impartial to both sides?

16 PROSPECTIVE JUROR COOK: Yes, I could be
17 fair. I mean, if a person do a crime, then he
18 have to pay for it, then he has to do his time.

19 THE COURT: Okay. But you understand that
20 there is certain evidence that's going to come in
21 and then there's the law as I give it to you. So
22 you apply the law to the evidence and that's --

23 PROSPECTIVE JUROR COOK: Yes, ma'am.

24 THE COURT: -- what's going to be important,
25 right?

1 PROSPECTIVE JUROR COOK: Yes, ma'am.

2 THE COURT: Okay. All right. Anybody else?

3 MS. CLARK: I just have a couple questions.

4 VOIR DIRE

5 BY MS. CLARK:

6 Q It sounds like you can listen and be fair to everyone,

7 sir?

8 A Yes, sir -- I mean, yes, ma'am. I'm sorry.

9 Q That's okay. It's early yet, right?

10 A Yes.

11 MS. CLARK: I have no further questions.

12 THE COURT: Ms. Lamin.

13 VOIR DIRE

14 BY MS. LAMIN:

15 Q Good morning, Mr. Cook.

16 A Good morning.

17 Q So you said you felt like you were treated fair. Did
18 you feel like you were treated fair by the police when
19 you got that ticket?

20 A Yes, I thought it was fair.

21 Q Was it a -- I mean, were they professional or
22 unprofessional? How would you describe your
23 interaction with them?

24 A Well, they were professional. They -- they took
25 precautions of making sure that -- you know, that I

1 didn't get away with the people's stuff or, you know --
2 and they wrote me a ticket and they was fair. They
3 could have took me to jail, but they didn't, you know.
4 They just wrote me a ticket because that was my first
5 offense. I never broke the law since I've been living
6 up here, and I think it was, you know, fair.

7 Q What about the going to court and having to turn
8 yourself in?

9 A I think that was fair, too, because when you take
10 somebody else's stuff and the police, they catch you,
11 you usually got to pay the price. That's how I feel
12 about -- you know, about life, you know. I mean, to
13 me, you can't think you can get away with stuff and
14 keep on doing it and don't get caught, that's how I
15 feel about it, you know, and I think the law is -- you
16 know, is doing their job. That's how I feel about it.

17 Q Anything at all about that experience, good or bad,
18 that you think might interfere at all with your ability
19 to be a juror here?

20 A No, ma'am.

21 Q Thank you very much, sir.

22 MS. LAMIN: Nothing further from the State.

23 THE COURT: Okay. Thank you, Mr. Cook. And
24 I do want to say that when we say to be here by
25 9:00, you need to be here by 9:00.

1 PROSPECTIVE JUROR COOK: Yes, ma'am.

2 THE COURT: All right.

3 PROSPECTIVE JUROR COOK: Sorry about that.

4 THE COURT: Okay. Thank you.

5 MS. LAMIN: Actually, Your Honor -- Your
6 Honor?

7 THE COURT: Yes.

8 (Whereupon, a brief off-the record discussion
9 was held.)

10 MS. LAMIN: I don't know if you want to
11 address this, but Marshall Harris, he had raised
12 his hand quite a bit. He's actually been
13 prosecuted by my office for criminal sexual
14 conduct in the fifth degree.

15 THE COURT: That's a guy in back?

16 MS. LAMIN: Yes.

17 THE COURT: Well, he hasn't been called up
18 yet.

19 MS. LAMIN: But we have an empty spot right
20 now for Michael Vang.

21 THE COURT: Oh. Well, I think we will do
22 that because he has raised his hand. I think
23 that's something we can do with everyone.

24 MS. LAMIN: Okay.

25 THE COURT: I think he was very eager to tell

1 his story.

2 MS. LAMIN: That's what concerns me, frankly,
3 Your Honor.

4 THE COURT: Well, I don't know what his story
5 is, but he was raising his hand.

6 MS. CLARK: He was being forthcoming, I
7 thought that was the issue.

8 MS. LAMIN: However, Your Honor, there's also
9 something about poisoning the jury panel.

10 THE COURT: I understand that.

11 MS. LAMIN: And we need fairness to both
12 sides.

13 THE COURT: Right.

14 MS. LAMIN: And an opportunity for someone
15 who obviously wants to get on a podium and talk,
16 who has a history with -- a fairly, you know,
17 recent history with my office might be more
18 appropriate --

19 MS. CLARK: I saw no evidence of that and --

20 THE COURT: We're not going there, so let's
21 stop. All right. We have everybody?

22 THE CLERK: We should have everybody.

23 THE COURT: Okay.

24 THE CLERK: In order to make sure that
25 everybody is seated correctly, did you by chance

1 keep track of who replaced who on the seating
2 chart, because my copy doesn't say? I know who
3 was removed, but I don't know where --

4 THE COURT: They're on the back here and so
5 they went right down the list. So we are up to
6 this person (indicating).

7 THE CLERK: Okay.

8 THE COURT: Do you have the names of the
9 other ten people?

10 THE CLERK: I do.

11 THE COURT: I think we each need a copy.

12 THE CLERK: Yes.

13 THE COURT: Okay.

14 THE CLERK: I guess I was just wondering when
15 I bring them in to be seated if they'll --

16 THE COURT: They'll know where to go.

17 THE CLERK: They will, okay.

18 THE COURT: Just tell them to go back where
19 they were and then we may have to have them just
20 state their names again.

21 THE CLERK: Okay.

22 (Whereupon, the clerk handed Ms. Lamin and
23 Ms. Clark a document.)

24 MS. CLARK: These are additional?

25 THE COURT: These are the ten others that we

1 are going to bring in.

2 And before we do that, Ms. Lamin, I just want
3 to be sure because we have writted Mr. English in
4 that you have clothes for him when he testifies,
5 because he will need to be -- he will need to have
6 clothes and be in the witness stand when he comes
7 in.

8 MS. LAMIN: Your Honor --

9 THE COURT: Off the record.

10 (Whereupon, after a brief off-the-record
11 discussion, the clerk escorted the prospective
12 jurors into the courtroom.)

13 THE COURT: Good morning. We're going to
14 continue with the jury selection. Again, I want
15 to make sure -- we have new people in the back.
16 So can you hear me? Is that a yes?

17 (Whereupon, the new prospective jurors
18 answered affirmatively.)

19 THE COURT: And I'm going to have to -- I'm
20 going to start over from the beginning, because I
21 think there are too many in the back who have not
22 heard this part of the voir dire, rather than just
23 continue, because I believe you all need to know
24 what I'm about to tell you. We need to swear you
25 in, as well.

1 So, you have been summoned to District Court
2 of Ramsey County for the purpose of selecting a
3 jury to try a criminal case. My name is Judge
4 Bohr. It's important that you're able to see what
5 is happening here and to be able to hear the
6 questions being asked. If any of you have any
7 difficulty hearing or understanding, let me know
8 by raising your hand.

9 So I'll stop here and ask, does anyone have
10 difficulty hearing me, any difficulty
11 understanding me, or any difficulty seeing me?

12 (Whereupon, no one answered affirmatively.)

13 THE COURT: All right. Well, I'll have the
14 clerk give the first juror oath to the people who
15 are just coming in for the first time today, and I
16 believe there were ten of you. So if you would
17 stand, please, and raise your right hand?

18 THE CLERK: You do swear that you will
19 truthfully answer all questions about your
20 qualifications to serve as a juror, so help you
21 God?

22 (Whereupon, the new prospective jurors
23 answered affirmatively.)

24 THE COURT: Okay. Thank you. You may be
25 seated.

1 So, this is a criminal case. A complaint has
2 been filed with this Court which alleges -- there
3 are three counts of burglary in the second degree
4 and three counts of burglary in the third degree.
5 To this complaint, the defendants have pled not
6 guilty. This plea denies the charge and places
7 upon the State of Minnesota the burden of proving
8 the defendants guilt beyond a reasonable doubt.

9 The State is represented by Elizabeth Lamin.

10 MS. LAMIN: Good morning.

11 THE COURT: The co-defendants are represented
12 by Jill Clark.

13 MS. CLARK: Good morning.

14 THE COURT: And the defendants are Daniel
15 Drljic --

16 DEFENDANT DRLJIC: Good morning.

17 THE COURT: -- and Tamika Suttles.

18 DEFENDANT SUTTLES: Good morning.

19 THE COURT: Some general rules of law apply
20 in a criminal case. I'm going to give you those
21 rules now. In the questioning that will take
22 place in a few minutes, you may be asked whether
23 you will accept and follow the rules of law, and
24 you should have these instructions in mind when
25 you answer these questions.

1 A complaint is not evidence. It creates no
2 inference or presumption of guilt. No member of
3 the jury should in any way be prejudiced against
4 the defendants because a complaint has been filed
5 against the defendants, because the defendants
6 have been arrested or because the defendants are
7 on trial.

8 The defendants are presumed innocent. In
9 order for you to find the defendants guilty, the
10 State must prove guilt. The defendants do not
11 have to prove innocence. The presumption of
12 innocence remains with the defendants unless and
13 until the defendants have been proven guilty
14 beyond a reasonable doubt by evidence admitted in
15 this trial.

16 I'm now going to read a list of persons who
17 may be called as witnesses. While I read this
18 list, remember or jot down anybody on the list
19 that you may know and to whom you may be related.
20 If you are called as a prospective juror, you
21 should then inform me of your knowledge of or
22 relationship to those persons.

23 Amber Rae Alvarez, Peter Jacob Brown, Richard
24 Dusterhoft, Jermaine Guy English, Jonathan Gliske,
25 Brady Alan Harrison, Patrick Michael Kane, Robert

1 McDowell, Thomas Ronald Menton, Thomas Joseph
2 Nolan, Dana Samuel Rose, Tyrone Timothy
3 Strickland, Patricia Rye (ph).

4 To ensure both the defendants and the State
5 receive a fair trial by an impartial jury, it will
6 be necessary for me and for counsel for each party
7 to ask you certain questions that you must answer
8 under oath. Please do not take offense at any
9 questions you are asked. Your contribution to
10 this important and serious matter is best assured
11 by your honest answers to these questions.

12 Some of you who are called to be questioned
13 will be excused from serving on the jury. If you
14 are excused, it does not mean that anyone doubts
15 that you are a fair person.

16 We did start the jury process. We have a
17 number of people already here, and I wanted to
18 bring the rest of you up to where we are. We have
19 one slot here to fill. Please pay attention to
20 the questions, okay. You don't have to answer
21 them right now. So we need to fill in here.

22 So could you call the next person, please?

23 THE CLERK: Diane Zimmerman.

24 (Whereupon, Prospective Juror Diane Zimmerman
25 stepped forward.)

1 THE COURT: Good morning. And, Ms.
2 Zimmerman, you were present yesterday for most of
3 the questions I asked. Do you want me to repeat
4 some of those questions again or do you remember
5 the ones that you raised your hand at? Maybe I
6 should start over?

7 PROSPECTIVE JUROR ZIMMERMAN: I have two
8 questions that I had. One of them was, I was a
9 victim of a crime. My house was burglarized, it
10 was 1986, there were no arrests, and that was it.

11 THE COURT: And where did that happen?

12 PROSPECTIVE JUROR ZIMMERMAN: St. Paul,
13 Ramsey County.

14 THE COURT: Okay. And then the other
15 question?

16 PROSPECTIVE JUROR ZIMMERMAN: In regards to
17 going into next week --

18 THE COURT: Okay.

19 PROSPECTIVE JUROR ZIMMERMAN: -- I have a
20 private practice, and it would be a hardship to
21 close that. I'm a dentist. I would have to
22 reschedule my patients and close my office if the
23 case goes into next week. I'm closed this week.

24 THE COURT: I understand. We don't know how
25 much it will go into next week. It's probably a

1 couple days. Monday or Tuesday, I would think.

2 PROSPECTIVE JUROR ZIMMERMAN: That displaces
3 me and my four employees and all of my patients
4 that are scheduled for Monday and Tuesday and
5 Wednesday.

6 THE COURT: There's no other dentist who can
7 fill in for you?

8 PROSPECTIVE JUROR ZIMMERMAN: No, it's my own
9 practice. It's just myself that is there.

10 THE COURT: Okay. When you've had
11 emergencies in the past, how have you handled
12 those?

13 PROSPECTIVE JUROR ZIMMERMAN: For example, if
14 I get ill, I just close the office. There's an
15 emergency dental clinic and several colleagues,
16 but I wouldn't reschedule all of those normal,
17 everyday patients to that.

18 THE COURT: I'm going to keep you. All
19 right. Are there any other -- okay. Well, I am
20 finished and -- I'm going to ask you this question
21 and then we'll stop here. So many of you from
22 yesterday asked a question, do any of you, for
23 whatever reason, feel you cannot be fair and
24 impartial in this case? Think about that and
25 raise your hand if there is an issue.

1 (Whereupon, none of the prospective jurors
2 responded affirmatively.)

3 THE COURT: And the Court has no further
4 questions. I will now turn the questioning over
5 to the attorneys.

6 So, Members of the Jury Panel, as I indicated
7 earlier, each attorney will have an opportunity to
8 ask you additional questions and to follow up on
9 the answers that you have given to my general
10 questions. Please remember that the purpose of
11 their questions is not to pry into your personal
12 affairs, but to determine your appropriateness as
13 jurors in this particular case. The attorneys
14 have been instructed not to repeat the questions I
15 have already asked you.

16 Ms. Clark, you may proceed.

17 MS. CLARK: Thank you, Your Honor.

18 VOIR DIRE

19 BY MS. CLARK:

20 Q Mr. Michalski?

21 A Yes.

22 Q Do I have that right?

23 A No, it's Michalski.

24 Q Michalski? Well, I want to get it right, so thank you.
25 Are you a full-time firefighter?

1 A Yes.

2 Q And you said you work a lot with police --

3 A Uh-huh.

4 Q -- in that capacity?

5 A Yes.

6 Q Do you think you would be inclined to believe a police
7 officer more than a civilian?

8 A No.

9 Q Why do you think that about yourself?

10 A I believe that because I know -- I know how police
11 officers -- how they work, I know how they -- what
12 they're required to do, and I know that they don't
13 always see all the whole sides of something. They tend
14 to be -- they tend to react on things a little more
15 often, you know, and then they don't always have --
16 they don't always handle things maybe the appropriate
17 way, you know. I think that's -- I think that may have
18 to do with their line of work and what they deal with
19 on a daily basis.

20 Q But it's something you've observed, it sounds like?

21 A Yeah, yeah, but I've also seen it the other way at
22 work. You know, there's good and bad out there. You
23 know, there's things done appropriately. Some people
24 do things the appropriate way and those who don't, so.

25 Q Sure. Police come in all shapes and sizes, just like

1 everybody else?

2 A Yes.

3 Q Some tell the truth and some don't?

4 A Well, I wouldn't say they're not telling the truth.

5 Their opinion may be skewed.

6 MS. LAMIN: Your Honor --

7 PROSPECTIVE JUROR MICHALSKI: I wouldn't say

8 that they don't tell the truth.

9 THE COURT: I am going to stop you. Ms.

10 Lamin, Ms. Clark, please approach.

11 (Whereupon, a brief off-the-record discussion
12 was held.)

13 Q (By Ms. Clark, continuing) Obviously, we're looking for
14 people who can assess the evidence in the case?

15 A Yes.

16 Q Do you think you are able to assess all witnesses with
17 the same standards; in other words, give credibility to
18 testimony on the witness stand the same for everybody,
19 regardless of their walk of life?

20 A Yes.

21 Q And regardless of what their job is or who they are or
22 what their background is?

23 A Yes.

24 Q Now, you indicated that you had had a DWI?

25 A Yes.

1 Q Having gone through that experience, do you feel okay
2 sitting in this trial, listening to evidence, deciding
3 the case on the evidence?

4 A Yes.

5 Q And same question for you about -- you have a friend
6 who is a criminal defense attorney. Notwithstanding
7 that relationship, can you decide this case based on
8 the evidence in this case?

9 A I believe so.

10 VOIR DIRE

11 BY MS. CLARK:

12 Q Ms. Haase -- is it Haase?

13 A Yes.

14 Q You heard the Court at the beginning talk about the
15 presumption of innocence?

16 A (Nodding.)

17 Q Do you believe you would be able to start the trial at
18 zero so that there's no presumptions or kind of, oh, if
19 we're here, they must have done something wrong going
20 on? You can truly start at zero and decide the case
21 only on the evidence?

22 A Yes. I also -- in my line of work, that's what I do.
23 I'm an internal auditor. So I look at pyramids for
24 determining if processes and procedures are completed.

25 Q What's the last movie you saw?

1 A Harry Potter.

2 Q I don't know much about the Harry Potter series. Do
3 you like hearing about new information, things you
4 haven't heard before in your life, or do you resist
5 hearing new information?

6 A I like new information.

7 Q And do you learn visually or through your ears? How do
8 you like to learn? We can't do kinesthetic in a trial
9 setting. We can't have the jurors get up and act
10 things out. But as far as visual or auditory, what
11 would you prefer?

12 A Auditory.

13 Q It sounds like, based on your work, you sometimes have
14 to take a lot of different pieces and put them together
15 later?

16 A Correct.

17 Q Obviously, in the trial, there will be some rough
18 chronology to that, but witnesses may come in and one
19 talk about something and another one talk about
20 something else, and it's up to the jury that goes back
21 to deliberate to figure out how those pieces fit
22 together. Do you feel comfortable with that?

23 A Yes, I'm also familiar with that.

24 Q And if we were looking at a rough leadership scale,
25 where zero to three is, you know, low leadership, zero

1 would be like a wallflower, and ten is, I have to take
2 control all the time, would you be zero to three, four
3 to seven, or eight to ten?

4 A On a scale of one to ten?

5 Q Yes. Where would you fall in that range?

6 A Eight to ten.

7 Q Does this sound like an interesting life experience, to
8 sit on a jury?

9 A Yes, I do find it interesting.

10 Q Thank you.

11 MS. CLARK: And Mr. Michalski, did I say it
12 right this time?

13 PROSPECTIVE JUROR MICHALSKI: Yes.

14 MS. CLARK: Thank you. Where would you fall
15 in the leadership scale of one to ten?

16 PROSPECTIVE JUROR MICHALSKI: I would say
17 eight to ten.

18 VOIR DIRE

19 BY MS. CLARK:

20 Q And Ms. Heilman -- that's a name I got right. So tell
21 us what a community organizer does. ^ They run for
22 president?

23 A I organize events to help the residence ^ residents
24 take more accountability for their neighborhoods.
25 Primarily, I organize parades, I organize community

1 cleanups and park cleanups ^ oh, my,. Obama certainly
2 was qualified!. And then also I run a block nurse
3 program. In addition to that, I work for two different
4 business associations.

5 Q What's a block nurse program?

6 A A block nurse program is a way for neighbors to help
7 seniors or the elderly in their individual
8 neighborhoods maintain their independence while staying
9 at home by providing them with yard-work services,
10 advocating for them, helping them with -- you know,
11 taking them on their errands if they no longer can
12 drive, that sort of thing.

13 Q And you heard a little bit about what we call the
14 presumption of innocence or that you shouldn't have any
15 prejudice going into the trial --

16 A Uh-huh.

17 Q -- against the defendants. Are you comfortable with
18 that?

19 A Yes.

20 Q Are you comfortable that you could start at zero and
21 just listen to the evidence in the case?

22 A Yes.

23 Q Okay. You also heard that the State has what we call
24 the burden of proof?

25 A Uh-huh.

1 Q The State has to prove the case and the defendants do
2 not need to prove that they're innocent?

3 A Uh-huh.

4 Q Is that a concept you can work with?

5 A Absolutely.

6 Q Where do you get your news?

7 A Where do I get my news?

8 Q Yes.

9 A The Internet, local television. I have XM radio, so
10 not local radio.

11 Q What Internet sites do you go to for news?

12 A KARE 11, WCCO, KSTP, and then CNN.com.

13 Q Do you like learning about new things or do you resist
14 learning about new things?

15 A No, I enjoy learning about new things.

16 Q And are you comfortable with a lot of information being
17 delivered verbally or orally?

18 A Absolutely.

19 VOIR DIRE

20 BY MS. CLARK:

21 Q Ms. -- is it Lein?

22 A Lein.

23 Q Lein?

24 A Yes.

25 Q You have a brother-in-law who is a judge?

1 A Uh-huh.

2 Q Is there anything about that relationship or anything
3 you've learned that might impact you sitting as a
4 juror?

5 A No.

6 Q Not that you can think of?

7 A (Shaking head.)

8 Q How close is your relationship to the brother-in-law?

9 A As normal as any brother-in-law.

10 Q I think people -- you know, they can have varied
11 degrees of closeness with a brother-in-law. Is it a
12 brother-in-law who lives nearby?

13 A No, he lives in Fargo, but we're close. We talk all
14 the time.

15 Q Okay. You talk about his work?

16 A No.

17 Q What about you? The concept, you know, you hear on
18 television of presumption of innocence, but is that
19 something you're comfortable with? Is that something
20 you think you can do?

21 A Sure, I think so.

22 Q Well, why do you think you can? I mean, how do you
23 know that about yourself?

24 A I don't. I just think I can, although I've never had
25 to judge anyone, but I think I can.

1 Q You seem a bit tentative about that. Am I reading you
2 correctly?

3 A I think so.

4 Q Only you know if I'm reading you correctly. Does it
5 make you nervous? When you say, I've never judged
6 somebody, does that make you nervous?

7 A Well, sure, it sure does.

8 Q What's that about?

9 A I'm just -- yeah. It makes me nervous to judge
10 somebody, sure.

11 Q Are you comfortable if you're -- if you go back to
12 deliberate, are you comfortable talking about a lot of
13 different people's views and hearing different views?

14 A Sure.

15 Q Do you feel you could assert your own views in that
16 context?

17 A Sure, I think so.

18 Q Thank you.

19 VOIR DIRE

20 BY MS. CLARK:

21 Q Ms. Bishop -- Mr. Bishop, sorry.

22 MS. CLARK: Oh, I know -- let me do this --
23 sorry, I'll get to you, Mr. Bishop.

24 VOIR DIRE

25 BY MS. CLARK:

1 Q Ms. Hansen, you didn't raise your hand a lot?

2 A I didn't.

3 Q But what about the whole concept that we were talking
4 about, the notion that -- is it possible for you -- I
5 don't expect people to strip themselves of their life
6 experience or anything, but is it possible for you to
7 come into the courtroom the first day we're going to
8 hear evidence and completely have a clean slate and
9 say, I'm going to make the State prove the case?

10 A Yes.

11 Q And how do you know that about yourself?

12 A I've had a wide range of, kind of, job experiences.
13 I'm fluent in Spanish, so I've had a lot of different
14 friends with different backgrounds that they've had and
15 I guess I'm always open to listening to their side.

16 Q Do you have any friends of color?

17 A I do.

18 Q Do you believe you could assess all witnesses'
19 credibility the same way regardless of their race,
20 regardless of their job?

21 A Yes.

22 Q Is there any group of people you would be more likely
23 to believe or disbelieve, do you think?

24 A No.

25 Q Would you be able to consciously give everyone the same

1 scrutiny?

2 A Yes.

3 Q And where do you think you are on the leadership scale
4 between one and ten?

5 A I would say that it is -- I would rate myself probably
6 at an eight, and I would say others view me as a nine
7 to a ten.

8 Q Interesting. The internal and the external?

9 A Yes.

10 Q Thank you.

11 VOIR DIRE

12 BY MS. CLARK:

13 Q Now, Mr. Bishop, how are you doing today, sir?

14 A I'm good.

15 Q Do you think you would also be able to give the
16 presumption of innocence, to not have any prejudice
17 going into the trial?

18 A Yes.

19 Q Do you think you could assess all of the witnesses
20 using the same standard of credibility?

21 A Yes.

22 Q What was the last movie you saw?

23 A Inception.

24 Q Oh, did you like that?

25 A Yes.

1 Q Kind of a conceptual movie?

2 A Yeah.

3 Q Are you comfortable with different concepts? Learning
4 through the spoken word about different concepts?

5 A Yes.

6 Q And are you comfortable -- if you're selected and go
7 back to the jury room to deliberate, will you let your
8 voice be heard?

9 A Yes.

10 Q You feel you can get your views out there?

11 A Yes.

12 Q Okay. And where do you put yourself on the leadership
13 scale?

14 A I would say four to seven, between that area.

15 Q Okay.

16 MS. CLARK: Let's go down here.

17 VOIR DIRE

18 BY MS. CLARK:

19 Q How are you?

20 A Fine, thank you.

21 Q What's the last book you read?

22 A Oh, wow. I'm reading one right now, but I can't
23 remember the name right now -- Prince of Tides.

24 Q We'll take that as --

25 A Prince of Tides.

1 Q Prince of Tides?

2 A Yeah.

3 Q That was the one that was made into the movie?

4 A I guess, yeah.

5 Q Do you enjoy reading novels?

6 A When I have time.

7 Q Now, you have a relationship with Mr. Gold's -- excuse
8 me, your husband has a relationship with Mr. Gold?

9 A Yes.

10 Q So the question is, if you're both selected as jurors
11 and you both go back to deliberate, are you going to
12 consider what Mr. Gold says to be more important than
13 what other jurors say?

14 A No, I would enjoy listening to everyone's point of
15 view. I believe my personal job -- I'm in human
16 resources, so I have to always analyze and interpret
17 everybody's point of view, because I deal with managers
18 and supervisors, as well as employees. So I have to
19 always have a clean slate with every person. So I
20 don't believe it'll be a problem for me.

21 Q You indicated you work for the Department of
22 Corrections?

23 A I did. I'm in transportation now.

24 Q Right, you did work for DOC?

25 A Correct.

1 Q And your husband does now?

2 A Yes.

3 Q Do you think because of that you would be more likely
4 to believe a government employee as a witness than a
5 private person?

6 A No. To me, for everyone's word, I would have to just
7 rely on what they're saying. I don't care if they're
8 -- I don't care what employer they work for. No, I
9 don't believe it would bother me at all or that I've a
10 problem with it.

11 Q Well, let me ask you the same question in a slightly
12 different way.

13 A Okay.

14 Q If it was -- you know, based on your having been a
15 government employee, would you have a tendency to
16 believe -- I mean, would it have to be proven to you
17 that a government employee was not telling the truth or
18 would you be able to assess them in the same way that
19 you assess private party witnesses?

20 A I would say it would have to be proven to me.

21 Q It would have to be proven to you that a government
22 employee was not telling the truth?

23 A Maybe I'm not understanding your question.

24 Q Maybe I'm not asking it very well. Let me try it
25 again.

1 A Sorry.

2 Q And I'm probing a little bit, and these aren't
3 necessarily things we always think about. But based on
4 having been a government employee, would you have a
5 tendency to believe what the government employee said
6 unless they were proven to be not telling the truth?

7 A I guess I haven't -- I've never thought about it that
8 way. Everything I -- any conversations I have with
9 people, I mean, it's based off of information they're
10 giving me. So whether they work as a state employee
11 and have all their life doesn't really necessarily mean
12 to me that they're going to be necessarily held up to a
13 higher standard, that I'm just going to always trust
14 what they say. So I guess I'm not going to say that my
15 co-worker -- I trust my co-worker over a person off the
16 street. I just need to hear -- I mean, my relationship
17 obviously is going to help me determine that maybe I
18 would trust that person more because I may know them.

19 Q What did you do for the Department of Corrections?

20 A I've been in human resources the whole time with every
21 agency.

22 Q Okay. And where do you get your news?

23 A Just local channels and CNN. Occasionally, I'll Google
24 things, Yahoo.

25

VOIR DIRE

1 BY MS. CLARK:

2 Q Mr. Biljan?

3 A Yes.

4 Q Good morning.

5 A Good morning.

6 Q What's the last movie you saw?

7 A The last movie I saw was -- let's see here. I believe
8 it was Sunday, and it was The Grinch Who Stole
9 Christmas.

10 Q An old favorite?

11 A Yes.

12 Q Do you feel comfortable with the things we've been
13 talking about here with a true presumption of
14 innocence?

15 A I do.

16 Q And if you see different witnesses from different walks
17 of life, do you think you're able to scrutinize them
18 all in the same way and not favor any particular group
19 of people?

20 A I do. That's kind of the way I was raised, is to see
21 everybody equally. So, you know, as I'm walking down
22 the street, I don't necessarily pick out like one
23 person and say, I'm going to walk on the other side of
24 the street because of that person, you know. I mean, I
25 basically see everybody as, you know, the same until

1 they show me different.

2 Q Do you have friends of color?

3 A I do.

4 Q And if you were to have to place yourself on a
5 leadership scale between one and ten, where would you
6 put yourself?

7 A I would have to say between the eight and ten range.
8 I'm very kind of -- I've never really been a follower,
9 I guess you could say.

10 Q A lot of eight to tens in this jury. Thank you.

11 A Thank you.

12 VOIR DIRE

13 BY MS. CLARK:

14 Q Mr. Gold, you know what question I'm going to ask you,
15 right?

16 A Toy Story 2 -- or 3.

17 Q Good. That wasn't what I was thinking about, though.

18 A Oh, okay.

19 Q If you end up being on the jury and going back to
20 deliberate at the end of the case, are you going to
21 give more credence to what Ms. Glaser would say than
22 the other jurors because of the relationship with her
23 husband?

24 A No. I don't think I would, no.

25 Q And when you say think -- I don't think I will, can you

1 explore that a bit?

2 A I'm sorry, I will not.

3 Q I'm not trying to wait until I get a certain answer.
4 I'm truly trying to probe. These aren't things we
5 think about all the time.

6 Based on the relationship, would you have a
7 tendency to do that?

8 A No.

9 Q And where do you get your news?

10 A Local TV, local paper.

11 Q When you raised your hand about law enforcement
12 relationships, you talked about two close friends in
13 the Department of Corrections. What types of jobs do
14 they have there? Do you know?

15 A I have a friend who is an officer -- correctional
16 officer and I have a friend who is a lead investigator
17 for the prison system.

18 Q And I take it that one of those is Ms. Glaser's
19 husband?

20 A Correct.

21 Q Which one?

22 A Corrections officer.

23 Q And do you talk with him a lot about his work?

24 A Yes.

25 Q Are there any attitudes that he has about his work that

1 you have assimilated or picked up on?

2 A No.

3 Q How do you know that about yourself? It sounds like
4 you spend a lot of time with him?

5 A I do spend a lot of time with him.

6 Q So -- and you talk with him about his work. How do you
7 know that you haven't assimilated any of his attitudes?

8 A I keep -- I keep work -- work -- you know, my career
9 and my friends' careers separate. I don't pick up on
10 any of their tendencies -- is that what you're trying
11 to get at?

12 Q The world view, you know, the way they look at life.

13 A No, I don't pick up on that.

14 Q And in particular, his views of the criminal justice
15 system?

16 A No, not at all.

17 Q So based on what you've told us, would you be able to
18 start the trial with a completely clean slate, no
19 prejudice that, oh, gee, if there's an accusation, you
20 know, there must be something to it?

21 A Yes.

22 Q You believe that about yourself?

23 A Yes.

24 Q Thank you -- oh, where do you fall on the leadership
25 scale?

1 A I would say probably right around a six or a seven.

2 VOIR DIRE

3 BY MS CLARK:

4 Q Mr. Haffely, did I get the right impression that you're
5 not wild that this is going into next week?

6 A Correct.

7 Q Okay. Is that something you would be able to put in
8 perspective; that is, not take it out on any of the
9 parties in the case?

10 A I don't know. I don't know if I could judge this
11 fairly. The situations that are happening at work
12 right now are going to be on my mind the longer -- the
13 longer this trial goes.

14 Q I'm not sure what you're talking about. The situations
15 that are happening at work?

16 A Well, there was an accident last night and there's
17 nobody around to take care of it, to investigate it,
18 and so that's going to be pushed off until I return.

19 Q Oh, so this is new? Since after yesterday's discussion
20 about scheduling with the Court, this is new
21 information?

22 A Yes.

23 Q Why don't you tell us about that?

24 A I'm limited to the information I got. There was
25 somebody who got hurt at work and nobody's around to

1 investigate it. I'm next on the list to do it.

2 Q And what's your job?

3 A Designer trainer.

4 Q And you investigate accidents, too?

5 A Part of the accident investigation squad.

6 Q Okay. This is a large employer?

7 A You could say so.

8 Q Do you work for a municipality?

9 A No.

10 Q Private employer?

11 A 3M.

12 Q Are you under stress about this?

13 A A little bit.

14 Q Okay.

15 A It shouldn't have happened and --

16 Q You're upset about what happened at work?

17 A Yeah.

18 Q Would you be able to compartmentalize that during the
19 trial and listen to the evidence?

20 A I don't know if I could. I don't know. I'd like to
21 think I could.

22 Q Jury service is always an inconvenience for people.

23 It's something that democracy requires that the

24 citizens do. Do you believe you could not let those

25 feelings about work have an impact on this being a fair

1 process in the courtroom?

2 A I'd try not to. I don't know if I could block
3 everything off, but I could try my best to ignore work
4 problems and focus on this.

5 Q Okay. I mean, obviously, this is fresh information.
6 You've just heard about it and you're kind of upset
7 about it.

8 A (Nodding.)

9 Q What makes you think you won't be able to focus on
10 something else while the trial is going on?

11 A What makes me think I would focus on something else?

12 Q I mean, that you won't be able to focus on the trial.
13 Where is the concern coming from?

14 A The concern for the trial or the concern for the work?

15 Q Well, let me try to ask it differently. What's causing
16 you to be concerned that you won't be able to focus on
17 the trial?

18 A That people don't have the knowledge on what I would do
19 if I was at work right now.

20 Q If the Court decides to keep you here as a juror, will
21 you do your best?

22 A Yes.

23 Q And try not to let that situation have any negative
24 impact on any of the parties in the courtroom?

25 A I'll just tell them to deal with it themselves, I've

1 got another responsibility.

2 Q Okay. Now, you said you had been in the Army and acted
3 as military police at some point?

4 A For a short time.

5 Q Anything about that experience that would cause you not
6 to be able to assess every witness's credibility the
7 same in this trial?

8 A No, I was just standing at a gate.

9 Q Okay. And it was a while ago?

10 A Yeah.

11 Q You didn't internalize any attitudes from standing at
12 the gate?

13 A No.

14 Q All right. What's the last book you read?

15 A Probably a James Patterson book, probably 15 years ago.

16 Q That's kind of an intrigue book?

17 A Yeah.

18 Q Thriller-type. Do you like finding out about
19 information and putting it together?

20 A Not really.

21 Q Not really. What do you like?

22 A Freedom.

23 Q Freedom. How does that manifest itself in your daily
24 life? What do you like doing?

25 A I like TV, relaxing, outdoor stuff.

1 Q And where do you think you fall on the leadership
2 scale?

3 A It depends on what the situation would be.

4 Q Okay. Give us some examples.

5 A At work, I have to be a ten.

6 Q Outside of work are you a different guy?

7 A Yeah.

8 Q Who are you outside of work?

9 A More laid back, relaxed. Probably about a three or a
10 four.

11 Q Interesting. Thank you.

12 VOIR DIRE

13 BY MS. CLARK:

14 Q Ms. Puariea -- did I get it right?

15 A Yeah.

16 Q What's the last movie you saw?

17 A Why Did I Get Married Too?

18 Q Why Did I Get Married?

19 A Yeah, Too.

20 Q I didn't even know there was a Why Did I Get Married
21 One?

22 A Yeah.

23 Q So did you like that?

24 A Yes.

25 Q That's more of your sense of humor?

1 A Yeah, it's more of a romance/comedy. I enjoy that.

2 Q What about some of the questions we've talked about?

3 What's your ability to let these defendants start the
4 trial with a clean slate, the presumption of innocence?

5 A I'll just, you know, observe everything that's being
6 brought to the table and take it as that, from square
7 one.

8 Q Are you comfortable with the notion that the State has
9 to prove its case?

10 A Yup.

11 Q That the defendants do not have to prove their
12 innocence?

13 A Yeah, I'm comfortable with that.

14 Q Does that make sense to you?

15 A Yeah, it makes sense.

16 Q Where do you fall on the leadership scale?

17 A I'm about a nine.

18 Q This is a --

19 A I'm not a follower.

20 Q -- high leadership group here. Thank you.

21 A Thank you.

22 VOIR DIRE

23 BY MS. CLARK:

24 Q Mr. Thompson, you're an attorney, so a lot of these
25 terms are not foreign to you. Having seen a lot as an

1 attorney, are you able to start this trial with a clean
2 slate?

3 A I believe in the system. And yes, I believe I could.

4 Q What do you mean you believe in the system?

5 A I do trial litigation. It's my vocation. I've done
6 several years as a prosecutor and then turned to civil
7 litigation/private practice.

8 Q So you're saying that you believe that the system works
9 as in the evidence speaks?

10 A Yeah. That's part of it, right.

11 Q Okay. Comfortable with the presumption of innocence, I
12 take it?

13 A Yes. I believe that I'd much rather let a guilty
14 person go free than watch an innocent person suffer.

15 Q And I take it from that that you -- well, let me ask it
16 as a question. You would require the State to prove
17 its case?

18 A Yes.

19 Q Can you be fair to both sides?

20 A I believe so, yes.

21 Q In other words, fair to the defendants and fair to the
22 State?

23 A Yes.

24 Q I understand you're able to listen to witnesses, as
25 you're used to doing in the courtroom. Are you

1 comfortable being an observer in this situation?

2 A I don't know about comfortable. I've never done it
3 before. But yeah, like I said, I believe in the
4 process. I believe everybody in this room brings their
5 own life experiences into this. So judging witnesses
6 and credibility factors and things like that,
7 everyone's going to have a different skill set in that
8 practice.

9 Q You indicated that you had acted as a prosecutor and
10 knew some bailiffs and I think some investigators in
11 Anoka. Would you be able to judge all of the witnesses
12 by the same credibility standard?

13 A That's a far more interesting question for me. I
14 certainly -- in my experience, I know what a police
15 officer's training is. I know as the prosecutor what
16 they're looking for. It isn't that they're infallible,
17 but they are looking for specific things. I believe
18 that they don't have a lot of time to be pursuing
19 people that they don't believe are guilty. I believe
20 in police officers'? And law enforcement's credibility.
21 I'd probably give them the benefit of the doubt.

22 Q Would you be able to -- be able to not do that? In
23 other words, knowing that your task in this trial is to
24 apply the same credibility scrutiny to everyone, would
25 you be able to set aside this benefit of the doubt and

1 truly start from the zero place on the stopwatch?

2 A I believe I'll bring my same skill set to every witness
3 that testifies, knowing -- in terms of gauging their
4 credibility, their ability to recollect facts, and
5 their ability to communicate the facts.

6 Q But I guess the question is, can you set aside this
7 benefit of the doubt or apply it to everybody?

8 A I think that I can do the latter.

9 Q You could give everyone on the witness stand the
10 benefit of the doubt?

11 A Yes, as long as their testimony was credible. That's
12 usually been my experience.

13 Q That's what I'm trying to get at, is this whole
14 assessment of credibility.

15 A Uh-huh.

16 Q You indicated that in your experience police are not
17 infallible. Does that mean that you would be able to
18 assess the evidence and not presume that simply because
19 police have been involved that the person was guilty?

20 A Yes.

21 Q And where do you believe you fall on the leadership
22 scale?

23 A I'll say five.

24 Q You'll say five. What do you mean?

25 A It's going to depend on the situation, you know.

1 Q Okay.

2 A If it's work related or things like that, my leadership
3 is going to be substantially higher. I run my own
4 practice. I have 22 employees. So in some situations,
5 it's going to be very high. In other situations, I
6 have no problem taking a back seat and letting other
7 people lead.

8 Q So that's why you chose the middle ground?

9 A Yes.

10 Q And where do you get your news?

11 A Primarily Internet, WallStreet.com, New York Times.

12 Q And then last question for you: You're well aware that
13 the Court will inform the jury what law to apply to the
14 case. Will you be able to apply the law as the Court
15 gives it to you, as opposed to the law as you may have
16 understood it before you entered the courtroom?

17 A Yes.

18 Q Thank you.

19 VOIR DIRE

20 BY MS. CLARK:

21 Q Patrick Donnelly?

22 A Yes.

23 Q We haven't heard much from you yet.

24 A No, no, I'm an insurance agent and I deal with claims
25 -- homeowner claims, auto claims -- sales and claims.

1 Q Do you actually do some claims investigation?

2 A No, I don't do a lot of that. The adjusters do that.

3 Q Process the claim as it's coming in?

4 A Right, and we have small claims we take care of, like
5 theft claims, things like that.

6 Q Through the office, then?

7 A Uh-huh.

8 Q All right. What do you like about that?

9 A I like the variety of the job. Sales, claims are
10 totally -- every day is a little different. Variety,
11 interesting. It's never boring.

12 Q Do you like learning about new things?

13 A Yes.

14 Q Do you have, as they say, an open mind?

15 A I think so.

16 Q That's an important quality for a juror. What do you
17 think about the presumption of innocence? Is there any
18 notion from you, oh, gee, we're all here and the
19 system's all geared up?

20 A No, I think I'm pretty open-minded.

21 Q What do you think about this notion that the State has
22 to prove its case and that the defendants --

23 A I'm comfortable with that.

24 Q -- the defendants don't have to prove innocence?

25 A I'm comfortable with that.

1 Q Does that make sense to you?

2 A Uh-huh.

3 Q Where do you get your news from?

4 A TV, radio, newspaper mostly.

5 Q Which ones?

6 A I always listen to Channel 4, for instance. St. Paul
7 paper, read Minneapolis as well. Not much on the
8 Internet.

9 Q Okay. You don't tweet regularly, either?

10 A No, no, no.

11 Q Okay. And where would you put yourself on the
12 leadership scale?

13 A Probably a seven.

14 Q All right. How do you do in a group setting? Have you
15 ever been on a committee?

16 A Yes.

17 Q What happens in a committee-type situation? How do you
18 -- do you tend to be pretty vocal?

19 A Yes, I think so.

20 Q Get your views out?

21 A I'd say yes.

22 Q Do you think you would also be able to listen to other
23 people?

24 A Yes.

25 Q Do you have any friends of color?

1 A Yes.

2 Q Work with some people of color?

3 A No, I don't -- well, yes, the adjusters.

4 Q Can you assess witness credibility the same regardless
5 of color?

6 A I'd say yes.

7 Q Thank you.

8 A (Nodding.)

9 VOIR DIRE

10 BY MS. CLARK:

11 Q Ms. Olson?

12 A Yes.

13 Q We also haven't heard a lot from you?

14 A Right.

15 Q What is a tech aide?

16 A I mostly work in a laboratory. So I do technical
17 assistance and product development. I test products, I
18 guess.

19 Q And what do you think about the presumption of
20 innocence?

21 A I'm comfortable with that concept. I think, with kind
22 of a science background, especially, I can approach a
23 situation looking at evidence. You know, going into an
24 experiment or something, you have maybe some
25 presumption of what it is, but you actually have to

1 look at the evidence that you find to come to a
2 conclusion. So I think looking at this process more in
3 that light than anything else will help me.

4 Q Where do you get your news?

5 A I get the Star Tribune, so mostly from that, and
6 sometimes New York Times on line.

7 Q You said that you have an uncle who's retired from the
8 Brooklyn Center Police Department?

9 A Yes.

10 Q Is that someone you know well?

11 A Yes, yes. Especially recently, we've been seeing more
12 of each other.

13 Q Have you talked about his work a lot?

14 A No, not a lot. You know, mostly that he's excited to
15 have more free time now that he's retired. It's
16 recently, within the last year, so.

17 Q Okay. Have you perceived any attitudes that he has
18 about the criminal justice system or people who are in
19 his work?

20 A No, he's -- when he talks about work, he's very fair
21 about it, doesn't give any attitude one way or another.
22 So it's nothing that I would have picked up on.

23 Q And are you comfortable learning mostly orally, mostly
24 through your ears?

25 A Yes.

1 Q And it sounds like from your science background, you're
2 comfortable putting the pieces together at the end of
3 the process?

4 A Yes.

5 Q Thank you.

6 MS. CLARK: The back row has been neglected.

7 VOIR DIRE

8 BY MS. CLARK:

9 Q Let's start over here. You're a little bit low there,
10 Mr. Huynh. I'm going to move a little bit to be able
11 to see you. How are you this morning?

12 A Good.

13 Q And what do you do? What's a production lead?

14 A I mostly train, do a lot of testings, make sure people
15 are following processes, provide the best quality for
16 customers, the device that they buy from us, make sure
17 that everyone follows procedures and processes.

18 Q Could you just keep your voice up a little bit? You're
19 a little bit behind a chair and I want to make sure the
20 court reporter can hear you.

21 Did you go to school for that?

22 A I went to school for a little bit, but didn't finish or
23 anything.

24 Q Mostly learned on the job?

25 A Yeah.

1 Q Do you enjoy process?

2 A Yes. They're there for a reason, so.

3 Q What about this process? Are you comfortable with the
4 process of starting a trial with everything as a clean
5 slate where the State must prove through evidence its
6 case?

7 A Yes.

8 Q Where would you put yourself on a leadership scale?

9 A At work, I would have to be around eight to ten, but
10 outside I'm just very relaxed.

11 Q If you end up being on the jury and retiring to
12 deliberate with the jury, do you think you could get
13 your views out there?

14 A Yeah, yeah, I go to a lot of meetings and stuff. So I
15 tend to speak a lot, too. I'm not very shy or anything
16 like that.

17 Q Okay. Just laid back?

18 A Yeah, just -- I mean, if it's -- I mean, I'm entitled
19 to my own opinion, you know, so why keep it to myself.

20 Q Okay. And are you able to give these defendants the
21 presumption of innocence?

22 A Yes.

23 VOIR DIRE

24 BY MS. CLARK:

25 Q Ms. Foreman-Colev?

1 A Uh-huh.

2 Q We haven't heard too much from you, either. It sounds
3 like you were on a jury previously, but that was the
4 only time you raised your hand?

5 A Yes.

6 Q And what was the last movie you saw?

7 A 17 Again.

8 Q Did you like it?

9 A It was cute. It was, more or less, for my daughter.
10 She picked it, so we watched it.

11 Q Okay. That happens a lot when you're a parent, the
12 movies get chosen by the children?

13 A Yes.

14 Q Are you comfortable with this process with what you've
15 heard so far? Can you give a presumption of innocence
16 to the defendants?

17 A Yes.

18 Q Do you feel that you can?

19 A Uh-huh.

20 Q If you are selected as a juror and go back to the jury
21 room to deliberate at the end of the trial, can you get
22 your views out there? Are you comfortable talking
23 about what you think?

24 A Yes, I am.

25 Q Okay. Are you also comfortable listening to what other

1 people say?

2 A Yes.

3 Q And what about witness credibility -- in other words,
4 deciding if a witness is telling the truth? Do you
5 think you could be equal in the way that you scrutinize
6 the witnesses -- in other words, not believe any
7 particular group more than another group?

8 A Yes.

9 Q Are you a teacher?

10 A I've been a classroom teacher. My position right now
11 is literacy coach. I work predominantly with teachers.
12 I do a lot of observing of instruction and behavior of
13 students and then we reflect together on what I saw and
14 what I heard.

15 Q And what age group of student are you dealing with now?

16 A As a literacy coach, I work in all classrooms K through
17 fifth grade.

18 Q And then do you do some private instruction, too?

19 A I do, but that's basically reading instruction,
20 assessment, things like that, and demo lessons to
21 provide support to teachers.

22 Q And is this in a public school setting?

23 A Yes, it's in Minneapolis Public Schools.

24 Q Do you think you would have a tendency to believe a
25 government worker more than a private person if they

1 testified?

2 A No.

3 Q And where would you put yourself on the leadership
4 scale?

5 A Because of being a school leader and on an
6 administration team, then I would put myself at the
7 nine-to-ten category.

8 Q A lot of people in that category on this panel. Thank
9 you very much.

10 A Uh-huh.

11 VOIR DIRE

12 BY MS. CLARK:

13 Q Mr. Ronayne?

14 A Right.

15 Q Did I get it right?

16 A Yes.

17 Q We also haven't heard much from you, sir. You told a
18 little bit about knowing a retired judge, right?

19 A My father-in-law, right.

20 Q And you were a mechanical engineer?

21 A Right.

22 Q You have a science way of looking at the world?

23 A Sort of, yeah. I guess I find out what's wrong with a
24 piece of equipment and how to make it better and come
25 up with a new idea, so.

1 Q How do you feel about hearing evidence? Do you think
2 you would be able to make sure that you heard evidence
3 to prove the State's case?

4 A Sure, yes, uh-huh. A lot of times you hear stuff in
5 the news and the story doesn't make sense. And then
6 later on it comes out, okay, here's some more evidence.
7 It's like, okay, now we know the rest of the story.

8 Q Uh-huh, okay. And then also the notion that the Court
9 told you about that you are not to have any prejudice
10 against these defendants when we start the trial.

11 A Correct.

12 Q Are you comfortable with that?

13 A Yes.

14 Q Do you think you can do that?

15 A Yeah.

16 Q Where do you get your news from?

17 A Oh, all over -- Internet, TV, you know, newspapers, so
18 forth.

19 Q What Internet sites do you go to?

20 A Mostly national, you know, for like USA Today or
21 something.

22 Q And what television stations?

23 A Well, whatever my wife is watching, probably Channel 4
24 -- or, excuse me, 5 or 9.

25 Q So it's the kids and the wives controlling the media

1 for this panel?

2 A Pretty much, yes.

3 Q All right. And where would you put yourself on a
4 leadership scale?

5 A You know, because of work, you know, I'd be in the
6 eight/nine range. You know, sometimes when I get off
7 of work, you know, I kind of want to kick back a little
8 bit. So then I'm more of a five, I guess.

9 Q I take it from that, then, that you could get your
10 views out there if you end up going back to the jury
11 room?

12 A I mean, you have to sometimes at work, you know,
13 otherwise, you know, I'm not giving my end customer
14 what they want, so yeah. If something's drastically
15 wrong with a way of a design or something, you've got
16 to say so.

17 Q You'd feel comfortable doing that?

18 A Uh-huh.

19 Q All right. Thank you.

20 VOIR DIRE

21 BY MS. CLARK:

22 Q Ms. Zimmerman, how are you?

23 A (Nodding.)

24 Q You don't want to be here, I take it?

25 A I'm happy to be here this week -- I'm very happy to be

1 here this week. I closed my office and everyone's on
2 vacation. I'm happy to be here this week.

3 Q Obviously, the Court will make a decision of whether
4 you stay. But my question of you is, if you stay, can
5 you focus on the trial?

6 A Yes.

7 Q All right. And you would be able to put whatever it is
8 about your business aside so that everyone in this
9 courtroom gets a fair trial and has a jury that listens
10 to the evidence?

11 A (Nodding.)

12 Q Yes?

13 A Yes.

14 Q Where do you get your news?

15 A St. Paul Pioneer Press.

16 Q Pretty much exclusively?

17 A Pretty exclusively.

18 Q And why did you become a dentist? What do you like
19 about your job?

20 A I like to fix things.

21 Q You like to fix things?

22 A Uh-huh.

23 Q Do you have an analytical mind?

24 A Yes.

25 Q Analytical as opposed to intuitive?

1 A Yes.

2 Q Do you like putting puzzles together and figuring
3 things out?

4 A Yes.

5 Q So a process in which a lot of evidence is kind of
6 dumped out in front of the jury and then you have to
7 put it together later and figure out what the picture
8 shows sounds like it would be comfortable for you?

9 A Yes.

10 Q And where would you put yourself on the leadership
11 scale?

12 A Ten.

13 Q No hesitation?

14 A None.

15 Q What about the presumption of innocence and what the
16 Court told you about the law, that you should not have
17 any prejudice against these defendants going into the
18 trial?

19 A I really believe law enforcement. I have never had an
20 occasion not to trust them, not to believe in them, and
21 not to know that they're not doing exactly what they
22 need to do. So as opposed to everyone else, I can't
23 honestly say, oh, yeah, I would be perfectly
24 unprejudiced. I put my faith in law enforcement all
25 the time, and I am not saying that just to get off the

1 jury. I've listened to everybody. I make judgments on
2 people every day in my private practice. You decide
3 things every day. I've never had an occasion not to
4 trust a law enforcement agency.

5 Q Well, do you think there are other viewpoints that
6 other people may have for valid reasons?

7 A Yes. And law enforcement agencies are made up of all
8 different kinds of people, and that is exactly true.
9 So there would be different perspectives within
10 agencies.

11 Q If you hear from witnesses and they each have a piece
12 of the evidence, but don't necessarily know what the
13 other evidence -- in other words, didn't observe other
14 parts of the case, would you necessarily believe that
15 -- would you be able to assess the overall evidence, as
16 opposed to who delivered particular portions of it to
17 you?

18 A I believe so.

19 Q And what was the last book you read?

20 A I'm reading a book called Leisure Seeker.

21 Q What's it about?

22 A It is about an 80-year-old couple. They've been
23 married for 50 years. She has cancer and he has
24 Alzheimer's. She doesn't want to do the cancer
25 treatment anymore and she has kidnapped her husband out

1 of the rest home and they have packed up their motor
2 home and they're going to Disneyland. And I think it's
3 going to have a Thelma-and-Louise ending.

4 Q Thank you.

5 VOIR DIRE

6 BY MS. CLARK:

7 Q And Mary Studnek?

8 A Yes.

9 Q We also haven't heard much from you. You had a purse
10 stolen at one point?

11 A Yes, it was a long time ago.

12 Q Long time ago?

13 A Yes.

14 Q What does an executive administrative assistant do?

15 A I work for a production company and basically I kind of
16 run the office. The two owners are married and I'm the
17 only other person in the office and they travel quite
18 extensively. So I just kind of keep everything under
19 control.

20 Q And production? Production of what?

21 A Video production.

22 Q Do you have any technical skills with regard to video?

23 A No.

24 Q What do you like about your job?

25 A It's really nice not to work in a corporate setting. I

1 like that I can wear jeans and a sweatshirt to work
2 every day and walk the dog for part of my job. It's
3 just very laid back and fun. I love my bosses, so that
4 helps.

5 Q What about credibility of witnesses? Are you going to
6 have a tendency to believe one type of person more than
7 another?

8 A No.

9 Q How do you know that about yourself?

10 A Well, I've always -- I look at everybody as equal -- on
11 equal ground until somebody does something to make me
12 view otherwise. So, I think I'm kind of naive. I'd
13 like to believe the -- you know, that people are
14 telling the truth, and so I -- you know.

15 Q What's going on with that? Why do you like to believe
16 people are telling the truth?

17 A Because I don't like to look at the bad in the world.
18 I don't like to think about other people as being bad.
19 I like to think of everybody as the same and, you know,
20 until they prove to me that they're not a friendly
21 person, they're not a nice person, or whatever.

22 Q Do you think there's different parts of the world that
23 are not so nice --

24 A Oh, I know there are.

25 Q -- as what you've carved out for yourself?

1 A Uh-huh.

2 Q I'm interested in the -- you calling yourself naive. I
3 mean, do you believe that there are people who do not
4 tell the truth?

5 A Yeah, I know that there are.

6 Q Who maybe intentionally don't tell the truth?

7 A I don't think about -- I don't look at somebody and,
8 you know, because of something somebody else says and
9 think that person's always going to be lying. I get to
10 know the person myself first, you know, and then make
11 my own determination about what their character is
12 like.

13 Q Okay. But if you can't do that -- I mean, in a setting
14 like this, if you're going to just be hearing from
15 someone from the witness stand and you don't have an
16 opportunity to get to know them, what kinds of things
17 would you do to assess credibility? What kind of
18 things would you look at?

19 A Does their story -- I mean, if they're asked multiple
20 questions about something, do they always have the same
21 answer, you know, just by listening to everything that
22 they say.

23 Q What about body language?

24 A Yeah, body language is a big thing.

25 Q Facial expressions?

1 A Sure, you can kind of get a sense of if somebody is
2 lying to you or not -- I can.

3 Q Do you think all people are created equal in their
4 ability to convince you they're telling the truth?

5 A (No response.)

6 Q Let me ask it differently. Do you think some people
7 have better skills to put on --

8 A Sure.

9 Q -- an image that they're telling the truth?

10 A Yes.

11 Q So it's a deep question, right? I mean, who's telling
12 the truth?

13 A Yeah.

14 Q It's a lot of things to consider?

15 A Yeah.

16 Q And you're willing to consider those things for all of
17 the witnesses?

18 A Sure.

19 Q In other words, not just scrutinize certain witnesses?

20 A Right.

21 Q And where do you put yourself on the leadership scale?

22 A It depends on what the situation is. If it's something
23 I'm very passionate about or something I really believe
24 strongly in, then I'm going to be at a ten. If it's
25 something I don't know a lot about, then I would be

1 more in the middle until I felt I knew enough about it
2 to make a really good decision based on what I know.

3 Q And what's the last book you read?

4 A The Memory Keeper's Daughter.

5 Q What's that about?

6 A Well, I've been reading it over about three years. In
7 fact, I had time yesterday to finish it.

8 Q Timely question?

9 A Yeah. It's about a couple that gets married and they
10 have twins and one of the twins ends up being mentally
11 retarded and the father tells the wife that one child
12 died -- I don't know -- to try to protect her and it
13 just unravels and how the truth comes out in the end.
14 It was a good book.

15 Q Thank you.

16 VOIR DIRE

17 BY MS. CLARK:

18 Q Ms. Guillaume?

19 A Uh-huh.

20 Q I heard you say earlier you're a professor?

21 A Yes.

22 Q At the University?

23 A Yes.

24 Q Do you teach?

25 A Not much. I do mostly research.

1 Q Okay. What kind of research?

2 A It's the study of time.

3 Q Say the word again?

4 A It's the study of life.

5 Q And what made you veer off into research, as opposed to
6 teaching?

7 A I did research since I came out with a Ph.D. at the
8 University of Brussels in 1975.

9 Q University of Brussels?

10 A Uh-huh.

11 Q Are you originally from Belgium?

12 A Uh-huh.

13 Q How long have you been in the States?

14 A Since '76.

15 Q What about the concepts here that we've talked about,
16 the American system of justice?

17 A It's good.

18 Q What do you think about the presumption of innocence?

19 A It's good.

20 Q You're able to -- you believe you're able to do that?

21 A I think so.

22 Q Do you have a doubt?

23 A The doubt is primarily about my skills about putting
24 together the information that is going to be heard in
25 this court. It's something I have never done before,

1 so I don't know.

2 Q Well, you're comfortable listening to witnesses?

3 A Yes.

4 Q And hearing evidence?

5 A Yes.

6 Q And then it sounds like in your job you have to put
7 things together at a later date, too?

8 A Yes, in a very different way. I do a lot of computer
9 work. So the evidence is coming through the data that
10 I have, so it's very analytical. It's all a bit more
11 based off the computer and things like that, not from
12 all of the people's messages.

13 Q Well, let's talk about that a little bit. You heard me
14 talk with Ms. Studnek for quite some time about the
15 concept of judging credibility of a witness. Are there
16 some ways that you in your life have had to decide if
17 someone's telling you the truth?

18 A No.

19 Q Never had to do that?

20 A Not in my situation. Certainly not in a situation that
21 is critical for the well-being of somebody, like in
22 this court.

23 Q Well, the Court will probably give you an instruction
24 on the kinds of things you think about, but what about
25 some of the things that Ms. Studnek was talking about,

1 like body language?

2 A I don't know.

3 Q You don't know how to assess body language?

4 A Not very well.

5 Q What about facial expressions?

6 A Well, you can see when the people are upset, but
7 whether that is the truth or not from the body language
8 is -- I don't know. It can be easy or difficult or
9 impossible. I don't know whether I can or I cannot. I
10 never had to do anything like that.

11 Q Just no experience with it?

12 A Uh-uh.

13 Q Where do you get your news from?

14 A Different things: On the computer, MSNBC, in the
15 morning MPR on the radio, and sometimes NBC news in the
16 evening, otherwise not much.

17 Q And what's the last movie you saw?

18 A Going to the movie, the last one was Jurassic Park. It
19 was many years ago.

20 Q What was that?

21 A Jurassic Park.

22 Q Jurassic Park, okay. Well, now we know how often you
23 go to the movies. Okay. Thank you.

24 VOIR DIRE

25 BY MS. CLARK:

1 Q Mr. Cook, I think you may be --

2 MS. CLARK: Oh, wait a minute. You know,
3 hold on here for a second because I've just
4 realized that I missed Ms. Lee.

5 VOIR DIRE

6 BY MS. CLARK:

7 Q Sorry about that.

8 A That's okay. I thought I was getting off.

9 Q No, no, no, no, no, no. You talked a little bit about
10 some experiences of being a victim. Would that
11 influence you in this case or do you think you can put
12 that aside?

13 A I think I can put it aside.

14 Q Okay. It was quite some time ago?

15 A Uh-huh.

16 Q Are you comfortable with some of these things we've
17 been talking about, listening to witnesses and judging
18 credibility?

19 A Uh-huh, yes.

20 Q Would you be able to use the same standard -- the same
21 scrutiny for all of the different witnesses?

22 A I'm going to try to, yeah. I'm going to try to. I can
23 say I've worked in all walks of life and a lot of
24 different inner cities. And yeah, I feel like I can
25 listen to people's viewpoints.

1 Q Okay. Is there any group that you favor? I mean,
2 would you be the type of person -- you have a brother
3 in -- brother-in-law with the New York City Police?

4 A Uh-huh.

5 Q Do you think you'd have a tendency to believe the
6 police more than you would believe a private person?

7 A No. He's a police officer that I'm close with, and I
8 can say that I've seen the back side of the police
9 department, also. So I think there are some inherent
10 issues with police officers. But yeah, in general, I
11 respect them, and I believe that they do preserve our
12 safety in America, so.

13 Q So you could scrutinize all witnesses in the same way;
14 in other words, whether they're police or not?

15 A Yes.

16 Q And could you give -- could you be fair to both the
17 State and to the defendants in this case?

18 A Yes, I feel I can be.

19 Q Where do you get your news?

20 A Primarily CNN online. Local TV at night, so WCCO,
21 KSTP, and sometimes MPR.

22 Q And where would you put yourself on a leadership scale?

23 A Eight to nine.

24 Q Wow, high leadership panel here.

25 THE COURT: I'm sorry, did you say something,

1 Ms. Clark?

2 MS. CLARK: No, I was just --

3 THE COURT: Okay.

4 Q (By Ms. Clark, continuing) You work with a veterinary
5 service; is that right?

6 A I'm an emergency critical care veterinarian and I'm the
7 director of an animal poison control and human poison
8 control service in the Twin Cities.

9 Q And how did you get into that line of work?

10 A Most of my training in my residency was emergency
11 medicine and so it just blossomed into the field of
12 toxicology and poisoning, and previously I was on
13 faculty at the U at the vet school and just
14 transitioned into this leadership position.

15 Q And that's part of why you put yourself at the
16 eight-to-nine range?

17 A Correct.

18 Q Okay. Thank you.

19 VOIR DIRE

20 BY MS. CLARK:

21 Q Now, Mr. Cook, last but not least. You've heard a lot
22 of this discussion?

23 A Yes.

24 Q Would you be able to assess all witnesses in the same
25 way; that is, look at all of them and try to judge

1 whether they're telling the truth in the same way?

2 A Yes.

3 Q Do you think you'd be -- do you think you'd be inclined
4 to favor one group more than another group, like
5 believe a police officer just because he's a police
6 officer?

7 A I think I can.

8 Q You think you can do that?

9 A (Nodding.)

10 Q Would you be willing to make that concerted effort to
11 do that?

12 A Yes, I think so. I think I can.

13 Q And what about presumption of innocence? Are you able
14 to give the defendants the presumption of innocence, to
15 truly start with a blank slate and have the State prove
16 its case?

17 A Yes, I could.

18 Q Have you seen a movie recently?

19 A Yeah, Cops. That's my favorite show.

20 Q That's a TV show, right?

21 A Yeah, it's a TV show.

22 Q Cops is your favorite TV show?

23 A Yeah.

24 Q Well, do you think that you would be more inclined to
25 believe police officers?

1 A Yeah. I believe some of them is fair. Some of them
2 can be -- you know, kind of the way they handle their
3 job -- I mean, the way they handle their job is kind of
4 brutal because they've got to chase people down, so.

5 Q So you think they're an mixed bag, kind of?

6 A No, I'm not saying they're bad. I'm just saying the
7 way they have to risk their life, you know what I'm
8 saying?

9 Q Uh-huh.

10 A You know, when they have to go after somebody and tell
11 them to stop and they don't stop and then they have to
12 shoot somebody, which they don't want to shoot anybody,
13 you know, I feel like if police tell you to stop and
14 you don't stop, they got a right to shoot you.
15 Especially if you turn around and you swing around and
16 you got a gun and you try to shoot back at them, they
17 got all the right to shoot you, you know. So that's
18 the way I feel.

19 Q What I'm trying to get at is, would you be -- do you
20 think you'd be more likely to believe a police officer
21 testifying in this courtroom simply because they're a
22 police officer?

23 A Yes.

24 Q You do?

25 A Uh-huh.

1 Q Okay. Do you think you have the ability to judge all
2 of the witnesses the same or would you be more inclined
3 to believe a police officer?

4 A Well, I feel that I would believe the police officers
5 because the simple fact is, if a person did something
6 wrong, you know, you got -- it's two stories to it, you
7 know, either the police -- either the police are
8 telling the truth or the person is telling a lie, so.

9 Q Well, sometimes that's right. So are you saying you'd
10 pretty automatically believe the police?

11 A Yeah, you know, if the person is in the wrong, yeah.

12 Q If the person is in the wrong?

13 A Right.

14 Q But I guess that's what I'm trying to get at. Would
15 you presume -- would you assume the person was in the
16 wrong and the police were in the right?

17 A Yes.

18 Q There's no show called Civilians, is there?

19 A No.

20 Q No TV show for that?

21 (Whereupon, everyone laughed.)

22 Q (By Ms. Clark, continuing) Where do you think you are
23 on the leadership scale, sir?

24 A About a ten.

25 Q And how long have you been watching this Cops show?

1 A Oh, I've been watching it for a long time.

2 Q A long time. Is it on -- how often is it on? Once a
3 week? Every day?

4 A I watch the news -- I watch the news on -- Channel 11
5 news and Channel 5 and stuff like that.

6 Q All right.

7 MS. CLARK: All right. Anyone that I have
8 not talked to?

9 (Whereupon, none of the prospective jurors
10 answered affirmatively.)

11 MS. CLARK: Your Honor, may we approach?

12 THE COURT: Yes.

13 (Whereupon, a brief off-the-record discussion
14 was held.)

15 THE COURT: Okay. All right. We're going to
16 -- here's what we're going to do. The State also
17 needs to question you. This afternoon I have a
18 sentencing calendar, so we're going to finish by
19 lunchtime. However, lunchtime is going to be
20 later than 12:00, so probably 12:30 is the goal.

21 So we're going to take a five-minute break
22 right now. Come back here and we'll get through
23 this part of it and then that's it for you for
24 this afternoon. Then you'll be back this -- we'll
25 let you know who's going to be back tomorrow.

1 All right. I think that's it.

2 (Whereupon, a short recess was held.)

3 THE COURT: All right. And now we will

4 proceed with the State's voir dire.

5 MS. LAMIN: Thank you.

6 THE COURT: Thank you.

7 MS. LAMIN: Good late-morning, everyone.

8 I'll try to move along as fast as I can -- I know

9 it's already been a long morning for you -- so you

10 can enjoy the rest of your day or go to work.

11 VOIR DIRE

12 BY MS. LAMIN:

13 Q Mr. Cook, you were just speaking with Ms. Clark about
14 Cops, the cop show. Do you believe that you can sit
15 there and listen to all of the evidence as it's
16 presented?

17 A I can.

18 Q And in this case, there's going to be testimony from
19 some officers and lots of lay people, as well. Do you
20 believe that you can listen to both of their testimony?

21 A Yes, I can.

22 Q And the judge is going to instruct you on the law that
23 you should consider when you're kind of evaluating
24 credibility of witnesses, okay, and the judge is going
25 to tell you things to look for, like, is their story

1 reasonable with the other evidence. Do you think that
2 you can apply that law to the people that testify?

3 A I think I can.

4 Q Do you feel like you can keep some of your personal
5 feelings about police, good or bad, and put that aside
6 and just listen to the people, the police and
7 nonpolice, that you hear testify on the stand?

8 A Yes, I can.

9 Q And do you feel that you can be fair to both sides,
10 both the defense and the State?

11 A Yes.

12 Q And after hearing all the evidence from all of the
13 witnesses and whatever visual evidence there may be, do
14 you feel that you can make a decision based just on the
15 evidence you hear and the law as the judge gives it?

16 A Yes.

17 Q And so just to be clear, do you feel that what you see
18 on Cops -- can you keep some of that out of this
19 courtroom?

20 A Yes.

21 MS. LAMIN: Now, I'm going to start with
22 Mr. Cook, but it's for many of you.

23 Q (By Ms. Lamin, continuing) Mr. Cook, you said you're a
24 ten in terms of leadership; is that correct?

25 A A what?

1 Q You said you were a ten in terms of leadership?

2 A What do you mean?

3 Q When Ms. Clark asked you in terms of being a leader on
4 the scale -- am I wrong? I'm sorry, did you say you
5 were a ten?

6 A Yes.

7 Q Okay. If I'm wrong, please correct me.

8 A Yes.

9 Q Now, you understand that when you go back and
10 deliberate, you're going to be in a room with these
11 people?

12 A Right.

13 Q And in addition to being a strong leader, do you think
14 you'll be able to listen to what other people say?

15 A Yes.

16 Q And if someone points something out, are you open to
17 changing your mind?

18 A Not really.

19 Q If someone points something out, would you be willing
20 to at least re-examine your views?

21 A Yes.

22 Q And then if you really believe something, you stick to
23 it, but if you're open, are you able to see both sides?

24 A Well --

25 Q Do you see what I'm getting at? I'm not trying to --

1 just to make sure that you would be able to work with
2 everyone else.

3 A Yes, I can work with everybody else.

4 Q Thank you very much, sir.

5 A Uh-huh.

6 VOIR DIRE

7 BY MS. LAMIN:

8 Q Now, Ms. Zimmerman, you also said that you were a ten?

9 A Correct.

10 Q And you heard some of the questions I just asked
11 Mr. Cook. If you're working with a group of people,
12 would you be open to hearing other ideas and opinions?

13 A Yes.

14 Q And would you feel comfortable re-examining your own
15 views based on what other people say?

16 A Yes.

17 Q Now, obviously, in the jury deliberation room, it can't
18 be -- everyone cannot be in charge?

19 A Correct.

20 Q Okay. And you understand that ultimately you're going
21 to pick one foreperson to represent you?

22 A Correct.

23 Q And you're comfortable with that concept?

24 A Correct.

25 MS.CLARK: Object to the extent that it

1 misstates the law about the foreman representing
2 the jury.

3 THE COURT: Excuse me?

4 MS. CLARK: I object to the question to the
5 extent it misstates the law about the foreman
6 representing the jury.

7 MS. LAMIN: I can rephrase.

8 THE COURT: Yes, please. Rephrase it.

9 Q (By Ms. Lamin, continuing) One person, the foreperson,
10 is going to speak for you in court?

11 A Yes.

12 Q Now, in terms of the scheduling of the trial -- thank
13 you, Ms. Zimmerman.

14 MS. LAMIN: In terms of the scheduling of the
15 trial, at the end of all of the evidence when it's
16 time for you to deliberate, you're going to be
17 sequestered.

18 VOIR DIRE

19 BY MS. LAMIN:

20 Q And, Mr. Gold, do you understand what sequestered
21 means?

22 A Yes.

23 Q You're going to be -- you're going to have to -- when
24 you start deliberating, if you don't finish before
25 dinnertime or whatever time, you're going to have to

1 stay together as a group and spend the night and stay
2 together until you're done?

3 MS.CLARK: Objection.

4 THE COURT: Counsel, approach.

5 (Whereupon, a brief off-the-record discussion
6 was held.)

7 Q (By Ms. Lamin, continuing) We had a miscommunication
8 about sequestration. Sorry about that.

9 A That's okay.

10 MS. LAMIN: How many people watch the CSI
11 shows?

12 (Whereupon, several prospective jurors
13 responded affirmatively.)

14 MS. LAMIN: A lot of people. How many people
15 have one that they really love?

16 (Whereupon, several prospective jurors
17 responded affirmatively.)

18 MS. LAMIN: How many people watch them every
19 week?

20 (Whereupon, several prospective jurors
21 responded affirmatively.)

22 VOIR DIRE

23 BY MS. LAMIN:

24 Q Ms. Glaser, sorry, you're selected.

25 A That's okay.

1 Q What show do you watch?

2 A I like the 48 Hours mystery show or Dateline -- not
3 CSI, but same concept.

4 Q What do you like about those shows?

5 A I like to go in always just assuming that everyone's
6 innocent. I find it fascinating to see where I am at
7 the end of the night. I kind of look at it as -- I
8 don't want to say as a game, but, like you say, a
9 puzzle. I like to see where I think I'm at and then
10 how it really ends and then like gauge if I would have
11 come up with the same answer.

12 Q And do you find -- now, you're looking at that after
13 the fact?

14 A Correct, yeah.

15 Q How would you feel when you are in the middle of it?

16 A Well, I've never really experienced it before, other
17 than, like I say, back into my role at work. I mean,
18 I'm having to evaluate a bunch of different scenarios
19 in order to come up with an objective and fair
20 decision, knowing I'm going to upset -- there's going
21 to be a party that will be upset. So I do experience
22 gathering information, looking at the data, coming up
23 with an answer, and then having to deliver that
24 information.

25 Q Thank you.

1 MS. LAMIN: Does anyone else regularly watch
2 another one of those -- the CSI shows, like Miami
3 or New York?

4 (Whereupon, none of the prospective jurors
5 responded affirmatively.)

6 MS. LAMIN: Everyone's scared to raise their
7 hands now.

8 (Whereupon, Prospective Juror Lee raised her
9 hand.)

10 MS. LAMIN: Thank you.

11 VOIR DIRE

12 BY MS. LAMIN:

13 Q Ms. Lee, which one do you watch?

14 A I watch Law & Order and CSI Miami -- not every week,
15 but I do like to watch it.

16 Q What is it that you find -- what do you like about the
17 CSI Miami one?

18 A As a scientist, I like the science behind the forensic
19 medicine of being able to prove how a crime took place,
20 just watching the evidence unfold.

21 Q And what about -- as a scientist, are there things
22 about the science that you see on the show that aren't
23 realistic?

24 A Yes, just some of the exact science mechanisms, some of
25 it's Hollywood made up, so it's not completely

1 scientifically accurate, but.

2 Q And as you've already learned, things in the real
3 courtroom don't go for an hour long, nothing's done in
4 an hour. So do you feel like -- would you hold us --
5 let me just get to the chase. Would you hold us to the
6 CSI standard or the standard as the judge gives you?

7 A I know that what you see on CSI Miami is unrealistic.
8 The level of forensic medicine that a true case goes
9 through, it's never to that degree, and I experienced
10 that when I was robbed, like they filled out a police
11 report, but didn't do any investigation. So yes, I
12 would follow the standards of the judge.

13 Q And do you think that -- if there isn't, you know, a
14 scientist who comes in with forensic evidence, can you
15 still follow the law and make a decision?

16 A If -- yes. If the evidence is available, if, you know,
17 there's alibis or if there's an appropriate time line
18 where it fits with the scenario, I think if there's
19 enough evidence presented, you can make a decision,
20 yes.

21 Q Even if there's no forensic evidence, can you -- do you
22 feel like you can still find someone guilty beyond a
23 reasonable doubt?

24 MS.CLARK: Objection.

25 THE COURT: Can you rephrase that, please?

1 Q (By Ms. Lamin, continuing) Do you believe that forensic
2 evidence is required to meet the proof beyond a
3 reasonable doubt?

4 MS.CLARK: Objection.

5 THE COURT: I think it's a reasonable
6 question.

7 PROSPECTIVE JUROR LEE: I would say no. If
8 there's a witness placing a criminal at the scene,
9 there may not be forensic evidence that's
10 available or that's been processed, but then
11 you're relying on the testimony of a witness.

12 Q (By Ms. Lamin, continuing) Thank you, Ms. Lee.

13 A Uh-huh.

14 MS. LAMIN: Does anyone else feel that they
15 must have a smoking gun or forensic evidence
16 before they feel that they can -- the State can
17 meet its proof beyond a reasonable doubt?

18 MS.CLARK: Objection.

19 THE COURT: It's overruled. You may answer.

20 (Whereupon, none of the prospective jurors
21 responded affirmatively.)

22 MS. LAMIN: No one wants to talk anymore? No
23 hands?

24 (Whereupon, none of the prospective jurors
25 responded affirmatively.)

1 MS. LAMIN: Has anyone -- has anyone ever
2 needed to call the police for help?

3 VOIR DIRE

4 BY MS. LAMIN:

5 Q Ms. Foreman-Coley?

6 A Uh-huh.

7 Q Can you tell me about that, please?

8 A Well, like in the summer, there'll be like kids who are
9 like kind of fooling around or shooting off
10 firecrackers and things like that. And so because when
11 you hear a lot of commotion and it's dark you can't
12 really tell where it is, I will call, just to see --
13 because someone could be getting hurt. I mean, you
14 just never know. I, as a female, am not going outside
15 to check. So yeah, I do contact my police. If I think
16 something's going on, I will call them.

17 Q And after you call, do you ever have personal follow-up
18 with them?

19 A Sometimes I'll call back if I'm not sure what the
20 outcome is, if I'm like really concerned, but most of
21 the time -- one of the people in my neighborhood is
22 Mrs. Montgomery, and she's like a retired policeman and
23 worked for the city and all of that. So if it's
24 something really big, like there was a gas leak that
25 happened down the street and I had to leave to go do

1 something and when I got back, I was like, what
2 happened, and so I just called her and she said, oh, it
3 was a gas leakage thing. So that's the extent of the
4 follow-up.

5 Q So she seems to know what's going on?

6 A Most of the time.

7 Q It's nice to have someone like that in the
8 neighborhood?

9 A It is.

10 Q Ms. Foreman-Coley, since we're talking, how would
11 people describe you in terms of your common sense?

12 A Extremely commonsensical. I mean, I don't know how you
13 would describe it, but I really look at what happened,
14 there's always two sides to the story, and then -- and
15 the only reason I'm saying this is because I work with
16 children. So a lot of times things will be happening
17 where one person says this and one person a says that.
18 So you get a statement from both people and then you
19 kind of fill it in as you talk to them about it, but
20 it's not negating anybody's story. It's just actually
21 figuring out what really occurred and what is the
22 proper, if any, consequence that they would have to
23 have.

24 Q All right. Thank you, Ms. Foreman-Coley.

25 MS. LAMIN: I'm sorry, some other people in

1 the back raised their hand.

2 VOIR DIRE

3 BY MS. LAMIN:

4 Q Ms. Zimmerman?

5 A No.

6 Q I'm sorry, Ms. Studnek?

7 A Yes.

8 Q You said that you've had to call the police?

9 A Yes, it was a domestic-assault situation.

10 Q Can you explain more? Was this a neighbor or what?

11 A No, this was a previous boyfriend pounding on my door,
12 trying to get in, and I had issues with him breaking
13 things and he had a very violent temper. And I did
14 call the police when he was pounding on my door once.

15 Q And did the police respond?

16 A Well, I called and then I hung up and then they called
17 back to see if there was a problem, and that was about
18 the extent of it.

19 Q So no officer came to the scene?

20 A No.

21 Q Anything about that experience, no officer coming to
22 the scene, that might give you a good or bad impression
23 in any way and affect your ability to be a juror in
24 this case?

25 A I don't think so.

1 Q And, Ms. Studnek, you also mentioned that you were --
2 you don't like to think that people are bad, that
3 everyone's telling the truth?

4 A I like to think, you know, the best of people. And I
5 know that there are plenty of people that are good and
6 plenty of people that are bad, and you get to know them
7 through your character and make your own decision. And
8 that was -- I don't like to take someone else's word
9 about what someone's character is, and I want to find
10 that out for myself. I don't like to judge other
11 people based on something somebody else has said. I
12 like to, you know, decide that for myself, how I'm
13 going to feel about that person.

14 Q And the judge in this case is going to give you some
15 guidelines for judging and evaluating the testimony of
16 the witnesses you see --

17 A Uh-huh.

18 Q -- and some of those are going to involve common sense
19 and the reasonableness of their statements. Do you
20 feel that you would be comfortable applying that
21 without ever being able to personally get to know these
22 witnesses to determine --

23 A Yes, because evidence will be shown and we will be able
24 to make our decision based on the evidence.

25 Q You also mentioned that you were a ten in terms of

1 leadership, if you were passionate, and I don't want to
2 sound like a broken record, but will you still, even in
3 your passion, be able to listen to what other people
4 say?

5 A Yes, because I think everybody looks at the same
6 situation a little bit different, and you need to --
7 you know, somebody else might see something that you
8 wouldn't even have recognized or thought about. So
9 it's good to keep an open mind and listen to what
10 everybody has to say and then make your judgment based
11 on what you know of all of the different pieces.

12 Q Thank you very much.

13 VOIR DIRE

14 BY MS. LAMIN:

15 Q Ms. Guillaume?

16 A Guillaume.

17 Q Did you raise your hand?

18 A Yes.

19 Q You called the police for help one time?

20 A Yes. It was at the beginning of this month. When we
21 had such a nice, strong winds, a big chunk of our pine
22 tree fell on the roof of the house. After talking to
23 the insurance and because some of the branches of the
24 pine trees -- there are some electrical wires in the
25 middle of those trees, they recommended that I contact

1 authorities, and I did call the 9-1-1 emergency number
2 and was transferred immediately to the fire department
3 and they came to help.

4 Q And anything about that experience -- it sounds like a
5 good experience?

6 A The fire people were absolutely fantastic.

7 Q Are you just saying that because of Mr. Michalski?

8 A No, no, no.

9 Q Thank you very much.

10 MS. LAMIN: Did anyone in the second row
11 raise their hand?

12 PROSPECTIVE JUROR HANSEN: I'm a delayed
13 raiser. Something came to my mind.

14 VOIR DIRE

15 BY MS. LAMIN:

16 Q Yes?

17 A I don't know if it really counts. About seven years
18 ago, I received a voicemail on my cell phone, and the
19 person just said, you know, my first and last name.
20 Well, I know that on my voicemail I didn't put my last
21 name, and they were making accusations and so I just
22 kind of -- it freaked me out, as a single woman living
23 alone. So I just went to the police station and said,
24 you know, this has never happened before, so I felt
25 like I should just report it. They kind of looked at

1 me like I was silly, so nothing really came of it.

2 Q So would you characterize that as a good or a bad
3 experience with the police?

4 A I think going in I knew that you needed to have more
5 evidence if somebody really wanted to, you know, do
6 harm to me. So I felt like maybe it was more just
7 going to kind of make sure it was a matter of record,
8 if something else happened. So I mean, I guess I
9 wasn't surprised that it wasn't -- nothing more was
10 done, just because it was a voicemail, but I felt I
11 needed to go forward and make sure that it was
12 reported.

13 Q Did they take a report?

14 A They filled out a report, yeah. I didn't have any
15 follow-up. I also changed my cell phone number so that
16 took care of the problem.

17 Q Anything about that experience that you think would in
18 any way affect your ability in this case to be fair and
19 impartial to both sides?

20 A It wasn't nice to be made -- kind of like what I was
21 saying wasn't valid, but I mean I recognize that it was
22 just one simple little incident. So I didn't enjoy it,
23 but I also felt like I needed to do it. I mean, that's
24 things we do in life every day.

25 Q But they should have been professional?

1 A Yeah, I recognize that I -- I look at facial
2 expressions more closely than others so -- and it could
3 have been my insecurity about the whole issue. So no
4 judgments or anything, just --

5 Q Thank you.

6 MS. LAMIN: Did anyone else in the middle row
7 raise their hand earlier or want to?

8 VOIR DIRE

9 BY MS. LAMIN:

10 Q Okay. Ms. Lee?

11 A I called the police twice before reporting drunk
12 drivers who almost hit me or were driving erratically
13 and just based on the GPS on my phone they documented
14 it. I've called them before for the robbery of my
15 apartment and also for being held up at knifepoint --
16 which they took a report, but I knew it wasn't going to
17 be heavily investigated. I called them twice in the
18 past probably two years for a wallet that was stolen,
19 just to get a police record, and also to report a
20 suspect who was scoping out the house across the street
21 from mine that I thought was going to be broken into.
22 It was vacant due to a death and I saw what looked like
23 suspicious characters scoping out the house and so they
24 sent out a police car.

25 Q Now, Ms. Lee, given the fact that you said you knew

1 that the police wouldn't further investigate the
2 robbery that you experienced back in 2002 -- in Boston,
3 you said?

4 A Uh-huh.

5 Q -- anything about that that would make it hard to be a
6 juror in this case?

7 A No, I felt it was -- just for renter's insurance, I
8 needed a police report, and it was, in my opinion,
9 somewhat of a petty crime and I felt like they had
10 bigger fish to fry. I didn't feel like it was going to
11 be heavily investigated, but I felt safe that they came
12 to my house when I felt violated.

13 Q What about -- you talked about that incident with the
14 knife from '98?

15 A Uh-huh.

16 Q That one you also felt they weren't going to
17 investigate?

18 A I felt they weren't going to investigate it, but, to
19 make a long story short, one of my friends who's a Navy
20 SEAL rescued me during the situation. So the police
21 came twice: once, to make sure everything was okay, and
22 the second time when we found the knife and they took
23 the evidence away. Overall, it was -- I still feel
24 like I could listen to a police officer testify in an
25 unbiased manner.

1 Q Thank you.

2 MS. LAMIN: Was there anyone in the front row
3 who raised their hand?

4 (Whereupon, none of the prospective jurors
5 responded affirmatively.)

6 MS. LAMIN: Everyone's still scared?

7 (Whereupon, everyone laughed.)

8 MS. LAMIN: Now, I'm just going to kind of
9 pick on people based on some of the things said
10 and try to wrap up in the next few minutes.

11 VOIR DIRE

12 BY MS. LAMIN:

13 Q Mr. Ronayne?

14 A Ronayne.

15 Q I'm sorry, can you say that again?

16 A Ronayne.

17 Q Ronayne, okay. You'd think when I've heard it a few
18 times, I'd do better. I'm sorry.

19 Mr. Ronayne, you talked about, in your profession
20 as a mechanical engineer, trying to fit all the pieces
21 together?

22 A Uh-huh.

23 Q Now, are you able -- in your profession, what if you're
24 missing some pieces in your mind?

25 A If I was missing some pieces, then the end result

1 wouldn't be as good.

2 Q You also -- I'm paraphrasing. You also said you want
3 to know the rest of the story?

4 A Right.

5 Q Now, have you been in situations where you might not
6 know every piece of the story?

7 A True. At work, yeah, a lot of times -- most of the
8 times, probably, you've got to ask a bunch of people
9 instead of just relying on one person, you know. At
10 work, everyone's got an opinion about something, but
11 you've got to pull it all apart and say, here, what do
12 we really need?

13 Q And now you talked about what people really need. If
14 people are telling you what you think you really need
15 and you know what you really need, once you get those
16 pieces, are you able to put it together?

17 A Right.

18 Q And can you kind of block out the other superfluous
19 stuff that people want to tell you, but you might not
20 need?

21 A Right.

22 Q And in this case, the judge is going to tell you what
23 the law is, and the facts are just going to come from
24 the witnesses you hear on the stand?

25 A Right.

1 Q And you feel comfortable that you could apply those
2 facts to the laws, as the judge gives them to you?

3 A Right.

4 Q Thank you, sir.

5 VOIR DIRE

6 BY MS. LAMIN:

7 Q Mr. Michalski?

8 A Yes.

9 Q You indicated that a good friend of yours is a criminal
10 defense attorney?

11 A Uh-huh.

12 Q Can I ask, who is that?

13 A His name is Lee Orwig.

14 Q Does he practice -- do you know, does he practice here
15 in Ramsey County?

16 A He works for Halberg Criminal Defense.

17 Q Do you talk frequently about cases with him?

18 A No, no, very rarely.

19 Q You also mentioned that you were an eight to a ten in
20 terms of being a leader?

21 A (Nodding.)

22 Q Do you -- even as being a leader, do you feel
23 comfortable listening to other opinions?

24 A Yeah. I mean, I think with my profession you're kind
25 of required to take charge, but you're also trained to

1 know when is a good time to step back and listen to
2 other's opinions and take in facts before you react,
3 so.

4 Q And, Mr. Michalski, it sounds like you're very familiar
5 with the police department, in particular St. Paul
6 Police Department?

7 A Yes.

8 Q But you didn't recognize any of the names?

9 A No.

10 Q And you talked about how you've seen inner workings
11 that other people might not see?

12 A Sure, yes.

13 Q Please correct me if I'm wrong. I know it's been a
14 long morning.

15 A Yes.

16 Q Do you feel, though, that you can sit -- and the judge
17 is going to instruct you on some of the criteria that
18 you use in evaluating the believability of witnesses.
19 Do you feel like you can follow that criteria?

20 A Yes.

21 Q And if that criteria includes things like common sense,
22 how do you rate yourself in terms of common sense?

23 A Common sense? I would rate myself very high.

24 Q How do you think other people rate you?

25 A I would say they'd have to probably agree. I haven't

1 heard otherwise, so yeah.

2 Q Thank you, sir.

3 A Uh-huh.

4 VOIR DIRE

5 BY MS. LAMIN:

6 Q Ms. Haase, you mentioned yesterday afternoon that --
7 you said your husband is in jail currently in
8 Stillwater?

9 A Correct.

10 Q Is he in jail or in prison?

11 A He's on the work release program in Stillwater.

12 Q So he's gone through the criminal justice system?

13 A Yes.

14 Q Have you attended court with him?

15 A He was out of state. I stayed in the city with him,
16 like I stayed in the hotel with our kids while he went
17 to court.

18 Q What do you mean by that?

19 A It happened in Wisconsin. He had the case transferred
20 so he could still keep his job and so the work release
21 program, but I would drive with him to Wisconsin so he
22 could meet his attorney and go to court. He only had
23 to appear a couple of times.

24 Q And what was your impression of the criminal justice
25 system from seeing it along with your husband?

1 A Everything was pretty clear-cut as far as his charges
2 were concerned.

3 Q And you said he had to appear a couple times. Did he
4 plead? Did he go to trial?

5 A He pled guilty.

6 Q How did you feel that the criminal justice system
7 worked?

8 A I felt that for the severity of his case that it was
9 actually easier than I anticipated it would have been.

10 Q Can I ask, why do you say that?

11 A Because there were two felonies involved. So for him,
12 when he was originally presented his options, it was
13 one to five years in jail, and he was able to get some
14 of the charges dropped and was able to continue to work
15 and provide for his family.

16 Q Anything about that experience that would make it at
17 all hard for you to be a juror in this case?

18 A No, I don't think so.

19 Q Do you feel that you could be fair both to the defense
20 and to the State?

21 A Yes.

22 Q You also spoke about an being an internal auditor,
23 making sure procedures are followed, stuff along that
24 line?

25 A Uh-huh.

1 Q Now, you do the actual investigation as part of your
2 audit?

3 A Yes.

4 Q So do you interview and meet with people?

5 A I interview and then I follow up. I look through
6 paperwork, look for evidence that things are being
7 completed, and look for areas of improvement.

8 Q And when you -- do you see things -- let me phrase it
9 this way: When you're doing an investigation, do you
10 look for big things and little things at the same time?

11 A Well, little things that can impact larger things in
12 the end.

13 Q And then you ultimately reach some sort of a conclusion
14 or is it a recommendation?

15 A It depends. And if something -- if the evidence is not
16 there that is required to be there, I cannot make my
17 report for a disciplinary action for the employee, but
18 I can make recommendations should -- I don't have the
19 evidence in front of me that something was not being
20 done, but I also interview other people within the
21 department -- the managers, other co-workers -- to get
22 the information to see if something may not be as it
23 appears, if something is not being followed -- maybe
24 it's sometimes being followed, but not always, but I
25 just can't by looking through the paperwork pinpoint

1 what it is.

2 Q This is going to be a little shift because you're going
3 to hear testimony, but you're not going to be able to
4 ask any of the questions, yourself. Will you be able
5 to just take the testimony as you hear it without being
6 able to do that follow-up questioning?

7 A Yes, I would take it as I hear it and what is presented
8 to me.

9 Q Thank you very much.

10 VOIR DIRE

11 BY MS. LAMIN:

12 Q Ms. Puariea?

13 A Yes, Puariea.

14 Q Ms. Puariea, I apologize.

15 A That's all right.

16 Q You mentioned that you're not a follower?

17 A No, not a follower. Everybody knows me as not a
18 follower.

19 Q If you're selected for this jury and you deliberate,
20 are you open to hearing everyone's opinions?

21 A Yeah. I have a very open mind, yeah.

22 Q And you're open to hearing stuff that other people
23 might have heard or you might have missed or didn't
24 look at it from that point of view?

25 A Right, uh-huh.

1 Q And even if you have an opinion, would you be willing
2 to reevaluate it based on what you hear and see?

3 A Yeah.

4 Q Do you feel that you can be impartial both to the State
5 and the defense in this case?

6 A Correct.

7 Q And you sit in the very unique role that no one else
8 has, you've been a witness in a case?

9 A Yeah.

10 Q So you've experienced -- although this feels like
11 direct and cross, you've experienced the real thing?

12 A Yeah.

13 Q And how did you find that experience of being on the
14 witness stand?

15 A It was good -- you know, justice was served, you know.
16 It wasn't too bad. I could take the heat.

17 Q Thank you very much.

18 A You're welcome.

19 VOIR DIRE

20 BY MS. LAMIN:

21 Q Ms. Olson?

22 A Uh-huh.

23 Q You mentioned that you have a science background?

24 A I do.

25 Q What is that background?

1 A It's in chemistry.

2 Q But what do you do now for work?

3 A I'm -- it's called a technical aide, so I actually do a
4 little bit of everything, but a lot of what I do is
5 product testing, either on the -- in the process of
6 product development or once a product is made, kind of
7 quality control sort of testing.

8 Q Do you get to use your background in that?

9 A Not as much as I'd like to.

10 Q And you said as part of your science background, you'd
11 approach everything from that point of view?

12 A Not everything, but in a situation like this where
13 you're trying to treat everything in the same way, I
14 think I would.

15 Q Now, as you go along and you do see differences --

16 A Uh-huh.

17 Q -- in how things fit together, will you treat things
18 differently?

19 A Yeah, I think I'll be able to gather all of the
20 information and treat it all kind of in the same way,
21 but then make a judgment on what I think becomes most
22 important.

23 Q And I'm sure in science and chemistry, the experiment
24 maybe doesn't always work out 100 percent?

25 A Absolutely.

1 Q And are you supposed to still make some sort of
2 evaluation or proceed, you know, if you have the
3 majority of ingredients maybe -- I don't know if it's
4 clear, I don't know how chemistry works at all, I'm
5 sorry, but maybe not all the little pieces?

6 A I mean, in that situation, you usually define what
7 needs to change or what else you need to find and then
8 move on to a new direction, a new experiment or
9 whatever it is, but.

10 Q So you're able to take what you have and reach some
11 kind of conclusion, if you can?

12 A Yes.

13 Q Okay. And here you're going to have to reach a
14 conclusion, one way or another?

15 A Right.

16 Q And you're comfortable being able to do that?

17 A Yes.

18 VOIR DIRE

19 BY MS. LAMIN:

20 Q Mr. Thompson -- and I promise you're the last one.
21 Mr. Thompson, you indicated that you're involved in
22 some suits currently against Ramsey County?

23 A Yes.

24 Q Are these civil suits now?

25 A Yes.

1 Q Can you explain a little bit more what they are?

2 A I represent two plaintiffs, one is a personal injury
3 action -- well, they're both personal injury actions,
4 one is an auto accident and one is a premises liability
5 claim.

6 Q Anything about the fact that you're currently suing
7 Ramsey County you feel in any way would affect your
8 ability for a fair and impartial outcome in this case?

9 A No.

10 Q And you indicated that you were a prosecutor in the
11 past?

12 A Yes.

13 Q And that was in the '80s to early '90s?

14 A Yes.

15 Q If you see the prosecutor of the State doing something
16 you wouldn't do, would you hold that prosecutor to the
17 standard or just to the standard of reasonable doubt?

18 A I don't know if I have to hold the prosecutor to any
19 standard.

20 Q Do you feel like -- do you feel like you would look --
21 would you be able to put aside what you did as a
22 prosecutor and just look at the evidence as the State
23 is presenting here?

24 A Yes. The witnesses testify, not the attorneys.

25 Q Now, when you go back for deliberation, the judge is

1 going to give you the law and you're going to evaluate
2 the witnesses and get the facts from them. Do you have
3 any concern that the jury might turn to you as an
4 expert -- maybe not an expert.

5 A I guess I didn't view it as a concern, but I could see
6 where that might happen.

7 Q Do you feel comfortable being able to just apply the
8 law as the judge gives it to you --

9 A Yes.

10 Q -- without going into other things that maybe you might
11 know based on your experience, although you recognize
12 things might have changed?

13 A Yes.

14 Q Thank you.

15 MS. LAMIN: Based on my questioning, has
16 anything come up for anyone at all that makes them
17 feel that they might not be able to be fair and
18 impartial to both sides in this case? Anything at
19 all?

20 (Whereupon, none of the prospective jurors
21 answered affirmatively.)

22 MS. LAMIN: Thank you very much. I pass the
23 panel for cause.

24 THE COURT: All right. And Counsel,
25 approach.

1 (Whereupon, a brief off-the-record discussion
2 was held.)

3 THE COURT: Okay. So I'm going to just have
4 you stand in place and take a little exercise. So
5 just for a little bit while they're talking, I'm
6 going to have you -- so I should say that you have
7 all been qualified at this point in the
8 proceedings -- the attorneys have determined you
9 are all well qualified to serve as jurors in this
10 case, but the attorneys are now going to select
11 the people who will actually hear the case. So
12 you should understand this is a process that's
13 established by law and that if any of you are
14 excused or struck as jurors, please do not feel
15 slighted or offended. We'll just take a break in
16 place right here while they decide. You can talk,
17 okay? You don't have to just be at attention.

18 (Whereupon, a brief off-the-record discussion
19 was held.)

20 THE COURT: While I'm getting this, I should
21 have let the people in the back go. Please go
22 back to the jury office. So thank you very much.
23 We'll read the names off in a little bit. I just
24 want to make sure that the jurors in the back go
25 back to the jury office. Thank you very much for

1 your patience, okay? Did you want to tell me
2 something before?

3 (Whereupon, a brief off-the-record discussion
4 was held.)

5 THE COURT: All right. I've shuffled all my
6 papers around so many times, I can't find my
7 notes.

8 Now, members of the jury panel, the names of
9 you who have been selected to sit as jurors in
10 this case will now be read -- and I'll give this
11 to my clerk. Please read the names.

12 THE CLERK: Candise Foreman-Coley, Mark
13 Ronayne, Mary Studnek, Justine Lee, Darren Bishop,
14 Deborah Lein --

15 (Whereupon, a brief off-the-record discussion
16 was held.)

17 THE CLERK: Darren Bishop, Deborah Lein,
18 Andrew Michalski, Cassandra Olson, Paul Thompson,
19 Thien Huynh, Anthony Cook, Kelly Hansen, Patrick
20 Donnelly, Germaine Guillaume. Those are the
21 members of the jury panel.

22 THE COURT: All right. So if your name was
23 not called, then you were not chosen and you are
24 excused at this time. So, thank you for your time
25 and attention. You may retrieve your belongings

1 and return to the jury room in the basement for
2 further instructions. So you need to go
3 downstairs. It's not over until it's over. You
4 might yet get chosen.

5 The rest of you sit for a moment, and we will
6 go through what's going to happen next.

7 So thank you very much.

8 Okay. And the three of you who are in front
9 can move up into the box while I just tell you
10 what we are going to be doing next. They are
11 nicer seats. I'm sorry you've had to sit on those
12 dreadful things all morning.

13 And, Members of the Jury Panel, you have been
14 selected to serve on this jury. As I indicated --
15 although it seems like forever ago -- normally the
16 trial will promptly start at 9:00 in the morning
17 and continue until 12:00 noon -- let me just tell
18 you what's going to happen and then we will recess
19 for lunch and reconvene at 1:30. We will recess
20 for the day at 4:30 with a 15-minute break --
21 15-minute break in the morning, 15-minute break in
22 the afternoon.

23 Having said that, special instructions for
24 tomorrow: It's the day before Thanksgiving, and I
25 know you probably have lots of other things that

1 you would prefer to be doing than sitting here, so
2 here's what we've decided to do: We will start in
3 the morning at 9:00, go until about 12:00 noon --
4 depends on where we are at that point -- come back
5 at 1:00 and finish off at 2:30. So you'll be --
6 we will be finished by 2:30 tomorrow afternoon.
7 If we finish earlier than that, we are just not
8 going to prolong things for you. It's just to
9 give us enough time tomorrow to get through all
10 the things that we need to, all right.

11 And then we are back on Monday at 9:00. I'm
12 pretty sure it's going to be this courtroom, but I
13 think we will be, right? Do you know? Are we in
14 this same courtroom, Anna?

15 THE CLERK: Yes.

16 THE COURT: And we will be in the same
17 courtroom. Once we have sworn you -- and we will
18 do that tomorrow -- then you can leave your things
19 here, all right?

20 Now, when you come back tomorrow -- and I'm
21 sorry, my law clerk had some emergency thing she
22 had to take care so we are going to have yet
23 another law clerk tomorrow, so we are training
24 them in. So my law clerk tomorrow will come up to
25 the jury room -- you're going to show them today

1 where that is -- and that's where you are going to
2 come every morning. So you don't need to go back
3 to the basement, you'll just come directly up
4 here, and then my law clerk will be in charge.
5 I'm not going to go back there or anything.

6 And you are, again, not to speak to any of
7 us. If you see us in the hallways or in the
8 elevators -- or, actually, it might work the other
9 way. We won't be speaking to you. Please don't
10 be insulted by that. It's just part of the way
11 that we have to maintain some distance there.
12 Again, do not discuss this case with anybody, and
13 I'll see you back here tomorrow.

14 (Whereupon, court stood in recess until
15 November 24, 2010, at 9:00 a.m.)

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1 STATE OF MINNESOTA)
2 COUNTY OF RAMSEY) SS.

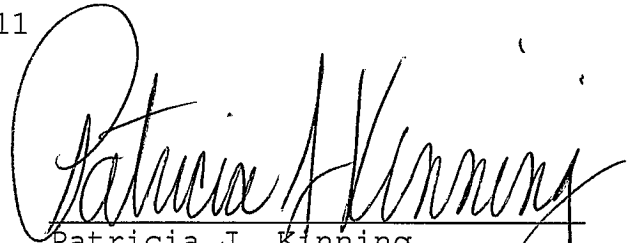
3 Be it known that I took the trial in the case of STATE
4 OF MINNESOTA V. TAMIKA SUTTLES AND DANIEL DRLJIC on the 23rd
5 day of November, 2010, at Ramsey County, St. Paul,
6 Minnesota;

7 that the witnesses, before testifying, were first duly
8 sworn to testify to the whole truth and nothing but the
9 truth relative to said cause;

10 that the proceedings were recorded in stenotype by
11 myself and reduced to print by means of Computer-Assisted
12 Transcription under my direction, and that the transcript is
13 a true record of the proceedings to the best of my ability;

14 that I am not related to any parties hereto nor
15 interested in the outcome of the action.

16 Dated: May 1, 2011

17 

18 Patricia J. Kinning
19 Official Court Reporter
20 15 W. Kellogg Boulevard, Suite 1370
21 St. Paul, Minnesota 55102
22 (651) 266-8216
23
24
25

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