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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,)	
)	File No. 22-cr-124
Plaintiff,)	(NEB/DTS)
)	
v.)	
)	
Abdiaziz Shafii Farah(1),)	Courtroom 13W
Mohamed Jama Ismail(2),)	Minneapolis, Minnesota
Abdimajid Mohamed Nur(4),)	Wednesday April 24, 2024
Said Shafii Farah(5),)	9:00 a.m.
Abdiwahab Maalim Aftin(6),)	
Mukhtar Mohamed Shariff(7),)	
Hayat Mohamed Nur(8),)	
)	
Defendants.)	
)	

BEFORE THE HONORABLE NANCY E. BRASEL
UNITED STATES DISTRICT COURT DISTRICT JUDGE

SEALED - JURY VOIR DIRE PROCEEDINGS - VOLUME III OF XXX

Court Reporter: RENE E. A. ROGGE, RMR-CRR
United States Courthouse
300 South Fourth Street, Box 1005
Minneapolis, Minnesota 55415

* * *

Proceedings recorded by mechanical stenography;
Transcript produced by computer.

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APPEARANCES:

1
2 For Plaintiff: UNITED STATES ATTORNEY'S OFFICE
3 BY: JOSEPH H. THOMPSON
4 HARRY JACOBS
5 MATTHEW S. EBERT
6 CHELSEA A. WALCKER
7 DANIEL W. BOBIER
8 600 United States Courthouse
9 300 South Fourth Street
10 Minneapolis, Minnesota 55415

11 For Defendant BIRRELL LAW FIRM PLLC
12 Abdiaziz Shafii BY: ANDREW S. BIRRELL
13 Farah(1): IAN S. BIRRELL
14 333 South Seventh Street, #3020
15 Minneapolis, Minnesota 55402

16 For Defendant SIEBEN & COTTER PLLC
17 Mohamed Jama BY: PATRICK L. COTTER
18 Ismail(2): 105 Hardman Court, #110
19 South St. Paul, Minnesota 55075

20 For Defendant SAPONE & PETRILLO LLP
21 Abdimajid Mohamed BY: EDWARD V. SAPONE
22 Nur(4): 40 Fulton Street, 17th Floor
23 New York, New York 10038

24 For Defendant Said MASLON LLP
25 Shafii Farah(5): BY: STEVEN L. SCHLEICHER
CLAYTON CARLSON
225 South Sixth Street, #2900
Minneapolis, Minnesota 55402

For Defendant KOCH & GARVIS
Abdiwahab Maalim BY: ANDREW S. GARVIS
Aftin(6): 3109 Hennepin Avenue South
Minneapolis, Minnesota 55408

For Defendant Mukhtar GOETZ AND ECKLAND P.A.
Mohamed Shariff (7): BY: FREDERICK J. GOETZ
ANDREW H. MOHRING
KAITLYN C. FALK
615 First Avenue NE, #425
Minneapolis, Minnesota 55413

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APPEARANCES (Continued):

For Defendant Hayat
Mohamed Nur (8):

BRANDT KETTWICK DEFENSE PLLC
BY: MICHAEL J. BRANDT
NICOLE A. KETTWICK
2150 Third Avenue, #210
Anoka, Minnesota 55303

* * *

IN OPEN COURT**(JURY PANEL NOT PRESENT)**

1
2
3 THE COURT: Good morning, everyone. You may be
4 seated.

5 We're on the record out of the presence of any
6 potential jurors. My understanding is that there is an
7 issue that someone wished to raise about a juror from
8 yesterday.

9 MR. THOMPSON: Yes, Your Honor.

10 THE COURT: Go ahead.

11 MR. THOMPSON: Your Honor, this is Juror
12 Number 49, who you may recall knew the family of Alex
13 Hertogs. The issue I'm raising has nothing to do with that.
14 Ms. Roase, our forensic accountant, yesterday recognized the
15 organization that the witness said her son worked at, which
16 was a nonprofit called Think Small.

17 THE COURT: Yes.

18 MR. THOMPSON: And she flagged it for me last
19 night that she had recognized it. She looked, and it turns
20 out that Think Small had issued a series of about seven
21 checks to Partners in Nutrition between 2017 and 2002 [sic].
22 I think the last check was February 2002 [sic]. It's not a
23 huge amount of money, it's about \$4500, but those checks are
24 in one of the government's exhibits, and so that is
25 obviously a bit of concern.

1 This morning I did some look into our discovery
2 database, and I found emails between Think Small employees
3 and individuals involved in the larger case, including Ikram
4 Mohamed, who is a woman to which the defendants are charged
5 with paying a kickback to a Feeding Our Future employee.

6 At least several of those emails appear to be from
7 Juror Number 49's son. They don't have anything to do with
8 this case, Your Honor. There's nothing nefarious about
9 these, but there are communications that are -- clearly
10 there's a relationship there, and there is in our emails
11 showing that his company, Think Small, had a relationship or
12 issued some grants to Ikram Mohamed's companies or one of
13 her entities that's involved in this case.

14 THE COURT: All right. And have you discussed
15 this with the defense attorneys?

16 MR. THOMPSON: I have at least collectively, not
17 individually all of them, but those who were here this
18 morning at about 8:45.

19 THE COURT: All right. And a response as to a
20 request from what the Court should do in this case?

21 MR. THOMPSON: And to be clear, Your Honor, we
22 would move to strike her for cause.

23 THE COURT: Yes.

24 Mr. Cotter.

25 MR. COTTER: Thank you, Your Honor.

1 I'd ask the court not to strike for cause. If
2 anything else is needed, we should at least get further
3 inquiry from this potential juror.

4 This is -- she mentioned her son in relation to
5 potentially having known my associate who is not -- that's
6 not even the issue anymore before the court.

7 It's quite tenuous that she'd have any knowledge
8 of what her son was doing, anything -- knowledge regarding
9 this particular organization.

10 The government just conceded that it doesn't seem
11 to be overly relevant to this case, although it's on their
12 exhibit list. There's no indication that her son is a
13 potential witness in this case, that her son had any
14 potential emails or communications with any potential
15 witness in this case.

16 The fact that her son may have worked at an
17 organization that may tangentially have some involvement
18 in -- with working with one of the nonprofits that is a --
19 not a party, but a key player in this case, I think is quite
20 tenuous and it doesn't rise to the level of a cause strike
21 forthwith.

22 THE COURT: Mr. Thompson, are the emails that you
23 mentioned from her son and that organization on the
24 government's witness list?

25 MR. THOMPSON: They are not, Your Honor. The

1 checks are in one of the government's bank records exhibits.
2 The emails are not. But to be clear, some of the emails are
3 between the Juror 49's son and Ikram Mohamed, who is
4 essentially an unindicted coconspirator in this case as a
5 kickback recipient. She paid money from one of her
6 entities. She's been charged in another case with
7 participating in this fraud scheme, and she -- a significant
8 amount of money went from her company to Afrique Hospitality
9 Group, which is charged with money laundering, among other
10 things, and participating in this fraud scheme. And there
11 are emails between Juror Number 49's son and Ms. Mohamed.

12 THE COURT: Thank you.

13 It's just too close. It's just too close to this
14 subject matter, and so I'm going to grant the motion for
15 cause.

16 Juror Number 49 may be excused.

17 And I believe we are on Juror Number 52. Am I
18 right about that?

19 MR. SAPONE: Yes.

20 THE COURT: And then I'll just note for everyone,
21 I have a note that 53 and 60 have been excused for illness
22 or hardness -- illness or hardship, I'm not recalling which
23 at this point, but they were excused prior to or upon
24 arriving at the courthouse.

25 So we'll start then with Number 52.

1 COURTROOM DEPUTY: 52 has not made it to the
2 courthouse yet, so do you want to start with 54 instead?

3 THE COURT: Yes, we can just bring in 54, and we
4 will see if 52 arrives.

5 **(Prospective Juror Number 54 enters courtroom)**

6 THE COURT: Good morning. Come on forward around
7 the tables, and you are coming up to the witness stand by
8 me.

9 You are Juror Number 54?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: All right. And so you have that
12 questionnaire in front of you. I'm going to just go down
13 the questionnaire and have you answer the questions. And
14 I'll begin with Number 1, your age.

15 PROSPECTIVE JUROR: 35.

16 THE COURT: And what is the answer to Question 2?

17 PROSPECTIVE JUROR: No.

18 THE COURT: And how about Question 3?

19 PROSPECTIVE JUROR: I guess sort of. When I went
20 and talked to my boss about being selected for jury duty, he
21 thought he knew what the case was and kind of speculated.
22 And so that's the only thing that I had really heard. But I
23 hadn't heard of it prior to that.

24 THE COURT: Okay. What did your boss say about
25 the case?

1 PROSPECTIVE JUROR: He just said, Oh, I bet it's
2 that case where there was an organization that was feeding
3 hungry during COVID, and they thought that it was somehow
4 fraudulent.

5 THE COURT: Who thought it was fraudulent?

6 PROSPECTIVE JUROR: He just -- he just said that
7 it was some fraud case.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR: Yeah.

10 THE COURT: He didn't express an opinion on
11 whether fraud had occurred?

12 PROSPECTIVE JUROR: No.

13 THE COURT: And did he express any opinion on the
14 case itself?

15 PROSPECTIVE JUROR: No.

16 THE COURT: So when you said "he speculated," you
17 are meaning he speculated --

18 PROSPECTIVE JUROR: Speculated what the case was
19 going to be. Mm-hmm.

20 THE COURT: Okay. And is that the only thing that
21 you've heard?

22 PROSPECTIVE JUROR: Mm-hmm.

23 THE COURT: Is that a yes?

24 PROSPECTIVE JUROR: Yeah, yeah.

25 THE COURT: So based on that, have you developed

1 an opinion on the guilt or innocence of the defendants?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Okay. And then the question to 5(c).

4 PROSPECTIVE JUROR: 3(c)?

5 THE COURT: That's what I meant.

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: And Question 4.

8 PROSPECTIVE JUROR: No.

9 THE COURT: And Question 5(a).

10 PROSPECTIVE JUROR: No.

11 THE COURT: And Question 5(b).

12 PROSPECTIVE JUROR: No.

13 THE COURT: And 6 -- 5(c).

14 PROSPECTIVE JUROR: No.

15 THE COURT: And how about 6.

16 PROSPECTIVE JUROR: I grew up in Fairfax,
17 Minnesota, and I currently live in Belle Plain, Minnesota.

18 THE COURT: And can you go through the answers to
19 Number 7.

20 PROSPECTIVE JUROR: Yeah. I am a teacher. I have
21 a bachelor's degree in communication arts and literature
22 teaching and a master's in teaching and learning.

23 THE COURT: And where did you get your degrees?

24 PROSPECTIVE JUROR: My undergrad was at Winona
25 State University, and my master's was through St. Mary's

1 University.

2 THE COURT: And what do you teach and where?

3 PROSPECTIVE JUROR: I teach in Jordan. I'm a high
4 school English teacher.

5 THE COURT: How long have you done that?

6 PROSPECTIVE JUROR: 12 years.

7 THE COURT: Okay. And did you do anything in
8 between school and the teaching?

9 PROSPECTIVE JUROR: Nope. I got right out of
10 college, I graduated in December, and then I got a long-term
11 sub job right away and then right into --

12 THE COURT: And do you have a spouse or partner?

13 PROSPECTIVE JUROR: Do I have a spouse? I do,
14 yep.

15 THE COURT: And what does your spouse do?

16 PROSPECTIVE JUROR: He's a teacher.

17 THE COURT: And what does he teach?

18 PROSPECTIVE JUROR: He teaches civics.

19 THE COURT: In high school?

20 PROSPECTIVE JUROR: In high school, yeah.

21 THE COURT: Same high school?

22 PROSPECTIVE JUROR: Yep.

23 THE COURT: What was your high school's policy
24 during COVID surrounding the feeding of the students?

25 PROSPECTIVE JUROR: We had a program where there

1 were certain drop-off areas that people could come to in the
2 city, and it was just like a volunteer basis from the school
3 that would stand in like corners and give food to those who
4 came to get it.

5 THE COURT: Can you explain more about that. Who
6 were the volunteers?

7 PROSPECTIVE JUROR: I think they were like
8 paraprofessionals so that they could get some hours in
9 during that time, otherwise, they were unemployed. So I
10 think it was that. Maybe some administration would go out
11 there every once in a while.

12 THE COURT: And you didn't do that?

13 PROSPECTIVE JUROR: I did not.

14 THE COURT: Okay. And are you aware of how it was
15 decided who could take advantage of those meals?

16 PROSPECTIVE JUROR: No. I think it was anybody.

17 THE COURT: Are you aware of any of the
18 bureaucracy or the procedure regarding how a school might
19 take advantage, who got paid, any of those things?

20 PROSPECTIVE JUROR: No.

21 THE COURT: Question 8.

22 PROSPECTIVE JUROR: I have three kids; 5, 3 and 1.

23 THE COURT: And how about Question 9.

24 PROSPECTIVE JUROR: I like spending time with
25 family. Naturally I enjoy reading. I also love volleyball.

1 THE COURT: Do you coach?

2 PROSPECTIVE JUROR: I used to before my kids.

3 THE COURT: And how about organizations, groups or
4 churches?

5 PROSPECTIVE JUROR: No.

6 THE COURT: And Question 10.

7 PROSPECTIVE JUROR: No.

8 THE COURT: And how about Question 11.

9 PROSPECTIVE JUROR: I listen to podcasts, mostly
10 comedy podcasts. Stassi, Berner Phone, Giggly Squad. Those
11 are my top three.

12 THE COURT: And how about where do you get your
13 news?

14 PROSPECTIVE JUROR: I really don't. I used to
15 watch the news in the morning getting ready, but I don't do
16 that any more to keep the house quiet and keep the kids
17 sleeping. I guess maybe TikTok. I see some things come
18 across TikTok every once in a while, so maybe social media.

19 THE COURT: And what kinds of things do you follow
20 on TikTok or social media?

21 PROSPECTIVE JUROR: I don't follow. Well, I guess
22 I do on, like, Instagram I follow, but I don't follow, like,
23 news. It's just people. So I guess it just is dependent on
24 what they share, if there's anything. On TikTok, I don't
25 really follow anything in particular.

1 THE COURT: And any genres like comedy --

2 PROSPECTIVE JUROR: Yeah.

3 THE COURT: -- or literature or gardening or
4 anything like that?

5 PROSPECTIVE JUROR: Yeah, so I guess comedy would
6 be my Number 1 look for, and, like, I'm on Booktalk, so book
7 recommendations, things like that.

8 THE COURT: And what's your favorite genre of
9 literature?

10 PROSPECTIVE JUROR: I have really been into
11 historical fiction. Kristin Hannah, I really loved her
12 books lately.

13 THE COURT: Have you read "The Women"?

14 PROSPECTIVE JUROR: Yes, I just finished that.

15 THE COURT: I'm in the middle of it. Don't tell
16 me.

17 PROSPECTIVE JUROR: Yeah.

18 THE COURT: All right. Question Number 12.

19 PROSPECTIVE JUROR: No.

20 THE COURT: How about Question 13.

21 PROSPECTIVE JUROR: No.

22 THE COURT: And Question 14.

23 PROSPECTIVE JUROR: No.

24 THE COURT: 15.

25 PROSPECTIVE JUROR: No.

1 THE COURT: Is there a community service officer
2 at your school?

3 PROSPECTIVE JUROR: Community service?

4 THE COURT: Police officer who is there regularly.

5 PROSPECTIVE JUROR: We do have a -- an officer in
6 our building, yep.

7 THE COURT: All right. And Question 16.

8 PROSPECTIVE JUROR: No.

9 THE COURT: And Question 17.

10 PROSPECTIVE JUROR: No.

11 THE COURT: Question 18.

12 PROSPECTIVE JUROR: No.

13 THE COURT: Anything about the interactions with
14 the officer in your building that would lead you favorable
15 or unfavorably toward law enforcement?

16 PROSPECTIVE JUROR: No.

17 THE COURT: And Question 19.

18 PROSPECTIVE JUROR: No.

19 THE COURT: And Question 20.

20 PROSPECTIVE JUROR: No.

21 THE COURT: All right. Your oldest would have
22 been --

23 PROSPECTIVE JUROR: Just born.

24 THE COURT: -- toddler in --

25 PROSPECTIVE JUROR: Just really little. Like he

1 was about one when COVID started, 2019. He was born in
2 April 2019.

3 THE COURT: And not in daycare?

4 PROSPECTIVE JUROR: He was not, no.

5 THE COURT: Okay. And are you aware of friends or
6 community members who did take advantage of any of the meals
7 during COVID?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Other than what we've gone through
10 with your school?

11 PROSPECTIVE JUROR: Right.

12 THE COURT: Let me just go back to the school for
13 a moment and your discussion with your boss. You are able
14 to be here during trial?

15 PROSPECTIVE JUROR: Yeah.

16 THE COURT: And Question 21.

17 PROSPECTIVE JUROR: I do work for a public school.
18 I don't know if that counted.

19 THE COURT: How about any volunteer work that
20 you've done?

21 PROSPECTIVE JUROR: No.

22 THE COURT: And Question 22.

23 PROSPECTIVE JUROR: I guess the Department of Ed
24 with my job.

25 THE COURT: What is your interaction with the

1 Department of Education?

2 PROSPECTIVE JUROR: We get our standards from the
3 Department of Ed.

4 THE COURT: And do you have views one way or
5 another about the Department of Education given that your
6 standards are sort of dictated to some extent by them?

7 PROSPECTIVE JUROR: Can you clarify that?

8 THE COURT: Sure. Some of the witnesses in the
9 case may be from the Department of Education, and I'm
10 looking for any bias you might have about those witnesses
11 given your interactions with the Department of Education.

12 PROSPECTIVE JUROR: Yeah, I don't think I -- no.

13 THE COURT: And Question Number 23.

14 PROSPECTIVE JUROR: No.

15 THE COURT: Question Number 24.

16 PROSPECTIVE JUROR: I have had a few Somali
17 students in my years of teaching, I think.

18 THE COURT: And anything about your teaching of
19 those students and interactions with families that would
20 lead you to have a negative or positive impression about
21 anyone in the Somali community?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Did you interact with families as
24 well?

25 PROSPECTIVE JUROR: I would say not that I recall

1 specifically. Like I can't think of any examples of --

2 THE COURT: Okay.

3 PROSPECTIVE JUROR: I don't know if I saw them
4 during conferences. I don't really recall if I have, like,
5 ever reached out.

6 THE COURT: Okay. So nothing is coming to mind
7 that makes those students any different from your others?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Okay. And 25 tries to get at
10 unconscious bias. Have you had unconscious bias training as
11 a teacher?

12 PROSPECTIVE JUROR: Yeah, there's been training in
13 that.

14 THE COURT: So when you saw the video that was
15 played for you during orientation, was that sort of familiar
16 to you?

17 PROSPECTIVE JUROR: Yeah.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR: Yep.

20 THE COURT: And so Question 25(a), can you commit
21 to thinking about why you make a decision and examine that
22 decision for bias?

23 PROSPECTIVE JUROR: Yeah.

24 THE COURT: Can you talk a little bit about how
25 you make decisions.

1 PROSPECTIVE JUROR: I think I am aware that that
2 exists, and I think generally I'm pretty thoughtful in
3 making decisions and the impacts those decisions have on
4 myself, my family, others.

5 THE COURT: And let me go back to your husband who
6 teaches civics, right?

7 PROSPECTIVE JUROR: Yeah.

8 THE COURT: Okay. So as a part of civics in high
9 school --

10 PROSPECTIVE JUROR: Mm-hmm.

11 THE COURT: -- what around the law does he teach,
12 do you know?

13 PROSPECTIVE JUROR: I think he teaches the
14 branches of government. He teaches the process of voting,
15 like the electoral college. He does a mock trial in his
16 classroom too. It's like a murder case, and they all take
17 different roles and they see how that process works.

18 THE COURT: Does he bring in anyone to assist with
19 that who is law trained or is that something that he just
20 does?

21 PROSPECTIVE JUROR: No, he just does it within his
22 classroom.

23 THE COURT: And have you ever helped him out with
24 that?

25 PROSPECTIVE JUROR: No.

1 THE COURT: Okay. And have you ever talked to him
2 about the procedure that's followed that he has to simulate
3 in a mock trial?

4 PROSPECTIVE JUROR: Mm-hmm. I guess we've had
5 some conversation about it. As far as like the details of
6 what exactly he does know, I think -- what I know is that
7 each -- each of the students have different roles and they
8 have time to prepare, and then they kind of put on this
9 show.

10 THE COURT: And you're aware that in a criminal
11 trial defendants have a presumption of innocence?

12 PROSPECTIVE JUROR: Mm-hmm.

13 THE COURT: And they are presumed innocent and the
14 burden is on the government to prove a case beyond a
15 reasonable doubt --

16 PROSPECTIVE JUROR: Yep.

17 THE COURT: -- before a jury --

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: -- can convict? You understand all
20 that?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: And have you talked to your husband
23 about your jury service?

24 PROSPECTIVE JUROR: Well, obviously, he knows I'm
25 here, and he knows what that could mean for our family.

1 THE COURT: Okay. Is there anything about your
2 discussions with him about his civics teaching that you
3 think would affect your approach to this case?

4 PROSPECTIVE JUROR: No.

5 THE COURT: If there's anything that he has said
6 about the mock trial process, about criminal prosecution and
7 you think that's different from how it goes here or the law
8 that I put forth and give you, can you put what he says
9 aside?

10 PROSPECTIVE JUROR: Of course.

11 THE COURT: Okay. And then Question 25(b) also
12 gets at the unconscious bias.

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: What's the diversity make-up generally
15 of your class in Jordan?

16 PROSPECTIVE JUROR: It's not very diverse. A lot
17 of white students. I would say probably second in line
18 would be Hispanic.

19 THE COURT: And what percentage, approximately?

20 PROSPECTIVE JUROR: Oh, maybe like 80 percent
21 white.

22 THE COURT: Okay. And then 26(a) is, Are you
23 willing to apply the law as the court explains it to you?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Can you think of anything else that

1 you need to call to the court's attention?

2 PROSPECTIVE JUROR: I don't have childcare in the
3 summertime. My husband teaches summer school, so that's a
4 challenge for us through the summer, and traffic is a
5 nightmare from Belle Plain.

6 THE COURT: How long does it take you or did it
7 take you this morning?

8 PROSPECTIVE JUROR: A little over an hour.

9 THE COURT: When does summer start so that you
10 don't have childcare?

11 PROSPECTIVE JUROR: I'm not exactly sure what
12 sessions my husband is doing for summer school, but I think
13 that that typically starts in June. There's like a June
14 session and a July session. We're done with school as
15 teachers the Tuesday after Memorial Day is like our last
16 grading day.

17 THE COURT: And I'm not sure how many miles Belle
18 Plain is.

19 PROSPECTIVE JUROR: 45.

20 THE COURT: And would you consider being in a
21 hotel during the -- I can see that on your face.

22 PROSPECTIVE JUROR: Yeah.

23 THE COURT: All right. Would you consider being
24 in a hotel during the trial?

25 PROSPECTIVE JUROR: No.

1 THE COURT: So given all of those factors, what
2 are your thoughts about serving as a juror?

3 PROSPECTIVE JUROR: I get to answer that question?

4 THE COURT: You do get to answer that question.

5 PROSPECTIVE JUROR: I think it would be hard. It
6 would be very difficult to be away from my kids in the
7 summertime and try to find childcare. We do have family
8 that helps, but they do our childcare throughout the school
9 year so it's kind of their break too. We have family
10 vacations planned. It's a reprieve from the school year,
11 so --

12 THE COURT: When are your family vacations
13 planned?

14 PROSPECTIVE JUROR: We have several. We have a
15 few in -- we have one throughout the week in June, like late
16 June. And then we have one in -- I have a bachelorette
17 party and I'm matron of honor, so that's in August.

18 THE COURT: What June dates?

19 PROSPECTIVE JUROR: I don't have my phone on me,
20 but I think it's the, like, 20 -- leading into the 23rd.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR: Like that would be the end of
23 it, I think.

24 THE COURT: Okay. All right. Let me just talk to
25 the attorneys for one moment.

1 PROSPECTIVE JUROR: Sure.

2 **(Sidebar discussion)**

3 THE COURT: Counsel, I'm considering excusing for
4 hardship based on an hour drive every morning, but I'm sort
5 of on the fence.

6 Does anyone want to weigh in?

7 MR. BRANDT: Good morning, Your Honor. This is
8 Mike Brandt.

9 I would I guess oppose excusing her. I think this
10 is obviously a burden on any juror, and I don't know that
11 it's an extraordinary burden.

12 So thank you.

13 THE COURT: Anyone else? Anyone have any
14 follow-up?

15 All right.

16 Any motions?

17 Thank you.

18 **(In open court)**

19 THE COURT: I'm going to retain you and have you
20 go to the next courtroom and wait out our process.

21 PROSPECTIVE JUROR: Okay.

22 THE COURT: Okay. Thank you very much.

23 These folks are not allowed to talk to you; so if
24 they don't, they're not being rude.

25 PROSPECTIVE JUROR: Okay.

1 THE COURT: Thank you.

2 **(Prospective Juror Number 54 exits courtroom)**

3 THE COURT: So this will be 52.

4 **(Prospective Juror Number 52 enters courtroom)**

5 THE COURT: Good morning. Come on forward. I'm
6 going to have you come around these tables and up to the
7 witness chair that's right by me.

8 PROSPECTIVE JUROR: Good morning.

9 THE COURT: Hi. Good morning.

10 You are Juror Number 52?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: All right. And so you've got that
13 questionnaire in front of you.

14 PROSPECTIVE JUROR: Yep.

15 THE COURT: And I'm going to have you answer the
16 questions on that questionnaire. We'll just go through them
17 one by one.

18 PROSPECTIVE JUROR: All right.

19 THE COURT: Let's start with what your age is.

20 PROSPECTIVE JUROR: 23.

21 THE COURT: And what is the answer to Question 2?

22 PROSPECTIVE JUROR: No.

23 THE COURT: And how about Question 3.

24 PROSPECTIVE JUROR: No.

25 THE COURT: Not at all?

1 PROSPECTIVE JUROR: No.

2 THE COURT: And Question 4.

3 PROSPECTIVE JUROR: Also no.

4 THE COURT: How about Question 5(a).

5 PROSPECTIVE JUROR: I don't have any difficulty,
6 no.

7 THE COURT: Okay. Question 5(b).

8 PROSPECTIVE JUROR: No.

9 THE COURT: And Question 5(c).

10 PROSPECTIVE JUROR: No.

11 THE COURT: And question -- well, on 5(c), just
12 following up there, you're able to be with us throughout
13 trial?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Okay. And Question 6 then.

16 PROSPECTIVE JUROR: I grew up in
17 North Minneapolis, and now I live in the Fridley area.

18 THE COURT: And Question 7, can you go through
19 those questions.

20 PROSPECTIVE JUROR: Sure.

21 My educational background, I got my associate's
22 from MCTC, and right now I'm working as a medical assembler.

23 THE COURT: When did you get your associate's?

24 PROSPECTIVE JUROR: May 2023.

25 THE COURT: And was the medical assembler your

1 first job?

2 PROSPECTIVE JUROR: No, I've -- in the last five
3 years, I've worked as a package handler for FedEx, and then
4 right now I'm doing medical assembly.

5 THE COURT: And what does medical assembly mean?

6 PROSPECTIVE JUROR: So I work for a company called
7 Medtronic, and I -- for them I assemble batteries.

8 THE COURT: How does that process work?

9 PROSPECTIVE JUROR: So I work on an assembly line,
10 and I work on multiple stations. And we assemble lithium
11 batteries for -- what are they called? Sorry. I'm
12 blanking. Like, like heart --

13 THE COURT: Pacemakers?

14 PROSPECTIVE JUROR: Pacemakers, yeah.

15 THE COURT: And you might have told me. How long
16 have you had that job?

17 PROSPECTIVE JUROR: For two years now.

18 THE COURT: Okay. What shift do you work?

19 PROSPECTIVE JUROR: First shift, so that would be
20 6:00 to 2:00 p.m.

21 THE COURT: All right. And do you have a spouse
22 or a partner?

23 PROSPECTIVE JUROR: No, I don't.

24 THE COURT: And how about Question 8.

25 PROSPECTIVE JUROR: No, I don't have any children.

1 THE COURT: And Question 9.

2 PROSPECTIVE JUROR: Okay. For hobbies, I like
3 doing, like, crafts or coloring, reading. I don't belong to
4 any organizations or, like, religious groups.

5 THE COURT: And when you read, what kind of --
6 what genre or what types of things do you like to read?

7 PROSPECTIVE JUROR: Usually like true crime or
8 like horror, yeah.

9 THE COURT: How about Question 10.

10 PROSPECTIVE JUROR: No, I don't.

11 THE COURT: And Question 11.

12 PROSPECTIVE JUROR: Yeah, I usually will listen to
13 podcasts when I'm at work, and that includes like pop
14 culture or true crime podcasts. And for sites that I'm
15 usually on, it would be Twitter.

16 THE COURT: And what types of things do you follow
17 on Twitter?

18 PROSPECTIVE JUROR: Like celebrity news.

19 THE COURT: And let me just go back to growing up
20 for a minute. You grew up in North Minneapolis. What high
21 school did you go to?

22 PROSPECTIVE JUROR: I went to Southwest High
23 School.

24 THE COURT: Okay. And what were your parents'
25 occupations?

1 PROSPECTIVE JUROR: They worked for -- in a
2 factory for T-shirt printing.

3 THE COURT: Both of them?

4 PROSPECTIVE JUROR: Yeah.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR: They worked together.

7 THE COURT: All right. Now I'm going to skip down
8 to Question 12.

9 PROSPECTIVE JUROR: All right. I have not served
10 in any juror case.

11 THE COURT: Question 13.

12 PROSPECTIVE JUROR: No.

13 THE COURT: And Question 14.

14 PROSPECTIVE JUROR: No.

15 THE COURT: Question 15.

16 PROSPECTIVE JUROR: No.

17 THE COURT: Did you take any law classes when you
18 got your associate's degree?

19 PROSPECTIVE JUROR: You said law?

20 THE COURT: Yes.

21 PROSPECTIVE JUROR: No.

22 THE COURT: Or legal, no.

23 PROSPECTIVE JUROR: I studied accounting.

24 THE COURT: And in your study of accounting, are
25 you -- I'm going to guess you are familiar with spreadsheets

1 and how to read them?

2 PROSPECTIVE JUROR: Yeah.

3 THE COURT: How about financial statements. How
4 much experience do you have with those?

5 PROSPECTIVE JUROR: Not any at all, actually.

6 THE COURT: Okay. Have you ever had to go through
7 banking records?

8 PROSPECTIVE JUROR: No.

9 THE COURT: And Question 16, contacts with the
10 justice system.

11 PROSPECTIVE JUROR: I don't have any contacts.

12 THE COURT: Okay. How about your friends or
13 relatives?

14 PROSPECTIVE JUROR: No.

15 THE COURT: And Question 17, anybody working in
16 law enforcement that's close to you.

17 PROSPECTIVE JUROR: No.

18 THE COURT: And Question 18, can you treat law
19 enforcement officers when they take the stand just like
20 you'd treat anybody else?

21 PROSPECTIVE JUROR: Yeah.

22 THE COURT: And Question 19, have you ever
23 testified in court?

24 PROSPECTIVE JUROR: No.

25 THE COURT: All right. During COVID were you in

1 college at that time or -- college?

2 PROSPECTIVE JUROR: Yeah.

3 THE COURT: Were you working?

4 PROSPECTIVE JUROR: Yeah.

5 THE COURT: Did you have anybody close to you who
6 was receiving meals during the COVID pandemic?

7 PROSPECTIVE JUROR: No, I don't believe so.

8 THE COURT: Okay. Do you have siblings?

9 PROSPECTIVE JUROR: Yeah.

10 THE COURT: How many?

11 PROSPECTIVE JUROR: I have an older brother and
12 older sister.

13 THE COURT: All right. So you're the youngest?

14 PROSPECTIVE JUROR: Yeah.

15 THE COURT: Okay. And Question 21.

16 PROSPECTIVE JUROR: Oh, no.

17 THE COURT: All right. Any volunteer work?

18 PROSPECTIVE JUROR: No.

19 THE COURT: And Question 22, Department of
20 Agricultural or the Minnesota Department of Education, any
21 contact there?

22 PROSPECTIVE JUROR: No.

23 THE COURT: And Question 23.

24 PROSPECTIVE JUROR: No.

25 THE COURT: And Question 24, contact with people

1 whose backgrounds are in East Africa, particularly Somalia.

2 PROSPECTIVE JUROR: Yeah, like in school or like
3 at work, you know, just getting to know people with all
4 different backgrounds.

5 THE COURT: So some of your high school classmates
6 and some of your coworkers --

7 PROSPECTIVE JUROR: Yeah.

8 THE COURT: -- are Somali or East African?

9 PROSPECTIVE JUROR: Yeah.

10 THE COURT: Okay. Do you have any close friends
11 who are Somalian?

12 PROSPECTIVE JUROR: No, not super close.

13 THE COURT: Okay. Any feelings one way or another
14 out of those contacts and those friendships that lead you to
15 negative or positive feelings about the community or anyone
16 in it?

17 PROSPECTIVE JUROR: I mean, positive, like, I've
18 liked everyone that I've gotten to know that has, like, that
19 type of background, yeah.

20 THE COURT: And 25 gets at unconscious bias, which
21 is also the subject of the video that you watched during
22 training -- or during orientation.

23 Have you also gone through any unconscious bias
24 training?

25 PROSPECTIVE JUROR: No.

1 THE COURT: Did Medtronic have you do some sort of
2 diversity training?

3 PROSPECTIVE JUROR: Oh, yeah, like --

4 THE COURT: Which is different. I'm just asking.
5 Okay.

6 And if you are selected as a juror, are you
7 comfortable -- can you commit to examining yourself for
8 unconscious bias?

9 PROSPECTIVE JUROR: Yes, I believe I can.

10 THE COURT: Okay. And then Question 25(b), would
11 you read that and answer it.

12 PROSPECTIVE JUROR: Yeah, I believe I can commit
13 myself to that.

14 THE COURT: And are you willing to apply the law
15 as the court explains it to you?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: And can you think of anything else
18 that you should call to the court's attention that might
19 have some bearing on your ability to serve?

20 PROSPECTIVE JUROR: No.

21 THE COURT: All right. Let me see if the
22 attorneys have any follow-up. Just one moment.

23 **(Sidebar discussion)**

24 THE COURT: Any follow-up?

25 All right. Any motions?

1 MR. GOETZ: Your Honor, I put my headset on late.
2 Fred Goetz for Mr. Shariff.

3 Could you ask that -- the decision-making question
4 that you posed yesterday to one juror. In other words, when
5 she makes the most important decisions in her life, how has
6 she gone about it.

7 THE COURT: I will.

8 MR. GOETZ: Thank you.

9 **(In open court)**

10 THE COURT: Can you answer a question about your
11 decision-making. How do you good about making important
12 decisions?

13 PROSPECTIVE JUROR: I feel like I look at facts
14 and, like, further possibilities, yeah.

15 THE COURT: What do you mean by "further
16 possibilities"?

17 PROSPECTIVE JUROR: Like how things or people are
18 going to be affected.

19 THE COURT: All right. Thank you.

20 I am going to retain you and have you go to the
21 next courtroom over.

22 PROSPECTIVE JUROR: Okay.

23 THE COURT: I appreciate your patience during this
24 process. It is a process. And these folks in the room are
25 not allowed to talk to you. So if they don't, they are not

1 being rude. Okay?

2 PROSPECTIVE JUROR: Okay.

3 THE COURT: All right. Thank you.

4 PROSPECTIVE JUROR: Thank you.

5 **(Prospective Juror Number 52 exits courtroom)**

6 THE COURT: That last instruction that I gave, I'm
7 going to start having the person outside the courtroom give
8 that instruction so that folks know that you can't talk to
9 them. All right? So then I don't do it every time. Thank
10 you.

11 **(Prospective Juror Number 55 enters courtroom)**

12 THE COURT: Hi.

13 PROSPECTIVE JUROR: Good morning.

14 THE COURT: You are Juror Number 55? Am I right
15 about that?

16 PROSPECTIVE JUROR: Correct, Your Honor.

17 THE COURT: All right. And you have that jury
18 questionnaire in front of you?

19 PROSPECTIVE JUROR: I do, Your Honor.

20 THE COURT: I am just going to have you answer the
21 questions on that questionnaire. We'll begin with Number 1,
22 which is, How old are you?

23 PROSPECTIVE JUROR: I am 48 years old.

24 THE COURT: And what is the answer to Question 2?

25 PROSPECTIVE JUROR: I do not know anyone.

1 THE COURT: And how about Question 3.

2 PROSPECTIVE JUROR: No, I have not.

3 THE COURT: Not at all.

4 How about Question 4.

5 PROSPECTIVE JUROR: No, I have not.

6 THE COURT: And Question 5(a).

7 PROSPECTIVE JUROR: Yes, I would be able to.

8 THE COURT: Okay. Question 5(b) on the next page.

9 PROSPECTIVE JUROR: No, I do not.

10 THE COURT: Question 5(c).

11 PROSPECTIVE JUROR: No, I do not.

12 THE COURT: And how about 6?

13 PROSPECTIVE JUROR: Kasson, Minnesota, and I live

14 in Kasson, Minnesota, now.

15 THE COURT: And have you always lived there?

16 PROSPECTIVE JUROR: No. I was in the Navy for

17 seven years.

18 THE COURT: When was that?

19 PROSPECTIVE JUROR: From '94 to 2001.

20 THE COURT: Thank you for your service.

21 PROSPECTIVE JUROR: Thank you. You are welcome.

22 THE COURT: Did you serve overseas?

23 PROSPECTIVE JUROR: I did. In Japan.

24 THE COURT: What did you do for the Navy?

25 PROSPECTIVE JUROR: I was a hospital corpsman on

1 search and rescue, so I was a medic.

2 THE COURT: Okay. And the word after hospital I
3 didn't catch.

4 PROSPECTIVE JUROR: Corpsman, C-O-R-P-S-M-A-N.

5 THE COURT: Okay. And so tell me what that means.

6 PROSPECTIVE JUROR: So it's a medic for the Navy.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR: It's the job specialty for
9 enlisted.

10 THE COURT: And what training did you have to do
11 for that?

12 PROSPECTIVE JUROR: I start off with basic, like,
13 nursing assistant for in the hospital level to emergency
14 medical services for prehospital to combat medical to be
15 with the Marine Corps, which is Department of the Navy.

16 THE COURT: You were with the Marine Corps?

17 PROSPECTIVE JUROR: I was the last three years as
18 a hospital corpsman.

19 THE COURT: All right. Can you go through the
20 questions on Number 7.

21 PROSPECTIVE JUROR: Yes. Number 7, I have an
22 associate's degree. I'm a registered nurse. I'm a house
23 supervisor, so hospital supervisor.

24 THE COURT: And what hospital?

25 PROSPECTIVE JUROR: Olmsted Medical Center in

1 Rochester.

2 THE COURT: And so "house supervisor" is a new
3 term to me, perhaps it shouldn't be. What does that mean?

4 PROSPECTIVE JUROR: So the hospital has managers
5 in each section. I'm an overnight manager, so I oversee all
6 operations, administration and nursing on the overnight
7 shifts because the daytime managers go home.

8 THE COURT: And were you at one point a daytime
9 manager?

10 PROSPECTIVE JUROR: I was a lead in a cardiology
11 clinic for Olmsted, and that's been within the last seven
12 years that I've worked for Olmsted Medical Center.

13 THE COURT: And what did you do before that?

14 PROSPECTIVE JUROR: I was a registered nurse in a
15 clinic for Mayo Clinic in Rochester. I worked in a
16 endocrine testing center. That was -- roughly about ten
17 months before that, I was a inpatient, intensive care unit
18 nurse in 7 ICUs that Mayo has in Rochester, so seven
19 specialties for all the...

20 And then before that, I was a flight paramedic on
21 Mayo One, so I did a combination of nursing and still flew
22 as a flight medic, and I left being a flight medic in 2015.

23 THE COURT: The flight medic, was that on
24 helicopters?

25 PROSPECTIVE JUROR: That was and fixed-wing for

1 the airplane for Mayo Clinic.

2 THE COURT: You've talked to Olmsted Medical
3 Center, and you are able to be here during trial?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: And how about are you -- do you have a
6 spouse or partner?

7 PROSPECTIVE JUROR: I do have a spouse.

8 THE COURT: Okay. What does your spouse do?

9 PROSPECTIVE JUROR: She's a nurse practitioner,
10 and she's a director of Mayo School of Health Sciences, so
11 for the nurse practitioner clinicals. Primarily she gets to
12 work remotely. She does see patients once a week in clinic
13 for family medicine.

14 THE COURT: And what does she do on the remote
15 end?

16 PROSPECTIVE JUROR: Again, it's more of the
17 coordinating and the planning of the nurse practitioner
18 clinicals. Mayo, in both Rochester area and the Mayo Health
19 Systems in Eau Claire, Mankato, La Crosse. So she oversees
20 that as a director.

21 THE COURT: And the clinicals are sort of tests
22 that the NPs go through?

23 PROSPECTIVE JUROR: So the NPs are going through
24 their now mostly doctorate programs, and they come through
25 for clinical experience while they're going through their

1 graduate education. And then they get through their
2 clinicals, so then they can finally take their boards and
3 become a nurse practitioner. But this is kind of like the
4 way that they get experience. Some people don't work for
5 Mayo, and they come in from outside and -- to get that
6 experience, so --

7 THE COURT: Thank you.

8 Question Number 8.

9 PROSPECTIVE JUROR: Yes, I have two biological
10 children and two stepchildren, so four total.

11 THE COURT: All right. And are any of those
12 adults?

13 PROSPECTIVE JUROR: One -- well, two are. One's
14 19, one's 18. So the 18-year-old is graduating from high
15 school.

16 THE COURT: And what -- what does the 19-year-old
17 do?

18 PROSPECTIVE JUROR: A student in college.

19 THE COURT: Okay. Where is that?

20 PROSPECTIVE JUROR: UW Stout.

21 THE COURT: And are the other two littler?

22 PROSPECTIVE JUROR: Yes, they are -- one's a tenth
23 grader in high school, and the other one is an eighth grader
24 in middle school.

25 THE COURT: Question 9.

1 PROSPECTIVE JUROR: I like to golf when I have the
2 time. Since I work overnight, it's kind of a different
3 thing, but, yeah, when I have some time, I go golfing.

4 I like to go fishing when I get the chance to
5 also.

6 I currently do not attend any organizations or
7 groups or churches.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR: Nothing more than that.

10 THE COURT: How about Question 10?

11 PROSPECTIVE JUROR: No, I do not.

12 THE COURT: And Question 11, what do you read or
13 see on a regular basis?

14 PROSPECTIVE JUROR: Occasionally it's the local
15 news NBC affiliate out of Rochester, KTTC. And like I said,
16 I work different shifts, so most of my time is evening with
17 my family before I go into work for the night.

18 Nothing that's really -- like, I'm not a reader.

19 THE COURT: Are you on social media?

20 PROSPECTIVE JUROR: I am.

21 THE COURT: Okay. What kind of things do you
22 follow on social media?

23 PROSPECTIVE JUROR: Like LinkedIn, of course, for,
24 like, professional stuff. I have mostly, like, medical
25 prior -- prehospital EMS stuff that I used to be involved

1 with. I don't really -- really get into reading, and I see
2 things pop up, but I don't really sit and --

3 THE COURT: Do you have any TV shows you watch
4 regularly?

5 PROSPECTIVE JUROR: Let's see, not really.

6 THE COURT: How long is your drive to work?

7 PROSPECTIVE JUROR: About 20 minutes, 25 minutes.

8 THE COURT: And what do you listen to on the way?

9 PROSPECTIVE JUROR: Say again.

10 THE COURT: What do you listen to on the way?

11 PROSPECTIVE JUROR: Sometimes nothing. I just
12 like to have the quiet. There's nobody on the road usually
13 at 10:30 at night either going in in that rural area, so.

14 THE COURT: Question 12.

15 PROSPECTIVE JUROR: No, I have not.

16 THE COURT: And Question 13.

17 PROSPECTIVE JUROR: No, I did not.

18 THE COURT: And 14.

19 PROSPECTIVE JUROR: No, I do not.

20 THE COURT: 15.

21 PROSPECTIVE JUROR: No, I do not.

22 THE COURT: 16, contacts with the criminal justice
23 system.

24 PROSPECTIVE JUROR: No, I do not.

25 THE COURT: 17.

1 PROSPECTIVE JUROR: No, I do not.

2 THE COURT: And 18.

3 PROSPECTIVE JUROR: No, I do not.

4 THE COURT: And as part of your work, I guess I'm
5 thinking particularly as a flight medic, but also just
6 working in medical facilities, do you have interaction with
7 law enforcement and police officers?

8 PROSPECTIVE JUROR: Yes, I do.

9 THE COURT: Okay. Anything about those
10 interactions that leads you to have positive or negative
11 feelings one way or the other towards law enforcement?

12 PROSPECTIVE JUROR: Neutral. I mean, it's, again,
13 very --

14 THE COURT: And Question 19.

15 PROSPECTIVE JUROR: No, I have not.

16 THE COURT: And Question 20.

17 PROSPECTIVE JUROR: I'm not even sure. My kids
18 were attending school, so during the time, I know that there
19 was no-fee lunches that changed during the COVID time. So
20 I'm not certain.

21 THE COURT: Do you know whether for those
22 lunches -- first of all, were those at school or were those
23 something that the kids went to go pick up somewhere?

24 PROSPECTIVE JUROR: No, only at school.

25 THE COURT: And do you know what you had to do, if

1 anything, to apply for a no-fee lunch?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Do you know anything about that
4 process of the payment for those lunches, who paid for them,
5 how they got distributed?

6 PROSPECTIVE JUROR: None.

7 THE COURT: Anything about that?

8 PROSPECTIVE JUROR: None.

9 THE COURT: Question 21.

10 PROSPECTIVE JUROR: Again, just government work is
11 my service in the Navy.

12 THE COURT: Question 22.

13 PROSPECTIVE JUROR: No.

14 THE COURT: And Question 23.

15 PROSPECTIVE JUROR: None.

16 THE COURT: And how about 24, contact with the
17 Somali community or people whose backgrounds are in East
18 Africa?

19 PROSPECTIVE JUROR: As a nurse and as a paramedic,
20 yes, many times.

21 THE COURT: You have coworkers who are from
22 Somalia?

23 PROSPECTIVE JUROR: Not coworkers.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR: Maybe when I worked in my

1 registered nurse role at Mayo Clinic and worked on the
2 inpatient side, I could have possibly. I won't going to ask
3 one way or the other, like, unless they introduced it, where
4 they're from, but --

5 THE COURT: Okay. And so when you say, "yes, many
6 times," can you describe more about that experience.

7 PROSPECTIVE JUROR: So there could be registered
8 nurses, there could be patient care assistants that were
9 coworkers of mine, colleagues, helping care for the
10 patients.

11 THE COURT: And how about patients themselves?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: And families?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: All right. Anything about those
16 interactions that leads you to have negative or positive
17 feelings toward the Somali community or anyone within it?

18 PROSPECTIVE JUROR: None.

19 THE COURT: Question 25 tries to get at your
20 unconscious bias. Have you had any unconscious bias
21 training?

22 PROSPECTIVE JUROR: Yes, plenty of times.

23 THE COURT: And can you commit to thinking about
24 why you are making a decision and examine that decision for
25 bias?

1 PROSPECTIVE JUROR: I can commit.

2 THE COURT: And can you describe a little bit
3 about how you make important decisions.

4 PROSPECTIVE JUROR: Again, hear the facts, analyze
5 it, process it, depending on if I'm working with a group.
6 Sometimes it's an individual instant situation. But, again,
7 many times over, especially in my current role, I'm the
8 complaint department on the overnight, so if someone is
9 having any patient issues or family issues, the charge
10 nurses will call me and I'll be the one that can help
11 discern what's the process and what's going on with anybody
12 having complaints.

13 So it's, again, listening to the person, or the
14 family, and evaluate what they're stating and being able to
15 take that information down, be able to sometimes give them a
16 temporary answer and then follow up with them later on,
17 so --

18 THE COURT: Thank you. Question 25(b).

19 PROSPECTIVE JUROR: Yes, I can commit.

20 THE COURT: And Question 26(a), Are you willing to
21 apply the law as the court explains it to you?

22 PROSPECTIVE JUROR: Yes, I am.

23 THE COURT: And 26(b), anything else that you
24 should call to the court's attention?

25 PROSPECTIVE JUROR: None at this moment.

1 THE COURT: Okay. I'm going to talk to the
2 attorneys for just one moment.

3 (Sidebar discussion)

4 THE COURT: Any follow-up?

5 MR. COTTER: Yes, Your Honor. Patrick Cotter
6 here. I have three questions related to his role as a
7 manager.

8 One, does he have any -- a specific role in
9 setting the policy or procedures for the staffing at the
10 hospital.

11 And related to that, does he have any role in the
12 training of the staff on policy or procedure at the
13 hospital.

14 And, third, does he have any role in the hiring or
15 firing or disciplinary aspect of the staff.

16 THE COURT: What are we getting at there?

17 MR. COTTER: A big part of it is I want to know
18 what role he has in training, in setting policy for his
19 staff.

20 THE COURT: Okay. Anyone else?

21 MR. IAN BIRRELL: Yes. Sorry, Your Honor. Yes,
22 this is Ian Birrell.

23 A couple other follow-up questions off of
24 Mr. Cotter's question whether he was involved in billing or
25 procurements, and whether he's dealt with corrections

1 officers or incarcerated individuals receiving medical care,
2 and, if so, what those experiences were like.

3 And then just if Your Honor would permit some
4 brief follow-up on his military experience, whether he was
5 deployed to the Middle East or Africa, whether he had combat
6 experience. It doesn't sound like he did, but --

7 THE COURT: Okay. Anyone else?

8 MR. SAPONE: Yes, Your Honor.

9 Go ahead.

10 MR. CARLSON: Your Honor, Clayton Carlson for Said
11 Farah.

12 Just briefly, the highest rank he attained when he
13 was in the Navy would be helpful as well.

14 THE COURT: Thank you.

15 MR. SAPONE: And Ed Sapone for Abdi Nur. Good
16 morning.

17 Given his contact with law enforcement, could you
18 ask the question if there's testimony from law enforcement
19 that is different from testimony of a layperson. Remember
20 that question, Your Honor?

21 THE COURT: I do, but I already asked it, so I'm
22 not going to cover that in all this follow-up.

23 Anyone else?

24 MR. GOETZ: Your Honor, Fred Goetz for
25 Mr. Shariff.

1 else?

2 PROSPECTIVE JUROR: No. So I was stationed in
3 Japan for almost three years, so it would have been right
4 after my search and rescue training, and then trained more
5 in Japan. And it was from -- would have been October of '98
6 until August of 2001. So I got out just before 9/11
7 happened.

8 THE COURT: And in your current role, do you have
9 any role as a manager in setting policy for your staff?

10 PROSPECTIVE JUROR: No, I do not, and I don't have
11 direct -- direct management. I'm more of a peripheral
12 manager. I don't have direct staff.

13 THE COURT: Any role in training on policy?

14 PROSPECTIVE JUROR: None.

15 THE COURT: How about any role in procurement?

16 PROSPECTIVE JUROR: Nothing.

17 THE COURT: No buying of --

18 PROSPECTIVE JUROR: No, I'm not a purchasing
19 person. We have our own department for that.

20 THE COURT: And in your work, have you treated or
21 otherwise come across incarcerated individuals?

22 PROSPECTIVE JUROR: Yes, over my years, yeah,
23 because, you know, Federal Medical Center when I was on EMS
24 in Rochester, I was called into that to take people out and
25 bring them to Mayo Clinic to be evaluated further. That was

1 when I was on EMS as a paramedic only on the ambulance. So
2 that would have been any time from December of 2001 until
3 2007 when I went to my flight job.

4 THE COURT: How often would you say you were
5 taking folks from the Federal Medical Center?

6 PROSPECTIVE JUROR: I bet you it was only three
7 times in those years that I can --

8 THE COURT: Did you ever go inside?

9 PROSPECTIVE JUROR: Yeah, we had to get the
10 patient out, so --

11 THE COURT: Anything that you recall about your
12 interactions with patients in that center?

13 PROSPECTIVE JUROR: None. Most of them were
14 unresponsive because it's a full Federal Medical Center
15 and --

16 THE COURT: And as you've treated Somali patients
17 over the years, have you treated anyone that you were aware
18 of had a background or instances of trauma?

19 PROSPECTIVE JUROR: None, none that I was aware.
20 Usually my time has been mostly emergency, so very brief
21 time with the patient. Intensive care unit, that might be,
22 like I said, up to a 12-hour shift, but it wasn't like
23 always continuously because I floated around seven different
24 ICUs, so I never usually had the same patient shift after
25 shift.

1 THE COURT: All right. Thank you.

2 I'm going to retain you and have you go to the
3 next courtroom over --

4 PROSPECTIVE JUROR: All right.

5 THE COURT: -- and wait out our process. We
6 really appreciate your patience.

7 PROSPECTIVE JUROR: Thank you.

8 THE COURT: And these folks in the courtroom
9 aren't allowed to talk to you, so they're not being rude.
10 They just can't talk to you.

11 PROSPECTIVE JUROR: No.

12 THE COURT: All right. Thank you.

13 PROSPECTIVE JUROR: Appreciate the system.

14 **(Prospective Juror Number 55 exits courtroom)**

15 **(Prospective Juror Number 56 enters courtroom)**

16 THE COURT: Good morning. Come on forward. I'll
17 have you come around the tables, and you are coming up to
18 the witness chair that's right beside me.

19 It's a little intimidating, isn't it?

20 PROSPECTIVE JUROR: Yeah.

21 THE COURT: All right. That's all right. What
22 we're going to do is we're going to go through the questions
23 on that questionnaire that's before you. I'll have you talk
24 right into the microphone.

25 PROSPECTIVE JUROR: Okay.

1 THE COURT: And we're going to start with
2 Question 1, which is, How old are you?

3 PROSPECTIVE JUROR: I am 21.

4 THE COURT: And can you read Question 2 and answer
5 that one.

6 PROSPECTIVE JUROR: Read it?

7 THE COURT: Not out loud, just to yourself.

8 PROSPECTIVE JUROR: Okay. Yeah.

9 THE COURT: That way I don't have to.

10 PROSPECTIVE JUROR: No, I do not.

11 THE COURT: And how about Question 3.

12 PROSPECTIVE JUROR: No.

13 THE COURT: Question 4.

14 PROSPECTIVE JUROR: No.

15 THE COURT: And Question 5, any difficulty
16 reading, understanding, or speaking English?

17 PROSPECTIVE JUROR: No.

18 THE COURT: Question 6.

19 PROSPECTIVE JUROR: I grew up in Minneapolis, and
20 then I live in Prior Lake right now.

21 THE COURT: Okay. And I'm going to get to that in
22 a minute, but I skipped 5(b) and (c). So could you go back
23 to 5(b).

24 PROSPECTIVE JUROR: No.

25 THE COURT: And how about Question 5(c)?

1 PROSPECTIVE JUROR: Also no.

2 THE COURT: All right. And you are able to be in
3 attendance throughout trial?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Okay. And you grew up in Minneapolis,
6 but you are in Prior Lake?

7 PROSPECTIVE JUROR: Mm-hmm.

8 THE COURT: And where in Minneapolis did you grow
9 up?

10 PROSPECTIVE JUROR: Mostly in South Minneapolis.

11 THE COURT: Okay. What high school did you go to?

12 PROSPECTIVE JUROR: Washburn.

13 THE COURT: And what year did you graduate?

14 PROSPECTIVE JUROR: 2021.

15 THE COURT: What kind of activities were you
16 involved in in high school?

17 PROSPECTIVE JUROR: I was on the math team, and I
18 was in chess club.

19 THE COURT: And how long have you lived in
20 Prior Lake?

21 PROSPECTIVE JUROR: I just moved last May. My
22 dad's lived there for a while, but I just moved in with him
23 recently, so.

24 THE COURT: And do you live with your dad?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: Anybody else in the household?

2 PROSPECTIVE JUROR: My stepmom and my little
3 brother as well.

4 THE COURT: How old is your brother?

5 PROSPECTIVE JUROR: He's 14.

6 THE COURT: And what does your dad do for a
7 living?

8 PROSPECTIVE JUROR: He's retired. He just takes
9 care of the house.

10 THE COURT: And what did he retire from?

11 PROSPECTIVE JUROR: He was a structural drafter.

12 THE COURT: And does your stepmom work outside of
13 the home?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: What does she do?

16 PROSPECTIVE JUROR: She owns and runs an insurance
17 company.

18 THE COURT: What kind of insurance?

19 PROSPECTIVE JUROR: Home and auto. I think mostly
20 auto.

21 THE COURT: And where does your brother go to
22 school?

23 PROSPECTIVE JUROR: Hidden Oaks.

24 THE COURT: All right. Can you go through
25 Question 7, the answers there.

1 PROSPECTIVE JUROR: Yes. I graduated high school.
2 I'm a flight attendant now. I used to work in the
3 restaurant industry. I did serving, food running, and
4 hosting, and I worked in retail for a little bit as well.

5 THE COURT: Where did you work in retail?

6 PROSPECTIVE JUROR: At Free People.

7 THE COURT: And where was that?

8 PROSPECTIVE JUROR: In Edina at the Galleria.

9 THE COURT: And how about when you were working in
10 a restaurant, what was that restaurant?

11 PROSPECTIVE JUROR: I worked at Outtakes Bar and
12 Grill, Sooki & Mimi and 6Smith.

13 THE COURT: And where is -- Sooki & Mimi is
14 Minneapolis?

15 PROSPECTIVE JUROR: Yes. It's now Kim's.

16 THE COURT: And 6Smith is Wayzata?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: How about Outtakes? Where is that?

19 PROSPECTIVE JUROR: It's in New Hope.

20 THE COURT: And how long have you been a flight
21 attendant?

22 PROSPECTIVE JUROR: For four and a half months.

23 THE COURT: You like it?

24 PROSPECTIVE JUROR: I do.

25 THE COURT: What company?

1 PROSPECTIVE JUROR: Sun Country.

2 THE COURT: And Question 8.

3 PROSPECTIVE JUROR: No, I don't.

4 THE COURT: And Question 9.

5 PROSPECTIVE JUROR: I like to read and play music,
6 but I don't belong to any organizations or anything.

7 THE COURT: Do you still play chess?

8 PROSPECTIVE JUROR: Not anymore. Occasionally
9 with my little brother.

10 THE COURT: And what types of things do you like
11 to read?

12 PROSPECTIVE JUROR: Mostly fiction.

13 THE COURT: When you go -- when -- you are now a
14 flight attendant with Southwest, where are you going?

15 PROSPECTIVE JUROR: I work for Sun Country.

16 THE COURT: Sorry.

17 PROSPECTIVE JUROR: All over the place. I don't
18 really get to choose. I just -- they tell me where I'm
19 going.

20 THE COURT: Any international?

21 PROSPECTIVE JUROR: Yeah, just Mexico and, like,
22 Costa Rica.

23 THE COURT: Question Number 10.

24 PROSPECTIVE JUROR: No.

25 THE COURT: And Question 11.

1 PROSPECTIVE JUROR: I listen to podcasts, mostly
2 true crime ones, but nothing else.

3 THE COURT: Any particular true crime podcasts?

4 PROSPECTIVE JUROR: True Crime Garage and Creeps
5 and Crimes are two that I mostly.

6 THE COURT: And are those mostly addressing crimes
7 that are violent crimes?

8 PROSPECTIVE JUROR: Mm-hmm.

9 THE COURT: Are any of them -- have you heard any
10 that have addressed financial crimes?

11 PROSPECTIVE JUROR: No, those don't really
12 interest me.

13 THE COURT: And during -- listening to those
14 podcasts, you hear about criminal procedure, evidence
15 handling, evidence, a little bit, right?

16 PROSPECTIVE JUROR: Yeah, a little bit, but not
17 enough for me to, like, actually know what happens.

18 THE COURT: Okay. And so I'll ask you if you hear
19 something and you are a juror in this trial and you heard
20 something that was different than something you might have
21 learned on a podcast, can you put aside what you heard on
22 the podcast?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: And --

25 PROSPECTIVE JUROR: Yeah.

1 THE COURT: -- judge this case just on what you
2 see here?

3 PROSPECTIVE JUROR: Mm-hmm.

4 THE COURT: And Question 12.

5 PROSPECTIVE JUROR: No.

6 THE COURT: Question 13.

7 PROSPECTIVE JUROR: Yes, there was one other juror
8 that I recognized who came into Outtakes Bar and Grill. She
9 was mutual friends with a couple regulars. I only saw her a
10 couple times, though, so --

11 THE COURT: And if that person were on a jury with
12 you and you were deliberating, would that person have any --
13 that person's opinions carry any more weight with you than
14 anybody else in the room?

15 PROSPECTIVE JUROR: No. I mean, I didn't really
16 talk to her really. I just saw her a few times, so --

17 THE COURT: Any positive or negative feelings
18 about her as a person?

19 PROSPECTIVE JUROR: I'm mostly impartial. It's
20 been a few years since I last saw her, so --

21 THE COURT: Okay. Thank you. Question 14.

22 PROSPECTIVE JUROR: I know my aunt works in a
23 legal department, but I think she's like an office person.

24 THE COURT: And where is that?

25 PROSPECTIVE JUROR: In Austin, Minnesota.

1 THE COURT: And do you know what the organization
2 is?

3 PROSPECTIVE JUROR: I don't, no.

4 THE COURT: Do you know whether she does anything
5 with criminal law?

6 PROSPECTIVE JUROR: I have no idea.

7 THE COURT: Okay. Question 15.

8 PROSPECTIVE JUROR: No.

9 THE COURT: And Question 16, contacts with the
10 criminal justice system.

11 PROSPECTIVE JUROR: I was the victim of a
12 carjacking, but they never caught anybody, so I never -- it
13 never really went beyond that and getting my car back, so --

14 THE COURT: When was that?

15 PROSPECTIVE JUROR: It was December 2022.

16 THE COURT: And where was it?

17 PROSPECTIVE JUROR: 31st and Humboldt.

18 THE COURT: Were you able to identify the
19 perpetrator?

20 PROSPECTIVE JUROR: I was not.

21 THE COURT: Was it -- were you physically injured?

22 PROSPECTIVE JUROR: I wasn't physically injured,
23 no.

24 THE COURT: Traumatic experience?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: Okay. Were you with anyone else?

2 PROSPECTIVE JUROR: No, I was alone.

3 THE COURT: And they were successful? They took
4 the car?

5 PROSPECTIVE JUROR: Yeah, I got the car back.

6 THE COURT: Okay. And can you just describe a
7 little bit about it. I don't want you to relive it. I just
8 want you to describe the outlines of it.

9 PROSPECTIVE JUROR: Yeah, I was grabbing something
10 from my car -- I was going to work, and I was grabbing
11 something out of the passenger seat of my car, and a couple
12 of guys came up, grabbed me, pulled me out of my car, pulled
13 my keys from me, and then took off.

14 THE COURT: And did you end up -- you called the
15 police?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: Did they come to the scene or did they
18 come somewhere else?

19 PROSPECTIVE JUROR: They came to the scene.

20 THE COURT: You had your phone with you?

21 PROSPECTIVE JUROR: No, they took my phone as
22 well. There was a business at the end of the block that
23 took me in and helped me.

24 THE COURT: What was that business?

25 PROSPECTIVE JUROR: I'm not sure.

1 THE COURT: Okay. When you interacted with law
2 enforcement at the scene, was that a positive or negative
3 experience?

4 PROSPECTIVE JUROR: It was a positive experience.

5 THE COURT: Were you able to identify the
6 perpetrators?

7 PROSPECTIVE JUROR: No.

8 THE COURT: I may have asked you that already. I
9 apologize.

10 All right. Based on that experience or any other
11 experience, are you able to -- do you have positive or
12 negative feelings toward law enforcement generally?

13 PROSPECTIVE JUROR: In general, I'm kind of
14 neutral. That experience with them was positive, but
15 neutral in my general opinion.

16 THE COURT: And so members of law enforcement may
17 take the stand in this case, and are you able to treat those
18 law enforcement just -- officers like you would treat any
19 other witness?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Okay. And so blank slate in terms of
22 credibility?

23 PROSPECTIVE JUROR: Yep.

24 THE COURT: All right. And any other contacts
25 with the criminal justice system?

1 PROSPECTIVE JUROR: No.

2 THE COURT: And Question Number 17.

3 PROSPECTIVE JUROR: No.

4 THE COURT: And I've already asked 18, so let's go
5 to Question 19.

6 PROSPECTIVE JUROR: No.

7 THE COURT: And how about Question 20. During
8 COVID, did you have any folks you know who took advantage of
9 meals that were free or reduced cost?

10 PROSPECTIVE JUROR: I don't believe so. My
11 brother was in school, but he was in Prior Lake, and I don't
12 really know any about that stuff, so --

13 THE COURT: And were you living with him at the
14 time?

15 PROSPECTIVE JUROR: I did live with him then
16 briefly during COVID, but not for the whole experience.

17 THE COURT: Before you moved to Prior Lake and you
18 were in Minneapolis, were you living with another -- with
19 somebody else?

20 PROSPECTIVE JUROR: Yeah, I was living with my
21 mom.

22 THE COURT: Okay. What does your mom do?

23 PROSPECTIVE JUROR: She is an acupuncturist.

24 THE COURT: And is she married as well?

25 PROSPECTIVE JUROR: She's not married, but she has

1 a long-term boyfriend who lives with us.

2 THE COURT: Okay. And the partner does what?

3 PROSPECTIVE JUROR: He's in restaurant management.
4 I believe he works at Broders' still.

5 THE COURT: Do you know of any other restaurants
6 that he might have been involved with?

7 PROSPECTIVE JUROR: He was involved with Sooki &
8 Mimi and Young Joni, as well as Pizzeria Lola.

9 THE COURT: Question 21.

10 PROSPECTIVE JUROR: No.

11 THE COURT: And Question 22.

12 PROSPECTIVE JUROR: No.

13 THE COURT: Question 23.

14 PROSPECTIVE JUROR: No.

15 THE COURT: And how about Question 24, contact
16 with people whose backgrounds are in East Africa,
17 particularly Somalia.

18 PROSPECTIVE JUROR: Yeah, the apartment building
19 that I lived in with my mom in middle school and for some of
20 high school, there were a lot of Somalian people living in
21 that building as well. And Washburn is a pretty diverse
22 school, so --

23 THE COURT: And did you have folks in your friend
24 group who were Somali.

25 PROSPECTIVE JUROR: Not like my close friend

1 group, but acquaintances, yes.

2 THE COURT: Anything about your interaction with
3 the Somali community or individuals within it which leads
4 you to a negative or positive view of the community or
5 anybody in it?

6 PROSPECTIVE JUROR: No.

7 THE COURT: And Question 25 tries to get at your
8 unconscious biases. Did you have any unconscious bias
9 training?

10 PROSPECTIVE JUROR: I'm sorry?

11 THE COURT: Any training on unconscious bias?

12 PROSPECTIVE JUROR: Not really.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR: No.

15 THE COURT: You had some training with Sun
16 Country?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR: Yeah.

20 THE COURT: And did some of that training have to
21 do with dealing with -- right, diversity training, dealing
22 with different clients who are on the airline?

23 PROSPECTIVE JUROR: Yeah, there was some -- like
24 there was just like a little section of it in my training
25 with that, but --

1 THE COURT: Are you comfortable committing
2 yourself to thinking about why you make a decision and
3 examining that for bias?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Can you say a little bit about how you
6 make important decisions?

7 PROSPECTIVE JUROR: I really like to just, like,
8 look at the facts of things, and just, like, see what I
9 think about the facts themselves and nothing that's, like --
10 that doesn't really matter to me.

11 THE COURT: Question -- what do you mean doesn't
12 really matter to you?

13 PROSPECTIVE JUROR: Like, other than the facts,
14 nothing matters if I'm, like, forming an opinion.

15 THE COURT: And then Question 25(b) is that people
16 involved in this case may be different races and ethnic
17 backgrounds than you or different religion. Can you commit
18 yourself to evaluating the evidence just on the facts?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: And resist any urge influenced by a
21 bias?

22 PROSPECTIVE JUROR: Yeah.

23 THE COURT: Okay. Are you willing to apply the
24 law as the Court explains it to you?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: And can you think of anything else
2 that you should call to the court's attention?

3 PROSPECTIVE JUROR: Not that I can think of, no.

4 THE COURT: Okay. Thank you. Let me just consult
5 with the attorneys for a moment.

6 **(Sidebar discussion)**

7 THE COURT: Any follow-up?

8 MR. GOETZ: Your Honor, Fred Goetz for
9 Mr. Shariff.

10 Did she discern any race or ethnicity of her
11 assailants; and, if so, if it was blacks or people from East
12 Africa, would that at all impact how she views the
13 defendants in this case?

14 MR. IAN BIRRELL: Your Honor, Ian Birrell here.

15 Just on the same issue generally. I know the FBI
16 investigated these carjackings to some extent. It sounds
17 like her experiences were probably with local law
18 enforcement rather than FBI, but I just wanted that
19 clarified.

20 THE COURT: Thank you.

21 MR. THOMPSON: Your Honor.

22 THE COURT: Sorry. Mr. Thompson.

23 MR. THOMPSON: Your Honor, I just noted it sounds
24 like she started her job as a flight attendant only a few
25 months ago. I just want to maybe confirm that she doesn't

1 have any qualms about stepping onto jury service so soon
2 after starting a new job.

3 THE COURT: Okay. Thank you.

4 **(In open court)**

5 THE COURT: I'm sorry. We're going back to the
6 carjacking for one minute.

7 PROSPECTIVE JUROR: Okay.

8 THE COURT: Were you able to determine the race or
9 ethnicity of your assailants?

10 PROSPECTIVE JUROR: Yes, I was.

11 THE COURT: And what was that?

12 PROSPECTIVE JUROR: I just know that they were
13 black, but I didn't -- I don't know any ethnicity or
14 anything.

15 THE COURT: Okay. And does that lead you to have
16 any feeling one way or another about sitting in this trial?

17 PROSPECTIVE JUROR: No.

18 THE COURT: Okay. You can treat everybody fairly?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: When you interacted with the police,
21 was that local police?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Did you ever interact with the FBI or
24 any federal agency?

25 PROSPECTIVE JUROR: No.

1 THE COURT: And then I know I asked you if you
2 could be here for trial. That was a pretty general
3 question, but you did just start a new job. Have you talked
4 to Sun Country?

5 PROSPECTIVE JUROR: Yes. I have talked to them,
6 and since I am pretty new, I am, like, on call basically,
7 and so I just have to tell the scheduling department that I
8 have jury duty on the days that I'll be here, and it won't
9 be a conflict.

10 THE COURT: And are you -- putting aside whether
11 it's a conflict for us, are you concerned about how it might
12 impact your job?

13 PROSPECTIVE JUROR: I'm not concerned with it. My
14 supervisor said that it would be fine, and so I'm not,
15 like -- yeah.

16 THE COURT: Okay. Good for Sun Country.

17 All right. Thank you. I'm going to retain you,
18 have you go to the next courtroom. I appreciate your
19 patience through all of this. It is a process. Thank you.

20 **(Prospective Juror Number 56 exits courtroom)**

21 **(Prospective Juror Number 57 enters courtroom)**

22 THE COURT: Come on forward. Good morning.

23 I'll have you come on up to the witness chair,
24 which is right before me -- right beside me.

25 PROSPECTIVE JUROR: Here (indicating)?

1 THE COURT: Yes.

2 You are Juror 57.

3 PROSPECTIVE JUROR: Yep.

4 THE COURT: Okay. And so you have that
5 questionnaire in front of you.

6 PROSPECTIVE JUROR: Yep.

7 THE COURT: I am going to just ask you to go
8 through the answers to that questionnaire. I'll kind of
9 lead you through and follow up as necessary.

10 Let's start with Question 1, which is, How old are
11 you?

12 PROSPECTIVE JUROR: I'm 63.

13 THE COURT: And what is the answer to Question 2?

14 PROSPECTIVE JUROR: There are names on there that
15 are familiar to me, but I don't know if they're the same
16 Mohamed Hussein that I know.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR: That's a pretty common name in
19 the Somali culture, so --

20 THE COURT: Let me just explore that a little bit.
21 I have a note that you work in the Minneapolis Public
22 Schools.

23 PROSPECTIVE JUROR: Yes, I do.

24 THE COURT: What do you do?

25 PROSPECTIVE JUROR: I am the K-5 math content lead

1 at the district office, but I did work in schools for many
2 years.

3 THE COURT: And as a -- how long have you had that
4 job?

5 PROSPECTIVE JUROR: The content lead? This is my
6 fifth year in that position.

7 THE COURT: What schools did you work in before
8 that?

9 PROSPECTIVE JUROR: The schools that I worked in
10 before were Ella Baker, Pillsbury Hall. Those were the
11 primary schools that I've worked at.

12 THE COURT: And what did you do for those schools?

13 PROSPECTIVE JUROR: I was either a classroom
14 teacher or I was a math specialist. I also worked at the
15 FAIR Crystal we map school just for a period of time as
16 well.

17 THE COURT: What ages did you generally teach?

18 PROSPECTIVE JUROR: Elementary, K -- primarily I
19 did a lot of sixth grade, but then third through fifth I
20 would say would primarily be the focus of my work.

21 THE COURT: And Question 3.

22 PROSPECTIVE JUROR: Okay. Yes, I have heard of
23 the case before. When it first came out, and then it was,
24 what, two years ago or so, just surface level.

25 THE COURT: And in your role in elementary

1 schools, were you aware of or involved in the ways in which
2 meals were provided to children during the pandemic?

3 PROSPECTIVE JUROR: Yeah.

4 THE COURT: Can you say more about that?

5 PROSPECTIVE JUROR: Well, I was at Ella Baker and
6 at that time, yes, students could come and pick up boxed
7 lunches -- meals for them during that period of time.
8 During the unrest we had, we actually collected food from
9 the community and helped distribute it out to our community
10 members as well.

11 THE COURT: And when students came in and picked
12 up boxed lunches, were you involved in that effort?

13 PROSPECTIVE JUROR: No, not in that part of it.

14 THE COURT: What --

15 PROSPECTIVE JUROR: I was just aware of it, and I
16 know that the schools -- that the school district provided
17 that for the students.

18 THE COURT: Were you aware of efforts in the
19 community, aside from the schools, to provide boxed lunches
20 or meals?

21 PROSPECTIVE JUROR: Other than what we were
22 involved in, during the unrest, we were collecting food from
23 community members and then giving it out to our families,
24 but other than that, no.

25 THE COURT: When you were at Ella Baker and

1 students came and picked up boxed lunches, that was during
2 the unrest or during the --

3 PROSPECTIVE JUROR: Both.

4 THE COURT: -- pandemic? Both. Okay.

5 PROSPECTIVE JUROR: I mean, because it -- yeah, it
6 all started -- it was kind of overlapped, and then I went to
7 the district office in the fall of -- during the pandemic.
8 So then I was less involved at the school level and more
9 involved at the district level.

10 THE COURT: And you were involved in the district
11 level in providing meals?

12 PROSPECTIVE JUROR: No, not at that level.

13 THE COURT: Anything about your work in the
14 district office that had to do with nutrition or providing
15 meals?

16 PROSPECTIVE JUROR: No, none.

17 THE COURT: And when you -- this first came out
18 and you learned about the case at a surface level, can you
19 say more about that?

20 PROSPECTIVE JUROR: I just remember hearing about
21 it just by what was in the news, but other than that, I
22 didn't do any research or I didn't read about it. It was
23 just very -- whatever they said on the news and the media,
24 and it was quite a while ago.

25 THE COURT: And do you know how long ago?

1 PROSPECTIVE JUROR: Maybe two years, three years.
2 I haven't heard about it recently, so --

3 THE COURT: Do you remember hearing anything about
4 either people being arrested or charged, indicted, or any
5 search warrants?

6 PROSPECTIVE JUROR: I can't remember. I can't
7 recall too much about the details, just that some people
8 were arrested, and, I don't know, charged.

9 THE COURT: And what was your understanding of
10 what the case was about?

11 PROSPECTIVE JUROR: That it was a misappropriation
12 of funds. They were given, like, federal money and to feed
13 students, children, and that didn't happen.

14 THE COURT: And did you make any connection
15 between that subject and your work in the schools?

16 PROSPECTIVE JUROR: No. I -- I assumed that this
17 was outside of what the school district was doing. This was
18 a different entity.

19 THE COURT: And did you have any knowledge of that
20 entity or that process through --

21 PROSPECTIVE JUROR: No.

22 THE COURT: -- nonprofits.

23 PROSPECTIVE JUROR: Huh-uh.

24 THE COURT: And based on what you heard, have you
25 developed an opinion on the guilt or innocence of the

1 defendants?

2 PROSPECTIVE JUROR: No. I know that there was a
3 lot of people that -- involved in it, so I have no idea what
4 their involvement was.

5 THE COURT: And you understand the defendants are
6 under a presumption of innocence?

7 PROSPECTIVE JUROR: Yep.

8 THE COURT: And are you willing to apply that
9 presumption?

10 PROSPECTIVE JUROR: Absolutely.

11 THE COURT: The Ella Baker school, what
12 percentage, if you can estimate, of students there are
13 Somali or East African?

14 PROSPECTIVE JUROR: I -- ten percent. Pillsbury
15 has a higher percentage.

16 THE COURT: How long were you at Pillsbury?

17 PROSPECTIVE JUROR: Well, in the 1990s, I was at
18 Pillsbury for nine years. And then I was back there for one
19 year as a math specialist, so --

20 THE COURT: So safe to say during all of your
21 career as a teacher, you've had significant interactions
22 with teaching Somali kids and interacting with their parents
23 and families?

24 PROSPECTIVE JUROR: And colleagues as well, yes.

25 THE COURT: Okay. And colleagues as well.

1 PROSPECTIVE JUROR: Yeah.

2 THE COURT: And anything about those interactions
3 and those relationships that leads you to have positive or
4 negative feelings toward the community or any individuals in
5 it?

6 PROSPECTIVE JUROR: I mean, they are all
7 individuals, and there's -- I never -- I've only had
8 positive interactions with any of the colleagues or parents
9 and students that I've had to work with. I mean, they are
10 like any other individual.

11 THE COURT: And the names that you may recognize,
12 I'm going to have you -- you have it?

13 PROSPECTIVE JUROR: I have it here.

14 THE COURT: Oh, go ahead. Could you just say the
15 number and how you might recognize it. We'll just take some
16 time to do that.

17 PROSPECTIVE JUROR: Okay.

18 THE COURT: Because these lawyers know who those
19 individuals are, how old they are, et cetera, and --

20 PROSPECTIVE JUROR: Mohamed Hussein is the one
21 name that's somebody I worked with.

22 THE COURT: Okay. That is someone that you worked
23 with?

24 PROSPECTIVE JUROR: Yes. And he's an older
25 gentleman. So I don't know if that's the same person.

1 THE COURT: Okay. And worked with in what
2 capacity?

3 PROSPECTIVE JUROR: He was an educational
4 assistant at -- when I was at Ella Baker.

5 THE COURT: All right. I'm going to look to the
6 lawyers to see if that rings a bell.

7 I'm going to get the confirmation from the
8 government.

9 MR. THOMPSON: One moment, Your Honor.

10 THE COURT: Yes.

11 Do you know what number Mohamed Hussein was on the
12 witness list?

13 PROSPECTIVE JUROR: Oh, I'm sorry. There's two of
14 them actually. 294 and 295. Sorry.

15 THE COURT: Does it sounds like the same person?

16 MR. THOMPSON: It's just hard to know, Your Honor.

17 THE COURT: When you say "older gentleman," how
18 oldish?

19 PROSPECTIVE JUROR: Probably late 50s, early 60s.
20 He's probably about my age, I would assume.

21 THE COURT: And he was an educational assistant?

22 PROSPECTIVE JUROR: He was an educational
23 assistant.

24 THE COURT: Okay. Anyone else on that list before
25 I talk to the attorneys?

1 PROSPECTIVE JUROR: It's hard. No, I don't think
2 so. I knew a Jama, but I think it was Abdi -- I don't think
3 it's on here.

4 THE COURT: And how did you know --

5 PROSPECTIVE JUROR: He was another educational
6 assistant at Pillsbury.

7 THE COURT: Okay. Thank you.

8 PROSPECTIVE JUROR: So it would be anybody who was
9 in the educational with Minneapolis Public Schools.

10 THE COURT: All right. Thank you.

11 Let me just talk to the attorneys --

12 PROSPECTIVE JUROR: Okay.

13 THE COURT: -- for one moment.

14 **(Sidebar discussion)**

15 THE COURT: Can anyone provide any information on
16 Mohamed Hussein?

17 MR. GOETZ: Yes, Your Honor. Frederick Goetz for
18 Mr. Shariff.

19 He's our witness. It's not the same person. Our
20 client -- or our witness is from Virginia. He's younger.

21 THE COURT: Thank you.

22 Other information that rings a bell with anyone?
23 Mr. Goetz that was any other information that rings a bell
24 with anyone, given what she said?

25 MR. THOMPSON: Your Honor, there's another Mohamed

1 Hussein who is charged in the case and has a little bit --
2 in a different indictment, has some overlap, but he lives in
3 Faribault and is considerably older, so --

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

5 (In open court)

6 THE COURT: We're clear.

7 PROSPECTIVE JUROR: Okay.

8 THE COURT: Given that you heard a news report
9 briefly a couple years ago, I'll ask you Question 3(c),
10 which is, Will you be able to set aside what you may have
11 learned through other sources and decide the case based only
12 on the evidence presented during trial?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Question Number 4.

15 PROSPECTIVE JUROR: It's the Feeding Our Future
16 was the one that popped out to me in the media. I don't
17 know if -- to me, it's similar to Number 3.

18 THE COURT: And you have --

19 PROSPECTIVE JUROR: Yeah.

20 THE COURT: Have you heard of any of the other --

21 PROSPECTIVE JUROR: No. Huh-uh.

22 THE COURT: And how about 5(a), no difficulty
23 reading, understanding or speaking English.

24 PROSPECTIVE JUROR: No, no difficulty.

25 THE COURT: And 5(b).

1 PROSPECTIVE JUROR: As long as they're in a
2 speaker, I can hear them.

3 THE COURT: Okay. And have you been able to hear
4 everything today and what I said during court earlier? Yes?
5 You have to answer out loud.

6 PROSPECTIVE JUROR: What?

7 THE COURT: You have to answer out loud.

8 PROSPECTIVE JUROR: Oh, I'm sorry. Yes.

9 THE COURT: It's okay. Question 5(c).

10 PROSPECTIVE JUROR: No, I don't have any other
11 issues that will prevent me from serving.

12 THE COURT: And how about Question 6.

13 PROSPECTIVE JUROR: Where I grew up in the Twin
14 Cities area, and I actually live in the house I grew up in
15 in Crystal, Minnesota.

16 THE COURT: And we've done a little bit of this on
17 your background occupation, but can you take us through
18 Question 7.

19 PROSPECTIVE JUROR: I have a BA, a BS, master's,
20 and I'm board certified. And I've been with Minneapolis
21 Public Schools for 35-plus years.

22 THE COURT: Where's your BA from?

23 PROSPECTIVE JUROR: The University of Minnesota
24 and then --

25 THE COURT: How about --

1 PROSPECTIVE JUROR: Both of them. BA, BS are from
2 the University of Minnesota, and my master's is from
3 St. Thomas.

4 THE COURT: And do you have a spouse or partner?

5 PROSPECTIVE JUROR: Yes, I do.

6 THE COURT: What does that person do?

7 PROSPECTIVE JUROR: He is an EA in the Robbinsdale
8 School District.

9 THE COURT: Can you say a little bit more about
10 what he does.

11 PROSPECTIVE JUROR: He works in the AST classroom,
12 so he's working -- he's an SEA, I guess, a special
13 educational assistant providing support for students in that
14 setting.

15 THE COURT: How long has he done that?

16 PROSPECTIVE JUROR: Oh, 14 years, 15 years.

17 THE COURT: And Question 8.

18 PROSPECTIVE JUROR: I have one daughter. She is
19 25. And she is an SEA at Pillsbury school right now in
20 Minneapolis, and she's planning to get her master's in
21 special education.

22 THE COURT: And SEA is special education --

23 PROSPECTIVE JUROR: Special education assistant,
24 yep.

25 THE COURT: Where did she go to school?

1 PROSPECTIVE JUROR: She went to school in Eau
2 Claire. Has a degree in criminal justice and social work.

3 THE COURT: Is she married?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Okay. A partner?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: And what does her partner do?

8 PROSPECTIVE JUROR: He's a teacher -- or he's --
9 yeah.

10 THE COURT: And where is that?

11 PROSPECTIVE JUROR: Well, he's working to
12 become -- applying to Minneapolis Public Schools. A lot of
13 connections there.

14 THE COURT: Okay. Was there a time when your
15 daughter wanted to, given the degree in criminal justice --

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: -- do something with that?

18 PROSPECTIVE JUROR: Yes. Yep.

19 THE COURT: What was that?

20 PROSPECTIVE JUROR: She was thinking of becoming a
21 police officer and changed her mind.

22 THE COURT: Do you know why?

23 PROSPECTIVE JUROR: What?

24 THE COURT: Do you know why she changed her mind?

25 PROSPECTIVE JUROR: It just didn't seem to fit

1 what she wanted to do. She really wanted to work with
2 people, and it just -- that did not fit her, and she changed
3 it to social work.

4 THE COURT: Question 9.

5 PROSPECTIVE JUROR: I like to crochet. I like to
6 work with yarn. And I like to work out. I do not belong to
7 any religious groups.

8 THE COURT: How about any other organizations?

9 PROSPECTIVE JUROR: Like NC -- National Council of
10 Teachers of Mathematics and the Minnesota Council of
11 Teachers of Mathematics.

12 THE COURT: And Question 10.

13 PROSPECTIVE JUROR: No, I do not have any beliefs
14 that would interfere with.

15 THE COURT: And how about Question 11.

16 PROSPECTIVE JUROR: Not really, and I don't
17 really -- I watch the news, but typically I watch the news
18 to get the weather report and the traffic report, and that's
19 about it.

20 THE COURT: Any internet sites you go to on a
21 regular basis?

22 PROSPECTIVE JUROR: Not really.

23 THE COURT: How about podcasts?

24 PROSPECTIVE JUROR: Huh-uh.

25 THE COURT: That's a no?

1 PROSPECTIVE JUROR: What?

2 THE COURT: That's a no?

3 PROSPECTIVE JUROR: No. Sorry. No.

4 THE COURT: Question 12.

5 PROSPECTIVE JUROR: No, I have not previously
6 served as a juror.

7 THE COURT: And Question 13.

8 PROSPECTIVE JUROR: No, I have not met any of the
9 fellow jurors before today.

10 THE COURT: Question 14.

11 PROSPECTIVE JUROR: Nope, I do not have any
12 relatives or close friends who are lawyers.

13 THE COURT: Question 15.

14 PROSPECTIVE JUROR: No, I do not have any legal or
15 law enforcement training.

16 THE COURT: Okay. Have you had contact with law
17 enforcement during your work in the schools?

18 PROSPECTIVE JUROR: Oh, yeah, we did.

19 THE COURT: When was that?

20 PROSPECTIVE JUROR: We had like a police officer
21 at the school. When I was at FAIR Crystal, we did have like
22 a Crystal police officer who was a liaison, yep.

23 THE COURT: And based on that interaction, any
24 positive or negative experiences or feelings toward law
25 enforcement --

1 PROSPECTIVE JUROR: No.

2 THE COURT: -- or against?

3 PROSPECTIVE JUROR: None at all.

4 THE COURT: How about Question 16.

5 PROSPECTIVE JUROR: No, I have not had anybody
6 that I know who have had criminal -- has been a victim of a
7 crime.

8 THE COURT: How about criminal defendant, witness?

9 PROSPECTIVE JUROR: Nope. None of that.

10 THE COURT: And Question 17.

11 PROSPECTIVE JUROR: My father-in-law was a
12 Cleveland policeman, and his -- my uncle on my husband's
13 side were both Cleveland policeman. I barely knew the man,
14 so, no, I don't feel like -- that there's anything about
15 that experience that's going to affect my approach to this
16 case.

17 THE COURT: Okay. And if a law enforcement
18 officer takes the stand in this case, are you able to assess
19 their credibility just like you would anybody else's?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: They don't start off with an
22 additional positive or negative?

23 PROSPECTIVE JUROR: Yeah, I can listen to them
24 with an open mind.

25 THE COURT: Question 19.

1 PROSPECTIVE JUROR: Oh, yes, I have testified in
2 court before.

3 THE COURT: Okay. When was that?

4 PROSPECTIVE JUROR: When was that?

5 THE COURT: Yes.

6 PROSPECTIVE JUROR: 40 years ago.

7 THE COURT: All right. What for?

8 PROSPECTIVE JUROR: Somebody was unfairly -- it
9 was a sexual harassment case. Somebody was fired from a job
10 and took it to court.

11 THE COURT: Okay. Was that a coworker of yours?

12 PROSPECTIVE JUROR: Coworker, yep.

13 THE COURT: And did that person then sue --

14 PROSPECTIVE JUROR: Sued his employment, yeah.

15 THE COURT: Okay. What was the employer?

16 PROSPECTIVE JUROR: It was a nursing home.

17 Ebenezer Society way back when.

18 THE COURT: Did it go to trial?

19 PROSPECTIVE JUROR: Yeah, I was -- I don't recall.
20 I remember sitting in this seat and answering questions that
21 a judge asked me.

22 THE COURT: Okay. A judge asked?

23 PROSPECTIVE JUROR: Yeah.

24 THE COURT: Do you remember --

25 PROSPECTIVE JUROR: A lawyer, a lawyer, yeah.

1 There was -- I don't remember if there was a jury.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR: That was a long time ago. I
4 don't think there was a jury.

5 THE COURT: We're used to being forgettable. It's
6 okay.

7 PROSPECTIVE JUROR: That was 40 years ago.

8 THE COURT: Anything about that experience you
9 think would affect your approach in this case?

10 PROSPECTIVE JUROR: No, not at all.

11 THE COURT: And how about -- other than what we've
12 covered about receiving meals, Question 20.

13 PROSPECTIVE JUROR: Yes, I did have some friends
14 who received meals from, like, the Robbinsdale School
15 District. The same thing that -- they provide the same
16 thing that Minneapolis provided, boxed lunches and meals,
17 and she did pick them up too.

18 THE COURT: And did she pick them up from the
19 school?

20 PROSPECTIVE JUROR: I think so, yeah, yeah.

21 THE COURT: Do you know anything about that
22 process?

23 PROSPECTIVE JUROR: I think they would typically
24 have a week's worth of food or a couple days that they could
25 pick up, and there would be a breakfast lunch and dinner for

1 the week. I'm not quite sure, but they did provide quite a
2 bit of food for -- she was a single mother with two young
3 boys, so --

4 THE COURT: Do you know whether she had to do
5 anything in particular to take advantage of that service?

6 PROSPECTIVE JUROR: No, I think just because she
7 was in the Robbinsdale School District and her -- her son
8 was in the system.

9 THE COURT: Do you know whether she had to show ID
10 or anything when she --

11 PROSPECTIVE JUROR: That I don't know. I don't
12 know if she had to do that or not.

13 THE COURT: Question 21.

14 PROSPECTIVE JUROR: Have I ever worked with --
15 no -- social services programs? No.

16 THE COURT: Okay. How about volunteering?

17 PROSPECTIVE JUROR: Like -- no.

18 THE COURT: And let me go over the Minnesota
19 Department of Education, which I am sure you have contact
20 with.

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Any contact with the USDA?

23 PROSPECTIVE JUROR: No.

24 THE COURT: And your contacts with the Department
25 of Education are in what capacity?

1 PROSPECTIVE JUROR: It's anybody who is in the
2 math department or in teacher development at that capacity.

3 THE COURT: And what kind of interactions do you
4 have?

5 PROSPECTIVE JUROR: Well, I do -- I am working
6 with the Minnesota Department of Education on, like, the
7 math standards, so it's all geared towards -- towards math
8 and the MCAs and creating questions for the -- so it's --
9 it's in that capacity.

10 THE COURT: Based on those interactions, any
11 feelings one way or another toward the department or its
12 employees?

13 PROSPECTIVE JUROR: No.

14 THE COURT: And if any of the employees of that
15 department took the stand, can you treat them just like you
16 would treat any other witness?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: And Question 23.

19 PROSPECTIVE JUROR: I have no feelings against or
20 in favor of Islam or Muslim.

21 THE COURT: And Question 24 we've covered quite a
22 bit, your interactions with the Somali community and
23 individuals in it. Any -- any others that come to mind?

24 PROSPECTIVE JUROR: No.

25 THE COURT: And Question 25 is -- has to do with

1 unconscious bias. Do you have unconscious training in your
2 work?

3 PROSPECTIVE JUROR: Lots.

4 THE COURT: Okay. Any -- are you comfortable
5 committing yourself to thinking about why you make a
6 decision and examining that for bias?

7 PROSPECTIVE JUROR: I have to do that every day.

8 THE COURT: And can you tell us a little bit about
9 how you make important decisions.

10 PROSPECTIVE JUROR: You mean when considering
11 unconscious bias or just --

12 THE COURT: Just in general.

13 PROSPECTIVE JUROR: I think about the facts that
14 are given to me and then use those facts to make a judgment
15 call.

16 THE COURT: You work in teams?

17 PROSPECTIVE JUROR: Yes. Oh, yes.

18 THE COURT: And how does that affect your
19 decision-making?

20 PROSPECTIVE JUROR: I have to make sure that I
21 list to all the team members and give them voice and look at
22 people's strengths and work with those strengths to come and
23 work as a team. There are some things that I may be
24 stronger in that my teammate is not, or they may be stronger
25 in something that I am not. And I will let them take the

1 lead if I'm not feeling like I have those strengths and vice
2 versa.

3 THE COURT: And Question 25(b) on the next page.
4 Can you read that and answer it?

5 PROSPECTIVE JUROR: 25. Wait. Where am I? (a)
6 or (b)? Wait. Which one am I on? (b).

7 THE COURT: (b). I think we covered (a).

8 PROSPECTIVE JUROR: Yeah. So (b), yes, I can --
9 if I'm involved in the case... might be from a different
10 racial and ethnic background or -- yes, I can totally commit
11 myself to evaluating the evidence.

12 THE COURT: And are you willing to apply the law
13 as the court explains it to you?

14 PROSPECTIVE JUROR: Yep.

15 THE COURT: And can you think of anything else
16 that you need to call to the court's attention?

17 PROSPECTIVE JUROR: Nope.

18 THE COURT: Okay. Just one moment.

19 **(Sidebar discussion)**

20 THE COURT: Any follow-up?

21 MR. IAN BIRRELL: Yes, Your Honor. Ian Birrell
22 here.

23 When Your Honor asked Question 3(b), whether she
24 had an opinion of the guilt or innocence of these
25 defendants, she said, no. She said something along the

1 lines of she knows that a lot of people were involved in
2 what was going on in different roles. I just want to make
3 sure she doesn't have a leaning that someone did something
4 wrong even if she doesn't impute that to any of these
5 defendants here in court.

6 THE COURT: All right. Anyone else?

7 MR. GOETZ: Your Honor, Frederick Goetz for
8 Mr. Shariff.

9 If the court could just briefly follow up on her
10 interaction with MDE as an organization or a department.
11 Does she have any views on how it is run; efficiently,
12 unefficiently, effectively, uneffectively. If so, what are
13 those views?

14 THE COURT: All right. Just a moment.

15 **(In open court)**

16 THE COURT: Do you have any feelings on how the
17 MDE is run?

18 PROSPECTIVE JUROR: What?

19 THE COURT: Do you have any feelings on how the
20 Department of Education is run, whether it's inefficient or
21 efficient?

22 PROSPECTIVE JUROR: I don't really know. I mean,
23 I just really know about it from -- oh, that's a hard one.
24 I mean, I think there are some aspects of MDE that I don't
25 think it's run very efficiently, but I'm thinking about the

1 math standards and how incredibly long it is to get it moved
2 forward. It's taking -- I mean, it was supposed to be -- we
3 were supposed to be looking at the new math standards in
4 2022 and now it's 2024 and we still have not implemented
5 that and making sure that that is a part of the programming,
6 so, I mean, there are parts of it that I wonder about
7 because of my experience with that.

8 THE COURT: And can you put those experiences
9 aside when you are evaluating any testimony about the --

10 PROSPECTIVE JUROR: Sure. I feel like it's two
11 separate different things, you know.

12 THE COURT: Okay. When you first heard of this
13 case, one of the things that you'd said was that you -- you
14 got the indication that a lot of people were involved. Did
15 you have any indication that someone had actually committed
16 fraud?

17 PROSPECTIVE JUROR: Yes, I felt like there was
18 fraud that was involved somewhere at some point in time.

19 THE COURT: Okay. Why did you feel that way?

20 PROSPECTIVE JUROR: I don't know. It was just my
21 inclination to think that, but, of course, I also didn't
22 have any evidence or any knowledge about it. It was just my
23 instinct.

24 THE COURT: And since that time and you've been
25 called for jury service, what is your feeling now?

1 PROSPECTIVE JUROR: I don't really know what
2 it's -- I mean, I -- I really don't know what it's about.

3 THE COURT: Do you have any problem at all
4 applying the presumption of innocence?

5 PROSPECTIVE JUROR: No, I have no problems with
6 that, no.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR: I can, yeah.

9 THE COURT: I'll just consult with the attorneys.

10 PROSPECTIVE JUROR: Okay.

11 **(Sidebar discussion)**

12 THE COURT: I'm just wanting to make sure we've
13 got no motion?

14 All right. Thank you.

15 **(In open court)**

16 THE COURT: Thank you. I appreciate your patience
17 and your answers. I'm going to send you to the next
18 courtroom and retain you. And I appreciate your --

19 PROSPECTIVE JUROR: Okay.

20 THE COURT: -- I appreciate your candor here and
21 your patience with us.

22 PROSPECTIVE JUROR: All right. Thank you.

23 THE COURT: Thank you.

24 **(Prospective Juror Number 57 exits courtroom)**

25 **(Prospective Juror Number 58 enters courtroom)**

1 THE COURT: Good morning.

2 PROSPECTIVE JUROR: Good morning.

3 THE COURT: I'm going to have you come forward
4 here. You'll come in between the jury box and the tables up
5 to the witness chair that's right by me.

6 PROSPECTIVE JUROR: All right.

7 THE COURT: And you have that list of questions
8 with you.

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: You are Juror Number 58?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Okay. So we're just going to go
13 through those questions. I want to make sure that you speak
14 into the microphone.

15 PROSPECTIVE JUROR: Okay.

16 THE COURT: And we'll start with Question 1, which
17 is, How old are you?

18 PROSPECTIVE JUROR: I am 60 years old.

19 THE COURT: And Question Number 2.

20 PROSPECTIVE JUROR: No, I did not know anyone on
21 the witness list.

22 THE COURT: And Question Number 3.

23 PROSPECTIVE JUROR: Question Number 3, yes, I have
24 heard of this case before.

25 THE COURT: And how?

1 PROSPECTIVE JUROR: Last spring my son in school
2 was doing a current events project, and this was one of the
3 stories that their group picked. They picked a few stories,
4 and this was one of them. So I worked with -- you know, I
5 worked with him a little bit on the research, so I do know
6 details of this case.

7 THE COURT: You've read quite a bit --

8 PROSPECTIVE JUROR: Yeah.

9 THE COURT: -- about it?

10 Okay. Based on what you've read, have you
11 developed an opinion on the guilt or innocence of these
12 defendants?

13 PROSPECTIVE JUROR. Well, I guess I would come to
14 the conclusion that there were some crimes committed.

15 THE COURT: And do you know anything about these
16 defendants in particular?

17 PROSPECTIVE JUROR: Yeah, these are -- they are
18 associated with the Empire Cuisine, and we -- yes, so I kind
19 of -- we looked at that one.

20 THE COURT: Okay. And do you have an opinion on
21 the guilt or innocence of any of these defendants?

22 PROSPECTIVE JUROR: Again, you know, I guess I
23 would look at it, you know, it looks like there was crimes
24 committed.

25 THE COURT: What sources did you go to for the

1 project?

2 PROSPECTIVE JUROR: We looked a lot of the online
3 news outlets, you know, the AP, Reuters, Minneapolis Star
4 Tribune, for just a few of them.

5 THE COURT: All right. Thank you. Just one
6 moment. I'm going to talk with the attorneys.

7 **(Sidebar discussion)**

8 THE COURT: Counsel.

9 MR. IAN BIRRELL: This is Ian Birrell.
10 We would move for cause. He did research
11 actively, sought out information, and reached a conclusion.

12 THE COURT: Any objection?

13 MR. THOMPSON: No, Your Honor.

14 **(In open court)**

15 THE COURT: I'm going to excuse you with the
16 thanks of the Court. Thanks for your patience.

17 PROSPECTIVE JUROR: Thank you.

18 **(Prospective Juror Number 58 exits courtroom)**

19 THE COURT: We're going to take a break at this
20 time.

21 So I'm sorry to ask. Can you stop the -- nope.
22 We're good. I think they're not coming in.

23 Thank you. I know that's -- again, it's not --
24 your doing great work as handlers, and that's not in your
25 job description, so thank you both.

1 **(Prospective Juror Number 59 enters courtroom)**

2 THE COURT: Oh, I'm sorry. Sir, we're going to
3 take a break. So I know it was almost your time, but we're
4 going to come back at 11:10, and I'll have you go through
5 the process at that time.

6 PROSPECTIVE JUROR: Okay.

7 THE COURT: Thank you.

8 **(Prospective Juror Number 59 exits courtroom)**

9 THE COURT: So we'll come back at 11:10.
10 And that was Juror Number 59. As a reminder,
11 Juror 60 is out.

12 THE CLERK: All rise.

13 (Recess taken at 10:47 a.m. till 11:09 a.m.)

14

15 **IN OPEN COURT**

16 **(JURY PANEL NOT PRESENT)**

17 THE COURT: You may be seated.

18 **(Prospective Juror Number 59 enters courtroom)**

19 THE COURT: Good morning. Come on forward. I'll
20 have you go between the jury box and those tables and
21 straight up to the witness chair right by me.

22 You are Juror Number 59?

23 PROSPECTIVE JUROR: Correct.

24 THE COURT: Thank you for your patience.

25 So you have the questionnaire in front of you.

1 We're going to go down the row and answer those questions.

2 I may have follow-ups as we go.

3 Beginning with Number 1, what is your age?

4 PROSPECTIVE JUROR: 43.

5 THE COURT: And what is the answer to Question 2?

6 PROSPECTIVE JUROR: The answer is no.

7 THE COURT: How about Question 3.

8 PROSPECTIVE JUROR: I had not prior to the
9 summons.

10 THE COURT: And Question 4.

11 PROSPECTIVE JUROR: I have not heard of any of
12 those programs.

13 THE COURT: And Question 5(a).

14 PROSPECTIVE JUROR: I do not have any difficulty
15 in the English language.

16 THE COURT: And Question 5(b).

17 PROSPECTIVE JUROR: No problem there either.

18 THE COURT: And (c).

19 PROSPECTIVE JUROR: And also no problem there
20 either.

21 THE COURT: And how about Question 6.

22 PROSPECTIVE JUROR: I'm from Chatfield, Minnesota,
23 and that is where I live now as well.

24 THE COURT: And so have you always lived there?

25 PROSPECTIVE JUROR: Outside of a couple years. I

1 was in Winona and Rochester for about four years, and then
2 back there again, yep.

3 THE COURT: Okay. And can you take us through the
4 answers to Question 7.

5 PROSPECTIVE JUROR: Yes. I have a high school
6 education, a year and a half of college, but did not get a
7 diploma there. And I am a project manager for a concrete
8 company. I've been there for about six months. And prior
9 to that, I was a project manager for a restoration company.
10 That's where my last five years of work has been.

11 THE COURT: And before the project manager for the
12 restoration company, what did you do?

13 PROSPECTIVE JUROR: I was a project manager for
14 a -- a commercial trim company.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR: And prior to that, I did field
17 sales for a supplemental labor company.

18 THE COURT: And do you have a spouse or a partner?

19 PROSPECTIVE JUROR: I do. Yes, I have a wife.

20 THE COURT: And what does she do?

21 PROSPECTIVE JUROR: She works in executive health
22 for the Mayo Clinic.

23 THE COURT: What does she do for that program?

24 PROSPECTIVE JUROR: She is on a small team that
25 works with the financial, the billing, and that type of

1 stuff within the clinic.

2 THE COURT: How long has she done that?

3 PROSPECTIVE JUROR: The job she's in now has been
4 a little -- it's within the same department she's been for
5 about the last five years. The job she's in now, a little
6 over a year, I believe.

7 THE COURT: And Question 8.

8 PROSPECTIVE JUROR: I have two children; a
9 17-year-old daughter and a 12-year-old son.

10 THE COURT: Question 9.

11 PROSPECTIVE JUROR: Outdoor, anything to be
12 outdoors. Golfing, softball with my daughter, baseball, any
13 activities they are doing with my son and daughter that way.
14 Fishing, on the boat, that type of stuff.

15 We are members of the Lutheran church in
16 Chatfield, and the involvement there would just be attending
17 on Sundays and then the programs that the kids go through.

18 THE COURT: And Question 10.

19 PROSPECTIVE JUROR: I do not, no.

20 THE COURT: And Question 11.

21 PROSPECTIVE JUROR: The local newspapers down
22 there with -- but most of my -- most of my reading is sports
23 related. Follow up on a lot of that type of thing there.
24 Not a lot of -- not a lot of additional news outside of
25 that.

1 THE COURT: Okay. How about Question 12.

2 PROSPECTIVE JUROR: I have not served as a juror
3 before, no.

4 THE COURT: Question 13.

5 PROSPECTIVE JUROR: I did not know any of the
6 jurors before, nope.

7 THE COURT: And how about Question 14.

8 PROSPECTIVE JUROR: Nope on that one as well.

9 THE COURT: And 15.

10 PROSPECTIVE JUROR: I do not have any -- any
11 training there, no.

12 THE COURT: And 16, contacts with the criminal
13 justice system, either victim, defendant or witness.

14 PROSPECTIVE JUROR: No.

15 THE COURT: And Question 17.

16 PROSPECTIVE JUROR: My father-in-law is a retired
17 city cop for the City of Rochester.

18 THE COURT: Do you know how long he did that?

19 PROSPECTIVE JUROR: He retired in 2010, I
20 remember, because he retired on my 30th birthday. That's
21 the only reason I remember that. And he did it for, I
22 believe, like 25 years, something like that, 25 or 30 years.

23 THE COURT: Do you know what role he had within
24 the police department in Rochester?

25 PROSPECTIVE JUROR: He was a patrol cop to start

1 out with. Then he was a liaison officer at one of the
2 schools in Rochester. And then he was a desk clerk, because
3 he was diagnosed with MS, so he couldn't be on the street
4 anymore.

5 THE COURT: Is there anything about your
6 discussions with him about his service that would affect
7 your approach to this case?

8 PROSPECTIVE JUROR: There is not, no.

9 THE COURT: And anyone else, relatives, close
10 friends, who work in law enforcement?

11 PROSPECTIVE JUROR: No. Just him.

12 THE COURT: Okay. And some of the witnesses are
13 likely to be law enforcement officers. Can you treat those
14 witnesses as you would treat anyone else?

15 PROSPECTIVE JUROR: I would be able to, yes.

16 THE COURT: Okay. So they don't start out with an
17 additional favorable or unfavorable with you because they
18 are -- just because they are in law enforcement?

19 PROSPECTIVE JUROR: That is correct.

20 THE COURT: Question 19.

21 PROSPECTIVE JUROR: I have not testified before,
22 no.

23 THE COURT: Question 20.

24 PROSPECTIVE JUROR: No, I do not.

25 THE COURT: And during COVID, your kids were in

1 school?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: And how did the school handle meals
4 for them?

5 PROSPECTIVE JUROR: So during the shutdown when
6 everybody was at home, there was a bus that would come about
7 a block from our house, and they would hand out sack lunches
8 for those that chose to. Depending upon what was offered
9 that day, my son, they might go up there and grab something,
10 but for the most part, they just ate at home throughout that
11 time frame.

12 THE COURT: When your son took advantage and did
13 go to the bus and took advantage of that service, did he
14 have to show any ID or anything like that?

15 PROSPECTIVE JUROR: Not to my knowledge. I wasn't
16 home a lot of the days when that was happening, so I
17 believed he just walked up and they had a box or boxes there
18 with the sack lunches that they were able to just select
19 from.

20 THE COURT: Do you know anything about the
21 recordkeeping or the procedure that occurred during that
22 time frame around meals?

23 PROSPECTIVE JUROR: I do not, no.

24 THE COURT: Do you know any nonprofits who
25 provided those services?

1 PROSPECTIVE JUROR: My -- I believe it was just
2 through the school that it came from, yeah.

3 THE COURT: And Question 21.

4 PROSPECTIVE JUROR: I have not, no.

5 THE COURT: And Question 22.

6 PROSPECTIVE JUROR: I don't believe so. I worked
7 for -- I was a coach for the school. Not necessarily the
8 Department of Education, I guess, but I did coach softball
9 for the school.

10 THE COURT: And this is the Chatfield school?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Okay. And what age did you coach?

13 PROSPECTIVE JUROR: I was the -- it was eighth
14 grade, when my daughter was in eighth grade. I coached her
15 team.

16 THE COURT: Okay. And what sport?

17 PROSPECTIVE JUROR: Softball.

18 THE COURT: And Question 23.

19 PROSPECTIVE JUROR: I do not.

20 THE COURT: Question 24, any contact with people
21 whose backgrounds are in East Africa and particularly
22 Somalia?

23 PROSPECTIVE JUROR: No.

24 THE COURT: Okay. Is the Chatfield school system
25 particularly diverse?

1 PROSPECTIVE JUROR: It is not, no. No.

2 THE COURT: Okay. Do you know whether they have
3 any Somali children there?

4 PROSPECTIVE JUROR: To my knowledge in the -- in
5 the school system, there is not any, no.

6 THE COURT: And Question 25 tries to get at the
7 way you make decisions and unconscious bias. Have you had
8 any unconscious bias training?

9 PROSPECTIVE JUROR: I have not had any training
10 that way, no.

11 THE COURT: Okay. You've watched the video that
12 was provided to you during orientation?

13 PROSPECTIVE JUROR: I did, yeah.

14 THE COURT: And if you are selected as a juror,
15 are you comfortable looking at your decision and making sure
16 that you're examining it for any possible bias?

17 PROSPECTIVE JUROR: I believe so, yes.

18 THE COURT: How generally do you make decisions?

19 PROSPECTIVE JUROR: Good question. Based off of
20 the -- the best interests that would be involved with that
21 decision, I suppose, and -- and, right, yeah, just, you
22 know, looking at the full -- the full decision that would
23 be -- that would come with that.

24 THE COURT: How do you take in information for
25 decision-making?

1 PROSPECTIVE JUROR: I trust my initial thought or
2 background, knowledge that I may have in that -- whatever
3 that particular field or question would be in. And then if
4 there was something that I needed to expand further on, then
5 I would have to trust my -- my peers involved in that
6 decision as well.

7 THE COURT: In your role as a project manager, are
8 you a supervisor?

9 PROSPECTIVE JUROR: I am. We have opened a new
10 office in Rochester for the company. And so it is a
11 supervisor role within the project management field, yes.

12 THE COURT: How many people do you supervise?

13 PROSPECTIVE JUROR: We're new, we're hiring, so I
14 have one superintendent and one foreman and three crew
15 members currently.

16 THE COURT: Do you do the hiring?

17 PROSPECTIVE JUROR: We do not. We have an HR
18 department, so she will set all the interview stuff up, and
19 then our superintendents, between our branch and our
20 corporate branch, they sit down and hire the field
21 employees.

22 THE COURT: And did you say what the concrete
23 company was?

24 PROSPECTIVE JUROR: Evenson Concrete Systems out
25 of Mankato.

1 THE COURT: Do you set policy at all?

2 PROSPECTIVE JUROR: I do not, no.

3 THE COURT: How about do you do any training?

4 PROSPECTIVE JUROR: I have some office training
5 that I help with. There's project managers being hired out
6 of the Mankato office as well, so any help that would be
7 needed there or project management start-up guides, I'm
8 developing one of those for the company too.

9 THE COURT: And what kind of -- when you say
10 "project manager," what sort of projects are you managing?

11 PROSPECTIVE JUROR: Commercial concrete, so we do
12 footings and walls and slabs for commercial buildings.

13 THE COURT: Thank you.

14 Question 25(b).

15 PROSPECTIVE JUROR: I could -- yes, I can commit
16 myself to that.

17 THE COURT: And are you willing to apply the law
18 as the court explains it to you?

19 PROSPECTIVE JUROR: I would -- yep, I am.

20 THE COURT: Can you think of anything else to call
21 to the court's attention?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Thank you.

24 Just one moment. I'm going to check with the
25 attorneys.

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(Sidebar discussion)

THE COURT: Any follow-up?

Any motions for cause?

Thank you.

(In open court)

THE COURT: All right. Sir, I'm going to retain and have you go to the next courtroom over and just await our process.

PROSPECTIVE JUROR: Sure. Thank you.

THE COURT: I appreciate your patience here. Thank you.

(Prospective Juror Number 59 exits courtroom)

(Prospective Juror Number 61 enters courtroom)

THE COURT: Good morning. Come forward. So I'm going to have you go around the tables, and then you are aiming up for the witness chair that's right by me up these steps.

Hi. You're Juror Number 61?

PROSPECTIVE JUROR: Good morning. Yes.

THE COURT: Okay. You have that questionnaire in front of you. So I'm going to have you go through the answers to the questions in front of you. I'll have you speak into the microphone, and I may have some follow-up. And we'll begin with Number 1, which is, What is your age?

PROSPECTIVE JUROR: I am 68.

1 THE COURT: And Question Number 2, what's the
2 answer to that?

3 PROSPECTIVE JUROR: No.

4 THE COURT: And how about Question 3?

5 PROSPECTIVE JUROR: 3(a), yes.

6 THE COURT: Okay. In what way?

7 PROSPECTIVE JUROR: Well, I'd frankly say you'd
8 probably have to live in a cave to not have heard about
9 this -- this case. And while I have not read about it
10 deeply or anything like that, I live in a local area. I
11 have heard several news reports, and I do read the news
12 every day.

13 THE COURT: What news do you read?

14 PROSPECTIVE JUROR: Generally Fox News and Fox
15 Business. I do occasionally go into CNBC every day just to
16 get a little balance in my life.

17 THE COURT: And based on what you've heard in the
18 news reports or read, have you developed opinion on the
19 guilt or innocence of the defendants?

20 PROSPECTIVE JUROR: I got to tell you, I'm not in
21 a good place on that one. And I'll make a statement that
22 I'm going to have to see a preponderance of exculpatory
23 evidence to make me believe that the defendants are not
24 guilty of some of the things they are charged with.

25 THE COURT: All right. Thank you. I'm just going

1 to consult with the attorneys for a moment.

2 PROSPECTIVE JUROR: Thank you.

3 **(Sidebar discussion)**

4 THE COURT: Counsel.

5 MR. IAN BIRRELL: This is Ian Birrell. We would
6 move.

7 THE COURT: Any objection?

8 Thank you.

9 **(In open court)**

10 THE COURT: Thank you so much for being candid
11 here today. I'm going to excuse you. Thanks for your
12 patience.

13 PROSPECTIVE JUROR: Thank you, Your Honor. I
14 appreciate your time.

15 **(Prospective Juror Number 61 exits courtroom)**

16 **(Prospective Juror Number 62 enters courtroom)**

17 THE COURT: Good morning.

18 PROSPECTIVE JUROR: Hi.

19 THE COURT: Hi. Come on forward. You're going to
20 go around the tables, and you are aiming for this witness
21 chair up here by me.

22 PROSPECTIVE JUROR: Hi.

23 THE COURT: You are Juror Number 62?

24 PROSPECTIVE JUROR: Yes, I am.

25 THE COURT: And so you have that questionnaire

1 before you, we're going to go through it, and I'll just
2 start with Question Number 1, which is, What is your age?

3 PROSPECTIVE JUROR: I'm 56.

4 THE COURT: Okay. And what is the answer to
5 Question 2?

6 PROSPECTIVE JUROR: I read through the list. I do
7 not see any names that I recognize.

8 THE COURT: And how about Question 3?

9 PROSPECTIVE JUROR: I have heard of this case. I
10 read an article about it when it first came out. I haven't
11 followed it that much since.

12 THE COURT: Do you remember when that article came
13 out?

14 PROSPECTIVE JUROR: I don't.

15 THE COURT: Okay. And what do you recall that
16 article saying?

17 PROSPECTIVE JUROR: That there had been an
18 investigation started.

19 THE COURT: And what was your understanding about
20 what the investigation was about?

21 PROSPECTIVE JUROR: Some type of fraud involving
22 with COVID.

23 THE COURT: And based on what you read, have you
24 developed an opinion on the guilt or innocence of the
25 defendants?

1 PROSPECTIVE JUROR: No, I have not.

2 THE COURT: And if you are selected as a juror in
3 this case, are you able to set aside what you might have
4 learned through other sources and decide the case based only
5 on the evidence presented during trial.

6 PROSPECTIVE JUROR: Yes, I can.

7 THE COURT: Do you remember where you heard it or
8 read -- where you read the article?

9 PROSPECTIVE JUROR: I believe it was in the
10 newspaper. I do not remember which newspaper.

11 THE COURT: Okay. What newspapers do you
12 typically read?

13 PROSPECTIVE JUROR: I used to get the Pioneer
14 Press, so I would guess it was in that.

15 THE COURT: And just that one article is how
16 you've heard of it?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Nothing else until you got my letter?

19 PROSPECTIVE JUROR: Correct.

20 THE COURT: Okay. And Question 4. Have you heard
21 of any of those organizations?

22 PROSPECTIVE JUROR: Other than in that article
23 that I read, it did list Feeding Our Future.

24 THE COURT: And do you remember it listing any of
25 the others?

1 PROSPECTIVE JUROR: Nope, I do not.

2 THE COURT: You haven't heard of any of the
3 others?

4 PROSPECTIVE JUROR: No.

5 THE COURT: And Question 5(a), any difficulty
6 reading, understanding, or speaking English?

7 PROSPECTIVE JUROR: No.

8 THE COURT: And Question 5(b).

9 PROSPECTIVE JUROR: No.

10 THE COURT: And how about 5(c).

11 PROSPECTIVE JUROR: No.

12 THE COURT: And how about Question 6.

13 PROSPECTIVE JUROR: I grew up in Arden Hills,
14 Minnesota. I now live in Little Canada, Minnesota.

15 THE COURT: And can you take us through Question 7
16 about your educational background and your employment?

17 PROSPECTIVE JUROR: Went to Mounds View High
18 School, graduated from the University of Minnesota with a
19 bachelor's. My current occupation, I work for Ramsey County
20 Community Corrections. I work at the correctional facility.

21 THE COURT: Okay. What was your bachelor's in?

22 PROSPECTIVE JUROR: Criminal justice and speech
23 communication.

24 THE COURT: How long have you worked for the
25 correctional facility?

1 PROSPECTIVE JUROR: Since 1994, so it's 30 years.

2 THE COURT: And what do you do for them?

3 PROSPECTIVE JUROR: At this time, I am a program
4 specialist. I help clients as they're getting ready to
5 leave with health insurance and employment and other things
6 that they may need upon their release.

7 THE COURT: And at the Ramsey County Correctional
8 Center, how long typically are clients there?

9 PROSPECTIVE JUROR: Average sentence for men is
10 40 days or less. For women, it's 20 days or less.

11 THE COURT: Is there anything about your work that
12 you think would affect your approach to this case?

13 PROSPECTIVE JUROR: I don't believe so.

14 THE COURT: You work adjacent to criminal justice,
15 and you have taken criminal justice classes so you know
16 something about the process.

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: If you learn things about the criminal
19 justice process in this trial that seem different from what
20 you have learned or what you have experienced, can you set
21 those aside, what you have experienced or learned, and
22 follow the instructions that I give you and judge the case
23 only on the evidence in this courtroom?

24 PROSPECTIVE JUROR: I could. I typically don't
25 have a lot of contact with court-related issues. I'm

1 dealing solely with people after they've been sentenced.

2 THE COURT: And is it mostly -- right now you are
3 working on reentry issues?

4 PROSPECTIVE JUROR: Yep.

5 THE COURT: And what other roles have you had in
6 the past as you're working with residents?

7 PROSPECTIVE JUROR: For the last year, I was an
8 interim supervisor. I supervise probation officers in the
9 facility. Before that, I've been the program specialist for
10 the past ten years. Before that, I was a correctional
11 officer.

12 THE COURT: And as a correctional officer, what
13 did you do?

14 PROSPECTIVE JUROR: Supervised inmates.

15 THE COURT: And have you thought about sitting on
16 a -- in a criminal trial and how you would approach it given
17 your length of service in this system?

18 PROSPECTIVE JUROR: I've thought about it mostly
19 because it's -- could be up to six weeks long. It really --
20 I haven't put that much thought into whether or not -- can
21 you say that again?

22 THE COURT: Sure.

23 PROSPECTIVE JUROR: I'm losing track.

24 THE COURT: That's all right. Have you thought
25 about how your job might affect how you think about this

1 case if you are a juror?

2 PROSPECTIVE JUROR: I don't think my job would
3 really affect how I would think about this case as a juror.

4 THE COURT: Have you had any contact with the
5 federal system?

6 PROSPECTIVE JUROR: I have not.

7 THE COURT: And there aren't any federal detainees
8 in Ramsey?

9 PROSPECTIVE JUROR: No, there are not.

10 THE COURT: And you said that you've thought about
11 the length of the trial. Have you talked to Ramsey County
12 about your service?

13 PROSPECTIVE JUROR: They know that it's possible,
14 so they are aware, if that's what you meant.

15 THE COURT: I do. And are you able to be here?

16 PROSPECTIVE JUROR: They said I could be here.

17 THE COURT: Good for them.

18 All right. You're -- are you -- do you have a
19 spouse or a partner?

20 PROSPECTIVE JUROR: My husband has passed away.

21 THE COURT: I'm sorry to hear that. What did he
22 do before he passed away?

23 PROSPECTIVE JUROR: He was in the military for
24 many years, and then he worked in security, different
25 security jobs.

1 THE COURT: How long ago did he pass?

2 PROSPECTIVE JUROR: 2011.

3 THE COURT: And Question 8.

4 PROSPECTIVE JUROR: I have one daughter. She is
5 32. She is currently working as an AmeriCorps worker at the
6 Maplewood School District teaching technology to underserved
7 populations.

8 THE COURT: Does she have a particular age group
9 that she focuses on?

10 PROSPECTIVE JUROR: Mostly adults.

11 THE COURT: But that service is through the school
12 district?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Question 9.

15 PROSPECTIVE JUROR: I like to read. I put
16 together projects like the micro LEGO things and different
17 things. I do origami. My daughter and I like to walk. I
18 started playing Pokémon GO, so I could spend more time with
19 her, so we go out and do that quite frequently.

20 I do not belong to any organizations.

21 I currently do not have a church that I am
22 regularly attending.

23 THE COURT: And did you grow up in a faith?

24 PROSPECTIVE JUROR: Yes. Baptist.

25 THE COURT: Any other organizations that you

1 belong to?

2 PROSPECTIVE JUROR: No.

3 THE COURT: And what do you like to read?

4 PROSPECTIVE JUROR: Typically mysteries and some
5 science fiction.

6 THE COURT: Question 10.

7 PROSPECTIVE JUROR: I don't believe so, no.

8 THE COURT: Question 11, what do you look at on a
9 regular basis for news or otherwise?

10 PROSPECTIVE JUROR: We kind of started listening
11 to BBC News because as the political things ramp up, the ads
12 get really annoying and it gives us a better perspective on
13 what's going on in the world as opposed to just what's going
14 on here.

15 THE COURT: Does your daughter live with you?

16 PROSPECTIVE JUROR: Yes, she does.

17 THE COURT: How about any podcasts you listen to?

18 PROSPECTIVE JUROR: Criminal.

19 THE COURT: Like true crime?

20 PROSPECTIVE JUROR: Yep. This American Life; Wait
21 Wait... Don't tell me! So, I mean, a lot of these are on --
22 I just listen to them through the podcast as opposed to the
23 radio.

24 THE COURT: And are the true crime podcasts mostly
25 focused on murder and --

1 PROSPECTIVE JUROR: Actually, the last one -- they
2 are weird crimes, so it was like pets escaping and getting
3 into trouble were the last two that I listened to.

4 THE COURT: Are there -- have you listened to any
5 on financial crimes or fraud?

6 PROSPECTIVE JUROR: No.

7 THE COURT: And Question 12.

8 PROSPECTIVE JUROR: I have not.

9 THE COURT: Question 13.

10 PROSPECTIVE JUROR: I do not know any of the
11 jurors.

12 THE COURT: Question 14.

13 PROSPECTIVE JUROR: My brother-in-law is a retired
14 lawyer. He now lives in Portland. I have communication
15 with several judges in Ramsey County, Judge Starr, Judge
16 Grewing and Judge Mitchell. We have a group that I've
17 helped them to form, which is a women's judge's group. And
18 Judge Stephenson, George Stephenson, he runs a men's group,
19 and I help with that as well.

20 THE COURT: And what is the purpose behind the
21 groups and how do you -- what's your role there?

22 PROSPECTIVE JUROR: The group helps people that
23 have been impacted by criminal justice or have family
24 members or simply choose to come. It meets at the Wilder
25 Foundation on Wednesday nights. The judges run the groups.

1 I usually sit out in a little lobby outside of the group to
2 make sure if people have to leave, they can get back in.

3 THE COURT: And how did you come to be in contact
4 with the judges to start this group?

5 PROSPECTIVE JUROR: I met Judge Stephenson many
6 years ago, and he had his men's group. After talking with
7 me and meeting a lot of the women at our correctional
8 facility, he decided we needed a women's group. He's talked
9 to Judge Starr and Grewing. He connected them to me.

10 THE COURT: And so this is a reentry group,
11 assistance from formerly incarcerated individuals?

12 PROSPECTIVE JUROR: Mostly.

13 THE COURT: And their families?

14 PROSPECTIVE JUROR: Not families. Just mostly men
15 and women who some of them are on probation. They can be
16 required by their court or probation officer to attend the
17 group. We provide resources and support.

18 THE COURT: Your brother-in-law who is a retired
19 lawyer, where did he work?

20 PROSPECTIVE JUROR: He was in St. Paul in private
21 practice.

22 THE COURT: Do you know what kind of law he
23 practiced?

24 PROSPECTIVE JUROR: I honestly really don't.

25 THE COURT: All right. And Question 15.

1 PROSPECTIVE JUROR: Actually, I don't have any
2 legal or law enforcement training.

3 THE COURT: And --

4 PROSPECTIVE JUROR: I mean, law related courses in
5 school could have been 30 years ago when I was in college.

6 THE COURT: Do you do ongoing training?

7 PROSPECTIVE JUROR: I don't have to. I'm not a
8 social worker. I don't have to maintain any type of a
9 license.

10 THE COURT: And Question 16, other than what we've
11 discussed with your job.

12 PROSPECTIVE JUROR: Nobody in my family has been
13 arrested or involved or seen a crime that I'm aware of or
14 that they told me about.

15 THE COURT: And how about 17, other than what
16 you've described?

17 PROSPECTIVE JUROR: My grandfather was a police
18 officer. That's really it.

19 THE COURT: Where was he a police officer?

20 PROSPECTIVE JUROR: Minneapolis.

21 THE COURT: Did you know him well?

22 PROSPECTIVE JUROR: He passed away in 1976, so I
23 knew him as well as I could as a little kid.

24 THE COURT: Okay. Some of the witnesses in this
25 trial are likely to be law enforcement officers. Can you

1 treat those witnesses as you would treat anyone else in
2 terms of credibility?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: You've obviously had a lot of contact
5 with police officers. If they take the stand, are they
6 starting with a positive bump or a negative bump from you?

7 PROSPECTIVE JUROR: I really -- I'd be fine. I
8 don't have a lot of contact with police officers. The
9 people in our facility are already sentenced, so police
10 officers typically don't come into our facility. So --

11 THE COURT: Question 19, have you ever testified
12 in court?

13 PROSPECTIVE JUROR: It was a very long time ago.
14 Probably, it would have been before 2004 there was something
15 in Hennepin County regarding a client who had been at the
16 Hennepin County Correctional Facility on electronic home
17 monitoring, and the judge was upset because they went out
18 and they had committed a crime.

19 THE COURT: And what was your role?

20 PROSPECTIVE JUROR: I just testified that the
21 person had been placed on home confinement. I may have been
22 the person that put the bracelet on their ankle.

23 THE COURT: And so at some point did you work in
24 Hennepin County Corrections?

25 PROSPECTIVE JUROR: I did.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR: That's where I started. I
3 start -- do you want my whole history?

4 THE COURT: How about just very briefly?

5 PROSPECTIVE JUROR: I started working at the
6 Volunteers of America at the facility in Roseville where I
7 was a shift supervisor on the midnight shift.

8 I then -- I left there and went to Hennepin County
9 where I worked from 1992 to 2004. I was a senior
10 correctional officer at their work release building. So I
11 supervised clients who were going in and out, to and from
12 work.

13 In 2004, I left Hennepin County and transferred to
14 Ramsey County.

15 THE COURT: And so it would have been as in a work
16 release program that you would have been involved with
17 electronic home monitoring for a client?

18 PROSPECTIVE JUROR: Yes, for that court case?

19 THE COURT: Yes.

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Anything about that experience that
22 would affect your approach in this case?

23 PROSPECTIVE JUROR: No.

24 THE COURT: How about Question 20.

25 PROSPECTIVE JUROR: No.

1 THE COURT: And Question 21, other than what
2 you've described?

3 PROSPECTIVE JUROR: No.

4 THE COURT: And Question 22.

5 PROSPECTIVE JUROR: No.

6 THE COURT: Question 23.

7 PROSPECTIVE JUROR: No.

8 THE COURT: And Question 24 has to do with your
9 contact with people whose backgrounds are in East Africa,
10 particularly Somalia. In your work, do you have contact
11 with those folks as coworkers or clients?

12 PROSPECTIVE JUROR: When I was in college, I
13 worked at a Somalian restaurant.

14 THE COURT: Where was that?

15 PROSPECTIVE JUROR: On the west bank of the
16 university campus.

17 THE COURT: What was the name of the restaurant?

18 PROSPECTIVE JUROR: I think it was the O'Due
19 [phonetic]. It's not there anymore.

20 THE COURT: What did you do there?

21 PROSPECTIVE JUROR: I was a waitress.

22 Other than that, there's nobody that stands out
23 that I've had contact with.

24 THE COURT: Okay. And how about coworkers or
25 clients?

1 PROSPECTIVE JUROR: There was one woman who
2 attended the judge's group who may have been, but I'm not
3 sure. She was Muslim, and she was from another country, but
4 I do not know where she was from.

5 THE COURT: And any feelings one way or another
6 toward the Somali community or anyone in it?

7 PROSPECTIVE JUROR: No.

8 THE COURT: And 25(a) attempts to get at your
9 unconscious biases. Have you had unconscious bias training?

10 PROSPECTIVE JUROR: I have.

11 THE COURT: And are you comfortable committing to
12 thinking about why you are making the decision that you make
13 and examining it for bias?

14 PROSPECTIVE JUROR: I don't believe that I would
15 be biased.

16 THE COURT: Okay. And are you comfortable sort of
17 checking your bias, right?

18 PROSPECTIVE JUROR: Yeah.

19 THE COURT: Looking inside yourself?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Okay. And Question 25(b) is that
22 people involved in this case may be from a different race or
23 ethnicity than you or practice a different religion. Can
24 you evaluate the case only on the evidence and resist any
25 urge to reach a verdict influenced by a hidden or

1 unconscious bias?

2 PROSPECTIVE JUROR: Yes, I can commit myself to
3 that.

4 THE COURT: Okay. Are you willing to apply the
5 law as the court explains it to you?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Anything else that you think you
8 should call to the court's attention?

9 PROSPECTIVE JUROR: Not that I can think of right
10 now.

11 THE COURT: All right. Thank you.

12 Just one moment. I'm going to talk with the
13 attorneys.

14 **(Sidebar discussion)**

15 THE COURT: Any follow-up?

16 Okay. Any motion for cause?

17 MR. CARLSON: Your Honor, I apologize. Really
18 quickly, Clayton Carlson for Said Farah.

19 Not a motion but quick follow-up on whether she's
20 been a plaintiff or a defendant in a civil or criminal case.
21 It looks like she was maybe involved in a Section 1983
22 lawsuit a long time ago.

23 THE COURT: Involved in what way? A defendant?

24 MR. CARLSON: Yes, listed as a defendant.

25 THE COURT: Okay.

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(In open court)

THE COURT: Have you ever been a plaintiff or a defendant in a lawsuit?

PROSPECTIVE JUROR: No.

THE COURT: Is it possible that the corrections facility got sued and you were named and didn't know it?

PROSPECTIVE JUROR: No.

THE COURT: Do you think you would have known it?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. All right. Thank you.

I'm going to have you go to the next courtroom and wait out our process.

PROSPECTIVE JUROR: Okay.

THE COURT: It is a process, so we appreciate it. Thank you.

PROSPECTIVE JUROR: Yep.

(Prospective Juror Number 62 exits courtroom)

(Prospective Juror Number 63 enters courtroom)

THE COURT: Good morning. Come on forward. I'll have you go around the tables, and you're aiming for this chair up here next to me.

PROSPECTIVE JUROR: This one (indicating)?

THE COURT: Yep. Good morning.

PROSPECTIVE JUROR: Good morning.

THE COURT: You are Juror Number 63?

1 PROSPECTIVE JUROR: Yes, I am.

2 THE COURT: All right. And you've got that
3 questionnaire right in front of you?

4 PROSPECTIVE JUROR: Yes, I do.

5 THE COURT: All right. So I'm going to have you
6 speak into the microphone for your answers because we're
7 recording what you say, and I'm going to just ask you the
8 questions on that sheet beginning with what your age is,
9 sir.

10 PROSPECTIVE JUROR: 79.

11 THE COURT: And what is the answer to Question 2?

12 PROSPECTIVE JUROR: No, I didn't recognize any of
13 them.

14 THE COURT: Okay. How about Question 3.

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: You have heard of the case?

17 PROSPECTIVE JUROR: When there was -- when it
18 first made the news, I remember hearing a small blurb, not
19 that I paid much attention to it. And then last Sunday it
20 made Channel 11 News.

21 THE COURT: Okay. And did you listen to the
22 Channel 11 News?

23 PROSPECTIVE JUROR: All they had was a picture of
24 two of the defendants and Shakopee was involved. That
25 caught my interest because I know where Shakopee is, you

1 know. Paid a lot of attention to it? No. And they didn't
2 say much more than what you had mentioned in your letter.

3 THE COURT: When you first heard of the case in
4 that small blurb, do you remember where that was?

5 PROSPECTIVE JUROR: It would have been evening
6 news. So that would have been -- let's see, in the evening
7 I watch CBS.

8 THE COURT: Do you remember what was said?

9 PROSPECTIVE JUROR: Not really, only that there
10 was some embezzling I guess of food charity funds?

11 THE COURT: Do you remember whether they talked
12 about whether people had been charged, whether there was an
13 indictment, or whether there was a search warrant?

14 PROSPECTIVE JUROR: I think it was more of an
15 indictment, because it would have been on the Mankato news,
16 which does try to cover national, but they're so short on
17 whatever they say compared to what they talk about down in
18 Mankato area.

19 THE COURT: Based on what you heard or anything
20 else, have you developed an opinion on the guilt or
21 innocence of these defendants?

22 PROSPECTIVE JUROR: No.

23 THE COURT: You understand that they are -- they
24 have a presumption of innocence?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: Any problem applying that presumption?

2 PROSPECTIVE JUROR: No.

3 THE COURT: And are you able to set aside what you
4 heard in that blurb and what you heard on -- last week and
5 decide the case based only on the evidence presented during
6 trial?

7 PROSPECTIVE JUROR: Sure.

8 THE COURT: And can you look at Question Number 4
9 and answer that one.

10 PROSPECTIVE JUROR: I think in that blurb they
11 mentioned Feeding Our Future, but the rest of them I'm not
12 aware of.

13 THE COURT: Okay. And Question 5(a).

14 PROSPECTIVE JUROR: Yeah, well, and I am hard of
15 hearing. In a normal environment, you know, I can hear you
16 and understand you.

17 The concern I had, and this was the only one that
18 triggered me, was last week I had to deal with a customer
19 service who spoke English, but I couldn't understand his
20 accent. And I had to have him repeat and repeat and repeat
21 till we finally got our business done. So I'm really rough
22 with accents.

23 THE COURT: Do you wear hearing aids?

24 PROSPECTIVE JUROR: Pardon me?

25 THE COURT: Do you wear hearing aids?

1 PROSPECTIVE JUROR: Not usually. I have them, but
2 I only wear them when my wife is complaining I got the TV
3 too loud.

4 THE COURT: Okay. How do you feel about being a
5 juror on this case?

6 PROSPECTIVE JUROR: Not great.

7 THE COURT: Why is that?

8 PROSPECTIVE JUROR: It's tieing up a lot of time.

9 THE COURT: Are you still working?

10 PROSPECTIVE JUROR: No. I'm retired.

11 THE COURT: Kristine, can you put on the white
12 noise, please?

13 **(Sidebar discussion off the record between the**
14 **court and prospective juror)**

15 THE COURT: This juror is excused. Thank you.

16 **(Prospective Juror Number 63 exits courtroom)**

17 THE COURT: Under our jury plan, individuals over
18 the age of 70 may ask to be excused, and they are excused
19 for no reason if they are over 70. I wanted to make sure he
20 was aware of that. He was not, and he wishes to take
21 advantage of that regulation in our jury plan.

22 **(Prospective Juror number 64 enters courtroom)**

23 THE COURT: Good morning.

24 PROSPECTIVE JUROR: Good morning.

25 THE COURT: I'm making sure it's still morning.

1 Come on forward. And I'll have you walk past these tables,
2 and you are aiming for this witness chair that's up the
3 stairs right by me.

4 PROSPECTIVE JUROR: Okay.

5 THE COURT: You are Juror Number 64?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: All right. I'll have you just have a
8 seat and you are going to speak into that microphone, and we
9 are going to go through the questionnaire that you've been
10 given.

11 PROSPECTIVE JUROR: Okay.

12 THE COURT: That microphone moves up and down so
13 you can get it closer to your mouth.

14 And I'll start with Question 1, which is, How old
15 are you?

16 PROSPECTIVE JUROR: I'm 61.

17 THE COURT: One moment.

18 And what is the answer to Question 2.

19 PROSPECTIVE JUROR: No.

20 THE COURT: And how about Question 3.

21 PROSPECTIVE JUROR: No.

22 THE COURT: Question 4.

23 PROSPECTIVE JUROR: No.

24 THE COURT: And how about Question 5(a), about
25 your ability to read and speak English?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: So no difficulty there?

3 PROSPECTIVE JUROR: No, not -- not too bad.

4 THE COURT: How about problems seeing or hearing?

5 PROSPECTIVE JUROR: No.

6 THE COURT: And how about Question 5(c).

7 PROSPECTIVE JUROR: No.

8 THE COURT: And what about 6? Where did you grow
9 up?

10 PROSPECTIVE JUROR: I grew up in rural Minnesota,
11 western Minnesota.

12 THE COURT: And where do you live now?

13 PROSPECTIVE JUROR: I live in Hanley Falls,
14 Minnesota.

15 THE COURT: And can you take us through the
16 answers to Question 7 about your educational background and
17 occupation.

18 PROSPECTIVE JUROR: I have had -- I graduated from
19 high school, and I'm currently working as a floor person at
20 a manufacturing place. So --

21 THE COURT: Where did you go to high school?

22 PROSPECTIVE JUROR: Clarkfield, Minnesota.

23 THE COURT: How long have you been with the
24 manufacturing job?

25 PROSPECTIVE JUROR: The past job has been eight

1 years.

2 THE COURT: Are you supervising folks there?

3 PROSPECTIVE JUROR: No, I'm not.

4 THE COURT: What did you do before that?

5 PROSPECTIVE JUROR: I built cabinets at a
6 manufacturing place.

7 THE COURT: How long did you do that?

8 PROSPECTIVE JUROR: 27 years.

9 THE COURT: What made you switch jobs?

10 PROSPECTIVE JUROR: I was just getting tired of
11 the overall training more people all the time, so just
12 needed a change.

13 THE COURT: Were you training people?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Okay. Let me go back. You had said
16 not too bad to reading, understanding or speaking English.
17 Do you have any issues there?

18 PROSPECTIVE JUROR: Well, I don't read as well.
19 I'm a slow reader, so, yes.

20 THE COURT: Okay. Have you been able to read the
21 questionnaire all right?

22 PROSPECTIVE JUROR: Pretty good.

23 THE COURT: Okay. It just takes a little bit more
24 time?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: Okay. Do you have a spouse or
2 partner?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: What does that person do?

5 PROSPECTIVE JUROR: She works for the county
6 attorney.

7 THE COURT: And what does she do for the county
8 attorney?

9 PROSPECTIVE JUROR: She opens up files and so
10 forth for people that get -- that get arrested and so forth
11 in our county.

12 THE COURT: Is that -- is that -- is it
13 administrative work only or does she do any sort of
14 paralegal or legal work?

15 PROSPECTIVE JUROR: She does just administrative,
16 yes.

17 THE COURT: How long has she done that?

18 PROSPECTIVE JUROR: She's done that for five
19 years.

20 THE COURT: And what did she do before that?

21 PROSPECTIVE JUROR: She worked for the military
22 service as a secretary.

23 THE COURT: Have either you or she ever served in
24 the military?

25 PROSPECTIVE JUROR: No.

1 THE COURT: And to your understanding, does the
2 county attorney charge criminal cases?

3 PROSPECTIVE JUROR: Yes. Yes, they do.

4 THE COURT: And given her work with the county
5 attorney, do you have any worries about your ability to sit
6 on a jury in a criminal case.

7 PROSPECTIVE JUROR: I am a little apprehensive,
8 yes.

9 THE COURT: Why?

10 PROSPECTIVE JUROR: Just the overall bigness of
11 this.

12 THE COURT: Okay. Tell me more about that.

13 PROSPECTIVE JUROR: I don't know. It's -- I'm
14 just -- I don't know. I don't know how to answer it really.

15 THE COURT: Just because it's a big case?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: Okay. And are you -- do you have any
18 bias for or against criminal defendants generally?

19 PROSPECTIVE JUROR: I don't know. I think I do.

20 THE COURT: Why or what is that bias?

21 PROSPECTIVE JUROR: I don't know if I'm going to
22 be partial.

23 THE COURT: Why do you think you'd be partial?

24 PROSPECTIVE JUROR: I don't know. I just -- it's
25 a mindset, I guess.

1 THE COURT: And partial in favor of or against
2 whom?

3 PROSPECTIVE JUROR: I'm really not sure. It's
4 just in the back of my mind that, you know, certain people
5 are, whatever, so I don't know.

6 THE COURT: Can you explain a little bit more
7 about that.

8 PROSPECTIVE JUROR: I don't know if I'd be that
9 much partial. I guess sometimes I get I guess prejudiced
10 so --

11 THE COURT: And prejudice against whom?

12 PROSPECTIVE JUROR: It might be whoever. It might
13 be a white person, it might be a black person or whoever
14 so --

15 THE COURT: Do you have, do you think you have a
16 bias in this case for or against these defendants?

17 PROSPECTIVE JUROR: I -- I can't really say. I
18 don't think so.

19 THE COURT: Okay. When you describe that you had
20 a prejudice, I'm trying to under what you mean by prejudice.
21 Let's start there.

22 PROSPECTIVE JUROR: Well, if a person reacts in a
23 certain way, then I seem to think that they're, whatever,
24 okay, I don't like them, so --

25 THE COURT: So maybe quick to judge?

1 PROSPECTIVE JUROR: Maybe.

2 THE COURT: And do you think you have a bias for
3 or against a particular race or ethnicity?

4 PROSPECTIVE JUROR: Maybe.

5 THE COURT: And what race or ethnicity do you
6 think you have a bias for or against?

7 PROSPECTIVE JUROR: I don't -- I really can't
8 answer that because I -- I judge people as who they are.
9 And if I don't like them, then I'll be impartial towards
10 them, so -- like I said, it doesn't matter if it's a white
11 or Hispanic or whatever, black or whoever.

12 THE COURT: Okay. And so have you had any
13 dealings with the Somali community?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Any contact with anyone from East
16 Africa or Somalia?

17 PROSPECTIVE JUROR: I don't think so.

18 THE COURT: Do you have any feelings for or
19 against that community or anyone in it?

20 PROSPECTIVE JUROR: I don't think so.

21 THE COURT: How about people of a different race
22 than you? Do you have any feelings for or against people of
23 a different race than you?

24 PROSPECTIVE JUROR: No.

25 THE COURT: Are you religious at all?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: What is your religion?

3 PROSPECTIVE JUROR: Lutheran.

4 THE COURT: And do you have any biases for or
5 against people of a different religion than you?

6 PROSPECTIVE JUROR: No.

7 THE COURT: The defendants have a presumption of
8 innocence. That means that the government has to prove
9 beyond a reasonable doubt that each defendant is guilty
10 before anybody can be found guilty. Do you understand that?

11 PROSPECTIVE JUROR: (Moves head up and down.)

12 THE COURT: Is that a yes?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Okay. Do you have any problems
15 applying that presumption of innocence?

16 PROSPECTIVE JUROR: I may.

17 THE COURT: Why?

18 PROSPECTIVE JUROR: I -- probably that background
19 or whatever. I don't know.

20 THE COURT: All right. Thank you. Just one
21 moment.

22 **(Sidebar discussion)**

23 THE COURT: Counsel.

24 MR. IAN BIRRELL: Your Honor, this is Ian Birrell.

25 I think there's enough there for cause. You know,

1 I think he was very candid about having bias, having some
2 potential difficulties with prejudice, presumption of
3 innocence. And, you know, I'm a little uncomfortable with
4 his lack of ability to kind of explore that and understand
5 where it comes from, because if you don't know where it's
6 coming from, I don't know how you kind of remedy that and
7 cure that and go through the case being unbiased, not having
8 that prejudice and applying the presumption of innocence.

9 THE COURT: Does the government have any
10 objection?

11 MR. THOMPSON: Your Honor, I think it's a close
12 call. I think more than anything that the juror is scared
13 to be here. He lives in a town of 300 people and lived his
14 whole life in rural Minnesota, and I'm going to guess he's
15 never been in a room full of 30 lawyers wearing suits and in
16 federal court sitting next to a judge, and I think that's
17 mostly what's going on here.

18 THE COURT: I also from his mannerisms believe
19 that he's having trouble understanding the questions and
20 having an ability to answer them based on his demeanor.
21 It's either nervousness or an inability to understand or
22 both. So for all of those reasons, I'm going granting the
23 motion for cause.

24 **(In open court)**

25 THE COURT: Sir, thank you so much for being here.

1 I know it's not easy. I'm going to excuse you now. So you
2 are done with your service, and you have served through
3 these couple days and been patient. So thank you.

4 PROSPECTIVE JUROR: Okay. Thank you.

5 THE COURT: You will give those papers to the
6 person who's outside the door.

7 PROSPECTIVE JUROR: Okay. Thank you.

8 THE COURT: All right. Thanks.

9 **(Prospective Juror Number 64 exits courtroom)**

10 **(Prospective Juror Number 65 enters courtroom)**

11 THE COURT: Good afternoon.

12 PROSPECTIVE JUROR: Hello.

13 THE COURT: Hello. I'll have you come up to the
14 witness stand, please.

15 You are Juror Number 65?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: All right. So I'm going to have you
18 speak into the microphone, and we're going to go through the
19 questions on that questionnaire. And we'll start with
20 Number 1, which is, How old are you?

21 PROSPECTIVE JUROR: 42.

22 THE COURT: And can you answer Question 2.

23 PROSPECTIVE JUROR: No. But yes, I can, but no,
24 no.

25 THE COURT: How about Question 3?

1 PROSPECTIVE JUROR: No.

2 THE COURT: Not at all?

3 PROSPECTIVE JUROR: Not at all.

4 THE COURT: And how about Question 4?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Question 5(a).

7 PROSPECTIVE JUROR: No.

8 THE COURT: 5(b).

9 PROSPECTIVE JUROR: No.

10 THE COURT: 5(c).

11 PROSPECTIVE JUROR: No.

12 THE COURT: And can you be here for trial?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: And Question 6.

15 PROSPECTIVE JUROR: I grew up in Grand Forks,
16 North Dakota, and I currently live in Andover.

17 THE COURT: And how about can you go through
18 Question 7 and the questions that it asks?

19 PROSPECTIVE JUROR: Yep. I have a BS in
20 biochemistry. I'm currently -- I manage clinical data for a
21 biotech company developing new medications.

22 THE COURT: What's the biotech company?

23 PROSPECTIVE JUROR: Biosplice. It's based in
24 California. And my husband works in operations management
25 for Best Buy.

1 THE COURT: Where did you get your BS?

2 PROSPECTIVE JUROR: University of St. Thomas.

3 THE COURT: How long have you been with Biosplice?

4 PROSPECTIVE JUROR: Four years.

5 THE COURT: And what did you do before that?

6 PROSPECTIVE JUROR: I took a short time off to be
7 at home with my kids; and then before that, I was with a
8 small device company locally.

9 THE COURT: What was that?

10 PROSPECTIVE JUROR: CVRx.

11 THE COURT: And can you say a little bit more
12 about what you do managing clinical data.

13 PROSPECTIVE JUROR: We are -- before a drug gets
14 approved by the FDA, it has to go through a bunch of
15 research, so all of our sites conducting the research at
16 hospitals and clinics have to enter their data into a
17 database. I review that data coming in and ensure it's
18 accurate and -- before it goes to our stats group for
19 analysis.

20 THE COURT: Do you manage anybody in -- are you in
21 a supervisory role?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: How many people do you supervise?

24 PROSPECTIVE JUROR: Two.

25 THE COURT: And who do you supervise?

1 PROSPECTIVE JUROR: They're contractors. They
2 live in Texas.

3 THE COURT: Do you work mostly remotely?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: And how long has that been true?

6 PROSPECTIVE JUROR: For four years since I
7 started.

8 THE COURT: And you do have children?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: How old are they?

11 PROSPECTIVE JUROR: 13, 11, 8 and 6.

12 THE COURT: And where do they go to school?

13 PROSPECTIVE JUROR: Andover.

14 THE COURT: And Question 9.

15 PROSPECTIVE JUROR: Well, mostly my kids'
16 activities. I enjoy movies and reading. We moved five
17 years ago. I'm Catholic, but we haven't become parishioners
18 at a new church since we moved.

19 THE COURT: And you moved from where to where?

20 PROSPECTIVE JUROR: Brooklyn Park to Andover.

21 THE COURT: How long did you live in
22 Brooklyn Park?

23 PROSPECTIVE JUROR: Nine years.

24 THE COURT: All right. Anything else? Any other
25 organizations you belong to?

1 PROSPECTIVE JUROR: No.

2 THE COURT: And any other hobbies and activities
3 besides your kids' activities?

4 PROSPECTIVE JUROR: No, just movies and reading
5 and --

6 THE COURT: Okay. What do you like to read?

7 PROSPECTIVE JUROR: Anything really. Historical
8 fiction, nonfiction, crime --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR: -- anything.

11 THE COURT: And how about Question 10.

12 PROSPECTIVE JUROR: That is no.

13 THE COURT: Question 11.

14 PROSPECTIVE JUROR: I have a curated Apple news
15 feed that I look at daily. I usually click on Wall Street
16 Journal, CNN, or science-related articles.

17 THE COURT: How about any podcasts you listen to?

18 PROSPECTIVE JUROR: Recently not on a regular
19 basis, no.

20 THE COURT: Okay. How about before?

21 PROSPECTIVE JUROR: The Daily usually.

22 THE COURT: And how about Question 12.

23 PROSPECTIVE JUROR: That's no.

24 THE COURT: Question 13.

25 PROSPECTIVE JUROR: No.

1 THE COURT: Question 14.

2 PROSPECTIVE JUROR: I have a college friend at
3 Jackson Lewis, and my husband's uncle is in Duluth at
4 Fryberger.

5 THE COURT: Is the college friend at Jackson Lewis
6 here in the Cities?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: And how about 15.

9 PROSPECTIVE JUROR: That's no.

10 THE COURT: And 16.

11 PROSPECTIVE JUROR: No.

12 THE COURT: 17.

13 PROSPECTIVE JUROR: My uncle was a cop who is --
14 he's been retired for a while.

15 And then the second one is no.

16 THE COURT: Okay. Where was your uncle a police
17 officer?

18 PROSPECTIVE JUROR: Central Minnesota.

19 THE COURT: And if a law enforcement officer takes
20 the stand in this case, can you treat that officer like you
21 would treat anyone else in terms of credibility?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: So they don't get an extra bump from
24 you or a negative because they're a law enforcement officer?

25 PROSPECTIVE JUROR: No.

1 THE COURT: And Question 19.

2 PROSPECTIVE JUROR: That's no.

3 THE COURT: Question 20.

4 PROSPECTIVE JUROR: My kids did have free lunches
5 at school because I think it was statewide during COVID.
6 They ate them when they enjoyed the menu, but otherwise they
7 brought lunch from home.

8 THE COURT: And those meals were provided by the
9 school?

10 PROSPECTIVE JUROR: Yeah.

11 THE COURT: Do you know if they had to do anything
12 or you had to fill any forms out or do anything?

13 PROSPECTIVE JUROR: No, we didn't. It was
14 statewide, I think.

15 THE COURT: Okay. And provided to everyone in the
16 school?

17 PROSPECTIVE JUROR: Yeah, yes.

18 THE COURT: Are you aware of any nonprofits that
19 provided meals during COVID?

20 PROSPECTIVE JUROR: No.

21 THE COURT: Question 21.

22 PROSPECTIVE JUROR: That's no.

23 THE COURT: And Question 22.

24 PROSPECTIVE JUROR: Well, 21 or 22, from 2006 to
25 2008, I worked at student -- in a student support services

1 office at the U of M in Crookston. It was for -- to provide
2 extra support to first generation college students and low
3 income students. It was grant supported, but I don't know
4 exactly where that grant came from. I believe it was a
5 state grant, but I don't know where it was from, if it was
6 the Department of Education or not.

7 THE COURT: And what did you do in that role? Was
8 it a volunteer role?

9 PROSPECTIVE JUROR: No, it was my full-time job.
10 The first year I worked there I was a coordinator for the
11 program, so I worked directly with the students helping them
12 with their class schedules and things like that.

13 And then the second year I was the tutor
14 coordinator, so I coordinated the tutor program.

15 THE COURT: And this was for first generation
16 students, and it was at the University in Crookston?

17 PROSPECTIVE JUROR: Correct.

18 THE COURT: And Question 23.

19 PROSPECTIVE JUROR: No.

20 THE COURT: Question 24.

21 PROSPECTIVE JUROR: No.

22 THE COURT: When you worked with first generation
23 students, were some of those from other countries?

24 PROSPECTIVE JUROR: Yes. The second year I worked
25 there we started getting some students from China, I

1 believe.

2 THE COURT: None that you can think of who were --
3 had a background from East Africa or Somalia?

4 PROSPECTIVE JUROR: No.

5 THE COURT: And 25 tries to get at your
6 unconscious bias. Have you had unconscious bias training?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Okay. In what capacity?

9 PROSPECTIVE JUROR: Yesterday -- or Monday
10 morning.

11 THE COURT: Okay. And other than that, any
12 training with your job or anything?

13 PROSPECTIVE JUROR: We've been trained to -- how
14 to answer questions for an FDA audit, direct, to the point.
15 I don't know if that applies, but --

16 THE COURT: Okay. How generally do you make
17 decisions?

18 PROSPECTIVE JUROR: I look at all the facts, and
19 I -- I look at what problem needs to be solved and I don't
20 use critical thinking skills to solve the problem.

21 THE COURT: As a juror, are you comfortable
22 committing yourself to thinking about why you are making a
23 decision and examining yourself for unconscious bias?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Okay. And then 25(b) is that people

1 involved in this case might be from a different racial or
2 ethnic background or practice a different religion than you.
3 Can you commit yourself to evaluating the evidence, deciding
4 the case only on the evidence, and reach a verdict that is
5 not influenced by hidden or unconscious bias?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Are you willing to apply the law as
8 the court explains it to you?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Is there anything else that you want
11 to call to the court's attention?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Okay. Thank you.

14 Let me talk to the attorneys for a moment.

15 PROSPECTIVE JUROR: Okay.

16 **(Sidebar discussion)**

17 THE COURT: Any follow-up?

18 Any motions?

19 Thank you.

20 **(In open court)**

21 THE COURT: I'm going to have you go to the
22 courtroom next door, and you'll be retained and just be
23 patient with us through our process. We appreciate it.
24 Thank you.

25 PROSPECTIVE JUROR: Okay.

1 **(Prospective Juror Number 65 exits courtroom)**

2 THE COURT: Counsel, 86, 89, and 95 have been
3 excused. 86, 89, and 95.

4 **(Prospective Juror Number 66 enters courtroom)**

5 THE COURT: Good afternoon. Come on forward. You
6 are going to go past those tables, and you are aiming for
7 the witness chair up by me.

8 PROSPECTIVE JUROR: Hi.

9 THE COURT: You are Juror Number 66?

10 PROSPECTIVE JUROR: I am.

11 THE COURT: Okay. So you've got the questionnaire
12 in front of you. I'm going to have you speak into the
13 microphone, and we're going to just take you through the
14 questions and the questionnaire. I probably won't say them
15 out loud for the most part, just to save my voice. Okay?

16 PROSPECTIVE JUROR: Sounds good.

17 THE COURT: Question 1 is, What is your age?

18 PROSPECTIVE JUROR: 39.

19 THE COURT: And what is the answer to Question 2?

20 PROSPECTIVE JUROR: No.

21 THE COURT: How about Question 3.

22 PROSPECTIVE JUROR: No.

23 THE COURT: And Question 4.

24 PROSPECTIVE JUROR: No.

25 THE COURT: Question 5(a).

1 PROSPECTIVE JUROR: No.

2 THE COURT: 5(b).

3 PROSPECTIVE JUROR: No.

4 THE COURT: And 5(c).

5 PROSPECTIVE JUROR: No.

6 THE COURT: And how about Question 6.

7 PROSPECTIVE JUROR: I was born outside of Chicago,
8 but I moved around a lot. And now I live in St. Paul.

9 THE COURT: When did you come to St. Paul?

10 PROSPECTIVE JUROR: Two and a half years ago.

11 THE COURT: Okay. Where were you just before
12 then?

13 PROSPECTIVE JUROR: Shoreview.

14 THE COURT: When did you come to Minnesota?

15 PROSPECTIVE JUROR: What?

16 THE COURT: When did you come to Minnesota?

17 PROSPECTIVE JUROR: '97.

18 THE COURT: And where did you graduate high
19 school?

20 PROSPECTIVE JUROR: Champlin Park.

21 THE COURT: All right. And Question 7, your
22 educational background and what you do for a living.

23 PROSPECTIVE JUROR: I'm a social worker, and I
24 have a master's of social work. And I work for the county.

25 And then I am a therapist on the side and have my own

1 private practice.

2 THE COURT: Where did you get your undergrad?

3 PROSPECTIVE JUROR: Undergrad was from University
4 of St. Thomas and St. Kate's because their program was
5 joined at that time.

6 THE COURT: And what was the degree in?

7 PROSPECTIVE JUROR: Social work.

8 THE COURT: And where did you get your master's?

9 PROSPECTIVE JUROR: Augsburg College.

10 THE COURT: And when was that?

11 PROSPECTIVE JUROR: 2016.

12 THE COURT: All right. When did you graduate from
13 St. Thomas/St. Kate's.

14 PROSPECTIVE JUROR: 2007.

15 THE COURT: Have you always worked as a social
16 worker?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: All right. And you're working for
19 Ramsey County now?

20 PROSPECTIVE JUROR: Hennepin.

21 THE COURT: You are working for Hennepin. How
22 long have you worked for Hennepin County?

23 PROSPECTIVE JUROR: Nine and a half years.

24 THE COURT: And where were you before that?

25 PROSPECTIVE JUROR: Dakota County.

1 THE COURT: And can you just take us through what
2 departments you've been in and what you've done as a social
3 worker.

4 PROSPECTIVE JUROR: At Dakota and Hennepin?

5 THE COURT: Yes.

6 PROSPECTIVE JUROR: Dakota I was in the Crisis
7 Response Unit, and so I would go out on calls or answer
8 crisis calls. And then when I went to Hennepin, I started
9 in developmental disabilities case management for transition
10 aged youth, and then I went to DD assessments for long-term
11 cares and support services. And then I was in children's
12 mental health. And now I am at the front door doing
13 intakes.

14 THE COURT: Do you supervise anyone?

15 PROSPECTIVE JUROR: I supervise nobody at the
16 county, but for my license, I supervise somebody else's
17 social work license that also works at the county, but I'm
18 not a supervisor there.

19 THE COURT: And your separate work as a therapist,
20 how many hours a week do you think you do that?

21 PROSPECTIVE JUROR: Well, it just start in
22 October, so I have, like, four clients right now.

23 THE COURT: And is there a specialty that you work
24 in?

25 PROSPECTIVE JUROR: Perinatal mental health.

1 THE COURT: Can you explain a little bit more
2 about that.

3 PROSPECTIVE JUROR: Yep. So I see people who have
4 some sort of mental health issue going on, either like
5 during the process of getting pregnant or up to a year or
6 two after, kind of depending on what's going on with them.
7 I see other people too, but that's kind of the primary.

8 THE COURT: And in Dakota when you were involved
9 in the crisis response team, did that include going out on
10 emergency calls with officers?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: With law enforcement officers?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Did you like that work?

15 PROSPECTIVE JUROR: I loved that job. It was my
16 favorite I've ever had.

17 THE COURT: Why?

18 PROSPECTIVE JUROR: Because it was always new and
19 different and exciting, and you never knew what was going to
20 happen on any day. And it was really rewarding, and it was
21 really a team experience, and I liked that.

22 THE COURT: And what made you switch from Dakota
23 to Hennepin?

24 PROSPECTIVE JUROR: I was married at the time, and
25 my husband had some medical issues. And I was -- I think I

1 was .8 or .7 or something like that, and so I didn't qualify
2 for benefits, and we needed benefits for my kids.

3 THE COURT: And are you married now?

4 PROSPECTIVE JUROR: No.

5 THE COURT: All right. How long were you married?

6 PROSPECTIVE JUROR: 2008 to 2016, so eight years.

7 THE COURT: And what did he do?

8 PROSPECTIVE JUROR: He was a salesperson for Sysco
9 Food Service.

10 THE COURT: Do you have a partner now?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: And what does that person do?

13 PROSPECTIVE JUROR: He is a supervisor of an IT
14 area of a point of sale software company.

15 THE COURT: How about Question 8, kids.

16 PROSPECTIVE JUROR: Yes. I have three kids; 13,
17 11 and 2.

18 THE COURT: Question Number 9.

19 PROSPECTIVE JUROR: I like to read, I camp, but
20 most of my time is spent driving my kids to and from places.
21 They play traveling sports, so --

22 THE COURT: Okay. And you -- with your work for
23 Hennepin right now, you've talked to Hennepin about your
24 jury service?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: And you can be here during trial?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Question 9, favorite hobbies and
4 activities.

5 PROSPECTIVE JUROR: That's what I thought I just
6 did.

7 THE COURT: I guess you did just answer that --

8 PROSPECTIVE JUROR: Okay.

9 THE COURT: -- but I got sidetracked on Hennepin.
10 So we're going to go back to your kids' sporting activities,
11 and I'm going to ask you what else you do.

12 PROSPECTIVE JUROR: Yes, I do my kids' sporting
13 activities and driving them and I read a lot, and then we
14 camp when the weather is nice.

15 THE COURT: Clearly we need to take a break for
16 the Judge here. Okay.

17 PROSPECTIVE JUROR: And I don't belong to any
18 organizations.

19 THE COURT: All right. And how about churches?

20 PROSPECTIVE JUROR: No.

21 THE COURT: How about volunteer activities?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Okay. Question 10.

24 PROSPECTIVE JUROR: No.

25 THE COURT: Question 11.

1 PROSPECTIVE JUROR: None really. I mean, I go on
2 social media, but because of my job, I try to take self care
3 and not read a lot about what's going on.

4 THE COURT: And what do you generally follow on
5 social media?

6 PROSPECTIVE JUROR: I don't know, like cute cat
7 videos, funny kid things, a lot of therapy type stuff --

8 THE COURT: And --

9 PROSPECTIVE JUROR: -- things like that.

10 THE COURT: And you said you don't generally
11 follow the news?

12 PROSPECTIVE JUROR: No.

13 THE COURT: If you get any news, where is it from?

14 PROSPECTIVE JUROR: Somebody would alert me of
15 something and would tell me something; or maybe if I'm
16 driving in the car and something comes on the radio, then I
17 hear about it.

18 THE COURT: What do you usually listen to on the
19 radio?

20 PROSPECTIVE JUROR: Well, most of the time it's
21 Spotify, so there isn't a whole lot of commercials that come
22 on, but whatever my kids put on. My 13-year-old kind of
23 controls it usually, so it's pop or rap or something like
24 that.

25 THE COURT: Question Number 12.

1 PROSPECTIVE JUROR: No.

2 THE COURT: Question Number 13.

3 PROSPECTIVE JUROR: No.

4 THE COURT: And 14.

5 PROSPECTIVE JUROR: I have a cousin who's an
6 attorney. I don't know what kind of attorney he is, but he
7 lives in Madison. And then I have a friend who is an
8 attorney and lives in Los Angeles.

9 THE COURT: What kind of work does your friend do?

10 PROSPECTIVE JUROR: I know when -- she used to
11 live in Minnesota and she used to do disability law, but I
12 think now she does something with, like, when, like,
13 insurance companies won't pay out life insurance or
14 something like that.

15 THE COURT: And how about Question 15.

16 PROSPECTIVE JUROR: No.

17 THE COURT: And 16.

18 PROSPECTIVE JUROR: I had my purse stolen once,
19 and so I was a victim.

20 And it was handled fairly, yeah.

21 THE COURT: You made a police report?

22 PROSPECTIVE JUROR: Yeah, I made a police report,
23 and it ended up being that I was one of, like, 40 people
24 that had been hit at that same time, so we all got called
25 in.

1 THE COURT: Was it stolen in your presence?

2 PROSPECTIVE JUROR: No. I was dropping my
3 daughter off at daycare, and I left it in my car. And I had
4 my car running with an automatic start, so I think they
5 thought the keys were in the car, but they weren't, and then
6 they smashed the window and just took my purse.

7 THE COURT: Was anyone ever caught?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: And did you have anything to do with
10 the identification process?

11 PROSPECTIVE JUROR: No, I didn't know the person,
12 but they made me come into court and say, like, what I had
13 lost or, like, what the ramifications were on my end.

14 THE COURT: Was that during a jury trial?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Was it a hearing of any sort?

17 PROSPECTIVE JUROR: I think so. I came into a
18 courtroom in Ramsey County.

19 THE COURT: Were you able to identify the race of
20 the defendant?

21 PROSPECTIVE JUROR: Like beforehand or right now?

22 THE COURT: Beforehand I'm assuming no.

23 PROSPECTIVE JUROR: No, beforehand I didn't know
24 who it was or their anything about them. Now I could
25 identify their race, yes.

1 THE COURT: And what is it?

2 PROSPECTIVE JUROR: African American.

3 THE COURT: Based on that experience, do you think
4 you'd approach this case differently?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Any other contacts with law
7 enforcement for you, your relatives, or close friends?

8 PROSPECTIVE JUROR: No.

9 THE COURT: How about Question 17.

10 PROSPECTIVE JUROR: No.

11 THE COURT: And you worked in Dakota County with
12 law enforcement. In your current role in Hennepin or at any
13 time during your roles in Hennepin, did you have contact
14 with law enforcement?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Okay. Any feelings generally positive
17 or generally negative towards law enforcement?

18 PROSPECTIVE JUROR: No, not really.

19 THE COURT: And some of the witnesses in the trial
20 are likely to be law enforcement officers. Can you treat
21 those witnesses like you would treat anyone else?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Okay. Other than the experience when
24 your purse was stolen, have you ever testified in court?

25 PROSPECTIVE JUROR: When I was a case manager, I

1 had to go to guardianship court, and so I testified there a
2 couple times.

3 THE COURT: Anything about that that you think
4 would affect your approach to this case?

5 PROSPECTIVE JUROR: No.

6 THE COURT: And how about Question 20.

7 PROSPECTIVE JUROR: I'm not sure on this. I know
8 my kids definitely didn't, but I'm sure one of their friends
9 must have. The school that my kids went to during COVID was
10 a charter school so they didn't offer any meals.

11 THE COURT: Were you aware of any nonprofits or
12 other organizations that provided meals during COVID?

13 PROSPECTIVE JUROR: No. I mean, I knew that
14 schools got free lunches, but that was -- our school just
15 didn't.

16 THE COURT: And Question 21.

17 PROSPECTIVE JUROR: Yes, I've worked with the
18 government because I work for Hennepin County now as a
19 social worker, and I've had lots of jobs in social services
20 over time. Do you want me to go through further back than
21 Dakota?

22 THE COURT: Can you just briefly go through.

23 PROSPECTIVE JUROR: Sure. Yes, I did a lot of
24 case management, so I was with Thomas Allen and Meridian
25 Services, and then I worked at an IRTS facility called

1 Northwest Residence.

2 THE COURT: Can you explain what an IRTS facility
3 is.

4 PROSPECTIVE JUROR: Yes. It's a treatment
5 facility for people who have mental health and chemical
6 dependency issues, and they stay there, but it's not locked,
7 and usually people stay 90 days.

8 THE COURT: Okay. And that was Northwest
9 Residence?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Okay. Anything else?

12 PROSPECTIVE JUROR: I don't think so.

13 THE COURT: All right. What did you do for
14 Meridian?

15 PROSPECTIVE JUROR: Case management.

16 THE COURT: For what kind of population?

17 PROSPECTIVE JUROR: So when I started, it was
18 65-plus people who were on a PMAP, and then it went to
19 Hennepin County case management for CADI-waivered services.

20 THE COURT: Have you ever worked with folks who
21 have either been incarcerated or formerly incarcerated?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: How so?

24 PROSPECTIVE JUROR: I've had clients who have been
25 released, and then I've worked with them at that point.

1 THE COURT: Anything about that that you think
2 would affect your ability to be a fair and impartial juror?

3 PROSPECTIVE JUROR: I don't think so.

4 THE COURT: And Question 22.

5 PROSPECTIVE JUROR: No.

6 THE COURT: And 23.

7 PROSPECTIVE JUROR: No, I have respect and -- for
8 the religion and the culture, but I don't know a whole lot,
9 yeah.

10 THE COURT: And 24.

11 PROSPECTIVE JUROR: Yeah, I think probably all of
12 the above, minus the religious activities. My kids now go
13 to a school that has a large population of East African
14 people. My kids have some friends that are East African.
15 And then professionally, all the time, yeah.

16 THE COURT: Is there anything about those
17 relationships that leads you to a general feeling positive
18 or negative toward the Somali community or any individuals
19 in it?

20 PROSPECTIVE JUROR: No, not really.

21 THE COURT: And Question 25 gets at unconscious
22 bias. Have you had unconscious bias training in your work?

23 PROSPECTIVE JUROR: Yes, I have.

24 THE COURT: And are you comfortable committing
25 yourself to thinking about why you make the decision you are

1 making and examining yourself for bias?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Can you say briefly how you make
4 important decisions in your life?

5 PROSPECTIVE JUROR: Yeah, I think I'm kind of a
6 longer processer, so I think about things for a long time.
7 Pros and cons sometimes happen or talking to other people,
8 but I -- I'm a slow processer.

9 THE COURT: Okay. Do you think that will affect
10 your ability to serve on a jury?

11 PROSPECTIVE JUROR: No, but I think I would think
12 a lot about whatever kind of decision there would be.

13 THE COURT: And I think you've really answered
14 this in your previous questions, but could you answer 25(b).

15 PROSPECTIVE JUROR: No.

16 THE COURT: And Question 26 is, Are you willing to
17 apply the law as the court explains it to you?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: And then 26(b) is whether you have
20 anything else you want to call to the court's attention.

21 PROSPECTIVE JUROR: No.

22 THE COURT: All right. Let me just check with the
23 attorneys for a moment.

24 PROSPECTIVE JUROR: Sure.

25 **(Sidebar discussion)**

1 THE COURT: Any follow-up?

2 MR. IAN BIRRELL: Your Honor, this is Ian Birrell.

3 This is on her husband -- or ex-husband used to
4 work for Sysco Foods, and they got divorced in 2016. Just
5 so Your Honor knows, Sysco Foods is probably the largest
6 food wholesaler vendor in the case.

7 There are two Sysco witnesses on the witness list.
8 She didn't say she knew them, and it's obviously outside the
9 time frame here. I don't know if follow up is needed or
10 not. I'll defer to Your Honor on that, but just wanted to
11 make sure --

12 THE COURT: All right. Thank you.

13 Anyone else?

14 MR. GOETZ: Your Honor, Fred Goetz for
15 Mr. Shariff.

16 We'd like a little more follow-up information
17 about her contact with East Africans professionally.

18 THE COURT: What are we getting at? I think given
19 her job, she said all the time. I think she's got many
20 colleagues and clients. Do you want me to go there a little
21 bit?

22 MR. GOETZ: Just the nature of the interactions,
23 any bad experiences.

24 THE COURT: All right. Thank you.

25 **(In open court)**

1 THE COURT: In your work at Hennepin County and in
2 other counties, you said you did have a number of
3 experiences, I think you said all the time, with East
4 Africans.

5 PROSPECTIVE JUROR: Mm-hmm.

6 THE COURT: Can you tell me a little bit more
7 about that and whether there have been any negative
8 interactions that stand out.

9 PROSPECTIVE JUROR: Sure. Yeah. I mean, I answer
10 the phone for Hennepin County intake, so anybody that comes
11 through social services at Hennepin County talks to me or
12 one of my 25 colleagues. And so we would do the intake on
13 whoever it is that comes through, and so there's -- pretty
14 much everybody that lives in Hennepin County comes through
15 the front door.

16 THE COURT: And that includes East Africans?

17 PROSPECTIVE JUROR: Correct.

18 THE COURT: And do you have coworkers who are East
19 African as well or Somali?

20 PROSPECTIVE JUROR: For sure at the county, not on
21 my team, though.

22 THE COURT: Okay. And any negative experiences
23 that you've had --

24 PROSPECTIVE JUROR: No.

25 THE COURT: -- that stand out?

1 Okay. Thank you I'm going to have you go to the
2 courtroom next door and retain you.

3 PROSPECTIVE JUROR: Okay.

4 THE COURT: And I appreciate your patience through
5 this process. Just hang in there through the process.

6 PROSPECTIVE JUROR: Yeah.

7 THE COURT: Thank you.

8 **(Prospective Juror Number 66 exits courtroom)**

9 THE COURT: Let's go ahead and take our lunch
10 break, and we'll come back at 1:30.

11 35, everybody. 35 says Kim.

12 (Recess taken at 12:36 p.m. till 1:33 p.m.)

13

14

IN OPEN COURT

15

(JURY PANEL NOT PRESENT)

16 THE COURT: You may all be seated. Good
17 afternoon.

18 **(Prospective Juror Number 67 enters courtroom)**

19 THE COURT: Good afternoon. I'll have you come
20 forward around this table, and you are aiming for this
21 witness chair up here by me.

22 You are Juror Number 67.

23 PROSPECTIVE JUROR: Correct, Your Honor.

24 THE COURT: Okay. I'm going to have you answer
25 the questions into that microphone so we can record what you

1 are saying. And we're going to go through the questions
2 that are on the questionnaire by you starting with what your
3 age is.

4 PROSPECTIVE JUROR: Can you speak up a little bit?
5 I'm a little hard of hearing, Your Honor.

6 THE COURT: Sure. How old are you?

7 PROSPECTIVE JUROR: 27, Your Honor.

8 THE COURT: And can you answer Question 2 for me.

9 PROSPECTIVE JUROR: Do you know anybody -- not to
10 my recollection, Your Honor.

11 THE COURT: And how about Question 3.

12 PROSPECTIVE JUROR: Little bit of gossip. I work
13 with numerous responsive charities across the State of
14 Minnesota, so whenever potentially, you know, a little
15 gossip here and there, so I would remove myself to not
16 potentially be compromised.

17 THE COURT: And when you said you removed
18 yourself, is that after you received the summons in this
19 case?

20 PROSPECTIVE JUROR: Yes, Your Honor.

21 THE COURT: And what do you do for numerous
22 responsive charities?

23 PROSPECTIVE JUROR: Primarily for veterans,
24 police, firefighter, paramedics, corrections and numerous
25 others like for overseas and whatnot, Your Honor.

1 THE COURT: All right. And what do they provide?

2 PROSPECTIVE JUROR: Try to get the fire
3 departments what the equipment they need, police departments
4 what they need. I'm a veteran myself, so we try to take
5 care of our own, Your Honor.

6 THE COURT: Where did you serve and when?

7 PROSPECTIVE JUROR: I served U.S. Army infantry
8 from 2015 to 2021, Your Honor.

9 THE COURT: Thank you for your service.

10 PROSPECTIVE JUROR: Thank you for your support,
11 Your Honor.

12 THE COURT: And before you got the summons, had
13 you heard anything about the case?

14 PROSPECTIVE JUROR: Not necessarily. A little bit
15 of gossip here and there, Your Honor, but nothing -- nothing
16 that would stand out, Your Honor.

17 THE COURT: How about when you heard gossip either
18 before or after the summons, what did you hear?

19 PROSPECTIVE JUROR: Like, Oh, did you hear about
20 this, did you hear about that? I'm like, no, not really. I
21 don't know what's really going on and didn't really pay
22 attention to it, Your Honor.

23 THE COURT: What is your understanding of what the
24 case is about from the things that you have heard?

25 PROSPECTIVE JUROR: Something about fraud and

1 money going not to where it's supposed to be going, stuff of
2 that nature, Your Honor.

3 THE COURT: Did you know what kind of
4 organizations were involved in any alleged fraud?

5 PROSPECTIVE JUROR: I think charities or whatnot,
6 Your Honor. We do numerous charities across Minnesota, so
7 it's -- kind of intertwines a little bit, like, oh, did you
8 hear about that? I'm like, no, I don't know what that's all
9 about.

10 THE COURT: Do you work with any charities that
11 provide food to children?

12 PROSPECTIVE JUROR: Some local charities, one
13 being up by St. Cloud, that does a lot of charity work to
14 give food and stuff like that to children and whatnot, but
15 nothing -- nothing like significant organizations. Just
16 small -- small local ones throughout the state, Your Honor.

17 THE COURT: What is it that you do -- is that your
18 job to work for the nonprofit?

19 PROSPECTIVE JUROR: No. I do -- I just do a lot
20 of charity work, Your Honor. I want to give back to my
21 state.

22 THE COURT: Okay. And what do you do for a job?

23 PROSPECTIVE JUROR: I am a independent contractor,
24 Your Honor.

25 THE COURT: To do what?

1 PROSPECTIVE JUROR: Primarily marketing, sales,
2 like restoration, in that light.

3 THE COURT: Based on anything you have heard, have
4 you developed an opinion on the guilt or innocence of the
5 defendants?

6 PROSPECTIVE JUROR: Not to my -- not to my
7 recollection, Your Honor, no.

8 THE COURT: Do you have an opinion as you sit here
9 right now on the guilt or innocence of the defendants?

10 PROSPECTIVE JUROR: No, Your Honor.

11 THE COURT: And if you are selected as a juror in
12 this case, can you set aside any gossip that you've heard
13 and judge the case only on what you see and hear in the
14 courtroom.

15 PROSPECTIVE JUROR: I would probably would have to
16 say no, Your Honor. I'm most -- like most of my family are
17 cops, and also -- also, like I just -- like this weekend, I
18 have another one coming up this weekend, and so it's just
19 like you try to remove yourself from best of your abilities
20 to it, but you just get caught in the crossfire.

21 THE COURT: I don't understand what that means.
22 Can you say more about that.

23 PROSPECTIVE JUROR: I feel like as this case
24 progresses, I'm surrounded -- like most of my family, as I
25 said, is police and whatnot, and then it's like you -- like,

1 Hey, did you hear about this? You try to remove yourself as
2 much as the bias as you can from it to try to give a clean
3 slate, facts, evidence and whatnot, but as -- as you're
4 surrounded by all of that, I don't think -- I would
5 eventually be compromised.

6 THE COURT: Do you live with your family?

7 PROSPECTIVE JUROR: No, I do not, Your Honor.

8 THE COURT: And who in your family is in law
9 enforcement?

10 PROSPECTIVE JUROR: Most of them were with
11 Hennepin County, such as granddad, all of them. I got an
12 uncle over in Coon Rapids and whatnot, and we do a lot of
13 work. We just did a huge thing with the state troopers two
14 years ago over in Anoka. We did a big thing with the Nearly
15 Naked Ruck with the 9/11 for the police and fire department
16 every year out there.

17 THE COURT: And are you saying that your work with
18 law enforcement leads you to a bias? You have a bias or
19 prejudice?

20 PROSPECTIVE JUROR: Not personally, no, but I feel
21 subconsciously it could lead to something. It's like you
22 get into that crossfire. I'm just trying to use the good
23 words for it.

24 THE COURT: Do you think if there's a law
25 enforcement officer on the stand, would you be more likely

1 to believe that law enforcement officer because they're a
2 law enforcement?

3 PROSPECTIVE JUROR: I would, Your Honor.

4 THE COURT: And do you have a feeling that when
5 people are arrested, that there must be a reason for it?

6 PROSPECTIVE JUROR: I believe if in our judicial
7 system if somebody is arrested, they are arrested
8 accordingly within the confines of the law, not because of
9 any outside factors.

10 THE COURT: And can you apply a presumption of
11 innocence to these defendants?

12 PROSPECTIVE JUROR: Yes, Your Honor.

13 THE COURT: Okay. How -- can you look at the list
14 of organizations on Number 4. You said you worked with a
15 number of local charities regarding children. Do you
16 recognize any of the organizations listed in paragraph 4?

17 PROSPECTIVE JUROR: The one that -- only one that
18 I've heard of in, like, the different things that we do is
19 the Parents in the Quality Care. A couple, couple of these
20 other ones, heard Summer Food Service once out in -- we did
21 in Ramsey last weekend. So I've heard, I've heard about
22 them, like in the, like I've heard of these names, but I've
23 never -- as soon as I would hear, hear these things, I would
24 remove myself so I wouldn't be -- because these were also
25 listed on the letter.

1 THE COURT: What did you have to do -- what
2 happened last weekend with Summer Food Service Program?

3 PROSPECTIVE JUROR: No, no. Like as the charity,
4 as there's like a lot of different groups in the -- in like
5 the same building, and so you talk, and then it's like a lot
6 of mom gossip, Your Honor.

7 THE COURT: All right. Thank you.

8 Just one moment. I'm going to talk with the
9 attorneys.

10 (Sidebar discussion)

11 THE COURT: Counsel.

12 MR. GOETZ: Frederick Goetz, Your Honor, for
13 Shariff.

14 We challenge for cause.

15 THE COURT: Any objection?

16 MR. THOMPSON: No, Your Honor.

17 THE COURT: Thank you.

18 (In open court)

19 THE COURT: Thank you for your service and your
20 honesty here today. I'm going to excuse you. And so you're
21 free to go. You can give the papers that you have to the
22 folks outside the door.

23 Thank you.

24 PROSPECTIVE JUROR: Thank you for your time,
25 Your Honor.

1 THE COURT: Thank you.

2 **(Prospective Juror Number 67 exits courtroom)**

3 **(Prospective Juror Number 68 enters courtroom)**

4 THE COURT: Good afternoon. You're going to come
5 through here, around the tables, and you are aiming for this
6 witness chair up here by me.

7 PROSPECTIVE JUROR: Okay.

8 THE COURT: You are Juror Number 68, right?

9 PROSPECTIVE JUROR: I am.

10 THE COURT: Okay. You have the questionnaire in
11 front of you. We're going to go down the answers to those
12 questions, and we'll begin with Number 1, which is, How old
13 are you?

14 PROSPECTIVE JUROR: 63.

15 THE COURT: And what is the answer to Question 2?

16 PROSPECTIVE JUROR: I do not know any of the
17 witnesses.

18 THE COURT: And Question 3.

19 PROSPECTIVE JUROR: I have heard of this case.

20 THE COURT: How?

21 PROSPECTIVE JUROR: I was having a card party at
22 my house with some very politically charged friends. It was
23 quite a discussion.

24 THE COURT: When was that?

25 PROSPECTIVE JUROR: Six months ago or so.

1 THE COURT: Had you heard of the case before that
2 party?

3 PROSPECTIVE JUROR: I had heard of it, yes.

4 THE COURT: Okay. And what did you know about it
5 before the party?

6 PROSPECTIVE JUROR: I guess that I had slightly
7 formed an opinion only because I felt as if anybody that
8 would take advantage of people that were fearing for their
9 lives because of the pandemic are -- should be ashamed of
10 themselves.

11 THE COURT: Did you form an opinion about --
12 setting aside if it happened, how bad it is, did you form an
13 opinion about whether it happened or not?

14 PROSPECTIVE JUROR: I believed that it happened.

15 THE COURT: And why?

16 PROSPECTIVE JUROR: People. I mean, people do
17 things, I guess, that -- to take advantage of people that
18 are disadvantaged.

19 THE COURT: And so these defendants are presumed
20 innocent under the law, and so just because they have been
21 charged does not mean anything. They are presumed innocent
22 and the government has to prove its case.

23 PROSPECTIVE JUROR: Right.

24 THE COURT: Do you understand that?

25 PROSPECTIVE JUROR: I do understand that.

1 THE COURT: And are you telling me that you have a
2 problem applying that here or no?

3 PROSPECTIVE JUROR: I have heard enough about it
4 that I guess I -- I have to say that I have formed an
5 opinion. I don't know if that opinion is correct, but
6 it's -- I believe it would be difficult at best for me to be
7 unbiased.

8 THE COURT: Can you tell me a little bit about
9 that card party.

10 PROSPECTIVE JUROR: It was just some friends
11 getting together playing poker.

12 THE COURT: And what were the opinions that were
13 being shared?

14 PROSPECTIVE JUROR: Like I said, these are very
15 politically charged people. So it got kind of -- when the
16 conversation started, then they started bringing out their
17 phones and reading things and telling what they had heard
18 and --

19 THE COURT: About this case?

20 PROSPECTIVE JUROR: Yes, it led -- it was quite --
21 it was a large part of the conversation, yes.

22 THE COURT: And so help me understand why a
23 discussion about this case -- why you --

24 PROSPECTIVE JUROR: Well, it just --

25 THE COURT: -- why it's political.

1 PROSPECTIVE JUROR: Well, these people that I'm
2 with are just very knowledgeable about what's going on in
3 the world and are just very opinionated and strong in their
4 beliefs, yes.

5 THE COURT: And what were their beliefs about this
6 case?

7 PROSPECTIVE JUROR: Guilty.

8 THE COURT: And you are telling me -- you just
9 said you'd have a presumption of innocence, so you are
10 telling me it would be hard to apply given what you've read
11 and discussed?

12 PROSPECTIVE JUROR: They were -- they were pretty
13 convincing. I mean, I didn't -- I hadn't formed a definite
14 opinion before that. I just -- I did say that -- I do
15 believe that it could happen, yes, I do. I do believe that
16 it is -- there are bad people in the world, yes.

17 THE COURT: Are you able to put what you heard at
18 that party aside and apply a presumption of innocence here?

19 PROSPECTIVE JUROR: I -- I don't know.

20 THE COURT: Just one moment.

21 **(Sidebar discussion)**

22 THE COURT: Counsel.

23 MR. IAN BIRRELL: This is Ian Birrell.

24 We would move for cause.

25 THE COURT: I'm having trouble trying to

1 rehabilitate her. Any objection?

2 MR. THOMPSON: No, Your Honor.

3 **(In open court)**

4 THE COURT: Thank you. I'm going to excuse you.
5 Thank you for your time and your patience over the last two
6 days. I appreciate it. So you are going to hand those
7 papers to the people on the way out.

8 PROSPECTIVE JUROR: Okay. Thank you very much.

9 **(Prospective Juror Number 68 exits courtroom)**

10 **(Prospective Juror Number 69 enters courtroom)**

11 THE COURT: Good afternoon. You may come forward,
12 and you are going to come around the tables and up to the
13 chair that is by me. Sorry. Yep, there you go.

14 You are Juror Number 69?

15 PROSPECTIVE JUROR: I am.

16 THE COURT: All right. And so we're going to go
17 through the questions on the questionnaire, and we'll begin
18 with Number 1, which is, What is your age?

19 PROSPECTIVE JUROR: I am 44.

20 THE COURT: And Question Number 2, what is the
21 answer there?

22 PROSPECTIVE JUROR: The potential witness list,
23 there was some names on the -- on page 8 that were familiar.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR: Although given the prevalence

1 of the name, I'm not sure of it.

2 THE COURT: Okay. You have that list with you?

3 PROSPECTIVE JUROR: I do.

4 THE COURT: All right. And so could you go
5 through those names for me?

6 PROSPECTIVE JUROR: It's just the Mohamed Mohamed
7 name, which is listed here four times.

8 THE COURT: Okay. And do you know one or more
9 people who have that name?

10 PROSPECTIVE JUROR: I know one person who has that
11 name, yes.

12 THE COURT: And what does that person do or how do
13 you know them?

14 PROSPECTIVE JUROR: I used to work with him back
15 in the early 2000s. So I --

16 THE COURT: And what did he do?

17 PROSPECTIVE JUROR: He worked at 3M.

18 THE COURT: What was his role?

19 PROSPECTIVE JUROR: It would have been in the --
20 the chemical building, so like dentistry, like fillings and
21 liners and things like that.

22 THE COURT: Okay. And how old a person?

23 PROSPECTIVE JUROR: Would have been I'd say early
24 to mid-20s at the time. I haven't worked there in a long
25 time now so --

1 THE COURT: So is he about your age?

2 PROSPECTIVE JUROR: Yeah, he would be a little bit
3 younger, so he would be about 40 now I would say.

4 THE COURT: An engineer by training or --

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Any other name that you recognize?

7 PROSPECTIVE JUROR: No.

8 THE COURT: All right. Just one moment.

9 PROSPECTIVE JUROR: Sure.

10 **(Sidebar discussion)**

11 THE COURT: Counsel?

12 MR. THOMPSON: Your Honor, as the court's probably
13 aware, in Somali culture, it's traditional for men to --
14 firstborn sons to be named Mohamed; and if you are the son
15 of a firstborn son, you would be Mohamed Mohamed; and
16 Mohamed Mohamed Mohamed would be the firstborn son of a
17 firstborn son. I have no way of knowing but no reason to
18 think it's the same person.

19 THE COURT: Okay. Does anyone know who is listed
20 at 392 and 393, specifically?

21 MR. IAN BIRRELL: This is Ian Birrell.

22 We have a Mohamed Mohamed on our witness list. I
23 don't think it's the same person. I don't expect it to be,
24 but I can't say a hundred percent for sure.

25 THE COURT: Anyone else who had that name on the

1 witness list? It is listed twice.

2 MR. CARLSON: Yes, Your Honor. This is Clayton
3 Carlson.

4 I think we have a Mohamed Mohamed on 382, and I
5 also don't think it's the same person.

6 THE COURT: Thank you.

7 **(In open court)**

8 THE COURT: I think we're fine.

9 PROSPECTIVE JUROR: Okay.

10 THE COURT: Question Number 3.

11 PROSPECTIVE JUROR: Before today, I had seen
12 headlines of it, just sort of on, you know, news aggregation
13 websites and things like that, but no specific details.

14 THE COURT: And when do you think you saw those
15 headlines?

16 PROSPECTIVE JUROR: At least a year ago prior to
17 receiving anything in the mail for a summons.

18 THE COURT: Okay. And do you remember whether you
19 heard that anyone was arrested, charged, or whether there
20 was a search warrant?

21 PROSPECTIVE JUROR: I don't recall reading any of
22 those things.

23 THE COURT: And do you recall what the case is
24 about?

25 PROSPECTIVE JUROR: In a general sense, yes.

1 THE COURT: Which was what?

2 PROSPECTIVE JUROR: The money laundering and --
3 aspect of it, I guess.

4 THE COURT: And based on what you heard, have you
5 developed an opinion on the guilt or innocence of the
6 defendants?

7 PROSPECTIVE JUROR: No.

8 THE COURT: And if you are selected as a juror,
9 can you set aside what you might have learned from other
10 sources and decide the case based only on the evidence in
11 trial?

12 PROSPECTIVE JUROR: I can try to.

13 THE COURT: Okay. I'm looking for better than
14 that.

15 PROSPECTIVE JUROR: Okay. Yes, I will.

16 THE COURT: How about Question 4?

17 PROSPECTIVE JUROR: I have not heard of any of
18 those, no.

19 THE COURT: Have you been able to follow my
20 instructions since the -- receiving the letter from me not
21 to read anything about the case?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: And Question 5(a).

24 PROSPECTIVE JUROR: No, I can read and understand
25 it and speak it.

1 THE COURT: Okay. I'm going to have you bring
2 that microphone --

3 PROSPECTIVE JUROR: Sure.

4 THE COURT: The whole stand moves toward you.

5 PROSPECTIVE JUROR: Okay.

6 THE COURT: I want to make sure that the court
7 reporter can take down all that you say.

8 PROSPECTIVE JUROR: Okay.

9 THE COURT: Question 5(b).

10 PROSPECTIVE JUROR: No, I don't have any seeing or
11 hearing problems.

12 THE COURT: Question 5(c).

13 PROSPECTIVE JUROR: No, I don't believe I have any
14 other issues.

15 THE COURT: And you are able to be here during
16 trial?

17 PROSPECTIVE JUROR: I would be, yes.

18 THE COURT: And Question 6.

19 PROSPECTIVE JUROR: I grew up near here in
20 Richfield, and I live in Plymouth now.

21 THE COURT: And can you go through the questions
22 in Number 7.

23 PROSPECTIVE JUROR: Sure. I have my four-year
24 degree, a bachelor's of science in computer science.

25 THE COURT: And where did you get that?

1 PROSPECTIVE JUROR: At the U of M here. And
2 currently work in Minnetonka at a medical software company.

3 THE COURT: What software company?

4 PROSPECTIVE JUROR: Meditech.

5 THE COURT: And you have talked to Meditech about
6 your jury service and they are fine with that?

7 PROSPECTIVE JUROR: I have, yeah.

8 THE COURT: Okay. Great. Thank you.

9 PROSPECTIVE JUROR: Mm-hmm.

10 THE COURT: And how long have you been with
11 Meditech?

12 PROSPECTIVE JUROR: I think just turned 17 years
13 or so. It's either 16 or 17.

14 THE COURT: And what do you do?

15 PROSPECTIVE JUROR: Software analyst and
16 programmer.

17 THE COURT: Do you supervise anyone?

18 PROSPECTIVE JUROR: No.

19 THE COURT: And what did you do before you worked
20 for Meditech?

21 PROSPECTIVE JUROR: That's when I worked at 3M
22 within the dental department.

23 THE COURT: And what did you do there?

24 PROSPECTIVE JUROR: Did a lot of testing for
25 dental implant products.

1 THE COURT: And do you have a spouse or partner?

2 PROSPECTIVE JUROR: I do.

3 THE COURT: What does that person do?

4 PROSPECTIVE JUROR: She is a project manager
5 assistant out in Medina.

6 THE COURT: For what company?

7 PROSPECTIVE JUROR: They just got bought out, so I
8 don't recall the new company, but they -- it was Open Access
9 Technologies and OATI.

10 THE COURT: Open Access Technologies?

11 PROSPECTIVE JUROR: International, yes. They're
12 in the middle of rebranding, so I'm not sure exactly --

13 THE COURT: And what do they do?

14 PROSPECTIVE JUROR: They do power grid
15 technologies.

16 THE COURT: And Question 8.

17 PROSPECTIVE JUROR: I have two little girls, 6 and
18 2.

19 THE COURT: And what do you do, Question 9,
20 hobbies and activities?

21 PROSPECTIVE JUROR: Right now a lot of it is just
22 raising them. Prior to that was, you know, outdoor sports
23 and rock climbing and things like that. Did some amateur
24 musician things as well.

25 THE COURT: And what do you do as a musician?

1 PROSPECTIVE JUROR: We -- I did drum and bugle
2 corps, which is where I met my wife.

3 THE COURT: And how about any organizations you
4 belong to?

5 PROSPECTIVE JUROR: Well, our daycare is our
6 church, so I belong to the church that our kids went to
7 daycare -- or currently one of them goes there.

8 THE COURT: And what day -- what church? Sorry.

9 PROSPECTIVE JUROR: Christ Memorial Lutheran
10 Church in Minnetonka.

11 THE COURT: All right. Any other organizations?

12 PROSPECTIVE JUROR: No.

13 THE COURT: And Question 10.

14 PROSPECTIVE JUROR: I don't believe there is
15 anything that would render me unable to.

16 THE COURT: Okay. And Question 11.

17 PROSPECTIVE JUROR: On a regular basis, I mean,
18 I -- Google news is pretty much open on my computer at work,
19 you know, every day.

20 THE COURT REPORTER: Pretty much what?

21 PROSPECTIVE JUROR: Open the tab to Google news
22 and read that every morning.

23 THE COURT: Any podcasts?

24 PROSPECTIVE JUROR: No podcasts or blogs, no.

25 THE COURT: How about TV shows?

1 PROSPECTIVE JUROR: No, not really.

2 THE COURT: And have you previously served as a
3 juror?

4 PROSPECTIVE JUROR: No.

5 THE COURT: How about then Question 13.

6 PROSPECTIVE JUROR: I did not know any of my
7 fellow jurors, no.

8 THE COURT: 14.

9 PROSPECTIVE JUROR: I do not.

10 THE COURT: 15.

11 PROSPECTIVE JUROR: I do not.

12 THE COURT: And 16.

13 PROSPECTIVE JUROR: No.

14 THE COURT: How about 17.

15 PROSPECTIVE JUROR: No.

16 THE COURT: And 18.

17 PROSPECTIVE JUROR: I have no prejudices, no.

18 THE COURT: Can you treat law enforcement officers
19 when they are witnesses just like you would treat any other
20 witness?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Question 19.

23 PROSPECTIVE JUROR: I have not.

24 THE COURT: And 20.

25 PROSPECTIVE JUROR: That one I had -- was curious

1 what the date range would have been for during the pandemic,
2 because, I mean, my daughter is now receiving meals at
3 school.

4 THE COURT: She does?

5 PROSPECTIVE JUROR: Yes, so --

6 THE COURT: And was your daughter in -- this is
7 the older one who is receiving meals at school?

8 PROSPECTIVE JUROR: Correct. She's in
9 kindergarten this year, so --

10 THE COURT: And does she receive meals at no cost
11 at school?

12 PROSPECTIVE JUROR: Well, yes, due to the
13 Minnesota -- the law of, you know, free lunch program,
14 but --

15 THE COURT: Okay. Is there anything that you have
16 to do at school to enroll in that program?

17 PROSPECTIVE JUROR: No. I think everyone is --
18 applies or, you know, eligible for it.

19 THE COURT: Okay. And so during the pandemic, was
20 she in school or daycare?

21 PROSPECTIVE JUROR: She would have been in daycare
22 at that time. I just wasn't sure what the cut-off would
23 have been for --

24 THE COURT: The pandemic?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: I don't know.

2 PROSPECTIVE JUROR: Yeah.

3 THE COURT: And so when the kids were in daycare
4 and you still have one there, have they always gone to that
5 daycare at the church?

6 PROSPECTIVE JUROR: Yeah.

7 THE COURT: And do they get lunch through there?

8 PROSPECTIVE JUROR: No. We provide the lunches
9 there.

10 THE COURT: So -- and during the pandemic, did
11 they go to that daycare or did the one?

12 PROSPECTIVE JUROR: Yeah.

13 THE COURT: And did you still provide the lunch?
14 Do you know if there were meals available to her through the
15 daycare or else -- otherwise?

16 PROSPECTIVE JUROR: No, I don't think they've ever
17 provided any food options there.

18 THE COURT: Do you know of any nonprofits who have
19 provided or did provide meals to children through the
20 pandemic?

21 PROSPECTIVE JUROR: No.

22 THE COURT: And Question 21.

23 PROSPECTIVE JUROR: I have not.

24 THE COURT: Do you do any volunteer work?

25 PROSPECTIVE JUROR: No.

1 THE COURT: Okay. 22.

2 PROSPECTIVE JUROR: I have not worked with any of
3 those, no.

4 THE COURT: Okay. Any contact with them?

5 PROSPECTIVE JUROR: No.

6 THE COURT: And 23.

7 PROSPECTIVE JUROR: Neither good nor bad.

8 THE COURT: And 24.

9 PROSPECTIVE JUROR: No, not that I'm aware of.

10 THE COURT: And 25 tries to get at your
11 unconscious bias.

12 PROSPECTIVE JUROR: Mm-hmm.

13 THE COURT: You watch the video that we provided
14 during jury orientation. Have you also had unconscious bias
15 training at work or anywhere else?

16 PROSPECTIVE JUROR: We have had some -- the same
17 sort of videos at work, yes.

18 THE COURT: And can you read 25(a).

19 PROSPECTIVE JUROR: Yes, I believe I could.

20 THE COURT: And 25(b).

21 PROSPECTIVE JUROR: I believe I can attempt to.
22 It sort of leads -- leads to the question I have with the
23 last question, I guess.

24 THE COURT: Okay. Go ahead.

25 PROSPECTIVE JUROR: Just an issue of -- of having

1 a 2-year-old at home and having -- having very little sleep
2 has sort of led me to believe that sometimes my decisions
3 have been rash in the last half a year or so, so I -- I can
4 be cognizant to try to, but it's been difficult.

5 THE COURT: Can you say more about that.

6 PROSPECTIVE JUROR: Just being exhausted all the
7 time. I feel like it's hard to retain information and
8 process it as well as I can normally or would have
9 otherwise.

10 Like I'll find myself reading the same emails over
11 and over at work, you know, trying to absorb the information
12 or remember what I was supposed to be doing, things like
13 that.

14 THE COURT: And have you seen any medical
15 professional about this?

16 PROSPECTIVE JUROR: No.

17 THE COURT: And does your 2-year-old sleep through
18 the night?

19 PROSPECTIVE JUROR: No. She did for a while and
20 then she stopped so --

21 THE COURT: Can you give an example of a rash
22 decision-making process that you think you've made because
23 you've been exhausted?

24 PROSPECTIVE JUROR: I guess the thing that comes
25 to mind most, just the lashing out kind of, you know, for

1 something that maybe, you know, something new thing that
2 prompted, you know, a confrontation between the two of them
3 for a toy or whatever, you know, whatever the issue was,
4 just not behaving, not being a good father and, you know,
5 kind of yelling and --

6 THE COURT: Find yourself easier to snap?

7 PROSPECTIVE JUROR: Very much so, yes.

8 THE COURT: Understood. And let me go back to
9 25(b) for a minute, which gets at whether the
10 decision-making process in this case, which would be
11 deliberative and slower, can you commit to resisting
12 unconscious bias in your decision?

13 PROSPECTIVE JUROR: That's where I'm unsure
14 because that's why I bring up that issue is because I would
15 attempt to, but, you know --

16 THE COURT: And what kind of bias are you
17 concerned about?

18 PROSPECTIVE JUROR: Just having one. I mean,
19 trying to approach this fairly, I don't want to -- I don't
20 know. I would think that I could do a better job had I were
21 not in this position, you know, in the sleep deprived -- the
22 state that I'm in currently.

23 THE COURT: When you are concerned about your
24 decision-making and bias, are you concerned at all about a
25 racial or ethnic bias?

1 PROSPECTIVE JUROR: No, no.

2 THE COURT: A religious bias?

3 PROSPECTIVE JUROR: No.

4 THE COURT: Just the decision-making in general?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: All right. Thank you. Let me talk
7 with the attorneys.

8 **(Sidebar discussion)**

9 THE COURT: Any follow-up?

10 MR. IAN BIRRELL: Your Honor, Ian Birrell.

11 Just off this last thing, and I'm less concerned
12 about the bias and just wanting to make sure that he could
13 serve on this jury for this amount of time. Maybe it would
14 be worth asking him how much he's sleeping at night. He
15 seems awfully tired, but --

16 THE COURT: Anyone else?

17 PROSPECTIVE JUROR: Your Honor, this is Ed Sapone
18 for Mr. Nur.

19 I'd like to make a motion to excuse him for cause;
20 and if Your Honor wants to hear my reasons, I can give them
21 now.

22 THE COURT: Yes.

23 MR. SAPONE: So he said a lot of things that
24 concern me. Among them are, but the issue of having a
25 2-year-old at home, little sleep makes me feel that my

1 decisions have been rash. Being exhausted all the time,
2 it's hard to retain information and process it as well as I
3 can normally. That worries me relative to his ability to
4 deliberate, especially in a case of this weight, size and
5 magnitude, six weeks.

6 I find myself reading emails over and over. There
7 are going to be lots of emails that, you know, he's going to
8 have to analyze and deliberate over. And I'm worried that
9 he's not going to retain the information well enough.

10 The 2-year-old does not sleep through the night.
11 An example of a rash decision is not being a good father and
12 yelling and easy to snap. I'm worried that he could, you
13 know, try to come to a quick or a rash result, which is the
14 opposite of what we want jurors to do.

15 Not sure if he could put aside unconscious bias;
16 and even though it's not racial or relative to any origin,
17 any bias that he's not sure he could put aside is just too
18 dangerous to have him as a juror.

19 He says he thinks he can do a better job if he
20 were not in this state; and because the child is still not
21 sleeping, I don't see this state changing over the next six
22 weeks.

23 And for those reasons, I'm asking him be removed
24 for cause.

25 THE COURT: I think that his -- his answer to

1 25(b) had to do with his concern over his decision-making
2 and snapping at his children because of a relative lack of
3 sleep. I'm not hearing extreme hardship. I am hearing
4 hardship, but it falls on a lot of jurors. And so I'm
5 denying the motion for cause, and I'm not going to ask the
6 follow-up.

7 **(In open court)**

8 THE COURT: All right. Thank you. I am going to
9 retain you for now, and you are going to go to the courtroom
10 next door and wait our process out. Thank you very much.

11 PROSPECTIVE JUROR: Thank you.

12 **(Prospective Juror Number 69 exits courtroom)**

13 THE COURT: One moment. Thank you. Okay. I'm
14 ready.

15 **(Prospective Juror Number 70 enters courtroom)**

16 THE COURT: Hello. You are going to come forward
17 around these tables, and you are aiming for the chair that's
18 right next to me. Thank you.

19 You are Juror Number 70?

20 PROSPECTIVE JUROR: I am, yes.

21 THE COURT: Okay. I'll have you speak right into
22 that microphone, and we're going to go through the questions
23 on the questionnaire in front of you, starting with what
24 your age is.

25 PROSPECTIVE JUROR: I am 45.

1 THE COURT: And what's the answer to Question 2?

2 PROSPECTIVE JUROR: There was one name that looked
3 familiar, but I'm not a hundred percent sure.

4 THE COURT: What name was that, and can you say by
5 number?

6 PROSPECTIVE JUROR: Yeah, it's 246. I played
7 little league basketball with somebody.

8 THE COURT: By that name?

9 PROSPECTIVE JUROR: I believe his last name was
10 the same.

11 THE COURT: Okay. And you said -- what kind of
12 basketball?

13 PROSPECTIVE JUROR: Little league, like
14 7-year-old, you know, so that's --

15 THE COURT: Okay. Okay. In what community?

16 PROSPECTIVE JUROR: North Minneapolis.

17 THE COURT: Okay. And have you had any contact
18 since that time?

19 PROSPECTIVE JUROR: No. No.

20 THE COURT: So not sure about whether it's the
21 same person and also you haven't had any contact?

22 PROSPECTIVE JUROR: Right.

23 THE COURT: And if he took the stand, would you be
24 more or less inclined to believe him because you knew him on
25 the basketball court?

1 PROSPECTIVE JUROR: I'm sorry. If I took the
2 stand -- what? Repeat that last part.

3 THE COURT: Sure. If he took the stand, if he
4 were a witness in the case, would you be more or less
5 inclined to believe him because of your experiences with him
6 as a kid?

7 PROSPECTIVE JUROR: No, I mean, I was -- I'm 45.
8 I haven't seen him since I was seven, so, no.

9 THE COURT: Okay. And he's about your age?

10 PROSPECTIVE JUROR: Yeah, same age, actually.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR: But I'm not a hundred percent
13 sure that's his last name, but it just sounds familiar.

14 THE COURT: That's a fairly common name too. All
15 right. Thank you.

16 And how about Question 3.

17 PROSPECTIVE JUROR: Yes. This is my third jury
18 duty.

19 THE COURT: Okay. So let me go to Question 3 on
20 that questionnaire which is whether you've heard this case.

21 PROSPECTIVE JUROR: Oh, I'm sorry, sorry.

22 THE COURT: That's okay. You were jumping ahead.

23 PROSPECTIVE JUROR: Yeah, yeah, yeah.

24 THE COURT: I want to talk about your prior jury
25 service, but have you heard of this case.

1 PROSPECTIVE JUROR: I have not, no.

2 THE COURT: And Question 4, have you ever heard of
3 any of those organizations?

4 PROSPECTIVE JUROR: Nothing sounds familiar, no.

5 THE COURT: Question 5(a).

6 PROSPECTIVE JUROR: Yes, I can read in English and
7 write.

8 THE COURT: Question 5(b).

9 PROSPECTIVE JUROR: I do have a slight hearing
10 loss in my right ear.

11 THE COURT: How have you been able to hear the
12 folks who have been shepherding you through this process so
13 far?

14 PROSPECTIVE JUROR: Completely fine.

15 THE COURT: And me as I talk to you?

16 PROSPECTIVE JUROR: Yeah, I'm -- when things get
17 mumbled, I instantly go to lipreading, so that's why I kind
18 of need you to repeat it again. But, yeah, I can hear fine.
19 It's just sometimes.

20 THE COURT: Okay. And Question 5(c).

21 PROSPECTIVE JUROR: No. I'm fine.

22 THE COURT: Question 6.

23 PROSPECTIVE JUROR: I grew up in Minneapolis.

24 THE COURT: And where in Minneapolis?

25 PROSPECTIVE JUROR: North side.

1 THE COURT: And where do you live now?

2 PROSPECTIVE JUROR: I live northeast Minneapolis.

3 THE COURT: And can you go through Question 7.

4 PROSPECTIVE JUROR: Educational background. I
5 have two degrees, one in music and one in film.

6 THE COURT: From where?

7 PROSPECTIVE JUROR: Actually, the school no longer
8 exists, but music tech was McNally Smith, and then the
9 community college, MCTC, for film.

10 THE COURT: And what do you do now?

11 PROSPECTIVE JUROR: I actually work in security.

12 THE COURT: Where?

13 PROSPECTIVE JUROR: A couple places actually. The
14 building I live in I do security for them, and then
15 buildings in the neighborhood.

16 THE COURT: And what's your training for working
17 in security?

18 PROSPECTIVE JUROR: I've been doing it 20 years,
19 so I've done quite a bit of training, taking courses at
20 Homeland Security. I worked -- I worked for the
21 Timberwolves for about 17 years, so we -- I dealt with the
22 MPD and the FBI on a regular basis. And, yeah, just normal
23 security training, I guess.

24 THE COURT: What did you do for the Timberwolves?

25 PROSPECTIVE JUROR: Security.

1 THE COURT: And can you be more specific?

2 PROSPECTIVE JUROR: Well, I was actually --
3 there's three departments, security for the Target Center
4 and the Timberwolves; so one's the building side, one is the
5 command center, and one is event side. So I worked all
6 three of them, which basically means just making sure the
7 building is secure; and then when we have game days, making
8 sure the team is safe and secure.

9 THE COURT: And why did you leave that job?

10 PROSPECTIVE JUROR: '22.

11 THE COURT: And why?

12 PROSPECTIVE JUROR: Because I -- I realized that I
13 wasn't pursuing my film aspirations and I needed to commit
14 myself to it.

15 THE COURT: And so -- and what have you done film
16 and music wise in the last five years?

17 PROSPECTIVE JUROR: Five years? I'm a writer, so
18 I've written quite a few screenplays, and just trying to
19 meet with the producers and get films made.

20 THE COURT: And what genre generally?

21 PROSPECTIVE JUROR: Dramas, mostly.

22 THE COURT: And do you have a spouse or partner?

23 PROSPECTIVE JUROR: Yes. I'm married.

24 THE COURT: What do they do?

25 PROSPECTIVE JUROR: She was a teacher, but she is

1 taking care of our children.

2 THE COURT: Where did she teach?

3 PROSPECTIVE JUROR: You know, I'm not sure. It's
4 been a while. Yeah, somewhere over south. I forgot the
5 school, to be honest.

6 THE COURT: Okay. And Question 8.

7 PROSPECTIVE JUROR: Yes, I have two daughters.

8 THE COURT: How old?

9 PROSPECTIVE JUROR: 10 and 5.

10 THE COURT: And Question 9.

11 PROSPECTIVE JUROR: Do I have any hobbies? Yeah,
12 quite a few. Movies is the big thing for me. I watch -- I
13 like watching old movies from the 30s and 40s. And I'm also
14 a painter, and you just want me to keep spewing?

15 Okay, yeah, sure, this is fun. Yeah, I'm really
16 into music, all genres, except for country. I don't like
17 it. And I like to travel. I'm physically astute, I guess.
18 I like to work out and stuff like that.

19 THE COURT: Do you belong to any organizations or
20 groups?

21 PROSPECTIVE JUROR: No.

22 THE COURT: How about churches?

23 PROSPECTIVE JUROR: No.

24 THE COURT: And Question 10.

25 PROSPECTIVE JUROR: I guess the philosophical part

1 is up in the air a little bit for me, but nothing religious.

2 THE COURT: Talk to me about the philosophical
3 part.

4 PROSPECTIVE JUROR: Okay. Well, you are asking, I
5 guess. This is -- okay. I just -- I have a strong
6 attachment and belief that -- and I'm just being honest.
7 You are asking.

8 THE COURT: You have to be honest.

9 PROSPECTIVE JUROR: Okay. Yeah.
10 I have a strong belief that minorities in this
11 country are disenfranchised and abused in many ways. And
12 philosophically, I don't think that minorities, particularly
13 black people, are treated fairly. And that kind of hinders
14 my belief that we're all created equal, and that this is a
15 problem for me. So, philosophically, I tend to lean
16 towards -- tend to lean towards beliefs that -- what's a
17 good way of putting it? That -- okay. You asked, so --
18 that whatever -- whatever situations help benefit
19 minorities, I tend to be more encouraged to support those
20 organizations.

21 THE COURT: Would you consider yourself
22 anti-government in any way?

23 PROSPECTIVE JUROR: In any way? No. I just
24 believe that the average citizen is misled in many ways,
25 but, no, I'm not anti-government. No, I wouldn't say that.

1 THE COURT: Are you anti or pro law enforcement or
2 neutral?

3 PROSPECTIVE JUROR: At this point I'm -- I'm more
4 neutral, but growing up, I was mistreated by police officers
5 quite a bit. But since I got into security, I've dealt
6 with -- worked hand to hand with hundreds of police officers
7 and befriended quite a few. And so when something does
8 happen in a negative light towards police officers, it's
9 more -- at this point in my life, I understand it's more of
10 a singular thing, but growing up as a, you know, 15,
11 16-year-old, I kind of felt singlized and targeted.

12 THE COURT: Does the world view that you just
13 discussed make you think you'd be unable to render a fair
14 and impartial verdict in this case?

15 PROSPECTIVE JUROR: So I thought about that.
16 There's -- I think 25 -- I think Question 25 kind of hints
17 on that, and I was prepared to answer that, but, like I said
18 earlier, I don't think -- in many cases, many cases, I don't
19 think that black people in particular get a fair shot for --
20 in many cases, get a fair shot for true justice. So if I'm
21 just being honest, and you are asking me, if I get any sense
22 of that in this case, then it would be very hard for me
23 to -- to not see that as being like a baseline to truth.

24 THE COURT: So let me put that a different way
25 that we talk about it in the law, which is that defendants

1 in this case are presumed innocent.

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: You would presume their innocence?

4 PROSPECTIVE JUROR: Yes, I mean, of course.

5 THE COURT: And the burden is on the government to
6 prove its case beyond a reasonable doubt.

7 PROSPECTIVE JUROR: Right.

8 THE COURT: And you're instructed to do that based
9 on what you hear and see in this courtroom. Can you do
10 that?

11 PROSPECTIVE JUROR: I believe, yes, I could.

12 THE COURT: Any doubt about that?

13 PROSPECTIVE JUROR: Well, I mean, no doubt. It's
14 just I know that if I get a sense that it -- if -- if
15 something's not really completely explained to me or --
16 or -- I don't know how to put it. If I just get a sense
17 that it's -- things aren't adding up, then I'm going to lean
18 towards that -- that what's not adding up is more in the
19 favor of injustice happening towards.

20 THE COURT: Because you have experienced injustice
21 in the past?

22 PROSPECTIVE JUROR: That and I've had friends go
23 to prison unjustly.

24 THE COURT: Okay. Can you talk about that
25 experience.

1 PROSPECTIVE JUROR: I won't get into particulars,
2 but, yeah, I had a friend who went to jail for just under a
3 decade and a really close friend, grew up together. I know
4 him quite intimately, you know, little kids together, and he
5 was falsely accused of something. And he didn't have a good
6 lawyer, I guess, and he went to jail for quite a few years.

7 THE COURT: What was the charge?

8 PROSPECTIVE JUROR: It was a rape charge.

9 THE COURT: State or federal?

10 PROSPECTIVE JUROR: I'm not sure.

11 THE COURT: Okay. Do you know where he was
12 incarcerated?

13 PROSPECTIVE JUROR: In Minnesota. I don't know
14 what particular prison.

15 THE COURT: You didn't go see him?

16 PROSPECTIVE JUROR: He actually did not -- he was
17 embarrassed. Like he did not want us to come see him.

18 THE COURT: You said as a part of your work with
19 the Timberwolves that you interacted with, you said police
20 officers. You also said I think the FBI and Homeland
21 Security?

22 PROSPECTIVE JUROR: Yeah.

23 THE COURT: Okay. Any feelings for or against
24 Homeland Security or the FBI as a result of your
25 interactions with them?

1 PROSPECTIVE JUROR: Any negative experience?

2 THE COURT: Positive or negative feelings.

3 PROSPECTIVE JUROR: No, I mean, they were very --
4 when things -- we needed help, they were very capable of
5 supplying that help.

6 THE COURT: And if a law enforcement officer,
7 either federal or state or local, took the stand, could you
8 treat that person just like you would treat anyone else?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Do they start out with a bump either
11 positive or negative in your mind?

12 PROSPECTIVE JUROR: Start out with a bump?

13 THE COURT: Yeah, that's a bad way to put it.

14 If a law enforcement officer takes the stand and
15 says one thing and someone else takes the stand and says the
16 opposite, are you going to believe the law enforcement more
17 or less just because they are an officer?

18 PROSPECTIVE JUROR: It would be equal. I wouldn't
19 believe them more or less.

20 THE COURT: Okay. How about Question 11.

21 PROSPECTIVE JUROR: I know nothing about this
22 case, so, no, I haven't read anything.

23 THE COURT: Okay. How about just generally where
24 do you go to for your news?

25 PROSPECTIVE JUROR: You know, I don't -- yeah, I

1 don't --

2 THE COURT: You don't read news?

3 PROSPECTIVE JUROR: Yeah, I don't deal with none
4 of that.

5 THE COURT: How about podcasts. Do you listen to
6 podcasts at all?

7 PROSPECTIVE JUROR: Yeah, they are mostly film
8 podcasts or sports podcasts.

9 THE COURT: Film or sports?

10 PROSPECTIVE JUROR: Yeah.

11 THE COURT: Okay. And your previous jury service,
12 can you tell us about that?

13 PROSPECTIVE JUROR: Two cases. One when I was 18,
14 one when I was 28. I was actually the foreman on both
15 juries. One was attempted murder and then one was assault.

16 THE COURT: Were those both in Hennepin County?

17 PROSPECTIVE JUROR: Yeah.

18 THE COURT: What were the verdicts?

19 PROSPECTIVE JUROR: The first one, attempted
20 murder, was guilty. And then the second one he pleaded
21 guilty like three hours into the -- and then they just sent
22 us home.

23 THE COURT: And when you were on that previous
24 jury and you served all the way to verdict on the attempted
25 murder, did you have -- you had the same background that you

1 had now, right? You were from North Minneapolis when you
2 were serving on that jury?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: And was that when you were 18 or 28?

5 PROSPECTIVE JUROR: 18.

6 THE COURT: So you were the foreperson when you
7 were 18?

8 PROSPECTIVE JUROR: Yeah.

9 THE COURT: Okay. I've never had an 18-year-old
10 foreperson, so that's fantastic.

11 PROSPECTIVE JUROR: Yeah, yeah. Because actually
12 I was only like two months -- I was 18 and two months, so
13 just turned 18.

14 THE COURT: Okay. So when you served on that jury
15 and as you did so, did your experiences color your
16 assessment of the evidence?

17 PROSPECTIVE JUROR: Color my assessment of the
18 evidence. At my age, or you just mean just period?

19 THE COURT: I mean just period. You had the same
20 experiences that you -- or you had the experiences growing
21 up in North Minneapolis, and I'm curious about that.

22 PROSPECTIVE JUROR: Well, the details about the --
23 it was a very weird case because the guy represented himself
24 and he clearly tried to kill his ex-wife, and -- in my
25 opinion, but it was obvious.

1 And, yeah, we only deliberated for about a little
2 less than two hours. And it's funny because I was young,
3 but no one wanted to be the foreman so I was like, I'll do
4 it. I really wanted to continue talking about it. They
5 wanted to take a vote like quick. And I said, no, we should
6 really, like, talk about everything. So we talked for about
7 two hours, and then we took a verdict -- or a vote.

8 THE COURT: Did you have any problem in that case
9 evaluating all the evidence and deciding the case on the
10 evidence in the courtroom?

11 PROSPECTIVE JUROR: No. Well, we were having -- I
12 remember we were having a problem deciding the definition of
13 a word. And so we asked the judge if we could get a -- and
14 this was before cell phones, but we asked the judge if we
15 could get a dictionary. And the judge refused, so we had to
16 come up with what we thought the verdict -- the definition
17 of that word was, and that kind of steered the conversation
18 in a certain way.

19 THE COURT: And was there anything about your
20 previous jury experience that would lead you to have some
21 prejudice either for or against the United States or the
22 defendants in this case?

23 PROSPECTIVE JUROR: No.

24 THE COURT: What was the race of the defendant in
25 the attempted murder case?

1 PROSPECTIVE JUROR: What was the reason?

2 THE COURT: Race of that person.

3 PROSPECTIVE JUROR: They were both African
4 American.

5 THE COURT: And Question 13.

6 PROSPECTIVE JUROR: No, I don't know anybody.

7 THE COURT: And Question 14.

8 PROSPECTIVE JUROR: Yeah, I have a couple cousins
9 that are lawyers, and one of my mom's close friends I think
10 is -- was a judge, but besides that, no.

11 THE COURT: Anything about that -- those folks who
12 you think would affect your approach to this case?

13 PROSPECTIVE JUROR: I don't know.

14 THE COURT: How about -- that was a no?

15 PROSPECTIVE JUROR: No, sorry. I don't think so,
16 but, no.

17 THE COURT: Question 15.

18 PROSPECTIVE JUROR: No, not law enforcement, but
19 extensive security training.

20 THE COURT: Question 16.

21 PROSPECTIVE JUROR: Yes, yes. I know people that
22 have been victims from crimes.

23 THE COURT: What kind of crimes?

24 PROSPECTIVE JUROR: Say again.

25 THE COURT: What kind of crimes?

1 PROSPECTIVE JUROR: Like robberies and assaults
2 and carjackings, stuff like that.

3 THE COURT: How about you yourself?

4 PROSPECTIVE JUROR: Yeah, the person was never
5 charged, but, yeah, I've been assaulted.

6 THE COURT: When was that?

7 PROSPECTIVE JUROR: When? Like how many times or
8 what do you mean? Just I've been assaulted a few times.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR: Yeah.

11 THE COURT: How recently was the last one?

12 PROSPECTIVE JUROR: Well, working security, you
13 know, you have to do your thing sometimes and, you know,
14 control the situation and people get on you sometimes, so
15 the last one maybe three years.

16 THE COURT: Were the police called for any of
17 these?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: And do you think that the cases were
20 handled fairly?

21 PROSPECTIVE JUROR: In the worst assault that I've
22 had, no, absolutely not.

23 THE COURT: And can you tell us about that.

24 PROSPECTIVE JUROR: Yeah, I was 16, and some guy
25 broke into our house and he cracked me over the head with a

1 crowbar and he pulled out a gun. And my brother and I and
2 our two friends were watching a movie, and he -- I don't
3 know what he wanted, but he just held us hostage for a
4 minute. And then I got knocked out.

5 And when I came to, my friend was begging him to
6 leave, and then he -- he just left. And we called the
7 police, and the police showed up and we said, Yeah, this guy
8 came in the house, and, you know, I had a huge cut on my
9 head. And then they were like, Yeah, just relax. Tell us
10 what happened. And they didn't take a report or nothing.
11 They just left.

12 THE COURT: And did you ever follow up on that?

13 PROSPECTIVE JUROR: No, I mean, no.

14 THE COURT: Do you think that would affect your
15 ability to be fair and impartial here?

16 PROSPECTIVE JUROR: No.

17 THE COURT: Question 17.

18 PROSPECTIVE JUROR: Yeah, I have quite a few
19 friends that are police officers. Since working in
20 security, I've befriended quite a few.

21 THE COURT: Is there anything about your
22 experience or your relationship with those friends that
23 would affect your approach to this case?

24 PROSPECTIVE JUROR: No.

25 THE COURT: And I think --

1 PROSPECTIVE JUROR: Those -- those police officers
2 would be on the list, right, the --

3 THE COURT: If you didn't recognize them, they're
4 not --

5 PROSPECTIVE JUROR: Okay. Yeah, then no.

6 THE COURT: All right. Question 19. I already
7 asked 18.

8 PROSPECTIVE JUROR: I have not testified, no.

9 THE COURT: And Question 20.

10 PROSPECTIVE JUROR: No.

11 THE COURT: Question 21.

12 PROSPECTIVE JUROR: No.

13 THE COURT: Question 22.

14 PROSPECTIVE JUROR: No.

15 THE COURT: Question 23.

16 PROSPECTIVE JUROR: Excuse me. 23? Yes, I -- I
17 believe that in this country, I believe that Islam is highly
18 misunderstood. And I have many friends that are Muslims,
19 and I believe the average American has no -- has no ambition
20 to truly understand what Islam is about. And I've dealt
21 with that with many conversations. I personally am not a
22 Muslim, but I do have many friends who are Muslim.

23 THE COURT: Do you think that would affect your
24 approach to this case?

25 PROSPECTIVE JUROR: Yeah, you have to kind of

1 explain approach. I -- you know, I'm trying to understand
2 exactly what that means.

3 THE COURT: Would you be biased for or against
4 either the government or the defendants in this case knowing
5 that some of the defendants are Muslim?

6 PROSPECTIVE JUROR: No, if the case has nothing to
7 do with them being Muslim, if that makes sense.

8 THE COURT: And Question 24, contact with people
9 whose backgrounds are East African, particularly Somalian.

10 PROSPECTIVE JUROR: Yeah, I have quite a few
11 friends that are Somali.

12 THE COURT: And in what capacity do you see those
13 friends?

14 PROSPECTIVE JUROR: Nothing really social.
15 Basically just work friends.

16 THE COURT: And so based on those interactions,
17 any feelings, negative or positive, toward the Somali
18 community or anyone within it?

19 PROSPECTIVE JUROR: Positive, yes.

20 THE COURT: Okay. And 25(a) gets at unconscious
21 bias. Are you comfortable committing yourself to thinking
22 about why you make the decision you make and examining it
23 for bias?

24 PROSPECTIVE JUROR: Yeah, I would be comfortable
25 any decision I make, sure.

1 THE COURT: Okay. And Question 25(b) is if people
2 are of a different racial or ethnic background than you or
3 practice a different religion, can you commit yourself to
4 evaluating evidence and resisting any urge to reach a
5 verdict influenced by a hidden bias?

6 PROSPECTIVE JUROR: I would be comfortable, yes.

7 THE COURT: And are you willing to apply the law
8 as the court explains it to you?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: And any other matter you think you
11 should call to the court's attention?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Okay. Thank you. Let me just check
14 with the attorneys.

15 **(Sidebar discussion)**

16 THE COURT: Any follow-up?

17 MR. THOMPSON: Your Honor, the government has a
18 cause challenge for this juror for several reasons.

19 First, the last thing he mentioned is that he
20 would not -- the fact that some of the defendants are Muslim
21 would not have an effect on his verdict if the case had
22 nothing to do with them being Muslim.

23 This case I think does. Many of the food
24 distribution sites were at mosques. The defendants have
25 noticed imams on their exhibit list or their witness list.

1 And so I think the fact of their Islamic faith would be a
2 presence throughout this trial through many of the witnesses
3 and much of the evidence in this case. And I think that's
4 problematic.

5 Similarly, the defendant has talked about deeply
6 personal experiences that he has had with law enforcement,
7 distrust of law enforcement, criminal prosecution. And one
8 of the things I noted is he said that he talked about how he
9 would lean towards one side in a case unless things added up
10 and he completely understood them. When he said that I
11 would lean towards the defendants' issue, he pointed to the
12 defendants as he said that, Your Honor. I think that's
13 significant that he's already physically leaning towards the
14 defense table.

15 Finally, I would note that the defendant does
16 appear to be hard of hearing. A number of times throughout
17 your questioning he had to ask you to repeat yourself, and
18 that's -- that, I think, compounds the problem if the juror
19 isn't following some of the testimony, and then because he's
20 not following it, he's inherently, naturally, instinctively
21 going to lean towards the defendants.

22 I take him at his word he comes about these things
23 honestly. I don't begrudge him that, but I think it makes
24 him not a good juror for this case.

25 THE COURT: Any response?

1 MR. COTTER: Your Honor, Patrick Cotter on behalf
2 of Mr. Ismail. I'll address each in turn.

3 First with regard to the Muslim faith, I
4 interpreted his answer to be that unless this case, meaning
5 the facts, related to what was happening, and the
6 allegations had something to do with the religion, he would
7 not have any issue; but if the facts specifically related to
8 the faith, then that would be a problem for him.

9 I don't think it was an indication that he
10 somehow -- just because witnesses are of a certain faith or
11 the defendants are of a certain faith in and of itself would
12 make him lean one way or the other.

13 Secondly, with regard to the -- his experiences
14 with law enforcement, there was -- a lot of that had to do
15 with things that may have -- we've talked about violent
16 crime or things like that, assaults, being mistreated during
17 traffic stops, things of that nature, very different than
18 this type of case. A financial crime with FBI agents and a
19 lot of discussion about financial bank records, things of
20 that nature.

21 Also, he has a ton of positive contacts. Multiple
22 times he talked about positive contacts with law
23 enforcement, with the FBI. He has many law enforcement
24 friends.

25 So he, I think, was very thoughtful in how he went

1 about describing both some of his experiences as a youth and
2 then adult, but also in his work and in his direct contacts
3 with law enforcement, being able to work with law
4 enforcement, them doing their jobs well and properly when he
5 did work with them. The counter on what was just described
6 by the government.

7 And, lastly, I don't think that the hearing issue
8 rises to the level of a -- a specific hardship. I think
9 that can be remedied by his seating on the jury.

10 Thank you.

11 MR. GOETZ: Your Honor, Frederick Goetz for
12 Mr. Shariff.

13 If I could just add that the standard here is a
14 high hurdle according to the Eighth Circuit. A party
15 seeking to strike a member for cause must show the
16 prospective juror is unable to lay aside his or her
17 impressions or opinions and render the verdict based on the
18 evidence presented in court.

19 So to meet that standard, Your Honor, a juror must
20 profess his inability to be impartial and resist any attempt
21 to rehabilitate his position.

22 The court explored his feelings with him in-depth.
23 He said he could be fair. His only expression of leaning
24 one way or another is if the evidence didn't add up. He was
25 simply expressing what he would do if he had a reasonable

1 doubt. I think he's just going to follow the law in this
2 case just as he did before in his prior jury service. I'd
3 ask the court to deny the challenge. The prosecution has
4 not cleared that high hurdle.

5 MR. IAN BIRRELL: And, Your Honor, this is Ian
6 Birrell.

7 I think just to add on, we also oppose the motion.
8 I think what he was articulating when he was talking about
9 how he saw the evidence was actually a pretty good
10 application of the presumption of innocence, that the
11 government needs to present evidence to meet their burden.

12 And the fact that he has been a juror, selected as
13 a foreperson, and reached a guilty verdict undercuts the
14 suggestion of defense bias.

15 And, finally, we would request that Your Honor ask
16 him how he identifies himself racially. We ask that you,
17 Your Honor, do that. I think that's important to have on
18 the record, and we'd ask that.

19 THE COURT: Why?

20 MR. IAN BIRRELL: Because I think there could be a
21 *Batson* challenge that comes up at some point in the future
22 potentially.

23 THE COURT: Well, let's clear that up right now.

24 Do you have an understanding, Mr. Thompson, of how
25 this person identifies themselves racially?

1 MR. THOMPSON: I do not, Your Honor.

2 THE COURT: I do not either. Does anyone else?
3 Then I'm not going to ask. It would create an
4 issue.

5 MR. IAN BIRRELL: Understood, Your Honor.

6 THE COURT: I will agree with the defense on the
7 cause challenge and deny it.

8 **(In open court)**

9 THE COURT: Thank you, sir. We're done
10 questioning you.

11 PROSPECTIVE JUROR: Okay.

12 THE COURT: We're going to retain you and have you
13 go to the next courtroom and ask you to wait out our
14 process. And I really appreciate your patience.

15 PROSPECTIVE JUROR: Thank you.

16 **(Prospective Juror Number 70 exits courtroom)**

17 **(Prospective Juror Number 71 enters courtroom)**

18 THE COURT: You may come forward. I'll have you
19 go by those tables, and you are aiming for this witness
20 chair up by me.

21 Hi. You are Juror Number 71?

22 PROSPECTIVE JUROR: Correct.

23 THE COURT: All right. So I'm going to have you
24 have a seat. You are going to speak into that microphone
25 because we're taking down what you say.

1 PROSPECTIVE JUROR: Okay.

2 THE COURT: And we're going to go through the
3 questions on the questionnaire before you beginning with how
4 old you are.

5 PROSPECTIVE JUROR: 46.

6 THE COURT: And Question Number 2.

7 PROSPECTIVE JUROR: No.

8 THE COURT: And how about Question Number 3.

9 PROSPECTIVE JUROR: When I got the summons, I saw
10 the name of the case and vaguely remembered something from a
11 month or a year before this had occurred, but no details.

12 THE COURT: What do you remember hearing?

13 PROSPECTIVE JUROR: Food bank and scam.

14 THE COURT: Do you recall whether you heard anyone
15 was charged or arrested or --

16 PROSPECTIVE JUROR: I feel like investigation.

17 THE COURT: Just an investigation?

18 PROSPECTIVE JUROR: Yeah.

19 THE COURT: Do you recall anything about a search
20 warrant?

21 PROSPECTIVE JUROR: No.

22 THE COURT: And do you know what the source of
23 that information would have been?

24 PROSPECTIVE JUROR: I feel like it was KARE 11.

25 THE COURT: Do you think you only heard that once?

1 PROSPECTIVE JUROR: One time.

2 THE COURT: And based on that exposure, have you
3 developed an opinion on the guilt or innocence of the
4 defendants?

5 PROSPECTIVE JUROR: No.

6 THE COURT: And can you set aside what you might
7 have heard through other sources and decide the case based
8 only on the evidence presented at trial?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Since you got the summons, have you
11 been able to follow my instruction and not hear anything or
12 see anything?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Yes.

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: And Question 4.

17 PROSPECTIVE JUROR: No.

18 THE COURT: Question 5(a).

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Question -- Question 5(a) is worded
21 poorly but --

22 PROSPECTIVE JUROR: Oh, sure.

23 THE COURT: The question is whether you have any
24 difficulty reading or --

25 PROSPECTIVE JUROR: Oh, no, sorry.

1 THE COURT: 5(b).

2 PROSPECTIVE JUROR: No.

3 THE COURT: 5(c).

4 PROSPECTIVE JUROR: No.

5 THE COURT: And Question 6.

6 PROSPECTIVE JUROR: I grew up in Maple Grove,
7 Minnesota, and I currently reside in Golden Valley.

8 THE COURT: And can you take us through
9 Question 7.

10 PROSPECTIVE JUROR: Sure. I am currently an RN --
11 a nurse, an RN. I got my BSN from St. Kate's or the College
12 of Saint Catherine. I've been in the same job for 24 years,
13 so that is unchanged.

14 THE COURT: And where do you work?

15 PROSPECTIVE JUROR: I am at M Health Riverside.

16 THE COURT: What do you do there?

17 PROSPECTIVE JUROR: Labor and delivery.

18 THE COURT: And have you done that for 24 years?

19 PROSPECTIVE JUROR: Mm-hmm.

20 THE COURT: How many babies do you think you have
21 delivered?

22 PROSPECTIVE JUROR: I wish I had kept count.

23 THE COURT: I wish you had too.

24 PROSPECTIVE JUROR: I didn't. I know.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR: Thousands, yeah.

2 THE COURT: Do you have a spouse or partner?

3 PROSPECTIVE JUROR: No.

4 THE COURT: And how about Question 8?

5 PROSPECTIVE JUROR: No children.

6 THE COURT: Question 9.

7 PROSPECTIVE JUROR: I am a reader and a traveller.

8 My brother and I are hiking the Superior Hiking Trail,
9 section hiking. I don't belong to any organizations or
10 groups.

11 THE COURT: And what types of things do you read?

12 PROSPECTIVE JUROR: Fiction.

13 THE COURT: And how about Question 10?

14 PROSPECTIVE JUROR: No.

15 THE COURT: And let me go back to your work at
16 M Health Riverside. You are able to be here during trial?

17 PROSPECTIVE JUROR: Yeah. I work on a unit with
18 many nurses, so people just will pick up my shifts.

19 THE COURT: All right. And you've talked to
20 M Health about that, and they're --

21 PROSPECTIVE JUROR: Yeah, yeah. We have coverage
22 in our contract that if we are required, that they'll --

23 THE COURT: For jury service?

24 PROSPECTIVE JUROR: Mm-hmm.

25 THE COURT: I'm glad for that. Thank you.

1 PROSPECTIVE JUROR: Yep.

2 THE COURT: Question 11.

3 PROSPECTIVE JUROR: I have a subscription to the
4 New York Times online mostly for the games. I get a daily
5 email, and I'll kind of pick and choose what I want to read
6 from that. Otherwise, that's pretty much it.

7 THE COURT: Okay. How about podcasts?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Any local newspapers?

10 PROSPECTIVE JUROR: No.

11 THE COURT: All right. And Question 12.

12 PROSPECTIVE JUROR: Nope, I have never been a
13 juror.

14 THE COURT: And Question 13.

15 PROSPECTIVE JUROR: No, I did not know anyone
16 prior to meeting them Monday.

17 THE COURT: Question 14.

18 PROSPECTIVE JUROR: I have a cousin who is a
19 lawyer.

20 THE COURT: Where?

21 PROSPECTIVE JUROR: She works for -- I think now
22 she's with the State of Minnesota. She works in like
23 licensing, overseeing actually nursing and teachers and
24 things like that.

25 THE COURT: Do you know where she worked before?

1 PROSPECTIVE JUROR: She was I think with Scott
2 County, their juvenile. I don't know what she did, though.
3 Yeah.

4 THE COURT: Do you think she has anything to do
5 with criminal law?

6 PROSPECTIVE JUROR: Back then, she probably did.
7 She clerked actually for a judge down there, and I wish I
8 could -- it was with a juvenile probably prosecution. We
9 didn't really talk too much about it.

10 THE COURT: Anything about your relationship with
11 her or discussions about her profession that would affect
12 your jury service here?

13 PROSPECTIVE JUROR: No.

14 THE COURT: Question 15.

15 PROSPECTIVE JUROR: No.

16 THE COURT: And Question 16.

17 PROSPECTIVE JUROR: Oh, so I myself have had my
18 wallet stolen probably 2 or 3 times in my life. And then I
19 did have to file a police report maybe in 2018 or so.
20 Someone was like on our rooftop filming into my apartment,
21 but nothing ever came from that.

22 THE COURT: And did you interact with law
23 enforcement at that time?

24 PROSPECTIVE JUROR: I -- just when I filed the
25 police report. That was with Golden Valley.

1 THE COURT: And do you feel that you were treated
2 fairly?

3 PROSPECTIVE JUROR: Yeah.

4 THE COURT: Okay. How about Question 17.

5 PROSPECTIVE JUROR: No direct workers in law
6 enforcement. My sister does work for the Hennepin County
7 Sheriff's Department. She's like HR, I think, absence
8 management.

9 THE COURT: Anything about that that you think
10 would lead you to be less than fair or impartial here?

11 PROSPECTIVE JUROR: No. And she can't talk about
12 her job either, so we don't.

13 THE COURT: And some of the witnesses here are
14 going to be law enforcement officers, either federal or
15 state. Can you treat those witnesses like you would treat
16 anyone else?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Question 19.

19 PROSPECTIVE JUROR: Testified in court. I -- I
20 had a back injury in maybe 2008. And it was like a workers'
21 comp issue that I had to suss out in court. So I did go in
22 front of a -- I feel it was in St. Paul. I can't really
23 remember the details now.

24 THE COURT: But some sort of a hearing?

25 PROSPECTIVE JUROR: Yeah.

1 THE COURT: Were you represented by an attorney?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: And so you testified?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Was that matter resolved to your
6 satisfaction?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Anything about that experience that
9 you think would lead you to be less than fair or impartial?

10 PROSPECTIVE JUROR: No.

11 THE COURT: How about Question 20?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Question 21.

14 PROSPECTIVE JUROR: No.

15 THE COURT: Question 22.

16 PROSPECTIVE JUROR: No.

17 THE COURT: Question 23.

18 PROSPECTIVE JUROR: No, I interact with Islamic or
19 Muslim patients in my nursing duties, and I like them, yeah.

20 THE COURT: Do you know -- can you estimate what
21 percentage of your patients are --

22 PROSPECTIVE JUROR: I was thinking about that. A
23 few years ago, they did like a who do we serve kind of
24 demographic thing. And I feel like at the time it was
25 13 percent, and I think that's probably accurate.

1 THE COURT: And 13 percent East African, Somalian,
2 or something else?

3 PROSPECTIVE JUROR: I think East African.

4 THE COURT: And any positive or negative feelings
5 one way or another about the East African or Somali
6 community or anyone in it?

7 PROSPECTIVE JUROR: No, I think people just like
8 me.

9 THE COURT: Able to treat any witness, any
10 defendant --

11 PROSPECTIVE JUROR: Correct.

12 THE COURT: -- equally?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Okay. And so 25 continues on that --

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: -- theme. 25(a) is unconscious bias.
17 Do you have unconscious bias training as a nurse?

18 PROSPECTIVE JUROR: We do, yeah.

19 THE COURT: And so can you -- are you comfortable
20 committing yourself to thinking about why you are making the
21 decision you are and examining that decision for bias?

22 PROSPECTIVE JUROR: Absolutely.

23 THE COURT: And then similar to what I asked you
24 about the East African population, people involved in this
25 case might be a different race or ethnic background from you

1 or practice a different religion. Can you commit yourself
2 to carefully evaluating the evidence and resisting an urge
3 to reach a verdict influenced by hidden or unconscious bias?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: In your practice -- or have you also
6 had contact or patients with folks who are incarcerated?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Okay. And how does that work?

9 PROSPECTIVE JUROR: So it's not as frequent. I
10 think HCMC is more equipped to handle those patients, so we
11 kind of just every once in a while, we get an overflow.
12 They usually come with a deputy with them, and then they
13 just sit in the hall and I take care of the patient as I
14 would normally.

15 THE COURT: Okay. Anything about that that sticks
16 out in your mind that would lead you to be less than fair or
17 impartial?

18 PROSPECTIVE JUROR: No.

19 THE COURT: Are you willing to apply the law as
20 the court explains it to you?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: And can you think of anything else you
23 would like to call to the court's attention?

24 PROSPECTIVE JUROR: No.

25 THE COURT: Okay. Just one moment.

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(Sidebar discussion)

THE COURT: Any follow-up?

MR. SCHLEICHER: Your Honor, Steve Schleicher on behalf of Said Farah.

I don't have any follow-up for myself, but I just want to disclose for the record in case anyone else does, if the person, her cousin, has the same last name as her, I believe she may be referring to someone who I have had contact with in the last four months, works at the state Attorney General's Office. I believe they represent the Board of Nursing.

I don't believe that this person would have any reason to remember me or the interaction or anything like that, but if anyone wants to follow up on that, that's the disclosure.

THE COURT: Thank you.

Anyone else or any follow-up on Mr. Schleicher's comment?

MR. GOETZ: Your Honor, the only follow-up question, was she able to get any identifying information about the people who stole her wallets? I don't know that we heard that.

THE COURT: Okay. Mr. Thompson.

MR. THOMPSON: Your Honor, with respect to the Attorney General's Office issue, there may or may not be

1 reference to a lawsuit litigation involving the Attorney
2 General's Office representing MDE in this case. I'm curious
3 if that -- her relationship would affect that -- her view of
4 that testimony.

5 THE COURT: Thank you.

6 (In open court)

7 THE COURT: Just two things.

8 PROSPECTIVE JUROR: Sure.

9 THE COURT: You had said that your wallet had been
10 stolen a couple times.

11 PROSPECTIVE JUROR: Yes. Yeah.

12 THE COURT: Were you ever able to identify who did
13 that?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Did you ever identify a witness
16 either -- or identify a perpetrator by sight?

17 PROSPECTIVE JUROR: No.

18 THE COURT: And it's your cousin who works for --

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: -- the State of Minnesota?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Do you know -- can you be more
23 specific than the State of Minnesota?

24 PROSPECTIVE JUROR: No. All I know is that she
25 works -- she helps to oversee people who hold licenses in

1 the medical profession, construction, teachers, and things
2 like that.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR: Yeah. I'm so sorry.

5 THE COURT: Do you think she works for the
6 attorney general?

7 PROSPECTIVE JUROR: I don't know.

8 THE COURT: Okay. And regardless of that, if
9 there's any witness who -- or reference to the attorney
10 general, or the Attorney General's Office in this
11 litigation, would that trigger anything for you?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Okay. All right. Thank you. I'm
14 going to retain you and have you go to the courtroom next
15 door.

16 PROSPECTIVE JUROR: Okay. Thank you.

17 THE COURT: Thank you.

18 **(Prospective Juror Number 71 exits courtroom)**

19 THE COURT: I think we should take a break. Let's
20 come back at 3:15. Thank you, everyone.

21 THE CLERK: All rise.

22 (Recess taken at 2:56 p.m. till 3:16 p.m.)

23

24

IN OPEN COURT

25

(JURY PANEL NOT PRESENT)

1 THE COURT: Please be seated.

2 Before our next juror comes in, I'd like to have a
3 sidebar.

4 **(Sidebar discussion)**

5 THE COURT: You may recall that Juror Number 48
6 was the ambassador for the Lupus Foundation or organization.
7 She has had a lupus flare-up, which she tells me is going to
8 result in her joints locking up and not being able to come
9 to court.

10 And I met with her privately to explore that and
11 see if she could serve. She really wants to serve and felt
12 terrible about it.

13 But we are losing Number 48, and so I've excused
14 her, so we're down one. Thank you.

15 **(In open court)**

16 **(Prospective Juror Number 72 enters courtroom)**

17 THE COURT: Good afternoon. Come on forward. I'm
18 going to have you follow the path along here, and you are
19 aiming for this chair up here next to me.

20 You are Juror Number 72?

21 PROSPECTIVE JUROR: That's correct.

22 THE COURT: All right. And I'm going to have you
23 answer these questions on the questionnaire right into the
24 microphone, and the court reporter is taking down your
25 answers. Let's start with Number 1, which is, How old are

1 you?

2 PROSPECTIVE JUROR: 44.

3 THE COURT: And what about the answer to
4 Question 2?

5 PROSPECTIVE JUROR: I don't believe so.

6 THE COURT: Question 3.

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: And how have you heard of it?

9 PROSPECTIVE JUROR: Heard it through news.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR: Approximately a year ago.

12 THE COURT: And what did you hear?

13 PROSPECTIVE JUROR: Heard that there was an
14 organization that was working with a restaurant or some
15 facility to provide food for individuals during COVID and
16 may have falsified the amount of people that they fed.

17 THE COURT: Do you remember whether there was any
18 discussion about whether there are charges brought or a
19 court case?

20 PROSPECTIVE JUROR: I remember that they talked
21 about, you know, they had been accused of it. I did not
22 know about a court case or anything like that.

23 THE COURT: And do you just recall the one news
24 piece that you heard?

25 PROSPECTIVE JUROR: I believe it was Bring Me the

1 News.

2 THE COURT: And was it just once, or did you kind
3 of follow along, or were there other reports?

4 PROSPECTIVE JUROR: I believe it was just once I
5 saw it, and I may have done a -- I believe I did some
6 searching on it just to see if I could find out a little
7 more information, but I don't remember seeing anything else.

8 THE COURT: Why did you do the search?

9 PROSPECTIVE JUROR: Curiosity.

10 THE COURT: Okay. Do you remember what came up
11 and what you learned?

12 PROSPECTIVE JUROR: Basically it was -- it seemed
13 like it was the same news story over and over, like it was
14 repeated across multiple news outlets, so I don't remember
15 reading any additional information from it.

16 THE COURT: Based on what you read, did you
17 develop an opinion on the guilt or innocence of these
18 defendants?

19 PROSPECTIVE JUROR: No guilt or innocence.

20 THE COURT: Any opinion on the case generally?

21 PROSPECTIVE JUROR: Just that I remember feeling a
22 little bit frustrated. That if it was federal funds being
23 used inappropriately, I feel like that's kind of like my
24 money, I'm giving tax money to do that, so just -- just
25 frustrated in that respect.

1 THE COURT: And did you -- understanding that sort
2 of if it happened, it is bad, kind of that kind of feeling,
3 did you form an opinion on whether it actually happened?

4 PROSPECTIVE JUROR: No, I did not.

5 THE COURT: Okay. And the defendants are under a
6 presumption of innocence. It's on the government to prove
7 the case beyond a reasonable doubt. Can you follow that
8 presumption?

9 PROSPECTIVE JUROR: Yes, I can.

10 THE COURT: And can you set aside what you may
11 have learned through other sources and decide the case based
12 only on the evidence presented?

13 PROSPECTIVE JUROR: I believe I can.

14 THE COURT: And can you answer Question 4.

15 PROSPECTIVE JUROR: The only one I heard of is
16 Feeding Our Future. And that was through that news article.

17 THE COURT: And have you been able to follow my
18 instructions since the letter you got summonsing you?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: And 5(a) is whether you have any
21 difficulty reading, understanding, or speaking English.

22 PROSPECTIVE JUROR: I do not.

23 THE COURT: Okay. And then 5(b), what's the
24 answer to that?

25 PROSPECTIVE JUROR: No, I do not.

1 THE COURT: 5(c).

2 PROSPECTIVE JUROR: No, I do not.

3 THE COURT: And Question 6.

4 PROSPECTIVE JUROR: I grew up -- I was born into a
5 military family. I lived in a couple different states at a
6 young age. My dad -- I was born out -- out east in Maryland
7 in Prince George's County. I moved to Oklahoma. I lived
8 there about fives years. Moved here when I was nine. Lived
9 in Little Canada, Minnesota, and went to school there. Went
10 to college up in St. Cloud, and now I live in Ham Lake.

11 THE COURT: Thank you. Could you take us through
12 the answers listed in Number 7.

13 PROSPECTIVE JUROR: Number 7. So I have a
14 bachelor's degree in accounting from St. Cloud State
15 University. I have been -- in the last five years, I have
16 sold a public accounting practice to an individual that I
17 work for today. I currently manage a group of 20
18 accountants across two different locations in two different
19 states.

20 And I also own and operate a senior home care
21 business.

22 THE COURT: Where is the senior home care?

23 PROSPECTIVE JUROR: It is based out of Roseville,
24 Minnesota.

25 THE COURT: And what's the name of it?

1 PROSPECTIVE JUROR: It's called JLC Homecare,
2 doing business as ComForCare St. Paul.

3 THE COURT: And how long has that business been
4 going?

5 PROSPECTIVE JUROR: We purchased that territory --
6 it's a franchise -- purchased that territory in
7 December 2021.

8 THE COURT: And when you say "we," who are you
9 talking about?

10 PROSPECTIVE JUROR: I'm sorry. I'm the sole
11 owner. My sister helps operate, and so does my current
12 girlfriend.

13 THE COURT: Okay. How long -- you worked for the
14 accounting practice that you -- that you sold?

15 PROSPECTIVE JUROR: Yes, I own that, yes.

16 THE COURT: And how long did you own that?

17 PROSPECTIVE JUROR: I started that in 2005 and
18 sold it in 2019.

19 THE COURT: And are you a CPA?

20 PROSPECTIVE JUROR: I am not a CPA.

21 THE COURT: And you said you do have a girlfriend.
22 What does she do?

23 PROSPECTIVE JUROR: She is the marketing director
24 for the senior home care business.

25 THE COURT: And Question Number 8.

1 PROSPECTIVE JUROR: I have one child, 13 years
2 old.

3 THE COURT: Were you previously married?

4 PROSPECTIVE JUROR: I was.

5 THE COURT: And what did your ex-spouse do?

6 PROSPECTIVE JUROR: She was a retail manager for a
7 shoe store.

8 THE COURT: Where does your child go to school?

9 PROSPECTIVE JUROR: My child goes to school at
10 Spring Lake Park School District.

11 THE COURT: Okay. And Question 9.

12 PROSPECTIVE JUROR: Hobbies, I'm into sports. I
13 played soccer since I was four years old, so very heavy into
14 soccer. My son plays it as well, so that takes up the
15 majority of my time in the evenings.

16 And not actively involved in any churches. I did
17 grow up Mormon, so I do have some faith in that. But I
18 don't actively practice today.

19 THE COURT: Any other organizations that you
20 belong to?

21 PROSPECTIVE JUROR: Just -- just professional
22 organizations. So the PASBA, which is Professional
23 Association of Small Business Accountants.

24 THE COURT: Question 10.

25 PROSPECTIVE JUROR: I don't believe so, no.

1 THE COURT: And Question 11.

2 PROSPECTIVE JUROR: Mainly it is online sources;
3 FOX News, Bring Me the News, MSN, CNN.

4 THE COURT: And how about any podcasts you listen
5 to even outside the news?

6 PROSPECTIVE JUROR: I don't listen. I don't even
7 know how to do a podcast.

8 THE COURT: And any other -- any print magazines
9 or newspapers?

10 PROSPECTIVE JUROR: No.

11 THE COURT: Okay. And are you on social media?

12 PROSPECTIVE JUROR: I am.

13 THE COURT: What kinds of things do you follow on
14 social media?

15 PROSPECTIVE JUROR: Mainly just friends. I only
16 have Facebook. I don't know how to use any of the other
17 ones. So it's mainly just friends and updates from them.

18 THE COURT: Question 12.

19 PROSPECTIVE JUROR: I have never served as a
20 juror.

21 THE COURT: Question 13.

22 PROSPECTIVE JUROR: I did not know anybody on the
23 jury pool.

24 THE COURT: And 14.

25 PROSPECTIVE JUROR: I do not have any relatives or

1 close friends, just professional clients.

2 THE COURT: Do you work with lawyers as a part of
3 your business, other than having them as clients?

4 PROSPECTIVE JUROR: I do not.

5 THE COURT: How about 15.

6 PROSPECTIVE JUROR: Took a business law class in
7 college.

8 THE COURT: And 16.

9 PROSPECTIVE JUROR: Not that I'm aware of.

10 THE COURT: And 17.

11 PROSPECTIVE JUROR: Not that I'm aware of.

12 THE COURT: And 18.

13 PROSPECTIVE JUROR: I don't have any for or
14 against. I believe in law enforcement. My neighborhood,
15 there's three police officers in the neighborhood. I'm not
16 friends with them. I'm acquaintances with them, but I
17 believe they have a job to do, and it's a tough job, so --

18 THE COURT: If a law enforcement officer takes the
19 stand in this case, can you treat that person like you treat
20 any other witness?

21 PROSPECTIVE JUROR: Absolutely.

22 THE COURT: Question 19.

23 PROSPECTIVE JUROR: No.

24 THE COURT: Question 20.

25 PROSPECTIVE JUROR: Yes. During COVID, school --

1 my son was getting school breakfast and lunch programs, free
2 lunch programs. I think they still continue that today.
3 And then he was in childcare receiving free food from there
4 as well.

5 THE COURT: And what was the childcare?

6 PROSPECTIVE JUROR: Oh, boy. I don't remember the
7 name of it. It is a big childcare company. And I can't
8 remember -- he was only there for three months. I can't
9 remember the name. If somebody said it, I would know,
10 but --

11 THE COURT: Okay. Was it over like during
12 distance learning, or what three-month period?

13 PROSPECTIVE JUROR: It was just during the summer.

14 THE COURT: Summer. Are you aware of any
15 nonprofits that provided meals during COVID?

16 PROSPECTIVE JUROR: No, I'm not.

17 THE COURT: When your son received school
18 breakfast and lunch, was that solely school related?

19 PROSPECTIVE JUROR: That's correct.

20 THE COURT: Did you have to do anything or follow
21 any protocol in order for him to get that service?

22 PROSPECTIVE JUROR: No. They told anybody under
23 the age of 18 they could come and get free breakfast or free
24 lunch.

25 THE COURT: And that was at the school?

1 PROSPECTIVE JUROR: That was at the school.

2 THE COURT: And the childcare, how did that work
3 for breakfast or lunch?

4 PROSPECTIVE JUROR: It was part of the payment
5 that you made every week, and so you dropped them off, and
6 they would provide breakfast and lunch for them.

7 THE COURT: Was it a different protocol during
8 COVID or not -- than not, or was he only in there during
9 COVID?

10 PROSPECTIVE JUROR: He was only in there during
11 COVID for the three months.

12 THE COURT: Okay. And you just paid a fee, and
13 part of that fee was meals?

14 PROSPECTIVE JUROR: That's correct.

15 THE COURT: All right. Question 21.

16 PROSPECTIVE JUROR: The only government I ever
17 worked for in any capacity was my first job out of college
18 was at the State of Minnesota in the Department of Finance.

19 THE COURT: What did you do for them?

20 PROSPECTIVE JUROR: I helped prepare the annual
21 CAFR, C-A-F-R, the annual financial report. That was my
22 team.

23 THE COURT: You're familiar with financial
24 reports?

25 PROSPECTIVE JUROR: I am.

1 THE COURT: How about bank statements?

2 PROSPECTIVE JUROR: Absolutely.

3 THE COURT: And how about protocols with respect
4 to keeping financial reports? Are you familiar with those?

5 PROSPECTIVE JUROR: We do that every day.

6 THE COURT: Okay. And so there are going to be
7 financial reports, financial information presented at trial,
8 and the question that both parties want to know is can you
9 assess the evidence in this case, the procedures that were
10 followed, based only on what you hear and see in this trial?

11 PROSPECTIVE JUROR: I believe I can.

12 THE COURT: Question 22.

13 PROSPECTIVE JUROR: I have not had exposure to
14 those departments directly. Other state departments, but
15 not those.

16 THE COURT: What are the state departments that
17 you've had --

18 PROSPECTIVE JUROR: I work with the Department of
19 Human Services and the -- oh, the health -- Department of
20 Health for the home care business.

21 THE COURT: And can you talk a little bit more
22 about how you interact with those two organizations?

23 PROSPECTIVE JUROR: Absolutely. Department of
24 Human Services, we're required to be licensed through them.
25 To operate a home care business, we have a complex or a

1 comprehensive license with them.

2 And then with the Department of Health, we are
3 currently trying to get approved for waiver programs through
4 the state, through Medicare, to provide care to other
5 seniors that can't afford our services.

6 THE COURT: Question 23.

7 PROSPECTIVE JUROR: I do not, nor or against.

8 THE COURT: And Question 24.

9 PROSPECTIVE JUROR: My home care business, we do
10 have a -- about 25 percent of our employees are Somalian.
11 It just seems to be kind of the nature of that business.

12 THE COURT: And do you hire those employees?

13 PROSPECTIVE JUROR: We do.

14 THE COURT: How about you personally?

15 PROSPECTIVE JUROR: I do not.

16 THE COURT: Who does that?

17 PROSPECTIVE JUROR: My sister does that. She's in
18 charge of recruiting and scheduling.

19 THE COURT: How about if there were to be a
20 termination. Do you do that, fire employees?

21 PROSPECTIVE JUROR: Firing, we do make that a
22 group decision, if somebody needs to be fired; and then for
23 hiring, if we are -- if she is unsure, she consults with me.

24 THE COURT: Okay. Have you had to fire anyone?
25 It's a pretty new business for you, right?

1 PROSPECTIVE JUROR: Every day. We have a turnover
2 of about 200 percent. It's a very, very high turnover
3 business.

4 THE COURT: Do you know whether any of the people
5 that have turned over due to a termination of employment by
6 you were East African or Somali?

7 PROSPECTIVE JUROR: They were, yes.

8 THE COURT: Okay. And any issues with that that
9 have come up in terms of allegations of discrimination or
10 anything like that?

11 PROSPECTIVE JUROR: No, we have not.

12 THE COURT: Okay. And based on your interactions
13 with your employees who are from East Africa or Somalia, do
14 you have positive or negative feelings toward that community
15 or anyone in it?

16 PROSPECTIVE JUROR: I don't have any positive or
17 negative feelings. They have some limitations that don't
18 allow them to work with certain individuals, which can make
19 it tough in the home care industry. We don't get a choice
20 of who our clients are coming in, and so it can make it
21 difficult to keep them employed.

22 THE COURT: Okay. And what are those limitations?

23 PROSPECTIVE JUROR: Usually religious limitations,
24 not being able to touch pork or a female not being able to
25 work with a male.

1 We also have issues with the seniors, because they
2 do get to make their own decisions, having some prior
3 prejudices.

4 THE COURT: Some of the seniors do?

5 PROSPECTIVE JUROR: Correct.

6 THE COURT: How do you handle that?

7 PROSPECTIVE JUROR: Delicately. It can be
8 difficult. We try to have a conversation with the seniors,
9 with our clients to let them know that, you know, providing
10 home care, there's not always a lot of choice in who we can
11 select and who we can have. And so we try to find the best
12 individuals that can match up the best to them and provide
13 them the best care.

14 And so if they are not wanting a certain ethnic
15 group or a certain type of individual, it can take a long
16 time to find the right care for them or they may, at some
17 point, not get the type of care that they really need.

18 THE COURT: And has that situation happened only
19 with your employees who are East African or Somalian or also
20 other ethnicities, religions, races?

21 PROSPECTIVE JUROR: It does happen with other
22 ethnicities. It happens mainly in the African community. A
23 lot of Nigerians, we also have that issue as well. But also
24 by sex; so male, female. We run into a lot of individuals
25 that may only want a male, and it's just not a heavy male

1 group that we can hire from, so --

2 THE COURT: Based on all of that experience, do
3 you have any qualms whatsoever about your ability to be fair
4 and impartial to defendants who may be in that community?

5 PROSPECTIVE JUROR: I don't think so.

6 THE COURT: I'm looking for better than that.

7 PROSPECTIVE JUROR: Oh, I'm sorry. I believe I
8 can be fair, yes.

9 THE COURT: Do you generally think of yourself as
10 a fair person?

11 PROSPECTIVE JUROR: I do.

12 THE COURT: How do you generally make difficult
13 decisions?

14 PROSPECTIVE JUROR: A lot of conversation with
15 other people that I trust or are in my inner circle, per se.
16 My family was very strict. My dad was military, so we have
17 followed the rule, and fair and honesty is ingrained in who
18 we are. And if I have trouble with a difficult decision, I
19 want to make sure I am making the right decision.

20 As an example, you know, when you are angry at a
21 significant other, upset at a significant other, I don't
22 like to have a conversation right then. I like to think
23 about it in respective what did I maybe do wrong before I
24 make a decision or have a conversation.

25 THE COURT: Do you do any training at the home

1 care facility?

2 PROSPECTIVE JUROR: We are required to train every
3 individual.

4 THE COURT: Okay. Does part of that training
5 include diversity training?

6 PROSPECTIVE JUROR: Yes, it does.

7 THE COURT: Does it include unconscious bias
8 training?

9 PROSPECTIVE JUROR: It does not.

10 THE COURT: Okay. You saw the video on
11 unconscious bias?

12 PROSPECTIVE JUROR: I did.

13 THE COURT: Are you comfortable committing
14 yourself to, if you are selected, thinking about why you are
15 making the decision that you are and examining it for any
16 hidden bias?

17 PROSPECTIVE JUROR: I am.

18 THE COURT: And as we've just gone over, people in
19 the case may be from a different racial and ethnic
20 background or practice a different religion than you. Can
21 you commit yourself to carefully evaluating the evidence and
22 resist unconscious biases?

23 PROSPECTIVE JUROR: Absolutely.

24 THE COURT: Are you willing to apply the law as
25 the court explains it to you?

1 PROSPECTIVE JUROR: Yes, I am.

2 THE COURT: Anything else that you think needs to
3 come to the court's attention?

4 PROSPECTIVE JUROR: Not that I can think of
5 offhand, no.

6 THE COURT: All right. Let me see what the
7 attorneys have to say. Just one moment.

8 **(Sidebar discussion)**

9 THE COURT: Any follow-up?

10 Any motion?

11 Thank you.

12 **(In open court)**

13 THE COURT: All right. I'm going to retain you
14 and have you go to the next courtroom over --

15 PROSPECTIVE JUROR: Okay.

16 THE COURT: -- and wait out our process. And it
17 is a bit of a process, so I really appreciate your patience.

18 PROSPECTIVE JUROR: Thank you.

19 THE COURT: Thank you.

20 **(Prospective Juror Number 72 exits courtroom)**

21 **(Prospective Juror Number 73 enters courtroom)**

22 THE COURT: Good afternoon. Come on forward. You
23 are going to go around past the jury box and up to the
24 witness stand by me.

25 Hi.

1 PROSPECTIVE JUROR: Hello.

2 THE COURT: You are Juror Number 73?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: All right. You've got that
5 questionnaire in front of you. I'm going to go through
6 those questions with you starting with Number 1, which is,
7 How old are you?

8 PROSPECTIVE JUROR: 41.

9 THE COURT: And what is the answer to Question 2?

10 PROSPECTIVE JUROR: No.

11 THE COURT: How about Question 3.

12 PROSPECTIVE JUROR: I don't believe I have, so I
13 can't really say one way or another.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR: I thought I heard something
16 about it, but I was thinking it was more along the lines of
17 like fake daycare centers, but --

18 THE COURT: Do you regularly listen to the news?

19 PROSPECTIVE JUROR: No.

20 THE COURT: Have you developed any opinion on the
21 guilt or innocence of these defendants?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Okay. And Question Number 4.

24 PROSPECTIVE JUROR: No, I can't say I have.

25 THE COURT: And do you have any trouble reading,

1 understanding, or speaking English?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Okay. And 5(b).

4 PROSPECTIVE JUROR: 5(b)?

5 THE COURT: Yep, problems seeing or hearing.

6 PROSPECTIVE JUROR: No.

7 THE COURT: Okay. And 5(c), any other physical or
8 mental issues?

9 PROSPECTIVE JUROR: No.

10 THE COURT: And can you answer Question 6.

11 PROSPECTIVE JUROR: I grew up in Princeton,
12 Minnesota, and I live in Zimmerman, Minnesota.

13 THE COURT: And can you go through the questions
14 that we ask in 7.

15 PROSPECTIVE JUROR: Okay. I have a high school
16 education, trade school after that. I'm a union tile
17 setter, been doing that for about ten years.

18 THE COURT: What did you do before you were a tile
19 setter?

20 PROSPECTIVE JUROR: Precast concrete.

21 THE COURT: Was that also a union job?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR: And my wife does home health
25 care.

1 THE COURT: Does she work for an organization?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: What is that organization?

4 PROSPECTIVE JUROR: Passionate home care.

5 THE COURT: How long has she been doing that?

6 PROSPECTIVE JUROR: Probably nine years or so.

7 THE COURT: And is she medically trained?

8 PROSPECTIVE JUROR: She's not a nurse, but kind
9 of, yeah.

10 THE COURT: Okay. She's had to go through
11 training for home health care?

12 PROSPECTIVE JUROR: Yeah.

13 THE COURT: Okay. And how about Number 8?

14 PROSPECTIVE JUROR: I have one stepson who is 15.

15 THE COURT: And where does he go to school?

16 PROSPECTIVE JUROR: Zimmerman.

17 THE COURT: And how about Number 9.

18 PROSPECTIVE JUROR: Anything outdoors; fishing,
19 hunting, shooting guns, going to the race track, watching
20 cars go around in circles.

21 THE COURT: Okay. How about any groups that
22 you -- or organizations that you belong to?

23 PROSPECTIVE JUROR: None.

24 THE COURT: How about church?

25 PROSPECTIVE JUROR: Nope.

1 THE COURT: Okay. And Question Number 10.

2 PROSPECTIVE JUROR: No. I'd say no to that,
3 because I don't really care to listen to people talk all the
4 time.

5 THE COURT: And so Question 10 is any religious,
6 philosophical, or other beliefs that you have that would
7 lead you to render an impartial verdict?

8 PROSPECTIVE JUROR: No, I'm really not religious.

9 THE COURT: Okay. Do you think of yourself as a
10 fair person?

11 PROSPECTIVE JUROR: Yeah.

12 THE COURT: Okay. And you said you don't really
13 follow podcasts or --

14 PROSPECTIVE JUROR: No.

15 THE COURT: -- news or anything. All right.

16 PROSPECTIVE JUROR: Rather listen to music.

17 THE COURT: Okay. What kind of music do you like?

18 PROSPECTIVE JUROR: Pretty much anything.

19 THE COURT: Okay. Are you on social media?

20 PROSPECTIVE JUROR: Yes, I am on Facebook.

21 THE COURT: Okay. What kinds of things do you
22 follow?

23 PROSPECTIVE JUROR: I really don't follow a lot to
24 be honest with you.

25 THE COURT: You use it for friends kind of, or

1 what do you use it for?

2 PROSPECTIVE JUROR: Marketplace mostly.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR: If it wasn't for that, I
5 probably wouldn't have Facebook.

6 THE COURT: Okay. And do you like to read?

7 PROSPECTIVE JUROR: Not really.

8 THE COURT: Okay. And how about Number 12,
9 previous jury service.

10 PROSPECTIVE JUROR: Never.

11 THE COURT: Question 13.

12 PROSPECTIVE JUROR: No.

13 THE COURT: Question 14.

14 PROSPECTIVE JUROR: No.

15 THE COURT: Question 15.

16 PROSPECTIVE JUROR: No.

17 THE COURT: Question 16, contacts with the
18 criminal justice system.

19 PROSPECTIVE JUROR: No.

20 THE COURT: Question 17.

21 PROSPECTIVE JUROR: I have a distant friend that's
22 a chief of police in some little town. I can't remember the
23 name of it.

24 THE COURT: Okay. You said you liked shooting
25 guns. How many guns do you have?

1 PROSPECTIVE JUROR: I don't know. A few.

2 THE COURT: Okay. Do you go to gun shows?

3 PROSPECTIVE JUROR: Not shows, but I go to the gun
4 range and --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR: My whole family and some of
7 our friends are on trap leagues and --

8 THE COURT: Okay. Got it.

9 And 18 is that some of the witnesses in this trial
10 are likely to be law enforcement officers. Do you have a
11 general feeling negative or positive about law enforcement
12 officers?

13 PROSPECTIVE JUROR: Not really.

14 THE COURT: Okay. Question 19.

15 PROSPECTIVE JUROR: No.

16 THE COURT: And Question 20.

17 PROSPECTIVE JUROR: Does my kid getting lunch at
18 school count?

19 THE COURT: Yes. And do you know if that was
20 different during COVID?

21 PROSPECTIVE JUROR: I don't think so.

22 THE COURT: Are you aware of any nonprofits that
23 provided meals during COVID?

24 PROSPECTIVE JUROR: No.

25 THE COURT: And Question 21.

1 PROSPECTIVE JUROR: I would say no. I mean, I've
2 worked here doing tile work, but --

3 THE COURT: What do you mean here?

4 PROSPECTIVE JUROR: In the building.

5 THE COURT: In this building?

6 PROSPECTIVE JUROR: Yeah.

7 THE COURT: Really? Tell us about that.

8 PROSPECTIVE JUROR: I don't know. There's
9 somewhere, some floor, I can't remember which it was, but
10 you got some bathrooms and some showers in it, and we did
11 them.

12 THE COURT: And you did the tile work. Did you
13 have to go through any security clearance?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: How was that?

16 PROSPECTIVE JUROR: It really wasn't -- not a big
17 deal, I guess.

18 THE COURT: How long ago was it?

19 PROSPECTIVE JUROR: Four or five years ago.

20 THE COURT: Okay. Thank you.

21 PROSPECTIVE JUROR: Mm-hmm.

22 THE COURT: Question 22.

23 PROSPECTIVE JUROR: No.

24 THE COURT: Question 23.

25 PROSPECTIVE JUROR: I really don't have an

1 opinion. I work with a couple guys that seem pretty good
2 so --

3 THE COURT: You work with a couple guys who what?

4 PROSPECTIVE JUROR: Are Muslim religion. They are
5 from Bosnia.

6 THE COURT: And Question 24, contact with people
7 whose backgrounds are East African or Somalian.

8 PROSPECTIVE JUROR: Nope, can't say I have.

9 THE COURT: Okay. Any feelings one way or another
10 about that community?

11 PROSPECTIVE JUROR: No.

12 THE COURT: Okay. And 25 tries to get at
13 unconscious bias. We went through a video during jury
14 orientation about that. Are you comfortable when you are
15 making a decision to look at yourself and examine, check
16 yourself for bias?

17 PROSPECTIVE JUROR: I think so, yeah.

18 THE COURT: Okay. How do you generally make
19 important decisions?

20 PROSPECTIVE JUROR: Depends on what you mean.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR: Something I'm buying or just
23 life decisions?

24 THE COURT: Life decisions.

25 PROSPECTIVE JUROR: I don't know. Try to think of

1 the good and the bad and how it's going to affect me. I
2 don't know.

3 THE COURT: Okay. How about -- Question 25(b) is
4 people involved in the case may be from different racial,
5 ethnic backgrounds, different religion. Can you commit
6 yourself to carefully evaluating the evidence and resisting
7 any urge to reach a verdict influenced by any hidden or
8 unconscious bias?

9 PROSPECTIVE JUROR: Yeah.

10 THE COURT: Are you willing to apply the law as
11 the court explains it to you?

12 PROSPECTIVE JUROR: Yeah.

13 THE COURT: And can you think of anything else
14 that you should call to our attention?

15 PROSPECTIVE JUROR: Not really.

16 THE COURT: What is the name of your employer?

17 PROSPECTIVE JUROR: Flemming Tile.

18 THE COURT: Okay. Thank you.

19 How many employees there?

20 PROSPECTIVE JUROR: Probably like 16.

21 THE COURT: Do you do any supervising?

22 PROSPECTIVE JUROR: Sometimes.

23 THE COURT: And when does that happen?

24 PROSPECTIVE JUROR: I -- what do you mean, I
25 guess?

1 THE COURT: When you say "sometimes," what do you
2 mean by that?

3 PROSPECTIVE JUROR: Depends on if I'm the first
4 person on a job site or not. That's kind of usually how we
5 do it.

6 THE COURT: Okay. All right. Thank you. Just
7 one moment. I want to talk to the attorneys.

8 **(Sidebar discussion)**

9 THE COURT: Counsel, any follow-up?
10 Any cause motion?
11 Thank you.

12 **(In open court)**

13 THE COURT: Thank you, sir. I'm going to retain
14 you and have you go to the next courtroom and continue to
15 wait. I know it's a long process. We appreciate it.

16 PROSPECTIVE JUROR: Okay.

17 THE COURT: Thank you.

18 PROSPECTIVE JUROR: Yes.

19 **(Prospective Juror Number 73 exits courtroom)**

20 THE COURT: One minute.

21 **(Prospective Juror Number 74 enters courtroom)**

22 THE COURT: Okay. Good afternoon. Come on
23 forward and come past those tables, and you're aiming for
24 the witness chair up by me.

25 Are you okay?

1 PROSPECTIVE JUROR: No.

2 THE COURT: Do you want to put on the white noise
3 a minute?

4 **(Sidebar discussion off the record between the**
5 **court and prospective juror. Prospective Juror Number 74**
6 **exits courtroom.)**

7 **(Sidebar discussion)**

8 THE COURT: That was a panic attack. She's been
9 diagnosed with that before. And she said she'd previously
10 applied for hardship in different cases, and it didn't work,
11 and so she didn't apply here. So she's excused.

12 **(In open court)**

13 **(Prospective Juror Number 75 enters courtroom)**

14 THE COURT: Good afternoon. Come on forward. You
15 are going to come by these tables, and you are aiming for
16 the chair that's right by me.

17 Hi. You are Juror Number 75?

18 PROSPECTIVE JUROR: I am.

19 THE COURT: Okay. So we're going to go through
20 the questions on that form, and we'll begin with the first
21 one, which is, How old are you?

22 PROSPECTIVE JUROR: I am 48.

23 THE COURT: And what is the answer to Question 2?

24 PROSPECTIVE JUROR: I know somebody on that list.
25 I worked with them many years ago, and I currently work with

1 their mother.

2 THE COURT: Do you have the list with you?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: What number?

5 PROSPECTIVE JUROR: 445.

6 THE COURT: And how well do you know this person?

7 PROSPECTIVE JUROR: I do not know her well.

8 THE COURT: Okay. And do you know her mother
9 well?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Do you have an opinion one way or
12 another if this person were to take the stand, can you
13 evaluate their credibility just like you would evaluate
14 anyone else's credibility?

15 PROSPECTIVE JUROR: I mean, I don't really know
16 her anymore. It was years ago. So I -- I guess I don't
17 really know.

18 THE COURT: Do you have an opinion one way or
19 another about the person's credibility?

20 PROSPECTIVE JUROR: No.

21 THE COURT: Okay. Just one moment. I want to ask
22 the attorneys a little bit more about that person.

23 **(Sidebar discussion)**

24 THE COURT: Whose witness is this?

25 MR. THOMPSON: Your Honor, this is a potential

1 government witness. I don't know whether we'll call
2 Ms. Pumper for certain, but we certainly might. It wouldn't
3 be a key witness in any way.

4 THE COURT: What's the general nature given the
5 organization she works for, general subject of testimony?

6 MR. THOMPSON: Some of her patients picked up
7 meals at one of the sites there, and she would talk about
8 what kind of food distribution she saw and more specifically
9 what kind of food distribution she did not see at the site,
10 and it's down in Faribault.

11 THE COURT: Thank you.

12 (In open court)

13 THE COURT: Anyone else that you recognized?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Okay. Question Number 3.

16 PROSPECTIVE JUROR: I did hear about it in the
17 fall when it was announced on the news.

18 THE COURT: And you think that was last fall?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: What was announced?

21 PROSPECTIVE JUROR: That there was going to be a
22 trial.

23 THE COURT: And what was your understanding of
24 what the case was about?

25 PROSPECTIVE JUROR: I just -- from what I had

1 heard and assumed from there was that somebody had taken
2 advantage of COVID money, which I feel a lot of people did.

3 THE COURT: And why are you of the belief that a
4 lot of people did?

5 PROSPECTIVE JUROR: Because I worked through
6 healthcare all the way through COVID when it was terrible,
7 and I saw a lot of people sitting at home taking
8 unemployment because they could. I had neighbors saying
9 that they were taking unemployment because they could, and I
10 was working my tail off for nothing.

11 THE COURT: Did you form an opinion based on what
12 you've heard, or have you formed an opinion based on -- or
13 on the guilt or innocence of these defendants?

14 PROSPECTIVE JUROR: Being that I feel like a lot
15 of people took advantage of the system, yeah, I think they
16 probably did, because I think a lot of people took advantage
17 of the system.

18 THE COURT: Why does that lead you to the
19 conclusion that these folks in this courtroom did?

20 PROSPECTIVE JUROR: Because it's just a majority
21 of all the wasteful money that was handed out.

22 THE COURT: And these defendants are entitled to a
23 presumption of innocence under our system. Are you telling
24 me you cannot apply that presumption of innocence to them?

25 PROSPECTIVE JUROR: I'm really unsure. I doubt

1 that I can.

2 THE COURT: What do you think this is due to? I
3 mean, you sound kind of angry, frankly, so I'm just --

4 -- PROSPECTIVE JUROR: I don't mean to be angry.
5 I'm probably really nervous for one.

6 THE COURT: Okay. Fair. So I'm trying to get at
7 that.

8 PROSPECTIVE JUROR: I just have -- being through
9 COVID was very difficult, and there's a lot of old feelings
10 of when you're going out and you're working for nothing, I
11 work in a nursing home, working for chump change, and these
12 people are just getting handouts left and right, it was very
13 difficult. It almost made me leave my profession, and I
14 love my job.

15 THE COURT: And this allegation, investigation is
16 different from unemployment fraud.

17 PROSPECTIVE JUROR: I understand that. I'm
18 just -- I'm grouping it all in as people taking advantage of
19 the system, the government, that sort of thing.

20 THE COURT: And you understand that the government
21 has to prove its case as to each defendant beyond a
22 reasonable doubt. That's what the presumption of innocence
23 means.

24 PROSPECTIVE JUROR: Mm-hmm. Yes.

25 THE COURT: And can you set aside your earlier

1 conclusions and treat this case with a blank slate?

2 PROSPECTIVE JUROR: I doubt it.

3 THE COURT: Just one moment.

4 **(Sidebar discussion)**

5 THE COURT: Counsel.

6 MR. COTTER: Your Honor, Patrick Cotter on behalf
7 of Ismail.

8 I'd move for cause.

9 THE COURT: Does the government have any
10 objection?

11 MR. THOMPSON: No, Your Honor.

12 THE COURT: Okay.

13 **(In open court)**

14 THE COURT: Thank you for your candor and your
15 answers today. I'm going to excuse you, and I'll have you
16 give that list to the folks who are outside the door.
17 Thanks for your patience here.

18 **(Prospective Juror Number 75 exits courtroom)**

19 **(Prospective Juror Number 76 enters courtroom)**

20 THE COURT: Hi. Come on forward, and you are
21 going to come up to this witness stand right by me.

22 Hi. You can have a seat. And you are going to
23 speak right into that microphone if you would.

24 You are Juror Number 76?

25 PROSPECTIVE JUROR: Correct.

1 THE COURT: Okay. And you have that questionnaire
2 in front of you, so I'm going to have you answer the
3 questions on that questionnaire beginning with your age.

4 PROSPECTIVE JUROR: 44.

5 THE COURT: And what is the answer to Question 2?

6 PROSPECTIVE JUROR: No. None known.

7 THE COURT: And how about Question 3.

8 PROSPECTIVE JUROR: No.

9 THE COURT: And Question 4.

10 PROSPECTIVE JUROR: I don't recognize any of those
11 names, but I have donated to World Vision.

12 THE COURT: You've donated to what? World --

13 PROSPECTIVE JUROR: World Vision. It's kind of
14 along the same lines.

15 THE COURT: What does World Vision do?

16 PROSPECTIVE JUROR: I believe it's Ethiopian,
17 Ethiopia. It's just we donate money and essentially adopt
18 somebody on there and try to help them out.

19 THE COURT: Okay. And any problem reading,
20 understanding or speaking English?

21 PROSPECTIVE JUROR: No.

22 THE COURT: How about the question to 5(b), which
23 is any problem seeing or hearing?

24 PROSPECTIVE JUROR: No.

25 THE COURT: And Question 5(c).

1 PROSPECTIVE JUROR: None known.

2 THE COURT: And you can be with us during trial?

3 PROSPECTIVE JUROR: What's that?

4 THE COURT: You can be with us during trial?

5 That's not on the sheet. That's my extra question.

6 PROSPECTIVE JUROR: Oh, I suppose if I have to.

7 THE COURT: Okay. And Question 6.

8 PROSPECTIVE JUROR: Rushford, Minnesota. I still
9 live there.

10 THE COURT: And can you answer the questions that
11 are set forth in 7.

12 PROSPECTIVE JUROR: 7. Vo-tech; current
13 occupation, I'm a carpenter superintendent for a large
14 commercial contractor.

15 Not retired. I wish I was.

16 I think I pretty much have been doing the
17 construction for as long as I can remember.

18 And my wife is a physical therapist assistant.

19 THE COURT: And what large commercial contractor
20 do you work for?

21 PROSPECTIVE JUROR: Market & Johnson.

22 THE COURT: And you serve in a superintendant, so
23 you are supervising job sites?

24 PROSPECTIVE JUROR: Correct. I'm a
25 superintendant. That is correct.

1 THE COURT: How about Question 8?

2 PROSPECTIVE JUROR: Three. Oh, boy; 11, 15 and
3 18. My 18-year-old son is still in high school. He is just
4 finishing -- he's doing PSEO, and he actually started a job
5 Monday.

6 THE COURT: Terrific.

7 Let me just go back to your availability for
8 trial. Have you talked to Market & Johnson about jury
9 service?

10 PROSPECTIVE JUROR: No. It was kind of fast. Not
11 really, I guess. I have not talked to them.

12 THE COURT: So do you know what's going to happen
13 with your job if you serve?

14 PROSPECTIVE JUROR: I would lose out on
15 opportunities to run -- run work. Right now I'm waiting to
16 start my next project. I was on vacation last week, and
17 then I knew it was coming Monday here.

18 THE COURT: Do you know whether you'd be paid?

19 PROSPECTIVE JUROR: I asked that question, and
20 they have not got back to me. I don't believe so from what
21 I've been told so far, but HR and payroll was looking into
22 it.

23 THE COURT: Okay. Thank you.

24 All right. How about Question Number 9.

25 PROSPECTIVE JUROR: Favorite hobby, I like to hunt

1 and fish. Organize -- church, I'm an active member in my
2 Lutheran church. I guess the involvement is -- I said we
3 were active -- my wife is a Sunday schoolteacher there. And
4 we've got three children that go.

5 THE COURT: Any other groups or organizations?

6 PROSPECTIVE JUROR: No, I guess.

7 THE COURT: And how about Number 10.

8 PROSPECTIVE JUROR: No, not intentionally, maybe
9 unintentionally. Address my reasonings, but not
10 intentionally.

11 THE COURT: And so what -- when you say that, tell
12 me more about what you mean.

13 PROSPECTIVE JUROR: I think that I am -- we're
14 from a smaller community and town, so we don't have a lot
15 of -- a lot of exposure outside of that too much, I guess.

16 THE COURT: And do you think that being from a
17 smaller community would make you less than fair and
18 impartial?

19 PROSPECTIVE JUROR: I think that there's been
20 broadcasted maybe or I've heard -- well, I don't know I
21 guess would be the answer to that.

22 THE COURT: Now, can you continue on what you were
23 saying earlier. It's important.

24 PROSPECTIVE JUROR: Which part?

25 THE COURT: That things have been broadcast or you

1 were going to keep going.

2 PROSPECTIVE JUROR: Right. So part of that would
3 be I haven't had a lot of contact with Islam or outside of
4 that, but I do, as I mentioned, work in the construction
5 industry. And there was refugees brought to Fort McCoy by
6 La Crosse, Wisconsin. It's kind of roughly where I'm from.

7 And then I've heard a lot of stories within the
8 trade and industry of how the people were treated there, how
9 the workers were treated by the refugees that were there,
10 not unfavorably. So I guess I personally haven't any
11 contact with it myself, just hearsay from coworkers and
12 other people within the industry.

13 THE COURT: Do you --

14 PROSPECTIVE JUROR: So do I think that would
15 change my opinion? It possibly could.

16 THE COURT: And do you know where those refugees
17 in La Crosse were from?

18 THE PETITIONER: I don't.

19 THE COURT: Okay. So one of the things that I'm
20 going to ask you to do is to set aside information that
21 you've got outside of the courtroom and make a decision that
22 is fair and impartial. Are you telling me you can or you
23 can't do that?

24 PROSPECTIVE JUROR: I think I can.

25 THE COURT: Okay. How about Question 11.

1 PROSPECTIVE JUROR: Are there any -- no.

2 THE COURT: How about podcasts?

3 PROSPECTIVE JUROR: No, I don't listen to
4 podcasts.

5 THE COURT: You have a radio going on your job
6 site usually?

7 PROSPECTIVE JUROR: Not too often. Most of the
8 time I'm -- I'm in the trailer. I'm trying to, you know,
9 organize and run the project. There have been several
10 pretty large projects, you know, some pretty well -- all my
11 time is taken up with that. There is music in the
12 background, I guess, as you walk through.

13 THE COURT: And are you on social media?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: And what kinds of things do you follow
16 on social media?

17 PROSPECTIVE JUROR: Just I guess Facebook. I kind
18 of peruse through that, and that's kind of about it. A lot
19 of marketplace. I'm probably too much on marketplace.

20 THE COURT: How about Question 12?

21 PROSPECTIVE JUROR: No, I've never been a juror.

22 THE COURT: And Question 13.

23 PROSPECTIVE JUROR: No.

24 THE COURT: Question 14.

25 PROSPECTIVE JUROR: So I have a friend --

1 actually, I think it's farther down, but I have a friend who
2 is a jailer who works at the federal prison in Rochester. I
3 don't know if that falls under that or not.

4 THE COURT: And is that the medical facility
5 there?

6 PROSPECTIVE JUROR: I thought it was the regular
7 federal -- the prison. I believe there is a larger medical
8 side of it, though. Several of them are nurses that work
9 there as well, nurses and guard.

10 THE COURT: And do you -- are you in regular
11 contact with your friend who is in the corrections?

12 PROSPECTIVE JUROR: We have -- we have a son
13 that's the same age and we've been pretty close family
14 friends throughout the years. And then the female that
15 works there, the nurse, I see her at all of the -- she's a
16 really close friend with my sister, so I see her quite
17 regularly.

18 THE COURT: Anything about those interactions that
19 you think would lead you to be less than fair or impartial
20 here?

21 PROSPECTIVE JUROR: We really don't talk about
22 that portion of it.

23 THE COURT: Okay. How about Question 15.

24 PROSPECTIVE JUROR: No, I don't have any law
25 enforcement training.

1 THE COURT: And how about 16.

2 PROSPECTIVE JUROR: So with the criminal justice,
3 one of the projects I just finished up on was Winona County
4 Jail, so I was working with the Winona County Sheriff's
5 Department for a little over two years continuously every
6 day. So I would say that I have been in contact with them.

7 THE COURT: Anything about those interactions that
8 lead you to be -- have positive or negative feelings towards
9 law enforcement?

10 PROSPECTIVE JUROR: Positive, I guess would be --
11 would be my take on it.

12 THE COURT: Okay. And how about 17.

13 PROSPECTIVE JUROR: I think I kind of touched base
14 with that federal one.

15 THE COURT: Okay. And then given your
16 interactions with law enforcement and your friend who works
17 in corrections and the nurse at FMC, there are witnesses who
18 are going to be law enforcement officers in this case. Do
19 you have any prejudices against or in favor?

20 PROSPECTIVE JUROR: Well, I'd probably be in favor
21 of, you know, just from my past experiences and the view
22 that I have on law enforcement --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR: -- is favorable, so, yeah.

25 THE COURT: And if I instruct you that you need to

1 treat every witness the same in terms of credibility, can
2 you follow that instruction?

3 PROSPECTIVE JUROR: I would think I could.

4 THE COURT: And so if a law enforcement officer
5 takes the stand, can you treat that individual as you would
6 treat any other individual?

7 PROSPECTIVE JUROR: Yeah, I'd probably -- I'd
8 probably give them more of the benefit of the doubt on it, I
9 would have to imagine, maybe not consciously, but probably
10 subconsciously.

11 THE COURT: And can you work not to do that?

12 PROSPECTIVE JUROR: I don't know. I've never had
13 to do it before.

14 THE COURT: Fair. All right.

15 Okay. Let's keep going.

16 Question 19.

17 PROSPECTIVE JUROR: Testified in court. At
18 16 years old, I had a confrontation, so I had to go to court
19 for that. It's been so long I don't really much remember
20 it.

21 THE COURT: Were there any charges?

22 PROSPECTIVE JUROR: I don't believe -- it was --
23 yeah, there was a restraining order.

24 THE COURT: Against you or one that you took out?

25 PROSPECTIVE JUROR: I believe it was against me.

1 THE COURT: And who was the other person?

2 PROSPECTIVE JUROR: He was older than me. He was
3 in high school. He was older than me, and I just kind of
4 defended myself. I don't -- Blaine I think was his name.

5 THE COURT: And Question 20.

6 PROSPECTIVE JUROR: Yes, we did receive meals from
7 the school throughout the pandemic. With the young children
8 at home and the children at home, they would go up to the
9 school and get that as me and my wife were both essential
10 workers, and, you know, we weren't around, so, yeah, they
11 would go up there and get food.

12 THE COURT: And was it only the school or was it a
13 different site?

14 PROSPECTIVE JUROR: Pretty sure that one was just
15 the school. I don't think we did through the church.

16 THE COURT: Do you know the process that you
17 followed to get meals from the school?

18 PROSPECTIVE JUROR: I would think we just had to
19 sign up, and then you had to go -- somebody would have to go
20 up there and sign in that day, pick it up, and then come
21 back home.

22 THE COURT: And Question 21.

23 PROSPECTIVE JUROR: No, just with the government,
24 that was the two years that I spent with Winona County
25 Sheriff's Department down there.

1 THE COURT: Did you have to go through a security
2 check for that?

3 PROSPECTIVE JUROR: Background.

4 THE COURT: Background.

5 PROSPECTIVE JUROR: Yeah.

6 THE COURT: How about 22.

7 PROSPECTIVE JUROR: No. USDA, we're -- very
8 minimal. I ran across them, but not much. And then
9 Department of Education, no.

10 THE COURT: And how about 23.

11 PROSPECTIVE JUROR: I guess neutral.

12 THE COURT: And do you know anyone who practices
13 Islam?

14 PROSPECTIVE JUROR: No, I don't believe I do.

15 THE COURT: Okay. And how about contact with
16 people whose backgrounds are in East Africa, particularly
17 Somalia?

18 PROSPECTIVE JUROR: What was that again?

19 THE COURT: Any contact with people whose
20 backgrounds are in East Africa?

21 PROSPECTIVE JUROR: Oh, yeah, East Africa. So
22 I've been in two African weddings. I went to Tanzania and
23 Zanzibar for a wedding in '07. My wife's cousin was
24 married, was in the Peace Corps. She met a native African
25 over there, so we went over there for two weeks for a

1 wedding. And that ended -- actually, that ended within the
2 year pretty shortly. And then my sister just recently, so I
3 guess I'd say my brother-in-law is African.

4 THE COURT: Do you know where in Africa?

5 PROSPECTIVE JUROR: You'd think I'd know this one.
6 I don't know the name of the town.

7 THE COURT: Do you know the country?

8 PROSPECTIVE JUROR: I don't believe it was
9 Zanzibar. I don't.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR: I should, but I don't.

12 THE COURT: Okay. And how about any --

13 PROSPECTIVE JUROR: Kenyan, I guess Kenyan.

14 THE COURT: He's Kenyan?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Okay. Any contact with the Somali
17 community here or in Minnesota?

18 PROSPECTIVE JUROR: No.

19 THE COURT: And is your brother-in-law a recent
20 immigrant?

21 PROSPECTIVE JUROR: They've been -- he's been here
22 for a few years. I believe came for college.

23 THE COURT: Any feelings positive or negative
24 about him?

25 PROSPECTIVE JUROR: I like him. I think he's a

1 really nice guy.

2 THE COURT: Okay. And any feelings positive or
3 negative about the Somali community or anyone in it?

4 PROSPECTIVE JUROR: In just kind of I guess what I
5 mentioned earlier, you know, with the stories that I've
6 heard. I haven't been firsthand contact. I just hear
7 through coworkers and whatnot the negative side effects --
8 or the negative side of it. And I haven't really seen --
9 seen it firsthand, so --

10 THE COURT: Okay. And so the stories that you've
11 heard, do you know what community those stories were about?

12 PROSPECTIVE JUROR: No.

13 THE COURT: So you don't know --

14 PROSPECTIVE JUROR: I can say no. I'm just
15 probably generalizing.

16 THE COURT: Okay. So you don't know whether the
17 refugees --

18 PROSPECTIVE JUROR: I think they were Afghan
19 refugees, I believe.

20 THE COURT: You think Afghan?

21 PROSPECTIVE JUROR: I'm going to say I believe so.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR: To the best of my knowledge.

24 THE COURT: Okay. And you saw the unconscious
25 bias video.

1 PROSPECTIVE JUROR: Yeah, I think -- I think
2 that's kind of what got some of this stuff going. And it's
3 actually funny because at work, we just had to do the same
4 video a couple weeks prior.

5 THE COURT: Was it the exact -- well, it couldn't
6 have been the exact --

7 PROSPECTIVE JUROR: No, it was the same topic. It
8 wasn't the same exact video. It was like a three-hour
9 training --

10 THE COURT: You didn't have a bunch of judges
11 talking to you?

12 PROSPECTIVE JUROR: -- class --

13 THE COURT: Okay.

14 PROSPECTIVE JUROR: -- that we had to do on
15 unconscious bias, and I realize that there's probably more
16 that I don't know that I'm being biased on just because I
17 don't even know I'm doing it unconsciously.

18 THE COURT: Are you comfortable committing to the
19 court that if you are selected as a juror, you are going to
20 check your bias? You're going to think about it?

21 PROSPECTIVE JUROR: I would try to, but I can't
22 say for sure. I don't think I'd probably do very good at
23 it, but I can try.

24 THE COURT: Why do you say you don't think you are
25 very good at it?

1 PROSPECTIVE JUROR: I don't know. I don't know
2 that answer.

3 THE COURT: And Question 25(b) gets at the same
4 thing. So people involved in this case might be
5 different -- from a different race or ethnic background,
6 practice a different religion than you. Can you commit
7 yourself to carefully evaluating the evidence and resisting
8 any urge to reach a verdict influenced by hidden or
9 unconscious bias?

10 PROSPECTIVE JUROR: I would try my best, but I
11 can't say for positive.

12 THE COURT: And what we're asking you to do is
13 commit to carefully trying, right, to resist that urge. Can
14 you do that?

15 PROSPECTIVE JUROR: I'd -- like I said, I don't
16 think I -- I don't know.

17 THE COURT: Are you willing to?

18 PROSPECTIVE JUROR: I could try, be the best I
19 could do.

20 THE COURT: And are you willing to apply the law
21 as the court explains it to you?

22 PROSPECTIVE JUROR: I'd do my best.

23 THE COURT: And can you think of anything else
24 that you should call to the court's attention?

25 PROSPECTIVE JUROR: I guess not at this time.

1 THE COURT: Let me just talk to the attorneys.

2 (Sidebar discussion)

3 THE COURT: Does anyone have any follow-up?

4 MR. SAPONE: Your Honor, this is Ed Sapone for
5 Mr. Nur.

6 I make a motion to excuse him for cause. The
7 unconscious bias video here did exactly what it should do,
8 which is to get people thinking about whether or not they
9 have unconscious bias and they recognize it and would they
10 do anything about it, that is, commit to be conscious of
11 that.

12 He said that the unconscious bias video got some
13 stuff going, meaning got him thinking about that issue. And
14 he said, I realize that there is more I'm being biased on
15 without each knowing I can do it. He said, I don't think I
16 can do a very good job at checking my bias.

17 As to Question 25, I don't think I can. I can try
18 is the best I can do.

19 Your Honor asked if he can apply the law as you
20 instruct him. He didn't say yes. He said, I'd do my best.

21 Regarding Question 10, any beliefs that would make
22 you unable to render a fair and impartial verdict, which in
23 my opinion is the most important part of the instructions.
24 And he was honest and said, I might have difficulty albeit
25 unintentionally. When asked why, he said it's because he's

1 from a small town. He has not had a lot of contact with
2 folks from, as he said, Islam.

3 And then he told us about the refugee issue, which
4 he said could possibly change my opinion. I know that's
5 unclear, but I took it as a negative remark that is notating
6 in favor of him being unfair. He said, eventually, I think
7 I can render a fair verdict whether pressed, but looked up
8 and made a face.

9 He has positive feelings toward law enforcement,
10 which on its own is not a bad thing, but he said, Honestly,
11 I'd probably be in favor of law enforcement based on my past
12 views.

13 Asked whether he can follow the instruction to
14 basically evaluate witnesses equally, and he says, I would
15 think I could follow the instruction but wouldn't commit to
16 do it. He said I would probably give them more of the
17 benefit of the doubt, that is, law enforcement. When asked
18 if he could try not to do that, his answer, I don't know.

19 And so, Your Honor, it's the conflation of all of
20 these remarks that he made, he's just too dangerous, in my
21 opinion, and that's my motion.

22 THE COURT: Any response?

23 MR. THOMPSON: Yes, Your Honor.

24 I think this juror, like many we've seen today, is
25 just plainspoken. He's not equivocating. He's being

1 brutally honest, and he shouldn't be punished for it.

2 You know, the irony of this is the unconscious
3 bias training tells us that we all have unconscious biases
4 that we don't see. And I've heard witness after witness --
5 or juror after juror after juror who has come from the
6 corporate world and gone through this unconscious bias
7 training numerous times and said blithely and immediately
8 reflexively, Oh, I can be fair, I don't have any unconscious
9 bias, which is exactly what the training says you can't.

10 And this is a juror who is here really grappling
11 with his bias. And you look at -- and the other irony is,
12 of course, who would have predicted that he'd been in two
13 African weddings, that his brother-in-law is Kenyan; and
14 when asked about him, he said, He's a really nice guy. He
15 judged him on the content of his character and his knowledge
16 of him. And that's all we can ask of a juror.

17 And, frankly, I would suggest that this is a
18 better juror than many of these people that have gone
19 through corporate trainings and answered those questions,
20 no, no, no, no, no, no.

21 You've seen news reports on this case. Do they
22 affect your opinion? Does it make you likely to believe
23 there's -- more likely to believe there was a fraud than
24 not? And they're like, No, it doesn't have any impact on
25 me.

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IN OPEN COURT

(SECOND JURY PANEL ENTERS COURTROOM)

THE COURT: All right. Thank you. You may all be seated.

Good afternoon, everybody.

JURY PANEL: Good afternoon.

THE COURT: Okay. That was so lovely. Thank you.

I know that you all back there -- and my remarks are all to you -- you've been waiting. You are very patient, or maybe you are not, but we appreciate the fact that you are here and that you are waiting. This is a really important task.

I wanted to give you my remarks that I give to all of the jury pool because we're about to start questioning your group. My guess is your group is going to come tomorrow morning, and we may or may not get through all of you. We may or may not need all of you.

So we'll just have to see how we go tomorrow. I'm doing the very, very best that I can to get through as quickly as we can. There are a lot of jurors that we need, there are a lot of jurors that we've summoned, and there are a lot of questions that we must ask given the breadth of this case.

So you're in the United States District Court for

1 the District of Minnesota. My name is Nancy Brasel, and I
2 am the judge who is going to preside over the trial, and I
3 also am presiding over the voir dire, the jury selection.

4 And everybody can hear me? Anybody have trouble?
5 All right.

6 Jury service, I'm going to give you a couple words
7 on that that come from me and my heart. It is a
8 responsibility of citizenship. And it ensures that justice
9 is served. And the right to a trial by a jury of one's
10 peers is guaranteed by our Constitution. And so have no
11 doubt that by being here, you are fulfilling a promise in
12 the Constitution.

13 Serving as a juror allows you to make a very real
14 difference in our democracy, in our society. Your being
15 here, your participation, ensures fairness, brings fairness
16 and brings justice to our society. It directly impacts the
17 lives of everybody who is in this courtroom today.

18 So before we begin the process of questioning all
19 of you, there are a few ground rules I wanted to go over
20 with you before we begin your questioning as potential
21 jurors.

22 First, when you are in the courtroom, please make
23 sure that your cell phones are all the way turned off, not
24 just on silence, but all the way off.

25 Second, if you are selected as a juror in this

1 case, you cannot -- my estimation is that that jury
2 selection is going to occur tomorrow afternoon. It's an
3 estimation. Don't hold me to it. That -- but if you are
4 selected, you cannot discuss the case, even with each other,
5 even with your fellow jurors before you're permitted to do
6 so at the conclusion of the trial. And you can't discuss
7 the case with anyone else outside of your own jurors until
8 after you've reached a decision.

9 So that means that while you are waiting here and
10 during the trial, you can't talk about the case or have
11 communications about the case with anyone, including your
12 fellow jurors, until I tell you that such discussions may
13 take place.

14 So that means not just face-to-face discussions
15 but that means no communication in writing, no posting, no
16 blogging, text messaging, social media, et cetera.

17 That also means that you can't talk to any of the
18 participants in the case. So all of these folks in the
19 courtroom here today, and if you are -- make it that far in
20 the process, they will introduce themselves one by one, but
21 all of the lawyers and the parties cannot talk to you. I've
22 instructed them that they cannot even pass the time of day
23 with you. And so if you see them and they say nothing, they
24 are not being rude. They are not allowed to talk to you.

25 Third rule, you cannot do any research. So no --

1 I think I said this in my letter to you, and I know you've
2 all followed it, but just to underscore, you cannot conduct
3 any type of personal or independent research or
4 investigation regarding the matters in this case. So you
5 can't use your cell phones, your electronic devices to do
6 any research or investigation on the case, the matters in
7 the case, the legal issues in the case, the individuals or
8 entities involved in the case. And, again, as I noted in my
9 letter to you, you must ignore any information you might see
10 even accidentally while browsing the internet or listening
11 to the news. I would suggest you avoid news altogether
12 until this process is done.

13 And that's because -- for a very, very important
14 reason, and that you must base the decisions you will have
15 to make if you are a juror based only on what you hear and
16 see in the courtroom.

17 And failing to abide by the rules I have just laid
18 out, could result in this case having to be retried, which
19 we do not want. They're really important that you keep an
20 open mind and that you judge the case only on what you see
21 here, and that's the reason for those rules.

22 Before we ask you questions, I'm going to have
23 Ms. Wegner place you under oath because the questions that
24 you answer must be truthful and your answers must be under
25 oath.

1 So as a group, I will have you take the oath that
2 the Group One before you took and that all jurors take.

3 Would you all please rise for that?

4 COURTROOM DEPUTY: Members of the jury panel,
5 please raise your right hand.

6 You and each of you do affirm that you will true
7 answers make to such questions as may be put upon you,
8 touching upon your qualifications to sit as jurors in this
9 case, and this you do affirm under pains and penalties of
10 perjury. If so, please answer "I do."

11 JURY PANEL: I do.

12 COURTROOM DEPUTY: Thank you.

13 THE COURT: Thank you, all. You may be seated.

14 Okay. In a moment, we're going -- or I don't know
15 if it will be in a moment, but when we begin with your
16 group, we will talk to each of you individually, as I know
17 you've discussed with members of our jury office.

18 In order to ensure that we have a fair and
19 impartial jury, I'm looking for fair and impartial jurors.
20 So in order to do that, I'm asking you a variety of
21 questions. You've already received those questions on the
22 questionnaire that you have received. So I'd like you to
23 review those questions, review the witness list before it is
24 your turn. And then when you come up here, you're going to
25 come to this witness chair and answer the questions.

1 And we'll do that by referencing the question
2 number. So if you look at the questions in advance, and you
3 can even write them down if you wish, and I'll have some
4 follow-up as we go along, it's a bit more of a conversation
5 than it sounds, but I'll just reference the question number
6 usually and that saves my voice a little bit.

7 I will also note that Question Number 1 asks you
8 to say your name and your age. And we're just going to have
9 you say your age. I'll be referring to you by your juror
10 number.

11 The purpose to the questions that we ask is to --
12 again to enable us to select a jury that will be fair and
13 impartial. So your answers to the questions and my
14 questions themselves are in no way evidence in the case.
15 The questions aren't meant to embarrass you, pry into your
16 personal affairs, except to the extent we need to to
17 discover whether you are going to be a fair or impartial
18 juror, and it's just to obtain the basic information
19 necessary to help the parties make an informed choice of
20 jurors in this case.

21 The questions that I ask you also are not intended
22 to question your honesty or integrity. The fact that you
23 have been summoned for jury service in federal court means
24 that you are qualified to serve. What we're trying to
25 determine, in fairness to each party and to ensure a fair

1 trial, is that there's nothing that's happened to you in
2 your lifetime that would interfere with your ability to be a
3 fair and impartial juror in this case to all of the parties.

4 So I'm going to urge each of you to answer all of
5 the questions honestly and fully and frankly. The best way
6 that I can ensure a fair trial is to make sure that this
7 case is tried before a fair and impartial jury.

8 If you feel that any of the answers to my
9 questions would cause you embarrassment and you'd prefer to
10 discuss them privately, you may do that and we will -- I'll
11 put you on -- there's a headset up here, and I can talk to
12 you via headset.

13 When I say "privately," it's semi-private, because
14 the attorneys have a right to hear your answers, but I can
15 have what we would call a sidebar with you for anything that
16 you might wish to disclose that is personally embarrassing
17 to you or otherwise you wish to keep private.

18 Under your oath, you are obligated to give fair
19 and truthful answers to the questions. It's your solemn
20 duty to serve as a fair and impartial juror if you are able
21 to do so. It is equally your solemn duty not to serve if
22 for any reason you cannot be fair and impartial. So you
23 must disclose to the court any fact or belief which might
24 prevent you from serving as a fair and impartial juror.

25 Again, the only evidence that you can consider in

1 deciding the case is the evidence of witnesses under oath
2 and exhibits which the court receives into evidence.

3 Nothing I say constitutes evidence. I am,
4 however, going to briefly describe the charges in this case
5 so that you will understand the reasons for certain
6 questions that will be asked.

7 This is a criminal case. The name of the case is
8 the United States vs. Abdiaziz Shafii Farah, Mohamed Jama
9 Ismail, Abdimajid Mohamed Nur, Said Shafii Farah, Abdiwahab
10 Maalim Aftin, Mukhtar Mohamed Shariff, Hayat Mohamed Nur.

11 The Indictment in this case collectively charges
12 the defendants with 41 crimes. There's one count of wire
13 fraud conspiracy, 11 counts of wire fraud, one count of
14 conspiracy to commit federal programs bribery, six counts of
15 federal programs bribery, one count of conspiracy to commit
16 money laundering, 20 counts of money laundering, and one
17 count of false statement in a passport application.

18 Those charges are set forth in what is called an
19 Indictment. The defendants have pled not guilty to these
20 crimes. They contend they did not commit any fraud or
21 bribery, did not launder any money, and acted in good faith.

22 When we -- when you are called in the courtroom,
23 we will begin with individual questioning. When the person
24 outside the courtroom tells you to come in, you are going to
25 come in and take the witness stand. Most of you will be

1 questioned tomorrow. And, again, my guess is that we will
2 go through the process of actually selecting the jury
3 tomorrow afternoon. I will also let you know that we will
4 not be holding court on Friday.

5 I think that you have had sufficient contact with
6 the jury office to know that if you have an extreme hardship
7 request, you can submit that to the jury office. So I'll
8 assume if you take the stand up here and get questioned,
9 that you can be here during trial.

10 That's all I had for you at this time. I just
11 wanted to make sure that I got my remarks done this
12 afternoon and that you got to see the inside of the
13 courtroom, at least. Again, I know this process is long. I
14 know that it is difficult. We very much appreciate your
15 service.

16 Thank you, everyone.

17 All rise.

18 So you can all go on out.

19 COURTROOM DEPUTY: Yeah, you are going to go back
20 down to 2.

21 THE COURT: Thank you, everybody.

22
23 **(SECOND JURY PANEL EXITS COURTROOM)**

24
25 THE COURT: So we're going to call Number 77 in.

1 You may all be seated.

2 **(Prospective Juror Number 77 enters courtroom)**

3 THE COURT: Good afternoon. Come on forward.

4 PROSPECTIVE JUROR: Here?

5 THE COURT: Yeah, either way, but come around
6 here. And then you are aiming for this witness chair up
7 here.

8 PROSPECTIVE JUROR: Thank you.

9 THE COURT: You're Juror Number 77?

10 PROSPECTIVE JUROR: I am.

11 THE COURT: Thank you for being here. We're going
12 to go through the questions on that questionnaire. We'll
13 start with Number 1, which is, What is your age?

14 PROSPECTIVE JUROR: I'm 38.

15 THE COURT: And what is the answer to Question 2?

16 PROSPECTIVE JUROR: I do not know anyone.

17 THE COURT: How about Question 3.

18 PROSPECTIVE JUROR: I have heard about this case.

19 THE COURT: And how?

20 PROSPECTIVE JUROR: Just in the local news
21 probably for the past year or so I've been following along.

22 THE COURT: What local news do you read or listen
23 to?

24 PROSPECTIVE JUROR: Usually, like, KARE 11,
25 Channel 5, and then Star Tribune.

1 THE COURT: And have you read quite a few
2 articles?

3 PROSPECTIVE JUROR: Yeah.

4 THE COURT: Okay. Any reason -- I mean, do you
5 have a particular interest?

6 PROSPECTIVE JUROR: No, I just thought that this
7 was such a big case, and it seemed really important that I
8 just wanted to follow it along.

9 THE COURT: What were your views when you got the
10 jury summons?

11 PROSPECTIVE JUROR: I was really surprised, and I
12 didn't really know how to feel about it because I already
13 knew so much.

14 THE COURT: And you -- your knowledge comes from
15 news, right?

16 PROSPECTIVE JUROR: Yes, just the news.

17 THE COURT: Okay. Based on what you have read,
18 have you developed an opinion on the guilt or innocence of
19 these defendants?

20 PROSPECTIVE JUROR: No.

21 THE COURT: You know that they're entitled and
22 they have a presumption of innocence?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: And so are you able to apply that
25 presumption of innocence to them?

1 PROSPECTIVE JUROR: Yes, I believe I could.

2 THE COURT: And do you have any doubt about that?

3 PROSPECTIVE JUROR: Maybe a little bit of doubt.

4 THE COURT: Okay. So let's talk about that. Why
5 do you think that?

6 PROSPECTIVE JUROR: I just feel like the --

7 THE COURT: Or why do you say that?

8 PROSPECTIVE JUROR: -- the scale of this case is
9 so huge, and all of the money that's involved, the different
10 programs that, you know, should have gone to feeding kids,
11 that kind of hits me in the heart because I'm a parent, so
12 that's kind of where my hang-up is.

13 THE COURT: Okay. And so the end part of that,
14 that it hits you in the heart, tells me if this happened,
15 you are going to think that it's bad.

16 PROSPECTIVE JUROR: Yeah.

17 THE COURT: Okay. So now we're going to go to if
18 this happened. You -- and applying the presumption of
19 innocence.

20 One of the instructions that I give is what you
21 learn about this case, you are to put aside what you've
22 previously read and what you -- how you judge this case, if
23 you are a juror, is going to be on the facts that you hear
24 in this courtroom.

25 PROSPECTIVE JUROR: Mm-hmm.

1 THE COURT: Can you do that?

2 PROSPECTIVE JUROR: Yes, I think I could.

3 THE COURT: And let's pretend that it might be
4 different from something you remember from a news story.

5 PROSPECTIVE JUROR: Mm-hmm.

6 THE COURT: How are you going to deal with that in
7 your head?

8 PROSPECTIVE JUROR: I don't know.

9 THE COURT: Okay. My instruction is going to be,
10 Judge this case based on the evidence.

11 PROSPECTIVE JUROR: Yeah.

12 THE COURT: Can you follow that?

13 PROSPECTIVE JUROR: Yes, I understand that.

14 THE COURT: And understanding that the -- when you
15 say the scale of the case is so big, here we're not dealing
16 with the entire organization or the entire investigation, I
17 guess. We're dealing with seven individuals --

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: -- and very particular crimes. Can
20 you focus in on those seven individuals and what they have
21 been charged with and what the government must prove?

22 PROSPECTIVE JUROR: Yes, I think I could.

23 THE COURT: And when you say "you think you
24 could," I'm looking for a little bit better than that, so I
25 want you to --

1 PROSPECTIVE JUROR: I just -- I just don't know.
2 You know, I'm not positive that I would be able to be
3 unbiased.

4 THE COURT: Have you read articles about this case
5 in particular as opposed to the entire investigation?

6 PROSPECTIVE JUROR: No, I haven't really kept up
7 with anything since my summons. It's all been before that.

8 THE COURT: And so what you know or what you have
9 read has been about the larger investigation and not this
10 case?

11 PROSPECTIVE JUROR: Correct.

12 THE COURT: And do you have any idea what this
13 case is as opposed to -- or how it fits into, if it does at
14 all, the larger investigation?

15 PROSPECTIVE JUROR: No, I don't know the
16 specifics.

17 THE COURT: Do you know specifically what these
18 individuals have been accused of doing?

19 PROSPECTIVE JUROR: Only what you told us in our
20 orientation the other day. That's all I know.

21 THE COURT: Okay. And how about the organizations
22 in Question 4.

23 PROSPECTIVE JUROR: I've only heard of Feeding Our
24 Future just because of the news coverage.

25 THE COURT: And how about any difficulty reading,

1 understanding, or speaking English?

2 PROSPECTIVE JUROR: No.

3 THE COURT: And how about Question 5(b), which is
4 seeing or hearing?

5 PROSPECTIVE JUROR: No.

6 THE COURT: And any other physical or mental
7 issues?

8 PROSPECTIVE JUROR: No.

9 THE COURT: And you can be here for trial?

10 PROSPECTIVE JUROR: I can. If it would go too
11 long, I do have a planned vacation in the beginning of July.
12 Other than that, it would be fine.

13 THE COURT: And Question 6.

14 PROSPECTIVE JUROR: I grew up in a small town in
15 Southern Minnesota, and right now I live in Rockford,
16 Minnesota.

17 THE COURT: What was the small town you grew up
18 in?

19 PROSPECTIVE JUROR: Cleveland.

20 THE COURT: And can you take us through the
21 answers to Number 7.

22 PROSPECTIVE JUROR: I have a bachelor's degree
23 from St. Cloud State University. And I currently work for a
24 general contractor.

25 THE COURT: What do you do?

1 PROSPECTIVE JUROR: I'm a project coordinator.

2 THE COURT: How long have you done that?

3 PROSPECTIVE JUROR: Almost ten years.

4 THE COURT: And what does the general contractor
5 do?

6 PROSPECTIVE JUROR: We do commercial construction.

7 THE COURT: What's the name of the company?

8 PROSPECTIVE JUROR: Welsh Construction.

9 THE COURT: And what did you do before that?

10 PROSPECTIVE JUROR: I worked for Dominion
11 Development. Dominion -- I can't even remember the full
12 name. They are in Plymouth.

13 THE COURT: And what do they do?

14 PROSPECTIVE JUROR: Property management and
15 development.

16 THE COURT: And what did you do for them?

17 PROSPECTIVE JUROR: I was an executive assistant.

18 THE COURT: And what is your degree in?

19 PROSPECTIVE JUROR: Anthropology.

20 THE COURT: And do you have a spouse or partner?

21 PROSPECTIVE JUROR: I do.

22 THE COURT: And what does that person do?

23 PROSPECTIVE JUROR: He is an IT manager.

24 THE COURT: And Question 8.

25 PROSPECTIVE JUROR: Yes, I have one child.

1 THE COURT: How old?

2 PROSPECTIVE JUROR: She's 12 years old.

3 THE COURT: And what school does she go to?

4 PROSPECTIVE JUROR: Rockford Middle School.

5 THE COURT: How about Question 9.

6 PROSPECTIVE JUROR: Hobbies right now are probably
7 reading, cooking, and I just started learning how to make
8 soap from scratch. And I don't belong to any organizations
9 or churches.

10 THE COURT: What do you like to read?

11 PROSPECTIVE JUROR: Mystery books, mainly.

12 THE COURT: And how about Question 10.

13 PROSPECTIVE JUROR: I don't really have any
14 religious beliefs, so I would say no to that one.

15 THE COURT: Do you think you can be a fair and
16 impartial juror?

17 PROSPECTIVE JUROR: I think so.

18 THE COURT: Question 11.

19 PROSPECTIVE JUROR: Magazines, not really;
20 newspapers, I'll look at the Star Tribune online. I don't
21 listen to any podcasts. Internet sites, just mainly Google
22 and other, like, cooking-related sites and --

23 THE COURT: How about social media?

24 PROSPECTIVE JUROR: I have Instagram.

25 THE COURT: And what kinds of things do you follow

1 on Instagram?

2 PROSPECTIVE JUROR: I follow organizations here in
3 Minnesota, like Minnesota Zoo, Science Museum, that kind of
4 thing.

5 THE COURT: And kid-related or otherwise?

6 PROSPECTIVE JUROR: What do you mean kid-related?

7 THE COURT: Like what other organizations in
8 Minnesota do you follow?

9 PROSPECTIVE JUROR: I think just Minnesota
10 organizations would be Minnesota Zoo and the Science Museum.

11 THE COURT: Okay. How about other organizations
12 or topics that you follow, like cooking or any of that?

13 PROSPECTIVE JUROR: Yeah, I -- I can't remember.
14 Like, I don't have -- I don't follow a lot of people on
15 Instagram. I hardly use it.

16 THE COURT: And have you ever previously served as
17 a juror?

18 PROSPECTIVE JUROR: No, I have not.

19 THE COURT: Question 13.

20 PROSPECTIVE JUROR: No.

21 THE COURT: And Question 14.

22 PROSPECTIVE JUROR: I have a cousin who is a
23 lawyer.

24 THE COURT: Where?

25 PROSPECTIVE JUROR: I think here in Minneapolis.

1 THE COURT: Do you know what kind of law that
2 person practices?

3 PROSPECTIVE JUROR: I do not.

4 THE COURT: Question 15.

5 PROSPECTIVE JUROR: No.

6 THE COURT: Question 16.

7 PROSPECTIVE JUROR: That's -- I don't believe so.

8 THE COURT: And 17.

9 PROSPECTIVE JUROR: One of my cousins was a former
10 Minnesota state trooper.

11 THE COURT: Anything about that relationship that
12 you think would lead you to be less than fair or impartial?

13 PROSPECTIVE JUROR: No.

14 THE COURT: How about Question 18.

15 PROSPECTIVE JUROR: No, I don't have any
16 prejudices.

17 THE COURT: Question 19.

18 PROSPECTIVE JUROR: No.

19 THE COURT: And Question 20.

20 PROSPECTIVE JUROR: No.

21 THE COURT: When your -- when COVID occurred, your
22 12-year-old was in middle school?

23 PROSPECTIVE JUROR: She was in elementary school.

24 THE COURT: Or she would have been in elementary.

25 PROSPECTIVE JUROR: Yeah.

1 THE COURT: How did she receive her meals?

2 PROSPECTIVE JUROR: She just ate at home.

3 THE COURT: When she was distance learning --

4 PROSPECTIVE JUROR: Yeah.

5 THE COURT: -- she ate at home?

6 PROSPECTIVE JUROR: Yeah.

7 THE COURT: Did you take part in any program that
8 provided free meals?

9 PROSPECTIVE JUROR: We could have, but we didn't.

10 THE COURT: And what -- was that through the
11 school that you could have, or somewhere else?

12 PROSPECTIVE JUROR: I think it was through the
13 school.

14 THE COURT: And Question 21.

15 PROSPECTIVE JUROR: I don't believe so.

16 THE COURT: Do you do any volunteering?

17 PROSPECTIVE JUROR: No, not really.

18 THE COURT: 22.

19 PROSPECTIVE JUROR: I believe that would be a no.

20 THE COURT: And 23.

21 PROSPECTIVE JUROR: I don't have any feelings
22 against or in favor.

23 THE COURT: Okay. And 24.

24 PROSPECTIVE JUROR: I think pretty much the only
25 time I would be around a lot of people from Somalia would

1 probably be when I was at St. Cloud State University.

2 THE COURT: Did you have -- well, tell me about
3 that.

4 PROSPECTIVE JUROR: I mean, that was -- there were
5 a lot of people in my classes, but I -- I mean, that's
6 pretty much it.

7 THE COURT: A lot of people in your classes that
8 were from Somalia?

9 PROSPECTIVE JUROR: I believe so.

10 THE COURT: Okay. Or part of the Somali
11 community?

12 PROSPECTIVE JUROR: Yeah.

13 THE COURT: Based on your experiences there, do
14 you have any positive or negative feelings toward that
15 community or anyone in it?

16 PROSPECTIVE JUROR: No.

17 THE COURT: And 25 tries to get at your
18 unconscious bias. Have you ever had unconscious bias
19 training before we showed you the video in orientation?

20 PROSPECTIVE JUROR: No.

21 THE COURT: And so I'm working at examining, and
22 you are too, it sounds like, your own bias --

23 PROSPECTIVE JUROR: Mm-hmm.

24 THE COURT: -- that you might have based on what
25 you've read. Let's put that aside for just a moment. Two

1 common unconscious biases are people from another race or
2 ethnicity or people born in another country. Are you
3 comfortable committing yourself to thinking about why you
4 are making a decision and examining that decision for bias?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Okay. And people involved in this
7 case may be from a different race or ethnic background,
8 practice a different religion than you. Can you commit
9 yourself to carefully evaluating the evidence and resisting
10 any urge to reach a verdict influenced by any hidden or
11 unconscious bias?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Okay. So the only hang-up we really
14 have is can you put what you've read aside?

15 PROSPECTIVE JUROR: Yeah.

16 THE COURT: And when you talk about the opinion
17 that you have formulated, can you put a finer point on what
18 opinion you have formulated based on what you have read?

19 PROSPECTIVE JUROR: I haven't really formulated an
20 opinion about guilt or innocence, I guess. It's just --
21 it -- just knowing the larger scale of the case, not this,
22 you know, section in particular, but just knowing what I've
23 read, it's hard for me I think to -- I don't -- I don't
24 exactly know how to say it.

25 THE COURT: That's okay. Just say what you are

1 thinking.

2 PROSPECTIVE JUROR: Like, I can't -- like, in my
3 mind, my mind jumps to, Well, it's such a big case, and
4 people have already pleaded guilty, as far as I can see in
5 the media, so that makes me think, like, you know, is
6 everyone guilty, and can I put that out of my mind?

7 THE COURT: And so the question here is -- so you
8 know somebody has pled guilty to something.

9 PROSPECTIVE JUROR: Yeah.

10 THE COURT: The question here is, Are you able to
11 judge each of these individuals individually and put the
12 government to their proof to prove the case beyond a
13 reasonable doubt? Can you do that?

14 PROSPECTIVE JUROR: I would do my best to if I was
15 chosen as a juror, but I -- I don't know.

16 THE COURT: And what's your -- what's holding you
17 back?

18 PROSPECTIVE JUROR: I don't know.

19 THE COURT: You're a smart person. What's holding
20 you back in looking at everybody individually and making
21 sure that the government has proven its case against
22 everybody individually? If that's how I instruct you,
23 what's holding you back?

24 PROSPECTIVE JUROR: I don't know to be honest.
25 It's just a feeling that I have. I don't know. I mean, I

1 would do my best, like I said.

2 THE COURT: Okay. Thank you just one moment.

3 **(Sidebar discussion)**

4 THE COURT: Counsel.

5 MR. SCHLEICHER: Your Honor, Steve Schleicher on
6 behalf of Said Farah at this time.

7 (Court reporter clarification)

8 MR. SCHLEICHER: Can you hear me now? It's like
9 one of those bad commercials.

10 All right. Steve Schleicher on behalf of Said
11 Farah.

12 At this time I would like to move to strike the
13 juror for cause. And I would just make the comment as an
14 overlay, Your Honor, I think intellectually she understands
15 that she's supposed to say that she's going to try to
16 presume the defendants are innocent and follow the rules and
17 all those things, but I think it's very clear that she has
18 expressed what is the feeling that she has. She knows
19 herself, and her gut feeling is that she would not be able
20 to presume the defendants innocent.

21 She said, in response to the news media, quote, I
22 know so much. She's paid particular attention to this case,
23 read the articles for content. She believes that because
24 some people have pleaded guilty, she thinks all must be
25 guilty.

1 and patient, and we all appreciate it. I am going to let
2 you go.

3 PROSPECTIVE JUROR: Okay.

4 THE COURT: So you are going to hand your papers
5 to the person who is on the other side of the door, and you
6 are free to go.

7 PROSPECTIVE JUROR: Okay.

8 THE COURT: I'm releasing you. Thank you.

9 PROSPECTIVE JUROR: Okay. Thank you.

10 **(Prospective Juror Number 77 exits courtroom)**

11 **(Prospective Juror Number 78 enters courtroom)**

12 THE COURT: Good afternoon. Come on forward. I'm
13 going to have you come in between the jury box and these
14 tables, and you are aiming for this witness chair up here.

15 Hi.

16 PROSPECTIVE JUROR: Hello.

17 THE COURT: You are Juror Number 78?

18 PROSPECTIVE JUROR: 78.

19 THE COURT: All right. And you've got that
20 questionnaire in front of you, so we're going to go through
21 those questions starting with Number 1, which is, How old
22 are you?

23 PROSPECTIVE JUROR: I am 30 years old. I'm
24 30 years old.

25 THE COURT: Thank you. What is the answer to

1 Question 2?

2 PROSPECTIVE JUROR: I do not.

3 THE COURT: How about Question 3?

4 PROSPECTIVE JUROR: Sorry. I'm a bit nervous.

5 THE COURT: That's all right. It's a little
6 intimidating.

7 PROSPECTIVE JUROR: I have not heard about this
8 case before the letter from the court.

9 THE COURT: And were you able to follow the
10 court's instruction not to hear about it?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Or not to see anything about it and
13 avoid the media?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: All right. And how about Question 4?

16 PROSPECTIVE JUROR: I do not know any of these.

17 THE COURT: The organizations?

18 PROSPECTIVE JUROR: The organizations.

19 THE COURT: Okay. And any difficulty reading,
20 understanding, or speaking English?

21 PROSPECTIVE JUROR: I do not have any difficult
22 reading English or understanding it.

23 THE COURT: And any problems seeing or hearing
24 that would affect jury service?

25 PROSPECTIVE JUROR: No.

1 THE COURT: And how about any other physical or
2 mental issues that would prevent you from serving?

3 PROSPECTIVE JUROR: No.

4 THE COURT: And you are able to be here during
5 trial?

6 PROSPECTIVE JUROR: Yep.

7 THE COURT: And can you answer Number 6?

8 PROSPECTIVE JUROR: I grew up in South Dakota
9 until I was 16. I moved here, and I live in Andover now.

10 THE COURT: Where did you graduate high school?

11 PROSPECTIVE JUROR: Champlin Park High School.
12 And no college experience.

13 THE COURT: Okay. And can you talk about what you
14 do for a living?

15 PROSPECTIVE JUROR: Currently I am a shop foreman
16 for a prototyping company. And in the past, I was a
17 machinist for a year. And before that, I had a small
18 chemical engineering company with a friend.

19 THE COURT: You owned it?

20 PROSPECTIVE JUROR: I didn't own it, but we ran it
21 together.

22 THE COURT: And what did that chemical engineering
23 company do?

24 PROSPECTIVE JUROR: We focused on, like, more
25 economical ways to produce ethanol, and we didn't get

1 anywhere.

2 THE COURT: Can you say more about what -- well,
3 first of all, what company do you work for now?

4 PROSPECTIVE JUROR: I work for Prototype Garage
5 out of Little Canada.

6 THE COURT: And what do they do?

7 PROSPECTIVE JUROR: We build systems to make waste
8 products useful.

9 THE COURT: How big a company?

10 PROSPECTIVE JUROR: Seven people.

11 THE COURT: And you are the foreperson, so do
12 you -- or foreperson. How many people do you supervise?

13 PROSPECTIVE JUROR: Three right now.

14 THE COURT: And do you have a spouse or partner?

15 PROSPECTIVE JUROR: I am married, and I have two
16 children.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR: 1 and 5.

19 THE COURT: What does your spouse do?

20 PROSPECTIVE JUROR: She is a stay-at-home mother.

21 THE COURT: And how about Question 9.

22 PROSPECTIVE JUROR: I enjoy work and family, house
23 building, such -- stuff like that. I am part of the Old
24 Apostolic Lutheran Church out of Minnetonka, and I'm just
25 a -- I just go there.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR: I have no involvement in the
3 church otherwise.

4 THE COURT: All right. Any other organizations
5 that you belong to?

6 PROSPECTIVE JUROR: No.

7 THE COURT: And how about Question 10?

8 PROSPECTIVE JUROR: I do not have any reason to
9 believe that I would have any -- sorry.

10 THE COURT: A better way to ask that is can you be
11 fair and impartial?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: No beliefs that you are holding that
14 would hold you back from that?

15 PROSPECTIVE JUROR: Correct.

16 THE COURT: And how about Question 11.

17 PROSPECTIVE JUROR: I don't pay attention to news
18 as -- yeah, as far as the general news.

19 THE COURT: Anything specific that you follow?

20 PROSPECTIVE JUROR: I -- well, I guess I follow
21 stuff in my field of work. That's about it.

22 THE COURT: Any podcasts you listen to?

23 PROSPECTIVE JUROR: I've tried listening to some,
24 but none that I've actually listened to.

25 THE COURT: Okay. How about things that you

1 watch.

2 PROSPECTIVE JUROR: I watch YouTube. I don't have
3 a TV or anything so --

4 THE COURT: What do you watch on YouTube?

5 PROSPECTIVE JUROR: Generally log cabin building.

6 THE COURT: Okay. Have you ever built a log
7 cabin?

8 PROSPECTIVE JUROR: I haven't, but I would like
9 to.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR: It's just embarrassing.
12 Sorry.

13 THE COURT: Not at all. We're just trying to get
14 to know you a little bit. All right. Question 12.

15 PROSPECTIVE JUROR: Question 12. I have never
16 served on a jury.

17 THE COURT: And Question 13.

18 PROSPECTIVE JUROR: I do not know any of the
19 fellow jurors, but -- before today.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR: I've gotten to know some since
22 slightly.

23 THE COURT: Okay. Question 14.

24 PROSPECTIVE JUROR: I do not have any relatives or
25 close friends that are in this line of work.

1 THE COURT: How about Question 15.

2 PROSPECTIVE JUROR: No.

3 THE COURT: And 16, any contacts with the criminal
4 justice system either as a victim or a defendant or a
5 witness?

6 PROSPECTIVE JUROR: I guess I did something stupid
7 when I was 18 and I got a DWI out of it.

8 THE COURT: Okay. How do you feel like you were
9 treated by -- for the --

10 PROSPECTIVE JUROR: Very fairly.

11 THE COURT: Okay. And did you appear in court?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Okay. And did you go to trial or was
14 it just a plea?

15 PROSPECTIVE JUROR: It was a plea.

16 THE COURT: Okay. Anything about that experience
17 that you think would lead you to be less than fair or
18 impartial?

19 PROSPECTIVE JUROR: No.

20 THE COURT: How about Question 17.

21 PROSPECTIVE JUROR: I have a friend that's a
22 police officer, but I do not believe it would affect
23 anything today.

24 THE COURT: And where is the friend a police
25 officer?

1 PROSPECTIVE JUROR: Plymouth Police Department.
2 We are friends because he doesn't have to talk about his job
3 to me.

4 THE COURT: Okay. And if law enforcement officers
5 take the stand in this case, are you able to treat them like
6 you would treat anyone else?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Question 19. Other than what you have
9 disclosed at the DWI, have you ever testified in court?

10 PROSPECTIVE JUROR: No.

11 THE COURT: And how about Question 20.

12 PROSPECTIVE JUROR: No, I do not have any.

13 THE COURT: You would have -- your older one would
14 have been pretty small during COVID?

15 PROSPECTIVE JUROR: Yep.

16 THE COURT: And --

17 PROSPECTIVE JUROR: We did fine through COVID.

18 THE COURT: And did you take advantage of any
19 programs for meals?

20 PROSPECTIVE JUROR: No.

21 THE COURT: Are you aware of any nonprofits that
22 provided meals during COVID?

23 PROSPECTIVE JUROR: I am not.

24 THE COURT: How about Question 21.

25 PROSPECTIVE JUROR: I have not.

1 THE COURT: And 22.

2 PROSPECTIVE JUROR: I have not worked with either.

3 THE COURT: Okay. And 23.

4 PROSPECTIVE JUROR: I have no feeling one way or
5 the other. As far as a group, I tend to base my opinions on
6 personal -- personality and --

7 THE COURT: Person by person?

8 PROSPECTIVE JUROR: Person by person.

9 THE COURT: Okay. Any contact with individuals
10 whose backgrounds are in East Africa, particularly Somalia?

11 PROSPECTIVE JUROR: No.

12 THE COURT: And any positive or negative feelings
13 about those folks as a group or anyone in that community?

14 PROSPECTIVE JUROR: Nope.

15 THE COURT: Question 25 is about unconscious bias,
16 including the video that you watched. Do you remember that
17 video?

18 PROSPECTIVE JUROR: Yep.

19 THE COURT: All right. Are you comfortable
20 committing yourself to thinking about why you make the
21 decision you are and examining that decision for bias?

22 PROSPECTIVE JUROR: I am.

23 THE COURT: And how generally do you make
24 decisions in your life?

25 PROSPECTIVE JUROR: That's a hard question. Okay.

1 How was that again?

2 THE COURT: How generally do you make decisions?

3 PROSPECTIVE JUROR: I try to base them off
4 information, but obviously gut feeling does come into it as
5 well.

6 THE COURT: And people involved in this case might
7 be from different racial or ethnic backgrounds, practice a
8 different religion than you. Can you commit to carefully
9 considering your decision and resisting any urge to reach a
10 verdict influenced by hidden or unconscious bias?

11 PROSPECTIVE JUROR: I missed the first part on
12 that. Sorry.

13 THE COURT: That's all right. You can read it to
14 yourself and let me know.

15 PROSPECTIVE JUROR: I can commit to that.

16 THE COURT: Are you willing to apply the law as I
17 explain it to you?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Can you think of anything else that
20 you should call to the court's attention?

21 PROSPECTIVE JUROR: Not that I am aware of, no.

22 THE COURT: Okay. Let me talk to the attorneys
23 for one moment.

24 **(Sidebar discussion)**

25 THE COURT: Any follow-up?

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Any motion?

Thanks, everybody.

(In open court)

THE COURT: All right. Thank you very much. I am going to retain you, and I'll release you for the day and ask you to come back tomorrow at 8:45.

PROSPECTIVE JUROR: Okay. Thank you very much.

THE COURT: Okay? Thank you.

(Prospective Juror Number 78 exits courtroom)

THE COURT: We're off the record.

(Off-the-record discussion)

THE COURT: Okay. Thank you, everyone. We'll see you tomorrow morning.

(Court adjourned at 5:09 p.m., 04-24-2024.)

* * *

I, Renee A. Rogge, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Certified by: /s/Renee A. Rogge
Renee A. Rogge, RMR-CRR