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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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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),	)	Thursday, April 25, 2024
Said Shafii Farah(5),	)	9:00 a.m.
Abdiwahab Maalim Aftin(6),	)	
Mukhtar Mohamed Shariff(7),	)	
Hayat Mohamed Nur(8),	)	
	)	
Defendants.	)	
	)	

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

**SEALED - JURY VOIR DIRE PROCEEDINGS - VOLUME IV 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 (Continued):

For Defendant Hayat  
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\* \* \*

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

1 THE COURT: Good morning, everyone.

2 We are on the record out of the presence of the  
3 jurors.

4 I've been informed that there are additional names  
5 to add to the witness list, so we've made up a separate  
6 sheet of those names. I'll have that on the witness stand  
7 so that the potential jurors can evaluate those names for  
8 familiarity.

9 And then we will also give that sheet to the  
10 overflow room to have the jurors who are waiting review  
11 those names as well. And if we run into anyone who  
12 recognizes those names, we will bring them back in.

13 Anything else that we need or anything that we  
14 need to raise before we bring our first potential juror in  
15 for the morning?

16 Okay. I'm seeing no one.

17 And this is going to be number?

18 COURTROOM DEPUTY: 79.

19 THE COURT: 79. Thank you.

**(Prospective Juror Number 79 enters courtroom)**

20 THE COURT: Good morning. Come forward, please.  
21 I'll have you go by those tables and up to the witness stand  
22 here.

1 Good morning.

2 PROSPECTIVE JUROR: Good morning.

3 THE COURT: You are Juror Number 79?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: All right. The jury questionnaire  
6 that's in front of you has a number of questions. I'm going  
7 to have you go through those. I've got an additional one as  
8 well. Okay?

9 PROSPECTIVE JUROR: Okay.

10 THE COURT: And then I may have follow-up as we go  
11 along.

12 Okay. So the first question is, What is your age?

13 PROSPECTIVE JUROR: 37.

14 THE COURT: And when you reviewed the witness  
15 list, did you recognize any names?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: Okay. Who is that?

18 PROSPECTIVE JUROR: So Number 268.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR: Mary Hernandez.

21 THE COURT: How do you know Ms. Hernandez?

22 PROSPECTIVE JUROR: At the organization that I  
23 used to work at, we partnered with her -- with her  
24 organization at the time.

25 THE COURT: And what organization were you working

1 for at the time?

2 PROSPECTIVE JUROR: The Food Group.

3 THE COURT: And what was her organization?

4 PROSPECTIVE JUROR: I think at the time it was  
5 Esperanza. Yeah.

6 THE COURT: How well did you know her?

7 PROSPECTIVE JUROR: I only met her a handful of  
8 times, and we're connected on LinkedIn.

9 THE COURT: Do you have an opinion about her  
10 credibility that you think would affect your jury service  
11 here for this case?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Okay. There are additional names that  
14 are on that witness stand. Could you just look at those  
15 names and see if you recognize any of those folks?

16 PROSPECTIVE JUROR: No, I do not.

17 THE COURT: All right. And so I'll ask you more  
18 about your work with The Food Group and your connection to  
19 Ms. Hernandez in a moment, but can you answer Number 3.

20 PROSPECTIVE JUROR: Yes, I have heard about this  
21 case before.

22 THE COURT: And how?

23 PROSPECTIVE JUROR: Just from working at The Food  
24 Group, and so I've kind of just been following it from the  
25 beginning.

1 THE COURT: Okay. Can you tell us what The Food  
2 Group does?

3 PROSPECTIVE JUROR: It's a hunger relief  
4 organization. So it partners with most of the food shelves  
5 in Minnesota, and it also has a grocery -- an affordable  
6 grocery program, and then it also has a farm where they  
7 teach organic farming practices.

8 THE COURT: Are you employed there, or do you  
9 volunteer there?

10 PROSPECTIVE JUROR: I was employed there.

11 THE COURT: In what capacity?

12 PROSPECTIVE JUROR: I worked in a couple of  
13 different roles on the development team. So I started in  
14 March of 2019 as their community relations specialist, and  
15 then I left there in March of 2022, and at that time I was  
16 the individual giving manager.

17 THE COURT: And what do you do now?

18 PROSPECTIVE JUROR: And now I am a program manager  
19 for Little Free Library.

20 THE COURT: And can you tell us more about how  
21 you've heard of the case and how you followed it?

22 PROSPECTIVE JUROR: So I had seen a while back  
23 that another person in connection with the case was charged,  
24 Sharon Ross. And she also partnered with us while she was  
25 running House of Refuge, which is another food shelf in

1 St. Paul.

2 So we had attended a few events at the food shelf.  
3 I also interviewed her for our donor newsletter. And we  
4 also had attended an emergency food distribution with her.

5 So throughout the summer of 2020, part of my job  
6 was going around different areas of Minneapolis and St. Paul  
7 to help different organizations, and along with The Food  
8 Group, put on these emergency food distributions for anybody  
9 in the community that needed food.

10 THE COURT: And how did you follow the case?  
11 Through the news or otherwise?

12 PROSPECTIVE JUROR: Yes, through the news.

13 THE COURT: Was it the subject of discussion at  
14 your work?

15 PROSPECTIVE JUROR: At the time it was. And that  
16 was right around the time that I had also stopped working  
17 there, but I was still in connection with my old colleagues.

18 THE COURT: And have you developed, based on what  
19 you've heard and read, an opinion on the guilt or innocence  
20 of the defendants here?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: And what is that?

23 PROSPECTIVE JUROR: I believe that they're guilty.

24 THE COURT: And why?

25 PROSPECTIVE JUROR: Just being kind of at the

1 front lines of all of the food distribution during COVID and  
2 just seeing how many people in the community truly needed  
3 food and that they couldn't afford, I think every amount of  
4 funding possible should have gone towards feeding people.

5 THE COURT: All right. Thank you. Just one  
6 moment.

7 **(Sidebar discussion)**

8 THE COURT: Counsel.

9 MR. IAN BIRRELL: Yeah, this is Ian Birrell. We'd  
10 make a motion. And I can inform the court that the Mary  
11 Hernandez is the same individual.

12 THE COURT: Okay. Any objection?

13 MR. THOMPSON: No, Your Honor.

14 THE COURT: All right.

15 **(In open court)**

16 THE COURT: Thank you for your honesty here today  
17 and your candor. I think you're too close to this subject  
18 matter. So I'm going to excuse you and thank you for your  
19 patience throughout this process. Thank you.

20 PROSPECTIVE JUROR: Thank you.

21 **(Prospective Juror Number 79 exits courtroom)**

22 THE COURT: And this will be 81.

23 COURTROOM DEPUTY: 82.

24 THE COURT: 82? Sorry. 82.

25 **(Prospective Juror Number 82 enters courtroom)**

1 THE COURT: Good morning. Come on forward. I'll  
2 have you come up here and take the witness stand by me, sir.

3 You are Juror Number 82?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: All right. And so you've got that  
6 questionnaire in front of you. I'm just going to go through  
7 that questionnaire and have you answer those questions  
8 starting with what your age is.

9 PROSPECTIVE JUROR: I'm 44.

10 THE COURT: And Question 2. Do you know anyone on  
11 that list of potential witnesses, defendants and staff?

12 PROSPECTIVE JUROR: I do not.

13 THE COURT: Okay. I've got an additional list to  
14 run by you as well. It's on the desk there. Could you  
15 review that list of names and see if you recognize anyone?

16 PROSPECTIVE JUROR: No.

17 THE COURT: And how about the answer to  
18 Question 3?

19 PROSPECTIVE JUROR: No.

20 THE COURT: And how about the answer to  
21 Question 4?

22 PROSPECTIVE JUROR: No.

23 THE COURT: And any trouble or difficulty reading,  
24 understanding or speaking English?

25 PROSPECTIVE JUROR: Nope.

1 THE COURT: And how about Question 5(b)?

2 PROSPECTIVE JUROR: No.

3 THE COURT: And 5(c)?

4 PROSPECTIVE JUROR: No.

5 THE COURT: And how about Question 6?

6 PROSPECTIVE JUROR: I grew up in Blaine, and now I  
7 live in Andover.

8 THE COURT: Okay. And how about can you take us  
9 through Question 7?

10 PROSPECTIVE JUROR: Right now I'm a sheet metal  
11 worker. I've been there for 24 years.

12 THE COURT: And what company do you work for?

13 PROSPECTIVE JUROR: Larsen Manufacturing.

14 THE COURT: And what kind of education do you have  
15 for that or training?

16 PROSPECTIVE JUROR: None.

17 THE COURT: Okay. Did you go to high school?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Okay. Where did you go to high  
20 school?

21 PROSPECTIVE JUROR: Blaine.

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

23 PROSPECTIVE JUROR: I have a wife.

24 THE COURT: Okay. What does she do?

25 PROSPECTIVE JUROR: She's an IT tech for Invent.

1 THE COURT: What does that company do?

2 PROSPECTIVE JUROR: All sorts of different stuff.

3 I'm not really a hundred percent sure.

4 THE COURT: Okay. How long has she done that?

5 PROSPECTIVE JUROR: 13 years.

6 THE COURT: All right. And how about kids?

7 Question 8.

8 PROSPECTIVE JUROR: I have a stepdaughter. She's

9 23. And my son is 16.

10 THE COURT: And what does the stepdaughter do?

11 PROSPECTIVE JUROR: Some -- I'm not really a  
12 hundred percent. Something about answering phones. I'm not  
13 sure of the company.

14 THE COURT: Okay. And how about Question 9?

15 PROSPECTIVE JUROR: What's that?

16 THE COURT: Question 9.

17 PROSPECTIVE JUROR: I like camping and hunting and  
18 fishing and traveling.

19 THE COURT: And how about any organizations you  
20 belong to?

21 PROSPECTIVE JUROR: None.

22 THE COURT: Churches?

23 PROSPECTIVE JUROR: No.

24 THE COURT: And how about Question 10?

25 PROSPECTIVE JUROR: No.

1 THE COURT: Okay. 11?

2 PROSPECTIVE JUROR: Nope.

3 THE COURT: Do you watch any shows?

4 PROSPECTIVE JUROR: Not really on court stuff.

5 THE COURT: Okay. How about outside of court  
6 stuff?

7 PROSPECTIVE JUROR: Yeah.

8 THE COURT: What kind of things do you like?

9 PROSPECTIVE JUROR: The History Channel, stuff  
10 like that.

11 THE COURT: Do you listen to any podcasts even if  
12 they are not news or law related?

13 PROSPECTIVE JUROR: Nope.

14 THE COURT: Okay. Any -- how do you get your  
15 news?

16 PROSPECTIVE JUROR: Usually from friends and stuff  
17 on Facebook you see.

18 THE COURT: Okay. Do you use social media other  
19 than Facebook?

20 PROSPECTIVE JUROR: No.

21 THE COURT: What do you go to on Facebook,  
22 typically?

23 PROSPECTIVE JUROR: Videos and stuff.

24 THE COURT: Okay. Do you do YouTube as well?

25 PROSPECTIVE JUROR: No.

1 THE COURT: Okay. What kind of videos on  
2 Facebook?

3 PROSPECTIVE JUROR: Kind of, I watch a lot of the  
4 car crashes and some of the people getting arrested and  
5 stuff like that.

6 THE COURT: Have you ever watched any shows on  
7 financial crime or videos on financial fraud or anything  
8 like that?

9 PROSPECTIVE JUROR: No.

10 THE COURT: Okay. And when you are watching the  
11 videos with folks who are interacting with law enforcement,  
12 has that -- do you think that will affect the way that you  
13 approach this case?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Okay. How about Question 12?

16 PROSPECTIVE JUROR: No.

17 THE COURT: And Question 13.

18 PROSPECTIVE JUROR: Nope.

19 THE COURT: And Question 14.

20 PROSPECTIVE JUROR: No.

21 THE COURT: And 15.

22 PROSPECTIVE JUROR: Nope.

23 THE COURT: How about contacts with the criminal  
24 justice system --

25 PROSPECTIVE JUROR: No.

1 THE COURT: -- as a criminal defendant, victim,  
2 witness, any of that?

3 PROSPECTIVE JUROR: Nope.

4 THE COURT: Okay. How about 17?

5 PROSPECTIVE JUROR: Nope.

6 THE COURT: And Question 18. Some of the  
7 witnesses in this trial are likely to be law enforcement  
8 officers. Do you have any feelings one way or another  
9 toward law enforcement?

10 PROSPECTIVE JUROR: Not really.

11 THE COURT: Are you able to treat law enforcement  
12 officers on the stand just as you would treat anyone else?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: And Question 19.

15 PROSPECTIVE JUROR: No.

16 THE COURT: Question 20.

17 PROSPECTIVE JUROR: No.

18 THE COURT: Are you aware of any programs,  
19 nonprofits, that provided meals to kids during COVID?

20 PROSPECTIVE JUROR: No.

21 THE COURT: And what did your son do for -- during  
22 COVID? Was he distance learning?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Okay. And how did he get his meals?

25 PROSPECTIVE JUROR: We just had stuff at home.

1 THE COURT: He didn't take advantage of any school  
2 programs or anything?

3 PROSPECTIVE JUROR: I believe not.

4 THE COURT: Okay. How about Question 21?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Do you do any volunteering?

7 PROSPECTIVE JUROR: Nope.

8 THE COURT: How about Question 22?

9 PROSPECTIVE JUROR: No.

10 THE COURT: And Question 23?

11 PROSPECTIVE JUROR: No.

12 THE COURT: Did you grow up in a particular faith?

13 PROSPECTIVE JUROR: No, not really.

14 THE COURT: How about Question 24? Interactions  
15 with people whose backgrounds are in East Africa,  
16 particularly Somalia.

17 PROSPECTIVE JUROR: No.

18 THE COURT: How -- how many people are at your  
19 company?

20 PROSPECTIVE JUROR: Probably around 40 some.

21 THE COURT: Okay. And what's the racial diversity  
22 in your company, just generally?

23 PROSPECTIVE JUROR: Kind of mixed.

24 THE COURT: Okay. And do you think any of the  
25 folks who work for your company are East African or

1 Somali, or you don't know?

2 PROSPECTIVE JUROR: I believe we have one that --  
3 I believe he's East African.

4 THE COURT: Okay. And do you know that person  
5 very well?

6 PROSPECTIVE JUROR: Yeah.

7 THE COURT: Any feelings one way or another toward  
8 the community because of your interactions with him?

9 PROSPECTIVE JUROR: No.

10 THE COURT: Okay. And when you say "mixed," what  
11 kind of racial makeup does your company have?

12 PROSPECTIVE JUROR: We've only got a -- of  
13 everybody, there's -- we have one black person and three  
14 Mexicans.

15 THE COURT: Okay. And Question 25 tries to get at  
16 your unconscious biases. Did you watch the video that was  
17 provided to you during orientation?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Okay. That makes sense to you?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: All right. If you are selected as a  
22 juror, would you feel comfortable committing yourself to  
23 really thinking about why you are making a decision and  
24 examining it for bias?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: How generally do you make important  
2 decisions in your life?

3 PROSPECTIVE JUROR: Probably every day, I guess.

4 THE COURT: Mm-hmm. How does that process work  
5 inside your head?

6 PROSPECTIVE JUROR: Got to think about before what  
7 I'm doing and make sure I can get stuff done and --

8 THE COURT: Do you typically work in teams or --

9 PROSPECTIVE JUROR: Single.

10 THE COURT: Okay. And when you have to take in  
11 different types of information or different information to  
12 make a decision, how do you do that?

13 PROSPECTIVE JUROR: Got to think about it for a  
14 little bit and kind of go from there.

15 THE COURT: Are you comfortable working in a  
16 group?

17 PROSPECTIVE JUROR: I never really worked in a  
18 group.

19 THE COURT: Okay. You know that being a juror on  
20 this case would mean working eventually -- deliberating with  
21 other jurors?

22 PROSPECTIVE JUROR: Yep.

23 THE COURT: Are you comfortable doing that?

24 PROSPECTIVE JUROR: Yeah.

25 THE COURT: Can you describe how you think your

1 approach would be to that?

2 PROSPECTIVE JUROR: I really don't know. I guess  
3 just take it by -- see how it goes.

4 THE COURT: Okay. People who are involved in this  
5 case might be from different racial and ethnic backgrounds  
6 than you. Can you commit yourself to carefully evaluating  
7 the evidence and checking yourself for any hidden or  
8 unconscious bias?

9 PROSPECTIVE JUROR: Yes.

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

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Is there anything else that you can  
14 think of that you should call to the court's attention?

15 PROSPECTIVE JUROR: No.

16 THE COURT: All right. Thank you. Just one  
17 moment.

18 **(Sidebar discussion)**

19 THE COURT: Any follow-up?

20 Any cause?

21 Thank you.

22 **(In open court)**

23 THE COURT: All right. Thank you very much. I'm  
24 going to have you go to the courtroom next door and await  
25 our process. I will retain you while we do that. I

1 appreciate your patience. Thank you.

2 **(Prospective Juror Number 82 exits courtroom)**

3 **(Prospective Juror Number 84 enters courtroom)**

4 THE COURT: Good morning. Come on forward.

5 PROSPECTIVE JUROR: Good morning.

6 THE COURT: Good morning. You are going to come  
7 up to the witness chair.

8 PROSPECTIVE JUROR: Okay.

9 THE COURT: You are Juror Number 84?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Okay. And so I'm going to take you  
12 through the questionnaire that's right there in front of  
13 you. We'll just go through that one by one starting with  
14 Question 1, which is, What is your age?

15 PROSPECTIVE JUROR: 40.

16 THE COURT: And did you know anyone when you  
17 reviewed the witness and staff list?

18 PROSPECTIVE JUROR: There are familiar names, but  
19 I don't know anybody.

20 THE COURT: Okay. What are the names that are  
21 familiar?

22 PROSPECTIVE JUROR: Mohamed Mohamed. They're just  
23 very common names, but I wouldn't say that I know anybody.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: Go ahead.

2 PROSPECTIVE JUROR: I work in higher education, so  
3 I work with diverse populations, so there's a chance that  
4 I've worked with individuals in the past, but nobody struck  
5 out to me. Just familiar names.

6 THE COURT: And there's an additional list of  
7 names right in front of you.

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: So we've got an addendum. Can you  
10 look at those names and see whether you recognize any of  
11 those folks?

12 PROSPECTIVE JUROR: I do not recognize any of  
13 these names.

14 THE COURT: Okay. Thank you.

15 And how about Question 3?

16 PROSPECTIVE JUROR: (a), not that I recall.

17 THE COURT: You don't remember hearing about it?

18 PROSPECTIVE JUROR: No.

19 THE COURT: Okay. And so have you developed any  
20 opinion on guilt or innocence?

21 PROSPECTIVE JUROR: No.

22 THE COURT: Okay. And so you don't remember  
23 seeing it in the news or anything like that?

24 PROSPECTIVE JUROR: No, which is interesting,  
25 because I feel like I follow sources, but I don't recall

1 anything about the case until I saw the letter from you.

2 THE COURT: Okay. And Question Number 4. How  
3 about those organizations?

4 PROSPECTIVE JUROR: No.

5 THE COURT: And Question 5(a).

6 PROSPECTIVE JUROR: No.

7 THE COURT: 5(b).

8 PROSPECTIVE JUROR: No.

9 THE COURT: And 5(c).

10 PROSPECTIVE JUROR: No.

11 THE COURT: And how about 6?

12 PROSPECTIVE JUROR: I grew up in Benson,  
13 Minnesota, and I currently reside in Buffalo, Minnesota.

14 THE COURT: And can you take us through the  
15 questions that are listed in 7?

16 PROSPECTIVE JUROR: Sure. What is your  
17 educational background and current occupation? I hold a  
18 master's degree in education, and I currently serve as an  
19 associate manager for Capella University, and I've been  
20 there for 16 years.

21 THE COURT: Okay. Where did you get your  
22 master's?

23 PROSPECTIVE JUROR: Capella University. I hold a  
24 master's of education.

25 THE COURT: Okay. And that's where you work now?

1 PROSPECTIVE JUROR: Correct.

2 THE COURT: All right. And where did you get your  
3 undergrad?

4 PROSPECTIVE JUROR: Gustavus University, Gustavus  
5 Adolphus.

6 THE COURT: What does it mean to be an associate  
7 manager?

8 PROSPECTIVE JUROR: Yeah, great question. So I  
9 lead a team of enrollment counselors who support our  
10 healthcare and public health programs. So individuals  
11 interested in applying for either a bachelor's or master's  
12 in healthcare admission or bachelor's or master's in public  
13 health will work with my team, and we guide them through the  
14 process through enrollment. We are an online university.

15 THE COURT: And tell me again how long you've been  
16 there.

17 PROSPECTIVE JUROR: 16 years.

18 THE COURT: So that pretty much is straight out of  
19 college?

20 PROSPECTIVE JUROR: Basically, yes.

21 THE COURT: All right.

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: And how about, do you have a spouse or  
24 partner?

25 PROSPECTIVE JUROR: I do not, no. I am divorced.

1 THE COURT: Okay. How long have you been  
2 divorced?

3 PROSPECTIVE JUROR: Six years.

4 THE COURT: Okay. What did your ex-spouse do?

5 PROSPECTIVE JUROR: He works in hospitality. He  
6 is a manager of a hotel.

7 THE COURT: And how about Question 8?

8 PROSPECTIVE JUROR: I have one daughter, who is  
9 12 years old.

10 THE COURT: Where does she go to school?

11 PROSPECTIVE JUROR: Minnetonka.

12 THE COURT: And how about Question 9? What do you  
13 like to do in your spare time?

14 PROSPECTIVE JUROR: I am a hockey player. So I  
15 played throughout college and continue to play, and I also  
16 coach my daughter's team.

17 Organizations. Outside of work, before COVID, I  
18 volunteered for Special Olympics Minnesota. And after  
19 COVID, that -- that's no longer, but I do volunteer and  
20 participate in organizations within my organization.

21 Specifically, I work on a project around  
22 leadership development and also diversity, equity,  
23 inclusion.

24 THE COURT: And that's at Capella?

25 PROSPECTIVE JUROR: Correct.

1 THE COURT: Thank you.

2 PROSPECTIVE JUROR: Mm-hmm.

3 THE COURT: How about Question 10?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Question 11.

6 PROSPECTIVE JUROR: I'm a regular MPR listener,  
7 5 Things on CNN podcast. I receive notifications from the  
8 Washington Post, CNN, FOX News, MPR. And the local stations  
9 that I watch are WCCO and FOX 9.

10 THE COURT: Did you say no podcasts?

11 PROSPECTIVE JUROR: Oh, yeah. Podcasts. So CNN 5  
12 Things.

13 THE COURT: Got it. Thank you.

14 PROSPECTIVE JUROR: Sure.

15 THE COURT: Question 12.

16 PROSPECTIVE JUROR: (a), no cases. (b), not  
17 applicable. (c), not applicable. (d), not applicable.

18 THE COURT: Okay. So you can sort of skip down  
19 to --

20 PROSPECTIVE JUROR: And all the way down to (i).

21 THE COURT: Correct. So Number 13.

22 PROSPECTIVE JUROR: Yes. Number 48. I happened  
23 to be in the waiting room, and I saw her walk in. And I was  
24 like, oh, my gosh, I know you. She and I worked together.  
25 We were not on the same team, but in the same department.

1 THE COURT: She was at Capella?

2 PROSPECTIVE JUROR: Correct. She's no longer  
3 there, but she was there.

4 THE COURT: All right. Thank you.

5 PROSPECTIVE JUROR: Mm-hmm.

6 THE COURT: And how about Question 14?

7 PROSPECTIVE JUROR: No.

8 THE COURT: And 15?

9 PROSPECTIVE JUROR: One undergrad course. Debate.

10 THE COURT: How did you like that?

11 PROSPECTIVE JUROR: I wasn't very good at it, to  
12 be honest with you.

13 THE COURT: Why not?

14 PROSPECTIVE JUROR: I -- I don't -- it takes me a  
15 while to process information, and so the -- having to  
16 cross-examine was really challenging for me because I  
17 wasn't -- it takes me time to think and process.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: How do you think that decision-making  
21 style will affect you on a jury?

22 PROSPECTIVE JUROR: That's a really good question.  
23 I've thought about that after watching the video and Jerry  
24 Blackwell's comment around sometimes we need to slow down,  
25 because sometimes when we make decisions too quickly, it can

1 negatively impact the outcome.

2 So I actually think it's a strength that I tend to  
3 process a little slower because I'm -- I'm giving fair  
4 thought to what I'm thinking about.

5 THE COURT: How about Question 16? Nope. 15.

6 PROSPECTIVE JUROR: 15. Oh, that was the  
7 undergrad course.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR: Yeah.

10 THE COURT: Sorry.

11 PROSPECTIVE JUROR: That's okay.

12 THE COURT: 16. You were right the first time.

13 PROSPECTIVE JUROR: Yeah. So my sister has  
14 testified in the past on behalf of the crime lab, the  
15 Hennepin County Crime Lab. She works in the forensics  
16 department.

17 THE COURT: What does she do for them?

18 PROSPECTIVE JUROR: She's currently an auditor.

19 THE COURT: And so she's testified in Hennepin  
20 County?

21 PROSPECTIVE JUROR: Correct.

22 THE COURT: Does she talk to you about that  
23 experience?

24 PROSPECTIVE JUROR: She doesn't say much, just she  
25 just tells me that she does testify and that when she

1       testifies, she is -- she is not biased, she's coming in with  
2       information, she's not for one side or another, but she is  
3       providing details on the information of the case as an  
4       expert in forensics.

5               THE COURT: Do you think anything about that, your  
6       relationship with her and her job, would impact your ability  
7       to be a fair and impartial juror?

8               PROSPECTIVE JUROR: No. In fact, I think it would  
9       strengthen it. She takes that role very seriously.

10              THE COURT: What do you mean by "strengthen it"?

11              PROSPECTIVE JUROR: I respect what she does, and I  
12       think it influences how I view the process as well in a  
13       positive way.

14              THE COURT: And can you say more about how it  
15       influences that, your thinking?

16              PROSPECTIVE JUROR: I didn't know much about the  
17       process, frankly, and she's helped me better understand the  
18       process, and it gives me faith in the fairness of the  
19       process.

20              THE COURT: And "the process" we're talking about  
21       is?

22              PROSPECTIVE JUROR: Is calling witnesses, you  
23       know, making sure that when you have the witnesses called,  
24       that their role in testifying is to provide information,  
25       especially in her position, considering she's not for either

1 side. She's simply coming in with information that is  
2 relevant to the case, but is not one side or the other --

3 THE COURT: Okay.

4 PROSPECTIVE JUROR: -- which is an important part  
5 of the process, I think.

6 THE COURT: Thank you.

7 PROSPECTIVE JUROR: Mm-hmm.

8 THE COURT: Question 17.

9 PROSPECTIVE JUROR: My cousin is a Wright County  
10 Deputy Sheriff. And, no, it would not affect my approach.

11 THE COURT: And how about 18?

12 PROSPECTIVE JUROR: No prejudices or biases. I  
13 wrote that I respect what they do and they are human like  
14 me.

15 THE COURT: How about Question 19?

16 PROSPECTIVE JUROR: No, not applicable.

17 THE COURT: And how about 20?

18 PROSPECTIVE JUROR: Yes, my daughter, nephews and  
19 close friends' kids received meals during the pandemic from  
20 schools. So we were able to pick up school -- pick up meals  
21 from schools during the pandemic.

22 THE COURT: Were those public schools?

23 PROSPECTIVE JUROR: Minnetonka, Maple Grove and  
24 St. Paul.

25 THE COURT: Was there ever a time that you went to

1            somewhere different from the schools to pick up meals?

2            PROSPECTIVE JUROR: No.

3            THE COURT: Are you aware of nonprofits that  
4 provided meals to children during the pandemic?

5            PROSPECTIVE JUROR: No.

6            THE COURT: And when you went to pick up meals for  
7 your children or when they went -- do you go or do they go?

8            PROSPECTIVE JUROR: I would go.

9            THE COURT: And you only have one child?

10          PROSPECTIVE JUROR: Right.

11          THE COURT: And so the other folks you are talking  
12 about are friends and cousins?

13          PROSPECTIVE JUROR: Correct. Yes.

14          THE COURT: Okay. When you went to pick up a meal  
15 for your child, did you have to show any identification or  
16 anything like that? Do you remember?

17          PROSPECTIVE JUROR: I don't recall. I don't think  
18 so.

19          THE COURT: Do you remember whether there was any  
20 enrollment process or forms you had to fill out?

21          PROSPECTIVE JUROR: No.

22          THE COURT: Question 21.

23          PROSPECTIVE JUROR: Yes. Special Olympics  
24 Minnesota.

25          THE COURT: How about Question 22?

1 PROSPECTIVE JUROR: The summer after high school  
2 gradation, I was a camp counselor for the Minnesota Farmers  
3 Union's camps.

4 THE COURT: And those are connected with the USDA?

5 PROSPECTIVE JUROR: I wasn't sure, to be honest.  
6 I associated "agriculture" with Farmers Union, but I'm not  
7 100 percent sure.

8 THE COURT: And how about Question 23?

9 PROSPECTIVE JUROR: No, not consciously.

10 THE COURT: What do you mean by that?

11 PROSPECTIVE JUROR: I understand that we all have  
12 unconscious bias.

13 THE COURT: And what faith, if any, did you grow  
14 up in?

15 PROSPECTIVE JUROR: Lutheran.

16 THE COURT: Do you have friends who practice Islam  
17 or colleagues that you know of?

18 PROSPECTIVE JUROR: Not that I know of.

19 THE COURT: And how about Question 24?

20 PROSPECTIVE JUROR: A limited interaction working  
21 in higher education.

22 THE COURT: How would you describe that  
23 interaction?

24 PROSPECTIVE JUROR: Over the phone. We're an  
25 online school, so the way in which we interact with our

1 learners is phone, text, chat, email.

2 THE COURT: Any feelings after -- as a result of  
3 those contacts, any feelings one way or another, positive or  
4 negative, toward the Somali community or anyone in it?

5 PROSPECTIVE JUROR: No. I'm impartial.

6 THE COURT: Okay. And you've obviously, if you  
7 are in a DEI project, you've had some unconscious bias  
8 training --

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: -- even before this?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: And can you commit yourself to  
13 thinking about why you are making the decision you are and  
14 examining it for bias?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Okay. And how about the question that  
17 you got at with, I don't think I have any bias, but I'm  
18 willing to examine on Islam and Muslims. People involved in  
19 the case may be a different racial background or a different  
20 ethnic background or practice a different religion than you.  
21 Can you commit yourself to carefully evaluating the evidence  
22 and examining yourself for unconscious bias there?

23 PROSPECTIVE JUROR: Yes.

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

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Can you think of anything else you can  
3 call to the court's attention?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Okay. Just one moment.

6 **(Sidebar discussion)**

7 THE COURT: Any follow-up?

8 And any cause?

9 MR. MOHRING: Your Honor, Andrew Mohring on behalf  
10 of Mukhtar Shariff.

11 I'm interested in learning a little bit more about  
12 deals of food pickup, whether she picked up bulk food or  
13 prepared meals from the school.

14 I'm also curious about learning more about her  
15 sister's work as a forensics auditor of the crime lab, just  
16 specifically whether that got into any financial analysis.

17 THE COURT: Okay.

18 MR. MOHRING: Thank you.

19 THE COURT: Thank you.

20 **(In open court)**

21 THE COURT: A couple of follow-ups.

22 When you picked up meals for your child, were you  
23 picking up individually packaged/prepared meals or was it  
24 bulk food?

25 PROSPECTIVE JUROR: Individually packaged in a

1 brown paper bag. It would be a peanut butter -- or I'm  
2 sorry -- a SunButter and jelly sandwich or -- that was like  
3 pre-made, so it was like a paper bag.

4 THE COURT: Okay. And I'm going to go back to  
5 your sister's work for a moment.

6 PROSPECTIVE JUROR: Sure.

7 THE COURT: You said she was a forensic auditor.

8 PROSPECTIVE JUROR: No. She's currently an  
9 auditor for Hennepin County Crime Lab. Her previous role  
10 was forensic scientist. That's her official title. So she  
11 would actually do the lab work. Now what she does is she  
12 audits the lab work that's done.

13 THE COURT: And what kind of lab work?

14 PROSPECTIVE JUROR: On criminal cases, so within  
15 Hennepin County, so she works for Hennepin County Crime Lab.  
16 So when she worked in the lab, she would take the evidence  
17 and test the evidence, and then there would be an outcome;  
18 and then that, if necessary, she may or may not need to  
19 testify in court, if it were brought to court.

20 THE COURT: And is that typically physical  
21 evidence tested for DNA, blood or something like that?

22 PROSPECTIVE JUROR: Correct. Yes.

23 THE COURT: Any auditing or analysis of financial  
24 records that you are aware of?

25 PROSPECTIVE JUROR: No, I don't -- not that I'm

1 aware of.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR: No. I think her current role  
4 as an auditor is to make sure that they are meeting  
5 compliance for Hennepin County Crime Lab. So they are  
6 audited to retain their accreditation, and her  
7 responsibility is to make sure that they are upholding the  
8 accreditation expectations.

9 THE COURT: And this is for the lab for DNA  
10 testing --

11 PROSPECTIVE JUROR: Correct.

12 THE COURT: -- of physical evidence?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Okay. Thank you.

15 PROSPECTIVE JUROR: Sure.

16 THE COURT: All right. I'm going to retain you  
17 and have you go to the next courtroom.

18 PROSPECTIVE JUROR: Okay.

19 THE COURT: And wait out the process.

20 PROSPECTIVE JUROR: Okay.

21 THE COURT: Thank you very much.

22 PROSPECTIVE JUROR: Apologize if I was a  
23 little loud to begin with.

24 THE COURT: No. You are great.

25 **(Prospective Juror Number 84 exits courtroom)**

1 THE COURT: Counsel, just as a reminder, 86 is  
2 out, 88 and 89. I've excused all three of those.

3 MR. THOMPSON: Your Honor, was 81 out also?

4 THE COURT: Yes.

5 **(Prospective Juror Number 85 enters courtroom)**

6 THE COURT: Hi. Come on forward. You are aiming  
7 for this witness chair up by me. Hello.

8 PROSPECTIVE JUROR: Hi.

9 THE COURT: You are Juror Number 85? Am I right  
10 about that?

11 PROSPECTIVE JUROR: Yep.

12 THE COURT: All right. And so you have that  
13 questionnaire in front of you. I'm going to have you go  
14 through it and answer those questions starting with your  
15 age.

16 PROSPECTIVE JUROR: 40.

17 THE COURT: And you looked at the list of  
18 witnesses and defendants and staff. Did you recognize any  
19 of those folks?

20 PROSPECTIVE JUROR: I did not.

21 THE COURT: And there's an additional list in  
22 front of you, so we've got a little more for you to look at.  
23 Would you look at that list and determine whether you know  
24 anyone on that list?

25 PROSPECTIVE JUROR: I do not.

1 THE COURT: And how about Question 3?

2 PROSPECTIVE JUROR: I have not.

3 THE COURT: Question 4.

4 PROSPECTIVE JUROR: I have not.

5 THE COURT: Question 5.

6 PROSPECTIVE JUROR: I can.

7 THE COURT: And 5(b) is problems seeing or  
8 hearing.

9 PROSPECTIVE JUROR: I do not.

10 THE COURT: And how about any other physical or  
11 mental issues?

12 PROSPECTIVE JUROR: I have none.

13 THE COURT: And how about 6?

14 PROSPECTIVE JUROR: Minneapolis and Minneapolis.

15 THE COURT: And where in Minneapolis?

16 PROSPECTIVE JUROR: South Minneapolis.

17 THE COURT: And can you take us through  
18 Question 7, please.

19 PROSPECTIVE JUROR: High school education, and my  
20 current occupation is a remote technician.

21 THE COURT: For what?

22 PROSPECTIVE JUROR: Been there for six years.

23 THE COURT: Okay. And what do you do as a remote  
24 technician?

25 PROSPECTIVE JUROR: Refab car remotes and resell

1 them.

2 THE COURT: So you are working on remotes? You  
3 are not working remotely?

4 PROSPECTIVE JUROR: Yeah. Sorry.

5 THE COURT: Nope. That was me.

6 All right. And you've done that for six years?

7 PROSPECTIVE JUROR: Yeah.

8 THE COURT: Are you self-employed, or do you work  
9 for a company to do that?

10 PROSPECTIVE JUROR: I work for a company.

11 THE COURT: What company is that?

12 PROSPECTIVE JUROR: It's called Golden Supply.  
13 They are in Burnsville.

14 THE COURT: What did you do before that?

15 PROSPECTIVE JUROR: I was an automotive  
16 technician.

17 THE COURT: And where did you work then?

18 PROSPECTIVE JUROR: Honest-1.

19 THE COURT: And where was that?

20 PROSPECTIVE JUROR: It was in Eagan.

21 THE COURT: How long did you do that?

22 PROSPECTIVE JUROR: I was there for six years.

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

24 PROSPECTIVE JUROR: I do not.

25 THE COURT: How about Question 8?

1 PROSPECTIVE JUROR: I do not.

2 THE COURT: And Question 9.

3 PROSPECTIVE JUROR: Don't really have any hobbies.

4 THE COURT: Do you belong to any organizations?

5 PROSPECTIVE JUROR: No, I do not.

6 THE COURT: What do you do outside of work?

7 PROSPECTIVE JUROR: Just work.

8 THE COURT: And how about any churches?

9 PROSPECTIVE JUROR: No.

10 THE COURT: Okay. Question Number 10.

11 PROSPECTIVE JUROR: I do not.

12 THE COURT: How about Question 11? What do you  
13 read or go to online?

14 PROSPECTIVE JUROR: Just on Yahoo, and that's  
15 about it.

16 THE COURT: How about TV shows? Or this can be  
17 non-law or news-related.

18 PROSPECTIVE JUROR: TV, Netflix.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR: That's about it.

21 THE COURT: And what do you watch on Netflix?

22 PROSPECTIVE JUROR: Just the reality shows, some  
23 car shows and some other shows that pique my interest.

24 THE COURT: Okay. Do you fix up cars on your own  
25 time too?

1 PROSPECTIVE JUROR: No, I do not.

2 THE COURT: How about Question 12?

3 PROSPECTIVE JUROR: I have not.

4 THE COURT: And Question 13. Did you know anybody  
5 else in your jury pool?

6 PROSPECTIVE JUROR: I did not.

7 THE COURT: Question 14.

8 PROSPECTIVE JUROR: No, I do not.

9 THE COURT: How about 15?

10 PROSPECTIVE JUROR: Nope.

11 THE COURT: Where did you go to high school?

12 PROSPECTIVE JUROR: Washburn High School.

13 THE COURT: And how about Question 16? You or  
14 anyone else close to you have contacts with the criminal  
15 justice system?

16 PROSPECTIVE JUROR: I was robbed probably ten  
17 years ago. Other than that, no.

18 THE COURT: Where was that?

19 PROSPECTIVE JUROR: In South Minneapolis.

20 THE COURT: And was that in person or your home or  
21 something different? Can you describe it a little bit?

22 PROSPECTIVE JUROR: I just actually got home, and  
23 I was going inside when the assailants came from the alley  
24 and ambushed me and took my wallet and keys and my cell  
25 phone.

1 THE COURT: Were you physically injured?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Were you able to identify who did it?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Okay. How did that -- can you  
6 describe that process?

7 PROSPECTIVE JUROR: Well, I -- with knowledge of  
8 cars, I was able to describe the car to the -- or to the  
9 officers. And then while they were talking to me, I was on  
10 the phone with my bank, and they were using my credit card  
11 at the time, and I gave them their location, and that's when  
12 they picked them up the same night.

13 THE COURT: Did you see them physically when --  
14 their faces physically when they were --

15 PROSPECTIVE JUROR: Just -- just -- just the one.  
16 One was still in the car.

17 THE COURT: Okay. And what happened? Was there a  
18 charge brought?

19 PROSPECTIVE JUROR: There was a charge. I don't  
20 remember -- I think they settled out of court.

21 THE COURT: Were you able to determine their race  
22 of your assailant?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: What was that race?

25 PROSPECTIVE JUROR: African American.

1 THE COURT: Okay. Based on that experience, do  
2 you have any prejudices one way or another?

3 PROSPECTIVE JUROR: No.

4 THE COURT: Okay. Are you able to judge each  
5 person on their own and evaluate evidence on its own?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Okay. How about anybody who is -- any  
8 other contacts with the criminal justice system?

9 PROSPECTIVE JUROR: No.

10 THE COURT: Did you feel like the law enforcement  
11 handled it appropriately and handled it fairly?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: What law enforcement agency was  
14 involved?

15 PROSPECTIVE JUROR: Minneapolis Police Department.

16 THE COURT: All right. And how about Question 17?

17 PROSPECTIVE JUROR: No, I have not.

18 THE COURT: And Question 18. Prejudices against  
19 or in favor of law enforcement?

20 PROSPECTIVE JUROR: No, none.

21 THE COURT: Question 19.

22 PROSPECTIVE JUROR: I have not.

23 THE COURT: How about Question 20?

24 PROSPECTIVE JUROR: They have not.

25 THE COURT: Are you aware of any nonprofits that

1 provided meals to kids during the pandemic?

2 PROSPECTIVE JUROR: No.

3 THE COURT: How about 21?

4 PROSPECTIVE JUROR: I have not.

5 THE COURT: Do you do any volunteering?

6 PROSPECTIVE JUROR: Nope.

7 THE COURT: How about 22?

8 PROSPECTIVE JUROR: No.

9 THE COURT: And 23.

10 PROSPECTIVE JUROR: I have -- it's pretty well  
11 just straight down the line.

12 THE COURT: What do you mean by that?

13 PROSPECTIVE JUROR: I have no feelings at all  
14 towards them.

15 THE COURT: When you say "straight down the line,"  
16 tell me what you mean by that.

17 PROSPECTIVE JUROR: I mean, if I'm -- nothing's  
18 done wrong, nothing's done wrong. If something's done  
19 wrong, then -- oh, no, I don't have any feelings against --  
20 against them.

21 THE COURT: Okay. Do you know anyone who  
22 practices Islam?

23 PROSPECTIVE JUROR: No.

24 THE COURT: How about any contacts with people  
25 whose backgrounds are East African and particularly

1 Somaliian?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Okay. Are any of the clients that  
4 you've worked with or coworkers that you know of East  
5 African or Somaliian?

6 PROSPECTIVE JUROR: No.

7 THE COURT: And the unconscious bias question,  
8 which is 25. Have you had any unconscious bias training  
9 before today?

10 PROSPECTIVE JUROR: No.

11 THE COURT: And so what that asks you to do is to,  
12 when you are making decisions, look inside yourself and kind  
13 of check yourself for bias.

14 And the question is whether you can commit to  
15 thinking about why you make a decision that you are making  
16 and examine it for bias. Can you do that.

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: And question 25(b) is a bit the same.  
19 People involved in this case might be of different racial or  
20 ethnic background or practice a different religion than you.

21 Can you commit yourself to carefully evaluating  
22 the evidence and resisting any urge to reach a verdict  
23 influenced by hidden or unconscious bias?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: How generally would you describe how

1 you make important decisions in your life?

2 PROSPECTIVE JUROR: I usually just think it  
3 through; and if I think it works, then I will try it.

4 THE COURT: Do you call yourself sort of a fast  
5 thinker or fast decision-maker or slow?

6 PROSPECTIVE JUROR: Slow.

7 THE COURT: Okay. You need time to make  
8 decisions?

9 PROSPECTIVE JUROR: Yep.

10 THE COURT: 26(a). Are you willing to apply the  
11 law as the court explains it to you?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Is there anything else you wish to  
14 call to the court's attention?

15 PROSPECTIVE JUROR: No.

16 THE COURT: All right. Just one moment.

17 **(Sidebar discussion)**

18 THE COURT: Any follow-up?

19 Any motion?

20 MR. MOHRING: I'm sorry, Your Honor. Andrew  
21 Mohring on behalf of Mukhtar Shariff.

22 I wonder if he had a sense of the -- asking about  
23 the robbery ten years ago -- if he had a sense of the  
24 assailants, whether they were immigrants or not, based on  
25 his contact with them.

1 THE COURT: Okay. Based on what you know by now,  
2 anybody for cause?

3 Okay. Thank you.

4 **(In open court)**

5 THE COURT: Could we go back to the robbery --  
6 sorry for that -- but just for a moment.

7 You had said that you thought the race was African  
8 American. Did you have any sense of whether that person was  
9 a recent immigrant or not?

10 PROSPECTIVE JUROR: No.

11 THE COURT: No, you didn't have any sense?

12 PROSPECTIVE JUROR: Yeah, I didn't have any sense.

13 THE COURT: All right. Thank you. I'm going to  
14 retain you and have you go to the courtroom next door and  
15 wait out the process. Thanks very much.

16 **(Prospective Juror Number 85 exits courtroom)**

17 THE COURT: This should be 87.

18 **(Prospective Juror Number 87 enters courtroom)**

19 THE COURT: Good morning. Come on forward. I'm  
20 going to have you go around here, and you are aiming for the  
21 witness chair up here. Hi.

22 PROSPECTIVE JUROR: Good morning.

23 THE COURT: Good morning.

24 You are witness -- or you are Juror 87?

25 PROSPECTIVE JUROR: Yes, ma'am.

1 THE COURT: All right. And so you have the  
2 questionnaire in front of you?

3 PROSPECTIVE JUROR: I do.

4 THE COURT: All right. I'm going to have you go  
5 through that questionnaire with me --

6 PROSPECTIVE JUROR: All right.

7 THE COURT: -- and go through the questions. And  
8 I'll start with how old you are.

9 PROSPECTIVE JUROR: I am 70 years old.

10 THE COURT: And Question 2 is, Did you look at  
11 that list of witnesses, defendants and staff?

12 PROSPECTIVE JUROR: I did.

13 THE COURT: Did you recognize anyone?

14 PROSPECTIVE JUROR: I did not.

15 THE COURT: All right. I've got an additional  
16 list for you. It's on the desk there. Would you mind  
17 looking at that one and seeing if you recognize any of those  
18 names?

19 PROSPECTIVE JUROR: I do not know any of them.

20 THE COURT: All right. How about Question 3?

21 PROSPECTIVE JUROR: Pardon me?

22 THE COURT: Question 3.

23 PROSPECTIVE JUROR: 3. No.

24 THE COURT: Okay. Question 4.

25 PROSPECTIVE JUROR: No, I have not.

1 THE COURT: And Question 5(a).

2 PROSPECTIVE JUROR: No, that -- I don't have a  
3 problem with that.

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

5 PROSPECTIVE JUROR: I don't believe so.

6 THE COURT: And Question 5(c).

7 PROSPECTIVE JUROR: No.

8 THE COURT: And how about Question 6?

9 PROSPECTIVE JUROR: I grew up in Mayer, Minnesota,  
10 and I presently live in Faribault, Minnesota.

11 THE COURT: How long have you lived in Faribault?

12 PROSPECTIVE JUROR: 36 years.

13 THE COURT: And can you take us through the  
14 answers to Question 7.

15 PROSPECTIVE JUROR: How far back do you want me to  
16 go?

17 THE COURT: Well, tell me first your education.

18 PROSPECTIVE JUROR: Okay. I graduated from  
19 college.

20 THE COURT: And where did you go to college?

21 PROSPECTIVE JUROR: I went to college at Concordia  
22 in St. Paul.

23 THE COURT: And after you graduated college, what  
24 did you do?

25 PROSPECTIVE JUROR: I taught for eleven and a half

1 years, and then the remainder of my -- of my working career  
2 was working at a furniture store doing deliveries and  
3 warehouse work and things of that order.

4 THE COURT: Okay. And you've retired from that  
5 job?

6 PROSPECTIVE JUROR: Yes. In 2018.

7 THE COURT: When you taught, where did you teach?

8 PROSPECTIVE JUROR: I taught in -- I was one year  
9 in Janesville, Wisconsin. Three years I was a director of  
10 Christian education in Maple Grove at Shepherd of the Grove,  
11 Maple Grove. And then I had a half year in Faribault. And  
12 then, as I said, the rest of my work was working at a  
13 furniture store, and that was in Faribault as well.

14 THE COURT: And what level were you teaching?

15 PROSPECTIVE JUROR: I was fifth and sixth grade.

16 THE COURT: And what precipitated the shift to --  
17 the shift in career?

18 PROSPECTIVE JUROR: I don't know how to say it.  
19 There was disagreements with -- I suppose would be the best  
20 way to say it.

21 I had some of the school board children in my  
22 classroom, and it -- a lot of things started happening when  
23 I saw one cheating. And I brought it forward, and basically  
24 they didn't want to accept that, the cheating and so on.  
25 And there was things that rolled out from that, I guess,

1 would be the easiest way to explain it.

2 THE COURT: And what kinds of things are we  
3 talking about?

4 PROSPECTIVE JUROR: Well, one -- one of the  
5 students was -- one of the students was going around  
6 asking -- and I was observing this while I was listening to  
7 some memory work, actually, and I was watching the one  
8 student going around and could see that she was asking  
9 for -- for other people's papers so that she could copy it.  
10 And after talking to the one, then she finally did get  
11 somebody.

12 And I walked -- without her knowing, I just walked  
13 and stood behind her for a while, watched her copy from one  
14 reading, and it was on her lap, and she was writing down the  
15 information.

16 And I told her that, you know -- well, I just  
17 basically said her name and asked her what she was doing,  
18 you know, What are you doing here?

19 And from that, then I had contacted her parents,  
20 and the parents came. And as I mentioned, her father was on  
21 the school board. And they, without my knowledge, had taken  
22 her home and -- and it was things like that.

23 And the father had -- they were disappointed with  
24 the grades that their daughter was getting, after the first  
25 quarter, and he asked to see her records and all this, and I

1 had shown them to him.

2 And they said, Well, I'm on the school board, and  
3 I'd like to see all the kids' records. I said, I cannot  
4 show them to you because you're not here as a representative  
5 of the school board, but you are here as a father, so I  
6 can't show you the other information. And that started the  
7 clashing that was going on, and it got spread out and --

8 THE COURT: And his daughter was how old?

9 PROSPECTIVE JUROR: Again?

10 THE COURT: The daughter was how old?

11 PROSPECTIVE JUROR: The daughter was in sixth  
12 grade at the time.

13 THE COURT: And were you let go from that school  
14 then?

15 PROSPECTIVE JUROR: The school board -- I was also  
16 the principal at the school; and so when there were school  
17 board meetings, I was supposed to be there.

18 Well, they had a couple secret school board  
19 meetings that I didn't know about. And I was put on -- I  
20 was -- what's the term? I wasn't terminated, but I was put  
21 on probation-type thing for 14 days so that they could do  
22 whatever they were going to do. And basically they had said  
23 that they wanted me to -- they wanted me to resign from my  
24 position.

25 THE COURT: Was there some sort of investigation

1 into something, any allegations against you?

2 PROSPECTIVE JUROR: No, not -- not really.

3 THE COURT: What do you mean by "not really"?

4 PROSPECTIVE JUROR: It was one of those things  
5 where I guess I -- I felt I cannot teach in this place  
6 again.

7 THE COURT: Okay. No allegations against you?

8 PROSPECTIVE JUROR: Not really. You know, it was  
9 basically dislike because of grades and things like that, I  
10 guess, but --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR: -- no, there was no formal  
13 things. In fact, when I put my resignation in, a lot of  
14 people had -- were wondering what had happened. And I just  
15 couldn't live with it as far as my -- I didn't want ulcers.

16 THE COURT: And how did you like your next career?

17 PROSPECTIVE JUROR: Well, it was surprising. I  
18 had put -- I had put my name on a sub list to teach. And  
19 when I had interviewed for the job at the furniture store  
20 that I worked at, I had told him that, you know, my name is  
21 on a sub list, so I might be called and I might have to go  
22 and teach and things like that. And that was part of the  
23 agreement. And he said okay. And eventually I -- I just  
24 stayed.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR: I had gotten a few -- a few  
2 times, but it was like the morning, early in the morning  
3 when I had gotten a call. And I felt obligated to work that  
4 day for the furniture store because that was my commitment  
5 at that time.

6 And I said, I need a little bit more advance  
7 notice if I'm going to be subbing so that I can tell my  
8 employer that I would -- that I would need to take off, but  
9 I didn't feel right to do it right before the beginning of  
10 the day.

11 THE COURT: All right. Thank you.

12 Do you have a spouse or a partner?

13 PROSPECTIVE JUROR: I do. We've been married for  
14 46 years.

15 THE COURT: And what does your spouse do?

16 PROSPECTIVE JUROR: Pardon me?

17 THE COURT: What does your spouse do?

18 PROSPECTIVE JUROR: She worked for the State  
19 Academy for the Blind as a dorm parent.

20 THE COURT: How long did she do that?

21 PROSPECTIVE JUROR: Total was 22 years.

22 THE COURT: And did she retire?

23 PROSPECTIVE JUROR: She is retired. Same year as  
24 I did.

25 THE COURT: Okay. And how about Question 8? Do

1 you have any children?

2 PROSPECTIVE JUROR: We have three sons.

3 THE COURT: What do they do?

4 PROSPECTIVE JUROR: Joel works at the Maple Lake  
5 Lumber lumberyard. He's a delivery driver. Jeff is teacher  
6 at Isanti Art and Science Academy. And James works at  
7 IdentiSys in Eden Prairie.

8 THE COURT: And what does that company do?

9 PROSPECTIVE JUROR: Again?

10 THE COURT: What does he do at that company, and  
11 what does that company do?

12 PROSPECTIVE JUROR: That company, they have  
13 identity badges and things like that and -- for various  
14 things. Two of their well-known clients would be the  
15 Minnesota Twins and the Minnesota Wild. Just identity --  
16 identifying badges, and I think they also have like the  
17 scanning fobs and things like that.

18 THE COURT: Mine doesn't work very well. I'd like  
19 to talk to him.

20 PROSPECTIVE JUROR: Again?

21 THE COURT: Mine doesn't work very well. I would  
22 like to talk to him.

23 PROSPECTIVE JUROR: It's probably not from that  
24 company.

25 THE COURT: All right. How about Question 9?

1 What are your favorite hobbies?

2 PROSPECTIVE JUROR: Well, I play softball. And,  
3 by the way, spring training is coming up. Yeah, no. I  
4 fish, and I have a motorcycle I enjoy riding. I play  
5 guitar. And my wife and I enjoy going up to our lake place.

6 THE COURT: And how about any organizations you  
7 belong to?

8 PROSPECTIVE JUROR: Not many. Basically the  
9 things that I'm involved in are -- other than through like  
10 softball and that, it's basically through church.

11 THE COURT: What church?

12 PROSPECTIVE JUROR: I go to Trinity Lutheran in  
13 Faribault.

14 THE COURT: And how about Question 10?

15 PROSPECTIVE JUROR: No, I do not believe so.

16 THE COURT: Question 11.

17 PROSPECTIVE JUROR: No.

18 THE COURT: Any podcasts you listen to?

19 PROSPECTIVE JUROR: Do what?

20 THE COURT: Any podcasts you listen to?

21 PROSPECTIVE JUROR: No.

22 THE COURT: And how about, how do you get your  
23 news?

24 PROSPECTIVE JUROR: No -- I -- I don't, I guess I  
25 don't go looking for the news. It comes to me. You know, I

1 don't seek it out.

2 THE COURT: Are you on social media?

3 PROSPECTIVE JUROR: Am I?

4 THE COURT: On social media.

5 PROSPECTIVE JUROR: No.

6 THE COURT: Okay. During the training, were you  
7 able to hear everything? You are having trouble hearing me  
8 I think a little bit. Were you having trouble hearing  
9 during the training?

10 PROSPECTIVE JUROR: I'm hearing echoes every once  
11 in a while, and that's why.

12 THE COURT: Are you worried about your jury  
13 service because of that?

14 PROSPECTIVE JUROR: I know -- excuse me -- I know  
15 when I was sitting back there, it was very clear. Here, it  
16 seems like there's a little bit more echo --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR: -- to me.

19 THE COURT: All right. Thank you.

20 Question 12. Have you ever served as a juror  
21 before?

22 PROSPECTIVE JUROR: I was called as a juror twice  
23 in our county. One time the -- we were called into the  
24 courtroom, and the case was dismissed because they had  
25 settled out of court, so we didn't go through the process.

1           The second time that I was called, then we were  
2 going through the process; and because of my job and that, I  
3 knew too many people that were in the courthouse --  
4 courtroom.

5           THE COURT: And how about Question 13? Did you  
6 know anybody else in the jury room here today?

7           PROSPECTIVE JUROR: No.

8           THE COURT: And Question 14.

9           PROSPECTIVE JUROR: No.

10          THE COURT: And 15.

11          PROSPECTIVE JUROR: No.

12          THE COURT: And 16.

13          PROSPECTIVE JUROR: No.

14          THE COURT: 17.

15          PROSPECTIVE JUROR: No.

16          THE COURT: 18.

17          PROSPECTIVE JUROR: No, I do not.

18          THE COURT: 19. Have you ever testified in court?

19          PROSPECTIVE JUROR: I have not.

20          THE COURT: And 20.

21          PROSPECTIVE JUROR: I'm not sure. I'm not -- I  
22 know that my -- my grandchildren, they had received food. I  
23 have no idea -- during COVID, and I don't know what the  
24 process was or anything about it, other than they were  
25 getting some foods somewhere.

1 THE COURT: You don't know whether it was from  
2 school or anything else, like whether school or another  
3 organization?

4 PROSPECTIVE JUROR: I think it was through school,  
5 but I'm not sure. My wife would know.

6 THE COURT: Question 21.

7 PROSPECTIVE JUROR: I volunteer in prison as a  
8 bible study leader, and I've been doing that for about  
9 28 years.

10 THE COURT: Where? What prison?

11 PROSPECTIVE JUROR: That would be at the state  
12 prison in Faribault.

13 THE COURT: How many people are usually in your  
14 bible study group?

15 PROSPECTIVE JUROR: Inmates?

16 THE COURT: Yes.

17 PROSPECTIVE JUROR: Usually there are -- I'll say  
18 pre-COVID we had probably 40 to 60 that would attend the  
19 bible study that we had.

20 Post-COVID, so far this year, because of staffing  
21 problems, I haven't gotten in. Last year I got in about, I  
22 think it was about six times; and at that time the schedule  
23 was for the first and if there was a fifth Saturday, is when  
24 I would go in.

25 THE COURT: When you conduct that bible study, do

1 you ever talk with the residents of the prison about what  
2 they are in for?

3 PROSPECTIVE JUROR: No.

4 THE COURT: Anything about the crimes or their  
5 trials?

6 PROSPECTIVE JUROR: No. Sometimes -- I was in  
7 basically for two -- under two different settings. One was  
8 a bible study where it was just a give and take, and it's a  
9 large group. Another one we had weekend seminars, and with  
10 those then we would have a large group as well as small  
11 group.

12 In some of the small groups, some of the  
13 inmates -- it wasn't asked of them, but sometimes they had  
14 said some of the things that they were involved in, things  
15 like that, but I never asked and I never pursued, you know,  
16 the reasoning that they were there. To me, that -- that  
17 wasn't the purpose of my being there.

18 THE COURT: And how about Question 22?

19 PROSPECTIVE JUROR: No, I have not.

20 THE COURT: How about Question 23?

21 PROSPECTIVE JUROR: No.

22 THE COURT: And Question 24.

23 PROSPECTIVE JUROR: At our church we have a  
24 Sudanese pastor. He is from Africa and -- but I don't know  
25 what part of Africa. I'm not familiar.

1 THE COURT: How about in your work in the prisons?

2 PROSPECTIVE JUROR: There's all different  
3 cultures, but I -- I don't know of any particular as far as  
4 from Africa or not. I -- we don't -- we don't pursue the  
5 backgrounds. Just sometimes, like I said, sometimes it's  
6 offered up, but we don't -- I don't pursue it and ask for  
7 it.

8 THE COURT: Question 25 gets at your unconscious  
9 bias. Did you see the video on unconscious bias?

10 PROSPECTIVE JUROR: I know we all have that, but  
11 I -- I guess because of the different things that I do and  
12 have done, I try to keep that out.

13 THE COURT: And are you comfortable committing  
14 yourself to thinking about why you make a particular  
15 decision and check your bias?

16 PROSPECTIVE JUROR: Yeah.

17 THE COURT: And obviously, as we've discussed,  
18 people in this case may be from different racial  
19 backgrounds, ethnic backgrounds, have a different religion  
20 than you. Can you commit yourself to evaluate the evidence  
21 and resist an urge to reach a verdict based on any hidden  
22 bias?

23 PROSPECTIVE JUROR: I believe I can, yes.

24 THE COURT: Question 26(a). Are you willing to  
25 apply the law as the court explains it to you?

1 PROSPECTIVE JUROR: I -- I understand the two  
2 different things. Yeah. Yes, I mean.

3 THE COURT: Okay. Can you think of anything else  
4 you need to call to the court's attention?

5 PROSPECTIVE JUROR: Say again? I'm sorry.

6 THE COURT: Can you think of anything else that  
7 you need to call to the court's attention?

8 PROSPECTIVE JUROR: No. I guess we went into more  
9 than I was expecting.

10 THE COURT: Okay. Thank you.

11 Just one moment.

12 **(Sidebar discussion)**

13 THE COURT: Follow-up?

14 Motion for cause?

15 Okay. Thank you.

16 **(In open court)**

17 THE COURT: All right. Sir, I'm going to have you  
18 go to the next courtroom, and we'll retain you, and you will  
19 go to that next step in the process. And I appreciate your  
20 patience during that.

21 PROSPECTIVE JUROR: Okay.

22 THE COURT: Thank you.

23 PROSPECTIVE JUROR: So do I just go out?

24 THE COURT: You can go out the same door, and then  
25 you will go to the courtroom next door. There should be

1 some folks out there to help you out.

2 PROSPECTIVE JUROR: All right. Thank you.

3 **(Prospective Juror Number 87 exits courtroom)**

4 **(Prospective Juror Number 90 enters courtroom)**

5 THE COURT: Good morning.

6 PROSPECTIVE JUROR: Good morning.

7 THE COURT: You are Juror Number 90?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: All right. Terrific. I am going to  
10 ask you the questions that are on that questionnaire. I'll  
11 have you just look at the questionnaire, and we'll go  
12 through it together.

13 PROSPECTIVE JUROR: Okay.

14 THE COURT: The first question is, How old are  
15 you?

16 PROSPECTIVE JUROR: 58.

17 THE COURT: And Question 2.

18 PROSPECTIVE JUROR: What's that?

19 THE COURT: What is the answer to Question 2? If  
20 you can look at that.

21 PROSPECTIVE JUROR: Do you know anyone who is  
22 listed on the potential witness, defendants or -- and staff?  
23 I don't.

24 THE COURT: And I've got an additional question  
25 for you. There are some more names I'd like you to look at.

1 There's an additional list on the witness stand. Do you  
2 know any of those folks? And take your time.

3 PROSPECTIVE JUROR: I might know Steve Daulton  
4 from Festival Foods, manager. I don't know. He used to be  
5 my neighbor, and he started -- he could be -- that could be  
6 the place he worked for, because I know he works in  
7 groceries.

8 THE COURT: Okay. Is he your neighbor now?

9 PROSPECTIVE JUROR: Pardon me?

10 THE COURT: Is he your neighbor now?

11 PROSPECTIVE JUROR: About half a mile away.

12 THE COURT: What kind of contact do you have with  
13 him?

14 PROSPECTIVE JUROR: We coached little league when  
15 the boys were -- when the kids were young. I haven't seen  
16 him for a while, but I've know him.

17 THE COURT: And would you say you were friends?

18 PROSPECTIVE JUROR: At -- yeah, I mean, if he  
19 called me up, I would help him. I haven't had contact with  
20 him in a while.

21 THE COURT: How long?

22 PROSPECTIVE JUROR: Three years.

23 THE COURT: Do you have an opinion one way or  
24 another on his credibility?

25 PROSPECTIVE JUROR: I can't understand what you

1 said.

2 THE COURT: Do you have an opinion one way or  
3 another on his credibility?

4 PROSPECTIVE JUROR: On his credibility? He's the  
5 most honest guy I've ever known.

6 THE COURT: Okay. Just one moment.

7 **(Sidebar discussion)**

8 THE COURT: On whose witness list is he?

9 MR. THOMPSON: He's on the government's, Your  
10 Honor.

11 THE COURT: Are you calling him?

12 MR. THOMPSON: We are. He works at a Festival  
13 Foods in Lexington/Circle Pines, be a bite of a community,  
14 but it's certainly possible he lives in South St. Paul.

15 THE COURT: All right. Let's get -- I'll assume  
16 it's the same person. I'm kind of doubting there are two  
17 Steve Daultons who are involved in the grocery industry. In  
18 the Twin Cities, though, it could be possible.

19 Given that statement, I'm inclined to excuse him.  
20 Anybody else?

21 All right. Thank you.

22 MR. THOMPSON: No, Your Honor.

23 **(In open court)**

24 THE COURT: Thank you for your patience through  
25 this process. I'm going to excuse you. Okay?

1 PROSPECTIVE JUROR: All right.

2 THE COURT: All right. Thank you. You can hand  
3 your papers to the folks on the other side of the door.

4 PROSPECTIVE JUROR: Whoops. Sorry.

5 THE COURT: No worries. Thank you.

6 **(Prospective Juror Number 90 exits courtroom)**

7 **(Prospective Juror Number 91 enters courtroom)**

8 THE COURT: Hello.

9 PROSPECTIVE JUROR: Hello.

10 THE COURT: Good morning. Come on forward around  
11 the tables, and you are going to aim for the witness stand  
12 up here by me.

13 You are Juror Number 91?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Okay. So I'll have you look at the  
16 questionnaire that's in your hand, and we'll go through that  
17 starting with Question 1, which is, How old are you?

18 PROSPECTIVE JUROR: 62.

19 THE COURT: And when you looked at the list of  
20 witnesses, defendants and staff, did you recognize any  
21 names?

22 PROSPECTIVE JUROR: There was one name, but it was  
23 kind of a common name, so I'm not sure if it was the same  
24 person.

25 THE COURT: Who is that?

1 PROSPECTIVE JUROR: Michael Kinney.

2 THE COURT: And what number is he on the witness  
3 list, do you know?

4 PROSPECTIVE JUROR: 327. I think they don't have  
5 a Y on the end of their name, though, so.

6 THE COURT: The person that you know, how old a  
7 person?

8 PROSPECTIVE JUROR: About my age. 62.

9 THE COURT: And how do you know him?

10 PROSPECTIVE JUROR: My kids went to school with  
11 their kids.

12 THE COURT: What does he do for a living, do you  
13 know?

14 PROSPECTIVE JUROR: Actually, no.

15 THE COURT: And what community do you live in?

16 PROSPECTIVE JUROR: St. Paul.

17 THE COURT: Okay. Just one moment.

18 **(Sidebar discussion)**

19 MR. THOMPSON: Your Honor, this is Joe Thompson on  
20 behalf of the United States.

21 He is a Task Force Officer with Customs and Border  
22 Protection. It's certainly possible we'll call him. I  
23 doubt it's the same person, but I don't know.

24 THE COURT: Do you think your task force is 62?

25 MR. THOMPSON: No. He'd be past mandatory

1 retirement.

2 THE COURT: Thank you.

3 (In open court)

4 THE COURT: And so you think he's about your age?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Okay. Thank you. We don't think it's  
7 the same person.

8 How about -- there's an additional list of names  
9 that's there on that desk. Could you look at that and see  
10 if you recognize any names?

11 PROSPECTIVE JUROR: No.

12 THE COURT: How about Question 3?

13 PROSPECTIVE JUROR: I would say yes. Probably I  
14 thought it was over a year ago that I heard it on the news.

15 THE COURT: What do you remember hearing?

16 PROSPECTIVE JUROR: Just that there was possible  
17 fraud from a money -- or for food, taking money for food,  
18 but they didn't really go there, and they were wondering how  
19 the State of Minnesota didn't catch that or something.  
20 That's what I heard.

21 THE COURT: Was there any discussion of a court  
22 case or indictments?

23 PROSPECTIVE JUROR: No.

24 THE COURT: How about criminal charges?

25 PROSPECTIVE JUROR: No.

1 THE COURT: How about a search warrant?

2 PROSPECTIVE JUROR: No.

3 THE COURT: And have you developed an opinion on  
4 the guilt or innocence of the defendants?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Okay. And if you are selected as a  
7 juror in this case, will you be able to set aside what  
8 you've learned throughout other sources and decide the case  
9 only on the evidence presented at trial?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Was it just the one news article that  
12 you remember hearing or reading?

13 PROSPECTIVE JUROR: Yeah, it was probably over a  
14 course of like two days when there was -- that I might have  
15 heard it on the news a couple different days.

16 THE COURT: Okay. And Question 4.

17 PROSPECTIVE JUROR: The only one I've heard I  
18 thought was Feeding Our Future, because I think that was the  
19 one that was mentioned on the news.

20 THE COURT: All right. Thank you.

21 Question 5(a).

22 PROSPECTIVE JUROR: No, I do not have any  
23 difficulty.

24 THE COURT: 5(b).

25 PROSPECTIVE JUROR: No.

1 THE COURT: 5(c).

2 PROSPECTIVE JUROR: No.

3 THE COURT: And 6.

4 PROSPECTIVE JUROR: I grew up in St. Paul, and  
5 that's where I live.

6 THE COURT: And 7. Can you take us through that?

7 PROSPECTIVE JUROR: Sure. I went to one year of  
8 college. I am an insurance customer service representative.  
9 I've been that since for 40 years now.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR: And my husband is retired, and  
12 he worked for City of St. Paul Parks and Rec Department.

13 THE COURT: And what did he do for them?

14 PROSPECTIVE JUROR: He was a recreation leader.

15 THE COURT: What kind of activities?

16 PROSPECTIVE JUROR: Did he do?

17 THE COURT: Mm-hmm.

18 PROSPECTIVE JUROR: He worked at the playgrounds  
19 in St. Paul for park and rec, you know, just was there as  
20 part of -- helped coach some teams or made sure that  
21 everybody had the equipment needed for the volunteer coaches  
22 who coached teams.

23 THE COURT: And when did he retire?

24 PROSPECTIVE JUROR: Eight years ago.

25 THE COURT: And where did you go to high school?

1 PROSPECTIVE JUROR: The actual high school or  
2 just --

3 THE COURT: Yeah.

4 PROSPECTIVE JUROR: Cretin -- well, Derham Hall.

5 THE COURT: And how about Question 8?

6 PROSPECTIVE JUROR: I do have two children. They  
7 are 35 and 30. And one is a teacher in -- kindergarten  
8 teacher in a private school. And one -- I don't really know  
9 what his occupation is. He works for a company that when  
10 people take tests, like online testing, he does the checking  
11 to make sure that there was no cheating or fraud during the  
12 testing.

13 THE COURT: Where is your daughter the  
14 kindergarten teacher? What school is that?

15 PROSPECTIVE JUROR: St. Thomas More in St. Paul.

16 THE COURT: How long has she done that?

17 PROSPECTIVE JUROR: 12 years, 10 or 12 years.

18 THE COURT: Okay. And how about Question 9?

19 PROSPECTIVE JUROR: My favorite hobbies are being  
20 with my grandkids, spending time with family and friends and  
21 watching TV or maybe attending some sporting events.

22 I belong to a Catholic church, just attend. I  
23 don't -- I'm not really involved in it that much, other than  
24 attending mass on Sundays.

25 THE COURT: And how many grandkids do you have?

1 PROSPECTIVE JUROR: Three.

2 THE COURT: How old are they?

3 PROSPECTIVE JUROR: They are 2, 5 and 6.

4 THE COURT: And how about Question 10?

5 PROSPECTIVE JUROR: No.

6 THE COURT: And Question 11.

7 PROSPECTIVE JUROR: The only internet site I go  
8 on -- I do look at Facebook. Other than that, I don't  
9 really have -- I don't listen to podcasts, newspaper or  
10 magazines.

11 THE COURT: What kind of TV shows do you watch?

12 PROSPECTIVE JUROR: We watch sporting events on TV  
13 and then like to kind of watch comedies or dramas, like  
14 Chicago Fire, things like that.

15 THE COURT: How about Question 12?

16 PROSPECTIVE JUROR: No, I have not.

17 THE COURT: Question 13.

18 PROSPECTIVE JUROR: No, I do not.

19 THE COURT: And 14.

20 PROSPECTIVE JUROR: No.

21 THE COURT: And 15.

22 PROSPECTIVE JUROR: I do not have any law  
23 enforcement or legal.

24 THE COURT: And 16.

25 PROSPECTIVE JUROR: We, you know, we had a garage

1 broken into. I had to call the police. That was fine.

2 THE COURT: When was that?

3 PROSPECTIVE JUROR: At least 15 years ago  
4 probably.

5 THE COURT: Did they ever catch anyone?

6 PROSPECTIVE JUROR: No.

7 THE COURT: Okay. And did you see anyone?

8 PROSPECTIVE JUROR: No.

9 THE COURT: How about Question 17?

10 PROSPECTIVE JUROR: I have two nephews that are  
11 police officers.

12 THE COURT: Where are they working?

13 PROSPECTIVE JUROR: One is in Brainerd, and one is  
14 in St. Paul.

15 THE COURT. And are you close to them?

16 PROSPECTIVE JUROR: No. My nephew in Brainerd I  
17 see once a year, maybe. And my nephew in St. Paul I  
18 actually -- his dad died a year and a half ago, was the last  
19 time I saw him.

20 THE COURT: Okay. Anything about that  
21 relationship or those relationships that would affect your  
22 approach to this case as a juror?

23 PROSPECTIVE JUROR: I don't think so.

24 THE COURT: Okay. And Question 18 is that some of  
25 the witnesses in this trial are likely to be law enforcement

1 officers. Do you have any feelings, positive or negative,  
2 generally towards law enforcement officers?

3 PROSPECTIVE JUROR: Not necessarily.

4 THE COURT: Can you treat law enforcement officers  
5 just as you would treat any other witness?

6 PROSPECTIVE JUROR: I think so.

7 THE COURT: Yeah, so I would instruct you that  
8 when someone takes the stand, you need to treat that person  
9 like you would treat anyone else. They start with a blank  
10 slate in terms of credibility.

11 And what the parties want to know is whether you  
12 would give somebody an extra, you know, bonus points or  
13 something, right, that they'd start out with an advantage  
14 just because they are a police officer.

15 PROSPECTIVE JUROR: No, I don't think so.

16 THE COURT: Okay. Question 19.

17 PROSPECTIVE JUROR: No, I have not.

18 THE COURT: Question 20.

19 PROSPECTIVE JUROR: No.

20 THE COURT: And 21.

21 PROSPECTIVE JUROR: The only thing I can think of  
22 is, you know, I'm -- I volunteer to make meals for Helping  
23 Hands for people like cancer patients and help, and that's  
24 the only thing I've done.

25 THE COURT: Did you do that during COVID as well?

1 PROSPECTIVE JUROR: It was twice last year that I  
2 did it.

3 THE COURT: How about during COVID?

4 PROSPECTIVE JUROR: No.

5 THE COURT: No?

6 PROSPECTIVE JUROR: No.

7 THE COURT: Do you know how at your daughter's  
8 school the children were fed during COVID?

9 PROSPECTIVE JUROR: There was not -- because  
10 they're a private school, I don't -- I don't think they get  
11 anything. I mean, there was no services or anything like  
12 that for the private schools. And I don't know if their  
13 school just chose not to do that, but there was nothing that  
14 I'm aware of.

15 THE COURT: Okay. And Question 22.

16 PROSPECTIVE JUROR: No.

17 THE COURT: How about Question 23.

18 PROSPECTIVE JUROR: I have no feelings against or  
19 in favor.

20 THE COURT: Question 24. Your contacts with  
21 people whose backgrounds are in East Africa, particularly  
22 Somalia.

23 PROSPECTIVE JUROR: I don't think I really had any  
24 contact.

25 THE COURT: And any feelings one way or another

1 toward the Somali community or anyone within it?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Okay. And Question 25 gets at your  
4 unconscious bias. If you are selected as a juror, are you  
5 comfortable committing yourself to thinking about why you  
6 make a decision and examining that decision for bias?

7 PROSPECTIVE JUROR: Yes, I can.

8 THE COURT: And how generally do you make  
9 important decisions in your life?

10 PROSPECTIVE JUROR: Probably daily. I mean --

11 THE COURT: And what process do you go through?  
12 Can you kind of describe your thought process?

13 PROSPECTIVE JUROR: Well, depending on what it is,  
14 what are the, you know, think about what the future  
15 consequences are and is this the right -- you know, kind of  
16 have to make a decision it's going to affect you, is it the  
17 right decision. It just --

18 THE COURT: And people involved in the case may be  
19 from different racial and ethnic backgrounds, practice a  
20 different religion than you.

21 Can you commit to carefully evaluating evidence  
22 and resisting any urge to reach a verdict influenced by  
23 hidden or unconscious bias?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Are you willing to apply the law as

1 the court explains it to you?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Is there anything else you need to  
4 call to the court's attention?

5 PROSPECTIVE JUROR: No.

6 THE COURT: All right. Thank you. Just one  
7 moment.

8 **(Sidebar discussion)**

9 THE COURT: Any follow-up?

10 MR. SAPONE: Good morning, Your Honor. This is Ed  
11 Sapone for Abdi Nur.

12 You may recall when we were discussing the 404(b)  
13 evidence and what comes in and what doesn't that -- I think  
14 it's still an open question, but there was evidence  
15 concerning Pay Me to Do Your Homework relative to Mr. Nur.

16 So what I would ask Your Honor to consider is --  
17 this potential juror has a child who works for a company  
18 that does online testing to make sure that people don't  
19 cheat -- and what I'd ask you to consider asking is, There  
20 may be evidence at this trial about an online company  
21 somewhat similar to the one where your child works. Can you  
22 put aside anything they may have told you about that job and  
23 follow the court's instructions concerning that kind of  
24 evidence. And then maybe, Have you ever heard of a company  
25 named Pay Me to Do Your Homework.

1 THE COURT: I'm not going to ask that. I think it  
2 highlights it.

3 MR. SAPONE: Sure.

4 THE COURT: I'm not going to do it.

5 MR. SAPONE: What about the first one? Just to  
6 make sure I wouldn't want her to have any preconceived ideas  
7 about that.

8 THE COURT: I'll ask it more generally, but I'm  
9 not going to note what the evidence may be. We just don't  
10 know.

11 MR. SAPONE: Sure.

12 THE COURT: Okay. Thank you.

13 **(In open court)**

14 THE COURT: What company does your son work for?

15 PROSPECTIVE JUROR: Pearson.

16 THE COURT: And has he told you a little bit about  
17 what he does in the process of ensuring that people don't  
18 cheat?

19 PROSPECTIVE JUROR: No.

20 THE COURT: Okay. To the extent that he has, can  
21 you put what he's told you aside, judge the evidence in this  
22 case solely on what you hear and see in this courtroom?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Okay. All right. I'm going to retain  
25 you. I'll have you go to the next courtroom over --

1 PROSPECTIVE JUROR: Okay.

2 THE COURT: -- and just await our process. It's a  
3 little bit of a process, so I appreciate your patience.

4 PROSPECTIVE JUROR: Thank you.

5 THE COURT: Thank you.

6 **(Prospective Juror Number 91 exits courtroom)**

7 THE COURT: One moment, counsel.

8 Counsel, we have one juror who has been late two  
9 times that is in the pool, so we're considering what -- very  
10 late, as in we're not sure she's here.

11 So I'm going to break in the process. Let's just  
12 take a break here. I want to consider whether she can be  
13 here; and if not, we're going to call another juror in, so.

14 MR. IAN BIRRELL: Can you please tell us who?

15 COURTROOM DEPUTY: 52.

16 THE COURT: 52. I may have her come back in. Let  
17 me just see what I can find out, but in the meantime let's  
18 just take our morning break and come back at 10:45.

19 MR. SCHLEICHER: Your Honor, may I raise an issue?

20 THE COURT: Oh, you want to raise an issue? Yes,  
21 you may.

22 MR. SCHLEICHER: Thank you, Your Honor.

23 I just wanted to get some clarification on the  
24 additional names that were provided this morning to this  
25 pool of jurors.

1           Is there a plan to show those names to the people  
2 who have already been selected and then get some sort of  
3 record of their response?

4           THE COURT: Yes, it has been shown to them in the  
5 courtroom next door, and I will make a record of their  
6 response.

7           In addition, when they come in for peremptories,  
8 I'm going to ensure that they don't recognize each other,  
9 because the only -- because they're from two different  
10 groups. So I thought I would ask that additional question.  
11 I think that was the only additional question I needed to  
12 ask them.

13           MR. SCHLEICHER: Thank you.

14           THE COURT: But if you think of another one --  
15 yes, but I will make a record of that and ensure that they  
16 have it. Thank you.

17           MR. SCHLEICHER: Thank you, Your Honor.

18           MR. GOETZ: Your Honor, I have one.

19           THE COURT: Yes, Mr. Goetz.

20           MR. GOETZ: Just housekeeping. I have that matter  
21 over in Hennepin County at 11:30, the sentencing in the  
22 homicide. With the court's permission, I'll duck out at  
23 11:00.

24           THE COURT: Yes, you may do that. You've got your  
25 team.

1 MR. GOETZ: Thank you.

2 THE COURT: All right. Thank you.

3 And that is true for anybody. If you've got more  
4 than one attorney on a case and -- or if you have more than  
5 one attorney and, all of you, if you need to duck out  
6 through the trial, you don't need my permission to do that.  
7 If you feel that your clients are covered and that your  
8 duties are covered, you may duck in and out, as long as  
9 there's two of you, because --

10 MR. IAN BIRRELL: All right.

11 THE COURT: All right. Thank you. 10:45.

12 (Recess taken at 10:32 a.m. till 10:50 a.m.)

13

14

**IN OPEN COURT**

15

**(JURY PANEL NOT PRESENT)**

16

17

THE COURT: Are you all ready to exercise  
peremptories?

18

MR. ANDREW BIRRELL: Yes.

19

20

THE COURT: All right. Then I'm going to ask you  
to remain standing while we have the jury panel brought in.

21

Thank you.

22

23

**IN OPEN COURT**

24

**(JURY PANEL ENTERS COURTROOM)**

25

THE COURT: All right. You may all be seated.

1           Good morning again. And good morning to those of  
2 you who I haven't seen yet today. Thank you for being here.

3           We are about to go through the process of having  
4 the attorneys exercise their peremptory challenges. They do  
5 that by passing a sheet of paper back and forth. So you are  
6 sitting in a quiet courtroom while they do that.

7           You are welcome to stretch and get up, and if you  
8 need to take a comfort break, you can do that, but I'll ask  
9 for the most part that you remain in your seats.

10           Remember that you are not allowed to talk to them  
11 and they are not allowed to talk to you. So it's not a  
12 particularly comfortable process, but it will be fine.

13           There's a couple of things that I wanted to raise  
14 with you before I ask the attorneys to begin the process.  
15 One is that -- the first is that there was an additional  
16 list this morning of witnesses that was added. I think it  
17 was provided to you in the courtroom next door.

18           Is there anyone who has not looked at that  
19 additional list of witnesses or potential witnesses to see  
20 if you recognize them? Is there anyone who has not reviewed  
21 that list?

22           Okay. I'm seeing no hands.

23           Is there anyone who reviewed the list and  
24 recognized a name on the list?

25           All right. I'm seeing no hands. Thank you.

1           The second thing I'll say is if you could just  
2 look around -- and you were outside together in the hall  
3 momentarily or briefly. I saw most of you yesterday, but  
4 you are from two different groups. And one of the questions  
5 that I asked you, all of you, is do you know each other.

6           Is there anyone from one group who has recognized  
7 someone from the second group or vice versa?

8           Yes.

9           PROSPECTIVE JUROR NO. 22: You mean of jurors,  
10 right?

11          THE COURT: I mean of jurors.

12          PROSPECTIVE JUROR NO. 22: Yeah, I recognize  
13 someone.

14          THE COURT: Okay. Just a minute. We'll get to  
15 you.

16          PROSPECTIVE JUROR NO. 22: I don't remember what  
17 her number was, but -- I don't know if she's still sitting  
18 here. I believe that she's here. Yeah, over there  
19 (indicating).

20          THE COURT: Okay. And so can you just stand up  
21 quick? What's your number?

22          PROSPECTIVE JUROR NO. 56: 56.

23          THE COURT: 56? Okay.

24          And you are juror?

25          PROSPECTIVE JUROR NO. 22: 22.

1 THE COURT: Okay. So 22 recognizes 56 and vice  
2 versa?

3 PROSPECTIVE JUROR NO. 56: Yeah, I said that  
4 yesterday in that interview.

5 THE COURT: Oh, did we talk about it? Okay.

6 PROSPECTIVE JUROR NO. 22: Yeah, I didn't see her  
7 the first day or when I was here in questioning. I saw her  
8 yesterday.

9 THE COURT: Okay. And how do you know her?

10 PROSPECTIVE JUROR NO. 22: Mutual friends.

11 THE COURT: Okay. If you are on a jury with her,  
12 is there anything about the fact that you know each other  
13 that would make your approach different?

14 PROSPECTIVE JUROR NO. 22: No.

15 THE COURT: If you are on a jury with her, would  
16 her opinion hold more weight with you than any of these  
17 other folks?

18 PROSPECTIVE JUROR NO. 22: No.

19 THE COURT: All right. Thank you.

20 And I think we've covered it with 56 during the  
21 questioning.

22 All right. Thank you very much.

23 Again, as we go through the process, I'm still  
24 going to, when we announce the jurors, only refer to you by  
25 your number. And for those of you who are on the jury, that

1 will be the case throughout the trial.

2 We are choosing 12 jurors and 6 alternates, so  
3 it's a pool of 18 people. You all serve the same, and  
4 nobody knows who the alternates are until the end of the  
5 case. So they are choosing 18 people today.

6 Again, the process is that the attorneys will pass  
7 that sheet back and forth, confer with each other. I'll  
8 just ask you to get as comfortable as you can during that  
9 process.

10 Does anyone need a sidebar before we begin?

11 Okay. I'm going to step off the bench while that  
12 process occurs. And Ms. Wegner will let me know when the  
13 strikes have been done and completed and that we have a  
14 pool. So thanks again for your patience.

15 COURTROOM DEPUTY: All rise.

16 (Recess taken at 10:59 a.m. till 11:59 a.m.)

17

18

**IN OPEN COURT**

19

**(JURY PANEL PRESENT)**

20

THE COURT: You may all be seated.

21

22

At this time I am going to announce the numbers of  
the jurors who will be serving in this case. And

23

afterwards, I'll ask that the remainder of you be excused

24

and that those of you who are serving in the case remain

25

here to be sworn.

1           The jurors who -- and I'm going to name by number,  
2           so I think all of you are now familiar with your own number  
3           by now. So I'll announce that way.

4           The jurors who will be serving in this case are:

5           Juror Number 4.

6           Juror Number 14.

7           Juror Number 17.

8           Juror Number 22.

9           Juror Number 33.

10          Juror Number 38.

11          Juror Number 42.

12          Juror Number 51.

13          Juror Number 52.

14          Juror Number 54.

15          Juror Number 62.

16          Juror Number 66.

17          Juror Number 71.

18          Juror Number 78.

19          Juror Number 82.

20          Juror Number 85.

21          Juror Number 87.

22          Juror Number 91.

23          Does anyone need me to repeat any of those? All  
24          got it?

25          Those of you whose numbers have not been called, I

1 thank you very much for your patience this week, for your  
2 service to the system. We really appreciate it.

3 Those of you whose numbers are called, I'd like  
4 you to stay and be sworn.

5 All rise for the jurors who are being excused.

6 **(Prospective jurors exit courtroom)**

7 THE COURT: All right. Thank you.

8 You can remain there, and I'll swear you in where  
9 you are, because you are going to then go get your things in  
10 the next courtroom, and then I'll have Ms. Wegner do a brief  
11 orientation for you.

12 Just let me take roll call quick. We have 4, 17,  
13 22, 14, 33, 38, 42, 51, 52 -- sorry -- 54, 62, 66, 71, 78,  
14 82, 85, 87, 91.

15 We have everyone?

16 All right. Everybody remain standing. I'm going  
17 to have you sworn in as the jury in this case. Please raise  
18 your right hand.

19 COURTROOM DEPUTY: Members of the jury panel, you  
20 and each of you do affirm that you will well and truly try  
21 the issues joined in this case, a true verdict render  
22 according to the evidence and the law as given by the court,  
23 and you do this -- and you do affirm under pains and  
24 penalties of the perjury. If so, please answer "I do."

25 JURY: I do.

1 COURTROOM DEPUTY: Thank you.

2 THE COURT: Thank you, all. You may be seated.

3 Before I release you -- and I'm releasing you  
4 until Monday morning, unless we tell you differently. It  
5 won't be any earlier than Monday morning. Okay?

6 But before you do that, you are going to go to  
7 next door, get your things, if you need to. You are going  
8 to meet Ms. Wegner out in the hallway, and she will give you  
9 a brief orientation on your service as a juror.

10 Before that occurs, let me tell you two things,  
11 and one is I'm going to give you an instruction that I may  
12 repeat on Monday morning, but it's important that now that  
13 you are sworn as a jury, you have rules that you must abide  
14 by. And I think they won't be a surprise to you. They are  
15 similar to the rules I gave you during voir dire, but I give  
16 them to you now.

17 First, you are not to communicate or talk amongst  
18 yourselves about the case or anyone involved in it until the  
19 end of the case when you go to the jury room to decide on  
20 your verdict. And that's important because you are to keep  
21 an open mind during the entire case so that the  
22 deliberations are the first time that you deliberate about  
23 the case.

24 Second, do not talk with anyone else about this  
25 case or anyone involved with it until the trial has ended

1 and you've been discharged as jurors. That includes your  
2 family and your friends. It also includes all of the people  
3 in the courtroom here.

4 Again, they are instructed not to talk to you,  
5 even to pass the time of day. I'll emphasize that as well  
6 and keep doing so. They are instructed to that as well. So  
7 they are, again, not being rude. I've instructed them not  
8 to do so.

9 With that in mind, third, when you are outside the  
10 courtroom, do not let anyone tell you anything about the  
11 case or anyone involved with it until after the trial has  
12 ended and your verdict has been accepted by me. If someone  
13 should try to talk to you about the case during trial,  
14 please report it to courtroom staff immediately.

15 Fourth, during the trial -- again, this is the  
16 parties and lawyers -- you should not talk to or speak to  
17 anyone -- parties, lawyers or witnesses -- involved in the  
18 case, not even to pass the time of day. And that is because  
19 it's not important that you do -- not only important that  
20 you do justice in this case, but also that you give the  
21 appearance of justice.

22 And if a person from one side sees you talking to  
23 a person from the other, even to say hello, an unwarranted  
24 or unnecessary suspicion might arise. If any lawyer, party  
25 or witness does speak to you when you pass in the hall or

1 otherwise, you need to -- it's not because -- if they do  
2 speak to you, I want you to report it. If they don't,  
3 again, it's because they're not supposed to.

4 Fifth, it may be necessary for you to tell your  
5 friends, your employer, your close -- your family about your  
6 participation in the trial. Here's what you can say. You  
7 can say, I'm required to be in court. You can warn them not  
8 to ask about the case, tell you anything they know or think  
9 they know about the case or discuss the case in your  
10 presence.

11 You must not communicate with or post any  
12 information about the parties, the witnesses, the  
13 participants, the charges, evidence or anything related to  
14 the case. You must not tell anyone anything about the  
15 jury's deliberations until after I accept the verdict or  
16 until I give you specific permission to do so.

17 Again, if you discuss the case with someone other  
18 than the other jurors during deliberations, it could create  
19 the perception that you've decided the case prematurely and  
20 that would not be fair to the parties.

21 Sixth, as to research and investigation, do not do  
22 any research or investigation about the case on your own.  
23 Do not visit any place discussed, use any internet program  
24 or other device to search online or view any place discussed  
25 in the testimony. And you are not to research any

1 information about the case, the law, the people involved,  
2 including the parties, the witnesses, the lawyers, the  
3 judge.

4 Seventh, no news stories. So do not read news  
5 stories or articles in print or on any electronic media  
6 about anyone involved with the case, listen to any radio or  
7 television reports about the case or anyone involved with  
8 it. And because you know there has been publicity about  
9 this case, until the trial is over, I suggest that you avoid  
10 reading any information, any news online or listen to any  
11 news on the television or radio or otherwise.

12 And this is all because the parties have a right  
13 for the case to be decided only on the evidence they know  
14 about and that has been introduced here in court. If you do  
15 research or investigation that we don't know about, your  
16 verdict may be influenced by inaccurate, incomplete or  
17 misleading information that has not been tested by the trial  
18 process, including the oath to tell the truth and by  
19 cross-examination.

20 Eighth, keep an open mind. So do not make up your  
21 mind during the trial about what your verdict should be. I  
22 want you to keep an open mind until after you've gone to the  
23 jury room to decide the case and you and your fellow jurors  
24 have discussed the evidence.

25 You should perform your duties without prejudice

1 or fear and solely from an impartial and fair consideration  
2 of the evidence.

3 You have been very patient this week. I really  
4 appreciate it. We all appreciate it because our system of  
5 justice depends on jurors like you to make careful and fair  
6 decisions, and that's what we're counting on.

7 So I want you to make sure that you -- as you  
8 think about your jury service, that you think about taking  
9 the time to reflect carefully and consciously about only the  
10 evidence that you hear and see in the courtroom.

11 With that, again, we thank you in advance.

12 I'll release you at this time to go, again, down  
13 the hall, get your things, if you haven't. You are going to  
14 meet Ms. Wegner out in the hallway.

15 And I'll plan on seeing you Monday morning, unless  
16 you get a call that moves that time, but it won't move it  
17 earlier. I know it will not move it earlier.

18 So have a good weekend, everyone.

19 All rise for the jury.

20 **(Jury exits courtroom)**

21 **(In open court)**

22 THE COURT: You may all be seated.

23 We're on the record out of the presence of the  
24 jury who has now been sworn.

25 Is there anything that should come to the court's

1 attention?

2 Mr. Mohring, do you maintain your motion?

3 MR. MOHRING: Your Honor, if I could take a minute  
4 of the court's time?

5 THE COURT: Of course.

6 MR. MOHRING: With some reluctance, Your Honor,  
7 I'll withdraw the request for a recess. I think there's a  
8 legal distinction between a recess and a continuance, but  
9 I've been asking for a recess. And I think the court has  
10 more discretion with recesses than continuances. It's less  
11 formal. But with some reluctance.

12 I would note for the record that the discovery  
13 deadline in this case was December 9th of 2022, and that the  
14 government has not once sought an exemption or an extension  
15 of that deadline.

16 Notwithstanding that, we've gotten, I think, a  
17 total -- we're up to eight -- so seven evidentiary  
18 productions since then. The first one was made in a timely  
19 manner. The most recent being even after the commencement  
20 of jury selection, we got 7 gigabytes, as mentioned, at 6:15  
21 on a Friday evening before a Monday trial. We got over  
22 200 -- I think it's close to 240 gigabytes less than a week  
23 before the deadline for pretrial motions.

24 I think the question of is this intentional, I'll  
25 leave that for another day and another venue. I'm not

1 proposing to go there, except to note the jury instruction  
2 that the prosecution is fond of, which says that we can be  
3 presumed to intend the reasonable and probable consequences  
4 of our actions. But, again, it's a problem because it's a  
5 problem to process the information regardless of whether  
6 there's game playing or not. And, again, I'm not proposing  
7 to go to that point.

8 But -- but there are both Fifth Amendment due  
9 process implications to late disclosures and Sixth Amendment  
10 right to effective assistance of counsel implications to  
11 this process.

12 And so it is my hope that -- you know, that we  
13 don't -- that I don't have to stand up here again and make  
14 this record and this request. And I would ask the  
15 prosecution and invite -- and ask the court to join me in  
16 asking the prosecution to knock it off, but for now  
17 withdrawing the request.

18 And thank you for the opportunity to make a record  
19 on that point.

20 THE COURT: Does any other defense counsel wish to  
21 address this issue?

22 Mr. Thompson, would you like to respond?

23 MR. THOMPSON: Yes, Your Honor. And I'm pretty  
24 disappointed to hear Mr. Mohring's allegations, which is  
25 what they are.

1           Yes, we made a huge discovery production in  
2           December of 2022. As Your Honor is aware, and as  
3           Mr. Mohring is aware, this has been an ongoing  
4           investigation. We have continued to investigate and charge  
5           additional defendants related to this larger fraud scheme.

6           In the course of that investigation, we have  
7           obtained additional materials, grand jury materials, email  
8           search warrants, interview reports. We've produced those as  
9           we've obtained them. You can't produce what you don't have.

10          So the suggestion that Mr. Mohring is making, that  
11          we have withheld discovery that we had prior to the initial  
12          discovery deadline, is absolutely wrong and he knows it is,  
13          Your Honor.

14          He said the other day that we had stuff from the  
15          original grand jury before pre-indictment that we just  
16          disclosed last Friday. That's not true, and he knows it's  
17          not true. When we obtain additional material, we turn it  
18          over.

19          Most of what we turned over last Friday, there was  
20          a couple things that were responsive to trial subpoenas,  
21          which are only properly issued once there's a trial date,  
22          which has only been set for a couple months; some interview  
23          reports that were generated in the last couple weeks as we  
24          prepared witnesses for trial. We turned those over as we  
25          got them.

1           Of course, under the law, under the Jencks Acts,  
2 they actually aren't due until after those witnesses testify  
3 and they are tendered for cross-examination. That's our  
4 legal responsibility here, but we turned them over in  
5 advance of trial as we always do and as we got them.

6           And then some grand jury materials related to a  
7 larger investigation that we've turned over, because, as  
8 Your Honor is aware and as counsel is aware, there's a lot  
9 of overlap between the different indictments in this case  
10 and the ongoing investigation.

11           We turn that stuff over as we receive it in case  
12 the defendants believe it contains *Brady*. Mr. Mohring said  
13 the other day that he believes it does contain *Brady*. He  
14 hasn't identified what that *Brady* is. I didn't see it. But  
15 that's why we turn it over. And, of course, had we not  
16 turned it over, he would be standing up here accusing us of  
17 *Brady* violations.

18           THE COURT: Thank you.

19           MR. MOHRING: Could I respond briefly, judge?

20           THE COURT: Yes.

21           MR. MOHRING: Thank you.

22           I think my remarks are being misunderstood and  
23 mischaracterized. I'm not proposing to go down  
24 blameworthiness. My basic point that I'm trying to make is  
25 this was an enormous -- by their count, 20,000 pages, by,

1 mine, over 30,000 pages. The disclosure of that evidence in  
2 those volumes creates issues that relate both to due process  
3 and to the right to effective assistance of counsel and  
4 so --

5 THE COURT: Do you have any belief or information  
6 that this was information that the government had in its  
7 possession or control and intentionally turned it over late?

8 MR. MOHRING: No, Your Honor, I have no  
9 information about when the government obtained the evidence  
10 and certainly no basis to dispute the prosecution's account  
11 of when they received this stuff.

12 THE COURT: And you have three lawyers on your  
13 team. I think you're the only defendant with three lawyers  
14 who have been sitting all through voir dire.

15 So help me understand why you're the one making  
16 this argument, and maybe it's a strategy, and that's fine,  
17 but I am -- I need more specifics about why you're unable to  
18 go through the information, if indeed, as I think everybody  
19 agrees, it was information the government got in and turned  
20 over because they had just gotten it in?

21 MR. MOHRING: I have withdrawn the request, and so  
22 I'm not -- I'm not making that claim.

23 THE COURT: Okay. All right. Then I don't think  
24 there's anything for me to rule on. It wasn't quite the  
25 tone I wanted to start out with, so let's regroup a little

1 bit. Thank you.

2 All right. Mr. Birrell.

3 MR. ANDREW BIRRELL: I'd like to make a motion to  
4 regroup.

5 THE COURT: You'd like to make a motion to  
6 regroup?

7 MR. ANDREW BIRRELL: Yes.

8 THE COURT: Granted. Go ahead.

9 MR. ANDREW BIRRELL: And I want to just make sure  
10 that the record is clear about the objection by one counsel  
11 is an objection by all counsel on behalf of all defendants,  
12 and that the government, as I understand it, agrees that  
13 this is agreeable. Is that fairly --

14 THE COURT: I think that's right.

15 MR. THOMPSON: That's correct, Your Honor. And  
16 I'm not an appellate lawyer, so I can't speak for the Eighth  
17 Circuit; but that being said, the government is happy to  
18 treat a single objection as applying to all so we can avoid  
19 a chorus of objections throughout the trial.

20 THE COURT: Yes, we will treat it that way  
21 throughout the trial.

22 My questioning of Mr. Mohring on this issue, and  
23 it would probably be the same on any continuance or recess  
24 issue, is how any particular -- if it's "I don't have time  
25 to review what they gave me," those are relatively

1 individual requests as to -- because I don't know whether  
2 the information has to do with all of you or one of you or  
3 not, and so those requests I may get more specific if there  
4 is a specific request.

5 The request was withdrawn, and so I don't need to  
6 address it, but I will make that distinction. If we ever  
7 need to make a record, we can do that. But for all  
8 purposes, except recesses or continuance, I'm going to say,  
9 yes, then the one defendant objecting is an objection for  
10 all.

11 MR. ANDREW BIRRELL: Thank you.

12 And then we've had discussions with the  
13 government, and they've informed us they will disclose to us  
14 the witnesses to come in two days?

15 MR. THOMPSON: Mm-hmm.

16 MR. ANDREW BIRRELL: Two days in advance.

17 THE COURT: That is my understanding of the  
18 agreement, and that's --

19 MR. ANDREW BIRRELL: Okay. I'm just making --

20 THE COURT: -- what I'm expecting, and I think  
21 that's what was agreed to.

22 MR. ANDREW BIRRELL: Okay.

23 THE COURT: Okay.

24 MR. ANDREW BIRRELL: And then there were some  
25 other requests for information that are being handled and

1 processed according to the usual processes of the law, as  
2 they say.

3 THE COURT: Okay.

4 MR. ANDREW BIRRELL: Thank you very --

5 THE COURT: I'm sure you will be contacting each  
6 other about various things over the next few days.

7 MR. ANDREW BIRRELL: Right.

8 THE COURT: All right. If there's anything that  
9 rises to my attention that is ripe for a decision, you may  
10 tell Ms. Wegner that and we can deal with that on Monday  
11 morning.

12 MR. ANDREW BIRRELL: Thank you, Your Honor.

13 THE COURT: Fair? Okay.

14 We'll convene Monday morning. Let's go off the  
15 record.

16 **(Off-the-record discussion)**

17 THE COURT: All right. Thank you, all. I look  
18 forward to seeing you Monday morning.

19 (Court adjourned at 12:20 p.m., 04-25-2024.)

20 \* \* \*

21 I, Renee A. Rogge, certify that the foregoing is a  
22 correct transcript from the record of proceedings in the  
23 above-entitled matter.

24 Certified by: /s/Renee A. Rogge  
25 Renee A. Rogge, RMR-CRR