

STATE OF MINNESOTA

DISTRICT COURT

HENNEPIN COUNTY

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v.

Anne Marie Riley,

Defendant.

**ORDER DENYING DEFENDANT'S MOTION
TO REMOVE JUDICIAL OFFICER**

MNCIS No. 27-CR-19-22615

Judge Hilary Lindell Caligiuri

This matter came before the undersigned Judge of District Court in her capacity as the Presiding Judge of the Criminal Division of the Fourth Judicial District, pursuant to Defendant's notices to remove the Honorable Rachna Sullivan and the Honorable Danielle Mercurio, both filed on December 20, 2023.

Based on the file, record and proceedings, the Court makes the following:

SUMMARY OF THE RECORD

1. Defendant filed two Notices to Remove on December 20, 2023, purporting to remove the Hon. Rachna Sullivan and the Hon. Danielle Mercurio.

CONCLUSIONS OF LAW

1. Litigants in Minnesota have a right to remove a judicial officer assigned to a criminal trial or hearing. *State v. Dahlin*, 753 N.W.2d 300, 305 (Minn. 2008).
2. Removal as of right is limited to one judicial officer. *See* Minn. R. Crim. P. 26.03, subd. 14(5).
3. Minnesota courts "narrowly construe the right to peremptorily remove a judge." *Dahlin*, 753 N.W.2d at 306.
4. Defendant's notice to remove the Hon. Rachna Sullivan is valid.
5. Consequently, defendant's notice to remove the Hon. Danielle Mercurio is invalid.

ORDER

1. Defendant's notice to remove the Hon. Danielle Mercurio is rejected and shall not have effect.

IT IS SO ORDERED.

BY THE COURT:

Dated: December 21, 2023

HILARY LINDELL CALIGIURI
Judge of District Court

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