

DISTRICT COURT

FOURTH JUDICIAL DISTRICT

Defendant.

[illegible]

File No. 27-CR-19-22615

The above-entitled matter came duly on for hearing before the Honorable Patrick D. Robben, one of the judges of the above-named court, on August 31, 2023, in the Hennepin County Government Center, City of Minneapolis, County of Hennepin, State of Minnesota.

APPEARANCES:

For Anneliese L. McCahery, ESQ.
Plaintiff: ECKBERG LAMMERS, P.C.
1809 Northwestern Avenue
Stillwater, MN 55082

For Defendant: Shawn Renee Kennon, ESQ.
HENNEPIN COUNTY PUBLIC DEFENDER'S OFFICE
6125 Shingle Creek Parkway
Brooklyn Center, MN 55430

Transcriber: Staci A. Heichert, RDR, CRR, CRC

1 P R O C E E D I N G S

2 THE CLERK: Calling page 55, Ann Riley.

3 MS. KENNON: Just give me one moment. I'm going
4 to have you sit right over here.

5 THE DEFENDANT: Over there?

6 MS. KENNON: Uh-huh.

7 THE DEFENDANT: Okay. Thanks.

8 MS. KENNON: And her stuff is secure, right?
9 We're good? Okay. Did you call the case and I lost --

10 THE CLERK: I did.

11 THE COURT: They did.

12 MS. KENNON: Sorry. Good morning, Your Honor.
13 Shawn Renee Kennon requesting appointment.

14 THE COURT: Appointed.

15 MS. KENNON: Did you already --

16 MS. MCCAHERY: Anneliese McCahery on behalf of the
17 City of Robinsdale.

18 MS. KENNON: Okay. Your Honor, I've had extensive
19 conversations this morning with my client. I also want to
20 note that she has two family members here. There is
21 Kathleen Dahl and James, I believe, is it Riley? Okay.
22 They're here.

23 My client has been consumed and overwhelmed over
24 the last 10 years with legal matters. She's -- self
25 reports, she gets anxious. She hasn't had an opportunity to

1 get these matters in court. This -- this is actually a
2 July 27th, 2019, gross misdemeanor obstruction case, a
3 misdemeanor obstruction, misdemeanor uninsured, and a
4 misdemeanor driving after revocation. She self reports that
5 she has at least 13 other traffic matters. There have been
6 two arrests. There are some legal housing matters. And I
7 did correct for the Court that her address that she's
8 temporarily using is her sister's address in Brooklyn
9 Center. She hasn't been in the family home in over 10
10 years. That's at Orchard Avenue North.

11 I also did let the court clerks know that my
12 client does not presently have a phone. I did provide her
13 brother James Riley's cell phone number to the Court. I
14 also provided her sister Kathleen Dahl's residence on York
15 Avenue North in Brooklyn Center to the Court. I'm asking
16 that court notices in the future would go to that Brooklyn
17 Center address in care of Kathleen Dault, her sister.
18 Additionally, I've asked that any text messages for future
19 hearings will be sent to the siblings, as my client does not
20 have a stable residence right now or phone.

21 Furthermore, I'm requesting a Rule 20.01 and a
22 20.02 to -- I'd like that to apply to these four cases
23 pending before the Court.

24 I do note that the family showed me but did not
25 want me to have -- there are apparently some legal matters

1 tomorrow. It looks like it's in housing court.

2 THE COURT: And I did take judicial notice from
3 MNCIS, if I understand correctly, the matter is in civil
4 court in front of my colleague, and it looks like it's a
5 claim about whether some property was taken when a prior
6 address was forfeited for tax or other reasons. I
7 understand there's a hearing in front of Judge Moore
8 tomorrow. Is that correct?

9 MS. KENNON: That's correct.

10 THE DEFENDANT: That's part of it. It's about my
11 petition too, my petition for return of seized property
12 under Minnesota Statute Law 626.04 and public law 106-185.
13 I did not get to communicate any of that with my public
14 defender here, so.

15 THE COURT: Counsel, you referenced four cases.
16 There was one on the calendar today. Were you --

17 MS. KENNON: Well, I'm just saying there's four
18 subparts. That's all I'm --

19 THE COURT: Four counts?

20 MS. KENNON: Four counts.

21 THE COURT: Okay. Got it.

22 MS. KENNON: Yes, yes, yes. And if there are
23 other -- is she -- I have not had an opportunity to look
24 into her other driving cases. I don't know if there's any
25 other -- anything else pending. I did tell her offline I'd

1 be more than happy to work with her -- with her driving
2 matters.

3 THE COURT: Based on the circumstances, the Court
4 determines that a Rule 20.01 and 20.02 evaluation is
5 appropriate before this case moves further. Having reviewed
6 the complaint in this case, the Court determines that there
7 is probable cause on the gross misdemeanor count.

8 So what we're going to do is, for the defendant,
9 we're going to order cooperation with an evaluation and then
10 there will be a hearing on the Rule 20 calendar and then
11 there would be a return date back here at Brookdale if it's
12 determined that it's appropriate for -- to have the case
13 come back out here.

14 MS. KENNON: And, Your Honor, it's my
15 understanding we had selected a return date of November 16th
16 and the hearing downtown would be November 7th. Is that
17 correct, Madam Clerk?

18 THE CLERK: Correct.

19 MS. KENNON: And, again, I wanted to emphasize
20 that I would like to be in the loop on this matter, just to
21 make sure things don't fall between the cracks with her
22 unstable living situation.

23 THE COURT: So for the defendant, we'll have some
24 paperwork here for you shortly with some information about
25 how to cooperate with that evaluation and then those

1 upcoming court dates. Okay?

2 THE DEFENDANT: Okay.

3 MS. KENNON: Do you have any questions?

4 THE DEFENDANT: And the evaluation is what you
5 brought up in that room?

6 MS. KENNON: That's right.

7 THE DEFENDANT: And the 11/16 is for what?

8 MS. KENNON: If they determine that you can
9 proceed, you would come back to see me on November 16th.
10 But the first thing I want you and your family to focus on
11 is the downtown hearing we're going to have, that's on the
12 7th, and we'll have instructions, and I'll certainly stay in
13 the loop. Okay?

14 THE DEFENDANT: Is there a way to get -- I'm
15 bringing this up because in 2000- -- can I -- do I ask the
16 judge this or you?

17 THE COURT: Well, at this point -- this point we
18 need -- we're going to have those evaluations. Before we go
19 any further. We got to do things in the right order.

20 THE DEFENDANT: And who does the evaluations?

21 MS. KENNON: We talked about that. That's the
22 psychologist downtown.

23 THE DEFENDANT: Okay.

24 THE COURT: Yep.

25 MS. KENNON: We talked about that.

1 THE COURT: So if you want to -- if you want to
2 have a seat in the gallery back there, then we'll bring out
3 some paperwork for you in a few minutes, okay?

4 THE DEFENDANT: Okay. Can I just ask one more
5 question?

6 THE COURT: You can -- we're on the record right
7 now and you can talk to counsel off the record, but our
8 hearing is done here. And you can go ahead and go back
9 there, and we'll have some paperwork for you in a few
10 minutes, okay?

11 MS. KENNON: Thank you, Your Honor.
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CERTIFICATE

STATE OF MINNESOTA)

COUNTY OF HENNEPIN)

I, Staci Heichert, do hereby certify that I am an Official Court Reporter in the Fourth Judicial District of the State of Minnesota; that as such reporter I transcribed the foregoing transcript from the audio recording produced by the Court Record Project to the best of my ability; that the foregoing transcript constitutes a full, true and correct transcription of the proceedings of said hearing.

Dated: November 7, 2023

/s/ Staci A. Heichert

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