

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

DENIAL OF MOTION TO REMOVE
JUDICIAL OFFICER

v.

Anne Marie Riley,

Defendant.

File No. 27-CR-19-22615

This matter comes before the undersigned Chief Judge of District Court. Anne Marie Riley (“Defendant”) is represented by Hennepin County Assistant Public Defender Shawn Renee Kennon. The State of Minnesota is represented by attorney Anneliese Lorraine McCahery.

On January 16, 2024, Defendant filed a notice to remove Judge Hilary Caligiuri from the above-captioned case. Index #57. This filing was made under Minnesota Rule of Criminal Procedure 26.03, subdivision 14, which states:

(4) Notice to Remove. A party may remove a judge assigned to preside at a trial or hearing as follows:

(a) A notice to remove must be served on the opposing counsel and filed with district court within seven days after the party receives notice of the name of the presiding judge at the trial or hearing;

(b) The notice must be filed before the start of the trial or hearing; and

(c) The notice is not effective against a judge who already presided at the trial, Omnibus Hearing, or evidentiary hearing if the removing party had notice the judge would preside at the hearing.

(5) After a party removes a judge under paragraph (4) that party may remove a subsequent judge only for cause.

Minn. R. Crim. P. 26.03, subd. 14(4)-(5).

A litigant has 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). However, this right of

removal is limited to one judicial officer. *See* Minn. R. Crim. P. 26.03, subd. 14 (5). Defendant has previously filed notices of removal under this rule. Index #25, 33, 34, 35, 48, 52. Her notice to remove Judge Conroy was granted. All others have been denied under this rule and for cause when cause was alleged.

Accordingly, Defendant's subsequent requests for removal must be denied.

ORDER

Defendant's motion to remove Judge Hilary Caligiuri (Index #57) is denied.

BY THE COURT:

Dated: 1/16/2024

Kerry W. Meyer
Judge of District Court

MINNESOTA
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