

1 STATE OF MINNESOTA

DISTRICT COURT

2 COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

3 \* \* \* \* \*

4 State of Minnesota,

) Transcript of Proceedings

5 Plaintiff,

) Court File Number:

6 vs.

) 27-CR-21-8412

7 Stephone Ahmad Gammage,

8 Defendant.

9 \* \* \* \* \*

10 The above-entitled matter came before the  
11 Honorable Kerry W. Meyer, Judge of District Court, at the  
12 Hennepin County Government Center in Minneapolis,  
13 Minnesota on July 11th, 2023 at 9:12 a.m.

14  
15 \* \* \* \* \*

16 A P P E A R A N C E S

17 Jacqueline Perez, Assistant Hennepin County Attorney,  
18 appeared on behalf of the State of Minnesota.

19 David DeSmidt, Assistant Hennepin County Public Defender,  
20 appeared on behalf of the Defendant, Stephon Ahmad  
Gammage.

21 Geoffrey Isaacman, Assistant Hennepin County Public  
22 Defender, appeared on behalf of the Defendant, Stephon  
Ahmad Gammage.

23 Transcribed by:  
24 Erin R. Watson  
25 Official Court Reporter  
Minneapolis, Minnesota

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

THE COURT: All right, we're on the record, State of Minnesota vs. Stephone Gammage, Court File 27-CR-21-8412. Counsel, please note appearances.

MS. PEREZ: Good morning, Your Honor, Jacqueline Perez -- that's P-E-R-E-Z -- Assistant County Attorney, on behalf of the State.

MR. DeSMIDT: May it please the Court, David DeSmidt, appearing with Mr. Gammage, who is also present in custody, seated next to me, Your Honor. Geoffrey Isaacman from my office is also present.

THE COURT: All right. I've received updates since we were together yesterday about a few things. But I'm going to start with the State's request. At least as of yesterday, you are going to make a motion, I believe, Ms. Perez?

MS. PEREZ: That's correct, Your Honor. After -- there was a number of events that happened yesterday in this case when we were set to begin trial. The State has -- is making a Rule 20 Motion today and would ask the Court to order a Rule 20 for defendant.

At -- the basis for this request, Your Honor, is yesterday, when we reported to Your Honor, the State observed a significant amount of concerns in

1 terms of defendant's demeanor, his words, what he was  
2 saying. The defendant has had three evaluations,  
3 three Rule 20 evaluations before, two of which he has  
4 been found incompetent. This last evaluation that was  
5 completed in January of 2023, he was found competent;  
6 however, that did not include an extensive interview  
7 with the defendant.

8 If Your Honor is not inclined to order an  
9 updated Rule 20, as previously noted, the State is  
10 ready to proceed, I have my witnesses aligned;  
11 however, I would also note that there are also  
12 logistical concerns that we have not discussed.

13 I did get in touch with my paralegal last  
14 night, and I told her to start getting the laptop  
15 prepped, just in case that is the route that we are  
16 going in. So the State is definitely doing what it  
17 can; however, at the top of that list -- and I would  
18 like to put this on the record, that I do have  
19 significant concerns moving forward in a trial where I  
20 do believe there -- there may be some mental health  
21 concerns and perhaps incompetence on the part of  
22 defendant, given his history and Rule 20 evaluations  
23 and given his demeanor from yesterday and appearing  
24 before the Court.

25 THE COURT: Thank you. Mr. DeSmidt, anything

1           you want to say about the motion?

2           MR. GAMMAGE: I object. We would not be doing  
3           the Rule 20.

4           THE COURT: For the record, that's  
5           Mr. Gammage, not Mr. DeSmidt.

6           MR. GAMMAGE: Yes. I'm -- I'm representing  
7           myself.

8           THE COURT: You're not representing yourself  
9           yet.

10          MR. GAMMAGE: What the fuck you mean I'm not?

11          THE COURT: We talked about your language  
12          yesterday.

13          MR. GAMMAGE: Okay.

14          THE COURT: And how you can't swear in the  
15          courtroom.

16          MR. GAMMAGE: Shut the fuck up. I'm not --  
17          I'm not doing no Rule 20, okay? And that's that.

18          THE COURT: Okay, well now, you for sure are.

19          MR. GAMMAGE: I'm not.

20          THE COURT: I'm ordering --

21          MR. GAMMAGE: I'm not.

22          THE COURT: I'm ordering an --

23          MR. GAMMAGE: I'm not.

24          THE COURT: -- a Rule 20.01 --

25          MR. GAMMAGE: Suck a dick. I'm not.

1 THE COURT: Get out of my courtroom.

2 MR. GAMMAGE: Let's move forward.

3 THE COURT: You're -- we're done.

4 MR. GAMMAGE: Let's go.

5 THE COURT: Thank you.

6 MR. GAMMAGE: Okay. I'm not. Okay? Eat ass  
7 and keep moving. Here.

8 THE COURT: For the record, he just threw  
9 something at me.

10 MR. GAMMAGE: Shut the fuck up.

11 THE COURT: Didn't hit me.

12 THE CLERK: Piece of paper.

13 THE COURT: Oh, it must be the petition.

14 MS. PEREZ: I was, like, oh, okay.

15 THE COURT: It was paper. It was the  
16 petition. It's in a rubber band behind me.

17 MR. DeSMIDT: I have the original, Judge.  
18 Mr. Isaacman gave it to me yesterday.

19 THE COURT: Thank you.

20 MR. ISAACMAN: That's the one that the  
21 deputies gave him this -- yesterday morning --

22 MR. DeSMIDT: Okay.

23 MR. ISAACMAN: At the Court's instruction.

24 THE COURT: Like, something just came whizzing  
25 at my head.

1 MR. DeSMIDT: Judge --

2 THE COURT: Okay, so --

3 MR. DeSMIDT: He had signed a petition to  
4 proceed as pro se counsel. I understand the Court's  
5 position. He can't do that if the Court's going to  
6 order a Rule 20 at this point.

7 THE COURT: And understood. Let's get a  
8 three-week date, and it won't take that them long  
9 because he won't -- we'll see how it goes.

10 MR. ISAACMAN: Difficulty's going to be,  
11 Judge, if he doesn't cooperate with them --

12 THE COURT: I know.

13 MR. ISAACMAN: -- if he refuses.

14 THE COURT: Right. But -- yeah.

15 MR. ISAACMAN: So I don't know if it matters  
16 -- this doesn't need to be on the record. I don't  
17 think I need to be at that hearing. But maybe I do,  
18 because if he's found competent or whatever, that we'd  
19 proceed. I'm out of the office the week of July 31st  
20 through August --

21 THE DEPUTY: This didn't hit you, did it?

22 MR. ISAACMAN: -- 4th.

23 THE COURT: It didn't hit me. It went over my  
24 head. It's back there. It's his petition.

25 MR. ISAACMAN: But whatever that week that

1 bridges the last -- the end of July, beginning of  
2 August, just so that the Court's aware.

3 THE COURT: Okay.

4 MR. ISAACMAN: Which I think would be three  
5 weeks.

6 THE COURT: Okay, that's good know.

7 THE DEPUTY: He likes to throw things at the  
8 judge.

9 THE COURT: I just heard something, I mean --

10 MR. DeSMIDT: It didn't hit her though.

11 THE DEPUTY: Good.

12 THE COURT: Luckily. Okay --

13 THE DEPUTY: Do you want this?

14 MR. DeSMIDT: Not really. Yeah, I suppose.  
15 I'll put it in the file. Don't throw it at me.

16 THE COURT: Thanks.

17 THE DEPUTY: Didn't see that happening --

18 THE COURT: I bet you didn't let him have  
19 something very heavy, but -- microphones.

20 Okay, so what date do we have?

21 THE CLERK: So three weeks is August 1st for  
22 the Rule 20 --

23 THE COURT: Monday, okay.

24 THE CLERK: -- the Rule 20 calendar, and then  
25 --

1 THE COURT: Oh, that's right. It goes on the  
2 Rule 20 return calendar. So, yay.

3 THE CLERK: And then we could do, for  
4 tracking, August 3rd at 11:30.

5 MR. ISAACMAN: Just matters if you want me to  
6 be there or not.

7 MS. PEREZ: August 3rd works for me.

8 MR. ISAACMAN: I have --

9 THE COURT: Are you off that week?

10 MR. ISAACMAN: That's the week I'm out.

11 THE COURT: Oh.

12 MR. DeSMIDT: I have a speedy in custody  
13 homicide set to start on the 31st that is still on  
14 track to -- to go forward. It could move because I  
15 didn't want the speedy trial. If he does go away, I  
16 was hoping to be -- I was supposed to be away that  
17 week, but --

18 THE COURT: Oh, okay.

19 MR. DeSMIDT: But it was the only date that we  
20 had and he's been adamant that he wanted a speedy  
21 trial, so --

22 MR. ISAACMAN: Well, I'm out that week anyway,  
23 so --

24 THE COURT: That's fine.

25 MR. DeSMIDT: So could we do the following



1 week, Judge?

2 THE COURT: Absolutely.

3 THE CLERK: So then that would be the  
4 August 8th Rule 20, and then August --

5 MR. ISAACMAN: Well, we could do the Rule 20  
6 on August --

7 THE COURT: Are you talking about August --

8 THE CLERK: Or I could leave it --

9 MR. ISAACMAN: Well, I may or may not be  
10 there, so my -- so let's not set --

11 MR. DeSMIDT: Yeah. That's a kind of case I  
12 don't want to dump on Susan too, or somebody else.

13 THE CLERK: Okay.

14 THE COURT: So August 8th, and then --

15 THE CLERK: And then August 10th or 11th?

16 MR. DeSMIDT: So I'm standby counsel on a CSE  
17 case that week in front of Judge Brandt, so if we just  
18 want to try to figure out that's close to 9:00 or  
19 1:30. Peter Ziak (phonetic spelling) is his name.

20 THE COURT: Oh. Zuek (phonetic spelling)?

21 MR. DeSMIDT: Yeah.

22 THE COURT: Brandt thinks she's keeping that  
23 trial?

24 MR. DeSMIDT: Yeah, she said she was going to  
25 try to keep it when she did the move.

1 THE COURT: Hmm. Isn't it blocked to Janzen?  
2 But anyway, okay. How about the the 11th?  
3 How's that look for everybody?

4 MS. PEREZ: Wide open.

5 MR. DeSMIDT: What time on the 11th?

6 THE CLERK: 9:00?

7 THE COURT: Whatever you want.

8 MR. DeSMIDT: 9:00?

9 MS. PEREZ: You said 9:00 was good?

10 MR. DeSMIDT: That works great for me. That  
11 work for everyone else?

12 MR. ISAACMAN: I'll make it work.

13 MS. PEREZ: I'll make it work.

14 THE COURT: Okay.

15 MS. PEREZ: Thank you.

16 MR. DeSMIDT: Thanks, Judge.

17 THE COURT: All right, thank you. We're off  
18 the record.

19 (WHEREUPON, the proceedings were concluded at 9:19 a.m.)  
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1 STATE OF MINNESOTA

2 COUNTY OF HENNEPIN

3  
4 COURT REPORTER'S CERTIFICATE

5  
6 I, Erin R. Watson, an Official Court Reporter in  
7 and for the Fourth Judicial District of the State of  
8 Minnesota, do hereby certify that I have transcribed  
9 the foregoing transcript from a CourtSmart audio  
10 recording, and that the foregoing pages constitute a  
11 true and correct transcript of the proceedings taken  
12 in connection with the above-entitled matter.

13  
14  
15 Dated and signed July 20, 2023.

16 *Erin R. Watson*

17 /s/Erin R. Watson  
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