

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Case Type: Criminal

Plaintiff,

Judge Julie E. Allyn

v.

Court File No. 27-CR-22-3551

27-CR-22-3552

27-CR-22-3553

Ashley Jewel Oakgrove, Samuel Lee

Hawkins, William Lee Nabors

**ORDER DENYING MOTION
FOR JOINDER**

Defendants.

The above-entitled matter came before the Honorable Julie Allyn on May 6, 2022, on the State's written motion to join Defendants for trial. All three defendants filed responses opposing joinder.

APPEARANCES

Natasha Yenina, Assistant Hennepin County Attorney, is the attorney of record for the State of Minnesota on all three cases.

Caroline Hicks, Esq., is the attorney of record for Ashley Oakgrove.

Madsen Marcellus, Esq., is the attorney of record for Samuel Hawkins.

Peter Martin, Esq., is the attorney of record for William Nabors.

Upon the evidence proffered, the arguments of counsel, and all files, records, and proceedings herein, the Court makes the following:

FINDINGS OF FACT

1. The above Defendants have all been charged with Assault-1st Degree-Aid/Abet in violation of Minn. Stat. § 609.221.1, subd. 1 and Assault-3rd Degree-Aid/Abet in violation of Minn. Stat. § 609.223.1, subd. 1 in connection with an incident that occurred on or about February 22, 2022.
2. The Complaints allege the following relevant facts:
 - a. On February 22, 2022, at approximately 8:17 p.m., officers were dispatched to an assault that occurred at a parking ramp located in the City of Minneapolis, Hennepin County, Minnesota. Remarks of the call indicated that security staff

observed a male getting assaulted while monitoring security cameras and that EMS was needed.

- b. Officers arrived and were directed by staff to a lower level of the building. Officers observed the male victim on the ground being treated by Fire Department personnel. Victim was unconscious and covered in his own blood from an apparent head injury. Officers went to the camera room and spoke with the reporting party, who was locating footage of the assault. Officers reviewed the footage.
- c. The footage shows five individuals who appear to be looking for Victim. Victim can be seen looking around a corner, attempting to hide, before he eventually lays down on the floor. Two parties, later identified as Defendant Samuel Lee Hawkins and Defendant Ashley Jewel Oakgrove, then found Victim. The footage shows Hawkins then begin to stomp/kick Victim in the head approximately six times. Hawkins then motions for someone to come over. Oakgrove and a second male, later identified as Defendant William Lee Nabors, come over. Hawkins then drags Victim out more towards the lobby where he kicks Victim in the head again. Oakgrove is present during the assault and eventually takes Victim's boots off. Victim appears to be unconscious. Hawkins kicks Victim in the head again as Oakgrove is removing Victim's boots.
- d. Nabors appears in the video as Hawkins stomps on Victim's head and Oakgrove removes his boots. Nabors picks up Victim's boots and looks at Victim, whose head has begun bleeding. Hawkins drags Victim and leaves him face-down on the ground and Oakgrove then kicks Victim in the head. Hawkins and Oakgrove then appear to be taking Victim's clothes off and going through his pockets as Nabors stands by. Hawkins kicks Victim in the head one more time before the parties all leave.
- e. Victim's medical records showed he was unresponsive when medical personnel arrived at the scene. Victim suffered facial trauma and a traumatic brain injury. Up to early March, Victim required a feeding tube and 24-hour assistance. According to the State, Victim was discharged from the hospital on March 22, 2022.
- f. In a post-Miranda statement, Oakgrove told officers that Victim had assaulted her in the past, and on this day, Hawkins beat up Victim. Oakgrove also admitted to kicking Victim and taking his boots off and handing them to another party.
- g. In a post-Miranda statement, Hawkins told officers that Victim had assaulted Oakgrove the day prior. Hawkins stated that Oakgrove called him and requested that he beat Victim up. Hawkins admitted to kicking the Victim in the head multiple times.
- h. According to the State, in a post-Miranda statement, Nabors admitted being with the co-defendant and Victim an hour before the assault, but that otherwise he claimed not to know about the assault.

3. The State filed a motion to join Defendants for trial on April 26, 2022. In its motion, the State noted that the Defendants face the same charges and the evidence against the three of them is nearly the same. The State argues further that while having separate trials would prejudice the victim, joining the cases would not substantially prejudice the Defendants.
4. Ashley Oakgrove filed a brief opposing the State's Joinder Motion on April 27, 2022. In her brief, Oakgrove asserts that she did not act "in particularly close concert" with the other defendants and that she is "unique in her situation of having an order for protection against [the victim] ...". (Oakgrove Mem. at 3). Further, Oakgrove asserts the defenses will be antagonistic to each other, noting that a co-defendant [Hawkins] told police she orchestrated the events. (*Id.* at 6).
5. Samuel Hawkins filed a brief opposing joinder on April 25, 2022. Hawkins similarly objects to joinder by asserting the defenses will be antagonistic. Hawkins avers the co-defendants will claim he was "involved and played a substantial/key role" in the assault that will force the jury "to choose between Mr. Hawkins' version of the story or co-defendants' version...". (Hawkins Mem. at 3).
6. William Nabors filed a brief opposing joinder on April 27, 2022. In his brief, Nabors claims the crime was not jointly coordinated as he claims he did not aid, participate, or have knowledge of the assault. (Nabors Mem. at 4). Further, Nabors asserts there is a strong likelihood the defenses will be antagonistic as the defendants will be shifting blame to each other and because of the "backstory" of Oakgrove's separate relationship to the victim. (*Id.* at 6).

CONCLUSIONS OF LAW

1. "When two or more defendants are charged with the same offense, they may be tried separately or jointly at the court's discretion. To determine whether to order joinder or separate trials, the Court must consider: (1) the nature of the offense charged; (2) the impact on the victim; (3) the potential prejudice to the defendant; and (4) the interests of justice." Minn. R. Crim. P. 17.03, subd. 2. The current joinder rule "neither favors nor disfavors joinder." *State v. Jackson*, 773 N.W.2d 111, 118 (Minn. 2009). Although, "[u]nder Minnesota law ... there is no presumption that a joint trial will deny the defendant the right to a fair trial." *State v. Powers*, 654 N.W.2d 667, 676 (Minn. 2003).
2. First, the nature of the offense favors joinder "when codefendants act in close concert with one another." *State v. Powers*, 654 N.W.2d 667, 674 (Minn. 2003) (citation omitted). This factor also weighs in favor of joinder when the charges are identical and the evidence against each defendant is similar. *State v. Greenleaf*, 591 N.W.2d 488, 499 (Minn. 1999).
3. In this case, Defendants have been indicted with the same charges related to an assault on the same one victim. Based on the allegations, arguably these three defendants acted in close concert with each other – they were all present near the victim and surrounded his prone body while either assaulting him or removing clothing and/or going through his pockets. The evidence the State would use at trial appears to be identical, including

surveillance video footage of the crime. The defendants, however, raise issues arguably making it unclear to what extent which of the three were acting together and to what extent the attack was coordinated. As such, this factor only slightly weighs in favor of joinder.

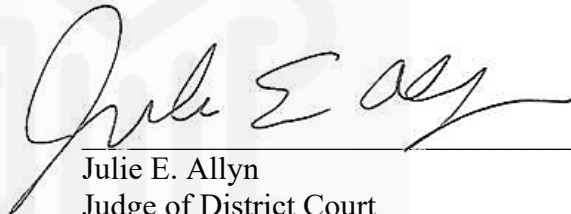
4. Second, “[p]otential trauma to either the victim or an eyewitness to a crime is a factor that weighs in favor of joinder.” *State v. Martin*, 773 N.W.2d 89, 100 (Minn. 2009) (citation omitted).
5. Here, the State has raised the issue of having the victim testify in three different trials and the legitimate concern about his health and stamina to do so. Although the Court is sympathetic to the concerns raised about the Victim’s well-being by requiring him to testify at three trials, it appears the Victim has been discharged from the hospital and is continuing to recover from his injuries. Accordingly, this factor only slightly weighs in favor of joinder.
6. Third, potential prejudice to codefendants may include inconsistent or “antagonistic defenses,” *Martin*, 773 N.W.2d at 100, or evidence that is admissible against one defendant but not against the other, *State v. Blanche*, 696 N.W.2d 351, 371 (Minn. 2005). “Defendants have antagonistic defenses . . . when they seek to put the blame on each other and the jury is forced to choose between the defense theories advocated by the defendants.” *State v. Jackson*, 773 N.W.2d 111, 119 (Minn. 2009).
7. Defendants have all raised concerns about having antagonistic defenses at trial. Oakgrove raised the issue that Hawkins seeks to blame her. Nabors claims he did not participate in the assault and the co-Defendants’ defenses with respect to his level of involvement will be antagonistic. Hawkins argues the co-Defendants seek to blame him by claiming he played a substantial role in the alleged offense. Defendants have also raised the concern of Oakgrove’s separate history with the victim as creating a “narrative” unique to Oakgrove that could cause “unrelated” issues for the other co-Defendants throughout the trial. (Nabors Mem. at 6). This factor weighs against joinder.
8. Lastly, in the interests of justice, the Court may consider the conservation of judicial time and resources as well as the potential that the State could not reproduce witnesses for a second trial. *See Jackson*, 773 N.W.2d at 119. In addition, the Court should consider whether or not a joint trial is necessary for the State to “be afforded a fair chance to present its case.” *State v. Strimling*, 265 N.W.2d 423, 432 (Minn. 1978).
9. While it is almost always true that it will take less of the Court’s time to go through one trial instead of three, all efficiency gained by having only one trial is lost and more time is wasted if the cases have to be severed mid-trial, which would occur if the Defendants’ defenses prove to be antagonistic. There have been no representations from the State that it will be impossible to produce the witnesses for three trials. The State has also not provided any argument that a joint trial is necessary for the State to be “afforded a fair chance to present its case.” This factor weighs against joinder.

10. After carefully considering all four factors, the Court determines that the risk of substantial prejudice to Defendants greatly outweighs the State's interests in joinder.

IT IS HEREBY ORDERED

The State's motion for joinder is **DENIED**.

BY THE COURT:



Julie E. Allyn
Judge of District Court
Fourth Judicial District

Dated: May 16, 2022

MINNESOTA
JUDICIAL
BRANCH