

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 10th, 2023 at 11:52 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  
21 Gammage.

22  
23 Transcribed by:  
24 Erin R. Watson  
25 Official Court Reporter  
Minneapolis, Minnesota

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P R O C E E D I N G S

THE COURT: Okay, we're on the record, State of Minnesota vs. Stephone Gammage, Court File 27-CR-21-8412. Counsel, please note your 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: And may it please the Court, David DeSmidt, D-E-S-M-I-D-T. I'm appearing on behalf of and with Mr. Gammage, who is sitting next to me at counsel table.

THE COURT: All right. We're scheduled for trial this week, and there is a speedy demand. How are we proceeding?

MR. DeSMIDT: Judge, I met with Mr. Gammage last Friday morning to discuss a plea offer that had been submitted to me that day or the day before by Ms. Perez. In the prior -- during the course of discussing that, Mr. Gammage indicated to me that, you know, there were some things that he wanted -- some pieces of evidence that he wanted disclosed. And I did some additional checking. Those items do not exist, or at least they haven't been provided, and I don't believe that they're available.

But in any event, I met with -- Mr. Gammage

1 told me last Friday that he didn't intend to come to  
2 court today. He told me he did not request a speedy  
3 trial, doesn't want a speedy trial. This morning he  
4 indicated to me that he wants -- I think he wants to  
5 fire me. I'm not sure. But he indicated to me he  
6 wanted to address the Court directly.

7 THE COURT: Okay. So, I guess we should start  
8 with that piece, because that will affect when your  
9 trial will be.

10 So, Mr. Gammage, Mr. DeSmidt's your attorney,  
11 right?

12 MR. GAMMAGE: Right.

13 THE COURT: Okay.

14 MR. GAMMAGE: Well, he's a -- a appointed --

15 THE COURT: Yep.

16 MR. GAMMAGE: Whatever you call -- whatever  
17 you call it. He's not an attorney, but --

18 THE COURT: Oh, yeah, he's an attorney. He's  
19 got more trial experience than probably any other  
20 defense attorney in town. So he is a -- he is a  
21 defense attorney; he's a licensed attorney. He had  
22 been pointed to you through the Public Defender's  
23 Office, right? That's what you mean?

24 MR. GAMMAGE: Yeah, he's a public defender.  
25 Yeah.

1 THE COURT: Yeah, but he's still an attorney.  
2 Okay, so are you ready to start trial this week,  
3 Mr. Gammage?

4 MR. GAMMAGE: No, we're not.

5 THE COURT: Okay. And so you want more time  
6 to get ready for trial?

7 MR. GAMMAGE: Yes. Well, this is on the  
8 record, right?

9 THE COURT: Yes, we're on the record.

10 MR. GAMMAGE: Okay. And so --

11 THE COURT: The court reporter isn't in the  
12 room, but the --

13 MR. GAMMAGE: That's fine.

14 THE COURT: -- blue light --

15 MR. GAMMAGE: I really don't --

16 THE COURT: It's okay. They're -- it is. You  
17 -- we are on the record.

18 MR. GAMMAGE: All right. This happened in  
19 2021.

20 THE COURT: Yes.

21 MR. GAMMAGE: I had a lawyer, Xavier Martinez  
22 [sic]. I requested that the straight counts be  
23 provided and my personal 911 call be provided.  
24 They're telling me that my 911 call was not recorded  
25 or available. I call false witness on that.

1           There would be no way that, you know, I ran  
2           this bicyclist over and called 911. None of my  
3           belongings or none of my sayings have been provided or  
4           even looked at or even sought after. This has been  
5           since 2021. We're in '23 now.

6           THE COURT: Right.

7           MR. GAMMAGE: I can -- I can vividly see, you  
8           know, the cars turning, the lights flashing; you know  
9           what I mean?

10          THE COURT: Yes.

11          MR. GAMMAGE: The car shot straight across or  
12          turned. Either one, I was delivering pizzas. The  
13          bicyclist clearly got ranned [sic] over. I  
14          immediately called 911. There's a bicyclist, they got  
15          ranned over by this park right here, signal all  
16          dispatch. He got drug by the car a mile up the road;  
17          you know what I mean?

18          I just moved out here from Phoenix. I don't  
19          have a place to stay; I'm sleeping in my car right  
20          now.

21          THE COURT: You mean right now or you mean  
22          back in '21?

23          MR. GAMMAGE: No, back then.

24          THE COURT: Okay.

25          MR. GAMMAGE: I'm telling this --

1 THE COURT: We're still doing the '21 --

2 MR. GAMMAGE: I'm telling --

3 THE COURT: We're still doing the 911 call.

4 Okay.

5 MR. GAMMAGE: Right. I'm -- this is all going  
6 to be on the 911 call.

7 THE COURT: Okay.

8 MR. GAMMAGE: I'm telling them this -- all  
9 this. The police officer, he comes to -- he comes to  
10 my job, and he's like, "You ran over this bicyclist."  
11 He started reading rights.

12 I'm like, "No, I called 911."

13 He's like, "I understand that," this, that,  
14 and that, whatever the case may be, okay?

15 I want my 911 call, okay? I even told my  
16 insurance that, you know, they're going to be  
17 contacted. So I'll also get, you know, my 911 call,  
18 and I'll also get the street cam. Because it's --  
19 it's by a park.

20 THE COURT: Okay.

21 MR. GAMMAGE: You know?

22 THE COURT: So have you ever heard the 911  
23 call since you made it?

24 MR. GAMMAGE: No.

25 THE COURT: Okay.

1 MR. GAMMAGE: They haven't -- they have --  
2 they told me my 911 call --

3 THE COURT: Yeah.

4 MR. GAMMAGE: -- that where the lady said,  
5 "Everything's dispatched."

6 THE COURT: Yeah.

7 MR. GAMMAGE: "You can go back to work. If we  
8 need anything --."

9 THE COURT: Okay.

10 MR. GAMMAGE: Because I told her, I -- I was  
11 actively delivering a pizza. I had two pizzas that I  
12 needed to deliver.

13 THE COURT: Yep.

14 MR. GAMMAGE: She told me, "Everything's been  
15 active. We got your information. You can go back to  
16 work. If we need anything, we'll come to your job."

17 THE COURT: Okay.

18 MR. GAMMAGE: They come to my job about, like,  
19 9:00 -- like, 9:30, whatever the case may be --

20 THE COURT: Okay. So the same day?

21 MR. GAMMAGE: Yeah, the same -- literally,  
22 like --

23 THE COURT: Yeah.

24 MR. GAMMAGE: -- same day.

25 THE COURT: Okay. But you've never heard the

1 911 call, right?

2 MR. GAMMAGE: It's never been provided.

3 THE COURT: Okay, that's what I'm checking.

4 So --

5 MR. GAMMAGE: Yeah.

6 THE COURT: Mr. DeSmidt, you'd tried to get  
7 it? You've asked for it?

8 MR. DeSMIDT: Yes, Judge. The only 911 call  
9 that's been disclosed is a 911 call of -- of the  
10 citizen witness who was -- who placed a call,  
11 according to the recording and according to the  
12 transcript, almost simultaneously with observing or  
13 witnessing what they claim happened.

14 THE COURT: Okay.

15 MR. DeSMIDT: Having explained that to  
16 Mr. Gammage, I have not been able to locate another  
17 911 call. There are -- I have advised him there are  
18 some still photos of the street. There's some still  
19 photos of his car and some damage to his car.

20 But I have not received and I do not believe  
21 there are any traffic cameras or surveillance videos.  
22 And I've indicated to him those would have had to have  
23 been requested either by law enforcement or his  
24 attorney, and he told me he believed Mr. Martine did,  
25 in fact, request it. But I don't -- I don't see any



1 record of that.

2 I've explained to Mr. Gammage, if those things  
3 aren't requested within a very short order period of  
4 time, they run 'em again -- they run them over again,  
5 and they re-record over them.

6 MR. GAMMAGE: And to piggyback up on him --  
7 not to cut him off. Those pictures, when the cop  
8 came, he took a pictures -- he took pictures of my  
9 vehicle. My vehicle was brand new.

10 THE COURT: Okay. So I don't want to get too  
11 far in the facts of the case, okay?

12 MR. GAMMAGE: No, I'm just -- I'm just letting  
13 you know that --

14 THE COURT: Yep.

15 MR. GAMMAGE: -- you know, to bring this up,  
16 because you -- we need to speak in, you know,  
17 conversational pieces.

18 THE COURT: Okay.

19 MR. GAMMAGE: So now that he talked about the  
20 pictures, when the police officer came, he took  
21 pictures of my car to document his paperwork.

22 THE COURT: Okay, and I'm not going to cross  
23 examine you, so just wait.

24 Ms. Perez, do you know anything? What --  
25 what's happened with the 911 call?

1 MS. PEREZ: Your Honor, this is a -- this is  
2 the first time that I'm hearing about whether --  
3 allegations that Mr. Gammage made a 911 call. I have  
4 reviewed this case extensively in preparation for  
5 trial. I don't see in the reports, in the CAD  
6 reports, or anything in the 911 report that we get  
7 that another call was made besides the citizen 911  
8 call that was disclosed.

9 There was some conversation, or at least with  
10 the investigator, about trying to get surveillance  
11 footage based on the trial prep, which I also did  
12 disclose to defense counsel. He was not able to get  
13 any, so the State doesn't have any surveillance to  
14 disclose.

15 THE COURT: Okay. But you can make a call in  
16 case the -- in case the 911 calls got separated,  
17 which, of course, we know they shouldn't be. But in  
18 case they got separated, you'd be able to call 9-- the  
19 dispatch today to find out if there's a second?

20 MS. PEREZ: Absolutely. I have a meeting with  
21 her today. I can definitely ask her about that.

22 THE COURT: Okay, thank you.

23 Okay, so -- so she'll find -- if there's a  
24 second call that came through that got recorded at  
25 all--

1 MR. GAMMAGE: Well, I was the first one to  
2 make the call.

3 THE COURT: Okay, well--

4 MR. GAMMAGE: I -- I was. I have no reason to  
5 lie.

6 THE COURT: Okay, I --

7 MR. GAMMAGE: No, I'm just letting you know,  
8 you know? You know, I didn't ran somebody over and  
9 then I called 911, you know? It makes no sense. So  
10 if she really want to check, you know, for my name.

11 THE COURT: Mm-hmm.

12 MR. GAMMAGE: Because my name's in the police  
13 report that, you know, says "Stephone Gammage ran  
14 over," you know? How would they know my name, you  
15 know? My license plate's from Arizona, you know?  
16 When you type it in, you know, you have to --

17 THE COURT: Do you remember the -- the phone  
18 number you used that day?

19 MR. GAMMAGE: 911.

20 THE COURT: No, no, that you called from?  
21 Because they could track it through your cell phone  
22 number.

23 MR. GAMMAGE: Uh --

24 THE COURT: I know it's been a while.

25 MR. GAMMAGE: You can try a --

1 MR. DeSMIDT: I can assist, Judge.

2 THE COURT: Okay.

3 MR. GAMMAGE: Well, I --

4 MR. DeSMIDT: Mr. Gammage --

5 MR. GAMMAGE: I got -- I have more numbers  
6 than --

7 MR. DeSMIDT: Mr. Gammage --

8 MR. GAMMAGE: It might be 602-- I know it's  
9 either a 602 number, because I remember the dispatch  
10 asking me. This is a 602 number or a 480 number.  
11 It's either a 602 or 480. The dispatched asked me,  
12 "This is a 602 Arizona number, pretty much. Are  
13 you--?"

14 THE COURT: Mm-hmm.

15 MR. GAMMAGE: "-- are you in Minnesota?" I  
16 was, like, "Yes, I'm in Minnesota. I seen this  
17 bicyclist get hit." I pulled over by this park. I  
18 could read the park name. It's like -- almost like  
19 Bora Bora, Minnetonka -- whatever the name of the park  
20 is.

21 THE COURT: Okay.

22 MR. GAMMAGE: And I told her exactly what I  
23 see. I work; I don't have an apartment, nor address.  
24 I sleep in my vehicle.

25 THE COURT: Mm-hmm.

1 MR. GAMMAGE: I told her I work at Toppers  
2 Pizza, and if they need any other further questions,  
3 there was a car that followed the vehicle that smashed  
4 into the -- into the bicyclist. And that bicyclist  
5 was nowhere to be found. When I seen him get hit, he  
6 dislodged into the -- into the windshield and got drug  
7 up about by where I -- you know, by where the sign of  
8 the park was. So the park -- the traffic was flowing  
9 this way --

10 THE COURT: Okay, okay. Again, I --

11 MR. GAMMAGE: I'm just letting you know.

12 THE COURT: I know you are. And I'm just  
13 saying, we are on the record, and so if you choose to  
14 testify at your trial, we want to make sure you  
15 haven't made a statement different before. So --

16 MR. GAMMAGE: I know. I -- I've never gaven  
17 [sic] a statement.

18 THE COURT: No, no, no, I know, and you don't  
19 have to, okay?

20 MR. GAMMAGE: All right.

21 THE COURT: That I'm just --

22 MR. GAMMAGE: I'm just letting you know --

23 THE COURT: Yeah.

24 MR. GAMMAGE: -- like, so --

25 THE COURT: Yeah.

1 MR. GAMMAGE: I'm facing -- I don't know the  
2 direction, whatever it is.

3 THE COURT: Mm-hmm.

4 MR. GAMMAGE: But on my right-hand side is the  
5 park.

6 THE COURT: Okay.

7 MR. GAMMAGE: The bicyclist, he comes on my  
8 right-hand side. We were all going this way. The  
9 turn signals -- so this car, he's turning this way,  
10 and this car, he either screeching out -- he either  
11 comes where this deputy's at, straight forward.  
12 Because I vividly see these cars are turning, and then  
13 everything stops, and then you hear peeling out.

14 And then the bicyclist, he takes probably,  
15 like, two or three -- like, pumped, and that car  
16 speeds off. He launches onto -- he smashes into the  
17 front windshield, so now he's coming back this way.  
18 The bicyclist is going this way. So he gets hit --

19 THE COURT: Yeah.

20 MR. GAMMAGE: -- and slams into, like, the  
21 windshield of his vehicle and gets drug up to -- so I  
22 turned that way, to the right side. And, you know, I  
23 try to look at the street lights to see where I'm at.  
24 I just know if I tell dispatch where this park is, you  
25 know, she's going to get the full --

1 THE COURT: Yep.

2 THE WITNESS: -- the gist of it. The vehicle  
3 was headed -- which would be, I said westbound, you  
4 know. Whatever the case may be. She said --

5 THE COURT: So you --

6 MR. GAMMAGE: "Everything's dispatched. Your  
7 -- your file's been noted. If we need anything, we'll  
8 contact you."

9 So I'm in jail. Like, this is the way that  
10 they're contacting me that the, you know, bicyclist  
11 was at least killed or murdered or something. This  
12 has been since 2021, and we're at '23.

13 THE COURT: Right. And you're scheduled for  
14 trial today, and what I'm trying to figure out is  
15 whether we're -- whether you're starting trial today  
16 or whether we need a little more time and who your  
17 attorney's going to be, okay?

18 MR. GAMMAGE: Right. Look, me personally --

19 THE COURT: Yes.

20 MR. GAMMAGE: -- we need more time. Because if  
21 -- if you're saying I -- you're saying I hit the  
22 vehicle, you know --

23 THE COURT: I'm not saying that. That's what  
24 the charge says.

25 MR. GAMMAGE: Well, not -- not you. That's

1 what the charge says.

2 THE COURT: Yeah, that's what the charge says.

3 MR. GAMMAGE: Okay. So now my -- my  
4 insurance, you know -- my insurance, this -- this  
5 person, you know, will want to have some kind of  
6 light, okay? So my insurance will want to get  
7 involved and will be a part of this case, as also --  
8 as well.

9 THE COURT: Just so you know, that doesn't  
10 happen in criminal court. Insurance is never talked  
11 about, so --

12 MR. GAMMAGE: Well -- well, my insurance never  
13 contacted me --

14 THE COURT: Okay.

15 MR. GAMMAGE: -- to even say I've been in a  
16 wrecked [sic] or anything like that.

17 THE COURT: Okay, separate issue.

18 MR. GAMMAGE: You know, so he wants, you know,  
19 that for my, you know, here on the two dollar bill,  
20 this, that, and that. So with insurance, you know,  
21 you go to the hospital, you're pretty beat up. You  
22 want all that stuff taken care of and paid. This  
23 isn't your immigration case or anything like that, you  
24 know?

25 So my insurance has not contacted me, so I'm



1 just sitting in here, which is fine. You know, we eat  
2 Salisbury steaks, tacos and all that. It's -- it's  
3 amazing, you know.

4 THE COURT: Yeah, but you've been in custody  
5 since last October, right?

6 MR. GAMMAGE: Yeah, I have been.

7 THE COURT: So it'd be nice to get this case  
8 going to trial.

9 MR. GAMMAGE: Which is -- which is fine, but  
10 nothing that I've asked for, you know --

11 THE COURT: Yeah.

12 MR. GAMMAGE: -- gets taken care of. I  
13 understand, you know, people are making, you know,  
14 five, six, ten bucks, twenty bucks an hour, you know.  
15 I understand that, you know? Whatever the case may be  
16 is living -- you know, as long as my end's not being  
17 met, I stay in here for however long I want. It  
18 doesn't -- I'm not wearing the energy or the mindset  
19 that I ran somebody over; you understand?

20 Now, if I was like "Aw, man, I really did it.  
21 I got to fight this," you know, then I would care, you  
22 know. What are they offering?

23 THE COURT: Yeah.

24 MR. GAMMAGE: I'll take a full seven, okay?

25 I'll take the full seven years --

1 THE COURT: Yeah.

2 MR. GAMMAGE: Okay?

3 THE COURT: So --

4 MR. GAMMAGE: But I'm not -- I didn't do  
5 anything. I made a 9--

6 THE COURT: Yeah.

7 MR. GAMMAGE: Pull my 911 call up.

8 THE COURT: Okay, so --

9 MR. GAMMAGE: Okay?

10 THE COURT: Ms. Perez is going to try to find  
11 that today, the 911 call, right?

12 MR. GAMMAGE: Yeah.

13 THE COURT: The recording of it?

14 MR. GAMMAGE: Yep.

15 THE COURT: Have you and Mr. DeSmidt talked  
16 about whether you want a jury trial or a judge trial,  
17 or how you want to proceed to trial?

18 MR. GAMMAGE: I want the most money. It's  
19 been since 2021. So we want people to come, we want  
20 them sitting over there. I want to be able to look at  
21 them --

22 THE COURT: Okay.

23 MR. GAMMAGE: -- and smile.

24 THE COURT: Great.

25 MR. GAMMAGE: I have money, you know?

1 THE COURT: Right.

2 MR. GAMMAGE: I'm the very first man on this  
3 planet, and I can tell you that I talk about these  
4 things.

5 THE COURT: Mm-hmm.

6 MR. GAMMAGE: Okay? So it may be your first  
7 time seeing me --

8 THE COURT: Yep.

9 MR. GAMMAGE: -- but I'm not a robot. I can  
10 create robots, you know?

11 THE COURT: Okay.

12 MR. GAMMAGE: But there's no army. You know,  
13 those are my flags I hand-stitched. You know, I  
14 haven't talkedd about those things.

15 THE COURT: Okay.

16 MR. GAMMAGE: Okay? I drop atomic bombs.

17 That's me, okay? Not a white man, you know.

18 Cambodian, that's what I am. Mr. Moscow is Cambodian.

19 THE COURT: Okay.

20 MR. GAMMAGE: Okay? I'm Solomon. We live in

21 Antarctica. Most people don't know that. The way I  
22 watchin' people, we live Antarctica, okay? On a

23 spiritual conversation, we've been talking about those  
24 things.

25 THE COURT: Okay.

1 MR. GAMMAGE: Okay? Those buildings out  
2 there, I -- don't nobody touch my work. These  
3 computers, I do it.

4 THE COURT: Okay.

5 MR. GAMMAGE: You come behind. So wherever  
6 the foal (phonetic spelling) is, okay, I'm in the  
7 record book, okay? I put on, okay?

8 THE COURT: Okay. So I -- I need you to focus  
9 just on your trial.

10 MR. GAMMAGE: I am. This is part of my trial.

11 THE COURT: No --

12 MR. GAMMAGE: I want you to know who I am.

13 THE COURT: Okay.

14 MR. GAMMAGE: Okay?

15 THE COURT: But I'm not going to be doing your  
16 trial. I'm --

17 MR. GAMMAGE: That's -- that's fine.

18 THE COURT: I'm just -- just so you know.

19 MR. GAMMAGE: I just want you to know, you  
20 know? I'm answering, you know, the roof of your head,  
21 blew my cover, you know? If the 1920s is off, blew my  
22 cover, Chef Boyardee. You know?

23 THE COURT: Okay. So --

24 MR. GAMMAGE: And it is -- it's just not  
25 comfortable that, you know, my spirit acts for Colonel

1 Sanders here, you know, prior to these things.  
2 Whatever the case may be, he needs to be alleviated.  
3 You know, when I do some asking and he shows up, you  
4 know, you're in my bobcat.

5 You lived with King Tut. It's me, okay? And  
6 then you just were at this Minnesota dog pound, okay?  
7 I know those things.

8 THE COURT: So are you able -- you've --  
9 you've talked to Mr. DeSmidt about the discovery that  
10 you're trying to find.

11 MR. GAMMAGE: And they -- they haven't  
12 provided 'em anything.

13 THE COURT: Right. Nope, I understand that.

14 MR. GAMMAGE: So that -- I mean, I like fat  
15 people, so if you want to keep getting paid and, you  
16 know, she's different. You know, you're new, right?

17 THE COURT: Mr. --

18 MR. GAMMAGE: No, I'm asking. You're new to  
19 this case, right?

20 THE COURT: Mr. Gammage --

21 MR. GAMMAGE: So let's get her pockets full.  
22 I seen you before, last time. I had Martinez [sic]  
23 and he would stature this, that, and that.

24 THE COURT: Yep. Yep.

25 MR. GAMMAGE: There was another Chinese guy

1 here. So let's get you -- let's get you good, fat.  
2 You know? I -- hey, I don't -- I don't mind, you  
3 know?

4 THE COURT: Mr. Gammage?

5 MR. GAMMAGE: I'm in -- I'm in a cell.

6 Somebody --

7 THE COURT: Now, it's trial week.

8 MR. GAMMAGE: I understand. Somebody's  
9 putting -- let's find out who's putting money on my  
10 books. I have not asked my -- you know, my -- my  
11 guardians to put any kind of money on my books.

12 THE COURT: Okay.

13 MR. GAMMAGE: So, you know, the State has my  
14 checkbook. People, you know, I'm eating, passing gas,  
15 you know? Commissary looking good, you know? I  
16 really don't care. I'm a -- if I go to prison, it's  
17 going to be the same thing, you know, however the case  
18 may be. If she's new, you know, let her get her feet  
19 wet --

20 THE COURT: She's ready. I -- Ms. Perez,  
21 you're ready for trial?

22 MS. PEREZ: That's correct, Your Honor.

23 THE COURT: That was my impression, since  
24 you've met with your witnesses.

25 MR. GAMMAGE: That's fine, you know?

1 THE COURT: Okay. So you're ready for trial,  
2 Mr. Gammage?

3 MR. GAMMAGE: I'm just letting you know that I  
4 -- I made a 911 call. I at least want to hear my 911  
5 call, you know? Before I ask, you know, I'm going to  
6 cut my hair again. You know, that you say when you --  
7 you know, I get the fade; looks pretty good, huh?  
8 Yeah --

9 THE COURT: So --

10 MR. GAMMAGE: However, it's a waste of my  
11 time. I -- I got to put in, you know, where I can get  
12 paid just for being around. Hell, whatever kind of  
13 paperwork. I haven't been in the courts since they  
14 had to change the wood out, back -- this is like,  
15 early Calvary days, you know? Maybe I  
16 [indiscernible]. You know, you've seen the movies. I  
17 guess it --

18 THE COURT: So, Ms. Perez will find out if  
19 there's a second 911 call, and --

20 MR. GAMMAGE: Well, you want to get my actual  
21 call.

22 THE COURT: That's the one I'm talking about.

23 MR. GAMMAGE: Yeah. Or you really want to  
24 listen to all of them? I'm pretty sure the whole  
25 intersection was right there. I mean, people took off

1 after this guy. Now, however the case may be, you  
2 know, it lays on the table, you know, however long it  
3 takes. Minnesota's been broke, you know -- however,  
4 you know, all these last names. They did -- next  
5 133 years, they will not have those last names. I  
6 understand that.

7 So we're in a state where we need a last name.  
8 I've had my last name since birth; I'm Moses. I part  
9 all that. You guys just watched me do that. Any--  
10 anywho, I told the water to get up off of each other.  
11 So this is kind of like that, you know? I'm going to  
12 come here, say what I need to -- I'm not wearing this  
13 incident, that I was even a part of it.

14 I made a 911 call. And this is on the record,  
15 so, whatever the case may be, whatever y'all want to  
16 do is what y'all want to do, you know, the five  
17 months. I'm not taking a federal -- you know, this is  
18 not even a federal hold or any of that, you know?

19 However the case may be, I was re-watching,  
20 you know, *Naked and Afraid*. This is kind of, like,  
21 you know, for Brandon and all them.

22 THE COURT: Okay, it's time --

23 MR. GAMMAGE: Those were -- they're at the zoo  
24 right now.

25 THE COURT: It's time for you to stop talking.



1 MR. GAMMAGE: Okay. And I can do whatever you  
2 want to do.

3 THE COURT: That -- right now I need you to  
4 just --

5 MR. GAMMAGE: I just need my criteria met --

6 THE COURT: -- stop talking.

7 MR. GAMMAGE: If I can get my criteria met, we  
8 can move forward. If not, then you got to throw it  
9 out.

10 THE COURT: Okay, so, Mr. DeSmidt, had you  
11 previously requested the 911 call?

12 MR. DeSMIDT: Yeah, in our standard request,  
13 Judge.

14 THE COURT: Yeah, okay.

15 MR. DeSMIDT: You know, I mean --

16 THE COURT: Yeah.

17 MR. DeSMIDT: -- we -- we request everything.

18 I -- as Ms. Perez has indicated, I did receive the --  
19 the CAD reports. I -- I didn't see any record of the  
20 911 call in any of the reports, in any of the incident  
21 detail reports.

22 MR. GAMMAGE: Excuse me.

23 MR. DeSMIDT: I listened to the scales  
24 (phonetic) audio of the -- Mr. -- or when Mr. Gammage  
25 talked to the investigator. There wasn't any

1           indication at that time. I think there was some  
2           conversation initially with one of the officers on  
3           scene, but there was no -- if there's one that exists,  
4           I'm happy to try and find it. And I believe Ms. Perez  
5           and I can look. I -- I don't know that one exists.

6           I have explained to Mr. Gammage that if  
7           traffic cams were not requested that they be saved,  
8           either by law enforcement or Mr. Martinez or his  
9           investigator, shortly after this incident, then they  
10          no longer exist. And I know there were some -- again,  
11          there were some still photos, but I think those were  
12          taken by either the -- the officers or the witnesses.

13          THE COURT: And can I just ask, do those show  
14          damage to his vehicle?

15          MR. DeSMIDT: There's one that arguably shows  
16          damage to the front end of his vehicle, yes.

17          THE COURT: Okay, thank you.

18          MR. DeSMIDT: A couple of them.

19          THE COURT: Okay.

20          MR. DeSMIDT: Nothing major.

21          THE COURT: Okay.

22          MR. GAMMAGE: So I nicked him?

23          [indiscernible].

24          THE COURT: Ms. Perez, anything to put on the  
25          record further today?

1 MS. PEREZ: Just very -- very briefly, Your  
2 Honor. This regards -- this is regarding scheduling.  
3 Just so Your Honor knows, at the last hearing with  
4 Judge Janzen at the OM, I did let her know when we  
5 were scheduling this for trial that I was going to be  
6 out of the office Thursday and Friday. Because this  
7 was an in-custody speedy, she did schedule it for this  
8 week.

9 The State is ready to start tomorrow if that's  
10 the direction that we're going in. Just to let the  
11 Court know that we would have to take a break for that  
12 Thursday/Friday, and then I would absolutely have to  
13 get in one witness this week, who is Officer Dalnes.  
14 She is scheduled to leave the country on the 14th and  
15 won't be back on the 20-- until the 27th. So if we go  
16 this week, we would have to take a break  
17 Thursday/Friday and resume on Monday.

18 THE COURT: But you need to get a jury and  
19 call your witness --

20 MS. PEREZ: That's correct.

21 THE COURT: -- Tuesday and Wednesday.

22 MS. PEREZ: That's correct.

23 THE COURT: Okay. Talk to your 911 operator  
24 today, as scheduled, and let Mr. DeSmidt know any  
25 update related to a second call. There is a speedy

1 demand, it's still in place. I know that Mr. Gammage  
2 has said different things about willingness to stay in  
3 custody pre-trial.

4 MR. GAMMAGE: Who asked for a speedy trial  
5 anyways?

6 THE COURT: Mr. Gammage, you were present when  
7 the speedy trial was demanded. It was extended by six  
8 days in order to get past the July 4 holiday.

9 MR. GAMMAGE: Oh, I -- I missed the last  
10 couple of days.

11 MR. DeSMIDT: Actual-- actually, Judge, I --

12 THE COURT: Was it May?

13 MR. DeSMIDT: I think he refused court --

14 THE COURT: Okay.

15 MR. DeSMIDT: -- at the last hearing. I had  
16 had lengthy conversations with him and -- and at the  
17 time --

18 MR. GAMMAGE: I missed three total. I missed  
19 three total courts.

20 THE COURT: It's not your turn to talk.

21 MR. GAMMAGE: And I'm just letting you know.

22 MR. DeSMIDT: At that time, based on my  
23 conversations with Mr. Gammage, I agreed with the --  
24 with the recommendation in the third or fourth  
25 competency report that he was likely competent. He

1 under-- he asks the right questions.

2 THE COURT: Mm-hmm.

3 MR. DeSMIDT: And at that time, I hadn't  
4 listened -- I mean, we hadn't -- didn't have all this  
5 extra conversation. But I don't think he was present.  
6 He had told me that he wanted to talk to the judge and  
7 he wanted his trial. He'd been in custody, you know,  
8 like seven months at that point, or six months at that  
9 point. He's coming up on, I think, eight or nine  
10 months in custody now.

11 THE COURT: Right.

12 MR. DeSMIDT: On a presumptive 21-months  
13 commit. And Ms. Perez has offered a -- a stay and  
14 probation and credit time served. So, you know, it  
15 was probably me that demanded a speedy trial because  
16 of the age of the case and based on conversations I'd  
17 had with Mr. Gammage about, at that time, him wanting  
18 to get the case resolved.

19 He hadn't indicated to me at that point that  
20 he wanted a 911 call. In fact, he didn't tell me that  
21 until Friday morning.

22 THE COURT: Okay. So I'm reviewing the last  
23 Rule 20.01 report, and it reads like what I'm seeing,  
24 but concludes that he is competent. It -- it's clear  
25 that Mr. Gammage knows the roles of everybody in the

1 court. He wants a jury, so let's get him a jury.  
2 I'll get you a judge to start tomorrow morning for  
3 trial. We'll see how it goes.

4 MR. DeSMIDT: Mr. Gammage, do you want to have  
5 me --

6 MR. GAMMAGE: I want to represent myself.

7 MR. DeSMIDT: Do you want me to get you trial  
8 clothes?

9 MR. GAMMAGE: No, no. This is -- this is  
10 Louis Vuitton. This here was my old Louis Vuitton.  
11 So we're going to stay in Louis Vuitton. I just  
12 walked out of people's faces for these shoes. You  
13 think I'm changing all that? No, I tore Minnesota  
14 down. I just blew up the airport. You -- you don't  
15 want to joke.

16 THE COURT: Mr. Gammage, usually people  
17 choose --

18 MR. GAMMAGE: However the case may be, I'll be  
19 representing myself. I would like him dismissed from  
20 my case. I have the right to do that. I would like  
21 him dismissed from my case, and I'll do it my own  
22 self, okay?

23 Now, further moving forward, my mother-fuckin'  
24 call need to be pulled, okay?

25 THE COURT: Mr. Gammage --

1 MR. GAMMAGE: And my mother-fuckin' call needs  
2 to be pulled.

3 THE COURT: Mr. Gammage --

4 MR. GAMMAGE: Simple, okay. I'm talking to  
5 you like I'm the man of this mother-fuckin' house,  
6 okay? My 911 call needs to be pulled, so as the  
7 traffic cam. Ain't no this three years, two years for  
8 it and the traffic cam lights ain't there. The  
9 motherfucker went to the hospital --

10 THE COURT: Mr. Gammage, you will stop  
11 swearing --

12 MR. GAMMAGE: Okay, okay.

13 THE COURT: -- in my courtroom.

14 MR. GAMMAGE: Well, get -- get -- get -- vivid  
15 videos --

16 THE COURT: Mr. Gammage --

17 MR. GAMMAGE: -- okay? And get it -- get it  
18 down here, and then we can move forward.

19 THE COURT: Nope.

20 MR. GAMMAGE: Okay?

21 THE COURT: Mr. Gammage --

22 MR. GAMMAGE: That's simple as that, okay?

23 That's how I'm going to approach it the next time. I  
24 want the seven by disrespecting you, okay? They gave  
25 jail, 40 years. You've seen all of me on -- on

1 Facebook.

2 THE COURT: Mr. Gammage, the offer is --

3 MR. GAMMAGE: Okay.

4 THE COURT: -- not even to go to prison.

5 MR. GAMMAGE: I -- I give two rats -- okay, I  
6 own PetSmart and Petco, okay? Are you smarter than a  
7 rat? This is a rat race. You know, I'm Donald Trump,  
8 okay? However the case may be, okay?

9 THE COURT: Mr. Gammage --

10 MR. GAMMAGE: I'm not a fool.

11 THE COURT: -- in order to represent  
12 yourself --

13 MR. GAMMAGE: I'm not a fool.

14 THE COURT: -- you need to --

15 MR. GAMMAGE: I'm not a fool. I'm not a fool.  
16 Your Rule 20 came from dogs. Okay? Your Rule 20 came  
17 from the dog pound, and then, no, no. Okay? No, no,  
18 we don't eat dog around here, okay? Nor do we eat  
19 exotic animals, okay? No, no --

20 THE COURT: Mr. Gammage, in order to --

21 MR. GAMMAGE: We eat skyline -- we eats cot--  
22 we eats right from on down here.

23 THE COURT: Stop. Stop. In order to --

24 MR. GAMMAGE: Okay? We eat right on down  
25 here. I'm not stopping, okay? This is the energy



1           that I'm bringing.   Okay?

2           THE COURT:   In order to --

3           MR. GAMMAGE:   I have my only knock on wood.

4           THE COURT:   In order to represent yourself --

5           MR. GAMMAGE:   Okay?   I do what -- I do what

6           the fuck I want to do.   I'm representing myself.

7           THE COURT:   You need to complete --

8           MR. GAMMAGE:   I'm representing myself.

9           THE COURT:   And I'm trying to let you do that.

10          MR. GAMMAGE:   Well, do what you need to do --

11          THE COURT:   But you have to listen to me --

12          MR. GAMMAGE:   Bring a key (phonetic spelling).

13          Bring a key.   What are y'all going to go do, okay?

14          THE COURT:   In order to represent yourself,  
15          that explains your rights.

16          MR. GAMMAGE:   I got every right in the book.

17          THE COURT:   We're getting you a copy.

18          MR. GAMMAGE:   I got every right in the book,

19          okay?   Everything that I requested in 2021.   How do

20          you arrest me and I called 911?   I'm going to call 911

21          on myself?

22          THE COURT:   Mr. Gammage --

23          MR. GAMMAGE:   I --

24          THE COURT:   -- you'll go through this paperwork

25          and bring it back tomorrow when you come to court.

1           You choose how you want to be dressed in front of the  
2           jury.

3           MR. GAMMAGE:   Okay.   I get --

4           THE COURT:   You can be dressed in yellow, in  
5           orange, or you can wear street clothes.

6           MR. GAMMAGE:   That's how you know I'm God,  
7           okay?

8           THE COURT:   Mr. DeSmidt, are you going to have  
9           a senior talk with him to go through this petition?

10          MR. DeSMIDT:   I -- I will, Judge.

11          MR. GAMMAGE:   No, you don't need to say  
12          nothing else.   I want him removed.

13          THE COURT:   You can go --

14          MR. GAMMAGE:   What did I just say?

15          THE COURT:   -- back with the deputies.

16          MR. GAMMAGE:   What did I just say?

17          THE COURT:   You can go back with the deputies.

18          MR. GAMMAGE:   You need to be removed --

19          THE CLERK:   I'll get the paperwork in a  
20          minute.

21          THE COURT:   Thank you.

22          MR. GAMMAGE:   Motherfucker need to be removed.

23          (WHEREUPON, the proceedings were concluded at 12:25 p.m.)  
24  
25

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  
18  
19  
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25