

INDEX OF THE APPELLANT’S APPENDIX AND ADDENDUM

NOTE: In order to comply with the purpose and substance of the 2008 amendment adding Subd. 3, to Rule 128.01, Subd. 3, of Minnesota Rules of Civil Appellate Procedure, I have inserted an addendum item in this index, which deals with incidental rulings, in logical and chronological order with other important legal papers required or useful for the appendix in Rule 130.01, Subd. 1, of the Minnesota Rules of Civil Appellate Procedure. I have identified this addendum item **CAPITAL LETTERS AND DARK FONT**. Most of the critical decisions of the district court were from the bench. Following inquiry with a staff lawyer of this Court on how the rules are read in the context of this kind of appeal, I shall not here include as addendum items the relevant decisions from the bench so far as recorded in the transcript, but I shall merely note in this index where the presiding judge ruled by reference to the transcript, and the substance of his holding. Fuller discussion of the arguments before, and decisions from the bench will be found in the body of this submission. --John Remington Graham of the Minnesota Bar (#3664X)

-- Criminal complaint, State of Minnesota v. Steven Scott Samuelson, No. 31-CR-09-3704 on the docket of the Itasca County District Court, approved on November 30, 2010, charging Mr. Samuelson with two counts of domestic assault on November 25, 2009.....A1-A4

-- State’s exhibit 1, no contact order issued on November 30, 2009, under the Domestic Abuse Act, against Mr. Samuelson in the cause numbered 31-CR-09-3704 on the docket of the Itasca County District Court, introduced at trial on November 30, 2010.....A5

-- State’s exhibit 3, proceedings in the cause numbered 31-CR-19-3704 on docket of the Itasca County District Court, of which a redacted version was introduced at trial on December 1, 2010.....A6-A10

-- Criminal complaint, State of Minnesota v. Steve Scott Samuelson, No. 31-CR-10-169 on the docket of the Itasca County District Court, approved on January 15, 2011, charging Mr. Samuelson with thirty-four counts for violations from November 2 through 20, 2009, of a no-contact order issued under the Domestic Abuse Act on November 30, 2010, in the cause numbered 31-CR-09-3704 on the docket of the Itasca County District Court.....A11-A28

-- Amended motions in behalf of Steven Scott Samuelson in the causes numbered 31-CR-09-3704 and 31-CR-10-169 on the docket of the Itasca County District Court, noticed for August 31, 2010, including exhibit A (affidavit of Kelli Samuelson, sworn on February 18, 2010), and exhibit B (list of the directors of the advocates for family peace).....A29-A38

-- **ADDENDUM ITEM:** Formal order and memorandum of Hon. Jon Maturi, Judge, entered on October 13, and denying the amended motions noticed for August 31, 2010.....A39-A50

-- Motion in behalf of Steven Scott Samuelson relative to proposed sentencing, concerning or affected by the causes numbered 31-CR-09-3704, 31-CR-10-169, 31-K5-01-531, and 31-K5-02-2263 on the docket of the Itasca County District Court, noticed for November 1, 2010, but excluding exhibit A (affidavit of Kelli Samuelson, sworn on February 18, 2010), and exhibit B (list of directors of the advocates for family peace) therein referenced but already found on pages A34-A38 hereinabove.....A51-A59

NOTE: On November 1, 2010, Hon Jon Maturi, Judge, reversed himself, and from the bench allowed Mr. Samuelson to withdraw pleas of guilty entered on June 8, 2010, and set down the causes jury for trial from and after November 29, 2010. See the Transcript, Vol. II, pp. 122-128.

-- Motions in behalf of Steven Scott Samuelson for dismissal of the complaints in the causes numbered 31-CR-09-3704 and 31-CR-10-169, and for other protections, noticed for November 29, 2010.....A60-A68

NOTE: Hon. Jon Maturi, Judge, denied from the bench the motions noticed for November 29, 2011, following which all related offers of proof, and claimed rights of the accused through counsel to argue that the jury is judge of the law and the facts, were also denied from the bench. See the Transcript, Vol. II, pp. 133-173.

Again, on November 30, 2010, Hon. Jon Maturi, Judge, denied from the bench an oral demand by counsel for Mr. Samuelson for joint trial of both the cause numbered 31-CR-09-3704 and the cause numbered 31-CR-10-169. See the Transcript, Vol. III, pp. 238-241.

On November 30, 2011, Hon. Jon Maturi, Judge, rejected further offers of proof in conformity with the motion noticed for November 29, 2011. See the Transcript, Vol. III, pp. 234-238 and 241-281.

On December 1, 2011, Hon. Jon Maturi, Judge, denied requests in behalf of Mr. Samuelson for instructions concerning criminal intent to violate the order. See Transcript, Vol. III, pp. 389-392 The instructions, so far as objectionable, are set forth in full in the statement of the facts and the case.

The key testimony at trial was given by Amy Slettom, jail deputy, recorded in the Transcript, Vol. III, pp. 303-311; Jennifer Bardine, alleged victim, subject to restrictive Instructions limiting what the witness could say, to which counsel for Mr. Samuelson objected in keeping with his previous motions and offers of proof, recorded in the Transcript, Vol. III, pp. 311-325; and the testimony of Michael Bliss, sheriff's investigator, recorded in the Transcript, Vol. III, pp. 354-370. In view of the restrictive rulings on admissible evidence in his defense, Mr. Samuelson did not testify.

-- Verdict returned on December 1, 2010.....A69-A72

-- Post-trial motions in behalf of Mr. Samuelson, for new trial, acquittal, leniency in sentencing, etc., noticed for January 4, 2011.....A73-A85

NOTE: Pertinent proceedings on January 4, 2011, leading to the decision of Hon. Jon Maturi, Judge, denying the motions for new trial and/or acquittal, including testimony from Bobby Fillman Kelli Samuelson verifying the execution and truth of exhibit A, also from Jennifer Bardine, and the sentencing statements of Mr. Samuelson and his counsel, and the sentence imposed by Judge Maturi (five years and five days in prison) are found in the transcript, Vol. III, pp. 440-564.

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-- State’s dismissal of the charges of domestic assault in the criminal complaint numbered 31-CR-09-3704 for want of evidence, dated January 5, 2011.....A86

-- Order of Hon. Matthew E. Johnson, Chief Judge of the Minnesota Court of Appeals, granting thirty days’ extension of time for appeal filed on March 18, 2011.....A87-A89

-- Notice of appeal filed in behalf of Mr. Samuelson on April 27, 2011.....A90-A91

SUPPLEMENTAL APPENDIX

Opinion and order of Hon. Casey J. Christian, Judge, filed June 28, 2011, in the case of State of Minnesota v. Keith Lee Kelling, No. 74-CR-11-254 on the docket of the Steele County District Court.....B1-B10