

STATE OF MINNESOTA
COUNTY OF FREEBORN

IN DISTRICT COURT
THIRD JUDICIAL DISTRICT
CRIMINAL DIVISION

State of Minnesota,)	
)	
Plaintiff,)	Sentencing Hearing
)	
vs.)	
)	
Melissa Lynn Hanson,)	COURT FILE NO. 24-CR-21-137
)	
Defendant.)	
_____)	

*****TRANSCRIPT OF PROCEEDINGS*****

The above-entitled matter came before the Honorable Joseph A. Bueltel, Judge of District Court, at the Freeborn County Government Center, Courtroom No. 2, City of Albert Lea, County of Freeborn, State of Minnesota, at 3:43 P.M. on December 9, 2021.

A P P E A R A N C E S

Kelly Dawn Martinez, Esq., Albert Lea City Attorney, appeared on behalf of the State of Minnesota;

Melissa Lynn Hanson, Defendant, appeared pro se and was personally present.

COURT REPORTER: Jessica S. Berke, RPR

03:43:53 1 THE COURT: All right. Jury has left the room.
03:43:54 2 All right. State wishes to proceed to sentencing.
03:43:56 3 Ms. Hanson, are you ready to proceed?
03:43:58 4 THE DEFENDANT: Just what are we proceeding in,
03:44:04 5 Judge?
03:44:04 6 THE COURT: Sentencing on the verdicts.
03:44:06 7 THE DEFENDANT: Yes. Can you tell me ahead of time
03:44:08 8 what -- what is the process there?
03:44:11 9 THE COURT: All right. We have an argument as to
03:44:14 10 what a fair sentence is. I -- first, I'll hear from the State;
03:44:18 11 then I'll hear from you; and then I'll make a decision on what
03:44:22 12 the sentence should be.
03:44:23 13 THE DEFENDANT: Okay.
03:44:28 14 THE COURT: So, with that, Ms. Martinez, your
03:44:38 15 thoughts on sentencing.
03:44:39 16 MS. MARTINEZ: Thank you, Your Honor. As to Count 1,
03:44:42 17 I am asking for an executed ten days of jail; that the Court
03:44:47 18 stay 80 days; that she be on supervised probation for one year;
03:44:51 19 that she obey the law, be of good behavior; that she be
03:44:54 20 prohibited from holding her -- The Interchange Farewell
03:44:59 21 Christmas event tonight from 4:00 to 7:00 p.m. where she is
03:45:04 22 offering hot apple cider, coffee, and having a bake sale. I am
03:45:08 23 asking for a fine of \$500 plus costs.
03:45:13 24 I would note, specifically, my basis for -- and I
03:45:17 25 would repeat that for the following counts -- and they would be

03:45:21 1 concurrent -- or, excuse me -- consecutive to each other.

03:45:22 2 I would note that this is not a typical case. The
03:45:25 3 Defendant in this case vociferously complained about the
03:45:31 4 charges against her. We know that COVID-19 is a deadly virus;
03:45:36 5 we know that 900,000 American citizens have died from COVID --

03:45:43 6 THE DEFENDANT: Objection.

03:45:44 7 MS. MARTINEZ: -- and COVID-related --

03:45:44 8 THE COURT: Overruled.

03:45:45 9 MS. MARTINEZ: -- illnesses. It's reported daily.

03:45:49 10 Despite the risks and the education provided to Ms. Hanson for
03:45:55 11 the basis and the reasons behind the Executive Order, she chose
03:46:00 12 to blatantly defy the law and her licensing regulations and
03:46:07 13 continued to operate despite warnings -- despite all effort to
03:46:13 14 bring her into compliance with the Executive Orders. It is
03:46:17 15 very clear because her behavior is so egregious and so willful
03:46:23 16 and taken in bad faith that Ms. Hanson does not believe that
03:46:29 17 the law applies to her. She does not --

03:46:33 18 THE DEFENDANT: Objection.

03:46:34 19 MS. MARTINEZ: -- have to follow the court orders.

03:46:36 20 THE COURT: Overruled.

03:46:37 21 MS. MARTINEZ: And that she has shown that by failing
03:46:40 22 to comply with the court dates during these proceedings. There
03:46:44 23 was a warrant for her arrest because she didn't appear. She
03:46:48 24 was reprimanded and admonished throughout this proceeding as to
03:46:52 25 the Rules of the Court and Orders of the Court, and she failed

03:46:54 1 to abide by them. She knows that she does not have a food and
03:46:58 2 beverage license; she knows that she cannot operate The
03:47:03 3 Interchange and serve members of the public food or beverages.
03:47:09 4 In light of knowing that, in light of being told that over and
03:47:14 5 over again, in light of being served with cease and desist
03:47:19 6 notices that say she cannot do that, she still to this day is
03:47:23 7 continuing to engage in unlawful criminal conduct.

03:47:28 8 THE DEFENDANT: Objection.

03:47:28 9 MS. MARTINEZ: Earlier this week --

03:47:30 10 THE DEFENDANT: Objection. This is -- the prosecutor
03:47:32 11 does not have her facts straight.

03:47:34 12 THE COURT: Yeah. I'll sustain. Let's just deal
03:47:36 13 with the case that we have before us. You know, that's --

03:47:39 14 MS. MARTINEZ: Well, these are the facts that --
03:47:42 15 earlier this week she posted on The Interchange -- Interchange
03:47:45 16 Farewell Christmas event where she is going to offer -- and she
03:47:48 17 again today said, "Join us for this event."

03:47:52 18 THE COURT: Well, that's --

19 MS. MARTINEZ: While I do --

03:47:52 20 THE COURT: That's irrelevant. I'm just -- I'm just
03:47:54 21 going to sentence on 1 through 6 here.

03:47:57 22 MS. MARTINEZ: And I understand that, Your Honor;
03:47:58 23 however, there is still an ongoing public safety risk which the
03:48:02 24 Court can take into consideration in the sentencing argument --
03:48:02 25 and for which I am going to use to show that Ms. Hanson is

03:48:06 1 really not amenable to a probationary sentence.

03:48:09 2 There needs to be sanctions for her actions. They're
03:48:13 3 willful; they were done in bad faith; and I am asking the Court
03:48:16 4 to impose an executive -- excuse me -- an executed ten days of
03:48:19 5 jail, stay 80; one year supervised probation; that she comply
03:48:24 6 with all licensing and regulatory authorities and agencies; and
03:48:31 7 that she pay a fine of \$500 plus court costs.

03:48:41 8 THE COURT: So, essentially, what you are asking is a
03:48:45 9 60-day -- consecutive ten days on each file -- on each count?

03:48:49 10 MS. MARTINEZ: Your Honor, I would say execute the
03:48:55 11 ten days in the first file, stay the remaining charges; so it
03:49:04 12 would be ten executed in the first -- on Count 1, stay 80;
03:49:08 13 Count 2, stay 90 --

03:49:12 14 THE COURT: Okay.

03:49:12 15 MS. MARTINEZ: -- with the remaining terms and
03:49:14 16 conditions as set forth, et cetera, for 3 4, 5, and 6.

03:49:20 17 THE COURT: All right.

03:49:20 18 MS. MARTINEZ: But I do think it's important --

03:49:22 19 THE COURT: I think I understand how you are --

03:49:26 20 MS. MARTINEZ: -- that we have sanctions.

03:49:28 21 THE COURT: -- looking at that.

03:49:28 22 All right. Ms. Hanson, what are your thoughts here?

03:49:30 23 THE DEFENDANT: Let me see if I can cover everything
03:49:35 24 and have a rebuttal to Ms. Martinez's claims.

03:49:42 25 I have appeared at every hearing -- except for the

03:49:44 1 one. And I believe you know why I didn't appear for that --
03:49:48 2 because there was no summons and complaint for two new charges.
03:49:55 3 And by -- according to Rule No. 3, I wasn't required to show up
03:49:58 4 at court unless I had -- unless a summons and complaint was
03:50:02 5 issued. So, anyway, I have appeared at every hearing, whether
03:50:06 6 they were Zoom or in person.

03:50:11 7 And I -- sorry. I didn't get everything written down
03:50:14 8 because she went quite -- quite quickly. I am not operating
03:50:18 9 The Interchange. The Interchange remains closed. I am in the
03:50:21 10 process of moving out of the Interchange. And, in doing so, we
03:50:28 11 have new glassware and new mugs that we are counting as a loss.
03:50:33 12 And there is -- there are people from my team there -- or our
03:50:41 13 friend group, I guess you would call them -- that have arranged
03:50:44 14 for a farewell, I guess -- is I think what it is called -- a
03:50:52 15 farewell Christmas party or something like that. I'm not even
03:50:57 16 sure exactly what it is called. And some of the ladies have
03:50:59 17 brought baked goods and are asking for donations for baked
03:51:05 18 goods and little wine glasses that say, "Interchange" on them
03:51:08 19 and mugs. And so The Interchange is not producing any food or
03:51:16 20 beverage whatsoever; in fact, I could not produce food or
03:51:20 21 beverage or sell food or beverage because I have no food or
03:51:25 22 beverage in the establishment that I could sell. So it is a
03:51:34 23 fundraiser for legal fees. And we -- because we have glassware
03:51:43 24 and T-shirts there and so forth, that is -- we're opening our
03:51:50 25 front door to let people in. But I haven't operated since

03:51:53 1 February 9th in that business -- or in that venue. It has been
03:51:59 2 closed up, and I have continued to pay my rent and my utilities
03:52:04 3 even in -- in the midst of being closed. So there is no
03:52:10 4 business going on, absolutely no business.

03:52:16 5 Is there anything you want to ask me about that?
03:52:18 6 Judge? Is there -- did I clarify that well enough?

03:52:21 7 THE COURT: Now is your time to argue. I don't have
03:52:24 8 to ask you any questions.

03:52:25 9 THE DEFENDANT: No. I'm just asking.

03:52:27 10 THE COURT: Provide me information on --

11 THE DEFENDANT: Okay.

03:52:28 12 THE COURT: -- what you think a fair sentence is.

03:52:30 13 THE DEFENDANT: Okay. So -- so, moving on, I am not
03:52:33 14 a public safety risk in any way, shape, or form. Restaurants
03:52:38 15 are -- at least, according to my understanding, are fully open
03:52:41 16 right now. And I am not a restaurant that is open; I'm closed.
03:52:46 17 I have no idea what Ms. Martinez means by that, "Being a public
03:52:50 18 safety risk."

03:52:55 19 I would ask the Court to consider the fact that I
03:53:02 20 don't have a record, and I have never had a record other than
03:53:08 21 the arrest in Clear Lake. So that would be the record that I
03:53:14 22 have, I suppose. I have no record. I have never -- I mean, I
03:53:20 23 think I've received a couple speeding tickets, but it's been
03:53:24 24 many, many years.

03:53:26 25 So I would ask the Court to forego any kind of a jail

03:53:34 1 sentence or jail time. That would not be appropriate for
03:53:39 2 someone of my nature. I am a mom and a grandma, and my husband
03:53:48 3 and I have lived in the community, as you know, and we are
03:53:52 4 active in the community.

03:53:57 5 I guess if I have to stick up for myself, you know,
03:54:00 6 that is -- there is no reason to put a person like me behind
03:54:03 7 bars. I'm a good, honest person; I'm -- I treat people well;
03:54:12 8 I'm kind; I try to live a good, honest life. Just because I
03:54:21 9 have a passion for liberty and freedom -- I don't think that is
03:54:27 10 a reason to put anybody behind bars.

03:54:30 11 As far as the fine, again, I would ask the Court to
03:54:39 12 have grace, leniency. I don't think I deserve any kind of a
03:54:43 13 fine. It is -- it's -- I'm a good person.

03:54:54 14 I didn't understand, Judge, the -- because I'm not
03:54:57 15 familiar with these things -- where we're talking "consecutive"
03:55:02 16 and, you know, all of that. But -- so I don't understand that.
03:55:05 17 But I'm just -- I would -- I would just continue to stand on
03:55:09 18 that -- I don't need -- I don't need probation; I don't need to
03:55:14 19 go to jail. I -- I need to be home; I need to be with my
03:55:19 20 family; I need to be at the birth of my three -- three
03:55:23 21 daughters that are having babies soon that have all asked me to
03:55:27 22 attend their births. I have a big family; I help my husband in
03:55:32 23 my -- in our business that we still operate. And so I have a
03:55:45 24 lot of good things going on in life, and I shouldn't be behind
03:55:49 25 bars, and I don't believe I should be charged a fine.

03:55:52 1 MS. MARTINEZ: Your Honor, if I may reply briefly?

03:55:54 2 Ms. Hanson's arguments here are fundamentally false.

03:55:58 3 She has continued, even while this case was proceeding, to hold

03:56:01 4 Stand For Liberty events at The Interchange. She is not to

03:56:06 5 provide food or services at any time, whether it be catered,

03:56:09 6 whether someone else brings it in. She cannot offer food and

03:56:13 7 beverages at The Interchange, and she has been advised of

03:56:17 8 that --

03:56:17 9 THE COURT: Well --

03:56:18 10 MS. MARTINEZ: -- multiple times.

03:56:20 11 THE COURT: -- you know --

03:56:21 12 MS. MARTINEZ: It is clear that she wants no

03:56:23 13 accountability; it is clear that she doesn't feel that there

03:56:26 14 needs to be any accountability. Whether or not she is a nice

03:56:27 15 person -- nice people, honest people break the law every day,

03:56:29 16 and there are consequences and sanctions for doing so.

03:56:32 17 The sentence that I have proposed today is not

03:56:34 18 unusual in circumstances such as today's case.

03:56:37 19 THE DEFENDANT: I think it is unusual, especially for

03:56:39 20 a -- what would you call someone like me? -- first time

03:56:44 21 offender? I'm not -- I don't even know the terminology. So I

03:56:47 22 think it is highly unusual.

03:56:48 23 And I have heard of, in other situations, where a

03:56:53 24 person like myself just absolutely does not belong behind bars

03:56:59 25 and does not -- what would -- what is the purpose of, you know,

03:57:08 1 sentencing to that effect?

03:57:12 2 I am a community member; I offer a lot to this
03:57:16 3 community; I have -- my husband and I have for 25 years.

03:57:24 4 MS. MARTINEZ: Your Honor, we have business owners
03:57:27 5 get DWI all the time and have sanctions related to, you know,
03:57:31 6 drug offenses, DWI-type offenses.

03:57:34 7 THE COURT: Yeah. I --

03:57:36 8 THE DEFENDANT: Well, I don't have a DWI.

03:57:38 9 THE COURT: All right. What else -- what else do you
03:57:40 10 want to say here before you are done?

03:57:42 11 THE DEFENDANT: I don't know what else I could say,
03:57:48 12 Judge. I think that any kind of a sentencing would be quite
03:57:55 13 over the top and harsh, again, for a person like me that has
03:58:00 14 never -- never had a record and has been a longtime community
03:58:03 15 member. I just -- it doesn't make any sense to me, and I just
03:58:12 16 hope that you would see that the same way.

03:58:17 17 THE COURT: All right. I'm going to take some time
03:58:19 18 to go over this sentence to explain myself. I'm going to be
03:58:23 19 subject to criticism whatever I do.

03:58:30 20 We're working under the Emergency Management Law,
03:58:34 21 Chapter 12. It looks, from the legislative history, this
03:58:39 22 started out in 1951. There was some type of emergency
03:58:44 23 management laws. There is a major revision, it seems, in 1996.
03:58:48 24 That is why the citation is called "Minnesota Emergency
03:58:52 25 Management Act of 1996." The policy, under the 12.02, talks

03:58:58 1 about -- because of existing and increasing possibility of
03:59:02 2 occurrence of a natural or other disasters of major size and
03:59:09 3 destructiveness and to ensure that the state is prepared to
03:59:13 4 deal with disasters and to generally protect the public peace,
03:59:20 5 safety, health, and to preserve lives and property, the
03:59:24 6 legislature found it necessary to kind of create this statute
03:59:28 7 and confer upon the Governor the emergency and disaster powers
03:59:33 8 described in the statute.

03:59:37 9 The policy, under subdivision 2, talks about -- that
03:59:43 10 all emergency management functions of the state shall be
03:59:47 11 coordinated to the maximum extent with the federal government,
03:59:50 12 knowing that there can be just big disasters that would require
03:59:53 13 some cooperation between different levels of government.

04:00:05 14 Under Statute 12.21, the governor has -- "General
04:00:11 15 authority. The governor has general direction and control of
04:00:15 16 emergency management."

04:00:18 17 Under subdivision 3, "Specific authority. In
04:00:21 18 performing duties under this chapter and to the effect -- to
04:00:25 19 effect its policy and purpose, the governor may make, amend,
04:00:29 20 rescind necessary orders and rules to carry out provisions of
04:00:34 21 this chapter."

04:00:43 22 Now, under 12.31, "National Security or Peacetime
04:00:48 23 Emergency; Declaration," subdivision 2, "The governor may
04:00:52 24 declare a peacetime emergency. And the peacetime declaration
04:00:56 25 of emergency may be declared only when an act of nature" -- and

04:01:03 1 that's what applies here. We're dealing with an "act of
04:01:08 2 nature," a pandemic, COVID-19 pandemic -- "endangers life and
04:01:18 3 property and local government resources are inadequate to
04:01:25 4 handle the situation." So that is when the declaration can be
04:01:28 5 made. "And when the governor declares this peacetime
04:01:33 6 emergency, the governor must immediately notify the majority
04:01:37 7 and minority leaders of the senate and the speaker and majority
04:01:42 8 and minority leaders of the house. And the peacetime emergency
04:01:51 9 must not continue more than five days unless extended by
04:01:55 10 resolution of the Executive Council."

04:02:00 11 And the Executive Council is under Minnesota Statute
04:02:03 12 9.011. And that includes the governor, lieutenant governor,
04:02:09 13 secretary of state, state auditor, attorney general.

04:02:15 14 Now, this statute that we're working under has an
04:02:26 15 interplay of separation of powers. This Statute was created by
04:02:30 16 the legislature authorizing the governor to act in a peacetime
04:02:35 17 emergency situation when there is a natural disaster. And he
04:02:39 18 declared it. And he got his Executive Council to agree and
04:02:44 19 extend that. And the check on that is by majority vote of each
04:02:53 20 house of the legislature. The legislature may terminate a
04:02:58 21 peacetime emergency extending beyond 30 days; so that is the
04:03:02 22 check. You got to have both body -- both houses of the
04:03:06 23 legislature to agree on a majority vote. Governor overstepped
04:03:11 24 their boundary; you can't do that. That is the check here.

04:03:21 25 And under 12.32, the rules or orders promulgated by

04:03:30 1 the governor under this statute, when approved by the Executive
04:03:35 2 Council, filed with the secretary of state during a peacetime
04:03:39 3 emergency, have the full force and effect of law. And that's
04:03:45 4 set forth in the Governor's orders.

04:03:48 5 And that leads us kind of towards the end of the
04:03:51 6 statute to where we are today at 12.45. So I know you disagree
04:03:57 7 with the fundamental ability of the governor to declare a
04:04:02 8 peacetime emergency and restrict people's liberty, but there is
04:04:05 9 a public safety concern here -- COVID-19 pandemic. We heard
04:04:08 10 testimony that at that time there was concern about an uptick;
04:04:14 11 there was concerns that the hospitals will get overflowed; and
04:04:19 12 there was no vaccine at all. Our protection was to stay away
04:04:24 13 from each other and wear masks and not congregate together and
04:04:28 14 not have a party, not drink beer together, not go to the music
04:04:34 15 fests. We had to try to stay apart from each other. And that
04:04:37 16 was because we didn't want to see grandma in the nursing home
04:04:41 17 get sick, and we didn't know how sick kids were going to get.
04:04:45 18 And, you know, obviously, the numbers are the numbers; you can
04:04:49 19 look them up. People have died -- and significant people have
04:04:54 20 died. But at that point in time, the Governor made a call.
04:04:57 21 History will judge how wise he was.

04:05:01 22 But, Ms. Hanson, you don't get to decide that you're
04:05:05 23 the governor and you don't have to follow the rules that the
04:05:09 24 rest of society has to follow. That's not your role. And if
04:05:15 25 you think you have that role -- which you pretty well made it

04:05:19 1 clear -- you got to understand the law applies to you; it
04:05:23 2 applies to everybody equally.

04:05:26 3 And to say you're not a public risk at the time that
04:05:31 4 you were convicted of Counts 1 through 6 -- you were a public
04:05:34 5 risk because you kept your business open, flaunted it,
04:05:40 6 advertised it, had people come in. No mask enforcement at all.
04:05:45 7 And you were making money so you could -- you could roll in the
04:05:54 8 dough because the suckers down the street had closed their bar.

04:05:59 9 You played them for the fool, didn't you?

04:06:01 10 THE DEFENDANT: No, I did not.

04:06:03 11 THE COURT: No. I'm not -- I'm not asking a
04:06:04 12 response.

04:06:04 13 But you heard the voir dire, did you not? Two -- two
04:06:09 14 business owners -- or a business owner, a family member who had
04:06:16 15 a business owner -- another business owner, they couldn't sit
04:06:20 16 in judgment of you in this case. And why was that? And they
04:06:23 17 said it very tactfully: "I had a different strategy; I had a
04:06:27 18 different method." The obvious inference is: They followed
04:06:31 19 the Governor's orders. And they -- they survived. And you
04:06:38 20 know what? They said they couldn't sit in judgment of you
04:06:41 21 because of just that experience. They got booted off the jury.
04:06:45 22 That's fine; they were of a frame of mind to judge you. We
04:06:50 23 were looking for people with -- a little more open-minded. But
04:06:54 24 they did the right thing and prevented the public risk; you did
04:06:58 25 the exact opposite and cashed in while you could.

04:07:00 1 So sentencing policies: Kind of the standard
04:07:08 2 sentencing policies that we think about are deterrents.
04:07:12 3 Specific deterrents as to the individual and general deterrents
04:07:17 4 to the rest of society that people will understand that crimes
04:07:24 5 have consequences and that will deter the individual from
04:07:29 6 future lawlessness and may deter the rest of society for future
04:07:36 7 criminal behavior.

04:07:39 8 Another sentencing policy that we a lot of times want
04:07:43 9 to work through is rehabilitation: Provide services,
04:07:47 10 alcohol/drug counseling, mental health counseling, anger
04:07:51 11 management. You know, try to get somebody in a better --
04:07:54 12 better place into the future. You know, I don't see that you
04:07:58 13 are going to be rehabilitated in your view that you had the
04:08:01 14 right to do what you did, and so that really doesn't play very
04:08:05 15 well here.

04:08:06 16 And then another sentencing consideration is just
04:08:11 17 restraint, keeping -- keeping you out of public eye -- or
04:08:14 18 punishment -- if you want to use that term -- is just to
04:08:19 19 enforce the importance of the law by taking your liberty away.

04:08:25 20 When I sentence people, I like to kind of get their
04:08:29 21 mindset, and I think I got your mindset. But I just to want
04:08:33 22 kind of explain a little bit. I have a lot of people who
04:08:36 23 come -- they're in bar fights. They maybe had too much to
04:08:40 24 drink; they lost their cool. They say, "Hey, I messed up. I'm
04:08:44 25 ready to -- I'm ready to make some changes in my life." And

04:08:49 1 you can kind of look at it -- you know, maybe rehabilitation is
04:08:53 2 right in that situation; anger management, alcohol counseling,
04:08:56 3 that kind of thing. So you kind of have one tact for a
04:09:00 4 sentencing of a defendant.

04:09:02 5 Another example that I think about occasionally is my
04:09:07 6 professional thief that I get a lot of times. Professional
04:09:11 7 thief comes in and says, "Hey" -- and a lot of times this comes
04:09:15 8 right out -- either out of their mouth or in a PSI -- "Hey, I
04:09:19 9 like to go to the local stores and rip them off and then I put
04:09:23 10 it on eBay, and that's how I earn a living. That is my life.
04:09:27 11 And that's how I roll." And, in that situation, there is not a
04:09:32 12 lot of redemption there. Restraint and deterrents are my
04:09:37 13 options. And -- but everybody comes at it with a little
04:09:43 14 different viewpoint.

04:09:44 15 Now, you -- I think you're a political protester. I
04:09:49 16 really do. I think you knowingly and willingly violated the
04:09:54 17 law to make a point, and people have been doing that for
04:10:05 18 centuries. It is kind of part of our tradition, at some level.
04:10:10 19 But you did have other options besides violating the law and
04:10:12 20 keeping your business open. And you exercised some of those
04:10:14 21 too. You exercised your free speech right; you organized a
04:10:19 22 protest.

04:10:19 23 And as I read the law here, your -- really -- remedy
04:10:22 24 would be to get both houses of the legislature to terminate the
04:10:27 25 Executive Order. That was the check at that point. You know,

04:10:32 1 otherwise, the public kind of has to live with the Executive
04:10:35 2 Orders as they're -- as they're written at that moment in time.

04:10:48 3 So, I mean, you kind of cut the line here,
04:10:52 4 Ms. Hanson, in the sense that you wanted to decide how you were
04:10:57 5 going to live your life. Agreed-upon rules of law are ignored
04:11:04 6 in your world; you decide what you want to do, and then you're
04:11:07 7 going to fight tooth and nail to explain yourself and justify
04:11:11 8 your behaviors. You're going to criticize me; you have before,
04:11:17 9 and you will in the future.

04:11:17 10 But, you know, reasonable minds may differ on certain
04:11:21 11 things, but the jury verdict speaks for itself. You wanted to
04:11:26 12 make money over the interest of public health and safety in the
04:11:31 13 middle of a global pandemic; you violated the law in your own
04:11:35 14 self interest and ignored public safety.

04:11:38 15 Many of our laws walk this fine line between freedom,
04:11:42 16 liberty, leaving people alone, getting government out of their
04:11:45 17 life, and the public good. We're always working in that realm.
04:11:52 18 In the criminal cases, the legislature is working on it. How
04:11:57 19 much, if any, regulation do we ever do in any given sector of
04:12:01 20 society? Legislature makes rules; they come down to the
04:12:04 21 courts; we've got to work with them. They made the policy
04:12:07 22 decision; we got to follow them.

04:12:09 23 But here is -- my real concern here is you don't
04:12:13 24 really want to recognize our law; you don't think you are
04:12:17 25 subject to our law. And so I am kind of stuck with the -- kind

04:12:21 1 of deterrence thing, specifically you to reinforce that the law
04:12:26 2 does apply to you -- and kind of a general deterrence to send
04:12:31 3 the message to the community that the Governor's Emergency
04:12:34 4 Orders are law; they apply to the public as a whole; nobody can
04:12:38 5 skirt them because they think they're above the law.

04:12:46 6 Everybody who gets sentenced thinks, "I'm a good --
04:12:49 7 I'm a good person; I have friends; I normally don't do this
04:12:55 8 stuff." What you sound like is you are sorry that you got
04:12:59 9 convicted. And you were told today by the jury that your view
04:13:07 10 of the world does -- is not the way the majority of people, I
04:13:15 11 think, would view the world. But I just can't ignore it and
04:13:21 12 send you -- send you back home. I got to -- I got to go -- I
04:13:24 13 got to send you to jail, and I got to fine you. That is the
04:13:27 14 only way I'm getting into your headspace, and that is the only
04:13:31 15 way I'm going to send a message to the community that the
04:13:34 16 Governor's emergency orders have the force of law.

04:13:37 17 And you know what? I want to make a point here: I
04:13:40 18 don't want to be partisan at all about this. This statute,
04:13:45 19 Chapter 12, it was written -- and some of the updates, as I
04:13:55 20 see, are changes -- little -- little technical changes, 2004,
04:14:02 21 2005, looks like 2005 was probably the last time -- no. We
04:14:15 22 have got a 2016 change on one little area. But my point being
04:14:22 23 that this was generated years ago. We don't know who is in
04:14:28 24 power and who isn't, but we at least have a check that if the
04:14:32 25 governor gets out of line and oversteps his boundaries, both

04:14:36 1 houses of the legislature can step in with a majority vote and
04:14:41 2 stop an executive order. And that was your remedy here; your
04:14:44 3 remedy wasn't to keep your -- your -- your restaurant open and
04:14:49 4 serve beer and wine and have it open to the public. So that's
04:14:56 5 my view.

04:14:57 6 I'm taking this as a serious case because I want to
04:15:00 7 treat it seriously. Yeah. You can ask the question: Well,
04:15:03 8 you can't prove I hurt anybody; you can't prove somebody got
04:15:08 9 sick along the way. And you know what? You can't. That's the
04:15:13 10 problem with this pandemic. It's hard to trace with great
04:15:18 11 accuracy how people get sick because, as a matter of necessity,
04:15:25 12 we do have to move around a little bit. People got to go to
04:15:28 13 hospitals; people got to go to grocery stores; people got to
04:15:33 14 kind of try to run their business as best they can.

04:15:36 15 And you had an option -- you had a curbside option,
04:15:37 16 and you just decided that wasn't good enough for you. You
04:15:39 17 wanted to have people in and have a party. And that's really
04:15:44 18 where I -- I have -- I have the quarrel with you. And I think
04:15:50 19 you are just want to defy the law and want to do your own
04:15:54 20 thing.

04:15:54 21 And so I am going to sentence you to 90 days and a
04:15:57 22 thousand-dollar fine concurrent on all six counts. So
04:16:00 23 surrender yourself to the deputies. There is an \$80 charge.
04:16:04 24 Pay the fine in six months.

04:16:07 25 THE DEFENDANT: Okay. So can you explain some

04:16:09 1 details to me, Judge, or can somebody else?

04:16:12 2 THE COURT: You're your own counsel. I just

04:16:15 3 sentenced you to 90 days and a thousand-dollar fine plus \$80 in

04:16:19 4 costs. You --

04:16:20 5 MS. MARTINEZ: And just to --

6 THE COURT: -- have to go to jail.

04:16:21 7 MS. MARTINEZ: To clarify, Your Honor, those are all

04:16:23 8 concurrent or consecutive?

04:16:25 9 THE COURT: Concurrent, yes. Concurrent.

10 ***END OF RECORD AT 4:16 P.M.***

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STATE OF MINNESOTA)

COUNTY OF FREEBORN)

REPORTER'S CERTIFICATE

I, Jessica S. Berke, do hereby certify that I am an Official Court Reporter of the District Court of the Third Judicial District of the State of Minnesota; that as such reporter I reported in stenotype the testimony and proceedings had in the above-entitled action; that I thereafter transcribed the same into typewriting; that the foregoing transcript, consisting of these 21 pages, numbered 1 through 21, constitutes a full, true, and accurate transcript of all testimony offered or received on said proceedings, all objections, rulings, exceptions, orders, and all other proceedings of such, to the best of my ability, except that the exhibits are not copied therein; said exhibits being on file in the office of the Clerk of this Court.

Dated this January 25, 2022.



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