

# **A REPORT**

**Assessing the Guilt of Myon Burrell  
For the Murder of Tyesha Edwards  
And the Selfish and Immoral Actions  
Of the Public Figures involved.**

**By Mike Furnstahl  
June, 2021  
Amended December, 2021**

## **Introduction**

I was a prosecutor for 25 years, 20 of which were spent in the Hennepin County Attorney's Office. I served under both Mike Freeman and Amy Klobuchar during that time

One of the last cases I prosecuted was the re-trial of Myon Burrell for the murder of Tyesha Edwards. This was held before Judge Charles Porter from March 10 to April 7, 2008. I secured a conviction of Burrell which was ultimately upheld on appeal.

On December 10, 2020, Governor Tim Walz and Attorney General Keith Ellison commuted Burrell's sentence to the time he had already served. This reduced his sentence by more than 20 years and occurred immediately following the publication of a report by a group of six alleged neutral experts regarding Burrell's conviction and sentence. This group was chaired by Mark Osler.

This commutation was done in spite of the fact that Burrell continues to falsely claim that he is innocent of Tyesha's murder, and was wrongly accused and convicted. I, and many others, believe this to be a travesty of justice, fueled in large part by the cowardly acts of selfish politicians.

As will be explained further, I was forced to remain silent while all of this unfolded. I no longer am bound by those restrictions. I hope, by this writing, to set the record straight regarding Burrell's guilt, and to expose some of the selfish and unethical actions by those in political power that led to this abhorrent result.

In doing this, I am mindful that my words will have little effect on what's already occurred. Nothing I do will restore Burrell's prison sentence. In addition, I believe that the "fix" is already in to vacate his conviction in that the Conviction Revue Unit which Ellison hopes to create will ultimately make that recommendation.<sup>1</sup> I don't believe that Hennepin County Attorney Mike Freeman has the courage to stand up and speak out against this.

To be sure, the "fix" was in well before Burrell's hearing before the Board of Pardons. I am aware that the Department of Corrections made ready to release Burrell before the hearing even occurred. In addition, I watched as Walz read from a prepared script as he announced his decision to commute Burrell's sentence. All this makes clear that the

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<sup>1</sup> Mark Osler was recently named an advisor to the Conviction Revue Unit which only serves to foster the belief that the Unit will not undertake a fair and balanced look at Burrell's conviction. A review of the work by Osler's group is addressed in this report. The readers can decide for themselves whether the work of that group justifies these concerns.

hearing before the Board of Pardons was a complete sham, and that Walz and Ellison had already made up their minds.

I doubt that either of them will now have the courage to admit that their decision was wrong, particularly given the fact that their re-election campaigns are looming in the near future. This means, I believe, that they will support vacating Burrell's conviction.

I do hope, however, that my words will reach the public who will then decide if the politicians named in this report are worthy to represent their interests. I firmly believe that they are not.

I should not have to be writing this history. It should have been left to Mike Freeman and Amy Klobuchar as they were the Hennepin County Attorneys during Burrell's first and second convictions. They will not because they are cowards, and because Tyesha's death no longer benefits their political careers. But I believe that someone should speak out on Tyesha's behalf.

They say that Black Lives Matter and I believe that to be true. But Tyesha was black. Her family is black. I doubt that any of them have any faith in this judicial system that I served for 38 years. Clearly to those with political power, Tyesha and her family no longer matter at all.

## **The Facts**

Tyesha was murdered on Friday, November 22, 2002. She was at her home at 3431 Chicago Ave. S. doing her math homework when she was shot. Tyesha, then 11 years old, shared the home with her mother Linda Winborn, her step-father Leonard Winborn, and her 8 year old sister Lakia.

At approximately 3:00 that afternoon the Family Mob and the Bloods<sup>2</sup> were continuing their feud outside of Tyesha's home. A bullet came through the side of the house and struck Tyesha squarely in the heart. The autopsy photos showed that her heart disintegrated into three pieces. She died almost instantly in spite of the heroic efforts to save her.

This crime was devastating--not just to Tyesha's family but also to the police officers involved and to the community as a whole. It was unconscionable to think that in our civilized society gang violence had gotten so out of control that it could claim the life of an innocent child.

The crime was such that the police officers, prosecutors, victim-witness personnel and everyone else involved in the case were

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<sup>2</sup>The Bloods are also known as the Rolling 30's Bloods as their territory is in the 30's blocks in south Minneapolis.

determined to obtain justice for Tyesha and her family. As such, many people worked around the clock to identify the perpetrators. Ultimately Burrell and his two associates, Isiah “Ike” Tyson and Hans Williams were arrested, charged and convicted of the crime.

At the time of the murder the Bloods and the Family Mob were engaged in a gang war that had been going on for some time. It’s not clear when this actually started or what started it, but it was clear that it was violent. Det. Chris Hauglid, one of the many homicide detectives assigned to this case, testified at Burrell’s first trial that the Minneapolis Police Department had counted between 30 to 40 shootings and 3 to 4 murders that grew out of the conflict. Tr.-1, p. 755.<sup>3</sup>

On this particular day Burrell was riding in a red Chevy Malibu along with Ike Tyson and Hans Williams. They were proceeding southbound on Chicago Ave. At 3433 Chicago Ave. S., the home directly to the south of Tyesha’s home, the three spotted Timothy Oliver, aka “Little Timmy.” Tr.-1, p. 264-317.

Oliver was then a member of the Black Gangster Disciples (“GDs”). The GDs were aligned with the Family Mob. Oliver had been a willing and

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<sup>3</sup> Tr.-1 refers to the transcript of Burrell’s first trial; Tr.-2 refers to the transcript of his second trial. All other transcripts are referred to by the date of the hearing that generated the transcript.

prolific participant in the war against the Bloods, allegedly having committed many of the shootings that occurred against them. Tr.-2, p. 552.

Burrell was 16 years old at the time of this incident, but he was already experienced in gang life and had begun to muster a criminal record in the juvenile courts. He had previously been a member of the Vice Lords but switched his allegiance to the Bloods. His then girlfriend, Brandi Bell, testified that he was previously known as “Little Lord” when he was a member of the Vice Lords, but changed his moniker to “Skits” when he became a Blood. Bell said that Burrell was “jumped-in” to the Bloods in 2001. This meant he had to face a beating from his fellow gang members as part of their initiation rites. Tr.-2, p. 724-788.

Burrell came from a family of hardened criminals. Both his father and his brother Michael have done time in prison. Michael, also known as “Skits,” is a member of the Bloods and was in custody during some of the time that Burrell was in the Hennepin County Jail. Myon adopted, in part, the moniker of his older brother and went by the name of “Skits” or “Lil Skits.”

Burrell was eager to engage in the gang life. His mother was so concerned about this that she moved him and his sister to Bemidji in hopes that he would be safe, but Burrell was insistent in following this chosen lifestyle. See: Supplement 58.<sup>4</sup>

The week before Tyesha's murder Burrell was deluged with calls from Artavious Brown, aka "Tay," also a known Blood gang member. Tay was telling Burrell to come to Minneapolis to help him in his war against the Family Mob. Burrell was happy to oblige and had his mother drive him to Minneapolis arriving on November 21, 2002. *Id.*

As Tyson, Williams and Burrell drove southbound on Chicago Ave. S., Oliver and Tyson "mean-mugged" each other as the car rolled past the home that Oliver was visiting. The car continued southbound before turning west and then north on Columbus Ave. S. where it parked.<sup>5</sup>

Tyson and Burrell exited the vehicle, leaving Hans Williams alone. They then walked easterly until they were directly across the street from where Oliver was standing. According to one of Tysons's statements

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<sup>4</sup> "Supplement" refers to the supplements prepared by members of the Minneapolis Police Department in this case (their case MP-02-328188). As a testament to their work ethic, 161 supplements were prepared by various officers. A normal homicide case would result in 20-30 supplements.

<sup>5</sup> Columbus Ave. S. is one block west of Chicago Ave. S.



they argued about leaving—Tyson wanted to leave as there were too many people around but Burrell challenged him to stay. Tr.-2, p.1509.

Ultimately Tyson left and walked back towards the car while Burrell took a position astride the railing at 3436 Chicago and fired at least seven shots at Oliver. One of the bullets pierced Oliver's pants leg but missed his flesh. Another of the bullets went through the wall on the south side of the Longino home and killed Tyesha. Tr.-1, p. 476-504; Tr.-2, p. 387-471.

Sarah McLellan was at her home four houses north of 3<sup>th</sup> St. on Columbus Ave. S. when she heard the shots. She walked to her porch overlooking the street and spotted what she thought was a maroon Corolla<sup>6</sup> parked in front of 3439 Columbus Ave. S. with a person in the driver's seat. As the car moved southbound on Columbus she saw a black male jump into the front passenger seat. As the car drove further south a second black male jumped into the rear seat on the driver's side.

Ms. McLellan said the two black males were running around the corner of 35<sup>th</sup> and Columbus, coming from the direction of Chicago Ave. S. to the east. The evidence at both trials showed that Hans Williams

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<sup>6</sup> Ms. McLellan subsequently identified a photo of the car driven by Hans Williams as the car she saw parked on Columbus Ave. S. This was the red Chevy Malibu referred to earlier. See: Supplement 52.

was the driver of the vehicle, and the two persons who entered the vehicle after the shooting were Ike Tyson and Myon Burrell. Tr.-1, p. 583-600; Tr.-2, p. 412-415.

3433 Chicago Ave. S., the building to the south of the Longino residence, was a duplex. The upper half was rented by Vera Gross. A few months before this her son Shawn was murdered as part of the violence between the Bloods and the Family Mob. The home was known in the neighborhood as being the home of members of the Gangster Disciples, and had been the target of two other drive-by shootings since the death of Shawn Gross. See: Supplements 1 and 23.

Oliver had been visiting with the people who resided there. He left the scene immediately after the shooting and was gone by the time the officers arrived. Many of the other witnesses who were in front of 3433 Chicago fled the scene as well. Officers ultimately learned the identities of the persons who were present and interviewed them all.

One witness, Anthony Collins aka "Cornbread," was still at the scene. He tried to walk away but was intercepted by Officers Chaplin and Persoon. He was uncooperative and gave a false name as he had a warrant pending for his arrest. However, he told the officers that a

person by the name of “Tim” whose last name he claimed he did not know was the intended target. See: Supplements 10 and 17.

As was stated earlier, this crime was devastating to the community. It even affected some of the people that were involved in the war between these two competing gangs.

Isaac “Ike” Hodge was the leader of the Family Mob. He was in custody on the day of the shooting but heard about it nonetheless. He learned that Timothy Oliver was the intended target. Even he was affected by Tyesha’s death so he contacted Oliver and ordered him to cooperate with the police investigation.

At 8:30 a.m. on November 25, 2002 Hodge spoke to Sgt. Chris Hauglid. He told Hauglid that Ike Tyson was involved in the murder and the shots were being fired at “Little Timmy,” aka Timothy Oliver. Hodge made no mention of Burrell during this initial contact.<sup>7</sup> This was the first lead the officers had regarding the identities of the persons involved in the shooting. Hodge also said he was making arrangements for Oliver to come in and speak to the investigating officers. See: Supplement 58.

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<sup>7</sup>Osler’s committee of Six Super Neutral Experts claimed that Hodge identified Burrell as the shooter in this initial contact with the police. This, they claimed, resulted in the investigators having “tunnel vision” which prohibited them from fairly investigating this case. As will be seen, this statement is a lie.

Around 10:30 a.m. on November 25, Oliver contacted Sgt. Rick Zimmerman who was put in charge of the investigation.<sup>8</sup> Oliver was willing to come to speak to Zimmerman but expressed concern for his safety. Nonetheless he agreed to meet with Zimmerman at the homicide office at around 2:00 p.m. that day. See: Supplement 75.

Even though Burrell had already murdered an innocent child, his lust for killing his rivals had not yet been abated. On November 25 he and Tay Brown spied Deleon Walker, a known associate of the Family Mob, at a coffee shop on Park Ave. and Lake St. in South Minneapolis. Burrell and Brown opened fire, missing their intended targets, instead shooting an innocent bystander in the leg. Tr.-2, p. 795-811. See, also, MPD Case #02-330705.

Tim Oliver and several others drove to the area of the shooting to assist their friends, and were stopped by members of the Minneapolis Police Department a short time later. *Id.* Oliver was then brought to the Homicide Unit where he was questioned first by Sgt. Tammi Dietrich, and then by Det. Zimmerman.

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<sup>8</sup> The reader may recall that Sgt. Zimmerman testified courageously in the recently completed trial of former Minneapolis Police officer Derek Chauvin for the murder of George Floyd. Zimmerman described Chauvin's actions regarding Chauvin's arrest of Floyd as "unnecessary" and "dangerous."

Sgt. Dietrich spoke to Oliver at 3:45 p.m. and took a question and answer (Q & A) statement from him at 6:50 p.m. See: Supplements 38 & 62. Oliver said he was standing in front of Vera Gross' home as some of his friends worked on a car nearby. He said he saw a car he believed to be owned by Hans Williams<sup>9</sup> drive slowly by heading southbound. He said that Ike Tyson was driving the car and "Skits" was in the front passenger seat. He said "Skits" was also known as "Little Lord." He did not know the full name of "Skits." He said the car stopped and Ike gave him a mean look. The car then sped off going southbound on Chicago towards 38<sup>th</sup> St. *Id.*

Oliver said that approximately 3-4 minutes later the shooting started. He looked at the shooter and saw that it was "Skits." He said that "Skits" shot at him 7-8 times and that one of the bullets made a hole in his pants but did not strike him. Oliver was then shown photo lineups that contained the photographs of Ike Tyson and Hans Williams. He positively identified the photo of Tyson as the person driving the car and the photo of Williams as the person who he believed owned the maroon Malibu. *Id.*

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<sup>9</sup> The car was actually owned by Williams' girlfriend, Angela Buboltz.

As indicated the officers did not have the full name of the person Oliver identified as “Skits.” As such, Oliver was not shown a photo array that contained Burrell’s picture at the time he identified Tyson and Williams. The information that identified Burrell as “Skits” was subsequently provided by Ike Tyson when he spoke to the police after his arrest.

At 4:37 p.m. that same day, Angela Buboltz made an anonymous 911 call to the Bloomington Police Department and told them that Ike Tyson shot Tyesha. This was based on the cursory information that Hans Williams had provided her. See: Supplement 87.

At approximately 8:50 p.m., Sgt. Kramer of the Organized Crime Unit (OCU) arrested Tyson and Williams as they were driving the maroon Chevy Malibu. Also in the car was Angela Buboltz. Sgt. Diedrich interviewed Buboltz; Sgt. Hauglid interviewed Tyson; and Sgt. Zimmerman interviewed Williams.

Angela Buboltz said that she was Hans Williams’ girlfriend and that she owned the maroon Malibu in question. She said that she drove it to her work on the day Tyesha was shot. Later that day Williams called and asked to use the car and that he, Ike, and a friend of theirs named

Konata<sup>10</sup> drove to her work and picked it up. She said that Williams was to pick her up from work later but that he was late. When he arrived it looked like he had been crying.

Buboltz said that Hans told her that he, Ike, and an unknown third person were driving down Chicago Ave. S. when they saw someone who had pulled a gun on them in the past.<sup>11</sup> Williams said that Tyson went and got a gun and then returned, parking one block over from Chicago Ave. S. Tyson and the third person then got out of the car and when Tyson got back in he said he had shot nine times. Williams said he was unsure if the third person got back in the car. See: Supplement 87.<sup>12</sup>

Sgt. Zimmerman spoke to Hans Williams and advised him of his *Miranda* rights which Williams waived. Williams said that Ike got him involved in the shooting of the little girl. He said Ike was driving the car down Chicago Ave. and he was in the passenger seat. Ike saw a male who had pointed a gun at Ike about a month earlier. Ike then got on his phone and called someone. They then picked up an unknown black

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<sup>10</sup> This was later determined to be Konata Hill, a member of the Bloods.

<sup>11</sup> This is inconsistent with what Williams told the police and what he later testified to. In his statement and testimony he said that he and Tyson picked up the third person after they saw Oliver.

<sup>12</sup> This likewise is inconsistent with Williams' statement and subsequent testimony. There he said the third person got back in the car and they dropped him off at the same location where they picked him up. Tr.-2, p. 1179-1181.

male and went to the alley at 38<sup>th</sup> and Oakland where another unnamed male walked up to them and gave Tyson a .40 caliber automatic. Tyson then drove back towards Chicago Ave. and parked the car on the street near 35<sup>th</sup> St. and Columbus. See: Supplement 75.

Williams then said that Tyson and the unknown black male got out of the car and ran east on 35<sup>th</sup> St. toward Chicago Ave. Williams said that he then heard shots being fired and he got into the driver's seat. He said that Tyson and the other black male got back into the car and they then drove to Williams' house. He said the unknown black male got out of the car before they reached his home. *Id.*

Williams said once they arrived back at his home he and Tyson went into a bedroom and Tyson gave him the .40 and told him to "put it up," meaning to hide it. Williams said that he first put the gun in his sister's coat sleeve then later wrapped it in a towel and put it in a car parked in the rear of the house. He said that that car was later burned by unknown persons.<sup>13</sup> He said he no longer knew the location of the .40. *Id.*

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<sup>13</sup> The Minneapolis Police Department made several attempts to locate this gun but, not surprisingly, were unsuccessful.



At 11:58 p.m. on November 25, Sgt. Hauglid interviewed Ike Tyson. He advised Tyson of his *Miranda* rights which Tyson waived. Sgt. Hauglid told Tyson that he was under arrest for the murder of Tyesha Edwards. Tyson said that he was in the area at the time of the murder and was in the front passenger seat of a car driven by Hans Williams. Tyson said that “Skits” was in the back seat of the car. He said “Skits” was a Vice Lord turned Blood, that he was approximately 17 years old, and that he lived in Bemidji. Tyson said he thought that “Skits” had gone back to Bemidji. See: Supplement 58.

Sgt. Hauglid asked Tyson what happened the day that Tyesha was shot. Tyson said they were on Chicago Ave. when he saw a dark complected black male in the street in the 3400 block as they drove by. He said the black male started “mugging” them. Tyson said they just drove by and went to the SuperAmerica station at 38<sup>th</sup> and Chicago and Tyson bought some cigarettes. He said the three of them then drove to Hans’ house where they “smoked some weed.” *Id.*

Sgt. Hauglid asked him if it was “Little Timmy” who mean mugged him and Tyson asked if he (“Little Timmy”) was dark complected. Sgt. Hauglid said he was and Tyson said “then that was him.” Tyson

repeatedly denied shooting anyone; denied doing any shooting; and denied that anyone with him was doing any shooting. *Id.*

When Sgt. Hauglid exited the interview he was told by Sgt. Michael Keefe that they believed they had identified “Skits” because the information Tyson provided was confirmed by the Beltrami County Sheriff’s Office in Bemidji, MN. A photo line-up was created which included a picture of Myon Burrell in the #2 position.<sup>14</sup> *Id.*

Sgt. Hauglid re-entered the interview room and showed Tyson the photo line-up. He asked him if he knew anyone in the photos and Tyson pointed to the picture of Burrell and said “that’s Skits.” **This is the first time the officers had a name for the third person that was in the vehicle with Tyson and Williams.** *Id.*

Upon exiting the room this time Sgts. Hauglid and Zimmerman conversed and learned that the interview had not been recorded. Sgt. Zimmerman had placed a tape in the recorder but it did not record the conversation between Tyson and Hauglid. As a result, Sgt. Zimmerman then re-interviewed Tyson after placing a new tape in the machine. He

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<sup>14</sup> Sgt. Keefe was present in the homicide office when Tyson was being interviewed. He was monitoring Hauglid’s interview with Tyson. When he heard Tyson say that “Skits” from Bemidji was the third passenger in the vehicle, he contacted the Beltrami County Sheriff’s Office and learned that “Skits” was in fact Myon Burrell. He then prepared the photo line-up that he gave to Sgt. Hauglid. See: Supplement 61.

again advised Tyson of his *Miranda* rights and Tyson again waived them. Tyson repeated to Sgt. Zimmerman what he had told Sgt. Hauglid earlier, including the identification of Myon Burrell as the third person in the vehicle with them. See: Supplement 75.

Because Tyson had identified “Skits,” Sgt. Dietrich decided to show Oliver the photo line-up containing Burrell’s picture. This she did at approximately 3:50 a.m. on November 26. Oliver positively identified Burrell as the person he knew as “Skits” and as the person that had shot at him. See: Supplement 62.

Both Ike Tyson and Hans Williams were then booked into the Hennepin County Jail on a probable cause charge of murder. A pick-up order was then issued for Myon Burrell.

By this time many of these officers had been working around the clock with little or no sleep. Many were exhausted. Their work, however, was not yet finished as at 11:20 a.m. on the morning of the 26<sup>th</sup> they were informed that Burrell had been arrested and was in custody. See: Supplement 48. He was promptly brought to the homicide unit where he was interviewed first by Sgts. Zimmerman and Dietrich, and then later by Sgt. Hauglid.

Much has been made of Burrell's interviews and much will be made of them here. This is because Burrell's own words, along with his ever-changing alibi, are the strongest evidence of his guilt.

By this time, even though he was only 16 years old, Burrell was well acquainted with the criminal justice system. He had had numerous contacts with law enforcement. His brother and father had numerous contacts with law enforcement and had been incarcerated themselves. He was fully immersed in the gang life, having taken part in several shootings in hopes of "earning his stripes" to solidify his position with the Bloods.

The Minnesota Supreme Court took issue with the admission of Burrell's statements however, and decided that they should have been suppressed. As such, they granted him a re-trial after his initial conviction. See: *State v. Burrell*, 697 N.W. 2<sup>nd</sup> 579 (Minn. 2005). The reason for this was that Burrell had, in an approximately 3½ hour interview, asked to speak to his mother a total of 13 times. *Id.* This was in spite of the fact that he was fully advised of his *Miranda* rights, and agreed to waive those rights and speak to the officers.

The decision of the Supreme Court was perplexing because the reason Burrell was asking to speak to his mother was because he wanted her help in creating a false alibi. Burrell told the officers he came to Minneapolis from Bemidji with his mother on November 23—the day after Tyesha's murder. His mother told Sgt. Hauglid that she had brought him to Minneapolis on November 21—the day before Tyesha's murder. This was powerful evidence of Burrell's guilt because, if he truly was innocent then he would have no need to lie to the officers and no need to engage his mother in a conspiracy to provide a false alibi.

Nonetheless the statements were ultimately suppressed. While they were used to convict Burrell in his first trial, they were not available for me to use during his re-trial unless he took the stand which he would never do.

In spite of the fact that these statements are not admissible in a court of law, they must still be considered here because we are no longer in a court of law—we are in the court of public opinion. Were we still in a court of law this analysis would have been completed long ago, Burrell would still be convicted, and he would still be serving the lengthy prison sentence that he so justly deserves.

In preparing this report I have reviewed Burrell's interviews in some detail. There are several points that I would like the reader to be aware of. The following are some of the statements he made during the interview with Sgts. Zimmerman and Dietrich on November 26, 2002:

- 13:04:56 Sgts. Zimmerman and Dietrich enter the room.
- 13:06:04 Zimmerman says they're here to talk about the "little girl"; Burrell does not act surprised; he acknowledges he knows what they're talking about.
- 13:06:20 Zimmerman says they talked to Hans and Ike last night; Burrell does not act surprised; he doesn't ask for their last names; doesn't question who they are; Zimmerman says Ike and Hans are putting him in the middle of the thing; Burrell has no reaction.
- 13:06:47 Burrell finally acts surprised about why he is there.
- 13:07:58 Zimmerman says they (Ike and Hans) are saying a bunch of stuff about him (Burrell).
- 13:08:05 Burrell says "Sir, I haven't even been here I live in Bemidji." Up to this point Zimmerman had not indicated the date of the shooting.
- 13:08:47 Burrell says "I don't even mess with Ike or Hans."
- 13:09:51 Burrell says he doesn't mess around with Ike or Hans; says he doesn't even know Hans (this is the first time he says he doesn't know Hans); says he

knows Ike as Ike used to mess with his (Burrell's) girlfriend.

- 13:10:25 Burrell asks to call his mother.
- 13:11:30 Zimmerman says he wants to know the truth of what happened.
- 13:12:05 Zimmerman begins to explain to Burrell his *Miranda* rights; up to this point he had not been asking him any questions.
- 13:12:55 Burrell says he doesn't know anything about the little girl.
- 13:13:22 Burrell says he hasn't seen Ike since he's been back.
- 13:14:25 Burrell says he came to Minneapolis on Saturday night. (Note: Tyesha was shot Friday afternoon).
- 13:14:42 Burrell says he came to Minneapolis in his mom's car.
- 13:15:10 Burrell says they got to Minneapolis late Saturday, between 8:00 and 9:00 p.m.; they went to his grandmother's, went to see his cousin Joe Gibbon, then went to his great grandmother's house.
- 13:16:07 Burrell says that he and his mother then went to see his brother in St. Paul; it was his brother's daughter's birthday; he laid down there for a while; his mom left to get stuff for the birthday party.
- 13:16:34 When his mom came back she woke him up.

- 13:16:40 Burrell said it was 10:30 when he laid down; he got up at 5:00 a.m. when his mom came back to his brother's.
- 13:17:05 Burrell says his mom had gone to see a friend, and was going to visit his brother Michael in jail.
- 13:18:03 Burrell says his mom dropped him off at 38<sup>th</sup> & Chicago; he then went to the Mall of America to see a movie; 38<sup>th</sup> & Chicago was where he could get the #5 bus to the Mall.
- 13:18:30 Burrell says his mom dropped him off at 6:30 a.m.; when he got to the Mall the Polo Shop was not yet open; he said they open at 6:45. (Note: the Mall of America opens at 11:00 a.m.).
- 13:19:30 Burrell says he saw the movie "8 Mile" at the Mall.
- 13:20:05 Burrell says he saw the movie after he bought some clothes; he left the mall around 3:30-4:00 p.m.; Burrell then called his mom.
- 13:20:20 Burrell says he accidentally took his mother's keys for her car.
- 13:20:35 Burrell says his mom parked her car on 3<sup>rd</sup>; she was told if she didn't move the car it would be towed; this was Sunday morning.
- 13:20:55 Burrell says he called his mother at his grandmother's house.
- 13:21:25 Burrell repeats that his mom dropped him off at 6:45; he took the #5 bus to the Mall of America; says the mall was just opening up; he then took a bus to where his mother was.



- 13:22:20 Burrell says that around 4:30-5:00 p.m. he and his mother went to the McDonald's on Lake St.
- 13:22:50 Burrell says his mom wanted to introduce him to her friend.
- 13:23:10 Burrell says his mother then dropped him off at a friend's girlfriend's home on 29<sup>th</sup> and Oakland.
- 13:24:05 Burrell is asked what he did Monday (the day before the interview); he says he ironed his clothes at the girl's house.
- 13:24:50 Burrell says he then went to his brother's.
- 13:25:30 Burrell says his mother then dropped him off at his cousin's where he fell asleep; he then called his mom to meet him at some store.
- 13:27:45 Burrell is asked what he did on Friday, November 22 (the day Tyesha is murdered).
- 13:28:02 Burrell says he was not in school on that Friday; he says he was watching his son on Friday while his girlfriend went to work. (This would have been in Bemidji, MN; the girlfriend he references was Brandi Bell).
- 13:20:10 Zimmerman tells him that Ike said he picked him up on Friday and they went cruising.
- 13:30:20 Burrell is asked if he knows Artavious Brown; (This is a reference to Artavious "Tay" Brown) Burrell says he knows someone named "Tap".
- 13:31:00 Burrell says he's heard of the Bloods; they wear red "I guess"; (Burrell was wearing a red shirt and red hat when he was interviewed).

- 13:31:20 Burrell says he doesn't associate with gang members.
- 13:31:48 Burrell says "I don't even know who Artavious is."
- 13:32:05 Burrell says he's never been in a gang; that he doesn't believe in them.
- 13:32:23 Burrell says he saw a picture of Tyesha on the news; he said he's seen her before.
- 13:32:45 Burrell is told that the people in front of the house that was shot up are saying that he (Burrell) was shooting at them.
- 13:33:10 Burrell says he doesn't know why they would say that.
- 13:33:45 Burrell says he was not in the car with them (meaning Ike Tyson and Hans Williams.)
- 13:34:15 Burrell says "I wasn't even here on Friday."
- 13:34:25 Burrell says he last saw Ike 3-4 months ago.
- 13:35:21 Zimmerman leaves the room; Dietrich leaves shortly thereafter; she asks if Burrell needs some water; while they're gone Burrell appears calm; appears to be eating a candy bar; appears to fall asleep.
- 13:45:15 Zimmerman and Dietrich return; Burrell appears to be sleeping; the officers confirm Burrell's home address, obtains his girlfriend's telephone number; Burrell says his brother in St. Paul is Larry Burrell and provides his grandmother's telephone number.

- 13:47:50 Zimmerman tells Burrell that Ike said that he (Burrell) was in the car with him.
- 13:48:30 Burrell claims he doesn't know who Hans is until Hans is described as an Asian male, then he claims to remember him.
- 13:50:10 Zimmerman says people are saying he was on Lake St. yesterday too (Note: Deleon Walker reported that Burrell and Artavious Brown shot at him and others at a coffee shop on Lake St. on that day.)
- 13:51:00 Burrell is asked if he was with Artavious yesterday; Burrell says "I don't even know who Artavious is."
- 13:51:30 Burrell says Ike is not his type of person; he says he didn't know why he was brought downtown.
- 13:52:15 Burrell says he got to Minneapolis at 8:30 on Saturday.
- 13:52:35 Zimmerman tells Burrell his story doesn't make sense; the stores at the Mall aren't open at 6:45 a.m., and that it would have been easier for his mother to have driven him to the Mall vis. Hwy. 94 from his brother's house (in St. Paul) rather than drop him off at a bus stop in south Minneapolis.
- 13:54:30 Burrell is told he's under arrest for murder; Burrell makes no protest; he leans back in his chair.
- 13:55:00 Burrell denies ever being called "Little Lord"; says "Skits" is his brother; denies being called "Skits."
- 13:55:30 Zimmerman leaves the room.

13:56:10 Burrell says Hans doesn't like him.

13:57:10 Dietrich leaves the room; the interview ends. Tr.-1,  
Exhibit 72.

Unbeknownst to Burrell his mother Marketa heard that Burrell was in custody at the Minneapolis Police Department's Homicide office so she drove there to speak to the officers involved. She spoke to Sgt. Hauglid. What she told him made it clear that many of the things Burrell had been saying were lies.

She said that she and Burrell had driven to Minneapolis from Bemidji on Thursday, November 21, 2002. This is the day before Tyesha was murdered and contradicted Burrell's statement that he didn't get to Minneapolis until the evening of Saturday, November 23. She also said that Burrell was a gang member, a Vice Lord turned Blood. She said that his nickname is "Skits," and that she had no idea where he was during the time in question except that he stayed with her on the evening of Monday, November 25. See: Supplement 58.

Mrs. Burrell further stated that a Blood by the name of "Tay" (meaning Artavious Brown) had been calling her son the week before

Tyesha's murder. She said "Tay" wanted her son to come to Minneapolis and that he was a bad influence on him. *Id.*

Armed with this information it was decided that Sgt. Hauglid would conduct a second interview of Burrell. Sgt. Hauglid let it be known that he had spoken to Burrell's mother and had obtained information from her contrary to what Burrell had told Zimmerman and Dietrich, but Burrell continued to lie.

Burrell told Hauglid that no one in his family is a member of the Bloods. Tr. p. 36.<sup>15</sup> He repeatedly denied knowing Artavious Brown, saying he knows someone named "Tap." Tr. p. 36-7. He again repeated that he came to Minneapolis on Saturday. Tr. p. 37.

Sgt. Hauglid asks to "level" with Burrell and says "will you promise to be truthful with me?" He says that he's been talking to Burrell's mother, "a Christian lady," who told him (Hauglid) that Burrell got to Minneapolis on Thursday (the day before Tyesha is shot). Burrell responds:

"We didn't get here on Thursday. . . .

It was Friday or Saturday. Saturday or Friday. I don't know."

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<sup>15</sup>"Tr." refers to the transcript of the interviews with Burrell.

Hauglid asks if Burrell's mother would have any reason to lie. Burrell agreed that his mother is a "Christian lady" and would have no reason to lie. Burrell again says he arrived on "Friday or Saturday." Then, finally, he says "Actually, it was on Thursday." Hauglid asks who Burrell was with on Friday (the day Tyesha is shot) and Burrell says he was with his cousin Romero Spellman. Hauglid then says he's already talked to Spellman and Burrell drops this claim and never references him again.<sup>16</sup> Tr. p.

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<sup>16</sup>The following is the colloquy on that point:

Q: Your mom's got no reason to lie.

A: Yes sir.

Q: And she wants you to tell the truth. Because no matter what the truth is, it's the truth.

A: Yes sir.

Q: And she says that and she still loves you.

A: Yes sir. The truth about what though?

Q: The truth about who you were with on Friday.

A: On Friday?

Q: Yes.

A: On Friday.

Q: Were you with Ike?

A: No sir. I swear I . . .

Q: Would you protect Ike?

A: No sir.

Q: Okay.

A: No sir. I promise I wasn't with Ike.

Q: Okay.

A: And I wasn't . . . I was with my cousin Romero.

Q: Romero Spellman?

A: (Inaudible).

38-40. Burrell again denies knowing Artavious Brown before finally admitting that he does know him and knows that “Tay” is a Blood. Tr. p. 41.

Sgt. Hauglid asks about the circumstances around the time Tyesha was killed. Burrell says “I swear I wasn’t there. . . . you can only get a video from Cup Foods. I swear I was at Cup Foods.<sup>17</sup> I didn’t even know where it happened. I was at Cup Foods on 30th and Chicago.” Tr. p. 45. This is the first time that Burrell claims he was a Cup Foods at the time of Tyesha’s murder.

He tells Hauglid that he saw the police down the street but he didn’t know what happened. Tr. p. 45. He says he didn’t hear any shots. Tr. p. 52. Burrell denies being with Tyson or Williams during this time. Tr. p. 45-52. Hauglid asks who he (Burrell) was with and the following colloquy takes place:

Q: Who were you with?

A: Tasha.

Q: Tasha who?

A: I don’t know her name, it’s my home boy’s girl.

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Q: Already called him.

A: I was with my cousin over on 38th and (inaudible). Tr. p. 40.

<sup>17</sup>The reader may recall that Cup Foods is the store adjacent to where Derek Chauvin murdered George Floyd.

Q: What home boy:

A: Dono.

Q: Dono or Dino?

A: Dono. Just Dono—38th & Portland. Tr. p. 52.

As explained further on in this report, Burrell has always been very “fluid” as to his whereabouts when Tyesha was shot. At his first trial he proffered the testimony of James Graham, aka “Monk.” Graham testified that Burrell was at his (Graham’s) home at the time of the shooting—several blocks away from Cup Foods. At his second trial he presented the testimony of Jillian Sully. Sully testified that she was talking to Burrell outside of Cup Foods when they heard the shots that killed Tyesha. In addition, in recorded phone calls from the jail Burrell was telling people he was at the home of Shiron Edwards when Tyesha was murdered.

At no time during either interview with the police did Burrell mention the names of James Graham, Jillian Sully or Shiron Edwards as alibi witnesses who could attest to Burrell’s presence at the time Tyesha was shot. In addition, he never presented the testimonies or provided identifying information for “Tasha” or “Dono” as alibi witnesses at either trial or in any petition for post-conviction relief. This will be discussed



further in this report as Burrell's ever evolving alibi is perhaps the strongest evidence of his guilt.

Shortly after these interviews Burrell was booked into the Hennepin County Juvenile jail. He was subsequently transferred to the adult jail when a warrant was issued for his arrest.

During this time and in the days that followed, members of the Minneapolis Police Department were interviewing other persons with knowledge of the shooting. The relevant testimonies of those witnesses will be summarized later. In addition, the officers were also collecting many jail phone calls that were pertinent to the investigation.

For persons unaware, there are telephones in the quads where inmates are housed at the Hennepin County Jail. They can then access these phones. The inmates are able to make collect calls from these phones to persons other than their attorneys. These calls are recorded. Calls can also be made to their attorneys. Calls to attorneys are free and are not recorded.

At the commencement of a collect call, the caller is warned that they are being recorded. Inmates can evade detection of calls they don't want the authorities to access by engaging in a three-way call: the caller

calls one number and the person who answers promptly forwards the call to the person intended.

To be able to access all recorded calls, jail personnel need to know the target numbers. They can then retrieve calls made to those target numbers. If they don't know/learn the target numbers, the jail personnel would have to listen to every call made to find other, relevant calls.<sup>18</sup>

Another way an inmate could call someone and not have the call be detected is by being given "free calls." A separate phone is available for this. A "free call" is usually given to an inmate who wishes to speak to his/her attorney. That ensures that the call will not be recorded.

The procedure in place was for the jailer to make the call, confirm that the person who answers is the inmate's attorney, and then leave so the inmate can speak privately. Some of the Hennepin County jailers did not always follow this protocol however, and Burrell bragged to his then girlfriend Brandi Bell that he was given a number of "free calls."<sup>19</sup>

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<sup>18</sup> The Hennepin County Jail subsequently changed this system to one where the inmates were given pin numbers which they had to use for all of their calls. This made it easier to monitor an inmate's jail calls as the police no longer needed a target number.

<sup>19</sup> In a phone call that took place on January 15, 2003, Burrell bragged to Brandi Bell that the jailers are letting him make free calls.

The following are summaries of some of the more pertinent jail calls that jail personnel were able to intercept:

**November 27, 2002:** Ike Tyson is speaking to Shiron.<sup>20</sup> There's conversation that the cops are looking for Skits. Tyson says Skits better not be found—he better “get out of state.” Shiron says there's more here; she tells him Skits got arrested.

**November 29, 2002:** Ike Tyson is talking to an unknown 3<sup>rd</sup> person who tells him that it doesn't look good as far as the papers go. Tyson says the 17 year-old has it worse. He says the 17 year-old went over to some girl's house and was bragging about the shooting.

**December 20, 2002:** Hans Williams is telling his dad that one of his co-defendant's mother died in a car crash. His dad asks if it was the one that shot the little girl and Williams says “yes”.<sup>21</sup>

**December 21, 2002:** Burrell tells an unknown 3<sup>rd</sup> person that he was at Shiron's at the time of the murder.

**December 24, 2002:** Burrell tells an unknown 3<sup>rd</sup> person to tell Monk<sup>22</sup> that he needs Monk to testify that he was at Monk's pad (at the time of the shooting).

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<sup>20</sup> “Shiron” is Shiron Edwards. She lived at 3124 Oakland Ave. S. in Minneapolis. Her children are members of the Bloods gang and her house is known as a “Blood house.” Tr.-2, p. 886. Ike Tyson said that Burrell referred to Shiron Edwards as his “auntie.” Tr.-2, p. 1530.

<sup>21</sup> Marketa Burrell died in a car crash on December 19, 2002 after having visited Burrell at the Hennepin County jail.

<sup>22</sup>“Monk” is James Graham, a member of the Bloods gang. Graham provided an alibi for Burrell for his first trial; however, by the second trial that alibi had changed.

**December 25, 2002:** Burrell tells an unknown 3<sup>rd</sup> person to get a hold of Monk 'cause that's where he was right before it happened.

**December 27, 2002:** Burrell is speaking to someone named "Butchy." Butchy says he told him (Burrell) not to go with them. Burrell says Ike got involved in shit he didn't do. Burrell says he was at Monk's then left to go to the store.

**December 28, 2002:** Unknown 3<sup>rd</sup> person asks Burrell what he wants Shiron to testify to, that he was "at her house"? Burrell says he wants Shiron to testify that he was at her "pad." Then he says "but really she don't need to do shit because I wasn't at her pad right before that shit."

**January 13, 2003:** Burrell says he was drinking hypnotic at Monk's the Friday of the shooting.

In addition to the above, on December 4, 2002, MPD was contacted by James Turner. Turner had a cell in the same quad as Burrell. Burrell made several incriminating statements to him which Turner wanted to report to the authorities.

James Turner voluntarily contacted the MPD with this information because he felt bad that an innocent child had been murdered and he wanted to help. He knew that by doing this he was putting himself in danger as he knew the Bloods would want to retaliate against him. In spite of this he asked for nothing in exchange for his testimony, only that he be moved out of state to safely serve out his sentence. However, in

this case the State either refused or was unable to accommodate his request. Nonetheless Mr. Turner testified at both of Burrell's trials. Tr.-1, p. 476-504; Tr.-2, p. 387-480.

James Turner provided a statement to the police.<sup>23</sup> He said that he was housed in the same quad as Burrell. He said when Burrell first got there he was screaming and crying. Turner talked to him and told Burrell to "give it to God." After a while Burrell calmed down and started to talk to him about why he was in custody. See: Supplements 66 & 88.

Burrell told him that this was a planned hit on a Family Mob member. He told Turner that he (Burrell) was the shooter and that Ike put him up to it. He said Ike told him he had to be a "rider" in order to earn his stripes. According to Turner, a "rider" is a shooter. Burrell said that another guy was with them, a guy by the name of "Quentin" that got beat up in jail.<sup>24</sup>

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<sup>23</sup> Turner's credibility was attacked during both trials due to the fact that he has a mental illness. However, the testimony at both trials indicated that he was not suffering the effects of his mental illness when he spoke to Burrell or reported his conversations to the police.

To support this the State introduced the testimony of Dr. Karen Bruggemeyer, a forensic psychiatrist, who testified that Turner was lucid and not operating under a mental illness during his conversations with Burrell. Tr.-1, p. 739-755; Tr.-2, p. 490-502.

<sup>24</sup> Hans Williams was beat up when he was in custody at the Hennepin County Jail awaiting trial.

Burrell told him they didn't hit the guy they were intending to shoot, but that the little girl got shot instead. Burrell said he didn't mean to shoot the little girl. He said Ike watched him to see if he could do it. Burrell also told him that at the time of his arrest he was planning on giving a false name but he saw that the arresting officer had a picture of him (Burrell) in his squad car so he changed his mind. James Turner said there was another individual in the quad who overheard them talking, and that person kept telling Burrell to keep his mouth shut. *Id.*

Mr. Turner contacted jail staff and told them he wanted to speak to the police as he had information to provide. He also had taken notes of his conversations with Burrell which he wanted to turn over. He was subsequently interviewed by Sgts. Zimmerman and Dietrich. *Id.*

On December 9, 2002, he was moved out of the quad he shared with Burrell for his protection.<sup>25</sup> At 9:30 that morning, Burrell spoke to his mother in a recorded jail call and told her that the only guy in the quad that he was talking to was moved out that day.

While doing some follow-up investigation several months later, Sgts. Zimmerman and Adams spoke to Joseph Davis. Davis was, at that

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<sup>25</sup> In spite of these precautions Burrell was still able to threaten Turner while in the jail. On April 28, 2003, Burrell was mistakenly housed in the same area as Turner. At that time he threatened Turner's life. Tr.-1, p. 474; Tr.-2, Exhibit 106.

time, an inmate at Stillwater prison. Zimmerman went to see him as he learned that Davis was in the same quad at the same time as Burrell and Turner. See: Supplements 102 & 103.

Davis refused to cooperate with the officers as he knew Burrell's mother. Unbeknownst to him Sgt. Zimmerman recorded their entire conversation. *Id.*

Davis admitted that he was aware that Burrell was talking to another inmate by the name of "Turner" while they were in the quad together. Davis knew Burrell as he knew his mother and other family members who are all "wanna be Bloods." He said that he told Burrell to stop talking to Turner about his case, but that Burrell said that he only told Turner that he was there, not that he was the shooter. Davis proffered his opinion that Burrell was only riding with the others and was caught up in the shooting because he was at the wrong place at the wrong time. *Id.*

The police also discovered a telephone call that Esque Madonna Dickerson received from her boyfriend, George Canady. Ms. Dickerson and Burrell had known each other for years and referred to themselves

as the other's cousin. Ms. Dickerson was extremely reluctant to testify against Burrell.

Ms. Dickerson testified that she received a call from Canady on November 28, 2002 at 2:03 p.m. The call came from the Hennepin County Jail as Canady was an inmate there. In that call she describes for Canady a jail call she had just received from Burrell. Tr.-1, p. 347-365.

She said that Burrell told her that Ike Tyson called Burrell and asked Burrell to ride with him. Burrell said he then got in the car and they "drove over there" and shot the little girl. Burrell said he wasn't the one doing the shooting. Canady asked her how Hans came into the picture and Dickerson said Burrell told her that Hans was already with Ike. Burrell told her he had just come down from Bemidji. Burrell also told her the car they were riding in was red and Ms. Dickerson recalled that the name started with an "M."<sup>26</sup> Burrell then said "Ike's stupid ass kept riding around in the car."<sup>27</sup> *Id.*

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<sup>26</sup> The car the three were riding in was a red Malibu.

<sup>27</sup> Even though Burrell had no contact with Tyson since the shooting, he was aware that Tyson had told the police that Burrell was with him (Tyson) at the time of the shooting. This was because the details of Tyson's interviews with Sgts. Hauglid and Zimmerman as described above were included in the criminal complaint filed against the three, and Burrell received a copy of that complaint when he was booked into the adult jail. Tr.-2, p. 333-388.



During the call with Canady Ms. Dickerson was laughing and said that Burrell is “probably going crazy in the jail” because he was so young. Ms. Dickerson said she had no reason to disbelieve that Burrell was with Hans and Ike at the time of the shooting. She said all three of them are Bloods. *Id.*

The above summarizes the State’s case at the first trial. The trial lasted from April 28 until May 5, 2003. Judge Steven Philaja was the presiding judge. Bob Streitz and Paul Scoggins were the prosecuting attorneys.

In the first trial the defense offered, as an alibi, the testimony of James Graham, aka “Monk.” This was the first time the State learned, definitively, that Burrell was relying on what will be referred to as the “Monk alibi.” Prior to this we were aware that he claimed he was babysitting his son in Bemidji, then he claimed he was with his cousin Romero Spellman, then he said he was with “Tasha” and “Dono” at Cup Foods, then he was telling people that he was at the home of Shiron Edwards.<sup>28</sup>

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<sup>28</sup> As explained earlier, this information came from the interviews with Burrell as well as the recorded jail calls that had been obtained by the investigators.

Common sense would dictate that Burrell could only have been at one place at the time of the shooting. It is believed that even the six neutral experts would agree with this logic. Burrell surely knew where he was. It behooved him to tell those defending him where that place was and who he was with.

Prior to introducing the testimony of James Graham, Burrell advised his investigator, Mike Grostyan, of the “Monk alibi.” The following colloquy was recorded at the trial on May 2, 2003. Burrell’s attorney, David McCormick is asking the questions and Mr. Grostyan is providing the answers:

Q: Okay. Now, taking you back to an interview, do you remember ever talking to a person named James Graham?

A: Yes.

Q: How did you come to know about a person named James Graham?

A: I believe I got a phone call from Mr. Graham, **but initially his name was given to me by Mr. Burrell.** Tr.-1, p. 835-6. (Emphasis Added).<sup>29</sup>

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<sup>29</sup> The reader will note that in subsequent pages I describe how, in their report, the Six Neutral Experts allege that the authorities exercised “tunnel vision” for not investigating Burrell’s claim that he was at Cup Foods at the time of the shooting. As has been described, Burrell was very “fluid” with respect to his alibi. However, the reader should wonder why Burrell, if he truly was at Cup Foods at the time of the incident, did not provide this information to his attorney or investigator in the early stages of this case. Clearly, if true, this was information that Burrell was aware of. Why then did he claim he was at James Graham’s (aka “Monk”) house?

Mr. Graham explained that he was a record producer for an up-and-coming record company. He said he clearly recalled the day of November 22, 2002.<sup>30</sup>

Graham said some friends came over around noon to play video games. He said Myon Burrell and a couple of his (Burrell's) friends then came over around 2:10-2:15. He said he remembered the time because that's when his kids usually came home from school and they came home shortly after Burrell.

He said they continued to play video games and dominoes "and stuff and talked." Graham said Burrell was his with his friend "Tay and some other dude" that he didn't know. Graham said Burrell stayed at his house until the bigger kids came home, and that he left around 5:00 p.m. He said that Burrell was at his house the entire time from approximately 2:15 p.m. until approximately 5:00 p.m. Tr.-1, p. 809-834.

Graham said that Burrell brought with him a bottle of liquor called "Hypnotic." He remembered that this was the day the little girl got shot "because of some gang activity." He saw that Burrell was arrested for that crime and he put it together that he (Burrell) was at his (Graham's)

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<sup>30</sup> Mr. Graham testified on May 3, 2003.

house on the day of the shooting so he contacted Burrell's family to "let them know he was at my house." He said he didn't go to the police, that he contacted Burrell's family first and then Burrell's attorney. Graham said he first met the attorney the week before while the trial was proceeding. *Id.*

Graham said he was familiar with the Bloods and other gangs, that he used to be a Blood but he was no longer a member. He testified that he wouldn't lie for Myon Burrell. He added that it would have been physically impossible for Burrell to be at the shooting when he was at his (Graham's) house. *Id.*

On cross examination it was pointed out that April 2, 2003 was the first time he disclosed his information that Burrell was at his home at the time of the shooting. He gave a statement to Burrell's investigator the following day. He waited several months before he disclosed this information even though he knew it was "critical" to Burrell's case. *Id.*

He admitted that he knew Tay, and that Tay was a Blood. He claimed he had a "good memory" but he seemed confused about other details such as how long he had been living at his present home. He said he was aware that the story of Tyesha's murder was all over the news

and that Burrell's arrest was heavily publicized. He said that it was unjust that Burrell was arrested for a crime he didn't commit but did nothing until April 2. He was aware that the police were asking people with information to come forward and that they had set up a tip line for that purpose but he never contacted the police or the County Attorney's Office. Graham said he was unaware that Burrell never told the police he was at his (Graham's) house. He was also unaware that Tay told the police he was not with Burrell the Friday Tyesha was shot. *Id.*

Following the testimony of James Graham, the defense called their investigator Mike Grostyan and then rested their case. They made no attempt to have Graham's other two friends corroborate Graham's testimony, nor did they attempt to call Artavious Brown or the other person that Graham said was with Burrell. Common sense would dictate that, if what Graham was saying was true, then these witnesses could provide helpful corroboration—but no such corroboration was forthcoming.

The jury reached guilty verdicts on all counts on May 5. Sentencing occurred on June 10, 2003. The Court heard not only from Tyesha's family but also from Burrell's sister and father.

Burrell's sister said her brother "never had a chance," and described how their other brother and father spent time in prison. She and Burrell's father argued that Burrell's young age should be taken into consideration and the Court said it would. June 10, 2003 Transcript, p. 19-31.

Ultimately the trial judge said he was going to impose a harsh sentence in conformance with the law, that the Sentencing Guidelines required a harsh sentence, and that he could "think of no crime that deserves a harsh penalty than the murder of an innocent child."<sup>31</sup> He sentenced Burrell to a minimum of 41 years in prison. *Id.* p. 34.

On May 19, 2005 the Minnesota Supreme Court reversed the conviction for the reason stated herein, and for other errors they had found. Bob Streitz and Paul Scoggin continued to be assigned to the case. However, the re-trial was delayed so that they could appeal a pretrial ruling by the newly assigned trial judge, Charles Porter. That appeal was decided against the State<sup>32</sup> and when the case returned it

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<sup>31</sup> June 10, 2003 sentencing transcript, p. 34.

<sup>32</sup> See: *State v. Burrell*, 2006 WL 2807266 (October 3, 2006 Unpublished Decision).

was re-assigned to me. Unfortunately, the road to obtain justice for Tyesha and her family continued to be rocky.

On January 16, 2007, Porter called for a pretrial with myself and Burrell's new attorney, Tracy Eichhorn-Hicks.<sup>33</sup> The purpose was to schedule the matter for trial.

Almost immediately upon my arrival, Porter told me: "You should dismiss this case Mike. I know you've got the guts to do it. Freeman can blame me and I'll blame the Supreme Court."

I was furious that Porter would make such a comment but I didn't say anything knowing Porter as I did. Immediately following the hearing I reported the events to Scoggin. Scoggin feigned surprise.<sup>34</sup> At that moment I wasn't aware that Porter had made the same comment to him. The following day I reported the conversation to Bob Streitz who was my immediate supervisor. Streitz was as angry as I was.

Several weeks went by and, just prior to the start of the re-trial, I was informed that Eichhorn-Hicks was going to waive a jury. We met with Porter and I told him if he was going to allow that then he would

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<sup>33</sup>Eichhorn-Hicks commenced representation of Burrell some time after his conviction was reversed.

<sup>34</sup>Scoggin was, at that time, the head of the criminal division. He is now a District Court Judge in Hennepin County.

have to remove himself from the case. Porter asked “why” and I said “because of what you said to me.” I repeated what Porter had said at the pretrial and Porter responded “I never said that.”

It was then decided that we would file a motion to remove Porter from the case. Mike Freeman stepped in and said he would argue the motion. I didn’t realize then that Freeman was aware that Porter had made the same statement to two others that the case couldn’t be proved and should be dismissed, and that Freeman involved himself only to prevent any embarrassment he might experience were the public to learn what Scoggin had said to Porter.

That hearing was held before Judge Lucy Wieland on April 2, 2007. A few days before that a number of people met with Freeman. These included myself, Scoggin, Pat Diamond,<sup>35</sup> and Mike Richardson, one of the appellate attorneys. I fully expected that Freeman would call me to testify, and would corroborate my testimony with the testimonies of Paul Scoggin and Bob Streitz. I even wrote out a list of questions for him to ask me. He did none of that.

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<sup>35</sup> Diamond was one of two principal attorneys in Freeman’s office whose duties included overall charge of the criminal division. He is now a District Court judge in Ramsey County.



Needless to say in spite of Freeman's "herculean" efforts we lost the motion. We also subsequently lost our appeal to the Supreme Court which Freeman also argued. See: *State v. Burrell*, 743 N.W.2<sup>nd</sup> 596 (Minn. 2008).

Ultimately I learned why Freeman put so little effort into ensuring that Tyesha's family got a fair trial. I learned that Porter had made a similar comment to another Hennepin County Judge in front of Lolita Ulloa who was then the head of Freeman's Victim-Witness Division, and also to Paul Scoggin. Ulloa would never speak to me and Pat Diamond cut off my attempts to interview her.<sup>36</sup> When I heard that Porter had made a similar statement to Scoggin I confronted him and he admitted that Porter had made those comments. I asked him why he didn't "step up" and he said "I decided that I didn't want the public to know my response." I asked him what his response was and he said he "couldn't do anything until after the election." He was referring to Amy Klobuchar's 2006 Senate campaign.

Readers may recall that Tyesha's family did a television commercial for Klobuchar that helped her win that election. Klobuchar

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<sup>36</sup>Attached as Exhibit 1 is an email I sent to Ulloa asking to meet with her about this issue. She ignored me and said I had to go through Diamond. Diamond ignored my attempts to set up a meeting.

wrote about the power of that ad in her book, *The Senator Next Door*. Apparently in the minds of those making the decisions, Tyesha's family were good enough to help Klobuchar get elected to higher office, but not good enough to ensure a fair trial for their daughter.<sup>37</sup>

I was livid when I learned this and asked for an immediate audience with Freeman. That was scheduled the following day. I was then under the impression that Freeman didn't know these things and that he would likely fire these people. He was the County Attorney of the largest county in Minnesota. He was entrusted with the responsibility of ensuring that all crime victims received justice. This was an innocent 11-year old girl who had been tragically murdered and who was more

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<sup>37</sup> At p. 206-7 of her book Ms. Klobuchar described how she countered her opponent's ads that claimed that she was ineffective in reducing crime. She said those ads "pretty much stopped after we ran what I considered to be our best ad of the campaign. It featured three people whose family members were crime victims. First, a man whose dad had been a victim of identity theft showed a picture of his dad fishing and said, 'Amy made sure that the perpetrators went to jail.' Second, Jon Cummings of Minnesotans for Safe Driving appeared on the screen with a picture of his son Phillip and said, 'My son was killed by a drunk driver and Amy Klobuchar cared enough to do something about it.'

"Finally, and most touching, Linda Longino and her husband, Leonard Winborn, spoke about Linda's eleven-year-old daughter, Tyesha, who had been killed in a gang shoot-out in south Minneapolis. The facts of the case were tragic, and many people watching the ad remembered them. Tyesha and her sister were sitting at their dining room table doing their homework when a gangster's bullet tore through the wall and pierced Tyesha's heart. Near the end of the ad Linda looked right at the camera and said 'When our little girl Tyesha was murdered, Amy made sure that those gang members went away.'

"The ad closed with a powerful moment. After an announcer noted that the police had endorsed me, he said, 'Trust their word, not Mark Kennedy's attacks.' Then Linda appeared again and said my opponent should be ashamed about the attack ads."

deserving of justice than her? I was wrong to think that Freeman was interested in doing the right thing.

When I spoke to Freeman to my shock and horror he admitted that he already knew everything I was telling him, and that he had known it for months. He mentioned Scoggin's comment as the basis for why he didn't fight harder to have Porter removed. This made me more livid than before. For anyone who questions Mike Freeman's ability to head the Hennepin County Attorney's Office this incident alone demonstrates that he doesn't have the courage, the fortitude or the ethics to hold that office.

I stayed silent because I didn't want Tyesha's family to know what happened. I felt that Freeman's betrayal would be the final straw and they would lose faith in the criminal justice system. I had intended to never inform them of these events until Burrell was pardoned last December. I feel that now they, and the public, need to know the whole truth.<sup>38</sup>

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<sup>38</sup> I prepared a Memo of this episode which I put in the County Attorney's case file. It should still be there unless Freeman found it and removed it. I've attached a copy of it here as Exhibit 2. The reader will note that I have not disclosed the identity of the Hennepin County Judge who had the conversation with Porter that was overheard by Ulloa.

In addition, I requested an immediate transfer as I no longer was interested in prosecuting cases for Freeman. One of the reporters for the *Minneapolis Star & Tribune* recognized the oddity of this situation

The re-trial before Judge Porter started on March 10, 2008 and ended on April 7, 2008. The State called 38 witnesses; the defense called 5. Of course, Burrell refused to take the stand and testify on his own behalf.<sup>39</sup> Despite the expressed bias by Judge Porter, we convicted Burrell on most of the counts against him. Burrell's convictions were upheld on appeal. See: *State v. Burrell*, 772 N.W. 2<sup>nd</sup> 459 (Minn. 2009).

In spite of Porter's statements to the contrary our case was actually stronger than the case tried by Streitz and Scoggins. We proved the case by establishing three things: 1) That Burrell had a motive to murder Tim Oliver; 2) That eye witness testimony identified Burrell as the shooter and that that evidence was corroborated by other evidence in the case; and 3) That Burrell had, on several occasions, confessed his complicity to the crime.

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and wrote an article about my transfer which is attached as an unmarked Exhibit. Of course in the article Freeman lies and said there was nothing unusual about the transfer.

<sup>39</sup> While it would have been inappropriate to comment on Burrell's failure to testify while the matter was pending in court, it is not inappropriate to comment on that now. That is, because as I've said earlier, we are no longer in a Court of Law but rather in the Court of Public Opinion.

The reader should be aware that since the completion of his trials, Burrell has publicly professed his innocence on numerous occasions, including when he met with the Committee of the Super Six Neutrals as well as the Board of Pardons. Anyone versed in criminal prosecutions would be aware that no competent attorney would have advised Burrell to testify in his defense. This is because he would not have been believed given the many inconsistent statements he gave about his part in this case. The Committee of the Super Six, however, never even challenged him on the inconsistencies in his case, nor did the Governor or Attorney General in their "quest for justice."

For readers not versed in the criminal law, it should be known that it was not necessary for us to show that Burrell intended to kill Tyesha at the time of the shooting, only that he intended to kill Tim Oliver. This is what is called “transferred intent.” The criminal jury instructions define “transferred intent” as follows:

If the defendant acted with premeditation and with the intent to cause the death of Tim Oliver, the elements of premeditation and intent to kill are satisfied and may be transferred to another victim, even if the defendant did not intend to kill the other person. This concept is known as “transferred intent.”<sup>40</sup>

In addition, it was not necessary that we prove that Burrell was the one that pulled the trigger, although I believe we proved exactly that. To obtain a conviction, all we needed to show was that Burrell “aided and abetted” in the shooting. Essentially, we proved that by putting him at the scene of the crime.

MN CrimJig 4.01 defines when a person can be guilty of “aiding and abetting” the commission of a crime:

The defendant is guilty of the crime of committed by another person only if the defendant has played an intentional role in aiding the commission of the crime of and made no reasonable effort to prevent the crime before it was committed. “Intentional role” includes intentionally aiding,

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<sup>40</sup> See: MN CrimJig 11.03.

advising, hiring, counseling, conspiring with, or procuring another to commit the crime.

The defendant's presence or actions constitute intentionally aiding only if:

First, the defendant knew (another person) (others) (was) (were) going to commit or (was) (were) committing a crime.

Second, the defendant intended that (his) (her) presence or actions aid the commission of that crime.

If the defendant intentionally aided another person in committing a crime, or intentionally advised, hired, counseled, conspired with, or otherwise procured the other person to commit it, the defendant is also guilty of any other crime the other person commits while trying to commit the intended crime, if that other crime was reasonably foreseeable to the defendant as a probable consequence of trying to commit the intended crime.

The defendant is guilty of the crime of, (e.g. Murder in the First Degree), however, only if the other person commits that crime. The defendant is not guilty for aiding, advising, hiring, counseling, conspiring, or otherwise procuring the commission of the crime of (e.g., Murder in the First Degree), unless that crime is actually committed.

The state has the burden of proving beyond a reasonable doubt that the defendant intentionally aided another person in committing the crime of (e.g., Murder in the First Degree).

Burrell was motivated to kill Tim Oliver as he wanted to advance his position in the Rolling 30's Bloods gang. The evidence of this motive came from several witnesses.

Even though in his statement to Sgts. Zimmerman, Dietrich and Hauglid Burrell maintained that he was not a member of any gang, the following witnesses testified that he was a member of the Bloods: Esque Dickerson, James Turner, Dameon Leake, Kiron Williams, Terry Arrington, Brandi Bell, Deleon Walker, Isaac Hodge and Samuel James. In addition, the statements of Burrell's mother, Ike Tyson, Hans Williams and Joseph Davis all confirmed that Burrell was a Blood.

Brandi Bell's testimony confirmed that Burrell was a newly recruited member of the Bloods.<sup>41</sup> She said he had previously been a member of the Vice Lords gang and was known as "Little Lord" when he was aligned with them. Tr.-2, p. 724-788.

She testified that in the winter of 2001, he was "jumped into" the gang in the basement of a house at 36<sup>th</sup> and 3<sup>rd</sup> in Minneapolis. To be "jumped into" a gang means to be beaten by other gang members as

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<sup>41</sup> Brandi Bell was a reluctant witness. She was subpoenaed to appear to give testimony for the State for the second trial but ignored the subpoena and was arrested. She remained in jail for several days while an attorney was secured to represent her. In the end she testified consistent with her prior statements.

part of their initiation rights. Tr.-2 p. 554. She testified he was a member of the Bloods from the time he was “jumped in” until the day of his arrest. See: Tr.-2, p. 731-739.

As a new member who had betrayed his allegiance to his previous gang, Tr.-2, p. 564, Burrell had to prove to the Bloods that he was trustworthy. Tr.-2, p. 565. This he did by actively participating in the war against the Family Mob.

He was known as an “up and coming” member of the Bloods, Tr.-2, p. 514 and as a “rider.” Tr.-2, p. 400. A “rider” is someone who is trying to make a name for himself in the gang, and shoots at rival gang members. Tr.-2, p. 564. Given his situation he was required to “earn his stripes” by “putting in work,” meaning he had to shoot rival gang members as he was directed to by older members of the gang. Tr.-2, p. 565. One can “earn their stripes” by shooting the most hated members of rival gangs. *Id.*

As was stated earlier, Timothy Oliver was an active participant in the war between the Family Mob and the Bloods. Ike Hodge, the leader of the Family Mob, was Oliver’s superior in the gang hierarchy. Tr.-2, p. 555. He testified that Oliver was a “rider” in their gang, and was involved



in more shootings of the Bloods than any other member of that gang. Tr.-2, p. 552.

Hodge testified that Oliver would shoot older members of the Bloods as well as younger members. Tr.-2, p. 571. Generally, the older members would let the younger members involve themselves in the shootings, so if a younger member shot at an older member of a rival gang it crossed a line such that that person would be at a heightened risk for retaliation. Tr.-2, p. 571. Hodge testified that Burrell killing Oliver would “get you stripes right there.” Tr.-2, p. 572.

Brandi Bell testified that in the week before the murder, Tay Brown was calling Burrell asking him to come to Minneapolis and help in the war against the Family Mob. Tr.-2, p. 764. Tay Brown was an older Blood that Burrell looked up to and took orders from. Some of Burrell’s family members counseled him not to go, but ultimately his mother drove him to Minneapolis on November 21, 2002. Tr.-2, p. 771.

Ike Tyson is older than Burrell. Therefore, for Burrell to earn his stripes he had to do what Tyson commanded him to do.

James Turner testified that Burrell told him that Tyson directed him (Burrell) to shoot Tim Oliver. This was to earn his stripes and prove that

he was a rider. Tr.-2, p. 400. Burrell told Turner that Tyson watched him do the shooting as Tyson wanted to make sure Burrell followed through with it. Tr.-2, p. 398-400.

During the trial we introduced several other incidents where Burrell, acting as a “rider,” shot at rival gang members to establish himself with the Bloods. Ike Hodge testified that Burrell shot at him on two occasions in 2002, sometime before Hodge’s arrest in September of that year. Tr.-2, p. 575. In addition, Brandi Bell testified that in the winter of 2001 or 2002, Tay Brown directed Burrell to shoot at a car full of rivals. Tr.-2, p. 742-6. Deleon Walker testified that on November 25, 2002, just three days after Tyesha was shot, Burrell and Tay Brown shot at him and others while they were at a coffee shop near Park Ave. in south Minneapolis. He said that the shots missed him but struck a Somali man in the leg who happened to be caught in the crossfire. Tr.-2, p. 797-802. See, also, MPD Case #02-330705. Lastly, Dameon Leake testified that approximately a week before Tyesha was killed, Burrell shot at him in the area of Portland and Franklin in south Minneapolis. He said Burrell had a red rag on his hand and yelled “Rolling 30’s Bloods gang” as he shot. Tr.-2, p. 626-7.

The eyewitness testimony came from the mouth of Tim Oliver. Even though he was dead,<sup>42</sup> the rules of evidence allowed, and Judge Porter approved, our using Oliver's prior testimony from both the grand jury and the first trial. This put us at a disadvantage as the trier-of-fact, Judge Porter, could not see the hateful stares Burrell gave Oliver during the first trial. Oliver's eyewitness testimony was corroborated by Burrell's own statements that demonstrated his complicity in the crime.

The evidence of Burrell's confessions came from multiple sources. Esque Dickerson was a reluctant witness as she and Burrell have been friends since they were young. They referred to each other as "cousins." Tr.-2, p. 286. However, because we had a recording of her telephone conversation with her boyfriend, George Canady, we knew what Burrell said to her.

Burrell called her from the jail on November 28, 2002. This was two days after his arrest. Dickerson described him as upset and afraid. Tr.-2, p. 286-317. This is consistent with what James Turner described was Burrell's emotional condition at this time.

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<sup>42</sup> On January 28, 2004, Oliver died while exchanging gunfire with Brian Keith Edwards in the 2100 block of Elliot Ave. S. in Minneapolis.

Burrell told her that Ike did the shooting that killed the little girl. Burrell said that he was “just there.”<sup>43</sup> Burrell told her that Ike was driving the car, and that Ike picked him up in a car that started with the initial “M,” and that Hans was already in the car. *Id.*

James Turner also testified during this second trial. As with the first trial, he asked for no consideration in exchange for his testimony. He voluntarily appeared at the trial because he thought it was wrong for an innocent child to have died as a result of this gang violence.

Turner was on the same quad as Burrell after Burrell was transferred to the adult jail. He described Burrell as distraught, upset and crying, similar to what Esque Dickerson said. This was shortly after Burrell was arrested and at a time where he was very vulnerable. Turner said he told Burrell to “give it to God” and, after a while, Burrell started to settle down. Turner said Burrell was upset and crying because he got caught and not because of what he had done to Tyesha. Tr.-2, p. 387-480.

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<sup>43</sup> As stated earlier, Burrell knew that Tyson had identified him to the police as Burrell received a copy of the criminal complaint at the time that he was booked into the Hennepin County jail, and the complaint recounted Tysons interviews with Hauglid and Zimmerman wherein he told them that Burrell was with him (Tyson) and Hans Williams at the time of the shooting. See: f. 24, *supra*.

Burrell told James Turner that he did the shooting at Ike Tyson's direction. He said that Ike put him up to it and that he meant to kill a member of the Family Mob. He said he didn't mean to kill the little girl. *Id.*

Burrell told Turner the he was riding in a burgundy car with Tyson and another he identified as the person who was beaten in jail,<sup>44</sup> and that he was the guy that owned the car. As the three of them were driving, they spotted a member of the Family Mob. Burrell said he and Tyson got out of the car and that the other guy didn't know what was happening. Burrell said that Tyson directed him to shoot, that he had to "earn his stripes" and that he was a "rider," i.e., someone who does the shooting. *Id.*

Turner said that Burrell was not remorseful for killing the child, only for getting caught. He said Burrell blamed Tyson for his being caught.<sup>45</sup> Burrell also told Turner that he was going to give a false name at the time of his arrest but changed his mind when he saw a photograph of himself in the squad driven by the arresting officer. *Id.*

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<sup>44</sup> As stated earlier, Hans Williams was beaten while in the Hennepin County Jail.

<sup>45</sup> The reader will recall that the first time the authorities were able to identify Burrell as the shooter was after Tyson identified him in a photo lineup as the person known as "Skits." Prior to this Oliver said that "Skits" shot him but didn't know "Skits'" full name. Tyson was the person who connected Burrell to the crime and not Ike Hodge as the Committee of Six Super Neutrals claimed.

The State corroborated this latter piece of evidence through the testimony of Off. Stot Dunphy, the arresting officer. Off. Dunphy testified that he had a photo of Burrell in his car when he arrested him. He had this so he could confirm the person he arrested was the person he was looking for. Tr.-2, p. 618.

This latter information was not made known to the public. One has to wonder how James Turner would have known this if Burrell did not tell him (Turner). It was strong corroborating evidence that Burrell spoke to Turner about the crime and provided detailed information about his complicity in it.

The testimony of James Turner was corroborated in other ways as well. After he contacted the authorities Turner was removed from the quad he shared with Burrell for his own protection. That day Burrell spoke to his mother on the phone and told her that “they moved the only guy he could talk to.”<sup>46</sup>

In addition, Turner said there was another inmate in that quad who overheard their conversations and told Burrell to stop talking. Burrell

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<sup>46</sup>This information came from an intercepted call Burrell made from the Hennepin County Jail on December 9, 2002 at 9:30 a.m.

told this person that he didn't disclose anything pertinent, only that he was present during the shooting riding along. *Id.*

The authorities determined that this other person was Joseph Davis. He reluctantly corroborated Turner's testimony. Tr.-2, p. 834-887.

In addition to James Turner and Esque Dickerson, the State introduced the testimonies of Dameon Leake, Kiron Williams and Terry Arrington regarding conversations they had with Burrell.

Dameon Leake was in prison with Burrell at St. Cloud. He and Burrell were talking one day and Burrell admitted that he shot Tyesha. He said that he was trying to kill Oliver and Antoine Williams, aka "Lil Cuz." Tr.-2, p. 630-633.

Kiron Williams was in the Hennepin County jail with Burrell. He testified that he got in a fight with Burrell. This occurred on July 1, 2005.<sup>47</sup> They got in a fight as Williams was making fun of him for "shooting the little girl." Burrell responded that the bullet was intended for Oliver, not Tyesha. It was obvious that this altercation occurred as

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<sup>47</sup> Tr.-2, Exhibit 95.

Burrell's attorney cross examined Turner on details that I wasn't aware of.<sup>48</sup> Tr.-2, p. 665-661.

Terry Arrington had a conversation with Burrell in the Hennepin County jail on May 26, 2007. He said he and Burrell were "reminiscing about old times." Burrell told him he was aiming for Tim Oliver, and not Tyesha. He said one of his bullets went through Burrell's pants leg. He expressed no regret about killing Tyesha. Tr.-2, p. 699-719.

In addition to proving the case by establishing Burrell's motive to kill Oliver, the eyewitness testimony that identified him as the shooter, and the many statements demonstrating his complicity in the crime, the State also buttressed its case by destroying the defense' case. The defense sought to show two things: that Ike Tyson was the shooter and that Burrell had an alibi for the time of the murder. They were unsuccessful in both.

The defense sought to make Tyson responsible for the crime through the testimonies of three people: Samuel James, Hans Williams, and Tyson himself. No reasonable person could read these testimonies

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<sup>48</sup> Eichhorn-Hicks' questioning suggested that Burrell got the best of Williams and put him in the infirmary. Tr.-2, p. 678. This was information that I was unaware of. This information could only have come from Burrell which confirms he had contact with Kiron Williams as Williams indicated.



and conclude that these three were truthful as their testimonies were inconsistent and contradictory, not just between the three, but also with the other undisputed evidence in the case. Judge Porter, who was also acting as the jury in the second trial, specifically found that these three were not credible.

Samuel James is Tyson's brother. He testified that he, like Burrell, was a Blood. Tr.-2, p. 951. He was in prison for murder serving a lengthy sentence at the time that he testified, Tr.-2, p. 935. Therefore, he had nothing to lose by perjuring himself.

James had previously testified for the prosecution at the grand jury and murder trial of Deaunteze Bobo. Bobo was represented by Tracy Eichorn-Hicks at the time—the same attorney who represented Burrell in his second trial. James admitted that he provided perjured testimony in that case, Tr.-2, p. 958, but was unaware that Eichorn-Hicks had referred to him as a liar. Tr.-2, p. 961. Eichorn-Hicks had no moral impediment that prevented him from representing James' testimony as truthful in the Burrell trial.

James testified that he recalled the day Tyesha was murdered. He said he was at the home that he shared with Tyson at 3040 Clinton Ave.

S. Tr.-2, p. 936. Tyson entered the home with Tyree Jackson while Hans Williams waited in the car. He said Tyson asked for a gun and James provided him with a .40 caliber pistol. Later, Tyson and Jackson came back to the home and they were “all down” about the situation. Tr.-2, p. 935-949.

James testified that the three were in a “little green Honda.” Tr.-2, p. 942. He was emphatic on that point and insisted that he had a clear memory of the make and model of the car. Tr.-2, p. 953. When handed photos of the car that Tyson was driving that day, James testified that that was not the car, and that it was a “little Green Honda” that was owned by Hans Williams. Tr.-2, p. 968.

Hans Williams testified that it was just him and Tyson in the maroon Malibu when they drove by 3433 Chicago Ave. S. and saw Tim Oliver taunting them. He said a month prior Oliver had pulled a gun on him while he was driving with Tyson, Tr.2-p. 1193-1204.

Williams testified that after they saw Oliver, Tyson drove to a place to get a gun. They did not, however, drive to the home of Samuel James. According to Williams they parked in the alley between Oakland Ave. S. and Portland Ave. S. and someone unknown to Williams brought Tyson

the gun. Tr.-2, p. 1174-1175. He said this person was an “associate” of Tyson’s. *Id.* He previously told the police that the man’s name was “Nautica;” however he didn’t recall the name when he testified at Burrell’s trial, Tr.-2, p.1022.

Following that, he and Tyson drove back to where they had seen Oliver. As they were proceeding down 38<sup>th</sup> St., Tyson saw someone he recognized and asked that person to get in the car with him. He said that this third person was not Burrell, was a friend of Tyson’s, and was someone he had never seen before. Tr.-2, p.1176,1193.

The three of them then drove to Columbus Ave. S. where Tyson parked the car. Tyson and the unknown person then exited the car and he got in the driver’s seat. He said a few seconds later he heard gunshots and then the two came running back to the car and the three of them drove off. He said they dropped the third person off where they had picked him up. He and Tyson then drove to Williams’ house. Tr.-2, p. 1179-1181.

Williams said they didn’t stay long at his house. He said the news came on reporting the death of Tyesha. They then drove back to the scene in disbelief. Later, they picked up Tyson’s girlfriend and they went

back to Williams' house where the girlfriend braided Tyson's hair.<sup>49</sup> He said Tyson never brought the gun into his house. Tr.-2, p. 1182-1186.

Williams gave confusing and contradictory testimony about the identity of the third person involved. When asked if he had ever seen this person before Williams first testified "not really," Tr.-2, p. 1176, and later was more emphatic saying "I never saw him before." Tr.-2, p. 1193.

He was asked several questions about whether the third person was Tyree Jackson.<sup>50</sup> On direct examination he was asked if he knew who the third person was. He testified that he had seen this person at Stillwater prison and that his name was "Tyree Jackson." Tr.-2, p. 1201-1203. He was then shown a picture of Jackson and the following colloquy took place:

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<sup>49</sup> The girlfriend was subsequently identified as Shondell Dickerson, sister to Esque Dickerson.

<sup>50</sup> Prior to the first trial Williams told Burrell's then attorney, Dave McCormick, that the third person was named "Tyree." April 16, 2003 transcript, p. 40. We later learned Williams was referring to Tyree Jackson, another Blood who was serving a lengthy prison sentence. Burrell was hopeful that Jackson would take the fall for him but Jackson refused.

Sgts. Zimmerman and Adams took a statement from Jackson while he was an inmate at Stillwater prison. This occurred on April 13, 2007. He was aware that Burrell was claiming he was the third person with Tyson and Williams and emphatically denied any involvement. He said he couldn't remember exactly where he was at the time of the shooting as too much time had passed. He said he had also spoken to Burrell's attorney who wanted him to testify for Burrell. He told the attorney that he could say that Burrell "wasn't there" but the attorney told him that wasn't good enough. See: Supplement 104.

Sgts. Klund and Hauglid interviewed Arthur Adams at a juvenile facility in Boston, Mass. Adams was a friend of Jackson's. Adams told them that Tyree Jackson was with him at the time of the shooting.

Q: Well, is that the third person that was in the – third person in the car?

A: Yeah, I'm sure it was. Tr.-2, p.1204.

This testimony was rather remarkable as Williams had been visited by Eichhorn-Hicks in prison just before the trial. Eichhorn-Hicks showed him a picture of Tyree Jackson and Williams was, at that time, unable to identify Jackson as the third person. Tr.-2, p.1284. I also visited Williams in prison before the trial. Sgt. Jerry Wehr accompanied me. We showed Williams a picture of Tyree Jackson and he specifically stated that Jackson was not the third person. Tr.-2, p.1513.

Williams then testified that his memory was “a blur” as to the identity of the third person and that was why he gave inconsistent statements on that point. Tr.-2, p. 1287. He then testified that he couldn't be certain that Tyree Jackson was the third person, Tr.-2, p. 1288, and that he never specifically said Tyree Jackson was the third person, Tr.-2, p. 1313. On redirect examination Eichhorn-Hicks again showed him the picture of Tyree Jackson and the following took place:

Q: Okay. Now remembering why you're here and that you're under oath, is this the third person who was in the vehicle that you saw on the day of this – of November 22, 2002?

A. Could be. Maybe. Maybe not. I -- again, he has characteristics like him, but I would want to be for sure.

Q. But it looks like him?

A. Somewhat. Tr.-2, p.1316.

Williams was cross examined on several other inconsistent statements. For example, he had previously told the police that the name of the third person was "Welding" until Sgt. Zimmerman pointed out that Welding was in prison at the time of Tyesha's murder. Tr.-2, p. 1294-5. He testified on direct examination that this was the first time he had seen the third person but on cross examination admitted that he had seen this person on several occasions. Tr.-2, p. 1290. He said he was not afraid of going back to prison with a "snitch" label, Tr.-2, p. 1268, but told myself and Sgt. Wehr that he was. Tr.-2, p. 1512. He testified that he never touched Tyson's gun and never told the police that he had. Tr.-2, p. 1233. When confronted with his prior statement he admitted that he did touch the gun, and that he put it in a grey car in the back of his house. Tr.-2, p. 1256. He testified that he was cooperative with the police when he gave his statement, but that it never crossed his mind that his assistance in locating the gun might be important to their investigation. Tr.-2, p.1253.

Ike Tyson's testimony was equally amusing. He testified that on the day of Tyesha's death he was riding with Hans in the Maroon Malibu when he saw Tim Oliver who had shot at him the month prior. He then drove to his home, not to an alley between Portland and Oakland and not to 3040 Clinton Ave. S., and got his .40 caliber Smith and Wesson. He said the gun had 8 shells in it. He then drove back to where Oliver was. Tr.-2, p. 986-990.

En route they saw someone Williams knew on the street at 37<sup>th</sup> St. and Chicago. He said he didn't know this person but had seen him around, and that he didn't know the person's name even as of the day of his testimony. Tr.-2, p. 990-1.

He said he then drove to 34<sup>th</sup> and Columbus and parked the car. On the drive there he had no discussions with the third person as to his intentions. He parked where he did so he could run through the yards to get to Oliver. He said the third person got out of the car with him and he told the person to get back in. He then ran through the yards, shot at Oliver until the clip was empty, and then ran back to the car and the three of them drove to Williams' house. He said he stayed there a

couple of hours and had his hair braided. When he left he put the gun in a car behind the house and hadn't seen it since. Tr.-2, p. 990-5.

He claimed that his testimony on direct examination was the truth, even though he'd given inconsistent statements in the past. He said he lied about this incident in the past, that it didn't bother him to lie, that it was easy for him to lie, and that he lied under oath when he gave the factual basis for his guilty plea. Tr.-2, p. 1054.

He testified that he never got into a little green Honda that day, Tr.-2, p. 1060, that he didn't know why Oliver had shot at him previously, Tr.-2, p. 1006, and that he had no idea that Oliver was a member of a gang whose rivals were the Bloods, Tr.-2, p. 1063. He said that he never stopped in an alley to get the gun and if someone else said that it would not be the truth. Tr.-2, p. 1067. He said he didn't go to 3440 Clinton to get the gun, that he had no relatives living at that address, that he went to a house at 39<sup>th</sup> and 14<sup>th</sup> to get the gun and not where his brother Sam was living, and that if Sam James testified that he went to the Clinton Ave. address then that would be a lie. Tr.-2, p. 1068.

He testified the third person was Williams' friend, Tr.-2, p. 991, that he didn't know this person but had seen him around. He said he never



tried to figure out the name of the third person even though he was trying to help Burrell. Tr.-2, p. 1073. He said he picked the person up at 37<sup>th</sup> and Chicago and the person was alone. He said if someone claimed the third person was picked up at 38<sup>th</sup> and Portland then that would not be the truth. Tr.-2, p. 1078-9. He said he picked the person up as that person flagged him down and Hans told him to pull over. He said he did this even though he was planning on going back to shoot Oliver. He said he had no discussions with the person until he stopped the car on Columbus Ave. S. Tr.-2, p. 1081-6. He said if Williams testified that he (Williams) didn't know the third person then that also would not be the truth. Tr.-2, p. 1086.

He was asked why he told the police that Burrell was with him at the time of the shooting and he said "Because I figured if I said I was with him, that they couldn't put me at the place of the crime." Tr.-2, p. 1112.<sup>51</sup> He said the police pressured him in his second interview to identify Burrell as the third person that was with him. Tr.-2, p. 1111.

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<sup>51</sup> If this were true then it would be an amazing coincidence that Oliver, unbeknownst to Tyson, had previously told the police that "Skits" was the shooter. Oliver didn't know the name of "Skits." That was provided by Tyson. If Tyson was telling the truth then it would be an amazing coincidence that he just happened to name the same person as Oliver as one of the persons who was with him at the time of the shooting.

However, that second interview was videotaped and the video showed this statement to be a lie. See: Exhibit 147.

Tyson's testimony was impeached by several of the State's rebuttal witnesses. Sarah McClellan, who lived on Columbus Ave. S. and had identified Williams' girlfriend's maroon Malibu parked on her street, testified that two people jumped into the car after the shooting, not one as Tyson claimed. Tr.-2, p. 1412-25. Delveccio Smith testified that he spoke to Tyson while they both were inmates at the prison in Rush City. He said Tyson told him that he had to fight two Bloods at the prison in St. Cloud because he had identified Burrell to the police.<sup>52</sup> He testified that he was teasing Tyson about the shooting and Tyson responded that it was Skits that killed the little girl, that he didn't have a chance to shoot because Burrell shot first, and that if he had shot he would have hit Oliver. Tr.-2, p.1431.

Rick Trachy was Tyson's attorney on this case. He was called to testify by the State after the Court found that Tyson had waived the attorney-client privilege. He testified that Tyson told him, on a number

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<sup>52</sup> At a subsequent hearing on one of Burrell's requests for post-conviction relief, Tyson testified that there hadn't been any acts of violence perpetrated against him since Burrell's second trial. See: May 29, 2012 Transcript.

of occasions, that Burrell was the person who shot Tyesha. Tr.-2, p. 1451-1505.

Bernie Cahill was a probation officer who prepared the presentence report prior to Tyson's sentencing. He testified that Tyson was unhappy with his plea bargain. Tyson told Cahill that his sentence was unfair as he tried to restrain Burrell from shooting as there were innocent bystanders nearby, and that he was the least culpable of the three. Tr.-2, p.1509.

Our last witness was a man named Eldjiou Reynolds. He was in prison with Tyson at the time of the trial, and testified how Tyson confessed that Burrell "shot the little girl." Reynolds asked for nothing in exchange for this testimony. Instead, like James Turner, he was offended that an innocent child was murdered and that Tyson was helping the murderer get off. Tr.-2 p.1588-1615.

Mr. Reynolds' testimony was powerful and persuasive. He knew that by testifying he was going back to the prison labeled a snitch but he didn't care; he thought that justice for Tyesha, whom he didn't know, was more important than his personal safety. *Id.*<sup>53</sup>

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<sup>53</sup> A couple years after the trial Mr. Reynolds called me asking for my assistance. He was then attending Junior College in southern Minnesota trying to get his life together. He said the Bloods had located him and trashed his car. He was in fear for his life and knew that if he stayed where he was the Bloods would

Following the testimonies of Tyson, Williams, and Sam James, the defense proffered the testimony of Jillian Sully. Her purpose was to provide an alibi for Burrell.

This is yet another example of Burrell's "revolving door" of alibis. (I will refer to this as the "Cup Foods alibi.") Burrell first told the police that he was babysitting his son in Bemidji. Then he said he was with his cousin Romero Spellman. Then in jail calls he said he was at the home of Shiron Edwards. Then he had James Graham, aka "Monk", testify at his first trial that Burrell was at his (Graham's) house from approximately 2:10 to 5:00 p.m. on the day of the shooting. Sully was his latest attempt to claim he was at a place, other than at the shooting, that only he would know.<sup>54</sup>

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ultimately find him and kill him. He asked if I could talk to the President of the Junior College to transfer his credits to another school as he didn't have the money to pay for those credits a second time. He said the school told him they would not transfer the credits if he dropped out in the middle of the semester. I contacted the President as Reynolds asked and told her the situation and that Mr. Reynolds was in grave danger. While she could not provide me any information as she was prohibited from doing so by virtue of Minnesota's Data Practices Act, I believe that she allowed Mr. Reynolds' credits to transfer.

<sup>54</sup> What is curious is that Burrell was prepared to stay with the "Monk alibi" prior to the start of the second trial. The second trial was scheduled to commence in the fall of 2005 but was delayed when the State decided to appeal one of Judge Porter's pretrial rulings. Ultimately the re-trial was heard from March 10 to April 7, 2008.

However, on September 26, 2005, (prior to the start of the scheduled second trial), Burrell's attorney filed a witness list that claimed that Burrell was with James Graham, (aka "Monk"), Artavious Brown (aka "Tay"), Sean Lewis and Darnell "Dino" Jones at Graham's home at the time of Tyesha's murder. This was consistent with evidence Burrell introduced in the first trial. There was no mention that Burrell was at Cup Foods with Jillian Sully, Latasha LNU or Dono LNU. However, three years later Burrell claimed Sully as his alibi.

Sully testified that she knew Burrell but not well as they grew up in the same neighborhood. She said this was an area that was dominated by the Bloods.

She said that on the day in question, she left her work at Wells Fargo Home Mortgage in Bloomington around noon. She was working there through a temp agency called Temp Force. She then drove to Tavia's hair salon on Chicago Ave. S. to get her hair done. She said that after her hair was washed she stepped outside to have a cigarette and that's when she ran into Myon Burrell. She said this was during the lunch hour which she defined as between noon and 2:00 p.m. Tr.-2, p. 1335-1348.<sup>55</sup>

She said Burrell was upset as he had just gotten kicked out of Cup Foods. She said the owner of the store, Sam, told Burrell to leave the store and called the police to have him removed. She said she was trying to give him some "positive advice" when they both heard shots being fired. She said this was during lunch time and that she heard 3 shots "for sure." Shortly thereafter they heard sirens and then a couple hours later she learned that Tyesha was shot. She testified that Burrell

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<sup>55</sup> The reader may recall that Tyesha was shot at approximately 3:30 p.m. that day.

was standing right next to her when the shots were fired, and that they both were standing at the corner of 37<sup>th</sup> and Chicago on the west side of the street. *Id.*

She saw later from the news that Burrell was arrested for the murder and she knew that he couldn't have done it so she called the 3<sup>rd</sup> Precinct and told them what she knew. She apparently then called a second time and left a message but no one called her back. She said she hadn't spoken to the police until recently, and didn't know about Burrell's first trial. *Id.*

Some of her inconsistencies and biases were pointed out on cross examination, particularly her relationship with the Bloods. She testified that she knew many members of the Bloods from having grown up in that neighborhood, but minimized her contacts with them. However, she admitted that on November 17, 1997, she was in a stolen car with Konata Hill.<sup>56</sup> It was also pointed out that on February 4, 1998, two known Bloods, Chianti Blair and Xavier Allen, helped her out of some difficulty she was having at Cup Foods. Finally, it was pointed out that on October

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<sup>56</sup> The reader may recall that it was Konata Hill that drove Tyson and Williams to Angela Bubolz's workplace on the day of the murder to pick up the maroon Malibu. During the trial he was identified as a member of the Bloods gang.

6, 1999, she attacked a woman named Ingrid McDonald who lived in the same building as her, and that she used the Bloods to intimidate McDonald when she (McDonald) was trying to move out of the building. Tr.-2, p.1348-1383.

More importantly, however, Sully's inconsistencies were exposed by the State's rebuttal witnesses. Rick Zimmerman was recalled to the stand and testified about his conversation with Sully on March 25, 2008. He testified that Sully told him that she only heard one shot, not three. He also testified that he checked the records of the Minneapolis Police Department to see if there were any 911 calls from Cup Foods on November 22, 2002. He testified that there were none. He also testified that there was no record that anyone from Cup Foods had contacted the police that day requesting assistance, and no evidence that a squad car was dispatched to that address.<sup>57</sup> Finally he testified that Sully made no call to the police department as she claimed. He said there was a hotline number that was advertised in the press and that a person was always

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<sup>57</sup> I also had asked Sgt. Zimmerman to speak to the owner of Cup Foods to determine if Burrell was in his store that day and the store owner indicated he was not. Tr.-2, p. 1518. The owner, however, refused to provide a statement as his store was, and still is, in the heart of the territory claimed by the Bloods.

manning that phone. No one by the name of Jillian Sully called that number.<sup>58</sup> Tr.-2, p.1515-1588.

We also introduced the testimony of Mary Youngren, the owner of Temp Force for whom Sully claimed she was working on the day of the shooting. Ms. Youngren brought with her Ms. Sully's employment records. She testified, and her records confirmed, that Sully was not even in their employ on November 22, 2002, the day Tyesha was shot. In fact, she didn't start working for them until July 24, 2003. She said that Sully was fired from Temp Force for inappropriate conduct. That conduct included acting rudely, passing herself off as a supervisor when she was not, threatening a receptionist, calling a co-worker a "skank," and because of complaints from one of their customers. Tr.-2, p. 1662-1666.<sup>59</sup>

The above represents a summary of the evidence we presented during Burrell's second trial. With all of this the judge, who was the trier-of-fact and who had professed to not just me but also to Paul

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<sup>58</sup> Eichhorn-Hicks stipulated that he had a phone conversation with Sully before the trial. Eichhorn-Hicks agreed that Sully told him that she called the hotline and spoke to the person manning the phones, that someone from the Minneapolis Police Department called her back, and that she called a second time and left a message. Tr.-2, p. 1627.

<sup>59</sup>Curiously Jillian Sully now works for Attorney General Keith Ellison, a fact that was not made known to the public before the hearing before the Board of Pardons on December 10, 2020, and which might have required him to recuse himself.



Scoggin and another Hennepin County Judge that we could not prove our case, found that we had done exactly that. He found Burrell guilty of Murder in the First Degree for the Benefit of a Gang for the death of Tyesha, and guilty of Attempted Murder in the First Degree for the Benefit of a Gang for the attempted murder of Tim Oliver. At sentencing, he gave Burrell a stiffer sentence than what Judge Philaja ordered after Burrell's first trial.

### **The Report of the Committee of the Six Super Neutral Experts**

Burrell challenged his second conviction several times following his second conviction by filing petitions for post-conviction relief. None of these challenges were successful. His case lay dormant for several years then garnered national attention after Amy Klobuchar, while running for President, bragged during the debates that she was tough on crime when she was the Hennepin County Attorney, and cited to Burrell's conviction as proof of her claims.<sup>60</sup>

This caused a stir amongst some of the constituencies she was courting. This continued even after she dropped out of the presidential

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<sup>60</sup> Anyone familiar with Klobuchar's tenure in the Hennepin County Attorney's Office will tell you that she never tried a case while she was in that office. Her only goal there was to generate publicity for herself in her quest for higher office. Her only involvement in cases such as Burrell's was to show up and take the credit at the press conferences following convictions obtained by other attorneys.

race and carried on during her attempts to be named Joe Biden's running mate. The pressure against her mounted to the point where, according to the Committee's report, she, along with other "community activists," called for an "independent" investigation. As will be seen, this investigation was anything but independent or fair.

A committee of six so-called neutral experts were convened in July of 2020. They consisted of Keith Findley, Maria Hawilo, Jim Petro, David Singleton, Mike Ware, and Mark Osler. Osler was designated the chairman. The committee was hand-picked by Laura Nirider, Co-Director of the Center on Wrongful Convictions at the Northwestern Pritzker School of Law, and Barry Scheck,<sup>61</sup> co-founder of the Innocence Project.

Their report demonstrated that they were anything but neutral. In addition, what they were experts of is an open question as it doesn't appear to this writer that they were either constitutional law or criminal procedure experts as their report was purely political, and had little to nothing to do with a flawed judicial process.

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<sup>61</sup> The reader may recall that Barry Scheck was one of the persons who represented O.J. Simpson in the murder trial that resulted in Simpson's acquittal for the deaths of Ron Goldman and Nicole Brown-Simpson.

Part of the materials they reviewed allegedly included affidavits from Terry Arrington, Dameon Leake, Jillian Sully, Latosha Evans, Asha Ouma and Jonathan Turner. I asked Chairman Osler for copies of these affidavits in preparation for this report but he refused to provide them to me, and refused to acknowledge that he, or someone in his committee, had copies of them. See: Exhibit 4.<sup>62</sup>

The names Latosha Evans, Asha Ouma<sup>63</sup> and Jonathan Turner are names that had never before come up in all of the extensive litigation and investigation since 2002. Their testimonies have never been challenged in a court of law. In fact, it doesn't appear that any of these persons were even challenged or spoken to by the committee. One wonders how a committee of experts could claim neutrality when they accept, at face value, the words of individuals who are obviously biased towards Burrell.

In addition, the committee interviewed the following persons: Mike Freeman, Robin McDowell of the Associated Press, Daniel Guerrero (Burrell's latest attorney), University of Minnesota Law

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<sup>62</sup>Several months later I was able to obtain the affidavits of Sully, Evans and Ouma.

<sup>63</sup>As more evidence of his incestuous contact with this case, Attorney General Keith Ellison once represented Ouma in a criminal matter. See: 27-CR-06-3204. This information was not disclosed to the public before Ellison voted to commute Burrell's sentence on December 10, 2020.

Professor Perry Moriearty (who represented Burrell before the Board of Pardons), Civil Rights Activist Nekima Levy-Armstrong, Ike Tyson, Hans Williams, Angela Buboltz, Judge Charles Porter, Jimmie Edwards (father of Tyesha), former Minneapolis Mayor R.T. Rybak and Burrell himself. Not one of the many investigators who worked on the case was invited to appear, and the committee made no request of the Minneapolis Police Department for copies of the entire case file.

Bob Streitz, Paul Scoggin and I, the prosecutors on the case, were invited very late in the process. Streitz refused. Scoggin was prohibited from appearing as it would have been a violation of the Rules of Judicial Conduct.

Although I was anxious to appear, I too was prohibited by the same rules as Scoggin as I was then employed as a Family Court Referee. The timing of the invitation made it clear to me, however, that the committee had no interest in hearing from someone who could support Burrell's conviction.

The invitation I received came in late November of 2020. The invitation asked me to hurry and decide whether I wanted to accept the

invitation as the committee wanted to complete their work before the hearing before the Board of Pardons on December 10, 2020.

I questioned why they would give me so little time to prepare for a case I had tried 12 years prior but got no response. I am aware that they gave Burrell's attorney sufficient time to prepare a PowerPoint presentation in support of his client's cause. Their one-sided approach to their investigation is not acknowledged in their report which should cause concern for their readers.

Of the persons that were called only Ike Tyson, Hans Williams, Burrell and Judge Porter had intimate knowledge of the case. Freeman had scant knowledge and undoubtedly wished it to disappear in hopes that the public never learned of his unethical conduct in the attempts to remove Porter as the presiding judge. Robin McDowell is a member of the press who wasn't present during either of the trials and, to my knowledge, never reviewed all of the evidence in the case. Dan Guerrero and Perry Moriearty were obviously biased as they represented Burrell. Nekima Levy-Armstrong knew nothing of the case. She was just one of the voices that Amy Klobuchar wished to quell as it was interfering with her political career. Angela Buboltz had only some, but not a full

knowledge of the case whose information was grossly overrated by the committee to the exclusion of other evidence of Burrell's guilt. Jimmie Edwards also had some knowledge having sat through both trials, but he was not a witness to anything save the suffering that he and his family experienced. It appears his invitation was only intended as a token display of neutrality by the committee. R.T. Rybak had no knowledge of the case. If he had I would have called him as a witness.

It was in this backdrop that this committee of six "neutral experts" did their work and provided their recommendations. According to their report they separated into two sub-groups: one focused on the integrity of the sentence and one focused on the integrity of the conviction.

They acknowledged that the work of the sub-group attacking the conviction was incomplete, yet they published their report strongly biased against Burrell's conviction anyway. This, they claim, was not their fault as they were "awaiting receipt of documents and records from the Hennepin County Attorney's Office." Report<sup>64</sup>, p. 4.<sup>65</sup> They refused to obtain, and did not seek, copies of the entire file from the

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<sup>64</sup> "Report" refers to the report published by the Super Six Neutral Experts.

<sup>65</sup> All but one member of the Super Six Committee is a professor at a law school. One wonders if they would look fondly at a paper prepared by one of their students where the research was only half done.

Minneapolis Police Department.<sup>66</sup> This material was readily available to them for the asking had they done their due diligence and requested it.

### ***Report on the Integrity of Burrell's Sentence***

The committee, “having reviewed the totality of the case,”<sup>67</sup> concluded that Burrell’s sentence “lacks integrity and purpose.” In doing so it focused on “time periods before the death of Tyesha Edwards and after the sentencing of Myon Burrell.” Report, p. 7-8.<sup>68</sup>

The committee claimed that Tyesha’s family members “primarily mourned the death of Tyesha rather than expressed anger at Mr.

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<sup>66</sup>Given the investigation into Tyesha’s death was completed the information held by the Minneapolis Police Department was no longer protected under Minnesota’s Data Practices Act. See: MN Stats. c. 13. In fact, any citizen could request that material. One would think that six experts, all of whom are lawyers and five of whom are law professors, could have figured that out.

<sup>67</sup> I submit that this statement is a blatant lie. By their own admission, the committee admitted that they didn’t review all of the “documents and records.” Report, p. 4. As stated earlier, they did not request a copy of the entire file from the Minneapolis Police Department. They received affidavits from seven persons, some of whom were never challenged in court and weren’t challenged by the committee. They did not interview any witness with intimate knowledge of the case except those appearing on Burrell’s behalf. The lone exception was Judge Porter. They did not interview any of the many investigators or prosecutors involved in the case.

<sup>68</sup> The committee was kind enough to acknowledge the “devastating impact Tyesha’s murder had on her family and community.” In reaching this conclusion they took issue with my having called her sister Lakia to testify at the second trial: “There was no apparent reason—particularly in a bench trial—to re-traumatize a young girl when her testimony was unnecessary to prove any element of the crime.” Report, p. 9. This statement demonstrates that the committee possessed little knowledge of the situation, and little knowledge of trial tactics.

Lakia wanted to testify at the second trial—it was cathartic for her after Burrell’s conviction was overturned on appeal. In addition, Judge Porter professed on several occasions that the case could not be proven. This was the reason Eichhorn-Hicks waived a jury before the re-trial. If Porter was going to acquit Burrell as I expected, I wanted him to do it in front of Tyesha’s family after hearing them testify. Lastly, if the committee was truly concerned about re-traumatizing Lakia then they should have considered the effect that their recommendation that Burrell be released from custody had on her.

Burrell.” Report, p. 9.<sup>69</sup> They suggested that Tyesha’s mother, Linda Winborn, was not angry with Burrell, only sad at Tyesha’s passing. This is a false statement.

At the sentencing hearing on June 10, 2003, Ms. Winborn was  
rageful at what happened and blamed Burrell totally:

Losing Tyesha to gang violence I find myself asking why, why did she die this way? I feel fear and rage and guilt. I can't seem to make sense of this senseless crime. To know that my beautiful daughter lost her life because of gang territory and status, all this while she sat in her home where I thought she was safe, **Burrell has shaken the very foundation of my family's security.** I will not have a chance to see her grow up, to turn 16, to go to the prom, to go to college or to get married and have children. You see, I not only mourn for my daughter, I mourn for her bright future, my grandchildren, her first date, all the things that a mother gets to experience with their daughter. **Burrell took all of that away from me.** (Emphasis Added). June 10, 2003 Transcript, p. 9.

**Burrell reached into our lives and robbed us of our beloved Tyesha. He made a choice to use violence and my family will be forever changed.** (Emphasis Added). *Id.*, p. 10.

The committee of the Super Six Neutrals listed what they considered the relevant facts of Burrell’s life before his sentencing. One of those facts was that “Both Myon’s older brother and his father were incarcerated during parts of his childhood.” Report, p. 11. Burrell’s

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<sup>69</sup> In their report the committee cites to the statements of Tyesha’s family “at the sentencing hearing after the second trial.” Report, p. 9. This is inaccurate. The statements the committee refers to occurred at the first sentencing hearing. Tr.-1, p. 8-10.



attorney made this point during his first sentencing, asking for leniency on the grounds that he really wasn't given much of a chance in life because of the criminality of his family. See: June 10, 2003 Transcript, p. 23.

The committee suggested that Burrell did not follow the lifestyle of his brother and father. They claimed he had no juvenile offenses and was not listed in a gang database. These claims were intended to suggest that Burrell was a "good kid," one that wouldn't find himself afoul with the law. These claims are also false.

Burrell did have a juvenile record which shows offenses for curfew violations, possession of marijuana, traffic offenses and obstruction. In addition, three bench warrants were issued against him for failing to appear on these charges in juvenile court. Lastly, Burrell admitted to the pretrial release evaluator before his first trial that he was on probation for an assault he committed in Bemidji. See: February 19, 2003 Transcript, p. 16. Obviously his record was not complete as the State introduced at his re-trial several other serious offenses he committed that were not reported to law enforcement.

As to his gang affiliation, Off. Tim Pinoniemi who was a member of the Gang Strike Force, testified at Burrell's first trial that Burrell was listed with them as a "suspected" gang member. Tr.-1, p. 769. Their data base was obviously incomplete as the State introduced a plethora of evidence demonstrating that Burrell was in fact a member of the Bloods, and was active in the gang lifestyle.

The committee then listed facts they deemed relevant after Burrell's sentencing. These included claims that Burrell had no infractions in prison in the six previous years. They failed to mention that he had 14 infractions before that for such things as being in a restricted area, failing to obey orders, fighting and lying. Further, the fact that he wasn't caught doesn't mean he wasn't committing infractions. Burrell's own history demonstrates this as, e.g., his juvenile record does not accurately reflect the number of serious crimes Burrell committed for which he was never caught or prosecuted.

Another relevant fact the committee cited is Burrell's good behavior. They said that "Burrell emphasized two things that had driven him towards good behavior in prison: a religious conversion, and his duties as a parent." Report, p. 12. While this writer cannot comment on

Burrell's religious conversion, his duties as a parent have proven to be an abject failure.

Burrell has one child, a son by his former girlfriend Brandi Bell. His son, Myon Burrell-Bell, has manifested traits remarkably similar to those of his father in that he has embraced the criminal lifestyle.

Burrell's son is now nearly 20 years old. He has a conviction for Domestic Assault for attacking his mother and slamming her to the ground on April 23, 2016. He was convicted of theft for stealing the cell phone from a drunken person in downtown Minneapolis on December 15, 2015. As part of his probation he was administered the Youth Level of Service Inventory (YLSI) and scored in the high risk category for the following domains: family/parenting, peer relations, substance abuse, leisure/recreation, and attitudes/orientation. He's also received three citations for possession of marijuana and one citation for a curfew violation. As of this writing he has a charge pending for Aggravated Robbery in the First Degree. This arose from an incident that occurred on April 21, 2021 wherein he allegedly attempted to steal a vehicle from an adult male. The male saw that someone was stealing his car and

stood in front of it to prevent the theft. It is alleged that Burrell's son then drove over the man, causing him to sustain a broken pelvis.

The committee listed as another relevant fact the claim that the nation has evolved in the manner in which it sentences juvenile offenders. It cited to four cases from the United States Supreme Court to support their argument that the nation has rejected the notion that some juveniles should be considered "irredeemable sociopaths." Report, p. 13. These cases are *Roper v. Simmons*, 543 U.S. 551 (2005), *Graham v. Florida*, 560 U.S. 48 (2010), *Miller v. Alabama*, 567 U.S. 460 (2012), and *Montgomery v. Louisiana*, 577 U.S. 190 (2016).

None of these cases apply to the facts of Burrell's case and none prohibit the sentence that Burrell received. Moreover, the Supreme Court has since published *Jones v. Mississippi*, 593 U.S. \_\_\_\_ (2021), which sheds further light on the court's position regarding juvenile sentences. In *Jones*, the Court provided clarity for the four cases cited by the committee. They said:

In *Roper v. Simmons*, 543 U. S. 551 (2005), the Court concluded that the Eighth Amendment prohibits capital punishment for murderers who were under 18 at the time of their crimes. And in *Graham v. Florida*, 560 U. S. 48 (2010), the Court held that the Eighth Amendment prohibits life without parole for offenders who were under 18 and

committed nonhomicide offenses. Importantly, however, *Graham* did not prohibit life without parole for offenders who were under 18 and committed homicide. The *Graham* Court stated: “There is a line between homicide and other serious violent offenses against the individual.” *Id.*, at 69 (internal quotation marks omitted).

And then in *Miller* in 2012, the Court allowed life-without-parole sentences for defendants who committed homicide when they were under 18, but only so long as the sentence is not mandatory—that is, only so long as the sentencer has discretion to “consider the mitigating qualities of youth” and impose a lesser punishment. 567 U. S., at 476 (internal quotation marks omitted). Four years later, *Montgomery* held that *Miller* applied retroactively to cases on collateral review. 577 U. S., at 206, 212. *Jones*, p. 6-7.

In other words, the cases cited by the Committee of Super Neutral Experts do not apply to Burrell as he was not sentenced to life without parole. In addition, nothing in those cases prohibits the sentence imposed on Burrell.

The Supreme Court described the facts in *Jones v. Mississippi*. Jones was 15 years old in August of 2004 when he stabbed and killed his grandfather. Following his trial, he was sentenced to life without parole which was the law at that time in his State of Mississippi. In 2012, when the Mississippi Supreme Court was deciding whether to review his sentence, the United States Supreme Court handed down its decision in *Miller v. Alabama*. It therefore ordered a new sentencing hearing

wherein “the sentencing judge could consider Jones’ youth and exercise discretion in selecting the appropriate sentence.” *Id.*, p. 4.

At the re-sentencing hearing the judge, recognizing that he had discretion in his sentence and after considering factors “relevant to the child’s culpability,” *Id.*, determined that life without parole was the appropriate sentence. On appeal to the U.S. Supreme Court, Jones argued that *Miller* required the sentencing judge to make an expressed or implicit finding of “permanent incorrigibility.” *Id.*, p. 5. The Supreme Court found that *Miller* did not require such a finding.

In their report the Committee of the Super Six attempt to claim that the United States Supreme Court supports their position that juveniles cannot be sentenced as harshly as adults. With the exception of death penalty and life without parole for nonhomicide cases, this simply is not true. The Supreme Court cases cited by the committee stand for the proposition that in a murder prosecution where the penalty is not a death sentence, a juvenile can be sentenced as harshly as an adult, even given a sentence of life without parole, so long as the sentencing court considers the defendant’s youth. That was done here.

Both judges were aware of and considered Burrell's age at the time of the crime and both concluded that a lengthy sentence was appropriate.

The committee also posited that none of the traditional goals on which sentences are premised are present in Burrell's case. These goals are: 1) rehabilitation for those sentenced, 2) punishment or retribution for the harm done by lawbreaking, 3) deterrence of crime, and 4) the incapacitation of those who are dangerous. Report, p. 14. This writer vehemently disagrees.

First, how can it be said that Burrell has been rehabilitated when he continues to falsely claim he's innocent? What has he been rehabilitated from, a crime he didn't commit? Does this mean the public can rest assured that he will never again commit a crime that (he claims) he never committed in the first place?

Second, how can it be fairly said that the time Burrell has served is sufficient given the crimes he committed? Tyesha was a beautiful young woman. She was an incredibly loving presence in the lives of her friends and family. She was studious—she wanted to be a teacher. She was religious—she got herself baptized without her parent's knowledge. She was essentially a child—she was only 11 years old. Her life was taken

by a selfish murderer, who shot at many people in his attempt to raise himself in the gang hierarchy. This time one of his bullets found its mark in the heart of a child. How can it fairly be said that Burrell deserves freedom for a crime he committed that will hurt a lifetime?

Third, does the committee, the Governor and the Attorney General honestly believe that the commutation of Burrell's sentence will deter crime? To the people who are prone to commit crimes such as those committed by Burrell, the message is clear: keep claiming you're innocent even when the evidence is overwhelming against you, and even when your claim of innocence is inconsistent with your other statements of guilt—maybe you'll get lucky like Burrell.

Lastly, the committee claims that Burrell is a changed person now such that there is no further need to incarcerate him. In reaching this conclusion the committee claims there were no acts of violence perpetrated by Burrell while he's been in prison. This is false. Burrell's petition for a pardon indicated that he was disciplined at least once for fighting.

As to other evidence that Burrell is a changed man the committee relied almost exclusively on Burrell's representations. As stated earlier,



the fact that Burrell hadn't been cited for violent acts does not necessarily mean that he has committed none. As explained earlier, Burrell's juvenile record in no way reflects all of the violence that he was involved in.

The above contains the reasons the Committee of the Super Six proposed Burrell's release, as well as my rebuttal. I contend that this was the goal of the committee from its inception, and their report is merely "window dressing" for a conclusion they had already reached. I will leave it to the reader to decide which position is correct.

***"Preliminary" Report on the Integrity of the Conviction***

The fact that the Committee of Super Neutrals decided to release their conclusions based on only a partial review of the record should be troubling to their readers. A case of this magnitude requires a thorough review of the facts. The committee chose not to do that. Instead their intent was to rush the completion of their report in hopes it would affect the outcome of the hearing before the Board of Pardons on December 10, 2020.

This calls into question the integrity of the committee. It suggests that they had no interest in a thorough review of the evidence, evidence

which if reviewed by a neutral observer would undoubtedly demonstrate Burrell's guilt, and likely would have resulted in him remaining incarcerated. It must be remembered that Burrell's guilt was already proven twice by proof beyond a reasonable doubt—once before a jury of his peers and a second time before a biased judge.

Tyesha, her family, and the public deserve more. The effect of Tyesha's murder was devastating on everyone involved, strangers and family members alike. Since Burrell has been released while professing his innocence it has caused the uninformed listener to question the reliability of his conviction, and the integrity of Minnesota's judicial system.

It does not appear to this writer that the committee concerned itself with these issues. It is this writer's hope that this report will allay those concerns, and demonstrate to everyone that Burrell was treated appropriately by the judicial system and that his conviction was appropriately obtained and justified by the overwhelming evidence against him.

The committee's report addressed four areas that they claim calls into question the integrity of Burrell's conviction: 1) the use of jailhouse

informants; 2) “troubling examples of tunnel vision” relating to guilt or innocence; 3) evidence calling into question Burrell’s involvement in the death of Tyesha; and 4) evidence calling into question the reliability of Oliver’s identification of Burrell. Each of these concerns will be addressed separately.

### **Use of Jailhouse Informants**

In their report the committee said: “At his 2008 trial, no fewer than six jailhouse informants testified against Burrell in exchange for what they hoped would be reductions in their sentences or other benefits in their own cases.” Report, p. 16. These witnesses were Terry Arrington, Deleon Walker, Delveccio Smith, Dameon Leake, Kiron Williams and Eldiouju Reynolds.<sup>70</sup> Curiously they did not add James Turner who was in jail with Burrell and informed on him. It appears the neutral committee excluded him from their list as there is no persuasive evidence that his

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<sup>70</sup> It must be remembered that these witnesses were not used in the first trial and a conviction was nonetheless obtained. The only evidence from the first trial that I was precluded from using in the second trial was Burrell’s statements. The evidence of his motive, the eyewitness testimony, and the many admissions he made to James Turner, Esque Dickerson, and in the telephone calls were still available to me. In addition, Burrell’s fluid alibi defense was ripe for cross examination, and proven to be a lie. All of this evidence was sufficient to obtain a conviction in the second trial without the use of the “jailhouse informants.”

On the other hand, Burrell’s case was stronger at the re-trial as he had available to him the testimonies of Ike Tyson, Hans Williams and Samuel James who all claimed that Burrell was not the shooter. In spite of this he was still convicted.

testimony was tainted in any way. However, since he was similarly situated as the other jailhouse informants, I will include him in this discussion.

The committee reported “it appears that the common factor among this string of jailhouse informants may have been allegiance to Isaac Hodge and his gang, the Family Mob.” This is false. Neither Eldiouju Reynolds nor James Turner had any allegiance to Hodge or the Family Mob. In fact, they had no connection whatsoever. Both testified because they thought it was the right thing to do even though they recognized that their cooperation would place their lives in peril.

The committee said that all of the jailhouse informants testified in exchange for hoped-for benefits. This likewise is not true. Turner hoped to serve his time in a different state but that never occurred. In spite of this he was still willing to testify at Burrell’s second trial. Eli Reynolds likewise asked for nothing in spite of the fact that he knew he was returning to a prison which housed Tyson and other Bloods that could do him harm. He, too, cooperated unselfishly in hopes of obtaining justice for Tyesha.<sup>71</sup>

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<sup>71</sup> The committee reported that Mr. Reynolds “appears to have served as an informant in multiple other cases.” Report, p. 22. This statement is a lie and the committee provided no evidence to support their

As to the other witnesses neither I nor anyone else connected with this case apologize for utilizing these witnesses. All were thoroughly vetted by law enforcement, myself, Burrell's attorney during cross examination, and Judge Porter and all were found to be credible.<sup>72</sup> The

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assertion. As stated earlier, Eli Reynolds testified solely because he wanted to see justice for Tyesha. The following is his testimony on that point:

Q. You're presently are incarcerated, is that correct?

A. Yes, sir.

Q. And have you asked for any consideration for the sentence that you're serving from us in exchange for your testimony in this case?

A. No, sir.

Q. You only asked for one thing regarding safety, correct?

A. Yes.

Q. You just want to be safe after you testify?

A. Yes.

Q. How much time do you have left to serve?

A. One year.

Q. And are you in jail or prison?

A. Prison.

Q. And what are you in prison for?

A. First, Second, and Third Degree Sales.

Q. Drugs? Why is it that you're not using any information that you have as a bargaining chip to reduce the year sentence that you still have to serve?

A. Urn, because I, urn, at first when, to be honest with you, when it first came about, I thought about, uh, the benefits of possibility of something like that; but, as, urn, talking to, urn, people involved in the case, such as yourself, the detectives, and hearing about the family, I just told them that I didn't want any special consideration; that I was just going to do it so that the little child can have peace of mind herself and I didn't want any special favors. I only got a year left. Tr.-2, p. 1588-1615.

<sup>72</sup> Not all of the jailhouse informants who came forward with evidence against Burrell were used. Robert Smith was a person in prison with Hans Williams. He provided a statement that Williams told him that Burrell did the shooting. However, in my pretrial conversations with him I found his demands to be unacceptable, and therefore refused to allow him to testify.

same cannot be said about some of the evidence relied on by the committee.<sup>73</sup>

It appears that in the committee's "perfect world" informants should never be used. However, in the real world of law enforcement and criminal prosecution that is not practical.

Gang members, particularly dangerous ones like Burrell, live by a Code of Silence and sometimes incentives have to be offered to crack that code. For example, as of the date of this writing there are three unsolved shootings of children in the City of Minneapolis, two of which resulted in deaths. Because not all individuals involved in the seedy underworld of gang violence rush to the police and try to assist them in solving these cases, incentives are offered. Right now a large cash reward is being offered to assist in finding the perpetrators of the shootings of these three children. It may or may not be successful, but it must be utilized if there is any chance to bring justice to these children and their families.

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<sup>73</sup> The committee's report relies extensively on affidavits purportedly supplied by Terry Arrington and Dameon Leake. In addition, they also reference a letter purportedly written by Antoine Williams. I asked chairman Osler for these items, and others, and he refused to provide them to me. More importantly, this information was not vetted by the committee but rather accepted as true.

It is true that incentives were offered to Arrington, Walker, Smith, Leake and Williams. Each were either facing sentencing in federal court or, as in the case of Kiron Williams, was already sentenced and wished to be moved to a facility out of state. Tr.-2, p. 665.<sup>74</sup> There was no specific agreement as to the amount of reduction in their sentences the others were to receive as that authority rested solely with the federal

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<sup>74</sup> In their report the committee stated the following as it relates to Kiron Williams: "Williams was in federal custody, facing a 15-year sentence. He testified that he'd asked prosecutors for a letter to prove his cooperation in this case and as many as four others. Details of any reduction are unknown." This statement is false. Williams had already been sentenced to a 15-year term for cooperating on other cases. Further, he provided information in three, not four cases. His only request in Burrell's case was to be moved to a facility out of state.

It is curious the committee would make such a representation when, in this case at least, they had read Williams' testimony as they cited to the trial transcript in their report. How then could they have missed the following colloquy unless their intent was to mislead their readers?:

Q: And you've already been sentenced in federal court?

A. Correct.

Q. You have no agreement that if you testify truthfully today, that there's nothing guaranteed to get you less time, correct?

A. Right.

Q. And how much time are you serving now?

A. 15.

Q. 15 years?

A. Yeah.

Q. Now you asked for a letter if you testified truthfully to -- that you could hold onto about your cooperation if you testified?

A. Right

Q. And asked to be moved to a place that you'd be safe?

A. Right.

Q. And with respect to moving to a -- you're talking about prison where you would be safe, correct?

A. Right.

prosecutors and judges. The committee's claim that "the deals being discussed—and, in some cases, that had been offered—were extraordinarily generous" is a lie. Report, p. 24. The only agreement was to provide a letter to the federal authorities describing their cooperation.<sup>75</sup>

The committee claimed that "Oliver's purported identification of Burrell . . . served as the primary basis for Burrell's first conviction." Report, p. 19. This is false. The primary basis for Burrell's conviction was the evidence of his motive, his many confessions, and the destruction of his phony alibi. In truth, Oliver's testimony was not necessary for a conviction as other, stronger evidence identified Burrell as the shooter.

The committee suggested that the testimonies of the six jailhouse informants was the primary reason for Burrell's second conviction. *Id.* This likewise is false. The primary reason for his second conviction was the same as the first: the evidence of motive, his many confessions, and the destruction of the alibi he proffered in his second trial which contradicted with the alibi he used in the first trial. To the neutral observer a conclusion that Burrell was guilty should have been obvious.

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<sup>75</sup> It is once again troubling that this committee of neutral experts would make such a claim with no evidence to support it, and when the record shows something entirely different occurred.



In our case, we didn't have a neutral observer. We had a trier-of-fact (Judge Porter) that professed a bias that would have removed him for cause if he was a juror—and we still convicted Burrell.

The committee also claims that the information provided by the jailhouse informants was “strikingly similar” in that their statements were “relevant to the legal issue of transferred intent.” Report, p. 23. Of course there were similarities in the statements. Smith, Leake, Arrington, and Kiron Williams all testified that Burrell told them that the bullet was meant for Tim Oliver and not Tyesha. This is the reason we used them as witnesses—because their statements were similar to the other facts of the case. This is also part of the reason we found them to be credible. If their statements were not consistent with the other facts of the case we would have never used them as they wouldn't have been credible.

The committee suggested that Ike Hodge was the person that first supplied Burrell's name to the authorities. Report, p. 18. This is a big lie. When Hodge first contacted the police he told them that Ike Tyson was involved. See: Supplement 58. He made no mention of Burrell at that time. The first person that identified Burrell to the police was Tim Oliver,

and he only knew him by the name of “Skits.” Only after interviewing Ike Tyson did the police learn that “Skits” was in fact Myon Burrell. See: Supplement 75.

The committee claims that Ike Hodge “appears to have received additional benefits in exchange for serving as a gang expert in this case.” Report, p. 27. This is another big lie.

In order to prove the charge against Burrell of “crime for the benefit of a gang,” it is necessary to provide expert testimony on some of the elements of that charge. In my other gang cases I always used Mike Martin as my expert. Mr. Martin was then a Captain at the Minneapolis Police Department and had dedicated his career to studying gangs.

Capt. Martin was not available to me as he was on vacation and out of the country during the trial. So instead I used Ike Hodge who was more qualified than Martin to give expert testimony as he lived the gang life.<sup>76</sup>

There was nothing nefarious about this and Hodge received no “additional benefits” for this testimony. In truth, Hodge was not even

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<sup>76</sup>Under the rules of evidence, all that is necessary to qualify someone to testify as an expert is “specialized knowledge” of the topic the expert is testifying about. See: MRE 702. Hodge clearly had that as he had been a gang member for many years and had intimate knowledge of the gang lifestyle.

aware that I was using him as an expert. The committee's comments to the contrary are false, reckless, and intended to misinform their readers.

The committee claims that Oliver only provided information that Burrell was the shooter after he was held for 10 hours, and after he was converted from a perpetrator to a victim in the shooting that occurred at the coffee shop three days after Tyesha's murder. Report, p. 25-6. This is yet another big lie.

Oliver wasn't held for 10 hours and then interviewed. He was interviewed immediately. Oliver was in a van driven by Harold Beaman. Beaman had picked up Deleon Walker and Shey Arrington and drove them away from the shooting at the coffee house. The police intercepted the van, found Oliver, and brought him to the homicide office for an interview. See: Supplement 75.

Oliver was then held in juvenile detention as a detention order had been issued against him by his probation officer. *Id.* This order was requested by the investigators in Tyesha's case.

Moreover, the claim that Oliver was converted from a perpetrator to a victim in the coffee shop shooting is pure fantasy,<sup>77</sup> and a reckless

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<sup>77</sup> On p. 26 of their report the committee states: "These facts support an inference that Oliver and Walker were converted from suspects to victims in the coffee shop shooting."

statement by the committee. If the Minneapolis Police Department intended to convert Oliver from a perpetrator to a victim then why did they request the detention order from his (Oliver's) juvenile probation officer? In addition, why did they continue to incarcerate him after he gave his statement?

The committee also took issue with the fact that Beaman was offered money in exchange for information on the case. They claimed that Beaman gave the authorities Burrell's name in exchange for "major dollars." Report, p. 25, f. 67. This also is false.

It's true Sgt. Zimmerman offered Beaman money in exchange for information—Zimmerman wanted to know if Oliver said anything about Tyesha's shooting while in the van with Beaman. However, the information Beaman provided wasn't particularly helpful. If it had been I would have subpoenaed him to testify at Burrell's re-trial.

The committee claims that Terry Arrington and Dameon Leake have recanted their testimonies in affidavits provided to them, and that Antoine Williams provided them with a letter that claims that Oliver told him that he never saw the shooter's face. As stated elsewhere I asked Chairman Osler for copies of those statements and he refused to

provide them. See: Exhibit 4. Apparently we're supposed to rely on the committee's word that these statements exist, and that they say what the committee claims they say. However, in reviewing their report I have listed several examples where the committee's words are not credible, are misleading, and are lies.

The fact that the committee accepts these statements at face value is a testament to their hypocrisy. On the one hand they criticize the State for using the testimonies from these witnesses at Burrell's trial because they're jailhouse informants and not credible, and on the other hand they accept these statements without challenge and want the reader to now think of these three as credible.

If this information truly exists then it should be challenged. The appropriate way to do this is with a petition for post-conviction relief. That way the information is turned over to the State who can challenge the testimony vis. cross examination.

If this committee were truly comprised of "neutral experts" then they must agree that this is the proper way to handle this "newly discovered" evidence. But they did not and the reason they did not was because Burrell had filed several motions for post-conviction relief on

similar grounds and was never successful. So instead of pursuing relief in a court of law, the committee chose to follow a political course—putting together a sham committee whose conclusions were never in doubt doing incomplete work to reach a bogus result.

In spite of the fact that Chairman Osler refused to turn over the statements to me, their contents are neither surprising nor new. Burrell had made these and similar claims in several post-conviction hearings with no success.

On August 18, 2011, Burrell filed his first petition for post-conviction relief. In it he claimed “A plethora of witnesses have recanted their testimonies that implicated Mr. Burrell and have provided new evidence that exonerates Mr. Burrell. This new evidence and recanted testimony, whether viewed individually or in the aggregate, entitles Mr. Burrell to an evidentiary hearing and a new trial.”<sup>78</sup> See: Motion filed August 18, 2011, p. 12. As a basis for his petition he claimed 1) that Antoine Williams was now saying that Oliver couldn’t see the shooter from his vantage point, that Oliver told Williams that he didn’t know who the shooter was, and that the police had pressured both him

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<sup>78</sup> Burrell was being represented by attorney Grant Smith at this time.

and Oliver to testify in the manner they did; 2) that Anthony Collins was now saying that he saw Oliver when the shooting started and that Oliver was not in a position to tell who the shooter was; 3) that Terry Arrington recanted his trial testimony and said that the State coerced him to lie against Burrell, and that the State had also coerced Dameon Leake, Delvecchio Smith and Kiron Williams to testify falsely as well. Arrington was claiming that “the police gave all four of them a police-generated statement to read and told them to testify pursuant to said statement;” and 4) that Rita Brown, who lived in the lower level of the 3433 Chicago Ave. S., the house that Oliver was visiting at the time of the shooting, saw Oliver run away from the line of fire when the shooting started and therefore could not have identified Burrell as the shooter. *Id.*

Judge Porter heard the petition. In an Order dated February 2, 2012, he authorized an evidentiary hearing on the matter based on this “newly discovered” evidence. All the defense had to do was subpoena the witnesses to court to give testimony. They tried for nearly two years but were never successful.

On July 7, 2013, Porter denied the motion for post-conviction relief, i.e., the motion for a new trial, because the defense had failed to bring in

the witnesses in spite of the several chances they were given. This is curious as two of the witnesses, Arrington and Williams, were in custody and could have easily been written in by the defense to give testimony. Either Burrell's attorneys<sup>79</sup> were incredibly incompetent<sup>80</sup> or they concluded that the proposed testimonies were not reliable.

Porter granted four continuances so the defense could secure their witnesses. The first hearing was scheduled for May 29 & 31, 2012. That was continued to December 12 & 13, 2012. That hearing was then continued to January 31 and February 1, 2013. That hearing was continued to March 26 & 27, 2013. See: State's Motion filed April 17, 2013. The number of continuances were extraordinary and resulted in attorney Atkins thanking Porter for his "incredible patience." See: December 6, 2013 Transcript.

The claims were laughable, particularly those made by Terry Arrington (who claimed he was forced to read from a statement the police prepared for him). I was present when Arrington gave his statement to Sgt. Zimmerman. In addition, Arrington's attorney, Bob

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<sup>79</sup> Burrell later changed attorneys. By the end of the post-conviction hearings he was represented by attorneys Dan Atkins and Mark Miller.

<sup>80</sup> Burrell made no claim that his post-conviction attorneys were incompetent when he appealed Judge Porter's ruling denying him a new trial. See: *State v. Burrell*, 858 N.W. 2<sup>nd</sup> 759 (Minn. Ct. App. 2015).



Kolstad, was also present. Does anyone, including the Committee of Six Neutral Superstars, believe that Kolstad would have allowed his client to read from a police-generated statement?

### ***“Troubling Examples of Tunnel Vision”***

The committee said: “The record to date reveals several indications that tunnel vision was present in this case. From the moment Isaac Hodge called police from jail only a few hours after Tyesha Edwards was shot, the police investigation appears to have been premised on the view that Myon Burrell was both the third man in the car and the shooter.” Report, p. 29. They claimed that this is “hallmark of all wrongful convictions.” *Id.* This is another big lie.

It was not Ike Hodge that identified Burrell as the third person involved—it was Ike Tyson. As stated earlier in this report Tim Oliver told the police that “Skits” was the person shooting at him but that he didn’t know “Skits” name. After Tyson was arrested he told the police he was riding in the car with Hans Williams and “Skits” and ultimately identified Burrell in a photo array as the person he was referring to as “Skits.”

Ike Hodge never identified Burrell as someone who was involved in the shooting of Tyesha. He only identified Tyson as a person he'd heard was involved. The Committee's claims to the contrary are blatant lies.

The committee also claims that the State was remiss for not believing more in Angela Buboltz. Buboltz was Hans Williams' then girlfriend. She said that when Williams picked her up from work on the day Tyesha was murdered he looked like he had been crying. He told her that Ike had shot someone.

During the drive home she said that Williams told her that he, Ike and an unnamed third person were driving down Chicago Ave. when they saw a guy that had pulled a gun on them the month before. Williams told her that Ike got a gun, parked a block over from Chicago Ave., and Ike and the third person got out and did a shooting while Williams stayed in the car. In this and other statements, Buboltz said that Williams never identified Burrell as the third person that was with them. See: November 26, 2002 Statement.

It is really no surprise that Williams didn't identify Burrell to Buboltz—he never identified Burrell as the third person to the police either. Williams was angry that Tyson had gotten him involved in this

shooting. Williams was known as a punk and a “do-boy,” Tr.-2, p. 573, and was intimidated and often used by Tyson. Tr.-2, p. 259-262.<sup>81</sup> His anger and resentment caused him to identify Tyson as one of the perpetrators.

Williams was also concerned about being labeled a “snitch.” He knew that naming Burrell as the third person would label him a snitch. He was beaten twice while in jail apparently for snitching on Tyson. Tr.-2, p. 1273.

The committee said that Buboltz’s statements were “powerful, contemporaneous evidence that Burrell was not involved.” Report, p. 31. This is a curious statement given that her statements to the committee were inconsistent with her statement to the police on November 26, 2002.<sup>82</sup>

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<sup>81</sup>An example of Tyson’s disrespect towards Williams occurred a day or so after Tyehsa’s shooting, before he and Williams were arrested. Tyson took the red Malibu that was owned by Buboltz and, without her or Williams’ permission, put different tires and rims on the car as if it was his property.

<sup>82</sup> For example, in her statement to the committee. Buboltz said she learned this information a couple days after the shooting and made no mention of the third person: “Sometime during the next few days, Hans told Angela that on the day of the shooting, Hans and Ike had been driving down Chicago Avenue when someone pulled a gun on them. Ike retrieved a gun, and they drove back down Chicago Avenue and parked on a block behind the street. Ike Tyson then got out of the car and ran up an alley, where he ‘did’ the shooting and came running back to the car.” Report, p. 30-1.

In addition, the committee finds fault in our not believing the lies of Hans Williams and Ike Tyson.<sup>83</sup> If anything this is an example of the committee's tunnel vision in its quest to assist Burrell for no reasonable person could read their testimonies from the second trial and conclude they were being truthful.

Further, the committee refuses to acknowledge the numerous statements Williams and Tyson made that were consistent with Burrell's guilt. These include not just those statements made in the jail calls, but also statements Tyson made to his attorney Rick Trachy, and the author of Tyson's presentence report, Bernie Cahill. The committee fails to address how these two disinterested witnesses could inaccurately claim that Tyson told them that Burrell was the shooter.

The committee next claims that disinterested witnesses corroborate Tyson's statement that he was the shooter. This is a joke. The two witnesses they refer to are William Chapdelaine and James Lanser, who, the committee claims, provided a description that matched Ike Tyson.<sup>84</sup>

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<sup>83</sup> At p. 32 of their report the committee wrote: "Those statements (of Williams and Tyson) were apparently disregarded by police and prosecutors."

<sup>84</sup> If the committee, and anyone else for that matter, truly wishes to get the truth from Ike Tyson then they should insist that Mike Freeman vacate Tyson's plea bargain and put him on trial for Tyesha's murder. I guarantee you that Tyson will then tell one and all that Burrell was the shooter and that he only claimed

James Lanser was getting into his car which was facing northbound on Chicago Ave. S. when he heard what he thought was firecrackers. He said he saw two men running southbound on the sidewalk on the west side of Chicago Ave. One of them was wearing a grey puffy jacket like Tyson purportedly was wearing that day. The other man, the one not wearing the grey puffy jacket, then stopped running and started walking while the man with the grey jacket ran between two houses to the north of 35<sup>th</sup> St. He said the man with the grey jacket was his age or younger. Mr. Lanser was 34 yoa at the time. See: Supplement 34.

Lanser was distracted at the time and therefore inattentive to the actions around him as there was a school bus driving northbound and he had to hurry to get his car into the lane of traffic before the bus reached him. In addition, he was not able to identify Tyson or anyone else in photo lineups he was shown, and could not say whether Tyson had anything to do with the shooting. Tr.-2, p. 323 & 329.

William Chapdelaine was on the roof of a house across the street from where Oliver was when he spotted a man wearing a grey jacket

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responsibility to keep from getting beaten for being a snitch. Unfortunately, that request is likely to fall on deaf ears as Freeman possesses neither the courage nor the fortitude to re-open Tyson's case.

with an Afro hairstyle acting suspiciously. Chapdelaine is quoted as saying that man took off running “like the devil was on his tail . . . You could tell which one was probably doing the shooting, the most excited one.” Report, p. 34-5. Clearly the committee wishes the reader to believe that this man is Ike Tyson.

The Committee reported that Chapdelaine also said a second man was with the man with the grey jacket, and that man was clearly taller and leaner than the first man. When he saw these men they were in the alley to the west of Chicago Ave.

What the committee failed to tell their readers is that Chapdelaine actually said he saw three men in that alley. All three of them, he said, were ages 13-15.

He said the one with the grey jacket ran west on 35<sup>th</sup> St. while the other two “just kind of mosied along the back there more towards 35<sup>th</sup> St. rather than hanging a right. They did not follow the other male.” See: Supplement 25. He too was shown photo lineups and could not identify Tyson or anyone else as the person(s) he saw. See: Supplement 71.

As can be seen there is no definitive proof that any of the men that Lanser and Chapdelaine saw were involved in the shooting. In fact, the

evidence suggests they had no involvement at all and just happened to be in the area and reacted when they heard the shots fired. A number of witnesses spoken to said there were a lot of people on Chicago Ave. at that time and they scattered in all directions when the firing started.

The committee's fourth and final example of the State's "tunnel vision" is their claim that Burrell's alibi was not fully investigated. This is their biggest lie.

The committee wrote that "During his 2020 interview with the panel, Burrell explained (his) inconsistent statements by saying that as a teenager, he did not appreciate the importance of providing a complete and accurate alibi until he realized, **well into his interrogation**, that police suspected him of Tyesha Edwards' murder. . . . As soon as he understood the importance of giving a truthful alibi, **Burrell's account has long been that he was at Cup Foods during the time of the shooting and, in fact, for a significant portion of the afternoon.**" Report, p. 35-6. (Emphasis Added). These statements are lies.

Burrell's interrogation lasted 3 ½ hours. He knew immediately that he was a suspect in Tyesha's murder.

One minute and eight seconds into the interrogation Burrell was told that the officers were there to talk to him about “the little girl.” Burrell did not act surprised and said he understood. Three minutes into the interrogation Sgt. Zimmerman informed Burrell that they talked to Ike and Hans who were putting him “in the middle” of the murder. See: p. 21, *supra*. Again, Burrell expressed no surprise.

In addition, the committee’s claims that Burrell’s account “has long been that he was at Cup Foods during the shooting . . .” is extraordinary given the record of Burrell’s ever evolving alibi. The committee must surely have been aware of this since they claimed to have “reviewed the totality of the case.” Report p. 7-8.

Burrell first told Sgts. Zimmerman and Dietrich that he was in Bemidji babysitting his son on the day of Tyesha’s murder, and that he didn’t come to Minneapolis until the following day. See: p. 25, *supra*. Then after admitting that he was in Minneapolis on the day of the murder, he told Sgt. Hauglid that he was with his cousin Romero Spellman. See: p. 30, f. 16, *supra*. After Hauglid told Burrell that he (Hauglid) had already talked to Spellman, Burrell dropped this claim and said he was at Cup Foods with “Tasha” (whose last name he didn’t know)



and Dono (whose last name he also didn't know even though Dono was his "home boy").<sup>85</sup> See: p. 31-32, *supra*. Following that, he is heard saying in jail phone calls that he was at the home of Shiron Edwards, See: p. 35, *supra*, and then at the home of James Graham (aka Monk). See: p. 35-36, *supra*.

At the first trial he chose to rely on the "Monk alibi".<sup>86</sup> Graham testified that Burrell was with him from approximately 2:15 p.m. until 5:00 p.m. on the day of the shooting. Tr.-1, p. 809-834; Tr.-2, p. 1395. Then, just before the re-trial he abandoned the "Monk alibi" and adopted the "Cup Foods alibi" utilizing the testimony of Jillian Sully.<sup>87</sup>

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<sup>85</sup>At that time he made no mention of being with or seeing Jillian Sully or Asha Ouma.

<sup>86</sup>As stated earlier, it was Burrell who informed his attorney that he was at the home of James Graham when Tyesha was shot. This resulted in Graham being subpoenaed to give testimony. The reader must wonder why, if Burrell had the ability to tell his attorney he was at Graham's home, he didn't tell his attorney that he was, in fact, at Cup Foods?

The following colloquy makes it clear that Burrell was the source of the information regarding James Graham (This was recorded at the trial on May 2, 2003. Burrell's attorney, David McCormick is asking the questions and his investigator, Mike Grostyan is providing the answers):

Q: Okay. Now, taking you back to an interview, do you remember ever talking to a person named James Graham?

A: Yes.

Q: How did you come to know about a person named James Graham?

A: I believe I got a phone call from Mr. Graham, but **initially his name was given to me by Mr. Burrell.** Tr.-1, p. 835-6. (Emphasis Added).

<sup>87</sup>The committee claimed that Jillian Sully credibly corroborated Burrell's statements. They said: "Though she was impeached on her work history, the substance of that statement remained unimpeached." Report, p. 42. This is another big lie. Virtually everything that came out of Sully's mouth was impeached. I would refer to the reader to that section of this report that recounts the cross

Burrell could only be at one place at a time. He certainly knows where he was when Tyesha was murdered. One has to wonder why he found it necessary to change his alibi on so many occasions if, in fact, he is innocent of this crime?<sup>88</sup> Could it be that he is not innocent and he is merely utilizing friends and acquaintances to manufacture an alibi?

It appears that Burrell and his attorneys have now settled on the “Cup Foods alibi” to support his claim of innocence. This, I submit, is because the security tape from Cup Foods has long since been erased and the police’s alleged failure to obtain it supports their claim of “tunnel vision.”

The Committee of the Super Neutrals clearly want their readers to believe this, but the committee also doesn’t want their readers to know the truth. The truth is that the security tape was erased long before Burrell told Sgt. Hauglid that he was at Cup Foods when Tyesha was shot, and therefore it was not available to corroborate or contradict his statements.

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examination of Ms. Sully to confirm whether the committee’s claim that the substance of her statement was unimpeached.

<sup>88</sup>One also has to wonder why the Committee of Six Super Neutral Experts wouldn’t mention Burrell’s ever evolving alibi in their report.

Members of the Minneapolis Police Department who were familiar with the area of south Minneapolis where the shooting occurred were aware that many businesses erased their security tapes daily. Sgt. Zimmerman, who headed the investigation into Tyesha's murder, was aware that this was the practice of Cup Foods at that time.

Officers did obtain the security tape from the Super America gas station at 38th and Chicago, and did review the security tape from Cup Foods. However, this was done on November 25—two days after Tyesha's murder and one day before Burrell told Sgt. Hauglid that he was at Cup Foods. This was done because a witness reported that a red SUV with Illinois license plates was in the area at the time of the shooting. An anonymous caller said the driver of that vehicle was a man named "Putty," and that the vehicle had been at the SA prior to the shooting. See: Supplement 61.

Officers from the 3rd Precinct obtained the security tapes from the SA and Sgt. Mike Keefe reviewed the tape from Cup Foods. This was for the sole purpose of locating the red SUV and its driver. *Id.*

Sgt. Keefe was not looking for Burrell on the Cup Foods tape as the investigators were not aware that Burrell was claiming he was at Cup

Foods until he spoke to Sgt. Hauglid the following day. Even had he been aware of this information it would not have been helpful as it had already been erased. *Id.*<sup>89 90</sup>

Moreover, now that Burrell has decided to rely solely on the “Cup Foods alibi,” that claim has expanded since the testimony of Jillian Sully. According to affidavits received by the committee which I have since obtained, both Latosha Evans<sup>91</sup> and someone named Asha Ouma<sup>92</sup> are saying they were with Burrell at Cup Foods.<sup>93</sup> (Both of those affidavits are attached as Exhibits 5 & 6). If their statements are to be deemed credible then they should testify and be subject to cross examination

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<sup>89</sup>As stated earlier I found out that Burrell was claiming he was at Cup Foods just prior to the re-trial. I then asked Sgt. Zimmerman to speak to the owner of Cup Foods to see what he remembered from that day. He was able to tell Sgt. Zimmerman that Burrell was not at Cup Foods when the shooting occurred. He was unwilling, however, to give a formal statement on that point as his store was, and still is, located in the heart of the territory claimed by the Bloods. Tr.-2, p. 1518.

<sup>90</sup>Further, if Burrell’s alibi witness is to be believed then the tape would not have confirmed Burrell’s presence inside of Cup Foods at the critical moment as Jillian Sully said she was talking to him on the corner of 37th and Chicago Ave. on the west side of the street when they heard the shots. Tr.-2, p. 1335-1348.

<sup>91</sup>Based on her affidavit, she appears to be the “Tasha” Burrell refers to in his conversation with Sgt. Hauglid. Burrell told Hauglid that he didn’t know her last name.

<sup>92</sup>As stated earlier, Attorney General Keith Ellison, who voted to commute Burrell’s sentence, once represented Mr. Ouma. In addition, Jillian Sully is now employed by Ellison. At a minimum this information should have been disclosed to the public before the hearing before the Board of Pardons on December 10, 2020. If Ellison relied on information outside of what was presented at that hearing then a question arises as to whether he should have recused himself from the hearing.

<sup>93</sup> The committee also purports to have an affidavit from a person named Jonathan Turner. I have not been provided with a copy of this affidavit and have no knowledge of its contents. Mr. Turner’s name has never before come up in the extensive investigation or litigation of this case. His name only appears in the report of the Neutral Experts.

which could have occurred at either of Burrell's trials, or as part of a petition for post-conviction relief following the trials.

As stated earlier, Burrell utilized the relief authorized under petitions for post-conviction relief. However, in none of those prior petitions do the names of Latosha Evans or Asha Ouma appear as persons who could corroborate Burrell's alibi. It is only now, 18 years later, that these people have surfaced and the reader must wonder why.

Clearly Burrell was clearly familiar with both Evans and Ouma. In Ouma's affidavit he says he was 18 years old at the time of the shooting, and that he knew Burrell through Burrell's sister whom he had known since middle school. He said he was standing next to Burrell talking to him when an ambulance and police cars drove by.

If Burrell truly was talking to Ouma at this critical moment then why didn't he inform the police of that fact? Or, for that matter, why didn't he inform Burrell's attorneys? Why wasn't this name brought up

during either of the trials or the many post-conviction hearings?<sup>94</sup>

Furthermore, how could the Committee of Super Neutrals fault the police for not investigating this witness when Burrell failed to identify him to his own attorneys?

In her affidavit Evans says she has known Burrell since he was 12 years old. This means that Burrell had known her for four years when Tyesha was shot, yet he told Sgt. Hauglid that he didn't know her last name. The reader may recall that the following colloquy took place between Burrell and Hauglid on November 25, 2003:

Q: Who were you with?

A: Tasha.

Q: Tasha who?

A: **I don't know her name, it's my home boy's girl.**

Q: What home boy?

A: Dono.

Q: Dono or Dino?

A: Dono. Just Dono-38th & Portland. (Emphasis Added). Tr. p. 52.

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<sup>94</sup>Ouma's explanation for why he didn't come forward himself is not credible. He says he was aware that Burrell was arrested for Tyesha's murder a couple of weeks later. He claims that he attempted to come forward some years ago and that on some unknown date he spoke to some unknown person who told him it was too late to do anything. He said he only came forward later when he saw a Facebook post about the case and was contacted by a reporter. (I presume the reporter he was speaking of is Robin McDowell of the Associated Press.) Is it credible that in the 18 years that has passed since the murder his first opportunity to come forward was as a result of a post on Facebook? Before this were there no opportunities to tell anyone, particularly Burrell's sister with whom he was acquainted, that he could provide an alibi for Burrell?

How can the committee find fault with the investigating officers for not interviewing Latosha Evans when Burrell failed to provide them with her contact information or, at a minimum, her last name? Why would Burrell withhold that information that obviously was so critical to his defense? Why didn't he disclose this information to his attorneys? Why wasn't her name brought up at any other time in the 18 years since the shooting?<sup>95</sup>

In neither trial nor in any post-conviction hearings did Burrell or his attorneys identify Latosha Evans as someone who could provide Burrell an alibi. It's clear that Evans didn't disappear from Burrell's life. In fact, she visited him while he was in the Hennepin County jail awaiting trial.

Attached to this report as Exhibit 7 is a record from the jail which shows that Evans visited Burrell on August 8, 2005. This was after Burrell's initial conviction was overturned and just before his re-trial was scheduled to commence.

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<sup>95</sup>One explanation is because Burrell knows that Latosha Evans lacks credibility. Her affidavit fails to mention this, but in an interview conducted by AP reporter Robin McDowell Evans said the following: "I don't know what we was talking about, but we was definitely just out there hanging. I think I was smoking. Next thing you know, we heard gunshots. A few minutes later a lot of police and stuff, so after we hear all that, we just left. **That's my exact words I said to him. I said, 'Make sure you take your ass home.' I said, 'Go home, bro. Go home. I do not want to see you get blamed for this.' That's my exact words. I can't believe I just said that and he got blamed for it.**" (Emphasis Added).

Does anyone really believe that Latosha Evans correctly predicted that Myon Burrell would be accused of Tyesha's murder?

On September 26, 2005, Burrell's attorney, Tracy Eichhorn-Hicks, filed a notice indicating Burrell intended to again rely on the "Monk alibi." He listed the following persons as witnesses who would substantiate this claim: James Graham, Artavias Brown, Sean Lewis and Darnell "Dino" Jones.<sup>96</sup>

Latosha Evans' name is not mentioned there or anywhere else until it appears in the report of the Committee of Six Super Neutrals. Why is that? Why didn't he give her full name to Sgt. Hauglid? Why didn't he at least give her name to his attorneys? He previously told attorney Dave McCormick that he was at Monk's house. What prevented him from telling McCormick or Eichhorn-Hicks that he was with Evans? Why didn't he provide this name to any of the attorneys handling his post-conviction petitions? For that matter, why didn't he also provide the full name/contact information for "Dono" whom he identified as his "homeboy?"<sup>97</sup>

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<sup>96</sup>As stated earlier, Burrell intended to continue with the "Monk alibi" until just before the re-trial in 2008. I was surprised when Eichhorn-Hicks informed me of this turn of events. I questioned him on the record about this and I recall his embarrassment at having to agree that this new alibi (the "Cup Foods alibi") was inconsistent with Burrell having previously claimed that he was at the home of James Graham. It was obvious to me that Eichhorn-Hicks understood that this change seriously damaged the credibility of Burrell's claim that he was not present at the shooting.

<sup>97</sup>In her reporting AP reporter Robin McDowell identifies Donnell Jones as the "Dono" Burrell referred to in his conversation with Sgt. Hauglid. Her report indicates he goes by the name of "Dino" and not "Dono." This also is the same person listed as Darnell "Dino" Jones in Eichhorn-Hicks witness list of



The answer should be obvious—Burrell didn't want the officers to speak to these witnesses. If the investigators had talked to them before Burrell he ran the risk of their disclosing that Burrell was not with them when the shots were fired. Just as he attempted to do with his mother when he tried elicit her help in saying he didn't come to Minneapolis until the day after the murder, he needed time to solicit the witnesses' assistance to concoct a phony alibi.

All of this shows that the officers did not exhibit "tunnel vision" as the committee claims, and that they weren't remiss in investigating Burrell's ever changing alibi. Burrell's alibi evolved throughout the pendency of the case and continues to evolve today. It is only recently where he's decided to rely solely on the "Cup Foods alibi" and only because he can claim that the officers were remiss for not obtaining the store's security tape; however, that tape was erased by the time Burrell claimed he was at Cup Foods.

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September 26, 2005 who, apparently, was prepared to testify that Burrell was at the home of James Graham at the time of Tyesha's shooting.

If Jones was a friend of Burrell then one wonders why Burrell misidentified him as "Dono" instead of "Dino," and why he didn't provide his full name to Sgt. Hauglid? He obviously knew this information as he provided it to Eichhorn-Hicks who included him as one of his witnesses listed in the September 26, 2005 filing.

In addition, it was impossible for the officers to investigate the “Cup Foods alibi” because Burrell intentionally withheld the identities of the witnesses. Burrell had several opportunities to identify them to both the officers as well as his many attorneys.<sup>98</sup> The witnesses themselves waited 18 years before they came forward with their information. This delay occurred in spite of the many available opportunities while the matter was still pending in court.

***Evidence calling into question Burrell’s involvement in Tyesha’s murder.***

The committee said it was troubling to them that Ike Tyson wouldn’t identify the third person with him that day, yet they found him to be credible nonetheless. I would ask the reader to read my cross examination of him, Sam James and Hans Williams to see whether a neutral observer could conclude Ike Tyson to be credible.

The committee points to a jail conversation Tyson had with Shondell Dickerson as proof of the truthfulness of Tyson’s claim that Burrell was not involved. They fail, however, to explain how Burrell’s conversation with Dickerson’s sister is consistent with his claim of innocence. In that conversation Burrell told Esque Dickerson that he

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<sup>98</sup>By my count Burrell had at least six attorneys represent him before he filed his petition with the Board of Pardons.

was present with Tyson and Williams when Tyesha was shot, and that Tyson did the shooting. They also fail to explain how Burrell's conversations with James Turner is consistent with these claims of innocence.

The committee pointed out that Judge Porter "determined that Burrell made several incriminating statements while in jail, ..." Report, p. 39, but that the record was incomplete because some of the jail calls could not be located. They cite to the above-referenced call to Esque Dickerson as an example.

This report previously explained how inmates could avoid having their calls be intercepted by the authorities, and Burrell clearly was doing that here. If the Committee of Super Neutrals want to find the call in question then they should ask Burrell for the number he dialed before the call was transferred to Dickerson. Once he provides that information I'm sure Mike Freeman would be happy to provide the committee with a copy of the call.

### ***Oliver's identification of Burrell is flawed***

The committee claims that Tim Oliver's identification of Burrell as the shooter is flawed for several reasons. First, they claim that the

distance was too great and the street was too busy with traffic for Oliver to have seen his shooter. Anyone who visits the scene can clearly see a person standing across the street in Burrell's position at the time of the shooting. In addition, the committee fails to explain how both Oliver and Tyson came up with Burrell's name in their conversations with the police. If Burrell really wasn't at the site of the shooting then it is a remarkable coincidence that Tyson came up with the same name as Oliver who, according to the committee, could not have seen his assailant.

Next, they allege that Antoine Williams and Anthony Collins claim that Burrell could not have been the shooter, "although the panel acknowledges that they gave inconsistent statements over time, . . ." Report, p. 42. This is because neither of them could identify the shooter. Both testified at one of the trials—Williams at the first and Collins at the second. Neither's lack of ability to identify the shooter prevented Burrell's convictions.

They also cite to Tyson's statements that he was the shooter as evidence of a flawed identification. What is flawed is that the committee accepts anything that Ike Tyson says is true.

## **Conclusion**

Following the half-hearted and biased investigation of the Committee of the Super Six Neutral Experts, they produced their shoddy report in time to be released to the Board of Pardons. No one has questioned a word of their claims until now.<sup>99</sup> Rather, persons who received the benefit of their conclusions have embraced it.

When Amy Klobuchar made statements about the case during her presidential campaign it angered a constituency she needs to further her political career. When the committee's report was published Klobuchar released a statement that it was "the right and just decision."

This is the Amy Klobuchar we knew at the Hennepin County Attorney's Office: selfish, self-absorbed and self-promoting. Whenever something surfaces contrary to her ambitions she casts it aside as she did with Tyesha and her family.

Tyesha's mother did a television ad that helped Klobuchar get elected to the United States Senate. Now Tyesha is no longer necessary. In fact, she is an impediment. Therefore Klobuchar, true to form, finds no use for Tyesha and endorses the freedom of her killer.

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<sup>99</sup> I strongly suspect however, that Judge Porter spoke strongly in support of Burrell's conviction and sentence at the time he appeared before the Committee of the Super Six. I say this, in large part, because the Committee fails to reference any of his statements in their report.

The Report of the Super Six Neutral Experts has caused untold damage as the uninformed readers are likely to conclude that Burrell is innocent and wrongly convicted. This causes people to question the validity and fairness of the judicial process. Given our present circumstances following the murder of George Floyd by Derek Chauvin, and with many people questioning the integrity of the police and the criminal courts, it is imperative for political leaders to step forward and, at least in Burrell's case, tell the uninformed that this process was fair and that Burrell's conviction and sentence were justified. This, however, will not happen for they are cowards and are more concerned about their political careers than what is beneficial to the public. It is hoped that, by this writing, some measure of trust in the system can be restored.

To further this I suggest three things occur: 1) The report of the Committee of the Super Six Neutrals be denounced as a complete and utter fraud; 2) Mike Freeman should publish, on his office's website, the entire case file on this matter. This should include all the police reports, all motions and pleadings, any Orders by any court, all exhibits, and all transcripts. This will allow any interested person to conduct their own

investigation and judge for themselves who is telling the truth—this writer or the Committee of the Super Six Neutrals; and 3) Mike Freeman should revoke Ike Tyson's plea bargain and have him stand trial for Tyesha's murder. As stated earlier I guarantee that Tyson will change his story anew, and admit that Burrell fired the bullet that ended Tyesha's life.

## Exhibit 1

Principal: CN=Mike Furnstahl/OU=CA/O=Hennepin  
\$AltPrincipal: CN=Mike Furnstahl/OU=CA/O=Hennepin  
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PostedDate: 01/16/2008 09:07:17 AM  
Recipients: CN=Lolita Ulloa/OU=CA/O=Hennepin@Hennepin  
tmpSendandFileFolder: Myon Burrell  
MailOptions: 0  
SaveOptions: 1  
From: CN=Mike Furnstahl/OU=CA/O=Hennepin  
AltFrom: CN=Mike Furnstahl/OU=CA/O=Hennepin  
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Thankyou for agreeing to answer my email.

As you know, the office attempted to remove Judge Porter as the trial judge for comments he made to me, comments which we believe caused the defense to waive a jury. These comments were Judge Porter's expressions



that the case couldn't be proved.

Paul Scoggin told me that you were present when Judge Porter made similar comments to a Hennepin County Judge. I won't mention that judge's name here as I understand you know the situation I am talking about, and therefore the identity of the judge. I spoke to that judge myself and confirmed what Scoggin said. The judge said that Porter approached [REDACTED] and made comments that the Burrell case couldn't be proved; that you were present when these comments were made, in fact, it was stated that you were "standing right there"; and that he continued to make the comments over a period of time long enough to make the situation uncomfortable, particularly when they were made in front of the head of the Victim-Witness Department.

Scoggin told me he asked you about these comments and that you "back-pedaled," although he never completely explained what he meant by that.

My questions are these: 1) What comments did you hear Judge Porter make about the Burrell case? 2) Why didn't you come forward with the information you had? 3) What did you tell Paul Scoggin about this situation? 4) Did you talk to anyone else in administration about this situation and, if so, what did you tell them?

I await your reply. Thankyou again for agreeing to respond to this email.

OriginalModTime: 01/22/2008 10:20:21 AM

In Reply To:

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InheritedAltFrom: CN=Mike Furnstahl/OU=CA/O=Hennepin

Logo: stdNotesLtr0

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Sign:

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Mike, I have been in and out ill this past week. I discussed your email with Pat this am., he said you should call him. Thanks, Lolita

## **Exhibit 2**

### **MEMO TO FILE**

Date: 1/15/08

From: Mike Furnstahl

RE: Porter Debacle

This memo will detail what I know about the office's response to the conduct of Judge Porter on the Burrell case.

On or about 1/16/07, a pretrial was scheduled by Judge Porter to set a trial date. The defense attorney, Tracy Eichhorn-Hicks was already in Porter's chambers when I got there. They obviously had been talking but I don't know what they were talking about.

Almost immediately after I got there Porter started saying telling me that the case should be dismissed. Later Porter would state that he was referring only to the gang count in the indictment, and not the merits of the case. This is false. Porter was clear that he meant the murder against Burrell couldn't be proved.

Porter told me I should dismiss the case. He said he knew that I "have the guts to do it." He said that "Freeman could blame him and I'll blame the Supreme Court." He started to explain what he perceived to be the weaknesses in the case, including the fact that Tim Oliver was dead and unavailable. Being new to the case I wasn't aware of the connection that Oliver had to the case, and Porter explained that to me. Def's atty chimed in saying Burrell would not take a plea bargain—that he would only settle for a dismissal or acquittal. He said Scoggin had already offered credit for time served if Burrell pled guilty and Burrell refused

that offer. (Sometime later, when I asked I-H about this after the meeting when we got the 3/10 trial date, I-H described that Scoggin kind of dangled this out there, that it wasn't a solid offer.)

At no time during the pretrial was it ever mentioned that we couldn't prove the gang count. Had that been the case I would have reacted as I have been handling those counts far differently than Streitz or Scoggin did. (See my memo on this issue.)

I went to Scoggin immediately after the pretrial. He was in his office working at his desk. Scoggin could tell how angry I was that Porter made the above-referenced comments. I explained to Scoggin exactly what Porter said. I also told him what Eichhorn-Hicks said—that he, Scoggin, had offered credit for time served. Scoggin had no reaction; made no denial, etc., which I thought was strange. It was only until several months later that he denied making that offer.

The next day I found Bob Streitz and told him. He was furious that Porter would think we couldn't prove the case.

On the Friday before the trial, which I believe to be August 10, 2007, the def's atty contacted me to say he had already contacted the court to advise them that Burrell was going to waive a jury. I immediately went to Scoggin and it was agreed that we would object to the waiver, but that if it was granted we would request that Porter be removed as he had already given his opinion that the case can't be proven.

Porter denied both requests. Porter didn't deny making the comment. He claimed that he was referring to the gang count. This is false. As I stated earlier, I have employed a far different strategy to prove that count than anyone else has, and I do not have the fears Scoggin and Streitz expressed (to Porter) as I don't rely

on expert testimony to the extent that they did. Eichhorn-Hicks immediately adopted Porter's position.

It was decided to bring the motion before Wieland. Freeman decided that he was going to argue the motion. I had no objection to that since I assumed that I would be testifying at the hearing.

A meeting was held in Freeman's office a few days before the hearing. I assumed that I would be testifying and was suggesting questions to be asked of me. As I look back now, it's clear that the decision was already made not to introduce any testimony, but to rely on the argument that Porter's admission alone was sufficient to question the appearance of impropriety.

Just prior to the Wieland hearing a civil atty pulled me aside and described a similar experience he had had w/Porter. I relayed this info to Freeman. I also challenged Eichhorn-Hicks on the veracity of his response—that he knew Porter was referring to the merits of the case and not the gang count when he made the statements to me. I still fully expected to testify and wrote down several questions for Freeman to ask me. I was never called to the stand.

Subsequent to the hearing but before we received Wieland's written order, Scoggin told me that Porter made a similar remark to a Hennepin County judge in front of Lolita Ulloa. He said that judge then reported the conversation to the district court administrator.

It was clear that Scoggin was trying to get me to confront Ulloa. He clearly didn't want to do that himself. Shortly thereafter I told Freeman what Scoggin told me, thinking there would be some investigation into what the judge/Ulloa knew/heard. Freeman acted as if he didn't know anything about it. After we received Wieland's written order and while the matter was pending on appeal, I

repeated to Freeman what Scoggin had told me. He acted as if he didn't remember what I had said, as if this was information he was hearing for the first time. I thought he must be incredibly dense to not understand the significance of this information.

After the decision came down from the Supreme Court I emailed Freeman and asked for a meeting to discuss strategy. I wanted to see if Porter could be removed if we played the judge card as it was clear to me by this time that Ulloa would not do the decent thing and no one in the administration was going to require her to.

Freeman, myself, Scoggin, Diamond and Chapin met in Freeman's office. I suggested that someone approach the judge and get his/her permission to use his/her name—that we would tell Wieland about Porter's contact w/the judge and suggest he remove himself. (Scoggin had advised that Porter had ex parted him and told Scoggin that he, Porter would not be able to do the Burrell trial as he had a big civil case he had to complete.) Scoggin said he would approach the judge and then report to Freeman. If the judge agreed to allow us to use his/her name Freeman would approach Wieland.

Scoggin kept dragging his feet. I kept reminding him to finish this and also to identify and speak to the court administrator that the judge had spoken to after Porter approached him/her. I received a pretrial date from Porter the purpose of which was to set a trial date. Because Scoggin did not appear anxious to get moving I decided to approach the judge.

This was the third time I had discussed the Porter contact w/the judge. All three times he/she told me that Porter said we should dismiss the case because we couldn't prove it. He/she said that Lolita Ulloa was standing "right there"

when this conversation took place, that it was a lengthy conversation, and that he/she became very uncomfortable over the length of the conversation and the fact that Porter was saying these things in front of the head of Victim-Witness.

On this last occasion he/she told me that Scoggin had already approached him/her and he/she refused to allow his/her name to be used. His/her point was why should he/she—Lolita was “right there” plus Scoggin told him/her that Porter made the same comment to him. This was the first time I had heard that Scoggin had info that could have helped us remove Porter. The shocked look on my face caused the judge to decline to say anything more when I asked what he/she was talking about. I then left to confront Scoggin.

I found him a couple hours later in Judy Johnston’s office. The door was opened but I don’t know if anyone other than the three of us witnessed this conversation.

I asked Scoggin if it was true that Porter had spoken to him about this issue and he said it was. I asked him what Porter said and Scoggin said “pretty much what he told you”—that the case couldn’t be proved. I asked why he didn’t do anything with this information and he said “I made the decision” not to disclose that information as he did not want his answer (to Porter) revealed. I asked what his response was and he said he told Porter that he “wouldn’t do anything until after the election.” I was getting quite angry by this point as I recalled that the family of Tyesha Edwards had done a TV commercial endorsing Amy Klobuchar for senator and it struck me as hypocritical that the office thought they were good enough to use to help get Klobuchar elected, but not good enough for us to stand and fight for a fair trial on the case where their daughter was murdered. I asked

Scoggin why he never shared this info w/me and he claimed that he thought he had.

The next day I met w/Freeman as I did not believe he was aware of this information. I felt that it was imperative for him to have the info as Scoggin's conduct was clearly out of bounds and would reflect poorly on the office. I could not see how Scoggin could remain the head of the criminal division or even employed here after acting so inappropriately. I asked Bill Richardson to come with me for a witness. With all that had gone on, I was mistrustful that my words would be misquoted.

To my surprise Freeman said he was aware of the statements and had been aware for many months. He dismissed my contentions that the office acted badly in using the family to win elections but not standing up for them to get a fair trial, and that it left me out in the cold to fend off Porter's claims when both Ulloa and Scoggin could have backed me up.

Feb. 11, 2008

As I was walking to the metal detectors on the 2<sup>nd</sup> floor I ran into Pat Diamond. Prior to this I had emailed Lolita asking her to tell me what she knew. (Prior to that I had emailed both Scoggin and Lolita asking for a meeting but neither responded.) When she got back to me she said I have to talk to Pat Diamond. When I had the chance I called Diamond. He didn't call back. The next opportunity I had to speak with him was today.

It was clear that the last person Diamond wanted to see/talk to was me. He put his hand on my shoulder immediately as if we were buddies. I pressed him about what Lolita knew. He didn't want to answer. He kept saying that the motion was over, that if there were more "bullets" I should have taken steps to



see they were fired at the hearing. I asked him several times what Lolita said. He told me he talked to her several months ago. I expressed how wrong it was that the head of the victim-witness would have pertinent information but not come forward. He asked "what do you care?" He finally let it slip that Lolita admitted she was present, that "she thought it was stupid, and she walked away." When I asked what Lolita thought was stupid he said the conversation Porter was having with the judge about the case. As I kept pressing him he shuffled off not wanting to talk to me, saying that nothing could be done, etc. He finally turned his back and refused to say any more.

# Top prosecutor leaves violent cases behind

● Assistant Hennepin County Attorney Mike Furnstahl will transfer to child protection, but he will handle a last high-profile murder trial.

One of Hennepin County's top prosecutors is leaving violent crimes to work on child protection cases.

Assistant Hennepin County Attorney Mike Furnstahl, who has successfully prosecuted numerous high-profile murders such as the Tyesha Edwards case this month, is being moved "at his request," Hennepin County Attorney Mike Freeman said Friday.

"We actively encourage people to move around. We think that makes folks better," Freeman said in an interview.

Furnstahl, 54, did not return a call seeking comment.

Hired in 1988, Furnstahl is one of the best-known prosecutors in the county. Known for his aggressive style, Furnstahl usually tries cases alone, no matter how complex.

The transfer of Furnstahl to the lower-profile assignment raised questions around the courthouse because he is considered to be one of the top lawyers in Freeman's office.

Most recently, Furnstahl won a hard-fought conviction in the retrial of gang member Myon Burrell for the murder of Edwards as she did her schoolwork at her family's dining room table one afternoon.

Sitting alone at the prosecution table, Furnstahl relied on voluminous files of research.

Last year, he also won convictions against Lamonte Martin and Cornelius Jackson. The two gang



JEFF WHEELER • Star Tribune

Mike Furnstahl hugged Linda Longino, Tyesha Edwards' mother, after Myon Burrell was again found guilty.

members were convicted of killing Christopher Lynch as he knelt and begged for his life in a north Minneapolis alley in May 2006.

In child protection, Furnstahl will prosecute cases involving child neglect and parental rights.

Freeman said the move is "not unusual" and it is not uncommon for top prosecutors to "take a breather."

Despite the departure, Furnstahl intends to continue as prosecutor in another high-profile matter: the murder of Howard Porter, the Ramsey County probation officer and former Villanova basketball star. Freeman said Furnstahl will prosecute the first-degree murder cases against Rashad Raleigh and Fredquinto R. (Snake Eyes) King.

ROCHELLE OLSON

## Exhibit 4

**From:** Osler, Mark W. [<mailto:mark.osler@stthomas.edu>]  
**Sent:** Wednesday, May 5, 2021 2:38 PM  
**To:** Furnstahl, Mike <[Mike.Furnstahl@courts.state.mn.us](mailto:Mike.Furnstahl@courts.state.mn.us)>  
**Subject:** Re: [External] Myon Burrell

Mr. Furnstahl—

The Panel doesn't exist anymore—it was a temporary group assembled for the purposes of this one report. Thus, there will not be a response to this request.

Mark Osler

Prof. Mark Osler  
Robert & Marion Short Distinguished Chair  
University of St. Thomas  
MSL 400  
1000 LaSalle Ave.  
Minneapolis MN 55403  
(651) 962-4852

**From:** "Furnstahl, Mike" <[Mike.Furnstahl@courts.state.mn.us](mailto:Mike.Furnstahl@courts.state.mn.us)>  
**Date:** Monday, May 3, 2021 at 2:55 PM  
**To:** "Osler, Mark W." <[mark.osler@stthomas.edu](mailto:mark.osler@stthomas.edu)>, "[jgassman-pines@greeneespel.com](mailto:jgassman-pines@greeneespel.com)" <[jgassman-pines@greeneespel.com](mailto:jgassman-pines@greeneespel.com)>  
**Subject:** [External] Myon Burrell

As you may recall, I was the prosecuting attorney for the re-trial of Myon Burrell. I am conducting a review of the report of the panel that addressed Mr. Burrell's conviction and sentence. In order to be thorough in work I would request that you provide me with the following information:

1. The names of other persons who were requested to appear before the panel but declined;
2. A copy of Dan Guerrero's PowerPoint presentation;
3. Copies of the 6 affidavits of persons that were presented to the panel;
4. Any recordings the panel made of witnesses that appeared before the panel;
5. If there were no recordings, the substance of the testimonies of the witnesses that appeared before the panel; and
6. A copy of Ms. Gassman-Pines' letter from November of 2020 inviting me to appear before the panel.

Thank you.

Sincerely,

Mike Furnstahl

## Exhibit 5

### AFFIDAVIT

Latosha Evans, who appeared before the undersigned notary public duly authorized to administer the oath, and after being sworn, states as follows:

1. My name is Latosha Evans. I am above the age of eighteen. I live at 929 Morgan Ave N, Apt A, Minneapolis, MN 55411. My phone number is 612-261-5110.
2. On November 22, 2002 at approximately 3:00 PM, I saw Myon Burrell near Cup Foods, located at 3759 Chicago Ave, Minneapolis, MN.
3. I met Myon when I was approximately 12 years old. At the time of November 2002, we had been friends for about four years.
4. While I was talking to Artaives Brown near Cup Foods, I saw Myon talking to Jillian Sully. We were all standing near each other when I heard gunshots.
5. I later learned these gunshots killed Tyesha Edwards.
6. I learned that Myon was charged with her murder approximately one month after it happened.
7. Since I had been with Myon at the time of the shooting, I expected police to interview me shortly after he was arrested. They never did.
8. No one from the prosecution or defense interviewed me before either of Myon's trials.
9. I heard rumors that the Edwards family wanted revenge. I was scared and I did not come forward for this reason.
10. I am coming forward now because I was only 16 years old in November 2002. Now, I am 33 and no longer live in that neighborhood.
11. I affirm under penalty of perjury that the information given herein is true and correct.

Sworn by me this 30<sup>th</sup> day of January, 2020.

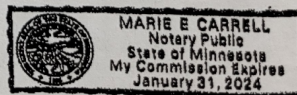
Latosha Evans

Sworn and subscribed to or affirmed before me this 30<sup>th</sup> day of January, 2020.

Marie E Carrell

Notary Public

My commission expires 1/31/2024





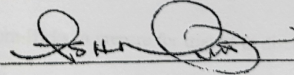
## Exhibit 6

### AFFIDAVIT

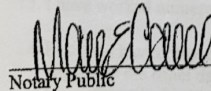
Asha Ouma, who appeared before the undersigned notary public duly authorized to administer the oath, and after being sworn, states as follows:

1. My name is Asha Ouma. I am above the age of eighteen. I live at 2211 Upton Ave, Minneapolis, MN 55411. My phone number is 612-221-5370.
2. On November 22, 2002 at approximately 3:00 PM, I saw Myon Burrell near Cup Foods, located at 3759 Chicago Ave, Minneapolis, MN.
3. In November 2002, I was 18 years old.
4. Although there were a lot of people near Cup Foods, I do not remember anyone specifically other than Myon.
5. I went to middle school with Myon's sister, Ianna Burrell, and knew Myon through her.
6. I remember talking to Myon while I was waiting for my food to be ready. While we were standing together, an ambulance and police cars drove by with their sirens on.
7. Within a few weeks, I learned that Myon had been arrested for the death of Tyesha Edwards and remembered Myon had been near Cup Foods talking to me when we saw the emergency response vehicles.
8. I do not remember who I spoke with, but I attempted to come forward years ago and explain that I had been with Myon near Cup Foods. I was told that it was too late to say anything.
9. I came forward now because I saw a Facebook post about Myon's case. I commented on it, and a reporter reached out to me.
10. I affirm under penalty of perjury that the information given herein is true and correct.

Sworn by me this 28 day of JANUARY, 2020.



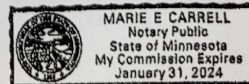
Sworn and subscribed to or affirmed before me this 28 day of January, 2020.



Notary Public

My commission expires

1/31/2024



# Exhibit 7

9/6/2005

## Hennepin County Adult Tracking System

Events By Booking Number

Booking 2005018181

<u>Event Date</u>	<u>Event Type</u>	<u>Destin</u>		<u>Entry Date</u>	<u>Entered By</u>
7/27/2005 08:53:06 IANNA BURRELL	VISA	P7M2	BURRELL, MYON	7/27/2005 08:53:06	TRENT JOVANOVI
7/30/2005 08:13:35 IANNA BURRELL	VISA	P7M2	BURRELL, MYON	7/30/2005 08:13:35	TRENT JOVANOVI
7/30/2005 08:14:27 JENNIFER ADAMS	VISA	P7M2	BURRELL, MYON	7/30/2005 08:14:27	TRENT JOVANOVI
8/1/2005 18:29:47 BERNICE RENFROE	VISA	A002	BURRELL, MYON	8/1/2005 18:29:47	JOHN WINKELMAN
8/1/2005 19:04:08 IANNA BURRELL	VISA	A002	BURRELL, MYON	8/1/2005 19:04:08	THUAN VUONG
8/1/2005 19:22:39 JENNIFER ADAMS	VISA	A002	BURRELL, MYON	8/1/2005 19:22:39	THUAN VUONG
8/3/2005 08:57:27 JENNIFER ADAMS	VISA	A002	BURRELL, MYON	8/3/2005 08:57:27	TRENT JOVANOVI
8/6/2005 08:38:10 JENNIFER ADAMS	VISA	A002	BURRELL, MYON	8/6/2005 08:38:10	JAMES SELLWOOD
8/8/2005 18:56:54 LATOSHA EVANS	VISA	P7M5	BURRELL, MYON	8/8/2005 18:56:54	ALFRED HONER

