

1 STATE OF MINNESOTA DISTRICT COURT
 2 COUNTY OF SCOTT FIRST JUDICIAL DISTRICT

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4 State of Minnesota,) File No. 70-VB-19-5703
 5)
 6 Plaintiff,) TRANSCRIPT OF PROCEEDINGS
 7 v.)
 8 John Thomas Myser, Jr.,)
 9 Defendant.)

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10 The above-entitled matter came duly on for
 11 hearing before the Honorable Paula D. Vraa, Scott County
 12 District Court Judge, in Courtroom 6 of the Scott County
 13 Courthouse, 200 Fourth Avenue West, Shakopee, Minnesota, on
 14 the 18th day of December, 2019.

15 MICHAEL HAYEK, Assistant Scott County
 16 Attorney, appeared on behalf of the State.

17 JOHN THOMAS MYSER, JR., appearing in the
 18 identity of the person John Thomas Myser, Junior.

19 CRAIG DUSKIN was present as Law Clerk.
 20 SHERRIN VANSTROM was present as Court Clerk.
 21 SHEILA G. SMITH was present as Court
 22 Reporter.

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1 (whereupon, the following proceedings were
2 duly had:)

3 THE COURT: Okay. So we are calling the
4 case of State of Minnesota versus John Thomas Myser,
5 Junior. This is Court File 70-VB-19-5703. We are set
6 for a court trial today. At the hearing on September
7 30th, 2019, the prosecutor chose to certify this as a
8 petty misdemeanor, which means it was going to be set
9 as a court trial, and so we're going to go forward
10 with that today, if we could have everybody who is
11 sitting at counsel table identify themselves, starting
12 with the State.

13 MR. HAYEK: Michael Hayek for the State.

14 THE COURT: Okay. And who are you, sir?

15 MR. MYSER: Good morning, ma'am. I am here
16 appearing in the identity of the person John Thomas
17 Myser, Junior. And if I said otherwise, I would be
18 lying.

19 THE COURT: Okay. Are you John Myser,
20 Junior?

21 MR. MYSER: I -- I am John Thomas Myser,
22 Junior, and I am appearing in the identity of the
23 person whose name is John Thomas Myser, Junior. And
24 if I claimed to be him, I would be lying. I am not
25 the person, ma'am.

1 THE COURT: Okay. So you are not John
2 Myser, Junior. Correct?

3 MR. MYSER: I am John Thomas Myser, Junior,
4 and I am appearing in the identity of the person John
5 Thomas Myser, Junior, but I am not the person -- I am
6 not the person John Thomas Myser, Junior.

7 THE COURT: Okay. Sir, are you aware that
8 the defendant, the person John Thomas Myser, Junior,
9 must attend his own court trial? Are you aware of
10 that?

11 MR. MYSER: Ma'am, I was given a notice to
12 appear by a police officer --

13 THE COURT: Answer the question. Are you
14 aware that John Thomas Myser, Junior, is required to
15 appear today for this trial?

16 MR. MYSER: That's right. That's what I'm
17 doing, ma'am. I am appearing --

18 THE COURT: Okay.

19 MR. MYSER: -- for the person John Thomas
20 Myser, Junior. But if I were to claim to be him, I
21 would be committing fraud and a lie, and I am not
22 going to lie in your court, ma'am.

23 THE COURT: So you are appearing for John
24 Thomas Myser, Junior, but you are not in fact John
25 Thomas Myser, Junior. Is that correct?

1 MR. MYSER: I am not in fact the person John
2 Thomas Myser, Junior, that's correct, ma'am.

3 THE COURT: Mr. Hayek, given the fact that
4 John Thomas Myser, Junior, the person, has not
5 appeared today, is there any relief you would request
6 in this case?

7 MR. HAYEK: If the individual sitting next
8 to me to my left is representing that John Thomas
9 Myser, Junior, who has been cited, is not present,
10 then that would be a failure to appear. If the person
11 sitting next to me is the same person who was cited,
12 then we can go forward.

13 THE COURT: Okay. So Mr. -- sir, whoever
14 you are, if you are the person John Thomas Myser,
15 Junior, then I will note that the defendant has
16 appeared and we'll proceed with the trial. If you
17 deny being John Thomas Myser, Junior, then I am going
18 to certify this as a conviction, I'm going to enter a
19 conviction, and I'm going to fine John Thomas Myser,
20 Junior, based upon the conviction -- based upon the
21 failure to appear and Criminal Rule 23.05.

22 So, sir, it's your time to say whether you
23 are John Thomas Myser, Junior, or not because if you
24 are not, then I am going to find that the defendant
25 has failed to appear and therefore a conviction should

1 be entered on this petty misdemeanor. Do you fully
2 understand what I'm offering here?

3 MR. MYSER: So are you deeming -- if I go
4 through and I state, ma'am, that I am appearing for
5 the person John Thomas Myser, Junior, as I was given
6 both notice by citation and by the court notice that
7 said I was to appear fully prepared, that I was to
8 appear fully prepared, so "appear" means seems to be
9 as opposed to reality, "appear" means to pretend to
10 be.

11 So when I come here and I am pretending to
12 be the person John Thomas Myser, Junior, is it not
13 true, ma'am, that then you will deem me to be the
14 person John Thomas Myser, Junior, by that act?

15 THE COURT: No. I need to hear it from you.
16 The last time we had a hearing, you said that you were
17 the attorney of record for John Thomas Myser, and I
18 told you you can't appear unless you're licensed as an
19 attorney in the state of Minnesota. So now I'm asking
20 you are you the defendant John Thomas Myser, Junior,
21 so we can move forward with the trial?

22 MR. MYSER: Ma'am, I am not going to lie. I
23 am -- are you asking -- are you attempting to induce
24 me to commit fraud here in court?

25 THE COURT: No, I'm just trying to figure

1 out whether the person, the defendant charged here, is
2 actually present. Is the defendant charged here
3 present, yes or no?

4 MR. MYSER: Ma'am, I'm not going to lie --

5 THE COURT: No. Say "yes" or "no."

6 MR. MYSER: Ma'am, I am appearing for the
7 defendant. I'm --

8 THE COURT: Okay. So you are not the
9 defendant?

10 MR. MYSER: I am not the defendant.

11 THE COURT: Okay. So I am going to enter a
12 guilty plea and a conviction against John Thomas
13 Myser, Junior. I'm going to impose a \$200 fine and an
14 \$88 surcharge. Pursuant to the rule, the conviction
15 will not be entered for ten days.

16 We are done here.

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STATE OF MINNESOTA)
COUNTY OF CARVER)

ss:

REPORTER'S CERTIFICATE

I, SHEILA G. SMITH, do hereby certify that I correctly reported in shorthand the proceedings as herein set out.

/s/ Sheila G. Smith
Sheila G. Smith, RPR
Court Reporter/Notary Public

Dated: December 18, 2019