

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Court File No. 27-CR-20-12953

State of Minnesota,

Plaintiff,

vs.

J. Alexander Kueng,

Defendant.

**DEFENDANT’S OBJECTION TO
STATES MOTION FOR UPWARD
DEPARTURE AND JURY QUESTIONS**

TO: THE HONORABLE PETER A. CAHILL, JUDGE OF HENNEPIN COUNTY DISTRICT COURT; AND KEITH ELLISON, ATTORNEY GENERAL OF MINNESOTA.

OBJECTION

J. Alexander Kueng, by and through Counsel, opposes the State’s Notice of Intent to Seek an Upward Sentencing Departure filed on August 28, 2020 and the State’s Proposed Jury Interrogatories for Aggravating Factors filed on October 12, 2020.

Counsel, without limitation, specifically objects to the State’s intent to use the factors of “particularly vulnerable” and “position of authority” as factors to seek an aggravated sentence.

Counsel objects to the State’s Proposed Jury Interrogatories for Aggravating Factors on the basis that many of the questions are redundant or are not relevant to the factors listed in Minn. Stat. § 244.10 subd. 5a.

Counsel requests that he can be heard on these issues only after this Court has determined whether Mr. Kueng will have a unitary or bifurcated sentencing jury.

Respectfully submitted,

Dated: October 15, 2020

/s/ Thomas C. Plunkett
Thomas C. Plunkett
Attorney License No. 260162
Attorney for Defendant
101 East Fifth St., Suite 1500
Saint Paul, MN 55101
Phone: (651) 222-4357