

**STATE OF MINNESOTA**

**DISTRICT COURT**

**COUNTY OF SCOTT**

**FIRST JUDICIAL DISTRICT**

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State of Minnesota,

Court File No.: 70-CR-21-10039

Plaintiff,

vs.

**VERDICT**

Alexis Saborit,

Defendant.

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The above-entitled matter came before the Honorable Caroline H. Lennon, Judge of District Court on January 25, 2023 at the Scott County Government Center for a Court Trial. Kristian Weir, Assistant Scott County Attorney, appeared on behalf of the State. Steve Bergeson, Attorney at Law, and Michelle McLean, Attorney at Law, appeared with and on behalf of Defendant Alexis Saborit (“Defendant”). Defendant has been charged with Murder in the First Degree in violation of Minn. Stat. § 609.185(a)(1). The parties agreed to submit the matter for a determination of guilt based entirely on stipulated evidence pursuant to Minn. R. Crim. P. 26.01, subd. 3. Defendant waived his right to a jury trial and agreed to submit the matter to the Court based on stipulated exhibits.

The stipulated evidence consists of the following exhibits:

- CRT001: Audio of 911 call from Stephanie Stuwe
  - CRT001A: Transcript of 911 call from Stephanie Stuwe
- CRT002: Audio of 911 call from unidentified male
  - CRT002A: Transcript of 911 call from unidentified male
- CRT003: Audio of 911 call from Annastoshia Letourneau
  - CRT003A: Transcript of 911 call from Annastoshia Letourneau
- CRT004: Autopsy report of America Thayer from Hennepin County Medical Examiner; Bates 256-272
- *(CRT005) Bureau of Criminal Apprehension reports*
  - CRT005A: Master Case Report
  - CRT005B: Laboratory Analysis Request; Bates 97-98

- CRT005C: Lab Report 1; Bates 234-235
- CRT005D: Lab Report 2; Bates 236-237
- CRT005E: Lab Reports 3, 4 & 5; Bates 238-247
- CRT005F: Lab Reports 6 & 7; Bates 248-253
- CRT005G: Lab Report 8; Bates 508-510
- CRT005H: Lab Report 9; Bates 511-512
- CRT005I: Lab Report 10; Bates 513-514
- *(CRT006): Police Reports*
  - CRT006A: Officer T.J. Baker Supplemental Report 07/28/2021; Bates 9-10
  - CRT006B: Officer Taylor Stockmann Supplemental Report 07/28/2021; Bates 11
  - CRT006C: Officer Alexander Johnson Supplemental Report 07/28/2021; Bates 12-13
  - CRT006D: Sergeant Nordtvedt Supplemental Report 07/29/2021; Bates 20-23
  - CRT006E: Sergeant John Buetow Supplemental Report 07/29/2021; Bates 25-27
  - CRT006F: Officer Michelle Schmidt Supplemental Report 07/29/2021; Bates 28
  - *(CRT006G): Sergeant Jamie Pearson Reports*
    - CRT006G: Supplemental Report 07/29/2021; Bates 29-31
    - CRT006G(2): Follow-Up Report 07/29/2021; Bates 35-36
    - CRT006G(3): Follow-Up Report 08/02/2021; Bates 85-88
    - CRT006G(4): Follow-Up Report 08/13/2021; Bates 194
    - CRT006G(5): Follow-Up Report 03/03/2022; Bates 515-517
    - CRT006G(6): Follow-Up Report 05/11/2022; Bates 523-524
    - CRT006G(7): Correspondence to Defendant 10/17/2022; Bates 535
  - *(CRT006H): Detective Jim Blatzheim Reports*
    - CRT006H: Follow-Up Report 07/29/2021; Bates 32-34
    - CRT006H(2): Follow-Up Report 08/06/2021; Bates 183-192
    - CRT006H(3): Follow-Up Report 08/23/2021; Bates 221-222
  - *(CRT006I): Detective Phil Sendelbach Reports*
    - CRT006I: Follow-Up Report 07/29/2021; Bates 37-39
    - CRT006I(2): Follow-Up Report 07/30/2021; Bates 89-90
    - CRT006I(3): Follow-Up Report 08/20/2021; Bates 223-225
  - CRT006J: Deputy Aszmann Supplemental Report 07/28/2021; Bates 79
  - CRT006K: Deputy Olson Incident Report 07/28/2021; Bates 80-81
  - CRT006L: Officer Beau Johnson Initial Report 07/29/2021; Bates 95
  - *(CRT006M): Detective Corey Schneck Reports*
    - CRT006M: Follow-Up Report 03/28/2022; Bates 518-522
    - CRT006M(2): Follow-Up Report 05/12/2022; Bates 525
    - CRT006M(3): Follow-Up Report 05/23/2022; Bates 526
    - CRT006M(4): Follow-Up Report 05/23/2022; Bates 526-533

- *(CRT007): Audio Recording of Defendant's Statement to Police 07/28/2021*
  - CRT007(1)
  - CRT007(2)
- CRT008: Audio Recording of Statement of Craig Tarvis
- CRT009: Audio Recording of Statement of Roy Etienne
- *(CRT010): Audio Recording of Statement of Veniamin Jurjiu*
  - CRT010A
  - CRT010B
  - CRT010C
- CRT011: Video from Sergeant Jamie Peterson's Body-worn Camera
- *(CRT012): Photographs*
  - CRT012A: Car door open on passenger side of vehicle at the scene
  - CRT012B: Passenger side of vehicle car door closed at the scene
  - CRT012C: Items collected at the scene with markers
  - CRT012D: Small knife collected at the scene, marked 5
  - CRT012E: Grey tennis shoe collected at scene, marked 8
  - CRT012F: Items collected at the scene with markers
  - CRT012G: Machete handle seen hidden in a bush
  - CRT012H: Machete held in front of bush
  - CRT012I: Close up of machete handle
  - CRT012J: Close up of machete blade
  - CRT012K: Passenger seat of vehicle
  - CRT012L: Autopsy image of head wound
  - CRT012M: Autopsy image of head wounds
  - CRT012N: Autopsy image of right hand
  - CRT012O: Autopsy image of left hand
  - CRT012P: Autopsy image of abrasion on hand
  - CRT012Q: Autopsy image of abrasions on leg, ankle
  - CRT012R: Autopsy image of abrasion on hand
  - CRT012S: Image of the deceased's body on the ground by the vehicle at the scene
  - CRT012T: Driver side of the vehicle at the scene
  - CRT012U: Interior of the driver's seat of the vehicle at the scene
  - CRT012V: Machete sheath in the yard of adjacent property
  - CRT012W: Shoe and trash in the interior of vehicle
  - CRT012X: Trash Bin
  - CRT012Y: 8-pound hand weight, marked 16
  - CRT012Z: Close up of hair and blood on hand weight
- *(CRT013): Transcript of Defendant's Statement to Police 07/28/2021*
  - CRT013(1)
  - CRT013(2)

The Court received the State's written closing argument on February 8, 2023. The Defense submitted their written closing argument on March 7, 2023. The State submitted

a written rebuttal on March 13, 2023. The transcription of Defendant's statement to police was submitted on May 8, 2023. After review of the stipulated evidence submitted to the Court, the Court makes the following:

### **FINDINGS OF FACT**

1. On July 28, 2021, Alexis Saborit, Defendant herein, was scheduled to appear for a court hearing before the district court at the Scott County Government Center at 1:00 p.m.
2. Around 2:00 p.m., Defendant and his significant other, America Mafalda Thayer ("Thayer"), met with a friend, Veniamin Zurjiu ("Zurjiu"), at Memorial Park in Shakopee. Thayer picked Zurjiu up in her Chrysler 300 sedan. Thayer was driving, Defendant was seated in the back seat, and Zurjiu was seated in the front passenger seat. Zurjiu reported Thayer was crying because the Defendant was refusing to go to his court hearing. Thayer told Defendant that if he did not show up, he would be arrested. The pair began arguing in Spanish before Defendant told Zurjiu to leave the car. Zurjiu believed the Defendant had agreed to go to the hearing and thought things "seemed fine" between Thayer and Defendant. Zurjiu estimated he was in the vehicle for about five minutes.
3. At 2:31 p.m., Stephanie Stuwe. called 911 and reported that a male "pulled a body out of his car and it has no head" at the intersection of 4<sup>th</sup> Avenue and Spencer Street in Shakopee, Scott County, Minnesota. Stuwe said the male got out of the car, was chopping at something in the car with a huge knife, tossed the knife into the grass, took what looks like a head with hair out of the car, threw it on the ground, and then pulled the body out of the car. Stuwe saw the male heading

eastbound down an alleyway. She described the male as wearing a white t-shirt and hat.

4. Witness Alexis Prull was inside her home near the intersection of Fourth Avenue and Spencer Street and saw an adult male walk from the driver's side of the vehicle to the front passenger door, pull a female body out of the passenger seat by the ankles and throw the female's head on the ground.
5. A witness, David Johnson, told police he had driven through the 4<sup>th</sup> Avenue and Spencer Street intersection and saw a male outside of a stopped vehicle pounding something with what Johnson believed to be a dumbbell weight. Johnson drove past the intersection again a few minutes later and saw a body with a severed head lying next to the vehicle.
6. Anastoshia Letourneau called 911 and reported that she saw the male who "just did the stabbing" running and jump a fence near a school in the area of Spencer Avenue, 10<sup>th</sup> Avenue, and Vierling Road. Letourneau said the male was wearing a white shirt and said his hands looked reddish, like they had liquid on them.
7. Law enforcement dispatched to the scene observed a Chrysler 300 sedan with the front doors open stopped in the street. A decapitated female body was lying on the ground by the passenger door of the vehicle. A head with wavy blonde hair was on the ground approximately two feet from the body. The body was clothed in white jeans. A shirt and bra were on the ground a few feet from the body. A pair of women's shoes were found near the driver side door of the vehicle. The deceased was identified as Thayer.

8. In the front passenger seat of the vehicle, there was a substantial amount of blood pooled on the seat and a series of slash marks in the fabric of the backrest. There was visible blood splatter on the inside and outside of the passenger side pillar. A dumbbell was found on the front passenger floorboard with blood stains and clumps of human hair similar to Thayer's hair.
9. A machete-style knife sheath was discovered in the yard of a property adjacent to the intersection. In a recycling bin in the alley behind 4<sup>th</sup> Avenue, a white shirt and white shoes with blood stains, and a knife were recovered.
10. Police located Defendant walking along the train tracks at Highway 101 and Shenandoah Parkway in Shakopee. Defendant was wearing a black shirt, black jeans, black shoes, black hat, and carrying a black backpack. Law enforcement arrested Defendant without incident.
11. At the police station, the Defendant was Mirandized and gave a statement to Shakopee Police through a Spanish interpreter. Defendant spoke about Thayer's death and made claims of abuse and deceit against Thayer. Defendant made the following statements through the interpreter regarding the incident:
  - a. "We we were going to the car, because I I had a had a court today" (CRT013(1), pg. 10), "she was just saying that she wanted to get rid of me... she ended my life" (pg. 10), "we went just to the park after that, after the buffet, to see a friend of hers and then we left. And the only thing she kept saying is that she wanted to get rid of me, but she didn't want to have anything to do with me anymore" (pg. 15).

- b. When asked what he did to Thayer, the Defendant said, “I was really mad at that moment and I can’t remember exactly”(pg. 37), “it was on her neck but I don’t remember” (pg. 38), “we have an argument and that’s what happened” (pg. 39), “I hurt her I I wounded her” (pg. 39), “I pulled her and she tried to defend herself because she had a wound in her neck” (pg. 39), “I dragged her out of the car and the head like disjointed because of the wound in her neck but I was remembering the things that she did with my eye and my heart” (pg. 40). When asked if he killed her in the car, Defendant said “yes as we were going to the court it was in self-defense” (pg. 35).
- c. Defendant was asked about the knife used, he said “it’s a small one I bought it awhile ago” (pg. 26). The Defendant was unsure of the knife’s location, saying “I don’t know where it’s ah where it ended up falling ah if it’s not in the car I don’t know where it fell ah but it should be in the car” (pg. 25).
- d. When asked why Thayer was not wearing a shirt, Defendant said he thought it had been torn off. Police inquired about the Defendant’s clothing, and he said he believed the shirt he was wearing when he killed Thayer had been torn as well. When asked if he had changed or cleaned up after killing Thayer, Defendant said “no I don’t remember getting stained by blood” (pg. 45) and said he had “a pullover and a shirt” (pg. 46) that were in his backpack and “[Thayer] told me that that I should change because I was going to the court.” (pg. 46). Defendant first said his clothes “should be inside of the car along with the knife” (pg. 43) and denied placing items in a trash can, saying “In a trash can? ... No, I don’t remember exactly there was

a trash can there. I can't remember it." (pg. 48). Defendant later admitted placing items in a trash can and indicated he did so to hide the items from Thayer, "for what she did to me" (pg. 50).

- e. When asked if he was trying to get away from the police, Defendant said "No... No I just want to take a seat so I can cry out." (pg. 45). Throughout the statement, Defendant expressed little remorse, saying "I am fine now I don't think I will be hurting anyone else because ah I I I'd been carrying with that ah ah for a long time already... she kept saying that she's was going to get rid of me" (pg. 26) and "I'm tired of all this and I'm [inaudible] I'm regretful. But at the same time, I'm not." (pg. 52). Police explicitly asked if the Defendant did 'the bad thing' because she wanted to get rid of him. Defendant answered, "Because of everything she did to me... if I did that again I will do it again." (pg. 28).
12. Defendant said he and Thayer had been in a relationship for multiple years and were currently living together at the Travelodge. Regarding his relationship with Thayer, the Defendant stated, "it's so bad... I don't know who she is" (pg. 6), and "I love her as a woman but she he was a man" (pg. 37). Defendant accused Thayer of various offenses, stating at different times throughout the interview, "she sent someone to to uh kill me and uh everything everything was uh was very bad" (pg. 11), "she was also killing me with the food and when I was going to sleep uh I would wake up with uh oh ah a too much uh burn down my throat and like she was putting something in my throat while I was sleeping along with her {thump} semen" (pg. 11), "they put two equipment inside and they talk uh behind my ear and they



put something behind there and inside the ear and also into my nose and that's how they removed the the equipment that she had" (pg. 15). Defendant claimed he was injured in his chest and when police asked to see the wound he said "no at this moment you can't see it because they use a spray to seal the wound" (pg. 41), and "these marks that I have is that because that they put some things inside me because I feel ... something is ticking inside this wound" (pg. 42).

13. On July 29, 2021, a machete was discovered in the garden of a property at the intersection, the same property where the sheath was located. The machete matched the sheath in size and shape.

14. The recovered machete, dumbbell, and clothing were sent to the Bureau of Criminal Apprehension for testing. Stains on the white shirt and white shoes found in the recycling bin were determined to be Thayer's blood. Blood on the machete blade and dumbbell also matched Thayer's DNA profile.

15. Dr. Anna K. Tart of the Hennepin County Medical Examiner's Office completed an autopsy on Thayer and determined the immediate cause of death to be decapitation with multiple sharp and blunt force injuries. Thayer had multiple lacerations on the left side of her skull. Dr. Tart discovered hemorrhaging, fractures, and the pulpification of the skull and significant damage to the brain tissue on the left side of her skull consistent with the lacerations. Thayer also had abrasions to the face, scalp, shoulder, leg, and ankle.

16. Charles Thayer, Thayer's adult son, told police the Defendant was physically abusive towards Thayer throughout their relationship.

17. Thayer's friend and co-worker, Miranda Jimenez, told police she witnessed Defendant and Thayer frequently argue. She described them both as jealous and controlling. Jimenez believed Defendant would kill Thayer and told Thayer multiple times she needed to get away from him.
18. Felix Fournier knew Defendant and Thayer for three years prior to the incident. About four months prior to the incident, Thayer told him she was "tired" of Defendant. Fournier believed Thayer was trying to leave Defendant.
19. Zurjiu witnessed Defendant and Thayer argue many times and described one occasion where Defendant retrieved a baseball bat and held it to Thayer's head. Thayer was employed and financially provided for the Defendant, but Defendant maintained control of the money. Zurjiu said Thayer was afraid of Defendant and she frequently told Zurjiu that she was "scared she won't wake up in the morning". A week before the murder, Thayer told Zurjiu she was scared of the Defendant "all the time" and wanted the Defendant to be incarcerated so she could get away from him. Previously in the relationship, Thayer had rented an apartment without the Defendant's knowledge, "so she had somewhere to escape to".<sup>1</sup>
20. Defendant and Thayer had been residing in the Travelodge hotel in Shakopee at the time of the incident.
21. Travelodge resident Michael Franks saw Defendant displaying a large "jungle knife" three or four days prior to the incident that he carried in a sheath on his waist

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<sup>1</sup> Evidence pertaining to the history of Defendant's relationship with Tayer is admissible as prior relationship evidence pursuant to MINN. STAT. § 634.20. Hearsay within those accounts were presented as part of the stipulated record without objection from the defense.

or leg. Defendant usually carried a backpack and Franks said he noticed it appeared more full than usual on the day before the incident.

22. Travelodge resident Craig Tarvis saw Thayer on the morning of the incident leave her room holding a pair of boots that appeared to belong to the Defendant. Tarvis heard Thayer tell someone inside the room that they needed to leave.

23. Travelodge resident Gary Schmalz spoke with the Defendant three or four days prior to the incident. Defendant showed him a machete knife in a sheath on his leg. Schmalz said the Defendant was excited about the knife. Schmalz offered to sharpen it and Defendant agreed. Schmalz told police there were rumors at the Travelodge that Thayer was planning to end the relationship with Defendant.

24. Travelodge resident Roy Etienne heard Thayer say she and the Defendant had been fighting because the Defendant believed he was going to be deported and she did not intend to go with him to Cuba. A few days before Thayer's death, Etienne asked Defendant where Thayer was, and the Defendant replied, "I cut her head off".

25. On September 16, 2021, Defendant was indicted for the First-Degree Murder of Thayer.<sup>2</sup>

### **CONCLUSIONS OF LAW**

1. Under Minnesota law, a person causing the death of another person with premeditation and with the intent to effect the death of another is guilty of the crime of murder in the first degree. MINN. STAT. § 609.185(a)(1).

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<sup>2</sup> Defendant is also charged with the lesser included offense of Second-Degree Murder.

2. To find Defendant guilty of the charge, the State must prove each element of the offense beyond a reasonable doubt. The elements of murder in the first degree are: (1) the death of Thayer; (2) the Defendant caused her death; (3) the Defendant acted with the intent to effect her death; (4) the Defendant acted with premeditation; and (5) the incident occurred in Scott County on July 28, 2021. See Murder in the First Degree – Premeditation – Elements, 10 Minn. Prac., Jury Instr. Guides – Criminal CRIMJIG 11.02 (6<sup>th</sup> ed., 2022).
3. The Defense requested the Court adopt a modified jury instruction for the definition of premeditation that qualifies the time between the formation of intent and the carrying out of the act as an ‘appreciable amount of time’ and adds language to include that the defendant deliberated the act during that time. In this analysis, the Court is following the standard jury instructions and relevant case law.

*I. Defendant caused Thayer’s death.*

4. The Court finds proof beyond a reasonable doubt that Defendant caused the death of America Thayer based on credible evidence. Zurjiu saw Thayer alive with Defendant in her Chrysler 300 sedan at about 2:00 p.m. in Shakopee’s Memorial Park. Approximately 30 minutes later, multiple witnesses saw a man attacking a woman in a Chrysler 300 sedan in the intersection of Spencer Street and Fourth Avenue in Shakopee, roughly a mile from Memorial Park. Johnson saw a man standing outside of the open passenger door striking the victim with a hand weight. Stuwe saw the man chopping at the front passenger seat with a large knife and then pull a decapitated body and severed head out of the vehicle. Johnson drove by again and saw a body and severed head on the ground outside of the vehicle.

Witness descriptions of the attacker match the Defendant. A hand weight with Thayer's blood and clumps of hair similar in appearance to Thayer's was found on the front passenger floorboard.

5. The Defendant was known to carry a sheathed machete consistent with the machete and sheath recovered from the yard near Thayer's body. Witnesses reported Defendant making threats or comments related to decapitation on prior occasions. Thayer's autopsy showed that along with the decapitation, she suffered multiple skull fractures with hemorrhaging and pulpification of brain tissue in the lower back of her head. DNA evidence matching Thayer's profile was found on the machete and hand weight. In a post-Miranda statement to police, Defendant admitted to killing Thayer.<sup>3</sup>

## II. Defendant intended to kill Thayer.

6. The Court finds beyond a reasonable doubt that Defendant intended to kill Thayer. Intent means that the actor either has a purpose to do the thing or cause the result specified or believes that the act, if successful, will cause that result. MINN. STAT. § 609.02, subd. 9(4). Intent is generally proved circumstantially by drawing inferences from the defendant's words or actions in light of the totality of the circumstances. *State v. Clark*, 739 N.W.2d 412, 422 (Minn. 2007). Intent to cause death can be inferred from the nature and extent of the victim's wounds and the nature of the killing. See *Nelson v. State*, 880 N.W.2d 852, 860 (Minn. 2016), *State*

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<sup>3</sup> Defendant has been subject to a Rule 20.02 evaluation related to his state of mind at the time of the incident. Statements given in those evaluations differ from his statements made to police of the day of the murder. Any issues related to Defendant's state of mind and resulting culpability will be addressed in the second half of the bifurcated proceeding.

*v. Young*, 710 N.W.2d 272, 278 (Minn. 2006) *citing State v. Darris*, 648 N.W.2d 232, 236 (Minn. 2002).

7. The Defendant used a dumbbell to strike Thayer in the head and a machete to decapitate her. Thayer's injuries were almost entirely focused on the head and neck area. The Defendant struck Thayer with enough force and frequency to cause significant trauma to her skull and brain tissue and successfully sever her head from her body at the neck. The nature of the assault is proof of the Defendant's intent to cause Thayer's death.

III. Defendant acted with premeditation.

8. The Court finds beyond a reasonable doubt that Defendant acted with premeditation. Premeditation means to consider, plan or prepare for, or determine to commit, the act prior to its commission. MINN. STAT. § 609.18. Like intent, premeditation is a state of mind and is generally proven by drawing inferences from the defendant's words and actions before and after the incident. *Clark*, 739 N.W.2d at 422. Premeditation requires some amount of time to pass between the formation of the intent and the carrying out of the act, however it does not require proof of extensive planning or preparation to kill, nor does it require any specific period of time for deliberation. *Id. quoting State v. Moore*, 481 N.W.2d 355, 360 (Minn. 1992), *State v. Cooper*, 561 N.W.2d 175, 180 (Minn. 1997). The Minnesota Supreme Court has identified three categories of evidence that are important in determining premeditation; (1) "facts about how and what the defendant did prior to the actual killing which show he was engaged in activity directed toward the killing, that is planning activity"; (2) "facts about the defendant's prior relationship

and conduct with the victim from which motive may be inferred”; and (3) “facts about the nature of the killing from which it may be inferred that the manner of killing was so particular and exacting that the defendant must have intentionally killed according to a preconceived design”. *Moore*, 481 N.W.2d at 361. The evidence as a whole may support a finding of premeditation even if no single piece of evidence standing alone would be sufficient. *Id.* Courts also consider a defendant’s actions following a killing when determining whether there was premeditation. *State v. Cox*, 884 N.W.2d 400, 412 (Minn. 2016).

9. Prior possession of the murder weapon can lead to an inference of premeditation. *State v. Goodloe*, 718 N.W.2d 413, 419 (Minn. 2006). In the days and weeks before Thayer’s death, multiple people saw the Defendant ‘showing off’ his machete and carrying it on his person. Also prior to the incident, Defendant told Etienne that he ‘cut her fucking head off’, referring to Thayer. While this statement is not direct evidence of Defendant’s intent, it is probative of the Defendant’s mind set and feelings towards Thayer in the time period immediately preceding her death. Defendant told police he brought the machete with him that day to ‘protect himself’ from Thayer.
10. Evidence of motive strengthens a finding that the defendant deliberated over his actions and weakens the argument that the killing was spontaneous. *State v. Peterson*, 910 N.W.2d 1, 8 (Minn. 2018). Motive evidence that is relevant in determining premeditation includes prior threats by the defendant, evidence that defendant was jealous, controlling, and abusive, evidence that the defendant’s relationship with the victim had deteriorated and that defendant was angry with the

victim, plans or desires of the defendant that would be facilitated by the death of the victim, and prior conduct of the victim known to have angered the defendant. See *State v. Munt*, 831 N.W.2d 569 (Minn. 2013), *State v. Ortega*, 813 N.W.2d 86 (Minn. 2012), *State v. Moore*, 846 N.W.2d 83 (Minn. 2014). Defendant and Thayer's relationship was tumultuous and marked by frequent arguments and accusations of abuse. Defendant was known to physically assault Thayer and Thayer told multiple people she was scared of Defendant. Defendant accused Thayer of insulting him and alleged that she poisoned his food, raped him, and put cameras in his body. In the days preceding the incident, the relationship was especially fraught. Thayer wanted to end the relationship, and Defendant knew she wanted to 'get rid of him'.

11. Courts consider the number of wounds inflicted, infliction of wounds to vital areas, and passage of time between infliction of wounds to determine whether the nature of the killing supports premeditation. *State v. Balandin*, 944 N.W.2d 204, 215 (Minn. 2020). The Defendant's assault of Thayer was brutal and vicious. The Defendant struck Thayer in the skull multiple times "pulpifying" the brain tissue and slashed her neck with enough force and frequency to completely separate her head from her body. The Defense argues that a finding of premeditation requires the Defendant to have deliberated for an 'appreciable amount of time'. Notably, the Defendant used both an 8-pound dumbbell and a machete during his assault. The Defendant's decision to put down the dumbbell and use the machete is evidence of a deliberate mental thought process. See *Id.* at 214 (holding that the use of multiple weapons supports an inference of premeditation and deliberation). The



blows were directed at Thayer's head and neck. *State v. Palmer*, 803 N.W.2d 727, 736 (Minn. 2011) *citing State v. Anderson*, 789 N.W.2d 227, 242 (Minn. 2010) ("An indication that a shooter took careful aim at the victim may also indicate premeditation.").

12. After the murder, the Defendant's actions in fleeing the scene, disposing of the murder weapon and other evidence in separate locations, and changing his clothing show the Defendant's consciousness of guilt.

IV. Defendant's act occurred on July 28, 2021, in Scott County, Minnesota.

13. Based on the stipulated evidence, the Court finds that the State has proven beyond a reasonable doubt that the Defendant intentionally killed Thayer with premeditation on July 28, 2021 in Scott County, Minnesota.

**ORDER**

1. Defendant is hereby found **GUILTY** of the felony count of Murder – 1<sup>st</sup> Degree – Premeditated in violation of Minn. Stat. § 609.185(a)(1).
2. This matter shall be set for a **Review Hearing on June 1, 2023 at 1:00 p.m.** at the Scott County Government Center before the undersigned.

**BY THE COURT:**

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Caroline H. Lennon  
Judge of District Court