

1 STATE OF MINNESOTA
2 COUNTY OF KANDIYOHI

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT

3
4 State of Minnesota,

5 Plaintiff,

GUILTY PLEA

6 vs.

34-CR-24-341

7 Nicholas Robert Rekieta,

8 Defendant.

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11 The above-entitled matter came on for hearing
12 before the Honorable Stephen J. Wentzell, Judge of
13 District Court, on January 24, 2025, at the Kandiyohi
14 County Courthouse, Willmar, Minnesota.

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16 **APPEARANCES:**

17 Kristen Pierce, First Assistant County Attorney,
18 appeared on behalf of the Plaintiff.

19 Brian Lewis, Attorney at Law, appeared on behalf of
20 the Defendant.

21 Nicholas Robert Rekieta, the Defendant, was
22 personally present.
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1 (Whereupon, the following proceedings
2 were duly had:)

3 THE COURT: The Court will call Court
4 File 34-CR-24-341, State of Minnesota versus
5 Nicholas Rekieta. And, sir, your name?

6 MR. LEWIS: Brian Lewis, Your Honor, on
7 behalf of Nicholas Rekieta.

8 THE COURT: And your -- how do I
9 pronounce your last name again?

10 MR. LEWIS: Lewis.

11 THE COURT: Lewis, Sorry.

12 MR. LEWIS: No problem.

13 MS. PIERCE: Kristen Pierce appears on
14 behalf of the State of Minnesota.

15 The matter is set for a plea hearing here
16 today. Counsel, is that how we're going forward on
17 this matter today.

18 MR. LEWIS: Yes, Your Honor.

19 THE COURT: And if you could please
20 indicate what the terms of the agreement are.

21 MR. LEWIS: Your Honor, my client will
22 plead guilty to an amended charge of drug
23 possession, third degree, in violation of Minnesota
24 Statutes 152.023, subdivision 2(1), a statutory
25 stay of adjudication pursuant to Minnesota Statutes

1 152.18. The remaining terms of the sentence is at
2 the Court's discretion. The State will drop all
3 other char -- will dismiss all other charges. The
4 State will also dismiss the file number 32 --
5 34-CR-24-342 against Kayla Rekieta and the -- will
6 also dismiss the case against April Imholte. And
7 those are the terms, Your Honor.

8 THE COURT: Is that the agreement of the
9 State?

10 MS. PIERCE: It is, Your Honor. The
11 statutory citation just is subdivision 2(a)(1).
12 And then the penalty would be subdivision 3(a).

13 THE COURT: What is the maximum sentence
14 again?

15 MS. PIERCE: 20 years or a payment of a
16 \$250,000 fine.

17 I also have the court file number for Ms.
18 Imholte's case if the Court would like that.

19 THE COURT: And that number?

20 MS. PIERCE: 34-CR-24-487.

21 THE COURT: Will that be dismissed at the
22 time of plea or at sentencing?

23 MS. PIERCE: This -- It would be the
24 State's intention to do it at the time of
25 sentencing, Your Honor.

1 THE COURT: All right.

2 Mr. Rekieta, is this your agreement?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: So here's how we'll proceed.
5 I'm going to place you under oath. I have some
6 additional questions for you before we continue
7 after which your attorney is going to go through a
8 waiver of rights with you and finally I'll have
9 some -- ask you some questions about what occurred
10 in this matter.

11 Would you please stand and raise your right
12 hand at this time.

13 NICHOLAS REKIETA;
14 having been first administered an oath,
15 was examined and testified as follows:

16 THE COURT: Thank you. You can have a
17 seat again.

18 This is your voluntary decision here today?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Other than this agreement, has
21 there been any other threats or pressure to get you
22 to go along with this?

23 THE DEFENDANT: No.

24 THE COURT: So I'm going point out, this
25 is a package deal and the Court's required to ask

1 you just some additional questions or make sure
2 that there's no additional coercion or this isn't
3 the only factor why you're pleading guilty here to
4 dismiss cases against others.

5 No one's coerced you into doing this; is that
6 correct?

7 THE DEFENDANT: Correct, Your Honor.

8 THE COURT: This is your voluntary
9 decision?

10 THE DEFENDANT: Yes.

11 THE COURT: This is not the -- just the
12 sole basis of pleading guilty for the dismissal of
13 other individuals' files?

14 THE DEFENDANT: No, Your Honor.

15 THE COURT: You're pleading guilty
16 because you believe you're guilty of this offense?

17 THE DEFENDANT: Yes.

18 THE COURT: All right. You're thinking
19 clearly to enter into an agreement today?

20 THE DEFENDANT: Yes.

21 THE COURT: You're not under the
22 influence of any type of medicines, drugs, alcohol,
23 or any substance?

24 THE DEFENDANT: Correct.

25 THE COURT: Do you have any initial

1 questions for me about this agreement?

2 THE DEFENDANT: No.

3 THE COURT: Do you understand that up
4 until I accept your agreement here today you can
5 withdraw from it, but once I accept your agreement
6 it will be difficult for you to change your mind or
7 to withdraw from it in the future?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Your date of birth, just to
10 verify, is December 16, 1981, and you are a U.S.
11 citizen; is that correct?

12 THE DEFENDANT: Yes.

13 THE COURT: Counsel.

14 MR. LEWIS: Thank you, Your Honor.

15 EXAMINATION

16 BY MR. LEWIS

17 Q Mr. Rekieta, you have signed a plea petition to
18 plead guilty; is that correct?

19 A Yes.

20 Q And that's the petition you're currently looking at
21 now; is that correct?

22 A Yes.

23 Q And, Mr. Rekieta, to be clear you've -- you've been
24 told by your attorneys and you understand that if
25 you wish to plead not guilty you're entitled to a

1 trial by a jury on the issue of guilt and that all
2 jurors would have to agree you were guilty before
3 the jury could find you guilty?

4 A Yes.

5 Q And you understand that if you plead guilty you
6 would -- you will not have a trial by either a jury
7 or a judge without a jury?

8 A Yes.

9 Q And with knowledge of your right to a -- to a trial
10 on the issue of guilt, you waive your right to a
11 trial?

12 A Yes.

13 Q You also have been informed by your attorney and
14 you understand that if you wish to plead not guilty
15 and have a jury -- a trial by a jury or trial by a
16 judge, you would be presumed innocent until your
17 guilt is proved beyond a reasonable doubt?

18 A Yes.

19 Q And you understand that if you wish to plead not
20 guilty and have a trial, the prosecutor would be
21 required to have the witnesses testify against you
22 in open court in your presence and that you would
23 have the right through your attorney to question
24 these witnesses?

25 A Yes.

1 Q And you understand that with that -- with knowledge
2 of that right to have the prosecution's witness
3 testify against you in open court and in your
4 presence and questioned by your attorney that you
5 now waive that right?

6 A Yes.

7 Q And you understand that if you wish to plead not
8 guilty and have a trial you would be entitled to
9 require any witnesses you think are favorable to
10 you to appear and testify at that trial; correct?

11 A Yes.

12 Q And that with knowledge of your right to require
13 favorable witnesses to appear and testify that you
14 waive this right?

15 A Yes.

16 Q You also understand that if there was any previous
17 criminal history or criminal convictions those
18 could possibly lead to a longer prison sentence?

19 A Yes.

20 Q You also heard the plea agreement that was entered
21 earlier and you understand those to be the terms;
22 correct?

23 A Correct.

24 Q You also understand that no one has made any
25 promises outside of the plea petition that you have

1 signed; correct?

2 A Correct.

3 Q You also understand that if your plea of guilty is
4 for any reason not accepted by the Court or if you
5 withdraw the plea with the Court's approval or the
6 plea is withdrawn by the Court, either by court
7 order or on appeal review, you would then stand
8 trial on the original charges?

9 A Yes.

10 Q And you would under -- you understand that the
11 prosecution could plead -- could proceed against
12 you just as if there had been no plea of guilty or
13 no plea agreement?

14 A Yes.

15 Q And you understand that if the plea of guilty is
16 accepted by the judge, you would have a right to
17 appeal but that any appeal claiming error would
18 probably be useless and a waste of your time and
19 the Court's time?

20 A Yes.

21 Q And you -- you understand, of course, that the
22 Judge will not accept a plea of guilty from anyone,
23 including you, who claims to be innocent?

24 A Yes.

25 Q And you're not making any claim of innocence?

1 A Correct.

2 Q And you understand that if there was a trial you
3 could testify, but only at your sole discretion,
4 and that no one could pressure you to testify?

5 A Yes.

6 Q You understand that if you decided to -- not to
7 testify, no one, neither the prosecutor, judge nor
8 me, could comment on your failure to testify?

9 A Yes.

10 Q And that with knowledge of your rights to testify,
11 knowing that people could not coerce you or
12 pressure you in any way, you give up your right and
13 will tell the judge the facts of the crime?

14 A Yes.

15 MR. LEWIS: Your Honor, sufficient for a
16 legal basis?

17 THE COURT: It is. You are offering the
18 petition?

19 MR. LEWIS: I am offer the petition, Your
20 Honor.

21 THE COURT: Any objection?

22 MS. PIERCE: No, Your Honor.

23 THE COURT: It will be received.

24 MR. LEWIS: Thank you, Your Honor.

25 Permission to approach?

1 THE COURT: You may.

2 (Mr. Lewis approached the bench with the
3 plea petition.)

4 THE COURT: Thank you, sir.

5 Do you have any questions for me about any of
6 the rights you're waiving by pleading guilty here
7 today?

8 THE DEFENDANT: No, Your Honor.

9 THE COURT: Do you now wish to waive your
10 rights and accept this agreement?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: All right. I'm going to ask
13 you to the amended count of third degree possession
14 of a controlled substance in violation of Minnesota
15 Statute 152.023 sub. 2 (a)(1) with reference to
16 sub. 3(a), a maximum sentence of 20 years, \$150,000
17 fine or both, how do you plead, guilty or not
18 guilty?

19 THE DEFENDANT: Guilty, Your Honor.

20 FACTUAL BASIS

21 BY THE COURT:

22 Q Before I can accept your plea we have to discuss
23 what happened here. My understanding is this took
24 place on or about May 23rd, 2024. On that date
25 were you located at 12291 51st Street in Spicer,

1 here in Kandiyohi County?

2 A Yes, Your Honor.

3 Q Is that your residence at the time?

4 A That was my residence.

5 Q And apparently a search warrant was being executed
6 on -- on that date in the morning hours; is that
7 correct?

8 A Yes, Your Honor.

9 Q Were you home at that time?

10 A No, Your Honor, I was about a half mile away.

11 Q All right. Did you have some items in your
12 possession that you shouldn't have had?

13 A Yes, Your Honor.

14 Q And what was that?

15 A It was a substance or mixture in excess of 10 grams
16 containing a narcotic drug, other than heroin or
17 fentanyl, particularly cocaine.

18 Q All right. And you're aware that was in your
19 possession on that date and time?

20 A Yes, Your Honor.

21 THE COURT: Any other questions, Ms.
22 Pierce?

23 MS. PIERCE: No, Your Honor.

24 THE COURT: Counsel, any questions?

25 MR. LEWIS: Yes, Your Honor.

EXAMINATION

2 BY MR. LEWIS:

3 Q Mr. Rekieta, the drugs that were indicated, those
4 were in your sole possession; correct?

5 A Correct.

6 Q Those were inside a locked room -- or inside a
7 locked safe inside a locked room; correct?

8 A Correct.

9 Q And that -- and you were the only person with
10 access to that room; correct?

11 A I -- I was not the only person with access to that
12 room but I was the only person with access to the
13 safe and the contents within it.

14 MR. LEWIS: Nothing further, Your Honor.

15 THE COURT: Just one additional question.
16 You didn't have any legal basis or legal purpose
17 for possessing that?

18 THE DEFENDANT: Correct, Your Honor.

19 THE COURT: All right. The Court will
20 find that you made a knowing, voluntary and
21 intelligent waiver of your rights. There is a
22 sufficient factual basis for your admission. The
23 Court will order a Pre-Sentence Investigation, a
24 comprehensive assessment, and we'll return for
25 sentencing.

1 Was there anything else pending sentencing,
2 Ms. Pierce?

3 MS. PIERCE: I would just note, Your
4 Honor, that Mr. Rekieta previously did a chemical
5 use assessment and so, just for his information,
6 that probation could just ask for a release to get
7 that instead of doing a second one.

8 THE COURT: All right. And that would
9 be fine with the Court as -- you know, as long as
10 it's still valid and a release is signed.

11 Counsel, anything else here today?

12 MR. LEWIS: A --

13 THE COURT: Other than a date.

14 MR. LEWIS: Aside from the date, Your
15 Honor, and just to flag it for the Court's
16 awareness, Mr. Rekieta has a pre-existing commit
17 out of state in the first part of May, specifically
18 May 9 through 10, so we would --

19 THE DEFENDANT: Sorry, 8th and 9th.

20 MR. LEWIS: 8th and 9th, okay.

21 THE DEFENDANT: Yes.

22 MR. LEWIS: So we -- we -- if we can get
23 sentencing done before that we would ask the Court
24 to allow the travel or, if not, we do ask the Court
25 to allow the travel anyways.

1 THE COURT: Let's look for dates here.

2 THE CLERK: April 18th, 10 a.m.

3 MR. LEWIS: April 18th, 10 a.m., that
4 works.

5 MS. PIERCE: That works for the State as
6 well.

7 THE DEFENDANT: That should be fine for
8 me.

9 THE COURT: All right. We can address
10 that as long as things are okay with probation.
11 For that short period of time, I don't see that
12 there would be an issue with that out-of-state
13 period of time so long as everything is going well
14 with probation.

15 THE DEFENDANT: I'm fully willing to work
16 with anything the Court needs, Your Honor.

17 THE COURT: We can address that again
18 further at sentencing then.

19 All right. Well, thank you. We have the
20 date set. The next hearing will be in person here
21 as well.

22 Anything else then, Ms. Pierce?

23 MS. PIERCE: No, Your Honor.

24 THE COURT: All right, thank you. That
25 will conclude the hearing here today.

1 THE DEFENDANT: Thank you, Your Honor.
2 MR. LEWIS: Thank you.
3 THE COURT: You're welcome.
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1 REPORTER'S CERTIFICATE

2
3 I, Lisa M. Vosika, do hereby certify that I
4 reported in Stenotype the proceedings in the matter of
5 the State of Minnesota vs. Nicholas Robert Rekieta.

6 I further certify that thereafter I transcribed
7 into typewriting the foregoing transcript of the said
8 recorded proceedings.

9 I further certify that said transcript of such
10 proceedings is true and correct to the best of my
11 ability.

12
13 Dated: January 27, 2025

14
15 /s/ Lisa M. Vosika

16 _____
17 Lisa M. Vosika
18 District Court Reporter
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