

# STATE OF MINNESOTA

## COURT OF APPEALS

## JUDGMENT

State of Minnesota, Appellant, vs. Cole Earl Thompson, Appellate Court # A17-0565  
Respondent

Trial Court # 19HA-CR-16-3581

*Pursuant to a decision of the Minnesota Court of Appeals duly made and entered, it is determined and adjudged that the decision of the Dakota County District Court, Hastings Criminal Division herein appealed from be and the same hereby is affirmed in part, reversed in part, and remanded. Judgment is entered accordingly.*

*It is further determined and adjudged that Cole Earl Thompson herein, have and recover of the Dakota County Attorney's Office herein the amount of \$8,650.00 as attorney fees in this cause and \$235.29 as costs and disbursements in this cause. Execution may be issued for the enforcement thereof.*

*Dated and signed: January 31, 2018*

*FOR THE COURT*

Attest: AnnMarie S. O'Neill  
*Clerk of the Appellate Courts*

By: /s/  
*Clerk of the Appellate Courts*

## **Statement For Judgment**

*Costs and Disbursements in the Amount of: \$235.29*

*Attorney Fees in the Amount of: \$8,650.00*

*Other in the Amount of:*

*Total:* \$8,885.29

*Satisfaction of Judgment filed:*

*Dated*

*Therefore the above judgment is duly satisfied in full and discharged of record*

Attest: AnnMarie S. O'Neill By: Assistant Clerk  
*Clerk of the Appellate Court*

STATE OF MINNESOTA

COURT OF APPEALS

TRANSCRIPT OF JUDGMENT

*I, AnnMarie S. O'Neill, Clerk of the Appellate Courts, do hereby certify that the foregoing is a full and true copy of the Entry of Judgment in the cause therein entitled, as appears from the original record in my office; that I have carefully compared the within copy with said original and that the same is a correct transcript therefrom.*

*Witness my signature at the Minnesota Judicial Center,*

*In the City of St. Paul      January 31, 2018  
Dated*

*Attest:* AnnMarie S. O'Neill  
Clerk of the Appellate Courts

*By:* /s/  
Clerk of the Appellate Courts

**FILED**

**STATE OF MINNESOTA**  
**IN COURT OF APPEALS**

November 8, 2018

**OFFICE OF  
APPELLATE COURTS**

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**State of Minnesota,**

**ORDER**

**Appellant,**

**#A18-0786**

**vs.**

**Cabbott James Weyker,**

**Respondent.**

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Considered and decided by Ross, Presiding Judge; Reyes, Judge; and Florey, Judge.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:**

1. By unpublished opinion on October 22, 2018, we affirmed the district court's order suppressing evidence recovered in a search of respondent's residence.
2. A defendant responding to a pretrial prosecution appeal is entitled to reasonable attorney fees and costs incurred. Minn. R. Crim. P. 28.04, subd. 2(6). Counsel for respondent filed motion for attorney fees and costs, indicating in an affidavit that he had spent 30.75 hours in defense of the state's appeal, and incurred \$297.50 in costs. The reimbursement rate established by the chief judge in the First Judicial District is \$125 per hour for 2018.
3. The state filed a response to counsel's motion, indicating that it had no objection to the request.

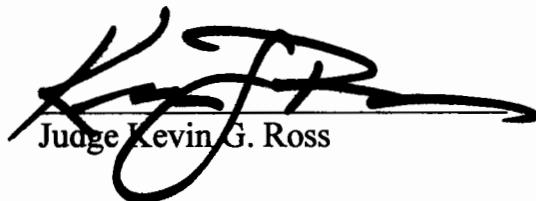
4. We conclude that counsel's affidavit in support of his motion adequately establishes that the claimed time expenditures were reasonably related and necessary to the defense of this appeal, as were the claimed expenses.

**IT IS HEREBY ORDERED:**

1. Respondent's request for attorney fees and costs is granted.
2. Respondent is awarded \$4,141.25 for attorney fees and costs incurred in defense of this appeal, to be paid by the prosecuting authority.

**Dated:** November 8, 2018

**BY THE COURT**



Judge Kevin G. Ross

A handwritten signature in black ink, appearing to read "K.G. Ross", is written over a horizontal line. Below the signature, the name "Judge Kevin G. Ross" is printed in a smaller, sans-serif font.