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03-09-2026

Circuit Court

St. Croix County, WI

2022CF000518

STATE OF WISCONSIN: CIRCUIT COURT: ST. CROIX COUNTY:

STATE OF WISCONSIN,

Plaintiff,

vs.

NICOLAE MIU,

Defendant.

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CASE NO: 22 CF 518

CASE TYPE:

CRIMINAL

PREPARED FOR:

ORIGINAL

Hudson, Wisconsin

April 2, 2024

BEFORE THE HONORABLE R. MICHAEL WATERMAN

REPORTER'S TRANSCRIPT OF PROCEEDINGS

JURY TRIAL - DAY 2

VANESSA M. MELSTROM, RMR, CRR

St. Croix County Government Center - Branch 4

Hudson, Wisconsin 54016

(715) 377-5824

vanessa.melstrom@wicourts.gov

APPEARANCES:

KARL E. ANDERSON, ESQ., District Attorney,
appeared on behalf of the Plaintiff.

BRIAN T. SMESTAD, Deputy District Attorney,
appeared on behalf of the Plaintiff.

AARON A. NELSON, ESQ., Nelson Defense Group, LLC,
appeared on behalf of the DEFENDANT, who was present.

COREY CHIRAFISI, ESQ., Chirafisi Law Office, S.C.,
appeared on behalf of the Defendant.

LIEUTENANT BRANDIE HART and INVESTIGATOR JOHN
SHILTS, JR., court officers, were also present.

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Hudson, Wisconsin
April 2, 2024

P R O C E E D I N G S

(Whereupon, the following proceedings commenced
in open court.)

THE COURT: State of Wisconsin versus Nicolae
Miu, 2022 CF 518. Mr. Smestad and Mr. Anderson are
present. Mr. Chirafisi and Mr. Nelson are present. Mr.
Miu is present. We are outside the presence of the jury.
We are about to resume the trial.

There are a few administrative matters that
I had on my list. Mr. Nelson mentioned something that he
has. Why don't we take that one up first.

MR. NELSON: Judge, three things. One is my
understanding of the Court's order is that when court is
not in session there is no photography, no filming. I
just wanted to make sure that that is still the standing
order; and if so, if you could remind the media of that.

Two is I'm concerned, I don't have a lot of
space here, things have to -- you know, in modern age we
work on our computer. I understand people can look at it
with their eyes, but I'm concerned if the media's taking
photographs or even inadvertently showing my screen, if I
have anything up on my screen. And so if Your Honor could
make an order that says they, A, do their best to try to

1 not do that; and, B, if they do accidentally, to just blur
2 it out or something along those lines. I don't think that
3 what's on my screen should be public. I think if at least
4 it's on this desk it should be work product and protected.

5 Three is I'm worried about the microphones.
6 I understand that they pick up even when I'm whispering
7 things to my client. If possible, my preference would be
8 that our microphone is on mute unless we are actively
9 cross-examining a witness.

10 THE COURT: Okay.

11 Mr. Anderson, Mr. Smestad, anything on
12 those topics?

13 MR. ANDERSON: Yes. I -- frankly, I've gotten
14 kind of the same feedback, that whispering is being caught
15 on the cameras.

16 We also -- I think the media room, the door
17 is open, and we managed yesterday with witnesses who are
18 sequestered by putting them in separate conference rooms,
19 we don't want to put them together when they're
20 sequestered, but on a day like today where we have several
21 lined up we might quickly run out of spaces to put them.
22 So if they could either close the door or use headphones
23 so that the whole hallway isn't getting the audio from the
24 trial.

25 THE COURT: All right. Please have your

1 victim-witness coordinator talk to my judicial assistant.
2 They can speak with the folks in the media conference room
3 to see what can be done about that.

4 As far as the microphones are concerned,
5 I've received the same feedback. I spoke to my staff. So
6 what we plan to do is mute the tables, unless someone is
7 speaking. Right now you're both speaking so they're both
8 active, but once we get into witness examination only the
9 examining table mic will be live, the other will be
10 silent. So that's the plan going forward.

11 I just will revisit the -- the media
12 expectations because we do have pool cameras and a
13 different videographer on each day. So my rule allows
14 cameras in the courtroom on the condition that there be no
15 photography of the jury, there be no photography of
16 certain victims who do not wish to be photographed. Those
17 will be identified before they get up and speak.

18 There's no recording while court has
19 adjourned. By adjourned, meaning, we're in recess, the
20 Judge is off the bench and walks away. That's what I mean
21 by adjourned. There may be interruptions in the
22 proceedings. Those do not constitute adjournments. So if
23 I'm not wearing my robe and I'm not on the bench, we're
24 not going to be recording.

25 I believe also my media order restricted

1 recording what I would consider to be private
2 conversations between the attorneys, between Defense
3 lawyers and their client, and conferences up at the bench.
4 Those are private conversations not to be shared with the
5 public. So there will be no recording of those
6 conversations either.

7 All right.

8 MR. NELSON: Judge?

9 THE COURT: Yes.

10 MR. NELSON: And maybe it wasn't regarding my
11 computer screen and recording still photography, is there
12 any response or is that just --

13 THE COURT: Well, I consider that to be part of
14 the -- what I just talked about.

15 MR. NELSON: Okay.

16 THE COURT: Communications at the table.

17 MR. NELSON: Okay.

18 THE COURT: So I just ask everybody to please be
19 sensible and responsible with their devices. I'm not here
20 to pry and to invade people's privacy. If there's
21 problems, let me know and I can revisit the topic.

22 If there's ways that you can mitigate
23 viewing your screen, that might help, to the extent you
24 can. There's probably 60, 70 people sitting behind you
25 who have the same view as the photographers.

1 Okay. There was a request yesterday during
2 jury selection about preventing media access to certain
3 exhibits. Mr. Anderson, did you want to speak more on
4 that?

5 MR. ANDERSON: No, Judge. I -- and I -- I think
6 the only authority is essentially Marsy's Law, and it's
7 pretty vague. It just victim's right to privacy. I
8 recognize it's a public trial so --

9 THE COURT: Okay.

10 MR. ANDERSON: There's no defined definition of
11 that in the case law that I'm aware of.

12 THE COURT: All right. So yesterday the State
13 made a request to prohibit media access and recording of
14 certain exhibits that might come into evidence, in
15 particular autopsy photos.

16 In my judgment, I have no authority to
17 grant that request. In fact, I think the request
18 infringes on First Amendment rights. This is a public
19 trial, and the media have a First Amendment right to
20 report what's happening in the courtroom.

21 Wisconsin Supreme Court Rule allows cameras
22 to record events in the courtroom. The rules allow the
23 judge to prohibit recording of the jury, as I explained,
24 and prohibits recording victims at their request.

25 That exception, however, does not extend to

1 physical exhibits that are offered and received into
2 evidence. Exhibits are open to the public. Anyone may
3 request a copy. No legal basis exists to seal from the
4 public the evidence presented in this trial. And even if
5 it did, the sealing would imply to the entire public, not
6 just members of the media or reporters.

7 To tell media outlets that they cannot
8 publish images of evidentiary exhibits from a public trial
9 is, in my opinion, clear example of what's called prior
10 restraint, which is an infringement on First Amendment
11 rights.

12 So I understand people's interests in
13 maintaining privacy. As a parent, as a human being, I
14 would want the same thing, but as a judge my decision must
15 conform to the rule of law, so that's why I'm denying the
16 request.

17 Okay. Yesterday at the end of the day
18 there was mention about some witnesses that might need to
19 be spoken to?

20 MR. ANDERSON: Yeah, I did -- they're all here, I
21 believe. So I spoke with Quinton Carlson. He assured me
22 he'll be here any day he's told by either side. I
23 think he -- he said he got confused because he knew his
24 sons were supposed to come in today, so he thought he was
25 supposed to come in today.

1 I think what we'll probably do is just call
2 him today since he's here actually, although it's a little
3 out of the order we planned to go. So I think that should
4 alleviate that issue.

5 Three of the witnesses are Spanish
6 speakers. I believe we have an interpreter that's
7 available by Zoom.

8 THE COURT: Yes.

9 MR. ANDERSON: So I'd ask the Court to instruct
10 them to be here Friday when we have that day allotted with
11 the Spanish speaking interpreter.

12 And then there are -- there may be -- I
13 don't know if there might be a fourth who prefers an
14 interpreter. He was -- gave his interview in English
15 but --

16 And then there's another English speaker
17 that was with Nic's group.

18 THE COURT: So what you want me to do now is
19 speak to the Spanish speaking witnesses with the aid of an
20 interpreter and have them come back Friday morning at
21 8:00 a.m.?

22 MR. ANDERSON: Yes.

23 THE COURT: Okay. Are they in the courtroom now?

24 MR. ANDERSON: No, they're right outside.

25 THE COURT: Okay.

1 Mr. Chirafisi?

2 MR. CHIRAFISI: I think that's reasonable.

3 THE COURT: Okay.

4 All right. Please bring the witnesses in.

5 I'll bring the interpreter up on Zoom.

6 (Whereupon, the witnesses enter the courtroom.)

7 THE COURT: Ms. Marin, this is the Judge

8 speaking. Are you able to hear me?

9 THE INTERPRETER: Yes, Your Honor. Good morning.

10 THE COURT: Good morning.

11 Would the witnesses please come forward.

12 All right. Please administer the

13 interpreter's oath.

14 (Whereupon, the interpreter was sworn.)

15 THE INTERPRETER: Yes, I do.

16 THE COURT: Thank you.

17 Mr. Anderson, please introduce the

18 witnesses to me.

19 MR. ANDERSON: So we have -- one second.

20 Ariel -- what's your last name?

21 MR. CHAGUEZ LEYET: Ariel Chaguez.

22 MR. ANDERSON: I just got to pull it up, Judge.

23 Sorry.

24 So we have Ernesto Torres --

25 MR. TORRES CHAGUEZ: Correct.

1 MR. ANDERSON: -- Chaguez.

2 MR. TORRES CHAGUEZ: Correct.

3 MR. ANDERSON: And then we have Alba Torres
4 Chaguez.

5 MS. TORRES CHAGUEZ: Correct.

6 MR. ANDERSON: And Ariel Chaguez Leyet.

7 THE INTERPRETER: The interpreter was not able to
8 hear the second last name.

9 MR. CHAGUEZ LEYET: Chaguez. Chaguez Leyet.

10 MR. ANDERSON: And then Amanda Torres.

11 THE COURT: Good morning, everyone.

12 MR. CHAGUEZ LEYET: Good morning.

13 THE COURT: Each of you are witnesses in this
14 trial. You have been summoned to appear in court to
15 testify. By law you are required to attend. Failure to
16 appear in court may result in penalties.

17 Mr. Anderson, when would you like the
18 witnesses to appear? Wait for --

19 MR. ANDERSON: For the Spanish speaking
20 witnesses, so Ariel, Alba, and Ernesto, Friday at
21 8:00 a.m., and Amanda on Wednesday at 1:00 p.m.

22 THE COURT: Okay. You all understand when you
23 need to return?

24 MR. TORRES CHAGUEZ: Yes, sir.

25 MS. TORRES: Yes.

1 MR. CHAGUEZ LEYET: Yes.

2 MS. TORRES CHAGUEZ: Yes.

3 THE COURT: Excellent.

4 THE INTERPRETER: Your Honor, this is the
5 interpreter. I just want to make sure that I heard
6 correctly. Ariel and Ernesto on Friday morning and Amanda
7 Wednesday at 1:00 p.m.?

8 MR. ANDERSON: Correct.

9 THE COURT: Do you have any questions?

10 MR. TORRES CHAGUEZ: No.

11 MR. CHAGUEZ LEYET: No.

12 THE COURT: All right.

13 Mr. Anderson, do you need anything else?

14 MR. ANDERSON: No. Thank you, Judge.

15 THE COURT: Mr. Chirafisi, do you need anything?

16 MR. CHIRAFISI: No, sir.

17 THE COURT: All right. Thank you all for being
18 here today. You are excused.

19 MR. CHAGUEZ LEYET: Thank you.

20 MR. TORRES CHAGUEZ: Thank you.

21 THE INTERPRETER: And, Your Honor, I assume you
22 need my services on Wednesday at one?

23 THE COURT: No. No, we do not.

24 THE INTERPRETER: All right. Thank you very
25 much.

1 THE COURT: We have one -- we have English
2 speaking witness. The three Spanish speaking witnesses
3 are all on Friday at 8:00 a.m.

4 THE INTERPRETER: Okay. Yes, Your Honor. And
5 just for clarification, I didn't hear Ms. Alba Torres
6 being -- I didn't hear that she was asked to be back on
7 Friday.

8 THE COURT: That's Amanda, correct?

9 MR. ANDERSON: No. Alba Torres was the one in
10 the middle -- or second from the right.

11 THE COURT: So we need an interpreter Friday
12 morning at 8:00 a.m., correct?

13 MR. ANDERSON: Yes.

14 THE COURT: Not Wednesday at one?

15 MR. ANDERSON: Correct.

16 THE COURT: So --

17 THE INTERPRETER: We're all set then.

18 THE COURT: We're all set.

19 MR. ANDERSON: All right. Thank you very much.

20 THE COURT: All right.

21 THE INTERPRETER: Friday. Thank you.

22 THE COURT: Thank you, Monica. Bye now.

23 THE INTERPRETER: Thank you. Goodbye.

24 THE COURT: Is there anything else that we need
25 to address outside the presence of the jury?

1 MR. ANDERSON: I have a couple things, Judge.

2 One, we've had a couple victims ask if they
3 are allowed to watch the trial via the streaming. I know
4 they have a constitutional right to be present. It's
5 probably kind of a gray area if they can watch it
6 streaming, but I make that request, that they be able to
7 watch it streaming. I know we often have a full courtroom
8 in the -- yesterday and again today.

9 THE COURT: Mr. Chirafisi.

10 MR. CHIRAFISI: So, Judge, I guess I understand
11 they have a -- a right to be present and watch this. I
12 guess what Mr. Nelson and I are asking is if they're not
13 going to be present, so we would know if they're here and
14 they're watching, if -- if we can get -- if they'll
15 disclose what they watched, who they spoke to about it, if
16 they spoke to anybody about it, then we -- I don't have as
17 big of an issue, if that's okay.

18 THE COURT: Any objection?

19 MR. ANDERSON: I think it would be -- I mean, we
20 could certainly try to ask them, but I think they could
21 ask on cross, too, as long as it's clear that they were
22 allowed to.

23 THE COURT: Okay. I'll allow it. Again, the
24 purpose of the sequestration order was to prevent
25 witnesses from conforming their evidence to something that

1 they hear. The statute allows an exception for victims
2 who are allowed to sit through the entire court
3 proceeding. So whether they see it in the courtroom or
4 watch it at home, it makes no difference.

5 Unlike jurors, they're not prohibited from
6 accessing media reports and watching television and things
7 like that, but it is a basis for asking questions, and it
8 may go to their credibility if they're being influenced by
9 outside sources.

10 So the request is granted, along with the
11 request to ask questions.

12 Is there anything else?

13 MR. ANDERSON: A couple other things, Judge.
14 We've discussed, counsel and I, about body cam, if it's
15 needed -- if we want to -- need to play body cam of a
16 witness for impeachment or other permissible purpose.
17 That -- I think we're in agreement that we just play it
18 without calling the officer to say is this your body cam
19 or showing it to the witness first and saying is this your
20 interview, we could just -- parties could just play it.

21 MR. NELSON: I do not expect there to be an
22 objection to foundation for any law enforcement video. So
23 if -- we should probably still mark it and indicate what
24 the clip is, but we're not gonna object because the
25 videographer or recording isn't here.

1 THE COURT: All right.

2 What else?

3 MR. ANDERSON: One other thing. So Deputy
4 Raiolo, who was on the dive team looking for evidence, our
5 plan is to get him in this week. He would like to be
6 excused from the second week. It's fine with the State if
7 it's -- if it is with Defense, and he's not on their
8 witness list.

9 MR. NELSON: That sounds like a good plan. I
10 know if there's -- something comes up and he can't
11 testify, I think we previously talked about the
12 information that that witness had maybe being offered or
13 entered through another law enforcement witness, so I'm
14 sure we can figure it out.

15 THE COURT: Okay.

16 MR. ANDERSON: I think that's all I had, Judge.

17 And then I think counsel asked if we could
18 just have maybe a really brief recess to talk about the
19 first witness.

20 THE COURT: Well, it's almost 8:30 so --

21 MR. CHIRAFISI: Judge, I guess we can do it on
22 the record.

23 I don't wanna act like I'm sandbagging
24 anybody. I -- I understand that Isaac Schuman's mother is
25 going to testify first. And the question that I was gonna

1 ask, and just to make sure, we're not going to get into
2 any 904.04 evidence regarding character of the victim.
3 There was no motion on that and we've heard nothing of
4 that, and I just want to make sure that when she testifies
5 we're not going into an area where there would need to be
6 presumably a motion filed.

7 THE COURT: Mr. Anderson, were you intending to
8 go to those areas?

9 MR. ANDERSON: No. I specifically instructed her
10 not to say that he's trustworthy or peaceful or anything
11 like that. She's -- I'm going to ask about her family,
12 I'm going to ask her about Isaac, show the same photos I
13 showed at opening, have her identify those.

14 Just -- I'm gonna ask her one question
15 about, like, what he did for hobbies to -- so he's not
16 this abstract person, that the jury has some understanding
17 of who Isaac was, and then it -- what happened on that
18 day.

19 THE COURT: Okay. Well, I'll just state, so
20 everyone knows what we're talking about, character
21 evidence is generally prohibited in trials. There's very
22 few narrow exceptions, and I think the attorneys are
23 trying to identify whether or not all those exceptions are
24 going to be discussed either intentionally or
25 inadvertently. I think we're all on the same page.

1 So if something does come up, raise an
2 objection and I can deal with it.

3 MR. CHIRAFISI: Very good. Thank you, Judge.

4 THE COURT: Anything else, Mr. Anderson?

5 MR. ANDERSON: No.

6 THE COURT: Mr. Chirafisi?

7 MR. CHIRAFISI: I have nothing, Judge.

8 THE COURT: All right. We stand in recess.
9 Let's bring the jury out.

10 (Whereupon, a break was held.)

11 (Whereupon, the jury enters the courtroom.)

12 THE COURT: Members of the jury, good morning.
13 Welcome back. Thank you for being so prompt this morning.

14 The attorneys and I had some administrative
15 matters that we had to address outside your presence.
16 Those matters took a little longer than I expected, so
17 that was the reason for the delay.

18 We are ready to resume the trial evidence.

19 Mr. Anderson, who is your next witness?

20 MR. ANDERSON: State calls Alina Hernandez.

21 THE COURT: Okay.

22 Ms. Hernandez, please come forward. Right
23 there. Face the clerk, raise your right hand to be sworn.

24 ALINA HERNANDEZ,
25 after having been first duly sworn on oath by the clerk,

1 testifies and says as follows:

2 THE WITNESS: Yes.

3 THE COURT: Please have a seat in the witness
4 chair.

5 Mr. Anderson.

6 DIRECT EXAMINATION

7 BY MR. ANDERSON:

8 Q. Can you please state your first and last name and
9 spell your names for the record.

10 A. Alina Hernandez. A-l-i-n-a, h-e-r-n-a-n-d-e-z.

11 Q. Alina, where do you live?

12 A. Stillwater.

13 Q. And how long have you lived there?

14 A. Eight years.

15 Q. And do you work currently?

16 A. No.

17 Q. What do you -- did you -- what did you do prior
18 for work?

19 A. I owned a salon and spa business for about
20 20 years.

21 Q. And now you're a stay-at-home mom?

22 A. Yeah.

23 Q. Who -- who's in your family, immediate family?

24 A. My husband Donny Hernandez; Alexis, she's 27;
25 Jacob is 21; and Isaac was 17.

1 Q. So I want to ask you a little bit about Isaac.
2 What did -- what did Isaac like to do for fun? What kind
3 of hobbies did he have?

4 A. Isaac had a lot of hobbies. He -- he loved -- he
5 loved his family and traveling. We loved to travel, and
6 he -- he had his own business and he had -- recently
7 started, and he detailed boats and cars. He worked down
8 at the marinas and detailed boats. He started a mobile
9 detailing business, and he loved to golf. We lived on the
10 golf course and he golfed almost every day. He loved
11 boating, fishing.

12 Q. What --

13 A. His friends, his girlfriend.

14 Q. And when Isaac was killed, he was a seen --
15 before his senior year in high school?

16 A. Yes.

17 Q. Did he have plans for after high school?

18 A. Yes.

19 Q. What was that?

20 A. He -- well, he was an honor roll student and he
21 loved school and he was going to go to school for
22 engineering.

23 MR. ANDERSON: May I approach?

24 A. He was hoping Madison.

25 THE COURT: Yes, you may.

1 Q. (By Mr. Anderson, continuing) Alina, I'm showing
2 you what's marked as Exhibit 1. It's three photos. Can
3 you just go through them -- or actually, first, what
4 are -- can you just tell me what they're photos of?

5 A. My son, Isaac. It was his junior picture; and
6 then his 17th birthday, his last birthday; and then this
7 one is the day he got -- he bought a trailer for his
8 mobile detailing business, and he text me and said, Mom,
9 come out and see my new trailer, and the dog and I ran
10 out, and he used this for his business.

11 MR. ANDERSON: Judge, I'd move to admit and ask
12 to publish.

13 THE COURT: Any objection?

14 MR. CHIRAFISI: No.

15 THE COURT: What was the number?

16 MR. ANDERSON: Exhibit 1.

17 THE COURT: One is received.

18 MR. ANDERSON: Can we have the screen on?

19 Q. (By Mr. Anderson, continuing) Alina, when was
20 the last time you saw Isaac alive?

21 A. The morning of July 30th before he left.

22 Q. Did you know he was gonna go tubing with friends?

23 A. Yes.

24 Q. How did you know that?

25 A. Well, he originally told me in the morning that

1 he was going to go golfing and -- with his friend, but his
2 friend had to work. He ended up having to work so they
3 were gonna golf later that evening and -- so I was out on
4 the deck having coffee with my sister-in-law and he came
5 out and said some of the guys are going tubing on the
6 river and I think I'm gonna do that until I -- we can go
7 golfing, and I said okay.

8 And the way I said okay wasn't, like, I was
9 super excited about it and I -- and he's like, Why? And I
10 said, Well, I was gonna ask you to pick dad up from the
11 airport, dad got a flight home. And he said, I can pick
12 dad up. And I said, No, just go have fun with your
13 friends on the river.

14 Q. Did you know who Isaac was going with tubing?

15 A. Yeah. He said they were meeting up at the high
16 school and that Alex was driving, and I said, Okay. Don't
17 forget your sun screen, and I grabbed it and I put sun
18 screen on his ears.

19 Q. And at some point did you learn what happened?

20 A. Yes. So then my sister-in-law and I went down
21 and had lunch downtown Stillwater, and then my husband had
22 taken an Uber home from the airport and he was gonna meet
23 us down there, and we were waiting for him and I got a
24 call from Owen's phone and I thought maybe Isaac's phone
25 went dead or he lost it or something and so he was calling

1 me from Owen's phone, but Owen called screaming that Isaac
2 had been stabbed, and he gave me the pin drop of where to
3 get to, and my husband was just pulling up and I ran out
4 of the restaurant and hopped in the car and we got there
5 and went home maybe 10 minutes.

6 Q. What happened when you got there?

7 A. Well, we followed the ambulances, and I just went
8 running and I -- I ran up into one of the ambulances
9 thinking that it was Isaac sitting up in there and I
10 started crawling into the ambulance and I realized it
11 wasn't Isaac, it was one of the other kids. And so then I
12 climbed out and then I looked and I saw -- I saw Isaac's
13 hair laying on the riverbank and I knew it was him, and
14 they were trying to perform CPR on him.

15 Q. Did you go to Isaac?

16 A. Yeah, I ran to Isaac.

17 Q. And when you got to Isaac, was it clear he was
18 already deceased?

19 A. Yes.

20 MR. ANDERSON: I don't have any other questions,
21 Judge.

22 THE COURT: Mr. Chirafisi.

23 MR. CHIRAFISI: I have no questions for Ms.
24 Hernandez.

25 THE COURT: Thank you. You may step down.

1 (Whereupon, the witness is excused.)

2 THE COURT: Mr. Anderson, who is the next
3 witness?

4 MR. ANDERSON: Jawahn Cockfield, Judge.

5 THE COURT: Could you spell his last name while
6 we're waiting?

7 MR. SMESTAD: Of Mr. Cockfield?

8 THE COURT: Yes.

9 MR. SMESTAD: C-o-c-k-f-i-e-l-d.

10 (Whereupon, the witness enters the courtroom.)

11 THE COURT: Okay. Mr. Cockfield, please come
12 forward. Face the clerk, raise your right hand, she will
13 administer the oath.

14 JAWAHN COCKFIELD,
15 after having been first duly sworn on oath by the clerk,
16 testifies and says as follows:

17 THE WITNESS: I do.

18 THE COURT: Please have a seat in the witness
19 chair.

20 Mr. Smestad.

21 DIRECT EXAMINATION

22 BY MR. SMESTAD:

23 Q. Will you please state your name for the record.

24 A. My name is Jawahn Cockfield.

25 Q. And how do you spell your last name?

1 A. C-o-c-k-f-i-e-l-d.

2 Q. How do you spell your first name?

3 A. J-a-w-a-h-n.

4 Q. How old are you?

5 A. I'm 19 years old.

6 Q. Are you a student or are you working or --

7 A. Yeah, I'm a student.

8 Q. Where are you a student at?

9 A. St. John's University.

10 Q. What kind of activities are you involved in in
11 St. John's?

12 A. I'm a member of the football team and the
13 wrestling team and I study global business.

14 Q. Is that your major field?

15 A. Yeah.

16 Q. Are you familiar with the person named Isaac
17 Schuman?

18 A. Yeah.

19 Q. How did you know Isaac?

20 A. Isaac's one of my best friends.

21 Q. How long had you known him?

22 A. Since middle school.

23 Q. Were you with Isaac on the day that he was
24 killed?

25 A. Yes, I was.

1 Q. Were you with the group of boys that were with
2 Isaac on the Apple River on July 30th of 2022?

3 A. Yes, I was.

4 Q. Back on -- on July 30th of 2022, how old were
5 you?

6 A. I was 17 years old.

7 Q. Had you finished high school at that point?

8 A. No. I hadn't started my senior year yet.

9 Q. Was it the summer before your senior year?

10 A. Yep.

11 Q. It's my understanding you folks all rode over
12 with Alex Vang to the river?

13 A. Yes, sir.

14 Q. Did you rent tubes at River's Edge?

15 A. Uh-huh.

16 Q. Is that a yes?

17 A. Yeah. Sorry.

18 Q. Did you get on the river?

19 A. Say that again.

20 Q. Did you get on the river after you rented the
21 tubes?

22 A. Yes, sir.

23 Q. You folks were drinking alcohol?

24 A. Yes, sir.

25 Q. What kind of alcohol did you have?

1 A. I had a few beers.

2 Q. Do you remember how many?

3 A. Probably three or four.

4 Q. Were you drinking any hard liquor at all?

5 A. Not that I recall.

6 Q. Did you use any other substances?

7 A. Yes.

8 Q. What kind of substances?

9 A. We smoked some marijuana.

10 Q. Did Isaac Schuman smoke any marijuana?

11 A. No, he did not.

12 Q. We've heard from other witnesses that your tubes
13 were all connected together. Do you remember that?

14 A. Yes, sir.

15 Q. At some point -- well, strike that.

16 Did you end up taking some video recordings
17 of some things that happened on the river that day?

18 A. Yes, I did.

19 Q. How did you take those recordings?

20 A. My cell phone.

21 Q. Did you specifically record interactions that
22 your group had with Nicolae Miu, the Defendant?

23 A. Yes, I did.

24 Q. Are those recordings in two separate segments?

25 A. Yeah.

1 Q. One short and one long?

2 A. Yes, sir.

3 MR. SMESTAD: Your Honor, we're going to play the
4 short nine-second video here, if we can get the screen on.

5 (Whereupon, the video was played.)

6 THE COURT: Yeah, that was my mistake on the
7 screen blacking out. Once you went to your --

8 MR. ANDERSON: Oh.

9 THE COURT: -- your desktop screen I closed it.

10 MR. ANDERSON: Your Honor, I'm going to ask to
11 play it again --

12 THE COURT: That's fine. My mistake.

13 (Whereupon, the video was played.)

14 Q. (By Mr. Smestad, continuing) Mr. Cockfield, is
15 that the -- the first video that you recorded of Mr. Miu
16 that day?

17 A. Yes, sir.

18 Q. Is that your voice?

19 A. Yep.

20 Q. At that point were you sitting in a tube?

21 A. Yep.

22 Q. Why did you start recording him?

23 A. Because he was just kind of looking suspicious
24 from what I was seeing.

25 Q. All right. Did -- was he -- you saw on the video

1 that he was standing a ways away from your group?

2 A. Um-hum.

3 Q. Is that a yes?

4 A. Yeah.

5 Q. Had he been closer at some point when you started
6 video -- video recording him?

7 A. Not during that recording, no.

8 Q. All right.

9 A. Like the first one.

10 Q. Okay. Did you hear yourself say he's -- he's a
11 -- a raper?

12 A. Yeah.

13 Q. What was that all about?

14 A. He had said like a weird comment, that's kind of
15 why I started recording in the first sometime.

16 Q. What kind of weird comment?

17 A. Like, because he was having his snorkel and it
18 was like two feet deep water, so like -- like what are you
19 doing? And he just said, like, a weird comment, something
20 about, like, some little girls.

21 Q. All right. Did you have any girls with you in
22 your group?

23 A. No, I did not have any girls --

24 Q. Did you see any other girls on the river near
25 where you folks were?

1 A. Yeah, there was some girls on the river.

2 Q. Child-aged girls or adult girls?

3 A. Not that I saw, no.

4 Q. All right. Did you know Mr. Miu at all?

5 A. No.

6 Q. Did you know whether he -- he was a pedophile or
7 anything like that?

8 A. No, I didn't.

9 Q. Were you making some conclusions based on what
10 you saw him doing?

11 A. Yeah.

12 MR. CHIRAFISI: Objection. Leading.

13 THE COURT: Sustained.

14 Q. (By Mr. Smestad, continuing) After you -- you
15 said he was a raper, did he come closer to your group?

16 A. Yeah.

17 Q. Did you re-start your recording?

18 A. Yeah, because after I said that, I looked away
19 and I was, like, whoa, whoa, because he looked really
20 scary when he looked at us, and then I -- like, we floated
21 a little bit and then --

22 Q. When you say he looked real scary --

23 A. Like, when I said that, like, you could see, like
24 his face look at me and, like, you could see me go, like,
25 oh, and, like, I scared him, so I started recording.

1 Q. Did he -- did he appear angry that --

2 A. Yeah.

3 Q. -- you calling him a raper?

4 MR. CHIRAFISI: Objection. Speculation.

5 THE REPORTER: Okay. One at a time, please.

6 THE COURT: Yeah, objection sustained.

7 Q. (By Mr. Smestad, continuing) All right. When
8 you saw the look on his face, did you start recording
9 again?

10 A. Yeah.

11 Q. And the second video, is it -- how long after the
12 first video did --

13 A. Probably like 10 seconds. We had just floated a
14 little bit further.

15 Q. All right.

16 MR. SMESTAD: I'm going to play the second part
17 of the video, Your Honor.

18 THE COURT: No. No, just keep it off.

19 You have to tell us when you want us to
20 play.

21 MR. SMESTAD: Okay.

22 THE COURT: Or display it on.

23 MR. ANDERSON: We're ready.

24 THE COURT: All right.

25 (Whereupon, the video was played.)

1 Q. (By Mr. Smestad, continuing) Mr. Cockfield, is
2 that the -- the second video that you took that day?

3 A. Yes, sir.

4 Q. Is that your leg in the screen as --

5 A. Yeah.

6 Q. -- we see it right now?

7 MR. SMESTAD: Your Honor, for the record, the
8 video is paused at the six second mark.

9 Q. (By Mr. Smestad, continuing) Jawahn, do you see
10 Mr. Miu's hand grabbing on to your tube there?

11 A. I do.

12 Q. Is he touching your leg?

13 A. A little bit, yeah.

14 Q. Did that cause you concern?

15 A. Most definitely.

16 Q. Did he say anything when he came running up and
17 grabbed on to your tube and your -- or your leg there?

18 A. I guess I didn't hear him say anything
19 specifically.

20 Q. All right. Do you recall who you were sitting
21 next to in the tubes?

22 A. Yeah, I was sitting right next to Landon.

23 Q. And --

24 A. Landon Weyer.

25 Q. Landon Weyer?

1 A. Yeah.

2 Q. Do you know whether he grabbed on to any of
3 the -- or made contact with any of Landon's body parts?

4 A. Yeah, definitely.

5 Q. You saw that?

6 A. Yeah.

7 Q. Once he grabbed on to your tube and was touching
8 your leg, what did you do?

9 A. I stood up.

10 Q. All right. Were you concerned that he was
11 reaching out for ya?

12 A. Yeah.

13 Q. Were you able to get away?

14 A. Not really.

15 Q. I mean, did you -- did you stand up and walk
16 away?

17 A. No, I didn't walk away.

18 Q. But you got out of your tube?

19 A. Yeah, I just stood up in my tube so I didn't
20 float away.

21 Q. Did he make any further physical contact with you
22 after you were able to stand up?

23 A. No.

24 Q. Did you know this person at all?

25 A. No.

1 Q. Do you remember how long you had been on the
2 river when he ran up and --

3 A. I guess I'd have to take a educated guess and say
4 like an hour.

5 Q. Okay. Did you -- when you first saw him, was he
6 alone or was he with a group of people?

7 A. He was alone.

8 Q. All right. Did he ever indicate that he was with
9 other folks?

10 A. No, not from what I saw.

11 Q. Did you say anything to him at the time that he
12 grabbed on to the --

13 A. Yeah, I was just saying, like, Whoa, what are you
14 doing?

15 Q. All right. Is that on the video?

16 A. Yes, sir.

17 Q. Did you threaten him in any fashion?

18 A. No.

19 Q. Did you hear Isaac Schuman say anything to -- to
20 Mr. Miu?

21 A. No.

22 MR. CHIRAFISI: Objection. Calls for hearsay.

23 THE COURT: Overruled.

24 A. Can you say it again?

25 Q. (By Mr. Smestad, continuing) Did you hear Isaac

1 say anything to Mr. Miu at the time he ran up and grabbed
2 on to your tubes?

3 A. No.

4 Q. Did you and others start yelling at him to get
5 away?

6 A. Yeah.

7 Q. Do you remember the kind of language you were
8 using?

9 A. Yeah, we were just yelling, like, saying, like,
10 what are you doing? Get out of here.

11 Q. Were you calling him some names?

12 A. Yeah, calling him, like, a pedophile.

13 Q. All right. And why were you calling him a
14 pedophile?

15 A. Because he was running up on some kids and he had
16 said a weird comment earlier.

17 Q. Did grabbing on to the -- your -- or touching
18 part of your leg?

19 A. Yes, sir.

20 MR. CHIRAFISI: Objection. Spec -- or leading.

21 THE COURT: Sustained.

22 Q. (By Mr. Smestad, continuing) Fair to say you
23 were -- you and your friends were making a commotion at
24 that point?

25 A. Um-hum.

1 MR. CHIRAFISI: Objection. Leading.

2 A. Or yes, sir.

3 THE COURT: Sustained on leading.

4 Q. (By Mr. Smestad, continuing) Did somebody else
5 in the river come over to see what was going on?

6 A. Yes.

7 Q. Did you know those folks?

8 A. I did not.

9 Q. Did -- do you remember how many folks initially
10 came over to -- to look -- check in on you guys?

11 A. Not like an exact number, but it was probably
12 like six people.

13 Q. All right. The first two folks over, were they
14 males or females?

15 A. First one was definitely a woman.

16 Q. All right. Did you see the woman speaking to Mr.
17 Miu?

18 A. Yes.

19 Q. Did you hear what she told him?

20 A. Yeah. She just told him, like, get away.

21 Q. All right.

22 A. Like, get away. Get away.

23 Q. All right. Is that also recorded on the video?

24 A. Yes.

25 Q. All right. So we're gonna play another portion,

1 but before that I'm going to ask you, as you're recording
2 this, were you using your -- your cell phone?

3 A. Yeah.

4 Q. Were you holding it close to your face or out at
5 arms length like --

6 A. I actually had it attached to my neck with, like,
7 this -- it's like a tourist thing, kind of like you just
8 put it in a pouch or whatever, like, attached to my neck.
9 Probably like that far.

10 Q. All right. Is it -- is it fair to say that your
11 recording captured some things that you yourself didn't
12 see at the time?

13 A. Yes.

14 Q. Is it fair to say that your recording -- some of
15 the things you're recording, you weren't looking in that
16 direction?

17 A. Yeah.

18 Q. All right.

19 MR. ANDERSON: I'm going to play from the
20 six seconds, Judge.

21 THE COURT: Tell us when you're ready.

22 MR. ANDERSON: Ready.

23 THE COURT: It's on the wrong setting. There we
24 go.

25 MR. ANDERSON: It's going to be playing from

1 seven seconds.

2 (Whereupon, the video was played.)

3 MR. ANDERSON: Pausing at 1:50.

4 Q. (By Mr. Smestad, continuing) Jawahn, is that
5 essentially more of the video that you took that day?

6 A. Um-hum.

7 Q. Is that a yes?

8 A. Yes. Sorry.

9 Q. Is that your voice sort of narrating what's going
10 on?

11 A. Yes.

12 Q. Was that you saying for the culture?

13 A. Yes, sir.

14 Q. What does that mean?

15 A. I guess kind of like for the greater good. It's,
16 like, a new saying, I guess.

17 Q. Sort of street slang?

18 A. Yeah.

19 Q. As you're recording that, did you see Mr. Miu
20 take a knife out of his pocket?

21 A. I did not with my own eyes.

22 Q. You've reviewed the video a few times?

23 A. Um-hum.

24 Q. Is that a yes?

25 A. Yeah. Oh, sorry. Yes.

1 Q. Are you aware now that your video shows him --

2 A. Yes.

3 Q. -- holding up the knife?

4 A. Yes.

5 Q. But you didn't see it at the time?

6 A. No.

7 MR. SMESTAD: We're gonna play a still frame,
8 Judge. It's Number 2524. We'll let you know when we're
9 ready.

10 We're ready.

11 Q. (By Mr. Smestad, continuing) Jawahn, is this a
12 -- a still frame from your video?

13 A. Yes.

14 Q. Do you see Mr. Miu on the video?

15 A. Yes.

16 Q. Do you see what he's got in his hands?

17 A. Yes.

18 Q. What is it?

19 A. It looks like his knife.

20 Q. Now, you didn't -- was it your testimony earlier
21 you didn't see him open the knife or hold the knife like
22 that?

23 A. No.

24 Q. All right. Did you, while you're recording, see
25 him holding the knife down by his side with the blade

1 facing up?

2 A. No.

3 MR. SMESTAD: Going back to a still, Judge. This
4 is 2533.

5 THE CLERK: Ready?

6 Q. (By Mr. Smestad, continuing) Jawahn, is this
7 also a picture from your video?

8 A. Yes.

9 Q. What do you see in that -- in that still?

10 A. I see him holding his knife.

11 Q. If you had seen him while you were recording the
12 video holding that knife, what would you have done?

13 MR. CHIRAFISI: Objection. Speculation.
14 Irrelevant.

15 THE COURT: Sustained.

16 Q. (By Mr. Smestad, continuing) At this point in
17 the video, who's standing in front of Mr. Miu, if you
18 remember?

19 A. Uhm, I guess I don't really know her name, but
20 her -- I don't really --

21 Q. Man or woman?

22 A. It's a woman.

23 Q. All right. Was there one or two women standing
24 in front of him?

25 A. There was two.

1 Q. All right. At some point did you see Mr. Miu do
2 something in relation to one of those women?

3 A. Yes.

4 Q. What did you see?

5 A. He punched her.

6 Q. All right. Which one, do you remember?

7 A. I -- I think it was the blonde one.

8 Q. Did -- well, you just watched the video. You're
9 aware your video does not capture that punch?

10 A. Yeah.

11 Q. But you saw it yourself?

12 A. Yes.

13 MR. CHIRAFISI: Objection. Leading.

14 THE COURT: Sustained.

15 Q. (By Mr. Smestad, continuing) Were you -- were
16 you looking at a different direction than the camera was
17 pointing?

18 A. Than the camera was, yeah.

19 Q. And at the time that he -- that you saw him punch
20 the blonde woman, had you panned the camera over to where
21 your friends were?

22 A. Yeah.

23 Q. After Mr. Miu punched the blonde lady, what
24 happened? What did you see happen?

25 A. I saw all of her friends kind of, like, start

1 going towards him, like, trying to, I guess, fight him.

2 Q. All right. And did a fight break out?

3 A. Yes.

4 Q. Did you know any of the names of these folks?

5 A. No, I did not.

6 Q. Did you see somebody strike Mr. Miu?

7 A. Yes.

8 Q. Did Mr. Miu go down?

9 A. Yes.

10 Q. Did you, at any point, touch him in any -- any
11 way?

12 A. No, not once.

13 Q. Other than the fact that he had touched your leg
14 earlier, you did not touch him?

15 A. Yeah, no, I did not.

16 MR. SMESTAD: Your Honor, we're going to play
17 another portion of the video. I think we're ready here.
18 We're playing from 1: -- 1:50.

19 (Whereupon, the video was played.)

20 MR. SMESTAD: Ending at 2:06, Your Honor.

21 Q. (By Mr. Smestad, continuing) Jawahn, did you
22 also record that portion?

23 A. Yes.

24 Q. And as you watch it here today, do you see Mr.
25 Miu stabbing folks with the knife?

1 A. Um-hum -- or yes.

2 Q. At the time you recorded that, did you know that
3 was happening?

4 A. No.

5 Q. Is that you laughing in the background?

6 A. Yes.

7 Q. At one point did you say you hit a woman?

8 A. Yeah.

9 Q. Was that your reaction to what -- what you
10 described earlier?

11 A. Yeah.

12 Q. Did you eventually realize that people were
13 getting hurt?

14 A. Yes.

15 Q. Did you realize that Isaac Schuman had been
16 stabbed?

17 A. Yes.

18 Q. How did you know that?

19 A. I -- I just looked down the line of people that
20 were hurt. I saw the first person, like, that's not my
21 friend. That's not my friend. That's not my friend. The
22 last person I looked at was when I got Isaac Schuman,
23 yeah.

24 Q. Did -- as the fight's going on, did you see
25 people bleeding?

1 A. Yes.

2 Q. At some point did you realize what was happening?

3 A. Yes.

4 Q. And is that -- is that when you stopped laughing?

5 A. Yes.

6 MR. SMESTAD: Judge, we're going back to the
7 video. It'll be from the 2:06 mark to the end.

8 (Whereupon, the video was played.)

9 Q. (By Mr. Smestad, continuing) And, Jawahn, is
10 that the final part of your video that you took that day?

11 A. Yes.

12 Q. At the end when you were saying that's not Bike,
13 who were you referring to?

14 A. Isaac Schuman.

15 Q. Is that a nickname?

16 A. Yeah.

17 Q. Were you able to see where Mr. Miu went after he
18 stabbed these folks --

19 A. No.

20 Q. -- Isaac?

21 Were you concerned about where he went or
22 did you have other things on your mind?

23 A. No.

24 Q. Did you make your way up to Isaac?

25 A. Yeah.

1 Q. Were you able to see that he had been wounded?

2 A. Yeah.

3 Q. Did you try to get some folks to help?

4 A. Yeah.

5 Q. Eventually, did some people stop to help?

6 A. Yeah.

7 Q. Some -- was a nurse one of the people that --
8 that stopped to help?

9 A. Yeah.

10 MR. CHIRAFISI: Objection. Leading.

11 THE COURT: Sustained.

12 Q. (By Mr. Smestad, continuing) Did you know the
13 folks who stopped to help you?

14 A. No, I did not.

15 Q. Eventually, did police and medical personnel show
16 up on the river?

17 A. Yes.

18 Q. Do you know how long it took for them to get
19 there?

20 A. No, I don't.

21 Q. Did you see Isaac get transported off the river?

22 A. Yeah.

23 Q. Did you follow him?

24 A. Yeah.

25 Q. Was he brought up to the -- the road near the

1 bridge?

2 A. Yeah.

3 Q. Did you speak to an officer --

4 A. Oh, yeah.

5 Q. Strike that.

6 At some point did you tell an officer that
7 you had video of the incident?

8 A. Yes, I did.

9 Q. And did you show that officer the video?

10 A. At the time I just played it to the point where
11 Mr. Miu was in it.

12 Q. All right. Were -- at some point was the officer
13 able to take a screenshot of a still from your video --

14 A. Yes.

15 Q. -- that showed Mr. Miu?

16 A. Yes.

17 MR. SMESTAD: Your Honor, if I can approach?

18 THE COURT: Yes.

19 Q. (By Mr. Smestad, continuing) Isaac, I'm
20 showing -- pardon me. Jawahn, I'm showing you what's been
21 marked as Exhibit 38. Do you recognize that?

22 A. Yes.

23 Q. Can you tell us what that is?

24 A. That's my cell phone with the -- the still frame
25 of Miu on it.

1 Q. All right. Is that the still frame that the
2 officer -- the still picture the officer took of your
3 phone that day?

4 A. Um-hum.

5 Q. Is that a yes?

6 A. Yes.

7 MR. SMESTAD: I'll move for admission of
8 Exhibit 38.

9 THE COURT: Any objection?

10 MR. CHIRAFISI: No, sir.

11 THE COURT: Received.

12 Q. (By Mr. Smestad, continuing) Once you got up off
13 the river, did you speak to a police officer?

14 A. Yeah.

15 Q. Just briefly?

16 A. Yeah.

17 Q. Did you tell him what you saw happened?

18 A. Um-hum -- or yes.

19 Q. Eventually, was Isaac transported to a hospital?

20 A. Yes.

21 Q. Did you follow?

22 A. Yes.

23 Q. Did you speak to another officer at the hospital?

24 A. Yes, I did.

25 Q. Did you tell that officer what happened?

1 A. Yes.

2 Q. Do you see the person in court who you recorded
3 that day and who did this?

4 A. Yes, I do.

5 Q. Could you point him out, say what he's wearing?

6 A. He's wearing a navy and gray pants with some
7 brown shoes.

8 MR. SMESTAD: Nothing further.

9 THE COURT: Mr. Chirafisi.

10 CROSS-EXAMINATION

11 BY MR. CHIRAFISI:

12 Q. So, Mr. Cockfield, you are currently a two-sport
13 college athlete, is that right?

14 A. Yes, sir.

15 Q. Okay. You play football and you wrestle --

16 A. Yes.

17 Q. -- in college?

18 A. Yes.

19 Q. What position in football do you play?

20 A. I play defensive end.

21 Q. Defensive end?

22 A. Yes, sir.

23 Q. Can I ask you, how big are you?

24 A. I'm about five, eleven. Probably like 235.

25 Q. Five, eleven, 235 is what you said?

1 A. Yes, sir.

2 Q. Okay. And is that what you wrestle at, too?

3 A. Heavy weight, yes.

4 Q. Back in 2022, about the same size?

5 A. I was a little bit smaller, yeah.

6 Q. Wrestle at heavy weight still?

7 A. 220 pounds, yeah, back then.

8 Q. So you considered -- back in July of 2022, you
9 considered yourself to be a -- a fit young adult, right?

10 A. I guess I like to think that.

11 Q. Okay.

12 A. Yeah.

13 Q. And you -- I'm gonna ask you some questions
14 initially about the interview that you gave with officers,
15 okay?

16 A. Okay.

17 Q. The interview that you gave with officers at the
18 hospital, you indicated that Mr. Miu told you that he was
19 looking for a snorkel, is that right?

20 A. That is what I said.

21 Q. Okay. You never mentioned to officers that he
22 told you anything about looking for little girls, correct?

23 A. If that's what it says.

24 Q. Well, in a situation where you say he's looking
25 for little girls, do you think it would be important that

1 you would tell officers that he told you he was looking
2 for little girls?

3 A. Yeah.

4 Q. But you never do that, do you?

5 A. I guess I didn't.

6 Q. Did you think it was important?

7 A. I guess there was more things that were more
8 important, but that is important in the grand scheme, yes.

9 Q. Right. So more important was he was looking for
10 a snorkel?

11 A. Not really.

12 Q. Okay. But you -- but you mention that, right?

13 A. Yeah.

14 Q. Yes?

15 A. Yes.

16 Q. Okay. And you say, if I have it right, you had
17 three to four beers and were using marijuana?

18 A. Yes.

19 Q. Okay. There was vodka that had been brought by
20 your group --

21 A. Okay.

22 Q. -- true?

23 A. Yes.

24 Q. In a -- Tito's in a -- in like water bottles?

25 A. Yes.

1 Q. Okay. Did you have any of that?

2 A. No.

3 Q. Okay. So just the three or four beers and some
4 marijuana?

5 A. Yes.

6 Q. Okay. Now, you also, I guess to your credit,
7 tell the police you guys were antagonizing Mr. Miu, right?

8 A. After the fact that he hit the woman, yes, we
9 were.

10 Q. Well, you don't consider calling him a raper
11 antagonizing him?

12 A. I mean, based on what he was doing and it looked
13 like that really, like, that made him chase after us
14 afterwards, so who knows what he was really doing.

15 Q. My question to you is: Do you believe telling
16 him that he can't have sex with little girls and calling
17 him a raper would be considered antagonizing?

18 A. Yes.

19 Q. And you were the one who was saying that, right?

20 A. Yeah, but that's after he ran up on us and, like,
21 was doing a bunch of weird stuff or, like, he looked weird
22 I guess I could say --

23 Q. Okay. So --

24 A. -- and then I was saying that, yeah.

25 Q. And you know he's alone, right?

1 A. From what I see he looks alone.

2 Q. Okay. So -- and you know that he's -- and what
3 you see he's kind of an older man?

4 A. Yes.

5 Q. Not very fit?

6 A. Yes.

7 Q. Okay. So you see an older, not very fit man
8 walking alone and you start calling him names?

9 A. As I'm sitting on my tube, like, I'm saying,
10 like, what are you doing with the snorkel in two feet
11 water? And then he said something weird after that.

12 Q. What business it -- is it of yours on the river
13 what he's doing? He's not bothering you, right?

14 A. I mean, I was interacting with every single
15 person you saw that day on the river --

16 Q. Okay. So my question --

17 A. -- or like that was the most people.

18 Q. Jawahn, my question remains --

19 A. Um-hum.

20 Q. -- what business is it of yours to bother a man
21 who's not bothering you?

22 A. I was just asking a question: What are you
23 doing?

24 Q. What are you doing? And he tells you, I'm
25 looking for a snorkel?

1 A. At that point?

2 Q. Yeah.

3 A. The snorkel was in his hand at that point.

4 Q. Well, you tell him that -- you tell the police
5 that he told you he's looking for a snorkel, yes?

6 A. Yes.

7 Q. Okay. And you then say, Grown man can't have sex
8 with little girls. What the hell? What the fuck? He's a
9 raper. Right?

10 A. Um-hum.

11 Q. Yes?

12 A. Yes.

13 Q. Okay. You have no information as to what this
14 older man is doing, do you?

15 A. No.

16 Q. Okay. And you say after --

17 A. Excuse me.

18 Q. -- you call him a raper, he looks over at you,
19 right?

20 A. Um-hum.

21 Q. Yes?

22 A. Um-hum -- or yes.

23 Q. Wouldn't you suspect somebody that you called a
24 raper to kind of look over at you?

25 MR. SMESTAD: Objection, Your Honor.

1 THE COURT: Sustained.

2 Q. (By Mr. Chirafisi, continuing) Are you surprised
3 that he looked over at you?

4 A. At that time, yes.

5 Q. When you were calling him names, you're surprised
6 he glanced over at you?

7 MR. SMESTAD: Objection. Asked and answered.

8 THE COURT: Overruled.

9 You can answer.

10 A. Yes.

11 Q. (By Mr. Chirafisi, continuing) Okay. Now, can I
12 ask you a little bit about this thing, lanyard or whatever
13 that you were holding your phone in, okay?

14 A. Yeah.

15 Q. Okay. So it's around your neck?

16 A. Yes.

17 Q. Okay. Can you -- can you tell the jury how
18 long -- how long is it?

19 A. It's not, like, that long. Like I said, I could
20 probably pull my phone out that much and it's around my
21 neck the whole time.

22 Q. So can I ask you in terms of when you're holding
23 it, about how -- I know it's not up to your face, okay,
24 but how far away from your face or your chest do you think
25 it would be?

1 A. I guess I can say, like, seven inches,
2 eight inches.

3 Q. Okay. So you're not able to hold it like I'm --
4 right now my arm is extended. You're not able to do that,
5 right?

6 A. Not much.

7 Q. Okay. So -- and I -- I won't get too close to
8 you but -- so you're holding it kind of like this.

9 A. Yeah.

10 Q. Is that fair?

11 A. Um-hum.

12 Q. Okay. And you indicate to police in your
13 interview, they say to you, Are you calling him any names?
14 And your response to the police is, There were a couple of
15 us guys calling him a weirdo. Right? You told the police
16 that?

17 A. Yes.

18 Q. Okay. You don't tell the police that you're
19 actually calling him a pedophile initially and a raper, do
20 you?

21 A. I said on the thing that -- whatever else I said
22 would be on the video. That's what I said.

23 Q. Okay. And you don't know what he's doing walking
24 over by where you're at, right?

25 A. No.

1 Q. Okay. So calling him a rapier and saying he can't
2 have sex with little girls, you're doing that to humiliate
3 him, aren't ya?

4 A. Not necessarily.

5 Q. Well, what other reason would you be calling him
6 names when you don't know anything about what's happening?

7 A. Trying to figure out the situation.

8 Q. So the way that you're trying to figure out
9 what's happening is by calling a grown man names, yes?

10 A. Yes.

11 Q. And you are yelling at some point, Get away from
12 us --

13 A. Yes.

14 Q. -- right?

15 Okay. And that's after he comes up to your
16 group, right?

17 A. Yes.

18 Q. And when he comes up to your group, you're
19 holding your phone kind of like this, are you not --

20 A. Yes, I am.

21 Q. -- recording it?

22 A. Um-hum.

23 Q. Yes.

24 Okay. And he walks around your tubes and
25 away from your group, does he not?

1 A. After engaging with us?

2 Q. Yeah.

3 A. Yeah.

4 Q. Okay. So you have to be happy. You wanted him
5 to get away from you and he is getting away from you,
6 right?

7 A. Not much. I mean, we're just standing there and,
8 like, he barely walked past us at all and, like, pretty
9 much in our path. We can't float past him, he's in our
10 path.

11 Q. Okay. Well, we'll get to that in a minute.

12 He walks past you guys and you guys
13 continue to move toward him, is that right?

14 A. Not necessarily. Move towards him?

15 Q. Yeah. So --

16 A. What do you mean by that?

17 Q. If you're Mr. Miu --

18 A. Okay.

19 Q. -- and at one point he turns his back to you guys
20 -- is that true, you saw that on the tape?

21 A. Yes.

22 Q. Okay. So this -- this person that you want to
23 get away from you is walked away from where you're
24 standing and turned his back to you, true?

25 A. Walked out of our path -- like, into our path --

1 from where we went from, we passed him, and then he ran up
2 on us, and then went in front of us.

3 Q. You and your group move toward him like I'm
4 moving toward you, right?

5 A. No.

6 Q. No?

7 A. I mean, like, the way you're describing it isn't
8 necessarily how I feel like we were moving towards him.
9 It's kind of just we were there, yeah.

10 Q. You were moving -- your group was moving closer
11 to where he was standing?

12 A. After he had moved completely up to us.

13 Q. I understand.

14 A. Yes.

15 Q. You want him to get away from you.

16 A. Uh-huh.

17 Q. He's moving -- he's moved down river a little bit
18 and your group is moving in his direction, true?

19 A. Yeah. The way the river goes, yes, that is his
20 direction.

21 Q. Okay. And do you remember Mr. -- Ryan Nelson
22 testified yesterday.

23 A. Okay.

24 Q. Do you remember someone yelling on you -- in your
25 group, You got 10 seconds?

1 A. I don't recall that.

2 Q. Okay. I'm gonna play it and I just want you to
3 listen. You don't have to watch.

4 A. Okay.

5 Q. Just listen, okay.

6 MR. NELSON: Yes.

7 MR. CHIRAFISI: So, Mr. Cockfield, if you could
8 just listen.

9 (Whereupon, the video was played.)

10 Q. (By Mr. Chirafisi, continuing) Did you hear
11 that?

12 A. Could you play it again? I'm not sure if I did.
13 I'm sorry.

14 Q. Okay.

15 (Whereupon, the video was played.)

16 A. Oh, I actually did not hear.

17 Q. (By Mr. Chirafisi, continuing) Okay.

18 A. I'm sorry.

19 Q. That's -- that's okay.

20 But you would agree at that point your
21 group is moving in his direction, yes?

22 A. As the river would go, yes.

23 Q. Right. You don't stop, but your -- you're
24 walking with your tubes in his direction, true?

25 A. Yes.

1 Q. Okay. And you say that shortly thereafter, you
2 were asked this, you're yelling, For the culture.

3 A. Yes.

4 Q. For the culture, right?

5 A. Yes.

6 Q. And you were asked what that meant.

7 A. Yes.

8 Q. And your response was something like for the
9 greater good.

10 A. Yeah, along those lines.

11 Q. What is the greater good of you recording that?

12 A. I mean, this guy was, like I said, ran up to our
13 group as we were floating past him and we were causing a
14 scene, like we're just trying doing -- get away from us,
15 and people coming over to help us, so that's for the
16 culture, for the greater good.

17 Q. At that point had the people come up --

18 A. When I -- when I said for the culture, that's
19 when the people came up. So if that's not at the point
20 where -- yeah.

21 Q. Okay. And this is all --

22 A. That's what I said, yeah.

23 Q. We just got to talk one at a time, okay?

24 A. Sorry about that.

25 Q. It's okay. So this is something that you want to

1 record, right? This incident --

2 A. Yeah.

3 Q. -- you want to record this, don't you?

4 A. I mean, I'm not really sure what type of question
5 that is.

6 Q. Well, you don't stop --

7 A. Did I want to --

8 Q. Hold on. You don't stop recording and -- and try
9 to figure out the situation, you just keep recording
10 what's going on, true?

11 A. Yeah. I mean, I -- why I stop it? At that point
12 it looked like it was -- like a weird situation, I started
13 recording.

14 Q. I'm sorry, you said it looked like a weird
15 situation?

16 A. Yeah.

17 Q. Okay. And at this point you see Mr. Miu walk
18 over to this blonde girl, do you not?

19 A. Yes.

20 Q. He's cleared a path for you all to walk through,
21 hasn't he?

22 A. Yes.

23 Q. You -- so you have to be excited. You wanted to
24 get away from him. You said he was standing in your path.
25 He's moved out of your path, so your group can just go

1 right by, true?

2 A. I mean, that group came over to help us, so why
3 would we just leave them?

4 Q. I want you to listen to my question.

5 A. And I heard.

6 Q. He moves over so your group can go past?

7 A. Is that why he moved over?

8 Q. I'm not asking you that.

9 A. Okay.

10 Q. I'm asking you, you said you wanted -- you were
11 yelling for him to get away.

12 A. Uh-huh.

13 Q. You wanted him to get away.

14 A. Yes.

15 Q. You said he was standing in your path, right?

16 A. Yes.

17 Q. He moves over out of your path?

18 A. Yes.

19 Q. So your group -- you have to be excited because
20 your group now can go right by, right?

21 A. I mean, we could float by, yes.

22 Q. You could have floated by.

23 A. Yes.

24 Q. But you didn't.

25 A. Yes.

1 Q. You stayed.

2 A. Yes.

3 Q. Okay. And you stayed as this other group comes
4 over.

5 A. Yes.

6 Q. Okay. And you, on tape, yell to this blonde,
7 He's looking for little girls.

8 A. Yes.

9 Q. You don't have that information, true?

10 A. He said that.

11 Q. Right.

12 A. I remember him saying that.

13 Q. He said that --

14 A. So that's why I said that.

15 Q. Hold on. You don't have that on tape, true?

16 A. True, it was not on my video.

17 Q. And you never told that to the police, true?

18 A. True.

19 Q. Okay. When she comes over and you choose to stay
20 instead of actually moving on with your trip --

21 A. Yes.

22 Q. -- you hear her yelling at him, right?

23 A. Yes.

24 Q. Okay. And she's -- Ryan Nelson described her as
25 being in his face. Would you agree with that?

1 A. Yes.

2 Q. Okay. So -- and her name is Madison Coen, okay,
3 just so you know. So you would agree that Madison Coen is
4 in Mr. Miu's face, right?

5 A. Yeah.

6 Q. Okay. And you would agree she appears to be
7 angry, true?

8 A. Yes. Or concerned at least.

9 Q. I'm sorry?

10 A. Concerned at least.

11 Q. You don't tell her what's going on, you just say
12 he said he's looking for little girls, right?

13 A. Yes.

14 Q. Okay. So instead of trying to explain the
15 situation, you're just yelling at her saying this is what
16 he said, right?

17 A. Yelling to her what the situation is, which would
18 be considered explaining, kind of.

19 Q. So what's the situation?

20 A. He said he was looking for little girls. So I
21 told them, like -- that's what my main concern was, and
22 then he ran after us so, yeah.

23 Q. And he ran after you. And instead of passing,
24 you stay and tell her that, right?

25 A. Yes.

1 Q. Okay. Now, initially it's about -- it's the six
2 of you and Mr. Miu, true?

3 A. Yes. Yes.

4 Q. Okay. You'd agree when this other group comes
5 over, now there is more people involved?

6 A. Yes.

7 Q. Okay. And ultimately an additional five people
8 come over to assist.

9 A. Yes.

10 Q. Okay. So now we're at least up to 11 or 12
11 people against Mr. Miu, true?

12 A. Okay. Yeah.

13 Q. Is that right?

14 A. True.

15 Q. Okay. And during this entire interaction, up to
16 the point we are right now where this Ms. Coen comes over,
17 Mr. Miu is not saying anything aggressively to any of you,
18 right?

19 A. No.

20 Q. He's not physically doing anything to show his
21 aggression toward you, right?

22 A. No.

23 Q. Okay. And you're not afraid of him at that
24 point, true?

25 A. Because of the people that came to help I was not

1 afraid of him after --

2 Q. Right. So strength in numbers, right?

3 A. You could say that.

4 Q. So the more people that are coming over, is it
5 fair to say as the number of people increase your fear
6 level decreases, is that fair?

7 A. Yeah.

8 Q. Yes?

9 A. Yeah.

10 Q. Okay. And 11, 12, 13 against one. You're
11 feeling pretty comfortable at that point, right?

12 A. Yeah.

13 Q. And you -- when I say you guys, your group,
14 the -- the young Stillwater people, you begin to taunt
15 him, don't you?

16 A. What do you mean by taunting?

17 Q. Kind of get in a circle around him and all start
18 pointing at him that he's a pedophile.

19 A. Yes.

20 MR. SMESTAD: Object to the characterization of
21 being in a circle around him. That's not the evidence.

22 THE COURT: That'll be up to the jury to decide.
23 Objection overruled. It's cross-examination.

24 Q. (By Mr. Chirafisi, continuing) Right?

25 A. Can you say that again?

1 Q. Sure. You guys form kind of a circle around him,
2 are really close to him at that point, pointing like I'm
3 pointing, gesturing, pointing at him calling him a
4 pedophile?

5 A. Yes.

6 Q. Okay. And because the way your camera is
7 situated, you're pretty close to him as well, aren't ya?

8 A. Yeah.

9 Q. Okay. And the purpose of taunting him and
10 calling him a pedophile and pointing at him in that
11 situation is what?

12 A. Kind of just to let them know what he was doing.

13 Q. You already let them know what he was doing.

14 A. Yeah, but I guess it was still going on.

15 Q. What was still going on?

16 A. What you just described.

17 Q. I know what you're doing.

18 A. Okay.

19 Q. The question is why are you doing it?

20 A. I guess I don't know. It was two years ago.

21 Q. Were you doing it to taunt him and humiliate him?

22 A. Not necessarily.

23 Q. So why are you doing it?

24 A. I guess I -- I guess I don't necessarily know.

25 Q. Any other explanation that you can think of as to

1 why you would go around somebody, pointing at him,
2 taunting him, calling him names, other than to humiliate
3 him?

4 A. No.

5 Q. Now, you had mentioned that he had punched the
6 blonde girl, Madison Coen?

7 A. Yes.

8 Q. Okay. You agree that's not on tape?

9 A. Yes.

10 Q. Are you saying that you saw it though?

11 A. I did.

12 Q. Okay. When -- when you say that you saw him
13 punch her, she's in his face, yes?

14 A. Yes.

15 Q. Okay. And what happens -- if you know, what
16 happens to her?

17 A. Like after he punched her?

18 Q. Yeah.

19 A. I don't know.

20 Q. Okay. Do you see how he punches her?

21 A. I kind of just see, like, a hand come over
22 towards her face or at her face, and I didn't see, like,
23 the follow-through. I guess I didn't really see anything
24 after that.

25 Q. Okay. Can you tell me a little bit about that?

1 And what I mean is -- I don't want to mischaracterize what
2 you're saying, okay?

3 A. Okay.

4 Q. Do you know which hand he uses?

5 A. No, I can't really think about which hand he
6 used.

7 Q. Okay. And when I think of a punch, maybe you and
8 I think of it the same way, I think of a fist and somebody
9 kind of putting their weight into it and punching somebody
10 in the face. Is that how you think of it?

11 A. Like there's, I guess, a bunch of ways to punch
12 people --

13 Q. Okay.

14 A. -- personally.

15 Q. How do you see it?

16 A. Like a punch?

17 Q. How do you see this punch?

18 A. Just, like, kind of like a hook.

19 Q. Okay. So you see --

20 A. That's what I saw.

21 Q. -- you see him, and you used your right arm,
22 right?

23 A. Yeah, I did.

24 Q. In that situation?

25 A. Yeah.

1 Q. So do you believe that he uses his right arm and
2 throws kind of a hook across?

3 A. I'm not sure which arm, but I kind of felt like I
4 saw a hook. Yes, a hook.

5 Q. A hook. Okay.

6 You don't see her go down, do you?

7 A. Not -- no.

8 Q. Okay. And at that point you see this group of
9 people attack Mr. Miu, right?

10 A. Yes.

11 Q. You see him get punched in the face and fall
12 backwards into the river?

13 A. Yes.

14 Q. You think that's funny, right?

15 A. After he had hit a woman I think he was sort of
16 getting what he deserved, yes.

17 Q. So you thought it was funny?

18 A. Funny, yes. Yes, I was laughing.

19 Q. Yeah. And in fact, you had moved up. You got
20 your camera, you're kind of right up in his face with this
21 now, aren't ya?

22 A. Yeah.

23 Q. Right?

24 A. Yeah.

25 Q. Okay. And as he's being attacked you're laughing

1 throughout that portion of the video, aren't ya?

2 A. Yes.

3 Q. Okay. When he gets pushed back into the water,
4 you're still laughing after somebody had already been
5 stabbed, right?

6 A. Yeah, I didn't see it.

7 Q. But you're still laughing, true?

8 A. True.

9 Q. You agree that, from what you've seen, Mr. Miu
10 doesn't stab anyone until he's attacked, true?

11 A. After he had punched the girl and then was
12 attacked, yes, then he started stabbing people.

13 Q. Okay. Before that, you'd agree -- would you
14 agree the temperature kind of -- in what's happening is
15 going up and up and up?

16 A. Yeah.

17 Q. Yeah?

18 A. Yeah.

19 Q. Okay. More people are showing up?

20 A. Yeah.

21 Q. She's getting in his face?

22 A. Yeah.

23 Q. Right?

24 More -- it's feeling more volatile to you?

25 A. Yeah.

1 Q. And you're feeling more comfortable because of
2 the numbers, right?

3 A. Yeah.

4 Q. My last couple questions, Mr. Cockfield, are
5 there is a point on that video that you say, I'm
6 paraphrasing, but, You hit a woman, right?

7 A. Yeah. Yeah.

8 Q. Okay. That's not at the point in the video when
9 you believe he struck Madison Coen, right?

10 A. What do you mean?

11 Q. Well, there's two --

12 A. I'm sorry, I'm not sure I understood what you're
13 saying.

14 Q. Fair enough. You know there's two women involved
15 in this, right?

16 A. Yes.

17 Q. Okay. When you say he struck a woman is when he
18 makes contact with Ryhley Mattison, not Madison Coen. Do
19 you know that?

20 A. Say that again.

21 Q. Sure.

22 A. You said he made contact with --

23 Q. There's two women, okay?

24 A. Okay.

25 Q. If we're going to do this sequentially, you say

1 he strikes Madison Coen with a hook?

2 A. Yeah.

3 Q. On that video you don't say anything about him
4 punching Madison Coen?

5 A. No.

6 Q. Right?

7 A. No, I don't -- like, as it happens I don't.

8 Q. Right. You don't mention that on the video --

9 A. Not right away.

10 Q. -- true?

11 What you mention on the video is that at
12 the time sequentially in the video, he makes contact with
13 Ryhley Mattison, then you say he hit a woman, right?

14 MR. SMESTAD: I'm going to object, Your Honor.
15 That's not -- that's not the evidence.

16 THE COURT: Sustained.

17 MR. CHIRAFISI: I don't have any other questions,
18 Judge.

19 Mr. Cockfield, thank you for your time.

20 THE COURT: Mr. Smestad.

21 REDIRECT EXAMINATION

22 BY MR. SMESTAD:

23 Q. Jawahn, you were asked about how big you are and
24 you're a football player and a wrestler. Do you ever
25 touch Mr. Miu in any fashion?

1 A. Not once.

2 Q. Did you ever cock a fist at him or anything like
3 that?

4 A. No.

5 Q. Did you ever tell him you were going to give him
6 a beatdown?

7 A. No.

8 Q. You told Mr. Chirafisi that you told the police
9 that at one point he said he was looking for a snorkel.
10 Did he actually say that at some point? Mr. Miu, I mean.

11 A. I'm not sure at this point.

12 Q. All right. When he ran up and grabbed on to your
13 tube and made contact with your leg, did he have his
14 snorkel in his mouth?

15 A. Yeah, he had that in his mouth --

16 Q. Did he drop it out so --

17 A. Yeah. Yeah.

18 Q. You were asked about whether you heard someone
19 say you got 10 seconds. You indicated you didn't hear
20 that. Did you ever say that?

21 A. I never said that from -- yeah. No.

22 Q. Did you ever hear anybody in your group say that?

23 MR. CHIRAFISI: Objection. Asked and answered.

24 A. I did not.

25 THE COURT: Overruled.

1 Q. (By Mr. Smestad, continuing) Did you ever -- did
2 you ever hear anybody in your group say that?

3 A. No.

4 Q. Mr. Chirafisi had asked you why you didn't float
5 by him and get away from him, instead you continued
6 recording. Did you have any idea that any of this was
7 gonna happen?

8 A. No, I did not.

9 Q. In your wildest dreams did you ever think it
10 would happen?

11 A. No.

12 Q. As you sit here today are you glad you recorded
13 it?

14 A. Yes.

15 Q. I'm going to show still frame Number 2593.

16 MR. SMESTAD: We're ready.

17 Q. (By Mr. Smestad, continuing) Do you see that
18 Jawahn?

19 A. Yes, I do.

20 Q. Is that a still frame from your -- your video?

21 A. Yes.

22 Q. How many people are confronting Mr. Miu in that
23 still frame?

24 A. Two.

25 Q. Males or females?

1 A. Females.

2 Q. Do you see 11 or 13 other people circling him in
3 that -- in that photo?

4 A. I do not.

5 Q. Do you see anybody behind him?

6 A. No.

7 Q. What do you -- what do you see behind him?

8 A. Open. Open beyond.

9 MR. SMESTAD: I'm going to scroll through some of
10 the stills from after this picture. I'll start -- this
11 is -- starting at 2593.

12 Stopping at 2643.

13 Q. (By Mr. Smestad, continuing) That sequence of
14 stills, is that when you panned over to your group of
15 friends?

16 A. Yep.

17 Q. Were your group of friends surrounding him?

18 A. Yeah.

19 Q. In the -- the photos --

20 A. Or what was your question?

21 Q. Was your group of friends surrounding Mr. Miu?

22 A. Oh, no.

23 MR. CHIRAFISI: Objection. Asked and answered.

24 A. No, I wasn't.

25 THE COURT: Overruled.

1 Q. (By Mr. Smestad, continuing) What was your
2 answer?

3 A. No, I didn't.

4 Q. Were you all standing in a line?

5 A. Yeah.

6 MR. CHIRAFISI: Objection. Leading.

7 THE COURT: Sustained.

8 Q. (By Mr. Smestad, continuing) How was your group
9 standing in relation to Mr. Miu in these stills that you
10 just watched?

11 A. We were just standing kind of by our tubes.

12 Q. When you spoke to the police, you told them that
13 he punched a woman?

14 A. Yes.

15 MR. CHIRAFISI: Objection. Leading.

16 Q. (By Mr. Smestad, continuing) Did you --

17 THE COURT: Sustained.

18 Q. (By Mr. Smestad, continuing) -- what did you --
19 what did you -- when you spoke to police -- police, what
20 did you tell them happened with the woman?

21 A. That he had hit her.

22 Q. And that was right after the incident?

23 A. Yeah.

24 Q. Okay.

25 MR. SMESTAD: Nothing further.

1 THE COURT: Mr. Chirafisi.

2 RECROSS-EXAMINATION

3 BY MR. CHIRAFISI:

4 Q. You were asked you this -- kind of big guy, did
5 you touch Mr. Miu, and you said that you hadn't, right?

6 A. (Non-verbal response.)

7 Q. He never touched you either, did he?

8 A. Besides the very beginning when I was sitting
9 down on my tube.

10 Q. Right. But otherwise in terms of being
11 physically aggressive, you weren't physically aggressive
12 toward him and you weren't harmed in this at all, were
13 you?

14 A. No, I was not.

15 Q. Okay. And you were asked on redirect about do
16 you recall telling the police that you were looking for a
17 snorkel and you said you didn't really recall that, right?

18 A. Yeah.

19 Q. So why would you say it?

20 A. No, I'm saying I didn't really recall telling the
21 police that.

22 Q. But you believe that to be true, that he told you
23 he was looking for a snorkel, right?

24 A. I guess I don't recall that.

25 Q. Well, if you didn't -- my point is if you don't

1 believe that he told you that, why would you say it?

2 A. I don't know.

3 Q. The picture that you were shown with the two
4 females standing in front of Mr. Miu, you remember that?

5 A. Yes.

6 Q. You'd agree there's approximately 11 people
7 standing behind those 12 -- those two people, right?

8 A. At that very moment I'm not sure.

9 Q. You'd agree that there's a group of people -- two
10 groups of people, your group of people and the other group
11 of people, have come together, right?

12 A. Not necessarily all together. They were, like,
13 kind of on their way, I guess.

14 Q. Okay.

15 A. Yeah.

16 Q. But there's your group and then I think you
17 testified plus at least five or six others that come over?

18 A. Yes.

19 Q. Okay. So overall, at that point on that video or
20 that still that you were shown, it's 12 on one, right?

21 A. In that still frame, no, it wasn't.

22 Q. There weren't 12 people standing there?

23 A. In that still frame there was two standing next
24 to him, if that's what you're asking me.

25 Q. With 10 right behind him, right?

1 A. I don't know about right behind him.

2 Q. Well, you saw the vid -- or you saw the still of
3 you and your group moving forward once you say that
4 Madison Coen was punched, right?

5 A. Yeah.

6 Q. You're all right there?

7 A. Like, they're right here and then he's right
8 here, yeah.

9 Q. Okay. And at that point you were asked, well,
10 it's open behind him, right?

11 A. Yeah.

12 Q. There's a point in the video where you pan back.
13 Do you see where Mr. Miu's group actually is?

14 A. No.

15 Q. You don't know if he was by himself or with other
16 people, right?

17 A. No.

18 Q. You don't know if your group -- or the group that
19 had come over had cut him off from getting back to his
20 people, right?

21 A. I don't know.

22 Q. Okay. Mr. Cockfield, I'm just gonna ask you a
23 couple things about things you were asked on redirect.
24 I'm going to show you picture -- or still 2623, okay?

25 A. Okay.

1 Q. And that's a picture of your friend, Alex Vang,
2 and a picture of Isaac, right?

3 A. Yes.

4 Q. Okay. Are you looking at them when you're
5 running this camera?

6 A. At this point I -- I'm just, like, panning
7 around, like, looking all around, I guess.

8 Q. What I'm interested in is, is your head, your
9 face, your eyes looking at where your camera's looking?

10 A. No.

11 Q. Okay. So --

12 A. I guess I don't recall technically exactly where
13 my eyes were looking while I was panning around right at
14 that -- this still frame.

15 Q. Okay. But you'd agree that at this point Mr. Miu
16 and Ms. Coen there would be to -- I'm looking at it,
17 they're to the right --

18 A. Yeah.

19 Q. -- of this, right?

20 A. Um-hum.

21 Q. Okay. And your camera's -- you're holding it
22 like this, right?

23 A. Yeah.

24 Q. Like this?

25 A. Yep.

1 Q. And do you know at that point -- in order to see
2 what's going on over there, you're holding the camera
3 straight and you're turning your head like I'm turning my
4 head to the right, yes?

5 A. Can you say that again? I'm sorry.

6 Q. Well, you're -- what you testified to is that
7 your eyes aren't necessarily in the same place --

8 A. Yes.

9 Q. -- as the camera?

10 A. Yes.

11 Q. Okay. What I'm asking you is you're holding the
12 camera showing Mr. Vang and Mr. Schuman?

13 A. Yes.

14 Q. Okay. You're not looking at the camera -- you're
15 not looking where your camera is being pointed, is that
16 what you're saying?

17 A. Not at every second, no.

18 Q. I understand. There are points that you're --

19 A. Yeah.

20 Q. -- moving around?

21 A. Yes.

22 Q. Right. But your head, in order to see what's
23 going on with Mr. Miu, your head is turned in this
24 direction in order to see this confrontation that's going
25 on --

1 A. Yes.

2 Q. -- is that right?

3 A. Yeah.

4 Q. While you're keeping your camera here?

5 A. Yeah, like, I guess I move my camera with my
6 head. Everything can move.

7 MR. CHIRAFISI: Judge, I don't have any other
8 questions.

9 Thank you, Mr. Cockfield.

10 THE COURT: Thank you. You may step down.

11 Is he released?

12 MR. ANDERSON: No.

13 THE COURT: All right. Please see the
14 coordinator. She'll give you further instructions.

15 (Whereupon, the witness is excused.)

16 MR. SMESTAD: Judge, in case I didn't already
17 ask, I -- I move for admission of 38. I think we may have
18 already done that.

19 THE COURT: 38's been received.

20 MR. SMESTAD: Thank you.

21 THE COURT: All right.

22 We are going to take a short recess. We'll
23 come back at ten o'clock.

24 Please take the jury out.

25 (Whereupon, the jury exits the courtroom.)

1 THE COURT: We are in recess until ten.

2 (Whereupon, a break was held.)

3 (Whereupon, the jury enters the courtroom.)

4 THE COURT: All right. We are back on the
5 record. The attorneys are present, Mr. Miu is present,
6 the jury is present. We are ready to resume testimony.

7 Mr. Anderson, who is the next witness?

8 MR. ANDERSON: Madison Coen. And as a reminder,
9 Judge, she did -- does not want to be filmed.

10 THE COURT: All right.

11 So as I mentioned at the beginning of
12 trial, there are certain witnesses that prefer not to be
13 recorded either by video or audio. Supreme Court rules
14 allow me to instruct that the audio and video recording
15 cease, so I'm doing so now. So everyone's going to go
16 offline.

17 Are we off?

18 THE VIDEOGRAPHER: (Non-verbal response.)

19 THE COURT: Okay. Thank you.

20 (Whereupon, the witness enters the courtroom.)

21 THE COURT: Ms. Coen, please come forward. There
22 you go. Right into the middle. And then turn, face the
23 clerk, and she will administer the oath.

24 MADISON C. COEN,
25 after having been first duly sworn on oath by the clerk,

1 testifies and says as follows:

2 THE WITNESS: I swear.

3 THE COURT: Please have a seat in the witness
4 chair.

5 Mr. Anderson.

6 DIRECT EXAMINATION

7 BY MR. ANDERSON:

8 Q. Can you please state your first and last name and
9 spell your last name?

10 A. Madison c-o-e-n.

11 Q. Last name Coen?

12 A. Yes.

13 Q. How old are you?

14 A. I'm 23.

15 Q. How old were you on July 30th of 2022?

16 A. 22.

17 Q. And, Madison, how tall are you?

18 A. Five, five and a half.

19 Q. Five foot five-and-a-half inches?

20 A. Yes.

21 Q. How much do you weigh?

22 A. 170.

23 Q. Is that about what you weighed back in July of
24 '22?

25 A. I -- yeah.

1 Q. On July 30th, 2022, were you tubing on the Apple
2 River?

3 A. Yes.

4 Q. Were you tubing with a group of people?

5 A. Yes.

6 MR. ANDERSON: Permission to approach.

7 THE COURT: Yes.

8 Q. (By Mr. Anderson, continuing) I'm showing you
9 what's been marked as Exhibit 26. Can you identify what
10 that is?

11 A. The group of friends that I was with on the river
12 that day.

13 Q. And is there anyone pictured in that exhibit who
14 wasn't actually in that photo? Bottom left?

15 A. Sheena.

16 Q. Was she the one who took that photo?

17 A. She took that picture, yeah.

18 Q. Okay.

19 MR. ANDERSON: I'd move to admit and publish.

20 THE COURT: Any objection to 26?

21 MR. CHIRAFISI: No, sir.

22 THE COURT: 26 is received.

23 Q. (By Mr. Anderson, continuing) So, Madison, do
24 you go by a nickname, a shorter name?

25 A. Mady.

1 Q. Mady. Can you start from left to right and tell
2 us who -- you can hold onto it. Can you tell us who these
3 people are?

4 A. Scottie, Janell, Sheena, Ryhley, Tony, me,
5 Ashley, A.J., Dante, Gabriella, and Q.

6 Q. And was there a reason you guys were out tubing
7 this day?

8 A. Celebration. Celebrating birthdays.

9 Q. Whose birthday, do you remember?

10 A. Mine and Q's.

11 Q. And how do you know all these people?

12 A. School.

13 Q. Okay. High school?

14 A. Middle school, high school.

15 Q. Okay. Obviously not Q or Quinton?

16 A. No.

17 Q. Or Sheena?

18 A. Not Q. Friends and family, yeah.

19 Q. Okay. Was your group drinking alcohol?

20 A. Yes.

21 Q. Were you?

22 A. Yes.

23 Q. How many drinks do you have -- did you have, if
24 you know?

25 A. Three to four seltzers.

1 Q. Do you recall what kind of seltzer?

2 A. They were five percent White Claws.

3 Q. Were you intoxicated?

4 A. No.

5 Q. And so you guys start tubing at Rivers Edge?

6 A. Um-hum. Yes.

7 Q. Did you guys stop along the way at all?

8 A. Yes.

9 Q. Do you recall where that was?

10 A. I do not. I just remember there being a sandy
11 shore.

12 Q. Okay.

13 A. It was somewhere along the river.

14 Q. Did you guys continue tubing on from there?

15 A. Yes.

16 Q. At some point did something catch your attention
17 as you were tubing?

18 A. Actually, yes.

19 Q. What was that?

20 A. I heard a group of teenagers yelling out for
21 help.

22 Q. And what did you see when you looked over?

23 A. I saw a grown man walking around, he pushed their
24 tubes, and I yelled over there and I asked, Did you know
25 him? And they all yelled back at me, No, like it was an

1 echo. So I got up out of my tube, and I did not walk over
2 there with any malicious intent, I literally said, Walk
3 away, with my finger pointing down the river, my drink in
4 the other hand, saying walk away.

5 Q. Did you know any of those teenagers?

6 A. No, sir.

7 Q. Did you know the grown man?

8 A. No.

9 Q. Did you hear the teenagers yelling at him also?

10 A. Yes.

11 Q. Do you remember what they were yelling?

12 A. They were just yelling help.

13 Q. So as you were walking over, were you pointing
14 and yelling, Go, go?

15 A. I said, yeah, walk away.

16 MR. ANDERSON: I'm going to go to stills here.

17 I'll let the clerk know when I'm ready.

18 All right. This is slide 1338. I'm ready.

19 Q. (By Mr. Anderson, continuing) Are you in this
20 photo?

21 A. Yes.

22 Q. Or still shot I should say. Who's -- who's that
23 walking next to you?

24 A. Dante.

25 Q. And I'm going to actually go backwards, start

1 going backwards through the slides. I stopped at 1294.

2 Is that what you saw as you were walking over?

3 A. Yeah. Yes.

4 MR. ANDERSON: You can mute it for a second. You
5 can turn off the monitor. I'm going to go to another
6 slide.

7 Okay. Can we show it? This is 1580.

8 Q. (By Mr. Anderson, continuing) And, Mady, what
9 were you doing at this part in --

10 A. Telling him to go away.

11 MR. ANDERSON: You can mute the screen.

12 All right. Can we have it back up? This
13 is 1827.

14 Q. (By Mr. Anderson, continuing) Is that you in the
15 -- this frame also?

16 A. Yes.

17 Q. And are you still yelling at him to leave?

18 A. Yes.

19 Q. I just want to ask --

20 A. That's a White Claw.

21 Q. And then what's in the -- is that a vape pen?

22 A. Yes, that's nicotine.

23 Q. And I'm just gonna scroll through these. He --
24 he's facing away from you here?

25 A. Yes.

1 Q. Scrolling forward. Stopped at 1911.

2 Do you see the part where he turned to face
3 the boys?

4 A. Yes.

5 Q. What did you do?

6 A. I graciously grabbed the corner of his elbow and
7 I got it -- him back towards me instead of those boys.

8 Q. Did you yank him?

9 A. No, sir.

10 Q. And you still -- are you still telling him to
11 leave after you've directed him --

12 A. Absolutely. I told him lots and lots and lots of
13 times, and I was not the only one that kept telling him to
14 walk away.

15 Q. I'm going to another still.

16 MR. ANDERSON: Could I have the screen? This is
17 2100. I'm going to scroll through and then ask you some
18 questions.

19 Q. (By Mr. Anderson, continuing) So 21 -- do you
20 see in the video you -- it looked like he's waving?

21 A. Yeah.

22 Q. And then where -- where are you facing in 2164?

23 A. I'm looking for my group.

24 Q. And did you know who he was waving at?

25 A. Absolutely not.

1 Q. Did you see him ever with anyone else?

2 A. No. No, sir.

3 Q. Did you have -- did he ever tell you his group
4 was up river?

5 A. No, sir.

6 Q. Did he ever say that he'd leave if he could get
7 to his group?

8 A. No, sir.

9 Q. Did he ever ask to walk -- walk past you?

10 A. No, sir.

11 Q. Did he ever try to walk past you?

12 A. No.

13 Q. Did you ever push him?

14 A. No, sir.

15 Q. Punch him?

16 A. No, sir.

17 Q. Did you see Ryhley push him or punch him?

18 A. No, sir.

19 Q. Did you threaten him?

20 A. No, sir.

21 Q. I'm on 2459.

22 MR. ANDERSON: Can we have the screen back?

23 Q. (By Mr. Anderson, continuing) Is that Ryhley's
24 arm, if you know?

25 A. Yes.

1 Q. I'm going to scroll through.

2 Is that your hand touching his shoulder?

3 A. Yes.

4 Q. Or Ryhley's?

5 A. That's mine.

6 Q. Stopping at 2556.

7 Did you and Ryhley both touch his
8 shoulders?

9 A. Yes.

10 Q. Shove him -- you didn't shove him or hit him?

11 A. No. No.

12 MR. CHIRAFISI: Objection. Leading.

13 THE COURT: Sustained.

14 MR. ANDERSON: I guess I already asked it, too.

15 Q. (By Mr. Anderson, continuing) Did you see him
16 pull out his knife?

17 A. No.

18 Q. Did he ever tell you back off or anything like
19 that?

20 A. No.

21 Q. Did he ever hold up his knife?

22 A. No.

23 Q. Did he say leave me alone?

24 A. No.

25 Q. Remember him saying anything at this point in the

1 video?

2 A. No.

3 Q. Shortly after the slide we just left off, does it
4 turn violent?

5 A. Yes.

6 Q. How so?

7 A. He strikes me in my left side of my face with his
8 left hand.

9 Q. Open -- did he hit you with a closed fist or open
10 hand?

11 A. I cannot remember. I thought it was with a
12 closed fist.

13 Q. You didn't -- you don't remember, like, seeing it
14 coming in though?

15 A. Everything happened so fast. I just remember
16 feeling a heartbeat in my cheek.

17 Q. After the strike?

18 A. After he hit me, yes.

19 Q. Did it hurt?

20 A. Yes.

21 Q. Silly question, but did you give him consent or
22 permission to hit you?

23 A. No.

24 Q. When you got hit, did it -- what happened to you?
25 Did it knock you off your balance?

1 A. It did, yes.

2 Q. Did you fall in the water?

3 A. I did not fall in the water. I actually caught
4 myself, but it did throw me backwards.

5 Q. Before he hit you, were you wearing sunglasses?

6 A. Yes.

7 Q. And what happened with those sunglasses?

8 A. They flew off my face.

9 Q. When he hit you?

10 A. Yes.

11 Q. Did you recover them?

12 A. Yes.

13 Q. So when you say you -- you -- can you kind of
14 just describe and -- so the jury can kind of picture what
15 happened when he hit you and you kind of stumbled back and
16 caught yourself, as best you can?

17 A. Yes. So I was looking at him and I kept telling
18 him to walk away. He got a very malicious look in his
19 eyes, and he took a step forward and that's when he swung,
20 and that's when everything went downhill.

21 Q. And you -- the force of the hit knocked you
22 backwards?

23 MR. CHIRAFISI: Objection. Leading.

24 A. It made me stumble backwards.

25 THE COURT: Hold on. Hold on. When there's an

1 objection just hold on.

2 THE WITNESS: Sorry.

3 THE COURT: It's okay.

4 Objection. Leading. Sustained.

5 Q. (By Mr. Anderson, continuing) What happened to
6 you af -- from the force of the impact?

7 A. I stumbled backwards.

8 Q. But you caught your -- did you catch yourself?

9 A. Yes.

10 MR. ANDERSON: Could we have the screen again?

11 2532. I'm going to go forward. Stopping at 2557.

12 Q. (By Mr. Anderson, continuing) Who's that
13 standing off to the right of you?

14 A. Dante.

15 Q. Who's in the yellow shorts?

16 A. A.J.

17 Q. Who's in the green bikini?

18 A. That's Gabby.

19 Q. Who's that in the -- looks like jean shorts, in
20 the background?

21 A. Tony.

22 Q. And it looks like there's a guy down in the tube
23 in red.

24 A. Q.

25 Q. Who is that in the black?

1 A. Janell.

2 Q. I'm stopping at 2653.

3 What had just happened as the camera panned
4 away there?

5 A. He punched me in the face. Punched. Dropped.
6 Smack.

7 Q. And --

8 A. His hand went to my face.

9 Q. Before -- before the camera panned away, were you
10 closer to him?

11 A. No.

12 Q. You said that you felt throbbing in your cheek --

13 A. Um-hum.

14 Q. -- afterwards. Did it leave any obvious injury?

15 A. It left a red mark.

16 Q. Any bruise?

17 A. A little yellow, but not really, no.

18 Q. Do you see the person who punched you in the
19 courtroom?

20 A. Yes.

21 Q. Can you point to where he's sitting and identify
22 what he's wearing?

23 A. A blue tux, tie, gray beard, sitting.

24 Q. Which chair: Left or right?

25 A. Right. Like right there.

1 Q. Your left?

2 A. My right -- my left, yes. My left, their right.

3 Q. Thank -- okay.

4 After you were hit, did you see what
5 happened next?

6 A. No.

7 Q. What did you do?

8 A. I yelled for help.

9 Q. Did you walk away?

10 A. I did, yes.

11 Q. Where'd you go?

12 A. I walked towards my group to get away from him.

13 Q. Did you see anyone get stabbed?

14 A. No.

15 Q. Did you ever see Nicolae with a knife?

16 A. No.

17 Q. At the time, did you know anybody in that other
18 group where -- including knowing their names?

19 A. No.

20 Q. Have you since learned that Isaac was killed?

21 A. Yes.

22 Q. When you -- at some point did you get off of the
23 river?

24 A. Yes.

25 Q. What -- actually, let me back up. What do you

1 remember -- after you got back to your group, what do you
2 remember next?

3 A. I remember calling 911 and waiting for them to
4 get there. I was screaming. I was -- I didn't know what
5 to do. I just was in so much shock that that actually
6 just happened. And as soon as I saw the police coming
7 down, I ran over there and I explained to them what
8 happened and I said that he's still out there, I don't
9 know where he is, please help, please do whatever you can
10 to figure this out.

11 Q. Did you tell police immediately upon getting out
12 of the river that --

13 A. Yes.

14 Q. -- you had been punched?

15 A. Yes.

16 Q. Did you have subsequent interviews with law
17 enforcement?

18 A. What was that? Like --

19 Q. Did you have other interviews --

20 A. Yes.

21 Q. -- another --

22 Did you tell that officer you were
23 punched --

24 A. Yes.

25 Q. -- on the recorded interviews?

1 A. Yes.

2 Q. What -- what do you remember seeing when you
3 realized that people had been stabbed?

4 A. I remember Tony screaming, Dad, dad, he has a
5 knife, he stabbed me. And then I see Ryhley holding her
6 side, I see Dante bleeding, I see A.J.'s body, and then I
7 see -- or I see A.J.'s guts, and then I see Isaac's body.

8 Q. What happened with -- what did everyone do after
9 that, after --

10 A. I don't remember. We just kind of all panicked
11 and had the paramedics and everybody else just take over
12 because we were just so shook with what just happened.

13 MR. ANDERSON: Nothing else, Judge.

14 THE COURT: Mr. Chirafisi.

15 CROSS-EXAMINATION

16 BY MR. CHIRAFISI:

17 Q. So, Ms. Coen, do you interview -- one of the
18 people you interview with certainly is Investigator
19 Shilts, the gentleman sitting right there --

20 A. Yes.

21 Q. -- right?

22 A. Yes, sir.

23 Q. And you do that on the 30th, is that true?

24 A. Yes.

25 Q. Okay. Do you recall telling Investigator Shilts

1 that you inserted yourself into this situation because
2 you're not the kind of people to let this happen --

3 A. Yes.

4 Q. -- right?

5 You don't know actually what was happening,
6 do you?

7 A. I heard help.

8 Q. You don't know what was happening though, do you?

9 A. No, sir.

10 Q. Okay. And you are -- you believe that you're at
11 least a little bit older than the people that you said
12 were asking for your help, right?

13 A. Yes.

14 Q. Okay. And you're not impaired?

15 A. No.

16 Q. Okay. So at that point you're a little bit older
17 of an adult and you can use reason and common sense to try
18 to figure this out, right?

19 A. Right.

20 Q. Okay. And you never asked Mr. Miu why he's
21 there, true?

22 A. True.

23 Q. You don't give him an opportunity to explain why
24 he's there, do you?

25 A. I was scared.

1 Q. Oh. So my point is you said that you went over
2 there with no malicious intent?

3 A. Absolutely not.

4 Q. You don't ask him any questions about why he's
5 there?

6 A. (Non-verbal response.)

7 Q. You don't try to figure out why he's there or
8 what's happening?

9 A. (Non-verbal response.)

10 Q. Your first response to him is, Go, get your
11 fucking ass, go?

12 A. Yes.

13 Q. Without knowing anything about what's actually
14 happening, right?

15 A. Right.

16 Q. Okay. And that is something -- well, is that
17 something that you said because you were afraid?

18 A. What were -- what was that?

19 Q. Were you afraid?

20 A. Yes.

21 Q. Okay. So your response to being afraid is
22 telling somebody, Go, get your fucking ass, go, right?

23 A. To step away, yes.

24 Q. That's how you deal with fear, yes?

25 A. In that moment?

1 Q. Yeah.

2 A. I saw a grown man harassing a group of boys. My
3 initial reaction was to ask him to go away. Did he go
4 away? No.

5 Q. We'll get to that, okay. You see him walk toward
6 you, right? I'm going to show you actually the video, I'm
7 not going to show you the stills --

8 A. Okay.

9 Q. -- okay?

10 MR. CHIRAFISI: We're ready.

11 So we can play from 56, Judge.

12 (Whereupon, the video was played.)

13 MR. CHIRAFISI: Stop.

14 Q. (By Mr. Chirafisi, continuing) They appear to be
15 scared to you at that point?

16 A. If young boys are screaming for help --

17 Q. Did they appear to be --

18 A. -- yes.

19 Q. I'm asking that you answer my question. Did they
20 appear to be scared to you at that point?

21 A. At that point, no.

22 Q. Okay. You walk over --

23 MR. CHIRAFISI: Play it, if you would.

24 (Whereupon, the video was played.)

25 Q. (By Mr. Chirafisi, continuing) He appears to

1 point backwards, is that right, to you?

2 A. Yes.

3 Q. Okay. Is he trying to explain to you what's
4 happening?

5 A. He didn't say anything.

6 Q. And your response to that is pointing, telling
7 him to go, get your ass, fucking go, right?

8 A. I said that once, yes.

9 Q. Okay. He's moved away from where he was with
10 those boys, he's moved over towards you, hasn't he?

11 A. That's because I came up to him telling him to go
12 away, yes.

13 Q. Those boys can just float on by now, can't they?

14 A. I guess.

15 Q. They don't float on by, they join you, don't
16 they?

17 A. With freedom of speech, yes.

18 Q. My point is you thought that they were afraid,
19 they were calling for help, you come over to help, and you
20 give them the opportunity to shoot right on by, right?

21 A. I guess.

22 Q. And they don't, they stay, true?

23 A. True.

24 Q. And they start calling him names, true?

25 A. True.

1 Q. They don't appear afraid anymore, true?

2 A. Yes.

3 Q. At that point then you should be comfortable,
4 right? They're not afraid anymore, everything's fine --

5 A. Well, I --

6 Q. Hold on. Let me finish the question, ma'am.

7 Everything's okay at that point then.

8 They're not calling for help, they're in fact taunting
9 him. You're not needed anymore, right?

10 A. How?

11 Q. You went over there because you said that they
12 were -- you thought that they needed your help.

13 A. Right.

14 Q. You just testified you don't think they need your
15 help at that point we just saw on the tape, right?

16 A. That's because he was with our group now.

17 Q. You say they can go by and they choose not to,
18 right?

19 A. Unfortunately, yes --

20 Q. Okay.

21 A. -- they did not.

22 Q. They join you in terms of taunting him and
23 calling him names, right?

24 A. We weren't calling him names.

25 Q. They're calling him names, right?

1 A. Yes.

2 Q. Okay. At that point then is your concern that
3 they need your help gone?

4 A. No.

5 Q. You still believe those boys need your help?

6 A. He's still there.

7 MR. ANDERSON: Objection. Asked and answered,
8 Judge.

9 THE COURT: Overruled. Well, now she's answered.

10 Q. (By Mr. Chirafisi, continuing) I didn't hear
11 what you said, ma'am.

12 A. He was still there. He didn't move, he didn't
13 walk away, he just stood there.

14 Q. You don't get to control the river, right?

15 A. Right.

16 Q. You don't get to tell people where to go, do you?

17 A. Correct.

18 Q. I'm sorry?

19 A. Correct.

20 Q. Okay. So this person who you have no idea of
21 what's actually happening, Mr. Miu, he doesn't have to
22 listen to you, does he?

23 A. No.

24 Q. Okay.

25 A. He didn't.

1 Q. He doesn't have to, right?

2 A. Yep.

3 Q. Okay. And after he moves toward you and they
4 don't go by, you do see them taunting and pointing at him,
5 is that right?

6 A. Yes.

7 Q. Yes?

8 And you hear him say -- you hear someone,
9 Jawahn Cockfield, the guy holding the video, you hear him
10 say, He said he's looking for little girls?

11 A. I did not hear that.

12 Q. You didn't hear that?

13 A. No.

14 Q. Okay. Did you hear them -- you heard them
15 calling him a pedophile?

16 A. No.

17 Q. You didn't hear that either?

18 A. No.

19 Q. Predator?

20 A. No.

21 Q. You didn't hear any of --

22 A. No, sir.

23 Q. I'm just -- I'm gonna ask that you let me finish,
24 okay?

25 A. Okay.

1 Q. You don't hear them yelling any of those things?

2 A. No, sir.

3 Q. Okay. Now, you had said that you -- I'm going to
4 go to still 1883. You say that you gra -- and I'm using
5 your phrase -- that you graciously grabbed his arm?

6 A. Yeah.

7 Q. Did -- I'm sorry, 1866. Did he ask you to touch
8 him?

9 A. No.

10 Q. But you felt it was okay to put your hands on
11 him?

12 A. Gently. Gently put my hands -- hand on him.

13 Q. You felt that that was okay?

14 A. At that -- at that moment, absolutely, to get
15 him -- to guide -- guide him back to me instead of those
16 boys, yes.

17 Q. So I'm going to start at 1866. That's you,
18 right, behind Mr. Miu?

19 A. I believe so.

20 Q. Okay. And you -- you move him back in your
21 direction, is that right?

22 A. Yes.

23 Q. Okay. And he's about a 250-pound man. You moved
24 that 250-pound man back in your direction, right?

25 A. Yes.

1 Q. Okay.

2 A. Gently.

3 Q. Gently.

4 A. Gently.

5 Q. Understood, ma'am.

6 Now, you see him, do you not, go like this
7 and wave like this?

8 A. I saw his arm go up. I'm not sure what it was
9 doing. I wasn't focus on that, I was more focused on him
10 walking away.

11 Q. Almost immediately after he goes like this to
12 wave, you do the same, true?

13 A. I don't recall.

14 Q. I'm going to show you still frame 2261, okay.

15 MR. NELSON: It's gonna take a second. Sorry.

16 MR. CHIRAFISI: All right. 2259. Sorry.

17 MR. NELSON: Go through?

18 MR. CHIRAFISI: Yeah.

19 Q. (By Mr. Chirafisi, continuing) All right. So
20 2259 to 2262, that's you waving for your group to come,
21 right?

22 A. Okay.

23 Q. Yes?

24 A. Yes.

25 Q. Okay. And at that point it's the six teens, you,

1 and Dante?

2 A. I guess. I'm not sure if Dante was by me over
3 there at that point right next to me but I remember Ryhley
4 was, yes.

5 Q. Okay. So if I tell you that Dante's standing
6 next to you when you tell him to leave and you're swearing
7 at him, would you dispute that?

8 A. If you would show me the video I can remember --

9 Q. Okay.

10 A. -- yeah.

11 Q. I will.

12 But at that point then it's at least nine
13 people against Mr. Miu, right?

14 A. Okay.

15 Q. Yes?

16 A. Yes.

17 Q. And you're calling for reinforcements, right?
18 You're asking for more people to come over?

19 A. My girlfriends, yes.

20 Q. You just wave, right?

21 A. Um-hum.

22 Q. And A.J. comes over, right?

23 A. Yes.

24 Q. He's not your girlfriend.

25 A. No.

1 Q. He's a -- he's a guy?

2 A. Yes.

3 Q. Okay. So you're waving to have more people come
4 over to help you in this situation, right?

5 A. As a female, yes.

6 Q. My point is you're asking -- you already have
7 eight, you're asking for more, yes?

8 A. Are those eight the boys that you're talking
9 about?

10 Q. Yeah.

11 A. Is that the group that --

12 Q. Yeah.

13 A. Those aren't my group.

14 Q. No. But you're asking -- there's eight people
15 there and you're asking for more to come, yes?

16 A. Of my group.

17 Q. The answer's yes, right?

18 A. Yes.

19 Q. And you're creating -- is this true, you guys had
20 formed a line to try to block his path? Is that true or
21 not true?

22 A. No.

23 Q. Okay. Would you agree then the only way that he
24 can go is down river and that's why you're pointing down
25 river, right?

1 A. That's the way that was clear of no people, yes.

2 Q. Okay.

3 A. That's the only way that he could go that didn't
4 have any people, yes.

5 Q. Right. But you don't -- you don't ask him if
6 he's with any people, do you?

7 A. No.

8 Q. You don't know if in fact the people are behind
9 you guys?

10 A. I did not know that, no.

11 Q. Okay. So -- and you wouldn't let him walk in
12 that direction, right? You wanted him to go down river,
13 right?

14 A. I figured that's where his group would be, up
15 there, yeah.

16 Q. You have no idea if he was with a group?

17 A. No.

18 Q. Okay. And do you ever tell the boys, Go, he's --
19 we've cleared a path, now you guys can get out of here?

20 A. No.

21 Q. Did you ever do that?

22 A. He was standing right in front of me. No, I
23 didn't even realize they actually had a path, but I guess
24 they did.

25 Q. Right. And they didn't take it and you didn't

1 tell them to?

2 A. They probably didn't notice it either.

3 MR. CHIRAFISI: Objection, Judge. It's
4 speculative. I'm going to ask that you -- you strike that
5 as speculation.

6 THE COURT: Overruled.

7 MR. CHIRAFISI: Okay.

8 THE COURT: Your question.

9 Q. (By Mr. Chirafisi, continuing) You have no
10 idea -- or you -- you made no effort to have them move
11 forward?

12 A. No.

13 Q. Okay. And you continue to put your hands on Mr.
14 Miu, true?

15 A. No.

16 Q. That's the only time you put your hand on him?

17 A. That I can remember, yes.

18 Q. Well, you saw Mr. Anderson show you a picture of
19 you and Ryhley putting your hands on him together, right?

20 A. Yes.

21 Q. Okay. So you know it was at least another time?

22 A. Not in an aggressive way.

23 Q. I didn't ask you that, ma'am. I asked you if you
24 were just putting your hands on him.

25 A. Yes.

1 Q. Okay. And he's not giving you permission to
2 touch him, is he?

3 A. No.

4 Q. Okay. 2511, I'm going to ask you that you look
5 at this, Ms. Coen. Is that your hand up there on his
6 shoulder?

7 A. Yes.

8 Q. Okay. And you're pushing him backwards, right?

9 A. Yeah.

10 Q. Your hand's pushing on -- off of him?

11 A. Off of him, but he didn't move, yeah. So I can
12 see that, yep.

13 Q. Okay. So there are multiple times that you're
14 putting your hands on Mr. Miu and he's not giving you
15 permission to do that, true?

16 A. Two, yes.

17 Q. Okay. Both Ryan Nelson and Jawahn Cockfield
18 describe you as being in -- as in Mr. Miu's face during
19 this interaction. Would you agree with that?

20 A. No.

21 Q. So they're not telling the truth on that?

22 A. I don't like that, the way you just said that. I
23 think that they saw something different and everything
24 happened so fast.

25 Q. Okay. So their description -- you wouldn't agree

1 with their description?

2 A. No.

3 Q. Ryan Nelson said that you were in his -- in Mr.
4 Miu's personal space. Would you agree with that?

5 A. No.

6 Q. No. At that point right here, had Mr. Miu done
7 anything physically aggressive toward you?

8 A. No.

9 Q. Had he said anything verbally aggressive toward
10 you?

11 A. No, sir. He didn't speak.

12 Q. He didn't respond in any way when you were
13 yelling at him and swearing at him, right?

14 A. No, sir.

15 Q. He didn't respond in any way when you were
16 actually putting your hands on him without his permission,
17 did he?

18 A. I think he was thinking about it.

19 Q. I'm not asking --

20 A. But no.

21 Q. -- you what he's thinking about, I'm asking you
22 what he said or did.

23 A. Okay.

24 Q. He did none of those things, did he?

25 A. No.

1 Q. You -- and you see the group of six. You're
2 standing right there, you see them taunting him, right?

3 A. Yes.

4 Q. Okay. As the voice of reason and common sense do
5 you tell them to stop?

6 A. In that moment, no. I didn't think about it.

7 Q. You're not thinking about anything other than Mr.
8 Miu, right?

9 A. Of him walking away from the boys, yes.

10 Q. Yeah.

11 A. That's all I was thinking about.

12 Q. I want to make sure I understand this part
13 correctly. You said that Mr. Miu struck you, right?

14 A. Yes.

15 Q. Okay. And I don't know if I heard you correctly.
16 Did you say that he struck you with an open hand or closed
17 hand?

18 A. I thought it was closed.

19 Q. Okay.

20 A. It felt like it was closed.

21 Q. All right. Jawahn Cockfield just testified. He
22 described that as Mr. Miu throwing a hook. Would you
23 agree with that?

24 A. Yeah.

25 Q. Okay.

1 A. Yes.

2 Q. So he throws -- and which hand did you say he
3 threw it with?

4 A. Left.

5 Q. Okay. So he throws it with his left -- he throws
6 a hook with his left hand, right?

7 A. Um-hum. Yes.

8 Q. And I think you testified that he hit your left
9 side of your face?

10 A. Yes.

11 Q. Okay. So he hit you on this side?

12 A. (Non-verbal response.)

13 Q. Right?

14 A. Um --

15 Q. Describe how that's humanly possible.

16 A. I actually do get my lefts and my rights mixed up
17 a little bit. So he actually did strike me on this face.
18 He took a step forward and struck like that actually.

19 Q. So you -- so now under oath your testimony is not
20 that he struck you on the left side, he struck you on the
21 right side is what you're saying?

22 A. I apologize, I do think he struck me on my left
23 side because I thought that was my right side, yes.

24 Q. And he strikes you with a hook, he throws a punch
25 like this, right?

1 A. Yeah.

2 Q. Okay. This 250-pound man throws a hook, punches
3 you in the face, you don't go down, right?

4 A. I stumble backwards and down, yes.

5 Q. You don't drop your drink --

6 A. Nope.

7 Q. -- do you?

8 A. No.

9 Q. Your cell phone doesn't fall out of your
10 swimsuit, does it?

11 A. It's a very tight swimsuit, yeah.

12 Q. You don't drop your vape --

13 A. No.

14 Q. -- either, do ya?

15 A. No.

16 Q. So this -- this man, who is 80 pounds
17 approximately heavier than you, punches you in the face
18 with a hook, and it doesn't knock you down, right?

19 A. Not all the way, no.

20 Q. Regarding the -- the -- the punch and the mark,
21 you were ultimately sub -- you were subsequently
22 interviewed with the police about trying to get a photo of
23 that, right?

24 A. Yes.

25 Q. You remember that?

1 A. Yes.

2 Q. And you consistently in that interview describe
3 him as punching you on the left side of your face, right?

4 A. I don't recall.

5 Q. Can I ask you this: When you were talking to
6 Investigator Shilts, did he ever ask to take a picture of
7 your face?

8 A. I don't remember.

9 Q. You don't remember if he indicated that he had
10 seen something or not seen something on your face
11 regarding an injury and wanted to photograph that?

12 A. Correct, I don't remember.

13 Q. Okay. And there is no photograph of your face,
14 true?

15 A. No -- true.

16 Q. I'm sorry?

17 A. True.

18 Q. Okay. You knew what had happened eventually
19 regarding this incident, right?

20 A. What do you mean?

21 Q. You knew that people had been injured and
22 stabbed, right?

23 A. Yes.

24 Q. And you were indicating that he had punched you,
25 right?

1 A. Yes.

2 Q. And you indicated that there was a mark on your
3 face, right?

4 A. Um-hum. Yes.

5 Q. And you never took a photograph of that mark on
6 your face, right?

7 A. In the moment I didn't really think of it, no.

8 Q. You didn't think of it?

9 A. No.

10 Q. Did you think of it later when you said that
11 there was some yellow bruising? Did you think of it then?

12 A. That night I did, yes.

13 Q. And the photo?

14 A. They said that we didn't need that photo.

15 Q. You're telling me the police said --

16 A. Because there was a --

17 Q. Hold on. I'm not done.

18 You're telling me that you told the police
19 that there -- you had an injury on your face and the
20 police indicated to you don't worry about it, we don't
21 need it --

22 A. Yes.

23 Q. -- right?

24 And was that Investigator Shilts?

25 A. I don't recall.

1 Q. When this starts to go down, meaning when this --
2 the physical interaction occurs, you would agree that it's
3 more than 10 people standing there against Mr. Miu, right?

4 A. Yes.

5 Q. I'm sorry?

6 A. Yes.

7 Q. Okay. And to your recollection or your belief,
8 he's alone, right? There's nobody else -- you don't have
9 any indication he's with anyone?

10 A. Yes.

11 Q. Okay. In terms of -- in terms of the numbers of
12 people, the other witnesses have testified that they were
13 feeling more confident in what was going on because of the
14 numbers. Would that be fair for you to say too?

15 A. I suppose, yes.

16 Q. So the more people that were around kind of in
17 favor of you, the more comfortable you felt, right?

18 A. No.

19 Q. No.

20 A. There was still a grown man facing me with a very
21 malicious look. That's very scary.

22 Q. You put yourself in front of that grown man,
23 didn't you?

24 A. Yes.

25 Q. So after he punches you, as you say, you

1 immediately kind of walk away and walk back to your group,
2 is that fair?

3 A. Yes.

4 Q. Okay. And you -- you say that you dropped your
5 sunglasses. They come off of you?

6 A. Um-hum. Yes.

7 Q. Do you pick them up on the way?

8 A. On the way down? I grabbed them, yes. I picked
9 them up.

10 Q. You grabbed them as he was punching you?

11 A. No.

12 Q. After he punched you?

13 A. Yes.

14 Q. Okay. So in that picture that we've been shown,
15 after that you pick up your sunglasses?

16 A. Um-hum. Yes.

17 Q. After all of this --

18 A. Commotion, yes.

19 Q. -- commotion is happening --

20 A. Yes.

21 Q. -- that's what you're saying? Okay.

22 MR. CHIRAFISI: Ms. Coen, I don't have any other
23 questions for you. Thank you for your time.

24 THE WITNESS: Thank you.

25 THE COURT: Mr. Anderson, anything else?

1 MR. ANDERSON: Yes.

2 REDIRECT EXAMINATION

3 BY MR. ANDERSON:

4 Q. You testified on cross you struggle with left
5 verse right?

6 A. Yes.

7 Q. Is that something you've always dealt with?

8 A. Yes.

9 Q. When I asked you which side the Defendant was on
10 you said right at first. You remember that?

11 A. Yeah. Exactly.

12 Q. So were you trying to fabricate this story or
13 were you confused when you said --

14 A. I was confused.

15 Q. And Jawahn and Ryan Nelson who testified already,
16 you don't know them?

17 A. No.

18 Q. You didn't tell them to tell police and this jury
19 that he punched you?

20 A. No, sir.

21 MR. CHIRAFISI: Objection. Leading.

22 THE COURT: Sustained.

23 Q. (By Mr. Anderson, continuing) Did you tell
24 him --

25 A. No, sir.

1 Q. -- did you tell anyone from the other group what
2 to say?

3 A. No, sir.

4 Q. Did you tell anyone from your group what to say?

5 A. No, sir.

6 Q. So on direct they talked about you turning or
7 guiding Mr. Miu around -- on cross, sorry.

8 A. Yes.

9 Q. And you and Ryhley touching his shoulder. And
10 it's after that in the video -- or in the stills that I
11 went through he pulls out his knife. I want to ask you
12 about that. Do you remember anything else -- any other
13 touching of Mr. Miu besides that?

14 A. No, sir.

15 Q. And Defense asked you it's six against one, nine
16 against one, 12 against one, whatever. You recall that
17 line of questioning?

18 A. Yes.

19 Q. Apart from the you and Mady touching him --
20 sorry, you and Ryhley, apart from you and Ryhley touching
21 him, the 12 against one or whatever the number is, is it
22 only verbal?

23 A. Yes.

24 Q. And he takes out his knife and punches you?

25 A. Yes. With his left hand.

1 Q. Did you give law enforcement access to your
2 phone?

3 A. Yes.

4 Q. Was that so -- did you think you had maybe taken
5 a picture of your injury?

6 A. Yes.

7 Q. So you -- did you give them permission to try to
8 look for that?

9 A. Yes.

10 Q. You've described how he's looking at you with a
11 malicious look.

12 A. Yes.

13 Q. Is that something you just saw on the video or do
14 you remember that from the incident?

15 A. I remember that from the incident.

16 MR. ANDERSON: Can we have the screen, please?

17 Q. (By Mr. Anderson, continuing) This is 2534. Is
18 this an example of what you mean by that?

19 A. No. A little bit, but not as malicious. This --
20 his other face was way more malicious.

21 Q. How so?

22 A. He has eyes kind of bigger and he was actually
23 smiling. He didn't have his mouth open, he was smiling.

24 MR. ANDERSON: Nothing else.

25 THE COURT: Mr. Chirafisi?

1 RECROSS-EXAMINATION

2 BY MR. CHIRAFISI:

3 Q. How did you want him to behave?

4 A. I wanted him to walk away.

5 Q. That's not my question. You -- you said he was
6 smiling.

7 A. Yes.

8 Q. Did you want him to cry?

9 A. No. I wanted him to act like an adult and walk
10 away and --

11 Q. Like -- like you were doing?

12 A. What do you mean?

13 Q. Acting like an adult, right?

14 A. Yes.

15 Q. Like you were behaving?

16 A. Yes.

17 Q. Not having any information about what was going
18 on, right?

19 A. Right.

20 Q. Not trying to get any information about what was
21 going on --

22 A. Right.

23 Q. -- right?

24 Those are things adults do, that's what
25 you're saying?

1 MR. ANDERSON: Objection, Judge. Argumentative.

2 THE COURT: Sustained.

3 Q. (By Mr. Chirafisi, continuing) You said that you
4 maybe thought you took a picture of the injury.

5 A. Yes.

6 Q. Okay.

7 A. My mother did.

8 Q. You thought your mother did?

9 A. My mother did.

10 Q. And where is it?

11 A. We deleted it.

12 Q. You deleted a picture of an injury in a homicide
13 case, that's what you're saying?

14 A. Yes.

15 Q. Okay. Do you remember in your interview -- your
16 mom was present in that interview with investigators
17 regarding your phone, correct?

18 A. Yes.

19 Q. Do you remember your mom telling investigators
20 and pointing to the left side of her face?

21 A. I don't remember.

22 Q. You don't remember that?

23 A. It was two years ago. I don't remember.

24 Q. Okay.

25 MR. CHIRAFISI: That's all I have. Thank you.

1 THE WITNESS: Thank you.

2 THE COURT: All right. Thank you, Ms. Coen. You
3 may step down.

4 Is she released?

5 MR. ANDERSON: No.

6 THE COURT: All right. Please see the witness
7 coordinator on the way out, she'll give you instructions.

8 (Whereupon, the witness is excused.)

9 THE COURT: While we're in-between witnesses, if
10 anyone needs to stand and stretch, please do so.

11 Who's the next witness?

12 MR. SMESTAD: Alex Vang.

13 (Whereupon, the witness enters the courtroom.)

14 THE COURT: Mr. Vang, please come forward.

15 Please face the clerk, raise your right hand, she will
16 administer the oath.

17 ALEXANDER VANG,
18 after having been first duly sworn on oath by the clerk,
19 testifies and says as follows:

20 THE WITNESS: Yes.

21 THE COURT: Please have a seat in the witness
22 chair.

23 MR. SMESTAD: Judge, can I approach?

24 THE COURT: All right. Mr. Smestad.

25 DIRECT EXAMINATION

1 BY MR. SMESTAD:

2 Q. Will you state your name for the record, please,
3 spell your last name?

4 A. My name is Alex Vang, v-a-n-g.

5 Q. How old are you, Alex?

6 A. I am 19 years old.

7 Q. You go to school? Do you work?

8 A. I am a student at St. John's University.

9 Q. What's your -- what are you studying?

10 A. Global business leadership.

11 Q. What year are you at St. John's?

12 A. I'm a first year.

13 Q. Were you familiar with a person named Isaac
14 Schuman?

15 A. I was.

16 Q. How did you know him?

17 A. He was my best friend.

18 Q. Okay. How many years were you best friends with
19 Isaac?

20 A. Seventh grade, when I first met him.

21 Q. Were you with Isaac Schuman on July 30th of 2022?

22 A. Yes, I was.

23 Q. Were you part of a group of your friends that
24 tubed down the Apple River near Somerset, Wisconsin?

25 A. Yes.

1 Q. Were you with Isaac -- Isaac when he was stabbed
2 and killed that day?

3 A. Yes, I was.

4 Q. It's my understanding from other testimony that
5 you were the driver who drove everybody to the river?

6 A. Correct.

7 Q. Did you rent tubes at River's Edge?

8 A. Yep.

9 Q. Do you remember if you got a receipt for the --
10 the tubes?

11 A. Uhm --

12 Q. What you paid for them?

13 A. I don't think so, no.

14 Q. Do you remember what time you got on the river?

15 A. Estimate maybe around one, 1:30.

16 Q. All right. Was your group together in -- in the
17 tubes?

18 A. Yes.

19 Q. Were your tubes connected together?

20 A. Yes.

21 Q. What -- was the plan to float down to Village
22 Park in Somerset?

23 A. If that's at the end, yes.

24 Q. All right. Did you have plans for a return trip
25 back to River's Edge?

1 A. Say again.

2 Q. Did you have plans on how to get back from
3 Village Park up to River's Edge?

4 A. Yeah, we were gonna either -- we were gonna find
5 a ride.

6 Q. All right. While you were tubing the river, were
7 you drinking alcohol?

8 A. Yes, I was.

9 Q. What kind of alcohol did you have?

10 A. Just some beers, some Michelob Goldens, maybe
11 some -- the light Ultras or something, whatever they're
12 called.

13 Q. Did you have any hard liquor?

14 A. I did not.

15 Q. Do you know if anybody in your group was drinking
16 hard liquor?

17 A. I don't recall.

18 Q. Did you use any other drugs that day?

19 A. Yeah, I smoked some weed.

20 Q. All right. By weed, you mean marijuana?

21 A. Yes, please -- or yes.

22 Q. As you were floating down the river, did you
23 eventually have contact with the Defendant, Mr. Miu?

24 A. Yes, I did.

25 Q. All right. Do you know whereabouts you were in

1 the river when you first saw him?

2 A. I don't recall. I just know we were out a little
3 bit a ways from a -- from a bridge.

4 Q. Had you been on the river before?

5 A. I have.

6 Q. How many times?

7 A. Just the year previous.

8 Q. When you first saw Mr. Miu, what was he doing?

9 A. He was just looking in the water with some
10 snorkeling gear.

11 Q. All right. Did you ask him what he was doing?

12 A. I did.

13 Q. What did he say?

14 A. I just said, uhm, you're snorkeling in some
15 pretty short water, like, what are you looking for?

16 Q. And how did he answer?

17 A. He said something along the lines of -- he
18 responded with a looking for little girls or something
19 like that.

20 Q. All right. Are you aware that -- well, strike
21 that.

22 Did you record any part of your -- your
23 interaction with Mr. --

24 A. I did not.

25 Q. Okay. You got to let me finish my question.

1 A. I'm sorry. I'm sorry.

2 Q. Is this your first time testifying?

3 A. It is.

4 Q. Are you a little nervous?

5 A. Yes.

6 Q. All right. Did you yourself record any part of
7 the incident on the river?

8 A. No, I did not.

9 Q. All right. Are you aware that somebody else in
10 your group was?

11 A. Yes.

12 Q. Who was that?

13 A. Jawahn Cockfield.

14 Q. All right. Have you had a chance to review that
15 video?

16 A. Yeah, I watched it once.

17 Q. All right. And are you -- have you seen yourself
18 in the video?

19 A. Yes.

20 Q. All right. At the time that you asked Mr. Miu
21 what he was doing and he responded like that, is any of
22 that on the video?

23 A. No.

24 Q. All right. At some point did Mr. Miu run up on
25 your group?

1 A. He did.

2 Q. Did that cause you concern?

3 A. Yes. I was very scared.

4 Q. Did you bail out of your tube?

5 A. I did.

6 Q. What did he do when he ran up?

7 A. From what I remember, he ran up to us and grabbed
8 our tubes and stopped us from carrying on.

9 Q. All right. Were you floating at that time?

10 A. Yes, we were.

11 Q. Did he stopped you from floating?

12 A. Yes.

13 Q. I'm gonna show you a -- a still frame from the
14 video.

15 MR. SMESTAD: It can be put on the screen.

16 Q. (By Mr. Smestad, continuing) Alex, I'm showing
17 you frame 0156 of Jawahn's video. Are you in that
18 picture?

19 A. That's me, yes.

20 Q. Is this -- describe when this picture was taken.
21 I mean, what -- what -- what's going on when you're in the
22 water there?

23 A. This must have been when he was running towards
24 our tubes and was just about grabbing our tubes and I was
25 just -- I -- I was off the tubes at that moment.

1 Q. Whose leg is in the -- the foreground of the
2 picture?

3 A. I assume at the very bottom that's Jawahn's.

4 Q. All right. At that point had you separated
5 yourself away from your raft of tubes?

6 A. Yes, I did.

7 Q. Why?

8 A. I was concerned for my safety. I didn't know
9 what his intentions were running up on our tubes.

10 Q. All right. Is it fair to say that prior to him
11 running up, Jawahn called him some names?

12 A. Yes.

13 Q. All right. Were you involved in calling him any
14 names before he ran up on the group?

15 A. Yes.

16 Q. All right. Do you know whether he was alone or
17 with a group?

18 A. From what I saw, he was just by himself.

19 Q. Did he have a tube?

20 A. No, not that I saw.

21 Q. Okay. When he ran up on you, were you able to
22 see whether he had anything in his pocket?

23 A. No.

24 Q. At any point during this interaction with him,
25 did you know he had a knife?

1 A. No.

2 Q. All right. Did you know Mr. Miu at all?

3 A. I did not.

4 Q. Do you remember how long you'd been on the river
5 by the time you had this run-in with him?

6 A. I'd estimate maybe an hour, hour and a half.

7 Q. When he ran up and grabbed on to your raft of
8 tubes, did he say anything that you heard?

9 A. I don't recall.

10 Q. Did he -- I know from the still we just looked at
11 that you had gotten off your tube. Did he make any
12 physical contact with you at all?

13 A. Not me, no.

14 Q. All right. At any time during this incident did
15 he ever have any physical contact with you?

16 A. No.

17 Q. As he's grabbing on to your tubes, did you say
18 anything to him?

19 A. I don't recall.

20 Q. All right. Did ya threaten him in any fashion?

21 A. No.

22 Q. Did you tell him he had 10 seconds to -- to leave
23 or anything like that?

24 A. No.

25 Q. You did call him some names?

1 A. Yes, I did.

2 Q. What kind of names did you call him?

3 A. Pedophile, predator.

4 Q. Might be a dumb question, but you don't seem to
5 be proud of that?

6 A. No, sir.

7 Q. Would you agree that you boys probably weren't
8 very kind to him?

9 A. Yeah.

10 Q. In the context of what happened though, did you
11 know what his intentions were?

12 A. No.

13 Q. Eventually, did you and your friends start
14 yelling at him to get away?

15 A. Yes, we did.

16 Q. Were you using raised voices?

17 A. Yes.

18 Q. You seen that all on the video?

19 A. Yes.

20 Q. At some point did other folks come over to -- to
21 see what was going on?

22 A. They did.

23 Q. Do you recall who was the -- or can you describe
24 the first person that -- that showed up that --

25 A. The first person I saw come up was a -- maybe a

1 small white lady.

2 Q. All right. What did she do?

3 A. She pretty much just confronted him face-to-face
4 saying to leave these kids alone. You -- you could leave
5 right now, just leave these guys alone.

6 Q. Did she swear at him?

7 A. I don't recall.

8 Q. All right. Was she -- did she have dark hair or
9 blonde hair?

10 A. I don't recall, but my best estimate would be
11 blonde.

12 Q. All right. At some point did you see two women
13 from another group confronting him?

14 A. Yeah.

15 Q. And what was -- what was the other woman doing,
16 the second woman?

17 A. From what I remember, she was just next to the
18 other lady. I don't recall what she was really doing.

19 Q. All right. Did you hear her tell him to leave at
20 all?

21 A. A lot of people were telling him to leave.

22 Q. All right. Including you?

23 A. Yes.

24 Q. At some point as you reviewed the video did you
25 realize you guys were laughing at him?

1 A. Yes.

2 Q. Why was that, if you know?

3 A. You know, we felt like it was kind of those
4 situations where like, you know, yeah, we, like, caught
5 someone doing something wrong and, you know, it's --
6 something like that. I don't know.

7 Q. Did you think that he was getting in trouble from
8 this other group?

9 A. Yes. I was thinking that he was probably about
10 to leave and stop all the commotion that was going on.

11 Q. Were you feeling relieved?

12 MR. CHIRAFISI: Objection. Leading.

13 THE COURT: Sustained.

14 THE WITNESS: Say again.

15 THE COURT: Oh, no.

16 THE WITNESS: Oh, I'm sorry.

17 THE COURT: If there's an objection I have to
18 rule. Sustained means don't answer.

19 THE WITNESS: Okay. Gotcha. Gotcha.

20 THE COURT: So next question.

21 Q. (By Mr. Smestad, continuing) As Mr. Miu is
22 talking to these -- the two women there, were they -- were
23 they standing in front of him? Behind him? Where were
24 they?

25 A. The two women?

1 Q. Yes.

2 A. They were in front of him.

3 Q. Did you ever hear him say, you know, get out of
4 my way, let me go?

5 A. I did not.

6 Q. Did you ever hear him call out for help?

7 A. No.

8 Q. Did you and your group of friends surround him?

9 A. I wouldn't --

10 Q. And by that -- by that I mean circle him?

11 MR. CHIRAFISI: I'm going to object. I'm going
12 to ask him to let him answer the question.

13 THE COURT: I'm sorry, I didn't hear that all.

14 MR. CHIRAFISI: I'm going to let him answer the
15 question. He was trying to answer the question and then
16 he was interrupted with --

17 THE COURT: Well, it's his witness. So I'll let
18 him interrupt his own witness.

19 Q. (By Mr. Smestad, continuing) Did you encircle
20 Mr. Miu before any of the fights started?

21 A. I wouldn't say circle. I would say we were
22 standing near to him. We weren't -- yeah.

23 Q. All right.

24 MR. SMESTAD: If we can go to slide 2593.

25 Turn it on.

1 Q. (By Mr. Smestad, continuing) All right, Alex,
2 I'm showing you still frame 2593 from Jawahn's video. Is
3 this what you saw when you describe the two women standing
4 in front of him?

5 A. Correct.

6 Q. Were any of your friends behind him?

7 A. No.

8 Q. And in relation to this picture, where were
9 your -- where was your group of friends located?

10 A. I would say maybe to the back and to the left.

11 Q. All right. Were you within arms reach of him?

12 A. From this picture, no, I wasn't.

13 Q. All right. Was anybody else in your group at
14 this point within arms reach of him?

15 A. No.

16 Q. All right. So as he's being scolded by these
17 women, what did you see Mr. Miu do?

18 A. Say again.

19 Q. What did -- what did he do? What -- once this
20 frame is up, once these women are standing in front of
21 him, did you see him do something?

22 A. Yeah. From what I remember, these two women were
23 confronting him and he decided to punch one of the ladies,
24 which I remember being the blonde one, right in the face.

25 Q. You saw him do that?

1 A. Yeah.

2 Q. Did you know that lady at all?

3 A. No, I did not.

4 Q. Had you ever met her before in your life?

5 A. No, I did not.

6 Q. Did you even talk to her on the river?

7 A. No.

8 Q. She was a complete stranger to you?

9 A. Complete stranger?

10 Q. (Non-verbal response.)

11 A. Yes.

12 Q. What part of her body did he punch?

13 A. The face.

14 Q. Do you remember -- and I know this was two years
15 ago, but do you remember which hand he used?

16 A. The right hand.

17 Q. All right. At that point were you -- do you know
18 whether he used a closed fist or an open hand?

19 A. I don't recall, but I know he striked her in the
20 face.

21 Q. All right. And how did she react bodily?

22 A. Well, I mean, a lot happened when -- when that
23 first happened, but from what I remember she reacted how
24 anyone else would react to getting hit in the face, is
25 maybe holding the -- holding the part where she got hit.

1 Q. Did she -- did she go down?

2 A. I don't recall.

3 Q. All right. After Mr. Miu punched the blonde lady
4 in the face, did her friends react?

5 A. They did.

6 Q. What happened?

7 A. Well, after -- after he punched her in the face
8 their friends hopped on him trying to pretty much
9 retaliate from him hitting -- hitting her in the face.

10 Q. Was Mr. Miu struck in -- likewise struck in the
11 face?

12 A. Uhm --

13 Q. If you saw?

14 A. I don't recall. I knew he was getting hit.

15 Q. Did you see him go down?

16 A. Yes, I did.

17 Q. And at any time while this fight had started, did
18 you see him holding the knife in his hand at all?

19 A. No.

20 Q. Did he eventually get back up?

21 A. Yes, he did.

22 Q. At that point did you notice that there were some
23 folks that were injured?

24 A. I'd say within five seconds I realized that there
25 were people stabbed.

1 Q. All right. Do you remember who -- who the first
2 person was that you saw stabbed?

3 A. I saw the blonde white lady get stabbed first.

4 Q. Not the same one who got punched or the same one
5 that got punched or don't you know?

6 A. I don't recall. I just do remember seeing a
7 blonde white lady stabbed first. I can't tell you if it
8 was the same one but --

9 Q. Okay. I'm gonna -- we're gonna look at a still
10 frame here. Still 2944. As you watched the video and saw
11 yourself laughing, at some point was there a point in the
12 video where your expression changes?

13 A. Yes.

14 MR. SMESTAD: All right. We're going to show a
15 sequence of slides. Start at 2915.

16 THE CLERK: Ready?

17 Q. (By Mr. Smestad, continuing) All right, Alex,
18 this is slide 20 -- 2915 from the video. Do you see
19 yourself in that video?

20 A. Yes, I do.

21 Q. Is that you in the back center?

22 A. Yep.

23 Q. You're looking off to your right?

24 A. Yes.

25 MR. CHIRAFISI: Judge, I'm going to object. It's

1 leading. It's not a question actually.

2 THE COURT: Well --

3 Q. (By Mr. Smestad, continuing) Okay. Which
4 direction are you looking?

5 A. From where I'm -- from my point of view, to my
6 right, or pretty much like around, like, this direction.

7 Q. And we're going to go through it here.

8 All right. We're looking at slide 2944.
9 Do you see yourself in that still as well?

10 A. Yeah.

11 Q. What's the expression on your face?

12 A. Completely shocked.

13 Q. Is -- what had you seen at that point that made
14 you have that expression on your face?

15 A. I had seen -- I seen the stab wound that was
16 actively bleeding and --

17 Q. On a man or -- man or woman?

18 A. Woman.

19 Q. Is that the -- the woman that you testified
20 earlier that you had seen get stabbed?

21 A. I would need to see again, but I don't -- I don't
22 really recall.

23 Q. Okay. Were you injured in any way?

24 A. No.

25 Q. Did Mr. Miu do anything to you?

1 A. No, he didn't do anything to me.

2 Q. All right. Did you ever lay a hand on him?

3 A. No.

4 Q. At some point did you realize that Isaac Schuman
5 had been stabbed?

6 A. Yes.

7 Q. Did you actually see that happen?

8 A. I didn't see the action of him being stabbed, no.

9 Q. When did you first realize that he had been
10 stabbed?

11 A. I noticed he got stabbed when he fell into the
12 water.

13 Q. All right. Were you near him when that happened?

14 A. I was close. I was a couple feet away from him.

15 Q. What did you see on Isaac as he fell in the
16 water? I know this is hard.

17 A. Yeah. So when he -- when he fell into the water
18 I knew he was holding the left side of his chest, and so
19 when I picked him up I noticed he had a huge gash in his
20 chest that was bleeding out.

21 Q. We're gonna play a portion of the video starting
22 at the 2:15 mark.

23 While that's getting set up, did you --
24 once you realized that Isaac was injured, did you go to
25 him?

1 A. Yeah. I immediately grabbed him, saw that he was
2 injured and wasn't able to completely move, and that's
3 when I decided I needed to hold pressure on the wound and
4 try and -- and drag him to shore.

5 Q. Did you do that?

6 A. I did. I apologize.

7 Q. At some point did some folks stop to help you
8 care for Isaac?

9 A. Yeah, some adults came by and helped us out.

10 Q. Did you -- were you present while they were
11 trying to render aid to Isaac?

12 A. Yes, I was.

13 Q. Eventually, did EMTs and police arrive on the
14 river?

15 A. They did.

16 Q. Did you see them take Isaac off the river?

17 A. Yes.

18 Q. Did you follow?

19 A. Yeah, my -- my sister -- my sister and my
20 brother-in-law picked me up and drove me to the hospital
21 where he was getting sent to.

22 Q. While you were at the hospital where they brought
23 Isaac, did you speak to police?

24 A. Yes, I did.

25 Q. Do you remember if you spoke to police on the

1 side of the river as well?

2 A. Yeah.

3 Q. Did you tell them what happened?

4 A. Yes.

5 MR. SMESTAD: All right. If we can go to the --
6 the screen. We're playing the video starting at 2:15.

7 And, Alex, I'm going to ask you to review
8 this, and I know it's going to be difficult.

9 (Whereupon, the video was played.)

10 Q. (By Mr. Smestad, continuing) The beginning of
11 the video, was that you running towards where Isaac was in
12 the water?

13 A. Yes.

14 Q. Did anyone else run towards Isaac besides for
15 you?

16 A. Yeah.

17 Q. Who else?

18 A. Owen Peloquin.

19 Q. Was he in your group that day?

20 A. Yes, he was.

21 Q. And I know it's been almost two years, but do you
22 remember the face of the person who did this?

23 A. Yes, I do.

24 Q. Do you see him in the courtroom here?

25 A. Yeah.

1 Q. Can you point him out, say what he's wearing?

2 A. He's right there.

3 Q. What's he wearing?

4 A. Suit jacket, dress pants, brown shoes.

5 Q. Far left of the table from your perspective?

6 A. Correct.

7 Q. While you're at the hospital, is that when you
8 and your friends were informed that Isaac had passed away?

9 A. Yes.

10 MR. SMESTAD: I don't have any other questions.

11 THE COURT: Mr. Chirafisi.

12 CROSS-EXAMINATION

13 BY MR. CHIRAFISI:

14 Q. Mr. Vang, you're a -- you're a student at St.
15 John's?

16 A. Correct.

17 Q. Okay. You go to school with Jawahn Cockfield?

18 A. I do.

19 Q. Okay. Are you guys roommates or anything?

20 A. No.

21 Q. Just -- just friends?

22 A. Yes.

23 Q. Okay. And you acknowledge that you provided an
24 interview to police in this case, is that right?

25 A. Yes.

1 Q. And that interview was given the day of the
2 incident, is that true?

3 A. It was.

4 Q. Okay. Is your memory better on the day of the
5 incident or is it better 21 months later?

6 A. I'd say it's just about the same.

7 Q. Okay. You would agree that in your interview
8 that you gave on the day of the incident to the police,
9 you never mentioned to them that you had a conversation or
10 heard Mr. Miu talking about little girls in any way,
11 right?

12 A. Yes.

13 Q. You never tell them that, do you?

14 A. I didn't. I was -- I was still in shock. There
15 was a lot of little details that I could have explained
16 but there was still a lot going through my head and I -- I
17 couldn't possibly process every single little detail that
18 happened, but I tried to give them the best I could at
19 that moment.

20 Q. Well, the good news is we've had 21 months since
21 then. In those 21 months did you ever follow up with them
22 and say, you know, I left something out. He told me he
23 was looking for little girls. Did you ever do that?

24 A. I made sure to tell my team that a couple weeks
25 before this happened when we were talking.

1 Q. You told the prosecution a couple weeks before
2 this happened, before this testimony?

3 A. Yes.

4 Q. That that had happened?

5 A. Yes.

6 Q. Okay. You never tell the police that, right?

7 A. No. Not at those moments, no.

8 Q. Okay. And you never follow up with them and tell
9 them, right?

10 A. No, I didn't.

11 Q. What you tell them is you see a guy snorkeling by
12 himself and we're just saying, oh, he's snorkeling by
13 himself, right? That's what you tell the police?

14 A. Yes.

15 Q. Is that true?

16 A. Yeah. He looked like he was about to do some
17 snorkeling activities, yeah.

18 Q. Okay. And then you just say he was chirping back
19 at us and we were chirping at him, right?

20 A. Yeah, I made a little joke like the water's super
21 short, you know, like, what you looking for? Maybe just a
22 little -- just a little tripping, like, yeah, the water's
23 short, you know, maybe it's not -- maybe, like, I don't
24 know how you're gonna do much snorkeling. It was a little
25 joke and --

1 Q. Okay. And did he respond to you?

2 A. Yes, he did.

3 Q. What does he say?

4 A. When I asked him what he was doing looking in the
5 water he said something along the lines of I'm looking for
6 little girls or something.

7 Q. Okay. Now, of course that's not on tape, right?

8 A. It's not.

9 Q. And Jawahn Cockfield has testified and he agreed
10 that your -- your group was antagonizing Mr. Miu. Would
11 you agree with that?

12 A. Yeah.

13 Q. Would you agree that at least on tape the loudest
14 antagonizer is Jawahn Cockfield? Would you agree with
15 that?

16 A. He was closer to the phone.

17 Q. I mean, you can hear his voice the most --

18 A. Yes.

19 Q. -- right?

20 And do you recall Jawahn Cockfield on video
21 saying grown men cannot have sex with little girls and
22 calling him a raper? You remember that?

23 A. Nah, I don't recall.

24 Q. If you can just listen to this, Mr. Vang. You
25 can watch it too obviously, but listen.

1 Now before we start --

2 MR. CHIRAFISI: Can you bring it up?

3 Q. (By Mr. Chirafisi, continuing) Is that you?

4 A. That is.

5 Q. Okay.

6 MR. NELSON: Sorry, I pulled up the wrong video.

7 Can you turn it down? I apologize.

8 Can I just get Exhibit 2? Sorry.

9 Q. (By Mr. Chirafisi, continuing) Can I ask you,
10 Mr. Vang, did you see any little girls around there?

11 A. I did not.

12 Q. Okay. Is that you, Mr. Vang?

13 A. Yes.

14 Q. Okay.

15 (Whereupon, the video was played.)

16 Q. (By Mr. Chirafisi, continuing) You remember that
17 now?

18 A. Yes.

19 Q. Okay. And at that point Mr. -- he was not
20 bothering you guys at all, was he?

21 A. No, he was bothering no one.

22 Q. Okay. Walking away and you guys -- at least Mr.
23 Cockfield starts calling him a raper, is that right?

24 A. Yes.

25 Q. Okay. And you tell police that you -- you say,

1 We almost started calling him a predator and a pedophile,
2 right?

3 A. (No response.)

4 Q. You didn't almost, you did, right?

5 A. Yes.

6 Q. So you have no idea why he's there, right?

7 A. No.

8 Q. And you guys take to just humiliating this man,
9 true?

10 A. We wouldn't say what we said if he didn't say
11 what he said.

12 Q. I know, but as we've already established, you
13 don't tell that to the police and it's not on the video,
14 right?

15 A. Say again.

16 Q. We've already established you don't tell the
17 police that he said that and it's not on any video that
18 was recorded?

19 MR. SMESTAD: Objection, Your Honor. That's been
20 asked and answered.

21 THE COURT: It has been. We're plowing the same
22 ground.

23 MR. CHIRAFISI: Okay.

24 Q. (By Mr. Chirafisi, continuing) So do you -- when
25 he walks up to your tubes, you said that you were -- if I

1 have it right, you were very scared, is that right?

2 A. Yes, I would say he -- he ran up to us and I was
3 scared.

4 Q. Okay. Did your fear dissipate as time went on or
5 did you remain very scared throughout the incident?

6 A. I was still internally as scared as I was.

7 Q. He walks around your tubes and starts walking
8 away from your group, is that right?

9 A. Maybe a few steps.

10 Q. He turns his back to your group?

11 MR. CHIRAFISI: Can you bring up the screen?

12 Q. (By Mr. Chirafisi, continuing) He turns his back
13 to your group, yes?

14 A. Yes.

15 Q. Okay. And at that point you just want to get by?
16 You just want to be able to get past him, is that fair?

17 A. Yeah, we were floating down still. From where he
18 was it would just be like this, like, you know, we were
19 just moving along the river, going with the flow, until he
20 ran up to our tubes and stopped us.

21 Q. I'm going to need you to listen to my question.
22 My question was: What you're hoping for is that you're
23 able to get past him, is that right?

24 A. Yes.

25 Q. Okay. And there comes a point where this blonde

1 woman that you've mentioned, she's testified, Madison
2 Coen, where she starts to come over, right?

3 A. Yes.

4 Q. And he moves from where you guys are over to her,
5 doesn't he?

6 A. Yes.

7 Q. Okay. He gives you that path that you're looking
8 for to float on by, right?

9 A. Yes.

10 Q. You don't take it though, do ya?

11 A. He already stopped us.

12 Q. That's not my question. My question is you
13 admitted he gives you a path and you don't take it, right?

14 A. Yes.

15 Q. You stay, right?

16 A. Yes.

17 Q. Your group stays, don't they?

18 A. Yes.

19 Q. Okay. And you guys, who have the ability to go
20 past him, do you -- do you hear this woman yelling at him?

21 A. I do.

22 Q. Okay. And she never tells you guys to go past,
23 does she?

24 A. I don't recall.

25 Q. Okay. Do you hear Jawahn Cockfield tell her he's

1 looking for little girls?

2 A. I don't recall.

3 Q. Okay. Ryan Nelson describes her as getting --
4 and Jawahn did too by the way -- as getting -- the blonde
5 girl, as getting in Mr. Miu's face. Would you agree with
6 that?

7 A. Yeah, she was face-to-face with him.

8 Q. Okay. Ryan Nelson said that she was in his
9 personal space. Would you agree with that?

10 A. Yeah.

11 Q. Okay. I've asked some of the -- your group to
12 listen. I don't -- you can watch but you need to listen,
13 to hear if you can hear on this video someone say the
14 words you've got 10 seconds, okay. So I just want you to
15 listen to it and tell me if you hear it.

16 A. Gotcha.

17 Q. We can play it twice if you can't.

18 MR. CHIRAFISI: We're ready.

19 So I would just ask that you listen, okay,
20 Mr. Vang?

21 (Whereupon, the video was played.)

22 Q. (By Mr. Chirafisi, continuing) Did you hear
23 that?

24 A. Can you replay it?

25 Q. Sure.

1 (Whereupon, the video was played.)

2 Q. (By Mr. Chirafisi, continuing) Did you hear it
3 there?

4 A. Yes, I did.

5 Q. Okay. So somebody in your group says you got
6 10 seconds, right? Do you say that?

7 A. No.

8 MR. SMESTAD: Judge, I'm -- I'm gonna object. He
9 didn't let him answer the first question about if someone
10 in his group said that.

11 THE COURT: Sustained. Can you ask --

12 MR. CHIRAFISI: Sure.

13 THE COURT: Go back and just clean it up.

14 Q. (By Mr. Chirafisi, continuing) Do you say that?

15 A. I do not.

16 Q. Okay. You hear someone -- on this recording you
17 hear someone say it, right?

18 A. On the video, yes.

19 Q. Okay. You'd agree you don't believe it's Jawahn
20 Cockfield because he's holding the camera, right?

21 A. No.

22 Q. So fair to say it's someone else in your group,
23 yes?

24 A. I don't recall if it was our group.

25 Q. Okay. The other group wasn't over there at that

1 point, right?

2 A. I -- I didn't know where that point of the video
3 was.

4 Q. Okay. As the blonde girl comes over, she comes
5 over with a couple other people, is that right?

6 A. Yes.

7 Q. Okay. So -- and at that point you believe that
8 Mr. Miu's alone, true?

9 A. Yes.

10 Q. So when she comes over she brings a couple people
11 with her, so it's -- and you have six, so at that point
12 it's at least eight, nine people versus one, right? Is
13 that fair?

14 A. Yep.

15 Q. Ryan Nelson said that changed his -- his fear
16 level, that the more people that showed up, the less
17 his -- his fear decreased and so did Jawahn Cockfield. Is
18 that how you felt?

19 A. Yeah, I would say it slightly got better, but I
20 mean, there was still commotion in front of us. I mean,
21 it -- it helped that a different group came to help us out
22 but -- I mean, the threat level was still there, from what
23 I saw.

24 Q. You don't see Mr. Miu with a knife, right?

25 A. I don't.

1 Q. Okay. So the threat level, you have nine people
2 around you, he's by himself, and you felt the threat level
3 was high, yes?

4 A. Yes.

5 Q. Okay. So I'm gonna show you Number 44 -- 2440,
6 okay.

7 Is that you?

8 A. It is.

9 Q. Is that you -- are -- are you -- in this picture,
10 do you appear to be concerned or afraid in that picture?

11 A. No.

12 Q. Okay. And is it fair to say that you're not
13 afraid or concerned because of the numbers of people have
14 increased in part?

15 A. Say again.

16 Q. You initially said that you were very afraid and
17 very scared, right. You just said on that photo that you
18 don't appear to be very afraid or very scared, true?

19 A. Yeah.

20 Q. My question to you is, is that because of the
21 number of people that have shown up, has increased?

22 A. Yeah.

23 Q. Yes?

24 So the number -- the more people that show
25 up to assist you, the less afraid you're becoming --

1 A. Yes.

2 Q. -- where you are, right?

3 A. Yes.

4 Q. Okay. And you would agree that Mr. Miu's not
5 doing anything in terms of being -- at that point being
6 physically aggressive to anyone, right?

7 A. Yeah.

8 Q. He's not -- he's not saying anything aggressive
9 either, is he?

10 A. I don't recall.

11 Q. If he would have said anything aggressive, do you
12 think you would have -- I know you didn't remember
13 everything, but you think you might have put it in your
14 statement?

15 A. Possibly. I don't know -- I don't completely
16 remember what was going on through my head when I was
17 giving my statements. It's --

18 Q. Did you ever ask to maybe do it another time when
19 you felt a little better?

20 A. I did not.

21 Q. Okay. Now, you agree there comes a point when
22 you and your group come around Mr. Miu and are pointing at
23 him and calling him a predator, right?

24 A. Yes.

25 Q. Okay. And you're doing that to humiliate him,

1 aren't ya?

2 A. I'd phrase that as calling him out.

3 Q. Calling him out. That's -- that's why you were
4 doing it?

5 A. Yes.

6 Q. Okay. And in terms of the blonde girl that you
7 say you see get hit, I want to make sure I got it right.
8 You said right hand?

9 A. Yes.

10 Q. Okay. And today -- I don't want to misquote your
11 testimony. Punch or slap?

12 A. I'd say -- I'd say punch, but I completely --
13 I -- I don't know all the way. I -- I'd say I'd estimate
14 a punch.

15 Q. Okay. So fair to say that if he hits her with
16 his right hand, he hits her on the left side of her face,
17 right?

18 A. Yep.

19 Q. So he -- he hits her on this side of her face --

20 A. This side, yes.

21 Q. -- is that true? Yeah. Okay.

22 There's been various statements on how it
23 happened. Jawahn Cockfield referred to it as a hook. Is
24 that how you would refer to it?

25 A. Yeah, it was a -- it was a pretty good punch.

1 Q. Okay. So pretty good punch with his right hand,
2 punching her on the left side of her face, yes?

3 A. Yes.

4 Q. Okay. Are you aware that he was holding a knife
5 in his right hand?

6 A. After the video I did, yes.

7 Q. Okay. So your testimony under oath today is that
8 he -- and he would have had to punch her, right? He
9 couldn't slap her, how would you slap her holding a knife,
10 right?

11 A. (No response.)

12 Q. Right?

13 A. Yeah.

14 Q. Okay. So with a knife in his hand with a closed
15 fist, he makes a -- a hook motion and punches her in the
16 face, that's your testimony?

17 A. Yes.

18 Q. Okay. You told police that he slapped her in the
19 face, didn't ya?

20 A. Yeah.

21 Q. So under oath today you're changing your
22 testimony?

23 A. For after a while, yeah.

24 Q. Because your memory's better today than it was
25 21 months ago?

1 A. I'd say it is about the same or a little better.

2 Q. Okay. So if he's holding the knife, comes across
3 her like this and punches her in the face, that's your
4 testimony, yes?

5 A. Yes.

6 Q. Okay. And you agree you told police he slapped
7 her to the ground, right?

8 A. Yes.

9 Q. You're saying that's -- that that's a lie?

10 A. Well, I've seen the video. But I mean, so
11 according to my statement, that's just from what I
12 remembered when -- when the moment happened.

13 Q. So are you -- are you tailoring your testimony
14 today based on what you've seen on that video?

15 A. No. But from what I remember is that she -- she
16 didn't fall but she did get hit in the face.

17 Q. Right. But it's much different than what
18 you've -- what you told the police that day, right?

19 A. Once again, I was in a lot of shock and there was
20 a lot of details that I completely didn't process at the
21 moment.

22 Q. Okay.

23 A. And I apologize, but that was -- that's --

24 Q. No, that's all right.

25 A. -- best I could have gave at that moment at that

1 time.

2 Q. And I think you told police when you see Mr. Miu
3 get hit, you believe that he's, quote, almost knocked out,
4 right?

5 A. Yeah, he fell to the floor.

6 Q. Okay. But in your opinion on that day he's hit
7 to the point that you believe that he might be knocked
8 unconscious?

9 A. Yeah, so when I see someone fall to the floor I
10 can assume that they might -- they might have fell
11 unconscious or they might have been dazed.

12 Q. Okay. And certainly falling into the water
13 unconscious, that would be dangerous, wouldn't it?

14 A. Yes.

15 Q. Okay. And he's a big guy, isn't he? Like on
16 that day he was a big guy?

17 A. Yes.

18 Q. All right. So when you see a -- a -- a man the
19 size of Mr. Miu get punched in the face, knocked in the
20 water, you believe potentially unconscious, he's getting
21 his butt kicked, isn't he?

22 A. Yeah, I would say he got -- he got hit, yeah.

23 Q. I mean, he's getting his butt kicked, right?
24 There's multiple people hitting him?

25 MR. SMESTAD: Objection to the term multiple.

1 A. Multiple --

2 THE COURT: Overruled.

3 You can agree or disagree with the
4 characterization. It's cross-examination.

5 A. Can you give me the characterization again?

6 Q. (By Mr. Chirafisi, continuing) He's getting hit
7 multiple times, you'd agree with that?

8 A. Yes.

9 Q. He's getting hit, knocked on the ground, and then
10 hit again across the face, you'd agree with that --

11 A. Yes.

12 Q. -- right?

13 You see on the video him getting pushed
14 from behind, right?

15 A. I don't recall if that was on the video or not.

16 Q. Okay. And my question to you was you believe
17 he's getting his butt kicked, right?

18 A. Yes.

19 Q. Okay. You were asked if he did anything to you
20 and you said no, right?

21 A. No.

22 Q. You didn't do anything to him either, did you?

23 A. Correct.

24 Q. One question. You agree that when he gets
25 knocked into the ground -- when he gets knocked on the

1 ground in the water, you'd agree at that point he's
2 surrounded by people, you'd agree with that? People have
3 moved around him at that point, right?

4 A. Yeah.

5 Q. He doesn't have a place to go at that point,
6 true?

7 A. True.

8 MR. CHIRAFISI: Nothing else.

9 THE COURT: Mr. Smestad.

10 REDIRECT EXAMINATION

11 BY MR. SMESTAD:

12 Q. Alex, Mr. Chirafisi had asked you about Mr. Miu
13 getting his butt kicked. When he stood up out of the
14 river did you see any -- him bleeding anywhere?

15 A. No.

16 Q. You see any marks anywhere?

17 A. No.

18 Q. His face look swollen at all?

19 A. Not that I recall.

20 Q. In contrast, did you see other folks bleeding?

21 A. Yes.

22 Q. Do you remember how many? At that point when he
23 --

24 A. From what I remember, I saw the lady who got
25 stabbed; the man with the stomach open; and my friend,

1 Isaac. But there was blood all over the water.

2 Q. Did any of those people who were stabbed at any
3 point have a knife in their hands?

4 A. No.

5 MR. SMESTAD: Nothing further.

6 THE COURT: Mr. Chirafisi.

7 MR. CHIRAFISI: (Non-verbal response.)

8 THE COURT: All right.

9 Thank you, Mr. Vang. You may step down.

10 Is he excused?

11 MR. ANDERSON: No.

12 THE COURT: All right. Please see the witness
13 coordinator on your way out, she'll give you additional
14 instructions.

15 (Whereupon, the witness is excused.)

16 THE COURT: I understand lunch has arrived, so I
17 think this will be a great place to break.

18 Before you go downstairs, members of the
19 jury, do not begin your deliberations over the lunch hour.
20 You may talk with one another but do not talk about the
21 case, do not interact with the attorneys or with the
22 media, parties, members of the public, do not conduct any
23 independent research, and do not attempt to conduct any
24 investigation.

25 We will reconvene in one hour, so that'll

1 be 12:45.

2 Please take the jury out.

3 (Whereupon, the jury exits the courtroom.)

4 THE COURT: Before we break for lunch, is there
5 anything that needs to be put on the record outside the
6 presence of jury?

7 MR. ANDERSON: Not from the State.

8 MR. CHIRAFISI: No, sir.

9 THE COURT: All right. Enjoy your lunch. We'll
10 see you in an hour.

11 (Whereupon, a break was held.)

12 (Whereupon, the jury enters the courtroom.)

13 THE COURT: Members of the jury, welcome back.
14 I'm glad you're here. I hope lunch was good.

15 The attorneys are present, along with Mr.
16 Miu. We are ready to resume the afternoon session.

17 Mr. Anderson, who will be the next witness?

18 MR. ANDERSON: State calls Dante Carlson.

19 THE COURT: Okay. Mr. Carlson.

20 Is this Mr. Carlson?

21 MR. CARLSON: One of them.

22 MR. ANDERSON: Oh, it's Quinton. Actually, I'll
23 -- I'll do Quinton Carlson first, Judge.

24 THE COURT: Okay.

25 Quinton Carlson, please come forward.

1 Please face the clerk, raise your right hand, she will
2 administer the oath.

3 QUINTON M. CARLSON,
4 after having been first duly sworn on oath by the clerk,
5 testifies and says as follows:

6 THE WITNESS: I do.

7 THE COURT: Please have a seat in the witness
8 chair.

9 Mr. Smestad -- or Mr. Anderson.

10 DIRECT EXAMINATION

11 BY MR. ANDERSON:

12 Q. Can you please state your first and last name for
13 the record?

14 A. Quinton Carlson.

15 Q. And can you spell your last name?

16 A. C-a-r-l-s-o-n.

17 Q. Quinton, do you go by a nickname sometimes?

18 A. Q.

19 Q. And how old are you?

20 A. 51 -- 50. Sorry.

21 Q. And are you -- can you look over at the board
22 there?

23 A. I can't see it. I'm sorry.

24 Q. Here, actually, I'll hand it to you. 20 --

25 Exhibit 26.

1 (Whereupon, Exhibit Number 26A was marked for
2 identification.)

3 Q. (By Mr. Anderson, continuing) Are you in the
4 yellow shirt there?

5 A. I am.

6 Q. Okay. And so you were tubing with these folks on
7 July 30, 2022?

8 A. Yeah, my birthday.

9 Q. Was it your -- was it your actual birthday?

10 A. Yes, sir.

11 Q. Was tube -- was tubing on the river kind of a
12 tradition on your birthday?

13 A. It was. It was something my wife had started
14 before she passed and so -- it was our sixth year going
15 down the river.

16 Q. And had you tubed down that river before?

17 A. I have, but not near as -- normally when -- we
18 went down the Namekagon, but due to some issues we had
19 there we changed the venue.

20 Q. And while you were tubing, at some point did
21 something catch your or your group's attention?

22 A. Yes.

23 Q. What was that?

24 A. We had come around a bend and noticed a group of
25 teens that were calling and beckoning -- beckoning us to

1 come help them. At that point I had told my boys to stop
2 our tubes and I observed for a minute, and at that point I
3 saw Mr. Miu charge their tubes and stop the tubes from
4 progressing down the river. I saw him acting kind of
5 aggressive and -- and drunken manner, and I just thought
6 that it probably was gonna end badly if it didn't
7 de-escalate. I asked my two boys to go over there and
8 make sure nothing happened. I never dreamed it would turn
9 into what it did.

10 Q. And what was your -- did you have a specific fear
11 regarding escalating, whether that was Miu or the boys,
12 both, one or the other?

13 A. At the -- at that time the boys were all sitting
14 in their tubes, but the way he was acting and the way he
15 was -- you know, he was literally standing -- the tubes
16 had kind of wrapped around his legs and he was stopping
17 the tubes from going down the river, and I thought at some
18 point -- you know, the boys at that point were still
19 calling out for us to come help them, but I thought if the
20 boys got off their tubes they're gonna beat the brakes off
21 of this guy, and he's drunk and, you know, obviously
22 wasn't making good decisions so --

23 We own a bar and my boys are good at
24 de-escalating fights and calming people down. And so I
25 told Tony to go over there and I told Dante to follow him.

1 The girls were the first off their tubes and had run over
2 there ahead of it, but it was Tony and Dante that I had
3 asked to go over there.

4 Q. And did you -- at some point did the incident
5 turn physical?

6 A. It did. And to be honest with you, I -- I was
7 still across the river. The river was very rocky at that
8 point and I -- I don't walk so well and -- but Mady had
9 come running to me, he punched me, he punched me, and then
10 next thing I knew I had a stream of boys running at me.

11 You know, first my son Tony and then Dante
12 yelling, Dad, he stabbed me. And I just remember thinking
13 stabbed you? Stabbed you with what, you know? I mean, I
14 just -- I was bewildered and -- I just didn't realize what
15 was going on until I saw A.J. literally disemboweled.

16 And at that point it just erupted into
17 chaos and we tried to get the kids to the riverbank and
18 Dante went running up river for help, and it really just
19 was a matter of seconds and it -- the whole thing had
20 changed so --

21 Q. And today you used Nicolae Miu's -- I think you
22 called him Miu, but fair you didn't know his name at the
23 time?

24 A. No. No, I had no idea who he was.

25 Q. You didn't know the other group of tubers either?

1 A. No.

2 Q. So you -- did you -- were you kind of over by
3 your tubes still?

4 A. I was still on my tube until Mady came running
5 over. It was after she said that he punched me, he
6 punched me that I had started looking at her face and --
7 and then literally within seconds, you know, the boys were
8 coming at me and I was trying to assess their injuries and
9 trying to make sense of it all, you know, in mere moments.

10 Q. Did you see anything on Mady's face, a injury?

11 A. Yeah, I mean, her eye was red and swollen.

12 Q. Like skin around the eye, or what do you mean?

13 A. I mean, her cheek was all puffed out. I mean, it
14 was clear that she had been struck.

15 Q. Given how far away you are, you didn't actually
16 see any of the stabbings or the --

17 A. No. I saw Dante strike Mr. Miu and I had yelled
18 out, you know, to stop, because I didn't know what was
19 going on at that point because that was prior to knowing
20 he had hit Mady and -- and prior to -- prior to knowing
21 that anyone had been stabbed.

22 Q. Did you see where Nicolae went?

23 A. I didn't. I honestly was -- I was just worried
24 about my kids. I -- I wasn't paying attention to where he
25 went. I almost -- you know, I -- I was looking at my

1 kids, not looking up river, not looking at what was going
2 on.

3 A.J.'s injuries were so severe. And I hate
4 to admit it, but I was worried about my son Tony, and my
5 son Tony was taking care of A.J., and there was nothing
6 going to pull Tony off of A.J. and so I -- I really was
7 just very focused on -- on Tony.

8 I know I had sent Sheena and a couple
9 others -- Sheena and Janell up river to -- after Dante to
10 make sure he was okay and to try and get us some help, you
11 know.

12 There -- I knew that shortly down river
13 there was a sheriff's stand where they monitored the
14 river, I just didn't know how far it was. I actually
15 thought it was closer than it was, and so I hoped that
16 they were able to get a hold of the sheriff there.

17 MR. ANDERSON: Nothing else, Judge.

18 THE COURT: Mr. Nelson.

19 CROSS-EXAMINATION

20 BY MR. NELSON:

21 Q. Mr. Carlson.

22 A. Hi.

23 Q. I want to ask you some questions about your
24 birthday, okay?

25 A. Sure.

1 Q. It wasn't just your birthday, it was also a
2 celebration of Madison Coen's birthday as well, correct?

3 A. No, that -- not that I'm aware.

4 Q. Would it surprise you if Madison Coen testified
5 that it was a celebration of her birthday?

6 A. No, it wouldn't surprise me.

7 Q. Okay.

8 A. I -- I mean --

9 Q. Do you know her very well?

10 A. Through my kids.

11 Q. Okay.

12 A. I've -- I've gotten to know her much better since
13 this incident.

14 Q. Sure. On that day, though, fair to say it was
15 you and your friends, there was a -- including you there
16 was like eleven of you, is that right?

17 A. I mean, I can count it for you. There was two,
18 four, six, eight, ten, eleven of us, yeah.

19 Q. And the eleven of you were celebrating, correct?

20 A. Correct.

21 Q. And part of that celebration involved consuming
22 alcohol?

23 A. I get where you're going with that, but the
24 reason we went to the Apple River, I put a limit on how
25 much alcohol the kids would bring because we had a problem

1 with drinking on the Namekagon and I didn't want a bunch
2 of drunken people at my birthday that year.

3 Q. Sure. Understood. But in the past you --

4 A. I wasn't drinking at all so --

5 Q. Understood. Couple of things there. So you said
6 that in the past you had trouble with people maybe in your
7 group drinking too much when they were on the river?

8 A. Absolutely.

9 Q. Okay. And when people were drinking too much on
10 the river in your experience, did that cause problems, for
11 lack of a better term?

12 A. Well, we had -- the group size had grown to 50,
13 60 people in the past, so we wanted to keep it a small
14 controlled group.

15 Q. And I'm asking about the previous time. I'm
16 going to get back to July 30th.

17 A. Sure.

18 Q. You mentioned something about the Namekagon so I
19 want to ask you some about that.

20 A. Sure.

21 Q. Make sense?

22 That experience of yours was --

23 MR. ANDERSON: Object on relevance about past.

24 MR. NELSON: It goes to his credibility about
25 what he's saying about -- in his friendships.

1 THE COURT: It was raised in direct. I'll give
2 you a little bit of latitude to explore.

3 Q. (By Mr. Nelson, continuing) Your experience on
4 the Namekagon was that when people on the river tubing
5 were drinking too much it causes problems?

6 A. Yes.

7 Q. Okay. So now back to July 30th --

8 A. Um-hum.

9 Q. -- okay?

10 On that day you're with your eleven people
11 and everyone's celebrating, correct?

12 A. Okay.

13 Q. Yes? I wasn't there, I'm trying to gather facts.

14 A. Yeah, I mean, I -- I guess I don't know what you
15 by mean celebrating. We were quietly floating down the
16 river until we were called upon.

17 Q. Lots of different ways to celebrate, correct?

18 A. Sure.

19 Q. Sometimes it's just you celebrate with your
20 words, right?

21 A. Sure.

22 Q. Sometimes people consume alcohol as part of that
23 celebration, correct?

24 A. Absolutely.

25 Q. It sounds like you weren't doing that, right?

1 A. That is correct.

2 Q. But other people in your group were, correct?

3 A. Yes.

4 Q. And in fact, there is a photo that you have in
5 front of you which they're actually consuming alcohol in
6 the photo, correct?

7 A. That is correct.

8 Q. Is part of that photo in order to document not
9 only the celebration but the consumption of alcohol on
10 that day on the river?

11 A. I don't think anyone was trying to document the
12 consumption of alcohol.

13 Q. It's just a coincidence that of the people in
14 that photo four of the people are actually consuming
15 alcoholic beverages while the photo was taken?

16 A. Yeah, I -- I guess I don't think it was -- I
17 don't know that there was any exact intent in that.

18 Q. Okay.

19 A. You know, they were having fun.

20 Q. Sure. And part of having fun was for them to
21 drink alcohol, right?

22 A. I -- I -- I think you're putting a lot of
23 emphasis on it when the emphasis wasn't there.

24 Q. I appreciate that maybe the emphasis wasn't. I'm
25 just trying to gather the fact they were drinking alcohol,

1 yes?

2 A. Yes. We've stated that a couple times.

3 Q. Okay. Now, as you know there's a -- a couple of
4 videos involving what we're here to talk about in this
5 trial, is that right?

6 A. Yes.

7 Q. Have you seen any of the videos regarding what
8 happened on the river?

9 A. I have not seen it yet.

10 Q. Okay. So there's some things that you've said
11 that are maybe in the video, and so I'm trying to put
12 things into context with you even though you haven't seen
13 the video, if that makes sense, okay?

14 A. Sure.

15 Q. What I gather from you is you were watching and
16 at some point you see Nicolae Miu approach this group of
17 six teenagers, is that right?

18 A. Charge, yeah.

19 Q. Okay. You use the word charge. Whether there is
20 a video on it, we get to decide that, correct, but that's
21 what you remember, correct?

22 A. Yes.

23 Q. Okay. And as he goes towards them, he's coming
24 from upstream, walking downstream, is that right?

25 A. No, he would have been downstream coming

1 upstream.

2 Q. Okay. So your memory is he's coming --

3 A. He was in front of them and walked -- ran back up
4 river at them.

5 Q. Okay. That's what your memory is?

6 A. Well, that's what happened.

7 Q. It may or may not have been what happened, but
8 that's what your memory is --

9 A. Okay.

10 Q. -- right?

11 A. Yes.

12 Q. You would agree if we were going to rely upon
13 your memory or the video, the video might be more
14 reliable?

15 A. Certainly.

16 Q. Okay. At some point you look over there and
17 Nicolae Miu and these six -- did you know how many there
18 were, other than you said a group?

19 A. No. They were sitting on their tubes so I
20 mean -- and I didn't take a head count.

21 Q. Sure. If I told you that there's been identified
22 six people in that group, would that surprise you?

23 A. No.

24 Q. Sound about right?

25 A. Certainly. I would have thought there was more

1 honestly.

2 Q. Okay. And at some point you look over there and
3 you see Nicolae Miu standing in-between the tubes in the
4 direction that the tubes are trying to go downstream,
5 that's what your testimony is?

6 A. Correct.

7 Q. Okay. I'm going to show you what --

8 MR. NELSON: Can I -- permission to approach?

9 THE COURT: Yes.

10 Q. (By Mr. Nelson, continuing) Showing you what I
11 marked as Exhibit Number 101. Do you see that, sir?

12 A. Yes.

13 Q. And do you see on the bottom of this it says
14 upstream?

15 A. Okay.

16 Q. And do you see up there it says downstream?

17 A. Correct.

18 Q. And there's a red circle that says G2?

19 A. Yep.

20 Q. And then there's six red dots over here. Do you
21 see that?

22 A. Yep.

23 Q. And then there's a blue dot with an M in it,
24 correct?

25 A. Correct.

1 Q. So if I were to tell you that G2 represents your
2 group, Number 2, and that G1 represents the group of the
3 six people, and the blue dot is Mr. Miu, does that make
4 sense to you?

5 A. Yes. I would say it's a little inaccurate but --

6 Q. Okay.

7 A. We were directly across the river, not behind
8 them.

9 Q. Okay. So I've move this G2 up to here?

10 A. Correct.

11 Q. Is that more accurate?

12 A. Yes.

13 Q. The six dots over here, does that appear to be
14 accurate? Again, you weren't -- you weren't documenting
15 it, but does it look like what you saw?

16 A. At what point? Because --

17 Q. Sure.

18 A. -- during my view they were -- they were all
19 still sitting in their tubes. It wasn't until after
20 Madison had been struck that everyone got up out of their
21 tubes --

22 Q. Okay.

23 A. -- and Madison was running towards me, and so at
24 that point I really didn't see that.

25 Q. Okay.

1 A. I -- I was watching the kids. I had lost --

2 Q. So let me -- I'm going to go back there and just
3 ask -- I'm going to leave this up here.

4 A. Okay.

5 Q. So is it your testimony that the six -- the other
6 group, I'm going to call them the -- the teenagers, the
7 six teenagers, they stayed in their tube until Mady came
8 over there?

9 A. I believe so, yeah.

10 Q. Okay.

11 A. Yep, they were -- they were -- I -- they were
12 sitting in their tubes calling for help.

13 Q. Okay. So your memory is two things: One is they
14 were sitting in their tubes until Mady came, agreed?

15 A. Yes.

16 Q. And your memory is that they were calling for
17 help, agreed?

18 A. Agreed.

19 Q. And if the playing of that video contradicts
20 that, would you agree your memory is wrong?

21 A. Yeah, I mean, if it contradicts it.

22 Q. Okay. What you remember is that whatever you
23 saw, it raised concerns that you wanted to make sure that
24 something got de-escalated, correct?

25 A. Correct.

1 Q. And so as a result of that, you told your two
2 sons, Dante Carlson and Anthony Carlson, to go over there,
3 correct?

4 A. Correct.

5 Q. And I believe you -- you spoke with the police
6 about that, right?

7 A. Yes.

8 Q. And what you told the police was I was worried
9 about that group of kids against one guy. I was worried
10 that they were all gonna gang up on him and something bad
11 was gonna happen to the old guy. Is that what you told
12 the police?

13 A. Absolutely.

14 Q. And the reason you told that to the police is
15 because that was what you were thinking, that was your
16 actual worry, correct?

17 A. (No response.)

18 Q. Right?

19 A. I don't -- that was -- that was my concern, yeah.
20 And my concern was because he wasn't walking away, he was
21 drunk, and he was absolutely being aggressive to those
22 kids. At one point their tubes had wrapped around his
23 legs and he was just refusing to walk away from them even
24 though they were screaming for anyone on the river to help
25 them.

1 Q. Okay. Again, I appreciate that that's your
2 memory. I want to unpack some of that.

3 You said that it was your impression that
4 Nicolae Miu was drunk, correct?

5 A. Yes.

6 Q. And that was based upon your observation from
7 150 feet away for about 90 seconds?

8 A. Yes.

9 Q. Okay. You don't actually know if he had consumed
10 how mu -- alcohol, do you?

11 A. Well, I've had a lot of experience observing
12 drunk people.

13 Q. Sure.

14 A. It certainly fit the bill.

15 Q. Okay. But my question, sir, was: You did not
16 know if at all he had drank any alcohol, agreed?

17 A. I didn't know in fact he had drank any alcohol.

18 Q. Sure. What you saw is essentially him perhaps
19 unsteady on his feet in the water, correct?

20 A. No.

21 Q. Well, you couldn't smell him, agreed?

22 A. No.

23 Q. And you didn't observe him drinking alcohol,
24 agreed?

25 A. Agreed.

1 Q. You couldn't hear him say anything, agreed?

2 A. Agreed.

3 Q. You didn't hear him have slurred speech, agreed?

4 A. Agreed.

5 Q. So whatever your conclusion was as to his
6 drunkenness, it must have been based upon how you observed
7 his body moving around, agreed?

8 A. It was more his behavior.

9 Q. Okay. And his behavior is your observations of
10 his body moving around, correct?

11 A. Again, it wasn't because he was unsteady on his
12 feet.

13 Q. Okay.

14 A. It was the way he charged at the tubes, it was
15 the -- just the way he carried himself.

16 Q. Okay. And again, this is all based upon your
17 memory, right?

18 A. Yes.

19 Q. All right. So you sent the boys over there
20 because you didn't want an old man, I think as you said
21 here, to get the brakes beat off of him, correct?

22 A. That is correct.

23 Q. I think we've heard different expressions here.
24 Maybe would that be similar to -- to get a beatdown,
25 correct?

1 A. Yes.

2 Q. Or maybe some of the other people call it to get
3 beat up. Would that be the same?

4 A. That would be the same.

5 Q. And I think one witness called it getting his
6 butt kicked. Same thing?

7 A. Fair.

8 Q. Those are all kind of interchangeable --

9 A. Euphemisms with the same thing.

10 Q. All right. That's what you were worried about,
11 right?

12 A. Yes.

13 Q. And part of that was based upon the fact that you
14 saw that he was one man and there was these six teenagers,
15 correct?

16 A. No. I just thought it was because he was drunk.

17 Q. Sure. Okay. Would you have been worried about
18 one drunk man on the river if there was one teenager
19 standing there?

20 A. I don't know if I would have or not.

21 Q. Okay. The words that you used to the police was
22 I was worried that they were all gonna gang up on him,
23 correct?

24 A. I was.

25 MR. ANDERSON: Objection. Asked and answered --

1 Q. (By Mr. Nelson, continuing) And the reason that
2 you asked -- used the word gang up on him is because you
3 were concerned he was outnumbered, agreed?

4 A. Again, that wasn't my thought process.

5 Q. Okay. You just used the word gang up even though
6 it wasn't your thought process?

7 A. Yes.

8 Q. Okay. And then --

9 A. I thought he would continue to provoke them until
10 they did something.

11 Q. Okay. And this is, again, your observations from
12 a hundred feet away?

13 A. Sure.

14 Q. Did you hear any words that he said?

15 A. No.

16 Q. All you heard was the boys screaming for help?

17 A. Correct.

18 Q. Did you hear the boys say he's a predator?

19 A. I heard him say that he's a pedophile.

20 Q. Okay.

21 A. I didn't give it much credence at the time.

22 Q. Okay. You had no reason to believe that,
23 correct?

24 A. No.

25 Q. You had no -- you had no basis to know why that

1 -- they were screaming pedophile, correct?

2 A. No.

3 Q. But you would agree that your hearing them scream
4 at this one man on the river pedophile, that increased
5 your worries for that one man, correct?

6 A. Sure.

7 Q. And that -- part of that is is because when you
8 call somebody a name that dehumanize them -- dehumanizes
9 them, that might mean that crowd is more willing to be
10 violent against that person they've dehumanized, fair to
11 say?

12 MR. ANDERSON: Objection, Judge. That's
13 speculation.

14 THE COURT: Overruled.

15 Q. (By Mr. Nelson, continuing) You would agree with
16 that?

17 THE COURT: You can answer the question.

18 A. No.

19 Q. (By Mr. Nelson, continuing) So the word
20 pedophile to you didn't have any particular concern for
21 you?

22 A. No.

23 Q. It was the same type of word as jerk or some
24 other pejorative term?

25 A. I believe the kids were just throwing it out

1 there, yes.

2 Q. Okay. And you didn't believe the kids were
3 speaking the truth?

4 A. I -- I had no -- again, I wasn't worried about
5 what they were speaking or what they were saying, I just
6 saw a situation and didn't want it to escalate.

7 Q. And as a result of that, you sent your two boys
8 over there, correct?

9 A. Correct.

10 Q. And you -- and Dante and Anthony, they're not
11 teenagers, right?

12 A. No.

13 Q. They're adults, correct?

14 A. Correct.

15 Q. And you thought those -- your two sons would be
16 able to de-escalate the situation, correct?

17 A. I did.

18 Q. Did you observe Dante go over there?

19 A. I did.

20 Q. Did you observe Madison go over there?

21 A. I did.

22 Q. And when you saw Madison go over there, did you
23 see Nicolae Miu walk towards Madison?

24 A. No. What I saw was Madison walk between the
25 tubes and Nicolae and tell him to move on down the river.

1 Q. Okay.

2 MR. NELSON: Can I approach here, Judge?

3 THE COURT: Yes.

4 You're welcome to use the fresh markers in
5 the package.

6 MR. NELSON: I think I'm going to go with the red
7 one for a second.

8 Karl, do you have a preference where I do
9 this?

10 MR. ANDERSON: Somewhere I can see it.

11 MR. NELSON: Sure. Okay.

12 Sir, I'm going to make some drawings up on
13 here. If you can't see it --

14 Judge, would it be okay for him to stand
15 there to observe if he needs to.

16 THE COURT: If he needs to.

17 Can you see there, Mr. Carlson?

18 THE WITNESS: I think I can see it from there.

19 THE COURT: Okay.

20 Can the jury see? Can everyone on the jury
21 see the --

22 There is a sweet spot in this courtroom
23 where everyone will be able to see.

24 MR. NELSON: I'm happy for you to tell me that,
25 Judge.

1 THE COURT: I'm wondering where it is.

2 MR. NELSON: Oh, okay.

3 THE JUROR: Must be -- must be yours.

4 THE COURT: I think you'll have to push it all
5 the way up against the wall.

6 MR. NELSON: Okay. All right.

7 Q. (By Mr. Nelson, continuing) Do you see where I
8 wrote downstream on the top?

9 A. Um-hum.

10 Q. And upstream down here?

11 A. Yep.

12 Q. Does that make sense?

13 A. Yeah.

14 Q. Okay. And if I use that --

15 A. It's backwards from where I'm sitting now
16 versus --

17 Q. Sure. The -- at that time you were over in this
18 position where I had G2 before, is that right?

19 A. Yep.

20 Q. Okay. And then the six tubes were over in this
21 direction, is that fair?

22 A. Correct.

23 Q. Again, randomly, but does that look about right?

24 A. Yep.

25 Q. And then Mr. Miu, would he be in this position?

1 A. No, he was directly in front of the tubes.

2 Q. Right here?

3 A. Yeah.

4 Q. Okay.

5 A. I --

6 Q. I don't know. Is that what you saw?

7 A. I -- maybe six to eight feet in front of them, if
8 we're --

9 Q. Okay.

10 A. -- talking spatial distance, but he was --

11 Q. Sure. Generally that position?

12 A. Correct.

13 Q. All right. And what you then saw was Madison
14 Coen come from this position and stand in-between him and
15 the tubes?

16 A. Correct.

17 Q. So if I put a MC here, would that be correct?

18 A. Yeah.

19 Q. And she came from over that way?

20 A. Yep.

21 Q. That's what you saw?

22 A. Correct.

23 Q. Okay. What did you see her do then?

24 A. She was pointing down river and telling him to
25 go; go; go; get the fuck out of here, go.

1 Q. Okay. Did you hear her use the F word?

2 A. I did.

3 Q. Okay. She was that loud?

4 A. Yeah, because he wasn't -- I mean, he was just
5 staring at her blankly at that point.

6 Q. Okay. And you could see that from over here?

7 A. Yes.

8 Q. And did then Dante come over there, too?

9 A. I don't remember the order that everyone went
10 over there after that.

11 Q. Did eventually Dante get over there?

12 A. Yes.

13 Q. Did Ryhley Mattison get over there?

14 A. Yes.

15 Q. Did Anthony Carlson get over there?

16 A. Yes.

17 Q. Did A.J. Carlson get over there?

18 A. A.J. is Anthony.

19 Q. A.J. -- I apologize. A.J. Martin?

20 A. Yes.

21 Q. Sorry about that.

22 A. No, that's okay. I call him my own but --

23 Q. Appreciate that.

24 And then Janell -- what's Janell's last
25 name? It starts with a D, right?

1 A. Yeah.

2 Q. Can we just call her Janell D.?

3 A. Fair enough, yeah.

4 Q. Okay. And then there was a Gabby K. as well?

5 A. Yeah.

6 Q. All right. So all --

7 A. I think there was another -- there was someone --

8 there was some of the kids' friends I didn't know so --

9 Q. Okay. And they were all in the same area around
10 Madison?

11 A. I -- I don't know where they were standing in --

12 Q. Okay.

13 A. I mean, they were behind and to the right of
14 Madison.

15 Q. I think some people had said they had created --
16 told the police that they created a wall between Nicolae
17 Miu and the tubers. Is that what you recall?

18 A. That's possible.

19 Q. Is that what you remember?

20 A. I -- I -- I -- I don't. I don't remember.

21 Q. Okay. But we know we have at least, if I put a
22 Ryhley Mattison -- one person is somewhere in this
23 direction, right?

24 A. I think Ryhley had actually walked up and stood
25 next to her.

1 Q. Okay. So Ryhley could be here?

2 A. Yeah.

3 Q. And then Dante's over in this area?

4 A. Again, I -- I -- I don't remember.

5 Q. Okay. Can I just -- I mean, I know -- I'm just
6 trying to make sure we have enough bodies over here,
7 right. So can I put a big D here for Dante?

8 A. Sure.

9 Q. And then we have Tony's there someplace?

10 A. Yep.

11 Q. A.J.'s there someplace?

12 A. Yeah. Yep. And I think Scottie stayed back and
13 held the tubes with me.

14 Q. Scott's over here.

15 A. Yeah.

16 Q. Gabby K.'s over here somewhere?

17 A. I don't remember where Gabby was.

18 Q. Okay. We'll maybe just put her in the middle for
19 now with a question mark?

20 A. Yeah.

21 Q. Janell D. is somewhere over there?

22 A. Yeah, again, I don't remember.

23 Q. Okay. So somewhere in here.

24 Okay. So one, two, three, four, five, six,
25 seven people from your group walked over there?

1 A. (Non-verbal response.)

2 Q. That's how you remember it?

3 A. Correct.

4 Q. Okay. And then there was this six teenagers,
5 correct?

6 A. Correct.

7 Q. So at least as we have it drawn here, at some
8 point it looks like there's six of them, five of them,
9 maybe two more that are standing there in Mr. Miu's space,
10 right, or in front of him I should say?

11 A. Yeah, I wouldn't say they were in his face but --

12 Q. Okay. In front of him?

13 A. (No response.)

14 Q. Yes?

15 A. Sure.

16 Q. Other witnesses have described Madison Coen as
17 being in Nicolae Miu's face. Would you agree with that?

18 MR. ANDERSON: Judge, I'm going to object to the
19 line. I think they can just ask the witness and not if
20 they agree with previous testimony.

21 THE COURT: Sustained.

22 Q. (By Mr. Nelson, continuing) Do you agree that --

23 THE COURT: Rephrase the question.

24 Q. (By Mr. Nelson, continuing) Do you agree that
25 Madison Coen was up in Nic Miu's face?

1 A. I guess I wouldn't describe it like that.

2 Q. If somebody else described it that way, would
3 they be lying?

4 MR. ANDERSON: Objection, Judge.

5 THE COURT: Sustained.

6 Q. (By Mr. Nelson, continuing) During this time
7 when you're making these observations you're still sitting
8 in your tube over there at G2, is that right?

9 A. I think I might have stood up out of my tube by
10 that point, but, yes, I was still with the tubes.

11 Q. Okay. Fair to say you did not see Mr. Miu touch
12 Madison Coen, agreed?

13 A. That is correct.

14 Q. It was reported to you later by others, correct?

15 A. It was reported to me by Mady.

16 Q. Sure. And also by others, correct?

17 A. You know, I don't think anybody else told me.

18 Q. Well, didn't you originally tell the police --
19 didn't you originally tell the police on -- in fact, you
20 remember speaking with Investigator John Schultz --
21 Shilts? Do you remember speaking with him?

22 A. I remember speaking to an investigator at the
23 hospital, yeah.

24 Q. If I told you this man over here with the badge
25 on and the tie and the gray shirt with the folder in front

1 of him is Investigator John Shilts, does that refresh your
2 memory as the person you may have spoke with?

3 A. No.

4 Q. Okay.

5 A. But I'll take your word for it. I don't --

6 Q. You spoke with a police officer at the hospital,
7 correct?

8 A. Correct.

9 Q. And you told the police officer she came, and I
10 think you're referring to Mady?

11 A. Um-hum.

12 Q. Give you -- she came. The next thing I know
13 she's, like, He punched me, Quinton. He punched me. They
14 said he slapped her but whatever. Do you remember saying
15 that to Mr. Shilts?

16 A. I don't remember saying that, but I may -- I may
17 have. I won't argue that I didn't.

18 Q. And if you did say that it was because that was
19 the truth, agreed?

20 A. Agreed.

21 Q. And the truth on that day was that Mady told you
22 he punched her but others said they saw a slap, correct?

23 A. Correct.

24 Q. You didn't see anything, correct?

25 A. I did not.

1 Q. And as you sit here today, you don't know who
2 said slap, you just know some people said slap, correct?

3 A. Correct.

4 Q. And the only person that told you -- excuse me,
5 let me -- when you spoke with the police, when you told
6 police that Mady was punched, you told her that's -- the
7 only person that said that was Mady, correct?

8 A. Correct.

9 Q. And then you used they, as a plural, to say what
10 other people said, correct?

11 A. Correct.

12 Q. Has anyone since then told you that they observed
13 any of that group, Ryhley Mattison, Dante Carlson, Tony
14 Carlson, A.J. Martin, Gabby K., or Janell D., told you
15 that they saw a slap and not a punch?

16 A. I don't recall that anyone has. I don't recall
17 having a conversation -- I -- it wasn't -- obviously there
18 was more severe injuries and those were the concern.

19 Q. Sure.

20 A. I mean, it was clear that she had been struck.
21 You could see the mark on her face.

22 Q. And you said that before. Let me ask you some
23 questions about that.

24 A. Sure.

25 Q. Where did you see that mark on her face?

1 A. It was at -- her cheek was visibly swollen.

2 There was pictures taken, and they were offered, but I
3 don't know whatever happened to them.

4 Q. Okay. We'll get to the pictures. Let me just
5 put that aside here for a second.

6 Can you point on your face where it is you
7 saw the mark on her face?

8 A. No.

9 Q. Okay. You don't have a memory of that?

10 A. I remember her cheek and -- and around her eye
11 being swollen.

12 Q. When you say you have a memory, I mean --

13 A. I don't know --

14 Q. -- do you --

15 A. -- if it was her left or right cheek. I don't --
16 so.

17 Q. So do you have a memory of actually seeing it?
18 Because when I have a memory I see a picture there and
19 then I could see her face and I can see the mark on one
20 side or the other. You don't have that in your head right
21 now?

22 A. She was coming at me, so I would say it would
23 have been the left side of her face.

24 Q. Okay. So -- and again, it's not a quiz, but I
25 just want to make sure that we're the same because

1 somebody else had said they didn't get left and right
2 correctly. And so can you just reach your hand up and
3 touch the left side of your face where you think you saw?

4 A. (Complied.)

5 Q. Okay. And again, for the record, you used your
6 left hand to reach up and touch your -- underneath your
7 left eye on your face, correct?

8 A. Correct.

9 Q. And in fact, I apologize, but I have a -- I
10 couldn't tell from -- I have a little scar under my left
11 eye. I couldn't tell from back there if you did. It
12 doesn't --

13 A. No, I --

14 Q. -- look like you do.

15 A. -- just have bags under my eyes. I work nights.

16 Q. No, I -- sometimes we project on -- our own onto
17 others, and I apologize for doing that.

18 So what you recall is did she point up to
19 her left side of her face?

20 A. She came over holding it.

21 Q. Okay. She came over holding the left side of her
22 face, right?

23 A. Yeah.

24 Q. And when she's holding the left side of her face,
25 I imagine she's holding the left side of her face like you

1 did, with her left hand, correct?

2 A. I believe so.

3 Q. Okay. When she walked over to that group, she
4 had things in her hands, correct?

5 A. I guess. I -- I suppose she probably did.

6 Q. Yeah. I mean, she had a phone, right?

7 A. I don't know.

8 Q. She had a vape?

9 A. Again, I -- I -- I don't know --

10 Q. And she had --

11 A. -- what she had in her hand.

12 Q. -- right?

13 A. (No response.)

14 Q. If I showed you photos that said that she had
15 those things in her hand, would that surprise you?

16 A. No, it wouldn't, but --

17 Q. Okay.

18 A. -- I -- I can't say that I -- I know what she had
19 in her hand --

20 Q. Sure.

21 A. -- because I don't.

22 Q. When she came back to you, she still had the
23 phone, correct?

24 MR. ANDERSON: Objection, Judge. I think the
25 witness said he doesn't remember.

1 MR. NELSON: I'm asking now when she came back.

2 I'm asking a different timeframe.

3 THE COURT: Fair enough.

4 You can answer the question.

5 A. I still don't remember.

6 Q. (By Mr. Nelson, continuing) Okay. When she came
7 back did she have the -- the can in her left hand?

8 A. Again, I don't remember what --

9 Q. Okay.

10 A. -- she had in her hand --

11 Q. Would it refresh your memory to see a still frame
12 of her standing by the tubes afterwards speaking? Can I
13 show that to ya?

14 A. Sure.

15 MR. ANDERSON: I -- I'm just going to object on
16 relevance, Judge. We -- we know what's in the video. He
17 doesn't remember, I don't think.

18 THE COURT: Sustained. I don't think this is a
19 good use of our time. He doesn't remember. The photos
20 may or may not show something different.

21 Q. (By Mr. Nelson, continuing) Would you agree if
22 she's seen after she says that she got punched in the face
23 on the left side of her hand (verbatim) and she walks over
24 to you at G2 --

25 A. Yeah.

1 Q. -- right, and if she's seen in the video over
2 there holding a can in her hand --

3 A. Um-hum.

4 Q. -- with a phone in her right hand -- right?

5 A. Yep.

6 Q. -- she's got her hands full, correct?

7 A. Okay.

8 Q. Would you agree with that?

9 A. I mean, if her hands are full, yes, I would agree
10 that her hands are full.

11 Q. And if her hands --

12 MR. ANDERSON: Calling for speculation on what
13 might be.

14 MR. NELSON: It's a hypothetical.

15 THE COURT: Well, come on up, please.

16 (Whereupon, a discussion was held at the bench.)

17 MR. ANDERSON: Is it sustained as to form, Judge?

18 THE COURT: We're going to start over. So, yes,
19 sustained.

20 MR. NELSON: Judge, I want to use two different
21 photos. I'm going to ask the first photo --

22 (Whereupon, a discussion was held off the record
23 between counsel.)

24 MR. NELSON: I want to show 2657.

25 THE COURT: Tell us when you're ready.

1 MR. NELSON: I'm ready, Judge.

2 THE COURT: Okay.

3 Q. (By Mr. Nelson, continuing) I'm showing you
4 picture 2657, and I believe the evidence is that this is
5 at approximately a minute and 50 seconds into the video.
6 Is that Madison Coen that you see in front of you with the
7 blonde hair?

8 A. That is correct.

9 Q. And she has a -- a drink in her left hand?

10 A. Yep.

11 MR. NELSON: We can -- I apologize, Judge, I'm
12 going as fast as I can.

13 Q. (By Mr. Nelson, continuing) I want to show you
14 slide 4235. Just to -- is that you in the yellow shirt,
15 sir?

16 A. Yep.

17 Q. And then over here, does that appear to be
18 Madison Coen with the blonde hair and the one-piece suit?

19 A. I -- it's really not clear enough to say for sure
20 but --

21 Q. Okay. The person who's got the blonde hair in
22 the upper corner there with the one-piece suite, does it
23 appear as if that person has something in their left hand
24 and something in their right hand?

25 A. I couldn't say from that picture.

1 Q. Okay.

2 A. I'm not sure that it matters. She came over
3 clutching her eye. Whether it was with the back of her
4 hand, her forearm, or the front of her hand, she came over
5 holding her eye.

6 Q. So your previous testimony when you said she had
7 her flats of her fingers up against her eye, you're saying
8 --

9 A. I didn't say that.

10 Q. I thought that's what you showed so --

11 A. You asked me where on the face and I used my hand
12 to show where on the face. I didn't say that's how she
13 was holding her hand.

14 Q. You did. I thought I did both, and if I was
15 wrong, that's fair.

16 So tell me now, tell the jury now, what did
17 you see her do in relation to the place on her face where
18 she said she was punched. What did she do?

19 A. Again, I don't remember. I just remember --

20 Q. Okay.

21 A. -- she was clutching her eye.

22 Q. Okay.

23 A. Whether it was the front of her hand, the back of
24 her hand, or her forearm, I couldn't say.

25 Q. Okay.

1 A. Again, this all happened very quickly and I was
2 able to see that she was okay. There was people stabbed,
3 and that was my concern.

4 Q. And I appreciate that. If it seems like I'm
5 judging you, I --

6 A. No, I just want to be clear.

7 Q. -- that impression. I'm just trying to gather
8 the facts so that the jury can make their decisions. Make
9 sense?

10 A. Yep.

11 Q. Okay. You had said that there was a photo taken
12 of this mark on her face?

13 A. Correct.

14 Q. Did you take this photo?

15 A. I did not. Her mother did.

16 Q. Okay. And this is something that was told to
17 you?

18 A. Yes.

19 Q. You didn't see the photo, did you?

20 A. I think I did.

21 Q. Okay. Who showed you the photo?

22 A. I believe her mother showed it to me.

23 Q. Okay. And when did her mother show you this
24 photo?

25 A. We all went and had lunch after the bail hearing.

1 Q. Okay. So some time --

2 A. I believe it was -- I believe it was at that time
3 at lunch that she showed it to me. It may have been here
4 at the courthouse, but it was that timeframe.

5 Q. Okay. And do you -- are you aware that Madison
6 Coen gave her phone to the police?

7 A. She very well may have. I mean, I'm not aware of
8 that but --

9 Q. Okay. Is it your under -- were you told by
10 somebody that the police just didn't want it, is that what
11 you were told?

12 A. Well, it wasn't her phone, it was her mom's
13 phone.

14 Q. Okay.

15 A. So -- and -- and, yes, I -- I was told that the
16 photo was offered up and they said they didn't need it.

17 Q. The police just said we don't need that photo in
18 a homicide case?

19 A. I don't know how they said it.

20 Q. Okay. That's fine. But that's what your
21 testimony is?

22 A. That is my testimony.

23 Q. That's what you were told by the Coen Family?

24 A. That is what I was told by her mother, yes.

25 Q. Okay.

1 MR. NELSON: That's all. Thank you.

2 THE COURT: Mr. Anderson.

3 REDIRECT EXAMINATION

4 BY MR. ANDERSON:

5 Q. Mr. Carlson, do you have a photographic memory?

6 A. Absolutely not.

7 Q. Do you remember some details of events without
8 remembering every detail?

9 A. I do.

10 Q. You remember how you drove here today?

11 A. I do.

12 Q. You remember how many lefts versus right turns
13 you took?

14 A. No.

15 Q. Do you remember some things from this incident
16 but not every single incident -- detail?

17 A. I would say that's fair to say. Some things were
18 burned into my brain that day.

19 Q. You said on cross that you thought Nicolae was
20 just a drunk idiot. You remember that?

21 A. I don't think I used the term idiot but --

22 Q. Maybe --

23 A. -- that's fair.

24 Q. I might be miss -- misremembering too so I don't
25 -- I don't mean to put words in your mouth. If you think

1 I'm wrong, please feel free to correct me.

2 And I think you said that your fear was he
3 was going to keep antagonizing the boys until they did
4 something?

5 A. From what I witnessed, yeah. I watched him walk
6 away from their tubes two or three times and then
7 re-approach them.

8 Q. And your memory from your vantage point was that
9 you could see Nicolae, Mady, and then the tubes, so
10 like --

11 A. I mean, I could see everything from my vantage
12 point, but what I was focused on and paying attention to
13 at different times varies. You know, I -- I think I was
14 mainly focused on Mr. Miu and watching what he was doing
15 versus I -- and obviously I could see Mady interacting
16 with him because I was watching him, but if you ask me
17 what the other kids were doing at that point I couldn't
18 tell ya.

19 Q. And your -- your view is not a bird's-eye view
20 like that drawing?

21 A. Absolutely not.

22 Q. So if there's parts of your group walking over,
23 were standing in-between, parts of your view was
24 obstructed?

25 A. Yeah.

1 Q. And so Attorney Nelson drew -- drew some
2 locations of people up there. Do you actually remember
3 that that's where those people were?

4 A. No. I mean, I remember where we were in relation
5 to their group. We were almost in front of them when I
6 got the boys to stop our tubes. We were on the -- the
7 opposite side of the river and --

8 Q. And I want to -- so Attorney Nelson asked you
9 which cheek was it on Mady. You remember that line of
10 questioning?

11 A. Yep.

12 Q. And I think you said a couple times you didn't
13 remember, then he told you about how his memory works, and
14 then you said left?

15 A. Well, I -- I -- again, I didn't want to say
16 anything that I wasn't absolutely certain about. I
17 remember it being the left-hand side, but I didn't want to
18 state that without being absolutely certain, and I wasn't
19 absolutely certain it was the left-hand side.

20 Q. He asked you to pick a side and you picked?

21 A. Correct.

22 MR. ANDERSON: I don't have anything else.

23 THE COURT: Mr. Nelson.

24 RECROSS-EXAMINATION

25 BY MR. NELSON:

1 Q. So just again, I'm -- when you say you remember
2 it being on the left-hand side, you have an image in your
3 mind of Madison Coen's face on the left-hand side having a
4 mark, is that what you see when you say I remember it
5 being on the left-hand side?

6 A. Correct.

7 Q. Okay. You don't see anything else in your head
8 other than that, right? You don't have any other memory,
9 correct?

10 A. What -- I'm not sure what you're asking me.

11 Q. It was a poor question. Fair enough.

12 I'm asking in particular about your memory
13 regarding Madison Coen's mark.

14 A. Okay.

15 Q. And the only memory that you have about Madison
16 Coen having a mark is the memory that you've told us about
17 it being on her left side. That's the only memory you
18 have, correct?

19 A. Correct.

20 Q. All right. Thank you.

21 You had said you watched Nicolae Miu walk
22 away two or three times, correct?

23 A. Correct.

24 Q. And was that before, during, or after Madison
25 Coen had walked over there?

1 A. Before.

2 Q. Okay. And when Nicolae Miu walked away from that
3 group of teenagers those two or three times, did you see
4 the teenagers just float downstream away from him?

5 A. No, because he was in front of them.

6 Q. Okay. So when you said you saw him walk away,
7 you mean he walked downstream from him?

8 A. He walked downstream, he walked -- at one point
9 he walked around the side of them and around the back, he
10 grabbed the tubes and stopped them from behind, and then
11 he walked again in front of them and he had started to
12 walk downstream from them at that point and that's when he
13 turned around and charged at them, and I believe when he
14 charged at them Madison was off the tube and on her way
15 over there and the boys were following.

16 Q. Okay. And you had said that you had an
17 obstructed view but you could still see things, certain
18 things, correct?

19 A. I didn't say I had an obstructed view.

20 Q. Okay. I thought you did. And so did you --

21 A. No, he asked me as -- as they were walking over
22 there is it fair to say that at times it was obstructed.

23 Q. Okay. So at times it was obstructed?

24 A. Correct.

25 Q. But one of the things that wasn't obstructed is

1 you observed your son, Dante Carlson, hit Mr. Miu,
2 correct?

3 A. That is correct.

4 Q. And you saw Mr. Miu go down into the water,
5 correct?

6 A. I saw him fall back onto his backside.

7 Q. Correct. And --

8 A. I don't know that I'd call it going down in the
9 water. The water was very shallow at that point.

10 Q. Sure. The water was flowing over the ground,
11 correct?

12 A. Yes.

13 Q. Okay. It's still the river, correct?

14 A. Yeah.

15 Q. Okay. Whether -- how deep the water is, he went
16 into the water, right?

17 A. Yeah. It was probably 10 inches deep at that
18 point.

19 Q. Okay. He went into those 10 inches of water,
20 agreed?

21 A. Yes.

22 Q. And when you saw Dante hit him and he go down
23 into those 10 inches of the water, that's when you yelled
24 stop, correct?

25 A. Correct.

1 Q. And your son didn't stop, did he?

2 A. (No response.)

3 MR. ANDERSON: Judge, I think we're going beyond
4 the scope of --

5 MR. NELSON: He was talking --

6 A. I -- I don't know that I can say whether he
7 stopped or not at that point.

8 Q. (By Mr. Nelson, continuing) Did you see your
9 son, Dante Carlson, hit Nic Miu when he was down in that
10 10 inches of water?

11 A. I did not.

12 Q. Did you see A.J. Martin come up from behind Nic
13 Miu and push him when Nic Miu was sitting in that
14 10 inches of water?

15 A. I did not.

16 Q. Did you see your son, Dante Carlson, swing and
17 hit Nic Miu in the front while A.J.'s pushing him from the
18 back?

19 A. I don't know if A.J. was pushing him from the
20 back when Dante struck him or not.

21 Q. Okay.

22 A. I did see Dante strike him from the front. I was
23 unaware of the situation at that point, didn't know why
24 Dante had struck him. It was very out of character for
25 Dante to hit someone, so I immediately yelled stop.

1 Q. Because you were worried?

2 A. Because I didn't want it to escalate. That was
3 the whole point of sending them over there, so that
4 hopefully it wouldn't escalate.

5 Q. But it had escalated, right?

6 A. It had.

7 Q. And then you wanted it to stop, correct?

8 A. Absolutely.

9 MR. NELSON: Nothing else.

10 THE COURT: Thank you, Mr. Carlson. You may step
11 down.

12 Is he released?

13 MR. ANDERSON: Yes.

14 THE COURT: All right.

15 Is he under your subpoena?

16 MR. NELSON: He was under the court's subpoena.
17 If I -- I think we have his number. I can tell the Court
18 at the end of it he's free to go today and I will
19 certainly inform the Court and Mr. Carlson. I -- he's
20 not -- he doesn't need to sit in the hallway, agreed.

21 THE COURT: All right.

22 So you're free to leave. You may be asked
23 to come back on a different day.

24 THE WITNESS: Okay.

25 THE COURT: Thank you, Mr. Carlson.

1 (Whereupon, the witness is excused.)

2 THE COURT: While we're in-between witnesses, I'd
3 like to have the illustration marked as an exhibit. Let's
4 get a number assigned.

5 MR. NELSON: I think it would be 102, Judge.

6 THE COURT: Okay. 102.

7 (Whereupon, Exhibit Number 102 was marked for
8 identification.)

9 MR. NELSON: Move for the --- then admission of
10 Exhibit 102.

11 THE COURT: That will be admitted for
12 illustrative purposes only.

13 MR. SMESTAD: Judge, are we talking about the --
14 the handwritten diagram or the printed diagram?

15 THE COURT: The handwritten diagram.

16 MR. NELSON: I had marked Exhibit 101 and I did
17 not offer it because I didn't have a basis to offer it.

18 THE COURT: All right. Who is the next witness?

19 MR. ANDERSON: Dante Carlson.

20 THE COURT: Mr. Carlson, please come forward.
21 Face the clerk, raise your right hand, she will administer
22 the oath.

23 DANTE CARLSON,
24 after having been first duly sworn on oath by the clerk,
25 testifies and says as follows:

1 THE WITNESS: I do.

2 THE COURT: Please have a seat in the witness
3 chair.

4 Mr. Anderson.

5 DIRECT EXAMINATION

6 BY MR. ANDERSON:

7 Q. Can you please state your first and last name for
8 the record?

9 A. Dante Carlson.

10 Q. And, Dante, do you work?

11 A. I do.

12 Q. What do you do?

13 A. I am a cook.

14 Q. And how old are you?

15 A. I am 21.

16 Q. How old were you on July 30, 2022?

17 A. I was 20 years old.

18 Q. And on that day were you tubing on the Apple
19 River?

20 A. Yes, I was.

21 Q. With your dad and some other people?

22 A. Yes.

23 Q. Were you consuming alcohol?

24 A. Yes, I was.

25 Q. Do you know how much you had?

1 A. A Budweiser, a White Claw. I think I had just
2 opened a Truly when this all started.

3 Q. And at some point did something catch your
4 attention as you were tubing down the river?

5 A. Yes. We heard screams for help.

6 Q. And did you -- what happened next?

7 A. My dad told us to post up and then wait, and then
8 he told us to go over and see what was going on.

9 Q. Did he say to try to de-escalate?

10 A. No, he didn't say de-escalate, he just asked us
11 to figure out what was going on.

12 Q. And did you go over there?

13 A. Yes.

14 Q. And could you hear the teenagers yelling?

15 A. Yes.

16 Q. Do you remember what they were yelling?

17 A. At first it was help, then it was cheering, and
18 then they were calling him names.

19 Q. And did you try to ask Nicolae what was going on?

20 A. Yes.

21 Q. Did he answer you?

22 A. No.

23 Q. Were you telling him to leave also?

24 A. Yes.

25 Q. At some point did you see -- did it change from

1 verbal to physical?

2 A. Yes.

3 Q. And can you describe what you remember about,
4 like, what you were doing, what you saw?

5 A. I had asked Nicolae Miu what was going on?
6 What's going on? He didn't answer me so I turned to the
7 kids' group and I went, What's going on? And they
8 shouted, He's looking for little girls. And I'm like,
9 he's looking for little girls? Confused. And then I went
10 again to turn back and get his side of the story and
11 that's when he punched Madison in the face.

12 Q. Did you -- what do you remember next after that?

13 A. I punched him.

14 MR. ANDERSON: Can we -- actually, let me get it
15 ready first.

16 Q. (By Mr. Anderson, continuing) So do you punch
17 him in response to him hitting Madison?

18 A. Yes.

19 Q. Okay. I'm going to start on Slide 2553. I'm
20 going to go through these and ask you some questions.

21 MR. ANDERSON: I'm ready. And --

22 THE COURT: I'm clearing it out in the starting
23 panel. Is it plugged in?

24 MR. ANDERSON: Yeah. My screen flashed. There
25 we go.

1 Q. (By Mr. Anderson, continuing) And so we're on
2 2553. Did you ever see Nicolae with a knife in his hand?

3 A. No.

4 Q. Obviously at the time you didn't know Nicolae or
5 the teenagers?

6 A. No.

7 MR. ANDERSON: I'm scrolling to the right.

8 Q. (By Mr. Anderson, continuing) So is that you?

9 A. Yes.

10 Q. In 2557?

11 A. Yes.

12 Q. So you're standing right to the right of --

13 A. Madison and Ryhley.

14 Q. I'm going to keep going.

15 So 2661, is that where you're hitting him
16 in response?

17 A. Yes.

18 Q. Who's that in the yellow shorts on -- just on the
19 right?

20 A. That would be A.J. Martin.

21 Q. And then the last he was on the camera he was
22 walking over?

23 A. Yes.

24 Q. Is that you -- is that you --

25 A. Yes.

1 Q. -- again? Okay.

2 You didn't notice the knife --

3 A. No.

4 Q. -- there either?

5 I'm just going to show you three frames
6 here, 2744, 2745, 2 -- I guess four frames -- 746, 2747.
7 Does that look like you're hitting him again there?

8 A. It could be.

9 Q. How many times do you remember hitting him?

10 A. I remember punching him, and then I believe I may
11 have smacked him twice.

12 Q. Continuing to go through. And now where you are
13 on this -- I'm paused at 2781. You're off -- you would be
14 off to the right of the screen here?

15 A. Yes.

16 Q. End at 2828. Who's that?

17 A. That would be my brother Tony.

18 Q. Who's that in the back on the top left?

19 A. Uhm -- oh, that's Ryhley.

20 Q. And I'm on Frame 2880. Have you seen this video?

21 A. Yes.

22 Q. Can you hear Tony yelling anything at -- at this
23 point in the video?

24 A. Uhm --

25 MR. NELSON: Objection. Can we approach, Judge?

1 THE COURT: Yes.

2 MR. ANDERSON: I'll -- I'll ask it a different
3 way. I'll withdraw the question.

4 THE COURT: Okay.

5 Q. (By Mr. Anderson, continuing) If you recall, is
6 Tony yelling anything at you at this part?

7 A. Yes.

8 Q. What was that?

9 A. I believe he was yelling at us to stop.

10 Q. And -- so he's facing you at this point in the
11 video?

12 A. Yes, I believe so.

13 Q. Okay. I stopped at 2939. I want to play the
14 video so we have audio.

15 MR. ANDERSON: You can mute the screen, black the
16 screen.

17 Q. (By Mr. Anderson, continuing) After you saw
18 Nicolae strike Mady, did you yell something about it?

19 A. Yes.

20 Q. Do you remember what you yelled?

21 A. You never hit a woman.

22 MR. ANDERSON: All right. I'm ready. I'm at
23 1:56 in the video.

24 (Whereupon, the video was played.)

25 Q. (By Mr. Anderson, continuing) Do you hear you

1 saying that in that portion of the video?

2 A. I do.

3 Q. And I stopped at 1:57. I'm going to keep going
4 forward.

5 So Ryhley -- now we see -- I'm at 202 --
6 Ryhley clutching her side. Do you see that?

7 A. Yes.

8 Q. Did you -- do you -- do you remember if you saw
9 that at the time or not?

10 A. I do not remember.

11 Q. But it was after -- when she's seen with an
12 injury on the video is after you yelled --

13 A. You don't hit a woman.

14 Q. Did you do an interview with law enforcement?

15 A. Yes.

16 Q. Well, actually, let me back up. So at some point
17 are you stabbed?

18 A. Yes.

19 Q. And what -- what do you remember of -- actually,
20 just what do you remember in your mind, not from the
21 video, about what happened after -- well, I guess first
22 let me ask: Do you remember Tony telling you to back up
23 or get back?

24 A. I remember him pushing me away from the
25 commotion.

1 Q. Okay. And what do you remember after that?

2 A. I was pushed away and then I heard screaming
3 going on behind me so I had turned around and then I was
4 looking at Nic and he was standing maybe six feet in front
5 of me. He just walked towards me and stabbed me.

6 Q. And what do you recall happening after that?

7 A. I went to my dad.

8 Q. Did you see what Nicolae did after that?

9 A. No.

10 Q. Do you -- do you have a memory of the sequence of
11 when people were stabbed?

12 A. At first I thought it was Ryhley, me, Isaac,
13 A.J., and then my brother, but as the video has shown,
14 that wasn't the order.

15 Q. So when you -- when you were interviewed by law
16 enforcement when you're trying to remember and tell them
17 what happened?

18 A. (No response.)

19 Q. Yes?

20 A. I believe that's the order I used. I can't
21 exactly say. I was --

22 Q. Were you in the hospital when you were
23 interviewed?

24 A. Yeah.

25 Q. It was the same day of the stabbings?

1 A. I think I was at the hospital for maybe
2 two minutes before I was interviewed.

3 Q. So at the scene where you -- how did you get to
4 the hospital? Were you rushed away in an ambulance?

5 A. I remember leaning up against the cop car and
6 then coming to while I was in an ambulance, and then the
7 next thing I know I was on the highway being put into, I
8 think, a helicopter.

9 Q. And sometime shortly after you got back to the
10 hospital is when you were interviewed?

11 A. Yeah.

12 Q. And did you tell law enforcement that you saw --
13 that it was Ryhley who got hit by Nicolae?

14 A. I could have.

15 Q. You don't remember your -- what you said in your
16 interview?

17 A. Not by heart.

18 Q. Where were you stabbed?

19 A. In my lower abdomen, I guess. My lower chest
20 area.

21 Q. Can you stand up and just point?

22 A. Right here. I mean, I can show you if you want.

23 Q. Are you comfortable showing your -- you have a
24 scar?

25 A. Yeah.

1 Q. It shows the exact spot?

2 A. Yeah.

3 Q. Is that -- it looks like a little bit off to the
4 center, to the left, right below your rib cage?

5 A. Right below my rib cage, yeah.

6 THE COURT: Can the jury see?

7 MR. ANDERSON: Permission to approach.

8 THE COURT: Yes.

9 You may have a seat. Thank you.

10 Q. (By Mr. Anderson, continuing) Showing you what's
11 been marked as Exhibit 31. Can you identify what that is?

12 A. That is my stab wound I think two days after I
13 got home --

14 Q. Okay.

15 A. -- from the hospital.

16 MR. ANDERSON: Permission to publish.

17 THE COURT: Any objection to 31?

18 MR. NELSON: No objection. No objection to
19 publication.

20 THE COURT: Received.

21 MR. ANDERSON: Can we just do the ELMO?

22 Okay. Thank you.

23 Q. (By Mr. Anderson, continuing) You've -- you've
24 seen the video, is that right?

25 A. Yes.

1 Q. Are -- do you see yourself get stabbed in the
2 video?

3 A. No.

4 Q. And, Dante, if you're -- if your medical records
5 say that your BAC was a .119, does that seem probably
6 about in the ballpark?

7 A. Yeah.

8 Q. Okay.

9 MR. ANDERSON: I don't have anything -- well --
10 oh.

11 Q. (By Mr. Anderson, continuing) How tall are you
12 and what do you weigh?

13 A. Six foot and 185.

14 Q. I think four or five more questions. Did you
15 know if Nicolae was alone or in a group?

16 A. I didn't know.

17 Q. Did he ever say he had a group upstream that you
18 heard?

19 A. No.

20 Q. Did you ever hear anyone threaten Nicolae before
21 you saw the strike on Mady?

22 A. No.

23 MR. ANDERSON: I don't have anything else.

24 THE COURT: Mr. Nelson.

25 CROSS-EXAMINATION

1 BY MR. NELSON:

2 Q. Your testimony was that you had two beers prior
3 to walking over there with the Truly in your hand?

4 A. Yeah.

5 Q. And I would imagine you didn't consume really any
6 of the Truly then, correct?

7 A. Correct.

8 Q. So your testimony to the jury is the extent of
9 the alcohol that you drank that day was two beers,
10 correct?

11 A. What I was asked, yes.

12 Q. Well, I'm asking you now under oath, is that
13 truthful testimony?

14 A. I had two beers, yes.

15 Q. Okay. And then the medical evidence, the medical
16 chemical evidence, is that your blood alcohol level was
17 .119, correct?

18 A. Yes.

19 Q. Do you understand that it would take a lot more
20 than two beers to get to a .119 blood alcohol
21 concentration?

22 A. I wouldn't.

23 Q. Do you have any explanation how you can reconcile
24 your oath -- under oath testimony that you only had two
25 beers and the medical evidence that your blood alcohol

1 concentration was .119?

2 A. Yes. I had some hard liquor as well.

3 Q. Okay. So when you were asked questions about how
4 much you had to drink, you chose to only say --

5 A. I was asked how many beers I had.

6 Q. Okay. Okay. And so unless somebody asks you
7 specifically an exact question, you're not gonna just
8 volunteer information that's hurtful to you, correct?

9 A. No. I was not asked the question so I didn't
10 answer. I figured he was going to ask it next but --

11 Q. And the -- it's been 21 months now?

12 A. Yeah.

13 Q. And over those 21 months you spoke with law
14 enforcement numerous times?

15 A. Yes.

16 Q. You spoke with the District Attorney's Office
17 numerous times?

18 A. Yes.

19 Q. You spoke with victim-witness people numerous
20 times?

21 A. Yes.

22 Q. And you were just waiting for somebody to ask you
23 that perfect question?

24 MR. ANDERSON: Objection. Argumentative.

25 THE COURT: Sustained.

1 Q. (By Mr. Nelson, continuing) Were you just
2 waiting for somebody to ask you that perfect question?

3 MR. ANDERSON: Same.

4 THE COURT: Sustained.

5 You made your point.

6 Q. (By Mr. Nelson, continuing) The photo -- have
7 you seen the photo of the ten of you guys on the river
8 that day?

9 A. Yes.

10 Q. And in that photo you're drinking a beer,
11 correct?

12 A. I don't know.

13 Q. Okay. Showing you what's been marked as
14 Exhibit -- oh, nope, you're not. Exhibit 26C. Do you see
15 that, correct?

16 A. Yep.

17 Q. You're not drinking a beer, I had that wrong,
18 correct?

19 A. Correct.

20 Q. Okay. There's other people drinking beers,
21 correct?

22 A. Yes.

23 Q. All right.

24 MR. ANDERSON: It should be 26A, that's what we
25 called the other one.

1 MR. NELSON: I'm sorry, I couldn't read it. 26A,
2 not 26C.

3 Q. (By Mr. Nelson, continuing) The hard liquor that
4 you were drinking, what was that consumed in?

5 A. It was off on a riverbed shortly before we got to
6 where the incident happened. There were shots of
7 Butterscotch Schnapps out of skis.

8 Q. Okay. And so you had consumed those prior to --
9 just prior to this, right?

10 A. Yeah.

11 MR. NELSON: Do we have that blow-up of the --

12 MR. ANDERSON: The map?

13 MR. NELSON: Perfect. Thank you.

14 Q. (By Mr. Nelson, continuing) I'm going to show
15 you what's been marked as Exhibit Number 25A. Can you see
16 that from where you're standing?

17 A. Yes.

18 Q. Do you see here that there's a -- a position here
19 that says Hideaway Bar? Do you see that?

20 A. Yes.

21 Q. And then we see this here as incident location,
22 correct?

23 A. Yep.

24 Q. And from the start until you got off the river
25 you had two beers, correct?

1 A. Yes.

2 Q. And then you had hard alcohol as well, correct?

3 A. Yes.

4 Q. All of that hard alcohol you say was consumed at
5 the Hideaway Bar?

6 A. I don't know if it was the Hideaway Bar. It was
7 a point where people could camp and they offered us shots
8 as we were riding down.

9 Q. Okay. Do you know of any other place on the
10 river where you can buy shots at a bar other than there?

11 A. It was a campsite.

12 Q. Okay. And so who offered you these shots?

13 A. I don't know.

14 Q. Okay. A stranger offered you those shots?

15 A. Yes.

16 Q. How many shots was it? Ten?

17 A. No. Like two.

18 Q. Two shots?

19 A. Yes.

20 Q. So your testimony is that you had four alcoholic
21 drinks that day, correct?

22 A. Yes.

23 Q. Do you think four alcoholic drinks for a man
24 who's six foot tall, 185 pounds, over the course of
25 numerous hours would get your blood alcohol level to .119?

1 MR. ANDERSON: Objection. Foundation.

2 A. Not a solid --

3 THE COURT: One second.

4 MR. ANDERSON: Speculation.

5 THE COURT: What's the objection?

6 MR. ANDERSON: Foundation. He had foundation to
7 calculate his own BAC.

8 THE COURT: Sustained.

9 Q. (By Mr. Nelson, continuing) Did you think you
10 were intoxicated?

11 A. No.

12 Q. The alcohol test that you took at the hospital,
13 that was hours after the incident, correct?

14 A. I do not know when it was administered.

15 Q. Did you have any alcohol after the incident?

16 A. No.

17 Q. Do you know if your alcohol rate goes up or down
18 after you've consumed alcohol?

19 A. I would assume it would go up.

20 Q. Okay. All right. I want to ask you some things
21 about what your dad told you, okay?

22 A. Sure.

23 Q. You said -- well, first off, did your tad -- dad
24 tell you -- did you hear him say, Go over there and make
25 sure they don't attack that guy?

1 A. No.

2 Q. Your dad didn't say that?

3 A. Not that I had heard.

4 Q. Okay. If he told the jury that, would he be
5 lying?

6 MR. ANDERSON: Objection, Judge.

7 THE COURT: Sustained.

8 MR. NELSON: Can we approach, Judge?

9 THE COURT: Yes.

10 (Whereupon, a discussion was held at the bench.)

11 MR. NELSON: I'll move on, Judge.

12 THE COURT: Thank you.

13 Q. (By Mr. Nelson, continuing) What you heard your
14 dad say was go over there to try to figure out what's
15 going on, correct?

16 A. Yeah.

17 Q. That's what you understood your task was,
18 correct?

19 A. Yeah.

20 Q. And -- because at the time when you were over at
21 the tubes, you didn't know what was going on, correct?

22 A. Correct.

23 Q. And best way to figure out what's going on is to
24 ask questions and gather information, correct?

25 A. Correct.

1 Q. And once you've gathered that information then
2 you can make more decisions, correct?

3 A. Yes.

4 Q. And I think you told the police that you went
5 over there because you were acting as a good samaritan, is
6 that right?

7 A. Yes.

8 Q. So you recall -- what did you observe before you
9 walked over there?

10 A. Him hanging around their tubes, grabbing onto the
11 tubes, them screaming for help.

12 Q. Okay. You've watched the video?

13 A. Yes.

14 Q. You've listened to the video?

15 A. Yes.

16 Q. Fair to say that there's no time on the recording
17 in which it can be certain -- heard that those six
18 teenagers are screaming for help, agreed?

19 A. On the video, yeah.

20 Q. Okay. So it's your testimony that sometime prior
21 to that video they were screaming for help?

22 A. Yes.

23 Q. Do you aware -- were you shown the video that
24 happened two seconds before that in which the teenagers
25 are yelling at Nicolae Miu and calling him a raper?

1 A. Yes.

2 Q. Were you -- were you shown that video?

3 A. Yeah, I believe I was.

4 Q. Okay. And on that video did you hear them
5 screaming for help?

6 A. No.

7 Q. So it's your testimony that prior to them calling
8 this grown man a raper, they were screaming for help on
9 the river?

10 A. Yes.

11 Q. And after they had screamed for help, they
12 decided they're gonna call him back from when he's walking
13 away and call him a raper, that's your understanding?

14 A. Yes.

15 Q. Okay. And did you see Nicolae Miu walking away
16 upstream from them and hear them call him a raper?

17 A. I didn't hear them call him a raper.

18 Q. Did you see Nicolae Miu walking away from them
19 upstream?

20 A. Towards the bridge or away from the bridge? Are
21 they going with the current? Against the current?

22 Q. Sure. So --

23 A. What do you mean by upstream?

24 Q. Give me a sec. So over to your right there is a
25 diagram we drew with your dad which has been marked as

1 Exhibit Number 102. Do you see that?

2 A. Yes.

3 Q. Do you see on the top of that it says downstream?

4 A. Yeah.

5 Q. On the bottom it says upstream?

6 A. Yeah.

7 Q. I believe downstream would also be the position
8 of the bridge, 35/64 bridge. Does that make sense to you?

9 A. Yes.

10 Q. And as your dad described it, G2 would be --

11 A. Him.

12 Q. -- your group, Group 2. Make since?

13 A. Yes.

14 Q. And then the six black circles, just for our
15 conversation, would be the teenagers. Does that make
16 sense?

17 A. Yes.

18 Q. Did you see just before -- at some time did you
19 see Nicolae Miu walking away from those tubes, upstream,
20 away from the boys?

21 A. No.

22 Q. You didn't see that?

23 A. No. I saw him walking downstream.

24 Q. Okay. And what your -- you heard when he was
25 walking downstream, is that when you say the boys were

1 screaming for help?

2 A. Yes.

3 Q. So was this sometime prior to the video in your
4 memory?

5 A. It could have been right before they started
6 recording.

7 Q. Okay. Because I -- I just want to make sure
8 we're established. You agree that they don't scream for
9 help anywhere on that 3 minute and 23 second recording,
10 agreed?

11 A. Agreed, as far as I've seen.

12 Q. Yes. And you agree that in the video just before
13 that, which is started 11 seconds before, lasted nine
14 seconds, in which they call him raper, they don't scream
15 for help in that video, correct?

16 A. Correct.

17 Q. And you would agree that when you watched that
18 video he was walking away from them upstream, correct?

19 A. Yeah.

20 Q. So what I understand your testimony to be is
21 sometime prior to these two videos they had screamed for
22 help, is that what you're saying?

23 A. Yes.

24 Q. And then --

25 A. Or in-between then, you know, that one video and

1 that three-second interval they could have screamed for
2 help there, too.

3 Q. Okay. So you think that they maybe paused or
4 stopped the recording in order to scream for help and then
5 they started recording again and just didn't say help at
6 all?

7 A. Could have.

8 Q. Could have. Sure. All right.

9 So the other scenario is that you heard
10 this scream for help prior to the raper video, right?

11 A. Could have.

12 Q. And if that was the case, you would agree that in
13 the raper video where they're calling him a raper, he's
14 walking away from them upstream, correct?

15 A. It would look like that.

16 Q. Okay. So you're going over there in order to
17 gather information, right?

18 A. Yes.

19 Q. And leading the charge from your group is Madison
20 Coen, agreed?

21 A. Agreed.

22 Q. And when Madison Coen goes over to that group you
23 see Nicolae Miu walk towards Madison Coen, agreed?

24 A. Sure.

25 Q. Yes?

1 A. Yeah.

2 Q. And as he does that, the teenagers' tubes are
3 free to go downstream, agreed?

4 A. Agreed.

5 Q. Yes?

6 A. That -- yes.

7 Q. When you see Nicolae Miu walk away from the
8 teenagers, clearing a path for them downstream, what do
9 you see the teenagers doing?

10 A. I wasn't paying attention to them, I was paying
11 attention to Nicolae.

12 Q. Okay. Did you gesture to the teenagers to float
13 down river, we've got this guy now?

14 A. Like I said, I wasn't paying attention to them, I
15 was paying attention to Nicolae.

16 Q. Okay. Did you encourage the teenagers to leave
17 at that point?

18 A. No.

19 Q. Why not?

20 A. I -- I was just there to figure out what was
21 going on.

22 Q. Okay. And so when you got there to try to figure
23 out what's going on, did you hear Madison Coen immediately
24 say to Nicolae Miu, Go, get your fucking ass, go,
25 something along those lines?

1 A. Yes.

2 Q. Fair to say Madison Coen wasn't asking questions,
3 agreed?

4 A. Agreed.

5 Q. Fair to say Madison Coen was giving orders,
6 right?

7 A. Yeah.

8 Q. Yes?

9 A. Yes.

10 Q. And she gave it in a loud, strong voice, correct?

11 A. Yes.

12 Q. And when Madison Coen was occupying Mr. Miu,
13 telling him what to do, what were the teenagers doing?

14 A. I do not know.

15 Q. Did you in any way gesture to the teenagers to
16 continue on down river?

17 A. Once again, I was not paying attention to them, I
18 was paying attention to Nic.

19 Q. Okay. But weren't these the group of people that
20 you said you were going there to help?

21 A. Yes.

22 Q. Weren't you concerned about their well-being?

23 A. Yes.

24 Q. And so you didn't pay attention at all to the
25 group that you went over there to help?

1 MR. ANDERSON: Objection. Argumentative. Asked
2 and answered twice.

3 Q. (By Mr. Nelson, continuing) Did you --

4 MR. NELSON: I'll rephrase.

5 THE COURT: Thank you.

6 Q. (By Mr. Nelson, continuing) Did you pay
7 attention at all to this group of people that --

8 A. Yes.

9 Q. -- you -- okay. So --

10 A. I didn't pay attention to the kids. I did not
11 tell them to leave. I did not tell them to stay.

12 Q. Okay. So what were they doing when you and
13 Madison Coen --

14 A. Standing by their tubes.

15 THE COURT: Hold on. I'm going to call a time
16 out here. Because everything's being written down by the
17 court reporter, we have to have the question completed
18 before you start your answer, and please let the witness
19 finish his answer before you start the next question.
20 There's a lot of overlapping talk.

21 Q. (By Mr. Nelson, continuing) Dante, I get a
22 little into a rhythm and I might have cut you off, so I
23 apologize.

24 A. Same here.

25 Q. All right. I want to talk about other things

1 that you may have observed in that interaction there
2 initially with Mr. Co -- with Mr. Miu, okay?

3 A. Okay.

4 Q. Did you see -- you said you were looking for an
5 explanation. When Mr. Miu walked over to you and Madison,
6 did you see Mr. Miu gesture to that other group?

7 A. Not like that, but I did see him, like, turn
8 around and point at them but he didn't say anything, all
9 he did was sit and point.

10 Q. Okay. There was a time -- is it -- you watched
11 the video, right?

12 A. Yes.

13 Q. And at about one minute and seven seconds into
14 the video you say, It doesn't matter, to Mr. Miu, correct?

15 A. Yes.

16 Q. And fair to say that the reason you would say it
17 doesn't matter to Mr. Miu is Mr. Miu is giving you some
18 sort of explanation, correct?

19 A. No. He was pointing at the kids.

20 Q. Okay.

21 A. And I said it doesn't matter, they're just kids.

22 Q. All right. So your purpose was to go over there
23 to get information?

24 A. Yes.

25 Q. And he gave you information in a non-verbal

1 manner, right?

2 A. We can call it that.

3 Q. What else would we call it?

4 A. A gesture.

5 MR. ANDERSON: Objection.

6 Q. (By Mr. Nelson, continuing) Okay. And when he
7 gave you that information with the gesture, did you listen
8 or did you tell him it doesn't matter?

9 A. I told him it doesn't matter.

10 Q. Okay. So when you initially said you were going
11 over there to gather information, maybe that's not really
12 what you were doing?

13 A. Maybe not from him but from the kids.

14 Q. Okay. So you weren't really interested in his
15 side of it?

16 A. Not really.

17 Q. Okay. And is part of that because they had
18 called him names?

19 A. No. It's because they asked for help. I went to
20 go see what the people screaming for help were wanting.

21 Q. Okay. And if you perhaps misheard that and they
22 weren't actually calling for help, maybe that's how this
23 got off on the wrong foot?

24 A. Maybe, but I'm pretty sure they were screaming
25 help.

1 Q. Okay. You said you heard them cheer, is that
2 right?

3 A. Yeah.

4 Q. And was the cheering in response to you and
5 Madison walking over?

6 A. Yes.

7 Q. Would you agree that a group of six teenagers
8 cheering doesn't sound like a group that needs help?

9 A. No, it sounds like a group that got what they
10 wanted.

11 Q. Okay.

12 A. Some people to come over and help them.

13 Q. Okay. When you heard them cheering, did you hear
14 them laughing?

15 A. No.

16 Q. Did you hear them giggling?

17 A. No.

18 Q. Did you hear them cackling?

19 A. No.

20 Q. Did you hear them use the expressure (verbatim),
21 For the culture, For the culture, repeatedly?

22 A. I did not. I just heard woo --

23 Q. Okay.

24 A. -- so --

25 Q. And --

1 A. Pretty much all I heard from them.

2 Q. And when you hear the term woo, you took that as
3 the cheering, correct?

4 A. Yes.

5 Q. Certainly doesn't sound -- woo and asking for
6 help are very different things, right?

7 A. Yeah.

8 Q. At some point did you observe Mr. Miu turn his
9 back on you and Madison?

10 A. To face the kids again, yes.

11 Q. Did you see him turn his back on basically you
12 and the kids and look downstream?

13 A. No.

14 Q. You never saw that?

15 A. Not that I can recall.

16 Q. Fair to say you saw him walk over to you and
17 Madison and the path downstream was clear for quite some
18 time, correct?

19 A. Yes.

20 Q. During that, would you agree that it's probably
21 clear for upwards of 60 seconds?

22 A. Yeah.

23 Q. During that 60 seconds did you ever take the time
24 to tell the teenagers who were cheering that they could
25 just leave and go down the river?

1 A. No.

2 Q. Did you ever gesture to them to say move along?

3 MR. ANDERSON: Objection. Asked and answered
4 like 10 minutes ago, I think.

5 MR. NELSON: I think this is the 60 second entire
6 time, Judge, and once I do then it's --

7 THE COURT: Let's wrap it up then.

8 A. I did not --

9 THE COURT: Wait. Wait for -- he's going to ask
10 a question again.

11 THE WITNESS: My bad.

12 Q. (By Mr. Nelson, continuing) You can go.

13 A. I do not remembering gesturing to them.

14 Q. Okay. Why not?

15 A. I wasn't focused on them at that time.

16 Q. Even though they were the ones calling for help?

17 A. Yes.

18 Q. You were focused on the man that they were
19 calling a pedophile?

20 A. Yes.

21 Q. And I imagine when you heard that, that made -- I
22 think as you told the police, that made you mad, right?

23 A. No, I was confused.

24 Q. Okay. And when you were confused, did you stop
25 and gather more information?

1 A. I tried to.

2 Q. Okay. What did you do?

3 A. I asked, What do you mean by that? Because they
4 said that he was looking after little girls. I went, He's
5 looking after little girls? What do you mean?

6 Q. Did they respond?

7 A. No, they did not.

8 Q. Did you hear the group say in response to your
9 question, Yeah, he's looking for little girls, we got it
10 on tape, something along those lines?

11 A. I -- that sounds like their answer, yeah.

12 Q. Yeah. And when you heard that, did you believe
13 that to be true?

14 A. I didn't know what to believe.

15 Q. Were you upset at Mr. Miu?

16 A. No.

17 Q. Did you hear them calling him a pedophile?

18 A. No, I did not hear it. At least not that I
19 remember.

20 Q. Fair to say you're not a fan of pedophiles?

21 A. I mean, who is?

22 Q. Agreed. And if you did understand him to be a
23 pedophile, you would think less of him in that position,
24 correct?

25 A. Understandably, yes.

1 Q. Yeah. You would think he's got less right to be
2 in the space that he's occupying, correct?

3 A. Especially with children, yes.

4 Q. Yeah. And you didn't -- there were no little
5 girls around, were there?

6 A. No.

7 Q. And the children that you referred to, it's like
8 this group of 17 years olds, correct?

9 A. Yes.

10 Q. Group of 17-year-old football players who are
11 pretty fit and tall, agreed?

12 A. I wasn't looking at their statures or builds.
13 I -- they looked like children to me.

14 Q. Okay.

15 A. I had assumed they were children.

16 Q. Okay. And by children you mean the 17-year-old
17 somebody, that's a children?

18 A. I would say between -- at least under 18, but
19 they looked 13 to 17 to me.

20 Q. Okay. That's what your position was?

21 A. Yes.

22 Q. Now, you made some statements to the police,
23 correct?

24 A. Yes.

25 Q. You made some statements about the observations

1 that you made on that day on the river, right?

2 A. Yes.

3 Q. And the statements that you made to the police
4 were that same day in the hospital, agreed?

5 A. Agreed.

6 Q. And they were statements that you made about your
7 friend that you were there on the river with, correct?

8 A. Yes.

9 Q. You were on the river with Ryhley Mattison,
10 correct?

11 A. Yes.

12 Q. She's a friend of yours from high school?

13 A. Middle school.

14 Q. So you've known Ryhley Mattison for years and
15 years, correct?

16 A. Yes.

17 Q. And you were on the river with Madison Coen,
18 correct?

19 A. Yes.

20 Q. Same thing, a friend that you had known since
21 middle school, correct?

22 A. Yeah.

23 Q. Right?

24 A. Yeah.

25 Q. So somebody that you know, and Madison's clearly

1 got blonde hair, right?

2 A. Yeah.

3 Q. And Ryhley's clearly got a -- a brunette or a --
4 different colored hair than blonde, right, very different?

5 A. Yeah.

6 Q. Their body shapes are different?

7 A. Yeah.

8 Q. Their personalities are different?

9 A. Yeah.

10 Q. You could distinguish between the two of them,
11 right?

12 A. Sometimes.

13 Q. Okay. And what you told the police on Madison --
14 I'm sorry, on July 30th, they were asking you about what
15 happened, is that right?

16 A. Yes.

17 Q. And you told them, I thought he had hit my friend
18 Ryhley and I automatically reacted. That's what you told
19 them?

20 A. Yes.

21 Q. You used the name Ryhley, correct?

22 A. Yes.

23 Q. Then you also said to them, Me and Ryhley were
24 standing right next to each other and he, like, got up
25 close to Ryhley and Ryhley pushed him away and he did a

1 swift motion towards her, correct?

2 A. Yes.

3 Q. And the her you're referring to in that sentence
4 is the only name that you used, which was Ryhley, correct?

5 A. Yes.

6 Q. When asked again about it, you told the police, I
7 don't know if Ryhley pushed him or something. I didn't
8 see that. All I saw was him make a motion towards her and
9 I saw her fall down so I reacted and hit him. You said
10 those words?

11 A. Yes.

12 Q. And the name that you used in that situation was
13 Ryhley?

14 A. Yes.

15 Q. And the description that you gave in that
16 situation is you saw him, Mr. Miu, make a motion, correct?

17 A. Yes.

18 Q. And that as a result of that motion you said you
19 saw Ryhley fall down, correct?

20 A. Yes.

21 Q. And then in response to that, the officer asked
22 you, Can you describe Ryhley to me? Do you remember that?

23 A. Yes.

24 Q. And you said, She is brunette, skinny, has
25 tattoos down her arm. Correct?

1 A. Yes.

2 Q. And that, fair to say, accurately describes
3 Ryhley Mattison, correct?

4 A. Yes.

5 Q. Madison Coen is not a brunette, correct?

6 A. Correct.

7 Q. You wouldn't use -- again, I apologize to -- you
8 wouldn't necessarily use the same description of Madison's
9 body as you used when describing Ryhley, correct?

10 A. Correct.

11 Q. And you also said the person had tattoos down her
12 arm, correct?

13 A. Yes.

14 Q. That accurately describes Ryhley, not Madison,
15 correct?

16 A. Yes.

17 Q. That's what you told the police on that day,
18 correct?

19 A. Yes.

20 Q. And then lastly, you told them later in that same
21 interview, I think it was Ryhley who, like, went like
22 that, but I'm not a hundred percent sure. And then all I
23 saw was the swift motion, Ryhley fell to the ground, I hit
24 him, he fell. That's what you said, correct?

25 A. Yes.

1 Q. So again, the fourth time you described it as
2 something happening to Ryhley, correct?

3 A. Correct.

4 Q. And in each of those four times you never used
5 the word punch, agreed?

6 A. Agreed.

7 Q. Each of those times you used the words a -- a
8 swift motion, correct?

9 A. Yes.

10 Q. That's what you describe that you saw on that day
11 about this, correct?

12 A. Yes.

13 Q. Now today, 21 months later, you're saying
14 something different, agreed?

15 A. Agreed.

16 Q. Now today you're saying not that you saw
17 Ryhley -- not that you saw a swift motion go to Ryhley but
18 that you saw Madison get punched. That's your testimony
19 today, correct?

20 A. Yes.

21 Q. In those 21 months from the first story to the
22 new story, you've talked to Madison Coen?

23 A. Not really, but yes.

24 Q. You've talked to Ryhley Mattison?

25 A. A little, yes.

1 Q. You've talked to others in the group?

2 A. My family, yes.

3 Q. You've talked to the District Attorney's Office?

4 A. Yes.

5 Q. And since you've talked to all those people, you
6 now have a new story, correct?

7 A. I have a better recollection of what had
8 happened, if that's what you're asking me, yes.

9 Q. Okay. So the fact that you were at a .19 on that
10 day, you now have a better recollection today than you did
11 on that day, is that what you're saying?

12 A. Well, I mean, they also questioned me when I was
13 on pain pills from the hospital.

14 Q. Okay. I thought your testimony was that they
15 came there and saw you within two minutes of your
16 arriving?

17 A. Yes.

18 Q. Okay. And so in those two minutes you consumed
19 those pain pills and it's your position --

20 A. Whatever they gave me on that helicopter.

21 Q. Okay. You had said -- going back to your
22 statement to the police, I just want to dial in on one of
23 the things. The last time you spoke you said, I think it
24 was Ryhley who went like that, but I'm not a hundred
25 percent sure. I want to ask you about that sentence,

1 okay?

2 A. Okay.

3 Q. There's a video of you give -- making that verbal
4 statement. Do you understand that?

5 A. Yes.

6 Q. And in that video it shows you move your hand
7 kind of like this, is that right?

8 A. Yes.

9 Q. And you had both of your hands up in a manner in
10 which someone would push out towards another person,
11 correct?

12 A. Or push away from.

13 Q. Sure. They -- they were extending their hands,
14 which were close to their body, to push outward towards
15 whatever's in front of them, correct?

16 A. Yes.

17 Q. That's what you demonstrated when you said, I
18 think Ryhley went like that?

19 A. Yes.

20 Q. Can you just show us that demonstration now?

21 A. I -- (demonstrating.)

22 Q. Okay. And you were able to show us that
23 demonstration because that's what you remember as you sit
24 here today, Ryhley did that, correct?

25 A. Yes.

1 Q. And in response to Ryhley doing that, that's when
2 you saw the swift motion?

3 A. No. I remember it differently now but --

4 Q. After talking to other per -- people you remember
5 it differently?

6 A. (No response.)

7 Q. But the thing you --

8 A. After thinking about it for the last 21 months
9 and seeing it every night, yeah.

10 Q. But what you absolutely know, because you said it
11 then and you say it now, is you remember just before
12 Nicolae Miu getting punched by you, you saw Ryhley
13 Mattison push her hands out towards him, correct?

14 A. Yes.

15 Q. That's for sure, correct?

16 A. Yes.

17 Q. Had you seen Ryhley Mattison get up in Mr. Miu's
18 face?

19 A. No.

20 Q. Had you seen Madison Coen get up in Mr. Miu's
21 face?

22 A. Not up in the face, but she was talking to him
23 face-to-face, yes.

24 Q. She -- would you be -- for others say it's in his
25 personal space, would you agree with that?

1 A. In his bubble, yeah.

2 Q. She's right there in his bubble, correct?

3 A. Well, not in his face, face, but like talking to
4 him like normal distance would be.

5 Q. Okay. But you'd use the term in his face, you
6 agree with that?

7 A. Sure.

8 Q. Okay. I want to ask you about what you did to
9 Nicolae Miu, okay?

10 A. Okay.

11 Q. You said you saw a swift motion and you reacted
12 and punched him, correct?

13 A. Yes.

14 Q. You laid him out, correct?

15 A. I guess.

16 Q. Well, those are the words that you used when the
17 police asked you to describe what you did to him, you
18 said, I laid him out, correct?

19 A. Yes.

20 Q. Fair to say that when you used the term I laid it
21 out -- laid him out, you said it with a sense of pride?

22 A. I guess.

23 Q. I mean --

24 A. I mean --

25 Q. You were proud of laying this man out in response

1 to what you observed regarding the swift motion, correct?

2 A. No, I was proud of defending a woman.

3 Q. Okay. And so I want to get into that, right. So
4 what you understand is you're defending a woman, correct?

5 A. Yes.

6 Q. Which woman?

7 A. Madison.

8 Q. Okay. And the woman that you say you're
9 defending, she fell to the ground?

10 A. I believed at the time that she did, yeah.

11 Q. Okay. And you believe that because that was your
12 memory?

13 A. Yes.

14 Q. And you say that now, I believed it at the time,
15 because you know that the video shows she didn't fall
16 down, correct?

17 A. Correct.

18 Q. So what we know is your memory is wrong, at least
19 in regards to that, correct?

20 A. Yes.

21 Q. So there's times that your memory is wrong about
22 what happened that day, correct?

23 A. I guess, yes.

24 Q. There could be many explanations for why it's
25 wrong, correct?

1 A. Yes.

2 Q. Just human memory is not perfect, agreed?

3 A. Agreed.

4 Q. It might be wrong because intoxicated?

5 A. A little.

6 Q. .119, right?

7 A. Yeah.

8 Q. You're over the legal limit, correct?

9 A. Yeah.

10 Q. You would agree that that might have impacted
11 your ability to accurately perceive things?

12 A. I guess, yes.

13 Q. Might have -- that might have impacted your
14 ability to accurately recall things?

15 A. I guess, yes.

16 Q. Another thing that might have affected your
17 memory is perhaps the stress and the trauma of everything
18 that happened afterwards, correct?

19 A. Yes.

20 Q. Another thing is is that you could just be
21 intentionally telling an untruth. That's possible too,
22 correct?

23 A. No.

24 Q. That's not possible?

25 A. No.

1 Q. Okay.

2 THE COURT: Let's take a recess. We'll come back
3 in 15 minutes.

4 Please take the jury out.

5 (Whereupon, the jury exits the courtroom.)

6 THE COURT: Recess for 15 minutes. 2:55.

7 (Whereupon, a break was held.)

8 THE COURT: All right. We are back on the
9 record. The attorneys are present. Mr. Miu is present.
10 The jury is absent.

11 I just want to make a record of a short
12 sidebar that we had including two objections that I
13 sustained. I can't remember exactly what the Q and A was
14 about, but it pertained to a witness on the witness stand
15 who either didn't have a recollection about something or
16 did not perceive something. Another witness had testified
17 to those events, and the question was put to the witness
18 on the stand if the other witness said this, does that
19 make him or her a liar? I think the State objected at
20 least twice, maybe more, I sustained both objections,
21 there was a sidebar.

22 Mr. Nelson brought to my attention State
23 versus Victor Johnson, which is a case that I am familiar
24 with. Generally speaking, one witness may not comment on
25 the credibility of another witness, and making comments

1 about whether someone is or isn't a liar, in my opinion,
2 is commenting on the credibility.

3 Victor Johnson made an exception in some
4 unique circumstances and that is where one witness
5 perceives the event and says one thing, another witness
6 perceives the same event and says something different.
7 Victor Johnson allowed one witness to say I'm telling the
8 truth, he's telling a lie, believe me more than the other
9 witness.

10 That's not what we have here because to my
11 recollection both of the times the witness either didn't
12 recall or did not perceive the event, so it's not the same
13 situation as Victor Johnson and I thought that the
14 questions that were being put to the witness was more akin
15 to commenting on credibility. So that's the reasoning for
16 the objection being sustained.

17 Mr. Nelson, if you want to add to the
18 conversation, you may.

19 MR. NELSON: Your Honor accurately cited what the
20 sidebar was. I -- I hope, respectfully, said I disagree
21 but I'm going to move on. So I just want to make note
22 that I continue to disagree but I'm not going to spend any
23 more court time making any additional arguments other than
24 I disagree with that analysis and we'll move on.

25 THE COURT: Fair enough.

1 Let's bring the jury in.

2 (Whereupon, the jury enters the courtroom.)

3 THE COURT: We're back in the presence of the
4 jury. We are ready to continue. I anticipate we will
5 break again somewhere close to 4:30, we'll break for the
6 day.

7 Mr. Nelson.

8 Q. (By Mr. Nelson, continuing) Mr. Carlson, I want
9 to ask you about a -- I want to ask -- I'm gonna get into
10 what you had done in response to what you saw, but I wanna
11 go back just a little bit.

12 A. Okay.

13 Q. Your testimony today is you saw Madison Coen get
14 punched. I'm just putting us all on that same space.

15 A. Yes.

16 Q. Describe the punch.

17 A. It came from his left side. I would say it was a
18 pretty fast, swift motion like that.

19 Q. Okay. So are you right now going on a memory
20 that you have in your head of what you remember seeing?

21 A. Yes.

22 Q. And what you've just shown us is you used your
23 left arm to move forward in what I would describe a
24 jabbing motion, would that be fair?

25 A. I used my right arm.

1 Q. You used your right arm. Okay.

2 Did you see Nicolae Miu use his right hand?

3 A. Yes.

4 Q. And so your testimony to the jury is Nicolae Miu
5 punched Madison Coen with his right hand?

6 A. Yes.

7 Q. And you -- can you -- I just wanna -- trying to
8 use words the best thing is to -- I've heard it described
9 as a hook. I saw you do something different. Can you
10 just show us again what it is you saw?

11 A. It was like -- it started from his side and it
12 went out like that.

13 Q. Okay. Kind of straightforward. So his hand's in
14 front of him down at his side --

15 A. Down at his side and then it like -- I guess you
16 could say it was like a hook, but it wasn't --

17 Q. Okay.

18 A. -- it was like a jab.

19 Q. It came down and it went up, agreed?

20 A. Agreed.

21 Q. And it came from his body position outwards
22 towards the other person, correct?

23 A. Correct.

24 Q. And it seems like as my arm's kind of in my body
25 plane. Do you see that?

1 A. Yes.

2 Q. It stays essentially within the body plane is
3 what you're saying?

4 A. No, it was kind of off to the right.

5 Q. It went like this?

6 A. Kind of. It was -- as it went up it curved to
7 the right.

8 Q. Okay. So again, trying to use words to
9 describe --

10 A. I don't know the correct words to use to describe
11 it.

12 Q. We'll sort through it.

13 It seems like you're saying basically not a
14 full hook, not a full jab, something in-between?

15 A. Yes.

16 Q. Okay. But it's clearly with his right hand,
17 correct?

18 A. Yes.

19 Q. You aware that prior to that, what you say
20 happened at about 1:50 in the video, is that about right?
21 Do you remember watching the video and it's around the
22 1:50 mark?

23 A. Sure.

24 Q. Sound about right?

25 A. Yeah.

1 Q. And do you know that in the video you can observe
2 Mr. Miu standing in front of Ryhley and Madison with the
3 knife in his right hand?

4 A. Yes.

5 Q. So it's with the hand that's holding the knife
6 that he punches her?

7 A. Yes.

8 Q. And where does this punch that you say he hits
9 her with, with the hand with the knife, where does that
10 land on her?

11 A. The left side of her face.

12 Q. Okay. On the left side of her face?

13 A. Yes.

14 Q. Okay. And -- okay. Look to be a forceful punch?

15 A. Yes.

16 Q. More than just like a little tap?

17 A. Yes.

18 Q. Like a full grown man punching a woman square in
19 the face, correct?

20 A. Yes.

21 Q. And it must have punched her, I think you
22 indicated, up like on her eye level, is that right?

23 A. I would say so, yes.

24 Q. Yeah. Like -- and so it would have been near her
25 left eye?

1 A. On her cheekbone is -- I guess, would probably be
2 the best place to put it.

3 Q. Okay.

4 A. Around this area.

5 Q. Okay. Around -- and when you just said around
6 this area, was -- your hand I think went a little --

7 A. I'm sorry, like the cheekbone --

8 Q. Sure.

9 A. -- area.

10 Q. Just under where your glasses protect your face,
11 correct?

12 A. Correct.

13 Q. You have on a pair of, would you agree, rather
14 small eyeglasses, correct?

15 A. Yes.

16 Q. And on that day Madison Coen had some oversized
17 sunglasses on, correct?

18 A. Yes.

19 Q. And so the area that you're pointing to on her
20 face would have been covered by those oversized
21 sunglasses, correct?

22 A. I wouldn't say covered but -- sure.

23 Q. Sure. So this grown man holding a knife is a
24 hand, reaches out and punches her in the eye where her
25 eye -- her sunglasses are, correct?

1 A. Her cheekbone, but yeah.

2 Q. Okay. Right near her sunglasses, correct?

3 A. Yes.

4 Q. Okay. You're aware that her sunglasses are in
5 perfect condition?

6 MR. ANDERSON: Objection. Assumes facts not in
7 evidence.

8 THE COURT: Sustained.

9 MR. NELSON: I'm asking if he's aware of that.

10 THE COURT: No. Well --

11 MR. NELSON: I think that's how you establish --
12 okay.

13 THE COURT: Sustained.

14 Q. (By Mr. Nelson, continuing) Do you know the
15 condition of her eyeglasses?

16 A. No.

17 Q. Would you expect a woman standing in front of a
18 man with oversized eyeglasses that got punched in the
19 manner that you did, would you expect her glasses to be
20 bent, broken, disturbed in some manner?

21 MR. ANDERSON: Objection. Speculation.

22 THE COURT: Sustained.

23 Q. (By Mr. Nelson, continuing) The -- when you're
24 standing there and you see this, you must have been ready
25 to respond right away?

1 A. What do you mean?

2 Q. Well, I mean, you said you hit him immediately,
3 correct?

4 A. Yes.

5 Q. So there wasn't any time for you to type up --
6 assess anything, you just hit him right away, correct?

7 A. After I saw him punch her, yes.

8 Q. So you saw it and had to have your body, like,
9 process what happened and then you moved into action,
10 correct?

11 A. Yes.

12 Q. So it wasn't as if you saw it happening and at
13 the same time you started swinging, correct?

14 A. The -- can you --

15 Q. You weren't violent until you saw this, correct?

16 A. Correct.

17 Q. And when you saw this violence it must have
18 surprised you?

19 A. Yes.

20 Q. It must have shocked you?

21 A. Yes.

22 Q. It must have taken you a moment to assess what
23 are you gonna do, correct?

24 A. No.

25 Q. You just -- after that -- after you made that

1 observation you then moved your body, correct?

2 A. Yes.

3 Q. Would you agree that you were moving that body
4 from making that observation, would have taken you a
5 second or two?

6 A. Sure.

7 Q. Yes?

8 A. Yes.

9 Q. Okay. You agree that when you saw this -- well,
10 let me say this. So why -- you punched him, you said, in
11 defense of her, is that what you said?

12 A. Yes.

13 Q. What were you feeling at that time?

14 A. Anger, I guess.

15 Q. Okay. And the anger was at Nicolae Miu, correct?

16 A. Yes.

17 Q. You've, fair to say, never described to anybody,
18 even today, that your feeling was a fear, correct?

19 A. I would say, yeah.

20 Q. You agree you've never described your feelings on
21 that day as to why you punched him was you punched him out
22 of fear?

23 A. Correct.

24 Q. Because you weren't fearful, you were angry?

25 A. Yes. He hit my friend.

1 Q. Sure. And so you hit him in response to hitting
2 her because you were angry, correct?

3 A. Yes.

4 Q. It wasn't because you believed her safety was in
5 danger, right?

6 A. (No response.)

7 Q. You agree?

8 A. I don't know. I --

9 Q. Okay.

10 A. -- reacted in case it was.

11 Q. Sure. And you reacted by hitting him, not
12 tending to your friend, correct?

13 A. Yes.

14 Q. After you hit him once, he fell in the water,
15 correct?

16 A. Yes.

17 Q. And as he fell in the water you moved to get over
18 him, correct?

19 A. Yes.

20 Q. You moved to position yourself in a way that you
21 could strike him a second time, correct?

22 A. Yes.

23 Q. And you moved to position yourself to set
24 yourself up for that second strike to be with your right
25 hand, correct?

1 A. Yes.

2 Q. That was your dominant hand, correct?

3 A. Yes.

4 Q. You wanted to make sure the force that you hit
5 upon him was the most dominant force you could use and
6 that would be with your right hand?

7 A. I would say -- I wouldn't say I did it purposely,
8 I just think my body naturally went to the right side.

9 Q. Okay. To set yourself up to hit him a second
10 time, correct?

11 A. Yes.

12 Q. Clearly when he's down in the water on his back
13 Mady's safe, right?

14 A. Yes.

15 Q. She's not in any danger, agreed?

16 A. (No response.)

17 Q. You agree?

18 A. For now, yeah.

19 Q. In that moment she's not in any danger, agreed?

20 A. Agreed.

21 Q. And you're not in any danger, agreed?

22 A. (No response.)

23 Q. He's down on the ground, correct?

24 A. Yes.

25 Q. You're not in any danger?

1 A. (No response.)

2 Q. You agree?

3 A. I would say, yeah, sure.

4 Q. Okay.

5 A. I --

6 Q. And you would agree that you and Mady and the 11
7 other people there are not in danger when Nicolae Miu is
8 down on the ground in the water after you hit him, agreed?

9 A. I wouldn't say agreed to that.

10 Q. Okay.

11 A. I -- he was still a danger.

12 Q. Okay. He was a danger while he was on his back,
13 in the water, surrounded by you and your friends?

14 A. Yes.

15 Q. Okay. And because you believed -- that's what
16 you believed at that time?

17 A. Yes.

18 Q. And you believe that because of the one time you
19 saw him hit your friend, correct?

20 A. Yes.

21 Q. So you -- you observed one act and you thought
22 he's still a danger even if he's down and in the water,
23 correct?

24 A. Yes.

25 Q. That's -- you were fearful at that time?

1 A. (No response.)

2 Q. Or were you still angry?

3 A. I believe it was a little bit of both.

4 Q. Okay. So when you've punched him the first time
5 it wasn't out of fear, you weren't afraid until he was
6 down in the water?

7 A. Yes.

8 Q. But when he's down in the water you're fearful
9 and angry and then you hit him, correct?

10 A. Yes.

11 Q. And you do that with your right hand so that you
12 can make sure you hit him with enough force, correct?

13 A. I wasn't making sure to hit him with enough force
14 but --

15 Q. Okay.

16 A. -- my body just naturally positioned itself to
17 the right side.

18 Q. Okay. And after you hit him the second time, you
19 saw your friend, Anthony Martin, come up behind Mr. Miu,
20 right?

21 A. No.

22 Q. You didn't see that?

23 A. No.

24 Q. Are you aware that that happened?

25 A. Yes.

1 Q. Now that you've watched the tape, you understand
2 that Anthony Martin was coming up behind him, correct?

3 A. Yes.

4 Q. And that Anthony --

5 A. I was also being pushed away at the same time
6 though.

7 Q. Who was being pushed away?

8 A. I was.

9 Q. Okay. You were being pushed away at the same
10 time Anthony -- let me just make sure. You're -- while
11 Anthony Martin is pushing Nicolae Miu down from back --

12 A. Yes.

13 Q. -- you're being pushed away by somebody else?

14 A. I believe I was, yes.

15 Q. And that somebody else was your brother?

16 A. No, I think that was a couple seconds later, but
17 yes.

18 Q. I'm just -- maybe I -- who pushed you away?

19 A. I don't know. They pushed me from behind.

20 Q. Okay. Well, let me show you some of -- let me
21 just --

22 MR. NELSON: Can I have the screen?

23 Q. (By Mr. Nelson, continuing) I'm showing you
24 Slide 2699. Do you see that?

25 A. Yes.

1 Q. Do you see -- is that Nicolae Miu in the water?

2 A. Yes.

3 Q. Do you see a shadow of an arm across Nicolae
4 Miu's chest?

5 A. Yes.

6 Q. Is that the shadow of your arm?

7 A. I -- I would believe so, yes.

8 Q. And then I'm going to move forward here, 20 --
9 and that's us -- those slides up to 2707. That's your
10 right hand hitting him across his chin/side of his
11 face/ear/head, agreed?

12 A. Agreed.

13 Q. And then in response to that, Nic Miu goes --
14 head goes back to touch the water again, correct?

15 A. Yes.

16 Q. And then as we watch here on the video, Anthony
17 Martin is coming up behind, is that right?

18 A. Yes.

19 Q. And we see two feet in front of Nicolae Miu, is
20 that correct?

21 A. Yes.

22 Q. Those are your feet, correct?

23 A. Yes.

24 Q. You're standing in front of him, correct?

25 A. Yes.

1 Q. And you're, at this time, preparing to hit him
2 for a third time, correct?

3 A. I believe so.

4 Q. And that 2745, that's your hand or your
5 elbow/forearm that we see in the upper left portion of
6 that frame, correct?

7 A. Yes.

8 Q. And then here, this is your right shin, your
9 right leg, is that correct?

10 A. That looks like the top of his head, but I would
11 say it's --

12 Q. Let me go back a couple, maybe it's --

13 A. Oh, yes. Sorry.

14 Q. Does that appear to be your --

15 A. Yeah.

16 Q. Agreed, nobody standing behind you here, is that
17 what you're aware of at least?

18 A. Yes.

19 Q. And then you swing through and we see through the
20 middle there your hand at 2747 hitting Nic Miu again in
21 the front of his head somewhere, correct?

22 A. Yes.

23 Q. And while you're hitting him in the front, A.J.
24 Martin is pushing him down from behind, correct?

25 A. Yes.

1 Q. That's the third time that you've hit him,
2 correct?

3 A. Yes.

4 Q. You're hitting him out of anger, agreed?

5 A. Yes.

6 Q. You're not hitting him in defense of anybody
7 there, right?

8 A. False. I was.

9 Q. You were -- this -- you believe that at that
10 point you feared for your safety?

11 A. No, I feared for everyone else's safety. I --

12 Q. Okay.

13 A. -- I didn't fear -- okay. You're getting me
14 confused.

15 Q. All right. Well, let's take a step back. Let's
16 -- I'll ask it again, okay.

17 Tell me in this photo when you're hitting
18 him the third time, whose safety do you fear for?

19 A. My friends.

20 Q. Okay. Which friends in particular?

21 A. Madison, A.J., Tony, Ryhley, Janell, Scottie, my
22 father, Sheena.

23 Q. Okay. So let's go through that list. Do you
24 know where Madison is there?

25 A. No.

1 Q. Do you know where Ryhley is there?

2 A. No.

3 Q. Do you know where your brother Tony is there?

4 A. I believe he was walking up right behind A.J.

5 Q. Okay. You know where A.J. is, correct?

6 A. Yes.

7 Q. A.J.'s behind Nicolae Miu pushing him down from
8 behind, agreed?

9 A. Agreed.

10 Q. But in that situation you were worried for A.J.'s
11 safety?

12 A. Yes.

13 Q. Okay. And as a result of your fear for A.J.'s
14 safety, that's why you hit Nic Miu a third time, correct?

15 A. Yes.

16 Q. And you thought that amount of force was
17 necessary?

18 A. Yes.

19 Q. Do you think that's reasonable?

20 A. I did.

21 Q. You did in that time?

22 A. Yes.

23 Q. And you did in that time because of the escalated
24 nature of everything that was going on there, everybody
25 was just fearful around there, correct?

1 A. Yes.

2 Q. Now, let me ask you about that because you say
3 you were in fear but when you hit him the first time you
4 had a beer in your left hand, right?

5 A. Yes.

6 Q. And when you hit him the second time you still
7 had the beer in your left hand, right?

8 A. Yes.

9 Q. And when you hit him the third time you still had
10 a beer in your hand, correct?

11 A. Yes.

12 Q. Have you heard the expression hold my beer?

13 A. Yes.

14 Q. And is that basically like I'm gonna go do
15 something, you should hold this, I'm gonna need two hands,
16 correct?

17 A. Yes.

18 Q. In this situation you didn't even ask somebody to
19 hold your beer, right?

20 A. I didn't have time to.

21 Q. You were confident enough that you could do this
22 while holding your beer?

23 A. No, I wasn't confident at all.

24 Q. Okay. So why did you keep the beer in your hand?

25 A. I was just holding it.

1 Q. Okay.

2 A. It's --

3 Q. All right. I want to ask you some questions
4 about your confidence level as the time past, right?

5 A. Okay.

6 Q. Before he, as you say, made a swift motion
7 towards a -- a person which you now say is Madison, were
8 you afraid?

9 A. I wouldn't say I was fear, more as confusion.

10 Q. Okay. So up until that moment you had no fear,
11 correct?

12 A. Correct.

13 Q. And I would imagine at some point you knew what
14 the numbers were, correct?

15 A. (No response.)

16 Q. You knew that there were six people in my
17 original group, correct?

18 A. I -- yes.

19 Q. And that you --

20 A. But --

21 Q. -- and Madison went over there originally,
22 correct?

23 A. Yes.

24 Q. So that makes eight, agreed?

25 A. Agreed.

1 Q. And then Ryhley Mattison joined. That makes
2 nine, yes?

3 A. Yes.

4 Q. And then Gabby and Janell were standing around
5 there, correct?

6 A. Yes.

7 Q. It makes 10 and 11, agreed?

8 A. Yes.

9 Q. And then Anthony, your brother Anthony Carlson,
10 joined in, correct?

11 A. Yes.

12 Q. That makes 12?

13 A. Yes.

14 Q. And then A.J. Martin joined in. That makes 13,
15 correct?

16 A. Yes.

17 Q. 13 against one, correct?

18 A. Yes.

19 Q. Imagine you were feeling pretty confident then,
20 correct?

21 A. No.

22 Q. Didn't feel confident?

23 A. No.

24 Q. Were you afraid?

25 A. In a way, yes.

1 Q. Okay. And it's -- we're to believe that in that
2 situation --

3 MR. ANDERSON: Objection. Argumentative.

4 MR. NELSON: That's fair. I'll withdraw.

5 THE COURT: Thank you.

6 Q. (By Mr. Nelson, continuing) You said while this
7 was going on your brother was telling you to stop,
8 correct?

9 A. I believe so, yes.

10 Q. Did he tell you to stop before you hit him the
11 second time?

12 A. No.

13 Q. Did he tell you to stop before you hit him the
14 third time?

15 A. I don't think so.

16 Q. I didn't catch that?

17 A. I said I don't think so.

18 Q. Okay. So your brother was telling you to stop
19 though, correct?

20 A. I think he was just talking to everyone in
21 general.

22 Q. Okay. But at that point when you heard him say
23 stop, you had hit Mr. Miu two or three times, correct?

24 A. Correct.

25 Q. And you had said your brother Tony came up and

1 started to push you away, correct?

2 A. Yes.

3 Q. So at the time that he's pushing you away, he's
4 also yelling stop?

5 A. Yes.

6 Q. Fair to say he's telling you to stop and he's
7 pushing you away because you're giving a beatdown to an
8 old man?

9 A. I couldn't say what he was doing.

10 Q. Okay. All you --

11 A. Or what he was thinking.

12 Q. All you know is you heard stop and you heard him
13 try to push you away, correct?

14 A. Yes.

15 Q. Had your brother not told you to stop and pushed
16 you away, would you have kept beating on him?

17 A. No.

18 Q. You were just -- all your anger had gone out?

19 A. Yes.

20 Q. Okay. It took three hits to get all your anger
21 out?

22 A. I guess, yeah.

23 Q. Okay.

24 MR. NELSON: Can I approach?

25 THE COURT: Yes.

1 Q. (By Mr. Nelson, continuing) Showing you what's
2 been marked as Exhibit Number 103. This is a drawing
3 somewhat similar to that. Does it at least, over here,
4 make sense to you?

5 A. (No response.)

6 Q. Do you see the G1 --

7 A. Yep.

8 Q. -- and the G2 and the different groups?

9 A. Yes.

10 Q. Do you see the red dots?

11 A. Yes.

12 Q. Do you see the initials inside the red dots?

13 A. Yes.

14 Q. Do you see the one blue dot?

15 A. Yes.

16 Q. And over on the left do you see a frame number
17 and a time, correct?

18 A. Yes.

19 Q. Would you agree at about 1:39 in the video and
20 Frame 2387, that that's a rough approximation of where the
21 13 people and Mr. Miu are on the river?

22 A. I guess. It would be a good estimation.

23 Q. You agree?

24 A. Yeah.

25 Q. Showing you what's been marked as Exhibit

1 Number 104. Do you see the same kind of configuration,
2 people are a little bit different but the same general
3 idea?

4 A. Yes.

5 Q. And you see in the upper left-hand corner it's
6 Frame 2592 at time 1:49?

7 A. Yes.

8 Q. And same 13 red dots and one blue dot, agreed?

9 A. Yes.

10 Q. And agree, again, that this accurately represents
11 the approximate position of the 13 people and Mr. Miu on
12 the river?

13 A. Approximately, yeah.

14 MR. NELSON: Move for the admission of
15 Exhibit 103 and 104.

16 THE COURT: Any objection? (No response.)

17 I assume this is for illustrative purposes?

18 MR. NELSON: Yeah.

19 MR. ANDERSON: No objection, Judge.

20 THE COURT: All right. They're both received
21 then.

22 MR. NELSON: Permission to publish.

23 THE COURT: Yes.

24 MR. NELSON: And, Judge, I just, for accuracy,
25 one of the red dots depicting the group of the six

1 teenagers has the initials L.M. I was correctly told that
2 the initials should be L.W. I apologize. I just want to
3 make sure that the record reflects that.

4 THE COURT: Let's turn on the document examiner.

5 MR. ANDERSON: What exhibit number is that?

6 MR. NELSON: This is Exhibit Number 103, Frame
7 2387, at 1:39.

8 And then showing Exhibit 104, which is
9 Frame 2592, at 1:49. Can I also just publish in the old
10 fashion way so --

11 THE COURT: Yes.

12 MR. NELSON: -- we can move on?

13 THE COURT: Yeah.

14 MR. NELSON: Can I just --

15 THE COURT: Yeah, just hand it to one of the
16 jurors --

17 MR. NELSON: Is that okay?

18 THE COURT: -- so they can pass it along.

19 MR. NELSON: Those are the only questions I have.
20 Thank you.

21 THE COURT: Mr. Anderson.

22 MR. ANDERSON: Thank you.

23 REDIRECT EXAMINATION

24 BY MR. ANDERSON:

25 Q. I'm gonna start out kind of on this subject here.

1 So I'm looking at 104 and I'm just gonna try to recreate
2 parts. More or less kind of what's on 104.

3 A. (Non-verbal response.)

4 Q. All right.

5 MR. ANDERSON: Can we get the monitor? I'm on
6 Frame 2592.

7 THE CLERK: You ready for it?

8 MR. ANDERSON: Yes.

9 Q. (By Mr. Anderson, continuing) So here --

10 MR. ANDERSON: I don't know if the jury can see
11 this board. Can you all see that?

12 THE JUROR: No.

13 Q. (By Mr. Anderson, continuing) So at 2592 Ryhley
14 and Madison are standing in front of Nicolae, right?

15 A. Yes.

16 Q. Kind of like the drawing?

17 A. Yes.

18 Q. I'm going to go forward.

19 MR. ANDERSON: Oh, I'm on the wrong one. Can
20 you -- I got to go back a little further. I think -- can
21 we have the screen?

22 Q. (By Mr. Anderson, continuing) On 2546, I think
23 at cross, you talked about Ryhley having her hands up like
24 that?

25 A. Yes.

1 Q. Do you know if this is what you're talking about,
2 if it was something else, if you know?

3 A. I think it was when I had punched him.

4 Q. Okay. I'm going to scroll forward. So that's
5 you kind of like drawing?

6 A. Yep.

7 Q. And Ryhley and Madison are shoulder to shoulder
8 like the drawing Defense showed?

9 A. (No response.)

10 Q. Okay. I'm going to keep going forward.

11 Now, in this frame, 2659, it's more like
12 that, agreed, where you're shoulder to shoulder with
13 Ryhley facing Nicolae and Madison's behind?

14 A. Yeah, but I think those are opposite the stance
15 on that.

16 Q. What's that?

17 A. So I think it's just like Ryhley and me were like
18 crisscross.

19 Q. You're on the right of Ryhley in that still
20 frame, right?

21 A. Yeah.

22 Q. Okay. And in my drawing D.C. is on the right
23 Ryhley, R.M., is on the left, right?

24 A. Well, if you're sitting this way it's on --

25 Q. Oh, you're kind of looking at it backwards over

1 your shoulder?

2 A. Yeah.

3 Q. You want me to turn it a little bit?

4 A. Oh, I see what you meant now.

5 Q. Kind of matches the --

6 A. Yeah.

7 Q. Okay.

8 A. I thought that was M.U. at the bottom.

9 Q. Oh, gotcha.

10 So -- and you -- you were asked on cross if
11 when Miu punched Madison, you told law enforcement, you
12 said it was Ryhley then, that she fell back, fell down.
13 You remember that?

14 A. Yeah.

15 Q. If she got hit -- she -- she testified she got
16 knocked back like that, and if you're --

17 MR. NELSON: Objection. Objection.

18 THE COURT: Sustained.

19 Q. (By Mr. Anderson, continuing) If you just saw
20 the beginning of her going back as you're -- and then you
21 respond, would you have seen what happened behind your
22 back?

23 A. No.

24 Q. Defense asked you on cross essentially the line
25 of questioning about help's not audible in the video. Do

1 you recall that?

2 A. (No response.)

3 Q. You can't hear somebody saying help in the video?

4 A. Yes.

5 Q. Defense gave you there must be two options and
6 they, Defense, asked you about one option being they said
7 help before the videos started. Do you recall that?

8 A. Yes.

9 Q. And then they asked you -- and then you said
10 another possibility was it was in the seconds between the
11 two videos. Do you recall that?

12 A. Yes.

13 Q. Is another option that you just can't hear it in
14 the video over all them yelling?

15 A. Maybe.

16 Q. Do you know which one it is?

17 A. I do not.

18 Q. You just know you heard them yelling for help?

19 A. Yes.

20 Q. And did you tell the officer multiple times that
21 you didn't -- that you were looking away and didn't see
22 exactly what happened until you turned back and that's
23 when you saw the strike?

24 A. Yes.

25 Q. And then Defense asked you about alcohol. So you

1 would have been on your fifth drink, as far as you
2 remember, how many drinks you had on the river?

3 A. Yes.

4 Q. Do you know if a drink is .02 per drink? 03? Do
5 you have any idea?

6 A. No.

7 Q. Okay. When you -- so you -- you testified on
8 cross you were responding to -- when you hit Nicolae, you
9 were responding to him hitting Madison. You remember
10 that?

11 A. Yes.

12 Q. And up until you -- up until you saw him hit
13 Madison, was there any -- did you see any punching or
14 pushing?

15 A. Not really pushing but like --

16 Q. Touching?

17 A. Yeah.

18 Q. And in response to the punch you punched, is that
19 right?

20 A. Yes.

21 Q. And then two open-hand claps/strikes?

22 A. Yes.

23 Q. Did you pull out a weapon?

24 A. No.

25 Q. Knife? Gun?

1 A. No.

2 Q. Put him in a choke hold?

3 A. No.

4 Q. Did you -- when he was down on the ground did you
5 kick him?

6 A. No.

7 Q. Did people pile on top of him?

8 A. No.

9 Q. So Defense asked you about 13 on one. As far as
10 you remember and from everything you've seen in the video,
11 was it 13 on one or you hitting him and A.J. doing a push?
12 So two.

13 A. I -- yeah, I would say that's fair. I didn't
14 really see anyone hit him or try to go after him.

15 MR. ANDERSON: Nothing else.

16 THE COURT: Mr. Nelson.

17 RECROSS-EXAMINATION

18 BY MR. NELSON:

19 Q. You agree that there were 13 people standing
20 there in the position that we showed on Exhibits 103 and
21 104, correct?

22 A. Yes.

23 Q. You were one of those people, correct?

24 A. Yes.

25 Q. You were ready, willing, and able to use

1 violence, correct?

2 A. Yes.

3 Q. And you did, correct?

4 A. Yes.

5 Q. A.J. did too, correct?

6 A. I wouldn't categorize a push as violence but --

7 Q. If -- if you're pushing somebody down while their
8 friend smacks them across the front of the face, would you
9 think that's violent?

10 A. Yes.

11 Q. Fair to say that Madison Coen was standing there
12 in a position that may have been ready, willing, and able
13 to be violent?

14 A. I don't think so.

15 Q. She'd already pushed him and pulled him and
16 screamed in his face, correct?

17 A. Yes.

18 Q. She wasn't really gracious with him, was she?
19 You wouldn't characterize that, would you?

20 A. No.

21 Q. She's screaming in his face, correct?

22 A. She was screaming at him, yes.

23 Q. And same with Ryhley Mattison, same thing,
24 correct, ready, willing, and able?

25 MR. ANDERSON: Objection on speculation. On

1 what --

2 THE COURT: Sustained.

3 MR. ANDERSON: -- was in their minds.

4 THE COURT: Sustained.

5 Q. (By Mr. Nelson, continuing) Did she appear to
6 you to be in a position that she was ready, willing, based
7 upon her gestures, and capable --

8 MR. ANDERSON: Same objection.

9 A. To cause violence?

10 THE COURT: Wait. No. No. Sorry, there's an
11 objection.

12 THE WITNESS: Okay.

13 THE COURT: Sustained.

14 Q. (By Mr. Nelson, continuing) You -- I believe you
15 said -- and I -- I want to give you a chance because I
16 couldn't understand it on redirect. Did -- did I
17 understand it correctly you said you were not in a
18 position to say whether she fell or didn't fall, is that
19 what you're saying?

20 A. Yes.

21 Q. Originally you told the police she fell, correct?

22 A. Yes.

23 Q. Why did you tell the police something that you
24 knew was wrong?

25 A. Because at the time I had remembered it

1 differently.

2 Q. Okay. So at that time when you said that, you
3 had a memory in your mind that she had fallen, correct?

4 A. Yes.

5 Q. And since that time your memory has changed,
6 correct?

7 A. Yes.

8 Q. And that's changed based upon conversations that
9 you had with friends?

10 A. No.

11 Q. Based upon your watching the video?

12 A. No.

13 Q. Just on your own, your mind said it wasn't the
14 way I originally saw it, correct?

15 A. Yes.

16 Q. And it's just coincidental that your change is
17 helpful to the State's case?

18 A. No.

19 Q. You had said that you -- when you were asking
20 about this help, right, do you remember they were asking
21 about you heard help but it wasn't on the recording?

22 A. Yes.

23 Q. I just want to touch this briefly, all right. On
24 the exhibit --

25 MR. NELSON: Can I -- can I publish 103?

1 THE CLERK: Ready?

2 MR. NELSON: Yes.

3 Q. (By Mr. Nelson, continuing) And so I'm just
4 going to put a sticker here because I'm -- I want to ask
5 you about a different time but I just wanna use the G2 and
6 the G1. Does that make sense?

7 A. Yes.

8 Q. Okay. So there was a time when you were over in
9 that position where the circle is G2, correct?

10 A. Yes.

11 Q. And then that's when you said you heard the --
12 the teenagers yelling for help, correct?

13 A. Yes.

14 Q. It was when you were over there by that position,
15 correct?

16 A. Yes.

17 Q. At that point the phone would have been with
18 Jawahn Cockfield over here by G2, correct?

19 A. Yes.

20 Q. So you would agree, had -- let me ask this: All
21 of the people in Jawahn Cockfield's group were closer to
22 the phone than you were, correct?

23 A. Yes.

24 Q. So if any of those people, including Jawahn
25 Cockfield, had yelled help, that voice would have been

1 closer to the phone to pick it up than it would have been
2 to your human ear, which was farther away, correct?

3 A. Yes.

4 Q. Could be that you're just wrong?

5 A. No.

6 Q. You're for sure heard it?

7 A. Yes.

8 Q. Even though it's not on the recording, which was
9 right by the boys?

10 A. Yes.

11 Q. And you're as confident as that as you are in all
12 of your other testimony?

13 A. Yes.

14 Q. Even if we didn't see it on the video, you're
15 still confident that it was a punch?

16 A. Yes.

17 MR. NELSON: Nothing else.

18 THE COURT: All right. Thank you, Mr. Carlson.
19 You may step down.

20 Is he released?

21 MR. ANDERSON: No.

22 THE COURT: All right. Please see the witness
23 coordinator in the back, she'll give you instructions.

24 (Whereupon, the witness is excused.)

25 THE COURT: Who is the next witness?

1 MR. SMESTAD: We'll call Landon Weyer.

2 (Whereupon, the witness enters the courtroom.)

3 THE COURT: Mr. Weyer, please come forward. Keep
4 coming. All the way into the well. There you go.

5 Please face the clerk, raise your right
6 hand, she will administer the oath.

7 LANDON WEYER,
8 after having been first duly sworn on oath by the clerk,
9 testifies and says as follows:

10 THE WITNESS: Yes.

11 THE COURT: Please have a seat in the witness
12 chair.

13 Mr. Smestad.

14 DIRECT EXAMINATION

15 BY MR. SMESTAD:

16 Q. Will you state your name for the record, please?

17 A. Landon Weyer.

18 Q. How do you spell your last name?

19 A. W-e-y-e-r.

20 Q. How old are you?

21 A. 19.

22 Q. What do you do for a living?

23 A. I play football at UMD and go to school there,
24 but I'm in the process of transferring right now.

25 Q. And by UMD, do you mean the University of

1 Minnesota-Duluth?

2 A. Yes.

3 Q. Where do you live when you're not a student up in
4 Duluth?

5 A. Stillwater, Minnesota.

6 Q. You live at home with your parents?

7 A. Yep.

8 Q. Were you familiar -- were you familiar with a
9 person named Isaac Schuman?

10 A. Yep.

11 Q. How did you know Isaac?

12 A. We've been friends -- we were friends since I
13 was, like, in seventh grade.

14 Q. Would you describe your relationship as close?

15 A. Yes.

16 Q. Do you recall the day of July 30th, 2022?

17 A. Yep.

18 Q. Were you with Isaac that day?

19 A. Yes.

20 Q. And were you with him on the river when he was
21 killed?

22 A. Yes.

23 Q. Were you part of the group that had met at
24 Stillwater High School and rode over with -- in Alex Van's
25 -- Vang's vehicle to River's Edge to rent tubes?

1 A. Yes.

2 Q. Were you with the group the whole day?

3 A. Yes.

4 Q. Do you remember what time you got on the river?

5 About what time?

6 A. I do not.

7 Q. All right. Were your tubes tied together?

8 A. Yes.

9 Q. Did that create one big raft?

10 A. Yes.

11 Q. Were you all sitting on the tubes?

12 A. Yes.

13 Q. As you were going down the river?

14 A. Yes.

15 Q. Did you have any alcohol to drink?

16 A. Yes.

17 Q. What did you personally have to drink?

18 A. A couple beers and maybe a couple shots.

19 Q. Okay. What kind of shots did you drink?

20 A. Tito's.

21 Q. Is that a vodka?

22 A. Yeah.

23 Q. Did you have any -- use any other substances?

24 A. We also smoked.

25 Q. When you say you smoked, is that referring to you

1 did marijuana?

2 A. Yes.

3 Q. Did you see Isaac Schuman use any mar --
4 marijuana that day?

5 A. I -- I don't remember.

6 Q. All right. At some point -- well, let me ask you
7 this: Despite the alcohol you drank and the marijuana you
8 used, do you have a recollection -- or a memory of what
9 happened that day?

10 A. Yes.

11 Q. At some point as you were going down the river,
12 did you have contact with the Defendant, Mr. Miu?

13 A. Yes.

14 Q. Do you know whereabouts that was on the river?

15 A. Towards the end.

16 Q. Do you remember any landmarks being in the area?

17 A. Not really.

18 Q. All right. Would you -- have you -- had you ever
19 been on the river before that day?

20 A. Yes.

21 Q. When you first saw Mr. Miu, what did he appear to
22 be doing?

23 A. He was standing in short water with a goggles and
24 a snorkel.

25 Q. All right. Did you ask him or anybody in your

1 group ask him what he was doing?

2 A. Said something along the lines of, yeah, what --
3 what are you doing?

4 Q. Okay. Did he answer?

5 A. Uhm --

6 Q. Did you hear him answer, I guess is the question?

7 A. Not right away because we were too far away.

8 Q. All right. As you got closer to him, did he say
9 what he was doing?

10 A. He mentioned something about little girls.

11 Q. Okay. Did you -- do you know how close you were
12 to him when he said that?

13 A. Not necessarily, no.

14 Q. All right. At some point did Jawahn Cockfield
15 call him some names?

16 A. Yes.

17 Q. You're -- are you aware that Jawahn Cockfield had
18 been recording what happened?

19 A. At the time not necessarily, no.

20 Q. All right. Have you seen that video since this
21 happened back in 2022?

22 A. Yes.

23 Q. All right. I'm gonna play the first portion of
24 the video and ask some questions about it.

25 (Whereupon, the video was played.)

1 Q. (By Mr. Smestad, continuing) Landon, do you
2 recall this moment on the river back in 2022?

3 A. Yes.

4 Q. What is Mr. Miu doing in that portion of the
5 video we just watched?

6 A. It looks like he's about to reach over me and
7 stop the -- grab our tubes.

8 Q. And are those your legs in the video where we're
9 stopped? I guess the timestamp is 4 -- at the four-second
10 mark.

11 A. Yeah.

12 Q. Were you sitting next to Jawahn?

13 A. Yes.

14 Q. Does Mr. Miu come running up to where you are
15 sitting on the tubes?

16 A. Yes.

17 Q. Does he grab at the area where your legs are?

18 A. Yes.

19 Q. Did he physically touch your legs?

20 MR. CHIRAFISI: Objection. Leading.

21 THE COURT: Sustained.

22 Q. (By Mr. Smestad, continuing) Did Mr. Miu make
23 any kind of contact with anybody on the tubes?

24 A. I believe when he was reaching over he touched me
25 a little bit.

1 Q. All right.

2 MR. SMESTAD: We're going to continue the video
3 from 04.

4 (Whereupon, the video was played.)

5 MR. SMESTAD: We stopped at 12, 12-second mark.

6 Q. (By Mr. Smestad, continuing) That portion of the
7 video, what do you do when he comes up and grabs on to the
8 area where your legs are?

9 A. I was just scared. I just got up.

10 Q. Did you bail out of your tube?

11 A. Yeah.

12 Q. Did you have some concerns about what he was
13 doing when he came up and reached towards you?

14 MR. CHIRAFISI: Objection. Leading.

15 THE COURT: Overruled.

16 A. Yes, I was scared.

17 Q. (By Mr. Smestad, continuing) Did he say anything
18 as he came running up to you?

19 A. I don't remember.

20 Q. All right. Did he give you any kind of
21 explanation for why he was grabbing at your legs?

22 A. No.

23 Q. Did you have any adults with you in your group?

24 A. No.

25 Q. Was everybody in your group 17 at the time?

1 A. Yes.

2 Q. After he grabbed on to your tubes, did you see
3 what he did next? Do you remember?

4 A. I don't remember.

5 Q. All right. At some point did he take several
6 steps away from your group?

7 A. Not -- I don't remember.

8 Q. Okay. Do you -- did you say anything to him as
9 he was interacting with you originally?

10 A. I don't necessarily remember.

11 THE REPORTER: Can you keep your voice up,
12 please?

13 THE WITNESS: I -- I don't remember.

14 Q. (By Mr. Smestad, continuing) All right. Do you
15 know, have you called him any names?

16 A. I mean, I -- I might have said that he was a
17 pedophile or something like that.

18 Q. Did you swear at him at all?

19 A. No.

20 Q. Did you threaten him?

21 A. No.

22 Q. At some point did another group on the river come
23 over to see what the heck was going on?

24 A. Yes.

25 Q. Did you know any of those people?

1 A. No.

2 Q. Were they older than you, do you know?

3 A. I didn't know, but they appeared to be adults.

4 Q. And what did you see happen when the adults came
5 over?

6 A. They had -- they had been saying the same thing
7 we were saying, telling him to leave us alone and go away.

8 Q. All right. And did you ever see him leave?

9 A. No.

10 Q. At some point do you recall laughing at him?

11 A. Yes.

12 Q. And why were you laughing at him?

13 A. Once more people came I felt a little bit more
14 comfortable and -- with the adults being around, so I
15 was -- I felt more comfortable.

16 Q. Did you ever hear Isaac Schuman say anything to
17 Mr. Miu that you recall?

18 A. No, not that I recall.

19 Q. All right. Did you ever see -- well, strike
20 that.

21 When the other group came over to check to
22 see what was going on, do you remember the -- the gender
23 of the folks that came over initially?

24 A. Both boys and girls.

25 Q. All right. At some point did you see the girls

1 having any argument with Mr. Miu?

2 A. Yes.

3 Q. Do you -- do you have a memory of that?

4 A. Yes. They -- I -- I remember she was telling him
5 to leave us alone and go away.

6 Q. All right. Do you recall where you were standing
7 at the time they were having that conversation with him?

8 A. I was standing in -- in front of him, next to
9 Jawahn in the video.

10 Q. You -- you have an idea of how far away you were?

11 A. Probably feet away.

12 Q. All right. At some point did you see Mr. Miu
13 react physically to these women that are yelling at him?

14 A. Yes.

15 Q. What did you see him do?

16 A. I saw him strike her.

17 Q. Okay. Which one did he strike, do you remember?

18 A. She had blonde hair. She was standing right in
19 front of him.

20 Q. Okay. Did you know him at all -- or know her at
21 all?

22 A. I did not, no.

23 Q. Did you see which hand he hit her with?

24 A. Not necessarily, no. I think it was his right
25 hand.

1 Q. All right. Did you see whether it was a closed
2 fist or a open palm?

3 A. I did not.

4 Q. Did you see whether he had a -- a knife in his
5 hand at the time that happened?

6 A. No.

7 Q. All right. After he punched the blonde woman,
8 what happened next? What did you see happen next?

9 A. I saw him get punched after and then I saw people
10 stabbed.

11 Q. All right. When -- when Mr. Miu got punched, did
12 he go down in the water?

13 A. Yes.

14 Q. Did you or any of your guys jump on him, hit him,
15 kick him while he was in the water?

16 A. No.

17 Q. How many people did you see actually hit Mr. Miu
18 when he was in the water?

19 A. I only saw him get hit when I -- the -- the first
20 initial strike.

21 Q. All right. At some point did he get up out of
22 the water?

23 A. Yes.

24 Q. Did you notice at that point if he had a knife in
25 his hand or not?

1 A. No.

2 Q. Eventually did you realize that there were some
3 people -- did you -- did you see some injured people
4 eventually?

5 A. Yes.

6 Q. And you know how they got injured?

7 A. First thing I saw was someone holding their
8 stomach, is the first thing I saw.

9 Q. Did that cause you concern?

10 A. Yeah. I was very traumatizing.

11 Q. Did you flee the area?

12 A. I just -- I was standing there for a while, and
13 then I ended up going further away next to the tubes.

14 Q. All right. We're going to show you a still frame
15 from the video, Jawahn's video, and I'm gonna ask you some
16 questions about it.

17 All right. In this video do you see two
18 people?

19 A. Yes.

20 Q. One in the foreground and one in the background?

21 A. Yeah.

22 Q. Which one -- is one of them you?

23 A. Yes. I'm in the background.

24 Q. All right. Can you estimate how many feet you
25 are away from the person in the foreground?

1 A. Sorry, what?

2 Q. How -- how far away are you from the -- the
3 person that's in the blue shorts there?

4 A. I'd say maybe 10 feet.

5 Q. All right. We're going to scroll through from --
6 that was -- that was 2596. I'd like -- or pardon me.

7 We're going to try to scroll through from
8 2891 and I'll ask you some questions about those pictures,
9 too.

10 I'm starting at 2891.

11 MR. SMESTAD: You can stop it there. We're at
12 20 -- 2926.

13 Q. (By Mr. Smestad, continuing) Landon, do you see
14 Mr. Miu in this frame? Or at least his arm.

15 A. Yes.

16 Q. Do you see if he's holding anything in his hand?

17 A. It looks like there could be a knife in his hand
18 there.

19 Q. Had you moved from your previous position that
20 was shown in 2891 where you were standing?

21 A. I -- I don't remember.

22 Q. All right. You didn't -- do you remember rushing
23 up towards him or doing anything like that?

24 A. No.

25 Q. Did you ever lay a hand on him?

1 A. No.

2 Q. Did he ever lay a hand on you, other than when he
3 grabbed on to your tubes?

4 A. I don't believe so, no.

5 Q. Did you ever get close enough to him where he
6 could have done that?

7 A. Yes.

8 Q. At least in this video -- this part of the video
9 you were, I think by your estimate, about 10 feet away, is
10 that right?

11 A. Yeah.

12 Q. All right. At some point did you realize that
13 Isaac had been stabbed?

14 A. Yes.

15 Q. How did you know that?

16 A. I believe Jawahn screamed out his name and then I
17 looked and saw.

18 Q. Were you with Jawahn by the tubes later on in the
19 video?

20 A. Yes.

21 Q. You heard Jawahn call out?

22 A. Yes.

23 Q. Did you go to where Isaac was?

24 A. Eventually, yes.

25 Q. Did you see that he was wounded?

1 A. Yes.

2 Q. What did you see?

3 A. I saw a cut in his chest.

4 Q. Did you or other folks in your group try to
5 assist him?

6 A. Yes. Jawahn and Owen. Owen had his hands on the
7 wound and Alex was holding him up.

8 Q. All right. Did you eventually move him over to
9 the shore?

10 A. Yes. That was on the shore when they were doing
11 that.

12 Q. At some point did some other folks stop to help
13 you guys?

14 A. Yes.

15 Q. And did they provide care to him, medical care?

16 A. Yes.

17 Q. I want to back up here a little bit. Prior to
18 Mr. Miu punching the blind -- blonde lady, did you see
19 anybody strike him in any fashion?

20 A. No.

21 Q. Did you see -- let me ask you this: Did you have
22 a knife that day?

23 A. No.

24 Q. Did you ever see anybody with -- in your group
25 with a knife that day?

1 A. No.

2 Q. Did you see a knife on anybody that was involved
3 in this incident?

4 A. No, not until I saw that people were stabbed. I
5 never saw anybody have a knife.

6 Q. Did you see where Mr. Miu went after he was done
7 stabbing folks?

8 A. No.

9 Q. At some point was Isaac taken off the river by
10 medical personnel?

11 A. Yes.

12 Q. Did you go with -- with him, follow him?

13 A. Yes, I -- I was -- yes.

14 Q. Did you -- was Isaac first taken up to the -- the
15 road near the bridge?

16 A. Yes.

17 Q. Did you speak to any police officers while you
18 were still near the river, do you remember?

19 A. Yeah, I don't remember, no.

20 Q. And was Isaac taken to the hospital?

21 A. Yes.

22 Q. Did you go to the hospital with him?

23 A. Yes.

24 Q. Do you remember speaking to a police officer at
25 the hospital?

1 A. Yes.

2 Q. Did you tell him what happened?

3 A. Yes.

4 Q. What you saw?

5 A. Yes.

6 Q. Do you still remember the -- the face of the
7 person who did this?

8 A. Yes.

9 Q. Do you see him here in the courtroom?

10 A. Yes.

11 Q. Could you point him out?

12 A. (Non-verbal response.)

13 Q. Say what he's wearing.

14 A. Yes.

15 Q. Can you say what he's wearing?

16 A. He's wearing a suit, a blue suit, with gray pants
17 and --

18 MR. SMESTAD: Nothing further.

19 THE COURT: Mr. Chirafisi.

20 CROSS-EXAMINATION

21 BY MR. CHIRAFISI:

22 Q. So, Mr. Weyer, you are -- I want to make sure I
23 got this right. Two of the six of you that were there
24 that day are now college football players at least, is
25 that right?

1 A. Yes.

2 Q. Okay. Mr. Cockfield plays college football and
3 so do you?

4 A. Yes.

5 Q. Okay. And what position do you play, sir?

6 A. Safety.

7 Q. Okay. And how big are you?

8 A. Five, eleven, 187 pounds.

9 Q. Okay. And you indicated on direct examination
10 that you had been consuming alcohol that day, is that
11 right?

12 A. Yes.

13 Q. And you had been using marijuana?

14 A. Yes.

15 Q. Okay. You were asked by officers questions about
16 your drinking and -- and how much you believe you had to
17 drink, is that right? Do you remember that?

18 A. Yes.

19 Q. All right. And you were asked that by officers
20 in comparison to what Isaac had been drinking that day.
21 Do you remember that?

22 A. Yes.

23 Q. Okay. And you had said that in your opinion
24 Isaac was the least drunk person out there, right?

25 A. Yes.

1 Q. Okay. So you believe in your own mind that you
2 were more intoxicated than Isaac, right?

3 A. I believe that Isaac seemed to be composed,
4 that's why I said that he seemed to --

5 Q. So to answer my question, do you believe that you
6 were more intoxicated than Isaac?

7 A. I don't know.

8 Q. Do you think you had drank about the same as he
9 drank?

10 A. I -- I don't know. I wasn't keeping track.

11 Q. Okay. Now, you just testified on direct
12 examination that -- I'm gonna talk to you about the first
13 contact you have with Mr. Miu, okay?

14 A. (Non-verbal response.)

15 Q. That first contact, you testified that he's
16 standing in shallow water, right?

17 A. Um-hum.

18 Q. And you guys are asking him questions?

19 A. We were saying something along the lines of why
20 is he standing in shallow water with snorkels on, what is
21 he doing, yes.

22 Q. Okay. And your answer was today, he told us that
23 he was -- something about little girls, right?

24 A. Yes.

25 Q. Okay. You also never mentioned that to the

1 police, do ya?

2 A. I -- I don't remember.

3 Q. You don't remember whether or not you told the
4 police that this gentleman was looking for little girls?
5 You don't have any recollection of whether you told him
6 that?

7 A. I believe I said that, but I -- I don't remember.

8 Q. So you believe under oath today that you -- you
9 did tell someone that?

10 MR. SMESTAD: I am going to object, Your Honor.
11 He says he doesn't remember.

12 THE COURT: Well, overruled. Let's clean it up.

13 A. I -- I don't remember. I thought I said it to
14 the cop at the hospital.

15 Q. (By Mr. Chirafisi, continuing) I'm sorry, I
16 missed that last part, sir?

17 A. I thought I said it to the cop at the hospital,
18 but I do not remember.

19 Q. If I told you what you said to the cop at the
20 hospital wasn't that he was looking for little girls but
21 rather, I can't even tell you what he was saying?

22 A. He said something about little girls but I
23 couldn't recite exactly what he said.

24 Q. You'd agree that's not what you tell the police.
25 What you tell the police is, He was saying stuff. I can't

1 tell you what he was saying. Right? That's what you tell
2 the police though, right?

3 A. That's what it says.

4 Q. And you hear -- let me ask you this: Mr.
5 Cockfield acknowledged that your group was antagonizing
6 Mr. Miu. Would you agree with that?

7 MR. SMESTAD: I'm gonna object, Your Honor, to
8 the use of another witness's testimony with this witness.

9 THE COUR: Sustained. Sustained.

10 Q. (By Mr. Chirafisi, continuing) Do you believe
11 you antag -- your group was antagonizing Mr. Miu?

12 A. I believe that we said things to him.

13 Q. Well, we all know you said things to him. Did
14 you say things to him to antagonize him?

15 A. I don't know.

16 Q. Calling him a raper and a pedophile and a
17 predator, you would say those are things to antagonize
18 someone, yes?

19 A. Uhm -- yes.

20 Q. Okay. And to your knowledge, he's by himself,
21 right?

22 A. Yes.

23 Q. Okay. So this -- and you see that he's a little
24 bit older and a little bit out of shape, right?

25 A. Yes.

1 Q. Okay. And your group, you've already said has a
2 at least two college football -- future college football
3 players in it, and you're scared at that point?

4 A. I was 17-year-old kid. I was scared.

5 Q. So the question is -- the answer is you were
6 scared?

7 A. Yes.

8 Q. Okay. And you were scared of what physically
9 could happen?

10 A. Yes. At the time he was much bigger than me.

11 Q. Okay. And we've heard on the tape that someone
12 says you've got 10 seconds. Do you recall saying that?

13 A. I do not.

14 Q. Do you recall someone in your group saying --

15 A. I do not.

16 Q. -- you've got 10 seconds?

17 A. I do not.

18 Q. Okay. So I think you told the police that once
19 Mr. Miu comes over -- you'd agree he comes over to your
20 tubes, right?

21 A. Yes.

22 Q. Okay. And do you remember that he had a snorkel
23 in his mouth at one point?

24 A. I don't --

25 Q. When he comes over?

1 A. I don't know. I just remember he had one.

2 Q. Okay. And he then walks around your tubes, is
3 that true?

4 A. I don't remember.

5 Q. You don't remember. Do you remember him leaving
6 your tube -- where your tubes were and walking what would
7 be downstream a little bit? You remember that?

8 A. I do not remember that.

9 Q. Do you remember him turning his back to your
10 group?

11 A. Uhm --

12 Q. You remember that?

13 A. Yeah, I remember that.

14 Q. Do you remember your people in your group
15 approaching Mr. Miu?

16 A. I do not.

17 Q. Can I ask you, what do you remember about that?

18 A. About?

19 Q. About that particular part of the -- the
20 incident? Do you remember anything about it?

21 A. I do.

22 Q. Okay. So after he walks around your tubes, what
23 do you remember?

24 A. I remember that we walked away and then people
25 came to us, and then we were standing in front of him and

1 I'm standing by my tubes, we're all standing by our tubes
2 in front of Miu, and people were talking to him.

3 Q. So I want to make sure I understand it. You said
4 you walked away or you said he walked away initially?

5 A. I was by my tubes.

6 Q. Okay. So you don't remember him walking away
7 from your tubes?

8 A. I do not.

9 Q. You don't remember him turning his back to you?

10 A. I do not.

11 Q. Your group?

12 A. I do not.

13 Q. You remember the blonde person, the blonde woman,
14 come over though, right?

15 A. Yes.

16 Q. Okay. And do you remember Mr. Miu walking over
17 to her? You remember that?

18 A. I do not.

19 MR. SMESTAD: Your Honor, I'm gonna object to the
20 comments that are coming from Defense table. They're
21 obviously getting --

22 THE COURT: Hold on. Hold on. Please,
23 gentlemen, it's late in the day. We're tired. I just
24 want to have a clean Q and A. Please keep the side
25 conversations, the table talk, to yourself.

1 MR. CHIRAFISI: Very good.

2 THE COURT: That's where I'm gonna end it.

3 Q. (By Mr. Chirafisi, continuing) So, Mr. Weyer,
4 I'm gonna show you -- we're going to start this at 51
5 seconds, okay, and I'm gonna stop it and just see if that
6 maybe does anything in terms of helping you remember
7 anything, okay?

8 (Whereupon, the video was played.)

9 Q. (By Mr. Chirafisi, continuing) So you see Mr.
10 Miu walking away from your group, moving over toward the
11 blonde person, the woman, right?

12 A. Yes.

13 Q. Okay. And at that point are you still scared?

14 A. When more people, adults, start to come, I -- I
15 felt a little bit more secure.

16 Q. Okay. You would agree that when he walks over
17 toward the blonde, you guys can pass on by, right?

18 A. Yes.

19 Q. Don't you want to get away from him?

20 A. Yes.

21 Q. So passing on by would be a way to get away from
22 him, yes?

23 A. Yes.

24 Q. But you don't. Your group stays, right?

25 A. We stayed there, yes.

1 Q. Yeah. And you stay, right, because you see this
2 woman coming over and she's giving it to him, isn't she?
3 She's yelling at him?

4 A. She's telling him to leave.

5 Q. Right. She's telling him to leave, but you agree
6 you just could have left, right?

7 A. Yes.

8 Q. Okay. And I think you've said this: You're
9 becoming -- as the numbers increase, your fear level is
10 decreasing, right?

11 A. Because they were adults and I was a kid, yes.

12 Q. So the answer is the more people that show up,
13 the less fearful you're becoming?

14 A. Yes.

15 Q. Okay. And your -- would you agree that your
16 confidence is rising as well?

17 A. No.

18 MR. SMESTAD: Object, Your Honor. The --
19 relevance? I -- I don't understand the question but --

20 THE COURT: Sustained.

21 Q. (By Mr. Chirafisi, continuing) Your confidence
22 in the situation, in terms of what's going on, it's --
23 you're becoming more confident in your position there,
24 right?

25 MR. SMESTAD: Same -- same objection.

1 THE COURT: Sustained.

2 Come on up if you have questions.

3 MR. CHIRAFISI: No, I'm -- I'm okay, Judge.

4 That's all right. Thank you.

5 Q. (By Mr. Chirafisi, continuing) Do you feel safer
6 with more people around?

7 A. I felt safer with the adults around, yes.

8 Q. Okay. And with the adults around, does your
9 behavior to Mr. Miu change?

10 A. Yes.

11 Q. It becomes -- it becomes more taunting, right?

12 A. It becomes less fearful.

13 Q. Okay. Well, to -- do you show signs that you're
14 becoming less fearful?

15 A. Yes.

16 Q. Okay. And you do that by taunting him, right?

17 A. Yes.

18 Q. Okay. You -- do you remember this: There's a
19 point where your group is kind of around him, you're all
20 pointing at him, in his face calling him a predator,
21 right? You remember that?

22 A. I remember that people had called him that, yes.

23 Q. And you -- and that happens after these other
24 people come over, right?

25 A. Yes.

1 Q. Okay. So once you see -- and tell me if I'm
2 right. There's about four or five people initially that
3 come over, right?

4 A. I -- I do not remember how many people came over.

5 Q. Okay. Well, I wanna ask you --

6 MR. CHIRAFISI: Do I need to mark this?

7 MR. NELSON: Yeah. That would be 105.

8 (Whereupon, Exhibit Number 105 was marked for
9 identification.)

10 MR. CHIRAFISI: Judge, can I approach?

11 THE COURT: Yes.

12 Q. (By Mr. Chirafisi, continuing) Mr. Weyer, I just
13 wanna show you what's been marked as Exhibit Number 105,
14 and we can show -- can you tell me, do you -- is there a
15 picture next to kind of a diagram there?

16 A. Yeah.

17 Q. Is that fair?

18 A. Yes.

19 Q. Okay. And in that picture can you tell the jury
20 if you recognize -- what do you see there?

21 A. I see Nicolae, I see Isaac, and I think that's
22 Ryan.

23 Q. Ryan Nelson?

24 A. In those swim shorts I think that is. I -- I'm
25 not a hundred percent sure.

1 Q. Okay. It -- is it fair to say those are the --
2 some of the guys that you're -- minus Mr. Miu, those are
3 some of the guys that you're with, right?

4 A. Yes, and tubes as well.

5 Q. And you're tubed. There's pictures of your tubes
6 there, some of them?

7 A. Yes.

8 Q. Okay. To the right of that, you would see where
9 it says G1 and then there's a G2. You see that?

10 A. Yeah.

11 Q. Okay. And if I tell you that the blue M stands
12 for Mr. Miu and these initials are the people in your
13 group -- okay?

14 A. Okay.

15 Q. -- do you think that that is, in this particular
16 picture, a fair estimate of where people are? For
17 example, Mr. Schuman's in front of Mr. Miu, Mr. Nelson is
18 over to the side like you mentioned. Is that a fair and
19 accurate representation?

20 A. It seems roughly correct, yes.

21 Q. Okay. And --

22 MR. CHIRAFISI: So, Judge, I guess I would move
23 105, if there's no objection?

24 THE COURT: Do you have any objection?

25 MR. SMESTAD: Well, I do have an objection, Your

1 Honor. I'm looking at it --

2 THE COURT: What -- what's the objection?

3 MR. SMESTAD: Ryan Nelson's listed twice. It's
4 not accurate.

5 THE COURT: So the objection is --

6 MR. SMESTAD: It's --

7 THE COURT: -- foundation?

8 MR. SMESTAD: -- foundation. It's -- it's not
9 the evidence. It's misleading.

10 THE COURT: Mr. Chirafisi, do you want to clean
11 it up with him?

12 MR. CHIRAFISI: I will, Judge.

13 Q. (By Mr. Chirafisi, continuing) So, Mr. Weyer, in
14 terms of making sure I have it right, Mr. Nelson was
15 labeled twice. What wasn't labeled on there, if you can
16 take a look at it, we've changed it, you were with a
17 gentleman by the name of Owen Peloquin, right?

18 A. Yes.

19 Q. Okay. And he's now written in there. He wasn't
20 written in there before, right?

21 A. Yes.

22 Q. Okay. So now with the change of changing Ryan
23 Nelson twice to now adding Mr. Peloquin, does that appear
24 to be a fair and accurate representation?

25 A. If L.M. is me, yes. My last name starts with a W

1 though.

2 Q. Understood. They had been getting your name
3 wrong so -- but otherwise, it's a fair and accurate
4 representation?

5 A. Yes.

6 MR. CHIRAFISI: Now I --

7 THE COURT: Any objection?

8 MR. SMESTAD: No.

9 THE COURT: Received.

10 What was the number again?

11 MR. CHIRAFISI: I'm sorry, the exhibit is 105,
12 Judge.

13 THE COURT: 105?

14 MR. CHIRAFISI: Yeah.

15 Q. (By Mr. Chirafisi, continuing) So, Mr. Weyer,
16 at -- at one point where -- and you -- you -- I guess I'll
17 ask it to you this way: You hear the blonde, her name is
18 Madison Coen, she comes over and she's -- you describe her
19 as being in Mr. Miu's face, right?

20 A. She was standing by him, in front of him.

21 Q. I'm sorry?

22 A. She was standing in front of his face, yes.

23 Q. Right. You use the description in his face, yes?

24 A. If that's what I said, yeah.

25 Q. Okay. And to you does in his face mean she's

1 kind of in his personal space?

2 A. It just means in his face, face-to-face.

3 Q. Okay. And during the time that she's -- that Ms.
4 Coen's doing this, Mr. Miu's not reacting in any type of
5 violent or aggressive way, right?

6 A. He's standing --

7 Q. When she's yelling at him?

8 A. -- he's standing in front of her, not doing what
9 she's asking him to do.

10 Q. In a non-violent, aggressive way?

11 A. Yes.

12 Q. And when you guys surround him and start calling
13 him predator and pedophile, what's the purpose of that?

14 A. He said something about little girls. So with
15 him being a grown man, that's -- he said something about
16 little girls, so that was feeling like he -- that has a
17 feeling like he was a predator.

18 Q. So you felt like he kind of deserved it, right?

19 A. I felt like we were saying that because of what
20 he said.

21 Q. Okay. Was that captured on video by chance?

22 A. I don't believe so.

23 Q. So other than your statement today, there's no
24 other recording or record -- or written documentation of
25 that happening, right?

1 A. No.

2 Q. And -- as you see Madison Coen and the other
3 woman, Ryhley Martin (verbatim), as you see them in his
4 face or in front of him as you describe -- I'm gonna bring
5 up 2611. That's -- tell me if that's you.

6 THE COURT: Tell us when you're ready.

7 MR. CHIRAFISI: Ready.

8 THE COURT: Oh.

9 MR. CHIRAFISI: Yeah, sorry, Judge.

10 Q. (By Mr. Chirafisi, continuing) That's you,
11 right?

12 A. Yes.

13 Q. Okay. And this is, if you remember, seconds
14 before you -- moments before Madison Coen, you say you see
15 her punched, right?

16 A. This is before I saw her get punched, yeah.

17 Q. Okay. And I'm gonna run you from 2611 and -- and
18 move it forward, but before I do that, I want to ask you
19 this: You look like -- that's Jawahn Cockfield holding
20 the camera, right?

21 A. Yeah.

22 Q. Okay. You look like you're looking at him, is
23 that fair?

24 A. Yeah.

25 Q. Okay. And do you recall, are you guys, like,

1 looking at each other laughing about just what's
2 happening?

3 A. I -- I don't necessarily know what we were
4 laughing about or looking at each other. Just looking at
5 each other.

6 Q. Okay. You're not sure why you're laughing
7 though, right, that's what you said?

8 A. For the specific reason, no.

9 Q. Okay. All right. You're not -- is it fair to
10 say at this point you are not looking at Mr. Miu or Ms.
11 Coen, true?

12 A. Yes.

13 Q. That's true?

14 A. Yes.

15 Q. Okay. Now if I told you right there the group
16 moved -- moves forward and there's been information that
17 that's the point where Mr. Miu strikes Ms. Coen, would
18 that be fair? Would you recognize that as that that's the
19 timing?

20 A. I don't know. I -- I can't see.

21 Q. Okay. Well, we'll play it a little more.

22 (Whereupon, the video was played.)

23 Q. (By Mr. Chirafisi, continuing) Right now you see
24 Mr. Miu going down, right?

25 A. Yeah.

1 Q. Okay. So you believe the woman who's in the
2 front here with the -- holding the -- the alcoholic
3 beverage, she's the one that gets hit, yes?

4 A. (No response.)

5 Q. Or is it the other person?

6 A. I -- I can't remember. I -- I was behind her so
7 I just knew she had blonde hair.

8 Q. You were behind her and you were looking at
9 Jawahn Cockfield, right?

10 A. I was looking at Jawahn before he struck her.

11 Q. Okay. What I want to know is can you say whether
12 or not that blonde woman in this picture is the person
13 that you saw get struck?

14 A. I mean, I would think that's her if that's the
15 only girl with blonde hair that was in there talking to
16 him right before.

17 Q. Well, there's another woman in the picture as
18 well. See her leg there?

19 A. Yes.

20 Q. With the tattoo on it?

21 A. She had blonde hair as well?

22 Q. You can't ask me questions, but what I can do is
23 just say whether or not you can pick out which one of
24 those two people was struck.

25 A. I can't -- I don't know which one it was.

1 Q. Okay. Do you know how she was struck?

2 A. I just remember him striking her. I don't
3 exactly know how.

4 Q. Which hand?

5 A. I don't remember. I believe it was the right.

6 Q. Okay. And do you know where on her body she was
7 struck?

8 A. Her face.

9 Q. Okay. There's been various demonstrations as to
10 how that happened; meaning, what type of punch it was.
11 How would you describe it?

12 A. I don't remember. I just remember him striking
13 her.

14 Q. And you -- I think you said she went down, right?

15 A. What I thought I remembered seeing, yeah.

16 Q. That she went -- that you saw her fall to the
17 ground?

18 A. I thought she fell to the ground, yeah.

19 Q. Okay. And -- do you -- did you -- do you think
20 that because that's what you saw?

21 A. Yeah.

22 Q. Okay. You'd agree that blonde girl right there,
23 she's got a drink in her hand, right? You see that?

24 A. She has a drink in her hand, yes.

25 Q. Yeah. You see the -- the cell phone in her swim

1 top? You see that?

2 A. Yes.

3 Q. Okay. And she looks like she's yelling, right?
4 Speaking? Doing something?

5 A. Her mouth is open, yeah.

6 Q. Okay. And you're saying that you saw her fall
7 down?

8 A. I don't remember exactly which girl it was. It
9 was the girl with blonde hair. I was behind her, so I
10 don't know if that's exactly her.

11 Q. But what you're certain of is one of them fell?

12 A. One of them for sure got striked and I thought
13 they fell to the ground, yes.

14 Q. Okay. And then you describe to officers is
15 there's a bunch of guys came and got on him, right, that
16 -- that's how used the descriptive, right?

17 A. If that's what I said, yes.

18 Q. Okay. So you see him get punched in the face?

19 A. I -- I saw him get punched, yeah.

20 Q. Okay. And then you say a bunch of guys came and
21 got on him, right? What -- what did you mean by that?

22 A. I just saw people flock towards him after the
23 woman got striked.

24 Q. Did you see anything else after that, after he
25 went down?

1 A. After he went down then I started seeing people
2 who were stabbed.

3 Q. You saw people stabbed after he went down?

4 A. After he went down, got up, then I seen -- I just
5 saw people stabbed.

6 Q. Did you see him struck while he was on the ground
7 again?

8 A. I did not, no.

9 Q. Do you see him get struck when he was being
10 pushed in the back?

11 A. I don't remember.

12 Q. Okay. Did it appear to you that he was getting
13 the worst of this, he was getting beat up?

14 A. I remember that he -- after he punched somebody
15 who -- somebody came and punched him.

16 Q. I -- I -- I get that. My question is when you
17 say a bunch of guys came and got on him, are you saying
18 that you believed he was getting beat up?

19 A. I believed that people went towards him after he
20 had already struck somebody.

21 Q. And were beating him up?

22 A. I saw him get punched. I didn't see anything
23 after that. It was a commotion.

24 Q. Okay. Now you said that -- that you were close
25 enough, you got close enough to Mr. Miu that he could have

1 hurt you, right?

2 A. Yes. I was standing feet away from him.

3 Q. Okay. But he didn't hurt you, right?

4 A. No.

5 Q. And you didn't -- you didn't touch him at all,
6 did you?

7 A. During when he was standing over there, no.

8 Q. What -- at any point do you put your hands on Mr.
9 Miu?

10 A. No, I never touched him.

11 Q. Okay. And so he never touches you, does he?

12 A. He touched me earlier on.

13 Q. I mean, he never touches you in a way that causes
14 you any injuries?

15 A. I never got injured, no.

16 Q. Right. Okay.

17 MR. CHIRAFISI: Mr. Weyer, I don't have any
18 questions for you. Thank you for your time, sir.

19 THE COURT: Mr. Smestad?

20 MR. SMESTAD: Just a couple, Judge.

21 REDIRECT EXAMINATION

22 BY MR. SMESTAD:

23 Q. Landon, did you ever call Mr. Miu a raper at any
24 time that you had this interaction with him?

25 A. I -- I don't remember specifically saying

1 anything, but I do remember hearing things on the video,
2 people --

3 Q. I want to ask you exactly what you remember
4 yourself saying. Do you remember yourself ever calling
5 him a predator?

6 A. No.

7 Q. You remember other folks in your group?

8 A. I remember hearing people say it, yes.

9 Q. All right. Did you ever call him, yourself, a
10 pedophile?

11 A. Sorry, what?

12 Q. Did you ever, yourself, call him a pedophile
13 while this was going on?

14 A. Not that I remember.

15 Q. All right. Were other people in your group
16 calling him a pedophile?

17 A. I just remember someone calling him something
18 along the lines of that, pedophile, yes.

19 Q. And they asked you about the blonde girl falling
20 down. As you sit here today, is that something you
21 remember happening or is that something that might have
22 happened?

23 A. I remember her getting struck and I -- I thought
24 she fell to the ground.

25 Q. All right.

1 A. From what I remember.

2 Q. That -- is that your recollection of the event?

3 A. Yes.

4 Q. All right. Mr. Chirafisi asked you about your
5 statement to the cops, that a bunch of guys got on him.
6 Do you know how many guys got on Mr. Miu after he fell in
7 the river?

8 A. No. I just remember as soon as she got punched
9 several guys, you know, took --

10 Q. Okay. Were any of those guys people from your
11 group?

12 A. No.

13 Q. All right.

14 MR. SMESTAD: Nothing else.

15 THE COURT: Mr. Chirafisi?

16 MR. CHIRAFISI: (Non-verbal response.)

17 THE COURT: No. All right.

18 Thank you, Mr. Weyer. You may step down.
19 Please see the witness coordinator in the back. She'll
20 give you further instructions about where to go.

21 (Whereupon, the witness is excused.)

22 THE COURT: All right. We are just about at 4:30
23 so we are going to recess for the day. The bailiff will
24 take you out in moment.

25 My instructions for you tonight are the

1 same as yesterday: Do not begin your deliberations; do
2 not talk with others about this case; do not interact with
3 the attorneys, the witnesses, the parties, the members of
4 the public; do not conduct any independent research about
5 the case; and do not watch or read any media reports,
6 including social media posts about this matter.

7 We will get started tomorrow at
8 eight o'clock. Please report to the same door that you
9 did this morning. Warren should be there to greet you.

10 Please take the jury out.

11 (Whereupon, the jury exits the courtroom.)

12 THE COURT: We are outside the presence of the
13 jury. The attorneys are present. Mr. Miu is present. We
14 do have another illustration on the easel, I'd like to get
15 a exhibit sticker on that. That was the drawing that Mr.
16 Anderson created with -- I believe it was Mr. Weyer. I
17 could be wrong.

18 MR. NELSON: I believe that was Dante Carlson.

19 THE COURT: It was Mr. Carlson. Okay.

20 In any event, get a sticker on it so it's
21 marked.

22 (Whereupon, Exhibit Number 75 was marked for
23 identification.)

24 MR. ANDERSON: Exhibit 75, Judge.

25 THE COURT: All right. 75, we'll mark it.

1 Mr. Anderson, did you have anything that
2 you want to address before we adjourn?

3 MR. ANDERSON: No. I'll just tell the Court I
4 think we're on track for -- I think we're moving at a
5 decent pace.

6 THE COURT: Okay.

7 Mr. Chirafisi, anything you want to
8 address?

9 MR. CHIRAFISI: No, sir.

10 THE COURT: All right. I just ask the attorneys
11 confer tomorrow -- about tomorrow's witnesses, just so
12 there's no surprises.

13 We'll be back tomorrow at eight o'clock.
14 Thanks, everyone. Have a good night.

15 (The proceedings came to a close at this time.)

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C E R T I F I C A T E

I, **VANESSA M. MELSTROM**, Official Court Reporter
for the State of Wisconsin, St. Croix County, hereby
certify that the foregoing is a true and accurate
transcript of the proceedings herein all done to the best
of my skill and ability.

Dated at Hudson, Wisconsin, this 9th day of
March, 2026.

/s/ Vanessa M. Melstrom

Vanessa M. Melstrom, RMR, CRR

Official Court Reporter - Branch 4

St. Croix County Government Center