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HAMPDEN, SS COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF THE TRIAL COURT  
DISTRICT COURT DIVISION

\* \* \* \* \*  
PETER FREI \*  
VS. \* Docket No. 1143R0079  
BRIAN JOHNSON \*  
\* \* \* \* \*

SHOW CAUSE HEARING  
BEFORE THE HONORABLE PATRICIA T. POEHLER

APPEARANCE:

FOR PETER FREI:  
101 Maybrook Road  
Holland, MA 01521  
By: Pro Se

FOR BRIAN JOHNSON:  
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By: Tani Sapirstein, Esq.

Palmer, Massachusetts  
Courtroom Unknown  
July 28, 2011

Reporter: Raymond F. Catuogno, Sr.  
Registered Professional Reporter

Recorder: Unknown Court Recording Monitor

## I N D E X

WITNESS:	D I R E C T	C R O S S	R E D I R E C T	R E C R O S S
KRISTIN LAPLANTE (by Mr. Frei)	5		13	
(by Ms. Sapirstein)		12		
BRIAN HAUGHEY (by Mr. Frei)	16			
(by Ms. Sapirstein)		41		
JEFFREY FORCIER (by Mr. Frei)	42		59	
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EXHIBITS:	P A G E
13. Subpoena addressed to Chief of Police, Brian Haughey	22
14. Subpoena addressed to Kristin LaPlante	22
15. Subpoena addressed to Officer Jeffrey Forcier	22
16. Police report dated 3/5/08	22

1 (Court called to order.)

2 (Defendant present.)

3 (Time unknown.)

4 THE CLERK: Peter Frei v. Brian Johnson, Docket 1143R0079.

5 THE COURT: Okay. Thank you.

6 MR. FREI: Good afternoon, Your Honor.

7 THE COURT: Good afternoon, everybody.

8 MS. SAPIRSTEIN: Good afternoon, Your Honor.

9 (Off the record discussion at :37.)

10 (Back on the record at :47.)

11 MR. FREI: May I call my first witness, Your Honor?

12 THE COURT: Yes. Give me one minute to write down a few  
13 things. Okay. Are you ready to resume?

14 MR. FREI: Your Honor, I'm calling Kris LaPlante.

15 KRISTIN LAPLANTE, Sworn

16 THE COURT: Okay. You can have a seat, ma'am.

17 THE WITNESS: Thank you.

18 THE COURT: That microphone in front of you is just  
19 recording.

20 THE WITNESS: Okay.

21 THE COURT: It's not amplifying.

22 THE WITNESS: Okay.

23 THE COURT: And I tell you that because it's sometimes hard  
24 to hear in here, so you have to keep your voice up.

25 THE WITNESS: Okay.

1 THE COURT: Thank you.

2 MR. FREI: Thanks.

3 MS. SAPIRSTEIN: Your Honor?

4 THE COURT: Yes.

5 MS. SAPIRSTEIN: Before Mr. Frei starts, uh, my  
6 understanding is that he has three witnesses here pursuant to  
7 subpoenas.

8 THE COURT: Okay.

9 MS. SAPIRSTEIN: I would request that the subpoenas be  
10 entered into evidence. And, for the record, uh, I don't believe  
11 they're valid subpoenas in Massachusetts.

12 THE COURT: All right. If they're here --

13 MS. SAPIRSTEIN: I understand that. But --

14 THE COURT: -- I'll hear from them.

15 MS. SAPIRSTEIN: I understand that. But I just want to  
16 preserve the record.

17 THE COURT: All right.

18 MS. SAPIRSTEIN: Thank you.

19 THE COURT: Do you have a copy of those subpoenas?

20 MR. FREI: Uh --

21 THE WITNESS: I do.

22 MR. FREI: Your Honor, I think I do have a copy here.

23 THE COURT: All right. If you don't have extra copies, Mr.  
24 Frei will make a copy.

25 MR. FREI: May I approach?

1 THE COURT: Sure. Okay. Why don't we make a copy of those  
2 and -- are those extra copies or should I --

3 MR. FREI: Your Honor, they are my copies.

4 THE COURT: All right. We'll make copies.

5 MR. FREI: Thanks for coming.

6 THE COURT: Okay.

7 DIRECT EXAMINATION

8 BY MR. FREI:

9 Q Would you, please, state your name?

10 A Kristin LaPlante.

11 THE COURT: Could you spell your last name just for the  
12 record?

13 THE WITNESS: L-A-P-L-A-N-T-E.

14 THE COURT: Thank you.

15 MR. FREI: I think she also needs to be sworn in.

16 THE WITNESS: I just was.

17 THE COURT: She was sworn in.

18 MR. FREI: Sorry. Sorry.

19 BY MR. FREI:

20 Q I'm sorry.

21 A No, it's okay.

22 Q In what capacity do you work for the Town of Holland?

23 A The Town Clerk.

24 Q Is that an elected position?

25 A Yes, it is.

1 Q How long have you been Town Clerk for the Town of Holland?

2 A Since 2003.

3 Q What other positions have you held?

4 A I've been the Tax Collector's Assistant, the Executive  
5 Secretary and the Secretary for the Highway Department.

6 Q So that would be Mr. Johnson's Department?

7 A I'm sorry?

8 THE COURT: I'm sorry. I didn't hear the end of it anyway.  
9 What were your prior positions?

10 THE WITNESS: I was the, uh, Tax Collector's Assistant, the  
11 Executive Secretary and the Secretary -- part-time Secretary for  
12 the Highway Department.

13 BY MR. FREI:

14 Q And that would be Mr. Johnson's Department?

15 A Yes.

16 MS. SAPIRSTEIN: Objection, Your Honor.

17 THE COURT: Tell me, what's the objection?

18 MS. SAPIRSTEIN: Mr. Johnson doesn't have a department.

19 THE COURT: Okay. The Department where Mr. Johnson works?  
20 Yes?

21 THE WITNESS: Yes.

22 BY MR. FREI:

23 Q I came to your office at the Town Hall on May 20<sup>th</sup>, 2008,  
24 correct?

25 A Yeah.

1 Q First we were alone in your office?

2 A I don't recall the circumstances of who was --

3 Q Then Brian Johnson came to the office?

4 A I remember you two being there together.

5 Q Did you expect him? Do you remember?

6 A I don't remember the circumstances of it.

7 Q Uh. I asked you to bring a copy of a letter. Did you bring  
8 that?

9 A I did not.

10 MR. FREI: May I have Exhibit 2A, please?

11 THE CLERK: 2A?

12 MR. FREI: Yes. May I approach?

13 THE COURT: (Indiscernible - low audio at 5:30.)

14 BY MR. FREI:

15 Q Is there a reason why you didn't bring a copy of the letter?

16 A I'm not the keeper of that record. It wasn't in my  
17 possession and I didn't have it, so --

18 Q I see.

19 MR. FREI: May I approach the witness?

20 THE COURT: Sure. Yes. Of course.

21 THE WITNESS: Thanks.

22 BY MR. FREI:

23 Q Would you please just, uh, go over the letter and read it to  
24 yourself?

25 A I don't believe this is what you asked me for.

1 Q (Indiscernible - low audio at 6:26?)

2 A No.

3 Q No?

4 MS. SAPIRSTEIN: I'm sorry. I'm having a little trouble  
5 hearing actually both of them.

6 THE COURT: I know. You're going to have to speak up.

7 THE WITNESS: I'm sorry.

8 THE COURT: It's really hard to hear. What did you say?  
9 That's not what he asked you for?

10 THE WITNESS: I have a copy of the subpoena.

11 THE COURT: Well, it's coming right in. I'll have it. But  
12 you can look at it, if you want.

13 THE WITNESS: Okay.

14 THE COURT: Do you want to locate your copy?

15 THE WITNESS: It's in my purse right here.

16 THE COURT: You can look at it. Is there something  
17 different that she should have brought in?

18 MR. FREI: Yes.

19 THE COURT: Okay. So you just want her to look at that  
20 record. It doesn't have anything to do with what she was asked  
21 to bring in.

22 THE WITNESS: Oh, okay. I'm sorry. I misunderstood. I  
23 thought you were saying this is what you wanted me to bring.

24 MR. FREI: No. That's not what I'm saying.

25 THE COURT: All right. So just look at that letter and



1 read it, please.

2 THE WITNESS: Okay.

3 BY MR. FREI:

4 Q Have you ever read that letter before?

5 A Yes.

6 Q Uh, would you agree that this is, uh, more or less an  
7 accurate description of the conversation you witnessed back on  
8 May 20<sup>th</sup>, 2008 --

9 MS. SAPIRSTEIN: Objection.

10 BY MR. FREI:

11 Q -- between me and Mr. Johnson?

12 THE COURT: Okay. Let him finish the question.

13 MS. SAPIRSTEIN: I thought he was.

14 THE COURT: I'm sorry. There was an objection in the  
15 middle of that. Could you start it over?

16 MR. FREI: Sure, Your Honor.

17 BY MR. FREI:

18 Q Uh. My question was: Would you agree that this is an  
19 accurate description of the conversation you witnessed back in  
20 May 20<sup>th</sup>, 2008?

21 MS. SAPIRSTEIN: Objection.

22 THE COURT: Okay. What's the objection?

23 MS. SAPIRSTEIN: Well, the letter, first of all, is an  
24 exhibit. It's hearsay. It is Mr. Frei's letter. He signed it.  
25 And his witness to testify hearsay as opposed to just asking her

1 | questions what she witnessed.

2 |       THE COURT:    Yes.  I do think you start with that first and  
3 | find out if she has a memory of that incident.

4 |       MR. FREI:     I think I already established that.

5 |       THE COURT:    Is that May 20<sup>th</sup>?

6 |       MR. FREI:     Yes.

7 |       THE COURT:    Okay.  Then I guess the question is does that  
8 | refresh your recollection about what the conversation was that  
9 | day.

10 |       MS. SAPIRSTEIN:  With all due respect, Your Honor, she  
11 | wasn't asked that.  She was asked --

12 |       THE COURT:    I know.  I know.

13 |       MS. SAPIRSTEIN:  Okay.

14 |       THE COURT:    But I think that is what the question needs to  
15 | be.  So the objection is sustained as to the form of the  
16 | question.

17 |       MS. SAPIRSTEIN:  Thank you.

18 |       THE COURT:    If she needs something to refresh her  
19 | recollection, that's the question.  Does that refresh your  
20 | memory?

21 |       MR. FREI:     Okay.  Thanks, Your Honor.

22 | BY MR. FREI:

23 | Q     Would that refresh your, uh, recollection?

24 | A     To a degree, yeah.

25 | Q     So he called me a "scumbag"?

1 A Yes.

2 Q He called me "white trash"?

3 A Yes.

4 Q He called me a "scumbag" and "white trash" more than once,  
5 right?

6 A Yes.

7 Q Did I provoke him in any way?

8 THE COURT: Uh --

9 MS. SAPIRSTEIN: I was going to object.

10 THE COURT: I know that. That is sustained.

11 BY MR. FREI:

12 Q Is he argumentative?

13 A I'm sorry, what?

14 THE COURT: It's sustained because her opinion as to  
15 whether or not it's provoking is irrelevant.

16 MR. FREI: Okay. Thanks, Your Honor.

17 BY MR. FREI:

18 Q Where does your husband work?

19 A The Town of Holland.

20 MS. SAPIRSTEIN: I really -- Mr. Frei, I'm sorry --

21 THE COURT: She can't hear you.

22 BY MR. FREI:

23 Q Where does your husband work, Ms. LaPlante?

24 A Town of Holland.

25 Q And for which department?

1 A The Town of Holland Highway Department.

2 Q So he works for Mr. Johnson?

3 A Yes. He works for the Highway Department.

4 Q Do you know Brian Johnson's wife, Kristen Johnson?

5 A Yes.

6 Q Would you consider her a friend?

7 A Yes.

8 Q A close friend?

9 A Yes.

10 Q (Indiscernible - difficult to understand speaker at 10:29?)

11 A Yes.

12 Q You sign your comments with your real name?

13 A Yes.

14 MR. FREI: You know, Your Honor, I think no more questions.

15 THE COURT: Okay.

16 MR. FREI: I basically heard what I wanted to hear.

17 THE COURT: Okay. Any questions for this witness?

18 MS. SAPIRSTEIN: Uh, actually just one or two.

19 THE COURT: Okay.

20 CROSS EXAMINATION

21 BY MS. SAPIRSTEIN:

22 Q Ms. LaPlante, uh --

23 THE COURT: I need to get that exhibit back before we

24 forget about it, unless you're going to ask her about it. Are

25 you?

1 MS. SAPIRSTEIN: No, I'm not, Your Honor.

2 THE COURT: Sometimes these things get moved around and  
3 they (indiscernible - low audio at 11:09). Okay.

4 MS. SAPIRSTEIN: Okay.

5 BY MS. SAPIRSTEIN:

6 Q Ms. LaPlante, do you remember what, if anything, Mr. Frei  
7 said during the conversation in May of 2008?

8 A I remember he - he said to Brian something about road  
9 business, trying to talk to him, and Brian didn't answer.

10 Q Is that the end of what Mr. Frei said?

11 A Then he said something else and Brian didn't answer. And  
12 then Mr. Frei said, "You're just making it more difficult for  
13 yourself. If you don't talk to me, I'll just find out more  
14 information about you and your family."

15 MS. SAPIRSTEIN: I don't have anything further, Your Honor.

16 THE COURT: Thank you. Any further questions?

17 MR. FREI: Yes, Your Honor.

18 THE COURT: Okay.

19 REDIRECT EXAMINATION

20 BY MR. FREI:

21 Q Uh. Do you remember me saying when Brian entered the  
22 office, "Brian, how was the road business?"

23 MS. SAPIRSTEIN: I'm sorry, I can't hear you.

24 THE COURT: (Indiscernible - simultaneous speech at 12:18.)  
25 Well, you can certainly step back there. Absolutely.

1 BY MR. FREI:

2 Q Do you remember me saying to him when he entered your  
3 office, "Hi, Brian, how was the road business?"

4 A I remember you saying "how's road business."

5 Q And do you remember him saying "I don't need to talk to  
6 you"?

7 A I don't remember him saying anything.

8 Q You don't remember that?

9 A No.

10 Q You don't remember me then saying to him, uh, "Yeah, you're  
11 right, you don't need to talk to me"?

12 A I obviously don't recall that part of it. I thought -- in  
13 my recollection it was silence from him both -- on both times  
14 when you --

15 Q But at one point in time he said "scumbag"? He called me a  
16 "scumbag"?

17 A After.

18 Q He didn't call you a "scumbag"?

19 A No. After --

20 Q He called me also "white trash"?

21 MS. SAPIRSTEIN: Excuse me. If the witness could just  
22 answer the question.

23 THE COURT: Okay. Why don't you answer the question. Go  
24 ahead.

25 THE WITNESS: After you said "You don't need to talk to me,

1 | you're just making it worse for yourself." Maybe that's why I  
2 | think that he never said anything because you said "you don't  
3 | need to talk to me" because he hadn't said anything.

4 | BY MR. FREI:

5 | Q So it's your testimony that because he didn't engage I said  
6 | to him you're just making that worse for yourself?

7 | A Isn't that what you said in the letter?

8 | THE COURT: Well, okay. The question is is that your  
9 | testimony?

10 | THE WITNESS: Yes.

11 | BY MR. FREI:

12 | Q So that's what you remember?

13 | A Yes.

14 | MR. FREI: No more questions, Your Honor.

15 | THE COURT: All right. Anything else?

16 | MS. SAPIRSTEIN: No thank you, Your Honor.

17 | THE COURT: Thank you very much, ma'am. You can step down.

18 | (Witness excused)

19 | THE COURT: Does this witness need to stay here for any  
20 | reason?

21 | MS. SAPIRSTEIN: Not for me, Your Honor.

22 | MR. FREI: No, Your Honor.

23 | THE COURT: Okay. You can stay if you want, ma'am, but  
24 | you're excused if you want to be excused.

25 | MR. FREI: Your Honor, I'm calling the Chief of Police of

1 | Holland, Brian Haughey.  
2 |                            BRIAN HAUGHEY, Sworn  
3 |                            DIRECT EXAMINATION  
4 | BY MR. FREI:  
5 | Q     Good afternoon, Chief.  
6 | A     Good afternoon.  
7 | Q     Thanks for coming.  Could you, please, identify yourself for  
8 | the record?  
9 | A     Yes.  My name is Brian Haughey.  
10 |       THE COURT:  Can you spell your last name?  
11 |       THE WITNESS:  Yes, ma'am.  It's H-A-U-G-H-E-Y.  
12 | BY MR. FREI:  
13 | Q     Back on March 5<sup>th</sup> --  
14 |       THE COURT:  Could I just get his position?  I know you know  
15 | it but I need to have him say it, okay?  
16 |       THE WITNESS:  I'm a police officer for the Town of Holland.  
17 | BY MR. FREI:  
18 | Q     You're the Chief?  
19 | A     I'm a police officer in the Town of Holland with the rank  
20 | of Chief.  
21 | Q     Okay.  
22 |       THE COURT:  Okay.  Thank you.  
23 | BY MR. FREI:  
24 | Q     Back on March 5<sup>th</sup>, 2008 Brian Johnson called you about an  
25 | incident, correct?



1 A I believe so.

2 Q Mr. Johnson informed you that his neighbor, Alexander Hainey  
3 (phonetic) called him telling him that Hainey (phonetic) had a  
4 verbal altercation with me, Peter Frei?

5 MS. SAPIRSTEIN: Your Honor?

6 THE COURT: Yeah.

7 MS. SAPIRSTEIN: He's leading.

8 BY MR. FREI:

9 Q Is that your recollection?

10 MS. SAPIRSTEIN: And this is direct.

11 THE COURT: She's right. You are leading him. And unless  
12 you're claiming he's a hostile witness, I'm not going to have you  
13 lead him.

14 MR. FREI: Actually, I do, Your Honor.

15 THE COURT: He's a hostile witness?

16 MR. FREI: I subpoenaed him, Your Honor.

17 THE COURT: Well, I know but you're claiming he's going to  
18 be a hostile witness to you - to your case?

19 MR. FREI: Yeah. I, uh -- I would claim that, yes.

20 MS. SAPIRSTEIN: Well, Your Honor, with all due respect  
21 that doesn't make sense since Mr. Frei called him in his case in  
22 chief.

23 THE COURT: Well, he can call a hostile witness.

24 MS. SAPIRSTEIN: What's the --

25 THE COURT: I don't know.

1 MS. SAPIRSTEIN: What's the basis for his being a hostile  
2 witness?

3 THE COURT: Why do you say he's a hostile witness?

4 MR. FREI: Your Honor, a lot of police officers who work  
5 for the Town, they're appointed by the Select Board.

6 THE COURT: Yes.

7 MR. FREI: And, uh, if they're basically siding with me  
8 they risk not being reappointed.

9 THE COURT: Does the Select Board having something to do  
10 with Mr. Johnson?

11 MR. FREI: Mr. Haughey, I think he could tell you the story  
12 about, uh, his past when he worked under Kevin Gleason, which was  
13 appointed more than once by Brian Johnson's father, Earl Johnson.

14 THE COURT: Okay. Is Mr. Johnson's father a Selectman?

15 MR. FREI: Not anymore, but back then he was.

16 THE COURT: Was he when he was appointed?

17 MR. FREI: In 2008 he was still.

18 THE COURT: When he was appointed Chief he was a Selectman?

19 MR. FREI: He was just appointed Chief, uh, a few weeks  
20 ago.

21 THE COURT: So was Mr. Johnson's father a Selectman when he  
22 was appointed Chief?

23 MR. FREI: No, no.

24 THE COURT: I guess I'm trying to figure out why would you  
25 assume he's hostile due to your case? Why would you make that

1 | assumption? Why have you made that assumption? There is a  
2 | difference. You know, if he's not a hostile witness you can't  
3 | lead him. You can't ask leading questions.

4 | MR. FREI: Why don't we ask him himself?

5 | THE COURT: Well, no. I'm asking you. I'm asking you  
6 | because you're the one who wants to ask the leading question.  
7 | Either that or don't ask him leading questions. Ask him  
8 | narrative questions. But I need to know why you think he's  
9 | hostile.

10 | MR. FREI: Uh. To be candid with you it would make it  
11 | easier.

12 | THE COURT: Okay. Well, that's not good enough. So don't  
13 | ask him leading questions.

14 | MR. FREI: Okay.

15 | THE COURT: Ask him narrative questions. The objection is  
16 | sustained.

17 | MR. FREI: Your Honor, maybe I ask for -- can I have some  
18 | water, please?

19 | THE COURT: Yes. Both sides can have water. Do you need  
20 | some water too, Chief?

21 | THE WITNESS: No, ma'am. I'm all set. Thank you.

22 | BY MR. FREI:

23 | Q I did ask you to bring some papers?

24 | A Yes, you did.

25 | Q You did?

1 A Yes. I brought the case you're referring to.

2 Q Okay. Great. Thanks.

3 A They're right here.

4 Q Would you please check the date? Was that March 5<sup>th</sup>, 2008?

5 A Yes.

6 Q According to your recollection, I'm sure you read the report  
7 again because it's three years since --

8 A Yes.

9 Q -- who actually called you that day?

10 A I believe, uh, to my recollection the original report came  
11 in from Mr. Johnson to the former Police Chief and he instructed  
12 me to follow up on the case. The Chief of Police at the time of  
13 Holland.

14 Q That was Kevin Gleason?

15 A Kevin Gleason, yes.

16 Q Okay. And what was the call all about?

17 A The, uh -- it was in regards to a suspicious motor vehicle  
18 that was sitting in front of Mr. Johnson's residence and Mr.  
19 Hainey's (phonetic) residence on Stafford Road.

20 Q Uh. This was the first time you were called to the Johnson  
21 residence because of me?

22 A I don't recall, to be honest with you.

23 Q But there was another time. Do you remember that day?

24 A I do.

25 Q What was it?

1 A I don't know if that was prior to this. I'm not sure if --

2 Q Did you bring the report of that incident too?

3 A No, I don't have a report on that incident in our system. I  
4 checked the system and there's no paperwork in our system on that  
5 report.

6 Q So -- but there were two incidences, right?

7 A Yes.

8 Q And would you mind if I showed --

9 MR. FREI: Can I show that, uh, report to the Court,  
10 please?

11 THE COURT: You mean you want to introduce it as an  
12 exhibit?

13 MR. FREI: Yes.

14 THE COURT: I don't know. Is there an objection? Have you  
15 even seen it?

16 MS. SAPIRSTEIN: No, Your Honor, I haven't.

17 THE COURT: All right. Well, why don't you first show it  
18 to Attorney Sapirstein.

19 MR. FREI: Okay. May I approach?

20 THE COURT: Yes.

21 THE WITNESS: That's my narrative.

22 MS. SAPIRSTEIN: Thank you. I don't have any objection,  
23 Your Honor.

24 THE COURT: No objection? All right. Let me just find --  
25 I'm looking for what exhibit -- I have the Clerk looking for

1 Exhibit 2. Now we have three more exhibits that are going to  
2 proceed that because I have the copies of the subpoenas, so let  
3 me just get those marked. My notes say we've got up to Exhibit  
4 12. Do you have anything past that?

5 THE CLERK: I have Exhibit 12.

6 THE COURT: Okay. So I'm going to have these marked. Do  
7 you have 13? Okay. So the subpoena addressed to Chief of Police  
8 Brian Haughey, that is Exhibit 13.

9 (The Clerk marks subpoena addressed to Chief of Police Brian  
10 Haughey as Exhibit Number 13).

11 THE COURT: And Exhibit 14 is the Exhibit addressed to  
12 Kristin LaPlante -- I mean the subpoena to Kristin LaPlante.

13 (The Clerk marks subpoena addressed to Kristin LaPlante as  
14 Exhibit Number 14).

15 THE COURT: And Exhibit 15 is the subpoena to Officer  
16 Jeffrey Forcier.

17 (The Clerk marks subpoena addressed to Officer Jeffrey Forcier as  
18 Exhibit Number 15).

19 THE COURT: Okay. So Number 16 is going to be the police  
20 report and that was written by Chief Haughey on 3/5/08?

21 THE WITNESS: Ma'am, the report was on 3/5/2008.

22 THE COURT: Okay.

23 (The Clerk marks police report dated 3/5/08 as Exhibit Number  
24 16).

25 THE WITNESS: That's the date of the report.

1 MS. SAPIRSTEIN: If I could get a copy of that, Your Honor,  
2 at some point?

3 THE COURT: Yes. You may get copies of anything I'm  
4 (indiscernible - low audio at 23:58) okay?

5 MS. SAPIRSTEIN: Thank you.

6 MR. FREI: May I continue, Your Honor?

7 THE COURT: Do you want me to read that before you  
8 continue?

9 MR. FREI: Oh, absolutely. Yeah. Because my questions  
10 will just relate to that --

11 THE COURT: Okay. She's just marking it, so give me a  
12 minute to read it.

13 MR. FREI: Okay.

14 THE COURT: And then you can ask him about it.

15 MR. FREI: Your Honor --

16 THE COURT: I'm sorry. That would be 16. The police  
17 report is Number 16. I misspoke. Could you just hand it up?  
18 Oh, you have the police report?

19 THE WITNESS: I have the police report, ma'am. You handed  
20 it back to me.

21 THE COURT: The police report is Exhibit 16. You needed  
22 that to testify?

23 THE WITNESS: Yes, ma'am. I haven't -- uh, I just read it  
24 real briefly.

25 THE COURT: All right. Just read it. And then I'll give

1 | it back to them, okay?

2 | MR. FREI: Maybe, Your Honor. There were two incidences at  
3 | Mr. Johnson's house. The first one was March 5<sup>th</sup>.

4 | MS. SAPIRSTEIN: Objection.

5 | THE COURT: Okay. What are you telling me about?

6 | MR. FREI: It just --

7 | THE COURT: You don't get to testify.

8 | MR. FREI: I'm not testifying.

9 | THE COURT: All right. What are you telling me then?

10 | MR. FREI: I can just imagine that it must be very  
11 | confusing to you. You handle all these cases and --

12 | THE COURT: Okay. Well, let me just read this and then you  
13 | can ask him about it. All right?

14 | MR. FREI: Okay.

15 | THE COURT: Okay. So you can give this back to the  
16 | witness. And I read it, so you can go ahead and ask some  
17 | questions.

18 | BY MR. FREI:

19 | Q Okay. Chief, according to Johnson -- Hainey (phonetic)  
20 | reported to Johnson that I was pulled over on a public road,  
21 | Stafford Road, and was sitting in my car for half an hour, which  
22 | prompted Hainey (phonetic) to ask me if he, Alexander Hainey  
23 | (phonetic), could get something for me? That's literally  
24 | verbatim, "if he could get me something."

25 | MS. SAPIRSTEIN: I'm not sure how this examination is



1 going. Is he just asking him to read the report or is he asking  
2 a question about the incident?

3 THE COURT: I don't know. What was the question there? Is  
4 it you asking is that what the report says?

5 MR. FREI: Yes.

6 THE COURT: Okay. You can answer that. Is that what the  
7 report says?

8 THE WITNESS: Yes, that's what the report says.

9 BY MR. FREI:

10 Q Was Hainey (phonetic) indicating to you what he meant with  
11 getting me something?

12 A I took that from a written statement that he wrote that's  
13 accompanied with this report. And he states that's what he  
14 stated he said to you, that Mr. Hainey (phonetic) said that.

15 Q Okay.

16 A Mr. Hainey (phonetic) told me that's what he said to you.

17 Q You had several run-ins with Hainey (phonetic), correct?

18 A I have? No, sir.

19 Q No? According to the report when I was asked for my name  
20 did I give him my name?

21 THE WITNESS: May I refresh my memory in the report?

22 THE COURT: Your report is an exhibit, so yes.

23 THE WITNESS: Okay. According to what I'm reading in the  
24 report, sir, it says that, uh, Mr. Hainey (phonetic) stated that  
25 he informed you you were going to call the police -- that he was

1 | going to call the police. Excuse me. Uh. And that you stated  
2 | your name was Peter Frei.

3 | BY MR. FREI:

4 | Q Okay. So --

5 | A I don't think he asked. It doesn't say in the report that  
6 | he asked you that.

7 | Q Okay. But the report says that I actually didn't keep it a  
8 | secret, that I told him who I was?

9 | A The report states that you said that your name was Peter  
10 | Frei.

11 | Q Okay.

12 | A And you drove away waving. Smiling and waving.

13 | Q Uh. Was I within my rights pulling over, stopping my  
14 | vehicle and look around? After all I was on a public road.

15 | MS. SAPIRSTEIN: Objection, Your Honor.

16 | THE COURT: Okay. What's the objection?

17 | MS. SAPIRSTEIN: He's not here as a legal expert. He's  
18 | here as a fact witness as to what he observed and what he was  
19 | told. Whether or not he was in his legal rights is an  
20 | interpretation of the law.

21 | THE COURT: Yeah, I agree. That's sustained.

22 | BY MR. FREI:

23 | Q Did, uh, Mr. Johnson or Mr. Hainey (phonetic) accuse me of  
24 | any crimes?

25 | A Not to me.

1 MR. FREI: Your Honor, I didn't know about this police  
2 report until a few days ago. And, uh, maybe you recall that when  
3 Attorney Sapirstein cross examined me, she actually indicated  
4 that I was taking pictures at that time.

5 MS. SAPIRSTEIN: Objection.

6 MR. FREI: And I was not.

7 THE COURT: I don't know. Okay. What does this mean?

8 MR. FREI: Let me ask a question.

9 THE COURT: Yeah, I think you should just ask further  
10 questions.

11 BY MR. FREI:

12 Q According to the report did I take any pictures --

13 A It doesn't say that in the report.

14 Q -- on March 5<sup>th</sup>, 2008?

15 A No, it doesn't say that in the report.

16 Q No pictures. Did either Johnson or Hainey (phonetic),  
17 according to that report, indicate that Brian's wife was in the  
18 yard?

19 A No.

20 Q Any of Johnson's children playing outside?

21 A No.

22 Q So no indication about Johnson's wife or her children being  
23 even present?

24 A No, I don't see that in the report.

25 Q Were they inside the residence or even at home according to

1 | the police report?

2 | A | I don't know that.

3 | Q | According to the police report? Is there anything in the  
4 | police report which would give you a hint that Brian Johnson's  
5 | wife was around, in the house, outside the house?

6 | MS. SAPIRSTEIN: | Objection.

7 | THE COURT: | What's the objection?

8 | MS. SAPIRSTEIN: | Uh, I think we need more than a hint. He  
9 | either knows if they were there or he doesn't know they were  
10 | there. Or he doesn't know.

11 | THE COURT: | Well, I'll say this, the police report speaks  
12 | for itself. I mean, he can answer whether he knew they were  
13 | there, whether it's in the police report. I mean, I'm going to  
14 | read -- I already read it once. I'll read the police report  
15 | again. Either there's something in there about it or there's  
16 | not. You can ask him if he knew that they were there and didn't  
17 | put it in the police report.

18 | MR. FREI: | Uh, you know, Your Honor, I'm just stressing the  
19 | point because, uh, during a hearing on June 24<sup>th</sup> --

20 | THE COURT: | I know. I know what you're doing.

21 | MR. FREI: | Okay. Thanks.

22 | THE COURT: | I know what you're doing, but I think the  
23 | police report does speak for itself.

24 | MR. FREI: | Okay.

25 | THE COURT: | I'm going to read it.

1 MR. FREI: Okay.

2 THE COURT: And either it says something or it doesn't.

3 MR. FREI: It's just that Attorney Sapirstein asking the  
4 question do you know that Brian Johnson's wife called the police  
5 on March 5<sup>th</sup> --

6 THE COURT: Ask more questions, please.

7 MR. FREI: Attorney Sapirstein asked me the question --

8 THE COURT: Yes.

9 MR. FREI: -- do you know that Mrs. Johnson, Brian  
10 Johnson's wife, called the police on March 5<sup>th</sup>, 2008.

11 THE COURT: And what did you answer?

12 MR. FREI: I said I don't know.

13 THE COURT: Okay.

14 MR. FREI: I mean I just want to make clear that she was  
15 not even home.

16 THE COURT: Well, that's not the -- you don't testify about  
17 that. If you did testify about that, I'm sure it's in my notes.  
18 But you can't --

19 MR. FREI: Okay.

20 THE COURT: -- get testimony from you now.

21 MR. FREI: I understand.

22 THE COURT: You can ask him if he knows.

23 MR. FREI: Okay. Thanks, Your Honor.

24 BY MR. FREI:

25 Q According to the report Johnson was not concerned about his

1 | children or his wife, wasn't he?

2 | A I'm sorry, can you repeat that?

3 | Q Johnson was not concerned about his children or his wife  
4 | according to the report --

5 | A I don't know that, sir.

6 | Q -- according to the report? Is there anything in there,  
7 | Brian Johnson saying I'm afraid of my children or my wife in the  
8 | report?

9 | A I don't see that in the report, no.

10 | Q Thanks. What do you see in the report? What was his  
11 | concern?

12 | MS. SAPIRSTEIN: Objection.

13 | THE COURT: Okay. What's the objection?

14 | MS. SAPIRSTEIN: He's asking the Chief to say what Brian  
15 | Johnson's concern was.

16 | THE COURT: As far as the report indicates.

17 | MR. FREI: Yes.

18 | THE COURT: As far as the report indicates.

19 | MR. FREI: Yes, Your Honor.

20 | THE WITNESS: Sir, I believe the call came into the police  
21 | from Alexander Hainey (phonetic).

22 | BY MR. FREI:

23 | Q Okay. Actually the report states that Brian Johnson called  
24 | and told whoever that Hainey (phonetic) called Brian Johnson.

25 | A No. The report says that the call originally came in from

1 | the Hainey (phonetic) residence to the Massachusetts State  
2 | Police.

3 | Q     Okay.

4 | A     It was transferred to the State Police because we didn't  
5 | have an officer on duty at the time.

6 | Q     Okay.

7 | A     And I was assigned to follow-up on this report --

8 | Q     Okay.

9 | A     -- that the State Police originally responded to.

10 | Q     Is there any mentioning from, uh, about James LaMountain  
11 | (phonetic) in that report?

12 | A     Yes.

13 | Q     What does it say, please?

14 | A     It states here that, uh, Mr. Johnson informed me he is aware  
15 | Frei is friends with James LaMountain (phonetic).

16 | Q     Okay. So, that was important to point that out?

17 | A     That's what I was told.

18 | Q     Does the report mention that I was there with James  
19 | LaMountain (phonetic)? Was I there alone or was I there with  
20 | James LaMountain (phonetic)?

21 | A     It doesn't mention that you were there with James LaMountain  
22 | (phonetic). He stated you were friends with Jim LaMountain  
23 | (phonetic).

24 | Q     He also brought up the fact that I publically accused him  
25 | and his father, who was a Selectman at the time, of illegally

1 | acquiring land and using it in a non-lawful manner while denying  
2 | other -- no, not that. But, uh, he accused me of posting on the  
3 | Worcester Telegram Gazette website. The Worcester Telegram is  
4 | mentioned in that report?

5 | A Yes.

6 | Q Okay. At the time you worked under Kevin Gleason, who was  
7 | the Chief back then, right?

8 | A Yes.

9 | Q Do you have any knowledge about the fact that Gleason was  
10 | ordered by Earl Johnson to monitor the Telegram website?

11 | MS. SAPIRSTEIN: I really can't hear. I'm sorry.

12 | THE COURT: All right.

13 | MS. SAPIRSTEIN: I can't hear him.

14 | THE COURT: You're going to have to speak up a little.

15 | MR. FREI: Okay.

16 | THE COURT: Or move back a little so she can hear.

17 | MS. SAPIRSTEIN: Thank you.

18 | THE WITNESS: I'm sorry, I didn't hear the question.

19 | MR. FREI: I will repeat it. Thanks.

20 | BY MR. FREI:

21 | Q Do you have any knowledge about the fact that Gleason was  
22 | ordered by Earl Johnson, Mr. Johnson's father, to monitor the  
23 | Telegram and Gazette website and to make calls to the newspaper  
24 | and request removal of my comments?

25 | MS. SAPIRSTEIN: Objection. This hearing is about Brian



1 Johnson not Earl Johnson. There's no relevance to that question.

2 THE COURT: Yeah. How can that be relevant?

3 MR. FREI: The relevancy, Your Honor? Yes. What's called  
4 Johnsonlancake (phonetic) in Holland is an illegal acquiring of a  
5 parcel, 12 acres, and the subsequently dividing that 12 acres of  
6 land. And Mr. Johnson actually was the recipient of one of these  
7 parcels.

8 THE COURT: So how is that relevant to today's hearing?

9 MR. FREI: It's relevant because I was at that point in  
10 time making that publically aware. I left comments on the  
11 Worcester Telegram and Gazette blog, signing it with my name.  
12 And I do have knowledge that Kevin Gleason was ordered by his  
13 father to call the Telegram and Gazette website --

14 THE COURT: But how is that relevant to today's hearing  
15 with this witness?

16 MR. FREI: Uh, it's relevant because, uh, that's the reason  
17 why Mr. Johnson harassed me. That's why we're here. He --

18 THE COURT: But you're questioning this witness. How is it  
19 relevant to this witness's testimony?

20 MR. FREI: Your Honor, it's relevant because that was his  
21 concern. That's what he brought up. He didn't brought up his  
22 children and his wife when he called the police. He told the  
23 police --

24 THE COURT: Okay. Just try to answer my question without  
25 going on testimony of your own. I -- so you're saying that this

1 witness's knowledge of that is somehow relevant?

2 MR. FREI: Yes.

3 MS. SAPIRSTEIN: I object on the basis of relevance.

4 THE COURT: I'll allow it. You can answer the question if  
5 you know the answer, if you remember it.

6 THE WITNESS: Can you repeat the question?

7 THE COURT: I'll guess you'll have to repeat it again.

8 BY MR. FREI:

9 Q Do you have any knowledge about the fact that Gleason was  
10 ordered by Earl Johnson to monitor the Telegram website and to  
11 make calls to the newspaper and request removal of my comments?

12 A No. I have no knowledge of that.

13 Q Okay. Just to sum it up, so in the entire report there's  
14 nothing about me being in James LaMountain's (phonetic) presence,  
15 nothing about him being concerned about his children, nothing  
16 about him being concerned about his wife? That sums it up,  
17 right?

18 A Who are you talking about, Mr. Johnson or Mr. Hainey  
19 (phonetic)?

20 Q Mr. Johnson and Mr. Hainey (phonetic).

21 A Both of them were concerned because there was somebody  
22 sitting in the roadway looking at their houses where their  
23 children and wife and, according to my recollection and what the  
24 report says, Mr. Johnson was concerned because of your  
25 relationship with Mr. LaMountain (phonetic) who had previously

1 | threatened his children.

2 | Q So you think that was the reason and not me posting on the  
3 | Telegram and Gazette?

4 | A I don't know that, sir.

5 | Q But me posting on the Telegram and Gazette website, that's  
6 | mentioned in the report, correct?

7 | A You posting on the Telegram/Gazette is mentioned in the  
8 | report after my conversation with Mr. Johnson, according to the  
9 | report.

10 | Q Uh. Now let's talk about what happened when you were called  
11 | to Stafford Road on September 30<sup>th</sup>, 2009 - the second time you  
12 | were called to Stafford Road. You got a call to go to Brian  
13 | Johnson's residence, correct?

14 | A Yes.

15 | Q When you arrived there what did you see?

16 | A When I arrived I saw your vehicle with you sitting in it in  
17 | the roadway in front of Mr. Johnson's residence and several  
18 | people standing in the roadway.

19 | Q Uh, when you say my car was in the roadway, was it kind of  
20 | pulled over to the side or was it in the middle of the road?

21 | A I believe it was in the travel lane, if I recall.

22 | THE COURT: In the travel lane?

23 | THE WITNESS: Yes, ma'am, in the travel lane.

24 | THE COURT: Okay.

25 | BY MR. FREI:

1 Q Do you have an explanation why I was in the travel lane and  
2 not on the side of the road?

3 A I don't.

4 Q Where were Brian Johnson and Alexander Hainey (phonetic) in  
5 relation to my car when you arrived? Do you remember?

6 A I believe they were in the roadway in front of you. In  
7 front of your vehicle.

8 Q I was still sitting in my car, correct?

9 A Yes.

10 Q Did it appear that they blocked me there so I couldn't  
11 leave?

12 A No. It appeared that they were standing there because they  
13 called the police and they were waiting for the police to arrive.

14 Q Uh.

15 A I don't know if they were blocking you --

16 Q And then you asked actually to pull over to the side of the  
17 road, correct?

18 A I'm sorry.

19 Q And then you asked me to pull over to the side of the road?

20 A I don't recall.

21 Q And get out of -- did the State Police come?

22 A Yes.

23 Q Do you remember asking me why I was there?

24 A I don't recall asking you that but I probably did, because  
25 that's usually what I do in situations like that.

1 Q Do you have a recollection why I was there?

2 A I believe you stated something to the effect of, uh, Mr.  
3 Johnson was working two jobs. That's my recollection.

4 Q J&G Construction? Is that --

5 A I don't know, sir.

6 Q And was I taking pictures?

7 MS. SAPIRSTEIN: I'm sorry. Were you what?

8 BY MR. FREI:

9 Q Was I taking pictures at the time?

10 A I don't recall. At the time? You weren't taking pictures  
11 at the time when I arrived.

12 Q No. I mean -- we will get back to that. What was Brian  
13 Johnson and Alexander Hainey's (phonetic) story to you and to the  
14 State Police Officer?

15 MS. SAPIRSTEIN: Objection. Their story to him and the  
16 State Police.

17 BY MR. FREI:

18 Q What did they tell you happened?

19 A To the best of my recollection they stated that you were on  
20 his property, Brian's property, taking pictures.

21 Q So they claimed that I trespassed?

22 A They claimed that you were on his property, yes.

23 Q Did Johnson and Hainey (phonetic) request from you or the  
24 State Police Officer to arrest me for trespassing?

25 A I don't recall.

1 Q Did, uh, Trooper Puccio (phonetic), John Puccio (phonetic)  
2 ever ask me what happened?

3 A I don't recall.

4 Q Two guys, one of them an elected town official, both claim  
5 that I trespassed and here I am telling you a different story and  
6 I'm all alone.

7 MS. SAPIRSTEIN: Objection. I didn't hear a question.

8 THE COURT: (Indiscernible - low audio at 43:39.)

9 BY MR. FREI:

10 Q Eventually Trooper Puccio (phonetic) ordered me out of the  
11 car. Do you recall that?

12 A I don't recall that. You have to ask him.

13 Q Eventually you asked to see the pictures I took. Do you  
14 recall that?

15 A I don't recall saying that.

16 Q From the little camera?

17 A I don't recall.

18 Q No?

19 MR. FREI: Your Honor, I have printouts of those pictures.

20 Can I show it to him to --

21 THE COURT: Sure.

22 MR. FREI: Maybe he can --

23 THE COURT: Are they already exhibits?

24 MR. FREI: Uh.

25 THE COURT: I can't remember to be honest with you.

1 MR. FREI: They are actually exhibits.

2 THE COURT: All right.

3 MR. FREI: Yes.

4 THE COURT: Okay.

5 BY MR. FREI:

6 Q What do you see in this picture?

7 A That's Mr. Johnson's home, I believe.

8 Q Uh, do you see -- do you mention any -- do you notice any  
9 big stones in the foreground of the picture?

10 A Yes.

11 Q Do you remember where these big stones are located?

12 A I don't recall.

13 Q You don't recall? Could it be that they are along Stafford  
14 Road?

15 A It appears from this picture they are.

16 MR. FREI: I have two other copies, Your Honor, if you want  
17 to look at them.

18 THE COURT: Are you introducing them?

19 MR. FREI: I would like to, yeah.

20 MS. SAPIRSTEIN: Foundation, Your Honor?

21 THE COURT: Yeah. You've got to get more out of him than  
22 that. You have to have him identify whether or not -- I don't  
23 even know what they are, when they were taken, what, you know --

24 BY MR. FREI:

25 Q So you don't recall where these stones are?

1 A I don't recall where the stones are.

2 Q Okay. Uh. This particular picture was taken at, uh,  
3 6:01:16. Do you recall when you were called to, uh, Brian  
4 Johnson's house?

5 MS. SAPIRSTEIN: Your Honor, I object. That assumes facts  
6 not in evidence. That's what Mr. Frei says but --

7 THE COURT: Yeah. You testified a few minutes ago you  
8 didn't recall seeing any pictures that day, so you better nail  
9 that down first. If he said he didn't see any pictures that day,  
10 then why are you trying to ask him about his -- he's not going to  
11 be able to answer. I mean, that's what he said a few minutes  
12 ago.

13 THE WITNESS: I don't recall seeing any pictures.

14 BY MR. FREI:

15 Q A little silver camera? You said you took pictures -- let  
16 me see - you don't recall that?

17 A I don't recall saying that. I don't have a report on the  
18 incident. And I don't recall saying that. This was in 2009,  
19 correct?

20 Q Uh. Did you have the impression that I actually trespassed?

21 MS. SAPIRSTEIN: Objection.

22 THE COURT: Sustained.

23 BY MR. FREI:

24 Q Was there any evidence that I trespassed?

25 A Evidence that you trespassed?



1 Q Was there any evidence other than Mr. Johnson and Mr. Hainey  
2 (phonetic) claiming that I trespassed?

3 A You weren't trespassing in my presence. I don't know if  
4 there was evidence -- I don't know if there is evidence of  
5 trespassing other than what they were saying.

6 Q So, uh, there's no police report about this incident?

7 A Not that I could find with the dates that you gave me.

8 Q Thanks for your time.

9 MR. FREI: No more questions, Your Honor.

10 THE COURT: All right. Thank you. Before you begin your  
11 cross examination let's take a quick break so I can handle a  
12 couple of restraining orders. If you want to step down you can  
13 or you can stay there. It's just going to take me a few minutes.

14 MR. FREI: Your Honor, can I leave it here?

15 THE COURT: Oh, yes.

16 MR. FREI: Thanks.

17 (Off the record discussion at 48:13)

18 (Back on the record at 56:48)

19 THE CLERK: Now we're back on the restraining order case;  
20 Peter Frei v. Brian Johnson; 1123R079. Parties (indiscernible -  
21 low audio at 56:56).

22 THE COURT: Okay. All right. Attorney Sapirstein?

23 MS. SAPIRSTEIN: Thank you, Your Honor.

24 CROSS EXAMINATION

25 BY MS. SAPIRSTEIN:

1 Q Chief, when you arrived at, uh, -- on the road I think it  
2 was March or February of -- just give me a second - I'm sorry,  
3 September of '09, and you saw Mr. Frei's car on the road?

4 A Yes.

5 Q Uh. Based on what you observed could he have left before  
6 you got there? Or, I'm sorry, based on what you observed could  
7 he have left?

8 A Yes.

9 Q Thank you.

10 MS. SAPIRSTEIN: I don't have anything further.

11 THE COURT: All right. Mr. Frei, any redirect?

12 MR. FREI: No, Your Honor.

13 THE COURT: Okay. Thank you. You can step down. Do we  
14 have a need to keep him any longer?

15 MS. SAPIRSTEIN: No.

16 THE WITNESS: Yes, ma'am, I have --

17 THE COURT: You can stay or you're excused.

18 THE WITNESS: I have one cruiser, ma'am, and two officers  
19 staying.

20 THE COURT: Okay. I guess you're going to stay.

21 MR. FREI: Your Honor, I'm calling Officer Forcier.

22 MR. FORCIER: Good afternoon, Your Honor.

23 THE COURT: Good afternoon.

24 JEFFREY FORCIER, Sworn

25 DIRECT EXAMINATION

1 BY MR. FREI:

2 Q Good afternoon, Officer Forcier.

3 A Good afternoon.

4 Q Thanks for coming. We met the first time on January 18<sup>th</sup> --

5 THE COURT: Well, excuse me. I need him to identify  
6 himself formally and his position.

7 MR. FREI: I'm sorry. Yeah.

8 THE WITNESS: My name is Corporal Jeffrey Forcier with the  
9 Holland Police Department.

10 BY MR. FREI:

11 Q Thanks. Uh. Did we ever meet before January 18<sup>th</sup>, 2011?

12 Do you have any recollection? Is that the first time we saw each  
13 other?

14 A I've seen you many of time in the Town of Holland.

15 Q But that was the first time we actually had something going  
16 on? The Hainey (phonetic) incident, the heavy front-loader?

17 MS. SAPIRSTEIN: I'm sorry, can you, uh --

18 THE COURT: I know. I think you're going to have to back  
19 up a little maybe because --

20 THE WITNESS: Are you asking --

21 THE COURT: If you can answer the question --

22 THE WITNESS: If you're asking me about the incident that  
23 you were involved in with Mr. Hainey (phonetic)?

24 MR. FREI: Yes.

25 THE WITNESS: Yes, I recall that.

1 BY MR. FREI:

2 Q That was the first time we actually -- you were called or  
3 you got involved with anything I had to do, right? You were  
4 never called to a scene where I was accused of doing anything or  
5 (indiscernible - simultaneous speech at 59:58)?

6 A I don't think so. I believe that's the first time an  
7 official report was taken.

8 Q Okay.

9 THE COURT: What was the date of that? I'm sorry.

10 MR. FREI: Your Honor, that was January 18<sup>th</sup>, 2011.

11 THE COURT: All right.

12 BY MR. FREI:

13 Q All right. Would you, please, tell the Court what happened  
14 on January 18<sup>th</sup>, 2011?

15 MS. SAPIRSTEIN: Your Honor, I'm going to object. I think  
16 this actually involves Mr. Hainey (phonetic) not Mr. Johnson. I  
17 don't think actually Mr. Johnson is involved in the January 2011  
18 incident at all.

19 THE COURT: Okay. And is this relevant somehow to this  
20 hearing?

21 MR. FREI: Yes, Your Honor, because maybe you recall I was  
22 at the police station providing my voluntary statement when Mr.  
23 Johnson came to the police station --

24 THE COURT: Yes.

25 MR. FREI: -- and, uh, --

1 THE COURT: Okay. And that was involving Mr. Hainey's  
2 (phonetic) incident?

3 MR. FREI: That was the same day, yes.

4 THE COURT: Okay. All right. I'm going to allow him to  
5 ask him those questions. Go ahead.

6 BY MR. FREI:

7 Q Just quickly, what make you get involved? Do you remember?

8 A Uh, yeah. I was on my way to lunch and there was some  
9 screaming and yelling. And, uh, there was a verbal altercation,  
10 I believe, between you and Mr. Hainey (phonetic).

11 Q But then you came out and --

12 A And I interjected, yes.

13 Q Eventually I came down to the police station?

14 A You came down to make a report, correct.

15 Q Uh. Do you recall Mr. Johnson coming down while I was  
16 writing my volunteer statement?

17 A I don't recall the exact -- exactly what happened, you know,  
18 that day. But, at one point Mr. Johnson did come down. I don't  
19 remember if it was while you were writing your report, if you had  
20 finished your report or what.

21 Q Did you bring a certified copy of that police report?

22 A Uh, no, I did not.

23 Q Officer, you responded to a call on February 19<sup>th</sup>, 2011,  
24 correct? That the incident (indiscernible - difficult to  
25 understand speaker at 1:02:12)?

1 A Yes. Myself and -- yes.

2 THE COURT: Who responded?

3 MR. FREI: That was Officer Bean.

4 THE COURT: Bean?

5 MR. FREI: B-E-A-N. Yes, Your Honor.

6 BY MR. FREI:

7 Q How many times was Officer Bean out by himself prior to this  
8 call?

9 A I don't know.

10 Q Is he an experienced police officer?

11 A I'm not -- I don't know what you mean by "experienced", but  
12 uh, I mean 10 years plus on the job? I would say no.

13 Q Is this why you assisted him investigating the alleged  
14 assault and battery against me?

15 A No. No. Actually, I was assigned to a plain clothes  
16 investigation that day. And as a general rule, when there's more  
17 than one officer on duty, uh, you know, we will respond together.  
18 He was the initial investigating officer and I arrived to assist,  
19 just as normal practice.

20 Q Brian Johnson denied assaulting me and battering me,  
21 correct?

22 A Correct.

23 Q He accused me of being the aggressor, correct?

24 A If that's what you want to call it. I guess. Sure.

25 Q He accused me of harassing him and yelling at him?

1 THE WITNESS: Ma'am, if I could refer back to my report?

2 THE COURT: Will it refresh your recollection?

3 THE WITNESS: It would.

4 THE COURT: Okay. Go ahead.

5 THE WITNESS: Sir, according to this it said that he felt  
6 threatened and, uh, --

7 THE COURT: I'm sorry. Say that again.

8 THE WITNESS: According to my report it says that Johnson  
9 felt threatened by Frei because he said "stay off my property or  
10 I'll fucking kill you."

11 BY MR. FREI:

12 Q Do I hear right? He accused me of having made a death  
13 threat towards him?

14 MS. SAPIRSTEIN: Objection.

15 THE COURT: What's the objection?

16 MS. SAPIRSTEIN: Characterization of a death threat.

17 THE COURT: No, I think that's what it is.

18 MS. SAPIRSTEIN: Well, let me just amplify a little bit.

19 This is Officer Forcier's report. So, perhaps it would be more  
20 appropriate to have him characterize what he understood since he  
21 wrote it.

22 THE COURT: Well, that's what he wrote. And I think he  
23 just -- why don't we say -- I think we're kind of splitting hairs  
24 here. Are you saying did I hear right?

25 MR. FREI: Yes.

1 THE COURT: As to what his testimony was?

2 MR. FREI: Yes.

3 THE COURT: Okay. Did he hear right?

4 THE WITNESS: That's what it says in my report, ma'am.

5 THE COURT: Okay.

6 BY MR. FREI:

7 Q I mean, I'm going to just quote your report. I'm going to  
8 read, "I asked these individuals if anyone had just been in an  
9 altercation with Frei and they all said no. Johnson told me that  
10 Frei had come out onto the ice and was yelling at the group and  
11 then stating they were trespassing on his property. Johnson said  
12 he felt threatened by Frei because Frei said 'stay off my  
13 property or I will fucking kill you.'" Does that sound like a  
14 death threat to you?

15 A Does that sound like a death threat to me?

16 Q Yeah.

17 A It sounds like -- it sounds like an aggressive comment.

18 Q What does the word "kill" mean?

19 A What does the word "kill" mean?

20 THE COURT: I have to stop. Are you asking him what does  
21 it mean to him or what did -- all he was doing was quoting  
22 someone else.

23 MR. FREI: Yes.

24 THE COURT: Are you asking what it means to him or what he  
25 thought the defendant meant?



1 MR. FREI: Uh, let me rephrase.

2 BY MR. FREI:

3 Q Did Brian Johnson tell to you that I allegedly threatened  
4 him with his life?

5 A As stated, sir, here in my report, it's a quote from Brian  
6 Johnson that said that you told him to "stay off my property or  
7 I'll fucking kill you."

8 Q Okay. And then further Johnson, according to your report  
9 says, and this is a question. You tell me if it's not on the  
10 report. "Johnson told me he was concerned for his safety because  
11 of this threat."

12 A Yes.

13 THE COURT: Because of what?

14 MR. FREI: Because of this threat.

15 THE COURT: Threat. Okay.

16 BY MR. FREI:

17 Q Then it goes on, "He further stated he did not assault Frei  
18 but did see him slip and fall down on the ice."

19 MS. SAPIRSTEIN: Your Honor, are we going to be reading the  
20 entire report into evidence? It's an exhibit.

21 THE COURT: It's not an exhibit.

22 MS. SAPIRSTEIN: Well, I believe it is a prior exhibit.

23 THE COURT: From previously today?

24 MS. SAPIRSTEIN: I believe so.

25 THE COURT: You don't have to read my anything but you can

1 | if you want to. Are you asking him a question? Are you asking  
2 | him if that's what it says?

3 | MR. FREI: Uh.

4 | THE COURT: Because it is an exhibit. I can look at it.

5 | MR. FREI: Yeah.

6 | MS. SAPIRSTEIN: I'm pretty sure it's an exhibit.

7 | THE COURT: Do you have a number?

8 | MS. SAPIRSTEIN: I'm confused with the numbering. I  
9 | actually -- I came here a little earlier today to go through the  
10 | exhibits today and I couldn't find the file. But I believe this  
11 | is the, uh, 2/22/2011 police report. I believe Mr. Frei, uh,  
12 | introduced it as an exhibit, although I wouldn't swear to it.

13 | THE COURT: All right. Let me find it because that would  
14 | be helpful if I could be looking at it. Do you have that on the  
15 | exhibit sheet?

16 | THE CLERK: Do you want me to show you a copy of what I  
17 | have?

18 | THE COURT: It is Exhibit 2.

19 | MR. FREI: Yes, Your Honor.

20 | THE COURT: Okay. So Exhibit 2 is the -- is that what  
21 | you're referring to? It says "Supplemental Narrative Report from  
22 | Jeffrey K. Forcier?"

23 | MR. FREI: Yes, Your Honor.

24 | THE COURT: Okay. All right. So go ahead and ask him a  
25 | question. I'm sorry to interrupt you.

1 BY MR. FREI:

2 Q So, uh, after Brian Johnson told you that I allegedly made a  
3 death threat towards him you advised him that he could, uh, file  
4 criminal charges against me in this Court?

5 A That is correct.

6 Q So, in your opinion, he alleged me of a crime?

7 MS. SAPIRSTEIN: Objection.

8 MR. FREI: He accused me of a crime.

9 MS. SAPIRSTEIN: Objection.

10 MR. FREI: According to the --

11 THE COURT: That's his opinion. How is that relevant here?

12 MR. FREI: Yeah. I mean, I think I made the point.

13 THE COURT: That's sustained.

14 BY MR. FREI:

15 Q So, uh, again he accused me of harassing him, yelling at  
16 him, correct?

17 A According to this statement, yes.

18 Q Did you ask his friends and employees who were present with  
19 him whether they witnessed making that threat towards Brian  
20 Johnson?

21 A I'm not sure if that was part of my questioning to the  
22 individuals of the ice. I asked them if, uh, there was any  
23 altercation and they all denied that there was any altercation.

24 Q But did you separate them and ask them individually?

25 A I did. I mean I didn't, you know, separate them by yards,

1 | but by feet.

2 | Q So when he basically made that serious allegation towards  
3 | me, you didn't find a reason or necessary to confirm that with  
4 | any of the people --

5 | A No, because, again, I gave him his options. If he felt that  
6 | the wording that you used was a threat, that he could pursue the  
7 | matter.

8 | Q Did any of the other persons confirm that I made that  
9 | threat?

10 | A No, that wasn't --

11 | Q You didn't ask?

12 | A I didn't ask.

13 | Q Why?

14 | A I didn't see the need to. At that point I -- if Mr. Johnson  
15 | felt the threat, he was given the proper direction as to pursue  
16 | the matter further.

17 | Q Later on you asked me about my side, how the assault and  
18 | battery took place, correct?

19 | A Correct.

20 | Q I wanted to go out on the ice and point out the assailant,  
21 | correct?

22 | A Correct.

23 | Q Uh. Do you remember, uh, why we didn't go out there?

24 | A I do.

25 | Q Why?

1 A Because of the weather conditions. Because it was the ice.  
2 Because I was not properly equipped; I was in plain clothes. The  
3 allegations that you had made with there being an aggressive  
4 incident out on the ice and the fact that I had already  
5 identified all the individuals that were present, I felt that it  
6 would create a safety issue to be out there on the ice. Uh, so  
7 that's why I told you it wasn't safe.

8 Q Do you remember saying, uh, you don't want to go out there  
9 and give me an opportunity to identify the assailant because it  
10 would escalate the situation?

11 A Well, that was part of my concern, that if in fact the  
12 incident did occur the way that you were explaining that - or  
13 your side of the story that occurred, then yes, that was a  
14 concern that with six individuals on the ice; if they were  
15 aggressive in the nature that you said the incident occurred,  
16 then yes, that was a concern that, you know, there may -- that's  
17 just an officer safety issue.

18 Q You're in charge to uphold the law and order in Holland,  
19 right?

20 A I am.

21 Q Could you imagine yourself arresting Alexander Hainey or  
22 Brian Johnson for any reason?

23 MS. SAPIRSTEIN: Objection.

24 THE COURT: Sustained.

25 BY MR. FREI:

1 Q How can I press charges against the assailant if I don't  
2 know his name or his address?

3 MS. SAPIRSTEIN: Objection.

4 THE COURT: What's the objection?

5 MS. SAPIRSTEIN: Well, actually it's two. First of all, it  
6 sounds like he's asking for legal advice. But, more importantly,  
7 in Exhibit 2 he did identify the assailant.

8 MR. FREI: I didn't hear you.

9 THE COURT: Was the assailant identified?

10 MS. SAPIRSTEIN: In Exhibit 2 it was.

11 THE COURT: In Exhibit 2? Where does it say that?

12 MS. SAPIRSTEIN: It says on, uh, it says --

13 THE COURT: (Indiscernible - low audio at 1:14:22.)

14 MS. SAPIRSTEIN: Yes.

15 THE COURT: He just said there he was pretty sure and he  
16 could not be certain.

17 MS. SAPIRSTEIN: Right. But I guess the point, Your Honor,  
18 is nowhere in this report or, quite frankly, in any other exhibit  
19 that's been introduced by Mr. Frei are there any allegations that  
20 Mr. Johnson assaulted him and this hearing is about a complaint  
21 against Mr. Johnson.

22 THE COURT: Okay. So, I guess, what are you trying to show  
23 by asking your question about going out to identify a person?  
24 Because he already said why he didn't think it was wise to go out  
25 there on the ice. Are you trying to say he's biased against you

1 | or something like that?

2 | MR. FREI: Uh.

3 | THE COURT: What are you trying to show? That he wouldn't  
4 | do what you wanted?

5 | MR. FREI: Why don't we just go on, Your Honor.

6 | THE COURT: All right. Sustained. Are you going to be a  
7 | little while longer?

8 | MR. FREI: No, I --

9 | THE COURT: I don't want to cut you off at all. I do have  
10 | another restraining order to handle, which I would like to do  
11 | before 4:00 so there's enough time in the Clerk's office to get  
12 | it faxed out and everything.

13 | MR. FREI: That's fine.

14 | THE COURT: Stay right there.

15 | MR. FREI: Okay.

16 | THE COURT: Stay right there. I'll have the woman come  
17 | forward.

18 | MR. FREI: Your Honor, I only have one more page.

19 | THE COURT: All right. You can take as much time as you  
20 | want. I just want to do the restraining order in between.

21 | (Off the record discussion at 1:15:47)

22 | (Back on the record at unknown time.)

23 | THE COURT: Okay.

24 | THE CLERK: Back on the record for Peter Frei v. Brian  
25 | Johnson, 1123RO0079.

1 THE COURT: Okay. Okay. Mr. Frei, go ahead please.

2 MR. FREI: Thanks, Your Honor.

3 CONTINUED DIRECT EXAMINATION

4 BY MR. FREI:

5 Q Officer Forcier, did I play that audio recording on the ice  
6 about the incident to you?

7 A You did.

8 Q Officer Bean was there, too?

9 A Yes, he was.

10 MS. SAPIRSTEIN: I'm sorry, can you --

11 MR. FREI: I asked him --

12 THE COURT: Officer Bean was there too.

13 MS. SAPIRSTEIN: Thank you. I have a hearing loss in one  
14 ear, so when somebody is not positioned right it's really heard  
15 for me.

16 THE COURT: That's fine. It's really difficult to hear.  
17 Some of the things I can't hear clearly either.

18 BY MR. FREI:

19 Q Do you have anything to do with this audio recording? What  
20 I mean by that, uh, you didn't order me to make that audio  
21 recording?

22 A Certainly not.

23 Q You had no knowledge about me making that recording?

24 A You informed me.

25 Q That's correct. Yeah. Did you ask any of my neighbors



1 | whether they heard anything? Did you go around and ask if they  
2 | witnessed any altercation?

3 | A I did not. I was not the investigating officer. I was just  
4 | there to assist.

5 | Q Uh. Is there anybody else laying around there, do you know,  
6 | in the winter?

7 | A I don't know.

8 | Q Maybe one last question. Uh. My girlfriend, Dana Manning -  
9 | -

10 | THE COURT: I'm sorry, I couldn't hear that.

11 | BY MR. FREI:

12 | Q My girlfriend, Dana Manning, she, uh -- she had made a  
13 | written statement, right?

14 | A At my request, yes. I asked you both to, uh, provide a  
15 | written statement.

16 | Q And she signed that under oath? It's a sworn statement?

17 | A Yeah.

18 | MR. FREI: Your Honor, there was just a question about  
19 | that. That's why I'm asking.

20 | THE COURT: Okay.

21 | MR. FREI: That's it. I'm done, Your Honor. Thanks.

22 | THE COURT: Thank you. All right. Cross examination?

23 | MS. SAPIRSTEIN: I'll be very brief. I'm sorry.

24 | THE WITNESS: Okay.

25 | CROSS EXAMINATION

1 BY MS. SAPIRSTEIN:

2 Q Uh, you said one of the reasons you didn't go on the ice was  
3 because of the conditions. What did you mean by that?

4 A Well, it was winter. It was cold. I was not dressed  
5 appropriately. Uh. And, uh, it --

6 Q Was the ice slippery?

7 A Yeah, well, absolutely.

8 Q Uh. Did Mr. Frei ever identify Mr. Johnson to you as the  
9 assailant, the alleged assailant?

10 A No, ma'am. Actually he was quite certain or he thought,  
11 according to the statement that he gave me, that the individual  
12 that assaulted him was, uh, I believe it was Mr. LaPlante.

13 Q And, uh, do you still have the report in front of you?

14 A I do, ma'am.

15 Q Do you remember telling Mr. Frei that, uh, recording people  
16 without their knowledge and consent could, uh, cause a problem  
17 for him?

18 A Uh, I did, uh, express my -- I did express to him that it  
19 may not be in his best interest, uh, to play that for me  
20 regarding the wiretapping laws.

21 Q Okay. Why did you think that might not be in his best  
22 interests?

23 A Because my understanding of the wiretapping laws is that,  
24 uh, it's not allowed without consent. You can't secretly record,  
25 uh, a verbal, uh, discussion.

1 MS. SAPIRSTEIN: I don't have anything further. Thank you.

2 THE COURT: Thank you. Anything further for this witness?

3 MR. FREI: Yes, Your Honor. Just one question.

4 THE COURT: All right.

5 REDIRECT EXAMINATION

6 BY MR. FREI:

7 Q Do you know a better way to protect me from like, uh,  
8 unjustified accusations from Brian Johnson?

9 MS. SAPIRSTEIN: Objection.

10 THE COURT: Sustained. Any more questions?

11 MR. FREI: No, Your Honor.

12 THE COURT: All right. You can step down.

13 (Witness excused)

14 THE COURT: Thank you.

15 THE WITNESS: Thank you, Your Honor. Thank you, counsel.

16 MR. FREI: Thanks.

17 THE COURT: Okay. Is that the end of your case, Mr. Frei?

18 MR. FREI: Yes, Your Honor.

19 MS. SAPIRSTEIN: Your Honor, I have a question.

20 THE COURT: Okay. The Plaintiff rests. Yes?

21 MS. SAPIRSTEIN: I have a motion for involuntary dismissal.

22 THE COURT: Thank you. I'll take that. Do you have a copy  
23 for Mr. Frei?

24 MR. FREI: Thanks.

25 MS. SAPIRSTEIN: You're welcome. Would you like to hear

1 us, uh, today?

2 THE COURT: Well, let me ask Mr. Frei. Would you like to  
3 be heard today on this or do you want some time to read this  
4 paperwork?

5 MR. FREI: Your Honor, I haven't had a chance to read it.  
6 It's, uh, already 4:15 and I would suggest we do that another  
7 time.

8 THE COURT: That's fine.

9 MS. SAPIRSTEIN: I have no objection to that. And, just  
10 for the record, as Your Honor knows, I'm not allowed to file  
11 these motions until the Plaintiff rests.

12 THE COURT: I know. She's filing it at the right time.  
13 But I don't blame you. I need some time to read it myself. So,  
14 I'll set another date. And let me do this, let's make the agreed  
15 date - we don't need witnesses here.

16 MS. SAPIRSTEIN: Or my client?

17 THE COURT: I just -- we'll, yeah, obviously he doesn't  
18 have to be here. He doesn't have to be here if he doesn't want  
19 to be here.

20 MS. SAPIRSTEIN: Okay. Great. Thank you.

21 THE COURT: We'll just have an argument on the motion,  
22 okay? And then from there we may need to set another date.  
23 Okay?

24 MR. FREI: Thanks, Your Honor.

25 THE COURT: Okay. So when do you want to -- how long do

1 | you think you'll need to argue this? That's kind of unfair to  
2 | ask you. Half an hour. No more than a half an hour. I mean,  
3 | the Supreme Judicial Court gives you 15 minutes.

4 | MS. SAPIRSTEIN: Sometimes not even.

5 | THE COURT: So a half an hour should be enough. So do you  
6 | want to do it later some afternoon? What do you think?

7 | MR. FREI: That would be fine, Your Honor.

8 | MS. SAPIRSTEIN: That's fine with me, Your Honor.

9 | THE COURT: Would you like to pick a 3:30 date - a 3:30  
10 | time and then everything else --

11 | MS. SAPIRSTEIN: That's fine.

12 | THE COURT: -- sort of done with. I mean, there's always  
13 | things that walk in that I have to address. All right. What's a  
14 | good date?

15 | MS. SAPIRSTEIN: How much time do you need, Mr. Frei?

16 | MR. FREI: As much as possible.

17 | MS. SAPIRSTEIN: How about August 9<sup>th</sup>? Is there an  
18 | availability on August 9<sup>th</sup>? Tuesday?

19 | THE CLERK: Yes.

20 | MS. SAPIRSTEIN: Yes?

21 | THE CLERK: Yes.

22 | MS. SAPIRSTEIN: Great.

23 | THE COURT: Is that fine with you? That's a Tuesday.

24 | MR. FREI: I mean, Your Honor, if I could, I would like to  
25 | have more time.

1 THE COURT: All right.

2 MS. SAPIRSTEIN: Your Honor, that's two weeks. And, quite  
3 frankly, even under Superior Court Rule 9A you only get 10 days.  
4 We've been coming here --

5 THE COURT: I know.

6 MS. SAPIRSTEIN: -- a half a dozen times. So we'd like  
7 some finality, if possible.

8 THE COURT: Two weeks is the 11<sup>th</sup>.

9 MS. SAPIRSTEIN: I can't do it on the 11<sup>th</sup>. That's why I  
10 asked for the 9<sup>th</sup>. And I have a deposition on the 10<sup>th</sup>. So if it  
11 can't be the 9<sup>th</sup>, I would have to go over into the next week  
12 which is why I suggested the 9<sup>th</sup>.

13 THE COURT: (Indiscernible - low audio at 8:13.) How about  
14 the 12<sup>th</sup>?

15 MS. SAPIRSTEIN: I have doctors' appointments in the  
16 morning and the afternoon.

17 THE COURT: I mean, it could be the 18<sup>th</sup> or 19<sup>th</sup>. Beyond  
18 that, if you can't do those two dates, I'm going to go back to  
19 the 9<sup>th</sup>.

20 MS. SAPIRSTEIN: Well, I would prefer the 9<sup>th</sup>. Uh, or some  
21 other date. I mean, I have depositions but I can probably move  
22 those.

23 THE COURT: No, I'll go with the 9<sup>th</sup>. I mean, it's only  
24 three pages. Four pages. All right. Well, the last page is  
25 just signatures and stuff.

1 MS. SAPIRSTEIN: But it's not five complete pages because  
2 it's pull-outs. So --

3 MR. FREI: Thank you.

4 THE COURT: August 9<sup>th</sup> at 3:30.

5 MS. SAPIRSTEIN: Thank you, Your Honor.

6 MR. FREI: Thank you, Your Honor.

7 THE COURT: All right.

8 MR. FREI: Good night.

9 THE COURT: Thank you. Good night, everybody.

10 (Court adjourned to resume August 9<sup>th</sup>, 2011 at 3:30 p.m.)

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COMMONWEALTH OF MASSACHUSETTS

I, RAYMOND F. CATUOGNO, SR., an Approved Court Transcriber, do hereby certify that the foregoing is a true and accurate transcript from the audio recording provided to me by an unknown court recording monitor of the Palmer District Court proceedings in the above-entitled matter.

I, RAYMOND F. CATUOGNO, SR., further certify that the foregoing is in compliance with the Administrative Office of the Trial Court Directive on Transcript Format.

I, RAYMOND F. CATUOGNO, SR., further certify that I neither a, counsel to, nor employed by any of the parties to the action in which this hearing was taken, and further that I am not financially nor otherwise interest in the outcome of the action.

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<div style="border: 1px solid black; padding: 2px; text-align: center; margin-bottom: 10px;"><b>0</b></div> <p>00 _____ 55          000 _____ 64          01 _____ 40          01103 _____ 1          01521 _____ 1          02 _____ 45          09 _____ 13, 42</p>	<div style="border: 1px solid black; padding: 2px; text-align: center; margin-bottom: 10px;"><b>3</b></div> <p>3 _____ 2, 22, 61, 63          3/5 _____ 2, 22          3/5/08 _____ 2, 22          3/5/2008 _____ 22          30 _____ 7, 61, 63          30th _____ 35          37 _____ 3          39 _____ 38</p>	<p>34, 35, 40, 41, 43,          52, 54, 56, 57, 61, 62          above _____ 64          Absolutely _____ 13          accompanied _____ 25          according 24, 27, 30, 34,          35, 47, 49, 58          According 20, 25, 27, 28,          29, 47, 51          accurate _____ 9, 64          accusations _____ 59          accuse _____ 26          accused _ 31, 44, 46, 47,          51          acquiring _____ 32, 33          action _____ 64          actually 8, 12, 20, 26, 27,          33, 36, 39, 40, 43,          44, 50, 54          Actually _ 17, 30, 46, 58          address _____ 54, 61          addressed _____ 2, 22          adjourned _____ 63          Administrative _____ 64          adv _____ 51          advice _____ 54          advised _____ 51          afraid _____ 30          after _____ 35, 51          After _____ 14, 26          afternoon _ 3, 16, 42, 43,          61, 62          again 20, 28, 34, 47, 51,          52          against _____ 46, 51, 54          aggressive _____ 48, 53          aggressor _____ 46          ago _____ 18, 27, 40          agree _____ 9, 26          agreed _____ 60          ahead 14, 24, 45, 47, 50,          56          Alexander 17, 24, 30, 36,          37, 53          all _ 9, 10, 17, 19, 20, 24,          26, 38, 44, 48, 51,          53, 54, 55          All 4, 5, 8, 15, 21, 23, 24,          32, 39, 41, 42, 44,          45, 50, 55, 57, 59,          61, 62, 63          allegation _____ 52          allegations _____ 53, 54          alleged _____ 46, 51, 58          allegedly _____ 49, 51</p>	<p>allow _____ 34, 45          allowed _____ 58, 60          alone _____ 7, 31, 38          along _____ 39          already _ 10, 28, 38, 53,          54, 60          also _____ 5, 14, 31          altercation _ 17, 45, 48,          51, 57          although _____ 50          always _____ 61          am 3, 15, 16, 19, 22, 23,          35, 38, 42, 47, 48,          53, 58, 64          amplify _____ 47          amplifying _____ 3          another _____ 20, 55, 60          answer _ 13, 14, 25, 28,          29, 33, 34, 40, 43          any _ 11, 15, 21, 26, 27,          31, 32, 34, 39, 40,          41, 42, 43, 51, 52,          53, 54, 56, 64          Any _____ 12, 13, 27, 59          anybody _____ 57          anymore _____ 18          anyone _____ 48          anything _ 8, 13, 14, 15,          22, 23, 28, 30, 42,          44, 49, 56, 57, 59          Anything _____ 15, 59          anyway _____ 6          appear _____ 36          APPEARANCE _____ 1          appeared _____ 36          appears _____ 39          appointed _____ 18          appointments _____ 62          approach _____ 4, 7, 21          appropriate _____ 47          appropriately _____ 58          Approved _____ 64          are 5, 17, 22, 24, 34, 39,          40, 49, 54, 55          Are 3, 12, 38, 39, 43, 47,          48, 50, 54, 55          argue _____ 61          argument _____ 60          argumentative _____ 11          around _ 13, 26, 28, 57          arrest _____ 37          arresting _____ 53          arrive _____ 36          arrived 35, 36, 37, 42, 46          as _ 9, 10, 11, 21, 22, 26,</p>
<div style="border: 1px solid black; padding: 2px; text-align: center; margin-bottom: 10px;"><b>1</b></div> <p>1 _____ 45, 54, 55          10 _____ 12, 46, 62          101 _____ 1          10th _____ 62          11 _____ 13          1123RO0079 _____ 55          1123RO79 _____ 41          1143RO079 _____ 1          1143RO079 _____ 3          11th _____ 62          12 _____ 2, 13, 22, 33, 45          12th _____ 1, 62          13 _____ 2, 22, 41, 62          1350 _____ 1          14 _____ 2, 22, 54          15 _____ 2, 22, 55, 60, 61          16 _____ 2, 22, 23, 40          18 _____ 13          18th _____ 43, 44, 62          19th _____ 45, 62</p>	<div style="border: 1px solid black; padding: 2px; text-align: center; margin-bottom: 10px;"><b>4</b></div> <p>4 _____ 1, 55, 60          41 _____ 2          42 _____ 2          43 _____ 38          47 _____ 3, 55          48 _____ 41</p>	<div style="border: 1px solid black; padding: 2px; text-align: center; margin-bottom: 10px;"><b>5</b></div> <p>5 _____ 2, 7          56 _____ 41          57 _____ 2          58 _____ 23, 44          59 _____ 2, 44          5th _ 16, 20, 24, 27, 29</p>	<div style="border: 1px solid black; padding: 2px; text-align: center; margin-bottom: 10px;"><b>6</b></div> <p>6 _____ 8, 40          64 _____ 1</p>
<div style="border: 1px solid black; padding: 2px; text-align: center; margin-bottom: 10px;"><b>2</b></div> <p>2 _____ 22, 50, 54          2/22/2011 _____ 50          2003 _____ 6          2008 6, 9, 13, 16, 18, 20,          27, 29          2009 _____ 35, 40          2011 _ 1, 43, 44, 45, 63          20th _____ 6, 9, 10          22 _____ 2, 54          228 _____ 64          23 _____ 23          24th _____ 28          26 _____ 8          28 _____ 1          29 _____ 12          2A _____ 7</p>	<div style="border: 1px solid black; padding: 2px; text-align: center; margin-bottom: 10px;"><b>8</b></div> <p>8 _____ 62          888 _____ 64</p>	<div style="border: 1px solid black; padding: 2px; text-align: center; margin-bottom: 10px;"><b>9</b></div> <p>9A _____ 62          9th _____ 61, 62, 63</p>	<div style="border: 1px solid black; padding: 2px; text-align: center; margin-bottom: 10px;"><b>A</b></div> <p>able _____ 40          about 10, 12, 13, 16, 18,          20, 23, 24, 25, 27,          28, 29, 30, 31, 32,</p>

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