

Important contradictions in Johnson's testimony:

Plaintiff's case, Johnson testifying, (beginning at day one, page 146 at 17):

Johnson falsely accusing me of having committed a crime:

On testimony in chief in his case, Johnson mentioned James Lamountain and claimed he said to Forcier that day on the ice that he felt threatened by me because of a prior incident (he accused James Lamountain of having threatened to kill his children.) Johnson felt threatened because I "supported" James Lamountain in court. Forcier could not be cross examined about Johnson's claim (which I'm sure is a lie) because Forcier was testifying out of order as he had scheduling issues. Johnson knew that Forcier had no way of denying his claim, and set the record straight.

My "support of Lamountain" was actually testimony at trial on the hearing of the alleged parole violation by Lamaintain. In the sworn statement by Johnson's wife, Kristen L. Johnson, she refered to me as "offender," see document at:

<https://www.01521.com/doc/2009-01-28-Kristen-Johnson.pdf>

See also my post on the blog with the title: Johnson 's failed attempt to jail James LaMountain, at:

<https://www.01521.com/rm/00058rm-Johnsons-failed-attempt-to-jail-LaMountain.htm>

Johnson's intimate familiarity with M.G.L. 258E stems from this action against Lamountain. Because it worked so well, Johnson wanted to pull the same against me!

Johnson's false claim I screamed at one fo the group on the ice:

On Rigali's cross, Johnson claimed that I screamed at one of his friends (gentleman) and fell, just minutes later he denied that I was screaming (on the recording I never screamed and Johnson stipulated that the recording is complete and not edited):

Q: Can you describe what you personally saw?
(Transcript day one, p.149, at 23)

A: He was actually screaming with another gentleman and he just, his feet went out from under him, he fell on the ice onto his back.

(A few minutes later he changes his story:)

Q: Okay. And on that tape, I think you just said that Mr. Frei was screaming at somebody when he slipped and fell? (Transcript day one, p.152, at 20)

A: No.

Q: Was that your words? I'm sorry, I didn't mean, that's what I thought I heard you say. What was he, was he yelling at somebody at that time? (Transcript day one, p.153, at 1)

A: There was someone yelling at him. There was someone yelling at him to get away from us.

(This is now the different story, I'm not yelling, somebody is yelling at me!)

Q: Okay. So but you are telling this jury that, that's something a little different than what you told Officer Forcier as far as the statements that you made? (Transcript day one, p.153, at 17)

MS. SAPIRSTEIN: Objection.

THE COURT: No, that's overruled.

Although you might want to be a little more specific.

MR. RIGALI: You told, yeah, I started out general, thank you, Your Honor.

Q: I mean, you told Officer Forcier, you heard Officer Forcier testify just a few minutes ago, right?

A: Correct.

Q: Correct? And you know Forcier, he's a cop in town?

A: Correct?

Q: Okay. So he testified that you told him that day that Mr. Frei came on the ice yelling. Did Mr. Frei come on the ice yelling at you or anybody else?

A: I didn't tell him that.

Q: I'm sorry?

A: I did not tell him that. I told him that he came at us in a threatening manner.

Q: Okay.

...

A: I said the third thing, that he came out in a threatening manner. I did not say he came out yelling at us. What Mr. Forcier wrote and what I said to Mr. Forcier are two different things.

(Transcript day one, p.155, at 9)

Here is Forcier's testimony on Direct in defendant's case to Rigali, (Forcier had a scheduling issue and had to testify at the beginning, before plaintiff's case even started).

Q: Alright. And what did Mr. Johnson say with regards to Mr. Frei? (Transcript day one, p.127, at 15)

A: He said that, and my memory if I exhaust myself I can refer back to my report to get the exact statement.

Q: Go ahead.

A: But he said, he told me that Frei had come out on the ice and was yelling at a group of them saying that they were trespassing on his property and that he felt threatened by Frei.

Johnson's false claim that I slipped on glare ice and was not kicked from behind:

Johnson claimed that I fell on glare ice and nobody kicked me. The incident happened in the cove close to my house, about 120 feet away from my house in a south-westerly direction. To support his claim, his claim that I just fell and was not kicked from behind, Johnson claimed that there was glare ice where I was kicked from behind.

However, during his testimony, Johnson first **admitted**, or testified that there was glare ice outside the cove where most ice-fishing tips were setup, **but not in the cove**, where I was kicked from behind, later he insisted that there was glare ice where I was kicked from behind to support his claim that I just fell.

Lowering the brightness of that digital photograph which was put into evidence to show the quad with the "EAT ME" plow attached to it, does bring out and shows snow on top of the ice. The snow is clearly visible:

Q: Whereabouts was there glare ice in this photograph? (Transcript day one, p.171, at 10)

A: Not in the cove but out where we were fishing it was glare ice.

Q: So this, we don't see any glare ice right here, where you guys are parked, where you guys are eating, where the trail was, but that's your

testimony, it was glare ice? (Transcript day one,
p.172, at 14)

A: It was glare ice.

Q: Glare ice right there?

A Yes.