

FUTURE LEADERS OF SCOTT COUNTY DAY

April 26, 2019

MOCK TRIAL HANDOUT & JURY INSTRUCTIONS

You have been selected to be a participant in the Mock Trial. Included in this packet is some general information about trials. Even if you do not have a role in the trial, please read this information beforehand so that you know the background of what is happening. The names given in the Mock Trial case are for either gender to allow for a male or female student to play the role. In some places in the Mock Trial documents it will state (him/her) or (he/she), etc.

Case Summary:

It is alleged that Lezlie Swenson, Alex Swenson (Lezlie's child) and Taylor Hall (Lezlie's niece/nephew) were waiting in line for the Wild Thing at Valleyfair. Two juveniles, Sam Johnson (defendant) and Erin Johnson (defendant's sibling) tried to cut in line in front of Lezlie and the children. Lezlie confronted the juveniles for cutting in line and asked them to go to the end. The juveniles became belligerent and refused to go to the end of the line. A verbal confrontation took place between Taylor Hall and Erin Johnson. Lezlie Swenson stepped in and a verbal argument took place between Lezlie and Erin. A physical altercation then took place between Sam Johnson and Lezlie Swenson. Sam is alleged to have attacked Lezlie punching (him/her) in the head and face several times also choking Lezlie and kneeing (her/him) in the back. Lezlie fought back by punching Sam in the face and pulling (his/her) hair. Alex Swenson tried to pull Sam off of Lezlie. It is alleged that Sam punched Alex in the chest causing Alex to fly backwards hitting (his/her) head on a metal railing. Sam is also alleged to have also consumed alcohol. As a result of the altercations, Lezlie suffered a broken nose and face contusions. Alex suffered a head contusion.

Sam Johnson has been charged with the following:

COUNT 1: Assault in the Third Degree-Substantial Bodily Harm-Defined (Felony)

The statutes of Minnesota provide that whoever assaults another and inflicts substantial bodily harm is guilty of a crime. Minn. Stat. 609.223

CRIMJIG 13.16 – Assault in the Third Degree-Elements:

The elements of assault in the third degree are:

First, the defendant assaulted Lezlie Swenson. "Assault" means (the intentional infliction of bodily harm upon another) (or) (an intentional attempt to inflict bodily harm upon another) (or) (an act done with the intent to cause fear of immediate bodily harm or death in another).

Second, the defendant inflicted substantial bodily harm on Lezlie Swenson. “Substantial bodily harm” means bodily harm that involves a temporary but substantial disfigurement, causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or causes a fracture of any bodily member. It is not necessary for the State to prove that the defendant intended to inflict substantial bodily harm, but only that the defendant intended to commit the assault.

Third, the defendant’s act took place on or about July 10, 2018, in the City of Shakopee, County of Scott, State of Minnesota.

If you find that each of these elements has been proven beyond a reasonable doubt, the defendant is guilty. If you find that any element has not been proven beyond a reasonable doubt, the defendant is not guilty.

COUNT 2: Assault in the Fifth Degree-Intent to Inflict Bodily Harm (Misdemeanor)

The statutes of Minnesota provide that whoever intentionally inflicts or attempts to inflict bodily harm upon another is guilty of a crime. Minn. Stat. 609.224, Subd. 1(2)

CRIMJIG 13.31 - Assault in the Fifth Degree-Intent to Inflict Bodily Harm-Elements:

The elements of assault in the fifth degree are:

First, the defendant intentionally inflicted or attempted to inflict bodily harm on Alex Swenson. “Bodily harm” means physical pain or injury, illness, or any impairment of a person’s physical condition.

Second, the defendant’s act took place on or about July, 10, 2018, in the City of Shakopee, County of Scott, State of Minnesota.

If you find that each of these elements has been proven beyond a reasonable doubt, the defendant is guilty. If you find that any element has not been proven beyond a reasonable doubt, the defendant is not guilty.

COUNT 3: Minor Consumption of Alcohol (Misdemeanor)

Any person under the age of 21 that consumes an alcoholic beverage outside of the home of the juvenile’s parent or guardian and without the consent of the parent or guardian is guilty of a crime. Minn. Stat. 340A.503, Subd. 1(a) (2)

CRIMJIG 27.02 – Minor Consumption-Elements:

The elements of Minor Consumption are as follows:

First, the defendant is under the age of 21.

Second, the defendant consumed an alcoholic beverage. “Consumption” includes the ingestion of an alcoholic beverage and the physical condition of having ingested an alcoholic beverage.

Third, the defendant did so with intent to consume the alcoholic beverage at a place other than the household of his or her parent or guardian.

Fourth, the defendant's act took place on or about July, 10, 2018, in the City of Shakopee, County of Scott, State of Minnesota, or evidence of consumption was observed on or about July 10, 2018, in the City of Shakopee, County of Scott, State of Minnesota.

If you find that each of these elements has been proven beyond a reasonable doubt, the defendant is guilty. If you find that any element has not been proven beyond a reasonable doubt, the defendant is not guilty.

Participants/Roles:

- ❖ **Judge:** It is the judge's role to monitor the trial and determine what evidence and testimony is admissible in court. In most juvenile trials, the judge decides if the defendant is guilty or not guilty. The judge will sentence the defendant (give consequences).
- ❖ **Prosecutors:** In criminal cases, these are the attorneys who present the evidence to the jury or judge to prove that the defendant committed the crime.
- ❖ **Defense Attorneys:** In criminal cases, these are the attorneys that try to prove that the defendant did not commit the crime of which they are accused.
- ❖ **Juvenile/Defendant:** The person who is accused of committing a crime.
- ❖ **Jury:** The prosecutor and defense attorney present their case to the jury. Based on the attorneys' presentation, the jury determines the facts of the case and if the defendant is guilty or not guilty of the crime. A juvenile is only given the right to a jury trial if the juvenile is found to be EJJ (Extended Juvenile Jurisdiction). EJJ means the juvenile is on probation until they are 21 years old. If they violate probation, they could be given an adult sentence.
- ❖ **Bailiff:** This is the sheriff's deputy that monitors the courtroom and ensures that everyone is behaving and is safe. They will also escort any defendants that are in jail into the courtroom.
- ❖ **Court Reporter:** This is a person who types into a machine everything that is said in the courtroom.

- ❖ **Probation Officer:** This is a person who makes recommendations for the defendant's consequences (if they are found guilty) and will monitor if the defendant completes their consequences or not.

TRIAL STEPS

1. A jury is selected (in most juvenile cases there would not be a jury).
2. Opening statements – Each attorney tells the jury what the case is about:
 - a. Prosecutor first
 - b. Defense attorney second
3. Evidence is presented:
 - a. Prosecutor first
 - b. Defense attorney second
 - c. Prosecutor rebuttal – respond to anything new that the defense has brought up
4. Closing arguments:
 - a. Prosecutor first
 - b. Defense attorney second
 - c. Prosecutor ends
5. Jury deliberations
6. Verdict
7. Sentencing (if defendant is found guilty). The victim will also read a victim impact statement.

Prosecutor:

Please read all of the enclosed materials:

There will be two students who will be prosecutors. You will work together to write a short opening statement, closing argument and questions to ask the witnesses during the trial. You will then act as the prosecutors in the mock trial. You will have assistance from your mentors to help you prepare. It will be helpful to be familiar with the materials and have some ideas beforehand.

The prosecution witnesses will be:

- a. Lezlie Swenson
- b. Alex Swenson
- c. Taylor Hall
- d. Officer Pat Larson

Your questions should be to get background information such as who was present, where everyone was, what was going on around the specific incident, what time it was, along with what the witnesses saw/felt/heard.

The defense witnesses will be:

- a. Sam Johnson
- b. Erin Johnson
- c. Corey Anderson
- d. Security Officer Kim Baker

You will need to cross-examine the defense witnesses.

Defense Attorney:

Please read all of the enclosed materials.

There will be two students who will be defense attorneys. You will work together to write a short opening statement, closing argument and questions to ask the witnesses during the trial. You will then act as the defense attorneys in the mock trial. You will have assistance from your mentors to help you prepare. It will be helpful to be familiar with the materials and have some ideas beforehand.

The defense witnesses will be:

- a. Sam Johnson
- b. Erin Johnson
- c. Corey Anderson
- d. Security Officer Kim Baker

Your questions should get background information such as who was present, where everyone was, what was going on around the specific incident, what time it was, along with what the witnesses saw/felt/heard.

The prosecution witnesses will be:

- a. Lezlie Swenson
- b. Alex Swenson
- c. Taylor Hall
- d. Officer Pat Larson

Your questions for the prosecution's witnesses should be geared towards showing how the witnesses' stories support your client's version of what actually happened or how they are mistaken about what they are reporting.

Lezlie Swenson – Victim #1:

Please read the enclosed materials. Your Mentor will tell you most of the information and how you will need to answer questions. You can make up unimportant facts, but do not change any of the facts that are included in the information that you are given.

A summary of what happened to you:

- You were in line for the Wild Thing at Valleyfair with your child, Alex Swenson, and (niece/nephew), Taylor Hall.
- While waiting in line, two juveniles cut in front of you and told you to move over. You refused and told the juveniles to go to the end of the line.
- The juveniles became upset and yelled obscenities. You got upset at one juvenile (Erin Johnson) for yelling at your (niece/nephew), Taylor.
- Sam Johnson, the defendant, didn't like that you confronted Erin, so (he/she) punched you several times in the face and head. Sam also choked you and kned you in the back.
- You punched Sam and pulled (his/her) hair to defend yourself. You actually pulled out some of Sam's hair in the process.
- You asked to use someone's cell phone to call 911 (Corey Anderson).
- You suffered a broken nose, face contusions and a sore neck and back. You missed several days of work and have frequent migraine headaches.

Alex Swenson – Victim #2:

Please read the enclosed materials. Your Mentor will tell you most of the information and how you will need to answer questions. You can make up unimportant facts, but do not change any of the facts that are included in the information that you are given.

A summary of your statement to Officer Larson:

- You were standing in line for the Wild Thing at Valleyfair with your parent, Lezlie Swenson, and cousin, Taylor Hall.
- While standing in line you were talking with friends behind you, so your back was to Lezlie and Taylor. You heard shouting, turned around and saw your parent yelling back and forth with two juveniles.
- Your parent told you that two juveniles cut in line and would not go to the end.
- You saw the defendant hit your parent first with a closed fist. You saw the defendant punch your parent all over, and your parent pulled the defendant's hair and punched (her/him) to get away.
- You tried to pull the juvenile off of your parent. As you were doing this, the defendant punched you hard in the chest causing you to fly backwards. You hit your head on a metal railing and your glasses flew off.
- You suffered from a head contusion (bump on the back of your head).

Taylor Hall – Witness:

Please read the enclosed materials. Your Mentor will tell you most of the information and how you will need to answer questions. You can make up unimportant facts, but do not change any of the facts that are included in the information that you are given.

A summary of your statement to Officer Larson:

- You were standing in line for the Wild Thing at Valleyfair with your (aunt/uncle), Lezlie Swenson, and cousin, Alex Swenson.
- Two juveniles cut in line and told you and Lezlie to move over.
- You heard Lezlie refuse to move over and asked them to go to the end of the line.
- You saw and heard the juveniles refuse to move to the end of the line and they continue to argue with Lezlie. They said things like, “it’s no big deal” and “chill.”
- You yelled at the juveniles asking why they wouldn’t just go the end of the line and leave you and Lezlie alone.
- One of the juveniles, Erin Johnson, shouted and swore back at you.
- Lezlie stepped in and told the juveniles to go find their parents. Erin and Lezlie argued back and forth.
- You saw the other juvenile, Sam Johnson, punch Lezlie in the face and head. You also saw Sam choke Lezlie.
- You saw Alex try to pull the juvenile off of Lezlie. You also saw Sam punch Alex in the chest very hard and Alex flew back hitting (his/her) head on a metal railing.

Officer Pat Larson – Witness:

Please read the enclosed materials. Your Mentor will tell you most of the information and how you will need to answer questions. You can make up unimportant facts, but do not change any of the facts that are included in the information that you are given. You will need to be able to say how you learned about what happened and what steps you took in your investigation.

Other background:

- You have been a police officer for 15 years.
- You are a licensed police officer and have worked for the City of Shakopee your entire 15 years.
- You are a patrol officer, which means that you respond to phoned complaints and follow up on their investigation.

General information:

- You responded to Valleyfair for a fight that occurred at the Wild Thing.
- When you arrived you saw two groups that were visibly upset. The groups were separated. One group was an adult and two children, the other was two juveniles.
- You took taped statements from Lezlie Swenson (adult), Alex Swenson (Lezlie's child), Taylor Hall (Lezlie's niece/nephew), Sam Johnson (defendant).
- You spoke with Valleyfair Security Officer Kim Baker and a witness to the fight (Corey Anderson).
- Sam Johnson admitted to you that Erin and Sam cut in line. Sam also admitted Erin verbally argued with Lezlie, and that Sam punched Lezlie in the head and face. Sam denied choking or kneeing Lezlie.
- Sam stated that Lezlie pulled (her/his) hair and punched (her/him) in the face.
- Sam believes Lezlie provoked the fight by telling Erin to, "bring it on."
- You could smell alcohol on Sam's breath. Sam also had slurred speech and glassy eyes. Sam refused to submit to an alcohol portable breath test (PBT).

Sam Johnson - Juvenile/Defendant:

Please read the enclosed materials. Your Mentor will tell you most of the information and how you will need to answer questions. You can make up unimportant facts, but do not change any of the facts that are included in the information that you are given.

A summary of your statement to Officer Larson:

- You and your sibling (Erin Johnson) were at Valleyfair and wanted to ride the Wild Thing. You saw people getting ahead of you so you ran in front of them.
- You got in front of an adult and two children. You told them to move over. The adult told you no and asked you to go to the end of the line.
- You saw the child (Taylor Hall) yell at Erin to go to the end of the line. Erin yelled and swore back at Taylor.
- The adult did not like this and got into a verbal argument with Erin. The adult (Lezlie Swenson) told Erin to, “bring it on.”
- You felt you needed to protect Erin, so you punched the adult in the face and head several times.
- The adult pulled your hair and also punched you in the face.
- The other child (Alex Swenson) tried to pull you off of the adult. You react by pushing (him/her). You deny punching (him/her).
- The adult got away from you and called 911. You deny continuing to swear and hit the adult as (he/she) called 911.
- You feel that the adult provoked the fight.
- You denied drinking alcohol that day and refused a breath test.

Erin Johnson – Witness:

Please read the enclosed materials. Your Mentor will tell you most of the information and how you will need to answer questions. You can make up unimportant facts, but do not change any of the facts that are included in the information that you are given.

A summary of your involvement:

- You and your sibling (Sam Johnson) were at Valleyfair and wanted to ride the Wild Thing.
- You got in front of an adult and two children. You and Sam told them to move over. The adult told you no and asked you both to go to the end of the line.
- You and Sam got angry and swore and yelled at the adult. You and Sam shouted that you were being harassed and that the adult should be ashamed of (herself/himself) for yelling at two young juveniles.
- You told the adult that you are a minor and there was nothing that could be done to you.
- A child with the adult (Taylor) yelled at you asking why you wouldn't go to the end of the line.
- You yelled back and swore. The adult and you engaged in a verbal argument. The adult (Lezlie Swenson) told you to, "bring it on."
- You saw Sam punch Lezlie in the face and head. You deny seeing Sam choke Lezlie or knee (him/her) in the back.
- You witnessed the adult pulling Sam's hair and saw clumps of hair come out. You also saw the adult punch Sam in the face.
- You saw the other child (Alex Swenson) try to pull Sam off of the adult. You saw Sam push the child. You saw Alex hit (his/her) head on the metal railing.

Corey Anderson – Witness:

Please read the enclosed materials. Your Mentor will tell you most of the information and how you will need to answer questions. You can make up unimportant facts, but do not change any of the facts that are included in the information that you are given.

A summary of your statement to Officer Larson:

- You were standing in line for the Wild Thing at Valleyfair.
- You were standing behind an adult and two children (Lezlie Swenson, Alex Swenson and Taylor Hall). You did not know them.
- You saw two juveniles cut in line in front of the adult and two children. You heard the adult (Lezlie) tell the juveniles to go to the end of the line.
- You didn't hear any other part of the conversation. You were turned around speaking to friends.
- You heard someone yell, "bring it on!" and then heard screaming.
- You turned around and saw the adult pulling the hair of one of the juveniles that cut in line. The juvenile was punching the adult in the head and face.
- Everyone was crowding around and stepped back, so you could not see much more of the fight.
- The adult (Lezlie) asked for someone to help. You gave your cell phone to Lezlie to call 911.

Security Officer Kim Baker – Witness:

Please read the enclosed materials. Your Mentor will tell you most of the information and how you will need to answer questions. You can make up unimportant facts, but do not change any of the facts that are included in the information that you are given.

Other background:

- You have been a security officer at Valleyfair for 5 years.
- You are going to college to become a police officer.

A summary of your statement to Officer Larson:

- You were radioed that a fight occurred at the Wild Thing.
- You arrived as fast as you could, as the crowds at Valleyfair were large that day.
- As you approached the incident, you saw two groups arguing. The fight was no longer physical.
- You separated both groups. One group was an adult and two children. The other was two juveniles.
- You observed red marks on the face of one adult (Lezlie Swenson).
- One of the juveniles (Sam Johnson) yelled that the adult (Lezlie Swenson) started the fight.
- While speaking with Sam you could smell an odor of alcohol. Sam denied drinking and refused a breath test.
- When Shakopee Police Officer Larson arrived, you kept an eye on the two juveniles (Sam and Erin) while the officer interviewed everyone else.

NOTICE OF 36/48 HOUR POLICE DELINQUENCY HOLD

ICR # 18001122

Date taken into custody: 7-10-18 Time Taken into Custody: 1500/3:00 pm Agency: Shakopee PD

I, Officer Pat Larson a duly authorized peace officer in the State of Minnesota, by reason of the authority vested in me by Minnesota Statute 260B.175, Subdivision 1(b), (c) have taken into custody the following child:

NAME: Sam Johnson DATE OF BIRTH: 2-14-2002

PARENTS/CUSTODIAN: Linda and Arnold Johnson

ADDRESS: 3333 South Drive, Jordan

PHONE #'s - home: 952-111-0000; work: _____; cell: _____

REASON WHY CHILD TAKEN INTO CUSTODY: Assault - 5th Degree and Minor Consumption

Placed: Scott Main Jail Carver JDC Dakota JDC (JAF) Other _____

[Signature] 952-444-0000 4:00 p.m.
ACCEPTING PERSONS SIGNATURE PHONE TIME ACCEPTED

ADVISORY NOTICE

The parent, guardian, or custodian of the child **must** be advised of the following:

1. Reasons why the child has been taken into custody.
2. That the child's parent, legal guardian or custodian and attorney may make an initial visit to the facility at any time. Subsequent visits must be prearranged.
3. That the child may telephone his parents and an attorney from the facility immediately after being admitted and thereafter on a reasonable basis.
4. That the child, taken into custody without a warrant, may not be detained longer than 48 hours from the time the child has been taken into custody unless a petition has been filed within that time and the court orders the child's continued detention or a court grants an extension.
5. That the child, taken into custody without a warrant, may not be detained longer than 36 hours, from the time the child has been taken into custody, excluding Saturdays, Sundays and Holidays, unless a petition has been filed within that time and the court orders the child's continued detention.

Notified of above? Yes No _____ Date & time: July 10, 2018 3:15 p.m.

If advisory not given or "no" is checked for any of the above, state the reason why: _____

If unable to notify parent, guardian, or custodian, implement a 72 hour health & safety hold and fill out appropriate hold sheet.

ANY ARREST MADE ON FRIDAY OR SATURDAY OR LEGAL HOLIDAY: OBTAIN EXTENSION.

Extension: Yes (No) (circle one)

NOTE TO POLICE OFFICERS: This form does not take the place of a police report or replace the uniform child abuse/neglect report form. Those forms must be completed also.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF SCOTT

FIRST JUDICIAL DISTRICT
JUVENILE DIVISION

In the Matter of the Welfare of:

Court File No.: 70-JV-18-_____

Prosecutor File No.: 123004-18

Sam Johnson
Future Leaders Mock Trial
3333 South Drive
Jordan, MN 55352

JUVENILE PETITION

Date of Birth: 02/14/2002

Race/Ethnicity: Unknown

CHARGE(S)

Count: 1 Assault in the Third Degree – Substantial Bodily Harm (Felony)
In Violation of: 609.223 Subd. 1
Penalty Statute: 609.223, Subd. 1

On or about July 10, 2018, within the County of Scott, State of Minnesota, Juvenile SAM JOHNSON, DOB: 02/14/2002, assaulted another, and inflicted substantial bodily harm, to wit: punched and choked Lezlie Swenson, DOB: 01/06/1974, and broke (his/her) nose.

Count: 2 Assault in the Fifth Degree (Harm) (Misdemeanor)
In Violation of: 609.224 Subd. 1(2)
Penalty Statute: 609.224 Subd. 1(2)

On or about July 10, 2018, within the County of Scott, State of Minnesota, Juvenile SAM JOHNSON, DOB: 02/14/2002, intentionally inflicted or attempted to inflict bodily harm on another, to wit: punched A.S., DOB: 03/03/2006.

Count: 3 Minor Consumption of Alcohol by Person Under 21 (Misdemeanor)
In Violation of: 340A.503 Subd. 1(a)(2)
Penalty Statute: 340A.503, Subd. 1(a)(2)

On or about July 10, 2018, within the County of Scott, State of Minnesota, Juvenile SAM JOHNSON, DOB: 02/14/2002, a person under the age of 21 years, did consume an alcoholic beverage outside the home of the juvenile's parent or guardian and without the consent of the parent or guardian.

STATEMENT OF PROBABLE CAUSE

The Petitioner states to the above-named Court that there is probable cause to believe that the Child committed the following described offenses based upon the following probable cause statement or the attached reports and exhibits:

On or about July 10, 2018 at approximately 1:40 p.m. Shakopee Police Officer, Pat Larson, was dispatched to Valleyfair for an assault that occurred at the Wild Thing. Upon arriving at the scene, Officer Larson was met by Lezlie Swenson, DOB: 01/06/1974, (his/her) child, A.S., DOB: 03/03/2006 and Lezlie's (niece/nephew) T.H., DOB: 04/02/2006. According to Lezlie, while in line for the Wild Thing, two juveniles cut in line in front of them. When Lezlie asked the juveniles to go back to the end of the line, the juveniles became upset and started yelling. One of the juveniles approached T.H. and yelled at (him/her). At this point, Lezlie intervened. The other juvenile, later identified as **SAM JOHNSON, DOB: 02/14/2002**, struck Lezlie in the face and head several times and grabbed (her/him) around the neck. Lezlie added that (her/his) child, A.S. tried to pull the juvenile off of Lezlie, but A.S. was hit so hard that (he/she) flew backwards into a metal railing and hit (his/her) head. Lezlie was able to use another person's cell phone to call 911. Lezlie stated that as (he/she) was calling 911, **JOHNSON** kept trying to hit (him/her) and was swearing and yelling. The children, A.S. and T.H. watched in horror. Several people in line were able to break up the fight, and Valleyfair security arrived soon thereafter.

According to A.S., Lezlie's child, they were waiting in line for the ride Wild Thing. A.S. heard an argument between (his/her) parent and a juvenile that was in front of them. A.S. saw one of the juveniles punching (his/her) parent in the head and face. A.S. tried to pull the juvenile off Lezlie, but A.S. was punched extremely hard in the chest, which caused A.S. to fall backwards into a metal railing. A.S. said that (her/his) glasses flew off from falling back so hard.

On July 10, 2018, Officer Larson took a taped statement from **SAM JOHNSON**. **JOHNSON** was given the Miranda Warning. **JOHNSON** stated that (he/she) and (her/his) sibling, E.J., DOB: 06/4/2004, were trying to get ahead in line for the Wild Thing. **JOHNSON** agreed that Lezlie confronted them about cutting in line and told them to go to the end. **JOHNSON** felt Lezlie started the confrontation and was egging them on. **JOHNSON** stated that (he/she) saw Lezlie and E.J. verbally arguing, so **JOHNSON** wanted to protect E.J. **JOHNSON** admitted to punching Lezlie. **JOHNSON** also stated that Lezlie's child tried to pull **JOHNSON** off of Lezlie, so **JOHNSON** pushed A.S. Officer Larson detected an odor of alcohol coming from **JOHNSON**. Officer Larson also noticed **JOHNSON's** speech was very slurred and (her/his) eyes were glassy. **JOHNSON** refused to take a breath test.

On July 10, 2018, Lezlie and A.S. received medical attention at the Canterbury Medical Center. It was determined by doctors that Lezlie had suffered a broken nose and other facial contusions and back pain. Lezlie is also suffering from migraine headaches. It was also determined that A.S. suffered a head contusion.

PLEASE TAKE NOTICE: Pursuant to Minn. Stat. 609.49, intentional failure to appear for duly scheduled court appearances may result in additional criminal charges, and in addition to any arrest warrant that may otherwise be issued by the Court.

The name and post office address of the child's parent(s), guardian, and spouse, if any, and of the person having custody or control over the child, and if no parent or guardian can be found, of the nearest known relative, are:

<u>Name/Relation</u>	<u>Address</u>	<u>County</u>
Linda Johnson/Mother	Future Leaders Mock Trial	Scott
Arnold Johnson/Father	3333 South Drive Jordan, MN 55352	

Being duly authorized to prosecute the offenses charged, I hereby approve this Petition.

DATE:

PROSECUTING ATTORNEY'S SIGNATURE:

Prosecuting Attorney
Attorney Registration: 1234567
Assistant County Attorney
200 Fourth Avenue West
Shakopee, MN 55379
(952) 496-8240

In the Matter of the welfare of Sam Johnson
Prosecutor File Number: 123004-18

JUVENILE CHARGES DETAIL

Count:	1
Charge Statute:	609.223 Subd. 1 - Assault in the Third Degree – Substantial Bodily Harm (Felony)
MOC:	A3253
GOC:	NA
Penalty:	609.223., Subd. 1
ORI/Cntrl #:	None/None
Reporting ORI/Cntrl #:	MN0700400/18001122
Count:	2
Charge Statute:	609.224, Subd. 1(2) - Assault in the Fifth Degree (Harm) (Misdemeanor)
MOC:	A5353
GOC:	NA
Penalty:	609.224, Subd. 1(2)
Arresting ORI/Cntrl #:	None/None
Reporting ORI/Cntrl #:	MN0700400/18001122
Count:	3
Charge Statute:	340A.503, Subd. 1(a)(2) - Minor Consumption of Alcohol by Person Under 21 (Misdemeanor)
MOC:	M3001
GOC:	NA
Penalty:	340A.503, Subd. 1(a)(2)
Arresting ORI/Cntrl #:	None/None
Reporting ORI/Cntrl #:	MN0700400/18001122

In the Matter of the welfare of Sam Johnson
Prosecutor File Number: 123004-18

JUVENILE FACT SHEET

1. **Other DOBs:**
2. **Gender:** Male/Female
3. **Race/Ethnicity:** Unknown
4. **CID:**
5. **Alias Information:**
6. **Fingerprinted:** Needed
7. **Photographed:**
8. **Handgun Permit:** No
9. **Location of Violation:**
10. **Driver's License #:**
11. **Accident Type:**
12. **License Plate #:**
13. **BAC Status:**
14. **BAC Level:**
15. **Master File Number:**
16. **Petition Number:**
17. **Petition Type:** Delinquency Petition
18. **Initial Appearance:**
19. **Probation:**
20. **EJJ Motion Filed:**
21. **Certification Motion Filed:**

SHAKOPEE POLICE DEPARTMENT CASE REPORT**Case Description: ASSAULT**

Officer Pat Larson, #35

Date: 7/10/2018**Case #: 18001122****Page 3**

On July 10, 2018 at 1340 hours/1:40 p.m. I, Officer Larson, was dispatched to Valleyfair for a fight that occurred at the Wild Thing. When I arrived I observed two groups visibly upset. The first group was two juveniles and the second group was an adult and two young children. The parties had been separated by Valleyfair Security prior to my arrival. Valleyfair Security stayed with the two juveniles while I spoke with the others. I first spoke with Lezlie Swenson.

In a recorded statement, Lezlie Swenson told me the following:

- Lezlie was in line for the Wild Thing with (his/her) child, Alex Swenson, DOB: 03/03/2006 and Lezlie's (niece/nephew), Taylor Hall, DOB: 04/02/2006.
- While waiting two juveniles tried to cut in line. The juveniles ducted underneath the metal railing and pushed their way through the line. The two juveniles told Lezlie and the children to move over. Lezlie told the juveniles that they were not moving and to please go to the end of the line.
- The juveniles became upset and shouted obscenities. The juveniles shouted that they were being harassed by an adult and Lezlie should be ashamed of herself for yelling at two young juveniles. One of the juvenile's stated, "I'm a minor and there is nothing you can do to me."
- The juveniles asked Lezlie, "Who's going to make us go to the end of the line?" Lezlie told them no one was going to make them, but it was extremely rude of them to cut in line. Lezlie asked where their parents were and to go get them.
- Taylor asked the juveniles why they wouldn't move to the end of the line and to just leave them alone. One of the juveniles, later identified as, Erin Johnson, DOB: 06/04/2004 yelled and swore at Taylor to move over.
- Lezlie got angry at Erin for yelling at Taylor. They were engaged in a verbal argument. Lezlie started to get the children together to walk away, when the other juvenile, later identified as the defendant, Sam Johnson, DOB: 02/14/2002 struck Lezlie several times in the head and face and grabbed her around the neck.
- Lezlie fought back by grabbing Sam Johnson's hair and punching (him/her) back in the face. Lezlie stated (he/she) grabbed whatever possible to defend (herself/himself). Lezlie believes (he/she) pulled out some of Sam's hair. Lezlie was also kned in the side and hit on her upper back.

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- While Lezlie was being assaulted, Alex (Lezlie's child) tried to pull Sam off of Lezlie. Sam pushed and hit Alex so hard that Alex flew backwards, (his/her) glasses flew off and Alex hit (his/her) head on the metal railing.
- Lezlie asked people around to use their cell phone to call 911. No one was willing to help at first. Then someone finally did help and gave Lezlie their cell phone. As Lezlie was calling 911, Sam continued to yell and swear at Lezlie and tried to hit (him/her). A few minutes later Valleyfair Security came.

While speaking with Lezlie, I observed red marks and swelling on (her/his) face and neck. Lezlie also had red marks on (his/her) upper back. I took digital photos of Lezlie's injuries.

I then took a taped statement from Lezlie's child, Alex Swenson. Alex was complaining of pain on the back of his head. I did not observe any redness or marks on Alex.

Alex Swenson stated the following:

- Alex observed his (mom/dad) being hit by a juvenile wearing a white shirt. Alex tried to pull the person off of (his/her) parent.
- Alex stated that this same juvenile hit him/her. This caused Alex to fall back and hit (his/her) head on the railing. (His/her) glasses also fell off.

See transcribed statement for further details.

Next, I took a taped statement from Taylor Hall, DOB: 04/02/2006. Taylor Hall stated the following:

- Taylor was standing in line for the Wild Thing with (his/her) cousin, Alex, and (aunt/uncle), Lezlie, when two juveniles came up to them and told them to move over.
- Lezlie told the juveniles that they would not move and they should go to the end of the line.
- The juveniles kept standing there arguing with Lezlie and kept saying it was no big deal and to "chill."
- Taylor yelled at the juvenile's asking why they wouldn't just go to the end of the line and leave them alone.
- One of the juveniles shouted back and began swearing at Taylor.

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- Lezlie got angry, started arguing with the juvenile for yelling at Taylor and told them to go find their parents. The juvenile stated, "I'm a minor and there is nothing you can do to me!"
- The other juvenile punched Lezlie all over (his/her) face and head and choked (him/her). Taylor stated it was very scary.
- Alex tried to pull the juvenile off of Lezlie. That same juvenile punched Alex really hard in the chest and (he/she) flew backwards hitting (his/her) head on the metal railing.

On July 10, 2018, I, Officer Larson, spoke with Valleyfair Security Officer, Kim Baker. Baker stated that (he/she) received a call for a fight occurring at the Wild Thing. Valleyfair was extremely busy that day and very crowded. Security Officer Baker stated as (he/she) was approaching the incident, two groups were arguing, but the fight was no longer physical. Baker separated both groups. All parties were visibly upset. Baker observed red marks on the face of one adult. Baker stated that a juvenile, later identified as Sam Johnson, began yelling that the adult started the fight. While speaking with Sam Johnson, Officer Baker could smell an odor of alcohol coming from the juvenile. Security Office Baker asked Johnson if (he/she) had been drinking. Johnson denied consuming any alcohol and refused to take a breath test.

I, Officer Larson, then spoke with Corey Anderson, DOB: 07/09/1986. Anderson was standing in line for the Wild Thing behind Lezlie Swenson and the children. Anderson stated that (he/she) saw two juveniles cutting in line and heard Lezlie tell them they should go to the end of the line. Corey didn't hear any other part of the conversation. Corey then turned around to speak to (his/her) friends behind (him/her). At one point Anderson heard someone yell, "Bring it on!" Corey heard screaming, turned around and saw Lezlie pulling the hair of one of the juveniles that cut in line, and the juvenile was punching the adult in the head and face. Everyone in line had stepped back and due to the crowd, Anderson could not see much more of the fight. At some point, Lezlie was asking for someone to help, and Anderson gave Lezlie (his/her) cell phone to call 911.

I, Officer Larson, also spoke with Erin Johnson. Erin stated that he/she and Sam Johnson were at Valleyfair and wanted to ride the Wild Thing. They got in front of an adult and two children. Erin and Sam told them to move over. The adult told them no and told them to go to the end of the line. Erin and Sam got angry and swore and yelled at the adult. Erin shouted that they were being harassed and that the adult should be ashamed of (herself/himself) for yelling at two young juveniles. Erin told the adult that he was a minor and there was nothing that could be done to him. A child with the adult (Taylor) yelled at him/her asking why you wouldn't go to the end of the line. Erin yelled back and swore. The adult and Erin engaged in a verbal argument. The adult (Lezlie Swenson) told Erin to, "bring it on." Sam then punched the adult in the face and head, but did not choke the adult or knee (him/her) in the back. Erin saw the adult pulling Sam's hair and saw clumps of hair

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come out. The other child (Alex Swenson) tried to pull Sam off of the adult, and Sam pushed the child and the child his head on the metal railing.

I, Officer Larson, then spoke with Sam Johnson. Sam was extremely agitated and belligerent. I repeatedly had to tell Sam to calm down. Sam kept yelling that Lezlie started the fight. I could smell an odor of alcohol emitting from Johnson. Johnson was slurring (his/her) words and had glassy eyes. I asked Johnson if (he/she) had consumed any alcohol today. Johnson denied drinking and would not submit to a breath test. Sam admitted that he/she hit Lezlie, but was only defending Erin because Sam thought Lezlie was going to assault Erin.

Johnson agreed to provide a taped statement. Johnson was given Miranda Warning and stated the following:

- Sam Johnson and (his/her) sibling, Erin, were getting in line for the ride Wild Thing.
- Sam and Erin were running in front of people to get closer to the front of the line.
- Sam stated that Lezlie told them to go to the back of the line.
- Sam also stated that Lezlie yelled at Sam's (sister/brother), Erin. Lezlie and Erin were verbally arguing. Lezlie told Erin to, "Bring it on."
- Sam punched Lezlie in the head and face. Lezlie was pulling Sam's hair and punching (her/him) back in the face. Sam denies choking and kneeling Lezlie.
- Sam said that Lezlie provoked the fight.

See transcribed statement for further details.

I informed Sam (he/she) was under arrest for 5th Degree Assault and minor consumption. I placed Sam's hands behind (his/her) back and handcuffs locked and double checked for tightness. Sam was placed in the back seat of my squad.

Sam Johnson was then transported to the Scott County Jail for booking and then will be transported to the Jordan Alternative Facility (JAF). A 36-hour delinquency hold form was completed and Sam's mother, Linda Johnson, was notified and given the parent advisory notice.

SHAKOPEE POLICE DEPARTMENT
SUPPLEMENTAL CASE REPORT
Case #: 18001122

Date/Time Reported: 7/10/2018 1340 hours/1:40 p.m.

Date/Time Occurred: 7/10/2018 1340 hours/1:40 p.m.

Location Occurred: One Valleyfair Drive

Nature of Call: Assault occurred at the Wild Thing

Reporting Officer: Officer Pat Larson, Badge #35

On July 11, 2018, I received a call from Lezlie Swenson that (he/she) had received medical attention on July 10, 2018, at the Canterbury Medical Center. Swenson's doctor determined that Lezlie had suffered a broken nose, other facial contusions and back pain. Swenson is suffering from migraine headaches and severe pain in her face and back. She has not been able to work from the pain.

Lezlie stated that Alex Swenson was also seen at the same clinic and doctors determined that Alex had suffered from a head contusion.

I informed the County Attorney's Office, Juvenile Division, of Lezlie's injuries and requested that Sam also be charged with 3rd Degree Assault.

I obtained a release of information from Swenson for Canterbury Medical Center. On July 11, 2018, I received medical records for Lezlie and Alex Swenson. The medical records are attached to this supplemental report.

Officer Pat Larson, #35



CANTURBERY MEDICAL CENTER

4455 Pain Boulevard
Shakopee, MN 55379

Patient: Alex Swenson

Birthdate: 03/03/2006

Date of office visit: July 10, 2018

Seen by: Dr. Jekel

Dr. Notes:

Patient was involved in an assault today at Valleyfair. Patient was punched in the chest. Patient flew backwards and hit head on metal railing. Patient complains of pain on back of head and headache. Observed large bump/swelling on back of patient's head. Tender to the touch.

FINDINGS:

Patient suffering from head contusion. Patient directed to ice area to reduce swelling and take ibuprofen for pain as needed.



CANTURBERY MEDICAL CENTER

4455 Pain Boulevard
Shakopee, MN 55379

Patient: Lezlie Swenson

Birthdate: 01/06/74

Date of office visit: July 10, 2018

Seen by: Dr. Jekel

Dr. Notes:

Patient was involved in an assault today at Valleyfair. Patient was punched multiple times in face, head and back. Patient was choked and kned in the side. Patient is complaining of neck pain, back pain, facial pain and blurred vision. Very difficult for patient to move neck and painful to take in breaths. Patient complains of a severe headache. Patient appears very anxious and crying at times.

Observed swelling on head. Bruising and swelling on face and across bridge of nose. Redness on neck and had limited range of motion. Muscles across shoulders appear tender and tight. Tenderness in left side.

Patient is suffering from facial contusions, neck, back and side pain. X-rays ordered. Patient given neck collar and pain medication.

X-RAY FINDINGS:

There appears to be a non-displaced fracture of the nasal bone. View of the lower left ribs are negative.

Radiologist: Dr. Hart

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Transcribed Statement: Alex Swenson
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This is a taped statement with Alex Swenson, DOB: 3/3/2006, on July 10, 2018 at 1400 hours/2:00 p.m. with Officer Pat Larson, Badge #35 of the Shakopee Police Department in regard to an incident that occurred at Valleyfair on 7/10/2018 1340 hours/1:40 p.m.

OL: Officer Larson
AS: Alex Swenson

OL: Okay, Alex, I am Officer Larson from the Shakopee Police Department, and we are here today to talk about an incident that happened at Valleyfair today. Are you willing to talk to me?

AS: Yes.

OL: Good. Okay, I'm just going to start with some basic information from you, okay?

AS: Uh-huh.

OL: What is your full name and date of birth?

AS: Ah, Alex Swenson. My birth date is March 3, 2006.

OL: Are you 12 years old, Alex?

AS: Yep.

OL: Okay. Can you tell me what happened today?

AS: Yeah. We were in line for the Wild Thing, and I was talking to a friend of mine in line behind us. I turned around and asked my (mom/dad) what was the matter 'cause (she/he) and two kids were talking loud back and forth to each other. My (mom/dad) said that two kids cut in line and they wouldn't go to the end. And then, um, the two kids started yelling at my (mom/dad) and then it turned physical.

OL: Okay, Alex. What exactly do you mean by physical? What did you see happen?

AS: Um, it was like punches. They were pulling hair.

OL: Who was punching and pulling hair?

AS: Um, like, the one kid was hitting my (mom/dad) and punching all over, anywhere (she/he) could.

OL: Alright, and what about the hair pulling?

AS: My (mom/dad) had to pull this kid's hair and punch back to get them to quit punching (her/him) and get away.

OL: About how many times do you think that this kid hit your (mom/dad)?

AS: I don't know.

OL: Once? Twice?

AS: A lot more than that.

OL: A lot more than that? Do you remember where, ah, where are some of the places that your (mom/dad) was hit?

AS: I think that (he/she) was hit in the head, back and face.

OL: Okay. When your (mom/dad) was getting hit was it with a closed fist or open hand?

AS: For sure closed fist. I tried to pull (her/him) off of my (mom/dad) and then I got socked and I hit my head on the railing.

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Transcribed Statement: Alex Swenson

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OL: How did you get socked...or ah, hit?

AS: The kid that was hitting my (mom/dad) punched me in the chest. I lost my balance and hit my head on the railing. My glasses flew off too.

OL: Did your glasses get broken?

AS: Nope. Thank goodness.

OL: Did you see anything else happen?

AS: Um, no.

OL: You didn't see what happened to your cousin?

AS: Um, no, no I didn't.

OL: Okay. Well, Alex I appreciate you talking to me. Is there anything else you want to add?

AS: Nope.

OL: Alright. This ends the statement.

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Transcribed Statement: Sam Johnson
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This is a taped statement with Sam Johnson, DOB: 2/14/2002 on July 10, 2018 at 1430 hours/2:30 p.m. Interview is conducted by Officer Larson, Badge #35 of the Shakopee Police Department in regard to an incident that occurred at Valleyfair on 7/10/2018 1340 hours/1:40 p.m.

OL: Officer Larson
SJ: Sam Johnson

OL: Alright Sam, I'm going to read your Miranda Warning to you. You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to a lawyer and have a lawyer present with you while you are being questioned. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish. You can decide at any time to exercise these rights and not answer any questions or make any statements. Do you understand these rights I've explained to you?

SJ: Yep.

OL: Would you like to talk to me today about what happened at Valleyfair?

SJ: Yeah, whatever, sure.

OL: Okay. Can you state your full name and date of birth for the record?

SJ: Sam Johnson. I don't have a middle name.

OL: And your birthdate?

SJ: Um..February 14, 2002

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Transcribed Statement: Sam Johnson

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OL: Okay. Tell me what happened today.

SJ: Well, we, um me and my (sister/brother), Erin, wanted to get in line for the Wild Thing.

OL: Okay.

SJ: Okay, well, see, I told Erin that I wanted to get in line before everybody, you know piled up when they got off the ride. Well, so, um, before we knew it, there was a big crowd of people that got off the ride and got into line ahead of us.

OL: What did you and Erin do next?

SJ: So, we were really ticked that all these people were running ahead of us and the line was really long. We had been wait' in all day to ride this thing, ya know. We thought no way are we going to wait in this long line. We were here first and all these people ran in front of us. We started to run in front of people and get ahead of them.

OL: Alright. Now tell me what happened next.

SJ: Okay, so we're running and we run past some people and like and we get in line in front of this adult and two other kids. So, we're like, can you move over. This (lady/man) says no and says to go to the end. Erin and I are like, "What do you mean go the end? "We're just trying to get in line here." I was like we aint going to the end of the line, why don't *you* go to the end of the line? Then like they kept asking where our parents were and saying how rude we were being.

OL: What did you and Erin do next?

SJ: Um, well, we were just like leave us alone, geez, we're just stepping in line and it's no big deal, just chill. The adult kept asking us where our parents were and a

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Transcribed Statement: Sam Johnson

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kid that was with this (lady/man) asked why the heck we won't just go to the end of the line. Erin and I felt like these people were just harassing us, so we tried to end it but this adult kept on saying stuff to us, so Erin kinda like yelled at this kid.

OL: What do you mean kinda?

SJ: Well, Erin yelled at this kid to shut up.

OL: Okay, what happened next?

SJ: Um, well, so then this adult is like yelling at Erin and said, "Bring it on!" I was like no way is this adult going to do this to my (sister/brother' face) so I stepped in.

OL: What do you mean by "stepped in?"

SJ: I defended my (sister/brother).

OL: Did you hit the adult?

SJ: Ah, well, yeah I hit 'em.

OL: What exactly did you do?

SJ: I punched the adult. Then like (he/she) was pulling my hair and punching me, and I was punching back hitting them in the face or whatever. Then like this other kid that was with them tried to pull me off of this adult, so I pushed this kid away. Then like some people tried to pull us apart and then the cops were called.

OL: Okay. So, so...I'm going to go over this to make sure I have all the details here. You're in line for the Wild Thing, correct?

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Transcribed Statement: Sam Johnson

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SL: Um-hmm.

OL: Okay. And you and your (sister/brother) were butting in line trying to get to the front?

SL: No, we didn't butt. Cuz, all these people like ran in front of us. So we tried to run in front of them and get in line.

OL: Okay, well, you are in line at the Wild Thing and you have a verbal argument with an adult and a child. This leads to Erin yelling at the child, the adult yells at Erin and you punched.....

SL: (interrupts)...but they started it!

OL: Ah, please don't interrupt.

SL: Oh, sorry.

OL:And you and the adult end up physically fighting and you pushing another child. Is this correct?

SL: Yeah, I guess.

OL: Did you hit the adult first?

SL: Yeah. It all happened so fast. Cuz this adult was all like bring it on and she was pulling my hair and punching me too!

OL: Did you physically hit the adult in the head, face and back?

SL: Yeah.

OL: Did you choke this adult and knee them in the back?

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Case #18001122

Transcribed Statement: Sam Johnson

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SL: Nope.

OL: Okay. Do you have anything further to add to this statement?

SL: Nope.

OL: Okay that ends this statement then.

VICTIM IMPACT STATEMENT

This event has had a significant impact on my family's life. The incident was extremely horrific and has caused my family and me a great amount of stress and anxiety. I have suffered from severe headaches. My child, Alex, has been suffering from nightmares, waking up at night screaming and crying. I have also had sleepless nights recalling the assault over and over in my head. I feel as though I am reliving every punch and every blow to my head all over again. To see Alex assaulted was horrible. Alex was just trying to protect me, but I wasn't able to protect him from being hit. One of a parent's worst nightmares is their child getting hurt. To know that Alex and Taylor watched in horror as I was being repeatedly punched, kicked and choked sickens me. I am so angry and saddened that this happened to us.

I would like to see Sam go through some type of anger management classes. I do not want this to happen to anyone else.