

1 separate gunshots rang out in the cool morning air.
 2 Both bullets pierced his clothing, then entered his skin
 3 and then entered his body. One entered below his left
 4 buttocks. It hit his femur of his left leg, causing it
 5 to fracture. The bullet destroyed the head and neck of
 6 his femur bone. It fractured the socket where the femur
 7 bone sat in, and it continued through his intestinal
 8 area and eventually came to rest just under his skin in
 9 his abdomen.

10 The other bullet entered his back right
 11 shoulder. It fractured his scapula as well as the
 12 shoulder blade. The bullet then traveled down and hit
 13 and broke three ribs and his vertebrae and it severed
 14 his spinal column -- or spinal cord. The bullet lost
 15 momentum and came to rest in his lower back just under
 16 his skin.

17 Both bullets caused him to bleed to death.
 18 His death was not immediate. He died on his back
 19 looking up at the sky on April 13th of 2007.

20 Now, ladies and gentlemen, Vern Wander heard
 21 two gunshots that morning. He said it -- he said it
 22 sounded like a high power rifle and it was approximately
 23 8 o'clock A.M. he heard it. He said it came from the
 24 southwest, which would have been the direction of Chad's
 25 maple syrup camp. On this picture (indicating) it shows

1 you where he lives. Ladies and gentlemen, this is White
 2 Earth Lake. This is Little White Earth Lake, and as you
 3 can see, that is the maple syrup camp.

4 Brian Donner also heard a gunshot that
 5 morning. He says he heard it around approximately 8:15
 6 while he was walking from his shop to his truck. He
 7 said the sound or the shot sounded like it was coming
 8 from a high powered rifle. He says the shot came from
 9 the north, in the direction of the maple syrup camp.

10 Leslie Fain heard two gunshots that morning.
 11 Leslie thought that the shots were odd, especially that
 12 time of the year. It is not normal hunting season and
 13 she didn't think that Chad had brought a gun out to the
 14 site. She went and asked her daughter-in-law, Ann Fain,
 15 if she heard the shots. Ann Fain confirmed what she
 16 heard, in her words, hunting sounds.

17 Now, you will hear evidence, ladies and
 18 gentlemen, that Leslie Fain is a worrier. She worries
 19 about her husband when he goes out in the woods to hunt,
 20 worries about when he is gone. She worries about her
 21 son when he leaves to go hunting. She always makes sure
 22 and wants them to have cell phones on them so she can
 23 get a hold of them.

24 Chad always carried his cell phone with him.
 25 He didn't have voice mail though but he always would

1 answer the phone. Once she heard the shots she decided
 2 to call him, see what was going on. She makes a call at
 3 8:14, the phone records show, and there is no answer.
 4 She again calls a second time at 8:16. She is thinking
 5 perhaps maybe he left his cell phone in the house and
 6 she called again to see if she could hear it. No answer
 7 at no phone in her house. She calls again at 8:28 and
 8 there is still no answer. Now, she becomes more
 9 worried. After each call she is becoming more worried.

10 As I said, the evidence will show she didn't
 11 know if he brought a gun out there, but the evidence
 12 will also show, ladies and gentlemen, that there was a
 13 bear in the woods that last fall back where he was doing
 14 his maple syrup, so again it causes her to worry. She
 15 calls back again at 8:46 and there is no answer.

16 Now, Leslie's plan for that day was to go to
 17 work. She needed to be in town at 11 o'clock that
 18 morning, so she takes a shower. She decides to do her
 19 chores, feed her horses, and decides whether or not she
 20 wants to go out and check on him to see if he is
 21 actually out with his phone and whether or not it is on,
 22 but before she leaves, she attempts to call him one last
 23 time. She knows that it is a muddy walk out there. She
 24 has already showered and is on her way towards work and
 25 doesn't really want to have to walk out to see him. So

1 she calls him again at 9:47 and there is still no
 2 answer.

3 Worry gets the best of her and she goes out
 4 there. Now, as she approaches the camp there is a bend
 5 in the trail. I am showing you right here, this is an
 6 aerial photo, ladies and gentlemen, of the camp. That's
 7 the maple syrup camp right here (indicating). As I said
 8 before, that is the vehicle that Chad got stuck in the
 9 mud or buried it trying to get out there. As she
 10 approaches this bend right here, Chad's two dogs come
 11 towards her. She doesn't see her husband. She
 12 continues to go forward. Eventually she sees her
 13 husband next to the stove that cooks the maple syrup and
 14 he is lying on his back and he is motionless. This is
 15 her view as she approaches. She sees his lifeless body
 16 lying there. His eyes are open. There is no blood.
 17 She never touches him, ladies and gentlemen. The
 18 evidence will show that she was too afraid. She becomes
 19 hysterical. The first thought in mind was that he died
 20 of a heart attack. Her initial reaction is to call
 21 9-1-1, but she thinks to herself how in the world will
 22 anybody find me out here in the woods? So she
 23 frantically calls Ken Swedberg, Chad Swedberg's brother,
 24 who lives right across the street, and immediately after
 25 speaking with him she tells him what is going on. And