

1 on that rifle.

2 Evidence will show there was some other latent
3 prints found on that rifle that actually exclude Kenneth
4 Andersen. Some fingerprints. They didn't belong to
5 him. State can't prove its case.

6 Let's talk about DNA. Evidence will show you
7 there is no DNA evidence linking Mr. Andersen to the
8 shooting death of his best friend, Chad Swedberg,
9 whatsoever. There is no DNA. They can't prove it.

10 And we are going to talk a little bit about
11 the crime scene. State is going to try to convince you
12 of possible lines of sight in order to show that
13 Mr. Andersen could have shot his best friend through the
14 heavily wooded maple camp. They are going to come up
15 here and show you some videos and a nice, new poster
16 with little lines drawn on it with some feet and
17 distances, and the evidence will show that this
18 experiment was conducted several months and at least one
19 season later at that maple camp. Lightening, rain,
20 forestation, growth, the maple sap had been cleared out.
21 That cooker was gone. The tall storage tank and
22 platform was gone. Hand-made ladder was gone. There
23 was no tractor, no chairs. And none of the at least two
24 dozen bulging maple syrup bags are hanging from the
25 trees, and yet they are going to seek here and they are

1 going to try and tell you that that's how he could have
2 gotten a line of sight. That is what the evidence is
3 going to show.

4 You are going to hear expert testimony as well
5 showing that the crime scene was not properly secured
6 and protected. You are going to hear testimony that the
7 victim was moved, disturbed, comprised before any
8 pictures, photos, or videos were taken. And because of
9 that you will hear evidence that any attempt to
10 reconstruct the distance, position angles or other
11 information as to location of any assailant and place
12 from which a fatal shot may have come from are not
13 possible. Any reconstruction of the crime scene is
14 speculative. There is some talk about some footprints.
15 The evidence will show that on the day of the shooting
16 Captain Joe McArthur swept the area for footprints. In
17 fact, he and Ken Swedberg drove from Little White Earth
18 Lake Road on County Highway 34 to a ditch area that went
19 into the woods. That's this right here (indicating).
20 This is a little driveway up a trail that runs
21 north/south from County Highway 34 up to Fish Hook Lake.
22 They checked the trail. Didn't observe any fresh
23 tracks. Then they drove up to Highway 21 to North 374.
24 They came up here and they drove up on this road right
25 here (indicating). Mr. Fritz talked to you a little bit

1 about that. What they did though is they found a place
2 where it could have been driven into, a little bit of
3 fresh track area, and they stopped and checked it out,
4 but what they realized is nobody had gotten out of the
5 vehicle so they disregarded that. They came up here to
6 the tip right here (indicating) and they got out of
7 their car and they walked and they checked along this
8 trail and area right here and they found no tracks. And
9 then as Mr. Fritz stated and as you will hear testimony,
10 they came up to Fish Hook Lake, came up north on Fish
11 Hook Lake, walked around a little bit, didn't find any
12 tracks. Well, I take that back. They did find one
13 track, one footprint. And the evidence will show that
14 Kenneth Swedberg looked over at Joe McArthur and said
15 that he believed that that was Chad's footprint because
16 it was up by a beaver pond.

17 Now, they came to a trail from that point that
18 went southbound. Ken Andersen told Joe McArthur that
19 lead to where Chad was killed. They continued to look
20 for signs of tracks but they didn't see any tracks.
21 They decided to continue east. They continued east.
22 They didn't see any more tracks.

23 Now, the evidence will show that
24 Investigator Sieling searched north, west, and south of
25 the area. Now you are going to hear testimony, but what

1 you're going to hear is that in his original report he
2 wrote he might have discovered a possible set of tracks
3 that could have walked along the trail to the north.
4 That's in his initial police report. Now, what you are
5 going to hear there is no picture of those alleged
6 tracks. There is no casting of those alleged tracks.
7 There is no size of the alleged tracks. There is no
8 drawing or description of that alleged track. And later
9 that day Captain McArthur told Ken Swedberg, and this is
10 after Captain McArthur and Sieling had spoken with each
11 other, that there were no tracks. We found no tracks.
12 No tracks were discovered. The evidence will show that
13 when Captain McArthur went to the crime scene the next
14 day he didn't follow up on these possible tracks, in
15 fact, that Sieling had talked about the day before that
16 are now such a big deal in this case. In fact, he
17 didn't follow up on that until Agent Baumann mentioned
18 it to him the next day.

19 Now, as you know, the area was muddy and
20 snowy. You are going to hear testimony that when
21 Officer Kelly Shannon searched the area four days later
22 the ice conditions hindered his ability to search the
23 area that Mr. Andersen supposedly came off of Fish Hook
24 Lake.

25 State can't prove its case beyond a reasonable