

1 MR. DURKIN: May I have just a second?

2 Can we have just a second?

THE COURT: You may.

3 Q. (Mr. Durkin continuing) If you wrote in  
4 a previous report that the ATV was covered in deer  
5 blood, would that report then be correct?

6 A. I have my report right here and mud is  
7 all I have written on there.

8 MR. DURKIN: May I approach?

9 THE WITNESS: ATV was covered in mud.

10 Q. (Mr. Durkin continuing) May I?

11 A. Yep.

12 MR. DURKIN: All right. Thank you. I  
13 don't have any further questions. Thank you, Deputy.

14 THE COURT: Mr. Fritz.

15 BY MR. FRITZ REDIRECT EXAMINATION

16 Q. Deputy Anderson, Mr. Durkin had asked  
17 you if you discovered a deer heart beneath the seat of  
18 the ATV. Do you know if it was a deer hear?

19 A. I have no way --. Deer season was on at  
20 the time. That's why it may have been. It appeared  
21 larger than a normal deer heart, you know. That is why  
22 I question whether it was, but I have no --. It was  
23 never tested to my knowledge. I didn't really know what  
24 it was.  
25

1 Q. Do you deer hunt?

2 A. Yes.

3 Q. And over your --. How long have you  
4 been deer hunting?

5 A. Since I was 12, and I am 46, so a long  
6 time.

7 Q. How many deer have you taken in that  
8 time?

9 A. I couldn't tell you.

10 Q. And you have childrer?

11 A. Yes.

12 MR. DURKIN: Your Honor, I object. I  
13 think this is beyond the scope of direct.

14 THE COURT: Overruled.

15 Q. (Mr. Fritz continuing) Do you have  
16 children?

17 A. Seven of them.

18 Q. Do they hunt?

19 A. The ones that are of age.

20 Q. And in your lifetime of deer hunting  
21 have you field dressed deer?

22 A. A lot.

23 Q. So --. And when field dressing --.  
24 Other people refer to it as gutting a deer after it has  
25 been killed; is that correct?

1 A. Yes.

2 Q. Have you had an opportunity to observe  
3 hearts of those animals?

4 A. Yes. Yep.

5 Q. And in relation to the one that you  
6 found in the four-wheeler here can you tell whether or  
7 not the one you found in the four-wheeler was similar  
8 size of those deer that you have taken?

9 A. Like I said, it seemed larger than a  
10 normal sized deer heart from my experienc.

11 MR. FRITZ: Thank you, Deputy Anderson.  
12 No further questions.

13 THE COURT: Mr. Durkin.

14 MR. DURKIN: I may be beating a dead  
15 horse.

16 BY MR. DURKIN RECROSS-EXAMINATION

17 Q. Would it be fair to say a bigger deer  
18 would have a bigger heart?

19 A. I am not a wildlife biologist. You  
20 know, assumption could be made, I guess.

21 Q. Well, was it a human heart?

22 A. I don't believe so.

23 MR. DURKIN: No further questions.

24 MR. FRITZ: No further questions.

25 THE COURT: You can step down.

1 Next witness.

2 MR. FRITZ: State calls Jeff Nelson,  
3 Your Honor.

4 THE COURT: Come here, sir, and raise  
5 your right hand.

6 JEFF NELSON, a witness, called by the Plaintiff,  
7 being first duly sworn, testified on his oath, as  
8 follows:

9 THE COURT: You need to have a seat  
10 behind the microphone, if you would, and slide up a  
11 little.

12 State your name and spell your last name for  
13 the record.

14 THE WITNESS: Jeff Nelson, N-E-L-S-O-N.

15 THE COURT: Mr. Fritz.

16 MR. FRITZ: Thank you.

17 BY MR. FRITZ DIRECT EXAMINATION

18 Q. Good morning, Officer Nelson. Can you  
19 tell us what your occupation is?

20 A. I am an investigator with the Sheriff's  
21 Office in Roseau County.

22 Q. And how long have you been with the  
23 Sheriff's Office?

24 A. Since October of '91.

25 Q. Prior to that were you employed in the