

1 your experience where there is no testimony taken at
2 all?

A. Right.

3 Q. And if you have a hearing that is
4 contested do you meet with the County Attorney ahead of
5 time?

A. Yes.

6 Q. Did you meet with the County Attorney
7 ahead of time in preparation for your testimony for this
8 omnibus hearing?

A. No.

9 Q. To your knowledge was there any
10 witnesses that were anticipated to being called at that
11 omnibus hearing on that date?

A. No.

12 Q. So to the best of your knowledge from
13 your experience and knowledge of this case Chad Swedberg
14 was not expected to be a witness at the April 16th, 2007
15 omnibus hearing?

A. Right.

16 Q. And it isn't uncommon to have an omnibus
17 hearing without any witnesses?

A. Right.

18 Q. Now, you weren't involved in the murder
19 investigation of Chad Swedberg, were you?

1 A. No, not directly.

2 Q. And you obviously have no knowledge of
3 any conversations that occurred between the Defendant
4 and Chad Swedberg in this matter, do you?

A. No.

5 Q. Other than the one that you had just
6 recorded?

A. Right.

7 Q. So you don't know what knowledge or what
8 communications were exchanged between the Defendant and
9 Chad Swedberg?

10 MR. DURKIN: And I am going to object.
11 I think that goes a little bit beyond the scope of
12 cross-examination.

13 THE COURT: Overruled.

14 You can answer, sir.

15 A. I have no idea what they talked about.

16 Q. (Mr. Fritz continuing) Were you aware
17 whether or not the Defendant had an attorney in Roseau
18 County in the ATV theft?

19 MR. DURKIN: May we approach?

20 THE COURT: You may.

21 (Discussion held at the bench off the
22 record.)

23 MR. FRITZ: Your Honor, I withdraw my
24
25

1 last question.

2 I have no further questions of the
3 witness.

4 THE COURT: Mr. Durkin?

5 MR. DURKIN: No. Thank you.

6 THE COURT: Thank you, sir. You can
7 step down.

8 Next witness, counsel.

9 MR. ZDRAZIL: Call Josh Bogatz, Your
10 Honor.

11 MR. DURKIN: Your Honor, I am going to
12 need a second.

13 THE COURT: If you would come up here
14 now, please? I'll ask you to raise your right hand and
15 we will swear you in.

16 JOSHUA BOGATZ, a witness, called by the
17 Plaintiff, being first duly sworn, testified on his
18 oath, as follows:

19 THE COURT: You need to have a seat
20 behind that microphone over there.

21 I'll ask you to slide up to the
22 microphone, if you would, sir, and state your name and
23 spell your last name for us.

24 THE WITNESS: Joshua James Bogatz,
25 B-O-G-A-T-Z.

1 THE COURT: Mr. Zdrzil.

2 MR. ZDRAZIL: Thank you, Your Honor.

3 BY MR. ZDRAZIL DIRECT EXAMINATION

4 Q. Good morning, Mr. Bogatz.

5 A. Good morning.

6 Q. How are you today?

7 A. Good.

8 Q. You have been here since 9 o'clock?

9 A. Yep.

10 Q. Thank you for being patient with us.
11 Thank you for sticking around.

12 A. Yeah.

13 Q. Mr. Bogatz, how old are you?

14 A. Twenty-six.

15 Q. And who is your mother?

16 A. Betty Andersen.

17 Q. Is she any relationship to Frank
18 Andersen?

19 A. She was his wife.

20 Q. She was his wife?

21 A. Yeah.

22 Q. They are divorced now?

23 A. They are in the process of divorc.

24 Q. Where does she live?

25 A. She lives in Ohio.