

REDIRECT - HARVEY

91

FILED

February 15, 2024

**OFFICE OF
APPELLATE COURTS**

1 Q So if that was March 30th you never saw --

2 A Nope. I never saw him until two or three months later I
3 went to the Vietnamese market. I saw him in the market, he
4 was with his wife.

5 Q Okay. Thank you.

6 MR. KELM: I have nothing further, Your Honor.

7 THE COURT: Anything else, Mr. Anunobi?

8 REDIRECT EXAMINATION

9 BY MR. ANUNOBI:

10 Q Just -- well, so you when you saw him you said he was
11 unconscious, right?

12 A Yeah. He can -- he -- a lot of tubes around and all the
13 machine around him. He actually in really bad shape at that
14 time.

15 Q About what time of the day was that?

16 A That's later in the day. Let me remember when we go in the
17 morning early, go St. Francis and be there around maybe
18 around 2:00 or 3:00.

19 Q In the afternoon?

20 A Yeah, the afternoon one.

21 MR. ANUNOBI: All right. That's all, Your Honor.

22 THE COURT: Anything else, Mr. Kelm?

23 MR. KELM: No, Your Honor.

24 THE COURT: Thank you, Ms. Harvey. You may step
25 down.

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1 THE WITNESS: Thank you.

2 THE COURT: All right. Just for the purposes of
3 the record, I am going indicate that I have received
4 Exhibits 2 through 8, pursuant to the agreement of the
5 parties. There was an additional Exhibit 1 that I believe
6 is in dispute and it is 2022 human rights report pertaining
7 to Vietnam.

8 MR. ANUNOBI: Yes, Your Honor.

9 THE COURT: Do you want to tell me -- do you want
10 to reserve that or do you want to argue about that today?

11 MR. ANUNOBI: Well, Your Honor --

12 THE COURT: You have three minutes. So I'll keep
13 that -- I'll keep you on the honest about that.

14 MR. ANUNOBI: Okay. Your Honor, first of all this
15 report was made I'll -- I'll do this -- this report was made
16 by the United States State Department. Your Honor, also
17 this report is not hearsay because it qualifies under the
18 official records exception.

19 THE COURT: I'm just curious why it's relevant to
20 us.

21 MR. ANUNOBI: Yes, Your Honor. This report states
22 -- talks about human rights abusers, how people are treated
23 in Vietnam. Part of the evidence the Defendant is going to
24 give when he comes tomorrow -- or when he comes another day
25 is about what he experienced in Vietnam before migrating to

ADDENDUM 92

1 America. Part of --

2 THE COURT: Which was --

3 MR. ANUNOBI: Which was --

4 THE COURT: When?

5 MR. ANUNOBI: When he was --

6 THE COURT: No. No. How long ago?

7 MR. ANUNOBI: Well, about 23 years ago.

8 THE COURT: Okay. I'm going to reserve ruling
9 until I hear his testimony to determine if this is relevant
10 --

11 MR. ANUNOBI: Yes, Your Honor.

12 THE COURT: -- to our case.

13 MR. ANUNOBI: Absolutely.

14 THE COURT: I will hold it until then. Now we got
15 to get Lana out of here. So what -- how much time do we
16 need to set aside to complete this hearing?

17 MR. ANUNOBI: Your Honor, I'm sure that I should
18 be done within an hour if he -- well, not today. I'm just
19 saying --

20 THE COURT: Your client's testimony -- you think
21 you have an hours worth of testimony from your client?

22 MR. ANUNOBI: The reason why I say it, Your Honor,
23 is because he's very -- he doesn't understand very easily.
24 Apparently he tells me he's been on medication. So he
25 doesn't perceive very easily.

APPENDUM 93

1 THE COURT: I'm -- I'm just asking how --

2 MR. ANUNOBI: Yes.

3 THE COURT: -- long your portion will be.

4 MR. ANUNOBI: It will be about an hour.

5 THE COURT: Okay. And then we have
6 cross-examination and I know that you want to limit that,
7 but once he's on the stand any issue that you open is open
8 to the State to cross-examine.

9 MR. ANUNOBI: That is correct, Your Honor.

10 THE COURT: All right. Could you do the afternoon
11 of October 16th?

12 MR. KELM: Your Honor.

13 THE COURT: Yep.

14 MR. KELM: I have a two-week long manslaughter
15 trial starting --

16 THE COURT: We're going to go off the record. So
17 poor Chelsea doesn't have to take this down. Sorry.

18 (Discussion was held off the record.)
19
20
21
22
23
24
25

STATE OF MINNESOTA)

) REPORTER'S CERTIFICATE

COUNTY OF SCOTT)

I, **Chelsea E. Hoffman**, do hereby certify that
the foregoing transcript, consisting of the preceding
95 pages, is a true and complete transcript of the
proceedings had of record.

Dated: 12/04/2023

/s/Chelsea E. Hoffman

Chelsea E. Hoffman

Official Court Reporter

Scott County Government Ctr.

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Shakopee, MN 55379

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1 STATE OF MINNESOTA

DISTRICT COURT

2 COUNTY OF SCOTT

FIRST JUDICIAL DISTRICT

3 -----
4 State of Minnesota,

File No. 70-CR-22-14898

5 Plaintiff,

6 vs.

CONTINUED CONTESTED
OMNIBUS HEARING

7 Michael Tien Huynh,

8 Defendant.
9 -----

10
11 The above-entitled matter came on for hearing
12 before the Honorable Caroline H. Lennon, Judge of the
13 above-named Court, on November 17, 2023, at the Scott
14 County Government Center, in the City of Shakopee, County
15 of Scott, State of Minnesota.

16
17 **APPEARANCES**

18 Steven J. Kelm, Assistant Scott County Attorney,
19 appeared for and on behalf of the State of Minnesota.

20 Eric C. Anunobi, Attorney at Law, appeared for
21 and on behalf of the Defendant.

22 The Defendant was personally present.

23 Lana Nguyen, Court Certified Vietnamese
24 Interpreter, was also present.
25

ADDENDUM 96

I N D E X

WITNESSES

KIM THI HUYNH

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MICHAEL TIEN HUYNH

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1 THE COURT: All right. Good afternoon.
2 We are here in State of Minnesota versus Michael
3 Huynh.

4 We have an Interpreter present for the
5 benefit of the Defendant. Your name for the record,
6 please.

7 THE INTERPRETER: Your Honor, Lana Nguyen,
8 L-A-N-A, N-G-U-Y-E-N, Certified Vietnamese
9 Interpreter.

10 THE COURT: Have you been sworn today,
11 Ms. Nguyen?

12 THE INTERPRETER: No, Your Honor, not today.
13 (Interpreter sworn.)

14 THE INTERPRETER: I do.

15 THE COURT: Thank you. We are here today on
16 a Continued Contested Omnibus Hearing. I understand
17 that the State has already presented the officer's
18 testimony at our last appearance.

19 Anything further to be presented on behalf
20 of the State, Mr. Kelm?

21 MR. KELM: No, Your Honor.

22 THE COURT: Very well. Then, Mr. Anunobi,
23 you may go ahead and present your case.

24 MR. ANUNOBI: Thank you, Your Honor.

25 Your Honor, at this -- at this time, the Defendant

ADDENDUM 98

1 calls Ms. Kim Huynh.

2 THE COURT: Ms. Huynh, can I have you take
3 your jacket off, please?

4 THE WITNESS: (Through the Interpreter)
5 Sorry, Your Honor.

6 THE COURT: Come on up. I'm sorry. Does
7 the witness require an Interpreter?

8 THE INTERPRETER: Yes, Your Honor, she does.

9 THE WITNESS: (Through the Interpreter)
10 Yes.

11 THE COURT: If you will raise your right
12 hand.

13 **KIM THI HUYNH**

14 called as a witness,
15 after having been first duly sworn,

16 was examined and testified as follows:

17 THE WITNESS: (Through the Interpreter)
18 Yes.

19 THE COURT: Please have a seat. All right.
20 Let's go off the record for a minute.

21 (Off-the-record discussion.)

22 THE COURT: All right. We are back on the
23 record. If the witness could state her name for the
24 record, please.

25 THE WITNESS: (Through the Interpreter) My

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1 name is Kim Thi Huynh.

2 THE COURT: And can you spell your middle
3 and last name, please?

4 THE WITNESS: (Through the Interpreter) My
5 middle name is T-H-I. My last name H-U-Y-E-N (sic.).

6 THE COURT: All right. Go ahead,
7 Mr. Anunobi.

8 MR. ANUNOBI: Yes.

9 **DIRECT EXAMINATION**

10 BY MR. ANUNOBI:

11 Q Where do you live, please?

12 A (Through the Interpreter) Here? You mean here?

13 Q Where she lives.

14 A (Through the Interpreter) I live at 1560 Village
15 Square Boulevard, Shakopee.

16 Q And what do you do for a living?

17 A (Through the Interpreter) I work as a nail tech.

18 Q And what does a nail tech do?

19 A (Through the Interpreter) They beautify people's
20 fingernails and toenails.

21 Q And are you married, please? Could you tell the
22 Court, please, whether or not you are married?

23 A (Through the Interpreter) Yes, I am.

24 Q Okay. Are you -- how are you married? Are you
25 married legally, I mean, on the American law?

ADDENDUM 100

1 A (Through the Interpreter) Not legally in the United
2 States, but according to Vietnamese custom we live
3 like -- as husband and wife.

4 Q Okay. How long have you guys been together?

5 A (Through the Interpreter) For ten years.

6 Q And would that be with Mr. Michael?

7 A (Through the Interpreter) Yes.

8 Q Okay. So where were you born?

9 A (Through the Interpreter) I was born in Tay Ninh --

10 THE INTERPRETER: T-A-Y N-I-N-H.

11 THE WITNESS: -- (through the Interpreter)

12 Vietnam.

13 BY MR. ANUNOBI:

14 Q Okay. And are you a citizen of the United States?

15 A (Through the Interpreter) Yes.

16 Q When did you come into the United States?

17 A (Through the Interpreter) In 2003.

18 Q And when you came to the United States did you come to
19 Minnesota directly?

20 A (Through the Interpreter) No. I lived in Virginia
21 for one year before I came here.

22 Q Okay. Now, I want to talk about your education, and
23 so please tell the Court the highest education you had
24 in Vietnam. Well, did you -- where did you have your
25 education? Did you have it in Vietnam?

ADDENDUM 101

1 A (Through the Interpreter) I was educated in Vietnam.

2 Q And what was your highest level of education?

3 A (Through the Interpreter) Seventh Grade.

4 Q Okay. And when did you complete Seventh Grade?

5 A (Through the Interpreter) I can't recall exactly.
6 Perhaps it was in '92 or '93.

7 Q Okay. Now, how old were you when you came into the
8 United States?

9 A (Through the Interpreter) Twenty-four years old.

10 Q And like you said you had a Seventh Grade degree, a
11 Seventh Grade level, right?

12 A (Through the Interpreter) Yes.

13 Q And when you came into the United States did you have
14 any kind of education?

15 A (Through the Interpreter) No, sir.

16 Q Why not?

17 A (Through the Interpreter) Because I had to look for a
18 job to support myself, and I had to send money to
19 support my family in Vietnam.

20 Q Okay. And so what family do you have in Vietnam?

21 A (Through the Interpreter) I have my parents, my
22 brothers and sisters, and my -- my nephews.

23 Q Did you do English as a second language here? Did you
24 try to learn English as a second language?

25 A (Through the Interpreter) Yes.

ADDENDUM 70102

1 Q So you learned English in America?

2 A (Through the Interpreter) I do not speak English.

3 Q Did you try to learn English here?

4 A (Through the Interpreter) I didn't go to school.

5 Q Okay. Now, since you came to America, have you ever
6 been arrested by the police?

7 A (Through the Interpreter) No, sir.

8 Q Have you ever been charged with any offense?

9 A (Through the Interpreter) No, sir.

10 Q Have you had any encounter with the police?

11 A (Through the Interpreter) No, sir.

12 Q You said Michael Huynh here is your husband, right?

13 A (Through the Interpreter) Yes.

14 Q Are you aware of anything that's happened regarding
15 Mr. Huynh on March 29, 2022?

16 THE INTERPRETER: March 13th? I'm sorry.

17 BY MR. ANUNOBI:

18 Q March 29.

19 A (Through the Interpreter) Yes, I do. I am.

20 Q Okay. Could you please tell the Court what you know
21 about what happened on March 29th?

22 A (Through the Interpreter) Yes. (Witness speaking in
23 Vietnamese.)

24 THE COURT: Please -- please pause
25 periodically so the Interpreter can interpret.

APPENDUM 103

1 THE WITNESS: (Through the Interpreter) On
2 March 29, there was a policeman who came to my house
3 and asked if Michael lived here, and then I said yes,
4 he was -- he is my husband, and then he -- the
5 policeman informed me that my husband is -- had an
6 accident and was hospitalized.

7 THE COURT: Very well. Let's ask another
8 question. Nothing this broad. Otherwise we get these
9 long narrative answers.

10 MR. ANUNOBI: Absolutely, Your Honor.

11 BY MR. ANUNOBI:

12 Q So -- so after the police officer told you this did
13 you go to -- did you have any information about where
14 Michael was?

15 A (Through the Interpreter) Yes. He was admitted to a
16 hospital.

17 Q Did you go to the hospital?

18 A (Through the Interpreter) Yes. I asked a friend to
19 pick me up and take me to the hospital.

20 Q What is the name of the hospital?

21 A (Through the Interpreter) St. Francis.

22 Q Did you see Michael at the hospital when you got
23 there?

24 A (Through the Interpreter) Yes. I saw Michael with
25 his eyes closed, and a device was covering his nose,

1 and I saw a lot of wires around his body, and I asked,
2 and then I was told that he was in a coma.

3 Q Okay. And then are you aware of anything that's
4 happened to him after that? Was he taken anywhere
5 else?

6 A (Through the Interpreter) After that, the person told
7 me that they were preparing to transfer my husband to
8 the hospital in Minneapolis.

9 Q Would that be Hennepin County Medical Center?

10 A (Through the Interpreter) Yes.

11 Q Did you go to Hennepin Medical Center after that?

12 A (Through the Interpreter) At the time I asked if I
13 can -- if I could accompany my husband to the
14 hospital. They said no. So I asked my friend to
15 drive me there to that hospital.

16 Q Okay. And so when you got there did you see Michael?

17 A (Through the Interpreter) At the time I was very
18 panicked and confused, I cried a lot, and when I
19 arrived I remember meeting a doctor.

20 Q Okay. After meeting a doctor was there -- did you see
21 Michael when you arrived there?

22 A (Through the Interpreter) After talking to the
23 doctor, yes, I saw my husband with his eyes closed,
24 his face was swollen, and he has something to cover
25 his nose, and he was in a coma, and I saw his body

1 convulsing.

2 Q Okay. Was there anybody with Michael at the time you
3 saw him?

4 A (Through the Interpreter) Yes, there was.

5 Q Who did you see with Michael at the time?

6 A (Through the Interpreter) I saw somebody sitting
7 there.

8 Q Who was it? Was it -- was it a male or a female
9 person?

10 A (Through the Interpreter) When I came there there was
11 a woman, and then he told me that he -- because he is
12 still in a coma you can go home. So I left her the
13 phone number, and I told her call me any time if
14 anything happens to my husband. I was told that it
15 takes 24 to 48 hours for my husband to realize what's
16 going on.

17 THE COURT: Okay. Are we allowing in this
18 hearsay without any medical records and any -- and was
19 this being communicated to her through an Interpreter
20 at the hospital?

21 BY MR. ANUNOBI:

22 Q Was this -- what you had spoken to at the hospital,
23 was this done to you through an Interpreter?

24 A (Through the Interpreter) Yes. I remember at the
25 time there was an Interpreter.

1 Q Okay. Now, you said you saw somebody with Michael at
2 the hospital?

3 A (Through the Interpreter) Yes.

4 Q Okay. What was the person doing?

5 A (Through the Interpreter) It seems that that person
6 was watching Michael or something.

7 Q Was he in Michael's ward -- room?

8 A (Through the Interpreter) Yes, that's right.

9 Q Okay. Now -- now, you said that you came into -- into
10 America about 24 years. Would that be correct?

11 A (Through the Interpreter) In 2003. So, yes, about
12 20 years.

13 Q Okay. So before you came into the United States did
14 you have reason -- did you have any reason to interact
15 with the police in Vietnam?

16 A (Through the Interpreter) In Vietnam you mean?

17 Q Yes.

18 A (Through the Interpreter) Yes. I observed that in
19 Vietnam people around me has been arrested by the
20 police arbitrarily.

21 Q Okay. Did you observe police activity or behavior in
22 Vietnam?

23 A (Through the Interpreter) Yes, I have.

24 Q Okay. So can you tell us -- can you tell us from what
25 you observed in Vietnam how the police deal with

1 citizens in Vietnam when it comes to arrests or
2 detention?

3 (Interpreting in Vietnamese.)

4 THE COURT: Counsel, how is this relevant?

5 MR. ANUNOBI: It is relevant because I am
6 going to talk about the human rights conditions in
7 Vietnam. Oh. No. Hold on a second.

8 Your Honor, it is relevant. I am going to
9 talk about her perception of police activity in
10 Vietnam. I am also going to use it as a basis to talk
11 about a report and to actually talk about her
12 subjective views or her subjective thoughts about the
13 police as it affects Vietnam.

14 THE COURT: You've got to pause. She is
15 trying to interpret this.

16 MR. ANUNOBI: Oh. Okay. Sorry. Sorry.
17 Your Honor, I am trying to talk about -- I am trying
18 to have her talk about her observation of police
19 behavior in Vietnam and I am trying --

20 THE COURT: You don't have to repeat it.
21 She got it.

22 MR. ANUNOBI: Okay. And then at the same
23 time, Your Honor, I am going to say -- I am going to
24 have her talk about her perception of the police in
25 the United States and her subjective concerns about

1 the police and about the relationship between --
2 between people and the police here as a way of --
3 because, Your Honor -- okay. The issue is --

4 THE COURT: Stop.

5 (Interpreting in Vietnamese.)

6 MR. ANUNOBI: The issue that's going to
7 arise is about the Defendant's subjective feelings
8 when he was talking with the police officer in this
9 sense.

10 THE COURT: Okay. And his subjective
11 feelings are relevant.

12 MR. ANUNOBI: They are relevant, Your Honor.

13 THE COURT: Hers are not, unless she gave a
14 statement that I am unaware of.

15 MR. ANUNOBI: Your Honor, her -- her --
16 her feelings or her perceptions are going to
17 corroborate what he says because it talks about what
18 Vietnamese feel about the police in the United States,
19 and that is why her evidence is necessary because it
20 supports what he is going to say about the perception
21 of the police in the United States.

22 Your Honor, she is going to be --

23 THE COURT: Hang on. This is a significant
24 stretch. I am going to allow you a small amount of
25 latitude to ask a few questions, but we are not going

1 to try to make her an expert as to her husband's
2 perceptions.

3 BY MR. ANUNOBI:

4 Q Okay. So you said you saw things that happened in
5 Vietnam about how police treat Vietnamese citizens; is
6 that correct?

7 A (Through the Interpreter) Yes.

8 Q Is the Vietnam economy -- I mean, is it a democracy?

9 A (Through the Interpreter) No, sir.

10 Q Okay. Now -- now, since you came into the United
11 States how do you see the police in America?

12 A (Interpreting in Vietnamese and answering in
13 Vietnamese.)

14 THE COURT: Pause.

15 THE WITNESS: (Through the Interpreter) I
16 never had any interaction with the police personally,
17 but I always have, you know, the feeling of anxiety.
18 For example, when I drive on the road, when I saw
19 the police, I stop, I pause, I hit the brake, and I
20 went -- when he passed I always look to see if he --
21 you know, to see if he's behind me or -- because I
22 feel nervous.

23 BY MR. ANUNOBI:

24 Q So why do you feel that way?

25 A (Through the Interpreter) Yeah. Because when I

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1 lived in Vietnam when I was younger and then I
2 observed the police assaulting people, I became
3 frightened, and that happened to my family too, and I
4 got very afraid.

5 Q As part of your fear of what happened in Vietnam, just
6 from your knowledge, please tell us what else you
7 know. Are you aware -- okay. Are you aware of
8 anybody that dies in the hands of the police in
9 Vietnam?

10 A (Through the Interpreter) Yes.

11 Q Also, as part of your fear of what happens in Vietnam,
12 are you aware of anybody who was tortured in the
13 police custody in Vietnam?

14 A (Through the Interpreter) Yes, I do. I am.

15 Q Did you have any reason -- since you came to America
16 you did not go to school here, correct?

17 A (Through the Interpreter) That's correct.

18 Q Did you get any kind of education in America about how
19 the police in America behave?

20 A (Through the Interpreter) No, I do not.

21 Q Now, did you -- did you have -- were you -- did you
22 ever see reports on police activity in Vietnam?

23 A (Through the Interpreter) I'm sorry. Can you repeat
24 that?

25 Q Did you ever see any police reports -- any reports on

ADDENDUM III

1 police activity in Vietnam?

2 A (Through the Interpreter) No.

3 Q Have you seen any government reports of police
4 behavior in Vietnam?

5 THE INTERPRETER: I'm sorry, Your Honor. I
6 need to clarify.

7 THE WITNESS: (Through the Interpreter)
8 Okay. Yes. I have seen the report that the U.S.
9 State Department have talked about human rights in
10 Vietnam.

11 BY MR. ANUNOBI:

12 Q And is it correct that this report was obtained -- was
13 this -- is it -- was this report obtained by the
14 Defendant?

15 A (Through the Interpreter) I know I have a -- I have a
16 nephew who speaks English. He saw that, and he showed
17 me.

18 Q He read the report to you?

19 A (Through the Interpreter) Yes.

20 Q And if you see this report that your nephew read to
21 you -- obtained and read to you, would you recognize
22 it?

23 A (Through the Interpreter) Yes, I can.

24 Q What is your nephew's name?

25 A David.

ADDENDUM - 112

1 Q And is he based in Minnesota?

2 A (Through the Interpreter) Currently he lives in
3 Hawaii.

4 Q Did he ever visit Minnesota?

5 A (Through the Interpreter) Yes, he has.

6 MR. ANUNOBI: Your Honor, at this time, I
7 would wish to show the -- offer into evidence the
8 reports -- the report named Vietnam 2022 Human Rights
9 Report. I'm sorry. I'm sorry, Your Honor. I am
10 going to show it to her, to the witness, before I
11 offer it.

12 THE COURT: That seems like a good idea.

13 MR. ANUNOBI: Yeah. May I approach the
14 witness, Your Honor?

15 BY MR. ANUNOBI:

16 Q Can you look at this report? Is that the report we
17 are talking about?

18 A (Interpreting in Vietnamese.)

19 THE COURT: Does the witness read in
20 English? I don't think so.

21 MR. ANUNOBI: No, she does not, but I
22 will --

23 THE WITNESS: (Through the Interpreter)
24 No, I do not.

25 THE COURT: How would you anticipate she is

ADDENDUM 113

1 going to identify this document?

2 MR. ANUNOBI: She saw the document when --
3 when --

4 (The court reporter interrupted for
5 clarification.)

6 MR. ANUNOBI: She saw the document when --

7 THE WITNESS: (Through the Interpreter) I
8 saw the names that I recognize who -- who my -- whose
9 stories was translated to me by my nephew.

10 THE COURT: Counsel?

11 MR. KELM: Your Honor, I still object to
12 this document on a relevance basis.

13 THE COURT: Well, we certainly don't have
14 foundation, and I can sustain the objection on
15 foundation. I question relevance. I mean, in some
16 ways it goes to weight, but I don't think we have
17 foundation nor do I think we can get it through this
18 witness.

19 MR. ANUNOBI: All right. I will get it --
20 I will -- Your Honor, I will get it through Mr. --

21 THE COURT: Stop. Any other questions for
22 this witness?

23 MR. ANUNOBI: Yes. Yes. I have no further
24 questions, Your Honor.

25 THE COURT: I'm sorry?

ADDENDUM 114

1 MR. ANUNOBI: I have no further questions
2 for the witness. I have no further questions for the
3 witness.

4 THE COURT: Any Cross, Mr. Kelm?

5 MR. KELM: No, Your Honor.

6 THE COURT: Thank you, Ms. Huynh. You may
7 step down. You may call your next witness.

8 Mr. Huynh, if you would raise your right
9 hand.

10 MICHAEL TIEN HUYNH

11 called as a witness,

12 after having been first duly sworn,

13 was examined and testified as follows:

14 THE DEFENDANT: (Through the Interpreter)

15 Yes.

16 THE COURT: Thank you. Please have a seat
17 in the witness stand. Can you give us your full name,
18 please?

19 THE DEFENDANT: (Through the Interpreter)

20 Michael Tien Huynh.

21 THE COURT: Go ahead, Mr. Anunobi.

22 DIRECT EXAMINATION

23 BY MR. ANUNOBI:

24 Q Michael, where do you live, please?

25 A (Through the Interpreter) In Shakopee.

1 Q Okay. And what do you do for a living?

2 A (Through the Interpreter) I am a nail technician.

3 Q And how long have you been a nail technician?

4 A (Through the Interpreter) For more than 20 years.

5 Q Okay. Are you married?

6 A (Through the Interpreter) Yes.

7 Q Okay. And who are you married to?

8 A (Through the Interpreter) Kim Huynh.

9 Q Okay. Are you a U.S. citizen?

10 A (Through the Interpreter) Yes.

11 Q Were you born in the United States?

12 A (Through the Interpreter) I was born in Vietnam.

13 Q What city in Vietnam?

14 A (Through the Interpreter) Saigon.

15 THE INTERPRETER: S-A-I-G-O-N.

16 BY MR. ANUNOBI:

17 Q And when did you migrate to the United States?

18 A (Through the Interpreter) In 2001.

19 Q And when did you come to Minnesota?

20 A (Through the Interpreter) In 2003.

21 Q Where did you live before you came to Minnesota?

22 THE INTERPRETER: I am sorry. May I have --

23 BY MR. ANUNOBI:

24 Q Where were you living before you came to Minnesota?

25 A (Through the Interpreter) I lived in Iowa.

ADDENDUM 116

1 Q Okay. And do you still have family in Vietnam?

2 A (Through the Interpreter) Yes, I still do.

3 Q What family do you have?

4 A (Through the Interpreter) My mother, my two brothers,
5 and my nieces and nephews.

6 Q Okay. And you said you came to the United States in
7 2001. Why did you come to the United States?

8 A (Through the Interpreter) Okay. Ever since birth I
9 lived in Vietnam in a country -- totalitarian country,
10 no human rights, no freedom. Police can arrest anyone
11 any time and can even beaten them -- or beat them or
12 kill them. There are so many wrongful deaths. I
13 wanted to come to the United States for a better
14 future and for freedom.

15 Q Was there -- apart from these issues that you
16 mentioned, was there any other reason why you came?

17 A (Through the Interpreter) You know, I would like to
18 go to the United States not only for the freedom, but
19 also to work and to earn a living for myself and to
20 take care of my family.

21 Q And while you were -- while you were in Vietnam did
22 you have any kind of education?

23 A (Through the Interpreter) Yes, I did.

24 Q What was the highest education you had in Vietnam?

25 A (Through the Interpreter) Ninth Grade.

1 Q Okay. And then when you came to the United States did
2 you have any kind of education here?

3 A (Through the Interpreter) No, sir.

4 Q Did you learn the English language?

5 A (Through the Interpreter) No, sir.

6 Q Why not?

7 A (Through the Interpreter) Because I had to make a
8 living and to help my family in Vietnam.

9 Q And how do you help them? How do you help them?

10 A (Through the Interpreter) I just send them money.

11 Q Okay. Since you came to the United States have you
12 had any prior incidents with the police?

13 A (Through the Interpreter) Where -- the police from
14 where?

15 Q From America.

16 A (Through the Interpreter) No.

17 Q Have you ever been arrested or charged with any crime?

18 A (Through the Interpreter) No.

19 Q Do you have any thoughts about the American police
20 based on your experience in Vietnam?

21 A (Through the Interpreter) Because I have never had
22 any interaction or incidents with the American police,
23 so I haven't --

24 Q Do you need me to repeat the question?

25 A (Through the Interpreter) Yes.

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1 Q Okay. Based on your experience with what the police
2 do in Vietnam, do you have any kind of feeling about
3 the police in America?

4 A (Through the Interpreter) I haven't had any incident
5 or get arrested by the American police, but I watch
6 on -- I watch them making arrests on TV. I became
7 afraid.

8 Q Why were you afraid?

9 A (Through the Interpreter) Because I can relate them
10 to the Vietnamese police.

11 Q In what way?

12 A (Through the Interpreter) I'm sorry?

13 Q In what way?

14 A (Through the Interpreter) Because the -- because the
15 Vietnamese police can make arrests and hit people, hit
16 people for no reason.

17 Q Okay. Are you worried about -- apart from hitting
18 people, are there other issues that make you worried
19 about the American police?

20 A (Through the Interpreter) I'm sorry?

21 Q Apart from the hitting of people -- you said they hit
22 people in Vietnam. Apart from people being hit, is
23 there another thing that potentially makes him afraid
24 of the American police?

25 A (Through the Interpreter) Because when I had the

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1 interaction with them I am afraid that they are going
2 to behave like Vietnamese police, so that would make
3 me very afraid.

4 Q Okay. So let us go to the incident of March 29, 2022.
5 Do you remember March 29, 2022?

6 A (Through the Interpreter) Yes.

7 Q Okay. And then please I want you to be very brief to
8 just say what happened on March 22 (sic.), and I am
9 going to be asking you questions on that, but just
10 speak slowly and briefly.

11 A (Through the Interpreter) On that day, I heard the
12 voice in my head telling me, "You go get killed,"
13 "You go get killed." So I -- I drove -- I drove to
14 169, and the voice gets louder and louder, and then it
15 keeps saying in my head, "Go get killed," "Go get
16 killed." So I swerved -- I swerved, and then I got
17 into an accident.

18 Q Okay. And then after the accident were you taken to
19 anywhere? After the accident were you taken to
20 anywhere?

21 A (Through the Interpreter) After the accident, I
22 got -- I lost my consciousness, and the ambulance took
23 me to the nearby hospital. Later on, I was
24 transferred to another hospital in Minneapolis.

25 Q Okay. And so did you -- you regained consciousness

ADDENDUM 120

1 after that, right?

2 A (Through the Interpreter) Yes.

3 Q Were you under any kind of medication at that time?

4 A (Through the Interpreter) Yes, I was.

5 Q And did -- did that medication have any effect on you?

6 A (Through the Interpreter) It make me tired, dizzy,
7 and headaches, and I heard voices in my ears, and I
8 feel like hallucinating.

9 Q Okay. And was that, like, a day after the accident?

10 A (Through the Interpreter) Yeah.

11 Q So tell the Court whether or not there were any family
12 members with you at the time you regained
13 consciousness?

14 A (Through the Interpreter) No.

15 Q When you regained consciousness was there anybody in
16 your room?

17 A (Through the Interpreter) Yes, there was.

18 Q What did you see?

19 A (Through the Interpreter) There was someone that was
20 watching me, and he was staring at me, and then I --
21 because I recalled what happened during my accident I
22 was afraid that I was going to get arrested.

23 Q And so did anything happen next?

24 A (Through the Interpreter) There -- later on, there
25 was a police who came in. The person who was watching

APPENDUM 121

1 me left.

2 Q Why did he leave?

3 A (Through the Interpreter) Because the police came in
4 and told the watcher to leave.

5 Q Before the police came in -- before the police came
6 in, the person you described as a police, did you
7 have -- who do you think the watcher was, the person
8 watching you?

9 THE INTERPRETER: Your Honor, I need the
10 question repeated.

11 THE COURT: Yeah. We've got to try a more
12 clear question there. That was very confusing.

13 MR. ANUNOBI: Okay.

14 THE COURT: Who did Mr. Huynh believe the
15 person was that was sitting in the chair watching him?

16 THE DEFENDANT: (Through the Interpreter) I
17 think he must have been a policeman.

18 BY MR. ANUNOBI:

19 Q Okay. And so when the second person came you thought
20 it was another -- did you think it was another
21 policeman too?

22 A (Through the Interpreter) He was a policeman.

23 Q Okay. That's what you thought? Okay. Okay. That's
24 fine.

25 A (Through the Interpreter) Yes. And told -- and told

ADDENDUM 122

1 the other person to leave.

2 Q Okay. So at that time -- just to be sure, at that
3 time you thought it was Policeman Number 2 asking
4 Policeman Number 1 to leave. Is that -- would that be
5 fair?

6 A (Through the Interpreter) Yes; and then that person
7 went on to talk to me.

8 Q Okay. And how did he talk to you?

9 A (Through the Interpreter) Because he tried to talk to
10 me, but because I didn't speak English, so they called
11 in -- they called in the Interpreter on the line. At
12 the time I was feeling fatigued, dizzy, my head hurt,
13 and I heard voices in the -- in my -- in my ears, and
14 then the police was there talking to me. Because the
15 police was facing me that make me feel very nervous
16 and intense.

17 Q Now, you just mentioned during this -- during your
18 Direct, you said you were afraid of the Vietnam
19 police, right, and also the American police. When
20 this police officer came how did you feel?

21 A (Through the Interpreter) I -- I felt afraid and
22 worried.

23 Q Why were you afraid and worried?

24 A (Through the Interpreter) I was afraid to -- of being
25 arrested.

APPENDUM 123

1 Q Did it -- did the fear you have affect you? I mean,
2 tell the Court whether or not the fear you had
3 affected you in talking to the police officer.

4 A (Through the Interpreter) Yes, it did.

5 Q In what way?

6 A (Through the Interpreter) Umm, when I answered his
7 question and I didn't understand, I became afraid.

8 Q Okay. Now, this police officer that came in there --
9 well, I will rephrase the question. Before this
10 police officer came, have you ever heard of anything
11 called Miranda warning?

12 A (Through the Interpreter) No, sir.

13 Q Before the policeman asked you the questions did he
14 warn you that you had a right to keep silent?

15 A (Through the Interpreter) No, sir.

16 Q Did this police officer warn you that anything you
17 said could be used against you in the Courts?

18 A (Through the Interpreter) No, sir.

19 Q Did he advise you that you had a right to a lawyer?

20 A (Through the Interpreter) No, sir.

21 Q Did he advise you that if you did not have a lawyer a
22 lawyer will be provided for you?

23 A (Through the Interpreter) No, sir.

24 Q Did he advise you that you have a right not to
25 incriminate yourself compulsory?

ADDENDUM 124

1 A (Through the Interpreter) No, sir.

2 Q Now, at the time that you were answering the officer's

3 questions, did you give up your right to keep silent?

4 A (Through the Interpreter) No, sir.

5 Q Did you know that you had a right to keep silent?

6 A (Through the Interpreter) No, sir.

7 Q Did you know that you had a right -- well, did you

8 waive your right not to incriminate yourself

9 compulsory?

10 A (Through the Interpreter) No, sir.

11 Q At the time the officer spoke to you were you -- and

12 tell us whether or not -- whether it is true or not

13 were you in a mental -- were you mentally okay to

14 understand the police officer's questions and answer

15 them?

16 A (Through the Interpreter) My condition was not okay.

17 Q Before the officer came to you how long had you come

18 out of consciousness if you remember?

19 A (Through the Interpreter) The next day.

20 Q Okay. You came into the hospital on the 29th; is that

21 correct?

22 A (Through the Interpreter) Yes.

23 Q That's the 29th of March, 2022, correct?

24 A (Through the Interpreter) Yes.

25 Q And at the time you came in you were unconscious from

1 what you know now, right?

2 A (Through the Interpreter) Yes.

3 Q Okay. Do you -- do you -- do you have knowledge of
4 when you came out of unconsciousness whether it was
5 that day or the next day? Do you have any knowledge
6 of that?

7 A (Through the Interpreter) The next day.

8 Q The next day. And that was the same day that the
9 officer came. Would that be correct?

10 A (Through the Interpreter) Yes.

11 Q So the officer came to interview you just after you
12 had come out of unconsciousness. Would that be
13 correct?

14 A (Through the Interpreter) Yes.

15 Q Were you under medication at the time that the officer
16 came to talk to you?

17 A (Through the Interpreter) Yeah. I felt tired, dizzy,
18 I was still hearing voices in my head, and I feel like
19 my mind was -- I feel like it was -- I was walking on
20 the cloud.

21 Q And the officer spoke to you -- from what you said he
22 spoke to you through an Interpreter, right?

23 A (Through the Interpreter) Yes.

24 Q Was that Interpreter present in the room at that time
25 at the same time?

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1 A (Through the Interpreter) The Interpreter worked on
2 the phone.

3 Q And were you always understanding the communication
4 through the phone?

5 A (Through the Interpreter) Because at the time I was
6 still feeling fatigue and feeling dizzy, and I am
7 still hearing voices. So sometimes I understood.
8 Sometimes I didn't understand.

9 Q Now, did you voluntarily waive your right to counsel?

10 A (Through the Interpreter) No, sir.

11 Q Did you even know you had rights under the
12 Constitution of the United States?

13 A (Through the Interpreter) No, sir.

14 Q So did you know you had rights to keep quiet or to
15 counsel?

16 A (Through the Interpreter) No, sir.

17 Q So at the time you spoke to the officer was it with
18 knowledge of any rights?

19 A (Through the Interpreter) No, sir.

20 Q Now, after the police officer interviewed you did he
21 make any kind of record?

22 A (Through the Interpreter) There was a -- there was a
23 record.

24 Q Did you see the records made by the officer?

25 A (Through the Interpreter) Yes, I did, and my lawyer

ADDENDUM #27

1 has it.

2 Q How did you obtain the records?

3 A (Through the Interpreter) My lawyer provided it to
4 me.

5 Q Have you seen the records?

6 THE INTERPRETER: I'm sorry?

7 BY MR. ANUNOBI:

8 Q You have seen the records, right?

9 A (Through the Interpreter) Yes.

10 Q So if you see it right now you will recognize it?

11 A (Through the Interpreter) Yes.

12 MR. ANUNOBI: Your Honor, may I approach the
13 witness?

14 THE COURT: You may assume continued
15 permission, but there's been nothing to establish that
16 this witness can read in English.

17 MR. ANUNOBI: Yes.

18 THE COURT: I don't know how you can lay
19 foundation of English documents in front of someone
20 who doesn't read that language.

21 MR. ANUNOBI: Yes, Your Honor.

22 BY MR. ANUNOBI:

23 Q So, Michael, at the time you obtained these records
24 were you able to read them?

25 A (Through the Interpreter) When I -- when I saw it,

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1 the first -- the first words, the title I could read.

2 Q Did anybody -- did -- because the records are written
3 in English and because you don't understand English,
4 were you able to have these records translated?

5 A (Through the Interpreter) Yes.

6 Q Did anybody read them to you?

7 A (Through the Interpreter) Yes. My nephew did.

8 Q What is his name?

9 A (Through the Interpreter) David Huynh.

10 Q Okay. And when he read these records to you did you
11 identify the records at the time you -- he read it to
12 you? Did you see it?

13 A (Through the Interpreter) Yes.

14 Q So if you see what your cousin David read to you or
15 interpreted to you would you recognize it?

16 A (Through the Interpreter) Yes.

17 Q How would you --

18 THE COURT: Counsel, please approach the
19 Bench, both of you.

20 (Off-the-record discussion at the Bench.)

21 BY MR. ANUNOBI:

22 Q Okay. So, Michael, you stated and you told -- you
23 spoke to the Court about what happens in Vietnam; is
24 that correct?

25 A (Through the Interpreter) Yes.

ADDENDUM 129

1 Q And you spoke about how the police -- the actions of
2 the police in Vietnam when it comes to arresting
3 citizens. Do you recall that?

4 A (Through the Interpreter) Yes.

5 Q And based on what you stated earlier did you do
6 anything regarding that information? In other words,
7 did you do anything to be able to show what happens in
8 Vietnam with the police? Did you do anything?

9 A (Through the Interpreter) Are you talking about the
10 Vietnamese police?

11 Q Yes, the Vietnamese police. Did you do anything to
12 show what the police do in Vietnam? Did you do
13 anything? Did you obtain anything?

14 A (Through the Interpreter) Yes.

15 Q What did you obtain?

16 A (Through the Interpreter) I found a report.

17 Q How did you -- what reports did you obtain?

18 A (Through the Interpreter) I obtained a report from
19 the U.S. State Department on Vietnam -- on Vietnamese
20 human rights.

21 Q And, please, how did you obtain this report?

22 A (Through the Interpreter) I got it -- I got -- oh. I
23 got it from the Shakopee Library.

24 Q And when you got it from the Shakopee -- the Shakopee
25 Library how -- was it got from -- was it got from the

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