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**OFFICE OF
APPELLATE COURTS**

1 internet or was it got from the library? how was it
2 obtained?

3 A (Through the Interpreter) Yes. I got it from the
4 internet.

5 Q And just because you don't understand English were you
6 able to have -- were you able to understand what this
7 report says?

8 A (Through the Interpreter) Yes, I was, because I had
9 help.

10 Q How did you -- what help did you have?

11 A (Through the Interpreter) My nephew, David Huynh.

12 Q What did your nephew do?

13 A (Through the Interpreter) He translated it and
14 explained it to me.

15 Q Did your nephew read the whole report to you?

16 A (Through the Interpreter) Yes.

17 Q Now, did you -- if you see this report that your
18 nephew translated to you would you recognize it?

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

20 Q How would you recognize it?

21 A (Through the Interpreter) Yeah. When my -- my nephew
22 is reading it to me and I keep looking at it, so I am
23 used to seeing it.

24 Q Is there anything marked -- are there things on the
25 report that make you know that it is the correct one

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1 (indicating)?

2 A (Through the Interpreter) Yes. There were names of
3 the deceased.

4 Q Okay.

5 MR. ANUNOBI: Your Honor, may I approach the
6 witness?

7 THE COURT: You may assume continued
8 permission.

9 BY MR. ANUNOBI:

10 Q At this time, I am going to show to you what is marked
11 as Vietnam 2022 Human Rights Report. Take a look
12 at that (handing). Is that -- tell the Court is that
13 a document that your nephew read and interpreted to
14 you?

15 A (Through the Interpreter) Yes.

16 MR. ANUNOBI: Your Honor, at this time, I
17 would wish to offer this document into evidence.

18 THE COURT: Mr. Kelm.

19 MR. KELM: Your Honor, I still have concerns
20 about the foundation. I also have concerns about
21 hearsay evidence. And, lastly, I have grave concerns
22 about any relevance to the hearing that we are having
23 today.

24 First, as we have discussed here, it's hard
25 to believe that he would be able to recognize this

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1 English document without being able to read the
2 English language. Second, it's hard to believe that
3 someone read this 43-page document to him in its
4 entirety.

5 As far as hearsay, I think an argument could
6 be made that this is a public record made by the
7 United States Department of State, and it was a report
8 done under the duties of that department of the
9 Federal Government. However, the document itself
10 contains considerable hearsay, stories reported by
11 other individuals, and, therefore, I think the
12 document as a whole would still be considered
13 hearsay.

14 And, finally, I think the biggest hurdle
15 here is the relevance to the issue in front of the
16 Court.

17 MR. ANUNOBI: Your Honor -- oh.

18 MR. KELM: The Defendant has testified about
19 his own experiences in Vietnam and with the Vietnam
20 police, and that has come in as evidence today. I
21 think that should suffice for the point counsel is
22 trying to make.

23 However, this document contains no personal
24 knowledge, recollections, or case of action that
25 the -- that the Defendant has been involved in,

1 Your Honor. So I believe it's wholly irrelevant to
2 his testimony and the issue.

3 THE COURT: And to clarify this is a 2022
4 human rights report, Mr. Huynh having left Vietnam in
5 2001.

6 MR. ANUNOBI: Yes, Your Honor. Your Honor,
7 one of the things --

8 THE COURT: Please respond to the relevance
9 issue.

10 MR. ANUNOBI: Yes, Your Honor. I will
11 respond to relevance and I will respond to -- I will
12 respond to the hearsay.

13 THE COURT: I am just interested in the
14 relevance right now.

15 MR. ANUNOBI: Okay. Mr. Huynh testified
16 that before he left Vietnam he had lived there as an
17 adult, and he came in here at a later age, and he
18 testified as to his observations on what the police
19 do. He stated that the police torture people, that
20 the police arrest people. There is no human rights.
21 He said all of those things.

22 And, Your Honor, based on those things he
23 said, this report corroborates the same things and
24 this report actually says --

25 THE COURT: This corroborates what's

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1 happened 20 years after he's been there.

2 MR. ANUNOBI: Yes. The report is saying --
3 the report is saying -- it is corroborating what he
4 saw 20 years ago and saying that it still happens in
5 Vietnam.

6 THE COURT: So this report covers the
7 conduct of police in the late '90s and early 2000s
8 when he would have been old enough to see and
9 remember?

10 MR. ANUNOBI: No. The report talks about
11 what happens in Vietnam today.

12 THE COURT: Okay. I am denying this. It is
13 not relevant. We have already heard the Defendant's
14 testimony about his experience with law enforcement
15 that will allow for the arguments that you wish to
16 make.

17 MR. ANUNOBI: Your Honor, can I ask the
18 Court to reconsider and I would just -- I just want to
19 make sure I fill it in, and I would ask the Court to
20 reconsider. Your Honor, first of all, from the
21 report, if the Court would look into the content of
22 the report. Your Honor, first of all --

23 THE COURT: I have.

24 MR. ANUNOBI: -- the business of --

25 THE COURT: I have looked at it.

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1 MR. ANUNOBI: Okay. Your Honor, the things
2 that happened in that report indicate things that have
3 happened over the past years.

4 THE COURT: Yes, for the past -- probably
5 they go back to as far back as 2017 is the oldest
6 reference I saw in there.

7 MR. ANUNOBI: Okay. Your Honor, in the
8 circumstances, if the Court would allow, I would with
9 the help of the Defendant bring in a report that
10 covers the period we are talking about in Vietnam, but
11 what --

12 THE COURT: Wait a minute. Is there any
13 dispute, Mr. Kelm, that Mr. Huynh's experience may
14 have been a corrupt police in Vietnam, which was part
15 of his reason for leaving that country as I understand
16 it? I don't think that's even disputed here.

17 MR. KELM: I have -- I have no reason to
18 dispute that, Your Honor.

19 THE COURT: Yeah.

20 MR. ANUNOBI: Okay. That's all right,
21 Your Honor. I will move on.

22 THE COURT: Thank you.

23 BY MR. ANUNOBI:

24 Q Now, Mr. Huynh, do you still take medication today?

25 A (Through the Interpreter) Yes, I still am.

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1 Q What kind of medication do you take?

2 A (Through the Interpreter) Umm, I am still taking
3 anxiety, sleeping pills.

4 Q Okay. Do they affect you in any way?

5 A (Through the Interpreter) Yes. It makes me be -- it
6 makes me forgetful, feeling dizzy, and sleepy.

7 Q Okay. And then -- I'm sorry -- and just one last
8 thing. And do you still have an appointment -- do you
9 still have prescriptions for the same medication?

10 A (Through the Interpreter) Yeah. Yeah. I come to see
11 the doctor periodically.

12 Q Okay. At this time have you had any education in
13 English or -- have you had any further education in
14 English at this time?

15 A (Through the Interpreter) No, sir.

16 Q So since the accident have you had any additional kind
17 of education or gone to school?

18 A (Through the Interpreter) No, sir.

19 MR. ANUNOBI: Your Honor, I have no further
20 questions of the witness.

21 THE COURT: Cross-Examination, Mr. Kelm?

22 MR. KELM: Thank you, Your Honor.

23 **CROSS-EXAMINATION**

24 BY MR. KELM:

25 Q Do you recall talking to doctors on the 29th?

1 A (Through the Interpreter) I can't recall clearly.

2 Q Do you recall talking to doctors on the 30th?

3 A (Through the Interpreter) No, sir.

4 Q And you were here when your doctors testified,
5 correct?

6 A (Through the Interpreter) I don't recall.

7 Q You don't recall at the last hearing that you had two
8 doctors on the stand that testified?

9 A (Through the Interpreter) I do. Yeah. There were
10 two men.

11 Q And do you recall them telling us that they talked to
12 you on several different occasions and you refused to
13 speak to them?

14 A (Through the Interpreter) Yes.

15 Q And would you agree that happened three or four times
16 that you told doctors you would not answer their
17 questions and would not speak to them?

18 A (Through the Interpreter) I don't recall exactly.

19 Q Does that sound about right though? It was more than
20 once that you told doctors you weren't going to answer
21 the questions, correct?

22 MR. ANUNOBI: Your Honor, objection. Asked
23 and answered, Your Honor.

24 THE COURT: Overruled. Did you tell the
25 doctors you weren't going to answer their questions?

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1 THE DEFENDANT: (Through the Interpreter) I
2 don't recall.

3 BY MR. KELM:

4 Q So if it's documented in your medical reports that
5 your attorney submitted, and it shows at least three
6 times you told doctors you wouldn't talk to them,
7 those medical records would be correct?

8 A (Through the Interpreter) I don't know.

9 Q When you did talk to doctors was this person that you
10 described as sitting in your room staring at you in
11 the room?

12 A (Through the Interpreter) I don't recall when I
13 talked to the doctors, so I can't recall that.

14 Q Do you recall how long there was someone in your room
15 with you?

16 A (Through the Interpreter) The person who was watching
17 me stay in the room -- stayed in my room throughout.

18 Q So when people would come in and talk to you they
19 would stay there?

20 A (Through the Interpreter) Who are you -- who are you
21 referring to?

22 Q The person that was sitting in your room watching you.

23 A (Through the Interpreter) Yes.

24 Q They were always there?

25 A (Through the Interpreter) Yes.

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1 Q And do you recall what they were wearing?

2 A (Through the Interpreter) No, sir.

3 Q Do you know if they were wearing a police officer's
4 uniform?

5 A (Through the Interpreter) I don't recall what they
6 were wearing.

7 Q Do you recall if they had a gun?

8 A (Through the Interpreter) I didn't see it.

9 Q Do you recall if they had a badge?

10 A (Through the Interpreter) No.

11 Q And you now know that that was someone that worked for
12 the hospital, correct?

13 A (Through the Interpreter) Nobody told me that.

14 Q And do you know what medication you are on now,
15 specifically the names of those medications?

16 A (Through the Interpreter) I don't remember the name.

17 Q Of any medication that you take right now?

18 A (Through the Interpreter) Yes, I am taking, and I
19 have -- I have -- I have to go to doctor -- to my
20 mental health doctor.

21 Q But you don't know what any of those medications are?

22 A (Through the Interpreter) I -- I can recognize it,
23 but I don't remember the -- the names.

24 Q Do you remember at the last hearing when your doctor
25 was talking about Propofol, the medication you were on

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1 in the hospital?

2 THE INTERPRETER: I'm sorry. May I hear,
3 counsel, the name Propofol?

4 MR. KELM: Yeah, I will repeat that.

5 BY MR. KELM:

6 Q Do you remember at the last hearing your doctor
7 talking about the medication Propofol that you were on
8 while you were in the hospital?

9 A (Through the Interpreter) No, I do not recall that.

10 Q Now, if he had said at that hearing that you were no
11 longer on that on the 30th, do you have any reason to
12 doubt what he testified about?

13 A (Interpreting in Vietnamese.)

14 MR. ANUNOBI: Objection, Your Honor, calls
15 for speculation.

16 THE COURT: No, it doesn't. Overruled. Do
17 you have a reason to doubt that he -- what he
18 testified about?

19 THE DEFENDANT: (Through the Interpreter) I
20 don't -- I don't know that. So I don't have any
21 doubt.

22 BY MR. KELM:

23 Q So do you recall the doctor saying that was the
24 medication that made you sleepy because it was a
25 sedative?

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1 A (Through the Interpreter) I didn't hear that.

2 Q Did you hear when he testified that that medication
3 leaves your body very quickly and would not have been
4 affecting you on the 30th?

5 A (Through the Interpreter) I don't recall that.

6 Q So when you spoke to the police officer that day did
7 he tell you that you didn't have to answer his
8 questions?

9 A (Through the Interpreter) I think -- I think I didn't
10 hear that. I don't remember.

11 Q And you know now that the officer was recording that
12 conversation, correct?

13 A (Through the Interpreter) Yes, perhaps.

14 Q And if I told you that recording showed that he told
15 you three times that you didn't have to talk to him do
16 you have any reason to dispute that recording?

17 A (Through the Interpreter) Perhaps. At the time I was
18 not in the right state of mind, I was so intense, and
19 then I didn't hear that.

20 Q Do you remember what the officer was wearing that day?

21 A (Through the Interpreter) No, sir.

22 Q Do you know if he had a gun on him?

23 A (Through the Interpreter) I think so. I didn't see
24 it. I don't know. I think he did.

25 Q When you were talking to the officer did he ever

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1 threaten you?

2 A (Through the Interpreter) No, sir.

3 Q Did he ever make any promises to you?

4 A (Through the Interpreter) No, sir.

5 Q Did he tell you that if you wanted to have him leave
6 he would leave?

7 A (Through the Interpreter) I didn't hear that.

8 Q Now, again, if the recording of your conversation
9 showed that he said that twice to you do you have any
10 reason to dispute that recording?

11 A (Through the Interpreter) You know, I don't remember
12 whether I -- what I said. If -- whether he said that
13 or not, I don't recall.

14 Q Do you recall telling the officer that you were
15 willing to talk to him?

16 A (Through the Interpreter) That I don't recall
17 exactly.

18 Q So do you recall ten, fifteen minutes ago when your
19 attorney was asking you questions?

20 A (Through the Interpreter) Yes.

21 Q And do you remember telling your attorney several
22 things as far as you didn't give up certain rights,
23 you didn't tell him certain things?

24 A (Through the Interpreter) Yes, I heard that.

25 Q But now your testimony is that you don't really

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1 remember anything? Is that correct?

2 A (Through the Interpreter) Some I remembered, some I
3 don't.

4 Q Do you remember what your conversation with the
5 officer was about?

6 A (Through the Interpreter) At the time, I was very
7 tired, dizzy, and a headache that -- that I can't
8 recall exactly what I said.

9 Q So if the recording of that conversation shows that
10 you gave very detailed answers about something that
11 happened two years prior do you have any reason to
12 dispute that?

13 A (Through the Interpreter) I don't know what to say.

14 Q Do you remember how long you talked to the officer?

15 A (Through the Interpreter) No, I can't -- I don't.

16 Q Would you agree it was more than a five or ten-minute
17 conversation?

18 A (Through the Interpreter) I don't recall.

19 Q When you did talk to doctors were you talking about
20 your medical care?

21 A (Through the Interpreter) Yes.

22 Q And do you recall when your doctors testified they
23 said you were pretty clear-headed and could make
24 decisions on your medical care?

25 A (Through the Interpreter) Yeah, the doctor had said

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1 that.

2 Q So you claim now that you were tired and dizzy when
3 you were talking to the officer, correct?

4 A (Through the Interpreter) Yes.

5 Q Did you ever tell the officer that?

6 A (Through the Interpreter) Because the police didn't
7 ask me, so I didn't.

8 Q Do you think it's odd that you claim to not remember
9 anything and that you had dizziness and headaches, yet
10 the recording shows you talked quite some time with
11 the doctor about the events that happened two years
12 prior and were very detailed?

13 A (Through the Interpreter) What detail? I don't
14 recall.

15 Q All the details about what you did to your nephew.

16 A (Interpreting in Vietnamese.)

17 MR. ANUNOBI: Objection, Your Honor, that is
18 completely out of the scope of today's hearing.

19 THE COURT: The State is entitled to ask
20 questions to determine what he does recall seeing as
21 he is indicating so much of the conversation he does
22 not recall. He cannot cross-examine him as to the
23 facts of the case, but he can ask him what he said,
24 what he recalls saying that day.

25 Do you recall what you told the police about

1 your nephew, Mr. Huynh?

2 THE DEFENDANT: (Through the Interpreter)

3 Well, I -- I -- I did say that I am -- I was tired. I
4 had dizziness and headaches and my head is like --
5 it's like I am on the cloud. So whatever I said I
6 don't recall exactly.

7 THE COURT: I am not asking if you recall
8 exactly. I am asking if you recall talking to the
9 police about your nephew and the sexual assault
10 allegations?

11 THE DEFENDANT: (Through the Interpreter) I
12 don't recall exactly.

13 MR. KELM: I have nothing further,
14 Your Honor.

15 THE COURT: Any Redirect?

16 MR. ANUNOBI: Yes, Your Honor.

17 **REDIRECT EXAMINATION**

18 BY MR. ANUNOBI:

19 Q Mr. Huynh, do you recall that your doctor testified
20 here that you were mentally -- you were not mentally
21 okay when you were at Hennepin County Medical Center,
22 and I am talking about Dr. Heath? Do you recall?

23 A (Through the Interpreter) Yeah. Yes.

24 Q Why do you recall that?

25 A (Through the Interpreter) Yeah, because I remember

1 the doctor said that I was suffering from depression
2 at the time.

3 Q Do you recall the doctor saying -- okay. I will
4 skip that. Now, at the time that you spoke to the
5 police officer, at the time the police officer came to
6 your -- came to your -- came to ask you questions, he
7 was carrying a gun from what you said, correct?

8 THE INTERPRETER: Your Honor, I need the
9 question to be --

10 BY MR. ANUNOBI:

11 Q At the time the police officer came to your -- to
12 your room, he was carrying a gun. Would that be
13 correct?

14 THE INTERPRETER: Oh, okay.

15 THE DEFENDANT: (Through the Interpreter)
16 Perhaps he was.

17 BY MR. ANUNOBI:

18 Q Okay. And then he was not wearing a uniform?

19 A (Through the Interpreter) Yes.

20 Q And he was not wearing a badge?

21 A (Through the Interpreter) Yes.

22 Q Also, the first --

23 THE COURT: Wait a minute. Wait a minute.
24 These questions are leading, and the answers are
25 unclear. Was the officer wearing a badge?

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1 THE DEFENDANT: (Through the Interpreter)

2 Yes.

3 THE COURT: Thank you.

4 THE INTERPRETER: Your Honor --

5 THE DEFENDANT: (Through the Interpreter)

6 No.

7 THE INTERPRETER: He said yes/no.

8 THE COURT: Okay. So let's try one more
9 time. Was the officer wearing a badge?

10 THE DEFENDANT: (Through the Interpreter)

11 No, Your Honor.

12 THE COURT: Was the officer wearing a
13 uniform?

14 THE DEFENDANT: (Through the Interpreter)

15 No.

16 BY MR. ANUNOBI:

17 Q And so the person that was watching you at the very
18 beginning was he wearing a badge?

19 A (Through the Interpreter) No, sir.

20 Q Was he wearing a uniform?

21 A (Through the Interpreter) I don't recall.

22 Q Was he wearing a gun?

23 A (Through the Interpreter) No.

24 Q Now, at the time that you were talking with the police
25 officer how were you feeling?

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1 A (Interpreting in Vietnamese.)

2 THE COURT: I think this has been asked and
3 answered several times.

4 MR. ANUNOBI: Okay. Well, okay.

5 BY MR. ANUNOBI:

6 Q Mr. Huynh, tell the Court one way or the other at the
7 time that you met the police -- or you encountered the
8 police officer in your room you -- were you still
9 afraid?

10 THE COURT: Were you still what?

11 BY MR. ANUNOBI:

12 Q Were you still afraid of the police?

13 A (Through the Interpreter) Yes.

14 Q So in answering the questions for the police officer
15 is it correct to say you were afraid at the time?

16 A (Through the Interpreter) Yes.

17 Q If you had your -- at the time that the police officer
18 came did you really want to talk to him?

19 A (Through the Interpreter) At the time I did not.

20 Q So why then did you talk to him?

21 A (Through the Interpreter) Because I thought that he
22 is -- he was a police, so I had to talk to him.

23 Q If you didn't talk to him what did you think would
24 happen to you if you didn't talk to him?

25 A (Through the Interpreter) I was afraid that the

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1 police would arrest me.

2 Q At the time that you spoke to the police officer did
3 you feel that you could get up and walk out of the
4 hospital? Did you feel you could just get up and walk
5 out on him?

6 A (Through the Interpreter) No, sir.

7 Q Did you feel you could stop from talking to him?

8 A (Through the Interpreter) No.

9 Q Did this feeling have anything to do with Vietnam or
10 the Courts one way or the other?

11 A (Through the Interpreter) Yes.

12 THE COURT: Which one?

13 THE DEFENDANT: (Through the Interpreter)

14 The police. The police arresting people is very
15 similar to Vietnam's.

16 BY MR. ANUNOBI:

17 Q Apart from the police arresting people what else do
18 the police do?

19 A (Through the Interpreter) Are you talking about
20 police in Vietnam?

21 Q Yes. Police in Vietnam, if they arrest people and
22 take them to the police department, does anything
23 happen?

24 A (Through the Interpreter) Okay. He -- they would
25 torture them, they would force them to confess, they

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1 would beat them, and that person would come -- come
2 out with injuries.

3 Q Do you know of anybody that's had any injury?

4 A (Through the Interpreter) Yes, my friend.

5 Q Okay. All right. And, finally, Mr. Huynh --
6 Mr. Huynh -- sorry -- you were able to remember what
7 the doctor said about your mental state?

8 A (Through the Interpreter) You mean the doctor from
9 the hospital?

10 Q Yeah, the one, Dr. Heath, yes. You were able to
11 remember what he said about you not being mentally
12 okay. You remember that, right? Let me rephrase the
13 question. You just said now that you remember that
14 Dr. Heath said you were not okay, correct?

15 A (Through the Interpreter) Yes.

16 Q When you were in Hennepin County Medical Center?

17 A (Through the Interpreter) Yeah.

18 Q Do you then remember everything Dr. Heath said here?
19 Do you remember everything he said about you when he
20 was here?

21 A (Through the Interpreter) No, I don't remember much.

22 Q Okay. Do you also remember everything Dr. Randy
23 Ward said about you when he was testifying here? Do
24 you?

25 A (Through the Interpreter) I -- I do not recall all of

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1 them, not very clearly.

2 Q Well, you just recalled this, right?

3 THE INTERPRETER: I'm sorry. May I --

4 MR. ANUNOBI: No. I have no further
5 questions. That's fine.

6 THE COURT: Anything else, Mr. Kelm?

7 MR. KELM: Just briefly, Your Honor.

8 RECROSS-EXAMINATION

9 BY MR. KELM:

10 Q So you just testified that you remember when you were
11 talking to the officer you felt like you could not
12 ask him to leave and you could not tell him that
13 you did not want to answer his questions; is that
14 correct?

15 A (Through the Interpreter) Yes.

16 Q But are you testifying you don't remember the officer
17 telling you several times he would leave and that you
18 didn't have to answer his questions?

19 A (Through the Interpreter) No, I don't remember that.

20 Q And you don't remember anything your doctor said
21 except that you were mentally unwell?

22 A (Through the Interpreter) I don't remember clearly.

23 Q Do you think it's odd that you only remember things
24 that are helpful to your attorney's argument?

25 A (Through the Interpreter) If you say so. I don't

1 know what to say.

2 MR. KELM: I have nothing further,
3 Your Honor.

4 THE COURT: Anything else?

5 MR. ANUNOBI: Yes.

6 FURTHER REDIRECT EXAMINATION

7 BY MR. ANUNOBI:

8 Q Do you -- do you know your attorney's arguments?

9 THE INTERPRETER: May I hear that again?

10 BY MR. ANUNOBI:

11 Q Do you know your attorney's arguments?

12 A (Through the Interpreter) I do.

13 Q Are you an attorney?

14 A (Through the Interpreter) No.

15 Q Do you know the argument your attorney plans to make?

16 A (Interpreting in Vietnamese.)

17 THE COURT: Asked and answered.

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

19 THE COURT: Anything else, Mr. Kelm?

20 MR. KELM: No, Your Honor.

21 THE COURT: All right. Thank you,

22 Mr. Huynh. You can step down. Anything else on
23 behalf of the Defendant, Mr. Anunobi?

24 MR. ANUNOBI: The only -- sorry.

25 Your Honor, I'm sorry. Well, I have nothing else

1 to -- I have no other witnesses, Your Honor.

2 THE COURT: Very well. Would you like to
3 submit written argument?

4 MR. ANUNOBI: Yes, Your Honor. I was going
5 to request that.

6 THE COURT: Oh. Hang on.

7 MR. ANUNOBI: Yes, I was going to request
8 to -- oh. I'm sorry.

9 THE COURT: You can leave that, Lana.

10 THE INTERPRETER: Okay.

11 MR. ANUNOBI: Your Honor, I was --

12 THE COURT: Just let her get settled there.

13 She is trying to --

14 Would you like to submit written argument
15 pertaining to your position on suppression of the
16 statement?

17 MR. ANUNOBI: Yes, Your Honor. I was going
18 to ask for sufficient time to submit written
19 arguments.

20 THE COURT: How much time would you need?

21 MR. ANUNOBI: Your Honor, can I have
22 until --

23 THE COURT: I normally say about two
24 weeks --

25 MR. ANUNOBI: Oh, my.

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1 THE COURT: -- to get it moved forward.

2 MR. ANUNOBI: Your Honor, my problem is that
3 I am preparing for a matter at the Court of Appeals
4 that comes up in December, and I have a second hearing
5 in District Court that requires an argument. Can I
6 just have a little more time, please?

7 THE COURT: Very well. We will go out then
8 to the 15th. We will give you a month.

9 MR. ANUNOBI: Okay. That's fine,
10 Your Honor.

11 THE COURT: 12-15 for the defense
12 submission. How much time would you like to respond,
13 Mr. Kelm?

14 MR. KELM: Your Honor, typically, I would
15 ask for two weeks, but I will be out most of the week
16 of Christmas between the 25th and 29th.

17 THE COURT: All right. Do you want to go
18 three then, January 5th?

19 MR. KELM: Let me see. Do we have -- we
20 don't start trials until the 8th; is that correct?

21 THE COURT: There are --

22 MR. KELM: Yeah. I am looking at my
23 calendar. That should be fine, Your Honor.

24 THE COURT: Okay. All right. Then what
25 happens, Mr. Huynh, is that the Court will take it

1 under advisement as of January 5th. The Court will
2 issue an Order with its ruling, and that Order will
3 also contain your next court date. It is important
4 that you stay in contact with your attorney because
5 that's how you are going to know when to return to
6 court.

7 All your conditions of release will still
8 apply, and we will anticipate that we will return for
9 a Settlement Conference or an Omnibus Hearing once a
10 ruling has been made. Any questions about what's
11 going on today?

12 THE DEFENDANT: (Through the Interpreter)

13 No, Your Honor.

14 THE COURT: All right. Very good. Thank
15 you.

16 MR. ANUNOBI: Your Honor --

17 THE COURT: Thank you, Ms. Nguyen, for your
18 help today.

19 THE INTERPRETER: You are welcome.

20 MR. ANUNOBI: -- just off the record. I
21 want to see when I can obtain a transcript of the
22 doctor's testimony, Dr. Heath only. I am just
23 wondering where I can make the arrangements.

24 THE COURT: You will have to talk to
25 Ms. Johnson. She will make those arrangements for

ADDENDUM 156

1 you. And then you can collect your unused copy of the
2 exhibit that's up on the Bench.

3 MR. ANUNOBI: Yes, I will do that. Thank
4 you.

5 THE COURT: Great. Thank you.

6 MR. KELM: Thank you, Your Honor.

7 THE COURT: We are in recess.

8 (Proceedings concluded.)
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1
2 STATE OF MINNESOTA)

3) REPORTER'S CERTIFICATE

4 COUNTY OF SCOTT)

5
6
7 I, **Mary C. Johnson**, do hereby certify that
8 the foregoing transcript, consisting of the preceding
9 62 pages, is a true and complete transcript of the
10 proceedings had of record.

11
12 Dated: December 3, 2023

13
14
15 /s/Mary C. Johnson

16 **Mary C. Johnson, RPR, CRR, CRC**
17 Official Court Reporter
18 Scott County Government Ctr.
19 200 Fourth Avenue West
20 Shakopee, MN 55379
21 (952) 496-8219
22
23
24
25

ADDENDUM : 158

State of Minnesota
County of Scott

District Court
1st Judicial District

Prosecutor File No.
Court File No.

196870-22
70-CR-22-14898

State of Minnesota,

Plaintiff,

COMPLAINT

Summons

vs.

MICHAEL TIEN HUYNH DOB: 10/31/1970

1560 Village Square Blvd.
Shakopee, MN 55379

Defendant.

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Criminal Sex Conduct-1st Degree-Penetration-Victim 13-15 - Position of Authority

Minnesota Statute: 609.342.1(b), with reference to: 609.342.2(b)

Maximum Sentence: 144-month mandatory minimum

Offense Level: Felony

Offense Date (on or about): 01/01/2021 to 12/31/2021

Control #(ICR#): 22005990

Charge Description: On or about 1/1/2021 to 12/31/2021, within the County of Scott, State of Minnesota, Michael Tien Huynh, DOB: 10/31/1970 (52), did engage in sexual penetration with another person or in sexual contact with a person at least 13 years of age but less than 16 years of age and the actor is more than 48 months older than the complainant and in a current or recent position of authority over the complainant.

COUNT II

Charge: Criminal Sexual Conduct-1st Degree-Penetration/Contact - Victim Under 16 - Significant Relationship

Minnesota Statute: 609.342.1(g), with reference to: 609.342.2(b)

Maximum Sentence: 144-month mandatory minimum

Offense Level: Felony

Offense Date (on or about): 01/01/2021 to 12/31/2021

Control #(ICR#): 22005990

Charge Description: On or about 1/1/2021 to 12/31/2021, within the County of Scott, State of Minnesota, Michael Tien Huynh, DOB: 10/31/1970 (52), did engage in sexual penetration with another person, or in sexual contact with a person under 13 years of age, and the actor had a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual act.

ADDENDUM 159

Charge: Criminal Sex Conduct-2nd Degree-Victim 13-15-Position Authority

Minnesota Statute: 609.343.1(b), with reference to: 609.343.2(a)
Maximum Sentence: 25 years imprisonment and/or a \$35,000 fine
Offense Level: Felony

Offense Date (on or about): 01/01/2021 to 12/31/2021

Control #(ICR#): 22005990

Charge Description: On or about 1/1/2021 to 12/31/2021, within the County of Scott, State of Minnesota, Michael Tien Huynh, DOB: 10/31/1970 (52), did engage in sexual contact with another person and the complainant is at least 13 years of age but less than 16 years of age and the actor is more than 48 months older than the complainant and in a current or recent position of authority over the complainant.

COUNT IV**Charge: Criminal Sex Conduct-2nd Degree-Significant Relationship-Victim Under 16 yrs**

Minnesota Statute: 609.343.1(g), with reference to: 609.343.2(a)
Maximum Sentence: 25 years imprisonment and/or a \$35,000 fine
Offense Level: Felony

Offense Date (on or about): 01/01/2021 to 12/31/2021

Control #(ICR#): 22005990

Charge Description: On or about 1/1/2021 to 12/31/2021, within the County of Scott, State of Minnesota, Michael Tien Huynh, DOB: 10/31/1970 (52), did engage in sexual contact with another person and the actor had a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual contact.

COUNT V**Charge: Criminal Sex Conduct-3rd Degree-Victim 13-15-Actor is Greater Than 24 months older but Less Than 48 months older**

Minnesota Statute: 609.344.1(b), with reference to: 609.344.2(1)
Maximum Sentence: 15 years imprisonment and/or a \$30,000 fine
Offense Level: Felony

Offense Date (on or about): 01/01/2021 to 12/31/2021

Control #(ICR#): 22005990

Charge Description: On or about 1/1/2021 to 12/31/2021, within the County of Scott, State of Minnesota, Michael Tien Huynh, DOB: 10/31/1970 (52), did engage in sexual penetration with another person when the complainant was at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant.

COUNT VI**Charge: Criminal Sex Cond-4th Degree-Victim 13-15-Act >48m Old**

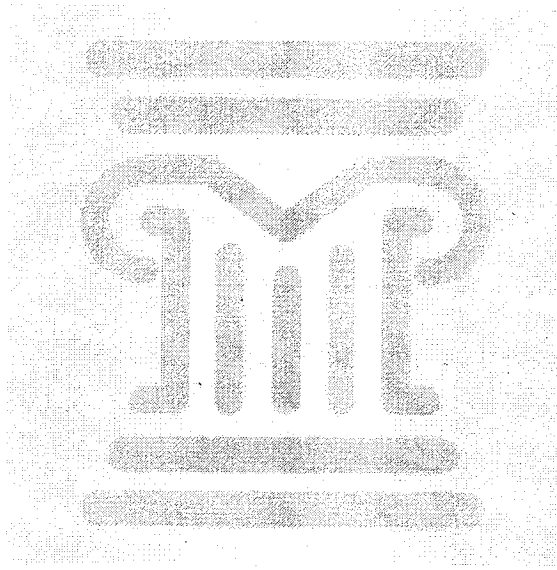
Minnesota Statute: 609.345.1(b), with reference to: 609.345.2
Maximum Sentence: 10 years imprisonment and/or a \$20,000 fine
Offense Level: Felony

Offense Date (on or about): 01/01/2021 to 12/31/2021

Control #(ICR#): 22005990

ADDENDUM 12/16/20

Charge Description: On or about 1/1/2021 to 12/31/2021, within the County of Scott, State of Minnesota, Michael Tien Huynh, DOB: 10/31/1970 (52), did engage in sexual contact with another person when the complainant was at least 13 years of age but less than 16 years of age and the actor is more than 48 months older than the complainant or in a current or recent position of authority over the complainant.



MINNESOTA JUDICIAL BRANCH

The Complainant states that the following facts establish probable cause:

On 03/21/22 Detective McLain of the Shakopee Police Department was notified about a possible sexual assault. It was reported that Victim 1 may have been "raped" by his uncle. Based on this report officers set up a meeting with Victim 1.

Victim 1, who was born in October 2005, told officers that his uncle, later identified as Michael Tien Huynh, DOB 10/31/1970, made Victim 1 suck Huynh's penis. Victim 1 stated that Huynh also tried to put his penis in Victim 1's body. He stated that Huynh's penis was erect when it was in his mouth, and it was in his mouth for two or three minutes. Victim 1 stated that Huynh made him suck his penis by putting his hands around Victim 1's head. Victim 1 stated that he told Huynh "No." Victim 1 stated that Huynh forced Victim 1's mouth onto his penis.

Victim 1 stated that after Huynh made him suck Huynh's penis he was scared and didn't know what to do so he went to take a shower. Victim 1 stated that after the shower he went to his room and was naked. Huynh then came into the room and pushed Victim 1 onto the bed and Huynh tried to stick his penis in Victim 1. Victim 1 stated that Huynh never stuck his penis in Victim 1, but at one point Huynh put a finger in Victim 1's anus. Victim 1 stated he was scared and ran outside and went to his neighbors. Victim 1 stated that his mom and aunt told him he cannot tell anyone. Victim 1 stated this happened one year ago at his home in Shakopee Scott County, Minnesota. Officers were latter able to confirm through all parties that it was before Christmas of 2020. Victim 1 was 15 years old at the time.

Victim 1 was living with his mom at Huynh's and Victim's aunt's shared home when this happened. Victim 1 refers to Huynh as his uncle although Huynh and Victim 1's aunt are not married. Victim 1's aunt later told officers that she and Huynh bought all Victim 1's clothes, underwear and provided any needs he had when Victim 1 came to this country.

Officers later spoke to Witness 1, Victim 1's mom. Witness 1 confirmed that Victim 1 told her what happened at the time. She said officers should not believe Victim 1. She stated she is Victim 1's mother and even she does not like him.

Officers spoke to Witness 2, Victim 1's aunt. Witness 2 stated she remembered the incident and remembered Victim 1 running out of the house to the neighbors. She stated later that evening Victim 1 told her that Huynh had touched him. Witness 2 stated she did not believe him.

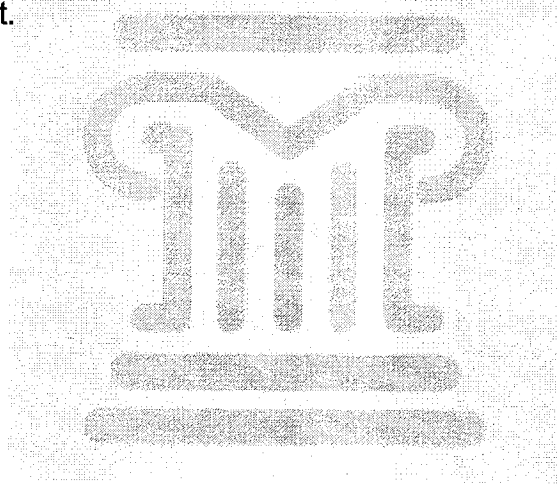
Officers spoke to Witness 3, Victim 1's neighbor, who confirmed that Victim 1 did come to her house one night around that time period and Victim 1 would not tell her exactly what happened, but she assumed it was some type of harassment. Witness 3 stated that she learned that before she arrived Victim 1 had run out of his house screaming and came to her house, but she was not home.

After speaking to Witness 2 officers learned that Huynh had been in a car accident. Officers learned that it was believed that Huynh had attempted suicide by wrapping a cord around his neck while driving. It was reported Huynh lost consciousness and hit another vehicle. Officers later found out that Huynh had been cited for driving the wrong way on a one way approximately two hours before his car accident. Officers responding to the accident stated that they saw Huynh trying to choke himself with the cord when they arrived.

Officers spoke to Huynh who stated that what Victim 1 said is not totally right. He said Victim 1 wanted it and that is why he did it. Huynh stated that Victim 1 pulled down Huynh's pants and held Huynh's penis. Huynh stated Victim 1 put Huynh's penis in Victim 1's mouth. Huynh stated that Victim 1 was joking and teasing after it happened and then Victim 1 ran to the neighbor's house. Huynh stated he was erect at the time that Victim 1 did this, but he did not ejaculate. Huynh stated he knew Victim 1 was 15 years old at the time. Huynh confirmed he was attempting to hurt himself during the accident. He stated he tried to crash into a truck and die.

Huynh is described as a 52-year-old Asian male brown eyes, standing 5'06" tall and weighing 145 lbs.

PLEASE TAKE NOTICE: Pursuant to Minn. Stat. 609.49., intentional failure to appear for duly scheduled court appearances may result in additional criminal charges, and in addition to any arrest warrant that may otherwise be issued by the Court.



MINNESOTA
JUDICIAL
BRANCH

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant

Jamie Pearson
Sergeant
475 Gorman Street
Shakopee, MN 55379
Badge: 62

Electronically Signed:
12/02/2022 08:08 AM
Scott County, Minnesota

Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney

Steven Kelm
200 4th Avenue W
Shakopee, MN 55379
(952) 496-8240

Electronically Signed:
12/02/2022 07:49 AM

70-CR-22-14698
FINDING OF PROBABLE CAUSE

Filed in District Court
State of Minnesota
12/2/2022

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

☒ **SUMMONS**

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear as directed in the Notice of Hearing before the above-named court to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

☐ **WARRANT**

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

☐ **Execute in MN Only**

☐ **Execute Nationwide**

☐ **Execute in Border States**

☐ **ORDER OF DETENTION**

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$

Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: December 2, 2022.

Judicial Officer

Paula Duggan Vraa
District Court Judge

Electronically Signed: 12/02/2022 09:05 AM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

**COUNTY OF SCOTT
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Michael Tien Huynh

Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE

*I hereby Certify and Return that I have served a copy of this
Summons upon the Defendant herein named.*

Signature of Authorized Service Agent:

DEFENDANT FACT SHEET

Filed in District Court
State of Minnesota
12/2/2022

Name: Michael Tien Huynh
DOB: 10/31/1970
Address: 1560 Village Square Blvd.
Shakopee, MN 55379

Alias Names/DOB:

SID:

Height:

Weight:

Eye Color:

Hair Color:

Gender:

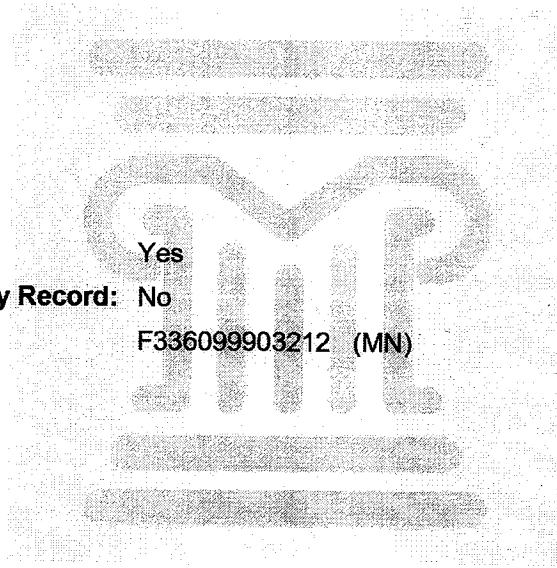
Race:

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: No

Driver's License #: F336099903212 (MN)

Alcohol Concentration:



MINNESOTA
JUDICIAL
BRANCH

STATUTE AND OFFENSE GRID

Filed in District Court
State of Minnesota
12/2/2022

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Case Numbers
1	Charge	1/1/2021	609.342.1(b) Criminal Sex Conduct-1st Degree-Penetration-Victim 13-15 - Position of Authority	Felony	L1153	N	MN0700400	22005990
	Penalty	1/1/2021	609.342.2(b) Criminal Sexual Conduct-1st Degree-Penalty-Presumptive 144 mo.	Felony	L1153	N	MN0700400	22005990
2	Charge	1/1/2021	609.342.1(g) Criminal Sexual Conduct-1st Degree-Penetration/Contact - Victim Under 16 - Significant Relationship	Felony	L1143	N	MN0700400	22005990
	Penalty	1/1/2021	609.342.2(b) Criminal Sexual Conduct-1st Degree-Penalty-Presumptive 144 mo.	Felony	L1143	N	MN0700400	22005990
3	Charge	1/1/2021	609.343.1(b) Criminal Sex Conduct-2nd Degree-Victim 13-15-Position Authority	Felony	L3153	N	MN0700400	22005990
	Penalty	1/1/2021	609.343.2(a) Criminal Sexual Conduct-2nd Degree-Penalty-Stat. Max.	Felony	L3153	N	MN0700400	22005990
4	Charge	1/1/2021	609.343.1(g) Criminal Sex Conduct-2nd Degree-Significant Relationship-Victim Under 16 yrs	Felony	L3143	N	MN0700400	22005990
	Penalty	1/1/2021	609.343.2(a) Criminal Sexual Conduct-2nd Degree-Penalty-Stat. Max.	Felony	L3143	N	MN0700400	22005990
5	Charge	1/1/2021	609.344.1(b) Criminal Sex Conduct-3rd Degree-Victim 13-15 Actor >24m older	Felony	L5143	N	MN0700400	22005990
	Penalty	1/1/2021	609.344.2(1) Criminal Sexual Conduct-3rd Degree-Penalty	Felony	L5143	N	MN0700400	22005990
6	Charge	1/1/2021	609.345.1(b) Criminal Sex Cond-4th Degree-Victim 13-15-Act >48m Old	Felony	L7143	N	MN0700400	22005990
	Penalty	1/1/2021	609.345.2 Criminal Sex Cond-4th Degree-Penalty	Felony	L7143	N	MN0700400	22005990

Supplemental Report

ICR: 22005990

Last Modified: 04-04-2022 1312

Title: Follow-up #3 - MM81

Created By: Michael McLain

SHAKOPEE POLICE DEPARTMENT

FOLLOW-UP REPORT

Detective McLain #81

3/31/2022

Audio Stmt: Y Photos: N Squad Video: N - Sqd #N/A Body Camera: N

On 3/30/2022, I, Detective McLain contacted HCMC where Michael Huynh was a patient in the Surgical Intensive Care Unit (SICU). I spoke with nursing staff who informed me Michael had been extubated and I could come and speak with him.

When I arrived at the nurses' station for the SICU, I started my recorder and was escorted to Michael's room. I observed his eyes were open and he was laying in a hospital bed. There was a male staff member in the room with Michael. I was informed Michael had been placed on one to one care due to possible self harm. The male staff member exited the room. I tried introducing myself to Michael as I had been told he knew some English. It appeared he was having a hard time understanding me so, I contacted the language line and requested a Vietnamese interpreter. The Vietnamese interpreter advised her name was Bacha and her identifying number was 385850. I started by identifying Michael to the interpreter and then identifying myself.

I asked the interpreter to inform Michael first and foremost he did not need to speak with me. I asked the interpreter to pass that along to Michael. I also explained that typically I would tell the person I am speaking with that they can leave. But since he had to remain at the hospital for safety concerns, if he did not want me in his room he could ask me to leave and I would. I asked if he understood and he responded with, "You can tell me whatever you want to say". I then told him, "I am going to ask you questions" and I asked if he was ok with that. I then asked, "Or do you not want to speak with me?". He replied, "Yeah". I confirmed with the interpreter that Michael stated he wished to speak with me and she said yes.

The following is a synopsis of Michael's statement:

I started by asking him basic questions:

- His name? He identified himself as Michael Huynh, DOB 10/31/1970
- His address? 1560 Village Square Blvd, Shakopee 55379
- How long had he lived at that address? He stated 12 years
- I asked who he lived with. He said his girlfriend, Tan and Tan's mom
- He said his girlfriend's name is Kim, and Tan's mom's name is Nga
- I asked how long Tan has lived with him and he stated almost three years
- I asked if he knew why I was there to speak with him. He stated, "I know". I asked him to explain.

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I asked again if he wanted to explain why he thought I was there and he just wanted me to ask questions. He then said what Tan says is not totally right

- He said because the first time Tan wanted it herself (he meant himself)
- He said Tan wanted it and that is why he did it to me
- I asked for clarification as to what that means. Tan did what? His response was, "He pull it down, he did it himself"
- I asked what Tan pulled down? His response was, "The pants". I asked who's pants? He said, "Tan pulled down his pants and hold his penis"
- I asked Michael's? Michael answered me directly saying, "Yes", confirming Tan pulled down Michael's pants
- There was a pause and I could see this was difficult for Michael to talk about. I tried saying to the interpreter to remind Michael he did not need to speak with me, but Michael started saying, "Tan hold Michael's penis"
- I asked if Tan ever placed Michael's penis in his mouth? Michael responded directly to my questioning without the interpreter saying, "Yes"
- The interpreter asked anyway, confirming my question and Michael responded, "Yes"
- I asked Michael if he could explain what happened leading up to that incident. He replied, "He said nothing, we just go together". I did not understand the rest so, I confirmed the rest with the interpreter. He gave a very vague answer
- He said they were just around the house and said Tan wanted to do that
- I then said to the interpreter, "Tan wanted to do that?" Michael responded to me, "Yeah"
- The interpreter confirmed by asking in Vietnamese and Michael responded with, "Yeah"
- I could see this was very tough for Michael to talk about, so I asked the interpreter to remind Michael he did not need to speak with me and he can tell me to leave at any time. I asked if Michael still wanted to speak with me and Michael said yes
- A hospital employee entered the room to give Michael his food. I asked the employee if he would shut the door as there was noise coming from the hallway and I did not want it to disrupt the audio recorded statement
- I asked where it happened in the house. Michael answered me directly without the interpreter. He said, "Basement"
- I asked if it was in Tan's room. Michael said, "No, it happened outside"
- I asked if it happened outside of his room and he said yes
- I asked for clarification whether it was the hallway, living room, or where in the basement

ADDENDUM 169

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- He responded outside of his room
- I then said so, in the hallway? Michael responded directly, not in the hallway
- He just repeated in the basement, not the bedroom
- I asked where Tan was located. Michael said Tan was standing
- I asked what time of day this happened. He said it was in the evening, but did not know what time
- I asked what month or year this took place. He thought about it for a while, but eventually said it may have been November, but did not really remember
- I asked if it was this last November and he said, "Yes". I asked to confirm it was this most recent November. He said he could not remember, then said it was 2020
- I asked if the time he was speaking about was the time Tan ran out of the house and went to the neighbor's. He responded, "Tan was joking and teasing after it happened and then Tan ran out to the neighbor's house"
- I asked what Michael told Kim and Nga about what happened. He said he did not say anything
- I asked if Kim or Nga ever asked Michael what happened. He said they asked him, but he did not say anything
- I prefaced the next question based on his initial response of, "The first time" at the beginning of the statement. I asked him how many times did this happen, because he said this was the first time. He said, "That earlier it was just joking, nothing happened"
- I asked him if he ever stuck his hand down the back of Tan's pants and he said, "No"
- I asked if he touched Tan inappropriately any other time. He said, "No". He said the other time they were just teasing each other and joking
- I mentioned that Michael had said, "Tan wanted it". I asked what he meant by that. He said, "The first time Tan touched it, he liked it. He said at home, Tan is usually close to him and hangs out with him"
- I asked if Tan asked if he could pull down Michael's pants. He said, "He wanted"
- I asked if Michael gave Tan permission to pull down his pants and Michael said, "Yes"
- I asked after he pulled down his pants, if Tan pulled down his underwear. He stated it was just the zipper
- I asked if Tan took out Michael's penis and he said, "Yes"
- I asked if Tan was standing or on his knees. Michael said he was on his knees
- I asked if Tan put Michael's penis in his mouth and he said, "Yes"

ADDENDUM 170

- I asked if Michael's penis was hard, and he said, "Yes"
- I asked how long did that last. He said, "I don't remember how long, but he used his mouth"
- I asked if he ejaculated and he said, "No"
- I asked why did it stop or who stopped it. Michael said he was the one who stopped it
- I asked if anything like that has happened since and he said, "No"
- I asked how old Tan was. Michael stated, "16 years old" or more than 16
- I asked if he knew how old Tan was when the event happened and he said 15
- He said he and Tan hung out together in the house a lot. Tan touched him, he allowed it to happen and he is regretting it now
- I asked if he tried hurting himself yesterday morning during the accident on 169. He said, "Yes, I'm sorry"
- I asked if he could explain how the accident happened if he remembered. He said he tried to crash into a truck and die, but he does not remember which car he hit
- I asked if it happened that long ago, why didn't it happen again? He said, "I didn't want to be near him again"
- I asked if Tan ever tried to come on to him again after that. He said, "No, he just asked me to take him to school, but nothing happened"
- I asked what Tan said to him just before the incident when he approached him. He said, "I don't remember, he said Tan was teasing him and then Tan started touching him"
- He does not recall the teasing (what was said). I asked if the teasing was sexual in nature and he responded, "Not sexual stuff, but like sex, like male and female"

I concluded the interview at this time. The recorded statement will be downloaded to Winscribe.

I contacted Nga and informed her Michael admitted to the sexual assault, and allowed her to ask questions. She did not believe Michael was telling the truth. She did not believe he did it.

Please forward a copy of this report to the Scott County Attorney's Office for charges against Michael Huynh for 2nd Degree CSC - 609.343.1(a) (F).

I have no additional information regarding this incident at this time.

End of report MM81

ADDENDUM 171

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