

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Date: February 22, 2010

Deputy Clerk: Nel Steffens
Court Reporter: Suzanne Claar

Civil Action No. 07-cv-02096-REB-KMT

Parties:

Counsel:

EDUARDO A. JOHNSON,

Pro Se

Plaintiff,

v.

MARK ORTLER, Officer,

Lana Rupprecht
Breena Meng

Defendant.

COURTROOM MINUTES

Jury Trial - Day One

8:54 a.m. Court in session

Appearances of counsel. Plaintiff is present.

Jury panel is not present.

Opening statements by the court.

The court addresses the plaintiff's **Motion To Permit a Telephone/Video Teleconference of Witness** [sic] [#107] filed February 5, 2010. Court's findings and conclusions.

IT IS ORDERED as follows:

1. That the plaintiff's **Motion To Permit a Telephone/Video Teleconference of**

Witness [sic] [#107] filed February 5, 2010, is **DENIED**.

Court's sequestration order is in effect.

9:01 a.m. Court in recess.

9:13 a.m. Court in session.

Jury panel present; 15 jurors seated in the jury box prior to Court calling case.

9:15 a.m. Civil voir dire oath administered to jury panel. Voir dire by court commences.

9:17 a.m. Plaintiff introduces himself and his wife who is also seated at plaintiff's table.

9:18 a.m. Ms. Rupprecht introduces defendant and defendant's counsel.

Voir dire by court continues.

10:31 a.m. Court in recess.

10:44 a.m. Court in session.

Jury panel is present.

10:45 a.m. Voir dire by Plaintiff.

10:48 a.m. Voir dire by Ms. Rupprecht.

11:09 a.m. Continued voir dire by the court.

Peremptory Challenges by Plaintiff:

1. 100190200
2. 100161587
3. 100197804

Peremptory Challenges by Defendant:

1. 100163574
2. 100194056
3. 100165603

11:20 a.m. Civil jury oath administered.

Nine Jurors Sworn to Try the Case:

1. 100189071
2. 100170587
3. 100177345
4. 100176458
5. 100191586
6. 100165777
7. 100184730
8. 100172701
9. 100172744

11:25 a.m. Court in recess.

11:35 a.m. Court in session.

Court gives initial instructions to jury.

12:00 p.m. Court in recess.

1:18 p.m. Court in session.

Jury is not present.

1:20 p.m. Jury is present.

Exhibits Admitted: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15

1:20 p.m. Opening statement by Plaintiff.

1:23 p.m. Opening statement by Ms. Rupprecht.

1:31 p.m. Plaintiff's witness, Tammy Twombly, called and sworn.

Direct examination by Plaintiff.

1:59 p.m. Cross examination by Ms. Rupprecht.

2:03 p.m. Re-direct examination by Plaintiff.

2:04 p.m. Witness is excused and released from subpoena, if any.

2:05 p.m. Plaintiff calls Defendant who is sworn.

Direct examination by Plaintiff.

2:24 p.m. Cross examination by Ms. Rupprecht.

2:37 p.m. Defendant is excused from the witness stand.

2:38 p.m. Plaintiff's witness, Ronald Luton, called and sworn.

Direct examination by Plaintiff.

3:05 p.m. Cross examination by Ms. Rupprecht.

3:16 p.m. Court in recess.

3:36 p.m. Court in session.

Witness Luton resumes witness stand.

Re-direct examination by Plaintiff.

3:40 p.m. Witness is excused and released from subpoena.

3:42 p.m. Plaintiff's witness, Gaela Oster, called and sworn.

Direct examination by Plaintiff.

4:04 p.m. Cross examination by Ms. Rupprecht.

4:16 p.m. Re-direct examination by Plaintiff.

4:17 p.m. Witness is excused and released from subpoena.

4:18 p.m. Plaintiff's witness, Ray Torrez, called and sworn.

Direct examination by Plaintiff.

4:42 p.m. Cross examination by Ms. Rupprecht.

4:51 p.m. Re-direct examination by Plaintiff.

4:53 p.m. Witness is excused and released from subpoena.

4:54 p.m. Court advises jury regarding admonitions of trial. Trial will resume at 8:30 a.m. tomorrow.

4:56 p.m. Court in recess.

Total time in court: 05:49

Trial continued.