



<p>COUNTY COURT LARIMER COUNTY, COLORADO LARIMER COUNTY JUSTICE CENTER 201 La Porte Avenue, Suite 100 Fort Collins, CO 80521 (970) 494-3500</p>	<p>DATE FILED: April 2, 2019 CASE NUMBER: 2017M965</p>
<p>The People of the State of Colorado, vs. Michaella Lynn Surat, Defendant.</p>	<p style="text-align: center;">▲ For Court Use ▲</p>
<p>For the People: Mitchell T. Murray, DDA For the Defendant: David A. Lane, Jean M. Powers and Nathan P. Hansen</p>	<p>Case Number: 2017M965 Division: 4D</p>
<p style="text-align: center;">FTR TRANSCRIBER'S TRANSCRIPT</p>	

This matter came on for hearing on August 23, 2018, before the Honorable Joshua B. Lehman, Judge of the County Court. This is a complete transcript of the electronically recorded court proceedings.

(This transcript is prepared in compliance with Chief Justice Directive 05-03, as amended.)

1 doubt. If you think in her mind she thought I hadn't done anything wrong, he's using
2 unlawful force – and that's a reasonable belief given all the evidence here, and all she was
3 trying to do is use reasonable force to pry his fingers off of her, that's a not guilty because
4 you have a reasonable doubt. They have to disprove self-defense beyond a reasonable
5 doubt. Okay? Because she is presumed innocent. If you go back there and say, well, I
6 think she's – that I think – I think – I think – I think, that's not enough. You can't just go
7 back there and say I think anything and get a conviction. You have to be so
8 overwhelmingly convinced she was not engaged in self-defense, reasonable efforts to self
9 defend, that it has erased every reasonable doubt in your mind. Then if they have gone so
10 far to erase every single reasonable doubt in your mind, then you can say guilty. But if you
11 have even one reasonable doubt about it, it's not guilty. So let – let's – let me just go back
12 and highlight a couple of more things and then I'm gonna sit down. I'm not going to show
13 you videos *ad nauseum* that you've seen 10,000 times. I'm not gonna make arguments to
14 you that are just flat out dishonest arguments like, oh, yeah, she was – she was crying to
15 Officer Feit, she didn't show any tears. You know, she's an academy award winning
16 actress. She was playing for the cameras according to Mr. Murray when she – she just
17 body slammed. None of you have ever been body slammed like that, and I would venture
18 to say you might be in shock if you were. And when you stand up, you're not playing to
19 the cameras. In any event, we've talked about resisting arrest and that is the self-defense
20 instruction. We've talked about obstruction, impaired or hindered the preservation of the
21 peace, and no, not every single act by every police officer is, oh, we are preserving the
22 peace. It's we're preserving the peace by talking to Mr. Waltz out on the mall. No, you're
23 just talking to Mr. Waltz. Peace is right there. Nobody's breaching the peace at that point.
24 You're just doing an investigation. If you believe that Klamser was in – involved in
25 unreasonable or excessive force as it applies to Michaela Surat, then she is not guilty of

1 resisting arrest. That is Instruction Number 8. Do you believe that Klamser used excessive
2 force on her? Millions of people apparently made this video go viral because they saw it.
3 The same thing you saw. That could be a gross injustice to convict her when he's the guy
4 that should be facing felony charges. But he's not. The best defense is a good offense.
5 And now instead of Fort Collins being on defense, they're on offense. They want you to
6 convict her of crimes. They want you to say she's a criminal for what she did out there.
7 And you can ask yourself about motives. Dan Montgomery, there is no civil suit pending.
8 Dan Montgomery may or may not be an expert in a civil suite if an expert is needed in a
9 civil suit if a civil suit ever gets filed. But what do we know? Klamser is exonerated.
10 Klamser is promoted. Klamser gets a big raise because he's got a promotion. That's how
11 Fort Collins doubles down on this injustice. This was an international outcry. You heard
12 that crowd. They reacted when he did what he did, and they reacted that way viscerally,
13 the same way you did because that was so wrong. That was – That was absolutely over
14 the top despicable. And he says that wasn't even wrong. He says that take-down, that
15 faceplant, that body slam of 115 pound woman, that's the best they got. That's how they
16 train their officers. You can say no. You can help shape how your government works with
17 a just and fair verdict of we don't put up with that. We're not gonna watch police officers
18 wearing a badge with our town's name on it and do that kind of stuff and then rubber stamp
19 convictions tried by the chief deputy so that we can crawl to the public, oh, yeah, she
20 deserved it. We didn't do anything wrong here. Business as usual in Fort Collins,
21 Colorado. When criminals break the law, they can expect this out of our police department.
22 Is that how you feel? That's what they're asking you to do. They're sitting you here and
23 they're saying rubber stamp what these guys did. Don't believe what you see with your
24 own eyes on video. We're gonna use a bunch of police jargon and we're gonna – we'll lie
25 on your implicit bias to support the police. If we didn't have videos, this case would be a