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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

MICHAELLA LYNN SURAT,

Civil Action No.

19-cv-00901-WJM-NRN

Plaintiff,

vs.

RANDALL KLAMSER, in his individual capacity,
and CITY OF FORT COLLINS, a municipality,
Defendants.



DEPOSITION OF RANDALL KLAMSER

February 24, 2020

1 A. That's Al Brown. But I don't remember
2 him appearing in the criminal trial.

3 Q. I'm pretty sure he did.

4 A. If he was, I wasn't in there.

5 Q. Were you advisory counsel? I can't
6 remember.

7 A. I was not.

8 Q. So you were there for your testimony
9 and only your testimony?

10 A. Yes.

11 Q. Is it true that you were the subject
12 matter of an internal affairs investigation regarding
13 your use of force on Michaella Surat, correct?

14 A. Yes.

15 Q. And you were exonerated completely by
16 the Fort Collins Police Department; is that correct?

17 A. Yes.

18 Q. And everything you did was consistent
19 with custom, practice and policy in terms of using
20 force on Michaella Surat. It is consistent with
21 custom, practice, and policy within the Fort Collins
22 Police Department; is that correct?

23 A. Yes.

24 Q. You had a second internal affairs
25 investigation, did you not?

1 A. As a whole, yes.

2 Q. What was the stress caused by the Surat
3 incident?

4 A. I was put on administrative leave by my
5 department. I received numerous death threats,
6 local, nonlocal. I had damage and suspicious things
7 done at my house. I had to buy a security system. I
8 had to have the local police department do routine
9 patrols of my house. I was -- I mean, I was afraid
10 to use my name in public ordering food or getting my
11 wife's car serviced because of how that incident was
12 playing out.

13 Q. It was the way it was playing out that
14 was causing you all of the stress. The fact that you
15 did what you did to Michaela Surat didn't cause you
16 any stress, did it?

17 A. No.

18 Q. I'm correct in that? The putting her
19 on the ground like you did, that wasn't what caused
20 you stress. It was the reaction that the public had
21 to that video that caused you stress, correct?

22 A. Yes.

23 Q. And when you were disciplined on the
24 McCarron incident, that happened the very next shift
25 before that video had gone viral; isn't that correct?

1 Q. Okay. You know that your training
2 is -- whoever trained you and whatever the context,
3 they said if you can avoid hitting somebody in the
4 head with a striking implement, you should avoid
5 hitting somebody in the head, because you can do
6 serious bodily injury to them, correct?

7 A. Again, I would -- I would need to --
8 you're asking a very broad question. Yes, at times
9 that came up, but there is times that that is a
10 tactic to be used.

11 Q. Yes. I said if you can avoid it, you
12 should avoid it, correct?

13 A. Yes.

14 Q. And we went through in Michaela's
15 trial the notion that it would have been excessive
16 force had you taken out your baton and whacked her on
17 the head with it, correct?

18 MR. RATNER: Object to form.

19 A. Intentionally, yes.

20 Q. (BY MR. LANE) And we also talked at
21 trial about how you are much larger than Michaela
22 Surat, correct?

23 A. We did.

24 Q. And we talked about how you used a
25 great deal of force when you put her on the ground;

1 is that correct?

2 MR. RATNER: Object to form.

3 A. Again, those were your words.

4 Q. (BY MR. LANE) Actually, they were your
5 words. You agreed that it took a lot of force to
6 have her lower body where her feet are up in the air
7 while her upper body is striking the pavement. You
8 agreed that that was a lot of force?

9 A. I did.

10 Q. Okay. And you stick by that, right?

11 A. I would.

12 Q. And you also agreed that her head at
13 some point hit the pavement, correct?

14 A. I believe I said her chin.

15 Q. Which is part of her head, correct?

16 A. Yes.

17 Q. And you don't dispute the fact that she
18 ended up with a concussion as a result of this
19 throwdown, right?

20 MR. RATNER: Object to form and
21 foundation.

22 A. Again, I don't -- I remember she was
23 medically cleared several -- or medically checked out
24 on her own several days later. I remember we talked
25 about concussions at trial, but I don't have the

1 expertise to say she sustained a concussion that
2 night.

3 Q. (BY MR. LANE) Right. But you also
4 testified at trial that you don't have any specific
5 training that -- throwing somebody down on the ground
6 with enough force to cause a concussion is really not
7 that much different than taking out a baton and
8 whacking them on the head and causing a concussion.
9 It's an impact concussion either way caused by you,
10 correct?

11 MR. RATNER: Form.

12 A. You are correct that I don't have the
13 expertise to relate those two.

14 Q. (BY MR. LANE) Right. And you've never
15 been trained that -- you know, you have been trained
16 don't whack somebody on the head if you can avoid it
17 with a baton or a striking implement, but not --
18 don't throw somebody on the ground, because they
19 might hit their head on the cement, which is the same
20 as getting hit with a striking implement in the head.
21 You have no training on that, right?

22 MR. RATNER: Form and foundation.

23 A. Correct.

24 Q. (BY MR. LANE) Okay. And you understand
25 that at the criminal trial the issue simply for the

1 jury was not whether you used excessive force. The
2 issue was did she obstruct you, did she resist you?
3 And the jury said: Beyond a reasonable doubt she did
4 both of those things, correct?

5 A. Yes.

6 Q. And the issue now before a federal jury
7 is going to be you were entitled to use force to
8 overcome obstruction and resistance. You understand
9 that, correct?

10 A. Yes.

11 Q. But you have to use reasonable force.
12 You cannot use excessive force, correct?

13 A. Yes.

14 Q. And so the issue for the jury to decide
15 in your upcoming trial will be, okay, you were able
16 to use force. Was this force excessive or not,
17 correct?

18 MR. RATNER: Object to form.

19 A. That's my understanding.

20 Q. (BY MR. LANE) Have you ever been
21 counseled by any of your superiors on the level of
22 force that you used against Michaella Surat? Taken
23 aside and said, Hey, you know, did you really need to
24 throw her down that hard? Did anybody ever say
25 anything even remotely like that in the entire chain

1 Like a day after you have used force on somebody,
2 this is the one and only time somebody has actually
3 threatened you, right?

4 A. Yeah.

5 Q. Okay. What was it about this use of
6 force, in your judgment, that caused this response?

7 MR. RATNER: Object to form and
8 foundation.

9 A. I don't know.

10 Q. (BY MR. LANE) So this was really not
11 particularly different than your other uses of force,
12 right, over many, many years of being a police
13 officer?

14 MR. RATNER: Object to form and
15 foundation.

16 A. I would say -- I'm sorry. Are you
17 asking about this specific use of force or this --

18 Q. (BY MR. LANE) Well, I'm saying what you
19 did to Michaella Surat was really standard operating
20 procedure, wasn't it?

21 MR. RATNER: Form and foundation.

22 A. Yes.

23 Q. (BY MR. LANE) And when you did this to
24 Michaella Surat, you didn't see any big deal about
25 this use of force? This is an appropriate use of

1 force. And why is everybody up in arms about this,
2 right?

3 A. Well, that's two questions. Any time I
4 use force, it is a big deal.

5 Q. Fair enough. But you were puzzled by
6 why would everybody be up in arms about what I did to
7 Michaella Surat. That's a mystery to you, isn't it?

8 MR. RATNER: Object to form.

9 A. It's -- I can't answer that. You're
10 asking me to give you thousands of people's opinions
11 or understandings of an incident. I don't understand
12 why.

13 Q. (BY MR. LANE) Okay. So bottom line
14 here is, given the same exact situation, you would do
15 exactly the same thing to any hundred-pound woman
16 that you did to Michaella Surat?

17 MR. RATNER: Object to form and
18 foundation.

19 Q. (BY MR. LANE) Given the same
20 circumstances, right?

21 A. Like I said before, every incident --
22 there's no two that are identical, so I cannot tell
23 you that given the exact same thing, because I don't
24 know if the exact same thing would ever happen. So
25 you're asking something very broad that I just can't

1 tell you the way you're asking it. I don't
2 understand.

3 Q. Well, in reviewing your own actions,
4 you would agree that you did absolutely nothing wrong
5 in your interactions with Michaela Surat, correct?

6 A. Correct.

7 Q. And your superiors agree with you,
8 correct?

9 A. Correct.

10 Q. And, in fact, they have told you
11 specifically what you did is completely consistent
12 with your training, our policies and our procedures,
13 our customs, and you did nothing wrong, correct?

14 MR. RATNER: Form and foundation.

15 A. It's been implied. Exactly those
16 words . . .

17 Q. (BY MR. LANE) Close enough. That's the
18 message they sent you?

19 A. Yes.

20 Q. Now, you have -- well, withdrawn.
21 Presumably there's videotape of police officers
22 everywhere, but in particular in Fort Collins, using
23 force on people with surveillance cameras, with body
24 cameras, with cell phone videos. It's not uncommon
25 to see police officers' actions being taped. You

1 what I was dealing with with Michaella.

2 Q. (BY MR. LANE) Well, let's talk about
3 what you were dealing with with Michaella. She
4 reached up, according to your trial testimony, and
5 choked you; is that correct?

6 MR. RATNER: Object to form.

7 A. Yes.

8 Q. (BY MR. LANE) And she dug her
9 fingernails into the skin on your neck, didn't she?

10 A. Yes.

11 Q. And you had photographs taken of you
12 immediately after this whole incident resulted in
13 Michaella being taken away by the police, right?

14 A. No, I didn't.

15 Q. When were photographs taken of you?

16 A. They were not.

17 Q. No photographs were taken of the
18 injuries suffered by you when she dug her fingernails
19 into your neck; is that what you're testifying to?

20 A. Yes.

21 Q. Well, certainly if she's choking you
22 and scratching you, you should have marks on you,
23 correct?

24 MR. RATNER: Object to form.

25 A. It's possible.

1 Q. (BY MR. LANE) And if you were injured
2 in any way, department policy requires photographs;
3 isn't that correct?

4 A. I believe so.

5 Q. Yet none were taken; is that correct?

6 A. Correct.

7 Q. But she caused you pain when she was
8 digging her fingernails into your throat, correct?

9 A. Yes.

10 Q. And, in fact, you originally charged
11 her with assaulting you, didn't you?

12 A. Yes.

13 Q. Which is a mandatory jailable offense;
14 isn't that correct?

15 A. It's a bookable offence. I don't -- I
16 don't off the top of my head know the mandatory
17 punishment for it. It's a bookable offense.

18 Q. Well, any offense is a bookable
19 offense; is it not?

20 A. It is not.

21 Q. What is not a bookable offense in
22 Fort Collins?

23 A. A misdemeanor. I believe it's a second
24 degree misdemeanor or a lesser charge, petty
25 offenses, third degree misdemeanor. They're not

1 bookable.

2 Q. Is that just Fort Collins' policy, as
3 far as you know?

4 A. I believe it's Larimer County Jail's
5 policy.

6 Q. Okay. The DA determined not to file
7 charges of assault against Michaela Surat, even
8 though your complaint alleged an assault, correct?

9 MR. RATNER: Form and foundation.

10 A. Yes.

11 Q. (BY MR. LANE) Did you talk to the DA
12 about, Hey, why didn't you charge her with assaulting
13 me? She assaulted me.

14 A. We had conversation about it. I didn't
15 ask him that.

16 Q. Well, what was the conversation?

17 A. I -- he said it was a strategy
18 decision, and that that's why.

19 Q. Who said that? Who is "he"?

20 A. I believe it was Mitch Murray in that
21 meeting, just Mitch and I.

22 Q. And did you ask him, like what's the
23 strategy? She assaulted me.

24 A. No, I didn't. It's my understanding
25 that it was a strategic decision. I don't recall the

1 specifics of our conversation. It's just not up to
2 me what they decide to charge.

3 Q. Did he ask you, like, why did you use
4 that level of force?

5 A. We talked about it. Specifically that
6 question and that answer, Mitch and I met numerous
7 times over the last couple of years about this
8 incident, so I couldn't refer back to an exact memory
9 for that. But in trial prep and in conversations
10 like that stuff comes up.

11 Q. Okay. You never received any medical
12 attention for her having allegedly choked and
13 scratched you, right?

14 A. I did not.

15 Q. You didn't even have to put on a
16 Band-Aid, did you?

17 A. I didn't.

18 Q. And, in fact, there were no marks on
19 your neck, were there?

20 A. I can't see my neck, but I can tell you
21 what I felt like it was, and that's how it felt to
22 me.

23 Q. Did you have access to a mirror?

24 A. Yes.

25 Q. Did you ever look in the mirror and see

1 if there were any scratch marks on your neck?

2 A. No.

3 Q. Never looked in the mirror?

4 A. No.

5 Q. The next morning when you were shaving,
6 did you look in the mirror and see any scratch marks
7 on your neck?

8 A. I wasn't looking for scratch marks on
9 my neck. Yes, I used a mirror to shave.

10 Q. You would agree that if Pastor had come
11 over -- well, withdrawn.

12 You testified in trial Michaela weighs
13 about a hundred pounds, give or take a few, right?

14 A. Yes.

15 Q. And you weigh 200, give or take a few,
16 right?

17 A. Yes.

18 Q. Okay. I'm the guy whose chair
19 collapsed here, not yours. All right. So you're
20 close to double her size, right?

21 A. Yes.

22 Q. She had no weapon that you were able to
23 see; is that correct?

24 MR. RATNER: Form and foundation.

25 A. No.

1 Q. (BY MR. LANE) That's not correct?

2 A. No. I didn't see her.

3 Q. And she's obviously probably a college
4 girl out on the town at night, probably a little
5 drunk, wearing a miniskirt and clubbing clothing,
6 right?

7 A. You asked -- or you describe a lot of
8 things, and that's a lot of assumptions.

9 Q. Right. But they're all correct, aren't
10 they? That's what was going on, in your mind, when
11 you're confronting Michaella Surat. That's who this
12 person is very likely. Maybe she's an armed
13 terrorist who is going to blow up all of Fort
14 Collins. I don't know for sure. But she looks like
15 a college girl who has been drinking, wearing
16 clubbing clothing out for a good time in Old Town,
17 right?

18 MR. RATNER: Object to form.

19 Q. (BY MR. LANE) That's what you
20 assumed --

21 A. No.

22 Q. No? What's wrong with that assumption?

23 A. I don't assume some of those things you
24 described. It's very common to contact college-aged
25 girls in a clubbing attire like you're describing

1 that might be the DD or not drink. It's not until I
2 have a chance to speak with someone and deal with
3 them that I'm going to come to any sort of
4 conclusions or opinions that they had been drinking.

5 Q. I understand. So what's wrong with my
6 scenario is maybe she had been drinking and maybe she
7 hadn't been drinking. Everything else you agree
8 with, right?

9 MR. RATNER: Object to form.

10 A. Yes.

11 Q. (BY MR. LANE) Okay. You would agree
12 that if Pastor hadn't been involved with Waltz, and
13 Pastor was just standing there, you could have very
14 easily said, Hey, Pastor, she's wrapped around this
15 light pole, will you come over here, I've got her
16 left hand, let's get her cuffed? You could have done
17 that, right?

18 MR. RATNER: Form and foundation.

19 A. I wouldn't agree with how you're
20 describing it, no.

21 Q. (BY MR. LANE) Why?

22 A. Again, based on training and experience
23 and one of the concepts -- you know, cover and
24 contact, it's not up to me to decide what Garrett --
25 or Officer Pastor is going to do. If I needed

1 something specific from him, it's possible, yes, I
2 could have asked him.

3 Q. Right. And what you specifically might
4 have needed from him is she is wrapped around this
5 pole. I really don't want to use force on her and
6 have to throw her down on the pavement and possibly
7 jeopardize her life with a concussion or head trauma.
8 I just want you to unwrap her hand from the pole.
9 I've got this hand, help me with that hand, and we'd
10 get her cuffed, and we're done.

11 MR. RATNER: Object to form and
12 foundation.

13 Q. (BY MR. LANE) Okay. That's a
14 possibility, right?

15 A. Based on my training and experience,
16 that is not how I would have handled it, no.

17 Q. What would you have done with Pastor
18 just standing there watching the whole deal?

19 A. I would have done the same thing, and
20 I -- I can't answer you what Garrett or Officer
21 Pastor would have done.

22 Q. Well, if you would have asked him to
23 help, presumably he would have helped, right, because
24 that's what officers do?

25 MR. RATNER: Same objections.

1 A. Yes.

2 Q. (BY MR. LANE) Okay. So you were
3 confronting a decision of, well, he's obviously
4 involved with Waltz. I don't want to bother him. So
5 instead of asking him to come over and help me cuff
6 Michaela, I'm going to throw her down on the ground?

7 MR. RATNER: Object to form.

8 Q. (BY MR. LANE) That's what you
9 concluded, right?

10 A. No.

11 MR. RATNER: Same objection.

12 Q. (BY MR. LANE) What did you conclude?

13 A. Based on what was going on, me reaching
14 out to Officer Pastor was not an option that I
15 thought was the best option.

16 Q. Why?

17 A. Because at that point I was engaged in
18 a physical confrontation with somebody and breaking
19 my attention from them could result in any array of
20 different circumstances. I was 100 percent involved
21 with my interaction with Ms. Surat.

22 Q. Right. And so you keep your eyes on
23 her and say, Hey, Pastor, can you give me a hand
24 here?

25 A. No.

1 Q. Nothing stopped you from doing that,
2 did you?

3 A. Training and experience stopped me.

4 Q. And what's the training and experience
5 that stops you from saying, Hey, Pastor, could you
6 give me a hand here?

7 A. Again, in my mind we were dealing with
8 the issue of like cover and contact. I knew that
9 Officer Pastor was busy with another person involved
10 in a disturbance. I didn't know what he was doing,
11 but I knew that he was busy. And if he saw
12 something, I could assume he might step in if his
13 circumstances allowed it, but my circumstances, that
14 is -- the way I chose to do it is the way I would
15 choose to do it.

16 Q. Okay. And that is the way you did
17 choose to do it. So in your mind, is it your
18 testimony that the only way you could control
19 Michaela Surat is to do what you did?

20 A. Yes.

21 Q. Okay. You had her by the wrist very
22 firmly, did you not?

23 A. I'm sorry. I coughed when you said --

24 Q. You had her by her wrist very firmly,
25 did you not?

1 A. Yes.

2 Q. Okay. Simply twisting her wrist is a
3 pain-compliance technique, isn't it?

4 A. It's very general, but yes.

5 Q. Pain compliance technique to get people
6 to cooperate is a lesser use of force than what you
7 did to Michaella Surat, isn't it?

8 MR. RATNER: Object to form and
9 foundation.

10 A. Yes.

11 Q. (BY MR. LANE) Did you ever try to
12 simply twist her wrist to get her to turn around, let
13 go of the pole and comply?

14 A. Yes.

15 Q. You were unable to twist her wrist to
16 get her to do that?

17 A. Yes.

18 Q. Because she was so strong and you were
19 so weak that you were just unable to twist her wrist;
20 is that right?

21 MR. RATNER: Form, argumentative.
22 Foundation.

23 A. I can't -- as a police officer, I can't
24 just go do what I want to do or what anyone might do
25 in some sort of street fight. I have to resort to

1 training and experience. And just simply twisting a
2 wrist is not necessarily a maneuver or a trained
3 practice. Now, there are different uses of force
4 that result in wrist twisting, but I can only use and
5 revert back to what I've been trained on.

6 Q. (BY MR. LANE) Right. And pain
7 compliance is something you've been trained on,
8 right?

9 A. Yes.

10 Q. And inflicting pain on somebody through
11 putting their bodies into uncomfortable situations is
12 part of pain-compliance training; isn't that correct?

13 A. Yes.

14 Q. You had her hand under control -- you
15 had her arm under control, did you not?

16 MR. RATNER: Object to form.

17 Q. (BY MR. LANE) I'm sorry?

18 A. I did not.

19 Q. You did not. So here's this woman
20 holding onto a light pole with one hand with her leg
21 apparently wrapped around it. You have her other
22 wrist, and you have both hands free, correct?

23 A. Yes.

24 Q. And she weighs a hundred pounds, and
25 you did not have her under control when you're

1 saying, please, just put your, you know, hands behind
2 your back and let me cuff you, you're under arrest,
3 don't make me throw you on the ground. You remember
4 saying all of that stuff, right?

5 A. Yes.

6 Q. You did not have the wherewithal at
7 double her size to twist her arm in a way that would
8 cause her pain, causing her to let go of the pole and
9 get cuffed? You couldn't have done that, is that
10 what you're saying?

11 MR. RATNER: Object to form and
12 foundation.

13 A. That's what I was trying to do.

14 Q. (BY MR. LANE) But unsuccessfully. So
15 what you had to resort to is throwing her down on the
16 ground, right?

17 MR. RATNER: Same objection.

18 A. I resorted to the takedown, yes.

19 Q. (BY MR. LANE) Because there was no
20 possible other lesser use of force that you could
21 have used; is that right?

22 MR. RATNER: Object to foundation.

23 A. I don't believe so, no.

24 MR. LANE: Let's take a quick break and
25 let me talk to Helen.

1 (Recess taken, 10:20 a.m. to 10:24 a.m.)

2 Q. (BY MR. LANE) What is your training on
3 what force is and is not excessive?

4 A. It would be using the reasonable force,
5 the reasonable officer kind of scale, not scale, but
6 concept.

7 Q. Okay. So whatever is reasonable is
8 reasonable force, and whatever is excessive is
9 excessive force. But you've testified, for example,
10 taking out your baton and clubbing Michaela Surat
11 with your baton, that would have been excessive
12 force, right?

13 A. It was specifically -- you said
14 clubbing her in the head.

15 Q. Well, let's talk about just taking out
16 your baton and whacking her on the legs or anywhere.
17 I mean, that would have been excessive, wouldn't it?

18 A. It's not the route I chose to take
19 based on how the situation evolved. I know in trial,
20 I said that it would have been and I wasn't allowed
21 to talk about it or explain my answers anymore. I
22 felt like I didn't need to use my baton, so I didn't.

23 Q. Because it would have been excessive,
24 right?

25 MR. RATNER: Object to form.

1 Argumentative.

2 A. I thought it would have been -- not
3 excessive in the sense of excessive force. I did not
4 think I needed to use my baton on my own scale. I
5 thought I could handle it without using my baton.

6 Q. (BY MR. LANE) Well, but you don't get
7 to apply your own scale, do you? I mean, there is a
8 level of the use-of-force continuum, and every use of
9 force has a label to it, doesn't it?

10 A. Yes.

11 Q. It would have been excessive force for
12 you to take out your service gun and kill Michaela
13 Surat, correct?

14 A. Yes.

15 Q. Okay. He's shaking his head like, oh,
16 maybe. I don't know. I'm not talking about you.
17 I'm talking about your lawyer now, for the record.
18 Okay. There are some things that would clearly be
19 excessive, right?

20 A. Yes.

21 Q. Is it fair to say that your training in
22 use of force is you are allowed to use the force
23 necessary to get the job done and nothing more than
24 that.

25 MR. RATNER: Object to form.

1 A. That's my understanding, yes.

2 Q. (BY MR. LANE) So if you are going above
3 and beyond the level of force necessary to get your
4 task accomplished, that is excessive, correct?

5 MR. RATNER: Object to form.

6 A. Yes.

7 Q. (BY MR. LANE) And it's your belief that
8 throwing her down like you did was the minimum level
9 of force that you had to use to get the job done,
10 correct?

11 MR. RATNER: Object to form.

12 A. I don't agree with the words you're
13 using. I do not believe I threw Ms. Surat down to
14 the ground. I believe that using that takedown was
15 the most minimal amount of force needed to make the
16 arrest.

17 Q. (BY MR. LANE) Okay. You don't believe
18 you threw her to the ground; is that what you're
19 telling me?

20 A. Yes.

21 Q. What did you do? I mean, how -- what
22 would you call it?

23 A. I would call it a rowing-arm takedown.

24 Q. I understand. The result is she got
25 thrown to the ground by you, didn't she?

1 MR. RATNER: Object to form.

2 A. I would not --

3 MR. RATNER: Asked and answered.

4 A. I would not agree.

5 Q. (BY MR. LANE) What happened? How did
6 she get to the ground? You used the rowing-arm
7 takedown to get her from a standing position onto the
8 ground. What do you call it?

9 MR. RATNER: Object to form. What do
10 you call what?

11 Q. (BY MR. LANE) How she got to the
12 ground. I call it you threw her down to the ground.

13 Let me ask it this way. Did you throw
14 Michaella Surat down to the ground from a standing
15 position?

16 MR. RATNER: Object to form. Asked and
17 answered.

18 A. No.

19 Q. (BY MR. LANE) What do you call it?

20 A. A takedown.

21 Q. And how does a takedown differ from a
22 body slam or a throw down?

23 A. I would describe a throw as in
24 physically throwing somebody. I use a takedown as to
25 try to maintain control from -- or during the entire

1 movement and the entire action, not ever just
2 throwing somebody.

3 Q. So you were in control of the level of
4 force used in this takedown from the beginning all
5 the way through the time she struck the pavement,
6 right?

7 A. I maintained control in the sense that
8 I wasn't letting go of her body.

9 Q. So you could control how fast her
10 velocity was from the time you began the rowing-arm
11 takedown until she struck the pavement, right?

12 MR. RATNER: Form --

13 Q. (BY MR. LANE) You were in control of
14 the velocity, right?

15 MR. RATNER: Form.

16 A. I don't have control of the velocity,
17 if I understand velocity like you're using it.

18 Q. (BY MR. LANE) The speed at which she
19 left her feet and hit the ground, that's the velocity
20 I'm referring to. Okay. It looks to me like you
21 threw her onto the ground, even though your hands
22 were on her the whole time. Are you familiar with
23 judo at all?

24 A. No.

25 Q. Have you ever heard of a judo throw,

1 where you -- actually, you're not letting go of
2 someone like, you know, tossing them like a baseball.
3 You maintain control of the person but you throw
4 them. Do you understand what I'm saying?

5 A. I understand what you're saying. I'm
6 not familiar with any concepts of judo, and I
7 disagree with your description of me throwing
8 Michaelaella.

9 Q. Okay. Were you or were you not in
10 control of the velocity at which Michaelaella Surat hit
11 the ground?

12 MR. RATNER: Objection asked and
13 answered. Form.

14 A. I was not.

15 Q. (BY MR. LANE) Well, your physical force
16 caused her to leave her feet, correct?

17 A. Yes.

18 Q. Your physical force caused her to have
19 her head strike the pavement, correct?

20 A. Yes.

21 Q. The level of force that you used, the
22 matter of physics determine the velocity at which she
23 strikes the pavement, correct?

24 MR. RATNER: Form and foundation.

25 A. Yes.

1 Q. (BY MR. LANE) And would you agree that
2 she struck the pavement hard?

3 MR. RATNER: Object to form.

4 A. Yes.

5 Q. (BY MR. LANE) Therefore, you by the
6 application of physical force, caused her to strike
7 the pavement hard, correct?

8 MR. RATNER: Object to form.

9 A. Yes.

10 Q. (BY MR. LANE) To gain control of her,
11 your objective was simply to put her on the ground,
12 correct?

13 A. Yes.

14 Q. And the rowing-arm takedown could have
15 been done slowly and gently, could it not?

16 MR. RATNER: Form.

17 A. No.

18 Q. (BY MR. LANE) You're saying the
19 rowing-arm technique requires that level of force
20 that caused her to hit the pavement hard; is that
21 your testimony?

22 MR. RATNER: Form.

23 A. It's my testimony that the rowing-arm
24 takedown it's -- I don't gauge what speed I move the
25 body at. It's not up to me. I follow the steps of

1 Q. (BY MR. LANE) I think it's common
2 sense. That's why they have classifications in
3 boxing or wrestling or in, you know, sports that
4 involve physical contacts like that, isn't it?
5 Because heavyweights go against heavyweights because
6 it's a fair match. You don't put in a heavyweight,
7 260-pound boxer against a 100-woman, do you?

8 A. I don't think -- that question doesn't
9 even make sense to me.

10 Q. Okay. Well, that's why it's one size
11 fits all with you. You go hands on with Michaella
12 Surat just like you'd go hands on with a 285-pound
13 6-foot-6-inch lineman from CSU who needed exactly the
14 same treatment, right?

15 MR. RATNER: Object to form.

16 Q. (BY MR. LANE) That's why you don't pull
17 punches with Michaella Surat because you used the
18 same level of force on her that you'd use on a
19 285-pound lineman, right?

20 A. That is a very broad statement. But
21 yes, I don't, based on anybody, determine I'm only
22 going to put a 60 percent effort in this or a 100
23 percent effort in that based on their size.

24 Q. Okay. So what you are saying, then, is
25 you do not distinguish in using the rowing-arm

1 takedown -- once you make a determination, I'm using
2 the rowing-arm takedown on this person, be this
3 person a 100-pound woman or a 285-pound guy, it's the
4 same one size fits all? Once you decide, I'm using
5 the rowing-arm takedown, you're using it, right?

6 MR. RATNER: Object to form.

7 A. Hopefully. Now, something could change
8 where that no longer becomes the right takedown.

9 Q. (BY MR. LANE) That's not my question,
10 okay.

11 A. If I decide I'm going to use it, then,
12 yes, I will use it the same.

13 Q. And with Michaela Surat you decided to
14 use it, right?

15 A. Yes, sir.

16 Q. Now, you would agree that it's unlikely
17 that if you were using it on a 285-pound,
18 6-foot-6-inch lineman, that his feet would be higher
19 up during the course of this, and his head would
20 strike the pavement before his feet. That would be
21 unlikely, wouldn't it?

22 A. I wouldn't agree with you.

23 Q. Okay. So you think the result of you
24 using the rowing-arm takedown on a 285-pound,
25 6-foot-6-inch lineman, the viral video that we all