

1 were only there to support his (sic) friend, you weren't
2 there to get in a fight; is that correct?

3 A. Yeah.

4 Q. Yet when you arrived you said you noticed a
5 gun; is that correct?

6 A. Yeah.

7 Q. And I think on direct you had said the first
8 thing you were thinking about at that point was getting
9 the gun away from the dad; is that correct?

10 A. Yeah.

11 Q. So your first thought wasn't to leave, it was
12 to get the gun away; is that correct?

13 A. It wasn't to leave, no. But, I mean, it did
14 cross my mind that we probably shouldn't be there. But
15 you got -- you got six guys, like, --

16 Q. You thought you were good with six guys, right?

17 A. No. No.

18 Q. Well, at the end of the day you didn't leave,
19 correct?

20 A. We didn't leave. But we -- we went there. we
21 -- it happened. Like, I don't know what to tell you.
22 Like, no, we --

23 Q. Now, you said that you wanted to get the gun
24 away from the dad. How did you imagine you were gonna
25 do that?

1 did you have with them?

2 A. Well, first when I -- when I walked up, all my
3 friends, we walked up and stood around 'em.

4 So, like, I was walk -- in the video -- in the
5 video that they have I end up walking away from them
6 cause I wanted to try to get around them and see if we
7 could, like, just get him down so we could get the gun
8 out of his hands.

9 I wasn't even worried about the fight when I
10 got there and, like -- and realized that there was a
11 weapon involved. Because it's not even a fight after
12 that, like -- but we got there and -- you know --

13 Q. Was there -- was there any discussion?

14 A. I mean, there was arguing between a couple of
15 my friends that I could -- they were arguing, like, with
16 my dad -- like, the dad and the fucking -- and one of my
17 friends, they were arguing, Josue.

18 Q. What was the -- and please be mindful of the
19 microphone in front of you.

20 A. I'm sorry.

21 Q. What was the nature of the argument between
22 Josue and the defendant's dad?

23 A. I didn't really hear it too much. I just know
24 they were arguing and, like, the N word was thrown
25 around and all that, but --

1 A. I imagined I was gonna walk down the block and
2 they weren't gonna see me and I was gonna walk up behind
3 his -- like, go around the building and come up behind
4 him and just tackle him, just tackle him just so we can
5 get the gun out of his hand.

6 Q. So you thought that was a better course of
7 action that -- than leaving, correct?

8 A. What's that?

9 Q. You thought going around the building and
10 tackling him from behind was a better course of action,
11 correct, than leaving?

12 A. I mean, leaving definitely would have been the
13 better course of action, but that's not what I was
14 thinking at the time.

15 When you got an AR-15 pointed at you, like,
16 what are -- what you gonna do in that situation? Are
17 you just gonna leave and get -- get a chance of getting
18 shot in the back? I mean, --

19 Q. You would agree that it wasn't an
20 inevitability, you drove two miles through the streets
21 of Ephrata to get to that house, correct?

22 A. I did, yeah.

23 Q. And that's a house you had never been to
24 before, correct?

25 A. He invited us over.

1 Q. Do you usually go to somebody's house that you
2 don't know?

3 A. I don't. But if you're telling my friend
4 you're gonna beat my friend up and, like, say all this
5 other stuff about him I'm gonna, like, come with him,
6 like, if he --

7 Q. Now, at this point you guys were having a
8 pretty good time with your get-together, correct?

9 A. Yeah.

10 Q. You didn't tell your friends to say, hey, we're
11 having a good time here, we're playing video games,
12 let's just stay here?

13 A. I didn't say that, no.

14 Q. Instead you decided to go there with six
15 individuals, correct?

16 A. I decided to go there and defend my friend,
17 and, like --

18 Q. Now, when you got there, your original
19 understanding, you testified, was that Randy was gonna
20 fight my client; is that correct?

21 A. Yeah.

22 Q. But that's not what happened, is it?

23 A. It's not what happened.

24 Q. Devon Schaefer actually ended up punching and
25 hitting my client; is that correct?