

GREGG ALAN STONE, ESQ.
ID#: 000221987
KIRSCH, STONE & MORGAN
50 PARK PLACE - SUITE 401
NEWARK, NEW JERSEY 07102
Attorney for Plaintiff Lauren Kanarek
(973) 623-0100

LAUREN KANAREK,

Plaintiff(s),

VS.

MICHAEL BARISONE, SWEETGRASS
FARMS, LLC, RUTH COX, JOHN DOES
1-30, and ABC CORPORATIONS 1-20,

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY
DOCKET NO. MRS-L-2250-19

CIVIL ACTION

NOTICE OF MOTION
TO LIMIT PLAINTIFF'S DEPOSITION

RETURNABLE: FRI. 3/17/2023

TO: Mark K. Silver, Esq.
Schenck Price Smith & King
220 Park Avenue
P.O. Box 991
Florham Park, New Jersey 07932
Attorneys for Defendant Sweet Grass Farm, LLC

TO: Christopher L. Deininger, Esq.
Deininger & Associates, LLP
415 Route 10, Suite 1
Randolph, New Jersey 07869
Attorneys for Defendant Michael Barisone

SIRS:

PLEASE TAKE NOTICE that on **Friday, March 17, 2023 at 9:00 a.m.**, or as soon thereafter as counsel may be heard, the undersigned, attorney for plaintiff Lauren Kanarek, shall apply to the above named Court for an Order limiting plaintiff's deposition testimony.

PLEASE TAKE FURTHER NOTICE that we shall rely upon the attached Certification of Counsel and Letter Brief in support of this Motion.

ARBITRATION:	NONE
PRE-TRIAL CONFERENCE:	NONE
CALENDAR CALL:	NONE
TRIAL DATE:	NONE

Pursuant to R.1:6-2(c), the undersigned hereby:

- () waives oral argument and consents to disposition on the papers.
- () requests oral argument if Motion is contested.
- () requests oral argument.

A proposed form of Order is annexed hereto.

KIRSCH, STONE & MORGAN, P.A.


BY: GREGG ALAN STONE

DATED: March 1, 2023

GREGG ALAN STONE, ESQ.
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NEWARK, NEW JERSEY 07102
Attorney for Plaintiff Lauren Kanarek
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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY
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CIVIL ACTION

CERTIFICATION OF COUNSEL


I, **GREGG ALAN STONE, ESQ.**, hereby certify as follows:

1. I am an attorney at law of the State of New Jersey and a member of the firm of Kirsch, Stone & Morgan, P.A., attorneys for plaintiff Lauren Kanarek. I am fully familiar with the facts of this case.
2. This high-profile negligence action arises out of the shooting of plaintiff Lauren Karanek by defendant Michael Barisone, while plaintiff was residing on the property owned by defendant Sweet Grass Farm.
3. At the criminal trial for the attempted murder of plaintiff Lauren Kanarek, defendant Barisone did not present a "justification" defense, and the jury was not charged on the defense of justification.

4. Annexed hereto as **Exhibit "A"** is a true and exact copy of the transcripts of plaintiff Lauren Kanarek's under-oath trial testimony in the criminal trial of Barisone.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

KIRSCH, STONE & MORGAN, P.A.

By: 
GREGG ALAN STONE, ESQ.

DATED: March 1, 2023

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GREGG ALAN STONE

- ❖ CERTIFIED BY THE SUPREME COURT OF NEW JERSEY
AS A CERTIFIED CIVIL TRIAL ATTORNEY
- ❖ CERTIFIED BY THE NATIONAL BOARD OF TRIAL
ADVOCACY AS A CIVIL TRIAL SPECIALIST
- ❖ CERTIFIED BY THE NATIONAL BOARD
OF CIVIL PRETRIAL PRACTICE ADVOCACY

RONALD J. MORGAN

- ❖ ADMITTED IN NY

NED KIRSCH
FOUNDING PARTNER
(1955-2004)

JAY H. BERNSTEIN

- ❖ CERTIFIED BY THE SUPREME COURT OF NEW JERSEY
AS A WORKERS' COMPENSATION LAW ATTORNEY
- ❖ ADMITTED IN PA WASH DC

SENIOR COUNSEL

DAVID GELBAND

- ❖ CERTIFIED BY THE SUPREME COURT OF NEW JERSEY
AS A CIVIL TRIAL ATTORNEY
- ❖ ADMITTED IN NY

March 1, 2023

Via Efile

David J. Weaver, J.S.C.
Morris County Civil Division
P.O. Box 910
Morristown, NJ 07963-0910

**RE: Kanarek v. Barisone, et. al.
Docket No. MRS-L-2250-19**

Dear Judge Weaver:

This office represents plaintiff Lauren Kanarek in the above-referenced matter. Kindly accept this Letter Brief in lieu of a more formal submission in support of plaintiff's Motion to Limit Plaintiff's Deposition. As articulated more fully below, plaintiff has already been questioned *ad naseum*, during defendant Barisone's criminal trial for Lauren's attempted murder, under oath, by defendant Barisone's attorneys, on her alleged provocation, resulting in her own shooting. The criminal trial occurred approximately 1 ½ years after the filing of this civil lawsuit, and both matters arise from the same events.

All discovery regarding any alleged provocation by Lauren was provided to Barisone, by the State, in advance of his criminal trial for attempted murder. Using that discovery, defendant Barisone questioned Lauren on the stand for hours on the issue of provocation, as it related to Barisone's state of mind. Now, defendants should be barred from revisiting these issues, not only because they are duplicative, but also because Lauren's alleged provocation of Barisone has no relevance to any claim or defense in this civil matter. Any such questioning by either defendant runs afoul of R.4:14-4 (discussed below). Plaintiff does not seek to bar or limit any other portion of Lauren's deposition testimony regarding liability and/or damages.

Plaintiff recognizes that all parties are advocating their positions for the best interests of their clients. However, the truth remains that being shot twice in the chest, at point-blank range, understandably traumatized Lauren Kanarek. It is undisputed that the shooting of Lauren was unjustified. On the limited issue of his state of mind, defendant Barisone was permitted to argue that Lauren provoked him into shooting her. The judge in the criminal trial never charged the jury that Barisone was "justified" in shooting Lauren. A justification defense was not presented. Rather, the Court permitted the criminal defense to explore Lauren's alleged provocation in the criminal proceeding to further defendant Barisone's insanity defense. Lauren was cross examined at length. Lauren should not have to undergo the same questioning about whether she provoked her shooter in her deposition in this civil matter.

Plaintiff makes the instant application because her deposition is scheduled for April 13, 2023. Given the deadlines set by the Court in its last Case Management Order,

plaintiff respectfully requests that the Court determine the scope of Lauren's deposition prior to April 13, 2023.

A. The Issue of Lauren's Alleged Provocation of Defendant Barisone Has Already Been Thoroughly Explored Under Oath During the Pendency of this Civil Suit

This matter arises from defendant Barisone shooting Lauren twice, at point-blank range, in the chest, at defendant Sweet Grass Farms ("SGF"). A civil suit was filed against Barisone and SGF on October 18, 2019. Defendant Barisone was charged and tried criminally during the pendency of the civil suit, in March of 2022. Defendant Barisone was found to have attempted to murder Lauren, but was deemed to be criminally insane. As part of defendant Barisone's insanity defense, defendant Barisone alleged that Lauren provoked Barisone into shooting her. Defendant Barisone's criminal defense consisted of hours of cross examination on numerous exhibits, detailing Lauren's alleged provocation. Lauren's complete criminal testimony is annexed hereto as **Exhibit "A"**.

Barisone's attorneys relied on recordings, social media posts, and text messages, among other things, to display an alleged "campaign of harassment" against defendant Barisone, which impacted his fragile state of mind. Plaintiff obviously disagrees with this blatant mischaracterization. In closing, defendant Barisone's attorneys argued to the jury that these recordings, social media posts, text messages, and other interactions between Lauren and defendant Barisone resulted in Barisone's criminal insanity and Barisone shooting Lauren.

Obviously, even though the criminal trial and the civil action arise from the same shooting, some issues in the civil case differ from those in defendant Barisone's criminal trial. Defendants are free to explore the entirety of those issues during Lauren's

deposition. However, defendants' should not be permitted to requestion Lauren about her alleged provocation of Barisone.

Any questions regarding Lauren's alleged provocation of Barisone, leading him to shoot her, have been thoroughly examined in the criminal trial. With no doubt, defendant Barisone had significant interest in furthering that theory in his defense, and did so during his cross examination of Lauren. Defendant Barisone left no stone unturned when questioning Lauren about her online and in-person interactions involving Barisone.

Plaintiff agrees that pursuant to R. 4:16-1, Lauren's criminal trial testimony may be used by defense counsel in this civil action for all permissible purposes. Because the issue of provocation was so thoroughly explored in the criminal trial, there is no need to requestion Lauren, under oath, on the same issues.

Both civil defendants, Barisone and SGF, claim Lauren provoked Barisone into shooting her. SGF specifically stated, in its Reply to its Motion to Hold Plaintiffs' Parents in Contempt, that "[o]ne of SGF's defenses is that Lauren Kanarek causes and/or set forth in motion the conditions and environment that led [to] the alleged incident on August 7, 2019." It is anticipated that defendant SGF will argue that it did not have an opportunity to question Lauren on these issues, since SGF was not a party to the criminal trial. Therefore, SGF will argue that it should be able to question Lauren about provocation.

Specifically on the issue of "Lauren causing and/or setting forth in motion the conditions and environment that led to" Barisone shooting her, it is irrelevant that SGF was not a party to the criminal trial. Defendant Barisone, through his attorneys, levied that defense to the attempted murder charge to further his defense of insanity. All discovery was exchanged relating to or touching upon Lauren's alleged provocation.

Lauren's text messages, social media posts, and interactions involving Barisone were all explored. Defendants are free to use that trial transcript in this action in accordance with R. 4:16-1. SGF cannot do a better or more thorough job of questioning Lauren on this narrow topic than Barisone did in his criminal defense.

Defendants SGF and Barisone are aligned in their "provocation" defenses. There is no further information to gather in this regard. Requestioning on these issues should be prohibited.

Similarly, defendant Barisone should not be permitted to requestion Lauren on issues that he already questioned Lauren during his criminal trial. Assuming his Counterclaim is valid (it is not), defendant Barisone has all relevant documents and already questioned Lauren on them. Defendant Barisone already used Lauren's testimony and corresponding exhibits to argue to a jury that Lauren provoked Barisone. There is no need to revisit these issues in Lauren's civil deposition.

To be clear, plaintiff does not seek to limit any portion of her testimony that has yet to be explored, as it relates to both liability and/or damages. However, on the specific issue of provocation, defendants should not be permitted to revisit what has already been exhaustingly addressed through hours of testimony. To requestion plaintiff on these issues amounts to attempts to annoy, embarrass, or oppress the plaintiff, in contravention of R. 4:14-4. Any duplicate or related questions on Lauren's provocation should be barred. The attached criminal trial transcript speaks for itself.

B. If the Court Does not Outright Bar Questioning of Lauren on Provocation, the Upcoming Deposition Should be Limited to Allow for Plaintiff to Make Her Motions for Summary Judgment

Plaintiff does not seek to delay proceedings, and Lauren's deposition remains scheduled for April 13, 2023. At the appropriate time, plaintiff intends to file a Motion for Summary Judgment to bar the defense that Lauren was comparatively at fault for Barisone pulling the trigger. Similarly, plaintiff intends to file a Motion for Summary Judgment to dismiss defendant Barisone's Counterclaim.

Requesting Lauren on issues surrounding her provocation of Barisone should be outright barred. However, should the Court disagree, plaintiff respectfully requests that the Court temporarily bar any provocation questioning in Lauren's April 13, 2023 deposition. Plaintiff respectfully proposes that the Court set a briefing schedule for Motions to Dismiss/Summary Judgment on the issues of Lauren's comparative fault and the viability of the Counterclaim. Questions regarding provocation should be temporarily barred in the April 13, 2023 deposition, pending the outcome of plaintiff's dispositive Motions.

If plaintiff is unsuccessful in those dispositive Motions, plaintiff will reproduce Lauren for her deposition on the limited issues surrounding the alleged provocation. This way, Lauren is not unnecessarily subjected to repetitive oppressive and emotionally scarring questioning, given that any "provocation-related" claims and defenses may be dismissed. Additionally, discovery is not delayed or hindered in any way. Plaintiff will appear for her deposition, all other aspects of liability and damages can be explored, and the parties can continue with their legitimate claims. After plaintiff's dispositive Motions are decided, the parties can revisit the provocation issue and its relevance, if necessary.

Respectfully Submitted,


Gregg Alan Stone

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Attorney for Plaintiff Lauren Kanarek
(973) 623-0100

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Defendant(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY
DOCKET NO. MRS-L-2250-19

CIVIL ACTION

CERTIFICATION OF MAILING

I certify that the original and copy of the within Notice of Motion has been forwarded to the Motions Clerk at the **Morris County Superior Court, Court and Washington Streets. Morristown, New Jersey 07960** and a copy served upon:

TO: Mark K. Silver, Esq.
Schenck Price Smith & King
220 Park Avenue
P.O. Box 991
Florham Park, New Jersey 07932
Attorneys for Defendant Sweet Grass Farm, LLC

TO: Christopher L. Deininger, Esq.
Deininger & Associates, LLP
415 Route 10, Suite 1
Randolph, New Jersey 07869
Attorneys for Defendant Michael Barisone

KIRSCH, STONE & MORGAN, P.A.

BY: GREGG ALAN STONE, ESQ.

DATED: March 1, 2023

GREGG ALAN STONE, ESQ.
ID#: 000221987
KIRSCH, STONE & MORGAN
50 PARK PLACE - SUITE 401
NEWARK, NEW JERSEY 07102
Attorney for Plaintiff Lauren Kanarek
(973) 623-0100

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Defendant(s)

) SUPERIOR COURT OF NEW JERSEY
) LAW DIVISION: MORRIS COUNTY
) **DOCKET NO. MRS-L-2250-19**

) CIVIL ACTION

) **ORDER**
)
)
)
)
)

This matter having been brought before the Court on Motion of Gregg Alan Stone, Esq., of the law firm of Kirsch, Stone & Morgan, P.A, attorneys for plaintiff Lauren Kanarek, for an Order to limit plaintiff’s deposition testimony, due notice of the application having been given to the attorneys for defendant(s) and the Court having read and considered all of the moving papers submitted, and for good cause shown,

IT IS ON THIS DAY OF 2023;

ORDERED that plaintiff’s deposition testimony is hereby limited; and it is further

ORDERED that defendants are prohibited from asking questions in plaintiff’s deposition in this civil case about her alleged provocation of defendant Barisone, which were previously addressed in the criminal trial of Barisone; or in the alternative it is hereby

ORDERED that defendants are prohibited about questioning plaintiff, in her April 13, 2023 deposition, about her alleged provocation of Barisone, pending resolution of plaintiff's dispositive Motions on plaintiff's comparative fault and/or Barisone's Counterclaim; and is further

ORDERED that a copy of this Order shall be served upon all counsel in this action within _____ days of the date hereof.

, J.S.C.

____ Opposed
____ Unopposed

EXHIBIT "A"

STATE OF NEW JERSEY v. MICHAEL L. BARISONE -- March 30, 2022
Testimony Only of Lauren Kanarek

Sheet 1

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, CRIMINAL PART
MORRIS COUNTY
INDICTMENT NO. 19-12-00999-I
APP. DIV. NO.

STATE OF NEW JERSEY,)	
)	TRANSCRIPT
Plaintiff,)	of
)	TRIAL TESTIMONY
vs.)	of
)	LAUREN KANAREK
MICHAEL L. BARISONE,)	
)	
Defendant.)	

Place: Morris Co. Courthouse
Washington & Court Sts.
Morristown, N.J. 07963

Date: March 30, 2022

BEFORE:

HONORABLE STEPHEN J. TAYLOR, P.J.S.C., AND JURY

TRANSCRIPT ORDERED BY:

MARK K. SILVER, ESQ. (Schenck Price Smith &
King, LLP, 220 Park Avenue, P.O. Box 991,
Florham Park, New Jersey 07932)

Transcriber Catherine Weigel
ELITE TRANSCRIPTS, INC.
14 Boonton Avenue
Butler, NJ 07405
(973) 283-0196
Audio Recorded
Operator, Alicia Roberts

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STATE OF NEW JERSEY v. MICHAEL L. BARISONE -- March 30, 2022
Testimony Only of Lauren Kanarek

Sheet 2

APPEARANCES:

CHRISTOPHER SCHELLHORN, ESQ.
ALEXANDER BENNETT, ESQ.
Prosecutors for the County of Morris
Attorney for the Plaintiff,
State of New Jersey

EDWARD J. BILINKAS, ESQ.
(Law Offices of Edward J. Bilinkas)
Attorney for the Defendant

CHRISTOPHER L. DEININGER, ESQ.
(Deininger & Associates, LLP)
Attorney for the Defendant

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		I N D E X			
		Direct	Cross	Redirect	Recross
Witness					
FOR THE STATE					
Lauren Kanarek		4	85		
Exhibit				Ident.	Evid.
S-402B	Facebook post 5-13-18			16	

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STATE OF NEW JERSEY v. MICHAEL L. BARISONE -- March 30, 2022
Testimony Only of Lauren Kanarek

Sheet 3

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State v. Barisone

1 THE COURT: Mr. Schellhorn, call your next
2 witness, please?

3 MR. SCHELLHORN: Your Honor, the State calls
4 Lauren Kanarek.

5 THE COURT: All right. Lauren Kanarek. All
6 right, Ms. Kanarek, please remain standing. Place your
7 left hand on the Bible, if you would. Please raise
8 your right hand. Thank you. Listen to my court clerk.
9 L A U R E N K A N A R E K, STATE'S WITNESS, SWORN

10 THE CLERK: Please state your name and spell
11 your last name for the record.

12 THE WITNESS: Lauren J. Kanarek. Last name
13 is spelled K-a-n, as in Nancy, a-r-e-k.

14 THE CLERK: Thank you.

15 THE COURT: All right. Ms. Kanarek, you may
16 have a seat. In response to questions please keep your
17 voice up nice and loud. That microphone does not
18 amplify, it -- it only records. So we have jurors
19 seated in the first two rows of the gallery, as well as
20 in the jury box, so keep your voice up nice and loud.
21 If you don't understand a question just indicate you
22 don't understand and I'll have counsel rephrase, and if
23 you hear during your testimony one of the attorneys
24 object please don't answer or stop answering until The
25 Court rules on the objection, all right?

5

State v. Barisone

1 THE WITNESS: Okay. Thank you, Judge.

2 THE COURT: Go ahead, Mr. Schellhorn.

3 MR. SCHELLHORN: Thank you, Your Honor.

4 DIRECT EXAMINATION BY MR. SCHELLHORN:

5 Q Good morning, Ms. Kanarek, can you please
6 introduce yourself again to the jury?

7 A Yes. My name is Lauren Kanarek.

8 Q And that actually doesn't amplify at all, it
9 just picks up a little. You don't have to lean in.
10 Don't worry about that.

11 A Okay.

12 Q How old are you?

13 A I am 41.

14 Q Where do you currently live?

15 A I currently live in Florida, at Loxahatchee,
16 Florida.

17 Q Do you know Michael Barisone?

18 A I do.

19 Q Do you see him in court today?

20 A I do.

21 Q Can you identify him for the record by an
22 article of clothing that he's wearing?

23 A Yes, he is wearing a white shirt and yellow-ish
24 tie.

25 THE COURT: Identifying the defendant Mr.

STATE OF NEW JERSEY v. MICHAEL L. BARISONE -- March 30, 2022
Testimony Only of Lauren Kanarek

Sheet 4

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State v. Barisone

1 Barisone for the record.

2 BY MR. SCHELLHORN:

3 Q Before we get to how you know the defendant I
4 want to ask you some questions about your background in
5 the equestrian world. Can you tell the jury a little
6 bit about what your equestrian background is, starting
7 with what your current riding discipline is?

8 A My current riding discipline is dressage.

9 Q Can you explain to the jury what dressage is?

10 A As best as possible. Dressage literally transfers
11 to French -- to training in Fre-- in French, but what
12 essentially is -- supposed to be is a harmonious
13 partnership between horse and rider. In competition it
14 is to execute a series of movements that is judge on
15 technicalities, and in training you could just be
16 riding your horse, trying to build a better
17 partnership, so you have a good relationship with your
18 horse, and things are done harmoniously.

19 Q Have you ever ridden any other disciplines?

20 A I have.

21 Q Can you tell the jury what that was?

22 A I used to do show jumping, or jumping, and that's
23 just basically riding around a course of jumps at
24 different heights and at -- or high speeds to try to
25 get it done quickly.

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State v. Barisone

1 Q Do you recall when you switched from focusing
2 on jumping to dressage?

3 A Yes. Some time around 2015, I want to say, around
4 that area.

5 Q What was the reason that you switched the
6 discipline that you were focusing on?

7 A I was just kind of a little bit bored. I had been
8 jumping since I was a very young teenager, and I just
9 saw people riding in the discipline of dressage and
10 thought this looks more fun. Some people might see it
11 as boring, but I thought this looks fun, I want to try
12 it, it's interesting, and that's what I did.

13 Q In general what is the process that a rider
14 would go through in terms of developing that harmonious
15 relationship with the horse?

16 A Well, you would hire, hopefully, a trainer to help
17 you try to move those things along. You could spend a
18 lot of time doing ground work. Riding is the main
19 thing, riding's kind of a must there. But, yes, I
20 would say the combination of things you do on your own
21 with your horse and things that you would do with a
22 trainer, to help you get better at what you're doing
23 with your horse to make that relationship better.

24 Q And what, specifically, are the things that a
25 trainer helps the rider or the horse develop during

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STATE OF NEW JERSEY v. MICHAEL L. BARISONE -- March 30, 2022
Testimony Only of Lauren Kanarek

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1 that process?
2 A A variety of different skills. A trainer might
3 help a horse develop a certain movement that you might
4 show in a test that you're competing in. But, yeah,
5 that's easily what I would say.
6 Q Where do horses typically live?
7 A In a stable or barn, a stall.
8 Q And is it common to train at the same
9 facility where the horses are boarded?
10 A Yes.
11 Q Does the same person typically coach the
12 rider as well as the horses?
13 A Yes.
14 Q Taking your attention back to 2018 and 2019
15 who was your trainer?
16 A 2018 -- I'm sorry, can you repeat the question?
17 Q Sure. Taking you back to 2018 and 2019 who
18 was your trainer?
19 A Michael Barisone.
20 Q Did you pay him to -- to train you?
21 A Yes.
22 Q And did you pay him to board the horses?
23 A Yes.
24 Q Do you remember approximately how much he was
25 paid monthly in, let's call it, the summer of 2019?

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State v. Barisone

1 A Approximately \$5,000 a month.
2 Q Now you said that you currently live in
3 Loxahatchee, Florida?
4 A Yes.
5 Q Have you ever lived in New Jersey?
6 A I have.
7 Q When was that?
8 A I guess from the age of 4 until somewhere around
9 2000.
10 Q Had you ever lived in New Jersey after the
11 year 2000, even on a seasonal basis?
12 A Yeah, definitely.
13 Q When you came back to New Jersey where would
14 you live?
15 A Um --
16 Q Specifically in 2018 and 2019.
17 A I would live on the premises of Hawthorne Hill
18 Farm in a barnhouse.
19 Q Where is Hawthorne Hill Farm?
20 A It is located in Long Valley, New Jersey.
21 Q Whose farm was that?
22 A Michael Barisone's.
23 Q At times during the year is it common for
24 specifically dressage riders to train in different
25 parts of the country?

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STATE OF NEW JERSEY v. MICHAEL L. BARISONE -- March 30, 2022
Testimony Only of Lauren Kanarek

Sheet 6

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State v. Barisone

1 A Yes.
2 Q What's the reason for that?
3 A Mainly the weather, but, um, aside from that, you
4 go to -- I guess when you're riding at the levels that
5 you want to be riding at, the higher levels, you go to
6 Florida because that's kind of like the Mecca of, I
7 guess, dressage and jumping in the entire country.
8 That's where -- that's where everything is located, the
9 top trainers, top cli-- clinics, events, um, you know,
10 things to go out and do. So that's where you'd go for
11 the winter, you're like -- or snow bird kind of.
12 That's how that works.
13 Q Now speaking of that do you recall when you
14 first met Michael Barisone?
15 A Yes, I met him either at the very end of February
16 or very beginning of March of 2018.
17 Q Do you recall where you met him?
18 A Yes, I met him at his barn in Loxahatchee,
19 Florida. Yes, that's where it was.
20 Q And what was the purpose for you being at his
21 barn at that time period?
22 A He was giving a clinic that month, so I attended
23 it with my trainer, that was training me at the time.
24 Q At the time when you went to that clinic were
25 you familiar with him by either name or reputation?

11

State v. Barisone

1 A By name, as a clinician, mostly.
2 Q And after meeting him and participating in
3 that clinic did you become involved in a professional
4 relationship with him?
5 A Yes.
6 Q What was the nature of that professional
7 relationship you entered into in early 2018?
8 A That he was basically the trainer of my horses,
9 and, um, with -- are you -- while he was holding the
10 clinic, or?
11 Q No. So you said that he would train your
12 horses.
13 A Yes.
14 Q Were there -- was there any other things that
15 you agreed with him that he would do for you, or that
16 you would do for him?
17 A Oh, yeah. Well, he was -- during that clinic he
18 was saying to me I need to come to New Jersey and train
19 there, so -- and he was like, you know, pushing this,
20 and he seemed to be an excellent trainer, and I thought
21 that's probably a good idea.
22 Q Now what -- what are your aspirations within
23 the dressage community?
24 A Just to be the best rider that I can be and
25 develop my horses to the top levels of the sport.

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STATE OF NEW JERSEY v. MICHAEL L. BARISONE -- March 30, 2022
Testimony Only of Lauren Kanarek

Sheet 7

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1 Q And is having a trainer important to that
2 goal?

3 A Extremely important to that goal.

4 Q During the course of time that you worked
5 with the defendant how would you -- how would you say
6 that your riding went?

7 A Very well. I improved greatly in a short period
8 of time and I was very satisfied.

9 Q Did you have the opportunity to train at the
10 Florida farm as well as the New Jersey farm?

11 A Yes, both.

12 Q Now I'll point your attention, again, to 2018
13 and 2019, during the summer season, when you, I think,
14 indicated you were training at Hawthorne Hill in New
15 Jersey?

16 A Yes.

17 Q Where did you live when you were here in New
18 Jersey training?

19 A I lived for the first year in the farmhouse on the
20 property on the main entrance floor.

21 Q And did you live in a different place during
22 the second summer?

23 A Yes.

24 Q Where was that?

25 A That was in a different apartment within that same

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1 home, in the upstairs apartment of that same house,
2 just a different floor, different apartment.

3 Q Based on your recollection then the Hawthorne
4 Hill farm had living accommodations for people as well
5 as boarding accommodations for horses/

6 A Correct.

7 Q Is that common for a rider to live at the
8 same property where they're training?

9 A Yeah, it happens. It's common.

10 Q Can you tell the jury a little bit about your
11 impressions or your recollections about what else was
12 on the property?

13 A You mean as far as like barns or --

14 Q Was there a place -- was there a stable? Was
15 there --

16 A Okay, yeah.

17 Q -- training arenas or facilities?

18 A Yes. Yeah, okay. So there was the farmhouse
19 where people lived, and then there's also like a -- a
20 very large barn with an arena, indoor arena, and there
21 was also an outdoor arena, what we call a round pen,
22 for training, and also a clubhouse for like gatherings,
23 just to kind of hang out in-between rides and things
24 like that, like a -- like a little social area. So
25 that was also on the property.

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1 Q Is it fair to say that when you were on the
2 property, or when you had horses there, would you spend
3 a good deal of time up at the barn or the -- the
4 clubhouse?

5 A Yes, I was up there riding. Yeah, I would say
6 that's fair to say.

7 Q Do you recall in -- specifically in that
8 building the area between the stables, where the
9 horses' stalls were, and the clubhouse?

10 A Yes.

11 Q What was in that area?

12 A Lockers -- specifically in-between the clubhouse
13 and where the stalls are?

14 Q Yes.

15 A The row of lockers and, I believe, two tack rooms,
16 where you'd store saddles and larger pieces of
17 equipment.

18 Q Did you have a locker in that area?

19 A Yes, I did.

20 MR. SCHELLHORN: Judge, I'd like to show the
21 witness one of the photos that's already been moved
22 into evidence. This is S-329.

23 THE COURT: Very well. It can be displayed
24 on the screen.

25 BY MR. SCHELLHORN:

15

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1 Q Ms. Kanarek, is that the hallway that you're
2 talking about, that leads from the stables into the
3 clubhouse?

4 A Yes, it is.

5 Q What's through that door on the left there?

6 A So through this door you can kind of see down
7 there saddles that are on racks, which is -- yeah,
8 that's most all a saddle rack row.

9 Q And to the right of the door, hanging on the
10 wall, what are all those things?

11 A These are awards and medals, different medallions
12 and different things that you might win if, let's say,
13 you've won a show, or you've competed at a certain
14 level, USDF or USEF, the federations that oversee our
15 sport, might send them to you, or you might win them --
16 win them at the show -- at the very show itself.

17 Q Did you have any awards or medallions on that
18 wall?

19 A Not on this wall, but sort of right next to it, at
20 one point, not at this -- in this picture.

21 Q But -- but as part of this collection of
22 medallions.

23 A Yes, yes.

24 Q All right. I want to go back and ask you
25 some questions about the living arrangements on the --

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1 the property. You indicated that the first summer you
2 were there, in 2018, that you were there and you lived
3 on the first floor of the farmhouse?

4 A Correct.

5 Q Can you describe for the jury what the
6 general layout or -- or makeup of the farmhouse was?

7 A Sure. So the farmhouse had basically three
8 floors. The main floor had a bedroom and like a -- a
9 kitchen, the -- and, of course, a bathroom. The
10 basement had several bedrooms for staff to stay, and
11 they had their own rooms, and everyone kind of lived
12 together. And the upstairs -- and upstairs apartment,
13 as well, where the assistant trainer lived. So there
14 was, all together, three living spaces, but one of
15 which had several different bedrooms for like a group
16 of people to stay, kind of like a -- you know, a
17 sorority, a little bit, house in a way.

18 Q Is -- is that where the working students
19 would live?

20 A Yes.

21 Q Was the -- was the farmhouse, or were all
22 these separate areas in the farmhouse interconnected?

23 A By some method or another, yes, like there was a
24 way to get to each floor. They weren't just like
25 completely closed off.

17

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1 Q When you moved there in the summer of 2018,
2 the first summer you lived there, on the first floor,
3 did you live there with anyone?

4 A Yes.

5 Q Who did you live there with?

6 A I lived there with my boyfriend, fiancé, my par--
7 my life partner, and my two dogs.

8 Q And what is his name?

9 A Robert Goodwin.

10 MR. SCHELLHORN: Judge, I'd like to show the
11 witness a -- Exhibit S-402B.

12 THE COURT: That's one we haven't discussed?

13 MR. SCHELLHORN: That's one we discussed
14 right before the jury came in, Your Honor. There's a
15 stipulation as to the authenticity of the -- the
16 records that these came from.

17 THE COURT: Very well. 402B it is?

18 MR. SCHELLHORN: Yes, Judge.

19 THE COURT: All right, 402B.

20 BY MR. SCHELLHORN:

21 Q Ms. -- Ms. Kanarek, do you have a Facebook
22 account?

23 A I do.

24 Q And how would you rate your Facebook
25 activity, how -- with what frequency do you use

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1 Facebook?

2 A Quite a lot, at least at the time.

3 Q And I'm going to draw -- I'm going to draw
4 your attention to a post from May 13th, 2018, and this
5 has been marked as S-402B. What is S-402B a picture
6 of?

7 A Oh, my dog is in the picture.

8 Q Where is this picture taken?

9 A This is taken in the main floor apartment.

10 Q Of the farmhouse.

11 A Of the farmhouse, yes.

12 Q And can you point out where the dog is in
13 that picture?

14 A Now I can. Wait, how do I --

15 Q Or you could just explain it to the jury.

16 A Oh, okay.

17 Q They have it on the big screens.

18 A So she is -- you see the chair that's kind of like
19 tucked into the table? If you look back and to the
20 left of that there's like a -- like a dark figure
21 sitting with like her head facing rightwards? That's
22 the dog behind.23 Q So that's through the doorway in the other
24 room.

25 A Yes, to go into the living room.

19

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1 Q What's her name?

2 A Rosie.

3 Q Do you know approximately how big Rosie is?

4 A She's approximately 28 pounds, short.

5 Q So you indicated that in the summer of 2018
6 you and Rob and your dogs were living on the first
7 floor of the farmhouse?

8 A Correct.

9 Q Working students were living downstairs.

10 A Yes.

11 Q And the assistant trainer was living on the
12 second floor?13 A Yeah -- uh, first, second -- I guess, depending on
14 how you count the basement, but, yes, the top floor.

15 Q Top floor.

16 A The second -- second or third, depending on how
17 you look at it.

18 Q What is the assistant trainer's name?

19 A Justin Hardin.

20 Q Now what were the circumstances of your
21 coming to live in the farmhouse that summer of 2018?22 A The circumstances were that while we were at the
23 clinic in Florida Michael basically had said, you know,
24 come to New Jersey with me, I will help you develop
25 these horses, you know, come, I have a place for you to

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1 stay, that will not be a problem, just -- just load
2 your horses, come, you're -- we'll have accommodations
3 for you to stay, and you don't have to rent anything
4 outside the area of the barn, you'll love it, and I was
5 sold immediately.

6 Q Did your living situation at the farm change
7 between 2018 and when you came back there for the
8 summer of 2019?

9 A It did.

10 Q Well, where did you live in the summer of
11 2019?

12 A In the summer of 2019, upon our return to New
13 Jersey, we were living in that upstairs apartment,
14 instead of the main floor that we just saw a picture of
15 a moment ago.

16 Q And just specifically, from what you knew,
17 when you came back to the farmhouse that summer of 2019
18 did you have a chance to see the condition of the rest
19 of the farmhouse?

20 A Wait, I'm sorry. I'm so sorry. Could you repeat
21 that one -- one time? I'm sorry.

22 Q Sure. When you came back to the farmhouse in
23 2019 --

24 A Yes.

25 Q -- that summer, did you have a chance to see

21

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1 the condition of the other levels of the farmhouse?

2 A Yes.

3 Q And what did you see or what did you observe
4 of those levels?

5 A The levels that were below the level that we were
6 staying in were pretty much like des-- like almost
7 unliveable, pretty much destroyed from a pipe that had
8 burst previously.

9 Q Now during the summer of 2019, when you lived
10 there, and you were on the top floor, was any of the
11 working students living in the bottom floor?

12 A No.

13 Q Do you know where they were living?

14 A They were all sent to go live in the barn
15 somewhere.

16 Q Was anyone living, at times, on the first
17 floor, or the main floor, of the farmhouse?

18 A Yes, when we returned Mary Haskins Gray and
19 Michael Barisone were living in the main floor and the
20 basement of that house.

21 Q And I don't think I've asked you yet, but who
22 is Mary Haskins Gray?

23 A Mary Haskins Gray is Michael Barisone's
24 girlfriend.

25 Q Was she his girlfriend during the entire

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1 course of time that you knew the defendant?

2 A Yes.

3 Q Did you know before you came back to New
4 Jersey in 2019 that you would be living on the top
5 floor of the farmhouse?

6 A I'm sorry, I just -- I wasn't sure about the dates
7 there. Could you just repeat that one more time? I'm
8 sorry.

9 Q Did you know before you came back to New
10 Jersey in 2019 that you would be living on a different
11 floor of the farmhouse, on the top floor?

12 A Yes, I did.

13 Q What was the circumstances of you going to
14 live on the second floor?

15 A The circumstances were that the house was
16 unliveable, and that there was really only one place
17 that was liveable, and that would be the upstairs
18 apartment, although that was the assistant trainer's
19 apartment, so we ended up working out some situation
20 where it ended up being that we were able to live on
21 the top floor, and Michael said he'd work everything
22 else out, so we just went with that.

23 Q And just so the record is clear, when you say
24 we were able to work that out, who do you mean you
25 worked that out with?

23

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1 A Myself and Michael Barisone.

2 Q Now I want to ask you some questions about
3 the boarding and training arrangements that you had
4 with your horses.

5 A Yes.

6 Q How many horses did you own in 2019?

7 A In 2019 I owned -- I owned six horses at that
8 time.

9 Q And what are the reasons that you owned six
10 horses?

11 A I like horses, but, also, I feel it's important,
12 and Michael would always, you know, say this is
13 important, as a trainer, to keep horses on the same
14 levels, some of them, so if you're competing you can --
15 let's say if you like make a team or, um, get selected
16 to go to regionals as a pair, you and a horse get --
17 your horse goes lame, you then have the option to ride
18 and get those scores with ano-- with the same --
19 another horse that's at the same level. So it's
20 important to keep some horses at the same levels doing
21 the same things. But it's also important to have
22 horses at a different level to learn how to bring them
23 up levels on your own, to build that harmony I was
24 talking about earlier.

25 Q Were all of your horses at the defendant's

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1 farm when you were there in the summer of 2019?

2 A No.

3 Q Did you have horses at other farms?

4 A Yes.

5 Q Do you recall how many horses you had at the
6 farm in 2019?

7 A At -- at Barisone's --

8 Q At Mr. Barisone's property.

9 A So 20-- it was different amounts at different
10 times in 2019. I had four horses, one of which I
11 purchased from him, and -- yeah, that's -- I had four
12 on the premise -- on his premises at that time.

13 MR. BILINKAS: Judge, can we have a more
14 specific time frame? I believe it changed at different
15 times.

16 MR. SCHELLHORN: Judge, I'm sure that's
17 something that Mr. Bilinkas is free to clear up on
18 cross-examination if he thinks it's important.

19 THE COURT: That's fine. You can do that,
20 Mr. Bilinkas.

21 BY MR. SCHELLHORN:

22 Q Now you talked about the importance of having
23 a -- a trainer to train with the rider and the horse.
24 What is the -- what is the breakdown? What's the
25 responsibility of the rider versus the trainer during

25

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1 the course of that training?

2 A It changes. I would say it's the responsibility
3 of the rider, because you're the one who needs to get
4 the job done at the end of the day. But the trainer,
5 the more experienced the trainer is, should be on the
6 ground and should be somebody that can spot a mistake
7 immediately and try to help you fix it, and if you are
8 unable to fix it, a trainer will usually get on the
9 horse and see what is the trainer -- what is he or she
10 feeling that, you know, you're not able to figure out
11 on your own. And they might have different ways of
12 fixing the problem before you get on and try to do it
13 yourself again.

14 Q And specifically with respect to your
15 training with Michael Barisone did you have the
16 opportunity to work with him training on occasion?

17 A Yes.

18 Q And I think you said that you became a better
19 rider with him as your coach and trainer.

20 A Definitely.

21 Q Now you indicated that Justin Hardin was an
22 assistant trainer?

23 A Correct.

24 Q What were your impressions or observations of
25 his general responsibilities at the farms?

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1 A My observations were that he would sometimes
 2 assist in training and, also, basically, I guess,
 3 delegate responsibilities to what he would consider to
 4 be, you know, the less -- less senior members of the
 5 staff, or what-- or however you would phrase that, for
 6 lack of a better phrase.

7 Q Now at times during the course of when you
 8 first became associated with Michael Barisone in early
 9 March, or -- or early 2018 --

10 A Yes.

11 Q -- through into 2019, were you coached at
 12 times by Michael Barisone and Justin Hardin?

13 A Yes.

14 Q Were there any times where you were coached
 15 or trained by Mary Haskins Gray?

16 A During that time specifically or the whole time?

17 Q During the entire time?

18 A Yes, there were.

19 Q And how did you feel about that?

20 A I wasn't very excited about that.

21 Q Can you explain why?

22 A To me I did not feel she had the experience, the
 23 training, or on any of the things that a -- like a
 24 higher level trainer would possess, that I -- and -- or
 25 it could just be that, you know, you don't mesh with

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1 the person, but to me I didn't feel she had the
 2 experience.

3 Q Did she play any role in your decision to
 4 switch your trainer in 2018 and go train with Michael
 5 Barisone?

6 A I'm sorry.

7 Q In other words, did you go train with Michael
 8 Barisone because of Mary Haskins Gray?

9 A No.

10 Q Why did you go train with Michael Barisone?

11 A Because he was a trainer with more experience, and
 12 he basically was the person that had been there and
 13 done that, so there would never be like any issue of,
 14 you know, like competition, because someone who's
 15 already been to the highest places they're trying to
 16 help you get better.

17 Q Now did you compete in any competitions, or
 18 attend any horse shows during the period of time that
 19 you were associated with Michael Barisone's business?

20 A Yes.

21 Q What is his business considered in the
 22 dressage industry?

23 A The training business?

24 Q What -- what kind of a barn is it?

25 A It's a dressage barn.

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1 Q Yes, is there any significance when you would
2 register for a -- a show, or a competition, to
3 registering associated with a certain barn?

4 A I mean, yes, there's always -- there's always that
5 significance, depending on, you know, judges might, you
6 know, favor or have a preference towards a certain
7 coach, or think that, you know, they're more of a
8 prestigious barn so you're getting a better education,
9 they might be paying closer attention to what you're
10 doing, but there's -- I -- I believe there's definitely
11 a significance to who you're training with.

12 Q When you would compete in a competition, or a
13 horse show, were those competitions, or horse shows,
14 held at Michael Barisone's farm?

15 A No.

16 Q Where would -- would -- would it be fair to
17 say they would be held at other locations?

18 A Yes.

19 Q How would you get there with your horses?

20 A They would be trailered in a trailer.

21 Q And who did that?

22 A Either Michael himself or Justin Hardin.

23 Q Is that something that costs money?

24 A Yes, if you're getting it done privately it would.

25 Q And was that included in the price that you

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1 were paying to Michael Barisone during the time you
2 were there?

3 A Yes.

4 Q Now between living at Michael Barisone's
5 farm, at times in the same house, as well as being
6 coached and trained by him, did you make any
7 observations of his personality?

8 A Yes.

9 Q Can you tell the jury what your observations
10 were?

11 A My observations were that, you know, there was
12 times where he was hilariously funny and charming and
13 nice, and then there were days where you would just see
14 him and he just looked angry, and you just -- you just
15 knew that day you did not want to approach him. You
16 might even see him like, you know, screaming at a staff
17 member, and even though it maybe hadn't happened to you
18 yourself yet, you just knew don't go near him, just
19 keep your distance.

20 Q You said that he was -- was hilarious or
21 funny, something to that nature. What was the nature
22 of his sense of humor?

23 A He would just tell funny jokes and, you know, I --
24 I can't think of a specific example of a time.
25 Sometimes the jokes he would tell were not funny and

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1 offensive, to be honest, but at least, I mean, I guess
2 he thought they were funny.

3 Q Now at any point during the course of time
4 that you were dealing with him professionally did your
5 relationship change?

6 A Yes.

7 Q And would you say that it got better or
8 worse?

9 A Worse.

10 Q What was the worst thing Michael Barisone
11 ever did to you?

12 A Tried to violently murder me on August 7th of
13 2019.

14 Q Now before I ask you some questions about
15 that, let me ask you, do you own any guns?

16 A I do.

17 Q How many guns do you own?

18 A I own one gun.

19 Q And did you ever have that on either of
20 Michael Barisone's farms?

21 A Never.

22 Q Where did you keep that handgun, or gun?

23 A At my -- my -- my home in North Carolina.

24 Q And what type of a gun was that?

25 A It is a Walthers 9mm PPX.

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1 Q Do you remember approximately when you bought
2 that?

3 A Somewhere between 2015-2016, I want to say.

4 Q And can you describe for the jury generally
5 the process that you had to go to -- go through for
6 applying and purchasing that gun?

7 A Yes. So once you choose the gun that you want to
8 buy you then have to get a permit, and so they do a
9 background check, and then you're required to go to the
10 Sheriff's Office. Like they send you like, I guess, a
11 message of what you need to do, and you follow those
12 instructions, and in one of those instructions is come
13 to the Sheriff's Office and they'll ask you questions
14 and, if you need to provide anything you provide it,
15 and they give you a permit, and then you have your
16 permit to actually go and pick up the gun that you've
17 decided upon.

18 Q And are you describing that process as the
19 same process you went through?

20 A Yes.

21 Q That was North Carolina, right?

22 A Yes.

23 Q Have you ever used any drugs in the past?

24 A Yes.

25 Q What drugs?

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1 A I've used pills. At one point I made a terrible
2 decision to use heroin. That was mostly it. Oh, pot,
3 probably.

4 Q And what -- when you say pills what got you
5 started using drugs?

6 A An -- an injury. I don't exactly remember what it
7 was. I was doing a lot of sports at the time,
8 somewhere in my like early 20s, and I guess I went to a
9 doctor and he prescribed me some pain medicine that I
10 had no idea really what it was, I just started taking
11 it, and I became addicted to those painkillers. I've
12 on-and-off addiction issues with painkillers since
13 then, although I had clean time after that on and off,
14 too.

15 Q Are you sober now?

16 A Yes.

17 Q Did you ever use any illegal drugs at the
18 time that you were living on Michael Barisone's farm in
19 the summer of 2018?

20 A No.

21 Q How about the summer of 2019?

22 A No.

23 Q Do you take any medication to help you
24 maintain your sobriety?

25 A I do.

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1 Q Can you tell the jury what that is?

2 A One major drug that I take is called Suboxone, and
3 I take that drug to pretty much ensure that I maintain
4 sobriety.

5 Q Does it help you?

6 A Yes, it helps me tremendously.

7 Q Do you see a psychiatrist or an addition
8 specialist?

9 A I do.

10 Q Now I think I asked you this question before,
11 but I asked you specifically about Facebook.

12 A Uh-huh.

13 Q And I think you said that you're very active
14 on Facebook.

15 A Yes, at the -- at the time, yes.

16 Q Do you ever -- or did you ever -- let me take
17 you back more specifically to the summer of 2019.

18 A Okay.

19 Q Would you ever be involved then, or before,
20 playing any sorts of games online or through mobile
21 devices?

22 A Yeah, a -- a few, not so many, but there were
23 definitely a few.

24 Q What were some of your favorite games to play
25 in that way?

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1 A Chess With Friends, definitely number one for me,
 2 probably. And then I had a small bout with Farmville
 3 for a little while. But I would say of all of the
 4 games Chess With Friends is probably number one.

5 Q What is your favorite thing about playing
 6 chess?

7 A I think it heightens intelligence and makes you
 8 think of things in different ways, and mostly just a
 9 challenge for my mind. I liked -- enjoy playing it and
 10 enjoyed having, you know, like anonymous people to play
 11 with, or friends, and it was just like something to do
 12 to heighten your intelligence and have fun at the same
 13 time.

14 Q Now I had asked you questions a couple of
 15 minutes ago about the day in August when the defendant
 16 shot you in the chest.

17 A Yes.

18 Q And I think you indicated that you remember
 19 that that was August 7th, 2019?

20 A Yep.

21 Q Where were you when the defendant shot you?

22 A I was on the porch on a -- like a loveseat that
 23 was on the porch that I would often lay on to read and
 24 -- or, you know, sometimes watch a movie on my tablet,
 25 and I would just lay on the couch outside. It was nice

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1 weather so I was on the porch right there, on that
 2 loveseat.

3 Q And were you -- so this happened at the
 4 farmhouse?

5 A Yes.

6 Q And were you still on the porch when he shot
 7 you?

8 A No.

9 Q I'll ask you some questions about that more
 10 specifically in a -- in a few minutes.

11 A Okay.

12 Q You said a few minutes ago about how,
 13 obviously, the relationship that you had with Michael
 14 Barisone had gotten worse.

15 A Yes.

16 Q Let me ask you some questions about what was
 17 going on between you and Michael Barisone.

18 A Okay.

19 Q Were you having any issues during the summer
 20 of 2019 related to your coaching or who was coaching
 21 you?

22 A Yes.

23 Q Can you explain that to the jury?

24 A Yes. So there was a time where Justin Hardin had
 25 sort of become the -- my main trainer, in a way, and I

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1 was not happy with that, because I was paying a lot of
 2 money for the training specifically of Michael
 3 Barisone. And, you know, not to sound indelicate, but
 4 I didn't feel like I was paying all this money to be at
 5 the -- you know, Justin Hardin academy of dressage. I
 6 was specifically there for a specific trainer.

7 There were other issues, as well. He had a
 8 drinking problem, which I had brought to Michael's
 9 attention, and I guess that -- that's pretty much what
 10 had happened.

11 Q And I guess in -- in general is it fair to
 12 say, with respect to who was coaching you, or how you
 13 were being coached, were you vocal about that to
 14 Michael Barisone?

15 A Yes.

16 Q How did it make you feel that Justin, for
 17 example, was your primary trainer and it was no longer
 18 Michael Barisone?

19 A Just like tossed to the side, and that I was just
 20 there to pay money and board my horses and nothing
 21 more. Sometimes it seemed like it mattered and he was
 22 interested in, you know, our progression, other times
 23 it was just Justin, take this, kind of thing.

24 Q During the summer of 2019, when you were at
 25 the farm in New Jersey, did things change in terms of

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1 the times that you were allowed -- allowed to be at the
 2 barn, or the times you were allowed to be around the
 3 horses?

4 A Can you just repeat that one more time. I'm --

5 Q That was a compound question. So during that
 6 summer of 2019 --

7 A Yes.

8 Q -- at some point did things change about when
 9 you could be at the barn or when you could be around
 10 the horses?

11 A Yes.

12 Q Can you tell the jury about that?

13 A Yes. So we had agreed in 2019 that -- we -- so we
 14 do night check on our horses, which is checking to make
 15 sure that they're basically tucked in for the night,
 16 they have what they need. And we agreed that we would
 17 be up there doing everything we needed to do, and, you
 18 know, try to be out of there by as close to 9:15 as
 19 possible and just be done, so that we would, honestly,
 20 go to bed. But every -- we wanted to have them settled
 21 for the night by that time, anyway, so we kind of came
 22 up with that agreement, and that's how it was settled.

23 Q During the summer of 2019 did you bring
 24 another horse, or a new horse to the barn?

25 A Yes, Michael had pretty much insisted that this

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1 horse come to his farm, and I took her out of the rehab
 2 that she was in to bring her there. So sometime in, I
 3 believe it was early June, possibly late May, that
 4 horse did come to his farm by that time.

5 Q Did that hor-- horse specifically have any
 6 health issues?

7 A Yes, that's -- that's why she was in rehab. She
 8 has a condition called chronic cellulitis, which is
 9 where a limb, or several limbs, but usually just one,
 10 just blows up all of -- edema and liquid, and it could
 11 range from mild to potentially fatal.

12 Q Did you have any responsibility, as the owner
 13 of the horse, for taking care of that?

14 A Yes, I -- I always have responsibility if it's my
 15 horse.

16 Q And if I didn't ask you this earlier, is it
 17 fair to say that Rob would help you at times with
 18 certain things related --

19 A Oh, yes.

20 Q -- to care for the horses?

21 A Oh, almost -- almost always.

22 Q So specifically in terms of -- of this horse
 23 that had the condition what did you have to do in terms
 24 of providing care to the horse on a daily basis?

25 A Oh, lots of things, starting with evaluating how

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1 she was looking, how she was eating, taking her
 2 temperature, but most of all, applying these things
 3 that we call standing wraps, which are a combination of
 4 like a white wrap made of cotton, which you then cover
 5 with another wrap made of sometimes like polyester,
 6 that you wrap that over to keep the swelling down, so
 7 basically a compression sock with just a few extra
 8 details in-between.

9 Q And how frequently would you have to do that
 10 or change it?

11 A Pretty much every 12 hours, like 12 hours on, 12
 12 hours off, or you risk other secondary injuries
 13 happening, like a tendon bump.

14 Q So does that mean you were typically doing it
 15 about twice a day?

16 A Yes.

17 Q When would you typically -- what times of day
 18 would you typically try to -- to do that 12-hour
 19 change?

20 A I'm was trying to get the wraps on around 9:15 and
 21 take them off sometime around the same time in the
 22 morning. I figured 9:15's a good time, so I don't have
 23 to get up extremely early to remove them, or, in the
 24 reverse, put them on and then take them off at those
 25 reverse times.

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1 Q During the summer of 2019 -- and you sort of
2 alluded to this before --
3 A Yes.
4 Q -- but did you have any issues going on
5 between you and Mary Haskins Gray?
6 A Yes.
7 Q And without getting necessarily into
8 specifics, can you tell us generally about that?
9 A She was just always condescending, and she was
10 doing strange things, like stealing my gloves out of my
11 locker -- at least that's what I thought. There is an
12 incident where she put -- I -- I had a bridle that I
13 was using for my ride, and before I went to go put the
14 bridle on that horse I turn around and she took it off
15 my locker kind of like the -- the handle of my locker,
16 and walked away with it saying this isn't her's, she
17 can't use this, and just walked away with it. And
18 there were other minor -- minor little things that
19 happened, as well.
20 Q I guess -- do you do things the same way that
21 Mary Haskins Gray does them?
22 A No.
23 Q Does she do things the same way you do them?
24 A No.
25 Q Do you do things the same way that Michael

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1 Barisone does them?
2 A No.
3 Q Did you ever see him do things exactly the
4 same way you do them?
5 A No, not that I remember.
6 Q Did you ever feel like you were --
7 THE COURT: Mr. -- Mr. Schellhorn, are you
8 talking about in taking care of horses or generally?
9 That's rather a broad question.
10 MR. SCHELLHORN: It's intended to be, Judge.
11 I think it was -- I can -- I can clarify that, though.
12 BY MR. SCHELLHORN:
13 Q Ms. Kanarek, would you say that you were
14 treated differently if you acted differently from Mary
15 Haskins with respect to your behavior?
16 A Yes, I was treated differently.
17 Q Would you say that you were treated
18 differently if you acted differently than Mary Haskins
19 with respect to your demeanor at the barn?
20 A A hundred percent.
21 Q Would you say you were treated differently if
22 you acted differently with respect to riding a horse?
23 A Yes.
24 Q With respect to the way you dressed?
25 A Yes.

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1 Q The way you use social media?
2 A Yes.
3 Q Could I keep going?
4 A Yes, I -- you could.
5 Q How did that make you feel when you were
6 treated that way in response to the way you were
7 acting?
8 A Bad, honestly. I felt I was being treated
9 unfairly, and I didn't really understand why, but
10 that's the way that I felt about it.
11 Q Now at some point would you say that this
12 started to happen, or you started to feel this way on
13 more of a day-to-day or a more regular basis?
14 A Yes, it progressed, sometimes more quickly and
15 sometimes less quickly, but there was definitely a
16 steady progression.
17 Q Do you remember approximately when that was
18 in the summer of 2019?
19 A I'm trying to think. I would say sometime in the
20 area of mid-July -- mid-July, maybe, early to mid-July
21 is probably when it started, or when I noticed that
22 things were really starting.
23 Q That's when you started to notice it?
24 A Yes.
25 Q Did you ever make any direct threats of

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1 violence against Michael Barisone?
2 A Never.
3 Q Did you ever make any threats of violence
4 against Michael Barisone using Facebook?
5 A Never.
6 Q Did you ever make any threats of violence
7 against Mary Haskins on Facebook?
8 A Never.
9 Q Did you ever write things on Facebook, for
10 example, that you knew would be or could be
11 unflattering to them?
12 A Yeah.
13 Q Now you mentioned in July of 2019 -- or the
14 summer of 2019 -- I'm sorry -- that you were living on
15 the top floor of the farmhouse?
16 A Yes.
17 Q And Michael Barisone and Mary Haskins were
18 living on the main floor?
19 A Correct.
20 Q At any point would anyone else be there at
21 times living in the same living area with Michael
22 Barisone and Mary Haskins?
23 A Yes. Mary Haskins had two children, who I believe
24 were 12 at the time, had they would pretty much occupy
25 the basement.

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1 Q Did you ever have any observations during the
2 time that you knew the defendant, or knew Mary Haskins
3 and her children, to see the defendant interacting with
4 the children?

5 A I did.

6 Q Now it's -- and -- and I think you said this,
7 but just so we're clear -- did the children live there
8 full-time?

9 A No.

10 Q What was your impression, or -- or
11 recollection, about times they may be there or may not
12 be there?

13 A They would just come, you know, sporadically and
14 stay sometimes for a week, sometimes two weeks. I
15 believe there was a time they may have stayed for like
16 a month, but mostly it was just like a week or two, a
17 visit every now and then.

18 Q Now at some point did Michael Barisone and
19 Mary Haskins move out of that house during the summer
20 of 2019?

21 A Yes.

22 Q Do you remember approximately when that was?

23 A I believe it was the be-- either the last day of
24 July or the very first day of August, but I'm pretty
25 sure it's the last of July, if I had to guess.

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1 Q Do you know where they went?

2 A I believe they went to the barn.

3 Q You mentioned before, I think, that -- well,
4 let me just ask the question. Do you recall where the
5 working students were living that summer?

6 A They were living at the barn.

7 Q Do you recall where Justin Hardin was living
8 that summer?

9 A Also at the barn.

10 Q And using that last day of -- of July, first
11 day of August, as sort of a reference point, do you
12 remember if anyone else who wasn't in -- in that
13 category coming to live or coming to stay at the farm
14 on an overnight basis around that time?

15 A I'm sorry, I -- I wanted to make sure I have the
16 question right. Could you just repeat that one more
17 time? I'm sorry.

18 Q Sure. So if we use that as a reference point
19 when they moved out of the house --

20 A They moved out.

21 Q -- and moved up to the clubhouse?

22 A Okay, yes.

23 Q Did anyone else come to stay at the farm
24 around that same time period?

25 A At the actual farm or the -- or the farmhouse, you

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1 mean the farm?

2 Q Just at the property.

3 A There would be visitors, like one of the working
4 student's parents came to visit. Ruth Cox came during
5 that very same time, as well. I'm sure nobody else
6 came that I can recall. I believe that's it.

7 Q What is SafeSport?

8 A SafeSport is a -- basically an oversight for
9 Olympic sports, to make sure that there are no abuses
10 of either, you know, competitors and trainers, that
11 there is severe protections over minors. They're
12 basically there to make sure that there are no
13 violations of like egregious rules, and to keep the
14 sport and the community safe as a whole.

15 Q Did you ever make a complaint to SafeSport?

16 A I did.

17 Q Did you ever make a complaint against Mary
18 Haskins or Michael Barisone to SafeSport?

19 A I did.

20 Q Do you remember approximately was that the
21 same complaint or separate complaints?

22 A It was in the same complaint.

23 Q And do you remember approximately when you
24 made that complaint?

25 A I think it was around August 2nd, I believe.

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1 Q Can you explain to the jury the process you
2 went through to make that complaint?

3 A Yes, it was sort of an involved process. First I
4 called the -- I guess the SafeSport like hotline. I
5 was -- everything was kind of just going -- there was a
6 lot of tension on the farm, and I wasn't really sure if
7 I should make the complaint, so I first called the
8 SafeSport hotline to discuss with a person there just
9 the whole situation, and they kind of talk you through
10 your feelings and help you decide whether making a
11 report is the right thing to do or not. And after, I
12 believe, was a long conversation with a member of their
13 hotline, I decided that, yes, the right thing to do
14 here is to make a complaint. So I then called the
15 number where you make a complaint, which can also be
16 done by filling out a form and sending it in, which I
17 didn't have the equipment to do that, so I just made it
18 by phone. I called somebody and I made the complaint
19 by phone, and that's how that transpired.

20 Q Did they ask you certain followup questions
21 during that call?

22 A Yes.

23 Q What was the general basis of the complaint,
24 or the reason that you called to make a complaint?

25 A There were a few. Mainly it was severe bullying,

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1 like torturous bullying. And there was also some stuff
 2 in there about body shaming. And that's pretty much
 3 it. It was mostly just bullying and scare tactics, and
 4 things like that, and just a -- a show of, you know,
 5 power over someone smaller, basically.

6 Q Did the person you talked to ask you any
 7 questions about whether there were children involved?

8 A Yes, they asked repeatedly if there were children
 9 simply just living on the property. Before even
 10 getting into involved they were asking over and over
 11 again, this is going on, are there children on the
 12 property? So to that I would answer yes. They did ask
 13 questions, so yes.

14 Q Did you make any complaint against Michael
 15 Barisone for sexual abuse?

16 A No.

17 Q Did you ever make any complaints to Child
 18 Protection, or whatever acronym or name you may know
 19 them to be?

20 A No.

21 Q Now during the week or so leading up to you
 22 being shot by the defendant, do you recall if the
 23 police had ever come to the property of 411 West Mill
 24 Road?

25 A I'm sorry, can you repeat that with prior to?

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1 Q My voice trailed off.

2 A Yes, okay.

3 Q During the week leading up to you being shot
 4 by the defendant do you recall if the police were ever
 5 at the property?

6 A Yes.

7 Q Do you remember approximately how many times?

8 A I don't remember the exact number. I want to say
 9 a total of maybe five times. I could be off by one or
 10 two, give or take.

11 Q Did you call the police at all during that
 12 week of August -- what I'll call August 1st to August
 13 7th?

14 A Yes.

15 Q How many times?

16 A Twice -- oh, leading up to that day?

17 Q Yes.

18 A Leading up to that day I called them once, I
 19 believe.

20 Q And did you also call the police on the day
 21 you --

22 A Yes.

23 Q -- got shot?

24 A Yes.

25 Q Did the police, to your knowledge, come to

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1 the property the day that you called them?
2 A I do not believe they did, no.
3 Q So is it fair to say that any time the police
4 showed up at the property that week it was not because
5 you called?
6 A That would be exactly correct.
7 Q Did they come to speak with you? Without
8 getting into what they said, did they come to speak
9 with you a number of times during that week?
10 A Yes.
11 Q Now at some point in that week of
12 approximately August 1st to August 7th did you become
13 aware that there was a lawyer involved representing
14 Michael Barisone?
15 A At some point during that week, yes, I did become
16 aware of this.
17 Q But, I mean, how did you remember becoming
18 aware of that?
19 A Actually I -- I don't remember exactly. I
20 received a letter, but I don't remember how I ended up
21 getting that letter.
22 Q What was the -- what was the general -- what
23 was your takeaway from that letter?
24 A It was a little bit confusing, but the takeaway of
25 the letter was this person does not want you on the

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1 farm, so look for someplace else to go, kind of thing.
2 Q Do you remember when you received that
3 letter?
4 A I believe -- not the exact date, but I want to say
5 possibly August 5th.
6 Q When you got that letter did you have a
7 meeting with a lawyer?
8 A I did.
9 Q And what was the purpose for you going to
10 meet with a lawyer?
11 A We had some things that were unresolved, and we
12 did not agree with some of the things that were in the
13 letter, and we felt it was best to just let lawyers
14 handle it the right way.
15 Q When -- when you -- did you have a sense at
16 some point before you got the letter that things were
17 not going well, and that you probably needed to leave?
18 A Yes.
19 Q Why didn't you just leave?
20 A Well, A) moving five horses, which at that time I
21 had a fifth horse. I'm sorry, there was -- there was
22 whispering. Could you repeat the question? I --
23 Q Sure. I asked why you didn't just leave.
24 A Oh, why -- okay, that's right. So, yes. First
25 thing is that it is extremely difficult to move five

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1 horses and just find another barn where they have five
 2 stalls available, and, most importantly, training, like
 3 you work very hard to purchase these horses, make them
 4 competition horses, and it -- it's hard moving one
 5 horse, you know, on short notice, but moving five is
 6 almost unthinkable to have to do on any short amount of
 7 notice.

8 Q Do you -- do you have your own trailer?
 9 A I do not.

10 Q Were you scheduled for -- or -- or had you
 11 already registered for any competitions or -- or shows
 12 that month of August?
 13 A Yeah, the -- the week after the shooting I was
 14 scheduled to go show at one of the biggest show grounds
 15 that we had in our region, Saugerties, it's called
 16 HITS, and so there was a show the following week. I
 17 was set to leave on that following Wednesday, which I
 18 believe was the 14th, and that was our plan, was to go
 19 to that show so I could continue earning the scores I
 20 needed for my goals.

21 THE COURT: Ma'am, Saugerties, New York?
 22 THE WITNESS: Oh, yes. I'm sorry, yes,
 23 Saugerties, New York, yes.
 24 THE COURT: Okay, fine.
 25 BY MR. SCHELLHORN:

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1 Q All right. Let me direct your attention to
 2 Wednesday, August 7th. Do you remember generally what
 3 you were doing that morning?
 4 A On August 7th?
 5 Q Yes.
 6 A Yes, I was laying on my porch couch. I was laying
 7 -- I was on the porch, I was laying on my porch
 8 loveseat, you know, on my tablet, either reading
 9 something or watching something, I'm sure, maybe on my
 10 phone.

11 MR. SCHELLHORN: Judge, if I could have
 12 permission to show the witness S-345, in evidence.
 13 THE COURT: Yes, 345 will be shown to the
 14 witness and the jury.
 15 MR. BILINKAS: 35 or 45?
 16 MR. SCHELLHORN: 345.
 17 BY MR. SCHELLHORN:
 18 Q Ms. Kanarek, I just wanted to use this
 19 picture just to orient some of your testimony for the
 20 jury. What is S-345 a picture of?
 21 A The back porch.
 22 Q And what is the big red item that's in the --
 23 the middle of the picture?
 24 A It's an umbrella.
 25 Q Did you put that umbrella there?

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1 A I think Robert did. I don't think I'd be able to
2 put that there myself.

3 Q Now that doorway on the side of the house
4 there, is there a doorway under the overhang?

5 A Yes.

6 Q What did that doorway open into?

7 A It opened into two things. That's the way I would
8 describe it. It opened to a laundry room, which is
9 sort of like a common area. People could do their
10 laundry in that room. But, also, was the entranceway
11 specifically to the apartment that Robert and I were
12 staying in the summer of 2019, as well, a big stairway
13 leading up to that apartment.

14 Q And so is it fair to say that that would be
15 the doorway that you would typically use to come and go
16 from your apartment?

17 A Yes, that was the only doorway.

18 Q Understanding that there wasn't anyone else
19 living in the house at this time in -- in August of
20 2019, how would the people, when the working students
21 lived downstairs --

22 A Uh-huh.

23 Q -- what door would they use to come and go?

24 A You can't see it in this picture, but there was a
25 -- a stairway leading downstairs, and then there was a

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1 door, and that's how they would enter. It's -- it's
2 sort of to the left of this -- I don't know what to
3 call this thing with the little diamonds in it?

4 Q Like the lattice?

5 A Yes, to the left of that there would be a
6 stairway. You could see like -- it's like sort of
7 black behind there with the shadow, that's where the
8 stairs that I believe led down to where the basement
9 is.

10 Q So there was generally a separate entrance --

11 A Yes.

12 Q -- or a different entrance that they would
13 use when they lived there.

14 A Exactly, exactly.

15 Q Now you said that you were sitting on the
16 porch on August 7th, 2019.

17 A Correct.

18 Q Can we see that in this picture?

19 A You cannot see where I was sitting, no.

20 Q Why not?

21 A Because there's a giant bush.

22 Q And that's the bush that's right in the
23 middle of the screen?

24 A Yes.

25 Q So behind that bush there's a -- a porch?

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1 A Yes.
2 Q Do you remember approximately how many steps
3 up that porch would be from ground level?
4 A Not many, maybe -- maybe two, three at the most, I
5 would think.
6 Q So you were sitting, you said, on a -- like a
7 loveseat on that porch?
8 A Yes.
9 Q Do you see the loveseat in this picture
10 somewhere, probably moved from where you would have
11 left it, or been laying on it?
12 A Oh, yeah. I -- I can't believe I missed that.
13 You can see the back of it behind the chair that is
14 behind the little yellow, I guess, evidence triangle
15 thing. Behind that chair is the back of the loveseat.
16 It's sort of like -- it's like made of wicker.
17 MR. SCHELLHORN: And I don't know, based on
18 the nature of this photo, Judge, that the pointer will
19 work, but if I could just have Ms. Kanarek step down
20 and point out the loveseat for the jury.
21 THE WITNESS: Should I --
22 THE COURT: Sure. Yeah, do you -- do you
23 have a laser pointer?
24 MR. SCHELLHORN: We do, Judge. I'm not sure
25 that it will work on this photo. It is -- if I may

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1 approach?
2 THE COURT: Yes, go ahead.
3 MR. SCHELLHORN: You can try that, to see if
4 you can point. You press that button.
5 THE WITNESS: Right there. My hand's like
6 not staying still.
7 MR. SCHELLHORN: Judge, I believe the jurors
8 in the gallery --
9 THE WITNESS: Right there.
10 MR. SCHELLHORN: -- could see that, but if
11 you could just check with them.
12 THE COURT: Can you see that, members of the
13 jury?
14 THE WITNESS: It's kind of hard to hold the
15 button.
16 THE COURT: Okay, fine.
17 MR. SCHELLHORN: Thank you.
18 THE COURT: Thank you.
19 BY MR. SCHELLHORN:
20 Q So that's the loveseat you were talking
21 about. Is that where it was when you were sitting on
22 it?
23 A No.
24 Q Where was it?
25 A It was on the actual porch.

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1 Q And was the umbrella positioned there for a
2 reason?
3 A Yeah.
4 Q What's that?
5 A It was positioned there for pretty much -- a -- a
6 couple of reasons, mainly rain, which is why you see
7 it's kind of like attached to the awning of the porch.
8 We set it up so that rain could not come in, so -- and
9 also for sunlight. If there was like a glare in some
10 way it kind of just covered all bases -- rain, sun --
11 weather, it helped.
12 Q Now on August 7th you said you remember at
13 some point you were laying or sitting on that loveseat
14 on the -- the porch by the entrance into the house.
15 Before that did you have any interactions with Michael
16 Barisone that day?
17 A That day? No.
18 Q Did you have any interactions with anyone
19 from the barn on that day?
20 A Nope.
21 Q And I'll specifically direct your attention
22 to about 2 o'clock that afternoon. Was anyone else
23 present at the farmhouse when you were there?
24 A Not that I knew of.
25 Q No one else was at the house?

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1 A Oh, at the house? I'm sorry, I didn't -- the
2 farm.
3 Q No, I'm sorry.
4 A I'm -- I'm sorry.
5 Q I'm probably being confusing saying
6 farmhouse. I'll start calling it house. Was anyone
7 else present at the house?
8 A Yes.
9 Q Who was that?
10 A Robert -- Robert.
11 Q Do you know where he was?
12 A He was upstairs somewhere, probably the bedroom
13 watching TV, or on the phone, or something.
14 Q Now when you were sitting on that loveseat --
15 A Yes.
16 Q -- did anything catch your attention from the
17 area of the driveway?
18 A Yes.
19 Q Can you tell the jury what that was?
20 A Yes, um, I was laying on the loveseat on the
21 porch, and I began to hear pebbles kind of like being
22 thrown around, and it was coming from the barn, sort of
23 headed towards what I thought would be the road, and
24 that's what caught my attention first, was just the
25 sound of pebbles, and the sound of what sounded like a

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1 heavier truck or car coming down the driveway.
2 Q Did you see a truck or car?
3 A I did eventually.
4 Q What did you see?
5 A I saw a -- a big silver dually come over the crest
6 and turn into the driveway, where the porch area is,
7 and park.
8 Q And -- and based on living at the farm and --
9 and working, or training, at the farm, who commonly
10 drove that silver dually?
11 A Michael.
12 Q Did you see who was driving?
13 A Not at first.
14 Q When you saw the truck come over the crest
15 and then pull into the driveway where you were sitting
16 what did you do?
17 A The first thing I did was ran upstairs to go and
18 let Rob know that Michael was here all of a sudden.
19 Q At that point could you see what Rob was
20 doing?
21 A Yes.
22 Q What was he doing?
23 A He was on the bed and he was on the phone.
24 Q And do you know, or did you come to learn who
25 he was talking to?

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1 A I did.
2 Q Who was that?
3 A Our -- one of our attorneys Ed David.
4 Q And how do you know that's who Rob was
5 talking to?
6 A He told me.
7 Q Did Rob do anything with the phone?
8 A Uh, meaning? He -- he stayed on it and came
9 downstairs with me.
10 Q So you went downstairs. When you got
11 downstairs did you come to that same -- did you go to
12 that same doorway that you just identified in the photo
13 S-345?
14 A Yes.
15 Q Did you see anyone outside at that point?
16 A Yes.
17 Q Who did you see?
18 A Michael Barisone.
19 Q Did you see where he was?
20 A Yes, I did.
21 Q Can you tell the jury where you saw him?
22 A Yes. He was on this side of that bush, with like
23 partial area of his body kind of like hidden with the
24 bush, and the rest of his body was pretty much
25 completely visible.

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1 Q So like what part of his body could you see?
2 A Like from here up, um, his arm, and -- and that's
3 -- I think that's pretty much it.
4 Q And just because --
5 A Sorry.
6 Q -- we're recording all this, but not
7 necessarily video recording it, when you say from here
8 up, where are you gesturing on your body?
9 A Oh, I'm sorry, um, like, I guess, waist up, maybe.
10 Q Could you see his waistband?
11 A I don't remember if I was able to see it at that
12 moment, or not.
13 Q Do you recall where rob was at that time?
14 A Yes, Rob was at that time on the porch with --
15 like next to me.
16 Q Was he still on the phone or did he do
17 something with the phone?
18 A He was still on the phone when we saw Michael.
19 Q And then at some point did he do something
20 with the phone?
21 A Yes.
22 Q What did he do with the phone?
23 A He handed it to me.
24 Q Did you talk on the phone at all?
25 A I did, I think, but I don't know what I said at

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1 that moment. I think I just said Michael's here, I
2 don't know why, something along those lines.
3 Q And do you recall whether or not the attorney
4 was still on the line?
5 A Yes, he was.
6 Q Did -- without getting into specifics, did
7 you hear whether or not Rob and Michael Barisone talked
8 at all?
9 A Yes.
10 Q Did you hear Michael Barisone say anything?
11 A Yes.
12 Q What did you hear him say?
13 A I heard him say, um, mostly speaking to Rob at
14 that point, you know, I don't want a war, how do I fix
15 this? How -- how -- how can I make this all better?
16 Something along those lines, almost exact words, but
17 along those lines, how can I make this better? I don't
18 want a war, I just want to fix everything and make
19 everything good again.
20 Q What, or how would you describe his demeanor
21 when he said that?
22 A Calm and just -- yeah, just like calm.
23 Q Was he yelling?
24 A No.
25 Q Did you do anything after hearing him say

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1 that?

2 A I -- after hearing him say that I went down to go
 3 find out how he wanted to do that. I was willing to
 4 listen to this, whereas Robert -- when he said this, I
 5 guess to Robert, Robert just said, listen, you know,
 6 there's lawyers involved. If we can make things better
 7 that's fine, just, you know, have our lawyers talk.
 8 And Rob went back up onto the porch. I then was
 9 thinking, you know, all this stuff had been happening
 10 for the past couple of days. You know, Michael had
 11 been calling the police on us for reasons that we
 12 didn't even know why. And not this -- that it was out
 13 of character for him to act one way one day and then,
 14 you know, be nice the next day, but I kind of wanted to
 15 know. So I walked over to him and said, you know, how
 16 do you plan to make this better? How do you -- you
 17 know, you've -- a bill, or some -- I was saying
 18 something about the bill that he had to settle with
 19 Rob, but I didn't get that far, because --

20 Q Why not?

21 A The minute I started talking, pretty much, or --
 22 yeah, within the minute I started talking he pulled out
 23 a gun and shot me once, twice, directly in the chest.

24 Q At that point do you remember if you were
 25 still holding the phone with the attorney?

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1 A I believe I was.

2 Q Did you have anything else in your hands?

3 A No.

4 Q How tall are you?

5 A 5-4.

6 Q Do you know how tall Michael Barisone is?

7 A I believe he's 6-4.

8 Q Did you see the gun?

9 A I did.

10 Q Do you remember how he was holding the gun?
 11 Was it close to his body or pointed out and held away
 12 from his body?

13 A It was kind of like he pulls it out, pointed it,
 14 boom, boom, just like that.

15 Q Can you tell the jury what you remember
 16 seeing, or hearing, when he fired the gun?

17 A Wait, I'm sorry, can you repeat that? I -- I
 18 wasn't --

19 Q It's all right.

20 A -- sure.

21 Q Can you remember, or can you tell the jury,
 22 what you remember seeing or hearing when Michael
 23 Barisone fired the gun?

24 A I remember when -- when he fired it, what I
 25 remember seeing or hearing. I remember seeing my

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1 chest, it was --

2 Q Why did you look at your chest?

3 A It was almost unreal to me that I had just gotten
 4 shot, so I looked at my chest quickly to see are there
 5 really bullet holes there? Like this -- this can't be
 6 real. I also then saw Michael raise his arm up and
 7 shoot at Robert, who was on the porch still -- just
 8 directly raised his arm, shot at Robert, and then
 9 Robert disappeared. At that point I saw Michael run
 10 around me and go running up the stairs of the porch
 11 and, I don't know, it's just -- some of it's a blur,
 12 but --

13 Q Do -- do you remember after seeing that you
 14 had been shot did you feel it?

15 A I did -- I -- I felt it, but -- I almost remember
 16 thinking -- I -- I did not start bleeding right away,
 17 so I looked at my chest and thought, oh, okay, maybe
 18 they're just blanks or something. But then I started
 19 bleeding and I realized --

20 Q Do you remember -- do you remember what you
 21 were wearing, at least in term of a top, or tops?

22 A Yeah, I was actually wearing a red shirt with like
 23 raised sleeves, and since I usually always wore
 24 hoodies, I'm pretty sure I was wearing one that day, as
 25 well, I -- I think like -- like either a yellow or a

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1 gray one.

2 Q And by hoody you mean a sweatshirt.

3 A Yeah, like a sweatshirt that zipped up -- I think
 4 I had it unzipped -- with a hood.

5 Q After Michael Barisone shot you twice in the
 6 chest you said that you saw him turn the gun and point
 7 it at Robert?

8 A Yes. Well, he shot at me -- he shot -- he shot
 9 me, and then, yeah, he raised -- he raised the gun up
 10 and immediately took a shot at Rob, and when I looked
 11 at the porch I no longer saw Rob, so I fully thought
 12 that he was shot in the head and killed at that moment.

13 Q Do you remember what you did right after
 14 that?

15 A Right after he shot me, or right --

16 Q Right after he shot you and you saw him take
 17 a shot at Rob?

18 A I, um -- I think I like spun around in a circle or
 19 two thinking like is this real, is this real? And then
 20 I looked in the porch, and I saw Rob on top of Michael
 21 trying to pull -- like restrain him, because I guess --
 22 I didn't really see how that happened, but since
 23 Michael went up the stairs to do what only I could
 24 imagine was to finish, or to make sure that he did
 25 actually --

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1 Q And just --
2 THE COURT: Yeah, don't -- don't -- don't
3 assume anything.
4 THE WITNESS: Okay.
5 THE COURT: Just tell us what you saw and
6 what you heard, okay?
7 THE WITNESS: Okay.
8 THE COURT: Thank you.
9 THE WITNESS: Can you repeat? I'm sorry.
10 THE COURT: Go ahead, ask -- ask a question,
11 Mr. Schellhorn.
12 BY MR. SCHELLHORN:
13 Q Were you still holding the phone at that
14 point?
15 A Yes.
16 Q Do you remember -- specifically do you
17 remember making a 911 call?
18 A I didn't at the time, no. I told the lawyer that
19 I was on the phone with what had happened.
20 Q Now at some point do you remember being on
21 the phone with 911, whether you remember actually
22 dialing or not?
23 A Vaguely.
24 Q Do you remember what you said to the 911
25 operator?

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1 A I said something to the effect of I've just been
2 shot two times, Michael Barisone shot me two times, or
3 shot me two times in the chest, something along those
4 -- those lines.
5 Q When you were making that call, or when you
6 were on that call do you remember approximately the
7 area where you were?
8 A On the -- near -- on or near the porch.
9 Q So if we're looking at S-345 you're talking
10 about that area near where the red umbrella is.
11 A Yes, like -- like almost under -- in the area
12 underneath that area.
13 MR. SCHELLHORN: Judge, if I could have
14 permission to play S-113?
15 THE COURT: Certainly.
16 (State's Exhibit S-113, 911 call, dated August 7, 2019,
17 played, commencing at 12:10:23 p.m., as follows)
18 "911 OPERATOR: 911 operator, what is the
19 nature of the emergency?
20 MS. KANAREK: I've been shot in the heart.
21 911 OPERATOR: (indiscernible) all right?
22 MS. KANAREK: (indiscernible)
23 911 OPERATOR: Where are you?
24 MS. KANAREK: (indiscernible) West Mill.
25 I've been shot in the heart (indiscernible). Michael

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1 Barisone shot me (indiscernible).
2 911 OPERATOR: (indiscernible)
3 MS. KANAREK: He shot (indiscernible).
4 911 OPERATOR: Where are you?
5 MS. KANAREK: (indiscernible) I'm up in
6 (indiscernible). I was (indiscernible).
7 911 OPERATOR: (indiscernible) West Mill
8 (indiscernible).
9 MS. KANAREK: 411 West Mill Drive. I've been
10 shot twice --
11 911 OPERATOR: (indiscernible) shot.
12 MS. KANAREK: -- (indiscernible) the heart.
13 911 OPERATOR: (indiscernible)
14 MS. KANAREK: And so you know
15 (indiscernible).
16 911 OPERATOR: All right. Ma'am, you're at
17 411 West Mill in what town?
18 MS. KANAREK: I'm losing a lot of blood.
19 911 OPERATOR: Okay, ma'am --
20 MS. KANAREK: Washington Township.
21 911 OPERATOR: Okay, you're at 411 West Mill
22 in Washington Township, okay?
23 MS. KANAREK: And I'm --
24 911 OPERATOR: Okay. Ma'am, where -- Okay
25 (indiscernible) from disconnecting. Hello.

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1 MR. GOODWIN: Hello?
2 911 OPERATOR: Sir?
3 MR. GOODWIN: (indiscernible) a man came here
4 with a fucking gun. I've got him detained right now.
5 911 OPERATOR: Okay, sir (indiscernible).
6 MR. GOODWIN: Get that fucking dog inside
7 now.
8 911 OPERATOR: Okay, sir?
9 MR. GOODWIN: Yes.
10 911 OPERATOR: All right. Stay on the line
11 with me, okay?
12 MR. GOODWIN: I'm trying.
13 911 OPERATOR: All right (indiscernible) want
14 information, okay?
15 MR. GOODWIN: You need information. Are you
16 fucking crazy?
17 911 OPERATOR: Sir?
18 MR. GOODWIN: I -- I -- somebody's coming
19 here, right?
20 911 OPERATOR: Yes, officers have been
21 dispatched.
22 MR. GOODWIN: I'm on top of him
23 (indiscernible).
24 911 OPERATOR: Okay.
25 MR. GOODWIN: I'm 5 fucking 6, this guy is 6

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1 fucking 3.
 2 911 OPERATOR: Okay. Sir, stay on the line
 3 with me, okay? Officers are being dispatched, okay?
 4 I'm sending (indiscernible) out.
 5 MR. GOODWIN: I hope they get here
 6 (indiscernible).
 7 911 OPERATOR: I know. I'm (indiscernible)
 8 stay on the line, okay?
 9 MR. GOODWIN: (indiscernible)
 10 911 OPERATOR: An officer's being dispatched,
 11 okay?
 12 MR. GOODWIN: (indiscernible)
 13 911 OPERATOR: All right. What type of
 14 weapons are involved?
 15 MR. GOODWIN: (indiscernible)
 16 911 OPERATOR: What type of weapon is
 17 involved?
 18 MR. GOODWIN: I have no clue. It's
 19 underneath him. I'm not fucking (indiscernible).
 20 911 OPERATOR: Okay. How many shots have
 21 been fired?
 22 MR. GOODWIN: Three or four.
 23 911 OPERATOR: Okay. All right. Stay on the
 24 line with me, okay?
 25 MR. GOODWIN: Come here (indiscernible) come

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1 on, come on, good girl. Good girl, come here, come
 2 here, come on.
 3 911 OPERATOR: (indiscernible) were shots
 4 fired.
 5 MR. GOODWIN: I -- I -- you know, I think he
 6 pulled the gun probably -- I don't know (indiscernible)
 7 but maybe 30 seconds after this happened.
 8 911 OPERATOR: Okay. How many were
 9 involved?
 10 MR. GOODWIN: (indiscernible)
 11 911 OPERATOR: Sir, how many -- how many
 12 people are shot (indiscernible)?
 13 MR. GOODWIN: Uh, he shot Lauren like a
 14 couple of times (indiscernible).
 15 911 OPERATOR: Sir --
 16 MR. GOODWIN: (indiscernible)
 17 911 OPERATOR: Is there just one person
 18 that's shooting?
 19 MR. GOODWIN: Yes.
 20 911 OPERATOR: Okay. Okay.
 21 MR. Barisone: (indiscernible) fucking
 22 (indiscernible).
 23 MR. GOODWIN: (indiscernible) fuck out.
 24 MR. Barisone: (indiscernible) mutherfuckers
 25 (indiscernible) fucking (indiscernible) fucking

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1 (indiscernible).
 2 MR. GOODWIN: (indiscernible) fucking
 3 (indiscernible). Michael, stop it.
 4 911 OPERATOR: I -- I need you to calm down.
 5 I know you're on top of him, and I know your situation
 6 (indiscernible).
 7 MR. GOODWIN: He still has the gun in his
 8 hand.
 9 911 OPERATOR: Okay. All right, all right,
 10 continue to stay on the line.
 11 MR. GOODWIN: (indiscernible).
 12 911 OPERATOR: I need to get the person's
 13 description, okay. Is he black, white, Hispanic or
 14 Asian?
 15 MR. GOODWIN: His name is Michael Barisone.
 16 He's white, 6 foot 4, he's a fucking -- well, he's
 17 moving, he's moving (indiscernible). He's fucking
 18 moving again (indiscernible). I will break his
 19 (indiscernible). Well, he's moving, he's moving. I've
 20 to put this phone down.
 21 911 OPERATOR: Okay.
 22 MR. GOODWIN: Stop fucking moving. Stop
 23 fucking moving. Stop moving.
 24 (Sounds of a struggle, voices indiscernible)
 25 911 OPERATOR: Sir, where are you located

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1 right now?
 2 MR. GOODWIN: (indiscernible)
 3 911 OPERATOR: Sir, sir, where in the
 4 building are you?
 5 MR. GOODWIN: (indiscernible)
 6 911 OPERATOR: Sir, sir, where in the
 7 building are you?
 8 (Sounds of a struggle continue, voices indiscernible)
 9 MR. GOODWIN: If you fucking move I'll blow
 10 your fucking (indiscernible) do you understand that?
 11 Do you understand that?
 12 MS. KANAREK: I'm shot (indiscernible).
 13 UNID. OFC.: (indiscernible) Get your fucking
 14 hands (indiscernible). Get your fucking head on the
 15 fucking ground. Get on the fucking ground.
 16 (indiscernible) if you fucking move (indiscernible).
 17 (Struggle continues, voices muffled and indiscernible)
 18 UNID. OFC.: (indiscernible) just this one?
 19 MS. KANAREK: (indiscernible)
 20 UNID. OFC.: (indiscernible) looks like two
 21 (indiscernible). I've got the gun (indiscernible).
 22 (State's Exhibit S-113, 911 call, dated August 7, 2019,
 23 concluded playing at 12:17:06 p.m.)
 24 BY MR. SCHELLHORN:
 25 Q Was the voice that we heard at the beginning

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1 yours?

2 A Yes.

3 Q Who was the second voice, the man's voice,
4 that we heard?

5 A Robert's.

6 Q When you were making that -- or on that phone
7 call with the 911 operator, at some point did you give
8 the phone to Rob or did he take it from you?

9 A Took it from me, I'm pretty sure.

10 Q Do you remember what was going on at that
11 point?

12 A Yes, I do.

13 Q What did you see?

14 A I saw -- well -- as I said before, I saw Michael
15 run up the stairs towards where I had seen Rob
16 disappear, and when I started going over there, after I
17 had seen the two of them, which I saw Robert on top of
18 Michael, the first thing that I saw was that Michael
19 had the gun directly underneath him, and Rob was on top
20 of him with -- I believe he had Michael's left arm like
21 just held behind his back, and he was over him. I know
22 the only thing I kept saying no. Other than that was
23 that there was that gun right there, just right there,
24 and if Rob had let go, or something, or couldn't keep
25 hold of anymore, it would be so easy for Michael just

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1 get that gun and sh-- shot -- fire more shots.

2 Q Did -- did you do anything when you saw this
3 happening?4 A I did. In a sort of like walk, crawl motion I
5 approached the porch area to where they were. I don't
6 -- I don't exactly remember whether they were like on
7 the porch or on the pavement, just below the == you
8 know, two or so stairs. And the first thing that I
9 actually did was I tried to dial 911 from my phone,
10 except with the phones back in 2019 -- my arms had
11 actually started bleed-- well, they weren't bleeding,
12 my chest was bleeding so badly that my arms and hands
13 actually had so much blood on them that I couldn't open
14 my phone, and I was just thinking I can't dial 911,
15 can't dial 911. And I heard Rob screaming, Michael,
16 stop moving, stop moving, like repeatedly saying this.
17 And on my trip up to where they were, and near to where
18 they were, I just remember that gun being there and how
19 close it was to Michael and how easy it would be for
20 him to get it. So I at some point during all of this
21 decided to take my phone and I just -- I felt myself
22 losing energy, but in spite of that I took my phone and
23 I started hitting Michael on the side of the head with
24 it, thinking that maybe this will help if he's -- like
25 Robert is losing his grip on Michael, and he gets that

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1 gun we're going to die, so I just took my phone and
 2 started hitting him on the side -- like sort of the
 3 side that he was facing and my phone ended up breaking
 4 in the process of that.

5 Q When -- when the defendant shot you do you
 6 remember approximately how far away you were from him?

7 A Three -- three to four feet, not even.

8 Q The dog that we heard barking, was that the
 9 same dog that you looked at a picture of earlier?

10 A Yes.

11 Q Do you remember when the police, or first
 12 responders, arrived at the scene?

13 A It seemed like instant, an in-- instantaneously,
 14 almost. I was actually shocked. We called 911 and it
 15 was almost like -- it felt like seconds. I'm sure it
 16 wasn't but it felt like instantaneously there was an
 17 officer that had arrived on the scene. It wasn't like
 18 30 minutes had passed, in other words.

19 Q Do -- do you remember what happened when the
 20 officer got there?

21 A I do sort of remember. I remember that the
 22 officer had separated Michael and Robert. I believe he
 23 like made sure the gun -- I don't remember if he -- if
 24 he like tried to see if there was bullets in there, and
 25 separated them, but he definitely did some kind of

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1 motion to that effect, and then got the gun and get the
 2 pieces out of the way, separated Robert and Michael,
 3 and then basically said to Michael -- you know, because
 4 he was, I guess, still trying to move -- said, you
 5 know, if you keep moving I'm going to fucking kill you.
 6 Excuse my French, just quoting what the officer said.

7 Um --

8 Q Do you remember when other officers and
 9 emergency medical arrived?

10 A Again, like al-- it seemed to me like almost
 11 instantaneously officer -- one was there, and then
 12 there was like officers were there, in general.

13 Q Do you remember leaving the property?

14 A After. I remember -- I'm trying to think. I
 15 remember getting into a something -- I -- I -- into
 16 like, I guess, a -- like an EMT van, or whatever. I
 17 don't remember if I actually left the property or not --

18 --
 19 Q When you say --

20 A -- with them.

21 Q -- getting into, did you get in on your own
 22 power --

23 A I don't --

24 Q -- or were you put there?

25 A I must have been put there, because I don't

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1 actually remember going in. I just know that I was in
 2 there, because like at some point opened my eyes and
 3 realized I was in a -- I wasn't even really sure what I
 4 was in. I'm assuming it was an EMT van. I had like
 5 one flash of waking up and seeing that and thinking I
 6 guess I'm not dead.

7 Q What's the next thing you remember?

8 A The next thing I remember is -- the next thing I
 9 remember is waking up, and I was in ICU, and I had no
 10 clue how I got there, or how long I'd been there. I
 11 just opened my eyes and almost immediately just felt
 12 pain through my body. I didn't immediately see anyone.
 13 And then I saw a nurse, then I realized I think I'm in
 14 the hospital, but didn't know how long I'd been there.

15 Q Were you connected to any medical machines,
 16 or anything like that?

17 A I can't imagine that there was a less amount of
 18 medical machines that one could be connected to, when I
 19 woke up. I had, um -- sorry, I want to say muppets
 20 (sic) -- like mitts on my hands, and that's like one of
 21 the first things I noticed was why am I wearing mitts?
 22 I'm sure there's a lot more for me to worry about but
 23 that's what I thought, and then I noticed that both my
 24 arms had like I.V. drains and things going through
 25 them, and then I noticed I could not talk or breathe or

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1 really -- I -- I just couldn't make a noise, and --

2 Q Why not?

3 A At the time I -- I wasn't sure, I just was -- I --
 4 I don't even know how to describe it.

5 Q Did you have anything connected to your mouth
 6 or your throat?

7 A I did. I had a ventilator in my mouth, but at the
 8 time I didn't realize like what that was. I just
 9 realized like -- it felt like I was like just something
 10 was stuffed down my throat, I had things all over my
 11 body, and I couldn't cry out for help or, you know, say
 12 somebody, what am I doing here? It was just like
 13 surreal -- surreal.

14 Q How did you feel when you regained
 15 consciousness and -- and realized all these things?

16 A I felt a combination of things. I felt a
 17 combination of afraid, for some reason, still, and
 18 angry, and a little bit, um, like wondering if it was
 19 at all real, like did I die, am I like in limbo right
 20 now, or am I really in a hospital? I had no idea what
 21 was going on. I knew -- I remembered there -- like I
 22 did remember these was a shooting, but I -- I just
 23 didn't recognize any surroundings, and I didn't
 24 immediately see any human being, so I didn't know what
 25 -- what was going on. I didn't know if I was about to

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1 die in five seconds, or whether there had been, you
2 know, surgery. I just didn't know what was going on.
3 Q Did you come later to find out that you were
4 at Morristown Hospital?

5 A I did.
6 Q How long were you at Morristown Hospital
7 before you were discharged approximately?

8 A I want to say approximately three weeks.

9 Q Are you still recovering?

10 A Yes.

11 Q How so?

12 A Well, I still have from, I'd say, like here over,
13 and even a little bit to the right of that, just a
14 buildup of scar tissue inside and outside my body.
15 Another thing

16 is --

17 Q And I don't -- and I don't mean to put you on
18 the spot --

19 A It's okay.

20 Q -- put you on show --

21 A It's okay.

22 Q -- but if you could just stand up, because
23 you were gesturing, and just because we have jurors
24 back here, so you could just show them the areas where
25 you're gesturing to on your body that you have -- you

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1 don't have to --

2 A Show?

3 Q -- show it. You could just --

4 THE COURT: No, you -- you don't have to
5 show it, ma'am.

6 THE WITNESS: Oh, the -- okay.

7 THE COURT: Just -- just point out where that
8 is.

9 THE WITNESS: So right here there are three
10 giant holes where tubes were placed in my body, like
11 about that size in like diameter. There is a scar, a
12 giant scar, the goes all the way up here, which goes
13 around my bel-- there's like a scalpel mark around my
14 belly button, and then it continues up this way, goes
15 around this whole left like breast area, around to all
16 the way in my back shoulder blade, and that is where
17 the exit wounds are. So there's still those that are
18 visible, as well as two entry wounds, which after now
19 it's been two-and-a-half years, or a bit later, but
20 pretty much this whole side of my body is Mrs.
21 Frankenstein-ish mode to me.

22 BY MR. SCHELLHORN:

23 Q And I'm just going to show you one -- one
24 picture that we marked as S-388, and I only show you
25 this picture because you described where you got shot

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1 in the chest, so the jury can understand where those
 2 gunshot wounds are.
 3 A Yes.
 4 MR. SCHELLHORN: Is it all right if I display
 5 that, Judge?
 6 THE COURT: Yes, it's in evidence.
 7 BY MR. SCHELLHORN:
 8 Q Approximately how long after the shooting was
 9 this taken -- this photo taken?
 10 A Maybe -- I want to say maybe a month or two,
 11 maybe.
 12 Q And are the two gunshot wounds, from when
 13 Michael Barisone shot you, do we see those on this
 14 picture?
 15 A What was -- I -- what was the question, again?
 16 I'm so sorry. I just --
 17 Q Do you see the gunshot wounds in this
 18 picture?
 19 A Yes.
 20 Q Can you just tell the jury specifically where
 21 they are?
 22 A They are two the right of the necklace, like one,
 23 two.
 24 Q And you said you have two other gunshot
 25 wounds on your back from where the bullet went through?

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1 A Correct.
 2 Q Bullets went through?
 3 A Correct.
 4 Q Have you at some point since the defendant
 5 shot you been able to start riding horses again?
 6 A Thankfully, yes.
 7 Q Are you riding at the same level that you
 8 were at the time that the defendant shot you?
 9 A No, I will train, you know, some of the movements,
 10 but it's to -- to the point pretty much where the
 11 trainers that I have now have come up with like
 12 different contraptions, actually, to help keep my left
 13 shoulder blade from falling forward. And, I mean, when
 14 you're riding you want to be upright, and be able to
 15 use your body correctly to give the horse the correct
 16 cues and aids, and show that you're going through the
 17 instructions. That can't happen when you have the most
 18 vulnerable side of your body that -- wants to collapse
 19 every time you try to stand up, or try to sit up
 20 straight, basically.
 21 Q And I'm going to show you what's been marked
 22 in evidence as S-402A. Is that a photo that you posted
 23 on your Facebook page?
 24 A Yes.
 25 Q Is that photo -- well, who is in that photo?

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1 A On the left is Michael Barisone, I am on the
2 horse, and standing in front of me is my mother.
3 Q And did you post that photo in April of 2019?
4 A I believe -- I believe so. It was like a photo
5 challenge on Facebook to show --
6 Q Does it indicate there it was uploaded April
7 7, 2019.
8 Q I'm not sure where I'm looking. Oh, there's
9 -- yes, it does say that. It was -- I wasn't sure if
10 it was uploaded at that time or if it was, um, used at
11 that time for what we just saw was like a Facebook
12 challenge to post a -- I guess a time that was special
13 to you with a horse, or whatever it says.
14 Q And what was special about this time with
15 this horse with these people?
16 A This is the time when this specific horse had just
17 sometime recently come over from Europe. I forgot
18 which area of Europe this specific horse had come. He
19 had come, we had gone to a show, and I was working
20 towards earning my bronze medal, and at that point I
21 had just gotten one more of the scores I needed to
22 complete that medal, and so we're kind of all smiling,
23 celebrating the fact that I not only achieved the
24 score, but went well -- well and over the score needed
25 to achieve it.

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1 MR. SCHELLHORN: Judge, can I have a moment?
2 THE COURT: Yes.
3 MR. SCHELLHORN: Judge, I don't think I have
4 any further questions at this time. Thank you.
5 THE COURT: All right, very good. Given the
6 hour, direct examination is done, sounds like a good
7 time to break for lunch, ladies and gentlemen. We'll
8 take our luncheon recess now until -- come back about
9 1:25 or so, and we'll get started shortly thereafter
10 with cross-examination. Thank you.
11 (Luncheon recess)
12 THE COURT: Good afternoon, everyone. Please
13 be seated. We'll continue with Ms. Kanarek cross-
14 examination. Do you want to bring the witness in,
15 Officer? Thank you.
16 You can have a seat, Ms. Kanarek. You remain
17 under oath. Cross-examination, Mr. Bilinkas.
18 MR. BILINKAS: Thank you, Judge.
19 CROSS-EXAMINATION BY MR. BILINKAS:
20 Q Good afternoon, Ms. Kanarek.
21 A Good afternoon.
22 Q Are you currently suing Michael Barisone?
23 A Yes.
24 Q You're claiming millions of dollars in
25 damages, correct?

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1 A I don't know the amount of monies that we're
 2 claiming, but certainly for damages.

3 Q You basically want to take everything of
 4 value away from Michael Barisone in that lawsuit,
 5 correct?

6 A I just want him to cover medical expenses and
 7 answer for the crime he committed in a civil court of
 8 law.

9 Q And also get money, correct?

10 A If that ends up being a result of the suit, I
 11 guess that's the result, but that's not the goal.

12 Q And all of that -- and correct me if I'm
 13 wrong

14 -- is based on the fact that he shot you on August 7th,
 15 correct?

16 A That he tried to murder me, yes.

17 Q Isn't it a fact that you, your boyfriend, and
 18 your father were planning on suing Michael Barisone
 19 prior to that?

20 A Not that I recall, but I don't remember what we'd
 21 be suing him for prior to that, other than --

22 Q Do you recall talking to your dad about suing
 23 him for approximately \$200,000?

24 A I do not, but -- I -- no, I don't recall that,
 25 actually.

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1 Q Is -- is it your sworn testimony that as you
 2 sit here today you have no recollection, prior to the
 3 shooting, of talking to either your boyfriend or your
 4 father about suing Michael Barisone?

5 A It is my sworn testimony that I at this time do
 6 not recall that, especially amounts.

7 Q Now did you have a plan to destroy Michael
 8 Barisone?

9 A At some point, yes.

10 Q And isn't it a fact that you made a specific
 11 threat saying that you intended to destroy everything
 12 Mary Haskins loved and held dear?

13 A At some point, yes.

14 Q You made that statement for both Mr. Barisone
 15 and Ms. Haskins to hear, correct?

16 A Correct.

17 Q And -- and would you agree with me that you
 18 set out on a mission to try to do that, correct?

19 A At a certain point after being bullied, correct.

20 Q There's been testimony here that no one ever
 21 really asked you to leave. Were you --

22 THE COURT: Mr. Bilinkas, you can refer to
 23 other testimony to this witness.

24 MR. BILINKAS: I'll rephrase the question.

25 THE COURT: Strike that. Just ask a question

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1 of this witness, please.
2 BY MR. BILINKAS:
3 Q Isn't it a fact that you were asked to leave
4 in July?
5 A No, I was not asked to leave in July.
6 Q How about April 27th, 2019? Were you
7 basically told time to leave?
8 MR. SCHELLHORN: Judge, can we clarify who
9 was purportedly telling her that?
10 BY MR. BILINKAS:
11 Q Did you have a conversation with Michael
12 Barisone?
13 A I had a conversation with Michael Barisone, Mary
14 Haskins, my father, and my boyfriend, in a meeting that
15 I called, to which Mary Haskins began that meeting with
16 you all need to leave. So, yes, that would be correct,
17 I guess, in the way that you asked it.
18 Q Then when you were told you all need to
19 leave, did you start taking steps to pack up and find
20 another place to stay?
21 A No.
22 Q Now at that point in time would you agree
23 with me that things have turned sour between you, your
24 boyfriend, and everyone at Dressage Stables?
25 A I would not agree at that point in time, no.

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1 Since Michael in that meeting told his girlfriend many
2 times to -- I'm just quoting here, so please don't mind
3 me cursing -- to please shut the fuck up and not speak
4 again, this is a business arrangement, and you should
5 not be making any kind of assertions such as you need
6 to leave, or whatever. So that was the end of that
7 conversation.
8 Q Now when did the problems start to occur?
9 A I would say they started to occur somewhere in the
10 area of maybe July-ish, I want to say, maybe a little
11 earlier, but July would be probably more accurate to
12 when I started noticing.
13 Q Okay. So Ju-- July, approximately a month
14 before the shooting, correct?
15 A Approximately.
16 Q Now have you ever lied to either the
17 Washington Township Police Department or the Morris
18 County Prosecutor's Office about this case?
19 A Not that I recall.
20 Q Have all your statements that you made to
21 them been truthful?
22 A Yes.
23 Q Have you hidden anything from them?
24 A No.
25 Q You gave a statement December 5th, 2019 to

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1 the Prosecutor's Office. Do you recall that?
 2 A No, I'm sorry, can you actually repeat the
 3 question? I missed the dates.
 4 Q Sure. December 5th, 2019 you gave a
 5 statement to the Morris County Prosecutor's Office with
 6 regards to this case, correct?
 7 A December 5th, 2019. Okay, probably, yes. I don't
 8 remember the dates but --
 9 Q Three, almost four, months after the
 10 shooting, correct?
 11 A Okay, yes, then probably yes.
 12 Q Now that is the first time you gave them an
 13 official statement, correct?
 14 A I don't recall. I believe I spoke to them before
 15 that, but I don't remember.
 16 MR. BILINKAS: May I approach, Judge?
 17 THE COURT: Yes.
 18 BY MR. BILINKAS:
 19 Q Recently, in preparing for trial, you were
 20 played your video of this transcript, correct? And I'm
 21 showing you 200-G.
 22 A Okay.
 23 THE COURT: Is that -- was that a yes, you
 24 were played the video?
 25 THE WITNESS: Oh, that was the question? I'm

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1 so sorry.
 2 THE COURT: I think it was. Was that a
 3 question?
 4 MR. BILINKAS: Yes, Judge, were you played
 5 the video.
 6 THE COURT: Yes, were you played the video in
 7 preparation for trial?
 8 THE WITNESS: The video of?
 9 BY MR. BILINKAS:
 10 Q Of your statement.
 11 A Of my statement.
 12 Q Your taped statement.
 13 A Yes, yes, I was.
 14 Q Okay. And you went over that with the
 15 prosecutor, correct?
 16 A Correct.
 17 Q Was there anything in that video statement
 18 that was inaccurate?
 19 A Um, I can't remember it exactly. I feel like when
 20 I was telling them the amount of shots fired I think I
 21 said definitely three times, maybe the -- maybe the
 22 times of bullets shot I couldn't really remember, but
 23 that --
 24 Q Didn't you say -- didn't you say there were
 25 five shots?

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1 A I don't know what amounts of times I said. I -- I
2 know I said three shots were fired. I may have said
3 six shots. I don't remember.

4 Q Okay. So a few months after the incident,
5 when you talked to the prosecutor in official capacity,
6 your recollection is three, four, five shots, as good
7 as you can remember, correct?

8 A Yes, I -- I guess so, yeah.

9 Q Now --

10 A I'd just been shot a few months before so I was
11 just giving a statement as to what I recalled.

12 Q Okay. And -- and your recollection is a
13 little bit different today, correct?

14 A Yes.

15 Q Now before you gave that statement you had
16 talked to your boyfriend numerous times about the
17 incident, correct?

18 A Correct.

19 Q And -- and -- and you talked to your father
20 about the incident, correct?

21 A Yes, correct.

22 Q Was Robert Goodwin in the room when you gave
23 that statement to the prosecutor?

24 A I don't think so.

25 Q Now would you agree with me that in your

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1 original statement you said that you had a -- a problem
2 remembering the incident. Did you say that?

3 A In my ori-- I'm sorry, in my original statement?

4 Q To the Prosecutor's Office, the one that's --

5 A On this --

6 Q -- that's right in front of you.

7 A I'm just -- I'm sorry, I'm just confused. I'm not
8 sure that this December 5th was the first time I gave a
9 statement, and there were some --

10 MR. SCHELLHORN: Judge, can I just clarify
11 for the record the interview occurred on September 5th,
12 2019? I think the --

13 THE WITNESS: Not December.

14 MR. SCHELLHORN: -- transcript says December
15 5th, 2019, so there's a typographical error there, but
16 certainly the recording itself indicates it was
17 September 5th.

18 MR. BILINKAS: What's -- what's the date,
19 counsel?

20 MR. SCHELLHORN: September 5th, 2019. I -- I
21 just -- I think that may be causing the confusion
22 there.

23 THE COURT: Right, it -- it may be.

24 BY MR. BILINKAS:

25 Q All right, I -- I apologize. This is what

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1 was given to me.
 2 A It's no problem.
 3 Q September 5th, 2019 --
 4 A Yes.
 5 Q -- was the first time you talked to the
 6 Prosecutor's Office.
 7 A Yes.
 8 Q Do you recall telling the prosecutor at that
 9 time that it's a bit shady in my mind, or words to that
 10 effect?
 11 A Honestly, I was on a ton of pain medication, I had
 12 just come out of the ICU. I honestly don't know what I
 13 may or may not have said. Even if I watched the video,
 14 I honestly don't remember what I said in that
 15 interview.
 16 Q Okay. Can -- can you please turn to Page 4?
 17 A Sure.
 18 Q Line 12. And ask you if that refreshes your
 19 recollection as to whether or not you indicated a month
 20 or so after the incident that you were a bit shady as
 21 far as your recollection of the event?
 22 A I'm so sorry, I can't find where you're talking.
 23 Line 12 says --
 24 Q Page 4, Lines --
 25 A It says, "That's okay," from Detective Rogers.

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1 I'm making sure I'm on the Page 4 here.
 2 THE COURT: What page is it, Mr. Bilinkas?
 3 MR. BILINKAS: Page 4, Judge.
 4 THE COURT: Page 4?
 5 THE WITNESS: Oh, so the page -- I see it
 6 now. It's labeled a different way. So this is
 7 actually Page 3, so Page -- this is Page 4. Line 12?
 8 Detective Rogers starts with, on 11, "Speak up as much
 9 as you can."
 10 Q Line 11.
 11 A Wait. Wait, let me see.
 12 Q "MS. KANAREK: Okay, so some of it ..."
 13 A Okay, Line 12. Wait, 10, 11, 12. She -- okay --
 14 Q They're numbered on the lefthand portion.
 15 A Yes, I -- I see, just the page numbers are in
 16 different areas. Okay, sorry, continue.
 17 Q Does that refresh your recollection as to
 18 whether you told them, with respect to the incident, it
 19 was a bit shady in your mind?
 20 A Probably, yes.
 21 Q Do you recall telling them words to the
 22 effect that after the shooting you went somewhere?
 23 A No, I don't recall telling them that I went
 24 somewhere.
 25 Q Can you look at Page 4, Line 14. Did you

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1 tell them words to the effect --
 2 A Um --
 3 Q -- there were parts of the story --
 4 A One second.
 5 Q There were parts in the story, like where'd
 6 you go, like I don't even know, like I disappeared.
 7 A Yes, that would be accurate.
 8 Q Okay. You told the Prosecutor's Office on
 9 that day that supposedly after you were shot you
 10 disappeared somewhere.
 11 A Correct, like mentally, like I -- I -- I mentally
 12 disappeared. That would be accurate, yes.
 13 Q Your -- your testimony is that by the word
 14 disappeared you meant mentally?
 15 A I mean, I -- I could read it. But, yes, I could
 16 read it out loud, if you'd like.
 17 Q No, just --
 18 A Whatever you want me to do.
 19 Q Read it to yourself and make sure --
 20 THE COURT: No, he's -- he's asking, I guess,
 21 what -- what did you mean when you said, back when you
 22 gave that statement, what --
 23 THE WITNESS: Okay, okay.
 24 THE COURT: -- what did you mean when you
 25 said those words. That's what he's essentially getting

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1 at.
 2 THE WITNESS: Okay. I think when I said
 3 those words I meant -- what I thought I was saying was
 4 I think I like, you know, went somewhere, or something,
 5 in my mind, I guess, went around in a circle, or, you
 6 know, I wasn't like fully aware of the -- I was aware
 7 of the fact that I had just been shot but, also,
 8 something being like maybe this isn't real, so like I
 9 wasn't in my mind, in the proper place, is what --
 10 Q Okay. So as you sit here today --
 11 A Yes.
 12 Q -- at any point in time, either before or
 13 after the shooting, did you run off to the side or
 14 around the house?
 15 A I never ran around the house. Like I said a
 16 moment ago, if anything, I may have ran -- run one
 17 small circle, just kind of assessing myself, but no
 18 further, nothing else.
 19 Q But you never disappeared.
 20 A No.
 21 Q Physically, is my specific question.
 22 A Yeah, no.
 23 Q Now you indicated at some point in time, with
 24 your relationship with Michael Barisone, you decided or
 25 set out to try to destroy him, correct?

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1 A At some point I'm sure I mentioned that, or said
 2 that.

3 Q You -- you -- you wanted to ruin his
 4 business, correct?

5 A Like, finally, yeah, that was in my mind.

6 Q And you -- you wanted to ruin and destroy his
 7 girlfriend Mary Haskins, correct?

8 A I guess, yeah, for what they were doing to us,
 9 that thought had crossed my mind, also, yes.

10 Q Okay. Now when you say what they were doing
 11 to you, the problem -- and correct me if I'm wrong --
 12 on direct examination, where things started to
 13 deteriorate is when you weren't being trained by
 14 Michael Barisone, correct?

15 A I wouldn't say that. Some things started to
 16 deteriorate, that was part of it, but not the entirety.

17 Q What were some of the other parts?

18 A Just things here and there, lot -- small lies
 19 being told, bullying.

20 Q But when you say bullying, what -- what
 21 exactly do you mean?

22 A On one occasion --

23 Q Who bullied you?

24 A On one occasion Michael jumped out at me in the
 25 dark, started screaming at me and spitting in my face,

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1 and at that moment I didn't know whether he was going
 2 to try to hurt me or, I don't know, do something to me,
 3 so --

4 Q When was that?

5 A Was that -- when -- when is that or --

6 Q Yeah, when was that?

7 A That was sometime around the time that they were
 8 no longer living in the house and in the barn, so he
 9 was like waiting for me to come up there.

10 Q Did you ever tell anybody or call the police?

11 A I posted on Facebook I'm being bullied by a 6-3
 12 man to the point that I'm afraid and some other thing.
 13 That's -- I wrote about it.

14 Q Okay. And -- and with regards to Facebook,
 15 I'm looking for your -- with regards to your Facebook
 16 account you were posting things daily, correct?

17 A Correct.

18 Q And -- and a lot of those were about Michael
 19 Barisone and Mary Haskins, correct?

20 A Correct.

21 Q And -- and would you agree that some of those
 22 things could be considered threatening?

23 A Yeah, I could agree to that.

24 Q Like your use of the terms with regards to a
 25 -- a chess game. Do you recall saying things like the

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1 king will be killed, the queen will be sacrificed?
 2 A I don't know. Honestly, I was talking about a
 3 chess game, and it might have been an analogy but --
 4 Q But it -- the analogy was towards Michael
 5 Barisone and Mary Haskins, correct?
 6 A Most certainly.
 7 Q And you also used metaphors at -- at times,
 8 correct?
 9 A Correct.
 10 Q And -- and you did that, you know, to what,
 11 try to protect yourself by not using names?
 12 A I'm sorry, can you repeat the question? I --
 13 Q You used metaphors, correct?
 14 A Yes.
 15 Q And -- and, for instance, in -- in one
 16 instance did you use the metaphor where you talk about
 17 Michael Barisone as the king and Mary Haskins is the
 18 queen?
 19 A I honestly don't know who I was referring to as
 20 being who, but I'm certain that was about both of them.
 21 Q On July 13th, prior to this meeting where
 22 Mary Haskins tells you to get out, do you recall
 23 posting an extremely long post where you're talking
 24 about a king and a queen and your relationship with
 25 them?

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1 A I'm sorry, I -- you started out with on July 14th,
 2 prior to -- Can you repeat -- I'm sorry, can you
 3 repeat the question? I'm so sorry.
 4 Q All right, let me -- I'm going to show you
 5 what I'm re-- referring to here. I'm going to show you
 6 200A-14.
 7 A Sure. I can't -- I'm not sure where the date is
 8 of this.
 9 Q This is from your Facebook account, and
 10 there's a date up top that says 7-14-2019, Lauren
 11 Kanarek reacts to a post from July.
 12 A Oh, yes, okay, I see. And the highlighted is what
 13 I wrote?
 14 Q No. I'm -- I'm going to ask you some
 15 questions about this.
 16 A Okay.
 17 Q You're familiar with this post, correct?
 18 A Well, I am now. I wrote it, so I'm familiar with
 19 it. It's on my page.
 20 Q Okay. And -- and would you admit that it's --
 21 -- it's pretty scary if you're talking about the person
 22 that you're talking about here?
 23 MR. SCHELLHORN: Judge, I think that calls
 24 for speculation.
 25 THE COURT: Yes, it's speculation.

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1 MR. BILINKAS: Okay.
 2 THE COURT: Just ask her about the post.
 3 BY MR. BILINKAS:
 4 Q When you talk about the adulterous king lured
 5 by a peasant of no merit, no credibility, and ousting
 6 the rightful queen in the most humiliating way in front
 7 of a large audience, who is the king you're referring
 8 to?
 9 A Probably Michael.
 10 Q Probably?
 11 A Yes, I'm assuming I'm referring to his ex-wife
 12 Vera, so --
 13 Q Right.
 14 A -- they're probably Michael.
 15 Q And who is the new queen you're referring to?
 16 A Mary Haskins.
 17 Q And did you call her the most dumb-witted
 18 commoner, village idiot would suit her perfectly,
 19 knowing in all the land she is not royal blood, she has
 20 no regal talent, or talent whatsoever? Did you say
 21 those things --
 22 A Yes.
 23 Q -- about Mary Haskins?
 24 A Yes.
 25 Q Others refer to her as the queen of lies and

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1 deceit. I myself have not found it necessary to refer
 2 to her at all. Did you say at some point, referring to
 3 her, that she herself could never possess the talents
 4 that the wife did, she was blinded and paranoid with
 5 jealousy, and the thought of the king realizing her
 6 true nature she began executing all the younger and
 7 fairer maidens of the kingdom?
 8 A Yes. You're asking if I -- if I wrote that?
 9 Q You wrote that?
 10 A Of course, yes.
 11 Q And -- and you're -- you're referring to Mary
 12 Haskins, correct?
 13 A Yes.
 14 Q Now you are aware that Mary Haskins, Michael
 15 Barisone, and pretty much everybody at the stables was
 16 -- were following your Facebook account, correct?
 17 A I had no idea what anybody was doing in the
 18 stables regarding my Facebook account, other than maybe
 19 Michael, on occasion, one time said he saw a post, but
 20 other than that no idea.
 21 Q And when did he say that?
 22 A Sometime while I was training with him. It might
 23 have been shown to him by a girlfriend, or maybe he saw
 24 it on his own. He actually complimented it. It was
 25 something --

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1 Q He complimented it?

2 A Not this post, a post at some point, and he was
3 just like, I agree with something that you wrote, and
4 other than that I have no idea what he does with his
5 Facebook account, or what he reads, or who shows him
6 what.

7 Q Did you also say in this post, sadly, the
8 once fearful and formidable king, Michael, had been
9 transformed into nothing more than a slight memory of
10 his glory days, with less and less tales to tell of
11 conquering than ever before? Did you say that?

12 A Yes.

13 Q Did you say, a man made small and nearly
14 worthless without his queen by his side?

15 A Oh, yes. I wasn't sure if you were finished,
16 sorry.

17 Q And did you also say, the more frail the king
18 became the easier it also became for the imposer (sic)
19 want-to-be queen to whisper lies into the king's ears?

20 A Yes.

21 Q Did you say that?

22 A Yes.

23 Q And you were referring to Michael and Mary
24 Haskins, correct?

25 A Correct.

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1 MR. SCHELLHORN: Judge, just so the record is
2 clear it says imposter.

3 MR. BILINKAS: I apologize, I read it wrong.

4 THE COURT: The record shall so reflect.

5 BY MR. BILINKAS:

6 Q Lies she hoped would rid every maiden, young
7 and old, of true royal blood, and with varieties of
8 talent from the kingdom forever. Were you suggesting
9 that Mary Haskins was trying to destroy the careers of
10 all the young people at the stables?

11 A Yes.

12 Q Did you then say at some point, failure to
13 abide by this agree-- his agreements with other royal
14 houses invite open, raw, and inevitable destruction?

15 A Yeah, I posted it.

16 Q You were basically declaring war on him,
17 correct?

18 A Um, I wouldn't go that far.

19 Q Well, there were certain agreements that you
20 claim that he didn't honor with you, correct?

21 A Correct.

22 Q And -- and -- and this post was referring to
23 those agreements, correct?

24 A I mean -- yes, also a reply to a comment that
25 mentions things like royalty and other things, so

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1 there's parts that I honestly don't know what I'm
2 talking about, but it's -- it was written by me, so
3 it's there. Yes, I wrote it.

4 Q Did you say, unfortunately -- what's I-Q-C
5 mean?

6 A I don't know. What -- I'm -- I'm not sure, where
7 -- where are we seeing this?

8 Q Did -- did you say, unfortunately, IQC
9 imposers (sic) queen commoner uses the king's
10 diminished state to quietly convince him to ignore all
11 treaties?

12 A I have no idea because I -- I have no clue. Oh,
13 IQC, there actually is a thing for that. Um, I'm
14 sorry, could you read that, again, just so I know
15 exactly where you are?

16 THE COURT: First, do you know what ICQ
17 means?

18 THE WITNESS: Yeah, I -- I see it. I -- I
19 put it in parentheses.

20 BY MR. BILINKAS:

21 Q And what does it mean?

22 A In brackets. It means -- I just saw it. I will
23 get to it. Um, imposter queen commoner.

24 Q Did you then say, the queen on the glass
25 throne isn't a queen?

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1 A Yes.

2 Q She is hardly more than pond scum attached to
3 the boot after trudging through a puddle. Did you say
4 that about Mary Haskins?

5 A Yes, I did.

6 Q Now, you realize that Mary Haskins was his
7 girlfriend, correct?

8 A Correct.

9 Q Did -- did you think if he saw that post that
10 that would cause an issue with regards to you staying
11 and training at his facility?

12 A Wait, I'm sorry, I'm trying to get sure of that --
13 make sure I have the question right. You're asking if
14 I thought?

15 Q If he saw this whether it would cause an
16 issue with him continuing to train you and allow you to
17 stay at his facility?

18 A I don't know. It isn't that I thought really hard
19 about it or the consequences, I just kind of wrote it.

20 Q You just threw it out there.

21 A Basically.

22 Q Did you then say, her open attacks on me will
23 not result in the execution, as it did for the maidens
24 fairer than she without any counsel to fairly protect
25 them? Did you make a statement like that?

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1 A I'm guessing if it's there, yes. I'm saying I
2 wrote these posts, so yes.

3 Q And did you end it by saying something to the
4 effect but all the king's horses and all the king's men
5 couldn't put Humpty together again?

6 A Yes.

7 Q And that the castle would come cru--
8 crumbling down. Did you -- did you say that?

9 A Yes.

10 Q And the castle you were referring to was his
11 business, correct?

12 A I honestly don't know what I meant. I don't know.

13 Q But you have no idea --

14 A Again, I was just writing --

15 Q -- what you meant when you wrote this. Is
16 that your testimony?

17 A That's my testimony. I have no idea what parts or
18 pieces of each micro thing I was referring to. I was
19 just -- it's social media. I wrote stuff. That's what
20 I did.

21 Q Okay. And did you make a statement at the
22 very end, words to the effect, I sure hope my wrath is
23 never called upon? Did you say that?

24 A Yes.

25 MR. SCHELLHORN: Judge, could I ask for

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1 completeness, pursuant to the rules of evidence, that
2 the next line be read?

3 MR. BILINKAS: Judge, if -- if he's asking
4 that I would ask that it be -- the entire thing be
5 published to the jury.

6 THE COURT: You have redirect.

7 MR. SCHELLHORN: That's fine, Judge.

8 THE COURT: You can do it on redirect.

9 MR. SCHELLHORN: That's fine.

10 THE COURT: Mr. Bilinkas brought it up, and
11 if you want to bring in other portions of it you can do
12 so. That's why we have redirect.

13 BY MR. BILINKAS:

14 Q Now, you were also posting things about your
15 mental instability on Facebook, correct?

16 A Not that I recall, not seriously, anyway.

17 Q When you say seriously you're not, did you
18 make specific mention of you having serious mental
19 problems?

20 A Um, I do recall one specific post.

21 Q Which one was that?

22 A It was a post sometime -- I don't know when I
23 wrote it, but it was a post in reply to my cousin,
24 which the gist of the post was fear, and I discuss
25 hiding in a bunker, or needing to hide in a bunker.

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1 But prior to stating that I say something along the
 2 lines of I like have mental -- um, sorry -- um -- I'm
 3 trying to think of what the words are.

4 Q Multiple?

5 A Yeah, multiple personalities, I don't know what
 6 they're going to do if they're threatened, but just,
 7 actually, like, although they assumed knowledge on the
 8 part of the person I was sending the message to, I
 9 thought she like knew the situation, and that would
 10 understand that I was referring to Michael's behavior
 11 of acting one way one day, one way the next day, and I
 12 just was writing it, and assumed that she had more
 13 knowledge of like that whole thing than she did. So to
 14 make sure I then went on to say basically we're so
 15 frightened that we're thinking of building a bunker to
 16 -- but hide ourselves and maybe even cannot get horses.
 17 If you have the post you can bring it up, if you'd
 18 like.

19 Q I -- I plan on it, but --

20 A Okay. Just -- I was just saying so it could be
 21 read.

22 Q Sure, in due time. So you do admit that at
 23 some point during this relationship you posted
 24 something saying you had multiple personalities and
 25 you're not responsible for your actions.

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1 A Yes, I did post that.

2 Q Did you ever post anything that you're a
 3 narcissistic and suffering delusions of grandeur
 4 #bipolar narcissists?

5 A Possibly, but --

6 Q Those are the types of things that you would
 7 say?

8 A There's lots of types of things I would say.

9 Q Okay.

10 A So, I mean, social media.

11 Q Did you make a reference to weapons
 12 frequently?

13 A Not that I recall, but I'm sure I've mentioned
 14 that I own a gun. I'm sure I mentioned that New Jersey
 15 gun laws are very strict, in other states maybe that
 16 have gun laws that are very strict, also, as they
 17 should be, especially since I ended up getting shot by
 18 one of those very guns, so there's that, but I guess I

19 --

20 Q Well, do -- do you -- do you recall --

21 A -- I got lost in the question.

22 Q Sorry, I didn't mean to cut you off. Do you
 23 recall posting photographs of -- on Facebook of you
 24 shooting your boyfriend's motorcycle because you were
 25 angry that he was riding without a helmet?

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1 MR. SCHELLHORN: Judge, I --
2 THE COURT: Yeah, I'll --
3 MR. SCHELLHORN: This is subject to a ruling.
4 THE COURT: Yes, where -- where are you going
5 with that, Mr. Bilinkas.
6 (Sidebar held off the record.)
7 THE COURT: Mr. Bilinkas, next question.
8 BY MR. BILINKAS:
9 Q You testified on --
10 THE COURT: Hold -- hold on. And please keep
11 your voice up nice and loud, okay?
12 THE WITNESS: Okay.
13 THE COURT: So all the jurors in the back
14 have to hear you.
15 THE WITNESS: Yes, sir. Yes, Your Honor.
16 THE COURT: All right.
17 BY MR. BILINKAS:
18 Q You testified on direct that you only owned
19 one gun.
20 A Correct.
21 Q Okay. Did you post that you have two 9mm
22 Walthers?
23 A Yes, I did actually post that.
24 Q Did -- did you lie about how many guns that
25 you possessed?

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1 A No, I was not lying about it. I was talking to a
2 friend of mine who he and I frequently discuss
3 politics, and what have you, and in this discussion
4 what I was referring to was the gun that I had
5 currently I had, also at the same gun store, put money
6 down on another gun, which I never went to go get, and
7 instead of explaining this like what would have been a
8 17-page thing, I just said I have two guns, but that
9 guy would certainly know that wouldn't be the case,
10 because I would have needed another permit to get it.
11 So in a simple sentence or two I just said I have two
12 guns, both Walthers, which was technically true, seeing
13 as though I did put money down to purchase that gun. I
14 just never went to get it.
15 Q So it's --
16 A So I didn't feel like explaining that on Facebook,
17 so I didn't.
18 Q Okay. So it's your understanding that if you
19 put money down on something and don't pay for it
20 completely and obtain it, that it's yours?
21 A I guess that's the concept of putting something on
22 lay-a-way or things like that.
23 Q When did you put --
24 A So that was my interpretation, yes.
25 Q Sorry. When did you put that on lay-a-way?

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1 A Sometime around the same time that I went to go
 2 through the whole process of purchasing and actually
 3 obtaining the first weapon.

4 Q Did you post that you have a 9mm under your
 5 pillow?

6 A I don't remember. It's possible.

7 Q Now with -- with regards to your statements
 8 concerning own-- owning two guns, both Walthers 9mm
 9 pistol, one takes 18 in the mag and one in the chamber,
 10 the other is small enough to sit in my purse.

11 A Uh-huh.

12 Q I haven't claimed it in a year.

13 A Yes, I was actually referring to the one I had,
 14 not the one I didn't have yet. But, yes, I wrote that.

15 Q Well, which -- which one is the one that
 16 holds 18 in the magazine?

17 A The one that I actually have possession of, but
 18 I'm pretty sure it's 17, now that I checked it like
 19 recently.

20 Q And in that same post --

21 A Yeah, I think -- I don't know.

22 Q -- which is on August 4th, three days before
 23 the shooting --

24 A Uh-huh.

25 Q -- did you say words to the effect that if

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1 someone were to punch me in the face I'd let them
 2 twice. After that their second-hit advantage would be
 3 over until they begged me to let them up.

4 A Pro-- probably, but something sounds unfamiliar
 5 about that. Could you maybe read the few lines
 6 preceding that? Or the -- like maybe however many
 7 lines there are, just the few lines that are right
 8 before that --

9 Q Sure.

10 A -- so I know?

11 Q I haven't cleaned it in a year #fail.
 12 Unfortunately, or luckily, we both live in North
 13 Carolina. New Jersey's crazy gun laws you could be
 14 arrested, to do time for just having one bullet. Mine
 15 are mostly hollow points, which just one is a potential
 16 of a 10-year sentence, even if it's loose and sitting
 17 on the floor.

18 A That couldn't be the post because that post, where
 19 after it says luckily, it says I'm not a violent
 20 person.

21 Q Right. That -- that says that --

22 A You didn't read that just then, so I was confused.
 23 You read that sentence --

24 Q Okay. I'll -- I'll -- I'll read the whole
 25 thing.

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1 A Yes, please do. Thank you.

2 Q Potential 10-year minimum sentence, even if
 3 it's loose and sitting on the floor. Also, luckily,
 4 I'm not a violent person, I hate confrontations, which
 5 seem -- seem they could turn violent. With that said,
 6 if someone were to punch me in the face I'd let them
 7 twice. After that their second-hit advantage would be
 8 over until they begged me to let them up #self defense.

9 A Yes, that's the correct post. I did write that.

10 Q And so you were telling whoever had access to
 11 your Facebook book post that you owned two different
 12 guns, correct?

13 A Correct. And that I wasn't violent, but yes.

14 Q Now were you posting things with regards to
 15 your -- your experience using guns?

16 A Probably.

17 Q For instance, that your ex-husband owned a
 18 gun shop and you've shot pretty much every gun there
 19 is?

20 A Yeah, it's fair to say.

21 Q Did you brag about being a better shot than
 22 your boyfriend?

23 A Possibly.

24 Q And -- and did you say at one point, with
 25 regards to your gun, that you only need three bullets,

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1 my aim is nearly perfect?

2 A I -- I don't know, could you read that -- that's --
 3 -- I -- I have no idea.

4 MR. SCHELLHORN: Judge, can we be heard at
 5 sidebar?

6 THE COURT: Yes.

7 (Sidebar held off the record.)

8 THE COURT: All right. Ladies and gentlemen,
 9 the objection was sustained. And before we go any
 10 further I do have to give a limiting instruction on
 11 some of the testimony you heard.

12 You heard me mention earlier, I think after
 13 openings, that there are some uses for evidence that
 14 are allowed by the jury and some you see that are not
 15 allowed. Now I'm going to go through all of this again
 16 at the end of the case, when I give my main charge, and
 17 I'll give some references at that time to specific
 18 evidence and how you can use it.

19 Now this evidence about Ms. Kanarek owning a
 20 firearm was allowed in by The Court for a limited
 21 purpose, and that purpose is as it may have affected
 22 Mr. Barisone's state of mind at the time of the
 23 shooting. That's why it's allowed in. If it's shown
 24 that Mr. Barisone had knowledge of these postings you
 25 may or may not consider that as evidence of his state

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1 of mind. It's entirely up to the jurors, but it's not
 2 introduced to somehow attack the character of Ms.
 3 Kanarek. It's not introduced as character evidence.
 4 It's only introduced for a limited purpose of how those
 5 postings may have impacted the state of mind of Mr.
 6 Barisone. That's the only reason The Court has -- has
 7 allowed the introduction of this evidence regarding Ms.
 8 Kanarek's possession or ownership of a firearm, but I
 9 will address it more at the end of the case.

10 All right, please proceed, Mr. Bilinkas.

11 BY MR. BILINKAS:

12 Q Ms. Kanarek, did you refer to yourself as
 13 John Wick (phonetic) in any posts?

14 A Maybe.

15 Q Who is John Wick?

16 A Uh, some like John Ruiz (phonetic).

17 Q It's a violent person?

18 A Um, my per-- I think it's a matter of perception.
 19 You could say that, I guess.

20 MR. SCHELLHORN: Judge, I --

21 BY MR. BILINKAS:

22 Q Did you call --

23 MR. SCHELLHORN: I'm going to object.

24 THE COURT: Mr. Bilinkas.

25 (Sidebar held off the record.)

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1 BY MR. BILINKAS:

2 Q Were you posting, in numerous posts,
 3 statements with regards to going to war?

4 A Yeah.

5 Q Did you say things like if war cannot be
 6 avoided then the victorious war-- warrior must #win
 7 first #then go to war -- war, or words to that effect?

8 A Yes, I believe I was quoting Sun Tzu, but I'm sure
 9 it's probably posted if it's hash tagged and posted.

10 Q Now with regards to your chess comments did
 11 you make a statement, every time I up my chess game I
 12 always become reminded that it is those who obsess
 13 about protecting their queen regardless of the outcome.
 14 We miss the hiding rook and always fail. Did you say
 15 something like that?

16 A Probably.

17 Q And -- and you were talking about Michael
 18 Barisone protecting his girlfriend, correct?

19 A Probably.

20 Q And in that same post did you say --

21 MR. SCHELLHORN: Can I ask what -- what date
 22 you're looking at, or page, or something?

23 MR. BILINKAS: Okay. This -- this is July
 24 12th, 2019.

25 BY MR. BILINKAS:

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1 Q And at the end of that post did you say, the
2 king has been captured and -- and killed, and the whole
3 entire castle comes crumbling down? Did you say that?

4 A Probably.

5 Q And that sometimes the queen must be
6 sacrificed. Did you say that?

7 A Yes.

8 Q So will you admit, with regards to this post,
9 you were talking about capturing and killing Michael
10 Barisone, use -- with use of metaphors, of course,
11 correct?

12 A I was definitely not talking about killing anyone.
13 That would be false.

14 Q How about sacrificing the queen? Is that
15 Mary Haskins?

16 A On -- on a board of chess, or of pieces knocked
17 down, or moved over, sure.

18 Q On that same day did you post something, the
19 beast hasn't yet met the napping beast inside me?

20 MR. SCHELLHORN: Objection. Same objection,
21 Judge.

22 MR. BILINKAS: I'd say it's a threat, Judge.
23 THE COURT: I'm sorry?

24 MR. BILINKAS: I -- I'm saying because it's a
25 threat.

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1 THE COURT: No, I'll sustain the objection.
2 BY MR. BILINKAS:

3 Q Now during this time, when you're making
4 these posts, you're telling numerous people on
5 Facebook, that you're being bullied, correct?

6 A Yes.

7 Q And -- and you even tell them that you
8 believe your life is being threatened.

9 A That's correct.

10 Q Now with regards to your posts, July 21st,
11 2019, after posting all these things, and of which
12 we've just gone over --

13 A Uh-huh.

14 Q -- did you say something to the effect that
15 you're -- never be bluffing -- never be bluffing, not
16 unless you're prepared to carry it out? Did you say
17 words to that effect?

18 A I'm sorry, what date and what -- when -- when was
19 this?

20 Q This -- this is July 21st, a couple of weeks
21 before the shooting.

22 A Okay, there are some --

23 Q Did you make a statement basically saying
24 you're not bluffing, or words to that effect?

25 A Maybe. I -- I don't know what the context was?

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1 MR. SCHELLHORN: What page is that? The top
2 right.
3 MR. BILINKAS: Oh. Oh, 1024.
4 MR. SCHELLHORN: Thank you.
5 BY MR. BILINKAS:
6 Q And on July 21st did you there, again, talk
7 about what you're saying not being a bluff, and that no
8 one with a brain in their head bluffs emptily, betting
9 literally you do, and just did, bye-bye! Did you say
10 that?
11 A Yes, I always usually end off with bye-bye or bye-
12 byes, so that makes sense.
13 Q When -- when you say you normally end with
14 bye-bye --
15 A Like to anybody, yes.
16 Q Now on July 23rd, a couple of days later, did
17 you use the term weapons hot?
18 A Yes.
19 Q July 25th did you post a post -- and -- and
20 this is when things are -- are really starting to get
21 crazy at the facility, correct?
22 A Yes. I'm sorry, I -- could you just go back to
23 the post a minute ago about --
24 Q I'm -- I'm moving on. I have a lot to go.
25 A Oh, okay, because I -- something seemed strange

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1 with that. I wanted to just make sure it was me.
2 Q On -- on July 25th did you post, I will be.
3 It's about time to possibly go to war. Anyone who
4 repeatedly kicks a resting beast will eventually wake
5 her up.
6 A Probably, yes.
7 Q On the 27th did you say words to the effect
8 this is me, look out, 'cause here I come?
9 A Yes. I believe I was quoting a -- about the
10 circus movie with Hugh Jackman. It's like literally a
11 song.
12 MR. SCHELLHORN: Did you say what page that
13 was?
14 MR. BILINKAS: Page 14.
15 BY MR. BILINKAS:
16 Q Now --
17 A May -- may go there, too.
18 Q -- you were -- Are you okay?
19 A I'm just looking for the page that you said to
20 look out, 'cause here I come, that -- what page was
21 that?
22 Q That's not in your transcript.
23 THE COURT: No, I don't think that's in
24 there.
25 THE WITNESS: Oh, I don't -- I don't have it.

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1 THE COURT: He's looking at something
 2 completely different.
 3 THE WITNESS: Oh, okay. I'm sorry, I'm
 4 sorry.
 5 MR. BILINKAS: I'm -- I'm referring to --
 6 THE COURT: In fact, why don't -- why don't
 7 you take that away --
 8 THE WITNESS: Okay. Okay, yeah, I wasn't
 9 sure if I was supposed to be --
 10 THE COURT: -- so we don't have that mistake,
 11 again, and have her looking, if you're not referring to
 12 it.
 13 THE WITNESS: Here you go.
 14 MR. BILINKAS: Thank you.
 15 THE WITNESS: No problem.
 16 BY MR. BILINKAS:
 17 Q Now at some point you start illegally
 18 recording private conversations, correct?
 19 MR. SCHELLHORN: Objection.
 20 THE COURT: Also a conclusion, Mr. Bilinkas.
 21 BY MR. BILINKAS:
 22 Q Did you record private conversations where
 23 you were not a party to?
 24 A Yes.
 25 Q Now at some point in time -- and -- and

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1 correct me if I'm wrong --
 2 A Uh-huh.
 3 Q -- I believe on August 3rd you tell the
 4 Washington Township Police Department that you've
 5 recorded secret conversations, correct?
 6 A Yeah, I told the police that I was recording
 7 things, yes.
 8 Q But you also lied to the police about that
 9 recording, did you not?
 10 A I don't know what capacity -- in what capacity
 11 you're talking about, so no, I would say no.
 12 Q Did you tell the police that an attorney gave
 13 you permission to record?
 14 A I don't recall, but I was speaking with attorneys,
 15 and --
 16 Q What attorneys were you speaking to?
 17 A I guess I could tell you their names, but stuff,
 18 I'm sure, is privileged. Ed David. My father was a
 19 retired attorney. Um, there's someone else. Oh, I
 20 don't know that they're involved at this time. I don't
 21 remember, there was definitely somebody else, I
 22 believe, but certainly those two people. One is a
 23 current attorney, one is a retired attorney, and we
 24 discussed the location, what the expectation of privacy
 25 might be, the reason for which --

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1 Q And the legality?

2 A -- and the legality, of course. It wasn't like a

3 decided thing before a judge, but we discussed those

4 possibilities so we could avoid doing something

5 illegal.

6 Q All right, so -- and, again, correct me if

7 I'm wrong -- is it your testimony that your father told

8 you you could legally tape the private conversation

9 that you were not a party to?

10 MR. SCHELLHORN: Objection, it's hearsay.

11 THE COURT: What's the basis for your

12 objection?

13 MR. SCHELLHORN: It's hearsay.

14 MR. BILINKAS: It's not offered for the truth

15 of the matter, Judge.

16 THE COURT: What's it offered for then?

17 MR. BILINKAS: It has to do with why she did

18 this.

19 THE COURT: I'll allow it, not -- not for the

20 truth?

21 MR. BILINKAS: Correct.

22 THE COURT: Just her state of mind.

23 BY MR. BILINKAS:

24 Q It -- it's your sworn testimony that your

25 father told you, a lawyer, that you can put a recorder

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1 someplace and record private conversations when you're

2 not there.

3 A No, it's not.

4 Q Is that it? Is that --

5 A No, it is my sworn testimony that either my father

6 or the lawyer that we had obtained expressed that it

7 was their belief that the location in which the device

8 is placed, and the reason for which it was placed

9 there, seeing as though it was considered my property,

10 was not breaking any laws. We specifically sought out

11 this instruction, or counsel, to be sure that we were

12 not going to be breaking any laws by doing this.

13 Q Okay. I'm asking you --

14 A We weren't trying to --

15 Q All right.

16 A -- you know, shoot anyone or kill them, we just

17 wanted to do things the legal way.

18 Q I'm asking you specifically was it your

19 father --

20 THE COURT: She just said -- that's asked and

21 answered. She said twice now either the father or the

22 lawyer.

23 BY MR. BILINKAS:

24 Q Okay. Are you aware of the fact that I have

25 a tape recording of the meeting between you, Robert

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1 Goodwin, your father, and your attorney Edward David,
2 where you're discussing tape recording?

3 A I am not aware of what you have, but we had many
4 conversations, so if you have a conversation then you
5 have a conversation. We had many.

6 Q I have a conversation --

7 THE COURT: All right. No, Mr. Bilinkas,
8 you're not offering evidence.

9 MR. BILINKAS: Judge -- may I be heard,
10 Judge?

11 THE COURT: All right, let's take our
12 afternoon break, members of the jury. Take 20 minutes,
13 we'll resolve this issue, then we'll resume.

14 You may step outside, ma'am.

15 THE WITNESS: Okay, thank you.

16 (Jury excused)

17 (End of requested portion)

18 (Off the record. Back on the record.)

19 (Jurors present in the courtroom)

20 THE COURT: All right, the jury's back in.
21 Please be seated, everyone. We'll proceed. Officer,
22 can you bring the witness in, please?

23 COURT OFFICER: Give me one moment, Judge.

24 THE COURT: Okay. All right, you may have a
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1 seat, ma'am.

2 THE WITNESS: Thank you, Judge.

3 THE COURT: All right, we'll resume cross-
4 examination by Mr. Bilinkas.

5 MR. BILINKAS: Thank you.

6 THE COURT: Go ahead, sir.

7 BY MR. BILINKAS:

8 Q Ms. Kanarek, I'd like to talk to you about
9 these tape recordings. On August 3rd Michael Barisone
10 calls 911 and the police arrive, correct?

11 A Well, I am assuming, yes.

12 Q And after they talk to him they come and talk
13 to you, correct?

14 A Probably. They didn't always, but I am assuming.

15 Q At some point they talked to you, correct?

16 A Yeah, at some point the police talked to us.

17 Q And on that day you told the Washington
18 Township Police Department that you were secretly
19 recording private conversations, correct?

20 A Correct.

21 Q Did they ask you any questions as to how you
22 were doing this?

23 A Um, I don't recall. I just remember something
24 about just make sure it's something that you own,
25 because -- oh, make sure it's not attached to a phone

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1 or in a living residence, because they could be
 2 considered wiretapping, and I said, no, they're not
 3 there, it's some-- someplace that it would be
 4 considered my property, and it's not attached to a
 5 phone or his living quarters, or anything like that,
 6 and they said okay.

7 Q So it -- it's your testimony that the
 8 Washington Township Police Department is discussing the
 9 legality of what you need to do to take a recording?

10 A No, it's my testimony that they were offering
 11 insight into what to be careful about. If that's an
 12 action you're going to take they're saying just make
 13 sure that whatever you do you don't do these things
 14 because they're definitely illegal.

15 Q Okay.

16 A So --

17 Q That's what -- you were told they were
 18 definitely illegal.

19 A Or they're definitely -- definite --

20 MR. SCHELLHORN: Judge -- Judge, I'm going to
 21 object. We -- we just talked about this at the break.

22 MR. BILINKAS: This -- this is what was told
 23 to her, Judge.

24 THE COURT: Fine. By the police.

25 MR. BILINKAS: By the police.

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1 THE COURT: If you frame -- if you frame the
 2 question that way --

3 MR. BILINKAS: Yes.

4 THE COURT: -- about what the police said, is
 5 fine, but not -- not anything further than that.

6 MR. BILINKAS: Correct.

7 BY MR. BILINKAS:

8 Q So the police told you you can't record in
 9 someone's private areas, correct?

10 A In someone's like private home, or like you can't
 11 bug a phone, so you follow those instructions.

12 Q Did they ask you specific questions on -- on
 13 how and where you were doing your recordings?

14 A No, but I was sort of like telling them because I
 15 wanted them -- I wanted them to know. I don't remember
 16 how far into it I went, but I -- I wanted to be sure.
 17 Like, as I said a moment ago, that I wanted to make
 18 sure everything we were doing was legal --

19 Q Okay.

20 A -- and we were going about it the right way.

21 Q Okay. And -- and at any point in time since
 22 this incident has the Morris County Prosecutor, or any
 23 representative, ever questioned you about where you put
 24 these recordings and what the circumstances were behind
 25 them?

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1 A I believe so.
 2 Q Who?
 3 A Who -- who -- what? I'm sorry.
 4 Q Who did you talk about these recordings about
 5 in the Prosecutor's Office?
 6 A I don't know within their office. I'm sure just --
 7 -- I -- the -- um, just -- I'm not sure what the title
 8 is. Christopher Schellhorn, um --
 9 Q Did you tell --
 10 A I don't remember, whoever else in their office.
 11 Q Did you tell Christopher --
 12 A It was brought up. I didn't go further than that,
 13 really.
 14 Q Did you tell Christopher Schellhorn where you
 15 planted all the recordings that you made regarding this
 16 case?
 17 A I don't believe I -- I specifically discussed
 18 where they were. We didn't really want to like get
 19 into that. We were discussing more the fact that I was
 20 almost murdered than where there was some recording on -- in
 21 -- you know, or where it was placed.
 22 Q Okay. Well, isn't it a fact that you did
 23 record conversations in a private residence?
 24 A No, that is not a fact.
 25 Q Did you record conversations in the

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1 clubhouse?
 2 A No.
 3 Q Did you record conversations in either the
 4 residence, where Michael Barisone lived, or the stable
 5 area where he lived a week or so before the shooting.
 6 A Well, sir, no, he never lived in the stable area
 7 ever. He lived in the clubhouse, which there was no
 8 recording there, but, yeah, your second -- the second
 9 portion of your, I guess, questioning is not accurate,
 10 so if maybe you could ask it again? Michael Barisone
 11 never lived in the stables.
 12 Q Well, he lived in the club area, correct?
 13 A Which is separate from the stables, to be clear.
 14 Q Correct.
 15 A Correct.
 16 Q And is it your sworn testimony --
 17 A Uh-huh.
 18 Q -- that you never recorded any conversations
 19 in the club area?
 20 A That's correct, unless it was recorded on our
 21 person, and it's one of us speaking, and we were in the
 22 club area, which we were not during that time, so I
 23 would have to say, yes, it's correct that there was no
 24 conversations in the club area recorded.
 25 Q Right. I've been provided over 70

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1 recordings.
 2 A Okay.
 3 Q Where were those recordings made?
 4 A My locker.
 5 Q Every single one?
 6 A No, not every single one. Some were in our own
 7 house, some were in -- I don't know. I don't know else
 8 they were there. I know where they weren't, I can tell
 9 you that. I know where they were not, and I know that
 10 they were in my locker, and we were recording like an
 11 open space where anybody could be at any time.
 12 Q Well, again, when you say an open space --
 13 A Uh-huh.
 14 Q -- is it your testimony that you secreted a
 15 recording in an area where you or Robert Goodwin were
 16 not present?
 17 A Well, we were present because we had horses
 18 stabled there, so.
 19 Q Well, when you say present I mean present
 20 during the actual conversation.
 21 A Yes, if you're asking if there was conversations
 22 that happened while we were not in the actual stable
 23 area, yes, there were conversations that happened
 24 during that time, correct.
 25 Q Okay. And you've indicated that you didn't

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1 do that in the club area, correct?
 2 A Yes.
 3 Q How about Michael Barisone's private office?
 4 Did you or Robert Goodwin ever put a recorder in
 5 Michael Barisone's private office and record private
 6 conversations?
 7 A No, his office is in the clubhouse, in the club
 8 area.
 9 Q It's a separate --
 10 A And as I just said --
 11 Q -- room, correct?
 12 A Sorry, say -- say it again? I missed that.
 13 Q His office is a separate room from the club
 14 area, correct?
 15 A His -- his office is literally inside the club
 16 area. There's a door, but it's in the club area.
 17 Q Okay.
 18 A And, again, since that was also their living area,
 19 no, we did not go ever in the living area and record
 20 anything.
 21 Q Okay.
 22 A It was in my locker or in the area we were living
 23 at the house. So, again, to answer your question, it
 24 will be no. I'm sorry if maybe I'm being confusing.
 25 Q Okay. So, again, in a roundabout way you

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1 answered my question. I'm just going to ask you
 2 specifically --
 3 A Uh-huh.
 4 Q -- irrespective of how the room is
 5 positioned, did you ever secretly record private
 6 conversations in Michael Barisone's office?
 7 A No.
 8 Q Ms. Kanarek --
 9 A Yes?
 10 Q -- who got this recorder?
 11 A My boyfriend ended up buying it.
 12 Q Rob Goodwin, correct?
 13 A Yes.
 14 Q And when did he get that recorder?
 15 A It was ordered on the morning of August 31st at
 16 around 8:07 a.m., from Amazon.
 17 Q August 31st?
 18 A I'm sorry, July 31st, July 31st.
 19 Q It arrived the next day?
 20 A I believe it arrived the next day, correct,
 21 overnight.
 22 Q And so is it your recollection that over 70
 23 recordings were made from that point on to the time of
 24 the shooting?
 25 A There were two devices, I believe. I could be

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1 wrong. I don't know how many recordings there are, but
 2 there could be a hundred, but still, the fact remains,
 3 this is where they were and this is where they were
 4 not. They were in my locker, they were in the house
 5 that we were living in, we were talking to ourselves,
 6 we have that on record. But where they were not was in
 7 anybody else's living quarters, including the club--
 8 clubroom, or any other living residence in the barn,
 9 whatsoever, unless that living residence belonged to a
 10 horse, which it didn't. It was in my locker, end of.
 11 Q Now you just mentioned that there were two
 12 devices.
 13 A Correct, I -- I believe so. I wasn't in charge of
 14 them, but yes.
 15 Q Okay. Who was in charge of them?
 16 A My boyfriend was in charge of them, but we both
 17 knew where they were.
 18 Q Okay. And you were the one instructing him
 19 where to put the device, correct?
 20 A We would discuss it together. There was -- there
 21 was no like I'm instructing him or he's instructing me.
 22 We had a specific reason for them or my wanting them to
 23 be in my locker, a very specific reason. I guess he
 24 had a reason, too. But, nevertheless, like I said,
 25 that's -- that's where they were put, a locker which I

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1 was paying for, which was my property.

2 Q Did you turn over both of those recordings to
 3 the Prosecutor's Office?

4 A We turned over everything. I was -- again, I was
 5 shot and dying, the police collected what they
 6 collected. I was in the hospital for three weeks, in a
 7 coma four days. I don't know what happened during
 8 those times -- during that time, but certainly I had no
 9 knowledge of what the police were doing, or any other
 10 office was doing, but I do know that we turned over
 11 everything that we had, because it was taken upon
 12 search and seizure of the crime scene that,
 13 unfortunately, your client committed.

14 Q Okay. Now with -- with regards to these tape
 15 recordings --

16 A Uh-huh.

17 Q -- when you recorded something did you bring
 18 it back to your house and listen to what was on the
 19 tape?

20 A Sometimes.

21 Q Now how did you listen to those recordings at
 22 your house? What device did you use?

23 A I don't remember. A computer, I think. I think
 24 you just put it in the computer and it plays.

25 Q And you could also delete things off that

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1 what you recorded, correct?

2 A I have no idea. I'm pretty sure you could do it
 3 any way. Anybody could delete something. But our goal
 4 wasn't to delete things, it was to get the information
 5 we were trying to get, which was we thought vital to
 6 our life, and ended up exactly coming to fruition, so a
 7 few days -- just a few days later, in almost the exact
 8 way, I would say, it was heard on those audios.

9 Q So --

10 MR. BILINKAS: If I could have a moment,
 11 Judge.

12 BY MR. BILINKAS:

13 Q Did you ever put a recording on the porch?

14 A I'm not sure which porch you're referring to?

15 Q The porch in front of the stables.

16 A The porch in front of -- no, on the porch, no.
 17 Like I said -- and I just -- I don't mean to like sound
 18 like I'm being rude, or repeating myself, or anything
 19 like that.

20 Q You're not, you're not, don't worry about
 21 that.

22 A I just to let you know the only place that the
 23 recorders were ever placed in that barn area at all was
 24 in my paid-for locker, that's it. Otherwise it was on
 25 our person or in the apartment that we were living, and

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1 that's it.
2 Q Now whose telephone number is 973-713-7703?
3 A My father.
4 Q And that's one of the persons that you claim
5 gave you a legal opinion with regards to recording,
6 correct?
7 A One of the people. I -- like I, again, said I
8 don't really remember which said what or who said who.
9 Q Did you?
10 A But I certainly spoke to my father a few times and
11 we discussed things.
12 Q Do you remember your dad saying on August
13 2nd, 2019 --
14 MR. SCHELLHORN: Objection.
15 MR. BILINKAS: It has to do directly with
16 this issue, Judge, regarding --
17 THE COURT: But it doesn't matter. It's
18 still the rule of evidence. Isn't that a hearsay
19 statement?
20 MR. BILINKAS: Judge, I -- I believe it's
21 permissible to impeach her. There's a discussion with
22 her father regarding admissibility.
23 THE COURT: But isn't this what we discussed
24 at the break?
25 MR. BILINKAS: No, Judge, this is a specific

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1 statement which contradicts what she said.
2 (Sidebar held off the record.)
3 BY MR. BILINKAS:
4 Q Ms. Kanarek --
5 THE COURT: Hold on. The objection's
6 overruled, so go ahead and ask the question in this one
7 area.
8 BY MR. BILINKAS:
9 Q Ms. Kanarek, your father's number is 973-713-
10 7710, correct?
11 A Correct.
12 Q Did you have a discussion with him on that
13 day with regards to the --
14 A On what day? I'm sorry.
15 THE COURT: That -- that hasn't been made
16 clear what day it is.
17 BY MR. BILINKAS:
18 Q That -- that's on August 2nd, 2019 at 9:24
19 p.m.
20 A Possibly.
21 Q With regards to him questioning the
22 admissibility of you making these records.
23 A Yes, if he was questioning the admissibility
24 rather than legality of it, then I'm guessing we
25 probably spoke of whether after these recordings had

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1 been recorded whether or not they might be admissible
 2 in a court of law. Since you just mentioned the word
 3 admissibility I'm merely pointing out that I don't
 4 think we were talking about like is this legal, is it
 5 not legal. We may have been, but I think the -- the
 6 real crux of what we were discussing was just like you
 7 said a minute ago, the admissibility of it, meaning
 8 will this be admissible at a later date, if that's what
 9 you're asking, which it seems to be that is. But I
 10 could be wrong, sorry.

11 Q Okay. So you were giving your father copies
 12 of these recordings, correct?

13 A I don't remember. I don't really know how I would
 14 share them. I'm really not that tech savvy, honestly.

15 Q But isn't it a fact that you're aware that
 16 your boyfriend Robert Goodwin had given your father a
 17 number of these texts, and you were aware -- no texts,
 18 recordings -- and you were aware of that?

19 A Well, on August 2nd, like I said, it was ordered
 20 the morning of July 31st, they arrived probably the
 21 next day, if we're lucky, so by August 2nd I can't
 22 imagine there would have been very many recordings by
 23 that time, so I don't know what he could have sent in
 24 that one -- like that time period, or like the small
 25 period of time, to my father, but I can't say he

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1 hasn't. So maybe he did. I honestly don't know. It
 2 wasn't me, if that -- if that -- if it happened.

3 Q And when you use the term admissibility --

4 A Yes.

5 Q -- that had to do with the lawsuit that you,
 6 your father and Robert Goodwin were talking about
 7 filing against Michael Barisone, correct?

8 A Probably, and no just that, but probably some
 9 other things, too.

10 Q Now you also made videos -- put video cameras
 11 places, correct?

12 A In our living space, yes. We were planning to go
 13 away the following week, with Michael, in fact, to a
 14 show, which I had signed up for, and it's on the USGF
 15 website, you can check it. I had entries for a show
 16 the following Wednesday where Michael was to take me to
 17 a show, the one we were discussing earlier, in
 18 Saugerties, New York, calls HITS -- HITS on the Hudson
 19 -- and we wanted to have surveillance in the house for
 20 when we went away, since there was tension on the farm,
 21 you know, people going back and forth with their moods
 22 and tempers. So all I knew is I had a show, I wanted
 23 to have surveillance in our house that we were renting,
 24 and we had cameras, Blink cameras, I believe, in the
 25 house for when we were not home. That was the purpose

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1 of them, so yes to that question.
2 Q And when you say, or said, in certain posts,
3 that you have eyes and ears everywhere --
4 A Yes.
5 Q -- that can't be detected, where were the
6 eyes? Are those the videos you just --
7 A The eyes are in -- in our house, which if no one's
8 living there why would they be detected unless
9 someone's coming in? They shouldn't be.
10 Q Who's Rosanna Williams?
11 A A good friend of mine. Also, she is one of the
12 best international horse sales people maybe on -- in
13 the world, and I had purchased three of my
14 international competition horses from her, and we just
15 -- we're very good friends and, also, a business
16 friend, as well.
17 Q Okay. Now when did you get these cameras
18 that you're talking about?
19 A I didn't get them, my boyfriend did. I don't
20 remember what date, but somewhere around the same time
21 as audios.
22 Q Same time, that would be after --
23 A Somewhere -- somewhere around the same time as
24 audios.
25 Q And you're sure of that.

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1 A No, I'm not sure of that. That's why I said I'm
2 not sure, I didn't get them.
3 Q Okay. Where did he get them at?
4 A I think he ordered them online, like a person
5 would do, I'm guessing.
6 Q Well, do you remember having a conversation
7 on April 20th with Ms. Williams saying --
8 A On April 20th? I just wanted to be sure.
9 Q April 20th, 2019, Justin --
10 MR. SCHELLHORN: Judge, I think -- I think if
11 the intention is to refresh her recollection, which
12 she's saying she doesn't remember, she could certainly
13 be shown something to see if that refreshes her memory
14 --
15 THE COURT: That's the way to do it.
16 MR. SCHELLHORN: -- but I don't think it's
17 appropriate to read it in the record.
18 (Attorneys confer regarding exhibit)
19 BY MR. BILINKAS:
20 Q All right. I'm showing you a text message --
21 and the number, Prosecutor, is 93-11, April 20, 2019.
22 I'm going to ask you to look at item number 93-11.
23 A April 20, '19 did you say?
24 Q Yep.
25 A Okay.

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1 Q I'd ask for you to read that.
2 A I --
3 THE COURT: Just read it to yourself.
4 MR. BILINKAS: To yourself.
5 THE WITNESS: Oh, okay.
6 THE COURT: Just to refresh your memory.
7 THE WITNESS: Just the little yellow Post-It
8 thing?
9 MR. BILINKAS: No. Can I just point it right
10 out to her, Judge --
11 THE WITNESS: Just to make sure I've --
12 MR. BILINKAS: -- to save some time?
13 THE COURT: Yes, go ahead, point it out where
14 you want her to read.
15 THE WITNESS: Okay. This is to Rosanna,
16 correct?
17 MR. BILINKAS: Yes.
18 BY MR. BILINKAS:
19 Q This is you talking, correct?
20 A Okay. Yes. Okay, I read it.
21 Q You bought cameras --
22 A No, I said that I did to my friend months before,
23 so -- but there was no cameras purchased.
24 Q So you lied to your friend about purchasing
25 cameras --

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1 A Yeah.
2 Q -- because you thought Justice (sic) was a
3 threat -- Justin was a threat?
4 A Yeah. We're -- I feel like she was worried about
5 me. To make her feel better I said, don't worry, we
6 have cameras, we're fine. We later did get cameras,
7 but it wasn't until months after.
8 Q But you'll agree that there was a text
9 message between you and Ms. Williams, where you
10 indicated on April 20th, 2019 that you bought cameras
11 last night to plant in the barn --
12 THE COURT: Mr. -- Mr. Bilinkas, you just
13 refreshed her recollection.
14 MR. BILINKAS: I -- I know, Judge, but it's --
15 --
16 THE COURT: I know, but now -- now --
17 MR. BILINKAS: Now I'm impeaching her with
18 her
19 -- her recollection because it says here they planted --
20 --
21 THE COURT: No, no, don't -- don't -- don't
22 read it. That's the whole issue.
23 MR. BILINKAS: Okay. Judge, she --
24 THE COURT: And you just have to impeach her
25 credibility, right?

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1 MR. BILINKAS: Yes.
2 THE COURT: And refresh her recollection.
3 MR. BILINKAS: Right. I re--
4 THE COURT: And you're saying her last
5 statement that she said is not accurate --
6 MR. BILINKAS: Yes.
7 THE COURT: -- about what's in there?
8 MR. BILINKAS: Yes -- yes, Judge, abs--
9 absolutely.
10 BY MR. BILINKAS:
11 Q Did you tell her that you planted cameras in
12 the apartment and the barn?
13 A Is this the thing you just showed me?
14 Q Yes, the thing you --
15 MR. SCHELLHORN: Judge, it doesn't say the
16 apartment, it says our apartment.
17 THE WITNESS: Yes, exactly.
18 MR. BILINKAS: Our apartment.
19 MR. SCHELLHORN: He's leaving out key words -
20 -
21 THE WITNESS: Yes.
22 MR. SCHELLHORN: -- every time that he reads
23 these text messages to the witness.
24 MR. BILINKAS: Judge, that --
25 THE COURT: All right. All right, Mr.

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1 Schellhorn, if -- if you have an issue it's not to be
2 said in front of the jurors, all right?
3 MR. SCHELLHORN: I understand.
4 THE COURT: I -- I understand, but just say
5 you want to be heard at sidebar. And you have to make
6 sure you read everything accurately.
7 MR. BILINKAS: Yes, Judge.
8 BY MR. BILINKAS:
9 Q On that day to Ms. Williams did you say
10 Justin is a threat, a big one. We bought cameras last
11 night at Home Depot to plant in the barn and in our
12 apartment, so we can only see what Justin is doing and
13 saying?
14 A Yes, I said, I wrote that, I lied to my friend so
15 she wouldn't be worried. There was a situation with
16 Justin that she knew about. I didn't want her to
17 worry. I just told her don't worry about it, got
18 cameras, handled, and that was it.
19 Q Now at some point you know that Michael
20 Barisone knows that you're recording him, correct?
21 A Yes, but five months later, or four months later.
22 That was April, correct? So the -- the shooting -- the
23 day he came to shoot us and kill us that was August 7th
24 -- um, August 7th. So, yeah, so several months later
25 is when we purchased the cameras, if that's what you're

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1 asking. Was that was you asked?
 2 Q Okay. I -- I have no idea what --
 3 THE COURT: What -- what -- I --
 4 MR. BILINKAS: Okay.
 5 THE COURT: Hold on. Just listen to the
 6 question and try to answer only the question.
 7 THE WITNESS: Okay.
 8 THE COURT: As I said earlier, if you don't
 9 understand --
 10 THE WITNESS: Yes.
 11 THE COURT: -- just say I don't understand
 12 and he'll rephrase.
 13 THE WITNESS: Okay.
 14 THE COURT: All right?
 15 THE WITNESS: Yes, Your Honor.
 16 MR. BILINKAS: I'll rephrase it, Judge.
 17 THE COURT: I think you should. Go ahead.
 18 BY MR. BILINKAS:
 19 Q You -- at some point you buy cameras,
 20 correct?
 21 A Yes.
 22 Q At some point you start tape recording
 23 private conversations, correct?
 24 A By cameras, yes. Tape recording private
 25 conversations. Yes, I guess that would be an accurate

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1 statement, yes.
 2 Q Okay. And at some point prior to the
 3 shooting, after you started tape recording private
 4 conversations, you became aware that Michael Barisone
 5 believed, or knew, that you were doing that to him.
 6 A I'm -- I'm guessing. I told the police. I'm
 7 guessing. I don't know -- I don't know what he was
 8 aware of. I have no way of knowing that, sorry.
 9 Q On August 5th, two days before the shooting,
 10 did you tell your father in a text message, and I
 11 confirmed for sure that they know we have a bug in the
 12 barn? Did you make that statement to your father?
 13 A Probably, yes. If it's in a text message I -- I
 14 made the statement. You're asking did I make it --
 15 Q Right. I'm asking you --
 16 A -- rather than someone else?
 17 Q -- did you -- I'll show you this.
 18 A Okay.
 19 Q 100C-8, specific item 42.
 20 A Uh-huh.
 21 Q Please look at this specific text.
 22 A Okay. Let me go to here.
 23 Q Right here, right here.
 24 A Yeah, I'm going to go there. I just want to read
 25 before that so there's some context. Yes, that was

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1 written by me within this conversation.
2 Q And does that refresh your recollection as to
3 whether or not you became aware that Michael Barisone
4 knew, or at least thought, that you were recording his
5 private conversations?
6 A No. Well, I think it indicates what it indicates,
7 which is that I had told the police officer this, so I
8 figured pro-- it might have gotten back to him, because
9 they wanted to continue having those conversations in
10 front of my locker that's -- they now know. Like I
11 said, we were trying to do things as legally as
12 possible --
13 Q Okay. This --
14 A -- but I can't know what Michael was thinking or
15 what was actually told to him.
16 Q But what did you mean --
17 A I'm talking to my father here in a text message
18 so.
19 Q What did you mean when you used the words,
20 and I confirmed for sure that they know we have a bug
21 in the barn?
22 A I meant that --
23 Q What did you mean by the term confirmed for
24 sure?
25 A I meant that I had told a police officer, meaning

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1 that I figured that if it were some problem they would
2 know about it. Even if it weren't a problem they might
3 know, but I didn't know like police protocol, so it was
4 may-- just an assumption. I was writing to my father.
5 Again, in the context of that whole conversation I
6 would say that it would make sense for me to say that,
7 which we didn't get into that.
8 Q Well, let's go back to July 25th.
9 A Okay.
10 Q Did you post ano-- another lengthy post
11 regarding Mary Haskins and Michael Barisone?
12 A Probably.
13 Q It's 11 days after the first one that I read,
14 about the king and the queen.
15 A And how many days? Wait, I'm just trying to
16 think. Eleven days after the first one that you read.
17 Okay. How many days before the shooting was this?
18 Q This one is July 25th.
19 A Okay. I'm just confirming how many days later I
20 was almost killed, but continue. I'm sorry.
21 Q And -- and, by the way, did the prosecutor
22 ever ask you for the receipt from your Amazon account --
23 --
24 A I was in a --
25 Q -- to determine when you got those recorders?

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1 A I wouldn't know. Like I said, I was in a coma for
2 four days, in the ICU for three weeks, unable to speak,
3 because I had a ventilator shoved down my throat.

4 Q Okay.

5 A And after that I was on so many pain medications I
6 really couldn't communicate with anyone, so I have no
7 idea what was said or done. My -- my life was almost
8 ended.

9 Q Do you recall saying words to the effect that
10 it turns out once a homewrecker always a homewrecker?
11 Were you referring to Mary Haskins?

12 A Absolutely.

13 Q Did you then say words to the effect that
14 then said homewrecker realized if a man did it to his
15 wife -- wives, what's to stop him from straying again?
16 Did you say that?

17 A Yep, and there's, I think, six more chapters, I
18 know them all.

19 Q All right. And then --

20 A You can read them, no problem.

21 Q And then did you say, immediately after that,
22 here's where paranoia and jealousy set in?

23 A Yes.

24 Q Did you say that?

25 A I'm familiar with the post, yes.

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1 Q Okay. And -- and it's your belief that Mary
2 Haskins was jealous of you?

3 A I -- I think she was jealous of a lot of people,
4 and it was just an insecurity that she had. That was --
5 -- that was my belief, yes.

6 Q And -- and did you say a little bit later on
7 in that post, when talking about Barisone and Mary
8 Haskins, did you say, it's war?

9 A Probably.

10 THE COURT: Mr. Bilinkas, when you
11 characterize something don't you characterize it.

12 MR. BILINKAS: That's what it says, it's war.

13 THE COURT: No, no, no, before that. You --
14 you were saying who she's talking about.

15 MR. BILINKAS: Okay.

16 THE COURT: You're not testifying, she is.

17 MR. BILINKAS: No. Okay.

18 THE COURT: Ask her that question.

19 MR. BILINKAS: Understood.

20 BY MR. BILINKAS:

21 Q The previous statement that I read you were
22 referring to Barisone and Mary Haskins, correct?

23 A Could you read the previous statement, again, so
24 I'm sure?

25 Q What's to stop him from straying again?

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1 Here's where paranoia and jealousy set in.
2 A Yes, that's a statement that I wrote.
3 Q You wrote that and it's about Barisone and
4 Haskins, correct?
5 A Correct.
6 Q And then soon after that you basically make a
7 statement -- and correct me if I'm wrong -- where you
8 say it's war, correct?
9 A Yeah, probably, I'd say so.
10 Q And -- and -- and correct me if I'm wrong,
11 but going to war was against Barisone and Mary Haskins,
12 correct?
13 A I mean, I don't know, you didn't read -- I only
14 got the one sentence, I didn't get the whole context,
15 so I don't exactly know. I'm sure --
16 Q Were you talking about --
17 A I'm sure the --
18 Q Were you talking about going to war against
19 anyone else during this period of time?
20 A No, but like I'm saying, I -- all I'm bringing up
21 is that I feel that maybe some context was left out,
22 but it's fine, we can just go with, yes, I wrote that,
23 I meant that. That's fine, we can move on, and not go
24 back to the context.
25 THE COURT: Yes -- ma'am, just answer the

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1 question.
2 THE WITNESS: Okay, I'm sorry.
3 THE COURT: All right.
4 BY MR. BILINKAS:
5 Q Now, and this a post that a lot of people are
6 looking at, correct?
7 THE COURT: How does she know that?
8 MR. BILINKAS: Because it's Facebook, Judge,
9 and she knows who's on it.
10 THE COURT: Well, there was no number about
11 that. Just focus on the issues, and -- and the issue,
12 how many times, Mr. Bilinkas.
13 MR. BILINKAS: Okay.
14 THE COURT: It's not everyone.
15 MR. BILINKAS: Understood.
16 THE COURT: So what other people know is not
17 really relevant.
18 BY MR. BILINKAS:
19 Q Did you say on that date that you will
20 publicly announce using your special talent for
21 collecting indisputable evidence, or words to that
22 effect?
23 A Yes.
24 Q Did you tell whoever saw this Facebook post
25 later on to fasten their seatbelts?

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1 A Yes.
2 Q A story like this, even told at a distance,
3 may cause whiplash, it's that bad.
4 A Yes, I definitely said that.
5 Q Including extra stories that could only be
6 heard in recordings or videos to be fully believed.
7 A Yes.
8 Q So on this day, which is July 25th, you're
9 telling whoever's reading this, that you have evidence,
10 videos and recordings, correct?
11 A I thought the sentence was, um -- could you read
12 the sentence again, actually?
13 Q Extra stories could only be heard in a
14 recording or a video to be fully believed. You talked
15 about recordings and videos, correct?
16 A I talked about that they could only be believed if
17 they were in a recording or a video, which is what led
18 us to later get those two very things, to make sure
19 they would be believed.
20 Q Did you say, towards the end, even a one-time
21 Olympian can be cut down to size?
22 A Yes.
23 Q And then, oh, yes, a war, I fear, may be
24 inevitable?
25 A Yes.

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1 Q And then, at the very end, I'll need all the
2 clam of a Dead Sea to stop me from totally -- going
3 totally ballistic?
4 A Probably, yes.
5 Q Now Michael Barisone was living in his home
6 at the facility, correct, when you came back in the
7 summer of 2019, correct?
8 A I'm sorry, I'm -- I'm unclear.
9 Q Okay.
10 A The facility, the --
11 Q The -- the farm.
12 A Well, he was living in one place the year before
13 and then another place the year after, so I wasn't --
14 Q Okay. I'm talking about the summer of 2019 --
15 --
16 A Yes.
17 Q -- when you -- you were living with your -- y
18 our boyfriend in the upstairs apartment.
19 A Correct.
20 Q Okay. Michael Barisone was living on the
21 main floor there --
22 A Yes.
23 Q -- with Mary Haskins and their small child,
24 correct?
25 A Yes, af-- yes, it's correct.

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1 Q Okay.
2 A I remember that.
3 Q That -- that was his house, correct?
4 A I -- I assumed that was at the time, yes.
5 Q You -- you were living in an apartment and --
6 and were not paying him any rent, correct, for the
7 apartment.
8 A We were paying -- we were -- it was a barter
9 agreement.
10 Q Right.
11 A Right.
12 Q And -- and when you say the barter agreement,
13 you were paying to -- to board two horses at \$2,500
14 apiece at that point, correct?
15 A Plus the, I believe, \$40,000 I had just given him
16 for a horse he was unable to sell, plus the work that
17 my boyfriend had done along the barn, in the house,
18 which Michael said was going to be compensated, and
19 part of that compensation was that we have the housing
20 whenever, although that was established the year
21 before, and that the main part of it would be when my
22 other horse, that I had purchased, would come overseas,
23 so Michael could train her. He chose the facility she
24 would be quarantined at. So, yes, we were paying a lot
25 of money, more than just the \$5,000 that you said to be

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1 living in that apartment. There was the work done,
2 like I mentioned, there was the money given to him for
3 the horse that he couldn't sell, and so, yes, we were
4 living -- we were living in the house and paying money,
5 yes.
6 Q Well, again, let's -- let's break this down,
7 if -- if we could.
8 A Oh, sure.
9 Q When you first come to his facility --
10 A Uh-huh.
11 Q -- you only have two horses, correct?
12 A When I first got him, yes.
13 Q And the agreement was --
14 A Uh-huh.
15 Q -- that you would pay \$5,000 for those two
16 horses --
17 A Uh-huh.
18 Q -- and he agreed to give you living
19 accommodations, correct?
20 A Training of those two horses.
21 Q Right.
22 A Living accommodations and --
23 Q Boarding.
24 A Yes. Sorry.
25 Q Boarding.

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1 A And boarding, yes, correct.
2 Q Okay. So that's the deal that -- did you cut
3 that deal or did your father cut that deal?
4 A It was a joint, I guess, conversation/discussion.
5 Q Well, who pays for the boarding?
6 A What do you mean?
7 Q Who pays the \$5,000, you or your father?
8 A It comes out of my money, my father writes the
9 check.
10 Q And where does he get the money from?
11 A The -- the bank.
12 Q Okay. So your father's taking the money out
13 of your account or his account?
14 A My account.
15 MR. SCHELLHORN: Judge, what's the relevance
16 of this?
17 THE COURT: Yeah, does it -- does it matter,
18 Mr. Bilinkas? What's the relevance of this?
19 MR. BILINKAS: Okay, I'll move on.
20 BY MR. BILINKAS:
21 Q So the original deal is that he would board
22 and train your horses and give you living
23 accommodations, correct?
24 A Correct.
25 Q That original agreement did not include your

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1 boyfriend living on the property, did it?
2 A I told Michael I was bringing my boyfriend, and
3 that I had two dogs. I wanted to make sure he knew
4 that in case there was a pet issue, or whatever. He
5 said on the phone, in our hour-long conversation, no
6 problem, and then he turned to text my father, which
7 read something like she's going to love the apartment,
8 they're going to love it, it's so wonderful, it even
9 has antiques. My father then sent me that message, I
10 read it, I said, all right, it sounds like a plan, I
11 guess I can't really say no to this offer, it's too
12 good to be true, or refuse, and we took the offer,
13 gratefully.
14 Q Did you ever tell the prosecutor that from
15 the beginning he didn't know your boyfriend was coming?
16 A I don't know. I don't think so, but I could not
17 be sure.
18 Q So when you came up from Florida, after the
19 winter of 2018 --
20 A Uh-huh.
21 Q -- how many horses were you boarding when you
22 first came up?
23 A When I first came to meet Michael, you mean?
24 Q Yes, in New Jersey.
25 A In New --

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1 Q How many actual horses were in his stable?
2 A Two, the same two from Florida.
3 Q So --
4 A Prior.
5 Q -- and -- and the same arrangement basically
6 held true, correct?
7 A Correct, until things changed, yes.
8 Q Okay. Boarding two horses for \$5,000 --
9 A Uh-huh.
10 Q -- and a living accommodation, correct?
11 A Correct.
12 Q You brought in two more horses, correct?
13 A There came a time when I purchased a horse from
14 Michael, making that the third horse, or -- sorry --
15 making that the third horse.
16 Q Correct.
17 A So that was a horse that Michael wanted off his
18 hands. I paid for the horse. We agreed that I pay for
19 the horse, the horse gets to stay where he's lived his
20 whole life, and no change is made, training will be
21 included because the horse has shivers, he's got a lot
22 of health issues, yada, yada. Bottom line I say to
23 Michael, here, I'm going to give you this money for
24 this horse, he's got these issues, but he shouldn't be
25 moved from his home. So I buy the horse from Michael,

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1 he then says, okay, you know, you just buy the horse,
2 he'll keep the stall, you'll keep taking lessons on him
3 like usual. Nothing changes.
4 Q Okay. Now what's the name of that horse?
5 A J.T.
6 Q Now correct me if I'm wrong, you're making it
7 sound as if you took some lame horse off -- horse off
8 his hands.
9 A Uh-huh.
10 Q That's -- that's your position?
11 A My position is that the horse had issues, health
12 issues, serious ones, including Cushing's, shivers. I
13 can name a bunch of other things. A really bad case of
14 shivers. And, yes, I bought the horse because I had
15 ridden him all the time, others didn't get along with
16 him, I did. I fell in love with the damn horse --
17 excuse my language -- and I bought him, and Michael
18 agreed that it was probably best because probably he
19 wouldn't get anywhere near the money he would have
20 gotten had the horse not had these issues. So I bought
21 him, paid a lot of money for him, kept him, and then
22 Michael invited me to bring another horse, and then
23 another horse, I guess.
24 Q Okay. Let's -- let's talk about J.T.
25 A Okay, sure.

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1 THE COURT: Fine But be-- before we do that
2 can I see counsel at the bench, please?
3 (Sidebar held off the record.)
4 THE COURT: Mr. Bilinkas, go to another area,
5 please.
6 BY MR. BILINKAS:
7 Q All right. So 2019 you have two horses, you
8 buy J.T., which makes a third horse, correct?
9 A Correct.
10 Q You're still only paying \$5,000, correct?
11 A Five thousand, plus the thirty or forty that I
12 just paid Michael for the horse that I had gotten, yes.
13 Q Okay. That has nothing to do with the
14 monthly fee that you're paying. That's a purchase,
15 correct?
16 A No, that -- that's correct. It's not a monthly
17 fee. That was a one-time payment.
18 Q Okay.
19 A Done, finished, horse sold, finished.
20 Q Okay. And -- and then you get another horse,
21 correct?
22 A No, I already ha-- well, no, I already owned those
23 horses.
24 A Did you bring another horse to Barisone's
25 facility?

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1 A Yes, I brought a fourth horse named Cintra
2 (phonetic).
3 Q When was that -- when was that?
4 A May -- there's a post on Facebook, actually, so
5 you should have it, where she actually arrived that
6 day, and really --
7 Q What day?
8 A Whatever the day it was, maybe June 7th, I want to
9 say. No, it was -- I don't remember. The were -- I
10 don't know. I don't recall.
11 Q Okay. But sometime in June, correct?
12 A I believe in June. It might have been a bit
13 earlier.
14 Q And -- and can I assume that you started
15 paying \$2,500?
16 THE COURT: Mr. Bilinkas, I just ruled on
17 this.
18 MR. BILINKAS: Judge, it's --
19 THE COURT: This is not -- I find it's not
20 relevant, for the reasons I just stated at sidebar.
21 MR. BILINKAS: Judge, this is totally
22 different.
23 (Sidebar held off the record.)
24 THE COURT: All right, Mr. Bilinkas, move on.
25 My ruling stands. I don't find it relevant.

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1 BY MR. BILINKAS:

2 Q Ms. Kanarek, at some point in time you start
3 bad-mouthing Michael Barisone to people in the industry
4 and on social media, correct.

5 A Correct.

6 Q You tell people that he abuses and neglects
7 horses, correct?

8 A I don't know if I said all of that, but it could
9 be correct. It did happen, so -- and I said it.

10 Q You -- you even called him a -- a criminal.

11 A I don't believe I called him a criminal. It's
12 possible, though. I'm not going to say it never
13 happened.

14 Q Well, did you claim that that flood that
15 occurred at the farmhouse, when he was in Florida with
16 Mary Haskins, was an insurance scam?

17 A Yeah, I probably claimed that on Facebook
18 somewhere, yes.

19 Q You -- you probably? You don't have a
20 specific recollection --

21 A No.

22 Q -- with telling people that he committed
23 insurance fraud?

24 A No, I only have the specific recollection of what
25 he himself said about it. I don't remember whether or

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1 not I decided to go blog it on Facebook about it that
2 day or not. Maybe I did, I sometimes do, it's not my
3 best choice, but it could have happened.

4 Q Now -- and you realize insurance fraud is a
5 crime, correct?

6 A Oh, yes, I realize that.

7 Q And -- and so when I asked you the question
8 did you accuse him of a crime you realize by calling
9 him someone who's committed insurance fraud, that that
10 is accusing him of a crime, correct?

11 A I mean, yeah, I didn't go to the police about it
12 and report him, you know, because then if I didn't have
13 exact proof I didn't want to be accused of making some
14 like erroneous report, so I was expressing my feelings
15 on it based on what we had heard him say to us himself.
16 And we very much believed that at one point he did not
17 want the information that we had about that getting
18 out.

19 Q All right. Well, then you told everybody on
20 social media whatever you thought you had, correct?

21 A Probably.

22 Q You contacted SafeSport, the town, maybe
23 other agencies. Did you ever contact the insurance
24 company and give them this evidence that you had?

25 A No, I did speak to the insurance adjuster, though,

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1 and he made it very clear that he had some -- I don't
 2 know, I don't -- I don't know how to articulate it --
 3 he had some arrangement with Michael, and he could not
 4 discuss it, and he left. But we -- I just wanted to
 5 ask him a couple of questions, and he wasn't having it,
 6 so I left it all at that point.

7 Q You -- you just said that you were aware of
 8 the fact that Michael Barisone didn't even negotiate
 9 the fraud claim. There was a private adjuster that did
 10 that, correct?

11 Q I'm sorry.

12 A You talked to him, the private --

13 Q There was somebody that said they were a
 14 private adjuster.

15 MR. SCHELLHORN: Judge, I -- I'm going to
 16 object at this point to the relevance, because I think
 17 this is getting far afield.

18 MR. BILINKAS: Judge, I'm just questioning
 19 her answers to the questions as to what she knew and
 20 what she said. And, again, it's been brought out that
 21 she accused him of insurance fraud. Now --

22 THE COURT: That's what's relevant so move
 23 on. Sustained.

24 MR. BILINKAS: Okay.

25 BY MR. BILINKAS:

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1 Q Now three days before the shooting were you
 2 posting on Facebook that everything from my life,
 3 livelihood, and even riding career, have all been
 4 threatened should I refuse to adhere to the things I've
 5 been put through constantly?

6 A Uh-huh. I did, yes, write that.

7 Q And -- and who was threatening your life?

8 A And livelihood, as you read? Michael Barisone and
 9 his girlfriend Mary Haskins.

10 Q And -- and how were they doing that?

11 A Several ways. They were calling barns and
 12 trainers from Michael's higher-up, powerful, like
 13 Olympian friends, to your average, you know, next-door
 14 barn telling them we're menaces, or torturing them, or
 15 terrorists, and then at the same time, you know, making
 16 it like we need to leave, or they didn't want us there,
 17 so I guess in -- the best way to describe it is it was
 18 -- it was like a trying -- they were trying -- we felt
 19 they were trying to like trap us there, saying, oh, you
 20 know, you have to leave, my girlfriend doesn't like
 21 you, but oh, yeah, you also can't go anywhere else
 22 because we've been calling every single place telling
 23 them don't take their horses. That was happening.
 24 Then the girlfriend was calling -- not just calling,
 25 Michael and the girlfriend weren't just calling, they

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1 were actually going so far as to cyber-stalk all of my
 2 social media pages back to -- up to like five years, to
 3 see if I ever had a conflict with anyone, and then get
 4 that person involved in this dispute, whether I had not
 5 spoken to that person in five years, two years, 10
 6 years, it didn't matter, they were doing things that
 7 were not okay by any of the governing bodies of the
 8 sport, by any of the governing bodies of all the
 9 sports, and, quite frankly, by the law since they were
 10 cyber-stalking my page.

11 Q When -- when you say cyber-stalking your
 12 page, first of all --

13 A Uh-huh, and my life.

14 Q -- you indicated that they were con--
 15 contacting people that knew you, correct?

16 A I don't know who -- among them, yes.

17 Q Okay.

18 A And, also, other people. Michael wrote in a text
 19 message to some woman --

20 Q How did you see the text message?

21 A Twitter. It was posted publicly on Twitter --

22 Q Okay.

23 A -- that Michael posted literally these words: I'm
 24 a very big guy in the Olympics, I have a lot of power
 25 here, whatever, I -- I'm good friends with the head --

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1 with the CEO Murray Kessler, and the Chief of Staff, or
 2 the Chief Counsel Sonja Keating, I have a lot of power
 3 there. Like basically, once you've gone to the
 4 Olympics you have all this power, so, um, you know, I'm
 5 going to be able to do whatever I want, encouraging
 6 this person.

7 Q He said, I'm going to be able to do whatever
 8 I want in that Twitter?

9 A Something like that. I'm -- I'm paraphrasing most
 10 of these things, you know, like you sort of have a
 11 little bit, but, um, yes, in the instance that you're
 12 discussing, yes. On Twitter it's public, posted
 13 publicly, the text message that Michael Barisone wrote
 14 to this person saying, Mary Haskins said she found you
 15 online, she's never met you. I'm this big guy in
 16 Olympic sports, I have a lot of friends, I'm good --
 17 best friends, or good friends, with the head counsel
 18 Murray Kessler, who's the CEO, um -- I'm a -- oh, the
 19 lead counsel Sonja Keating, good friend, as well,
 20 basically asserting his power, that he's this big
 21 Olympian who can bully us paeans into submission, and
 22 in whatever way he wants, on an anger tan-- or temper
 23 tantrum, and get others involved in doing it, which
 24 with SafeSport is an abuse of power, which to the law,
 25 I'm sure, is cyber-stalking, I don't know, and to USEF,

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1 our oversight body, but also the weaponization of the
 2 oversight body, and a violation of their code, all he
 3 well knows.
 4 Q Right. And -- and -- and you think that by
 5 him contacting these people, and -- and talking to them
 6 about you, and what is going on, specifically the
 7 postings that you're making, the bad-mouthing that
 8 you're doing of him and all his staff, that there's
 9 something inappropriate with him checking you out, or
 10 conducting an investigation as to who you really are?
 11 A I'm sorry, I missed -- I missed the question in
 12 that.
 13 Q That's the reason that you just stated in
 14 your last answer is the reason why you claimed in this
 15 post that your life and livelihood have all been
 16 threatened?
 17 A Yes, when an Olympian blatantly says to someone in
 18 a text message, I am going to ruin this person's life --
 19 --
 20 Q Who said that?
 21 A Michael said it. He said --
 22 Q There was a text out there, or any post,
 23 where Mi--
 24 THE COURT: Would let -- let her finish, Mr.
 25 Bilinkas, please?

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1 MR. BILINKAS: Okay. I'll withdraw the
 2 question.
 3 BY MR. BILINKAS:
 4 Q Is there any post --
 5 A Actually, I do believe there is a text out there
 6 that he wrote.
 7 Q Okay. Did you give that text to the
 8 prosecutor for him --
 9 A No.
 10 Q -- to use in this court -- courtroom?
 11 A No, I did not.
 12 Q Where is that text that you just said Michael
 13 Barisone said he was going to ruin your life?
 14 A Well, we heard him saying it. We heard he texted
 15 people this, saying he's going to ruin our lives and
 16 "find a way to make our lives hell." We got wind of
 17 the fact that he was, in fact, doing that when we spoke
 18 to another person, who I'm not going to bring into it
 19 at the moment
 20 -- I'm sure it will come in later. But, like I said,
 21 for all the world to see he put on display by testing
 22 this woman that he is this big guy in Olympics, and
 23 that she, in fact, a person who's not even a horse
 24 person, should immediately call these gov-- a gov-- oh,
 25 sorry -- oversight bodies and make complaints against

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1 us. And this is a person that I had a personal dispute
 2 with, that ended years prior, and was telling her make
 3 this complaint and, don't worry, it's okay, I'm a big
 4 guy in Olympic sports, no one's going to -- That's --
 5 that's how the text reads.

6 Q Well, was -- was that --
 7 A I'm sorry, what was the question?
 8 Q Was -- was that --
 9 THE COURT: Don't even think about going
 10 there, Mr. Bilinkas. Move on.
 11 MR. BILINKAS: Okay.
 12 THE COURT: We're going down a rabbit hole
 13 here.
 14 MR. BILINKAS: Okay.
 15 THE COURT: Move on.
 16 BY MR. BILINKAS:
 17 Q I need -- I need a yes or no answer, if you
 18 can answer that way. Is there a text message to
 19 support what you just said in your last answer, where
 20 Michael Barisone said he was going to destroy your
 21 life, yes or no?
 22 A If I recall correctly, there is.
 23 Q Okay.
 24 A I would not -- I would not swear my life on it
 25 those exact words were used, but I would testify that

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1 some words to that effect were used in the text.
 2 Q And did you tell that to Prosecutor Schell--
 3 Schellhorn?
 4 A I don't know. I honestly don't remember.
 5 Q I mean, we have all of his --
 6 A I'm sure they have many conversations.
 7 Q Are you aware of the fact that we have all of
 8 his texts, your texts --
 9 A Uh-huh.
 10 Q -- Mary Haskins' texts?
 11 MR. SCHELLHORN: Well, I don't -- I don't
 12 know that that's accurate, that we have --
 13 THE COURT: Yeah, I don't -- Mr. Bilinkas --
 14 Ignore that, members of the jury. Ask another
 15 question, please.
 16 BY MR. BILINKAS:
 17 Q Would -- would it surprise you to know that
 18 Michael Barisone doesn't have a Twitter account?
 19 A No, it wouldn't surprise me. He has a Facebook
 20 account, though.
 21 Q Well, you just said you saw it on Twitter,
 22 correct?
 23 A Yes, I saw it posted by another person on Twitter.
 24 Q Another person.
 25 A Yes, a text made by Michael Barisone to this

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1 person, and this person posted a screen-- a photo of
 2 that message on Twitter. In fact, there were several
 3 of them. Some of them are still there. Some have been
 4 deleted and screenshot, some are still there right now.

5 Q All right, let's -- let me ask you this. Did
 6 you ever post something regarding Barisone and Mary
 7 Haskins and then delete it?

8 A Not that I recall, unless Facebook took it down
 9 or, um, a site that thought like a post is
 10 inappropriate unless I edit or delete it. I do not
 11 recall deleting any posts. That's more a Mary Haskins'
 12 thing, but continue.

13 Q Now you just talked about having or listening
 14 to recorded conversations between Michael Barisone and
 15 his staff concerning you.

16 A Uh-huh.

17 Q Did there come a time when you would use
 18 those words to taunt him, his own words?

19 A To taunt him?

20 Q Yes.

21 A No, I would not call it that.

22 Q Okay. What do you call when you pay -- post
 23 private conversations that someone has on social media?

24 A When --

25 Q Do you think that that would have an impact

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1 on --

2 MR. SCHELLHORN: Judge, can she answer the
 3 question?

4 THE COURT: Yes. How many questions? Just
 5 one at a time, let her answer, and then you ask a
 6 followup.

7 MR. BILINKAS: Okay.

8 THE WITNESS: I would think that since in
 9 those very recordings that you're speaking of he
 10 literally
 11 says --

12 BY MR. BILINKAS:

13 Q Listen, I'm not asking you what he says, I'm
 14 asking you --

15 THE COURT: Mr. Bilinkas --

16 THE WITNESS: I can't --

17 MR. BILINKAS: She's not answering the
 18 question, Judge.

19 THE COURT: I -- I don't know because you cut
 20 her off. I don't know if she's answering it or not.

21 MR. BILINKAS: I'll withdraw the question and
 22 ask another one.

23 THE COURT: I think you should withdraw and
 24 move on to another area.

25 BY MR. BILINKAS:

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1 Q Well, Ms. -- Ms. Kanarek --
2 A Yes.
3 Q -- did you post private conversations that
4 you recorded of Michael Barisone on social media?
5 A Yes, I did.
6 Q Did you text him some of the private
7 conversations that you had recorded?
8 A I don't think so. Maybe. I can't imagine I would
9 text him I recorded you saying this, but --
10 Q No.
11 A -- I don't know. I -- I don't know the answer,
12 I'm sorry.
13 Q Let's turn to August 6th, the day before the
14 shooting.
15 A Okay. Um, I -- do I have the --
16 Q No.
17 A Okay.
18 Q I'm -- I'm going to ask you some questions
19 with regards to a face-book post that was posted for
20 everyone to see.
21 A And is this -- I'm sorry.
22 Q And -- and this is the one where you start
23 off where you say, some advice to all couples, never
24 give an ultimatum.
25 A Yes.

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1 Q Do you remember that post?
2 A This is the post you just read a few seconds ago.
3 Q No, this is totally different.
4 A Yes, it is.
5 Q This is --
6 A The six chapters.
7 Q -- August 6th.
8 A Yes.
9 THE COURT: Well, why don't you -- why don't
10 you show it to her so we can get it clear?
11 BY MR. BILINKAS:
12 Q I'm showing your Facebook post Page 31-35.
13 A Yes. And I'll -- if I can point it out. I don't
14 know if I'm allowed to or not.
15 Q I'm going to ask you some --
16 MR. SCHELLHORN: Judge, I think that's Page
17 31-35 of S-402, just so the record is clear about what
18 is being shown.
19 THE WITNESS: Which -- which page? I'm
20 sorry, am I supposed to be on a page?
21 BY MR. BILINKAS:
22 Q Is this your -- read this. Is this your
23 Facebook post? It goes on to the second page.
24 A Yes, this is the one where you read about the
25 homewrecker girlfriend and V.K.?

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1 Q No, this -- this is --
2 A This is the post --
3 Q -- this is a different one. August 6th --
4 A This is -- yes, the six-chapter post that we read
5 and talked about.
6 Q No. We haven't gone over this one.
7 A Okay.
8 Q This is another one.
9 A Okay. If you say so. I take your word for it.
10 Go ahead.
11 Q Okay. August 6th, 2019.
12 A Uh-huh, uh-huh.
13 Q Now you start off this social media post by
14 saying, never give an ultimatum.
15 A Uh-huh.
16 Q Did you hear anyone in your secret recordings
17 give Michael an ultimatum?
18 A I have no idea, probably. Actually, yes, I did,
19 but I don't know how direct they were. I don't know
20 how to answer that question. Yes, there were -- there
21 were ultimatums given within those.
22 Q And -- and you heard that in private
23 conversations.
24 A Correct.
25 Q Who were the ultimatums given by?

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1 A Mary Haskins, in some cases, Michael, I believe,
2 in some other, Mary DeFranco, and quite a few.
3 Q And these were all captured from your locker
4 in the stable area?
5 A That's correct. They would all gather on the
6 bench and discuss things. Why they were doing it in
7 front of my locker I couldn't say, but, I mean, there
8 are horses walking by, so horses typically don't go in
9 living areas, just like --
10 Q Have you listened to all these tapes?
11 There's no horses going by in every tape.
12 THE COURT: Mr. -- Mr. Bilinkas.
13 MR. BILINKAS: Okay. I'll withdraw that.
14 THE COURT: Come on. Enough -- enough of the
15 comments, please. Just ask a question, get an answer,
16 ask another question.
17 BY MR. BILINKAS:
18 Q Now with regards to this post, which is the
19 day before the shooting --
20 A Uh-huh.
21 Q -- you're talking about -- and correct me if
22 I'm wrong -- people that give ultimatums tend to be
23 miserable and insecure people, correct?
24 A Correct.
25 Q And -- and, again, you say -- and correct me

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1 if I'm wrong -- numerous world-class show animals, and
 2 even managed to get the human husband on an alternate
 3 list for a coveted spot in the Olympics and produce
 4 winning competitors prior. And you -- you put in
 5 parenthesis (again, just a random example).
 6 A I don't see where you are, but if you're reading
 7 from it then --
 8 Q Okay. When --
 9 A Yes, I posted this.
 10 Q -- when you posted things like that did you
 11 intentionally make a statement and -- and try to cover
 12 your tracks with another statement like that's only
 13 examples, I'm not talking about you, or using
 14 metaphors? Did you try to disguise who you were
 15 talking about?
 16 A Probably so that it wouldn't be -- so I'll just
 17 leave it at yes, probably.
 18 Q Okay.
 19 A That would make sense.
 20 Q But -- but will you agree with me that it's
 21 clear in this post that you're talking about Barisone
 22 and Haskins?
 23 A It's clear to me, yes.
 24 Q Or to anybody that knows Barisone or Haskins,
 25 correct?

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1 A And that knows I'm training with them, and that's
 2 where I'm located, and that had they made these phone
 3 calls, bad-mouthing us for what we believe is no
 4 reason, they might come to my page and say, okay,
 5 there's another side of the story.
 6 Q Okay.
 7 A And I wouldn't have to say a name or out anybody
 8 so that anyone else would know, but those people that
 9 we discussed were getting phone calls that were not
 10 involved in anything going on, would maybe come to my
 11 page and say, okay, that -- I'm -- there's more to this
 12 than what we're hearing from their side at the moment.
 13 Q Okay. And -- and -- and is it true that when
 14 you're making these posts you always try to qualify
 15 things, to a certain exta-- extent, to protect
 16 yourself, correct?
 17 A Yeah, probably, yeah.
 18 Q Okay. Like, for instance, where you said
 19 here, upon this hypothetical "husband" return he had in
 20 tow with him a much younger woman who hosted said
 21 clinic, not pretty on the outside, or nice on the
 22 inside, just spiteful, adulterous, and insecure. Did
 23 you say that about Mary Haskins?
 24 A Yes.
 25 Q Now did you say that after the divorce that

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1 Mary Haskins, she began discussing plans to remodel the
 2 home her boyfriend once shared with his wife?
 3 THE COURT: Mr. Bilinkas, let me see you at
 4 sidebar, please.
 5 (Sidebar held off the record.)
 6 THE COURT: Is this a good time to break, Mr.
 7 Bilinkas? It's 4:25.
 8 MR. BILINKAS: Judge, I -- I think it is.
 9 THE COURT: All right.
 10 MR. BILINKAS: And it's my wife's 65th
 11 birthday.
 12 THE COURT: Well, we don't -- we don't need
 13 to get into that. Just tell me, yes, it's time to
 14 break.
 15 MR. BILINKAS: Yes, time to break.
 16 THE COURT: All right. Ladies and gentlemen,
 17 we'll break for today. Please don't discuss the case,
 18 all right? We'll see you tomorrow morning, same time.
 19 (End of Requested Portion)

CERTIFICATION

I, Catherine J. Weigel, the assigned transcriber, do hereby certify that the foregoing transcript of proceedings in the Morris County Superior Court, on March 30, 2022, digitally recorded, from Time Index 10:51:28 - 12:34:10, 1:41:37 0 1:45:00 and 3:06:50 - 4:25:50, is prepared in full compliance with the current transcript format for judicial proceedings and is a true and accurate transcript of the proceedings as recorded to the best of my knowledge and ability.

/s/ Catherine Weigel

Catherine Weigel AOC#490
 Elite Transcripts, Inc.
 Butler, NJ 07405

May 19, 2022

STATE OF NEW JERSEY v. MICHAEL L. BARISONE -- March 31, 2022
Testimony Only of Lauren Kanarek and Robert Goodwin

Sheet 1

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, CRIMINAL PART
MORRIS COUNTY
INDICTMENT NO. 19-12-00999-I
APP. DIV. NO. _____

STATE OF NEW JERSEY,)
)
Plaintiff,)
)
vs.)
)
MICHAEL L. BARISONE,)
)
Defendant.)

TRANSCRIPT
of
TRIAL TESTIMONY
OF LAUREN KANAREK
AND ROBERT GOODWIN

Place: Morris Co. Courthouse
Washington & Court Sts.
Morristown, NJ 07963

Date: March 31, 2022

BEFORE:

HONORABLE STEPHEN J. TAYLOR, P.J.S.C. AND JURY

TRANSCRIPT ORDERED BY:

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Testimony Only of Lauren Kanarek and Robert Goodwin

Sheet 2

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STATE VS. BARISONE

1 L A U R E N J K A N A R E K, STATE'S WITNESS, SWORN

2 THE CLERK: Please state your name and spell

3 your last name for the record.

4 THE WITNESS: Lauren J. Kanarek. Last name,

5 K-A-N as in Nancy A-R-E-K.

6 THE CLERK: Thank you.

7 THE COURT: All right. You may have a seat,

8 ma'am.

9 THE WITNESS: Thank you, sir.

10 THE COURT: All right. Very good. Counsel?

11 MR. BILINKAS: Thank you, Judge.

12 CROSS-EXAMINATION BY MR. BILINKAS:

13 Q Uh, good morning, Ms. Kanarek.

14 (Echo Sounds)

15 THE WITNESS: Good morning, Mr. Bilinkas.

16 (Attorney's Confer)

17 BY MR. BILINKAS:

18 Q Ms. Kanarek, --

19 A Yes, sir.

20 Q -- did you ever threaten Mary Haskins

21 (phonetic)?

22 A No.

23 Q Did you ever threaten Michael Barisone?

24 A No.

25 Q Do you consider some of the posts you put on

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1 social media threats?
2 A I think it -- someone could perceive it that way,
3 yeah.
4 Q So are you saying now that you did threaten
5 them?
6 A No, that's not what I'm saying. I said I did not
7 threaten Michael Ma-- Barisone or Mary Haskins. You're
8 asking, I think -- could you repeat that --
9 Q Okay. Let --
10 A -- second question --
11 Q -- let --
12 A -- again?
13 Q -- let me rephrase it. Do you consider the
14 social media posts that you were posting threatening to
15 both Barisone and Mary Haskins?
16 A I can consider them -- they could be perceived as
17 threatening.
18 Q And did there come a time when you knew that
19 Michael Barisone was scared?
20 A No.
21 Q Was it your intention to scare Michael
22 Barisone?
23 A Um, maybe it -- at a poi-- at a point.
24 Q What point was that?
25 A I don't recall. After being bullied and tortured

7

STATE VS. BARISONE

1 for weeks and days.
2 (Attorney's Confer)
3 BY MR. BILINKAS:
4 Q Ms. Kanarek, I'm gonna show you Exhibit
5 200C-32 and direct your attention to Item Number 2090.
6 MR. BILINKAS: May I approach, Judge?
7 THE COURT: Yes.
8 BY MR. BILINKAS:
9 Q Can you take a look at Number Item (sic)
10 2090? They're listed on the left by numbers.
11 A Yes, I see.
12 (Attorney's Confer)
13 THE WITNESS: Is this a phone call?
14 BY MR. BILINKAS:
15 Q A text message from your phone.
16 A Oh. This phone, outgoing. Okay. I -- it's hard
17 to read this, um, map. I guess I'll (indiscernible) --
18 yes, I see.
19 Q Okay. And does that refresh your
20 recollection as to whether or not, on July 25th, 2019,
21 that you, your boyfriend, and your father were aware
22 that Michael Barisone was scared?
23 A I'm ju-- I'm sorry. Could you just give me one
24 second?
25 (Attorney's Confer)

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1 THE WITNESS: Sorry. I was just reading the
2 context here. Are you --
3 BY MR. BILINKAS:
4 Q Okay. Ir-- irrespective of the context,
5 isn't it a fact that on that date, July 25th, 2019, --
6 A Uh-huh.
7 Q -- and you, your boyfriend, and your dad were
8 aware of the fact that Michael Barisone was scared?
9 A It seems in this text message 'cause it says,
10 Michael is scared. So --
11 Q Who wrote that text message?
12 A I believe I wrote it.
13 Q When -- when you say, I believe --
14 A Yes.
15 Q -- I wrote it --
16 A Yes.
17 Q -- is there any question in your mind that
18 the records of your cell phone indicate exactly what
19 you wrote on that day?
20 A No. I was just confused because I wasn't sure if
21 this number was me sending the text or the oth-- other
22 person sending the text that we were talking in
23 conversation.
24 Q Okay. So irrespective of --
25 A Yes.

9

STATE VS. BARISONE

1 Q -- who said it, all four of you knew that
2 Michael Barisone was scared on that day, correct?
3 A I wrote the words, yes, Michael is scared.
4 Correct.
5 Q Now, on August 5th, two days before the
6 shooting, were you also aware that Michael Barisone was
7 scared?
8 A Possibly. We thought -- perceived that. It's
9 possible.
10 Q I show you Exhibit D-100C-10.
11 MR. BILINKAS: May I approach, Judge?
12 THE COURT: Yes.
13 THE WITNESS: Do you need this one back?
14 BY MR. BILINKAS:
15 Q I'm gonna show you this exhibit --
16 A Sure.
17 Q -- and refer you to Item Number 910 from your
18 phone, and ask you to read that to yourself there.
19 A Ye-- yeah. Your (indiscernible) -- I can read.
20 What date was this? I'm sorry.
21 Q August 5th, two days before the shooting.
22 A Before the shooting.
23 Q -- the shooting.
24 A That's what I thought. Okay, yes. Um, so I --
25 should I read what I wrote?

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1 Q No. I'm asking you, were you aware that
2 Michael Barisone was scared?
3 A It seems that it was perceived that way.
4 Although, again, given the context, I guess -- I'll --
5 I'll just say -- I'll leave it at yes, it could be
6 perceived that way.
7 Q Okay. When you say perceived, is there any
8 doubt in your mind that on the day reflected on this
9 document you indicated that you were aware that Michael
10 Barisone was scared?
11 A Yes. Wh-- in this message it seems to say he --
12 can I -- can I read this just so --
13 Q No.
14 A -- would that be okay?
15 Q No. I'm asking you a specific question, if I
16 may.
17 A Sure.
18 Q Okay. Was Michael Barisone scared --
19 A Okay.
20 Q -- two days before --
21 A Yes.
22 THE COURT: Hold --
23 BY MR. BILINKAS:
24 Q -- the shooting?
25 THE COURT: -- hold on.

11

STATE VS. BARISONE

1 MR. SCHELLHORN: Judge, I'm going to object.
2 THE COURT: That -- that's not the question.
3 MR. BILINKAS: All right. I'll rephrase it,
4 Judge.
5 THE COURT: No, it's -- it's what she said,
6 --
7 MR. BILINKAS: All right.
8 THE COURT: -- her perception. She can't
9 testify about the defendant's state of mind, only her
10 perception. Rephrase your --
11 MR. BILINKAS: I'll -- I'll --
12 THE COURT: -- re--
13 MR. BILINKAS: -- withdraw the question.
14 THE COURT: All right. It's withdrawn.
15 BY MR. BILINKAS:
16 Q Ms. Kanarek, --
17 A Yes.
18 Q -- your perception of Michael Barisone two
19 days before the shooting was that he was scared,
20 correct?
21 A Sure, yes.
22 Q On the day before the shooting, was it your
23 perception that Michael Barisone was deathly afraid of
24 your father?
25 A I'm sorry. Can you repeat the question again?

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1 Q Okay. On August 6th, --

2 A Yes.

3 Q -- was it your perception, based on your

4 observations of Michael Barisone, that he was deathly

5 afraid of your father?

6 A I would not say that he was deathly afraid, but I

7 do think he was afraid of my father. So if it's

8 written somewhere, it's an exaggeration.

9 Q If I can approach, I show you Exhibit 200C-47

10 --

11 A Sure.

12 Q -- and ask you to look at Item Number 512.

13 A Yes, sir. Yes, that's exactly what I thought I

14 probably wrote.

15 Q Was your perception, the day before the

16 shooting, of Michael Barisone that he was deathly

17 afraid of your father?

18 A Was it my perception?

19 Q Yes.

20 A Is my perception that Michael was afraid of my

21 father? Beca-- it's -- I don't know if this is another

22 example. Can I read these?

23 THE COURT: No, ma'am. Just -- just answer

24 the questions --

25 THE WITNESS: Okay. Then --

13

STATE VS. BARISONE

1 THE COURT: -- that's asked. If there's any

2 follow-up needed, --

3 THE WITNESS: Okay.

4 THE COURT: -- the State can follow-up with

5 questions.

6 THE WITNESS: Okay.

7 THE COURT: So just answer the --

8 THE WITNESS: Sure.

9 THE COURT: -- the --

10 THE WITNESS: No problem.

11 THE COURT: -- counsel's questions. Okay?

12 THE WITNESS: Yes, it was --

13 THE COURT: Thank you.

14 THE WITNESS: -- my perception at this time

15 that he was afraid of my father.

16 BY MR. BILINKAS:

17 Q When you say afraid, would you agree with me

18 that there are varied -- varying degrees of fear,

19 correct?

20 A Correct.

21 Q And -- and can you tell the jury how you

22 described your perception of Michael Barisone's fear of

23 your father?

24 A It was described the way that it was just read.

25 Q Can you des--

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1 A He was deathly afraid. That's what was written.
2 Q Now, yesterday the Prosecutor introduced a
3 photograph of your -- your dog. Do you recall that?
4 A I do.
5 Q And it was a picture, uh, taken probably, uh,
6 many feet away with -- with your dog, uh, just sitting
7 there, correct?
8 A Correct.
9 (Attorney's Confer)
10 BY MR. BILINKAS:
11 Q Ms. Kanarek, I -- I show you Defense Exhibit
12 800D-1 --
13 A Okay.
14 Q -- and ask you if this is another picture of
15 your dog.
16 A Yes, it is.
17 Q How about 800D-2?
18 A Oh, she's yawning. Yes, that is also my dog.
19 Q You -- you describe that as a yawn --
20 A Um, --
21 Q -- in that photograph? And I'm referring to
22 800D-2.
23 A That is a yawn. That's exactly what that is.
24 Q That's something that you -- you posted,
25 correct?

15

STATE VS. BARISONE

1 A Yes, I posted this.
2 Q Now, what type of dog is that?
3 A Um, a Dach-- a Dachshund, which is like the weeny
4 dog kind of thing -- a Dachshund and a mini Rottweiler.
5 She's basically a mutt. Um, but those are the things
6 that the ASPCA said that she was when we rescued her.
7 Q Well, did you ever put on social media that
8 she was a Doberman mix?
9 A Maybe. Somebody might have asked us and we said,
10 yes, possible.
11 Q Did you describe her as a guard dog?
12 A Yes.
13 Q The nighttime army.
14 A Uh, I'm sorry.
15 THE COURT: Mr. -- Mr. Bilinkas, is -- come
16 and see me at the bench, please.
17 (Sidebar)
18 (Sidebar inaudible. Microphone not turned on)
19 (Sidebar Concluded)
20 THE COURT: Counsel?
21 BY MR. BILINKAS:
22 Q Now, Ms. Kanarek, --
23 A Yes, sir.
24 Q -- during this incident, that dog was outside
25 at some point, correct?

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1 A Correct.

2 Q And will you agree with me that he (sic)

3 attacked Michael Barisone?

4 A Yes.

5 Q He (sic) was biting him. His (sic) teeth

6 were -- were grabbing his body, correct?

7 A Yes, her teeth were nipping at him and biting at

8 him. Correct.

9 Q Did you see that dog biting at his groin area

10 next to his genitals?

11 A No, I did not see that.

12 Q Where did you see this dog biting Michael

13 Barisone?

14 A I mostly saw her biting him and Robert in, I

15 guess, just random places while barking. I -- I was

16 really losing a lot of blood, so I -- it's not clear as

17 to where exactly she was, you know, nipping around.

18 Sorry.

19 Q Well, will you agree with me that when you

20 were talking to the Prosecutor about what exactly

21 happened on this day, that you neglected to mention

22 that your dog was biting Michael Barisone?

23 A I don't think I neglected to mention it. It

24 didn't -- it wasn't at the forefront of my mind and I

25 wasn't asked, so I didn't answer.

17

STATE VS. BARISONE

1 Q So you'll agree with me that contained in

2 your detailed statement of the event, which you've

3 reviewed, that nowhere did you mention that your dog

4 attacked Michael Barisone?

5 A I -- I don't know exactly jus-- I'm sorry. Could

6 you just repeat that question --

7 Q Sure.

8 A -- one more time?

9 Q Sure.

10 A It's a little confusing.

11 Q You've reviewed your transcript of your

12 interview with the Prosecutor's Office, correct?

13 A Um, I -- I'm not sure if I reviewed the

14 transcript. I watched a video.

15 Q Okay. And will --

16 A So --

17 Q -- you agree with me --

18 A Yes.

19 Q -- that throughout that entire video, when

20 you were questioned with regards to the specific

21 instance, --

22 A Uh-huh.

23 Q -- nowhere in that video did you mention that

24 your dog attacked Michael Barisone?

25 A I don't remember. It was right after I got out of

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1 the hospital. If -- if it's not in there, it was
 2 probably not the first thing on my mind to say about
 3 what happened when you got shot by the shooter who shot
 4 you. Mentioning a dog barking was probably not the
 5 first thing -- or not -- um, nipping was probably not
 6 the first forething in my mind.

7 Q When -- when you say nipping, what do you
 8 mean by that?

9 A I mean nipping. Like, just, like, you know,
 10 barking, just nipping at the people that were involved
 11 in what was going on at that moment, which was not me
 12 at that very moment.

(Attorney's Confer)

13 MR. SCHELLHORN: Judge, I'm going to object
 14 to this photo being shown to the witness.

15 THE COURT: You're gonna have her comment on
 16 a photo of an injury and her characterization of it?
 17 Not qualified to do that, Mr. Bilinkas.

BY MR. BILINKAS:

18 Q So, Ms. Kanarek, based on your recollection
 19 of the events, it's your testimony that your
 20 observations of your dog were that he (sic) was just
 21 nipping at Michael Barisone?

A Yes.

22 Q Wa-- was he (sic) nipping hard enough to
 23
 24
 25

19

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1 break the skin based on what you saw?

2 A I have no idea. They were all wearing clothing,
 3 so I don't -- I have no idea.

4 Q Now, on the 6th, did that dog attack Dr. Cox?

A I believe --

MR. SCHELLHORN: Objection.

6 THE COURT: Again, didn't I rule on this
 7 already, Mr. Bilinkas?

(Sidebar)

8 (Sidebar inaudible. Microphone not turned on)
 9 (Sidebar Concluded)

BY MR. BILINKAS:

10 Q -- that you had with regards to Michael
 11 Barisone. Um, was -- part of your plan to destroy
 12 Michael Barisone was to contact DYFS or DCPD?

A No, it was -- no. No, actually.

Q Did you, in fact, contact DYFS?

A I, in fact, did not contact DYFS.

17 Q On July 10th, 2019, did you search on your
 18 phone for the DYFS Hotline?

19 A I don't recall. I don't believe so, but I don't
 20 recall.

21 Q On July 31st, do you recall searching DYFS
 22 Anonymous Hotline?

23 A I do not recall, but it's possible.
 24
 25

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1 Q I'm gonna show you what has been marked, uh,
2 Defense Exhibit 200D-1 and I'm gonna refer you to Item
3 Number 83.
4 A Sure.
5 THE COURT: What's that number, counsel?
6 MR. BILINKAS: Eighty -- 83, Judge.
7 THE COURT: Okay.
8 MR. BILINKAS: It's July 31st.
9 THE WITNESS: This is -- is it a search or
10 something, not a -- not a phone call?
11 BY MR. BILINKAS:
12 Q I asked you specifically, did you --
13 A Yes.
14 Q -- search for --
15 A I --
16 Q -- DYFS's Anonymous Hotline on that day?
17 A And I didn't recall. Now you've shown me. Now I
18 recall.
19 Q Did you also search for DYFS's Hotline on
20 July 10th?
21 A Possibly.
22 Q I'm showing you the same exhibit. I'm
23 referring you to Item Number 206 and ask you if that
24 refreshes your recollection --
25 A Sure.

21

STATE VS. BARISONE

1 Q -- as to whether or not you were searching
2 for DYFS's Hotline on that day, the 10th.
3 A It's a different -- sa-- different day or --
4 Q Different day.
5 A Yes.
6 Q So when you say possibly, you did, in fact,
7 search for DYFS's number on those two occasions,
8 correct?
9 A It looks that way, yes.
10 Q Well, when you say, it looks that way, is
11 there any doubt in your mind, based on those records,
12 --
13 A Uh-huh.
14 Q -- that I just showed you, that you did, in
15 fact, do that?
16 A There is doubt in my mind. But, again, it is on
17 my record, so it was searched from my phone.
18 Q Okay. Wha-- what is the doubt in your mind?
19 Can we talk about that for a second?
20 A Sure. What -- what would you like me to say?
21 Q Well, what's the doubt --
22 THE COURT: Well, let him --
23 BY MR. BILINKAS:
24 Q -- in your --
25 THE COURT: -- let him ask the question.

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1 THE WITNESS: Okay.
2 BY MR. BILINKAS:
3 Q -- what is the --
4 THE COURT: Go ahead. Ask the question.
5 BY MR. BILINKAS:
6 Q -- doubt in your mind, after looking at those
7 records, that you, in fact, were searching for DYFS's
8 Anonymous Hotline?
9 A The doubt in my mind is this. Earlier that year
10 Justin Harden, Michael's assistant trainer, had stolen
11 my phone at a restaurant. And we caught him. I -- we
12 called it and we found him in his vehicle braking into
13 my phone and going through it, just like a month or two
14 before, around. So while, yes, it's possible that I
15 was just simply searching for a Hotline number or just
16 cert-- making inquiries online, it's also possible that
17 Justin Harden, who does possess phone technological
18 skills that I do not, after having stolen my phone and
19 broken into it just right before this, may have been
20 able to do things on my phone that I did not. And so
21 that's the only reason I'm saying this. I don't know
22 whether that's true. It could have definitely been me.
23 But there's always the -- a doubt in my mind in regards
24 to things that were done after that phone was stolen.
25 Q On two separate occasions?

23

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1 A It seems that way, yes.
2 Q Now, on the 6th, --
3 A Uh-huh.
4 Q -- you're aware of the fact that, uh, the
5 townspeople came to this facility, correct?
6 A Correct.
7 Q Can you inform the jury how that came about?
8 A Sure. So at this point no one is speaking. Uh,
9 Michael's girlfriend at the time -- and -- and Michael,
10 but mostly the girlfriend, a couple -- together had
11 told the staff members apparently not to respond to any
12 of our messages. No-- if we had a question about fees,
13 don't respond, nothing.
14 We learned that -- I think we were doing night
15 check -- that there was a -- a wa-- a dryer and a
16 washing machine, but a dryer -- a clothing dryer that
17 was plugged in in the on position and would not turn
18 off. And, as a horse owner, that is your biggest fear,
19 a barn fire. That is all you think about. We texted
20 -- or I -- excuse me. I texted one of Michael's main
21 staff members. This -- Cassandra, we overheard you
22 telling Bruce that a dryer is not turning off. And
23 she's sleeping, she didn't hear you. And that will
24 definitely cause a fire. Could you please just confirm
25 that the -- you've turned it off or it's unplugged,

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1 anything, just so I can go to sleep for the night?
 2 Basically. She does not answer me. I think I texted
 3 her again saying, Cassandra, please, I'm really, really
 4 worried about this. The dryer is on. It cannot be on
 5 the on position while plugged in, just going and going
 6 in -- all night long in the stable area where all my
 7 horses are. Again, she ignores me.

8 I believe I might have texted Michael, also. And
 9 if I did, it was certainly ignored.

10 And if -- I think the following day or the --
 11 maybe the day prior -- whenever this incident happened
 12 and -- there was zero response. Nobody was letting us
 13 know just -- yeah, it's fine, it's off, you are good to
 14 go.

15 It was my decision to let the Fire Marshall know
 16 that a fire hazard is going on. They are not answering
 17 us and we need to take it to a different level and
 18 bring it to the attention of the Fire Marshall.
 19 Because that's how scary it was for us at this time --
 20 at that time.

21 Q Isn't it a fact that part of your plan to
 22 destroy Michael Barisone was to get him kicked out of
 23 the stable area and make him homeless?

24 A Maybe.

25 Q Maybe?

25

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1 A Yes, maybe.

2 Q So would you agree with me that it's a little
 3 bit more than maybe a washer or a dryer causing an
 4 issue than what you just testified to?

5 A Uh, no. Because we had no idea that that would be
 6 a result of calling the Fire Marshall and build-- or
 7 Building Inspector. So I would not say it was a plan
 8 to get him evicted from -- at least not my plan -- to
 9 get him evicted from the barn. We simply called Fire
 10 Marshall and Building Inspector. I have no idea what
 11 the Building Inspector thing was exactly. Um, that
 12 wasn't my forte. But the Fire Marshall part of it was.

13 MR. BILINKAS: If I could approach, Judge?

14 BY MR. BILINKAS:

15 Q I'm gonna show you D Exhibit --

16 THE COURT: Sure.

17 BY MR. BILINKAS:

18 Q -- 100

19 A Sure.

20 Q -- E-2.

21 A Yes. I'm sorry.

22 Q Is this a one and a half page letter --

23 A Uh-huh.

24 Q -- that you wrote to the Building Department
 25 and Fire Marshall?

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1 A Yes, I -- I wrote this. This is my handwriting.
2 Correct.
3 Q So, first of all, there was a lot more than a
4 -- a call, correct?
5 A There was this let-- this letter, as well. And
6 I'm not even sure if there was a call, actually. But
7 there was -- we notified them. I should have used that
8 word.
9 Q Okay. So when you --
10 A I apologize. They were notified.
11 Q -- when you just testified that you called
12 them, that was incorrect?
13 A I -- I misspoke. I'm sure if we actually called
14 or -- I should have said notified.
15 Q Okay.
16 A Call is probably the wrong choice of words.
17 Q Wh-- when you say notified, did you send the
18 town a detailed letter with regards to various issues
19 at both the house and the stable?
20 A Yes.
21 Q Did you inform them that the condition was
22 dangerous and possibly illegal?
23 A Could you just repeat the question? I wasn't sure
24 if you said which area we were referring -- to which we
25 were referring.

27

STATE VS. BARISONE

1 Q Would you agree with me that this letter sets
2 forth numerous things that you alleged create a
3 dangerous situation at --
4 A Yes. That would be --
5 Q -- both the house and the stable area?
6 A -- that would be a correct statement, yes.
7 Q And part of this has to do with the
8 construction that is currently going on, correct?
9 A Um, correct.
10 Q And isn't it a fact that your boyfriend was
11 doing a lot of the work?
12 A He -- pretty much all of it. But most of it, yes.
13 Correct.
14 Q You -- you basically indicated to them that
15 it's a very dangerous and illegal situation, correct?
16 A I'm just reading back. Um, yes, that was written.
17 I was -- I was just noticing, um, it was Robert Goodwin
18 that actually wrote it, but that's, I guess, not
19 important. Yes.
20 Q But when you say Robert Goodwin actually
21 wrote it, doesn't your signature -- your signature
22 appear on it right below his as a witness to this --
23 A Yes.
24 Q -- letter?
25 A Yes.

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1 Q And -- and who drafted this letter, you or
 2 Robert?

3 A Um, we drafted it together. Um, it was supposed
 4 to be typed. So I -- it wasn't supposed to be written
 5 like this. But it was drafted by both of us.

6 Q Did you have Robert personally go down to the
 7 town --

8 A I didn't have --

9 Q -- and talk to these people?

10 A -- I didn't have Robert do anything. I simply
 11 wrote a letter that we both composed together that, I
 12 think, expressed our concerns over several things.

13 Q Okay. And, by doing that, you knew that
 14 quite possibly Barisone would be kicked out of the
 15 stables, correct?

16 A Incorrect. We did not know that was going to be a
 17 result of anything. We just wanted them to check
 18 things out. And my mamu-- uh, my main concern was,
 19 again, the fire hazard, which is the first paragraph.

20 Q So on -- on the 6th, the day before the
 21 shooting, the town people actually came, correct?

22 A I believe so. I -- I believe that was the date is
 23 what I'm saying.

24 Q Well, you -- you were on the property that
 25 day, correct?

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1 A Yes. I -- I just don't remember if it was that
 2 day or the day before. But they were there.

3 Q And when those people came, did Rob Goodwin
 4 show them around and point out the hazardous
 5 conditions?

6 A If he did -- I wasn't with him. So if he did, I
 7 don't know.

(Attorney's Confer)

8
 9 BY MR. BILINKAS:

10 Q Ms. Kanarek, after the police -- strike that
 11 -- after the town officials came through both the
 12 farmhouse and the stable area --

13 A Yes.

14 Q -- um, they basically put notices on the door
 15 indicating that everyone had to vacate, correct?

16 A Of the st-- stable area only?

17 Q Stable and the farmhouse where you and Robert
 18 were living.

19 A I'm sorry. I'm sorry. Did that seem like two
 20 separate questions? Is there --

21 Q Okay. I'll --

22 THE COURT: Just break --

23 BY MR. BILINKAS:

24 Q -- I'll break it --

25 THE COURT: -- it down, --

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1 BY MR. BILINKAS:
 2 Q -- I'll break --
 3 THE COURT: -- Mr. Bilinkas.
 4 BY MR. BILINKAS:
 5 Q -- it down.
 6 THE COURT: One at a time.
 7 BY MR. BILINKAS:
 8 Q With regards to the structure that you and
 9 Robert Goodwin were living in, did the town place a
 10 notice on the building indicating that it was a
 11 hazardous condition and that you could not occupy the
 12 structure?
 13 A Yes.
 14 Q Okay. I'm gonna show you D-800-22 and ask
 15 you if these are the notices that were posted on the
 16 farmhouse.
 17 A I'm just making sure. Yes, those -- those are
 18 notices.
 19 Q And did you read these notices?
 20 A I did.
 21 Q And it indicates that if you don't leave the
 22 premises, it subjects the owner of the building to a
 23 \$5,000 fine per day, correct?
 24 A That's not what I recall reading, no.
 25 Q Well, what do you recall reading regarding

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1 these notices?
 2 A I recall reading that in our specific section of
 3 the house they were, um, smoke detectors that were, for
 4 some reason, not working that, I guess, ma-- the
 5 Building Inspector seemed to think that Mr. Barisone
 6 had ripped out the hardwiring for some reason. And we
 7 read those. And then they gave us the opportunity to
 8 fix them and re-enter the property. That's what I
 9 read.
 10 Q You read that on these no--
 11 A I mean, I read those violations, yes.
 12 Q Oka-- okay. And those violations say, if you
 13 remain on the premises, the owner is subject to a
 14 \$5,000 fine. Do you recall reading that?
 15 A No, ju-- I just got to the violation. I don't
 16 remember reading the entire thing at all.
 17 Q Okay.
 18 A Just the violations.
 19 Q And it's your testimony that you had
 20 communications with the town, correct?
 21 A Correct.
 22 Q And you remained on the premises with your
 23 boyfriend, Robert Goodwin, correct?
 24 A Correct.
 25 Q And even though you remained on the premises,

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1 you continued to display the notices that were placed
 2 on all the doors, correct?
 3 A I honestly don't remember. That -- that picture
 4 looks like maybe it was after --
 5 Q Wh-- when --
 6 A -- the shooting.
 7 Q -- you say you don't remember --
 8 A I don't remember.
 9 Q -- do -- do you -- you've seen photographs
 10 that the Prosecutor has shown you regarding this
 11 incident, correct?
 12 A I have.
 13 Q And -- and those photographs include pictures
 14 of the door where the bullet hole went through,
 15 correct?
 16 A Correct.
 17 Q And -- and if I show you this photo again,
 18 800-22, --
 19 A Uh-huh.
 20 Q -- does that look like the door with the
 21 shattered glass on it?
 22 A Yes, it does. Yes, it does.
 23 Q Wou-- would you agree with me that if the
 24 glass was shattered --
 25 MR. SCHELLHORN: Judge, I'm going to object

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1 to this line of questioning.
 2 MR. BILINKAS: I'll withdraw.
 3 THE COURT: Yeah. Move on.
 4 BY MR. BILINKAS:
 5 Q Now, on August 5th, the day you sent that
 6 letter to the town, did you receive a letter from
 7 Michael Barisone's lawyer basically telling you to get
 8 out?
 9 A Basically saying that, yes.
 10 Q And -- and -- and did that make you angry?
 11 A Hmm, yeah.
 12 Q Okay. And on the 6th, the day the town came
 13 and kicked Mari-- Michael Barisone out of the stable,
 14 were you served with an Eviction Complaint?
 15 A An Evi-- I'm sorry. An Eviction Complaint?
 16 Q An Eviction Complaint.
 17 A We were never served with, uh, uh, court eviction
 18 papers of any kind, aside from the lawyer.
 19 Q Are you 100 percent sure of that answer?
 20 A It -- I wou-- I would say yes, I didn't see
 21 anything. Nothing was on our door saying you are being
 22 evicted. I was not served with anything. So, yes,
 23 that would be my answer.
 24 Q Now, on the 6th and the 7th, you were still
 25 posting negative things about Michael Barisone,

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1 correct?

2 A Correct.

3 Q Now, on the 7th -- strike that. Prior to the
4 7th, on August 4th, were you angry at Michael Barisone?

5 A Yes.

6 Q Were you searching for exploding bullets on
7 your phone?

8 A I'm sorry. Was that --

9 MR. SCHELLHORN: Objection.

10 THE COURT: Let's see you at sidebar.

11 (Sidebar)

12 (Sidebar inaudible. Microphone not turned on)

13 (Sidebar Concluded)

14 BY MR. BILINKAS:

15 Q Now, on the 7th, was there an issue with your
16 boyfriend and the blacksmith the morning of the
17 shooting?

18 A So th-- there was an issue with the bl-- with our
19 farrier. And I do not remember what morning or day it
20 was though.

21 Q Well, I'm -- I'm referring to the day --

22 MR. SCHELLHORN: Judge, I have a hearsay

23 objection.

24 MR. BILINKAS: An issue --

25 THE COURT: Well -- well, was she present?

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1 Is this something she knows from her own personal
2 observations? You have to establish a foundation,
3 counsel --

4 MR. BILINKAS: Okay.

5 THE COURT: -- otherwise it's hearsay. Yes,
6 she knows about it, but from what source. If it's from
7 her boyfriend telling her, that's hearsay. If she was
8 present and observed it, she'd be able to testify based
9 on her own perceptions and recollection.

10 BY MR. BILINKAS:

11 Q On the morning of the shooting, were you
12 angry at Michael Barisone?

13 THE COURT: So that last question is
14 withdrawn, right?

15 MR. BILINKAS: Yes, Judge.

16 THE COURT: All right. The record will
17 reflect that.

18 BY MR. BILINKAS:

19 Q On the morning of the shooting, were you
20 angry at Michael Barisone?

21 A Yes.

22 Q And did you want that bastard finished?

23 A Yes.

24 Q You wanted that bastard finished, correct?

25 THE COURT: All right.

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1 MR. SCHELLHORN: As-- asked --
2 THE COURT: It was asked --
3 MR. SCHELLHORN: -- and answered --
4 THE COURT: -- and answered --
5 MR. SCHELLHORN: -- Judge.
6 THE COURT: -- Mr. Bilinkas. One time is
7 enough for the jurors.
8 BY MR. BILINKAS:
9 Q Now, you were never afraid of Michael
10 Barisone, correct?
11 A Was I -- could you repeat that question?
12 Q You were never afraid of Michael Barisone,
13 correct?
14 A Not correct.
15 Q Okay. Um, do you recall an occasion in July
16 where he came to talk to you and there was an
17 altercation between you and him?
18 A Probably. There were a few, so, yes --
19 Q Do you --
20 A -- I recall.
21 Q -- do you remember the time he drove down in
22 his truck, similar to what he did on this day, to come
23 and talk to you about something?
24 A Yes.
25 Q Do you recall, in that instance, getting into

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1 a semi-rage and backing him up all the way to his
2 truck, which was parked in front of his porch? Do you
3 recall doing that to him?
4 A No.
5 Q Do you recall him trying to open his door,
6 pleading to leave, but you literally stood in his door
7 so he could not drive away? Do you recall doing that
8 to him on that day?
9 A No, I do not recall doing that to him.
10 Q Do you recall when he tried to open his truck
11 door --
12 MR. SCHELLHORN: Judge, I've got --
13 BY MR. BILINKAS:
14 Q -- that you slammed --
15 MR. SCHELLHORN: -- I've got to object.
16 THE COURT: Hold on.
17 BY MR. BILINKAS:
18 Q -- it shut --
19 THE COURT: Hold on. Hold on. Let me see
20 you at sidebar.
21 (Sidebar)
22 (Sidebar inaudible. Microphone not turned on)
23 (Sidebar Concluded)
24 (CourtSmart inaudible. Microphone not turned on)
25 (Off the Record Back on the Record)

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1 THE COURT: So go ahead, Mr. Bilinkas.
2 BY MR. BILINKAS:
3 Q Ms. Kanarek, --
4 A Yes.
5 Q -- when you saw Michael Barisone driving his
6 truck down the driveway and pulling into the parking
7 area in the back of the house --
8 A Uh-huh.
9 Q -- were you concerned?
10 A Yes.
11 Q Did you think something was wrong?
12 A Yes.
13 Q What did you think was wrong?
14 A I didn't know, but I knew something was wrong
15 since it had not been a good week. Tensions were high.
16 And now all of a sudden he's driven all the way to our
17 apartment for some unknown reason. I'm out there by
18 myself on the porch. I did not feel comfortable or
19 safe, to the point that I had to run upstairs and make
20 sure my boyfriend would come down with me just for
21 safety reasons.
22 Q Okay. Now, did you think th-- that something
23 was wrong because of all the things that you and your
24 boyfriend were doing to him?
25 A I could have per-- um, it could have added to it.

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1 Q Okay. And -- and based on what you knew
2 about what you were doing, um, you were concerned,
3 correct?
4 A I'm sorry. Could you repeat that question? It
5 was --
6 Q I'll withdraw --
7 A -- a little confusing.
8 Q -- the question. When you see Michael
9 Barisone come in, he parks his vehicle. You were
10 outside, correct?
11 A I was outside when he drove in the driveway.
12 Q Correct. And --
13 A Right.
14 Q -- at that point you go inside to get your
15 boyfriend, Rob, correct?
16 A Correct, yes.
17 Q And when you found Rob he was on the
18 telephone, correct, with your attorney?
19 A Correct.
20 Q Now, do you know when Rob called your civil
21 attorney?
22 A No, I do not.
23 Q What did you say to Rob?
24 A I said, Rob, Mike was outside. I have no idea why
25 he's here. But he's here and I don't know why. We

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1 hadn't been speaking for days. He wouldn't answer our
 2 texts, even about a fire hazard, and he's now in our
 3 driveway. Temper problem that we'd seen over the
 4 course of the time we were there. So that's what
 5 happened.

6 Q Okay. So you stay inside and Rob goes
 7 outside to talk to Michael Barisone, correct?

8 A Incorrect.

9 Q Okay. What happened?

10 A I went to get Rob. He came outside. I -- to the
 11 porch. We were both on the porch for a moment. Robert
 12 -- I don't remember if he exactly, until-- entirely
 13 left the porch or he was just, like, sort of to the
 14 left of me, um, like, on the stairs or near it. I
 15 don't remember exactly. Um, I can continue. So
 16 Michael then says to Robert, how do we fix things? I'm
 17 sorry. I don't want a war. How do we make everything
 18 better? To which Robert replied, Michael, you want to
 19 do that? We have lawyers involved. You have a lawyer.
 20 We have a lawyer. Let them talk and handle it this
 21 way. He then came back to the porch.

22 Q Was Michael calm at that point?

23 A Completely calm.

24 Q Uh, would you describe him as sorrowful?

25 A Yes.

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1 Q Now, have you looked at your boyfriend's
 2 transcript of his testimony?

3 A I have not.

4 Q Have you talked to your boyfriend about this
 5 incident?

6 A Yes.

7 Q Did you talk to him last night about this
 8 incident?

9 A Probably about the shooting itself. We always
 10 talk about that. It's a life-long, life-changing
 11 incident to have someone try to murder you. So, yes,
 12 probably.

13 Q Now, at that point, after that conversation
 14 with Michael Barisone and your boyfriend, isn't it a
 15 fact that your boyfriend walked inside the house?

16 A Wait. I'm sorry. Can you repeat that? I just
 17 want to make sure I have it exactly right.

18 Q Okay. Please listen carefully.

19 A Yes, I will.

20 Q Isn't it a fact that, after your boyfriend
 21 had that conversation with Michael Barisone, he walked
 22 back into the house?

23 A Not directly, no.

24 Q When did he walk back into the house?

25 A Um, after the police was there -- were there and,

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1 I guess, separated, um, Barisone and my boyfriend. He
 2 opened the door to put the dog into the house. That's
 3 when -- that's when he was in the house.

4 Q After your boyfriend is done talking to
 5 Michael Barisone you come out, correct?

6 A I then come off the porch and he is then on the
 7 porch.

8 Q And how would you describe your demeanor at
 9 that point?

10 A Interested.

11 Q Well, do you recall telling the Prosecutor
 12 that you walked out thinking I'm like Ms. Badass or
 13 something? Your exact words to them.

14 A No, I don't recall that. Do you have the date of
 15 that, by any chance?

16 Q It's the transcript in front of you --

17 A Uh-huh.

18 Q -- September 5th, Page 6, Lines 5 and 6.

19 A Was it was pa-- Page 6?

20 Q Page 6 --

21 A And the date?

22 Q -- Line 6 --

23 A Oh, sorry.

24 Q -- and 5.

25 A Again, this is September 5th, right? So I -- I'm

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1 just trying to --

2 (Attorney's Confer)

3 THE WITNESS: -- Page 6 --

4 (Attorney's Confer)

5 THE WITNESS: -- Line 6. So, oh my God, I
 6 wish I could change that.

7 THE COURT: Just read it to yourself --

8 THE WITNESS: Oh. I'm so --

9 THE COURT: -- ma'am.

10 THE WITNESS: -- sorry. I'm sorry. I'm so
 11 sorry.

12 THE COURT: Yeah. Just read it to yourself
 13 to refresh your recollection.

14 THE WITNESS: Okay. Yes.

15 BY MR. BILINKAS:

16 Q Did you come out like Ms. Badass? Yes or no?

17 A No.

18 Q Did you tell the Prosecutor that you came out
 19 like Ms. Badass?

20 A I told them that I walk out thinking that I am
 21 like Ms. Badass or something for having even -- what I
 22 would consider now -- the courage to even approach him
 23 at all.

24 Q Who is Ms. Badass?

25 A As a character? I don't know.

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1 Q Um, at that point, were you, like, sick of
 2 this?
 3 A I -- I'm sor-- still same --
 4 Q Yeah.
 5 A -- sick -- same page?
 6 Q Were -- were you, like, sick of th--
 7 A I was sick of everything that had been goi-- going
 8 on that week. So, again, I was interested, as I said
 9 before, in what Michael had to say.
 10 Q Now, what do you recall Michael saying to
 11 you?
 12 A He said nothing to me. I spoke first. Once I had
 13 seen -- or thought there was no danger, having seen
 14 Robert just speak to him and come back to the porch
 15 unscathed, I then felt safe. I could have a
 16 conversation with this man.
 17 Q And did you speak loudly enough where your
 18 boyfriend, Rob, would hear what you said?
 19 A Probably. I think so, but I can't know what he
 20 heard I said or not.
 21 Q Okay. What did you say to Michael?
 22 A Something along the -- I don't know the exact
 23 words. Something along the lines of, okay, Michael,
 24 how do you plan to fix this and how are we gonna settle
 25 Rob's -- I was about to say the word bill, but I don't

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1 think that ever came out of my mouth because -- or it
 2 was, like, midword -- right then I said maybe a
 3 sentence -- less than a sentence and right then it was,
 4 gun out of his pocket, boom, boom period. Runs around
 5 the table. I'm sorry. Excuse me. I'm -- I -- I
 6 messed that up. It was boom, boom. Then he raises his
 7 hand up to where Rob was standing on the porch, shoots
 8 at him. It -- it -- the trajectory being the head.
 9 And I then do not see Robert anymore. But I see
 10 Michael run around me and up the stairs to right where
 11 Rob was no longer. And that is what I wa-- saw at that
 12 -- at that time.
 13 Q Is it your sworn testimony that you saw the
 14 actual gun before you heard the discharge? Did you see
 15 the gun, yes or no, before --
 16 A It discharged.
 17 Q -- it discharged?
 18 A Yes, I did.
 19 Q Now, you indicated yesterday that, uh, after
 20 getting shot --
 21 A Uh-huh.
 22 Q -- in your mind -- you just ran around in a
 23 circle in your mind, correct? Do you recall saying
 24 that yesterday?
 25 A I don't remember what I recall from yesterday. I

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1 -- I remember we discussed, um, that I remember I -- I
 2 didn't really know where -- I was disoriented. I know
 3 I ran around an actual circle. But --

4 Q Well, when you mean an actual circle, that's
 5 different than what you testified to yeste--

6 MR. SCHELLHORN: That's not true, Judge.

7 THE COURT: No, no.

8 THE WITNESS: That's not true.

9 THE COURT: Mr. Bilinkas, don't characterize
 10 the testimony.

11 MR. BILINKAS: Okay.

12 THE COURT: It's the jury's recollection that
 13 counts here, not yours.

14 BY MR. BILINKAS:

15 Q Did you run around in a physical circle?

16 A Yes, in a physical circle.

17 Q And did you run around in a circle in your
 18 mind?

19 A Probably many circles in my mind.

20 Q Where did you go when you were running
 21 around?

22 A In a, uh, -- I don't know -- I mean, I could
 23 demonstrate if you'd like.

24 Q Yeah, please.

25 A Can I take my shoes off because I --

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1 Q Sure, please.

2 A -- (indiscernible)?

3 THE COURT: Yes, go ahead.

4 (Witness Steps Down Off Stand)

5 THE WITNESS: So Michael was standing here,
 6 shoots me, and I then see him raise his hand, shoot at
 7 Robert's head. I look at my chest and -- where do you
 8 go, what do you do? I circle -- I run around like
 9 this. Like this.

10 MR. BILINKAS: Okay.

11 THE WITNESS: In that area.

12 MR. BILINKAS: Okay, perfect. You could have
 13 your seat.

14 THE WITNESS: Sorry about that.

15 MR. BILINKAS: It's okay.

16 THE WITNESS: That was embarrassing.

17 (Witness Resumes Stand)

18 BY MR. BILINKAS:

19 Q Do you recall telling the Morris County
 20 Prosecutor in your official statement that I took two
 21 in the chest and I just see blood, like, everywhere and
 22 as I ran and it -- this is the point where it gets a
 23 little shady 'cause I don't know where the hell I went?
 24 Do you recall saying that to the Prosecutor's Office?

25 A Yes.

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1 Q Did you show them that little, uh, movement
2 that you demonstrated in the courtroom?

3 A I did not show them because I was referring to --
4 I didn't know where I went, meaning in my head. I know
5 I -- where I ra-- the area where I actually moved
6 around.

7 Q Do you recall telling the Morris County
8 Prosecutor's Office that I went somewhere, I ran, I
9 think I went inside --

10 A No, I do not.

11 Q -- to, like, yell to Rob? Do you recall
12 telling the Prosecutor that about your running?

13 A Uh, my running. I do -- I did go inside to call
14 to Rob to bring --

15 Q After --

16 A -- him downstairs.

17 Q -- you're -- you're saying to the Prosecutor
18 you ran inside the house to call Rob after you were
19 shot. Didn't you --

20 A I --

21 Q -- say that?

22 A -- if I did, I don't recall.

23 Q Okay.

24 A Like, again, it was a few days after re-- being
25 released from the hospital. I was on a ton of pain

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1 meds. I might not have even understood half the
2 questions they were asking me at that point.

3 Q Okay. So let's turn to Page 6.

4 A Sure. Okay.

5 Q And -- and before I ask you a question. When
6 -- you say you just got out of the hospital --

7 A Yes.

8 Q -- and were on pain medications.

9 A Uh-huh.

10 Q You just recently were shown your actual
11 video of this interview and you had an opportunity to
12 see exactly what you said.

13 A Uh-huh.

14 Q Did -- did you tell the Prosecutor that there
15 were -- there were grave issues with regards to what
16 you --

17 THE COURT: Well, I don't think she said
18 there were grave issues.

19 MR. BILINKAS: I'll rephrase the question.

20 THE COURT: Please do.

21 BY MR. BILINKAS:

22 Q Did you tell the Prosecutor that you -- you
23 didn't run in the house after being shot like you said
24 in the official statement?

25 A I'm sorry. That I didn't run in the house. I'm

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1 sorry. Could you repeat that? It was -- I couldn't
 2 understand.
 3 Q Okay. Let's -- let's move on. Go to Page 6.
 4 A There.
 5 Q Line 21.
 6 A Yes.
 7 Q Do you have that?
 8 A I do.
 9 Q Do you recall saying, 'cause I don't know
 10 where the hell I went? And this is after the shooting.
 11 A Yes.
 12 Q You recall saying that to them?
 13 A Yes, I do.
 14 Q Okay. And if you go down to Line 24. Do you
 15 recall saying, I went somewhere. I ran. I think I
 16 went inside to yell to Rob.
 17 A Uh-huh.
 18 Q Do you recall saying that to the Prosecutor?
 19 A I don't recall it, but I see that I said it. Yes.
 20 I don't know what it means.
 21 Q Do -- do you recall, after the shooting,
 22 running into the house, yelling for your boyfriend?
 23 A No.
 24 Q Do you recall telling Pros-- the Prosecutor
 25 that the reason why you ran to yell to Rob is because

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1 you didn't want him to come out? Do you recall telling
 2 --
 3 A Hold on.
 4 Q -- him that?
 5 A I'm sorry. We-- I'm sorry. Could you just give
 6 me one second?
 7 Q Sure.
 8 A You're speaking very quickly.
 9 Q Okay.
 10 A I just want to be able to make sure I can read
 11 everything.
 12 Q An-- and, again, if I'm not reading the exact
 13 words, --
 14 A Yes.
 15 Q -- bring that to my attention.
 16 A I absolutely will. So it was on Page 6 that we
 17 were. I'm sorry. I was just, uh, reading this for
 18 context. What was your -- what was the exact question
 19 again?
 20 Q Did -- did you tell the Prosecutor --
 21 A Uh-huh.
 22 Q -- that the reason you ran inside the house
 23 and yelled to Rob was for -- for -- because you didn't
 24 want him to come out, outside, where --
 25 A Yes.

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1 Q -- things were going on?
2 A I did say that at that point.
3 Q And -- and --
4 A I have no idea what I was talking about.
5 Q -- and do you recall what you yelled to him?
6 Don't come out?
7 A No, I did not yell that.
8 Q Did you tell the Prosecutor when you gave
9 your official statement that you yelled to Rob, don't
10 come outside?
11 A I don't actually recall that at all.
12 Q If you look --
13 A I think that --
14 Q -- on Page 7, the first --
15 A Yes.
16 Q -- line. Does that refresh your recollection
17 of --
18 A It --
19 Q -- you telling the Morris County Prosecutor's
20 Office that?
21 A -- it refreshes words that I was saying, yes.
22 Q Okay. Did you also tell the Prosecutor that
23 at that point Rob was not putting two and two together
24 that you had been shot?
25 A Yes.

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1 Q So will you agree with me that when you first
2 talked to the Prosecutor Rob wa--
3 MR. SCHELLHORN: Judge, I'm going to object
4 on speculation grounds. I mean, I understand why the
5 Detectives asked her these questions, --
6 THE COURT: Well --
7 MR. SCHELLHORN: -- but it doesn't make it
8 admissible evidence. He's asking her what did Rob
9 Goodwin know.
10 THE COURT: -- yeah. I'm not sure I
11 understand the question.
12 MR. BILINKAS: No. I -- I --
13 THE COURT: I mean, the -- the -- the words
14 speak for themselves.
15 MR. BILINKAS: Okay.
16 BY MR. BILINKAS:
17 Q Did you tell the Prosecutor that Rob heard
18 gunshots --
19 MR. SCHELLHORN: Same objection, Judge.
20 THE COURT: Yeah. I mean, where -- where
21 would she get that information, --
22 MR. BILINKAS: Well, again, --
23 THE COURT: -- oth-- oth--
24 MR. BILINKAS: -- Judge, this --
25 THE COURT: -- other -- other than from her

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1 boyfriend making it hearsay? Sustained.
 2 BY MR. BILINKAS:
 3 Q At some point in time Rob jumps on Michael
 4 Barisone, correct?
 5 A Correct.
 6 Q Were -- were you outside?
 7 A I was.
 8 Q Did you see, uh, Rob, uh, choking Michael
 9 Barisone?
 10 A I saw -- um, he had his arm behind his back and he
 11 had him in some kind of, like, a headlock to restrain
 12 him from being able to get the gun again.
 13 Q When -- when you say a headlock, would you
 14 describe your observations of him putting him in a
 15 choke hold?
 16 A Maybe. I don't know, like, the exact terms of
 17 these things.
 18 Q Okay. When -- when you say you don't know
 19 exact terms, on the day of your official statement on
 20 Page 8, Line 6, did you describe it as a choke hold?
 21 A Probably.
 22 Q Can you look at it and tell me --
 23 A Same page?
 24 Q -- either yes or no?
 25 A I mean, yes, --

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1 Q Page 8 --
 2 A -- I'm sure I said it.
 3 Q -- Line 6.
 4 A Page 8, Line 6?
 5 Q Yes.
 6 A Like, no problem. Um, uh, in -- in, like, a choke
 7 hold. So, yes, I wrote (sic) in, like, a choke hold.
 8 Q Okay. And -- and your -- uh, yo-- your
 9 boyfriend is ex-Marine, correct?
 10 A Correct.
 11 Q Now, at this point, did you start attacking
 12 Michael Barisone?
 13 A At which point? I'm sorry. Could you --
 14 Q Okay.
 15 A -- re-- rephrase where we're talking about?
 16 Q Let -- let me back up a little bit.
 17 A Yes, thank you.
 18 Q When you're talking to Michael Barisone and
 19 you're saying he's firing the shots at you --
 20 A Uh-huh.
 21 Q -- you were on the phone with your civil
 22 lawyer, correct?
 23 A Well, I mean, -- I'm sorry. I -- I -- I just ha--
 24 I guess, have a question, if I can ask it.
 25 THE COURT: Well, does it --

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1 MR. BILINKAS: No.
 2 THE COURT: -- do you -- do you understand
 3 the question or not?
 4 THE WITNESS: No, 'cause this whole thing --
 5 THE COURT: All right. Rephrase your
 6 question.
 7 MR. BILINKAS: Okay.
 8 BY MR. BILINKAS:
 9 Q At the time you were talking to Michael
 10 Barisone --
 11 A Uh-huh.
 12 Q -- and when you say the shots were fired, you
 13 were physically on the telephone talking to your civil
 14 lawyer, correct?
 15 A I was physically holding the phone, um, and
 16 talking to Michael Barisone.
 17 Q Fine. Okay. But your --
 18 A So I had the phone --
 19 Q -- lawyer was on the line, correct?
 20 A Correct, yes.
 21 Q And -- and whose phone was that?
 22 A Robert's.
 23 Q Okay. So can I assume when you took two
 24 shots into the chest you dropped the phone?
 25 A No, I didn't drop the phone.

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1 Q You kept --
 2 A Not that I -- sorry. Not that I recall. I do not
 3 remember dropping the phone.
 4 Q Wha-- what do you remember with doing --
 5 doing with that phone?
 6 A I honestly forgot I had it in my hand. Totally
 7 forgot that Ed David was still on the phone.
 8 Q At some point in time you start beating
 9 Michael Barisone with your phone?
 10 A Correct. Uh-huh.
 11 Q Did you have two phones in your hand?
 12 A No.
 13 Q What did you do with the phone -- Robert
 14 Goodwin's phone --
 15 A Uh-huh.
 16 Q -- after you were shot?
 17 A I told Ed David, oh my God, oh my God --
 18 Q I'm not asking you what you --
 19 A Oh.
 20 Q -- told him. What did you specifically do
 21 with the phone?
 22 THE COURT: At what point in time? Let's
 23 specify that.
 24 BY MR. BILINKAS:
 25 Q After being shot.

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1 A Can you just repeat that whole question?
 2 Q Absolutely.
 3 A So sorry.
 4 Q You're -- you're holding the phone --
 5 A Yes.
 6 Q -- where you were having a conversation with
 7 your civil lawyer, correct?
 8 A Correct, yes. Correct.
 9 Q Okay. You claim you got shot at that point,
 10 corr-- correct?
 11 A Correct.
 12 Q Okay. What did you do with the phone that
 13 you were holding after you were shot?
 14 A I believe I just kept holding it.
 15 Q At some point in time you picked up your
 16 telephone, correct?
 17 A Correct.
 18 Q Where was that telephone?
 19 A That was by the door -- that was na-- the door to
 20 the laundry room, which is now, like, semi-open, which
 21 was from Rob jumping through the door to avoid being
 22 hit in the head with the bullet. Um, so my phone was
 23 somewhere right around there.
 24 Q Okay. So --
 25 A Um --

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1 Q -- let me --
 2 A -- yes.
 3 Q -- stop. We'll go --
 4 A Sure.
 5 Q -- in small --
 6 A Yes.
 7 Q -- steps here.
 8 A Yes, sure.
 9 Q So it's your testimony that after being shot
 10 two times in the chest out on the patio by that round
 11 table, correct?
 12 A Wait. I'm sorry. That was confusing. Can you
 13 say that one more time? I'm so sorry.
 14 Q Okay. Wh-- where were you shot?
 15 A I was shot -- is there --
 16 THE COURT: You mean the location on the
 17 porch --
 18 MR. BILINKAS: Yeah. The location --
 19 THE COURT: -- or on the body?
 20 MR. BILINKAS: -- on the porch.
 21 THE COURT: Let's -- let's specify.
 22 BY MR. BILINKAS:
 23 Q Okay. I'm gonna -- I'm gonna show you
 24 D-800-3. Can you put a big X -- does this accurately,
 25 uh, depict the area of where the incident occurred?

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1 A The area, yes.
 2 Q What's that right there?
 3 A That is a camera --
 4 Q Okay.
 5 A -- in the window.
 6 Q Now, can you put a big X where you were
 7 standing when you got shot?
 8 A Sure. Um, it's a little hard to do because
 9 everything is all, I guess --
 10 Q Just do it to the best you can.
 11 A Okay. Uh, I was standing -- you might need to
 12 highlight that.
 13 Q Okay.
 14 A Or a different -- a different colored pen.
 15 Q Here, let me try it.
 16 A Whatever is helpful.
 17 Q So -- so the record is clear -- and -- and
 18 this mark is faint on D-800-3, but you can see it --
 19 you put kind of, like, a star --
 20 A Yep.
 21 Q -- basically right next to the metal table
 22 and chairs?
 23 A Correct.
 24 Q Okay. And that's -- that's where you say you
 25 were standing when you got shot, correct?

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1 A That is correct.
 2 Q And from that round table and chairs, you
 3 walk all the way to the back steps, after bring shot,
 4 climb --
 5 A Twice.
 6 Q -- up the stairs and get your phone?
 7 A Yes, I wanted to call 911.
 8 Q Okay. Is -- is there any reason why you
 9 didn't use Rob's phone that you already had in your
 10 hand?
 11 A Well, the one thing, I -- I wasn't even thinking
 12 that I had it. When I did realize, the first thing I
 13 did -- I think -- I think the first thing I did was let
 14 the person I was on the phone with know, oh my God, --
 15 Q Okay.
 16 A -- I've just been shot.
 17 Q All right. I'm not asking you that.
 18 A Okay.
 19 Q I'm asking you what you did with the phone.
 20 Okay?
 21 A With the phone --
 22 Q Let me --
 23 A -- that I was on?
 24 Q -- right. So the phone that you were on --
 25 A Yes.

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1 Q -- at the time you claim you were shot --
 2 after you're shot, it's your testimony that you walk
 3 all the way over to the stairs, climb a flight a
 4 stairs, and get your telephone, correct?
 5 A More crawled-ish to there, but --
 6 Q Crawled?
 7 A Yeah. I wasn't exactly, like, running. I was
 8 just -- I was losing bl-- a lot of blood.
 9 Q Okay.
 10 A So, yes. But I know you didn't --
 11 Q Okay.
 12 A -- ask if I crawled or walked --
 13 Q Right.
 14 A -- just what I do with my phone --
 15 Q All right.
 16 A -- with the phone.
 17 Q All right. So what did you do with -- what
 18 hand were you holding the phone with?
 19 A I think -- I think my ri-- I'm right-handed, so I
 20 would --
 21 Q Okay.
 22 A -- think my right hand.
 23 Q Okay. So what did you do with that phone?
 24 A I think after I told Ed David what had happened, I
 25 think I just, like, placed it on -- wherever the porch

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1 area that I was then on. And for some reason -- yeah.
 2 That's what I would say.
 3 Q And you didn't use that phone to call 911,
 4 correct?
 5 A Correct.
 6 Q You looked for and found your own personal
 7 phone, correct?
 8 A Yes.
 9 Q And then when you found your phone, did you
 10 come back down the stairs to the area where Michael and
 11 your boyfriend were struggling on the ground?
 12 A When I found my phone, I -- when I found my phone,
 13 I tried to call 911. I couldn't because my arms and my
 14 hands were covered in blood. My phone would not open.
 15 Q Okay.
 16 A So what was the second half of your question?
 17 Q How -- how did you call 911? You're the
 18 person --
 19 A I -- I --
 20 Q -- the first person on the 911 call, correct?
 21 A Yes. I then remembered, oh, yes, Robert's phone
 22 is out here. I'll use Rob's phone and call 911, which
 23 I did do.
 24 Q Okay. So let me get the scenario correct.
 25 THE COURT: Mr. Bilinkas, I -- we don't need

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1 a summation. Just ask your questions. All right?
 2 BY MR. BILINKAS:
 3 Q What did you do with your phone at that
 4 point?
 5 A At -- at -- I'm sorry. At which point?
 6 Q At the point when you realized you couldn't
 7 call 911 --
 8 A Uh-huh.
 9 Q -- and you decided to get Rob's phone?
 10 A I put it back down.
 11 Q Put it back down where?
 12 A Wherever I picked it up from. Like I described a
 13 moment ago, near the door by the laundry room, which
 14 was also next to where the loveseat was. I was on the
 15 -- it was on the floor.
 16 Q So you came down the stairs with your phone
 17 to where Rob and Barisone were struggling, you tried to
 18 call 911, correct?
 19 A Incorrect. I went up the stairs to get my phone
 20 and tried to call 911, and my phone would not open. I
 21 then put my phone back down. And then --
 22 Q Where -- you put your phone back down on that
 23 landing?
 24 A Just -- ye-- yeah. Um, no. I -- to my re-- my
 25 memory -- in my memory, I remember putting it back down

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1 right where I picked it up, which was somewhere on the
 2 actual porch because that's where it was. I put it
 3 down, um, you know, then --
 4 Q And then you go and retrieve the phone that
 5 you had previously placed some-- somewhere, correct?
 6 A Yes. Because I remembered that I -- I wouldn't
 7 need a --
 8 Q And where was that phone?
 9 A -- to press a button.
 10 Q Where was that phone?
 11 A Rig-- somewhere near the vicinity of where, um,
 12 Robert was restraining Michael.
 13 Q Okay. And, at that point, is when you claim
 14 you called 911, correct?
 15 A Correct.
 16 Q And everybody's heard the 911 call.
 17 A Yep.
 18 Q So you're on the phone. After a period of
 19 time --
 20 A Uh-huh.
 21 Q -- you hand the phone to your boyfriend,
 22 correct?
 23 A I think he kind of took it at that point because I
 24 had my phone again. And --
 25 Q What do you mean you had your phone?

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1 A I -- I went to go -- I -- I think I had my phone
2 because --
3 Q Didn't you just --
4 A -- while Robert --
5 Q -- strike that. Didn't you just indicate
6 that you placed your phone back --
7 A Yes.
8 Q -- on the landing?
9 A Yeah. Back on the area -- to me -- like, to me,
10 where they were having their -- where Rob was
11 restraining Michael. In my memory, I do not remember
12 if they were actually, like, still on the porch or just
13 two steps below on the landing. It was -- it was just
14 --
15 Q Didn't you --
16 A -- in my --
17 Q -- say yesterday they -- they were off of the
18 landing, off the stairs --
19 A I believe I --
20 Q -- on that concrete patio?
21 A -- I believe I said I wasn't sure. It was --
22 there are two stairs.
23 Q Okay.
24 A So -- and we can go back over it if you'd like to.
25 Um, but I -- but I believe I said -- it was the same

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1 thing I'm saying now, which is that I don't remember if
2 they were actually on the porch flat area or, like, a
3 step or two below on the patio. I don't remember
4 exactly --
5 Q Okay.
6 A -- where that was.
7 Q So -- and, again, correct me if I'm wrong --
8 you call 911, you have a discussion with them, and then
9 Rob has his phone back, correct, a 911?
10 A After I had spoken to them --
11 Q Right.
12 A -- which was very brief.
13 Q Right.
14 A Yes.
15 Q And is it your recollection that after Rob
16 took the phone from you --
17 A Uh-huh.
18 Q -- you walked up the stairs and got your
19 phone again?
20 A I didn't walk anywhere. Um, there is a point that
21 I went and got my phone from --
22 Q When -- when was --
23 A -- wherever it was.
24 Q -- that point?
25 THE COURT: Well, let -- let her finish, Mr.

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1 Bilinkas.
 2 MR. BILINKAS: Okay.
 3 THE WITNESS: Somewhere in between after I
 4 told 911 I had been shot, Rob was -- you know, you
 5 could hear him struggling with Michael. At that time,
 6 I grabbed my phone. Um, I was covered in blood. I
 7 crawled somewhere, whether it was an inch away or half
 8 of a foot away to get my phone, thinking the only way
 9 that I could help the situation is by helping to make
 10 sure no one else gets shot or killed that day. Which
 11 is why I had my phone and was hitting Michael on the
 12 head with it -- or on the ear with it.
 13 BY MR. BILINKAS:
 14 Q How long were you beating Michael Barisone
 15 with your phone?
 16 A Maybe a matter of seconds.
 17 Q You're sure of that?
 18 A Pretty sure, yes. I didn't have -- yeah. I --
 19 yes, I'm definitely sure of that.
 20 Q Do you recall previously saying that you used
 21 your seven minutes to help Rob by keeping the 6'4" MB
 22 subdued by breaking my phone in his cheek and in his
 23 ear? Do you recall saying that you were beating him
 24 for seven minutes?
 25 A I do not recall. That's no--

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1 THE COURT: That's not -- wait a second, Mr.
 2 Bilinkas. That's not what it said.
 3 MR. BILINKAS: Okay.
 4 THE COURT: Let's not -- don't characterize
 5 things.
 6 MR. BILINKAS: Okay.
 7 THE COURT: Ask a question. If you're
 8 reading from something, read the specific words. Do
 9 not characterize it.
 10 MR. BILINKAS: Okay.
 11 BY MR. BILINKAS:
 12 Q Did you say these exact words, I used my
 13 seven minutes to help Rob keep the 6'4" MB subdued by
 14 breaking my iPhone on his cheek and in his ear?
 15 A I probably said that, yeah.
 16 Q Seven minutes you claim to be beating Michael
 17 Barisone. Isn't that correct?
 18 MR. SCHELLHORN: Can we just put that in
 19 context?
 20 THE WITNESS: Yes, please.
 21 MR. BILINKAS: Judge --
 22 THE COURT: Uh, you can do that on redirect.
 23 That's what redirect is for, Mr. --
 24 MR. SCHELLHORN: That's fine.
 25 THE COURT: -- Schellhorn.

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1 BY MR. BILINKAS:

2 Q Did you also tell everybody that you were
3 medevacked in a helicopter?

4 A Yes, I did.

5 Q That never happened either, did it?

6 A Um, I didn't learn that until literally two weeks
7 ago.

8 Q Okay. My question is, that didn't --

9 THE COURT: I think she answered the
10 question, Mr. Bilinkas. What -- what's your question?

11 MR. BILINKAS: That she wasn't medevacked in
12 a helicopter, which is inconsistent with her statement.
13 Her saying I just learned that is not a direct answer,
14 I believe.

15 THE COURT: Ask it again.

16 BY MR. BILINKAS:

17 Q You said you were medevacked by helicopter,
18 correct?

19 A I did, yes.

20 Q Okay. You weren't medevacked by helicopter,
21 correct?

22 A As it turns out, that is correct.

23 Q And -- and when you say you just found out
24 two weeks ago --

25 A Uh-huh.

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1 Q -- that was when you went over your statement
2 with the Prosecutor, correct -- the video?

3 A Correct.

4 Q Okay. And you corrected that statement,
5 correct?

6 A What do you --

7 Q You had an --

8 A -- (indiscernible) sure --
9 -- opportunity to correct what you said on
10 that video, correct?

11 A I had an oppor-- I'm sorry. I --

12 Q I'll -- I'll move on. Now, did you indicate
13 to the Prosecutor that with regards to that point of
14 time when you start hitting Michael Barisone with your
15 Ipho-- phone that your boyfriend, Robert Goodwin, was
16 not even aware that you were shot?

17 MR. SCHELLHORN: Objection. Calls for
18 speculation.

19 MR. BILINKAS: I'm referring to her
20 statement, Judge.

21 THE COURT: Oh, no. But -- but --

22 MR. SCHELLHORN: Just because it's --

23 THE COURT: -- the information she --

24 MR. SCHELLHORN: -- in the statement doesn't
25 --

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1 THE COURT: -- gets in the --
2 MR. SCHELLHORN: -- mean that she can testify
3 --
4 THE COURT: -- statement is hearsay --
5 MR. SCHELLHORN: -- to it.
6 THE COURT: -- within hearsay. Sustained.
7 BY MR. BILINKAS:
8 Q Now, do you recall bashing and bashing and
9 bashing that guy's frickin' ear in with your phone?
10 A I do.
11 Q Do you recall that during that time at some
12 point Michael Barisone was unconscious?
13 A No, I do not recall that.
14 Q Can you please look at Page 10, Line 13 and
15 ask me (sic) if that refreshes your recollection as to
16 whether or not during that time Michael Barisone was
17 unconscious for a few seconds?
18 A Wha-- what line on Page 10?
19 Q Line 13.
20 A Yes, this is my perception. But I had no way of
21 knowing.
22 Q And with regards to your hitting Michael
23 Barisone in the head with your phone, um, did you stop
24 at one point and then start up again?
25 A Um, yes, very quickly.

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1 Q Now, when you say very quickly, what was the
2 time period between when you first started to bash your
3 phone into his head --
4 A Yes.
5 Q -- in relationship to the second time you
6 started doing that?
7 A Pretty much the first time I did it, I maybe did
8 it, like, one -- like, one time. And then my boyfriend
9 -- once -- this is what he told me. He saw a shiny --
10 Q You can't say what someone else --
11 A Oh, I'm sorry.
12 Q -- told you.
13 A Anyway, my boyfriend, realizing the damage, had
14 tried moving me or, like, kind of making me not be
15 where they were so that I wouldn't just, I guess, fall
16 over and die. So but I wanted to -- I was worried
17 again about the gun going off. So, at that point, in
18 came back and tried to hit him again with the phone.
19 And then I just los-- ran out of -- everything just --
20 any adrenaline that I may have had just died.
21 Q Now, during this time, what did you observe
22 your dog doing?
23 A During which time specifically?
24 Q This -- where your boyfriend is on top of
25 Michael Barisone and you're hitting him in the head

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1 with your phone.
2 A Same answer as before, which is, I witnessed her
3 nipping and -- yeah, just pretty much nipping both of
4 them, like, in different areas and -- and barking.
5 Q Okay. It -- it --
6 A Or yapping.
7 Q -- was during the time when your boyfriend
8 was physically struggling with Michael Barisone and --
9 A Yes.
10 Q -- you were hitting him in the head with your
11 phone?
12 A Yes.
13 Q Are you sure that that didn't go on before
14 any shots were fired?
15 THE COURT: Did what go on? You've got to
16 clarify.
17 BY MR. BILINKAS:
18 Q The beating. The beating, being attacked by
19 the dog -- the dog, and her slamming her phone into his
20 head.
21 THE COURT: Can I see you at sidebar, please?
22 (Sidebar)
23 (Sidebar inaudible. Microphone not turned on)
24 (Sidebar Concluded)
25 (Jury not present)

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1 THE COURT: Oh, you may step down now.
2 THE WITNESS: Thank you, Your Honor.
3 (Witness Steps Down)
4 THE COURT: What's the nature of your
5 objection, Mr. Schellhorn?
6 MR. SCHELLHORN: Judge, I think there was a
7 question there suggesting that the attack, the dog
8 bite, and I think there was -- something else was going
9 on before any shots were fired. I'm not sure --
10 THE COURT: Yeah.
11 MR. BILINKAS: That's --
12 THE COURT: I -- I don't know --
13 MR. SCHELLHORN: -- what the --
14 THE COURT: -- what the --
15 MR. BILINKAS: -- that's exactly what --
16 THE COURT: -- I -- I don't even know what
17 the factual basis is for that.
18 MR. BILINKAS: Judge, I can ask a witness
19 whether --
20 THE COURT: No, you can't. No, you can't.
21 Not without a factual basis. You can't just --
22 MR. BILINKAS: Judge, her --
23 THE COURT: -- ask for speculation.
24 MR. BILINKAS: -- it's not spec--
25 THE COURT: That's what you're asking for.

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1 MR. BILINKAS: -- I'm asking her a question
2 whether or not --
3 THE COURT: There's no evidence that it
4 happened before. None.
5 MR. BILINKAS: Judge, I -- I --
6 THE COURT: Not -- not a scintilla --
7 MR. BILINKAS: -- I believe I can --
8 THE COURT: -- of evidence on the record so
9 far --
10 MR. BILINKAS: So if a with--
11 THE COURT: -- that -- that supports that
12 question.
13 MR. BILINKAS: -- so if a witness says that
14 something happened, I can't ask them if -- if --
15 THE COURT: You -- you've asked --
16 MR. BILINKAS: -- if it hap--
17 THE COURT: -- them 500 questions about what
18 happened, about her recollection of it, which is fine.
19 Now you're asking, well, are you sure it didn't happen
20 before?
21 MR. BILINKAS: Well -- well, Judge, --
22 THE COURT: You have no basis to ask that.
23 MR. BILINKAS: -- Judge, her recollection is
24 horrible. She's --
25 THE COURT: No, it's not.

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1 MR. BILINKAS: -- chan-- she's changed her
2 story over and over again.
3 THE COURT: It doesn't matter. It doesn't --
4 MR. BILINKAS: It's in--
5 THE COURT: -- Mr. Bilinkas, it does not
6 allow you to suggest to this jury to engage in
7 speculation, which is what you're doing.
8 MR. BILINKAS: No -- no.
9 THE COURT: Your client doesn't remember the
10 incident --
11 MR. BILINKAS: Judge, just --
12 THE COURT: -- according to the Expert
13 Reports. So that's not a factual basis for you.
14 MR. BILINKAS: Judge, I have ques--
15 THE COURT: And there's nothing in this
16 record to suggest that any of this happened, the
17 beating, the phone, the dog bite before. In fact, we
18 have a 911 call where it's patently obvious that the
19 dog is in the area because it is incessantly barking
20 and heard over the 911 call, --
21 MR. BILINKAS: Right.
22 THE COURT: -- which is after the shooting.
23 So I -- you need a factual basis. That is Blackletter
24 Law 101.
25 MR. BILINKAS: My factual basis, Judge, is

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1 that these people, both Kanarek and Goodwin, you know,
 2 have -- have a motive to lie with regards to what
 3 happened. They -- they filed a lawsuit. There's
 4 hostility. And -- and, again, --

5 THE COURT: But, again, even assuming all
 6 that's true, --

7 MR. BILINKAS: So why can't I --

8 THE COURT: -- there no evid-- no. But
 9 there's no evidence in the record. That's like saying,
 10 well, isn't it true that a stranger drove down the road
 11 when Michael Barisone was there and got out of his car
 12 and the stranger was the one that actually shot you,
 13 not Mr. Barisone. It's the same situation. There's no
 14 evidence in the record that that happened.

15 MR. BILINKAS: Judge, jus--

16 THE COURT: You're just trying -- you're --
 17 you're -- you're trying to create, in the jury's mind,
 18 some alternate issue without any facts in the issue to
 19 support it. Now, if Mr. Barisone was gonna testify
 20 about something, that's different.

21 MR. BILINKAS: Judge --

22 THE COURT: But the experts have said he
 23 doesn't remember anything about the incident.

24 MR. BILINKAS: Und-- understood, Judge. But,
 25 again, whatever ruling you -- you make, ob-- obviously,

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1 I -- I abide by. But in this particular case, this
 2 witness's testimony, as well as her boyfriend, which
 3 are basically the only two pieces of evidence --

4 THE COURT: No. And a 911 call --

5 MR. BILINKAS: -- okay.

6 THE COURT: -- which lays out exactly what
 7 happened immediately after the shooting.

8 MR. BILINKAS: Immediately after the
 9 shooting. And I believe I can question the timing of
 10 the shooting based on their inconsistent statements,
 11 their motivation to lie, and -- and their --

12 THE COURT: No. You're not gonna --

13 MR. BILINKAS: -- hos--

14 THE COURT: -- not -- not to create some
 15 alternate universe scenario without something in the
 16 record.

17 MR. BILINKAS: Well, I can't get anything in
 18 the record, Judge, unless I can ask these questions.

19 THE COURT: No. There's plenty in the record
 20 so far. There's plenty in the record so far. But
 21 nothing in the record to show that the beating, the dog
 22 bite, and everything happened before the shooting.

23 MR. BILINKAS: Well, Mr. Goodwin is gonna
 24 testify, Judge, that Mrs. --

25 THE COURT: Well --

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1 MR. BILINKAS: -- Kanarek disappeared for a
 2 significant period --
 3 THE COURT: All right.
 4 MR. BILINKAS: -- of time.
 5 THE COURT: Well, then ask him that.
 6 MR. BILINKAS: It's im-- it's impla--
 7 THE COURT: Ask him that question.
 8 MR. BILINKAS: -- it's implausible for
 9 someone to --
 10 THE COURT: It doesn't --
 11 MR. BILINKAS: -- be shot --
 12 THE COURT: -- Mr. Bilinkas, I can't predict
 13 what's gonna go on on the record in the future when
 14 other witnesses testify. If the scenario changes, then
 15 you can ask it then.
 16 At this point in time, there's nothing in the
 17 record to suggest the scenario that you want to ask in
 18 a question for the jurors. There's not.
 19 MR. BILINKAS: Judge, again --
 20 THE COURT: That's my ruling. End of it.
 21 All right.
 22 (Off the Record Back on the Record)
 23 THE COURT: The Court did rule on, uh, the
 24 last objection. The objection was sustained. Ask
 25 another question, Mr. Bilinkas.

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1 BY MR. BILINKAS:
 2 Q Ms. -- Ms. Kanarek, uh, when I showed you
 3 D-800-3, I -- I had you make a marking, uh, as to where
 4 you were standing when you got shot with a pen that
 5 really didn't, uh, um, --
 6 A Yes.
 7 Q -- show anything. So I got a sharpie. I'm
 8 gonna ask you to -- to make an X where you were
 9 standing on, uh, D-800-3. And you can see that better,
 10 correct?
 11 A Yeah.
 12 Q Can you put on that diagram where Michael
 13 Barisone was standing?
 14 A Um, yes. But there was a chair that's no longer
 15 there due to the -- all this clutter that's, I guess --
 16 Q So someone moved a chair based on your
 17 recollection?
 18 A Um, it's -- it's really dark. Um, the chair is
 19 actually still there.
 20 Q Okay.
 21 A Um, but it's not --
 22 Q Well, just -- just put where --
 23 A Okay. Sorry.
 24 Q -- Michael Barisone was standing when he sh--
 25 shot you, irrespective of --

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1 A Actually, I did not see this chair here specif--
2 the bush is here.
3 Q Right.
4 A So I don't know if this -- this is allowed. But
5 now that I see this chair where it is --
6 Q Right.
7 A -- like, I thought it was over there somewhere --
8 Q Right.
9 A -- it's gone, is it okay if I move this just right
10 there? 'Cause that would be more accurate now that
11 this chair -- if --
12 Q Let me -- I --
13 A -- (indiscernible) somewhere.
14 Q -- I don't want this to be confusing.
15 A Okay. Yeah, it is. It is.
16 (Attorney's Confer)
17 BY MR. BILINKAS:
18 Q I'm gonna give you a new copy. So --
19 A Okay.
20 Q -- there's not a lot of different check marks
21 on it.
22 A Okay.
23 Q Okay. So on D-800-3, can you please just put
24 a -- an -- an X --
25 A Okay.

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1 Q -- where you were standing --
2 A Okay.
3 Q -- when you got shot twice in the chest.
4 A Okay. So now that I see this, there.
5 Q Okay. And -- and could you put a small MB
6 depicting where Michael Barisone was standing?
7 A I -- as best as possible, sure. Um, can I just
8 make, like, a line to show, like, a person or do you
9 want an X? How would you like me --
10 THE COURT: Well, just put what counsel asked
11 you to put.
12 BY MR. BILINKAS:
13 Q Just -- just put a -- M -- a -- a --
14 A Oh.
15 Q -- small MB.
16 A A small MB. Okay. I'm sorry.
17 Q Okay.
18 THE COURT: All right. Bef-- before she goes
19 -- before you go, just so the record is clear, I want
20 the, uh, witness, Ms. Kanarek, to mark today's date and
21 put her initials so we know, in the future, who marked
22 the photograph, and there's no question about it.
23 THE WITNESS: I (indiscernible) --
24 THE COURT: The 31st, I believe.
25 MR. BILINKAS: It's the 31st, not the twen--

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1 THE WITNESS: Oh, 31st. Just -- just
2 (indiscernible).
3 THE COURT: I think it's the 31st.
4 THE WITNESS: Yeah, it is.
5 MR. BILINKAS: Yes, it's the 31st.
6 THE WITNESS: I don't know why I put the
7 21st.
8 MR. BILINKAS: Okay.
9 THE WITNESS: Wait. Yeah, it still looks
10 like a two. There you go. Sorry about that.
11 THE COURT: All right. Thank you.
12 MR. BILINKAS: Thank you.
13 BY MR. BILINKAS:
14 Q Now, do you notice in this diagram that
15 there's a -- uh, a telephone on that table right where
16 this shooting took place?
17 A I didn't notice. Not in that picture, no.
18 Q Uh, was Michael Barisone --
19 THE COURT: Hold -- hold on a sec.
20 (Sidebar)
21 (Sidebar inaudible. Microphone not turned on)
22 (Sidebar Concluded)
23 BY MR. BILINKAS:
24 Q When -- when you first came down to speak to
25 Michael Barisone --

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1 A Uh-huh.
2 Q -- um, did you notice that he was holding a
3 phone?
4 A No, I did not.
5 Q At any point in time prior to the shooting,
6 did you observe Michael Barisone holding his telephone?
7 A No, I did not.
8 Q Now, -- and, again, correct me if I'm wrong
9 -- he was standing where you've put an MB, correct?
10 A Correct.
11 Q You were standing where you put this little
12 star, correct?
13 A Correct.
14 Q And it's your testimony that he fired two
15 shots, one right after the other, correct?
16 A Correct.
17 Q And then, from that same position, a shot
18 towards your boyfriend?
19 A Correct.
20 Q All three within a matter of seconds,
21 correct?
22 A Correct.
23 Q And the whole time that the shooting took
24 place, you were holding his phone -- Rob's phone --
25 A Yes.

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1 Q -- and you were on the line with your civil
2 lawyer, correct?
3 A Yes, he -- he was on the line. Correct.
4 Q On August 4th, did you send Michael Barisone
5 that you were going to, uh, send people that he didn't
6 know to the farm to ride your horses?
7 A I did.
8 Q And -- and did you also tell him that you
9 were going to be having an elderly person and an infant
10 move into his house while you were away?
11 A No, I did not say that they were gonna be moving
12 in anywhere. That I recall.
13 Q Do you recall saying words to the effect, one
14 may be a child, whom you already met, along with his
15 grandma? When I decide for sure, I'll surely let you
16 know? Did you send that text to him?
17 A Yes.
18 Q Now, just -- strike that. Now, were you
19 aware of the fact that Ruth Cox had a gun?
20 A I -- I don't beli-- before the sh-- before the --
21 Q Before the shooting.
22 A Um, I was not aware that she 100 percent had a
23 gun, no. I -- I thought she might have, but I didn't
24 know for sure.
25 Q Do you recall telling the Morris County

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1 Prosecutor's Office --
2 THE COURT: Mr. Bilinkas, before we do that,
3 can I see you at the bench, please?
4 (Sidebar)
5 (Sidebar inaudible. Microphone not turned on)
6 (Sidebar Concluded)
7 (CourtSmart inaudible. Microphone not turned on)
8 BY MR. BILINKAS:
9 Q -- (indiscernible)?
10 A Yes.
11 Q Can you please go to Page 33, --
12 A Sure.
13 Q -- Lines 10 and 11 and see if that refreshes
14 your recollection as to whether or not you ever saw a
15 weapon in his hand?
16 A Lin-- I'm sorry. Lines 10 and 11?
17 THE COURT: Yes. Page 33, Lines --
18 THE WITNESS: Yes.
19 THE COURT: -- 10 and 11.
20 MR. SCHELLHORN: Judge, while the witness is
21 reviewing that, can we come to sidebar?
22 THE COURT: Sure.
23 (Sidebar)
24 (Sidebar inaudible. Microphone not turned on)
25 (Sidebar Concluded)

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1 BY MR. BILINKAS:

2 Q Did you tell the Prosecutor that you never
3 saw a weapon in his hand?

4 A Yes.

5 Q How many shots did you tell the Prosecutor he
6 fired at you?7 A I honestly don't remember. May-- I might have
8 said three. I might have said five.

9 THE COURT: Wasn't this gone over yesterday?

10 MR. BILINKAS: No, Judge, I don't believe so.

11 THE COURT: I believe it was.

12 MR. BILINKAS: Well, again, she testified on
13 direct to three.

14 BY MR. BILINKAS:

15 Q Did you tell the Prosecutor --

16 THE COURT: Hold -- hold on, --

17 MR. BILINKAS: Oh.

18 THE COURT: -- Mr. Bilinkas. Yeah. You --
19 you showed her D-200G. And we had a -- you -- you
20 cross-examined her on whether it was three, four, or
21 five shots.22 MR. BILINKAS: And I'm asking her now if she
23 told the Prosecutor five shots specifically.24 THE COURT: That's not -- Mr. Bilinkas, it's
25 been gone over already.

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1 BY MR. BILINKAS:

2 Q Now, --

3 MR. BILINKAS: Judge, there's a definitive
4 statement later on. I can't get into that?5 THE COURT: Well, you shouldn't characterize
6 anything one way or the other. That's the first thing.

7 MR. BILINKAS: This is --

8 THE COURT: But --

9 MR. BILINKAS: -- her characterization.

10 THE COURT: -- but this is not -- this was
11 over yesterday. You went through this yesterday.12 MR. BILINKAS: And I'm going over with her
13 her statement with the Prosecutor's Office.14 THE COURT: I'll -- I'll allow a brief
15 question on it.

16 MR. BILINKAS: Okay.

17 THE COURT: But do not get into the same
18 round we covered yesterday.

19 BY MR. BILINKAS:

20 Q Okay. Did you say, so it may have been more,
21 but definitely five?

22 A Um, actually, after watching the testimony --

23 THE COURT: No, no, ho-- hold on.

24 MR. BILINKAS: Whoa, whoa.

25 THE COURT: The -- the question is just --

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1 are -- are you asking if it refreshes her recollection
2 now?
3 MR. BILINKAS: Yes, yes.
4 THE COURT: Oh. You should have asked that.
5 Mr. --
6 THE WITNESS: Sorry.
7 THE COURT: -- the -- the question is, in
8 reading -- and what's the page and line number, please?
9 Because I don't think that was --
10 MR. BILINKAS: Oh.
11 THE COURT: -- made clear --
12 MR. BILINKAS: Pa-- pa--
13 THE COURT: -- to the witness.
14 MR. BILINKAS: -- different -- Page 35, Line
15 15, first two --
16 THE COURT: Page thir-- yeah.
17 MR. BILINKAS: -- first two words.
18 THE COURT: Just read that to yourself.
19 THE WITNESS: Okay.
20 THE COURT: And tell me, does it -- does it
21 refresh your recollection about the number of shots
22 that were fired?
23 THE WITNESS: Yes.
24 BY MR. BILINKAS:
25 Q How many shots were fired?

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1 A Three shots were fired.
2 Q Now, you just mentioned, after going over the
3 testimony. Did -- did you look at or see anyone's
4 testimony on YouTube or --
5 A I saw my own testimony as I gave it to the police
6 when I was shown the testimony.
7 Q Do you recall telling the police, immediately
8 after being shot you disappeared?
9 A I don't know what I said to the police.
10 THE COURT: We just --
11 THE WITNESS: A dr--
12 THE COURT: -- went over this --
13 THE WITNESS: -- I --
14 THE COURT: -- already, Mr. Bilinkas. Move
15 onto a different area. This is ge-- becoming
16 repetitious now.
17 BY MR. BILINKAS:
18 Q Now, Ms. Kanarek, you have or had access to
19 Michael Barisone's personal office off of the club
20 room, correct?
21 A No, that is incorrect.
22 Q Did you ever go into Michael Barisone's
23 office and take personal items?
24 A No, never.
25 Q I'm gonna show you -- okay. I'm gonna show

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1 you what has been marked 200C-30.
 2 A Sure.
 3 Q Ask you to read Item 4844.
 4 (Attorney's Confer)
 5 THE WITNESS: Who is this to?
 6 MR. BILINKAS: Your boyfriend.
 7 THE WITNESS: Yeah.
 8 MR. BILINKAS: And your dad.
 9 THE WITNESS: Correct.
 10 BY MR. BILINKAS:
 11 Q Does that refresh your recollection as to
 12 whether or not, on July 11th, 2019, you had obtained
 13 access to Michael's office?
 14 A Yes. In this -- yes.
 15 Q And -- and did you take any damaging
 16 materials from his personal office?
 17 A No, I did not.
 18 Q Did you say you took damaging materials in
 19 this communication with your boyfriend and father?
 20 A No, I did not say that.
 21 Q Did you say, I'm pretty good at locating
 22 damaging material now that I have access to Michael's
 23 office? I can write contracts, get his signature,
 24 whatever I need to do.
 25 A Yes.

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1 MR. SCHELLHORN: Judge, I'm gonna ask that
 2 that be stricken. It's not --
 3 (Sidebar)
 4 (Sidebar inaudible. Microphone not turned on)
 5 (Sidebar Concluded)
 6 THE COURT: All right. Ask another question,
 7 Mr. Bilinkas. Objection sustained.
 8 BY MR. BILINKAS:
 9 Q Did there come a time when, uh, you became
 10 aware that, uh, Michael Barisone was going to install
 11 web cameras in and around the stable area?
 12 A I'm sorry. Was there a time that I became where
 13 he was going to?
 14 Q Yes.
 15 A Um, there was a time that I became aware that
 16 there was discussion that he would hopefully install
 17 cameras around the property.
 18 Q Okay. And after you found that out -- and
 19 I'm referring to August 2nd, 2019 -- did you intend to
 20 look for them and disable them?
 21 A Maybe.
 22 Q And could you tell the ladies and gentlemen
 23 of the jury why you would want to disable Michael
 24 Barisone's cameras in the stable area?
 25 A Um, I don't really have a reason. But I don't

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1 know the context either.
 2 Q I'm gonna show you Defense Exhibit 100C.
 3 (Attorney's Confer)
 4 MR. BILINKAS: Uh, C-16. Sorry.
 5 BY MR. BILINKAS:
 6 Q I'll show you 100C-16.
 7 A Do you need this back?
 8 Q Yeah. I'll take that back.
 9 A All right. Um, --
 10 Q Yep.
 11 A -- sorry. Um, oh. Okay.
 12 Q Can you look at 019?
 13 A On the -- oh, I see it. That's a ze-- that's a
 14 zero, right?
 15 Q Yep.
 16 A Okay. All -- all the ones that say 019?
 17 Q No.
 18 A They're all listed as that.
 19 Q Okay. Sorry. This one here.
 20 A (Indiscernible).
 21 Q Just right down to here.
 22 A Okay. Yes, I -- I (indiscernible) --
 23 Q Right here.
 24 A -- before. I just thought --
 25 Q Right -- right here up to --

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1 A Where there's, like, --
 2 Q Yep.
 3 A -- marks? Okay. I'm sorry. Was your question --
 4 what was your question again about this?
 5 Q Did you plan after finding out that --
 6 MR. SCHELLHORN: Judge, that's -- that was
 7 not what the question was.
 8 THE COURT: Yeah. Let -- let me see you at
 9 sidebar, please.
 10 (Sidebar)
 11 (Sidebar inaudible. Microphone not turned on)
 12 (Sidebar Concluded)
 13 THE COURT: Uh, objection sustained.
 14 MR. BILINKAS: I'll take all this back.
 15 THE WITNESS: Sure. And you need this?
 16 MR. BILINKAS: Yes.
 17 THE WITNESS: Here's that.
 18 MR. BILINKAS: And I'll take this, too.
 19 THE WITNESS: Okay.
 20 MR. BILINKAS: Thank you.
 21 THE WITNESS: It's so heavy.
 22 THE COURT: All right. Move on, Mr.
 23 Bilinkas.
 24 MR. BILINKAS: Judge, I have no further
 25 questions with this witness.

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1 THE COURT: All right. Uh, we'll do
2 redirect.
3 MR. SCHELLHORN: Thank you, Judge.
4 REDIRECT EXAMINATION BY MR. SCHELLHORN:
5 Q Ms. Kanarek, uh, you still have that
6 transcript in front of you?
7 A Uh, no, he just took everything.
8 Q Oh.
9 (Attorney's Confer)
10 MR. SCHELLHORN: Judge, for the record, this
11 is two hun-- Defendant's 200G.
12 THE COURT: Now being shown to the witness.
13 BY MR. SCHELLHORN:
14 Q And you were asked a series of questions
15 about, did you see the gun before you got shot or did
16 you not see the gun before you got shot. And I believe
17 Mr. Bilinkas had taken a -- a line on Page 33, Line 10.
18 If you could just turn to that.
19 A Sure. Yes.
20 Q He asked you the question on Line 10, if you
21 were asked a question, so you never saw a weapon in his
22 hand and your answer was no?
23 A No.
24 Q Is there context for that --
25 MR. BILINKAS: Judge, I --

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1 BY MR. SCHELLHORN:
2 Q -- if we go back?
3 MR. BILINKAS: -- I believe he's testifying.
4 I have no problem with him asking her as I asked her.
5 THE COURT: Well, just -- yeah. Mr.
6 Schellhorn, just --
7 MR. SCHELLHORN: I'm just directing her to
8 the --
9 THE COURT: -- fine.
10 MR. SCHELLHORN: -- page, Judge.
11 THE COURT: It's -- it's a -- I understand.
12 It's a -- it's a --
13 MR. BILINKAS: I would ask that he not lead
14 it, Judge.
15 THE COURT: Well, you can -- you can ask her
16 what did she say on so and so occasion and line so and
17 so as Mr. Bilinkas did to see if that refreshes her
18 recollection about what she said on a later page or a
19 page before. That's fine.
20 BY MR. SCHELLHORN:
21 Q So that was on Page 33, Ms. Kanarek?
22 A Yes, Line 10.
23 Q I'm gonna ask you to direct your attention
24 back to Page 30.
25 A Sure.

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1 Q Which is three pages before. And I'm gonna
2 ask you to direct your attention to Line 8, 9, 10, and
3 11.
4 A Yes.
5 Q Do you see those lines?
6 A Yes, I can.
7 Q On Lines 8 to 10, did Detective Rodgers
8 (phonetic) ask you a question?
9 A He did.
10 Q What was the question he asked you?
11 A Should I read it out --
12 MR. BILINKAS: Again, Judge, I -- I think
13 it's --
14 THE COURT: No, the question is fine.
15 MR. BILINKAS: Okay.
16 THE COURT: It's not -- the question is not
17 hearsay. It's a question.
18 THE WITNESS: He asked me --
19 THE COURT: It's not -- it's not a statement.
20 THE WITNESS: -- I'm sorry. I'm so sorry.
21 THE COURT: Go ahead.
22 THE WITNESS: So he asked me, so --
23 BY MR. SCHELLHORN:
24 Q What did he ask you?
25 A He asked me, so when -- when that -- when you were

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1 coming out and he -- he was behind the bush and you
2 couldn't see him -- I said, -- oh.
3 Q Go ahead. And what was your answer?
4 A I said, yeah.
5 Q And what did he ask you on Lines 12 and 13?
6 A He said, so you were walking toward him?
7 Q And what was your answer?
8 A And I said, yes. I said, toward him.
9 Q So does that put in reference the point in
10 time that -- that we're talking about --
11 MR. BILINKAS: Objection.
12 BY MR. SCHELLHORN:
13 Q -- in this statement?
14 MR. BILINKAS: He's testifying, Judge.
15 THE COURT: Well, I'll allow it.
16 BY MR. SCHELLHORN:
17 Q Now, if I direct you ahead to Line thir-- uh,
18 excuse me -- Page 31, are you still talking about the
19 same context and about the same, uh, part of the
20 incident?
21 A Uh, yes. Let me see.
22 Q In other words, the --
23 MR. BILINKAS: Wha-- what page --
24 BY MR. SCHELLHORN:
25 Q -- subject didn't --

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1 MR. BILINKAS: -- what --

2 BY MR. SCHELLHORN:

3 Q -- change --

4 MR. BILINKAS: -- what -- what pa--

5 BY MR. SCHELLHORN:

6 Q -- on Page 31, did it?

7 A No, no, the subject didn't change from --

8 THE COURT: Is there --

9 THE WITNESS: -- what you were --

10 THE COURT: -- an objection?

11 THE WITNESS: -- talking about prev--

12 MR. BILINKAS: No, I'm -- I'm trying to

13 figure out --

14 THE WITNESS: -- previously.

15 MR. BILINKAS: -- the page and the line.

16 THE COURT: Oh. What -- all right. What's

17 the page number?

18 MR. SCHELLHORN: Just in general, I want to

19 establish, Judge, that Page 32 the subject didn't

20 change. The point in time of the shooting was still

21 where the defendant had pulled in, gotten out, and was

22 standing by the bush.

23 BY MR. SCHELLHORN:

24 Q Now, on Page 32, were you asked a question by

25 Detective Rodgers on Lines 4 and 5?

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1 A Yes.

2 Q What was the question?

3 A Um, did you see -- at that point, did you even see

4 a gun or anything? You just --

5 Q And what was your answer on the next line?

6 A No.

7 Q What -- what was your answer on Lines 8

8 through 11, if you could read that?

9 A Sure. I -- I didn't even know he had the gun un--

10 MR. BILINKAS: Again, Judge, --

11 THE WITNESS: -- until --

12 MR. BILINKAS: -- now she's reading her

13 answer.

14 THE COURT: Well, it's a prior consistent

15 statement.

16 MR. BILINKAS: Okay.

17 THE COURT: All right. You attacked her

18 credibility. The State has a right to introduce prior

19 consistent statements of the witness under the Rules

20 607. Go ahead, Mr. Schellhorn.

21 BY MR. SCHELLHORN:

22 Q Ms. Kanarek, if you could just continue

23 reading Lines 8 to 11 --

24 A Sure.

25 Q -- out loud, please.

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1 A I (indiscernible). I -- I didn't even know he had
 2 the gun until he said something and then I responded.
 3 And, like, in the middle of my sentence I was cut off
 4 'cause I -- I just see him pull out the gun.
 5 Q Now, if you could turn back, uh, to Page 6 of
 6 that transcript.
 7 A Yes.
 8 Q And I'm gonna direct your attention to Line
 9 14 to 16. Do you see where I'm referring to?
 10 A Yes. Page 6, 14 to 16.
 11 Q And can you read those lines?
 12 A Um, sta-- st--
 13 Q Starting -- starting on Lines 14 with the
 14 word and.
 15 A Page 6 this is?
 16 Q Page 6, Line 14. If you can start with the
 17 word and.
 18 A Okay. And the minute, like, that words started to
 19 come out of my mouth, I just see a gun come out of his
 20 pocket. And, like, I was in that second -- very
 21 second, like, in shock.
 22 Q Thank you. So does that clarify whether you
 23 saw the gun before Michael Barisone shot you with the
 24 gun?
 25 A Yes.

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1 Q Now, continuing on that same paragraph, I
 2 think you were asked a series of questions by Mr.
 3 Bilinkas this morning, and perhaps yesterday, about
 4 aft-- what happened after you got shot. Do you
 5 remember those questions?
 6 A Some of them.
 7 Q Do you remember being asked some of those
 8 questions by the Detectives when they questioned you in
 9 September of 2019?
 10 A Some of them.
 11 Q And, again, on Page 6 of that statement,
 12 specifically on Lines 20 to 22, --
 13 A Uh-huh.
 14 Q -- what did you tell them in September of
 15 2019 about what you remembered after you got shot?
 16 A Um, starting on Line 20 of Page 6?
 17 Q Yes.
 18 A Um, should I start with the word and or --
 19 Q Yes.
 20 A -- all right. And this is the point where it
 21 gets, like, shady.
 22 MR. BILINKAS: Judge, she -- she left out,
 23 uh, three words.
 24 THE COURT: All right. Just read the entire
 25 line, if you would, ma'am.

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1 THE WITNESS: Okay. I took -- so -- so -- so
2 the sentence before then. Okay.
3 BY MR. SCHELLHORN:
4 Q Just start with and.
5 A Okay. Start with and. And this is the point
6 where it gets --
7 MR. BILINKAS: Judge, she's leaving out three
8 words.
9 THE COURT: I --
10 MR. SCHELLHORN: Judge, do you -- you want a
11 copy?
12 THE COURT: Yeah.
13 MR. SCHELLHORN: You can follow along --
14 THE COURT: I don't --
15 MR. SCHELLHORN: -- with my copy.
16 THE COURT: -- I don't have a transcript, so
17 I'm lost here.
18 MR. SCHELLHORN: We're right here, Judge,
19 starting with the word and.
20 THE COURT: All right. Starting with and.
21 All right. Go ahead and read.
22 THE WITNESS: Okay. And this is the point
23 where it gets, --
24 MR. BILINKAS: Jud--
25 THE WITNESS: -- like, --

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1 THE COURT: Where -- where -- where is she
2 leaving it out?
3 MR. BILINKAS: It says -- mine says, Line 20,
4 and as I ran at this point --
5 THE COURT: No, no, you're looking at the
6 wrong and. It's -- the next sentence begins and with a
7 capital A. That's what she's --
8 MR. BILINKAS: What -- what line -- what
9 line, Judge?
10 THE COURT: It's the same line. It's right
11 next to it. Line 20.
12 MR. BILINKAS: Page 6?
13 THE COURT: The end you're referring -- and
14 that you're referring to is the line before. She's not
15 leaving it out. She was -- she was directed to read
16 that line. Go ahead. Read where it begins, ma'am,
17 with a capital and.
18 THE WITNESS: Yes, Your Honor. And this is
19 the point where it gets, like, shady 'cause I don't
20 know where the hell I went.
21 BY MR. SCHELLHORN:
22 Q And what was the purpose of you saying that
23 to the Detectives the day that they interviewed you in
24 September of 2019? What do you mean by the word shady?
25 A Um, I mean, like, confusing a little bit.

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1 Q I also wanted to ask you, uh, uh, some
 2 questions. I don't have any other questions about the
 3 transcript right now, Ms. Kanarek, so you don't -- you
 4 can close that up.

5 A Okay. Thank you.

6 MR. SCHELLHORN: Judge, if I could have
 7 permission to display S-210, which, I believe, is, uh,
 8 corresponding to D-800-3 that the witness was shown? I
 9 -- I take that back. It's not corresponding. But
 10 S-210 is in evidence.

11 THE COURT: Yes. S-210 will be shown on the
 12 screens, please.

13 BY MR. SCHELLHORN:

14 Q Ms. Kanarek, what's S-210 a picture of?

15 A The porch, uh, table and chairs.

16 Q And what is in the top right of that picture?

17 A A bush.

18 Q Can you just -- I think the jury probably
 19 knows this, but if you could just orient them to that
 20 bush is located with respect to the back door.

21 A That bush is in between, um, that little, I guess,
 22 uh, mini-roof thing and where the tables are. Between
 23 there and where the actual porch is, which leads to the
 24 front door. And it's only, you know, a couple feet
 25 away. Maybe ten, at most.

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1 Q When you described, uh, coming out of the
 2 house, do you see on S-210 the approximate area where
 3 you saw the defendant standing?

4 A Yes.

5 Q Can you describe that for the jury?

6 A Yes. Um, he was -- oh, I don't -- um, so he was
 7 standing, like, sort of in the bush and also at the
 8 same time on the other side of the chair, which is not
 9 the chair that's in front of the white structure --

10 MR. BILINKAS: Judge, I --

11 THE WITNESS: -- not --

12 MR. BILINKAS: -- I have no reference point.
 13 Could we have a point to where she's talking about?

14 She's pointing to her screen.

15 THE WITNESS: A laser?

16 THE COURT: I don't know. You can try that,
 17 ma'am.

18 MR. SCHELLHORN: I'm not sure if that will
 19 work, but --

20 THE COURT: It may --

21 MR. SCHELLHORN: -- we'll try it.

22 THE COURT: -- not have been charged up. And
 23 it's not effective even when it's fully charged, so.

24 But you can -- you can try and see if --

25 THE WITNESS: Okay.

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1 THE COURT: -- it works.
2 THE WITNESS: If it doesn't work, it's okay.
3 THE COURT: Just don't shine it in anyone's
4 eyes.
5 THE WITNESS: Oh, okay. I'm sorry. So where
6 the defendant was standing --
7 MR. SCHELLHORN: Yes, --
8 THE WITNESS: -- or I --
9 MR. SCHELLHORN: -- the approximate area
10 where he was standing. Judge, would it be all right if
11 I go over and point to where that cursor is so that --
12 THE COURT: Yeah.
13 MR. SCHELLHORN: -- Ms. Kanarek --
14 THE COURT: Well, as --
15 MR. SCHELLHORN: -- doesn't have --
16 THE COURT: -- as long as -- can -- can the
17 jurors can see that, especially in the gallery? Can
18 everyone see it? Yes. All right. They see where it
19 is.
20 MR. SCHELLHORN: They do see it.
21 THE COURT: No need to point. It's a little
22 bit faint, but it shows up on the screen. And it's,
23 um, where the chair is pulled into the table, the --
24 the light -- this is for the record -- the light was
25 shined, um, to the left of that, uh, between the chair

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1 and, um, the small white structure with a roof.
2 All right. Next question.
3 BY MR. SCHELLHORN:
4 Q You were asked a question about a -- a phone
5 on the table. Do you see a phone on the table in this
6 picture?
7 A Now I do, yes.
8 Q Are you aware if you or your boyfriend,
9 Robert, ever had a white Google phone?
10 A Never.
11 Q Did you see that phone there on the day that
12 you got shot?
13 A Nope.
14 (Attorney's Confer)
15 MR. SCHELLHORN: Judge, I think we can
16 stipulate that that was Mr. Barisone's phone.
17 (Attorney's Confer)
18 MR. SCHELLHORN: Judge, may I approach?
19 THE COURT: Yes.
20 BY MR. SCHELLHORN:
21 Q Ms. Kanarek, I'm showing you what's been
22 marked as 200C-47 for the record. Directing your
23 attention to Line 512.
24 A Yes.
25 Q Do you remember being asked about what that

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1 text message said?
 2 A I do not. Oh, bu-- bu-- I mean, ye-- yes, I do.
 3 Q Do you remember when Mr. Bilinkas asked you
 4 that --
 5 A Yes, --
 6 Q -- question?
 7 A -- yes, yes.
 8 Q I'm gonna ask, if you could, go up to Line
 9 505.
 10 A Sure.
 11 Q And just read to yourself what that text
 12 message says.
 13 A Sure. Okay.
 14 Q Now, I think you were asked a question on
 15 cross-examination, whether you learned that Michael
 16 Barisone was deathly afraid of your father?
 17 A Yes.
 18 Q And you sent that text message to your
 19 father?
 20 A Um, I sent it -- yes, I did.
 21 Q After reading the -- the context of the text
 22 messages before it, what was the basis for you saying
 23 that Michael Barisone was deathly afraid of your
 24 father?
 25 A The basis for me saying it was that Michael

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1 himself said it or indicated that, um, no one there
 2 should hurt me because not with the fath-- not -- they
 3 shouldn't hurt me because I have a protective father,
 4 basically is what just -- that is.
 5 Q So do you mean people at the barn --
 6 MR. BILINKAS: Objection as to what she
 7 means.
 8 THE COURT: All right. Yeah. Don't --
 9 MR. SCHELLHORN: Wh--
 10 THE COURT: -- don't -- don't lead her. Just
 11 ask her what she meant by that. That's all.
 12 BY MR. SCHELLHORN:
 13 Q Just -- and just to clarify, when you say
 14 people, in general, are you talking about a person or a
 15 group of people?
 16 A A group of people.
 17 Q And what was the group of people in general?
 18 With that, you don't have to use specific names. Just
 19 who, in general, are you referring to?
 20 A Barn staff and one of their parents.
 21 Q And what was the barn staff and the parents
 22 talking about?
 23 A Uh, coming to beat me up and punch me in the face,
 24 and do me bodily harm.
 25 Q And what did, uh, Michael Barisone respond to

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1 that after they said to come hurt you and do you bodily
 2 harm?

3 A He said, no, no, no. Nope. Not with a father
 4 like that. Um, that's the wrong way to go about this.

5 Q And is it then two text messages later that
 6 you advised your father that Michael was deathly afraid
 7 of him?

8 A Yes.

9 Q The last few questions I have for you -- I'm
 10 not gonna ask you about every Facebook post that you
 11 ever posted.

12 A Okay.

13 Q But I do just want to clarify a few with you
 14 if that's all right.

15 A Sure.

16 Q Uh, specifically, you were as--
 17 (Attorney's Confer)

18 MR. SCHELLHORN: Judge, the Facebook records
 19 are 402. So I'm just gonna refer to the page numbers.
 20 I don't -- uh, I apologize. I didn't write down all of
 21 the exhibit numbers that the defense attorney used.

22 THE COURT: All right.

23 MR. SCHELLHORN: So this is S-402.

24 MR. BILINKAS: Can I see it, counsel?
 25 (Attorney's Confer)

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1 BY MR. SCHELLHORN:

2 Q So, Ms. Kanarek, we'll start with S-402, Page
 3 968.

4 A Sure.

5 Q I think you were asked about that post that
 6 you had on August 4th, 2019.

7 A Yes.

8 Q And Mr. Ba-- uh, Bilinkas had asked you
 9 questions about certain sentences or certain lines in
 10 this, uh, specific post.

11 A Yes.

12 Q Did he read this entire post in its entirety?
 13 A He did not.

14 Q Did he leave out a part where you said, I
 15 also feel that saying certain things to a public
 16 audience in some way helps keep me safe?

17 A Yes, I did say that.

18 Q Did you say at the end of that post, there's
 19 only so much I'm willing to take from any person any
 20 time before I unleash every legal resource and recourse
 21 that I have?

22 A Yes.

23 Q On S-402, Page 814, I think you were asked a
 24 question about this, uh, post yesterday on July 27th,
 25 2019.

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1 A Uh-huh.
 2 Q Do you remember being asked about -- I think
 3 you had said something in that post to the effect of,
 4 this is me, look out 'cause here I come?
 5 A Yep.
 6 Q What did you remember that post to be in
 7 reference to?
 8 A It was an exact quote to The Greatest Showman.
 9 And I was basically just quoting that, meaning I, you
 10 know, march to the beat of my own drum kind of thing.
 11 And let's have -- let's (indiscernible) music kind of
 12 thing.
 13 Q And what's -- just in case anyone doesn't
 14 know, what's The Greatest Showman?
 15 A Um, it's a movie that has songs in it. And I was
 16 quoting one of the songs from the soundtrack of that
 17 movie.
 18 Q And did you put the lyrics to that song in
 19 quotation marks?
 20 A I did.
 21 Q Did you finish it with TGSM?
 22 A Yep, The Greatest Showman.
 23 Q What did you say after TGSM?
 24 A Let's have a night of music, hmm?
 25 Q The post before that, which was approximately

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1 20 minutes before, --
 2 A Uh-huh.
 3 Q -- in general, what is that a reference to?
 4 A I guess I forgot. I'd have to read it. Another,
 5 um, -- another song.
 6 Q Who's that song by?
 7 A Meatloaf.
 8 Q Is the post after The Greatest Showman post
 9 about another 20 minutes later or a half hour later?
 10 A Yes.
 11 Q And what is that post in reference to?
 12 A Another song and movie, actually. A -- a song and
 13 a movie.
 14 Q And then the last, uh, post I'll ask you
 15 about is in S-402, Page 970. Do you remember being
 16 asked about a post you made on August 4th, 2019?
 17 A Yes.
 18 Q This is a post where Mr. Bilinkas asked you a
 19 series of questions about your gun --
 20 A Yep.
 21 Q -- and how many bullets it had.
 22 A Uh-huh.
 23 Q And -- yes or no?
 24 A Oh, yes.
 25 Q And, uh, I think he finished up at the end

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1 here by pointing out that you had something, uh, about
 2 if something turns violent, uh, you would let someone
 3 punch you in the face twice.

4 A Yes.

5 Q Did he leave a line out in the middle of that
 6 paragraph or that post?

7 A Yes, he did.

8 Q What was the -- the words that he left out
 9 when he read that post?

10 A The words were, also, luckily I am not a violent
 11 person. I hate confrontations which seem they could
 12 turn violent.

13 Q Did he also leave out this line, starting
 14 with unfortunately, after you talked about your two
 15 guns?

16 A Yes.

17 Q What does that line say?

18 A It says, unfortunately or luckily, they are both
 19 in NC.

20 Q What is NC?

21 A North Carolina.

22 Q Thank you.

23 MR. SCHELLHORN: Judge, I don't have any
 24 further questions on redirect.

25 THE COURT: All right.

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1 MR. BILINKAS: I have one, Judge.

2 THE COURT: What?

3 MR. BILINKAS: One question.

4 RECROSS EXAMINATION BY MR. BILINKAS:

5 Q With regards to D-200C-47 where you discussed
 6 staff members punching you in the face --

7 A Uh-huh.

8 Q -- isn't it a fact -- and this is the day
 9 before the shooting -- that you said you heard Michael
 10 say, no!!!, no!!!!, no!!!!? Did you write that with
 11 regards to what my client said regarding any violence
 12 towards you?

13 A Yes.

14 MR. BILINKAS: Nothing further.

15 (Off the Record Back on the Record)

16 R O B E R T G O O D W I N, STATE'S WITNESS, SWORN

17 THE CLERK: Please state your name and spell
 18 your last name for the record.

19 THE WITNESS: My name is Robert Goodwin, G-O-
 20 O-D-W-I-N.

21 THE CLERK: Thank you.

22 THE COURT: All right. Mr. Goodwin, you can
 23 have a seat. Please keep your voice up nice and loud.
 24 That microphone in front of you, it simply records. It
 25 doesn't ampli-- uh, fy your voice for the, um, -- in

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1 the court. Uh, if you don't understand a question,
 2 just indicate you don't understand and I'll have
 3 counsel rephrase. And if you hear anyone say objection
 4 during a question or testimony, just stop answering
 5 until the Court deals with the objection. Okay?

6 THE WITNESS: Yes, sir.

7 THE COURT: Very good. Mr. Schellhorn, go
 8 ahead.

9 MR. SCHELLHORN: Thank you, Your Honor.
 10 DIRECT EXAMINATION BY MR. SCHELLHORN:

11 Q Good afternoon, Mr. Goodwin.

12 A Hello.

13 Q Can you please introduce yourself to the jury
 14 and tell them how old you are?

15 A How you doing? I'm Robert Goodwin. I'm, uh, ooh,
 16 45 years old.

17 Q Where do you currently live?

18 A Uh, right now I live in Florida.

19 Q Do you know Michael Barisone?

20 A I do.

21 Q Do you see him in court today?

22 A I do.

23 Q Could you identify him by an article of
 24 clothing that he's wearing?

25 A A white shirt and blue tie.

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1 MR. BILINKAS: Stipulate he's identified my
 2 client.

3 THE COURT: Identifying the defendant, Mr.
 4 Barisone.

5 BY MR. SCHELLHORN:

6 Q Mr. Goodwin, do you have any, uh, equestrian
 7 background?

8 A I do not.

9 Q Have you ever ridden a horse?

10 A I have.

11 Q What's the extent of your involvement in the
 12 equestrian community?

13 A Uh, I wa-- you know, I'm a -- I'm there to support
 14 Lauren. Uh, I do enjoy -- I do enjoy animals. I love
 15 the horses. And, uh, I ride occasionally.

16 Q When you say Lauren, who are you referring
 17 to?

18 A Lauren Kanarek.

19 Q And who is she to you?

20 A She's my girlfriend.

21 Q When you say you support her, uh, have you
 22 observed her riding horses and competing in various
 23 equestrian, uh, fields?

24 A Unfortunately, many, many times.

25 Q Now, during 2018 and 2019, do you know who

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1 Lauren's coach was?
2 A It -- that would be Michael Barisone.
3 Q You said you currently live in Florida. Have
4 you ever lived in New Jersey?
5 A I have. I grew up in New Jersey.
6 Q Grew up in New Jersey. Have you ever lived
7 in New Jersey as an adult?
8 A Uh, yes.
9 Q When you lived in New Jersey as an adult --
10 and I'm gonna specifically direct your attention to the
11 summer of 2018 and the summer of 2019 -- where did you
12 live?
13 A Uh, 411 West Mill Drive (sic), Long Valley.
14 Q What was there?
15 A That was the -- uh, Michael's farm.
16 Q Did you live there with anybody?
17 A Uh, I lived -- I lived with, uh, Lauren Kanarek.
18 Q Now, you indicated you know Michael Barisone
19 and you knew him to be Lauren's trainer in Sept-- uh,
20 excuse me -- in 2018 and 2019. At the times that you
21 said that you were living at the farm in Long Valley,
22 was Lauren, uh, training at those farms -- at the farm?
23 A Uh, yes.
24 Q Did she have any horses boarded there?
25 A Uh, throughout times, uh, different numbers, but

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1 yes.
2 Q Do you remember when you first met Michael
3 Barisone?
4 A I believe it was the -- December 2017.
5 Q And do you remember where you first met him?
6 A We came down to his farm in Loxahatchee, Florida.
7 Q What was the reason for going to the
8 Loxahatchee Farm?
9 A At the time Lauren was in training with a North
10 Carolina trainer who was, uh, -- well, I guess, uh, was
11 coming down to train with, uh, either Michael or Vera.
12 I'm not sure which one. But, uh, you know, Lauren --
13 Lauren came down and, uh, -- and we trained with him
14 for a month. We were --
15 Q Now, you just mentioned the name Vera. Who's
16 Vera?
17 A Vera is Michael's ex-wife.
18 Q When you first met the defendant, Michael
19 Barisone, were you aware of him by either reputation or
20 background?
21 A Uh, no, I've never heard of him.
22 Q Over time did you become aware of his
23 reputation or his background?
24 A Uh, yes.
25 Q What did you come to find out about him?

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1 A Uh, meaning?
 2 Q Uh, what did you come to find out about him
 3 and his involvement in the equestrian community?
 4 A Oh. He was a very, I guess, uh, well regarded
 5 trainer. Um, he was, uh, -- 'cause -- been to the
 6 Olympics, uh, coached some, uh, Olympians.
 7 Q I think you indicated when Lauren first went
 8 there to Florida she was training with another trainer
 9 at another farm in North Carolina?
 10 A That's correct.
 11 Q Uh, what made her decide to tra-- uh, change
 12 and go to Florida?
 13 A So, uh, you know, toward -- towards the end of our
 14 stay when we were about to go home, uh, Michael
 15 approached Lauren and said, you know --
 16 MR. BILINKAS: Objection.
 17 MR. SCHELLHORN: It's the defendant's
 18 statement, Judge.
 19 THE COURT: Yeah. What -- what's the
 20 objection?
 21 MR. BILINKAS: Was he there?
 22 THE WITNESS: Yes.
 23 MR. BILINKAS: Okay. I withdraw my --
 24 THE COURT: He was there.
 25 MR. BILINKAS: -- objection.

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1 THE COURT: All right. It's withdrawn. Go
 2 ahead. Do you want to repeat --
 3 MR. SCHELLHORN: Wh--
 4 THE COURT: -- the question?
 5 MR. SCHELLHORN: -- I'll -- I'll -- I'll put
 6 some context.
 7 BY MR. SCHELLHORN:
 8 Q Were you present at the time that the
 9 defendant had a conversation with Lauren?
 10 A I was.
 11 Q And that was in Florida?
 12 A Correct.
 13 Q In general, what was the context of that
 14 conversation?
 15 A Uh, you know, that we should come train with him.
 16 Um, North Carolina is where (indiscernible) dreams go
 17 to die. Uh, you know, we'll get your -- you know, it
 18 was two, three years ago, so, I mean, I can't remember
 19 exactly. But, you know, just -- it was just, come with
 20 me, I'll make you a better rider and do the things you
 21 want to do.
 22 Q Now, how would you describe Michael Barisone
 23 physically at the time that you met him in, uh,
 24 Florida?
 25 A Uh, he's a large guy, a lot of personality. Um,

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1 intimidating stature.

2 Q You know how tall he was?

3 A Uh, 6'3", 6'4".

4 Q And how tall are you?

5 A 5'8".

6 Q Now, you indicated that you met him at the
7 farm in -- farm in Florida. Do you know whether that
8 was his farm?

9 A Uh, yes. Uh, when we first went down there we --
10 we trained on his farm, but we were at another farm,
11 which wa-- I believe it was his brother-in-laws.

12 Q But, at some point, did you come to find out
13 that he owned a farm in Florida?

14 A Yeah. Like I said, we tra-- we trained -- we
15 trained on his property. It was the only one with the,
16 uh, arena and the ring.

17 Q Now, after Lauren decided to go and train
18 with Michael Barisone, uh, where did -- where did she
19 train during the years of 2018 and 2019?

20 A Um, I'm dry.

21 MR. SCHELLHORN: That's all right.

22 (Non-Testimony Issues Discussed)

23 BY MR. SCHELLHORN:

24 Q So my question was, during 2018 and 2019 when
25 Lauren decided to train with Michael Barisone, where

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1 did she do that training?

2 A Uh, so we trained -- we -- we started out in
3 Florida and, uh, -- through the winter months and then
4 through the, um, -- through the rest of the year --
5 nine months out of the year it was in, uh, Long Valley,
6 New Jersey.

7 Q Let me draw your attention to the summer of
8 2018, the first summer that you lived in Long Valley.
9 Uh, where did you live?

10 A summer of 2018. Uh, so we lived in the middle
11 floor of the Long Valley farmhouse.

12 Q And do you recall where you lived -- what
13 floor of the farmhouse you lived on?

14 A The middle floor. So it was three floors. I
15 guess, the second floor.

16 Q Did anyone else live in the farm at that
17 time?

18 A The working students, uh, lived on the, uh, first
19 floor, which was the basement. We lived on the second
20 floor, me and Lauren. And, uh, Justin Harden lived on
21 the third floor.

22 Q What else do you remember about the property
23 at 411 West Mill Road, in terms of what other features
24 or landmarks do you remember being on the property?

25 A Um, a pond, two barns, uh, a lot of, uh, -- a lot

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1 of green fields, grassy fields, you know. And Michael
 2 had a nice garage. And --
 3 Q Yo-- do you know approximately how far it is
 4 from the farmhouse to the barn or the stable?
 5 A I -- you know, a quarter mile, give or take.
 6 Q And how do you get from the farmhouse to the
 7 barn or stable?
 8 A We drive, walk. I mean, --
 9 Q Uh, is there a driveway, a roadway, --
 10 A Yeah, sorry.
 11 Q -- or something else?
 12 A There's a driveway.
 13 Q Now, you indicated that when you lived there
 14 in 2018 you lived there with Lauren?
 15 A Correct.
 16 Q Did you have any pets there with you?
 17 A Uh, oof, yes, we had, uh, -- yeah.
 18 Q What kind of pets?
 19 A Two dogs.
 20 Q And I'm gonna show you what's, uh, been moved
 21 into evidence as S-403. What's S-403 a picture of?
 22 A Uh, it's a picture of my dog, Rosie (phonetic), on
 23 a leash.
 24 Q And how big is Rosie, approximately?
 25 A 25 pounds. Twenty -- 25 pounds.

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1 Q Was she about the same size in August of
 2 2019?
 3 A She's been the same size since she was full-grown.
 4 Q How -- how old is she now?
 5 A Six or seven, maybe.
 6 Q Uh, did you live in a separate or a different
 7 part of the house in the summer of 2019 when you came
 8 back north?
 9 A Uh, yes. At that point we moved up to the third
 10 floor apartment.
 11 Q Who was living there during the -- the first
 12 summer you were there?
 13 A Uh, Justin Harden, the, uh, trainer.
 14 Q Do you have any personal knowledge of why you
 15 moved from the first level of the house to the second
 16 level?
 17 A Uh, yes. When we were in Florida, uh, uh, there
 18 was a pipe that burst and, uh, -- well, I guess, the
 19 pipe froze and then when it thawed it burst and flooded
 20 the whole -- whole apartment. You know, the pipe was
 21 in the, uh, ceiling of the second floor.
 22 Q So did that have any effect on the -- the
 23 first floor -- well, what I'll call the main floor.
 24 Did it have an effect on the main floor of the house?
 25 A Uh, yes, it flood-- flooded the main floor and,

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1 you know, the water settled the basement.

2 Q As a result of that, uh, was the first floor
 3 of the house, meaning the basement floor -- where you
 4 called the first floor -- was that livable or
 5 habitable?

6 A The basement floor was pretty much gutted.

7 Q How about the -- the main floor of the house?

8 A The main floor was semi-gutted. Some rooms were,
 9 uh, -- had heavy damage and some didn't.

10 Q And then what about that second floor
 11 apartment or upstairs apartment?

12 A Uh, pretty much untouched. Because, like I said,
 13 it came -- well, what I mean to say is it came from the
 14 floor of, uh, -- the floor of that -- that apartment.

15 Q And let me ask you -- I just want to ask you
 16 some questions about Lauren's horses. Uh, did you ever
 17 help her take care of the horses?

18 A All the time.

19 Q Do you remember how many horses were at the
 20 property in August of 2019?

21 A 2019 we had, uh, four horses.

22 Q And do you have any awareness of how much,
 23 uh, Michael Barisone was being paid on a monthly basis
 24 for boarding and training those horses?

25 A Yes. So, uh, the, um, two horses we originally

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1 came with were twenty-five hundred per horse. Um, the
 2 third one Lauren bought from Michael. And then the
 3 fourth one was in, uh, -- in trade for some work I had
 4 been doing at the farm.

5 Q And I'm gonna ask you that question, uh, in
 6 just a few minutes. Um, during the time that Lauren
 7 was training with Michael Barisone, were there any
 8 other trainers that worked with her besides Michael?

9 A Oh, uh, yes. Uh, I mean, Michael's staff. Justin
 10 Harden was the main trainer.

11 Q And if I didn't ask you this question
 12 specifically, what did you do to help out with the
 13 horses?

14 A Well, you know, anything from getting them --
 15 getting them ready, um, medical, spending time with
 16 them.

17 Q Did any of the horses --

18 A Just overall.

19 Q -- did any of the horses have any medical
 20 issues?

21 A Uh, Symphony (phonetic), our old mare.

22 Q Symphony the old mare. And -- and what was
 23 your understanding of the medical issue with Symphony?

24 A Uh, she got ch-- chronic cellulitis, which, you
 25 know, means it's, um, it's chronic -- chron-- chronic

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1 flare-ups. And, uh, you know, the way to take care of
 2 that is to, uh, wrap it and keep the edema out of the
 3 leg.

4 Q Did you ever do that wrapping?

5 A Almost every night.

6 Q And what, uh, -- how many times a day did you
 7 have to do that wrapping?

8 A I'm sorry. Just -- I wrapped once and then, uh,
 9 12 hours later I'd take it off. And, uh, --

10 Q And was there a -- a specific time of day
 11 that you typically would try and do that?

12 A Usually before -- before I went to bed and then
 13 when I got up in the morning, I think.

14 Q Now, you, um, had just indicated that you
 15 were doing some work at the property?

16 A That's correct.

17 Q Can you tell the jury a little bit about what
 18 kind of work you were doing at the property?

19 A Uh, so, you know, Michael had a nice, uh, -- a
 20 nice farm. It was a very nice farm. I guess he wanted
 21 to just, uh, update it and make it look more
 22 impressive, you know. Um, we did some steel, uh, --
 23 outdoor steel siding for the ceilings and the -- the
 24 walls, uh, some new lighting, um, updated some things.
 25 He was updating the -- he was updating the arena. You

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1 know, the wood in the arena. Just wanted it to look
 2 more presentable. So when people came in, you know, it
 3 gave that wow factor, you know. Olympic coach, Olympic
 4 facility. Um, just, you know, dress it up, I guess, a
 5 little bit.

6 Q And were you able to help out with that?

7 A Yes.

8 Q Uh, what was the -- the general nature of
 9 your agreement for doing some of that work?

10 A Uh, the general nature was, um, you know, we were
 11 supposed to, uh, -- we were supposed to bring, I guess,
 12 Symphony and, uh, -- you know, we had another horse in
 13 -- in, um, -- oversees. They were supposed to come a
 14 little earlier. But the general nature was to work off
 15 board and training for those other two horses, which
 16 ended up coming a lot later than we thought.

17 Q Did you also do some work at the farmhouse?

18 A I did. In the, uh, -- when we got back that --
 19 that year.

20 Q And what was the general nature of the work
 21 you did in the farmhouse?

22 A Uh, well, like I said, it was -- it was flooded.
 23 And, uh, you know, that -- that needed to be taken care
 24 of at that point. Uh, Michael and Mary Haskins wanted
 25 to move in there. And, uh, you know, Mary Haskins has

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1 the kids. So they wanted to make it, you know, -- they
 2 wanted to make the, um, -- they wanted to make those
 3 two floors, you know, a good -- good house for, uh,
 4 Michael, Mary Haskins, and the kids.

5 Q I'm gonna show you some, uh, -- some photos
 6 that I believe are already in evidence. What is S-220
 7 a picture of?

8 A Uh, that is the main floor of the house looking
 9 out.

10 Q And where does -- that door that's open
 11 through there, where does that open towards?

12 A So that goes right to the back patio and the back
 13 driveway.

14 Q And the walls, uh, -- in what -- what room of
 15 the house is this?

16 A So this is the kitchen. And then, uh, you know,
 17 through that first door is, I guess, the foy-- foyer or
 18 mudroom.

19 Q So is this the floor that you lived in the
 20 first summer you lived there in 2018?

21 A That is correct.

22 Q Did the wall look like that when you were
 23 there in 2018?

24 A It did not. Actually, right above the picture is
 25 where the leak started from.

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1 Q I'm gonna draw your attention to the next
 2 photo, which is S-222 in evidence. Is this another
 3 picture of the kitchen?

4 A It is.

5 Q And on the -- I guess, the -- the wall and
 6 th-- the ceiling on the right side of the picture, can
 7 you tell the jury what that is?

8 A The -- I'm sorry. What -- uh, the wall and the
 9 ceiling what?

10 Q So -- so sort of above the stove and to the
 11 right of the stove. Is that how the wall looked when
 12 you lived there in the --

13 A Yes.

14 Q -- summer of 2018?

15 A Oh, no, no, no, no. I mean, that's from the water
 16 damage.

17 Q Were you -- were you there when any of the
 18 water damage was being cleaned up or remediated?

19 A No.

20 Q Is this how the house looked, generally, the
 21 condition of it, when you got back in two thousand
 22 eigh-- nineteen?

23 A Pretty much.

24 Q I'm gonna show you a picture, S-224. What's
 25 S-224 a picture of?

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1 A Uh, that is the dining room of the main floor
 2 apartment.
 3 Q And, again, is that wall, uh, consistent with
 4 your understanding of some of the damage that was done?
 5 A Uh, some of the damage that was done, yes.
 6 Q What's S-227 a picture of?
 7 A That is the, uh, basement.
 8 Q And is this how the basement looked when you
 9 moved there in the summer of 2018, the first summer?
 10 A No.
 11 Q What's different?
 12 A Uh, a wall around the furnace. That was, uh, --
 13 that was pretty much open to the -- to the -- you know,
 14 there's a lot different, you know.
 15 Q I mean, I guess, is it fair to say --
 16 A Mainly -- mainly that it's under construction.
 17 Q And was it finished during the summer of
 18 2018, the first summer you were there?
 19 A Yes, it was livable.
 20 Q The, uh, makeshift workbench there in the
 21 middle, uh, with the tools and various other materials
 22 on it, were those things that you were using to do your
 23 work?
 24 A Uh, yeah. I must have been painting the doors at
 25 that point.

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1 Q And is S-228 just another picture of the, uh,
 2 -- the basement and some of your tools?
 3 A That is. It's where the old kitchen used to be.
 4 Q Uh, S-229, another picture of the basement?
 5 A That's the, uh, -- that was the bathroom before it
 6 was flooded -- or -- well, after it was flooded.
 7 Q What's S-225 a picture of?
 8 A It was one of the bedrooms.
 9 Q And did it look like this when you got back
 10 to New Jersey in 2019?
 11 A It did not. It looked like the rest of the
 12 basement. No Sheetrock. Oh, it might have been half
 13 -- half all Sheetrock. Doors -- doors are new. Floor
 14 is new.
 15 Q And it's some of that work that -- that you
 16 were doing at the property --
 17 A That's correct.
 18 Q -- during the summer of 2019?
 19 A That's correct.
 20 Q I think the last picture of the basement is
 21 S-226. Is that a picture of another room?
 22 A A picture of the, um, -- yep, the other room.
 23 Q Did you do, uh, any work in this room?
 24 A Tiles, doors, base molding, um, built a wall for
 25 the walk-in closet, replaced Sheetrock, installation.

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1 Q Now, I think you also had indicated to the
 2 jury that you were doing some work up at the barn?
 3 A Sure. That's the, uh, corrugated steel up there
 4 in the ceiling.
 5 Q And I'm just gonna refer -- so the record is
 6 clear, you're looking at S-318? The picture is S-318
 7 in the bottom right corner?
 8 A Yes.
 9 Q And so you said that there's some corrugated
 10 steel on the ceiling?
 11 A Yep.
 12 Q Can you tell the jury what, uh, area of the
 13 picture you're looking at?
 14 A Sure. Right above the, uh, green barn doors is
 15 the, um, -- the new work. And, actually, the wall on
 16 the right, if you look at the ceiling there, that's the
 17 old barn ceiling.
 18 Q So you were -- did you put up corrugated
 19 steel like that throughout other --
 20 A Yeah. I --
 21 Q -- parts --
 22 A -- I --
 23 Q -- of the barn?
 24 A -- framing, uh, some electrical wires. Uh,
 25 apparently I trimmed out that door. It looks like new

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1 trim there. Um, and the corrugated steel.
 2 Q So -- just so I'm clear. When you got back,
 3 uh, the summer of 2019, the ce-- the ceiling in the --
 4 in the barn or the stable looked the way it did on the
 5 right side of the picture?
 6 A Uh, when we got back in 2019? No. This -- this
 7 work was done in the, uh, I guess, summer of 2018.
 8 Yeah, summer 2018.
 9 Q Okay. So you did this work the first --
 10 A Yeah.
 11 Q -- summer you were there?
 12 A Yeah. After -- when we came back the apartment
 13 was flooded and we -- you know, I did some work in the
 14 -- the barn, you know, after that, but most of the work
 15 was done in the, uh, -- in the house when we got back
 16 in 2019.
 17 Q So going back then to the first summer you
 18 got there, did the ceiling mostly look like it does on
 19 the right side of the picture?
 20 A It did. That is correct.
 21 Q And then you put up that corrugated steel on
 22 -- at least, you had started putting it up on other
 23 parts of the ce-- ceiling?
 24 A Yeah. Insulation, too.
 25 Q And there's, uh, -- on the right-hand side of

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1 the picture it looks like there's loop or a wire
 2 hanging down there.

3 A Yep.

4 Q Were you doing any electrical work?

5 A I did. Um, I think Michael wanted to run some,
 6 uh, -- some fans, uh, st-- stall -- above the horse's
 7 stalls. Um, wanted to put chandeliers in the barn.
 8 New light -- new -- new, uh, LED lighting throughout
 9 the barn.

10 Q And you were doing some of that work?

11 A That's correct.

12 Q Direct your attention to S-324. What section
 13 of the barn is this?

14 A Uh, this is the lockers. The main -- the main
 15 entrance, pretty much, I guess, when you come in --
 16 come in through the barn.

17 Q Well, what -- and what's through that white
 18 door straight ahead?

19 A That's the clubhouse.

20 Q The corrugated steel ceiling, did you do
 21 that?

22 A Uh, me and Michael and, uh, Mike McGrane
 23 (phonetic). We've all rotated.

24 Q And are any of -- those tools or materials
 25 that are on the floor there, is any of that anything

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1 that you were working with at that time?

2 A Uh, it depends when the picture was taken. But it
 3 could be an array of my tools, Michael's tools. I'm
 4 not -- not too sure. I can tell you that's Michael's
 5 saw right there and levels.

6 Q Now, in terms of, uh, direction, who made the
 7 decisions about what was going to be done?

8 A Uh, Michael had full control over anything.

9 Q So did he tell you what to do?

10 A He did.

11 Q In terms of living at the farm for several
 12 summers, in-- including, I guess, in Florida, as well,
 13 and being around Michael Barisone, what were your
 14 observations of his personality?

15 A Hmm. He had a very bold, um, loud personality.
 16 Uh, alpha male. Um, he's funny, personable. Uh,
 17 sometimes, uh, -- sometimes angry.

18 Q What kind of a sense of humor did he have?

19 A Hmm. Uh, so, I mean, he, uh, -- not my type.

20 Q What's that mean?

21 A Uh, uh, off-color jokes. Um, you know, borderline
 22 racist, sexist. Um, --

23 Q Now, at some point, uh, during the time you
 24 that you were living and working on the property, did
 25 things, uh, socially and professionally fall apart

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1 between yourself and Lauren and, uh, Michael Barisone?
 2 A Yes.
 3 Q And what was the culmination of those things
 4 falling apart?
 5 A Uh, I would have to say the day Michael drove the
 6 truck down and tried to murder us.
 7 Q Now, before I ask you questions about that,
 8 um, do you own any guns?
 9 A Uh, I do not, no.
 10 Q Does Lauren own any guns?
 11 A She does.
 12 Q Do you know how many guns she owns?
 13 A Uh, she owns, uh, one. A handgun.
 14 Q And where did she -- let me ask you, has she
 15 ever had that gun in New Jersey, to your knowledge?
 16 A Uh, no.
 17 Q Do you know where she leaves the gun?
 18 A Our house in North Carolina.
 19 Q Now, during the time that you were living and
 20 training at the defendant's farms in Florida and New
 21 Jersey, did you keep a residence or keep, uh, a house
 22 or a -- something of that nature in North Carolina?
 23 A We did. We kept a residence.
 24 Q Have you ever used drugs in the past?
 25 A Uh, I have.

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1 Q What drugs?
 2 A You know, uh, I had a drug problem my whole --
 3 pretty much my whole adult life. Um, I tried anything.
 4 Anyth-- anything -- anything I could do to get out of
 5 my, uh, you know, anxiety and, uh, personality. And
 6 all the stuff I would do.
 7 Q Are you sober now?
 8 A I am.
 9 Q How long have you been sober?
 10 A Uh, quite a few years. I've rel-- relapsed a few
 11 times throughout the years. But, you know, a good
 12 majority of, you know, seven years maybe.
 13 Q Did you ever use any illegal drugs at the
 14 time you were living on Michael Barisone's farm?
 15 A On the farm, no.
 16 Q Were you ever under the influence of any
 17 illegal drugs when you were around people from th-- the
 18 farm?
 19 A No.
 20 Q Now, let me bac-- take you back to August,
 21 uh, 7th of 2019. Uh, is that the day that you recall
 22 just indicating that Michael Barisone tried to kill
 23 you?
 24 A It is.
 25 Q Where did that happen?

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1 A Uh, it happened on the back, like, uh, -- back
 2 patio.

3 Q Behind the house on the property?

4 A Correct. Which is the main -- main entrance. So
 5 it's a little --

6 Q Now, when we talk about -- or -- or when
 7 you're referring to things, uh, falling apart -- and
 8 that might be my words -- um, can you describe in
 9 August of 2019 some of what was going on from your
 10 observations with issues about you or Lauren being at
 11 the barn?

12 A Uh, from the best I gather, it's -- it was
 13 becoming a tight, uh, -- a tense situation. Not too
 14 sure --

15 Q Well, when you say it was a -- a tense
 16 situation, did anything change about when you were
 17 allowed to be at the barn?

18 A Yeah. I think we set a -- we set a time limit for
 19 when we could, uh, come to the barn and wrap Symphony's
 20 legs.

21 Q Did that time limit exist when Symphony first
 22 got to the barn?

23 A No.

24 Q How did you feel when you would go up to the
 25 barn and interact with people, meaning either the

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1 defendant or other staff?

2 A More specifically?

3 Q Uh, were you -- did you know the defendant's
 4 girlfriend?

5 A I did.

6 Q Who was that?

7 A Mary Haskins.

8 Q Mary Haskins Gray?

9 A Yeah.

10 Q Did she live at the -- the farm at any point
 11 when you did?

12 A She did.

13 Q Do you recall where she lived?

14 A Uh, I guess when we first came down there she
 15 lived in the barn with Michael. Uh, in the upstairs
 16 apartment that's in the barn. Um, and when we came
 17 back in the summer of 2019 they moved into the
 18 construction -- construction house.

19 Q So when you say when you first came there, do
 20 you -- and they lived in the barn, do you mean the
 21 summer of 2018?

22 A Yes.

23 Q And then it was the summer of 2019 you said
 24 she was living with Michael Barisone on, like, the main
 25 level of the, uh, -- the house?

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1 A Yes.
 2 Q And is that at the time where you were living
 3 with Lauren upstairs on the second level in the
 4 apartment?
 5 A That's correct.
 6 Q So in August of 2019 in particular -- just
 7 for a reference point -- did you ever go up to the barn
 8 to do things up there, whether it be work or take care
 9 of the horses or something else where, uh, people dealt
 10 with you a different way than they had before?
 11 A Uh, by August 7th, I mean, uh, -- I don't know.
 12 Because during -- during that week of August, I mean,
 13 communication broke down. Like, it seemed to be, um,
 14 -- it was just very tense, you know. I didn't want to
 15 go up there very much.
 16 Q What was different?
 17 A Uncomfortable.
 18 Q Did you, uh, observe any issues between your
 19 girlfriend, Lauren, and Mary Haskins, for example?
 20 A Uh, you mean -- specifically, I'm not, you know,
 21 -- I wasn't caught up with the day-to-day things with
 22 them.
 23 Q Did you ever make any direct threats of
 24 violence to Michael Barisone?
 25 A Never.

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1 Q Did you ever make any threatening gestures or
 2 mo-- motions to Michael Barisone?
 3 A Never.
 4 Q Now, in August of 2019, at some point, did
 5 you have any cameras at the farmhouse?
 6 A I did.
 7 Q Can you tell the jury approximately when you
 8 remember getting those cameras?
 9 A Two days before the shooting. And, you know, it
 10 was to -- you know, it was 'cause the situation was so
 11 -- so tense at the time. We were going to a show the
 12 next week and I -- I installed them for that reason and
 13 that reason only.
 14 Q Uh, did you, uh, read the instruction manual
 15 for those cameras when you got them?
 16 A Huh. It wasn't quite ex-- what I was expecting.
 17 No.
 18 Q In other words, were you familiar with all
 19 the buttons and bells and whistles?
 20 A I wasn't even familiar with how it worked.
 21 Q Um, at some point, can you tell the jury --
 22 well, did you install the cameras?
 23 A I did install them.
 24 Q Were they inside the house and outside the
 25 house?

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1 A That is correct.
 2 Q And, uh, at some point, uh, did something
 3 happen with those that you changed the settings?
 4 A Uh, yeah. Like I said, I, uh, -- you know,
 5 obviously I didn't know, you know, the -- that day was
 6 gonna be anything special. I was upstairs doing
 7 laundry. I had one camera in my house in the hallway.
 8 And every time I walked past it I was getting a
 9 notification on my phone. It would go, bing, bing,
 10 bing, bing. And with Blink -- Blink cameras, they
 11 record for up to a minute and then they shut off for
 12 ten seconds to a minute before it could record again.
 13 So mo-- mainly a motion activated, um, camera system
 14 that, you know, just like the name, it's a blink or a
 15 snapshot in time. It's not a constant 24 hour
 16 surveillance system. It's -- it's almost like a, um,
 17 -- if you're not familiar with it -- with a Ring -- you
 18 know, a Ring doorbell camera or something like that.
 19 It notifies when there's motion and sends you a little
 20 -- a little clip of the motion.
 21 Q And because of, uh, like you said, when you
 22 were doing laundry and the bing, bing, bing, what did
 23 you do?
 24 A I turned the cameras off.
 25 Q Did you have a paid subscription or anything

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1 extra with, uh, the system?
 2 A Uh, no. You get free -- free storage.
 3 Q At some point, uh, are you aware whether
 4 Michael Barisone and Mary Haskins Gray moved out of
 5 that farmhouse in either July or August of 2019?
 6 A Uh, yeah. That week prior.
 7 Q A week prior to the shooting?
 8 A August 7th, yes.
 9 Q Do you know where they went?
 10 A They moved back up to the farm.
 11 Q Now, you indicated the first summer you were
 12 there Justin Harden, the assistant trainer, was staying
 13 in the second floor of the farmhouse?
 14 A The thir-- uh, third floor, top floor, yeah.
 15 Q Third floor. Uh, you were staying there
 16 during the summer of 2019?
 17 A Correct.
 18 Q Do you know where Justin Harden was living at
 19 that point?
 20 A Oh, I just know he moved up to the barn, too.
 21 Q Where were the working students living?
 22 A Uh, at the time -- actually, uh, I guess, before
 23 we left Michael was building, uh, a bunch of apartments
 24 over here. I mean, it was the -- I guess, the end goal
 25 to put all the working students at the -- at the farm

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1 and not have -- not to have them at the house.
 2 Q During that -- what we'll call that week --
 3 so call it August 1st to August 7th. During that week
 4 or so, are you aware whether the police were ever at
 5 the property?
 6 A On a daily basis almost.
 7 Q And if you could just keep your voice up, uh,
 8 just to make sure everyone hears you.
 9 A Yes.
 10 Q Um, did you say on a daily basis almost?
 11 A I did.
 12 Q Um, did the police ever come and talk to you
 13 or talk to Lauren?
 14 A I think every time they came.
 15 Q Did you call the police on all those
 16 occasions?
 17 A I did not.
 18 Q Uh, at some point, did you become aware that
 19 Michael Barisone wanted you to leave the -- the
 20 property, didn't want you to live there anymore?
 21 A Uh, yeah. I mean, he was -- he was -- he was
 22 making life difficult at the farm for us to want to
 23 stay.
 24 Q Is there a reason that you didn't just leave?
 25 A Uh, one, I think there was, uh, -- prior to that

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1 week I think there was, uh, you know, hopes in trying
 2 to salvage this relationship. Um, there's a lot tied
 3 up between, you know, Michael and myself, Lauren. Like
 4 -- like, all of us were tied up in some sort of thing.
 5 And, you know, ultimately, you know, we would -- tried
 6 to like to work something out.
 7 Q Now, do you remember -- uh, I mean, how would
 8 you describe yo-- I think you said tense and
 9 uncomfortable are two ways you would describe things?
 10 A Yes.
 11 Q Uh, did -- did there come a point in August
 12 where you made a report to the, uh, Washington Township
 13 Building or Construction or Health Department?
 14 A That's correct.
 15 Q What was the nature of -- of that --
 16 A Uh, --
 17 Q -- report?
 18 A -- the nature of it was, uh, you know, with --
 19 with all the tension, I think, uh, we were up there
 20 doing Symphony's -- Symphony's leg and, uh, Cassandra
 21 was in the laundry room. She started the dryer. And,
 22 uh, she told Ruth that, hey, can you keep an eye on
 23 this washroom. I'm going upstairs. She said she was
 24 going to bed. But it was pretty late. Um, she said,
 25 this dryer is not shutting off, can you -- can you keep

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1 an eye on it and make sure it turns off? Um, so it was
 2 -- it was a concern. Um, I said something to her. She
 3 laughed at me and ignored me. So, I mean, at that
 4 point, all communications was broken down. You know,
 5 we got a potential, uh, fire hazard and, uh, you know,
 6 at that point I was, you know, sick of everything that
 7 was going on. And I think we've come to terms with --
 8 you know, Michael has made it too hard to live there.
 9 Q Did you, um, -- how -- how did you make that
 10 report to the Washington Township, uh, -- what I'll
 11 just call the -- the Health Department? How did you
 12 make the report?
 13 A Uh, I think I dictated it to Lauren, she -- she
 14 wrote it down, and then I brought the, uh, -- hand
 15 delivered it to the, uh, -- what was it -- Building
 16 Department, Health Department, whatever -- whatever it
 17 was.
 18 Q Do you remember what day --
 19 A Fire Marshall.
 20 Q -- you delivered that?
 21 A I believe it was, uh, uh, August 5th.
 22 Q And are you aware whether or not the Township
 23 sent out various people to inspect, uh, that day or the
 24 next day?
 25 A I think they very next day they came with a team.

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1 Q Did you interact with them at all?
 2 A Uh, the team of people?
 3 Q Yes.
 4 A I don't believe so.
 5 Q Now, on, uh, Wednesday, August 7th, do you
 6 remember what you were doing that morning, generally?
 7 A Uh, it's probably regular. I think, uh,
 8 breakfast, maybe took the wraps off, and then came --
 9 came back to the house and was, uh, doing laundry.
 10 Q Uh, when you say take the wraps off, would
 11 that be Symphony's wraps?
 12 A That's correct.
 13 Q Was that up at the stable?
 14 A Yes.
 15 Q Did you see Michael Barisone at all that
 16 morning?
 17 A I do not recall. I don't think so.
 18 Q Do you remember what you were doing around 2
 19 o'clock that afternoon?
 20 A I do.
 21 Q What was that?
 22 A I was upstairs folding the laundry.
 23 Q And is that on the, uh, -- the third floor of
 24 the house --
 25 A Third floor.

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1 Q -- or the upstairs you were --
 2 A That's correct.
 3 Q -- talking about?
 4 A Yep.
 5 Q Do you know where Lauren was?
 6 A Uh, she was downstairs on the, uh, patio. Um, she
 7 had a loveseat there that she sat in pretty much all
 8 the time.
 9 Q Do you remember having a phone call with
 10 anyone that afternoon?
 11 A I believe -- uh, I was on -- I was on the phone
 12 with the, uh, -- our attorney, Ed -- Edward David.
 13 Q What was the reason for having an attorney?
 14 A Like I said, I think it got -- you know, I think
 15 we overly wanted to try to work out the relationship
 16 with Michael and, uh, the horses. Um, but then there
 17 needed to be a -- I guess, you know, were trying -- we
 18 were trying to, uh, -- trying to work that out. And,
 19 also, uh, try to figure out what we were gonna do about
 20 the, uh, deal of work for -- work for, um, you know,
 21 training the horses.
 22 Q I mean, I guess, are you indicating -- did --
 23 were you aware of whether Michael had an attorney?
 24 A Michael did have an attorney.
 25 Q And did you and Lauren know that?

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1 A Uh, yeah. I can't remember how -- how -- how far
 2 in advance. But --
 3 Q At some point, did you meet with the attorney
 4 you just talked about, Ed David?
 5 A I did.
 6 Q So that afternoon, around 2 o'clock in the
 7 afternoon, you were having a phone call with Ed David.
 8 Uh, where were you having that phone call?
 9 A Uh, upstairs in the apartment.
 10 Q And, at some point, uh, did anything happen
 11 that caused you to go downstairs or outside?
 12 A Sure. Lauren came up the stairs and told me
 13 Michael was here.
 14 Q Did you see, uh, how he got there?
 15 A I did not.
 16 Q Where did you go after she said that he was
 17 there?
 18 A I came down. She wanted me to talk to him.
 19 Q And where did you go?
 20 A Uh, I wal-- I walked down the stairs and out the
 21 -- out the back door, which is the front door, entering
 22 onto the patio.
 23 Q When you come through that door, what's on
 24 the inside of that door? What's -- what's in --
 25 A That's the --

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1 Q -- that room?
2 A -- laundry room.
3 Q And when you come through that door, what's
4 right outside the door?
5 A Uh, the back porch -- our back porch.
6 Q How many steps is that porch, approximately?
7 A I think one step coming out of the house and you
8 got the little, uh, you know, three by three patio, and
9 then three more steps going down to the patio.
10 Q If you come out that door, uh, did you see
11 Michael Barisone?
12 A I did.
13 Q Where did you see him?
14 A Uh, he was hiding behind a -- a bush on the patio.
15 Q Which side of the patio or which side of the
16 --
17 A To the right --
18 Q -- the --
19 A -- of the door.
20 Q -- which side of the steps is the bush?
21 A To the right.
22 Q And he was behind that bush?
23 A He was.
24 Q So he would have been to your right?
25 A Yes.

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1 Q How would you describe the way he looked?
2 A Um, pretty normal.
3 Q Were you still holding the phone at that
4 point?
5 A Right -- right as I came down the stairs I handed
6 off the phone to Lauren.
7 Q Had you hung up the phone or do you remember
8 --
9 A No, no --
10 Q -- if the phone --
11 A -- I just --
12 Q -- was still connected?
13 A -- no, I mean, because it was our attorney and,
14 you know.
15 Q So, no, you hadn't hung it up?
16 A No, I hadn't -- hadn't hung it up. It was either
17 -- useful that he was on the phone at the time.
18 Q Did you see whether there were any, uh,
19 vehicles in the driveway?
20 A Uh, Michael's truck. Uh, I think I had two
21 vehicles and a trailer in the driveway.
22 Q And what kind of vehicle did you know Michael
23 Barisone to drive?
24 A Uh, he just bought a, uh, -- a Dodge Ram 3500.
25 Q What color was it?

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1 A Silver.
2 Q Did you see if anyone else was in that
3 vehicle or near that vehicle?
4 A No.
5 Q When you said that, uh, Michael Barisone was
6 -- was hiding behind the bush, approximately how much
7 of his body could you see?
8 A Just maybe the chest up. Maybe shoulders up.
9 Q And you said that you recall him to be about
10 how tall?
11 A 6'3", 6'4".
12 Q Could you see his hands?
13 A Uh, I only saw his hands when he put his, uh, --
14 his arms in the air.
15 Q If his hands were at his side, could you see
16 his hands?
17 A No.
18 Q Could you see his waist?
19 A No.
20 Q Could you see his pockets?
21 A No.
22 Q Were you holding or carrying anything in your
23 hands?
24 A I was not. I handed off the phone to Lauren
25 before I came out there.

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1 Q And you said you stepped out onto the porch?
2 A Stepped out onto the porch, yeah.
3 Q Uh, did you say anything to him or did he say
4 anything to you?
5 A I looked over to him and, uh, like I said, I
6 thought the position of where he was standing was very
7 -- very weird. Um, when I came out he looked over at
8 me and said, uh, how do we fix this? I don't want a
9 war. And showed me his hands and threw them up in the
10 air. Um, and that's what Michael said.
11 Q Did you sa-- were those his exact words or is
12 that kind of what --
13 A Pretty much, yes.
14 Q -- and just let me finish the questions --
15 A Okay. Sorry.
16 Q -- before you answer. That's all right.
17 That's all right. I just don't want to talk over you.
18 Um, do you remember if those were his exact words or if
19 it was, like, generally, uh, paraphrased what he said?
20 A Those were his exact words I remember.
21 Q Did you say anything in response to him?
22 A I said, uh, you're the one who brought the
23 attorney into it, so have the attorneys talk it over.
24 Q Could you see if he was holding a phone?
25 A I couldn't see anything but his shoulders and his

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1 head at that point.
2 Q Did you see where Lauren was at that point?
3 A Uh, Lauren was behind me. She was either in the
4 doorway or, uh, she was standing right behind me on the
5 patio.
6 Q Were you able to see whether she was holding
7 or carrying anything besides the phone?
8 A Uh, no. I mean, she may have had her phone on
9 her, but, no, I don't -- I didn't see anything.
10 Q After he said something to the effect of, how
11 can we end this, and you said the lawyer were involved,
12 to let them handle it, what did you see next?
13 A Uh, Lauren said, I'll go talk to him, and, uh,
14 walked down the stairs and walked over to Michael.
15 Q Did you see how close she got to him?
16 A I guess, she just got around the bush and, uh, --
17 she was within four feet. And that's when Michael
18 raised up the gun and shot her twice.
19 Q Did you see him hold up the gun?
20 A I did see him hold up the gun.
21 Q Did you see what the gun looked like?
22 A Um, I don't remember at that time if I -- if I
23 remember what the -- the gun looked like. But I did
24 see the gun in his hands and I did see him shoot
25 Lauren.

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1 Q When he raised the gun up in his hand, was it
2 above the top of that bush that you were talking about?
3 A Yeah. He kind of stepped out towards her, as
4 well.
5 Q Do you remember how many times he shot?
6 A He shot at her twice.
7 Q Do you remember if you saw the bullets hit
8 her?
9 A No.
10 Q Can you describe -- when you saw the
11 defendant holding up the gun and shooting, what did you
12 see, or what do you remember hearing, or what was your
13 emotion?
14 A Uh, --
15 THE COURT: There's a lot in that question,
16 Mr. Schellhorn.
17 MR. SCHELLHORN: I'll break it down, Judge.
18 THE COURT: Break it down, please.
19 BY MR. SCHELLHORN:
20 Q When you saw Michael Barisone hold up the gun
21 and shoot Lauren, do you remember specifically what you
22 heard?
23 A Uh, I heard -- heard the gunshots.
24 Q And do you remember specifically how you felt
25 at that moment?

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1 A I -- I was just -- I'm frozen in amazement.
 2 Q How far away were you approximately from
 3 Michael Barisone at the time that he shot Lauren in
 4 front of you?
 5 A About 12 feet.
 6 Q Do you remember what Lauren did after she got
 7 shot?
 8 A Um, she turned around and ran away.
 9 Q In which direction did she run in?
 10 A Ran away. Ran towards the, uh, opposite direction
 11 of Michael.
 12 Q So would that be towards, uh, that side yard,
 13 that grass yard?
 14 A Yeah, towards the pond.
 15 Q Were you watching her at that point, watching
 16 Michael, or watching something else?
 17 A I was watching Michael.
 18 Q Did you see specifically where she went or
 19 what she did?
 20 A Uh, no, she just ran over to the side.
 21 Q So after Michael shot Lauren twice, what did
 22 you -- and you said you were watching him -- what did
 23 you see him do next?
 24 A Uh, well, she turned and ran. And he ran -- it
 25 looked like he was chasing after her. But then he

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1 pointed the gun at me and fired a shot at me.
 2 Q And where about was he when he fired that
 3 shot at you? In the same place or a different place?
 4 A Uh, shhh, probably half the distance at that
 5 point. Like I said, he -- he took a step when he shot
 6 at Lauren. And then when Lauren ran and he ran, he
 7 probably took, like, three or four steps. So he was,
 8 you know, kind of by the gravel of the driveway coming
 9 around that bush when he shot at me.
 10 Q Where were you standing when he shot at you?
 11 A I was standing on the patio -- on the -- sorry --
 12 on the porch, top of the porch.
 13 Q Uh, did you see him shoot, hear him shoot, or
 14 something else?
 15 A I saw him lift up the gun and shoot.
 16 Q Did you see where the -- or did -- did -- how
 17 did you know that he shot the gun?
 18 A Um, well, when he was, uh, bringing the gun up, I
 19 think I had my hand on the door. And, uh, when he took
 20 the shot, I dove inside the house. Glass, uh, -- the
 21 tempered glass shot around the room. So I knew it hit
 22 the window. I wasn't sure if I was hit.
 23 Q You didn't get shot --
 24 A No.
 25 Q -- did you?

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1 A No.
 2 Q After you saw or heard the glass shattering
 3 around the window, what did you do next?
 4 A Uh, I think, at that point, I realized what was
 5 going on. Um, realized Lauren was outside, Michael was
 6 outside with a gun shooting at us. So, you know, I
 7 go-- I got up and went to go charge outside.
 8 Q What did you see when you got up and went to
 9 go charge back outside?
 10 A Michael Barisone running inside the house to --
 11 Q And so would that ha-- means he was coming up
 12 those stairs towards you?
 13 A He was coming for me, yes.
 14 Q Were you able to see the gun at that point?
 15 A Uh, I think I surprised him coming out. So I
 16 didn't see the gun in his hand as he was running up the
 17 stairs when I was, you know, worried for my life.
 18 Q What did you do?
 19 A Uh, I had about one second to make a decision.
 20 And the decision was, he was running up, I was in the
 21 house, and I pretty much had to leap and punch him.
 22 Q Do you know approximately -- had he -- had he
 23 gotten onto the steps yet or not?
 24 A He was coming up. And I think, you know, he may
 25 have just got on the -- the -- you know, his first step

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1 onto the porch when I made contact with him.
 2 Q When you said that you, uh, punched him, do
 3 you remember which hand you punched him with?
 4 A Punched him with my right hand.
 5 Q What happened after you punched him?
 6 A Uh, I think I dazed him a little bit. He kind of
 7 stood there a little bit. Um, my hand was in, uh,
 8 complete agony and pain. Um, I think I, uh, -- I think
 9 I might have swung at him again. Michael, you know,
 10 then turned around. And I didn't know if he was going
 11 to chase after Lauren. But as soon as he gave me his
 12 back, I took advantage of it.
 13 Q And what did you do?
 14 A Threw him in a choke hold.
 15 Q And what happened when you put him in the
 16 choke hold?
 17 A Oh, he passed out very quickly.
 18 Q When he passed out, what happened to his
 19 body?
 20 A Uh, we fell onto the concrete, uh, in front of the
 21 stairs.
 22 Q Uh, were you laying on top of him, next to
 23 him, or standing, or --
 24 A I was on --
 25 Q -- something else?

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1 A -- I was on top of him.
 2 Q Did you keep him in the choke hold?
 3 A Uh, yes. Sorry. Um, yes.
 4 Q Were you watching Lauren while this was going
 5 on between you and Michael?
 6 A Actually, um, I was -- I was gonna go back there.
 7 Um, so as he turned around and went to run away, I
 8 jumped -- I jumped on his, um, -- I put my arm around
 9 his neck and I put him in the choke hold. And, at that
 10 time, that's when I saw the gun come up again. Um, and
 11 then Lauren, out of nowhere, came and grabbed his arm.
 12 And then -- then -- then he passed out and fell onto
 13 the concrete. Sorry.
 14 Q So you said that the first time he picked the
 15 gun up and he shot Lauren you didn't really take note
 16 of the gun and the way it looked?
 17 A No.
 18 Q But you just said that after you punched him
 19 and got him into the choke hold, his arm came up with
 20 the gun?
 21 A His arm came up. Sorry.
 22 Q And did you have a chance to take note or do
 23 you remember what the gun looked like at that moment?
 24 A I did. I remember seeing pink on the gun.
 25 Q Do you remember what -- what the state of the

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1 gun looked like or what the --
 2 A Uh, so I'm not -- I'm not very familiar with guns,
 3 so. Um, but it was -- it was -- it looked like it was
 4 jammed at that point. Wh-- that's what I thought. I
 5 thought, at that point, when he -- when he came up --
 6 you know, when I first saw him come up, I thought he
 7 was coming to shoot me. Um, and then when I saw the
 8 barrel and the -- the slide kick back, um, I wasn't
 9 that concerned about it. But --
 10 Q Now, you said that, at that point, that's
 11 when you first noticed seeing -- or noticed the gun.
 12 You had him in a choke hold. And then that's the next
 13 time that you noticed Lauren?
 14 A That's correct.
 15 Q Uh, and -- and what did she do when you said
 16 that she came over?
 17 A Like I said, um, when that arm came up, she came
 18 to, uh, -- she came to help me out.
 19 Q When you said that you put Michael into a
 20 choke hold and you said that he sort of lost
 21 consciousness or fell down, uh, do you remember where
 22 Lauren was at that point?
 23 A Sorry. You've got to repeat the question.
 24 Q It's all right. When, uh, you said you had
 25 Michael in a choke hold and he fell to the ground --

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1 A Uh-huh.

2 Q -- and I think you said that you were on top
 3 of him, did you see where Lauren was at that point?

4 A Yeah. Um, you know, I don't -- I don't know if we
 5 all fell over or what. But, uh, Lauren was -- fell
 6 pretty much almost, uh, on her knees right next to
 7 where we fell. So I don't know if we took her down
 8 with us or what.

9 Q Did you become aware at some point that
 10 Lauren had called 911?

11 A Yeah. I think I was -- I was holding Michael down
 12 and, uh, I told Lauren to call 911.

13 Q And did you end up speaking on the 911 call
 14 at some point?

15 A I think at some point I realized that Michael
 16 actually shot her when I saw the bullet holes through
 17 the back of her shirt. Um, and that was aft-- that was
 18 some time during the 911 call when I noticed, you know,
 19 everything that was going on.

20 Q What position was she in when you noticed
 21 that you saw the bullet holes?

22 A She was kind of on her knees or on -- on her butt.
 23 She was kind of sitting up like -- like -- like this.

24 Q Do you remember when the police got there?

25 A I do.

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1 Q What do you remember seeing when the first
 2 Police Officer or Officers arrived?

3 A Uh, guy came out with his, uh, gun drawn and, uh,
 4 came over to the situa-- uh, came over to where me,
 5 Michael, and Lauren were all huddled up.

6 Q Did you say anything to the Police Officer?

7 A I think he asked where the shooter is and I said,
 8 he's right here, uh, pointing to Michael, who was
 9 underneath me.

10 Q Did you know where the gun was at that point?

11 A It was underneath him.

12 Q After the Police Officer came over with the
 13 gun drawn and you indicated that Michael was the
 14 shooter, uh, what did you do next?

15 A Uh, so he had me get off -- he had me get off
 16 Michael. He had the gun trained on Michael. My dog
 17 got out during the -- during the incident. After I
 18 jumped through the door, my dog came out. So she was
 19 out there. And, uh, you know, she, uh, -- she, I
 20 guess, uh, bit at the Officers leg and then the Officer
 21 pointed his gun at her. I said, please don't shoot my
 22 dog and I tried to, uh, -- I tried to grab my dog.

23 Q Did, uh, -- was that your dog, Rosie?

24 A My dog, Rosie.

25 Q Did Rosie bite you at all during the -- the

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1 scuffle?

2 A Probably many times.

3 Q What did you do, uh, with Rosie?

4 A Uh, when I got a hold of her, I, uh, -- I walked
5 up to the porch, threw her inside, and closed the door.

6 Q And then where did you go?

7 A Then, uh, -- then I went out into the, uh,
8 driveway. I forget if the second Officer was there by
9 -- by then. And I was handcuffed and, you know,
10 watched the rest of the scene unfold.11 Q After you got handcuffed, uh, what area were
12 you in?

13 A I was in --

14 Q What -- what --

15 A -- I was in the gravel driveway.
16 (Attorney's Confer)

17 BY MR. SCHELLHORN:

18 Q Rob, I'm gonna show you S-345. What's that a
19 picture of?

20 A That's the bush Michael was hiding behind.

21 Q And can you describe for the jury the general
22 area where Michael was standing when you came out the
23 door?24 A Uh, sure. So, uh, that chair that -- no, I'm
25 pointing at the screen. That chair, uh, to the left on

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1 the house, that was, uh, you know, typically my seating
2 area that was in between the table and the house. So
3 that was pulled out and Michael was standing right
4 there behind that bush to the -- to the left right
5 there of the house. And I think for -- I think it's
6 about chest height. Right there, that little roof
7 where all the bags are on, I think it's chest height.
8 My chest.9 Q Your chest. So was he standing beh-- between
10 that little roof and the table behind the bush?11 A Yes, yes. Like I said, where that chair used to
12 be. Uh, --13 Q When, uh, -- when he shot Lauren, you said
14 that she had taken a couple of steps down and had come
15 off the porch?

16 A That's correct.

17 Q Do you see the approximate area where she was
18 or where you thought you saw her when Michael shot her?19 A Uh, yes. To the right of the table, do you see
20 the white speck? The white speck on the concrete.

21 Q And I think there's a -- a pointer --

22 A Laser point--

23 Q -- there, so we could try that.

24 A So, uh, there is the -- the white speck. She was
25 probably maybe in between that white speck there and

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1 maybe, you know, another step around.
 2 MR. SCHELLHORN: Can -- can you just clarify,
 3 Your Honor, with the jury whether they were able to see
 4 that?
 5 THE COURT: Yes. Members of the jury, were
 6 you able to see that?
 7 JUROR: Yes.
 8 JUROR: Uh-huh.
 9 THE COURT: All right. Jury members,
 10 everyone? All right. Everyone is nodding their head.
 11 BY MR. SCHELLHORN:
 12 Q After you got handcuffed, uh, did you get --
 13 or do you remember if you got any medical treatment at
 14 the scene?
 15 A I think they looked at my hand.
 16 Q And when you got handcuffed, do you see the
 17 approximate area where you were, uh, in this picture?
 18 A Uh, probably just on the outside of the right.
 19 Maybe over here or maybe just in the picture. But
 20 somewhere over in this area over here.
 21 Q So over in the direction of that gravel pile?
 22 A Yes.
 23 Q Do you remember, uh, where you went after you
 24 were at the scene?
 25 A I went -- I went to the, uh, -- straight to the

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1 Police Station.
 2 Q How did you get there?
 3 A Police escort in the backseat of a police car.
 4 Q Did they interview you there?
 5 A They did.
 6 Q Do you remember what the weather was like,
 7 uh, that afternoon when you were leaving the property?
 8 A I think it, uh, -- I think before I pulled out in
 9 the, uh, police car it started -- it started to -- to
 10 rain.
 11 Q And what -- what do you remember about, uh,
 12 how heavy or light the rain was?
 13 A At that point it -- uh, at that point it was very
 14 light. I think maybe, you know, it -- it got a little
 15 heavier as we pulled out and started driving to the
 16 Police Station.
 17 Q After you were done, uh, -- at the Police
 18 Station, uh, did they take pictures of you?
 19 A They did.
 20 Q They collect your clothing?
 21 A I believe they took my shirt. Uh, I think they
 22 took my shirt and my pants.
 23 Q And did you, uh, give them your phone?
 24 A I did.
 25 Q Now, did you go to the hospital that night?

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1 A I went to the hospital to go see if --
2 Q I -- I --
3 A -- Lauren was alive.
4 Q -- yeah. I'm sorry. I -- I should have
5 clarified that. Did you go to a different hospital to
6 see Lauren that night? Were you treated at the sa--
7 THE COURT: What do you -- what do you mean a
8 different hospital?
9 BY MR. SCHELLHORN:
10 Q Were you treated at the same hospital where
11 Lauren was treated?
12 THE COURT: I don't --
13 THE WITNESS: Uh, --
14 THE COURT: -- hold on one second. I -- I
15 may have misheard. I thought he was treated at the
16 scene and went to the Police Department.
17 MR. SCHELLHORN: I -- I asked the question
18 out of order, Your Honor.
19 THE COURT: Oh.
20 MR. SCHELLHORN: I'll clarify it.
21 THE COURT: Just -- just clarify that,
22 please.
23 BY MR. SCHELLHORN:
24 Q Did you end up going to the hospital yourself
25 that night?

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1 MR. BILINKAS: Again, could we clarify for
2 him or to see Lauren?
3 THE COURT: I -- I think it was --
4 MR. SCHELLHORN: I just asked --
5 THE COURT: -- you're asking --
6 MR. SCHELLHORN: -- him, did he go --
7 THE COURT: -- if he -- he --
8 MR. SCHELLHORN: -- to the hosp--
9 THE COURT: -- went to a hospital for
10 treatment.
11 MR. SCHELLHORN: I just asked him that.
12 THE COURT: All right. Did you go to a
13 hospital for treatment after you went to the Police
14 Station?
15 THE WITNESS: I did not. I mean, I -- uh, I
16 went to the hospital first to check on Lauren because I
17 was in the Police Station for hours and I didn't know
18 the status of Lauren. I didn't know if she was alive
19 or dead. First thing I did was went to the hospital.
20 BY MR. SCHELLHORN:
21 Q To check on Lauren?
22 A To check on Lauren to make sure she was okay.
23 Q And, at some point, did you go to the
24 hospital to get checked out yourself?
25 A Ma-- maybe ear-- very early the next morning I

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1 think I finally went to the hospital.
 2 MR. SCHELLHORN: Nothing further, Your Honor.
 3 Thank you.
 4 (Off the Record Back on the Record)
 5 THE COURT: Mr. Goodwin, there was an, um, --
 6 an issue with one of the jurors, um, seeing the screen
 7 when you used the laser. And I -- I failed to pick up
 8 on it. My staff did. So I just spoke to the juror.
 9 So Mr. Schellhorn is gonna reopen his direct and just
 10 ask you that question again. So we're gonna ask you if
 11 you can -- after you hear the question, the photograph
 12 will be, uh, picked up, and then just shine the -- the
 13 laser.
 14 THE WITNESS: All right.
 15 THE COURT: Okay? Just follow, uh, the
 16 question from, uh, Mr. Schellhorn. All right. Go
 17 ahead, Mr. Schellhorn.
 18 MR. SCHELLHORN: Thank you, Your Honor.
 19 (Non-Testimony Issues Discussed)
 20 BY MR. SCHELLHORN:
 21 Q Mr. Goodwin, do you remember looking at this
 22 picture a short while ago?
 23 A Uh, I do.
 24 Q And do you remember I had asked you a
 25 question about the general or approximate area where

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1 Michael Barisone was standing --
 2 A I do.
 3 Q -- at the time when you first saw him?
 4 A Sure.
 5 Q Could you use that pointer and, uh, again,
 6 try to indicate the approximate area where he was
 7 standing?
 8 A Well, this is the bush. This is where Michael's
 9 feet would have been completely concealed and covered
 10 behind this bush here. This back here is where I was
 11 standing.
 12 (Non-Testimony Issues Discussed)
 13 MR. SCHELLHORN: No further questions. Thank
 14 you.
 15 THE COURT: All right. So we'll -- we'll
 16 have cross-examination now by counsel. Go ahead, sir.
 17 MR. BILINKAS: Thank you, Judge.
 18 CROSS-EXAMINATION BY MR. BILINKAS:
 19 Q Good afternoon, Mr. Goodwin.
 20 A Good morning.
 21 Q Now, I want to talk a little bit about, uh,
 22 the background here. Um, you met Barisone in 2018,
 23 correct?
 24 A Uh, either the beginning of 2018, end of 2017. I
 25 forget what month we went down to -- to Florida.

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1 Q Okay. And, uh, you made reference to a, uh,
 2 -- a clinic that Lauren was attending, correct?
 3 A Uh, I mean, I don't know if it was a clinic. But
 4 it was, uh, a training -- training -- a month long
 5 training thing.
 6 Q Um, sufficient to say that after discussions
 7 between them, uh, she agreed to come and train with
 8 Michael Barisone, correct?
 9 A That is correct.
 10 Q Um, based on, uh, uh, what you knew, uh,
 11 would you agree with me that that was a huge step up
 12 from her previous trainer with regards to the, uh,
 13 experience and, uh, uh, facility?
 14 A So we made to -- leave to change our lives and go
 15 up there and train with Michael.
 16 Q Okay. Now, when you first went up there in
 17 2018, uh, how many horses did Lauren have at that time
 18 at that facility?
 19 A Uh, referring to when we were to the -- Florida?
 20 Q Ri-- first --
 21 A When we first met Michael?
 22 Q Yes. She had two horses, correct?
 23 A Uh, yeah, I guess it was two. I wasn't sure if it
 24 was just Evie (phonetic). It was -- it might have been
 25 Evie and Fritz (phonetic).

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1 Q Okay. And then after, um, the winter, uh,
 2 you came up in 2018, uh, to the New Jersey facility,
 3 correct?
 4 A Yes.
 5 Q Now, um, you were living on the main floor of
 6 the farmhouse at that time, correct?
 7 A Correct.
 8 Q Okay. And, uh, your understanding of the
 9 deal was that Lauren would pay \$25 per horse --
 10 (Attorney's Confer)
 11 BY MR. BILINKAS:
 12 Q -- twenty-five hundred -- excuse me --
 13 twenty-five hundred dollars per horse, uh, to have
 14 those horses boarded there and trained. And there was
 15 also an additional benefit to you and Lauren, that he
 16 would provide living accommodations, correct?
 17 A That's correct.
 18 Q Okay. Who negotiated that deal? Was it
 19 Lauren or Lauren's father?
 20 A I'm not sure.
 21 Q Um, but as far as you're concerned -- and --
 22 and correct me if I'm wrong -- uh, you didn't pay any
 23 additional rent for living accommodations, correct?
 24 A We wouldn't have went up there if we had to pay
 25 for -- it wouldn't have been -- wouldn't have been

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1 feasible if we had to pay for rent anywhere, either on
 2 the farm or off the farm.

3 Q Okay. And -- and, uh, were you working at
 4 the time?

5 A Uh, I -- I --

6 Q In New Jersey.

7 A -- don't believe so. In New Jersey?

8 Q In New Jersey. When you came up here, you
 9 didn't have a -- another job?

10 A No. When we -- when we came down to New Jersey I
 11 was not working at the time.

12 Q Okay. And, uh, would you agree with me that
 13 when the living arrangement situation was made, uh, you
 14 originally was not included in that deal, so to speak?

15 A I'm sorry. I couldn't hear you.

16 Q Were you aware that when the living
 17 arrangements were made for Lauren, that you were not
 18 originally included in that deal?

19 A No, that is not true. Lauren would -- Lauren
 20 would not have come down without me. Or come up.
 21 Sorry.

22 Q Okay. So you come up with Lauren. Uh, what
 23 is your job when you're up here in the summer of 2018?

24 A Summer of 2018, I helped Lauren with the horses.
 25 Uh, summer of 2018? Yeah, I helped Lauren with the

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1 horses.

2 Q And what -- what -- what do you specifically
 3 mean by that? Is that, like, a nine to five type job
 4 or --

5 A No, not at all.

6 Q What is it?

7 A I get to -- I get to spend time with horses and
 8 animals that I love. I get to spend time with Lauren.
 9 Uh, spend time with my dogs, so yeah.

10 Q Okay. Were -- were you getting paid to do
 11 that?

12 A Was I getting paid?

13 Q Yes.

14 A Uh, I guess so. Yeah, in a sense.

15 Q When you say you guess so, in a sense, was
 16 Lauren paying you money, uh. --

17 A Lauren gave me money to pay my bills. That is
 18 correct.

19 Q So, uh, you were basically living for free in
 20 the farmhouse, correct? Correct?

21 A What do you mean basically? I was liv-- we were
 22 living in the house for free.

23 Q Okay. You weren't -- you --

24 A I mean, not for free.

25 Q Right.

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1 A I mean, if the horses weren't there for, you know,
 2 uh, the \$5,000, no we wouldn't be living in the
 3 farmhouse. But, yeah, so.

4 Q Okay. So were there some problems in 2018,
 5 uh, with Lauren and the staff, to your knowledge?

6 A Uh, I don't -- I don't recall.

7 Q Um, did she always show up on time, uh, to
 8 her riding lessons?

9 A I mean, no. I -- I highly doubt anybody ever
 10 shows up everywhere on time.

11 Q Okay.

12 A I don't understand the question.

13 Q Okay. Was Michael --

14 A Was that a question?

15 Q -- Barisone training, uh, her and her horses
 16 in the summer of 2018?

17 A Uh, it was more Justin Harden was training.
 18 Michael was in the background and, you know, gave tips
 19 and advice and, you know. He was always overseeing and
 20 -- and, you know, adding -- adding input along the way.

21 Q And -- and that's ba-- basic-- basically
 22 pretty much what Lauren ex-- expected with regards to
 23 the arrangement that she made, correct?

24 MR. SCHELLHORN: Objection.

25 BY MR. BILINKAS:

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1 Q To your knowledge?

2 THE COURT: Well, still, that doesn't -- it's
 3 -- it still calls for a hearsay answer.

4 MR. BILINKAS: Okay.

5 BY MR. BILINKAS:

6 Q So in the be--

7 THE COURT: Sustained. Ask another question.

8 BY MR. BILINKAS:

9 Q -- okay. In the very beginning in 2018 in
 10 the summer, Justin Harden was tra-- chan-- uh, training
 11 Lauren and her horses with Michael Barisone overseeing
 12 the operation, correct?

13 A That is correct.

14 Q And -- and did Justin Harden continue to
 15 train, uh, throughout 2018 before you guys, uh, went
 16 back down to Florida?

17 A So he did. And I -- I -- I see where this is
 18 going. So, um, Michael wanted to get to know the
 19 horses before he got on. So if we're -- if we're
 20 trying to get to, was Michael the planned trainer, yes,
 21 he was. He was supposed to be eventually the main
 22 trainer of Lauren's horses.

23 Q Okay. And, uh, after the summer, everybody
 24 goes to the facility in Florida because it's cold and
 25 snowy up here, correct?

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1 A In the winter, correct.
 2 Q Okay. Now, when -- when you went to Florida,
 3 did he provide living accommodations?
 4 A Well, uh, -- in Florida? No.
 5 Q Uh, where did you guys stay?
 6 A We stayed in a -- a rental.
 7 Q Were you still paying the twenty-five hundred
 8 dollars that you were paying up --
 9 A No, we paid more.
 10 Q How much were you paying in Florida?
 11 A Oh, Florida is more expensive, so we paid, uh,
 12 \$3,000 a horse, I believe.
 13 Q And, uh, based on your knowledge, uh, that --
 14 that's a common number per horse in these types of
 15 facilities, correct?
 16 A Uh, I don't know what other people charge.
 17 Q Okay. Now, the Prosecutor, uh, brought up
 18 your drug use. Will you agree that during the time
 19 that Lauren was being trained by Michael Barisone --
 20 MR. SCHELLHORN: Judge, can we be heard at
 21 sidebar?
 22 (Sidebar)
 23 (Sidebar inaudible. Microphone not turned on)
 24 (Sidebar Concluded)
 25 THE COURT: All right. The objection is

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1 overruled. I will allow, uh, limited questioning, uh,
 2 Mr. Barisone (sic), for the reasons stated at sidebar.
 3 BY MR. BILINKAS:
 4 Q Mr. Goodwin, --
 5 A Yes.
 6 Q -- the Prosecutor brought up your drug use.
 7 You indicated that you -- you never did drugs at the
 8 facility, correct?
 9 A That is correct.
 10 Q It is a fact that you were drugs during the
 11 time that you and Lauren Kanarek were using Barisone's
 12 facility off of the facility?
 13 A Uh, I did state I had a few rel-- relapses
 14 throughout that time.
 15 Q So while Barisone was training Lauren
 16 Kanarek, and you were living in his home, you've had a
 17 few relapses, correct?
 18 THE COURT: All right. But -- but with the
 19 specification not on the farm.
 20 BY MR. BILINKAS:
 21 Q Not -- not on the farm.
 22 A Michael Barisone or any of the staff --
 23 THE COURT: Just --
 24 THE WITNESS: -- never --
 25 THE COURT: -- just -- hold on. Just answer

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1 the question.

2 THE WITNESS: What was --

3 THE COURT: Okay?

4 THE WITNESS: -- the question?

5 BY MR. BILINKAS:

6 Q The -- the question was, off of the facility,
7 while Lauren was being trained and you were living in
8 Barisone's house, you were doing drugs, correct?

9 A I had a relapse during that time.

10 Q And -- and we're talking about crack?

11 MR. SCHELLHORN: Judge, I think this goes
12 beyond the scope of what you --

13 THE COURT: Yeah.

14 MR. BILINKAS: We're talking about the --

15 MR. SCHELLHORN: -- said was permissible.

16 THE COURT: No. But it's --

17 MR. BILINKAS: I thought you --

18 THE COURT: No.

19 MR. BILINKAS: -- said I could ask the type
20 of drug.

21 THE COURT: Not the -- not the specifics.

22 That's bad conduct evidence. It wa-- was used only for
23 impeachment or to clarify his earlier answers. That
24 objection is sustained.

25 BY MR. BILINKAS:

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1 Q Now, I'm gonna move on. When you came back
2 in 2019, there was a flood and you saw the evidence of
3 that, correct?

4 A Correct.

5 Q And -- and -- and basically, um, the house
6 needed a lot of renovations, correct?

7 A Correct.

8 Q Now, when you came back up from Florida in
9 2019, uh, Lauren decided to bring more horses to the
10 facility to board and train, correct?

11 A Uh, that is correct.

12 Q And an agreement was made with you that she
13 would pay no more money to board and train those horses
14 if you did a total and complete renovation of the
15 house, correct?

16 A No, that wa-- that would be a very big deal.

17 Q Well, --

18 A I mean, if I did the renovations, do I get to
19 board and train for the rest of my life? I'd --

20 Q When you say --

21 A -- no, that's --

22 Q -- for the rest of the life. You brought two
23 additional horses up, correct?24 A We -- we brought one. One was ou-- one she bought
25 from Michael.

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1 Q Correct.

2 A And the other one was the retired one, which

3 Michael was telling us for, you know, a couple months

4 to bring up.

5 Q Okay. But she now had three. She was

6 talking about brining a fourth, correct?

7 A Yes, they talked about brining a fourth.

8 Q And even a fifth, correct?

9 A No.

10 Q Having a fifth horse?

11 A I'm sorry. Uh, the -- the third one was purchased

12 from Michael.

13 Q Okay. Irrespective of where she got it from

14 --

15 A Well, she didn't bring it there is what I'm -- I'm

16 trying -- I'm trying to say.

17 Q Okay. So irrespective of where she got it

18 from, she would basically be boarding up to five horses

19 without paying for three of them, correct?

20 A Uh, I was under the impression that the horse she

21 purchased was free to live there for the rest of its

22 life under --

23 Q Well, again, --

24 A -- training.

25 Q -- you don't have any personal knowledge of

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1 that, correct?

2 A Well --

3 MR. SCHELLHORN: Judge, he's asking -- he's

4 --

5 THE COURT: Yeah. But you're -- you're

6 asking him, Mr. Bilinkas. That's the problem. I -- I

7 don't know what the source of his knowledge is. Is --

8 is it hearsay knowledge? Was he part of the

9 negotiations?

10 MR. BILINKAS: Okay.

11 THE COURT: You've got -- you've got to

12 clarify --

13 MR. BILINKAS: Understood.

14 THE COURT: -- just so we know --

15 MR. BILINKAS: Understood.

16 THE COURT: -- for the --

17 BY MR. BILINKAS:

18 Q You -- you weren't a --

19 THE COURT: -- liability.

20 MR. BILINKAS: So-- sorry, Judge.

21 THE COURT: Go ahead.

22 BY MR. BILINKAS:

23 Q You weren't a part of those negotiations,

24 correct?

25 A Correct.

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1 Q So you have no idea what deal was made,
2 correct, other than what someone else told you,
3 correct?
4 A Uh, with regards to the horses and Lauren, no.
5 Q Okay. So my point is, Lauren Kanarek had
6 basically entered into an agreement where she was gonna
7 board five horses and only pay for two, correct?
8 THE COURT: Well, he -- he just said he
9 wasn't part of the negotiations. How can he answer
10 that question?
11 MR. BILINKAS: I'll -- I'll withdraw that.
12 THE COURT: Just -- just withdraw it. Move
13 on.
14 BY MR. BILINKAS:
15 Q Okay. You personally agreed to do
16 construction work as a trade-off for whatever deal
17 these people made, correct?
18 A I had a conversation with Michael saying that, uh,
19 because the water flooded the apartment and I was
20 already working on the barn -- you know, already
21 working on the barn, that, you know, we could trade
22 work for the cost of the two additional horses, which
23 would be Sympohny and Rose. Uh, trade the work for
24 that. And if there was any extra work, that it would
25 be paid in cash.

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1 Q Okay. And when -- when you say extra work
2 paid in cash, uh, the work that you agreed to do was
3 work on the farmhouse, correct, at that point?
4 A Yeah. I mean, that was wh-- where the main focus
5 was, yes.
6 Q Okay. And will you agree with me that at the
7 time of the shooting there's a hell of a lot of work
8 that still needs to be done at that facility?
9 A That's correct.
10 Q There's no insulation or Sheetrock in -- in
11 the kitchen, which we saw in pictures, correct?
12 A I was working in the basement at the time.
13 Q Okay. But the basement wasn't finished
14 either, correct?
15 A That is correct.
16 Q The bathroom wasn't completed that we saw in
17 the picture, correct?
18 A Correct.
19 Q Okay. There were -- there were two rooms
20 that we saw that were tiled, correct?
21 A Hmm. I mean, if you -- if -- there's a lot more
22 work than tile, but yes.
23 Q Okay. Well, I'm -- I'm --
24 A Two rooms -- two rooms that were tiled, finished,
25 painted.

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1 Q Okay. Now, --
2 A Two rooms that --
3 Q -- you didn't do that tile work, did you?
4 A Excuse me?
5 Q You didn't do the tile work in those two
6 rooms, did you? Didn't Michael's friend do the tile
7 work?
8 A That's -- no.
9 Q Is it your sworn tes--
10 A Mich-- Michael's friend helped. Actually,
11 Michael's employee. Mike McGrane helped.
12 Q Okay. Mike McGrane --
13 A He was not -- go ahead. Sorry.
14 Q Well, did Michael help?
15 A Lay tile? No.
16 Q I mean, with other construction that was
17 going on at the facility.
18 THE COURT: At -- at the --
19 THE WITNESS: I --
20 THE COURT: -- farmhouse or --
21 THE WITNESS: -- yeah.
22 THE COURT: -- the barn?
23 BY MR. BILINKAS:
24 Q First at the farmhouse.
25 A At the farmhouse, no.

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1 Q How about the barn?
2 A At the barn, yes.
3 Q This Michael McGrane, what did he do in the
4 basement area?
5 A Uh, Michael helped me tile pretty much, you know,
6 somebody -- some of the floor.
7 Q And was -- was he a helper? Did he do an
8 equal part? What was the role of each oth--
9 A Uh, he was a helper, When he had free time he
10 would come down and lend me a hand. My tools, my
11 materials that I picked up.
12 Q Okay.
13 A He would give me a hand. It's easier to do tile
14 with two people.
15 Q All right. And it -- you didn't show up
16 every day and work a full day, uh, with regards to this
17 construction at the farmhouse, did you?
18 A No, not at all.
19 Q Yeah. You -- you would show up when it was
20 convenient for you, correct?
21 A I would show up to do a slow and steady spac--
22 pace. If I did, let's say, 28 days of work and the
23 horse is gonna cost -- you know, for Symphony, the only
24 one there at that time, twenty-five hundred dollars, do
25 I want to get ahead of myself? No. So I did a

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1 controlled pace. Uh, Michael also had a problem paying
 2 for the materials, to ge-- have the materials there at
 3 points in times.

4 Q Okay. So you -- you basically worked at a
 5 pace where you felt your work was commensurate with the
 6 amount of money Lauren would have to pay to house these
 7 horses, correct?

8 A I did not say that.

9 Q Do you think you're way ahead of Michael
 10 Barisone with regards to the construction of the
 11 farmhouse?

12 A I think we had a good relationship and I just
 13 wanted to keep busy. Well, I also like to -- like to
 14 work. Um, also, I did believe we were ahead. And, uh,
 15 there was a lot of work, per -- you know, at this
 16 point, it's Symphony that's there. Symphony was there,
 17 I believe, for maybe two months or so. So while you
 18 say tile, Sheetrock, insulation, framing the walls,
 19 rehanging of doors, painting, spackling. For one horse
 20 twenty -- let's put it, two months, twenty-five hundred
 21 dollars, \$5,000. So I would say, yes, we were -- I was
 22 ahead.

23 Q Now, you're not a licensed contractor, are
 24 you?

25 A I am not.

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1 Q You -- you're not even supposed to be doing
 2 construction in New Jersey without a license. Are you
 3 aware of that?

4 A I never --

5 MR. SCHELLHORN: I'm gonna -- I'm gonna
 6 object.

7 THE COURT: Yeah. What's the relevance, Mr.
 8 Bilinkas?

9 MR. BILINKAS: The -- the value of his work
 10 as opposed to a licensed --

11 THE COURT: I -- I think we've, um, had
 12 enough of this area, Mr. Bilinkas. Move on.
 13 BY MR. BILINKAS:

14 Q Well, you indicated, uh, what you thought
 15 Michael's personality was. You said bold, loud, funny,
 16 personable, and then you said sometimes angry. Do you
 17 recall saying that?

18 A Yes, sir.

19 Q Would that pretty much describe a lot of
 20 people?

21 A I'm not sure.

22 Q And during the entire time that you saw
 23 Michael Barisone you never saw him become violent, did
 24 you?

25 A With people? No.

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1 Q He never threatened you or you never saw him
 2 threaten Lauren Kanarek at any point in time in the
 3 entire period of time that you knew him, correct?
 4 A I don't believe so.
 5 Q Now, the Prosecutor talked to you about
 6 certain, uh, time restrictions. When did Barisone's
 7 staff turn against Lauren Kanarek?
 8 A A couple weeks prior to that shooting.
 9 Q Uh, was Lauren Kanarek having problems with
 10 Justin Harden?
 11 A Uh, we -- well, yes. We were unhappy with the way
 12 training with Evie was going.
 13 Q Did Lauren Kanarek have problems with Mary
 14 Haskins?
 15 A Uh, she didn't want Mary Haskins as a trainer.
 16 Q She didn't like Mary Haskins at all, correct?
 17 A Did you ask her?
 18 Q Well, based on your observations, was it
 19 obvious to you that there was a problem between Lauren
 20 Kanarek and Mary Haskins Gray?
 21 A I mean, I don't know if it was anything more than,
 22 uh, being catty.
 23 Q Jealousy?
 24 A I have no clue.
 25 Q Did -- strike that. Were you aware that

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1 Lauren Kanarek was pasting -- or posting derogatory
 2 Facebook posts on the internet talking about Michael
 3 Barisone and Mark Haskins Gray?
 4 A Uh, I may have heard something along the way, but
 5 I couldn't state what it was.
 6 Q And -- and who did you hear this along the
 7 way from?
 8 A I don't remember.
 9 Q Wasn't everybody talking about these posts at
 10 the facility the last two to three weeks prior to the
 11 incident?
 12 A I'm not sure. I -- I couldn't tell you that. At
 13 least a week, maybe two, uh, the -- no, about a week
 14 prior to the shooting, uh, nobody really communicated
 15 with me at all.
 16 Q And were you communicating with Lauren, like,
 17 asking her, what's going on or, you know, why are these
 18 people up -- acting this way? Did you have --
 19 A Well, I -- I couldn't --
 20 Q -- any dis--
 21 A -- give you an accurate description over the last
 22 two and a half years. I've heard, you know, many
 23 different things. I can't tell you what -- what our
 24 conversation was two and a half years ago. So that's
 25 -- that's what I'm trying to -- trying to get to.

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1 Q Okay. Well, you -- you testified on direct
 2 that, uh, at some point in time there were time limits
 3 placed on when you can go to the stables, correct?

4 A That's correct.

5 Q Okay. Uh, those time limits were post after
 6 Michael Barisone left his own home and was now living
 7 in the stable area, correct?

8 A I do not recall the exact date of when those were
 9 posted. I know the police came up one day. And, uh,
 10 it's on record when we talked about it. But I think it
 11 was a little -- maybe prior to that a couple days.

12 Q Okay. You are aware that Michael Barisone
 13 left his house at some point, correct?

14 A I am.

15 Q And -- and do you have any idea why someone
 16 -- well, specifically, he did -- he left his house?

17 A I have many ideas. And one could be they didn't
 18 want to live in a construction zone. Two, they --
 19 animosity between everybody, you know. I -- I didn't
 20 ask them. They didn't tell me.

21 Q Right. Uh, we saw the pictures of the main
 22 floor. Your apartment was right above that, uh, area,
 23 correct?

24 A Yes.

25 Q And there was no, uh, insulation or Sheetrock

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1 on the ceilings and numerous walls, correct?

2 A Uh, I believe mainly in the kitchen. Maybe --
 3 maybe the bathroom. I'm not -- I'm not 100 percent.

4 Q Okay. And -- and --

5 A But, yes, there was, uh, Sheetrock on some of the
 6 walls -- some of the wall sect--

7 Q -- and --

8 A -- uh, ceiling section.

9 Q -- and would you gr-- agree with me that
 10 because of that, uh, there wasn't any real
 11 soundproofing and you could hear things between living
 12 areas?

13 A I mean, if there was insulation and Sheetrock, you
 14 could still hear things prior -- prior to the damage we
 15 could hear things sometimes.

16 Q Okay. But after the damage it got a lot
 17 worse, would you agree?

18 A I would imagine so, yes.

19 Q Did you and Lauren Kanarek, uh, have a lot of
 20 fights and yelling, uh, arguments while he was living
 21 below you?

22 A I don't know what a lot is considered.

23 Q On a regular basis.

24 A Uh, I mean, we -- I mean, yeah, we argued.
 25 (Indiscernible).

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1 Q Now, at some point you decide to purchase
2 cameras to try to protect yourself, correct?
3 A I purchased camera because we were going to the
4 show the next week.
5 Q And -- and that's the only reason why you
6 purchased --
7 A I wanted to protect my property. Correct.
8 Q Okay. When -- when you say your property,
9 you want to pro-- protect the third fl--
10 A I wanted to make nobody was coming into my house.
11 Q Okay. And on the 6th someone did come into
12 your house, correct? Ms. Cox?
13 A Uh, if it was -- uh, Ms. Cox did come into my
14 house at one -- one day that week.
15 Q Okay. And -- and that was captured on your
16 cameras, correct?
17 A That was, yes.
18 Q Okay. That was the day that the Town came
19 and, uh, did whatever they did, correct? The day that
20 Ms. Cox was bitten by your dog --
21 A Oh, yes. They -- they actually -- yes, yes.
22 Q Okay. And -- and you have your dog and Ms.
23 Cox on that video, correct?
24 A Yes, I have Ms. Cox in my apartment.
25 Q So on the 6th those cameras were working,

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1 correct?
2 A Just for one day, I believe.
3 Q And recording, correct?
4 A Recorded? Yes. I don't know if they recorded
5 throughout the day.
6 Q Now, you also purchased other surveillance
7 equipment, correct?
8 A More specific?
9 Q Uh, recorders, tape recorders so you can
10 record private conversations.
11 A I did purchase digital recorders.
12 Q How many?
13 A Two.
14 Q When did you purchase them?
15 A Somewhere around the beginning or the end of the
16 la-- uh, either, uh, beginning of August, the end of
17 the month prior.
18 Q How did you purchase them?
19 A I purchased them online.
20 Q And -- and at any point in time did the
21 Prosecutor ask for that proof of purchase in -- when he
22 discussed this case with you?
23 A I don't believe so.
24 Q Now, whose idea was it to purchase those
25 recorders?

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1 A I don't recall.
2 Q Um, would you agree with me that they were
3 purchased for a specific reason?
4 A I mean, yes.
5 Q You had discussions with Lauren and her
6 father with regards to putting a tape recorder in
7 certain places to record conversations, correct?
8 A I don't recall the specifics.
9 Q Well, who was in charge of these recorders,
10 you or Lauren?
11 A I was.
12 Q You were the one that physically put the
13 recorders in whatever place they were in, correct?
14 A In her locker at the barn.
15 Q Is it your sworn testimony that the only
16 place you ever recorded a conversation was from
17 Lauren's locker?
18 A The only place I placed the device is Lauren's
19 locker.
20 Q And where else did you record conversations?
21 A In my house, my truck, in my pocket.
22 Q Did you ever place one by a dumpster?
23 A No.
24 Q Did you ever record conversations by a rock
25 where the staff members would go and sit?

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1 A I believe I said the only place I placed one is in
2 Lauren's locker.
3 MR. BILINKAS: Judge, if I could play that
4 audio, uh, tape.
5 THE COURT: Let me see you at, um, sidebar.
6 (Sidebar)
7 (Sidebar inaudible. Microphone not turned on)
8 (Sidebar Concluded)
9 (Testimony concluded)

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CERTIFICATION

I, Melissa Willis, the assigned transcriber, do hereby certify the foregoing transcript of proceedings before the Morris County Superior Court, on March 31, 2022, digitally recorded, Time Index from 9:05:58 to 10:07:42 and 10:10:42 to 11:00:42 and 11:23:53 to 12:21:26 and 1:54:49 to 2:59:33 and 3:28:09 to 4:07:53, is prepared in full compliance with the current transcript format for judicial proceedings and is a true and accurate compressed transcript of the proceedings as recorded to the best of my knowledge and ability.

/s/ Melissa Willis

Melissa Willis AD/T#643
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Date: May 22, 2022