

opening Statements

1 At this time, then, does the district attorney
2 wish to make an opening statement?

3 MR. MOORE: Yes, Your Honor.

4 MR. DONIGER: Excuse me, Your Honor, if we could
5 approach for a moment?

6 THE COURT: Certainly.

7 (Whereupon, the following proceedings were had at
8 the bench out of the hearing of the jury.)

9 MR. DONIGER: I just forgot to ask for
10 sequestration of witnesses on the record.

11 THE COURT: The Court will enter an order of
12 sequestration, and each party is to make sure that their
13 witnesses are not present.

14 MS. CARLSON: Thank you.

15 (Whereupon, the following proceedings were had
16 back in open court in the hearing of the jury.)

17 THE COURT: Mr. Moore, you may make your
18 opening statement.

19 MR. MOORE: Thank you very much, Your Honor.

20 It was like a scene out of a movie, equipment and
21 desks and cabinets flying about Nerds Computer Store. You
22 are going to hear that there was a fight, a fight like that
23 out of a movie that occurred back on September 4, 1996, but
24 you are going to hear that, unlike a movie, it was anything
25 but entertainment for two experienced law enforcement

1 officers, Detective Dana Hatfield and Detective Richard
2 Grahn.

3 You are going to hear that on that day, September
4 of 1996, that they received information that a Justin Rueb
5 had an active arrest warrant on him. You are going to hear
6 they responded at about 3:15 in the afternoon to Nerds
7 Computer Store, and you are going to hear that they waited
8 and they waited until Mr. Justin Rueb, the man who sits
9 before you today, arrived with another woman.

10 When he did that, you are going to hear that
11 Mr. Rueb had first started in a conversation with Mr. Charles
12 Dunn, the owner of Nerds Computer Store. Mr. Dunn and Justin
13 Rueb started talking for a moment, then Detective Hatfield
14 and Detective Grahn recognized the description of Mr. Rueb.
15 So they approached, and they informed Mr. Rueb that he was
16 under arrest, and he began to try and secure the arrest.

17 But you are going to hear, ladies and gentlemen,
18 that at that time, Mr. Rueb went on the attack. You are
19 going to hear that at first Detective Hatfield and Detective
20 Grahn attempted to try and secure his arms in a twist lock.
21 You are going to hear that Mr. Rueb was going to have none of
22 that. At first he simply resisted. You are going to hear
23 that he stressed out his arm. You are going to hear that he
24 told them that that hurt, the twist lock hurt.

25 You are going to hear that at that point things

1 escalated. When they escalated, it became much more than a
2 fight. You are going to hear that at that point things
3 became physical between the officers -- the detectives who
4 were trying to act in their duties in securing this arrest of
5 Mr. Rueb, and Mr. Rueb, who was fighting the officers doing
6 that. You're going to hear that the struggle went on for a
7 period of minutes. You are going to hear that the detectives
8 attempted to get Mr. Rueb to the ground, which they were able
9 to do.

10 But ladies and gentlemen, what you are going to
11 hear is that this was not just Mr. Rueb resisting what they
12 were trying to do, what you are going to hear is that
13 Mr. Rueb, on two different occasions, kicked, not once, but
14 twice kicked Detective Grahn in the leg. You are going to
15 hear that he tried to kick him more than just on those two
16 occasions.

17 And with Detective Hatfield, you're going to
18 hear -- first of all, what did he do with Detective Hatfield?
19 You are going to hear that he grabbed at Detective Hatfield.
20 You're going to hear he did it in order to hurt -- just like
21 he kicked Detective Grahn, to hurt him. What you are going
22 to hear is Justin Rueb did not grab at Detective Grahn's
23 knees, did not grab at Detective Hatfield's neck, did not
24 grab at Detective Hatfield's waist or his shoulders or his
25 head. What you are going to hear is that Justin Rueb went

1 for the throat. And when he did, he grabbed his tie --
2 grabbed Detective Hatfield's tie and twisted it, making the
3 knot tight at his throat, and you are going to hear that was
4 in an attempt to choke him.

5 Ladies and gentlemen, that's what the evidence is
6 going to show. We are going to show that both these officers
7 experienced pain at the hands of Justin Rueb, but you are
8 also going to hear that during this whole encounter, Justin
9 Rueb, the man who sits before you, tried to grab Dana
10 Hatfield's -- Detective Dana Hatfield's gun from his holster.
11 Again, you are going to hear it was his intent to hurt
12 Detective Hatfield and Detective Grahn and do whatever it
13 took to get away from these two men.

14 Now, ladies and gentlemen, you are going to hear
15 from both these detectives today. You are also going to hear
16 from Charles Dunn, the owner of the Nerds Computer Store.
17 And what you are going to hear is about a horrific, violent
18 experience. In fact, these two officers have 20 years
19 experience a piece and are going to tell you that it was
20 during this encounter they felt fear for their lives at the
21 hands of Justin Rueb than they ever have before. You are
22 going to hear --

23 MR. DONIGER: Objection, Your Honor.

24 THE COURT: Sustained.

25 Ladies and gentlemen, you are to disregard that

1 last remark.

2 MR. MOORE: You are going to hear Detective
3 Hatfield and Detective Grahn describe these events to you.
4 You are going to hear them describe what happened, and you
5 are going to hear Mr. Dunn tell you what happened. And at
6 the end of this case, ladies and gentlemen, Ms. Carlson and I
7 will ask you to find Mr. Rueb guilty of not just resisting
8 arrest, but also of second-degree assault; that is, he
9 intended to cause bodily injury to Detective Grahn and
10 Detective Hatfield, and we'll ask you to find him guilty of
11 all counts. Thank you.

12 THE COURT: Thank you.

13 Mr. Doniger, do you wish to make an opening
14 statement at this time?

15 MR. DONIGER: We would reserve opening statement,
16 Your Honor.

17 THE COURT: Okay. District attorney to call
18 their first witness.

19 MR. MOORE: The People would call Detective Dana
20 Hatfield, Your Honor.

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