

1                   IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS  
2                   WESTERN DISTRICT

3     **MITCHELL K. WRIGHT**, AS PERSONAL  
4     REPRESENTATIVE OF THE ESTATE OF  
5     SHANNON D. (WILLIAMS) WRIGHT,  
6     DECEASED; **RENEE BROOKS**, AS PERSONAL  
7     REPRESENTATIVE OF THE ESTATE OF  
8     NATALIE BROOKS, A MINOR, DECEASED;  
9     **TONY R. HERRING AND PAMELA D. HERRING**,  
10    AS PERSONAL REPRESENTATIVES OF THE  
11    ESTATE OF PAIGE ANN HERRING, A MINOR,  
12    DECEASED, **TINA McINTYRE JOHNSON**, AS  
13    PERSONAL REPRESENTATIVE OF THE ESTATE  
14    OF STEPHANIE DAWN JOHNSON, A MINOR,  
15    DECEASED; AND, **SUZANNE MARIE WILSON**,  
16    AS PERSONAL REPRESENTATIVE OF THE  
17    ESTATE OF BRITTNEY RYEN VARNER,  
18    A MINOR, DECEASED

Plaintiffs,

VS. CIV 98-394 (B)

12     ANDREW GOLDEN, A MINOR; MITCHELL  
13     JOHNSON, A MINOR; SCOTT JOHNSON;  
14     GRETCHEN WOODARD; DENNIS GOLDEN;  
15     PAT GOLDEN; DOUGLAS GOLDEN;  
16     SPORTING GOODS PROPERTIES, INC.,  
17     F/K/A REMINGTON ARMS COMPANY, INC.;  
18     JOHN DOE, AND JOHN DOE, INC.,  
19     AS THE SUCCESSORS IN INTEREST OF  
20     UNIVERSAL FIREARMS

Defendants.

18                   \_\_\_\_\_  
19                   **THE VIDEOTAPED DEPOSITION OF MITCHELL SCOTT JOHNSON**  
20                   Taken at the Craighead County Courthouse Annex Courtroom,  
21                   Jonesboro, AR on April 27, 2000  
22                   at 1:15 p.m  
23                   \_\_\_\_\_  
24  
25

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TINA JOHNSON

DENNIS GOLDEN

PAT GOLDEN

GRETCHEN WOODARD

I N D E X**TESTIMONY BY MITCHELL SCOTT JOHNSON**

Page

Direct Examination by Mr. McDaniel	8
Cross-Examination by Mr. Miller	129
Cross-Examination by Mr. Hodges	135
Cross-Examination by Mr. Roberts	135
Redirect Examination by Mr. McDaniel	136

E X H I B I T S

Referenced

Plaintiff's Exhibit 1	51
(Handwritten Journal Entry of Mitchell Johnson)	

1 MR. McDANIEL: May the record reflect that this is the  
2 deposition of Mitchell Johnson, and may the record further  
3 reflect that this same cause of action previously referred to in  
4 the deposition of Andrew Golden, the same record relative to  
5 objections and stipulations to be carried forward in this  
6 deposition so we don't have to repeat them. Is that agreeable?

7 MR. CAHOON: I agree.

8 MR. HODGES: Agreed.

9 MR. McDANIEL: Will the court reporter please swear the  
10 witness.

11 MITCHELL SCOTT JOHNSON,  
12 having been first duly sworn, was examined and testified as  
13 follows:

14 DIRECT EXAMINATION

15 BY MR. McDANIEL:

16 Q. State your name for the record, please.

17 A. Mitchell Scott Johnson, sir.

18 Q. Mr. Johnson, I'm going to ask you to speak up a little bit  
19 because I have trouble hearing you. How old are you?

20 A. I am 15 years old of age, sir.

21 Q. I'm going to ask you several questions in this deposition.  
22 I want to make sure you understand my questions and you respond  
23 to them. If you don't understand a question, you let me know and  
24 I'll rephrase it. Is that agreeable?

25 A. Yes, sir.

1 Q. You were present during the deposition of Andrew Golden?

2 A. Yes, sir.

3 Q. I want to ask you a few questions about what you know and  
4 understand about today. Do you know who you are?

5 A. Yes, sir.

6 Q. What is your full name?

7 A. Mitch Scott Johnson, sir.

8 Q. What is your date of birth?

9 A. 8/11/84, sir.

10 Q. How old are you?

11 A. 15 years of age.

12 Q. Who are your parents?

13 A. Scott Jonesboro and Mrs. Gretchen Woodard.

14 Q. Did you have a stepfather back in March of 1998?

15 A. Yes, sir, I did.

16 Q. What was his name?

17 A. Terry Woodard, sir.

18 Q. Is Terry Woodard and your mom still married?

19 A. Yes, sir.

20 Q. Has your father remarried?

21 A. Fixing to be, sir.

22 Q. Do you have any brothers or sisters?

23 A. Yes, sir.

24 Q. Who are your brothers and sisters?

25 A. I have Jessie Woodard, she's my sister, Monty Johnson, my

1 brother, and Angie Vreeman, my sister.

2 Q. How old are each of them? Tell me their names and how old  
3 are they.

4 A. Jessie is four fixing to be five. Monty is 13 and Angie  
5 just turned 24.

6 Q. Where does Angie live?

7 A. In Bono.

8 Q. What is her address, do you know?

9 A. No, sir, I don't.

10 Q. Is she married?

11 A. She's engaged.

12 Q. Her last name is what?

13 A. Vreeman, sir.

14 Q. Spell that.

15 A. V-R-E-E-M-A-N.

16 Q. Does she work?

17 A. Yes, sir.

18 Q. Where does she work?

19 A. St. Bernards Regional Hospital I do believe, sir.

20 Q. In March of 1998 you were involved in a shooting incident on  
21 the Westside School grounds. Is that correct?

22 A. Yes, sir.

23 Q. You entered a plea of guilty to your participation in that  
24 shooting incident, did you not?

25 MR. ROBERTS: Object to the form of the question,

1 vague. Are you referring to the federal or state?

2 MR. McDANIEL: I'll rephrase it.

3 Q. (By Mr. McDaniel) Did you enter a guilty plea to the  
4 juvenile court proceedings in Craighead County relating to the  
5 shooting incidents at Westside School?

6 A. Yes, sir.

7 Q. At the time you entered that plea of guilty, did you know  
8 and understand what you were doing?

9 A. Yes, sir, I did.

10 Q. Did you plead guilty because in truth and in fact you were  
11 guilty of being involved in that shooting incident?

12 A. Yes, sir.

13 Q. In that shooting incident there were five people killed. Is  
14 that correct?

15 A. Correct.

16 Q. Four students and one teacher?

17 A. To my knowledge, yes, sir.

18 Q. And you knew all four of the students?

19 MR. ROBERTS: Object to the form of the question. Your  
20 questions are public record, Mr. McDaniel. So, therefore,  
21 they're repetitive.

22 MR. McDANIEL: I'm entitled to inquire as to his  
23 knowledge, public record or not.

24 Q. (By Mr. McDaniel) You knew the names of the four people who  
25 were killed, did you not?



1 A. Yes, sir, I did. I do now.

2 Q. Do you know the names of some of the people who were shot  
3 but not killed?

4 A. Very few.

5 Q. Mr. Johnson, did Andrew Golden participate with you in that  
6 shooting incident?

7 A. Yes, sir.

8 Q. Did both you and Andrew Golden shoot rifles at individuals  
9 who were later obviously killed or wounded?

10 A. Yes, sir.

11 Q. Did you intentionally kill or injure some of the individuals  
12 who were shot?

13 MR. ROBERTS: Object to the form of the question.

14 Instruct the witness not to answer.

15 Q. (By Mr. Roberts) At the time that you were shooting the  
16 rifles, you knew that the rifles were loaded with live rounds of  
17 ammunition?

18 A. Yes, sir.

19 Q. And you knew that if a person was shot with a rifle that it  
20 could cause injury or death?

21 MR. ROBERTS: Object to the form of the question and  
22 instruct the witness not to answer based on the Fifth Amendment.

23 Q. (By Mr. McDaniel) Mr. Johnson, when the shooting incident  
24 took place, did you force Andrew Johnson to participate in the  
25 shooting incident?

1 MR. ROBERTS: Objection. I think you've misstated --

2 MR. McDANIEL: I'll rephrase.

3 MR. ROBERTS: I don't mean to be picky, but I think  
4 you've misstated a name.

5 MR. McDANIEL: I think you're correct.

6 Q. (By Mr. McDaniel) Mr. Johnson, at the time of the shooting  
7 incident on March 24 of 1998, did you force Andrew Golden to  
8 participate in that shooting event with you?

9 A. No, sir, I did not.

10 Q. Was the shooting incident an agreement between yourself and  
11 Andrew Golden?

12 A. Yes, sir.

13 Q. Whose idea was it, yours or Andrew's to pull the firearm?

14 MR. ROBERTS: Objection. Object to the form of the  
15 question and instruct the witness not to answer based on the  
16 Fifth Amendment.

17 Q. (By Mr. McDaniel) When the shooting took place on the  
18 grounds at Westside School, who fired rifles, you or Andrew  
19 Golden or both?

20 A. Both, sir.

21 Q. Who fired rifles at the students and teacher, you or Andrew  
22 Golden or both?

23 A. Both.

24 Q. Which rifle did you use in the shooting incident?

25 MR. ROBERTS: Just a moment, Mr. McDaniel. I'm not

1 sure --

2 A. .30-06, sir.

3 Q. (By Mr. McDaniel) The .30-06, the Remington .30-06?

4 A. Yes, sir.

5 MR. McDANIEL: I want to caution counsel that I do not  
6 want to have an improper communication but that he is still wired  
7 with a microphone even though I might not hear the tape, and I'm  
8 going to --

9 THE VIDEOGRAPHER: I pulled the mic down.

10 MR. McDANIEL: With court's and everyone's permission,  
11 may I ask that the videographer edit that private communication  
12 out of tape?

13 MR. ROBERTS: I just asked --

14 MR. McDANIEL: Is that agreeable?

15 MR. ROBERTS: Yes. I asked the witness whether he knew  
16 what the rifle was. You cited a .30-06. I didn't know if he  
17 knew it.

18 MR. McDANIEL: Okay. That's fine.

19 MR. ROBERTS: But we will take his microphone off in  
20 the future. Thank you.

21 THE VIDEOGRAPHER: Counselor, I could shut it off and I  
22 can't hear nor can anybody else.

23 MR. McDANIEL: Okay.

24 MR. ROBERTS: I'll take his microphone off in the  
25 future.

1 MR. McDANIEL: Okay, fine.

2 Q. (By Mr. McDaniel) Now, Mr. Johnson, why did you shoot some  
3 of the people at the Westside School?

4 MR. ROBERTS: Object to the form of the question and  
5 instruct the witness not to answer based on the Fifth Amendment.

6 Q. (By Mr. McDaniel) Mr. Johnson, did you know who you were  
7 shooting at?

8 MR. ROBERTS: Object to the form of the question and  
9 instruct the witness not to answer based on the Fifth Amendment.

10 Q. (By Mr. McDaniel) A question that I've been asked to  
11 present to you is from Zane Wright, Shannon Wright's little boy,  
12 who wants to know why you shot his mommy. Will you answer  
13 this --

14 MR. ROBERTS: Just a moment, please.

15 A. Sir, could you repeat the question for me?

16 Q. (By Mr. McDaniel) Yes. Zane Wright, the minor child of  
17 Mitchell Wright and Shannon Wright, wanted us to ask you why did  
18 you shoot and kill his mommy?

19 A. Sir, it was not intentional. It was not for me to kill  
20 anybody. That was not my plan, sir, and, sir, I did not pick her  
21 out or anybody else that was killed that day.

22 Q. Were the shootings of the individuals just at random,  
23 shooting one then another without specifically targeting one  
24 person?

25 A. Could you please repeat the question?

1 Q. Yes, sir. When you were firing that rifle, were you  
2 specifically targeting one individual?

3 MR. McDANIEL: Mr. McDaniel, I don't mean to quibble,  
4 but that's two different questions, sir.

5 MR. McDANIEL: I'll rephrase it.

6 Q. (By Mr. McDaniel) Did you have a telescopic sight on the  
7 .30-06 rifle?

8 A. Yes, sir, I did.

9 Q. When you looked through the telescopic sight, did it have  
10 cross hairs to assist you in aiming?

11 A. Yes, sir.

12 Q. When you placed the cross hairs on a target, did you know  
13 who you were placing the cross hairs on?

14 MR. ROBERTS: Mr. McDaniel, again are you asking did he  
15 know the identity --

16 MR. McDANIEL: Yes.

17 MR. ROBERTS: -- of the person by name or could he  
18 visualize a person through the scope?

19 MR. McDANIEL: Yes. I was going to do it both ways.

20 MR. ROBERTS: I apologize.

21 Q. (By Mr. McDaniel) Do you know the name of the -- when you  
22 looked through your telescopic sight and you could see them  
23 through the scope and the cross hairs was on an individual, did  
24 you know who you were looking at through the scope?

25 A. Honestly, sir, I don't remember me shooting period.

1 Q. Sir?

2 A. Honestly, I don't remember me shooting period.

3 Q. How long did this shooting incident take place, over how  
4 much time?

5 A. I'm not aware, sir.

6 Q. You knew Mrs. Wright by sight, did you not?

7 A. If I just saw her in a crowd?

8 Q. Yes.

9 A. Yes, sir, I did.

10 Q. And you knew Natalie Brooks by sight, did you not?

11 A. Yes, sir, I did.

12 Q. You knew Paige Herring by sight, did you not?

13 A. I didn't know her that well, sir.

14 Q. But you could recognize her in a group of three or four  
15 kids, couldn't you?

16 MR. ROBERTS: Mr. McDaniel, by "know by sight", do you  
17 mean to imply he knew their name?

18 MR. McDANIEL: Recognized them by name and identity.

19 MR. ROBERTS: Not simply by face?

20 Q. (By Mr. McDaniel) If you saw the face of Paige Herring, did  
21 you know her name when you looked at her?

22 A. Not really, no, sir, I didn't.

23 Q. Did you know Stephanie Dawn Johnson by face when you saw  
24 her?

25 A. Yes, sir.

1 Q. Did you know Brittney Ryen Varner by face when you saw her?

2 A. No, sir, I'm not sure.

3 Q. When you were looking through your telescopic sight and  
4 shooting the .30-06 rifle, were some of the people facing you and  
5 some have their backs to you?

6 A. I'm not aware, sir.

7 Q. You don't remember?

8 A. No, sir, I don't.

9 Q. How many times did you shoot the .30-06 rifle?

10 A. Five times, sir.

11 Q. Five times?

12 A. I'm aware of that because that's all I held and my gun was  
13 empty.

14 Q. When you emptied that gun --

15 MR. ROBERTS: Just a moment, please, Mr. McDaniel.

16 MR. McDANIEL: Sir?

17 MR. ROBERTS: Just a moment, please.

18 MR. McDANIEL: Certainly.

19 THE VIDEOGRAPHER: Counselor, when he holds it when  
20 y'all finish, could you hold down towards the middle of his  
21 chest? When you breathe I'm getting a lot of noise.

22 THE WITNESS: I'm sorry.

23 MR. ROBERTS: Thank you.

24 Q. (By Mr. McDaniel) Go ahead with what you were saying, sir.

25 A. Could you repeat the question? I'm sorry.

1 Q. Yes. I think you indicated that you had shot your .30-06  
2 rifle five times, correct?

3 A. Yes, sir.

4 Q. And you stopped shooting it because you ran out of  
5 ammunition for that gun. Is that right?

6 MR. ROBERTS: I don't believe that's what the witness  
7 said, Mr. McDaniel. I'm --

8 MR. McDANIEL: Let me rephrase it.

9 Q. (By Mr. McDaniel) Why did you stop shooting that  
10 .30-06 rifle?

11 A. I'm not sure, sir, why I stopped.

12 Q. Did you have another weapon besides the .30-06 rifle that  
13 you shot that day?

14 A. Yes, sir.

15 Q. What other weapon did you use that day?

16 A. I used a .38 pistol, sir.

17 Q. Did Andrew Golden fire either rifles or pistols or both that  
18 day?

19 A. Yes, sir, he did.

20 Q. What weapons did Andrew Golden fire?

21 A. I'm not for sure.

22 Q. Where did you get the weapons that were used in the shooting  
23 incident?

24 MR. ROBERTS: Object to the form of the question and  
25 instruct the witness not to answer under the Fifth Amendment.



- 1 Q. (By Mr. McDaniel) Do you know what a trigger lock is?
- 2 A. Yes, sir.
- 3 Q. Before March 24 of 1998 had you ever seen a trigger lock
- 4 before?
- 5 A. Yes, sir.
- 6 Q. Where would you have seen a trigger lock?
- 7 A. Probably in a magazine.
- 8 Q. Had you ever physically touched or handled a trigger lock
- 9 before March 24 of 1998?
- 10 A. Yes, sir.
- 11 Q. Where would you have physically touched or handled a trigger
- 12 lock before March 24 of 1998?
- 13 A. At my cousin's house in Minnesota.
- 14 Q. Who is that?
- 15 A. I don't know his last name. I know his first name is Jeff,
- 16 sir.
- 17 Q. Who was with you when you were there?
- 18 A. My father and my little brother.
- 19 Q. Was the trigger lock in place on a gun?
- 20 A. Yes, sir.
- 21 Q. Was it locked in place?
- 22 A. Yes, sir.
- 23 Q. Did you have a key? Was it one you used a key to?
- 24 A. Yes, sir, it was a key.
- 25 Q. Did you have the key to it?

1 A. No, sir, I did not.

2 Q. Since you did not have the key to it, would you have known  
3 how to have gotten into that trigger lock without the key?

4 A. No, sir.

5 Q. When you looked at the gun with the trigger lock on it, were  
6 any adults around or near you?

7 A. Yes, sir, my father.

8 Q. What were you told about a trigger lock at that time?

9 A. He didn't explain it to me.

10 Q. Did you ask what is this on this gun?

11 A. No, sir.

12 Q. You just knew what it was from seeing magazines?

13 A. Yes, sir.

14 Q. Did you understand that a trigger lock was to keep someone  
15 from using a gun that wasn't supposed to?

16 A. Yes, sir.

17 Q. And if a trigger lock was on that gun and you didn't have  
18 the key, you couldn't have used that gun, could you?

19 A. Correct.

20 Q. Have you ever seen a trigger lock on a gun that's set by a  
21 combination lock like a briefcase?

22 A. One time I do believe, sir.

23 Q. Sir?

24 A. Yes, sir, once.

25 Q. And it would --

1 MR. MARSHALL: I'm sorry, what did the witness say?

2 MR. McDANIEL: He said, "One time I believe, sir."

3 MR. ROBERTS: "One time I do --

4 MR. McDANIEL: Is the witness' microphone on?

5 THE VIDEOGRAPHER: Yes. I --

6 MR. ROBERTS: Mr. McDaniel, I think he said, "One time  
7 I do believe."

8 Q. (By Mr. McDaniel) So then you recall that you think you  
9 have seen one gun that had a combination lock on it --

10 MR. MARSHALL: Objection, leading.

11 Q. (By Mr. McDaniel) -- like a briefcase lock. Is that  
12 correct?

13 A. I haven't seen it on a gun, sir. I've seen it in a  
14 magazine.

15 Q. You saw one in a magazine?

16 A. Yes, sir.

17 Q. Did you understand that if such a trigger lock was on a gun,  
18 if you did not know the combination you couldn't use the gun?

19 MR. MARSHALL: Objection, leading.

20 Q. (By Mr. McDaniel) Go ahead.

21 A. Yes, sir.

22 Q. Have you ever had any training as a gunsmith or someone who  
23 repairs guns?

24 A. No, sir.

25 Q. Do you know how to take a gun apart and put it back together

1 so it will function properly?

2 A. No, sir.

3 MR. ROBERTS: Just a moment, Mr. McDaniel.

4 MR. McDANIEL: All right.

5 MR. ROBERTS: Thank you.

6 Q. (By Mr. McDaniel) Do you know what a padlock is?

7 A. Yes, sir.

8 Q. What is a padlock?

9 A. A padlock is a device that you can stick on a locker to make  
10 sure no one can get in your locker without authority.

11 Q. If the padlock is properly placed on something to keep  
12 someone out and you don't have the key around, they can't get in,  
13 correct?

14 MR. ROBERTS: Objection, speculative.

15 Q. (By Mr. McDaniel) Go ahead and answer.

16 THE WITNESS: Mike, answer it?

17 A. Would you please repeat the question?

18 Q. (By Mr. McDaniel) The padlock is placed on something to  
19 keep someone out if they don't have the key, correct?

20 A. Correct.

21 Q. At the home of Douglas Golden on March 24 of 1998, were the  
22 guns on the wall secured in any fashion by means of a lock or a  
23 cable in any way?

24 MR. ROBERTS: Object to the form of the question and  
25 instruct the witness not to answer based on the Fifth Amendment.

1 Q. (By Mr. McDaniel) In reference to the shooting incident,  
2 had you told anyone before the incident took place that you were  
3 going to do that?

4 A. Not specifically, no.

5 Q. Had you talked about it in general with someone else?

6 A. Not mentioning details, no.

7 Q. Had you talked about it in general nonspecific form to  
8 someone else?

9 A. Twice.

10 Q. To whom?

11 A. One to a friend. I asked him not to come to school because  
12 I thought something bad might happen, and then the second time it  
13 was the Monday before the incident, sir.

14 Q. The first one, when did that take place, when you told him  
15 not to come to school, something bad might happen? When was  
16 that? Is that the same day of the shooting?

17 A. No, sir.

18 Q. It was another time?

19 A. Yes, sir.

20 Q. Who was that person?

21 A. I'm not going to name names.

22 MR. ROBERTS: Let me consult with my client, please.  
23 Let's talk to the judge.

24 MR. McDANIEL: Do we need to go off the record?

25 MR. ROBERTS: We need to go off the record. Let's talk

1 to the judge.

2 (Off-the-record discussion.)

3 MR. McDANIEL: Back on the record.

4 Q. (By Mr. McDaniel) Mr. Johnson, upon instruction from your  
5 counsel, I'm going to ask you about those two conversations and  
6 I'm not going to ask you the names of who you were talking to.  
7 Is that understood?

8 A. Yes, sir.

9 Q. The first incident, when and where did that take place?

10 A. It took place on spring break. The Friday of spring break I  
11 went to a friend's house, and I spent the night with him. I had  
12 just -- we had brought the subject of school and how things were  
13 going, and I had told him that I didn't want him coming to  
14 school. I didn't give him a date because I wasn't for sure, but  
15 I told him --

16 Q. All right.

17 A. Go ahead.

18 Q. Go ahead. I didn't mean to interrupt you.

19 A. I told him that I felt that something negative could happen,  
20 and I didn't want him getting hurt.

21 Q. That was on the Friday before spring break?

22 A. The Friday -- the spring break Friday, sir.

23 Q. The shooting took place on what day of the week?

24 A. Tuesday.

25 Q. Was spring break over on the Monday proceeding the shooting?

1 A. I think so, sir.

2 Q. The second incident in which you spoke with someone, when  
3 and where was that?

4 A. That was at school Monday.

5 Q. The day before the shooting?

6 A. Yes, sir.

7 Q. Again, I understand you don't want to disclose right now who  
8 you spoke to, but tell me what was said in that conversation.

9 A. I --

10 MR. ROBERTS: Just a moment.

11 Q. (By Mr. McDaniel) Go ahead.

12 A. Could you repeat the question, please?

13 Q. Yes. What was said in that second conversation which  
14 occurred on Monday before the shooting on Tuesday?

15 A. I had told a friend that I did not want her coming to school  
16 in case something bad could happen.

17 Q. Did she ask any details about what are you talking about?

18 MR. ROBERTS: Object to the form of the question and  
19 instruct the witness not to answer based on the Fifth Amendment.

20 Q. (By Mr. McDaniel) Was there anything else said between you  
21 and the girl that day?

22 A. Would you please repeat the question? I'm sorry.

23 Q. Yes. What else was said between you and this girl on the  
24 Monday before the shooting on Tuesday?

25 A. Nothing, nothing concerning that.

1 MR. ROBERTS: That's not -- answer Mr. McDaniel's  
2 question. I've allowed you to answer the question, so answer his  
3 question.

4 Q. (By Mr. McDaniel) Go ahead and answer.

5 A. It wasn't nothing after that, sir.

6 Q. That was it?

7 A. Uh-huh.

8 Q. Do you know Amber Vannover?

9 A. Not that I'm aware of, sir.

10 Q. Did you tell Amber Vannover's brother about this shooting  
11 incident? Does that name ring a bell?

12 A. No, sir, it does not.

13 Q. Okay. Did you and Andrew Golden discuss the shooting  
14 incident the morning before it occurred?

15 THE WITNESS: Mike?

16 MR. ROBERTS: Mr. McDaniel, there was some confusion on  
17 a prior question. I think it was two or three questions ago  
18 involving a young woman that you asked him about. He now  
19 understands the question and would like to further answer it.

20 MR. MCDANIEL: Thank you very much.

21 Q. (By Mr. McDaniel) And we'll hold that agreement so that at  
22 any time during the deposition you realize you need to go back  
23 and clarify something or change something, you let me know and  
24 I'll let you, okay? Thank you for doing that. Tell me what you  
25 need to tell me to set the record straight.



1 A. To set the record straight I had told her not to come to  
2 school because I figured something -- I thought something bad  
3 might happen, and then after that, I had told her that I loved  
4 her, that I would see her. That was all that was said.

5 Q. You said you loved her and what?

6 A. I had loved her and that I would see her sometime.

7 Q. Now, to the question that I was asking: Did you discuss the  
8 shooting incident on the morning before the shooting with Andrew  
9 Golden?

10 A. I don't remember, sir.

11 Q. When and where did you and Andrew Golden get together on the  
12 morning before the shooting when this criminal escapade started?

13 MR. ROBERTS: Mr. McDaniel, I'm not sure I understand  
14 that. I don't mean to be picky.

15 MR. McDANIEL: Okay. I'll rephrase it.

16 Q. (By Mr. McDaniel) Did you spend the night at your own home  
17 the night before the shooting?

18 A. Yes, sir, I did.

19 Q. Did Andrew Golden spend the night with you?

20 A. No, sir, he did not.

21 Q. When is the first time you saw Andrew Golden the next  
22 morning, that is the morning of the shooting?

23 A. I'm not for sure of the time, sir.

24 Q. Where and how did you and Andrew get together on the morning  
25 of the shooting the first time? How did that come about?

1 THE WITNESS: Mike?

2 MR. ROBERTS: Where did he meet Andrew?

3 MR. McDANIEL: Yes.

4 A. On Tuesday, sir?

5 Q. (By Mr. McDaniel) Yes.

6 A. I had met him at his house.

7 Q. Did you call him on the phone or did he call you or did he  
8 know that you were coming? Had you discussed it?

9 A. Before, yes, sir.

10 Q. And how long before, when before?

11 MR. ROBERTS: Object to the form of the question and  
12 instruct the witness not to answer based on the Fifth Amendment.

13 Q. (By Mr. McDaniel) So sometime prior to the morning of the  
14 shooting, you and Andrew had had a discussion that you were going  
15 to get together that morning for this shooting incident, correct?

16 MR. ROBERTS: Just a moment. I think that's been asked  
17 and answered, Mr. McDaniel, but just in case, object to the form  
18 of the question. I instruct the witness not to answer based on  
19 the Fifth Amendment.

20 Q. (By Mr. McDaniel) Did you call Andrew Golden on the  
21 telephone on the morning of March 24 of 1998 before you  
22 physically observed or saw him?

23 MR. ROBERTS: Object to the form of the question and  
24 instruct the witness not to answer based on the Fifth Amendment.

25 Q. (By Mr. McDaniel) You saw Andrew Golden at his house that

1 morning of the shooting. Is that correct?

2 A. Yes, sir.

3 Q. How did you get to his house?

4 A. By my mother's van, sir.

5 Q. What type van was that? Do you know what kind it was?

6 A. It was a Dodge, sir.

7 Q. Had you ever driven that van before?

8 A. Yes, sir.

9 Q. Had you ever driven it alone before?

10 A. Not very far. Not out of my yard, sir.

11 Q. But you had driven it before?

12 A. Yes, sir.

13 Q. Had your mother allowed you to drive it to teach you how to  
14 drive?

15 A. Yes, sir.

16 Q. Had your mother ever ridden with you in the vehicle when you  
17 drove it before?

18 A. I do believe so, yes.

19 Q. How long had you been driving an automobile either with your  
20 mom or with another adult prior to March 24 of 1998?

21 MR. ROBERTS: Just a moment.

22 A. Could you please repeat the question?

23 Q. (By Mr. McDaniel) Yes. How long had you been driving an  
24 automobile in the presence of adults before March 24 of 1998?

25 A. Quite a while, sir.

1 Q. A couple of years, a year?

2 A. Couple of years.

3 Q. Then your mother knew and approved of you driving an  
4 automobile, correct?

5 A. Somewhat, yes, sir.

6 Q. Did you know where your mother kept the keys to the van?

7 A. Yes, sir, I did.

8 Q. On the night before the shooting, were you up and about  
9 around your house around midnight or in the early morning hours?

10 A. No, sir.

11 Q. Did you have any property in the van like camping gear,  
12 things like that in the van that morning?

13 A. Yes, sir.

14 Q. What all was in the van by way of camping gear or survival  
15 gear as it may be called?

16 A. I just had my clothes and some shoes.

17 MR. ROBERTS: Mr. McDaniel, we would not agree that  
18 camping gear equates with survival gear, sir.

19 MR. McDANIEL: Okay.

20 Q. (By Mr. McDaniel) Was there at the time of the shooting  
21 some camping gear or camping equipment in the back of the van or  
22 in the van?

23 A. Yes, sir.

24 Q. Where did you get that camping gear?

25 A. It was not mine.

1 Q. Well, how did it get into the van?

2 A. Repeat the question, sir.

3 Q. Yes. How did the camping gear get into the van?

4 A. It was placed in the van, sir.

5 Q. By whom?

6 A. Andrew.

7 Q. Do you know where Andrew got it?

8 A. I do believe that was his, sir.

9 Q. I'm sorry?

10 A. That was his, sir, I do believe.

11 Q. When was it loaded into the van, the morning of the shooting  
12 or at some other time?

13 A. That morning.

14 Q. Where at his loaded into the van, at his house or some other  
15 place?

16 A. At his house.

17 Q. Was anyone home at his house when you loaded -- when the  
18 camping gear was loaded in your van?

19 A. No, sir.

20 Q. Were any guns obtained from Andrew Golden's house?

21 MR. ROBERTS: Object to the form of the question and  
22 instruct the witness not to answer based on the Fifth Amendment.

23 Q. (By Mr. McDaniel) Did you and Andrew Golden have anyone  
24 else in the van with you from the time you picked him up until  
25 the time you were apprehended by the police on the morning of

1 March 24 of 1998?

2 A. No, sir.

3 Q. When you picked Andrew Golden up in the van that morning,  
4 had you and he agreed that you were going to have this shooting  
5 incident at the school?

6 MR. ROBERTS: Object to the form of the question and  
7 instruct the witness not to answer based on the Fifth Amendment.

8 Q. (By Mr. McDaniel) When you and Andrew were together in the  
9 van before you went to the school area, did you discuss what you  
10 were going to do that day?

11 MR. ROBERTS: Object to the form of the question and  
12 instruct the witness not to answer based on the Fifth Amendment.

13 Q. (By Mr. McDaniel) Did Andrew object to riding with you in  
14 the van from his house to the area at Westside School?

15 A. No, sir.

16 Q. Did you go anywhere other than directly from his house to  
17 Westside School that morning?

18 A. Yes, sir.

19 Q. Did you go to Doug Golden's house?

20 A. Not with the van, no.

21 Q. How did you get to Doug Golden's house?

22 A. Walked, sir.

23 Q. From where?

24 A. From the location I parked the van.

25 Q. Where did you park the van to get to Doug Golden's house?

1 A. I don't know the street name, sir.

2 Q. How far did you walk from where you parked the van to Doug  
3 Golden's house?

4 A. I couldn't honestly answer that, I don't know.

5 Q. A block, a football field? You don't know?

6 A. More than a football field.

7 Q. Sir?

8 A. More than a football field.

9 Q. When you got to Doug Golden's house, did you know why you  
10 were going there?

11 A. Yes, sir and no.

12 Q. Tell me what the yes part was and tell me what the no part  
13 was.

14 MR. ROBERTS: Object to the form of the question and  
15 instruct the witness not to answer further. He can yes or no  
16 whether he knew why he was going there, but he cannot answer  
17 further.

18 Q. (By Mr. McDaniel) Did you, when you went to Doug Golden's  
19 house, intend to obtain firearms from the house?

20 MR. ROBERTS: Object to the form of the question and  
21 instruct the witness not to answer based on the Fifth Amendment.

22 Q. (By Mr. McDaniel) Had you and Andrew discussed getting  
23 firearms from Douglas Golden's home?

24 MR. McDANIEL: Object to the form of the question and  
25 instruct the witness not to answer based on the Fifth Amendment.

1 Q. (By Mr. McDaniel) Did you and Andrew enter Douglas Golden's  
2 home that morning?

3 MR. ROBERTS: Mr. McDaniel, how do you mean "enter"?

4 MR. McDANIEL: Enter by getting from outside the home  
5 to getting inside the home by any means.

6 MR. ROBERTS: By any means?

7 MR. McDANIEL: Yes.

8 MR. ROBERTS: Object to the form of the question and  
9 instruct the witness not to answer based on the Fifth Amendment.

10 MR. McDANIEL: Okay.

11 Q. (By Mr. McDaniel) Were you ever inside the home of Douglas  
12 Golden on the morning of March 24 of 1998?

13 A. Yes, sir.

14 Q. While inside the home of Douglas Golden on March 24 of 1998,  
15 did you see firearms in that home?

16 A. Yes, sir.

17 Q. Had you ever been in that home before?

18 A. No, sir.

19 Q. Had you had that home described to you by Andrew before as  
20 to the guns contained in it?

21 A. No, sir.

22 Q. Had Andrew told you that there were guns in the home?

23 A. Yes, sir.

24 Q. Did he tell you how many?

25 MR. ROBERTS: Objection, hearsay. Go ahead and



1 answer.

2 A. No, sir.

3 Q. (By Mr. McDaniel) Did Andrew tell you he knew how to get  
4 the guns or he could get them?

5 A. He told me he could get them.

6 Q. When you got to the home and you saw the guns, were the guns  
7 locked in any fashion?

8 MR. ROBERTS: Object to the form of the question and  
9 instruct the witness not to answer based on the Fifth Amendment.

10 Q. (By Mr. McDaniel) Do you know what a cable locking system  
11 with a padlock is?

12 MR. ROBERTS: Just a moment, please. Thank you.

13 A. Could you repeat, please.

14 Q. (By Mr. Golden) Yes. I may not repeat it exactly. Bear  
15 with me. Did you see in the area of the guns a cable locking  
16 system with a padlock?

17 A. Yes, sir.

18 Q. Was the lock closed or locked when you got there that  
19 morning?

20 A. Yes, sir.

21 Q. Did Andrew get the key to unlock the lock?

22 A. I'm not for sure.

23 Q. Did you get the key to unlock --

24 MR. ROBERTS: Object to the form of the question and  
25 instruct the witness not to answer based on the Fifth Amendment.

1 Q. (By Mr. McDaniel) Was the key used regardless of who did  
2 it --

3 MR. ROBERTS: Object --

4 Q. (By Mr. McDaniel) -- to unlock the padlock?

5 MR. ROBERTS: I'm sorry. Object to the form of the  
6 question and instruct the witness not to answer based on the  
7 Fifth Amendment.

8 Q. (By Mr. McDaniel) Do you know if the lock was actually  
9 locked or not on the cable locking system holding the guns?

10 MR. MARSHALL: Objection. Asked and answered. He said  
11 that it was.

12 A. Yes, sir, it was locked.

13 Q. (By Mr. McDaniel) Did you obtain guns from that gun rack  
14 that morning?

15 MR. ROBERTS: Object to the form of the question and  
16 instruct the witness not to answer based on the Fifth Amendment.

17 Q. (By Mr. McDaniel) Did Andrew Golden obtain any guns from  
18 that gun rack that morning?

19 MR. ROBERTS: Object to the form of the question and  
20 instruct the witness not to answer based on the Fifth Amendment.

21 Q. (By Mr. McDaniel) The .03-06 that you told us already that  
22 you used in the shooting incident, did it come from the home of  
23 Andrew Golden?

24 MR. ROBERTS: Object to the form of the question and  
25 instruct the witness not to answer based on the Fifth Amendment.

1 Q. (By Mr. McDaniel) Did you when you were inside the home of  
2 Douglas Golden, did you have any tools with you?

3 A. Not that I know of, no, sir.

4 Q. Do you know what tools are?

5 MR. ROBERTS: On his body or access available in the  
6 home, Mr. McDaniel?

7 Q. (By Mr. McDaniel) Did you have any tools in your hands when  
8 you were in the home of Douglas Golden?

9 A. No, sir.

10 Q. Did Andrew Golden have any tools in his hand while you were  
11 inside the home of Douglas Golden?

12 A. No, sir.

13 Q. Was anyone else other than you and Andrew in the home when  
14 you were there on the morning of March 24, 1998?

15 A. No, sir.

16 Q. Did you see Andrew Golden use any tools of any kind to gain  
17 access to the rifles?

18 MR. ROBERTS: Object to the form of the question and  
19 instruct the witness not to answer based on the Fifth Amendment.

20 Q. (By Mr. McDaniel) You and Andrew -- and I'm not asking  
21 whether someone else was or was not involved. But when you and  
22 Andrew left the home of Douglas Golden, you left there to go to  
23 Westside School. Is that correct?

24 MR. ROBERTS: Object to the form of the question. If  
25 you would rephrase it, he could answer it.

1 MR. McDANIEL: All right. I'll try.

2 Q. (By Mr. McDaniel) After you left the home of Douglas  
3 Golden, where did you go?

4 A. To Westside, sir.

5 Q. And when you went to Westside School, were you going there  
6 for the purpose of shooting guns?

7 MR. ROBERTS: Object to the form of the question and  
8 instruct the witness not to answer based on the Fifth Amendment.

9 Q. (By Mr. McDaniel) When you went to the Westside School area  
10 after leaving the home of Douglas Golden, did you stop anywhere  
11 in between the home and when you finally got out of the van at  
12 the Westside School area?

13 MR. ROBERTS: Just a moment, please.

14 A. Could you please repeat?

15 Q. (By Mr. McDaniel) Did you stop anywhere from the time you  
16 left the home of Douglas Golden until the time you got to the  
17 location where you parked the van near the Westside School?

18 A. No, sir.

19 Q. When you went to the Westside School area, did you take any  
20 guns with you from where you parked the van up to where --

21 MR. ROBERTS: Object to the form of the question. I'm  
22 sorry, my apologies. Object to the form of the question and  
23 instruct the witness not to answer based on the Fifth Amendment.

24 Q. (By Mr. McDaniel) You told us earlier about shooting the  
25 .30-06 in the vicinity of the teacher and the students at

1 Westside School, correct?

2 A. Yes, sir.

3 Q. Where did you get the gun that was used in -- the .30-06  
4 that was used in that shooting?

5 MR. ROBERTS: The witness believes he has to refuse to  
6 answer that, Mr. McDaniel.

7 MR. McDANIEL: All right.

8 MR. ROBERTS: I've got to respect that belief.

9 MR. McDANIEL: I understand.

10 Q. (By Mr. McDaniel) When you and Andrew Golden were in the  
11 vicinity where the shooting took place, did you have any  
12 discussion about what was about to occur before the first shot  
13 was fired?

14 MR. ROBERTS: Object to the form of the question and  
15 instruct the witness not to answer based on the Fifth Amendment.

16 Q. (By Mr. McDaniel) Did you overhear Andrew Golden make any  
17 statements when you were in the vicinity where the shooting took  
18 place before the first shot was fired?

19 MR. ROBERTS: Objection, hearsay.

20 Q. (By Mr. McDaniel) Go ahead and answer.

21 A. No, sir.

22 Q. Did you observe Andrew Golden go into the school for the  
23 purpose of pulling a firearm?

24 MR. ROBERTS: Objection. Assumes knowledge not on the  
25 record. Mr. McDaniel, this is another situation where I have to

1 respect my client's opinion. I am not able to pursued him  
2 otherwise.

3 MR. ROBERTS: All right. Let me ask it another way or  
4 two. If you need to object, I certainly understand.

5 Q. (By Mr. McDaniel) Did Andrew Golden leave the area where  
6 the shooting took place to go inside the school before the first  
7 shot was fired?

8 A. I don't want to answer that question, sir.

9 MR. ROBERTS: I'm going to defer to his judgment on  
10 that.

11 Q. (By Mr. McDaniel) On the morning of March 24 of 1998, had  
12 you used or consumed any alcoholic beverages within 24 hours  
13 prior to the shooting?

14 A. No, sir.

15 Q. On the morning of March 24 of 1998 or within 24 hours, had  
16 you used or consumed any marijuana or any other illegal drug?

17 A. No, sir. I had not obtained any marijuana in the past 24  
18 hours before the shooting.

19 Q. Did you have any other illegal substance?

20 A. No, sir.

21 MR. ROBERTS: Mr. McDaniel, you mean did he acquire and  
22 consume?

23 MR. McDANIEL: Acquire or consume any controlled  
24 substance, either illegal drug or controlled substance on the  
25 morning of or within 24 hours of the shooting incident.

1 MR. ROBERTS: Excuse me, that's two questions slightly  
2 different than the prior.

3 MR. McDANIEL: I'll rephrase it.

4 MR. ROBERTS: Would you break it down into the two,  
5 please?

6 MR. McDANIEL: Yes.

7 Q. (By Mr. McDaniel) On the morning of March 24, 1998, did you  
8 have any marijuana or illegal drug in your possession?

9 A. No, sir.

10 Q. Had you had in your possession within 24 hours before the  
11 shooting any marijuana or illegal drug of any kind?

12 A. No, sir.

13 Q. I'm going to ask you again, and I know you've invoked the  
14 Fifth Amendment, but I'm going to ask the court to rule on this.  
15 Did you observe Andrew Golden go into the school shortly before  
16 the firing of the guns took place?

17 MR. ROBERTS: That's a slight -- I don't mean to be  
18 picking at you, but I think that's a slightly different  
19 question. If we took time to read it back --

20 MR. McDANIEL: That's fine. If he'll answer that one,  
21 we'll just find it.

22 MR. ROBERTS: See if this response --

23 Q. (By Mr. McDaniel) Okay. Go ahead and answer it.

24 A. Sir, he had left my whereabouts.

25 Q. Okay. Where was Andrew Golden before he left your

1   whereabouts and how long was he gone before he came back to your  
2   whereabouts?

3               MR. ROBERTS:   That's compound.   Can we break them --

4   Q.    (By Mr. McDaniel)   Where was Andrew Golden when he left your  
5   whereabouts when you stopped the van at the Westside School area?

6   A.    I don't understand the question, sir.

7   Q.    You said Andrew Golden left your whereabouts.

8   A.    Yes, sir.

9   Q.    Where were you last with him before he left your  
10   whereabouts?

11           MR. ROBERTS:   Let me try to explain that to him.   I  
12   think he understands the question.

13   A.    I was on the school grounds, sir.

14   Q.    (By Mr. McDaniel)   Sir?

15   A.    I was on the school grounds.

16   Q.    Where on the school grounds were you?

17   A.    I was --

18           THE VIDEOGRAPHER:   Counselor, we're having trouble with  
19   that microphone.   I need to swap it out.

20                               (A break was taken.)

21           MR. McDANIEL:   Your Honor, before we commence back in  
22   the deposition, counsel advised me that he would make a statement  
23   for the record to Your Honor.

24           MR. MILLER:   This is Randel Miller.   I represent  
25   Gretchen Woodard.   Gretchen is the mother of Mitchell Johnson.



1 I've had a discussion with Brent Davis, who is the elected  
2 prosecutor for this judicial district. This is not an  
3 affirmative on Brent's part, but I have discussed this all with  
4 him and he stated in no uncertain terms that at this time he has  
5 no interest in pursuing any additional charges against Mitchell  
6 Johnson.

7 He realizes under the law that even if he filed  
8 additional charges, he couldn't give him any more time that he  
9 has already received. So the filing of any additional charges  
10 would have no purpose or no effect and that Brent hasn't even had  
11 any inclining that there were additional charges that he intended  
12 to file against this defendant. I think Judge Burnett was  
13 present also when those statements were made.

14 Again, I'm not precluding that coming in here saying  
15 that I'm authorized by Brent Davis to state that. Brent's word  
16 has always been good, and he says he has no interest in pursuing  
17 any charges against this defendant.

18 MR. McDANIEL: With that statement for the record, Mr.  
19 Roberts, are there some expansions that you would allow your  
20 witness to make of prior answers given?

21 MR. ROBERTS: I couldn't be happier than to hear that,  
22 and I will withdraw my objections based on the Fifth Amendment  
23 and let you proceed a pace, a reasonable pace, to reask these  
24 questions.

25 MR. McDANIEL: Great.

1 MR. ROBERTS: I did not interpose those to make your  
2 life difficult. This is the first moment I've heard about it and  
3 I am delighted.

4 MR. McDANIEL: Thank you.

5 Q. (By Mr. McDaniel) Mr. Johnson, we're going to go back --

6 THE COURT: I think the record should reflect, because  
7 I heard the conversation, that Mr. Davis while he indicated that  
8 would be an inclination but he doesn't know enough about the  
9 facts or circumstances. The question was sprung on him too early  
10 and that he didn't want to give any official commitment to that  
11 and did not, but his statement was generally, as Mr. Miller  
12 indicated, that he wasn't making any firm official comments on  
13 it. He indicated that that was his official --

14 MR. McDANIEL: I think that's what Mr. Miller  
15 indicated.

16 MR. ROBERTS: Then out of an abundance of caution --

17 MR. McDANIEL: We're back to square one?

18 MR. ROBERTS: We're back to square one I think until  
19 we --

20 THE COURT: He certainly said that he didn't know of  
21 any reason why he would bring -- or didn't have any information  
22 that would justify bringing any additional charges.

23 MR. McDANIEL: Well, let me ask him a couple of  
24 questions and if you need to interpose, you can.

25 Q. (By Mr. McDaniel) On the morning that you entered the home

1 of Douglas Golden, did you see rifles on the wall that were  
2 eventually taken and used in the shooting incident at Westside  
3 School?

4 MR. ROBERTS: Mr. McDaniel, I was very hopeful that we  
5 did have something definitive, but now I've got to say that I  
6 cannot object to the first part of that question but object to  
7 the second. It's a compound question.

8 Q. (By Mr. McDaniel) At the time you went into the home of  
9 Douglas Golden, did you see rifles on the wall?

10 A. Yes, sir.

11 Q. Were those rifles secured with a cable and padlock that was  
12 locked, or do you know whether any other lock was there?

13 MR. MARSHALL: Asked and answered twice.

14 A. It was locked, yes, sir.

15 Q. (By Mr. McDaniel) Did either you or Andrew Golden secure a  
16 key to unlock the padlock?

17 MR. ROBERTS: Object to the form of the question.  
18 Regrettably object to the form of the question and instruct the  
19 witness not to answer based on the Fifth Amendment.

20 Q. (By Mr. McDaniel) Were weapons taken from the gun rack area  
21 near the eating area in the Douglas Golden home, by you and/or  
22 Andrew Golden on the morning of March 24, 1998?

23 MR. ROBERTS: I think I'm going to have to interpose  
24 the same objection based on what the --

25 MR. McDANIEL: We're back to square one again. Those

1 have been asked and answered, and I won't repeat them anymore.

2 MR. ROBERTS: I would put this on the record that Mr.  
3 Johnson in another court has made statements which are presently  
4 subject to seal that would answer a number of your questions.

5 MR. McDANIEL: Since I don't have access to the sealed  
6 documents --

7 MR. ROBERTS: And at the end of the proceeding, those  
8 statements may well be available and I anticipate that proceeding  
9 to end before the trial of this case.

10 MR. McDANIEL: Thank you.

11 Q. (By Mr. McDaniel) Mr. Johnson, did you shoot Stephanie  
12 Johnson?

13 A. No, sir, not that I'm aware of.

14 Q. Did you Andrew Golden shoot Stephanie?

15 A. I do not know, sir.

16 Q. Do you know who you shot of the groups of people that were  
17 shot? Do you know specifically which individuals you shot?

18 A. Sir, I have been told that I have shot Mrs. Shannon Wright.

19 Q. Do you know who shot whom? Do you know which bullets that  
20 you fired struck whom, and do you know which bullets Andrew shot  
21 and struck whom?

22 MR. ROBERTS: Of his own personal knowledge or based on  
23 what he has been told?

24 MR. McDANIEL: Yes.

25 Q. (By Mr. McDaniel) On your own knowledge.

1 A. No, sir.

2 Q. When you were firing your rifle, did you see one or more  
3 individuals fall after you shot?

4 A. No, sir.

5 Q. After Andrew Golden fired his rifle, did you see individuals  
6 fall?

7 A. No, sir.

8 Q. When people were shot, they fell down out there, did they  
9 not?

10 A. I'm sure. I don't know.

11 Q. Did anybody besides you and Andrew Golden fire any shots at  
12 the teacher and students at the Westside School on the morning of  
13 March 24, 1998?

14 MR. ROBERTS: To his knowledge?

15 MR. McDANIEL: Yes.

16 A. To my knowledge, no, sir.

17 Q. (By Mr. McDaniel) Was anyone else within your immediate  
18 physical presence besides Andrew Golden on the morning of March  
19 24 of 1998 when you were firing your rifle?

20 A. No, sir. No, I don't. I'm sorry. No, I don't understand  
21 the question.

22 Q. (By Mr. McDaniel) All right. Was anybody real close to  
23 you -- when you were firing the .30-06 rifle, was anybody besides  
24 Andrew Golden very close to you that you could see them or touch  
25 them?

1 A. No, sir.

2 Q. Did you see anyone else besides you and Andrew Golden with a  
3 gun that day before the shooting stopped?

4 A. To my knowledge, no, sir.

5 Q. Do you know an individual by the name of Johnathon Woodard?

6 A. Yes, sir.

7 Q. Did you discuss the shooting incident at Westside School  
8 prior to the shooting with Johnathon Woodard?

9 A. No, sir.

10 Q. Did Andrew Golden tell you that he had discussed the  
11 shooting incident with Johnathon Woodard?

12 MR. ROBERTS: Objection, hearsay.

13 A. Not that I'm aware of.

14 Q. (By Mr. McDaniel) Did you discuss the shooting incident  
15 with anyone other than the two people that you've mentioned to me  
16 before it occurred?

17 A. I discussed it with Andrew but nobody else.

18 Q. I'm sorry?

19 A. I discussed it with Andrew Golden but nobody else.

20 Q. When did you first discuss it with Andrew Golden?

21 MR. ROBERTS: Just a moment. I don't want him to  
22 misstate himself. You discussed with Andrew Golden and you  
23 mentioned to two other young people not coming to school.

24 THE WITNESS: Correct.

25 MR. ROBERTS: But you didn't discuss the shooting with

1     them.   You just told them not to come to school?

2                 THE WITNESS:   Correct.

3     A.     I'm sorry.

4     Q.     (By Mr. McDaniel)   You discussed the shooting with Andrew  
5     Golden?

6     A.     Yes, sir.

7     Q.     When did you discuss it with Andrew Golden?

8                 MR. ROBERTS:   I believe he's answered that, Mr.  
9     McDaniel.

10                MR. McDANIEL:   If he did, I am sorry.   I forgot.

11    A.     I discussed it many times with him.

12    Q.     (By Mr. McDaniel)   Was this something that you and Andrew  
13    Golden planned over a period of time?

14                MR. ROBERTS:   Object to the form of the question and  
15    instruct the witness not to answer based on the Fifth Amendment.

16    Q.     (By Mr. McDaniel)   Is the shooting incident an event that  
17    you and Andrew had discussed several times before it actually  
18    took place?

19                MR. ROBERTS:   Object to the form of the question and  
20    instruct the witness not to answer based on the Fifth Amendment.

21    Q.     (By Mr. McDaniel)   Did you ever tell Andrew Golden that you  
22    had used some of your father's marijuana?

23    A.     Yes, sir, I have.

24    Q.     How many times did you tell Andrew you've used some of your  
25    father's marijuana?

1 MR. ROBERTS: Excuse me, how many he used the marijuana  
2 or how many times he told him?

3 MR. McDANIEL: How many times did he tell Andrew that  
4 he had used his father's marijuana.

5 A. Once.

6 Q. (By Mr. McDaniel) How many times had you used your father's  
7 marijuana?

8 A. Three times.

9 Q. Did you use your father's marijuana in his presence?

10 MR. ROBERTS: Object to the form of the question and  
11 instruct the witness not to answer based on the Fifth Amendment.

12 Q. (By Mr. McDaniel) To your knowledge did your father know  
13 that you had used his marijuana?

14 MR. ROBERTS: Objection.

15 MR. McDANIEL: Let me rephrase the question and see if  
16 that will help.

17 Q. (By Mr. McDaniel) Did your father ever tell you that he  
18 knew that you had gotten into or used his marijuana?

19 MR. ROBERTS: Objection, hearsay.

20 Q. (By Mr. McDaniel) Go ahead and answer.

21 A. Sir, could --

22 MR. ROBERTS: Could you ask the question again?

23 Q. (By Mr. McDaniel) Did your father ever tell you that he  
24 knew you had used or been into his marijuana?

25 A. Yes, sir.



1 Q. When and where did that take place?

2 A. In his home.

3 Q. When?

4 A. On Christmas, around Christmas of '97, sir.

5 Q. Christmas of '97?

6 A. (Witness nodding affirmatively.)

7 Q. The Christmas before the shooting took place?

8 A. Yes, sir.

9 Q. Where was your father's home at that time?

10 A. In Grand Meadow, Minnesota.

11 Q. Did your father also possess firearms at his home?

12 A. No, sir.

13 Q. Did the police ever come to your father's home when you were  
14 there --

15 MR. ROBERTS: Objection.

16 Q. (By Mr. McDaniel) -- in Minnesota?

17 MR. ROBERTS: Objection, foundation.

18 A. Could you repeat the question, please?

19 Q. (By Mr. McDaniel) Yes. When you were at your father's home  
20 in Minnesota, did the police ever come to that home?

21 A. Not that I'm aware of, no.

22 Q. Did you ever use any marijuana or drugs that would have  
23 belonged to your stepfather?

24 MR. ROBERTS: Object -- excuse me. Mr. McDaniel, would  
25 you ask that again, please?

1 MR. McDANIEL: Yes.

2 Q. (By Mr. McDaniel) Did you ever use any marijuana or other  
3 drug that belonged to or was in the possession of your  
4 stepfather?

5 MR. ROBERTS: Objection. Assumes possession of an  
6 illegal drug by a former convicted federal felon.

7 Q. (By Mr. McDaniel) Can you answer the question?

8 A. Sir, when I was around -- when my stepfather was around me,  
9 he didn't have any drugs, sir.

10 Q. What was your stepfather's name?

11 A. Terry.

12 Q. What's his last name?

13 A. Woodard, sir.

14 Q. Did you know Terry Woodard had been convicted of federal  
15 criminal drug violations?

16 A. I knew he had been convicted. I didn't know what for, sir.

17 Q. Did you ever see him have in his possession any marijuana or  
18 any drug, illegal drug?

19 A. Never, sir.

20 Q. Did you use alcohol prior to March 24, 1998 at any time?

21 MR. ROBERTS: Temporal, at any time in his life?

22 MR. McDANIEL: At any time in his life prior to March  
23 24, 1998.

24 MR. ROBERTS: Go ahead and answer it.

25 A. Once, sir, yes.

1 Q. (By Mr. McDaniel) Where did you get the alcoholic beverage  
2 you consumed?

3 A. A friend.

4 Q. When was that?

5 A. In the summer of '97.

6 Q. Do you know what a hangover is?

7 A. Yes, sir.

8 Q. What is a hangover?

9 A. It is the after effect of drinking too much, sir.

10 Q. Did you have a hangover in January of 1997 from drinking too  
11 much?

12 A. No, sir.

13 Q. I'm going to show you a document, and I'm going to mark it  
14 as Exhibit 1 to this deposition, and I'm going to ask you if it's  
15 your signature in the upper right-hand corner of this document,  
16 Exhibit 1. Is that your signature?

17 A. Yes, that's my signature.

18 Q. Is the document in your handwriting?

19 A. Yes, sir, I do believe so.

20 Q. All right. Would you read that document, Exhibit 1, into  
21 the record, please.

22 MR. ROBERTS: Mr. McDaniel, let me read it first, would  
23 you please?

24 MR. McDANIEL: Certainly.

25 MR. ROBERTS: Thank you.

1 MR. McDANIEL: It might be faster, Mike, if you had him  
2 read it to us. You can't hardly read it.

3 MR. ROBERTS: I hate to take a lot of time here. Is  
4 there another copy?

5 MR. McDANIEL: That's the best copy I have. Off the  
6 record for a moment.

7 (Off-the-record discussion.)

8 MR. ROBERTS: Mr. McDaniel, I can't it and it raises  
9 other issues. This appears to be a private journal?

10 MR. McDANIEL: It's a document provided to me that's in  
11 his handwriting, I think.

12 MR. ROBERTS: Was it provided to you as a result of an  
13 execution of a search warrant, or was it provided to you  
14 voluntarily? This might be privileged information. I can't  
15 tell.

16 MR. McDANIEL: I don't have any search warrant  
17 authority.

18 MR. ROBERTS: I wasn't assuming you did counselor.

19 MR. McDANIEL: Maybe when need to get the judge in. I  
20 think I'm entitled to ask him about it.

21 MR. ROBERTS: I think we need to get the judge in on  
22 this one.

23 MR. McDANIEL: Your Honor, I have presented to the  
24 defendant witness a photocopy of a journal entry that he's  
25 identified as marked Exhibit 1. It is in his handwriting and

1 bears his signature at the top. And I asked him to read this  
2 entry dated January 31, 1997 and Mr. Roberts objected, and I  
3 think it's appropriate to have him read his own note.

4 MR. ROBERTS: Your Honor, I don't know how Mr. McDaniel  
5 came by this. I'm not saying that it's not a credible document.  
6 That's not my -- my client doesn't think he can read it, at least  
7 that's his representation to me. I've never seen it before, so  
8 I'm surprised.

9 THE COURT: He certainly can introduce it. Have you  
10 asked him if it's his handwriting?

11 MR. McDANIEL: He identified his handwriting and his  
12 signature. I'm just going to ask him --

13 THE COURT: I think the document speaks for itself.  
14 You can read it into the record if you want to.

15 MR. McDANIEL: I'm going to ask him --

16 THE COURT: As long as he's acknowledged that it's his,  
17 it's admissible.

18 MR. McDANIEL: I'm going to ask him to read it. And  
19 those portions that he can and those portions he can't, I'm going  
20 to try to help him read it just so the record will reflect it.  
21 May I do so, Your Honor?

22 THE COURT: Yes.

23 MR. ROBERTS: So long as the document was obtained  
24 appropriately then. I don't how --

25 THE COURT: I don't think you're waiving any objection

1 at trial to the appropriateness of the document. But I'm  
2 assuming however Mr. McDaniel came by it and if he's acknowledged  
3 that it's his, for the purpose of the deposition it's certainly  
4 fair game.

5 MR. ROBERTS: To this point I limit my objection to the  
6 document itself, the admissibility or use of the document.

7 MR. McDANIEL: Now back on the video record.

8 Q. (By Mr. McDaniel) Mr. Johnson, I've handed you a photocopy  
9 of a document dated January 31, 1997 in the upper right-hand  
10 corner bearing your signature and that you've acknowledged is in  
11 your handwriting. Would you read that document or the parts of  
12 it that you can for us, please?

13 A. May I speak with my attorney for one second?

14 Q. Sure. Just pick it up and start reading if you would,  
15 please.

16 A. Journal: "I am in ISS because this morning I walked in with  
17 my hat on and I was" -- I can't read that, sir.

18 MR. ROBERTS: Let's set forth what ISS is.

19 Q. (By Mr. McDaniel) In school suspension?

20 A. In school suspension, sir.

21 Q. Okay. "Walked in with my hat on and I was" --

22 A. I can't that read that, sir.

23 Q. Read what you can.

24 A. "I was" something. Okay, "I was" something "to take it off  
25 and the teacher tried to take my \$35 hat and I said, no, and

1 tucked it under my arm. And it took two teachers to take it away  
2 from me. And that's my story and I'm sticking to it. I could  
3 have just given up my hat and was right" -- okay, and "went",  
4 excuse me, "right along with the day. I got mad and lost my  
5 temper, and I just ruined a good Friday. I woke up with a bad  
6 hangover this morning. That is my problem. The hangover is from  
7 too much pop." And I put in parenthesis "soda" last night. "I  
8 had a bad morning this morning, so I came to school with an  
9 attitude. I" --

10 Q. "I hate two teachers in this school"?

11 A. Okay.

12 Q. Is that right?

13 A. I do believe that's what it says. "I hate two teachers in  
14 this school. I" something. I cannot read that.

15 Q. "I would blank them but one other teacher will read about it  
16 and tell them." Is that right?

17 A. I couldn't honestly say.

18 Q. Okay. Well, read what you can. You go ahead and read what  
19 you can.

20 A. Then something.

21 Q. "Then I would get in trouble"?

22 A. "Then I would get in some trouble. If they put my"  
23 something. That's all I can read on that sentence. "The two  
24 people I hate are Miss somebody and Miss" -- I can't read the  
25 other name also.

1 MR. ROBERTS: Let's correct the record. I think it's  
2 "Mrs. Somebody and Mrs. Somebody."

3 THE WITNESS: Excuse me.

4 Q. (By Mr. McDaniel) "Mrs. Blank and Mrs. Blank and then Ha,  
5 Ha. Fooled you"?

6 A. Right. I don't know if that says fooled you or not. I  
7 think that's what it says. "I hate" -- that's what it says,  
8 "fooled you." "I hate in-school suspension. I have only one  
9 Nike hat left."

10 MR. ROBERTS: "One Nike hat left."

11 THE WITNESS: Right. "One Nike hat left."

12 A. "Come on bell, ring, please", I think. Yeah, "please, bell  
13 ring. Have I told you that I hate ISS" question mark, "that I  
14 would have had" -- "that I would" something.

15 Q. Does it say, "I hate that I have had ISS"?

16 A. Okay. Yes, sir.

17 Q. "One full day and one half day"?

18 A. "One half day." Yes, sir, correct.

19 Q. Okay. Go ahead.

20 A. "After this" -- "after this" -- could you help me with that,  
21 sir? I don't know what that says.

22 Q. "After this" -- I can't read it.

23 A. Something.

24 Q. Sucky day it looks like to me. "After this sucky day" --

25 A. Okay. "Is over" -- I can't read that. I think it says "I"



1 something.

2 Q. And then it says and "killing squad"?

3 A. "Killing squirrels."

4 Q. "Killing squirrels." Okay.

5 A. Something.

6 Q. "Pretending"?

7 A. "Pretending" something. I don't know what that says.

8 MR. ROBERTS: Something "ISS".

9 A. Something "ISS". I think it's supposed to say "and  
10 pretending I am out of ISS." "That was" --

11 Q. (By Mr. McDaniel) "Funny"?

12 A. "Funny" I guess. "I wish" -- "I wish that" -- I can't read  
13 that. Okay. "I wish that would be the end of ISS. I think  
14 everyone" -- I think everyone" something.

15 Q. "Does"?

16 A. "Does". "I think everyone does. If I do not" -- sir, can  
17 you help me?

18 Q. "Tell my parents, I will be grounded"?

19 A. "Grounded for life. I have" -- I don't know.

20 Q. "A pellet gun"?

21 A. Okay.

22 Q. Is that right?

23 A. I'm sure that's what I said.

24 Q. "And I'm not afraid to use it"?

25 A. I couldn't honestly say if that's what I said or not, sir.

1 Q. Well, read it.

2 A. I cannot read the statement.

3 Q. See if it says "I have a pellet gun and I am not afraid to  
4 use it"?

5 A. I know it said I have a pellet gun. I can read that. I'm  
6 not sure what it says after that though, sir.

7 Q. All right. Did you maintain a journal, Mr. Johnson?

8 A. I wrote this note to myself, but no, sir.

9 Q. Did you keep a diary or a journal?

10 A. No, sir, I didn't.

11 Q. The title of this says "Journal". Where did you learn what  
12 a journal is, or why does that word "journal" appear up there?

13 MR. ROBERTS: Objection. It's two questions. He'll  
14 answer those questions, but it was compound.

15 Q. (By Mr. McDaniel) Why does the word "journal" appear at the  
16 top of the page?

17 A. Because I wrote it to myself.

18 Q. Do you know what a journal is?

19 A. It's a letter or a statement you write to yourself.

20 Q. Did you maintain a regular book or diary or folder of  
21 journal entries?

22 A. No, sir.

23 Q. Who were the two teachers you were making reference to that  
24 you hated?

25 A. I'm not for sure.

1 Q. Was Mrs. Wright one of the them?

2 A. No, sir, it was not.

3 Q. Do you have any idea who they were?

4 A. I'm sure Mrs. Fuller was one of them.

5 Q. Mrs. Fuller?

6 A. Yes, sir.

7 Q. What did she teach?

8 A. ISS.

9 Q. Who would the other have been if you know?

10 A. Sir, I couldn't honestly say.

11 Q. All right. Do you see there where it says you had a bad  
12 hangover?

13 A. Yes, sir.

14 Q. You were telling yourself the truth, weren't you?

15 A. I don't know.

16 Q. Did you have --

17 MR. ROBERTS: Objection, McDaniel. What did you --

18 MR. McDANIEL: I'll rephrase it.

19 MR. ROBERTS: -- mean by that?

20 Q. (By Mr. McDaniel) When you wrote in there that you had a  
21 hangover, were you writing something that wasn't true?

22 A. Possibly, yes.

23 Q. So then is it correct that you will say something that is  
24 not true if it will benefit you at the time?

25 A. No, sir.

1 Q. You had had other in-school suspensions, had you not?

2 A. One before that I do believe.

3 Q. When was your other in-school suspension?

4 A. After this incident.

5 Q. After this incident?

6 A. After this journal was written in.

7 Q. Okay. What was that about?

8 A. I had cussed a teacher out.

9 Q. Who is the teacher you cussed out?

10 A. Mrs. Northern.

11 Q. Who?

12 A. Mrs. Northern, sir.

13 Q. Why did you cuss her out?

14 A. I had got upset because she had told me to come back in her  
15 classroom. I was talking to a good friend of mine, and I had  
16 asked her for permission to go out in the hallway and talk to him  
17 and she didn't listen to me. So I snuck out of her class and  
18 started talking to him. When I come back in, she had asked me  
19 where I went and I said, you didn't listen to me, ma'am. So I  
20 went to talk to my friend, and she had told me -- she had said,  
21 all right. But the reason she had asked me was because a girl  
22 had told on me for leaving the classroom. That's why she had  
23 asked me where I had went.

24 Q. And you cussed her out?

25 A. After I found out who had told on me, yes, sir.

1 Q. Did you cuss out the student that snitched you off or the  
2 teacher or both?

3 A. Both.

4 Q. Who was the student that told on you?

5 A. I'm not for sure. I don't remember.

6 Q. You don't remember? Are you sure?

7 A. I'm thinking it's Miss -- I'm thinking it was April Stevens,  
8 but I could be wrong.

9 Q. You had been suspended the last day of fifth grade, had you  
10 not?

11 A. Yes, sir.

12 Q. What did you get suspended the last day of fifth grade for?

13 A. Fighting, sir.

14 Q. Who were you fighting with?

15 A. Matthew Smith I do believe his name was.

16 Q. Where did that fight take place?

17 A. On the playground.

18 Q. Were your parents advised of that fight?

19 A. Yes, sir.

20 Q. You had previously been suspended for fighting with another  
21 student, had you not?

22 A. No, sir, I had not.

23 Q. Were you not suspended on March 26th, 1997 for fighting with  
24 Shawn Lokin and given a three-day suspension?

25 A. That was in sixth grade, sir. You had referred to it in

1 fifth grade.

2 Q. Okay. I'm just looking at a date that says March 26th of  
3 1997. On March 26th you were in fifth -- of 1997 you were in  
4 fifth grade, were you not?

5 A. No, sir, I was in sixth.

6 Q. What grade were you in when the Westside shooting incident  
7 took place?

8 A. Seventh.

9 Q. Okay. I stand corrected. I'm sorry.

10 A. No problem.

11 Q. So you were in sixth grade when you got suspended for  
12 fighting with Shawn Lokin, correct?

13 MR. ROBERTS: Are you referring to the last day of  
14 class?

15 MR. McDANIEL: No, March 26th, 1997.

16 MR. ROBERTS: Is this the third incident you're  
17 referring to or second incident?

18 MR. McDANIEL: Let's go back.

19 Q. (By Mr. McDaniel) You got suspended the last day of school  
20 of fifth grade, correct?

21 A. Yes, sir.

22 Q. Then you were suspended with the in-school suspension that  
23 we read the note about that's dated January 31, 1997, correct?

24 A. Yes, sir.

25 Q. And that time was for wearing the hat to school in violation

1 of rules, correct?

2 A. Correct.

3 Q. Then you were suspended another time after that for cussing  
4 out the teacher, correct?

5 A. I was sent to ISS, yes, sir.

6 Q. Okay. And then you were suspended on March 26th, 1997 for  
7 two days for fighting with Shawn Lokin?

8 MR. ROBERTS: Are you referring to in-school or  
9 out-of-school suspensions?

10 MR. McDANIEL: Two days out-of-school suspension.

11 A. May I clear something up, sir?

12 Q. (By Mr. McDaniel) Yes.

13 A. I was sent to ISS in the seventh grade for cussing the  
14 teacher out, not the sixth, sir.

15 Q. Okay. So the same year of the shooting is when you were  
16 sent to the ISS for cussing out the teacher?

17 A. Yes, sir.

18 Q. About when did that occur before the shooting, how long  
19 before the shooting?

20 A. I don't remember, sir, honestly.

21 Q. Was it after the hat incident?

22 A. Yes, sir, obviously.

23 Q. Now, when you were suspended on March 26th, 1997 for  
24 fighting Shawn Lokin, you were held out of school for two days  
25 for that, correct?

1 A. Yes, sir, correct.

2 Q. And that was something I'm sure your parents were notified  
3 of?

4 A. Yes, sir.

5 Q. What other times were you suspended or given in-school  
6 suspension or any in-school discipline?

7 MR. ROBERTS: Temporal?

8 MR. McDANIEL: Including any time.

9 MR. ROBERTS: From K through --

10 MR. McDANIEL: From kindergarten through --

11 MR. ROBERTS: Do you recall?

12 Q. (By Mr. McDaniel) Any other punishments you had received in  
13 school, any paddlings, any suspensions, any disciplines of any  
14 kind that you can remember?

15 A. I had got a paddling for cussing on the bus.

16 Q. When was that?

17 A. It was in seventh grade. I don't know what time, sir.

18 Q. Was it in the fall or the spring or the winter?

19 A. I'm not for sure.

20 Q. Can you tell me how long before the shooting incident, close  
21 in time or a long time away?

22 A. Could you repeat the question, please?

23 Q. Yeah. Did that school bus cussing incident occur close in  
24 time or near when the shooting occurred or a long time before it?

25 A. Probably a long time before it.



1 Q. Any other school discipline incidents?

2 A. Not that I'm aware of, sir.

3 Q. Each time you got school discipline problems, were your  
4 parents notified?

5 A. Yes, sir.

6 Q. Did either of your parents ever give you any instructions  
7 about safe use of firearms?

8 MR. ROBERTS: By "parents", do you mean natural father  
9 and mother or stepfather and mother?

10 MR. McDANIEL: Yes, natural parents. Natural parents.

11 A. Yes and no.

12 Q. (By Mr. McDaniel) Did you ever own a firearm, a rifle or a  
13 pistol or a shotgun before March 24 of 1998?

14 MR. ROBERTS: Object to the form of the question.  
15 Assumes ownership of guns.

16 MR. McDANIEL: No. I asked him did he ever.

17 Q. (By Mr. McDaniel) Did you ever own a gun of any kind before  
18 March 24, 1998?

19 A. As in my name, sir?

20 Q. Yes.

21 A. No, sir.

22 Q. Did you ever have a gun in your possession that family  
23 members referred to as your gun or was generally considered as  
24 your gun before March 24, 1998?

25 A. Yes, sir, I did.

- 1 Q. What kind of gun was that?
- 2 A. It was a Mossberg 20 gauge, sir.
- 3 Q. A what?
- 4 A. A Mossberg 20 gauge.
- 5 Q. Where was that gun kept?
- 6 A. It was kept in a neighbor's home.
- 7 Q. Where?
- 8 A. Down the street, sir, on the same road I lived on.
- 9 Q. Did your parents know you had that gun?
- 10 A. Yes, sir.
- 11 Q. Why wasn't it kept at your own home?
- 12 A. Because my stepfather is not allowed to be around guns.
- 13 Q. Did Shannon Wright put you in suspension, ISS?
- 14 MR. ROBERTS: Temporal? I don't mean to be picky about
- 15 that.
- 16 MR. McDANIEL: Any time.
- 17 A. Not that I'm aware of, no, sir.
- 18 Q. (By Mr. McDaniel) Did Shannon Wright make students keep
- 19 journals?
- 20 A. I do believe so.
- 21 Q. So you did know what a journal was and it was something that
- 22 you and other students kept, correct?
- 23 A. Correct.
- 24 Q. Did you get in trouble for writing this journal entry that's
- 25 been marked as Exhibit 1 and you read?

1 MR. ROBERTS: Define "trouble", please.

2 Q. (By Mr. McDaniel) Any kind of trouble, disciplinary  
3 consequences at school?

4 A. Sir, not that I'm aware of.

5 Q. Did Mrs. Curtner ask your mother to come to the school  
6 because of this journal entry?

7 A. Not that I'm aware of.

8 Q. Did Mrs. Curtner ever ask your mother to come to the school  
9 because of some disciplinary problem?

10 A. She had -- Mrs. Curtner had called my mother to come get me  
11 when I was suspended, sir.

12 Q. Okay.

13 MR. McDANIEL: May I have one second?

14 MR. ROBERTS: Certainly.

15 Q. (By Mr. McDaniel) Did you ever use marijuana other than  
16 that what you got from your father?

17 MR. ROBERTS: Object to the form of the question. It's  
18 temporal time?

19 MR. McDANIEL: Any time.

20 MR. ROBERTS: Well, he's testified to prior use of  
21 marijuana. This is other alleged uses?

22 MR. McDANIEL: Yes.

23 Q. (By Mr. McDaniel) I want to know the full extent of your  
24 marijuana usage before March 24 of 1998. Just tell me in  
25 narrative form your marijuana uses before March 24, 1998.

1 A. I used it one other time besides my incident with my father.

2 Q. What incident was that and where was it; when was it; where  
3 did you get it?

4 A. It was -- I couldn't tell you the day, sir, but I went on a  
5 hunting trip and some people that I had went with had -- the  
6 people that I stayed with really on my hunting trip, their boy  
7 had some marijuana and he had asked me if I wanted to try it and  
8 I told him I would.

9 Q. Okay. And where was this?

10 A. I don't know the town, sir.

11 Q. What state?

12 A. It was in Arkansas.

13 Q. What was the boy's name?

14 A. I don't recall.

15 Q. Did you ever go buy any marijuana?

16 A. No, sir.

17 Q. Did you ever claim to be a member of a gang?

18 A. Yes, sir, I did.

19 Q. What gang did you claim to be a member of?

20 A. Blood.

21 Q. Were you in fact a member of the Bloods' gang?

22 A. Not necessarily, no.

23 Q. Did you associate with those -- with some persons who  
24 identified themselves as members of the Bloods' gang?

25 A. Some, yes.

1 Q. Where was that association?

2 A. In Minnesota.

3 Q. Did you undergo any initiation rights into the Bloods' gang?

4 A. No, sir, I haven't.

5 Q. Were you aware of whether the Bloods' gang had any types of  
6 initiation rights?

7 A. Yes, sir.

8 Q. What was the initiation rights into the Bloods?

9 A. To get jumped in.

10 Q. Get jumped in meaning everybody beats them up?

11 A. For a certain amount of time.

12 Q. Could someone be also initiated into the Bloods if it was  
13 known that they had killed someone? Was that also a right of  
14 passage?

15 MR. ROBERTS: Object to the form of the question. For  
16 the moment I instruct the witness not to answer based on the  
17 Fifth Amendment, and I need to talk with him. He can answer it.

18 Q. (By Mr. McDaniel) Go ahead and answer it.

19 MR. ROBERTS: Mr. McDaniel, I withdraw my objection.

20 A. Would you please repeat the question, sir?

21 Q. (By Mr. McDaniel) Yes. Did you have an understanding that  
22 another means of being initiated into the Bloods gang was for it  
23 to be known that an individual had killed someone?

24 MR. ROBERTS: Objection. No foundation.

25 A. Sir, I have been told -- I was told that you would have two

1 choices, one to get jumped or two, you would have to kill a Crip,  
2 sir.

3 Q. (By Mr. McDaniel) Do you know what self-mutilation is?

4 A. Yes, sir, I do.

5 Q. Did you engage in self-mutilation in school?

6 MR. ROBERTS: Objection, vague. Request a definition.

7 Q. (By Mr. McDaniel) What is self-mutilation?

8 A. It is when you do bodily harm to yourself, sir.

9 Q. Did you do that while you were in school at Westside School?

10 A. Not in school, no.

11 Q. Did you engage in self-mutilation prior to March 24 of 1998  
12 at any time or place?

13 A. Yes, sir.

14 Q. What type of self-mutilation did you engage in?

15 A. I had cut on my left arm, sir.

16 Q. What type of instrument or device did you use to cut upon  
17 yourself?

18 A. A knife.

19 Q. Where was this done?

20 A. At my home.

21 Q. In the summer, winter, fall, spring?

22 A. It was in the very beginning of spring.

23 MR. ROBERTS: Mr. McDaniel, is there some relevancy to  
24 this?

25 MR. McDANIEL: Yes. Since it's discoverable, I'm

1 entitled to get it and I'll demonstrate it.

2 MR. ROBERTS: I won't object.

3 Q. (By Mr. McDaniel) And your mother knew about this  
4 self-mutilation, didn't she?

5 A. After she had saw it on my arm, yes, sir.

6 Q. You would agree self-mutilation is an indication of some  
7 psychological problems for a child? You would agree with that,  
8 wouldn't you?

9 MR. ROBERTS: Object to the form of the question.

10 Q. (By Mr. McDaniel) Go ahead and answer. You know that's not  
11 normal, don't you?

12 MR. ROBERTS: Define psychological problems.

13 MR. McDANIEL: I'll just go by his definition.

14 MR. ROBERTS: No. We're not going to let the deponent  
15 define the linguistics of the question.

16 Q. (By Mr. McDaniel) I'm going to ask you the question and you  
17 can answer it or not answer it. You know that if you're engaging  
18 in self-mutilation you have some psychological problems, you know  
19 that, don't you?

20 MR. ROBERTS: I'm going to put on the record that the  
21 witness will answer a properly asked question which defines  
22 self-mutilation.

23 Q. (By Mr. McDaniel) Go ahead and answer the question as I  
24 have phrased it if you will.

25 MR. ROBERTS: I'm going to object to the question as an

1 effort to embarrass the witness.

2 MR. McDANIEL: It's not intended for that at all.

3 A. Could you please repeat the question?

4 Q. (By Mr. McDaniel) Yes. Would you agree that a child who  
5 engages in self-mutilation has psychological problems?

6 A. It depends, sir, if he knows what he's doing.

7 Q. Okay. Did you know what you were doing?

8 A. Yes, sir, I did.

9 Q. If a child knows what he's doing when he's engaging in  
10 self-mutilation, does that represent an individual who has  
11 psychological problems in your opinion?

12 A. Not necessarily, no.

13 MR. ROBERTS: Objection. Lack of competency to render  
14 an opinion.

15 Q. (By Mr. McDaniel) Did you get confronted at the school  
16 about your self-mutilation?

17 A. Yes, sir, I did.

18 Q. Who confronted you at the school about self-mutilation?

19 A. A coach.

20 Q. Did the coach warn you not to do self-mutilation any more or  
21 you would be kicked off the team?

22 A. Yes, sir, he did.

23 Q. And after the coach warned you not to engage in any further  
24 self-mutilation, did you do it again and he caught you and then  
25 kicked you off the team?



1 A. Yes, sir.

2 Q. Did you then demonstrate to other students that the coach  
3 only saw part of the self-mutilation and pulled up your shirt and  
4 showed other instances of self-mutilation to other students?

5 A. Sir, there was only one time.

6 Q. Did you do that?

7 A. The coach had saw it all.

8 Q. Did you show to other students pulling up your shirt and  
9 showing that you had mutilated yourself in places that the coach  
10 had not seen?

11 MR. ROBERTS: Objection. No foundation that he ever  
12 allegedly mutilated himself in another location on his body.

13 Q. (By Mr. McDaniel) Go ahead and answer.

14 A. Like I said, sir, I had only done it one time.

15 Q. All right. Let's talk about that. You said you had only  
16 done it one time, and that was done at home, right?

17 A. Yes, sir.

18 Q. But then when the coach saw you had engaged in  
19 self-mutilation, he warned you not to do it again or you would be  
20 kicked off the team, right?

21 A. Correct, sir.

22 Q. You then did do it again and he kicked you off the team,  
23 correct?

24 A. What I meant to say, sir, I'm sorry, I didn't make myself  
25 clear. I had done it on the same spot. I had done it twice,

1 sir, but it was on the same spot on my arm.

2 Q. Did you tell your mother about your second episode of  
3 self-mutilation?

4 A. After she had caught me, yes, sir.

5 Q. Did your mother at that time recommend that you get any  
6 psychological or emotional counseling?

7 A. Not for that, no, sir.

8 Q. Had you ever been recommended to get psychological or  
9 emotional counseling by anyone at any time prior to March 24,  
10 1998?

11 MR. ROBERTS: To his knowledge. Since he's a minor,  
12 that recommendation may have gone to his parents.

13 MR. McDANIEL: I was asking to him.

14 MR. ROBERTS: To his knowledge.

15 Q. (By Mr. McDaniel) To your knowledge have you ever been  
16 recommended for psychological or psychiatric therapy or  
17 counseling at any time prior to March 24, 1998?

18 A. Yes, sir, I have.

19 Q. When and by whom and tell me the circumstances of that.

20 MR. ROBERTS: I'm going to object to that for the  
21 moment. Mr. McDaniel?

22 MR. McDANIEL: Yes?

23 MR. ROBERTS: We're going to need the judge.

24 MR. McDANIEL: The judge is no longer available. He's  
25 gone.

1 MR. ROBERTS: We're going to need the telephone call  
2 then.

3 MR. McDANIEL: I don't think he's going to be  
4 available. By the way, we need to make another statement for the  
5 record. Dustin McDaniel has spoken with the prosecutor and needs  
6 to make a statement for the record.

7 MR. DUSTIN McDANIEL: In relation -- I'm Dustin  
8 McDaniel for the plaintiff.

9 MR. McDANIEL: Off the video record at this time.

10 MR. DUSTIN McDANIEL: Mr. Miller had earlier presented  
11 to you what the offer, or at least what the position of the  
12 prosecutor's office is. I have since gone back to the  
13 prosecutor's office. We've had to locate Brent Davis, who is the  
14 elected prosecutor. He's in Little Rock, and I got a hold of him  
15 down there along with his deputy, Mike Walden, who is here. They  
16 have asked that I come in and explain to Mr. Johnson, and you as  
17 his attorney, what their position is, and they will come in  
18 personally if you need them to.

19 But on the record, it's their position that they  
20 believe that any conspiracy charge related to the event  
21 surrounding the Westside shootings would be merged with the  
22 murder charges and that they would waive and have no intention of  
23 prosecuting any conspiracy charge regardless of what answers are  
24 provided by Mr. Johnson today.

25 Also, they have no intention of charging or pursuing

1 any criminal charges related to any burglary or theft or any  
2 other answers regarding what happened at Mr. Golden's home that  
3 day. With regard to the deaths and injuries, they have no  
4 intention of pursuing any further charges. However, the one  
5 caveat is that they do not intend to offer full blanket immunity  
6 such that if on the witness stand he admits that, oh, yeah, the  
7 body you found two months prior to this, I did that too. If  
8 there is something that the prosecutor's office doesn't know  
9 about --

10 MR. ROBERTS: Unknown.

11 MR. DUSTIN McDANIEL: -- they're reserving the right to  
12 address a charging decision at that time. This incident, the  
13 Westside shooting, planning, engaging, burglary, murder, battery,  
14 etcetera, they present to you that there are going to be no  
15 charges brought regardless of the answers here. And Mr. Walden  
16 is available to come in and confirm that if you need him to of  
17 what I have asserted on the record.

18 MR. ROBERTS: Why don't we get him --

19 MR. DUSTIN McDANIEL: Okay.

20 MR. ROBERTS: -- just for the formality of it.

21 MR. McDANIEL: Let's take our five-minute break while  
22 he's getting him.

23 (A break was taken.)

24 MR. McDANIEL: May the record reflect that Mr. Mike  
25 Walden, deputy prosecuting attorney, is in the room, and I think

1 he's prepared to make a statement for the record.

2 MR. WALDEN: Our office has been asked about our  
3 intention and what use we might make of any statements that might  
4 be made by Mitchell Johnson today in this deposition in a related  
5 civil case. What I'm prepared to state is after discussions with  
6 Mr. Davis is that one of the concerns that was expressed to us  
7 was possible conspiracy charges as it might relate to the  
8 original five brutalities, the ten battery charges. We certainly  
9 don't have any intention of brining any additional charges  
10 against Mr. Johnson based on anything he might say that might  
11 result in potential conspiracy charges.

12 The other issues that I was advised about were burglary  
13 of the grandfather, Golden's home. That was considered at the  
14 time we filed the other charges. But at this time we have no  
15 intention -- anything he says today is not going to change our  
16 minds as to whether or not we're going to have to file any other  
17 burglary or related theft charges or anything of that nature.  
18 That's really all I was prepared to say. Was more needed than  
19 that or does that answer questions?

20 MR. ROBERTS: I just want to make sure that what you're  
21 saying is that you have no intention to file any other charges  
22 against this young man based on known facts.

23 MR. WALDEN: I think I've said what I'm comfortable  
24 saying. In terms of the five brutalities and battery victims, we  
25 don't have any intention of filing additional charges against

1 Mitchell Johnson for what occurred to those individuals. We  
2 don't have any intention of filing additional charges based on a  
3 burglary. I have no idea what else he's liable to testify to. I  
4 do not intend to give blanket immunity for anything else he might  
5 say.

6 MR. ROBERTS: Well, charges like facilitation, aiding  
7 and abetting, things like that that could have been --

8 MR. WALDEN: Facilitation, aiding and abetting,  
9 compounding, conspiracy, I think those are all merged into the  
10 substantive charges, and I don't intend to file anything of that  
11 nature. Is that sufficient?

12 MR. ROBERTS: That's sufficient.

13 MR. McDANIEL: Thank you. Now back on video record.

14 MR. ROBERTS: Mr. McDaniel, based on Mr. Walden's  
15 statement, I'll withdraw my client's Fifth Amendment objections.

16 MR. McDANIEL: All right. We'll pick back up and  
17 proceed on some other areas.

18 Q. (By Mr. McDaniel) Mr. Johnson, your attorney has now waived  
19 your Fifth Amendment objection and has agreed that I can go back  
20 and ask some of the questions that we were stopped on earlier.  
21 Did you understand that?

22 A. Yes, sir, I did.

23 Q. Let's just kind of start from the beginning and you just  
24 tell me in story-like fashion how did this shooting on March 24  
25 of 1998 come about. What happened? What brought it all about

1 and who had discussions about it? What happened?

2 A. Well, I couldn't -- honestly, I can't say why it happened.  
3 Honestly, I cannot say that. I can say that I wasn't mad at  
4 nobody, that I didn't mean to kill nobody. That was not my  
5 intentions when I went to begin with, sir.

6 Q. My question is, and I'll give you the chance -- by the way,  
7 I understand you want to make a statement at the end of this, and  
8 I'll give you a chance to do that. The shooting incident took  
9 place and there obviously was some planning, gathering of guns,  
10 gathering of camping equipment, staking out the facility and so  
11 on. Tell me about the discussions that you and Andrew Golden had  
12 about pulling off this shooting incident, when it started, who  
13 decided to do what, who suggested what, who did what. Just tell  
14 me what happened from the time it was first discussed until you  
15 might do something like this until it was all done.

16 A. We first started discussing it probably around Christmas  
17 Time of '97, and there wasn't no given reason why. But we had  
18 discussed how it would happen, where we would get the weapons  
19 at. Mr. Golden had asked me if I could help him with it because  
20 he needed somebody to drive for him, and apparently he knew I  
21 knew how to drive. And at first I told him, yes, I would. I  
22 would help him, and then I changed my mind because I thought -- I  
23 knew that -- I figured something bad could happen.

24 And then we had continued talking about it for a while,  
25 and it went on like that until I had finally decided that I'd

1 help him do the crimes. And we had discussed where we would get  
2 the guns, how we would get them and how I would get the  
3 transportation and everything. The week of spring break, right  
4 before spring break we had decided that it was probably going to  
5 happen.

6 And then Monday we confirmed that it was going to  
7 happen. We talked to each other and said, well, it's going to  
8 happen and I decided how I was going to get the transportation.  
9 I had told a couple of people about it. I had told -- not about  
10 it. I had warned them, please don't come to school because I  
11 didn't -- in case there was a chance of somebody getting hurt, I  
12 wouldn't want them to be one of them.

13 And then Monday I went home after school. I took all  
14 my books out, took all my books out of my bag, threw them in my  
15 bottom drawer. I packed all my clothes and everything, sir. I  
16 had really a normal night really, stayed off to myself.

17 Tuesday morning come around. I woke up. I had -- I  
18 had got dressed and everything. I had my mom -- I woke up kind  
19 of late on purpose, and my mother asked me to hurry up so I  
20 wouldn't miss the bus, and I pretended to go to the bathroom. I  
21 went to the bathroom and stayed in there until I knew the bus  
22 left.

23 And after the bus had left, I had walked out  
24 to -- walked outside and put my bag in the van, and I had walked  
25 back into my house and told my mother that I lied and said my



1 stepfather was going to take me to school. And my mom asked me  
2 how he is going to take me to school when he's at work, and I  
3 told her he was out in the shop. I had lied and said he was out  
4 in the shop, and I had said he wanted me to come get the keys.  
5 And she give me the keys, and I had walked out the van, started  
6 it and drove. And I stopped because the bus stop had stopped at  
7 my stop again to try and pick me back up, and I never walked out  
8 to the -- I was in the car so I didn't walk out -- excuse me, the  
9 van. So I didn't walk out to the bus stop.

10 After the bus left, I followed the bus out. I had went  
11 to go -- I went to the church on Golden's road. I had stopped,  
12 walked down the street, saw Golden. He had asked me where the  
13 van was, and I told him it's -- I parked it by the church so if  
14 my little brother saw it, because the bus route went past his  
15 house. And I had said if my -- so my little brother wouldn't see  
16 it and start questioning and ask what's happening. He had asked  
17 me to go get the van for him. So I went back there and got the  
18 van.

19 I parked it and we had went in. He told me that he  
20 needed to throw his clothes and stuff in the van. So I opened  
21 the door for him. He threw his clothes in the van. And we  
22 decided that we were going to get the guns from Mr. and Mrs.  
23 Golden's gun cabinet -- gun safe, and I tried getting in the gun  
24 safe, sir, and it didn't happen. It didn't work.

25 So we had decided that -- Golden said his grandfather

1 had some guns that we could possibly use, and I said okay. And  
2 so we got back in the van. We had drove -- I had drove to Texaco  
3 first, sir, because I needed some gas. The van needed gas. I  
4 walked out there and accidentally bumped a gas rail, and I was  
5 scared somebody might say something. So I took off from there,  
6 didn't even decide to get out and try to pump gas or nothing.  
7 And I went down to another gas -- I had turned, went to another  
8 gas station to get some more -- try to get gas. They wouldn't  
9 let me pump there. I went to another gas station. They didn't  
10 let me pump there neither. So I said never mind the gas then.

11 So we had drove, and I had parked on a road. Andrew  
12 told me to turn. So I turned and he said park here and we'll go  
13 to my grandfather's house from here. So that's what I had done.  
14 I had parked the van. We had got out. We had left all our stuff  
15 in there. I had -- we had parked and we started walking, and  
16 finally we got his grandfather's house, sir. And we had jumped  
17 over the fence and he said, we're going to go in the back way  
18 that way nobody will see us.

19 The back door was locked, and Golden had went and  
20 grabbed a crowbar and broke the window out. I reached in there  
21 and unlocked the door and we had went through like that. We  
22 walked upstairs, and Golden had asked me do something. I can't  
23 recall what he asked me to do, go in the other room, and I went  
24 in the other room. And by that time, Golden had, I guess,  
25 unlocked the deal, however he unlocked it. He had unlocked the

1 gun cabinet and he had started pulling weapons out, and he had  
2 told me go back in the other room and get some ammunition.

3 So I went back in the other room, found it. That's  
4 what he had asked me to do to begin with. I had to come back and  
5 ask him where it was. And I come back, got the ammunition. We  
6 had loaded up the guns, and we had started walking to the  
7 school. Then we had got to the school. We had set up and  
8 everything. We had to set up all right behind the fence that way  
9 nobody could see us. But there was constructions workers and  
10 stuff there, and we just stood there. Really we knelt down.  
11 Andrew went in and pulled the fire alarm and come back out.  
12 That's when the shooting happened, sir.

13 Q. Okay. Let's go back over that and let me ask you some  
14 questions. Did you drive the van from Doug Golden's house to the  
15 vicinity of the school?

16 A. No, sir. I didn't drive the van after I parked it to walk  
17 to his grandfather's house.

18 Q. So once you parked the van, you walked from the van to Doug  
19 Golden's house, got the guns and then walked from there to the  
20 area where the shooting took place?

21 A. Correct.

22 Q. And left the van in the same place?

23 A. Yes, sir.

24 Q. How many guns did you take from the Doug Golden home, do you  
25 know?

1 A. Eight I do believe.

2 Q. When you first went in, was the gun cabinet on the wall?  
3 Did it have a cable going through the triggers and was it locked,  
4 or do you know one way or the other?

5 A. It had a cable going through all the trigger guards, yes,  
6 sir, and the cable was connected to a padlock which was locked.

7 Q. Did you see Andrew unlock the lock?

8 A. No, sir, I did not.

9 Q. But Andrew told you to go to the other room. It was locked,  
10 then Andrew told you to go to another room. You did and you came  
11 back and when you got back, the lock was unlocked. Is that  
12 right?

13 A. Correct.

14 Q. Did Andrew tell you he knew where the key was?

15 A. I had saw him replace the key.

16 Q. You saw him replace the key.

17 A. Yes, sir.

18 Q. Where did he replace the key, on a nail?

19 A. I do believe so.

20 Q. Andrew had told you back at Christmas of 1997 that he wanted  
21 to do a shooting crime. Is that correct?

22 A. Correct.

23 Q. When he first approached you with this, what he say the  
24 first time? What was the first discussion about that?

25 A. I don't remember how we got to talking about it. But all I

1 remember was we had got to talking about that and he had asked me  
2 if I knew how to drive and I told him yes, I did, and he had  
3 asked me if I could help him drive because he don't know how to  
4 drive.

5 Q. Whose idea in the first place was it to do this shooting  
6 incident, yours or his?

7 A. It wasn't mine, sir.

8 Q. Was it his?

9 MR. ROBERTS: Objection. Mr. McDaniel, the witness is  
10 not going to answer that precise question, but the context is  
11 self-evident.

12 MR. McDANIEL: Okay.

13 Q. (By Mr. McDaniel) So at any rate, Andrew Golden discussed  
14 with you this idea of shooting people at Westside School. Is  
15 that correct?

16 A. No, sir. He didn't say "shoot". He said scare them, sir.

17 Q. Okay. Did you know that Andrew Golden was an accomplished  
18 or had skill as a shooter?

19 A. Sir, I was informed that he knew how to shoot, yes, sir.

20 Q. And had he told you that he was a good shot?

21 A. Not necessarily a good shot but he told me he knew how to  
22 shoot, yes, sir.

23 Q. Did you know how to shoot a rifle?

24 A. Yes, sir.

25 Q. Had you shot rifles before?

1 A. No, sir, I hadn't.

2 Q. You had seen people do it? You had seen people shoot?

3 A. On TV and stuff. I had never been there when somebody shot  
4 a rifle.

5 Q. So you knew how to shoot a rifle from watching TV and  
6 movies?

7 A. Well, I knew how to shoot a shotgun or a gauge. So it's  
8 really the same thing almost, sir.

9 Q. Had you ever shot a shotgun before?

10 A. Yes, sir.

11 Q. Now, you and Andrew Golden discussed this shooting incident  
12 several times before it actually took place?

13 A. Correct.

14 Q. As the time got closer and closer, did you start making  
15 plans as to how you were going to actually do this, in other  
16 words who was going to do what and where you were going to set up  
17 and where you were going to get guns and that sort of thing?

18 A. The only thing that I was asked to do, sir, was to help him  
19 drive.

20 Q. And Andrew Golden then told you he would be in charge of  
21 getting the guns?

22 A. Yes, sir.

23 Q. When you first went to Andrew Golden's home that morning,  
24 you walked after having parked the van near a church?

25 A. Correct.

1 Q. Then he told you to go get the van and bring it to the house  
2 and you left on foot, got the van and brought it to the house?

3 A. Yes, sir.

4 Q. In the van at the time of your arrest was camping gear. Is  
5 that correct?

6 A. That I'm aware of, sir, yes, sir.

7 Q. When was that loaded into the van?

8 A. At Andrew's house, sir.

9 Q. Did he help you load it?

10 A. Yes, sir.

11 Q. When Andrew Golden asked you to bring the van around, when  
12 you got back did you and he try to steal guns from his own home?

13 A. Yes, sir.

14 Q. Whose idea was that?

15 A. It was not mine, sir.

16 Q. Okay. Was anybody else in the home besides you and Andrew  
17 Golden that morning?

18 A. Not that I'm aware of, sir.

19 Q. Was there a gun safe in the house or a gun vault in the  
20 house?

21 A. Yes, sir, there was.

22 Q. Did you know where that was prior to that day?

23 A. No, sir, I did not.

24 Q. Had you ever been in the home prior to that day?

25 A. His home, sir?

1 Q. Yes.

2 A. No, sir.

3 Q. So when you and Andrew were in the area of the gun safe,  
4 what efforts did you try to make to get into the gun safe?

5 A. At first I tried picking the lock, and I didn't really know  
6 what I was doing and it wasn't successful.

7 Q. You don't know how to pick a lock?

8 A. No, sir.

9 Q. Did you have professional lock pick tools?

10 A. No, sir, I did not.

11 Q. Were you just sticking something in there hoping it would  
12 open?

13 A. Something like that.

14 Q. So when you were unsuccessful getting guns out of the gun  
15 vault, he came up with the idea that he knew where he could get  
16 some guns. Is that right?

17 A. Correct.

18 Q. And you then went to his grandfather's home, that is the  
19 home of Doug Golden?

20 A. Correct.

21 Q. When you got into the home of Doug Golden and you observed  
22 these guns, they were locked with a cable lock on them when you  
23 first got there and shortly thereafter, Golden had unlocked the  
24 lock and you saw him putting the key back on the nail, correct?

25 A. To my understanding, yes, sir.



1 Q. Then you got guns and he got guns off the rack. Is that  
2 correct?

3 A. I didn't touch the guns until they were handed to me, sir.

4 Q. All right. Who handed them to you?

5 A. Golden did.

6 Q. Then what did you all do with the guns?

7 A. We had loaded them, sir.

8 Q. Did you load them with ammunition that you had found in the  
9 home?

10 A. Yes, sir, both of us had found.

11 Q. Where was the ammunition that you retrieved?

12 A. If I remember correctly, and I could be wrong, he had asked  
13 me to go in his grandparent's room and to get, I think, it was  
14 ammunition. I do believe that's what it was. If I found some, I  
15 couldn't honestly say that I remember me finding anything or  
16 not. I know there was some above, above the refrigerator in a  
17 cabinet, sir.

18 Q. Okay. Did you get ammunition? Did you help gather  
19 ammunition from whatever source that day?

20 A. Yes, sir.

21 Q. Was that ammunition used in the shootings?

22 A. Some of it was, yes, sir.

23 Q. Did Andrew help gather ammunition as well?

24 A. To my understanding, yes, sir.

25 Q. Was some of that ammunition used as well?

1 A. Yes, sir.

2 Q. Was the ammunition locked in any facility?

3 A. I couldn't honestly answer that question.

4 Q. When you went to the location in the woods outside the  
5 school area, was that a predetermined place or did y'all just  
6 pick the place as you were walking?

7 A. I don't know, sir. I wasn't the one who had planned all  
8 that out. I don't know. I had just stopped where he had  
9 stopped.

10 Q. So he was walking ahead of you and when he stopped, you  
11 stopped?

12 A. Yes, sir.

13 Q. You did not plan the shooting location?

14 A. No, sir.

15 Q. When you went to the Golden home, was there a locked fence  
16 or did you climb a fence, or was there a problem with any fence  
17 getting to the back door?

18 A. Yes, sir. As I had mentioned before, me and him had climbed  
19 over the fence, a chain length fence, sir.

20 Q. Was there any alarm on the home that you heard go off of any  
21 kind?

22 A. Not that I'm aware of, sir.

23 Q. Do you know if the screen door was locked or not?

24 A. I don't remember there being a screen door.

25 Q. Then when you got to the area where the shooting was to take

1 place and when you left the house walking to that point, was  
2 there any discussion between you and Andrew Golden about we're  
3 really going to do this? Here's what we're going to do? Surely  
4 there was discussion at that point. Who said what?

5 A. We hadn't said much after we got out of the van. And when  
6 we had stopped at the house and the obstacle come about that the  
7 door was locked, I had asked him how we're going to get the door  
8 open. And he had -- I don't know how he had found it. He had  
9 found a crowbar, and he had come back and he had broke the back  
10 window out of the door. And I had reached and unlocked the door,  
11 sir.

12 Q. Well, then after you got the guns and headed to the school,  
13 what did you all talk about while you were walking up there?

14 A. I had mentioned to him that I didn't want nobody getting  
15 hurt, and I had mentioned a few names of people I definitely  
16 didn't want getting hurt if they had went to school that day.

17 Q. Who did you mention?

18 A. I'd prefer not to mention names, sir.

19 Q. All right. What did he say about hurting someone?

20 A. He didn't nothing about hurting anybody.

21 Q. Did the rifle that you used, I understand it had a  
22 telescopic sight?

23 A. To my understanding, yes, sir, it did.

24 Q. And you had watched enough movies and TV, then you knew that  
25 if you put the cross hairs of a telescopic sight on a person's

1 body and pulled the trigger, the bullet would hit them where  
2 those cross hairs were, correct?

3 A. I have shot through a scope, yes, sir.

4 Q. So you knew that?

5 A. Yes, sir.

6 Q. So you knew if you put a person in the cross hairs and  
7 pulled the trigger and the gun discharged, they were going to be  
8 hurt or killed?

9 MR. ROBERTS: Objection. Asked and answered.

10 Q. (By Mr. McDaniel) Correct?

11 A. If the cross hairs was set right, yes, sir.

12 Q. And you knew that Mr. Golden was an avid hunter and game and  
13 fish warden, didn't you?

14 A. Mr. Douglas Golden, sir?

15 Q. Yes.

16 A. Mr. Andrew had told me that his grandfather was a game  
17 warden, yes, sir.

18 Q. Okay. So when you went there and you looked through that  
19 telescopic sight and pulled the trigger when Shannon Wright was  
20 in the cross hairs, you knew that bullet was going to strike her,  
21 didn't you?

22 MR. ROBERTS: Objection. Assumes facts not in  
23 evidence.

24 A. No, sir. I don't remember me shooting, honestly, sir.

25 Q. (By Mr. McDaniel) Did you just go into some sort of a blind

1 period when you were just --

2 A. Yes, sir, I did.

3 Q. -- shooting like in a rage?

4 A. Yes, sir. Basically, yes, sir.

5 MR. ROBERTS: Objection to the characterization.

6 Q. (By Mr. McDaniel) As the shooting was going on, what did  
7 you and Andrew say to each other?

8 A. Nothing that I remember, sir.

9 Q. When you got stopped in the area where the shooting took  
10 place, did Andrew leave to go into the school building?

11 A. After the shooting took place?

12 Q. No, before the shooting took place. Did he go into the  
13 school building to pull the alarm?

14 A. Yes, sir.

15 Q. Did you make him do that?

16 A. No, sir.

17 Q. Did you force Andrew Golden to do anything that day?

18 A. No, sir.

19 Q. Did you aim a gun at him and threaten him that if he did not  
20 shoot, you would shoot him?

21 A. Sir, I had forced him to do something after the shooting had  
22 stopped.

23 Q. Okay. We'll get to that. Thank you. Before the shooting  
24 stopped, did you threaten him in any way?

25 A. Before the shooting stopped?

1 Q. Yes.

2 A. No, sir, I did not. I remember, sir.

3 Q. Before the shooting stopped, did you force him to engage in  
4 this shooting episode?

5 A. No, sir.

6 Q. When he went into the school, did you know whether he was  
7 coming or not, or did you just assume that he would?

8 A. He told me he would be out, yes, sir.

9 Q. And then he did come out?

10 A. Yes, sir.

11 Q. Could you hear the alarm from where you were when Andrew set  
12 it off?

13 A. No, sir.

14 Q. After he got back did he pick up a rifle?

15 A. I do believe so, yes.

16 Q. Then when the children and the teachers started coming out  
17 of -- the teachers started out of the building what happened?

18 A. The first shot was fired, sir.

19 Q. Who fired the first shot?

20 A. It wasn't me.

21 Q. It was not you?

22 A. No, sir, it wasn't.

23 Q. After the first shot was fired, who fired the second shot?

24 A. I believe I did.

25 Q. Then who fired?

1 A. I don't know. I don't remember after that point, sir.

2 Q. Were there a lot of shots fired in rapid succession?

3 MR. ROBERTS: Objection. Asked and answered. The  
4 witness said he didn't know. Go ahead.

5 Q. (By Mr. McDaniel) Were there a lot of shots fired very  
6 quickly?

7 A. I don't remember, sir.

8 Q. After the shooting stopped, what did you and Andrew do at  
9 that point?

10 A. I was sitting after the shooting stopped and Andrew had got  
11 up and left, and he had come back and told me to come on. And I  
12 had -- I guess I got out of my daze or whatever you call it,  
13 sir --

14 Q. You got out of what?

15 A. To be respectable, I guess I got out of my daze because  
16 that's -- I remember -- I didn't even remember the first shot  
17 being fired. After the shooting had all stopped, Andrew had left  
18 and he had come back, and he had yelled my name and that's when I  
19 remember again. And I saw -- I looked and I saw a man on the  
20 roof, a construction worker -- excuse me -- on the roof, and he  
21 was pointing at me. And I guess I knew that my .30-06 was  
22 empty. So I picked up my .38 off the ground, and I had fired  
23 twice at him. And after that I had picked up all my weapons and  
24 I stuck them in the pockets I had, and me and him took off  
25 running.

1 Q. Was Andrew telling you to hurry up; come on, let's go or  
2 anything like that?

3 A. No, sir.

4 Q. He just yelled your name and came back for you after he had  
5 left?

6 A. Yes, sir.

7 Q. Then you went to the van area?

8 A. No, sir. We were running and we had got apprehended.

9 Q. After you were apprehended, when did you first learn how  
10 many people were killed?

11 A. That I honestly remember? Probably around three or four  
12 days afterwards, sir.

13 Q. I think you indicated that at some point you may have forced  
14 Andrew to do something or threatened him in some way?

15 A. Yes, sir.

16 Q. Tell me what that was.

17 A. Mr. Andrew Golden had stopped and he said he wasn't going to  
18 run anymore, and I had told him that he had got me into this mess  
19 and he was going to get me out. And he said he couldn't run no  
20 more, and I had put a .38 to his head and I had told him he was  
21 going -- he was coming with me, that he had to go because he was  
22 the one that got me into this.

23 Q. Is Andrew Golden the one that got you into this?

24 A. Yes, sir.

25 Q. And then when after all the shooting stopped and you were



1 running away, you told him he was going to run with you?

2 A. He said --

3 Q. He was going to get you out of it?

4 A. Say again, please.

5 Q. After the shooting all stopped and you were running away and  
6 you stopped, you put a .38 to his head and told him that since  
7 you got me into this, you were going to get me out?

8 A. Yes, sir.

9 Q. Shortly thereafter you were apprehended?

10 A. Very close to that, yes, sir.

11 Q. Mr. Golden, I want to -- correction, I'm sorry. Mr.  
12 Johnson, I'm going to ask you some additional questions. I don't  
13 mean these questions to embarrass you, but there is some legal  
14 relevance to these questions.

15 THE VIDEOGRAPHER: Counselor, can I change the tape  
16 out?

17 MR. McDANIEL: Absolutely.

18 (A break was taken.)

19 Q. (By Mr. McDaniel) After you got the guns, did Andrew Golden  
20 relock the padlock on the cable or was it left unlocked, do you  
21 remember?

22 A. I couldn't honestly recall, sir.

23 Q. I'm going to have to ask you some questions now, and I don't  
24 mean to embarrass you but we have to ask some difficult  
25 questions.

1 A. Go ahead, sir.

2 Q. You grew up in a home where your mother and your father were  
3 divorced. Is that correct?

4 A. Correct, sir, yes.

5 Q. How old were you when they divorced?

6 A. I'd say I was around eight when they --

7 Q. Do you remember what grade you were in?

8 A. I was in -- I think I was in third when it was all  
9 finalized.

10 Q. Where were you living? In what state were you living in at  
11 the time?

12 A. When the divorce occurred?

13 Q. Yes.

14 A. In Minnesota, sir.

15 Q. How would you describe your mother and father's relationship  
16 before the divorce? Was it a lot of screaming and yelling and  
17 fighting, or was it calm and just an agreement to disagree or was  
18 it rather tumultuous?

19 MR. ROBERTS: You might want to define tumultuous.

20 Q. (By Mr. McDaniel) Or was it a lot of anger and problems?

21 A. Sometimes it was calm. Sometimes they'd fight over --  
22 sometimes my dad would yell and scream and stuff like that.

23 Q. Was there any ever physical violence between your dad and  
24 your mom?

25 A. Not that I'm aware of.

1 Q. Did your father or your mother ever use any physical  
2 violence toward you?

3 A. No, sir.

4 Q. When your mother learned of your self-mutilation, what did  
5 she do?

6 A. She had asked -- she had sat down and asked me what I done  
7 first, and I told her. She asked me why, and I told her I didn't  
8 know why.

9 Q. What else happened after that in reference to that?

10 A. I'm not really sure after that, sir.

11 Q. Can you tell me about when that occurred in reference to the  
12 shooting, how long before the shooting that it occurred?

13 MR. ROBERTS: Mr. McDaniel, do you mean his mother's  
14 knowledge of the mutilation or the mutilation itself?

15 Q. (By Mr. McDaniel) How long before the shooting did the  
16 self-mutilation events occur?

17 A. Probably two months.

18 Q. By that time you had been suspended or put in in-school  
19 suspension several times, correct?

20 A. Throughout my life, yes, sir.

21 MR. ROBERTS: Define several please.

22 Q. (By Mr. McDaniel) You mentioned that throughout your life  
23 you had had in-school suspensions or suspensions. Is that  
24 correct?

25 A. Correct, sir.

1 Q. Tell me the disciplinary problems you had had that you  
2 remember throughout your lifetime in school, from grade  
3 school -- from kindergarten on.

4 A. I didn't have any problems one through four, sir. I was a  
5 good kid. I made almost straight A's. Then my parents got  
6 divorced, and I had moved to Kentucky. That was a rough  
7 transition for me because it was in the middle of the school  
8 year. It was Christmas break, sir, and I had started going to a  
9 new school. I adjusted well, and my mama met my stepdaddy and my  
10 mom had got pregnant. And then after -- a week after she had my  
11 little sister, we had moved to Arkansas with my stepfather.

12 Q. Where in Kentucky did you live?

13 A. In London, sir.

14 Q. What?

15 A. London.

16 Q. What school did you go to?

17 A. I don't recall.

18 Q. Did you have any school discipline problems in Kentucky  
19 whether it was suspensions or notes sent home or issues like  
20 that?

21 A. No, sir.

22 Q. Then you came to Arkansas where your stepmother had  
23 married -- your stepdad -- or your mother had married your  
24 stepdad?

25 A. Correct.

1 Q. When did you first learn that your stepdad was on parole for  
2 federal drug violations, before they were married or after?

3 A. I'm really not sure.

4 Q. But you knew that when you came to Arkansas?

5 A. I'm not for sure if I did or not, sir.

6 Q. You learned it before the shooting incident?

7 A. Yes, sir. Yes, sir, I did.

8 Q. Now, had your dad ever tied you to a tree?

9 MR. ROBERTS: You mean his natural father or his  
10 stepfather?

11 MR. McDANIEL: Natural father.

12 Q. (By Mr. McDaniel) Had your natural father ever tied you to  
13 a tree?

14 A. Not that I know of.

15 Q. Were you ever the subject of an investigation for sexual  
16 abuse in Minnesota where you were accused or potentially accused  
17 or an accusation was made that you may have sexually abused  
18 someone else?

19 A. Yes, sir, I was.

20 Q. When was that?

21 A. I do believe in '97, sir.

22 Q. Did police or social workers come to talk to you or your  
23 parents about that?

24 A. No, sir. I was brought to them by my father.

25 Q. So then your father knew that you had perhaps done so or

1 accused of doing some sexual abuse on another person. Is that  
2 correct?

3 A. After a report was filed they had contacted my father and  
4 told him that they would like to speak with me in Austin,  
5 Minnesota. That's why I had to go up to Austin, to make a  
6 report, sir.

7 Q. Okay. So some authorities contacted your father?

8 A. Yes, sir.

9 Q. And notified him that a complaint had been lodged against  
10 you for committing some sort of sexual abuse act on another  
11 person. Is that correct?

12 A. Yes, sir.

13 Q. So then in response to the request of the authorities, your  
14 dad took you to Austin, Minnesota for questioning?

15 A. Yes, sir.

16 Q. Were you ever charged with that event?

17 A. Sir, my understanding, the charges have been dropped.

18 Q. Were they dropped because you didn't do it, or were they  
19 dropped because the family of the victim did not want to pursue  
20 it?

21 A. I'm not for sure.

22 Q. You don't know why they were dropped?

23 A. Correct. I don't know why they were dropped.

24 Q. But your dad knew that you had sexually abused someone in  
25 Minnesota, correct?

1 A. So-called sexual --

2 MR. ROBERTS: Allegedly.

3 THE WITNESS: Allegedly, yes.

4 MR. ROBERTS: I'm going to object to the form of the  
5 question.

6 Q. (By Mr. McDaniel) Did you have sexual contact with another  
7 person in Minnesota that brought about an investigation by the  
8 authorities in Austin, Minnesota? I'm not going to ask for  
9 specifics of who did what.

10 MR. ROBERTS: I'm going to object to that question and  
11 instruct the witness not to answer based on his Fifth Amendment  
12 privilege.

13 Q. (By Mr. McDaniel) But any at any rate, to your knowledge  
14 did your mother ever learn of that incident?

15 A. Yes, sir, she did.

16 Q. Did you acknowledge to either your mother or your father  
17 that you had done something wrong?

18 A. I didn't talk about it, sir, no.

19 Q. Did they pressure you to get you to explain to them the  
20 details of what had had happened so they could decide whether you  
21 had done something wrong or not?

22 A. My dad told me he knew -- he knew that I done it.

23 Q. Your dad told you he knew that you had done it?

24 A. And I told him he was lying.

25 Q. Was that the end of it?

1 A. No, sir.

2 Q. What happened next?

3 A. That's when I was brought before the court in Austin, sir.

4 Q. Were you -- was it suggested that you get any psychological  
5 counseling or treatment following that event?

6 A. Yes, sir, it was.

7 Q. Who told you to get psychological treatment or counseling?

8 A. The court had ordered that I be evaluated.

9 Q. What court?

10 A. Minnesota, sir. They had transferred the evaluation down to  
11 Arkansas since I was residing in Arkansas at the time.

12 Q. So were you psychologically evaluated by someone in  
13 Minnesota?

14 A. I don't remember, sir.

15 Q. Were you tested? Did you take some psychological tests?

16 A. I'm saying I don't remember if it was in Minnesota, sir.

17 Q. Minnesota or Arkansas?

18 A. In Arkansas, yes, sir, I was.

19 Q. Where was that done in Arkansas, do you know?

20 A. In Jonesboro.

21 Q. Was it done at a government office or a private  
22 psychologist's or psychiatrist's office or do you know?

23 A. Sir, I think it was private, but I'm not for sure.

24 MR. ROBERTS: Just a minute. Do you remember the name  
25 of the doctor?



1 THE WITNESS: Yes, sir, I do.

2 Q. (By Mr. McDaniel) Okay. Who was the doctor?

3 A. Dr. Prince was his name, sir.

4 Q. Dr. Michael Prince?

5 A. I don't know the first name.

6 Q. Okay. Had you ever had any other psychological counseling

7 or testing other than that episode with Dr. Prince?

8 A. I had had counseling when I was third grade because my

9 parents divorced, but that's it.

10 Q. Adjustment counseling because of the adjustment?

11 A. I don't know what it was called, sir.

12 Q. At any time did the school -- a school counselor or anyone

13 else recommend to you to get counseling?

14 A. A school official? Not that I know of, sir.

15 Q. Did anyone at school recommend to either of your parents

16 that you get counseling?

17 A. I'm not for sure.

18 Q. Were you aware that Andrew Golden had allegedly told another

19 individual about your plot or plan to conduct the shooting

20 episode to Johnathon Woodard?

21 A. Sir, I had heard -- it wasn't from Andrew. But I had

22 heard -- overheard somebody talking about it. It wasn't by him

23 that I was told though.

24 Q. It wasn't by Andrew?

25 A. No, sir, it wasn't.

1 Q. Did you hear that Johnathon Woodard had talked about the  
2 planned shooting episode?

3 A. Yes, sir, I had heard that.

4 Q. Who did you hear that from?

5 A. I don't recall.

6 Q. Did you confront or talk to Johnathon Woodard to ask him why  
7 are you saying this or anything like that?

8 A. No, sir, I didn't. Not that I remember, sir.

9 Q. Who else knew about the planned shooting episode?

10 A. Nobody but me and Andrew.

11 Q. So then your plan, word got out and it got back to you  
12 before the plan was ever carried out, correct?

13 A. Correct, yes, sir.

14 Q. Were you ever informed that that plan was revealed to any  
15 school or police officials before the shooting actually took  
16 place?

17 A. Say it again, please, sir?

18 Q. Did you learn that Johnathon Woodard had told somebody at  
19 the school, a principal or a counselor or a teacher about your  
20 plan?

21 A. I had told -- I was told that Mr. Johnathon Woodard had told  
22 a counselor, yes, sir.

23 Q. Did the counselor ever approach you to say what's going on?

24 A. Not that I remember, sir.

25 Q. Did anybody from the school confront you to say what is this

1 we're hearing about this plan that Johnathon Woodard is talking  
2 about or anything to that effect?

3 A. No, sir, because my name wasn't mentioned in it.

4 Q. How did someone know to tell you about it, about the plan  
5 that Woodard was talking about if your name wasn't mentioned?  
6 Who told you?

7 A. He didn't come to me and tell me. What had happened, I had  
8 overheard him talking to somebody else about it, and I had asked  
9 the person what you're talking about. And he had said that  
10 somebody had mentioned that Johnathon Woodard had overheard  
11 Andrew saying something about shooting the school. He didn't  
12 come to me and say, hey, this is what I heard. I had asked him  
13 what he was talking about.

14 Q. So you overheard him talking to someone else saying that  
15 Andrew had planned on doing the shooting at the school and you  
16 asked him what he was talking about?

17 A. I had heard a person say that, yes, sir.

18 Q. Why did you do this? Bottom-line question, why did you  
19 shoot these people?

20 A. Honest to God, sir, I do not know. I haven't found that  
21 answer out yet.

22 Q. Why did you shoot Shannon Wright twice with a .30-06 through  
23 a scope?

24 A. Sir, like I said at the very beginning, I didn't mean to. I  
25 didn't want to shoot nobody, sir.

1 Q. When you say you mean to -- "didn't mean to", when you're  
2 looking through a telescopic sight -- and I think it was  
3 seven-power sight -- and you've got a human being in the cross  
4 hairs and you pull the trigger of a .30-06, you know that's going  
5 to kill them or hurt them seriously, you know that, don't you?

6 A. Yes, sir, I do know that.

7 Q. Why did you do it?

8 A. I don't know, sir.

9 Q. Who were you angry at that would push you to this kind of  
10 conduct?

11 A. There wasn't necessarily nobody I was angry at, sir.

12 Q. Were you just angry at the world in general?

13 A. In a sense, probably more angry at myself.

14 Q. Had Mrs. Wright done anything to you that you felt that she  
15 deserved to die?

16 A. No, sir. Mrs. Wright was a very good woman.

17 Q. Had any of these children who were shot, even the ones that  
18 were wounded, but especially the ones who were killed, to your  
19 knowledge had any of those children done anything to you or  
20 Andrew Golden that you felt or he felt or he told you that he  
21 felt that justified killing?

22 A. No, sir.

23 Q. Were the kids good kids?

24 A. Yes, sir, they were.

25 Q. Has Andrew Golden ever told you after the fact why he did

1 what he did?

2 A. No, sir.

3 Q. Have you had a chance to talk to him after you were  
4 apprehended until today about what happened and why you did it  
5 and what you were going to do about it?

6 A. Me and him don't talk about that, sir.

7 Q. Do you and he see each other at the Alexander unit?

8 A. Yes, sir, we do.

9 Q. Do you get a chance to talk privately one to the other?

10 A. Not necessarily, sir.

11 Q. Do you get to spend time together?

12 A. Every now and then.

13 Q. When you were housed at the Craighead County Jail, did you  
14 have a chance to talk to him?

15 A. No, sir.

16 Q. Do you agree that you should not sell or attempt to sell any  
17 story, movie rights, book rights or profit from this tragedy in  
18 any way? Do you agree with that?

19 A. Sir, the only way that I wouldn't agree with it, if I give  
20 it to Mr. Write over there and the rest of the victims that I  
21 hurt and give the money if I were to profit to them.

22 Q. When Andrew Golden discussed this plan of shooting people at  
23 the school, what went through your mind as to how do you say  
24 something like this?

25 A. Honestly, I thought he was crazy at first. But then like

1 when I was telling the story how it happened, like I said, I had  
2 struggled with myself to say yes or no whatever way because when  
3 I had first heard about it, I really thought -- I thought that he  
4 was crazy, not necessarily him but the idea of it.

5 Q. You thought the idea was crazy?

6 A. Yes, sir, I did.

7 Q. Because you knew what death was at that point?

8 A. Yes, sir.

9 Q. It's not one of those incidents where you didn't have  
10 appreciation of what somebody dead was because you knew what  
11 being dead was, didn't you?

12 A. Yes, sir, I did.

13 Q. And you knew that if you shot an animal with a rifle it was  
14 dead?

15 A. Yes, sir.

16 Q. And if you shot a person with a rifle they might be dead?

17 A. Yes, sir.

18 Q. And that would inflict serious pain, not just on the person  
19 that was shot but their loved ones?

20 A. Very much so, yes, sir.

21 Q. Did you say on the school bus, "I've got a lot of killing to  
22 do" before this thing happened?

23 A. No, sir, I did not.

24 Q. Are you sure?

25 A. I'm positive.

1 Q. Okay. What was the plan on where you were going to go if  
2 you got away? Where were you going to go, and what were you  
3 going to do?

4 A. Really the whole plan was just to get away to begin with.  
5 It was just to get away from the world and all these struggles  
6 and these problems that I had had with the world.

7 Q. Your struggles and problems with the world were very  
8 obvious, weren't they?

9 A. Yes, sir.

10 Q. You were a troubled child, weren't you?

11 A. I wouldn't say "troubled". I just -- I was -- I had -- I  
12 didn't -- I wouldn't say a troubled child, sir. I'd say I had  
13 problems but not troubled.

14 Q. You had problems and your mom and your dad knew you had  
15 problems?

16 MR. ROBERTS: I'm going to object to that and instruct  
17 the witness not to answer based on his Fifth Amendment right.  
18 Mr. McDaniel, I'm going to withdraw the objection if you'll allow  
19 the witness to give a full answer. So I may ask you to let him  
20 explicate.

21 A. Could you please repeat the question, sir?

22 Q. (By Mr. McDaniel) Your mother and your dad knew that you  
23 had had problems in your childhood?

24 A. Yes, sir. They knew and they had told me that I needed  
25 help. I just refused it, sir.

1 Q. Your parents had told you several times you needed to get  
2 help, didn't they?

3 A. They had offered it to me, and I just wouldn't take it, sir.

4 Q. What type of help did they offer you?

5 A. They had tried to sit down and talk with me and I wouldn't  
6 talk with them. They offered doctors, and I would cuss 'em out  
7 and walk out of the office on them, stuff like that, sir.

8 Q. Would you cuss out your parents too?

9 A. Not very often, no, sir.

10 Q. But you did some?

11 A. Once in a blue moon.

12 Q. So your parents --

13 MR. ROBERTS: Mr. McDaniel, can we clarify that  
14 answer? He said, "he'd cuss 'em and walk out of the office",  
15 were you referring to the --

16 THE WITNESS: I was referring to the doctors, sir.

17 Q. (By Mr. McDaniel) So then your parents encouraged you to go  
18 to a doctor to get some help for your problems, and that would be  
19 psychological or adjustment problems, correct?

20 A. Yes, sir, correct.

21 Q. And then when they would take you to a doctor, you would  
22 cuss the doctor out and leave without getting any help, right?

23 A. Most of the time, yes, sir.

24 Q. And then they would ask you to get help again and sometimes  
25 you would cuss your parents out?



1 A. Sometimes, yes, sir.

2 Q. And the bottom line was even though they kept telling you  
3 you needed to get help, they never actually got you help and you  
4 didn't get help, correct?

5 MR. ROBERTS: Objection. Assumes facts not in  
6 evidence.

7 A. Sir, they had offered to help. I just didn't receive it.

8 Q. (By Mr. McDaniel) And they didn't force you to get it, did  
9 they?

10 A. At one time my mama told me, she said, Mitchell, I know you  
11 need help, and I told her I didn't want it. I refused to  
12 cooperate with her.

13 Q. What did she do when you refused, drop it?

14 A. No. She would ground me.

15 Q. She didn't get you the psychological help that she knew you  
16 needed, right?

17 A. She tried, sir, I just wouldn't -- I wouldn't accept it.

18 Q. Did you have access to the internet at your home?

19 A. No, sir, I did not.

20 Q. Did you watch television, VCR movies?

21 A. Yes, I have.

22 Q. What type of VCR movies would you watch at home?

23 A. Every kind, sir.

24 Q. Action movies?

25 A. Yes, sir.

- 1 Q. The R rated Sylvester Stallone shoot up everybody --
- 2 A. Yes, sir, them too.
- 3 Q. Did you watch a lot of the action type movies where people
- 4 would be shot and killed?
- 5 A. Some, yes.
- 6 Q. Did you ever play any video games where individuals were
- 7 killed or shot in video games?
- 8 A. No shooting games but fighting games, yes.
- 9 Q. Did you subscribe to magazines at your home?
- 10 A. No, sir, I didn't.
- 11 Q. Did your family have magazines at home?
- 12 A. My mother had subscribed to Hot Rod magazines, car
- 13 magazines, sir.
- 14 Q. Did you write Colby Johnson letters while you've been in
- 15 custody?
- 16 A. Colby who, sir?
- 17 Q. Colby Johnson.
- 18 A. I don't know a Colby Johnson, sir.
- 19 Q. Do you know a kid named Colby?
- 20 A. I know Colby Thomp -- Yeah, I know a Colby Thompson.
- 21 Q. Colby Thompson?
- 22 A. Uh-huh.
- 23 Q. Did you write Colby Thompson letters while you were in
- 24 custody?
- 25 A. Once.

- 1 Q. Do you remember what the letter said?
- 2 A. I'm not for sure. I can tell you Colby is not from  
3 Jonesboro.
- 4 Q. Where does Colby live?
- 5 A. He's from Paragould, sir.
- 6 Q. Do you still have his address? Do you still correspond with  
7 him?
- 8 A. No, sir. I lost contact with him.
- 9 Q. You don't know how to reach him?
- 10 A. No, sir, I don't.
- 11 Q. Did you write Colby a letter -- do you know a Colby Brooks?
- 12 A. Yes, sir, I do.
- 13 Q. Who is Colby Brooks?
- 14 A. He was a friend of mine.
- 15 Q. Did you ever write Colby Brooks any letters while you were  
16 in custody?
- 17 A. Yes, sir, I have, many.
- 18 Q. Who are his parents, do you know?
- 19 A. I'm not for sure of their names, sir.
- 20 Q. Do you know if he's related to any of the kids that were  
21 shot at Westside?
- 22 A. I do believe that he was Natalie Brooks' cousin, but I'm not  
23 for certain of that, sir.
- 24 Q. Did you write some child named Colby a letter admitting that  
25 did you the shooting?

1 A. Yes, sir.

2 Q. Did you write some child named Colby a letter admitting that  
3 you liked to listen to rap music and that because of the shooting  
4 you would not get to go to a prom or have sex or kiss a girl for  
5 the next seven or eight years?

6 A. Yes, sir, I did write that.

7 Q. And you concluded that by saying "And why"?

8 A. Yes, sir, I did.

9 Q. Almost a rhetorical question "why".

10 MR. ROBERTS: Objection. I'm not sure that the witness  
11 understands the meaning of rhetorical.

12 Q. (By Mr. McDaniel) Tell me what you meant when you said, "I  
13 won't get to go to a prom, never have sex or kiss a girl for  
14 seven or almost eight years and why." What did you mean by that  
15 "And why"?

16 A. "And why", I was referring to myself that I had knew I was  
17 wrong for what I done. I had knew that I took people's --  
18 innocent people's lives for no reason of my understanding. And I  
19 was referring to myself, and that was a way of me saying I'm  
20 sorry, sir.

21 Q. Okay. Did you say in a letter to Colby that I have the same  
22 pain y'all have?

23 A. Yes, sir, I did.

24 Q. Did you say in a letter to Colby, I lost friends like y'all  
25 did? The only difference is I was the one doing the killing?

1 A. Yes, sir, I did. May I be allowed to explain myself?

2 Q. Yes, sir.

3 A. The reason I had wrote that, I had said the only difference  
4 is I was the one that lost their lives by my hands. That's what  
5 I meant by that. It wasn't no disrespectful thing. I meant by  
6 that, sir, just to clarify myself.

7 Q. In fact, the people lost their lives not just by your hand  
8 but also by the hand of Andrew Golden, correct?

9 A. Yes, sir.

10 Q. What size shoe did you wear that year?

11 A. Nine and a half, ten, sir.

12 Q. Do you know what size shoe Andrew wore?

13 A. No, sir.

14 Q. Had you ever killed a cat before March 1998?

15 A. No, sir.

16 Q. Had you killed any animals just to be killing them?

17 MR. ROBERTS: Objection, vague. What is the phrase  
18 "Just to be killing them"?

19 MR. McDANIEL: I'll rephrase it.

20 MR. ROBERTS: The witness has testified that he went  
21 squirrel hunting, I believe.

22 Q. (By Mr. McDaniel) Other than a hunting exercise, had you  
23 ever killed any animals?

24 A. No, sir.

25 Q. Have you ever shot target practice with a rifle, shotgun or

1 pistol?

2 A. Yes, sir, I have.

3 Q. Tell me about your experience in target practicing.

4 A. Really, sir, it ain't much to say. I've shot to see how my  
5 accuracy was.

6 Q. When did you do that?

7 A. All through my life.

8 Q. Did you do that with the knowledge of your parents?

9 A. Yes, sir, I did.

10 Q. Did you ever do it in their presence?

11 A. Yes, sir, I did.

12 Q. What type guns did you use?

13 A. I used my pellet gun, as I was referring to in my statement  
14 in the journal and I have used my 20 gauge also.

15 Q. A pellet gun is like a beebee rifle but more powerful?

16 A. In a sense, yes, sir.

17 Q. And you aim it like you do a regular rifle and pull the  
18 trigger and a projectile goes out and hits the target, correct?

19 A. Yes, sir.

20 Q. Would it be fair that if you can shoot a pellet gun  
21 accurately, you can shoot a real rifle accurately?

22 A. In some sense, yes.

23 Q. Did you tell a young girl named Vannover that you had a lot  
24 of killing to do on the bus?

25 MR. ROBERTS: Objection. Asked and answered.

1 Q. (By Mr. McDaniel) Go ahead.

2 A. No, sir, I did not.

3 Q. Did you listen to music at school against the handbook  
4 rules?

5 A. Yes, sir, I have.

6 Q. Did you get in trouble for that?

7 A. The teacher asked me to please take my headphones off.

8 Q. Did you repeatedly listen to music even after you had been  
9 told time and again not to do it?

10 A. No, sir, I took it off.

11 Q. After you were in jail, did you destroy some of the property  
12 at the Craighead County Jail?

13 A. Yes, sir, I did.

14 Q. What did you destroy?

15 A. They say I destroyed the sprinkler. I can't say I destroyed  
16 it. I set it off.

17 Q. Did you kick the sprinkler?

18 A. No. I hit it with my shoe, sir.

19 Q. Have you ever been the victim of sexual abuse?

20 MR. ROBERTS: Objection. Withdraw my objection.

21 Q. (By Mr. McDaniel) Have you ever the been the victim of  
22 sexual abuse?

23 A. Yes, sir, I have.

24 Q. Was that sexual abuse made known to your parents?

25 A. After the shooting incident, yes, it was.

1 Q. How old were you when you were the victim of sexual abuse?

2 A. I was probably around eight or nine, sir, seven or eight or  
3 nine, one of those three years.

4 Q. Was the person who perpetrated the sexual abuse a family  
5 member?

6 A. No, sir, he was not.

7 Q. Did you obtain any help or counseling for that?

8 A. No, sir. I didn't tell nobody until after the shooting  
9 incident, sir.

10 Q. What did Andrew Golden tell you about his grandfather,  
11 Douglas Golden?

12 A. Sir, all he had told me is that he was a game warden.

13 Q. Did he tell you anything about his hunting experiences with  
14 his grandfather?

15 A. No, sir.

16 Q. Did he tell you about his shooting experiences with his  
17 grandfather?

18 A. No, sir.

19 Q. He did tell you that he knew where he could get guns and  
20 that was at his grandfather's house?

21 A. Yes, sir, he did say that.

22 Q. Then you went to the grandfather's house, and you did get  
23 the guns?

24 A. Correct.

25 Q. There have been times that other children have been told not



1 to play with you, correct?

2 A. Sir, I couldn't honestly say that.

3 Q. Well, did other kids tell you that, hey, I'm not supposed to  
4 play with you?

5 A. Not that I'm aware of, no.

6 Q. Had you ever talked about suicide before March 24 of 1998?

7 A. Yes, sir.

8 Q. How many times?

9 A. Once that somebody heard about it.

10 Q. When and where was that?

11 A. In Minnesota.

12 Q. Did they tell your parents?

13 A. Not until after the shooting.

14 Q. Who found out about it in Minnesota? Who heard about it in  
15 Minnesota?

16 A. An old boy I used to hang around with, sir.

17 Q. Who was that?

18 A. His name was Andrew Aurorick.

19 Q. Andrew what?

20 A. Aurorick, sir.

21 Q. Aurorick?

22 A. Yes, sir.

23 Q. Did you get into fights when you were a youngster?

24 A. Yes, sir, I did.

25 Q. Did you frequently get into fights when you were in grade

1 school?

2 MR. ROBERTS: Objection. Define frequent.

3 MR. McDANIEL: I'll rephrase it.

4 Q. (By Mr. McDaniel) How often would you get into fights  
5 before March of 1998?

6 A. Before the fifth grade, sir, the only time I fought was to  
7 defend myself. When I was in London, Kentucky I used to get  
8 jumped a lot by some ninth graders, sir.

9 Q. After you came to Arkansas, you got in a lot of fights,  
10 didn't you?

11 A. Yes, sir, I did.

12 Q. Were you the aggressor in some of those fights? Did you  
13 start some of those fights?

14 A. Some of those fights, yes, sir, I did.

15 Q. Uh?

16 A. Yes, sir, I did in some of them.

17 Q. Okay. And --

18 MR. ROBERTS: Just a moment, Mr. McDaniel.

19 Q. (By Mr. McDaniel) In the seventh grade how many fights do  
20 you think you had while you were in the seventh grade before the  
21 shooting?

22 A. A couple, sir.

23 Q. When you would have these fights, would they be on the  
24 school grounds or somewhere else?

25 A. Both, sir.

1 Q. Were your parents notified that you were fighting at school?

2 A. No, sir.

3 Q. Did your parents learn about your fights, or your mom or  
4 your dad?

5 A. If I'd tell my little brother about them and they'd overhear  
6 me, yes.

7 Q. So they knew from whatever sources that you had several  
8 fights?

9 A. Some, yes, sir.

10 Q. Did you ever brag about smoking heroine and marijuana?

11 A. Sir, I'm not aware you can smoke marijuana, sir -- or  
12 heroine, sir.

13 Q. Did you ever brag that you had used heroine?

14 A. I had told some people I know about heroine.

15 Q. Did you ever tell anybody you had used heroine?

16 A. I don't think I have.

17 Q. Did you ever leave the -- try to say things so that you  
18 would leave the impression upon others that you had used heroine  
19 by trying to kind of be a big shot?

20 A. I could say so, yes. Yes, sir, I could say I did.

21 Q. Did you tell other children you had used marijuana  
22 frequently?

23 A. I never used marijuana frequently, sir, and I can't recall  
24 that I said that.

25 Q. To your knowledge were you ever described by law enforcement

1 officials as being a troubled child?

2 MR. ROBERTS: Objection. Assumes facts not evidence.  
3 Lack of competency. Lack of foundation.

4 MR. McDANIEL: I'm asking him what he knew.

5 A. Sir, I've been -- I was in -- I don't know. I couldn't  
6 honestly say that. I'm not for sure.

7 Q. (By Mr. McDaniel) Go ahead with what you were about to say  
8 when you said "I was in".

9 A. I was in some trouble in Minnesota over a fight I had got  
10 into.

11 Q. When was that and what was that trouble?

12 A. A boy had threatened me over some gang related stuff, and I  
13 had told him that -- I had said -- I told him that quit being no  
14 scaredy-cat and come out in the street because he was on his  
15 property when he said that, sir. I had threatened him that I was  
16 going to beat him up and he had called the cops on me. And I was  
17 out playing with some friends of mine later on that night around  
18 10:00 o'clock that night when it was well after dark, and a  
19 police officer had rolled up on the lot we were playing football  
20 on. And everybody ran but me, and he had called my name out so I  
21 stopped. And, sir, he had asked me what's my problem with that  
22 kid I had threatened, and I had told him he had threatened me.

23 Q. Was this contact with the police communicated to your mother  
24 or your father?

25 A. Not that I'm aware of.

1 Q. Have you had other contact with the police that you've not  
2 told me about?

3 A. No, sir, not that I remember.

4 Q. Do you know whether or not the police ever went to your  
5 mother's home and a .357 magnum was on the table when they got  
6 there?

7 MR. ROBERTS: Temporal?

8 MR. McDANIEL: Any time.

9 A. Sir --

10 MR. ROBERTS: State -- just a minute. What state?

11 Q. (By Mr. McDaniel) Any time or any place, are you aware that  
12 the police ever came to your mother's home when there was a .357  
13 magnum on the table?

14 MR. ROBERTS: This includes his residency in Minnesota,  
15 Kentucky --

16 MR. McDANIEL: Any time or place, yes.

17 A. Sir, I was aware that my mother used to own a .357, but it  
18 had went missing after we had moved to Kentucky. And I was told  
19 that a police officer had walked in my house in Arkansas and saw  
20 it on the table, which I know was not true because my  
21 father -- my stepfather can't be around guns period, and my  
22 mother ain't that type of person to break law, so...

23 Q. (By Mr. McDaniel) Were you aware that your father held a  
24 press conference in June of 1998 and made statements to the press  
25 about you after the shooting incident occurred? Were you aware

1 of that?

2 MR. ROBERTS: Objection. Stepfather, natural father?

3 MR. McDANIEL: That's a proper objection. Let me  
4 rephrase it.

5 Q. (By Mr. McDaniel) Were you aware that your father, Scott  
6 Johnson, had held a press conference on June 17, 1998 and made  
7 statements about you to the press?

8 A. Sir, could you tell me what he had said or when -- what  
9 station it was on, sir?

10 Q. Did your father to your knowledge ever make a statement to  
11 the press that he had sought to get you help over the past couple  
12 of years, that you were a troubled child and he was not able to  
13 convince the authorities to get you help or something to that  
14 effect?

15 A. I'm not for sure if he said that or not, sir.

16 Q. There is a fellow who's name has surfaced by the name of Tom  
17 Firth. Does that name ring a bell to you?

18 A. Yes, sir, it does.

19 Q. Did Tom Firth ever actually represent you as a lawyer to  
20 your knowledge?

21 A. To my knowledge I thought he did, sir, yes. But may I  
22 clarify something?

23 Q. Yes, sir.

24 A. During this -- the judicial proceeding, sir, I was -- the  
25 court appointed Mr. Bill Howard to be my attorney at law to

1 represent me, and my father had hired Tom Firth, and I can't say  
2 that he was officially appointed to be my attorney also. So I  
3 can't say, but I know that my father had hired him, yes.

4 Q. Do you know how it is your father got in touch with Tom  
5 Firth or vice versa to get him involved in the case?

6 A. Sir, no, I don't.

7 Q. Have you given any interviews to anyone about what happened  
8 at the Westside shooting?

9 A. No, sir, I have not.

10 Q. Who all have you told about what actually happened like  
11 you've told us today what happened besides your attorney, Mr.  
12 Roberts --

13 MR. ROBERTS: Objection.

14 Q. (By Mr. McDaniel) -- or some other attorney?

15 MR. ROBERTS: Excuse me. I've got to object to that  
16 because if he answers that question fully and completely, he'll  
17 violate a gag order executed in other court of another solvent.

18 MR. McDANIEL: I'll modify it.

19 Q. (By Mr. McDaniel) Other than to one of your attorneys or to  
20 officials connected with a federal court or in a proceeding  
21 related to a federal court, have you discussed the actual  
22 shooting event at Westside with anyone?

23 A. Sir, I've discussed it with my counselors who counsel me,  
24 sir, yes, I have.

25 Q. Who are your counselors and where are they?

1 A. I have -- since I've been incarcerated to Alexander Youth  
2 Services, we are -- I was assigned to a doctor by the name of Dr.  
3 T.J. Rainey, and he is my therapist while I stay there, while I'm  
4 at Alexander, and I've told him about it, sir.

5 Q. Did the self-mutilation result in any scars?

6 A. Yes, sir, it has.

7 Q. How many scars do you have on your body from  
8 self-mutilation?

9 A. Six I do believe.

10 Q. Where are they located?

11 A. On my left arm, sir.

12 Q. Do you know if your mother was notified on the morning of  
13 March 24 or whether or not she became aware that the van was  
14 missing before the shooting took place?

15 A. Sir, could you please repeat the question?

16 Q. Yes. To your knowledge did your mother learn that the van  
17 was gone before the shooting took place?

18 A. I had told her that my father was going to take me to  
19 school, yes, sir.

20 Q. And you asked her for the keys and she gave them to you?

21 A. Yes, sir.

22 Q. To your knowledge did she check or make any effort to check  
23 to see what you were telling her was true?

24 MR. ROBERTS: Objection. Asked and answered. The  
25 witness previously testified that he lied to his mother.



1 MR. McDANIEL: I object to speaking objections.

2 Q. (By Mr. McDaniel) To your knowledge did your mother ever  
3 check to see if what you were telling her was true?

4 A. Not that I know of, sir.

5 Q. Had you ever driven the van without authority before?

6 MR. ROBERTS: Objection. Asked and answered.

7 A. My mother has -- my mother has asked me to drive the van  
8 down to the end of our driveway to shut off the water a couple of  
9 times, but she knew about it, sir.

10 Q. (By Mr. McDaniel) Did you ever drive the van by yourself  
11 without permission before?

12 A. No, sir, I have not.

13 Q. Were you up on the night before the shooting somewhere  
14 around midnight to 1:00 or 1:30 in the morning roaming about or  
15 doing things?

16 A. No, sir. I was in the bed asleep.

17 MR. McDANIEL: May I have one moment? Pass the  
18 witness.

19 (A break was taken.)

20 CROSS-EXAMINATION

21 BY MR. MILLER:

22 Q. Mitchell, my name is Randel Miller. I represent your  
23 mother, Gretchen Woodard.

24 A. Yes, sir.

25 Q. I just have a few questions to ask you about -- pretty much

1 about your relationship with your mother and how things were at  
2 home before this incident occurred.

3 A. Okay.

4 Q. Prior to the shooting, how long had you lived in the home  
5 that you were in?

6 A. I'd say two years I do believe, sir.

7 Q. And during those two years, was your mother working outside  
8 the home?

9 A. No, sir.

10 Q. So she was a stay-at-home mom?

11 A. Yes, sir.

12 Q. I think you had a brother and a sister that lived with you  
13 also?

14 A. Yes, sir.

15 Q. What's their names?

16 A. Monte Johnson and Jesse Woodard, sir.

17 Q. And other than that your stepfather also lived with you?

18 A. Yes.

19 Q. Did your mother love you?

20 A. Yes, sir, very much.

21 Q. Did your mother try to provide a loving and caring home for  
22 you?

23 A. Always.

24 MR. McDANIEL: Objection. Calling for conclusions,  
25 speculation and assumption not in evidence.

1 A. Always, sir, yes.

2 Q. (By Mr. Miller) In the morning before you went to school,  
3 did your mother always make sure you got up and went to school?

4 A. Yes, sir, she did.

5 Q. And on the day that this incident occurred, you made sure  
6 that your mother didn't know that you weren't going to school?

7 A. Correct.

8 Q. You lied to her?

9 A. Yes, sir, I did.

10 Q. You covered up where you were and where you were going?

11 A. Yes, sir.

12 Q. Prior to that I understand that you had been in some fights?

13 A. Yes, sir, I was.

14 Q. Did you tell your mother about those?

15 A. No, sir.

16 Q. In fact, did you try to conceal those from her?

17 A. Yes, sir, I done my best to.

18 Q. As far as some of the discipline problems or other problems  
19 that you had, did your mother try to help you deal with those?

20 A. Yes, sir, she did.

21 Q. How did she do that?

22 A. She had offered me advice herself. She had taken me to  
23 recommended doctors, and I wouldn't listen to them. I would cuss  
24 them out and walk out on them. When we'd get home, I wouldn't  
25 talk to my mother.

1 Q. But your mother did try to sit down with you and talk to you  
2 and counsel you to do better?

3 A. Her best efforts, yes.

4 MR. McDANIEL: Objection. Calling for the conclusion  
5 and stating a conclusion.

6 Q. (By Mr. Miller) You were also asked some questions about  
7 being a victim of sexual abuse.

8 A. Yes, sir, I was.

9 Q. When that incident occurred, were you residing with your  
10 mother?

11 A. Yes, sir.

12 Q. Were you living with your mother or your grandmother?

13 A. I was -- we moved to my grandmother's house, and my mother  
14 had moved in with my grandmother.

15 Q. You were living at your grandmother's house?

16 A. Yes, sir. It was my grandmother's house.

17 Q. And no one there knew what had occurred?

18 A. No, sir.

19 Q. In fact, again, you didn't reveal that to anyone until after  
20 the shooting?

21 A. Correct.

22 Q. At your home again prior to the shooting, how many  
23 televisions did you have?

24 A. One, sir.

25 Q. One for the whole household?

1 A. Yes, sir.

2 Q. Where was it?

3 A. In the living room, sir.

4 Q. And no computer?

5 A. No, sir.

6 Q. Prior to the shooting how were your grades at school?

7 A. A's and B's, sir, most of the time. I had a C in science my  
8 first nine weeks of seventh grade, but I had pulled it up to an A  
9 I do believe.

10 Q. What other activities were you involved in in school?

11 A. I played football sixth and seventh grade, and I made the  
12 basketball team in seventh grade, sir. And I also -- I was also  
13 in the choir at school.

14 Q. While you were at home and around your mother, did you ever  
15 make any threats of harming someone?

16 A. No, sir.

17 Q. Not just shooting someone but making any threats of violence  
18 toward other people?

19 A. No, sir, not around my mother, no.

20 Q. You tried to be on your best behavior around her?

21 A. Yes, sir, I did.

22 Q. Mitchell, is there anything that your mother could have done  
23 to have prevented this from occurring?

24 MR. McDANIEL: Objection. Calling for speculation and  
25 conclusion and assuming facts not in evidence.

1 A. No, sir. I didn't let my mother know that this was even  
2 entering my mind. I wouldn't -- I didn't leave no evidence at my  
3 house that anything like this were to occur.

4 Q. (By Mr. Miller) In fact, even in thinking about this and  
5 the events leading up to it, did you really think something was  
6 going to occur?

7 A. I figured in time, yes, sir.

8 Q. Did it seem real to you?

9 A. Yes, sir.

10 Q. But you still don't know why you wanted to do it?

11 A. Why, no, sir. I don't know why it happened.

12 Q. In the events leading up to this shooting, did you act any  
13 different at home?

14 A. Not as I know of, no, sir.

15 Q. In other words, your routine pretty much went on same in the  
16 months leading up to this as it had for the months -- for the  
17 years before this?

18 A. Yes, sir, pretty much.

19 Q. No substantial change in your attitude?

20 A. Not much, no.

21 Q. Mitchell, are you sorry that this occurred?

22 A. Very much so. I regret it everyday of my life. I pray  
23 everyday for the victims. I hope and I pray that God blesses  
24 them to help heal because I've lost, but not -- by no means not  
25 by what they lost by, and I am sorry. From the bottom of my

1 heart I'm sorry.

2 Q. Of course, you've also hurt your family.

3 A. Yes, sir, not as much as I hurt the victims though.

4 MR. MILLER: No other questions.

5 CROSS-EXAMINATION

6 BY MR. HODGES:

7 Q. Before the day of the shooting had you ever met Andrew's  
8 grandfather, Doug Golden?

9 A. No, sir.

10 Q. Had you ever been to his home before you entered on this day  
11 by taking the crowbar or somebody taking the crowbar and breaking  
12 the window and breaking in?

13 A. No, sir. I had never been to his house, no, before then.

14 MR. HODGES: Pass.

15 MR. CAHOON: No questions.

16 MR. PRICE: No questions.

17 MR. MARSHALL: No questions.

18 MR. McDANIEL: A couple of follow-ups.

19 MR. ROBERTS: Just a moment.

20 MR. McDANIEL: Oh, I'm sorry.

21 CROSS-EXAMINATION

22 BY MR. ROBERTS:

23 Q. Mr. Johnson, I represent you in a certain federal criminal  
24 proceeding. Is that correct?

25 A. Yes, sir.

1 Q. And you're aware that I also represent your father as well  
2 as you in this civil proceeding. Is that correct?

3 A. Yes, sir.

4 Q. I have just two questions. Did Scott Johnson, your father,  
5 do anything that caused you to do this shooting?

6 MR. McDANIEL: Object. Calling for a conclusion and  
7 speculation and asking him to assume facts not in evidence.

8 Q. (By Mr. Roberts) You may answer.

9 A. No, sir.

10 Q. Do you have something you want to say to the people in this  
11 room?

12 A. Like I said before, I pray for y'all everyday. I truly am  
13 sorry for what I done. And if I ever do find out why, I will let  
14 y'all know; however, that I am sorry, and I know I can't ever  
15 take it back. A life is the most precious thing you can have and  
16 I am sorry.

17 MR. ROBERTS: Thank you.

18 REDIRECT EXAMINATION

19 BY MR. McDANIEL:

20 Q. Mr. Johnson, you were asked some questions about your  
21 relationship with your mother. Did your mother keep up with you  
22 pretty closely?

23 A. Pretty closely, yes.

24 Q. So then your mother must have known you were in gang up in  
25 Minnesota?



1 A. No.

2 Q. How can you be in a gang like the Crips and nobody know  
3 about it?

4 MR. ROBERTS: Objection. I don't think there was any  
5 testimony that he was in the gang, that he associated with gang  
6 individuals.

7 MR. McDANIEL: Mike, I'm going to have to object now to  
8 speaking objections.

9 MR. ROBERTS: Objection. Object to the form, assumes  
10 facts not in evidence.

11 MR. McDANIEL: Okay. That's fine. Speaking objections  
12 are inappropriate.

13 Q. (By Mr. McDaniel) Were you a member of the gang?

14 A. No, sir, I was not.

15 Q. Did you hang out with people who were members of the gang?

16 A. I talked to some, yes.

17 Q. You were playing football at night, as I understand, one  
18 time when the police came up to talk to you?

19 A. Yes, sir, they did.

20 Q. Did your mother know about your gang related activities?

21 A. No, sir, she did not.

22 Q. So you were doing things that would be very questionable in  
23 terms of good behavior, and your mother didn't know about it. Is  
24 that what you're saying?

25 A. Correct, yes.

1 Q. Did you go to church when you moved to Jonesboro?

2 A. Yes, sir, I did.

3 Q. Where did you go?

4 A. I went to a Baptist church. I'm not for sure of the name of  
5 it, sir.

6 Q. So then you knew this kind of conduct was totally  
7 unacceptable and you did it anyway?

8 A. Yes, sir.

9 Q. When -- I have to sit down; my knee is hurting. When Mr.  
10 Miller asked you about your mother not knowing about the fights,  
11 you did in fact tell your mother about some of the fights, didn't  
12 you?

13 A. No, sir, I did not. She overheard me speaking to my brother  
14 about the fights, sir.

15 Q. And your mother learned of some of the fights from the  
16 school, didn't she?

17 A. When I was suspended, yes, she did.

18 Q. And your mother would have known if you had a black eye or  
19 bloody nose, she would have known about that, wouldn't she?

20 A. Normally I didn't, sir.

21 Q. Normally you didn't. Sometimes you did, didn't you?

22 A. When I got suspended I did.

23 MR. McDANIEL: Okay. That's all.

24 Q. (By Mr. McDaniel) Oh, do you have any problem -- do you  
25 have any objection to us getting a copy of your school records?

1 A. No, sir.

2 Q. Do you have any problem with us getting a copy of your  
3 counseling records? Since you're so sorry of what happened, I'm  
4 sure you want to help these people any way you can help them.

5 A. It don't -- no, sir, it don't bother me none.

6 Q. What about your police records, do you have any objection to  
7 us getting a copy of your complete police records?

8 A. No, sir.

9 MR. McDANIEL: Okay. That's all.

10 MR. ROBERTS: Are you talking about -- you're not  
11 talking about access to his federal records?

12 MR. McDANIEL: No, not his federal records.

13 MR. ROBERTS: His federal records are not accessible.

14 MR. McDANIEL: That's all.

15 (The deposition concluded at 4:58 p.m.)

16 (Signature waived.)

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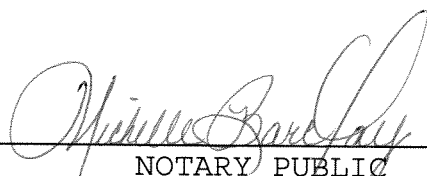
C E R T I F I C A T E

I, MICHELLE BARCLAY, a Notary Public in and for the County of Craighead, State of Arkansas, do hereby certify:

That **MITCHELL JOHNSON**, the witness in the foregoing deposition, was by me duly sworn to testify the truth, the whole truth and nothing but the truth, in the within-entitled cause; that said deposition was reported at the time and place therein stated by me by the method of machine shorthand and thereafter transcribed by me.

I further certify that I am not interested in the outcome of said action, nor connected with nor related to, any of the parties in said action or their respective counsel.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 29th day of April, 2000.

  
\_\_\_\_\_  
NOTARY PUBLIC  
In and for the County of Craighead  
State of Arkansas

My commission expires:

March 25, 2009

Mitchell  
Johnson  
6th period  
1-21-97

# Journal

I am in debt because this morning I walked in with my hat on and I was told to take it off and the teacher tried to take my hat and I said no and tucked it under my arm and it took two teachers to take it away from me and that's my story and I'm sticking to it. I could have just given up my hat and what right along with the day I got mad and lost my temper and I just ruined a good Friday. I woke up with a bad hang over this morning that is my problem. The hangover was from too much pop (soda) last night. I had a bad morning this morning so I came to school with an attitude. I had two teachers in this school. I would name them but one of them will react it and I will tell them what I said then I would get in trouble. If they put my name in the paper I will sue them. The two people I hate are Mrs. [unclear] and Mrs. [unclear]. I have only one NIKE hat left. Come on tell your [unclear]. Please tell me, have you told your [unclear] hat yet? I think I will have had it. One full day and one half a day. After this Sunday day is over I will have one and I will be happy. I am pretending to be a [unclear] that was [unclear]. I wish both would be the middle of [unclear]. I think everyone is [unclear]. I don't think my parents will be grounded for life. I have a pet. I will tell you about it. I will tell you about it.

PLAINTIFF'S  
EXHIBIT  
#1