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COURT OF APPEALS
STATE OF NEW YORK

PEOPLE,

Respondent,

-against-

NO. 56

KHIAMDAVANH,

Appellant.

20 Eagle Street
Albany, New York
May 20, 2026

Before:

CHIEF JUDGE ROWAN D. WILSON
ASSOCIATE JUDGE JENNY RIVERA
ASSOCIATE JUDGE MICHAEL J. GARCIA
ASSOCIATE JUDGE MADELINE SINGAS
ASSOCIATE JUDGE ANTHONY CANNATARO
ASSOCIATE JUDGE SHIRLEY TROUTMAN
ASSOCIATE JUDGE CAITLIN J. HALLIGAN

Appearances:

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Official Court Transcriber



1 CHIEF JUDGE WILSON: Next case on the calendar is
2 People v. Khamdavanh.

3 MS. SWARTZ: Good afternoon. May it please the
4 court. Melissa Swartz, on behalf of appellant. The issue
5 - - - I kindly ask for two minutes for rebuttal.

6 CHIEF JUDGE WILSON: Yes.

7 MS. SWARTZ: The issue before this court is
8 whether or not Anse, the third-party involved in this
9 incident, would have provided cumulative testimony, as the
10 People, described to the lower court. It's our position
11 that the trial court abused its discretion in making that
12 determination because it was obvious from the evidence
13 presented at trial and from the supporting deposition that
14 Anse's testimony would have added to or contradicted the
15 People's case.

16 This was a very high-paced, fast-moving incident
17 that lasted really merely seconds based on the two videos
18 that were presented at trial. And because it was so fast-
19 paced and because of where people are positioned in that
20 videos, it's obvious that Anse would have had something to
21 add to the People's case. He could have explained what was
22 said, what he did, what other people did, or he could have
23 potentially - - -

24 CHIEF JUDGE WILSON: Well, why wouldn't that have
25 been cumulative? I mean, he could be saying things, but

1 what reason do we have to think that that would have been
2 different? Or more importantly, what reason did - - - what
3 reason did the court have to think that?

4 MS. SWARTZ: The court looked at the sworn
5 supporting deposition that - - -

6 CHIEF JUDGE WILSON: From Anse?

7 MS. SWARTZ: Pardon me.

8 CHIEF JUDGE WILSON: From Anse?

9 MS. SWARTZ: From Anse - - -

10 CHIEF JUDGE WILSON: Yeah.

11 MS. SWARTZ: - - - saying, you know, his version
12 of what he believed happened with the supporting
13 deposition. The problem with that - - - relying on just
14 that and what puts in - - - defense counsel into a very
15 difficult position is saying what was - - - what else could
16 have been asked, right?

17 JUDGE TROUTMAN: Are the People required to call
18 every witness who's present at a crime?

19 MS. SWARTZ: Of course not. And - - -

20 JUDGE TROUTMAN: How do you draw the line?

21 MS. SWARTZ: When I was preparing this - - -
22 preparing for this argument, I kind of had that thought,
23 right? Like, well, I guess I could always say that a
24 witness is not cumulative. And the example that easily
25 came to mind is when a prosecutor - - -

1 JUDGE CANNATARO: You could also always say, oh,
2 judge, I think I could get more out of that witness than
3 the witness statement you're currently looking at, right?

4 MS. SWARTZ: Correct. And - - -

5 JUDGE CANNATARO: That - - - under that rule, you
6 would never preclude a witness from testifying - - -

7 MS. SWARTZ: Correct.

8 JUDGE CANNATARO: - - - as cumulative?

9 MS. SWARTZ: When I think of this - - -

10 JUDGE SINGAS: Yeah. But at that point, that was
11 your burden, right? To say that the missing witness charge
12 would have been appropriate. And the judge says, well, let
13 me look at this deposition - - - the statement that the
14 witness made, and said, you know what? I don't see
15 anything here that wouldn't be cumulative. And the defense
16 attorney was silent. So did you meet your burden at that
17 point?

18 MS. SWARTZ: I mean, that was the People's burden
19 to show that it was cumulative.

20 JUDGE SINGAS: But you - - - but it's the defense
21 burden to show that the missing witness charge is
22 appropriate, correct?

23 MS. SWARTZ: Correct. But argument - - - our
24 argument here - - - and because defense counsel didn't
25 articulate anything after the court denied it was that the

1 court - - -

2 CHIEF JUDGE WILSON: Well, the court asked, is
3 there anything else, right? The court said, I've got the
4 supporting deposition. I've read that. Do you - - -
5 counsel, do you have anything to tell me? Did counsel say
6 anything?

7 MS. SWARTZ: She did not.

8 CHIEF JUDGE WILSON: And I mean, you're making a
9 bunch of arguments now that, well, it could be that Anse
10 would have said that the - - - if I had a gun and Anse took
11 the gun to the car and put it - - - but nobody told the
12 court that, right?

13 MS. SWARTZ: But I don't think that's on defense
14 counsel. I believe this court's decision in Smith - - -

15 CHIEF JUDGE WILSON: Yeah. But there's something
16 that's on defense counsel. So if we take - - - let's take,
17 hypothetically, that at the point when the court has said,
18 okay, I've got this supporting deposition. I've looked at
19 that. The conclusion of the court is - - - drawn is that
20 Anse was there, but he doesn't have anything different to
21 add and asks counsel, what do you have to say? Doesn't
22 counsel have to say something about what might be added - -
23 -

24 MS. SWARTZ: I - - - I think - - -

25 CHIEF JUDGE WILSON: - - - different?



1 MS. SWARTZ: - - - this court's decision in
2 Smith, and please correct me if I'm wrong, does reference,
3 you know, that it's not on defense counsel to point out to
4 the court what would be cumulative because we don't know.
5 We don't know what that witness would have said. But in
6 this case, the trial court - - -

7 JUDGE GARCIA: But how is the court wrong in
8 saying what I have, it indicates it's cumulative. Then
9 what's next?

10 MS. SWARTZ: Because - - -

11 JUDGE GARCIA: It's just - - - the answer is it
12 never can be because I'm thinking of a lot of other things
13 - - -

14 MS. SWARTZ: Well, the trial court - - -

15 JUDGE GARCIA: - - - that I didn't tell you?

16 MS. SWARTZ: I apologize for - - -

17 JUDGE GARCIA: No.

18 MS. SWARTZ: - - - interrupting. The trial court
19 also had the opportunity at that stage to look at the video
20 and hear the other testimony from the other two witnesses,
21 who did not provide consistent testimony with each other.

22 JUDGE TROUTMAN: So again, I don't believe the
23 question I asked earlier was answered. What's the line to
24 be drawn as to how many witnesses the People are required
25 to call?

1 MS. SWARTZ: I think under these factual
2 circumstances, when it's a credibility, it's very high-
3 paced, you would expect all three to testify. They were
4 all involved in the incident to provide their recollection
5 of what happened, what they heard, what they said, and to
6 defend against, in this case, justification. The first - -
7 - I was trying to explain earlier that, you know, multiple
8 cops - - - having multiple police officers testify - - -

9 JUDGE HALLIGAN: But you already said, I think -
10 - - and this would probably make sense - - - that it can't
11 be the rule that every single witness has to be permitted
12 to testify in every case, right?

13 MS. SWARTZ: Correct.

14 JUDGE HALLIGAN: So I think the questions you're
15 getting are, where would we draw the line, and what is it
16 about this case here, particularly in light of defense
17 counsel not adducing anything additional when asked - - -
18 what's the underlying rule here that would drive the result
19 you want?

20 MS. SWARTZ: I don't think it would be possible
21 to create a bright line rule.

22 JUDGE HALLIGAN: Well, of course not. But why is
23 this over the line?

24 MS. SWARTZ: This is over the line because it was
25 a very short time span, and in - - - all four of them were

1 involved in the incident. I mean, Anse is described as - -
2 - by Zubaidi as the person who gets out of the car. He
3 starts the altercation. He's extremely - - -

4 CHIEF JUDGE WILSON: Why does that matter?

5 MS. SWARTZ: I think that matters because the
6 defense in this case was justification, and the People had
7 to disprove justification beyond a reasonable doubt.

8 CHIEF JUDGE WILSON: But why does it matter who
9 gets the - - - all three get out of the car. You can see
10 that from the video, right?

11 MS. SWARTZ: Correct.

12 CHIEF JUDGE WILSON: Why does it matter who gets
13 out first?

14 MS. SWARTZ: Because he's the person that
15 initiates the force in this case. He's the person that
16 initiates - - -

17 CHIEF JUDGE WILSON: Well, getting out of the car
18 is not force, is it?

19 MS. SWARTZ: When three men get out of a car and
20 block your car in an inter - - -

21 CHIEF JUDGE WILSON: And so why does it matter
22 which one gets out first?

23 MS. SWARTZ: Because what did he - - - we don't
24 know what he said. We don't know what he did when he got
25 out of the car, right? Besides the - - - the account of

1 the two other witnesses who, again, provided inconsistent
2 statements.

3 JUDGE TROUTMAN: Does - - - do the words matter
4 versus the actions of people that could be readily seen on
5 a video?

6 MS. SWARTZ: Words absolutely matter in a
7 justification case. If you're sitting in a car and I come
8 up to you - - -

9 JUDGE TROUTMAN: So if I say something that
10 someone doesn't like, do they have the right to strike me
11 if I haven't - - - if I did not cause the first blow?

12 MS. SWARTZ: It - - - I guess it would be
13 dependent on what is said, right? Am I perceiving imminent
14 - - -

15 JUDGE TROUTMAN: So you're saying that the words
16 - - - the words could give the perception that harm is
17 about to befall you?

18 MS. SWARTZ: Yes. I'm about - - -

19 JUDGE SINGAS: So much so that - - -

20 MS. SWARTZ: - - - I'm about - - -

21 JUDGE SINGAS: - - - so that you shoot somebody?

22 MS. SWARTZ: I'm about to kill you.

23 JUDGE SINGAS: You take out a gun, deadly
24 physical force?

25 MS. SWARTZ: I'm about to kill you. Would you

1 not per - - -

2 JUDGE SINGAS: And that would justify.

3 MS. SWARTZ: Would you not perceive - - - you
4 would - - -

5 CHIEF JUDGE WILSON: Wait, wait, wait, wait. If
6 I walk up to you on the street with no weapon visible and
7 say, I'm about to kill you, you can shoot me dead?

8 MS. SWARTZ: Well, it's based on my perception.
9 And - - -

10 CHIEF JUDGE WILSON: No, no, no, no. That's not
11 right. That's not the law.

12 MS. SWARTZ: I agree, but I'm trying to explain
13 the - - - it was, can words start a fight? If I go up to
14 you and I say - - -

15 CHIEF JUDGE WILSON: That's - - -

16 MS. SWARTZ: - - - I'm going to kill you - - -

17 CHIEF JUDGE WILSON: That's not the question.
18 The question - - -

19 JUDGE SINGAS: No.

20 CHIEF JUDGE WILSON: - - - why is the difference
21 - - - three men get out of a car.

22 MS. SWARTZ: Yes.

23 CHIEF JUDGE WILSON: Why does it matter which one
24 of the three gets out first when all three of them get out
25 to a - - - to a justification charge for the use of deadly

1 force? That's the question.

2 MS. SWARTZ: Because in this - - -

3 CHIEF JUDGE WILSON: Why does that matter?

4 MS. SWARTZ: In the case - - - in this case, the
5 People needed to disprove that all three of them - - -

6 JUDGE CANNATARO: So you do have to call them - -
7 - back to Judge Halligan's question, you have to call every
8 single person there?

9 MS. SWARTZ: In this case, yes.

10 JUDGE SINGAS: But can you finish - - -

11 JUDGE CANNATARO: What is it about this case that
12 it was fast-paced? Is that what you said?

13 MS. SWARTZ: It's fast-paced. Everybody has
14 different perceptions, heard different things, and we know
15 that from the two witnesses that did testify.

16 JUDGE CANNATARO: What if it was ten people in a
17 sprinter van instead of three people in a car? You have to
18 call all ten?

19 MS. SWARTZ: I guess it would be dependent on
20 where those - - - did all ten get out of the vehicle? In
21 this case, all three got out of the vehicle. So they could
22 hear what was going on with the other individuals. They
23 could potentially see what was going on.

24 JUDGE HALLIGAN: Well, let's change the
25 hypothetical. Let's say it's a sprinter van with twelve

1 people, and the defendant gets on the bus. So they're all
2 right there. Do you have to call all twelve?

3 MS. SWARTZ: I guess it would be dependent on how
4 involved all twelve people were in the incident, but
5 there's - - -

6 JUDGE HALLIGAN: How do you know that without
7 calling them?

8 MS. SWARTZ: You don't. And I think that's the
9 point that this court made in Smith, right? Is that it
10 puts an onerous burden on defense counsel to say, well,
11 this person would have said X, Y, and Z. You don't - - -

12 JUDGE RIVERA: Is there a - - - with respect to
13 the determination about the cumulative nature of this
14 particular potential witness' - - - missing witness'
15 testimony, is there anything about the angle that he would
16 have his vista, the angle of the altercation that is
17 different from the other two? Is there anything to
18 suggest, if a judge is looking at it - - - I've got the
19 deposition; let me look at the rest of this - - - for a
20 judge to draw, perhaps, a different conclusion?

21 MS. SWARTZ: I think it's unclear from the two
22 People's witness where everybody was positioned. In the
23 Facebook video, you - - - I do believe you see Anse is the
24 individual that's in the back passenger behind the door
25 closest to the BMW. And Mr. Zubaidi is on the driver's

1 side of the vehicle. So he has a different position and
2 angle than Mr. Zubaidi. And then he also has a different
3 position and angle from the individual that was shot in
4 this case.

5 JUDGE GARCIA: But you can see there - - - I
6 mean, some of the questioning, there has to be a line
7 somewhere, right? Because eventually, we'll get to the
8 Yankee Stadium hypothetical, right? And you'd go to left
9 field or right field bleachers - - -

10 MS. SWARTZ: Please don't. Please don't.

11 JUDGE GARCIA: So where would we draw the line?
12 Like, where - - - when - - - come in with some evidence
13 that it's cumulative, which is unlike Smith. They did
14 here. They had the statement. Where do you draw the line
15 on Yankee Stadium and three people getting out of the car?

16 MS. SWARTZ: I mean, I think that's a huge
17 disparity between the two. I would obviously not be up
18 here saying call all of Yankee Stadium.

19 JUDGE GARCIA: But why not? Because they all saw
20 different things. The people on the right field will see
21 something different than the people on the left field
22 bleachers, so why not, under your theory?

23 MS. SWARTZ: But I think this is the difference
24 between somebody who's just an observer, witness something
25 or - - -

1 JUDGE TROUTMAN: But isn't the difficulty that
2 you're having, isn't that the reason why trial judges have
3 broad discretion with respect to making rulings in cases?

4 MS. SWARTZ: I think I'm having difficulty
5 answering the hypothetical because it almost seems like
6 everybody could - - - the hypotheticals - - - you know, I
7 think the People could make an argument based on this
8 court's questioning that - - -

9 JUDGE TROUTMAN: So again, the question is, well,
10 how could one say that the court abused its discretion with
11 respect to its ruling then?

12 MS. SWARTZ: Because I think, in this case, the
13 court just relied on the supporting deposition. However,
14 the court had other evidence, and this court had other
15 evidence.

16 JUDGE TROUTMAN: And arguments the counsel made
17 considering that which was before the court.

18 MS. SWARTZ: Correct.

19 JUDGE TROUTMAN: You do agree that trial courts
20 have broad discretion?

21 MS. SWARTZ: Of course.

22 JUDGE TROUTMAN: And it's difficult to stop the
23 trial for every second. And you - - - for instance, you
24 don't interrupt the trial to have an appeal. The court has
25 discretion for a reason, to keep things moving so that

1 matters can be resolved in a timely fashion. So the
2 question is abuse of discretion. So point here, what was
3 the abuse?

4 MS. SWARTZ: The abuse was relying on the
5 supporting deposition and assuming there was nothing that
6 would come out at trial based on the fact that the trial
7 court - - -

8 JUDGE TROUTMAN: And what contradicts the court's
9 assumptions, if we accept them as you're giving them?

10 MS. SWARTZ: I mean, I think both videos do,
11 right? There's - - -

12 JUDGE CANNATARO: But would you agree that the
13 exercise of discretion encompasses the possibility that the
14 judge making a ruling may not be able to guarantee the
15 absence of noncumulative evidence? That - - - you know,
16 that could happen, couldn't it, and still not be an abuse
17 of discretion?

18 MS. SWARTZ: Respectfully, I'd - - - if you could
19 rephrase your question. I don't quite understand it.

20 JUDGE CANNATARO: So are you saying that if you
21 could make the argument that made it clear that the trial
22 court looked - - - overlooked something that would have
23 been noncumulative in the proposed witnesses' testimony and
24 still exercise their discretion and said, you know, no
25 missing witness charge, isn't that within the realm of the

1 exercise of discretion that the judge might not have been
2 right about that?

3 MS. SWARTZ: Yes. I agree with that to an
4 extent. And to the extent here is that we had both videos.
5 And the court was presented with only the supporting
6 deposition. And sure, defense counsel should have said,
7 you know, the court has seen both videos and both videos
8 actually contradict that supporting deposition provided by
9 Anse.

10 JUDGE SINGAS: Yeah. But that's all the - - -
11 aren't those all factual issues, and the jury resolves
12 those issues? We can't review those, if there's a
13 discrepancy between what's in a witness' testimony and
14 what's in a video. We're not deciding that. We're not
15 reviewing that.

16 MS. SWARTZ: Well, it's to show that there could
17 have been questions asked of him, and there needed to be
18 questions asked of him by the People, right? To show that
19 his testimony was going to add something else. To say he
20 was not going to say anything more - - -

21 JUDGE RIVERA: Well, your argument is that they
22 didn't meet their burden. So it doesn't matter if the
23 defendant didn't say anything. So let me - - -

24 MS. SWARTZ: Correct.

25 JUDGE RIVERA: - - - go back to the question

1 about that. What is it in these videos that you say should
2 have led the judge to realize that the deposition is
3 insufficient - - -

4 MS. SWARTZ: So - - -

5 JUDGE RIVERA: - - - to satisfy the People's
6 burden?

7 MS. SWARTZ: Anse described this incident as,
8 essentially, hey, we get caught off. This guy's angry at
9 us. We get maybe a little bit angry, but then we just pull
10 it back, consistent with the Facebook video, which they - -
11 - those witnesses - - - the two witnesses that did testify
12 at trial said they saw, right? In advance of their
13 testimony, they testify with, oh, we were just backing up.
14 The Atlas video then just gets played. And that's clearly
15 not exactly how it happened, right?

16 These men not only block in my client's car, but
17 then they rushed to the car. What happens after that? We
18 don't know on the video. My client testified at trial to
19 fill that in. However, those videos in and of themselves
20 are inconsistent with what Anse says in that supporting
21 deposition. He makes this seem like the entire time we - -
22 - first, we were a little angry, but then we backed up,
23 right? We said, well, no - - -

24 JUDGE HALLIGAN: How exactly are the videos
25 inconsistent, in your view, with what he says in the

1 supporting deposition?

2 MS. SWARTZ: So he doesn't - - - in the video, he
3 doesn't make - - - in his supporting deposition, he - - -
4 one that I referenced after the fact, he makes no reference
5 to the fact that Ali speeds off and goes somewhere before
6 he quickly returns with an unknown individual. He makes no
7 reference to that.

8 CHIEF JUDGE WILSON: Why is that inconsistent?

9 MS. SWARTZ: That's inconsistent with Ali's
10 testimony, right?

11 CHIEF JUDGE WILSON: Well, he - - -

12 MS. SWARTZ: Until he got impeached.

13 CHIEF JUDGE WILSON: He does - - - well, he
14 didn't get impeached, but until the - - - on cross-
15 examination, they asked him a question.

16 MS. SWARTZ: Correct.

17 CHIEF JUDGE WILSON: And he provided an answer
18 that was not inconsistent with what he said before. It was
19 just additional information, no?

20 MS. SWARTZ: I would respectfully disagree with
21 that, but I don't think that's the - - -

22 CHIEF JUDGE WILSON: Okay.

23 MS. SWARTZ: - - - the point of what I'm trying
24 to argue in this case.

25 CHIEF JUDGE WILSON: Okay. What - - -



1 MS. SWARTZ: They - - - he also makes it seem as
2 though this was - - - that they were not aggressive at all,
3 that they didn't go and approach the vehicle, right? But
4 they do approach the vehicle. You see that in the Atlas.
5 There is a rush towards the vehicle. So the Facebook video
6 just shows some gestures.

7 I'll concede that the gentleman that was shot in
8 this case, he does put up his - - - he does put up his
9 hands at some point, but it's the short period of time that
10 you see. And that's - - - there is a gap that needs to be
11 filled in. And Anse's supporting deposition didn't fill in
12 that gap either. And there's clearly some inconsistencies.

13 CHIEF JUDGE WILSON: Thank you.

14 MS. SWARTZ: Thank you.

15 MR. LABELLA: Good afternoon. May it please the
16 court. Michael LaBella, on behalf of respondent, the
17 People. I would first respond in noting that the - - - all
18 these three witnesses - - - all had the same perspective
19 with Mr. Anse, who, as we all saw in the videos, had the
20 position of the car on the passenger side. And the cross
21 of Mr. Ali Zubaidi had stated that it was providing defense
22 counsel with all of the perspectives that he saw Mr. Anse
23 have in the moment as well on top of Haitham's cross-
24 examination where he was asked the same questions from
25 defense counsel and defense - - - and he provided the same

1 answers. And he was the one directly saying - - -

2 JUDGE TROUTMAN: What about the argument, it was
3 a minimal number of witnesses here; just call all of them?

4 MR. LABELLA: I would say there's more than a
5 minimum in that - - compared to what we have in Smith,
6 where there was only one - - - there was only one witness
7 where, given a description, that was being contradicted
8 from other evidence. That's not the case here. We have
9 multiple witnesses and - - -

10 JUDGE RIVERA: But isn't the defendant arguing
11 that he felt fear for himself and for others in the car,
12 and that's why he reacted in the way he's reacted? And
13 don't you need to hear from the one other witness about
14 what they did or did not do - - -

15 MR. LABELLA: The - - -

16 JUDGE RIVERA: - - - and whether or not they can
17 corroborate what the other two said they did or did not do?

18 MR. LABELLA: Respectfully, I would disagree in
19 this scenario, mainly because the other two that were
20 coming out of the car provided testimony of those exact
21 reactions, one saying he's calming him down, the other
22 saying I saw him - - - I saw him make the gestures. I saw
23 him throw the carton of cigarettes. And then all of us
24 turned to go away when the shot rang out. And I see the
25 videos also provide that on top of the witness testimony.

1 CHIEF JUDGE WILSON: Suppose you didn't have the
2 videos, different result?

3 MR. LABELLA: No. I don't believe that there
4 would be a different result because you still have that - -
5 other witness on top of the victim. And of course, given
6 the timeliness of the missing witness testimony - - -

7 CHIEF JUDGE WILSON: Suppose you had no videos
8 and Yafai couldn't testify.

9 MR. LABELLA: That - - - that could be where a -
10 - - a line might be drawn in that hypothetical.

11 CHIEF JUDGE WILSON: At that point you would say
12 - - - would it be - - - it would be abuse not to allow - -
13 - not to give this witness instruction?

14 MR. LABELLA: I would say that that's a trickier
15 angle to justify in there if you have just the one witness
16 and not even the victim and no video. Of course, I would
17 submit that's in the hypothetical Your Honor mentions.
18 It's entirely, of course, different from what we have here.

19 I would also give the context, though, to that
20 when they went over the charge conference - - - at the
21 charge conference, when the missing witness charge was
22 presented, there was a discussion halfway through the
23 defense's proof. But then, of course, the second
24 discussion, when it was more formally discussed and - - -
25 and brought up on the request, the court was also relying

1 on all the proof it had just witnessed itself throughout
2 the trial.

3 So I think it's a little taken out of context in
4 thinking the court was solely relying on a supporting
5 deposition, but also relying on all of the witness
6 testimony and all the proof it had just observed throughout
7 the trial.

8 So I - - - between that and the video, I would
9 certainly submit that there's cumulative here on the
10 record. And I think if there's nothing further, I would
11 rest on my papers, unless the court has any more questions.

12 CHIEF JUDGE WILSON: No. Thank you.

13 MR. LABELLA: Thank you.

14 MS. SWARTZ: Very briefly, because I fear another
15 hypothetical. Just to answer one of the things that ADA
16 LaBella stated, he said that Ali had the perspect - - -
17 same perspective as Anse, right? Because he's in the back
18 of the video - - - the back of the vehicle kind of in line
19 with Anse.

20 I would agree, but that's just in the Facebook
21 video. That isn't in that Atlas video. And to suggest
22 that he saw everything that happened and that he heard all
23 the words that were exchanged, I don't think that would be
24 a fair assessment. And I think that's why Anse needed to
25 be called. So unless the court has other questions for me.

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CHIEF JUDGE WILSON: Thank you.

MS. SWARTZ: Thank you.

(Court is adjourned)



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C E R T I F I C A T I O N

I, Brandon Deshawn, certify that the foregoing transcript of proceedings in the Court of Appeals of People v. Khamdavanh, No. 56 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Brandon Deshawn

Signature: _____

Agency Name: eScribers

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Date: May 29, 2026

