

State of Alaska v. Logan Wheeler

Case No. 5AP-07-9999 CR

Problem overview: This is the criminal law teaching problem for use in a teaching unit on the American trials, culminating in a mock trial involving the students on the last day of the unit. The problem is adapted from the 2008 Alaska High School Mock Trial Competition problem, but has been shortened and simplified to accommodate the purposes of a short teaching unit. The Alaska High School Mock Trial Competition is sponsored by the Anchorage Bar Association, Young Lawyers Section. If you are interested in seeing the complete problem, go to www.anchoragebarassociation.org and click on the link for Mock Trial.

The problem is set in the small village of New Shavlik (pronounced like HAVE-lick, but starting with a “sh” sound). The small village of New Shavlik is being torn apart by a feud between the Meikuks and the Wheelers, the two most prominent families in New Shavlik. At the annual softball game between the two families this feud boils over, resulting in a fight between Sam Meikuk and Logan Wheeler. The eyewitness accounts of Gene/Jean Meikuk and Dylan Meikuk differ as to whether Sam or Logan initiated the fight, but there is no doubt that during the fight Logan struck Sam in the head with a softball bat. Sam was knocked unconscious and even today still suffers from migraine headaches. Following an investigation by Alaska State Trooper Jo(e) Stanton, Logan is arrested and charged with assault. Logan admits to hitting Sam, but claims it was in self-defense. Logan’s best friend, Brit Terry, claims however that Logan had good reason to be afraid of Sam and was justified in acting in self-defense. Should Logan go to jail? That is up to you.

In a mock trial, students play the roles of both attorneys and witnesses. Students are encouraged to take into account the culture and relative isolation of New Shavlik when making their arguments. Although Mock Trial problems are written to be both gender-neutral and race-neutral, students should be careful to avoid stereotypes about behavior that may offend others. This problem set contains the criminal indictment of Logan Wheeler, the relevant jury instructions that govern the case, affidavits for each of the six witnesses in the case (three for the prosecution and three for the defense), and a few exhibits. There will be separate instructions on how to conduct a mock trial.

Students who are selected to be witnesses should become familiar with the affidavit for their witness, but it is not necessary to memorize it. Witnesses are allowed to refer to their affidavit during the trial to refresh their memory. (Note: This is not allowed in the state competition.) Attorneys should familiarize themselves with the affidavits for the witness(es) they are examining or cross-examining. All affidavits are written to be gender neutral. Also, the time references are adapted so that “Year-1” means one year ago. This way, any student can play any role, and the problem can be used in any year.

The important thing about mock trials is that they are not only a great learning experience, but they are also great fun! So, be creative, and enjoy the problem.

**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIFTH JUDICIAL DISTRICT AT ALASKOPOLIS**

STATE OF ALASKA,

Plaintiff,

vs.

LOGAN WHEELER,
DOB: 8/15/1968
APSIN ID: 7654321
SSN: 574-12-3456
ATN: 107-907-000,

Defendant.

Case No. 5AP-S07-9999 CR

INDICTMENT

THE GRAND JURY CHARGES:

Count I
AS 11.41.210(a)
Assault in the Second Degree

That on or about the afternoon of August 18, 2007, in the village of New Shavlik in the Fifth Judicial District, State of Alaska, LOGAN WHEELER did commit assault in the second degree either (1) by causing physical injury to Sam Meikuk by means of a dangerous instrument with the intent to cause injury, or (2) by recklessly causing serious physical injury to Sam Meikuk.

All of which is a Class B felony being contrary to and in violation of Alaska Statute 11.41.210(a) and against the peace and dignity of the State of Alaska.

WITNESSES EXAMINED BEFORE THE GRAND JURY:

Officer Jo(e) Stanton
Sam Meikuk
Gene/Jean Meikuk

JURY INSTRUCTIONS

FOUNDATIONAL INSTRUCTIONS

1.06: Presumption of Innocence, Burden of Proof, Proof Beyond a Reasonable Doubt

The distinguishing features of a criminal trial are the presumption of innocence and the burden of proof beyond a reasonable doubt. The law presumes a defendant to be innocent of crime. Thus, a defendant, although accused, begins the trial with a clean slate – with no evidence favoring conviction. The presumption of innocence alone is sufficient to acquit a defendant, unless you are satisfied beyond a reasonable doubt of the defendant’s guilt, after careful and impartial consideration of all the evidence in the case.

This last-mentioned requirement, that you be satisfied beyond a reasonable doubt of the defendant’s guilt, is what is called the burden of proof. It is not required that the prosecution prove guilt beyond all possible doubt, for it is rarely possible to prove anything to an absolute certainty. Rather, the test is one of reasonable doubt. A reasonable doubt is a doubt based upon reason and common sense. Proof beyond a reasonable doubt must be proof of such a convincing character that, after consideration, you would be willing to rely and act upon it without hesitation in your important affairs. A defendant is never to be convicted on mere suspicion or conjecture.

The burden of proving the defendant guilty beyond a reasonable doubt always rests upon the prosecution. This burden never shifts throughout the trial, for the law never imposes upon a defendant in a criminal case the burden or duty of calling any witnesses or producing any evidence. A defendant has the absolute right not to testify, and you must not draw any inference against the defendant for not testifying. A reasonable doubt may arise not only from the evidence produced, but also from a lack of evidence. Since the burden is upon the prosecution to prove every essential element of the crime charged, beyond a reasonable doubt, a defendant has the right to rely upon the failure of the prosecution to establish such proof. A defendant may also rely upon evidence brought out on cross-examination of witnesses for the prosecution.

1.10: Witness Credibility

You may believe all, part, or none of the testimony of any witness. You need not believe a witness even though the witness’ testimony is uncontradicted. You should act reasonably in deciding whether or not you believe a witness and how much weight to give to the witness’ testimony. In deciding whether to believe a witness or how much weight to give a witness’ testimony, you should consider anything that reasonably helps you to judge the testimony. Among the things you should consider are the following:

- (1) the witness’ attitude, behavior and appearance on the stand and the way the witness testifies;
- (2) the witness’ intelligence;
- (3) the witness’ opportunity and ability to see or hear the things about which the witness testifies;
- (4) the accuracy of the witness’ memory;
- (5) any motive of the witness not to tell the truth;
- (6) any interest that the witness has in the outcome of the case;

- (7) any bias of the witness;
- (8) any opinion or reputation evidence about the witness' truthfulness;
- (9) any prior criminal convictions of the witness relating to honesty or veracity;
- (10) the reasonableness or unreasonableness of the witness' testimony; and
- (11) the consistency of the witness' testimony and whether it is supported or contradicted by other evidence.

1.14: Direct/Circumstantial Evidence

A fact may be proved by direct evidence, by circumstantial evidence, or by both. Direct evidence is given when a witness testifies about an event which the witness personally saw or heard. Circumstantial evidence is given when a witness did not personally see or hear an event but saw or heard something which, standing alone or taken together with other evidence, may lead a juror to conclude that the event occurred. Both types of evidence are admissible and may be considered by you. Neither is entitled to any greater weight than the other.

1.15: State of Mind

State of mind may be shown by circumstantial evidence. It can rarely be established by any other means. While witnesses may see and hear and thus be able to give direct evidence of what another person does or fails to do, no one can see or hear the state of mind with which another person's acts were done or omitted. But what a person does or fails to do may indicate that person's state of mind. In determining issues of state of mind, the jury is entitled to consider any statements made and acts done or omitted by the person, and all facts and circumstances in evidence which may aid determination of state of mind.

CASE-SPECIFIC INSTRUCTIONS

Second Degree Assault (AS 11.41.210):

Logan Wheeler, the defendant in this case, has been charged with the crime of assault in the second degree. To prove that the defendant committed this crime, the state must prove beyond a reasonable doubt each of the elements of the crime of assault in the second degree. There are two theories of assault in the second degree applicable to this case, and you as the jury can find guilt under either theory. Jury members need not agree on which theory is applicable, only that the defendant is guilty. Therefore, the prosecution must prove either:

- (1) the defendant intended to cause physical injury to another person;
- (2) the defendant caused physical injury to another person; and
- (3) the defendant caused the injury by means of a dangerous instrument.

OR

- (1) the defendant caused serious physical injury to another person; and
- (2) the defendant caused the injury recklessly.

Justification: Use of Nondeadly Force in Defense of Self (AS 11.81.330):

A claim of self-defense has been raised in this case. Unless the State has proven beyond a reasonable doubt that the defendant did not act in self-defense, you shall find the defendant not guilty. The law of self-defense regarding the use of nondeadly force is as follows:

A defendant may use nondeadly force upon another when and to the extent the defendant believes it is necessary for self defense against what the defendant believes to be the use of unlawful force by the other person. The defendant's beliefs must be reasonable under the circumstances. However, a defendant may not use nondeadly force in self-defense if :

- (1) the force involved was the product of mutual combat not authorized by law; or
- (2) the defendant provoked the other's conduct with intent to cause physical injury to the other; or
- (3) the defendant was the initial aggressor.

In any of these three circumstances, the defendant may use nondeadly force if the defendant has withdrawn from the encounter and effectively communicated the withdrawal to the other person and the other person persists in continuing the incident by the use of unlawful force.

Self-defense may apply where a defendant reasonably perceived a threat of harm, so long as the perceived harm was imminent. The reasonableness of a defendant's beliefs must be evaluated by the jury based on the circumstances of the situation facing the defendant, including any relevant knowledge the defendant had about the other person, physical attributes of all persons involved (including the defendant), and any prior experiences that could provide a reasonable basis for the defendant's beliefs.

Definitions (AS 11.81.900): The following definitions shall be used in this trial:

A person acts "**intentionally**" with respect to a result described by a provision of law defining an offense when the person's conscious objective is to cause that result. When intentionally causing a particular result is an element of an offense, that intent need not be the person's only objective. If a person acts "intentionally" then that person also acts "recklessly."

A person acts "**recklessly**" with respect to a result or a circumstance described by a provision of law defining an offense when the person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such a nature and degree that disregard of it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who is unaware of conduct or a circumstance of which the person would have been aware had that person not been intoxicated acts knowingly with respect to that conduct or circumstance.

A "**dangerous instrument**" means (A) any deadly weapon or anything that, under the circumstances in which it is used, attempted to be used, or threatened to be used, is capable of causing death or serious physical injury; or (B) hands or other objects when used to impede normal breathing or circulation of blood by applying pressure on the throat or neck or obstructing the nose or mouth.

"**Serious physical injury**" means (A) physical injury caused by an act performed under circumstances that create a substantial risk of death; or (B) physical injury that causes serious and protracted disfigurement, protracted impairment of health, protracted loss or impairment of the function of a body member or organ, or that unlawfully terminates a pregnancy.

PROSECUTION WITNESSES:

AFFIDAVIT OF SAM MEIKUK

1. My name is Sam Meikuk. I'm forty-three years old, widowed, with three children – Jennifer, who is 20, Wendell, who is 17, and Evan, 12. I don't have much to say. Logan Wheeler hit me in the head with an aluminum softball bat. S/He admits it, and s/he should go to jail for it.
2. Logan hit me at the annual Meikuk-Wheeler softball game. We Meikuks had won for the sixth straight year. I knew we would win. So, after the game, as Logan was getting ready to leave, I went over to her/him to rub it in a little bit. Nothing serious, just a little friendly teasing. Logan would have done the same thing to me if the Wheelers had lucked out and won the game.
3. I think I said something about how Logan was such a good cook and that I'd really enjoy the food. I mean, it's not often that I compliment a Wheeler. And Logan goes all ballistic. I could tell from the way Logan was talking that s/he was drunk. Logan is always drunk, so this is no surprise. What I really should have done is tell Logan it was unsafe for him/her to drive home. A couple of years ago, Logan wrecked his/her car driving home one night drunk. No one was hurt, not even Logan. But, it is only a matter of time before Logan gets into another accident, and we might not be so lucky next time, now that Logan has a big truck.
4. Anyway, after I make this innocent joke about enjoying Logan's food, Logan accused me of cheating at softball. Said that Tom Coulter shouldn't have been allowed to play on the Meikuk team. I thought this was supposed to be a friendly game. I didn't see any problem in Tom playing. I mean, he and Jennifer are starting to get pretty serious. And, it's not like there is a rulebook saying you had to be a family member to play. It's a stupid rule anyway. So, I lied to Ed Frank and said that Jennifer and Tom were engaged. I didn't see anything wrong with this. I'm sure they'll be engaged soon enough.
5. I told Logan that who was and wasn't in my family was none of her/his business. Well, this just angered Logan even more. Logan gets out of her/his truck. And, I could see Logan grabbing one of the softball bats from the game. I'm thinking to myself, "Whoa, what's going on here?" I could tell Logan was mad about the softball game and about thinking that I had cheated, but I didn't think s/he'd resort to violence.
6. But, accusing me of cheating wasn't the worst thing. Logan then brings my dead husband/wife, Randi/y, into it. At the time, it had only been two months since Randi/y had died, and his/her loss was a real sensitive subject for me. I still wake up nights weeping over his/her death, even now. Randi/y was a living angel, and I know s/he's up in Heaven looking down on me. For Logan to insult Randi/y is simply unforgivable. I was so distraught at Logan even mentioning Randi/y that I don't really remember what Logan said. I think it was something like Logan asking me what Randi/y would think about me cheating at softball.
7. I remember immediately putting up my right hand – I'm right handed – as if to say, "Stop! Don't talk about this any more!" I didn't hit Logan. I would never do that. I was mad at Logan, but I'm not a violent person.
8. I have to admit that I was getting kind of afraid here. I've seen Logan become violent before when drunk. For example, last New Year's Eve, at the village fireworks display, Logan was drunk again and accused me of not helping to pay for the fireworks expert the town had flown in to put on the display. My cousin Gene/Jean is mayor, so of course we chipped in. In

fact, Gene/Jean did most of the arrangements to get the person here. I told Logan s/he didn't know what s/he was talking about and to leave me alone. Well, Logan just snapped and charged at me, wanting to start a fight. Sure, I punched Logan a few times, but only so that Logan wouldn't threaten me or my family. A person's allowed to defend himself/herself, right?

9. So, I know Logan's capable of getting violent when drunk, and here Logan is drunk and standing in front of me with an aluminum bat. Like I said, I had put my hand up, almost instinctively, when Logan started talking about Randi/y. Logan swatted my hand away. I shoved Logan back, you know, to try to create some space between the two of us. I may have shoved back a second time; I don't remember. Then I started to think, "Well, if Logan's got a bat, I'd better get out of here."

10. I started to back up a bit, still facing Logan. I could see Logan had this wild look in her/his eyes. Logan reared back and was holding the bat like s/he was going to take a swing. A full out swing of the bat at me! And sure enough, Logan did it! At least, I assume Logan did. After seeing Logan getting ready to take a swing, the next thing I remember is being revived by Dr. Sanchez with all my family standing around me.

11. I was still pretty woozy when Dr. Sanchez revived me with smelling salts. I was bleeding massively from the side of my head, and couldn't stand without someone to hold me up. To be honest, most of what happened over the next several hours is still a bit of a blur to me. I remember that Dr. Sanchez brought me into the New Shavlik Clinic for observation overnight. That must have been pretty boring for Dr. Sanchez, as mostly all I did was sleep. I think Dr. Sanchez also gave me a couple of X-rays of my head to make sure my skull wasn't fractured. Thankfully, it wasn't. The next day, Dr. Sanchez put me and Gene/Jean on a plane to Cicely so that I could receive more thorough testing. I was still pretty groggy, so I definitely needed Gene/Jean to go with me.

12. The Cicely Regional Hospital has a lot more sophisticated equipment than we have at the clinic in New Shavlik. That's not surprising and all. At Cicely they gave me more X-rays and put me in this enclosed scanning sort of machine. Fortunately, the doctors there didn't discover any major damage. I was still in a great deal of pain, though, so they also gave me some pretty powerful painkillers. This kept me groggy, but I didn't mind that. I slept a lot.

13. My vision was kind of blurry at the time. I figured that would go away as I healed, but I still get spells of blurry vision from time to time. The doctors in Cicely and Dr. Sanchez haven't been able to detect any permanent damage to my vision, but I didn't have this problem before Logan hit me with that bat. I also, even now, continue to get serious migraine headaches from time to time. The usually follow the period of blurry vision. I guess it is good that I get a warning the migraine is coming. If I'm not out in the wilderness, it allows me time to go home, take some aspirin, lay down, and just hope the migraine isn't too severe. I also didn't used to get migraine headaches before Logan injured me. I'd say I probably get one of these blurry vision/migraine headache spells every two or three weeks. My doctors say the frequency may lessen over time but there is no guarantee. I did have them a lot more the week or two after the injury, so I hope they are right.

14. I stayed at the hospital in Cicely for four days total before I was released to go back to New Shavlik. On Tuesday, Officer Jo(e) Stanton paid me a visit in the hospital on the way out to New Shavlik to arrest Logan. Officer Stanton asked me what happened, so I told her/him the same things I just recited about how Logan was drunk and being aggressive and how Logan hit me with a softball bat as I was trying to back away. Officer Stanton told me s/he'd "take care of things." I've known Officer Stanton ever since s/he was assigned to be the Trooper for New Shavlik and have come to trust Officer Stanton as a devoted public servant. Officer Stanton has

never taken any nonsense from anyone, so I knew that s/he'd make sure that justice was served and that Logan Wheeler was put in jail where s/he belongs.

15. I know that Logan thinks the Meikuks have a grudge out against the Wheelers. That's not true. I mean, we Meikuks know we are better than the Wheelers, but we don't hate them for it. We founded New Shavlik and have always been a well respected family in the village. We are better hunters and fishers and better at traditional crafts. Logan Wheeler is a drunk, and the rest of his/her family is ashamed of it. The rest of the Wheeler family isn't much better and has never accomplished much of any significance. I only have a high school education, but my sister Natalie went to medical school and became a doctor. A few other Meikuks have gone to college and gone on to get good jobs outside of New Shavlik. Only a couple of the Wheelers have even gone to college, and I don't think either of them finished. It's not my fault if Logan and the rest of the Wheelers are jealous of us.

16. I do have handgun that I sometimes carry around with me, but not all the time. It is a .38 caliber Smith & Wesson revolver. I also have a holster that I put the gun in when I am carrying it around. I usually slip the holster, which can be used with or without a belt, in my jeans in the small of my back. I didn't have the gun with me at the softball game. Why would I risk bring it there with all those small children around? That would be very irresponsible of me. I only carry it around for protection, such as if I am wandering around New Shavlik at night. Not only do we have some pretty unsavory characters in New Shavlik, we also have some pretty unsavory animals. Fortunately, I've never had to use the gun on anyone, not even as a threat. I did have to shoot Clyde Parson's dog when it got loose and looked like it was going to attack me. Clyde had a big dog, and it was late at night and I thought it might be a wolf. I also have a few rifles that I use for hunting and target practice.

17. My family and I mostly get by through subsistence hunting and fishing. I'm worried now about going out on long trips to our fishing camp because of my migraine headaches. I never know when I am going to need more serious medical care. I also earn money in town by working as a teacher's aide at the school during the school year. I need to be depended on to be at school when the teacher needs me, and I'm worried that I might not be able to continue working if I have to take off so many days because of migraine headaches. I've already missed a lot of time this year and wouldn't be surprised if I am let go at the end of the school year. All of this is Logan's fault, and I hope that s/he is put away for a long time for what s/he has done to me.

AFFIDAVIT OF GENE/JEAN MEIKUK

1. My name is Gene/Jean Meikuk. I am forty-six years old. I am Sam Meikuk's sister/brother, and proudly so. Never married; never found the right person. I treat Sam's three children as if they were my own and spoil them rotten. I am also currently the mayor of New Shavlik. I was elected in August Year-1, defeating Marc(y) Wheeler, Logan's husband/wife. The previous mayor was also a Meikuk, my cousin Stan, but he moved to Cicely, so the position was open for a few months. I also work as the postmaster and only delivery person for New Shavlik. This is a part-time job, as we only get mail three times a week. Still, I like wandering around town talking to people.
2. Logan Wheeler has always been a trouble-maker in town. Logan even accused me at a town meeting of stealing the election. That was ridiculous. Logan was just being a sore loser. New Shavlik is not exactly a thriving metropolis, so it's not like being mayor is all that powerful a position. I think Logan thinks that us Meikuk's secretly manipulate what everyone in New Shavlik thinks. The Meikuk's are proud to play an active role in the community, and New Shavlik responded to that by electing me mayor. But to say that I stole the election or that Sam is turning the village against the Wheelers? Logan is just being paranoid.
3. Or, like the fight that Logan got into with Sam at last year's New Year's Eve fireworks show. We don't get much entertainment out here in New Shavlik, so I thought it would be nice if the village could have a fireworks display to brighten the cold winter evening. I called around and found a pyrotechnics expert who amazingly was not already booked that evening. Well, "expert" may be going a bit too far. I think it was the daughter of an owner of a fireworks store out in the Mat-Su Valley, but still, it was better than nothing. Between her fee, the plane tickets out to New Shavlik, and the cost of the fireworks, the bill ran to a little over \$3,000. I was determined not to contribute any of the village's money toward the show, so I organized a fundraising drive to help pay for it.
4. To her/his credit, Logan donated \$300 to the event, though I'm sure most of this came from profits from the restaurant. I donated \$200 of my own money toward the display, even though I had also spent a lot of time organizing it. I don't recall that Sam donated any money toward the fireworks display. When we were getting close to this goal, I think I may have mentioned this to Brit Terry, who was on the organizing committee with me, what as it was. I asked Brit to go see if Sam could spare any money for the fireworks display. I'm not sure if Sam gave Brit any money, but I do know that between the ten people on Brit's list, we did raise the final \$400 to cover our expenses.
5. Even if Sam didn't give Brit any money for the fireworks display, this is no reason for Logan to start a fight with Sam on New Year's Eve. I didn't witness the fight, but I heard about it afterwards from Sam. It sounds like Logan was drunk ... again. Not that this is any surprise. Sam does so much good for New Shavlik that Logan had no reason to get all mad at him/her. Sam has helped organize community plays while working at the New Shavlik school. These productions aren't much, but they do help alleviate boredom in the village. Sam has also generously taught a lot of New Shavlik children – even those who aren't Meikuks, in fact, even a couple of Wheeler children, I think – how to fish. Sure, Logan runs the only restaurant in New Shavlik, Mama's Cookin', but that is for profit. Sam does everything s/he does for New Shavlik for free. So, it was really disrespectful when Logan accused Sam of not contributing to the fireworks display and implying that Sam never did anything good for New Shavlik. Logan never should have lost her/his cool like that and attacked Sam. I'm just glad Sam was able to defend

himself/herself and wasn't hurt. Unfortunately, the same scene repeated itself at the annual Meikuk-Wheeler softball game.

6. My bones are starting to get a bit creaky, but I did play on the Meikuk team. Sam put together a good team this year. Tom Coulter was the star of the game. These games are always casual fun. Yeah, there is a big bet riding on the game, but the whole event is meant to bring the two families together. The picnic bet just makes the game a little more interesting, especially for those that aren't playing. The Meikuks have been fortunate enough to win for the last several years. Nothing like getting Logan Wheeler's fine cooking for free!

7. Logan had definitely been drinking during the game. Logan should know s/he's an alcoholic and shouldn't drink, definitely not in public. I remember seeing Logan down several beers between innings and while on the bench. You could tell this was having an affect on Logan, because her/his play deteriorated as the game went on. By the eighth and ninth innings, Logan was missing several easy plays at second base. Let a grounder go through her/his legs and then dropped a catch on a tag out. Logan wasn't stumble-bum drunk, but there was no doubt in my mind that Logan was drunk. I was a bit concerned when I could see that Logan was the only Wheeler left, which meant Logan would be driving home, but I wasn't really in a mood to try to stop Logan. Since Logan was leaving, I didn't think anything would happen, despite her/him being drunk. Boy was I wrong!

8. Once again, while drunk, Logan showed that s/he is a sore loser. After the game was over, the other Wheelers cleared out pretty quickly, but Logan stayed behind to clean up a bit. I remember Sam saying to me that s/he was going to go over to Logan to wish him/her better luck next year. I guess Logan took the game a bit too seriously. I was eyeing the food, trying to figure out what I wanted to eat first, and the next thing I know I hear yelling coming from Logan and Sam. The covered area with the food was about eighty or so yards from where Logan's truck was parked near home plate of the ballfield. I couldn't really make out what was being said, but I turned to see what was going on, and Sam had her/his hand in Logan's face. At first, I thought Logan was going to slap Sam. But then it became clear to me that Sam was just trying to calm Logan down. Like I said, I couldn't hear what Logan said, but even from a distance it was clear s/he was pretty mad.

9. The next thing that happened was that Logan shoved Sam. Sam then pushed Logan back, but not really hard or anything. Mostly, it just looked like Sam was trying to keep Logan at a distance. I should have gone over there to help Sam, but I was just kind of frozen where I was. You know, sort of like watching a train wreck. Logan was definitely losing it and shoved Sam a second time, this time with even more force. It was at this point that I realized that Logan had a bat in his/her hand. I don't know why – Sam wasn't going to hurt Logan. I feared the worst.

10. I guess Sam must have seen the bat too, because s/he started to back away slowly. Sam was maybe four feet away from Logan, and Logan wildly swings the bat as if s/he was back in the softball game and Sam's head was the softball. And, this wasn't a soft swing, it was a swing for the fences. Logan hit Sam full on; I'm surprised I didn't hear Sam's head crack. Sam immediately dropped like a rock.

11. I started running over toward Sam, along with a bunch of the other Meikuks. Logan could see us coming, because s/he quickly jumped back in his/her truck and backed up almost immediately. As I got over to Sam's fallen body, I distinctly remember Logan sticking his/her head out of the truck window and saying, "I guess I just hit a home run." It was almost eerie how calmly Logan said it, as if hitting Sam in the head with a bat was no big deal. I'm sure some of us Meikuk's would have jumped into the truck and throttled Logan, but Logan sped away before we could get to him/her.

12. My first thought, of course, was about Sam. Sam had fallen on her/his left side, and you could see a pool of blood slowly seeping out from under Sam's head. My nephew Dylan rolled Sam over onto her/his back. Sam was completely motionless. Dylan pulled off the sweatshirt s/he had tied around his/her waste and held it against Sam's left temple to help stop the bleeding. I knew Sam needed medical help and fast. We don't have cell phone service in New Shavlik, but fortunately there was a public payphone at the field, as it sort of doubles as a town commons. I didn't want to leave Sam, so I told Dylan that I'd take care of Sam and to go call Dr. Sanchez. I think it was about 5:30 or so when Dylan called Dr. Sanchez.

13. I hear Logan claims s/he hit Sam because Sam was carrying a gun. Sam does have a gun, but so do most people in New Shavlik. We need guns to hunt, to survive. I know for a fact that Logan has a hunting rifle. But whatever, Sam wasn't wearing his/her gun at the softball game and certainly didn't have it on him/her when Logan started that fight with him/her. I was there, I helped take Sam to the clinic. If Sam had a gun, I would have seen it. But there was no gun. Logan was just making that up as an excuse for what s/he did. Just like I bet Logan had Marc(y) hit her/him in the face to cause that black eye so that it would look like Sam had hit Logan. You just can't trust anything Logan does or says.

14. Dr. Sanchez got there pretty quickly. In the meantime, Ed Frank left to go over to see Logan. Ed said he was going to try to get Logan to accept blame and come back to apologize. In a way, I'm glad that Ed wasn't successful, because we were so fired up that we would have torn Logan apart. Logan never has apologized to this day. I can't believe that Logan is claiming s/he hit Sam in self-defense. That is the most ridiculous thing I've ever heard!

15. Dr. Sanchez looked over Sam, did some tests, that sort of thing. I don't really understand what Dr. Sanchez was checking for. When Dr. Sanchez told us that Sam was going to recover I practically jumped for joy. Dr. Sanchez put something under Sam's nose, and Sam jerked awake. It was almost like magic. Sam was still bleeding pretty badly, so Dr. Sanchez put a bandage on Sam's head and told everyone that Sam needed to come back to the New Shavlik Clinic to spend the night for observation. I offered to Dr. Sanchez that s/he didn't need to get her/his truck all bloodied up and that I would drive Sam to the Clinic instead. I was really worried about my brother/sister and Dr. Sanchez could sense this, so s/he let me do it.

16. I wanted to stay overnight with Sam, but Dr. Sanchez told me there was no reason for me to spend the night at the clinic and that I should rest up so that I could take Sam to the hospital in Cicely the next day. I was still pretty mad when I got home. I knew that something had to be done before Logan injured someone else. So, I called Officer Jo(e) Stanton, whose territory covers New Shavlik, and told her/him what had happened. I said that Logan had been drunk again but that this time s/he had hurt someone really bad. Sam had been knocked unconscious, was currently in the clinic, and that I would be taking him/her to the hospital in Cicely the next day. I told Officer Stanton that as both mayor and as a citizen something needed to be done about Logan Wheeler. Logan was setting a bad example for the youth of New Shavlik and needed to be put in jail to teach them a lesson and keep everyone in town safe. Officer Stanton said that s/he was going to be in Carverville on Monday but that s/he would come by the hospital on Tuesday to talk to me and Sam and determine if Logan needed to be arrested.

17. Sam's head was still swollen up when we left for Cicely Sunday afternoon. Since it was Sunday, we couldn't go on the regular mail plane and had to charter a flight. Fortunately, I have a friend in New Shavlik who has a plane and was willing to fly us for just the cost of gas. Gas is pretty expensive, but it was still a lot cheaper than having to get Black Bear Air to come retrieve us. Black Bear Air is a private outfit that schedules regular flights to New Shavlik around the mail run so that it can get the flights partially subsidized. Like I said, though, they don't fly on

Sundays. It was a little windy Sunday morning, so we couldn't get out of town until a little after noon. We got into Cicely at about 2:00 and immediately went to Cicely Regional Hospital. Sam was admitted for care and observation. The nurses told me they would wait until the next day, when Sam's swelling went down a bit more, before doing any tests.

18. Sam got good care at the hospital in Cicely. Sam was very groggy as a combination of the injury and being drugged up. All sorts of tests were done on Sam on Monday to make sure there wasn't any permanent injury. I know the doctors say they didn't find anything more than a concussion, but I also know that Sam says s/he still gets persistent migraine headaches and sometimes has blurry vision. I don't see any reason why Sam would lie about that.

19. The next day we got a visit from Officer Stanton. S/He had me step out of the room and talked to Sam for a bit. Then, Officer Stanton took me into a separate room and asked me what had happened at the softball game. I told Office Stanton about Logan being drunk and how Logan had gotten out of his/her truck for no reason and then started a fight with Sam. I then recounted how Logan had shoved Sam a few times and then how while Sam was trying to back away Logan hit Sam as hard as s/he could with the bat. Officer Stanton said s/he had what s/he needed and that s/he'd take care of things. I sure am glad that Officer Stanton is responsible for New Shavlik because s/he always does a good job of enforcing the law. As mayor, I know how hard it is living out in a village where there is not a permanent police presence. Usually, nothing major happens and we can take care of things ourselves, but this time we definitely needed help. And Officer Stanton was there to give it.

20. I have to say that things have been a lot calmer in New Shavlik ever since Logan Wheeler got arrested. The Wheelers have become friendlier now that their agitator is gone. And, everyone in town has learned not to step over the line and bring the Troopers down on them. I can't say that everything has changed for the better – Mama's Cookin' hasn't been the same since Logan left. All in all, though, I'm glad that Logan is behind bars. S/He deserves it, and I hope s/he stays there.

AFFIDAVIT OF OFFICER JO(E) STANTON

1. My name is Jo(e) Stanton. I am 31 years old. After college I spent over four years in the U.S. Coast Guard, where I was periodically stationed in various parts of remote Bush Alaska. Although originally from California, I fell in love with the Alaskan wilderness and decided to stay after my stint in the military.

2. When I was 27, I applied for a position as an Alaska State Trooper. A year later, after successfully completing over seven months of training in Sitka at the Trooper Academy, including a month of work under the supervision of a veteran field training officer, I got my first posting in Cicely, where I've been for the last three years. Cicely is a city of about five thousand people located in the heart of Bush Alaska. During my time in Cicely, as one of only several Troopers in the region, I have responded to hundreds of dispatch calls – including just about every kind of call a peace officer could imagine.

3. Typical with such a remote posting, I also service the surrounding villages in addition to Cicely. My “jurisdiction” includes 6 different villages and is spread out over 20,000 square miles. It is not uncommon for me to be called to multiple villages in one day and not be able to get to one of the villages to investigate until several days later. Also, access to some of the more remote villages, like New Shavlik, can be very difficult, sometimes requiring several days of patient waiting for a storm to clear before being able to fly in or out by small plane. Because of the vast territory I must cover, sometimes I don't get to spend as much time on an investigation or a case as I'd like to.

4. On Saturday evening, August 18, I received a call from the Mayor of New Shavlik, Gene/Jean Meikuk, requesting that I respond to an incident in the village involving an alleged assault at a village softball game. Gene/Jean was noticeably upset. S/He informed me that one of the two people involved in the fight, his/her sister/brother Sam Meikuk, was being transported to the Cicely Regional Hospital for medical treatment for injuries suffered as a result of the altercation. Gene/Jean conveyed that it had been Logan Wheeler who struck Sam and that Logan Wheeler was inebriated at the time. This did not surprise me, both in the sense that Logan Wheeler is frequently drunk, and in the sense that Logan and Sam are frequently at odds with each other. Gene/Jean implored me to arrest Logan. I wouldn't commit to that yet, but I could tell there was a solid basis for investigating in more depth. I informed Gene/Jean that I was already scheduled to go to Carverville on Monday to investigate a domestic violence incident, but that I would be returning to Cicely that evening and would meet with him/her and Sam the next day at Cicely Regional Hospital.

5. On Tuesday morning, August 21, I met Gene/Jean Meikuk at the hospital in Cicely and had a chance to interview Sam Meikuk. I first spoke with Sam from his/her hospital bed to get his/her version of events before meeting with Gene/Jean. According to Sam, his/her family team had won the village softball grudge match between the two predominate families in New Shavlik, and Logan Wheeler, the coach of the opposing Wheeler team, took it personally. After the game, Sam reported s/he congratulated Logan on the great food s/he had made and let Logan know s/he was enjoying the spoils of victory.

6. According to Sam, Logan, who appeared to Sam to be intoxicated, took offense to Sam's teasing and became visibly upset. Logan accused Sam of cheating by adding a non-family member to the team who was significantly better at softball than everyone else. Sam reported that Logan then said something to the effect that Sam's deceased spouse Randi/y, who had only recently died in a boating accident, would not have approved of Sam cheating. Tempers flared

and Sam admitted becoming upset and saying, “Hey, don’t talk about my husband/wife that way.”

7. Sam recounted that Logan then extricated herself/himself from the vehicle with a baseball bat in her/his hand. Sam feared that Logan was intoxicated and dangerous. Sam raised his/her right hand in an attempt to de-escalate the situation. Pushing and shoving between the two of them ensued and then last thing Sam remembers is Logan raising the bat and striking him/her in the head. Unprompted, Sam added that although s/he owned a hand gun and often carried it with him/her, s/he did not bring the gun to the game.

8. I noted that Sam appeared slightly disoriented and had large bandages wrapped around his/her head. His/her speech was slightly slurred, and I could tell from the look in his/her eyes that Sam was having difficulty concentrating. However, s/he appeared cogent and mentally lucid.

9. I then left the room and met with Gene/Jean Meikuk in an unoccupied hospital room. S/He remembered seeing Logan drinking beer during the game and believed s/he was intoxicated based on Logan’s poor motor skills near the end of the game. Gene/Jean informed me s/he was eating at the barbeque after the game when s/he heard raised voices from across the parking lot. S/He looked up and saw Sam holding his/her hand in Logan’s face as if trying to keep Logan at bay. Gene/Jean said they both seemed mad. Gene/Jean then saw Logan push Sam and Sam defend herself/himself. Gene/Jean observed Logan with a baseball bat take a full swing at Sam and strike Sam in the head. Sam collapsed on the ground and Gene/Jean ran over to help. As Gene/Jean approached, Logan drove off saying “I guess I hit a home run.”

10. I finished my interview with Gene/Jean and left the hospital. I then arranged for a charter flight to New Shavlik that afternoon. Although I felt I had probable cause to arrest Logan at that time, based on the reports of Sam and Gene/Jean Meikuk, I believed additional investigation would be behooving. Tuesday night I stayed at Burley’s Brown Bear B & B owned and operated by Ted Burley, the local fishing and hunting guide in New Shavlik. Over a breakfast of pancakes and bacon the next morning, Ted mentioned he’d heard that Sam got beat up pretty good but wondered how that could have happened in light of the fact that Sam is always carrying a “rocket in his/her pocket.” I always liked staying at that B & B because Ted keeps his ear to the ground and also makes great breakfasts.

12. After breakfast, I wandered over to the New Shavlik community ballfield to survey the scene. I had been to the ballfield a couple times before, but never to view it as a crime scene. I knew I needed to take a couple of photographs to use as evidence, and the State provides us with digital cameras to do this. Gene’s/Jean’s estimate of 80 yards between the sheltered food area and the edge of the ballfield, where Logan had parked was a bit too short, but within the ballpark, so to speak. I paced out the distance and estimated it to be 100 yards.

13. I interviewed Dylan Meikuk, Sam’s and Gene’s/Jean’s nephew/niece, toward the latter part of the morning in order to complete my accumulation of investigative evidence. According to Dylan, both Logan and Sam have taken the family rivalry too far. Dylan remembered riding to the game with Sam and discussing Sam’s gun. Sam told Dylan s/he was bringing the gun to the game for protection against the Wheelers. Dylan suspected instead that Sam was carrying the gun as a form of intimidation to bolster his/her tough-person status in the community. Dylan said s/he was friends with the Wheelers and didn’t understand why his/her uncle/aunt conducted himself/herself in such a hostile manner towards that family. Dylan said Sam told him s/he lied about their star softball player being part of their family so that they would have a competitive edge against the Wheelers.

14. After the game, Dylan saw Sam walk over to Logan in his/her car and surmised s/he was planning to taunt Logan. Dylan said s/he was watching the whole time, not trusting that Sam wouldn't do something. Dylan estimated s/he was about 100 yards away at the time, when s/he could hear loud voices and saw Logan get out of the truck with a baseball bat. Dylan reported that out of nowhere, Sam punched Logan in the face. Logan then reacted by hitting Sam on the left side of his/her head with a half-swing of the bat.

16. Dylan said s/he watched Sam fall to the ground before s/he started running over to help. Dylan arrived at about the same time as Gene/Jean and helped wrap Sam's head in an old flannel shirt. Sam wasn't moving and appeared unconscious. As Logan drove away, Dylan heard him/her say, "I think I'll be leaving now."

17. I concluded my interview with Dylan and realized there was conflicting evidence. However, I didn't have time to conduct any more interviews if I wanted to get the warrant, pick up Logan and fly out that evening. A storm was heading that direction and I didn't want to get stuck in New Shavlik for a week. Regardless, I believed Logan was likely the primary aggressor and Sam had suffered serious injuries, so I knew I had enough for a warrant. I figured I'd let the attorneys sort it all out.

18. From the Brown Bear I called Judge Fairchild back in Cicely and testified by telephony regarding the events surrounding the assault and requested a warrant for the arrest of Logan Wheeler. Before finally issuing the warrant, Judge Fairchild asked a lot of questions, particularly about whether there were any weapons involved in the incident. I assured Judge Fairchild that no weapons had been involved. Ted Burley was talking in the background and kept trying to interrupt me, always trying to add hearsay information. I had to hush him up so I could hear the Judge properly.

19. Armed with the warrant, I proceeded to Mama's Cookin' to arrest Logan. Before entering the establishment, I took a couple pictures of Logan's truck to add to my report. Logan knew immediately upon seeing me why I was there. I read Logan her/his rights and explained that s/he was being arrested for assault against Sam Meikuk. Logan was upset but relatively cooperative. S/He kept stating repeatedly, "It was self-defense!" I explained that it wasn't my problem and again warned Logan that anything s/he said could and would be used against her/him in a court of law. I reminded Logan that a jury would decide if s/he was telling the truth. It was getting close to the departure time for our flight, but I knew we had to make a quick stop at Logan's house to secure as evidence the baseball bat Logan used to injure Sam. By that time Logan wisely saw there was no point in resisting further and compliantly gave me the bat. We got to the airport just in time to catch our flight. Upon arriving in Cicely, I transported Logan to the Cicely Correctional Center — the "Triple C" as we Troopers like to call it.

20. Over the years, I've had several dispatch calls regarding Logan Wheeler and most, if not all of them, involved public inebriation. Because Logan has access to alcohol through his/her restaurant, s/he tends to indulge. None of the incidents was serious enough, however, to warrant a visit by me. After all, no one got hurt. Maybe I should have gone there and arrested him/her earlier to send Logan a warning to stop drinking so much. Maybe then I could have prevented this whole thing from happening.

21. Sam, on the other hand, has always been upfront and honest with me, and s/he's never caused any trouble. That's why when I was called by Logan's husband/wife Marc(y) to investigate an altercation between Logan and Sam at a New Year's Eve celebration last year, I was skeptical when I heard that Sam had caused the fight. Turns out, it was Logan who had been drinking and who was picking on Sam. Sounds like Logan was just seeking retribution at the softball game for the last time Sam got the better of him/her.

DEFENSE WITNESSES:

AFFIDAVIT OF LOGAN WHEELER

1. My name is Logan Wheeler. I am thirty-nine years old and married with two children. I have lived in New Shavlik all of my life, and my family was one of the founding families of New Shavlik. I run a small restaurant in town – Mama’s Cookin’. Nothing fancy, standard burgers, pasta, and so on. I don’t make that much money, but I enjoy seeing all the people that come in to eat. Good way to catch up on town gossip.

2. I like to think of my family as civic leaders of New Shavlik. It is a small and young town, but three of the last seven mayors of New Shavlik have been from the Wheeler family. The residents of New Shavlik know they can come to the Wheeler family if they are in trouble. My family and I are very generous, always giving away some of our food so that others will not have to go hungry. My father runs the general store in the village. I don’t know how many people have lines of credit with him that he is not really expecting to collect on. Customers pay what they can when they can, and he makes enough to get by, but the important thing is to take care of the village.

3. I wish I could say the same thing about the Meikuk family. While we give, they just take, take, take. Take from community potlatches and never hold one of their own. Attending community events but never contributing any money toward them. Never fulfill their promises when they barter for goods and services. They seem to think that the village exists just for their benefit. Yeah, the Meikuk family were the ones that were the driving force behind abandoning old Shavlik and choosing the location for New Shavlik, but that doesn’t make this their village. We Wheelers were there too and played just as big a part, if not bigger, in building this town. I wish we got the respect we deserve for all the things we’ve done for New Shavlik. And I wish that other people would recognize that the Meikuks are just a bunch of bullies.

4. My kids, Robert and Allen, get the worst of it. They are only fourteen and ten, but they get picked on bad at school by the Meikuk kids. Sam Meikuk’s son, Evan, is twelve and should pick on other kids his own age, but he’s always pushing around my son Allen. And, Robert had a run in with a group of Meikuk kids about a month before the softball game. This is typical of all the Meikuks, grown ups and children alike. I’d guess there are somewhere around 300 people in New Shavlik – about a fifty or so are a part of the Meikuk family and about forty or so are Wheelers. And all the Meikuks look down on all the Wheelers like we were vermin. We try to turn the other cheek and be good neighbors, but sometimes it is difficult.

5. The worst of the Meikuks is Sam, who is sort of the ring leader of the family. Gene/Jean Meikuk may be the current mayor of New Shavlik, but everyone knows that Sam runs things behind the scenes. Everyone is afraid of Sam. It is well known that Sam always carries around a handgun with him/her. This is Sam’s way of being intimidating and making people do whatever s/he wants. Sam has never actually pulled the gun on me, but I’ve heard stories of Sam threatening other people with the gun. Sam even went so far as to point it at my sister Julie once when she was skinning a moose and refused to give Sam some of the meat. As far I’m aware, Sam’s never actually shot the gun at anyone, but that’s probably because everyone knows better than to mess with Sam. Except me. I’m tired of Sam being a bully.

6. I’ve decided over the last year that I’m no longer going to put up with Sam. I needed to do this not just for myself but for the sake of my family and all of New Shavlik. It is time that

someone stood up to the Meikuks. Maybe if people stopped caving in to everything the Meikuks asked, we could all learn to get along and everyone would be happier.

7. The first time I really confronted Sam was the New Year's party the village had to close out Year-1. Several families in New Shavlik thought it would be fun to hire a fireworks experts to put on a fireworks display. Everyone in town contributed to paying for the expert, except for the Meikuks. It was nice weather New Year's Eve. Cold, clear, about zero, but that's to be expected. And, the fireworks display was great. But, then I saw Sam and her/his family there, and I just didn't think it was fair. I went up to Sam and said, "Hey, if you are going to enjoy the fireworks, you should help pay for them." Sam said back, "Why should we, looks like they got paid for." I heard this, and I just flipped out. I rushed at Sam and started pushing Sam, telling her/him, "Go away, you and your family aren't welcome here." Then Sam gets me in a headlock and starts punching me repeatedly in the face. Sam lets go, and I fall to the ground and Sam takes to kicking me. I mean, I wasn't fighting back at that point. I just sort of lay there. After Sam finishes kicking me, s/he just sort of snorts at me, "Know your place, Wheeler, and stop causing trouble." I wish I'd had the strength to get back up and punch Sam right in the mouth.

8. After that New Year's Eve, I've tried to keep my distance from Sam, but I knew I couldn't avoid seeing Sam again at the annual Wheeler-Meikuk softball game. The softball game is a tradition between our two families for the last 34 years, back to when I was a young kid. It started as a fun get together when the Wheelers and Meikuks were really the only two families in New Shavlik. We'd have the game toward the end of the summer, after most of the salmon had been caught and right at the beginning of berry picking season. This was back before dad opened up his general store, so it was quite an effort to get so much food together. There was always all this great food, though. The first dozen or so years of the softball game, both families shared the food after the game. It was a celebration of friendship in the village. But over time the softball game became more contentious. Then, one year, the two families decided to bet the food on the outcome of the game. Since then, the winner of the softball game has gotten to enjoy the feast, and the loser has gone home with nothing.

9. That's how it was this year, too. We had the game on Saturday, August 18. The weather was a bit overcast. And, it was starting to get cool. You could tell that Fall was coming, with some of the leaves even starting to change. Like I said, the Wheelers are generous people. So, we came with lots of salmon and moose meat, along with baked beans, salads with fresh-picked berries, potato salad, a couple of pies, and a lot of other stuff. I even closed down the restaurant and spent all day cooking. The Wheelers had lost the game the previous five years, but I felt this could be our year. I had a few practices with the members of my family who would be playing the game. I mean, we're not state champion players, but I thought the practices went pretty well. We had come close to winning in Year-2; the Meikuks won only because of a couple fluke hits and a couple key errors. I felt that with any luck that wouldn't happen again this year.

10. I didn't expect Sam to cheat at softball, but sure enough s/he did. It's not like we ever wrote down any rules, but it was commonly understood that only family members could play. This doesn't include boyfriends and girlfriends. But Sam's 20-year-old daughter Jennifer is dating Tom Coulter, who's probably the best athlete in New Shavlik. Now, I don't doubt that they are dating, but when I told Sam that Tom couldn't play because only family members are allowed in the game, Sam replied, "Oh, didn't you hear, Tom and Jenny are engaged." Now, New Shavlik is a small village, and surely if that had happened, I'd have heard about it. No one has heard anything since August 18 about Tom and Jenny being engaged. I'm sure if you asked Sam about it, s/he'd say they broke it off, or something.

11. Unfortunately, we Wheelers lost the game. The final score was 13-7 in favor of the Meikuks. And, of course, Tom Coulter hit in five of those runs and scored another couple himself. I bet the Wheelers finally would have won the game if Sam hadn't have cheated and brought in Tom to play. The game finished round about 5:00 in the afternoon.

12. After the game, I told my family to go on ahead and leave. I didn't even bother asking the Meikuks if they'd share any of the food. I stayed behind to gather our family bats, gloves, and bucket of balls and generally to clean up the field a bit. There had been drinking and snacking and so on during the game, so I had cans and wrappers to clean up from our side of the field. I had a couple of beers during the game, but I wasn't drunk or anything. It took me about 15 minutes or so to clean up the trash the Wheelers had left behind. I sure wasn't going to clean up any of the mess the Meikuks had made.

13. I was just getting in my truck to leave when Sam comes sauntering up to me, all smug like. I was parked over toward the end of the parking lot near the backstop, so there was no reason for Sam to come over to me other than to pick a fight. I told Sam, "Look, I don't want there to be any trouble. Why don't you just go enjoy all that food I made and leave me alone." But did Sam walk away? Heck no. Sam gets this big grin on his/her face and says, "Yeah, you must be hungry this time of year. You keep giving me all of your food." I wasn't going to take this kind of abuse from Sam, not again. I told Sam back, "We would have won this year if you hadn't have cheated by putting Tom on your team. You know he's not Meikuk family."

14. "Oh, so you're calling me a cheater, huh? The Meikuks won fair and square because we're better than you Wheelers. If you think I'm a cheater, why don't you get out of that truck and do something about it." When Sam said this, my first thought was to just let things be and leave, but something inside of me told me to stand up for myself and my family. I slowly started to get out of my truck. As I did so, I remember grabbing a bat to protect myself because I was afraid that Sam might try to beat me up again. I kind of grabbed the bat in the middle of the barrel with my right hand. I didn't really intend to use it, I just wanted it just in case.

15. Once I got out of my truck, I decided to see if Sam could take it as well as s/he could give it. Sam's wife/husband, Randi/y, had died earlier in the summer in a boating accident. Randi/y was one of the few Meikuks I actually liked; s/he was the only one that treated me with any respect. I knew Sam was still sensitive about Randi/y's death. I shouldn't have brought Randi/y up, but I couldn't stop myself. I was so angry that I blurted out "Did Randi/y know you're a cheater? I don't think s/he'd be very proud of you right now."

16. That was a cruel thing to say, but no worse than what Sam had been saying to me all my life. And, it was no excuse for what Sam did next. Sam reeled back and punched me as hard as s/he could in my left eye. That hurt. A lot. I staggered back. Without thinking, I shoved Sam in the chest. I don't think it was very hard. Then Sam shoved me back, so I shoved Sam a second time. Sam slapped me really hard, and I was thinking to myself that this was just going to get worse, so I should just leave. I backed up slightly toward my truck. Then I saw Sam starting to reach back behind her/his back with her/his right arm. I was afraid that Sam was reaching for her/his gun. Sam was wearing jeans and a loose t-shirt. I hadn't seen Sam with a gun during the game, but s/he had plenty of time to grab it since then. I could tell Sam was getting increasingly violent. I thought Sam might be going to shoot me because of what I had said about Randi/y. Or maybe to finally get rid of me. I didn't have any choice – I had to defend myself. So, I took my bat and whacked Sam upside the head with it.

17. Sam dropped to the ground like a rock. I knew I had to get out of there quick. I mean, there were still a bunch of Meikuks there, and I was the only Wheeler. Right after Sam collapsed to the ground I looked up and could see all these Meikuks running toward me. So, I jumped in

my truck, started the engine as quickly as I could, and backed up to head off. There were several Meikuks getting close to my truck – fifteen feet or so – so I leaned out my window and said, as sternly as I could muster, “Don’t any of you follow me home now.” I was really afraid for my life after what I had done. I went straight home where I felt I could be safe. My eye where Sam hit me still really hurt. So, when I got home I drew down the shades to cut down the light and put a bag of ice on my eye.

18. My left eye hurt real bad the rest of Saturday evening and all day on Sunday. My best friend Brit Terry came to visit me on Sunday to see how I was doing and to hear about what happened at the softball field. Brit told me my face was puffy, which I hadn’t really noticed, and that I should get my eye looked at by Dr. Sanchez. The clinic Dr. Sanchez runs isn’t open on Sundays except for emergencies. I had quite a shiner, but I didn’t think it was an emergency and didn’t want to bother Dr. Sanchez. I did go in first thing on Monday morning, though. Dr. Sanchez asked me if I had been keeping ice on the eye, which I had been. S/He then asked me if my vision was okay, examined my eyes for any scratches, and gave me a quick vision test. Fortunately, Sam hadn’t done any permanent damage. The Doc told me to start soaking towels in hot water and putting them on my eye for the next few days to increase the blood flow to the eye. S/He also told me to stay away from any activities that might cause the eye to get reinjured. I did that and my eye feels fine now.

19. I didn’t think I’d get arrested for hitting Sam, especially in self-defense. I’m not saying that fights happen all the time in New Shavlik, but this wasn’t the first fight ever, and no one has ever gotten arrested before that I am aware of. I mean, it’s not like the cops came to help me out when Sam beat me up on New Year’s Eve. I wish we had more of a police presence here in New Shavlik. Officer Stanton is nice enough and all, but sometimes I feel like s/he doesn’t really like coming out here and only comes when it is absolutely necessary.

20. Unfortunately, I guess one of those times was on Wednesday, August 22 to arrest me. Since it’s not often that Officer Stanton comes to New Shavlik, it was not hard for me to guess the reason for the visit when the officer walked in the door of my restaurant. Officer Stanton, rather emotionlessly, told me that I was under arrest for assault against Sam Meikuk, that I had the right to remain silent, and that anything I said could be used against me in court. I protested that it wasn’t necessary to arrest me because I was just acting in self defense when I hit Sam. Officer Stanton said s/he didn’t care, that it would be up to the jury to determine whether I acted in self-defense.

21. Still, I’m glad I grabbed that bat. I’m sorry Sam got hurt, but who knows what would have happened if I hadn’t defended myself. I’ve been in jail the last few months, but from what my husband/wife tells me, Sam hasn’t bothered us Wheelers much since the softball game. So, I guess Sam learned his/her lesson.

AFFIDAVIT OF DYLAN MEIKUK

1. My name is Dylan Meikuk. I am twenty-two years old. I am the nephew/niece of Sam Meikuk and Gene/Meikuk through their sister Gloria. I have a high school education and am currently unemployed. I live a subsistence lifestyle.
2. I am proud of most of my family, but I am tired of Sam being such a negative influence in New Shavlik. Don't get me wrong, I'm no friend of Logan Wheeler either. I think both Sam and Logan have gone off the deep end with this whole family rivalry thing. New Shavlik is far too small for petty differences over meaningless things.
3. For example, when we went to the annual softball game last year, the one where Logan hit Sam with the bat, Sam brought her/his pistol to the game. I rode with Sam to the game, and I remember Sam saying, "Gotta be protected. You never know when a Wheeler is going to get out of hand." I told Sam just to leave the gun in the car, that nothing was going to happen and that nothing ever did happen. I'm glad that Sam listened to me. I mean, who brings a pistol to a softball game?
4. But that is just like Sam. Pretty much everyone in New Shavlik has a gun, or at least knows how to shoot one. Hunting is a necessary part of life. Plus, you need to be able to defend yourself against animals when you are out in the wild. But that is why most people have a rifle, which is much better suited for those purposes. I have a hunting rifle, but I don't carry it around with me unless I really think there is going to be a need for it. Sam has a rifle, too, but that pistol of his/hers, the only purpose that has is to shoot people. It is a .38 caliber revolver, which isn't exactly going to stop a bear charging you in the woods. I think Sam just carries around that pistol so much because it makes him/her feel powerful. That is so stupid. I mean, we live in a village of a little over 300 people. We just need to learn to all get along.
5. It was also stupid of Sam to say, "You never know when a Wheeler is going to get out of hand." When I was a teenager, as Sam started to become the head of the Meikuk family, Sam was always saying bad things to us about the Wheelers. "You can't trust the Wheelers." "The Wheelers are a burden to New Shavlik." That sort of thing. I believed it, too, until I started making friends with some of the Wheelers who were my age. I realized that they were genuinely nice people and that New Shavlik was fortunate to have two strong, resourceful families. That is why it bothers me so much when I hear Sam talk poorly about the Wheelers to her/his own kids and tells them that it is okay to pick on the Wheeler kids because they deserve it.
6. It was too bad that Randi/y died last summer in a boating accident. The whole village turned out for Randi/y's funeral. Logan Wheeler even cooked a lot of the food for the ceremony. Randi/y was well liked by everyone. Not always, but sometimes, Randi/y could be a calming influence on Sam. After Randi/y died, Sam became even more bitter and angry – angry at the world. I sort of thought that Sam might not come to the softball game last year, since Sam had been very reclusive and anti-social in those two months since Randi/y's death. But, I guess Sam couldn't turn down the chance to compete against the Wheelers.
7. I enjoyed playing in the annual softball game. I'm not very good at softball. Well, none of us are, really, except for Tom Coulter. Sam wanted to win so bad last year that s/he lied about Tom being engaged to her/his daughter Jennifer, even though Sam knew the tradition was always that you had to be related either by blood or marriage. Heck, even being engaged wouldn't really count in my book. I didn't mind, though. I mean, it's just a softball game. Yeah, there is a bunch of food riding on the outcome, but I think that whole bet thing is kind of stupid and that both the Meikuks and Wheelers should enjoy the food together after the game.

8. Not too much exciting happened during the game. There were a couple nice plays, but a lot more missed plays. Like I said, most of us aren't very good, so that's not surprising. A few people drank alcohol, but not too many. New Shavlik is damp, meaning that if you can get your own alcohol you can drink it, but stores and restaurants can't sell alcohol. In a village like New Shavlik, there is so little to do that sometimes if you start drinking it is hard to stop. That's why so many people choose not to drink in the first place. Logan Wheeler, unfortunately, is one of those people that sometimes has trouble knowing when to stop drinking. Logan can get beer and wine easily through her/his restaurant connections.

9. I do recall seeing Logan drinking beer at the softball game, but s/he wasn't really chugging them. Just sipping a beer a little bit between innings. I wasn't counting, but I'd guess that Logan only had two, maybe three beers. There were a couple of people at the game who got drunk, other Wheelers who Logan gave beer to, but Logan wasn't one of them. Logan, who was playing second base, did miss a couple of plays toward the end of the game, but I think that was more from being inept and maybe a bit frustrated at the score than from being drunk.

10. The game was over at about 5:00 p.m. After the game was over, most of the other Wheelers left fairly quickly, but Logan stayed behind to clean up a little bit. Logan had parked her/his truck right next to the backstop on the ball field. This made it easy for Logan to load up the cooler and all the softball equipment into the truck. Of course, Logan had plenty of room in the back of the truck after unloading all that great food before the game. Logan was getting in her/his truck and about to leave too, when Sam starts walking over to Logan. I know Sam was just going over there to taunt Logan. I don't know why else Sam would go talk to Logan after the game. Sam is just so immature this way. Sam just can't leave well enough alone.

11. Because I had learned not to entirely trust Sam, I kept my eye on the situation, so I know exactly what happened. Well, at least what I could see. I was about a hundred yards away from Logan's truck, so I could hear that there were some loud words being exchanged, but I couldn't hear exactly what was being said. What I saw, though, was Sam walk up to Logan's truck. Sam must have said something to tick Logan off because a short bit later, Logan got out of the truck, holding a bat. Logan was holding the bat about in the middle in his/her right hand.

12. Then, out of nowhere, Sam punched Logan in the face. It looked like a really hard punch, too. Logan stumbled backwards slightly, and I thought s/he was going to fall down. But, Logan was able to right herself/himself and shoved Sam back for what s/he had just done. Knowing Sam as I do, I feared this would only escalate, and sure enough it did. Of course, Sam shoved Logan back, and Logan returned the shove. Sam then shoved Logan a second time, this time even harder. Logan just paused there, sort of frozen. Without Logan taking another offensive action, Sam then slapped Logan as hard as s/he could.

13. I'm sure Logan was incensed by this; I know I would be. Sam sort of nonchalantly put his/her hands on his/her waste, as if waiting to see what Logan would do next. Logan and Sam were standing about two feet apart at this point. Sam then sort of swung his/her right arm behind his/her back as if s/he was about to let loose with a real haymaker punch. Logan must have been afraid that Sam was going to hit her/him again because s/he swung his/her right arm, the one with the softball bat in it, and hit Logan on the left side of the head with the barrel of the bat. It didn't seem like Logan was swinging all that hard. Logan was still holding the bat sort of in the middle, maybe at the top of the handle, but definitely not as to take a full swing with the bat. I mean, it really did look like Logan was just reacting to Sam than trying to be the aggressor.

14. Still, Logan did hit Sam with an aluminum bat. Sam dropped flat to the ground as if s/he'd been shot. I know Sam probably deserved it, but s/he's still my aunt/uncle, so I started running toward her/him. Logan paused for a moment, but then when s/he saw that a lot of the

Meikuks were running in that direction s/he jumped in his/her truck. Logan probably thought, perhaps with good reason, that the other Meikuks and I were coming to get him/her. I was more concerned about Sam, but still I shudder to think what could have happened if Logan had just stood there. It seemed that just as soon as Logan jumped in the truck, s/he started backing up. Logan backed up so fast, I was afraid s/he was going to run over Sam, but Sam had fallen a few feet to the side of the truck, which gave Logan enough room to avoid Sam. I'm kind of a fast runner, so I was the first to get to where Sam was laying. Logan had already backed up enough to head off. I yelled out to Logan, "Logan, wait!" I don't know if Logan heard me or not, but s/he leaned out the window and said, rather measuredly, "I guess I'd better be heading home now." Logan then sped off.

15. I immediately turned my attention to Sam, who was laying there at my feet. Sam wasn't moving at all, not even twitching. I could see that Sam was bleeding profusely on the left side of her/his head by the pool of blood that was forming underneath. I knew I had to do something to get the bleeding under control. I knelt down next to Sam, took off the sweatshirt I had wrapped around my waste, rolled it up in a ball, and held it to Sam's head. It was a nice sweatshirt, but I did this without a second thought about it. The sweatshirt quickly turned red, but I do believe it helped control the bleeding some.

16. Gene/Jean Meikuk, the mayor of New Shavlik and Sam's sister/brother, got to me just as I was holding up Sam's head and putting my sweatshirt to Sam's left temple, which is where s/he was bleeding. Gene/Jean can be a bit subservient to Sam at times, but I still more or less respect him/her. So, when Gene/Jean told me that s/he'd take care of Sam and that I should go call Dr. Sanchez, I did it.

17. I think it was about 5:30 when I called Dr. Sanchez. I told Dr. Sanchez that Logan Wheeler had hit Sam in the head with a softball bat and that Sam was bleeding profusely. Dr. Sanchez said s/he'd be there as quickly as s/he could. Dr. Sanchez is a great doctor. S/He arrived in under ten minutes and took good care of Sam.

18. I visited Sam in the clinic that evening. Dr. Sanchez told me that thanks to my quick thinking, Sam hadn't lost too much blood and would be alright. Dr. Sanchez said that if Sam had lost too much blood, s/he might have gone into shock and maybe even died. It's great to think I could have saved Sam's life. I don't consider myself a hero or anything, I'm just glad that Sam wasn't permanently injured. Dr. Sanchez told me that Sam would be fine, and I trust Dr. Sanchez far more than I trust Sam. I know Sam says that s/he still has migraine headaches and occasional blurry vision, but I wouldn't be surprised if Sam was just making that up to try to keep Logan behind bars.

19. Late Wednesday morning, August 22, Officer Stanton met with me about the incident at the softball field. Officer Stanton said that s/he was inclined to arrest Logan but that s/he wanted to confirm a few things in Sam's and Gene's/Jean's stories. I guess since I'm family, Officer Stanton probably figured I'd want to see Logan arrested. I knew what Logan did was wrong, but I also am smart enough to know that there are two sides to every story. I was happy to tell Officer Stanton what happened if it would help resolve the feud that led to this horrific event.

20. Like I said before, I'm no friend of Logan Wheeler. But, I also don't trust the stories Sam has been going around town saying that s/he didn't do anything wrong and that Logan hit her/him for no reason. I just want to tell the truth as best as I know it and let the jury decide.

AFFIDAVIT OF BRIT TERRY

1. My name is Brit Terry. I grew up in the village of Mercy, which is about fifty miles from New Shavlik and only has about one hundred residents. There are no roads between Mercy and New Shavlik, but people frequently go back and forth between the two villages on 4-wheelers or snowmachines, depending on the season. When we were kids, Logan became pretty good friends with my younger brother who was closer to Logan's age. Logan is six years younger than me. My brother and Logan met during some high school activity back in the day, and used to hang out together.

2. When I moved to New Shavlik in the spring of Year-1, I stopped by her/his place for a burger. Logan and I struck up a conversation about the old times, and it was like back when we were kids. We've been good friends ever since. On her/his days off, Logan likes to go fishing or hunting to unwind – who doesn't? S/He always brings plenty of beer when we fish, but s/he handles it really well, and can still out fish me. S/He always seems to catch more and bigger fish, but that's because s/he knows the best places to fish.

3. In fact, Logan and I were fishing early in the summer of Year-1 at one of Logan's favorite fishing spots when Sam walked up to Logan and told him/her to get away from *her/his* (Sam's) fishing spot. I know that it is custom to leave other people's fishing spots alone – I have worked in fish camps – but this was not a place where you could set up a fish camp or place a fish wheel. No one's livelihood was at stake or anything like that. Besides, there were plenty of fish for everyone at this spot. For that matter, New Shavlik is in a pretty good spot on the Raven River, and Sam easily could have found another fishing spot nearby if s/he didn't want to be near other people.

4. Sam told Logan to "Get your drunk ass off my fishing spot." Logan hadn't been drinking much that day, but I guess Sam saw the few beer cans that were laying around. Anyway, Sam said this spot was a secret Meikuk spot and accused Logan of trespassing – and bringing an outsider with her/him as well. Sam asked me in a sarcastic manner if I was there to help carry Logan's beer. What a jerk! Logan ignored Sam. I was trying to think of something biting to say back when Sam walked up and glared at Logan. Logan continued to fish and ignored Sam. I think Logan was intimidated, but s/he tried not to show it. Sam then said, "Don't make me force you to leave." Logan was frustrated, but said it wasn't worth the trouble of staying and that we should just find another place to fish. Logan later told me that Sam's threat about forcing us to leave was a way of saying that s/he'd pull her/his gun on us if we didn't leave. Logan said it was well known around New Shavlik that Sam carried a handgun at all times in her/his back pocket, just as a way to intimidate people. Later that evening, after getting drunk, Logan punched a wall in his/her house and said s/he "hated that bully."

5. This was my first real encounter with Sam Meikuk, although I had been warned about him/her and his/her family. I mean, I had seen Sam around the village, but I generally tried to keep my distance. People warned me that the Meikuks like to push their weight around and act like they own New Shavlik. I didn't pay much attention to town gossip – I know that sometimes grudges last a long time in the Bush. But after this incident with Sam I recalled having heard negative things about the Meikuks from lots of folks around town, not just Logan. And now I was seeing it first hand.

6. It was not too long later when I had Sam actually pull a gun on me. It was a bit later in the summer of Year-1, and I was returning from a particularly successful fishing trip. I had a chain of what I think was nine big silver salmon that I was carrying back home. Sam came up

the path toward me. I figured Sam was just heading to the same fishing spot, which was fine with me – I was done fishing there for the day. But Sam stopped right in front of me so that I couldn't get past him/her and said, "Give me half of those fish. My family needs to eat." Well, so does mine. I had a husband/wife and two teenage kids at home. I tried to walk around Sam, but Sam stepped in my path and wouldn't let me by. I told Sam that if s/he wanted fish, there were still plenty in the river and that s/he should just get his/her own. Without saying anything, Sam at that point reached behind his/her back and pulled out a pistol. S/He didn't aim it at me, but just gripped it in his/her hand and crossed his/her arms in a bossy stance. I didn't know Sam well enough to know if s/he'd been drinking, or if s/he might use the gun, but I thought it best to give Sam some of my salmon and leave. This made me really mad, but I didn't feel like I had a choice.

7. The incident really shook me up. When I told Logan and other people about the incident, they told me Sam has threatened various members of the Wheeler family, and has shot animals in town. I was told about the time Sam shot Clyde Parson's dog – then bragged about it. Everyone knew the Parson dog was old and wouldn't harm a fly. Sam made it a point to tell Logan's parents that they had better keep their dog inside, and not to let her/him (Sam) catch it out without a leash. Sam told people it was her/his town and s/he could do what s/he wanted.

8. I'm told that Sam encourages her/his family to threaten the Wheelers. S/He tells anyone who will listen that they are not good enough for New Shavlik and should be run out of town. S/He even tells her/his family never to eat at Logan's restaurant, Mama's Cookin', though since it is the only restaurant in town, everyone but Sam does anyway. Since members of the Wheeler family come to Logan for help and advice with fishing and cooking and whatnot, Logan hears all the threats and abuse the Meikuks dish out against the Wheelers. This seems to be having an effect on the Meikuk youth, too. At the village carnival last fall, some Meikuks pushed some Wheeler kids out of line and took their food coupons. Another time, Sam Meikuk's boy Evan knocked Logan's son Allen off his bicycle, then took the bike from him for a day before letting him have it back. Those types of minor bullying incidents weigh heavy on Logan, and both Logan and I know it is Sam who is encouraging them.

9. I'd describe Logan as a non-violent person for the most part. Logan only gets aggressive when s/he's been drinking. S/He keeps his/her problems and frustrations inside, but sometimes "bottled courage" bursts out and leads to expressions of anger. S/He has called me a number of times worried about the safety of his/her children, saying that Sam's kids are threatening her/his kids. Logan has also told me about a few times where her/his boys have been beaten up by Sam's boys and other Meikuks. Logan asks me what s/he should do, but I never have any real answers. The conversation usually ends with Logan saying someone needs to stand up to Sam.

10. Then there was the fight at the New Year's party. I only caught the tail end of that, but it was ugly. Logan had had a lot to drink – it was a merry time. I heard the commotion and stood on a stool to see what was going on. About 20 feet away, Sam had Logan in a headlock and was just punching her/him in the face over and over. When Sam let go, Logan fell like a rock. Logan was in no condition to defend herself/himself. To my horror, Sam then starts kicking the crap out of Logan while s/he lay there on the ground. By the time I pushed through the crowd and got to Logan, Sam was walking off. I gave a statement to the village safety officer that night, but I was told that if anyone would be charged for anything, it would be Logan! The village safety officer even told me that if I didn't want for Logan to be arrested, I had better not call the Alaska Troopers. I didn't get it, surely all the witnesses saw the beating Sam gave to Logan.

11. Then, I remembered later that Sam's brother/sister, Gene/Jean, had just been elected mayor of New Shavlik and was the one who paid the safety officers. And, I think another Meikuk may have been mayor before that. Sam was never charged for shooting the Parson dog, for kicking Logan when defenseless, or for anything that I ever heard about. Everything was starting to make sense, as depressing as that truth may be.

12. The annual Wheeler-Meikuk softball game always seemed to me to be a disaster waiting to happen. Sure enough, things took a turn for the worse last year. It was the day after the game – Sunday, August 19 – when I heard from a neighbor that Sam Meikuk was in the hospital with a head injury, after being hit with a softball bat by Logan in a fight after the game. I immediately went to Logan's house to find out what happened. When Logan opened the door, the first thing I saw was the huge shiner s/he had under her/his left eye. The whole left side of her/his face was a little puffy. What a mess. I told Logan s/he should get that checked out by Dr. Sanchez.

13. I asked Logan what happened. S/He told me that Sam came up after the game and taunted him/her about losing again – six in a row. About how s/he would never have to pay to eat Wheeler's food – something like that. Logan says s/he told Sam to go away. Logan said Sam laughed at him/her and told him/her to get out of the truck and make her/him. Logan said s/he got out of the truck, grabbed a bat, and stood his/her ground.

14. Logan said s/he let loose on Sam with what s/he was feeling – that the Meikuks only won because they cheated by bringing in Tom Coulter as a ringer and that Sam's late wife/husband Randi(y) would be ashamed of the pathetic cheater s/he was. Logan said Sam became enraged and in a blink struck Logan in the eye, knocking her/him down.

15. Logan said s/he remembered pushing, swearing, slapping – but s/he knew s/he was no match for Sam. S/He said with everything happening so fast, s/he thought s/he saw Sam reaching for his/her gun, and that s/he swung his/her bat at Sam and swung it hard. Logan emphasized that s/he didn't swing the bat intending to hurt Sam and that s/he was only reacting in self-defense. Logan said Sam immediately fell to the ground and wasn't moving. S/He got out of there, head still ringing, and didn't go back, on account of there were so many Meikuks still buzzing around. Logan repeated that s/he felt bad Sam was injured, but that s/he felt s/he had no choice once Sam started pulling her/his gun out of her/his back pocket. I thought back to when Sam pulled a gun on me and knew that Logan had done the right thing. It sounded like tempers were so hot that Sam might really have shot the gun this time.

16. I told Logan s/he had every right to defend herself/himself, and that maybe Sam would stop terrorizing the Wheelers. I wish more people in town had the courage to stand up to Sam. Ed Frank, a respected village elder, is right that the feud between the Wheelers and the Meikuks has to end because it is tearing the community apart. From where I stand, though, most of the fault lies at the feet of the Meikuks, especially Sam. I don't know how to end the feud, but if Sam pins criminal charges on Logan for defending himself/herself, things will only get worse.

Alaska State Troopers Incident Report

Synopsis: Received call August 18, 2007, reference assault in New Shavlik. Sam Meikuk (victim) suffered extensive head injury, transported to CRH in Cicely. Logan Wheeler (suspect) intoxicated, perpetrator of assault. Arrested warrant obtained. Subject detained without incident and transported to CCC.

Narrative: On August 18, 2007, at 19:30 hrs., I received a call from Mayor of New Shavlik reference an assault that took place at village softball game. Gene/Jean Meikuk said his/her brother/sister Sam was beat with a bat by Logan Wheeler. Wheeler appeared drunk and violent. Witnesses confirm that Logan struck Sam unprovoked. Planned to have Sam spend night in village clinic and transported tomorrow to Cicely Regional Hospital.

Note: I've had multiple previous contacts with suspect. Suspect owns a restaurant and is known drunk in town who causes problems for community.

August 21, 2007, 10:00 hrs.: I met with Gene/Jean Meikuk and Sam Meikuk at CRH and interviewed them both. Interviews not recorded.

Interview with Sam Meikuk (Victim): After Meikuk's team won the softball game, victim went to congratulate suspect Logan Wheeler at car across parking lot. Suspect intoxicated, appeared upset and violent. Victim tried to calm things down when suspect exited vehicle with bat. Both were pushing and shoving, victim trying to get away. Suspect then swung bat at victim, striking him/her in the head and knocking him/her unconscious. Victim did not instigate fight.

Interview with Gene/Jean Meikuk (Witness): Corroborated victim's statement. Said s/he saw victim approach suspect in vehicle approximately 80 yards away. Observed suspect exit vehicle. Saw victim raise hand in defensive motion before suspect took full swing at victim with a bat. When victim fell to the ground, witness ran to help provide medical aid. Victim was bleeding profusely from head wound. The doctor arrived shortly thereafter. Victim's nephew/niece Dylan Meikuk also present.

Case Status: Pending – Arrest warrant being sought for suspect in New Shavlik.

On August 22, 2007, at 14:00 hrs.: I met with Dylan Meikuk in New Shavlik.

Interview with Dylan Meikuk (witness): Witness observed fight between suspect and victim. Witness claims s/he saw victim throw first punch. Ran to scene after suspect swung bat at victim striking him/her in the head. Helped uncle/aunt at scene until medic arrived.

Action Taken: Called Judge Fairchild to seek arrest warrant. Warrant obtained at 13:30 hrs. Arrested suspect at place of business without incident.

Case Status: Closed by arrest. Photographic evidence attached.

Logan Wheeler's Bat – Used to Strike Sam Meikuk



Logan Wheeler's Truck



Photos of New Shavlik Softball Field and Picnic Area



Sam Meikuk's Gun (.38 Caliber Revolver) and Holster

