

= Randy Blythe manslaughter case =

The Randy Blythe manslaughter case was a court case in the Czech Republic , stemming from a 2010 Lamb of God concert in Prague , wherein 19 @-@ year @-@ old fan Daniel Nosek sustained head injuries leading to a coma and subsequent death . During the investigation , Czech police unsuccessfully asked United States authorities for cooperation . When the band returned to the Czech Republic for another concert two years later , its vocalist Randy Blythe was arrested , charged with causing Nosek 's death , and remanded in custody for five weeks .

According to a verdict delivered by the Municipal Court in Prague on March 5 , 2013 , it was proven that Blythe had thrown Nosek offstage and thus had moral responsibility for his death . However , due to the circumstances , Blythe was not held criminally liable , and most of the blame lay with promoters and security members . The acquittal was upheld by the Prague High Court on June 5 , 2013 .

= = 2010 concert incident = =

During a concert on May 24 , 2010 , in the Prague club , Abaton , Blythe was involved in an incident that resulted in the death of Daniel Nosek , a 19 @-@ year @-@ old attending fan . According to eyewitness statements cited by the Czech online daily newspaper [aktuáln.cz](http://aktuáln.cz) following Blythe 's arrest , Blythe was chanting " Come on up " between songs , which , the newspaper stated , may have been intended to invite applause from the audience and not a direct invitation to fans . The newspaper went on to report that the fan tried to climb onstage and was thrown by the singer from the stage , falling backwards directly on his head . According to the same paper , Nosek was not under the influence of drugs or alcohol , suffered serious brain trauma , fell into a coma , and died weeks later from his injuries .

A report about the concert at issue released on May 26 , 2010 by [topzine.cz](http://topzine.cz) stated that " one of the things that was unexpected was the behavior of the singer Randall Blythe , who on a few occasions struck some fans in a relatively brutal way off the stage . " The article also contains pictures , one of them showing Blythe holding a fan down on the ground . Meanwhile , another report released two days after the concert by [metalopolis.net](http://metalopolis.net) alleged that " Randy in a totally uncompromising way took down an impertinent fan , who has climbed the podium several times . The front @-@ man clearly showed that it is his territory , he struck the intruder down , punched him a couple of times and sent him through the air off the podium , without even stopping singing ( ! ) " On May 28 , 2010 , the report by [marastmusic.com](http://marastmusic.com) stated that " some broken head was a testimony to the fact that the band does not like anybody on the stage " , while [abysszine.com](http://abysszine.com) stated that " the only negative thing about the concert was , to say it mildly , disputable approach of the band towards the stage @-@ divers ... when somebody tried to climb the stage , he was brutally swept down . "

Following Blythe 's arrest , Tomáš Fiala , a promoter of the concert , said that there was no fight between the fan and Blythe , and that " it was an unfortunate incident which happened during the concert when someone climbed onto the stage where he was not supposed to be . " According to the Lamb of God publicist Adrenaline PR , " [ the ] incident deals with a fan that three times during the concert jumped the barricade and rushed Randy during the performance . It is alleged that the third time , security was not able to reach him and that Randy pushed him back into the audience where supposedly he fell and hit his head . " However , it was revealed during the trial that it was a different fan who previously got into contact with Blythe than Nosek . Guitarist Willie Adler said , " I can 't recall that particular show , let alone a fan being beaten on the stage . I think I would 've noticed something like that considering the Dime thing . "

According to Blythe 's attorney Martin Radvan , the police launched an investigation following the death of Nosek , about a month after the concert and following a coma . After interviewing several eyewitnesses from the concert , the police asked the United States Department of Justice to take part in the investigation ; however , they refused to cooperate and , moreover , did not notify anyone from Lamb of God or its management .

= = Arrest and charges = =

On June 27 , 2012 , Blythe was arrested by the Czech police on suspicion of manslaughter . Lamb of God was prepared to play in Prague on June 28 , 2012 , but Blythe 's arrest upon arrival at Ruzyně Airport caused the concert to be canceled .

According to TV Nova , Blythe stated that he had not been aware of Nosek 's death and expressed his remorse .

A police spokesperson stated on June 29 , 2012 that the police had formally charged Blythe under section 146 ( 4 ) of the Czech Criminal Code , which contains intentional infliction of bodily harm resulting in death ( i.e. manslaughter ) . He faced 5 ? 10 years of imprisonment if found guilty . Randy 's brother Mark Blythe said the charge was " bogus and outrageous and will be dropped immediately . "

= = Court remand and bail = =

On June 30 , 2012 , the State Attorney brought a motion to remand Blythe in pre @-@ trial detention , as he considered Blythe a flight risk . During a hearing conducted the same day , judge Petr Fassati of the Prague 8 District Court ruled that Blythe will be held on remand , with the possibility of a bail of CZK 4 @,@ 000 @,@ 000 ( ~ US \$ 200 @,@ 000 ) , Blythe 's alleged annual income ; Blythe was held in Pankrác Prison . Bail was deposited in the court 's bank account on mid @-@ day of July 3 , 2012 . After this , the State Attorney had three working days to either accept the bail or to challenge it by filing a complaint . Due to public holidays it was not until July 9 , 2012 , that the State Attorney filed his complaint , which was to be dealt with by appellate court , the Prague Municipal Court .

On July 17 , 2012 , Prague Municipal Court 's panel of three judges headed by judge Lubo? Vrba overturned the bail decision by doubling the bail amount to CZK 8 million ( ~ US \$ 400 @,@ 000 ) . After this , the State Attorney challenged the conditions of release , trying to achieve that the bail is subject to Blythe staying in the country and / or Blythe having to report at a given police station regularly until the criminal proceedings are finished . On August 2 , 2012 , the appellate court rejected the State Attorney 's second complaint and ordered Blythe 's immediate release . Blythe left the Czech Republic the next day , claiming in an interview with TV Nova that he would return for the trial .

= = Indictment and trial = =

On November 13 , 2012 , the spokesperson of the Prague State Attorney 's Office announced that the police had formally closed their investigation and proposed to the State Attorney to indict Blythe . After reviewing the case file , the State Attorney indicted Blythe on the aforementioned charges on November 30 , 2012 . Two weeks later , a judge set the trial to commence on February 4 , 2013 , with a plan to conduct the hearings in four consecutive days . Blythe was summoned to attend the hearing in person .

The case was heard by a panel of the Prague Municipal Court , consisting of presiding professional judge Tomá? Kubovec and two lay judges . Trials in the Czech Republic are public . In general , the court is bound to decide on the deed as stated in the indictment ; however , it is not bound by its legal assessment by the State Attorney .

Both the defendant and the State Attorney may appeal the decision ; the appeal would be heard by a panel of the Prague High Court , consisting of three professional judges . A decision of second instance court is final and enforceable . Nevertheless , an extraordinary appeal may be lodged by the defendant or the Supreme State Attorney , which would be heard by the Supreme Court of the Czech Republic in Brno ; an extraordinary appeal may , however , rest only on issues of law and does not provide for full review of the case . After exhausting all of these remedies , the defendant may also lodge a petition to the Constitutional Court of the Czech Republic . The petition may be based on allegation of violation of rights under the Czech Constitution and Charter of Fundamental

## Rights and Basic Freedoms .

= = = State Attorney Vladimír Mužík = = =

Indictment against Blythe was brought by State Attorney Vladimír Mužík . Mužík had tried a number of murderers , such as Luboš Mika ( life in prison ) , Roman Fidler ( life imprisonment at 1st instance , 25 years on appeal ) , Maria Zolotukinová ( 13 years imprisonment ) and Petr Procházka ( 11 years imprisonment ) . He also tried a case against Andranik Soghojan , an alleged head of Russian mafia , requesting 25 years in prison for ordering a murder . The Municipal Court in Prague acquitted Soghojan due to lack of evidence ; however , the decision was repealed on appeal by the High Court , and the case will be heard again by a different tribunal of the Municipal Court . Another of Mužík 's murder cases which ended in acquittal due to insufficient evidence is that of Miroslav Rus , who was indicted in connection with disappearance of Miroslav Kříž , a vice @-@ chairman of the Czech Football Association .

= = = Defense lawyers = = =

Randy Blythe was represented by Prague lawyers Martin Radvan and Vladimír Jablonský . Radvan studied law at the Faculty of Law of Charles University and at the New York University . From 1990 to 1992 , he served as external advisor of the then Prime Minister Marián Šafařík . A former partner at Baker & McKenzie , Radvan established Radvan & Co. in 1996 . He is also a member of board of directors of Forum 2000 .

Jablonský gained fame as attorney of Yekta Uzunoglu , a Kurdish national who was first charged in 1994 with preparing to commit three murders and committing blackmail and torture . It became one of the longest criminal cases in the Czech history , as the witnesses and alleged victims gradually withdrew or changed their testimonies against Uzunoglu until he was exonerated by the Municipal Court in Prague in 2007 . The court held that although the crimes did take place , there is no evidence that Uzunoglu took part in it . He was also defending judge Pavel Nagy , who was indicted of accepting a bribe . The proceedings ended with Nagy being found insane and criminally not liable . Jablonský also acted as a defense attorney in the case of a hairdresser of Czech VIPs indicted on charges of rape and torture . During the proceedings , the judge sent Jablonský to face the disciplinary commission of the Czech bar association for what he perceived as " behaviour bordering on contempt " .

= = = Day 1 of the trial = = =

The trial started on February 4 , 2013 . Blythe testified that when he wanted to see the club before the concert , Lamb of God 's technician told him that the club was terrible and messy . According to Blythe , the technician went on , saying that the stage was small , there were too many people , and that it was rather dangerous .

Blythe , who is nearsighted , took off his glasses before entering the stage , which together with the smoke and light effects allegedly left him half @-@ blind . Blythe said that people could easily reach the band members or climb up to the stage . One of the fans , who was identified as Milan Pořádek by Czech newspapers , and who was scheduled to testify later during the proceedings , managed to climb the stage twice without being stopped by security . Blythe testified that during the first attempt , Pořádek rushed the stage and started waving his arms before stage diving . The second time , he tried to put his arms around Blythe in an attempt to hug him . Blythe , who according to his own words perceived this as a danger , caught Pořádek 's collar , pushed him on the ground , knelt on him and repeatedly told him to stop . He then led the fan by his hair to the edge of the stage , where the fan jumped off . It was only after watching a video of the incident that Blythe found out that a security officer was actually pushing the fan from back . Blythe further said that he saw Pořádek trying to reach the stage yet again before finally being stopped by security .

Later , when another fan tried to climb the stage , Blythe thought that it was Pořádek again . Blythe

testified that he approached the fan and pushed him with both hands out of the stage in the belief that the crowd would catch him , which it did not . Jiří Choro? , author of video which caught the previous incidents with Po?ádek , testified that the fan was for a moment lying on the ground with nobody helping him . Blythe further commented that he saw the fan get up and that other fans showed him thumbs up . Blythe insisted that he never saw Nosek nor came into contact with him . It was not until the arrest two years later that he found out about Nosek 's death .

Blythe further testified that he was not under the influence of alcohol during the concert and that he had never used any drugs . Chris Adler , Lamb of God 's drummer , testified that he had not seen anything from the back of the stage and further proclaimed that Blythe 's aggressiveness is only a stage act . According to Adler , Blythe is a calm , moderate , and well @-@ read person . The defense also presented videos from various Lamb of God concerts in order to demonstrate that metal music is very energetic and that Blythe regularly cheers to the crowd , but not to encourage people to climb the stage .

Blythe also alleged that after learning about Nosek 's death , he had written a letter to the Nosek family , in which he offered help and a meeting in @-@ person . Daniel Nosek 's father , however , testified that the family has not been contacted by anyone from the band nor by the defense team . Nosek 's father confirmed that his son had been healthy up until the day of the incident . The Nosek family 's representative brought a claim for damages in the amount of CZK 10 @,@ 000 @,@ 000 ( approx . US \$ 530 @,@ 000 ) .

= = = Day 2 of the trial = = =

Altogether , eight witnesses delivered their testimonies on February 5 , 2013 . Among them were friends of Daniel Nosek . Nosek and three friends had come to attend the concert from Vrchlabí , a town in mountains some 130 kilometres ( 81 mi ) northwest of Prague . They described Nosek as a huge fan of Lamb of God who had been able to secure an autograph from a guitar player before the concert had started .

Nosek 's friend Jan Jebavý testified that Nosek climbed the stage , and as he turned around towards the crowd he was pushed by Blythe off the stage . He said he was " 100 % sure Blythe pushed Nosek with both hands . " He further said that Blythe 's behavior deviated from all the concerts he had attended in the past , commenting that Blythe was visibly furious . He further claimed that Nosek was not the first person to be chased off the stage by Blythe , with another fan being kicked , choked and receiving a punch from Blythe . Jebavý corroborated Blythe 's testimony that Blythe asked " Are you okay ? " after Nosek fell and that the crowd gave him a positive reply . However , as Nosek fell sick after the concert , they called him an ambulance . According to Jebavý , the band had not warned the fans against getting on stage and the security guards did not pay much attention to it .

Nosek 's other friend Ondřej Vlach testified that Nosek 's fall happened in a break between the end of concert and the encore . Nosek climbed the stage together with another fan as the band members were leaving to go backstage . According to him , Blythe ran into the two fans and pushed them both off . While the other fan was caught by a couple of fans remaining under the stage , Nosek fell directly on the ground . According to Vlach , there were fewer fans in front of the stage due to the break . Vlach further testified that after the fall , Nosek went to sit on a bench , where he was fetched a water bottle . Nosek began vomiting about half an hour after the fall and as his friends realized that he had a bulge at the back of his head , they called an ambulance for fear he might have a concussion . Vlach said that he understood Blythe 's gesture in the break as an invitation to the stage .

Another person to testify was Robert Havelka , who worked as a security guard the night of the incident . Havelka said that the guardrail was too close to the stage , but not so close as to make a platform for climbing the stage . He testified that he pulled one person off the stage and that another person fell off before he could be secured . He further said that the fan 's fall might have been helped by someone else , perhaps the singer , though he did not see it precisely .

Blythe 's defense team attacked differences between the testimonies the witnesses gave after the

incident in 2010 and at the court . Among other things , one of the witnesses originally alleged that Nosek and Blythe shook hands or that one of them offered hand to another on stage ; however , at the court hearing , he testified that there was no prior contact between them . Blythe also argued that video evidence shown in court refuted claims about his aggressive behavior .

= = = Day 3 of the trial = = =

Milan Pořádek , the fan whom Blythe admitted to shoving off the stage , testified on the third day of the trial . Pořádek said he climbed the stage twice in order to stage dive ; he changed his mind during the third attempt to get on stage . Pořádek testified that Blythe knocked him down , knelt on him and held him down for a moment , but Blythe definitely did not choke him . He also admitted that taking into account the fact that he ( Pořádek ) was drunk and the way he acted , Blythe 's reaction was adequate . He commented that he grasped the fact that he was not wanted on stage .

Another witness who had attended the concert at the rear of the crowd testified that Blythe 's behavior was standard to metal concerts , saying that metal bands always put on angry and tough acts and the concert at issue was no exception . She said that it was evident that Blythe did not want any fans on the stage . Neither the two nor any other witness who took the stand that day gave a testimony as to the moment of Nosek 's fall at the end of the concert .

The judge also read a sworn statement from Abaton 's former producer , who stated that she had not known about the incident . She was aware that an ambulance was called that evening , but learned about the reasons for that only later , during the police investigation . The court further heard that Lamb of God had sent a list of security demands to the concert venue , including that barriers should be placed 1 @.@ 5 metres ( 4 @.@ 9 ft ) from the stage . Promoter Tomáš Fiala testified that although this was not the case , the band had not expressed any concerns to him either before or after the concert .

Randy Blythe was called again to the stand that day . The judge first alerted him that he had the right to remain silent and can deny answering his questions . The judge went again through the Blythe 's testimony and , with a view to the previous witness statements , asked Blythe whether he insists that it was Milan Pořádek whom Blythe threw off the stage . Blythe responded by saying : " To the best of my knowledge , it was Milan Pořádek who was coming up [ on stage ] every time . "

Also that day , expert medical witness Michal Pogoř took the stand . According to The Prague Post , Pogoř testified that Nosek 's cause of death was pneumonia resulting from a blow to the brainstem . Pogoř added that the " mortality rate from this kind of injury is around 40 percent , and that doctors couldn 't have done more to save the patient . " Nosek was initially taken to a nearby hospital less than a kilometer from the venue , where the initial diagnosis took place . Since this hospital did not have a specialized neurology department , Nosek was transferred to another hospital after the diagnosis . There , Nosek underwent two operations , first to tend to the injury and second to reduce pressure on brain by removing some bone .

Finally , defense asked for adjournment as a key witness fell ill . The court decided to continue with the hearings the next day , after which the hearings would be adjourned until March 4 , 2013 , in order to hear the defense 's witness . Blythe committed to return when the trial resumed .

= = = Day 4 of the trial = = =

On February 7 , 2013 , only one witness took the stand before the hearing was adjourned . Lukáš Havlena contacted the defense after reading about the trial in newspapers because he " didn 't like the description of the situation " by the previous witnesses . He said he did not think Blythe was aggressive that night , and that fans should realize any aggressive behavior displayed onstage is just part of the show . He also said that each time somebody got on the stage , Blythe demonstrated that they were not allowed there . Havlena testified that he saw how a fan tried to reach the stage three times and that as he was preparing to stage dive , somebody aided his fall from behind . He had not seen anybody fall directly on the ground . Havlena had trouble recalling details from the show , as he had visited multiple concerts on other dates in Abaton , and thus could not describe ,

among other things , the position of the guardrail .

= = = Day 5 of the trial = = =

The trial resumed on March 4 , 2013 with testimonies from expert witnesses in the fields of criminal psychology ( Tereza Soukupová , appointed by the court ) and psychiatry ( Alena Gayová , appointed by the defense ) . Blythe returned to attend the hearings in person , even though the presiding judge had told him that at this point they may be undertaken in his absence . The two expert witnesses agreed that Blythe is not aggressive ; nevertheless , he may have issues with controlling his emotions under stress . The court further heard testimonies from two eyewitnesses . One of them was a bodyguard who was present at the concert but did not see the fall . He testified that when by the exit , he saw two men taking a third man out of the building to fresh air . He said that he was told by them that the person fell off the stage . The ambulance arrived 5 ? 10 minutes later .

Another eyewitness was a fan , Alena Rozsivalová , who testified that she saw Blythe shove Nosek , saying " [ h ] e climbed onto the stage , and when he tried to stand up , Blythe shoved him . " According to her , the shove was strong enough for Nosek to fall behind the front row of the fans into a place where no fans were staying at the moment . She testified that Nosek fell backwards . Another attendee of the concert who took the stand that day did not recall seeing any fall by the end of the concert .

= = = Day 6 of the trial = = =

A defense @-@ appointed expert witness in the field of biomechanics testified on March 5 that Nosek could not turn 180 degrees during the fall and that should he be falling forward , he could not have sustained an injury to the back of his head . He further said that if Nosek fell over the first row of the fans , he must have been not only pushed , but must have jumped himself . The State Attorney immediately attacked this testimony , claiming that the expert witness omitted the conditions at the place and time , as well as some of the eyewitness testimonies , according to which Nosek fell onto his back from the beginning and did not turn during the fall . The presiding judge agreed with the State Attorney on some of his points .

In his closing speech , the State Attorney asked the court to incarcerate Blythe for 5 years , claiming that " even children in the kindergarten are aware that a fall from height may lead to an injury . "

A Nosek family representative said that based on the witness testimonies , the family did not believe that Blythe was solely responsible . He continued that he would not be substantiating the requested amount , as no money could replace the loss the family has suffered . He further added that Daniel had died on his father 's birthday , and his mother has consequently become a psychiatry patient unable to work .

In his closing word , Blythe said that he did not wish to avoid any responsibility and that if he felt guilty he would have pleaded so . He further commented that in case of acquittal , measures would be undertaken to avoid anything similar from happening at Lamb of God concerts again .

= = = First instance verdict = = =

On March 5 , 2013 , the court delivered a verdict , according to which Blythe was not criminally liable for Nosek 's death , even though he had the moral responsibility for it . Consequently , the court dismissed the damages claim and ordered the return of Blythe 's bail .

The court held that it was proven that Blythe had thrown Nosek off the stage . However , Blythe , due to his nearsightedness , could have mistaken Nosek for the other fan who had repeatedly gotten over the guardrail . According to the court , the largest part of the blame lies with the promoters and security members . Judge Kubovec further reproached Blythe for not having met with the Nosek family .

The State Attorney announced that he would appeal the verdict .

= = = Appeals verdict = = =

The State Attorney 's appeal was heard by a panel of three judges of the Prague High Court , chaired by judge Jiří Lněnička . The hearing took place in Blythe 's absence . Blythe 's acquittal was upheld by the panel on June 5 , 2013 .

The verdict may have been appealed by the Supreme State Attorney ( SSA ) to the Supreme Court . As the appeal hasn 't been lodged by SSA within two months of the delivery of written second instance verdict , it has become final .

In 2015 Blythe demanded ca CZK 15 millions for damages but the Municipal Court for Prague 2 dismissed the suit .

= = Reaction = =

In reaction to the arrest and detention , a fan created a petition at the official White House petition site . By the time Blythe was released on bail , it gathered over 27 @, @ 500 signatures .

On July 7 , 2012 , there was a vigil organized in Lamb of God 's hometown of Richmond , Virginia , by a friend of Blythe 's . At the event , Gwar ( who are also from Richmond ) frontman Dave Brockie said : ? I don 't think it was right for him to be arrested . I don 't think it was right for him to be locked up .... This stuff could have all been worked out diplomatically or legally before he got there . ? In addition to Brockie , other notable figures in heavy metal , such as Tom Araya and David Draiman , have also come out in support of Blythe .

In a post to his blog , Blythe explained that he met the Nosek family in private after the trial , and promised them to be " a spokesperson for safer shows " . He emphasized that the family never attacked him and " just wanted to know the truth of what had happened to their son " .