

1 THEREUPON,

2 CATHY ██████,

3 WAS CALLED AS A WITNESS BY THE STATE AND, AFTER HAVING
4 BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED ON HER
5 OATH AS FOLLOWS:

6 DIRECT EXAMINATION

7 BY MR. BENDER:

8 Q GOOD MORNING, MRS. ██████. WOULD YOU TELL US YOUR
9 FULL NAME, PLEASE?

10 A CATHY ██████.

11 Q AND WHERE ARE YOU LIVING?

12 A AT 3020 HARRISON AVENUE.

13 Q WHO DO YOU LIVE THERE WITH?

14 A I LIVE WITH MY PARENTS, MR. AND MRS. STOCKWELL.
15 IT'S THEIR HOME.

16 Q AND THEY ARE THE ONES THAT OWN THE HOME?

17 A YES.

18 Q HOW LONG HAVE YOU BEEN LIVING THERE?

19 A TWO YEARS.

20 Q WHERE DO YOU SLEEP, AS FAR AS IN CONNECTION TO
21 THE HOME ITSELF?

22 A THERE'S A LITTLE ROOM -- IT'S NOT CONNECTED TO
23 THE HOUSE, BUT IT'S BEHIND THE HOUSE -- THAT MY HUSBAND
24 AND I STAY IN.

25 Q DO YOU ALSO SPEND TIME IN THE HOUSE, ITSELF?

1 A YES.

2 Q MICHELLE AND ANGELA [REDACTED], THEY ARE YOUR DAUGHTERS?

3 A YES.

4 Q DO YOU KNOW SCOTTY MERSON?

5 A YES.

6 Q WHEN DID YOU FIRST MEET MR. MERSON?

7 A WHEN WE MOVED BACK FROM WYOMING, ABOUT FIVE
8 YEARS AGO, SIX YEARS AGO. IT WAS IN '83.

9 Q AND YOU MET HIM THROUGH TINA [REDACTED]?

10 A YES.

11 Q WAS SHE DATING HIM AT THE TIME?

12 A YES.

13 Q DID YOU KNOW IF THEY EVER LIVED TOGETHER?

14 A YES.

15 Q HOW LONG WAS THAT FOR?

16 A I'M NOT EXACTLY SURE, BUT IT WAS IN EXCESS OF
17 THREE MONTHS, THREE TO FIVE, MAYBE SIX MONTHS.

18 Q DID MR. MERSON EVER LIVE AT THE HOME ON
19 3020 HARRISON?

20 A HE STAYED WITH US FOR APPROXIMATELY THREE WEEKS.

21 Q WHY WAS THAT?

22 A HE WAS IN BETWEEN HAVING A PLACE TO LIVE.

23 Q DID HE KNOW MICHELLE AND ANGELA?

24 A YES.

25 Q HOW DID THEY GET ALONG?

1 A THEY GOT ALONG GREAT. THEY WOULD PLAY AND TALK
2 AND, YOU KNOW, MORE LIKE SIBLINGS THEN THEY WERE, YOU KNOW,
3 JUST SOMEBODY THAT WAS A STRANGER TO THEM. THEY KNEW HIM
4 QUITE WELL AND LIKED HIM.

5 Q SO SO FAR AS YOU COULD TELL, THERE WERE NO PROBLEMS
6 OR DIFFICULTIES IN THEIR RELATIONSHIP?

7 A NO.

8 Q DO YOU KNOW IF SCOTTY AND TINA EVER TOOK ANGELA
9 AND MICHELLE OUT TO THE PARK OR TO GET ICE CREAM OR ANYTHING
10 LIKE THAT?

11 A OH, YEAH, THEY WOULD TAKE THEM WITH THEM ON
12 WEEKENDS AND LET THEM SWIM AT THEIR APARTMENT, AND THEY
13 WOULD SPEND THE NIGHT OVER AT THEIR HOUSE.

14 Q WAS MR. MERSON A FREQUENT VISITOR IN YOUR HOUSE?

15 A FOR FAMILY HOLIDAYS AND THANKSGIVING AND STUFF
16 AND BIRTHDAYS. THEY WERE ALWAYS WELCOME TO COME TO OUR
17 HOUSE AND SPEND WHAT TIME THEY COULD SPEND WITH US IN
18 RELATION TO THE REST OF THEIR FAMILY.

19 Q LET ME TAKE YOU BACK TO MAY OF THIS YEAR, MAY 18TH.
20 WHERE WERE YOU THE EVENING BEFORE, THE 17TH? WERE YOU AT
21 HOME THAT EVENING?

22 A YES.

23 Q WHAT TIME DID YOU ALL GO TO BED?

24 A I WENT TO MY ROOM ABOUT ELEVEN O'CLOCK.

25 Q WAS YOUR HUSBAND ALREADY THERE?

1 A YES.

2 Q NOW, THIS ROOM IS NOT ATTACHED TO THE HOUSE.

3 DOES IT HAVE AN AIR-CONDITIONER?

4 A YES.

5 Q WAS IT ON THAT NIGHT?

6 A IT'S ALWAYS ON.

7 Q ARE YOU ABLE TO HEAR ANYONE GOING INTO THE HOME
8 THROUGH THE BACK DOOR?

9 A NO.

10 Q I AM, OF COURSE, ASSUMING THEY DON'T SLAM IT
11 VERY HARD. WOULD YOU BE ABLE TO HEAR THEM GOING IN IF
12 THEY WERE TO CLOSE IT QUIETLY?

13 A NO.

14 Q DID YOU HEAR ANYONE GO INTO THE HOUSE THAT NIGHT?

15 A NO, I DIDN'T.

16 Q DO YOU KNOW IF THAT DOOR WAS LOCKED?

17 A YES. BECAUSE I LOCKED BOTH OF THE BACK DOORS
18 ON MY WAY OUT.

19 Q AND WHAT KIND OF LOCK WAS THAT ON THE DOOR?

20 A IT WAS -- WELL, I DON'T REALLY KNOW THE DIFFERENCE
21 BETWEEN THEM, OTHER THAN IT WAS NOT A DEADLOCK OR A CHAIN.
22 IT WAS JUST THE KIND WHERE YOU PUSH THE BUTTON IN.

23 Q COULD IT BE JIMMIED OR OPENED WITH A CREDIT CARD
24 OR A KNIFE.

25 MR. EIDE: OBJECTION, YOUR HONOR.

1 THE WITNESS: YES.

2 MR. EIDE: SPECULATION.

3 THE COURT: SUSTAINED.

4 MR. EIDE: MOVE TO STRIKE HER RESPONSE.

5 THE COURT: LADIES AND GENTLEMEN OF THE JURY,
6 YOU ARE TO DISREGARD THE LAST STATEMENT.

7 MR. BENDER: YOUR HONOR, IF I MAY. SHE'S THE
8 OWNER OF THE HOME. I THINK SHE COULD TELL IF IT COULD
9 BE OPENED.

10 THE COURT: IF SHE HAD HER OWN PERSONAL EXPERIENCE,
11 BUT YOU DIDN'T LAY ANY PREDICATE FOR THAT.

12 BY MR. BENDER:

13 Q HAVE YOU EVER HAD TO GO INTO THE HOME THROUGH
14 THAT DOOR WHEN IT WAS LOCKED?

15 A YES.

16 Q AND HOW DID YOU GET IN?

17 A WITH A FINGERNAIL FILE.

18 Q IS THAT ALL THAT WAS REQUIRED TO OPEN THE DOOR?

19 A YES.

20 Q HAVE YOU SINCE FIXED THAT?

21 A YES.

22 Q NOW, WHO GETS THE GIRLS UP IN THE MORNING WHEN
23 THEY GO TO SCHOOL, ANGELA AND MICHELLE?

24 A I DO.

25 Q AND BETWEEN WHAT TIME DO YOU USUALLY DO THAT?

1 A BETWEEN FIVE MINUTES TO SEVEN AND SEVEN O'CLOCK.

2 Q WHAT TIME DO YOU NORMALLY GET UP IN THE MORNING?

3 A ABOUT FIFTEEN TO TEN MINUTES TILL.

4 Q DID YOU GET UP AT THAT TIME ON THE MORNING OF
5 THE 18TH?

6 A YES.

7 Q DID YOU GO IN AND WAKE UP ANGELA AND MICHELLE?

8 A AT SEVEN O'CLOCK.

9 Q WHAT IS THEIR NORMAL DAILY ROUTINE? DID THEY
10 TAKE A SHOWER BEFORE GOING TO SCHOOL?

11 MR. EIDE: OBJECTION, YOUR HONOR. HE'S LEADING
12 THE WITNESS.

13 THE COURT: SUSTAINED.

14 BY MR. BENDER:

15 Q DO YOU KNOW IF THEY TAKE A SHOWER BEFORE THEY
16 GO TO SCHOOL?

17 A NORMALLY, NO.

18 Q WHAT DO THEY DO?

19 A THEY GET UP AND GET DRESSED AND MAKE THEIR BED,
20 AND THEN THEY GO AND EAT THEIR BREAKFAST.

21 Q WHO MAKES THEM BREAKFAST?

22 A THEY DO.

23 Q DO YOU OCCASIONALLY MAKE THEM BREAKFAST?

24 A OCCASIONALLY.

25 Q DID YOU TALK WITH THEM THAT MORNING, ANGELA AND

1 MICHELLE?

2 A YES.

3 Q WHAT WAS THEIR Demeanor, overall demeanor, that
4 morning?

5 A WHEN I FIRST WOKE THEM UP -- I WAKE THEM UP, AND
6 THEN I GO BACK TO THE BATHROOM AND START MY SHOWER BECAUSE
7 THEY'RE OLD ENOUGH TO DO THEIR ROUTINE IN THE MORNING ON
8 THEIR OWN. AND I TOOK MY SHOWER, AND WHEN I CAME OUT THEY
9 WERE ALREADY DRESSED.

10 AND I WENT INTO THE KITCHEN. AND A FEW MINUTES
11 LATER HERE THEY COME, AND THEY'RE GOING, EXTREMELY STRESSED
12 OUT, "MOMMY, MOMMY, SCOTTY WAS HERE."

13 Q WHO SAID THAT?

14 A ANGEL.

15 Q AND DID YOU ASK ANGELA WHAT SHE MEANT BY THAT
16 STATEMENT?

17 A YEAH. I SAID, "WHAT DO YOU MEAN SCOTTY WAS HERE?"
18 SHE SAID, "HE WAS HERE LAST NIGHT. HE WAS IN OUR
19 ROOM."

20 AND I SAID, "WELL, WHAT'D HE WANT?"

21 "I DON'T KNOW, MOMMY."

22 I SAID, "WELL, HE DIDN'T SAY ANYTHING?"

23 HE WASN'T -- SHE SAID, "HE TOLD ME NOT TO TELL
24 ANYBODY THAT HE WAS HERE BECAUSE IF I DID, IF THE COPS
25 CAME TODAY OR TOMORROW, HE WOULD BLOW UP THE HOUSE," OR

1 HURT THEM.

2 AND THEY WERE EXTREMELY STRESSED OUT. THEY WERE
3 SCARED TO DEATH.

4 Q ALL RIGHT. NOW, THAT EVENING ON THE 17TH AND
5 THE MORNING OF THE 18TH, DO YOU KNOW IF SCOTTY MERSON --
6 DID YOU INVITE SCOTTY MERSON TO YOUR HOME?

7 A NO.

8 Q WAS HE ALLOWED TO COME INTO THE HOME AFTER
9 EVERYONE HAD GONE TO BED?

10 A NO.

11 Q WAS HE ALLOWED TO ENTER THE HOME AT TWO O'CLOCK
12 IN THE MORNING AND WALK INTO THE GIRL'S BEDROOM UNINVITED?

13 A NO.

14 Q DO YOU KNOW THE LAST TIME, AS BEST YOU CAN RECALL,
15 THAT HE HAD BEEN OVER TO THE HOUSE PRIOR TO THE EVENING OF
16 THE 17TH, THE MORNING OF THE 18TH?

17 A I WOULD SAY IN EXCESS OF THREE MONTHS. BUT HOW
18 MUCH LONGER, I COULDN'T SAY FOR SURE.

19 Q WHAT WAS YOUR REACTION TO HEARING THIS FROM
20 ANGELA?

21 A I COULDN'T UNDERSTAND WHY HE WOULD BE THERE, WHAT
22 PURPOSED TO BE THERE. TO MY KNOWLEDGE, AT THAT POINT IN
23 TIME, HE WAS NO LONGER CONNECTED WITH US, SIMPLY FOR THE
24 FACT THAT HIM AND TINA HAD BROKEN UP.

25 I COULD THINK OF NO REASON WHATSOEVER WHY HE

1 WOULD BE THERE, UNLESS HE THOUGHT TINA WAS THERE. BUT THAT
2 DIDN'T MAKE SENSE BECAUSE HE KNEW SHE DIDN'T STAY THERE.

3 Q DID YOU ASK ANGELA IF PERHAPS SHE MIGHT HAVE BEEN
4 MISTAKEN?

5 A YES, I ASKED HER, "ARE YOU SURE?"

6 Q WHAT DID SHE TELL YOU?

7 A SHE SAID, "MOMMY, I KNOW SCOTTY. HE WAS HERE.
8 HE TALKED TO ME. I SAW HIM."

9 Q DID YOU DRIVE THEM TO SCHOOL THAT MORNING?

10 A YES.

11 Q IS THAT THE NORMAL ROUTINE, TO DRIVE THEM TO
12 SCHOOL?

13 A EVERY MORNING.

14 Q AND DID YOU COME BACK HOME AFTER DROPPING THEM
15 OFF, OR DID YOU GO SOMEWHERE ELSE?

16 A I CAME BACK HOME.

17 Q HOW WAS ANGELA, AS FAR AS HER MOOD AND DEMEANOR,
18 WHEN SHE WAS TALKING TO YOU THAT MORNING BEFORE SHE LEFT
19 FOR SCHOOL?

20 MR. EIDE: ASKED AND ANSWERED, YOUR HONOR.

21 THE COURT: OVERRULED.

22 THE WITNESS: SHE WAS EXTREMELY SCARED. WHEN I
23 TOLD -- THEY WANTED TO KNOW IF THEY HAD TO GO TO SCHOOL.
24 I TOLD THEM, "YES, YOU NEED TO GO TO SCHOOL." THEY
25 WERE SCARED, BECAUSE THEY WERE AFRAID TO LEAVE ME.

1 BY MR. BENDER:

2 Q HOW WAS MICHELLE ACTING?

3 A MICHELLE WAS IN THE SAME STATE.

4 Q WAS THAT UNUSUAL FOR THEM TO BE ACTING THAT WAY
5 IN THE MORNING?

6 A I'VE NEVER SEEN THEM ACT THAT WAY BEFORE, NOT TO
7 THAT EXTENT.

8 Q WHEN YOU ARRIVED HOME AFTER DROPPING THEM OFF
9 FROM SCHOOL, WHAT DID YOU DO?

10 A I CAME HOME AND TRIED TO CALL MY HUSBAND AT WORK.

11 Q DID YOU TRY TO CALL ANYONE ELSE?

12 A WELL, I KNEW I HAD TO WAIT UNTIL AT LEAST 8:30
13 TO TRY TO CALL TINA.

14 Q WHAT DID YOU DECIDE TO DO AFTER MAKING SOME PHONE
15 CALLS?

16 A I DIDN'T -- I WAS -- I DIDN'T KNOW WHAT TO DO
17 UNTIL I TALKED TO MY HUSBAND.

18 Q WHAT DID YOU ALL DECIDE TO DO?

19 A WHEN I DID FINALLY TALK WITH HIM HE TOLD ME --
20 BECAUSE AT THAT POINT IN TIME THE ONLY THING WE KNEW WAS
21 HE WAS AT OUR HOUSE AND WE DIDN'T KNOW WHY.

22 Q DID YOU DECIDE TO CALL THE POLICE?

23 A HE TOLD ME TO CALL THE POLICE BUT GO AHEAD AND --
24 MR. EIDE: YOUR HONOR, I WOULD OBJECT. THAT'S
25 HEARSAY.

1 THE COURT: SUSTAINED.

2 MR. EIDE: MOVE TO STRIKE, YOUR HONOR.

3 MR. BENDER: YOUR HONOR, I'LL GO ON TO ANOTHER
4 LINE OF QUESTIONING.

5 THE COURT: LADIES AND GENTLEMEN, YOU ARE TO
6 DISREGARD THE STATEMENT CONCERNING WHAT SOMEONE ELSE
7 TOLD HER. THAT'S HEARSAY IN THIS INSTANCE, OF HER
8 CONVERSATION WITH HER HUSBAND. THAT WOULD BE
9 INADMISSIBLE HEARSAY.

10 BY MR. BENDER:

11 Q DID YOU EVENTUALLY CALL THE POLICE, MA'AM?

12 A YES.

13 Q DID YOU GO PICK UP THE GIRLS AT SCHOOL, OR WHAT?

14 A YES.

15 MR. EIDE: OBJECTION, YOUR HONOR. HE'S LEADING
16 AGAIN.

17 THE COURT: SUSTAINED.

18 BY MR. BENDER:

19 Q WHAT TIME DID YOU PICK UP THE GIRLS?

20 A IT WAS AROUND TWELVE O'CLOCK, NOON.

21 Q WHY DID YOU GO PICK THEM UP?

22 A BECAUSE I HAD MADE THE DECISION TO CALL THE POLICE.
23 AND NOT KNOWING HOW LONG IT WOULD TAKE THE POLICE TO ARRIVE,
24 I FIGURED I NEEDED TO HAVE THEM THERE AT THE HOUSE. BECAUSE
25 I KNEW THEY WOULD WANT TO TALK TO THEM.

1 Q WHERE DID YOU GO AFTER PICKING THE GIRLS UP FROM
2 SCHOOL?

3 A STRAIGHT HOME.

4 Q AND WHEN IS IT THAT YOU CALLED THE POLICE?

5 A AS SOON AS I CAME HOME.

6 Q HOW LONG AFTER YOU PHONED THE POLICE, DID THE
7 POLICE ARRIVE AT YOUR HOME?

8 A IT TOOK ABOUT 45 MINUTES, TO AN HOUR.

9 Q AND DID YOU TALK WITH THE POLICE OFFICERS?

10 A WHEN THEY ARRIVED AT THE HOUSE?

11 Q YES, WHEN THEY ARRIVED. I'M SORRY.

12 A YES. YES, I DID.

13 Q DO YOU KNOW IF THE GIRLS, ANGELA AND MICHELLE --
14 DID THEY TALK TO ANY POLICE OFFICERS?

15 A YES, THEY DID.

16 Q YOU DID NOT SEE SCOTTY MERSON THAT EVENING, DID
17 YOU?

18 A NO, I DID NOT.

19 Q DID YOU HEAR ANYONE COME INTO THE HOUSE OR LEAVE
20 THE HOUSE THAT NIGHT?

21 A NO, I DID NOT.

22 Q DO YOU SEE SCOTTY MERSON ANYWHERE IN THIS COURTROOM
23 TODAY, MA'AM?

24 A YES, I DO.

25 Q WOULD YOU POINT HIM OUT TO US, PLEASE?

