

1 IN THE MIDDLE OF THE NIGHT?

2 A NO, NOT THAT I KNOW OF.

3 MR. EIDE: I DON'T HAVE ANY OTHER QUESTIONS,
4 YOUR HONOR.

5 THE COURT: DOES THE STATE HAVE ANY QUESTIONS?

6 MR. BENDER: YES, YOUR HONOR.

7 CROSS-EXAMINATION

8 BY MR. BENDER:

9 Q HELLO, MISS MOORE. HOW ARE YOU?

10 A FINE. AND YOU?

11 Q I'M FINE. THANK YOU. YOU'VE KNOWN SCOTTY MERSON
12 FOR JUST ABOUT ONE YEAR, YOU INDICATED?

13 A YEAH.

14 Q HOW OFTEN PRIOR TO MAY 18TH DID YOU SEE SCOTTY
15 MERSON?

16 A I'D SAY PROBABLY AT LEAST ONCE A WEEK, AT LEAST.

17 Q WERE SHAWN, WHO IS YOUR BOYFRIEND, AND SCOTTY
18 GOOD FRIENDS?

19 A YES. FROM WHAT I KNOW, THEY'VE BEEN GOOD FRIENDS
20 FOR A WHILE.

21 Q AND DID YOU ACCOMPANY THEM ON SOCIAL OUTINGS?

22 A NOT ALL THE TIME, NO.

23 Q YOU'VE INDICATED THAT YOU WENT AND PICKED UP
24 MR. MERSON ABOUT 10:15 AT HIS GRANDMOTHER'S TRAILER PARK?

25 A HMM-HMM.

1 Q AND YOU STOPPED ALONG THE WAY AT A CONVENIENCE
2 STORE TO PICK UP A PACK OF CIGARETTES AND A SIX-PACK OF BEER?

3 A HMM-HMM.

4 Q DO YOU RECALL THE CONVENIENCE STORE YOU STOPPED AT?

5 A NO, I DON'T REMEMBER THE NAME OF IT.

6 Q WHAT TIME DO YOU THINK IT WAS THAT YOU ARRIVED
7 HOME AT THE TRAILER ON HIGH MEADOWS DRIVE?

8 A I BELIEVE IT WAS LIKE, I BELIEVE A QUARTER TO
9 ELEVEN.

10 Q WHO HAD DINNER WHEN YOU GOT BACK AT THE TRAILER?

11 A I DON'T REMEMBER WHO ALL ATE. I KNOW ME, SHAWN,
12 SCOTTY.

13 Q SCOTTY MERSON?

14 A HMM-HMM. AND I THINK MICHAEL WILLEY AND MICHAEL
15 HYLAND ATE. I'M NOT FOR SURE IF ALLISON ATE, OR NOT.

16 Q DO YOU REMEMBER WHAT THE DINNER WAS?

17 A YES. IT WAS A ROAST, WITH CARROTS AND POTATOES.

18 Q WHO WAS COOKING IT?

19 A I'M NOT FOR SURE BECAUSE I WASN'T AT THE TRAILER
20 WHEN IT WAS BEING COOKED. WE WERE GOING TO GO PICK UP
21 SCOTTY.

22 Q WHO DO YOU BELIEVE COOKED IT?

23 A I THINK MICHAEL HYLAND. I THINK THAT'S WHO
24 COOKED IT.

25 Q WHO WAS DRINKING THE SIX-PACK OF BEER THAT YOU

1 BOUGHT THAT NIGHT?

2 A THE ONLY PERSON I KNOW OF WAS SCOTTY AND POSSIBLY
3 MICHAEL HYLAND.

4 Q DID YOU SEE MR. MERSON DRINKING ANY BEER AT THE
5 TRAILER THAT NIGHT?

6 A I THINK I SAW HIM DRINK ONE BEER BEFORE I WENT
7 TO BED.

8 Q NOW, LET'S GO OVER AGAIN WHO LIVES IN THIS TRAILER,
9 AT LEAST AT THE TIME BACK ON MAY 17TH.

10 YOU AND SHAWN SHARED A ROOM?

11 A CORRECT.

12 Q AND WHO SHARED THE OTHER BEDROOM?

13 A TAMMY, JUDY AND CHRISTOPHER, WHICH IS TAMMY'S
14 BABY.

15 Q AND JUDY IS TAMMY'S MOTHER?

16 A CORRECT.

17 Q SO THERE ARE ONLY TWO BEDROOMS?

18 A CORRECT.

19 Q WHERE DID THE OTHER PEOPLE SLEEP?

20 A WE HAD A MATTRESS IN THE LIVING ROOM BY THE
21 LITTLE BAR THAT SORT OF, KIND OF, DIVIDES THE LIVING ROOM.

22 Q WHO SLEPT ON THE MATTRESS?

23 A THAT NIGHT?

24 Q NO, REGULARLY.

25 A USUALLY, IT WAS MICHAEL AND ALLISON, MICHAEL

1 WILLEY AND ALLISON.

2 Q AND YOU SAID MICHAEL HYLAND ALSO LIVED THERE
3 AT THE TRAILER?

4 A I BELIEVE SO.

5 Q WELL, AT THE TIME YOU WERE LIVING THERE WAS HE
6 STAYING THERE OVERNIGHT ON A REGULAR BASIS?

7 A AT SOME POINT, YES. I CAN'T --

8 Q EXCUSE ME. WHERE WOULD HE SLEEP?

9 A UP ON THE COUCH.

10 Q SO THAT EVENING YOU HAD NINE PEOPLE SLEEPING
11 OVER, INCLUDING SCOTT MERSON?

12 A HMM-HMM.

13 Q WHAT TIME DID YOU SAY YOU WENT TO BED, YOU AND
14 SHAWN?

15 A I BELIEVE IT WAS LIKE A QUARTER TO TWELVE, MAYBE
16 TWELVE O'CLOCK.

17 Q DID YOU LEAVE YOUR ROOM AFTER YOU AND SHAWN WENT
18 IN THERE?

19 A NO.

20 Q DO YOU HAVE A TV IN YOUR ROOM?

21 A YES.

22 Q WERE YOU WATCHING IT?

23 A NOT WHEN WE WENT TO BED. I MEAN, WE JUST WENT
24 IN THERE, AND WE WENT TO BED BECAUSE WE HAD TO GET UP FOR
25 WORK THE NEXT MORNING.

1 Q THIS WAS A THURSDAY NIGHT, I BELIEVE?

2 A I DON'T REMEMBER. I GUESS SO.

3 Q AND YOU SAY YOU LOCKED THE DOOR. WHY DO YOU
4 LOCK YOUR DOOR?

5 A SO NO ONE WILL COME IN. I'VE HAD STUFF STOLEN
6 OUT OF MY ROOM BEFORE.

7 Q WHILE YOU WERE SLEEPING?

8 A NO, WHILE I WASN'T THERE.

9 Q BUT WHEN YOU AND SHAWN WOULD GO TO BED IT WAS
10 COMMON PRACTICE FOR YOU TO LOCK YOUR DOOR, EVEN THOUGH IT
11 WAS ONLY FAMILY MEMBERS THERE AT THE HOUSE?

12 A YEAH.

13 Q AND YOU INDICATED IF SOMEONE CAME IN THE ROOM,
14 YOU WOULD HAVE DEFINITELY WOKEN UP?

15 A HMM-HMM. BECAUSE THE DOOR MAKES A SQUEAKY DOOR.

16 Q ARE YOU POSITIVE THAT YOU CAN SAY WITH A DEGREE
17 OF CERTAINTY THAT YOU WOULD HAVE AWOKEN IF ANYONE CAME IN
18 THE ROOM?

19 A HMM-HMM. BECAUSE I'VE BEEN AWAKENED BEFORE.

20 Q THESE KEYS THAT WERE ON YOURS AND SHAWN'S BED,
21 IS THAT THE ONLY SET OF KEYS HE HAD TO HIS TRUCK?

22 A YES.

23 Q SO IF HE HAD LOST THOSE HE WOULD HAVE HAD TO GET
24 NEW ONE'S MADE?

25 A HMM-HMM.

1 Q NOW, YOU CANNOT TELL THIS JURY -- IF I'M WRONG,
2 PLEASE TELL ME -- THAT YOU KNOW FOR A FACT THAT SCOTTY
3 MERSON DIDN'T LEAVE THAT TRAILER THAT NIGHT, DO YOU?

4 A NO, I DON'T KNOW FOR A FACT THAT HE DID, OR NOT.
5 MR. BENDER: THANK YOU. THAT'S ALL I HAVE.

6 THE COURT: REDIRECT?

7 MR. EIDE: NO, YOUR HONOR.

8 THE COURT: YOU MAY STEP DOWN.

9 CALL YOUR NEXT WITNESS.

10 MR. BENDER: YOUR HONOR, NEXT WOULD BE SHAWN WILLEY.

11 THEREUPON,

12 SHAWN P. WILLEY,
13 WAS CALLED AS A WITNESS BY THE DEFENSE AND, AFTER HAVING
14 BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED ON HIS
15 OATH AS FOLLOWS:

16 DIRECT EXAMINATION

17 BY MR. EIDE:

18 Q GOOD AFTERNOON, MR. WILLEY. COULD YOU, PLEASE,
19 STATE YOUR FULL NAME FOR THE RECORD?

20 A GOOD AFTERNOON. SHAWN PATRICK WILLEY.

21 Q AND WHERE DO YOU LIVE?

22 A 1331 ADMIRAL DRIVE.

23 Q DO YOU REMEMBER WHERE YOU LIVED ON MAY 18TH OF
24 THIS YEAR?

25 A YES. 1058 HIGH MEADOW.