

1 Q SO WHAT WOULD YOU SAY, YOUR AVERAGE AMOUNT OF  
2 HOURS PER NIGHT, HOW MANY HOURS WOULD THAT BE?

3 A WELL, NIGHT BEFORE LAST I DIDN'T SLEEP ANY UNTIL  
4 ABOUT SEVEN O'CLOCK IN THE MORNING. AND LAST NIGHT IT WAS  
5 ABOUT TWO O'CLOCK BEFORE I GOT, ABOUT TWO OR 2:30, BEFORE  
6 I WENT TO SLEEP. AND I WAS AWAKE AGAIN BY 5:30.

7 Q BUT BACK ON MAY 18TH, FROM APPROXIMATELY MIDNIGHT  
8 TO TWO A.M. YOU WERE ASLEEP AT THAT TIME?

9 A YES.

10 MR. BENDER: THANK YOU, MA'AM. I HAVE NO FURTHER  
11 QUESTIONS. MR. EIDE HAS SOME QUESTIONS FOR YOU.

12 THE COURT: CROSS-EXAM.

13 MR. EIDE: THANK YOU.

14 CROSS-EXAMINATION

15 BY MR. EIDE:

16 Q HELLO, MRS. STOCKWELL. HOW ARE YOU DOING?

17 A HELLO.

18 Q YOU STATED THAT YOU ARE A LIGHT SLEEPER?

19 A YES, I AM.

20 Q BUT YOU HAD SLEPT FOR A COUPLE OF HOURS BETWEEN  
21 TWELVE AND TWO?

22 A YES. I HAD DOZED OFF THAT NIGHT, HMM-HMM.

23 Q DO YOU REMEMBER HEARING ANYTHING FROM THE CHILDREN  
24 BEFORE THEY COME INTO THE ROOM?

25 A NO, NOT A THING.

1 Q WHEN YOU WOKE UP WAS YOUR HUSBAND AWAKE?

2 A NO, NOT RIGHT AWAY. I DON'T REMEMBER EXACTLY  
3 WHEN HE DID WAKE UP. I THINK IT WAS AFTER I MADE THE TRIP  
4 INTO THE KITCHEN AND BACK.

5 Q OKAY.

6 A BECAUSE I DIDN'T FIND -- I MEAN, NOTHING SEEMED  
7 TO BE ALARMING TO ME AT THE TIME. BECAUSE, AS I SAID, MY  
8 GRANDSON DOES GET UP AND GO DOWN TO THE KITCHEN, YOU KNOW,  
9 AND BACK.

10 BUT USUALLY I'M A LIGHT ENOUGH SLEEPER, THAT --

11 THE COURT: MA'AM, JUST RESPOND TO THE QUESTION.

12 JUST LISTEN TO HIS QUESTION AND ANSWER IT.

13 THE WITNESS: ALL RIGHT.

14 BY MR. EIDE:

15 Q WAS YOUR DOOR OPEN?

16 A YES.

17 Q AND YOU LEFT YOUR DOOR OPEN THE WHOLE NIGHT?

18 A I ALWAYS DO, ON ACCOUNT OF THE KIDS.

19 Q WHEN YOU THOUGHT YOU HEARD SOMEONE OUT IN THE  
20 HALLWAY, DID YOU CALL TO THAT PERSON AT ALL?

21 A NO.

22 Q YOU DIDN'T HEAR ANYONE OPEN OR CLOSE THE DOOR,  
23 DID YOU?

24 A NO. I COULDN'T HAVE HEARD IT BECAUSE THE  
25 AIR-CONDITIONER WAS ON.

1 Q BUT YOU DIDN'T HEAR ANYONE OPEN OR CLOSE THE DOOR?

2 A NO.

3 Q YOU DIDN'T SEE ANYBODY IN THE HALL, DID YOU?

4 A NO.

5 Q AND NOW YOU STATED TO ME THAT THE ROOM IS DIM  
6 ENOUGH SO THAT YOUR HUSBAND CAN SLEEP WITHOUT THE LIGHT  
7 BOTHERING HIM; IS THAT CORRECT?

8 A WELL, HE CAN SLEEP WITH THE LIGHT SHINING IN HIS  
9 FACE.

10 Q DOES HE GET UPSET WITH THE LIGHTS BEING ON?

11 A NO.

12 Q HIS LIGHT WAS OFF, THOUGH?

13 A HIS LIGHT WAS ON WHEN I WOKE UP.

14 Q AND THEN YOU TURNED IT OFF?

15 A THEN I TURNED IT OFF AND THE TV AT THE SAME TIME.

16 Q YOU SAID YOU WOKE UP ABOUT TWO A.M.?

17 A IT WAS APPROXIMATELY TWO A.M., HMM-HMM.

18 Q AND THAT'S WHEN YOU THOUGHT YOU HEARD SOMETHING?

19 A HMM-HMM.

20 Q AND THAT'S WHEN YOU WENT OUT TO THE KITCHEN,  
21 RIGHT AFTER THAT?

22 A IT WAS PROBABLY ALL ABOUT THREE OR FOUR MINUTES  
23 OR FIVE MINUTES BEFORE I WENT OUT.

24 Q AND WHEN YOU WERE OUT WALKING THROUGH THE HOUSE  
25 YOU STOPPED OFF AND CHECKED ON JASON AS YOU WENT TO THE

1 KITCHEN, OR AS YOU CAME BACK?

2 A AS I CAME BACK.

3 Q YOU DIDN'T SEE ANYONE IN THE HOUSE AT THE TIME?

4 A NO, I DIDN'T.

5 Q WHEN YOU CAME BACK YOU CHECKED ON JASON?

6 A YES.

7 Q HE WAS ASLEEP?

8 A YES. HE WAS JUST LIKE HE WAS WHEN I CHECKED ON  
9 HIM BEFORE I WENT TO SLEEP.

10 Q AND FROM JASON'S ROOM, YOU WENT IN AND CHECKED  
11 ON ANGELA AND MICHELLE?

12 A YES.

13 Q THEY WERE ASLEEP?

14 A THEY APPEARED TO BE.

15 Q THEN YOU WENT BACK INTO YOUR ROOM?

16 A YES.

17 Q AND YOU STATED A COUPLE OF MINUTES LATER ANGELA  
18 CAME IN, RIGHT?

19 A WELL, IT WAS A LITTLE LONGER THAN JUST A COUPLE  
20 OF MINUTES.

21 Q OKAY. BUT 2:15?

22 A IT WAS APPROXIMATELY, I'LL SAY, 2:15. BECAUSE  
23 I LOOKED AT THE CLOCK THEN WHEN SHE CAME IN.

24 Q ALL RIGHT. AND WAS IT JUST ANGELA, OR ANGELA  
25 AND MICHELLE?

1 A JUST ANGELA.

2 Q OKAY. AND DID RAYMOND WAKE UP AT THIS TIME?

3 A HE WOKE UP -- I CAN'T REMEMBER FOR SURE IF HE WAS  
4 AWAKE WHEN, JUST BEFORE ANGEL CAME IN OR -- I BELIEVE HE WAS.  
5 I WOULDN'T SAY FOR SURE, BECAUSE. BUT HE DID WAKE UP WHEN  
6 ANGEL CAME IN AND CRYING WITH LEG CRAMPS.

7 Q OKAY. NOW, WHEN YOU WENT IN AND CHECKED THE  
8 GIRLS, BOTH GIRLS WERE COVERED UP?

9 A YES.

10 Q THEN YOU WENT OUT AND TOOK ANGELA TO THE KITCHEN  
11 AND THEN BROUGHT HER BACK TO HER ROOM?

12 A HMM-HMM.

13 Q A FEW MINUTES LATER YOU SAID MICHELLE CAME IN,  
14 RIGHT?

15 A RIGHT.

16 Q NOW, RAY WAS ASLEEP AT THAT TIME?

17 A YES. BECAUSE SHE WAS COMPLAINING ABOUT HIM SNORING.

18 Q ALL RIGHT. WHEN YOU CAME BACK FROM THE KITCHEN  
19 THE FIRST TIME, BEFORE ANGEL CAME IN, THAT'S WHEN YOU TURNED  
20 OFF THE TV AND YOUR HUSBAND'S LIGHT?

21 A NO. WHEN I FIRST WOKE UP, WHEN I GOT UP AND WENT  
22 DOWN TO THE KITCHEN, THE FIRST THING I AUTOMATICALLY DONE  
23 WAS TURN HIS LIGHT OFF AND THEN TURN THE TV OFF, RIGHT AFTER  
24 I HEARD SOMEBODY GOING DOWN THE HALLWAY. AND --

25 Q DO YOU HAVE CURTAINS IN YOUR LIVING ROOM WINDOW?

1 A YES.

2 Q AND THE LIGHTS FROM THE FISH TANK -- YOU PUT THOSE  
3 BLUE LIGHTS IN YOUR FISH TANK, THE BLUE BULBS?

4 A THERE'S JUST REGULAR BULBS.

5 Q THEY DON'T HAVE THAT BLUE COLOR TO THEM?

6 A NO.

7 MR. EIDE: I DON'T HAVE ANY OTHER QUESTIONS,  
8 YOUR HONOR.

9 THE COURT: REDIRECT?

10 MR. BENDER: NO FURTHER QUESTIONS, YOUR HONOR.

11 THE COURT: ALL RIGHT. YOU MAY STEP DOWN. THANK  
12 YOU, MA'AM.

13 LADIES AND GENTLEMEN OF THE JURY, WE'RE  
14 GOING TO RECESS FOR THE DAY AT THIS TIME. WE'LL TAKE  
15 TESTIMONY BACK UP IN THE MORNING. THERE'S SOME  
16 ADDITIONAL WITNESSES FOR THE STATE, AS WELL AS FOR  
17 THE DEFENSE.

18 I WANT TO READ YOU SOME INSTRUCTIONS BEFORE  
19 WE DO THAT. AND YOU'LL NEED TO BE BACK -- I HAVE SOME  
20 OTHER MATTERS SCHEDULED TOMORROW MORNING, AND WE WON'T  
21 BE ABLE TO START THE TRIAL UNTIL ABOUT TEN O'CLOCK.  
22 SO I'LL NEED YOU BACK AT TEN O'CLOCK TOMORROW MORNING.

23 THE INSTRUCTIONS I'M GOING TO READ TO YOU  
24 ARE VIRTUALLY THE SAME INSTRUCTIONS I READ TO YOU  
25 BEFORE YOU BROKE FOR LUNCH. BUT THEY MAY HAVE A

1 LITTLE BIT MORE MEANING AT THIS POINT THEN THEY DID  
2 AT LUNCH TIME.

3 YOU SHOULD NOT FORM ANY DEFINITE OR FIXED  
4 OPINION ON THE MERITS OF THE CASE UNTIL YOU HAVE HEARD  
5 ALL THE EVIDENCE, THE ARGUMENTS OF THE LAWYERS, AND  
6 THE INSTRUCTIONS ON THE LAW BY THE JUDGE. UNTIL THAT  
7 TIME YOU SHOULD NOT DISCUSS THE CASE AMONG YOURSELVES.

8 DURING THE COURSE OF THE TRIAL THE COURT  
9 MAY TAKE RECESSES, DURING WHICH YOU WILL BE PERMITTED  
10 TO SEPARATE AND GO ABOUT YOUR PERSONAL AFFAIRS.

11 DURING THE RECESSES YOU WILL NOT DISCUSS  
12 THE CASE WITH ANYONE NOR PERMIT ANYONE TO SAY ANYTHING  
13 TO YOU OR IN YOUR PRESENCE ABOUT THIS CASE.

14 IF ANYONE ATTEMPTS TO SAY ANYTHING TO YOU  
15 OR IN YOUR PRESENCE ABOUT THE CASE, TELL THEM YOU ARE  
16 ON THE JURY TRYING THE CASE AND ASK THEM TO STOP. IF  
17 THEY PERSIST, REPORT THE MATTER IMMEDIATELY TO THE  
18 BAILIFF, AND THEY WILL ADVISE ME.

19 THE CASE MUST BE TRIED BY YOU ONLY ON THE  
20 EVIDENCE PRESENTED DURING THE TRIAL IN YOUR PRESENCE,  
21 AND IN THE PRESENCE OF THE DEFENDANT, THE ATTORNEYS  
22 AND THE JUDGE.

23 ACCORDINGLY, YOU MUST NOT VISIT ANY OF THE  
24 PLACES DESCRIBED IN THE EVIDENCE, AND YOU MUST NOT  
25 READ NOR LISTEN TO ANY REPORTS ABOUT THE CASE.

1           FURTHER, YOU MUST NOT DISCUSS THE CASE WITH  
2           ANY PERSON. AND YOU MUST NOT SPEAK WITH THE ATTORNEYS,  
3           THE WITNESSES, OR THE DEFENDANT ABOUT ANY SUBJECT UNTIL  
4           YOUR DELIBERATIONS ARE FINISHED.

5           I HAVEN'T SEEN ANY REPORTERS HERE TODAY  
6           FROM ANY OF THE RADIO OR TV STATIONS OR THE NEWSPAPERS.  
7           SO I DON'T ANTICIPATE THERE BEING ANY COVERAGE OF THIS  
8           TRIAL IN THE MEDIA.

9           DO EITHER OF YOU ALL?

10          MR. BENDER: NO, YOUR HONOR.

11          MR. EIDE: I DON'T ANTICIPATE IT, YOUR HONOR.

12          THE COURT: SO, ORDINARILY, IF THAT WERE THE CASE  
13          I WOULD INSTRUCT YOU NOT TO WATCH TV AS FAR AS THE NEWS  
14          IS CONCERNED OR LISTEN TO THE RADIO.

15          BUT THAT'S ALL RIGHT. I DON'T THINK WE'VE  
16          GOT A PROBLEM WITH THAT TODAY, AS FAR AS THE COVERAGE  
17          IS CONCERNED. I DON'T THINK THERE IS ANY COVERAGE OF  
18          THIS CASE. HOWEVER, IT IS EXTREMELY IMPORTANT THAT  
19          YOU NOT DISCUSS THE CASE WITH ANYONE.

20          NOW, YOU'VE HEARD SOME TESTIMONY, AND YOU'RE  
21          GOING TO BE FORMING SOME OPINIONS ABOUT THE CASE BASED  
22          ON THE TESTIMONY YOU'VE HEARD HERE TODAY.

23          AND WHEN YOU GET HOME YOUR WIFE OR HUSBAND  
24          OR FRIENDS OR NEIGHBORS OR RELATIVES OR WHOEVER IT MAY  
25          BE ARE GOING TO WANT TO KNOW WHAT KIND OF CASE YOU'RE



1 SITTING ON. AND YOU CAN TELL THEM THAT YOU'RE IN TRIAL  
2 AND THAT YOU'RE ON A JURY AND YOU CANNOT DISCUSS THE  
3 CASE.

4 PARTICULARLY, IF YOU TELL THEM WHAT KIND  
5 OF CASE THAT YOU'RE SITTING ON, THEY'RE NOT GOING TO  
6 LEAVE YOU ALONE UNTIL YOU TELL THEM A LITTLE BIT MORE  
7 ABOUT THE CASE.

8 SO I CAUTION YOU THAT YOU CANNOT DISCUSS  
9 THE CASE WITH ANYONE. YOU CANNOT DISCUSS THE CASE  
10 AMONG YOURSELVES. AND YOU'VE ALL HEARD THE SAME THINGS  
11 SO, OBVIOUSLY, YOU SHOULDN'T BE ALLOWED TO DISCUSS IT  
12 WITH ANYONE ELSE BECAUSE THEY ARE GOING TO BE ASSERTING  
13 THEIR OPINIONS CONCERNING THE CASE AND ASKING QUESTIONS.

14 SO I WANT YOU TO REMEMBER THAT WHEN YOU'RE  
15 BADGERED BY SOMEONE AT HOME, THAT YOU SIMPLY CAN'T  
16 CONVERSE WITH THEM. HOPEFULLY, IF THE CASE CONCLUDES  
17 TOMORROW YOU CAN TELL THEM TOMORROW NIGHT.

18 ANY OTHER INSTRUCTIONS REQUESTED BY THE  
19 STATE?

20 MR. BENDER: NO, YOUR HONOR.

21 THE COURT: OR BY THE DEFENSE?

22 MR. EIDE: YES, YOUR HONOR.

23 (THEREUPON, COUNSEL APPROACHED THE BENCH AND THE  
24 FOLLOWING PROCEEDINGS WERE HAD OUTSIDE THE HEARING OF THE  
25 JURY, AND ON THE RECORD AS FOLLOWS:)

1 MR. EIDE: OUT OF AN ABUNDANCE OF CAUTION, I WOULD  
2 ASK THE COURT INSTRUCT THEM IF THEY DO SEE SOMETHING IN  
3 THE PAPER ABOUT THIS CASE THAT THEY ARE NOT TO READ IT.  
4 THAT'S ALL.

5 THE COURT: OKAY.

6 MR. EIDE: I DON'T EXPECT IT WOULD BE.

7 (THEREUPON, THE SIDE-BAR CONFERENCE WAS CONCLUDED.)

8 THE COURT: THERE'S A REQUEST THAT IF ANYTHING  
9 COMES ON THE TV OR IN THE PAPER, THAT AS SOON AS YOU  
10 REALIZE IT'S THIS CASE THAT YOU ARE TO STOP READING  
11 IT, STOP VIEWING IT, OR STOP LISTENING TO IT.

12 I DON'T THINK THAT'S GOING TO HAPPEN. BUT  
13 IF IT DOES HAPPEN, YOU ARE ADVISED THAT THE NEWSPAPER,  
14 ALTHOUGH THEY TELL YOU THAT THEIR STORIES ARE STRAIGHT  
15 AND UNBIASED AT ALL TIMES, THEY MAY NOT BE. AND SO  
16 THEY MAY HAVE AN OPINION CONCERNING A CASE.

17 AND, OBVIOUSLY, IF IT'S IN THE PAPER OR  
18 ON TV OR ON THE RADIO, THE REPORTER MAY COLOR THEIR  
19 STATEMENT CONCERNING WHAT OCCURRED AND WHAT THEY  
20 OBSERVED.

21 SO IF YOU DO FIND THAT YOU ARE ALL OF A  
22 SUDDEN LISTENING TO SOMETHING OR READING SOMETHING  
23 THAT CONCERNS THIS CASE, THEN I WANT TO URGE YOU TO  
24 STOP IMMEDIATELY.

25 OKAY. ANYTHING ELSE?

1 MR. BENDER: NO, YOUR HONOR.

2 MR. EIDE: NOTHING ELSE, YOUR HONOR.

3 THE COURT: ALL RIGHT. WE'RE GOING TO BE IN  
4 RECESS ON THIS TRIAL UNTIL TEN O'CLOCK TOMORROW MORNING.  
5 AND I ASK, IF YOU ALL COULD BE BACK BY ABOUT FIVE  
6 MINUTES TO TEN.

7 YOU'RE WELCOME TO COME BACK AT NINE O'CLOCK  
8 AND HAVE A CUP OF COFFEE, BUT YOU WILL BE REMAINING IN  
9 THE JURY ROOM UNTIL IT'S TIME TO COME INTO COURT FOR  
10 THE TRIAL. AND I'LL BE IN RECESS UNTIL 8:30 TOMORROW  
11 MORNING. SO SEE YOU ALL TOMORROW.

12 (THEREUPON, COURT RECESSED AT 6:34 P.M., TO  
13 RECONVENE ON OCTOBER 17, 1990.)

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15 (CONTINUED IN VOLUME III)

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