

1 AND IT WAS -- IT JUST -- IT FLOORED ME THEN LIKE
2 IT DOES NOW, TALKING ABOUT IT.

3 Q DID ANGELA SAY ANYTHING ELSE, MA'AM?

4 A NO. OTHER THAN, "WHY WOULD ANYBODY DO THAT?"

5 MR. BENDER: THANK YOU. I HAVE NOTHING FURTHER,
6 YOUR HONOR.

7 THE COURT: ANY CROSS?

8 MR. EIDE: NOTHING, YOUR HONOR.

9 THE COURT: THANK YOU, MA'AM. YOU MAY STEP DOWN.

10 THE STATE MAY PROCEED.

11 MR. BENDER: WE WOULD CALL INVESTIGATOR FRANCIS
12 ROACH, YOUR HONOR.

13 THEREUPON,

14 FRANCIS P. ROACH,
15 WAS CALLED AS A WITNESS BY THE STATE AND, AFTER HAVING
16 BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED ON HIS
17 OATH AS FOLLOWS:

18 DIRECT EXAMINATION

19 BY MR. BENDER:

20 Q GOOD MORNING, SIR. WOULD YOU TELL US YOUR NAME
21 AND OCCUPATION, PLEASE?

22 A MY NAME IS FRANCIS P ROACH. I'M A POLICE OFFICER
23 WITH THE ORLANDO POLICE DEPARTMENT AND ASSIGNED TO THE YOUTH
24 INVESTIGATIONS UNIT.

25 Q HOW LONG HAVE YOU BEEN WORKING WITH THE ORLANDO

1 POLICE DEPARTMENT, OVERALL, SIR?

2 A APPROXIMATELY EIGHT YEARS.

3 Q HOW LONG HAVE YOU BEEN IN THE SPECIAL DIVISION
4 OF THE YOUTH SEX CRIMES?

5 A APPROXIMATELY FOUR YEARS.

6 Q WHAT DO YOUR DUTIES IN THAT DIVISION ENTAIL?

7 A I INVESTIGATE CRIMES COMMITTED EITHER BY CHILDREN
8 OR UPON CHILDREN.

9 Q YOU INVESTIGATE SEXUAL ABUSE COMPLAINTS AGAINST
10 CHILDREN?

11 A YES, I DO.

12 Q AND YOU'VE BEEN DOING THAT FOR HOW LONG,
13 APPROXIMATELY?

14 A FOUR YEARS.

15 Q HOW MANY CASES INVOLVING CHILD SEXUAL ABUSE,
16 APPROXIMATELY, WOULD YOU SAY YOU'VE INVESTIGATED OVER THAT
17 FOUR-YEAR PERIOD?

18 A I DON'T KNOW. IT'S A LARGE PERCENT OF WHAT I DO.
19 I CAN ONLY GUESS. IT'S MANY, MAYBE A HUNDRED; I DON'T KNOW,
20 MORE THAN A HUNDRED.

21 Q AND OF THOSE HUNDRED INVESTIGATIONS DO A NUMBER
22 OF THEM INVOLVE YOUNG CHILDREN?

23 A YES.

24 Q THAT ARE THE VICTIMS OF SEXUAL ABUSE?

25 A YES.

1 Q BACK SOMETIME IN MAY DID YOU BECOME INVOLVED IN
2 A CASE REGARDING ALLEGATIONS OF SEXUAL ABUSE BY ONE SCOTTY
3 MERSON?

4 A YES, I DID.

5 Q DO YOU RECALL THE DATE IN WHICH YOU WERE FIRST
6 CONTACTED ABOUT THAT CASE?

7 A YES. IT WAS MAY 18TH, 1990.

8 Q APPROXIMATELY WHAT TIME WAS THAT?

9 A JUST AFTER TWO O'CLOCK IN THE AFTERNOON.

10 Q NOW, HOW DID YOU FIRST RECEIVE NOTIFICATION
11 ABOUT THIS CASE?

12 A WELL, I WAS THE ON-CALL INVESTIGATOR FOR THAT
13 WEEK. AND A PATROL OFFICER HAD ALREADY BEEN DISPATCHED
14 TO THE HOUSE TO CONDUCT AN INVESTIGATION REFERENCE TO A
15 BURGLARY AND A SEXUAL BATTERY.

16 AND I, AS THE ON-CALL OFFICER, WAS ASSIGNED TO
17 GO AND CONDUCT THE FOLLOW-UP INVESTIGATION ON THAT.

18 Q NORMALLY WHEN A CALL IS MADE OR A COMPLAINT IS
19 MADE, DOES A ROAD OFFICER USUALLY RESPOND PRIOR TO THE
20 INVESTIGATOR?

21 A YES.

22 MR. EIDE: OBJECTION, YOUR HONOR; SPECULATION.

23 THE COURT: OVERRULED.

24 THE WITNESS: YES.

25 BY MR. BENDER:

1 Q AND THEN HOW WAS THE PROCESS THAT YOU WERE
2 CONTACTED TO BECOME INVOLVED IN A CASE SUCH AS THIS?

3 A WELL, IN A INSTANCE SUCH AS THE CASE AT HAND
4 THE PATROL OFFICER OR SUPERVISOR WOULD CALL FOR A YOUTH
5 INVESTIGATOR TO COME TO THE SCENE.

6 Q SOMEONE WHO WAS EXPERIENCED IN THESE CASES?

7 A YES.

8 Q DO YOU RECALL THE ADDRESS WHICH YOU RESPONDED TO
9 REGARDING THIS COMPLAINT?

10 A I BELIEVE IT WAS 3020 HARRISON AVENUE, IN ORLANDO.

11 Q WHAT COUNTY IS THAT IN?

12 A ORANGE COUNTY.

13 Q WHOM DID YOU FIRST MEET UPON YOUR ARRIVAL?

14 A I MET WITH PATROL OFFICER SCOTT, WHO BRIEFED ME
15 ABOUT THE CASE.

16 Q DID OFFICER SCOTT, DID HE LEAVE AT THAT POINT
17 OR DID HE REMAIN?

18 A NO, HE STAYED AROUND.

19 Q AT THAT POINT IN TIME WHO WAS IN CHARGE OF THE
20 INVESTIGATION?

21 A WELL, AT THAT POINT I WAS.

22 Q WHOM DID YOU SPEAK WITH AT THE SCENE, OTHER THAN
23 OFFICER SCOTT?

24 A WELL, I INTERVIEWED THE VICTIM, ANGELA [REDACTED], HER
25 SISTER, HER PARENTS, HER GRANDPARENTS, EVERYBODY THAT WAS

1 AT THE HOUSE.

2 Q YOU INTERVIEWED BOTH ANGELA AND MICHELLE [REDACTED]?

3 A YES, I DID.

4 Q AND APPROXIMATELY HOW LONG AFTER YOU ARRIVED DID
5 YOU INTERVIEW ANGELA [REDACTED]?

6 A IT WASN'T LONG AFTER BEING BRIEFED. I WOULD
7 ESTIMATE MAYBE 15 MINUTES OR SO, APPROXIMATELY.

8 Q AND WHERE WAS THAT INTERVIEW CONDUCTED?

9 A IT WAS IN HER GRANDPARENT'S BEDROOM.

10 Q WHO WAS PRESENT DURING THE INTERVIEW?

11 A JUST ANGELA AND MYSELF.

12 Q AND DID YOU ASK HER QUESTIONS REGARDING THIS
13 INCIDENT?

14 A YES, I DID.

15 Q WHAT DID SHE TELL YOU HAPPENED THAT EVENING ON
16 THE EARLY MORNING HOURS OF THE 18TH, SIR?

17 A WELL, SHE TOLD ME SHE WAS, SHE WAS AWAKENED AROUND
18 1:50 IN THE MORNING.

19 Q ONE FIVE ZERO?

20 A YES, 1:50 IN THE MORNING. AND SHE SAID THAT SHE
21 SAW SCOTTY MERSON OVER ON HER SISTER'S SIDE OF THE BED.

22 AND I SAID, "WELL, HOW DID YOU KNOW IT WAS HIM?"

23 AND SHE SAID THE LIGHT WAS SHINING FROM HER
24 GRANDMOTHER'S BEDROOM ONTO HIS FACE.

25 AND SHE SAID SHE ALSO HEARD HIS VOICE AND SHE

1 WAS SURE THAT IT WAS HIM.

2 AND SHE SAID THAT HE CAME OVER TO HER SIDE OF THE
3 BED AND TOLD HER TO TAKE THE BED COVERS DOWN AND HE PUT A
4 DOLL'S BLOUSE OVER HER FACE SO THAT SHE COULDN'T SEE WHAT
5 WAS GOING ON.

6 SHE SAID THAT HE THEN PULLED HER PANTIES DOWN,
7 AND SHE SAID THAT HE PUT HIS MOUTH ON HER PRIVATE PARTS AND
8 MOVED HIS TONGUE AROUND.

9 SHE SAID THAT WHEN HE WAS THROUGH SHE SAW HIM GET
10 UP, AND SHE NOTICED THAT HIS PANTS WERE DOWN. AND SHE SAID
11 SHE SAW HIS HAND MOVING UP AND DOWN. SHE SAID SHE SAW HIM
12 PULL HIS PANTS UP.

13 AND SHE SAID THAT HE TOLD HER NOT TO TELL ANYBODY
14 OR HE'D BEEN IN BIG TROUBLE AND HE SAID IF HE SAW THE POLICE
15 AROUND HER HOUSE THAT HE WOULD BLOW UP THE HOUSE.

16 Q NOW, DURING THIS STATEMENT DID SHE TELL YOU WHAT
17 SHE DID THE FOLLOWING MORNING UPON WAKING UP?

18 A YES, SHE DID. SHE TOLD ME THAT SHE WENT TO TELL
19 HER MOTHER ABOUT THIS INCIDENT AND TOLD HER MOTHER THAT
20 SCOTTY WAS IN THE HOUSE AND WAS SAYING THINGS TO HER AND
21 HER SISTER.

22 SHE SAID THAT HER MOTHER WAS TRYING TO GET READY
23 FOR SCHOOL, MAKING THEIR LUNCH FOR SCHOOL. AND SHE DID NOT
24 TELL HER MOTHER ABOUT THE SEX ACTS AT THAT TIME.

25 Q DID SHE SAY WHEN SHE TOLD HER MOTHER ABOUT THE

1 SEXUAL ACTS?

2 A YES. SHE SAID SHE TOLD HER MOTHER WHEN HER
3 MOTHER PICKED HER UP AT PRINCETON ELEMENTARY SCHOOL, LATER
4 ON THAT AFTERNOON.

5 Q NOW, YOU STATED YOU ALSO SPOKE TO MICHELLE [REDACTED]?

6 A YES, I DID.

7 Q WHO ELSE AMONG THE FAMILY DID YOU SPEAK WITH?

8 A WELL, THOSE ARE THE ONLY TWO I SPOKE TO IN DEPTH.
9 I BRIEFLY SPOKE WITH THE OTHER FAMILY MEMBERS AND OBTAINED
10 AFFIDAVITS FROM THEM.

11 Q DID YOU THEN FURTHER YOUR INVESTIGATION IN REGARDS
12 TO SCOTTY MERSON?

13 A YES, I DID.

14 Q BASED ON THE INFORMATION YOU RECEIVED FROM ANGELA
15 AND MICHELLE [REDACTED] AND THE OTHER FAMILY MEMBERS, WERE YOU
16 PREPARED TO MAKE AN ARREST?

17 A YES, I WAS.

18 Q AND DID YOU EFFECTUATE AN ARREST AGAINST SCOTTY
19 MERSON?

20 A YES, I DID.

21 Q WHAT ELSE IN YOUR INVESTIGATION REGARDING THE --
22 STRIKE THAT. DID YOU HAVE AN OCCASION TO SPEAK WITH
23 WITNESSES THAT LIVED IN APOPKA, ON HIGH MEADOWS DRIVE?

24 A YES.

25 Q WHAT IS THAT, A SUBDIVISION? WHAT SORT OF

1 DEVELOPMENT IS THAT?

2 A WELL, IT'S THE CHALET NORTH MOBILE HOME PARK.

3 Q IT'S A TRAILER PARK?

4 A YES.

5 Q AND THAT IS IN ORLANDO, SIR?

6 A NO, THAT'S IN APOPKA.

7 Q NOW, UPON YOUR ARREST OF SCOTTY MERSON, DID YOU
8 HAVE AN OPPORTUNITY TO TALK WITH MR. MERSON?

9 A YES, I DID.

10 Q PRIOR TO TALKING WITH MR. MERSON DID YOU ADVISE
11 HIM OF ANYTHING?

12 A YES, I DID.

13 Q WHAT WAS THAT?

14 A I ADVISED HIM OF HIS MIRANDA RIGHTS WHICH,
15 BASICALLY, HE HAS THE RIGHT TO AN ATTORNEY; THE RIGHT TO
16 REMAIN SILENT; IF HE CAN'T AFFORD AN ATTORNEY, ONE WOULD
17 BE FURNISHED TO REPRESENT HIM FREE OF CHARGE; AND, YOU
18 HAVE THE RIGHT TO STOP ANSWERING QUESTIONS AT ANY TIME,
19 THAT SORT OF THING.

20 Q DID MR. MERSON APPEAR TO UNDERSTAND THE RIGHTS
21 AS YOU READ THEM TO HIM?

22 A YES, HE DID.

23 Q AND DID HE INITIAL EACH PART OF THE RIGHTS, AS
24 YOU READ THEM TO HIM, OR HOW DID THAT WORK EXACTLY?

25 A WELL, I HAD A CARD. AND WHEN WE WERE DONE, HE

1 SIGNED THE CARD.

2 Q DO YOU HAVE THAT CARD WITH YOU TODAY?

3 A YES, I DO.

4 Q COULD I SEE IT, PLEASE?

5 A (WITNESS COMPLIES)

6 MR. BENDER: MAY I HAVE JUST A MOMENT, YOUR HONOR?

7 THE COURT: HMM-HMM.

8 BY MR. BENDER:

9 Q I WOULD LIKE TO SHOW YOU WHAT YOU HAVE GIVEN ME
10 AND I HAVE MARKED AS STATE'S EXHIBIT A FOR IDENTIFICATION.
11 AND I ASK YOU IF YOU COULD PLEASE READ THE BACK OF THAT
12 CARD, EXPLAINING THE MIRANDA RIGHTS THAT AN INDIVIDUAL HAS,
13 PLEASE?

14 A YES. "THE CONSTITUTION REQUIRES I INFORM YOU
15 THAT YOU HAVE THE RIGHT TO REMAIN SILENT.

16 "ANYTHING YOU SAY WILL BE USED IN COURT AS
17 EVIDENCE AGAINST YOU.

18 "YOU ARE ENTITLED TO TALK TO AN ATTORNEY NOW, AND
19 HAVE HIM PRESENT NOW OR AT ANY TIME DURING THE QUESTIONING.

20 "IF YOU CANNOT AFFORD AN ATTORNEY, ONE WILL BE
21 APPOINTED FOR YOU WITHOUT COST."

22 THEN THERE'S A QUESTION: "DO YOU DESIRE TO
23 CONSULT WITH AN ATTORNEY FIRST, OR TO HAVE ONE DURING THIS
24 INTERVIEW?"

25 Q WHAT WAS MR. MERSON'S RESPONSE TO THAT QUESTION?

1 A "NO."

2 "IF AT ANY TIME HEREAFTER YOU WISH TO REMAIN
3 SILENT OR HAVE AN ATTORNEY PRESENT, ALL QUESTIONING WILL
4 BE STOPPED.

5 "HAS ANYONE AT ANY TIME THREATENED, COERCED,
6 OR PROMISED YOU ANYTHING IN ORDER TO INDUCE YOU TO MAKE
7 A STATEMENT NOW?"

8 Q AND WHAT WAS MR. MERSON'S RESPONSE TO THAT
9 QUESTION?

10 A "NO."

11 "DO YOU UNDERSTAND THESE RIGHTS?"

12 AND HE SAID, "YES."

13 "DO YOU WISH TO TALK TO US AT THIS TIME?"

14 AND HE SAID, "YES."

15 Q DID YOU HAVE HIM SIGN THE CARD?

16 A YES, I DID.

17 Q THANK YOU.

18 MR. BENDER: YOUR HONOR, AT THIS TIME THE STATE
19 WOULD MOVE EXHIBIT A FOR IDENTIFICATION AND ASK THAT
20 IT BE MOVED INTO EVIDENCE AT THIS TIME.

21 THE COURT: ANY OBJECTION?

22 MR. EIDE: NO OBJECTION.

23 THE COURT: IT WILL BE ADMITTED AND MARKED AS
24 STATE'S EXHIBIT ONE.

25 (THEREUPON, THE ABOVE-REFERRED-TO ITEM WAS MARKED

1 STATE'S EXHIBIT NO. 1 IN EVIDENCE.)

2 BY MR. BENDER:

3 Q AFTER THE WAIVER OF THE MIRANDA RIGHTS THAT HE
4 HAD AND HE AGREED TO TALK TO YOU, WHAT DID MR. MERSON TELL
5 YOU WHERE HE HAD BEEN THAT EVENING ON THE 17TH OF MAY?

6 A WELL, HE TOLD ME THAT HE WAS, HE HAD COME HOME
7 FROM OKEECHOBEE AROUND SIX O'CLOCK, TO WHERE HE LIVED,
8 WHICH WAS A MOBILE HOME PARK IN ORANGE COUNTY; NOT THE
9 SAME ONE WHERE THE OTHER PEOPLE LIVED.

10 Q WAS IT NEAR THE AIRPORT?

11 A YEAH. IT'S THE STARLIGHT RANCH MOBILE HOME PARK,
12 WHICH IS OFF PERSHING AVENUE.

13 HE SAID HE GOT HOME AROUND SIX. HE SAID THAT HE
14 HAD SPOKEN TO HIS FORMER GIRLFRIEND, TINA COLE, ON THE PHONE,
15 AND THEY HAD A FIGHT. HE SAID THAT HE CALLED UP HIS FRIEND,
16 SHAWN WILLEY, AND ASKED SHAWN TO COME OVER AND PICK HIM UP.

17 Q I'M SORRY. JUST TO CLARIFY, DID HE SAY HE CALLED
18 SHAWN OR DID SHAWN CALL HIM; DO YOU RECALL?

19 A HE SAID HE CALLED HIS FRIEND, SHAWN WILLEY --

20 Q ALL RIGHT.

21 A -- TO COME OVER AND GET HIM.

22 AND HE SAID THAT SHAWN DID COME OVER, ALONG WITH
23 A COUPLE OF OTHER FRIENDS; MARY ALLISON LOWERY WAS WITH HIM,
24 AND CHRISTI MOORE WAS WITH HIM. AND THEY DROVE OVER AND
25 PICKED HIM UP. AND HE SAID THEY WENT BACK TO THE WILLEY'S

1 MOBILE HOME PARK IN APOPKA.

2 Q ON HIGH MEADOWS DRIVE?

3 A YES. HE SAID THAT THEY STAYED THERE ALL EVENING.
4 HE SAID THEY WATCHED MOVIES UNTIL AROUND TWO IN THE MORNING,
5 AND THEN HE SAID HE WENT TO SLEEP.

6 Q DID HE ADVISE IF THEY HAD MADE ANY STOPS ALONG THE
7 WAY PRIOR TO STOPPING AT THE TRAILER PARK IN APOPKA?

8 A I DON'T RECALL HIM SAYING ANYTHING ABOUT ANY STOPS.
9 OTHER PEOPLE WITH HIM DID.

10 Q DID YOU ASK HIM WHETHER OR NOT HE HAD BEEN AT THE
11 ██████ RESIDENCE ON THE EARLY MORNING HOURS OF THE 17TH OR OF
12 THE 18TH OF MAY?

13 A YES, I DID.

14 Q WHAT DID HE TELL YOU?

15 A HE SAID HE WASN'T.

16 Q DID YOU ASK HIM ANYTHING ELSE ABOUT HIM BEING
17 PRESENT AT THE HOME?

18 A NO, I CAN'T RECALL ANYTHING ELSE. HE SAID HE
19 WASN'T THERE. HE DENIED ANY KNOWLEDGE OF THE CRIME.

20 Q NOW, DURING YOUR INVESTIGATION DID YOU HAVE AN
21 OPPORTUNITY TO ASSESS THE MILEAGE BETWEEN THE ██████ RESIDENCE
22 ON HARRISON AND THE TRAILER ON HIGH MEADOWS DRIVE?

23 A YES, I DID. I DROVE THE DISTANCE IN A POLICE CAR.

24 Q WHEN WAS THAT?

25 A YESTERDAY.

1 Q AND COULD YOU TELL US, PLEASE, WHAT THE MILEAGE
2 WAS BETWEEN THOSE TWO HOMES?

3 A IT WAS NINE POINT ONE MILES.

4 Q AND WHAT TIME OF THE DAY DID YOU MAKE THIS DRIVE?

5 A I DROVE IT AT TWO O'CLOCK IN THE AFTERNOON, WHEN
6 IT WAS PRETTY HEAVY TRAFFIC.

7 Q AND AT TWO O'CLOCK IN THE AFTERNOON, THAT WOULD
8 HAVE BEEN ON A TUESDAY?

9 A YES.

10 Q HOW LONG DID IT TAKE YOU TO GET FROM THE TRAILER
11 PARK IN APOPKA, TO THE HOME ON HARRISON?

12 A IT TOOK ME 16 MINUTES.

13 Q HAVE YOU EVER DRIVEN THAT ROUTE IN THE EARLY
14 MORNING HOURS?

15 A NO, I HAVEN'T. I'VE BEEN ON, YOU KNOW, THE MAIN
16 ROADS IN THE EARLY MORNING HOURS, BUT NOT THE WHOLE ROUTE.

17 Q WOULD YOU SAY THERE IS MORE OR LESS TRAFFIC IN
18 THE LATE EVENING HOURS, AS OPPOSED TO TWO O'CLOCK IN THE
19 AFTERNOON ON THAT ROUTE, BASED ON YOUR EXPERIENCE?

20 MR. EIDE: OBJECTION, YOUR HONOR; SPECULATION.

21 THE COURT: OVERRULED.

22 THE WITNESS: I WOULD SAY THERE WOULD BE LESS
23 TRAFFIC AT THE TIME OF THE CRIME, IN THE EARLY MORNING
24 HOURS.

25 BY MR. BENDER:

1 Q WHEN YOU SPOKE TO ANGELA [REDACTED], DID SHE MENTION
2 ANYTHING ABOUT THE PERSON'S BREATH WHEN THEY CAME UP TO HER
3 BY THE BED?

4 MR. EIDE: OBJECTION --

5 THE WITNESS: YES.

6 MR. EIDE: -- YOUR HONOR; RELEVANCY.

7 THE COURT: OVERRULED.

8 THE WITNESS: YES, SHE DID. SHE TOLD ME WHEN HE
9 WAS TALKING TO HER HE GOT HIS FACE REAL CLOSE TO HER,
10 AND SHE SAID THAT HIS BREATH SMELLED LIKE BEER.

11 MR. BENDER: MAY I HAVE JUST A MOMENT, YOUR
12 HONOR, PLEASE.

13 THE COURT: HMM-HMM.

14 BY MR. BENDER:

15 Q THE PERSON THAT YOU SPOKE TO, MR. MERSON, DO YOU
16 SEE HIM IN THE COURTROOM TODAY?

17 A YES, I HAVE.

18 Q COULD YOU POINT HIM OUT TO US, PLEASE, AND TELL
19 US WHAT HE'S WEARING?

20 A YES. HE'S OVER HERE IN THE BLUE SUIT AND THE RED
21 TIE -- (INDICATING).

22 MR. BENDER: YOUR HONOR, IF THE RECORD COULD
23 REFLECT THIS WITNESS HAS IDENTIFIED THE DEFENDANT,
24 SCOTTY MERSON?

25 THE COURT: THE RECORD WILL REFLECT THAT THE