

REDIRECT EXAMINATION

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BY MR. BENDER:

Q INVESTIGATOR ROACH, WHEN YOU SPOKE WITH MR. MERSON,
DID HE TELL YOU WHAT TYPE OF SHOES HE WAS WEARING ON THE 17TH?

A YES. HE SAID ON THE NIGHT OF THE INCIDENT HE WAS
WEARING, LIKE, FLAT BOTTOM BOAT SHOES.

Q ARE THOSE -- DID YOU HAPPEN TO NOTICE ANYTHING
THAT RESEMBLED THOSE TYPE OF PRINTS NEAR THE DOOR OF THE
STOCKWELL'S HOME?

A WELL, RIGHT AT THE DOOR IS A CONCRETE LIKE AREA,
WHERE YOU WOULDN'T FIND ANY, ANY IMPRESSIONS. USUALLY,
WHEN YOU HAVE FOOTPRINTS, THERE HAS TO BE SOME DETAIL TO
LEAVE A PRINT.

A FLAT SHOE WOULD BE LESS LIKELY TO LEAVE AN
IMPRINT THEN OTHER SHOES THAT MIGHT HAVE SOME SORT OF DETAIL
ON THE BOTTOM OF THE SOLE.

Q THANK YOU. NOW, THERE WAS LITERALLY NO PHYSICAL
EVIDENCE DONE OR FOUND, I SHOULD SAY, BY YOU OR BY THE
CRIME SCENE TECHNICIAN WELCH, AT THE CATHY ██████████ AND RAYMOND
STOCKWELL'S HOME, WAS THERE?

A DESPITE WHAT WE LOOKED AT, WE DIDN'T FIND ANY, NO.

Q NO PHYSICAL EVIDENCE LINKING SCOTTY MERSON BEING
THERE THAT EVENING?

A THAT'S CORRECT.

Q NOW, THIS QUESTION MR. EIDE ASKED YOU, ABOUT THE

1 VEHICLES AT THE TRAILER PARK ON HIGH MEADOWS DRIVE. YOU
2 SAY YOU SPOKE WITH SOME PEOPLE THAT WERE THERE AT THE
3 TRAILER, THAT WERE WITH MR. MERSON THAT NIGHT?

4 A YES. THERE WERE FOUR PEOPLE THERE WHEN I WENT
5 THERE ON THE EVENING OF MAY THE 19TH. THERE WERE MICHAEL
6 HYLAND, MICHAEL WILLEY AND CHRISTI MOORE AND SHAWN WILLEY.

7 AND I ASKED THEM ALL, WHILE WE WERE ALL TOGETHER
8 THERE -- I WAS OBTAINING THEIR STATEMENTS, AND I SAID, "IS
9 IT POSSIBLE THAT THE DEFENDANT COULD HAVE GOTTEN ACCESS TO
10 ONE OF THOSE CARS AFTER EVERYONE WAS ASLEEP?"

11 AND THEY ALL AGREED, YEAH, IT'S POSSIBLE.

12 Q DID THOSE PEOPLE TELL YOU WHAT TIME THEY WENT TO
13 BED THAT NIGHT?

14 A WELL --

15 MR. EIDE: OBJECTION, YOUR HONOR; HEARSAY.

16 MR. BENDER: MAY I RESPOND, YOUR HONOR?

17 THE COURT: APPROACH THE BENCH.

18 (THEREUPON, COUNSEL APPROACHED THE BENCH, AND THE
19 FOLLOWING PROCEEDINGS WERE HAD OUTSIDE THE HEARING OF THE
20 JURY, AND ON THE RECORD AS FOLLOWS:)

21 MR. BENDER: MR. EIDE ALREADY ASKED ON
22 CROSS-EXAMINATION REGARDING THE CONVERSATION WITH
23 PEOPLE AT THE TRAILER. SO I THINK IT'S PROPER, SINCE
24 HE HAS OPENED THE DOOR, TO ALLOW ME THIS BRIEF INQUIRY.
25 HE'S ASKED, HIMSELF, THE RESPONSES ABOUT THE TRUCK.

1 THE COURT: RESPONSES ABOUT WHAT?

2 MR. BENDER: THE VEHICLES, WHETHER OR NOT THEY
3 WERE OPERABLE, ET CETERA.

4 MR. EIDE: I ASKED HIM IF HE KNEW IF THEY WERE
5 OPERABLE. HE SAID, "I TALKED TO THEM, AND THEY SAID
6 THEY WERE NOT." I DID NOT ASK HIM.

7 MR. BENDER: I'M SAYING THAT I FEEL HE HAD AN
8 OPPORTUNITY TO INQUIRE INTO THAT A LITTLE BIT AND
9 TOUCH ON SOME OTHER AREAS.

10 MR. EIDE: HE DID.

11 MR. BENDER: WHY DON'T YOU LET THE JUDGE DECIDE
12 THAT.

13 THE COURT: YOU ASKED IF THEY, IF THEY SAID
14 ANYTHING ABOUT WHETHER THE VEHICLES WERE OPERABLE?

15 IS THAT WHAT YOU'RE SAYING?

16 MR. EIDE: MY QUESTION WAS: "YOU DON'T KNOW IF
17 THE VEHICLES WERE OPERABLE, OR NOT, YOURSELF?"

18 AND HE SAID, "NO, I DON'T, BUT I TALKED TO
19 OTHER PEOPLE AND THEY TOLD ME THEY WERE."

20 AND I SAID, "FINE."

21 MR. BENDER: I SEEM TO RECALL THAT HE ASKED THE
22 INVESTIGATOR WHETHER OR NOT HE EVER TALKED TO ANYBODY
23 ABOUT THE CRIME.

24 THE COURT: ASIDE FROM THAT, WHY WOULD THAT MAKE
25 IT ADMISSIBLE NOW, IF THEY TOLD THE POLICE OFFICER?

1 MR. BENDER: WHY WOULD THAT --

2 THE COURT: WHY WOULD THAT MAKE THIS ADMISSIBLE?

3 MR. BENDER: YOUR HONOR, IT'S SOMETHING THAT HAS
4 BEEN APPROACHED BY THE DEFENSE. AND I THINK WE HAVE
5 A RIGHT TO INQUIRE AS TO IT.

6 THE COURT: NO. YOU CAN OBJECT TO IT. BUT HE
7 ASKED THE QUESTION, AND IT'S HEARSAY. BUT JUST BECAUSE
8 YOU DON'T OBJECT AND IT'S HEARSAY, DOESN'T MEAN THAT HE
9 DOESN'T HAVE THE RIGHT TO OBJECT TO IT BEING HEARSAY.

10 MR. BENDER: I THINK HE'S OPENED THE DOOR TO THAT
11 INQUIRY.

12 THE COURT: WELL, I CAN'T THINK OF ANY PRIVILEGE --
13 NO, THE OBJECTION WILL BE SUSTAINED.

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

15 BY MR. BENDER:

16 Q WHEN YOU SPOKE WITH MR. MERSON, DID HE TELL YOU
17 WHAT TIME IT WAS THAT HE WENT TO SLEEP THAT MORNING ON THE
18 18TH?

19 A WELL, HE, HE CLAIMED IT WAS TWO A.M., WHICH
20 CONTRADICTED WHAT I WAS TOLD BY OTHER PEOPLE.

21 MR. EIDE: OBJECTION, YOUR HONOR. MOVE TO STRIKE
22 THAT LAST STATEMENT. IT WAS HEARSAY.

23 THE COURT: OBJECTION IS OVERRULED.

24 MR. BENDER: I HAVE NO FURTHER QUESTIONS.

25 THE COURT: MOTION TO STRIKE WILL BE DENIED.