

1 Q WHERE WAS HE?

2 A HE WAS SLEEPING ON THE MATTRESS, WITH ALLISON
3 AND MICHAEL.

4 Q OKAY. DID YOU EVER HEAR HIM GET UP IN THE MIDDLE
5 OF THE NIGHT?

6 A NO.

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

9 THE COURT: THE STATE MAY INQUIRE.

10 CROSS-EXAMINATION

11 BY MR. BENDER:

12 Q MR. HYLAND, YOU'VE KNOWN THE DEFENDANT, SCOTTY
13 MERSON, SINCE SIXTH GRADE?

14 A YES.

15 Q HOW MANY YEARS IS THAT?

16 A SIX.

17 Q HOW OLD ARE YOU, SIR?

18 A TWENTY.

19 Q HOW OLD WERE YOU WHEN YOU WERE IN THE SIXTH GRADE?

20 A TWELVE.

21 Q ABOUT EIGHT YEARS?

22 A YEAH, ABOUT EIGHT YEARS.

23 Q THAT'S A PRETTY LONG TIME?

24 A YEAH.

25 Q DID YOU ALL GO OUT A LOT?

1 A YEAH.

2 Q DO THINGS AS FRIENDS? DO YOU ALL GET ALONG
3 PRETTY WELL?

4 A YEAH.

5 Q ARE YOU STILL GOOD FRIENDS?

6 A YEAH.

7 Q NOW, DID YOU GO WITH SHAWN TO PICK UP SCOTTY --

8 A NO.

9 Q -- AT HIS GRANDMOTHER'S TRAILER PARK?

10 A NO.

11 Q YOU STAYED BACK AT THE TRAILER IN APOPKA?

12 A YEAH. ME AND MICHAEL STAYED THERE.

13 Q WHAT DID YOU ALL DO WHILE THEY WENT TO PICK UP
14 SCOTTY?

15 A WELL, WE HAD EAT DINNER BEFORE THEY LEFT TO GO
16 GET THEM, AND WE WENT AND GOT SOME VCR MOVIES.

17 Q WHAT'D YOU HAVE TO EAT?

18 A WE HAD STEAK.

19 Q STEAK?

20 A ME AND MICHAEL.

21 Q MICHAEL?

22 A WILLEY.

23 Q JUST YOU AND MICHAEL?

24 A YEAH.

25 Q ANYONE ELSE HAVE ANY STEAKS?

1 A NO.

2 Q ANYONE ELSE HAVE ANY POT ROAST OR ANYTHING LIKE
3 THAT?

4 A NO.

5 Q HOW ABOUT WHEN THEY GOT BACK FROM PICKING UP
6 SCOTT?

7 A NO, I DIDN'T SEE NO ONE EAT.

8 Q YOU WOULD HAVE BEEN IN THERE IF THEY HAD BEEN
9 EATING?

10 A YEAH.

11 Q YOU'RE POSITIVE OF THAT?

12 A YEAH.

13 Q WHO DID YOU GO WITH TO GET THE VIDEOS AND THE
14 BEER?

15 A MICHAEL WILLEY.

16 Q HOW FAR DID YOU HAVE TO GO TO GET THAT?

17 A ABOUT FIVE MILES.

18 Q DID YOU ALL WALK?

19 A NO.

20 Q WHOSE CAR DID YOU TAKE?

21 A MICHAEL'S.

22 Q MICHAEL WHO?

23 A WILLEY.

24 Q MICHAEL WILLEY'S CAR, YOU DROVE IT?

25 A HE DID.

1 Q BUT IT STARTED UP, AND YOU DROVE IT DOWN TO
2 THE VIDEO STORE?

3 A YEAH.

4 Q YOU'RE POSITIVE OF THAT?

5 A YEAH.

6 Q DID YOU ALL GET A FLAT TIRE ON THE WAY BACK?

7 A NO.

8 Q NOW, WHAT VIDEOS DID YOU RENT THAT NIGHT?

9 A I DON'T REMEMBER.

10 Q TRY TO GUESS. THINK HARD.

11 A WELL, WE'D SEEN "RUNNING MAN," AND WE HAD LIKE
12 THREE OF THEM. WE WAS WATCHING THEM THAT WHOLE WEEK, THAT
13 WEEK, SO.

14 Q DID YOU RENT "RUNNING MAN" THAT NIGHT, SIR?

15 A HUH?

16 Q DID YOU RENT "THE RUNNING MAN" WITH ARNOLD
17 SCHWARZANEGER THAT NIGHT?

18 A YEAH, I THINK SO.

19 Q YOU DIDN'T POSSIBLY HAVE IT BEFORE THAT NIGHT,
20 DID YOU?

21 A NO, I DON'T THINK SO.

22 Q OKAY. DID YOU HAVE ANY OTHER MOVIES AT THAT
23 TRAILER THAT YOU HAD EITHER BOUGHT OR HAD RENTED FOR A
24 LONG PERIOD OF TIME, THAT WERE AT THE TRAILER BEFORE YOU
25 LEFT TO GO TO THE STORE?

1 A YEAH, SHAWN AND THEM HAD SOME MOVIES THAT WERE
2 THERE.

3 Q WASN'T "RUNNING MAN" ONE OF THEM?

4 MR. EIDE: OBJECTION, YOUR HONOR; RELEVANCY.

5 THE COURT: OVERRULED.

6 BY MR. BENDER:

7 Q WASN'T "RUNNING MAN" ONE OF THEM, OR WAS THAT
8 THE ONE YOU RENTED THAT NIGHT?

9 A I BELIEVE WE RENTED IT THAT NIGHT. I'M NOT SURE.
10 IT'S BEEN SO LONG.

11 Q I UNDERSTAND. DID YOU RENT ANY OTHERS BESIDES
12 "THE RUNNING MAN"?

13 A YEAH, WE RENTED ABOUT THREE OF THEM.

14 Q BUT YOU CANNOT REMEMBER THE TITLES?

15 A NO.

16 Q OKAY. AND YOU ALSO, WHEN YOU WENT TO GET THE
17 VIDEOS, YOU BOUGHT SOME BEER?

18 A YEAH.

19 Q NOW, DID YOU GET THE VIDEOS AND THE BEER AT THE
20 SAME LOCATION?

21 A NO. WE STOPPED AT A LITTLE STORE.

22 Q DO YOU REMEMBER WHERE YOU BOUGHT THE BEER AT?

23 A NO. I DON'T REMEMBER.

24 Q YOU BOUGHT BUDWEISER. IS THAT YOUR BEER OF
25 CHOICE?

1 A YES, YES.

2 Q IN BOTTLES OR CANS?

3 A CANS.

4 Q AND YOU TOOK IT HOME WITH YOU, AND YOU HAD SOME
5 THAT NIGHT?

6 A YEAH.

7 Q AND YOU DRANK FIVE BEERS?

8 A YES.

9 Q WERE YOU INTOXICATED OR DRUNK AFTER DRINKING
10 FIVE BEERS?

11 A NO.

12 Q HOW MANY BEERS DOES IT TAKE FOR YOU TO GET DRUNK?

13 A I'D SAY ABOUT EIGHT, EIGHT OR NINE.

14 Q BUT YOU ONLY HAD FIVE?

15 A YEAH.

16 Q DID YOU SEE SCOTTY MERSON DRINKING ANY BEER?

17 A YES.

18 Q HOW MANY DID HE HAVE?

19 A HE HAD ABOUT FIVE.

20 Q SO BETWEEN THE TWO OF YOU, YOU HAD A TWELVE-PACK?

21 A YES.

22 Q SIX BEERS, EACH?

23 A YES.

24 Q HOW MANY BEERS DID YOU SEE IN THE FRIDGE THE
25 NEXT MORNING?

1 A THERE WAS ABOUT TWO, I GUESS. I KNOW THERE WAS
2 SOME LEFT.

3 Q WAS THERE ONE OR TWO?

4 A I'M NOT SURE.

5 Q WHO ELSE WAS DRINKING BEER BESIDES YOU AND
6 MR. MERSON?

7 A JUST ME AND HIM.

8 Q NOW, DO YOU RECALL SHAWN WILLEY AND CHRISTI MOORE
9 GOING TO BED?

10 A YES.

11 Q DO YOU KNOW WHAT TIME THEY WENT TO BED?

12 A NO, NOT APPROXIMATELY.

13 Q DID THEY HAVE THEIR OWN ROOM?

14 A YES.

15 Q DID THEY WATCH ANY OF THE VIDEOS WITH YOU BEFORE
16 THEY WENT TO BED?

17 A YEAH.

18 Q AND THEN AFTER THEY WENT TO BED, IT WAS YOU,
19 MICHAEL WILLEY, SCOTT MERSON AND MARY LOWERY OUT IN THE
20 LIVING ROOM?

21 A YES.

22 Q TALKING AND WATCHING VIDEOS?

23 A YES.

24 Q WERE YOU HOME WHEN JUDY WILLEY CAME HOME?

25 A SHE WASN'T HOME WHEN I WENT TO SLEEP.

1 Q NOW, AFTER YOU'D HAD THOSE FIVE BEERS DID YOU
2 SLEEP PRETTY WELL THAT NIGHT?

3 A YEAH. I GOT UP AND WENT TO WORK AT SIX.

4 Q YOU DIDN'T WAKE UP BETWEEN THE TIME YOU WENT
5 TO BED AT 1:15 AND GOT UP AT SIX?

6 A YEAH.

7 Q YOU SLEEP PRETTY SOUNDLY?

8 A SURE.

9 Q SO LET ME ASK YOU THIS QUESTION. IN ALL FAIRNESS,
10 I'M GOING TO LET YOU ANSWER IT. IS IT POSSIBLE THAT
11 MR. MERSON MAY HAVE LEFT THAT TRAILER THAT NIGHT, AND YOU
12 NOT BE AWARE OF IT?

13 A YEAH, IT'S POSSIBLE.

14 Q BUT YOU DIDN'T HEAR HIM LEAVE?

15 A NO.

16 Q BUT, OF COURSE, YOU HAD HAD FIVE BEERS AND WERE
17 SLEEPING PRETTY HEAVILY; IS THAT RIGHT?

18 A YEAH.

19 Q NOW, WHERE WAS MR. MERSON SLEEPING IN RELATION
20 TO WHERE YOU WERE AT? YOU DREW AND "M.H." THERE.

21 A I WAS SLEEPING, RIGHT HERE, AND SCOTTY AND ALLISON
22 WERE IN THE CORNER, AND MICHAEL WAS OVER THERE. THERE WAS
23 A MATTRESS ON THE FLOOR.

24 Q ABOUT HOW FAR AWAY FROM YOU WERE THEY SLEEPING?

25 A SCOTTY AND ALLISON?

1 Q APPROXIMATELY.

2 A ABOUT SIX, SEVEN FEETS.

3 Q WHERE'S THE FRONT DOOR, OR THE DOOR THAT'S USED
4 TO GO IN AND OUT OF, TO THE TRAILER?

5 A WE USE THEM BOTH. THERE'S ONE THERE AND ONE IN
6 THE BACK.

7 Q WHERE ARE THE CARS PARKED?

8 A RIGHT HERE. THERE'S A DRIVEWAY RIGHT HERE.

9 Q YOU'VE INDICATED THIS IS TAMMY AND JUDY'S ROOM.
10 AND THE CARS WOULD HAVE BEEN PARKED IN FRONT, HERE?

11 A YEAH.

12 Q WHERE WOULD MIKE WILLEY'S CAR HAVE BEEN PARKED?

13 A HIS WAS THE FIRST ONE, RIGHT HERE BY THE DOOR.

14 Q DID YOU SEE WHAT HE DID WITH THE KEYS WHEN YOU
15 AND HE GOT HOME FROM GETTING VIDEOS AND BEER?

16 A NO.

17 Q SO YOU HAVE NO IDEA WHERE THE KEYS WERE?

18 A (SHAKES HEAD)

19 Q DID YOU EVER TALK WITH WITH A POLICE OFFICER
20 AT ALL ABOUT THIS?

21 A YEAH, SOME COP CAME BY.

22 Q DO YOU REMEMBER HIS NAME?

23 A NO.

24 Q COULD IT HAVE BEEN FRANK ROACH, WITH THE ORLANDO
25 POLICE DEPARTMENT?

1 A IT COULD HAVE. I'M NOT SURE.

2 Q NOW, YOU SAY THAT JUDY WILLEY CAME HOME AFTER
3 YOU WENT TO BED. HOW DO YOU KNOW SHE CAME HOME AFTER YOU
4 WENT TO BED?

5 A I DIDN'T SAY I DID.

6 Q DO YOU THINK THAT FOR A FACT, OR DID SOMEONE
7 TELL YOU?

8 A HUH?

9 Q DO YOU THINK THAT FOR A FACT, OR DID SOMEONE
10 TELL YOU?

11 A NO, NOBODY TOLD ME. I DIDN'T EVEN KNOW SHE CAME
12 HOME THAT NIGHT.

13 Q SO HOW DO YOU KNOW SHE CAME HOME?

14 A I DIDN'T SAY SHE DID.

15 Q DIDN'T YOU TESTIFY TO MR. EIDE THAT SHE CAME HOME
16 ABOUT 1:15, MISS WILLEY?

17 A NO.

18 MR. EIDE: I DIDN'T ASK THAT QUESTION, YOUR HONOR.
19 I WOULD OBJECT TO THAT.

20 THE COURT: WHAT'S THE OBJECTION?

21 MR. EIDE: HE'S ASKING WHETHER HE TOLD ME THAT.

22 I DIDN'T ASK THAT QUESTION. I THINK IT'S IMPROPER.

23 THE WITNESS: I SAID I WENT TO BED ABOUT ONE, 1:30.

24 BY MR. BENDER:

25 Q CORRECT ME IF I'M WRONG, PLEASE. BUT DIDN'T I

1 HEAR YOU SAY THAT AT SOME POINT MISS WILLEY CAME HOME AFTER
2 YOU WENT TO SLEEP?

3 A NO, I DIDN'T SAY THAT. YEAH, I SAID SHE COULD
4 HAVE COME HOME.

5 Q DID YOU WAKE UP WHEN SHE CAME HOME, OR DID YOU
6 FIND THAT OUT LATER?

7 A NO, I DIDN'T FIND IT OUT.

8 Q SO YOU DON'T KNOW EXACTLY WHAT TIME SHE CAME HOME?

9 A NO.

10 Q AND WHAT TIME WAS IT YOU WENT TO BED? WAS IT
11 1:15 OR 1:30?

12 A ONE, TO 1:30.

13 Q I'M SORRY?

14 A ONE, TO 1:30.

15 Q SO YOU DON'T KNOW EXACTLY WHEN YOU WENT TO BED?

16 A IT WAS ONE, TO 1:30.

17 MR. EIDE: OBJECTION, YOUR HONOR. HE'S BADGERING
18 THE WITNESS.

19 THE COURT: THERE'S NO SUCH OBJECTION.

20 MR. EIDE: IT'S ARGUMENTATIVE THEN.

21 THE COURT: OBJECTION IS OVERRULED.

22 BY MR. BENDER:

23 Q NOW, SINCE HIS ARREST HAVE YOU TALKED WITH
24 SCOTT MERSON?

25 A YES, ON THE PHONE.

1 Q HOW MANY TIMES?

2 A MAYBE, TWO TIMES.

3 Q DID YOU ALL TALK ABOUT THIS CASE AT ALL?

4 A NO.

5 Q NOTHING ABOUT IT?

6 A NO.

7 Q ARE YOU SURE?

8 A YEAH.

9 MR. BENDER: I HAVE NO FURTHER QUESTIONS. THANK
10 YOU, SIR.

11 THE COURT: REDIRECT?

12 MR. EIDE: YES, YOUR HONOR, A COUPLE OF QUESTIONS.

13 REDIRECT EXAMINATION

14 BY MR. EIDE:

15 Q MR. HYLAND, WAS THERE A COUPLE OF OTHER PEOPLE
16 THERE; ONE OF THEM NAMED CHUCK LANG OR LONG?

17 A YEAH.

18 Q WAS HE THERE?

19 A YES, HE WAS.

20 Q WAS THERE ANOTHER GUY THERE BESIDES MICHAEL?

21 A NO, I THINK CHUCK WAS THE ONLY ONE.

22 MR. BENDER: WHEN ARE WE TALKING ABOUT?

23 MR. EIDE: AT THE TRAILER.

24 BY MR. EIDE:

25 Q DID CHUCK LANG (SIC) HAVE A CAR?