

1 INTO IT.

2 THE COURT: ALL RIGHT.

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

4 MR. EIDE: YOUR HONOR, OUR NEXT WITNESS WOULD  
5 BE MICHAEL HYLAND.

6 THEREUPON,

7 MICHAEL S. HYLAND,

8 WAS CALLED AS A WITNESS BY THE DEFENSE AND, AFTER HAVING  
9 BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED ON HIS  
10 OATH AS FOLLOWS:

11 DIRECT EXAMINATION

12 BY MR. EIDE:

13 Q GOOD AFTERNOON, MR. HYLAND.

14 A GOOD AFTERNOON.

15 Q COULD YOU, PLEASE, STATE YOUR NAME FOR THE RECORD?  
16 AND YOU MIGHT WANT TO SPELL YOUR LAST NAME.

17 A MICHAEL SHAWN HYLAND, H-Y-L-A-N-D.

18 Q MR. HYLAND, WHERE ARE YOU LIVING AT THIS TIME?

19 A IN CHALET NORTH TRAILER PARK.

20 Q WHAT IS YOUR ADDRESS?

21 A 1006 TIMBERLINE ROAD.

22 Q WHERE WERE YOU LIVING ON MAY 17TH, MAY 18TH OF  
23 THIS YEAR?

24 A WITH THE WILLEY'S.

25 Q AND WHERE WAS THAT?

1           A     I DON'T KNOW. HIGH MEADOW ROAD; I DON'T KNOW  
2 THE ADDRESS.

3           Q     DO YOU KNOW SCOTTY MERSON?

4           A     YES.

5           Q     HOW LONG HAVE YOU KNOWN SCOTTY?

6           A     SINCE ABOUT SIXTH GRADE. I'D SAY, HE WAS ABOUT  
7 THIRTEEN.

8           Q     OKAY. YOU WERE STAYING AT THE TRAILER ON HIGH  
9 MEADOWS ROAD IN MAY?

10          A     YEAH.

11          Q     HOW LONG HAVE YOU BEEN LIVING THERE?

12          A     FOR ABOUT THREE MONTHS.

13          Q     WOULD YOU KNOW THE LAYOUT OF THE TRAILER?

14          A     YEAH.

15          Q     ARE YOU FAMILIAR WITH THE WAY IT LOOKS?

16          A     YES.

17          Q     WOULD IT HELP YOU EXPLAIN YOUR TESTIMONY, AS TO  
18 WHERE EVERYTHING WAS IN THE TRAILER, IF YOU COULD DRAW A  
19 PICTURE OF IT?

20          A     YEAH, I GUESS IT WOULD HELP SOME.

21                   MR. EIDE: YOUR HONOR, COULD I HAVE HIM STEP TO  
22 THE DIAGRAM AND DRAW A DIAGRAM OF THE TRAILER?

23                   THE COURT: COUNSEL, APPROACH THE BENCH.

24                   (THEREUPON, COUNSEL APPROACHED THE BENCH, AND THE  
25 FOLLOWING PROCEEDINGS WERE HAD OUTSIDE THE HEARING OF THE

1 JURY, AND ON THE RECORD AS FOLLOWS:)

2 THE COURT: WHAT WOULD IT ACCOMPLISH, TAKING THE  
3 TIME? I DON'T --

4 MR. EIDE: YOUR HONOR, IT'S TO SHOW THE JURY  
5 WHERE AND WHAT IS IN THE TRAILER.

6 THE COURT: WHY IS THAT IMPORTANT?

7 MR. EIDE: BECAUSE THE STATE IS GOING TO ARGUE  
8 THAT HE LEFT THE TRAILER AT SOME POINT.

9 THE COURT: A DIAGRAM IS A WASTE OF TIME, AND THEY  
10 ARE, MOST OF THE TIME, VERY UNINSTRUCTIVE; PARTICULARLY,  
11 IN THIS COLLATERAL ISSUE.

12 AND YOU REALIZE THAT THE NAME THAT YOU  
13 DISCLOSED WAS NOT THE NAME OF THIS PERSON. IT'S  
14 SPELLED H-I-G-H-L-A-N-D. SO HOW WOULD YOU POSSIBLY  
15 OBTAIN A JUDGMENT AND SENTENCE?

16 MR. EIDE: HE TOLD ME HE WAS CONVICTED OF ROBBERY  
17 LAST YEAR. AND I ASKED HIM IF ADJUDICATION WAS WITHHELD.  
18 I DON'T THINK HE WAS INVOLVED AT ALL WITH MR. MERSON,  
19 ON THAT PARTICULAR CASE.

20 JUDGE, YOU CAN'T USE THAT.

21 MR. BENDER: I THINK I CAN. I MIGHT BE ABLE  
22 TO COME UP WITH A J AND S.

23 MR. EIDE: NO, YOU CAN'T.

24 THE COURT: YOU'VE ALREADY DISCLOSED SOMEBODY  
25 WITHOUT A PROPER NAME. HOW IS THE STATE GOING TO