

1 (THEREUPON, THE DEFENDANT ENTERED THE COURTROOM.)

2 (THEREUPON, THE JURY ENTERED THE COURTROOM, AFTER WHICH
3 THE FOLLOWING TRANSPIRED:)

4 THE COURT: THE DEFENSE MAY CONTINUE.

5 MR. EIDE: THANK YOU, YOUR HONOR.

6 DIRECT EXAMINATION CONTINUING

7 BY MR. EIDE:

8 Q MR. HYLAND, I BELIEVE WE HAD JUST ASKED YOU IF
9 YOU HAD KNOWN SCOTTY, AND YOU SAID YOU HAD.

10 A YES.

11 Q DO YOU REMEMBER SEEING SCOTTY ON MAY 17TH OR
12 18TH, 1990?

13 A YES.

14 Q WHEN DID YOU SEE HIM?

15 A I SEEN HIM THAT NIGHT. HE GOT THERE ABOUT, IT
16 WAS ABOUT 9:30 OR TEN.

17 Q AND WHAT DID YOU DO WHEN HE GOT THERE?

18 A ME AND MICHAEL, WE WAS LEAVING TO GO TO THE STORE.
19 AND THEY HAD JUST GOT THERE. AND WHEN WE CAME BACK -- WE
20 HAD ALREADY ATE AND EVERYTHING BEFORE THAT. AND WHEN WE
21 GOT BACK, WE SAT AROUND AND WATCHED MOVIES.

22 Q WHICH STORE DID YOU GO TO?

23 A JUST TO A LITTLE CONVENIENCE STORE ON THE CORNER.

24 Q WHAT'D YOU GO UP THERE FOR?

25 A FOR SOME BEER.

1 Q HOW MUCH BEER DID YOU BUY?

2 A A SIX-PACK.

3 Q TWELVE-OUNCE, 16-OUNCE?

4 A YEAH, TWELVE-OUNCE.

5 Q DO YOU REMEMBER SCOTTY AND SHAWN BRINGING BACK

6 SOME BEER WITH THEM?

7 A SCOTTY, YEAH, SCOTTY HAD A SIX-PACK.

8 Q DID YOU DRINK ANY BEER THAT NIGHT?

9 A YES.

10 Q HOW MANY DID YOU HAVE?

11 A ABOUT FIVE.

12 Q DID YOU SEE SCOTTY DRINK?

13 A YEAH.

14 Q HOW MANY DID HE HAVE?

15 A HE HAD ABOUT FIVE.

16 Q DO YOU REMEMBER GOING TO BED?

17 A YEAH.

18 Q WHAT TIME DID YOU GO TO BED?

19 A AROUND ONE OR 1:30.

20 Q WAS SCOTTY THERE WHEN YOU WENT TO BED?

21 A YEAH.

22 Q WHERE DID YOU SLEEP?

23 A I SLEPT ON THE COUCH.

24 Q YOU'VE LIVED AT THE TRAILER FOR A WHILE?

25 A YEAH, FOR A FEW MONTHS, THREE MONTHS.

1 Q WOULD IT ASSIST YOU, TO SHOW WHERE THINGS WERE
2 IN THE TRAILER, IF YOU HAD A DIAGRAM?

3 A YEAH.

4 MR. EIDE: YOUR HONOR, MAY HE APPROACH?

5 THE COURT: ALL RIGHT.

6 MR. EIDE: IS THIS ACCEPTABLE TO THE STATE? CAN
7 THE STATE SEE IT?

8 MR. BENDER: (NODS HEAD)

9 MR. EIDE: CAN YOU SEE, YOUR HONOR?

10 THE COURT: NO, BUT THAT'S ALL RIGHT.

11 BY MR. EIDE:

12 Q DO YOU WANT TO -- DO YOU RECOGNIZE THIS DIAGRAM?

13 A YEAH.

14 Q WHAT'S IT A DIAGRAM OF?

15 A THIS IS THE TRAILER THAT WE WERE IN.

16 Q IS IT DRAWN TO SCALE?

17 A YES.

18 Q IS THIS DRAWN TO ANY FEET, OR DID YOU JUST DRAW IT?

19 A I JUST DREW IT.

20 Q COULD YOU DESCRIBE THEN -- JUST DESCRIBE THE
21 TRAILER, GENERALLY.

22 A THIS IS SHAWN AND CHRISTI'S ROOM, HERE. AND THERE'S
23 A DOOR HERE. AND THEN THERE'S A LITTLE HALLWAY, RIGHT HERE,
24 AND THERE'S A BATHROOM. AND YOU COME IN HERE, AND THERE'S
25 A LIVING ROOM. AND THERE'S A BAR, RIGHT HERE. THE COUCH I

1 WAS SLEEPING ON WAS RIGHT HERE. AND MICHAEL HAD HIS BED,
2 RIGHT HERE, A MATTRESS ON THE FLOOR.

3 Q MR. HYLAND, IF IT'S EASIER FOR YOU TO STAND UP,
4 YOU CAN STAND UP.

5 A THE KITCHEN IS RIGHT HERE, AND THERE'S ANOTHER
6 DOOR HERE AND A LITTLE HALLWAY HERE, WITH A WASHER AND
7 DRYER. AND TAMMY'S AND JUDY'S ROOM WAS IN THE BACK.

8 Q COULD YOU GRAB A MARKER AND PUT AN "M.H." WHERE
9 YOU WERE SLEEPING?

10 A (WITNESS COMPLIES)

11 Q NOW, DID YOU SLEEP THERE ALL NIGHT?

12 A YEAH.

13 Q AND WHERE DID SCOTTY -- WHERE WAS SCOTTY SLEEPING?

14 A THEY WERE SLEEPING RIGHT HERE, JUST A KING SIZE
15 MATTRESSES ON THE FLOOR, RIGHT BY THE BAR IN THE LIVING ROOM.

16 Q HOW FAR AWAY WAS THAT MATTRESS FROM YOU?

17 A SIX, SEVEN FEET.

18 Q ALL RIGHT. DID YOU AT ANY TIME -- AFTER YOU FELL
19 ASLEEP, DID YOU EVER WAKE UP?

20 A NO.

21 Q AND WHEN DID YOU WAKE UP THE NEXT MORNING?

22 A ABOUT SIX O'CLOCK. I GOT UP TO GO TO WORK.

23 Q AT SIX O'CLOCK WHEN YOU AWOKE, WAS SCOTTY STILL
24 THERE?

25 A YEAH.

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?