

1 A NO.

2 Q WHEN YOU WERE TALKING TO TAMMY, DID YOU HEAR  
3 ANYONE TALKING OUT IN THE LIVING ROOM?

4 A NO.

5 Q ANYONE UP AND AROUND?

6 A NO.

7 Q DO YOU THINK SCOTTY MAY HAVE LEFT IN THE MIDDLE  
8 OF THE NIGHT?

9 A I DON'T THINK SO.

10 Q DID ANYONE LEAVE THE TRAILER BETWEEN THE TIME  
11 YOU GOT HOME AND THE TIME YOU WENT TO SLEEP?

12 A NO.

13 MR. EIDE: I DON'T HAVE ANY OTHER QUESTIONS,  
14 YOUR HONOR.

15 THE COURT: CROSS.

16 CROSS-EXAMINATION

17 BY MR. BENDER:

18 Q GOOD AFTERNOON, MA'AM. YOU CAME HOME ABOUT 1:15.  
19 IS THAT YOUR CAR OR YOUR DAUGHTER'S CAR?

20 A IT'S MY DAUGHTER'S CAR.

21 Q AND ARE THERE ONLY ONE SET OF KEYS TO THAT CAR?

22 A YES, SHE ONLY HAD ONE SET.

23 Q SO IF YOU LOST THOSE KEYS YOU WOULD HAVE TO GET  
24 NEW ONES BEFORE YOU COULD DRIVE IT AGAIN?

25 A YES.

1 Q SO YOU TAKE PRETTY GOOD CARE OF THEM, I BET?

2 A TRY TO.

3 Q NOW, YOU SAY YOU CAME IN THE BACK DOOR WHEN YOU  
4 CAME HOME THAT NIGHT?

5 A HMM-HMM.

6 Q IS THAT THE ONE THAT'S KEPT LOCKED AT ALL TIMES?

7 A YES.

8 Q AND IT'S KIND OF A NOISY DOOR?

9 A YES. YOU HAD TO KEEP IT LOCKED BECAUSE THE LATCH  
10 WAS BROKEN. IT WOULDN'T SHUT. WE HAD TO KEEP IT LOCKED.

11 Q AND I UNDERSTAND THAT MAKES A LOT OF NOISE, AS  
12 WELL, WHEN YOU COME IN?

13 A YES.

14 Q SOMEWHAT AUDIBLE THROUGHOUT THE TRAILER.

15 NOW, THE FRONT DOOR IS NOT AS NOISY, IS IT?

16 A NO.

17 Q IN FACT, YOU CAN LEAVE THE FRONT DOOR, IF YOU LEAVE  
18 QUIETLY, WITHOUT BEING HEARD IN YOUR BEDROOM.

19 WOULD YOU AGREE WITH THAT?

20 A YES.

21 Q PARTICULARLY IF YOU WERE ASLEEP?

22 A YES.

23 Q EVEN IF YOU'RE A LIGHT SLEEPER, YOU COULD LEAVE  
24 QUIETLY WITHOUT YOU HEARING, RIGHT?

25 A YES.

1 Q IF I'M WRONG, YOU TELL ME.

2 WHAT ABOUT STARTING A CAR AND DRIVING AWAY? IT'S  
3 POSSIBLE THAT THAT COULD BE DONE WITHOUT YOU HEARING IT TOO,  
4 ISN'T IT?

5 A YES, IT'S POSSIBLE.

6 Q AND YOU LIVE AROUND NEIGHBORS, TOO, DON'T YOU?

7 A YES.

8 Q AND THEY HAVE CARS PARKED PRETTY CLOSE TO YOUR  
9 TRAILER, DON'T THEY?

10 A YES.

11 Q AND IT'S PERHAPS NOT UNCOMMON FOR YOU TO HEAR A  
12 CAR START UP IN THE MIDDLE OF THE NIGHT?

13 A YOU CAN HEAR IT.

14 Q YOU CAN HEAR IT, BUT YOU WOULDN'T NECESSARILY ATTACH  
15 ANY SIGNIFICANCE TO IT, WOULD YOU?

16 A WELL, NO.

17 Q IT COULD BE ANYBODY'S CAR, WITHIN A CERTAIN RADIUS,  
18 A CERTAIN DISTANCE FROM YOUR TRAILER?

19 A HMM-HMM.

20 Q A CAR DOOR SLAMMING, IT COULD BE ANYONE IN THAT  
21 AREA, RIGHT?

22 A HMM-HMM.

23 Q HOW LONG HAVE YOU KNOWN SCOTT MERSON, MA'AM?

24 A ABOUT EIGHT YEARS.

25 Q DID YOU SEE HIM A LOT? DOES HE COME OVER TO THE

1 TRAILER ON HIGH MEADOWS?

2 A NOT WHEN WE LIVED IN HIGH MEADOWS, HE DIDN'T COME  
3 OVER TOO OFTEN.

4 Q WERE YOUR SONS GOOD FRIENDS WITH HIM?

5 A YES.

6 Q NOW, YOU SAY YOU CAME HOME. DID YOU KNOW SCOTTY  
7 MERSON WAS GOING TO BE THERE THAT NIGHT?

8 A NO.

9 Q WHAT TIME HAD YOU LEFT TO GO TO YOUR FRIEND'S  
10 HOUSE?

11 A ABOUT SEVEN.

12 Q SO WHO WAS THERE WHEN YOU LEFT; DO YOU REMEMBER?

13 A I DON'T REMEMBER IF MY DAUGHTER WAS THERE THEN,  
14 OR NOT.

15 Q WOULD MICHAEL HYLAND HAVE BEEN THERE?

16 A NO, HE WASN'T THERE.

17 Q NOW, MICHAEL HYLAND WAS LIVING THERE AT THE TIME,  
18 THOUGH, WASN'T HE?

19 A YES.

20 Q AND MARY LOWERY, SHE WAS ALSO LIVING THERE PART-TIME  
21 AS WELL?

22 A PART-TIME.

23 Q DID SHE KEEP CLOTHES THERE?

24 A A FEW.

25 Q AND YOUR SON, OF COURSE, MICHAEL, HE STAYED THERE?

1 A YES.

2 Q HE WAS LIVING THERE. AND SHAWN WAS LIVING THERE  
3 WITH HIS GIRL FRIEND, CHRISTI?

4 A YES.

5 Q SO WHEN YOU LEFT WAS MICHAEL HYLAND PRESENT?

6 A NO.

7 Q WHAT ABOUT YOUR SONS, MICHAEL OR SHAWN?

8 A I DON'T BELIEVE ANYBODY WAS HOME WHEN I LEFT.

9 Q SO WHEN YOU CAME BACK, WHOSE CARS WERE OUT FRONT,  
10 BESIDES THE ONE YOU PARK?

11 A AT THE CLUBHOUSE?

12 Q NO. I'M SORRY. WHEN YOU CAME BACK HOME ABOUT  
13 1:15, TO THE TRAILER --

14 A OH --

15 Q YOU PARKED YOUR CAR. WHO ELSE HAD THEIR CARS  
16 THERE?

17 A IN THEIR DRIVEWAY WAS SHAWN'S TRUCK AND THEN  
18 MICHAEL'S CAR WAS IN THE DRIVEWAY.

19 Q NOW, THE DRIVEWAY YOU'RE TALKING ABOUT, DO YOU  
20 MEAN THE CARS PARKED IN A LINE?

21 A NO. IN A LINE THEY HAVE TO PARK.

22 Q NOW, YOUR SON'S CAR, ARE YOU FAMILIAR WITH THAT,  
23 MICHAEL'S?

24 A YES.

25 Q DID YOU NOTICE ANYTHING WRONG WITH THE CAR THAT

1 DAY?

2 A HE HAD A FLAT TIRE.

3 Q WHEN DID YOU SEE THAT?

4 A I MEAN THAT DAY. AND THEN WHEN I CAME HOME --  
5 I MEAN, IT WAS FLAT WHEN I LEFT.

6 Q YOU WENT AND LOOKED AT IT?

7 A WHEN I LEFT AT SEVEN. BECAUSE I DIDN'T KNOW --  
8 YOU KNOW, I SAW THE FLAT TIRE WHEN I WENT OUT.

9 Q SO YOU'RE POSITIVE IT WAS FLAT WHEN YOU CAME HOME  
10 AT 1:15 IN THE MORNING?

11 A YES.

12 Q NO QUESTION IN YOUR MIND?

13 A YES, IT WAS FLAT.

14 Q AND WHEN YOU CAME IN YOU CAME IN THE BACK DOOR.  
15 DID IT MAKE A LITTLE BIT OF NOISE?

16 A YES. BECAUSE I HAD TO SLAM IT TO LOCK IT.

17 Q BUT YOU BELIEVE YOU WALKED TO YOUR ROOM, RIGHT?  
18 YOUR ROOM IS OVER HERE, THAT BLUE "X". IS THAT  
19 YOUR ROOM?

20 A IN THE BACK.

21 Q AND YOU CAME IN THROUGH THIS DOOR?

22 A THE BACK DOOR.

23 Q AND THEN YOU WALKED BACK TO YOUR ROOM?

24 A NO, NOT WHEN I CAME IN.

25 Q OKAY. WHAT DID YOU DO WHEN YOU CAME IN?

1           A     I WENT OVER TO THE COUNTER IN THE KITCHEN TO LOOK  
2 AT THE VCR, TO SEE WHAT TIME IT WAS.

3           Q     YOU DIDN'T KNOW WHAT TIME IT WAS?

4           A     NO.

5           Q     SO YOU WANTED TO KNOW WHAT TIME IT WAS BEFORE YOU  
6 WENT TO BED?

7           A     YEAH, I WAS JUST CHECKING.

8           Q     AND YOU SAW YOUR SON, MICHAEL, ON THE EDGE OF THE  
9 MATTRESS?

10          A     YES.

11          Q     THAT'S AN INTERESTING DESCRIPTION, "ON THE EDGE  
12 OF THE MATTRESS". SO YOU WERE CURIOUS?

13          A     YES.

14          Q     AND YOU WALKED OVER JUST TO CHECK AND SEE WHAT  
15 WAS UP?

16          A     YEAH. BECAUSE USUALLY HE SLEEPS IN THE MIDDLE.

17          Q     YOU THOUGHT MAYBE HE BROUGHT A GIRL HOME, OR  
18 SOMETHING?

19          A     I JUST DIDN'T KNOW WHO WAS THERE.

20          Q     AND WHEN YOU WENT OVER TO CHECK, WHO ELSE WAS  
21 LAYING IN THE BED NEXT TO HIM?

22          A     SCOTTY AND ALLISON.

23          Q     YOU'RE POSITIVE OF THAT?

24          A     YES.

25          Q     OKAY. WERE THE LIGHTS OUT IN THE TRAILER?

1 A THE STOVE LIGHT WAS ON IN THE KITCHEN.

2 Q YOU MENTIONED SOMETHING ABOUT A BATHROOM LIGHT,  
3 TOO?

4 A IN OUR BEDROOM, WE KEEP IT ON FOR A NIGHT LIGHT.

5 Q SO IT WAS PRETTY LIGHT IN THE TRAILER THEN?

6 A YOU CAN SEE, YES.

7 Q AND YOU GOT CLOSE ENOUGH WHERE YOU COULD SEE  
8 SCOTTY MERSON WAS LAYING THERE NEXT TO ALLISON LOWERY?

9 A YES.

10 Q YOU SAW HIS FACE?

11 A NO. HIS BACK WAS TO ME, BUT I LOOKED AND I NOTICED  
12 IT WAS HIM.

13 Q BUT YOU DIDN'T SEE HIS FACE, DID YOU?

14 A NO.

15 Q SO YOU'RE NOT CERTAIN THAT IT WAS HIM?

16 A YES, IT WAS HIM.

17 Q OKAY. YOU ARE CERTAIN?

18 A YES.

19 Q ALL RIGHT. AND YOUR DAUGHTER, TAMMY, SHORTLY  
20 AFTER YOU ARRIVED HOME, WENT TO GET ANOTHER BOTTLE FOR HER  
21 SON, CHRISTOPHER?

22 A YES.

23 Q AND THEN SHE CAME BACK WITHIN MINUTES, BACK TO  
24 YOUR ROOM?

25 A HMM-HMM.



1 Q NOW, YOU SAID YOU KEPT YOUR DOOR OPEN, RIGHT?

2 A YES.

3 Q AND THAT'S BECAUSE IT WAS BROKEN?

4 A THE BEDROOM DOOR?

5 Q YES.

6 A NO, WE KEEP IT -- WE JUST LEAVE IT OPEN A LITTLE  
7 BIT.

8 Q SO IT WASN'T BROKEN THEN?

9 A NO, OUR BEDROOM WASN'T.

10 Q SO YOU KEEP IT OPEN ON PURPOSE; IT WASN'T BROKEN?

11 A NO, IT WASN'T BROKEN.

12 Q TWO LAST QUESTIONS, MA'AM, AND I THANK YOU VERY  
13 MUCH FOR YOUR TIME.

14 DID YOU SEE SCOTTY MERSON LEAVE THAT NIGHT?

15 A DID I SEE HIM LEAVE?

16 Q DID YOU SEE HIM LEAVE THE TRAILER AFTER YOU GOT  
17 HOME?

18 A NO.

19 Q CAN YOU TELL THIS JURY THAT SCOTTY MERSON, WITHOUT  
20 A DOUBT, DID NOT LEAVE THAT TRAILER THAT NIGHT?

21 A I CAN'T SWEAR TO IT, THAT HE DIDN'T LEAVE.

22 Q SO WHAT YOU'RE TELLING US THEN IS YOU DON'T KNOW  
23 WHETHER HE LEFT OR NOT THEN, DO YOU?

24 A NO, I CAN'T BE SURE.

25 MR. BENDER: THANK YOU, MA'AM, VERY MUCH.

1 NO FURTHER QUESTIONS.

2 THE COURT: REDIRECT?

3 MR. EIDE: YES, YOUR HONOR, A LITTLE BIT.

4 REDIRECT EXAMINATION

5 BY MR. EIDE:

6 Q MRS. WILLEY, MICHAEL PARKS HIS CAR RIGHT OUTSIDE  
7 THE BACK DOOR, CORRECT?

8 A YES.

9 Q AS YOU CAME UP, WOULD YOU HAVE PASSED THAT CAR TO  
10 COME INTO THE HOUSE?

11 A YES.

12 Q I'M SORRY. WHAT TIME DID YOU GO TO SLEEP THAT  
13 NIGHT?

14 A WELL, IT WAS -- I GOT HOME AT 1:15. PROBABLY AN  
15 HOUR AFTER THAT.

16 Q SO YOU WENT TO SLEEP ABOUT 2:15?

17 A YES.

18 Q WHAT'D YOU DO DURING THAT TIME THAT YOU WERE  
19 THERE, BETWEEN THE TIME YOU GOT THERE AND THE TIME THAT  
20 YOU WENT TO SLEEP, BESIDES TALKING TO YOUR DAUGHTER?

21 A THAT'S IT.

22 Q OKAY. WAS YOUR GRANDSON AWAKE?

23 A YEAH. HE WOKE UP BECAUSE HE WANTED THE BOTTLE.

24 Q AND DID HE SETTLE DOWN BEFORE YOU WENT BACK TO  
25 SLEEP?