

1 MATTRESS?

2 A YEAH.

3 Q WAS IT DARK OVER IN THAT CORNER?

4 A NOT REALLY. IHAD SOME LIGHT FROM THE STOVE LIGHT.

5 Q HOW SOON AFTER 1:38 DID YOU GO BACK INTO YOUR ROOM?

6 WAS IT WITHIN MINUTES?

7 A YEAH.

8 Q AND THEN YOU WENT IN AND CLOSED THE DOOR, AS BEST

9 YOU COULD?

10 A HMM-HMM.

11 Q AND THEN YOU NEVER LEFT THE ROOM AGAIN UNTIL YOU

12 GOT UP THE NEXT MORNING?

13 A HMM-HMM.

14 MR. BENDER: THANK YOU. THAT'S ALL I HAVE.

15 THE COURT: REDIRECT?

16 MR. EIDE: NO, YOUR HONOR, I HAVE NONE.

17 THE COURT: YOU MAY STEP DOWN.

18 CALL YOUR NEXT WITNESS.

19 MR. EIDE: YES, YOUR HONOR WE WOULD CALL AT THIS

20 TIME JUDY WILLEY.

21 THEREUPON,

22 JUDY WILLEY,

23 WAS CALLED AS A WITNESS BY THE DEFENSE AND, AFTER HAVING

24 BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED ON HER

25 OATH AS FOLLOWS:

DIRECT EXAMINATION

1
2 BY MR. EIDE:

3 Q HI, MRS. WILLEY.

4 A HI.

5 Q WOULD YOU PLEASE STATE YOUR FULL NAME FOR THE
6 RECORD, AND SPELL YOUR LAST NAME?

7 A JUDY WILLEY, WHICH IS W-I-L-L-E-Y.

8 Q OKAY. ARE YOU A LITTLE NERVOUS TODAY?

9 A A LITTLE.

10 Q EVER TESTIFY IN COURT BEFORE?

11 A NO.

12 Q WE ALL GET A LITTLE NERVOUS. I STILL DO, AND
13 I'VE BEEN DOING THIS A WHILE.

14 IF THERE'S ANYTHING YOU DON'T UNDERSTAND, YOU
15 JUST LET ME KNOW.

16 A OKAY.

17 Q WHAT DO YOU DO? WHAT'S YOUR JOB?

18 A SECURITY GUARD.

19 Q EXCUSE ME?

20 A I'M A SECURITY GUARD.

21 Q WHERE?

22 A I'M NOT EMPLOYED RIGHT NOW.

23 Q AND HOW LONG HAVE YOU BEEN DOING THIS?

24 A FOUR YEARS.

25 Q WERE YOU WORKING BACK IN MAY OF THIS YEAR?

1 A I WAS TENDING TO MY GRANDSON WHILE MY DAUGHTER
2 WORKS.

3 Q DO YOU REMEMBER THE NIGHT THAT SCOTTY, THE DAY
4 THAT SCOTTY GOT ARRESTED, BACK IN MAY?

5 A YES.

6 Q DO YOU REMEMBER THE NIGHT BEFORE, SCOTTY BEING
7 OVER AT YOUR HOUSE, OR TWO NIGHTS BEFORE?

8 A YES.

9 Q NOW, YOU KNOW SCOTTY, RIGHT?

10 A YES.

11 Q HOW LONG HAVE YOU KNOWN HIM?

12 A ABOUT EIGHT YEARS.

13 Q OKAY. WHAT WERE YOU DOING THAT NIGHT?

14 A I WENT OUT.

15 Q WHERE'D YOU GO?

16 A OVER TO A FRIEND'S.

17 Q WHEN'D YOU COME HOME?

18 A 1:15.

19 Q AND HOW DID YOU GET OVER TO YOUR FRIEND'S HOUSE?

20 A DROVE MY DAUGHTER'S CAR.

21 Q WHAT KIND OF CAR IS THAT?

22 A A CHEVETTE.

23 Q ALL RIGHT. WHAT TIME DID YOU LEAVE THE HOUSE?

24 A ABOUT SEVEN O'CLOCK.

25 Q ALL RIGHT. AND WHAT TIME DID YOU COME BACK?

1 A 1:15.

2 Q ARE YOU SURE ABOUT THE TIME?

3 A YES. BECAUSE I LOOKED AT THE VCR WHEN I COME IN,
4 TO SEE WHAT TIME IT WAS.

5 Q WHICH DOOR DID YOU COME IN TO THE TRAILER?

6 A THE BACK DOOR.

7 Q IS THAT THE ONE THAT'S IN THE KITCHEN OR THE ONE
8 THAT'S IN THE LIVING ROOM?

9 A IT'S THE ONE THAT'S IN THE KITCHEN.

10 Q WHERE'D YOU PARK THE CAR?

11 A IN THE -- OVER BY THE CLUBHOUSE.

12 Q OKAY. AND WHEN YOU GOT INTO THE HOUSE, DID YOU
13 NOTICE THAT THERE WERE OTHER PEOPLE THERE?

14 A YES.

15 Q WHO DID YOU SEE THERE?

16 A MICHAEL HYLAND.

17 Q OKAY.

18 A AND MY SON, MICHAEL.

19 Q OKAY. WHO ELSE?

20 A SCOTTY AND ALLISON.

21 Q WHO ELSE DID YOU SEE?

22 A WELL, MY DAUGHTER AND GRANDSON.

23 Q DID YOU SEE CHRISTI OR SHAWN?

24 A NO. THEY HAD ALREADY GONE TO BED.

25 Q WHAT?

1 A NO, I DIDN'T SEE THEM. THEY HAD GONE TO BED.

2 Q HOW DO YOU KNOW THEY HAD GONE TO BED?

3 A WELL, HIS TRUCK WAS THERE SO I JUST PRESUMED THEY
4 WERE THERE.

5 Q WHEN YOU WENT IN ARE YOU SURE YOU SAW SCOTTY?

6 A YES.

7 Q WHEN YOU CAME IN AND LOOKED, HOW MANY PEOPLE WERE
8 ON THE MATTRESS?

9 A THREE.

10 Q WHAT'D YOU DO WHEN YOU CAME HOME, AFTER YOU CAME
11 IN THE DOOR?

12 A I WENT OVER AND LOOKED AT THE VCR AND SEEN WHAT
13 TIME IT WAS.

14 Q THEN WHAT'D YOU DO?

15 A THEN I LOOKED TO SEE WHO WAS THERE ON THE MATTRESS.

16 Q WHY WERE YOU DOING THAT?

17 A BECAUSE MY SON WAS ON THE EDGE, AND JUST OUT OF
18 CURIOSITY I WANTED TO KNOW WHO WAS THERE.

19 Q THEN WHAT'D YOU DO?

20 A THEN I WENT TO BED.

21 Q WHEN YOU WENT IN TO BED, WAS YOUR DAUGHTER AWAKE
22 OR ASLEEP?

23 A AWAKE.

24 Q AND DID YOU GUYS TALK AT ALL?

25 A YES.

1 Q WHAT'D YOU TALK ABOUT?

2 A I DON'T REMEMBER.

3 Q OKAY. DID TAMMY EVER LEAVE THE ROOM?

4 A YES.

5 Q DO YOU KNOW ABOUT WHEN SHE LEFT THE ROOM?

6 A ABOUT 20 MINUTES TO TWO. SHE WENT IN THE KITCHEN.

7 Q OKAY. DO YOU KNOW WHY SHE LEFT?

8 A SHE WENT TO GET THE BABY SOMETHING TO DRINK.

9 Q OKAY. HOW LONG WAS SHE GONE?

10 A SHE JUST WENT IN AND WENT TO THE REFRIGERATOR AND
11 COME BACK.

12 Q SO IT WAS A QUICK TRIP?

13 A HMM-HMM.

14 Q WHEN SHE CAME BACK IN DID SHE CLOSE THE DOOR, OR
15 DID SHE LEAVE IT OPEN?

16 A WE LEAVE IT OPEN A LITTLE. WE DON'T CLOSE IT ALL
17 THE WAY.

18 Q JUST LEAVE IT OPEN A LITTLE BIT?

19 A HMM-HMM.

20 Q DID YOU HAVE YOUR LIGHT ON IN THE BEDROOM?

21 A IN THE BATHROOM WE LEAVE IT ON.

22 Q AND HOW LONG AFTER SHE CAME BACK WERE YOU AWAKE?

23 A WELL, WE PROBABLY TALKED ANOTHER, AT LEAST 30
24 MINUTES.

25 Q SO YOU SAID YOU WENT TO BED ABOUT AN HOUR AFTER

1 YOU GOT HOME?

2 A SOMETHING, APPROXIMATELY.

3 Q NOW, WHEN YOU WERE -- AFTER YOU GOT HOME, BEFORE
4 YOU WENT TO BED, DID YOU HEAR ANYONE MOVING AROUND IN THE
5 TRAILER?

6 A NO.

7 Q CAN YOU HEAR PEOPLE MOVING AROUND IN YOUR TRAILER?

8 A YES.

9 Q HOW DO YOU KNOW YOU CAN HEAR WHEN SOMEONE IS WALKING
10 AROUND YOUR TRAILER?

11 A WELL, I'M NOT A VERY SOUND SLEEPER. IF THEY COME
12 IN THE KITCHEN, YOU CAN. YOU CAN HEAR THEM.

13 Q OKAY. YOU CAN HEAR THEM WALKING, OR DO YOU HEAR
14 THEM GETTING STUFF, OR HOW DO YOU HEAR THEM?

15 A WELL, IF THEY GET SOMETHING OUT OF THE REFRIGERATOR
16 OR GET A GLASS OF WATER, YOU CAN HEAR.

17 Q DID YOU HEAR ANYONE MOVING AROUND, BESIDES YOUR
18 DAUGHTER, THAT MORNING?

19 A NO.

20 Q AND WHEN YOU WERE TALKING TO HER BACK IN THE
21 BEDROOM AFTER SHE HAD GOTTEN THE BOTTLE, DID YOU HEAR ANYONE
22 MOVING AROUND?

23 A NO.

24 Q DID YOU HEAR ANY CARS START OR ANYONE SLAMMING
25 DOORS?

1 A NO.

2 Q WOULD YOU HAVE HEARD THEM IF ANYONE HAD STARTED
3 ONE OF YOUR CARS OUTSIDE?

4 A I DON'T KNOW.

5 Q OKAY. I ASSUME YOU HAD THE KEYS TO YOUR CAR,
6 TO THE CAR?

7 A TO MY DAUGHTER'S CAR, YES.

8 Q WHAT'D YOU DO WITH THEM WHEN YOU CAME IN?

9 A PUT THEM IN MY POCKETBOOK.

10 Q WHERE'S YOUR POCKETBOOK?

11 A BESIDE MY BED.

12 Q DID ANYONE COME INTO YOUR BEDROOM?

13 A NO.

14 Q DID ANYONE COME INTO YOUR BEDROOM AFTER YOU WENT
15 TO SLEEP, THAT YOU KNOW OF?

16 A NOT THAT I KNOW OF.

17 Q DO YOU KNOW OF SCOTTY EVER GETTING AHOLD OF YOUR
18 KEYS OR TAKING YOUR KEYS?

19 A NO. I WOULD HAVE HEARD SOMEBODY. BECAUSE THEY
20 WAS RIGHT BY MY HEAD, UP BY MY HEAD.

21 Q THE NEXT MORNING WAS YOUR PURSE STILL THERE?

22 A YES.

23 Q WERE THE KEYS STILL WHERE YOU HAD LEFT THEM?

24 A YES.

25 Q HAD THE CAR BEEN MOVED AT ALL?

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.