

1 Q OKAY. AND HE DIDN'T?

2 A NO.

3 Q DID YOU DRINK ANYTHING THAT NIGHT?

4 A NO, I DIDN'T.

5 Q DID SCOTTY?

6 A YES.

7 Q HOW MUCH DID HE DRINK?

8 A HIM AND MICHAEL HYLAND DRANK A SIX-PACK. THAT'S  
9 ALL I REMEMBER SEEING.

10 MR. EIDE: OKAY. I DON'T HAVE ANY OTHER QUESTIONS  
11 AT THIS TIME, YOUR HONOR.

12 THE COURT: YOU MAY INQUIRE.

13 CROSS-EXAMINATION

14 BY MR. BENDER:

15 Q YOU'RE SCOTTY HERSON'S GIRL FRIEND?

16 A YES.

17 Q DO YOU ALL HAVE AN INTIMATE RELATIONSHIP OR  
18 PLUTONIC RELATIONSHIP?

19 A INTIMATE.

20 Q HOW LONG HAVE YOU BEEN DATING HIM?

21 A SINCE I WAS 16.

22 Q AND YOU'RE HOW OLD NOW?

23 A I'LL BE 19 IN TWO WEEKS.

24 Q DO YOU LOVE HIM?

25 A YES.

1 Q DO YOU CARE ABOUT HIM?

2 A YES.

3 Q NOW, THAT NIGHT THAT YOU WENT TO PICK HIM UP WITH  
4 SHAWN WILLEY AND HIS GIRL FRIEND, CHRISTI, YOU WENT IN SHAWN'S  
5 CHEVY TEN?

6 A YES.

7 Q YOU PICKED UP SCOTT MERSON IN FRONT OF HIS  
8 GRANDMOTHER'S TRAILER PARK?

9 A NO.

10 Q SOMEWHERE AROUND THE TRAILER PARK?

11 A IT'S A COUNTRY CLUB. IT'S LIKE A REC HALL.

12 Q AND IN THE TRAILER PARK?

13 A YES.

14 Q AND THEN YOU DROVE BACK TO APOPKA, AND ON THE WAY  
15 YOU STOPPED AND GOT A SIX-PACK OF BEER?

16 A HMM-HMM.

17 Q AND SCOTT BOUGHT YOU A PACK OF CIGARETTES?

18 A HMM-HMM.

19 Q WHAT BRAND DO YOU SMOKE?

20 A MARLBORO REGULAR.

21 Q AND SCOTTY PAID FOR THE CIGARETTES AND BEER?

22 A YES.

23 Q DID YOU GET OUT OF THE 9-TEN?

24 A JUST HE DID.

25 Q AND HE CAME RIGHT BACK, AND YOU DROVE STRAIGHT

1 TO APOPKA?

2 A YES.

3 Q NOW, WHEN YOU GOT BACK TO THE TRAILER IN APOPKA,  
4 DID YOU ALL HAVE DINNER?

5 A I DON'T REMEMBER. I DON'T RECALL EATING.

6 Q DO YOU REMEMBER TALKING TO ME MONDAY, AT A  
7 DEPOSITION?

8 A YES.

9 Q DO YOU RECALL ME ASKING YOU THAT QUESTION: "DID  
10 YOU ALL HAVE DINNER ON MONDAY"?

11 A NO.

12 Q YOU DON'T RECALL THE QUESTION?

13 A NO. YOU DIDN'T ASK ME.

14 Q WELL, I ASKED YOU. DO YOU REMEMBER --

15 THE COURT: WOULD COUNSEL APPROACH THE BENCH.

16 (THEREUPON, COUNSEL APPROACHED THE BENCH AND PROCEEDINGS  
17 WERE HAD, OUTSIDE THE PRESENCE OF THE JURY, AND ON THE RECORD  
18 AS FOLLOWS:)

19 THE COURT: I ASSUME YOU'VE GOT THE TAPE OF THE  
20 DEPOSITION.

21 MR. BENDER: YES, SIR.

22 THE COURT: YOU DIDN'T HAVE IT TRANSCRIBED?

23 MR. BENDER: I DIDN'T HAVE TIME.

24 THE COURT: DO YOU WANT TO DO IT?

25 MR. BENDER: NO.

1 MR. EIDE: I OBJECT.

2 THE COURT: OBJECT TO WHAT?

3 MR. EIDE: RELEVANCY.

4 THE COURT: OBJECTION IS OVERRULED.

5 BUT, I MEAN, IT'S NOT PROPER IMPEACHMENT TO  
6 SAY, "THIS IS WHAT I TOLD YOU". SO IF YOU WANT TO GO  
7 FARTHER ON THIS --

8 MR. BENDER: NO.

9 MR. EIDE: I MOVE TO STRIKE.

10 THE COURT: MOVE TO STRIKE WHAT?

11 MR. EIDE: I MOVE TO STRIKE HIS ANSWER.

12 MR. BENDER: HE'S SAYING I CAN'T SAY THAT.

13 MR. EIDE: THAT'S FINE.

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

15 BY MR. BENDER:

16 Q YOUR TESTIMONY TODAY, MA'AM, WOULD BE: WHEN YOU  
17 RETURNED BACK TO THE TRAILER IN APOPKA, YOU DID NOT HAVE  
18 DINNER?

19 A I DON'T RECALL, NO.

20 Q DID YOU EAT BEFORE YOU LEFT?

21 A I DON'T REMEMBER.

22 Q OKAY. DO YOU REMEMBER WHAT TIME YOU GOT BACK TO  
23 THE TRAILER IN APOPKA?

24 A NOT EXACTLY, NO.

25 Q DO YOU REMEMBER IF YOU WATCHED ANY VIDEOTAPES

1 THAT NIGHT?

2 A YES, I DO.

3 Q DO YOU REMEMBER THE NAMES OF THOSE VIDEOTAPES?

4 A I BELIEVE THAT WE WATCHED "RED HOUSE," AND I DON'T  
5 RECALL THE OTHERS. BECAUSE WE HAD A BUNCH OF THEM.

6 Q HOW LONG HAD YOU BEEN STAYING AT THAT TRAILER?

7 A I WAS STAYING OFF AND ON THERE.

8 Q HOW LONG?

9 A PROBABLY A WEEK OR SO.

10 Q WHAT SORT OF VIDEOTAPES DID THEY HAVE?

11 A YES, THEY DID.

12 Q DO YOU KNOW WHAT VIDEOTAPES THEY HAD, IF YOU CAN  
13 REMEMBER, THERE?

14 A "RED HOUSE," I BELIEVE "THE RUNNING MAN," AND I  
15 DON'T KNOW.

16 Q "THE RUNNING MAN"?

17 A I DON'T -- I DON'T REMEMBER.

18 Q YOU CAN'T REMEMBER. DO YOU REMEMBER IF MICHAEL  
19 HYLAND AND MICHAEL WILLEY WENT TO GET SOME VIDEOTAPES THAT  
20 NIGHT?

21 A NO.

22 Q YOU DON'T REMEMBER, OR THEY DID NOT?

23 A I DON'T REMEMBER. I DON'T KNOW.

24 Q DO YOU KNOW IF MICHAEL HYLAND WENT TO BUY ANY  
25 BEER THAT NIGHT?

1 A NO, I DON'T RECALL.

2 Q DO YOU RECALL MICHAEL HYLAND DRINKING BEER AT THE  
3 TRAILER THAT NIGHT?

4 A I REMEMBER SCOTTY ASKING HIM IF HE WANTED A BEER.

5 Q MIKE DIDN'T HAVE ANY OF HIS OWN BEER?

6 A I DON'T KNOW. I DON'T THINK SO.

7 Q YOU DON'T REMEMBER?

8 A I DON'T REMEMBER.

9 Q DID YOU SEE SCOTTY MERSON DRINKING ANY BEER, OR  
10 DO YOU REMEMBER THAT?

11 A YES, I REMEMBER.

12 Q HOW MANY BEERS DID SCOTTY MERSON HAVE TO DRINK?

13 A I REALLY DIDN'T PAY ANY ATTENTION HOW MANY BEERS  
14 HE HAD.

15 Q WERE YOU WITH HIM THE ENTIRE NIGHT?

16 A YES, I WAS.

17 Q YOU CAN'T RECALL HOW MANY BEERS HE HAD?

18 A I DON'T SIT AND COUNT HOW MANY BEERS HE'S GOING  
19 TO DRINK.

20 Q CAN YOU GIVE US AN APPROXIMATION?

21 A PROBABLY THREE OR FOUR.

22 Q DID YOU NOTICE HOW MANY BEERS, PERCHANCE, THAT  
23 MICHAEL HYLAND HAD HAD TO DRINK THAT NIGHT?

24 A NO.

25 Q DID YOU LOOK IN THE REFRIGERATOR THE NEXT MORNING?

1 A NO.

2 Q DO YOU KNOW IF THERE WERE ANY BEERS IN THE  
3 REFRIGERATOR THAT MORNING?

4 A I DON'T BELIEVE SO.

5 Q ALL RIGHT. SO YOU'RE WATCHING VIDEOS. BEFORE  
6 SHAWN AND CRYSTAL -- CHRISTI, EXCUSE ME, WENT TO BED, WERE  
7 THEY WATCHING THE VIDEOTAPES WITH YOU, AS WELL?

8 A NO, I DON'T BELIEVE SO.

9 Q WHERE WERE THEY?

10 A I DON'T KNOW.

11 Q WELL, BEFORE THEY WENT TO BED, WERE THEY OUT THERE  
12 WITH YOU?

13 A YEAH.

14 Q THEY WERE?

15 A FOR A LITTLE WHILE. THEY DIDN'T STAY LONG.

16 Q DID THEY WATCH THE VIDEOTAPES, OR DO YOU KNOW?

17 A I BELIEVE IF THEY WERE OUT THERE, THEY WERE.

18 Q WHAT ABOUT TAMMY WILLEY AND HER BABY, WHERE WERE  
19 THEY?

20 A I BELIEVE TAMMY AND THE BABY WERE IN THE BACK.

21 Q DID SHE EVER COME OUT TO WATCH THE VIDEOTAPES  
22 WITH YOU?

23 A NO.

24 Q NOW, MICHAEL HYLAND AND MICHAEL WILLEY WERE OUT  
25 WATCHING VIDEOTAPES WITH YOU AND SCOTT MERSON?

1 A YES.

2 Q DO YOU REMEMBER WHAT TIME SHAWK AND CHRISTI WENT  
3 TO BED?

4 A NO. IT WAS EARLY. THEY WENT TO BED BEFORE  
5 EVERYONE.

6 Q CAN YOU GIVE US AN APPROXIMATION IN TIME OF WHEN  
7 THEY WENT TO BED?

8 A PROBABLY ABOUT, PROBABLY 12:30.

9 Q DID THEY HAVE THEIR OWN ROOM? AND YOU SAY THEY  
10 CLOSED THE DOOR?

11 A YEAH, THEY ALWAYS CLOSE THE DOOR.

12 Q DO THEY LEAVE IT LOCKED?

13 A I BELIEVE THEY LOCK IT EVERY TIME THEY GO IN THERE  
14 SO NOBODY WILL COME IN.

15 Q NOW, YOU TESTIFIED THAT MICHAEL WILLEY'S CAR HAD  
16 A FLAT TIRE THAT NIGHT?

17 A YES.

18 Q YOU'RE POSITIVE OF THAT?

19 A YES.

20 Q ABSOLUTELY POSITIVE?

21 A YES.

22 Q DID YOU SEE THAT WITH YOUR OWN EYES?

23 A YES.

24 Q WHAT TIME DID YOU SEE THE FLAT TIRE?

25 A IT WAS THERE. IT HAD A FLAT TIRE DURING THE DAY.



1 Q OKAY. WHAT ABOUT DURING THE EVENING, DID YOU SEE  
2 THE FLAT TIRE DURING THE EVENING?

3 A YEAH.

4 Q OKAY. I'M JUST ASKING YOU, MA'AM.

5 A OKAY.

6 Q WHAT TIME DID MICHAEL HYLAND FALL ASLEEP, IF YOU  
7 CAN RECALL?

8 A HE WAS THE LAST ONE IN THE LIVING ROOM TO FALL  
9 ASLEEP, ASIDE US, BESIDE US.

10 Q SO MICHAEL WILLEY FELL ASLEEP FIRST?

11 A IT WAS PROBABLY ONE O'CLOCK.

12 Q AND THEN MICHAEL HYLAND FELL ASLEEP?

13 A YEAH.

14 Q ON THE COUCH?

15 A HMM-HMM.

16 Q AND THEN YOU AND SCOTT WERE STILL UP?

17 A HMM-HMM.

18 Q AND YOU WERE ON THE SAME MATTRESS AS MICHAEL WILLEY?

19 A YES.

20 Q WAS THAT THE NORMAL SLEEPING ARRANGEMENTS THAT  
21 YOU HAD?

22 A YES.

23 Q WAS IT COMFORTABLE?

24 A YEAH.

25 Q WHERE ELSE DID YOU STAY WHEN YOU WEREN'T STAYING

1     THERE?

2           A     DOWN THE STREET AT MY GIRLFRIEND'S HOUSE.

3           Q     WERE YOU AWARE AT THE TIME YOU WERE DATING SCOTTY  
4     MERSON THAT HE WAS ALSO DATING TINA COLE?

5           A     YES.

6           Q     HOW DID YOU FEEL ABOUT THAT?

7           A     I DIDN'T LIKE IT.

8           Q     DID YOU EVER GET IN FIGHTS WITH SCOTTY ABOUT IT?

9           A     YEAH.

10          Q     DID YOU EVER MEET TINA COLE?

11          A     I DIDN'T MEET HER, BUT WE CAME FACE TO FACE BEFORE.

12          Q     SO YOU DID MEET HER?

13          A     YEAH. I KNOW WHO SHE IS.

14          Q     WELL, I'M JUST TRYING TO UNDERSTAND YOU, MA'AM.

15                    YOU SAID YOU CAME FACE TO FACE WITH HER?

16          A     IT'S NOT LIKE WE MET EACH OTHER.

17          Q     WELL, DID YOU TALK?

18          A     NO. WE JUST KNOW WHO EACH OTHER IS.

19          Q     ALL RIGHT. DID SCOTT MERSON USED TO TALK ABOUT  
20     TINA COLE TO YOU?

21          A     SOMETIMES.

22          Q     DID HE EVER TALK TO YOU ABOUT FIGHTS THAT HE MAY  
23     HAVE HAD WITH HER?

24          A     YEAH.

25          Q     DID IT DISTURB YOU THAT HE WAS SEEING SOMEONE ELSE?

1 A YES.

2 Q BUT YOU CONTINUED TO DATE?

3 A HMM-HMM.

4 Q BECAUSE YOU LOVED HIM AND CARE ABOUT HIM?

5 A YES.

6 Q DID YOU TALK WITH THE POLICE OFFICER AND GIVE A  
7 STATEMENT TO HIM SOMETIME ON THE 19TH OF MAY, INVESTIGATOR  
8 FRANK ROACH?

9 A I DON'T KNOW WHAT DAY IT WAS. BUT IT WAS AFTER  
10 IT WAS SUPPOSED TO HAVE HAPPENED.

11 Q SHORTLY AFTER?

12 A PROBABLY TWO OR THREE DAYS.

13 Q COULD IT HAVE BEEN THE 19TH, THE DAY AFTER, MA'AM?

14 A THE DAY AFTER HE WENT TO JAIL?

15 Q HMM-HMM.

16 A I DON'T BELIEVE IT WAS THE DAY AFTER. I DON'T  
17 KNOW WHAT DAY.

18 Q BUT YOU DID GIVE A STATEMENT?

19 A YEAH, I DID GIVE A STATEMENT TO A DETECTIVE.

20 Q ALL RIGHT. NOW, YOU TESTIFIED THAT YOU LIKE TO  
21 CUDDLE UP TO SCOTT WHEN YOU SLEEP TOGETHER?

22 A HMM-HMM.

23 Q AND YOU STAY THAT WAY THROUGHOUT THE EVENING,  
24 NOT MOVING?

25 A YEAH.

1 Q YOU HAVE YOUR HEAD ON HIS SHOULDER; YOUR LEG  
2 WRAPPED AROUND HIM, AND YOU NEVER MOVE DURING THE EVENING  
3 WHILE YOU'RE SLEEPING?

4 A USUALLY, NO. I WAKE UP LIKE THAT.

5 Q I'M SORRY?

6 A USUALLY I WAKE UP LIKE THAT. USUALLY, NO.

7 Q SO FROM APPROXIMATELY 2:30 A.M. UNTIL APPROXIMATELY  
8 WHEN DID YOU STAY IN THAT POSITION, MA'AM?

9 A UNTIL I WOKE UP.

10 Q WHAT TIME WAS THAT?

11 A IT WAS THE NEXT MORNING.

12 Q WHAT TIME?

13 A I DON'T KNOW EXACTLY WHAT TIME.

14 Q GIVE ME A GUESS.

15 A PROBABLY 7:30, EIGHT O'CLOCK.

16 Q SO ALMOST SIX HOURS YOU STAYED IN THAT POSITION,  
17 WITH YOUR LEG WRAPPED AROUND SCOTTY MERSON AND YOUR HEAD  
18 ON HIS SHOULDER AND DIDN'T MOVE?

19 A I GUESS SO.

20 Q I'M NOT ASKING YOU TO GUESS ON THAT, IS IT TRUE?

21 A YES.

22 Q OKAY. SO YOU KNOW THEN FOR A FACT, 100 PERCENT,  
23 POSITIVELY THAT SCOTTY MERSON DIDN'T LEAVE THAT TRAILER?

24 A YES.

25 Q HOW DO YOU KNOW THAT?

1 A HOW DO I KNOW THAT?

2 Q YES.

3 A BECAUSE IF HE WOULD HAVE GOT UP, I WOULD HAVE  
4 WOKE UP.

5 Q YOU'RE POSITIVE OF THAT?

6 A USUALLY, WHEN HE GETS UP I WAKE UP.

7 Q USUALLY?

8 A YES, SIR.

9 Q NOT ALWAYS?

10 A MOST OF THE TIME.

11 Q NOT ALWAYS?

12 A HMM, I DON'T KNOW.

13 Q SO IT'S POSSIBLE THEN HE COULD HAVE LEFT THE  
14 TRAILER THAT NIGHT WITHOUT YOU KNOWING IT?

15 A ANYTHING'S POSSIBLE.

16 Q HAVE YOU TALKED WITH HIM SINCE HIS ARREST?

17 A YES, I HAVE.

18 Q HAVE YOU TALKED TO HIM ABOUT THIS CASE, MA'AM?

19 A NOT MUCH, NO.

20 Q NOT MUCH?

21 A NOT TOO MUCH, NO.

22 Q WHAT'S "NOT TOO MUCH" MEAN?

23 A IT'S NOT LIKE WE TALK ABOUT IT EVERY TIME WE TALK.

24 Q BUT YOU HAVE TALKED ABOUT IT?

25 A YES.

1 Q HAVE YOU TALKED TO HIM ABOUT GIVING TESTIMONY  
2 HERE TODAY?

3 A NO.

4 Q YOU HAVE NOT?

5 A NO.

6 MR. BENDER: THANK YOU FOR YOUR TIME, MA'AN.

7 I HAVE NO FURTHER QUESTIONS, YOUR HONOR.

8 THE COURT: REDIRECT?

9 REDIRECT EXAMINATION

10 BY MR. BIDE:

11 Q MISS LOWERY, THE STATE ATTORNEY ASKED YOU THE  
12 QUESTION -- YOU SAID THAT USUALLY YOU WILL WAKE UP IF HE  
13 GETS UP.

14 WHEN YOU HAD YOUR HEAD ON HIS CHEST, IF HE HAD  
15 GOTTEN UP WOULD YOU HAVE KNOWN IT?

16 A YES, I WOULD HAVE.

17 Q WHEN YOU WOKE UP IN THE MORNING HOW WERE YOU  
18 SLEEPING AT THAT TIME?

19 A I WAS IN THE SAME POSITION.

20 Q DID YOU FEEL HIM MOVE AT ALL IN BED, AT ALL, AT  
21 THAT POINT?

22 A NO.

23 Q THANKS.

24 MR. BIDE: NO OTHER QUESTIONS, YOUR HONOR.

25 THE COURT: ANY CROSS?