

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'AM.

7 I HAVE NO FURTHER QUESTIONS, YOUR HONOR.

8 THE COURT: REDIRECT?

9 REDIRECT EXAMINATION

10 BY MR. EIDE:

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. EIDE: NO OTHER QUESTIONS, YOUR HONOR.

25 THE COURT: ANY CROSS?

1 MR. BENDER: NO. NOTHING FURTHER, YOUR HONOR.

2 THE COURT: YOU MAY STEP DOWN.

3 LET'S TAKE ABOUT A FIVE-MINUTE RECESS.

4 (THEREUPON, COURT RECESSED AT 3:42 P.M., TO RECONVENE

5 AT 3:58 P.M., AFTER WHICH THE FOLLOWING TRANSPIRED:)

6 THE COURT: OKAY. ARE WE ALL SET?

7 MR. BENDER: YES, YOUR HONOR.

8 THE COURT: ALL RIGHT. RETURN THE JURY.

9 (THEREUPON, THE JURY ENTERED THE COURTROOM.)

10 THE COURT: THESE AREN'T LIKE PERRY MASON ON TV

11 AND OVER IN AN HOUR, ARE THEY?

12 ALL RIGHT. THE DEFENSE MAY PROCEED.

13 CALL YOUR NEXT WITNESS.

14 MR. EIDE: THANK YOU, YOUR HONOR. AT THIS TIME

15 WE WOULD CALL MICHAEL WILLEY.

16 THEREUPON,

17 MICHAEL J. WILLEY,

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

19 BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED ON HIS

20 OATH AS FOLLOWS:

21 DIRECT EXAMINATION

22 BY MR. EIDE:

23 Q HI, MR. WILLEY.

24 A HOW ARE YOU DOING?

25 Q WOULD YOU, PLEASE, STATE YOUR FULL NAME?