

1 MR. BENDER: THANK YOU, YOUR HONOR. I HAVE NO
2 FURTHER QUESTIONS AT THIS TIME.

3 THE COURT: DEFENSE, CROSS-EXAMINATION.

4 CROSS-EXAMINATION

5 BY MR. EIDE:

6 Q HI, MR. STOCKWELL, HOW ARE YOU DOING?

7 A VERY WELL.

8 Q GOOD TO SEE YOU AGAIN. I WANTED TO ASK A FEW
9 QUESTIONS, MR. STOCKWELL.

10 YOU DIDN'T SEE SCOTTY IN YOUR HOME ON THE 18TH,
11 DID YOU?

12 A I DIDN'T SEE HIM, NO.

13 Q NOW, WAS YOUR WIFE AWAKE BEFORE YOU, OR WERE
14 YOU AWAKE BEFORE YOUR WIFE?

15 A SHE WAS AWAKE BEFORE I WAS.

16 Q HOW DO YOU KNOW THAT?

17 A BECAUSE I HEARD HER SPEAK, AND I BELIEVE THAT'S
18 WHAT WOKE ME UP.

19 Q DO YOU KNOW WHO SHE WAS SPEAKING TO?

20 A TO THE GIRLS, ANGELA AND MICHELLE.

21 Q DID BOTH GIRLS COME IN TOGETHER?

22 A AS I REMEMBER, THEY DID. BUT I'M NOT CERTAIN.
23 BUT WHEN I WAS AWARE OF IT, WHY, THEY WAS BOTH THERE.

24 Q SCOTTY'S ALWAYS GOTTEN ALONG WITH THE KIDS?

25 A SO FAR AS I KNOW THEY GET ALONG FINE.

1 Q YOU WERE SURPRISED TO HEAR THIS?

2 A YES, I WAS.

3 Q NOW, THERE WAS A QUESTION AS TO WHETHER OR NOT
4 THE LIGHTS WERE ON AT THE TIME.

5 WHEN YOU WOKE UP, ARE YOU SURE THE LIGHT WAS ON?

6 A I'M SURE HER LIGHT WAS ON.

7 Q DO YOU KNOW IF IT WAS ON OR OFF BEFORE THE KIDS
8 CAME IN THE BEDROOM?

9 A WELL, WHEN I WOKE UP, THE LIGHT WAS ON. AND
10 WHETHER IT HAD BEEN OFF, OR NOT, I'M NOT CERTAIN.

11 Q WHEN THEY CAME IN, NEITHER OF THE CHILDREN
12 COMPLAINED TO YOU ABOUT SCOTTY BEING IN THE HOUSE, DID THEY?

13 A NO, NOT AT THAT TIME.

14 Q AT THAT POINT YOU WENT BACK TO SLEEP, AFTER THEY
15 LEFT?

16 A AFTER THEY LEFT, YES. BUT AFTER MY WIFE CAME
17 BACK TO BED.

18 Q OKAY. YOU STATED A MINUTE AGO THAT YOUR WIFE
19 LEFT THE BEDROOM?

20 A SHE HAD TO LEAVE THE BEDROOM, I KNOW. BUT I
21 WASN'T AWARE OF THE EXACT TIME THAT SHE LEFT. BECAUSE SHE
22 DID GIVE THE GIRLS SOME BABY ASPIRIN FOR HER LEG CRAMP.

23 Q DO YOU REMEMBER WILLIE LEAVING WHILE YOU WERE
24 AWAKE AT THAT TIME?

25 A LIKE I SAY, I WASN'T CERTAIN JUST WHEN SHE LEFT.

1 BUT I KNEW SHE LEFT.

2 Q THEN YOU REMEMBER HER LEAVING THEN AT SOME POINT
3 WHEN YOU WERE AWAKE?

4 A YES.

5 Q HAVE YOU EVER SAID ANYTHING DIFFERENT THEN THAT?

6 A I BELIEVE I HAVE, IN MY DEPOSITION.


7 Q DO YOU REMEMBER AT THE DEPOSITION TELLING ME THAT
8 YOU DON'T REMEMBER HER LEAVING, IF SHE DID?

9 A I DON'T REMEMBER JUST WHEN SHE LEFT. BUT IN THE
10 BACK OF MY MIND, SLEEPY AS I WAS, I SORT OF REMEMBER HER
11 COMING BACK.

12 Q BUT DO YOU REMEMBER TELLING ME AT THE DEPOSITION
13 WHEN I ASKED YOU, DO YOU REMEMBER WILLIE LEAVING --

14 THE COURT: JUST A MOMENT, MR. EIDE.

15 MR. EIDE: -- YOU SAID --

16 THE COURT: JUST A MOMENT, MR. EIDE. WHERE ARE
17 YOU? 

18 MR. EIDE: YOUR HONOR, FOR THE STATE AND FOR THE
19 COURT, THIS IS THE DEPOSITION TAKEN BY MYSELF, WITH
20 MR. BENDER PRESENT, ON TUESDAY SEPTEMBER 18, 1990.
21 PAGE 13, LINE 27 AND 28, PAGE 14, LINES ONE THROUGH
22 FIVE. MAY I PROCEED, YOUR HONOR?

23 THE COURT: HMM-HMM.

24 BY MR. EIDE:

25 Q DO YOU REMEMBER TELLING ME THAT YOU DO NOT REMEMBER

1 WILLIE LEAVING?

2 THE COURT: WHAT?

3 THE WITNESS: I BELIEVE I TOLD YOU THAT, BUT
4 THAT'S --

5 THE COURT: ARE YOU READING FROM THE DEPOSITION?

6 MR. EIDE: I'M ASKING HIM IF HE REMEMBERS TELLING
7 ME THAT.

8 THE COURT: NO. YOU NEED TO USE THE DEPOSITION.
9 IF YOU WISH TO DO IT, PROFFER FROM THE DEPOSITION.

10 BY MR. EIDE:

11 Q ALL RIGHT. MY UNDERSTANDING, MR. STOCKWELL, OF
12 YOUR TESTIMONY TODAY IS THAT YOU REMEMBER HER LEAVING AND
13 GOING INTO THE KITCHEN.

14 THE COURT: WHAT?

15 BY MR. EIDE:

16 Q IS IT YOUR TESTIMONY TODAY THAT YOU REMEMBER HER
17 LEAVING AND GOING INTO THE KITCHEN?

18 A I REMEMBER THAT SHE WAS UP. I DIDN'T KNOW WHERE
19 SHE WAS OR WHAT SHE DID AT THE TIME.

20 Q DO YOU REMEMBER HER LEAVING THE BEDROOM?

21 A I DON'T REMEMBER HER LEAVING. I REMEMBER HER
22 COMING BACK.

23 Q OKAY. DO YOU REMEMBER HER WALKING DOWN TO THE
24 KITCHEN WITH ANGEL AT ALL?

25 A NO.

1 Q NOW, YOU DIDN'T HEAR ANYONE COME INTO THE HOUSE?

2 A NO, I DIDN'T.

3 Q YOU DIDN'T HEAR ANYONE CLOSE THE DOOR?

4 A NO, I DIDN'T.

5 Q AND YOU DIDN'T HEAR ANYONE CLOSE WINDOWS?

6 A CLOSE WINDOWS? THERE WAS NO INDICATION.

7 OURS IS A JEALOUSY WINDOW HOUSE. AND, NO, THERE
8 WASN'T ANY WINDOWS INVOLVED, THAT I KNOW OF.

9 Q THERE WAS NOTHING MISSING FROM YOUR HOUSE
10 AFTERWARDS, WAS THERE?

11 A NO.

12 Q NOW, THERE WERE PRY MARKS ON A DOOR THAT LED TO
13 THE BREEZEWAY? ✓

14 A YES.

15 Q THOSE PRY MARKS WERE THERE PRIOR TO MAY 17TH AND
16 MAY 18TH; ISN'T THAT TRUE? ✓

17 A THAT'S CORRECT.

18 Q AND THAT'S WHEN YOUR GRANDSON HAD COME IN,
19 YOU SUSPECT?

20 A YES, I KNOW HE DID THAT. HE HAD JIMMIED OFF
21 THE DOOR BECAUSE HE SIMPLY COULDN'T HANG ONTO A KEY AND
22 OCCASIONALLY WHEN HE COME HOME FROM SCHOOL, WHY, HE COULDN'T
23 GET IN. ✓

24 Q HAVE YOU EVER LOST ANY KEYS SINCE YOU'VE OWNED
25 THE HOUSE?

1 A HAVE I LOST ANY KEYS?

2 Q HMM-HMM.

3 A I HAVEN'T, BUT THE GRANDSON HAS.

4 Q MR. STOCKWELL, TO YOUR OWN KNOWLEDGE, YOU HAVE
5 NO IDEA IF SCOTTY MERSON WAS IN YOUR HOUSE ON MAY 18TH;
6 ISN'T THAT CORRECT?

7 A ONLY BY WHAT THE GIRLS SAID, AND I BELIEVE WHAT
8 THEY'RE SAYING.

9 Q BUT YOU DIDN'T SEE HIM THERE, YOURSELF? ✓

10 A BUT I DIDN'T SEE HIM, MYSELF.

11 Q MR. STOCKWELL, YOU'VE LIVED AT YOUR HOUSE FOR 30
12 YEARS?

13 A THIRTY-FOUR YEARS.

14 Q AND YOU BUILT THAT HOUSE, CORRECT?

15 A CORRECT.

16 Q AND YOU KNOW YOUR HOUSE REAL WELL?

17 A YES, I DO.

18 MR. EIDE: I'VE GOT SOME PICTURES HERE THAT
19 I'VE PREVIOUSLY HAD MARKED, YOUR HONOR, AS DEFENSE
20 EXHIBIT A FOR IDENTIFICATION. THEY'VE BEEN SHOWN TO
21 MR. BENDER. ✓

22 DID YOU HAVE A CHANCE TO REVIEW THEM?

23 MR. BENDER: YEAH.

24 MR. EIDE: YOUR HONOR, MAY I APPROACH THE WITNESS
25 TO SHOW THESE TO HIM?

1 THE COURT: HMM-HMM.

2 MR. BENDER: IT'S NOT REALLY AN OBJECTION I WOULD
3 HAVE. BUT THERE'S A NUMBER OF PHOTOGRAPHS. I THINK
4 THAT SOME ARE REPETITIOUS, AND THERE'S QUITE A NUMBER
5 OF THEM.

6 ARE YOU PLANNING TO INTRODUCE EACH AND EVERY
7 ONE OF THOSE PHOTOGRAPHS?

8 MR. EIDE: NOT NECESSARILY INTO EVIDENCE, EACH
9 AND EVERY ONE.

10 MR. BENDER: THAT'S JUST GOING TO BE TIME
11 CONSUMING. ✓

12 MR. EIDE: YOUR HONOR, I'VE DONE THIS AS A
13 COMPOSITE. I HAVE NOT DONE THIS AS EACH AND EVERY
14 INDIVIDUAL PICTURE.

15 BY MR. EIDE:

16 Q LET ME SHOW YOU WHAT'S BEEN MARKED AS DEFENSE
17 EXHIBIT A FOR IDENTIFICATION. COULD YOU LOOK THROUGH THOSE
18 AND SEE IF YOU RECOGNIZE THOSE?

19 A (WITNESS COMPLIES) WELL, I WILL HAVE TO PULL
20 THEM OUT. I CAN'T SEE LIKE THIS.

21 MR. BENDER: YOUR HONOR, COULD ONE OF THE COURT
22 DEPUTIES PERHAPS CLOSE THE DRAPES A LITTLE BIT, TO
23 KEEP THE SUN FROM SHINING ON THE WITNESS? IT'S IN
24 HIS EYES.

25 THE COURT: ALL RIGHT.

1 (THEREUPON, A COURT DEPUTY COMPLIED.)

2 MR. EIDE: MAY I APPROACH THE WITNESS AGAIN,
3 YOUR HONOR?

4 THE COURT: HMM-HMM.

5 THE WITNESS: OKAY. YEAH, THEY'RE ALL FAMILIAR.

6 BY MR. EIDE:

7 Q MR. STOCKWELL, DO YOU KNOW WHAT THESE ARE
8 PICTURES OF?

9 A THEY'RE PICTURES OF MY HOME, INSIDE AND OUT.

10 Q DO THESE PICTURES FAIRLY AND ACCURATELY REPRESENT
11 YOUR HOME AS IT APPEARED ON MAY 18TH OF 1990?

12 A THE MAIN THING IS THAT THAT DOOR THAT YOU SHOW
13 A PICTURE OF WAS A JALOUSIE DOOR AT THE TIME. AND I'VE
14 CHANGED IT OUT NOW TO A SOLID DOOR AND CHANGED THE LOCKS.

15 Q OKAY. I WOULD ASK YOU TO POINT OUT WHICH PICTURES
16 THAT THE DOOR IN THERE IS THE ONE THAT YOU'VE CHANGED. ON
17 THE BACK THERE'S A NUMBER. IF YOU WANT TO READ INTO THE
18 RECORD THAT NUMBER, SO THE RECORD WILL KNOW WHICH PICTURES
19 HAVE A DIFFERENT DOOR.

20 A OKAY. A NUMBER FOUR AND NUMBER FIVE AND NUMBER
21 SIX, AND THAT'S IT.

22 Q OTHER THAN THE CHANGE IN THE DOOR, IN PICTURES
23 FOUR, FIVE AND SIX, DO THOSE PICTURES FAIRLY AND ACCURATELY
24 REPRESENT YOUR HOME, THE PORTIONS OF THE YOUR HOME, INTERIOR
25 AND EXTERIOR AS THEY APPEARED MAY 18, 1990?

1 A THE BEDROOM HAS BEEN CHANGED AROUND, AS FAR AS
2 THE BED IS CONCERNED. THE REST OF IT, THERE ARE NOT ANY
3 CHANGES.

4 Q IS THE BEDROOM CHANGED, ITSELF?

5 A THE BEDROOM CHANGED, ITSELF?

6 Q YOU SAID THE BED WAS MOVED. HAD THE BEDROOM,
7 ITSELF, CHANGED?

8 A THE BED HAS BEEN CHANGED FACING EAST AND WEST,
9 TO NORTH AND SOUTH NOW.

10 Q HAS THERE BEEN ANY OTHER CHANGES IN THAT ROOM?

11 A YEAH. ALL THE FURNITURE HAS BEEN CHANGED, MOST
12 OF IT.

13 Q HAVE THE WALLS OR THE STRUCTURE OF THE BEDROOM
14 CHANGED?

15 A NO.

16 MR. EIDE: THANK YOU. NO FURTHER QUESTIONS OF
17 THIS WITNESS.

18 THE COURT: REDIRECT?

19 MR. BENDER: YES, SIR.

20 REDIRECT EXAMINATION

21 BY MR. BENDER:

22 Q MR. STOCKWELL, IN REGARDS TO THE QUESTIONS THAT
23 MR. EIDE HAS ASKED YOU ON CROSS-EXAMINATION, REGARDING
24 WHETHER OR NOT YOU WERE AWARE THAT YOUR WIFE HAD FOR A
25 SHORT TIME LEFT YOUR BEDROOM.