

1 THE COURT: SO YOU MAY STEP DOWN. WE'RE GOING TO
2 BE CALLING YOU BACK SHORTLY, WITH THOSE INSTRUCTIONS.

3 THE WITNESS, CATHY [REDACTED]: OKAY.

4 THE COURT: ALL RIGHT. WHO WAS THE OFFICER?

5 MR. BENDER: INVESTIGATOR FRANK ROACH. HE IS IN
6 THE WITNESS ROOM.

7 THE COURT: NOW, YOU HAVE HOW MANY LEFT?

8 MR. BENDER: FOUR, YOUR HONOR.

9 THE COURT: TINA, THAT'S THE GIRL FRIEND?

10 MR. BENDER: YES, FORMER GIRL FRIEND.

11 THE COURT: WHAT'S SHE GOING TO BE TESTIFYING?

12 MR. BENDER: FIVE MINUTES; AS TO THE RELATIONSHIP.
13 YOU'RE MAKING ME GIVE THEM MY WHOLE CASE.

14 THE COURT: OH, ALL RIGHT. WELL, THEN I WON'T
15 DO THAT.

16 MR. BENDER: SHE'S GOING TO BE TESTIFYING BRIEFLY
17 TO THE RELATIONSHIP THAT THEY HAD, BETWEEN HER AND
18 MR. MERSON, AND THE CHILDREN AND THEIR RELATIONSHIP.

19 THEREUPON,

20 FRANCIS P. ROACH,
21 WAS CALLED AS A WITNESS BY THE STATE AND, AFTER HAVING
22 BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED ON HIS
23 OATH AS FOLLOWS:

24 DIRECT EXAMINATION ON PROFFER

25 BY MR. BENDER:

1 Q FRANK, HOW ARE YOU DOING?

2 A FINE.

3 Q STATE YOUR FULL NAME FOR THE RECORD, PLEASE.

4 A MY NAME IS FRANCIS P. ROACH.

5 Q WERE YOU THE INVESTIGATOR ON THE CASE INVOLVING
6 SCOTTY MERSON?

7 A YES.

8 Q WHEN DID YOU FIRST MAKE CONTACT WITH THE ██████████,
9 OR GO TO THEIR RESIDENCE, IN RELATION TO THIS CASE?

10 A IT WAS BACK ON THE DATE OF THE INCIDENT, BACK ON
11 MAY 18TH, 1990.

12 Q AND DID YOU GO TO THE ██████████ RESIDENCE ON HARRISON
13 STREET?

14 A YES, I DID.

15 Q AND DID YOU TALK WITH ANYONE THERE?

16 A YES, I DID.

17 Q WHO DID YOU TALK WITH?

18 A I SPOKE TO ANGELA ██████████ AND MICHELLE ██████████, TO THEIR
19 PARENTS, THERE SISTER, THEIR GRANDPARENTS.

20 Q WHEN YOU INITIALLY ARRIVED DID YOU TALK WITH THE
21 GIRLS ABOUT THE INCIDENT, OR WERE YOU TALKING WITH THEIR
22 PARENTS ABOUT THIS?

23 A I TALKED WITH THE GIRLS.

24 Q WAS THAT DONE IN THE PRESENCE OF THE OTHER FAMILY
25 MEMBERS, OR JUST BETWEEN YOU AND ANGELA AND MICHELLE?

1 A WE DID IT EACH, SEPARATELY, IN A BEDROOM.

2 Q JUST THE TWO OF YOU?

3 A YES, ONE AT A TIME.

4 Q AND THIS WAS REALLY BEFORE TALKING WITH THE FAMILY,
5 JUST GETTING SOME PRELIMINARY INFORMATION?

6 A YES, FIND OUT EXACTLY WHAT HAPPENED.

7 Q WHO DID YOU TALK WITH FIRST?

8 A ANGELA COLE.

9 Q AND WAS THE DOOR CLOSED TO THE BEDROOM?

10 A YES.

11 Q HAD ANYONE --

12 THE COURT: WHERE WERE YOU?

13 THE WITNESS: WE WERE IN A BEDROOM, ANOTHER BEDROOM
14 OTHER THAN THE ONE WHERE THE INCIDENT OCCURRED.

15 THE COURT: WHO WAS PRESENT?

16 THE WITNESS: MYSELF AND ANGELA.

17 THE COURT: NO ONE ELSE?

18 THE WITNESS: NO ONE ELSE. THIS WAS AN AUDIO
19 TAPED INTERVIEW.

20 BY MR. BENDER:

21 Q AND YOU TAPED THIS CONVERSATION?

22 A YES.

23 Q WHAT DID ANGELA RELATE TO YOU? AND WHEN I SAY THAT,
24 I KNOW SHE RELATED A LOT OF THINGS. BUT IN RELATIONSHIP TO
25 MR. MERSON COMING INTO THE BEDROOM AND THE SEXUAL ATTACK,

1 WHAT DID ANGELA TELL YOU ABOUT THAT, PLEASE, SIR?

2 A WELL, SHE SAID THAT SHE WOKE UP AND FOUND -- SHE
3 SAID IT WAS SCOTTY MERSON IN THE BEDROOM. SHE SAID SHE
4 FIRST SAW HIM OVER BY HER SISTER AND HE HAD HIS HAND OVER
5 HER SISTER'S MOUTH, TELLING HER TO BE QUIET.

6 AND SHE SAID SHE KNEW WHO IT WAS BECAUSE THE LIGHT
7 WAS SHINING IN FROM HER GRANDPARENT'S BEDROOM, AND SHE KNEW
8 THE VOICE. SHE KNEW HIM PRETTY WELL.

9 AND SHE SAID THEN HE CAME OVER TO HER SIDE OF THE
10 BED AND COVERED HER HEAD UP WITH A LITTLE DOLL'S BLOUSE, A
11 LITTLE, GREEN BLOUSE.

12 AND THEN SHE SAID THAT HE PULLED HER PANTIES DOWN
13 AND PULLED HER NIGHTIE UP AROUND HER NECK, AND THEN HE SPREAD
14 HER LEGS AND PUT HIS MOUTH AND TONGUE ON HER PRIVATE PARTS.

15 Q THAT'S THE WORD SHE USED, "PRIVATES"?

16 A YES.

17 Q AND DID SHE INDICATE WHAT SCOTTY MERSON, IF
18 ANYTHING, TOLD HER THAT NIGHT AFTER HE WAS FINISHED?

19 A YES. SHE INDICATED THAT -- OR HE INDICATED TO HER,
20 HE TOLD HER THAT IF SHE TOLD ANYBODY OR IF HE SAW ANY POLICE
21 AROUND THE HOUSE, THAT HE WAS GOING TO BLOW UP THE HOUSE.

22 Q DID SHE RELATE WHETHER SHE WAS FRIGHTENED BY THAT
23 STATEMENT?

24 A YES, SHE SAID SHE WAS FRIGHTENED.

25 Q WHEN SHE WOKE UP THE NEXT MORNING, DID SHE TELL YOU

1 WHAT, IF ANY, CONVERSATION SHE HAD WITH ANY FAMILY MEMBERS
2 ABOUT THAT INCIDENT?

3 A YES. SHE SAID THAT WHEN SHE GOT UP IN THE
4 MORNING -- SHE SAID SHE REALLY DIDN'T GO BACK TO SLEEP ALL
5 NIGHT, AND SHE WAS TIRED WHEN SHE GOT UP IN THE MORNING.

6 AND SHE SAID THAT SHE TRIED TO TELL HER MOTHER
7 ABOUT IT, AND DID TELL HER MOTHER THAT SCOTTY MERSON WAS IN
8 THE BEDROOM, BUT SHE DIDN'T TELL ANYTHING ABOUT THE SEX ACT.

9 Q DID SHE RELATE -- DID SHE TELL YOU THAT SHE RELATED
10 TO HER MOTHER ABOUT THE THREAT OF BLOWING UP THE HOUSE, AT
11 BREAKFAST?

12 A I CAN'T RECALL WHETHER SHE TOLD HER MOTHER THAT.

13 Q HAVE YOU REVIEWED HER TRANSCRIPT RECENTLY?

14 A I HAVE IT IN MY BRIEFCASE.

15 Q DID SHE RELATE TO YOU WHAT HAPPENED AFTER HER
16 MOTHER CAME TO PICK HER UP FROM SCHOOL?

17 A YES. SHE SAID THAT WHEN HER MOTHER CAME TO PICK
18 HER UP FROM SCHOOL, THAT SHE TOLD HER MOTHER ABOUT THE SEX
19 ACT THAT OCCURRED.

20 Q DID SHE TELL YOU ANYTHING ELSE ABOUT EITHER THE
21 SEXUAL ACTS OR HIM BEING PRESENT IN THE BEDROOM, EITHER AT
22 THE CONVERSATION AT BREAKFAST, OR AFTER SHE WAS PICKED UP
23 FROM SCHOOL? ANYTHING ELSE YOU CAN ADD TO THAT?

24 A WELL, SHE WAS JUST VERY SURE THAT IT WAS HIM.
25 BUT SHE SAID SHE SAW HIM AND SHE HEARD THAT IT WAS HIS VOICE.

1 SHE SEEMED POSITIVE.

2 I SAID, "HOW DO YOU KNOW IT WAS HIM?"

3 AND SHE SAID, "WELL, I SAW HIM, AND I KNEW HIS
4 VOICE." SO SHE WAS PRETTY SURE IT WAS HIM, OR POSITIVE IT
5 WAS HIM.

6 AND THAT'S ALL I CAN THINK OF.

7 Q YOU HAVE TALKED TO A LOT OF CHILDREN DURING YOUR
8 INVESTIGATIONS OF THESE TYPES OF CRIMES; HAVE YOU NOT?

9 A YES, I HAVE, VERY MANY.

10 Q DID YOU FEEL THAT WHAT SHE WAS TELLING YOU HAD
11 ANY TAIN'T OF TRUTH TO IT, OR WOULD YOU SAY TRUSTWORTHY?

12 A YES. FROM MY QUESTIONING OF HER AND THE WAY SHE
13 ANSWERED THE QUESTIONS, AND I FOUND IN MY OPINION SHE WAS
14 VERY COMPETENT, AND SHE PROMISED THAT WHAT SHE WAS TELLING
15 ME WAS THE TRUTH.

16 AND SHE TOLD ME, "IT'S GOOD TO TELL THE TRUTH."

17 Q YOU DID NOT DISBELIEVE HER STATEMENTS?

18 A NO, I DIDN'T.

19 MR. BENDER: YOUR HONOR, DO YOU HAVE ANY QUESTIONS?

20 THE COURT: THE DEFENSE MAY INQUIRE.

21 CROSS-EXAMINATION ON PROFFER

22 BY MR. EIDE:

23 Q HELLO, OFFICER.

24 A HI.

25 Q YOU STATED THAT ONE OF THE STATEMENTS THAT YOU