

1 WE GET THROUGH WITH EVERYTHING.

2 MR. EIDE: ALL RIGHT.

3 (THEREUPON, COURT RECESSED AT 11:54 A.M.)

4 * * * * *

5 OCTOBER 17, 1990

6 1:40 O'CLOCK P.M.

7 P R O C E E D I N G S

8 THE COURT: THE STATE WISH TO RE-OPEN?

9 MR. BENDER: YES, YOUR HONOR. WE WOULD ASK AT
10 THIS TIME TO RECALL INVESTIGATOR ROACH VERY BRIEFLY.

11 THE COURT: ALL RIGHT.

12 THEREUPON,

13 FRANCIS P. ROACH,
14 WAS CALLED AS A WITNESS BY THE STATE AND, AFTER HAVING
15 BEEN PREVIOUSLY DULY SWORN, WAS EXAMINED AND TESTIFIED
16 FURTHER, ON HIS OATH, AS FOLLOWS:

17 THE COURT: INVESTIGATOR ROACH, YOU WERE PREVIOUSLY
18 PLACED UNDER OATH. YOU'RE STILL UNDER OATH.

19 THE WITNESS: YES, SIR.

20 THE COURT: ALL RIGHT. YOU MAY PROCEED.

21 MR. BENDER: THANK YOU, YOUR HONOR.

22 FURTHER REDIRECT EXAMINATION

23 BY MR. BENDER:

24 Q SIR, WOULD YOU TELL US YOUR NAME AGAIN, FOR THE
25 RECORD, PLEASE?

1 A FRANCIS ROACH.

2 Q INVESTIGATOR, DURING YOUR CONVERSATION WITH
3 MR. MERSON, IN YOUR INVESTIGATION OF THIS CASE, DID YOU HAVE
4 AN OCCASION TO FIND OUT THE DATE OF BIRTH OF MR. MERSON?

5 A YES, I DID.

6 Q AND FROM THE COURSE OF YOUR INVESTIGATION WHAT
7 WAS THE DATE OF BIRTH THAT YOU DISCOVERED?

8 A JUNE 19TH, 1966.

9 Q WHICH WOULD MAKE MR. MERSON HOW OLD?

10 A TWENTY-FOUR.

11 MR. BENDER: THANK YOU. I HAVE NOTHING FURTHER.

12 THE COURT: THE DEFENSE MAY INQUIRE.

13 MR. EIDE: NO QUESTIONS, YOUR HONOR.

14 THE COURT: YOU MAY STEP DOWN. THANK YOU.

15 THE STATE MAY PROCEED.

16 MR. BENDER: WE WOULD HAVE NO FURTHER WITNESSES,
17 YOUR HONOR. WE WOULD REST.

18 THE COURT: LADIES AND GENTLEMEN, THE STATE HAVING
19 RESTED, IT'S NOW THE DEFENSE'S OPPORTUNITY TO PROCEED.

20 CALL YOUR FIRST WITNESS.

21 MR. EIDE: MAY WE APPROACH, YOUR HONOR?

22 (THEREUPON, COUNSEL APPROACHED THE BENCH AND THE FOLLOWING
23 PROCEEDINGS WERE HAD OUTSIDE THE HEARING OF THE JURY, AND
24 ON THE RECORD AS FOLLOWS:)

25 MR. EIDE: BASICALLY, YOUR HONOR, BASED UPON THEM

1 RE-OPENING THE CASE, WE WOULD MOVE FOR JOA.

2 THE COURT: DO YOU WISH TO RENEW YOUR MOTIONS?

3 MR. EIDE: YES.

4 THE COURT: BASED ON THE SAME ARGUMENT?

5 MR. EIDE: YES, YOUR HONOR.

6 THE COURT: THE COURT WOULD DENY THE MOTIONS FOR
7 JUDGMENTS OF ACQUITTAL.

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

9 MR. EIDE: YOUR HONOR, AT THIS TIME THE DEFENSE
10 WOULD CALL THE FIRST WITNESS, CHRISTI MOORE.

11 THEREUPON,

12 CHRISTI L. MOORE,

13 WAS CALLED AS A WITNESS BY THE DEFENSE AND, AFTER HAVING
14 BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED ON HER
15 OATH AS FOLLOWS:

16 DIRECT EXAMINATION

17 BY MR. EIDE:

18 Q HELLO, MISS MOORE. COULD YOU PLEASE STATE YOUR
19 FULL NAME, FOR THE RECORD?

20 A CHRISTI LYNN MOORE.

21 Q AND WHERE DO YOU LIVE?

22 A AT 1331 ADMIRAL DRIVE.

23 Q WHERE DO YOU WORK?

24 A I'M NOT WORKING RIGHT NOW.

25 Q DO YOU KNOW SCOTTY MERSON?