

1 THEREUPON,

2 SCOTTY RAY MERSON,

3 WAS CALLED AS A WITNESS BY THE DEFENSE AND, AFTER HAVING
4 BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED ON HIS
5 OATH AS FOLLOWS:

6 DIRECT EXAMINATION

7 BY MR. EIDE:

8 Q GOOD MORNING, SCOTTY.

9 A HI.

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

11 A SCOTTY RAY MERSON.

12 Q AND WHAT DO YOU DO? WHAT'S YOUR JOB?

13 A LANDSCAPER.

14 Q WHERE WERE YOU WORKING?

15 A TODD BROTHER'S LANDSCAPING.

16 Q YOU WERE WORKING FOR TODD BROTHER'S IN MAY?

17 A HMM-HMM.

18 Q AT THAT TIME WERE YOU WORKING IN ORLANDO ALL THE
19 TIME?

20 A NO, I WENT OUT OF TOWN A LOT.

21 Q DO YOU REMEMBER WHERE YOU WERE WORKING THE WEEK
22 PRECEDING MAY 17TH?

23 A OKEECHOBEE.

24 Q WHERE IS OKEECHOBEE?

25 A SOUTH FLORIDA.

1 Q HOW LONG WERE YOU DOWN THERE?

2 A ABOUT TWO WEEKS.

3 Q WHAT WERE YOU DOING DOWN THERE?

4 A DIGGING UP PALM TREES.

5 Q WHEN DID YOU COME BACK FROM OKEECHOBEE?

6 A THURSDAY, THE 17TH.

7 Q WHAT TIME DID YOU GET BACK?

8 A AROUND 6:30 IN THE EVENING.

9 Q SCOTTY, DO YOU KNOW TINA [REDACTED]?

10 A YES, I DO.

11 Q HOW DO YOU KNOW TINA [REDACTED]?

12 A SHE'S MY EX-GIRLFRIEND.

13 Q WHEN DID YOU GUYS BREAK UP?

14 A ABOUT SEVEN, SEVEN, EIGHT MONTHS AGO.

15 Q IT WAS BEFORE CHRISTMAS OR AFTER CHRISTMAS OF
16 LAST YEAR?

17 A BEFORE CHRISTMAS.

18 Q AND WHY'D YOU BREAK UP?

19 A BECAUSE I WAS -- I'D LEAVE THE HOUSE A LOT, AND
20 I WAS SEEING ANOTHER GIRL.

21 Q WHO WERE YOU SEEING?

22 A ALLISON LOWERY.

23 Q WHAT ARE YOUR FEELINGS TO TINA NOW?

24 MR. BENDER: OBJECTION AS TO RELEVANCY.

25 THE COURT: COUNSEL, APPROACH THE BENCH.

1 (THEREUPON, COUNSEL APPROACHED THE BENCH, AND THE
2 FOLLOWING PROCEEDINGS WERE HAD OUTSIDE THE HEARING OF THE
3 JURY, AND ON THE RECORD AS FOLLOWS:)

4 THE COURT: WHAT IS THE PURPOSE OF THE QUESTION?

5 MR. EIDE: YOUR HONOR, THE QUESTION IS THAT LATER
6 ON IT CAME OUT THAT THEY BROKE UP. AND THE STATE --
7 I DON'T KNOW WHAT THEIR THEORIES ARE. THEY MAY BE
8 GOING INTO WHETHER OR NOT SCOTTY HAD ANY MOTIVE IN
9 ORDER TO GET EVEN WITH TINA, OR WHETHER OR NOT.

10 AND I THINK THE JURY NEEDS TO UNDERSTAND
11 WHAT HAPPENED BETWEEN THEM SO THEY CAN UNDERSTAND
12 WHAT THE CHILDREN'S REACTION WAS. BECAUSE TINA WASN'T
13 CALLED. I DON'T KNOW IF THE STATE WILL GO INTO THAT,
14 OR NOT, BUT THEY MAY.

15 THE COURT: ALL RIGHT. DO YOU WANT TO MAKE ANY
16 ARGUMENT?

17 MR. BENDER: HE'S ALREADY SPOKEN TO THE GIRLS ON
18 CROSS, AND THEY TESTIFIED THAT THEY DIDN'T REALLY KNOW
19 MUCH ABOUT THEIR RELATIONSHIP. IT'S NOT RELEVANT HOW
20 HE FEELS NOW ABOUT HER; MAYBE, BACK IN MAY.

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

22 THE COURT: OBJECTION IS OVERRULED.

23 BY MR. EIDE:

24 Q SCOTTY, HOW DO YOU FEEL ABOUT TINA NOW?

25 A I STILL LOVE HER, BUT I'M NOT IN LOVE WITH HER

1 ANY MORE.

2 Q WHAT DO YOU MEAN "LOVE HER"? LOVE HER AS A FRIEND?

3 A YEAH. WE WERE TOGETHER FOR EIGHT YEARS.

4 Q WHEN DID YOU FIRST MEET?

5 A EIGHT YEARS AGO.

6 Q NOW, HOW ABOUT YOUR FEELINGS BACK IN MAY? WERE
7 THEY THE SAME?

8 A YEAH.

9 Q NOW, YOU ALSO KNOW ANGELA AND MICHELLE [REDACTED]?

10 A YES, I DO.

11 Q AND HOW LONG HAVE YOU KNOWN ANGELA [REDACTED]?

12 A PROBABLY ABOUT FOUR YEARS.

13 Q MICHELLE?

14 A ABOUT FOUR YEARS.

15 Q HOW DO YOU FEEL TOWARDS THEM?

16 A WELL, THEY WERE LIKE, IN A WAY, SISTERS.

17 Q DID YOU DO THINGS WITH THEM?

18 A YEAH.

19 Q LIKE WHAT?

20 A WELL, THEY'D COME OVER TO THE APARTMENT, AND
21 THEY'D STAY THE WEEKENDS. AND WE HAD, LIKE, A CLUB HOUSE AT
22 THE APARTMENT. WE HAD A POOL, AND WE'D TAKE THEM SWIMMING.
23 WE'D TAKE THEM, YOU KNOW, OUT TO EAT, TO PLACES LIKE SHOW
24 BUSINESS, AND WE WENT TO MYSTERY FUN HOUSE AND PLACES LIKE
25 THAT.

1 Q HOW MANY TIMES DID YOU GO OUT WITH THEM?

2 A QUITE A BIT. BECAUSE THEY LIKED STAYING WITH
3 THEIR SISTER A LOT.

4 Q DID YOU GO OUT WITH THEM BY YOURSELF, OR WITH TINA?

5 A NO. IT WAS ALWAYS WITH TINA.

6 Q AND DID YOU EVER BABY-SIT ANGELA AND MICHELLE?

7 A YES, I HAVE.

8 Q DID YOU EVER BABY-SIT THEM WHEN IT WAS JUST YOU
9 THERE?

10 A YES.

11 Q DID YOU EVER STAY AT THE HOUSE AT 2030 HARRISON
12 STREET?

13 A YES, I HAVE.

14 Q WHO OWNS THAT HOUSE?

15 A RAYMOND STOCKWELL.

16 Q WHEN DID YOU STAY THERE? DO YOU REMEMBER ABOUT
17 HOW LONG AGO IT WAS?

18 A I THINK IT WAS, LIKE, A YEAR AGO. I THINK ABOUT
19 A YEAR AGO.

20 Q AND WHY WERE YOU STAYING THERE?

21 A BECAUSE I WAS BETWEEN PLACES. I HAD NO PLACE TO
22 LIVE.

23 Q WERE YOU CHANGING RESIDENCES?

24 A YES.

25 Q WHERE WERE YOU GOING TO?

1 A ME AND TINA WERE TRYING TO GET AN APARTMENT.

2 Q WHERE'D YOU STAY WHEN YOU WERE THERE?

3 A IN THE LIVING ROOM.

4 Q HOW LONG DID YOU STAY?

5 A ABOUT THREE, FOUR WEEKS.

6 Q DID YOU EVER BABY-SIT THE CHILDREN AT THAT TIME?

7 A YES, I DID.

8 Q NOW, YOU KNOW ALLISON LOWERY ALSO, CORRECT?

9 A YES.

10 Q AND ALLISON WAS THE ONE THAT TESTIFIED YESTERDAY?

11 A YES, SIR.

12 Q EXPLAIN YOUR RELATIONSHIP WITH ALLISON LOWERY?

13 A SHE'S MY GIRL FRIEND.

14 Q HOW DO YOU FEEL ABOUT HER?

15 A I LOVE HER.

16 Q ANY PLANS ON GETTING MARRIED TO HER?

17 A YES.

18 Q HOW LONG HAVE YOU KNOWN HER?

19 A ABOUT FOUR YEARS.

20 Q OKAY. NOW, WHEN YOU GOT HOME FROM OKEECHOBEE,

21 DID YOU MAKE ANY PHONE CALLS?

22 A YES, I DID.

23 Q WHO'D YOU CALL?

24 A I CALLED TINA.

25 Q WHY?

1 A BECAUSE BEFORE I LEFT FOR OKEECHOBEE, SHE TOLD
2 ME TO CALL HER WHILE I WAS THERE. I CALLED HER WHILE I
3 WAS IN OKEECHOBEE, FROM THE HOTEL THAT I WAS STAYING IN,
4 AND SHE TOLD ME TO CALL WHEN I GOT BACK. AND I CALLED THAT
5 THURSDAY EVENING, WHEN I GOT BACK IN TOWN.

6 Q WHEN DID YOU CALL SHAWN WILLEY ON THE 17TH?

7 A AFTER I HUNG UP WITH TINA.

8 Q WHY WERE YOU GOING OVER TO SHAWN'S?

9 A TO SEE ALLISON.

10 Q IS THAT WHERE ALLISON WAS STAYING AT THE TIME?

11 A HMM-HMM.

12 Q ABOUT WHEN DID YOU LEAVE?

13 A TO GO TO THEIR HOUSE? I LEFT MY GRANDMOTHER'S
14 TRAILER, PROBABLY, CLOSE TO TEN O'CLOCK.

15 Q OKAY. DO YOU REMEMBER WHEN THEY PICKED YOU UP?

16 A YEAH, ABOUT TWENTY MINUTES TO A HALF HOUR LATER.

17 Q DO YOU REMEMBER WHAT HAPPENED ON THE 17TH AND
18 18TH OF MAY, A FRIDAY?

19 A YES, I DO.

20 Q THOSE DATES KIND OF ARE INDELIBLY ENGRAVED IN
21 YOUR MIND?

22 A YEAH.

23 Q WHEN YOU LEFT THE TRAILER PARK, YOUR GRANDMOTHER'S
24 TRAILER, WHO'D YOU LEAVE WITH?

25 A ALLISON LOWERY, SHAWN WILLEY AND CHRISTI MOORE.

1 Q WHICH VEHICLE DID YOU GO IN?

2 A SHAWN'S TRUCK.

3 Q WHERE'D YOU GO?

4 A WELL, ON THE WAY BACK WE STOPPED ON, I THINK IT
5 WAS 436 SOMEWHERE. WE STOPPED -- I THINK IT WAS A TENNECO,
6 OR SOMETHING LIKE THAT -- AND I BOUGHT A SIX-PACK OF BEER,
7 AND I BOUGHT A PACK OF CIGARETTES FOR ALLISON.

8 Q WHAT KIND OF BEER?

9 A BUDWEISER.

10 Q DID YOU BUY ANY MORE THAN JUST SIX BEERS?

11 A NO, THAT WAS IT.

12 Q WERE THEY 12-OUNCE OR 16-OUNCE BEERS?

13 A TWELVE-OUNCE.

14 Q AND WHERE'D YOU GO FROM THERE?

15 A TO THE TRAILER PARK IN APOKA.

16 Q HOW DID YOU GET THERE?

17 A IN SHAWN WILLEY'S TRUCK.

18 Q DO YOU REMEMBER THE ROUTE THAT YOU TOOK?

19 A 436 TO EAST-WEST, EAST-WEST TO I-4, I-4 TO 436 IN
20 ALTAMONTE, 436 AND THEN YOU'VE GOT TO CUT BACK OVER TO 441,
21 WHICH THE TRAILER PARK IS ON. THE TRAILER PARK IS ON 441.

22 Q WHAT TIME DID YOU GET TO THE WILLEY'S TRAILER?

23 A IT PROBABLY TOOK US ABOUT, PROBABLY CLOSE TO 45
24 MINUTES. BECAUSE WE STOPPED AT THE STORE AND THAT'S A PRETTY
25 LONG DRIVE. MY GRANDMOTHER LIVES OUT AT THE AIRPORT.

1 Q WHAT WAS GOING ON WHEN YOU ARRIVED?

2 A SHAWN WILLEY -- NO, MICHAEL WILLEY AND MICHAEL
3 HYLAND WERE IN THE LIVING ROOM, WATCHING -- I THINK IT WAS
4 "ROADHOUSE," OR SOMETHING LIKE THAT.

5 Q A TV SHOW?

6 A NO, IT WAS A MOVIE. THEY WERE WATCHING A MOVIE.

7 Q AND ANYONE ELSE THERE?

8 A NO, THAT WAS IT.

9 Q WHAT'D YOU DO WHEN YOU GOT THERE?

10 A CAME IN; PUT THE BEER IN THE REFRIGERATOR. I GAVE
11 WHAT I HAD LEFT OF MY BEER TO MICHAEL HYLAND. AND WE LAID
12 DOWN, AND I FINISHED WATCHING THE MOVIE "ROADHOUSE" WITH
13 THEM. AND THEN AFTER THAT I PUT IN ANOTHER MOVIE.

14 Q WHAT MOVIE DID YOU PUT IN AT THAT TIME?

15 A "LETHAL WEAPON PART TWO".

16 Q DID YOU EAT ANYTHING?

17 A I ATE SOME POTATOES. THAT WAS ALL THEY HAD LEFT.
18 EVERYBODY HAD ALREADY ATE BY THE TIME I GOT OUT THERE.

19 Q AND DID YOU HAVE ANY BEER? DID YOU DRINK ANY?

20 A HMM-HMM.

21 Q ABOUT HOW MANY BEERS DID YOU HAVE?

22 A ABOUT THREE, FOUR BEERS.

23 Q ANYONE ELSE THERE DRINKING?

24 A YES.

25 Q WHO?

1 A MICHAEL HYLAND.

2 Q ANYONE ELSE?

3 A NO. NO ONE ELSE THERE DRINKS.

4 Q HAVE YOU EVER BEEN AT THAT TRAILER BEFORE, THAT
5 WILLEY'S TRAILER?

6 A YES, I HAVE.

7 MR. EIDE: YOUR HONOR, MAY I APPROACH THE CLERK
8 TO GET SOME PICTURES?

9 YOUR HONOR, I WOULD LIKE TO SHOW TO
10 MR. MERSON WHAT'S BRIEFLY BEEN ENTERED INTO EVIDENCE
11 AS EXHIBIT NUMBER ONE FROM THE DEFENSE. AND WE HAD AT
12 THAT TIME PROMISED THAT WE WOULD TIE UP THE FOUNDATION.

13 THE COURT: OKAY.

14 MR. EIDE: MAY I APPROACH MR. MERSON?

15 THE COURT: HMM-HMM.

16 BY MR. EIDE:

17 Q SCOTTY, LOOK AT THOSE FOR A SECOND AND SEE IF YOU
18 RECOGNIZE THE PICTURES.

19 A (WITNESS COMPLIES)

20 Q WHAT ARE THOSE PICTURES OF?

21 A THE TRAILER ON HIGH MEADOW ROAD.

22 Q ARE THOSE A FAIR AND ACCURATE REPRESENTATION OF
23 THE TRAILER AS IT APPEARED BACK IN MAY?

24 A YEAH, EXCEPT THE FURNITURE THAT'S IN IT NOW. BUT
25 EVERYTHING ELSE IS THE SAME.

1 Q ARE THE WALLS THE SAME AND THE KITCHEN THE SAME
2 AND ALL THOSE THINGS?

3 A HMM-HMM.

4 Q SCOTTY, LET ME SHOW YOU A PICTURE, THE DIAGRAM
5 OF THIS, AND SEE IF YOU RECOGNIZE IT.

6 DO YOU RECOGNIZE THAT AS BEING THE DIAGRAM OF THE
7 WILLEY'S TRAILER?

8 A YES, I DO.

9 Q IS THAT BASICALLY A FAIR AND ACCURATE REPRESENTATION
10 OR DIAGRAM OF THE TRAILER --

11 A YEAH.

12 Q -- AT THAT POINT?

13 OKAY. SCOTTY, WHY DON'T YOU POINT OUT ON THAT
14 DIAGRAM WHERE YOU WERE SLEEPING THAT NIGHT?

15 A OKAY. LIKE, THIS HERE IS THE KITCHEN, AND THERE'S
16 A BAR HERE WHERE THEY KEEP THE MICROWAVE. AND THEY KEPT A
17 KING-SIZE BED RIGHT HERE, UP AGAINST THE WALL, UP AGAINST
18 THE BAR. AND I WAS SLEEPING RIGHT HERE -- (INDICATING).

19 Q COULD YOU TAKE THE MARKER AND PUT YOUR INITIALS
20 UP THERE WHERE YOU WERE ASLEEP?

21 A (WITNESS COMPLIES)

22 Q OKAY. THANKS.

23 A (RESUMES STAND)

24 Q NOW, WHAT TIME DID CHRISTI AND SHAWN GO TO BED;
25 DO YOU REMEMBER?

1 A THEY PROBABLY WENT TO BED ABOUT AN HOUR AFTER WE
2 GOT BACK.

3 Q AND DO YOU REMEMBER WHEN THEY WENT INTO THE BEDROOM,
4 DID THEY CLOSE THE DOOR OR LEAVE IT OPEN?

5 A THEY CLOSED IT.

6 Q DO YOU KNOW IF THEY LOCKED THE DOOR?

7 A THEY USUALLY DO. I DON'T KNOW THAT THEY DO. BUT
8 THEY USUALLY DO BECAUSE THERE USED TO BE PEOPLE -- YOU KNOW,
9 BEFORE THEY GOT THE LOCK PUT ON, PEOPLE WOULD GO INTO THEIR
10 ROOM ALL THE TIME BECAUSE WILLEY WOULD HAVE A LOT OF FRIENDS
11 OVER. AND PEOPLE WOULD GO IN, I GUESS.

12 Q DO YOU KNOW WHAT TIME MICHAEL HYLAND WENT TO BED?

13 A PROBABLY CLOSE TO ONE O'CLOCK, I GUESS.

14 Q WHAT ABOUT MICHAEL WILLEY?

15 A HE WENT TO BED BEFORE MICHAEL HYLAND DID.

16 Q ALL RIGHT. AND ABOUT WHAT TIME DID YOU GO TO BED?

17 A I WENT TO SLEEP PROBABLY AROUND, BETWEEN TWO AND
18 2:30, PROBABLY CLOSE.

19 Q WHAT TIME DID YOU LAY DOWN?

20 A WE LAID DOWN AROUND ONE; MAYBE, A LITTLE BIT BEFORE
21 ONE O'CLOCK.

22 Q WHO ELSE WAS THERE ON THE MATTRESS WITH YOU?

23 A WELL, WILLEY MICHAEL, THAT'S HIS NICKNAME, HE WAS
24 ALREADY ASLEEP. AND ME AND ALLISON.

25 Q WHAT DID YOU DO AFTER YOU WENT TO -- YOU JUST LAID

1 DOWN. DID YOU KEEP WATCHING MOVIES?

2 A NO. WELL, WE WATCHED TV FOR A LITTLE BIT LONGER.
3 THEN EVERYONE WENT TO SLEEP, AND THEN WE TURNED THE TV OFF.

4 Q NOW, AFTER THE TV WENT OFF DID YOU GO BACK TO
5 SLEEP?

6 A NO, I DIDN'T.

7 Q YOU WERE THERE TALKING TO ALLISON, AND THINGS?

8 A HMM-HMM.

9 Q DO YOU REMEMBER JUDY WILLEY COMING HOME?

10 A I REMEMBER LAYING THERE, AND SOMEONE WALKED IN
11 THE DOOR. I DON'T KNOW EXACTLY WHO IT WAS.

12 Q DID YOU TURN AROUND AND SAY ANYTHING TO THEM?

13 A NO.

14 Q DID YOU SEE WHO IT WAS THAT CAME IN?

15 A NO, I DIDN'T.

16 Q I GUESS YOU HEARD THEM COME IN?

17 A YES, I DID.

18 Q ABOUT WHAT TIME WAS THAT?

19 A IT WAS AFTER -- WELL, WE LAID DOWN AROUND ONE.
20 I GUESS IT WAS PROBABLY 15, 20 MINUTES LATER.

21 Q WHERE DID THAT PERSON GO WHEN THEY CAME IN?

22 A WELL, THEY WALKED IN, AND I HEARD THEM WALK INTO
23 THE LIVING ROOM, WHERE I WAS LAYING AND TURNED AROUND AND
24 WALKED INTO THE KITCHEN.

25 I THINK THEY GOT SOMETHING TO DRINK. I'M NOT

1 POSITIVE. AND THEN THEY WENT TO THE BACK ROOM, WHICH IS
2 WHERE TAMMY SLEEPS.

3 Q WHO ELSE SLEEPS IN THAT ROOM?

4 A TAMMY. TAMMY, JUDY AND CHRISTOPHER, THE BABY.

5 Q ANY IDEA WHO THAT WAS AT THE TIME?

6 A I FIGURED IT WAS JUDY.

7 Q WHY'D YOU FIGURE THAT?

8 A BECAUSE SHE WAS THE ONLY ONE THAT WASN'T HOME.

9 AND I DIDN'T FIGURE ANYBODY ELSE WOULD JUST BE WALKING IN
10 THE TRAILER.

11 Q DID YOU EVER HEAR ANYONE COME BACK OUT LATER?

12 A YES, I DID.

13 Q DO YOU KNOW WHO IT WAS?

14 A NO, I DIDN'T.

15 Q ABOUT HOW MUCH LATER DID YOU HEAR SOMEONE COME
16 OUT?

17 A ABOUT A HALF HOUR.

18 Q AND WHICH ROOM DID THEY COME OUT OF?

19 A THE BACK ROOM, TAMMY'S ROOM.

20 Q WHAT DID THAT PERSON DO?

21 A CAME OUT, WALKED OUT; GOT SOMETHING OUT OF THE
22 REFRIGERATOR AND WENT BACK INTO THE ROOM.

23 Q HOW LONG WERE THEY WALKING AROUND?

24 A MAYBE, A MINUTE.

25 Q WAS ALLISON STILL AWAKE THEN?

1 A YES, SHE WAS.

2 Q NOW, YOU SAID YOU WENT TO SLEEP ABOUT 2:30?

3 A YES, AROUND THEN. IT WAS CLOSE TO 2:30. BECAUSE
4 I TOLD ALLISON, I SAID, "I'M ONLY GOING TO GET FOUR HOURS
5 OF SLEEP BEFORE I HAVE TO GET BACK UP AND GO TO WORK AGAIN."

6 BECAUSE I HAD AN ALARM SITTING BESIDE ME NEXT TO
7 THE WALL. AND I TOLD HER, YOU KNOW, I HAD THE ALARM SET FOR,
8 I THINK, 6:30 AND I ONLY HAD FOUR HOURS TO SLEEP TO GET UP
9 TO GO TO WORK.

10 Q ALL RIGHT. WHEN YOU SLEEP DO YOU MOVE AROUND AT
11 ALL?

12 A A LITTLE, NOT A LOT.

13 Q THAT NIGHT WHEN YOU WERE THERE ON THE MATTRESS,
14 DID YOU MOVE AROUND A LOT?

15 A NO, NOT A LOT. I NEVER -- I DON'T MOVE THAT MUCH.

16 Q WHAT ABOUT ALLISON, DOES SHE MOVE AROUND A LOT?

17 A NO.

18 Q DO YOU REMEMBER WHEN YOU WENT TO SLEEP WHERE
19 ALLISON WAS?

20 A YEAH.

21 Q HOW WAS SHE LAYING?

22 A WITH HER LEG OVER ME AND HER ARM, AND SHE
23 USUALLY SLEEPS WITH HER HEAD ON MY CHEST, OR RIGHT IN
24 HERE -- (INDICATING).

25 Q IS THAT THE WAY SHE WAS THAT NIGHT?

1 A THAT'S THE WAY SHE ALWAYS SLEEPS.

2 Q HOW WAS SHE SLEEPING, LAYING ON YOU, THE NEXT
3 MORNING?

4 A BASICALLY, THE SAME WAY.

5 Q NOW, MICHAEL WILLEY WAS ALSO ON THE MATTRESS?

6 A HMM-HMM.

7 Q WAS HIS BACK TO YOU, AWAY FROM YOU?

8 A YEAH, HE WAS FACING THE OTHER WAY. HE WASN'T
9 FACING US. HE WAS FACING THE OTHER WAY. WE WERE FACING --

10 Q WHY DON'T YOU SHOW ON THE CHART THERE WHICH WAY
11 MICHAEL WAS FACING.

12 A ALL RIGHT. THE BED, IT'S A KING-SIZE BED. IT
13 COMES ALMOST ALL THE WAY OUT TO THE BAR HERE, ABOUT LIKE
14 THAT, I GUESS.

15 I WAS LAYING, HERE. ALLISON WAS LAYING, HERE.
16 AND MICHAEL WAS LAYING LIKE ON THIS SIDE OF THE BED, FACING
17 THAT WAY. AND WE WERE FACING THAT WAY.

18 Q WHAT ABOUT ALLISON, WAS SHE FACING YOU OR WAS
19 SHE FACING THE WALL?

20 A SHE WAS FACING ME.

21 Q DID YOU WAKE UP AT ALL IN THE MIDDLE OF THE NIGHT?

22 A NO, I DID NOT.

23 Q DID YOU HEAR ANY MOVING AROUND AT ALL IN THERE
24 IN THE MIDDLE OF THE NIGHT?

25 A NO.

1 Q YOU WERE ARRESTED SATURDAY, TWO DAYS LATER?

2 A HMM-HMM.

3 Q WHO WERE YOU ARRESTED BY?

4 A A FRANK ROACH.

5 Q IS THAT THE INVESTIGATOR THAT TESTIFIED?

6 A YES, SIR.

7 Q WHEN DID YOU FIND OUT THE POLICE WERE LOOKING
8 FOR YOU?

9 A I CALLED, I CALLED TINA'S HOUSE. AND I CALLED
10 HER HOUSE, IT WAS FRIDAY MORNING. SHE TOLD ME SHE WANTED
11 ME TO CALL BACK AROUND SIX, 6:30. I CALLED HER HOUSE.

12 Q DID YOU CALL THE HER FRIDAY MORNING?

13 A YES, FRIDAY, AROUND, I GUESS -- MAYBE, FRIDAY
14 AFTERNOON.

15 Q OKAY.

16 A SHE TOLD ME TO CALL BACK AT AROUND SIX, 6:30, I
17 GUESS IT WAS. I'M NOT EXACTLY SURE. I CALLED HER HOUSE
18 BACK. SHE WASN'T THERE. SO I FIGURED MAYBE SHE WAS AT,
19 SHE WAS AT HER BEST FRIEND'S HOUSE, WHICH IS A GIRL NAMED
20 MICHELLE, WHICH HER BOYFRIEND OR FIANCE WAS ONE OF MY GOOD
21 FRIENDS, FROM ALTAMONTE SPRINGS.

22 Q WHO WOULD THAT BE?

23 A MIKE. THE LAST NAME IS GRAHAM.

24 Q GRAHAM OR GREYHAM?

25 A GRAHAM.

1 Q AND WHAT DID YOU DO WHEN YOU CALLED? WHAT DID
2 YOU FIND OUT WHEN YOU CALLED?

3 A I ASKED IF TINA WAS THERE. THEY SAID, "NO." AND
4 HE SAID, HE SAID, "I NEED TO TALK TO YOU."

5 AND I SAID, "WELL, WHAT ABOUT?"

6 MR. BENDER: YOUR HONOR, I'M GOING TO OBJECT AT
7 THIS POINT. THIS IS A HEARSAY RESPONSE.

8 BY MR. EIDE:

9 Q WITHOUT TELLING ME WHAT HE SAID --

10 MR. BENDER: EXCUSE ME.

11 DO YOU WANT TO RULE ON THAT?

12 THE COURT: WELL, I NEED TO KNOW HOW MUCH FARTHER
13 WE'RE GOING TO GO ON THAT.

14 YOU'RE NOT PERMITTED TO TESTIFY CONCERNING
15 WHAT SOMEONE TOLD YOU.

16 MR. BENDER: ALL RIGHT.

17 MR. EIDE: I'M SORRY, YOUR HONOR.

18 BY MR. EIDE:

19 Q WITHOUT TELLING ME WHAT HE SAID, DID YOU TALK TO
20 MIKE GRAHAM?

21 A HMM-HMM.

22 Q AND DID YOU LATER MEET WITH HIM?

23 A YES, I DID.

24 Q WHEN DID YOU MEET WITH HIM?

25 A ABOUT A HALF HOUR LATER.

1 THE COURT: YOU'RE TALKING ABOUT MEETING WITH WHO?
2 MR. EIDE: MIKE GRAHAM.

3 BY MR. EIDE:

4 Q AND WHEN YOU MET WITH MIKE GRAHAM, DID YOU FIND
5 OUT THE POLICE WERE LOOKING FOR YOU?

6 A YES, I DID.

7 Q AND DID YOU FIND OUT WHY?

8 A AT THE TIME HE SAID IT WAS BECAUSE --

9 Q WITHOUT TELLING ME WHAT HE SAID, DID YOU FIND OUT
10 WHY THEY WERE LOOKING FOR YOU?

11 A NO, NOT RIGHT THEN.

12 Q WHEN DID YOU FIND OUT WHY THEY WERE LOOKING FOR
13 YOU?

14 A ABOUT 20 MINUTES LATER.

15 Q AND YOU WERE INFORMED THAT THEY WERE LOOKING FOR
16 YOU ABOUT BREAKING INTO THE [REDACTED]?

17 A YES.

18 Q YOU WERE INVESTIGATED THEN BY INVESTIGATOR ROACH?

19 A HMM-HMM.

20 Q WHO DID YOU CALL AFTER YOU WERE ARRESTED?

21 A I CALLED MICHAEL WILLEY'S HOUSE. I CALLED MY
22 GRANDMOTHER'S HOUSE. I CALLED MY FATHER. I THINK THAT
23 WAS ABOUT IT.

24 Q NOW, AT ANY TIME LATER ON DID YOU HAVE ANY SAMPLES
25 TAKEN FROM YOU?

1 A YES, I DID.

2 Q SAMPLES OF WHAT?

3 A BLOOD AND SALIVA.

4 Q OKAY. AND, SCOTTY, LET ME ASK YOU THE QUESTION
5 POINT-BLANK. ON THE 17TH, OR EARLY MORNING OF THE 18TH,
6 DID YOU GET UP FROM THE TRAILER, FROM THE BED; GO IN AND
7 GET SOMEONE'S KEYS; TAKE A CAR AND DRIVE OVER TO THE [REDACTED]
8 HOUSE?

9 A NO, I DIDN'T.

10 Q DID YOU BREAK INTO THE [REDACTED] HOUSE; GO IN THERE
11 AND TOUCH MICHELLE?

12 A NO, I DID NOT.

13 Q DID YOU GO IN THERE AND MOLEST ANGELA?

14 A NO, I DID NOT.

15 MR. EIDE: I DON'T HAVE ANY OTHER QUESTIONS AT
16 THIS TIME, YOUR HONOR.

17 THE COURT: THE STATE MAY INQUIRE.

18 MR. BENDER: THANK YOU, YOUR HONOR.

19 CROSS-EXAMINATION

20 BY MR. BENDER:

21 Q AT THE TIME OF THIS OFFENSE YOU WERE DATING TWO
22 WOMEN, CORRECT?

23 A EXCUSE ME?

24 Q AT THE TIME, IN MAY OF THIS YEAR YOU WERE DATING
25 BOTH MARY LOWERY AND TINA [REDACTED]?