

1 Q NOW, YOU CANNOT TELL THIS JURY -- IF I'M WRONG,  
2 PLEASE TELL ME -- THAT YOU KNOW FOR A FACT THAT SCOTTY  
3 MERSON DIDN'T LEAVE THAT TRAILER THAT NIGHT, DO YOU?

4 A NO, I DON'T KNOW FOR A FACT THAT HE DID, OR NOT.  
5 MR. BENDER: THANK YOU. THAT'S ALL I HAVE.

6 THE COURT: REDIRECT?

7 MR. EIDE: NO, YOUR HONOR.

8 THE COURT: YOU MAY STEP DOWN.

9 CALL YOUR NEXT WITNESS.

10 MR. BENDER: YOUR HONOR, NEXT WOULD BE SHAWN WILLEY.

11 THEREUPON,

12 SHAWN P. WILLEY,  
13 WAS CALLED AS A WITNESS BY THE DEFENSE AND, AFTER HAVING  
14 BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED ON HIS  
15 OATH AS FOLLOWS:

16 DIRECT EXAMINATION

17 BY MR. EIDE:

18 Q GOOD AFTERNOON, MR. WILLEY. COULD YOU, PLEASE,  
19 STATE YOUR FULL NAME FOR THE RECORD?

20 A GOOD AFTERNOON. SHAWN PATRICK WILLEY.

21 Q AND WHERE DO YOU LIVE?

22 A 1331 ADMIRAL DRIVE.

23 Q DO YOU REMEMBER WHERE YOU LIVED ON MAY 18TH OF  
24 THIS YEAR?

25 A YES. 1058 HIGH MEADOW.

1 Q DO YOU KNOW SCOTTY MERSON?

2 A YES, I DO.

3 Q HOW LONG HAVE YOU KNOWN HIM?

4 A PROBABLY ABOUT FIVE OR SIX YEARS.

5 Q DO YOU REMEMBER RUNNING INTO OR SEEING SCOTTY  
6 THE NIGHT OF THE 17TH OF MAY AND THE MORNING OF THE 18TH  
7 OF MAY?

8 A YES, I DO.

9 Q WHY DON'T YOU TELL ME HOW YOU CAME INTO CONTACT  
10 WITH HIM?

11 A HE CALLED MY HOUSE, PROBABLY ABOUT 9:30, AND HE  
12 STARTED TALKING TO ME. HE WANTED ME TO COME PICK HIM UP  
13 AT HIS GRANDMOTHER'S HOUSE. SO ME, MY GIRL FRIEND AND  
14 HIS GIRL FRIEND WENT OVER THERE AND PICKED HIM UP.

15 Q ABOUT WHAT TIME DID YOU PICK HIM UP?

16 A I'M NOT REALLY SURE. PROBABLY ABOUT TEN.

17 Q OKAY. AND WHERE DID YOU GO FROM THERE?

18 A BACK TO THE HOUSE.

19 Q WHAT TIME DID YOU GET BACK TO YOUR HOUSE?

20 A PROBABLY ABOUT 10:30.

21 Q IS IT A HOUSE OR A TRAILER?

22 A IT'S A TRAILER.

23 Q WHAT'D YOU DO WHEN YOU GOT BACK?

24 A JUST SAT AROUND WATCHED A COUPLE OF MOVIES, AND  
25 THEN I WENT TO BED.

1 Q ABOUT WHAT TIME DID YOU GO TO BED?

2 A PROBABLY ABOUT MIDNIGHT.

3 Q AND WHEN YOU WENT TO BED -- DO YOU HAVE YOUR  
4 OWN BEDROOM?

5 A HMM-HMM, YES.

6 Q ANYONE ELSE SLEEP IN THERE WITH YOU?

7 A YES, MY GIRL FRIEND.

8 Q WHO?

9 A CHRISTI MOORE.

10 Q WHEN YOU GO TO BED DO YOU CLOSE YOUR DOOR, OR  
11 LEAVE THE DOOR OPEN?

12 A CLOSE THE DOOR.

13 Q DO YOU LOCK THE DOOR, OR LEAVE IT UNLOCKED?

14 A LOCK THE DOOR.

15 Q ON THAT NIGHT DID YOU CLOSE THE DOOR, ON THE 18TH?

16 A YES.

17 Q DID YOU LOCK THE DOOR?

18 A YES.

19 Q DO YOU OWN A VEHICLE?

20 A YES, I DO.

21 Q WHAT KIND OF VEHICLE?

22 A I HAD A CHEVY AT THAT TIME, '82.

23 Q WHERE WAS IT PARKED?

24 A IT WAS PARKED IN THE DRIVEWAY.

25 Q RIGHT OUTSIDE YOUR WINDOW, TO THE SIDE?

1           A     YEAH, PRACTICALLY RIGHT IN FRONT OF THE HOUSE,  
2 RIGHT ALONG MY WINDOW.

3           Q     HOW MANY SETS OF KEYS DID YOU HAVE?

4           A     THE ONE I HAD, WHICH WAS UP ON MY HEADBOARD.  
5 I HAD ONE SET.

6           Q     DID YOU HAVE ANY OTHER KEYS?

7           A     WELL, I HAD ONE UP IN THE CLOSET IN MY BEDROOM.

8           Q     AN EXTRA SET?

9           A     YEAH.

10          Q     ANYONE ELSE KNOW ABOUT THOSE KEYS?

11          A     NO.

12          Q     ARE YOU SURE YOU PUT THE KEYS ON THE HEADBOARD  
13 THAT NIGHT?

14          A     YES, POSITIVE.

15          Q     HEADBOARD OF WHAT KIND OF BED?

16          A     A WATER BED.

17          Q     OKAY. NOW, IN THE MIDDLE OF THE NIGHT DID  
18 ANYONE COME INTO YOUR BEDROOM?

19          A     DID ANYONE COME INTO MY BEDROOM?

20          Q     YEAH.

21          A     NO.

22          Q     ARE YOU SURE ABOUT THAT?

23          A     HMM-HMM.

24          Q     DID ANYONE TAKE YOUR KEYS, THAT YOU KNOW OF, IN  
25 THE MIDDLE OF THE NIGHT?

1 A NO.

2 Q DID YOU EVER HEAR A CAR START IN THE MIDDLE OF  
3 THE NIGHT?

4 A NO.

5 Q WHEN YOU WENT TO BED WAS SCOTTY MERSON THERE AT  
6 THE TRAILER?

7 A YES, HE WAS.

8 Q WHAT TIME DID YOU GET UP IN THE MORNING?

9 A I GOT UP AT SEVEN.

10 Q WAS SCOTTY STILL THERE?

11 A YES, HE WAS.

12 Q DO YOU KNOW IF SCOTTY LEFT AT ALL IN THE MIDDLE  
13 OF THE NIGHT?

14 A NOT THAT I'M AWARE OF.

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

17 THE COURT: THE STATE MAY INQUIRE.

18 CROSS-EXAMINATION

19 BY MR. BENDER:

20 Q GOOD AFTERNOON, MR. WILLEY.

21 A GOOD AFTERNOON.

22 Q HOW LONG HAVE YOU BEEN DATING CHRISTI MOORE?

23 A A LITTLE OVER A YEAR.

24 Q YOU NEVER TOLD HER ABOUT THE EXTRA SET OF KEYS  
25 YOU HAD IN YOUR BEDROOM TO THE S-10?