

1 Q THANK YOU. DO YOU REMEMBER AT THE TIME THAT I  
2 HAD ALSO GIVEN YOU THE OPPORTUNITY TO REVIEW YOUR REPORT?

3 A I REMEMBER.

4 Q YOUR STATEMENT. AND YOU STATED THAT YOU DIDN'T  
5 NEED TO LOOK AT THE REPORT?

6 A THAT'S RIGHT.

7 Q AND AT THE TIME YOU WERE UNDER OATH, WHEN WE DID  
8 THAT?

9 A I BELIEVE I WAS. I THINK I WAS. ✓

10 Q AND YOU UNDERSTOOD THE SERIOUSNESS AT THE TIME  
11 OF THE DEPOSITION, CORRECT?

12 A YES.

13 MR. EIDE: THANK YOU. I HAVE NO OTHER QUESTIONS.

14 MR. BENDER: YOUR HONOR, I HATE TO BELITTLE THIS  
15 POINT, BUT I HAVE A FEW MORE QUESTIONS.

16 FURTHER REDIRECT EXAMINATION

17 BY MR. BENDER:

18 Q MR. EIDE IS ASSUMING THAT YOU LIED AT DEPOSITION.  
19 DID YOU LIE AT THE DEPOSITION? ✓

20 MR. EIDE: YOUR HONOR, I WOULD OBJECT TO THAT.

21 THE COURT: OBJECTION IS OVERRULED.

22 BY MR. BENDER:

23 Q DID YOU LIE AT YOUR DEPOSITION, SIR?

24 A NO, I DID NOT. KNOWINGLY, I DIDN'T.

25 Q WITH REGARD TO WHETHER OR NOT YOUR WIFE LEFT,

1 WHICH IS REALLY THE ONLY BONE OF CONTENTION THAT MR. EIDE  
2 IS REPRESENTING INFLUENCED THE DEPOSITION.

3 AT THE TIME MR. EIDE ASKED YOU WHETHER YOUR WIFE  
4 HAD LEFT THE ROOM, AT DEPOSITION --

5 MR. EIDE: OBJECTION, YOUR HONOR THIS IS ASKED  
6 AND ANSWERED AND ALSO BEYOND THE SCOPE OF RECROSS.

7 THE COURT: WELL, OBJECTION IS SUSTAINED.

8 MR. BENDER: YOUR HONOR, MAY I HAVE A CHANCE  
9 TO RESPOND? I BELIEVE THAT IT'S WELL WITHIN --

10 THE COURT: RESPOND AT THE BENCH.

11 (THEREUPON, COUNSEL APPROACHED THE BENCH AND THE FOLLOWING  
12 PROCEEDINGS WERE HAD OUTSIDE THE PRESENCE OF THE JURY, AND  
13 ON THE RECORD AS FOLLOWS:)

14 MR. BENDER: YOUR HONOR, MR. EIDE HAS BEEN ASKING  
15 NUMEROUS QUESTIONS REGARDING THE DEPOSITION, IN HIS  
16 CROSS-EXAMINATION AND RECROSS.

17 THE COURT: YOU ASKED THE SAME QUESTION. YOU  
18 ASKED IT ON REDIRECT JUST A MINUTE AGO.

19 MR. BENDER: I'M NOT ASKING THE SAME QUESTION.  
20 I ASKED THE QUESTION. AND MR. EIDE STARTS ARGUING:  
21 "UNDER OATH, WERE YOU TELLING THE TRUTH?"

22 I JUST WANT TO CLARIFY THIS ONE ISSUE.  
23 HE'S MADE A BIG DEAL OF IT, AND I WANT TO CLARIFY IT.

24 THE COURT: IT'S ALREADY BEEN ASKED AND ANSWERED.  
25 OBJECTION IS SUSTAINED.

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

2 BY MR. BENDER:

3 Q IS WHAT YOU'VE TOLD US TODAY, SIR, WHAT YOU RECALL  
4 ABOUT THE INCIDENT ON MAY 17TH AND MAY 18TH?

5 A PARDON?

6 Q WHAT YOU'VE TOLD US IS, AS BEST AS YOU CAN RECALL,  
7 THE EVENTS THAT HAPPENED ON THE 17TH AND 18TH OF MAY OF  
8 THIS YEAR?

9 A TO THE BEST OF MY ABILITY.

10 MR. BENDER: THANK YOU, YOUR HONOR. THAT'S ALL  
11 WE HAVE.

12 MR. EIDE: NOTHING, YOUR HONOR.

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

14 WE'LL TAKE A TEN-MINUTE RECESS.

15 (THEREUPON, COURT RECESSED AT 4:25 P.M., TO RECONVENE  
16 AT 4:37 P.M., OUTSIDE THE PRESENCE OF THE JURY, AFTER WHICH  
17 THE FOLLOWING TRANSPIRED:)

18 THE COURT: HOW MANY MORE WITNESSES ARE THERE  
19 FOR THE STATE?

20 MR. BENDER: YOUR HONOR, WE HAVE FOUR MORE. BUT  
21 I BELIEVE THAT THREE OF THEM WILL BE VERY SHORT. AND  
22 THEN WE'LL END WITH INVESTIGATOR ROACH, AND WE'LL BE  
23 ABOUT 20 OR 30 MINUTES. I THINK SIX O'CLOCK, EVEN  
24 5:30, IS PERHAPS A REALISTIC GOAL TO FINISH THE STATE'S  
25 WITNESSES.