

1 Q AND WHERE'S THE BACK DOOR?

2 A RIGHT THERE.

3 Q ALL RIGHT. DO YOU KNOW IF YOUR MOTHER CAME IN
4 THE FRONT DOOR OR THE BACK? DO YOU REMEMBER? DO YOU KNOW?

5 A I DON'T KNOW. -- (RESUMES STAND).

6 MR. EIDE: ALL RIGHT. I DON'T HAVE ANY OTHER
7 QUESTIONS AT THIS TIME, YOUR HONOR.

8 THE COURT: CROSS.

9 CROSS-EXAMINATION

10 BY MR. BENDER:

11 Q MISS WILLEY, I'M SORRY. I DIDN'T QUITE UNDERSTAND
12 YOU DURING YOUR DIRECT EXAMINATION.

13 WERE YOU OUT EARLIER IN THE EVENING, ON THE 17TH?

14 A HMM-HMM.

15 Q AND YOU CAME BACK TO THE TRAILER ABOUT ELEVEN?

16 A YEAH, BETWEEN ELEVEN AND TWELVE.

17 Q MAY I ASK WHERE WERE YOU?

18 A ACROSS THE STREET.

19 Q ACROSS THE STREET, OKAY. SO YOU HAD JUST WALKED
20 BACK?

21 A YEAH.

22 Q AND WHEN YOU ARRIVED BACK AT THE TRAILER AT ELEVEN
23 O'CLOCK, WHO WAS IN THE LIVING ROOM?

24 A I DON'T REMEMBER. I MEAN, I GLANCED IN THERE.
25 I DIDN'T, YOU KNOW, LOOK FOR EVERY PERSON.

1 Q WHOSE CARS WERE OUT FRONT WHEN YOU CAME HOME?

2 A I DON'T REMEMBER.

3 Q TRY TO REMEMBER, IF YOU COULD. TRY TO THINK BACK.
4 WHO, DO YOU THINK, HAD CARS OUT IN FRONT OF TRAILER?

5 A IT WOULD HAVE TO BE MY BROTHER'S CAR AND MY OTHER
6 BROTHER'S TRUCK.

7 Q ARE THOSE THE ONLY TWO?

8 A THAT WOULD BE THERE, YEAH.

9 Q AND YOUR MOTHER HAD YOUR CAR?

10 A HMM-HMM.

11 Q WHAT KIND OF CAR IS THAT, BY THE WAY?

12 A CHEVETTE.

13 Q HOW LONG HAVE YOU KNOWN SCOTTY MERSON?

14 A HMM, PROBABLY ABOUT SIX OR SEVEN YEARS.

15 Q DO YOU SEE HIM VERY OFTEN?

16 A YEAH.

17 Q PRETTY GOOD FRIENDS?

18 A YEAH.

19 Q HAD HE BEEN OVER TO YOUR MOTHER'S TRAILER QUITE
20 OFTEN?

21 A HE, HE HAD COME THERE OCCASIONALLY.

22 Q WAS HE GOOD FRIENDS WITH YOUR BROTHERS?

23 A HMM-HMM.

24 Q YOU KNEW MARY AND HE WERE DATING?

25 A HMM-HMM.

1 Q BOYFRIEND AND GIRL FRIEND. THEY GOT ALONG PRETTY
2 GOOD, DIDN'T THEY?

3 A WELL, THEY'D FIGHT SOMETIMES.

4 Q THEY LOVED EACH OTHER, DIDN'T THEY?

5 A I GUESS THEY DID.

6 Q WHEN YOU ARRIVED AT ELEVEN O'CLOCK, YOU WENT
7 STRAIGHT BACK TO YOUR BEDROOM?

8 A NO. I GOT A BOTTLE.

9 Q FROM THE KITCHEN?

10 A YEAH.

11 Q DID YOU SAY HELLO TO EVERYBODY?

12 A I JUST SAID, "HI," AND THAT WAS IT.

13 I DON'T REMEMBER TALKING TO THEM.

14 Q AND YOU GAVE YOUR BABY A BOTTLE?

15 A HMM-HMM.

16 Q HOW OLD WAS YOUR BABY IN MAY?

17 A PROBABLY ABOUT A YEAR-AND-A-HALF.

18 Q AND WHAT TIME WAS IT THAT YOU GAVE HIM THE
19 BOTTLE?

20 A RIGHT AFTER I COME IN, I GOT IT FROM THE
21 REFRIGERATOR AND PUT HIM TO BED WITH IT.

22 Q WAS THAT AROUND 11:15, 11:30?

23 A IT WOULD HAVE BEEN A FEW MINUTES.

24 Q DOES HE HAVE A BOTTLE EVERY TWO HOURS?

25 A JUST WHEN HE WAKES UP.

1 Q AND HE WOKE UP AT TWO O'CLOCK?

2 A HE WOKE UP AT 1:38. THAT'S WHEN I WENT OUT TO
3 GET THE BOTTLE.

4 Q NOW, YOU REMEMBER THAT TIME PRETTY GOOD?

5 A YEAH.

6 Q DO YOU HAVE TO GET YOUR SON A BOTTLE EVERY NIGHT?

7 A HMM-HMM.

8 Q SAY, BACK ON WEDNESDAY -- I'M SORRY. YEAH,
9 WEDNESDAY, OCTOBER 10TH?

10 A HMM-HMM.

11 Q DO YOU REMEMBER WHAT TIME YOU GOT UP TO GIVE YOUR
12 SON A BOTTLE THAT NIGHT?

13 A NO.

14 Q NOW, YOUR BEDROOM IS ON THE RIGHT-HAND SIDE THAT
15 YOU'VE DRAWN?

16 A YEAH.

17 Q RIGHT HERE. I'M SORRY -- ON THE LEFT-HAND SIDE?

18 A YEAH.

19 Q AND THE FRONT DOOR IS OVER HERE, AND THE CARS
20 ARE PARKED IN THE FRONT, HERE?

21 A NO. THEY'RE PARKED ON THE OTHER SIDE.

22 Q WHICH DOOR IS IT THAT MAKES NOISE?

23 A IT'S THE BACK.

24 Q THE BACK DOOR?

25 A IN THE KITCHEN.

1 Q IS THAT DOOR KEPT LOCKED?

2 A YEAH. YOU HAVE TO HAVE A KEY TO LOCK IT.

3 Q BUT THE FRONT DOOR, AS LONG AS YOU DIDN'T BANG
4 IT OR SLAM IT, YOU MIGHT NOT BE ABLE TO HEAR THEM AS THEY
5 LEFT; IS THAT RIGHT?

6 A PROBABLY NOT.

7 Q DO YOU HAVE AIR-CONDITIONERS IN THE TRAILER?

8 A HMM-HMM.

9 Q EXCUSE ME? I'M SORRY?

10 A YES.

11 Q WERE THEY RUNNING, TO YOUR KNOWLEDGE?

12 A YEAH.

13 Q IS IT POSSIBLE THAT SOMEONE COULD HAVE LEFT THE
14 TRAILER, EVEN IF YOU WERE AWAKE IN YOUR BEDROOM, WITHOUT
15 YOU HEARING THEM?

16 A POSSIBLY OUT THE FRONT DOOR.

17 Q AND THEN GO AROUND AND GOT INTO A CAR AND, MAYBE,
18 DRIVEN OFF?

19 A POSSIBLY.

20 Q OKAY. NOW, IS THIS TRAILER SEPARATE -- I MEAN,
21 IS IT A PART FROM ALL THE OTHER TRAILERS, OR ARE THERE
22 TRAILERS NEXT TO IT ON EACH SIDE?

23 A WELL, THEY'RE ARE PRETTY CLOSE. WE HAVE SMALL
24 LOTS.

25 Q SO THERE ARE LOTS OF TRAILERS AROUND YOURS AND

1 A LOT OF PEOPLE PARKING CARS?

2 A HMM-HMM.

3 Q SO YOUR NEXT-DOOR NEIGHBOR, PERHAPS, COULD SLAM
4 A DOOR OR START A CAR RIGHT NEXT DOOR TO YOU AND YOU COULD
5 PROBABLY HEAR THAT, COULDN'T YOU?

6 A PROBABLY.

7 Q SO JUST BECAUSE YOU HEAR A CAR START OR A DOOR
8 SLAM, THAT DOESN'T NECESSARILY MEAN IT'S ONE OF YOUR CARS?

9 A HMM-HMM.

10 Q BUT YOU DID NOT HEAR, TO YOUR KNOWLEDGE, ANY CAR
11 STARTING OR ANY DOORS SLAMMING THAT NIGHT WHEN YOU WERE UP?

12 A HMM-HMM.

13 Q IS THAT RIGHT?

14 A YEAH.

15 Q NOW, YOU SAY YOUR MOTHER WAS ALREADY HOME WHEN
16 YOU WENT TO GET YOUR SON A BOTTLE; IS THAT RIGHT?

17 A HMM-HMM.

18 Q AT 1:38?

19 A YEAH.

20 Q PRECISELY, 1:38?

21 A P.M., HMM-HMM.

22 Q YOUR MOTHER WAS ALREADY HOME?

23 A YEAH.

24 Q DO YOU REMEMBER WHAT TIME SHE GOT HOME?

25 A NO.

1 Q ALL YOU KNOW IS SHE WAS HOME WHEN YOU GOT UP?

2 A HMM-HMM.

3 Q AND THEN YOU WALKED TO THE KITCHEN TO GET A BOTTLE
4 RIGHT OUT OF THE FRIDGE?

5 A HMM-HMM.

6 Q WAS IT ALREADY PREPARED, OR DID YOU HAVE TO PREPARE
7 IT?

8 A NO, I JUST HAD TO POUR IT.

9 Q WERE ANY LIGHTS ON?

10 A YEAH. WE LEAVE A STOVE LIGHT ON.

11 Q DOES THAT ILLUMINATE THE ENTIRE KITCHEN?

12 A PRETTY MUCH.

13 Q THE TV WASN'T ON WHEN YOU WENT OUT THERE, WAS IT?

14 A NOT THAT I CAN REMEMBER.

15 Q AND YOU WENT OVER AND SPECIFICALLY SAW YOUR
16 BROTHER, MICHAEL, SCOTTY MERSON AND MARY ALLISON LOWERY
17 LAYING ON A MATTRESS IN THE LIVING ROOM?

18 A HMM-HMM.

19 Q YOU'RE POSITIVE THAT YOU SAW SCOTT MERSON LAYING
20 THERE?

21 A I'M PRETTY SURE IT WAS HIM.

22 Q LET'S GO INTO THAT. YOU'RE PRETTY SURE. DID YOU
23 GO OVER THERE AND LOOK?

24 A I DIDN'T GET RIGHT UP AND LOOK.

25 Q COULD YOU TELL THERE WERE THREE BODIES ON THE

1 MATTRESS?

2 A YEAH.

3 Q WAS IT DARK OVER IN THAT CORNER?

4 A NOT REALLY. IHAD SOME LIGHT FROM THE STOVE LIGHT.

5 Q HOW SOON AFTER 1:38 DID YOU GO BACK INTO YOUR ROOM?

6 WAS IT WITHIN MINUTES?

7 A YEAH.

8 Q AND THEN YOU WENT IN AND CLOSED THE DOOR, AS BEST

9 YOU COULD?

10 A HMM-HMM.

11 Q AND THEN YOU NEVER LEFT THE ROOM AGAIN UNTIL YOU

12 GOT UP THE NEXT MORNING?

13 A HMM-HMM.

14 MR. BENDER: THANK YOU. THAT'S ALL I HAVE.

15 THE COURT: REDIRECT?

16 MR. EIDE: NO, YOUR HONOR, I HAVE NONE.

17 THE COURT: YOU MAY STEP DOWN.

18 CALL YOUR NEXT WITNESS.

19 MR. EIDE: YES, YOUR HONOR WE WOULD CALL AT THIS

20 TIME JUDY WILLEY.

21 THEREUPON,

22 JUDY WILLEY,

23 WAS CALLED AS A WITNESS BY THE DEFENSE AND, AFTER HAVING

24 BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED ON HER

25 OATH AS FOLLOWS: