

1 Q WELL, DO YOU REMEMBER WAS HE WITH THE ORLANDO
2 POLICE DEPARTMENT?

3 A I DON'T KNOW WHO HE WAS.

4 Q WHAT'D HE DO?

5 A HE HAD REGULAR CLOTHES ON. HE SHOWED US A BADGE.

6 Q DID YOU BELIEVE HIM TO BE A POLICE OFFICER?

7 A YEAH.

8 Q DID YOU GIVE HIM A STATEMENT?

9 A YEAH, I TOLD HIM WHAT HE WANTED TO KNOW.

10 MR. BENDER: THANK YOU, SIR. I HAVE NO FURTHER
11 QUESTIONS.

12 THE COURT: REDIRECT?

13 MR. EIDE: NO, YOUR HONOR, WE HAVE NO REDIRECT.

14 THE COURT: YOU MAY STEP DOWN.

15 CALL YOUR NEXT WITNESS.

16 MR. EIDE: YOUR HONOR, OUR NEXT WITNESS WOULD
17 BE TAMMY WILLEY.

18 THEREUPON,

19 TAMMY WILLEY,

20 WAS CALLED AS A WITNESS BY THE DEFENSE AND, AFTER HAVING
21 BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED ON HER
22 OATH AS FOLLOWS:

23 DIRECT EXAMINATION

24 BY MR. EIDE:

25 Q HELLO, MISS WILLEY.

1 A HI.

2 Q WOULD YOU PLEASE STATE YOUR FULL NAME, AND SPELL
3 YOUR LAST NAME NOT RECORD?

4 A TAMMY WILLEY, W-I-L-L- E-Y.

5 Q AND WHERE DO YOU LIVE RIGHT NOW?

6 A 1331 ADMIRAL DRIVE.

7 Q AND WHERE DID YOU LIVE IN MAY?

8 A 1058 HIGH MEADOW ROAD.

9 Q DO YOU REMEMBER SEEING SCOTTY ON THE 17TH OR 18TH
10 OF MAY?

11 A HMM-HMM.

12 Q WHEN DID YOU FIRST SEE HIM?

13 A HE WAS ASLEEP THAT NIGHT.

14 Q WHEN WAS THE FIRST TIME YOU SAW HIM THAT NIGHT?

15 A WELL, WHEN I COME HOME, BETWEEN ELEVEN AND TWELVE.

16 Q WHERE WERE YOU COMING HOME FROM?

17 A ACROSS THE STREET.

18 Q AND DID YOU -- DO YOU HAVE A KID, A CHILD?

19 A YEAH.

20 Q WHAT'S YOUR CHILD'S NAME?

21 A CHRISTOPHER.

22 Q WAS HE WITH YOU?

23 A HMM-HMM.

24 Q WHAT'D YOU DO WHEN YOU CAME HOME?

25 A GOT HIM A BOTTLE AND WENT TO BED.

1 Q DO YOU HAVE A BED IN THAT TRAILER?

2 A HMM-HMM.

3 Q THAT'S A PICTURE OF THE TRAILER. DO YOU RECOGNIZE
4 THAT AS A DIAGRAM OF THE TRAILER?

5 A YEAH.

6 Q OKAY. COULD YOU POINT OUT WHERE YOUR ROOM IS IN
7 THIS?

8 A RIGHT THERE -- (INDICATING).

9 Q IS THAT THE ONE THAT SAYS "TAMMY AND JUDY'S ROOM";
10 IS THAT CORRECT?

11 A HMM-HMM.

12 Q WHEN YOU WENT INTO YOUR ROOM, DID YOU LEAVE THE
13 DOOR OPEN OR DID YOU CLOSE IT?

14 A IT ISN'T CLOSED ALL THE WAY. IT STAYS CRACKED.

15 Q DID YOU CLOSE IT TO THE CRACK?

16 A WELL, IT COMES BACK OPEN BECAUSE THE LITTLE THING
17 WAS BROKE ON IT.

18 Q HOW MUCH OPEN DOES IT STAY?

19 A PROBABLY ABOUT THAT MUCH, ABOUT AN INCH OR SO.

20 Q WHAT'D YOU DO WHEN YOU WENT IN THERE?

21 A PUT MY SON IN BED AND LAID DOWN.

22 Q DID YOU GO TO SLEEP?

23 A (SHAKES HEAD)

24 Q WHAT WAS EVERYONE ELSE DOING; DO YOU KNOW?

25 A THEY WERE UP IN THE LIVING ROOM.

1 Q DO YOU KNOW WHAT THEY WERE DOING?

2 A NO.

3 Q DID YOU PAY ATTENTION TO WHAT THEY WERE DOING?

4 A NO.

5 Q DID YOU GO OUT AND TALK TO THEM AT ALL WHEN THEY
6 CAME IN?

7 A I JUST MIGHT HAVE SAID, "HI". BUT I DIDN'T REALLY
8 TALK TO THEM.

9 Q DO YOU KNOW WHO WAS THERE?

10 A NO.

11 Q DO YOU KNOW ANYBODY THAT WAS THERE?

12 A (SHAKES HEAD)

13 Q DO YOU REMEMBER IF SHAWN AND CHRISTI WERE THERE?

14 A I DIDN'T REALLY LOOK. I JUST WENT IN AND GOT MY
15 SON A BOTTLE AND WENT TO BED.

16 Q DID YOU SEE ANYONE ELSE THERE LATER THAT NIGHT?

17 A WHEN I GOT UP I DID, IN THE MIDDLE OF THE NIGHT.

18 Q WHEN DID YOU GET UP?

19 A 1:38.

20 Q HOW DO YOU KNOW IT WAS 1:38?

21 A BECAUSE I LOOKED AT THE CLOCK.

22 Q WHAT'D YOU GET UP FOR?

23 A TO GET MY SON A BOTTLE.

24 Q HAD YOU BEEN ASLEEP?

25 A I HAD BEING AWAKE.

1 Q WHO WAS HOME AT THIS POINT?

2 A EVERYBODY WAS HOME.

3 Q WHO WAS THAT?

4 A MY MOM, SHAWN, CHRISTI, MICHAEL HYLAND, MY BROTHER,
5 MICHAEL AND SCOTTY AND ALLISON.

6 Q HOW DO YOU KNOW THAT EVERYONE WAS THERE?

7 A WELL, I KNOW MY MOM. WE SHARE THE SAME ROOM.
8 AND OUT IN THE LIVING ROOM I SAW MICHAEL ON THE COACH AND
9 MY BROTHER, MICHAEL, AND SHAWN AND ALLISON ON THE FLOOR.

10 Q DID YOU SEE SHAWN AND CHRISTI?

11 A NO. BUT I ASSUMED THEY WERE IN THE ROOM BECAUSE
12 THE DOOR WAS SHUT.

13 Q BUT YOU DON'T KNOW FOR SURE THEY WERE THERE?

14 A NO.

15 Q BUT DO YOU KNOW FOR SURE THAT MICHAEL HYLAND WAS
16 THERE?

17 A YES.

18 Q THAT SCOTTY MERSON WAS THERE?

19 A YES.

20 Q THAT ALLISON WAS THERE?

21 A YES.

22 Q THAT MICHAEL WILLEY WAS THERE?

23 A YES.

24 Q AND YOUR MOM WAS THERE?

25 A HMM-HMM.

1 Q WHEN DID YOUR MOM COME HOME; DO YOU REMEMBER?

2 A NO, I DON'T KNOW THE EXACT TIME.

3 Q HOW MUCH EARLIER BEFORE YOU GOT UP?

4 A WHAT DO YOU MEAN?

5 Q HOW MUCH EARLIER BEFORE YOU GOT UP HAD SHE COME IN?

6 A I DON'T KNOW. I DON'T KNOW.

7 Q OKAY. WHEN SHE CAME IN DID YOU TALK AT ALL?

8 A HMM-HMM, YEAH, WE WERE TALKING.

9 Q WAS SHE AWAKE WHEN YOU GOT UP AT 1:38?

10 A HMM-HMM, (NODS HEAD).

11 Q AND WHEN -- HOW LONG WERE YOU GONE OUT OF YOUR ROOM?

12 A IT WAS ONLY A COUPLE OF MINUTES.

13 Q WHAT'D YOU DO?

14 A I WENT TO THE REFRIGERATOR AND GOT HIM A BOTTLE,
15 AND THEN I WENT IN THE LIVING ROOM TO SEE, LOOK WHO WAS IN
16 THERE.

17 Q WHY DID YOU GO IN THE LIVING ROOM TO SEE WHO WAS
18 IN THERE?

19 A BECAUSE MY BROTHER, MIKE, WAS ON THE EDGE OF THE
20 BED, AND COULD TELL THERE WAS BLANKETS THERE.

21 Q WHAT'D YOU DO THEN?

22 A I WENT BACK TO MY ROOM.

23 Q AND WHAT'D YOU DO AT THAT POINT?

24 A PUT MY SON BACK TO BED AND CONTINUED TALKING TO
25 MY MOM.

1 Q HOW LONG DID YOU TALK TO YOUR MOM?

2 A I DON'T KNOW. IT WAS A WHILE BECAUSE I WAS UP
3 FOR A WHILE.

4 Q DO YOU KNOW WHEN YOU WENT TO BED?

5 A NO.

6 Q ANY IDEA HOW LONG AFTER 1:38 YOU WENT TO BED?

7 A IT MIGHT HAVE BEEN, MAYBE, WITHIN AN HOUR OR SO.

8 Q WERE YOU WATCHING THE CLOCK?

9 A NO.

10 Q OKAY. DID YOU HAVE TO GO TO WORK THE NEXT MORNING?

11 A HMM-HMM.

12 Q WHAT TIME DID YOU HAVE TO GO TO WORK?

13 A ELEVEN.

14 Q ELEVEN IN THE MORNING?

15 A HMM-HMM.

16 Q HAVE YOU GOT A CAR?

17 A HMM-HMM.

18 Q WAS YOUR CAR THERE?

19 A MY MOM HAD IT.

20 Q YOUR MOTHER HAD IT?

21 A HMM-HMM.

22 Q DO YOU HAVE A SET OF KEYS?

23 A HMM-HMM, JUST ONE. I JUST HAVE ONE SET.

24 Q DID YOU HAVE THOSE KEYS WITH YOU WHEN YOU CAME
25 HOME?

1 A NO, MY MOM HAD THEM.

2 Q DO YOU HAVE AN EXTRA SET OF KEYS?

3 A NO.

4 Q AND YOU SAID YOUR MOTHER HAD THE CAR?

5 A HMM-HMM.

6 Q WHEN SHE CAME HOME WHAT DID SHE DO WITH THE KEYS;
7 DO YOU KNOW?

8 A SHE HAD THEM WITH HER. SHE DIDN'T GIVE THEM BACK
9 TO ME.

10 Q DID ANYONE COME IN YOUR ROOM WHILE YOU WERE UP,
11 AFTER, WHILE YOU WERE UP THAT NIGHT?

12 A NO.

13 Q DO YOU REMEMBER ANYONE COMING INTO YOUR ROOM IN
14 THE MIDDLE OF THE NIGHT AT ALL?

15 A NO.

16 Q WHEN YOU CAME BACK IN AT 1:38, AFTER THE 1:38 TRIP,
17 DID YOU LEAVE THE DOOR OPEN OR DID YOU CLOSE IT?

18 A WELL, I CLOSED IT, BUT IT COMES BACK OPEN.

19 Q STILL THE ONE INCH?

20 A YEAH.

21 Q WHEN YOU GO BACK IN YOUR ROOM, DESCRIBE WHERE
22 YOUR BED IS ON THAT, ON THAT DIAGRAM, WOULD YOU?

23 A I SLEPT RIGHT, ALONG HERE.

24 Q OKAY.

25 A ON THE WALL.

1 Q WHERE WAS YOUR MOTHER WHEN YOU WERE TALKING TO
2 HER?

3 A SHE WAS ON HER BED, WHICH WAS GOING THAT WAY.

4 Q WHERE DOES CHRISTOPHER STAY?

5 A RIGHT BESIDE MY MOM, IN HIS CRIB.

6 Q DID YOU HEAR ANY CARS START IN THE MIDDLE OF THE
7 NIGHT?

8 A NO.

9 Q NOW, YOU WERE AWAKE, YOU SAID, ABOUT AN HOUR AFTER
10 1:38, RIGHT?

11 A HMM-HMM.

12 Q DID YOU HEAR ANY CARS START AT ALL IN THAT TIME?

13 A NOT THAT I CAN REMEMBER.

14 Q OKAY. WAS THERE ANYONE WALKING AROUND THE TRAILER?

15 A I DON'T REMEMBER ANYONE.

16 Q DO YOU REMEMBER YOUR MOTHER COMING INTO THE
17 TRAILER?

18 A HMM-HMM.

19 Q DID YOU HEAR HER COME IN BEFORE SHE OPENED THE
20 DOOR?

21 A I DON'T KNOW. I CAN'T REMEMBER.

22 Q DID YOU KNOW SHE WAS HOME BEFORE SHE CAME INTO
23 YOUR BEDROOM?

24 A I DON'T KNOW.

25 Q OKAY. CAN YOU HEAR THE FRONT DOOR OPEN IN THE

1 TRAILER, WHEN IT OPENS?

2 A THE FRONT DOOR? IF SOMEONE BANGS IT HARD, I CAN
3 HEAR IT.

4 Q EXCUSE ME?

5 A IF YOU BANG IT HARD I CAN HEAR IT.

6 Q IF SOMEONE JUST OPENS IT NORMAL, CAN YOU HEAR IT?

7 A PROBABLY NOT.

8 Q AND THAT'S THE DOOR ACROSS FROM THE KITCHEN?

9 A NO, THAT'S THE BACK DOOR, RIGHT BY THE KITCHEN.

10 Q WHAT ABOUT THE BACK DOOR, COULD YOU HEAR THAT IF
11 SOMEONE CAME IN THAT DOOR?

12 A YEAH. BECAUSE THE LOCK WAS BROKE. YOU HAD TO
13 HAVE A KEY TO SHUT IT.

14 Q WHY DON'T YOU POINT OUT THE BACK DOOR FOR THE
15 JURY?

16 A RIGHT IN HERE, RIGHT AFTER MY ROOM, AFTER THE
17 LAUNDRY ROOM. IT'S RIGHT AFTER MY ROOM.

18 Q OKAY.

19 A I DON'T KNOW -- OKAY. IT'S OVER THAT WAY.

20 Q IS IT ACROSS FROM THE KITCHEN?

21 A THE KITCHEN IS RIGHT HERE, AND THEN THE DOOR LEADS
22 INTO THE KITCHEN.

23 Q WOULD YOU -- WHY DON'T YOU STEP DOWN AND SHOW US
24 ON THAT, IF YOU CAN?

25 A (WITNESS COMPLIES)

1 Q IF THE KITCHEN IS LABELED LIKE IT IS, AND THAT
2 LITTLE SQUARE IS THE BAR, WHERE WOULD THE DOOR BE?

3 A RIGHT IN HERE.

4 Q THAT'S THE BACK OF THE KITCHEN?

5 A HMM-HMM.

6 Q DOES IT OPEN UP INTO THE KITCHEN SINK?

7 A IT WOULD BE OVER HERE, THEN. I DON'T UNDERSTAND
8 THIS DIAGRAM. I'M SORRY.

9 Q I TELL YOU WHAT -- THIS DIAGRAM IS WRITTEN BY
10 SOMEONE ELSE.

11 A OKAY.

12 Q I'LL LET YOU -- WHY DON'T YOU JUST DRAW THAT
13 TRAILER FOR US. USE YOUR ARTISTIC SKILLS.

14 A I DON'T HAVE ANY.

15 Q IT DOESN'T NEED TO BE DETAILED?

16 A OKAY. OKAY. THIS WOULD BE MY ROOM, AND THEN
17 THERE'S THE HALL, AND THEN THIS RIGHT HERE, THIS RIGHT HERE
18 AREA --

19 Q WHY DON'T YOU DRAW IT AND THEN YOU CAN DESCRIBE
20 IT TO US. OKAY?

21 A WELL, RIGHT HERE IS MY ROOM. AND THEN YOU COME
22 OUT, AND THEN THERE'S A HALL. AND THEN THIS AREA RIGHT HERE
23 WOULD BE THE KITCHEN, AND THEN THE DOOR IS RIGHT HERE.

24 Q LABEL YOUR ROOM -- AND STAND TO THE SIDE SO THE
25 JURY CAN SEE -- WITH YOUR INITIALS. AND WHAT'S THE NEXT

1 SQUARE?

2 A OKAY. YOU COME OUT, AND THIS WOULD BE A LITTLE
3 HALL WITH THE LAUNDRY ROOM.

4 Q PUT "LAUNDRY" THEN?

5 A AND THEN THIS WOULD BE THE KITCHEN.

6 Q PUT THE "K" FOR KITCHEN.

7 NOW, WHERE'S THE DOOR, THE BACK DOOR?

8 A RIGHT HERE, AND THIS COMES ACROSS THERE.

9 Q WHERE'S THE LIVING ROOM?

10 A RIGHT AFTER THAT, THE KITCHEN, AND THEN IT LEADS
11 RIGHT ON INTO IT.

12 Q WHERE'S SHAWN AND CHRISTI'S ROOM?

13 A DOWN IN FRONT OF IT.

14 Q WHY DON'T YOU PUT "S" AND "K" THERE.

15 A OKAY.

16 Q WHY DON'T YOU PUT AN "S" AND A "K". WHAT'S THIS
17 SQUARE?

18 A WELL, THERE'S A LITTLE HALLWAY, AND THERE'S THE
19 BATHROOM.

20 Q WHY DON'T YOU PUT "B" ON THERE.

21 WHERE'S THE BED THAT SCOTTY AND MICHAEL AND
22 ALLISON WERE SLEEPING ON?

23 A IT'S UP HERE AGAINST THE BAR.

24 Q NOW, WHERE'S THE FRONT DOOR?

25 A THE FRONT DOOR WOULD BE OVER HERE.

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.