

1 A SHE WAS IN THE MIDDLE, AND HE WAS AGAINST THE
2 WALL, AND I'M ON THE OTHER END.

3 Q DO YOU REMEMBER, WHEN YOU WENT TO BED WERE THEY
4 LAYING ON THE MATTRESS?

5 A YEAH.

6 Q WERE THEY ASLEEP?

7 A NO.

8 Q DO YOU REMEMBER IN THE MIDDLE OF THE NIGHT EITHER
9 ONE OF THEM GETTING UP?

10 A NO.

11 Q DO YOU REMEMBER SCOTTY LEAVING AT ANY TIME?

12 A NO.

13 Q DID YOU AT ANY TIME HEAR OR FEEL SCOTTY GET UP
14 OFF THE MATTRESS?

15 A NO.

16 Q YOU DIDN'T HEAR ANY OF THE VEHICLES START UP OR
17 ANYONE LEAVE?

18 A NO.

19 MR. EIDE: OKAY. I DON'T HAVE ANY OTHER QUESTIONS
20 AT THIS TIME. THANK YOU.

21 THE COURT: CROSS?

22 MR. BENDER: YES, YOUR HONOR.

23 CROSS-EXAMINATION

24 BY MR. BENDER:

25 Q HOW LONG HAVE YOU KNOWN SCOTTY?

1 A ABOUT NINE OR TEN YEARS.

2 Q WOULD YOU CONSIDER YOURSELF TO BE A GOOD FRIEND
3 OF HIS?

4 A YEAH.

5 Q PRETTY CLOSE?

6 A YEAH.

7 Q DID YOU DO A LOT OF THINGS TOGETHER, GOING OUT
8 SOCIALLY?

9 A YEAH, I GUESS.

10 Q FISHING OR CAMPING OR GOING OUT TO THE MOVIES,
11 STUFF LIKE THAT?

12 A YEAH.

13 Q WOULD YOU CONSIDER HIM A CLOSE FRIEND?

14 A YEAH.

15 Q DO YOU CARE ABOUT HIM?

16 A YEAH.

17 Q NOW, THE TIME THAT -- WE'VE GOT A LOT OF NAMES
18 HERE, AND I JUST WANT TO MAKE SURE I UNDERSTAND.

19 SHAWN, CHRISTI AND MARY, SCOTT'S GIRL FRIEND, LEFT
20 TO GO PICK HIM UP ABOUT TEN O'CLOCK?

21 A HMM-HMM.

22 Q ABOUT TEN O'CLOCK. YOU AND MICHAEL HYLAND WERE
23 STILL AT THE TRAILER?

24 A HMM-HMM.

25 Q WHO ELSE WAS AT THE TRAILER WHEN THEY LEFT?

- 1 A JUST ME AND HIM.
- 2 Q WHO WAS MR. LANG?
- 3 A LANG?
- 4 Q WHEN DID HE LEAVE?
- 5 A EIGHT, NINE.
- 6 Q WELL, BEFORE THEY HAD LEFT TO PICK HIM UP?
- 7 A YEAH.
- 8 Q DID YOU AND MR. HYLAND HAVE ANYTHING TO EAT FOR
- 9 DINNER?
- 10 A YEAH.
- 11 Q WHAT?
- 12 A I THINK WE ATE SOME STEAK.
- 13 Q WHERE DID YOU GET DID STEAKS?
- 14 A FOOD LION.
- 15 Q FOOD LION, IN APOPKA?
- 16 A HMM-HMM.
- 17 Q YOU HAD TO DRIVE TO GET THOSE, YOU TESTIFIED?
- 18 A HMM-HMM.
- 19 Q WELL, AT THE TIME YOU WENT TO GO TO THE FOOD LION,
- 20 YOUR CAR WAS THERE, RIGHT?
- 21 A HMM-HMM.
- 22 Q WHO ELSE HAD A CAR THERE?
- 23 A MY BROTHER WAS THERE.
- 24 Q WHO IS THAT?
- 25 A SHAWN WILLEY.

1 Q SO DID YOU GO IN HIS TRUCK?

2 A I DON'T REALLY KNOW.

3 Q ISN'T IT TRUE THAT YOU AND MR. HYLAND HAD FIXED
4 THAT FLAT TIRE ON YOUR CAR EARLIER IN THE DAY? ISN'T THAT
5 TRUE, SIR?

6 A NO.

7 Q YOUR TESTIMONY IS THAT AT TEN O'CLOCK AT NIGHT,
8 ON THE 17TH OF MAY, YOUR CAR STILL HAD A FLAT TIRE?

9 A YES, SIR.

10 Q AND IT IS YOUR TESTIMONY THAT THAT YOU AND
11 MR. HYLAND DID NOT DRIVE YOUR CAR TO THE FOOD LION OR ANY
12 OTHER PLACE?

13 A NO.

14 Q YOU DID NOT GO GET VIDEOTAPES?

15 A NOT IN MY CAR.

16 Q YOU DID NOT GO GET BEER?

17 A NOT IN MY CAR.

18 Q WHOSE CAR DID YOU GO IN?

19 A IT WOULD HAVE HAD TO BE MY BROTHER'S TRUCK.

20 Q BUT YOU'RE NOT SURE?

21 A NO, I'M NOT SURE.

22 Q DO YOU REMEMBER WHAT VIDEOS YOU PICKED UP?

23 A NO.

24 Q DO YOU REMEMBER IF YOU HAVE ANY VIDEOS THAT YOU
25 OWNED AT THE HOME THAT YOU KEEP THERE?

1 A YEAH, WE'VE GOT A BUNCH OF THEM.

2 Q LIKE WHAT?

3 A LET'S SEE. WE'VE GOT "THE RUNNING MAN,"
4 "THE HIDDEN". THAT'S ALL I CAN REMEMBER RIGHT NOW. WE'VE
5 GOT MORE.

6 Q WHAT TIME DID YOUR BROTHER AND SCOTTY AND ALL
7 THEM ARRIVE BACK AFTER THEY WENT TO PICK HIM UP?

8 A 10:30, ELEVEN.

9 Q NOW, WHEN YOU WENT TO GET VIDEOS WITH MICHAEL
10 AND YOU ALSO WENT TO GET SOME STEAKS, TOO, DID HE PICK UP
11 ANY BEER?

12 A I DON'T THINK -- I DON'T REMEMBER EVEN GOING IN
13 THE STORE WITH HIM. I THINK HE WENT AND DID IT.

14 Q SO YOU SAT THERE WHILE HE PICKED OUT YOUR STEAK?

15 A YEAH.

16 Q AND YOU'RE POSITIVE THAT SCOTT HAD A SIX-PACK?

17 A YEAH.

18 Q BUT YOU DON'T RECALL SEEING SCOTT MERSON DRINK
19 ANY BEER THAT NIGHT? YOU WEREN'T PAYING ANY ATTENTION?

20 A NO, I DIDN'T. I'M SURE HE DID.

21 Q DO YOU RECALL HIM DRINKING BEER?

22 A NOT REALLY.

23 Q BUT YOU THINK HE MIGHT HAVE?

24 A HMM-HMM.

25 Q WHAT ABOUT MR. HYLAND?

1 A YEAH.

2 Q DID YOU SEE HIM DRINKING BEER, AS WELL?

3 A HMM-HMM.

4 Q WHAT ABOUT SHAWN AND CHRISTI, WERE THEY OUT WATCHING
5 VIDEOTAPES WITH YOU?

6 A BEFORE THEY WENT AND GOT SCOTTY.

7 Q WHAT ABOUT AFTERWARDS?

8 A NO. THEY WENT TO BED SHORTLY AFTERWARDS.

9 Q DID YOU ALL -- DID ANYBODY ELSE HAVE ANY DINNER,
10 COOK SOME DINNER WHEN THEY GOT BACK, SCOTT AND SHAWN AND
11 CHRISTI AND MARY ALLISON?

12 A NOT THAT I REMEMBER.

13 Q YOU DIDN'T SEE ANYBODY COOKING ANY HOT DOGS OR
14 POT ROAST OR ANYTHING?

15 A (SHAKES HEAD)

16 Q WHAT TIME DID YOU FALL ASLEEP ON THE MATTRESS?

17 A 12:30, ONE.

18 Q AND THE TIME YOU FEEL ASLEEP SCOTT AND MARY WERE
19 ON THE MATTRESS WITH YOU?

20 A YES, SIR.

21 Q AND THAT WAS ABOUT WHAT TIME?

22 A 12:30, ONE, MAYBE A LITTLE AFTER.

23 Q DID EVERYBODY FALL ASLEEP ABOUT THAT TIME?

24 A I DON'T KNOW. THAT'S THE LAST TIME I REMEMBER.

25 Q WAS MR. HYLAND ALSO IN THE LIVING ROOM?

1 A YEAH. HE WAS ON THE COUCH.

2 Q NOW, WHEN'S THE LAST TIME YOU DROVE YOUR CAR
3 PRIOR TO THE 17TH OF MAY, SIR?

4 A YOU MEAN SINCE THEN, OR BEFORE THAT?

5 Q NO. BEFORE THAT TIME, WHEN WAS THE LAST TIME
6 THAT THAT CAR HAD BEEN DRIVEN?

7 A I NEVER REALLY DROVE IT. BECAUSE IT NEVER WAS
8 LEGAL. I GOT IT, AND I BROUGHT IT TO THE HOUSE.

9 Q SO YOU GOT THE CASH AND YOU BOUGHT THE CAR?

10 A HMM-HMM.

11 Q BROUGHT IT TO YOUR HOUSE AND DID NOT DRIVE IT
12 ANY TIME AFTER THAT?

13 A HMM-HMM.

14 Q IT JUST SAT THERE?

15 A HMM-HMM.

16 Q WHY WOULD YOU BUY A CAR AND NOT DRIVE IT?

17 A I WAS GOING TO FIX IT.

18 Q HOW LONG BEFORE THE 17TH OF MAY DID YOU BUY THIS
19 CAR, SIR?

20 A ABOUT TWO OR THREE WEEKS.

21 Q WHERE'D YOU BUY IT AT?

22 A FROM MY GRANDPARENTS.

23 Q HOW MUCH?

24 A A HUNDRED.

25 Q WHAT KIND OF CAR WAS IT?

1 A A '75 TOYOTA.

2 Q ARE YOU SAYING, OTHER THAN THE FLAT TIRE IT WAS
3 DRIVABLE?

4 A IT NEEDED SOME BREAKS. YEAH, YOU COULD DRIVE IT.

5 Q FORGETTING THE FACT THAT IT DIDN'T HAVE A LICENSE,
6 I MEAN, IT WAS STILL DRIVABLE?

7 A YEAH.

8 Q NOW, YOU SAY THAT YOU DID NOT HEAR SCOTTY MERSON
9 LEAVE THE APARTMENT, THE TRAILER?

10 A NO.

11 Q THAT DOES NOT MEAN THAT HE DIDN'T LEAVE THE TRAILER?

12 A I GUESS SO.

13 Q WOULD YOU AGREE THAT IT'S POSSIBLE HE LEFT AND YOU
14 JUST DIDN'T HEAR HIM?

15 A IT'S POSSIBLE TO LEAVE.

16 Q NOW, WHERE DID YOU KEEP THE KEYS TO YOUR CAR?

17 A UNDERNEATH THE VCR STAND.

18 Q WERE THEY VISIBLE?

19 A NO.

20 Q WHAT DO YOU MEAN? THEY WEREN'T VISIBLE?

21 A IT'S IN A DRAWER.

22 Q DID ANYBODY KNOW ABOUT WHERE THOSE KEYS WERE?

23 A NO.

24 Q WHAT ABOUT MIKE HYLAND?

25 A NO.

1 Q YOU'RE SURE ABOUT THAT?

2 A POSITIVE.

3 Q YOU'RE POSITIVE?

4 A HMM-HMM.

5 Q ALREADY. MR. MERSON DIDN'T KNOW?

6 A (SHAKES HEAD)

7 Q YOU'RE POSITIVE?

8 A POSITIVE.

9 Q NOW, WHAT TIME DID YOUR MOTHER GET HOME, IF YOU
10 KNOW, SIR?

11 A I DON'T REALLY KNOW.

12 Q WERE YOU TOLD LATER WHAT TIME SHE MIGHT HAVE
13 GOTTEN HOME?

14 A YEAH.

15 Q WHAT TIME WAS THAT?

16 A THEY SAID 1:30, A QUARTER TO TWO.

17 Q YOU DIDN'T HEAR HER, THOUGH?

18 A NO.

19 Q YOU WERE ASLEEP WHEN SHE CAME IN?

20 A YES.

21 Q WAS EVERYONE ELSE ASLEEP?

22 A WHEN SHE CAME IN?

23 Q HMM-HMM?

24 A I DON'T KNOW.

25 Q HAVE YOU TALKED WITH SCOTT MERSON SINCE HIS ARREST?

1 A YEAH, A COUPLE TIMES.

2 Q HAVE YOU TALKED TO HIM ABOUT THIS CASE?

3 A NO.

4 Q YOU'VE NEVER MENTIONED WITH HIM THAT YOU WERE
5 GOING TO BE TESTIFYING?

6 A OH, YEAH, I KNEW I PROBABLY WOULD BE.

7 Q HOW DID YOU KNOW THAT?

8 A THE COP CAME AND ASKED US ABOUT IT.

9 Q OKAY. WELL, DID YOU EVER TALK TO SCOTT MERSON
10 ABOUT YOUR TESTIMONY?

11 A WHAT DO YOU MEAN?

12 Q ABOUT WHAT YOU MIGHT SAY?

13 A JUST THE TRUTH. I ALREADY KNEW WHAT, WHAT HAPPENED.

14 Q DO YOU?

15 A WELL, AS FAR AS WHAT I KNEW.

16 Q BUT YOU NEVER TALKED ABOUT WHAT YOUR TESTIMONY
17 WAS GOING TO BE, WITH SCOTTY MERSON.

18 DID HE EVER TALK TO YOU ABOUT WHAT TO SAY?

19 A NO.

20 Q ALL RIGHT. YOU SAID YOU TALKED WITH INVESTIGATOR
21 FROM THE ORLANDO POLICE DEPARTMENT; IS THAT RIGHT?

22 A I GUESS. HE SAID HE WAS THE THE GUY THAT ARRESTED
23 HIM.

24 Q I'M SORRY?

25 A THE GUY THAT ARRESTED HIM.

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.