

ORIGINAL

11/41
IN THE CIRCUIT COURT IN AND
FOR BREVARD COUNTY, FLORIDA
EIGHTEENTH JUDICIAL DISTRICT

CASE NO.: 89-4942-CF-A

STATE OF FLORIDA

Plaintiff,

-vs-

CROSLEY ALEXANDER GREEN,

Defendant.

APR 20 3 09 PM '90
R.C. M. LEA, JR.
CLERK OF COURT
BREVARD COUNTY, FLA.
D.C.
BY SUSAN LEHTIO

DEPOSITION OF KIM S. HALLOCK

Deposition of Kim. S. Hallock, taken in the
above-styled cause, before LAURA FULLER, CSR, RPR, at
the Office of the State Attorney, located at 700 S.
Park Avenue, Titusville, Florida, on the 13th day of
February, 1990, commencing at 2:30 o'clock p.m.

EMILIE E. RICHARDS & ASSOCIATES

OFFICIAL COURT REPORTERS
BREVARD COUNTY COURTHOUSE
506 S. PALM AVENUE
TITUSVILLE, FLORIDA 32780
(407) 269-8152

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APPEARANCES

JOHN R. PARKER, ESQUIRE
John R. Parker, P.A.
805 S. Washington Avenue
Titusville, Florida 32780 Appearing for Defendant

CHRIS WHITE, ESQUIRE
PHIL WILLIAMS, ESQUIRE
Assistant State Attorneys
700 S Park Avenue
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TESTIMONY OF: Kim S. Hallock Page

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EXHIBITS

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Certificate 140

P R O C E E D I N G S

THEREUPON

KIM S. HALLOCK

a witness herein, having first been duly sworn, was
examined and testified upon her oath as follows:

DIRECT EXAMINATION

BY MR. PARKER

Q Kim, my name is Rob Parker, I represent Mr.
Crosley Green that's accused of murder. There are a few
things that I want to say to you before we get started.

Number one, I want you to calm down and relax
because nothing's gonna happen here that's bad or ugly, or
anything like that, okay, other than we're gonna have to
talk about what happened out in the orange grove, okay?

So, if you feel that you are getting upset, or
some of us recognize that, we'll be glad to stop so you can
get some water and take a break, okay?

If I ask you any question that you don't want to
answer, or you feel like I'm embarrassing you or anything
like that, you just say -- you ask me why do I need to know
that, okay? Give me an opportunity to explain why it's
important for me. And you can have an opportunity to speak
with the prosecutors about why that information is
something that you need to tell me, okay?

A Uh-huh.

1 Q Have you ever given a deposition before, ever?

2 A No.

3 Q Okay. This lady is going to be taking down every
4 word that's said in here. That is what she does for a
5 living. And occasionally she might -- you might hear her
6 say "what". Don't be startled by that. She just has to
7 hear exactly what's going on and she will have you repeat
8 it, okay? So it's real important that you speak up, you
9 answer the questions, and try not to say "Uh-huh" or nod
10 your head. So, we will constantly remind you about that.

11 Finally, you need to understand that it's sworn
12 testimony, and that if you do not know the answer to a
13 question don't feel like you have to come up with some
14 right answer. This is not a test, it's not a quiz, okay?
15 I need to know what you know and what you don't know, all
16 right?

17 I have a job to do. I have to represent Mr.
18 Green, okay? That's what I have to do and I'm trying to do
19 that as best I know how. But don't feel like you have to
20 answer a question, and don't let me put words in your
21 mouth. You tell me what you saw and what you heard, okay?

22 Understand, though, this; understand that when
23 we're all done here, she's going to type this all up.
24 We're gonna have what's known as a transcript. And if we
25 go to trial, and if you have to take the stand, if I ask

1 you the same or similar question in the courtroom and you
2 give some materially different answer, something that's not
3 even close, I'm going to point that out to the jury.
4 That's why it's important that you understand that you just
5 tell me as best you know, okay? Don't feel like you have
6 to be pinned down to some answer, okay?

7 If you are not sure, or you don't know, that
8 answer is fine, okay?

9 How old are you Kim?

10 A I'm 20.

11 Q Prior to April the 3rd of 1989 had you ever met
12 Crosley Green?

13 A No.

14 Q Had you ever seen him before?

15 A No.

16 Q Since that day, April the 3rd, this is the day
17 before, have you ever seen him or spoken to him?

18 A No.

19 Q Had you ever heard Chip mention his name before
20 April the 3rd?

21 A No.

22 Q Do you have an older brother?

23 A I have two.

24 Q Have your older brothers, since April the 3rd,
25 told you that they know Crosley and went to school with

1 him?

2 A They knew him from school, I think.

3 Q Do they have any School Annuals that have his
4 photograph in it?

5 A They have Annuals but I don't know if they have

*** ABORTED BY OPERATOR ***

1 him?

2 A They knew him from school, I think.

3 Q Do they have any School Annuals that have his
4 photograph in it?

5 A They have Annuals but I don't know if they have
6 his photo in them.

7 Q Have you ever gone to those Annuals to look and
8 see?

9 A No.

10 Q Have they ever gone to the Annuals and pulled them
11 out for you to look at?

12 A Uh-uh.

13 Q Which one thinks, or do both of them think they
14 went to school with him?

15 A The oldest one, Scott.

16 Q How old is Scott?

17 A I think he's 29. I think he's 29.

18 Q You think he's 29? Do you know what his date of
19 birth is?

20 A May 9th, but I don't know the year.

21 Q When did you first meet Chip?

22 A July 4, 1987.

23 Q How did you-all meet, party or --

24 A At the river on the Fourth of July.

25 Q Now, when you say at the river, was it the River

1 Festival?

2 A The fireworks.

3 Q And did you-all date, did you date one another
4 ever since then?

5 A Yes.

6 Q There was a period of time, about the time that
7 this all happened, that you and Chip broke up, I believe?

8 A Yes.

9 Q When did that occur?

10 A I think it was -- I think it was in January.

11 Q That would have been January of 1989?

12 A Yes.

13 Q Same year that Chip lost his life?

14 A Yes.

15 Q All right. Now did you-all stop seeing each other
16 totally, completely until this happened?

17 A No. No.

18 Q How often would you-all see each other?

19 A Maybe once a week.

20 Q Were you still dating, were you still as close as
21 previously?

22 A Yeah.

23 Q Were you seeing other people?

24 A No.

25 Q Do you know if he was seeing other people?

1 A Yes.

2 Q Do you know any particular girl that he was dating
3 at the time this happened?

4 A Patty.

5 Q And does she work at Alligator Plumbing?

6 A Yes.

7 Q Do you know her?

8 A I know her from Alligator Plumbing. I don't know
9 her.

10 Q You don't know her to go out with her or see her
11 or --

12 A No.

13 Q Do you-all ever talk about what happened?

14 A No.

15 Q Do you get along with her?

16 A No.

17 Q Would it be a fair statement to say you don't like
18 her?

19 A Yes.

20 Q Do you know how she feels about you?

21 A I think she don't like me. I can't say for sure.

22 Q Does this have to do with Chip?

23 A Yes.

24 Q Are there any other reasons other than Chip that
25 you-all don't get along.

1 A No.

2 Q Have you-all ever been in a fight, you and she?

3 A No.

4 Q Physical, punching, hitting?

5 A No.

6 Q Has she ever called you and threatened you or have
7 you ever called her and said stay away from Chip, anything
8 like that?

9 A No.

10 Q Why is it you think she doesn't like you?

11 A Cause of Chip.

12 Q What has she done that leads you to believe that?

13 A She just doesn't ever talk to me and she gives me
14 dirty looks.

15 Q Are you working right now?

16 A Yes.

17 Q Where do you work at?

18 A At the Courthouse.

19 Q Do you? What do you do at the Courthouse?

20 A I prepare film -- I prepare files to be
21 microfilmed.

22 Q So you work for the clerks office?

23 A Yeah.

24 Q Who is your supervisor over there?

25 A Debbie Puckett.

1 Q How long have you been working there?

2 A Five months.

3 Q Before that where did you work?

4 A I didn't work. I went to school.

5 Q Okay. Where did you go to school?

6 A BCC.

7 Q Do you hold a degree from BCC?

8 A No.

9 Q I don't mean this to embarrass you but do you have
10 any prior criminal history at all?

11 A No.

12 Q Ever been convicted of any crime?

13 A No.

14 Q Have you ever been adjudicated incompetent by any
15 Court?

16 A No.

17 Q All right. On April the 3rd of 1989 Chip came to
18 the house, is that right?

19 A Yes.

20 Q Did he come on his own or did you call him and ask
21 him to come over?

22 A He came on his own.

23 Q Had you talked with him earlier that day at all?

24 A No.

25 Q When was the last time that you saw him before

1 April the 3rd, that evening?

2 A Like, I think it was the Tuesday before that.

3 Q That would be virtually a week before?

4 A Yeah.

5 Q Okay. Correct me if I'm wrong. Do you recall
6 what day of the week the third was?

7 A It was a Sunday -- Monday. It was a Monday.

8 Q Okay. Where had you been April the 3rd earlier
9 that day, do you recall? What had you been doing?

10 A I went to school and I came home.

11 Q Do you remember what class you had?

12 A I had -- I'm trying to think what classes I had
13 then. I had Physical Science, and that night I had a
14 Principles of Banking class.

15 Q Okay. Do you recall who your professors are or
16 were?

17 A Mr. Mudrak, and I don't really remember the other
18 ones name. He works at Barnett, I mean, Sun Bank.

19 Q Okay. You live at home with your parents?

20 A Yes.

21 Q And do your brothers also live in the house?

22 A No.

23 Q So it's just you and your mom and your dad?

24 A Uh-huh.

25 Q You have your own room?

1 A Yes.

2 Q Your own telephone?

3 A Yes.

4 Q And do you own your own car?

5 A Yes. I do now.

6 Q Okay. What time did your class get out that
7 night?

8 A I went in at six and it was canceled, so I came
9 right back home.

10 Q And did you go anywhere from the time you got home
11 until Chip got there?

12 A I did go to my girlfriend's house across the
13 street for a little while.

14 Q How long were you there?

15 A I'd say about an hour.

16 Q Okay. Are you wearing a watch?

17 A Yes.

18 Q Okay. Back on April the 3rd were you wearing a
19 watch?

20 A No.

21 Q Did you own a watch then?

22 A I think so.

23 Q How do you know you weren't wearing it?

24 A No, I didn't have a watch because I had lost it at
25 the beach. Because I had lost it at the beach, I was not

1 wearing it -- I did not have a watch.

2 Q You went to your girlfriend's house?

3 A Uh-huh.

4 Q About what time did you go?

5 A I'd say about seven.

6 Q And how is it that you think you went there at
7 seven?

8 A Because I went to class at six, six-fifteen, went
9 in, sat down, it was canceled and then I left. It was -- I
10 had to wait till six-thirty, then they came in and told us
11 it was canceled, then I came back home.

12 Q Did you just go directly across the street or did
13 you watch any TV?

14 A I went inside and put my books away and then went
15 over there.

16 Q Was anyone else home at the time?

17 A My mom and dad.

18 Q Okay. And how long were you across the street?

19 A I'd say -- I'm not sure, really.

20 Q Did you-all watch any TV, listen to music?

21 A I don't really remember.

22 Q Okay. Who all was in your friend's house? What's
23 your friend's name?

24 A Brenda Harper. (phonetic)

25 Q Were her parents home?

1 A I don't think her dad was, but her mom was and
2 maybe her brother, I'm not sure.

3 Q And you're not sure how long you stayed there?

4 A Yes.

5 Q Okay. If you had to give us your best guess?

6 A About an hour.

7 Q About an hour?

8 A Yeah.

9 Q Okay. And then what did you do, come home?

10 A Yes.

11 Q And when you got home were both your parents still
12 home?

13 A Yes.

14 Q What did you do then?

15 A Watched TV.

16 Q Were there any particular programs you were
17 watching?

18 A I was watching the movie Pretty and Pink.

19 Q What time did it come on? Was it on when you got
20 back or did you --

21 A Nine. I guess I just watched something else
22 before, that but I remember watching Pretty and Pink that
23 night.

24 Q Do you remember watching it from the beginning?

25 A Yes.

1 Q Were your parents watching it with you?

2 A No. They were in the bedroom.

3 Q And what time did Chip actually arrive?

4 A Ten o'clock.

5 Q Okay. And why is it you think it was ten o'clock
6 that he got there?

7 A Because I looked at the clock.

8 Q Okay. So you know that your clock said ten
9 o'clock?

10 A Yes.

11 Q Exactly ten o'clock?

12 A Maybe a little bit after.

13 Q When you say maybe a little bit, are you saying
14 ten minutes or five minutes or --

15 A Between five and ten.

16 Q Okay. When Chip arrived was anyone with him?

17 A No.

18 Q Was he driving the blue four-wheel drive?

19 A Yes.

20 Q Okay. What was the name of the movie you were
21 watching?

22 A Pretty and Pink.

23 Q Does it have a famous actor or actress that you
24 like?

25 A Wait a minute. Pretty and Pink or Sixteen

1 Candles.

2 Q With Molly Ringwald?

3 A Yeah. She was in it.

4 Q You don't know whether it's Pretty and Pink or
5 Sixteen Candles?

6 A Yeah. It was one of them two.

7 Q And you're certain that it began somewhere around
8 nine p.m.?

9 A Yes.

10 Q Chip arrived somewhere around ten-oh-five or
11 ten-ten?

12 A Yes.

13 Q And you remember that because you looked at the
14 clock?

15 A Uh-huh.

16 Q All right. When he arrived did he watch TV with
17 you?

18 A Yes.

19 Q Did you-all have conversation while the movie was
20 going on?

21 A Yes.

22 Q Okay. Did he talk about anything in particular?

23 A He asked me what I had been doing.

24 Q And it had been a week since you had seen him?

25 A Uh-huh. Yes, sir.

1 Q Now, I know you and Patty didn't have the best
2 feelings for one another, but with Chip seeing Patty how
3 did you feel about that?

4 A I didn't like it but I couldn't do nothing about
5 it.

6 Q Did you tell him you didn't like it?

7 A No.

8 Q Did you ever tell him not to come around if he was
9 gonna see her?

10 A Yes.

11 Q But he kept coming around?

12 A Yes.

13 Q After you told him that did you ever invite him to
14 come by?

15 A No.

16 Q This night when he came, were you glad to see him
17 or were you upset?

18 A I was happy to see him.

19 Q Did you-all discuss him dating Patty at all when
20 he arrived?

21 A Yes.

22 Q And this was before you got in the truck?

23 A No.

24 Q So you would have discussed Patty, and him dating
25 Patty, after you-all left the house?

1 A Yes.

2 Q So you were just kind of having small talk at the
3 time while you were watching the movie?

4 A Yes.

5 Q Okay. How was he dressed?

6 A Shorts and a T-shirt.

7 Q Okay. Now the T-shirt, was it kind of a half
8 little --

9 A Tank top.

10 Q A tank top where your shoulders show?

11 A Yes.

12 Q Okay. Did he have any shoes on?

13 A Tennis shoes.

14 Q Do you remember what kind?

15 A No.

16 Q Okay. Was he wearing a hat?

17 A No.

18 Q Was he wearing anything else?

19 A No.

20 Q Any kind of jewelry?

21 A Necklace.

22 Q Okay. What kind of necklace, do you remember?

23 A Right here (indicating).

24 Q That's it?

25 A Yes.

1 Q Okay. Anything else? Any rings?

2 A No.

3 Q Did he have a watch on?

4 A I don't think so. I think it broke.

5 Q Does he have a clock in his truck or did he?

6 A I don't think so.

7 Q No? Had you been in that truck often?

8 A Yes.

9 Q More than, say, twenty times?

10 A Yes.

11 Q Okay. Do you wear glasses?

12 A No.

13 Q Any contact lenses?

14 A No.

15 Q When was the last time you had your eyes checked?

16 A In December.

17 Q And how were they?

18 A Fine.

19 Q Sharp as an eagle, I bet?

20 A Yeah. I got them checked for my drivers license.

21 Q Okay. At some point in time you decide or he

22 decides, the decision is made to leave the house and go

23 somewhere?

24 A Yes.

25 Q Whose idea is it to leave the house?

1 A Chip's.

2 Q Okay. What does he say?

3 A Asked me if I wanted to take a ride.

4 Q Okay. And did he say where?

5 A No.

6 Q Okay. What did you say?

7 A Sure.

8 Q About what time was it when he asked you that?

9 A About eleven.

10 Q Okay. Again, when you say about eleven, did you
11 look at the clock?

12 A Yes.

13 Q Okay. So was it exactly eleven o'clock as best
14 you recall or some time before.

15 A It was a little bit after.

16 Q Okay. And do you know how little after it was?

17 A About five minutes.

18 Q Okay. So he asked you about eleven-oh-five if you
19 want to go, and you say yeah. Is there any preparation
20 before you go, do you change clothes?

21 A No.

22 Q About what time, do you think, after he asked you
23 that do you-all actually start up the truck and drive away?

24 A About a couple minutes.

25 Q Okay. Two minutes? Did you stop and tell your

1 folks where you were going?

2 A No.

3 Q Didn't tell them where you were going at all?

4 A No.

5 Q Were they still in the house?

6 A Yes.

7 Q Did you drive or did he drive?

8 A He drove.

9 Q Had you ever driven that truck before?

10 A Yes.

11 Q How many times?

12 A Twice.

13 Q Okay. Did you have any problems driving it?

14 A No.

15 Q Do you drive -- does your dad own a four-wheel
16 drive?

17 A No.

18 Q Have you ever driven one before?

19 A Just his.

20 Q Okay. Could you have driven it many more times
21 than twice?

22 A I drove it more than twice now that I think about
23 it. I think about five or six times.

24 Q Okay. Four on the floor?

25 A Yeah.

1 Q Okay. And then it's got your little four-wheel
2 drive stick on there when you plug in the back wheels and
3 all?

4 A It had that but then after -- when this was
5 happening he had the locking hubs and you had to lock them
6 in, get out and do them.

7 Q Is it a regular size truck or one of the
8 smaller --

9 A It's a regular size, big truck.

10 Q Is it bucket seats or a bench seat?

11 A Bench seat.

12 Q Okay. Is there a hump on the floor?

13 A Yes.

14 Q Okay. How big is the hump? That's a tough
15 question and I don't know if you can really answer that,
16 but some of them have these big humps and you have got to
17 -- to get across you have got to lift your feet up and
18 everything, is it something you can slide pretty much
19 across without any problem?

20 A Yes.

21 Q How were you dressed that night when you-all left
22 the house?

23 A Shorts and a T shirt.

24 Q Okay. I would take it if he was wearing a tank
25 top and you were wearing shorts and a T shirt it must have

1 been a relatively warm, comfortable evening?

2 A Yes.

3 Q You don't recall it being rainy or cold?

4 A No.

5 Q Do you recall it being hot?

6 A No.

7 Q Okay. So about eleven to eleven-oh-five you-all
8 decided that you're gonna go for a ride and about two
9 minutes later you get in the truck, start it up and start
10 going, is that right?

11 A Yes.

12 Q Were you wearing shoes?

13 A No.

14 Q Okay. Now he didn't tell you where you were going
15 at all?

16 A No.

17 Q Is there some reason why you wouldn't have put
18 shoes on?

19 A I didn't think we were going anywhere to where I
20 had to get out.

21 Q So it wasn't like you were going any place in
22 particular, he just wanted you to go for a ride?

23 A Yes.

24 Q Okay. All right. Now you leave the house, and
25 you evidently went to -- well, tell me, where did you go

1 next?

2 A To the Jiffy on Singleton and Dairy.

3 Q Okay. Now I think you live over off of -- you
4 live off of Singleton, don't you, on Pollyanna?

5 A Yes.

6 Q So if you came down Pollyanna until you hit
7 Singleton you would hang a right?

8 A Yeah.

9 Q Head on back around Dairy Road and it's right
10 there at the corner, isn't it?

11 A Yes. At the light.

12 Q How long do you think it took you to get from your
13 place to the Jiffy?

14 A A minute, two minutes.

15 Q How was he driving, was he --

16 A Normal speed.

17 Q Okay. No problem, he wasn't cutting the fool,
18 speeding up or anything like that?

19 A No.

20 Q Like I drive? All right. So, one to two minutes?

21 A Yes.

22 Q What were you-all talking about during that period
23 of time, do you remember?

24 A Not quite sure.

25 Q Did Patty come up at that time?

1 A I don't think so.

2 Q You get to the Jiffy on Singleton?

3 A Uh-huh.

4 Q Then what happens? He pulls in and stops?

5 A Uh-huh.

6 Q Does he get any gas? Can you get gas there?

7 A Yeah, but he didn't get any gas.

8 Q He parks the truck there?

9 A Yes.

10 Q Does he turn it off?

11 A Yes.

12 Q Now, what happened then?

13 A I went in and got him a Mountain Dew and I went to

14 the bathroom.

15 Q Okay. How long did that take?

16 A Four or five minutes.

17 Q Okay. And were there a lot of people there that

18 night?

19 A No.

20 Q Did you have to stand in line when you bought your

21 Mountain Dew?

22 A No.

23 Q Did you know the cashier?

24 A No.

25 Q Was it a man or a woman?

1 A I think it was a -- I'm not sure.

2 Q Were they black or white?

3 A I think they were white.

4 Q Okay. You think they were white or do you know?

5 A They were white.

6 Q Okay. You don't recall whether it was a man or a
7 woman?

8 A No.

9 Q Okay. Were they wearing a special Jiffy Mart
10 shirt?

11 A They had the little uniform vest thing that they
12 had to wear.

13 Q Okay. Had you ever seen that person before?

14 A I'm not sure.

15 Q Okay.

16 A I don't know.

17 Q Just not sure whether you've seen them before?

18 A Yeah.

19 Q Had you been in that store before?

20 A Yeah.

21 Q You just don't know whether they had worked there
22 before or not?

23 A I don't know if it was a man or a woman so I'm not
24 sure --

25 Q Okay.

1 A -- if I know them.

2 Q So, four to five minutes that you were actually
3 there at the store? Why do you say four to five minutes,
4 could it have been longer?

5 A I'm not sure.

6 Q Okay. Did you have occasion to look at any clock
7 in the store when you were there?

8 A No.

9 Q Did you have to be back home at a certain time?

10 A No.

11 Q Is there any certain time that if you hadn't told
12 your parents where you were going and if you didn't come
13 back they would start worrying about you?

14 A Yeah.

15 Q What time would that be, do you think?

16 A I'd say around two.

17 Q Okay. So any later than two and you figure
18 they're gonna be worried?

19 A Yeah.

20 Q Okay. So you get back in the truck?

21 A Yes.

22 Q Does Chip see anybody he knows at the store or
23 anything?

24 A No.

25 Q No conversation with anybody except the clerk when

1 you buy your Mountain Dew?

2 A Yes.

3 Q Did you buy any drink?

4 A Just a Mountain Dew.

5 Q You got one also?

6 A No. I just bought one for him.

7 Q But you didn't get anything for yourself?

8 A No.

9 Q Any food or anything like that?

10 A No.

11 Q Then you get in the truck and drive off?

12 A Right.

13 Q Did you sit there for a minute and talk or did he
14 drive immediately away?

15 A He started up the truck and then drove away.

16 Q And did you then go out -- how did you get to
17 Holder Park?

18 A Down Singleton to Westwood; down Westwood around
19 the corner to Holder Road; then -- or is that Parrish?
20 That's Parrish Road.

21 Q Singleton to Westwood to?

22 A Yes. Then to Holder Road.

23 Q And when you say Holder Road, that is the hard
24 road that comes into the neighborhood?

25 A Yeah. That goes into the neighborhood and turns

1 around into the baseball field.

2 Q So you didn't come in the back way down the dirt
3 road through the black neighborhood?

4 A I don't understand which --

5 Q Okay. Do you know how many different ways you can
6 get into Holder Park?

7 A I think there's two.

8 Q Okay.

9 A Okay.

10 Q Just show me?

11 A This is Parrish, this is Holder. It goes in and
12 goes around, kind of like this, and then it goes back out
13 to around this and we came in this side (indicating).

14 Q Where are the ball fields located?

15 A Right here (indicating). I think there's three.

16 Q Okay. So, you didn't come back in this way and
17 down (indicating), you came in basically the back way?
18 This is the large baseball field (indicating)?

19 A Yes. That's further, I guess.

20 Q This is where you-all were parked, right
21 here (indicating)?

22 A Yes.

23 Q All right. Did you-all decide you were gonna go
24 park there before you arrived, or did you just arrive there
25 and --

1 A We just arrived there.

2 Q Okay. Did you at any time ask him where he was
3 going until you got there?

4 A No.

5 Q When you got there did you say anything like what
6 are we doing here?

7 A Uh-huh.

8 Q What did he say?

9 A He didn't really say anything.

10 Q How long did it take you to get there from the
11 Minute Market, Jiffy Mart?

12 A Three to four minutes.

13 Q Three to four minutes?

14 A I'm not sure. Maybe a little longer.

15 Q Maybe up to five minutes or so?

16 A Maybe.

17 Q But, in any event, somewhere between three to five
18 minutes, best guess?

19 A Yeah.

20 Q Okay. What time do you think you actually arrived
21 at Holder Park?

22 A Eleven-fifteen, maybe eleven-twenty.

23 Q Okay.

24 A I'm not real sure.

25 Q Well, you knew that you left your house somewhere

1 around eleven --

2 A Yes.

3 Q -- to eleven-oh-five you said?

4 A Yeah.

5 Q Okay. So, we're at Holder Park eleven-fifteen or
6 eleven-twenty, as best you --

7 A Yes.

8 Q Okay. Now it's real important because I hear you
9 saying yes, but I see you looking around like, I have know
10 idea.

11 A I'm just trying to figure it.

12 Q Okay. The times that you have given us so far,
13 in your opinion, are the best you can recall, is that
14 correct?

15 A Yes.

16 Q Okay.

17 MR. PARKER: Can I have those two photographs of
18 that dune area, would you mind?

19 MR. WHITE: No, I don't mind.

20 Q (By Mr. Parker) I'm gonna show you a couple of
21 photographs of that area, do you mind if I do that?

22 A No.

23 Q Okay.

24 MR. WHITE: Are those the ones or do you want the
25 ones further back?

1 MR. PARKER: No, this is perfect.

2 Q (By Mr. Parker) All right. Kim, these are two
3 photographs, obviously, and as you look at them do you
4 recognize the scene that's depicted in those two
5 photographs?

6 A Yes.

7 Q Is that the Holder Park area where you and Chip
8 parked that night?

9 A Yes.

10 Q When you arrived, is it a fair statement to say
11 you arrived from over on this end, came around this
12 way (indicating)?

13 A Yes.

14 Q Okay. Now when you got there where did Chip pull
15 in at, what did Chip do?

16 A He pulled into right here (indicating).

17 Q All right. Now did he pull right in through here
18 or did he --

19 A He came around here (indicating).

20 Q Okay. So he first drove down through here and
21 then came up and then back around?

22 A Uh-huh.

23 Q Do you know why he did that?

24 A Because right here it's like -- it's like kind of
25 a big slope and he just went around this way.

1 Q Okay. Didn't want to get stuck or anything like
2 that?

3 A Yeah.

4 Q And then he came on back around in here
5 (indicating)? Now, did he park right here where you could
6 see him or did he pull in between that clump of trees
7 (indicating)?

8 A In between there (indicating).

9 Q All right. Now he's got mid-size, regular-size
10 truck, right?

11 A Uh-huh.

12 Q And when you pulled in there did you here any
13 limbs or anything like that scratching on the truck?

14 A No, sir.

15 Q You don't recall a limb hitting it or anything
16 like that, like when you are driving through brush?

17 A No.

18 Q Okay. Do you remember the lights on over at the
19 park?

20 A Not really.

21 Q Okay. Is it just you don't know whether the
22 lights were on or not, or you don't think they were on?

23 A I think that the one light by the concession stand
24 was on.

25 Q Okay. Now, when you say the one light, are you

1 talking about this large light?

2 A No. It's one -- it's like a spot light on the
3 side of a house or something.

4 Q Okay. Is that a light that stays on all the time
5 as best you know?

6 A No, I wouldn't know.

7 Q Okay. Were there any people out there when you
8 pulled up? Did you see any other milling about?

9 A No.

10 Q Had you been out there before when they played
11 baseball games and stuff like that?

12 A Yes.

13 Q So you knew that it was a place where people
14 played baseball games, things of that nature?

15 A Yes.

16 Q Was there some reason -- did you have an idea
17 about what time routinely the baseball games stopped?

18 A Well, I wasn't out there -- I had been to baseball
19 games a long time ago.

20 Q Yes, ma'am.

21 A But not recently.

22 Q Okay.

23 A My dad used to coach there.

24 Q Okay. What time routinely a long time ago would
25 they stop playing and turn the lights out?

1 A I'm not sure. I was little.

2 Q Okay. When is the last time that your father
3 coached out there? You were still little?

4 A Yeah. I was little. I'm not sure.

5 Q Okay. Did you ever date anybody that played on
6 one of the baseball teams or anything?

7 A No.

8 Q Did Chip play ball?

9 A No.

10 Q Okay. Now, when you pulled in -- when he pulled
11 in right here, I presume you were facing -- the truck was
12 facing out toward the ball field?

13 A Yes.

14 Q Okay. Pictured in the photograph appears to be a
15 fence.

16 A Uh-huh.

17 Q Was there a fence that you recall going around
18 that field?

19 A Yes.

20 Q Was it there at the time that you went out there
21 that night?

22 A Yes.

23 Q Okay. Now do you remember that because you know
24 there is a fence out there or because you actually remember
25 that fence?

1 A I remember seeing the fence.

2 Q Okay. Now, prior to you seeing this black guy,
3 did you ever get out of that truck?

4 A No.

5 Q Never got out of it, not once?

6 A No.

7 Q Did you open your door or open your window?

8 A No.

9 Q Okay. And you don't remember any other people out
10 there at the field when you pulled up?

11 A No.

12 Q Okay. When you stopped the truck -- when he
13 stopped the truck --

14 A Uh-huh.

15 Q -- turned the truck off, what time do you think it
16 was?

17 A About a couple minutes after we got there.

18 Q Okay. Did you leave the truck running after he
19 stopped it for a period of time or did he pretty much just
20 drive in there and cut it off?

21 A I think he turned it off.

22 Q Okay. So, are we still talking somewhere around
23 eleven-fifteen, eleven-twenty when the truck actually was
24 cut off?

25 A Maybe a little bit later.

1 Q Maybe a little later?

2 A Not much.

3 Q So, maybe up to eleven -- you help me, you tell
4 me?

5 A Eleven-twenty-five.

6 Q Okay. Now, I asked you earlier if he had a clock
7 in the truck?

8 A Uh-huh.

9 Q And I believe you said, no, he didn't?

10 A No.

11 Q Now you're telling me at eleven-twenty-five, about
12 eleven-twenty-five is when he actually turned the truck
13 off?

14 A He had a watch in his truck.

15 Q Okay.

16 A It was in his ashtray.

17 Q Okay. Do you remember the watch in the ashtray?

18 A Yes.

19 Q What kind, is it a big watch?

20 A I bought him it. It was a gold man's watch.

21 Q Okay. Did it have fluorescent -- could you read
22 it at night without any --

23 A It had a light on it.

24 Q It had a light? Do you remember ever picking that
25 watch up and reading the watch prior to seeing this black

1 guy?

2 A Uh-uh.

3 Q Okay. Do you recall specifically ever looking at
4 that watch while you were in the truck that night?

5 A I didn't, but I think Chip did.

6 Q Okay. Why do you think he did?

7 A I can see him picking it up and looking at it in
8 the truck.

9 Q Did you ever ask him what time it was?

10 A No.

11 Q Did he ever just tell you what time it was?

12 A No.

13 Q Are you -- when you say eleven-twenty-five that
14 the engine actually cut off in the truck, are you saying
15 that because you think you may have looked at that watch
16 and that's what time it was?

17 A I'm just guessing from the time -- I'm estimating
18 from the time we left the house to when we got there.

19 Q Okay. Is the radio on?

20 A Yes.

21 Q Okay. Are you running the air-conditioner?

22 A No.

23 Q Okay. But the radio is on. Does he have a -- now
24 you're frowning now --

25 A Let me think about it. Yeah, the radio was on.

1 Q The radio was on?

2 A Yes, it was.

3 Q Okay. Any particular music you heard on it?

4 A I remember the last song that we heard.

5 Q What was that?

6 A She's Got The Look.

7 Q Okay. Did you hear the radio announcer ever say
8 what time it was?

9 A No.

10 Q Not that you recall?

11 A No.

12 Q Okay. Were there any -- were the dash lights on?

13 A Just the -- I think just the radio lights.

14 Q Is it a radio that works when the key is cut all
15 the way off, or do you have to turn it so that --

16 A I think you turn it back, I'm not sure.

17 Q Okay. And were there lights on the radio?

18 A Yeah.

19 Q How about the interior light, was it on?

20 A I'm not sure.

21 Q Does he have an interior light?

22 A Yes.

23 Q As I understand it's an interior light that's on
24 the floor?

25 A Yes.

1 Q Okay. Like in the side -- is it on the driver's
2 side only or does it have one over on the passenger side?

3 A I think just on the passenger side.

4 Q Is there any other light in the cab of that truck?

5 A No.

6 Q Are there any lights on the exterior of the cab?

7 A No.

8 Q So, other than what ever light may have been
9 coming from the radio there were no other lights on in the
10 cab at that time?

11 A Right.

12 Q Okay. Now, it's about eleven-twenty-five, based
13 on your best estimate and what are you and Chip talking
14 about right now?

15 A Just about Patty and about us.

16 Q Who brought up Patty?

17 A Me.

18 Q Did you feel like you were in love with Chip?

19 A Yes.

20 Q Okay. Had you-all ever talked about getting
21 married or engaged or anything?

22 A No.

23 Q Okay. Now you shake your head no --

24 A I'm not ready.

25 Q Okay. So when you say you were in love with Chip

1 were you contemplating -- did you have any design about
2 marriage or anything like that?

3 A No. Not anytime soon.

4 Q Okay. But the thought crossed your mind at some
5 point in time?

6 A He would have been a nice person to marry.

7 Q Okay. What did he tell you about Patty?

8 A Nothing.

9 Q Okay. Did that make you mad?

10 A No.

11 Q Did you-all have an argument?

12 A No.

13 Q Okay. So it was a calm discussion about Patty and
14 what were you talking about?

15 A I just asked him why he was going out with her.

16 Q What did he say?

17 A He didn't -- he just didn't say anything. He
18 didn't want to talk about it, so I left it at that.

19 Q Okay. You didn't talk with him anymore about it?

20 A No.

21 Q Neither one of you got mad?

22 A No.

23 Q Did you start to cry?

24 A No.

25 Q Okay. How long did you-all talk about Patty

1 before you just dropped it?

2 A I'm not sure.

3 Q Briefly, very short period of time, or did you
4 basically talk about her until this black guy came up?

5 A No. We just -- briefly.

6 Q Okay. Then what did you talk about?

7 A Me and him, what we had been doing.

8 Q Basically your own individual lives and how's
9 things going?

10 A Uh-huh. Yes.

11 Q Okay. Did he at some time, prior to the black guy
12 coming up, take his shirt off?

13 A Yes. Yes.

14 Q Okay. When did he do that?

15 A When we were talking.

16 Q Okay. Was his window rolled down?

17 A Yes.

18 Q How about your window?

19 A No.

20 Q Okay. Was it hot?

21 A It wasn't hot. It was nice.

22 Q Okay. It was warm enough he could take his shirt
23 off and still be comfortable?

24 A Yes.

25 Q I mean, I know you don't know what he was feeling,

1 but --

2 A I guess, yeah.

3 Q Okay. What did he do with the shirt, do you
4 remember?

5 A I think he threw it on the seat beside him.

6 Q Okay. Is this one of those trucks, does it have a
7 back seat, kind of extended cab, or just a regular cab of a
8 truck?

9 A Just a regular cab.

10 Q Has it got windows that slide open on the back of
11 it?

12 A Yes.

13 Q Were those windows open or closed?

14 A Closed.

15 Q Okay. At some point in time did he take his shoes
16 off?

17 A Yes.

18 Q When did he take his shoes off?

19 A I think after the black guy had already went by.

20 Q After the black guy had gone by?

21 A Yeah.

22 Q How long was it after you got there, turned the
23 truck off at -- your best estimate being eleven-twenty-
24 five -- was it before you saw the Deputy Sheriff out there?

25 A Ten minutes.

1 Q Okay. So, again your best -- did you look at the
2 watch or is that just what you think?

3 A Just what I think.

4 Q So, it would have been somewhere around
5 eleven-thirty-five, if we add ten minutes to
6 eleven-twenty-five, sound about right? Was it longer or
7 less?

8 A I'm not sure, might have been a little bit less.

9 Q Little bit less. Somewhere between
10 eleven-twenty-five and eleven-thirty-five, sound fair?

11 A Yes.

12 Q Now, who first saw this Deputy driving around out
13 there?

14 A I think we both did.

15 Q Okay. How did you see him?

16 A Spotlight.

17 Q Okay. Did the light come in and flash through the
18 cab of the truck?

19 A I don't think so.

20 Q Could you hear the engine?

21 A Uh-uh.

22 Q Okay. So you didn't hear the engine, you just saw
23 this light?

24 A Because he was coming in this way, and we were
25 facing this way (indicating).

1 Q So he came in from the front of the park?

2 A Yeah. He was coming the opposite way that we did.

3 Q Did you know it was a police officer? Could you
4 see him flashing the light as he came down?

5 A Yeah. He was looking through the fields and
6 stuff.

7 Q Okay. And did that officer -- did you watch him?
8 Did the officer come around behind you?

9 A Yes.

10 Q Okay. Did it stop?

11 A No.

12 Q No? Did it flash the light on the truck at all?

13 A I'm not sure.

14 Q Okay. Well, were you watching the police officer?

15 A Yes.

16 Q And you don't recall whether or not he flashed the
17 light in the trees there or anything?

18 A Yeah. I think he missed the truck.

19 Q Okay. How long did it take the officer from the
20 time you first saw him until the time he was out of sight?

21 A I'm not sure.

22 Q Okay. Was he driving real slow?

23 A I'd say around twenty five miles an hour he was
24 going. He wasn't driving fast.

25 Q Okay. Did you ever lose sight of him when he went

1 on the other side of the trees between you and the officer?

2 A Like right here, you mean? (indicating)

3 Q Yes, ma'am.

4 A Yeah, I think. I'm not sure.

5 Q Okay. Would it -- and I know it's difficult, but
6 could you even give us a guess as to how many minutes or
7 seconds that it took the officer from the time you first
8 saw him out there until he came back around behind you?

9 A I'm not sure.

10 Q Okay. But you're pretty sure that you first saw
11 the officer around between eleven-twenty-five and
12 eleven-thirty-five?

13 A Around in there.

14 Q Okay. After the officer drove by -- or you tell
15 me, when did you first see this black guy in relation to
16 when you saw the officer?

17 A A minute or two after he went -- he had gone out
18 of sight.

19 Q After he disappeared?

20 A Yeah.

21 Q Okay. Who first saw this guy, the black guy?

22 A Me.

23 Q Tell me how it was you first saw him?

24 A I was looking forward and I looked over and he was
25 walking up beside the driver's side of the door.

1 Q Okay. So when you first saw this person, did you
2 know it was a black man or a white man?

3 A Yes.

4 Q How did you know that?

5 A Because I could see him.

6 Q Okay. Were there any lights on out there?

7 A I don't know. I'm not sure.

8 Q When was it you first -- are you telling us that
9 you first knew this was a black man the first time that you
10 saw him, laid eyes on the form?

11 A When he got up into like in front of the truck.

12 Q Okay.

13 A Right by the truck.

14 Q So, from the time you first saw him until the time
15 he got right up there in front of the truck how long was
16 that?

17 A Couple seconds.

18 Q Few seconds?

19 A Yeah.

20 Q When you first saw him was he down in
21 here? (indicating)

22 A No. He was just like -- he was closer to the
23 truck. He was up closer to the truck.

24 Q When you first saw him could he touch the truck?

25 A Yes.

1 Q So he was right there on the front of it?

2 A Yes.

3 Q He was on the driver's side?

4 A Yes.

5 Q And just in a brief moment of time he got up to
6 the driver's side door?

7 A Yes.

8 Q Is that when you recognized him to be a black man?

9 A Yes.

10 Q Okay.

11 A It was before he got to the driver's door because
12 I told Chip, there's a black man coming.

13 Q Okay. Now at that point in time did he walk on by
14 the truck?

15 A Yes.

16 Q Okay. Did you-all have any conversation with him
17 at that time?

18 A He walked by and told us to watch out because
19 there was a sheriff going by.

20 Q Now, are you sure that he said something when he
21 walked by the truck that time?

22 A Yes.

23 Q Okay. The reason I'm asking is because when you
24 made the 911 call you told them that he didn't say
25 anything, do you remember that?

1 A No.

2 Q Okay. You're certain that he said something to
3 you when he walked by the truck?

4 A Yes, he did.

5 Q How would you describe his voice?

6 A Like a deep voice.

7 Q When you say deep --

8 A Well, not deep-deep. Just regular tone of male
9 voice.

10 Q Okay. So just an average male voice?

11 A Yeah.

12 Q Was it deeper than my voice?

13 A Not sure.

14 Q Okay. So you're just not sure what kind of voice
15 he had whether it was deep or baritone or -- have you ever
16 taken any singing classes or --

17 A No.

18 Q -- chorus or anything?

19 A Long time ago.

20 Q Long time ago? Do you know the difference between
21 soprano and tenor and baritone, all that?

22 A (Witness nods affirmative).

23 Q You remember the guys that sang baritone?

24 A That was the deep-deep voices.

25 Q Okay. How about in relation to that voice? Did

1 he have a real deep voice like that?

2 A I don't think that deep.

3 Q Okay. Was it close?

4 A I'm not sure.

5 Q Okay. At that time when you first saw him did you
6 notice anything unusual about him at all, anything stand
7 out in your mind?

8 A No.

9 Q Okay. At that time all you knew was he was a
10 black man?

11 A Yes.

12 Q Even when he walked by the truck did you know what
13 kind of clothes he had on?

14 A Yes.

15 Q Okay. You saw his clothes?

16 A I saw what he had on up here, not down here
17 (indicating).

18 Q Okay. What did he have on up top?

19 A Green jacket.

20 Q Okay. Was it a green jacket, dark green jacket?

21 A Kind of a -- not a bright green jacket, like an
22 army color green.

23 Q Okay. Now when you say army color green -- for
24 some reason I doubt you've ever been in the army, is that
25 right?

1 A No.

2 Q Does your dad or your brothers have any army
3 clothing?

4 A No.

5 Q Did Chip ever wear army clothing, surplus army
6 clothing?

7 A He had an army jacket.

8 Q Okay. How did you know it was an army jacket?

9 A I think that's what he called it.

10 Q Okay. Did you ever hear anybody call something
11 like that a fatigue jacket?

12 A No.

13 Q Was there anything that you saw when this fellow
14 walked by the truck that -- did you see "army" written on
15 the jacket?

16 A Didn't really pay much attention.

17 Q Okay. Were there any bright patches or any
18 patches on the sleeves that you saw?

19 A Don't know.

20 Q Okay. If there had been a patch would you -- do
21 you think you would have known that?

22 A Not sure.

23 Q Okay. When you talked with the police back on the
24 fourth, that early morning, you told them -- I believe you
25 told them it was just a blur and you didn't really get a

1 good look at him?

2 A Right.

3 Q Would that be a fair statement?

4 A Yes.

5 Q When he walked by you at that time did you notice
6 anything unusual about the smell?

7 A No.

8 Q Okay. Have you ever been around people that drink
9 alcoholic beverages?

10 A Yes.

11 Q And do you notice that people that drink alcoholic
12 beverages or drink too much, do they sometimes act a little
13 different than they normally do?

14 A Yes.

15 Q Would you say their speech might be a little
16 different or their movements?

17 A Yes.

18 Q Did this person make any of those movements at
19 this time when you were watching him? Did he make any
20 movements or take any action that led you to believe he had
21 been drinking alcohol?

22 A No.

23 Q Did you smell anything that led you to believe he
24 had been drinking alcohol?

25 A No.

1 Q Was this person smoking a cigarette?

2 A No.

3 Q Did you see any light?

4 A No.

5 Q Okay. When he walked by, can you describe -- did
6 he make any noises to you?

7 A Just except for saying, watch out there's a
8 sheriff going by.

9 Q Did he trip or stumble or fall or anything?

10 A No.

11 Q Did he touch the truck?

12 A I don't know.

13 Q Okay. Did you ever tell the police that when he
14 came by the truck he'd have to touch the truck because it
15 was real close to come by there?

16 A I'm not sure. He was close enough to touch it.

17 Q You just don't know whether or not he actually
18 touched it or not?

19 A I don't know.

20 Q Now, did Chip roll his window up as this guy
21 walked by?

22 A He was rolling it up as he walked by.

23 Q Okay. And did the fellow make any -- well, what
24 happened then as he walks by, he says watch out?

25 A Because there's a sheriff going by.

1 Q Then what happened? Do you-all talk to him?

2 A No.

3 Q Okay. You didn't say anything?

4 A No.

5 Q Okay. Were you smoking a cigarette of any kind?

6 A No.

7 Q Okay. How about Chip, was he smoking?

8 A Uh-huh. Pot.

9 Q Okay. Chip had some marijuana with him?

10 A Yes.

11 Q And you weren't smoking any of it?

12 A Yes.

13 Q Okay. Had you had anything -- any marijuana to
14 smoke before you got to the --

15 A No, I meant yes, I did smoke some.

16 Q Okay. What I mean is, did you smoke any marijuana
17 while you were driving up to the park?

18 A No.

19 Q When is the first time you smoked marijuana that
20 day?

21 A That -- when we were sitting there.

22 Q How about when you got back from class, did you
23 smoke any marijuana with your friend across the street?

24 A No.

25 Q Is this the first time you've ever smoked

1 marijuana?

2 A No.

3 Q Okay. So you had smoked on previous occasions?

4 A Yes.

5 Q Okay. How much did you smoke? Did you roll one
6 joint, two?

7 A Not even -- just a little bit of one.

8 Q Okay. And how much did you have off that?

9 A Two, three hits and that's it.

10 Q Okay. Catch any kind of buzz with it?

11 A A little one. Not really.

12 Q Had you had any alcohol the drink that day?

13 A No.

14 Q Had you taken any other drugs whether
15 non-prescribed or prescription drugs?

16 A No.

17 Q Nothing at all, no Valium, nothing?

18 A No.

19 Q And had you smoked the marijuana prior to first
20 seeing this guy?

21 A I think it was before.

22 Q Pardon me?

23 A I think it was while he was walking by.

24 Q Okay. That you-all are smoking the marijuana?

25 A Yes.

1 Q Marijuana makes a distinct odor, aroma?

2 A Yes.

3 Q Okay. So when the fellow walked by, he didn't say
4 anything like can I have some or --

5 A No.

6 Q There was no discussion about the marijuana at
7 all?

8 A No.

9 Q Okay. He walks on by, and what happens then? Do
10 you watch him?

11 A I didn't, Chip did. I said -- I just told him
12 let's get out of here.

13 Q Okay. Did it scare you when you saw this guy?

14 A Yes.

15 Q Okay. But you didn't watch to see where he went?

16 A Chip was, so --

17 Q Okay. You told Chip you wanted to get out of
18 there?

19 A Yes.

20 Q What did Chip say?

21 A He didn't say anything. He kept watching him,
22 then he turned around and said it was all right and I
23 believed him because he wouldn't lie to me.

24 Q All right. So he says it's all right, then what
25 happens, you-all continue smoking the joint?

1 A No.

2 Q What happens to the joint?

3 A He put it out.

4 Q In the ashtray, or did he throw it out?

5 A I'm not sure.

6 Q Okay. Then what happened?

7 A Then we talk again.

8 Q What did you talk about this time? Talking about
9 Patty again?

10 A No.

11 Q Okay. Did you ever say again, let's get out of
12 here?

13 A No, because I trusted his judgment.

14 Q Okay. So after this guy walks by, at some point
15 in time Chip got out of the truck?

16 A Yes.

17 Q Okay. And you never got out of the truck?

18 A No.

19 Q This whole time?

20 A No.

21 Q And tell me what happens then. Chip gets out of
22 the truck?

23 A And I was like -- I looked over at him and he's
24 going, wait a minute, hold on, calm down.

25 Q All right. Now from the time that the black guy

1 walks up to the truck --

2 A Uh-huh.

3 Q -- and if we go back and make sure our times are
4 consistent, you first saw the Deputy around
5 eleven-twenty-five to eleven-thirty-five?

6 A Yes.

7 Q About two minutes after the Deputy went out of
8 sight is when you first saw the black guy?

9 A Yes.

10 Q All right. How long was it before Chip stepped
11 out of the truck? I believe you told the police he had to
12 use the rest room?

13 A Yes.

14 Q Okay.

15 A About fifteen minutes.

16 Q Okay. Now, again, did you look at the watch or
17 are you still estimating?

18 A I'm just estimating from what I think.

19 Q Okay. Now, just thinking right now what time
20 would you have thought it would be at that time? Did you
21 have any estimation what time you thought it was?

22 A I wasn't really thinking about it.

23 Q If we add up our times, say from anywhere from
24 eleven-twenty-five to eleven-thirty-five, add a couple of
25 minutes and then add fifteen minutes on to that, which is

1 about the time after the black male left that Chip got out
2 of the truck; we're looking at somewhere around
3 eleven-fifty, ten minutes, fifteen minutes until twelve?

4 A Somewhere around there. I'm not sure.

5 Q Okay. Does that sound right?

6 A Sounds right, yes.

7 Q Do you have any reason to think that it wouldn't
8 be about that time?

9 A Could have been later?

10 Q Could have been a little later?

11 A Yeah.

12 Q Could have been somewhere, anywhere from
13 eleven-fifty to midnight?

14 A Yes, maybe, I'm not real sure.

15 Q Okay. Well, as long as we're talking about the
16 time, could it have been -- at that time could it have been
17 two a.m. in the morning?

18 A No. It wasn't that late.

19 Q Why do you say that?

20 A Because when I got -- I was at the sheriff's
21 department at one-thirty, I know that.

22 Q Okay. Could it have been an hour earlier than you
23 thought?

24 A No. Because we left at eleven, I remember looking
25 at the clock then.

1 Q Okay. So from the time you left until
2 about now when he's getting ready to go to the bath room
3 you figure around an hour?

4 A Yeah.

5 Q Maybe a little less, maybe a little more?

6 A Yeah.

7 Q Okay. Now is the light still on over across the
8 field?

9 A I'm not sure

10 Q He gets out to go to the bath room and you hear
11 him say wait a minute, hold on, calm down. Do you actually
12 hear him say calm down or are you --

13 A Wait a minute, he said calm down, hold on, wait a
14 minute man, put it -- put the gun down or put it down or
15 something like that.

16 Q Okay. Now, where was -- when you first heard
17 these voices was it Chip that was saying it?

18 A Yes.

19 Q Okay. When you first heard that where were they
20 standing, do you remember?

21 A Chip was like right by the door, inside -- the
22 door was open.

23 Q If this is the truck, and this is the front of the
24 truck, the ball field is out here (indicating), he steps
25 out of the truck to go to the bath room, where was he at

1 when he -- did he ever lose your sight?

2 A Chip?

3 Q When he got out of the truck?

4 A No. He was like right here.

5 Q Okay. So you could see him?

6 A Yeah. I could see him.

7 Q Okay. And you could hear him saying these words,
8 did you see who he was talking to?

9 A No. I wasn't for sure who he was talking to.

10 Q Okay. Did the light come on in the cab?

11 A I'm pretty sure it did.

12 Q Okay. What happens then? Is his back to you?

13 A Uh-uh. His side was to me.

14 Q So he's facing toward the rear of the truck?

15 A Yes.

16 Q Okay. That would put his left arm facing toward
17 you?

18 A Yes.

19 Q Is he doing anything with his hands?

20 A Going like this (indicating).

21 Q Okay. Is anybody else saying anything?

22 A No.

23 Q You don't hear anybody else talking?

24 A Not at that point, no.

25 Q Do you hear anything else other than Chip?

1 A No.

2 Q Okay. But you do hear him say, put the gun down?

3 A Put it down. I'm not sure if he said put the gun
4 down, but I'm sure he said something to that effect, put it
5 down.

6 Q What did you think he meant when he said that?

7 A I had no idea.

8 Q Did it cross your mind that this person that he
9 was talking to was a person who had a gun or some weapon?

10 A A weapon.

11 Q Now, what did you do then when you heard that?

12 A I opened his glove box and got his gun out.

13 Q Now, you knew -- obviously you knew he kept his
14 gun in the glove box?

15 A Yes.

16 Q When you and Chip dated previously --

17 A Uh-huh.

18 Q -- did you and he ever discuss the fact that
19 something like this may happen?

20 A Yes.

21 Q Okay. Tell me how it would come up that you-all
22 would discuss somebody walking up on you?

23 A Because we also used to go four-wheeling in the
24 woods.

25 Q Okay. Who first -- how long had Chip owned the

1 gun?

2 A I'm not sure.

3 Q Had you ever fired the gun?

4 A I'm not sure. I think I did fire that one. I'm
5 not sure.

6 Q Okay. Does your dad own any handguns?

7 A I don't think so.

8 Q Your brothers?

9 A No.

10 Q Had you ever fired a handgun in your life?

11 A No.

12 Q Okay. Well, you sort of said, I think I fired
13 that one --

14 A I'm not sure if it was that one that he had.

15 Q Okay.

16 A That's the only one I've ever known him to have is
17 a handgun.

18 Q But you've never fired any other handguns before?

19 A No.

20 Q How about shotguns? Have you ever gone hunting
21 with your dad, your brothers?

22 A I shot shotguns with Chip.

23 Q Okay. Did you know what kind of handgun Chip had,
24 what they call that handgun?

25 A No.

1 Q Do you know the difference between a revolver and
2 a semiautomatic?

3 A No.

4 Q Okay. Did you ever tell the police that this guy
5 had a semiautomatic handgun?

6 A I described it and that's what they told me it
7 was.

8 Q That's what they told you?

9 A Uh-huh.

10 Q How did you describe the gun? Describe it now
11 what you saw, his gun, the other guy's gun?

12 A Black.

13 Q Can you draw it?

14 A (Witness complies).

15 Q Okay.

16 A I guess like that (indicating).

17 Q Was it different in appearance from Chip's gun? I
18 don't mean just color but overall appearance?

19 A I'm not sure.

20 Q Okay. Do you know what kind of handgun Chip had?

21 A It had the round thing in it.

22 Q The cylinder?

23 A Yeah.

24 Q Did you see a cylinder on the gun that this black
25 fellow had?

1 A I don't think so.

2 Q Okay. You don't think that it had one or you
3 don't think you remember seeing a cylinder?

4 A I don't think I remember seeing one.

5 Q Okay. Now thinking back, do you -- if it had a
6 cylinder do you think it's something you would remember?

7 A I'm not sure.

8 Q Okay. When is the first time that you saw this
9 gun that the other fellow had?

10 A When he walked up. He came up to -- he was like
11 -- I guess he was back here, and he walked up behind Chip
12 right here (indicating).

13 Q Okay. So both he and Chip were standing right
14 there in the door?

15 A Yes.

16 Q Okay. Were they facing you?

17 A They were facing that way. He was kind of -- the
18 black guy was facing toward kind of like that (indicating).

19 Q Was he backed into the door looking out this
20 way (indicating)?

21 A Kind of looking this way a little
22 bit (indicating).

23 Q Okay. And then Chip was standing right
24 there (indicating)?

25 A Yes.

1 Q Okay. Now, there you are, there is this guy, the
2 door is open, lights on, what's this black guy wearing?

3 A A green jacket, pair of blue jeans.

4 Q What else?

5 A I think a dark T shirt.

6 Q Okay. Now what makes you think there was a dark T
7 shirt?

8 A I remember a dark something, dark across here
9 (indicating). Could have been his chest, you know, could
10 have been a dark T shirt.

11 Q Could he have just not had a shirt on at all?

12 A Yeah.

13 Q So you're not sure whether he had a shirt on or
14 not?

15 A No.

16 Q Throughout the course of this evening did you ever
17 touch him, put your hands up and touch him?

18 A No. He touched me, I didn't touch him.

19 Q I understand that. But did you ever reach up and
20 touch him in any way?

21 A No.

22 Q Did you ever touch him in the face or --

23 A No.

24 Q Now you're looking at that jacket, the lights on,
25 tell me, any patches?

1 A Not sure.

2 Q Just don't know?

3 A I wasn't really paying any attention to him at
4 that point and what he had on.

5 Q Okay. What were you paying attention to right
6 then?

7 A To him telling Chip to get down.

8 Q What were you looking at?

9 A Him, the gun, Chip, him, the gun, Chip.

10 Q What were you thinking?

11 A I'm scared.

12 Q Okay. Now what's he saying?

13 A Telling Chip to get down on his knees.

14 Q All right. And does Chip do it?

15 A Yeah, but not real willingly.

16 Q Okay. Where does he get -- show me where he gets
17 down on his hands and knees?

18 A Same place he's standing.

19 Q Is his head toward the back or is it pointing --

20 A Toward the back.

21 Q Okay. Toward the back?

22 A Yeah.

23 Q Okay. How do you know he got down on his hands
24 and knees, could you see?

25 A Yeah. I can see -- I could still see them both.

1 Q Are you okay?

2 A Yeah.

3 Q Do you want to take a break?

4 A No. That's all right.

5 Q All right. So you saw Chip get down on his hands
6 and knees?

7 A Yeah.

8 Q Did he put both hands on the ground? Could you
9 see that?

10 A Yeah, because he kind of pushed him down.

11 Q The black guy did?

12 A Yeah.

13 Q All right. And what's he saying now?

14 A Calling him cracker, crack, something to that
15 effect, crack, cracker head, something like that.

16 Q Is he yelling at him?

17 A Yeah. Telling him to get down or he's gonna blow
18 his brains out.

19 Q Does he say anything else?

20 A Just kept telling him to get down and Chip was
21 telling him, okay, okay. He was standing on his feet and
22 Chip was like, get off my feet.

23 Q He was standing on his feet?

24 A Yeah. Because he was close to him.

25 Q Was Chip mad?

1 A Yeah.

2 Q Okay. Now where was Chip's gun?

3 A Under a pair of jeans or a jean jacket, or
4 something next to me.

5 Q Okay. You don't know whether it was a pair of
6 jeans or --

7 A Could have been a pair of jeans, like just regular
8 blue jeans.

9 Q Okay. Now why did you pull the gun out of the
10 glove box?

11 A Because Chip doesn't get out of the truck and do
12 that.

13 Q I'm sorry?

14 A He doesn't get out and say, wait a minute, hold
15 on, like that.

16 Q I understand that, but why did you decide you were
17 gonna pull that gun out of there?

18 A A reaction.

19 Q Okay. Did you ever un-holster the gun?

20 A Yeah. I undid the snap on it.

21 Q Did you pull the revolver or the gun from the
22 holster?

23 A I don't know. I don't think I did.

24 Q Okay. Now you say you don't think you did, could
25 you have?

1 A I could have, but I know I unsnapped it.

2 Q You know that you did, you just don't recall
3 whether you removed it from the holster or not?

4 A Yeah.

5 Q Okay. When you pulled the gun from the glove box
6 did you hold it by the handle, the gun itself?

7 A Like just grabbed the whole thing.

8 Q Okay. So if this is like the holster, you just
9 grabbed the whole thing like that (indicating)?

10 A Yeah.

11 Q But you don't recall whether or not you took the
12 revolver from the holster?

13 A No.

14 Q Okay. How long -- was it just a matter of seconds
15 from the time that Chip got out of the truck and began
16 saying, hold on man, that the fellow had him down on his
17 hands and knees? How long did that take?

18 A A minute, two minutes.

19 Q Now, time goes real slow when you think it's going
20 real fast when you're excited, or at least that's what
21 people tell me.

22 A Uh-huh.

23 Q You say a minute or two minutes?

24 A Uh-huh.

25 Q Okay. So all of this is taking place and, you

1 know, if I start right now, Kim, (indicating) -- That's
2 ten seconds, okay? So, from the time you first heard the
3 voices, the voice, you know, Chip saying this, until he got
4 down on his hands and knees, you think it was about a
5 couple of minutes?

6 A A minute, two minutes, yeah.

7 Q A minute or two minutes. Other than standing on
8 his feet, this black guy, forcing him down so that he's on
9 all fours, does he hit him?

10 A No.

11 Q Okay. Does Chip hit the black guy?

12 A No.

13 Q Other than saying, I'm gonna blow your brains out
14 and cracker, does he say anything else to him?

15 A Get down.

16 Q Okay. Are you saying anything?

17 A No.

18 Q And his handgun, Chip's handgun is under the jean
19 jacket or whatever?

20 A Yes.

21 Q What happens then?

22 A He looks -- he looks in and sees me and he tells
23 me to scoot over to where he's at.

24 Q Okay. And did you do that?

25 A Yes.

1 Q Came right over to him?

2 A Yes.

3 Q Where was the gun at on the seat?

4 A On the other side, by the passenger door.

5 Q Okay. So you were already somewhat away from the
6 passenger door?

7 A Yes.

8 Q Okay. Were you -- what, were you kind of sitting
9 right there at the stick shift?

10 A I was under the steering wheel.

11 Q Okay. Was that before he asked you to slide over
12 or --

13 A That was after he asked me to slide over. I was
14 in the middle when -- before he asked me.

15 Q When he told you to move over?

16 A Yes.

17 Q All right. Now do you see him touch the door,
18 this black guy, is he touching anything right now, the door
19 of the truck?

20 A No.

21 Q Okay.

22 A Well, maybe his back, but not him.

23 Q His hands?

24 A No.

25 Q Now, at this point in time do you smell any

1 alcohol or anything unusual about him?

2 A I'm not sure.

3 Q Okay. At some point in time though you felt like
4 you could smell some sort of odor from him?

5 A When we were in the truck.

6 Q But not right now, you don't remember the --

7 A No. When he drove.

8 Q Okay. Is there anything unusual about this fellow
9 that -- right now, you're sitting there, you are on the
10 driver's side of the truck, he's right there by you,
11 anything unusual about him?

12 A Nothing unusual.

13 Q Did you notice any facial hair, mustache?

14 A No.

15 Q You just don't notice, or could he have had one?

16 A I didn't notice.

17 Q Okay. How about sideburns?

18 A He had kind of -- his hair was a little bit long.
19 Not long, but it was to here (indicating).

20 Q Okay. Let's talk about that. The sideburns,
21 let's talk about the sideburns first. Did he have
22 sideburns that came down?

23 A I'm not sure.

24 Q Okay. You said his hair was kind of long?

25 A Yeah. About to here (indicating). About -- not

1 long, just, you know, kind of long. Wasn't cut over his
2 ears.

3 Q Okay. You have -- your hair is in a perm?

4 A Yes.

5 Q Was his hair permed in anyway or have ringlets?

6 A It was curly.

7 Q Okay. Was it permed though?

8 A Yes. It was greasy, like they put that stuff in
9 it.

10 Q Okay. How about his skin?

11 A Greasy.

12 Q Greasy? Now why do you say that his skin was
13 greasy?

14 A Because he just looked --

15 Q Shiny?

16 A Yeah.

17 Q Anything else?

18 A His face.

19 Q But he had that stuff in his hair?

20 A Yeah. I don't --

21 Q Afro --

22 A I don't know what it's called.

23 Q Afrosheen, something along that --

24 A Yeah.

25 Q Could you smell anything? Was there anything

1 about the odor of his hair that led you to believe he had
2 something in his hair?

3 A I don't know.

4 Q Did he have any scars on his face or his hands?

5 A Not that I noticed.

6 Q All right. Did he have any gold teeth or braces?

7 A No braces. I don't know about teeth.

8 Q Did you ever see his teeth?

9 A No. Didn't pay attention to them.

10 Q Okay. This jacket that he had on, do you recall
11 whether or not the collar was up or down?

12 A Up.

13 Q Okay. And do you recall whether or not his hair
14 fell over the collar?

15 A Well, I don't understand what --

16 Q Okay. If the collar is up (indicating) --

17 A Was it underneath or out, you mean?

18 Q Yes ma'am. Did it fall down to his shoulders?

19 A Just -- it was about to here, (indicating). It
20 was above his shoulders to about here (indicating).

21 Q So was it -- I guess what I'm asking you is was
22 his hair growing down or is it just growing out?

23 A Like an afro. Kind of growing down a little bit,
24 I think.

25 Q Did he have a beard?

1 A No.

2 Q Did he have any facial hair on his chin or
3 anything?

4 A Not that I noticed.

5 Q Did you notice any hair in his nose or his ears?

6 A Didn't notice.

7 Q Anything unusual about the color of his eyes?

8 A No.

9 Q Was he wearing any jewelry?

10 A Not on his hands. I couldn't see his neck because
11 he had his collar up. Not on his fingers.

12 Q Okay.

13 A I don't know about wrist because his sleeves were
14 about down to here (indicating).

15 Q How about necklace?

16 A Couldn't tell. His collar was up.

17 Q Was it buttoned?

18 A I don't think so.

19 Q Okay. Was his jacket open?

20 A I think part of it was.

21 Q Okay. Did it zip or button?

22 A I'm not sure.

23 Q Now, at this point in time do you see anything in
24 writing, anything written on the jacket, any tags or --

25 A No.

1 Q Okay. What happens then? Does he say anything
2 else to you other than slide over?

3 A Asked us if we had any money.

4 Q Okay. What did you say?

5 A Chip said he didn't have his wallet and I -- then
6 he looked at me, and I said I have five dollars.

7 Q Okay. Did you give him the five dollars?

8 A Yes.

9 Q Did you reach in your purse and give it to him?

10 A Yes.

11 Q Did he touch your purse or your wallet in any way?

12 A No.

13 Q Then what happened?

14 A He took it, and he looked in the truck and he saw
15 Chip's tennis shoe.

16 Q How did he look? Did he get in the truck with
17 you?

18 A No. He just looked in, he didn't get in.

19 Q Okay. So if you're sitting on the driver's side,
20 what does he do, lean in through, like that (indicating)?

21 A He didn't -- he didn't lean in, he just kind of
22 looked in on the floor.

23 Q What were you looking at then?

24 A Whatever he was looking at, the shoe.

25 Q You were looking down at the shoe?

1 A I looked down too, yeah.

2 Q Did he say anything?

3 A He told me to give him the shoe.

4 Q Did you?

5 A Yes.

6 Q Okay.

7 A He gave it back to me and told my to take the
8 shoelace out of it.

9 Q You told the police that he threw it back at you,
10 did he do that or did he just hand it back at you?

11 A He threw it back at me.

12 Q Okay. Like how?

13 A (Indicating).

14 Q So he tossed it at you?

15 A Yeah.

16 Q He wasn't trying to hurt you, was he? Did you
17 think he was trying to hurt you?

18 A I don't know.

19 Q Did it hurt you?

20 A No, because I caught it.

21 Q And then you took the shoelace out?

22 A Yes.

23 Q Was it a long shoelace?

24 A Yes.

25 Q Okay.

1 A It was a high-top shoelace.

2 Q High-top?

3 A Yeah.

4 Q And you took it out, how long did that take you?

5 A Few seconds. You know, fifteen, twenty seconds.

6 Q And you handed him the shoelace?

7 A Yes.

8 Q And then what did he do with the shoelace?

9 A He tied Chip's hands up.

10 Q All right. Now did you watch him tie his arms?

11 A Yes.

12 Q How did he do that, how did he tie his hands?

13 A With the gun kind of pointing down and one hand
14 tying them.

15 Q Okay.

16 A Kind of helping with the hand with the gun.

17 Q Which hand was he holding the gun in?

18 A His right hand.

19 Q Are you sure?

20 A Yes.

21 Q Okay. Now have you had a chance to watch the gun
22 a little bit while he's been there?

23 A Not a whole lot because he -- when the fire --
24 when the shot went off I didn't even want to look.

25 Q Okay. Tell me about that, when the shot went off?

1 A The shot went off and I just kind of turned my
2 head and I heard Chip say something and I looked back up,
3 because I didn't know if he had shot himself or shot Chip
4 or what.

5 Q After -- did you realize -- did anybody get shot
6 at that time?

7 A No. .

8 Q Okay. And why do you say that?

9 A Because no one acted like they got shot.

10 Q Okay. Nobody was holding themselves or making
11 noises?

12 A No.

13 Q Did you see any blood?

14 A No.

15 Q Do you know which way the gun was pointing when it
16 discharged?

17 A Kind of down like this (indicating).

18 Q Okay. Did you see any dirt fly up or anything?

19 A No. I saw the fire and when I saw the fire I kind
20 of turned my head.

21 Q Okay. Now you're still seated over in the
22 driver's side, is that right?

23 A Yes. Well, I'm turned. Now I'm turned looking
24 out. I kind of turned looking out.

25 Q When did you do that?

1 A After I got in my purse.

2 Q Okay. Now when the gun discharged you think it
3 went down into the dirt?

4 A Yes.

5 Q You actually saw the flame from the barrel?

6 A Yes.

7 Q Okay. Is that how -- is that why you're saying
8 the bullet went down into the dirt?

9 A Yes.

10 Q Okay. Was Chip on the other side of the flame
11 when you saw it? Was it discharged between the --

12 A It was between both of them.

13 Q Okay. Now how did he - I know this is difficult
14 for you to describe, probably, but how did he tie Chip?

15 A Like with his hands loosely.

16 Q Okay. Now, that's what I'm getting at. Did he
17 tie them behind his back so that his hands were
18 crisscrossed?

19 A No.

20 Q Did he tie them around one wrist and around the
21 other wrist so that there was a long string?

22 A Not real long. About that long (indicating).

23 Q Okay. So a little string, and he tied them around
24 each wrist. Did you see -- okay. Did he tie them real
25 tight around the wrist?

1 A I'm not sure.

2 Q Chip ever say listen, you are cutting off my
3 circulation, or it's too tight or something?

4 A No.

5 Q Did Chip have a little more movement because of
6 the way he was tied?

7 A Yes.

8 Q Okay.

9 A Going back a little bit. When he got Chip on the
10 ground, Chip looked at me and told me to get the gun out.

11 Q Okay.

12 A With his lips.

13 Q You could see him?

14 A I saw him mouth it -- mouth the words to me.

15 Q Okay. And is that when you got the gun?

16 A I had already gotten it out.

17 Q Okay. Did you mouth back to him, did you shake
18 your head to tell Chip, did you motion to him?

19 A I just kind of looked at him like I did, but I
20 don't know -- I don't know if he understood me or not.

21 Q Okay. Did you ever think about taking the gun and
22 just shooting the guy yourself?

23 A I was too afraid.

24 Q Okay. The gun discharged -- discharges, and then
25 what happens? Does it discharge while he's tying him or

1 before he's tying him?

2 A While.

3 Q Okay. And evidently no one is hurt from the gun?

4 A Yes.

5 Q Then what happens?

6 A He grabs Chip's wallet out of his pants, his back
7 pocket.

8 Q Okay. Now is he wearing -- what kind of pants is
9 he wearing?

10 A Like shorts, kind of different colored. Not
11 flowery, striped. They were black, like turquoise and
12 white shorts.

13 Q Could it have been a bathing suit?

14 A Could have been.

15 Q Did he have a pocket on the bathing suit?

16 A Yeah. I'm - I'm not sure. I don't know if it was
17 in his pants or -- I'm not sure if it had a pocket.

18 Q Are you sure that he pulled the wallet off of
19 Chip?

20 A Yes.

21 Q Did you see that happen?

22 A Yes.

23 Q What's the wallet made of, do you know? Best you
24 know?

25 A A brown, leather wallet.

1 Q It was a leather wallet?

2 A Pretty sure it was a leather wallet.

3 Q Anything like that (indicating)?

4 A I think it opened three times.

5 Q Okay. So it was a billfold, as we call it?

6 A Yeah. It was brown.

7 Q It was brown?

8 A Uh-huh.

9 Q Was it made similar, slick type material?

10 A Yes.

11 Q Okay. He takes his wallet out, does he say
12 anything when he does that?

13 A He opens it up and throws it and he tells me to
14 count it, and I jump out of the truck then.

15 Q Which way do you jump out?

16 A Just like right there (indicating).

17 Q Why do you do that?

18 A Because I wasn't gonna sit in the truck.

19 Q Why?

20 A And have him get in with me and take me without
21 Chip.

22 Q Had he said anything to you up to that point to
23 lead you to believe that was gonna happen?

24 A No.

25 Q Was Chip still right there on all fours?

1 A Yes.

2 Q Okay. He takes the wallet and he says, count it?

3 A Yes.

4 Q Okay. And you jumped out at that time and then
5 counted it?

6 A Yes.

7 Q Okay. So you're standing up right there beside
8 the truck?

9 A Kind of -- Chip had gotten up.

10 Q Tell me when he got up. Did he get up before you
11 got out?

12 A He had gotten Chip's wallet out and then he opened
13 it up and gave it to me and Chip had stood up and I had
14 jumped out.

15 Q All at the same time?

16 A Yeah. When I jumped out he kind of stood up.

17 Q Okay.

18 A And I kind of -- I moved back a little bit just --
19 Chip moved out a little bit and I moved back a little bit.

20 Q Okay. And where is the black guy?

21 A Same spot.

22 Q Okay. Still standing right here (indicating)?

23 A Yeah.

24 Q Is he facing you?

25 A Yeah.

1 Q Okay. Door still open?

2 A Yes.

3 Q And where is the light located on the inside of
4 the truck?

5 A Right in there (indicating).

6 Q On the floor?

7 A Yes.

8 Q Okay. And there's no other lights in the truck?

9 A No.

10 Q Okay. So the light had been on, as best you
11 recall, this entire time while these guys are outside?

12 A Yes.

13 Q And then you came out of the truck?

14 A Yes.

15 Q All right. Do you remember whether or not you
16 could see very well coming out of the truck like that?

17 A Yes. I counted the money while I was out of the
18 truck.

19 Q While you were standing right there?

20 A Yes.

21 Q Okay. And how much money was in the wallet?

22 A One hundred and eighty-five dollars.

23 Q Do you remember what denominations they were?

24 A Twenty's.

25 Q All twenty's?

1 A Most of them.

2 Q Were there any one's?

3 A No.

4 Q Was there a five, I take it?

5 A Yes.

6 Q Okay. So all twenty's and a five as best you
7 recall?

8 A I think there was a couple tens.

9 Q Did Chip get paid that day?

10 A I think he got his income tax back.

11 Q Okay.

12 A It was a check. That's what his mother had told
13 me; asked me if he had cashed it and I said, well, he had
14 gotten a hundred and some dollars from us.

15 Q Okay. All right. You counted it, there was a
16 hundred and eighty-five dollars, do you take it out of the
17 wallet and give it to him or --

18 A Yes.

19 Q Did you take it out to count it?

20 A Yes.

21 Q Okay. Did you have to turn toward the truck to
22 count it?

23 A No.

24 Q Okay. So, your back -- is your back -- I guess
25 what I'm trying to understand is, if this is you, right

1 here (indicating) --

2 A Uh-huh.

3 Q -- you said you moved down this way, away from the
4 door a bit?

5 A Uh-huh.

6 Q Are you facing out this way (indicating)?

7 A Kind of, a little bit that way.

8 Q Okay. So, you're more over this way (indicating)?

9 A Not quite that much.

10 Q And then the door is right here in front of you?

11 A Yes.

12 Q And the black guy, where is he standing, right
13 there (indicating)?

14 A Yes.

15 Q All right. You told him one hundred and eighty
16 five dollars, what happened then?

17 A I gave it to him and he took it. He told me to
18 get in the truck and start it.

19 Q That all happened right then?

20 A Yes.

21 Q No pause, nothing else happened before that?

22 A No. I'm not sure. Let me think. No.

23 Q Did you get back in and start the truck?

24 A I put my foot on the clutch and I --not my foot,
25 sorry, my hand, took it out of gear and started it up.

1 Q Okay. How did you do that? Reached right around
2 and cranked it? Was the key on the column?

3 A Yes. It was in the ignition.

4 Q Okay. Now, is the black guy leaning anywhere or
5 touching the door or leaning against the cab of the truck?

6 A Might be against the door.

7 Q Okay. Now he's facing the door though, right, or
8 is he?

9 A Facing the door?

10 Q Yes, ma'am.

11 A You mean as to where the door would shut or --

12 Q No. Is he facing the vehicle and leaning against
13 it or anything?

14 A No.

15 Q Did you ever see him do that?

16 A No.

17 Q Okay. He asked you to get in and start it up and
18 you did that?

19 A Yeah.

20 Q It started up?

21 A Yeah.

22 Q No problem with that. And then what happened?

23 A I went and got behind Chip.

24 Q Did he tell you to do that?

25 A I just did it.

1 Q Did he say anything when you did it.

2 Q Chip told him -- asked him, let me -- let her go,
3 take me, take the money, take the truck, just let her go.
4 He says, just let us go, let her go. And then he told us
5 both to get in the truck.

6 Q Okay. And did you get in the truck?

7 A I tried to get in first and then he kind of pulled
8 me back and made Chip get in first.

9 Q Get in through the driver's door?

10 A Yes.

11 Q Are you okay?

12 A Yes.

13 Q All right. Chip got in first?

14 A Yes.

15 Q How did he do that with his hands tied?

16 A Just stepped in, got in. I was kind of holding
17 onto him.

18 Q You were helping him?

19 A Yeah, I had his arm.

20 Q Okay. Did he say anything to you when he came by
21 you?

22 A Who?

23 Q Chip.

24 A No.

25 Q Did you tell him the gun was out or anything?

1 A No. He felt it when he had gotten in.

2 Q Okay. Now up to this point in time has Chip been
3 thrashing around or moving around, has he been relatively
4 still, quiet?

5 A When we were -- when he had gotten in he was just
6 kind of sitting there, didn't say anything.

7 Q Okay. He was sitting on the passenger side with
8 his hands behind his back?

9 A Yes.

10 Q Okay. And then you moved in and sat down beside
11 him?

12 A Yes.

13 Q Did you move close over to him?

14 A Yes.

15 Q Close as you could get to him?

16 A Yes.

17 Q Okay. And how about the black guy, did he ever
18 grab you and pull you back over to him?

19 A No.

20 Q All right.

21 A He put the gun in my side while we were riding.

22 Q He put it in your side?

23 A He held it there. At times he had to shift and
24 then he would --

25 Q So, he was shifting when the gun was in his right

1 hand?

2 A Yes.

3 Q Were you watching the gun?

4 A I was looking down at the ground.

5 Q Okay. So you were looking down at the ground this
6 whole time?

7 A Uh-huh.

8 Q All right. Once he got into -- He got into the
9 truck, I guess?

10 A Uh-huh.

11 Q And you-all decided to go -- or he decided to go?

12 A Yeah.

13 Q Did he say anything to you?

14 A He asked Chip where the reverse was.

15 Q Okay.

16 A Chip told him, and he backed out and he tried to
17 go. Chip told him, don't go that way, go around this way
18 because it was that big thing, I don't know what --

19 Q Did this guy ever ask you how do you get out of
20 here?

21 A No.

22 Q Do you ever remember telling the police that he
23 asked you, how do you get out of here?

24 A Out of -- he meant -- he did say, how do you get
25 out of here. He meant right here (indicating).

1 Q Okay. When did he make that statement?

2 A When we were getting ready to leave out of here.

3 Q And he said how do we get out of here?

4 A Yeah, because that thing was right there and he
5 was gonna go straight and Chip said go to the left.

6 Q How do you know that's what he meant or could he
7 have meant how do you get out of this place in general?

8 A Because I thought that's what he meant, because
9 Chip said go to the left, and he went to the left to go
10 down.

11 Q Okay. But he did say that, how do you get out of
12 here?

13 A Uh-huh.

14 Q And which way did he drive out of there?

15 A That way (indicating).

16 Q Okay.

17 A The way we came in.

18 Q Okay. Did he turn the lights on in the truck?

19 A Yes.

20 Q Did you have to tell him where the lights were?

21 A No.

22 Q Did he find -- how did he find the lights?

23 A I don't know.

24 Q Okay. Was the radio still on all this time?

25 A I don't think so. I'm not sure. I wasn't paying

1 attention to it.

2 Q Okay. Did you watch him close the door?

3 A Yes.

4 Q Okay. And he was shifting and then which way did
5 he drive out of here? Which way did he go?

6 A He backed up and then kind of went -- he went this
7 way (indicating) and then Chip -- he said, how do you get
8 out of here, and Chip told him to go this way, down this
9 way (indicating).

10 Q And then which way does he go on this road?

11 A He went that way (indicating).

12 Q All right. And now how do you know that?

13 A Because our heads are still up then.

14 Q And at some point in time does he tell you to put
15 your heads down?

16 A About when we get on that road.

17 Q And did you do that?

18 A Yes.

19 Q All right. Now, will you show me please, just
20 slide that back, show me just how you put your head down
21 and how you rode the rest of the way?

22 A Like this (indicating). With my hands on Chip
23 like that (indicating).

24 Q So you moved -- he let you put your hands over
25 there where Chip was?

1 A I don't think he noticed.

2 Q Okay. Was Chip down the same way with his hands
3 behind his back?

4 A Yes.

5 Q All right. Is this truck -- is it high up, is it
6 on --

7 A Yeah. It's high.

8 Q Kind of a jacked-up truck?

9 A Yeah.

10 Q Now, did you see where you went from there? Did
11 you know where you were going?

12 A Once when I looked up and saw Nevins Fruit Company
13 and I know that it's on Parrish Road.

14 Q Now, when you say you looked up, did you pull your
15 head all the way up?

16 A No. I just kind of went like that (indicating).
17 And then just as I looked up and put my head back down, Chip
18 put his head up, and he told Chip to put his damn head
19 down.

20 Q Okay. And did you ever look up any other time
21 other than that?

22 A No.

23 Q Okay. Did you ever see Chip look up any other
24 time other than that?

25 A He was -- Chip was kind of looking but I don't

1 know if he was looking up or not, I'm not sure. He was --
2 Chip was trying to get me to scoot up because he had the
3 gun in his hand, I guess he was gonna try and shoot at him.

4 Q Did he tell you to scoot up?

5 A He kind of tapped me on the back.

6 Q Okay. Did you scoot up?

7 A I couldn't without him noticing because he had the
8 gun to me.

9 Q Okay. Was your head down below the dash board as
10 you-all leaned?

11 A It was kind of pretty even.

12 Q Right even with it?

13 A Yeah.

14 Q Okay.

15 A Maybe a little below.

16 Q Little below? If you had turned and looked out
17 this way (indicating), could you have seen anything, would
18 you be looking up or could you see --

19 A All I could see was Chip.

20 Q Okay. Was the driver's side window up or down
21 while you-all are driving along?

22 A Up.

23 Q Okay. And I know I asked you this and you
24 answered, but do you recall whether the radio was on?

25 A I'm note sure.

1 Q Just don't know?

2 A No.

3 Q Was the air conditioner in the truck on?

4 A Not sure.

5 Q Okay. You don't remember him turning it on?

6 A No.

7 Q All right. Now you're in the truck and you're
8 driving off, do you smell anything unusual, alcohol?

9 A Not alcohol.

10 Q What do you smell?

11 A Just like a bad odor.

12 Q Bad odor, body odor?

13 A Yeah.

14 Q Okay. As distinct from -- I don't mean anything
15 by this -- but is it distinct from somebody stepping in dog
16 mess or something, it was a human body odor?

17 A Yeah, it wasn't nothing like that.

18 Q Okay. Did you smell anything else strong?

19 A No.

20 Q Did you see -- look on -- did you see any patches
21 now, any kind of patch or name?

22 A Didn't really look at him then.

23 Q You weren't looking at him then?

24 A Not when I was in the truck.

25 Q Okay. No zippers or jangly things on the jacket

1 that you can recall?

2 A Not sure.

3 Q Big pockets?

4 A Not sure.

5 Q Snaps? Anything that sticks out in your mind?

6 A No. I'm not sure.

7 Q Do you remember any kind of zipper that was in the
8 collar of the jacket?

9 A I'm not sure.

10 Q Just don't know?

11 A No.

12 Q Okay. What kind of shoes did he have on?

13 A Heavy leather like work boots. Heavy shoes, a
14 heavy shoe.

15 Q Okay. You initially told the police that he had
16 on a heavy type work boot, shoe?

17 A Yes.

18 Q And did the police suggest to you that it might
19 have been a tennis shoe?

20 A Yes.

21 Q Okay. Is that correct, was it a tennis shoe?

22 A I'm not sure.

23 Q Okay. What made you think it was a heavy boot?

24 A The way he was kind of shifting, he was real hard.

25 Q Okay.

1 A He kind of walked heavy.

2 Q With you bent over like that did you have a chance
3 to look at his shoes?

4 A Kind of but I don't really remember.

5 Q Do you remember what --

6 A Just kind of, for some reason, I keep thinking of
7 a heavy work shoe.

8 Q Okay. Does your dad where a heavy work shoe when
9 he works?

10 A No, he's office.

11 Q How about your brothers?

12 A They teach high school.

13 Q Do you have any particular shoe that comes to mind
14 when you think about this?

15 A A work boot.

16 Q Okay. Is it a lace-up work boot?

17 A Yes.

18 Q Are you-all talking, is anyone talking during this
19 period of time other than him telling you to get your head
20 down?

21 A No.

22 Q And throughout the course of driving you're not
23 really looking at him, you're --

24 A Uh-huh.

25 Q Except that one time you look out and see Nevins?

1 A Yeah.

2 Q So, then what happens?

3 A We get to where ever he took us.

4 Q Okay. You seemed to indicate when you talked to
5 the police that you had some idea where you were going?

6 A He got past Nevins and I know right past Nevins is
7 the railroad track and the stop sign. He went right, he
8 went down a little bit, came back around, went back, he did
9 a U-turn and came back around. I don't know how far he
10 went down. And then at that point when he did the U-turn I
11 had no idea where I was at.

12 Q You didn't know whether you were still on US 1 or
13 not?

14 A No.

15 Q You didn't know what direction you were going
16 then?

17 A No.

18 Q Had you ever been to that orange grove before?

19 A No.

20 Q Okay. Have you ever been there since?

21 A No.

22 Q Okay.

23 A I went to Parrish Road, but I went to see my
24 cousin, she lives on the road.

25 Q Okay.

1 A I didn't go down that far. I don't go down there.

2 Q Okay. I understand. How long did it take him
3 minute-wise, as best you recall, to get from Holder Park,
4 once you started up and got moving, to the place where you
5 stopped the truck -- where he stopped the truck?

6 A Few minutes.

7 Q Okay. A few? Five minutes, ten minutes?

8 A No. Not that long.

9 Q Two minutes?

10 A Between two and five minutes.

11 Q So, if we go back to your original time which you
12 told us earlier was somewhere around eleven-fifty to twelve
13 o'clock, that's about when you think this guy accosted
14 Chip, is that right, that's about when you think?

15 A Yeah.

16 Q How long would it have taken you from that time to
17 end up over at the orange grove?

18 A From when we -- from at the time he -- Chip saw
19 him?

20 Q From the time that Chip is going, wait man, wait a
21 minute, until the time you got over to the orange grove?

22 A Four to seven minutes.

23 Q Four to seven minutes?

24 A Maybe.

25 Q So all of this, from around twelve o'clock you

1 don't figure that it took -- you figure you would be at the
2 orange grove about ten minutes after twelve, fifteen
3 minutes after twelve, or did it take longer there at Holder
4 Park?

5 A It took about maybe four to five minutes at Holder
6 Park.

7 Q At Holder Park four to five minutes?

8 A Yes.

9 Q Okay. And then it took you a couple of five
10 minutes to drive --

11 A Yes. Not quite five.

12 Q Okay. So, two or three minutes?

13 A Yeah.

14 Q So, from the time -- would it be a fair statement
15 to say from the time that Chip first was accosted by this
16 black guy until the time that you got to the orange grove
17 and stopped the truck was somewhere around eight to ten
18 minutes?

19 A Yeah.

20 Q Does that sound right?

21 A Yeah. I'm not real sure.

22 Q Not real sure?

23 A No.

24 Q Could it have been longer?

25 A Not much.

1 Q Pretty safe right in this time, is that right?

2 A Yes.

3 Q Okay. All right. And you stop the truck or he
4 stops the truck and what happens?

5 A He opens the door, grabs me by my arm and yanks me
6 out with him.

7 Q Now let me stop you there. Did he hurt you when
8 he did that?

9 A Hurt my arm, yeah, because he yanked me out with
10 my arm.

11 Q Did he bruise you, was there a bruise?

12 A I don't remember.

13 Q Okay. Did you ever --

14 A I just hurt the next day, I know that.

15 Q Did you ever show your parents or anybody this
16 mark or was there a mark?

17 A I don't remember. I don't remember.

18 Q Did he actually physically drag you from the truck
19 or did you sort of kind of move along with him?

20 A Kind of got my arm, you know how you would hold
21 like this (indicating) --

22 Q Show me.

23 A Like this (indicating). And he yanked me out with
24 him.

25 Q Did you -- I guess what I'm asking is did you just

1 latch onto Chip and not move or did he actually remove you
2 from the truck?

3 A He actually removed me from the truck.

4 Q Okay. Is that the first time he had ever grabbed
5 you or touched you that night?

6 A Yes.

7 Q Other than with the gun, holding the gun on you?

8 A Yes.

9 Q And then what happened?

10 A Chip slid over with us.

11 Q Okay.

12 A And he tried to shut the door on him, and Chip
13 tried to kick the door open, stop it with his foot.

14 Q Okay.

15 A And he told Chip to stay in the truck and --

16 Q Did he say -- did he ever call him Chip?

17 A No.

18 Q He just said, stay in the truck?

19 A Yeah.

20 Q Did he call him cracker anymore or crack head?

21 A I don't think so.

22 Q Was this guy mad or angry at you?

23 A He wasn't real happy.

24 Q Well, did he --

25 A He was mad, yeah.

1 Q Okay. Was he yelling?

2 A Telling Chip to stay in the truck.

3 Q Okay. And then where did he take you?

4 A I jerked away from him.

5 Q How did you do that?

6 A I kind of yanked my arm away and ran behind the
7 truck and I opened the passenger door.

8 Q So, you're parked at the orange grove, are you
9 parked in the road?

10 A I had no idea where we were at.

11 Q Did you get -- when did you look up, when did you
12 actually sit up, was the light still on in the truck?

13 A When he turned in -- the only time I looked up is
14 when he yanked me out of the truck.

15 Q Was the engine off at that time?

16 A Yes.

17 Q And so he pulls you across the seat out this
18 way (indicating)?

19 A Yes.

20 Q And then where is he standing when you jerk away
21 from him?

22 A Right there (indicating).

23 Q Okay. Is he taking you to somewhere or pulling
24 you or --

25 A Yes.

1 Q Is this just where you-all ended up when he pulled
2 you out of the truck?

3 A He was taking me somewhere.

4 Q Did he say anything to you?

5 A No.

6 Q Was he still --

7 A He was too busy yelling at Chip.

8 Q Did the door ever get closed tight?

9 A No.

10 Q Did you have any idea where you were at, any idea
11 at all?

12 A Not really.

13 Q Did you know you were in and orange grove?

14 A No.

15 Q Did you hear any machinery or any noises?

16 A No.

17 Q Anything unusual?

18 A No.

19 Q Nothing at all?

20 A Uh-uh.

21 Q Did you see any water?

22 A No.

23 Q Did you know if you were near water or a ditch or
24 anything?

25 A We were near a ditch because I know that from when

1 I drove out.

2 Q You know that from when you went back?

3 A When I drove out. I went forward, I didn't never
4 go back.

5 Q Okay. All right. You break away from him here
6 (indicating)?

7 A Uh-huh.

8 Q And you say you ran around?

9 A Yes.

10 Q Okay. Are you touching the truck at all when you
11 are running around the truck?

12 A No.

13 Q Okay. How about back at Holder Park -- well, you
14 never got out of the truck at Holder Park except to count
15 the money, right?

16 A Yes.

17 Q Okay.

18 A And when I got behind Chip I was out of the truck.

19 Q Okay. Did you ever touch the truck on the cab of
20 the truck anywhere?

21 A Not that I remember.

22 Q Okay. All right. And when you came around this
23 way, you ran to the passenger side?

24 A Yes.

25 Q Okay. And you don't recall touching the truck

1 anywhere around in there?

2 A No. Only when I got to the door.

3 Q When you got to the door did you touch the door?

4 A I opened the door.

5 Q Use the handle?

6 A Yes.

7 Q All right. Did the door open up?

8 A Yes.

9 Q And was Chip right there?

10 A No.

11 Q Where was Chip?

12 A He was still -- he was -- I don't know. I don't
13 know because I opened the door and I didn't even get a
14 chance -- I got one foot in and just as I did the black guy
15 yanked me back out of the truck.

16 Q Did he grab you by your hair or by the back of
17 your garment?

18 A By the arm.

19 Q Your other arm this time?

20 A Yeah.

21 Q Did he grab you the same way or with his hand?

22 A With his hand.

23 Q Were you sore on that arm also?

24 A I was sore all over the next day.

25 Q But do you remember specifically any bruises on

1 your arm where he grabbed you there?

2 A I don't know. I didn't really check.

3 Q Nobody said, oh my gosh, what happened to your arm
4 or ---

5 A No.

6 Q You don't remember anything, okay. And when he
7 grabbed you did he knock you down?

8 A He yanked me down and I wasn't down, I was
9 squatting is how I ended up.

10 Q When you ended up, where were you actually at?

11 A Okay. I was right next to the back tire, right
12 here, (indicating). Right next to it.

13 Q Okay. Could you touch it, were you touching it?

14 A No.

15 Q Did you touch the truck in any way when you were
16 squatting there?

17 A No.

18 Q Were you facing the truck?

19 A Facing forward.

20 Q Facing toward the front of the truck?

21 A Yeah. I could see the door.

22 Q Okay.

23 A Because the door was open.

24 Q All right. So the door was opened. Now, do you
25 see Chip now?

1 A Yes.

2 Q Okay. Where is the black guy?

3 A He's got one arm around me on the side of me
4 touching me and he's got the gun to my head.

5 Q Okay. Is his arm from around -- is his arm around
6 in back of you?

7 A Yeah.

8 Q Does he touch you, does he do anything?

9 A He holds me there and he puts the gun to my head.

10 Q Okay. And he holds you tight like that?

11 A Yeah.

12 Q What does he say to you?

13 A That I'm gonna do as he says. I'm a slut or
14 something like that, and I'm gonna do as he says or he's
15 gonna blow my brains out.

16 Q Did you say anything to him?

17 A No.

18 Q Did you see the gun at your head or did you just
19 feel it there?

20 A I felt it.

21 Q Is there any lighting in the orange grove?

22 A I don't remember.

23 Q The door was open to the truck, could you see the
24 lights on in the cab?

25 A I don't remember. I just remember seeing Chip

1 sitting there.

2 Q Okay. Do you recall whether or not there was a
3 full moon out or stars?

4 A I don't remember.

5 Q And when he says this to you, is that when you see
6 Chip?

7 A Yes.

8 Q All right. Does Chip say anything?

9 A No. Just as he says that to me, Chip shot a fire
10 at him, and when he did, he let go of me and stepped back,
11 and Chip jumped out of the truck as I jumped in.

12 Q All right. Now, when you said -- did you actually
13 see the flame from Chip's firearm?

14 A Yes.

15 Q Okay. Did you see -- was he shooting at you guys,
16 in your direction?

17 A He was kind of shooting -- let me show you, kind
18 of out this way a little bit (indicating).

19 Q Okay. Did it look like he was shooting away from
20 you?

21 A Yeah.

22 Q Okay. All right. And then at that point in time
23 is when you broke and ran to the cab and the black guy
24 pulled away and stood up.

25 A He kind of stepped back from me.

1 Q He stepped back?

2 A Uh-huh.

3 Q All right, now, I see you're putting your hands
4 up --

5 A Because he kind of went like that when he let go
6 of me (indicating).

7 Q He came back away, was he startled in your
8 opinion?

9 A Yes.

10 Q Do you think Chip may have hit him with the shot?

11 A I thought he did, I didn't know for sure.

12 Q Did the black guy say anything?

13 A No.

14 Q Did you hear the bullet hit anywhere?

15 A I don't remember.

16 Q Didn't hear it whining or --

17 A No.

18 Q Okay. All right. That happened, black guy comes
19 back away, you run to the passenger side, what does Chip
20 do?

21 A No. Chip jumps out first.

22 Q Chip jumps out first?

23 A Then I jump in the truck.

24 Q When he jumps out is he standing up?

25 A He dove out onto his stomach.

1 Q So his hands were behind him, behind his back, and
2 he dives out on his stomach?

3 A Yes.

4 Q Does he hit the door?

5 A No.

6 Q How far away from the truck does he --

7 A I don't know. I'm not sure.

8 Q Okay. Does he --

9 A To what I thought that night, I thought he was
10 kind of close because when I left I hit -- I guess I hit a
11 stump, I thought I hit Chip.

12 Q Okay. Why do you think you hit Chip?

13 A Because when I hit something -- I went over
14 something.

15 Q Okay.

16 A I didn't know what it was and I knew Chip was on
17 the ground because I never saw him get up.

18 Q Okay. And you've never been back out there to see
19 whether or not it was a stump you ran over or anything?

20 A No. I just asked the Flinn's and they said, no, I
21 did not hit him.

22 Q Okay. You thought he was close up to the truck
23 though?

24 A Not -- kind of like he was -- like kind of like
25 right here (indicating).

1 Q Okay. What I'm trying to figure out is if that
2 door is open ---

3 A Yeah.

4 Q -- and he comes out of the truck, he can't come
5 straight out, can he, because that --

6 A No. He doesn't go straight out, he jumps out --
7 dives out that way (indicating).

8 Q Okay. So he comes back out kind of --

9 A Yeah.

10 Q With the door there (indicating)?

11 A Yes.

12 Q And -- well, does he like dive or does he just
13 sort of fall right there spread-eagle?

14 A Kind of dives.

15 Q Okay. Then he looked like he jumped from the
16 truck?

17 A Yeah.

18 Q Okay. But he goes right on his stomach?

19 A Yeah. That's the way he was going. I figured he
20 landed on his stomach.

21 Q Okay. Are you running for the truck at that time?

22 A Yes. After he dove out I ran for the truck.

23 Q So, thinking back you didn't actually see him hit
24 the ground then?

25 A Right.

1 Q You don't know whether he landed on his stomach or
2 he was standing up?

3 A I just assumed he did because he dove out on his
4 stomach.

5 Q Okay. And then what happens?

6 A I got in the truck, shut the door and locked it.
7 I slid over locked that door, and I turned around and like
8 -- and all I saw was the black guy go like this
9 (indicating) and shots fired, I saw the fire.

10 Q From whose gun?

11 A I don't know.

12 Q You saw fire but you don't know which gun it was
13 coming from?

14 A Right.

15 Q But you remember the black guy like this
16 (indicating)?

17 A Yes.

18 Q Both hands on the gun?

19 A Yes.

20 Q While you were seeing that you didn't see any fire
21 coming from his hands or --

22 A I just saw fire -- I looked and I saw him and I
23 kind of turned a little bit and then I saw fire and I just
24 -- I didn't know what to do. And then I heard Chip
25 yelling, go, and I started the truck and I left.

1 Q Do you know whether chip ever ran into this guy,
2 did a body slam on him?

3 A I don't know.

4 Q Okay.

5 A I don't think so.

6 Q You saw this black guy, the flashes, you're not
7 quite sure who was doing what, or shooting?

8 A Right.

9 Q Did you ever see the black guy shoot that gun
10 other than back a Holder Park?

11 A I don't know if he was shooting or not. I don't
12 know whose bullets were flying through the air then.

13 Q You then started the truck?

14 A Yes.

15 Q And drove off?

16 A Yes.

17 Q That was all pretty much right away?

18 A Yes.

19 Q All right. Did you ever look to see what the
20 black guy was doing once you started off?

21 A I looked in the mirror to make sure he wasn't
22 behind me trying to get in the truck.

23 Q Did you see him?

24 A No.

25 Q Did you see him run away or did you ever see that

1 -- you know, did you see what he did or where he went or
2 anything?

3 A After I saw him point, and I saw the fire, I
4 turned my head and I heard Chip yell, go, and I looked back
5 and I had no idea where he was at.

6 Q How many -- do you remember how many shots were
7 fired in total out there at the grove?

8 A Four or five.

9 Q Okay.

10 A I'm not sure.

11 Q And you drove straight out as I recall?

12 A Yes.

13 Q All right. And that's when you think you ran over
14 something or --

15 A When I left I hit something. I don't know what it
16 was.

17 Q Okay.

18 A I figured it was a stump because they told me I
19 didn't hit him.

20 Q How did you find your way out of there?

21 A I went straight, I came to a dead end, and I kind
22 of stopped for a minute and I looked around and I looked to
23 the side and there was a road on the side of me and I kind
24 of backed up and took off that way.

25 Q Okay. And did you come out to the road, did you

1 come out to some road?

2 A Came out to a dirt road.

3 Q And which way did you go, left or right?

4 A Left.

5 Q All right. And did you find your way back to some
6 main road that you knew of?

7 A Jay Jay.

8 Q And which way did you go on Jay Jay?

9 A Toward US 1.

10 Q And when you got to US 1 which way did you go?

11 A Left.

12 Q All right. Toward Titusville?

13 A Yes.

14 Q Where did you go?

15 A To LaGrange, the light where Temple Baptist is at,
16 that road on the side of it.

17 Q Then where did you go?

18 A To the Oak Park Trailer Park to David Stroup's
19 trailer.

20 Q How long did it take you to get there?

21 A About a minute, two minutes.

22 Q Now did you go anywhere else, Kim, before you got
23 there?

24 A No.

25 Q Did you try and stop and get help from somebody

1 else?

2 A No.

3 Q So you went straight to Mr. Stroup's trailer?

4 A Yes. I didn't see anybody else.

5 Q No houses with lights?

6 A There were houses but I ain't stopping for someone
7 that I don't know when something like that happens.

8 Q All right. You went to Mr. Stroup's house?

9 A Yes.

10 Q And what did you do?

11 A Banged on his door and he didn't hear me, and I
12 went down by his bedroom and banged on the side of the
13 trailer and told him, I think Chip has been shot. And he
14 ran down the hall and let me in and I called the police.

15 Q How long did that take from the time you arrived
16 at Mr. Stroup's house until you called 911, how long was
17 that?

18 A Minute, minute and a half.

19 Q So, from the time the shooting occurred until the
20 time you actually made the 911 call, was that less than
21 five minutes, more than five minutes?

22 A Not more than five minutes.

23 Q So, somewhere around five minutes?

24 A Yeah.

25 Q Okay. If the 911 call was made at -- do you know

1 what time you made the 911 call?

2 A I have no idea.

3 Q Okay. And how long before the police actually got
4 to the trailer?

5 A Five minutes.

6 Q Okay. And did you then show them how to get out
7 there?

8 A Yes.

9 Q Did you-all go right back?

10 A No.

11 Q What happened, why didn't you go right back?

12 A Because I had trouble getting back out there.

13 Q Tell me about that, what happened, you couldn't
14 find your way back out?

15 A I remembered Jay Jay Road but that was the only
16 street I remembered going on. When I got -- when I got to
17 Jay Jay Road coming out of there, there was the sign, we
18 went that way. We got down there and I said, I think this
19 is it. It was a dirt road, it was the wrong road. Then I
20 said, no, this isn't it. He backed up, went down a little
21 farther. We went to where I came out to and I said, this
22 is it, right here. We came out -- I came out of these
23 orange groves. We had went to the orange groves and he
24 pulled in there, he pulled all the way to the ditch and he
25 said we have to get out and walk. And I said, please don't

1 get out. I said, I don't want to get out. And he said he
2 had to and I said, please don't get out. And he stayed in
3 the car with me and the other two sheriffs went -- walked
4 out there.

5 Q Okay. Is that the female Deputy and the --

6 A The younger one.

7 Q Sergeant Clark?

8 A Yeah, a younger one.

9 Q Deputy Rixey?

10 A Dark hair.

11 Q Okay. How long were you actually there --

12 A Not sure.

13 Q -- before they took you to the sheriff's office?

14 A A while. I'm not sure. It was a while.

15 Q Do you know what time you got to the sheriff's
16 office to start talking to the police officer?

17 A Around one-thirty-something I think he said when
18 he was swearing me in to take my statement.

19 Q Okay. You think it was around one-thirty?

20 A Yeah.

21 Q Do you know how many statements you gave the
22 police, taped statements?

23 A That one that night, and then one for the photo
24 lineup.

25 Q When was that given?

1 A That Wednesday night afterward.

2 Q So that would have been the fifth?

3 A Yes.

4 Q And what time?

5 A It was at night. I think around seven, I'm not
6 sure.

7 Q Okay. Now, you picked out a fellow that you said
8 was the fellow that did this?

9 A Yes.

10 Q Okay. And they had you -- correct me if I'm
11 wrong, they had you begin looking at photographs, is that
12 right?

13 A Yes.

14 Q When did you first start looking at any
15 photographs at all trying to figure out who it was that did
16 this?

17 A After I did the composite.

18 Q Now, when you say a composite, is that when they
19 were drawing this sketch for you?

20 A Yeah. The man took me in the room and drew the
21 sketch for me.

22 Q Now, is it a fair statement to say that you would
23 look at different photographs and see characteristics that
24 you thought resembled this fellow and --

25 A Yes.

1 Q That this sketch was drawn from those photographs?

2 A No. I didn't look at photographs before that, I
3 don't think.

4 Q Are you sure?

5 A I'm not sure. Let me think about it. I could
6 have looked at some photographs, okay? I think I might
7 have looked at a few photographs because the guy wasn't
8 there yet that did the composite.

9 Q Okay.

10 A I'm not sure.

11 Q You're not sure which order?

12 A Yeah.

13 Q Do you remember Officer Tom Fair?

14 A Yes.

15 Q Short, good looking fellow?

16 A Uh-huh.

17 Q Was he there when you were looking at the
18 photographs?

19 A Yes. He was sitting at the table.

20 Q Was he there when officer West was drawing the
21 sketch?

22 A No. it was just me and the other officer.

23 Q Okay. How were the photographs presented to you,
24 the ones you were looking at from the beginning, were they
25 just single photographs or were you looking in a book

1 turning pages?

2 A I was looking at single photographs.

3 Q What did they do, just hand you a box of photos
4 or --

5 A They went through the box and took out the black
6 -- I guess the black from the white, and handed them to me.

7 Q Okay. Who is they?

8 A Tom. I meant him, Tom.

9 Q Was there anyone else helping with the
10 photographs?

11 A They were -- I think -- I think Jack and Scotty
12 were around, I'm not sure.

13 Q Jack Holloway?

14 A Yeah, I think that's his name, with the mustache.

15 Q Okay. And Scotty Nyquist?

16 A Yes.

17 Q Did you know any of those officers before that
18 evening?

19 A Mr. Wilmer.

20 Q You knew Dan Wilmer?

21 A Because that's Chip's uncle.

22 Q Was Dan there at the time this was all taking
23 place, you were looking at the photographs?

24 A Yes. But he wasn't -- I don't think he was
25 around, but he was in the office.

1 Q Was he helping hand the photographs to you or
2 separate out whites from blacks?

3 A No. Only thing I think he did was he brought me
4 -- he was the one that brought me to the sheriff's
5 department.

6 Q Okay. Who was actually handling the photographs,
7 do you remember?

8 A Tom Fair.

9 Q Okay. And you say he handed you the stack of
10 photographs to look at?

11 A Yeah.

12 Q Okay. Were they small, were they this
13 size (indicating)?

14 A No. They were just like arrest -- they were
15 arrest photographs.

16 Q Okay. Profile and front shot?

17 A Yeah. Well, the front shot not the profile.

18 Q Did you have the side view?

19 A No. A lot of them had the numbers across here.

20 Q Okay. Were they black and white photographs or
21 color?

22 A I think some were black and white and some were
23 color, I'm not sure.

24 Q How many did you look at?

25 A Around eighty.

1 Q Okay. And you're not sure whether or not you had
2 picked some of those photographs to help Mr. West draw this
3 picture?

4 A No, I didn't do that. I didn't have no
5 photographs in with me when he did the picture.

6 Q Okay. Did you say -- did you ever remember
7 pulling out a photograph and saying he had a nose like this
8 or his ears were like this?

9 A Yes.

10 Q And do you know whether or not Mr. West then took
11 those photographs to help him draw --

12 A He was not there then. He hadn't gotten there.
13 When he got there they had me go in the room.

14 Q Okay.

15 A And they told me -- he told me how he was gonna do
16 it. And he told me to describe him to him, but to go in
17 the order that he wanted to go in, because he started from
18 like the chin up or --

19 Q He started from the chin up?

20 A Or the -- I'm not sure if he started with -- I
21 think he went this way first (indicating).

22 Q Okay. Did you-all ever try and draw a picture of
23 him standing up, his whole body?

24 A No. Just the face.

25 Q Okay. There was a picture of that sketch that

1 showed up in the newspaper?

2 A Yes.

3 Q Is that right? Did you get a chance to see it?

4 A Yes. I think I have one at the house.

5 Q Is that the sketch we're talking about?

6 A Yes.

7 Q Okay. And was it a larger sketch than that?

8 A Yeah. It was like that (indicating), the drawing
9 paper.

10 Q Did you actually watch him draw it?

11 A Yes.

12 Q Okay. Did he ask you about the nose, was that the
13 way the nose looked?

14 A Yes.

15 Q Did he ask you about the lips, is that how the
16 lips looked?

17 A Yes.

18 Q And did you say that's exactly right or I think
19 that's --

20 A That's what I pictured in my head.

21 Q Okay. How about the eyes and the eyebrows, do you
22 feel comfortable that that's how the eyes and eyebrows
23 were?

24 A Yes.

25 Q You described earlier long hanging hair?

1 A Yes.

2 Q That doesn't appear to be what you have got there.

3 A I told him that and he put cropped hair, and I
4 told him kind of long. I did tell him kind of long hair.

5 Q When you were all done with it did you say, that's
6 not the hair, Mr. West?

7 A Yeah, and he just filled it in more at the top.
8 And I said, kind of longer, and he just filled it in more
9 on the top.

10 Q Okay. How about the ears, did you say they were
11 real close to the heed or --

12 A I'm not sure about the ears.

13 Q Is this what that guy looked like?

14 A The face view.

15 Q Okay.

16 A Not -- I'm not saying the shape. I'm talking
17 eyes, nose and mouth.

18 Q Okay. Well, he drew this wide, round face, do you
19 remember telling the police he had a --

20 A Kind of --

21 Q -- big round face?

22 A He did have a wide face.

23 Q Okay. When I say --

24 A I don't mean --

25 Q Not round?

1 A Kind of just like -- kind of wide right through
2 here (indicating).

3 Q Okay. Did you tell Mr. West it was just wide
4 through the eye area or did you say --

5 A I said wide face. I didn't -- I didn't specify.

6 Q Okay. Did he ever take you down to McDonalds that
7 night to try and identify somebody?

8 A To McDonalds.

9 Q Yes, ma'am?

10 A No.

11 Q Did you ever go to McDonalds that early morning
12 hour and try to identify someone in the parking lot?

13 A No.

14 Q Okay.

15 A Only place I identified him was that picture line
16 up that night.

17 Q Okay. When you said you looked at the
18 photographic line up --

19 A Right.

20 Q -- did they have you look at any other photographs
21 other than the photographs when you first got to the police
22 department or the sheriff's office that early morning and
23 started looking at these photographs?

24 A Uh-huh.

25 Q Did you at some point in time stop looking at

1 photographs and go home?

2 A Yeah. I went home. I went home about nine
3 o'clock in the morning.

4 Q Did you come back that day, look at more
5 photographs?

6 A No. No, I didn't. Okay. No, I didn't. I was
7 trying to think of what day I looked at the pictures.

8 Q Okay. So you went home, tried to get some sleep?

9 A No.

10 Q No?

11 A Uh-uh.

12 Q Couldn't sleep?

13 A No.

14 Q When is the next time that you came down to the
15 sheriff's office?

16 A The night they called me, I'm pretty sure it was
17 the Wednesday night they called me.

18 Q Who called you?

19 A I didn't get the phone. My sister -- they didn't
20 let me answer the phone.

21 Q Okay.

22 A My sister answered it and it was the homicide.

23 Q Okay. What did your sister tell you?

24 A They just said that they got a line-up they want
25 me to look at tonight, and they said they would call back

1 when they wanted me to come down.

2 Q Okay. Did they call back?

3 A They called my dad back and told him.

4 Q You didn't talk to any of the officers on the
5 phone?

6 A No.

7 Q And did your dad take you down to the sheriff's
8 office?

9 A Yes.

10 Q All right. Now, there was a line-up, a
11 photographic line-up that you actually looked at?

12 A Yes.

13 Q Okay. Can you describe how it was put together
14 for me?

15 A Like a -- that kind of folder, right there
16 (indicating).

17 Q Like this (indicating)?

18 A With cut-outs with pictures, six pictures in it.

19 Q Okay. Could you -- did each picture -- how was
20 it, was it a front view of this person?

21 A Front view of all of them.

22 Q Okay. Did you have any profile views of any of
23 them?

24 A I don't think so.

25 Q Did you see any numbers?

1 A Yes.

2 Q Okay. Did you see any numbers --were the numbers
3 on all of them?

4 A I'm not sure.

5 Q Okay. On the one that you picked out were there
6 any numbers on it like you told me about it?

7 A I didn't -- I just looked at the face. I didn't
8 -- I just looked at the face.

9 Q I understand. Do you recall, though, whether or
10 not there were any numbers on the photographs?

11 A I think there were.

12 Q Like you were talking about where he holds the
13 numbers?

14 A I think there were.

15 Q Okay. Do you recall whether or not -- I know I
16 asked you this, but it's very, very important, whether or
17 not the other pictures had those same numbers, whether they
18 were holding the numbers?

19 A I can't say. I'm not real sure.

20 Q Okay. How long did you look at the line-up before
21 you decided this person was it?

22 A A few minutes.

23 Q Okay. Two minutes, three minutes?

24 A About three minutes.

25 Q Okay. And then did -- when they handed you the

1 line-up did they say anything to you when they handed it to
2 you?

3 A They told me, we have a suspect in the line-up, we
4 want you to look at it, you can look at it as long as you
5 want.

6 Q They told you that they had a suspect that was in
7 the line-up?

8 A Yes.

9 Q Who told you that?

10 A Scotty Nyquist.

11 Q Okay. So you felt like the person might be in
12 that line-up?

13 A Yes.

14 Q Okay. And then what did you do?

15 A I looked at the photographs, and I looked at one
16 and I looked at two and I stopped at two and looked at it,
17 looked at them all and I went back to two and I looked at
18 him and it was number two.

19 Q Okay. And how did you tell the police it was
20 number two?

21 A I go, number two. And they go, are you sure, and
22 I go, I'm pretty positive.

23 Q Did you say you were positive or pretty positive?

24 A I was pretty sure.

25 Q Is that the way you feel now, you're pretty sure?

1 A Yes, I am.

2 Q Had you ever seen that person before?

3 A No.

4 Q And have you ever seen that person since that
5 night?

6 A No.

7 Q Had you seen any photographs of that person since
8 that night other than that photographic line-up?

9 A Just the paper.

10 Q Okay. And the person in the photograph --

11 A The paper from when -- after they had caught him I
12 saw that picture too, so.

13 Q Okay. I see. All right. And you feel like the
14 sketch and the picture look like the same person?

15 A Face did.

16 Q Okay. Nose and everything?

17 A Yes.

18 Q Okay. Did the -- once you picked number two what
19 did the police say?

20 A Are you sure? They asked me a few times if I was
21 sure, and I said yes. And they go, will you please sign
22 the back, put what number you did and sign the back. And I
23 did, and they told me that was the suspect that they had.

24 Q Were all the photographs black and white or color?

25 A I think they were color, I'm not sure.

1 Q Okay.

2 A I think they were color. Might have been black
3 and white.

4 Q In any event, if one was in color were they all in
5 color or were some in color and some black and white?

6 A I think they were all in color.

7 Q Okay. Were they all of black men?

8 A Yes.

9 Q Okay. Did some of the black men have facial hair
10 and some not, do you recall?

11 A I don't recall.

12 Q When you were out at the orange grove did you ever
13 look at this man in the face?

14 A No. Not in the orange grove.

15 Q When you were driving in the truck did you ever
16 look at his face?

17 A No.

18 Q The only time that you looked at his face was when
19 you were at Holder Park?

20 A Yes.

21 Q And at what point did you actually look at his
22 face?

23 A When he was up by the truck making Chip get down.

24 Q When you said you were --

25 A And then -- excuse me.

1 Q I'm sorry, I didn't mean to interrupt you.

2 A And when he -- when he looked up at me and told me
3 to scoot over. And I looked at him, and Chip, and the gun,
4 and him, and Chip, and the gun.

5 Q How long was that?

6 A A minute.

7 Q Maybe a minute? Could it have been longer, could
8 it have been less?

9 A Could have been less.

10 Q Okay. And would you say that's the only time you
11 got a chance to look at his face?

12 A Well, the whole time we were at Holder, yes.

13 Q I'm sorry?

14 A The whole time we were at Holder I got to see his
15 face, until we got in the truck and he told us to put our
16 heads down and I didn't get to see his face.

17 Q The whole time you were at Holder, as best you
18 remember, is seven to ten minutes?

19 A Yes.

20 Q Okay. And as I understand your testimony you
21 looked at him, you actually looked at his face that one
22 time for about -- might have been a minute, might have been
23 less than a minute, is that right?

24 A But I did -- that wasn't the only -- I did look at
25 him other --

1 Q Okay. That's what I'm asking.

2 A Okay. I did look at him while I was out of the
3 truck, too.

4 Q Okay. And he was out of the truck?

5 A Yes.

6 Q Okay. Was his hair like ringlets, you know what
7 I'm talking about?

8 A Curls.

9 Q Hanging down?

10 A Yes.

11 Q They were?

12 A Kind of just -- kind of a little bit, they weren't
13 long. They were curls.

14 MR. PARKER: Can I talk to you two guys outside?

15 (Thereupon, a brief recess was had after which the
16 proceedings continued as follows.)

17 Q Is there anything else about what happened that
18 night, anything at all that you have just been wanting to
19 tell somebody, that the police haven't asked you or that I
20 haven't asked you?

21 A No.

22 Q Have the police asked you anything that you can
23 remember that I forgot to ask you or didn't?

24 A I really don't remember what the police asked me.

25 Q Okay. Have you had a chance to review either one

1 of the transcripts of your statements that you gave the
2 police?

3 A Yes. I have both of them.

4 Q Okay. Did you read them over today before you
5 came in?

6 A I looked over them, I did not read them all the
7 way through.

8 Q Okay. Have you seen a transcript of the 911 tape
9 when you called?

10 A No, I did not.

11 Q Okay. Has anyone played for you the tape of your
12 voice calling in the police?

13 A No.

14 Q Okay.

15 A The only thing I have seen are my two transcripts.

16 MR. PARKER: Okay. I appreciate your patience.
17 Thank you for coming. I don't have any further
18 questions.

19 MR. WHITE: I just have one thing.

20 CROSS EXAMINATION

21 BY MR. WHITE

22 Q When you got to the grove and you were telling
23 us -- and I'm not sure, I believe it was when he jerked you
24 out of the truck a second time, either then or maybe the
25 first time; did he ever say something to you, say anything

1 to you either of those times after he jerked you out of the
2 truck?

3 A The second time he said he was gonna blow my
4 brains out, that's when he stuck the gun to my head.

5 Q More specifically, did he ever say anything that
6 had any sort of disparity remark toward you?

7 A Slut, like that?

8 Q Yeah.

9 A He called me a slut.

10 Q Which time was that?

11 A The second time.

12 Q The second time he pulled you out?

13 A Yes. .

14 Q Do you recall anything else he said at that point?

15 A Just, you little slut you are gonna do what I want
16 you to do or I'm gonna blow your brains out.

17 MR WHITE: I just wanted to clarify that, we kind
18 of ran through that pretty quick. Did you have
19 anything else..

20 MR. WILLIAMS: No.

21 MR. WHITE: Anything else, Mr. Parker?

22 MR. PARKER: No.

23 (Thereupon, this deposition was concluded.

24 Reading and signing were not waived by the deponent.)

25 Kim Hallock (4-12-90)
KIM S. HALLOCK

DATE

1 STATE OF FLORIDA)

2 COUNTY OF BREVARD)

3 I, LAURA FULLER, RPR, CSR, Deputy Official Court
4 Reporter and Notary Public in and for the State of Florida
5 at Large, do hereby certify that, pursuant to Notice, I
6 appeared at the place hereinabove stated at the time and
7 date hereinabove stated and was attended by Counsel as
8 shown herein, with the Deponent, KIM S. HALLOCK, who was
9 first by me duly sworn and who testified as hereinabove
10 shown.

11 I FURTHER CERTIFY that I am neither of Counsel,
12 solicitor, nor related to any of the parties hereto, and
13 that I am in no way financially interested in the event of
14 this cause.

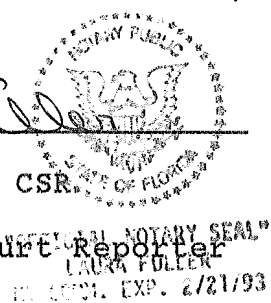
15 I FURTHER CERTIFY that I have filed the original of
16 this deposition with the clerk of court for which it was
17 taken.

18 WITNESS MY HAND and official Seal of Office in the
19 City of Titusville, County of Brevard, State of Florida,
20 this the 25th day of February, 1990.

21 

22 LAURA FULLER, PRP, CSR

23 Deputy Official Court Reporter

24 
25

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20

Flynn's not Finn's

Keri Hallock (4-12-90)

Deponent

Date