

Response in Opposition to Motion for a Stay of Execution

September 5, 2024

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S.C. SUPREME COURT

Attachment 5

1 UPSTAIRS.

2 THE COURT: OKAY. THANK YOU.

3 STEVEN ANDRA GOLDEN, HAVING BEEN  
4 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

5 THE COURT: MR. GOLDEN, SPELL YOUR NAME FOR  
6 THE RECORD, FULL NAME PLEASE, SIR.

7 THE WITNESS: S-T-E-V-E-N, A-N-D-R-A.

8 THE COURT: LAST NAME.

9 THE WITNESS: G-O-L-D-E-N.

10 MR. ALLEN: JUDGE, COULD WE ASK THAT THE  
11 WITNESS SPEAK UP?

12 THE COURT: MR. GOLDEN, YOU MIGHT NEED TO  
13 PULL YOUR CHAIR UP A LITTLE BIT CLOSER AND TALK INTO  
14 THE MICROPHONE THERE.

15 DIRECT EXAM BY MS. REESE:

16 Q. MR. GOLDEN, I WILL ASK TO YOU REPEAT YOUR NAME,  
17 SPEAK LOUDLY ENOUGH SO THESE LAST JURORS CAN HEAR YOU.  
18 REPEAT YOUR FULL NAME.

19 A. STEVEN ANDRA GOLDEN.

20 Q. THANK YOU. MR. GOLDEN, HOW OLD ARE YOU TODAY?

21 A. NINETEEN.

22 Q. HOW OLD WERE YOU BACK IN NOVEMBER 1997?

23 A. EIGHTEEN.

24 Q. WHERE HAVE YOU LIVED FOR YOUR ENTIRE LIFE?

25 A. 1305 LOBLOLLY CIRCLE.

1 Q. WHERE IS THAT, WHAT CITY?

2 A. GREENVILLE.

3 Q. WHERE HAVE YOU BEEN LIVING FOR THE LAST YEAR  
4 AND A HALF?

5 A. GREENVILLE COUNTY DETENTION CENTER.

6 Q. DO YOU KNOW WHY YOU ARE HERE TODAY, MR.  
7 GOLDEN?

8 A. YES, MA'AM.

9 Q. WHY?

10 A. TO TESTIFY.

11 Q. ABOUT WHAT?

12 A. WHAT HAPPENED AT THE SPEEDWAY.

13 Q. I AM GOING TO ASK YOU AGAIN, HOW ABOUT PULLING  
14 THAT MICROPHONE A LITTLE CLOSER TO YOU AND SPEAK UP.  
15 TELL ME AGAIN, WHY ARE YOU HERE TODAY?

16 A. TO TESTIFY ABOUT WHAT HAPPENED AT THE SPEEDWAY.

17 Q. MR. GOLDEN, I WILL SHOW YOU A DOCUMENT, I WANT  
18 YOU TO TELL ME IF YOU CAN RECOGNIZE, IF YOU HAVE EVER  
19 SEEN THIS DOCUMENT?

20 A. YES, SIR (SIC).

21 Q. DOES THAT LOOK FAMILIAR TO YOU?

22 A. YES, MA'AM.

23 Q. WHAT IS THIS?

24 A. PLEA AGREEMENT.

25 Q. GOING TO ASK YOU TO TELL ME WHOSE SIGNATURE

1 THAT IS.

2 A. MINE.

3 Q. HOW ABOUT THOSE?

4 A. MY LAWYERS.

5 Q. WHOSE SIGNATURE IS THAT?

6 A. SOLICITOR.

7 MS. REESE: LIKE TO MARK THIS FOR  
8 IDENTIFICATION AS STATE'S EXHIBIT NUMBER 43.

9 (WHEREUPON, STATE'S 43 WAS MARKED FOR ID PURPOSES  
10 ONLY.)

11 DIRECT EXAM CONTINUED BY MS. REESE:

12 Q. YOU PLEADED GUILTY TO THE CHARGES INVOLVED IN  
13 THIS CASE, DIDN'T YOU?

14 A. YES, MA'AM.

15 Q. WHEN DID THAT HAPPEN?

16 A. THURSDAY -- NO TUESDAY.

17 Q. DO YOU RECALL THE CHARGES THAT YOU DID PLEAD  
18 GUILTY TO?

19 A. YES, MA'AM.

20 Q. CAN YOU TELL US WHAT THOSE CHARGES WERE?

21 A. MURDER, ARMED ROBBERY AND CONSPIRACY.

22 MS. REESE: YOUR HONOR, I ASK AT THIS TIME  
23 TO BE ABLE TO PUBLISH THIS TO THE JURY.

24 MR. ALLEN: PLANNING TO INTRODUCE IT?

25 MS. REESE: YES.

1 MR. ALLEN: WE HAVE NO OBJECTION TO YOU  
2 INTRODUCING IT NOW.

3 THE COURT: ALL RIGHT VERY WELL.

4 MS. REESE: THIS IS PLEA AGREEMENT OF THE  
5 STATE OF SOUTH CAROLINA VERSUS STEVEN ANDRA GOLDEN.  
6 "COMES NOW THE STATE OF SOUTH CAROLINA BY AND THROUGH  
7 ITS ATTORNEY, ROBERT M. ARIAIL, SOLICITOR, AND ENTERS  
8 INTO THE FOLLOWING PLEA AGREEMENT WITH THE DEFENDANT,  
9 STEVEN ANDRA GOLDEN, WHO IS REPRESENTED BY RICHARD  
10 VIETH AND MARK MEGLIC.

11 "STEVEN ANDRA GOLDEN WILL PLEAD GUILTY AS  
12 CHARGED AND THIS WILL SUBJECT HIM TO THREE POSSIBLE  
13 PENALTIES. THOSE THREE PENALTIES ARE: DEATH  
14 FOLLOWING THE FULL HEARING BEFORE THE JUDGE; LIFE  
15 IMPRISONMENT WITHOUT PAROLE; OR A SENTENCE OF A  
16 MINIMUM OF THIRTY YEARS IN PRISON WITHOUT PAROLE OR A  
17 REDUCTION OF ANY TIME FOR ANY REASON.

18 "I HAVE ADVISED MR. GOLDEN IN THE PRESENCE OF  
19 HIS ATTORNEY THAT THE STATE WILL CONSIDER A  
20 RECOMMENDATION OF LENIENCY IN THE EVENT HE PLEADS  
21 GUILTY AND TESTIFIES TRUTHFULLY IN THIS MATTER.

22 "HE ADVISED HIS TRUTHFUL TESTIMONY WAS IN  
23 ACCORDANCE WITH HIS PREVIOUS WRITTEN STATEMENT GIVEN  
24 TO THE GREENVILLE COUNTY SHERIFF'S OFFICE ON NOVEMBER  
25 11TH OF 1997.

1 "THE DECISION TO MAKE A RECOMMENDATION OF  
2 LENIENCY IS A MATTER SOLELY IN MY DISCRETION AND THE  
3 DEFENDANT HAS NO SPECIFIC GUARANTEES. IN FACT, MY  
4 DECISION WILL NOT BE MADE UNTIL FOLLOWING THE  
5 CONCLUSION OF THE CASE WITH AN EVALUATION AS TO ME AS  
6 TO HIS VERACITY.

7 "PART OF THE CONSIDERATION ON MY PART WOULD  
8 ALSO BE A DISPOSITION OF ALL OTHER PENDING CHARGES  
9 AGAINST HIM ON A CONCURRENT SENTENCE BASIS.

10 "THIS WAS SIGNED ON THE 9TH OF FEBRUARY,  
11 1999."

12 YOUR HONOR, INTRODUCE INTO EVIDENCE AT THIS  
13 POINT AS STATE'S NUMBER 43.

14 MR. ALLEN: CERTAINLY WITHOUT OBJECTION.  
15 (WHEREUPON, STATE'S 43 WAS ADMITTED INTO EVIDENCE.)

16 DIRECT EXAM CONTINUED BY MS. REESE:

17 Q. MR. GOLDEN, UNDER THE TERMS OF THIS AGREEMENT,  
18 DO YOU UNDERSTAND THAT YOU COULD GET THE DEATH  
19 PENALTY?

20 A. YES, MA'AM.

21 Q. HAVE ANY GUARANTEES BEEN MADE TO YOU?

22 A. NO, MA'AM.

23 Q. HAVE ANY PROMISES AS TO WHAT IN FACT YOU WILL  
24 GET AS YOUR SENTENCE BEEN MADE TO YOU?

25 A. NO, MA'AM.

2288

1 Q. YOU UNDERSTAND THE TERMS OF THAT PLEA  
2 AGREEMENT?

3 A. YES, MA'AM.

4 Q. AND YOU HAVE PLED GUILTY TO THE CHARGES  
5 REGARDING THIS CASE?

6 A. YES, MA'AM.

7 Q. MR. GOLDEN, YOU ALSO HAVE A JUVENILE RECORD?

8 A. YES, MA'AM.

9 Q. TELL ME WHAT THAT JUVENILE RECORD IS.

10 A. GRAND LARCENY AUTO, POSSESSION OF STOLEN  
11 GOODS, SHOPLIFTING, AND POSSESSION OF CRACK COCAINE.

12 Q. AND YOU PLED GUILTY TO THOSE CHARGES; IS THAT  
13 CORRECT?

14 A. YES, MA'AM.

15 Q. MR. GOLDEN, YOU HAVE DISCUSSED WHAT HAPPENED  
16 AT THE SPEEDWAY WITH ME PRIOR TO TODAY, HAVEN'T YOU?

17 A. YES, MA'AM.

18 Q. HOW MANY TIMES HAVE YOU TALKED WITH ME?

19 A. TWICE.

20 Q. WHEN WAS THE FIRST TIME THAT YOU AND I TALKED?

21 A. WEDNESDAY.

22 Q. WHICH WEDNESDAY?

23 A. WEDNESDAY OF THIS WEEK.

24 Q. THREE DAYS AGO?

25 A. YES, MA'AM.

1 Q. AND DID WE TALK AGAIN AFTER THIS PAST  
2 WEDNESDAY?

3 A. YES, MA'AM.

4 Q. WHEN WAS THAT?

5 A. THURSDAY.

6 Q. AND WHERE DID WE TALK EACH TIME WE DISCUSSED  
7 WHAT HAPPENED AT THE SPEEDWAY?

8 A. AT THE COURTHOUSE.

9 Q. MR. GOLDEN, YOU KNOW THE DEFENDANT IN THIS  
10 CASE, FREDDIE OWENS?

11 A. YES, MA'AM.

12 Q. TELL ME HOW WELL YOU KNOW HIM.

13 A. I HAVE KNOWN HIM SINCE '94.

14 Q. DO YOU CONSIDER YOURSELF FRIENDS?

15 A. YES, MA'AM.

16 Q. PRETTY GOOD FRIENDS?

17 A. YES, MA'AM.

18 Q. AND BACK IN 1997 WERE YOU VERY CLOSE FRIENDS?

19 A. YES, MA'AM.

20 Q. HOW OFTEN DID YOU SEE EACH OTHER BACK IN 1997?

21 A. ALMOST EVERYDAY.

22 Q. NOW, I WANT YOU TO THINK BACK TO LATE 1997

23 RIGHT AROUND HALLOWEEN DAY, CAN YOU REMEMBER THAT

24 DAY?

25 A. YES, MA'AM.

1 Q. JUST PRIOR TO HALLOWEEN OF 1997, DID YOU AND  
2 MR. OWENS HAVE AN ARGUMENT OR A FIGHT?

3 A. YES, MA'AM.

4 Q. WAS IT ---

5 MR. ALLEN: JUDGE, I WILL HAVE TO OBJECT TO  
6 THE LEADING NATURE OF THIS LINE OF QUESTIONING AND ASK  
7 IT BE QUESTIONS AND NOT LEAD THE WITNESS.

8 THE COURT: ALL RIGHT. LET'S DO BE CAREFUL  
9 ABOUT ASKING QUESTIONS THAT MIGHT SUGGEST AN ANSWER.

10 MS. REESE: YES, YOUR HONOR.

11 THE COURT: YOU MAY PROCEED.

12 DIRECT EXAM CONTINUED BY MS. REESE:

13 Q. TELL ME ABOUT THAT ALTERCATION WITH MR. OWENS.

14 A. WE HAD BEEN DRINKING AND WE WAS ON THE PORCH  
15 AND GOT INTO AN ALTERCATION.

16 Q. WHAT DO YOU MEAN BY "ALTERCATION," DESCRIBE  
17 WHAT HAPPENED.

18 A. LICKS BEING PASSED.

19 Q. I'M SORRY?

20 A. LICKS WAS PASSED.

21 Q. WHAT DO YOU MEAN BY "LICKS"?

22 A. HE HIT ME AND I HAD FELL THEN I JUMPED BACK UP  
23 AND HIS SISTER HAD BROKE IT UP.

24 Q. DID YOU HAVE ANY INJURIES FROM THIS?

25 A. YES, MA'AM.

1 Q. WHAT?

2 A. A SWOLLEN EYE.

3 Q. NOW, JUST AFTER THAT FIGHT DO YOU REMEMBER  
4 HALLOWEEN DAY?

5 A. YES, MA'AM.

6 Q. TELL ME ABOUT THAT DAY. WHO WERE YOU WITH?

7 A. FREDDIE EUGENE OWENS, NAKEO VANCE AND LESTER  
8 YOUNG.

9 Q. DOES MR. OWENS HAVE A NICKNAME OF ANY SORT?

10 A. YES, MA'AM.

11 Q. WHAT IS THAT?

12 A. YALE.

13 Q. HOW ABOUT MR. VANCE?

14 A. KIKO.

15 Q. AND LESTER YOUNG?

16 A. LITTLE MAN.

17 Q. ABOUT DINNER TIME THAT DAY ON HALLOWEEN, WHAT  
18 DO YOU RECALL YOU WERE DOING WITH THESE THREE PEOPLE?

19 A. WE WAS DRINKING ALCOHOL AND SMOKING MARIJUANA.

20 Q. WHERE WERE YOU DOING THIS?

21 A. IN THE CAR RIDING AROUND.

22 Q. WHAT WERE YOU RIDING AROUND DOING?

23 A. DISCUSSING WHAT WE WAS GOING TO DO AND WHO WE  
24 WAS GOING TO ROB THAT DAY.

25 Q. WHAT DID YOU DISCUSS ROBBING? WHO WERE YOU

1 GOING TO ROB?

2 A. THE FIRST PLACE WAS ANTHONY JEWELERS.

3 Q. TELL ME ABOUT THAT. WHOSE DECISION WAS IT TO  
4 ROB ANTHONY'S?

5 A. FREDDIE OWENS AND NAKEO VANCE.

6 Q. WHERE IS ANTHONY JEWELERS?

7 A. ON LAURENS ROAD.

8 Q. WHOSE CAR WERE YOU IN?

9 A. MY GRANDMOTHER'S.

10 Q. WHO WAS DRIVING?

11 A. I WAS.

12 Q. DID YOU ACTUALLY GO TO ANTHONY'S?

13 A. YES, MA'AM.

14 Q. WHERE DID YOU PARK?

15 A. ACROSS THE STREET.

16 Q. DO YOU KNOW WHAT TIME OF DAY OR NIGHT THAT WAS?

17 A. NO, MA'AM, I DON'T RECALL WHAT TIME IT WAS.

18 Q. WAS IT DARK OR LIGHT OUTSIDE?

19 A. IT WAS ABOUT DARK, DUSK DARK.

20 Q. WHEN YOU ARRIVED AT ANTHONY'S DID ANYBODY GET  
21 OUT OF THE CAR?

22 A. YES, MA'AM.

23 Q. TELL ME ABOUT THAT, WHAT HAPPENED?

24 A. FREDDIE OWENS HAD GOT OUT FIRST AND WENT IN AND  
25 LOOKED AROUND AND CAME BACK.

1 Q. DID ANYONE ROB ANTHONY'S AT THAT POINT?

2 A. NO, MA'AM.

3 Q. WHY?

4 A. BECAUSE WE WAS JUST LOOKING AT IT TO SEE HOW IT  
5 LOOKED INSIDE.

6 Q. DID YOU LEAVE?

7 A. YES, MA'AM.

8 Q. WHERE DID YOU GO?

9 A. RODE BY PRESTIGE CLEANERS AND CAME BACK.

10 Q. CAME BACK TO WHERE?

11 A. ANTHONY'S JEWELERS STORE.

12 Q. TELL ME WHAT HAPPENED WHEN YOU CAME BACK THE  
13 SECOND TIME.

14 A. WE HAD CAME BACK THE SECOND TIME AND GOT OUT  
15 AND WENT TO THE SIDE OF THE STORE AND MR. OWENS HAD  
16 PUT ON HIS MASK AND SOMEBODY SEEN HIM SO WE LEFT.

17 Q. HOW DO YOU REMEMBER THAT YOU WERE ALL DRESSED  
18 AT THIS POINT?

19 A. IN DARK CLOTHING.

20 Q. DID ANYONE HAVE WEAPONS?

21 A. YES, MA'AM.

22 Q. WHAT WEAPONS?

23 A. EVERYBODY HAD WEAPONS, I HAD A .32, MR. VANCE  
24 HAD A .32, MR. OWENS HAD A .25 AND LESTER YOUNG HAD A  
25 .22.

- 1 Q. DID YOU ACTUALLY ROB ANTHONY'S?
- 2 A. NO, MA'AM.
- 3 Q. WHERE DID YOU GO AFTER YOU LEFT?
- 4 A. PRESTIGE.
- 5 Q. WHERE IS THE PRESTIGE?
- 6 A. ON PLEASANTBURG.
- 7 Q. WHAT IS PRESTIGE, WHAT SORT OF BUSINESS?
- 8 A. IT IS A CLEANERS.
- 9 Q. WHO WAS WITH YOU WHEN YOU WENT TO PRESTIGE?
- 10 A. FREDDIE, NAKEO AND LESTER.
- 11 Q. WHOSE IDEA WAS IT TO GO THERE?
- 12 A. KIKO.
- 13 Q. DID YOU HAVE ON THE SAME CLOTHING?
- 14 A. YES, MA'AM.
- 15 Q. HOW ABOUT WEAPONS?
- 16 A. YES, MA'AM, SAME GUNS.
- 17 Q. WHO ACTUALLY -- WHERE DID YOU PARK WHEN YOU
- 18 WENT TO PRESTIGE CLEANERS?
- 19 A. DOWN THE STREET.
- 20 Q. DO YOU KNOW WHERE DOWN THE STREET?
- 21 A. NO, MA'AM.
- 22 Q. WHO ACTUALLY GOT OUT OF THE CAR TO ROB
- 23 PRESTIGE?
- 24 A. ME AND LESTER.
- 25 Q. MR. OWENS, MR. VANCE, WHAT DID THEY DO?

1 A. THEY WAITED IN THE CAR.

2 Q. WHY WAS THAT?

3 A. WE WERE TAKING TURNS.

4 Q. WAS THAT THE UNDERSTANDING BETWEEN THE FOUR OF  
5 YOU?

6 A. YES, MA'AM.

7 Q. WHEN YOU WENT INTO PRESTIGE, TELL ME WHAT  
8 HAPPENED IN THERE.

9 A. WE WENT IN, DEMANDED THE MONEY, SHE GAVE IT TO  
10 US AND WE LEFT.

11 Q. DO YOU HAVE ANY IDEA HOW MUCH MONEY YOU GOT?

12 A. NO, MA'AM.

13 Q. WHAT DID YOU HAVE ON WHEN YOU WENT INTO  
14 PRESTIGE?

15 A. I HAD ON ALL BLACK, BLACK HOODED AND BLACK  
16 NYLON PANTS.

17 Q. I'M SORRY, WHAT WAS THE FIRST THING YOU SAID, I  
18 COULDN'T UNDERSTAND YOU?

19 A. BLACK HOODED SWEAT SHIRT.

20 Q. AND WHAT DID MR. YOUNG HAVE ON?

21 A. HE HAD ON BLUE JEAN PANTS AND A GRAY TOMMY  
22 HILFIGER SHIRT TURNED INSIDE OUT.

23 Q. DID HE HAVE ANYTHING ON HIS HEAD?

24 A. STOCKING MASK.

25 Q. DID YOU HAVE ANYTHING ON YOUR HEAD?

1 A. HAD A SKI MASK ON AT THAT TIME.

2 Q. WERE YOU WEARING ANYTHING ELSE ON YOUR HANDS OR  
3 ANY PART OF YOUR BODY?

4 A. HAD ON GLOVES, WE HAD ON GLOVES.

5 Q. WHEN YOU LEFT PRESTIGE WHERE DID YOU GO?

6 A. MR. OWENS' HOUSE.

7 Q. THE SAME PEOPLE WITH YOU?

8 A. YES, MA'AM.

9 Q. WHY DID YOU GO TO MR. OWENS'?

10 A. WE SPLIT UP THE MONEY AND SAT AROUND AND TALKED  
11 FOR A MINUTE.

12 Q. WHAT WERE YOU TALKING ABOUT?

13 A. WHAT WE WAS GOING TO DO NEXT.

14 Q. WHAT DID YOU DECIDE TO DO NEXT?

15 A. THAT IS WHEN WE HAD LEFT AND WHERE WE WENT BY  
16 THE WAFFLE HOUSE.

17 Q. WHERE WAS THIS WAFFLE HOUSE?

18 A. ON WHITE HORSE ROAD.

19 Q. DID YOU ROB IT?

20 A. NO, MA'AM.

21 Q. WHY?

22 A. IT WAS TOO MANY PEOPLE INSIDE AND A POLICE CAR  
23 HAD STOPPED SOMEBODY DOWN THE STREET.

24 Q. WHOSE IDEA WAS IT TO ROB THE WAFFLE HOUSE?

25 A. MINE.

1 Q. WHOSE?

2 A. MINE.

3 Q. OKAY. WHO WAS WITH YOU AT THIS POINT?

4 A. ME, FREDDIE OWENS, LESTER YOUNG AND NAKEO  
5 VANCE.

6 Q. AFTER LEAVING THE WAFFLE HOUSE DO YOU KNOW  
7 ABOUT WHAT TIME THIS WAS?

8 A. NO, MA'AM.

9 Q. WAS IT STILL HALLOWEEN NIGHT?

10 A. YES, MA'AM.

11 Q. WHERE DID YOU GO AFTER GOING TO THE WAFFLE  
12 HOUSE?

13 A. TO CONOCO.

14 Q. WHAT IS THE CONOCO?

15 A. HOT SPOT GAS STATION.

16 Q. WHERE IS THAT LOCATED?

17 A. ON AUGUSTA ROAD.

18 Q. WHOSE IDEA WAS IT TO GO TO THE CONOCO?

19 A. LESTER.

20 Q. WERE THE SAME PEOPLE WITH YOU AT THAT POINT?

21 A. YES, MA'AM.

22 Q. WHOSE CAR WERE YOU DRIVING?

23 A. MY GRANDMOTHER'S.

24 Q. WHEN YOU GOT TO THE CONOCO WHERE DID YOU PARK?

25 A. DOWN THE STREET BESIDE THE GROCERY STORE.

1 Q. DID ANYONE STAY IN THE CAR THAT TIME?

2 A. YES, MA'AM.

3 Q. WHO?

4 A. NAKEO VANCE.

5 Q. WHO WENT INTO THE CONOCO HOT SPOT?

6 A. ME, FREDDIE OWENS AND LESTER YOUNG.

7 Q. HOW WERE YOU DRESSED AT THAT POINT?

8 A. I STILL HAD ON BLACK HOODED AND NYLON PANTS.

9 FREDDIE HAD ON BLACK NIKE JACKET WITH A WHITE CHECK  
10 AND BLACK LEVI'S AND LUGS BOOTS AND LESTER YOUNG HE  
11 HAD ON BLUE JEAN PANTS AND THE SAME TOMMY HILFIGER  
12 SHIRT TURNED INSIDE OUT.

13 Q. TELL ME ABOUT WHAT EVERYBODY WAS WEARING ON  
14 THEIR HEADS.

15 A. ME AND MR. OWENS HAD ON SKI MASKS AND MR. YOUNG  
16 STILL HAD ON STOCKING MASK.

17 Q. DID ANYONE HAVE ANY WEAPONS?

18 A. YES, MA'AM.

19 Q. TELL ME ABOUT THOSE.

20 A. I HAD MY SAME .32, MR. OWENS HAD A .32 AND A  
21 .25, AND LESTER YOUNG HAD A .22.

22 Q. HOW MANY GUNS DID MR. OWENS HAVE?

23 A. HE HAD TWO.

24 Q. WHERE DID HE GET THE SECOND ONE?

25 A. THE SECOND ONE CAME FROM NAKEO.

1 Q. WHY DID HE GET NAKEO'S GUN?

2 A. BECAUSE IT WAS A LOT OF PEOPLE PLANNING ON  
3 SHOOTING ONE OF THEM IN THE AIR.

4 Q. DID YOU ACTUALLY GET ANY MONEY FROM THE CONOCO?

5 A. YES, MA'AM.

6 Q. DO YOU KNOW HOW MUCH?

7 A. NO, MA'AM, I DON'T RECALL.

8 Q. WHY DID MR. VANCE STAY IN THE CAR?

9 A. BECAUSE HE WAS GOING TO CRANK IT UP AND GET  
10 READY WHEN WE COME OUT.

11 Q. WHEN YOU CAME OUT WHERE DID YOU GO AFTER YOU  
12 LEFT THE CONOCO HOT SPOT?

13 A. THAT IS WHEN WE WENT BACK TO MR. OWENS' HOUSE.

14 Q. WHY DID YOU DO THAT?

15 A. WE WENT BACK THERE TO SPLIT UP THE MONEY.

16 Q. DO YOU KNOW HOW MUCH MONEY YOU SPLIT UP AT THAT  
17 POINT?

18 A. NO, MA'AM, I DON'T REMEMBER.

19 Q. DO YOU HAVE ANY IDEA WHAT TIME IT WAS?

20 A. NO, MA'AM.

21 Q. HOW LONG DID YOU STAY AT MR. OWENS' HOUSE?

22 A. FOR ABOUT AN HOUR AND THIRTY MINUTES.

23 Q. DID YOU TALK ABOUT ANYTHING?

24 A. WE WAS JUST JOKING AROUND AND DISCUSSING THINGS  
25 THEN.

1 Q. DID YOU DISCUSS WHERE YOU WERE GOING TO GO  
2 NEXT?

3 A. YES, MA'AM. WE WAS THINKING ABOUT THE  
4 SPEEDWAY AT THAT TIME.

5 Q. WHERE DID YOU GO WHEN YOU LEFT FREDDIE OWENS'  
6 HOUSE AT THAT POINT?

7 A. WE WENT RIDING AROUND.

8 Q. DID YOU TRY TO ROB ANY OTHER PLACES?

9 A. NOT AT THAT TIME IT WAS LATER ON.

10 Q. TELL ME WHAT HAPPENED WHEN YOU WERE RIDING  
11 AROUND, WHERE DID YOU GO?

12 A. WE HAD WENT UP TO OVER THERE BY WADE HAMPTON  
13 AND WENT ALL THE WAY AROUND AND CAME BACK AND WENT TO  
14 LAURENS ROAD AND THAT IS WHEN WE PARKED DOWN BY THE  
15 BOSTON MARKET.

16 Q. WHAT DID YOU DO AT THE BOSTON MARKET?

17 A. THAT IS WHEN NAKEO VANCE AND MR. OWENS HAD GOT  
18 OUT.

19 Q. WHAT WERE THEY GOING TO DO?

20 A. THEY WERE GOING TO ROB THAT GAS STATION DOWN  
21 THERE.

22 Q. WHOSE IDEA WAS THAT?

23 A. THAT WAS NAKEO.

24 Q. DID THEY ROB THAT GAS STATION?

25 A. NO, MA'AM.

1 Q. WHY?

2 A. THERE WERE TOO MANY CARS OUT THERE.

3 Q. WHERE DID YOU GO WHEN YOU LEFT THAT GAS  
4 STATION?

5 A. THAT IS WHEN WE LEFT AND DECIDED TO RENT THE  
6 ROOM.

7 Q. WHERE DID YOU RENT A ROOM?

8 A. AT THE RED ROOF.

9 Q. WHERE IS THE RED ROOF?

10 A. BESIDE I-85 OFF OF LAURENS ROAD.

11 Q. WHEN YOU GOT TO THE RED ROOF WHO WAS DRIVING AT  
12 THAT POINT?

13 A. I WAS.

14 Q. WHAT CAR WERE YOU IN?

15 A. MY GRANDMOTHER'S CAR.

16 Q. WHO WAS IN THE CAR WITH YOU?

17 A. MR. OWENS, MR. VANCE AND MR. YOUNG.

18 Q. WHEN YOU ARRIVED AT THE RED ROOF WHO CHECKED  
19 INTO THE MOTEL?

20 A. I DID.

21 Q. WHO PAID FOR IT?

22 A. I DID.

23 Q. DID ANYONE ELSE GO IN WITH YOU?

24 A. NO, MA'AM.

25 Q. HOW LONG WERE YOU INSIDE?

1 A. ABOUT FIVE, TEN MINUTES.

2 Q. DID YOU GO STRAIGHT BACK OUT OF THE HOTEL TO  
3 THE ROOM?

4 A. NO, MA'AM.

5 Q. TELL ME WHAT YOU DID WHEN YOU FINISHED  
6 REGISTERING FOR THE ROOM.

7 A. I WENT AND GOT IN THE CAR AND WE HAD LEFT, BUT  
8 WE WENT RIDING AROUND THE BUILDING RIGHT THERE AND  
9 CAME ALL THE WAY AROUND AND CAME BACK AND WENT ON OUT.

10 Q. WHY DIDN'T YOU GO UP TO THE ROOM?

11 A. BECAUSE WE HAD DECIDED WE WAS GOING TO GO AHEAD  
12 AND ROB THE SPEEDWAY.

13 Q. WHO DECIDED THAT?

14 A. ALL OF US.

15 Q. HOW DID YOU COME TO THAT DECISION?

16 A. WE DISCUSSED IT IN THE CAR.

17 Q. WAS EVERYONE GOING TO ROB THE SPEEDWAY?

18 A. NO, MA'AM, WE WAS GOING TO SPLIT UP, TWO WAS  
19 GOING TO DO ONE THING AND THE OTHER WAS GOING TO DO  
20 THE OTHERS.

21 Q. HOW DID YOU DECIDE WHO WOULD SPLIT UP TOGETHER?

22 A. I HAD PICKED MR. OWENS AT THAT TIME.

23 Q. WHY WAS THAT?

24 A. BECAUSE WE WAS ORIGINAL PARTNERS.

25 Q. OKAY. WHERE DID THE OTHER TWO INDIVIDUALS GO?

- 1 A. TO THE WAFFLE HOUSE.
- 2 Q. WHO PICKED THE SPEEDWAY?
- 3 A. I DID.
- 4 Q. WHY?
- 5 A. BECAUSE I THOUGHT IT WOULD BE EASY.
- 6 Q. WHY WOULD IT BE EASIER?
- 7 A. BECAUSE IT WASN'T AS MUCH PEOPLE IN THERE AS
- 8 THE WAFFLE HOUSE.
- 9 Q. WHEN YOU PULLED OUT OF THE RED ROOF TELL ME
- 10 WHERE YOU DROVE.
- 11 A. I DROVE ACROSS LAURENS ROAD AND PARKED BEHIND
- 12 THE OLD RESTAURANT.
- 13 Q. AN OLD RESTAURANT?
- 14 A. YES, MA'AM.
- 15 Q. WHERE IS THAT RESTAURANT IN RELATION TO THE
- 16 SPEEDWAY?
- 17 A. RIGHT ACROSS THE STREET UP A LITTLE BIT.
- 18 Q. DID YOU PARK YOUR CAR THERE?
- 19 A. YES, MA'AM.
- 20 Q. DID YOU AND MR. OWENS HEAD TO THE SPEEDWAY?
- 21 A. YES, MA'AM.
- 22 Q. HOW DID YOU GET THERE?
- 23 A. WE WALKED DOWN THE ROAD THEN CROSSED THE STREET
- 24 AND CAME UP TO THE SIDE.
- 25 Q. WHERE DID MR. VANCE AND MR. YOUNG GO?

2304

- 1 A. THEY WENT TO THE WAFFLE HOUSE.
- 2 Q. DID YOU SEE THEM AGAIN AT THAT POINT?
- 3 A. NO, MA'AM.
- 4 Q. WHEN YOU CAME UP BESIDE THE SPEEDWAY, TELL ME  
5 HOW YOU AND MR. OWENS WERE DRESSED.
- 6 A. I HAD ON A BLACK HOODED AND BLACK NYLON PANTS  
7 AND STOCKING MASK. HE HAD ON BLACK NIKE ZIP UP  
8 JACKET WITH EMBLEM CHECK ON IT AND BLACK LEVI'S PANTS  
9 AND LUGS BOOTS.
- 10 Q. WHAT KIND OF SHOES DID YOU HAVE ON?
- 11 A. I HAD ON BLACK AND WHITE NIKES.
- 12 Q. DID YOU HAVE ANYTHING ON YOUR HANDS?
- 13 A. YES, MA'AM, BLACK GLOVES.
- 14 Q. DID MR. OWENS?
- 15 A. YES, MA'AM, HE HAD ON GLOVES.
- 16 Q. TELL ME ABOUT YOUR WEAPONS.
- 17 A. I HAD .32, HE HAD MR. VANCE'S .32.
- 18 Q. WHY DID HE HAVE MR. VANCE'S .32?
- 19 A. BECAUSE MR. VANCE GOT THE AUTOMATIC TO GO TO  
20 WAFFLE HOUSE.
- 21 Q. WHY?
- 22 A. BECAUSE IT HAD MORE BULLETS.
- 23 Q. WHOSE AUTOMATIC WAS THAT?
- 24 A. MR. OWENS.
- 25 Q. DID YOU MAKE A PRACTICE OF SWITCHING GUNS LIKE

1 THIS?

2 A. YES, MA'AM.

3 Q. WHY?

4 A. WE HAD BEEN DOING IT ALL THAT NIGHT, WE WAS  
5 JUST DOING IT.

6 Q. TELL ME ABOUT WHAT HAPPENED RIGHT OUTSIDE THE  
7 WAFFLE HOUSE -- EXCUSE ME RIGHT OUTSIDE THE SPEEDWAY.  
8 HOW LONG DID YOU AND MR. OWENS STAND OUTSIDE?

9 A. IT WAS A COUPLE OF SECONDS.

10 Q. DO YOU REMEMBER SEEING ANY OTHER PEOPLE AROUND?

11 A. YES, MA'AM, IT WAS A TRUCK DRIVER AND SOMEBODY  
12 PUMPING GAS.

13 Q. HOW WOULD YOU DESCRIBE THE TRUCK DRIVER?

14 A. HE WAS KIND OF HEFTY WITH A MOUSTACHE AND A BIG  
15 BEARD.

16 Q. HOW WOULD YOU DESCRIBE THE OTHER GENTLEMAN?

17 A. HE WAS KIND OF SLENDER, HAD ON A HAT.

18 Q. WHITE OR BLACK MAN?

19 A. WHITE MAN.

20 Q. DO YOU KNOW HOW LONG YOU STOOD BESIDE THE  
21 SPEEDWAY?

22 A. NOT EXACTLY.

23 Q. NOW, TELL ME IF YOU ARE FACING THE SPEEDWAY  
24 WITH YOUR BACK TO LAURENS ROAD, WHERE WERE YOU AND  
25 MR. OWENS STANDING?

1 A. ON THE RIGHT SIDE.

2 Q. ON THE RIGHT SIDE OF THE SPEEDWAY?

3 A. YES, MA'AM.

4 Q. TELL ME WHAT HAPPENED, MR. GOLDEN, WHEN YOU  
5 AND MR. OWENS WENT INTO THE SPEEDWAY?

6 A. I WENT IN THE DOOR FIRST AND I CAME TO THE  
7 FRONT OF THE COUNTER AND MR. OWENS WENT BEHIND THE  
8 COUNTER AND THE LADY THAT CAME OUT THE BACK AND WE  
9 TOLD HER TO OPEN UP THE FIRST CASH REGISTER WHICH SHE  
10 DID AND MR. OWENS GOT THE MONEY OUT OF THE CASH  
11 REGISTER.

12 Q. WHEN YOU SAY "WE TOLD HER," TELL ME WHO SAID  
13 WHAT WHEN YOU ENTERED -- LET ME BACK UP FIRST. WHEN  
14 YOU CAME INTO THE SPEEDWAY, WHAT EXACTLY DID YOU HAVE  
15 ON YOUR HEAD? DID YOU HAVE ANYTHING COVERING YOUR  
16 HEADS?

17 A. I HAD A HOODED OVER MY HEAD WITH STOCKING MASK  
18 PULLED DOWN.

19 Q. HOW ABOUT MR. OWENS?

20 A. HE HAD ON A SKI MASK.

21 Q. WHAT DID THAT SKI MASK LOOK LIKE?

22 A. IT WAS BLACK.

23 Q. DID IT HAVE ANY HOLES IN IT?

24 A. IN THE EYE HOLE AND MOUTH.

25 Q. WHEN YOU WALKED INTO THE SPEEDWAY TELL ME AGAIN

1 WHERE DID YOU GO?

2 A. I WENT TO THE FRONT OF THE COUNTER.

3 Q. WHERE DID MR. OWENS GO?

4 A. BEHIND THE COUNTER.

5 Q. AT THAT POINT WAS THE CLERK IN THE STORE?

6 A. NO, SHE HAD CAME OUT THE BACK.

7 Q. WHO WAS THE FIRST PERSON TO SPEAK TO THE CLERK?

8 A. MR. OWENS.

9 Q. WHAT DID HE SAY?

10 A. HE TOLD HER GO AHEAD OPEN UP THE CASH REGISTER.

11 Q. DID SHE DO THAT?

12 A. YES, MA'AM.

13 Q. DID SHE SAY ANYTHING TO EITHER OF YOU?

14 A. NO, MA'AM, NOT AT THAT POINT.

15 Q. CONTINUE TO TELL ME WHAT WAS SAID INSIDE THE  
16 SPEEDWAY.

17 A. THEN I TOLD HER TO OPEN UP SECOND CASH REGISTER  
18 AND IT WAS ALREADY OPEN. SO THEN MR. OWENS LOOKED  
19 DOWN THAT IS WHEN HE SEEN THE SAFE AND HE DIRECTED HER  
20 TO OPEN THE SAFE AND SHE SAID IT WAS JAMMED. AND I  
21 TOLD HER TO GO AHEAD AND OPEN IT AND SHE SAID IT WAS  
22 JAMMED. MR. OWENS SAID YOU GOT THE KEY RIGHT THERE  
23 ON YOUR HAND AND SHE SAID, WELL, GET IT ON ME YOURSELF  
24 AND I BE LIKE HOLDUP, GO AHEAD, OPEN IT, WE DON'T WANT  
25 NO PROBLEMS, WE DIDN'T WANT NO TROUBLE. SO MR. OWENS

2308

1 SAID YOU ARE GOING TO OPEN THE SAFE SHE SAID IT IS  
2 JAM, YOU CAN LOOK AND SEE FOR YOURSELF. THAT IS WHEN  
3 MR. OWENS HAD LOOKED HE SAID OH, WELL, AND SHOT MS.  
4 GRAVES IN THE HEAD.

5 Q. MS. GRAVES DID YOU KNOW HER?

6 A. YES, MA'AM.

7 Q. WHAT DID YOU THINK AT THAT MOMENT WHEN MR.  
8 OWENS SHOT MS. GRAVES?

9 A. WHAT WAS HE DOING.

10 Q. WHAT DID YOU DO AT THAT MOMENT?

11 A. I HAD JUMPED BACK.

12 Q. AND THEN WHAT HAPPENED?

13 A. THEN I SAID LET'S GO AND WE RAN OUT THE DOOR  
14 ACROSS THE STREET ACROSS LAURENS ROAD.

15 Q. AS YOU WERE RUNNING OUT THAT STORE WHAT WERE  
16 YOU THINKING?

17 A. WHY HAD HE DONE THAT.

18 Q. WHY WOULD YOU THINK THAT?

19 A. AND WHAT REASON.

20 Q. DID YOU KNOW WHAT REASON HE HAD DONE THAT?

21 A. NO, MA'AM.

22 Q. WERE YOU IN SHOCK AT THAT POINT?

23 A. YES, MA'AM.

24 Q. YOU WENT INTO THAT STORE WITH WEAPONS, DIDN'T  
25 YOU?

2309

1 A. YES, MA'AM.

2 Q. WERE YOU SURPRISED THAT THAT HAD HAPPENED?

3 A. YES, MA'AM.

4 Q. AT THIS POINT, MR. OWENS, I WILL ASK YOU TO  
5 LOOK AT THE VIDEO FROM THE SPEEDWAY.

6 MR. ALLEN: THAT IS MR. GOLDEN.

7 DIRECT EXAM CONTINUED BY MS. REESE:

8 Q. I'M SORRY, MR. GOLDEN. MR. GOLDEN, DO YOU  
9 RECOGNIZE ANY OF THE INDIVIDUALS IN THIS VIDEO?

10 A. YES, MA'AM.

11 Q. TELL ME HOW YOU RECOGNIZE THEM.

12 A. THOSE WERE THE TWO PEOPLE OUTSIDE THE STORE.

13 Q. THIS GENTLEMAN TO THE RIGHT, WHERE WAS HE?

14 A. THAT IS THE ONE THAT WAS OUTSIDE PUMPING THE  
15 GAS IN THE FRONT OF THE STORE.

16 Q. OKAY. HOW ABOUT THIS OTHER GENTLEMAN THAT IS  
17 IN THE UPPER RIGHT CORNER AND NOW IN THE BOTTOM  
18 CORNER?

19 A. THAT IS THE TRUCK DRIVER.

20 Q. DO YOU REMEMBER SEEING THE TRUCK DRIVER COME  
21 OUT OF THE SPEEDWAY?

22 A. YES, MA'AM.

23 Q. WERE YOU STANDING THERE AT THIS POINT OUTSIDE?

24 A. YES, MA'AM.

25 Q. WHAT WERE YOU AND MR. OWENS DOING AT THIS POINT

2310

1 OUTSIDE?

2 A. WE WAS WAITING FOR THEM TO LEAVE.

3 Q. MR. GOLDEN, I AM GOING TO ASK YOU WHO IS THIS  
4 COMING IN THE DOOR FIRST?

5 A. THAT IS ME COMING IN FIRST.

6 Q. WHO IS BEHIND YOU?

7 A. MR. OWENS.

8 Q. PLAY THIS SLOWLY. I WANT YOU TO TELL ME WHAT  
9 YOU ARE DOING RIGHT NOW.

10 A. GOING TO THE FRONT OF THE COUNTER.

11 Q. WHERE IS MR. OWENS RIGHT NOW?

12 A. HE IS GOING TO THE BACK BEHIND THE COUNTER.

13 Q. WHAT IS HAPPENING RIGHT HERE?

14 A. THAT IS WHERE THE LADY GOING TO THE FIRST CASH  
15 REGISTER WE ARE TELLING HER TO OPEN IT UP.

16 Q. WHO IS TALKING TO HER?

17 A. AT THIS TIME MR. OWENS.

18 Q. WHAT IS HAPPENING RIGHT HERE?

19 A. SHE FIXING TO GO TO THE SECOND ONE.

20 Q. MR. GOLDEN, DID YOU GET MONEY OUT OF THE FIRST  
21 CASH REGISTER?

22 A. YES, MA'AM.

23 Q. DO YOU KNOW HOW MUCH?

24 A. I DON'T RECALL.

25 Q. WHAT IS HAPPENING RIGHT HERE?

1 A. THAT IS WHEN WE TELL HER TO OPEN UP SECOND ONE  
2 BUT WE SEE IT IS ALREADY OPEN AND MR. OWENS GOING TO  
3 TELL HER TO OPEN UP THE SAFE.

4 Q. ARE YOU LOOKING AT MS. GRAVES OR MR. OWENS AT  
5 THIS POINT?

6 A. MR. OWENS.

7 Q. WHAT IS MR. OWENS SAYING AT THIS POINT?

8 A. THAT IS WHEN HE WAS TELLING HER TO OPEN UP THE  
9 SAFE.

10 Q. RIGHT HERE?

11 A. THAT IS WHEN HE TOLD HER TO OPEN UP THE SAFE.

12 Q. WAS SHE TALKING TO HIM?

13 A. YES, MA'AM.

14 Q. WHAT WERE YOU DOING?

15 A. I WAS WATCHING HIM.

16 Q. AT THIS POINT WHAT DOES MR. OWENS DO?

17 A. HE WAS STILL STANDING THERE POINTING THE GUN AT  
18 HER HEAD.

19 Q. WHERE WAS HE POINTING IT?

20 A. AT HER HEAD.

21 Q. WHAT IS SHE SAYING?

22 A. THAT IS WHEN SHE TOLD HIM TO GET THE KEY AND  
23 OPEN IT HIMSELF.

24 Q. AND DID MR. OWENS APPEAR TO BE AGITATED WITH  
25 THAT ANSWER?

1 A. YES, MA'AM.

2 Q. WHAT WERE YOU THINKING?

3 A. THAT IS WHEN I TOLD HER TO JUST GO AHEAD AND  
4 OPEN IT.

5 Q. AT THAT POINT RIGHT THERE, MR. GOLDEN, WHAT  
6 JUST HAPPENED?

7 A. THAT IS WHEN HE SHOT HER.

8 Q. WHAT DID YOU DO?

9 A. I HAD JUMPED BACK OUT OF PLACE.

10 Q. WHY DID YOU JUMP BACK?

11 A. BECAUSE I WAS SHOCKED.

12 Q. WHO RAN OUT OF THE DOOR FIRST?

13 A. ME.

14 Q. WHO RAN OUT FIRST?

15 A. I DID.

16 Q. AND THEN SECOND?

17 A. MR. OWENS.

18 Q. WHERE DID YOU RUN?

19 A. ACROSS THE STREET.

20 Q. WHERE ACROSS THE STREET?

21 A. BEHIND THE OLD RESTAURANT.

22 Q. AS YOU WERE RUNNING ACROSS THAT STREET WHAT IS  
23 GOING THROUGH YOUR MIND?

24 A. WHAT JUST HAPPENED.

25 Q. WHY WAS THAT RUNNING THROUGH YOUR MIND?

1 A. BECAUSE I COULDN'T BELIEVE JUST WHAT HAPPENED.

2 Q. BUT YOU WENT IN THERE ARMED WITH GUNS, WHY  
3 COULDN'T YOU BELIEVE IT?

4 A. I WASN'T EXPECTING THAT TO HAPPEN.

5 Q. WHY?

6 A. BECAUSE IT WASN'T IN MY MIND TO DO SOMETHING  
7 LIKE THAT.

8 Q. AS YOU RAN ACROSS THAT STREET, WHERE DID YOU  
9 GO?

10 A. TO THE CAR.

11 Q. WHO GOT IN THE CAR?

12 A. ALL OF US.

13 Q. WHO IS ALL OF US?

14 A. ME, MR. OWENS, MR. VANCE AND MR. YOUNG.

15 Q. DID YOU HAVE ANY DISCUSSION WITH FREDDIE ABOUT  
16 WHAT JUST HAPPENED IN THE SPEEDWAY?

17 A. WHEN WE CAME OUT HE ASKED MR. VANCE, "DID YOU  
18 HEAR THAT SHOT?" HE SAID "NO." HE SAID, "WHAT  
19 HAPPENED?" AND MR. OWENS SAID, "I SHOT THE STUPID  
20 BITCH THROUGH THE HEAD."

21 Q. AND WHAT DID YOU SAY TO THAT?

22 A. I JUST LOOKED AT HIM AND SAY, "WHY, WHY YOU DO  
23 IT?" HE SAID, "BECAUSE YOU WERE PROTECTING WHITE MAN  
24 MONEY."

25 Q. WERE YOU ANGRY OR UPSET AT THAT POINT?

1 A. I WAS JUST TRYING TO FIGURE OUT WHY HE DONE IT.

2 Q. YOU KNEW WHY YOU ROBBED IT, RIGHT?

3 A. YES, MA'AM.

4 Q. YOU PLANNED TO ROB THE SPEEDWAY, RIGHT?

5 MR. ALLEN: OBJECTION, JUDGE, AS TO THE  
6 LEADING AGAIN.

7 THE COURT: I AGREE, RESTATE YOUR QUESTION.

8 DIRECT EXAM CONTINUED BY MS. REESE:

9 Q. AFTER YOU GOT IN THAT CAR WHERE DID YOU GO?

10 A. WE LEFT AND WENT OFF FAIR FOREST.

11 Q. WHAT IS FAIR FOREST?

12 A. THAT NEIGHBORHOOD RIGHT THERE CALLED LAUREL  
13 CREEK.

14 Q. WHO LIVED THERE?

15 A. ME AND MR. VANCE STAYING IN THE AREA.

16 Q. WHERE EXACTLY DID YOU DRIVE?

17 A. WE DROVE AND WENT BEHIND THE BLUE HOUSE.

18 Q. WHAT IS THE BLUE HOUSE?

19 A. THAT IS AN ABANDONED HOUSE WE CALL THE BLUE  
20 HOUSE.

21 Q. WHEN YOU GOT TO THE BLUE HOUSE TELL ME WHAT  
22 HAPPENED.

23 A. THAT IS WHEN WE GOT OUT OF THE CAR AND WE TOOK  
24 OFF ALL OUR MASKS AND GLOVES AND MR. VANCE HAD GOT THE  
25 GUN BACK AND HE PUT EVERYTHING IN THE TRUNK, HE HAD

1 TOLD FREDDIE TO JUMP THE FENCE AND RUN THROUGH THAT  
2 PATHWAY AND MR. VANCE WENT TO HIS HOUSE AND ME AND MR.  
3 YOUNG STAYED IN THE CAR AND DUCKED DOWN.

4 Q. WHY WERE YOU DUCKING DOWN?

5 A. BECAUSE THE POLICE HAD HAD SOMEBODY STOPPED  
6 DOWN THE STREET.

7 Q. DO YOU KNOW HOW LONG YOU WERE IN THE CAR?

8 A. NO LONGER THAN ABOUT FIVE MINUTES.

9 Q. AND WHO WAS IN THE CAR WITH YOU?

10 A. MR. YOUNG.

11 Q. TELL ME WHAT HAPPENED AFTER YOU WERE INSIDE  
12 THAT CAR DUCKING DOWN, WHAT IS THE NEXT THING YOU  
13 REMEMBER HAPPENING?

14 A. MR. OWENS HAD CAME BACK OVER THE FENCE AND CAME  
15 BACK TO THE CAR.

16 Q. AFTER THAT WHERE DID YOU GO?

17 A. WE HAD LEFT AND WENT TO MY HOUSE.

18 Q. HOW DID YOU LEAVE, DID YOU DRIVE?

19 A. YES, MA'AM.

20 Q. WHEN YOU GOT TO YOUR HOUSE WHO WAS IN THE CAR  
21 WITH YOU?

22 A. ME, MR. OWENS AND MR. YOUNG.

23 Q. HOW LONG DID YOU STAY AT YOUR HOUSE?

24 A. TEN, FIFTEEN MINUTES.

25 Q. WHERE DID YOU GO? DID YOU LEAVE YOUR HOUSE?

1 A. YES, MA'AM.

2 Q. WHERE DID YOU GO?

3 A. TOOK MR. OWENS HOME AND I TOOK MR. YOUNG HOME  
4 AND I WENT TO THE ROOM.

5 Q. WHERE IS THE ROOM?

6 A. THE RED ROOF.

7 Q. WERE YOU BY YOURSELF?

8 A. YES, MA'AM.

9 Q. DO YOU KNOW WHAT TIME IT WAS WHEN YOU GOT TO  
10 THE RED ROOF INN?

11 A. IT WAS EARLY IN THE MORNING.

12 Q. WHAT WAS IT LIKE OUTSIDE, LIGHT OR DARK?

13 A. IT WAS KIND OF STILL DARK BUT IT WAS GOING TO  
14 BE LIGHT.

15 Q. HOW LONG DID YOU STAY IN THE ROOM?

16 A. UNTIL ABOUT TWO O'CLOCK.

17 Q. DID YOU MAKE ANY PHONE CALLS TO ANYONE WHILE  
18 YOU WERE THERE?

19 A. I CALLED THE OFFICE AND I CALLED MY GRANDMOTHER  
20 TO SEE IF SHE NEEDED ANYTHING.

21 Q. DID YOU SEE MR. OWENS AGAIN THAT DAY?

22 A. LATER ON THAT DAY.

23 Q. DID YOU TALK TO HIM?

24 A. YES, MA'AM. HE HAD BEEPED ME.

25 Q. WHEN HE BEEPED YOU WHAT DID HE WANT?

1 A. HE SAID THAT WE ALL WAS GOING TO MEET UP AND  
2 TALK ABOUT SOMETHING, WE HAD TO DISCUSS SOMETHING.

3 Q. DID YOU KNOW WHAT THAT SOMETHING WAS?

4 A. NOT AT THAT POINT, IT WAS SOMETHING WE COULDN'T  
5 TALK ABOUT ON THE PHONE.

6 Q. DID YOU ASSUME WHAT IT WAS?

7 A. NO, MA'AM. I DIDN'T KNOW.

8 Q. WHEN DID YOU GET TOGETHER WITH MR. OWENS?

9 A. I CAME TO HIS HOUSE.

10 Q. DO YOU KNOW WHAT TIME THAT WAS?

11 A. IT WAS LATER ON IN THE EVENING.

12 Q. WAS IT THAT SAME DAY?

13 A. YES, MA'AM.

14 Q. WHO WAS WITH YOU WHEN YOU GOT TOGETHER WITH  
15 FREDDIE OWENS THAT DAY?

16 A. IT WAS -- FIRST IT WAS JUST ME AND HIM AND  
17 AISHA AUSTIN IN THE ROOM.

18 Q. WHO IS AISHA AUSTIN?

19 A. HIS GIRLFRIEND.

20 Q. DID YOU TALK ABOUT WHAT HAPPENED AT THE  
21 SPEEDWAY?

22 A. YES, MA'AM.

23 Q. TELL ME ABOUT THAT CONVERSATION.

24 A. HE HAD TOLD ME THAT SOMEBODY HAD CALLED HIM  
25 FROM JAIL, MR. HENDRIX HAD CALLED HIM AND WAS ASKING

1 ABOUT WHAT HAPPENED AND EVERYTHING. AND THAT WAS THE  
2 REASON HE HAD BEEPED ME AND THAT AISHA HAD FOUND OUT  
3 FROM SOMEBODY.

4 Q. DID MR. OWENS EVER ADMIT TO YOU WHO HE HAD TOLD  
5 ABOUT THE SPEEDWAY?

6 A. YES, MA'AM.

7 Q. WHO DID HE SAY HE HAD TOLD ABOUT WHAT HAPPENED  
8 AT THE SPEEDWAY?

9 A. AISHA, ZEKE AND HIS MOTHER.

10 Q. I'M SORRY, I MISSED THE SECOND PERSON.

11 A. ZEKE HENDRIX, AISHA, AND HIS MOTHER.

12 Q. DID HE TELL YOU WHEN HE DISCUSSED THE SPEEDWAY  
13 WITH AISHA?

14 A. AT FIRST HE WAS DOING IT WHEN WE WERE WITH EACH  
15 OTHER THEN HE DID IT LATER ON.

16 Q. DID HE TELL YOU WHEN HE DISCUSSED IT WITH ZEKE?

17 A. WE BOTH DISCUSSED IT WITH ZEKE AT HIS HOUSE.

18 Q. WAS THAT ON THE SAME DAY THAT THIS HAPPENED?

19 A. LATER ON THAT NIGHT.

20 Q. DID HE TELL YOU ABOUT WHEN HE DISCUSSED THE  
21 SPEEDWAY WITH HIS MOTHER?

22 A. IT WAS ONE NIGHT THEY WERE PLAYING CARDS AND HE  
23 DECIDED HE WAS GOING TO TELL HER AND HE GOT HER AND  
24 GOT HER TO COME BACK IN THE ROOM WITH HIM AND HE TOLD  
25 HER.

1 Q. BACK UP TO THAT. I AM HAVING A HARD TIME  
2 HEARING YOU SO I WILL ASK YOU TO SPEAK INTO THAT  
3 MICROPHONE A LITTLE CLOSER. TELL ME ABOUT HOW DO YOU  
4 KNOW ABOUT THE NIGHT WHEN HIS MOTHER WAS PLAYING  
5 CARDS?

6 A. BECAUSE WE HAD BEEN AT ZEKE'S HOUSE AND THAT IS  
7 WHEN HE SAID HE WAS GOING TO TELL HER. SO WHEN WE  
8 WENT BACK THEY WERE IN THERE PLAYING CARDS, HE GOT  
9 HER, HE GOT HER TO COME BACK INTO THE ROOM.

10 Q. WHEN YOU SAY, "WE HAD BEEN AT ZEKE'S HOUSE,"  
11 WHO HAS BEEN AT ZEKE'S HOUSE?

12 A. ME, MR. OWENS AND ZEKE.

13 Q. WHEN YOU LEFT ZEKE'S HOUSE WHERE DID YOU GO?

14 A. BACK TO MR. OWENS' HOUSE.

15 Q. AND WHO WAS WITH YOU?

16 A. ME, MR. OWENS AND ZEKE.

17 Q. WHEN YOU GOT TO MR. OWENS' HOUSE, WHO WAS AT  
18 HIS HOUSE?

19 A. IT WAS A LOT OF PEOPLE IN THERE THAT TIME.

20 Q. DID YOU KNOW ANY OF THOSE PEOPLE?

21 A. YES, MA'AM.

22 Q. TELL ME WHO YOU KNEW THERE.

23 A. HIS MOTHER, BASICALLY HIS FAMILY AND CORNELIUS  
24 AND ZEKE AND AISHA.

25 Q. ANY OF HIS SISTERS THERE?

1 A. YES, MA'AM.

2 Q. WHO?

3 A. BOTH OF THEM.

4 Q. DO YOU KNOW THEIR NAMES?

5 A. MARIE AND SANTIEL.

6 Q. WHEN FREDDIE WENT INTO THE HOUSE, DID HE SPEAK  
7 TO HIS MOTHER?

8 A. YES, MA'AM.

9 Q. TELL ME ABOUT THAT.

10 A. HE HAD JUST TOLD HER HE NEEDED TO TALK TO HER.

11 Q. DID THEY TALK IN THE ROOM THERE?

12 A. NO, MA'AM.

13 Q. WHERE DID THEY GO?

14 A. IN THE BEDROOM.

15 Q. WHERE WERE YOU WHEN THEY WENT INTO THE BEDROOM?

16 A. I HAD LEFT AND WENT INTO THE FRONT IN THE  
17 LIVING ROOM.

18 Q. WERE ANY PEOPLE IN THERE?

19 A. JUST TWO OR THREE, ME, ZEKE AND ONE OF HIS  
20 SISTERS.

21 Q. DO YOU KNOW HOW LONG FREDDIE OWENS AND HIS  
22 MOTHER WERE IN THE BEDROOM?

23 A. ABOUT THIRTY MINUTES.

24 Q. DID YOU SEE THEM WHEN THEY CAME OUT?

25 A. YES, MA'AM.

1 Q. TELL ME ABOUT THAT, WHAT DID YOU SEE?

2 A. THEY HAD CAME OUT AND MS. OWENS HAD HIS ARM  
3 AROUND HER, SHE LOOKED LIKE SHE HAD JUST BEEN CRYING.

4 Q. DID YOU KNOW THAT THAT IS WHEN FREDDIE OWENS  
5 TOLD HIS MOTHER ABOUT THE SPEEDWAY?

6 A. YES, MA'AM, BECAUSE LATER ON HE TOLD US THAT  
7 HE HAD TOLD HER.

8 Q. DID YOU SEE MR. VANCE AGAIN AFTER WHAT HAD  
9 HAPPENED AT THE SPEEDWAY?

10 A. YES, MA'AM.

11 Q. TELL ME ABOUT THAT, WHEN DID YOU SEE HIM?

12 A. EARLIER THAT DAY.

13 Q. WHO WAS WITH YOU?

14 A. ME, MR. OWENS AND ZEKE HENDRIX.

15 Q. WHERE DID YOU SEE NAKEO VANCE?

16 A. DOWN THE STREET FROM HIS HOUSE.

17 Q. WHAT WAS HE DOING?

18 A. HE WAS IN THE YARD, HE WAS BURNING TRASH AND HE  
19 WAS TALKING TO SOMEBODY.

20 Q. DID Y'ALL TALK ABOUT THE SPEEDWAY AT THAT  
21 POINT?

22 A. NOT AT THAT POINT. WE WAS DISCUSSING OTHER  
23 THINGS.

24 Q. OKAY. AFTER THIS WEEKEND AT THE SPEEDWAY,  
25 DID YOU AND FREDDIE SPEND ANYMORE TIME TOGETHER THAT

1 WEEK?

2 A. YES, MA'AM, BUT NOT AS MUCH.

3 Q. DID YOU DO ANYMORE ROBBERIES WITH MR. OWENS?

4 A. NO, MA'AM.

5 Q. MR. VANCE?

6 A. NO, MA'AM.

7 Q. DID YOU DO ANYMORE ROBBERIES THAT WEEK?

8 A. YES, MA'AM.

9 Q. WHERE WAS THAT?

10 A. THE SPINX.

11 Q. WHERE WAS THE SPINX?

12 A. WAY UP WHITE HORSE ROAD.

13 Q. WAS ANYONE WITH YOU?

14 A. NO, MA'AM.

15 Q. I WANT YOU TO THINK BACK TO THE DAY YOU WERE

16 ARRESTED. DO YOU REMEMBER THE DATE YOU WERE ARRESTED

17 ON THESE CHARGES?

18 A. NOVEMBER 11TH.

19 Q. HOW DO YOU REMEMBER THAT DATE SO CLEARLY?

20 A. BECAUSE IT IS THE DAY I GOT PICKED UP.

21 Q. WHERE WERE YOU WHEN YOU WERE ARRESTED?

22 A. AT MY HOUSE.

23 Q. WHAT WERE YOU DOING?

24 A. I WAS ASLEEP.

25 Q. HOW LONG HAD YOU BEEN ASLEEP?

2323

1 A. NO LONGER THAN ABOUT TWENTY MINUTES.

2 Q. DO YOU KNOW WHAT TIME IT WAS WHEN THE POLICE  
3 CAME TO YOUR HOUSE?

4 A. NO, MA'AM, IT WAS EARLY IN THE MORNING, I KNOW  
5 THAT MUCH.

6 Q. WHO ELSE WAS AT YOUR HOUSE?

7 A. JUST MY GRANDMOTHER.

8 Q. WHAT HAD YOU BEEN DOING BEFORE THAT 20 MINUTES  
9 OF SLEEP?

10 A. I HAD BEEN SMOKING WEED AND DRINKING AND  
11 SNIFFING COCAINE.

12 Q. WHEN YOU WOKE UP WHAT DO YOU REMEMBER  
13 HAPPENING?

14 A. THE POLICE BEEN ON THE BULL HORN TELLING ME TO  
15 COME OUTSIDE WITH MY HANDS UP.

16 Q. DID YOU DO THAT?

17 A. YES, MA'AM.

18 Q. DID YOU DO ANYTHING BEFORE YOU WENT OUTSIDE TO  
19 THE POLICE?

20 A. I HAD FINISHED SNIFFING WHAT I HAD HAD AND CAME  
21 ON OUT.

22 Q. WHY DID DO YOU THAT?

23 A. I WAS TRYING TO GET RID OF IT.

24 Q. WHEN YOU GOT OUTSIDE, WHERE DID THE POLICE  
25 TAKE YOU?

- 1 A. THE LAW ENFORCEMENT CENTER.
- 2 Q. WHO WAS WITH YOU?
- 3 A. MCCANN AND BELLEW.
- 4 Q. WHO IS MCCANN AND BELLEW?
- 5 A. MCCANN IS DEPUTY AND BELLEW IS INVESTIGATOR.
- 6 Q. DO YOU SEE MR. BELLEW HERE TODAY?
- 7 A. YES, MA'AM.
- 8 Q. WHERE IS HE?
- 9 A. SITTING RIGHT BACK THERE.
- 10 Q. IS THIS MR. BELLEW?
- 11 A. YES, MA'AM.
- 12 Q. WHEN YOU GOT TO THE LAW ENFORCEMENT CENTER,
- 13 TELL ME WHERE YOU WENT.
- 14 A. TO THE INVESTIGATOR'S OFFICE BELLEW.
- 15 Q. WHEN YOU GOT INTO THAT OFFICE, DID YOU TALK
- 16 WITH MR. BELLEW?
- 17 A. YES, MA'AM.
- 18 Q. TELL ME ABOUT THAT.
- 19 A. THAT IS WHEN HE BE ASKING ME ABOUT IT, I TOLD
- 20 HIM I DIDN'T KNOW WHAT HE WAS TALKING ABOUT I WAS AT
- 21 THE RED ROOF INN.
- 22 Q. WHAT WAS HE ASKING YOU ABOUT?
- 23 A. THE ROBBERY.
- 24 Q. DID YOU TELL HIM WHAT HAPPENED AT THAT POINT?
- 25 A. NOT AT THAT POINT.

1 Q. DID MR. BELLEW READ YOU YOUR RIGHTS AT THAT  
2 POINT?

3 A. YES, MA'AM.

4 Q. TELL ME ABOUT THAT, DID YOU UNDERSTAND THEM?

5 A. YES, MA'AM.

6 Q. DID YOU TALK TO HIM AT ALL AT THAT POINT ABOUT  
7 THE SPEEDWAY?

8 A. NOT AT THAT POINT.

9 Q. WHY?

10 A. BECAUSE I WAS ACTING BECAUSE I DIDN'T KNOW  
11 ABOUT IT.

12 Q. WHY WERE YOU DOING THAT?

13 A. BECAUSE I DIDN'T WANT TO ADMIT TO IT, LET HIM  
14 KNOW.

15 Q. WERE YOU SCARED?

16 A. NOT REALLY, NO, MA'AM.

17 Q. HOW LONG DID YOU STAY IN OFFICER BELLEW'S  
18 OFFICE?

19 A. AT THAT TIME ABOUT 15, 20 MINUTES.

20 Q. WHERE DID YOU GO?

21 A. LEFT, WENT TO THE BOND HEARING.

22 Q. HOW LONG WERE YOU THERE?

23 A. NO LONGER THAN A MINUTE OR TWO.

24 Q. WHEN YOU LEFT THE BOND HEARING WHERE DID THEY  
25 TAKE YOU?

- 1 A. THEY TOOK ME BACK UPSTAIRS.
- 2 Q. WHO TOOK YOU?
- 3 A. BELLEW AND WOODS.
- 4 Q. AND WHO ARE THEY?
- 5 A. INVESTIGATORS.
- 6 Q. WHERE DID THEY PUT YOU?
- 7 A. BACK IN THE SAME OFFICE.
- 8 Q. DID YOU TALK WITH THEM AT THAT POINT?
- 9 A. YES, MA'AM.
- 10 Q. TELL ME WHAT YOU TALKED TO THEM ABOUT.
- 11 A. WHAT HAPPENED AT THE SPEEDWAY.
- 12 Q. HOW LONG DID YOU TALK WITH THEM ABOUT WHAT
- 13 HAPPENED AT THE SPEEDWAY?
- 14 A. SEVERAL HOURS.
- 15 Q. DID YOU TALK TO THEM ABOUT ANYTHING THAT
- 16 HAPPENED BEFORE THE SPEEDWAY?
- 17 A. YES, MA'AM.
- 18 Q. THE CONOCO ROBBERY AND PRESTIGE? DID YOU GIVE
- 19 THE OFFICERS A STATEMENT?
- 20 A. YES, MA'AM.
- 21 Q. DID YOU GIVE IT VOLUNTARILY?
- 22 A. YES, MA'AM.
- 23 Q. DID THEY FORCE YOU TO GIVE IT IN ANYWAY?
- 24 A. NO, MA'AM.
- 25 Q. DID THEY THREATEN YOU?

1 A. NO, MA'AM.

2 Q. AT THAT POINT, HAD YOU MET ME?

3 A. NO, MA'AM.

4 Q. DID YOU KNOW ANYONE SITTING HERE AT THE STATE'S  
5 TABLE?

6 A. NO, MA'AM.

7 Q. HAD YOU MET MR. ARIAIL?

8 A. NO, MA'AM.

9 Q. WHY DID YOU DECIDE TO TELL MR. BELLEW AND MR.  
10 WOODS WHAT HAD HAPPENED ON HALLOWEEN NIGHT INTO THE  
11 NEXT MORNING? WHY DID YOU TELL THEM ALL THAT?

12 A. BECAUSE IT WAS THE TRUTH AND WHAT HAPPENED.

13 Q. WHY DID YOU CHOOSE TO TELL THEM THEN AND NOT  
14 EARLIER?

15 A. BECAUSE AT THAT TIME I JUST HAD TO TELL THEM, I  
16 CAME OUT AND TOLD THEM THE TRUTH.

17 Q. WERE YOU UPSET ABOUT IT?

18 A. YES, MA'AM.

19 Q. WERE YOU UPSET ABOUT WHAT HAPPENED TO MS.  
20 GRAVES?

21 MR. ALLEN: I WILL HAVE TO OBJECT, SHE IS  
22 STILL LEADING.

23 THE COURT: ALL RIGHT. I THINK THE  
24 QUESTIONS ARE NOT LEADING. YOU CAN ASK IF HE WAS OR  
25 WAS NOT. ALL RIGHT OVERRULED.

2328

1 MR. ALLEN: THANK YOU.

2 DIRECT EXAM CONTINUED BY MS. REESE:

3 Q. AFTER GIVING A STATEMENT TO MR. BELLEW TELL ME  
4 WHERE YOU WENT NEXT.

5 A. TO THE CITY OFFICE.

6 Q. WHO DID YOU SPEAK WITH THERE?

7 A. THE INVESTIGATOR.

8 Q. DO YOU REMEMBER HIS NAME?

9 A. NO, MA'AM.

10 Q. WHAT DID YOU SPEAK WITH HIM ABOUT?

11 A. THE PRESTIGE.

12 Q. DID YOU GIVE HIM A STATEMENT?

13 A. NO, MA'AM.

14 Q. DID YOU TELL HIM WHAT HAD HAPPENED?

15 A. NOT AT THAT POINT BECAUSE HE SAID HE HAD  
16 ALREADY GOT THE STATEMENT.

17 Q. NOW, IN TALKING ABOUT WHAT HAD HAPPENED AT THE  
18 SPEEDWAY AND YOUR STATEMENT, DO YOU REMEMBER A HEARING  
19 BACK IN JANUARY OF THIS YEAR, JANUARY 25TH?

20 A. YES, MA'AM.

21 Q. DO YOU REMEMBER BEING PLACED UNDER OATH AT THAT  
22 HEARING?

23 A. YES, MA'AM.

24 Q. AND YOU SWORE TO TELL THE TRUTH AT THAT  
25 HEARING?

1 A. YES, MA'AM.

2 Q. DO YOU REMEMBER WHAT WE DISCUSSED IN THAT  
3 HEARING?

4 A. YES, MA'AM.

5 Q. WHAT?

6 A. ABOUT MY STATEMENT.

7 Q. I AM GOING TO ASK YOU ABOUT WHAT YOU TOLD AT  
8 THAT HEARING. MR. MEGLIC, YOUR ATTORNEY, ASKED YOU  
9 WHAT HAPPENED WHEN YOU WENT TO THE LAW ENFORCEMENT  
10 CENTER, DO YOU REMEMBER THAT?

11 A. YES, MA'AM.

12 Q. MR. MEGLIC ASKED YOU TO LOOK AT YOUR WAIVER,  
13 DO YOU REMEMBER THAT?

14 A. YES, MA'AM.

15 Q. HE ASKED YOU IF IT WAS VOLUNTARY, DO YOU  
16 REMEMBER THAT?

17 A. YES, MA'AM.

18 Q. AND YOU ANSWERED YES, DO YOU REMEMBER THAT?

19 A. YES, MA'AM.

20 Q. MR. MEGLIC SHOWED YOU YOUR STATEMENT, DO YOU  
21 REMEMBER SEEING THAT?

22 A. YES, MA'AM.

23 Q. HE ASKED YOU IF YOU GAVE THAT STATEMENT AND YOU  
24 SAID NO, SIR, DO YOU REMEMBER THAT?

25 A. YES, MA'AM.

2330

1 Q. WAS THAT A LIE?

2 A. YES, MA'AM.

3 Q. HE ASKED YOU WHY YOU GAVE THAT STATEMENT AND  
4 YOU SAID BECAUSE MR. BELLEW HAD HIT YOU IN THE RIBS  
5 AND YOUR STOMACH, DO YOU REMEMBER THAT?

6 A. YES, MA'AM.

7 Q. WAS THAT A LIE?

8 A. YES, MA'AM.

9 Q. HE ASKED YOU WHAT ELSE HAD HAPPENED WITH A  
10 STAPLER AND YOU SAID MR. BELLEW TOOK THE STAPLER AND  
11 HIT YOU WITH YOUR HAND, WAS THAT A LIE?

12 A. YES, MA'AM.

13 Q. HE ASKED YOU IF YOU WERE IN FEAR OF GREAT  
14 BODILY INJURY AND YOU SAID YES, SIR, WAS THAT A LIE?

15 A. YES, MA'AM.

16 Q. HE ASKED YOU IF YOU WERE CUFFED TO A CHAIR AND  
17 YOU SAID YOU WERE, WAS THAT A LIE?

18 A. NO, MA'AM.

19 Q. HE ASKED YOU IF THEY HAD PUSHED YOUR HEAD DOWN  
20 AND YOU SAID YES AND FORCED YOU TO SIGN THE STATEMENT,  
21 WAS THAT A LIE?

22 A. YES, MA'AM.

23 Q. NOW, YOU REMEMBER MR. ARIAIL ASKING YOU SOME  
24 QUESTIONS?

25 A. YES, MA'AM.

1 Q. MR. ARIAIL ASKED YOU WHAT IN THE STATEMENT WAS  
2 NOT TRUE AND YOU ANSWERED THE WHOLE STATEMENT, WAS  
3 THAT A LIE?

4 A. YES, MA'AM.

5 Q. MR. ARIAIL ASKED YOU, "ON HALLOWEEN MORNING I  
6 WENT OVER TO FREDDIE OWENS, IS THAT TRUTHFUL?" AND  
7 YOU SAID, "IT IS NOT TRUE." WAS THAT A LIE?

8 A. YES, MA'AM.

9 Q. HE ASKED YOU, "YOU DIDN'T GET KIKO AND LITTLE  
10 MAN?" AND YOU SAID, "NO, SIR." WAS THAT A LIE?

11 A. YES, MA'AM.

12 Q. HE ASKED YOU ABOUT GOING TO THE ANTHONY'S  
13 JEWELRY STORE ON LAURENS ROAD AND YOU SAID THAT WAS  
14 NOT TRUE, IS THAT A LIE?

15 A. YES, MA'AM.

16 Q. HE ASKED YOU, "DID YOU GO OVER TO THE JEWELRY  
17 STORE AND SCOPE IT OUT?" AND YOU SAID, "NOT TRUE."  
18 WAS THAT A LIE?

19 A. YES, MA'AM.

20 Q. HE SAID, "THERE WAS A MAN WHO SAW FREDDIE PUT  
21 ON HIS MASK AND THAT IS WHY HE LEFT." AND YOU SAID,  
22 "NOT TRUE." WAS THAT A LIE?

23 A. YES, MA'AM.

24 Q. MR. ROLLINS ASKED YOU SOME QUESTIONS, DO YOU  
25 REMEMBER THAT?

1 A. YES, MA'AM.

2 Q. MR. ROLLINS SAID, "YOU ARE DOING THIS FREELY  
3 AND VOLUNTARILY?" AND YOU SAID, "YES, SIR." WAS  
4 THAT TRUE?

5 A. YES, MA'AM.

6 Q. HE SAID, "YOU ARE TESTIFYING UNDER OATH AND  
7 YOUR TESTIMONY TODAY IS TRUTHFUL?" AND YOU SAID,  
8 "YES, SIR." WAS THAT A LIE?

9 A. YES, MA'AM.

10 Q. MR. ROLLINS SAID, "ALL OF THOSE THINGS THAT IS  
11 IN THAT STATEMENT THEY ARE SAYING YOU SAID ABOUT  
12 FREDDIE OWENS, ARE THOSE A TRUTH OR A LIE?" AND YOU  
13 SAID, "ON THE 25TH IT IS A LIE." WAS THAT THE TRUTH?

14 A. NO, MA'AM.

15 Q. MR. ROLLINS ASKED YOU, "IS IT A LIE THAT YOU  
16 SAID FREDDIE OWENS SHOT THE LADY?" AND YOU SAID,  
17 "YES, SIR." WERE YOU TELLING THE TRUTH?

18 A. NO, MA'AM.

19 Q. MR. ROLLINS SAID, "WAS IT A LIE THAT YOU SAID  
20 FREDDIE OWENS WAS AT THE SPEEDWAY?" WERE YOU LYING  
21 ON THE 25TH?

22 A. YES, MA'AM.

23 Q. MR. GOLDEN, HOW DID YOU COME UP WITH THE STORY  
24 ABOUT THESE INVESTIGATORS BEATING YOU IN THE RIBS AND  
25 WITH A STAPLER AND PUT YOUR HEAD ON THE TABLE, HOW

2333

1 DID YOU COME UP WITH THAT?

2 A. BECAUSE WHEN I HAVE BEEN IN THE DETENTION  
3 CENTER I HAVE BEEN TRYING TO THINK OF A WAY TO GET OUT  
4 OF IT, I HAD BEEN THINKING OF THAT AND ANOTHER INMATE  
5 HAD TOLD ME ABOUT THAT, TOO.

6 Q. WHY DID YOU WANT TO GET OUT OF THE STATEMENT?

7 A. BECAUSE I DIDN'T WANT TO SAY I WROTE THAT  
8 STATEMENT.

9 Q. WHY?

10 A. BECAUSE IT WAS ENDANGERING ME AND MR. OWENS.

11 Q. HOW WAS IT ENDANGERING YOU AND MR. OWENS?

12 A. BECAUSE IT WAS GOING TO BE USED AGAINST US IN  
13 COURT.

14 Q. MR. GOLDEN, WERE YOU LYING UNDER OATH ON THE  
15 25TH OF JANUARY?

16 A. YES, MA'AM.

17 Q. WHY DID YOU LIE?

18 A. TO SAVE ME AND MR. OWENS' LIFE.

19 Q. WHY SHOULD THIS JURY BELIEVE THAT YOU ARE  
20 TELLING THE TRUTH TODAY?

21 A. BECAUSE IT IS THE TRUTH.

22 Q. HOW DO THEY KNOW THAT?

23 A. BECAUSE THAT IS THE WAY THAT IT HAPPENED AND  
24 THAT IS THE HONEST-FOR-GOD-SAKING TRUTH.

25 Q. DID YOU EVER TELL WHAT YOU ARE TELLING TODAY TO

1 ANYBODY BEFORE TODAY?

2 A. YES, MA'AM.

3 Q. WHO?

4 A. THE INVESTIGATORS.

5 Q. AND WHEN DID YOU TELL THEM?

6 A. NOVEMBER 11TH.

7 Q. WHAT YEAR?

8 A. NINETY-SEVEN ('97).

9 Q. HOW DO WE KNOW YOU ARE NOT TRYING TO SAVE  
10 YOURSELF TODAY?

11 A. MA'AM?

12 Q. HOW DO WE KNOW YOU ARE NOT TRYING TO SAVE YOUR  
13 SKIN TODAY?

14 A. BECAUSE I AM JUST BEING HONEST.

15 Q. WHY, WHY BE HONEST NOW?

16 A. BECAUSE IT BEEN EATING ON MY CONSCIENCE.

17 Q. ARE YOU TELLING THE TRUTH TODAY?

18 A. YES, MA'AM.

19 Q. WERE YOU TELLING THE TRUTH IN NOVEMBER 1997?

20 A. YES, MA'AM.

21 Q. WERE YOU TELLING THE TRUTH ON JANUARY 25TH?

22 A. NO, MA'AM.

23 Q. ONE LAST QUESTION, MR. GOLDEN, WHO SHOT IRENE  
24 GRAVES IN THE SPEEDWAY?

25 A. FREDDIE EUGENE OWENS.

1 MS. REESE: THANK YOU. PLEASE ANSWER ANY  
2 QUESTIONS MR. ROLLINS OR MR. ALLEN HAS.

3 THE COURT: MADAME FORELADY, WOULD YOU SEE IF  
4 THE JURY WOULD LIKE TO TAKE A VERY SHORT BREAK BEFORE  
5 WE TAKE CROSS-EXAMINATION?

6 THE JUROR: PLEASE.

7 THE COURT: AGAIN DO NOT UNDERTAKE TO DISCUSS  
8 THIS CASE AMONG YOURSELVES. AS SOON AS YOU ARE READY  
9 TO COME BACK KNOCK ON THE DOOR WE WILL BRING YOU BACK  
10 IN, THANK YOU VERY MUCH.

11 (WHEREUPON, THE FOLLOWING WAS HEARD OUTSIDE THE  
12 PRESENCE OF THE TRIAL JURY.)

13 THE COURT: LET THE RECORD REFLECT THAT MR.  
14 MEGLIC HAS BEEN -- IS IN THE COURTROOM WHO REPRESENTS  
15 MR. GOLDEN AND MR. VIETH WAS IN EARLIER, DID HE STAY  
16 THROUGHOUT THE TESTIMONY OF MR. GOLDEN?

17 MR. MEGLIC: YES, SIR, YOUR HONOR. HE JUST  
18 WENT IN AS -- JUST WENT OUTSIDE.

19 THE COURT: ALL RIGHT. VERY GOOD. YOU  
20 PLAN TO STAY WITH US AS LONG AS MR. GOLDEN IS  
21 TESTIFYING?

22 MR. MEGLIC: YES, SIR, YOUR HONOR, BOTH OF  
23 US WILL.

24 THE COURT: VERY GOOD. THANK YOU.  
25 (WHEREUPON, A SHORT RECESS WAS HELD.)

1 THE COURT: BRING IN THE JURY, PLEASE.  
2 (WHEREUPON, THE FOLLOWING WAS HEARD IN THE PRESENCE OF  
3 THE TRIAL JURY.)

4 THE COURT: LET THE RECORD REFLECT THE JURY  
5 AND ALTERNATES ARE IN THE JURY BOX. NOW READY FOR  
6 CROSS-EXAMINATION OF THIS WITNESS, MR. ALLEN.

7 CROSS EXAM BY MR. ALLEN:

8 Q. MR. GOLDEN, HOW ARE YOU DOING?

9 A. FINE, HOW ARE YOU DOING?

10 Q. FINE. HOW OLD ARE YOU, SON?

11 A. NINETEEN.

12 Q. NINETEEN?

13 A. YES, SIR.

14 Q. WHY DO YOU KEEP LOOKING UP AT THE CEILING WHEN  
15 THEY ASK YOU QUESTIONS?

16 A. SIR?

17 Q. WHY DO YOU KEEP LOOKING UP WHEN THEY ASK YOU  
18 SOMETHING? WHAT ARE YOU LOOKING FOR UP THERE?

19 A. NOTHING.

20 Q. NOTHING?

21 A. NO, SIR.

22 Q. I NOTICE YOU RESPONDING TO HER AS YES, MA'AM,  
23 IS THAT THE WAY YOU NORMALLY TALK?

24 A. YES, SIR.

25 Q. IT IS?

2337

- 1 A. YES, SIR.
- 2 Q. HOW LONG HAVE YOU BEEN TALKING THAT WAY?
- 3 A. FOR A LONG TIME.
- 4 Q. A LONG TIME?
- 5 A. YES, SIR.
- 6 Q. YOU REFERRING TO ADULTS THAT WAY?
- 7 A. YES, SIR.
- 8 Q. AND YOU BEEN DOING IT A LONG TIME?
- 9 A. YES, SIR.
- 10 Q. NOT ONLY HAVE YOU BEEN REFERRING TO ADULTS A  
11 LONG TIME THAT WAY, YOU BEEN DOING DOPE A LONG TIME,  
12 HAVEN'T YOU?
- 13 A. YES, SIR.
- 14 Q. YOU ARE A DOPE DEALER, AREN'T YOU, SON?
- 15 A. YES, SIR.
- 16 Q. WHEN SHE ASKED YOU ABOUT TELLING THE TRUTH,  
17 DID YOU COUNT HOW MANY TIMES YOU TOLD HER YOU TOLD A  
18 LIE?
- 19 A. NO, SIR.
- 20 Q. COULDN'T COUNT ALL OF THEM, COULD YOU?
- 21 A. NO, SIR.
- 22 Q. A LOT OF THEM, WASN'T IT?
- 23 A. YES, SIR.
- 24 Q. CAN YOU TELL THE TRUTH?
- 25 A. YES, SIR.

1 Q. YOU CAN?

2 A. YES, SIR.

3 Q. WHY YOU COULDN'T TELL IT BEFORE YOU HAD A PLEA  
4 AGREEMENT WITH MR. ARIAIL?

5 A. BECAUSE I WAS TRYING TO SAVE OUR LIVES.

6 Q. YOU WERE CONCERNED TO SAVE "OUR" LIFE, WHO IS  
7 "OUR"?

8 A. ME AND MR. OWENS.

9 Q. YOU WERE CONCERNED ABOUT MR. OWENS' LIFE?

10 A. YES, SIR.

11 Q. DIDN'T MR. OWENS POP YOU IN THE EYE?

12 A. YES, SIR.

13 Q. DIDN'T HE SWELL YOUR EYE?

14 A. YES, SIR.

15 Q. DIDN'T YOU COMMIT AN ARMED ROBBERY AT PRESTIGE  
16 CLEANERS THEY SAID THE PERSON HAD A SWOLLEN EYE?

17 A. YES, SIR.

18 Q. WHO WENT IN THERE AND DID THAT ARMED ROBBERY?

19 A. ME AND MR. YOUNG.

20 Q. YOU AND MR. YOUNG?

21 A. YES, SIR.

22 Q. WHO PUT THE GUN ON THE CASH REGISTER ON THE  
23 LADY THAT HAD IT AND TOLD HER TO GIVE UP THE MONEY?

24 A. BOTH OF US.

25 Q. BOTH OF YOU?

1 A. YES, SIR.

2 Q. DID YOU DO IT?

3 A. YES, SIR.

4 Q. DID YOU POINT YOUR GUN AT THAT LADY?

5 A. YES, SIR.

6 Q. DID YOU POINT YOUR GUN AT A LADY AT THE SPINX,  
7 AS WELL?

8 A. YES, SIR.

9 Q. NOW, ABOUT THAT AT THE SPINX, YOU TRY TO  
10 SUGGEST THAT OTHER PEOPLE TELL YOU WHAT TO DO, NOBODY  
11 TELLS YOU WHAT TO DO, YOU DO WHAT YOU WANT TO DO,  
12 DON'T YOU?

13 A. YES, SIR.

14 Q. YOU DO WHATEVER IS NECESSARY TO SAVE YOUR NECK,  
15 DON'T YOU?

16 A. SIR?

17 Q. YOU DO WHAT IS NECESSARY TO GET YOU OUT OF  
18 TROUBLE, DON'T YOU?

19 A. TO GET ME OUT OF TROUBLE?

20 Q. YEAH. YOU SAY YOU TRYING TO SAVE YOU AND HIM,  
21 YOU ARE TRYING TO SAVE YOURSELF TODAY, AREN'T YOU?

22 A. TRYING TO SAVE MYSELF?

23 Q. YES, SIR.

24 A. TELLING THE TRUTH, YES, SIR.

25 Q. TRYING TO SAVE YOURSELF?

2340

1 A. YES, SIR.

2 Q. AND WHAT ARE YOU SAVING YOURSELF FROM?

3 A. WHAT AM I SAVING MYSELF FROM?

4 Q. YES, SIR.

5 A. THE DEATH PENALTY.

6 Q. THE DEATH PENALTY?

7 A. YES, SIR.

8 Q. SO, IN ESSENCE, YOU SAVED -- DON'T LOOK AT HER,  
9 SHE CAN'T HELP YOU NOW -- THE DEATH PENALTY?

10 MR. ARIAIL: YOUR HONOR, I AM GOING TO  
11 OBJECT TO ANYMORE COMMENTS LIKE THAT IN FRONT OF THE  
12 JURY.

13 MR. ALLEN: JUDGE, WE WILL TRY TO REFRAIN  
14 FROM THAT TO MAKE IT RUN SMOOTHLY.

15 CROSS EXAM CONTINUED BY MR. ALLEN:

16 Q. THE DEATH PENALTY?

17 A. YES, SIR.

18 Q. AND WHEN YOU SAY THAT SOMETHING WAS BOTHERING  
19 YOUR CONSCIENCE THAT YOU TURNED OVER A NEW LEAF?

20 A. YES, SIR, IT WAS BOTHERING MY CONSCIENCE WHAT  
21 HAPPENED AT THE SPEEDWAY.

22 Q. IT BOTHERED YOUR CONSCIENCE A COUPLE OF DAYS  
23 AGO?

24 A. IT HAS BEEN BOTHERING MY CONSCIENCE FOR AWHILE.

25 Q. "AWHILE"?

1 A. I HAVE JUST BEEN TRYING TO HOLD IT BACK.

2 Q. IT WASN'T BOTHERING YOUR CONSCIENCE WHEN YOU  
3 WERE LYING UNDER OATH TO ALL THOSE LIES SHE TALKED  
4 ABOUT?

5 A. NO, SIR.

6 Q. SO IT WASN'T BOTHERING YOUR CONSCIENCE THEN  
7 WHEN YOU WERE UNDER OATH AND THAT WAS JANUARY OF THIS  
8 YEAR?

9 A. TWENTY-FIFTH.

10 Q. THIS THING HAPPENED BACK IN WHAT OCTOBER OF '97  
11 AND NOVEMBER 1ST, OF '97?

12 A. YES, SIR.

13 Q. IT DIDN'T BOTHER YOUR CONSCIENCE IN NOVEMBER OF  
14 '97?

15 A. YES, SIR.

16 Q. IT DID?

17 A. YES, SIR.

18 Q. DID YOU COME TELL THE TRUTH?

19 A. YES, SIR.

20 Q. DECEMBER, DID YOU CHANGE ANYTHING?

21 A. DECEMBER?

22 Q. YES, SIR.

23 A. NO, SIR, I DIDN'T CHANGE IT BY THEN.

24 Q. JANUARY '98?

25 A. NO, SIR.

1 Q. FEBRUARY '98?

2 A. I BEEN TRYING -- WHAT DO YOU MEAN BY THAT?

3 Q. DID YOU CHANGE ANYTHING?

4 A. MY CONSCIENCE?

5 Q. YES, SIR. YOU TURN OVER ANYTHING, NEW LEAF?

6 A. BEEN TRYING TO FIND WAYS TO GET OUT OF THIS.

7 Q. BEEN TRYING TO FIND OUT WAYS TO GET OUT OF  
8 THIS. WERE YOU TRYING TO FIND OUT WAYS IN MARCH OF  
9 '98?

10 A. YES, SIR.

11 Q. TRYING TO FIND OUT WAYS IN APRIL OF '98 -- SHE  
12 CAN'T -- APRIL OF '98?

13 MR. ARIAIL: YOUR HONOR. I AM GOING TO  
14 OBJECT. HE IS PUTTING MATTERS ON THE RECORD THAT  
15 THERE IS NO RECORD FOR. NOW, I WOULD OBJECT TO HIM  
16 ---

17 THE COURT: YOU ARE SAYING NO BASIS FOR?

18 MR. ARIAIL: NO BASIS FOR HIS STATEMENTS, I  
19 WOULD OBJECT.

20 MR. ALLEN: JUDGE, HE SAID -- HE IS  
21 OBJECTING.

22 THE COURT: HE IS OBJECTING TO WHAT IS IT  
23 YOU'RE SUGGESTING THAT SOMEBODY MIGHT BE PROMPTING THE  
24 WITNESS. IS THAT WHAT I UNDERSTAND, MR. ARIAIL?

25 MR. ARIAIL: YES, YOUR HONOR.

1 THE COURT: WE WON'T REFER TO THAT UNLESS  
2 THERE IS SOME SORT OF COMMUNICATION BETWEEN THE  
3 PARTIES. ALL RIGHT YOU MAY PROCEED.

4 MR. ALLEN: JUDGE, I CAN ASK HIM WHERE HE IS  
5 LOOKING AT DURING HIS TESTIMONY IF HE IS LOOKING  
6 SOMEWHERE OTHER ---

7 THE COURT: THAT WILL BE FINE, THAT IS WHAT I  
8 SAY WITHOUT ANY BASIS WE WON'T MAKE COMMENTS.

9 MS. REESE: AND, YOUR HONOR, I WILL BE GLAD  
10 TO SUGGEST MR. ALLEN MAYBE WOULD MOVE AWAY FROM THE  
11 STATE'S TABLE IF THAT IS A CONCERN FOR HIM.

12 MR. ALLEN: JUDGE, I AM ON  
13 CROSS-EXAMINATION, I WILL STAND ---

14 THE COURT: THE ONLY THING IS PLEASE  
15 UNDERSTAND WE ONLY CROSS-EXAMINE WHERE THERE IS A  
16 BASIS FOR THE QUESTION, NOT JUST TO INTERJECT  
17 SOMETHING THAT MIGHT NOT BE, MIGHT NOT BE BASIS, THAT  
18 IS NOT SAYING THAT IS THE CASE HERE OR IS THE CASE.  
19 I AM JUST SAYING THAT IS THE RULES OF  
20 CROSS-EXAMINATION. LET'S PROCEED NOW AND SEE HOW  
21 THIS GOES. ALL RIGHT. I THINK WE ALL KNOW WHAT THE  
22 RULES ARE. YOU MAY PROCEED.

23 CROSS EXAM CONTINUED BY MR. ALLEN:

24 Q. WHEN YOU LOOK AWAY FROM ME WHERE ARE YOU  
25 LOOKING AT OVER THERE?

2344

- 1 A. THE JURY.
- 2 Q. YOU ARE LOOKING AT THE JURY?
- 3 A. YES, SIR.
- 4 Q. WHEN ARE YOU LOOKING AT THAT DIRECTION?
- 5 A. SIR?
- 6 Q. IN THAT DIRECTION?
- 7 A. MY HEAD GOING THAT WAY (INDICATING), MY EYES
- 8 GOING THIS WAY AND THAT WAY (INDICATING).
- 9 Q. YOU LOOKING AT THE ENTIRE COURTROOM?
- 10 A. YES, SIR.
- 11 Q. MR. GOLDEN, TELL US WHO WAS WITH YOU WHEN YOU
- 12 WENT INTO SPINX.
- 13 A. I WAS BY MYSELF.
- 14 Q. YOU WERE BY YOURSELF?
- 15 A. YES, SIR.
- 16 Q. TELL US WHAT KIND OF GUN YOU HAD WHEN YOU HELD
- 17 IT TO THE LADY'S HEAD.
- 18 A. A .32.
- 19 Q. WHAT KIND OF GUN DID YOU HAVE WHEN YOU WENT
- 20 INTO CONOCO?
- 21 A. A .32.
- 22 Q. WHAT KIND OF GUN DID YOU HAVE WHEN YOU WENT
- 23 INTO SPEEDWAY?
- 24 A. A .32.
- 25 Q. AND ALL OF THOSE TIMES YOU WERE GOING INTO ROB

1 THOSE PLACES?

2 A. YES, SIR.

3 Q. WHOSE CAR WAS BEING USED?

4 A. MY GRANDMOTHER'S.

5 Q. WHO WAS DRIVING?

6 A. I WAS.

7 Q. WHO RENTED ROOMS THAT NIGHT?

8 A. I DID.

9 Q. IN WHOSE NAME?

10 A. MINE.

11 Q. WHO GOT MONEY FROM THESE THINGS OR DID YOU GET  
12 MONIES FROM THESE ROBBERIES?

13 A. YES, SIR.

14 Q. YOUR CONSCIENCE GOT TO BOTHERING YOU SO YOU  
15 STARTED TELLING THE TRUTH?

16 A. YES, SIR.

17 Q. DO YOU HAVE A COPY OF YOUR STATEMENT?

18 A. NO, SIR.

19 Q. DO YOU RECOGNIZE THAT AS YOUR STATEMENT?

20 A. YES, SIR.

21 Q. YOU SAID THAT MR. OWENS SAID SOMETHING ABOUT  
22 THE REASON HE SHOT HER SHE WAS PROTECTING THE WHITE  
23 MAN'S MONEY?

24 A. YES, SIR.

25 Q. FIND THAT IN YOUR STATEMENT, SON.

1 A. IT IS NOT IN THERE.

2 Q. HUH?

3 A. IT IS NOT IN THERE.

4 Q. IT IS NOT IN THERE?

5 A. NO, SIR.

6 Q. YOU SAID DRAMATICALLY ABOUT I SHOT -- HE SAID,  
7 "I SHOT THE STUPID BITCH."

8 A. YES, SIR.

9 Q. FIND THAT IN YOUR STATEMENT, SON, BACK WHEN  
10 THIS THING HAPPENED IN NOVEMBER.

11 A. IT IS NOT IN THERE. THAT IS WHAT WE WAS  
12 DISCUSSING IN THE CAR. I DIDN'T TELL HER WHAT I  
13 DISCUSSED IN THE CAR.

14 Q. YOU TALKING ABOUT THE DISCUSSION IN THE CAR IN  
15 YOUR STATEMENT, DIDN'T YOU? LOOK ON PAGE 2, "WE  
16 JUMPED IN THE CAR AND WENT TO LAUREL CREEK," FIND  
17 THAT PART. "PARKED BEHIND A BLUE HOUSE ON LAUREL  
18 CREEK ROAD."

19 A. I GOT IT.

20 Q. WHAT HAPPENED, FREDDIE SAID -- NOW, DID  
21 FREDDIE SAY, "I SHOT THE STUPID BITCH"?

22 A. YES, SIR, HE SAID IT.

23 Q. WHAT DID YOU SAY HE SAID IN THE STATEMENT OR IS  
24 IT IN YOUR STATEMENT THAT HE SAID HE SHOT THE STUPID  
25 BITCH?

1 A. NO, IT IS NOT IN THERE, IT SAY, "I SHOT THE  
2 LADY."

3 Q. AND THAT WAS IT?

4 A. YES, SIR.

5 Q. AND YOU GAVE THE STATEMENT TO LARRY BELLEW,  
6 CORRECT?

7 A. YES, SIR.

8 Q. AND THAT WAS BACK ON NOVEMBER 11TH OF '97?

9 A. YES, SIR.

10 Q. AND ABOUT WHAT TIME DID YOU GIVE THAT  
11 STATEMENT?

12 A. IT WAS IN THE MORNING TIME RIGHT AFTER THEY  
13 ARRESTED ME AFTER THE BOND HEARING.

14 Q. WHAT TIME WERE YOU ARRESTED?

15 A. AROUND TEN A.M., SOMEWHERE IN THERE.

16 Q. AND YOU KNEW YOU WERE CAUGHT THEN, DIDN'T YOU?

17 A. YES, SIR.

18 Q. AND YOU SIGNED A WAIVER FOR BELLEW AT WHAT  
19 TIME?

20 A. IT WAS IN THE MORNING TIME, I DON'T REMEMBER  
21 WHAT TIME ON THE WAIVER.

22 Q. DO YOU RECOGNIZE THIS?

23 A. YES, SIR.

24 Q. YOU WERE ARRESTED AT WHAT TIME?

25 A. AROUND TEN A.M., SOMEWHERE IN THERE.

1 Q. AND YOU WAIVED THE RIGHTS AND STARTED TALKING,  
2 GAVE THEM THAT ENTIRE STORY AT WHAT TIME? WHAT TIME IS  
3 ON THAT WAIVER?

4 A. TEN FIFTY-FIVE.

5 Q. SO AT TEN FIFTY-FIVE YOU STARTED TELLING THEM  
6 THAT STATEMENT THERE, EVERYTHING IN IT, OVER THREE  
7 PAGES, DIDN'T YOU?

8 A. SIR?

9 Q. YOU GAVE THEM THAT STATEMENT THERE AFTER YOU  
10 WAIVED YOUR RIGHTS, DIDN'T YOU?

11 A. NO, SIR, I GAVE THEM THE STATEMENT AFTER THE  
12 BOND HEARING.

13 Q. YES, SIR. ON THE SAME DAY?

14 A. YES, SIR.

15 Q. ON 11-11-97?

16 A. YES, SIR.

17 Q. AND WHAT TIME WAS THAT BOND HEARING?

18 A. I DON'T KNOW WHAT TIME IT WAS.

19 Q. YOU HAVE AN IDEA HOW MANY HOURS WENT BY?

20 A. HOW MANY HOURS WENT BY IN THE BOND HEARING?

21 Q. NO. BEFORE YOU GAVE THEM THAT STATEMENT?

22 A. A COUPLE OF MINUTES.

23 Q. COUPLE OF MINUTES WENT BY BEFORE YOU GAVE THEM  
24 THAT STATEMENT?

25 A. BECAUSE WE WAS IN THE BOND HEARING ONLY TWO OR

1 THREE MINUTES.

2 Q. HOW MANY PAGES IS THAT STATEMENT?

3 A. THREE.

4 Q. AND YOU JUST STARTED TALKING ABOUT THAT IN THE  
5 LITTLE TIME THAT YOU WERE ARRESTED TO THE TIME THAT  
6 YOU GAVE THAT STATEMENT THOSE FEW MINUTES?

7 A. I WAS UP THERE SEVERAL HOURS.

8 Q. THAT STATEMENT IS PRETTY DETAILED, ISN'T IT?

9 A. YES, SIR.

10 Q. LET'S TALK ABOUT WHO YOU ARE. YOU SAY YOUR  
11 CONSCIENCE WAS BOTHERING YOU? \*

12 A. YES, SIR.

13 Q. THAT IS WHY YOU ARE COMING HERE TO TELL THIS  
14 JURY THE TRUTH?

15 A. YES, SIR.

16 Q. WHEN YOU DIDN'T TELL THE TRUTH OR WHEN SHE WAS  
17 TALKING ABOUT WHETHER YOU ARE -- WHETHER YOU WERE  
18 LYING TO YOUR LAWYERS, DID YOU TELL THE TRUTH TO YOUR  
19 LAWYERS WHEN THEY ASKED YOU QUESTIONS?

20 A. WHAT DO YOU MEAN BY THE "TRUTH" TO THEM?

21 Q. THE TRUTH?

22 A. IN WHAT HAPPENED?

23 Q. YES, SIR.

24 A. NO, SIR.

25 Q. AS TO WHAT HAPPENED?

1 A. NO, SIR.

2 Q. YOU DIDN'T TELL YOUR LAWYERS THE TRUTH?

3 A. NO, SIR.

4 Q. DID YOU TELL THE TRUTH WHEN YOU WERE IN COURT  
5 WITH THE JUDGE?

6 A. THE 25TH? NO, SIR.

7 Q. DID YOU DO THE SAME THING THAT YOU ARE DOING  
8 TODAY WHEN YOU CAME INTO COURT ON THE 25TH, DID YOU  
9 PLACE YOUR HAND ON THAT BIBLE?

10 A. YES, SIR.

11 Q. DID YOU SWEAR TO TELL THE TRUTH?

12 A. YES, SIR.

13 Q. DID YOU SIT DOWN AT A WITNESS STAND?

14 A. YES, SIR.

15 Q. DID YOU TELL THE TRUTH?

16 A. NO, SIR.

17 Q. DID YOU TELL QUITE A FEW LIES, NUMEROUS LIES?

18 A. YES, SIR.

19 Q. AND WHO DID YOU TELL UNTRUTHS ABOUT?

20 A. THE INVESTIGATORS.

21 Q. THE INVESTIGATORS?

22 A. YES, SIR.

23 Q. WELL, IF YOU ARE SAYING THAT YOUR STATEMENT IS  
24 TRUE, WOULDN'T YOU HAVE ALSO HAD TO TELL UNTRUTHS  
25 ABOUT FREDDIE?

1 A. LIKE WHAT?

2 Q. YOU TOLD LIES ABOUT MORE THAN THE INVESTIGATOR,  
3 DID YOU NOT?

4 A. YES, SIR.

5 Q. DID YOU TELL LIES ABOUT FREDDIE OWENS?

6 A. YES, SIR, I LIED AND SAY HE DIDN'T DO IT.

7 Q. WERE YOU SCARED OF ANYBODY THAT DAY?

8 A. NO, SIR.

9 Q. WASN'T IT OFFICERS AROUND YOU?

10 A. YES, SIR.

11 Q. WASN'T IT PEOPLE SITTING UP HERE AS IT IS NOW?

12 A. YES, SIR.

13 Q. SO YOU WASN'T AFRAID?

14 A. NO, SIR.

15 Q. IN FACT THE QUESTION WAS: "MR. GOLDEN, TODAY  
16 YOU ARE NOT SCARED OF ANYBODY, TODAY, ARE YOU?" YOU  
17 SAID, "NO, SIR." DIDN'T YOU?

18 A. YES, SIR.

19 Q. NOBODY HAS COERCED YOU TO TAKE THE STAND TODAY,  
20 HAVE THEY?

21 A. NO, SIR.

22 Q. YOU ARE DOING THIS FREELY AND VOLUNTARILY?

23 A. YES, SIR.

24 Q. YOU ARE TESTIFYING UNDER OATH?

25 A. YES, SIR.

1 Q. IS YOUR TESTIMONY TODAY AND THAT IS THE 25TH,  
2 TRUTHFUL?

3 A. NO, SIR.

4 Q. IT IS NOT WHAT YOU SAID, IS IT, ON THE 25TH?

5 A. IT WASN'T TRUE. I AM TELLING YOU IT WASN'T  
6 TRUE THE 25TH.

7 Q. "IS YOUR TESTIMONY TODAY TRUTHFUL?" DIDN'T  
8 YOU SAY, "YES, SIR"?

9 A. I SAID, "YES, SIR" THEN.

10 Q. ALL RIGHT. UNDER OATH?

11 A. YES, SIR.

12 Q. "IS IT THE WHOLE TRUTH? YES, SIR."

13 A. YES, SIR.

14 Q. DIDN'T YOU SAY THAT ON THE 25TH?

15 A. YES, SIR.

16 Q. DIDN'T YOU SAY THAT UNDER OATH?

17 A. YES, SIR.

18 Q. "NOTHING BUT THE TRUTH SO HELP YOU GOD? YES,  
19 SIR." DIDN'T YOU SAY THAT ON THE 25TH?

20 A. YES, SIR.

21 Q. THE STATEMENT THAT YOU HAVE BEFORE YOU THERE,  
22 DID YOU READ THAT BEFORE YOU SIGNED IT AT ALL? DID YOU  
23 READ IT BEFORE YOU SIGNED IT ON LIKE YOU TESTIFIED?

24 A. DID I READ IT BEFORE I SIGNED IT? IN THAT I  
25 SAID NO.

1 Q. IN THIS HEARING UNDER OATH WHAT DID YOU SAY?  
2 "NOW, THIS STATEMENT THAT YOU HAVE BEFORE YOU THERE,  
3 DID YOU READ THAT BEFORE YOU SIGNED IT AT ALL? NO,  
4 SIR."

5 A. YES, SIR, THAT IS WHAT I SAID.

6 Q. WAS THAT A LIE?

7 A. YES, SIR.

8 Q. WAS IT UNDER OATH?

9 A. YES, SIR.

10 Q. "YOU ONLY GOT TO READ IT LATER?" YOU SAID,  
11 "YES, SIR." WAS THAT A LIE?

12 A. YES, SIR.

13 Q. WAS IT A LIE UNDER OATH?

14 A. YES, SIR.

15 Q. IN COURT?

16 A. YES, SIR.

17 Q. ON THE RECORD?

18 A. YES, SIR.

19 Q. "ALL OF THOSE THINGS THAT IS IN THE STATEMENT  
20 THAT THEY ARE SAYING THAT YOU SAID ABOUT FREDDIE  
21 OWENS, ARE THOSE THE TRUTH OR A LIE? IT'S A LIE."  
22 WAS THAT YOUR RESPONSE THEN?

23 A. THAT WAS MY RESPONSE THEN.

24 Q. WAS THAT A LIE?

25 A. YES, SIR, IT WAS A LIE.

2354

1 Q. DID YOU KEEP TELLING LIES?

2 A. THAT DAY?

3 Q. THAT DAY.

4 A. YES, SIR.

5 Q. "IT'S A LIE THAT YOU SAID FREDDIE OWENS SHOT  
6 THE LADY? YES, SIR." TODAY AFTER YOUR PLEA  
7 AGREEMENT, IS THAT A LIE?

8 A. YEAH, IT WAS A LIE BEFORE AND NOW.

9 Q. IT IS A LIE AFTER TODAY, YOU HAVE SEEN YOUR  
10 PLEA AGREEMENT, CORRECT?

11 A. YES, SIR.

12 Q. AND YOU ENTERED INTO THAT ON THE 9TH DAY OF  
13 FEBRUARY 1999; IS THAT CORRECT?

14 A. YES, SIR.

15 Q. BEFORE YOU SIGNED THAT DOCUMENT OR ENTERED INTO  
16 THAT AGREEMENT HAD YOU TOLD ANYBODY THAT THIS  
17 TESTIMONY WAS A LIE OR DID YOU WRITE ANYTHING DOWN TO  
18 CHANGE THIS?

19 A. NO, SIR, I DIDN'T WRITE NOTHING DOWN.

20 Q. YOU DIDN'T?

21 A. NO, SIR.

22 Q. BUT TODAY YOU COMING IN HERE SAYING THAT THE  
23 25TH IS A LIE AND THIS IS THE TRUTH?

24 A. YES, SIR.

25 Q. ALL RIGHT. DON'T YOU HAVE TO SAY THAT AS PART

1 OF YOUR AGREEMENT?

2 A. DON'T I HAVE TO SAY IT IS A LIE AS PART OF MY  
3 AGREEMENT? NO, SIR.

4 Q. DON'T YOU HAVE TO SAY THAT STATEMENT THAT WE  
5 ARE TALKING ABOUT, DON'T YOU HAVE TO SAY THAT THAT IS  
6 THE TRUTH? IF YOU DON'T SAY THAT WHAT HAPPENS?

7 A. WHAT HAPPENS?

8 Q. YES, SIR.

9 A. NOTHING.

10 Q. NOTHING?

11 A. (WITNESS SHAKES HEAD NEGATIVELY.)

12 Q. YOU FAMILIAR WITH THIS? "I HAVE ADVISED MR.  
13 GOLDEN IN THE PRESENCE OF HIS ATTORNEYS THAT THE STATE  
14 WILL CONSIDER, WILL CONSIDER A RECOMMENDATION OF  
15 LENIENCY IN THE EVENT YOU PLEAD GUILTY AND THAT YOU  
16 TESTIFY TRUTHFULLY IN THIS MATTER ACCORDING TO THE  
17 STATEMENT ON NOVEMBER 11TH OF '97." IF YOU SAY THAT  
18 THAT STATEMENT IS NOT TRUE LIKE YOU SAID ON THE 25TH  
19 THEN YOU DON'T GET THE BENEFITS IN YOUR PLEA  
20 AGREEMENT, DO YOU?

21 A. I DON'T GET THE BENEFITS OF MY PLEA AGREEMENT?

22 Q. THAT STATEMENT CAN'T BE A LIE NOW CAN IT, SON,  
23 LIKE YOU SAID ON THE 25TH?

24 A. IT IS NOT A LIE. THE STATEMENT IS NOT A LIE.

25 Q. YEAH. ON THE 25TH YOU SAID IT WAS?

1 A. YES, SIR.

2 Q. ALL RIGHT. YOU SAID -- TELL US WHO BEAT YOU.  
3 BEAT YOU IN THE RIBS?

4 A. WHO I SAID DONE IT?

5 Q. YES, SIR.

6 A. THE MAN RIGHT THERE (INDICATING).

7 Q. THIS GENTLEMAN RIGHT HERE (INDICATING)?

8 A. YES, SIR.

9 Q. LARRY BELLEW?

10 A. YES, SIR.

11 Q. AND WHAT ELSE DID MR. BELLEW DO TO YOU THAT YOU  
12 SAID ON THE 25TH?

13 A. I SAY HE PUT THE GUN ON THE TABLE AND I SAY HE  
14 HIT ME ACROSS THE HAND WITH A STAPLER.

15 Q. HIT YOU ACROSS THE HAND WITH A STAPLER?

16 A. YES, SIR.

17 Q. DID HE TELL YOU WHERE TO SIGN ON THAT  
18 STATEMENT, DID YOU SAY THAT, TOO?

19 A. DID I SAY THAT, TOO?

20 Q. YES, SIR.

21 A. YES, SIR.

22 Q. AND DID YOU TELL THAT TO THE JUDGE?

23 A. YES, SIR.

24 Q. SIR?

25 A. YES, SIR.

1 Q. YOU WEREN'T FEARFUL OF ANYTHING THAT DAY, WERE  
2 YOU?

3 A. NO, SIR.

4 Q. YOU WERE LYING THEN?

5 A. YES, SIR.

6 Q. NOW, SHORT OF GOD, WHO HOLDS YOUR FATE IN  
7 THEIR HANDS NEXT TO GOD?

8 A. NOBODY HOLD MY FATE BUT GOD.

9 Q. YOU DIDN'T TELL ANYBODY THAT TO YOU BOB ARIAIL  
10 WAS GOD?

11 A. NO, SIR.

12 Q. LET'S TALK ABOUT YOUR PLEA AGREEMENT. "THE  
13 DECISION TO MAKE A RECOMMENDATION IS A MATTER SOLELY  
14 IN MY DISCRETION." WHO IS THE PERSON THEY ARE  
15 REFERRING TO AS "MY DISCRETION"?

16 A. THE SOLICITOR.

17 Q. IN FACT, "MY DECISION WILL NOT BE MADE UNTIL  
18 FOLLOWING THE CONCLUSION OF THE CASE, FOLLOWING YOUR  
19 TESTIMONY HERE TODAY." WHOSE DECISION WILL NOT BE  
20 MADE UNTIL THEN?

21 A. THE SOLICITOR.

22 Q. "AN EVALUATION BY ME AS TO YOUR TRUTHFULNESS,  
23 YOUR VERACITY." WHO IS GOING TO EVALUATE YOU, SON,  
24 TO DETERMINE IF YOU GET THE BENEFITS UNDER YOUR PLEA  
25 AGREEMENT?

1 A. THE SOLICITOR.

2 Q. "PART OF THE CONSIDERATION ON MY PART," WHOSE  
3 PART?

4 A. THE SOLICITOR.

5 Q. WELL, WHO IS IT? POINT THE PERSON OUT THAT  
6 IS GOING TO MAKE ALL THESE DECISIONS.

7 A. MR. ARIAIL.

8 Q. MR. ARIAIL. WOULD ALSO BE DISPOSITION OF ALL  
9 OTHER PENDING CHARGES AGAINST YOU, RIGHT?

10 A. UH-HUH (AFFIRMATIVE RESPONSE).

11 Q. BASED ON YOUR PERFORMANCE TODAY DIFFERENT THAN  
12 THE 25TH, YOU CAN GET A LOT OF BENEFITS, CAN'T YOU?

13 A. I ALSO CAN STILL GET LIFE OR DEATH PENALTY.

14 Q. YOU ARE NOT LOOKING AT THE DEATH PENALTY, THE  
15 WORSE THAT CAN HAPPEN TO YOU IS THE DEATH PENALTY,  
16 CORRECT?

17 A. YES, SIR.

18 Q. AND NOBODY, OF COURSE, MADE YOU ANY PROMISES,  
19 DID THEY?

20 A. NO, SIR, NOBODY MADE NO PROMISES.

21 Q. AND SO YOU CAN GET THE DEATH PENALTY AND WHAT  
22 IS THE BEST THAT CAN HAPPEN TO YOU?

23 A. THE BEST? THIRTY YEARS WITHOUT PAROLE.

24 Q. SO YOU COULD SAVE YOUR LIFE, SKIP DEATH  
25 PENALTY, SKIP LIFE WITHOUT PAROLE, GET 30 YEARS

1 BASED UPON YOUR PERFORMANCE HERE TODAY?

2 A. IT IS NOT ALL BASED ON MY PERFORMANCE.

3 Q. IT IS NOT? WHATEVER YOU SAY ON THIS STAND CAN'T  
4 EFFECT WHAT YOU GET?

5 A. NO, SIR.

6 Q. IF YOU DON'T TESTIFY CORRECTLY?

7 A. CORRECTLY? I AM JUST TELLING THE TRUTH, THAT IS  
8 MY TESTIFYING, THE TRUTH.

9 Q. YOU CAN TELL THE TRUTH NOW?

10 A. YES, SIR.

11 Q. OKAY. LET'S LOOK FOR A SECOND.

12 MR. ARIAIL: IF WE COULD LOOK AT WHAT HE IS  
13 GETTING READY TO SHOW THE JURY.

14 THE COURT: NEED TO APPROACH?

15 MS. REESE: MAY WE TAKE THIS UP AT SIDE BAR?

16 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE  
17 PRESENCE OF THE TRIAL JURY, BUT OUTSIDE THE HEARING  
18 OF THE TRIAL JURY.)

19 THE COURT: LADIES AND GENTLEMEN, LET ME  
20 MAKE SORT OF AN EXPLANATION HERE. YOU HAVE NOTICED  
21 THAT WHEN EXHIBITS ARE INTRODUCED OR DOCUMENTS OR  
22 THINGS OR PHOTOGRAPHS ARE REFERRED TO SOMETIMES THEY  
23 ARE REFERRING TO THEM AS EXHIBIT NUMBER 16 FOR  
24 IDENTIFICATION. WELL, THAT MEANS THAT IS AN EXHIBIT  
25 FOR THE WITNESS TO IDENTIFY THAT, YES, THAT IS WHAT

1 IT IS OR THAT IS WHAT IT REPRESENTS TO BE. DOESN'T  
2 MEAN IT IS ACCURATE, THE WITNESS MERELY IDENTIFIES IT.

3 LATER IF IT IS GOING TO BE ADMITTED INTO  
4 EVIDENCE, IN OTHER WORDS, GOES TO YOU AS THE JURY CAN  
5 TAKE BACK TO THE JURY ROOM THEN IT COMES IN AS AN  
6 EXHIBIT, IDENTIFICATION IS NO LONGER/NECESSARY.

7 BUT ALSO WE HAVE WHAT WE CALL DEMONSTRATIVE  
8 EVIDENCE. IN THE OLD DAYS WE USED TO BRING A BIG OLD  
9 BLACKBOARD IN HERE. IF A LAWYER WANTED TO ASK A  
10 QUESTION HE WOULD SOMETIMES WRITE ON THE BLACKBOARD IS  
11 THIS NOT THE THING THAT YOU ARE GOING TO BE TALKING  
12 ABOUT, MIGHT WRITE A PHRASE OR STATEMENT UP THERE.  
13 BUT THAT OBVIOUSLY THE BLACKBOARD DIDN'T GO BACK TO  
14 THE JURY ROOM AND USUALLY WHAT HAPPENS THE LAWYER OR  
15 THE NEXT LAWYER WOULD COME IN AND WIPE OFF WHATEVER  
16 WAS ON THE BLACKBOARD. IN OTHER WORDS, IT WAS NOT  
17 EVIDENCE, IT IS SOMETHING.

18 IN THIS DAY AND TIME WE USE SOMETHING  
19 DEMONSTRATIVE EVIDENCE OF A LITTLE MORE CONVENIENCE.  
20 AS I UNDERSTAND IT THAT IS WHY I HAVE BEEN TALKING TO  
21 THE LAWYERS, THAT THE DEFENDANT MR. OWENS THROUGH HIS  
22 ATTORNEY MR. ALLEN IS GOING TO BE ASKING SOME  
23 QUESTIONS USING THE SCREEN. AND THIS IS AT BEST  
24 DEMONSTRATIVE EVIDENCE. IN OTHER WORDS, RATHER THAN  
25 HIM WRITING ON THE BLACKBOARD IT IS PRINTED ON A PIECE

1 OF PAPER TO BE ASKED FROM THE SCREEN. THERE AGAIN IT  
2 IS ONLY FOR THE PURPOSES OF MAKING THE QUESTIONS OR  
3 STATING THE QUESTIONS OR HAVING THE QUESTIONS PUT INTO  
4 A PARTICULAR CONTEXT.

5 ALL RIGHT, MR. ALLEN, YOU READY TO PROCEED?

6 MR. ALLEN: YES, SIR, JUDGE.

7 CROSS EXAM CONTINUED BY MR. ALLEN:

8 Q. MR. GOLDEN, CAN YOU SEE THAT CLEARLY?

9 A. YES, SIR.

10 Q. AND CAN YOU SEE THAT RED DOT?

11 A. YES, SIR.

12 Q. WHOSE NAME IS IT POINTING ON?

13 A. MINE.

14 Q. YOU ARE STEVEN GOLDEN?

15 A. YES, SIR.

16 Q. STEVEN ANDRA?

17 A. YES, SIR.

18 Q. IN THAT PLEA AGREEMENT DID YOU SIGN ---

19 MS. REESE: YOUR HONOR, I WOULD OBJECT AT  
20 THIS POINT AS TO THIS QUOTE "DRE."

21 THE COURT: IF YOU ARE GOING TO USE IT YOU  
22 WILL HAVE TO QUALIFY EACH ITEM ON THERE OTHERWISE IT  
23 WILL HAVE TO BE ELIMINATED.

24 CROSS EXAM CONTINUED BY MR. ALLEN:

25 Q. ARE YOU KNOWN AS DRE?

1 A. YES, SIR.

2 Q. THAT REFERS TO YOU RIGHT THERE?

3 A. YES, SIR.

4 Q. ALL RIGHT. THANK YOU.

5 MS. REESE: THE ONE ABOVE IT.

6 CROSS EXAM CONTINUED BY MR. ALLEN:

7 Q. STEVEN UNDRE DEMON GOLDEN?

8 A. THAT IS MY FULL NAME.

9 Q. YOUR FULL NAME?

10 A. CORRECT.

11 Q. YOU HAVEN'T TOLD THE SOLICITORS THAT, HAVE

12 YOU, STEVEN UNDRE DEMON GOLDEN?

13 A. YES, SIR.

14 Q. NOW, DRE, AS PART OF YOUR AGREEMENT YOU ARE

15 CHARGED WITH UNDER WARRANT F-609873 WITH POSSESSION

16 WITH INTENT TO DISTRIBUTE CRACK COCAINE; ISN'T THAT

17 CORRECT?

18 A. YES, SIR.

19 Q. THAT CHARGE WILL BE EFFECTED BY YOUR PLEA

20 AGREEMENT IF YOU TESTIFY TRUTHFULLY, WON'T IT?

21 A. WILL IT BE EFFECTIVE?

22 Q. IS IT PART OF YOUR PLEA AGREEMENT, ALL OF YOUR

23 PENDING CHARGES?

24 A. NO, SIR.

25 Q. IT IS NOT? READ FOR US, CAN YOU SEE YOUR PLEA

1 AGREEMENT?

2 A. YES, SIR.

3 Q. READ THAT LAST PAGE THAT SAYS, "PART OF THE  
4 CONSIDERATION ON MY PART WOULD ALSO BE A DISPOSITION  
5 OF" WHAT?

6 A. THE CHARGES AGAINST ME.

7 Q. NO, READ IT AS IT IS WRITTEN ON THERE.  
8 DISPOSITION OF WHAT?

9 A. "DISPOSITION OF ALL OTHER PENDING CHARGES  
10 AGAINST HIM."

11 Q. ALL RIGHT. SO ALL OF YOUR PENDING CHARGES ARE  
12 PART OF YOUR AGREEMENT, AREN'T THEY?

13 A. IF YOU SAY SO, YEAH.

14 Q. YOU HAVE ALSO POSSESSION WITH INTENT TO  
15 DISTRIBUTE CRACK COCAINE WITHIN HALF MILE OF A SCHOOL,  
16 DO YOU REMEMBER THAT COUPLE OF MONTHS BEFORE THIS?

17 A. YES, SIR.

18 Q. POSSESSION OF A FIREARM BY A PERSON UNDER THE  
19 AGE OF 21?

20 A. YES, SIR.

21 Q. MURDER?

22 A. YES, SIR.

23 Q. F-305623, ARMED ROBBERY?

24 A. YES, SIR.

25 Q. F-305624, ARMED ROBBERY?

1 A. YES, SIR.

2 Q. F-305625, ARMED ROBBERY?

3 A. YES, SIR.

4 Q. F-305628, CONSPIRACY TO COMMIT ARMED ROBBERY?

5 A. YES, SIR.

6 Q. F-305638, ARMED ROBBERY?

7 A. YES, SIR.

8 Q. YOU GOT ALL OF THAT HANGING OVER YOUR HEAD,  
9 DON'T YOU?

10 A. YES, SIR.

11 Q. F-305633, ARMED ROBBERY?

12 A. YES, SIR.

13 Q. F-305634, ARMED ROBBERY?

14 A. YES, SIR.

15 Q. F-305638, CONSPIRACY TO COMMIT ARMED ROBBERY?

16 A. YES, SIR.

17 Q. THESE CHARGES ARE PENDING AGAINST YOU, AREN'T  
18 THEY?

19 A. YES, SIR.

20 Q. F-305642, CONSPIRACY TO COMMIT ARMED ROBBERY?

21 A. YES, SIR.

22 Q. F-666675, ARMED ROBBERY ON NOVEMBER 7TH?

23 A. YES, SIR.

24 Q. F-666676, POSSESSION OF A FIREARM DURING THE  
25 COMMISSION OF A VIOLENT CRIME, THAT IS YOU, ISN'T

1 IT?

2 A. YES, SIR.

3 Q. F-514727, ARMED ROBBERY?

4 A. YES, SIR.

5 Q. E-658438, ASSAULT AND BATTERY?

6 A. YES, SIR.

7 MR. ALLEN: JUDGE, MAY WE APPROACH AS TO ONE  
8 OTHER PIECE OF EVIDENCE?

9 MR. ARIAIL: I DON'T HAVE ANY OBJECTION.

10 MR. ALLEN: JUDGE, WE HAVE WHAT WE ARE  
11 MARKING TO -- WE WOULD OFFER AS DEFENDANT'S EXHIBIT AT  
12 THIS TIME WITHOUT OBJECTION, I BELIEVE.

13 MR. ARIAIL: WE HAVE NO OBJECTION.

14 THE COURT: ALL RIGHT, SIR, DEFENDANT'S  
15 EXHIBITS 1 AND 2.

16 (WHEREUPON, DEFENDANT'S 1 AND 2 WERE MARKED AND  
17 ADMITTED INTO EVIDENCE.)

18 THE COURT: WITHOUT OBJECTION ADMITTED INTO  
19 EVIDENCE.

20 CROSS EXAM CONTINUED BY MR. ALLEN:

21 Q. MR. GOLDEN, CAN YOU SEE OR MAKE OUT THE  
22 INDIVIDUAL THAT IS IN THAT PICTURE WHERE THAT RED DOT  
23 APPEARS?

24 A. YES, SIR.

25 Q. AND DO YOU RECALL APPROXIMATELY WHEN YOU WERE

1 GOING OVER YOUR TESTIMONY UP AT THE COURTHOUSE?

2 A. YES, SIR, I WAS TALKING WITH THE SOLICITOR  
3 ABOUT WHAT HAPPENED, YES, SIR.

4 Q. AND YOU WERE DOING THAT IN THE ADJACENT  
5 COURTROOM?

6 A. YES, SIR, I WAS DISCUSSING WHAT HAPPENED AT  
7 THE SPEEDWAY, YES, SIR.

8 Q. YOU WERE DISCUSSING THAT WITH WHOM?

9 A. THE SOLICITOR.

10 Q. WHO?

11 A. LORI, MS. LORI REESE.

12 Q. LORI REESE. WHO ELSE WAS PRESENT IN THAT  
13 ROOM?

14 A. BETTY STROM.

15 Q. AND WHICH ONE?

16 A. RIGHT THERE IN THE MIDDLE.

17 Q. AND WHO ELSE?

18 A. THE OFFICERS.

19 Q. WHO ELSE?

20 A. THE SOLICITOR, MR. ARIAIL, CAME IN, BUT HE  
21 WENT OUT.

22 Q. HE CAME IN AND WENT OUT?

23 A. YES, SIR.

24 Q. DID HE TALK WITH YOU?

25 A. MR. ARIAIL?

1 Q. YEAH. CAN YOU SEE THE ELBOW RIGHT THERE WHILE  
2 YOU ARE ON THE WITNESS STAND?

3 A. YES, SIR.

4 Q. WHO IS THAT TALKING TO YOU?

5 A. I DON'T KNOW WHO THAT IS, I CAN'T SEE.

6 Q. LET ME SHOW YOU A CLOSER UP PICTURE.

7 MR. ARIAIL: I WILL STIPULATE I WAS IN THE  
8 COURTROOM NEXT DOOR TALKING TO HIM.

9 CROSS EXAM CONTINUED BY MR. ALLEN:

10 Q. MR. GOLDEN, WHO IS THAT TALKING TO YOU?

11 A. THAT IS ARIAIL RIGHT THERE.

12 Q. WHO?

13 A. MR. ARIAIL.

14 Q. ALL RIGHT. WAS IT ANYBODY ELSE IN THERE WITH  
15 YOU?

16 A. YES, SIR.

17 Q. WERE YOU GOING OVER YOUR TESTIMONY WHILE YOU  
18 WERE IN THERE?

19 A. I WAS TELLING THEM WHAT HAPPENED AT THE  
20 SPEEDWAY, YES, SIR.

21 Q. WERE THEY TELLING YOU ABOUT TALKING TO THIS  
22 JURY?

23 A. NO, SIR.

24 Q. THEY DIDN'T TELL YOU THAT YOU WOULD BE ABLE TO  
25 TESTIFY?

1 A. YES, SIR, I KNEW I WAS GOING TO BE ABLE TO  
2 TESTIFY.

3 Q. IS THAT ALL YOU WANT TO TELL US ABOUT THAT ROOM  
4 THOSE ARE THE PEOPLE THAT WERE IN THERE?

5 A. YES, SIR.

6 Q. ALL RIGHT. YOU KNOW AISHA WAS IN THERE,  
7 DON'T YOU? WHY DON'T YOU WANT TO SAY HER NAME?

8 A. SIR?

9 Q. YOU NAMED EVERYBODY BUT AISHA.

10 A. I THOUGHT YOU WAS TALKING ABOUT THE SOLICITOR  
11 AND OFFICERS.

12 Q. I ASKED YOU WHO ELSE WAS IN THAT ROOM. I  
13 DIDN'T ASK YOU ---

14 A. THAT IS WHAT I THINK YOU WAS MEANING BY THAT.

15 Q. WAS AISHA IN THAT ROOM WITH YOU?

16 A. YES, AISHA AND HER COUSIN.

17 Q. AND WHAT WERE Y'ALL TALKING ABOUT?

18 A. I AIN'T TALK TO THEM.

19 Q. YOU DIDN'T SAY NOTHING TO THEM?

20 A. NO, SIR.

21 Q. YOU DIDN'T TALK ABOUT YOUR TESTIMONY WITH AISHA  
22 IN THAT ROOM?

23 A. NO, SIR.

24 Q. DID YOU EVER GO WITH AISHA?

25 A. DID I EVER GO WITH HER?

1 Q. YES, SIR.

2 A. NO, SIR.

3 Q. Y'ALL HAVE NEVER BEEN BOYFRIEND OR GIRLFRIEND?

4 A. NO, SIR.

5 Q. PRIOR TO HER AND FREDDIE?

6 A. NO, SIR, WE WASN'T GOING TOGETHER, WE WAS  
7 FRIENDS AT THAT TIME, WE NEVER WENT TOGETHER.

8 Q. YOU AND AISHA WERE FRIENDS?

9 A. YES, SIR.

10 Q. BEFORE YOU GOT TO THAT RELATIONSHIP WITH HER,  
11 YOU TALK LIKE YOU WERE SCARED, YOU HAVE BEEN IN JAIL  
12 BEFORE?

13 A. YES, SIR.

14 Q. AND YOU HAVE DEALT WITH LAWYERS BEFORE?

15 A. YES, SIR.

16 Q. AND YOU WERE DOWN THERE TRYING TO FIGURE OUT A  
17 WAY THAT YOU WERE GOING TO GET YOURSELF OUT OF THIS,  
18 CORRECT?

19 A. IN THE DETENTION CENTER?

20 Q. YES, SIR.

21 A. YES, SIR.

22 Q. BEFORE YOU HAD EVEN WENT TO THE DETENTION  
23 CENTER YOU STARTED BACK IN '93, 1993 COMMITTING GRAND  
24 LARCENIES, SEVERAL TIMES, QUITE A FEW?

25 A. YES, SIR.

1 Q. STEALING FROM PEOPLE?

2 A. YES, SIR.

3 Q. RECEIVING STOLEN GOODS FROM PEOPLE?

4 A. YES, SIR.

5 Q. SHOPLIFTING?

6 A. YES, SIR.

7 Q. IN '95 GRAND LARCENY, AGAIN IN '94?

8 A. YES, SIR.

9 Q. THAT IS YOU, RIGHT?

10 A. YES, SIR.

11 Q. POSSESSING NARCOTICS IN '96, MAY 16TH OF '96?

12 A. YES, SIR.

13 Q. BUT TODAY YOU ARE COMING AND TELLING THE TRUTH?

14 A. YES, SIR.

15 Q. THE TRUTH DIDN'T HIT YOU AGAIN UNTIL ACCORDING  
16 TO YOU UNTIL AFTER YOU DID THIS PLEA AGREEMENT AND SAW  
17 A WAY TO SAVE YOUR LIFE, DID YOU?

18 A. SAW A WAY TO SAVE MY LIFE?

19 Q. YOU SAW A WAY TO EFFECT WHETHER YOU GOT DEATH  
20 OR 30 YEARS IN PRISON OR IMPRISONMENT WITHOUT PAROLE?

21 A. YES, SIR, I CAN STILL GET ALL THREE OF THEM.

22 Q. YOU CAN STILL GET ALL THREE?

23 A. YES, SIR.

24 Q. SO YOU CAN STILL GET ALL THREE AND YOU ARE  
25 COMING UP TO TESTIFY WITH THE IDEA THAT YOU MIGHT GET

1 ALL THREE, THAT IS IN YOUR HEAD RIGHT NOW?

2 A. I CAN GET ONE OF THEM THREE THINGS, YES, SIR.

3 Q. CAN YOU GET ONE OF THEM THREE THINGS?

4 A. YES, SIR.

5 Q. IF YOU DON'T DO WHAT? WHAT IS IN YOUR HEAD?

6 A. WHAT IS IN MY HEAD?

7 Q. IF YOU DON'T DO WHAT HOW CAN YOU GET THOSE  
8 THREE THINGS?

9 A. I CAN GET THEM NO MATTER WHAT. I CAN GET  
10 LIFE, DEATH.

11 Q. YOU GET A RECOMMENDATION IF YOU TESTIFY  
12 ACCORDING TO THAT STATEMENT AND PLEAD GUILTY, DON'T  
13 YOU? A RECOMMENDATION OF LENIENCY ONLY IN THAT  
14 EVENT, DON'T YOU?

15 A. TELLING THE TRUTH.

16 Q. PART OF THE TRUTH IS TESTIFYING ACCORDING TO  
17 YOUR STATEMENT ON NOVEMBER 11, '97?

18 A. YES, SIR, BECAUSE THAT IS THE TRUTH.

19 Q. THAT IS THE TRUTH?

20 A. YES, SIR.

21 Q. LET'S SEE ON THE 25TH, ONE OF YOUR ATTORNEYS  
22 WAS MARK MEGLIC; IS THAT CORRECT?

23 A. YES, SIR.

24 Q. HE ASKED YOU ABOUT THAT STATEMENT, YOUR  
25 ATTORNEY ASKED YOU?

1 A. YES, SIR.

2 Q. OKAY. HOW DID SERGEANT BELLEW, LET'S GET A  
3 LITTLE MORE SPECIFIC. HOW DID SERGEANT BELLEW BEAT  
4 ON YOU?

5 A. I TOLD HIM HE HIT ME IN MY RIBS AND ACROSS THE  
6 HAND WITH A STAPLER.

7 Q. YOU TOLD HIM, DID YOU NOT, THAT WITH A CLOSED  
8 FIST HIT ME IN MY RIB AREA AND IN MY STOMACH?

9 A. YES, SIR.

10 Q. OKAY. THAT IS A LITTLE DIFFERENT THAN WHAT YOU  
11 JUST SAID, ISN'T IT?

12 A. IT IS ALL THE SAME.

13 Q. IT IS ALL THE SAME?

14 A. THAT IS WHAT I SAID.

15 Q. WELL, ONE IS THE TRUTH AND ONE IS NOT,  
16 WOULDN'T YOU AGREE?

17 A. BOTH OF THEM THE TRUTH, I SAID HE HIT ME.

18 Q. HOW DID HE HIT YOU?

19 A. I TOLD HIM HE HIT ME IN MY RIBS.

20 Q. AND?

21 A. WITH HIS FIST.

22 Q. AND WHERE ELSE?

23 A. IN THE STOMACH.

24 Q. AND YOU TOLD THEM THAT UNDER OATH, DID YOU  
25 NOT?

1 A. YES, SIR.

2 Q. OKAY. HOW LONG DID THIS LAST? WHAT WAS YOUR  
3 ANSWER UNDER OATH WITH YOUR LAWYER QUESTIONING YOU?

4 A. I SAID THIRTY, THIRTY-FIVE MINUTES.

5 Q. DID YOU ALSO SAY A STAPLER, HE TOOK THE BACK  
6 OF THE STAPLER AND HIT ME ACROSS MY RIGHT HAND WITH  
7 IT?

8 A. YES, SIR.

9 Q. AT THAT POINT WERE YOU IN FEAR OF GREAT BODILY  
10 INJURY? WERE YOU AFRAID OF GETTING HURT AT THAT TIME?

11 A. THAT IS WHAT I TOLD HIM, YES, SIR.

12 Q. WE ARE TALKING ABOUT A TIME RIGHT BEFORE YOU  
13 GAVE THE STATEMENT OR THEY GOT THAT STATEMENT OUT OF  
14 YOU, AREN'T WE?

15 A. YES, SIR.

16 Q. WE TALKING ABOUT THE SAME TIME. AND WHEN HE  
17 ASKED YOU WERE YOU AFRAID YOU SAID AFRAID OF BODILY  
18 INJURY WHAT DID YOU SAY?

19 A. YEAH.

20 Q. YOU SAID YES, SIR, DIDN'T YOU?

21 A. YES, SIR.

22 Q. TO YOUR ATTORNEY?

23 A. YES, SIR.

24 Q. DID YOU TELL HIM YOU SIGNED THAT STATEMENT  
25 WHILE YOUR HEAD WAS DOWN?

- 1 A. YES, SIR.
- 2 Q. HUM?
- 3 A. YES, SIR.
- 4 Q. YOU TOLD THEM THAT UNDER OATH?
- 5 A. YES, SIR.
- 6 Q. WHO DID YOU SAY PUSHED YOUR HEAD DOWN AND HELD
- 7 IT ON THE DESK?
- 8 A. BELLEW.
- 9 Q. SERGEANT BELLEW?
- 10 A. YES, SIR.
- 11 Q. ALL RIGHT. DID YOU COME INTO CONTACT WITH JOE
- 12 WOODS?
- 13 A. TALKING TO HIM?
- 14 Q. YES, SIR.
- 15 A. YES, SIR.
- 16 Q. AND YOU TALKED TO THE OTHER OFFICERS, DIDN'T
- 17 YOU?
- 18 A. YES, SIR.
- 19 Q. PRIOR TO GIVING THE STATEMENT HOW MUCH COCAINE
- 20 DID YOU SAY YOU HAD DONE?
- 21 A. ABOUT A HALF A GRAM.
- 22 Q. ABOUT A HALF A GRAM. YOU SNIFFED THAT UP YOUR
- 23 NOSE?
- 24 A. YES, SIR.
- 25 Q. ON THE 11TH?

2375

- 1 A. YES, SIR.
- 2 Q. WHAT DID YOU DO ON THE TENTH BEFORE YOU GAVE  
3 THE STATEMENT?
- 4 A. WHAT DID I DO ON THE TENTH?
- 5 Q. YEAH, THE HOURS BEFORE?
- 6 A. THE SAME THING.
- 7 Q. WHAT DO YOU CALL THE "SAME THING"?
- 8 A. SNIFFING COCAINE AND SMOKING MARIJUANA.
- 9 Q. SNIFF COCAINE AND SMOKE MARIJUANA?  
10 A. AND DRINK.
- 11 Q. AND DRINKING?
- 12 A. YES, SIR.
- 13 Q. LET'S TALK ABOUT THREE-THIRTY, FOUR O'CLOCK,  
14 FIVE O'CLOCK IN THE MORNING BEFORE YOU GOT ARRESTED  
15 AND BEFORE YOU GAVE THIS STATEMENT WHEN YOU WERE ALL  
16 BY YOURSELF IN THE CAR, WHAT WERE YOU DOING FOR AN  
17 HOUR AND A HALF?
- 18 A. SNIFFING AND SMOKING.
- 19 Q. FREDDIE OWENS WASN'T WITH YOU, WAS HE?
- 20 A. NO, SIR.
- 21 Q. NAKEO VANCE WASN'T WITH YOU, WAS HE?
- 22 A. NO SIR.
- 23 Q. THIS WAS YOU BY YOURSELF, WASN'T IT?
- 24 A. YES, SIR.
- 25 Q. ANDRA GOLDEN?

1 A. YES, SIR.

2 Q. YOU KEPT GOING A LITTLE BIT LATER ON, DIDN'T  
3 YOU PUT SOMETHING ELSE IN YOUR SYSTEM?

4 A. ALCOHOL LATER ON, YES, SIR.

5 Q. OLD ENGLISH, DIDN'T YOU?

6 A. YES, SIR.

7 Q. AND ALL OF THIS HAPPENED JUST HOURS BEFORE YOU,  
8 IF WE BELIEVE YOUR TESTIMONY ON THE 25TH, BEFORE YOU  
9 WERE BEATEN BY LARRY BELLEW AND GOT THE STATEMENT  
10 OBTAINED?

11 A. YES, SIR, THAT IS WHAT I SAID.

12 Q. DID YOU HAVE A CLEAR HEAD?

13 A. WHEN I TALKED TO HIM?

14 Q. WHEN YOU DID ALL THE GRAM OF COCAINE, YOU HAD  
15 OLD ENGLISH, THE ALCOHOL, IN YOUR SYSTEM, WHEN YOU  
16 HAD BEEN SMOKING CRACK AND MARIJUANA THE DAY BEFORE,  
17 SMOKING MARIJUANA THE DAY BEFORE, WAS YOUR HEAD  
18 CLEAR?

19 A. YES, SIR.

20 Q. IT WAS?

21 A. YES, SIR.

22 Q. SO YOU CAN DO ALL OF THAT AND KEEP A CLEAR  
23 HEAD?

24 A. YES, SIR.

25 Q. ALL RIGHT. AND SO IF YOU WERE DOING THAT ON

1 NOVEMBER 7TH WHEN YOU WENT INTO THAT SPINX BY  
2 YOURSELF, PUT THAT GUN TO THAT LADY'S HEAD, WHAT DID  
3 YOU TELL THAT LADY?

4 A. GIVE ME THE MONEY.

5 Q. GIVE YOU THE MONEY?

6 A. UH-HUH (AFFIRMATIVE RESPONSE).

7 Q. WHAT DID YOU TELL MS. GRAVES IN HERE?

8 A. I HAD TOLD HER WE DON'T WANT ANYBODY TO GET  
9 HURT GIVE US THE MONEY, THAT IS WHEN I TOLD HER TO  
10 OPEN UP THE SAFE. I TOLD HER TO OPEN UP ONE OF THE  
11 CASH REGISTERS.

12 Q. GIVE YOU THE MONEY, DIDN'T YOU?

13 A. YES, SIR.

14 Q. YOU WANTED THE MONEY?

15 A. YES, SIR.

16 Q. WHAT DID YOU TELL THAT LADY AT PRESTIGE, DID  
17 YOU PUT A GUN UP TO HER HEAD?

18 A. YES, SIR.

19 Q. WHAT KIND OF GUN?

20 A. A 32.

21 Q. A 32?

22 A. YES, SIR.

23 Q. THE LADY AT THE SPINX, WHAT CALIBER GUN WAS  
24 THAT?

25 A. THIRTY-TWO (.32).

2378

1 Q. WHAT DID YOU TELL THAT LADY AT THE PRESTIGE TO  
2 DO?

3 A. BASICALLY THE SAME THING.

4 Q. WHAT IS THAT, GIVE YOU WHAT?

5 A. THE MONEY.

6 Q. THAT MONEY?

7 A. YES, SIR.

8 Q. IN THAT SPINX, DO I UNDERSTAND THAT YOU WERE  
9 BY YOURSELF?

10 A. YES, SIR.

11 Q. WERE YOU WEARING THE SAME TENNIS SHOES THAT  
12 SUSPECT NUMBER ONE AT THE CONOCO HAS, THE HOT SPOT,  
13 DID YOU WEAR THE SAME TENNIS SHOES IN THE SPINX AS THE  
14 HOT SPOT?

15 A. I THINK SO.

16 Q. YOU BASICALLY LIKE BLACK AND WHITE TENNIS  
17 SHOES, DON'T YOU?

18 A. YES, SIR.

19 Q. AND IN FACT, TODAY YOU GOT ON WHAT COLOR  
20 TENNIS SHOES?

21 A. BLACK, WHITE AND GREEN.

22 Q. THOSE BLACK AND WHITE TENNIS SHOES PRETTY MUCH  
23 WHAT YOU WEAR WHEN YOU ROB PLACES, ISN'T IT?

24 A. YES, SIR.

25 Q. AND YOU HIDE YOUR FACE WHEN YOU DO THAT KIND OF

1 STUFF, DON'T YOU?

2 A. YES, SIR.

3 MR. ALLEN: BEG THE COURT'S INDULGENCE ONE  
4 SECOND.

5 CROSS EXAM CONTINUED BY MR. ALLEN:

6 Q. TRYING TO SAVE TIME LET ME ASK YOU THIS WAY,  
7 MR. GOLDEN, DO YOU DENY YOU WENT INTO THAT SPINX YOU  
8 HELD THAT GUN UP TO THAT LADY'S HEAD AND MADE HER  
9 EMPTY THAT REGISTER?

10 A. THAT IS THE WAY I HOLD IT.

11 Q. YES, SIR.

12 A. YES, SIR, THAT IS THE WAY I HOLD MY GUN.

13 Q. THAT IS THE WAY YOU HOLD IT?

14 A. YES, SIR.

15 Q. YOU DON'T HOLD THAT GUN STILL, THE WHOLE TIME  
16 YOU ARE IN THERE DIRECTING THEM WHAT TO DO, AREN'T  
17 YOU?

18 A. YES, SIR.

19 Q. YOU ARE MOVING THAT ARM AROUND, AREN'T YOU?

20 A. YES, SIR.

21 Q. WHEN YOU ARE DOING THAT YOU GOT WHAT IN YOUR  
22 HAND, WHAT CALIBER GUN?

23 A. THIRTY-TWO (.32).

24 Q. OKAY. AND YOU HOLD IT GANGSTER-STYLE? DO YOU  
25 KNOW WHAT THEY CALL IT?

2380

- 1 A. IF YOU SAY THAT IS, SIR.
- 2 Q. DOES ANYBODY EVER TELL YOU THAT IS WHAT THEY  
3 CALL IT, HOLD IT THIS WAY, THAT WAY OR JUST LIKE  
4 THAT (INDICATING)?
- 5 A. NOBODY ASK ME THAT.
- 6 Q. YOU HOLD IT LIKE THIS (INDICATING)?
- 7 A. YES, SIR.
- 8 Q. LIKE THAT (INDICATING)?
- 9 A. I DON'T HOLD IT LIKE THAT.
- 10 Q. KIND OF SIDEWAYS. ARE YOU A GANGSTER?
- 11 A. NO, SIR.
- 12 Q. YOU JUST ROB PLACES?
- 13 A. YES, SIR.
- 14 Q. WITH GUNS?
- 15 A. YES, SIR.
- 16 Q. TAKE MONEY?
- 17 A. YES, SIR.
- 18 Q. SELL DOPE?
- 19 A. YES, SIR.
- 20 Q. WHO DO YOU SELL TO?
- 21 A. PEOPLE THAT SMOKE.
- 22 Q. WHEN YOU WENT DOWN TO THAT CONOCO THAT YOU ARE  
23 TALKING ABOUT.
- 24 A. UH-HUH (AFFIRMATIVE RESPONSE).
- 25 Q. FREDDIE OWENS ALWAYS GENERALLY HAD WHAT CALIBER

1 GUN?

2 A. WHEN WE WENT INSIDE THE CONOCO?

3 Q. NO, SIR. YOU SAID YOU HAVE KNOWN HIM A LONG  
4 TIME, CORRECT?

5 A. YES, SIR, SINCE '94.

6 Q. AND YOU SAY YOU ALL ARE CLOSE?

7 A. YES, SIR.

8 Q. AND DO YOU ALSO SAY WHILE WE ARE ON THIS POINT  
9 THAT HE HIT YOU IN THE EYE?

10 A. YES, SIR.

11 Q. FOR WHAT REASON?

12 A. WE WAS DRUNK.

13 Q. Y'ALL WAS JUST DRUNK?

14 A. WE WERE DRUNK ON THE PORCH.

15 Q. HE JUST GOT UP AND HIT YOU IN THE EYE?

16 A. NO, HE WAS ALREADY STANDING UP.

17 Q. DID HE TELL YOU TO STOP DISRESPECTING HIS  
18 MOTHER?

19 A. HIS MOTHER?

20 Q. YES, SIR.

21 A. NO, SIR.

22 Q. HE DIDN'T?

23 A. NO, SIR.

24 Q. WERE YOU DRUNK WHERE YOU WOULDN'T KNOW OR WERE  
25 YOU SOBER?

- 1 A. HIS MOTHER WASN'T OUT THERE.
- 2 Q. HIS MOTHER WASN'T AT THE HOUSE?
- 3 A. SHE WAS IN HER ROOM BUT NOT OUT THERE.
- 4 Q. DIDN'T SHE TELL YOU TO GO OUTSIDE?
- 5 A. HIS MOTHER?
- 6 Q. YES.
- 7 A. NO, SIR.
- 8 Q. OKAY. SO HE JUST SOBERED UP LONG ENOUGH TO
- 9 HIT YOU IN THE EYE?
- 10 A. WHO HIM?
- 11 Q. YEAH.
- 12 A. HE HADN'T BEEN DRINKING THAT MUCH.
- 13 Q. RIGHT, BUT YOU HAD, RIGHT?
- 14 A. YES, SIR.
- 15 Q. QUITE A BIT, WASN'T YOU?
- 16 A. YES, SIR.
- 17 Q. YOU WERE SHOWING OUT OVER THERE, WEREN'T YOU?
- 18 A. SHOWING -- I WAS PLAYING WITH HIS SISTER.
- 19 Q. PLAYING?
- 20 A. YES, SIR.
- 21 Q. DID ANYBODY ASK YOU TO STOP PLAYING?
- 22 A. NOT THAT I RECALL BECAUSE SHE WAS PLAYING WITH
- 23 ME, I WAS PLAYING BACK WITH HER.
- 24 Q. YOU RECALL HIM HITTING YOU IN YOUR EYE?
- 25 A. YES, SIR.

1 Q. HE HIT YOU PRETTY HARD, DIDN'T HE?

2 A. YES, SIR.

3 Q. HE HIT YOU ABOUT AS HARD AS YOU HAVE BEEN HIT  
4 IN THE EYE, DIDN'T HE?

5 A. HARD AS I HAVE BEEN EVER BEEN HIT.

6 Q. HE HAS HIT YOU ABOUT AS HARD AS YOU HAVE EVER  
7 BEEN HIT IN THE EYE?

8 A. NOT EXACTLY.

9 Q. HOW BIG WAS THAT EYE?

10 A. IT WAS PRETTY GOOD SIZE.

11 Q. PRETTY GOOD SIZE?

12 A. YES, SIR.

13 Q. HOW LONG DID IT STAY THAT WAY?

14 A. ABOUT FIVE DAYS.

15 Q. SO IT STAYS SWOLLEN BIG FOR ABOUT FIVE DAYS?

16 A. NOT THE WHOLE TIME IT WASN'T THE SAME SIZE, IT  
17 GOT LITTLER AND LITTLER.

18 Q. DID THAT STOP YOU FROM ROBBING PLACES?

19 A. NO, SIR.

20 Q. WHEN YOU WENT INTO THAT SPINX YOU HAD A MASK  
21 PULLED OVER THAT SWOLLEN EYE, DIDN'T YOU?

22 A. YES, SIR.

23 Q. YOU GOT IDENTIFIED IN PRESTIGE PARTLY BECAUSE  
24 OF THAT SWOLLEN EYE, DIDN'T YOU?

25 A. YES, SIR.

1 Q. DIDN'T YOU TELL FREDDIE OWENS THAT YOU WERE  
2 GOING TO GET HIM ABOUT THAT ONE DAY?

3 A. NO, SIR.

4 Q. MR. GOLDEN ---

5 A. I AIN'T EVER TOLD HIM THAT.

6 Q. DIDN'T YOU TELL FREDDIE OWENS?

7 A. WE RESOLVED THAT PROBLEM. I DIDN'T EVER COME  
8 BACK AND TELL HIM I WAS GOING TO GET HIM.

9 Q. YOU "RESOLVED THAT PROBLEM"?

10 A. YES, SIR.

11 Q. WHAT DO YOU MEAN ABOUT THAT?

12 A. WE TALKED ABOUT IT.

13 Q. YOU TALKED ABOUT YOU GOING AROUND WITH A  
14 SWOLLEN EYE FOR FIVE DAYS AND GETTING IDENTIFIED IN  
15 PRESTIGE BY YOUR SWOLLEN EYE, Y'ALL JUST TALKED ABOUT  
16 IT AND IT WAS OVER?

17 A. YES, SIR.

18 Q. SIR? SPEAK UP SO SHE CAN ---

19 A. YES, SIR.

20 Q. YOU DENY UNDER OATH THAT YOU TOLD HIM YOU WOULD  
21 GET HIM?

22 A. YES, SIR.

23 Q. NAKEO VANCE, YOU GREW UP IN LAUREL CREEK  
24 AROUND THAT AREA?

25 A. YES, SIR.

1 Q. NAKEO VANCE GROW UP IN LAUREL CREEK AND AROUND  
2 THAT AREA?

3 A. YES, SIR.

4 Q. AND FOR THE JURY IS LAUREL CREEK ACROSS FROM  
5 THE SPEEDWAY?

6 A. YES, SIR.

7 Q. IF YOU COME OUT OF THE SPEEDWAY ON THE SIDE  
8 WHERE THE GAS PUMPS ARE WHERE YOU PUMP THE CAR GAS  
9 WOULDN'T IT BE RIGHT IN THAT CORNER?

10 A. LIKE AT AN ANGLE.

11 Q. LIKE AT AN ANGLE IN THAT CORNER OVER THERE?

12 A. YES, SIR.

13 Q. THAT AREA IS KNOWN AS WHAT?

14 A. LAUREL CREEK.

15 Q. AND DO SOME OF YOU HAVE TATTOOS, YOU AND  
16 EITHER NAKEO OR LITTLE MAN HAVE TATTOOS ABOUT LAUREL  
17 CREEK TO DEATH?

18 A. DO I HAVE TATTOOS ABOUT LAUREL CREEK?

19 Q. LITTLE MAN?

20 A. I DON'T KNOW WHAT KIND OF TATTOO HE HAVE ABOUT  
21 LAUREL CREEK.

22 Q. YOU DON'T HAVE ANY SAYING ABOUT LAUREL CREEK TO  
23 DEATH?

24 A. LAUREL CREEK TO DEATH?

25 Q. YES, SIR. WHO LIVES IN LAUREL CREEK? LET'S

2386

- 1 DO IT THIS WAY, YOU HAVE LIVED IN LAUREL CREEK?
- 2 A. YES, SIR.
- 3 Q. NAKEO VANCE IS FROM?
- 4 A. YES, SIR.
- 5 Q. FROM WHERE?
- 6 A. LAUREL CREEK.
- 7 Q. SO, FOR EXAMPLE, WHEN YOU WENT TO CONOCO YOU
- 8 HAD TWO PEOPLE FROM LAUREL CREEK, TWO LAUREL CREEK
- 9 BOYS, DID YOU NOT?
- 10 A. YES, SIR.
- 11 Q. AND THEN YOU HAD, ACCORDING TO YOUR STATEMENT,
- 12 ONE LAUREL CREEK, THE TWO LAUREL CREEK BOYS HAD .32S
- 13 BEFORE YOU WENT DOWN THERE OR WHILE YOU WERE RIDING IN
- 14 THE CAR, YOU HAD WHAT KIND OF CALIBER GUN?
- 15 A. THIRTY-TWO (.32).
- 16 Q. WHAT DID NAKEO VANCE HAVE?
- 17 A. THIRTY-TWO (.32).
- 18 Q. ALL RIGHT. Y'ALL HAD .32S AND FOR SOME REASON
- 19 NAKEO VANCE GAVE THE .32 OR WAS NAKEO VANCE DID HE
- 20 HAVE ANYTHING BLACK ON BY THE WAY?
- 21 A. NO, SIR, HE HAD ON DARK BLUE.
- 22 Q. DARK BLUE?
- 23 A. YES, SIR.
- 24 Q. DARK COLORED PANTS?
- 25 A. YES, SIR.

1 Q. WHAT COLOR SHIRT?

2 A. IT WAS A GRAY HOODED SWEAT SHIRT.

3 Q. HOODED?

4 A. YES, SIR.

5 Q. AND YOU -- WHEN YOU WERE TALKING TO YOUR  
6 LAWYERS AND YOU WERE TALKING ABOUT YOUR CASE DID YOU  
7 EVER HAVE OCCASION TO GO OVER A SEARCH WARRANT?

8 A. YES, SIR.

9 Q. I NOTICE IN YOUR TESTIMONY YOU SAY YOU WAS IN  
10 THIS COURTROOM NEXT DOOR A COUPLE OF DAYS AGO TALKING  
11 ABOUT ---

12 A. NEXT DOOR?

13 Q. TALKING ABOUT GOING OVER YOUR STATEMENT OR  
14 WHATEVER?

15 A. I DON'T KNOW WHICH ONE IT WAS.

16 Q. SOMEWHERE IN THIS COURTHOUSE GOING OVER WITH  
17 THESE PEOPLE?

18 A. YES, SIR.

19 Q. I NOTICE WHEN YOU COME IN HERE TODAY YOU ARE  
20 TALKING ABOUT A BLACK JACKET WITH A SWOOSH. DID YOU  
21 EVER SEE THE VIDEO?

22 A. HAVE I EVER SEEN IT? YES, SIR.

23 Q. WHEN IS THE LAST TIME YOU LOOKED AT IT?

24 A. LAST TIME?

25 Q. YES, SIR.

- 1 A. COUPLE OF DAYS AGO.
- 2 Q. COUPLE OF DAYS AGO?
- 3 A. YES, SIR.
- 4 Q. WAS THAT BEING SHOWN TO YOU BY YOUR LAWYERS OR
- 5 BY THE STATE?
- 6 A. MY LAWYERS.
- 7 Q. AND THAT WAS AFTER YOUR PLEA AGREEMENT?
- 8 A. YES, SIR.
- 9 Q. SIR?
- 10 A. YES, SIR.
- 11 Q. ALL RIGHT. DID Y'ALL TALK ABOUT THAT SWOOSH?
- 12 A. DID WE TALK ABOUT IT?
- 13 Q. YEAH, YOU KNOW WHAT THE NIKE SWOOSH IS?
- 14 A. I KNOW WHAT THE NIKE SYMBOL IS.
- 15 Q. DOES NAKEO VANCE LIKE NIKE STUFF?
- 16 A. DO HE LIKE IT?
- 17 Q. YES, SIR. DO HE WEAR IT?
- 18 A. DO HE WEAR IT?
- 19 Q. YES.
- 20 A. ALL OF US WEAR IT.
- 21 Q. ALL OF YOU WEAR IT, DON'T YOU?
- 22 A. YES.
- 23 Q. YOU IN FACT KEEP A LOT OF IT, BLACK NIKE STUFF
- 24 IN YOUR HOUSE, DON'T YOU?
- 25 A. YES, SIR. ALL KIND OF CLOTHES.

1 Q. YOU HAVE BLACK NIKE SHOES?

2 A. YES, SIR.

3 Q. SWEAT SHIRTS?

4 A. SWEAT SHIRTS, YES, SIR.

5 Q. HUM?

6 A. YES, SIR.

7 Q. SO IT IS NOT ONE NIKE, THEY DIDN'T BUILD A  
8 NIKE PLANT AND MAKE ONE SHIRT AND TEAR IT DOWN, DID  
9 THEY?

10 A. NO, SIR.

11 Q. IT IS A LOT OF THINGS RUNNING AROUND WITH NIKE,  
12 NIKE IS A VERY COMMON BRAND AMONG Y'ALL, ISN'T IT?

13 A. YES, SIR.

14 Q. IT IS COOL TO WEAR THAT SWOOSH, ISN'T IT?

15 A. YES, SIR, YOU CAN SAY THAT.

16 Q. SIR?

17 A. YES, SIR, YOU COULD SAY THAT.

18 Q. AND ALL OF Y'ALL ARE RIDING AROUND THINK Y'ALL  
19 ARE COOL, RIGHT?

20 A. NO, WE DON'T THINK RIDING AROUND THINK WE ARE  
21 COOL OR NOTHING LIKE THAT.

22 Q. WHAT DO YOU CALL IT WHEN YOU AND NAKEO VANCE  
23 AND THEM ARE IN THE CAR?

24 A. JUST RIDING AROUND.

25 Q. WHOM HAVE YOU KNOWN THE LONGEST, NAKEO VANCE OR

1 FREDDIE OWENS?

2 A. NAKEO VANCE.

3 Q. NAKEO VANCE?

4 A. NAKEO VANCE, YES, SIR.

5 Q. LAUREL CREEK?

6 A. YES, SIR.

7 Q. AFTER THIS THING HAPPENED DID YOU GO OVER TO  
8 NAKEO VANCE'S HOUSE THE FIRST THING?

9 A. FIRST THING? NO, SIR.

10 Q. YOU DIDN'T END UP OVER AT NAKEO VANCE'S HOUSE?

11 A. I ENDED UP OVER THERE, HIS WASN'T THE FIRST  
12 HOUSE I WENT TO.

13 Q. IN YOUR STATEMENT WHEN YOU ARE TALKING ABOUT A  
14 BLUE HOUSE, WHOSE HOUSE IS BLUE AND WHO LIVES IN  
15 LAUREL CREEK WHEN YOU WENT ACROSS THE STREET?

16 A. NAKEO LIVE IN LAUREL CREEK BUT THE HOUSE THAT  
17 WE WENT TO AIN'T NOBODY STAY THERE AT THAT TIME. AT  
18 THAT TIME NOBODY IS STAYING THERE.

19 Q. WHERE IS THAT HOUSE LOCATED, RIGHT BELOW WHOSE  
20 HOUSE?

21 A. NAKEO VANCE.

22 Q. THAT IS IN LAUREL CREEK?

23 A. YES, SIR.

24 Q. DID THEY TAKE SOME NIKE CLOTHING OUT OF YOUR  
25 HOUSE WHEN THEY SEARCHED IT?

1 A. YES, SIR.

2 Q. DID THEY TAKE -- I WANT TO SHOW YOU SOME  
3 PICTURES AND ASK YOU DO YOU RECOGNIZE THOSE, THE TWO  
4 GUNS?

5 A. I RECOGNIZE THESE TWO GUNS, YES, SIR.

6 Q. YOU RECOGNIZE THOSE TWO GUNS?

7 A. YES, SIR.

8 Q. WHICH ONE DID YOU HAVE AND WHICH ONE DID  
9 FREDDIE HAVE AT THE SPEEDWAY?

10 A. THIS IS THE ONE I HAD BUT THIS IS MY  
11 GRANDMOTHER'S, NOBODY HAS THIS ONE.

12 Q. NOBODY HAD THAT ONE?

13 A. UN-HUH (NEGATIVE RESPONSE).

14 Q. WHERE IS THE GUN THAT YOU SAY NAKEO GAVE TO  
15 FREDDIE?

16 A. I DON'T KNOW.

17 Q. YOU DON'T KNOW?

18 A. NO, SIR.

19 Q. WHERE ARE YOUR CLOTHES THAT YOU USED?

20 A. WHAT CLOTHES I USED THAT WAS IN THE SPEEDWAY?

21 Q. YES, SIR.

22 A. THEY GOT THEM IN THE SEARCH WARRANT.

23 Q. THEY GOT YOUR CLOTHES? DID THEY GET THE GUN?

24 A. GOT MY GUN, TOO.

25 Q. DID THEY GET THE GUN THAT YOU SAY MS. GRAVES

1 WAS SHOT WITH?

2 A. NO, I DIDN'T SAY THAT.

3 Q. WHERE IS THAT? SIR?

4 A. I DON'T HAVE NO IDEA. IT AIN'T MINE.

5 Q. IT WASN'T YOURS?

6 A. NO, SIR.

7 Q. DID IT BELONG TO NAKEO VANCE?

8 A. YES, SIR.

9 Q. AND IT IS A .32 THAT BELONGED TO NAKEO VANCE,  
10 WASN'T IT, ANDRA?

11 A. YES, SIR.

12 Q. NOW, THE GUN I SHOWED YOU IN THE PICTURE, YOU  
13 WOULD SAY THAT, I AM GOING TO SHOW YOU WHAT IS MARKED  
14 AS STATE'S EXHIBIT 35, ASK YOU IF YOU RECOGNIZE THAT?

15 A. YES, SIR.

16 Q. AND DO YOU SAY THAT IS THE GUN -- WHICH ONE OF  
17 Y'ALL HAD THAT GUN?

18 A. THAT IS MINE.

19 Q. THIS IS ONE OF YOUR GUNS. DO YOU HAVE MORE  
20 THAN ONE GUN?

21 A. NO, SIR.

22 Q. THIS IS THE GUN THAT YOU HAD?

23 A. YES, SIR.

24 Q. IS THAT CORRECT?

25 A. YES, SIR.

1 Q. ALL RIGHT. DID YOU WEAR YOUR GLOVES, DID YOU  
2 HANDLE THIS GUN? YOU PUT IT IN THE CLOSET AFTER THIS  
3 ROBBERY?

4 A. DID I PUT IT IN THE CLOSET AFTER THE ROBBERY?

5 Q. YES, SIR.

6 A. I PUT IT UP.

7 Q. YOU LIED TO THE COPS WHAT YOU DID WITH THE GUN  
8 IN YOUR STATEMENT, DID YOU NOT?

9 A. YES, SIR.

10 Q. AND AT SOME POINT YOU CARRIED SOME GUNS AND  
11 SOME CLOTHING HOME WITH YOU FROM SOME OF THESE  
12 ROBBERIES, DID YOU NOT?

13 A. I CARRIED A GUN AND SOME CLOTHES WITH ME FROM  
14 THE ROBBERY?

15 Q. YEAH, DID YOU SEND WOODS -- LET'S BACK UP  
16 WHILE YOU ARE ON THE CLOTHING. DID YOU PUT CLOTHING  
17 BEHIND ANY BUILDING?

18 A. NO, SIR.

19 Q. YOU DIDN'T PUT CLOTHING BEHIND NO BUILDING?

20 A. NO, SIR.

21 Q. DID YOU TELL AISHA THAT YOU PUT CLOTHING BEHIND  
22 A CHURCH OR BEHIND A BUILDING, HID YOURS?

23 A. NO, SIR, THAT IS WHAT MR. OWENS TOLD HER.

24 Q. THAT IS WHAT WHO TOLD?

25 A. MR. OWENS.

1 Q. THAT THAT IS WHAT YOU DID?

2 A. YES, SIR.

3 Q. AND YOU WERE PRESENT?

4 A. I WASN'T PRESENT WHEN HE TOLD IT.

5 Q. SO WHAT YOU ARE TALKING ABOUT WHO TOLD YOU  
6 THAT?

7 A. HOW I KNOW?

8 Q. YEAH.

9 A. BECAUSE I READ IT.

10 Q. WHERE DID YOU READ IT FROM?

11 A. HER STATEMENT.

12 Q. SO YOU READ AISHA'S STATEMENT IN PREPARATION  
13 FOR YOUR TESTIMONY TODAY?

14 A. NO, SIR.

15 Q. YOU DIDN'T?

16 A. I READ EVERYTHING FROM THE WHOLE THING BECAUSE  
17 WE GOT THE MOTION OF DISCOVERY.

18 Q. WHEN YOU WERE TRYING TO FIGURE IT OUT?

19 A. I READ HIS STATEMENT, NAKEO, MINE, I DONE  
20 READ EVERYTHING.

21 Q. SO ON AISHA YOU NEVER TOLD HER THAT?

22 A. NO, SIR.

23 Q. WAS THAT TRUE?

24 A. NO, SIR.

25 Q. WHERE IS THE GUN THAT WAS IN -- THAT YOU SAY

1     NAKEO AND FREDDIE HAD?

2     A.       WHICH ONE?

3     Q.       THAT WAS IN THE SPEEDWAY?

4     A.       I DON'T KNOW.

5     Q.       YOU NEVER TOUCHED IT?

6     A.       NO, SIR, I AIN'T EVER TOUCHED IT.

7     Q.       DID YOU HANDLE THIS GUN AFTER THE DAY OF THE  
8     SPEEDWAY?

9     A.       YES, SIR.

10    Q.       DID YOU HANDLE IT WITHOUT GLOVES ON?

11    A.       YES, SIR.

12    Q.       YOU DID?

13    A.       YEAH, IT IS MINE.

14    Q.       IT IS YOURS, YOU HANDLED IT WITHOUT GLOVES ON  
15    IT?

16    A.       YES, SIR.

17    Q.       YOU EVER SEE ANYTHING, ANYBODY TALK TO YOU  
18    ABOUT FINGERPRINTS ON IT?

19    A.       HAVE -- NO, SIR, I DON'T KNOW ANYTHING ABOUT  
20    IT.

21    Q.       MR. BELLEW?

22    A.       NO, SIR.

23    Q.       ANY OF THESE PEOPLE HERE WE ARE TALKING TO?

24    A.       NO, SIR.

25    Q.       IF I HANDLED IT, IT IS THE ONE YOU HAD, YOU

1 HANDLED IT AFTER THAT DATE BEFORE THEY SEIZED IT IT  
2 WOULD HAVE YOUR FINGERPRINTS ON IT, WOULDN'T IT?

3 A. I GUESS, I DON'T KNOW NOTHING ABOUT THAT. I  
4 HANDLE IT THE SAME DAY I GOT ARRESTED BECAUSE I PUT IT  
5 UP.

6 Q. OKAY. YOU DIDN'T HAVE ON GLOVES, DID YOU?

7 A. NO, SIR.

8 Q. AT ALL?

9 A. NO, SIR.

10 Q. NOW, THE CAR THAT Y'ALL WERE DRIVING WHEN YOU  
11 WERE DOING THESE THINGS WAS YOUR GRANDMOTHER'S?

12 A. YES, SIR.

13 Q. WHEN YOU WENT INTO THAT SPEEDWAY SHE ASKED YOU  
14 HOW MUCH MONEY WAS TAKEN, YOU SAID YOU DIDN'T KNOW,  
15 DID BELLEW AND THEM TELL YOU HOW MUCH WAS TAKEN?

16 A. DID THEY TELL ME HOW MUCH WAS SAID WAS TAKEN?

17 Q. HOW MUCH MONEY WAS TAKEN OUT OF THE SPEEDWAY?

18 A. I DON'T KNOW.

19 Q. YOU DON'T REMEMBER?

20 A. NO, SIR.

21 Q. DID YOU EVER KNOW?

22 A. NOT REALLY. I KNOW THAT NIGHT, I KNOW I  
23 FORGOT NOW.

24 Q. HOW MUCH?

25 A. I DON'T REMEMBER.

1 Q. WHEN SHE ASKED YOU HOW MUCH MONEY WAS TAKEN OUT  
2 OF THERE AND YOU TOLD HER -- WHAT DID YOU TELL HER?

3 A. I DIDN'T KNOW.

4 Q. LOOK ON YOUR STATEMENT THAT YOU GAVE LARRY  
5 BELLEW AND SEE IF YOU DON'T GIVE A DOLLAR AMOUNT?

6 A. YES, SIR.

7 Q. DON'T YOU SAY YOU GOT EIGHTY DOLLARS OUT OF  
8 THERE?

9 A. YES, SIR, AT THAT TIME.

10 Q. HUM?

11 A. YES, SIR.

12 Q. AFTER YOU WENT TO THE SPEEDWAY YOU WENT BACK TO  
13 THE RED ROOF INN AT SOME POINT?

14 A. YES, SIR.

15 Q. YOU WERE BY YOURSELF, ANDRA GOLDEN, NOBODY  
16 AROUND?

17 A. YES, SIR.

18 Q. YOU STAYED IN THERE UNTIL ABOUT TWO O'CLOCK?

19 A. YES, SIR.

20 Q. WHAT WERE YOU DOING IN THERE?

21 A. SLEEP.

22 Q. DID YOU EVER WHILE YOU WERE OVER AT NAKEO'S  
23 HOUSE, OR GOING OVER TO NAKEO'S, DO YOU DENY OR  
24 RECALL CALLING FREDDIE'S HOUSE?

25 A. NO, SIR, HE BEEPED ME AND I CALLED HIM BACK.

- 1 Q. AND WHERE WERE YOU WHEN YOU CALLED HIM?
- 2 A. WHEN I CALLED HIM?
- 3 Q. YES.
- 4 A. MY GRANDMOTHER'S HOUSE, I HAD GONE HOME.
- 5 Q. WAS THAT LOBLOLLY WHEN YOU CALLED HIM?
- 6 A. YES, SIR.
- 7 Q. ABOUT WHAT TIME WAS THAT?
- 8 A. I DON'T REMEMBER WHAT TIME.
- 9 Q. YOU DON'T REMEMBER?
- 10 A. NO, SIR.
- 11 Q. DID Y'ALL TALK ABOUT SOME GIRLS, GETTING SOME
- 12 GIRLS UP AT THE RED ROOF AND YOU SUGGESTED SOME REEFER
- 13 AND GIRLS AND YOU GOT SOME UP THERE?
- 14 A. NO, SIR, I AIN'T SUGGESTING NOTHING LIKE THAT.
- 15 Q. YOU DON'T DO THAT UP AT THE MOTEL?
- 16 A. WE DON'T?
- 17 Q. YES, SIR.
- 18 A. WE HAVE BUT THAT DAY YOU ARE TALKING ABOUT NO.
- 19 Q. I'M TALKING ABOUT HALLOWEEN NIGHT AFTER TRICK
- 20 OR TREATING WHEN YOU CALLED HIM, WHAT DID YOU TELL
- 21 HIM YOU HAD UP AT THE RED ROOF?
- 22 A. I AIN'T TOLD HIM NOTHING. I AIN'T CALLED, HE
- 23 WAS WITH ME, HOW AM I GOING TO CALL HIM AND TELL HIM?
- 24 Q. IF HE WAS WITH YOU WHY WOULD HE BEEP YOU IF YOU
- 25 ARE ONE PLACE AND THEN YOU CALL HIM FROM ANOTHER

1 PLACE?

2 A. I THOUGHT YOU WERE TALKING ABOUT AFTER I LEFT  
3 THE ROOM AFTER I WOKE UP AND CHECKED OUT THEN HE  
4 BEEPED ME AND I CALLED HIM BACK THAT IS WHAT I THOUGHT  
5 YOU WAS TALKING ABOUT.

6 Q. UH-HUH (AFFIRMATIVE RESPONSE).

7 A. YES, SIR.

8 Q. THAT IS WHAT YOU THOUGHT I WAS TALKING ABOUT?

9 A. YES, SIR.

10 Q. DID YOU TALK TO HIM THAT MORNING? WHAT TIME DID  
11 YOU TAKE HIM HOME?

12 A. IT WAS EARLY IN THE MORNING ABOUT SIX THIRTY.

13 Q. SO WERE Y'ALL TOGETHER THE ENTIRE NIGHT?

14 A. YES, SIR. FROM THAT MORNING UNTIL THE WHOLE  
15 NIGHT.

16 Q. AND NAKEO AND LITTLE MAN WAS OUT THERE AT THE  
17 SPEEDWAY?

18 A. THEY WAS AT THE WAFFLE HOUSE.

19 Q. WELL, WHERE IS THE WAFFLE HOUSE IN RELATION TO  
20 THE SPEEDWAY?

21 A. RIGHT BESIDE IT.

22 Q. AND DID Y'ALL GO THERE TOGETHER?

23 A. WE WENT THERE TOGETHER AND SPLIT UP, ME AND  
24 FREDDIE WENT OUR WAY THEY WENT THEIR WAY.

25 Q. YOU SAY WHO MADE THAT DECISION, YOU DID?

1 A. YES, SIR, I PICKED WHICH ONE WAS GOING TO DO.

2 Q. SO YOU WERE RUNNING THE SHOW, RIGHT?

3 A. NO, SIR. WE ALL BEEN TAKING PART IN IT JUST  
4 AT THAT TIME I PICKED THAT ONE BECAUSE WE WAS  
5 DISCUSSING IT.

6 Q. WE ARE TALKING ABOUT THE SPEEDWAY WHERE THIS  
7 LADY WAS KILLED, WHO WAS RUNNING THE SHOW?

8 A. WHEN WE WENT INSIDE OR OUTSIDE.

9 Q. WHOSE CAR WAS DRIVEN THERE?

10 A. MINE.

11 Q. WHEN YOU WENT INSIDE WHO RAN THE SHOW?

12 A. FREDDIE WAS THE FIRST ONE TO SPEAK, I SPOKE  
13 AFTER HIM.

14 Q. WHO WAS THE FIRST ONE IN -- LET'S LOOK AT THIS  
15 VIDEO.

16 A. OH, I WAS THE FIRST ONE.

17 Q. YOU WERE THE FIRST ONE IN?

18 A. YES, SIR.

19 Q. YOU WENT IN THERE TELLING THIS LADY TO GIVE YOU  
20 MONEY, CORRECT?

21 A. YES, SIR, BOTH OF US DID, YES, SIR.

22 Q. IS IT YOUR TESTIMONY THAT SECOND DRAWER WAS  
23 OPEN, NO DOUBT IN YOUR MIND?

24 A. YES, SIR, IT WAS OPEN.

25 Q. THE SECOND ONE CLOSEST TO THE DIESEL PUMP?

1 A. YES, SIR, IT WAS OPEN.

2 Q. IT WAS OPEN?

3 A. YES, SIR.

4 Q. AND YOU SAID GO AHEAD AND GIVE US THE MONEY OR  
5 WHAT DID YOU SAY?

6 A. THAT WAS WHEN HE WAS TALKING ABOUT THE SAFE.  
7 WHEN HE WAS TALKING ABOUT THE SAFE TRYING TO GET HER  
8 TO OPEN THE SAFE SHE HAD SAID SOMETHING SMART TO HIM,  
9 YOU KNOW, LIKE ---

10 Q. SAID WHAT?

11 A. TO HER?

12 Q. YEAH.

13 A. SHE SAID, WELL, IF THAT IS THE KEY GO AHEAD  
14 AND OPEN IT YOURSELF.

15 Q. ALL RIGHT. AND THEN WHAT DID YOU SAY?

16 A. I SAID WE DON'T WANT TO HURT NOBODY JUST GO  
17 AHEAD AND OPEN THE SAFE.

18 Q. THEN WHAT DID YOU SAY HAPPENED NEXT?

19 A. WHAT DID I SAY HAPPENED NEXT?

20 Q. YEAH.

21 A. THEN AFTER THAT FREDDIE BE LIKE YOU GOING TO  
22 OPEN THE SAFE? AND THEN SHE BE LIKE IT IS JAMMED YOU  
23 CAN LOOK AND SEE FOR YOURSELF.

24 Q. AND WHO SHOT?

25 A. FREDDIE OWENS.

1 Q. AND YOU NEVER SHOT ANYTHING, DID YOU?

2 A. NO, SIR.

3 Q. ALL RIGHT. WHEN YOU ARE HOLDING THIS GUN LIKE  
4 THAT (INDICATING) ON THAT LADY?

5 A. YES, SIR, I WAS HOLDING IT LIKE THAT  
6 (INDICATING).

7 Q. AND WERE YOU MOVING IT AROUND DIRECTING HER  
8 LIKE YOU DID IN THE REST OF THEM AS TO WHAT TO DO?

9 A. YES, SIR.

10 Q. HUM?

11 A. YES, SIR.

12 Q. THAT IS HOW YOU MAKE PEOPLE DO WHAT YOU WANT  
13 THEM TO DO YOU MOVE IT AROUND ON THEM, DON'T YOU?

14 A. YES, SIR.

15 Q. IN ROBBERIES THAT MAKES THINGS HAPPEN, DON'T  
16 IT?

17 A. IF YOU SAY SO, YES, SIR.

18 Q. IT MADE WHAT HAPPEN AT THE SPEEDWAY HAPPEN,  
19 TOO, DIDN'T IT?

20 A. YEAH, I HAD MY GUN, HE HAD HIS GUN TO HER  
21 HEAD.

22 Q. HE HAD HIS GUN TO HER HEAD?

23 A. YES, SIR.

24 Q. HAVE YOU EVER SEEN THAT IN ALL THAT DISCOVERY  
25 YOU HAVE BEEN GOING OVER?

1 A. HE HAD HIS GUN TO HER HEAD?

2 Q. YES, SIR.

3 A. NOT THAT I RECALL.

4 Q. YOU DON'T RECALL THAT?

5 A. NOT IN DISCOVERY.

6 Q. BUT YOU DO RECALL WHO YOU DID SEE THAT HAD A  
7 GUN TO THAT LADY'S HEAD, DON'T YOU?

8 A. YES, SIR, I KNOW WHO HAD THE GUN TO HER HEAD.

9 Q. WHO THAT YOU SAW IN THE DISCOVERY THAT HAD A  
10 GUN TO HER HEAD?

11 A. I DON'T RECALL IN DISCOVERY.

12 Q. YOU DON'T RECALL LOOKING AT THE VIDEO WHO HAD A  
13 GUN TO HER HEAD?

14 A. IN THE VIDEO I KNOW WHO HAD THE GUN TO HER  
15 HEAD.

16 Q. WHO?

17 A. I DID, HE DID.

18 Q. IN THE VIDEO YOU SAW HIM HOLDING A GUN TO HER  
19 HEAD?

20 A. AT FIRST HE HAD IT LIKE THAT (INDICATING) THEN  
21 HE WENT UP AND RAISED IT UP TO HER HEAD.

22 Q. IS THAT IN THE VIDEO?

23 A. IS IT IN THE VIDEO WHERE YOU CAN SEE IT?

24 Q. UH-HUH (AFFIRMATIVE RESPONSE).

25 A. YOU CAN'T SEE IT.

- 1 Q. WHEN YOU ARE DIRECTING THIS LADY AROUND WITH  
2 YOUR .32, THEN YOU ALSO NOT LOOKING AT THE REGISTERS  
3 YOU ARE LOOKING AT FREDDIE AND WHAT HE IS DOING?
- 4 A. UH-HUH (AFFIRMATIVE RESPONSE).
- 5 Q. SO YOU ARE WATCHING EVERYTHING AND EVERYBODY?
- 6 A. EVERYTHING AND EVERYBODY.
- 7 Q. YOU SAW IT ALL?
- 8 A. SAW IT ALL.
- 9 Q. AND YOU DIDN'T SEE YOURSELF SHOOT YOUR GUN?
- 10 A. NO, SIR, I KNOW I DIDN'T SHOOT MY GUN.
- 11 Q. DO YOU KNOW YOU DIDN'T?
- 12 A. YES, SIR.
- 13 Q. ALL RIGHT. SO EXPLAIN IN THAT VIDEO THE  
14 MOVEMENT OF YOUR HAND. YOU SAY YOU WERE SHOCKED?
- 15 A. YEAH, I HAD JUMPED.
- 16 Q. PUT YOUR HAND UP LIKE YOU HAD IT. AND THAT  
17 LADY IS STANDING HERE, RIGHT, JUST LIKE ME. AND  
18 THEN YOU -- GO AHEAD, GO AHEAD?
- 19 A. GO AHEAD WHAT --
- 20 Q. SHOW ME.
- 21 A. SHE WAS STANDING OVER THAT WAY (INDICATING).
- 22 Q. WHAT WERE YOU DOING?
- 23 A. HUM?
- 24 Q. WHAT WERE YOU DOING WITH YOUR GUN?
- 25 A. TELLING HER TO OPEN IT UP AND HAD IT LIKE THAT

1 (INDICATING).

2 Q. I'M SORRY?

3 A. I WAS HOLDING IT LIKE THAT (INDICATING) TO HER.

4 Q. AND TELLING HER TO DO WHAT?

5 A. TO OPEN UP THE SAFE.

6 Q. AND WERE YOU DIRECTING HER WITH THAT AS TO WHAT  
7 TO DO? WERE YOU POINTING TO WHICH REGISTER AND WHAT  
8 TO DO, IF YOU WANTED HER TO GO THAT WAY WHAT DO YOU

9 ---

10 A. TELLING HER TO GO THAT WAY.

11 Q. WITH WHAT HAND?

12 A. THE HAND THAT HAD THE GUN IN IT.

13 Q. ALL RIGHT. AND IF YOU WANTED HER TO MOVE BACK  
14 THIS WAY WHAT WERE YOU DOING?

15 A. DIRECTING HER WITH THE GUN.

16 Q. I'M SORRY?

17 A. DIRECTING HER WITH THE GUN.

18 Q. DIRECTING HER WITH THE GUN?

19 A. YES, SIR.

20 Q. AND THE GUN WAS POINTED -- HOW TALL ARE YOU?

21 A. SIX FEET.

22 Q. SIX FEET?

23 A. YES, SIR.

24 Q. SHE WASN'T SIX FEET, WAS SHE?

25 A. I DON'T KNOW.

1 Q. WAS SHE TALL AS YOU?

2 A. NOT THAT, NO, SIR, I DON'T THINK SO, SHE WAS  
3 A LITTLE BIT SHORTER, SHOULDER, THOUGH. BUT  
4 STANDING BEHIND THAT COUNTER SHE TALLER THAN ME, THEY  
5 ARE UP SOME AND I AM DOWN.

6 Q. AND SO BEING AT YOUR HEIGHT WHERE YOU ARE  
7 HOLDING THAT GUN YOU ARE AT HER HEAD, AREN'T YOU?

8 A. REALLY IN THE CHEST AREA.

9 Q. IN THE CHEST AREA WAS THE ONLY AREA YOU WERE  
10 IN?

11 A. YEAH.

12 Q. YOU KEPT IT AT ONE HEIGHT THE WHOLE TIME, IS  
13 THAT WHAT YOU ARE SAYING?

14 A. NOT THE WHOLE TIME, I WAS UP AND DOWN, ALL KIND  
15 OF GYRATIONS.

16 Q. I'M SORRY, YOU WERE UP AND DOWN?

17 A. UP AND DOWN, ALL KIND OF DIRECTIONS.

18 Q. UP AND DOWN AND ALL KIND OF DIRECTIONS?

19 A. YES, SIR.

20 Q. NOW, IN THAT VIDEO WHEN THAT LADY GOT SHOT DO  
21 YOU SEE WHAT YOUR GUN IN YOUR HAND DOES?

22 A. YES, SIR.

23 Q. WHAT DOES IT DO?

24 A. IT GO BACK.

25 Q. IT GO BACK?

2407

1 A. UH-HUH (AFFIRMATIVE RESPONSE) BECAUSE I WENT  
2 BACK.

3 Q. IS THAT A PULL BACK OR IS THAT A JUMP BACK?

4 A. JUMP BACK. THE GUN DIDN'T JERK I JUMPED BACK.

5 Q. THE GUN DIDN'T MOVE?

6 A. NO, I JUMPED BACK.

7 Q. OKAY. YOU JUST JUMPED BACK?

8 A. YES, SIR.

9 Q. DID YOU DO THAT WHEN THE LADY STARTED FALLING  
10 OR DID YOU DO THAT RIGHT AWAY? WHAT MADE YOU DO THAT  
11 JUMP BACK?

12 A. THE GUNSHOT.

13 Q. THE GUNSHOT?

14 A. YES, SIR.

15 Q. THE GUNSHOT THAT WAS IN YOUR HAND, DIDN'T IT?

16 A. NO, SIR.

17 Q. IT DIDN'T?

18 A. NO, SIR.

19 Q. YOU GOT RID OF THE GUN, DIDN'T YOU, WENT HOME  
20 AND GOT YOUR .32, THE ONE IN THIS BOX?

21 A. YEAH, THAT IS MY GUN RIGHT THERE. THAT IS  
22 THE GUN I HAD IN THE SPEEDWAY.

23 Q. THAT IS THE GUN?

24 A. YES, SIR.

25 Q. DID YOU DISCUSS THAT GUN THEY TOOK INTO

1 SEIZURE, THEY TOOK OTHER GUNS?

2 A. OTHER GUNS IN MY HOUSE?

3 Q. YEAH?

4 A. YES, SIR.

5 Q. THE BROKE HANDLE, HOW DID YOU GET THE HANDLE  
6 OFF?

7 A. IT WAS LIKE THAT WHEN I GOT IT.

8 Q. IT IS NOT HARD TO TAKE A HANDLE OFF OF A GUN,  
9 IS IT? LET ME SHOW IT TO YOU.

10 A. I KNOW HOW THE HANDLE IS.

11 Q. SIR?

12 A. I KNOW HOW THE HANDLE IS.

13 Q. WHAT DOES IT TAKE TO TAKE THE HANDLE OFF?

14 A. A SCREW.

15 Q. YOU CAN TAKE IT OFF BY DOING WHAT, ONE SIDE OF  
16 THAT HANDLE?

17 A. UNSCREWING THAT LITTLE SCREW.

18 Q. UNSCREWING IT WITH A SCREW?

19 A. UNSCREWING THE SCREW WITH A SCREWDRIVER, YEAH.

20 Q. YOU DENY HAVING A BLACK NIKE PULLOVER TAKEN  
21 FROM YOUR HOUSE ON 11-11-97?

22 A. NO, SIR.

23 Q. BLACK NIKE SHOES?

24 A. NO, SIR, I DON'T DENY IT.

25 Q. NOW, WHEN YOU WERE DOWN THERE TRYING TO FIGURE

1 YOUR WAY OUT AT THE JAIL, DID YOU FOLLOW THE RULES?

2 MS. REESE: YOUR HONOR, I WOULD OBJECT AS TO  
3 RELEVANCY OF THIS QUESTION.

4 THE COURT: ALL RIGHT. LET ME HAVE A LITTLE  
5 SIDE BAR NOW.

6 (WHEREUPON, A BENCH CONFERENCE WAS HELD IN THE  
7 PRESENCE OF THE TRIAL JURY, BUT OUTSIDE THE HEARING  
8 OF THE TRIAL JURY.)

9 MR. ALLEN: MAY IT PLEASE THE COURT.

10 THE COURT: MR. ALLEN.

11 CROSS EXAM CONTINUED BY MR. ALLEN:

12 Q. WHILE YOU WERE DOWN AT THE JAIL DID YOU GET  
13 CHARGED OR HAVE PENDING MALICIOUS DAMAGE TO COUNTY  
14 PROPERTY THAT IS ALSO PART OF YOUR AGREEMENT?

15 A. YES, SIR.

16 Q. GOT THE CHARGE FROM DOWN THERE?

17 A. YES, SIR.

18 Q. NOW, ANDRA, WHEN YOU WERE GIVEN THE  
19 OPPORTUNITY TO EXPLAIN WHAT HAPPENED ON THE 25TH, ALL  
20 OF THAT THAT I WENT OVER THAT YOU SAID UNDER OATH,  
21 WHAT WAS THAT? WAS IT A TRUTH?

22 A. IT WAS A LIE.

23 Q. IT WAS A LIE?

24 A. YES, SIR.

25 Q. YOU ARE CLOSER TO WHO OUT OF THE GROUP?

1 A. OUT OF THE GROUP?

2 Q. YEAH, YOU HAVE KNOWN WHO THE LONGEST?

3 A. WHO HAVE I KNOWN THE LONGEST?

4 Q. YEAH..

5 A. NAKEO VANCE AND LESTER YOUNG.

6 Q. AND Y'ALL CAME UP IN LAUREL CREEK?

7 A. YES, SIR.

8 Q. WHEN I ASKED YOU THOSE QUESTIONS CAN YOU NOW  
9 RECALL HOW MANY LIES YOU HAVE TOLD ABOUT THIS MATTER?

10 A. NO, SIR.

11 Q. YOU CAN'T RECALL?

12 A. NO, SIR.

13 Q. WOULD YOU AGREE WITH ME THAT IT IS A LOT?

14 A. YES, SIR.

15 MR. ALLEN: THAT IS ALL I HAVE.

16 THE COURT: RE-EXAMINATION?

17 REDIRECT EXAM BY MS. REESE:

18 Q. MR. GOLDEN, WHOSE SIGNATURE IS THAT?

19 A. MINE.

20 Q. AND WE ARE LOOKING AT STATE'S EXHIBIT NUMBER 4.  
21 WHAT IS THAT PIECE OF PAPER?

22 MS. REESE: EXCUSE ME, YOUR HONOR, GIVE ME  
23 ONE MOMENT.

24 REDIRECT EXAM CONTINUED BY MS. REESE:

25 Q. WHAT DOCUMENT IS THIS?

1 A. THE STATEMENT I GAVE.

2 Q. WHOSE SIGNATURE IS THAT?

3 A. MINE.

4 Q. WHAT IS THE DATE ON THE STATEMENT?

5 A. THE 11TH OF NOVEMBER.

6 MS. REESE: YOUR HONOR, WE WOULD MOVE THESE  
7 INTO EVIDENCE AT THIS TIME.

8 MR. ALLEN: JUDGE, I THINK SHE UNDERSTANDS  
9 WE HAVE A MATTER TO TAKE UP, ONE WE DO NOT OBJECT TO  
10 THE WAIVER. WE MIGHT COULD DO IT SIDE BAR.

11 REDIRECT EXAM CONTINUED BY MS. REESE:

12 Q. MR. GOLDEN, I AM GOING TO ASK YOU TO LOOK AT  
13 SOME PHOTOGRAPHS. I WANT YOU TO LOOK AT STATE'S  
14 EXHIBIT NUMBER 39. WHO IS IN THIS PHOTOGRAPH?

15 A. THAT IS ME.

16 Q. DID YOU HAVE A SWOLLEN EYE IN THIS PHOTOGRAPH?

17 A. YES, MA'AM.

18 Q. MR. GOLDEN, WHAT GUN DID YOU HAVE AT THE  
19 SPEEDWAY?

20 A. THIRTY-TWO (.32) REVOLVER.

21 Q. WHAT GUN DID MR. OWENS HAVE AT THE SPEEDWAY?

22 A. THIRTY-TWO (.32) REVOLVER.

23 Q. WHOSE GUN WAS THAT?

24 A. NAKEO VANCE.

25 Q. HOW DID HE GET IT?

1 A. NAKEO GAVE IT TO HIM.

2 Q. WHAT DID HE DO WITH IT AFTER THE SPEEDWAY?

3 A. GAVE IT BACK TO NAKEO.

4 Q. WHEN DID YOU FIRST TALK TO THE POLICE ABOUT THE  
5 SPEEDWAY?

6 A. NOVEMBER 11TH.

7 Q. OF WHAT YEAR?

8 A. NINETY-SEVEN ('97).

9 Q. WERE YOU TELLING THE TRUTH THEN?

10 A. YES, MA'AM.

11 Q. MR. GOLDEN, THE DEFENSE SHOWED YOU A LIST OF  
12 CHARGES. HAVE YOU PLED GUILTY TO THESE CHARGES THAT  
13 YOU SEE LISTED? HAVE YOU PLED GUILTY TO ALL OF THOSE  
14 CHARGES?

15 A. YES, MA'AM.

16 Q. THERE IS ANOTHER ON THE BOTTOM, DID YOU PLEAD  
17 GUILTY TO THAT CHARGE?

18 A. YES, MA'AM.

19 Q. ALL OF THOSE CHARGES ARE NOT PENDING, CORRECT?

20 A. YES, MA'AM.

21 Q. AND HAVE YOU ALREADY PLED GUILTY TO SOME OF  
22 THESE CHARGES, AS WELL?

23 A. YES, MA'AM. ONE OF THEM.

24 Q. THIS ONE?

25 A. TWO, YES, MA'AM.

1 Q. AND YOUR NAME, IS THAT THE CORRECT SPELLING OF  
2 YOUR NAME?

3 A. IN WHICH ONE?

4 Q. IN THE SECOND LINE?

5 A. YES, MA'AM, THAT IS THE WAY IT IS SUPPOSED TO  
6 BE SPELLED.

7 Q. IS THE WHOLE NAME SPELLED CORRECTLY?

8 A. YES, MA'AM.

9 Q. OKAY. MR. ALLEN ASKED YOU ABOUT THIS GUN.  
10 IS THIS YOUR GUN?

11 A. YES, MA'AM.

12 Q. WHEN DID YOU HANDLE IT WITHOUT GLOVES ON?

13 A. I DO IT ALL THE TIME.

14 MS. REESE: YOUR HONOR, WE ADMIT THIS INTO  
15 EVIDENCE, STATE'S EXHIBIT 35.

16 THE COURT: ANY OBJECTION?

17 MR. ALLEN: NO, SIR.

18 THE COURT: WITHOUT OBJECTION STATE'S 35 IS  
19 ADMITTED INTO EVIDENCE.

20 (WHEREUPON, STATE'S 35 WAS ADMITTED INTO EVIDENCE.)

21 REDIRECT EXAM CONTINUED BY MS. REESE:

22 Q. YOUR UNDERSTANDING OF YOUR PLEA AGREEMENT,  
23 MR. GOLDEN, HAS ANYONE MADE ANY PROMISES TO YOU AS TO  
24 WHAT WILL HAPPEN TO YOU TODAY?

25 A. NO, MA'AM.

1 Q. ARE YOU TELLING THE TRUTH TODAY?

2 A. YES, MA'AM.

3 Q. WERE YOU TELLING THE TRUTH NOVEMBER 1997?

4 A. YES, MA'AM.

5 MS. REESE: YOUR HONOR, THAT WOULD BE IT  
6 PENDING ---

7 THE COURT: I UNDERSTAND.

8 MR. ALLEN: TWO FOLLOW-UP.

9 RE CROSS EXAM BY MR. ALLEN:

10 Q. SHE ASKED YOU ABOUT THOSE CHARGES UP THERE, SHE  
11 SAID THAT YOU PLED TO, HAVE YOU BEEN SENTENCED?

12 A. NO, SIR.

13 Q. YOU HAVEN'T BEEN SENTENCED ON THOSE YET, HAVE  
14 YOU?

15 A. NO, SIR.

16 Q. AND THE GUN SHE ASKED YOU ABOUT YOU SAID YOU  
17 DIDN'T KNOW WHAT HAD HAPPENED TO IT. NOW IN HER  
18 RESPONSE YOU SAY YOU GIVE IT TO KIKO, WAS THAT IN YOUR  
19 STATEMENT?

20 A. YOU ASKED ME WHERE DID IT GO, DO I KNOW WHERE  
21 IT WENT? I DON'T KNOW WHERE IT WENT I JUST KNOW IT  
22 WENT BACK TO KIKO.

23 Q. THE LAST PERSON YOU SAW BACK WITH IT WAS NAKEO?

24 A. NAKEO.

25 Q. NAKEO WHO?

2415

1 A. NAKEO VANCE.

2 Q. THAT IS THE GUY THAT LIVES IN LAUREL CREEK WITH  
3 YOU?

4 A. YES.

5 Q. HE GAVE HIS GUN TO FREDDIE?

6 A. YES.

7 Q. WHAT WAS HE GOING TO USE TO ROB THE WAFFLE  
8 HOUSE?

9 A. FREDDIE'S GUN.

10 Q. SO HE WAS GOING TO USE FREDDIE'S GUN TO ROB THE  
11 WAFFLE HOUSE?

12 A. YES, SIR.

13 Q. SO THEY SWITCHED GUNS?

14 A. YES, SIR.

15 MS. REESE: NOTHING FURTHER, YOUR HONOR.

16 THE COURT: MAY I SEE COUNSEL? I WANT TO  
17 KNOW HAVE YOU GOT ANOTHER WITNESS NOW? THIS IS A GOOD  
18 TIME TO BREAK FOR LUNCH.

19 MR. ARIAIL: I BELIEVE THIS WOULD. THE NEXT  
20 ONE WILL BE QUITE LENGTHY.

21 THE COURT: LADIES AND GENTLEMEN OF THE JURY,  
22 WE ARE GOING TO BREAK FOR LUNCH AT THIS TIME. I  
23 THINK THEY MADE ARRANGEMENTS FOR YOU, WHEN YOU COME  
24 BACK LET US KNOW WHEN ARE YOU READY WE WILL START THE  
25 CASE AT THAT TIME. PLEASE DO NOT UNDERTAKE ANY