

TRANSCRIPTS FOR: MISC. ISSUES AND INFORMATION SECTION

4661

1 BY MS. VANDENBOSCH:

2 Q. GOOD MORNING, MR. FOLCK.

3 A. GOOD MORNING.

4 Q. MR. FOLCK, I APOLOGIZE FOR CALLING YOU
5 BACK, BUT WHEN YOU TESTIFIED LAST WEEK, I FORGOT TO
6 ASK YOU A QUESTION. YOU INDICATED THAT AS PART OF
7 YOUR INVESTIGATION IN THIS CASE, YOU HAD EXAMINED
8 THE FORD BRONCO, WHICH IS DEPICTED IN PEOPLE'S
9 EXHIBIT 20; IS THAT RIGHT?

10 A. YES.

11 Q. OKAY. NOW, MR. FOLCK, WHAT IS MEANT BY THE
12 TERM "LIFTED," AS IT REFERS TO A VEHICLE?

13 A. WELL, USUALLY YOU'RE REFERRING TO A TRUCK
14 OR A SUV WHERE IT'S BEEN LIFTED; THE BODY IS LIFTED
15 OFF THE SUSPENSION. THE SUSPENSION IS FARTHER DOWN
16 TO GIVE IT AN OVERALL HIGHER RIDE HEIGHT.

17 Q. OKAY. AND YOU DID HAVE A CHANCE TO EXAMINE
18 THE FORD BRONCO DEPICTED IN PEOPLE'S EXHIBIT 20; IS
19 THAT RIGHT?

20 A. YES, I DID.

21 Q. AND DURING THE EXAMINATION OF THAT VEHICLE,
22 WAS THERE ANY INDICATION THAT THE VEHICLE HAD BEEN
23 LIFTED IN ANY WAY?

24 A. NO. THE VEHICLE HAS NOT BEEN LIFTED. THIS
25 IS THE WAY THE VEHICLE WAS MANUFACTURED. THIS IS
26 STOCK.

27 MS. VANDENBOSCH: THANK YOU.

28 I HAVE NO FURTHER QUESTIONS.

4662

1 THE COURT: MR. MCALLISTER?

2 MR. MCALLISTER: I HAVE NO FURTHER QUESTIONS. I
3 HAVE NO QUESTIONS AT ALL.

4 THE COURT: MR. ROAKE, ANYTHING?

5 MR. ROAKE: NO.

6 THANK YOU, YOUR HONOR.

7 THE COURT: THANK YOU FOR COMING BACK. YOU'RE
8 FREE TO GO.

9 MS. VANDENBOSCH: NEXT THE DEFENSE WOULD CALL
10 SERGEANT SERRITELLA. —

11
12
13 CHRISTOPHER SERRITELLA,

14 CALLED AS A WITNESS ON BEHALF OF THE
15 DEFENDANT ANDERSON, HAVING BEEN FIRST DULY SWORN,
16 TESTIFIED AS FOLLOWS:

17
18 THE COURT: GOOD MORNING, SIR.

19 THE WITNESS: GOOD MORNING.

20 THE CLERK: WOULD YOU PLEASE STATE YOUR FULL
21 NAME AND SPELL YOUR NAME FOR THE RECORD.

22 THE WITNESS: IT'S CHRISTOPHER SERRITELLA.
23 S-E-R-R-I-T-E-L-L-A.

24 THE CLERK: THANK YOU.
25
26

27 DIRECT EXAMINATION

28 BY MS. VANDENBOSCH:

Harley Cover 4 the / 100

3102

1 A. YEAH. THAT'S ACTUALLY AN AFTER-MARKET
2 COVER.

3 Q. IN FACT, IT LOOKS LIKE --

4 A. IT LOOKS LIKE A HARLEY DAVIDSON COVER.

5 Q. LOOKS LIKE A HARLEY DAVIDSON COVER?

6 A. YEAH.

7 Q. AND JUST FOR POINT OF CLARIFICATION, THIS
8 IS THE VEHICLE YOU SAW THAT DAY?

9 A. I BELIEVE IT'S THAT VEHICLE OVER THIS
10 VEHICLE, YES.

11 THE COURT: WHEN YOU SAY "THIS VEHICLE," COULD
12 YOU CLARIFY WHAT YOU'RE REFERRING TO?

13 THE WITNESS: THIS VEHICLE IN THE PICTURE.

14 THE COURT: AND, MR. MCALLISTER, THE EXHIBIT
15 NUMBER ON THAT?

16 MR. MCALLISTER: THE EXHIBIT NUMBER ON THAT IS
17 DEFENSE D.

18 BY MR. MCALLISTER:

19 Q. ONE MORE QUESTION, SIR.

20 IN EXHAUST SYSTEMS, IF YOU HAVE A POST
21 MUFFLER HOLE OR SOMETHING LIKE THAT, CAN THAT
22 SOMETIMES SOUND MODIFIED?

23 A. YOU MEAN A HOLE IN THE MUFFLER? IT
24 WOULD --

25 MS. VANDENBOSCH: OBJECTION, LACK OF FOUNDATION.

26 THE COURT: OVERRULED. BASED UPON HIM HAVING
27 MORE THAN ORDINARY KNOWLEDGE, I'M GOING TO ALLOW HIM
28 TO OFFER AN OPINION.

3103

1 THE WITNESS: A HOLE IN THE MUFFLER WOULD SOUND
2 MORE LIKE A STRAIGHT EXHAUST SYSTEM. IT WOULD HAVE
3 MORE BACKFIRE IN THE EXHAUST. IT WOULDN'T HAVE A
4 SOLID, DEEP TONE IN THE EXHAUST.

5 BY MR. MCALLISTER:

6 Q. AND WOULD IT DEPEND ON WHERE IN THE EXHAUST
7 LINE IT WAS? FOR EXAMPLE, IF YOU HAD A MUFFLER OR A
8 CATALYTIC CONVERTER OR SOMETHING LIKE THAT, AND IT
9 WAS ONE SIDE OR THE OTHER, WOULD THAT CHANGE THERE?

10 A. IT WOULD MAKE A DIFFERENCE. IF IT WAS
11 AFTER THE MUFFLER, IT WOULDN'T MAKE THE SOUND TOO
12 MUCH, SIMPLY BECAUSE THE MUFFLER DOES MUFFLE THE
13 SOUND.

14 IF IT WAS BEFORE THE MUFFLER, MEANING
15 BETWEEN THE MUFFLER AND THE ENGINE, IT WOULD BE
16 DISTINCTLY A STRAIGHT MOTOR SOUND. IT WOULDN'T
17 NECESSARILY CHANGE TOO MUCH BY THE CATALYTIC
18 CONVERTERS OR THE MUFFLER.

19 MR. MCALLISTER: THANK YOU, SIR. I HAVE NO
20 FURTHER QUESTIONS.

21 THE COURT: MR. ROAKE?

22 MR. ROAKE: NO, THANK YOU.

23 THE COURT: MS. VANDENBOSCH?

24 MS. VANDENBOSCH: NOTHING FURTHER, THANK YOU.

25 THE COURT: AND MS. ROSENFELD?

26 MS. ROSENFELD: NO.

27 THE COURT: MAY MR. VANGORKUM BE EXCUSED?

28 MR. MCALLISTER: YES, YOUR HONOR.

1089

1 purported to have some information on the case you
2 were investigating for the San Diego County District
3 Attorney's Office, you had a list of those witnesses
4 and addresses; did you not?

5 A. Did I have a list of them? I did not have
6 a list anyplace of all the witnesses in this case.

7 Q. All right. I understand.

8 A. Okay.

9 Q. Mr. Baker, is it fair to say you knew who
10 you were going to interview before you went out to
11 interview, say, the Van Gorkums, right?

12 A. Well, no.

13 Q. One of those?

14 A. I was hoping that one of the Van Gorkums
15 would be home, and one was home and it happened to
16 be Dustin.

17 Q. In other words, you knew that there was an
18 individual or two individuals named Van Gorkum and
19 you had an address, and you went out to see if they
20 would provide you with the information or statement?

21 A. That's correct.

22 Q. Okay. And in this context, you reviewed
23 what information they had provided on an earlier
24 day?

25 A. You know, I can't say that I had. I had
26 personal knowledge -- or I had knowledge that the
27 Van Gorkums at some point had been contacted and
28 they had seen a Ford Bronco. I don't believe I

Note:
8 photos used
intentional
avoid getting
a photo of the
H-D Cover for line!
also, photos
of only my
Bronco...

1090

1 actually went back and actually reviewed any
2 statements that the Van Gorkums had actually made to
3 the sheriff's department.

4 Q. Okay. You had a photograph of a Ford
5 Bronco with you?

6 A. I believe I had eight photocopies of
7 digital photos.

8 Q. And that was a photocopy of the vehicle
9 that in your mind had been impounded and at one time
10 been in the possession of Eric Anderson; is that
11 correct?

12 A. Yes.

13 Q. And that's the photograph generally -- I'm
14 going to ask you a number of questions about that --
15 that you would show witnesses when you asked them
16 whether they recognized the vehicle?

17 A. That's correct.

18 Q. And you took that photograph with you to
19 the Van Gorkum residence when you went out to
20 interview them?

21 A. Yes.

22 Q. Okay. And did you have information that
23 either of the Van Gorkums had said earlier that they
24 had seen only a vehicle driving toward the Brucker
25 residence?

26 MR. McALLISTER: Objection, Your Honor.

27 Relevance, and again it references --

28 THE COURT: Sustained.

1 JURORS ARE PRESENT. EACH DEFENDANT IS HERE. OUR
2 ATTORNEYS ARE PRESENT. MS. HUFF IS AT THE WITNESS
3 STAND, UNDER OATH.

4 AND, MS. VANDENBOSCH, I THINK WE CLEARED UP
5 THOSE ISSUES. WHY DON'T YOU GO AHEAD AND COMPLETE
6 YOUR EXAMINATION.

7
8 SANDRA HUFF, VOLUME 27,

9 CALLED BY DEFENDANT ANDERSON, HAVING BEEN PREVIOUSLY
10 DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

11
12 DIRECT EXAMINATION (RESUMED)

13 BY MS. VANDENBOSCH:

14 Q. MS. HUFF, DID YOU HAVE A CHANCE OVER THE
15 BREAK TO REFRESH YOUR RECOLLECTION AS TO THE DATE
16 THOSE REGISTRATION RECORDS ARE FOR?

17 A. YES. I REVIEWED THE LETTER, AND I
18 SPECIFICALLY REQUESTED REGISTERED OWNERS OF FORD
19 BRONCOS AS OF APRIL 2003, INCLUDING MODEL YEARS 1985
20 TO 1995, IN THE EAST COUNTY AREA OF SAN DIEGO.

21 Q. AND THE RECORDS THAT WERE RETURNED TO YOU,
22 WERE THEY -- WERE THEY DIVIDED INTO TWO SETS?

23 A. YES, THEY WERE -- OR ARE.

24 Q. AND THE FIRST SET, WHICH PARTICULAR
25 MUNICIPALITIES DO THOSE REFER TO?

26 A. THE FIRST SET IS ALPINE, EL CAJON,
27 LAKESIDE, AND SANTEE.

28 Q. AND HOW MANY FORD BRONCOS OVER -- BETWEEN

1 1985 AND 1995 WERE REGISTERED IN THOSE
2 MUNICIPALITIES AS OF APRIL 2003?

3 A. 1,501.

4 Q. AND WHAT ARE THE RECORDS CONTAINED IN THE
5 SECOND VOLUME?

6 A. THOSE WERE FOR LEMON GROVE, LA MESA, AND
7 POWAY.

8 Q. AND HOW MANY FORD BRONCOS BETWEEN THE YEARS
9 OF 1985 AND 1995 WERE REGISTERED IN THOSE
10 MUNICIPALITIES AS OF APRIL 2003?

11 A. 559.

12 MS. VANDENBOSCH: THANK YOU. I HAVE NO FURTHER
13 QUESTIONS.

14 THE COURT: THANK YOU. MR. MCALLISTER,
15 CROSS-EXAMINATION?

16 MR. MCALLISTER: THANK YOU, YOUR HONOR.

17
18 CROSS-EXAMINATION

19 BY MR. MCALLISTER:

20 Q. FULL-SIZE BRONCOS OR BRONCO II'S?

21 A. DON'T KNOW.

22 Q. HOW MANY OF THEM WERE BROWN AND TAN?

23 A. THEY WERE NOT ABLE AT THE DEPARTMENT OF
24 MOTOR VEHICLES TO DISTINGUISH BY COLOR.

25 Q. HOW MANY WERE RUNNING ON APRIL 14TH OF
26 2003?

27 A. I WOULDN'T KNOW THAT.

28 Q. AND HOW MANY DID YOU DETERMINE WERE

1 A. I don't, but I don't remember her -- I do
2 not remember her saying how many people were in the
3 vehicle.

4 Q. If I were to show you a document, do you
5 think that might help you refresh your memory?

6 A. If it's a transcript, yes.

7 Q. 1897 of discovery. That's Megan/Baker
8 transcript. Lines 20 a couple lines down.

9 A. Okay.

10 Q. Is your memory refreshed now as to what she
11 told you?

12 A. Yes. She said that there was one person in
13 there.

14 Q. She told you she saw one person in this
15 vehicle; is that right?

16 A. That's correct.

17 Q. Do you remember asking her specifically,
18 "Do you remember any cars passing you guys while you
19 were riding the bicycles?"

20 A. I'm sure I asked her that, yes.

21 Q. And the response had some uncertainty or
22 equivocation to it. Do you remember that?

23 A. I don't remember the response, so I'm
24 not -- I don't remember that.

25 Q. "I think there may have been a tan Bronco."
26 Do you remember that response?

27 A. She may have said, "I think."

28 Q. And when you did a report on it, did that

1 translate to "She identified the Ford Bronco"? Do
2 you remember that?

3 A. What she said is actually on an audiotape
4 and you have the transcript, so I did not interpret
5 that one way or the other.

6 Q. Did you create a report?

7 A. I did, but -- I may have.

8 Q. And your report doesn't indicate any
9 uncertainty on her part, right?

10 MR. MCALLISTER: Objection, Your Honor.
11 Relevance.

12 THE COURT: Sustained as to that question.

13 BY MR. MANGARIN:

14 Q. Well, the questions thereof were to the
15 effect when you saw this Ford Bronco, this
16 photograph, where was it, which way was it going?
17 Do you remember how the questions began to turn in
18 that direction?

19 A. I think my question to her was after she
20 told me that she'd seen a Ford Bronco, I think my
21 question to her was something similar to, "Does this
22 appear to be -- see, look at these photographs and
23 see if this vehicle appears similar to the one you
24 saw," or words to that effect.

25 Q. When was it that you showed her the
26 photograph? Toward the end of the interview?

27 A. I believe it probably would have had to
28 have been because I didn't know her knowing that a

*Change report / Reliability
Evidence of it again*

X and use of eleven this statement

12x

Bronco

1111

1112

1 car had passed, so I believe so.

2 Q. And before you showed her the photograph,
3 is it accurate -- and do you have the transcript in
4 front of you -- that in your questions, you refer to
5 the vehicle that she described as the Bronco
6 probably no less than 10, 12 times?

7 A. I don't have the transcript in front of me,
8 and I don't know how many times I referred to the
9 Bronco. I can tell you that I certainly did not
10 refer to a Bronco until she brought it up.

11 Q. Okay. You don't know whether anyone else
12 had talked to her about the Bronco, is that right,
13 before you -- before she brought it up to you?

14 A. I've never received any information that
15 anyone has spoken to her about it.

16 Q. But she did give you an indication that
17 someone had talked to her about the color of the
18 vehicle. Do you remember that?

19 A. I'm not sure. I know I don't remember
20 that, but it's possible.

21 Q. If I show you a document, that might help
22 refresh your memory as to what she told you?

23 A. Yes.

24 Q. 1900.

25 Maybe if you read from 11 to 25 or
26 something. 28.

27 A. Okay.

28 Q. She told you in that interview that someone

X 1 had talked to her about the color of the car before
2 you came out?

3 A. Yes, because -- yes.

4 Q. And when she told you that, did you ask her
5 who talked to her about the car?

6 A. No.

7 Q. When you finally got around to showing her
8 the photograph, you asked her, "If I were to show
9 you a picture of a car, do you think you could
10 either recognize that as being the car or similar to
11 it?" Do you remember that question?

12 A. Yes.

13 Q. And her response to that specific question
14 was, "I've been told that it was a black car." That
15 was her response to your question as to whether she
16 could identify the photograph you were showing her?

17 A. Well, that's what it says in the
18 transcript. I don't remember that, but yes.

19 Q. And the -- when was it that you interviewed
20 the young girls?

21 A. The first part of May, I believe. Wait a
22 minute. The first part of September.

23 Q. And you knew at the time you went out to
24 interview that the shooting of Mr. Brucker had taken
25 place at sometime around 2:30 in the afternoon?

26 A. I can't say that. I'm not sure exactly
27 what the time was of the incident.

28 Q. Even now you don't know what time it was?

Evid.

1 Q. BEFORE YOU HEARD THE SIRENS, DID YOU SEE
2 ANY VEHICLES IN THE AREA?
3 A. WHEN WE WERE OUT RIDING OUR BIKES, I SAW
4 THE TAN BRONCO.
5 Q. AND WERE YOU ABLE TO LOOK INSIDE THE BRONCO
6 AND SEE ANYBODY IN THE BRONCO?
7 A. YEAH.
8 Q. WHAT DO YOU REMEMBER SEEING?
9 A. A MAN.
10 Q. OKAY. CAN YOU DESCRIBE FOR US WHAT THE MAN
11 LOOKED LIKE?
12 A. I CAN'T REMEMBER.
13 Q. WOULD IT HELP REFRESH YOUR RECOLLECTION IF
14 I GAVE YOU A CHANCE TO LOOK AT A STATEMENT THAT YOU
15 GAVE TO MR. BAKER EARLIER?
16 A. OKAY.
17 MR. MCALLISTER: AND FOR COUNSEL'S BENEFIT,
18 DISCOVERY PAGE 1901, TRANSCRIPT PAGE 18, LINES 1
19 THROUGH 10 -- I'M SORRY, I GAVE YOU THE WRONG PAGE.
20 PAGE 17, LINES 7 THROUGH 10.
21 BY MR. MCALLISTER:
22 Q. WHAT I WANT TO DO IS JUST GIVE YOU A
23 CHANCE -- DO YOU SEE LINE 7 THERE? JUST READ THAT
24 TO YOURSELF UNTIL YOU GET DOWN TO -- TO LINE 10;
25 OKAY? IF YOU CAN READ THAT TO YOURSELF AND THEN
26 I'LL ASK YOU SOME QUESTIONS.
27 A. OKAY.
28 Q. DOES THAT HELP REFRESH YOUR MEMORY?

1 A. KIND OF.
2 Q. OKAY. AND DO YOU REMEMBER WHAT THE -- WHAT
3 THE PERSON YOU SAW IN THE VEHICLE LOOKED LIKE?
4 A. THE SUNGLASSES MAYBE, MUSTACHE. AND I
5 CAN'T REMEMBER ANYTHING ELSE.
6 Q. NOW, WHEN YOU WERE RIDING YOUR BIKE THAT
7 DAY, WERE YOU RIDING WITH STEPHANIE KEHRER?
8 A. YES.
9 Q. WAS SHE A FRIEND OF YOURS?
10 A. YEAH.
11 Q. I'M GOING TO SHOW YOU SOME PHOTOGRAPHS,
12 PEOPLE'S EXHIBIT 20, WHICH HAS BEEN ADMITTED INTO
13 EVIDENCE. AND I'M GOING TO FIRST SHOW IT TO YOU SO
14 THAT YOU DON'T HAVE TO TURN AROUND AWAY FROM THE
15 MICROPHONE.
16 DOES THAT LOOK LIKE THE VEHICLE THAT YOU
17 SAW THAT DAY?
18 A. NO.
19 Q. IT DOESN'T? WHAT LOOKS DIFFERENT ABOUT
20 THIS VEHICLE?
21 A. IT'S A LOT DARKER.
22 Q. DO YOU THINK THE VEHICLE YOU SAW WAS
23 DARKER?
24 A. NO, THAT IS DARKER. THE OTHER ONE WAS WAY
25 LIGHTER.
26 Q. OKAY. SO YOU DON'T THINK IT WAS THIS
27 VEHICLE?
28 A. NOT WHAT I CAN REMEMBER, NO, IT WASN'T.

1 TALKING TO MR. BAKER ABOUT A TAN BRONCO?

2 A. YES.

3 Q. DID THIS HELP REFRESH YOUR RECOLLECTION?

4 A. YES.

5 Q. AND DO YOU NOW REMEMBER WHETHER IT WAS A
6 TAN-COLORED BRONCO THAT YOU SAW?

7 A. YEAH.

8 MR. MCALLISTER: THANK YOU, MS. GUISTI. I HAVE
9 NO FURTHER QUESTIONS.

10 THE COURT: NOW, ONE OR TWO OF THE OTHER
11 ATTORNEYS MIGHT HAVE A QUESTION; OKAY?

12 THE WITNESS: OKAY.

13 THE COURT: MR. ROAKE, DO YOU HAVE ANY
14 QUESTIONS?

15 MR. ROAKE: NO, YOUR HONOR, NOT OF THIS WITNESS.

16 THE COURT: MS. VANDENBOSCH, GO AHEAD.

17
18
19 CROSS-EXAMINATION

20 BY MS. VANDENBOSCH:

21 Q. GOOD AFTERNOON, MS. GUISTI. I JUST HAVE A
22 COUPLE OF QUESTIONS. IN FACT, YOU SPOKE TO
23 MR. BAKER, WHO IS SEATED IN THE COURTROOM TODAY.
24 HE'S THE FELLOW SEATED THERE IN THE MIDDLE IN THE
25 FRONT ROW.

26 DO YOU REMEMBER SPEAKING TO HIM ON A PRIOR
27 OCCASION?

28 A. YEAH.

1 Q. OKAY. AND HE SPECIFICALLY ASKED YOU AT
2 THAT TIME WHAT -- WHETHER -- WHAT COLOR THE VEHICLE
3 WAS THAT YOU HAD SEEN; IS THAT RIGHT?

4 A. YES.

5 Q. AND EVEN AT THAT TIME YOU TOLD HIM -- YOU
6 TOLD HIM IT WAS A TAN BRONCO?

7 A. YEAH.

8 Q. AND YOU ALSO TOLD HIM THAT YOU HAD ONLY
9 SEEN ONE PERSON IN THAT VEHICLE; IS THAT RIGHT?

10 A. YES.

11 Q. OKAY. AND THAT PERSON MAY OR MAY NOT HAVE
12 BEEN WEARING SUNGLASSES; YOU COULDN'T REMEMBER?

13 A. I COULDN'T REMEMBER.

14 Q. OKAY. AND THE FOUR PHOTOS THAT ARE ON
15 PEOPLE'S EXHIBIT 20, OKAY, YOU'RE -- THESE ARE THE
16 ONES THAT WERE SHOWN TO YOU JUST A COUPLE OF MINUTES
17 AGO?

18 A. YES.

19 Q. OKAY. AND YOU'RE LOOKING AT THESE
20 PHOTOGRAPHS, AND YOU'RE SAYING THAT THE VEHICLE THAT
21 YOU SAW THAT DAY WAS A LOT LIGHTER THAN THE ONE IN
22 THIS -- IN THESE PHOTOGRAPHS; IS THAT RIGHT?

23 A. YEAH.

24 MS. VANDENBOSCH: OKAY. THANK YOU.

25 I HAVE NO FURTHER QUESTIONS.

26 THE COURT: AND, MS. ROSENFELD, DID YOU HAVE ANY
27 QUESTIONS?

28 MS. ROSENFELD: I DON'T. THANK YOU.

1 THE COURT: OKAY. CAN YOU SAY THAT AGAIN AND
2 SPEAK UP A LITTLE.

3 THE WITNESS: THE VEHICLE THAT I SAW WAS A LOT
4 LIGHTER, AND I DON'T REMEMBER IT LOOKING LIKE THAT
5 AT ALL.

6 BY MR. MCALLISTER:

7 Q. OKAY. DO YOU THINK -- DOES IT LOOK LIKE IT
8 WAS THIS TYPE OF VEHICLE, MEANING THIS KIND OF
9 TRUCK?

10 A. NO.

11 MS. VANDENBOSCH: YOUR HONOR, IF I COULD -- I
12 DON'T BELIEVE THE JURY GOT A CHANCE TO SEE THE PHOTO
13 BOARD THAT MR. MCALLISTER WAS SHOWING MS. GUISTI
14 WHEN HE --

15 THE COURT: YOU'RE GOING TO CROSS-EXAMINE HER;
16 YOU MAY NOT. MAYBE IF YOU DON'T, YOU CAN SHOW
17 THAT --

18 MS. VANDENBOSCH: OKAY.

19 THE COURT: -- SHOW THAT EXHIBIT.

20 MS. VANDENBOSCH: OKAY.

21 MR. MCALLISTER: IF I COULD HAVE JUST A MOMENT,
22 YOUR HONOR?

23 THE COURT: SURE.

24 BY MR. MCALLISTER:

25 Q. NOW, WHEN YOU SAW THIS, THIS WAS THE THINGS
26 THAT YOU'RE TALKING ABOUT TODAY; THAT WAS OVER TWO
27 YEARS AGO, RIGHT?

28 A. RIGHT.

1 Q. DO YOU THINK IT WOULD HELP REFRESH YOUR
2 RECOLLECTION AGAIN TO LOOK AT PART OF A STATEMENT
3 THAT YOU GAVE TO MR. BAKER BACK ON SEPTEMBER THE
4 13TH OF 2003?

5 A. OKAY.

6 MR. MCALLISTER: OKAY. AND FOR COUNSEL'S
7 BENEFIT, I'M REFERRING TO PAGE 18 OF THAT
8 TRANSCRIPT, DISCOVERY PAGE 1901.

9 BY MR. MCALLISTER:

10 Q. AND WHAT I'M GOING TO DO IS I'M GOING TO
11 SHOW YOU LINES 1 THROUGH 11. AND JUST GO AHEAD AND
12 READ LINES 1 THROUGH 11 TO YOURSELF, AND LET ME KNOW
13 WHEN YOU'RE DONE.

14 DOES THAT HELP REFRESH YOUR RECOLLECTION?

15 A. YEAH.

16 Q. DO YOU REMEMBER NOW WHETHER YOU TOLD
17 MR. BAKER THAT IT WAS A -- YOU THOUGHT IT WAS A TAN
18 BRONCO?

19 MS. VANDENBOSCH: YOUR HONOR, I'M GOING TO
20 OBJECT. THE WITNESS DIDN'T INDICATE THAT SHE DIDN'T
21 REMEMBER IT, A PRIOR STATEMENT.

22 THE COURT: WELL, THAT'S TRUE, BUT THIS NOW
23 WOULD MOVE IN, I BELIEVE, BASED UPON HER TESTIMONY,
24 POSSIBLY A PRIOR CONSISTENT OR INCONSISTENT
25 STATEMENT. SO I'M GOING TO ALLOW IT.

26 MR. MCALLISTER: THANK YOU, YOUR HONOR.

27 BY MR. MCALLISTER:

28 Q. DO YOU REMEMBER -- NOW DO YOU REMEMBER

Q. AND IT WAS NOT A SERIES OF SIX DIFFERENT BRONCOS; IS THAT RIGHT?

A. I DON'T THINK SO.

Q. IN FACT, IT WAS A SERIES OF PHOTOGRAPHS ALL OF ONE VEHICLE?

A. THAT'S RIGHT.

Q. AND SOME OF THOSE PHOTOGRAPHS ARE THE ONES THAT ARE DEPICTED IN A LARGER VERSION ON PEOPLE'S EXHIBIT 20?

A. THEY COULD BE. IT'S BEEN SO LONG, I DON'T KNOW IF IT'S THE SAME PICTURE.

Q. OKAY. BUT YOU DO RECALL BEING SHOWN THOSE PHOTOGRAPHS BY MR. BAKER ON A PRIOR OCCASION?

A. YES, I DO.

Q. AND YOU WERE TOLD TO LOOK AT THOSE PHOTOGRAPHS CAREFULLY; IS THAT RIGHT?

A. I COULDN'T BE SPECIFIC ON THAT.

Q. OKAY. WELL, DID MR. BAKER ASK YOU TO LOOK AT THE PHOTOGRAPHS AND SEE IF THE VEHICLE -- IF THAT WAS A VEHICLE THAT YOU HAD SEEN?

A. I THINK HE ASKED ME IF IT WAS -- IF IT MAY HAVE BEEN IT.

Q. OKAY. AND DO YOU REMEMBER WHAT YOUR RESPONSE WAS WHEN YOU SAW THOSE PHOTOGRAPHS ON AUGUST 5TH OF 2003?

A. I THINK I PROBABLY SAID AT THE TIME THAT I THOUGHT IT WAS DARKER.

Q. IN FACT, YOU SAID THAT YOU THOUGHT THE

VEHICLE THAT YOU HAD SEEN ON APRIL 14TH WAS A LITTLE DARKER IN COLOR AND THAT THE VEHICLE WAS A LITTLE HIGHER, AS IF MAYBE LIFTED A LITTLE; IS THAT RIGHT?

A. I THINK THAT'S CORRECT.

Q. THAT WAS YOUR RESPONSE WHEN YOU SAW THE PHOTOGRAPHS THAT MR. BAKER SHOWED YOU BACK IN AUGUST OF 2003?

A. THAT MAKES SENSE, YES.

Q. THANK YOU.

NOW, YOU DID MENTION THAT YOU HAD A GLIMPSE AT THE PEOPLE IN THE VEHICLE; IS THAT RIGHT?

A. YES.

Q. AND DO YOU HAVE ANY RECOLLECTION, AS YOU SIT HERE TODAY, WHETHER THE DRIVER'S WINDOW WAS UP OR DOWN?

A. I THINK WITH THE VIEW I HAD, IT PROBABLY WAS UP, BECAUSE I DIDN'T SEE MUCH.

Q. IT'S BEEN A COUPLE OF YEARS?

A. IT'S BEEN A WHILE.

Q. DO YOU RECALL SPEAKING TO SHERIFF'S DEPUTIES CLOSE IN TIME, PERHAPS THE SAME DAY YOU SAW THE VEHICLE EXITING THIS DRIVEWAY?

A. I DID GIVE A REPORT AT THE SCENE, YES.

Q. YOU GAVE A REPORT AT THE SCENE, AND THEN YOU TALKED TO THIS DETECTIVE OVER THE PHONE A COUPLE OF DAYS LATER; IS THAT RIGHT?

A. THIS DETECTIVE?

Q. WHEN I REFER TO A CONVERSATION EARLIER WITH

Ken Leonard - Police

2986

1 COME STRAIGHT OUT, HE PROBABLY WOULD HAVE RUN INTO
2 THE FRONT OF ME.

3 Q. INTO THE FRONT OF YOU?

4 A. RIGHT.

5 Q. AND WHICH SIDE WOULD HAVE RUN RIGHT INTO
6 THE FRONT OF YOU?

7 A. IT COULD HAVE BEEN ANY PART OF IT,
8 DEPENDING ON WHERE -- IF I HADN'T SLOWED DOWN.

9 Q. OKAY. NOW, YOU SAID THAT YOU ASSUMED THAT
10 THIS VEHICLE WAS A FORD BRONCO?

11 A. MY OPINION, FROM WHAT I SAW, YEAH.

12 Q. YOUR OPINION OF WHAT YOU SAW THAT DAY WAS
13 WHAT YOU SAW WAS A FORD BRONCO?

14 A. RIGHT.

15 Q. NOW, WOULD IT BE FAIR TO SAY THAT, BASED ON
16 HOW QUICKLY THIS HAPPENED, THAT YOU WOULD NOT BE
17 ABLE TO REIDENTIFY THE EXACT VEHICLE? IS THAT
18 RIGHT?

19 A. THAT'S CORRECT.

20 Q. IN FACT, YOU WERE SPECIFICALLY ASKED BY ONE
21 OF THE DETECTIVES WHO INTERVIEWED YOU A COUPLE OF
22 DAYS AFTER THE INCIDENT, ON APRIL 16TH,
23 DETECTIVE RYZDYSKI, IF SHE WERE TO SHOW YOU A
24 SERIES OF PHOTOGRAPHS, FOR EXAMPLE, SIX DIFFERENT
25 BRONCOS, WHETHER YOU WOULD BE ABLE TO PICK OUT THE
26 BRONCO THAT YOU HAD SEEN LEAVING THAT DRIVEWAY; IS
27 THAT RIGHT?

28 A. I THINK AT THE TIME, I WOULD HAVE TOLD THEM

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* 1 I WOULD NOT HAVE BEEN ABLE TO.

2 Q. YOU WOULD NOT HAVE BEEN ABLE TO?

3 A. THAT'S RIGHT.

4 Q. AND, IN FACT, WHAT YOU COULD SAY IS THAT IT
5 WAS A DARK -- AND, IN FACT, YOUR STATEMENTS TO THE
6 POLICE WERE THAT IT WAS A BLACK FORD BRONCO; IS THAT
7 RIGHT?

8 A. THAT'S RIGHT.

9 Q. NOW, YOU INDICATED THAT THE FORD BRONCO
10 THAT APPEARS IN THOSE PHOTOGRAPHS LOOKS SIMILAR TO
11 THE ONE THAT YOU SAW THAT DAY?

12 A. THAT'S RIGHT.

13 Q. NOW, YOU WERE SHOWN FOUR PHOTOGRAPHS WHICH
14 APPEAR TO BE ENLARGED; IS THAT RIGHT?

15 A. THEN OR NOW?

16 Q. NOW.

17 A. RIGHT, YES.

18 Q. AS THE EXHIBIT, AS PEOPLE'S EXHIBIT 20?

19 A. RIGHT.

20 Q. YOU'VE SEEN THESE PHOTOGRAPHS BEFORE,
21 RIGHT?

22 A. I HAVE TO ASSUME THEY'RE THE SAME ONES I
23 SAW.

24 Q. YOU DO RECALL THAT, ON A PRIOR OCCASION,
25 AUGUST 5TH OF 2003, THAT MR. BAKER, WHO IS SEATED IN
26 COURT HERE, CAME TO YOU AND SHOWED YOU A SERIES OF
27 PHOTOGRAPHS? IS THAT RIGHT?

28 A. THAT'S TRUE.

1 A. PRETTY CLOSE. WE'RE DOWN TOWARDS THE
2 BOTTOM, AND THEY'RE TOWARDS THE TOP.

3 Q. DID YOU AT SOME TIME BECOME AWARE OF THE
4 FACT THAT AMBULANCES AND POLICE CARS AND THINGS LIKE
5 THAT HAD GONE TO THE BRUCKER HOME?

6 A. I REALLY DIDN'T HEAR MUCH AT THAT TIME.
7 NO, I REALLY DIDN'T HEAR IT AT THAT POINT.

8 Q. AT SOME POINT IN TIME, DID YOU GO AND TALK
9 TO SOME LAW ENFORCEMENT OFFICERS ABOUT SOMETHING YOU
10 HAD SEEN?

11 A. YES, I DID.

12 Q. AND WHAT DID YOU TELL THE LAW ENFORCEMENT
13 YOU HAD SEEN?

14 A. WELL, I WAS SICK THAT DAY FROM WORK, AND I
15 HEARD A LOUD RUMBLE OF A CAR ZOOMING BY REALLY FAST,
16 SO IT MADE ME POP MY HEAD UP TO LOOK UP, AND I SAW A
17 BROWN BRONCO WITH A BEIGE BOTTOM ZOOMING BY MY
18 HOUSE, BECAUSE WE'VE HAD PROBLEMS IN THE PAST WITH
19 SPEEDERS IN OUR NEIGHBORHOOD.

20 Q. I WOULD LIKE TO SHOW YOU WHAT WE HAVE
21 MARKED AS -- ACTUALLY ADMITTED INTO EVIDENCE AS
22 PEOPLE'S EXHIBIT 20 FOR IDENTIFICATION. AGAIN, IT'S
23 FOUR PHOTOS OF A MULTI-COLORED BRONCO.

24 DOES THIS APPEAR TO BE THE SAME VEHICLE YOU
25 SAW THAT DAY?

26 A. YES, LOOKS VERY SIMILAR TO IT, YES.

27 MR. MCALLISTER: THANK YOU, MA'AM. I HAVE NO
28 FURTHER QUESTIONS.

1 THE COURT: MS. VANDENBOSCH.

3 CROSS-EXAMINATION

4 BY MS. VANDENBOSCH:

5 Q. GOOD MORNING, MS. HARTNETT.

6 A. GOOD MORNING.

7 Q. MS. HARTNETT, YOU INDICATED THAT YOU LIVE
8 DOWN THE STREET FROM THE BRUCKER RESIDENCE?

9 A. YES.

10 Q. WHEN YOU SAY "DOWN THE STREET," DO YOU MEAN
11 CLOSER TO -- WOULD IT BE AURORA?

12 A. NO, IT'S --

13 Q. THE CROSS STREET --

14 A. NO.

15 Q. -- WHICH -- WHERE EXACTLY ARE YOU IN TERMS
16 OF THE BRUCKER RESIDENCE, IN TERMS OF A CROSS
17 STREET?

18 A. THERE'S TWO OTHER HOUSES BEFORE YOU HIT
19 AURORA, SO I'M, LIKE, RIGHT IN THE MIDDLE MORE.

20 Q. BUT TOWARDS AURORA?

21 A. WELL, TOWARDS THE BOTTOM OF THE HILL, YES,
22 I GUESS YOU COULD SAY THAT.

23 Q. THANK YOU.

24 AND YOU INDICATED THAT WHEN YOU MADE THIS
25 OBSERVATION, THAT YOU WERE, IN FACT, INSIDE YOUR
26 HOUSE; IS THAT RIGHT?

27 A. YES.

28 Q. AND YOU HEARD A VEHICLE TRAVELING VERY

1 QUICKLY?

2 A. IT WAS VERY LOUD, ALSO.

3 Q. AND IT WAS GOING FAST?

4 A. YES.

5 Q. AND WHAT YOU -- YOU THEN LOOKED OUT OF YOUR
6 WINDOW?

7 A. UH-HUH.

8 Q. AND WAS IT YOUR BEDROOM WINDOW?

9 A. YES.

10 Q. SO YOU SAW THIS VEHICLE AS IT WAS PASSING?

11 A. UH-HUH.

12 Q. AND YOU SAW -- IS THAT A "YES"?

13 A. YES. I'M SORRY. YES.

14 Q. AND DO YOU REMEMBER -- DID YOU SEE A SIDE
15 VIEW OF THE VEHICLE, THEN?

16 A. IT WAS GOING DOWN THE STREET, SO THE RIGHT
17 SIDE OF IT.

18 Q. THE RIGHT SIDE.

19 AND YOU INDICATED THAT THE -- THE VEHICLE
20 THAT YOU REMEMBER SEEING WAS -- HAD A BEIGE BOTTOM;
21 IS THAT RIGHT?

22 A. WELL, IT WAS BEIGE TRIM, SO, YES, YES.

23 Q. IN FACT, YOU SPECIFICALLY DESCRIBED THE
24 VEHICLE THAT YOU SAW TO LAW ENFORCEMENT AS AN
25 EDDIE BAUER MODEL BRONCO; IS THAT RIGHT?

26 A. LIKE AN EDDIE BAUER, YES, BUT I'M NOT AN
27 EXPERT AT VEHICLES.

28 Q. WHY DID YOU REFER TO IT AS AN EDDIE BAUER?

1 DOES SOMEONE YOU KNOW HAVE AN EDDIE BAUER?

2 A. WELL, LIKE THE BEIGE TOP, AND I THOUGHT IT
3 WAS A BEIGE BOTTOM TOWARD THE BOTTOM, AND DARK
4 BROWN.

5 Q. IN FACT, THAT'S SPECIFICALLY WHAT YOU TOLD
6 ONE OF THE OFFICERS THAT YOU SPOKE TO,
7 OFFICER DUGAL, ON APRIL 14TH, WAS THAT THE VEHICLE
8 THAT YOU SAW, IN FACT, HAD A BEIGE TRIM, BEIGE
9 BOTTOM?

10 A. BEIGE TRIM, YES.

11 Q. OKAY. NOW, WERE YOU EVER SHOWN A SERIES
12 OF, LET'S SAY, SIX OR EIGHT PHOTOGRAPHS OF DIFFERENT
13 MODELS OF FORD BRONCOS AND ASKED TO PICK OUT THE
14 FORD BRONCO THAT LOOKED MOST SIMILAR TO THE ONE YOU
15 REMEMBER SEEING ON APRIL 14TH?

16 A. YES.

17 Q. YOU WERE --

18 A. YOU MEAN AS FAR AS PICTURES GO, TO LOOK AT
19 PICTURES?

20 Q. YOU WERE ASKED AT SOME POINT TO LOOK AT --

21 A. I WAS SHOWN PICTURES, YES.

22 Q. AND, IN FACT, THOSE PICTURES WERE ALL OF
23 ONE VEHICLE; IS THAT RIGHT?

24 A. I DON'T KNOW. I DON'T KNOW.

25 Q. OKAY. DO YOU REMEMBER WHO SHOWED YOU THE
26 PICTURES?

27 A. YES.

28 Q. AND WHO WAS IT?

1 A. MR. BAKER.

2 Q. MR. BAKER, WHO IS SEATED IN COURT TODAY?

3 A. YES.

4 Q. AND, IN FACT, THAT WAS FAIRLY RECENTLY; IS
5 THAT RIGHT?

6 A. YES.

7 Q. IT WAS ABOUT A MONTH AGO?

8 A. UH-HUH, YES.

9 Q. AND YOU DON'T REMEMBER AT THIS POINT
10 WHETHER THOSE PICTURES WERE OF, LIKE, SIX OR
11 SEVEN --

12 A. I DON'T REMEMBER. I'M SORRY. I DON'T
13 REMEMBER.

14 Q. MS. HARTNETT, WHAT I WOULD LIKE TO DO IS,
15 AGAIN, SHOW YOU PEOPLE'S EXHIBIT 20, WHICH YOU WERE
16 SHOWN JUST A COUPLE OF MINUTES AGO.

17 AND UNDERSTANDING THAT THESE ARE ENLARGED
18 VERSIONS, DO YOU RECALL WHETHER YOU'VE SEEN SMALLER
19 VERSIONS OF THESE PARTICULAR PHOTOGRAPHS BEFORE?

20 A. YES.

21 Q. OKAY. AND DO YOU REMEMBER WHO SHOWED YOU
22 THOSE?

23 A. I BELIEVE MR. BAKER.

24 Q. OKAY. SO THESE ARE AT LEAST -- THESE ARE
25 SOME OF THE PHOTOGRAPHS THAT MR. BAKER SHOWED YOU?

26 A. YES.

27 Q. AND DOES THAT HELP REFRESH YOUR
28 RECOLLECTION AS TO WHETHER ALL THE PHOTOGRAPHS THAT

1 HE SHOWED YOU WERE OF ONE PARTICULAR VEHICLE OR
2 WHETHER HE SHOWED YOU A BUNCH OF DIFFERENT VEHICLES?

3 A. YOU KNOW, I DON'T RECALL. I DON'T.

4 Q. BUT YOU DO RECALL SEEING THESE PARTICULAR
5 PHOTOS BEFORE?

6 A. YES, YES.

7 Q. AND DO YOU RECALL SAYING SPECIFICALLY WHEN
8 YOU SAW THESE PHOTOGRAPHS THAT IT LOOKS LIKE IT
9 COULD BE THE SAME, BUT YOU'RE NOT POSITIVE?

10 A. IT'S BEEN OVER TWO YEARS AGO, SO ...

11 Q. OKAY. THANK YOU.

12 A. THANK YOU.

13 MS. VANDENBOSCH: I HAVE NO FURTHER QUESTIONS.
14 THANK YOU, YOUR HONOR.

15 THE COURT: MR. ROAKE?

16 MR. ROAKE: NONE, YOUR HONOR.

17 THE COURT: MS. ROSENFELD?

18 MS. VANDENBOSCH: NO.

19 THE COURT: MR. MCALLISTER, ANY REDIRECT?

20 MR. MCALLISTER: NO, THANK YOU.

21 THE COURT: MS. HARTNETT, THANK YOU FOR BEING
22 HERE. YOU'RE FREE TO GO.

23 THE WITNESS: THANK YOU.

24 THE COURT: DO YOU NEED TO CHECK TO SEE WHO
25 MIGHT BE AVAILABLE?

26 MR. MCALLISTER: YES. OUR NEXT SCHEDULED
27 WITNESS IS MR. LEGLER.

28 THE COURT: OKAY.

Person - Henry

3084

(INDICATING).

Q. AND THE WITNESS IS POINTING TO AN AREA ON PEOPLE'S 13, WHICH IS A STREET THAT COMES DOWN AS YOU'RE LOOKING AT THE PHOTOGRAPH, THE FAR LEFT SIDE.

SINCE WE ALREADY HAVE RED MARKING ON HERE, I'M GOING TO GET A BLACK PEN AND HAVE YOU MARK THE LOCATION WHERE YOU WERE.

A. OKAY.

Q. IF YOU WOULD, ON PEOPLE'S 13, JUST GO AHEAD AND MARK THE LOCATION WHERE YOU WERE WORKING, AND JUST PUT YOUR INITIALS THERE.

A. I WAS RIGHT ABOUT HERE (INDICATING).

Q. WERE YOU THERE ALL DAY LONG?

A. YEAH, PRETTY MUCH THROUGHOUT THE WHOLE DAY. I WOULD SAY FROM ABOUT TEN IN THE MORNING TO SIX OR SEVEN IN THE EVENING.

Q. WAS THERE ANYTHING THAT HAPPENED IN THE AFTERNOON THAT CAUGHT YOUR ATTENTION?

A. THE VEHICLE THAT DROVE BY THAT I GUESS IS IN QUESTION.

Q. AND ABOUT WHAT TIME WAS THAT?

A. I BELIEVE -- I THINK IT WAS AROUND FIVEISH, I DON'T REALLY RECALL THE EXACT TIME, SINCE IT'S BEEN SO LONG, BUT I BELIEVE IT WAS AROUND FIVE IN THE AFTERNOON.

Q. DID YOU BECOME AWARE OF THE FACT THAT THERE HAD BEEN A SHOOTING ON MEDILL AVENUE?

A. NOT UNTIL THE DETECTIVE CAME TO OUR HOUSE

*not the
one
? then*

3085

1 THAT EVENING AND WE NOTICED ALL THE EMERGENCY
2 VEHICLES AT THE BRUCKERS' HOME.

3 Q. AND THE TIME THAT YOU SAW THE VEHICLE THAT
4 I'M GOING TO ASK YOU ABOUT IN A MINUTE, WAS THAT
5 BEFORE THAT TIME?

A. YES, YEAH.

7 Q. I WOULD LIKE TO SHOW YOU A PHOTO BOARD
8 THAT'S ADMITTED INTO EVIDENCE AS PEOPLE'S
9 EXHIBIT 20, FOUR PHOTOS OF A, B, C, AND D, WHICH
10 SEEM TO DEPICT A FORD BRONCO.

A. CORRECT.

Q. DOES THAT LOOK LIKE THE VEHICLE YOU SAW?

A. THAT IS THE VEHICLE.

Q. AND HOW CAN YOU TELL THAT?

A. SIMPLY, MOST OBVIOUSLY, THE TWO-TONE PAINT
JOB, IT WAS PRETTY OUTSTANDING, AND IT'S A VEHICLE
THAT WE HADN'T SEEN IN OUR NEIGHBORHOOD BEFORE.

Q. WAS THERE ANYTHING ELSE YOU REMEMBER BEING
DISTINCTIVE?

A. WHAT CAUGHT MY ATTENTION WAS THE EXHAUST
TONE, SIMPLY BECAUSE I'M INTO CARS, I PAY ATTENTION
TO THAT A LOT, AND IT HAD A DEEP --

THE COURT: HOLD ON A SECOND. I SEE STRAINED
LOOKS ON THIS SIDE. MAYBE YOU CAN SPEAK A LITTLE
MORE INTO THE MICROPHONE AND ADDRESS BOTH JURIES.
BY MR. MCALLISTER:

Q. WAS THERE ANYTHING ABOUT THE PARTS ON THE
VEHICLE THAT WAS DISTINCTIVE TO YOU?

** so shortly before he quit for the day -
so should be fairly easy to know if we at
7:30 a.m.*

1 A. THE WHEELS AND TIRES WERE DISTINCTIVE.
 2 THEY HAD A LITTLE OVERSIZED TIRE ON IT. I'M NOT --
 3 I WASN'T SURE AT THE TIME IF THAT WAS DISTINCTIVE TO
 4 BRONCOS OF THAT YEAR, BUT MOST DISTINCTIVELY WHAT
 5 CAUGHT MY EYE AND ATTENTION WAS THE EXHAUST. IT
 6 DIDN'T REALLY SOUND LIKE A FACTORY EXHAUST; IT WAS A
 7 LITTLE DEEPER IN TONE, NOT MORE OF A QUIET EXHAUST
 8 OR WHAT ANYBODY WOULD TYPICALLY PUT ON A CAR.

9 Q. WOULD YOU CLASSIFY IT AS LOUD?

10 A. IT WAS LOUD, YEAH.

11 Q. AND WHEN YOU SAW THE VEHICLE, WHERE ON THE
 12 ROADWAY DID YOU SEE IT? I'M GOING TO GO BACK TO
 13 PEOPLE'S EXHIBIT 13. WHERE DID YOU SEE THE VEHICLE
 14 GO?

15 A. I SAW IT BETWEEN THIS POINT AND ABOUT THIS
 16 POINT ON THE PICTURE (INDICATING), SO ABOUT THE
 17 MIDDLE SECTION OF THIS STREET, SIMPLY BECAUSE OF THE
 18 VANTAGE POINT AND THAT IT DROVE BY, AND NOT A SLOW
 19 RATE OF SPEED, LIKE MOST PEOPLE DO THROUGH THE
 20 NEIGHBORHOOD.

21 Q. WHICH DIRECTS -- THAT STREET THAT YOU'VE
 22 INDICATED THERE IS WHAT STREET?

23 A. I BELIEVE IT'S AMELIA.

24 Q. AND WHICH DIRECTION WAS THE VEHICLE GOING?

25 A. NORTH TO SOUTH, I BELIEVE.

26 Q. WELL --

27 A. TOP OF THE PICTURE TO THE BOTTOM OF THE
 28 PICTURE.

1 Q. SO IT WAS HEADED MORE TOWARD MEDILL?

2 A. YES, YEAH.

3 MR. MCALLISTER: THANK YOU, SIR.

4 IF I COULD HAVE JUST A MOMENT, YOUR HONOR.

5 BY MR. MCALLISTER:

6 Q. WHEN THE VEHICLE PASSED BY, WERE YOU ABLE
 7 TO SEE HOW MANY PEOPLE WERE IN THE VEHICLE?

8 A. NO, I COULDN'T SEE, DUE TO THE SUN AND
 9 GLARE.

10 Q. I ASKED YOU APPROXIMATELY WHAT TIME YOU
 11 THOUGHT THAT WAS, AND I THINK INITIALLY YOU SAID IT
 12 WAS FIVE O'CLOCK. IF I WERE TO TELL YOU THAT THIS
 13 SHOOTING OCCURRED SOMETIME AROUND 2:30, 2:25, WOULD
 14 IT HAVE BEEN BEFORE THAT THAT YOU SAW THE VEHICLE?

15 A. I KNOW IT WAS BEFORE THE EMERGENCY VEHICLES
 16 SHOWED UP. AGAIN, IT'S BEEN SO LONG SINCE THEN, I
 17 DON'T RECALL ON THE TIMES.

18 Q. AND ON THAT DAY, AT SOME POINT IN THAT
 19 AFTERNOON, DO YOU REMEMBER WHETHER IT STARTED TO
 20 RAIN?

21 A. I DON'T RECALL.

22 MR. MCALLISTER: THANK YOU, SIR. I HAVE NO
 23 FURTHER QUESTIONS.

24 THE COURT: MR. ROAKE?

25 MR. ROAKE: NO, THANK YOU, YOUR HONOR.

26 THE COURT: MS. VANDENBOSCH?

27 MS. VANDENBOSCH: THANK YOU.
 28

1 CARS, IS EXHAUST.

2 Q. AND, IN FACT, YOU'VE CHANGED THE EXHAUST ON
3 SOME OF YOUR VEHICLES; IS THAT RIGHT?

4 A. EVERY ONE OF THEM.

5 Q. AND YOU'RE FAMILIAR WITH THE SOUND OF A
6 TURBO ENGINE?

7 A. YEAH. THEY'RE A LITTLE MORE DISTINCTIVE.

8 Q. AND YOU'RE FAMILIAR WITH THE SOUND OF A
9 DEFECTIVE MUFFLER?

10 A. DEFECTIVE EXHAUST SYSTEM? YEAH.

11 Q. YES, A DEFECTIVE EXHAUST SYSTEM.

12 AND YOU'RE ALSO FAMILIAR WITH THE SOUND OF
13 A MODIFIED EXHAUST SYSTEM?

14 A. YEAH.

15 Q. AND WHEN THE POLICE FIRST CAME TO TALK TO
16 YOU ON APRIL 14TH, AFTER MR. BRUCKER -- WELL, WHEN
17 THEY CAME TO TALK TO YOU, YOU REALIZED SOMETHING
18 VERY BAD HAD HAPPENED; IS THAT RIGHT?

19 A. YES.

20 Q. WERE YOU AWARE AT THAT TIME THAT, IN FACT,
21 MR. BRUCKER HAD BEEN SHOT AND KILLED?

22 A. NOT UNTIL MY FATHER CAME BACK FROM THE
23 SCENE. HE WENT THERE TO SEE WHAT WAS GOING ON, AND
24 HE CAME BACK AND SAID SOMEONE HAD BEEN SHOT.

25 Q. SO WHEN YOU TALKED TO THE POLICE, WOULD IT
26 BE FAIR TO SAY THAT YOU KNEW THAT SOMETHING VERY BAD
27 HAD HAPPENED AND THAT SOMETHING VERY SERIOUS HAD
28 HAPPENED?

1 A. YES.

2 Q. AND THE POLICE CAME TO YOU SPECIFICALLY TO
3 TALK ABOUT GETTING A DESCRIPTION OF THE VEHICLE?

4 A. YES.

5 Q. AND WOULD IT BE FAIR TO SAY THAT YOU GAVE
6 THEM AS ACCURATE A DESCRIPTION AS YOU COULD
7 REMEMBER?

8 A. OF COURSE.

9 Q. AND BECAUSE OF THE SERIOUSNESS OF WHAT JUST
10 HAPPENED, YOU WERE SURE TO MAKE THAT AS ACCURATE AS
11 POSSIBLE?

12 A. OF COURSE.

13 Q. AND YOU SPECIFICALLY TOLD THEM ABOUT THE
14 LOUDNESS THAT YOU'VE DESCRIBED, AND YOU SPECIFICALLY
15 TOLD THEM THAT THE LOUDNESS -- THE LOUD EXHAUST
16 NOISE CAME FROM A MODIFIED EXHAUST SYSTEM, AS
17 OPPOSED TO A DEFECTIVE EXHAUST SYSTEM; IS THAT
18 RIGHT?

19 A. I WOULD SAY THAT IT CAME FROM AN
20 OUTSTANDING TONE OF AN EXHAUST SYSTEM, SIMPLY
21 BECAUSE OF THE WAY IT CAUGHT MY ATTENTION. I CAN'T
22 SAY IT WAS DEFINITELY A MODIFIED ONE, BECAUSE OF NOT
23 ACTUALLY SEEING IT, BUT UNDER MY ASSUMPTION, I WOULD
24 SAY IT WAS MODIFIED, YES.

25 Q. OKAY. AND, IN FACT, YOU DESCRIBED IT --
26 AND THIS WAS BASED ON YOUR EXPERIENCE AS A MECHANIC,
27 AS A -- THAT IT WAS DEFINITELY NOT A MARKET EXHAUST
28 SYSTEM; IS THAT RIGHT?

Brone

3094

1 A. PROBABLY NOT, YES.

2 Q. WELL, YOU INDICATED IT WAS DEFINITELY NOT;
3 IS THAT RIGHT?

4 A. AT THE TIME, YES, I DID SAY THAT.

5 Q. AND YOU DESCRIBED IT AS WELL MAINTAINED, A
6 NICE SPEED, A CLEAN EXHAUST SOUND; IS THAT RIGHT?

7 A. YEAH. IT DIDN'T SEEM TO HAVE ANY EXHAUST
8 LEAKS OR ANYTHING LIKE THAT.

9 Q. OKAY. AND YOU ALSO DESCRIBED THE VEHICLE
10 AS BEING LIFTED; IS THAT RIGHT?

11 A. IT APPEARED TO BE RIDING AT A HIGHER LEVEL
12 THAN NORMAL.

13 Q. AND YOUR WAY OF DESCRIBING THAT TO LAW
14 ENFORCEMENT, TO GIVE AN ACCURATE DESCRIPTION, WAS TO
15 DESCRIBE THE VEHICLE AS BEING LIFTED?

16 A. YES, I GUESS YOU COULD SAY THAT, YEAH.

17 Q. NOW, MR. VANGORKUM, YOU WERE SHOWN A
18 PHOTOGRAPH JUST NOW -- OR, ACTUALLY, A SERIES OF
19 PHOTOGRAPHS -- AND YOU WERE ASKED IF YOU RECOGNIZED
20 THAT VEHICLE; IS THAT RIGHT?

21 A. CORRECT.

22 Q. AND HAD YOU SEEN THOSE PHOTOGRAPHS BEFORE?

23 A. YES, I HAVE.

24 Q. AND WHEN DID YOU SEE THEM?

25 A. I'M NOT SURE EXACTLY WHEN, BUT IT WAS AFTER
26 THE INCIDENT OCCURRED. IT WAS, LIKE, THE SECOND
27 TIME I WAS SEEN BY SOMEBODY.

28 Q. AND DO YOU RECALL WHO SHOWED YOU THE

3095

1 PHOTOGRAPHS?

2 A. I'VE SEEN SO MANY PEOPLE, I DON'T RECALL.

3 Q. DO YOU REMEMBER, WHEN YOU TOOK THE WITNESS
4 STAND, THERE WAS A FELLOW WITH GRAY HAIR AND A BEARD
5 SITTING IN THE MIDDLE SEAT THERE?

6 A. YES.

7 Q. IS THAT THE FELLOW WHO SHOWED YOU THE
8 PHOTOGRAPHS?

9 A. I'VE SEEN HIM BEFORE, I'VE TALKED TO HIM
10 BEFORE, YES, BUT I CAN'T RECALL IF HE SHOWED ME THE
11 PICTURES.

12 Q. AND WHEN YOU SAY "THE PHOTOGRAPHS," I'M
13 REFERRING SPECIFICALLY TO THE FOUR PHOTOGRAPHS THAT
14 ARE SHOWN IN PEOPLE'S EXHIBIT 20; IS THAT RIGHT?

15 A. UH-HUH.

16 Q. THESE ARE LARGER VERSIONS OF SOME OTHER
17 PHOTOGRAPHS THAT WERE SHOWN TO YOU BEFORE?

18 A. CORRECT.

19 Q. NOW, PRIOR TO YOU BEING SHOWN THESE
20 PHOTOGRAPHS, WERE YOU EVER SHOWN A SERIES OF
21 PHOTOGRAPHS OF DIFFERENT BRONCOS, OF DIFFERENT
22 COLORS OR DIFFERENT STYLES, AND ASKED IF YOU COULD
23 PICK OUT FROM THOSE SERIES OF BRONCOS THE BRONCO
24 THAT WAS DRIVING BY?

25 A. I BELIEVE HE DID. I BELIEVE HE SHOWED ME A
26 SERIES OF TWO OR THREE DIFFERENT CARS.

27 Q. YOU THINK HE DID THAT?

28 A. I BELIEVE SO, YEAH. AGAIN, IT'S BEEN A

false =
guessing
or lying

Not what evidence shows (False)

Brouse

3096

1 WHILE.

2 Q. YES, IT HAS.

3 NOW, MR. VANGORKUM, WHEN YOU LOOKED AT THE
4 PHOTOGRAPHS THAT ARE IN PEOPLE'S EXHIBIT 20, YOU
5 INDICATED THAT THAT WAS THE VEHICLE; IS THAT RIGHT?

6 A. YES.

7 Q. OKAY. DO YOU REMEMBER, WHEN YOU SPOKE TO
8 MS. ROEHMHOLDT AROUND SEPTEMBER OF 2004, SHE ALSO
9 ASKED YOU TO LOOK AT A PHOTOGRAPH?

10 A. YES.

11 Q. AND SHE GAVE YOU THE PHOTOGRAPH, AND SHE
12 ASKED YOU TO LOOK AT IT AND TELL YOU IF THAT VEHICLE
13 LOOKED SIMILAR TO THE VEHICLE THAT YOU HAD SEEN
14 DRIVING BY; IS THAT RIGHT?

15 A. CORRECT.

16 Q. AND YOU LOOKED AT THAT PHOTOGRAPH AS WELL?

17 A. YES.

18 (DEFENDANTS' EXHIBIT D, VOL. 18, PHOTO BOARD,
19 MARKED FOR IDENTIFICATION.)

20 BY MS. VANDENBOSCH:

21 Q. AND SHE ASKED YOU TO LOOK AT THAT
22 PHOTOGRAPH AND MAKE SOME COMMENTS ABOUT THE
23 PHOTOGRAPH AND THEN SIGN IT; IS THAT RIGHT?

24 A. CORRECT, YES.

25 Q. AND DATE IT?

26 A. YES.

27 MR. MCALLISTER: YOUR HONOR, PEOPLE WOULD LIKE
28 TO BE HEARD.

3097

1 THE COURT: WE'LL HEAR YOU AT THE BREAK. I'M
2 ASSUMING THIS IS A DISCOVERY ISSUE.

3 MR. MCALLISTER: YES.

4 THE COURT: ALL RIGHT.

5 BY MS. VANDENBOSCH:

6 Q. I'M GOING TO SHOW YOU NOW WHAT'S BEEN
7 MARKED AS DEFENSE EXHIBIT D, AND ASK YOU TO LOOK AT
8 THAT, AND ALSO LOOK AT THE SIGNATURE ON IT, AND LET
9 ME KNOW IF YOU RECOGNIZE IT?

10 A. RECOGNIZE THE VEHICLE AS THE VEHICLE I SAW
11 OR THE PICTURE?

12 Q. NO, RECOGNIZE THE PHOTOGRAPH.

13 A. I HAVE SEEN THIS PHOTOGRAPH BEFORE, YES.

14 Q. AND WHERE DID YOU SEE THE PHOTOGRAPH
15 BEFORE?

16 A. WELL, THAT'S THE ONE THAT SHE SHOWED ME.

17 Q. AND BY "SHE," YOU MEAN MS. ROEHMHOLDT; IS
18 THAT RIGHT?

19 A. YES.

20 Q. AND THE QUESTION THAT SHE ASKED OF YOU WHEN
21 SHE SHOWED YOU THE PHOTOGRAPH, DOES THAT LOOK
22 SIMILAR TO THE VEHICLE YOU SAW?

23 A. I BELIEVE THAT WAS THE QUESTION, YEAH.

24 Q. AND DO YOU REMEMBER WHAT YOUR RESPONSE WAS?

25 A. I DON'T RECALL MY RESPONSE.

26 Q. DO YOU REMEMBER SAYING THAT "THAT IS THE
27 ONE. THAT'S THE ONE"?

28 A. I HONESTLY CAN'T SAY.

1 Q. DO YOU REMEMBER SAYING THAT "THAT'S
2 DEFINITELY THE ONE," AND THAT YOU WOULD PUT MONEY ON
3 IT?

4 A. I GUESS I MAY HAVE SAID THAT. I DON'T
5 RECALL IF I SAID THAT OR NOT.

6 Q. SO YOU DON'T RECALL AT THIS POINT WHETHER
7 YOU SAID THAT OR NOT?

8 A. NO, I DON'T.

9 Q. BUT THIS IS YOUR SIGNATURE, AND YOU DO
10 RECOGNIZE THIS AS A PHOTOGRAPH OF A FORD BRONCO THAT
11 MS. ROEHMHOLDT SHOWED YOU ON SEPTEMBER 13TH?

12 A. YES, SHE SHOWED ME THAT PICTURE, YES.

13 MS. VANDENBOSCH: YOUR HONOR, MAY I BE PERMITTED
14 TO PUBLISH THIS TO THE JURY AT THIS TIME?

15 MR. MCALLISTER: YOUR HONOR, I WOULD ASK TO
16 WAIT.

17 THE COURT: LET'S HAVE THE BREAK, AND, BASED ON
18 THE DISCUSSION, YOU CAN OR CANNOT PUBLISH IT TO THE
19 JURY.

20 MS. VANDENBOSCH: OKAY.

21 BY MS. VANDENBOSCH:

22 Q. FINALLY, MR. VANGORKUM, DO YOU RECALL
23 WHETHER YOU GAVE A PARTICULAR YEAR THAT YOU THOUGHT
24 THAT THE FORD BRONCO THAT YOU SAW PASSING BY YOUR
25 HOUSE MIGHT HAVE BEEN -- WHAT YEAR MODEL, I MEAN?

26 A. I BELIEVE I SAID ON MY ORIGINAL STATEMENT
27 IT WAS BETWEEN '70S AND '80S.

28 Q. IN FACT, IN YOUR ORIGINAL STATEMENT TO THE

1 POLICE, YOU INDICATED THE MODEL THAT YOU SAW, YOU
2 ASSUMED TO BE LATE '70S OR EARLY '80S; IS THAT
3 RIGHT?

4 A. CORRECT.

5 Q. AND, IN FACT, YOU'RE SOMEWHAT FAMILIAR WITH
6 BRONCOS BECAUSE SOME OF YOUR FRIENDS HAVE THEM; IS
7 THAT RIGHT?

8 A. LITTLE BIT. ONE OF MY FRIENDS HAS A
9 BRONCO II, WHICH IS A SMALLER VERSION OF THIS
10 BRONCO.

11 Q. THAT'S A SMALLER VERSION?

12 A. YEAH.

13 MS. VANDENBOSCH: IF I MAY JUST HAVE A MOMENT,
14 YOUR HONOR.

15 THE COURT: SURE.

16 BY MS. VANDENBOSCH:

17 Q. I'M SORRY. THERE IS ONE AREA THAT I
18 NEGLECTED, MR. VANGORKUM.

19 YOU WERE ALSO SPECIFICALLY ASKED BY LAW
20 ENFORCEMENT, ON APRIL 14TH, WHEN YOU WERE GIVING
21 YOUR ORIGINAL DESCRIPTION, WHETHER YOU SAW ANY
22 EMBLEMS OR DECALS OR BADGES OR ANYTHING ON THE
23 VEHICLE; IS THAT RIGHT?

24 A. CORRECT, YES.

25 Q. AND YOU INDICATED THAT THE -- WHATEVER YOU
26 SAW WAS CONSISTENT WITH A STANDARD BRONCO; IS THAT
27 RIGHT?

28 A. YEAH, WHICH IS THE FENDER BADGING.

1 Q. THE FENDER BADGING?

2 A. YEAH.

3 Q. AND YOU WERE ASKED WHETHER YOU SAW ANY
4 DISTINCTIVE FEATURES ON THE PARTICULAR BRONCO THAT
5 WENT BY?

6 A. AS FAR AS?

7 Q. JUST DISTINGUISHING FEATURES IN GENERAL.

8 A. IN GENERAL, YES.

9 Q. AND YOU WERE SPECIFICALLY ASKED ABOUT A
10 BACK TIRE; IS THAT RIGHT?

11 A. I'VE BEEN ASKED THAT BEFORE, YES.

12 Q. IN FACT, YOU MENTIONED THAT THERE WAS A
13 BACK TIRE ON THIS PARTICULAR BRONCO?

14 A. I BELIEVE ON MY ORIGINAL STATEMENT, YES, I
15 SAID THERE WAS.

16 Q. AND, IN FACT, A BACK TIRE THAT SWINGS OUT,
17 THAT'S STANDARD ON THESE BRNCOS; IS THAT RIGHT?

18 A. YEAH, IT WOULD BE A SWINGING SPARE TIRE ON
19 THE REAR.

20 Q. AND YOU INDICATED THAT YOU HAD SEEN THAT
21 BACK TIRE?

22 A. YES.

23 Q. AND IS IT FAIR TO YOU THAT YOU SAW
24 NOTHING -- DO YOU RECALL AT THIS TIME WHETHER THAT
25 BACK TIRE WAS COVERED OR UNCOVERED?

26 A. I DON'T RECALL OFF MEMORY. NO, I DON'T
27 RECALL.

28 Q. SO THERE WAS NOTHING ABOUT HOW THAT BACK

1 TIRE LOOKED --

2 A. LET ME REPHRASE MY ANSWER. I DON'T RECALL
3 IF THERE WAS OR WAS NOT A COVER ON THE SPARE TIRE,
4 OFF MY MEMORY.

5 Q. SO THERE WAS NOTHING ABOUT THE WAY THAT
6 BACK TIRE LOOKED, EITHER COVERED OR UNCOVERED, THAT
7 WAS DISTINCTIVE IN ANY WAY?

8 A. NO, BUT SOME PEOPLE HAVE A COVER, AND SOME
9 DON'T. IT'S NOTHING SUBSTANTIAL.

10 MS. VANDENBOSCH: THANK YOU. NOW I AM DONE.
11 THANK YOU.

12 THE COURT: MS. ROSENFELD.

13 MS. ROSENFELD: I'M DONE, TOO, YOUR HONOR.

14 THE COURT: MR. MCALLISTER, ANY REDIRECT?

15 REDIRECT EXAMINATION

16 BY MR. MCALLISTER:

17 Q. THE COVERS ON THOSE BACK TIRES, LOOKING,
18 AGAIN, AT PEOPLE'S 20, YOU CAN SEE IN PHOTOGRAPH C,
19 YOU CAN SEE THAT COVER?

20 A. YES.

21 Q. IN YOUR EXPERIENCE, BECAUSE YOU -- I MEAN,
22 YOU'RE FAMILIAR WITH THESE KINDS OF VEHICLES, BASED
23 UPON YOUR EXPERIENCE, RIGHT?

24 A. YEAH, I THINK THAT'S FAIR TO SAY.

25 Q. WELL, THOSE COVERS, THE ONE THAT'S DEPICTED
26 THERE IN PHOTOGRAPH C, THAT'S THE KIND THAT CAN JUST
27 BE TAKEN RIGHT OFF, ISN'T IT?

* did I have a Harley Cover on it?

Harley Cover & tone

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1 A. YEAH. THAT'S ACTUALLY AN AFTER-MARKET
2 COVER.

3 Q. IN FACT, IT LOOKS LIKE --

4 A. IT LOOKS LIKE A HARLEY DAVIDSON COVER.

5 Q. LOOKS LIKE A HARLEY DAVIDSON COVER?

6 A. YEAH.

7 Q. AND JUST FOR POINT OF CLARIFICATION, THIS
8 IS THE VEHICLE YOU SAW THAT DAY?

9 A. I BELIEVE IT'S THAT VEHICLE OVER THIS
10 VEHICLE, YES.

11 THE COURT: WHEN YOU SAY "THIS VEHICLE," COULD
12 YOU CLARIFY WHAT YOU'RE REFERRING TO?

13 THE WITNESS: THIS VEHICLE IN THE PICTURE.

14 THE COURT: AND, MR. MCALLISTER, THE EXHIBIT
15 NUMBER ON THAT?

16 MR. MCALLISTER: THE EXHIBIT NUMBER ON THAT IS
17 DEFENSE D.

18 BY MR. MCALLISTER:

19 Q. ONE MORE QUESTION, SIR.

20 IN EXHAUST SYSTEMS, IF YOU HAVE A POST
21 MUFFLER HOLE OR SOMETHING LIKE THAT, CAN THAT
22 SOMETIMES SOUND MODIFIED?

23 A. YOU MEAN A HOLE IN THE MUFFLER? IT
24 WOULD --

25 MS. VANDENBOSCH: OBJECTION, LACK OF FOUNDATION.

26 THE COURT: OVERRULED. BASED UPON HIM HAVING
27 MORE THAN ORDINARY KNOWLEDGE, I'M GOING TO ALLOW HIM
28 TO OFFER AN OPINION.

3103

1 THE WITNESS: A HOLE IN THE MUFFLER WOULD SOUND
2 MORE LIKE A STRAIGHT EXHAUST SYSTEM. IT WOULD HAVE
3 MORE BACKFIRE IN THE EXHAUST. IT WOULDN'T HAVE A
4 SOLID, DEEP TONE IN THE EXHAUST.

5 BY MR. MCALLISTER:

6 Q. AND WOULD IT DEPEND ON WHERE IN THE EXHAUST
7 LINE IT WAS? FOR EXAMPLE, IF YOU HAD A MUFFLER OR A
8 CATALYTIC CONVERTER OR SOMETHING LIKE THAT, AND IT
9 WAS ONE SIDE OR THE OTHER, WOULD THAT CHANGE THERE?

10 A. IT WOULD MAKE A DIFFERENCE. IF IT WAS
11 AFTER THE MUFFLER, IT WOULDN'T MAKE THE SOUND TOO
12 MUCH, SIMPLY BECAUSE THE MUFFLER DOES MUFFLE THE
13 SOUND.

14 IF IT WAS BEFORE THE MUFFLER, MEANING
15 BETWEEN THE MUFFLER AND THE ENGINE, IT WOULD BE
16 DISTINCTLY A STRAIGHT MOTOR SOUND. IT WOULDN'T
17 NECESSARILY CHANGE TOO MUCH BY THE CATALYTIC
18 CONVERTERS OR THE MUFFLER.

19 MR. MCALLISTER: THANK YOU, SIR. I HAVE NO
20 FURTHER QUESTIONS.

21 THE COURT: MR. ROAKE?

22 MR. ROAKE: NO, THANK YOU.

23 THE COURT: MS. VANDENBOSCH?

24 MS. VANDENBOSCH: NOTHING FURTHER, THANK YOU.

25 THE COURT: AND MS. ROSENFELD?

26 MS. ROSENFELD: NO.

27 THE COURT: MAY MR. VANGORKUM BE EXCUSED?

28 MR. MCALLISTER: YES, YOUR HONOR.

1 would, and see if you recall anything being said by
2 Mr. Van Gorkum.

3 A. Yes. Yeah, as I had testified to, he had
4 said that he recognized the rims on the vehicle as
5 well, and that I'm sure would have been an
6 after-market item.

7 Q. Anything about decals or emblems on the
8 car?

9 A. I don't remember emblems. I'd have to look
10 at my report again.

11 I don't see anything regarding emblems or
12 decals.

13 Q. As to you -- as to your discussion with
14 Mr. Dustin Van Gorkum, he doesn't mention that?

15 A. Not that I see, no.

16 Q. Does he talk to you about the exhaust
17 system?

18 A. Yes.

19 Q. Okay. An he was able to distinguish a
20 modified exhaust system in his mind as opposed to a
21 crummy muffler or leak in a muffler; is that right?

22 MR. MCALLISTER: I'm objecting to that question.
23 That assumes facts not in evidence.

24 THE COURT: Sustained.

25 BY MR. MANGARIN:

26 Q. Didn't he talk to you about the muffler?

27 A. He indicated that it sounded like it was a
28 deep-throated sound exhaust or words to that effect.

1 Q. That's the extent of his description?

2 A. I believe so.

3 Q. Do you want to take a look?

4 A. Yeah. Deep-throated exhaust.

5 Q. He makes no distinction in your interview
6 about the modified exhaust system?

7 A. No.

8 Q. And you don't recall him making that
9 previous statement to law enforcement?

10 A. No.

11 Q. Okay. Sir, with respect to Mr. Leonard,
12 you personally spoke with him as well, right?

13 A. I did.

14 Q. Again was your scope of your contact with
15 him just to show a photograph to see whether it
16 resembled the car?

17 A. Yes.

18 Q. It wasn't -- you weren't there to
19 investigate or elicit further information or facts
20 related to this homicide case?

21 A. No. Again, though, if I'm up there, I
22 might have a brief conversation with this witness,
23 so it's possible that I wouldn't mind asking him a
24 few questions about, "Hey, what happened? what did
25 you say?"

26 Q. And this wasn't recorded as well, right?

27 A. No.

28 Q. And at one point, didn't he describe seeing

Folck Expert WIT
Bruce

42 85

1 A. SOCIETY OF AUTOMOTIVE ENGINEERS, COMMONLY KNOWN
2 AS S.A.E., SOCIETY OF COLLISION REPAIR SPECIALISTS,
3 AUTOMATIC TRANSMISSION REPAIR ASSOCIATION, THE AUTOMOTIVE
4 SERVICE COUNCIL, SOCIETY OF ACCIDENT RECONSTRUCTIONIST,
5 CALIFORNIA INDUSTRIAL EDUCATION ASSOCIATION, CALIFORNIA
6 TEACHERS ASSOCIATION AS WELL AS OTHERS.

7 Q. OKAY. NOW, MR. FOLCK, I WANT TO ASK YOU WITH
8 RESPECT TO YOUR BACKGROUND IN FORENSIC -- AS A FORENSIC
9 EXPERT IN AUTOMOTIVE MECHANICS, DO YOU -- HAVE YOU HAD
10 OPPORTUNITIES TO EVALUATE EXHAUST SYSTEMS IN VEHICLES?

11 A. YES.

12 Q. AND HOW OFTEN WOULD YOU SAY IN THE COURSE OF
13 YOUR EMPLOYMENT YOU'VE DONE THAT?

14 A. FOR OVER 40 YEARS.

15 Q. NOW, GIVEN YOUR BACKGROUND WITH THE EVALUATION
16 OF EXHAUST SYSTEMS IN VEHICLES, CAN YOU TELL US WHETHER
17 THERE IS A DISTINCTION BETWEEN A MODIFIED EXHAUST SYSTEM
18 IN A VEHICLE AND A DEFECTIVE EXHAUST SYSTEM IN A VEHICLE?

19 A. WORKING IN THE INDUSTRY REPLACING THE
20 COMPONENTS, EVEN RECOGNIZING -- AFTER A WHILE, YOU CAN
21 RECOGNIZE THE MAKE OF THE MANUFACTURER OF THE VEHICLE AS
22 IT GOES BY. THE -- THE TONE OF THE EXHAUST WILL BE SO
23 DISTINCTIVE WHEN THEY'RE STOCK COMPARED TO MODIFIED, THEN
24 YOU GET A PULSATION OR A ROBUST SOUND, SOMETHING MUSCULAR
25 AS COMPARED TO SOMETHING THAT IS WORN OUT, A LEAK.

26 Q. LET'S DEFINE THE TWO. WHEN YOU TALK ABOUT A
27 WORN OUT OR DEFECTIVE EXHAUST SYSTEM, WHAT TYPE OF AN
28 EXHAUST SYSTEM ARE WE TALKING ABOUT?

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1 A. CLASSICALLY, WE'RE TALKING ABOUT ONE HAS EITHER
2 BEEN IMPACTED AND TORN OPEN OR IT'S RUSTED THROUGH AND
3 THEN THE SOUND CHARACTERISTICS OF THE VEHICLE CHANGE
4 DRAMATICALLY.

5 Q. OKAY. AND WHEN WE'RE TALKING ABOUT AN EXHAUST
6 SYSTEM, WHAT ARE THE COMPONENTS OF THE EXHAUST SYSTEM FOR
7 THOSE OF US WHO DON'T NECESSARILY KNOW?

8 A. WELL, LET'S IMAGINE THE VEHICLE IS RIGHT HERE,
9 HERE'S THE FRONT TIRES, HERE'S THE REAR TIRES, THE ENGINE,
10 CLASSICALLY YOU'LL HAVE A CAST IRON EXHAUST HEADER THEN
11 YOU'LL HAVE THE HEADER PIPE, THEN YOU'LL HAVE CATALYTIC
12 CONVERTER, ANOTHER SHORT PIPE, THEN THE MUFFLER AND THEN
13 FINALLY A TAIL PIPE AS WELL AS HANGERS AND BRACKETS AND
14 CLAMPS.

15 Q. SO THE MUFFLER IS PART OF A -- PART OF AN
16 EXHAUST SYSTEM?

17 A. OH, YES.

18 Q. AND WHAT IS THE FUNCTION OF A MUFFLER IN AN
19 EXHAUST SYSTEM?

20 A. IT NULLIFIES OR CANCELS OUT THE HEAVY EXHAUST
21 PULSATIONS AS THE EXHAUST LEAVES THE CYLINDER. IT LESSENS
22 THE NOISE.

23 Q. AND HOW -- HOW SPECIFICALLY CAN AN EXHAUST
24 SYSTEM BE DEFECTIVE?

25 A. WELL, YOU CAN HAVE IT WEAR OUT, YOU CAN HAVE,
26 AGAIN, AN IMPACT WHERE THE EXHAUST IS MECHANICALLY RIPPED
27 OPEN. YOU CAN HAVE A CLAMP FAILURE AND THE MUFFLER FALLS
28 OFF, HANGER FAILURE, CURB STRIKE, YOU CAN HAVE A NUMBER OF

1 STATEMENT THAT A -- THAT A FELLOW BY THE NAME OF DUSTIN
2 VAN GORKUM HAD GIVEN POLICE ON APRIL 14th OF 2003?

3 MR. MC ALLISTER: OBJECTION, YOUR HONOR,
4 RELEVANCE.

5 THE COURT: WELL, IN TERMS OF REVIEWING IT,
6 OBJECTION OVERRULED. LET'S FIND OUT WHAT HAPPENS BASED
7 UPON THAT REVIEW.

8 THE WITNESS: YES, I DID.

9 BY MS. VANDENBOSCH:

10 Q. OKAY. AND DID YOU, LIKEWISE, HAVE A CHANCE TO
11 REVIEW A TRANSCRIPT OF THE TESTIMONY OF DUSTIN VAN GORKUM
12 DURING THE -- DURING THIS TRIAL?

13 A. YES, I DID.

14 Q. AND ON -- IN REVIEWING BOTH OF THOSE DOCUMENTS,
15 BOTH THE STATEMENT ON APRIL 14th AND THE TESTIMONY IN
16 COURT TODAY, DID YOU HAVE A CHANCE TO REVIEW HOW
17 MR. VAN GORKUM DESCRIBED THE SOUND OF THE VEHICLE THAT HE
18 OBSERVED ON APRIL 14th OF 2003?

19 MR. MC ALLISTER: OBJECTION, YOUR HONOR,
20 RELEVANCE.

21 THE COURT: WELL, MS. VANDENBOSCH.

22 MS. VANDENBOSCH: THE NEXT QUESTION WILL BE THE
23 QUESTION.

24 THE COURT: THE NEXT QUESTION WILL BE THE
25 QUESTION. OKAY. OVERRULED AT THIS TIME, WAITING FOR THE
26 MAGIC QUESTION.

27 BY MS. VANDENBOSCH:

28 Q. AND IN DOING SO, HAVE YOU -- IN REVIEWING

1 MR. VAN GORKUM'S PRIOR STATEMENTS AND TESTIMONY, HAVE YOU
2 FORMED AN OPINION AS TO WHETHER THE SOUND OF THE EXHAUST
3 SYSTEM MR. VAN GORKUM HEARD ON APRIL 14th OF 2003 IS
4 SIMILAR TO THE SOUND OF THE EXHAUST SYSTEM IN ERIC
5 ANDERSON'S VEHICLE?

6 MR. MC ALLISTER: OBJECTION, YOUR HONOR, CALLS
7 FOR IMPROPER CONCLUSION AND LACKS FOUNDATION.

8 THE COURT: SUSTAINED.

9 BY MS. VANDENBOSCH:

10 Q. IN YOUR EXPERT OPINION, IN YOUR OPINION, IS
11 THE -- DOES THE EXHAUST SYSTEM ON MR. ANDERSON'S VEHICLE
12 SOUND LIKE A MODIFIED EXHAUST SYSTEM?

13 A. ABSOLUTELY NOT.

14 MS. VANDENBOSCH: THANK YOU. I HAVE NO FURTHER
15 QUESTIONS.

16 THE COURT: MR. MC ALLISTER.

17 CROSS-EXAMINATION

19 BY MR. MC ALLISTER:

20 Q. SIR, I'LL TRY TO BE BRIEF. THE -- A DEFECTIVE
21 EXHAUST SYSTEM IS LOUD?

22 A. IT CAN BE.

23 Q. YOU OFTEN FIND THAT A -- AN EXHAUST SYSTEM WITH
24 A HOLE IN IT LIKE THE ONE YOU SAW IN THIS PARTICULAR FORD
25 BRONCO WOULD BE LOUD?

26 A. IT MORE THAN LIKELY WOULD BE LOUD.

27 Q. AND I BELIEVE YOU TESTIFIED EARLIER THAT PEOPLE
28 GO AHEAD AND DO MODIFICATIONS TO THEIR EXHAUST AND ONE OF

1 MECHANICAL THINGS AS WELL AS A WEAR OUT IN RUST.
2 Q. OKAY. WHEN YOU SAY "WEAR OUT IN RUST," WHAT
3 SPECIFICALLY ARE YOU REFERRING TO?
4 A. ONE OF THE -- ONE OF THE BY-PRODUCTS OF
5 COMBUSTION IN AN ENGINE, A GASOLINE ENGINE IS WATER VAPOR.
6 THE WATER VAPOR WILL POOL IN THE EXHAUST SYSTEM. IN THE
7 MORNINGS WHEN YOU START YOUR CAR, ESPECIALLY ON A COLD
8 MORNING, IT'S THAT WHITE VAPOR THAT APPEARS AT THE TAIL
9 PIPE. ON A WARMER DAY, YOU WON'T SEE IT. IF ANY OF YOU
10 ARE FROM THE SNOW BELT, YOU'LL SEE IT ALL DAY LONG AS THE
11 CAR'S -- EXCUSE ME -- BEING DRIVEN. THAT WATER VAPOR
12 PROMOTES RUSTING.
13 NOW, THE MORE THEY MAKE THE EXHAUST SYSTEM
14 A STAINLESS STEEL TYPE OF EXHAUST, LESS RUST TAKES PLACE.
15 AND THE MORE OF A STANDARD STEEL, THE GREATER THE RUSTING
16 OF THE EXHAUST SYSTEM.
17 Q. AND WOULD THE RUSTING OF AN EXHAUST SYSTEM,
18 WOULD THAT SOMETIMES CAUSE THERE TO BE A HOLE OR SOME TYPE
19 OF GAP IN THE -- IN THE MUFFLER SYSTEM OF THE VEHICLE?
20 A. CLASSICALLY, THE RUST HOLES ARE ON THE BOTTOM
21 WHERE THE WATER CONDENSES AND LITERALLY ROTS IT THROUGH.
22 Q. OKAY. WHEN YOU SAY "LITERALLY ROTS IT THROUGH,"
23 YOU MEAN IT ACTUALLY MAKES A HOLE IN THE METAL SO THAT
24 THERE ISN'T A HOLE IN THE ACTUAL MUFFLER OR IN SOME OTHER
25 PART OF THE EXHAUST SYSTEM?
26 A. WELL, OF COURSE, YOU CAN HAVE HOLES IN THE
27 PIPES, BUT IN THE MUFFLER, CLASSICALLY, IT'S IN THE SEAMS,
28 THE END CAPS, THEY ROT THROUGH.

1 Q. OKAY. NOW, YOU MENTIONED THAT YOU'RE ALSO
2 FAMILIAR WITH MODIFIED EXHAUST SYSTEMS --
3 A. YES.
4 Q. -- IS THAT RIGHT?
5 HOW CAN AN EXHAUST SYSTEM ON A PARTICULAR
6 VEHICLE BE MODIFIED?
7 A. WELL, YOU CAN START WITH HEADERS, EITHER EQUAL
8 IN LENGTH OR A SHORTIES, AND THEN A LARGER DIAMETER LIKE A
9 SPORTS PIPE. THEN A HIGH CAPACITY CATALYTIC CONVERTER
10 WHERE THE EXHAUST CAN GET THROUGH EASIER WITHOUT LESSENER
11 BACK PRESSURE AND THEN FINALLY, A HIGH PERFORMANCE
12 MUFFLER, LARGER INLET, LARGER OUTLET, ALLOWING THE EXHAUST
13 TO GET OUT EASIER.
14 Q. SO THERE ARE DIFFERENT TYPES OF WAYS THAT A
15 VEHICLE CAN BE MODIFIED?
16 A. YES, YOU CAN HAVE A CAT BACK SYSTEM THAT GIVES A
17 REAL ENTHUSIAST-TYPE NOTE TO THE CAR. YOU CAN HAVE A
18 FULL-FLEDGED EXHAUST SYSTEM WHERE ITS HEADERS, HIGH
19 PERFORMANCE CAT, AND THEN A SPORT EXHAUST SYSTEM AFTER
20 THAT.
21 Q. SO THERE ARE ESSENTIALLY, FROM WHAT YOU'RE
22 SAYING, THREE DIFFERENT -- THERE WOULD BE THREE DIFFERENT
23 WAYS TO MODIFY A EXHAUST SYSTEM ON A VEHICLE?
24 A. YES. HEADERS, HIGH PERFORMANCE CAP, HIGH
25 PERFORMANCE MUFFLER, LARGE CAP.
26 Q. DOES A MODIFIED EXHAUST SYSTEM, ANY ONE OF THE
27 THREE, DOES THAT ALSO CHANGE THE SOUND OF -- OF A VEHICLE
28 AS IT IS -- AS IT IS RUNNING?

1 A. ONE OF THE SELLING FACTORS OF A HIGH PERFORMANCE
2 EXHAUST SYSTEM IS THE SOUND. IT WILL CHANGE THE SOUND OF
3 THE VEHICLE. VERY FEW VEHICLES ARE MODIFIED TO MAKE THE
4 CARS QUIETER. A MODIFIED EXHAUST ENCOURAGES OR PROMOTES A
5 MORE ROBUST OR PULSATING SOUND.

6 Q. AND HOW -- WHAT -- WOULD THERE BE A DISTINCTION
7 BETWEEN THE SOUND OF AN ENGINE THAT HAS -- OR A SOUND OF A
8 VEHICLE THAT'S RUNNING ON A DEFECTIVE EXHAUST SYSTEM, SUCH
9 AS A HOLE IN THE MUFFLER AS OPPOSED TO A VEHICLE THAT'S
10 RUNNING ON A MODIFIED EXHAUST SYSTEM?

11 A. YES.

12 Q. AND WHAT IS THAT DISTINCTION?

13 A. WELL, THEY ARE DISTINGUISHABLE. A SPORT OR
14 MODIFIED EXHAUST SYSTEM WILL HAVE A PULSATION. IF IT HAS
15 HEADERS, YOU'LL HEAR A RESONING OR RINGING IN THE --
16 BESIDES THE TONE, IT GETS AWAY FROM A MONOTONE. IT -- IT
17 STARTS TO BECOME PULSED AND WHAT WE DESCRIBE IN THE -- IN
18 THE INDUSTRY AS ROBUST OR MUSCULAR. WE'RE A -- WHERE A
19 DEFECTIVE MUFFLER, THE NOISE BECOMES LOUD, BUT IT ALSO
20 TURNS INTO A MONOTONE AND SOMETIMES YOU'LL HEAR BACKFIRES
21 OUT OF THE MOTOR AS YOU GET OFF -- ESPECIALLY THE OLD
22 CARBURETOR DAYS, YOU'LL START HEARING SOME HORRENDOUS
23 BACKFIRES WITH HOLES IN THE MUFFLERS.

24 Q. NOW, MR. FOLCK, IN THE COURSE OF YOUR -- YOUR
25 TIME AS A -- AS A FORENSIC EXPERT, DID I ASK YOU TO
26 CONDUCT AN EVALUATION OF A PARTICULAR 1989 FORD BRONCO?

27 A. YES, YOU DID.

28 Q. AND DO YOU RECALL -- AND DID YOU DO SUCH AN

1 EVALUATION?

2 A. YES, I DID.

3 Q. AND DO YOU RECALL WHEN IT WAS THAT YOU DID THAT?

4 A. FEBRUARY THE 17th, 2005.

5 Q. AND DO YOU RECALL WHERE YOU DID THAT?

6 A. AT THE SHERIFF'S HOLDING YARD.

7 Q. ALL RIGHT.

8 A. IN WELD -- OFF OF WELD.

9 Q. OKAY. I'M GOING TO SHOW YOU WHAT'S BEEN MARKED
10 PEOPLE'S EXHIBIT 20, AND I'M GOING TO ASK YOU TO LOOK AT
11 THIS -- AT THIS EXHIBIT AND TELL ME WHETHER YOU RECOGNIZE
12 THE VEHICLE IN THIS EXHIBIT.

13 A. YES, I DO.

14 Q. OKAY. AND HOW DO YOU RECOGNIZE IT?

15 A. WELL, THE LICENSE NUMBER AND THE FRAME ARE ON
16 THE LICENSE NUMBER AND THEN THE OVERALL APPEARANCE. I
17 THINK -- I THINK THE NUMBERS ARE STILL ON THE WINDSHIELD.

18 Q. OKAY. AND IS THIS, IN FACT, THE VEHICLE THAT
19 YOU INSPECTED ON FEBRUARY 17th OF 2005?

20 A. YES, IT EVEN HAS WHAT APPEARS TO BE THE SAME
21 WHEELS, YES.

22 Q. OKAY. NOW, WHAT DID YOUR INSPECTION CONSIST OF?

23 A. MY CONCENTRATION WAS DIRECTED AT THE EXHAUST
24 SYSTEM TO ADDRESS THE ISSUE WHETHER IT WAS A MODIFIED
25 EXHAUST ON THE VEHICLE.

26 Q. AND WHAT DID YOU -- WHAT -- WHAT SPECIFICALLY
27 DID YOU DO TO DETERMINE WHETHER THIS VEHICLE HAD A
28 MODIFIED EXHAUST SYSTEM OR SOME SORT OF DEFECTIVE EXHAUST

1 SYSTEM?

2 A. I -- I RAISED THE HOOD; I EXAMINED THE VEHICLE
3 UNDER THE HOOD; I GOT UNDER THE VEHICLE; I EXAMINED THE
4 REST OF THE EXHAUST SYSTEM; AND THEN I ALSO STARTED THE
5 VEHICLE.

6 Q. OKAY. DID YOU -- IN THE COURSE OF YOUR
7 INSPECTION OF THIS VEHICLE, DID YOU FIND ANY INDICATION
8 THAT THE EXHAUST SYSTEM HAD BEEN -- HAD BEEN MODIFIED IN
9 ANY WAY FROM, LET'S SAY, STOCK OR FACTORY?

10 A. NO, MY INSPECTION REVEALED THE EXHAUST SYSTEM ON
11 THE VEHICLE WAS COMPLETELY ORIGINAL. IT WAS ALL STOCK.

12 Q. AND WITH RESPECT TO ANY DEFECTS IN THE EXHAUST
13 SYSTEM WHEN YOU INSPECTED IT, DID YOU FIND ANY?

14 A. YES. THERE WAS A NOTICEABLE HOLE IN THE FRONT
15 OF THE MUFFLER. (INDICATING.)

16 Q. NOW, YOU INSPECTED IT ON FEBRUARY 17th OF
17 2005. DID YOU ALSO HAVE AN OPPORTUNITY MORE RECENTLY TO
18 SEE THE VEHICLE AGAIN?

19 A. YES, AT THE INSPECTION DOWNSTAIRS BEHIND THE
20 COURTHOUSE.

21 Q. SO WAS THAT LAST FRIDAY?

22 A. YES, I BELIEVE IT WAS.

23 Q. FOR THE -- COULD YOU PUT UP AGAIN, YOU INDICATED
24 HOW BIG THE HOLE WAS WITH YOUR HANDS?

25 A. (INDICATING). WELL, THERE'S THE OUTLET OF THE
26 EXHAUST ENTERING THE MUFFLER AND ALL AROUND THAT OUTLET
27 THERE WAS A HOLE ROUGHLY ABOUT THIS BIG.

28 Q. AND FOR THE RECORD, YOU APPEAR TO HAVE YOUR HAND

1 WITH SORT OF -- PERHAPS A 5 -- 5- TO 6-INCH DIAMETER?

2 A. WE'LL CALL IT A 5-INCH HOLE.

3 Q. A 5-INCH HOLE. AND WAS THAT THE -- WAS THAT --
4 IS THAT WHAT YOU OBSERVED ON FEBRUARY 17th?

5 A. YES.

6 Q. AND, IN FACT, LAST FRIDAY DURING THE VIEWING,
7 DID YOU PLACE A SORT OF A MAGNETIC POINTING -- POINTING
8 STICK TO THE AREA WHERE YOU HAD OBSERVED THE HOLE?

9 A. WHERE THE -- WHERE THE HOLE WAS IN THE MUFFLER
10 AND THEN THE PIPE WENT INTO THE MUFFLER, I PLACED THE
11 MAGNET. SO IT TOUCHED THE PIPE ENTERING THE MUFFLER AND
12 SO THEN THE -- WELL, YOU COULDN'T SEE THE TOP OF THE HOLE,
13 BUT YOU COULD SEE THE REST OF THE HOLE AROUND THE MIDDLE
14 OF THE PIPE, I PLACED THE MAGNET ABOUT LIKE THAT.
15 (INDICATING.)

16 Q. FOR THE RECORD, YOU'RE, AGAIN, HOLDING UP YOUR
17 HAND, YOUR LEFT HAND IN SORT OF A -- TO SHOW A CIRCULAR
18 FORM AND USING YOUR -- YOUR RIGHT HAND TO INDICATE WHERE
19 THE -- WHERE THE HOLE IN THE MUFFLER WAS?

20 A. WHERE THE INLET PIPE AS WELL AS WHERE THE MAGNET
21 WAS.

22 Q. OKAY. THANK YOU.

23 NOW, MR. FOLCK, DID YOU -- IN THE COURSE OF
24 YOUR WORK WITH RESPECT TO THIS PARTICULAR FORD BRONCO, DID
25 YOU ALSO HAVE AN OPPORTUNITY TO REVIEW CERTAIN SEGMENTS OF
26 A POLICE REPORT?

27 A. YES.

28 Q. AND DID YOU, IN FACT, HAVE A CHANCE TO REVIEW A

1 A. IT LOOKS LIKE A PURPLE SHIRT.

2 MR. MCALLISTER: AND WE'RE BACK TO PURPLE, BUT I
3 THINK THE RECORD WILL REFLECT THE IDENTIFICATION,
4 YOUR HONOR?

5 THE COURT: IT WILL. HE'S IDENTIFIED MR. ERIC
6 ANDERSON.

7 MR. MCALLISTER: THANK YOU.

8 BY MR. MCALLISTER:

9 Q. SIR, BACK IN 2003, DID YOU RENT A
10 CONDOMINIUM TO MR. ANDERSON?

11 A. YES.

12 Q. AND WERE THERE ALSO OTHER PEOPLE STAYING
13 THERE AT THE CONDOMINIUM THAT YOU RENTED TO?

14 A. OUR TWO SONS.

15 Q. YOUR TWO SONS?

16 A. YES.

17 Q. AND WHAT WERE THEIR NAMES, SIR?

18 A. JAMES AND RICK.

19 Q. NOW, WHEN YOU RENTED THAT CONDOMINIUM TO
20 MR. ANDERSON, WERE YOU AWARE OF THE FACT THAT HE WAS
21 ON PAROLE?

22 A. NO.

23 Q. WITH RESPECT TO YOUR SON JAMES, WERE YOU
24 AWARE OF THE FACT THAT HE WAS ON PAROLE?

25 A. YES.

26 Q. ABOUT HOW LONG A PERIOD OF TIME WOULD YOU
27 SAY IT WAS THAT YOU RENTED PART OF THAT CONDOMINIUM
28 TO MR. ANDERSON?

1 A. OH, GOLLY, I'LL GUESS A YEAR, MAYBE.

2 Q. AND WERE YOU AWARE DURING THAT PERIOD OF
3 THE YEAR WHAT VEHICLE MR. ANDERSON DROVE ON A
4 REGULAR BASIS?

5 A. FORD BRONCO.

6 Q. FORD BRONCO?

7 A. AND A MOTORCYCLE.

8 Q. AT SOME POINT IN TIME AFTER -- ON OR AFTER
9 FEBRUARY -- I'M SORRY, APRIL THE 24TH OF 2003, DID
10 YOU ACTUALLY DRIVE THAT BRONCO?

11 A. YES.

12 Q. AND WHERE DID YOU START FROM WITH THAT
13 DRIVE?

14 A. FROM THE CONDO.

15 Q. AND WHERE DID YOU DRIVE THE VEHICLE TO?

16 A. TO MY HOME IN EL CAJON.

17 Q. AND HOW WOULD YOU DESCRIBE THE SOUND OF
18 THAT VEHICLE?

19 A. LIKE A BRONCO, I GUESS. I --

20 Q. DID IT SEEM NORMAL, OR DID IT SEEM LOUD, OR
21 WERE THERE ANY CHARACTERISTICS ABOUT IT THAT YOU
22 NOTICED?

23 A. NO, NOT REALLY.

24 Q. WHEN YOU TOOK THE -- LET ME ASK YOU -- ASK
25 IT TO YOU THIS WAY: DID YOU BECOME AWARE AT SOME
26 POINT IN TIME THAT A FORD F-150 THAT YOU WERE PART
27 OWNER OF HAD BEEN TAKEN BY MR. ANDERSON?

28 A. YES.

1 BY MS. VANDENBOSCH:

2 Q. GOOD MORNING, MR. FOLCK.

3 A. GOOD MORNING.

4 Q. MR. FOLCK, I APOLOGIZE FOR CALLING YOU
5 BACK, BUT WHEN YOU TESTIFIED LAST WEEK, I FORGOT TO
6 ASK YOU A QUESTION. YOU INDICATED THAT AS PART OF
7 YOUR INVESTIGATION IN THIS CASE, YOU HAD EXAMINED
8 THE FORD BRONCO, WHICH IS DEPICTED IN PEOPLE'S
9 EXHIBIT 20; IS THAT RIGHT?

10 A. YES.

11 Q. OKAY. NOW, MR. FOLCK, WHAT IS MEANT BY THE
12 TERM "LIFTED," AS IT REFERS TO A VEHICLE?

13 A. WELL, USUALLY YOU'RE REFERRING TO A TRUCK
14 OR A SUV WHERE IT'S BEEN LIFTED; THE BODY IS LIFTED
15 OFF THE SUSPENSION. THE SUSPENSION IS FARTHER DOWN
16 TO GIVE IT AN OVERALL HIGHER RIDE HEIGHT.

17 Q. OKAY. AND YOU DID HAVE A CHANCE TO EXAMINE
18 THE FORD BRONCO DEPICTED IN PEOPLE'S EXHIBIT 20; IS
19 THAT RIGHT?

20 A. YES, I DID.

21 Q. AND DURING THE EXAMINATION OF THAT VEHICLE,
22 WAS THERE ANY INDICATION THAT THE VEHICLE HAD BEEN
23 LIFTED IN ANY WAY?

24 A. NO. THE VEHICLE HAS NOT BEEN LIFTED. THIS
25 IS THE WAY THE VEHICLE WAS MANUFACTURED. THIS IS
26 STOCK.

27 MS. VANDENBOSCH: THANK YOU.

28 I HAVE NO FURTHER QUESTIONS.

1 THE COURT: MR. MCALLISTER?

2 MR. MCALLISTER: I HAVE NO FURTHER QUESTIONS. I
3 HAVE NO QUESTIONS AT ALL.

4 THE COURT: MR. ROAKE, ANYTHING?

5 MR. ROAKE: NO.

6 THANK YOU, YOUR HONOR.

7 THE COURT: THANK YOU FOR COMING BACK. YOU'RE
8 FREE TO GO.

9 MS. VANDENBOSCH: NEXT THE DEFENSE WOULD CALL
10 SERGEANT SERRITELLA. —

11
12
13 CHRISTOPHER SERRITELLA,

14 CALLED AS A WITNESS ON BEHALF OF THE
15 DEFENDANT ANDERSON, HAVING BEEN FIRST DULY SWORN,
16 TESTIFIED AS FOLLOWS:

17
18 THE COURT: GOOD MORNING, SIR.

19 THE WITNESS: GOOD MORNING.

20 THE CLERK: WOULD YOU PLEASE STATE YOUR FULL
21 NAME AND SPELL YOUR NAME FOR THE RECORD.

22 THE WITNESS: IT'S CHRISTOPHER SERRITELLA.
23 S-E-R-R-I-T-E-L-L-A.

24 THE CLERK: THANK YOU.

25
26
27 DIRECT EXAMINATION

28 BY MS. VANDENBOSCH:

1 Q. DID YOU EVER SEE HIM WITH A GOOFY-LOOKING
2 SALT-AND-PEPPER WIG?

3 A. NO.

4 Q. DID YOU EVER SEE HIM WITH ANY FALSE BEARDS?

5 A. NO.

6 Q. NOW, AROUND THE MIDDLE OF APRIL OF 2003,
7 DID YOU SEE ANY NEWS COVERAGE CONCERNING THE BRUCKER
8 HOMICIDE?

9 A. YES.

10 Q. WAS ERIC WITH YOU AT THAT TIME?

11 A. NO, HE WASN'T.

12 Q. WERE YOU EVER IN A ROOM WITH ERIC ANDERSON
13 WHEN THE COVERAGE OF THE BRUCKER HOMICIDE WAS AIRED
14 ON T.V. AND HE TOLD SOMEBODY TO "SHUT THE FUCK UP"?

15 A. NO, NEVER.

16 Q. WERE YOU EVER WITH A FELLOW BY THE NAME OF
17 TRAVIS NORTHCUTT WATCHING T.V. AT YOUR CONDOMINIUM
18 THAT CONTAINED COVERAGE OF THE BRUCKER HOMICIDE?

19 A. NO.

20 Q. NOW, MR. STEVENS, DID YOU ACQUIRE A VEHICLE
21 AFTER YOU WERE PAROLED?

22 A. YES, I DID.

23 Q. AND WHAT KIND OF A VEHICLE IS THAT?

24 A. IT WAS A FORD F-150.

25 Q. AND WHAT COLOR THAT WAS?

26 A. WHITE.

27 Q. ARE YOU FAMILIAR WITH WHAT KINDS OF
28 VEHICLES ERIC ANDERSON DROVE WHEN HE WAS LIVING WITH

1 YOU?

2 A. YES.

3 Q. AND WHAT KIND OF VEHICLES WERE THOSE?

4 A. HIS FIRST WAS A SMALL PICKUP TRUCK, THE
5 SECOND WAS A MID-SIZED DODGE, AND THE THIRD ONE WAS
6 A FORD BRONCO, AND HE ALSO HAD A HARLEY-DAVIDSON
7 MOTORCYCLE.

8 Q. MR. STEVENS, I'M GOING TO SHOW YOU WHAT'S A
9 VEHICLE DEPICTED IN PEOPLE'S EXHIBIT 20, FOUR
10 PHOTOGRAPHS. I'M GOING TO ASK YOU IF YOU RECOGNIZE
11 THE VEHICLE IN THAT EXHIBIT.

12 A. YES, I DO. IT WAS ERIC'S FORD BRONCO.

13 Q. THAT'S THE BRONCO THAT YOU'RE REFERRING TO?

14 A. YES.

15 Q. NOW, DO YOU RECALL WHEN ERIC ANDERSON GOT
16 THAT PARTICULAR FORD BRONCO?

17 A. YES, I DO.

18 Q. AND APPROXIMATELY WHEN WAS THAT?

19 A. IT WAS THE EARLY PART OF 2003, I BELIEVE.

20 Q. DID YOU EVER DRIVE THAT FORD BRONCO?

21 A. YES.

22 Q. AND HOW OFTEN DID YOU DRIVE IT?

23 A. JUST -- NOT ANY SCHEDULED TIME, BUT I DROVE
24 IT FROM TIME TO TIME.

25 Q. WAS IT UNUSUAL FOR ERIC ANDERSON AND YOU TO
26 SHARE VEHICLES?

27 A. NOT UNUSUAL, NO.

28 Q. DID ERIC ANDERSON DRIVE YOUR FORD F-150?

1 A. YES.

2 Q. AND YOU DROVE HIS FORD BRONCO?

3 A. I DROVE THE FORD BRONCO AND LOVED TO DRIVE
4 HIS MOTORCYCLE.

5 Q. DID YOU HAVE YOUR OWN SET OF KEYS TO THE
6 FORD BRONCO?

7 A. YES, I DID.

8 Q. NOW, MR. ANDERSON [SIC], I AM GOING TO --
9 LET ME ASK YOU THIS: WHEN YOU DROVE THE FORD
10 BRONCO, WAS IT UNUSUAL FOR YOU TO LEAVE ITEMS IN THE
11 FORD BRONCO?

12 A. YES.

13 Q. WAS IT UNUSUAL?

14 A. NO, IT WAS NOT UNUSUAL, I'M SORRY.

15 Q. I AM GOING TO SHOW YOU WHAT'S BEEN MARKED
16 AS DEFENSE EXHIBIT C, WHICH IS A DOCUMENT THAT IS --
17 THAT'S HEADED "PAPERS FROM CENTER CONSOLE, FORD
18 BRONCO," WHICH HAS BEEN IDENTIFIED AS PAPERWORK THAT
19 WAS TAKEN FROM THE FORD BRONCO.

20 AND WHAT I'M GOING TO ASK YOU TO DO IS I'M
21 GOING TO ASK YOU TO LOOK THROUGH THAT PAPERWORK, AND
22 I'M GOING TO ASK YOU TO -- I'M GOING TO GIVE YOU A
23 GREEN PEN, AND I'M GOING TO ASK YOU TO MARK THE
24 PAPERWORK THAT YOU CAN IDENTIFY AS BELONGING TO YOU.

25 THE COURT: THERE'S A LOT OF PAGES.

26 MS. VANDENBOSCH: I COULDN'T THINK OF A BETTER
27 WAY TO DO IT.

28 THE COURT: WHY DON'T WE DO THIS. YOU CAN THEN

1 INQUIRE AFTERWARDS IF HE DID IT ACCURATELY. WE'LL
2 TAKE OUR NOON RECESS, AND HE CAN REMAIN IN COURT AND
3 DO THAT, AND WE CAN WE CAN CONTINUE WITH THE
4 QUESTIONING.

5 I'M NOT SURE IF YOU'RE GOING TO NEED ALL
6 THE TIME BEFORE NOON FOR DIRECT EXAMINATION. I
7 GUESS WHAT I'M SUGGESTING IS: WE COULD USE THE TIME
8 IN COURT MORE EFFICIENTLY, HAVE HIM CHECK THAT OFF
9 OUT OF THE PRESENCE OF THE JURY.

10 MS. VANDENBOSCH: RIGHT.

11 THE COURT: HE'LL BE BACK.

12 MS. VANDENBOSCH: RIGHT.

13 SO DOES THE COURT WANT TO RECESS AT THIS
14 TIME?

15 THE COURT: NO, NO, NO.

16 MS. VANDENBOSCH: OH, I'LL HAVE HIM DO THIS OVER
17 THE LUNCH HOUR.

18 THE COURT: YES.

19 MS. VANDENBOSCH: OKAY.

20 BY MS. VANDENBOSCH:

21 Q. NOW, YOU MENTIONED, MR. STEVENS, THAT YOU
22 ARE THE REGISTERED OWNER OF THE FORD F-150; IS THAT
23 RIGHT?

24 A. YES, THAT'S CORRECT.

25 Q. AND YOU WERE THE REGISTERED OWNER OF THAT
26 VEHICLE THROUGH THE ENTIRE TIME FROM -- THAT
27 ERIC ANDERSON WAS LIVING WITH YOU?

28 A. YES.

1 Q. AND YOU WERE NOT THE ONLY PERSON WHO DROVE
2 THE VEHICLE; IS THAT RIGHT?

3 A. NO.

4 MR. MCALLISTER: YOUR HONOR, I'M GOING TO OBJECT
5 AS TO LEADING.

6 THE COURT: SUSTAINED.

7 MS. VANDENBOSCH: I'M SORRY, WHAT WAS THE
8 OBJECTION?

9 THE COURT: LEADING.

10 BY MS. VANDENBOSCH:

11 Q. WHO ELSE DROVE THE VEHICLE?

12 A. ERIC ANDERSON AND MARCEL NICHOLS, ANOTHER
13 FRIEND OF MINE.

14 Q. HOW OFTEN DID ERIC ANDERSON DRIVE THE FORD
15 F-150?

16 A. ACTUALLY, QUITE A BIT, ONCE HE DIDN'T HAVE
17 HIS TRUCK. THE BRONCO WASN'T NECESSARILY A TRUCK.
18 AND MY TOOLS BEING IN IT, HE USED MY TOOLS QUITE A
19 BIT, ALSO.

20 Q. WAS IT UNUSUAL FOR ERIC ANDERSON TO KEEP
21 YOUR BRONCO OVERNIGHT?

22 THE COURT: KEEP THE BRONCO OVERNIGHT OR THE --

23 MS. VANDENBOSCH: I'M SORRY. THANK YOU.

24 BY MS. VANDENBOSCH:

25 Q. WAS IT UNUSUAL FOR ERIC ANDERSON TO KEEP
26 YOUR FORD F-150 OVERNIGHT?

27 A. NO, IT'S NOT UNUSUAL.

28 Q. DID YOU KEEP PERSONAL ITEMS IN BOTH THE

1 FORD BRONCO AND THE F-150?

2 A. YES.

3 Q. NOW, MR. STEVENS, YOU'VE INDICATED THAT YOU
4 WORK -- AT SOME POINT, YOU WORKED FOR A COMPANY
5 CALLED DIVISION 10?

6 A. YES.

7 Q. WHO WAS YOUR EMPLOYER WHEN YOU WORKED FOR
8 DIVISION 10?

9 A. JEFF AND JEANNE.

10 Q. WHEN YOU SAY "JEFF"?

11 A. JEFF GARDNER AND JEANNE LUKE.

12 Q. WHEN DID YOU START WORKING FOR DIVISION 10?

13 A. IT WAS A FEW MONTHS BEFORE THE PAROLE
14 SEARCH WAS HELD AT THE CONDO.

15 Q. AND YOU'VE IDENTIFIED THAT AS AROUND
16 APRIL 24TH OF 2003?

17 A. YES, THAT'S CORRECT.

18 Q. WHAT KIND OF WORK WERE YOU DOING FOR
19 DIVISION 10?

20 A. INSTALLATION OF BATHROOM ACCESSORIES,
21 BATHROOM STALLS, THAT TYPE OF THING.

22 Q. THAT WAS A DIFFERENT TYPE OF WORK THAN YOU
23 HAD BEEN DOING PREVIOUSLY FOR DE LA ROSA AND BO MEL;
24 IS THAT RIGHT?

25 A. THAT'S CORRECT. I MET JEFF AT ONE OF THE
26 CONSTRUCTION COMPANIES, D.L.R., AND WHEN HE WENT OUT
27 DOING THIS, THEN, KIND OF AS A FAVOR, I WENT WITH
28 HIM TO KIND OF GET THINGS STARTED.

1 Q. DID YOU EVER WORK FOR DIVISION 10 IN
2 APRIL OF 2003?

3 A. YES.

4 Q. DID YOU EVER WORK WITH ERIC ANDERSON AT
5 DIVISION 10?

6 A. YES, ONE TIME.

7 Q. ONE TIME?

8 A. YES.

9 Q. DO YOU RECALL WHAT THE DATE WAS THAT YOU
10 WORKED WITH ERIC ANDERSON AT DIVISION 10?

11 A. YES, I DO.

12 Q. WHAT DATE WAS THAT?

13 A. THE 15TH OF APRIL.

14 Q. AND DO YOU RECALL HOW IT WAS THAT YOU MADE
15 ARRANGEMENTS WITH ERIC ANDERSON TO WORK WITH YOU ON
16 THE 15TH?

17 A. I REMEMBER HE WAS USING MY TRUCK, SO I
18 NEEDED TO GET MY TRUCK BACK OR HAVE HIM WORK WITH
19 ME.

20 Q. WHAT DAY ARE WE TALKING ABOUT THAT HE WAS
21 USING YOUR TRUCK?

22 A. THAT WOULD BE THE DAY BEFORE.

23 Q. SO APRIL 14TH?

24 A. YES, MA'AM.

25 Q. SO WHAT EXACTLY DID YOU DO TO TRY AND
26 CONTACT ERIC ANDERSON?

27 A. I BELIEVE IT WAS BY PHONE.

28 Q. NOW, LET ME ASK YOU THIS, MR. STEVENS: DID

1 YOU AND ERIC ANDERSON SHARE A PHONE PLAN?

2 A. YES, WE DID.

3 Q. AND WAS IT ONE OF THESE PHONE PLANS WHERE
4 THE PARTIES CAN TALK TO ONE ANOTHER FREE OF CHARGE?

5 A. YES. THAT WAS THE INTENT, BEING ON THE
6 SAME PHONE PLAN.

7 Q. WAS IT UNUSUAL FOR YOU TO TALK TO
8 MR. ANDERSON USING THE CELL PHONE?

9 A. NO, NOT UNUSUAL AT ALL. AS A MATTER OF
10 FACT, SOMETIMES HE WOULD CALL ME FROM HIS ROOM TO
11 MINE.

12 MS. VANDENBOSCH: I'M GOING TO TRY AND FIND A
13 PHOTOBOARD. THIS MAY HAVE BEEN THE ONE THAT
14 MR. MCALLISTER WAS LOOKING FOR EARLIER. IT'S RIGHT
15 HERE.

16 BY MS. VANDENBOSCH:

17 Q. THIS IS PEOPLE'S EXHIBIT 55. BEFORE I SHOW
18 YOU THE EXHIBIT, I'M GOING TO ASK YOU, AS YOU SIT
19 HERE TODAY, DO YOU REMEMBER WHAT YOUR PHONE NUMBER
20 WAS BACK IN APRIL OF 2003?

21 A. NOT REALLY. 200 WAS THE FIRST THREE
22 NUMBERS.

23 Q. I'M GOING TO SHOW YOU WHAT'S BEEN MARKED
24 PEOPLE'S EXHIBIT 55, WHICH IS AN EXHIBIT DATED
25 "APRIL 14TH, 2003, ERIC ANDERSON'S CELL PHONE," AND
26 IT HAS A CERTAIN CELL PHONE NUMBER. I'M GOING TO
27 ASK YOU TO LOOK AT THAT EXHIBIT AND SEE IF YOU
28 RECOGNIZE ANY NUMBERS ON THE EXHIBIT.

MR. MCALLISTER: OBJECTION, YOUR HONOR, THAT'S BEEN ASKED AND ANSWERED.

THE COURT: ALL RIGHT. I AM NOT SURE IF IT HAS OR NOT. I'M GOING TO OVERRULE THE OBJECTION AND YOU CAN GIVE THE ANSWER.

THE WITNESS: ERIC ANDERSON.

BY MS. VANDENBOSCH:

Q. WHERE WAS THE FORD BRONCO, IF YOU KNOW?

A. IT WAS IN THE CARPORT AT THE CONDO.

Q. NOW, MR. STEVENS, I DO WANT TO GO TO THAT PACKET OF PAPERS YOU HAVE IN FRONT OF YOU. AND IT'S THE PACKET THAT HAS BEEN MARKED DEFENSE EXHIBIT "C" -- EXCUSE ME, "Z". AND DID YOU HAVE AN OPPORTUNITY OVER THE LUNCH HOUR TO GO THROUGH THAT DOCUMENT, PAGE BY PAGE?

A. YES, I DID.

Q. OKAY. AND DID YOU IN ANY WAY IDENTIFY PAPERWORK THAT BELONGED TO YOU?

A. YES, I -- I INITIALED THE THINGS WITH "JS" AT THE BOTTOM.

Q. AND I'M NOTING AT LEAST ON THE FIRST PAGE OF THAT EXHIBIT -- OR I SHOULD SAY THE SECOND PAGE THERE IS A "JS" IN GREEN PEN. IS THAT HOW YOU IDENTIFIED ALL THE DOCUMENTS THAT BELONGED TO YOU?

A. YES, IT IS.

Q. OKAY. NOW, WERE THERE ANY DOCUMENTS IN THAT PARTICULAR PACKET THAT WERE DATED AFTER APRIL 14TH OF 2003?

A. I DIDN'T CHECK THE DATES ON THEM.

Q. OKAY. REFERRING YOU SPECIFICALLY -- I APOLOGIZE. DO YOU KNOW WHERE THE DIVISION 10 PAPERWORK IS? WHY DON'T YOU LOOK --

THE COURT: HOLD ON. YOU'RE GOING TO HAVE TO AVOID THE PRIVATE CONVERSATION BECAUSE KATIE HAS TO TAKE EVERYTHING DOWN.

MS. VANDENBOSCH: OKAY.

I APOLOGIZE, YOUR HONOR. I WAS HOPING TO HAVE THIS IDENTIFIED PRIOR. OKAY.

BY MS. VANDENBOSCH:

Q. OKAY. REFERRING YOU SPECIFICALLY TO A DOCUMENT THAT IS ENTITLED -- IT HAS THE NAME POTTER ROEMER, R-O-E-M-E-R, AND IT INDICATES A WORK ORDER. AND IT HAS A SIGNATURE AT THE BOTTOM AND YOU'VE MARKED THAT WITH THE GREEN INITIALS "JS."

COULD YOU TELL US WHAT THE DATE ON THAT PARTICULAR PAPERWORK IS.

A. YES. THAT WOULD BE 4-22-03.

Q. AND DO YOU REMEMBER RECEIVING THIS PARTICULAR PAPERWORK?

A. YES, I DO.

MR. MCALLISTER: YOUR HONOR, I'M GOING TO OBJECT AS TO RELEVANCE.

THE COURT: OVERRULED.

THE WITNESS: POTTER ROEMER IS ONE OF THE DISTRIBUTORS FOR THE STUFF THAT WE WOULD INSTALL.

BY MS. VANDENBOSCH:

1 Q. OKAY. YOU NEED TO SPEAK UP.

2 A. OKAY. POTTER ROEMER IS ONE OF THE
3 DISTRIBUTORS FOR SOME OF THE STUFF THAT WE
4 INSTALLED.

5 Q. OKAY. AND WHEN YOU SAY "WE INSTALLED," WHO
6 DO YOU MEAN?

7 A. WELL, DIVISION 10.

8 Q. OKAY. AND THEN I'M GOING TO REFER YOU TO A
9 PAGE RIGHT AFTER THAT THAT HAS THE HEADING "MESA
10 FASTENER, INC.," AND IT HAS A -- IT SAYS, "PICK
11 TICKET." AND IT ALSO HAS A "JS" IN GREEN ON THAT
12 PAGE.

13 DO YOU RECOGNIZE THAT?

14 A. YES. THAT'S THE FASTENERS THAT WE USE AND
15 I WENT AND PICKED THOSE UP. AND SO THEY NOT ONLY --
16 THE COURT REPORTER: I'M SORRY, "THEY NOT ONLY
17 THEIR" --

18 THE WITNESS: -- THE PAPERWORK AND THE FASTENER
19 WERE TOGETHER.

20 BY MS. VANDENBOSCH:

21 Q. NOW, THERE APPEARS TO BE A SIGNATURE DOWN
22 AT THE BOTTOM AS RECEIVED BY?

23 A. YES. EVERYTHING I PICKED UP, I SIGNED THE
24 PAPERWORK FOR.

25 Q. IS THAT YOUR SIGNATURE ON THE BOTTOM OF
26 THAT PAGE?

27 A. YES, IT IS.

28 Q. FOR THE RECORD, THAT IS DISCOVERY PAGE

1 NO. 006851.

2 LIKEWISE, ON PAGE 006850 THERE IS A
3 SIGNATURE. DO YOU RECOGNIZE THAT SIGNATURE?

4 A. YES. THAT'S MINE.

5 Q. OKAY. AND THAT WAS FOR THE ONE DATED
6 4-22-03?

7 A. THAT'S CORRECT.

8 Q. NOW, WHAT ABOUT THE ONE WE JUST TALKED
9 ABOUT, THE MESA FASTENER WITH YOUR SIGNATURE DOWN AT
10 THE BOTTOM? IS THERE A DATE ASSOCIATED WITH THAT
11 PAPERWORK?

12 A. YEAH. THAT'S 4-21-03.

13 Q. OKAY. THANK YOU. NOW, MR. STEVENS, I -- I
14 HAD STARTED TO ASK YOU EARLIER ABOUT A DRIVER'S
15 LICENSE. DO YOU REMEMBER THAT?

16 A. YES, I DO.

17 Q. I HAD ASKED YOU WHETHER YOU STILL HAD
18 CERTAIN ITEMS OF MR. ANDERSON IN YOUR -- IN YOUR
19 POSSESSION?

20 A. THAT'S RIGHT.

21 Q. OKAY. I'M SHOWING YOU WHAT'S BEEN MARKED
22 DEFENSE EXHIBIT "DD," AND I'M GOING TO ASK YOU
23 WHETHER YOU RECOGNIZE THAT.

24 (EXH. DFT'S DD WAS IDENTIFIED.)

25 THE WITNESS: YES, I DO.

26 BY MS. VANDENBOSCH:

27 Q. HOW DO YOU RECOGNIZE IT?

28 A. I RECOGNIZE IT BECAUSE IT'S ERIC'S DRIVER'S

1 DIDN'T USE THE PHONE FOR ANYTHING OTHER THAN THE
2 INTERNET.

3 Q. AND AFTER -- AFTER TRAVIS NORTHCUTT MOVED
4 OUT, DID -- WERE THERE ANY MORE LONG DISTANCE CALLS
5 ON THE PHONE BILLS, TO YOUR KNOWLEDGE?

6 A. NO, THERE WASN'T.

7 Q. OKAY. AND DO YOU RECALL -- WHEN YOU SAID
8 MR. NORTHCUTT HAD FAMILY UP NORTH AND USED TO CALL
9 UP NORTH, DO YOU RECALL WHICH -- WHICH AREA OF
10 CALIFORNIA WE'RE TALKING ABOUT?

11 A. I BELIEVE IT WAS SACRAMENTO. I'M NOT SURE.

12 Q. OKAY. THANK YOU. NOW, MR. STEVENS, WERE
13 YOU PRESENT AT THE HOME -- AT THE CONDO ON ROBINSON
14 WHEN A PAROLE SEARCH WAS CONDUCTED?

15 A. YES, I WAS.

16 Q. AND DO YOU RECALL WHAT TIME OF DAY THAT
17 PAROLE SEARCH WAS CONDUCTED?

18 A. WELL, I -- AROUND 6:15, 6:30 IS WHEN I
19 NOTICED IT, YES.

20 Q. OKAY. WAS IT 6:15, 6:30 IN THE MORNING OR
21 IN THE EVENING?

22 A. IN THE MORNING, YES.

23 Q. IN THE MORNING?

24 A. YES.

25 Q. WAS ERIC ANDERSON HOME WHEN THAT PAROLE
26 SEARCH WAS CONDUCTED?

27 A. NO, HE WAS NOT.

28 Q. WHOSE VEHICLE DID HE HAVE?

1 A. HE HAD MY TRUCK.

2 Q. TO YOUR KNOWLEDGE, HAD ERIC ANDERSON BEEN
3 HOME THE PREVIOUS EVENING?

4 A. YES, HE HAD.

5 Q. DO YOU KNOW WHETHER HE ACTUALLY SLEPT AT
6 THE APARTMENT THAT NIGHT?

7 A. I'M ASSUMING, BECAUSE HE WASN'T THERE AT
8 THAT TIME OF THE MORNING, THAT HE HADN'T.

9 Q. OKAY. NOW, FINALLY, MR. STEVENS, I'M GOING
10 TO ASK YOU, YOU HAVE PRIOR FELONY CONVICTIONS; IS
11 THAT RIGHT?

12 A. YES, I DO.

13 Q. OKAY. IN FACT, YOU HAVE A COUPLE OF WHAT
14 WE CALL AUTO THEFTS, VEHICLE CODE SECTION 10851'S
15 BACK IN 1986; IS THAT RIGHT?

16 A. THAT'S CORRECT.

17 Q. AND THEN YOU HAVE AN AUTO THEFT IN 1987?

18 A. YES.

19 Q. AND YOU HAVE ANOTHER AUTO THEFT IN 1992?

20 A. YES.

21 Q. AND 1993?

22 A. YES.

23 Q. AND YOU ALSO HAD WHAT THEY -- WHAT THEY
24 LABELED AN ESCAPE CONVICTION IN 1986; IS THAT RIGHT?

25 A. THAT'S CORRECT.

26 Q. AND YOUR LAST FELONY CONVICTION WAS IN
27 1996; IS THAT RIGHT?

28 A. YES, IT WAS.

1 IT WAS RETURNED PURSUANT TO AN S.D.T. OR WHETHER IT
2 WAS HANDED OVER IN DISCOVERY -- ON THE ISSUE OF THAT
3 TELEPHONE NUMBER AND CALLS MADE FROM THAT NUMBER.

4 MY RECOLLECTION IS THAT THE BILLING PERIOD
5 GOES THROUGH A LONGER PERIOD OF TIME, BUT THE CALL
6 DETAIL DOES NOT. IN OTHER WORDS, THE BILLING, I
7 BELIEVE, WENT THROUGH MAY.

8 IS THAT YOUR RECOLLECTION, MR. BAKER?

9 MR. BAKER: YES.

10 MR. MCALLISTER: BUT THERE IS NO CALL FOR
11 BILLING PAST FEBRUARY.

12 MS. VANDENBOSCH: AND THAT'S PRECISELY BECAUSE
13 THERE WERE NO LONG-DISTANCE CALLS MADE USING THE
14 HOME PHONE AFTER FEBRUARY 28TH OF 2003.

15 THE COURT: AS TO THE DRIVER'S LICENSE, IT LOOKS
16 LIKE THERE'S SOME PROBATIVE VALUE. DO YOU WANT TO
17 BE HEARD REGARDING THAT?

18 MR. MCALLISTER: NO, YOUR HONOR.

19 THE COURT: AS TO THE PHONE CALLS, ASSUMING
20 THERE IS FOUNDATION AND YOU'RE SAYING THERE WAS AN
21 AGREEMENT, IT APPEARS THAT THERE IS A DISPUTE ABOUT
22 WHETHER MR. NORTHCUTT WOULD HAVE BEEN AT THE HOME AT
23 A TIME WHERE THESE COMMENTS COULD HAVE BEEN MADE
24 ABOUT THE MURDER.

25 AND I DO BELIEVE MR. NORTHCUTT ESTIMATED
26 THAT HE LEFT SOMETIME IN MARCH, BUT HE RETURNED. I
27 THINK THIS IS RELEVANT. IT HAS PROBATIVE VALUE AS
28 TO WHEN HE ACTUALLY DEPARTED. SO OVER THE OBJECTION

Rec'd, Mr. Baker!

1 OF THE PEOPLE, IT WILL BE ALLOWED.

2 IS THERE ANYTHING ELSE WE WERE GOING TO
3 COVER DURING THE LUNCH BREAK?

4 MS. VANDENBOSCH: I DON'T THINK SO.

5 THE COURT: OKAY.

6 MS. VANDENBOSCH: WILL THE COURT BE OPEN AT
7 1:15? I DON'T WANT TO TAKE THE EXHIBIT OUT WITH ME,
8 OBVIOUSLY.

9 THE CLERK: YES, IF THE BAILIFFS ARE HERE.

10 MR. MCALLISTER: YOUR HONOR, WE DON'T HAVE TO
11 RETURN UNTIL 1:30, CORRECT?

12 THE COURT: NO, 1:30.

13 THANK YOU, COUNSEL.

14 (LUNCHEON RECESS.)

1 A. YES, MA'AM.

2 Q. AND IT WAS JUST THAT MORNING ON MAY 15TH
3 PRIOR TO SPEAKING WITH THE DETECTIVES THAT YOU HAD
4 READ IN THE NEWSPAPER THAT ERIC ANDERSON WAS A
5 SUSPECT IN THIS CASE?

6 MR. MCALLISTER: OBJECTION, YOUR HONOR, COUNSEL
7 IS LEADING.

8 THE COURT: SUSTAINED.

9 BY MS. VANDENBOSCH:

10 Q. HOW DID YOU LEARN THAT ERIC ANDERSON WAS A
11 SUSPECT?

12 MR. MCALLISTER: OBJECTION, EXCEEDS THE SCOPE.

13 THE COURT: I'M ASSUMING THIS IS TO GO BACK IN
14 TERMS OF THE POSSIBLE STATEMENTS, CONSISTENT OR
15 INCONSISTENT?

16 MS. VANDENBOSCH: YES.

17 THE COURT: OVERRULED.

18 THE WITNESS: IT WAS THAT SAME CORRECTIONAL
19 OFFICER THAT HAD COME UP WITH THE STRESSED ERIC
20 THING. HE TOLD ME THAT HE HAD SEEN IT IN THE
21 NEWSPAPER.

22 MR. MCALLISTER: OBJECTION, YOUR HONOR, THE
23 WITNESS IS OFFERING HEARSAY, NONRESPONSIVE.

24 THE COURT: SUSTAINED. THE QUESTION IS HOW HE
25 FIRST BECAME AWARE OF IT. THE NEWSPAPER.

26 BY MS. VANDENBOSCH:

27 Q. HOW DID YOU FIRST BECOME AWARE?

28 A. SOMEONE TOLD ME ABOUT THE ARTICLE. I

Very early on Dec 4813

1 DIDN'T SEE IT FOR MYSELF.

2 Q. ABOUT THE ARTICLE?

3 A. YES, SIR -- YES, MA'AM.

4 Q. AND ARE YOU REFERRING TO AN ARTICLE IN THE
5 NEWSPAPER?

6 A. YES, MA'AM.

7 Q. AND IN THAT STATEMENT TO DETECTIVE
8 SERRITELLA AND HIS COLLEAGUE, YOU TOLD THEM -- THEY
9 WERE SPECIFICALLY ASKING YOU ABOUT THE FORD BRONCO;
10 IS THAT RIGHT?

11 A. WELL --

12 Q. OR ONE OF THE THINGS THAT THEY ASKED YOU
13 ABOUT WAS A FORD BRONCO?

14 A. YES, MA'AM.

15 Q. AND YOU TOLD THEM EVEN AT THAT TIME THAT
16 ERIC HAS A FORD BRONCO AND THAT HE WAS USING YOUR
17 TRUCK QUITE A BIT; IS THAT RIGHT?

18 A. YES, MA'AM. YES, MA'AM.

19 MR. MCALLISTER: YOUR HONOR, IT EXCEEDS THE
20 SCOPE, BUT IT IS ALSO LEADING.

21 THE COURT: WELL, IT IS -- IS THAT YOUR LAST
22 QUESTION ON THAT SUBJECT?

23 MS. VANDENBOSCH: ON THAT SUBJECT, YES.

24 THE COURT: I'M GOING TO ALLOW IT TO STAND.

25 BY MS. VANDENBOSCH:

26 Q. NOW, YOU WERE ASKED SPECIFICALLY ABOUT AN
27 INTERVIEW THAT YOU HAD WITH DETECTIVE GOLDBERG AND
28 DETECTIVE FISKE. DO YOU REMEMBER THAT?

1 MR. MCALLISTER: THANK YOU.

2 I HAVE NO FURTHER QUESTIONS.

3 THE COURT: MR. ROAKE?

4 MR. ROAKE: NO.

5 THANK YOU, YOUR HONOR.

6 THE COURT: MS. VANDENBOSCH, ANY REDIRECT?

7 MS. VANDENBOSCH: YES. THANK YOU.

8
9
10 REDIRECT EXAMINATION

11 BY MS. VANDENBOSCH:

12 Q. MR. STEVENS, A COUPLE OF QUESTIONS. YOU
13 SPOKE WITH LAW ENFORCEMENT ON A NUMBER OF OCCASIONS
14 CONCERNING YOUR -- YOUR CONNECTION WITH
15 MR. ANDERSON; IS THAT RIGHT?

16 A. YES.

17 Q. IN FACT, THE FIRST PERSON THAT YOU SPOKE TO
18 ABOUT THIS CASE WAS SOMEBODY FROM THE SAN DIEGO
19 SHERIFF'S OFFICE; IS THAT RIGHT?

20 A. THAT'S CORRECT.

21 Q. AND DO YOU RECALL WHAT DATE THAT WAS?

22 A. NO, I DON'T.

23 Q. DO YOU RECALL TALKING WITH A DETECTIVE
24 SERRITELLA ON MAY 15TH?

25 A. YES. I REMEMBER THAT VERY WELL.

26 Q. WAS THAT IN FACT THE FIRST TIME THAT YOU
27 HEARD ABOUT ERIC ANDERSON?

28 A. YES. IT WAS.

1 Q. AND HIM BEING A SUSPECT IN THIS PARTICULAR
2 HOMICIDE?

3 A. THAT'S CORRECT.

4 Q. AND WHEN WAS IT IN RELATION TO SPEAKING TO
5 LAW ENFORCEMENT FOR THE FIRST TIME THAT YOU LEARNED
6 ABOUT ERIC ANDERSON BEING A SUSPECT IN THIS CASE?

7 A. DURING THAT INTERVIEW.

8 MR. MCALLISTER: I'M SORRY, YOUR HONOR, I -- I
9 THINK THAT'S VAGUE.

10 THE COURT: THE FIRST TIME YOU LEARNED ABOUT
11 ERIC ANDERSON BEING A SUSPECT; IS THAT THE QUESTION?

12 MS. VANDENBOSCH: YES.

13 THE WITNESS: YES. IT WAS THE FIRST TIME.

14 THE COURT: MAYBE I'VE CONFUSED MYSELF NOW.
15 YOU'RE STILL REFERRING TO THE 15TH WITH SERGEANT
16 SERRITELLA, MS. VANDENBOSCH?

17 MS. VANDENBOSCH: YES.

18 THE COURT: IS THAT WHAT YOU'RE REFERRING TO
19 ALSO?

20 THE WITNESS: YES, SIR.

21 THE COURT: THAT CONTACT WITH SERGEANT
22 SERRITELLA?

23 THE WITNESS: YES.

24 THE COURT: ALL RIGHT.

25 BY MS. VANDENBOSCH:

26 Q. AND THAT WAS WHEN YOU WERE INTERVIEWED AT
27 DONOVAN STATE PRISON WITH -- BY DETECTIVE SERRITELLA
28 AND ANOTHER FEMALE INVESTIGATOR; IS THAT RIGHT?

1 RIOS CANYON AREA, IS A FORD BRONCO AN UNUSUAL TYPE
2 OF VEHICLE TO SEE IN THAT AREA?

3 MR. MCALLISTER: OBJECTION, YOUR HONOR, IT'S
4 SPECULATIVE AND LEADING AS TO "UNUSUAL," AND CALLS
5 FOR IMPROPER OPINION.

6 THE COURT: SUSTAINED.

7 BY MS. VANDENBOSCH:

8 Q. IS A FORD BRONCO A COMMON VEHICLE TO SEE IN
9 THAT AREA?

10 MR. MCALLISTER: SAME OBJECTION.

11 THE COURT: THAT WILL FINISH THE QUESTIONS
12 REGARDING FORD BRONCOS?

13 MS. VANDENBOSCH: YES.

14 THE WITNESS: YES, I BELIEVE IT IS A COMMON
15 VEHICLE IN THE AREA.

16 MS. VANDENBOSCH: THANK YOU. I HAVE NO FURTHER
17 QUESTIONS.

18 THE COURT: MR. MCALLISTER, ANY QUESTIONS OF
19 MS. FINCH?

20 MR. MCALLISTER: NO, THANK YOU, MA'AM.

21 THE COURT: MR. ROAKE?

22 CROSS-EXAMINATION

23 BY MR. ROAKE:

24 Q. WHEN YOU SAY "RIOS CANYON AREA," YOU DIDN'T
25 MEAN THE RIOS CANYON MOBILE HOME PARK, DID YOU?

26 A. NO.

27 MR. ROAKE: THANK YOU. NOTHING FURTHER.
28

1 THE COURT: MS. VANDENBOSCH, ANYTHING FURTHER?

2 MS. VANDENBOSCH: NOTHING FURTHER.

3 THE COURT: MAY SHE BE EXCUSED?

4 MS. VANDENBOSCH: YES.

5 THE COURT: THANK YOU FOR BEING HERE. YOU'RE
6 FREE TO GO.

7 MS. VANDENBOSCH: YOUR HONOR, THE ONLY THING I
8 WOULD DO AT THIS TIME IS CALL DETECTIVE GOLDBERG
9 BACK AND FINISH UP WITH DETECTIVE GOLDBERG.

10 THE COURT: DETECTIVE, YOU'RE BACK ON. YOU
11 REMAIN UNDER OATH.

12 THE WITNESS: YES, YOUR HONOR.

13 CURT GOLDBERG, VOLUME 26,

14 RECALLED BY DEFENDANT ANDERSON, HAVING BEEN
15 PREVIOUSLY DULY SWORN, WAS EXAMINED AND TESTIFIED AS
16 FOLLOWS:
17

18 REDIRECT EXAMINATION

19 BY MS. VANDENBOSCH:

20 Q. DETECTIVE GOLDBERG.

21 A. GOOD AFTERNOON.

22 Q. I WANT TO START WITH SOMETHING THAT I ASKED
23 YOU ABOUT THIS MORNING BUT THEN DIDN'T HAVE THE
24 APPROPRIATE PAPERWORK WITH ME.
25

26 YOU RECALL THAT I ASKED YOU WHETHER EARLIER
27 THIS YEAR, AT MY REQUEST, YOU HAD PHOTOCOPIED
28 PAPERWORK ITEMS THAT WERE FOUND IN MR. ANDERSON'S

Exhibit 1 (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z)

please print limbs on my home again!

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1 FORD BRONCO?

2 A. YES, MA'AM.

3 Q. AND YOU INDICATED THAT YOU HAD HAD A CHANCE
4 TO DO THAT?

5 A. I DID.

6 Q. AND THEN YOU GAVE THE PHOTOCOPY OF THE
7 PAPERWORK TO MR. MCALLISTER?

8 A. THAT'S CORRECT.

9 Q. DID YOU, PRIOR TO GIVING A COPY OF THE
10 PAPERWORK TO MR. MCALLISTER, LABEL WHERE THE
11 PAPERWORK WAS FOUND?

12 A. YES, I DID.

13 (DEFENDANT'S EXHIBIT Z, VOL. 26, PAPERS FROM
14 CENTER CONSOLE, FORD BRONCO, MARKED FOR
15 IDENTIFICATION.)

16 BY MS. VANDENBOSCH:

17 Q. I'M GOING TO SHOW YOU WHAT'S BEEN MARKED
18 DEFENSE EXHIBIT Z. IT'S A PACKET OF PAPERS ENTITLED
19 "PAPERS FROM CENTER CONSOLE, FORD BRONCO, CP" --
20 APPEARS TO BE A LICENSE PLATE NUMBER.

21 I'M GOING TO ASK YOU TO LOOK AT THAT AND
22 LET ME KNOW IF YOU RECOGNIZE IT. IN FACT, IT'S
23 LABELED IN TWO WAYS; IS THAT RIGHT?

24 A. YES, THAT'S CORRECT, BUT I DO RECOGNIZE IT.

25 Q. OKAY. IN FACT, THE PACKET YOU'VE JUST
26 REMOVED IS A DIFFERENT PACKET, WHICH INDICATES
27 "PAPERS FROM GLOVER" -- WHICH I'M ASSUMING IS GLOVE
28 COMPARTMENT -- "OF FORD BRONCO"; IS THAT RIGHT?

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1 A. THAT WOULD BE CORRECT.

2 Q. COULD YOU REVIEW THOSE AS WELL, AND --
3 SINCE THEY'RE PART OF THE EXHIBIT, AND LET US KNOW
4 IF THAT'S THE PAPERWORK YOU REMEMBER FINDING IN THE
5 GLOVE COMPARTMENT OF THE VEHICLE.

6 THE COURT: THAT'S GOING TO REMAIN PART OF Z?

7 MS. VANDENBOSCH: I GUESS, YES.

8 THE COURT: OKAY.

9 THE WITNESS: I RECALL IT.

10 BY MS. VANDENBOSCH:

11 Q. SO HAVING LOOKED AT ALL OF THOSE ITEMS, DO
12 THOSE APPEAR TO BE THE ONES THAT YOU FOUND IN THE
13 FORD BRONCO AROUND FEBRUARY 8TH OF THIS YEAR AND
14 PHOTOCOPIED AND GAVE A COPY TO MR. MCALLISTER?

15 A. YEAH, THOSE ARE THE PAPERS. I DON'T RECALL
16 THE DATE, BUT, YEAH.

17 Q. THANK YOU.

18 DETECTIVE GOLDBERG, YOU INDICATED THAT YOU
19 WERE INTERESTED -- YOU WERE PRESENT AT
20 BRANDON HANDSHOE'S FREE TALK ON APRIL 11TH OF 2005;
21 IS THAT RIGHT?

22 A. YES, MA'AM.

23 Q. AND I ASKED YOU EARLIER THIS MORNING
24 CONCERNING SOMETHING THAT HE TOLD YOU, ABOUT A
25 SUPPOSED ATTEMPTED BURGLARY IN THE AREA OF THE
26 BRUCKER RESIDENCE.

27 DO YOU REMEMBER THAT?

28 A. YES, MA'AM.

*best of luck
in your case. Set - 2-2-06*

Q. AND WHAT TYPES OF VEHICLES WERE THOSE?

A. HIS CUSTOMARY VEHICLE WAS A WHITE FORD 150 PICKUP TRUCK.

Q. WERE THERE OTHER VEHICLES THAT YOU OBSERVED MR. STEVENS DRIVING DURING THAT PERIOD?

A. YES, ON OCCASION, HE DROVE ANOTHER VEHICLE.

Q. AND WHAT WAS THAT VEHICLE?

A. I DON'T KNOW THE YEAR, BUT IT WAS A FULL-SIZE FORD BRONCO.

Q. I'M GOING TO SHOW YOU WHAT'S BEEN MARKED PEOPLE'S EXHIBIT 20. YOU'D THINK I WOULD HAVE IT MEMORIZED AT THIS POINT.

THIS APPEARS TO BE A PHOTOBOARD WITH FOUR PHOTOGRAPHS ON IT. DO YOU RECOGNIZE THE VEHICLE THAT'S IN THESE PICTURES?

A. IT'S THE VEHICLE THAT JIM STEVENS WOULD SOMETIMES DRIVE.

THE COURT: IS THAT 20?

MS. VANDENBOSCH: YES.

BY MS. VANDENBOSCH:

Q. WHEN YOU SAY "HE WOULD SOMETIMES DRIVE," IF YOU HAD TO ESTIMATE BETWEEN THAT PERIOD OF FEBRUARY OF 2003 AND THE END OF APRIL 2003, HOW MANY TIMES WOULD YOU SAY DURING THAT PERIOD YOU ACTUALLY OBSERVED MR. STEVENS DRIVING THIS PARTICULAR VEHICLE?

A. I CAN'T RECALL AN EXACT NUMBER, BUT I WOULD SAY THREE, MAYBE FIVE TIMES.

Q. IN FACT, YOU SPOKE TO STEVE BAKER FROM THE DISTRICT ATTORNEY'S OFFICE ON A COUPLE OF OCCASIONS IN THIS CASE; IS THAT RIGHT?

A. YES.

Q. AND HE ASKED YOU THAT VERY SAME QUESTION. DO YOU RECALL THAT?

A. I REMEMBER HIM ASKING ME ABOUT THE BRONCO, YES.

Q. AND YOU INDICATED THAT YOU REMEMBERED HIM DRIVING IT MAYBE FIVE TO TEN TIMES -- MR. STEVENS DRIVING THE VEHICLE MAYBE FIVE TO TEN TIMES DURING THAT PERIOD?

A. THAT MAY HAVE BEEN ACCURATE. A PROJECT CAN -- A SINGLE PROJECT CAN LAST A NUMBER OF DAYS. I'M JUST TRYING TO REMEMBER THE INDIVIDUAL PROJECTS THAT THEY WORKED ON.

Q. OKAY. BUT IT WOULD HAVE BEEN AT LEAST FIVE TIMES DURING THE PERIOD THAT WE'RE TALKING ABOUT?

A. YES, ON MORE THAN TWO OCCASIONS. PROBABLY LESS THAN TEN, THOUGH.

Q. OKAY. YOU MENTIONED THAT JAMES STEVENS WORKED FOR YOU AT DIVISION 10. DID ERIC ANDERSON EVER WORK FOR YOU AT DIVISION 10?

A. YES, ONE TIME.

Q. AND JUST THE ONE TIME?

A. YES.

Q. DO YOU RECALL EXACTLY WHEN THAT WAS?

A. YES, I DO.