

1 DIRECT EXAMINATION

2 BY MR. SAMUEL:

3 Q DETECTIVE CHAMBERS, THE RECORD IN THIS CASE ALREADY  
4 ESTABLISHES YOUR BACKGROUND, AND I DON'T THINK THERE IS ANY  
5 REASON TO GO OVER ANY OF THAT AGAIN. YOU WERE, IN FACT, THE  
6 LEAD CASE AGENT ULTIMATELY IN THIS CASE; IS THAT CORRECT?

7 A THAT'S CORRECT.

8 Q LET ME ASK YOU SOME QUESTIONS FIRST ABOUT THE  
9 EVIDENCE THAT ENDED UP NOT BEING AVAILABLE AT TRIAL. DO YOU  
10 RECALL THE ISSUE INVOLVING THE DEKALB PORSCHE, LATENT PRINTS?

11 A YES.

12 Q AND JUST SO THE RECORD IS CLEAR, THERE WERE PRINTS  
13 FOUND ON THE PORSCHE THAT WAS FOUND BURNING IN DEKALB COUNTY,  
14 CORRECT?

15 A CORRECT.

16 Q THEY TURNED OUT NOT TO BE POSITIVELY THE FINGERPRINTS  
17 OF SCOTT DAVIS; AM I RIGHT?

18 A CORRECT.

19 Q BUT YOU DIDN'T KNOW WHOSE THEY WERE, CORRECT?

20 A CORRECT.

21 Q YOU MADE NO EFFORT AT ANY TIME TO RUN THEM THROUGH  
22 AFIS TO DETERMINE WHETHER THEY WERE MATCHED TO ANY HUMAN BEING  
23 THAT WERE IN THE DATABASE OF THE LAW ENFORCEMENT, CORRECT?

24 A THE GBI AT THE TIME WHEN THEY RECEIVED PRINTS OF THAT  
25 NATURE WOULD -- OUR INFORMATION INDICATES THAT THEY WOULD RUN

1        THEM THROUGH AFIS.  THAT'S THE WAY THEY HAD DONE IT IN THE  
2        PAST, BECAUSE I HAD SOLVED A COUPLE OF MURDER CASES THAT WAY  
3        WHERE THEY RAN THE PRINTS.

4            Q        BUT THAT DIDN'T HAPPEN IN THIS CASE?

5            A        NOT TO MY KNOWLEDGE ONE WAY OR ANOTHER.  I DON'T  
6        KNOW.  I NEVER RECEIVED ANY INFORMATION ONE WAY OR THE OTHER AS  
7        TO ANY RESULTS OF THAT.

8            Q        I DON'T HAVE A PAGE CITE, BUT YOU ACCEPT MY WORD THAT  
9        AT TRIAL YOU TESTIFIED IT DIDN'T HAPPEN?

10          A        RIGHT.

11          Q        DO YOU RECALL IN 2004 MAKING AN ATTEMPT ALONG WITH  
12        COLLEAGUES TO GET SOME KNOWN PRINTS TO ELIMINATE AS THE PERSON  
13        WHOSE PRINTS WERE ON THE PORSCHE?

14          A        REPEAT, PLEASE.

15          Q        WELL, LET ME BACK UP, AND I'LL GET THERE AGAIN.  DO  
16        YOU RECALL TESTIFYING PREVIOUSLY ABOUT WHEN YOU BELIEVE THAT  
17        THE DEKALB COUNTY PRINTS WERE DESTROYED?

18          A        I ONLY SUGGESTED THAT THEY WERE DESTROYED SOMEWHERE  
19        BETWEEN THE TIME THEY WERE TURNED IN AND THE TIME WE WENT  
20        LOOKING FOR THEM.

21          Q        THAT'S A PRETTY SAFE BET.  THAT'S A GUTSY ANSWER.  
22        SOMETIME BETWEEN THE TIME THEY WERE TURNED IN AND THE TIME THEY  
23        WERE DESTROYED, THEY WERE DESTROYED.  WHEN WAS IT YOU WENT  
24        LOOKING FOR THEM?

25          A        WHEN IT CAME TO MY ATTENTION THAT THE CASE WAS BEING

1 REOPENED BY THE FULTON COUNTY D.A.'S OFFICE.

2 Q YOU TESTIFIED AT A PRETRIAL HEARING ON APRIL 12TH AND  
3 13TH, 2006, THAT IT WAS YOUR BELIEF ALL OF THE DEKALB COUNTY  
4 EVIDENCE WAS DESTROYED ON SEPTEMBER 10TH, 2001?

5 A RIGHT. THAT'S WHEN I BELIEVE THE GAS CAN AND THAT  
6 SORT OF STUFF WAS DESTROYED BY DEKALB COUNTY.

7 Q DOES THAT APPLY TO THE PRINTS, AS FAR AS YOU KNOW?

8 A AS FAR AS I KNOW.

9 Q WOULD THERE HAVE BEEN ANY REASON IN 2004 FOR CARTER  
10 JACKSON TO BE OBTAINING ELIMINATION PRINTS, IF PRINTS WERE  
11 DESTROYED ON SEPTEMBER 10TH OF 2001?

12 A WHAT RETIRED CHIEF JACKSON DID AT THAT TIME, I HAVE  
13 NO IDEA. I DID NOT KNOW HE WAS ATTEMPTING TO TAKE ELIMINATION  
14 PRINTS.

15 Q WERE YOU WORKING WITH HIM IN 2004?

16 A I WAS NOT.

17 Q WERE YOU WORKING ON THE INVESTIGATION IN 2004?

18 A YES, BUT I WAS NOT WORKING WITH HIM. LET ME TELL  
19 YOU. THE ONLY TIME I DEALT WITH CARTER JACKSON INVOLVING THIS  
20 CASE WAS WHEN THE RETIRED JUDGE LOOKED AT THE CASE, AND CARTER  
21 JACKSON WAS ASSISTING HIM IN THAT, AND I GOT CALLED DOWN THERE  
22 AND SPOKE TO THE RETIRED JUDGE AND CARTER JACKSON INVOLVING IT.  
23 AS FAR AS CHIEF JACKSON LOOKING FOR THE EVIDENCE AT THAT TIME,  
24 I NEITHER ASSISTED IN ANY WAY.

25 Q THE RETIRED JUDGE, ARE YOU'RE REFERRING TO THE

1 RETIRED D.A. FROM BIBB COUNTY?

2 A WELL, YES.

3 Q YOU DO NOT KNOW WHERE THE FINGERPRINT CARDS ARE,  
4 DON'T KNOW WHEN THEY WERE DESTROYED?

5 A NO, SIR.

6 Q DID YOU AT ANY TIME OBTAIN ANY RECORDS WITH REGARD TO  
7 THE LOST EVIDENCE BY USING THE BAR CODES THAT WERE USED BY THE  
8 ATLANTA POLICE DEPARTMENT OR THE OTHER AGENCIES FOR THAT MATTER  
9 TO FIND THE MISSING EVIDENCE?

10 A I DID NOT. THE ONLY EVIDENCE I FOUND OUT OF WHERE IT  
11 WAS SENT AND DEALT WITH WAS THE WEAPON, WHEN IT WAS DETERMINED  
12 THAT THE GBI HAD SENT THE HANDGUN BY UPS TO THE FIRE DEPARTMENT  
13 IN ATLANTA.

14 Q AND IT WAS NEVER FOUND AGAIN, RIGHT?

15 A NO.

16 Q I WANT TO ASK YOU SOME QUESTIONS ABOUT THE  
17 JACKSON-DENNO HEARING. DO YOU RECALL -- SORRY. ABOUT THE  
18 STATEMENT GIVEN.

19 THE COURT: MR. SAMUEL, HOW LONG DO YOU THINK WE'LL  
20 BE ON THIS WITNESS?

21 MR. SAMUEL: WELL, OBVIOUSLY, LIKE ALL LAWYERS, I  
22 MISPREDICTED.

23 THE COURT: I'M RUNNING A LITTLE LATE. I'D LIKE TO  
24 RECESS UNTIL 11:30.

25 MR. SAMUEL: THAT'S FINE, YOUR HONOR.

1 THE COURT: THANK YOU. WE'LL BE IN RECESS UNTIL  
2 11:30.

3 (WHEREUPON, A RECESS WAS TAKEN.)

4 THE COURT: PLEASE BE SEATED.

5 BY MR. SAMUEL:

6 Q DETECTIVE CHAMBERS, JUST BEFORE THE BREAK, WE WERE  
7 BEGINNING TO TALK ABOUT THE EVENTS OF DECEMBER 10TH. THERE'S  
8 SOME CONFUSION IN MY MIND WHETHER IT WAS THE 10TH OR 11TH, BUT  
9 DECEMBER 10TH, 1996.

10 A RIGHT.

11 Q EARLY IN THE MORNING WAS THE TIME YOU INITIALLY  
12 REQUESTED THAT MR. DAVIS COME TO THE POLICE DEPARTMENT,  
13 CORRECT?

14 A CORRECT.

15 Q WHAT I'D LIKE TO DO IS ASK YOU A COUPLE OF QUESTIONS  
16 ABOUT THE CHRONOLOGY, AND I DON'T THINK I'VE GOT MORE THAN 15  
17 MINUTES WORTH OF QUESTIONS. BASED ON MY EARLIER PREDICTION,  
18 THAT MEANS NO MORE THAN 30 MINUTES.

19 WHEN MR. DAVIS WAS INITIALLY BROUGHT BACK TO THE  
20 OFFICE, THAT WAS A VOLUNTARY DECISION ON HIS PART TO COME BACK  
21 AND GIVE A STATEMENT TO YOU, RIGHT?

22 A CORRECT.

23 Q WOULD YOU AGREE WITH ME THAT HE SAT IN AN OFFICE AND  
24 YOU SAT AT EITHER A COMPUTER OR TYPEWRITER AND TOOK WHAT IS  
25 USUALLY REFERRED TO AS THE WRITTEN STATEMENT?

1           A     THAT'S CORRECT.

2           Q     AND BY WRITTEN WE DON'T MEAN HE HAND WROTE IT. YOU  
3 TOOK DICTATION AND TYPED IT, AS APD OFTEN DOES?

4           A     RIGHT.

5           Q     SOMETIMES IT ENDS UP WITH A QUESTION AND ANSWER  
6 SESSION, AND YOU ARE TYPING ALMOST VERBATIM, CORRECT? YOU ARE  
7 NOT AS SKILLED AS THE COURT REPORTER IS HERE, BUT BASICALLY YOU  
8 ARE TAKING DICTATION OF WHAT THE PERSON IS SAYING?

9           A     RIGHT.

10          Q     AND THAT STATEMENT IS WHATEVER -- FOUR PAGES LONG IN  
11 THE RECORD?

12          A     RIGHT.

13          Q     AND IT IS SIGNED BY MR. DAVIS ON EACH PAGE; IS THAT  
14 CORRECT?

15          A     CORRECT.

16          Q     DO YOU RECALL THAT THE STATEMENT HAS A TIME ON IT?  
17 DO YOU RECALL THAT?

18          A     YES.

19          Q     AND THE TIME WAS 3:32 A.M.; IS THAT CORRECT? DO YOU  
20 REMEMBER THAT?

21          A     I BELIEVE SO, YES.

22          Q     DURING THAT PERIOD OF TIME, AM I CORRECT THAT YOU DID  
23 NOT BELIEVE THAT HE WAS -- YOU DID NOT CONSIDER HIM TO BE A  
24 SUSPECT AT THAT TIME?

25          A     THAT IS CORRECT. WE BROUGHT HIM BACK TO THE OFFICE

1 FOR QUESTIONING.

2 Q AND DURING THE TAKING OF THE WRITTEN STATEMENT, YOU  
3 DID NOT BELIEVE HE WAS A SUSPECT?

4 A THAT'S CORRECT.

5 Q UNTIL TOWARDS THE END?

6 A CORRECT.

7 Q AND TOWARDS THE END OF THE WRITTEN STATEMENT, YOUR  
8 PERSONAL VIEW CHANGED?

9 A YES.

10 Q AND YOU DECIDED THAT HE, IN FACT, WAS AT LEAST A --  
11 WHAT WE CALL A TARGET OR SUBJECT?

12 A THE MODERN-DAY TERM IS A PERSON OF INTEREST.

13 Q PERSON OF INTEREST. SO THAT WOULD HAVE BEEN RIGHT  
14 AROUND 3:30, RIGHT?

15 A YES, SIR.

16 Q AND THAT'S WHEN THE STATEMENT IS TIMED AS ENDING?

17 A RIGHT.

18 Q AM I RIGHT ABOUT THAT?

19 A YES.

20 Q AND YOU SAID AT THE JACKSON-DENNO HEARING THAT THE  
21 STATEMENT ITSELF TOOK 45 MINUTES?

22 A OKAY.

23 Q THE WRITTEN STATEMENT?

24 A OKAY.

25 Q LET ME GO BACK TO A QUESTION I JUST ASKED. IS 3:32

1 WHEN THE STATEMENT BEGINS OR ENDS?

2 A I WOULD HAVE TO LOOK AT -- IF I'M NOT MISTAKEN ON  
3 THAT, IT ACTUALLY SAYS BOTH. IT SAYS BOTH, BECAUSE WE WERE  
4 HAVING TROUBLE WITH THE COMPUTERS AT THAT TIME. THEY ARE NOT  
5 LIKE THEY ARE TODAY, BUT THE TIME STAMP, I BELIEVE, IS THE  
6 SAME.

7 Q IT SAYS IT BEGAN AT 3:32 AND ENDED AT 3:32?

8 A RIGHT.

9 Q AND YET IT IS FOUR PAGES LONG?

10 MR. JOHNSON: OBJECTION TO THE LEADING. IF  
11 MR. SAMUEL WOULD PRODUCE THE STATEMENT, WE CAN AVOID A  
12 LOT OF ISSUES.

13 MR. SAMUEL: I'M NOT SURE IF I HAVE IT TODAY, BUT  
14 I'LL MOVE PAST THE WRITTEN STATEMENT.

15 THE COURT: OKAY.

16 BY MR. SAMUEL:

17 Q YOU REFERRED TO IT AT TRIAL AS A COMPUTER GLITCH?

18 A RIGHT.

19 Q THAT THE TIME STAMP FOR THE BEGINNING AND THE ENDING  
20 OF THE STATEMENT IS BOTH 3:32?

21 A RIGHT.

22 Q AND YOU TESTIFIED IT TOOK ABOUT 45 MINUTES TO AN HOUR  
23 TO TAKE THE STATEMENT?

24 A CORRECT.

25 Q JUST BY DOING SIMPLE ARITHMETIC THEN, IF 3:32 IS WHEN



1 IT BEGINS, THEN THE STATEMENT WOULD HAVE BEEN DONE BY 3:45,  
2 RIGHT?

3 A NO. IF IT WAS 45 MINUTES AND IT STARTED AT 3:32, IT  
4 WOULD BE 4:15, BUT IF IT ENDED AT 3:32, IT WOULD HAVE STARTED  
5 AT 2:30 OR 2:45, WHICH WOULD BE MORE IN LINE WITH THE CORRECT  
6 TIME LINES OF THE EVENTS OF THAT EVENING.

7 Q SO 3:30 SHOULD BE THE END POINT?

8 A YES.

9 Q SO LET'S USE 3:32 AS THE END POINT. AT THAT POINT  
10 YOU BELIEVED HE WAS A SUBJECT, AND YOU STARTED QUESTIONING HIM  
11 ABOUT HIS INVOLVEMENT IN THE VARIOUS EVENTS OF THE LAST COUPLE  
12 OF DAYS?

13 A AFTER PUTTING HIM IN THE INTERVIEW ROOM AND ADVISING  
14 HIM OF HIS RIGHTS, CORRECT.

15 Q LET ME BREAK THAT DOWN A COUPLE OF WORDS AT A TIME.  
16 WHEN THE STATEMENT ENDS AT 3:32, YOU BELIEVED HE WAS A PERSON  
17 OF INTEREST?

18 A THAT'S CORRECT.

19 Q 3:32?

20 A YES, SOMEWHERE AROUND THERE, YES, SIR.

21 Q GIVE OR TAKE?

22 A I CAN'T GIVE YOU AN EXACT TIME.

23 Q NOBODY IN THEIR RIGHT MIND COULD REMEMBER 12 YEARS  
24 AGO, WHETHER SOMETHING WAS 3:30 OR 3:32. I UNDERSTAND THAT,  
25 BUT THE STATEMENT WAS TIME STAMPED 3:32, AND YOU REMEMBER THE

1           EVENTS OF THAT EVENING?

2           A     AROUND 3:30 I WOULD SAY.

3           Q     AT THAT POINT HE WAS A PERSON OF INTEREST?

4           A     THAT'S RIGHT.

5           Q     AND YOU THEN BEGAN QUESTIONING HIM AS A SUBJECT OR A  
6           PERSON OF INTEREST, MORE INTERROGATION TYPE QUESTIONS IN THE  
7           INTERVIEW ROOM, RIGHT?

8           A     RIGHT.

9           Q     STILL IN THE INTERVIEW ROOM, AND IT'S UNTAPED?

10          A     THAT'S CORRECT.

11          Q     AND THAT GOES ON FOR SOME PERIOD OF TIME, AND YOU'RE  
12          QUESTIONING HIM AGAIN. IT'S NOT AS A WITNESS, WHAT DID YOU SEE  
13          ON THE SIDE OF THE ROAD THAT DAY? IT'S, WHERE WERE YOU? WHAT  
14          DID YOU DO?

15          A     NO. IT WAS, TELL ME THE STORY AGAIN.

16          Q     AND THAT GOES ON FOR A PERIOD OF TIME, AND IF WE  
17          COULD BREAK THIS INTO THREE SEGMENTS, WE HAVE THE SEGMENT OF  
18          THE DICTATION AND THE WRITTEN VERSION, CORRECT?

19          A     RIGHT.

20          Q     THEN WE HAVE THE SEGMENT OF QUESTIONING AS A PERSON  
21          OF INTEREST BUT NO TAPE, CORRECT?

22          A     RIGHT.

23          Q     AND THEN WE HAVE THE SEGMENT WHERE WALKER COMES BACK  
24          IN, AND NOW WE HAVE A TAPED VERSION THAT WAS PLAYED AT BOTH THE  
25          JACKSON-DENNO HEARING AND AT THE TRIAL?

1           A     THAT IS CORRECT.

2           Q     THREE DIFFERENT SEGMENTS?

3           A     THAT'S CORRECT.

4           Q     ONE THING THAT WE KNOW FOR SURE IS THAT AT 3:32 IS  
5 WHEN WE SHIFT FROM SEGMENT ONE TO SEGMENT TWO, CORRECT?

6           A     YES.

7           Q     AND THE TAPED INTERVIEW FOLLOWS THE UNTAPED  
8 INTERVIEW, CORRECT, OBVIOUSLY?

9           A     YES.

10          Q     HE IS BACK HOME, ACCORDING TO YOUR TESTIMONY, AT 7:00  
11 A.M.?

12          A     OKAY.

13          Q     DOES THAT SOUND CORRECT?

14          A     YES.

15          Q     YOU AND WALKER DROVE HIM BACK HOME?

16          A     THAT'S CORRECT.

17               MR. SAMUEL: CAN I TAKE ONE QUICK TEN-SECOND BREAK?

18               THE COURT: SURE.

19               (WHEREUPON, THERE WAS A PAUSE IN THE PROCEEDINGS.)

20               MR. SAMUEL: THAT'S ALL THE QUESTIONS I HAVE, YOUR  
21 HONOR.

22               THE COURT: OKAY.

23                       CROSS-EXAMINATION

24           BY MR. JOHNSON:

25           Q     DETECTIVE CHAMBERS, PRIOR TO COMING HERE TODAY, DID

1 YOU REVIEW THE ENTIRE CASE FILE INVOLVING THE DEFENDANT, SCOTT  
2 DAVIS?

3 A NO, I DID NOT.

4 Q DID YOU REVIEW YOUR TESTIMONY FROM THE TRIAL?

5 A NO, I DIDN'T.

6 Q DID YOU LISTEN TO THE TAPE INVOLVED THAT WAS JUST  
7 DISCUSSED OF THE INTERVIEW OF MR. DAVIS?

8 A I DID NOT.

9 Q DO YOU REMEMBER TESTIFYING AT A PRIOR HEARING,  
10 SPECIFICALLY ON THE ISSUE OF JACKSON-DENNO AND THE ABILITY OF  
11 THE STATEMENT TO COME IN BEFORE THE JURY? DO YOU REMEMBER  
12 TESTIFYING IN THAT?

13 A YES, I DO.

14 Q IS EVERYTHING YOU TESTIFIED DURING THAT TRIAL THE  
15 TRUTH?

16 A YES.

17 MR. SAMUEL: OBJECTION, YOUR HONOR. THAT'S NOT A  
18 PROPER QUESTION TO ASK.

19 THE COURT: OVERRULED.

20 BY MR. JOHNSON:

21 Q AND DURING THE TRIAL OF THIS CASE, DID YOU ALSO HAVE  
22 THE BENEFIT AND OPPORTUNITY OF REVIEWING THE CASE FILE, THE  
23 NOTES, THE TAPE PRIOR TO YOUR TESTIMONY AS WELL?

24 A YES.

25 Q AND DO YOU REMEMBER BEING QUESTIONED ACTUALLY BY

1 MYSELF DURING THAT TRIAL?

2 A YES.

3 Q AND THEN BEING CROSS-EXAMINED BY THE DEFENSE? I  
4 BELIEVE IT WAS BY MR. MORRIS. IT MAY HAVE BEEN MR. STEEL, BUT  
5 ONE OF THE DEFENSE ATTORNEYS DURING THAT TRIAL?

6 A YES, I DO.

7 Q AND AS FAR AS SPECIFIC TIMES, DATES, ET CETERA,  
8 SITTING HERE TODAY DO YOU HAVE AN EXACT RECOLLECTION OF THOSE  
9 TIMES AND DATES?

10 A NO, SIR, JUST THE DECEMBER 10TH, THE 11TH WHEN THE  
11 STATEMENT WAS TAKEN. THE 3:32 TIME STAMP, LIKE I SAID, WAS A  
12 COMPUTER GLITCH. IT COULD HAVE BEEN EARLIER OR LATER. I DO  
13 NOT RECALL THE EXACT TIME.

14 MR. JOHNSON: MAY I HAVE ONE MOMENT, YOUR HONOR?

15 THE COURT: SURE.

16 (WHEREUPON, THERE WAS A PAUSE IN THE PROCEEDINGS.)

17 BY MR. JOHNSON:

18 Q AND JUST TO BRIEFLY GO THROUGH, WHEN MR. DAVIS CAME  
19 INTO THE POLICE DEPARTMENT TO BE INTERVIEWED THAT EARLY  
20 MORNING, I GUESS IT WAS OF DECEMBER 10TH, 1996, IF YOU COULD  
21 JUST GENERALLY, WITHOUT -- WE DON'T NEED TO GO INTO DETAILS.  
22 EXPLAIN THE TIMELINE OF WHAT HAPPENED. IN OTHER WORDS,  
23 INTERVIEW, WRITTEN INTERVIEW, AUDIO, MIRANDA, WHATEVER IT WAS,  
24 JUST IF YOU COULD EXPLAIN.

25 A HE WAS BROUGHT TO THE HOMICIDE OFFICE. HE SAT IN THE

1 OUTSIDE WAITING AREA FOR JUST A SHORT TIME UNTIL WE GOT  
2 SETTLED, TOOK HIM INTO THE SECRETARY'S OFFICE, TOOK A STATEMENT  
3 FROM HIM WHERE HE RECANTED WHAT HAPPENED, TYPED IT UP, HAD HIM  
4 READ IT, HAD HIM SIGN IT.

5 Q I'M SORRY. AND YOU MEANT TO SAY HE RECOUNTED WHAT  
6 HAD HAPPENED?

7 A RIGHT, YES, ABSOLUTELY.

8 Q I WANTED TO MAKE SURE WHAT YOU SAID.

9 A HE STATED WHAT OCCURRED. I GOT HIM TO SIGN HIS  
10 STATEMENT, TOOK HIM FROM THERE TO THE INTERVIEW ROOM, WHERE  
11 MYSELF AND DETECTIVE FAGLER ADMINISTERED HIM HIS MIRANDA  
12 RIGHTS, BEGAN SPEAKING TO HIM, AND THEN AT A POINT AT WHICH  
13 TIME THE (UNINTELLIGIBLE) STATEMENT CAME UP IS WHEN I STOPPED  
14 THAT INTERVIEW, AND WE GOT DETECTIVE WALKER, AND WE BEGAN TO  
15 TAPE THE INTERVIEW.

16 Q AND THE PORTION OR THE POINT WHERE YOU ADVISED THE  
17 DEFENDANT OF HIS MIRANDA RIGHTS, WHY IS IT THAT YOU ADVISED HIM  
18 OF HIS MIRANDA RIGHTS AT THAT POINT?

19 A BECAUSE HE HAD BECOME A SUSPECT.

20 Q AND PRIOR TO THAT DID YOU CONSIDER HIM A SUSPECT?

21 A NO.

22 MR. JOHNSON: NOTHING FURTHER.

23 REDIRECT EXAMINATION

24 BY MR. SAMUEL:

25 Q DETECTIVE CHAMBERS, YOU SAID THAT EVERYTHING YOU

1 TESTIFIED DURING THE TRIAL WAS THE TRUTH. I ASSUME EVERYTHING  
2 YOU TESTIFIED AT THE JACKSON-DENNO HEARING WAS THE TRUTH,  
3 RIGHT?

4 A YES, SIR.

5 Q AND EVERYTHING YOU ARE SAYING HERE TODAY IS THE  
6 TRUTH?

7 A BEST I CAN RECALL, YES, SIR.

8 Q YOU TESTIFIED AT THE JACKSON-DENNO HEARING THAT YOU  
9 ARRIVED BACK TO THE HOMICIDE OFFICE RIGHT ABOUT 3:00 A.M.; IS  
10 THAT CORRECT?

11 A I DON'T HAVE -- IF YOU WILL GIVE ME A COPY OF THE  
12 TRANSCRIPT, I'LL TELL YOU VERBATIM WHAT I SAID.

13 MR. SAMUEL: YOUR HONOR, I ONLY HAVE ONE COPY. CAN  
14 I STAND UP HERE?

15 MS. HILL: MAY WE LOOK AT IT?

16 MR. SAMUEL: (INDICATING).

17 BY MR. SAMUEL:

18 Q REFERRING TO PAGE 36 OF THE TRANSCRIPT OF THE APRIL  
19 12TH AND 13TH, 2006, JACKSON-DENNO HEARING, LINE 21  
20 (INDICATING).

21 A OKAY.

22 Q YOU ARRIVED AT THE HOMICIDE OFFICE SOMETIME SHORTLY  
23 AFTER 3:00 A.M., CORRECT?

24 A OKAY.

25 Q AND THE TYPED STATEMENT, YOU RECALL, IS 3:32. THAT'S

1           WHAT IT SAYS ON IT, 3:32 A.M.?

2           A     RIGHT.

3           Q     WHICH WOULD INDICATE TO YOU WHEN IT ENDED, BECAUSE  
4           THAT'S APPROXIMATELY 30 MINUTES AFTER YOU GET THERE, CORRECT?

5           A     CORRECT.

6           Q     AND THAT WOULD BE CORRESPONDING TO YOUR MEMORY NOW OF  
7           HOW LONG IT TOOK FROM THE TIME YOU STARTED THE STATEMENT UNTIL  
8           YOU ENDED THE STATEMENT, SO THE GLITCH ON THE COMPUTER WOULD  
9           HAVE BEEN -- THE ERROR WOULD HAVE BEEN THAT IT SAID IT STARTED  
10          AT 3:32, AND THE CORRECT THING ON THE COMPUTER WAS IT ENDED AT  
11          3:32?

12          A     OKAY. IF THE STATEMENT TOOK 30 TO 45 MINUTES, THAT  
13          WOULD BE CORRECT, BECAUSE HE PROBABLY SAT IN THE OFFICE A  
14          COUPLE OF MINUTES BEFORE WE GOT STARTED TAKING THE STATEMENT.

15          Q     SO AM I CORRECT THEN THAT AT 3:32 THE COMPUTER STAMP  
16          INDICATES THE TIME THE STATEMENT ENDS?

17          A     LIKE I SAID, I CANNOT BE EXACT TO TELL YOU THAT THE  
18          STATEMENT ENDED AT 3:32. WE GOT BACK SHORTLY AFTER 3:00  
19          O'CLOCK. A FEW MINUTES LATER I STARTED TAKING HIS STATEMENT,  
20          30 OR 45 MINUTES TO TAKE THE STATEMENT. THAT WOULD BE  
21          APPROXIMATELY 3:30 TO 3:45, I WOULD SAY.

22          Q     AND THAT'S WHEN HE BECOMES A PERSON OF INTEREST?

23          A     THAT'S CORRECT.

24          Q     AND THAT'S WHEN THE NATURE OF THE INTERROGATION  
25          CHANGES?



1           A     THAT IS CORRECT.

2           MR. SAMUEL:   WELL, OKAY.

3                               RECROSS-EXAMINATION

4       BY MR. JOHNSON:

5           Q     ARE YOU AWARE, BASED ON WHAT YOU KNOW, WHO  
6       CONTACTED -- MR. DAVIS CONTACTED THE POLICE.  HE INITIATED THE  
7       CONTACT THE NIGHT OF DECEMBER 9TH AND 10TH; ISN'T THAT CORRECT?

8           A     THAT'S CORRECT.

9           Q     AND, IN FACT, HE WAS AN ALLEGED VICTIM AT THAT TIME?

10          A     THAT'S CORRECT.

11          Q     AND PART OF THE REASON FOR HAVING HIM COME IS TO  
12       RELAY THE FACTS OF WHAT HAPPENED TO HIM?

13          A     THAT'S CORRECT.

14          MR. JOHNSON:  THANK YOU.

15                            FURTHER DIRECT EXAMINATION

16       BY MR. SAMUEL:

17          Q     DETECTIVE CHAMBERS, ARE YOU AWARE THAT THE MIRANDA  
18       WAIVER FORM IS NOT SIGNED UNTIL 5:00 IN THE MORNING?  DO YOU  
19       RECALL THAT?

20          A     I AM.

21          Q     THAT'S AN HOUR AND A HALF AFTER THE WRITTEN STATEMENT  
22       ENDED?

23          A     OKAY.

24          Q     AM I CORRECT?

25          A     RIGHT.

1 Q WHICH MEANS THAT THE ENTIRE UNTAPED INTERVIEW WAS  
2 PRE-MIRANDA?

3 A NO, NO. I ADVISED HIM VERBALLY OF HIS MIRANDA RIGHTS  
4 AS DETECTIVE FAGLER AND MYSELF BOTH TESTIFIED TO. ALSO, IF YOU  
5 WILL, ON THE FIRST PART OF THE TAPE, IF I RECALL, WE ASKED  
6 MR. DAVIS, HAVE YOU BEEN ADVISED OF YOUR RIGHTS? AND MR. DAVIS  
7 SAYS --

8 Q YES.

9 A THANK YOU.

10 Q AND THAT'S AT 5:01?

11 A YES.

12 Q AND, IN FACT, AT 5:00 O'CLOCK HE HAD BEEN ADVISED AND  
13 SIGNED THE FORM, AND IT WAS HANDWRITTEN IN, 5:00 IN THE  
14 MORNING, SIGNED SCOTT DAVIS?

15 A CORRECT.

16 Q THAT'S AN HOUR AND A HALF AFTER YOU FINISHED THE  
17 WRITTEN STATEMENT?

18 A OKAY.

19 Q WHICH MEANS THE ENTIRE SECOND SEGMENT, IT WAS  
20 UNMIRANDIZED?

21 A NO, SIR. HE WAS ADVISED OF HIS MIRANDA. JUST  
22 BECAUSE I DON'T HAVE A HANDWRITTEN TIME OF HIM DOES NOT MEAN HE  
23 WAS NOT MIRANDIZED. HE WAS MIRANDIZED AT THE TIME WE PUT HIM  
24 IN THE INTERVIEW ROOM. FIRST OFF, MIRANDA IS TWO-FOLD, CUSTODY  
25 AND VOLUNTARINESS. HE WAS NOT IN CUSTODY.

1 Q LET'S PUT ASIDE THE LEGAL MECHANICS HERE, BUT TRYING  
2 TO GET THE TIMING. ARE YOU NOW SAYING --

3 A I'M SAYING I GAVE HIM HIS MIRANDA RIGHTS, MYSELF AND  
4 DETECTIVE FAGLER, WHEN WE PUT HIM IN THE INTERVIEW ROOM, AS IS  
5 STATED ON THAT TAPE AT THE VERY BEGINNING OF THAT TAPE, OKAY?  
6 AND THEN HE WAS GIVEN IT AGAIN IN HIS WRITTEN FORM TO SIGN AT  
7 THAT POINT.

8 Q NEITHER IN THE JACKSON-DENNO HEARING OR AT TRIAL DID  
9 YOU EVER SAY THERE WAS AN ORAL MIRANDA NOT MEMORIALIZED BY A  
10 WRITTEN WAIVER AN HOUR AND A HALF PRIOR TO THE WRITTEN WAIVER?

11 A I TESTIFIED THAT WE PUT HIM IN THAT INTERVIEW ROOM,  
12 THAT I ADVISED HIM OF HIS RIGHTS. MYSELF AND DETECTIVE FAGLER  
13 BOTH ADVISED HIM OF IT.

14 Q AND WAS THAT WHEN THE WAIVER WAS DONE, AT 5:00 A.M.?

15 A NO. IT WAS DONE WHEN WE PUT HIM BACK IN THE  
16 INTERVIEW ROOM. IT WAS ORALLY GIVEN TO HIM AT THAT POINT.  
17 NOW, IF -- IT COULD HAVE BEEN THAT WE STARTED THE INTERVIEW,  
18 THE TAPE, THE TYPED PART, AT 3:30, AND IF YOU GO 45 MINUTES TO  
19 AN HOUR LATER, TALKING ABOUT 4:30, SET HIM IN THE INTERVIEW  
20 ROOM, THEN IT WOULD HAVE BEEN 5:00 A.M. I'M TELLING YOU, WE  
21 GAVE HIM HIS MIRANDA WHEN WE SAT HIM IN THE INTERVIEW ROOM THE  
22 FIRST TIME.

23 Q BEFORE THE TAPED SEGMENT OR THE UNTAPED SEGMENT?

24 A BEFORE THE TAPED SEGMENT.

25 MR. SAMUEL: THAT'S ALL.

1 MS. BAKER: IF WE CAN HAVE A MOMENT, PLEASE.

2 (WHEREUPON, THERE WAS A PAUSE IN THE PROCEEDINGS.)

3 FURTHER CROSS-EXAMINATION

4 BY MR. JOHNSON:

5 Q DETECTIVE CHAMBERS, TO MAKE SURE IT IS VERY CLEAR,  
6 BEFORE YOU ENGAGED IN QUESTIONING THE DEFENDANT -- STRIKE THAT.  
7 ONCE YOU BELIEVED HE WAS A PERSON OF INTEREST, YOU MIRANDIZED  
8 HIM?

9 A ABSOLUTELY.

10 Q NOW, YOU'RE STATING THAT IT MAY NOT HAVE INVOLVED HIM  
11 SIGNING A FORM. HOWEVER, YOU ORALLY ADVISED HIM OF HIS MIRANDA  
12 RIGHTS?

13 A THAT'S CORRECT, AND THEN WE HAD HIM SIGN A FORM. I  
14 CAN'T TELL YOU THE EXACT TIME AT THIS POINT. WHETHER I STARTED  
15 THE TYPEWRITTEN STATEMENT AT 3:32 OR WHETHER IT ENDED AT 3:32,  
16 I CAN'T SIT HERE AND TELL YOU. I CAN TELL YOU WE GOT BACK TO  
17 THE OFFICE SHORTLY AFTER 3:00 O'CLOCK, AND WE TOOK SOME  
18 SETTLING INTO THE OFFICE, AND THEN I TOOK MR. DAVIS INTO THE  
19 SECRETARY'S OFFICE, WHERE I TYPED UP HIS STATEMENT. WHETHER  
20 THAT ENDED AT 3:32 OR STARTED AT 3:32, I CANNOT SIT HERE AND  
21 TELL YOU. I DON'T KNOW.

22 Q AND ARE YOU EVEN SURE THAT THE TIME 3:32 IS ACCURATE?

23 A I'M NOT, AS IT IS STAMPED, BOTH START AND FINISH  
24 TIME. I DO NOT KNOW. BUT I CAN SIT HERE AND TELL YOU THIS, AS  
25 I TESTIFIED TO, THAT I ADVISED HIM OF MIRANDA RIGHTS, AND THE

1 FIRST TIME HE MENTIONED HE WANTED A LAWYER, THAT INTERVIEW WAS  
2 STOPPED AND WE TOOK MR. DAVIS HOME.

3 Q AND THAT SHOWED YOU THAT HE UNDERSTOOD WHAT YOU  
4 ADVISED HIM OF?

5 A ABSOLUTELY. WE EVEN WENT THROUGH THE WRITTEN MIRANDA  
6 VERSION, AND HE WAS ASKED IF HE -- AND HE SAID, I WANT A  
7 LAWYER, BEFORE I SAID ANYTHING ELSE, PARAPHRASING, AND AT THAT  
8 TIME THE INTERVIEW STOPPED.

9 Q AND AT THE END WHEN HE SAID THAT, WHAT DID YOU ALLOW  
10 MR. DAVIS TO DO?

11 A TOOK HIM HOME.

12 Q WAS HE UNDER ARREST AT THAT POINT?

13 A NO.

14 Q WERE YOU AWARE DURING THE TIME FRAME OF YOUR  
15 INTERVIEW AND SPECIFICALLY WHEN YOU WERE ADVISING HIM OF HIS  
16 MIRANDA RIGHTS, THAT HE HAD GRADUATED COLLEGE AND, IN FACT, HAD  
17 AN ADVANCED DEGREE AS WELL?

18 A YES, SIR.

19 Q AND THAT HE COULD UNDERSTAND AND READ THE ENGLISH  
20 LANGUAGE?

21 A YES.

22 Q AND THAT HE DIDN'T HAVE ANY PROBLEM UNDERSTANDING  
23 YOU?

24 A ABSOLUTELY.

25 MR. JOHNSON: THANK YOU.