

1 THE COURT : MR. MORRIS?
2 MR. MORRIS : YES, SIR.
3 THE COURT : THANK YOU VERY MUCH, SERGEANT. YOU MAY
4 BE EXCUSED.
5 MS. ROSS : I BELIEVE NOW IT IS THE DEFENSE'S TURN.
6 THE COURT : OKAY.
7 MR. MORRIS : WOULD YOU ASK MR. CHAMBERS TO COME IN,
8 PLEASE.
9 RICK CHAMBERS,
10 HAVING BEEN DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:
11 THE BAILIFF: STATE AND SPELL YOUR NAME FOR THE
12 RECORD.
13 THE WITNESS: RICK CHAMBERS, ATLANTA POLICE OFFICER.
14 CROSS-EXAMINATION
15 BY MR. MORRIS :
16 Q MR. CHAMBERS, BRUCE MORRIS. YOU ARE TECHNICALLY
17 DETECTIVE CHAMBERS, RIGHT?
18 A SERGEANT.
19 Q I WILL CALL YOU SERGEANT CHAMBERS. I APOLOGIZE.
20 A CERTAINLY.
21 Q YOU RECALL THAT ON APRIL 12TH OR 13TH, 2006, YOU GAVE
22 DIRECT TESTIMONY IN THIS MATTER?
23 A YES, SIR.
24 Q AND I HAVE SOME QUESTIONS FOR YOU ON
25 CROSS-EXAMINATION. IF AT ANY TIME YOU DON'T UNDERSTAND A

1 QUESTION, PLEASE FEEL FREE TO STOP ME AND ASK ME TO EXPLAIN IT
2 OR REPEAT IT. IS THAT FAIR?

3 A YES, SIR.

4 Q I'M GOING TO SHOW YOU WHAT HAVE PREVIOUSLY BEEN
5 MARKED AS STATE'S EXHIBITS i, 2, AND 3 AND ASK YOU JUST TO TAKE
6 A MOMENT TO LOOK AT THOSE.

7 A OKAY.

8 Q YOU RECOGNIZE NUMBER i?

9 A YES, SIR.

10 Q WHAT IS THAT, PLEASE, FOR THE RECORD?

11 A THAT WOULD BE THE TYPEWRITTEN STATEMENT THAT
12 MR. DAVIS GAVE ME ON THE MORNING OF DECEMBER IITH, 1996.

13 Q AND STATE'S EXHIBIT NUMBER 2?

14 A WOULD BE THE WAIVER OF COUNSEL FORM SIGNED BY THE
15 DEFENDANT ON THE SAME DATE AT 05:00 HOURS.

16 Q **AND EXHIBIT NUMBER 3?**

17 A THAT WOULD BE A TRANSCRIPT OF THE AUDIOTAPE MADE OF
18 MR. DAVIS THAT SAME NIGHT, MORNING.

19 Q AS BEST YOU KNOW, THEY ACCURATELY REFLECT THE
20 CIRCUMSTANCES THAT THEY SHOW?

21 A YES, SIR, THEY DO.

22 Q HOW LONG HAVE YOU BEEN WITH THE ATLANTA POLICE
23 DEPARTMENT?

24 A SINCE OCTOBER 31, 1981.

25 Q GOING ON 25 YEARS?

1 A YES, SIR.
2 YOU HAVE BEEN A DETECTIVE HOW LONG?
3 SINCE 1991.
4 AND A SERGEANT SINCE?
5 1997.
6 HOW LONG WERE YOU A DETECTIVE ASSIGNED TO HOMICIDE?
7 JUNE, I BELIEVE, JUNE 92 THROUGH SEPTEMBER OF 97.
8 AND THEN, I BELIEVE, YOU WENT FROM HOMICIDE TO SEX
9 CRIMES; IS THAT CORRECT?

I0 **A** NO, SIR. I WENT FROM SUPERVISOR -- I WENT FROM
I1 HOMICIDE DETECTIVE TO A UNIFORMED SERGEANT IN ZONE TWO, FROM
I2 UNIFORMED SERGEANT IN ZONE TWO TO A SERGEANT IN THE GUN UNIT,
I3 FROM THE GUN UNIT BACK TO HOMICIDE, AND FROM HOMICIDE TO ZONE
I4 THREE, AND FROM ZONE THREE TO SPECIAL VICTIMS UNIT.

15 Q YOU HAVE HAD TRAINING DURING YOUR 25 YEARS IN
16 INTERROGATION TECHNIQUES, CORRECT?

17 A THAT'S CORRECT.

18 Q COULD YOU DESCRIBE THAT FOR US?

19 A CLASS ON INTERVIEWING AND INTERROGATIONS WHERE YOU
20 DETERMINE IF THE SUBJECT IS RIGHT-BRAIN OR LEFT-BRAIN DOMINANT,
21 AND THERE ARE CERTAIN THINGS PEOPLE DO WHEN TALKING. IF THEY
22 ARE RIGHT-BRAIN DOMINANT IN THEIR THINKING OF AN ANSWER, THAT
23 COMES -- THEY WILL LOOK UP AND TO THE RIGHT, I BELIEVE IT IS,
24 TO THINK OF AN ANSWER, AND IF THERE IS AN ANSWER THAT THEY
25 STRICTLY KNOW BY HEART, THEY JUST BLURT OUT AND LOOK STRAIGHT

1 AHEAD, THAT SORT OF THING.

2 Q IS THAT A MULTI-HOUR TRAINING SESSION?

3 A YES, SIR, IT IS.

4 Q AND HAVE YOU HAD OTHER TRAINING IN INTERVIEWING
5 TECHNIQUES?

6 A JUST ALONG THE SAME LINES WITH THE CITY, YES.

7 Q IS THAT FROM TIME TO TIME DURING YOUR 25 YEARS?

8 A THREE DIFFERENT OCCASIONS I HAVE HAD THAT.

9 Q AND WERE THEY PRIOR TO DECEMBER OF 1996?

10 A YES, SIR.

11 Q YOU WOULD DESCRIBE YOURSELF IN DECEMBER OF 1996 AS
12 EXPERIENCED IN INTERROGATION TECHNIQUES?

13 A YES, SIR.

14 Q YOU, AS OF DECEMBER OF 1996, HAD CONDUCTED MANY
15 INTERVIEWS AND INTERROGATIONS?

16 A THAT'S CORRECT, SIR.

17 Q IN FACT WOULD YOU DESCRIBE YOURSELF IN 1996 AS ONE OF
18 THE TOP INTERVIEWERS AND INTERROGATORS IN THE ATLANTA POLICE
19 DEPARTMENT?

20 A I WOULD AT THAT TIME, YES, SIR.

21 Q YOU ENTERED THE, WHAT I WILL CALL THE DAVID COFFIN
22 HOMICIDE CASE ON WEDNESDAY, DECEMBER 10TH, CORRECT?

23 A YES, SIR, THAT MORNING.

24 EARLY IN THE MORNING?

25 JUST SHORTLY AFTER MIDNIGHT.

1 Q DOES THAT ACTUALLY MAKE IT THE 11TH?
2 A THE 11TH WOULD BE THE TUESDAY, AND MIDNIGHT WOULD
3 TURN TO THE 12TH, ON WEDNESDAY MORNING.
4 Q AND AT SOME POINT DURING THE EARLY HOURS OF THAT
5 MORNING, YOU FOCUSED ON SCOTT DAVIS AS THE PERPETRATOR OF THE
6 COFFIN HOMICIDE; DIDN'T YOU?
7 A YES, SIR.
8 Q AND SINCE DECEMBER 10TH, 1996, YOU HAVE EITHER BEEN
9 THE LEAD DETECTIVE OR CO-LEAD DETECTIVE ON THIS CASE, CORRECT?
10 A YES, SIR.
11 Q YOU GATHERED EVIDENCE?
12 A YES, SIR.
13 Q **INTERVIEWED WITNESSES?**
14 A YES, SIR.
15 Q IN FACT YOU OBTAINED THE ORIGINAL ARREST WARRANT IN
16 DECEMBER OF 1996?
17 A YES, SIR.
18 Q AND YOU PREPARED AND PRESENTED THE AFFIDAVIT FOR A
19 WIRE TAP WARRANT IN APRIL OF 2005?
20 A YES, SIR.
21 Q YOU ARE THE DETECTIVE WHO SPEARHEADED THE WIRETAP IN
22 PALO ALTO, CALIFORNIA, IN APRIL OF 2005?
23 A YES, SIR.
24 Q YOU CONDUCTED INTERVIEWS IN PALO ALTO, CALIFORNIA, IN
25 CONJUNCTION WITH THAT WIRETAP?

1 A YES, SIR.
2 YOU HELD A PRESS CONFERENCE?
3 YES, SIR.
4 AND YOU WERE THE DETECTIVE WHO ARRESTED SCOTT DAVIS
5 IN NOVEMBER OF 2005?
6 A YES, SIR.
7 Q SO IT'S BEEN YOUR CASE SINCE THE EARLY MORNING HOURS
8 OF DECEMBER 10TH, 1996?
9 A YES, SIR.
10 Q YOU 'WENT TO THE HOME OF DAVID COFFIN ON CONWAY VALLEY
11 APPROXIMATELY]MIDNIGHT, JUST BEFORE MIDNIGHT, CORRECT?
12 A YES, SIR.
13 Q ON THE 10TH?
14 A YES, SIR.
15 Q AND DETECTIVE WALKER WAS WITH YOU FROM HOMICIDE?
16 A YES, SIR.
17 Q AT SOME POINT IN TIME, YOU WENT OVER TO THE
18 BATTLEVIEW HOME OF MR. DAVIS; IS THAT RIGHT?
19 A YES, SIR.
20 Q ABOUT 2:00 O'CLOCK IN THE MORNING?
21 A YES.
22 Q WHY DID YOU GO TO THE BATTLEVIEW HOUSE?
23 A IT HAD COME TO OUR ATTENTION THAT SOMEONE HAD
24 ATTEMPTED TO SET MR. DAVIS' HOUSE ON FIRE AND THAT MR. DAVIS
25 HAD BEEN ATTACKED THE DAY EARLIER, AND BEING RELATED TO

1 MS. LEE, BEING THE ESTRANGED HUSBAND OF MS. LEE, WE THOUGHT IT
2 MIGHT BE RELEVANT.

3 Q RELEVANT TO THE DEATH OF DAVID COFFIN?

4 A YES.

5 Q WHO TOLD YOU THIS INFORMATION?

6 A MEGAN TOLD US THAT SHE WAS ON THE PHONE WITH SCOTT,
7 THAT HE HAD CALLED AND TOLD HER SOMEONE HAD TRIED TO SET HIS
8 HOUSE ON FIRE. SHE RELATED THAT INFORMATION TO US. WE IN TURN
9 ASKED THE FIRE DEPARTMENT TO CHECK, AND THEY WERE IN FACT EN
10 ROUTE TO BATTLEVIEW.

11 Q DID SHE SAY ANYTHING ELSE ABOUT WHAT OCCURRED IN THAT
12 TELEPHONE CONVERSATION?

13 MS. ROSS: OBJECTION TO RELEVANCE TO THE
14 JACKSON-DENNO, YOUR HONOR.

15 MR. MORRIS: SETTING THE SCENE TO HIS GETTING THERE
16 AND HIS FOCUSING ON THE DEFENDANT, WHICH IS A FACTOR IN
17 DETENTION AND INTERROGATION.

18 MS. ROSS: THIS DETECTIVE'S KNOWLEDGE IS NOT A
19 FACTOR. WHAT IS A FACTOR IS WHETHER THE DEFENDANT
20 VOLUNTARILY SPOKE TO THE DETECTIVES.

21 MR. MORRIS: I HAVEN'T ASKED THE SUBSTANCE OF
22 ANYTHING.

23 THE COURT: THE OBJECTION IS OVERRULED.

24 **BY MR. MORRIS :**

25 Q DID SHE GIVE YOU ANY OTHER INFORMATION ABOUT THE

1 TELEPHONE CONVERSATION SHE HAD WITH MR. DAVIS?

2 A JUST THAT HE HAD BEEN ATTACKED THE DAY BEFORE AT HIS
3 RESIDENCE.

4 Q THAT'S ALL?

5 A YES, SIR.

6 Q OKAY. WERE YOU AWARE OF ANY CONNECTION BETWEEN THE
7 DAVIS BATTLEVIEW ADDRESS AND THE COFFIN CONWAY ADDRESS?

8 A OTHER THAN THAT'S WHERE MR. DAVIS AND MS. LEE HAD
9 RESIDED WHEN THEY WERE MARRIED OR WERE LIVING TOGETHER.

10 Q WHEN YOU GOT TO BATTLEVIEW, YOU SPOKE WITH SCOTT
11 DAVIS, CORRECT?

12 A THAT'S CORRECT.

13 Q YOU QUESTIONED HIM ABOUT THE EVENTS OF THE TWO
14 ATTACKS ON HIM AT THE BATTLEVIEW ADDRESS, CORRECT?

15 A YES, SIR.

16 WERE THE ATTACKS ON HIM AT BATTLEVIEW A HOMICIDE
17 MATTER?

18 A IN RELATION TO THAT THEY COULD HAVE BEEN COMMITTED BY
19 THE SAME PERSON, YES.

20 Q SO IT WAS AS CONNECTED TO THE COFFIN INCIDENT?

21 A YES, SIR.

22 Q THAT'S THE REASON IT WAS A HOMICIDE MATTER?

23 A YES, SIR.

24 Q AND AFTER TALKING WITH SCOTT DAVIS AT THE SCENE, AND
25 YOU GOT FROM HIM HIS DESCRIPTION OF WHAT OCCURRED, CORRECT?

1 A YES, SIR.
2 SATISFACTORY DESCRIPTION?
3 I DON'T UNDERSTAND.
4 I WILL ASK YOU THIS WAY. DID HE REFUSE TO ANSWER ANY
5 QUESTIONS ABOUT WHAT HAPPENED TO HIM?
6 A OH, NO, SIR. HE COOPERATED.
7 Q AND THEN YOU TOLD HIM HE NEEDED TO COME TO HOMICIDE
8 **TO ANSWER MORE QUESTIONS?**
9 A NO, SIR. I TOLD HIM HE NEEDED TO COME TO HOMICIDE TO
10 MAKE A STATEMENT.
11 Q YOU DIDN'T TELL HIM HE DIDN'T HAVE TO COME, DID YOU?
12 **A NO, SIR.**
13 Q YOU DIDN'T TELL HIM HE COULD DECLINE TO COME IF HE
14 DIDN'T WANT TO?
15 A NO, SIR.
16 Q YOU TOLD HIM HE NEEDED TO COME TO HOMICIDE TO MAKE A
17 STATEMENT?
18 A TOLD HIM WE NEEDED A STATEMENT FROM HIM ON THE THINGS
19 THAT OCCURRED TO HIM, SINCE THEY WERE SIMILAR TO WHAT OCCURRED
20 TO MR. COFFIN.
21 Q AND YOU INTENDED TO QUESTION HIM ABOUT THE COFFIN
22 FIRE AND THE COFFIN DEATH, TOO, DIDN'T YOU?
23 A NO, SIR. I ONLY INTENDED TO GET INFORMATION FROM HIM
24 AS RELEVANT TO THE ATTACK THAT OCCURRED TO HIM AND SEE IF WE
25 COULD PUT -- THAT PERSON WHO DID THAT WAS MORE THAN LIKELY THE

1 PERSON THAT KILLED DAVID COFFIN.

2 Q I UNDERSTAND WHAT YOUR THOUGHTS WERE. YOU INTENDED
3 TO ASK HIM -- STRIKE THAT. YOU INTENDED TO OBTAIN A FORMAL
4 STATEMENT FROM HIM ABOUT WHAT HAPPENED TO HIM AT BATTLEVIEW?

5 A THAT'S CORRECT.

6 Q AND YOU ALSO INTENDED TO ASK HIM QUESTIONS ABOUT
7 DAVID COFFIN AND THE COFFIN HOMICIDE?

8 A NO, SIR. I INTENDED TO ASK HIM ABOUT WHAT HAD
9 OCCURRED TO HIM, AND IF IT CAME UP THAT THERE WAS RELEVANCE TO
10 THE COFFIN CASE, THEN WE WOULD ASK THAT, BUT.

11 Q SO YOU KNEW WHEN YOU TOOK HIM DOWN THERE THAT YOU
12 MIGHT BE ASKING HIM QUESTIONS ABOUT THE COFFIN HOMICIDE?

13 A NO, SIR. I KNEW I WAS GOING TO BE ASKING HIM
14 QUESTIONS ABOUT THE ATTACK ON HIM. AT THAT POINT I HAD NO
15 KNOWLEDGE THAT MR. DAVIS WAS IN FACT OR COULD BE CONSIDERED A
16 SUSPECT IN THE MURDER OF MR. COFFIN.

17 Q YOU HAD HIM TAKEN DOWN TO HOMICIDE IN A PATROL CAR?

18 A THAT IS CORRECT.

19 Q SO WHEN HE GOT TO HOMICIDE, HE HAD NO CAR THERE?

20 A CORRECT.

21 Q HE WAS DEPENDENT UPON THE POLICE TO TAKE HIM HOME?

22 A YES, SIR.

23 Q WHEN HE GOT THERE -- AND YOU GOT THERE SHORTLY
24 THEREAFTER. IS THAT A FAIR STATEMENT?

25 A YES, SIR.

1 Q THERE WERE OTHER WITNESSES RELATED TO THE COFFIN FIRE
2 AND HOMICIDE AT THE HOMICIDE OFFICE, CORRECT?

3 A THAT'S CORRECT.

4 Q INCLUDING HIS WIFE, MEGAN?

5 A YES.

6 Q CLAYTON TURNER?

7 A YES, SIR.

8 Q CRAIG FOSTER?

9 A YES.

10 Q PATRICIA SLAVIN?

11 A OKAY, YES, SIR.

12 Q CRAIG FOSTER'S GIRLFRIEND?

13 A YES, SIR.

14 Q **WHATEVER HER NAME WAS?**

15 A YES, SIR.

16 Q AND THEY WERE SITTING, FOR LACK OF A BETTER TERM, IN
17 THAT BUILDING IN THE RECEPTION AREA?

18 A YES.

19 Q BUT MR. DAVIS WAS NOT PERMITTED TO SIT WITH THEM, WAS
20 HE?

21 A I'M NOT SURE. WHEN I GOT THERE, MR. DAVIS WAS
22 SITTING IN THE -- STANDING IN THE OUTSIDE AREA WHERE EVERYONE
23 ELSE WAS STANDING.

24 Q HE WAS?

25 A I BELIEVE SO.

1 Q DID YOU NOT DIRECT OFFICER O'CONNOR TO SEPARATE HIM
2 FROM THE OTHERS IN A SEPARATE OFFICE?

3 A NO, SIR, NOT THAT I REMEMBER.

4 Q SO IT'S YOUR TESTIMONY, WHEN YOU GOT THERE, HE WAS
5 SITTING WITH ALL THE OTHERS?

6 A I THINK SO. THE BEST I CAN RECALL, HE WAS. IT IS
7 OUR PRACTICE TO SEPARATE WITNESSES OF A CASE, SO THEY DO NOT
8 TALK AND DISCUSS THE CASE OR DISCUSS THE INCIDENT, SO WE GET
9 STATEMENTS ONE AT A TIME, THAT ONE DOES NOT AFFECT THE OTHER
10 STATEMENT.

11 Q I UNDERSTAND YOUR PRACTICE. ISN'T IT TRUE HE WAS
12 SEPARATE FROM 'THE OTHERS?

13 A I'M NOT SURE. I WASN'T THERE WHEN HE WAS BROUGHT IN.

14 Q AND YOUR TESTIMONY IS, WHEN YOU CAME IN, HE WAS THERE
15 WITH THE OTHERS?

16 A I THINK HE WAS, YES, SIR.

17 YOU TOOK HIM INTO A SEPARATE ROOM?

18 THAT'S CORRECT.

19 SAT DOWN AT A DESK IN A SEPARATE OFFICE WITH YOU?

20 YES, SIR.

21 AND YOU TYPED UP WHAT HE SAID. IS THAT HOW IT
22 OCCURRED?

23 A YES, SIR.

24 Q AND THAT IS EXHIBIT NUMBER I?

25 A YES, SIR.

1 Q DID YOU DO ALL THE TYPING ON THAT EXHIBIT?
2 YES, SIR, I DID.
3 IS THAT A MANUAL TYPEWRITER OR A COMPUTER TYPEWRITER?
4 I THINK IT WAS A MANUAL TYPEWRITER. I'M NOT SURE IF
5 WE HAD A WORD PROCESSOR. LOOKS LIKE IT MAY HAVE BEEN DONE ON A
6 COMPUTER, BUT I THINK WE WERE STILL USING MANUAL TYPEWRITERS.
7 Q YOU ARE THE ONE WHO PREPARED IT?
8 A YES, SIR.
9 Q IN SITTING THERE WITH HIM, YOU QUESTIONED HIM ABOUT
10 ATTACKS ON HIM THAT OCCURRED AT BATTLEVIEW?
11 A THAT'S CORRECT.
12 AND YOU PREPARED THAT STATEMENT FOR HIS REVIEW,
13 CORRECT ?
14 A YES, SIR.
15 Q AND YOUR INTENTION WAS TO HAVE HIM READ IT AND SIGN
16 IT?
17 A THAT'S CORRECT.
18 Q AFTER HE MADE HIS STATEMENT ABOUT THE ATTACKS ON HIM,
19 YOU ASKED HIM CERTAIN QUESTIONS, DIDN'T YOU?
20 A YES, SIR.
21 Q AND THOSE QUESTIONS, SOME OF THEM, CONCERNED NOT JUST
22 THE ATTACK ON HIM BUT QUESTIONS REGARDING DAVID COFFIN?
23 A YES, SIR.
24 Q AT THIS POINT IT'S JUST THE TWO OF YOU SITTING IN
25 THIS ROOM; IS THAT CORRECT?

1 A THAT'S CORRECT.

2 Q WAS THERE ANYTHING SAID BY EITHER OF YOU OF
3 SIGNIFICANCE THAT IS NOT REFLECTED IN STATE'S EXHIBIT NUMBER
4 I?

5 A NOT THAT I CAN RECALL.

6 Q WHEN YOU FINISHED ASKING HIM THE QUESTIONS, YOU ASKED
7 HIM TO REVIEW THE STATEMENT?

8 A THAT'S CORRECT.

9 Q **HE REVIEWED IT?**

10 A YES, SIR.

11 Q YOU .ASKED HIM TO SIGN IT?

12 A YES, SIR.

13 Q AND IT WAS DATED?

14 A YES, SIR.

15 Q AND IT WAS TIME STAMPED, MY WORDS?

16 A YES, SIR.

17 Q AND THEN YOU DIRECTED HIM INTO ANOTHER ROOM?

18 A THAT'S CORRECT.

19 Q AND CORRECT ME IF I'M WRONG. THIS IS THE
20 INTERROGATION ROOM?

21 A YES, SIR.

22 THERE IS A TABLE IN THERE?

23 YES.

24 IN THE CORNER?

25 WELL, THERE IS A TABLE IN THE MIDDLE OF THE ROOM.

1 Q AWAY. FROM THE DOOR?

2 A WELL, IT WAS A VERY SMALL ROOM, I MEAN, BUT HIS CHAIR
3 WAS AWAY FROM THE DOOR, YES.

4 Q AND ALL THAT'S IN THE ROOM IS THE TABLE AND A COUPLE
5 OF CHAIRS?

6 A THAT'S CORRECT.

7 Q AND THAT IS THE ROOM THAT YOU AND THE ATLANTA POLICE
8 HOMICIDE AT THAT TIME USED AS THE INTERROGATION ROOM?

9 A YES, SIR.

i0 Q AND YOU TOLD HIM TO STAY THERE AND WAIT UNTIL YOU
i1 CAME BACK?

12 A YES, SIR.

13 YOU LEFT HIM THERE WITH DETECTIVE FAGLER WATCHING
14 HIM?

15 A YES, SIR.

16 Q AND A COUPLE OF MINUTES LATER YOU CAME BACK, CORRECT?

17 A YES, SIR.

18 Q AND YOU TOLD HIM THAT YOUR INVESTIGATION HAD NOW
19 FOCUSED ON HIM AS THE SUSPECT IN THE COFFIN HOMICIDE, CORRECT?

20 A YES, SIR.

21 AND YOU ACCUSED HIM OF LYING TO YOU IN HIS STATEMENTS
22 TO YOU ?

23 A YES, SIR.

24 Q AND YOU TOLD HIM THAT HIS STORY, TO USE YOUR WORDS,
25 WAS FULL OF HOLES; ISN'T THAT RIGHT?

1 A YES, SIR.

2 Q YOU TOLD HIM THAT YOU BELIEVED HE HAD MADE UP THE
3 STORY ABOUT THE ATTACKS ON HIMSELF?

4 A YES, SIR.

5 Q AND YOU STRAIGHT OUT ACCUSED HIM OF BEING INVOLVED IN
6 THE COFFIN MURDER AND ARSON?

7 A EVENTUALLY I DID, YES, SIR.

8 Q AND AT SOME POINT DETECTIVE MARSHALL WALKER CAME IN,
9 CORRECT?

10 A YES, SIR.

11 Q AND HE JOINED YOU IN THE INTERROGATION?

12 A YES, SIR.

13 Q SOMETIMES YOU WOULD ASK QUESTIONS. SOMETIMES HE
14 WOULD ASK QUESTIONS?

15 A YES, SIR.

16 Q AND WHEN WALKER CAME IN, YOU CHALLENGED MR. DAVIS
17 ABOUT WHERE HE HEARD THAT COFFIN HAD BEEN KILLED?

18 A YES, SIR, BECAUSE HE HAD STATED TO ME IN OUR INITIAL
19 INTERVIEW IN THE INTERVIEW ROOM THAT MR. COFFIN HAD BEEN SHOT.
20 AT THAT POINT IN TIME, I DID NOT KNOW HOW MR. COFFIN HAD DIED.

21 Q WHEN YOU SAY THE INTERVIEW ROOM, ARE YOU TALKING
22 ABOUT THE ROOM WHERE YOU TOOK THE INITIAL STATEMENT?

23 A NO. TALKING ABOUT THE INTERVIEW ROOM, THE INTERVIEW
24 AND INTERROGATION ROOM.

25 Q THAT'S, FOR LACK OF A BETTER TERM, ROOM NUMBER TWO?

1 A RIGHT. THE SECRETARY'S OFFICE WOULD BE ROOM NUMBER
2 ONE, WHERE I TOOK THE TYPEWRITTEN STATEMENT.

3 Q AS YOU ARE QUESTIONING HIM, BUT BEFORE WALKER CAME
4 IN, HE SAID TO YOU WHAT?

5 A HE SAID TO ME THAT HE DID NOT SET FIRE TO
6 MR. COFFIN'S HOUSE, NOR DID HE SHOOT MR. COFFIN.

7 Q AND SO YOU QUESTIONED HIM ABOUT HOW HE KNEW
8 MR. COFFIN HAD BEEN SHOT?

9 A YES, SIR.

10 Q AND HE TOLD YOU HE HEARD IT FROM MEGAN?

11 A YES, SIR.

12 Q AND YOU CALLED HIM A LIAR?

13 A I LEFT THE ROOM. I GOT IN TOUCH WITH MEGAN, SPOKE TO
14 MEGAN ABOUT IT, AND MEGAN SAID SHE NEVER SAID THAT.

15 Q HOW DID YOU GET IN TOUCH WITH MEGAN?

16 A I BELIEVE I CALLED HER ON THE PHONE.

17 Q WELL, SHE WAS SITTING OUT IN THE RECEPTION ROOM,
18 WASN'T SHE?

19 A I THINK SHE HAD LEFT BY THAT TIME.

20 Q YOU DO?

21 A YES, SIR.

22 Q DID YOU TALK TO CLAYTON TURNER IN THE RECEPTION ROOM?

23 A I KNOW I SPOKE -- CALLED CRAIG FOSTER. I DON'T KNOW
24 IF I SPOKE TO MR. TURNER.

25 Q ISN'T IT TRUE YOU LITERALLY WENT OUT, CHECKED WITH

1 THEM, AND CAME BACK SAID, "MR. DAVIS, I JUST TALKED TO THEM,
2 AND THEY DIDN'T TELL YOU"?

3 A I THINK I CALLED MEGAN. I WOULD HAVE TO CHECK AND
4 SEE. I DON'T RECALL IF I SPOKE TO THEM ON THE PHONE OR SPOKE
5 TO THEM IN PERSON, BUT I BELIEVE IN MY SUPPLEMENT I SAID I
6 CALLED.

7 Q I DON'T KNOW. I'M ASKING YOUR RECOLLECTION.

8 A MY RECOLLECTION, I SPOKE TO THEM. I'M NOT SURE IF I
9 CALLED OR SPOKE TO THEM IN PERSON.

io Q SO YOU TELL MR. DAVIS, "I'M GOING OUT TO CHECK WITH
ii MEGAN AND SEE WHAT SHE SAYS ABOUT THAT' '~

12 A I DON'T BELIEVE I TOLD HIM THAT. I JUST GOT UP AND
13 WALKED OUT OF THE ROOM, SAID I WOULD BE RIGHT BACK.

14 Q IF YOU CALLED MEGAN, WHAT TELEPHONE NUMBER DID YOU
15 CALL HER ON?

16 A I BELIEVE IT WOULD BE HER CELL PHONE, I THINK, OR
17 SOMEONE'S CELL PHONE. I'M NOT SURE.

18 Q DON'T RECALL?

19 A NO, SIR.

20 Q AND WOULD YOU HAVE CALLED FROM YOUR CELL PHONE OR THE
21 POLICE DEPARTMENT PHONE?

22 A POLICE DEPARTMENT PHONE.

23 Q SO YOU CAME BACK, AND YOU TOLD HIM THAT MEGAN DIDN'T
24 SAY THAT, ACCORDING TO HER?

25 A CORRECT.

1 Q AND HE SAID, "WELL, I EITHER HEARD IT FROM HER OR
2 CLAYTON TURNER AND MR. FOSTER." IS THAT RIGHT?

3 A I BELIEVE HE SAID THE FIRST TIME HE EITHER HEARD IT
4 FROM MEGAN OR MR. FOSTER.

5 Q AND YOU CHECKED WITH MR. FOSTER?

6 A THAT'S CORRECT.

7 Q AND ,SAME BACK AND SAID, "MR. FOSTER SAYS NO"?

8 A THAT'S CORRECT.

9 Q IS I'T FAIR TO SAY AT THIS POINT YOU ARE RAISING YOUR
iO VOICE WITH MR. DAVIS?

ii A NO, SIR.

12 Q DETECTIVE CHAMBERS, ISN'T IT ONE OF YOUR TECHNIQUES
13 WHEN EXAMINING SOMEBODY, INTERROGATING THEM, THAT FROM TIME TO
14 TIME YOU CHANGE THE TONE OF YOUR VOICE IN ANATTEMPT TO GET
15 THEIR ATTENTION AND MAKE A POINT?

16 A THAT CAN BE A TECHNIQUE, YES, SIR, BUT I DID NOT
17 RAISE MY VOICE WITH MR. DAVIS AT THIS POINT.

18 Q NOT AT THIS POINT. APPARENTLY YOU DID AT A LATER
19 POINT?

20 A I BELIEVE AT THE VERY END, WHEN MR. DAVIS GOT LOUD, I
21 GOT A LITTLE LOUD AS WELL.

22 Q DID YOU TALK TO CLAYTON TURNER ABOUT WHETHER HE TOLD
23 SCOTT DAVIS THAT COFFIN HAD BEEN SHOT?

24 A I DON'T RECALL IF I SPOKE TO MR. TURNER. IN MY
25 SUPPLEMENT I STATE MR. FOSTER. I DON'T MENTION MR. TURNER. I

1 USUALLY TAKE MY SUPPLEMENTS STRAIGHT FROM MY NOTES AND
2 TRANSCRIBE IT TO THE SUPPLEMENT. IF I HAD SPOKEN TO
3 MR. TURNER, I THINK IT WOULD HAVE WROTE IT IN -- I'M NOT SURE
4 IF I WOULD. I COULD HAVE AND JUST NOT WROTE IT DOWN.

5 Q AND DID YOU TALK TO MR. FOSTER?

6 A YES, SIR, I DID TALK TO MR. FOSTER.

7 Q WHEN YOU LEFT THE ROOM, MR. DAVIS IS STILL IN THE
8 INTERROGATION ROOM, CORRECT?

9 A YES, SIR.

10 Q AND DETECTIVE WALKER IS NOW WITH HIM?

11 A AT THIS POINT INVESTIGATOR FAGLER IS WITH US, AND
12 THAT'S WHEN I GO GET INVESTIGATOR WALKER, AND WE COME BACK IN
13 AND WE BEGIN TAPING THE INTERVIEW.

14 Q YOU LEAVE THE ROOM AND COME BACK WITH WALKER AND A
15 TAPE RECORDER?

16 A YES, SIR.

17 Q AND YOU TURN THE TAPE RECORDER ON AND GO OVER THE
18 FACT THAT MR. DAVIS HAS BEEN GIVEN HIS MIRANDA WARNINGS,
19 CORRECT?

20 A YES, SIR.

21 Q THAT IS ACTUALLY DETECTIVE WALKER TALKING, ISN'T IT?

22 A YES.

23 Q AND MR. DAVIS ACKNOWLEDGES THAT?

24 A YES, SIR.

25 Q AND THERE IS A FORM EXECUTED THAT IS EXHIBIT NUMBER

1 2?

2 A YES, SIR.

3 Q AND YOU DON'T HAVE ANY REASON TO BELIEVE THERE IS

4 ANYTHING ON NUMBER 2 THAT IS INACCURATE, SIR?

5 A NO, .SIR.

6 Q AND AT THIS POINT YOU START QUESTIONING MR. DAVIS

7 AGAIN, CORRECT?

8 A YES, SIR.

9 Q BOTH YOU AND DETECTIVE WALKER?

10 A YES, SIR.

11 Q NOW, THERE IS NO MENTION AT THE BEGINNING OF THAT

12 TAPE WHAT TIME IT IS AND WHO'S PRESENT, IS IT?

13 A NO, SIR.

14 Q NOW, ISN'T IT STANDARD POLICE PRACTICE, WHEN YOU ARE

15 TAPE RECORDING AN INTERVIEW OR CONVERSATION WITH SOMEONE WHO IS

16 A SUSPECT, THAT YOU STATE WHO IS PRESENT AND WHAT TIME IT IS?

17 A YES, SIR, SOMETIMES, YES.

18 YOU DIDN'T DO THAT?

19 NO, SIR.

20 WHEN YOU SAY SOMETIMES, THAT'S A STANDARD PROCEDURE,

21 ISN'T IT?

22 A THERE IS NOT AN SOP THAT SAYS YOU HAVE TO DO THAT.

23 Q ISN'T IT PART OF YOUR TRAINING TO DO THAT?

24 A NO, SIR.

25 Q NO, SIR?

1 A NO, SIR.
2 SO THE ONLY TIME --
3 IT'S GOOD FORM TO DO THAT.
4 YOU DIDN'T DO THAT?
5 NO, SIR.
6 DID YOU MAKE A DECISION NOT TO DO THAT?
7 IT WAS NOT A CONSCIOUS DECISION.
8 SO THE ONLY TIMES WE CAN COUNT ON ARE THOSE SHOWING
9 ON THE OTHER EXHIBITS?
10 A YES, SIR.
11 SO YOU START QUESTIONING HIM AGAIN, CORRECT?
12 YES, SIR.
13 FIRST YOU, AND THEN WALKER, AND THEN YOU AGAIN,
14 RIGHT ?
15 A WELL, ACTUALLY IT'S MOSTLY WALKER. YES, WE BOTH DID.
16 Q AND YOU REPEAT MANY OF THE QUESTIONS THAT YOU ASKED
17 HIM BEFORE YOU STARTED TAPE RECORDING?
18 A YES, SIR.
19 Q YOU ASKED HIM TO GO OVER THEM AGAIN?
20 A YES, SIR.
21 Q **AND HE ANSWERS THEM AGAIN?**
22 A YES, SIR.
23 Q YOU SPECIFICALLY QUESTION HIM ABOUT HIS PREVIOUS
24 UNTAPED STATEMENT ABOUT LEARNING ABOUT COFFIN'S DEATH?
25 A THAT'S CORRECT.

1 Q IS EVERY QUESTION AND ANSWER RECORDED FROM THE TIME
2 THAT YOU STARTED TAPE RECORDING?

3 A YES, SIR.

4 Q IS THERE EVER A TIME WHEN YOU STOPPED THE TAPE AND
5 SAID ANYTHING?

6 A NOT THAT I RECALL.

7 Q NOT THAT YOU RECALL?

8 A NO, SIR.

9 Q SO THERE ARE NO STATEMENTS THAT YOU CAN THINK OF THAT
10 EITHER YOU MADE OR MR. DAVIS MADE OR DETECTIVE WALKER MADE THAT
11 WAS NOT CAPTURED BY THE TAPE RECORDER, ONCE YOU STARTED TAPING?

12 A NOT THAT I RECALL, NO, SIR.

13 Q ISN'T IT TRUE THAT FROM TIME TO TIME YOU DID STOP AND
14 RESTART THE TAPE?

15 A IF THE TAPE WAS STOPPED AND STARTED, IT'S BECAUSE WE
16 LEFT THE ROOM TO DO SOMETHING, BUT IT WAS NOT -- THERE WAS NO
17 TIME WHEN THE TAPE WAS STOPPED AND MR. DAVIS WAS QUESTIONED
18 MORE AND THEN THE TAPE STARTED AGAIN.

19 Q DO YOU EVER RECALL TELLING HIM THAT, YOU KNOW GEORGIA
20 HAS THE DEATH PENALTY?

21 A NO, SIR.

22 Q YOU DON'T RECALL THAT?

23 A NO, SIR.

24 Q BUT YOU DID QUESTION HIM ABOUT WHAT HE HAD STATED
25 EARLIER DURING THE UNTAPED CONVERSATION?

1 A YES, SIR.

2 Q BECAUSE THE PURPOSE WAS TO GET WHAT HE PREVIOUSLY
3 SAID ON TAPE, CORRECT?

4 A THAT IS CORRECT.

5 I MEAN, THAT WAS THE TECHNIQUE?

6 YES, SIR.

7 TWO-STEP INTERVIEW, ONE OFF THE TAPE AND ONE ON THE
8 TAPE?

9 A THE INTERVIEW BEFOREHAND AND THEN THE TAPED
io **INTERVIEW.**

ii Q THAT'S WHAT YOU DID IN THIS CASE?

12 A YES, SIR.

13 Q AND AT LEAST ON ONE OCCASION -- YOU CAN LOOK AT THE
14 TRANSCRIPT IF YOU NEED TO, BUT I ASSURE YOU I'M NOT MISLEADING
15 YOU. AT LEAST ON ONE OCCASION, YOU ASKED A QUESTION, AND HE
16 SAID, "WE HAVE ALREADY HAD THIS DISCUSSION," AND YOU RESPONDED,
17 "WELL, WE'RE HAVING IT AGAIN"?

18 A YES, SIR.

19 Q AND THAT'S PART OF THAT GETTING HIM TO REPEAT IT?

20 A YES, SIR.

21 Q AND DURING THE COURSE OF THIS TAPED INTERVIEW,
22 MR. DAVIS TELLS YOU HE IS GETTING TIRED?

23 A NO, SIR.

24 LET'S LOOK AT BATES STAMP PAGE 736, IF YOU WOULD.

25 I DON'T --

1 Q IS YOURS BATES STAMPED?

2 NO, SIR, IT'S NOT.

3 HERE IT IS. MAY I APPROACH, YOUR HONOR?

4 THE COURT : YES.

5 BY MR. MORRIS :

6 Q LET ME SHOW YOU WHAT HAS BEEN PROVIDED TO US IN
7 DISCOVERY AS THE DEPARTMENT OF POLICE TRANSCRIPT, AT BATES
8 STAMP PAGE NUMBER 736.

9 A DO I HAVE THAT HERE?

10 Q YOU DON'T HAVE THE SAME COPY, NO. THIS IS THE
11 ORIGINAL. DO YOU RECOGNIZE THIS, "DETECTIVE WALKER AND
12 DETECTIVE CHAMBERS"?

13 A RIGHT.

14 Q SCOTT DAVIS IS QUOTED AS SAYING, "I MEAN, YOU HAVE
15 THE REPORT TO LOOK AT. I MEAN, I JUST CAN'T -- I MEAN, YOU
16 KNOW, I'M REAL TIRED, AND I'VE BEEN ATTACKED TWICE, AND IT'S
17 HARD FOR ME TO SIT HERE AND RECOUNT EVERY SECOND." DO YOU
18 RECALL HIM SAYING THAT?

19 A NO, SIR, I DON'T, BUT IF IT'S THERE, I GUESS HE DID.

20 Q AND THIS IS THE TRANSCRIPT PREPARED BY THE ATLANTA
21 POLICE DEPARTMENT; IS IT NOT?

22 A IT APPEARS TO BE, YES.

23 DO YOU HAVE ANY QUESTION ABOUT THAT?

24 NO.

25 SO, ALTHOUGH YOU DON'T RECALL HIM SAYING HE WAS

1 TIRE, IF IT'S REFLECTED IN THE TRANSCRIPT, YOU WILL ACCEPT
2 THAT HE DID SAY THAT?

3 A YES, SIR.

4 Q AND YOU KNEW HE HAD BEEN ATTACKED TWICE?

5 A YES.

6 Q YOU INDEED ACKNOWLEDGED THAT HE IS TIRE. DO YOU
7 RECALL THAT?

8 A NO, SIR.

9 Q AT PAGE 737, ACCORDING TO THE BATES STAMP, AFTER HE
10 TELLS YOU HE IS TIRE AND BEEN ATTACKED TWICE, YOU SAY, "I
11 KNOW. I KNOW ~YOU ARE." ANY DOUBT THAT YOU SAID THAT?

12 MS. ROSS: THAT WOULD BE PAGE 25?

13 MR. MORRIS: PAGE 25 OF EXHIBIT 3, I BELIEVE.

14 MS. ROSS: IN THE MIDDLE OF THE PAGE.

15 A I BELIEVE I WOULD BE SAYING, "I KNOW. I KNOW," IN
16 REGARDS TO HIM SAYING, "I'M GOING TO GIVE YOU GOOD ESTIMATES."

17 Q YOU DIDN'T KNOW HE WAS REAL TIRE WHERE HE SAYS, "I'M
18 REAL TIRE," IMMEDIATELY ABOVE THAT?

19 A I MEAN HE SAYS IT, YES, SIR.

20 Q YOU JUST DON'T RECALL THAT?

21 A NO.

22 Q EVEN THOUGH HE SAID THAT, AND IT'S CLEAR FROM THE
23 TRANSCRIPT, YOU DID NOT STOP INTERROGATING HIM, DID YOU?

24 A NO, SIR.

25 Q AND IN FACT YOU TELL HIM HE IS THE PRIME SUSPECT?

1 A YES, SIR.

2 Q YOU TELL HIM THAT YOU BELIEVE HE WENT TO COFFIN'S
3 HOUSE ON MONDAY NIGHT?

4 A YES, SIR. DID I SAY MONDAY NIGHT?

5 Q I BELIEVE YOU DID. DO YOU RECALL THAT?

6 A I'M LOOKING AT -- WHAT PAGE WOULD THAT BE ON?

7 Q I HAVE IT ON 737, PAGE 29 OF EXHIBIT 3, A THIRD OF
8 **THE WAY DOWN.**

9 A RIGHT.

10 Q CORRECT?

11 A YES, SIR.

12 Q AND YOU TELL HIM THAT YOU BELIEVE HE CONFRONTED
13 COFFIN ABOUT SEEING DAVIS' WIFE, MEGAN?

14 A YES.

15 AND THEN A FIGHT ENSUES, CORRECT?

16 THAT'S WHAT I TOLD HIM, YES.

17 AND HE DENIED THAT?

18 YES.

19 AND YOU ACCUSE HIM OF LYING?

20 YES, SIR.

21 MR. MORRIS: LET ME HAVE JUST A MOMENT, YOUR HONOR.

22 THE WITNESS: I DON'T KNOW. I DIDN'T CALL HIM A
23 LIAR. I ASKED HIM ABOUT HIS THREE DOLLAR CAFE TRIP.

24 BY MR. MORRIS :

25 Q WELL, LET ME ASK YOU IF THIS REFRESHES YOUR

1 RECOLLECTION. ON PAGE 31, DON'T YOU SAY, "OKAY. LET ME TELL
2 YOU SOMETHING. I'VE BEEN DOING THIS FOR A LOT OF YEARS. OKAY.
3 I'VE BEEN TO EVERY INTERVIEW AND INTERROGATION SCHOOL THERE IS.
4 OKAY. ALL RIGHT? I'M PROBABLY ONE OF THE TOP TWO IN THIS
5 OFFICE. OKAY? THERE IS CERTAIN THINGS PEOPLE DO WHEN THEY ARE
6 TELLING A LIE. THEY JUST CAN'T STOP IT. THEY CAN'T STOP IT.
7 THEY CAN'T KEEP FROM DOING IT''~

8 A THAT'S WHAT I SAID, YES, SIR.

9 SO YOU WERE CALLING HIM A LIAR?

10 BASICALLY, YES, SIR, AT THAT POINT I WAS.

11 AFTER YOU FINISHED THIS INTERROGATION, YOU ALLOWED
12 MR. DAVIS TO BE TAKEN HOME?

13 A TOOK HIM HOME.

14 YOU DROVE HIM HOME?

15 YES, MYSELF, AND DETECTIVE WALKER.

16 AND WHEN YOU GOT THERE, YOU LOOKED AROUND THE
17 PROPERTY?

18 A YES, SIR, DETECTIVE WALKER DID.

19 Q YOU DIDN'T LOOK?

20 A I WENT OUT BACK AND OUT INTO THE WOODS BEHIND HIS
21 HOUSE.

22 Q DID YOU FIND ANYTHING BACK THERE?

23 A NO, SIR.

24 Q THANK YOU. OH, I DO HAVE ONE QUESTION. WHEN YOU
25 WERE AT THE CONWAY LOCATION, DID YOU OBSERVE A FOOTPRINT AT THE

1 BACK OF THE PROPERTY?

2 MS. ROSS: I OBJECT TO RELEVANCE TO THE
3 JACKSON-DENNO.

4 THE COURT: MR. MORRIS?

5 MR. MORRIS: IF HIS ANSWER IS YES, I'M GOING TO ASK
6 IF HE ASKED MR. DAVIS ABOUT IT.

7 MS. ROSS: BUT AGAIN, IT DOESN'T MATTER WHAT HE
8 ASKED HIM. IT GOES TO THE FREE AND VOLUNTARY NATURE OF
9 THE STATEMENT. NOR THIS DETECTIVE'S KNOWLEDGE OF WHAT
10 WAS AT THE CRIME SCENE. IT IS THE DEFENDANT'S STATE OF
11 **MIND.**

12 THE COURT: **SUSTAINED.**

13 MR. MORRIS: THAT'S ALL I HAVE. THANK YOU, YOUR
14 HONOR.

15 MS. ROSS: BRIEF REDIRECT, IF IT PLEASE THE COURT.

16 THE COURT: YES.

17 REDIRECT EXAMINATION

18 BY MS. ROSS:

19 Q DETECTIVE CHAMBERS, YOU WERE THE DETECTIVE THAT
20 SECURED THE ORIGINAL ARREST WARRANT IN 1996?

21 A YES, MA'AM.

22 Q HOW MUCH TIME PASSED BETWEEN THE TIME YOU INTERVIEWED
23 THE DEFENDANT AND WHAT WOULD BE THE EARLY MORNING HOURS OF
24 DECEMBER IITH, 1996, AND UNTIL YOU SECURED THAT WARRANT?

25 A I WOULD HAVE TO CHECK. IT WAS A FEW DAYS. I WOULD

1 HAVE TO CHECK.

2 Q AT LEAST A FEW DAYS?

3 A YES.

4 Q WHEN YOU WERE AT THE 1367 BATTLEVIEW DRIVE RESIDENCE
5 WITH THE DEFENDANT, IF HE HAD REFUSED TO COME TO HOMICIDE TO
6 GIVE A STATEMENT, WHAT WOULD HAVE HAPPENED?

7 A NOTHING.

8 MR. MORRIS: OBJECTION, SPECULATION.

9 BY MS. ROSS:

10 Q WELL, COULD YOU MAKE HIM GO?

11 A NO, IMA'AM.

12 Q WOULD YOU HAVE MADE HIM GO?

13 A NO, IMA'AM.

14 MR. IMORRIS: OBJECTION.

15 THE COURT: OVERRULED.

16 BY MS. ROSS:

17 Q OF THE TIME THAT YOU SPENT WITH THE DEFENDANT THAT
18 MORNING, DETECTIVE CHAMBERS, DID HE EVER TELL YOU THAT HE WAS
19 TOO TIRED TO GO FORWARD WITH THIS STATEMENT?

20 A NO, MA'AM.

21 Q DID HE EVER TELL YOU HE DIDN'T WANT TO TALK TO YOU
22 ANYMORE, BECAUSE HE WAS SO TIRED?

23 A NO, MA'AM.

24 Q AND PRIOR TO GOING ON TAPE WITH HIM, WHEN YOU
25 MIRANDIZED HIM, DID YOU TELL HIM HE HAD THE RIGHT TO STOP AT

1 ANY TIME?

2 A YES, MA'AM.

3 Q AND DID HE EXERCISE THAT RIGHT?

4 A NO, MA'AM, ONLY AT THE VERY END WHEN WE ASKED FOR A
5 LAWYER.

6 Q AND THEN YOU STOPPED?

7 A YES, MA'AM.

8 MS. ROSS: THAT'S ALL I HAVE.

9 MR.]MORRIS: NOTHING FURTHER.

10 THE COURT: MAY THIS WITNESS BE EXCUSED?

11 MR.]MORRIS: YES, YOUR HONOR.

12 THE 'COURT: YOU MAY BE EXCUSED, SERGEANT.

13 MR. MORRIS: JUDGE, CAN WE SOUND FOR MR. FOSTER OR

14 **MR. TURNER?**

15 THE COURT: OKAY.

16 THE BAILIFF: THEY ARE NOT HERE.

17 THE COURT: IS THERE ANYTHING OTHER THAN THOSE
18 WITNESSES?

19 MR. MORRIS: ONLY ARGUMENT AS TO THIS PARTICULAR
20 MOTION, AND THAT'S ALL, JUDGE, AND THERE WAS ONE OTHER
21 MOTION OUTSTANDING, WHICH WE HAD FILED A MOTION FOR USE
22 OF A JUROR QUESTIONNAIRE. I DON'T KNOW IF THE STATE EVEN
23 OBJECTS TO THAT, AND MY PROPOSAL WOULD BE THAT WE TRY AND
24 PREPARE ONE JOINTLY AND SUBMIT IT TO THE COURT
25 SUFFICIENTLY IN ADVANCE OF TRIAL FOR THE COURT'S

1 **A P P ROVAL.**

2 THE COURT : MS. ROSS?

3 MS. ROSS : MY GENERAL PRACTICE, JUDGE, IS, UNLESS IT
4 IS A DEATH PENALTY CASE, A QUESTIONNAIRE JUST SLOWS THE
5 JURY SELECTION PROGRESS DOWN, BUT I WILL BE HAPPY TO LOOK
6 AT ONE THAT MR. MORRIS WANTS TO PROPOSE AND SEE IF IT
7 WOULD PERHAPS BE HELPFUL, BUT WE ONLY USE THEM IN DEATH
8 PENALTY CASES OR IN CASES WHERE THERE IS A LOT OF MEDIA
9 PUBLICITY, WHICH THIS CASE MIGHT QUALIFY FOR, SO I WILL
10 AGREE TO ILOOK AT IT AND SEE IF WE CAN COME UP WITH ONE
11 JOINTLY.

12 MR. MORRIS: THANK YOU.

13 THE COURT: DO YOU NEED TO HAVE THEIR TESTIMONY
14 BEFORE YOU ARGUE?

15 (WHEREUPON, A DISCUSSION WAS HAD OFF THE RECORD.)

16 MR. MORRIS: IT DOES RELATE. IF YOUR HONOR WOULD
17 GIVE US A QUICK COMFORT BREAK, I'LL THINK THIS THROUGH.
18 PERHAPS WHAT WE CAN DO IS GO AHEAD AND ARGUE, SO WE DON'T
19 WAIST TIME, AND IF I GET SOMETHING THAT I EXPECT TO GET,
20 I'LL JUST TAKE ANOTHER TWO MORE MINUTES TO SUMMARIZE HOW
21 THAT RELATES TO WHAT I HAVE ALREADY ARGUED, IF THAT'S
22 OKAY.

23 THE COURT: LET'S TAKE A 10-MINUTE BREAK.

24 (WHEREUPON, A RECESS WAS TAKEN.)

25 THE COURT: READY TO PROCEED?