

1 MR. MORRIS, WHAT RELEVANT TESTIMONY DO THESE WITNESSES
2 HAVE TO THE JACKSON-DENNO? AND THEY HAVE PLENTY OF
3 RELEVANT TESTIMONY TO OTHER ISSUES AT TRIAL THAT HAVE
4 NOTHING TO DO WITH THIS HEARING BEFORE THE COURT. I'M
5 REQUESTING THAT A PROFFER BE GIVEN TO SHOW WHAT RELEVANCE
6 THIS TESTIMONY HAS AT THIS POINT, WHETHER THE WITNESSES
7 ARE CALLED OR NOT, BECAUSE AT THIS POINT, IF THEY CALL
8 THE WITNESSES OR IF THEY SUBPOENAED THE WITNESSES AT A
9 GREAT INCONVENIENCE AND AREN'T GOING TO CALL THEM ANYWAY,
10 THAT'S ALMOST ABUSE OF PROCESS UNDER THESE PARTICULAR
11 CIRCUMSTANCES, AND WITH THE HARDSHIP AT LEAST ONE OF
12 THESE WITNESSES HAD, WHICH WAS A SIGNIFICANT HARDSHIP.
13 BUT HE IS COMING ANYWAY, BECAUSE HE SAID HE WAS GOING TO
14 HONOR THE SUBPOENA. SO REALLY WHAT I'M ASKING FOR IS A
15 MOTION IN LIMINE TO EXCLUDE IRRELEVANT TESTIMONY THAT
16 THESE WITNESSES HAVE, AND I WANT A PROFFER AS TO WHAT
17 THEY WOULD HAVE THAT WOULD HAVE BEEN RELEVANT.

18 THE COURT: WE'LL BE IN RECESS UNTIL 3:00 O'CLOCK.

19 (WHEREUPON, A RECESS WAS TAKEN.)

20 THE COURT: I UNDERSTAND THE WITNESSES ARE NOW
21 PRESENT.

22 MR. MORRIS: I'M READY AND THEY ARE HERE.

23 THE COURT: SHOULD THEY BE SEQUESTERED?

24 MR. MORRIS: PLEASE, YES. WE'LL START WITH
25 MR. FOSTER, SO WE'LL ASK MR. TURNER TO WAIT OUTSIDE,

1 PLEASE.

2 THE COURT: BEFORE WE GET STARTED, I WANT YOU TO BE

3 SURE TO LIMIT YOUR QUESTIONS TO THE ISSUES ON THE MOTION

4 THAT'S BEFORE US.

5 MR. MORRIS: YES, SIR. I'LL BE HAPPY TO.

6 MR. FOSTER.

7 CRAIG FOSTER,

8 HAVING BEEN DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

9 THE BAILIFF: STATE AND SPELL YOUR NAME FOR THE

10 RECORD.

11 THE WITNESS: CRAIG FOSTER.

12 DIRECT EXAMINATION

13 BY MR. MORRIS:

14 Q WITHOUT GIVING ME YOUR STREET ADDRESS, WHERE DO YOU

15 LIVE?

16 A ATLANTA, GEORGIA.

17 Q HOW OLD ARE YOU?

18 A FORTY-THREE.

19 Q I WANT TO TAKE YOU BACK TO DECEMBER 10TH, 1996. THAT

20 WAS A NIGHT, I BELIEVE, YOU WERE PRESENT AT A WEST CONWAY DRIVE

21 ADDRESS. DO YOU RECALL THAT?

22 A YES.

23 Q AND DO YOU RECALL WHOSE HOME THAT WAS?

24 A DAVID COFFIN.

25 Q WERE YOU THERE ON DECEMBER 10TH?

1 A YOU }{NOW, IT WOULD HELP ME IF I HAD MY STATEMENT, DUE
2 TO THE TIME THAT'S ELAPSED, SO I COULD SEE THE DATES, AND IT
3 MIGHT HELP REFRESH A LOT OF MY MEMORY, BUT I BELIEVE THAT'S THE
4 CASE.

5 Q DO YOU RECALL WHAT TIME YOU GOT THERE?

6 A LATE IN THE EVENING. I DON'T KNOW. I RECEIVED A
7 CALL FROM CLAYTON TURNER. THERE WAS A NEWS REPORT ABOUT THE
8 FIRE. I GOT IN MY VEHICLE AND DROVE OVER, AND IT WAS AFTER --
9 I DON'T KNOW, TO BE HONEST. AFTER MIDNIGHT, MIDNIGHT, 1:00.

10 Q SO VERY LATE ON THE EVENING OF THE 10TH OR EARLY ON
11 THE 11TH?

12 A YES.

13 Q WHO ELSE WAS PRESENT AT THAT LOCATION?

14 A A LOT OF FIREMEN, POLICEMEN, PATRICIA SLAVIN, A
15 FRIEND OF MINE, CLAYTON TURNER, AND MEGAN.

16 Q AND 'THAT'S MEGAN DAVIS?

17 A YES.

18 Q AND WERE YOU ALL PHYSICALLY AT THE BOTTOM OF THE
19 DRIVEWAY IN FRONT OF THE HOUSE?

20 A YES.

21 Q THE HOUSE WAS BURNING?

22 A YES.

23 Q AND DID THERE COME A TIME WHEN YOU WENT FROM THE
24 HOUSE TO THE OFFICE OF ATLANTA POLICE DEPARTMENT HOMICIDE?

25 A COULD YOU RESTATE? WAS THERE A TIME WE LEFT TO GO TO

1 THE POLICE DEPARTMENT?

2 Q YES.

3 A YES.

4 Q AT WHOSE DIRECTION DID YOU LEAVE, IF YOU KNOW?

5 A WHOSE DIRECTION?

6 Q WHO TOLD YOU TO GO THERE?

7 A ONE OF THE OFFICERS OR THE DETECTIVE.

8 Q AND YOU DID GO TO THE HOMICIDE OFFICE?

9 A I BELIEVE SO. I NEVER HAD BEEN THERE BEFORE, SO.

10 Q WHEN YOU GOT THERE, WHO WAS WITH YOU?

11 A PATRICIA SLAVIN, MEGAN DAVIS, AND CLAYTON TURNER.

12 Q AND WHEN YOU GOT THERE, WHERE DID YOU SIT?

13 A IN THE OFFICE.

14 Q FOR LACK OF A BETTER DESCRIPTION, IS THERE SORT OF
15 RECEPTION AREA IN THE FRONT?

16 A SEEMED AS SUCH, YES.

17 Q WERE ALL FOUR OF YOU SITTING THERE?

18 A YES.

19 Q YOU, MS. SLAVIN, SOMEONE WHO WAS YOUR GIRLFRIEND?

20 A AT THAT TIME.

21 Q CLAYTON TURNER AND MEGAN DAVIS?

22 A YES.

23 Q ANY IDEA WHAT TIME THIS WAS?

24 A LATER, AND I THINK IF I HAD ACCESS TO MY STATEMENT,
25 IF THAT'S POSSIBLE, THE DATES ARE ON THAT, BUT I BELIEVE IT

1 WOULD HAVE BEEN AT LEAST AN HOUR TO TWO HOURS AFTER WE HAD BEEN
2 AT THE COFFIN RESIDENCE.

3 Q LET ME SHOW YOU WHAT'S BEEN MARKED AS DEFENDANT'S
4 EXHIBIT NUMBER 4. IF YOU WILL TAKE A MOMENT TO LOOK AT THAT,
5 AND WHEN YOU HAVE HAD ENOUGH TIME, LET ME KNOW.

6 A OKAY.. YES, THIS STATES IT WAS 3:17 A.M., AND THAT
7 SEEMS RIGHT.

8 Q AND YOU BELIEVE THAT'S ABOUT RIGHT?
9 RIGHT.

10 AND DO YOU RECOGNIZE NUMBER 4? HAVE YOU EVER SEEN IT
11 BE FORE ?

12 A THIS STATEMENT?

13 Q YES.

14 A I HAVEN'T SEEN THIS STATEMENT EVER. I THINK I MADE
15 THIS STATEMENT, AND I'M ASSUMING SOMEBODY TRANSPOSED THIS.

16 Q YOU CAN'T IDENTIFY THE STATEMENT, BUT THAT HELPS
17 REFRESH YOUR RECOLLECTION AS TO THE TIME?

18 A YES. I SEE IN THE TOP CORNER IT SAYS "3:17," AND
19 THAT SEEMS ABOUT RIGHT, BECAUSE IT WAS LATE AT NIGHT, AND IT
20 TOOK TIME TO GET TO THE POLICE STATION.

21 Q DO YOU RECALL WHO YOU WERE QUESTIONED BY?

22 A IT SEEMS -- AGAIN I HAVE A TWO YEAR OLD AND A
23 BUSINESS TO RUIN, AND I CAN'T REMEMBER WHAT I DID LAST WEEK AT
24 3:00 IN THE MORNING, MUCH LESS TEN YEARS AGO, SO I'M TRYING TO
25 DETERMINE WHO ALL THESE WERE, BUT I BELIEVE THAT DETECTIVE

1 CHAMBERS WAS INVOLVED AND ALSO A LADY, CUMBERWORTH. THAT SEEMS
2 RIGHT, "QUESTION AND ANSWER CONDUCTED BY CUMBERWORTH."

3 Q CUMBERWORTH?

4 A I WOULD NEVER HAVE REMEMBERED THAT NAME, HAVING NOT
5 SEEN THIS STATEMENT.

6 Q DOES THAT REFRESH YOUR RECOLLECTION, THAT IT WAS A
7 FEMALE THAT QUESTIONED YOU?

8 A YES.

9 Q DURING THE TIME THAT YOU WERE AT THE POLICE
10 DEPARTMENT, DID YOU SEE SCOTT DAVIS THERE?

11 A I BELIEVE SO.

12 Q CAN YOU TELL ME ABOUT THAT?

13 A I'D KNOWN SCOTT FOR A COUPLE OF YEARS. HE CAME IN, I
14 THINK, TO THE .SAME ROOM WE WERE IN, AND I DON'T RECALL HAVING
15 ANY TRAUMA OR .ANYTHING ELSE FROM THAT. I JUST REMEMBER SEEING
16 HIM.

17 Q DID HE HAVE ANY CONVERSATION WITH YOU OR MEGAN OR
18 CLAYTON OR PATRICIA SLAVIN, OR WAS HE TAKEN BEYOND YOUR ROOM TO
19 A SEPARATE ROOM?

20 A I DON'T REMEMBER ANY CONVERSATION. THERE MIGHT HAVE
21 BEEN A HELLO OR SOMETHING.

22 Q DID HE SIT DOWN WITH THE FOUR OF YOU?

23 A LET ME SEE HERE. THESE ARE JUST HER QUESTIONS. IT
24 WAS LIKE A SQUARE ROOM. WE WERE SITTING ON -- LIKE IT WASN'T A
25 COUCH. IT WAS CHAIRS KIND OF IN A SQUARE, AS I VAGUELY

1 **REMEMBER, AND HE CAME IN AND SAT DOWN, AND I BELIEVE WE WERE**
2 ALL JUST THERE. IT WAS VERY INFORMAL, WOULD BE MY OPINION.

3 Q ALL RIGHT. WHEN YOU GAVE YOUR STATEMENT, WERE YOU
4 TAKEN INTO ANOTHER ROOM?

5 A YES .

6 Q WAS SCOTT, IF YOU REMEMBER, TAKEN INTO ANOTHER ROOM
7 BEFORE YOU WERE AND QUESTIONED?

8 A I DON'T RECALL.

9 Q DO YOU RECALL DETECTIVE CHAMBERS? AND I WILL
10 DESCRIBE HIM FOR YOU. HE'S GOT BLONDISH HAIR AND A MUSTACHE,
11 WHITE MALE.

12 A OKAY .

13 Q DID DETECTIVE CHAMBERS COME ASK YOU ANY QUESTIONS
14 DURING THE TIME YOU WERE AT THE HOMICIDE OFFICE?

15 A I HONESTLY DON'T KNOW. IT'S JUST A BLUR, BECAUSE,
16 FIRST OF ALL, IT WAS A TRAUMATIC EXPERIENCE, AND, SECOND OF
17 ALL, IT WAS IN THE MIDDLE OF THE NIGHT, AND, LASTLY, WHEN WE
18 WERE MAKING OUR STATEMENTS, I SPOKE TO THIS LADY, AND I THINK I
19 SPOKE TO DETECTIVE CHAMBERS AS WELL, AND THEN HE COMES TO THE
20 OFFICE A NUMBER OF TIMES AFTER THAT, AND THEN I GET A NUMBER
21 OF CALLS AFTER THAT, AND THEY ALL TEND TO BLEND.

22 Q DID MEGAN DAVIS MAKE A STATEMENT TO YOU ABOUT DAVID
23 COFFIN BEING SHOT?

24 MS. ROSS: OBJECTION. I DON'T SEE ANY RELEVANCE
25 THIS HAS TO WHETHER THE DEFENDANT'S STATEMENT WAS FREELY

1 AND VOLUNTARILY MADE.

2 THE COURT: **SUSTAINED.**

3 MR. MORRIS: MAY I STATE MY GROUNDS?

4 THE COURT: YES.

5 MR. MORRIS: THE DETECTIVE STATED THE MAIN REASON HE
6 FOCUSED ON SCOTT DAVIS AND STARTED HIS SECOND
7 INTERROGATION WAS THAT STATEMENT. HE SAID HE WENT
8 OUTSIDE AND ASKED CERTAIN PEOPLE IF THAT WAS MADE.
9 BEFORE I COULD ASK HIM-- I WAS TRYING NOT TO PUT THE
10 CART BEFORE THE HORSE. I CAN ASK DIRECTLY IF HE WAS
11 ASKED THAT, BUT I WANT TO KNOW IF HE WAS TOLD THAT FIRST.

12 MS.]ROSS: THE OBJECTION STILL STANDS. WHAT
13 DETECTIVE CHAMBERS DID IS NOT RELEVANT --

14 MR. MORRIS: IT IS.

15 MS. ROSS: -- OR WHAT MEGAN DAVIS LEE SAID IS NOT
16 RELEVANT 'rO WHETHER THE DEFENDANT'S STATEMENT WAS FREELY
17 AND VOLUN'rARILY MADE. IF HE HAS A QUESTION ALONG THOSE
18 LINES, Bu'r ANY BUILDUP OR BACKGROUND FOR PURPOSES OF THIS
19 HEARING IS NOT RELEVANT.

20 MR. IMORRIS: I AM PERMITTED TO TRY TO IMPEACH THE
21 TESTIMONY OF DETECTIVE CHAMBERS, WHO IS THE KEY WITNESS
22 ON THE ISSUE OF THE STATEMENT.

23 THE COURT: OKAY. I'M GOING TO LET YOU ASK THE
24 QUESTION.

25 **BY MR. MORRIS :**

1 Q PRETTY SIMPLE. TWO QUESTIONS, SIR. DID MEGAN DAVIS,
2 BEFORE YOU GOT TO HOMICIDE, TELL YOU THAT DAVID COFFIN HAD BEEN
3 SHOT?

4 A MEGAN DAVIS NEVER DIRECTLY TOLD ME THAT DAVID HAD
5 BEEN SHOT.

6 Q DID YOU HEAR HER MAKE THAT STATEMENT?

7 A I BELIEVE I HEARD THAT STATEMENT.

8 Q FROM MEGAN?

9 A YES.

10 Q WHEN YOU WERE AT THE HOMICIDE OFFICE, DID DETECTIVE
11 CHAMBERS COME ASK YOU IF MEGAN HAD MADE THAT STATEMENT IN YOUR
12 **PRESENCE?**

13 A I BELIEVE SO.

14 Q AND 'WHAT DID YOU SAY?

15 A THAT I OVERHEARD A STATEMENT OF THAT TYPE FROM MEGAN
16 DAVIS.

17 MR. MORRIS: THANK YOU, SIR. THAT'S ALL I HAVE,
18 YOUR HONOR.

19 MS. ROSS: THE STATE HAS NO QUESTIONS, YOUR HONOR.

20 THE COURT: OKAY. MAY THIS WITNESS BE EXCUSED?

21 MR. MORRIS: YES, SIR.

22 THE COURT: YOU MAY BE EXCUSED.

23 MS. ROSS: THANK YOU.

24 **MR. MORRIS:** THANK YOU VERY MUCH. MR. TURNER,
25 PLEASE, SIR.