

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * *

JASON JONES,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

CASE NO. 63136

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APPELLANT'S APPENDIX

VOLUME 7

Direct Appeal From A Judgment of Conviction
Eighth Judicial District Court
The Honorable Valerie Adair, District Court Judge
District Court No. C285488

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1 the jury.

2 (Court recesses at 2:13 p.m., until 2:26 p.m.)

3 (Outside the presence of the jury.)

4 THE COURT: All right, Kenny, bring them in.

5 THE MARSHAL: Ladies and gentlemen, please rise for
6 the jury.

7 (The jury reconvenes at 2:28 p.m.)

8 THE MARSHAL: Did one of the jurors leave a bag
9 outside?

10 UNIDENTIFIED JUROR: Sorry, that's me.

11 THE MARSHAL: No problem. Here you go, sir.

12 THE COURT: All right. Court is now back in session.
13 And the State may call its first witness.

14 MR. PANDELIS: State calls Officer Rick Bilyeu. Or
15 Bilyeu, excuse me.

16 THE MARSHAL: Go ahead and stand up there, and face
17 our clerk [indiscernible], please.

18 RICHARD BILYEU, STATE'S WITNESS, SWORN

19 THE CLERK: Thank you. Please be seated. State and
20 spell your name for the record.

21 THE WITNESS: Richard Bilyeu, B-I-L-Y-E-U, Richard,
22 common spelling.

23 THE COURT: All right. Thank you. Mr. Pandelis, you
24 may proceed.

25 MR. PANDELIS: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. PANDELIS:

Q Sir, how are you employed?

A I'm a patrol officer with Metro.

Q By Metro, you mean the Las Vegas Metropolitan Police Department?

A Correct.

Q How long have you been employed as a patrol officer with the police department?

A Nine years in July.

Q And all nine years as a patrol officer, no other duties?

A Nope.

Q Can you describe what you do on a daily basis as a patrol officer?

A I respond to calls for service. If someone calls in non emergency, emergency calls, we go in. We respond to those and try to -- try to handle the calls as best we can.

Q Are you assigned to a particular area of town?

A Yes, sir.

Q What area of town --

A Assigned --

Q -- is your jurisdiction?

A I'm assigned to Bolden Area Command.

Q And where's that general area?

1 A Well, the station's at Lake Mead and
2 [indiscernible], generally. So, you want the --

3 Q You cover the area surrounding that?

4 A Yeah.

5 Q Okay. I'd like to direct your attention to the
6 evening of June 17th of 2012; were you working that night?

7 A Yes.

8 Q All right. And on that particular night at
9 about 9:18 p.m., were you -- did you respond to a call at 1416
10 F Street?

11 A Yes.

12 Q And was that a house or an apartment?

13 A Apartment.

14 Q All right. Do you remember what specific
15 apartment you responded to?

16 A I believe it was 10.

17 Q Now, when you responded to this F Street
18 address, Apartment 10, what was the purpose of you being
19 there?

20 A I was referenced a loud -- loud noises, someone
21 banging at the door and loud music.

22 Q So the information you had available to you, a
23 complaint was being made of loud music and banging at the
24 door?

25 A Correct.

1 Q When you arrived there, who did you come into
2 contact with?

3 A I don't recall. I can't remember that -- the
4 gentleman's name.

5 Q Let me just -- did you come into contact with an
6 individual by the name of Jaime Corona?

7 A I believe so.

8 Q Okay. And did that contact occur in that
9 apartment No. 10?

10 A It did.

11 Q Okay. Can you describe Mr. Corona's demeanor
12 when you first came into contact with him?

13 A He was very intoxicated, kind of excitable. He
14 was very excited, but very intoxicated.

15 Q What made you -- how -- what was he doing that
16 made you believe he was intoxicated?

17 A I could smell it, for one. He had a hard time
18 standing up. We asked him to sit down so he could talk to us.

19 Q Once you told him to sit down so you could talk
20 to him, were you able to communicate with him?

21 A No.

22 Q Why not?

23 A Because he was very intoxicated.

24 Q How much time did you spend trying to
25 communicate with Mr. Corona?

1 A Roughly 10 to 15 minutes.

2 Q At the end of those 10 to 15 minutes, did you
3 get anywhere?

4 A No.

5 Q What did you eventually do?

6 A We had -- we advised him to go make a station
7 report if he wanted to, after he had time to sober up, and --
8 like the next morning.

9 Q So after talking to him for 10 to 15 minutes you
10 really had no further information about that initial noise
11 complaint or the knocking complaint?

12 A Correct.

13 Q Okay. When you came into contact with Mr.
14 Corona -- you indicated that was inside of his apartment?

15 A Yes.

16 Q Was there anybody else inside of his apartment
17 at that time?

18 A No.

19 Q And during the 10 or 15 minutes you were there,
20 were -- were there any other individuals coming to the door or
21 walking in or walking out?

22 A No.

23 Q When you left the area, did you come into
24 contact with any other individuals?

25 A There was a female that walked up to us as we

1 were walking out of the apartment.

2 Q And you indicated that this female was walking
3 up to you, did you see where she went as you left the
4 apartment?

5 A No.

6 Q Okay. Could you describe this female; what did
7 she look like?

8 A She was kind of a heavyset -- heavyset shorter,
9 like, Hispanic or white female, brown hair, very intoxicated.

10 Q Okay. Did you talk to her at all?

11 A No.

12 Q And, again, you couldn't tell -- after -- when
13 you saw her walking up towards you as you were leaving the
14 apartment, you didn't see where she went?

15 A No.

16 Q Okay. About what time did you leave the -- Mr.
17 Corona's apartment that night?

18 A Roughly around 7:30.

19 Q But just a moment ago you indicated you arrived
20 at 9:18 p.m.; is that correct?

21 A Oh, correct.

22 Q Okay.

23 A Yeah. I'm sorry. It was around 9:30.

24 Q Okay.

25 A I was thinking 9:10 --

1 Q So we're just getting our hours --

2 A -- thinking 2400 hours.

3 Q So you were there, as you indicated, about 12
4 minutes or so?

5 A Yeah.

6 Q Okay. Would it refresh your collection, Officer
7 Bilyeu, if you had the chance to look at your CAD report to
8 see what time you actually arrived and what time you actually
9 left?

10 A Sure.

11 Q Okay. And just for the ladies and gentlemen of
12 the jury, what is a CAD report?

13 A It's a -- it's a way for dispatch and
14 supervisors to keep track of calls that are being generated,
15 what time they're being generated, the events, numbers
16 associated with those events, the time that they clear, the
17 time they arrive. And at the end, if there's any details that
18 need to be added, what was the findings afterwards.

19 Q Okay. If you could take a moment, just review
20 this document. Tell me once you've had the chance to review
21 it.

22 A Okay.

23 Q Have you had a chance to review that document?

24 A Yes.

25 Q And is that the CAD report that's associated

1 with this call you responded to regarding noise and knocking
2 at the door?

3 A It is.

4 Q All right. And when you reviewed this, were you
5 able to learn what time you actually responded to the call?

6 A It was 9:18.

7 Q Okay. And what time did you leave?

8 A 9:33.

9 Q Okay. So you were there exactly 15 minutes?

10 A Yeah.

11 Q All right.

12 MR. PANDELIS: Nothing further.

13 THE COURT: All right. Thank you. Cross?

14 MR. CANO: Yes, Your Honor. Thank you.

15 CROSS-EXAMINATION

16 BY MR. CANO:

17 Q Officer Bilyeu, what information did you receive
18 from dispatch regarding this call?

19 A I'm sorry?

20 Q What information did you receive from dispatch
21 regarding this call?

22 A About someone knocking, noise complaint.

23 Q Just a noise complaint in general?

24 A Generally, yeah.

25 Q Okay. They didn't give you any details

1 regarding the condition of any person reporting it or anything
2 of that nature?

3 A I don't recall, no.

4 Q Okay. Now, when you responded, you responded to
5 the location, obviously, indicated by the call, and that was
6 apartment No. 10, correct?

7 A That's correct.

8 Q Okay. And upon arriving there, you met a person
9 who you believe was Jaime Corona?

10 A Correct.

11 Q Okay. And you said that he was in a very
12 intoxicated state?

13 A That's correct.

14 Q So intoxicated that he couldn't even stand up?

15 A Correct.

16 Q So intoxicated that he had slurred speech?

17 A Correct.

18 Q So intoxicated that he was ineffective in his
19 communications with you regarding the incident?

20 A Correct.

21 Q Or the call or the reason why you're even there?

22 A Correct.

23 Q Okay. Fair to categorize his demeanor as maybe
24 somewhat belligerent?

25 A No. He wasn't belligerent with us. He was

1 drunk.

2 Q Just drunk? Okay.

3 A He wasn't angry.

4 Q He wasn't angry?

5 A Uh-uh.

6 Q Or upset?

7 A No.

8 Q Okay. Did -- did he indicate that he thought
9 the call was against himself or was he making the call for
10 assistance?

11 A I couldn't tell you. He was intoxicated.

12 Q So he was so intoxicated you didn't even know --

13 A Yeah, that's correct.

14 Q -- why you were even there?

15 A Correct.

16 Q Okay. Fair enough. Now, during this contact
17 with Mr. Corona, he never mentioned the name Jason Jones?

18 A No.

19 Q Or that he had been threatened by Jason Jones?

20 A No.

21 Q Or -- or that Jason Jones was trying to kill him
22 in any manner?

23 A No.

24 Q Okay. If he were to say something like that,
25 that would have been pretty important, right?

1 A Yes.

2 Q And you would have taken that down and wrote a
3 report associated with that, would you have?

4 A Yes.

5 Q Okay. But you didn't do that, because you
6 didn't get any of that information at all?

7 A Correct.

8 Q Okay.

9 MR. CANO: Nothing further.

10 THE COURT: All right. Any redirect?

11 MR. PANDELIS: Just one follow-up.

12 REDIRECT EXAMINATION

13 BY MR. PANDELIS:

14 Q And, Officer, in the 15 minutes you were there,
15 you didn't get any information from Jaime Corona, did you?

16 A No.

17 Q All right. Thank you.

18 THE COURT: Anything else based on that question?

19 MR. CANO: Thank you.

20 THE COURT: Any juror questions?

21 Officer, thank you for your testimony. Please don't
22 discuss your testimony with any other witnesses in this
23 matter. And you are excused.

24 THE WITNESS: Thank you.

25 THE COURT: State, call your next witness.

1 MR. PANDELIS: State calls Officer Brian Jackson.

2 THE COURT: All right.

3 BRIAN JACKSON, STATE'S WITNESS, SWORN

4 THE CLERK: Thank you. Please be seated. State and
5 spell your name for the record.

6 THE WITNESS: Officer Brian Jackson, B-R-I-A-N
7 J-A-C-K-S-O-N.

8 THE COURT: All right. Thank you. Mr. Pandelis, go
9 ahead.

10 MR. PANDELIS: Thank you, Your Honor.

11 DIRECT EXAMINATION

12 BY MR. PANDELIS:

13 Q Sir, how are you employed?

14 A I am a patrol officer with the Las Vegas
15 Metropolitan Police Department, Bolden Area Command.

16 Q How long have you been assigned -- or how long
17 have you been working as a police officer?

18 A Six years, six -- four months.

19 Q And all those six-plus years as a patrol
20 officer?

21 A Yes, sir.

22 Q And how long have you been assigned to the
23 Bolden Area Command?

24 A Over five years.

25 Q So the majority of your career?

1 A Yes, sir.

2 Q And does the Bolden Area Command cover a certain
3 part of the Las Vegas valley?

4 A Yes, it does.

5 Q What area of town is that?

6 A Specifically, an area that's formally called the
7 West side, which is Martin Luther King, Lake Mead, and for
8 patrol officers, it's an area called William, William area.

9 Q I'd like to direct your attention to the evening
10 of June 17th of 2012. Were you on duty that night?

11 A Yes, I was.

12 Q And were you on patrol in the Bolden Area
13 Command?

14 A Yes, I was.

15 Q All right. That evening, were you dispatched to
16 a call originating from an apartment complex at 1416 F Street?

17 A Yes.

18 Q All right. What time were you dispatched to
19 that call?

20 A To best of my recollection, the call came out at
21 approximately 2238. And I would have been self-dispatching to
22 that at the same time that the call generated.

23 Q Okay. And now you're saying the call came at
24 2238; in layman's terms is that 10:38 p.m.?

25 A Yes, sir.

1 Q Okay. About how long after that call came out
2 did you arrive?

3 A Approximately four minutes, maybe -- maybe
4 three.

5 Q All right. Is there anything you could look at
6 to refresh your recollection as to what time you arrived there
7 at that F Street address?

8 A Yes. If there's a CAD report, that would help.

9 Q And again, what is a CAD report, Officer?

10 A A CAD report is a computer generated detail of
11 the event, who was assigned, what time people arrive, any
12 specific notes that people want dispatched to -- to have.

13 Q All right. And it includes notes about what
14 time you personally arrived at a particular scene?

15 A Yes, it does.

16 Q All right. If you could just take a moment and
17 review this and let me know when you've had a chance to do
18 that.

19 A Okay.

20 Q Have you had a chance to review that?

21 A Yes.

22 Q And again, does this conform with your earlier
23 testimony that you were dispatched to the call at 10:38 p.m.?

24 A Yes.

25 Q All right. And in looking at this, were you

1 able to confirm what time you actually arrived at the F Street
2 address?

3 A 22 or 10:43 --

4 Q Okay, so --

5 A -- in the evening.

6 Q -- just about five minutes after the call
7 originated -- the -- you were dispatched to the call?

8 A Correct.

9 Q All right. Officer, when you first arrived to
10 the scene, can you describe what you saw?

11 A Upon arrival, the -- the apartment complex has a
12 gate that runs north and south on the west side of the
13 complex. So I can see into the apartment complex. And from
14 my vantage point, it's a U-shaped apartment complex. As we
15 arrive at the center of the complex, on the gate on the west
16 side of the complex is an entrance point into the apartment
17 complex. And inside we can see a number of individuals inside
18 the courtyard and a lot of commotion, people running around
19 inside the courtyard.

20 Q Okay. And then were you eventually summoned to
21 a particular apartment?

22 A Yes, I was.

23 Q Oh. Where was --

24 A As soon as --

25 Q -- that apartment?

1 A As soon as we made entrance into that first
2 gate, we tried to kind of get an idea of what was going on, if
3 there was a subject still in the area. And all our attention
4 was being pointed to an injured person inside the northwest
5 apartment, which to the best of my recollection is apartment
6 No. 10.

7 Q Okay. Once you got into that northwest
8 apartment, apartment No. 10, can you describe what you saw?

9 A There was a lot of commotion, a lot of people
10 yelling that somebody was dead inside the apartment complex.
11 And when I went into the apartment complex there was a body
12 laying down in the middle of the floor. And there was a
13 female inside and she was hysterical.

14 Q What did this female look like; do you recall?

15 A She was a short white female, I believe she had
16 long hair. It was -- I -- I didn't really focus too much on
17 her. She was -- the best I remember, she had a -- like a
18 t-shirt on, kind of half clothed. And kind of disheveled.
19 Like --

20 Q At this point your attention's more focused on
21 the individual lying on the floor, I take it?

22 A It is. I'm looking at assessing the -- the
23 individual to try and determine if that's, you know, victim is
24 -- is another suspect. Because I don't know, it's still very
25 dynamic. There's a lot of people yelling outside, she's

1 inside yelling. At a certain point she's trying to -- to
2 shake him. And so I'm -- I'm looking at the body and trying
3 to determine is it a threat, is the actual -- is the person
4 alive or conscious. And so I'm trying to manage numerous
5 things at one time. But my focus is on the body. And I'm
6 trying to get her off, because I don't know -- I don't know
7 what the details really are. I don't know yet everything as
8 it comes through. It takes a minute to get filtered
9 information to us.

10 Q Do you take some steps to get this female out of
11 the apartment so you can do your job and make sure the
12 apartment's secure?

13 A Yes. I -- at that point I physically grabbed
14 her, pulled her off, moved her over, and handed her off to
15 another officer who took her out into the courtyard.

16 Q Just a moment ago you described her as
17 hysterical and you said she was yelling and crying. Was she
18 still acting that way?

19 A She was. And I couldn't understand what she was
20 saying.

21 Q You had some difficulty understanding her?

22 A Yes.

23 Q Okay. Was she listening to your commands?

24 A Initially, she was not. It was as if -- it was
25 -- it was difficult to speak to her. I think she was so

1 caught up in it. So that's why I had to physically grab her
2 and pull her off and hand her to the other officer to take her
3 outside.

4 MR. PANDELIS: May I approach, Your Honor?

5 THE COURT: Sure.

6 MR. PANDELIS: Thank you.

7 BY MR. PANDELIS:

8 Q Officer, I'm showing you what's been marked for
9 the purposes of identification as State's Proposed Exhibit 3
10 and 5. Can you take a moment and look at those.

11 Do you recognize those?

12 A Yes.

13 Q What are they?

14 A Those are photos from the -- from F Street
15 looking into the courtyard.

16 Q Well, let's -- let's talk specifically first
17 about Proposed Exhibit 3.

18 A Okay.

19 Q Is that the photo that you described from F
20 Street?

21 A Yes.

22 Q Okay. And is that how the scene appeared when
23 you responded that night?

24 A With the exception of people in the courtyard,
25 yes.

1 Q Okay.

2 MR. PANDELIS: And, Your Honor, I -- at this point, I
3 move for the admission of 3 --

4 MR. CANO: Your Honor, we -- we have no objections to
5 either 3 or 5.

6 MR. PANDELIS: Okay.

7 THE COURT: Okay.

8 MR. PANDELIS: And pursuant to that [indiscernible]
9 that agreement, Your Honor.

10 (State's Exhibit 1 and 3 admitted.)

11 MR. PANDELIS: And permission to publish, Your Honor.

12 THE COURT: All right. Which numbers are those?

13 MR. PANDELIS: 3 and 5.

14 THE COURT: 3 and 5? Okay. Go ahead.

15 BY MR. PANDELIS:

16 Q And, Officer, do you see that right in front of
17 you?

18 A Yes.

19 Q I'm just going to zoom in a little bit. Now, is
20 this -- is this kind of a shot of that apartment building from
21 the --

22 Actually, I zoomed out a little too far. My
23 apologies.

24 Is this a shot of the apartment building from F
25 Street?

1 A Yes.

2 Q Okay. And you described it as a U-shape. From
3 here, we're kind of standing towards the side of the top of
4 the U?

5 A Yes.

6 Q Okay. And do you see the apartment that you
7 actually went into and came into contact with the victim that
8 had -- or the individual that had -- someone had shot him?

9 A Yes, I do. The -- the face of the apartment
10 where the -- the bright light is on the roof, if you go
11 directly below that, underneath those stairs on the left, that
12 left downstairs corner apartment.

13 Q Can you just circle that on the -- just circle
14 on the screen, see -- so that apartment that you responded to
15 was right there?

16 A Yes.

17 Q Okay. And then I'm just showing you State's
18 Exhibit No. 5. Is that just a close-up of the front door of
19 that apartment that you responded to?

20 A Yes, it is.

21 Q All right. Thank you. Now, once you got this
22 female out of the apartment that you came into contact with,
23 did you take any other steps to make sure that there were no
24 other individuals in the apartment?

25 A Yes, I did.

1 Q And why was it important for you to do that?

2 A It's a dynamic scene, it's -- we're fairly short
3 arrival time from the time the call came out and we're not
4 sure if anyone is still inside that poses a threat to first
5 responders or ourselves.

6 Q You've used the term dynamic scene a couple of
7 times.

8 A Yes.

9 Q So, for our -- what exactly do you mean by
10 dynamic scene?

11 A Dynamic means we don't have complete control of
12 -- of the -- the general area. We're arriving, there's still
13 a lot of people, there's people running around, we don't know
14 who's inside the apartment completely, so it's a dynamic,
15 meaning we still have some safety concerns.

16 Q Okay. And once you went through the apartment,
17 though, it's a relatively small apartment, I take it?

18 A Yes.

19 Q And once you went through the apartment you, in
20 fact, confirmed no one else was in there?

21 A Yes.

22 Q All right. Once you -- after you did that, did
23 you make any determinations as to the state of the victim,
24 whether he was alive or dead or needed medical help?

25 A Yes. By his presentation, checking to see if he

1 had a pulse on his carotid artery, he did not have a pulse.
2 His eyes were open, they were starting to glaze over. And no
3 movement, not breathing, and no movement from his chest,
4 because you could see his chest.

5 Q Okay. So at that point, did you make --

6 A I did --

7 Q -- did you contact medical personnel?

8 A I did. I advised our dispatch that I believed
9 he was what we call 419, which is saying -- it's just a code
10 for dead, and advised her to send a medical personnel up, only
11 one medical personnel to verify that, in fact, he was not
12 alive.

13 Q Now, you described when you first arrived in the
14 first few minutes this was a dynamic scene. Did you
15 eventually secure things and get things under control?

16 A Yes. Once -- once the -- the primary officer,
17 or whoever's first responding, can determine that there's no
18 longer a threat inside and that the -- the public or in the
19 immediate area, the public is not in jeopardy, we'll start
20 securing witnesses that are in the area, and start preserving
21 the crime scene. So since I was inside the apartment, I
22 already had the victim. I advised other officers to start
23 securing all the individuals that were in the courtyard and to
24 remove them from the courtyard. And we started setting up
25 crime scene tape to preserve the crime scene that we had.

1 Q How long after -- how long after your arrival
2 did it take to secure the scene?

3 A I could say, for me on the scene, I could say it
4 would take just a matter of minutes. But I'd have to refer to
5 the CAD where it would officially say to the CAD that somebody
6 said, Hey, we're secure at the crime scene.

7 Q Okay. And would referring to the CAD, in
8 fact --

9 A It would.

10 Q -- refresh your recollection?

11 A Yes.

12 Q If you could take a moment and do that.

13 A Per the details of the CAD, at 10:48 one of the
14 units advised dispatch that the scene was secured. However,
15 at 2244 when I asked for medical to come up, we're -- we're
16 pretty good inside there, it's secure in the immediate area,
17 so that there's not a threat to like a paramedic or somebody
18 coming in.

19 Q So just a matter of minutes after you get
20 there --

21 A Yes, sir.

22 Q -- you feel comfortable enough to let medical
23 up?

24 A Yes, sir.

25 Q But the scene was officially --

1 A Not secured until 46, I believe it said on the
2 CAD.

3 Q Okay. Or -- yeah, I believe you testified just
4 a moment ago, 10:48. But --

5 A Yes, sir. Sorry.

6 Q -- just a matter of minutes -- matter of minutes
7 after your arrival?

8 A Yes, sir.

9 Q Okay. After the scene was secured, could you
10 describe what your role was?

11 A Because I had already been inside the apartment,
12 I pretty much just maintained security on the door so that no
13 people came into the -- that immediate area. I directed the
14 other officers to, again, move the witnesses that we had
15 already that were obviously in the courtyard to a -- a central
16 location so they could be identified and, you know, spoke with
17 so they can get any -- maybe information. And then I pretty
18 much just maintained preservation of that immediate area of
19 the courtyard and the apartment.

20 Q So you were one of the first officers, if not
21 the first officer on the scene?

22 A Yes. I was the first officer on the scene.

23 Q So as you just indicated, you come into contact
24 with other officers as they arrive, and you're sharing
25 information that you have with them --

1 A That's correct.

2 Q -- as they arrive? Okay. And then you
3 indicated you stood at the front of the door?

4 A Correct.

5 Q Okay. When you were standing at the front of
6 the door of Apartment 10, other than police officers, were
7 there any other civilians going in or out of that apartment?

8 A Inside the --

9 Q The --

10 A -- victim's apartment?

11 Q Yes.

12 A No.

13 Q Other than medical personnel, obviously, but --
14 and police officers, no other civilians?

15 A Besides the first person that was inside when we
16 got there, correct.

17 Q Okay. And your job was to stand there and keep
18 watch?

19 A Yes, sir.

20 Q Okay. Did -- was the crime scene taped up or
21 did -- we always seen yellow police tape around crime scenes.
22 Was that done in this case?

23 A Yes, it was.

24 Q Who did that?

25 A Other patrol officers that arrived on scene.

1 Q And were you present when they were doing that?

2 A Yes. I was directing where I felt we needed to
3 have the tape up based on the information I was getting.

4 Q Once the scene was secured and these other
5 officers showed up, what did they do as you were keeping watch
6 at the door?

7 A Once this -- the tape is up and we don't have
8 any people wandering around within the -- in -- within what
9 we've determined is the crime scene, they're moving those
10 individuals over, then we bring other officers to -- inside
11 the crime scene, because of this apartment complex, and we
12 start knocking on the doors with inside that complex.

13 Q And from where you were outside of Apartment 10,
14 could you see the officers going around and knocking on those
15 doors?

16 A Yes.

17 Q And describe what would happen when the officers
18 would knock on the doors?

19 A We would knock on the door, announce our
20 presence, advise them it was Metro Police Department, some
21 doors there would be no answer, we would annotate with
22 dispatch there was no answer at the door. Those that we did
23 have individuals inside, if they had seen or heard anything we
24 asked them to come out so that we could speak with them. And
25 if those in apartments that had not heard anything felt that

1 they wanted to stay inside, we just advised them that they
2 could not come back outside.

3 Q Whether or not individuals wanted to speak with
4 you, shortly after knocking, people would come to the door in
5 a lot of cases?

6 A Correct.

7 Q Okay. Later in the evening -- how long were you
8 there, Officer?

9 A I do not recall the exact time that I left, but
10 I was there for several hours.

11 Q Over the course of your time there that evening,
12 did you come into contact with a -- one of the residents of
13 the apartment who said that they needed to leave the area?

14 A Yes, I did.

15 Q Could you describe what happened there?

16 A It would have -- again, it was -- it was later.
17 It was a significant amount of time after the -- arrival,
18 there was a young Hispanic female who lived in a downstairs
19 apartment directly to the east of the -- the main gate. And
20 she had stated that she -- we had spoke to her earlier, and
21 she advised officers that she -- at a certain point she was
22 going to have to leave to go to work. And it was roughly
23 around that time she came out and said that she had to leave.
24 So I escorted her from her apartment through the courtyard to
25 the rear of the -- the south end of the complex to her

1 vehicle.

2 Q And did you see this woman get into her vehicle?

3 A Yes, I did.

4 Q Do you recall what type of vehicle it was that
5 she got into?

6 A It was a dark I'd say black four-door colored
7 compact car. And I'm not 100 percent sure of the -- the make
8 or model.

9 Q She had the keys to that vehicle, it started
10 right up?

11 A She did. And we ran the plate and everything
12 came back to what she had stated her name was, what the
13 vehicle, the best [indiscernible].

14 Q And she was the occupant of that apartment?

15 A Yes, she was.

16 MR. PANDELIS: I'll pass the witness, Your Honor.

17 THE COURT: All right. Thank you.

18 Cross?

19 CROSS-EXAMINATION

20 BY MR. CANO:

21 Q Officer Jackson, what was your [indiscernible]?

22 A 3 William 2.

23 Q 3 William 2? Single -- single officer vehicle?

24 A Yes.

25 Q Okay. Now, you said I think several times

1 during direct examination there were other officers that
2 responded in addition to yourself?

3 A Yes, sir.

4 Q Okay. Were they single officer units, as well,
5 or were they -- is a mixture?

6 A Some single, some are two-man units.

7 Q Okay. So since you were the first person to
8 arrive, I guess, you kind of take control of the scene; is
9 that a fair statement?

10 A Of the initial -- of the immediate scene? Yes,
11 sir.

12 Q Of the immediate scene.

13 A Yes, sir.

14 Q Okay. And upon your arrival, were there other
15 units arriving at the same time as you, or were they just a
16 few minutes after you?

17 A Seconds.

18 Q Seconds?

19 A Yes.

20 Q Okay.

21 A After.

22 Q So upon your arrival, you took control of the
23 scene. You directed to apartment where I guess there was a
24 report that there were shots fired; is that a fair statement?

25 A Correct.

1 Q Okay. Now, upon hearing that there were shots
2 fired, would it be fair to say that that heightens your
3 reaction or your response?

4 A It does.

5 Q Okay. To the point where you don't know what
6 the situation is, how safe it is or how safe it isn't?

7 A Correct.

8 Q Okay. Did you respond with your weapon drawn?

9 A I did.

10 Q Okay. So when you respond to the unit with your
11 weapon drawn, upon arriving to Apartment 10, was the
12 description of the entrance -- is it fair to say that there's
13 a -- a metal gate?

14 A Yes.

15 Q With bars and mesh --

16 A Yes.

17 Q -- behind the bars?

18 A Yes, sir.

19 Q Okay. And behind that there is another door?

20 A That's correct.

21 Q A middle door?

22 A Yes, sir.

23 Q Okay. Were the doors open or closed upon your
24 arrival?

25 A The doors, I believe, were open.

1 Q Okay. So you were able to see directly into the
2 apartment, then?

3 A Yes, but not the complete apartment.

4 Q Okay.

5 A I could see in, but the door's on the side, so I
6 could only see a certain --

7 Q A certain angle --

8 A Yes, sir.

9 Q -- that was exposed by the entrance?

10 A Yes. That's correct.

11 Q Okay. So, obviously, you were coming into that
12 apartment with your weapon drawn and upon your entrance you
13 see a person laying on the ground?

14 A That's correct.

15 Q And you also see another female --

16 A Yes, sir.

17 Q -- that you say was wearing a t-shirt, to the
18 best of your recollection?

19 A Just some kind of top, a t-shirt or button-up, I
20 don't -- I don't recall. It was -- I don't remember if she
21 had any pants. I just -- it looked like she was wearing a --
22 something to sleep in, maybe. It was just a long -- long
23 shirt of some style.

24 Q Now, sometimes some of these questions that
25 we're asking you is a little bit harder -- a little fuzzy in

1 your memory, this happened several months ago --

2 A Yes.

3 Q -- is that a fair statement?

4 A Yes.

5 Q And you didn't write a report in conjunction
6 with this incident?

7 A No.

8 Q Okay. So you're just giving us answers to the
9 best of your recollection --

10 A Okay.

11 Q -- is that a fair statement?

12 A Yes, sir.

13 Q Okay. Now, this woman you said that when you
14 entered was somewhat hysterical?

15 A Yes.

16 Q You gave her commands and she did not obey your
17 initial commands?

18 A Correct.

19 Q You didn't know whether or not she was a threat
20 or she was just reacting to the scene?

21 A Correct.

22 Q Okay. And -- and it got to the point where you
23 were trying to take control of the scene, that you actually
24 had to go physically remove her from the person who was laying
25 on the ground?

1 A Correct.

2 Q Okay. Upon her removal, were you able to notice
3 any odor of alcohol on her person, to the best of your
4 recollection?

5 A I don't recall, but I do recall she was acting
6 like she was intoxicated.

7 Q Okay. You've -- and in -- in the six-plus years
8 of experience, I'm sure you've come across people that have
9 been intoxicated?

10 A Yes.

11 Q Okay. So to the best of your recollection and
12 based upon your experience, her demeanor, her actions to you
13 indicated that she was intoxicated?

14 A To the best I recall how she was acting, she was
15 probably intoxicated, yes.

16 Q Do you remember whether or not her speech was
17 slurred?

18 A I didn't get an opportunity to speak with her in
19 that manner. It was just yelling, and I couldn't -- I
20 couldn't really understand what she was saying. And I -- I
21 don't -- I don't recall if that's from her yelling or if
22 that's from her being --

23 Q Intoxicated?

24 A -- intoxicated.

25 Q All right. I see. Okay. Now, you were able to

1 remove her from the scene, and you're doing that part and
2 parcel of your duty to try to secure the area?

3 A Correct.

4 Q Okay. Did you immediately check the person on
5 the ground at that point in time or did you secure the area
6 first?

7 A Moved her out, and another officer grabbed her
8 right away and took her out of the apartment. We could kind
9 of tell immediately that he was not in good shape. We did a
10 -- a frisk of the apartment to make sure no one was inside the
11 apartment, and then at that point checked for a pulse.

12 Q Okay. So -- and as Mr. Pandelis said, the
13 apartment is fairly small?

14 A Correct.

15 Q So it was pretty -- you did that pretty quick
16 manner, securing the rest of the apartment?

17 A Yes.

18 Q And once you realized that there was no visible
19 threat at that point in time you checked the welfare of the
20 person on the floor?

21 A Correct.

22 Q Okay. And to the best of your recollection and
23 from checking the welfare of the person on the floor, in your
24 opinion he was deceased --

25 A Yes.

1 Q -- at that point in time?

2 A Yes.

3 Q Okay. And you had arrived there within minutes
4 of the initial call, correct?

5 A Correct.

6 Q Okay. And to the best of your recollection, his
7 condition didn't change or he didn't expire in your -- in your
8 presence?

9 A No.

10 Q So he -- to the best of your recollection, he
11 had already been expired by the time you arrived?

12 A Yes.

13 Q Okay. Now, you also mentioned that there were
14 -- that the scene was somewhat chaotic?

15 A Correct.

16 Q As you responded, as other -- several units
17 responded, as well, obviously you responded with your sirens
18 on and lights flashing?

19 A Probably, but I don't recall.

20 Q Okay.

21 A Most undoubtedly I'd say yes.

22 Q All right.

23 A I mean...

24 Q That would be standard operating procedure,
25 wouldn't it?

1 A Yes. Until we get close, and then usually when
2 I approach any areas, I'll turn the sirens off so that if
3 there are subjects in the area, they don't know that I'm
4 coming and maybe they'll be there.

5 Q Okay. Do you leave your lights flashing,
6 though?

7 A Sometimes yes, sometimes no.

8 Q Okay. So it depends on the --

9 A Yes, sir.

10 Q -- on the situation?

11 A Yes, sir. It does.

12 Q All right. Now, there were other people that
13 were coming out of their apartments, as well?

14 A Yes.

15 Q And -- and when they had learned upon the news
16 that what had potentially had transpired inside, would it be
17 fair to say other people became somewhat hysterical?

18 A Yes.

19 Q Okay. And it -- and because you were protecting
20 the initial or the primary scene, would it be fair to say you
21 weren't necessarily paying attention to what was being said by
22 other people or the other neighbors that were coming outside?

23 A That's correct.

24 Q Okay. And so you weren't also paying attention
25 to how many other people were necessarily coming outside; is

1 that a fair statement?

2 A I -- I wouldn't be able to give you an exact
3 number, no.

4 Q Okay. And due to the hysterics of the -- of the
5 female that was inside of the apartment, would it be fair to
6 say that her hysteria kind of was somewhat contagious to other
7 people that were kind of coming out onto the scene?

8 A That I can't answer, because people were making
9 a lot of commotion when I arrived --

10 Q Okay.

11 A -- and then once I handed her off to another
12 officer, we had other officers -- I said to secure whoever's
13 outside. So I really don't -- I couldn't tell you who came
14 out after I arrived or -- and did they get louder or quieter,
15 I honestly couldn't tell you. Because I was -- for the first
16 initial part I was still really kind of inside that apartment
17 and at the doorway.

18 Q Okay. And you said earlier in direct
19 examination once you kind of secured the primary area, you
20 were trying to protect it for evidentiary value?

21 A Correct.

22 Q And so you kind of searched -- stood security at
23 the door?

24 A Correct.

25 Q Okay. There were other officers who you

1 directed to tape off the scene with crime scene tape?

2 A Yes, sir.

3 Q Okay. And that is also to try to preserve
4 anything of evidentiary value?

5 A Yes.

6 Q Okay. The people that were in the courtyard
7 were removed from the courtyard?

8 A Yes.

9 Q To a different location?

10 A Yes, sir.

11 Q Okay. But the people -- but they were not
12 removed individually?

13 A I don't know how the other officers -- if -- I
14 don't know if they took them out in pairs, groups,
15 individually, I -- I don't know.

16 Q Okay.

17 A The other officers removed them from the
18 courtyard.

19 Q Okay. Did you observe whether or not the --
20 when they were removed from the courtyard, if they were
21 grouped together or if they were separated individually?

22 A I don't know. Our practice is to separate them,
23 even if we put them in a similar area, such -- if we put them
24 in a space like the size of this room, they'd still be
25 separated and -- and not typically allowed to speak with each

1 other. But if -- but I didn't set that up, so I -- I can't
2 answer that.

3 Q Okay. And even though they may be in a room of
4 this size, they're separated, they're probably separated
5 within feet, not necessarily, you know, tens of feet?

6 A Fair statement probably.

7 Q Okay. And like you said, because you didn't set
8 that up or you weren't controlling that aspect of this
9 investigation, you don't know what kind of contact those
10 people may have had?

11 A Correct.

12 Q Okay.

13 MR. CANO: No further questions, Your Honor.

14 THE COURT: Any redirect?

15 MR. PANDELIS: Nothing by the State, Your Honor.

16 THE COURT: All right. Any juror questions? No?
17 Officer, thank you for your testimony. Please don't discuss
18 your testimony with anyone else who may be a witness in this
19 matter.

20 THE WITNESS: Yes, ma'am.

21 THE COURT: Thank you, sir.

22 THE WITNESS: Thank you.

23 THE COURT: You are excused.

24 And State, please call your next witness.

25 MR. PANDELIS: State calls William Coleman.

1 THE COURT: Okay. Sir, just right up here next to
2 me, please. And then just remain standing and face that lady
3 right there.

4 WILLIAM COLEMAN, STATE'S WITNESS, SWORN

5 THE CLERK: Thank you. Please be seated. State and
6 spell your name for the record.

7 THE WITNESS: William Coleman, W-I-L-L-I-A-M
8 C-O-L-E-M-A-N.

9 THE COURT: All right. Thank you.

10 DIRECT EXAMINATION

11 BY MR. PANDELIS:

12 Q Mr. Coleman, I'd like to direct your attention
13 to June 17th of 2012. Where were you living at that time?

14 A At F Street, 1416 F.

15 Q 1416 F Street, is that an apartment building?

16 A Yes, it is.

17 Q Did you live in a particular apartment?

18 A Yeah.

19 Q What apartment number did you live in?

20 A 16. Actually, my girl was staying there.

21 Q So you lived with your girlfriend?

22 A Well, it was just off and on.

23 Q Off and on?

24 A Right.

25 Q Okay. At that time were you on?

1 A Yeah.

2 Q Living with her?

3 A Yes, sir.

4 Q Okay. What's your girlfriend's name?

5 A Jovonne Butler.

6 Q Jovonne Butler?

7 A Yes.

8 Q Okay. And you said you lived in apartment No.

9 16?

10 A Yes.

11 Q All right. Mr. Coleman, I'm showing you what's
12 been marked as State's Proposed Exhibit No. 2; do you
13 recognize that?

14 A The apartment complex?

15 Q Yeah. Is that the apartment complex --

16 A Yes.

17 Q -- that we're talking about?

18 A Yep.

19 Q All right.

20 MR. PANDELIS: Your Honor, at this point I move for
21 the admission of 2.

22 MR. CANO: No objection.

23 THE COURT: All right. 2 is admitted.

24 (State's Exhibit 2 admitted.)

25 BY MR. PANDELIS:

1 Q And, Mr. Coleman, if you'll look at that TV in
2 front of you, I'm going to -- that's the apartment complex I
3 just showed you, if you could just put a little circle just
4 around generally where apartment 16 is.

5 Okay. So in the -- it's on -- if the apartment's in
6 a U-shape -- the apartment building's in a U-shape, correct?

7 A Yeah.

8 Q So your apartment's kind of in the bottom of the
9 U on that wing?

10 A It's -- it's up top.

11 Q Okay. Up top on the bottom part of the U
12 [indiscernible]?

13 THE COURT: In the back.

14 BY MR. PANDELIS:

15 Q In the back?

16 A Yeah.

17 Q Okay. I'm sorry.

18 A Sorry.

19 Q My question was a little confusing. All right.
20 Back in June of last year, did you have any other family
21 members that lived at that apartment complex?

22 A My sister does.

23 Q What's your sister's name?

24 A Loretta Coleman.

25 Q Okay. Did Loretta live with you and your

1 girlfriend or did she have her own apartment?

2 A She had her own apartment.

3 Q All right. Where was her apartment?

4 A Above that circle.

5 Q Okay. So still on that back wing, but down
6 below you guys to the left?

7 A Yeah.

8 Q Okay. Looking at that photograph, back in June
9 of last year -- or do you see anyone here in the courtroom
10 today that lived in that apartment complex or spent some time
11 at that apartment complex back in June of last -- of 2012?

12 A Yes.

13 Q Who do you see in the courtroom?

14 A The defendant.

15 Q All right. Can you point to him and describe
16 something that he's wearing?

17 A Blue shirt right there.

18 Q All right.

19 MR. PANDELIS: Your Honor, may the record reflect
20 that he's identified the defendant, Jason Jones.

21 THE COURT: It will.

22 MR. PANDELIS: All right.

23 BY MR. PANDELIS:

24 Q Prior to June 17th of last year, how long have
25 you known the defendant?

1 A I really didn't know him. We said hi.

2 Q So it's somebody that you saw around the
3 apartment complex?

4 A Uh-huh.

5 Q But it sounds like you had no real relationship
6 with him?

7 A No. We just said hi and had a cigarette. That
8 was about it.

9 Q Okay. On the evening of June 17th of 2012, did
10 something happen at the apartments that night that you later
11 talked to the police about?

12 A There was a shooting.

13 Q Okay. Where were you when the shooting
14 occurred?

15 A I was in my apartment.

16 Q What happened -- can you tell us what happened
17 that night when you were in your apartment?

18 A We heard a gunshot and then --

19 Q Who's -- who's we?

20 A Me and my girlfriend.

21 Q Jovonne?

22 A Yes. And she told me look out the window, and
23 so I looked. And there was a black car, somebody standing by
24 it, and the car just drove off.

25 Q All right.

1 A And then me and her ran downstairs and my sister
2 was saying they shot him.

3 Q Okay.

4 A And ---

5 Q All right. Let's --

6 A -- we tried to revive him --

7 Q I just want to slow you down for a minute. You
8 said you looked out the window and saw a black car?

9 A Uh-huh.

10 Q And you saw a person by the black car?

11 A Yeah.

12 Q Where did that person by the black car come
13 from, did you see?

14 A No.

15 Q Okay. Could you see who that person was?

16 A No, I couldn't. It was just short hair.

17 Q Okay.

18 A Got in the car fast and drove off.

19 Q Could you tell if the person was a male or a
20 female?

21 A To me it looked like a male.

22 Q Okay. Mr. Coleman, do you remember shortly
23 after you heard the shooting on June 17th that you talked to a
24 police detective?

25 A Yeah.

1 Q And where were you when you talked to this
2 police detective?

3 A I think I was across the street with everybody
4 else sitting on the sidewalk.

5 Q Were you in a police car, were you in a
6 building, were you outside?

7 A No. We was outside.

8 Q Okay.

9 A Across the street.

10 Q Was this conversation with the police detective
11 recorded?

12 A Not that I know of.

13 Q Okay. Do you recall ever asking the detective
14 not to record a conversation?

15 A No, I didn't.

16 Q You don't recall that?

17 A I don't recall, no.

18 Q Okay. Now, when you talked to this detective,
19 do you remember he actually asked you for some information
20 about who you saw going towards the car after the shooting
21 occurred?

22 A I think so.

23 Q Okay. And do you remember when he asked you
24 that, you actually told him that it was J, the defendant, that
25 you saw?

1 A I don't remember saying that.

2 Q So it's your testimony today you don't remember
3 telling the detective that you actually looked out the window
4 and saw J running to the car?

5 A No, I don't remember saying that. I remember
6 saying I seen somebody.

7 Q Okay. But today you're saying you don't
8 remember telling the detective that?

9 A Right. I don't.

10 Q Okay. Can you describe this black car that you
11 saw?

12 A Almost like --

13 Q Well --

14 A -- a small little -- small car.

15 Q Okay. You're not saying that's the car, but it
16 was a small car like that?

17 A Yeah. A small car like that.

18 Q Okay. You don't know the make or model, though?

19 A No, I don't.

20 Q Okay. Did you recognize the car? Was it a car
21 you'd seen before?

22 A Yeah. There's -- but there was two cars there
23 about the same.

24 Q Okay. Did this car look -- did this particular
25 car look familiar to you, though?

1 A Yeah. At first, yeah.

2 Q Okay. How did it look -- who had you seen
3 driving this car before?

4 A The defendant or his girl.

5 Q Okay. So you had actually seen the defendant
6 and his girl driving that car that you saw the person go to
7 before?

8 A I've seen him drive, yeah.

9 Q Okay. And that's the same car you saw that
10 night?

11 A Yeah, it looked like the same car.

12 Q Okay. Who's the defendant's girl?

13 A I don't know her name.

14 Q She live at the apartment complex, as well?

15 A Yeah, she did.

16 Q All right. And it's your testimony today you
17 would see the two of them sharing this car that you saw the
18 person going to?

19 A Yeah.

20 Q Later in the night during the shooting, do you
21 remember ever meeting with a police officer or detective where
22 they showed you a car and asked you if you -- it looked
23 familiar to you or if it was the car you saw earlier?

24 A No. Vaguely.

25 Q Okay. Vaguely. What do you remember, Mr.

1 Coleman?

2 A Like I said, I -- I remember looking out the
3 window and seeing somebody get in the car, short hair, in the
4 car --

5 Q I -- I'm not asking you about that. I'm asking
6 you, a few hours after the shooting occurred, did you talk to
7 a detective and they showed you a car and they said -- and
8 they asked you if the car was the same car that you saw when
9 you looked out the window; do you remember that?

10 A I don't remember them showing me no picture.

11 Q No, not a picture. They actually took you
12 outside and showed you a car; do you remember that?

13 A That looked like that car?

14 Q I -- no. They just showed you a car and they
15 asked you, Is this the car that you saw the person run to; do
16 you remember that?

17 A No.

18 Q Okay. So that night -- it's your testimony
19 today, you don't remember detectives showing you a car and you
20 saying, Nope, that's not the car I saw? You --

21 A I don't remember that.

22 Q Okay. Now, once you heard this shot and you
23 looked out the window, what did you do next?

24 A And me and Jovonne Butler, my girlfriend, ran
25 downstairs and we tried to revive him.

1 Q Okay. Did you see anybody else outside when you
2 ran downstairs?

3 A My sister was outside.

4 Q And once again, what's your sister's name?

5 A Loretta Coleman.

6 Q When you saw your sister, can you describe how
7 she was acting?

8 A She was drunk.

9 Q Okay. Was she saying anything -- or without
10 telling me --

11 A She was just --

12 MR. CANO: Objection as to hearsay.

13 BY MR. PANDELIS:

14 Q And my next question was, without telling me
15 anything she was saying, was she saying anything, or was she
16 quiet, just being silent?

17 A No. She was screaming.

18 Q Does she usually scream or does she normally
19 just talk in a normal voice?

20 A It all depends the way -- way she is.

21 Q Did she seem upset to you?

22 A Yeah.

23 Q What made you think she -- Loretta was upset?

24 A Because she came out yelling. Do you want me to
25 tell you what she said or no?

1 Q Well, not -- just -- in just a minute.

2 A I'm just nervous.

3 Q Does she normally come out of the apartment
4 yelling?

5 A No.

6 Q Okay. So this was -- she seemed upset to you
7 and she was yelling and that's not something she normally
8 does?

9 A Right.

10 Q How long after you heard this gunshot did she --
11 did you come into contact with her?

12 A Right after we went downstairs.

13 Q So seconds, a minute?

14 A Probably seconds.

15 Q So just a matter of seconds after you heard that
16 gunshot you opened the door, come outside --

17 A Come outside.

18 Q -- and there she is, yelling?

19 A Yeah.

20 Q Okay. What was Loretta yelling?

21 A They shot him, they shot him. I think it was
22 like, They shot him over five dollars or something, I don't
23 know. I think that's what she said, or something.

24 Q So you -- you heard Loretta saying, They shot
25 him over five dollars?

1 A Yeah. Something like that.

2 Q Okay.

3 A And me and my girlfriend, Jovonne Butler, went
4 in the house and he was laying down and we were trying to bend
5 him back to try to bring him back. But it was just too late.
6 And then that -- that was it.

7 Q Okay. So it was apparent to you that the person
8 had been shot, there was nothing you could do?

9 A Right.

10 Q Now, earlier you indicated that you knew the
11 defendant is somebody from the apartment complex, and you
12 actually saw what you thought -- what you thought was a car
13 that looked like his that night, correct?

14 A Uh-huh. Yes.

15 Q Okay. Prior to the shooting happening that day,
16 had you seen the defendant at the apartment complex that day
17 at any time prior to the shooting?

18 A I don't know. I -- I don't think so.

19 Q You don't think so or you don't know?

20 A No.

21 Q Okay. And once again, do you remember shortly
22 after this occurred you talked to a detective? Just a moment
23 ago you told us you talked to a detective. Do you -- do you
24 remember talking to the detective after this occurred that
25 night?

1 A Yeah.

2 Q Okay. And again, I believe you said you don't
3 think the interview was recorded, correct?

4 A Right.

5 Q And during that -- when you were talking with
6 the detective, do you remember the detective actually asking
7 you whether or not you saw the defendant there that day?

8 MR. CANO: Your Honor, object. Asked and answered.

9 THE COURT: Overruled.

10 BY MR. PANDELIS:

11 Q Do you remember the defendant asking you whether
12 or not you saw the defendant at the apartment complex that
13 day?

14 A No, I don't.

15 Q So you don't remember him asking you that? Do
16 you remember telling the detective that yes, in fact, you saw
17 the defendant, Mr. Jones, knocking at Jaime's door earlier
18 that day -- earlier in the evening demanding money and you
19 heard him --

20 MR. CANO: Your Honor, I'm going to object as to this
21 line. He already said he didn't recall seeing him.

22 MR. PANDELIS: Well, he --

23 THE COURT: I think he's asked it a little bit
24 differently.

25 But you are kind of getting to go over the same

1 ground. But the question's a little different as to the time,
2 so.

3 MR. PANDELIS: Yeah.

4 THE COURT: Go ahead, it's overruled.

5 MR. PANDELIS: All right.

6 THE COURT: You can answer.

7 MR. PANDELIS: Thank you.

8 THE COURT: If you remember the question. Maybe you
9 can --

10 MR. PANDELIS: I'll -- I'll ask it again.

11 THE COURT: -- state it again.

12 BY MR. PANDELIS:

13 Q Mr. Coleman, do you remember telling the
14 detective that you actually heard the defendant at Jaime's
15 door earlier in the evening knocking at the door and demanding
16 money?

17 A No. I don't remember saying -- hearing that.

18 Q No, not hearing that. Do you remember --

19 A Saying --

20 Q -- telling the detective that?

21 A No, I don't.

22 Q Okay. Your testimony is today you don't
23 remember telling the detective that?

24 MR. CANO: Objection, Your Honor. Misstates his
25 testimony.

1 THE WITNESS: I don't.

2 MR. CANO: He said he didn't hear it.

3 THE COURT: Well, he said he didn't hear it, and then
4 he said he didn't remember --

5 MR. CANO: Thank you.

6 THE COURT: -- telling the detective that he heard
7 it.

8 MR. PANDELIS: And --

9 THE COURT: So it's two different things.

10 MR. PANDELIS: -- and I'm not interested in what he
11 heard. Okay.

12 THE WITNESS: To be honest, I don't remember
13 everything that, you know, detectives told me or whatever.

14 BY MR. PANDELIS:

15 Q And -- and I'm not interested in what the
16 detectives told you. I'm interested in what you told the
17 detectives. And your testimony today is you don't remember
18 telling them that you actually saw the defendant knocking at
19 the door earlier that evening demanding money?

20 A No, I don't.

21 Q Okay. And do you actually remember that you
22 told the detective that you heard the defendant at the door,
23 knocking at the door again for about 10 minutes right before
24 you heard --

25 MR. CANO: Your Honor, I'm going to object. Your

1 Honor, this has been --

2 THE WITNESS: Well, I don't.

3 MR. CANO: -- asked and answered.

4 MR. PANDELIS: Well, your --

5 THE COURT: Yeah.

6 MR. PANDELIS: -- Your Honor, it's a -- it's another
7 timeframe, he testified he --

8 THE COURT: All right. Well, he -- he's already
9 answered. He says no --

10 MR. PANDELIS: Well, this isn't -- okay.

11 THE COURT: -- he -- he just answered. He said no,
12 he didn't remember.

13 MR. PANDELIS: Okay.

14 BY MR. PANDELIS:

15 Q So at any point that evening, you don't remember
16 the defendant there, that's your answer?

17 A I don't remember him there that evening, no.

18 Q Okay. Mr. Coleman, did you know someone that
19 lived at the apartment complex by the name of Vincent?

20 A Yes.

21 Q Who did Vincent live with?

22 A Lady named Cassandra.

23 Q Prior to the day of the shooting occurred, had
24 you ever seen the defendant and Vincent together or talking
25 with each other?

1 A Yeah. When I was up on my balcony.

2 Q When were -- tell me about that day. What --
3 when was this?

4 MR. CANO: Objection as to relevance, Your Honor.

5 THE WITNESS: I don't remember what day it was. It's
6 just -- I remember --

7 THE COURT: Tell -- I'll see counsel up here.

8 (Off-record bench conference.)

9 BY MR. PANDELIS:

10 Q Now, Mr. Coleman, this day you were telling us
11 about when you were on your balcony and you saw the defendant
12 and your other neighbor Vincent, about how long before the
13 shooting was this?

14 A Couple of days or something.

15 Q Couple of days or so, but you're not certain?

16 A Right.

17 Q Okay. You obviously didn't have a calender out
18 and --

19 A No, I did not.

20 Q Okay. When you saw the defendant talking to
21 Vincent, could you hear some things that the defendant was
22 saying?

23 A Yeah.

24 Q Okay. What did you hear the defendant saying to
25 Vincent?

1 A That I'm getting my money.

2 Q When the defendant was saying that, can you
3 describe how he was acting?

4 A Upset.

5 Q What made you think he was upset?

6 A You can tell by people's tone of voice.

7 Q That he just seemed upset to you?

8 A Uh-huh.

9 Q Now, you indicated that the defendant lived at
10 the apartment complex with his girlfriend, correct?

11 A Yes.

12 Q Or somebody you knew to be his girlfriend?

13 A Yes.

14 Q After this shooting occurred, that night did you
15 ever see her?

16 A Yeah. After the shooting, late at night.

17 Q When did you see her?

18 A I don't know what time it was, but it was late,
19 late that night, because SWAT had to come and get her out.

20 Q So you saw her once SWAT got her out?

21 A Yeah.

22 Q Okay. Prior to SWAT getting her out, did you
23 see her --

24 A No.

25 Q -- at any point that evening?

1 A Uh-huh.

2 Q Now, again, when -- do you remember shortly
3 after this occurred, you spoke to a detective? After the
4 shooting occurred, you spoke to a detective, correct?

5 A Yeah.

6 Q You agree with me on that?

7 A Yeah.

8 Q All right. And do you, in fact, remember that
9 the detective asked you whether or not you saw Denise that
10 night after the shooting?

11 A Yeah, I think --

12 Q Do you remember --

13 A But I think I didn't see her. But I don't
14 remember now, he might have asked, yeah.

15 Q He -- so he might have asked. Do you, in fact,
16 remember telling the detective that you did see the defendant
17 -- or, excuse me, you did see the defendant's girlfriend
18 outside after the shooting; do you remember telling the
19 detective that?

20 MR. CANO: Your Honor, I'm going to object. He's
21 already answered the question. He said he didn't --

22 THE WITNESS: No.

23 MR. CANO: -- say anything.

24 MR. PANDELIS: He said he didn't remember.

25 THE COURT: Well, he -- he doesn't remember.

1 BY MR. PANDELIS:

2 Q So it's your testimony today you didn't say that
3 or you didn't remember?

4 A I just remember her being in the house. I don't
5 remember him saying that, I don't know -- I don't --

6 Q No, but you don't remember telling the detective
7 that you saw Denise outside after the shooting -- or the
8 defendant's girlfriend outside after the shooting?

9 A No. Because the only person I saw after the
10 shooting was Vincent and Cassandra, and we tried to revive
11 him.

12 MR. PANDELIS: One moment, Your Honor.

13 BY MR. PANDELIS:

14 Q Now, Mr. Coleman, you indicated that when you
15 walked out and you came into contact with your sister Loretta,
16 she was making some comments about Jaime being shot over five
17 dollars, correct?

18 A Yeah.

19 Q What -- what exactly was she saying again?

20 A They shot him, they shot him over five dollars.

21 Q All right. And do you remember the night that
22 the police came, before you even spoke to the detective, do
23 you remember filling out a written statement, just a short
24 written statement about what you saw and heard that night --

25 A Yeah.

1 Q -- on the -- and do you remember what you said
2 you heard Loretta saying in that statement?

3 A I think it was --

4 Q Would it -- would it help you remember what you
5 said in that statement if you had the chance to read it?

6 A Yeah.

7 MR. PANDELIS: Okay. Your Honor, may I approach?

8 THE COURT: That's fine.

9 MR. PANDELIS: All right.

10 BY MR. PANDELIS:

11 Q Just take a moment and read that and tell me
12 when you're done reading it, and then I'm going to ask you
13 some questions.

14 A Yeah.

15 Q Okay. Did that help you remember what you heard
16 Loretta saying? Did it help you remember what you heard
17 Loretta saying?

18 A What I just said.

19 Q Okay. So what did -- what exactly did you write
20 in the statement that you heard Loretta saying?

21 A Someone shot him.

22 Q Someone shot him?

23 A Uh-huh.

24 Q Okay. So in this statement that you wrote --

25 MR. CANO: Objection. That misstates --

1 MR. PANDELIS: Well, it's exactly what he wrote in
2 his statement.

3 THE COURT: Okay. Well, I don't know what the
4 statement says. I mean.

5 MR. PANDELIS: If I can clarify.

6 THE COURT: Right.

7 BY MR. PANDELIS:

8 Q But in your statement, and as you just
9 testified, when you had had the chance to review the statement
10 to help you remember what you wrote, you wrote that you walked
11 out, you heard Loretta say, Someone shot him?

12 A Right.

13 Q Okay. So earlier -- earlier you testified you
14 heard Loretta saying, They shot him. But in the statement you
15 wrote "Someone shot him" --

16 A Uh-huh.

17 Q -- correct?

18 A Yeah.

19 Q All right. Now, Mr. Coleman, when this -- when
20 you heard these -- this gun -- this -- what you thought was a
21 gunshot, Jovonne was in the apartment with you, correct?

22 A Yes.

23 Q What's the first thing you did when you heard
24 this gunshot?

25 A Looked out the window.

1 Q Where was Jovonne when you looked out the
2 window?

3 A She was right with me.

4 Q Did you --

5 A Behind me.

6 Q Did you say anything to Jovonne?

7 A That's when my sister -- no, I don't think I
8 said anything. I don't remember saying anything to her. I
9 mean, that's when we ran downstairs.

10 MR. PANDELIS: I'll pass the witness, Your Honor.

11 THE COURT: All right. Thank you. Cross?

12 MR. CANO: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. CANO:

15 Q Good afternoon, Mr. Coleman.

16 A Good afternoon.

17 Q Not the first time we've spoken?

18 A Right.

19 Q We've actually spoken on a couple of different
20 occasions?

21 A Yeah. I think you came to the house.

22 Q Right. And then I did an interview with you and
23 remember with my co-counsel, Mr. Pike, and my investigator?

24 A Yes, sir.

25 Q You and your girlfriend were present then?

1 A Yes.

2 Q Do you recall that?

3 A Yes.

4 Q And then we also have spoken on another occasion
5 kind of similar to this setting?

6 A Yeah, I think.

7 Q At a hearing --

8 A Yeah.

9 Q -- where there was a judge that was sitting up
10 there. Do you recall that, as well?

11 A Different judge, right?

12 Q Different judge.

13 A Right.

14 Q Okay. Now, the testimony you're trying to give
15 forth right here, you're trying to give it to the best of your
16 recollection; is that a fair statement?

17 A Yeah.

18 Q Okay. Now, from my understanding of the -- of
19 the events, when the shooting occur -- and if I told you that
20 the shooting occurred around 10:40 in the evening, you
21 wouldn't disagree with me, would you?

22 A No. I don't --

23 Q Okay.

24 A -- really --

25 Q So -- and this is in the middle of June?

1 A Right.

2 Q So it would be fair to say the outside, it's
3 already dark by 10:30 in the evening?

4 A Right.

5 Q Okay. So you were inside your apartment with
6 your girlfriend Jovonne at the time?

7 A Yeah.

8 Q Okay. Fair to say that -- I -- I believe you've
9 actually said before that you were watching TV prior to the
10 incident --

11 A Yeah.

12 Q -- occurring, right?

13 A Uh-huh.

14 Q So you're watching TV with your girlfriend at
15 home, had a couple of beers?

16 A Uh-huh.

17 Q Just kind of just relaxing on a Sunday evening?

18 A Right.

19 Q Is that a fair statement?

20 A Yeah.

21 Q And then you hear kind of a bang rang out?

22 A Yeah.

23 Q So your girlfriend says, Go see what that is; is
24 that a fair statement?

25 A Yeah.

1 Q So you went up to the window to see what was
2 going on?

3 A Right.

4 Q Okay. And when you get to the window, be a fair
5 statement that you said you saw someone standing by a dark
6 vehicle?

7 A Right.

8 Q Okay. And this person had short hair?

9 A Yeah.

10 Q Okay. But they were far enough away that you
11 couldn't distinguish as to who that person was?

12 A I couldn't see exactly, no.

13 Q Okay. You didn't recognize that person,
14 correct?

15 A No.

16 Q And you didn't recognize that person as being
17 Jason Jones?

18 A No. I just seen short hair and jump in the car
19 and take off.

20 Q Okay. So you didn't see anyone run to that car,
21 they were already standing about the driver's side door, and
22 so they just got into the car and took off?

23 A Took off fast, yes.

24 Q Okay. And be fair to say that as you were
25 looking out your window, you were kind of scanning that

1 courtyard area where you live to kind of see if you saw
2 anything else going on; is that a fair statement?

3 A Yeah.

4 Q Okay. And you -- you didn't see anybody
5 standing in front of Jaime's door, did you?

6 A My sister was just the one that ran out.

7 Q Your sister came out of the door, correct?

8 A Correct. Yeah.

9 Q You didn't see -- other than your sister, you
10 didn't see any other individual by that front door, did you?

11 A No.

12 Q Okay. So the only person in the courtyard at
13 that time when you looked out your window was solely your
14 sister?

15 A Right.

16 Q Okay. And she was coming out of Jaime's
17 apartment?

18 A Uh-huh.

19 Q Okay. Fair to say that when -- when your sister
20 was coming out of that apartment, she was, like I think you
21 described earlier, upset and screaming?

22 A Yeah.

23 Q And when you testified earlier that she was
24 screaming, They shot him; is that an accurate statement of
25 what you recall she said?

1 A I think that's just -- no. It's someone -- like
2 I said, we broke down, someone shot him, exactly what she
3 said.

4 Q So exactly what she said, what, Someone shot
5 him, someone shot him?

6 A Yes.

7 Q Okay. Do you recall at a earlier hearing, the
8 one we was talking about before when we met, that you
9 testified that your sister had said, They shot him; do you
10 recall testifying to that before? You don't? Okay. Would it
11 help to refresh your recollection if I showed you a transcript
12 of what you had said at that previous -- previous hearing?

13 A Yeah.

14 Q Okay.

15 MR. CANO: Page 105, counsel. If I could approach,
16 Your Honor?

17 THE COURT: Yes.

18 BY MR. CANO:

19 Q Mr. Coleman, I'm going to show you what is a
20 transcript from a previous hearing; and is that your name on
21 page 84?

22 A Yes.

23 Q Okay. So if I were to tell you that this is a
24 transcript of your statements in there, you wouldn't have any
25 reason to disagree with me, would you?

1 A No.

2 Q I'm going to refer you to page 105, and I want
3 you to read this to yourself. Okay?

4 Have you read that?

5 A Yeah.

6 Q Does that help to refresh your recollection?

7 A Yeah.

8 Q Okay.

9 A Kind of the same as --

10 Q Well, let me go through it with you. Back at
11 that other hearing, you kind of took the stand like you took
12 the stand today, right?

13 A Yeah.

14 Q You got up, held your hand up and you swore to
15 tell the truth, correct?

16 A Yeah, correct.

17 Q And in that previous hearing you said that --
18 referring to your sister -- she was yelling, They shot him.
19 And I asked you that question, "They shot him, correct?" And
20 you said, "Yeah." Do you recall that?

21 A That is -- well, I don't understand. It's like
22 there's two written things.

23 Q To you in your mind are they the same thing,
24 they and someone?

25 A No, it's not.

1 Q There's a difference, right?

2 A Right.

3 Q One's plural, one means more than one person,
4 and one's singular, right?

5 A Right.

6 Q Okay. But you have said before at a previous
7 hearing under oath that your sister said they shot him, to the
8 best of your recollection?

9 A Yeah.

10 Q Okay. You wouldn't disagree with me, right?

11 A No.

12 Q And earlier today, even, on direct examination,
13 you said she said they shot him again, correct?

14 A Yeah.

15 Q All right. And it was only till the DA showed
16 you your statement where you wrote down "someone" that it's
17 kind of like shifting now from one person to multiple people
18 to maybe one person.

19 A Right.

20 Q Is that a fair statement?

21 A Yeah.

22 Q Okay. Now, when you said that your sister said
23 they shot him, you weren't trying to be deceitful or
24 dishonest, were you?

25 A No.

1 Q That was to the best of your recollection at
2 that time?

3 A Right.

4 Q Okay. Now, after seeing your sister kind of
5 being hysterical and yelling this, you know, her statement
6 that he shot him, you and your girlfriend ran downstairs,
7 correct?

8 A Yes.

9 Q To see what was going on and to try to render
10 some help?

11 A Yeah.

12 Q So you went inside to Jaime's apartment?

13 A Yes.

14 Q To try to help him out?

15 A Right.

16 Q And it was your girlfriend, actually, Jovonne,
17 who was trying to give him some type of CPR?

18 A Right.

19 Q Okay. But as you said, when you arrived there,
20 it seemed that it was too late?

21 A Right.

22 Q Okay. So then you left the apartment?

23 A Yeah.

24 Q Okay. Now, do you recall the line of
25 questioning the DA was talking to you about the car, the black

1 car that was outside?

2 A Yeah.

3 Q Remember earlier he was talking about that black
4 car?

5 A Yeah.

6 Q Okay. Do you recall at that previous hearing
7 that we had, the one I was talking to you about that we had a
8 few months ago, that you said you couldn't -- that there were
9 two cars that were similar in nature over at that apartment?

10 A Yes. There was, two cars.

11 Q And that from where you were standing at your
12 apartment, from the window at your apartment, from the
13 distance to where the car was parked, you couldn't
14 differentiate whose cars that was?

15 A No.

16 Q Is that -- is that a fair statement?

17 A Right.

18 Q Okay. I think you actually recalled saying that
19 one of the cars had a dent in it?

20 A Yeah.

21 Q Right? And the other car did not?

22 A Right.

23 Q That's how you knew there were two different
24 cars, correct?

25 A Yeah.

1 Q But the car that was at -- on the street level,
2 you couldn't tell whether it had a dent or it didn't have a
3 dent; is that a fair statement?

4 A Right, yes.

5 Q Okay. So you weren't sure at the time when that
6 car was leaving whose car it was?

7 A No.

8 Q Okay. Now I want to talk to you a little bit
9 about what the district attorney was talking to you about a
10 couple of days before the incident. You said you were
11 standing out on your balcony and you saw Jason with Vincent.
12 Do you recall those questions?

13 A Uh-huh.

14 Q Okay. Would it -- I'm going to talk a little
15 bit about the complex first. Is that -- is the courtyard area
16 kind of a gathering place that some of the people who -- who
17 live at that complex?

18 A Yeah.

19 Q Is that a fair statement?

20 A Yeah.

21 Q There are a couple of couches that are kind of
22 like out there by some mailboxes, right?

23 A Yeah.

24 Q People kind of sit out there, maybe have a beer
25 or smoke a cigarette?

1 A Right.

2 Q Is that a fair statement?

3 A Yep.

4 Q Okay. Sometimes people go to each other's doors
5 and kind of have conversation and talk to each other.

6 A Yeah.

7 Q Is that a fair statement?

8 A Yeah.

9 Q Okay. And when were you out on your balcony,
10 were you engaged in like smoking a cigarette or having a beer
11 or anything?

12 A I think I was smoking a cigarette
13 [indiscernible].

14 Q Is that what you were doing?

15 A Yeah.

16 Q Okay. You said that you saw that Jason and
17 Vincent were together --

18 A Yeah, down --

19 Q -- correct?

20 A Yeah.

21 Q Where were they? Were they downstairs or were
22 they upstairs?

23 A Downstairs.

24 Q They were downstairs?

25 A Uh-huh.

1 Q Do you recall how -- were they at Vincent's
2 apartment or were they at some other place?

3 A At my sister's apartment.

4 Q Oh, downstairs at your sister's apartment?

5 A By there, yeah.

6 Q Or by it?

7 A Uh-huh.

8 Q Okay. So you're standing out on the balcony
9 having a cigarette, and you could see Vincent and Jason
10 together?

11 A Yeah.

12 Q Were there anyone else around them?

13 A No.

14 Q Just those two people?

15 A Yeah.

16 Q Now, you're not standing right next to them, so
17 it would be fair to say you couldn't hear the entire
18 conversation?

19 A Right.

20 Q You only heard portions of it?

21 A Yeah.

22 Q Is that a fair statement?

23 A Yeah.

24 Q And one of the portions that you hear, I think
25 you testified to, was that Jason said he was going to get his

1 money?

2 A Right.

3 Q Okay. But you've never testified before, you've
4 never said before that Jason -- who Jason was going to get his
5 money from; is that a fair statement?

6 A Yeah.

7 Q And you didn't hear who he was going to get any
8 money from?

9 A No.

10 Q So you have no idea what that reference means,
11 he was going to get his money?

12 A No, I don't.

13 Q Could be from a job?

14 A Anybody.

15 Q Could be from his family, could be from
16 anything; is that a fair statement?

17 A Yeah.

18 Q Okay. Now, I'm going to go a little bit back to
19 the demeanor of your sister when you saw her out in the
20 courtyard the evening of the shooting, okay? You said that
21 she appeared to you to be drunk.

22 A Yeah.

23 Q Okay. Could you smell alcohol from her person?

24 A I don't remember that.

25 Q You don't remember --

1 A I just know she was drunk.

2 Q And how could you tell that she was drunk?

3 A Because of the way she acts.

4 Q How was she acting?

5 A Wild.

6 Q Wild?

7 A Screaming, wild, yeah.

8 Q Okay. Does she get wild and scream when she
9 gets drunk?

10 A Sometimes.

11 Q Sometimes? Okay. Now, there were several
12 questions that the district attorney was asking you about a
13 conversation that you had with detectives that was not
14 recorded; do you recall that? He kept asking you questions
15 about do you remember telling detectives this, and you said,
16 No, I didn't say that or I didn't have that conversation.

17 A I don't -- right. Yeah.

18 Q Okay. To the best of your recollections, how
19 many conversations with the detectives did you have?

20 A Maybe 10, maybe. Five, six.

21 Q Five, six, up to maybe 10?

22 A Yeah. Something like that.

23 Q Okay. And was that with the same people, same
24 detectives?

25 A No. Different ones.

1 Q Different ones? Were they from Metro? Were
2 they in uniforms or did they show you a badge that they were
3 from the Metropolitan Police Department?

4 A They were like undercovers or something.

5 Q Undercovers? Okay. And you're not confusing
6 discussions you've had with like myself or my investigator or
7 Mr. Pike as being part of that investigative unit, right?
8 You're not counting that as part of the 10, are you?

9 A Yeah.

10 Q You are counting that as part of the 10? Okay.
11 So have you had conversations with the district attorney's
12 office, as well?

13 A At their office, yes.

14 Q At the office? So are you counting that as part
15 of the 10, as well?

16 A Yeah.

17 Q Okay. So overall, discussing your testimony in
18 this case, you've had several conversations regarding it,
19 correct?

20 A Yeah.

21 Q All right. And is it fair to say that you've
22 been fairly consistent with your recollection that you didn't
23 have a second unrecorded conversations with the detectives?
24 You've been fairly consistent telling everybody the same
25 thing?

1 A Yeah.

2 Q Good.

3 A That I can remember.

4 Q How -- how -- I want to talk to you a little bit
5 about the relationship that you had with Jason. You testified
6 earlier that you weren't particularly close with him; is that
7 a fair statement?

8 A Right. Yeah.

9 Q You knew him in a neighborly way?

10 A Right.

11 Q Just hello, goodbye?

12 A Yeah.

13 Q Is that a fair statement?

14 A Yeah.

15 Q Maybe share a cigarette on the balcony,
16 something of that nature?

17 A Yeah.

18 Q Okay. What about Vincent Herrera, were you
19 closer to Vincent or did you know him in the same way?

20 A About the same way.

21 Q Okay. All right. And his girlfriend,
22 Cassandra?

23 A Same way.

24 Q Same way? Okay. But you were familiar that
25 they were living together in the same apartment, Vincent and

1 Cassandra?

2 A Yeah.

3 Q Okay. Is that correct?

4 A Yeah.

5 Q As well as you knew that Jason was living with
6 his girlfriend or fiancée in their apartment?

7 A Right.

8 Q Okay. Did you know if anybody else was living
9 with Jaime in his apartment?

10 A His brother.

11 Q His brother?

12 A He used to come over there and stay sometimes.

13 Q Okay. All right. And were you closer with
14 Jaime than you were with, say, with Jason or Vincent?

15 A Yeah. We drank beer.

16 Q You guys would drink beer together?

17 A Uh-huh.

18 Q Would it be fair to say that Jaime was a pretty
19 good beer drinker?

20 A Yeah.

21 Q Okay. He could -- when he would drink beer, he
22 would drink a lot of beer?

23 A Pretty much.

24 Q Okay.

25 A But not on --

1 Q Had you ever seen Jaime get to the point where
2 he was intoxicated or drunk?

3 A Yeah.

4 Q Yes?

5 A Yeah.

6 Q Okay. Would it be fair -- safe to say that when
7 Jaime got intoxicated or drunk, sometimes he got a little bit
8 more animated?

9 A I think everybody does when you drink.

10 Q Okay. Kind of like your sister, a little wild?

11 A Right.

12 Q Is that -- kind of loud; is that a fair
13 statement?

14 A Yeah.

15 Q Maybe a little angry sometimes?

16 A Could be.

17 Q Could be?

18 A Yeah.

19 Q Okay. Have you -- were you aware of any
20 altercations Jaime had in that timeframe of that weekend?

21 A No.

22 Q Okay. Were you aware whether or not Jaime was
23 hurt prior to the incident?

24 A I heard about it.

25 Q But you weren't there when it happened?

1 A No.

2 Q Okay. And I don't want you talking to me about
3 what you heard, okay. Were -- when you saw Jaime prior to the
4 incident, had you seen him either that Friday or that Saturday
5 before the shooting on Sunday?

6 A Yeah.

7 Q Okay. Did you notice anything different about
8 Jaime's appearance?

9 A I don't exactly understand what you mean.

10 Q Did you notice whether or not he was injured or
11 he had been to the hospital and had --

12 A Yeah.

13 Q What is it that you did notice?

14 A That I didn't notice?

15 Q That you did notice; what did you notice?

16 A That -- that he -- I guess he got struck in the
17 head by a stick or something.

18 Q And did he have some --

19 A And he went to the hospital. And then me and my
20 girlfriend was walking to -- to get food and he came back, I
21 guess, from the hospital, said he had to have stitches.

22 Q All right. Did you actually see -- witness the
23 stitches yourself?

24 A No, I didn't.

25 Q He didn't show you?

1 A No. He was in a car.

2 Q Okay. He was in a car?

3 A Right.

4 Q When he discussed --

5 A So he just, hey, you know.

6 Q Okay.

7 MR. CANO: Nothing further.

8 THE COURT: All right. And redirect?

9 MR. PANDELIS: Thank you.

10 REDIRECT EXAMINATION

11 BY MR. PANDELIS:

12 Q Mr. Coleman, today we've asked you a lot of
13 questions about who you've talked to in this case, and you've
14 talked to a lot of people, correct?

15 A Yeah.

16 Q Okay. And as Mr. Cano pointed out, you were
17 kind of confusing talking to the police and detectives with
18 talking to attorneys, whether it be myself and Ms. Christensen
19 or Mr. Cano, correct?

20 A Right.

21 Q But I just want to talk about the night the
22 shooting occurred, and talk -- who you talked to that night.

23 Now, are you saying today that you don't remember
24 talking to a detective or you actually didn't talk to a
25 detective?

1 A I don't remember.

2 Q So you just don't remember? You're not saying
3 -- you could have --

4 A Right.

5 Q -- talked to a detective? Okay. When you were
6 in the apartment with your girlfriend and you heard that, what
7 she thought was a gunshot, and you looked out the window, how
8 were you feeling?

9 A Like, shocked.

10 Q Shocked?

11 A Yeah.

12 Q And scared?

13 A Little bit, yeah.

14 Q Okay.

15 A Okay. A lot.

16 Q All right. Mr. Cano was talking to you in a
17 little bit more detail about what you heard Loretta saying
18 when you walked out of the apartment. And we've heard today
19 in one statement you said that --

20 A They shot him or --

21 Q -- they or someone.

22 A Right.

23 Q Do you remember you came to court and testified
24 a few months ago?

25 A Yeah.

1 Q And do you remember I asked you what exactly you
2 heard Loretta said?

3 A Yeah.

4 Q And do you remember what you said when I asked
5 you that?

6 A Nothing.

7 Q Or would it help you if you had the chance to
8 review what you said?

9 A I mean, it's -- it's kind of hard to remember
10 exactly everything --

11 Q Okay. Well, Mr. Coleman, so I'm asking you,
12 would it help you to remember what you said when I asked you
13 that if you had the chance to review --

14 A Yeah.

15 Q -- the transcript from that day? Well, first of
16 all, I'm going to let you look at hat I have is page 114. Do
17 you remember I asked you, "Now, when you went outside and you
18 hear Loretta say something, what exactly did Loretta say about
19 what just happened?" And if you could just review your
20 answer.

21 A Okay.

22 Q Okay. And so do you -- when I asked you that
23 question a couple of months ago, last time we were in court,
24 what did you say when I asked you what you heard Loretta
25 saying?

1 A That someone shot him over five dollars.

2 Q Someone?

3 A Right.

4 Q Okay. Likewise, Mr. Coleman, do you remember
5 that at a different point when you were testifying that, last
6 time you were in court, Mr. Cano actually -- and Mr. Cano is
7 this gentleman -- he actually asked you, "What I'm trying to
8 clear up here is did your sister say someone, like one person,
9 or like multiple people? Did she say both or one or the
10 other?" Do you remember what you said when he asked you that?

11 A Said someone.

12 Q Okay. Well, and again, would it help you to
13 remember if you --

14 A Yeah.

15 Q -- had the chance to review this? All right.
16 And there's the question at the top that Mr. Cano asked you.
17 And if you could just review that and tell me when you've had
18 the chance to review your answer.

19 Did that help you remember how you answered that
20 question?

21 A Yeah.

22 Q Okay. So when Mr. Cano asked you what you heard
23 Loretta saying, how did you answer it here? Someone --

24 A Someone.

25 Q -- or that -- someone?

1 A Yeah.

2 Q Okay. Now, there were -- you testified that
3 there were two black cars that looked similar at your
4 apartment complex, correct?

5 A Right.

6 Q Do you know who -- you said one was a car that
7 you believed belonged to the defendant and his girlfriend,
8 correct?

9 A Yes.

10 Q Did -- do you know who the other car belonged
11 to?

12 A A short Mexican lady.

13 Q Okay. The car that you saw when you looked out
14 your window that night, was it the car that belonged to that
15 short Mexican lady?

16 A It was --

17 Q When you looked at -- when you heard this sound
18 and you looked out your window, did the car you saw, was it
19 the car -- did you recognize it as the car that belonged to
20 the short Mexican lady?

21 A No.

22 Q No. So it wasn't that car?

23 A To me, no.

24 Q Okay. The conversation you heard the defendant
25 having with Vincent a couple of days before, do you remember

1 just a few days ago, last week, in fact, you met with Ms.
2 Christensen and myself and our investigator --

3 A Yeah.

4 Q -- across the street at our office?

5 A Yes.

6 Q And do you remember we asked you some questions
7 about that?

8 A Yes.

9 Q And do you remember we asked you what
10 specifically you heard the defendant saying to Vincent?

11 A Yeah.

12 Q And what did you tell us?

13 A That someone owes me money, I'm getting my
14 money.

15 Q So you heard the defendant -- it's your
16 testimony today you told us that you heard the defendant
17 saying he owes me money?

18 A Yeah.

19 Q Okay. Mr. Coleman, do you still live at that
20 apartment complex?

21 A No, sir. I don't.

22 Q Do you know anybody that still lives there?

23 A My sister, Loretta Coleman.

24 Q Does she still live in the same apartment that
25 she lived in last June?

1 A Yeah.

2 Q Do you want to be here in court today?

3 A No.

4 Q William, by being here today, are you afraid for
5 your sister, who still lives there?

6 A Yeah.

7 Q What are you afraid of?

8 A That something might happen to her because she
9 was there.

10 Q She was there when this happened?

11 A Yes, sir.

12 MR. PANDELIS: Pass the witness, Your Honor.

13 THE COURT: Any recross?

14 MR. CANO: Yes. Thank you.

15 RECROSS-EXAMINATION

16 BY MR. CANO:

17 Q Talk to you a little bit about that car. There
18 were a couple of cars at that complex that looked similar; is
19 that a fair statement?

20 A Uh-huh.

21 Q And the car that you saw driving away, would it
22 be fair to say that you saw that for a fraction of a second?

23 A Yeah.

24 Q Okay. And would it be fair to say that you
25 don't know for 100 percent whose car that was?

1 A No.

2 Q Okay. I'm also going to talk to you about the
3 statement that you overheard Jason and Vincent talking about.
4 You heard that some -- someone owed Jason money --

5 A Yeah.

6 Q -- is that correct?

7 A Yeah.

8 Q Is that a fair statement?

9 A Yeah.

10 Q Okay. But you never heard specifically the word
11 Jaime Corona owes me money?

12 A No.

13 Q Okay. Just want to make sure I'm making that
14 clear. Now, I know there's been a lot of contention over they
15 shot him, someone shot him, remember?

16 A Yeah.

17 Q Mr. Pandelis kept asking you about that, trying
18 to make sure you said someone shot him.

19 A Yeah.

20 Q Okay. You never heard your sister screaming out
21 Jason shot Jaime?

22 A No.

23 Q Or J, she never said J shot Jaime?

24 A No.

25 Q Okay.

1 MR. CANO: Nothing further, Your Honor.

2 THE COURT: Anything else, Mr. Pandelis?

3 MR. PANDELIS: No additional questions for the State,
4 Your Honor.

5 THE COURT: All right. No juror questions? Sir,
6 thank you for your testimony. Please don't discuss your
7 testimony with anyone else who may be a witness in this case.
8 Sir, you are excused.

9 THE WITNESS: Thank you.

10 THE COURT: State, call your next witness.

11 MS. CHRISTENSEN: State calls Jovonne Butler.

12 THE MARSHAL: Come right up here and sit and I'm
13 going to stay right here, okay?

14 MS. BUTLER: Please do.

15 THE COURT: Okay.

16 THE MARSHAL: I will. Go ahead and have a seat.

17 THE COURT: And just face this lady right there, and
18 she'll administer the oath to you.

19 JOVONNE BUTLER, STATE'S WITNESS, SWORN

20 THE CLERK: Please be seated. State and spell your
21 name for the record.

22 THE WITNESS: Jovonne Butler, J-O-V-O-N-N-E, last
23 name Butler, B-U-T-L-E-R.

24 DIRECT EXAMINATION

25 BY MS. CHRISTENSEN:

1 Q Ma'am, are you okay?

2 A Yes.

3 Q Okay. I notice that you're crying and that you
4 had the marshal escort you up there right now. Why is that?

5 A I'm nervous.

6 Q Okay. Here's some Kleenexes for you that the
7 judge is giving you, okay.

8 THE WITNESS: Thank you, ma'am.

9 THE COURT: You're welcome.

10 BY MS. CHRISTENSEN:

11 Q And you and I have met before, right?

12 A Yes, ma'am.

13 Q Okay. So you're not nervous to meet me, right?

14 A No, ma'am.

15 Q Just nervous to testify?

16 A Yes.

17 Q What makes you nervous about it?

18 A I don't want to be hurt.

19 Q You don't want to be hurt? Okay. Why would you
20 be hurt?

21 A I don't know. Like, can be a lot of reasons.

22 Q Have you seen that happen to other people that
23 you know?

24 A No.

25 Q Are you -- why are you afraid of it in your

1 case, then?

2 A Because I had -- I heard it happened to peoples
3 in past tense. This is not my first -- this is my first time
4 on the jury stand.

5 Q Okay. Okay.

6 A But it's not my first I witness a murder.

7 Q You said this is the first time when it's a
8 murder?

9 A No, this is not my first time been up here.

10 Q Okay. It's not your first time testifying.
11 It's the first time it's a murder?

12 A No. I've witnessed two murders. This is my
13 first time being testifying.

14 Q Okay. All right. So you've actually been a
15 witness to two murders before, but this is the first time
16 you've testified?

17 A Yes, ma'am.

18 Q Okay. So, understandably, that makes you
19 nervous?

20 A Yes, ma'am.

21 Q And back in June of 2012, did you live at F and
22 Jackson?

23 A Yes.

24 Q In an apartment complex at 1416 F Street?

25 A Yes.

1 Q Okay.

2 A Apartment 16.

3 Q Apartment 16?

4 A Yes, ma'am.

5 Q Okay. I have a photograph up on the screen, No.

6 2; do you see that apartment complex there?

7 A Yes, ma'am.

8 Q And can you see your apartment on that

9 photograph?

10 A Yes, ma'am.

11 Q Okay. Can you touch on the screen where that

12 apartment is?

13 A Right here. That apartment right there.

14 Q Okay. Is it on the top level -- the second

15 level or the ground level?

16 A The top level.

17 Q Okay. And at that time, who did you live there

18 with?

19 A They was -- it was me and William Coleman.

20 Q And who was William Coleman to you?

21 A My boyfriend.

22 Q Okay. I want to draw your attention to June

23 17th, 2012, the reason we're here today, okay?

24 A Yes, ma'am.

25 Q And -- and that night at some point were you in

1 your bedroom with William?

2 A Yes. Me and William went to bed, was watching
3 -- we was watching, I think it was 24 -- so 48 hours of CSI.

4 Q Okay.

5 A We was watching TV and I recall hearing a -- a
6 loud bang. I told --

7 Q What did you think that was?

8 A I didn't know what it was. I didn't -- I -- I
9 just heard it, I didn't know what it was. I asked William
10 Coleman to go to the window and look. William Coleman told me
11 he seen somebody fleeing the scene, but he didn't know. Three
12 minutes later we seen our sister-in-law -- or my
13 sister-in-law, Billy's sister, William -- Loretta Marie
14 Coleman, coming out the house and that -- that Jaime was shot.

15 Q Okay. I want to take you back a little bit,
16 okay?

17 A Okay.

18 Q And I just told you before, asked you this isn't
19 the first time we've met, right?

20 A Right.

21 Q And was that we met last week --

22 A Uh-huh.

23 Q -- and I asked you about what you saw?

24 A Uh-huh.

25 Q Do you remember telling me what you saw that

1 night when William Coleman went to the window, what you heard
2 William say?

3 A That somebody was fleeing the scene, but he
4 didn't know who the person was, was going out the gate, that
5 gate right there.

6 Q Okay. Now, do you remember telling me, with my
7 investigator and Mr. Pandelis right there with you, that
8 William yelled out that he said J --

9 MR. CANO: Your Honor, I'm going to object -- Your
10 Honor, I'm going to object to this. This is hearsay. Mr.
11 Coleman had a chance to testify.

12 MS. CHRISTENSEN: Your Honor, well, it's a prior --

13 THE COURT: Well, okay. No. Overruled.

14 BY MS. CHRISTENSEN:

15 Q Ma'am --

16 THE COURT: Okay. Ask your question.

17 MR. CANO: Thank you.

18 BY MS. CHRISTENSEN:

19 Q Do you remember telling me and my investigator,
20 Jerome Revels, and Mr. Pandelis --

21 A Yes. Yes.

22 Q And what did you tell us?

23 A I said, William Coleman said that he seen J
24 running out the room, get in a car.

25 Q Flying out of where?

1 A Look -- fleeing -- like running out the -- the
2 door -- the gate right here and get in a car.

3 Q Okay.

4 A And fleeing.

5 Q And just now, though, you told us that you heard
6 him say that he wasn't sure who it was, but you actually heard
7 him say --

8 A Yes.

9 Q -- it was J?

10 A Yes.

11 Q Okay. Is -- are you saying maybe something
12 different than you said the other day because you're nervous
13 to testify?

14 A Yes.

15 Q Do you know J?

16 A I -- I knew J, but I didn't -- I don't know J,
17 every time until you remember the nickname of J, I'll always
18 call him him.

19 Q Okay. So you didn't know his name or his
20 nickname?

21 A No.

22 Q But you recognize that person?

23 A Yes.

24 Q Okay. So when William went to the door and
25 looked out the window, he said that he saw J running to his

1 car?

2 A Yes.

3 Q Answer out loud.

4 A Yes. Yes, ma'am.

5 Q Did you -- did he tell you when he looked out
6 the window that he saw J running from Jaime's porch to the
7 door?

8 A No. He just say he seen him running from the --
9 this -- he [indiscernible] see him from that direction.

10 Q From what direction?

11 A From Jaime direction.

12 Q Okay. So from Jaime's apartment?

13 A Yes.

14 Q So what specifically did William Coleman say
15 where J had come from?

16 A He -- my -- my [indiscernible] is he didn't say
17 he was -- he was running from Jaime away. He didn't say he
18 was at Jaime porch.

19 Q Okay. So he said he was running from Jaime's
20 way?

21 A Yes.

22 Q And you know where Jaime lives?

23 A Jaime stay right here in apartment No. 1.

24 Q Okay. So that corner apartment. You just
25 marked it on the screen, thank you. And what else did William

1 Coleman say that he saw J do when he ran from the area of
2 Jaime's apartment?

3 A Get in the car and leave.

4 Q And what car did William say he saw him leave
5 in?

6 A If this -- I don't know what car he specifically
7 said, but I figure it was the black car of his girlfriend.

8 MR. CANO: Objection. Speculation, Your Honor.

9 THE CLERK: Yes. Sustained. Don't -- don't guess --

10 MS. CHRISTENSEN: Okay.

11 THE COURT: -- just --

12 THE WITNESS: Okay.

13 THE COURT: Okay?

14 BY MS. CHRISTENSEN:

15 Q So maybe William didn't tell you the specific
16 car?

17 A No.

18 Q Okay. But did you know what kind of car that J
19 drove?

20 A Yes. It was a black car.

21 Q And you had seen him drive it before?

22 A Yes.

23 Q Had you seen --

24 A Multiple times.

25 Q I'm sorry?

1 A Lots of times.

2 Q And what about his girlfriend?

3 A His girlfriend, too. But then I said -- I told
4 you that --

5 MR. CANO: Your Honor, I'm going to object. There's
6 no question in front of the witness.

7 THE COURT: All right.

8 MS. CHRISTENSEN: Thank you.

9 THE COURT: That's -- that's correct. Sustained.

10 BY MS. CHRISTENSEN:

11 Q So you have seen J and his girlfriend drive the
12 black car before?

13 A Yes.

14 Q And did you say yes?

15 A Yes, ma'am.

16 Q Okay. After you heard the gunshot --

17 A Yes, ma'am.

18 Q -- and you saw William go and say that he had
19 seen J run out --

20 A Yes, ma'am.

21 Q -- sorry, you can't talk at the same time as me.

22 A Okay. I apologize.

23 Q Okay. That's just the rules of the -- of the
24 court, okay? So I'm going to start my question over.

25 After you heard the gunshot and William looked out

1 the window and told you what he saw, J running to the car,
2 what did you and William do?

3 A Me and William came to the door and that's when
4 we -- I heard -- we heard Loretta [indiscernible] Jaime is
5 shot. We ran downstairs --

6 Q When you came out of your apartment, did you see
7 Loretta or just hear her?

8 A I -- I heard her.

9 Q Okay. You ran downstairs, you said?

10 A Yes.

11 Q Where did you go?

12 A I went straight to Jaime house, I went in his
13 house, and he was bleeding, he was -- he was leaned over on a
14 -- what you call a recliner. I took Jaime, put a pillow --
15 there was a pillow right there, I put the pillow down, put a
16 pillow back of his head and start CPR.

17 Q Okay.

18 A Well, two, two -- well, one and twice.

19 Q And were you able to revive him?

20 A No.

21 Q Okay. There's Kleenexes right next to you,
22 okay, ma'am.

23 A He took his last breath.

24 Q Okay. So you tried to help Jaime?

25 A Yes.

1 Q Ma'am, I want to ask you about what you just
2 said, okay? Okay. You said that Jaime was over near a
3 recliner?

4 A He was hunched over his recliner.

5 Q Okay. Where was the recliner?

6 A The recliner, it was right there, as soon as you
7 walk in the place, Jaime apartment, it's a recliner, I can't
8 tell you what color, specific color. It was face the wall
9 where the room -- face that wall where the rooms is.

10 Q Where the bedroom is?

11 A Yeah. It was like face that wall.

12 Q Okay. And when you say a recliner, are you
13 talking about --

14 A Like a -- a La-Z-Boy chair, something.

15 Q Okay. So it's a chair, not a couch?

16 A Yeah. Oh, yeah. I apologize.

17 Q No, that's okay. I'm just trying to clarify.
18 Okay. So Jaime was actually hunched over the chair?

19 A Yes.

20 Q Was he touching it or leaning on it?

21 A He was like, just, like -- he was like -- can I
22 show you?

23 Q Sure.

24 THE COURT: Sure.

25 THE WITNESS: He was like -- like this. He was like

1 this on his knees.

2 THE COURT: So his knees were on the ground?

3 THE WITNESS: Yeah, one of his knees was.

4 THE COURT: Okay.

5 THE WITNESS: One of his knees was.

6 BY MS. CHRISTENSEN:

7 Q Okay. And then his chest was leaned into the
8 chair?

9 A It was leaning -- it was leaning in the chair in
10 the -- in the seat part. So I just politely did like this,
11 laying him on his back.

12 Q So you -- you tried to guide him over, is that
13 what you said, when you said politely did like this?

14 A Yes, ma'am.

15 Q Okay. And you were able to put him down on his
16 back?

17 A Yes.

18 Q Okay. And if we see a pillow in some of the
19 crime scene photographs, that's because you placed it
20 underneath him?

21 A Yes, ma'am.

22 Q Okay. What happened after that?

23 A After I put the pillow on him?

24 Q After you knew that Jaime was deceased, what
25 happened next?

1 A I -- I just got up because I heard -- we heard
2 the police. I got up and I just said -- and his -- I told --
3 I told the people that was in there, He's done. I said I
4 can't do nothing.

5 Q Okay. Were the --

6 A He took his last breath. That's what I told
7 William, who was standing in the door, I said, He took his
8 last breath.

9 Q Okay. After that did you leave the apartment?

10 A Yes, I did.

11 Q And did William leave the apartment, as well?

12 A Yes. He stepped out.

13 Q Okay. And how long did it take for police
14 officers to arrive?

15 A Well, two -- two or three minutes.

16 Q Okay.

17 A And I -- and when I -- when I did that, we seen
18 him right there, it was one car that came up F and pulled
19 right there where the car is, like diagonal.

20 Q Okay. Are you talking about a police officer's
21 car?

22 A Yes.

23 Q A patrol car?

24 A Yes.

25 Q Okay. So on the picture that you see here,

1 there's a car that -- and it was about in that place where you
2 saw the patrol car?

3 A Yeah. And it was diagonal.

4 Q Okay. So it didn't park like this car is
5 parked, how you parked --

6 A No.

7 Q Okay. And what happened at that point once the
8 officers got there?

9 A I went to the gate, he -- he said, Freeze,
10 everybody stop. And I -- I explained to the officer why I had
11 Jaime blood's on my hand.

12 Q Okay.

13 A He said, Okay. I said -- I told him I was
14 giving him CPR, because he asked me why I was bleeding, where
15 was the blood coming from? I told him I was trying to revive
16 him.

17 Q Okay.

18 A And I was the only had his blood on my hands.

19 Q And at that point were you guys taken away from
20 that area of the courtyard to somewhere else?

21 A Yes.

22 Q And what happened?

23 A We stood there, we stood across the street, it's
24 like a desert. And we sit there, they said stay apart from
25 each other.

1 Q So they separated you?

2 A They separated us until they started
3 investigating us, like asking us questions and stuff. And it
4 took a long time for them to do that. We stood out there for
5 like a couple of hours, ma'am.

6 Q So it took a long time for the detectives to
7 come and finally talk to you?

8 A Come talk -- well, when they talked to us and
9 then at -- then after they talked to us we couldn't still go
10 back in the house.

11 Q Okay. So --

12 A We couldn't go back on our complex.

13 Q Yeah. And for quite some time you were over
14 there across the street --

15 A Right.

16 Q -- waiting. Okay.

17 A Yeah. Because it was almost daylight.

18 Q But when they first brought you over, they
19 separated you?

20 A They separated -- they separated me, me, Loretta
21 Marie Coleman, James Brown, and James Sheffield, that's
22 [indiscernible].

23 Q Those are all people that they brought from the
24 courtyard and separated?

25 A Right.

1 Q And what about William Coleman?

2 A William Coleman? Yeah, he was out there, too.

3 Q Okay.

4 A And we all was like in, like, here, and one was
5 right here, and one was like right there, and one was like
6 close to the little casino.

7 Q Okay. So --

8 A Loretta was.

9 Q Okay. So you're indicating right now when you
10 say right here, that there was space between you all?

11 A Yeah. It was space.

12 Q Okay. And you weren't allowed to talk to one
13 another?

14 A No.

15 Q Okay.

16 A They didn't -- they didn't let us.

17 Q Were there patrol officers near you?

18 A Yes. Patrol officers, detectives.

19 Q Okay. That night when all of this happened,
20 were you under the influence of any alcohol?

21 A No.

22 Q Were you under the influence of any drugs?

23 A I told -- I told you like on the 17th I was had
24 a bowl of marijuana.

25 Q Okay. And what time did you smoke a bowl of

1 marijuana?

2 A That was like at 8:00 at night, ma'am. Like,
3 because we went to my dad house. Daddy James, James Brown
4 house.

5 Q Okay. And there you -- did you smoke an entire
6 bowl of marijuana yourself?

7 A No.

8 Q How much did you have?

9 A Just one hit of the bowl.

10 Q Okay. So were you under the influence of
11 marijuana three hours later if you just had one hit?

12 A Well, yeah. Well, it wore off, but it was still
13 in my system.

14 Q Okay. But I'm talking about whether you're
15 under the influence of it and still are feeling it, not
16 whether it's in your system.

17 A No, I wasn't feeling it no more [indiscernible]
18 no more. No.

19 Q Okay. Okay. Ma'am, how old are you?

20 A I'm 26 years old.

21 Q Okay. And are you mentally disabled in any way?

22 A Yes, I am.

23 Q Okay. What is that?

24 A I have ADD.

25 Q Okay. Do you work?

1 A No.

2 Q Okay. Is that because of your ADD?

3 A Yes, ma'am.

4 Q Okay. Today, as you sit here and testify, are
5 you under the influence of anything?

6 A No, I'm not.

7 MS. CHRISTENSEN: Court's indulgence.

8 THE COURT: Uh-huh.

9 BY MS. CHRISTENSEN:

10 Q After we spoke last week, did William tell you
11 anything about what he thought you should say today?

12 A No.

13 Q Okay. Did you talk to William about your
14 testimony at all?

15 A No.

16 Q Okay.

17 A Me and William was -- we -- we was okay that
18 day. But we was like, we all had a family get-together, but
19 we didn't, know what I'm saying, we went to Daddy James house
20 and we were just do what we do all day, and just talk to each
21 other. But we didn't talk about the case in no kind of way.

22 Q Okay. So that -- and the day I'm talking about
23 is last week when we spoke?

24 A Yes, ma'am.

25 Q So you didn't talk about the case?

1 A No, ma'am.

2 Q Okay. Thank you.

3 MS. CHRISTENSEN: I'll pass the witness.

4 THE COURT: All right. Cross?

5 CROSS-EXAMINATION

6 BY MR. CANO:

7 Q Good afternoon, Ms. Butler.

8 A Good afternoon, sir.

9 Q Do you remember me?

10 A Are you one of the detectives?

11 Q Do you recall myself and my co-counsel, Mr.

12 Pike, coming to your house with our investigator one time and
13 spoke to yourself and -- and William? You call him Billy,
14 right?

15 A Yes. Was you upstairs or downstairs?

16 Q We were upstairs.

17 A Okay. Yeah. Okay.

18 Q And we were chasing a puppy. Remember the
19 little puppy?

20 A Oh, yeah. Okay.

21 Q Do you remember that occasion --

22 A Yes, I -- I do.

23 Q -- when we came to discuss this case with you?

24 A Uh-huh.

25 Q It was about maybe a month after the incident

1 happened?

2 A Okay.

3 Q Do you remember that?

4 A Yes.

5 Q Okay. Now, you also told us back then that you
6 had a disability, correct?

7 A Yes, I did.

8 Q Okay. And that's why you weren't working?

9 A Yes.

10 Q Okay. Now, it's classified as ADD?

11 A Yes.

12 Q Is there any other classifications?

13 A No.

14 Q Okay. When you were in school, like when you
15 went to high school and stuff like that, did you take special
16 classes?

17 A Yes, I did.

18 Q What kind of classes?

19 A Special ed classes.

20 Q Special ed classes? And was that also for your
21 ADD?

22 A Yes.

23 Q Okay. And were you able to graduate?

24 A Yes.

25 Q Okay.

1 A I graduated class of 2004, Rancho High School.

2 Q Okay. Great. That's great. Now, I'm going to
3 talk to you a little bit about the incident, when it happened,
4 okay?

5 A Okay.

6 Q All right. You testified earlier that you went
7 downstairs to Big Daddy James, is that what you called him?

8 A Daddy James, yeah.

9 Q Daddy James?

10 A Uh-huh.

11 Q Is that James Brown?

12 A James Brown, yes.

13 Q All right. And he lives downstairs?

14 A Yes.

15 Q Okay. He lives in the complex along with you?

16 A Yes.

17 Q Okay. You called him Daddy James, but is he
18 your father, is he related to you?

19 A No.

20 Q That's just his nickname?

21 A That's just his nickname.

22 Q And you smoked a bowl of marijuana with him?

23 A Huh?

24 Q You smoked a bowl of marijuana with him?

25 A Yeah.

1 Q Okay. Now, was it a bowl individually or --

2 A Just a --

3 Q -- or you shared a bowl?

4 A We shared it.

5 Q Okay. That's fair enough. And was it just you
6 and -- and Daddy James that were smoking the marijuana?

7 A Yes.

8 Q Okay. Was there anyone else there?

9 A No.

10 Q Okay. So just the two of you?

11 A Uh-huh.

12 Q All right. And -- and this was a little time
13 before you actually heard a bang outside, correct?

14 A No. When I do that -- when I smoked a bowl, we
15 was downstairs, because it was Father's Day.

16 Q Okay. Where did you --

17 A And I heard the bang, I was upstairs in my
18 bedroom.

19 Q Was it still Father's Day?

20 A It was still Father's Day.

21 Q Okay. All right.

22 A Yes.

23 Q And -- and I guess the point I'm trying to make
24 is it was a little bit later after you smoked the bowl of
25 marijuana --

1 A Yeah.

2 Q -- when you heard the bang?

3 A Yeah.

4 Q Right?

5 A Yes.

6 Q Okay. Now, when you heard the bang, you were

7 actually upstairs with Billy?

8 A Yeah. We was in our bedroom.

9 Q Okay. Watching TV?

10 A Uh-huh.

11 Q Okay. Getting ready for bed?

12 A Uh-huh.

13 Q Right?

14 A Yes.

15 Q Billy was having a couple of beers?

16 A Yes.

17 Q Right? And you had just finished smoking a bowl

18 a little bit earlier --

19 A Yeah.

20 Q -- with Daddy -- Big -- Big Daddy James?

21 A Uh-huh.

22 Q Right? And then this bang comes out of -- out

23 of --

24 A Out of nowhere.

25 Q -- nowhere; is that a fair statement?

1 A Yes.

2 Q Okay. So you -- you tell Billy to go to the
3 window and see what that is --

4 A Yes.

5 Q -- right?

6 A Yes, sir.

7 Q Okay. You stayed in bed?

8 A Yes.

9 Q So Billy was the one that went out there?

10 A Yes.

11 Q So you didn't see what happened?

12 A No.

13 Q Okay. Now, right after that bang, could you
14 hear Loretta outside in the courtyard?

15 A Yes. That's when I got up.

16 Q Okay. Because you could hear her yelling?

17 A Yes.

18 Q It was that loud that you could hear --

19 A It was that loud.

20 Q -- it from your bed? Okay. Would it be fair to
21 say that she was upset?

22 A Yes.

23 Q Okay. She was kind of screaming --

24 A Yes.

25 Q -- what had happened, correct?

1 A Yeah.

2 Q Okay. Now -- now, that made you get out of bed
3 and kind of walk over to the window with Billy?

4 A Right.

5 Q Okay. So you didn't actually see the shooting
6 happen, correct?

7 A No. I didn't, sir.

8 Q Okay. And you never actually saw J run to -- to
9 a car and drive away?

10 A No, I didn't, sir.

11 Q Okay. So when you and Billy saw Loretta
12 screaming downstairs --

13 A Uh-huh.

14 Q -- you opened your door and you went downstairs
15 to -- to see what you could do to help; is that a fair
16 statement?

17 A Yes, sir.

18 Q Okay. And you realize that she was screaming
19 that Jaime had been shot?

20 A Yes, sir.

21 Q So you went inside to Jaime's apartment to try
22 to help him out?

23 A Yes, sir.

24 Q And you tried to give him CPR, but you couldn't
25 help him?

1 A No, sir.

2 Q Okay. And it's easy to see that that was very
3 traumatic to you, that --

4 A It was.

5 Q -- affected you a lot. Okay. Now, after that
6 you had to kind of explain to the police why it was that you
7 had blood. And that was because you were trying to help
8 Jaime, correct?

9 A Yes.

10 Q Okay. How long had you known Jaime prior to the
11 shooting?

12 A I known Jaime since, actually since we been
13 staying with Loretta, Loretta Marie Coleman.

14 Q So did you know him maybe a month or maybe two
15 months --

16 A Well, maybe two months --

17 Q -- or maybe three months? Two months?

18 A Yeah.

19 Q Okay. Would it be fair to say that there at
20 that apartment complex people would get together over kind of
21 by the mailboxes and just kind of hang out, have -- talk, and
22 -- and just hang out?

23 A Yeah.

24 Q Was there a couple of armchairs downstairs,
25 people would sit at and kind of just relax, like outside of

1 Loretta's apartment?

2 A Yeah. Right there where Daddy is -- is -- James
3 Brown apartment and Loretta Marie Coleman apartment, and
4 there's chairs right there.

5 Q Okay. So people would go down there and talk
6 and just kind of see what's going on; is that a fair
7 statement?

8 A Yeah. Like trap it up, yeah, and talk and
9 stuff.

10 Q Okay. Sometimes have a beer and just relax
11 and --

12 A Yeah.

13 Q -- sit outside; is that fair?

14 A Yeah.

15 Q Okay. Now, would it be fair to say that after
16 this incident happened, that would still go on, people would
17 get together outside and -- and talk about what was going on
18 in the apartment complex?

19 A Yeah. But it -- that slowly stopped, though.

20 Q But --

21 A That --

22 Q -- but right after the incident, right after the
23 shooting --

24 A Right after the shooting?

25 Q Yes. People would talk about it a lot more

1 often; is that --

2 A Like talk --

3 Q -- is that fair?

4 A Yeah. Talk about what happened.

5 Q What they thought happened and what --

6 A What they thought happened --

7 Q -- they thought was going on?

8 A -- yes, sir.

9 Q So it would be a lot of their suspicions and a
10 lot of -- of their ideas of what they thought happened, what
11 was going on --

12 A Sir --

13 Q -- is that a fair statement?

14 A Yes, sir.

15 Q Okay. And you would be there downstairs
16 sometimes listening to all that information, right?

17 A Yeah, but -- yeah.

18 Q Okay. But you actually didn't see anything that
19 actually happened, because you were in bed?

20 A No.

21 Q Okay.

22 A So I couldn't -- I couldn't and I wouldn't talk
23 about it -- talk on that -- that subject.

24 Q Fair enough. Thank you. Now, you actually gave
25 a -- a voluntary statement to the police, right?

1 A Uh-huh.

2 Q You remember that?

3 A Yes.

4 Q You actually had to write one out for the
5 police; you -- do you remember that?

6 A Yes.

7 Q Okay. And that statement, you never wrote --

8 A I didn't write it out.

9 Q Okay. Did someone write that for you?

10 A Yes.

11 Q And who was that person that wrote that for you?

12 A It was one of the detectives --

13 Q Okay.

14 A -- I believe.

15 Q So when they took you across the street and they
16 kind of held you there for a little while and they finally
17 came to talk to you, they -- they got out one of these sheets
18 and they helped you fill it out; is that a fair statement?

19 A Uh-huh. Yes.

20 Q Yes? Okay. And so when you were talking to
21 them about, you know, what had happened and what you did and
22 what -- and everything that went on there, in this statement
23 that they filled out, they -- you never told them about J was
24 the one that was running to a car and driving away; is that
25 fair?

1 A That's fair.

2 Q Okay. And that was hours after this incident
3 happened, you never even mentioned that, correct?

4 A Uh-uh.

5 Q Okay. And then even a month later, when myself
6 and Mr. Pike went to go interview you with our investigator,
7 you never mentioned that to us, either?

8 A No, I didn't, sir.

9 Q Okay. So the first time we're hearing that is
10 right now in court, right?

11 A Yes.

12 Q Okay. And this is months later after you've
13 kind of heard what other people think may have happened that
14 night?

15 A Yes.

16 Q Okay. Thank you, Ms. Butler.

17 MR. CANO: Nothing further.

18 THE COURT: Any redirect?

19 MS. CHRISTENSEN: Yes. Thank you, Your Honor.

20 REDIRECT EXAMINATION

21 BY MS. CHRISTENSEN:

22 Q Ma'am, when you did write that statement to --
23 to -- for the police --

24 MS. CHRISTENSEN: Well, may I approach, Your Honor --

25 THE COURT: Sure.

1 MS. CHRISTENSEN: -- and show it to her?

2 BY MS. CHRISTENSEN:

3 Q How many lines did you write?

4 THE COURT: She --

5 MR. CANO: She said --

6 THE COURT: Did you actually write it or did somebody
7 else --

8 THE WITNESS: Well, I wrote --

9 THE COURT: -- write it?

10 THE WITNESS: -- I wrote this one.

11 THE COURT: Oh, you wrote that one? Okay.

12 THE WITNESS: I do -- I sorry, ma'am.

13 THE COURT: So that's your handwriting on that?

14 THE WITNESS: This is my handwriting.

15 THE COURT: Okay. I wasn't clear.

16 THE WITNESS: Yes. I apologize.

17 BY MS. CHRISTENSEN:

18 Q That's okay. Is it -- this is one sentence, a
19 voluntary statement; is that --

20 A Yes.

21 Q -- would that be fair? Okay. So you -- you
22 couldn't have written everything that you knew about that
23 night in one sentence, could you?

24 A No, ma'am. Because that I told you I was in
25 special education class.

1 Q I understand.

2 A And they -- the officer told -- that the
3 detective told me to do the best I can. That's what he told
4 me. And that's the best I could do, ma'am.

5 Q Okay. Thank you. Ma'am, do you want to be here
6 testifying today?

7 A Huh? No.

8 Q Okay. Do you want to have to stand up here and
9 do what you're doing right now?

10 A No.

11 Q But you still came in here, try to do the best
12 of your ability?

13 A Yes.

14 Q Thank you.

15 MS. CHRISTENSEN: I'll pass the witness.

16 THE COURT: Mr. Cano?

17 MR. CANO: Just very briefly, Your Honor.

18 THE COURT: Okay.

19 RECROSS-EXAMINATION

20 BY MR. CANO:

21 Q In this statement, although it's one line, one
22 -- one sentence, there's a lot of other lines that are
23 [indiscernible], right? It -- would it help if I showed you
24 this statement?

25 A This is okay?

1 THE COURT: Yeah. You can show --

2 MR. CANO: If I can approach?

3 THE COURT: -- he's going to walk up there and show
4 you the statement.

5 MR. CANO: If I could approach, Your Honor.

6 THE COURT: And then he'll ask you whatever question
7 he has about that.

8 BY MR. CANO:

9 Q Is that the statement that the district attorney
10 just showed you, the statement --

11 A Yes, ma'am -- yes, sir. I'm sorry.

12 Q The one that -- that was written that night --

13 A Yes.

14 Q -- right? The one that you did?

15 A Yes.

16 Q Okay. After this one line that was written,
17 there are a lot of blank lines underneath it, isn't there?

18 A Yes.

19 Q Okay. So there's a lot more room that if you
20 wanted to add more to the statement, you could have if you
21 wanted to, right?

22 A Yes. But he said do to the best as -- as I can.

23 Q And you did the best that you could?

24 A Yes, sir.

25 Q And in the best that you could, you never

1 mentioned anything about J --

2 A No, I didn't.

3 Q -- running to the car --

4 A No.

5 Q -- and driving away?

6 A No, sir.

7 Q Right. And that was the night that -- or a few
8 hours after the incident happened?

9 A Yes, sir.

10 Q Okay. Thank you, Ms. Butler.

11 THE COURT: Ms. -- excuse me -- Christensen, any
12 other questions for the witness?

13 MS. CHRISTENSEN: No. Thank you, Your Honor.

14 THE COURT: And we have any juror questions? No?
15 Ma'am, thank you for your testimony. Please don't discuss
16 your testimony with anyone else who may be a witness in this
17 case.

18 THE WITNESS: Yes, Your Honor.

19 THE COURT: Okay. Thank you. And you're excused.
20 You can just follow the bailiff.

21 May I see counsel at the bench.

22 (Off-record bench conference.)

23 THE COURT: Ladies and gentlemen, we're going to go
24 ahead and take our evening recess right -- in a few minutes.
25 We'll be reconvening tomorrow morning at 10:30. The Court has

1 a calender on various unrelated matters and that's why we
2 can't start until 10:30.

3 During the evening recess, you're once again reminded
4 that you're not to discuss the case or anything relating to
5 the case with each other or with anyone else. You're not to
6 read, watch, or listen to any reports of or commentaries on
7 this case, any person or subject matter relating to the case.
8 Do not do any independent research by way of the Internet or
9 any other medium. Do not visit the location at issue. And
10 please do not form or express an opinion on the trial until
11 you begin to deliberate with one another.

12 If you would all please leave your notepads in your
13 chairs and follow the bailiff through the double doors, and
14 we'll see you back here tomorrow at 10:30.

15 THE MARSHAL: Ladies and gentlemen, please rise for
16 the jury.

17 (Jury recesses at 4:26 p.m.)

18 THE COURT: There was nothing we needed to do on the
19 record, was there? I didn't think so.

20 MR. PIKE: No, Your Honor. Other than at the -- and
21 I'll have to do some research on it tonight. Based on the --
22 the testimony of this witness, I may make a motion to strike
23 her testimony. But I'll -- I'll look at it tonight and see if
24 I --

25 THE COURT: Basis?

1 MR. PIKE: Lay v. State.

2 THE COURT: Huh?

3 MR. PIKE: Lay v. State.

4 MS. CHRISTENSEN: What witness?

5 MR. PIKE: Jovonne. Because although she'd been
6 interviewed, and that was the first time that she came out
7 with the --

8 THE COURT: Oh. Okay.

9 MR. PIKE: -- that the J had -- he'd seen J running.

10 THE COURT: I see. Okay.

11 MR. PIKE: And -- and as far as hearsay, I understand
12 that they're -- they're going under the theory of excited
13 utterance, it's more --

14 THE COURT: Of Loretta?

15 MR. PIKE: No.

16 MR. CANO: No, no. They're -- they're using it as --

17 THE COURT: Oh. Jovonne.

18 MR. PIKE: On Jovonne, yeah.

19 MS. CHRISTENSEN: Well, we use it two different ways,
20 Your Honor.

21 THE COURT: Too, they were also using it to impeach
22 him, because he had said he didn't say that and he didn't
23 remember saying it, and they asked him, and he said, No, I
24 don't remember saying it. So.

25 MS. CHRISTENSEN: And then we also laid the

1 foundation for an excited utterance, when he said when he
2 looked out, he was shocked, he was surprised, on his direct
3 examination. So.

4 MR. PIKE: So if I can just make that orally at this
5 time, and then you --

6 THE COURT: Okay.

7 MR. PIKE: -- overrule it. So -- so we perfected it
8 for the record.

9 THE COURT: Right.

10 MR. CANO: Or we should just [indiscernible].

11 THE COURT: I'm sorry. But you can do the research
12 and renew your motion or whatever tomorrow --

13 MR. PIKE: Thank you very much, Your Honor.

14 THE COURT: -- when you, you know, have the cites in
15 front of you.

16 MR. PIKE: Thanks.

17 (Court recessed for the evening at 4:29 p.m.)
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CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

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