

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 9

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 COURT: Anything else, State?

2 MS. CHRISTENSEN: No.

3 THE COURT: All right. Any questions? Ma'am, thank
4 you for your testimony. Please don't discuss your testimony
5 with anybody else who is a witness in this case.

6 THE WITNESS: God bless.

7 THE COURT: All right. Thank you, and you are
8 excused.

9 May I see counsel at the bench.

10 MR. PIKE: Your Honor -- Your Honor, we don't
11 anticipate recalling this witness. She can be released from
12 the subpoena altogether.

13 THE COURT: All right. Ma'am, you're free to leave.

14 THE WITNESS: Thank you.

15 (Off-record bench conference.)

16 THE COURT: State, call your next witness.

17 MS. CHRISTENSEN: State calls Jimmie Brown.

18 THE COURT: Sir, just come on up here, please, right
19 next to me.

20 JIMMIE BROWN, STATE'S WITNESS, SWORN

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

23 THE WITNESS: Jimmie Brown, J-I-M-M-I-E B-R-O-W-N.

24 THE COURT: All right. Thank you. Ms. Christensen.

25 MS. CHRISTENSEN: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. CHRISTENSEN:

Q Mr. Brown, you lived at 1416 F Street back in June 2012; correct?

A Yes.

Q Do you recognize this picture, State's 2 -- it should be in front of you on that screen -- as that complex?

A Yes.

Q Okay. And I'm going to show you another photograph, State's 3. In that photograph, even though it's a little bit far away, can you see where you -- where your apartment was as of June 17th of 2012?

A Yes.

Q Can you point on the screen -- it'll make a little dot -- where that apartment was?

A It was right here. It's the last apartment on the left, downstairs.

Q Okay. So I -- I can't see the dot that you made. I'm sorry. Could you --

A I don't have anything to make a dot with.

Q If you could -- oh, sorry. Just circle it with your finger.

A Oh.

Q I'm sorry. I'm sorry.

A Okay.

1 Q Okay. So you would have been way down there on
2 the right?

3 A Yes.

4 Q At the end of that first --

5 A Right.

6 Q -- building?

7 A Yes.

8 Q Okay. On the left side of the complex?

9 A Complex, yes.

10 Q And Jaime Corona lived a couple doors down from
11 you?

12 A Yes.

13 Q Did you know him?

14 A Yes.

15 Q Okay. How long had you lived in this apartment
16 complex as of June of 2012?

17 A About eight months. About eight months.

18 Q Okay. And did you know some of the neighbors as
19 of that -- as of June of 2012?

20 A Yes.

21 Q Did you know a person that you knew as J?

22 A Yes.

23 Q And do you see him here in court today?

24 A Yes.

25 Q Could you please point to him and describe what

1 he's wearing today for the record?

2 A Yeah. He's wearing a sweater vest, blue shirt.

3 MS. CHRISTENSEN: Your Honor, may the record reflect
4 that he identified the defendant.

5 THE COURT: It will.

6 MS. CHRISTENSEN: Okay.

7 BY MS. CHRISTENSEN:

8 Q And was J a friend of yours?

9 A Yes.

10 Q What kind of things did you do with him?

11 A We used to talk every day and hang out right
12 there in the little corridor. It was right past my apartment
13 right there, where I was staying. It's a corridor
14 [indiscernible] to the back yard.

15 Q I'm going to show you this No. 2 again. When
16 you say corridor, do you mean like the courtyard in the
17 middle?

18 A No. It's a --

19 Q Oh, that.

20 A -- it's a little hallway right here.

21 Q Oh, okay.

22 A In the back.

23 Q So that --

24 A We used to sit right there in the sun --

25 Q -- space between the --

1 A -- and shade.

2 Q -- two buildings?

3 A Yes.

4 Q Okay. So you'd hang out back there with him?

5 A Yes.

6 Q And how long had you been friends with him?

7 A About two months.

8 Q Did you know where he lived?

9 A Yes.

10 Q Where was that?

11 A Number 18, upstairs, in front of me.

12 Q Okay. Can you --

13 A In front of my apartment, upstairs to the right.

14 The last apartment upstairs.

15 Q Can you circle it?

16 A Right there.

17 Q Did you also know some of the other people in

18 that apartment complex, such as Loretta Coleman, the woman

19 that just left?

20 A Yes.

21 Q Did you know William Coleman?

22 A Yes.

23 Q And did you actually kind of act as a help-out

24 to the manager when he wasn't there, so you'd kind of get to

25 know some of the -- more of the neighbors in there?

1 A Yes.

2 Q Okay. So you knew most of the occupants or all
3 of them?

4 A I knew all of them.

5 Q All of them? Okay.

6 A At that time.

7 Q Now, at that time, because you no longer live
8 there; correct?

9 A No, I don't.

10 Q Now, you know what we're here about today is
11 something that took place on June 17th, Father's Day?

12 A Yes, ma'am.

13 Q A couple days before that, did the defendant, J,
14 tell you about a break-in that occurred in his apartment?

15 MR. CANO: Your Honor, I'm going to object as to
16 relevance.

17 THE COURT: Overruled.

18 THE WITNESS: Yes.

19 BY MS. CHRISTENSEN:

20 Q Okay. Can you tell me approximately when that
21 was?

22 A It was Friday afternoon.

23 Q Okay.

24 A I'm not really sure about what time of day it
25 was, but it was Friday.

1 Q And where were you when he told you about it?

2 A I was sitting by my door outside.

3 Q And did he just come up to you and start
4 talking?

5 A Yeah. He came up, spoke to me and asked me did
6 I see anybody break in his apartment the night before.

7 Q What did he tell you about that he knew about
8 the break-in?

9 A He was telling me about his keys, TV, and DVD
10 player was tore up, was knocked on the floor. His chair in
11 front of his door was broke up in pieces, and something was
12 missing. I think his microwave was missing, and something
13 else. I can't remember what else.

14 Q Did he tell you how he discovered the break-in?

15 A He came home and it was -- his door was open.

16 Q And after he discovered that and found all those
17 broken items, he was coming down to ask you if you had seen
18 anything?

19 A Yes, ma'am.

20 Q Did he say when he had discovered it?

21 A No, he didn't. He just said when he came home
22 his door was open. He asked me did I see anyone go in his
23 apartment.

24 Q Okay. After that, did you see him go ask your
25 neighbor about it, too, to see if he'd seen anything?

1 A Yes.

2 Q And then did you also see him go down to Jaime's
3 apartment and ask him?

4 A Yes. He was asking everyone.

5 Q Okay.

6 A Everyone that was out at that time.

7 Q Was Jaime actually out of his apartment, though,
8 when --

9 A I can't remember if he was out or in.

10 Q Okay. Can you describe -- now, you said before
11 you didn't hear what was said, but you saw what the defendant
12 was doing when he was at Jaime's door. Can you describe that?

13 A At first Jaime was just talking to him. But I
14 -- I can't remember exactly at that point the first time.

15 Q Okay.

16 A Because he was looking, he was trying to find
17 who tore up his kid's stuff.

18 Q Right. Did you ever see him standing outside
19 Jaime's door looking more excited and throwing his arms
20 around?

21 A Later on that afternoon.

22 Q Okay. So that was later; how much later?

23 A Two, three hours later, maybe.

24 Q And at that time did you see Jaime come to the
25 door?

1 A No, I didn't. I didn't see Jaime at all.

2 Q So you just saw J outside of Jaime's door?

3 A Right.

4 Q And were you able to hear anything that was
5 said?

6 A No. I was too far away.

7 Q Now, I'd like to bring your attention to
8 Father's Day, June 17th of 2012. At some point in that day
9 did you have a cigarette with the defendant?

10 A Yes.

11 Q And was that when the defendant was waking up
12 that day?

13 A Yeah, probably later on that -- late that
14 morning. It was still morning, but it was late morning, about
15 11:00, I guess.

16 Q Okay.

17 A I'm not really sure.

18 Q And is it typical for you guys to have a
19 cigarette?

20 A Every day.

21 Q Okay.

22 A Together.

23 Q And would it typically be when the defendant
24 woke up?

25 A Well, not necessarily. Sometime, you know, he

1 go do what he going to do and I do what I have to do. But if
2 -- if he seen me outside and he comes out, yeah.

3 Q Okay. So that morning at some point you had a
4 cigarette together?

5 A Yes.

6 Q Later that night, did you see the defendant
7 again?

8 A I saw him just before dark.

9 Q Okay. And can you describe where you saw him?

10 A He was talking to Jaime through the door.

11 Q Did you see Jaime?

12 A No.

13 Q So you just saw that the defendant was -- I'm
14 sorry?

15 A He was just standing there talking through the
16 -- he was on his, like his little step, talking.

17 Q Okay. So if we look at -- sorry -- State's 5,
18 when you say little step, that little --

19 A It's right here. Right there.

20 Q It's a little raised up piece of concrete?

21 A Yes.

22 Q And what was J doing?

23 A He's -- looked like he was kind of excited,
24 throwing his hands and he was talking, but I couldn't hear
25 what they were saying.

1 Q Okay.

2 A And I didn't see Jaime at all.

3 Q Do you also remember seeing him trying to bang
4 on the door to get attention?

5 A Yes. He was knocking on his door.

6 Q Okay. And did you describe that as beating on
7 the screen?

8 A Yes.

9 Q What were you doing outside at the time when you
10 were seeing this?

11 A I probably was out there with my dog.

12 Q Okay. And your dog -- is that something that
13 you once in a while let her out and then go back inside?

14 A Yes.

15 Q Okay. So when you saw him out there, the
16 defendant out there as you just described, was it quick in and
17 out for you where you were letting your dog out, or did you
18 stand out there and watch it?

19 A I stood out there for a minute, and I wasn't
20 watching my dog. It's a fenced-in area, so she couldn't go
21 nowhere. And all the neighbors knew her. And so she wasn't a
22 threat. So I could let her out and go back in the house and
23 there wouldn't be no problems.

24 Q Okay. So how long did you stand out and watch
25 J, what he was doing outside Jaime's door?

1 A I didn't really pay attention. Maybe a couple
2 of minutes.

3 Q Okay.

4 A It wasn't that long.

5 Q Okay. And do you remember hearing J say
6 something through the door?

7 A I -- I think he asked Jaime to come out and talk
8 to him.

9 Q Okay. You say you think that --

10 A Uh-huh.

11 Q -- but -- you've testified to that before;
12 correct?

13 A Yes. Yes.

14 Q Okay. So did you hear that?

15 A I'm pretty sure, yes. He asked him to step out
16 and talk to him.

17 MR. CANO: Well, Your Honor, I mean, if he's not sure
18 about this, I'm going to object to it as being speculation.

19 THE COURT: Well, don't, you know, don't guess to --

20 THE WITNESS: Okay.

21 THE COURT: -- [indiscernible].

22 THE WITNESS: Well, it was so long ago, you know.

23 THE COURT: Okay.

24 BY MS. CHRISTENSEN:

25 Q Okay. Now, it was long ago, so what you

1 testified to a couple of months ago, much closer in time to
2 the incident, would probably be accurate?

3 A Yes.

4 Q So when you said that you heard him saying that
5 he wanted to talk to him, that they needed to talk, that kind
6 of thing --

7 A Right.

8 Q -- that would be accurate?

9 A Yes.

10 Q Okay. And would you say that he was talking
11 loudly?

12 A It wasn't that loud.

13 Q Okay. Do you remember testifying and answering
14 that it was loud?

15 A Maybe. I don't know. I don't remember.

16 Q I'm just asking for your --

17 A I don't --

18 Q -- for your memory.

19 A I don't -- it might have been. I'm not really
20 sure.

21 Q Okay.

22 A Yeah.

23 Q Okay. So would it be -- would you believe me if
24 I told you you testified that yes, he was talking -- J was
25 talking loudly? Would you believe that?

1 A It's on the record.

2 MR. CANO: What page are you referring to?

3 MS. CHRISTENSEN: 65.

4 BY MS. CHRISTENSEN:

5 Q Now, at some point after you saw that, what J
6 was doing outside Jaime's door, did the police arrive?

7 A No, they came later.

8 Q Okay. How much later?

9 A I'm not really sure. I just know -- I wasn't
10 even sure what time it was when they came.

11 Q Okay. Do you remember the police going to
12 Jaime's door and talking to Jaime and going in his apartment?

13 A Yes.

14 Q Okay. How long after you saw J at Jaime's door
15 trying to talk to him, banging on the door, did you see the
16 police arrive to talk to Jaime?

17 A Thirty minutes, maybe.

18 Q Okay. And I just have to go back to something
19 else that you said at the preliminary hearing transcript,
20 okay? Do you remember saying that you heard J doing what he
21 was doing at the door and then, quote, "The next thing I know
22 the police were there, they were talking to Jaime, they went
23 inside his apartment."

24 A Right.

25 Q Okay.

1 A They went inside his apartment.

2 Q And -- but would you agree that it was pretty
3 much the next thing you knew the police showed up?

4 A Yes. But I'm not really sure what was the
5 timeframe.

6 Q Okay.

7 A Yeah. I'm not really sure.

8 Q You're not exactly sure how long it took?

9 A No. I wasn't sure that time, either, at the
10 preliminary.

11 Q Okay.

12 A I just know they came and they went inside his
13 apartment.

14 Q Into Jaime's apartment?

15 A Yes. They went inside.

16 Q And did you go outside and see that?

17 A No. I was standing in my doorway.

18 Q Okay. So from your doorway you kind of looked
19 down?

20 A I see -- yeah.

21 Q Saw it?

22 A I could look down.

23 Q Okay.

24 A I could see his door.

25 MS. CHRISTENSEN: May I approach your clerk, Your

1 Honor?

2 THE COURT: Sure.

3 MS. CHRISTENSEN: Your Honor, we have State's
4 Proposed Exhibit 6. I don't think the defense has an
5 objection to its admission.

6 MR. CANO: No, Your Honor.

7 THE COURT: All right. That'll be admitted.

8 (State's Exhibit 6 admitted.)

9 BY MS. CHRISTENSEN:

10 Q Just so we can see a more up-close picture, I'm
11 going to put up No. 6 to show how far you are away -- your
12 door is from Jaime's door. Can you show us where your door is
13 on this picture?

14 A Right here.

15 Q And where Jaime's door is?

16 A Here.

17 Q Okay. And these are pretty small one-bedroom
18 apartments; correct?

19 A Yes.

20 Q So it's several paces away?

21 A Yeah. I -- I've never paced it off, but yeah,
22 pretty much.

23 Q Okay. So when you stood at your door -- at your
24 door, you were able to look out and see that the police were
25 going into Jaime's apartment?

1 A Right. Because my dog was barking, and that --
2 when my dog barked, I opened up the screen door and just
3 peeked her out, and the police was going inside his apartment
4 at that time.

5 Q Okay. Did you still see J out there at that
6 time?

7 A No.

8 Q Did you see anybody else out there?

9 A Yeah. Sheffield, my next door neighbor, was
10 outside, and there was a few other people outside. I can't
11 remember who else. But there was a few people outside in the
12 courtyard.

13 Q Okay. And were those people that were occupants
14 of the apartment?

15 A Yes.

16 Q And did you stay outside or did you go back in
17 after you let your dog out?

18 A I came out and sat down to the left of my door
19 where we had chairs there, where we used to sit. I came, sat
20 down out there for a minute, me and Sheffield.

21 Q Okay. And on this photograph -- it's really
22 actually kind of difficult to see on the screen, I apologize.
23 But there's a -- there's a little chair right there outside of
24 that door. Is that the one you're talking about?

25 A No. It's -- it's -- that's to the left of my

1 door, right past the mailbox right there. You can't see it --

2 Q Okay. Sorry.

3 A -- can't see it for the mailbox.

4 Q Sorry. I'm going to -- so it's not on this
5 photograph, but you can see generally where it would be?

6 A Yes. Because I live right next to the laundry
7 room and then right next to the laundry room was like a little
8 pathway to the -- a little yard. Used to be a swimming pool
9 and they covered it up.

10 Q Okay. So essentially the view of the chairs
11 that we're talking about is blocked by this mailbox?

12 A Yes. Blocked by the mailbox.

13 Q And those chairs, are you able to see Jaime from
14 those chairs?

15 A Yes.

16 Q So what did you see happening?

17 A Me and Sheffield sat down and we was talking and
18 we was trying to figure out what was going on with the police
19 in his house.

20 Q Did you see the police hang out for a little
21 while and then leave?

22 A They was there for about 10 minutes, I guess.

23 Q Okay. And then you saw them leave?

24 A Yes.

25 Q Now, after the police left, did you see J come

1 back again to --

2 A No, I didn't see him no more that night.

3 Q You didn't see him anymore that night?

4 A No.

5 Q Okay. So that was the last time that you saw
6 him was when he was banging --

7 A Before the police came.

8 Q Okay.

9 A Yes.

10 Q Okay. I'm going to go back to preliminary
11 hearing testimony, okay?

12 A All right.

13 Q Do you remember testifying at the preliminary
14 hearing that after the police left, J went back to Jaime's
15 door again, maybe 35 -- 30 or 45 minutes later?

16 A No. I don't remember saying that.

17 Q Okay. You don't remember saying that or you
18 don't think you said that?

19 A I don't remember saying it.

20 Q Okay. And I'm just going to show it to you --
21 I'm going to approach you if the judge allows me and --

22 THE COURT: That's fine.

23 BY MS. CHRISTENSEN::

24 Q -- show it to you, okay?

25 MR. CANO: What page, counsel?

1 MS. CHRISTENSEN: I'm showing him right now page 67.

2 MR. CANO: Thank you.

3 BY MS. CHRISTENSEN:

4 Q Do you -- am I reading this correctly when I
5 say, "If you can try and put it in perspective for the Court
6 here, after the police left, how much later did you see J
7 knocking on Jaime's door?"

8 MR. CANO: Your Honor --

9 BY MS. CHRISTENSEN:

10 Q And you --

11 MR. CANO: -- I don't know if this is proper
12 refreshing of his recollection.

13 THE COURT: What -- are you refreshing his
14 recollection or impeaching him?

15 MS. CHRISTENSEN: No, yeah, I'm not refreshing
16 anymore. He doesn't have a memory of it.

17 MR. CANO: He doesn't --

18 THE COURT: Well, she --

19 MR. CANO: He doesn't recall saying it. She can
20 refresh his recollection with his statement, or the statement.

21 THE COURT: All right. First, let him read it to
22 himself.

23 MS. CHRISTENSEN: Okay.

24 THE COURT: See if he remembers saying it. If he
25 doesn't remember saying it, then you can read it directly from

1 the transcript and say, is that, you know.

2 MR. CANO: Thank you, Your Honor.

3 THE WITNESS: Maybe. Because I -- from what I've
4 seen in here, seeing as it was starting to get dark. So,
5 yeah. Because last time I saw him it was daylight. It wasn't
6 dark.

7 BY MS. CHRISTENSEN:

8 Q Okay.

9 A It was light.

10 Q So then here, does it say, "After the police
11 left, how much later did you see J knocking on Jaime's door?"

12 And your answer is --

13 A "Maybe" --

14 Q -- "Maybe 30-45 minutes later."

15 A Yeah. I -- I don't remember saying it, but if I
16 did, you know.

17 Q Okay. So you don't remember saying it --

18 A No.

19 Q -- but it's -- it's on the transcript?

20 A Transcript, yeah. So I must have said it, I
21 guess.

22 Q And another I want to show you, page 48. On
23 page 48, the question is, "What did you observe on that second
24 occasion when J was outside Jaime's door?"

25 Your -- your answer was, "The second time?"

1 Question was, "After the police left?"

2 You said, "He was knocking on the door, the screen.
3 He had to bang on the screen, so people can hear you outside."

4 So again, you're referring to J being at --

5 A At his door.

6 Q -- the door again after the police left. Does
7 that refresh your memory as to what you saw that night?

8 A Yeah, pretty much. But it was -- it wasn't
9 dark. It was still daylight.

10 Q Okay.

11 A It wasn't dark yet.

12 Q But it was after the police had left?

13 A I'm pretty sure it was, yes.

14 Q Okay. And would it surprise you that in -- in
15 the preliminary hearing transcript you said several times that
16 after the police left, J went back again to Jaime's door?
17 Because you're remembering now that that's true?

18 A Right. Yes.

19 Q Okay. So you -- you just remember it being
20 light out at the time, but it was certainly after the police
21 left after going and talking to Jaime?

22 A Yes. Because it was -- it was starting to be
23 summer, so's we had a lot of daylight left that time --

24 Q True.

25 A -- time of year.

1 Q So that second time when you saw J back at
2 Jaime's door after the police left, what did you see J doing?

3 A He was knocking. Same thing, knocking.

4 Q Okay. And do you remember saying that he was
5 hitting it very hard?

6 A Right. The screen door. Correct.

7 Q Could you hear it?

8 A If I was outside, yes, I could hear it. I
9 couldn't hear it from inside my apartment. I hear him outside
10 if I'm outside.

11 Q And do you recall saying at the preliminary
12 hearing that you can hear it all over the apartment? "I
13 peeked out my door."

14 A I mean, I don't remember saying anything.

15 Q Okay.

16 MS. CHRISTENSEN: That's page 68, Counsel.

17 MR. CANO: Thanks.

18 BY MS. CHRISTENSEN:

19 Q I'm just going to show it to you, just -- just
20 so you can see it. First I'll let you see if it refreshes
21 your memory, okay?

22 A All right.

23 Q This question starting with, "Were you outside?"

24 A I may -- I -- I must have meant it all over the
25 apartment complex. Because if I was inside, I couldn't hear

1 him. Must have been I was talking about the --

2 Q Okay.

3 A -- the complex outside.

4 Q So let's -- let's clarify this. The question
5 you were asked was, "So that second time when he was knocking
6 on the door, you heard the door -- the banging?"

7 And your answer was, "Right, you could hear it all
8 over the apartment?"

9 A Uh-huh.

10 Q Question, "Did you come outside?"

11 Answer is, "I peeked out my door."

12 A Oh, okay.

13 Q "And you saw it was J?"

14 "Yes, I saw it was J, but I didn't see Jaime."

15 A Okay.

16 Q So you're saying you heard all over the
17 apartment complex, not just all over the apartment; correct?

18 A Right. Right. Because my door probably was
19 open and my screen door was closed. Because it was warm.
20 Yeah.

21 Q Okay. And you did testify that you peeked out
22 the door, because you heard that; correct?

23 A Yeah. I must have heard it. Yeah.

24 Q Okay. So you heard that banging --

25 A Yeah. My door must have been open.

1 Q Okay.

2 A My door was open and my screen door was closed.

3 Q Okay. So you heard that inside of your
4 apartment?

5 A Right. So I peeked out see what was -- what it
6 was.

7 Q And you could hear it all over the complex?

8 A Right.

9 Q And that was that second time that he was
10 knocking?

11 A Yes.

12 Q That second time when he was knocking, after the
13 police left, did you also hear anything that J was saying?

14 A No.

15 Q Okay. Do you remember saying something
16 different at the preliminary hearing?

17 A I don't remember that.

18 Q Okay. Mr. Brown, you're -- you're friends with
19 the defendant; right?

20 A Yes.

21 Q You don't want to be here today?

22 A No.

23 Q You don't want to have to testify in a case in
24 which he's charged with something?

25 A No.

1 Q Okay. Does that go against your being?

2 A Well, I have to be here. But, I mean, he's a
3 friend of mine.

4 Q Okay.

5 A Jaime was a friend of mine, too.

6 Q Okay. It's a difficult position for you;
7 correct?

8 A Right.

9 Q Do you think that you're changing your testimony
10 because of that?

11 A No, I don't think so.

12 Q Okay.

13 A I'm just saying what I remember.

14 Q Okay. That's understandable. When you
15 testified a few months ago at the preliminary hearing, and
16 that was on November 6th of 2012, would that be correct?

17 A Yeah [indiscernible].

18 Q Do you remember saying that J was saying that
19 second time again that they needed to talk, that Jaime needed
20 to come out and talk to him?

21 A I thought I said it the first time. I -- maybe
22 so.

23 Q Do you remember telling -- saying at the
24 preliminary hearing that it was actually both times?

25 A No, I don't remember. But if it's on the

1 transcript, I must have said it.

2 Q Okay. Do you --

3 A But I -- right now I don't remember saying it.

4 Q Right now you just don't have a memory of that
5 second time him saying that?

6 A No.

7 Q Okay. And then that second time that you saw J
8 banging on the door, Jaime's door, how long did you observe
9 that for?

10 A Not long. Because I took my medicine.

11 Q Okay.

12 A I take sleeping pills, and I --

13 Q So you went back inside and --

14 A Yeah, I take medication for my spine and I take
15 sleeping pills so I can sleep, and I had took my medication.

16 Q Okay. So after you saw it, you went back inside
17 and laid down and took your medication?

18 A Yes. That's when I close and lock my door.

19 Q Okay. And do you also -- I mean, you walked in
20 here with a cane?

21 A Yes.

22 Q Do you have some pain that you take oxycodone
23 for?

24 A Yes.

25 Q And how many times a day do you take that?

1 A Four or five times a day.

2 Q Were you taking it on that day?

3 A Yes.

4 Q And -- and then that night after you observed
5 this, you went inside and took a sleeping pill?

6 A Yes.

7 Q Okay.

8 A And a -- and a couple of muscle relaxers.

9 Q And muscle relaxers?

10 A Yes.

11 Q Is that also for pain that you suffer from?

12 A Yes. Muscle spasms.

13 Q Okay. Once you take your sleeping pill, how
14 long is it until you usually go to sleep?

15 A About 15, 20 minutes, maybe.

16 Q Okay. So after you saw that, went inside --

17 A That was it.

18 Q -- you would be asleep in 15 or 20 minutes?

19 A Yes.

20 Q Did you fall asleep that night?

21 A Yes.

22 Q Did you ever see J at the -- that apartment
23 complex again after that?

24 A No.

25 Q When was the next time you saw him?

1 A Here in the courtroom.

2 Q Now, you are -- are friends with a lot of people
3 in that apartment complex and kind of socialize?

4 A Yes.

5 Q Would you have been out and about in those next
6 few days after this, the week after this?

7 A Yes.

8 Q And outside of your apartment?

9 A Yes.

10 Q So you're not like a recluse; you're out
11 socializing?

12 A Every day.

13 Q Okay. You never saw J?

14 A No.

15 Q Did you see -- well, do you know J's girlfriend?

16 A Yes.

17 Q What's her name?

18 A Denise.

19 Q Did you see her?

20 A Yes.

21 Q And what was she doing when you saw her that
22 week?

23 A She was moving.

24 Q What did you see her moving?

25 A Her furniture out the apartment.

1 Q How long after Father's Day was that?

2 A Probably pretty close to the next weekend,
3 around Thursday, Friday, maybe.

4 Q Okay. Let's go back to after you took your
5 sleeping pill and fell asleep. Did anything wake you up?

6 A Yeah, my dog.

7 Q Okay. What happened?

8 A It was a loud -- she started barking. I guess
9 there was a loud noise. And -- and -- because I heard -- I
10 kind of heard the noise, but I didn't know what it was. And
11 then she starts barking. And it took me a few minutes to get
12 up to open the door to see what she was barking at.

13 Q How did that affect you, and you have your
14 sleeping pill and you have to get back up?

15 A Takes me a few minutes, because I'm real groggy,
16 especially if I'm fresh asleep. Just because I was freshly
17 asleep.

18 Q Okay. And what did you do once you did wake up?

19 A Opened up the door and looked out.

20 Q What did you see?

21 A The police and my friend, Sheffield, and William
22 Coleman, Jovonne Butler, Loretta Coleman, all them was
23 outside.

24 Q What did you do?

25 A I asked what was going on.

1 Q So you actually went out of your apartment?

2 A I stepped on my little ramp right there. I have
3 a wheelchair ramp in front of the door and I was on that ramp.

4 Q Okay. So I'm -- I'm just pushing the photograph
5 over so we can see. This little ramp in front of your door?

6 A Yes. I was standing on that. I asked everybody
7 what was going on.

8 Q And at some point were you escorted by police
9 over to a different area?

10 A Yes.

11 Q Do you remember writing a statement out?

12 A No, I -- I verbally gave a statement to the
13 police and the police wrote it.

14 Q So you weren't able to, in the state you were
15 in, write a -- write a statement?

16 A No. Because I was still groggy. And then I
17 wear glasses. I couldn't see the paper to write the
18 statement. And I didn't have my glasses, and they wouldn't
19 let me go get them.

20 Q Okay. You're not going back into that crime
21 scene once they --

22 A Right. They wouldn't let me back in the gate.
23 Nobody, actually.

24 Q Were you able to, I mean, stay awake when you
25 were over across the street?

1 A No. I laid on the ground and went to sleep. My
2 dog -- they let me take my dog with me. She kept pulling. I
3 had her tied around my hands, but I was actually laying on the
4 curb across the street.

5 Q Okay.

6 A Yeah.

7 Q Because you had taken a sleeping pill?

8 A Yes.

9 Q Okay. Now, one more question about the
10 medications and things you were taking. Do you -- did you
11 smoke any marijuana on June 17th of 2012?

12 A Yes.

13 Q Okay. When was that?

14 A I'm not sure what time of day it was.

15 Q Was it around morning, noon, or night?

16 A It was pretty much around noon.

17 Q Okay. And how much did you smoke?

18 A Maybe a joint.

19 Q Okay. How did that affect you?

20 A I was high.

21 Q Okay.

22 A It -- it helped my back.

23 Q It helped your back?

24 A Yes, my spine.

25 Q Okay. And how long does that last?

1 A Couple of hours maybe.

2 Q So if it was around noon or afternoon, by the
3 evening you would not be high anymore?

4 A No, I wouldn't.

5 MS. CHRISTENSEN: Court's indulgence.

6 Q One more question, and I covered it with you,
7 but there was one more part of the preliminary hearing
8 transcript I wanted to go over with --

9 A Okay.

10 Q -- regarding seeing J after the police left.
11 Because you were saying you're not -- you thought it was still
12 light out.

13 A Uh-huh.

14 Q On --

15 MS. CHRISTENSEN: May I approach, Your Honor?

16 THE COURT: You may.

17 MS. CHRISTENSEN: Thank you.

18 MR. CANO: What page, Counsel?

19 MS. CHRISTENSEN: Page 66.

20 MR. CANO: Thank you.

21 BY MS. CHRISTENSEN:

22 Q If you could just read page 66, did you actually
23 specifically say when I asked you, "Did you see J again?"

24 You specifically said, "I saw him after the police
25 left"?

1 A Uh-huh. Yes. I remember saying that.

2 Q Or, I'm sorry, that wasn't my question. That
3 was the defense's question. I apologize.

4 A Uh-huh. Okay.

5 Q So you -- when they asked you, "Did you see J
6 again?"

7 You said, "I saw him after the police left."

8 A Right.

9 Q Okay.

10 A Yeah.

11 Q Thank you.

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

13 THE COURT: All right. Cross.

14 MR. CANO: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. CANO:

17 Q Good afternoon, Mr. Brown.

18 A Yeah. How you doing.

19 Q Oh, we've met before; haven't we?

20 A Yes.

21 Q Couple -- couple -- excuse me -- couple of
22 occasions --

23 A Yes.

24 Q -- correct?

25 A Yes.

1 Q And you had an opportunity to talk to me
2 regarding this case itself?

3 A Yes, sir.

4 Q Okay. First off, I want to start off with I
5 know you take medication for your back.

6 A Yes.

7 Q And it's oxycodone?

8 A Yes.

9 Q Thirty milligrams?

10 A Yes.

11 Q And you said you take that four or five times a
12 day?

13 A Yes, sir.

14 Q Okay. What effect does it have on you?

15 A It makes me kind of groggy, make me drowsy --

16 Q Okay.

17 A -- make me, you know, if I relax, I go to sleep.

18 Q All right. And if -- in addition to that, you
19 said you also take some muscle -- muscle relaxers?

20 A Yes.

21 Q What medication, specifically?

22 A They -- there's -- they call it Flexerils [sic],
23 muscle --

24 Q Flexerils?

25 A Yes. For my muscle spasms.

1 Q And what milligrams do you take of that?
2 A Well, I think they 25s.
3 Q Okay. And how does that make you feel?
4 A They put me to sleep, too. They make me drowsy.
5 Q Make you groggy as well?
6 A Yes.
7 Q Okay. And in addition to that, you said you
8 take some sleeping pills?
9 A And I take sleeping pills at night.
10 Q Are those prescriptions or over-the-counter?
11 A That's prescriptions.
12 Q Okay. Do you know --
13 A From my doctor.
14 Q -- what they're called?
15 A Trazodone.
16 Q Okay. And -- and how does that make you feel?
17 A It puts me to sleep.
18 Q Okay. So has that groggy effect as well?
19 A Yes.
20 Q Okay. In addition to that, if -- if I heard
21 correctly, you had some marijuana --
22 A Yes.
23 Q -- on the -- Father's Day?
24 A The -- yes.
25 Q Okay. What effect does that have on you?

1 A Same thing. It helps my back. I have a bad
2 spine and it -- and it helps. It kind of, you know, get me
3 high and I relax. I go to sleep on it, too.

4 Q Okay. And -- and the medications that you take
5 for -- for your back issues --

6 A Yes.

7 Q -- the oxycodone and the Flexeril --

8 A Yes.

9 Q -- that's on a daily basis?

10 A Yeah, they -- every day.

11 Q So -- and I don't want to mischaracterize this,
12 but would it be fair to say when you take your medication as
13 prescribed, kind of keeps you in a fog most of the day?

14 A Most of it, yes.

15 Q Okay. So would it be -- would it be out of line
16 to say that there could be some days that you may be confused,
17 events that happen --

18 A Yes.

19 Q -- that you may confuse an event, something that
20 happened on a Friday with maybe something --

21 A Sometime I get --

22 Q -- that happened on a Sunday?

23 A -- days mixed up. Yes, Sundays -- sometime I
24 get days mixed up.

25 Q Okay. And that's not unusual, then?

1 A No. That's -- that's normal.

2 Q Okay. Now, let's talk a little bit about the --

3 the complex here.

4 A Okay.

5 Q Seems like you're kind of like the unofficial

6 mayor of the complex --

7 A I used to be.

8 Q -- so to speak?

9 A Yes.

10 Q Right?

11 A Yes. I used to be.

12 Q Okay. Now, can you see that in front of you?

13 A Yes.

14 Q Okay. That -- that's the complex where you live

15 at; correct?

16 A Yes, that's it.

17 Q And it's a -- it's kind of like a U-shaped

18 complex?

19 A Yes.

20 Q Correct?

21 A Yes.

22 Q Three buildings?

23 A Three buildings, yes.

24 Q Or like one L-shaped building, and another kind

25 of separate building?

1 A Right.

2 Q Is that -- is that a fair description of it?

3 A Yes, that's it.

4 Q And it's two storeys?

5 A Two storeys, yes.

6 Q Right? And there's about 18, 20 units there?

7 A 20.

8 Q 20 units?

9 A Uh-huh.

10 Q Okay. Now, in that back corner area where you

11 were describing earlier before --

12 A Uh-huh.

13 Q -- there's a couple of chairs --

14 A Right.

15 Q -- armchairs that are out there?

16 A Yes.

17 Q Okay.

18 A But it was, like, recliners and -- and a rocker

19 and a couple of chairs.

20 Q Okay. And would that be kind of like the

21 unofficial gathering area --

22 A That was it.

23 Q -- of everybody in the complex?

24 A Right.

25 Q Want to have a cigarette --

1 A With them chairs.

2 Q -- go outside --

3 A Right there.

4 Q -- sit down on the chair?

5 A Yeah. Everybody in the complex that hung out
6 with each other would gather up right there.

7 Q Maybe have a beer, relax, talk --

8 A Yeah. Play chess, dominoes.

9 Q -- pass time?

10 A Stuff like that.

11 Q Okay. All right. And -- and so, seeing as
12 you're a very sociable person, you'd be out there and you'd be
13 able to meet your neighbors, see your neighbors, and kind of
14 see what was going on there?

15 A Every day.

16 Q Okay. Now, a couple of days prior to, the State
17 talked to you about J coming up to you and talking to you
18 about something that happened in his apartment?

19 A Yes.

20 Q Okay. He was talking about someone had broken
21 into his apartment?

22 A Right.

23 Q He didn't know who had broken into his
24 apartment?

25 A No. Not at the time he talked to me, no.

1 Q Okay. So when he was talking to you, he was
2 talking [indiscernible] several interviews about it, he was
3 still trying to find out who that person may have been?

4 A Right.

5 Q Okay. And at that point in time you didn't know
6 whether he found out who that person was or not?

7 A He never came back and told me, no.

8 Q Okay. All right. Now, you said you were
9 friends with Jaime as well?

10 A Yes.

11 Q How long had you known Jaime?

12 A From the time he moved in the complex, about two
13 or three months.

14 Q So, two or three months prior to the incident?

15 A Yes.

16 Q Okay. How often would you see Jaime?

17 A Mostly almost every day. Well, every evening
18 after work. He -- he worked.

19 Q Okay. So in the evenings after work?

20 A After work he would come in. He had his little
21 son with him. He'd come out with his son.

22 Q Okay. Would you see him over the weekends as
23 well?

24 A Pretty much, yes.

25 Q Would it be unusual for Jaime to imbibe in

1 alcohol over the weekends?

2 A No. He always had alcohol. Every day.

3 Q Okay. And would -- would it be unusual for him
4 to -- to imbibe in alcohol to the point where he was very
5 intoxicated?

6 A Yes. He would be very intoxicated sometimes.

7 Q So that was common?

8 A That was -- yeah. That's mostly every day.

9 Q Okay. When he would get to the this point, how
10 would you describe his demeanor?

11 A He was pretty cool.

12 Q Okay.

13 A You know, he -- if he saw me, he would call me,
14 tell me to come over his house and get a beer or something.
15 Or he would come and knock on my door and ask me did I want a
16 cold beer, stuff like that.

17 Q Okay. I'm talking about how was his demeanor
18 when it got to the point of being very intoxicated?

19 A Most of the time I didn't see him when he'd get
20 like that, because he'd stay in the house.

21 Q Okay. Had you seen him on the -- but you have
22 seen him on occasions when he was very intoxicated?

23 A Yes. He would come outside.

24 Q Okay.

25 A And we --

1 Q Would he -- would he slur his speech?

2 A Yes.

3 Q Okay.

4 A He'd be looking for his son.

5 Q So sometimes could be difficult to understand
6 him?

7 A Pretty much. But yeah, yeah.

8 Q Okay. Would he get loud?

9 A Well, yeah --

10 Q His tone of voice get louder --

11 A Yeah. Yeah.

12 Q -- than normal tone of voice?

13 A Right.

14 Q Okay. Would there be occasions where he would
15 maybe kind of get belligerent or kind of angry?

16 A I -- no, I didn't see that part.

17 Q You never saw that part?

18 A No, not -- not toward me.

19 Q All right.

20 A I never saw it.

21 Q Not --

22 A And not toward anyone.

23 Q -- not that it was directed toward you, maybe
24 towards anyone else in the building?

25 A No, I never saw that.

1 Q Okay. Did you know whether or not Jaime would
2 engage in -- in fights when he was in -- under those
3 conditions?

4 A I heard, I didn't see him. But the week -- the
5 same weekend that he passed, he had a fight. He had got
6 stabbed. And I didn't see that. Someone jumped on him --

7 Q Okay.

8 A At his -- at his door and beat him and stabbed
9 him.

10 Q Okay. And Jason had nothing to do with that at
11 all?

12 A Well, I don't think so. I didn't know he had
13 nothing to do --

14 Q Your knowledge --

15 A -- with any of it.

16 Q To your knowledge, Jason was never involved in
17 that separate occasion?

18 A Right.

19 Q Okay. Now, you said on the day, on the Friday
20 before, when Jason was asking several neighbors, that he was
21 trying to inquire what had happened to his house; correct?

22 A Yes.

23 Q He was banging on the door?

24 A Yes.

25 Q Or that's how kind of the State has -- tries to,

1 you know, paint the picture of it.

2 A Right.

3 Q Let's talk a little bit about the doors over
4 there.

5 A Okay.

6 Q Okay? There are two doors. One's a security
7 door and one's a door to the -- to the apartment.

8 A Yes.

9 Q The security door is a wrought iron door with a
10 metal screen mesh?

11 A Yes.

12 Q Okay. And behind that is a -- is a metal door?

13 A It's a wooden door.

14 Q A wooden door?

15 A Yeah. A thick wooden door.

16 Q Thick wooden door.

17 A Uh-huh.

18 Q Okay. Now, because the outside security door is
19 a metal mesh door --

20 A Uh-huh.

21 Q -- would it be fair to say that when you hit
22 that, it makes kind of a loud metallic banging noise?

23 A Right. Yeah. But it -- if your door is closed
24 and if you're in the back room or the bathroom, you would
25 never heard nobody knocking at your door.

1 Q So would it be fair to say that in order to get
2 someone's --

3 A Attention.

4 Q -- attention on the inside, you'd have to hit
5 that --

6 A Real hard.

7 Q -- real hard?

8 A Yes.

9 Q Okay. So just because someone may be banging on
10 the door doesn't necessarily mean that that person is -- has
11 any anger --

12 A No.

13 Q -- or any animosity --

14 A No.

15 Q -- towards the person on the inside?

16 A No. No. That's a daily basis, when someone
17 knocks one of those doors, they have to bang to get someone's
18 attention --

19 Q Okay.

20 A -- that's inside.

21 Q And would it be fair to say that if someone's
22 banging on that door to get their attention, it can be heard
23 throughout the complex?

24 A Pretty much, yes.

25 MR. CANO: Your Honor, I think one of the jurors is

1 trying to get the bailiff's attention.

2 THE COURT: Does anybody need a break?

3 UNIDENTIFIED JUROR: Yes.

4 THE COURT: Okay. And I apologize for the lateness
5 of this, but we'll take a quick break.

6 Ladies and gentlemen, once again, remember the
7 admonition not to discuss the case or do anything relating to
8 the case.

9 Notepads in your chairs, exit through the double
10 doors.

11 THE MARSHAL: Ladies and gentlemen, please rise for
12 the jury.

13 (Jury recesses at 1:18 p.m.)

14 THE COURT: And, sir, you can take a break, as well.

15 THE MARSHAL: Thank you. You may be seated.

16 THE COURT: Were you in the military?

17 THE WITNESS: Yes.

18 THE COURT: I can tell. It totally seemed like you
19 were in the military.

20 THE WITNESS: Yes.

21 MS. CHRISTENSEN: Wow, you're good.

22 THE COURT: No, I mean, your demeanor. You seem
23 very --

24 THE WITNESS: Thank you.

25 MS. CHRISTENSEN: Can we go to the restroom, too?

1 THE COURT: Yes. And sir, if you need to use the
2 restroom or whatever.

3 THE WITNESS: Okay. Thank you.

4 THE COURT: Actually --

5 MS. CHRISTENSEN: Did you want us to bring you a
6 glass of water?

7 THE WITNESS: Yeah. Please.

8 THE COURT: How much longer --

9 (Court recesses at 1:18 p.m., until 1:26 p.m.)

10 (In the presence of the jury.)

11 THE COURT: All right. Court is now back in session.
12 I apologize to the jury. I thought it was a juror question.
13 I saw your paper. I apologize.

14 Ladies and gentlemen, is everybody okay? We're going
15 to break for lunch as soon as we finish with this witness. We
16 have any diabetics or hypoglycemics? Everybody okay?

17 All right. And I appreciate all your patience. And,
18 sir, you are, of course, still under oath.

19 THE WITNESS: Yes.

20 THE COURT: Mr. Cano, finish up --

21 MR. CANO: Okay.

22 THE COURT: -- with your cross, please.

23 MR. CANO: Thank you, Your Honor.

24 CROSS-EXAMINATION (Continued)

25 BY MR. CANO:

1 Q Okay. Now, I'm talking about the day when -- I
2 think where we left off was when J was ask -- inquiring about
3 that breaking into his house.

4 A Okay.

5 Q Okay? What was his demeanor like?

6 A When he first came to me?

7 Q Yeah.

8 A He was kind of excited, hyped up.

9 Q Hyped up and excited?

10 A Yes.

11 Q Do you recall at the previous preliminary
12 hearing, when asked that question, you said that he was calm,
13 just curious as to what had happened?

14 A It was a hearing, I guess.

15 Q Would it help --

16 A I know it --

17 Q -- refresh your recollection if I showed you
18 that?

19 A Okay.

20 MR. CANO: Page 3, Counsel.

21 Q You could read this to yourself.

22 A Okay. Yeah. Pretty much. Yeah. I remember
23 saying they was going out.

24 Q Does that help to refresh your recollection on
25 it?

1 A Yes.

2 Q Okay. So was he excited or was he calm and
3 curious?

4 A Pretty -- yeah, he -- when he came downstairs,
5 because I was sitting outside, he came downstairs and asked me
6 did I see anyone go into his -- break inside his apartment.

7 Q Okay. And what -- so was he -- his demeanor
8 calm?

9 A Yeah. He was pretty calm. Yeah.

10 Q Okay. And just -- kind of just curious trying
11 to inquire about what had happened to his apartment?

12 A Right.

13 Q Okay. And then he continued that demeanor with
14 -- when he was inquiring with the other neighbors?

15 A Yes. Because he --

16 Q With Mr. Sheffield as well as --

17 A He went to Sheffield next --

18 Q -- with --

19 A -- I believe. Yes.

20 Q Okay. Now, let's move -- now, did you -- did
21 you recall any incidents between J, Jaime, either that Friday
22 or that Saturday of that weekend?

23 A They talked Friday.

24 Q They talked Friday?

25 A Yeah. I don't know about Saturday. I know they

1 talked together Friday.

2 Q Okay. But from your description earlier in your
3 testimony, it was just through the metal door?

4 A Yes.

5 Q Okay.

6 A Because I didn't see Jaime come out.

7 Q You didn't see Jaime come out. You could only
8 see J talking to him --

9 A Talking to him through the door.

10 Q And in that conversation that they had, you
11 didn't -- you weren't able to actually listen to the
12 conversation itself?

13 A No, I wasn't. No.

14 Q So you --

15 A I didn't.

16 Q -- had no idea what the content of that
17 conversation was?

18 A No. I don't know what they said to each other.

19 Q Okay. And at that point in time, when you saw J
20 outside of Jaime's door, did you see him with a pistol or a
21 gun in his hands?

22 A No. No. Never.

23 Q Did you see him pointing or threaten Jaime on
24 that Friday?

25 A No, I didn't.

1 Q Okay. Let's move forward to Sunday.
2 A Okay.
3 Q Okay? That's Father's Day.
4 A Okay.
5 Q You obviously took your medication, you got up,
6 and you came outside?
7 A Right.
8 Q All right. And it said you -- you said you saw
9 J that day?
10 A Sunday? Yes.
11 Q Later in the morning?
12 A Yeah, it was later morning, about 11:00, I
13 guess. I'm not really sure what time it was.
14 Q Okay. And then you said you had a cigarette
15 with him; correct?
16 A Yes.
17 Q Okay. Now, after that cigarette, you -- I
18 believe you testified that you saw him going towards Jaime's
19 door?
20 A Yes. He was going that way, yes.
21 Q Okay. And did --
22 A I'm pretty sure.
23 Q -- he knock on Jaime's door as well?
24 A Yes.
25 Q Okay. And you -- again, were you sitting in

1 those chairs on the outside corner --

2 A Yes.

3 Q -- of the apartments?

4 A Yes.

5 Q So, although you could see him visually, you
6 were not close enough to hear what the conversation was, as
7 well?

8 A No. Because I don't think he was trying to let
9 everybody know his business.

10 Q Okay.

11 A Yeah.

12 Q So, and in that -- and -- and in that -- in that
13 visual that you saw there, J's demeanor was not angry or
14 excited?

15 A No. I never saw him angry.

16 Q Okay. Now, obviously you had taken your
17 medication again, and later in the day --

18 A Right.

19 Q -- I believe you said that you saw J?

20 A Yes.

21 Q Now, there was a little bit of confusion as to
22 whether it was daylight or whether it was nighttime. It was
23 in the middle of summer, or actually the beginning of summer,
24 in June?

25 A The beginning of summer, yes.

1 Q Okay. So would it be fair to say that, you
2 know, the sun set a little later point in time of the day?

3 A Right.

4 Q Okay. When you saw -- to your recollection,
5 when you saw J again, you said you saw him knocking on Jaime's
6 door?

7 A Yes.

8 Q Okay. Again, you were not privy to what the
9 content of that conversation was?

10 A No.

11 Q Okay. And again, his demeanor was not angry?

12 A No.

13 Q Okay. And on that Sunday, on those occasions
14 that you saw J at that door, did you see him with a gun in his
15 hand?

16 A No, I didn't.

17 Q Okay. And you never saw him point a gun --

18 A No.

19 Q -- towards that door?

20 A Long as I've known him, I've never seen him with
21 a gun at all.

22 Q Okay. Now, you said you had smoked a joint
23 about mid-day?

24 A Something like that, yes.

25 Q Okay. Were you alone when you did that?

1 A Yes, pretty much.

2 Q Okay. Now, if an -- a previous witness had
3 testified that they had smoked a bowl of marijuana with you
4 later that evening, would you have any reason to dispute that?

5 A I -- I don't remember that.

6 Q Okay. Are you familiar with Ms. Butler?

7 A Yes.

8 Q Jovonne Butler?

9 A Yes.

10 Q If she had testified earlier at -- you know,
11 previously that she had smoked some marijuana with you that
12 evening of -- of Father's Day, would you have any chance --
13 reason to dispute that?

14 A I don't remember it.

15 Q You don't remember it?

16 A If I did, I don't remember doing it.

17 Q Okay. Now, you said later in the evening there
18 was an incident when the police came by?

19 A Yes.

20 Q Your door was open?

21 A My screen door was closed. My other door was
22 open, yes.

23 Q Your screen door was closed, but your -- the
24 door to your apartment was open?

25 A Yes.

1 Q Now, you were able to know that the police were
2 in -- inside of the apartment complex, because your dog
3 reacted to their presence?

4 A Right. She reacts to strange -- strangers.

5 Q Okay. So if she's not familiar with someone
6 coming into the complex, she will react?

7 A Right.

8 Q That'll get your attention, and you'll get up
9 and you'll go see what's going on?

10 A Right. Because I don't want her to bite nobody
11 or nothing like that. So I try to get her or see what she's
12 barking at.

13 Q Okay. Now, when the police came, again, you
14 didn't see what was going on inside of Jaime's apartment, but
15 you knew that they were in front of Jaime's door?

16 A Yeah. I seen them go through the door, go -- I
17 seen the door open and they walked in his apartment.

18 Q So they went inside?

19 A Yes.

20 Q Okay. Now, are you -- are you -- do you recall
21 exactly about what time of day that happened?

22 A I was thinking about 7-8:00. I'm not really
23 sure.

24 Q Okay. To the best of your recollection --

25 A Yes.

1 Q -- it was about that time of the evening?

2 A Yes.

3 Q Okay. Now, you also testified on direct that
4 you saw J return after the police had left?

5 A Okay. Yes.

6 Q Is that true?

7 A Yes.

8 Q Okay. Now, on that occasion, you said you saw J
9 knocking on the door?

10 A Again, yes.

11 Q Okay. And again, you were not close enough to
12 hear any content of any conversation?

13 A No.

14 Q So he wasn't yelling?

15 A No. I never heard him yell at all.

16 Q I'm sorry?

17 A I never heard him yell at all.

18 Q Okay. And would it be fair to say that his
19 demeanor, he wasn't excited or angry?

20 A No, he was just -- I guess he was trying to get
21 Jaime's attention, because he was, you know, you have to beat
22 the screen doors, those heavy wrought iron doors, in order to
23 get someone's attention inside.

24 Q And again on that occasion, you didn't see a gun
25 in his hand?

1 A No.

2 Q Or you didn't see him point a gun in the
3 direction of that door?

4 A No.

5 Q Okay. Now, you said you're taking some more
6 medication?

7 A Yes.

8 Q And got tired and were asleep?

9 A Right.

10 Q So by the time the actual incident happened, you
11 were asleep?

12 A Yes.

13 Q Okay. So you weren't able to witness anybody
14 coming in or out of the complex at that point, then,
15 obviously?

16 A No.

17 Q Okay. Now the -- the State had asked you
18 questions about Jason's girlfriend, Denise --

19 A Okay.

20 Q -- moving out. Do you remember that?

21 A Yes.

22 Q Okay. You said she had moved out maybe later in
23 the week after the incident?

24 A Yes.

25 Q Is that a fair statement?

1 A Yes.

2 Q Okay. Do you -- are you familiar with Denise's
3 brothers?

4 A No. I never met them.

5 Q You've never seen them?

6 A I've seen them, but I didn't know who they were.

7 Q Okay.

8 A I knew -- I just knew her mother.

9 Q You knew her mother because --

10 A I met her mother.

11 Q You met Denise's mother?

12 A Yes.

13 Q Okay. When she was moving, do you recall seeing
14 Denise's brother assisting her, helping her move?

15 A I seen some guys helping her that I'd never seen
16 before.

17 Q Okay. So they were not her brothers?

18 A I don't know who they were.

19 Q Okay.

20 MR. CANO: Court's indulgence.

21 Q Now, to the best of your observation, would it
22 be a fair characterization of the relationship that you saw
23 between Jaime and Jason one as being friendly?

24 A Yes. They was friends.

25 Q Okay. And you didn't see them get into a fight

1 or an altercation --

2 A Never.

3 Q -- the entire time that you knew them both?

4 A No. Never seen them fight or argue or nothing.

5 MR. CANO: Nothing further.

6 THE COURT: All right. Redirect.

7 MS. CHRISTENSEN: Thank you, Your Honor.

8 REDIRECT EXAMINATION

9 BY MS. CHRISTENSEN:

10 Q Sir, you were asked by Mr. Cano about what the
11 defendant's demeanor was when he told you about the break-in,
12 and you said excited. And then Mr. Cano pointed out to you
13 that at the preliminary hearing you had described it at one
14 point as calm. That confusion may be because at the
15 preliminary hearing you said he was calm, he was trying to
16 find out what happened, he was kind of excited. So you
17 actually said both of those things at the preliminary hearing.
18 Both those words that -- that were used, excited and calm.

19 A Right.

20 Q When he came and talked to you, was he
21 concerned?

22 A He was, yeah, kind of curious about it. He --
23 he wanted to know did I see anybody go inside his apartment
24 the night before.

25 Q Okay. So he was concerned about what happened

1 at his house?

2 A Right. Because it had something to do with his
3 kids, he was upset about his kids' toys, so whatever, his --
4 the TV or DVD player or something.

5 Q So he was upset about it?

6 A Yeah. Well, he wasn't -- I mean, you know, it's
7 -- you know, any time something happen to your kids, you get,
8 you know, concerned. He was concerned about his kids.

9 Q Okay. Now, there was also some discussion on
10 cross-examination about the kind of medications you're taking,
11 oxycodone, and how long -- how often you take it. You take
12 that every day?

13 A Yes.

14 Q You took it today?

15 A Yes.

16 Q And to me you seem fine. Would -- would you
17 agree to me that you're understanding everything that's going
18 on?

19 A Yes.

20 Q So you can observe everything that's going on?

21 A Pretty much, yes.

22 Q Okay. It make -- you said it makes you a little
23 bit groggy sometimes?

24 A Yes. But I took it before I came, so I already
25 -- when -- when I was waiting to come in here, I took a little

1 nap inside the waiting room or whatever.

2 Q Okay. But right now, when you're awake, would
3 this be how you would typically be on an average day?

4 A Yes.

5 Q Okay. Mr. Cano asked you about some injury that
6 Jaime had gotten the night or two before he was killed; do you
7 remember that?

8 A Yes.

9 Q You said you never saw any of that?

10 A No, I didn't see the incident, no.

11 Q Okay. So anything you heard about it would be
12 complete hearsay?

13 A Exactly.

14 Q Okay. And then you also testified that the door
15 -- I just want to be clear, because several times in defense
16 questions they've asked about if it was a metal door. Are
17 those doors wooden or metal?

18 A The -- the -- okay, the screen door's like
19 wrought iron, it's kind of heavy. And then the other door's
20 wood -- wood. It's wood.

21 Q Okay.

22 THE COURT: Is it one of those security screen
23 doors --

24 THE WITNESS: It's a security screen.

25 THE COURT: -- that, like, lets the air in and out --

1 THE WITNESS: Yes.

2 THE COURT: -- but it's also security?

3 THE WITNESS: Yes.

4 THE COURT: Okay.

5 THE WITNESS: It has, like -- it has, like, three
6 locks on it.

7 THE COURT: Okay.

8 THE WITNESS: Just on the outside door has, like,
9 three locks on it.

10 BY MS. CHRISTENSEN:

11 Q So that door's metal, the other door is wood?

12 A Yes.

13 Q Okay. And then would it be fair to say that
14 each of the times that you saw the defendant outside of
15 Jaime's apartment, it was not for very long?

16 A No.

17 Q Because --

18 A Because I -- yeah. Because I -- when the sun is
19 out beaming hot like that, I can't be in it from the
20 medication.

21 Q So you didn't --

22 A So I don't be out much.

23 Q Would it --

24 A I be in the shade in the -- the low area right
25 there, I go to that, because that's where the shade be.

1 Q Okay. So would it be fair to say that you
2 didn't sit there and watch and see what was happening? You
3 went back inside your apartment?

4 A Yes.

5 Q Okay.

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

7 THE COURT: Any recross?

8 MR. CANO: Very brief, Your Honor.

9 RECROSS-EXAMINATION

10 BY MR. CANO:

11 Q Despite the fact that you had taken your
12 medication earlier and you seemed to be kind of clear, would
13 it be a fair characterization that at points in times during
14 your testimony you've been confused?

15 A Well, I been taking this medication for almost
16 five years.

17 Q Okay.

18 A So my body is pretty much -- is getting used to
19 it.

20 Q Getting used to it --

21 A Yeah.

22 Q -- but it still does confuse sometimes?

23 A It still -- it still makes me sleepy and groggy.
24 If I relax, I go to sleep on it.

25 Q Okay. And -- and you testified earlier that at

1 times it can make you get confused, confusing days and events
2 when --

3 A Right. I --

4 Q -- the sequence of things of that nature.

5 A I -- if I go to sleep, if I take my medicine and
6 I lay down and go to sleep, I forget what day it is. When I
7 wake up, I'm confused what day it is.

8 Q Okay. Fair enough. So it does still have an
9 effect on you?

10 A It still has an effect, because it still works.

11 Q Okay.

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

13 THE COURT: All right. Anything else, just based on
14 that?

15 MS. CHRISTENSEN: No, Your Honor.

16 THE COURT: Any juror questions for this witness?
17 All right, sir. Thank you for your testimony.

18 THE WITNESS: Thank you.

19 THE COURT: Please don't discuss your testimony with
20 anybody else who may be a witness in this case.

21 THE WITNESS: Okay. Thank you.

22 THE COURT: Thank you, sir. And you are excused.
23 All right.

24 Ladies and gentlemen, we're going to go ahead and
25 take our lunch break now. Let's see, we'll be in recess for

1 the lunch break until 2:50.

2 During the lunch break you're reminded that you're
3 not to discuss the case or anything relating to the case with
4 each other or with anyone else. You're not to read, watch,
5 listen to any reports of or commentaries on this case, any
6 person or subject matter relating to the case. Don't visit
7 the location at issue. Don't do any independent research.
8 And please don't form or express an opinion on the trial.

9 Please leave your notepads in your chairs and follow
10 the marshal through the double doors.

11 THE MARSHAL: Ladies and gentlemen, please rise for
12 the jury.

13 (Court recesses at 1:41 p.m., until 2:58 p.m.)

14 (In the presence of the jury.)

15 THE MARSHAL: Thank you. Everybody may be seated.

16 THE COURT: All right. Court is now back in session.
17 The record should reflect the presence of the State, the
18 defendant and his counsel, the officers of the court, and the
19 ladies and gentlemen of the jury.

20 And is the State ready to call their next witness?

21 MS. CHRISTENSEN: Yes, Your Honor. The State calls
22 Denise Williams.

23 THE COURT: All right. Just right up here, please,
24 next to me.

25 THE MARSHAL: Remain standing.