

SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA, )  
 )  
 PLAINTIFF-RESPONDENT, )  
 )  
 VS. )  
 )  
 REGIS DEON THOMAS, )  
 )  
 DEFENDANT-APPELLANT. )

---

SUPERIOR COURT  
NO. BA075063

AUG 31 1995

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY  
HONORABLE EDWARD A. FERNS, JUDGE PRESIDING  
REPORTERS' TRANSCRIPT ON APPEAL

APPEARANCES:

FOR PLAINTIFF-RESPONDENT:

DANIEL E. LUNGREN  
STATE ATTORNEY GENERAL  
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LOS ANGELES, CA 90013

FOR DEFENDANT-APPELLANT:

IN PROPRIA PERSONA

VOLUME 16 OF 33  
PAGES 2294 THROUGH 2434, INCLUSIVE

COPY

MARIANNE BRACCI, CSR #6168  
GEORGE W. SABIA, CSR #3336  
OFFICIAL REPORTERS

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 106

HON. EDWARD A. FERNS, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA, )

PLAINTIFF, )

VS. )

REGIS THOMAS, )

DEFENDANT. )

NO. BA075063

VOL 16

REPORTERS' DAILY TRANSCRIPT

APRIL 5, 1995  
PAGES 2294 THROUGH 2434

**FILED**

APR 10 1995

EDWARD M. KRITZMAN, CLERK

*C. Perez*  
C. PEREZ, DEPUTY

APPEARANCES:

FOR THE PLAINTIFF:

GIL GARCETTI, DISTRICT ATTORNEY  
BY: MARK ARNOLD, DEPUTY  
18000 CRIMINAL COURTS BUILDING  
210 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012

FOR THE DEFENDANT:

JAY JAFFE, ATTORNEY AT LAW  
-AND-  
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**ORIGINAL**

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OFFICIAL REPORTERS

# I N D E X

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1           LOS ANGELES, CALIFORNIA; WEDNESDAY, APRIL 5, 1995

2                           10:40 A.M.

3       DEPARTMENT NO. 106

HON. EDWARD A. FERNS, JUDGE

4                           (APPEARANCES AS HERETOFORE NOTED.)

5  
6                           (THE FOLLOWING PROCEEDINGS WERE  
7                           HELD IN OPEN COURT OUTSIDE THE  
8                           PRESENCE OF THE JURY:)

9  
10           THE COURT:   ALL RIGHT.   CALL THE CASE OF PEOPLE  
11   VERSUS REGIS THOMAS.   MR. THOMAS IS PRESENT.   RESPECTIVE  
12   COUNSEL.   WE ARE OUT OF THE PRESENCE OF THE JURORS AND THE  
13   ALTERNATES.

14                        YESTERDAY, WE HAD A DISCUSSION AT THE SIDEBAR  
15   ABOUT THE SUPPORT PERSON.

16                        IS THAT STILL AN ISSUE OR NOT AFTER THE  
17   LAWYERS TALKED WITH EACH OTHER?

18           MR. ARNOLD:   THE WITNESS WANTS THE SUPPORT PERSON  
19   JUST AS SHE DID YESTERDAY.

20           THE COURT:   ALL RIGHT.   THE ONLY THING I WOULD  
21   SUGGEST TO THE SUPPORT PERSON IS THAT THE SUPPORT PERSON  
22   BE VISIBLE IN THE COURTROOM, BUT NOT APPROACH THE WITNESS  
23   STAND IN FRONT OF THE JURY.

24                        AND IF IT IS APPROPRIATE, I'LL TAKE A BREAK  
25   WHEN -- IF THE WITNESS HAS SOME DIFFICULTIES.

26           MR. ARNOLD:   THE WITNESS ALSO ADVISED ME THAT SHE  
27   HAS SOME DESIRES REGARDING HER APPOINTED COUNSEL.   I DON'T  
28   KNOW IF THE COURT WANTS TO HEAR THAT IN OPEN COURT OR

1 SIDEBAR OR AT ALL.

2 THE COURT: ALL RIGHT. LET ME SEE COUNSEL AT THE  
3 SIDEBAR FOR A MOMENT. MR. LATINER, INCLUDED, PLEASE.

4  
5 (THE FOLLOWING PROCEEDINGS WERE HELD  
6 AT THE BENCH:)

7  
8 THE COURT: YES, MR. ARNOLD?

9 MR. ARNOLD: I DID NOT EVEN BRING UP THE SUBJECT.  
10 MISS JORDAN BROUGHT UP THE SUBJECT. SHE SAYS, "DO I HAVE  
11 TO HAVE THAT LAWYER?" I ASSUME SHE IS TALKING ABOUT  
12 MR. LATINER.

13 I SAID, "WHY?" BASICALLY SHE SAYS THAT SHE  
14 DOES NOT FEEL COMFORTABLE AROUND HIM, DOESN'T LIKE HIM.  
15 SHE SAID THAT MR. LATINER TOLD HER THAT IF SHE CRIES ON  
16 THE STAND IT DOESN'T MAKE -- IT DOES NOT LOOK GOOD FOR THE  
17 DEFENDANT. AND SHE SAYS THAT SHE UNDERSTANDS ALL THAT,  
18 BUT IF SHE -- YOU KNOW, SHE FEELS LIKE IF SHE HAS TO CRY,  
19 SHE HAS TO CRY.

20 SHE SAYS SHE IS GOING TO TESTIFY. SHE IS NOT  
21 GOING TO REFUSE TO TESTIFY. AND SHE SAYS -- THE LAST  
22 THING SHE TOLD ME WAS, "I DON'T NEED A LAWYER." PRIMARILY  
23 SHE DOESN'T FEEL COMFORTABLE WITH MR. LATINER.

24 THE COURT: ALL RIGHT. THE REASON I APPOINTED --  
25 DO YOU WANT TO BE HEARD AT ALL AT THIS POINT?

26 MR. LATINER: NO.

27 THE COURT: THE REASON I APPOINTED MR. LATINER WAS  
28 BECAUSE MY CONCERNS WERE WHEN I CALLED HER UP IN THE

1 COURTROOM AND SHE INFORMED ME THAT SHE DIDN'T WANT TO  
2 TESTIFY OR TAKE THE STAND BASICALLY, THE REMEDY OBVIOUSLY  
3 IS -- I DON'T WANT TO BECOME AN ADVOCATE. SO THE REMEDY  
4 IF IN FACT SHE REFUSED TO TESTIFY WAS TO HAVE A HEARING  
5 OUT OF THE PRESENCE OF THE JURY AND IMPOSE WHATEVER  
6 SANCTIONS WAS APPROPRIATE. IF IT WAS NECESSARY THAT IT  
7 GOT TO THE LEVEL OF CONTEMPT, THEN THAT MAY HAVE OCCURRED.

8 SO I APPOINTED MR. LATINER BECAUSE I DIDN'T  
9 WANT A SITUATION OF SOMEBODY WHO IS A CIVILIAN WHO HAS NO  
10 CONTACT WITH THE SYSTEM COMING IN HERE, WHO AT ONE POINT  
11 REFUSED TO COME IN VOLUNTARILY BASICALLY, AND I HAD TO  
12 ISSUE A BODY ATTACHMENT FOR HER.

13 THE PURPOSE OF MR. LATINER BEING HERE IS TO  
14 RATHER THAN EXCUSE HIM AND THEN IF A SITUATION OCCURS  
15 WHERE I NEED SOME LEGAL ADVICE FOR THE WITNESS, I AM  
16 HAVING HIM REMAIN IN THE COURTROOM.

17 THAT'S THE FUNCTION, TO PRESERVE -- AND  
18 BASICALLY HE CAN MONITOR WHAT IS OCCURRING SO THAT IF IT  
19 BECOMES AN ISSUE WHERE AT SOME POINT SHE REFUSES TO TALK  
20 OR -- EXCUSE ME -- REFUSES TO TESTIFY, THEN WE DON'T HAVE  
21 TO TAKE A BREAK AND HAVE THE REPORTER READ OR PROVIDE THE  
22 DAILY TRANSCRIPT TO MR. LATINER.

23 MR. JAFFE: YOUR HONOR --

24 MR. LATINER: YOUR HONOR, I THINK I DO WANT TO SAY  
25 SOMETHING.

26 THE COURT: GO AHEAD.

27 MR. LATINER: YOU KNOW THAT SHE WAS AN EXTREMELY  
28 RELUCTANT WITNESS. THAT'S THE REASON FOR MY APPOINTMENT.

1 I PREVAILED UPON HER TO TESTIFY. I DID THAT  
2 THROUGH CERTAIN REPRESENTATIONS TO HER CONCERNING  
3 RAMIFICATIONS OF HER NOT TESTIFYING AS COMPARED TO OUR  
4 SITUATION IF SHE DID TESTIFY.

5 I INDICATED TO HER AFTER I SPOKE WITH COUNSEL  
6 FROM BOTH SIDES -- AND BOTH SIDES PREFERRED HER TESTIFYING  
7 RATHER THAN UTILIZING THE VIDEO TAPE OF HER PRELIMINARY  
8 HEARING TESTIMONY. WITH GREAT RELUCTANCE STILL, SHE  
9 AGREED TO TESTIFY.

10 MY ADVICE TO HER AFTER I HAD GONE OVER HER  
11 TESTIMONY AT THE PRELIMINARY HEARING -- WHICH IS WHY I DID  
12 NOT THINK IT WAS SUCH AN IMPORTANT THING FOR HER TO  
13 HAVE -- NOT HAVE ACCESS TO HER TRANSCRIPT LAST NIGHT  
14 BECAUSE I WENT OVER THE TESTIMONY WITH HER, WHICH I FELT  
15 OBLIGATED TO DO, THAT WAS IT TRUE WHAT SHE SAID AT THE  
16 PRELIMINARY HEARING, AND SHE INFORMED ME IT WAS TRUE.

17 I SAID THEN JUST TESTIFY STRAIGHT FORWARDLY,  
18 DIRECTLY, ABOUT WHAT HAPPENED I TOLD HER BECAUSE HER  
19 CONCERN, HER APPREHENSION TO ME APPEARS NOT DIRECTED SO  
20 MUCH TO THE PARTICULAR DEFENDANT AS TO THE ATTITUDE IN THE  
21 COMMUNITY ABOUT SOMEBODY WHO COMES INTO COURT AND VIOLATES  
22 THE UNWRITTEN CODE YOU DON'T TESTIFY, PERIOD, AND THINGS  
23 CAN HAPPEN.

24 IT MAY BE HER APPREHENSION IS TOWARD THIS  
25 PARTICULAR DEFENDANT EVEN THOUGH HE IS IN CUSTODY, OR IT  
26 MIGHT BE AS I JUST INDICATED WAS MY ASSESSMENT OF WHAT SHE  
27 IS AFRAID OF.

28 WHAT I TOLD HER THAT BY BREAKING DOWN AND



1 CRYING, SHE WASN'T BEING OF ASSISTANCE TO THE DEFENDANT.  
2 I MEANT IT SO THAT SHE HERSELF DIDN'T HAVE A SENSE OF  
3 DREAD ABOUT -- ABOUT THE SITUATION.

4 IN MY CAREER, HAVING BEEN APPOINTED COUNSEL,  
5 I HAVE RARELY HAD CLIENT CONFIDENCE IN ME. I  
6 FREQUENTLY --

7 THE COURT: WHEN YOU SAY APPOINTED COUNSEL --

8 MR. LATINER: BOTH AS A PUBLIC DEFENDER AND AS EVEN  
9 APPOINTED COUNSEL SINCE MY RETIREMENT FROM THE PUBLIC  
10 DEFENDER'S OFFICE.

11 ORDINARILY IT TAKES SOME PERIOD OF TIME TO  
12 MAKE A CLIENT WHO ISN'T PAYING YOU ANY MONEY AND CONSIDERS  
13 YOU AS PART OF THE COURT SYSTEM TO RECOGNIZE THAT WHAT YOU  
14 ARE TELLING THEM IS CORRECT, IS RIGHT, AND IS PROPER.

15 I DID NOT HAVE MUCH TIME YESTERDAY, BUT I  
16 SUCCEEDED IN ACCOMPLISHING WHAT THE COURT PREFERRED, WHAT  
17 BOTH COUNSEL PREFERRED, OVER VERY CONSIDERABLE HESITATION,  
18 RELUCTANCE, AND UNWILLINGNESS BY MY CLIENT.

19 NOW, SHE STILL MAY HAVE VERY LITTLE  
20 CONFIDENCE IN ME, NOTWITHSTANDING I DID WHAT I THINK A  
21 COMPETENT, ETHICAL ATTORNEY HAD TO DO.

22 AND THERE WAS SOME REMARKS MADE THAT I WAS  
23 REFUSING MR. ARNOLD THE OPPORTUNITY TO TALK TO HER.  
24 THAT'S NOT SO. WHAT I SAID TO HIM WAS I WANTED TO SPEAK  
25 TO HER FIRST, AND SHE STILL HAS A SENSE OF, I'M CONVINCED,  
26 THAT I MADE HER TESTIFY.

27 I DID NOT MAKE HER TESTIFY, BUT I DID MAKE  
28 HER UNDERSTAND THE BENEFITS OF TESTIFYING, AND THE FACT

1 THAT BOTH SIDES PREFERRED HER TO TESTIFY. AND IF SHE HAD  
2 HER DRUTHERS RIGHT NOW, SHE WOULDN'T WANT TO BE HERE.

3 THE COURT: OKAY. AND THE OTHER SIDE -- TWO THINGS  
4 I WANT TO PUT ON THE RECORD RE WHEN YOU SAY THE BENEFITS  
5 OF TESTIFYING, THERE IS ALSO A DOWN SIDE OF NOT TESTIFYING

6 MR. LATINER: ABSOLUTELY.

7 THE COURT: I ASSUME YOU COMMUNICATED TO HER THAT I  
8 HAVE A CONTEMPT CITE POWER AND SHE COULD END UP IN JAIL.

9 MR. LATINER: I TOLD HER ABOUT THE COERCIVE  
10 CONTEMPT PROVISIONS, THAT THEY COULD HAVE LASTED AS LONG  
11 AS THE PEOPLE TOOK FOR THIS TRIAL TO BE COMPLETED.

12 IN FACT, I INQUIRED OF BOTH COUNSEL HOW FAR  
13 THE CASE HAS GONE, AND IT HAS ONLY RECENTLY BEGUN, AND  
14 THERE WAS PERHAPS THREE, FOUR MORE WEEKS. AND YOU COULD  
15 HAVE DEFERRED YOUR DECISION THAT LONG.

16 THE COURT: LET ME JUST PUT SOMETHING ELSE ON THE  
17 RECORD. THERE WAS A DISCUSSION YOU WERE SAYING ABOUT NOT  
18 BEING PERMITTED -- THE PROSECUTOR NOT BEING PERMITTED TO  
19 TALK TO THE WITNESS.

20 WHAT HAPPENED IS I CAME OUT ON THE BENCH TO  
21 CALL ANOTHER CASE. MR. ARNOLD DIRECTED -- MADE A COMMENT  
22 THAT HE WAS UNABLE TO TALK TO THE WITNESS. I TOLD HIM  
23 THAT I WASN'T CALLING THIS CASE. AND I DIDN'T WANT TO  
24 DISCUSS THIS CASE.

25 I AM JUST PUTTING THAT ON THE RECORD TO FILL  
26 IN SO THAT SOMEBODY DOES NOT THINK THAT WE HAD A  
27 DISCUSSION OFF THE RECORD ON THIS CASE.

28 MR. LATINER: I WAS NOT --

1 THE COURT: I UNDERSTAND.

2 MR. LATINER: MR. ARNOLD WAS NOT UNABLE TO  
3 COMMUNICATE. I JUST WANTED TO SAY I WANTED TO SPEAK TO  
4 HER FIRST.

5 IN EFFECT, WHAT I TOLD HER I THINK IN EARSHOT  
6 OF DETECTIVE RILEY, AND YOU CAN CHECK WITH HIM AS TO  
7 EXACTLY WHAT I TOLD HER --

8 THE COURT: THAT'S OKAY. I ACCEPT YOUR  
9 REPRESENTATION. YOU CAN HAVE A SEAT. I JUST WANT TO TALK  
10 TO COUNSEL ABOUT SOMETHING ELSE.

11

12 (MR. LATINER LEAVES SIDEBAR.)

13

14 MR. ARNOLD: I THINK WE SHOULD DEAL WITH THE  
15 COOKSEY SITUATION.

16 THE COURT: THAT'S WHAT I AM JUST GOING TO TELL  
17 YOU, YES.

18 MR. JAFFE: BEFORE WE TALK ABOUT COOKSEY, CAN I  
19 JUST SAY ONE THING?

20 THE COURT: SURE. GO AHEAD.

21 MR. JAFFE: AND THAT IS IN RESPECT TO ALICIA JORDAN  
22 TESTIFYING, IT WAS A TACTICAL DECISION ON MY PART AS  
23 MR. THOMAS' ATTORNEY TO SUGGEST TO MR. LATINER THAT THE  
24 DEFENSE WOULD ENCOURAGE ALICIA JORDAN TO TESTIFY.

25 SHOULD THIS RECORD EVER BE REVIEWED, I WANT  
26 TO STATE THAT I HAD DISCUSSED THAT ISSUE WITH MR. THOMAS.  
27 I TOLD MR. THOMAS THAT IF MISS JORDAN DID NOT TESTIFY,  
28 THAT THERE WOULD BE A CHANCE THAT HER VIDEO TAPE WOULD BE

1 PLAYED, AND I THOUGHT THAT TACTICALLY WE WOULD BE BETTER  
2 TO HAVE HER LIVE TESTIMONY THAN A VIDEO TAPE.

3 IT WAS MY BELIEF, HOWEVER, THAT WE WOULD  
4 NEVER GET TO THE POINT WHERE HER VIDEO TAPE WOULD BE  
5 PLAYED, BUT THAT ONCE -- IF SHE WERE FOUND IN CONTEMPT OF  
6 COURT, THAT PERHAPS A DAY OR TWO IN CUSTODY WOULD  
7 DEFINITELY CHANGE HER MIND AND SHE WOULD TESTIFY LIVE.

8 I FELT IT WOULD BE BETTER FOR HER TO BE A  
9 LIVE WITNESS AT THE ENCOURAGEMENT OF THE DEFENSE RATHER  
10 THAN HER BEING A RELUCTANT WITNESS.

11 ENOUGH SAID ON THAT POINT.

12 THE COURT: ALL RIGHT. MY UNDERSTANDING IS  
13 MR. COOKSEY SURRENDERED. THE REASON -- MY ONLY KNOWLEDGE  
14 OF THAT IS I HAD THE RADIO ON THIS MORNING WHEN I WAS  
15 GETTING OUT OF THE SHOWER.

16 MR. ARNOLD: I RECEIVED A TELEPHONE CALL LAST NIGHT  
17 FROM COMPTON PD, AND THEY RECEIVED A TELEPHONE CALL FROM  
18 SOUTH BUREAU HOMICIDE FROM BRIAN ANDELIN STATING THAT  
19 COOKSEY WAS GOING TO TURN HIMSELF IN.

20 BRIAN ANDELIN CONTACTED ALL OF THE LOCAL  
21 MEDIA AND HAD THEM ASSEMBLE AT SOUTH BUREAU HOMICIDE.

22 COOKSEY SHOWED UP. AND THIS WAS ON ALL THE  
23 TV NEWS LAST NIGHT. HE SHOWED UP WEARING A BULLET PROOF  
24 VEST AND A MASK, AND HE WAS INTERVIEWED. HE GAVE  
25 STATEMENTS THAT, YOU KNOW, THE SYSTEM HAS LET HIM DOWN, ET  
26 CETERA, ET CETERA.

27 THE COURT: LET ME JUST SAY I DON'T WANT TO GET  
28 INTO THAT RIGHT NOW. MY INTENTION IS -- ONE OF THE JURORS

1 HAD PREVIOUSLY TOLD THE CLERK THAT HE HAS A 4:30  
2 APPOINTMENT TODAY.

3 IT IS MY INTENTION TO PROCEED WITH MISS  
4 JORDAN'S TESTIMONY, RECESS AT 3:30. I WILL HAVE THE  
5 BAILIFF TRANSPORT MR. -- OR HAVE HIM -- I TAKE IT HE IS IN  
6 THE COUNTY JAIL?

7 MR. ARNOLD: HE'S HERE NOW.

8 THE COURT: I WILL HANDLE IT AT 3:30 THIS AFTERNOON  
9 AS FAR AS HIM -- WHERE HE WANTS TO BE. HIS LAWYER CAN  
10 MAKE A PRESENTATION AS FAR AS RELEASING HIM OR NOT OR  
11 HANDLING IT UNDER 1332. BUT I WILL DO THAT -- I WANT TO  
12 GET AS MUCH JURY TIME AS POSSIBLE.

13 MR. ARNOLD: ALL OF THESE PEOPLE ARE HERE BECAUSE  
14 THEY KNOW WHAT'S GOING ON WITH COOKSEY. SO I DON'T KNOW  
15 IF YOU WANT TO MAKE A STATEMENT IN OPEN COURT THAT YOU ARE  
16 GOING TO DEAL WITH IT AT 3:30.

17 THE COURT: NO, THEY ARE EMPLOYED. THEY CAN SIT  
18 HERE AND LISTEN TO THE TESTIMONY. IT MIGHT BE BENEFICIAL  
19 IF THEY HEARD THE FACTS OF THE CASE RATHER THAN WHAT THEY  
20 READ IN THE NEWSPAPER.

21 MR. ARNOLD: THESE ARE ALL MEDIA PEOPLE, TV NEWS  
22 PEOPLE.

23 THE COURT: I UNDERSTAND.

24 MR. JAFFE: BECAUSE IT WAS BROADCASTED LAST NIGHT  
25 ON EVERY CHANNEL, I WANT TO HAVE AT LEAST AN OPPORTUNITY  
26 TO MAKE A STATEMENT THAT WE ARE TRYING TO TRY THIS CASE IN  
27 THE MOST PRISTINE WAY POSSIBLE, BUT I WANT TO DO THAT AND  
28 TAKE A MINUTE OF THE COURT'S TIME IN OPEN COURT RATHER

1 THAN DOING IT HERE AT THE BENCH, AND THEN HAVE YOU AGAIN  
2 ADVISE THE JURY THAT WHAT THEY MAY SEE -- TALK TO THEM  
3 ABOUT THE WRITTEN MEDIA, BUT NOW THE BROADCAST MEDIA.

4 THE COURT: DO YOU WANT ME TO HANDLE THAT SITUATION  
5 IN OPEN COURT, OR DO YOU WANT TO REQUEST THAT I ASK --  
6 TELL THE JURORS THAT NOW IT APPEARS THAT THERE IS SOME  
7 INTEREST BY THE TV MEDIA AND, THEREFORE, THEY ARE NOT TO  
8 WATCH ANYTHING AS FAR AS ANY STORIES.

9 MR. JAFFE: YES, AND THAT WHATEVER THE FACTS ARE,  
10 THEY ARE TO PAY ATTENTION TO WHATEVER THE EVIDENCE IS  
11 HERE.

12 YOU KNOW, I AT LEAST WANT TO STATE AT LEAST  
13 FOR THE BENEFIT OF THE MEDIA BECAUSE THEY ARE GOING TO  
14 PRINT IT THAT A LOT OF WHAT WAS BROADCAST LAST NIGHT I  
15 THINK WAS SELF-SERVING ON MR. ANDELIN'S PART, AND THAT IF  
16 HE IS CONCERNED ABOUT HIS CLIENT'S SAFETY, THAT THE LAST  
17 THING HE SHOULD DO WOULD BE CONTACT THE MEDIA.

18 THE COURT: WHO IS THAT?

19 MR. JAFFE: THAT'S SUSAN CHILDS. SHE'S FROM THE  
20 D.A.'S.

21 THE COURT: I WAS GOING TO BOOT HER OUT OF HERE.

22 MR. JAFFE: AND, YOU KNOW, I JUST WANT TO SAY THAT.

23 THE COURT: WE'LL DO THAT IN OPEN COURT.

24 MR. JAFFE: ALL RIGHT. THANKS.

25 THE COURT: YOU DON'T HAVE ANY OBJECTION TO THAT,  
26 DO YOU?

27 MR. ARNOLD: NO.

28

1 (THE FOLLOWING PROCEEDINGS WERE  
2 HELD IN OPEN COURT OUTSIDE THE  
3 PRESENCE OF THE JURY:)

4  
5 THE COURT: ALL RIGHT. BEFORE WE BRING THE JURORS  
6 OUT, MR. JAFFE, DO YOU WANT TO BE HEARD?

7 MR. JAFFE: YES, THANK YOU.

8 YOUR HONOR, YESTERDAY WHEN WE HAD A COURT  
9 SESSION, WE WERE ADVISED THAT A WITNESS IN THIS CASE,  
10 CALVIN COOKSEY, WAS NOT AVAILABLE TO TESTIFY.

11 THE COURT MADE INQUIRY OF MR. COOKSEY'S  
12 COUNSEL IF HE KNEW OF MR. COOKSEY'S WHEREABOUTS. THE  
13 COURT WAS ADVISED THAT COUNSEL FOR MR. COOKSEY DID NOT  
14 KNOW HIS WHEREABOUTS, BUT PERHAPS WOULD BE ABLE TO BE IN  
15 CONTACT WITH HIM.

16 YESTERDAY, LAST EVENING, THERE WERE MANY NEWS  
17 BROADCASTS OF MR. COOKSEY'S SURRENDER ON A BODY ATTACHMENT  
18 WHICH HAD BEEN ISSUED BY THIS COURT FOR MR. COOKSEY'S  
19 FAILURE TO APPEAR.

20 THIS IS A VERY SENSITIVE CASE. WE ARE TRYING  
21 TO TRY THIS CASE IN THE MOST PRISTINE WAY POSSIBLE,  
22 MEANING THAT WE UNDERSTAND THAT THE JURY IS NOT  
23 SEQUESTERED IN THIS CASE AND THAT THERE WILL BE ACCESS,  
24 INFORMATION ACCESS TO THE JURY, EITHER BY THE PRINT MEDIA  
25 OR BY THE ELECTRONIC MEDIA.

26 AND WHAT WE ARE TRYING TO DO IS HAVE THE JURY  
27 BASE THEIR DECISION ON THE FACTS OF THIS CASE.

28 MR. COOKSEY'S COUNSEL, FOR WHATEVER REASON,

1 FELT THAT -- I DON'T KNOW WHETHER MR. COOKSEY'S COUNSEL  
2 CALLED THE MEDIA, BUT I THINK THAT IS AN INFERENCE THAT  
3 COULD BE RAISED THAT THE MEDIA WAS CALLED, THE BROADCAST  
4 MEDIA.

5 IT WOULD SEEM TO ME THAT THE LAST THING THAT  
6 AN ATTORNEY WOULD WANT TO DO IF HE WAS CONCERNED ABOUT HIS  
7 CLIENT AND THE SAFETY OF HIS CLIENT WOULD BE TO CONTACT  
8 THE NEWS MEDIA TO HAVE THEM ALL PRESENT UPON THE CLIENT'S  
9 SURRENDER.

10 IT SEEMS, YOUR HONOR, THAT A NUMBER OF THE  
11 THINGS THAT WERE MENTIONED IN THE BROADCASTS INDICATE A  
12 REASON FOR MR. COOKSEY NOT HAVING PRESENTED HIMSELF AS A  
13 WITNESS IN THIS CASE. MANY OF THE THINGS SAID DURING THAT  
14 BROADCAST WILL BE AN ISSUE OF CONTENTION IN THIS TRIAL.

15 SO WHAT I WOULD REQUEST THE COURT TO DO WOULD  
16 BE TO ADVISE THE JURY THAT THEY ARE TO DECIDE THIS CASE  
17 SOLELY BASED UPON THE EVIDENCE PRESENTED IN THIS TRIAL.

18 I RECOGNIZE THAT IT IS A VERY SENSITIVE CASE.  
19 I RECOGNIZE THAT WE ARE DEALING WITH A TRIAL OF THE DEATHS  
20 OF TWO POLICE OFFICERS. I AM VERY SENSITIVE TO THAT  
21 ISSUE.

22 THE FACT THAT I AM SENSITIVE TO THAT ISSUE  
23 DOES NOT MEAN THAT I CANNOT FULLY REPRESENT THE INTEREST  
24 OF MY CLIENT, REGIS THOMAS. THOSE ARE NOT MUTUALLY  
25 INCONSISTENT FEELINGS TO HAVE.

26 BUT IT CONCERNS ME THAT THERE MAY BE SOME  
27 TYPE OF MANIPULATION TO TRY TO MANIPULATE INADVERTENTLY OR  
28 INTENTIONALLY POTENTIAL JURORS WHO MAY POTENTIALLY BE



1 JURORS IN A CIVIL ACTION BROUGHT ON BEHALF OF MR. COOKSEY.  
2 SO I MERELY ASK THE COURT TO ADVISE THE JURY  
3 THAT THEY ARE NOT TO CONSIDER ANY FACTS THAT THEY READ  
4 ABOUT OR THAT THEY HEAR ABOUT ON THE RADIO OR THAT THEY  
5 SEE ON THE TELEVISION, AND THAT THEY SHOULD BASE THEIR  
6 DECISION SOLELY UPON THE FACTS AS THEY HEAR FROM THE  
7 WITNESS STAND ON THIS CASE.

8 THE COURT: ALL RIGHT. MR. ARNOLD, DID YOU WANT TO  
9 BE HEARD AT ALL?

10 MR. ARNOLD: NO, IT'S FINE.

11 THE COURT: LET ME JUST SEE COUNSEL AT THE SIDEBAR  
12 FOR A SECOND. I REALIZE -- I JUST LOOKED IN THE AUDIENCE  
13 AND MR. ANDELIN IS PRESENT.

14 LET ME JUST SEE YOU AT THE SIDE BAR FOR A  
15 SECOND.

16  
17 (THE FOLLOWING PROCEEDINGS WERE HELD  
18 AT THE BENCH:)

19  
20 THE COURT: I AM GOING TO TELL THEM -- I TOLD YOU I  
21 WASN'T GOING TO TELL THEM ANYTHING. BUT I AM GOING TO  
22 TELL THEM NOW THAT MR. ANDELIN IS HERE THAT I AM GOING TO  
23 HANDLE THIS MATTER AT 3:30 WITH HIS CLIENT. SO HE CAN SIT  
24 IF HE WANTS. AND IF HE DOESN'T WANT TO, HE DOESN'T HAVE  
25 TO.

26 MR. ARNOLD: OUT OF A SERVICE TO HIM?

27 THE COURT: WELL, YOU KNOW, I TRY TO TREAT PEOPLE  
28 IN A PROFESSIONAL MANNER, WHETHER -- YOU KNOW, WHATEVER

1 THE CASE MAY BE. BUT I'LL TELL THEM THAT IS THE TIME I AM  
2 GOING TO BE HANDLING HIS CLIENT'S SITUATION.

3 MR. ARNOLD: OKAY.

4  
5 (THE FOLLOWING PROCEEDINGS WERE  
6 HELD IN OPEN COURT OUTSIDE THE  
7 PRESENCE OF THE JURY:)

8  
9 THE COURT: MR. ANDELIN, MY BAILIFF INFORMS ME THAT  
10 YOUR CLIENT IS IN CUSTODY. IT'S MY INTENTION TO HANDLE  
11 THE SITUATION UNDER 1332 OF THE PENAL CODE AT 3:30 THIS  
12 AFTERNOON.

13 SO YOU ARE FREE TO STAY IF YOU WANT. IF YOU  
14 HAVE OTHER MATTERS THAT YOU CAN HANDLE, YOU CAN DO THAT.  
15 BUT THE JURY -- ONE OF THE JURORS HAD A SITUATION,  
16 PREVIOUSLY SCHEDULED APPOINTMENT, AND I HAD TOLD THEM THAT  
17 I WOULD STOP AT 3:30 WITH THEM TODAY.

18 SO I AM GOING TO GET AS MUCH JURY TIME IN AS  
19 I CAN, AND THEN I WILL HANDLE THE SITUATION WITH YOUR  
20 CLIENT AT 3:30.

21 MR. ANDELIN: WOULD IT BE POSSIBLE FOR ME TO SPEAK  
22 WITH HIM PRIOR TO THAT TIME?

23 THE COURT: I WILL TELL YOU WHAT I WILL DO, SIR, IS  
24 I WILL HAVE HIM BROUGHT OUT -- FOR HIM TO BE BROUGHT UP.  
25 I DON'T KNOW WHETHER THE BAILIFF IS GOING TO ARRANGE FOR  
26 IT.

27 YOU CAN EITHER TALK TO HIM IN THE BACK OR YOU  
28 WILL TALK TO HIM IN THE COURTROOM. IF YOU TALK TO HIM IN

1 THE COURTROOM, I WILL NOT BE PRESENT. I WILL GET OFF THE  
2 BENCH, AND I WILL MAKE SURE THE OTHER LAWYERS ARE NOT  
3 PRESENT WITHIN HEARING WHEN YOU ARE TALKING TO HIM.

4 ALL RIGHT. ARE YOU READY TO PROCEED WITH THE  
5 TRIAL?

6 MR. JAFFE: YES.

7 THE COURT: ARE YOU READY, MR. ARNOLD?

8 MR. ARNOLD: YES, YOUR HONOR.

9 THE COURT: ALL RIGHT. MISS JORDAN, CAN YOU COME  
10 UP, PLEASE, AND RESUME THE WITNESS STAND.

11  
12 ALICIA JORDAN,  
13 THE WITNESS ON THE STAND AT THE TIME OF THE EVENING  
14 ADJOURNMENT, RESUMED THE STAND AND TESTIFIED FURTHER AS  
15 FOLLOWS:

16 MR. ARNOLD: JUDGE, CAN DETECTIVE BRANSCOMB GET THE  
17 SCALE MODEL?

18 THE COURT: YES.

19 THE COURT: AND JUST FOR THE BENEFIT OF THE -- IF  
20 THERE ARE REPRESENTATIVES OF THE MEDIA THAT ARE HERE THAT  
21 HAVE NOT BEEN HERE PREVIOUSLY, THERE IS AN ORDER POSTED ON  
22 THE GLASS AS FAR AS WHO CAN BE VIDEOED AND WHO -- WHAT  
23 NAMES CAN BE PUBLISHED.

24 THIS WITNESS IS ONE OF THE NAMES THAT CANNOT  
25 BE PUBLISHED BY COURT ORDER. JUST SO NOBODY SAYS THEY  
26 DIDN'T UNDERSTAND IT.

27 ALL RIGHT. DO YOU WANT TO BRING THE JURORS  
28 OUT, PLEASE.

1 (THE JURORS ENTERED THE  
2 COURTROOM AND THE FOLLOWING  
3 PROCEEDINGS WERE HELD:)

4  
5 THE COURT: ALL RIGHT. GOOD MORNING, LADIES AND  
6 GENTLEMEN.

7 THE JURY (COLLECTIVELY): GOOD MORNING.

8 THE COURT: LADIES AND GENTLEMEN, THE LAWYERS HAVE  
9 ASKED ME TO MAKE A COMMENT TO YOU AND I WILL.

10 WHEN WE STARTED THIS CASE, ON THE  
11 QUESTIONNAIRES THERE WAS DISCUSSION ABOUT -- THERE WERE  
12 QUESTIONS POSED TO YOU ABOUT MEDIA COVERAGE, AND I MADE A  
13 COMMENT YESTERDAY ABOUT THE MEDIA COVERAGE, THE PRINT  
14 MEDIA AND POSSIBLE NEWSPAPER ARTICLES.

15 SOME DEVELOPMENTS HAVE OCCURRED WHERE  
16 APPARENTLY THERE IS SOMEWHAT MORE INTEREST BY THE  
17 ELECTRONIC MEDIA, WHICH MEANS TV NEWS.

18 SO, AGAIN, I JUST WANT TO EMPHASIZE TO YOU IF  
19 IN FACT YOU ARE WATCHING THE NEWS AT HOME OR WHATEVER AND  
20 SOME SORT STORY COMES ON CONCERNING THIS, DO NOT WATCH THE  
21 STORY.

22 ALSO, ANY DECISION THAT YOU MAKE IN THIS CASE  
23 IS TO BE BASED UPON THE FACTS OR THE EVIDENCE THAT YOU  
24 HEAR IN THIS COURTROOM AND THE EXHIBITS THAT ARE RECEIVED  
25 INTO EVIDENCE AND FROM NO OTHER SOURCE.

26 IF IT BECOMES A POINT THAT YOU CANNOT ABIDE  
27 BY THAT ORDER OR YOU ARE NOT ABIDING BY THAT ORDER, LET ME  
28 KNOW.

1 IF OTHER JURORS ARE AWARE THAT SOMEBODY IS  
2 NOT ABIDING BY THAT ORDER, THAT THEY'RE BRINGING THE  
3 NEWSPAPER COVERAGE IN OR WHAT HAVE YOU OR DISCUSSING MEDIA  
4 COVERAGE, LET ME KNOW.

5 SO I'M NOT SAYING THAT IT IS HAPPENING. I AM  
6 JUST SAYING THAT THE LAWYERS JUST AS A PREVENTIVE  
7 SITUATION WANTED ME TO BRING THAT TO YOUR ATTENTION AT  
8 THIS TIME.

9 THE WITNESS IS BACK ON THE WITNESS STAND.  
10 CAN YOU RESTATE YOUR NAME FOR THE RECORD,  
11 PLEASE, MA'AM.

12 THE WITNESS: ALICIA JORDAN.

13 THE COURT: ALL RIGHT. MA'AM, DO YOU RECALL THAT  
14 YESTERDAY YOU TOOK AN OATH TO TELL THE TRUTH, AND YOU ARE  
15 STILL UNDER THAT OATH.

16 DO YOU UNDERSTAND THAT, MA'AM?

17 THE WITNESS: YES.

18 THE COURT: THANK YOU. AGAIN, IF YOU COULD PROJECT  
19 YOUR VOICE.

20 MR. ARNOLD.

21 MR. ARNOLD: THANK YOU, YOUR HONOR.

22

23 DIRECT EXAMINATION (RESUMED)

24 BY MR. ARNOLD:

25 Q. MISS JORDAN, I WANT TO GO BACK TO THE MOMENT  
26 IN TIME WHEN THE -- WHEN YOU HEARD THE SHOTS BEING FIRED.

27 A. YES.

28 Q. DID YOU -- DID YOU COVER YOUR FACE?

1 A. NO.

2 Q. DID YOU DUCK?

3 A. NO.

4 Q. UPON HEARING THE SHOTS, WHAT IS THE VERY  
5 FIRST THING YOU DID?

6 A. I TURNED AROUND TO SEE WHAT WAS GOING ON.

7 Q. WAS THAT WHEN YOU WERE LOOKING OUT THE BACK  
8 WINDOW?

9 A. YES.

10 Q. YOU TESTIFIED YESTERDAY THAT THE SUSPECT WAS  
11 DANCING AROUND THE BLACK OFFICER'S BODY SHOOTING?

12 A. YES.

13 MR. ARNOLD: YOUR HONOR, I HAVE AN ARTIST  
14 RENDERING. IT APPEARS TO DEPICT AN INDIVIDUAL WITH A GUN  
15 SHOOTING.

16 I REQUEST THIS BE MARKED PEOPLE'S 54 FOR  
17 IDENTIFICATION.

18 THE COURT: ALL RIGHT.

19

20 (MARKED FOR I.D.: = PEO'S. 54, ARTIST  
21 RENDERING)

22

23 Q. BY MR. ARNOLD: MISS JORDAN, I AM SHOWING YOU  
24 PEOPLE'S 54 FOR IDENTIFICATION.

• 25 COULD YOU TAKE A LOOK AT THAT ARTIST  
26 RENDERING AND TELL US IF THAT DEPICTS A MOMENT IN TIME  
27 WHEN YOU SAW THE SUSPECT FIRING THE GUN AS YOU HAVE  
28 DESCRIBED TOWARD THE UPPER BODY AND HEAD AREA OF THE BLACK

1 POLICE OFFICER.

2 A. YES.

3 Q. AND THE RELATIONSHIP OF THE SUSPECT IN THE --  
4 IN THE DRAWING TO WHERE THE OFFICER IS ON THE GROUND, IS  
5 THAT THE WAY YOU RECALL THE POSITION -- YOU RECALL THE  
6 SUSPECT?

7 A. YES.

8 THE COURT: MR. ARNOLD, LET ME SEE YOU AT THE  
9 SIDEBAR WITH THE DEFENSE COUNSEL.

10

11 (THE FOLLOWING PROCEEDINGS WERE HELD  
12 AT THE BENCH:)

13

14 THE COURT: I DON'T WANT YOU TO POST THAT  
15 RENDERING. THAT ONE HAS "454" ON THE SIDE OF THE TRUCK.  
16 SO I DON'T WANT YOU PUTTING IT IN FRONT OF THE JURY AT  
17 THIS POINT.

18 WHEN THE APPROPRIATE TIME COMES, I'LL TAKE  
19 THAT UP, WHETHER IT IS ELIMINATED OR WHATEVER.

20 MR. ARNOLD: ALL RIGHT.

21

22 (THE FOLLOWING PROCEEDINGS WERE  
23 HELD IN OPEN COURT IN THE PRESENCE  
24 OF THE JURY:)

25

26 MR. ARNOLD: YOUR HONOR, WITH YOUR PERMISSION CAN  
27 MISS JORDAN STEP DOWN AND APPROACH THE SCALE MODEL,  
28 PEOPLE'S 38 FOR IDENTIFICATION.

1 THE COURT: YES. MA'AM, YOU CAN JUST STEP DOWN.  
2 THEY ARE GOING TO ASK YOU TO PLACE ITEMS ON THE SCALE  
3 MODEL. JUST GO DOWN AND IF YOU CAN REALLY KEEP YOUR VOICE  
4 UP SO THAT THE JURORS AND THE COURT REPORTER CAN HEAR YOU.

5 Q. BY MR. ARNOLD: MISS JORDAN, I WOULD LIKE YOU  
6 TO PLEASE TAKE A LOOK AT PEOPLE'S 38 FOR IDENTIFICATION.  
7 THAT'S THIS SCALE MODEL.

8 DO YOU RECOGNIZE WHAT IS SHOWN IN THIS MODEL?

9 A. YES.

10 Q. COULD YOU TELL US WHAT YOU BELIEVE THIS TO  
11 BE.

12 A. IT'S THE AREA WHERE THE TWO POLICE OFFICERS  
13 WERE KILLED, THE STREET.

14 Q. DO YOU -- IN THE UPPER PORTION DO YOU SEE  
15 WHAT APPEARS TO BE A HERCULES HAMBURGERS?

16 A. YES.

17 Q. ARE YOU AWARE OF THE EXISTENCE OF THAT  
18 RESTAURANT?

19 A. YES.

20 Q. AND DOES IT APPEAR ON THE -- ON THE EXHIBIT  
21 TO BE WHERE YOU REMEMBER HERCULES HAMBURGERS TO BE?

22 A. YES.

23 Q. NOW, DOES THIS EXHIBIT CONTAIN THE LOCATIONS  
24 WHERE THE POLICE CAR AND THE RED TRUCK WERE?

25 A. SAY THAT AGAIN.

26 Q. DO YOU SEE THE STREET IN FRONT OF HERCULES  
27 HAMBURGERS?

28 A. YES.



1 Q. WHEN THE TRUCK WAS STOPPED AND THE POLICE CAR  
2 WAS STOPPED, WAS IT ON THE STREET SOMEWHERE IN THE AREA OF  
3 HERCULES HAMBURGERS?

4 A. YES.

5 Q. I AM HANDING YOU A SMALL MODEL OF A POLICE  
6 CAR. IT'S GOT VELCRO ON THE BOTTOM, AND IT WILL STICK TO  
7 THE LANES OF TRAFFIC.

8 WOULD YOU PLEASE PLACE THE POLICE CAR WHERE  
9 YOU REMEMBER THE POLICE CAR BEING AT THE TIME YOU SAID  
10 THAT YOU NOTICED THE CAR WITH THE EMERGENCY LIGHTS  
11 TURNING.

12 COULD YOU DO THAT.

13 A. (WITNESS COMPLIES)

14 Q. ALL RIGHT. AND I AM HANDING YOU ANOTHER -- A  
15 LITTLE TOY OR MODEL OF A RED TRUCK.

16 COULD YOU PLACE THE RED TRUCK WHERE YOU  
17 WERE -- I'M SORRY -- WHERE THE RED TRUCK WAS AT THE TIME  
18 YOU NOTICED THAT THE TRUCK WAS PARKED TO THE SIDE OF  
19 THE -- OF ROSECRANS AVENUE.

20 A. (WITNESS COMPLIES)

21 Q. NOW, I'M -- I'M HANDING YOU A CAR. IT'S A  
22 SILVER CAR. IT HAS THE NUMBER 3 ON IT. I WANT YOU TO  
23 ASSUME THIS IS MRS. GULLY'S CAR.

24 I WANT YOU TO PLEASE PLACE THIS GULLY NUMBER  
25 3 CAR WHERE HER CAR WAS WHEN YOU TURNED AROUND AND LOOKED  
26 OUT THE BACK AND SAW THE SUSPECT STANDING OVER THE POLICE  
27 OFFICER SHOOTING HIM. ALL RIGHT?

28 A. (WITNESS COMPLIES)

1 Q. OKAY. NOW, IS -- JUST TO MAKE CLEAR, IS THE  
2 POLICE CAR WHERE YOU WANT IT TO BE?

3 IF IT'S WHERE IT IS SUPPOSED TO BE, THAT'S  
4 FINE. GO AHEAD AND LEAVE IT. IF YOU NEED TO MOVE IT,  
5 MOVE IT.

6 SAME THING WITH THE RED TRUCK. SAME THING  
7 WITH THE GULLY NUMBER 3 CAR.

8 IS THAT HOW YOU RECALL IT?

9 A. YES.

10 Q. OKAY. YOU NEED TO SPEAK UP.

11 A. YES.

12 Q. OKAY. WAIT. DON'T GO AWAY.

13 I'M HANDING YOU A LITTLE MODEL OF A POLICE  
14 OFFICER, AND THIS IS WHAT APPEARS TO BE AN  
15 AFRICAN-AMERICAN POLICE OFFICER. AGAIN, IT HAS GOT SOME  
16 OF THIS VELCRO ON THE BOTTOM.

17 COULD YOU PLACE THE -- THAT LITTLE MODEL  
18 POLICE OFFICER ON THE DIAGRAM -- ON THE MODEL WHERE YOU  
19 RECALL THE POLICE OFFICER, THE BLACK POLICE OFFICER LYING  
20 FACE DOWN AT THE TIME HE WAS BEING SHOT BY THE SUSPECT.

21 A. (WITNESS COMPLIES) (INAUDIBLE RESPONSE.)

22 Q. WHAT'S THAT?

23 A. KIND OF ON THE CURB.

24 THE COURT: I'M SORRY. CAN YOU SPEAK UP, MA'AM,

25 THE WITNESS: IT WAS LIKE KIND OF ON THE CURB.

26 THE COURT: "KIND OF ON THE CURB" YOU SAID?

27 THE WITNESS: YEAH.

28 MR. JAFFE: YOUR HONOR, MAY THE RECORD REFLECT THAT

1 THE MODEL WHICH HAS BEEN SHOWN TO THE WITNESS, PEOPLE'S  
2 38, CONTAINS FIVE ROUND VELCRO STRIPS, EACH MEASURING  
3 APPROXIMATELY I'D SAY ABOUT A HALF AN INCH IN DIAMETER.  
4 EACH ONE OF THE FIVE VELCRO DOTS ARE PLACED IN THE  
5 DRIVEWAY.

6 THE COURT: ALL RIGHT.

7 MR. JAFFE: AND THAT THERE ARE NO VELCRO DOTS  
8 PLACED ANYWHERE ELSE ON THE DIAGRAM.

9 THE COURT: OKAY.

10 Q. BY MR. ARNOLD: MISS JORDAN, FOLLOWING UP ON  
11 WHAT MR. JAFFE JUST SAID, YOU PLACED THE BLACK POLICE  
12 OFFICER IN THE DRIVEWAY ON ONE OF THE VELCRO -- THE WHITE  
13 VELCRO DOTS; IS THAT CORRECT?

14 A. YES.

15 Q. WHAT IS THE REASON THAT YOU PLACED THE MODEL  
16 OF THE POLICE OFFICER IN THE DRIVEWAY?

17 A. BECAUSE THAT'S WHERE I SEEN HIM THAT NIGHT.

18 Q. ALL RIGHT. I AM HANDING YOU A LITTLE SCALE  
19 MODEL OF A WHITE POLICE OFFICER.

20 I WOULD LIKE YOU TO PLACE THAT WHEREVER ON  
21 THE DIAGRAM -- WHEREVER ON THE EXHIBIT YOU RECALL THE  
22 WHITE POLICE OFFICER GOING DOWN TO THE GROUND.

23 A. (WITNESS COMPLIES.) (INAUDIBLE RESPONSE.)

24 Q. I'M SORRY?

25 THE COURT: SPEAK UP, MA'AM.

26 THE WITNESS: RIGHT THERE.

27 THE COURT: RIGHT THERE.

28 Q. BY MR. ARNOLD: ALL RIGHT. SO DO YOU NOW

1 HAVE THE VARIOUS PIECES WHERE YOU RECALL THEM BEING?

2 A. YES.

3 Q. ALL RIGHT. WOULD YOU RETAKE THE STAND,  
4 PLEASE, MISS JORDAN.

5 MISS JORDAN, ARE YOU -- ARE YOU ABLE TO LOOK  
6 AT THE DEFENDANT IN THIS CASE, THE YOUNG MAN WHO IS SEATED  
7 AT THE END OF COUNSEL TABLE?

8 A. AM I ABLE TO LOOK AT HIM?

9 Q. YES. YESTERDAY YOU HAD SOME DIFFICULTIES.  
10 ARE YOU ABLE TO DO THAT TODAY?

11 A. YES.

12 Q. ALL RIGHT.

13 YOUR HONOR, COULD WE PLEASE HAVE MR. THOMAS  
14 STAND.

15 THE COURT: SURE. MR. THOMAS, CAN YOU STAND UP  
16 AGAIN.

17 I AM ASSUME WE ARE GOING TO DO LIKE WE DID  
18 WITH THE OTHER WITNESSES.

19 MR. ARNOLD: YES.

20 THE COURT: MA'AM, COULD YOU JUST TURN AND LOOK AT  
21 MR. THOMAS, PLEASE.

22 THE WITNESS: (WITNESS COMPLIES.)

23 THE COURT: YOU ARE GOING TO HAVE TO FOCUS ON HIM  
24 BECAUSE THEY ARE GOING TO HAVE YOU -- APPARENTLY THE  
25 PROSECUTOR IS GOING TO ASK THAT I ORDER MR. THOMAS TO  
26 TURN. SO GO AHEAD. JUST TAKE A LOOK AT HIM.

27 THE RECORD SHOULD REFLECT THAT HE IS FACING  
28 YOU WITH A FRONTAL VIEW AT THIS POINT.

1 MR. ARNOLD.

2 Q. BY MR. ARNOLD: MISS JORDAN, HAVE YOU -- HAVE  
3 YOU LOOKED AT THE DEFENDANT'S FRONT?

4 A. YES.

5 Q. AND ARE YOU ABLE FROM THE STAND TO SEE HIS  
6 FACE AND BODY?

7 A. YES.

8 MR. ARNOLD: ALL RIGHT. COULD WE PLEASE HAVE MR.  
9 THOMAS MAKE A QUARTER TURN TO THE RIGHT.

10 THE COURT: ALL RIGHT. NOW, THE LEFT PROFILE IS  
11 TOWARDS THE WITNESS.

12 TAKE A LOOK AT THE DEFENDANT, PLEASE.

13 THE WITNESS: (WITNESS COMPLIES)

14 Q. BY MR. ARNOLD: MISS JORDAN, ARE YOU ABLE TO  
15 SEE THE DEFENDANT'S LEFT PROFILE?

16 A. YES.

17 MR. ARNOLD: ANOTHER QUARTER TURN TO THE RIGHT.

18 THE COURT: NOW, THE DEFENDANT'S BACK -- THE BACK  
19 OF HIS HEAD IS FACING THE WITNESS.

20 Q. BY MR. ARNOLD: MISS JORDAN, ARE YOU ABLE TO  
21 SEE THE DEFENDANT'S -- HIS BACK PORTION?

22 A. YES.

23 MR. ARNOLD: ANOTHER QUARTER TURN.

24 THE COURT: NOW THE RIGHT PROFILE IS FACING THE  
25 WITNESS.

26 Q. BY MR. ARNOLD: ARE YOU ABLE TO SEE HIS RIGHT  
27 PROFILE?

28 A. YES.

1 MR. ARNOLD: ALL RIGHT. THANK YOU.

2 THE COURT: ALL RIGHT. YOU CAN HAVE A SEAT, SIR.

3 THANK YOU.

4 MR. ARNOLD.

5 Q. BY MR. ARNOLD: MISS JORDAN, HAVING LOOKED AT  
6 THE VARIOUS SIDES OF THE DEFENDANT'S TORSO AND FACE IN THE  
7 COURTROOM, INCLUDING A PROFILE, ARE YOU ABLE TO TELL US  
8 WHETHER THE MAN IN COURT, WHETHER HIS BODY STYLE IS  
9 SIMILAR TO OR DIFFERENT THAN THE BODY STYLE OF THE SUSPECT  
10 SHOOTING THE POLICE OFFICER THAT NIGHT?

11 A. YES, IT IS.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q. OKAY.

2 MY QUESTION IS, IS IT SIMILAR TO OR  
3 DIFFERENT THAN?

4 A. IT'S SIMILAR.

5 Q. IT'S SIMILAR?

6 A. YES.

7 Q. DO YOU NOTICE ANYTHING DIFFERENT ABOUT THE  
8 MAN WHO WAS IN COURT AS COMPARED TO THE SUSPECT THAT  
9 NIGHT?

10 THE COURT: TALKING ABOUT BODY STYLE?

11 MR. ARNOLD: YES.

12 Q. THE BUILD. STATURE.

13 A. NO, I DON'T SEE ANYTHING DIFFERENT.

14 Q. YOU'RE ABLE TO SEE HIS HEAD SHAPE AND HAIR  
15 AS YOU LOOKED AT HIM IN THE COURTROOM?

16 A. YES.

17 Q. WHAT ABOUT THAT? IS THAT DIFFERENT OR THE  
18 SAME?

19 A. IT'S THE SAME.

20 Q. AND HAVE YOU SEEN THE FACE IN THE COURTROOM  
21 TODAY?

22 A. YES.

23 Q. IS THE FACE THE SAME OR DIFFERENT?

24 A. IT'S THE SAME.

25 Q. NOW, WHEN I HAVE TALKING TO YOU IN THE PAST  
26 ABOUT THIS CASE, WE HAVE TALKED ABOUT OR I HAVE TALKED  
27 ABOUT SOMETHING THAT IS MORE IMPORTANT THAN ANYTHING  
28 ELSE.

1 DO YOU KNOW WHAT I'M REFERRING TO?

2 A. YES.

3 Q. WHAT DO YOU RECALL IN OUR DISCUSSIONS ABOUT  
4 THIS CASE IS MORE IMPORTANT THAN ANYTHING ELSE ABOUT  
5 YOUR TESTIMONY?

6 A. TELLING THE TRUTH.

7 Q. NO MATTER WHO ASKS YOU THE QUESTIONS; TRUE?

8 A. YES.

9 Q. HAVEN'T WE TALKED ABOUT THAT?

10 A. YES.

11 Q. AND HAVE THE DETECTIVES TOLD YOU THE SAME  
12 THING?

13 A. YES.

14 Q. HAS ANYBODY TOLD YOU TO SAY ANYTHING OTHER  
15 THAN THE TRUTH?

16 A. NO.

17 Q. NOW, YESTERDAY AT THE END OF THE DAY, DO  
18 YOU REMEMBER LOOKING TOWARD THE DEFENDANT AND SAYING  
19 THAT YOU WEREN'T SURE IF HE WAS THE MAN THAT YOU SAW OUT  
20 THERE THAT NIGHT ON ROSECRANS?

21 A. YES.

22 Q. WAS THAT THE TRUTH?

23 A. NO.

24 Q. WHAT IS THE TRUTH?

25 A. I'M SCARED. I DON'T WANT TO SAY.

26 Q. WHAT IS THAT?

27 A. I'M SCARED. I DON'T WANT TO SAY.

28 Q. YOU'RE SCARED? YOU DON'T WANT TO SAY?



1 A. (NODS HEAD UP AND DOWN.)

2 Q. WHAT ARE YOU SCARED OF?

3 A. THAT SOMEONE MAY COME AFTER ME.

4 Q. I'M SORRY?

5 THE COURT: "THAT SOMEONE MAY COME AFTER ME."

6 Q. BY MR. ARNOLD: DO YOU SAY THE DEFENDANT IS  
7 THE ONE, THAT SOMEONE MAY COME AFTER YOU?

8 IS THAT WHAT YOU'RE REFERRING TO?

9 A. YEAH.

10 Q. DO YOU KNOW THE LADY WHO IS SEATED IN THE  
11 COURTROOM IN THE BACK ROW WEARING THE GOLD JACKET?

12 A. YES.

13 Q. WHO IS THAT LADY?

14 A. DIANE.

15 Q. AND HOW DO YOU KNOW DIANE?

16 A. SHE WAS WITH ME AT THE PRELIMINARY  
17 HEARINGS.

18 Q. WHAT IS THAT?

19 A. SHE WAS WITH ME AT THE PRELIMINARY  
20 HEARINGS.

21 Q. HOW DO YOU KNOW HER?

22 A. HOW DO I KNOW HER?

23 Q. YES.

24 IS SHE A SOCIAL FRIEND OR --

25 A. I KNOW HER THROUGH THE COURTS.

26 Q. THROUGH THE COURTS?

27 HAVE YOU ASKED HER THAT SHE BE PRESENT  
28 DURING YOUR TESTIMONY?

1 A. YES.

2 Q. AT THE CONCLUSION OF TESTIMONY YESTERDAY,  
3 WERE YOU OUTSIDE IN THE HALLWAY?

4 A. YES.

5 Q. AND WHO ELSE?  
6 WAS DIANE WITH YOU?

7 A. YES.

8 Q. AND ARE YOU ALL RIGHT?

9 A. YES, I'M OKAY.

10 Q. DO YOU WANT A TISSUE?

11 A. NO.

12 Q. ALL RIGHT.

13 DID YOU SPEAK WITH DIANE ABOUT THE  
14 DEFENDANT WHO YOU HAD SEEN IN COURT?

15 A. YES.

16 Q. DID YOU TELL DIANE YESTERDAY IN THE HALLWAY  
17 THAT THE DEFENDANT IN COURT WAS, IN FACT, THE PERSON YOU  
18 SAW SHOOTING THE POLICE OFFICERS, BUT YOU WERE AFRAID TO  
19 ADMIT THAT IN COURT?

20 A. YES.

21 Q. IS THAT THE TRUTH?

22 A. YES.

23 Q. MS. JORDAN, WHEN THE TRUCK PASSED YOU BY --  
24 WELL, LET ME ASK YOU THIS:

25 YOUR HONOR, I HAVE AN ARTIST RENDERING. IT  
26 APPEARS TO DEPICT THE PORTION OF THE DRIVER'S SIDE OF A  
27 TRUCK.

28 I REQUEST THIS BE MARKED PEOPLE'S 55 FOR

1 IDENTIFICATION.

2 THE COURT: ALL RIGHT.

3 Q. BY MR. ARNOLD: MS. JORDAN, I'M SHOWING YOU  
4 PEOPLE'S 55 FOR IDENTIFICATION.

5 COULD YOU TAKE A LOOK AT THAT AND TELL US  
6 IF THAT REPRESENTS ONE OF THE CIRCUMSTANCES UNDER WHICH  
7 THAT NIGHT YOU WERE ABLE TO SEE THE SUSPECT?

8 A. YES.

9 Q. DOES THAT ACCURATELY DEPICT YOUR VIEW AT  
10 THE TIME THE TRUCK PASSED YOU ON THE RIGHT?

11 A. YES.

12 Q. AND IS THIS WHAT YOU SAW?

13 A. YES.

14 Q. NOW, AFTER THE TRUCK PASSED YOU ON THE  
15 RIGHT -- ARE YOU OKAY?

16 THE COURT: MS. JORDAN, DO YOU WANT ME TO TAKE A  
17 BREAK?

18 THE WITNESS: YES.

19 THE COURT: ALL RIGHT.

20 ALL RIGHT, LADIES AND GENTLEMEN.

21 DON'T TALK ABOUT THE CASE OR FORM OR  
22 EXPRESS ANY OPINION ABOUT THE CASE. JUST GO INTO THE  
23 JURY ROOM, PLEASE, AND WE'LL HAVE YOU OUT WHEN WE'RE  
24 READY TO CONTINUE

25  
26 (THE FOLLOWING PROCEEDINGS WERE  
27 HELD IN OPEN COURT OUTSIDE THE  
28 PRESENCE OF THE JURY:)

1 THE COURT: WE'LL BE IN RECESS UNTIL YOU INFORM  
2 ME THAT YOU'RE READY TO PROCEED.

3 SHE CAN STEP DOWN.

4 MR. ARNOLD: DO YOU WANT TO WAIT UNTIL MS. JORDAN  
5 IS READY OR DO YOU WANT TO WAIT A CERTAIN AMOUNT OF  
6 TIME?

7 THE COURT: NO. WHEN SHE IS READY, WHEN SHE IS  
8 COMPOSED, WE WILL RESUME.

9 SHE MAY STEP DOWN AND GET A DRINK OF WATER.

10  
11 (RECESS.)

12  
13 THE COURT: ALL RIGHT.

14 RECALLING THE CASE OF REGIS THOMAS,  
15 MR. THOMAS IS PRESENT WITH RESPECTIVE COUNSEL. THE  
16 WITNESS IS ON THE WITNESS STAND.

17 ARE YOU READY, MR. ARNOLD?

18 MR. ARNOLD: YES.

19 THE COURT: MR. JAFFE, READY?

20 MR. JAFFE: YES.

21 THE COURT: OKAY.

22 LET'S BRING THE JURORS IN.

23  
24 (THE FOLLOWING PROCEEDINGS WERE  
25 HELD IN OPEN COURT IN THE PRESENCE  
26 OF THE JURY:)

27  
28 THE COURT: ALL RIGHT.

1 THE RECORD SHOULD REFLECT THE JURORS AND  
2 ALTERNATES ARE NOW PRESENT. MS. JORDAN IS ON THE  
3 WITNESS STAND.

4 MS. JORDAN, DO YOU UNDERSTAND YOU'RE STILL  
5 UNDER OATH?

6 THE WITNESS: YES.

7 THE COURT: THANK YOU.

8 MR. ARNOLD, YOU MAY CONTINUE. GO AHEAD.

9 Q. BY MR. ARNOLD: MS. JORDAN, WHEN THE TRUCK  
10 PASSED, WERE YOU ABLE TO SEE THE BACK OF IT?

11 A. YES.

12 Q. WHEN THE TRUCK WAS APPROACHING, WERE YOU  
13 ABLE TO SEE THE FRONT OF IT?

14 A. YES.

15 Q. NOW, WHEN THE TRUCK PASSED YOU BY, DID YOU  
16 NOTICE ANY WORDS ON THE BACK PART OF THE TRUCK?

17 A. YES.

18 Q. WHERE ON THE BACK PART OF THE TRUCK DID YOU  
19 SEE WORDS?

20 WHAT I'M REFERRING TO IS, WOULD IT BE THE  
21 SIDES OR THE VERY BACK PART?

22 A. THE VERY BACK PART.

23 Q. AND WHAT WORD DID YOU SEE?

24 A. CHEVROLET.

25 Q. CHEVROLET?

26 I'M SHOWING YOU WHAT HAS BEEN MARKED AS  
27 PEOPLE'S 24 FOR IDENTIFICATION.

28 DIRECTING YOUR ATTENTION TO THE BOTTOM

1 PHOTOGRAPH, DO YOU SEE THE WORD "CHEVROLET"?

2 A. YES.

3 Q. IS THAT -- THE WORD "CHEVROLET" APPEARS ON  
4 THE BOTTOM, IS THAT THE WAY THE WORD "CHEVROLET"  
5 APPEARED ON THE BACK OF THE TRUCK ON THE NIGHT OF  
6 FEBRUARY 22ND?

7 A. YES.

8 Q. DO THE LETTERS APPEAR THE SAME?

9 A. YES.

10 Q. SAME SIZE?

11 A. YES.

12 Q. NOW, AFTER THE TRUCK PASSED YOU BY, WHAT  
13 DID YOU SEE THE TRUCK DO?

14 AND WHAT I'M REFERRING TO IS, DID IT  
15 CONTINUE TO GO STRAIGHT, DID IT TURN, DID IT STOP OR  
16 WHAT?

17 A. AFTER IT PASSED US BY, IT MADE A RIGHT ON  
18 CENTRAL.

19 Q. IT WHAT?

20 A. IT MADE A RIGHT ON CENTRAL.

21 Q. MS. JORDAN, LET ME ASK YOU THIS:

22 DO YOU SPECIFICALLY RECALL WHERE YOU WERE  
23 IN THE BACK SEAT OR ARE YOU HAVING SOME DIFFICULTY  
24 REMEMBERING?

25 A. A LITTLE DIFFICULTY.

26 Q. DO YOU REMEMBER BEING IN THE BACK SEAT?

27 A. YES.

28 Q. AND DO YOU REMEMBER, DO YOU SPECIFICALLY

1 REMEMBER WHO WAS IN THE FRONT SEAT?

2 A. YES.

3 Q. WHO WAS IN THE FRONT SEAT?

4 A. MS. GULLY AND DE'MORYEA.

5 Q. SO WHAT IS THE SOURCE OF YOUR CONFUSION OR  
6 THE PROBLEM?

7 A. I DON'T REMEMBER LITTLE THINGS. I MEAN I  
8 JUST CAN'T REMEMBER.

9 Q. WHAT IS IT THAT YOU CAN'T REMEMBER?

10 A. I CAN'T REMEMBER EXACTLY WHERE I WAS  
11 SITTING.

12 Q. IN THE BACK SEAT YOU MEAN?

13 A. YES.

14 Q. YOU MEAN WHETHER IT WAS BEHIND --

15 A. DE'MORYEA OR BEHIND MS. GULLY.

16 Q. OKAY.

17 YOU HAVE TESTIFIED THAT YOU DO RECALL BEING  
18 IN THE BACK SEAT?

19 A. YES.

20 Q. ARE YOU HAVING ANY DIFFICULTY IN RECALLING  
21 THE SHOTS BEING FIRED?

22 A. NO.

23 Q. DO YOU HAVE ANY DIFFICULTY IN RECALLING  
24 TURNING AROUND AND OBSERVING WHAT YOU OBSERVED?

25 A. NO.

26 Q. WOULD IT BE OF SOME ASSISTANCE TO YOU IN  
27 RECALLING WHERE YOU WERE IF YOU LOOKED AT YOUR  
28 PRELIMINARY HEARING TESTIMONY?

1 MIGHT THAT HELP YOU?

2 A. YES.

3 Q. I'M SHOWING YOU PAGE 76 OF THE TRANSCRIPT.  
4 I WOULD LIKE YOU TO TAKE A LOOK AND TAKE A  
5 LOOK AT LINE 8 AND LINE 9 AND TELL US IF THAT HELPS YOU  
6 TO REMEMBER.

7 A. YEAH.

8 Q. DO YOU RECALL NOW?

9 A. YES.

10 Q. WHERE WERE YOU SEATED?

11 A. BEHIND THE DRIVER. BEHIND MS. GULLY.

12 Q. WHAT IS THAT?

13 A. BEHIND MS. GULLY.

14 Q. NOW, YOU HAD MENTIONED YESTERDAY THAT EBONY  
15 WAS LAYING DOWN.

16 A. YES.

17 Q. DID EBONY, FROM WHAT YOU RECALL, DID EBONY  
18 PRESENT ANY TYPE OF AN OBSTACLE FOR YOU TO SEE?

19 IN OTHER WORDS, WAS SHE IN THE WAY?

20 A. NO.

21 Q. SHE WAS LYING DOWN?

22 A. YES.

23 Q. ALL RIGHT.

24 GETTING BACK TO NOW, THE TRUCK GOES BY YOU;  
25 CORRECT?

26 A. YES.

27 Q. IS ANYBODY SAYING ANYTHING IN THE CAR, IN  
28 YOUR CAR, EITHER YOU, MRS. GULLY OR --



1 A. AS THE TRUCK WAS COMING UP?

2 Q. YES. AS THE TRUCK IS COMING UP.

3 A. AS THE TRUCK WAS COMING UP, I SAY, "HE'S  
4 COMING UP BEHIND US."

5 Q. WAS DE'MORYEA SAYING ANYTHING THAT YOU  
6 RECALL?

7 A. I DON'T REMEMBER.

8 Q. WHAT ABOUT MRS. GULLY?

9 A. I DON'T REMEMBER.

10 Q. SO THE TRUCK THEN GOES BY?

11 A. UM-HUM.

12 Q. YES?

13 A. YES.

14 Q. AND WHERE DOES IT GO?

15 A. IT WENT PAST US AND THEN IT TURNED.

16 Q. DO YOU KNOW WHERE IT TURNED?

17 A. IT MADE A RIGHT ON CENTRAL.

18 Q. ON CENTRAL?

19 A. YES.

20 Q. NOW, IS THE BLOCKBUSTER VIDEO ALSO ON  
21 CENTRAL?

22 A. YES.

23 Q. WHICH WAY DID IT TURN ON CENTRAL?

24 A. IT MADE A RIGHT.

25 Q. IT MADE A RIGHT TURN?

26 A. YES.

27 Q. AND WHAT DID YOU AND MRS. GULLY AND THE  
28 NISSAN SENTRA DO WHEN YOU GOT TO CENTRAL?

1           A.       WE TURNED. WE MADE A LEFT AND TURNED INTO  
2 THE BLOCKBUSTER.

3           Q.       WHERE WAS DESHON WHEN YOU PULLED INTO THE  
4 BLOCKBUSTER VIDEO?

5           A.       HE WAS STANDING OUTSIDE. HE WAS STANDING  
6 OUTSIDE.

7           Q.       HE GOT IN THE CAR?

8           A.       YES.

9           Q.       WHERE DID YOU THEN DRIVE?

10          A.       WE DROVE HOME.

11          Q.       DID YOU DRIVE BACK ON ROSECRANS THE WAY YOU  
12 HAD COME?

13          A.       YES.

14          Q.       DID YOU GO BACK BY THE SCENE OF THE  
15 SHOOTING?

16          A.       YES.

17          Q.       WHAT, IF ANYTHING, DID YOU SEE AS YOU WERE  
18 DRIVING PAST THE SCENE OF THE SHOOTING?

19          A.       WE SEEN MORE POLICE OFFICERS OUTSIDE AND  
20 SEEN THE WHITE OFFICER LAYING ON THE GROUND. THAT'S THE  
21 ONE I CAN REMEMBER THE MOST.

22          Q.       WHICH OFFICER DID YOU SEE LAYING ON THE  
23 GROUND WHEN YOU DROVE BACK THROUGH?

24          A.       THE WHITE OFFICER.

25          Q.       DO YOU KNOW WHETHER THE BLACK OFFICER WAS  
26 STILL LAYING IN THE CURB AREA AT THAT TIME?

27          A.       YES.

28          Q.       SO YOU SAW BOTH OFFICERS?

1 A. YES.

2 Q. STILL THERE?

3 A. YES.

4 Q. HAD OTHER POLICE OFFICERS, HAD THEY ARRIVED  
5 YET?

6 A. YES.

7 Q. DID YOU AND MRS. GULLY STOP THE CAR TO TALK  
8 TO THE POLICE?

9 A. NO.

10 Q. WAS THERE ANY DISCUSSION IN THE CAR AS TO  
11 WHY OR DID YOU JUST DRIVE PAST?

12 A. THERE WAS NO DISCUSSION.

13 Q. NOW, AFTER THE INCIDENT OCCURRED, YOU ARE  
14 AWARE THAT MRS. GULLY WAS INTERVIEWED BY THE POLICE?

15 A. YES.

16 Q. AND THEN THE POLICE AT FIRST CONTACTED YOU?

17 A. YES.

18 Q. WHEN YOU WERE FIRST CONTACTED BY THE  
19 INVESTIGATORS, DID YOU REFUSE TO COOPERATE?

20 A. YES.

21 Q. WHY IS THAT?

22 A. BECAUSE I WAS AFRAID. I WAS AFRAID.

23 Q. AFRAID OF WHAT AT THAT TIME?

24 A. I WAS AFRAID TO GET INVOLVED.

25 Q. AND AT -- ON MARCH THE 5TH -- CAN I HAVE A  
26 MOMENT, PLEASE, YOUR HONOR?

27 THE COURT: YES.

28 Q. BY MR. ARNOLD: ON APRIL THE 20TH OF 1993,

1 DO YOU RECALL THE DETECTIVES SHOWING YOU A SERIES OF SIX  
2 PHOTOGRAPHS ON A CARD?

3 A. YES.

4 Q. WHERE WERE YOU WHEN THAT OCCURRED?

5 A. I WAS AT MY DAD'S HOUSE.

6 Q. WAS DETECTIVE BUMCROT, WHO IS SEATED AT  
7 COUNSEL TABLE, WAS HE ONE OF THE DETECTIVES WHO SHOWED  
8 YOU THE PHOTOS?

9 A. YES.

10 Q. DID YOU REFUSE TO LOOK AT THE PHOTOS?

11 A. YES.

12 Q. WHY IS THAT?

13 THE COURT: DID YOU UNDERSTAND HIS QUESTION?

14 HE ASKED YOU WHY WAS THAT THAT YOU REFUSED  
15 TO LOOK AT THE PHOTOS.

16 THE WITNESS: I DIDN'T WANT TO GET INVOLVED.

17 Q. BY MR. ARNOLD: COULD WE JUST APPROACH FOR  
18 NOT EVEN A MINUTE?

19 THE COURT: YES.

20  
21 (THE FOLLOWING PROCEEDINGS WERE HELD  
22 AT THE BENCH:)

23  
24 THE COURT: GO AHEAD.

25 MR. ARNOLD: I WAS GOING TO SHOW HER THE LAPD  
26 CARLOS ADKINS SIX-PACK. THE SIX-PACK THAT WAS SHOWED TO  
27 HER, THE DEFENDANT'S PHOTO, NUMBER 6 IS IN THE  
28 DETECTIVE'S FOLDER WHICH IS BACK IN MY OFFICE.

1 THE COURT: ALL RIGHT.

2 I WAS JUST GOING TO SAY, DO YOU HAVE  
3 ANYTHING ELSE TO COVER WITH HER?

4 MR. ARNOLD: YES, ACTUALLY I DO, BECAUSE SHE  
5 ASKED FOR WITNESS ASSISTANCE. SHE WAS ALLOWED TO MOVE  
6 INTO THE RAMADA INN FOR A YEAR.

7 THE COURT: WHY DON'T YOU COVER THAT AND WE'LL  
8 GET BACK ON THE TOPIC, BECAUSE IT'S ONLY SEVEN MINUTES  
9 BEFORE THE BREAK.

10 MR. JAFFE: ON THE SIX-PACK THEY SHOWED HER, THAT  
11 WAS NOT THE ADKINS SIX-PACK?

12 MR. ARNOLD: NO, IT WAS MY MISTAKE. I DID NOT  
13 SHOW HER. I SHOWED HER THIS.

14 IN FACT, BUMCROT JUST POINTED OUT THAT IS  
15 THE SIX-PACK FROM CARLOS ADKINS. THAT IS NOT OURS.

16 MR. JAFFE: I THOUGHT THEY HAD SHOWED HER THE  
17 SIX-PACK OF THE LINEUP.

18 THE COURT: YOU MEAN THE PHOTO OF THE LIVE  
19 LINEUP?

20 MR. JAFFE: YES.

21 MR. ARNOLD: LET ME --

22 THE COURT: I TELL YOU WHAT WE'LL DO.

23 LET ME TAKE A BREAK AND WE'LL TAKE THE  
24 BREAK UNTIL 1:30. YOU TWO CAN TALK TO BUMCROT IF YOU  
25 WANT TO.

26 MR. JAFFE: DO YOU RECALL?

27 MS. DOHERTY: JUST THE ONE.

28 MR. ARNOLD: YOU VERY WELL MAY BE CORRECT. I

1 HAVE TO FIND OUT.

2 THE COURT: ALL RIGHT.

3 LET'S TAKE THE BREAK THEN.

4  
5 (THE FOLLOWING PROCEEDINGS WERE  
6 HELD IN OPEN COURT IN THE PRESENCE  
7 OF THE JURY:)

8  
9 MR. ARNOLD: IT'S COVERED. NOT NECESSARY TO TAKE  
10 THE BREAK.

11 THE COURT: ALL RIGHT.

12 MR. ARNOLD: THANK YOU, YOUR HONOR. I'M SORRY.

13 THE COURT: IT'S ALL RIGHT.

14 Q. BY MR. ARNOLD: MS. JORDAN, I'M SHOWING YOU  
15 THREE PHOTOGRAPHS THAT ARE MOUNTED. THIS HAS PREVIOUSLY  
16 BEEN MARKED AS PEOPLE'S 42 FOR IDENTIFICATION.

17 COULD YOU TELL US IF -- WELL, LET ME ASK  
18 YOU THIS:

19 DID YOU LOOK AT THE PHOTOGRAPHS?

20 DO YOU RECALL WHEN THE DETECTIVES SHOWED  
21 THEM TO YOU?

22 A. I DON'T REMEMBER.

23 Q. YOU DON'T REMEMBER LOOKING AT THEM?

24 A. (SHAKES HEAD FROM SIDE TO SIDE.)

25 Q. ARE YOU ABLE TO LOOK AT THE PHOTOGRAPHS  
26 THAT ARE ON THAT EXHIBIT AND TELL US IF THOSE ARE THE  
27 PHOTOGRAPHS THAT WERE SHOWN TO YOU THAT DAY, RECOGNIZING  
28 THAT THE PHOTOGRAPHS WERE NOT ON THIS CARDBOARD AT THE

1 TIME THEY WERE SHOWN TO YOU?

2 THE COURT: DO YOU UNDERSTAND HIS QUESTION?

3 THE WITNESS: NOT REALLY.

4 THE COURT: HIS QUESTION IS, HE HAD PREVIOUSLY  
5 ASKED YOU IF DETECTIVE BUMCROT ATTEMPTED TO SHOW YOU  
6 PHOTOGRAPHS.

7 HE'S ASKING YOU IF THEY WERE NOT ON THE  
8 PLACARD.

9 DO YOU KNOW WHETHER OR NOT THOSE ARE THE  
10 PHOTOGRAPHS THAT DETECTIVE BUMCROT WAS SHOWING YOU?

11 THE WITNESS: NO, THESE ARE NOT THE ONES.

12 Q. BY MR. ARNOLD: YOU DON'T REMEMBER BEING  
13 SHOWN THOSE PHOTOGRAPHS?

14 A. NO.

15 Q. IS IT YOUR BEST RECOLLECTION OF BEING  
16 UNCOOPERATIVE, THOUGH, AT THE TIME?

17 A. YES.

18 Q. IN APRIL OF 1993, YOU SAY YOU WERE LIVING  
19 AT YOUR FATHER'S HOUSE?

20 A. YES.

21 Q. WERE YOU HAVING ANY TYPE OF A PROBLEM WITH  
22 YOUR FATHER AS A RESULT OF YOUR BEING A WITNESS IN THIS  
23 CASE?

24 A. YES.

25 Q. AS A RESULT OF YOUR PROBLEMS WITH YOUR  
26 FATHER, DID YOU ASK THE COMPTON POLICE DEPARTMENT FOR  
27 WITNESS PROTECTION?

28 A. YES.

1 Q. WHAT WAS GOING ON WITH YOUR FATHER THAT  
2 REQUIRED YOU TO THEN ASK THE COMPTON POLICE DEPARTMENT  
3 FOR SOME ASSISTANCE?

4 A. WELL, MY DAD DIDN'T WANT ME TO GET  
5 INVOLVED, AND HE DIDN'T WANT ALL -- HE DIDN'T WANT ALL  
6 OF THOSE POLICE OFFICERS COMING TO HIS HOUSE AND TALKING  
7 TO ME, BECAUSE HE THOUGHT -- HE THOUGHT THAT MAYBE  
8 SOMEONE WOULD COME THERE AND TRY TO GET ME.

9 Q. AS A RESULT OF THAT, WHO IN THE COMPTON  
10 POLICE DEPARTMENT DID YOU LET IT BE KNOWN THAT YOU  
11 WANTED SOMETHING TO BE DONE?

12 A. REGGIE.

13 Q. AND WHO IS REGGIE?

14 THE COURT: IS HE IN THE COURTROOM?

15 THE WITNESS: YES, RIGHT THERE.

16 THE COURT: THE GENTLEMAN THAT JUST STOOD UP, IS  
17 THAT THE GENTLEMEN THAT YOU'RE REFERRING TO?

18 THE WITNESS: YES.

19 THE COURT: SIR, CAN YOU SAY YOUR NAME FOR THE  
20 RECORD, PLEASE?

21 LIEUTENANT WRIGHT: LIEUTENANT REGINALD WRIGHT.

22 THE COURT: THANK YOU.

23 Q. BY MR. ARNOLD: DID YOUR FATHER TELL YOU TO  
24 MOVE OUT OR ANYTHING SUCH AS THAT?

25 A. YES.

26 Q. HE TOLD YOU TO LEAVE?

27 A. YES.

28 Q. THEN YOU CONTACTED LIEUTENANT WRIGHT?



1 A. YES.

2 Q. AS A RESULT OF YOUR CONTACTING LIEUTENANT  
3 WRIGHT, DID THE COMPTON POLICE DEPARTMENT ASSIST YOU IN  
4 SOME FASHION?

5 A. YES.

6 Q. WHAT DID THE CITY OF COMPTON DO FOR YOU?

7 A. THEY PUT ME UP.

8 Q. WHERE?

9 A. IN COMPTON.

10 Q. IN A BUILDING OF SOME KIND?

11 A. YES.

12 Q. WHAT KIND OF BUILDING?

13 A. A HOTEL.

14 Q. IS THAT THE RAMADA INN?

15 A. YES.

16 Q. AND WHO MOVED INTO THE RAMADA INN?

17 A. I DID.

18 Q. ALONE?

19 A. IN THE BEGINNING, YES.

20 Q. AND THEN YOU HAD A LITTLE BABY?

21 A. YES.

22 Q. AND FOR WHAT PERIOD OF TIME DID YOU REMAIN  
23 IN THE RAMADA INN?

24 A. A YEAR-AND-A-HALF.

25 Q. AT THE TIME THAT YOUR FATHER ASKED YOU TO  
26 MOVE OUT OF THE HOUSE, DID HE ASK YOU OR DID HE TELL  
27 YOU?

28 IN OTHER WORDS, WHAT WAS GOING ON WITH YOUR

1 DAD?

2 MR. JAFFE: YOUR HONOR, AT THIS POINT, I WOULD  
3 OBJECT.

4 THE COURT: I'LL SUSTAIN IT AT THIS POINT.

5 WE HAVE COVERED THAT PORTION. YOU CAN GIVE  
6 ME AN OFFER OF PROOF AFTER THE JURORS HAVE LEFT FOR  
7 LUNCH.

8 Q. BY MR. ARNOLD: AT THE TIME YOUR FATHER  
9 TOLD YOU TO MOVE OUT, WERE YOU WORKING?

10 MR. JAFFE: SAME OBJECTION, YOUR HONOR.

11 THE COURT: THAT IS OVERRULED.

12 Q. BY MR. ARNOLD: DID YOU HAVE A JOB?

13 A. NO.

14 Q. DID YOU HAVE ANY INCOME FROM ANY TYPE OF  
15 EMPLOYMENT?

16 A. NO.

17 Q. NOW, WHEN YOU MOVED INTO THE RAMADA INN,  
18 WERE YOUR MEALS PROVIDED FOR YOU?

19 A. YES.

20 Q. AND WHEN YOU HAD THE BABY, WERE THE MEALS  
21 PROVIDED FOR THE BABY?

22 A. YES.

23 Q. ARE YOU AWARE OF A REWARD IN THIS CASE?

24 A. YES.

25 Q. AT WHAT POINT DID YOU BECOME AWARE OF A  
26 REWARD?

27 A. I SEEN IT ON TV.

28 Q. YOU SAW IT ON THE TELEVISION?

1 A. YES.

2 Q. NOW, WHEN WAS THAT IN RELATIONSHIP TO WHEN  
3 THE CRIME OCCURRED?

4 A. A FEW DAYS LATER.

5 Q. A FEW DAYS LATER THAN WHAT? AFTER WHAT?

6 A. AFTER THE POLICE OFFICERS WERE KILLED.

7 Q. AND YOU HAVE ALREADY TESTIFIED THAT IN THE  
8 EARLIER STAGES YOU WERE UNCOOPERATIVE?

9 A. YES.

10 Q. AT THAT TIME DIDN'T YOU PERHAPS FEEL IF YOU  
11 WERE COOPERATIVE, YOU WOULD GET THE REWARD OR WOULD GET  
12 SOME OF THE REWARD?

13 A. CAN YOU REPEAT THE QUESTION?

14 Q. SURE.

15 YOU HAVE TESTIFIED THAT SEVERAL DAYS AFTER  
16 THE SHOOTING OF THE OFFICERS, YOU HEARD ON THE NEWS A  
17 REWARD WAS BEING OFFERED?

18 A. YES.

19 Q. FOR SUSPECT INFORMATION?

20 A. YES.

21 Q. AND YOU HAVE ALSO TESTIFIED TODAY THAT, IN  
22 FACT, UP UNTIL DURING THE MONTH OF APRIL, YOU WERE  
23 UNCOOPERATIVE?

24 A. YES.

25 Q. MY QUESTION IS, IF YOU KNEW THAT THERE WAS  
26 A REWARD, WHY WOULDN'T YOU OR DID YOU THINK TO YOURSELF,  
27 "WELL, I'LL BE COOPERATIVE"?

28 A. I DIDN'T WANT THE MONEY.

1 Q. WHAT?

2 A. I DIDN'T WANT THE MONEY. THE MONEY HAD  
3 NOTHING TO DO WITH IT.

4 Q. NOW, AT SOME POINT, DID YOU BECOME  
5 COOPERATIVE WITH THE POLICE?

6 A. YES.

7 Q. WHY IS IT THAT YOU BECAME COOPERATIVE?

8 A. IT WAS THE RIGHT THING TO DO.

9 Q. WHAT I'M TRYING TO GET FROM YOU IS, YOU  
10 INITIALLY ARE UNCOOPERATIVE AND THEN SOMETHING HAPPENED  
11 THAT YOU'RE NOW COOPERATIVE.

12 WHAT OCCURRED THAT MADE YOU CHANGE FROM NOT  
13 WANTING TO GIVE INFORMATION TO THE POLICE TO GIVE  
14 INFORMATION TO THE POLICE?

15 A. I DON'T KNOW.

16 THE COURT: ALL RIGHT.

17 IT'S A LITTLE AFTER 12:00. I'LL TAKE THE  
18 NOON RECESS.

19 MS. JORDAN, CAN YOU STEP DOWN, PLEASE, AND  
20 HAVE A SEAT IN ONE OF THE BLUE CHAIRS.

21 LADIES AND GENTLEMEN, WE'RE GOING TO BE IN  
22 RECESS UNTIL 1:30. I'M GOING TO ASK THAT YOU JUST GO  
23 INTO THE JURY ROOM AND THEN WE'LL RELEASE YOU.

24 DON'T TALK ABOUT THE CASE OR FORM OR  
25 EXPRESS ANY OPINION.

26 ONE OF YOU HAD INDICATED A CONCERN ABOUT AN  
27 APPOINTMENT THAT YOU HAD PREVIOUSLY SCHEDULED. I TOLD  
28 THE LAWYERS AS FAR AS YOU'RE CONCERNED, WE'RE GOING TO

1 HAVE YOU UNTIL 3:30 TODAY, AND THEN I'M GOING TO EXCUSE  
2 YOU, AND I'LL HANDLE SOME OTHER MATTER WITH THE LAWYERS  
3 WITHOUT YOU BEING HERE.

4 SO IF YOU CAN JUST GO INTO THE JURY ROOM,  
5 PLEASE, AND RETURN AT 1:30.

6  
7 (THE FOLLOWING PROCEEDINGS WERE  
8 HELD IN OPEN COURT OUTSIDE THE  
9 PRESENCE OF THE JURY:)

10  
11 THE COURT: ALL RIGHT.

12 WE'LL BE IN RECESS UNTIL 1:30.

13  
14 (AT 12:02 P.M., THE NOON RECESS WAS TAKEN  
15 UNTIL 1:30 P.M. OF THE SAME DAY.)  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 LOS ANGELES, CALIFORNIA; WEDNESDAY, APRIL 5, 1995

2 1:35 P.M.

3 DEPARTMENT NO. 106

HON. EDWARD A. FERNS, JUDGE

4 (APPEARANCES AS HERETOFORE NOTED.)

5  
6 (THE FOLLOWING PROCEEDINGS WERE  
7 HELD IN OPEN COURT OUTSIDE THE  
8 PRESENCE OF THE JURY:)

9  
10 THE COURT: ALL RIGHT. RECALL THE CASE OF PEOPLE  
11 VERSUS REGIS THOMAS. MR. THOMAS IS PRESENT. RESPECTIVE  
12 COUNSEL. WE ARE OUT OF THE PRESENCE OF THE JURORS.

13 ARE YOU READY, MR. ARNOLD?

14 MR. ARNOLD: YES, YOUR HONOR.

15 THE COURT: MR. JAFFE?

16 MR. JAFFE: YES.

17 THE COURT: ALL RIGHT. MISS JORDAN, CAN YOU COME  
18 UP AND TAKE THE WITNESS STAND AGAIN, PLEASE.

19  
20 ALICIA JORDAN,  
21 THE WITNESS ON THE STAND AT THE TIME OF THE NOON RECESS,  
22 RESUMED THE STAND AND TESTIFIED FURTHER AS FOLLOWS:

23 THE COURT: ALL RIGHT. LET'S BRING THE JURORS OUT,  
24 PLEASE.

25 DO YOU WANT TO PULL THE MIKE UNDERNEATH YOUR  
26 CHIN, PLEASE.

27 THANK YOU.  
28

1 (THE JURORS ENTERED THE  
2 COURTROOM AND THE FOLLOWING  
3 PROCEEDINGS WERE HELD:)

4  
5 THE COURT: ALL RIGHT. GOOD AFTERNOON, LADIES AND  
6 GENTLEMEN.

7 THE JURY (COLLECTIVELY): GOOD AFTERNOON.

8 THE COURT: THE RECORD SHOULD REFLECT THE JURORS  
9 AND THE ALTERNATES ARE NOW PRESENT.

10 MISS JORDAN IS ON THE WITNESS STAND.

11 MA'AM, I JUST WANT TO REMIND YOU, YOU ARE  
12 STILL UNDER OATH TO TELL THE TRUTH.

13 DO YOU UNDERSTAND THAT?

14 THE WITNESS: YES.

15 THE COURT: THANK YOU. MR. ARNOLD.

16 MR. ARNOLD: THANK YOU.

17  
18 DIRECT EXAMINATION (RESUMED)

19 BY MR. ARNOLD:

20 Q. MISS JORDAN, DO YOU RECALL WHEN IT WAS THAT  
21 THE CITY LET YOU -- MOVED YOU INTO THE RAMADA INN?

22 A. YES.

23 Q. WHEN WAS THAT?

24 A. IN AUGUST OF '93.

25 Q. AUGUST OF 1993?

26 A. YES.

27 Q. WOULD THAT BE AUGUST 25TH OF 1993?

28 A. YES.

1 Q. AND ARE YOU -- ARE YOU LIVING AT THE RAMADA  
2 INN NOW?

3 A. NO.

4 Q. WHEN DID YOU MOVE OUT OF THE RAMADA INN?

5 A. THREE DAYS BEFORE THE BEGINNING OF THIS YEAR.

6 MR. JAFFE: I DID NOT HEAR THAT.

7 THE COURT: THREE DAYS BEFORE THE BEGINNING OF THIS  
8 YEAR.

9 THE WITNESS: YES.

10 Q. BY MR. ARNOLD: WHILE YOU WERE IN THE RAMADA  
11 INN, DID YOU RECEIVE ANY MONEY FROM THE -- FROM THE CITY?

12 A. NO.

13 Q. WHEN YOU MOVED FROM THE RAMADA INN TO WHERE  
14 YOU ARE STAYING NOW, DID YOU RECEIVE ANY ASSISTANCE FROM  
15 THE CITY?

16 A. YES.

17 Q. WHAT ASSISTANCE DID YOU RECEIVE?

18 A. THEY HELPED PAY FOR MY FURNITURE IN MY HOUSE.

19 Q. WERE YOU -- WAS YOUR FURNITURE PURCHASED FOR  
20 YOU, OR WERE YOU GIVEN MONEY TO -- WITH WHICH TO BUY  
21 FURNITURE?

22 A. THEY GAVE ME MONEY --

23 Q. HOW MUCH MONEY -- I'M SORRY.

24 A. THEY GAVE ME MONEY TO BUY FURNITURE.

25 Q. HOW MUCH MONEY WERE YOU GIVEN FROM THE CITY  
26 TO BUY FURNITURE?

27 A. 1500.

28 Q. \$1500?



1 A. YES.

2 Q. NOW, DID YOU HAVE YOUR OWN FURNITURE WHEN YOU  
3 WERE LIVING WITH YOUR FATHER?

4 A. NO.

5 Q. WHEN YOU MOVED TO THE RAMADA INN, DID YOU  
6 HAVE ANY OF YOUR OWN FURNITURE?

7 A. NO.

8 Q. WITH THE \$1500 THAT YOU RECEIVED FROM THE  
9 CITY, DID YOU USE ANY OR ALL OF THAT TO BUY FURNITURE?

10 A. ALL OF IT.

11 Q. DID THE CITY GIVE YOU ANY ASSISTANCE IN  
12 PAYING FOR YOUR RENT?

13 A. YES.

14 Q. WHAT ASSISTANCE?

15 A. THEY PAID FOR THE RENT FOR A FEW MONTHS.

16 Q. FOR WHAT?

17 A. FOR A FEW MONTHS.

18 Q. FOR A FEW MONTHS?

19 A. YES.

20 Q. HOW MANY MONTHS IS A FEW MONTHS?

21 A. THREE.

22 Q. SO THAT WOULD BE JANUARY, FEBRUARY, MARCH?

23 A. YES.

24 Q. ARE THEY PAYING FOR YOUR RENT NOW?

25 A. NO.

26 Q. AFTER RECEIVING THE \$1500 FOR THE FURNITURE,  
27 DID YOU RECEIVE ANY ADDITIONAL MONEY FROM THE CITY?

28 A. NO.

1 Q. ARE YOU -- DURING THE PERIOD OF TIME THAT THE  
2 CITY WAS PAYING FOR YOUR RENT -- HOW MUCH IS YOUR RENT?

3 A. 400.

4 Q. \$400?

5 A. A MONTH.

6 Q. WERE YOU WORKING DURING THAT PERIOD OF TIME?

7 A. NO.

8 Q. ARE YOU WORKING NOW?

9 A. NO.

10 Q. DO YOU HAVE A CHILD NOW?

11 A. YES.

12 Q. HOW OLD IS YOUR CHILD?

13 A. EIGHTEEN MONTHS.

14 Q. WHAT -- IF THE CITY IS NOT ASSISTING YOU,  
15 WHAT IS YOUR -- THE SOURCE OF INCOME YOU HAVE TO PAY YOUR  
16 RENT, FOOD, THAT TYPE OF THING?

17 A. A.F.D.C.

18 Q. A.F.D.C.?

19 A. UH-HUH.

20 Q. IS THAT YES?

21 A. YES.

22 Q. NOW, GETTING BACK TO THE TRUCK WHEN IT WENT  
23 BY YOU, YOU -- DID YOU -- DID YOU WATCH THE TRUCK  
24 CONTINUOUSLY AS IT WENT BY YOU UNTIL IT MADE ITS RIGHT  
25 TURN, OR DID YOU TAKE YOUR EYES OFF IT?

26 A. I CONTINUED TO WATCH IT.

27 Q. AT ANY TIME DID YOU EVER SEE IT GO TOWARDS  
28 THE CURB OR HIT THE CURB OR DO ANY TYPE OF JERKING OR

1 ANYTHING LIKE THAT THAT YOU NOTICED?

2 A. NO.

3 Q. I WANT TO SHOW YOU WHAT HAS BEEN MARKED AS  
4 PEOPLE'S 45 FOR IDENTIFICATION.

5 I WOULD LIKE YOU TO TAKE A LOOK AT THE FACE  
6 OF THE MAN THAT IS DEPICTED IN BOTH OF THOSE PHOTOGRAPHS  
7 AND TELL US IF THAT IS THE PERSON THAT YOU SAW ON  
8 ROSECRANS THAT NIGHT.

9 A. NO, IT'S NOT.

10 Q. IT'S NOT?

11 A. NO.

12 Q. HOW DO YOU -- WHY DO YOU SAY THAT?

13 A. BECAUSE HE DIDN'T LOOK ANYTHING LIKE THIS  
14 HERE. HE HAD A LOW HAIRCUT, AND HE JUST DIDN'T LOOK LIKE  
15 THIS.

16 Q. FACE DIFFERENT? SIMILARITIES?

17 A. IT'S DIFFERENT, COMPLETELY DIFFERENT.

18 Q. I'M SORRY?

19 A. IT'S COMPLETELY DIFFERENT.

20 Q. I'M SHOWING YOU WHAT HAS BEEN MARKED AS  
21 PEOPLE'S 44 FOR IDENTIFICATION. I WOULD LIKE YOU TO TAKE  
22 A LOOK AT THIS AND TAKE A LOOK AT THE PICTURES OF THE SIX  
23 MEN WHO ARE DEPICTED IN THOSE PHOTOGRAPHS.

24 LOOK AT EACH ONE. TELL US IF ANY OF THEM ARE  
25 THE SUSPECT THAT YOU SAW ON ROSECRANS THAT NIGHT?

26 A. NO.

27 Q. THEY'RE NOT?

28 A. NO.

1 MR. ARNOLD: YOUR HONOR, I HAVE ANOTHER MUG SHOWUP  
2 FOLDER. IT BEARS A -- IT BEARS -- WELL, IT BEARS A NUMBER  
3 OF NUMBERS. IT'S GOT A NUMBER 4 WITH A CIRCLE AROUND IT  
4 NEXT TO THE WORD "FOLDER."

5 I REQUEST THIS BE MARKED 56 FOR  
6 IDENTIFICATION.

7 THE COURT: ALL RIGHT:

8  
9 (MARKED FOR I.D.: = PEO'S. 56, PHOTO  
10 SIX-PACK.)

11  
12 MR. ARNOLD: I ALSO HAVE ANOTHER MUG SHOWUP FOLDER.  
13 NEXT TO THE WORD "FOLDER" IT HAS THE NUMBER 5 WITH A  
14 CIRCLE AROUND IT.

15 I AM GOING TO ASK THIS BE MARKED PEOPLE'S 57  
16 FOR IDENTIFICATION.

17 THE COURT: ALL RIGHT.

18  
19 (MARKED FOR I.D.: = PEO'S. 57, PHOTO  
20 SIX-PACK)

21  
22 Q. BY MR. ARNOLD: MISS JORDAN, I AM SHOWING YOU  
23 WHAT HAS NOW BEEN MARKED PEOPLE'S 56 FOR IDENTIFICATION.

24 I WOULD LIKE YOU TO TAKE A LOOK AGAIN -- LOOK  
25 AT THE FOUR -- EXCUSE ME -- THE SIX PHOTOGRAPHS OF THE MEN  
26 THAT ARE DEPICTED IN 56 FOR IDENTIFICATION AND TELL US IF  
27 ANY OF THESE MEN ARE THE SUSPECT THAT YOU SAW THAT NIGHT.

28 A. NO, THEY'RE NOT.

1 Q. AND 57 FOR IDENTIFICATION, SAME THING IF YOU  
2 WOULD, PLEASE.

3 TAKE A LOOK AT EACH MAN, THE FACE OF EACH  
4 MAN, AND TELL US IF THEY ARE THE SUSPECT.

5 A. NO, NO, THEY'RE NOT.

6 MR. ARNOLD: THANK YOU. THANK YOU, MISS JORDAN.

7 THE COURT: MR. JAFFE.

8 MR. JAFFE: THANK YOU VERY MUCH, YOUR HONOR.

9 WITH THE COURT'S PERMISSION MAY I REFER TO  
10 THE WITNESS BY HER FIRST NAME?

11 THE COURT: SURE. DO YOU HAVE ANY PROBLEM WITH  
12 THAT, MA'AM?

13 THE WITNESS: YEP.

14 THE COURT: IS THAT ALL RIGHT WITH YOU?

15 THE WITNESS: NO, IT'S NOT.

16 THE COURT: OKAY.

17 MR. JAFFE: WOULD YOU RATHER BE REFERRED TO AS MISS  
18 JORDAN INSTEAD OF ALICIA?

19 THE WITNESS: YES, YES.

20

21 CROSS-EXAMINATION

22 BY MR. JAFFE:

23 Q. MISS JORDAN --

24 MR. ARNOLD: YOUR HONOR, CAN WE JUST APPROACH JUST  
25 FOR ONE THING BEFORE MR. JAFFE BEGINS.

26 THE COURT: YES.

27

28

1 (THE FOLLOWING PROCEEDINGS WERE HELD  
2 AT THE BENCH:)

3  
4 THE COURT: YES.

5 MR. ARNOLD: I HAD GIVEN A SCHEDULE OF MONEY THAT  
6 WAS PAID OUT TO THE VARIOUS WITNESSES, AND OVER \$25,000  
7 WAS PAID BY THE CITY -- I GUESS BY THE POLICE DEPARTMENT  
8 TO REIMBURSE THE CITY FOR ALICIA JORDAN STAYING AT THE  
9 RAMADA INN.

10 I DON'T KNOW IF MR. JAFFE WAS INTENDING ON  
11 SAYING SOMETHING TO THE EFFECT OF ISN'T IT TRUE THAT YOU  
12 RECEIVED \$25,000.

13 UNLESS HE CAN ELICIT THAT SHE DID IN FACT  
14 RECEIVE MORE CASH THAN SHE RECEIVED, I WOULD ASK -- ASK TO  
15 HAVE A MOTION IN LIMINE NOT TO PERMIT MR. JAFFE, IF HE  
16 WANTED TO DO THAT, TO ASK ISN'T IT TRUE THAT YOU WERE  
17 ISSUED \$25,000.

18 I AM GOING TO PUT THE CHIEF OF POLICE ON THE  
19 STAND. HE IS IN THE BEST POSITION TO ASK THAT, AND  
20 CERTAINLY HE CAN BE QUESTIONED ABOUT THAT.

21 MR. JAFFE: THAT'S FINE. I'LL DO IT THROUGH THE  
22 CHIEF OF POLICE. I WON'T ASK HER.

23 MR. ARNOLD: WERE YOU GOING TO?

24 MR. JAFFE: NO.

25 MR. ARNOLD: OKAY.

26 MR. JAFFE: THAT'S FINE.

27 THE COURT: OKAY.  
28

1 (THE FOLLOWING PROCEEDINGS WERE  
2 HELD IN OPEN COURT IN THE PRESENCE  
3 OF THE JURY:)

4  
5 THE COURT: ALL RIGHT. MR. JAFFE.

6 MR. JAFFE: THANK YOU VERY MUCH, YOUR HONOR.

7 Q. MISS JORDAN, I HAVE A NUMBER OF QUESTIONS I  
8 HAVE TO ASK YOU.

9 YOU KNOW WHO I AM; CORRECT?

10 A. YES.

11 Q. YOU SAW ME AT THE PRELIMINARY HEARING BEFORE  
12 WHEN YOU TESTIFIED?

13 A. YES.

14 Q. NOW, I AM GOING TO STAND OVER HERE ON THE  
15 SIDE, AND CAN YOU STILL SEE DIANE, WHO IS IN THE  
16 COURTROOM?

17 A. YES.

18 Q. ALL RIGHT. IF YOU BECOME UNCOMFORTABLE, YOU  
19 LET US KNOW.

20 IF YOU NEED A BREAK, YOU LET US KNOW. OKAY?

21 A. YES.

22 Q. IF THERE IS A QUESTION THAT YOU DON'T  
23 UNDERSTAND THAT I ASK, PLEASE ASK ME TO REPEAT IT. OKAY?

24 A. YES.

25 Q. IF AT ANY TIME DURING YOUR TESTIMONY YOU ARE  
26 CONFUSED ABOUT ANYTHING I ASK YOU, PLEASE LET ME KNOW, AND  
27 I WILL TRY TO RESTATE THE QUESTION.

28 OKAY?

1 A. YES.

2 Q. ON THE EVENING OF FEBRUARY 22ND, WHEN YOU  
3 LEFT MRS. GULLY'S HOUSE, YOU TOOK WITH YOU A COAT; RIGHT?

4 A. YES.

5 Q. ALL RIGHT. AND WAS THAT A COAT THAT YOU HAD  
6 WITH YOU AT MRS. GULLY'S?

7 A. YES.

8 Q. WAS THAT A COAT YOU HAD BROUGHT WITH YOU TO  
9 MRS. GULLY'S?

10 A. NO.

11 Q. WHOSE COAT WAS IT?

12 A. DESHON'S.

13 Q. DESHON'S COAT?

14 A. YES.

15 Q. WAS THIS A BIG COAT?

16 A. I DON'T REMEMBER.

17 Q. WHEN YOU LEFT MRS. GULLY'S HOUSE IN ORDER TO  
18 GO PICK UP DESHON, WHEN YOU GOT TO ROSECRANS AND  
19 WILMINGTON, YOU SAW A POLICE VEHICLE; RIGHT?

20 A. YES.

21 Q. AND THEN AS YOU ARE DRIVING UP A LITTLE BIT  
22 FURTHER, YOU HEARD SOME SHOTS; RIGHT?

23 A. YES.

24 Q. AND BASED UPON WHAT YOU SAW, THAT FRIGHTENED  
25 YOU VERY, VERY MUCH; RIGHT?

26 A. YES.

27 Q. NOW, THERE'S SEVERAL DIFFERENT TYPES OF FEAR;  
28 CORRECT?



1 A. YES.

2 Q. THE FEAR THAT YOU HAVE NOW IS OF TWO TYPES --  
3 AND CORRECT ME IF I AM MISTAKEN.

4 YOU ARE FEARFUL BECAUSE YOU SAW WHAT YOU SAW,  
5 AND THAT HAS CAUSED YOU TO BE FRIGHTENED; RIGHT?

6 A. RIGHT.

7 Q. AND YOU ARE ALSO FEARFUL AND FRIGHTENED OF  
8 TESTIFYING IN THIS CASE BECAUSE OF WHAT YOU PERCEIVE -- OR  
9 WHAT YOU THINK MIGHT HAPPEN TO YOU AS A RESULT OF YOUR  
10 TESTIFYING; RIGHT?

11 A. RIGHT.

12 Q. SO BOTH OF THOSE KINDS OF FEAR YOU FEEL  
13 TODAY; RIGHT?

14 A. RIGHT.

15 Q. THE FIRST TIME THAT YOU SPOKE TO THE POLICE  
16 IN CONNECTION WITH THIS CASE, DO YOU REMEMBER THAT THAT  
17 WAS MARCH 5, 1993?

18 A. I DON'T REMEMBER THAT EXACT DATE, NO.

19 Q. DO YOU REMEMBER IT WAS ABOUT A COUPLE OF  
20 WEEKS AFTER THE INCIDENT OCCURRED?

21 A. YES.

22 Q. AND FROM THE TIME THE INCIDENT OCCURRED UNTIL  
23 THE TIME YOU FIRST SPOKE TO THE POLICE, DID ANYBODY  
24 THREATEN YOU?

25 A. NO.

26 Q. FROM THE TIME YOU SPOKE TO THE POLICE ON  
27 MARCH 5TH TO THE TIME YOU TESTIFIED AT THE PRELIMINARY  
28 HEARING IN OCTOBER OF '93, DID ANYBODY THREATEN YOU?

1           A.       NO.

2           Q.       FROM THE TIME YOU TESTIFIED AT THE  
3 PRELIMINARY HEARING IN OCTOBER OF 1993 UP UNTIL THE TIME  
4 THAT YOU HAVE TESTIFIED HERE AT TRIAL, WHICH WAS  
5 APPROXIMATELY A YEAR AND A HALF, DID ANYONE THREATEN YOU?

6           A.       NO.

7           Q.       DID YOU RECEIVE ANY THREATS LAST NIGHT?

8           A.       NO.

9           Q.       WHEN YOU SAY THAT YOU WERE FRIGHTENED TO  
10 TESTIFY, AM I CORRECT THAT YOU WERE FRIGHTENED GENERALLY  
11 SPEAKING BECAUSE YOU DON'T WANT TO BE IN A POSITION OF  
12 BEING A WITNESS TO THIS HORRIBLE CRIME?

13          A.       I'M AFRAID BECAUSE -- BECAUSE THE PERSON THAT  
14 DID THAT TO THOSE TWO POLICE OFFICERS IT WAS SO EASY FOR  
15 HIM TO KILL THEM, HE MIGHT TRY TO DO SOMETHING TO ME.

16          Q.       AND THAT IS A NORMAL FEAR THAT SOMEBODY WOULD  
17 HAVE.

18                   SO WHAT YOU ARE SAYING IS YOU ARE FEARFUL  
19 THAT IF YOU IDENTIFY SOMEBODY, THAT THERE MAY BE SOME TYPE  
20 OF RETALIATION AGAINST AGAINST YOU OR YOUR FAMILY; RIGHT?

21          A.       YES.

22          Q.       AND THAT IS WHAT -- THAT IS THE FEAR OR AT  
23 LEAST ONE OF THE FEARS THAT YOU HAVE; RIGHT?

24          A.       YES.

25          Q.       THE FEAR THAT YOU HAVE TODAY THAT YOU HAVE  
26 JUST EXPLAINED, ISN'T THAT THE EXACT SAME FEAR THAT YOU  
27 HAD WHEN YOU TESTIFIED AT THE PRELIMINARY HEARING ABOUT A  
28 YEAR AND A HALF AGO IN OCTOBER OF 1993?

1 A. YES.

2 Q. AND YOU UNDERSTAND THAT NOTHING HAS HAPPENED  
3 TO YOU OR YOUR FAMILY MEMBERS AS A RESULT OF YOUR  
4 TESTIFYING AT THE PRELIMINARY HEARING; RIGHT?

5 A. YES. IT DOES NOT MEAN IT'S NOT GOING TO  
6 HAPPEN.

7 Q. WELL, NOBODY KNOWS WHAT MAY HAPPEN. WE HOPE  
8 NOTHING HAPPENS.

9 AND I UNDERSTAND THAT'S A PART OF THE FEAR  
10 THAT YOU HAVE; RIGHT?

11 A. YES.

12 Q. REGIS THOMAS, THE MAN THAT I REPRESENT WHO IS  
13 ACCUSED OF KILLING THE TWO POLICE OFFICERS, HAS HE EVER  
14 CALLED YOU OR THREATENED YOU IN ANY WAY?

15 A. NO.

16 Q. THE FEAR THAT YOU HAVE IS YOU ARE FEARFUL  
17 THAT IF YOU WERE TO IDENTIFY ANYONE WHO MIGHT BE  
18 RESPONSIBLE FOR THE DEATHS OF OFFICER BURRELL AND OFFICER  
19 MACDONALD THAT IT COULD COME BACK TO HAUNT YOU OR YOUR  
20 FAMILY; IS THAT RIGHT?

21 A. CAN YOU REPEAT THE QUESTION.

22 Q. SURE. IS YOUR CONCERN OR YOUR FEAR, IS IT  
23 THAT IF YOU CAME TO COURT TO TESTIFY AS A WITNESS AND YOU  
24 IDENTIFY ANYONE, THAT THAT MAY COME BACK TO HAUNT YOU OR  
25 YOUR FAMILY?

26 A. IF I IDENTIFIED THE PERSON THAT DID IT, YES.

27 Q. ALL RIGHT. AND THAT IS THE FEAR THAT YOU  
28 HAVE; RIGHT?

1 A. YES.

2 Q. AT THE TIME OF THE PRELIMINARY HEARING, THIS  
3 QUESTION WAS ASKED OF YOU AT PAGE 107, LINE 10:

4 "QUESTION: YOU ARE JUST  
5 CONCERNED THAT, I TAKE IT, THAT IF YOU  
6 WERE TO IDENTIFY ANYONE, THAT THERE  
7 MIGHT -- THAT SOMETHING MIGHT HAPPEN TO  
8 YOU OR YOUR FAMILY; RIGHT?

9 "ANSWER: YES."

10 DO YOU REMEMBER THAT QUESTION AND THAT  
11 ANSWER?

12 A. YES.

13 Q. ON APRIL 7, 1993, DO YOU REMEMBER GOING TO  
14 THE POLICE OR TALKING TO THE POLICE?

15 A. YES.

16 Q. AND APRIL 7TH WAS THE DAY AFTER, IF YOU  
17 REMEMBER, THAT MR. THOMAS SURRENDERED TO THE POLICE.

18 DO YOU REMEMBER THAT?

19 A. NO.

20 Q. DO YOU REMEMBER WATCHING THE NEWS?

21 A. YES.

22 Q. AND ON APRIL 6TH MR. -- AND SOMEONE  
23 SURRENDERED?

24 A. YES.

25 Q. DO YOU REMEMBER THAT?

26 A. YES.

27 Q. NOW, THE FOLLOWING DAY YOU SPOKE TO THE  
28 POLICE, AND YOU TOLD THE POLICE THAT YOU WERE AFRAID;

1 RIGHT?

2 A. YES.

3 Q. DO YOU HAVE A MEMORY TODAY OF WHAT YOU TOLD  
4 THE POLICE AS TO WHY YOU WERE AFRAID ON MARCH -- ON APRIL  
5 7, 1993?

6 A. I DON'T REMEMBER WHAT I TOLD THEM.

7 MR. JAFFE: OKAY. YOUR HONOR, MY NEXT QUESTION,  
8 PERHAPS I SHOULD APPROACH.

9 THE COURT: ALL RIGHT.

10

11 (THE FOLLOWING PROCEEDINGS WERE HELD  
12 AT THE BENCH:)

13

14 MR. JAFFE: YOUR HONOR, MY NEXT QUESTION IS CALLING  
15 FOR A RESPONSE TO WHAT SOMEBODY TOLD HER.

16 MY OFFER OF PROOF IS THAT SHE KNOWS THE  
17 PERSON BY THE NAME OF JERMAINE. JERMAINE TOLD HER THAT  
18 HIS FRIEND SHOT THE COPS.

19 I AM NOT OFFERING IT TO PROVE THAT THE FRIEND  
20 OF JERMAINE SHOT THE COPS, BUT I WANT TO SHOW WHAT IMPACT  
21 THAT STATEMENT HAD ON HER AND THEN DETERMINE WHETHER OR  
22 NOT SHE KNOWS WHO JERMAINE'S FRIEND IS.

23 IF THE FRIEND IS NOT IN FACT REGIS THOMAS,  
24 THEN HER FEAR IS NOT OF REGIS THOMAS, BUT OF SOME OTHER  
25 PERSON.

26 IT IS NOT OFFERED TO PROVE THE TRUTH OF THE  
27 MATTER ASSERTED, BUT OUT OF AN ABUNDANCE OF CAUTION I  
28 WANTED TO APPROACH THE COURT TO GET THE COURT'S VIEW OF

1 THIS.

2 THE COURT: OKAY. LET ME TELL YOU WHAT I WOULD  
3 LIKE YOU TO DO AS FAR AS YOUR QUESTIONING OF THE WITNESS  
4 IS I WOULD LIKE YOU TO PASS ON THIS AREA AT THE MOMENT  
5 BECAUSE THEN I MAY CONDUCT SOMETHING OUT OF THE PRESENCE  
6 OF THE JURORS.

7 BUT AT THIS POINT IF YOU COULD PROCEED WITH  
8 THE REST OF YOUR CROSS-EXAMINATION, AND WE'LL GET BACK TO  
9 THAT ON A 402.

10 MR. JAFFE: OKAY.

11 THE COURT: ALL RIGHT.

12  
13 (THE FOLLOWING PROCEEDINGS WERE  
14 HELD IN OPEN COURT IN THE PRESENCE  
15 OF THE JURY:)

16  
17 Q. BY MR. JAFFE: YOU HAD INDICATED, MISS  
18 JORDAN, THAT IT IS YOUR DESIRE NOT TO GET INVOLVED IN THIS  
19 CASE AT ANY TIME; RIGHT?

20 A. YES. YES.

21 Q. AND UNFORTUNATELY, FIGURATIVELY AS WELL AS  
22 PERHAPS LITERALLY, YOU HAVE BEEN DRAGGED INTO HERE AGAINST  
23 YOUR WILL; RIGHT?

24 A. I WASN'T DRAGGED IN HERE AGAINST MY WILL.

25 Q. IT WASN'T AGAINST YOUR WILL?

26 A. NO, NOT NOW. IN THE BEGINNING I DID NOT WANT  
27 TO GET INVOLVED.

28 Q. ORIGINALLY YOU DID NOT WANT TO GET INVOLVED,

1 BACK IN 1993; RIGHT?

2 A. RIGHT.

3 Q. WHEN YOU FIRST SPOKE TO THE OFFICERS ON MARCH  
4 5TH; RIGHT?

5 A. UH-HUH.

6 Q. IS THAT YES?

7 THE COURT: IS THAT A YES OR NO?

8 THE WITNESS: YES.

9 Q. BY MR. JAFFE: YOU DID NOT WANT TO BE  
10 INVOLVED ON APRIL 7; RIGHT?

11 A. RIGHT.

12 Q. AND YOU DID NOT WANT TO BE INVOLVED ON APRIL  
13 20TH.

14 THAT WAS THE DAY YOU WERE SHOWN SOME  
15 PHOTOGRAPHS; RIGHT?

16 A. YES.

17 Q. AND YOU DID NOT WANT TO BECOME INVOLVED JULY  
18 10.

19 THAT WAS THE DATE THAT YOU HAD A LATER  
20 INTERVIEW WITH THE POLICE; CORRECT?

21 A. CORRECT.

22 Q. AS A MATTER OF FACT, MISS JORDAN, ISN'T IT  
23 TRUE THAT EVEN AS LATE AS YESTERDAY, YESTERDAY MORNING,  
24 YOU DID NOT WANT TO TESTIFY; CORRECT?

25 A. UH-HUH. YES.

26 Q. AND THE EVENING BEFORE, WHICH WOULD HAVE BEEN  
27 MONDAY NIGHT, DO YOU RECALL POLICE OFFICERS COMING OUT TO  
28 YOUR HOUSE TO TELL YOU THAT YOU HAD TO BE IN COURT THE

1 NEXT DAY?

2 A. YES.

3 Q. AND DO YOU REMEMBER THAT THEY WERE KNOCKING  
4 ON THE DOOR?

5 A. YES.

6 Q. WERE YOU HOME?

7 A. YES.

8 Q. DID YOU ANSWER THE DOOR?

9 A. NO.

10 Q. YOU DID NOT WANT TO BE COOPERATIVE WITH THE  
11 POLICE AT THAT TIME; CORRECT?

12 A. RIGHT.

13 Q. AND THAT WAS BECAUSE YOU WERE STILL  
14 FRIGHTENED?

15 A. YES.

16 Q. AND YOU WERE FRIGHTENED BECAUSE OF THE THINGS  
17 THAT MAY HAPPEN TO PEOPLE IN THE AREA THAT YOU LIVE IF IN  
18 FACT YOU TESTIFY; RIGHT?

19 A. YES.

20 Q. SO WHEN YOU -- BUT EVENTUALLY YOU DID SHOW UP  
21 IN COURT; RIGHT?

22 A. YES.

23 Q. AND WERE YOU BROUGHT IN BY THE POLICE?

24 A. YES.

25 Q. AND THAT WAS YESTERDAY MORNING?

26 A. YES.

27 Q. AND WHEN YOU CAME IN YESTERDAY MORNING, YOU  
28 STILL DID NOT WANT TO TESTIFY; CORRECT?



1 A. RIGHT.

2 Q. AS A MATTER OF FACT, AT 1:30 IN THE  
3 AFTERNOON, JUST MOMENTS BEFORE YOU WENT ON THE WITNESS  
4 STAND, YOU TOLD THE DISTRICT ATTORNEY THAT YOU DID NOT  
5 WANT TO TESTIFY; RIGHT?

6 A. RIGHT.

7 Q. AND AT SOME POINT DURING THE DAY YESTERDAY  
8 YOU MET MR. LATINER, THE GENTLEMAN WHO IS SEATED TO MY  
9 RIGHT; CORRECT?

10 A. YES.

11 Q. AND YOU SPOKE TO MR. LATINER ABOUT WHETHER  
12 YOU SHOULD TESTIFY OR NOT TESTIFY; RIGHT?

13 A. YES.

14 Q. AND YOU EVEN TOLD MR. LATINER THAT YOU DID  
15 NOT WANT TO TESTIFY; RIGHT?

16 A. RIGHT.

17 Q. AND IS IT TRUE THAT THE MAIN REASON WHY YOU  
18 DID NOT WANT TO TESTIFY WAS THAT YOU WERE FRIGHTENED THAT  
19 IF YOU DID TESTIFY, THAT THE MAN OVER HERE, REGIS THOMAS,  
20 MIGHT DO SOMETHING TO YOU IF YOU CAME TO COURT AND SAID  
21 HE'S THE MAN OR I'M ALMOST SURE OR I'M ALMOST POSITIVE  
22 THAT THAT'S THE MAN THAT SHOT THE POLICE?

23 A. YES.

24 Q. NOW, SOMETHING HAPPENED AFTER 1:30 WHICH MADE  
25 YOU CHANGE YOUR MIND; CORRECT?

26 A. YES.

27 Q. SOMETHING HAPPENED WHICH CHANGED YOUR STATE  
28 OF MIND WHERE YOUR FEAR WAS SOMEWHAT RELIEVED; ISN'T THAT

1 TRUE?

2 A. MY FEAR WAS NOT RELIEVED, NO.

3 Q. SOMETHING CHANGED IN ORDER FOR YOU TO  
4 TESTIFY; RIGHT?

5 A. RIGHT.

6 Q. YOUR MAIN REASON FOR NOT TESTIFYING IS  
7 BECAUSE YOU WERE AFRAID OF REGIS THOMAS AND WHAT MIGHT  
8 HAPPEN TO YOU IF YOU TESTIFIED; RIGHT?

9 A. YES.

10 Q. WEREN'T YOU TOLD BY MR. LATINER THAT IT WAS  
11 AGREEABLE WITH THE DEFENDANT AS WELL AS HIS LAWYER THAT  
12 YOU DO TESTIFY, AND, AS A MATTER OF FACT, BOTH MR. THOMAS  
13 AND HIS LAWYER, ME, ENCOURAGED YOU TO TESTIFY?

14 A. YES, HE TOLD ME THAT.

15 Q. AND WHEN YOU WERE TOLD THE FACT THAT  
16 MR. THOMAS HAD NO OBJECTION TO YOU TESTIFYING, THEN DIDN'T  
17 THE FEAR THAT YOU FELT ABOUT TESTIFYING AGAINST HIM  
18 SOMEWHAT DIMINISH OR LESSEN BECAUSE YOU KNEW THAT IT WAS  
19 OKAY WITH HIM THAT YOU TESTIFY?

20 A. NO.

21 MR. JAFFE: YOUR HONOR, IF I COULD HAVE A SECOND.  
22 I WANT TO USE THE AERIAL THAT WE HAVE.

23 THE COURT: ALL RIGHT.

24 THE COURT: IT'S DEFENDANT'S H FOR THE RECORD.

25 MR. JAFFE: THANK YOU.

26 Q. MISS JORDAN, I AM PUTTING UP ON THE BOARD  
27 WHAT HAS PREVIOUSLY BEEN MARKED AS A DEFENSE EXHIBIT. IT  
28 IS DEFENSE H.

1                   AND IT IS AN AERIAL VIEW OF THE LOCATION OF  
2 WHERE THE CRIME SCENE OCCURRED.

3                   THIS IS WHERE --

4           THE COURT: CAN YOU SEE, MISS JORDAN?

5           THE WITNESS: NO.

6           Q. BY MR. JAFFE: CAN YOU SEE IT?

7           THE COURT: YOU CAN STEP DOWN IF YOU WANT.

8           Q. BY MR. JAFFE: LET ME TURN THE BOARD A LITTLE  
9 BIT TOWARD YOU.

10          THE COURT: CAN THE JURORS -- CAN YOU STILL SEE?

11  
12                   (THE JURORS RESPOND.)

13  
14          Q. BY MR. JAFFE: MISS JORDAN, I AM POINTING TO  
15 THE AREA OF HERCULES BURGERS; OKAY?

16          A. YES.

17          Q. THIS IS ROSECRANS. THAT IS WILMINGTON.

18                   I WOULD LIKE YOU TO JUST TAKE A LOOK AT IT IF  
19 YOU WOULD JUST FOR A COUPLE MOMENTS FROM WHERE YOU ARE  
20 JUST TO FAMILIARIZE YOURSELF WITH THAT AERIAL VIEW. OKAY?

21          THE COURT: YOU CAN STEP DOWN IF YOU WANT TO TAKE A  
22 LOOK AT IT.

23          Q. BY MR. JAFFE: ARE YOU FAMILIAR -- HAVE YOU  
24 FAMILIARIZED YOURSELF WITH THIS AERIAL VIEW?

25          A. YES.

26          Q. AND DOES THAT APPEAR TO BE THE LOCATION THAT  
27 WE HAVE BEEN TALKING ABOUT, THE AREA WHERE YOU WERE  
28 DRIVING WITH MRS. GULLY ON FEBRUARY 22ND?

1 A. YES.

2 Q. IS THIS THE FIRST TIME TODAY THAT YOU HAVE  
3 SEEN THIS MAP OR THIS AERIAL VIEW?

4 A. YES.

5 Q. I HAVE NOT SHOWN YOU THIS BEFORE, HAVE I?

6 A. NO.

7 Q. ALL RIGHT. NOW, IS THERE A FIRE STATION  
8 LOCATED ON THIS AERIAL PHOTOGRAPH?

9 A. YES.

10 Q. AND DO YOU SEE WHERE THE FIRE STATION IS?

11 A. YES.

12 Q. AND IS THE FIRE STATION OVER HERE WHERE I AM  
13 NOW POINTING WHERE THE GREEN DOT IS --

14 A. YES.

15 Q. -- DO YOU REMEMBER DRIVING BY THE FIRE  
16 STATION?

17 A. YES.

18 Q. WHEN YOU DROVE BY THE FIRE STATION, DO YOU  
19 KNOW WHETHER OR NOT THE SHOTS WERE STILL BEING FIRED?

20 A. YES, I KNOW. THEY WERE NOT BEING FIRED.

21 Q. THEY WERE NOT?

22 A. NO.

23 Q. DO YOU RECALL BACK IN OCTOBER YOU WERE ASKED  
24 THIS QUESTION -- PAGE 104.

25 THE COURT: IS THIS AT PRELIMINARY HEARING?

26 MR. JAFFE: AT THE PRELIMINARY HEARING, LINE 14.

27 Q. (READING:)

28 "WHEN YOU WERE AT THE FIRE

1           STATION, HAD THE SHOTS ALREADY BEEN  
2           FINISHED, OR DID YOU HEAR SHOTS WHILE YOU  
3           WERE AT THE FIRE STATION?

4                       "ANSWER: I DON'T REMEMBER."

5                       DO YOU REMEMBER THAT TESTIMONY?

6           A.       YES.

7           Q.       WHEN YOU GAVE THAT TESTIMONY AND YOU SAID  
8           THAT YOU DID NOT REMEMBER, WAS THAT INACCURATE OR WAS THAT  
9           ACCURATE?

10          A.       THAT WAS ACCURATE. I DID NOT REMEMBER THEN,  
11          BUT THINGS COME AND GO.

12          Q.       BUT NOW YOU REMEMBER IT LATER?

13          A.       YES.

14          Q.       HAVE YOU HAD ANY OPPORTUNITY, MISS JORDAN,  
15          SINCE THE TIME OF THE PRELIMINARY HEARING TO DISCUSS WITH  
16          ANYONE WHAT YOU REMEMBERED ABOUT THAT EVENING ON FEBRUARY  
17          22ND?

18          A.       YES.

19          Q.       WHO HAVE YOU TALKED TO, OR WHO HAVE YOU BEEN  
20          ABLE TO TALK TO?

21          A.       I TALKED TO MARK ARNOLD, AND THERE WAS  
22          SOMEONE DRAWING PICTURES OR SOMETHING.

23          Q.       I'M SORRY. I CANNOT HEAR YOU?

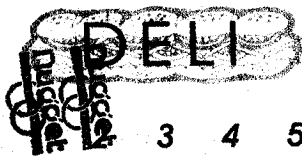
24          A.       THERE WAS SOMEONE MAKING SKETCHES OF WHAT  
25          HAPPENED, AND I TALKED TO THEM.

26          Q.       WAS THAT THE ARTIST WHO PREPARED SOME  
27          RENDERINGS?

28          A.       YES.



*Buy 10  
Sandwiches  
Receive  
the next one  
FREE!*



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## MISSION STATEMENT

We are a family of dedicated people with a love of food and a passion for excitement. We are committed to product knowledge, our community, and most importantly customer satisfaction. Superior quality is our competitive edge

1 Q. NOW, AFTER TALKING TO THE ARTIST WHO WAS  
2 PREPARING SOME RENDERINGS AND AFTER HAVING TALKED TO  
3 MR. ARNOLD, WAS YOUR MEMORY REFRESHED?

4 BY THAT I MEAN WERE YOU -- WERE YOU BETTER  
5 ABLE TO REMEMBER WHAT HAPPENED ON THE EVENING OF FEBRUARY  
6 22ND?

7 A. NO.

8 Q. NOW, OBVIOUSLY MR. ARNOLD DID NOT TELL YOU  
9 WHAT TO SAY; CORRECT?

10 A. RIGHT.

11 Q. HE ONLY TOLD YOU TO TELL THE TRUTH?

12 A. EXACTLY.

13 Q. AND THE PERSON WHO WAS HELPING PREPARE THESE  
14 ARTIST RENDERINGS, DID YOU TALK TO THAT PERSON ABOUT WHAT  
15 YOU REMEMBERED?

16 A. ABOUT HOW I SEEN THE OFFICERS LYING AND WHAT  
17 I SEEN THAT NIGHT, YES.

18 Q. DID YOU EVER TALK TO THE ARTIST WHO DID THE  
19 RENDERINGS ABOUT WHERE YOU WERE WHEN YOU HEARD THE SHOTS?

20 A. I DON'T REMEMBER.

21 Q. DID ANYBODY ASK YOU FROM THE TIME OF THE  
22 PRELIMINARY HEARING UNTIL TODAY WHETHER OR NOT YOU WERE AT  
23 THE FIRE STATION WHEN THE SHOTS -- WHETHER OR NOT YOU WERE  
24 AT THE FIRE STATION WHEN THE SHOTS CONTINUED TO RING OUT?

25 ANYONE EVER ASK YOU THAT QUESTION?

26 A. I DON'T REMEMBER.

27 Q. WHAT YOU DO REMEMBER, HOWEVER, IS WHEN YOU  
28 WERE DRIVING ON ROSECRANS AT ABOUT THE TIME THAT MRS.

1 GULLY'S CAR WAS JUST PAST THE POLICE UNIT, YOU HEARD SOME  
2 SHOTS; RIGHT?

3 A. YES.

4 Q. COULD YOU TELL US HOW LONG IT WAS BEFORE YOU  
5 TURNED AROUND TO LOOK TO SEE WHAT HAPPENED?

6 A. SECONDS. IMMEDIATELY AFTER I HEARD THE  
7 SHOTS. I DON'T KNOW EXACTLY THE TIME.

8 Q. WOULD IT HAVE BEEN A MATTER OF SECONDS, OR  
9 DID YOU INSTANTLY TURN AROUND AND LOOK?

10 A. I TURNED AROUND AS SOON AS I HEARD THE SHOTS.

11 Q. AND WHEN YOU TURNED AROUND, WHAT YOU SAW AT  
12 THAT TIME WAS THE WHITE OFFICER FALLING TO THE GROUND?

13 A. YES.

14 Q. DID YOU EVER SEE THE PERSON WHO WAS DOING THE  
15 SHOOTING WALK UP TO THE WHITE OFFICER?

16 A. NO.

17 Q. DID YOU EVER SEE THE PERSON WHO WAS  
18 SHOOTING -- WHEN YOU SAW THE SHOOTING, DID YOU EVER SEE  
19 THE PERSON STRADDLING THE BLACK OFFICER'S LEGS?

20 A. NO.

21 Q. YOU WERE ASKED TOWARDS THE END OF  
22 MR. ARNOLD'S DIRECT EXAMINATION OF YOU IF THERE WAS SOME  
23 CONFUSION ABOUT WHERE YOU WERE SEATED IN THE CAR.

24 DO YOU REMEMBER THAT?

25 A. YES.

26 Q. HAD YOU AT ANY TIME TOLD MR. ARNOLD THAT YOU  
27 WERE CONFUSED ABOUT WHERE YOU WERE SITTING IN THE CAR?

28 A. YES.



1 Q. ALL RIGHT. WHEN DID YOU TELL MR. ARNOLD THAT  
2 YOU WERE CONFUSED AS TO WHERE YOU WERE SITTING IN THE CAR?

3 A. I TOLD HIM TODAY. TODAY.

4 Q. ALL RIGHT.

5 A. NO, YESTERDAY ON THE STAND I SAID IT.

6 Q. YESTERDAY ON THE STAND YOU TESTIFIED THAT YOU  
7 WERE SEATED BEHIND DE'MORYEA WHO WAS IN THE RIGHT FRONT  
8 PASSENGER SEAT?

9 A. YES.

10 Q. BUT THAT'S NOT WHERE YOU WERE SEATED, WERE  
11 YOU?

12 A. NO.

13 Q. YOU WERE SEATED BEHIND MRS. GULLY IN THE LEFT  
14 REAR PASSENGER SEAT; RIGHT?

15 A. RIGHT.

16 Q. WHEN YOU TESTIFIED ABOUT THE PERSON WHO DROVE  
17 BY AND YOU WERE TRYING TO REMEMBER WHAT THE PERSON LOOKED  
18 LIKE -- ARE YOU FOLLOWING ME SO FAR?

19 A. I'M FOLLOWING YOU.

20 Q. OKAY. WHEN YOU SAID THAT THE PERSON HAD THE  
21 SAME FACE, DID YOU IMAGINE YOURSELF AT THAT TIME IN THE  
22 RIGHT REAR PASSENGER SEAT OF MRS. GULLY'S CAR?

23 A. I DON'T REMEMBER.

24 Q. WHEN YOU TESTIFIED AT THE PRELIMINARY  
25 HEARING, DO YOU REMEMBER YOU SAID THAT YOU WERE SEATED  
26 BEHIND MRS. GULLY?

27 A. YES.

28 Q. AND YOU SAID THAT EBONY WAS SEATED BEHIND

1 DE'MORYEA?

2 A. YES.

3 Q. SO YOUR TESTIMONY -- YOUR ORIGINAL TESTIMONY  
4 IN THIS TRIAL WHERE YOU SAID YOU WERE SEATED CLOSEST TO --  
5 IN THE SEAT CLOSEST TO THE ONCOMING RED TRUCK, THAT WAS A  
6 MISTAKE ON YOUR PART; IS THAT RIGHT?

7 A. YES.

8 Q. YOU HAVE BEEN SHOWN THIS -- A COPY -- OR  
9 PHOTOGRAPHS OF A TRUCK WHICH HAS BEEN MARKED AS PEOPLE'S  
10 24, THIS PARTICULAR TRUCK.

11 DO YOU REMEMBER MR. ARNOLD SHOWED YOU THAT  
12 TRUCK?

13 A. YES.

14 Q. DO YOU SEE THE SIDE MOLDINGS ON THIS TRUCK?  
15 DO YOU SEE THE BLACK SIDE MOLDINGS ON THAT  
16 TRUCK?

17 A. YES.

18 Q. DO YOU REMEMBER WHEN YOU MET WITH THE POLICE  
19 ON --

20 IF I COULD JUST HAVE A MOMENT, YOUR HONOR.  
21 THE COURT: SURE.

22

23 (PAUSE IN THE PROCEEDINGS.)

24

25 Q. BY MR. JAFFE: WHEN YOU MET WITH THE POLICE I  
26 BELIEVE IT WAS ON MARCH 9TH -- STRIKE THAT. ONE SECOND.

27 ON MARCH 9, 1993, DO YOU RECALL THE POLICE  
28 SHOWED YOU SOME PICTURES OF TRUCKS, RED TRUCKS?

1 A. YES.

2 Q. AND YOU LOOKED AT RED TRUCKS THAT THE POLICE  
3 SHOWED YOU; RIGHT?

4 A. YES.

5 Q. AND DO YOU REMEMBER SAYING THAT YOU DID NOT  
6 REMEMBER ANY SIDE MOLDINGS ON THE TRUCK?

7 A. I DON'T REMEMBER, NO.

8 Q. LET ME SHOW YOU A REPORT.

9 I WOULD LIKE TO ASK YOU TO LOOK AT THIS  
10 REPORT TO SEE IF IT REFRESHES YOUR MEMORY.

11 OKAY?

12 A. YES.

13 Q. I AM POINTING TO A SPOT IN THE REPORT, AND  
14 THEN I AM POINTING TO ANOTHER SPOT IN THE REPORT. OKAY?

15 NOW, HAVE YOU READ THE PORTION THAT I POINTED  
16 TO?

17 A. YES.

18 Q. ALL RIGHT. NOW, AFTER HAVING READ THAT  
19 PORTION, IS YOUR MEMORY REFRESHED ABOUT WHAT YOU TOLD THE  
20 POLICE OFFICERS ABOUT WHETHER YOU SAW ANY SIDE MOLDINGS ON  
21 THE RED TRUCK?

22 A. THAT REPORT?

23 Q. PARDON ME?

24 A. I MUST NOT HAVE LOOKED AT THE PART YOU TOLD  
25 ME TO BECAUSE THAT SAYS -- THAT'S TALKING ABOUT WHEN I  
26 SAID THAT THERE WAS WHITE LETTERS ON THE BACK OF THE  
27 TRUCK.

28 Q. DO YOU WANT TO LOOK AT THIS AGAIN PERHAPS TO

1 REFRESH YOUR MEMORY?

2 A. YES.

3 Q. NOW, AFTER HAVING REVIEWED THE REPORT, DOES  
4 THAT REFRESH YOUR MEMORY WITH WHETHER YOU TOLD THE  
5 OFFICERS ON MARCH 9TH THAT YOU DID NOT REMEMBER ANY BLACK  
6 MOLDING ON THE SIDE OF THE TRUCK?

7 A. YES. YES.

8 Q. I WOULD LIKE TO TALK JUST BRIEFLY ABOUT THE  
9 TRUCK.

10 THERE ARE DIFFERENT TYPES OF RED TRUCKS;  
11 RIGHT?

12 A. YES.

13 Q. I AM SHOWING YOU A BOARD WHICH CONTAINS 36  
14 PHOTOGRAPHS. THIS HAS PREVIOUSLY BEEN MARKED AS --

15 THE COURT: M.

16 MR. JAFFE: M?

17 THE COURT: JUST LET ME MAKE SURE OF ONE THING. I  
18 HAVE A DIFFERENT MARKING.

19 MR. ARNOLD: IT'S M, YOUR HONOR.

20 THE COURT: IS IT M?

21 MR. ARNOLD: YES.

22 Q. BY MR. JAFFE: MISS JORDAN, DO YOU SEE ALL  
23 THE TRUCKS THAT ARE ON THE BOARD?

24 A. YES.

25 Q. NOW, I AM POINTING TO A TRUCK WHICH IS IN ROW  
26 NUMBER 3, THE FIFTH ONE DOWN.

27 DO YOU SEE THE ONE THAT I AM NOW POINTING TO?

28 A. YES.

1 Q. IF YOU COULD STEP OFF THE WITNESS STAND AND  
2 JUST TAKE A REAL GOOD LOOK AT THE BACK OF THAT TAILGATE.

3 THAT'S A SMALL PHOTOGRAPH, BUT LET ME ASK YOU  
4 IF YOU CAN SEE THE WORDS -- AND I'LL POINT TO IT.

5 CAN YOU MAKE OUT SOME LETTERS ON THAT TRUCK?

6 A. A LITTLE BIT.

7 Q. I CANNOT HEAR YOU.

8 A. A LITTLE BIT.

9 Q. DOES IT APPEAR TO YOU TO SAY "CHEVROLET"?

10 A. YES.

11 Q. OKAY. AND IS THAT THE KIND OF LETTERING THAT  
12 YOU SAW THE NIGHT OF FEBRUARY 22ND ON THE RED TRUCK?

13 A. I DON'T REMEMBER.

14 Q. YOU DON'T REMEMBER? OKAY.

15 THE COURT: IS THAT A YES OR NO, MA'AM?

16 THE WITNESS: I DON'T KNOW. I DON'T REMEMBER.

17 Q. BY MR. JAFFE: BUT YOU SAW THE WORD  
18 "CHEVROLET" ON THE BACK OF THE TAILGATE?

19 A. THAT NIGHT?

20 Q. THAT NIGHT.

21 A. YES.

22 Q. THAT TRUCK THAT YOU HAVE JUST SEEN, WOULD YOU  
23 CALL THAT A BRIGHT RED TRUCK? IS THAT HOW YOU WOULD  
24 DESCRIBE IT?

25 YOU DESCRIBE IT. I DON'T WANT TO DESCRIBE  
26 IT. I WANT YOU TO DESCRIBE THE COLOR OF THAT RED TRUCK.

27 A. IT'S RED.

28 Q. WOULD YOU CONSIDER THAT TRUCK A BRIGHT RED

1 TRUCK IF YOU CAN TELL FROM THE PHOTOGRAPH.

2 A. SORT OF.

3 Q. SORT OF?

4 A. YES.

5 Q. THE TRUCK THAT YOU SAW ON FEBRUARY 22ND, WAS  
6 THAT A BRIGHT RED TRUCK?

7 A. I'M NOT SURE. I DON'T KNOW.

8 Q. WHEN YOU SAW THE TRUCK ON FEBRUARY 22ND, DO  
9 YOU KNOW WHAT A LOWERED TRUCK IS, WHAT I MEAN BY LOWERED?

10 A. YES.

11 Q. DID YOU HAVE ENOUGH TIME TO LOOK AT THE TRUCK  
12 TO DETERMINE WHETHER OR NOT THE TRUCK WAS LOWERED?

13 A. NO. I DIDN'T EVEN -- I DIDN'T NOTICE THEM.

14 THE COURT: I'M SORRY. I DID NOT HEAR YOUR ANSWER.

15 MA'AM, COULD YOU SAY IT LOUDER. I CANNOT  
16 HEAR YOU.

17 THE WITNESS: I DON'T KNOW IF IT WAS LOWERED.

18 Q. BY MR. JAFFE: YOU REMEMBER THAT THE WINDOWS  
19 WERE TINTED; RIGHT?

20 A. YES.

21 Q. AND THE WINDOWS ON THE TRUCK THAT I SHOWED  
22 YOU -- AND I'LL DIRECT YOUR ATTENTION TO THE TRUCK WHICH  
23 IS IN ROW 3, POSITION NUMBER 4. I'LL POINT TO IT.

24 A. I SEE IT.

25 Q. THIS ONE HERE?

26 A. YES.

27 Q. WERE THE WINDOWS TINTED LIKE THAT?

28 A. I'M NOT SURE.

1 Q. I'LL SHOW YOU ANOTHER PHOTOGRAPH, WHICH IS IN  
2 ROW 4, IN POSITION 2.

3 DO YOU SEE THIS RED TRUCK?

4 A. YES.

5 Q. WERE THE WINDOWS TINTED LIKE THAT?

6 A. I'M NOT SURE. YOU CANNOT SEE THROUGH THOSE,  
7 BUT I COULD SEE THE ONES THAT NIGHT.

8 Q. YOU COULD SEE THROUGH THE ONES THAT NIGHT?

9 A. YES.

10 Q. LET ME SHOW YOU MR. THOMAS' RED TRUCK.

11 DO YOU SEE HOW THE WINDOW IS TINTED ON THIS  
12 TRUCK?

13 A. YES.

14 Q. NOW, IS THE WINDOW TINTING ON THIS TRUCK THE  
15 SAME AS THE WINDOW TINTING THAT YOU SAW ON THE EVENING OF  
16 FEBRUARY 22ND?

17 A. I'M NOT SURE. I'M NOT SURE.

18 THE COURT: MR. JAFFE, THE EXHIBIT YOU WERE  
19 HOLDING, IS THAT 24?

20 MR. JAFFE: YES.

21 THE COURT: ALL RIGHT.

22 Q. BY MR. JAFFE: WHEN YOU WERE INTERVIEWED BY  
23 THE POLICE, ALICIA, ON MARCH 5TH, THE FIRST TIME THAT YOU  
24 TALKED TO THE POLICE, DID YOU EVER TELL THE POLICE THAT  
25 THE PERSON YOU SAW HAD A LOW CUT HAIR?

26 A. I THINK SO.

27 Q. BUT YOU ARE NOT SURE?

28 A. I'M NOT SURE.

1 Q. ISN'T IT A FACT THAT WHEN YOU SPOKE TO THE  
2 POLICE ON MARCH 5TH, YOU REALLY DIDN'T WANT TO GET  
3 INVOLVED, AND YOU GAVE THE POLICE NO DESCRIPTION OF THE  
4 PERSON THAT YOU SAW THAT EVENING; ISN'T THAT TRUE?

5 A. I DON'T REMEMBER.

6 Q. PARDON ME?

7 A. I DON'T REMEMBER.

8 Q. ON MARCH 5TH WHEN YOU TALKED TO THE POLICE,  
9 YOU WERE STILL VERY FRIGHTENED BY WHAT YOU SAW; RIGHT?

10 A. YES.

11 Q. AND THE POLICE TRIED TO CALM YOU DOWN IN  
12 ORDER TO GET A DESCRIPTION FROM YOU; RIGHT?

13 A. YES.

14 Q. AND YOU WERE CRYING?

15 A. I DON'T REMEMBER.

16 Q. DO YOU REMEMBER THE FIRST TIME THAT YOU  
17 TALKED TO THE POLICE?

18 A. YES.

19 Q. AND THE FIRST TIME THAT YOU WENT TO TALK TO  
20 THE POLICE, DO YOU REMEMBER WHERE THAT WAS?

21 A. YES.

22 Q. AND YOU REMEMBER THAT YOU TOLD THE POLICE AT  
23 THAT TIME THAT YOU SAW A SUSPECT WHO YOU DESCRIBED AS A  
24 MALE BLACK?

25 DO YOU REMEMBER THAT?

26 A. NO, I DON'T REMEMBER WHAT I EXACTLY TOLD THEM  
27 THAT DAY.

28 Q. MR. ARNOLD ASKED IF YOU REMEMBER DURING YOUR



1 DIRECT EXAMINATION -- ASKED MR. THOMAS TO STAND UP. ALL  
2 RIGHT.

3 AND YOU DON'T HAVE TO LOOK OVER THERE IF YOU  
4 DON'T WANT TO. ALL RIGHT.

5 DO YOU REMEMBER MR. ARNOLD ASKED REGIS THOMAS  
6 TO STAND UP?

7 A. YES.

8 Q. AND REMEMBER HE ASKED YOU TO TAKE A LOOK AT  
9 HIS BACK?

10 A. YES.

11 Q. AND YOU WERE ASKED WHETHER OR NOT THIS  
12 PERSON'S BACK, MR. THOMAS, LOOKS SIMILAR TO OR DIFFERENT  
13 THAN THE PERSON YOU SAW OUT THERE THAT EVENING ON  
14 ROSECRANS.

15 DO YOU REMEMBER THAT?

16 A. HE ASKED ME WAS THE SAME BUILT. HE DIDN'T  
17 SAY NECESSARILY HIS BACK.

18 Q. WHEN MR. THOMAS TURNED AROUND TO YOU AND HAD  
19 HIS BACK TO YOU, DID YOU EVER SEE THE PERSON'S BACK WHO  
20 WAS SHOOTING THE OFFICER THAT NIGHT?

21 A. KIND OF -- WELL, KIND OF. YES, KIND OF.

22 Q. CORRECT ME IF I AM MISTAKEN, BUT, MISS  
23 JORDAN, ISN'T THE ONLY POSITION YOU SAW THE SHOOTER IN,  
24 WASN'T THAT ONLY IN A PROFILE POSITION WHERE YOU SAW THE  
25 LEFT SIDE OF THE PERSON'S FACE?

26 A. WHEN HE WAS SHOOTING?

27 Q. YES.

28 A. AT POLICE OFFICERS?

1 Q. YES.

2 A. HE WAS TURNED LIKE THIS AS I SHOWED YOU.

3 Q. ALL RIGHT. SO THE ONLY PORTION OF THE FACE  
4 YOU SAW OF THE PERSON SHOOTING THE POLICE OFFICER WOULD  
5 HAVE BEEN A PROFILE OF THE PERSON'S FACE; RIGHT? THE SIDE  
6 OF A PERSON'S FACE?

7 A. YES, YES.

8 Q. WOULD THAT BE THE LEFT SIDE OR THE RIGHT  
9 SIDE?

10 A. THE LEFT SIDE.

11 Q. SO IF I AM NOW DEMONSTRATING IF I AM THE  
12 SHOOTER AND I AM POINTING THE GUN, YOU ARE LOOKING AT THE  
13 LEFT SIDE OF THE FACE; CORRECT?

14 IS THAT RIGHT?

15 A. I SEEN THE LEFT SIDE OF HIS FACE IN THE  
16 TRUCK.

17 Q. DID YOU EVER SEE ANY PART OF THE PERSON'S  
18 FACE WHILE HE WAS SHOOTING THE OFFICERS?

19 A. I DON'T REMEMBER. I DON'T REMEMBER.

20 Q. YOUR IDENTIFICATION OF REGIS THOMAS AS BEING  
21 THE PERSON THAT SHOT THE POLICE OFFICERS, IS THAT BASED  
22 UPON YOUR IDENTIFICATION OF THE PERSON WHO WAS DRIVING IN  
23 A RED TRUCK PASSING YOU BY?

24 A. YES.

25 Q. SO WHEN YOU WERE TALKING ABOUT THE PROFILE OF  
26 THE PERSON THAT YOU SAW, YOU WERE SAYING THAT MR. THOMAS,  
27 HIS PROFILE LOOKS SIMILAR TO THE PROFILE OF THE PERSON  
28 THAT YOU SAW SHOOTING THE POLICE OFFICERS; RIGHT?

1 A. IT LOOKS THE SAME, EXACTLY THE SAME.

2 Q. HIS PROFILE IS EXACTLY THE SAME?

3 A. YES.

4 Q. AND HOW FAR AWAY WERE YOU WHEN YOU SAW THE  
5 PROFILE OF THE PERSON SHOOTING THE POLICE OFFICER?

6 A. WELL, HIS TRUCK WAS RIGHT NEXT TO US. SO IT  
7 WAS -- IT WAS AS CLOSE AS THAT. HOWEVER CLOSE THAT IS.

8 Q. EXCUSE ME?

9 A. WHATEVER -- WHATEVER THE DISTANCE IS BETWEEN  
10 TWO CARS PASSING BY EACH OTHER. I'M NOT SURE WHAT IT IS.

11 Q. DIDN'T YOU TESTIFY AT THE TIME YOU SAW THE  
12 PERSON'S PROFILE HE WAS ABOUT AT THE DISTANCE FROM WHERE  
13 YOU ARE TO THE BACK OF THE COURTROOM, WHICH IS 33 FEET?

14 MR. ARNOLD: WAIT. OBJECT.

15 THE WITNESS: NO.

16 MR. ARNOLD: THAT MISSTATES THE TESTIMONY.

17 THE COURT: OKAY. LET ME SEE YOU AT SIDEBAR.

18 MR. JAFFE: PERHAPS I MISSTATED --

19 THE COURT: LET'S TALK AT SIDEBAR.

20 MR. JAFFE: YOUR HONOR, IF I COULD JUST GO ON TO  
21 ANOTHER AREA JUST FOR A MOMENT. I'LL JUST LEAVE THAT  
22 AREA.

23 THE COURT: ALL RIGHT.

24 Q. BY MR. JAFFE: MISS JORDAN, AT ANY TIME ON  
25 THE EVENING OF FEBRUARY 22ND, DID YOU EVER SEE A FULL  
26 VIEW, FRONTAL VIEW OF THE PERSON THAT SHOT THE POLICE?

27 A. NOT REALLY, NO. NO.

28 THE COURT: TELL YOU WHAT, MR. JAFFE, I AM GOING TO

1 TAKE A TEN-MINUTE BREAK, AND WE'LL TALK AT THE SIDEBAR FOR  
2 A COUPLE MINUTES AS FAR AS THAT ISSUE IS CONCERNED.

3 LADIES AND GENTLEMEN, DON'T TALK ABOUT THE  
4 CASE OR FORM OR EXPRESS ANY OPINION. IF YOU COULD JUST ON  
5 THE BREAK STAY IN THE JURY ROOM BECAUSE THAT WAY WE CAN  
6 START UP RIGHT AT 2:40. THANK YOU.

7  
8 (RECESS.)

9  
10 (THE FOLLOWING PROCEEDINGS WERE HELD  
11 AT THE BENCH:)

12  
13 THE COURT: MY RECOLLECTION WAS THAT -- YOU CAN  
14 CHECK THE TRANSCRIPT YESTERDAY -- WAS THAT WHEN SHE SAW  
15 THE SHOOTING IT WAS THAT DISTANCE.

16 MR. ARNOLD: RIGHT.

17 THE COURT: I THOUGHT THAT THE DISTANCE SHE  
18 INDICATED, IF IT WERE SHE AND NOT DEMORYEA, OF SEEING IT  
19 WAS APPROXIMATELY BETWEEN WHERE MR. ARNOLD WAS STANDING  
20 AND THE WITNESS STAND WAS, WHICH WAS 12 OR 13 FEET.

21 MR. JAFFE: OKAY.

22 THE COURT: I THINK WHAT SHE IS ACTUALLY TESTIFYING  
23 TO HERE WAS THAT WHEN HE WAS SHOOTING, SHE DIDN'T SEE HIS  
24 FACE. THE PROFILE IS WHEN HE WAS GOING BY.

25 MR. JAFFE: OKAY.

26 THE COURT: THAT'S HOW I TAKE HER TESTIMONY.

27 MR. JAFFE: OKAY. ALL RIGHT.

28 THE COURT: WE'LL BE IN RECESS.

1 (PAUSE IN THE PROCEEDINGS.)

2  
3 THE COURT: OKAY. GO AHEAD. THE DEFENDANT IS  
4 STILL PRESENT IN THE COURTROOM. WE ARE AT THE SIDEBAR.

5 MR. ARNOLD: YOU HAVEN'T ASKED FOR A REPLY FROM ME.  
6 I CANNOT OBJECT MORE ADAMANTLY TO CONFRONT HER IN FRONT OF  
7 THE JURY ISN'T IT TRUE THAT SOMEONE ELSE DID IT.

8 THE COURT: I DON'T THINK WE ARE GOING TO FINISH  
9 WITH HER TODAY. WE MAY. WE MAY NOT.

10 IT IS SOMETHING THAT I WOULD LIKE TO TAKE UP  
11 AT THE END OF HER TESTIMONY, AND SO THAT I CAN THINK  
12 ABOUT -- WHEN I HEAR WHAT SHE HAS TO SAY.

13 MR. JAFFE: MANY LAWYERS --

14 THE COURT: WOULD HAVE ASKED IT IN FRONT OF THE  
15 JURY. I UNDERSTAND.

16 MR. JAFFE: WOULD HAVE BLURTED IT OUT.

17 THE COURT: I APPRECIATE THE FACT THAT YOU DID WHAT  
18 YOU DID. I AM NOT GOING TO HOLD IT AGAINST YOU.

19 MR. JAFFE: OKAY. ALL RIGHT.

20 THE COURT: IN OTHER WORDS, WHEN I HAVE BEEN IN  
21 SITUATIONS WHEN LAWYERS BLURT THINGS OUT IN FRONT OF THE  
22 JURY, I PROBABLY AM MORE REACTIVE THAN MOST JUDGES BECAUSE  
23 I AM A LITTLE EMPHATIC ABOUT IT. AND THAT'S WHY I  
24 APPRECIATE IT.

25 MR. JAFFE: I HAVE A GOOD FAITH BELIEF IT IS AN  
26 APPROPRIATE QUESTION, BUT BECAUSE I ANTICIPATED THAT THERE  
27 WOULD BE AN OBJECTION, I FELT IT WAS MY OBLIGATION.

28 THE COURT: I UNDERSTAND.

1 MR. JAFFE: BUT THAT DOES NOT MEAN THAT I FEEL THAT  
2 THERE IS ANY WEAKNESS IN MY POSITION.

3 THE COURT: I UNDERSTAND FULLY.

4  
5 (PAUSE IN THE PROCEEDINGS.)

6  
7 MR. ARNOLD: JUDGE, A LADY NAMED -- A WITNESS NAMED  
8 INGRID CREAR SHOWED UP TODAY, BUT I CUT HER LOOSE. JAY  
9 KNOWS. SHE'S QUITE SHORT.

10 SHE WOULD JUST SAY -- TALK ABOUT SEEING THE  
11 TRUCK MAKE ITS NORTHBOUND TURN, AND SHE GIVES A TRUCK  
12 DESCRIPTION. DID NOT SEE ANYTHING, DID NOT SEE ANYBODY.  
13 JUST A TRUCK DESCRIPTION, AND THAT'S IT.

14 I WANTED TO BE ABLE TO PUT HER ON AFTER  
15 JORDAN. I HAVE HER COMING BACK TOMORROW.

16 DO YOU HAVE ANY FEELINGS AS TO WHEN YOU ARE  
17 GOING TO REQUIRE COOKSEY TO BE ON THE STAND?

18 THE COURT: MY FEELING IS I AM GOING TO HEAR  
19 FROM -- I WANT TO HEAR FROM HIS LAWYER THIS AFTERNOON, BUT  
20 I THINK THAT TRULY DEPENDING ON WHAT POSITION HE TAKES, IF  
21 HE TAKES THE POSITION HE IS NOT GOING TO TESTIFY, THEN I'M  
22 GOING TO CONDUCT A 402 OUT OF THE PRESENCE OF THE JURORS.

23 IF IT'S NECESSARY, I'LL FIND HIM IN CONTEMPT  
24 AND ORDER HIM TO STAY IN JAIL. AND IF THAT BE THE CASE,  
25 IT MAY -- HE MAY BE YOUR LAST WITNESS IN YOUR CASE IN  
26 CHIEF, EVEN THOUGH I KNOW IT IS OUT OF ORDER.

27 MR. ARNOLD: MY MAIN QUESTION -- I WOULD BE  
28 SURPRISED IF COOKSEY REFUSES TO TESTIFY.

1 THE COURT: ALL RIGHT. WE'LL FIND OUT. I DON'T  
2 WANT TO LITIGATE THAT AT THIS POINT.

3 MR. ARNOLD: WHAT I WANT TO ASK IS IF HE SAYS, YES,  
4 I WILL TESTIFY, I WANT TO PUT INGRID CREAR ON BEFORE HIM.

5 THE COURT: THAT'S FINE.

6 MR. ARNOLD: DO YOU HAVE ANY PROBLEM WHEN I PUT HIM  
7 ON THEN?

8 THE COURT: IF HE IS WILLING TO TESTIFY, I HAVE NO  
9 PROBLEMS WHEN YOU PUT HIM ON THE STAND.

10 MR. ARNOLD: BECAUSE HE IS GOING TO BE LOCKED UP.

11 THE COURT: THAT'S ALL -- WELL, WE'LL TAKE THAT UP  
12 AT 3:30 AS FAR AS HIM POSTING A BOND WHEN HIS LAWYER IS  
13 HERE.

14

15 (RECESS.)

16

17 (THE FOLLOWING PROCEEDINGS WERE  
18 HELD IN OPEN COURT OUTSIDE THE  
19 PRESENCE OF THE JURY:)

20

21 THE COURT: ALL RIGHT. RECALL THE CASE OF REGIS  
22 THOMAS. MR. THOMAS IS PRESENT. RESPECTIVE COUNSEL. WE  
23 ARE OUT OF THE PRESENCE OF THE JURORS.

24 YES, MR. ARNOLD, DO YOU WANT TO APPROACH?

25 MR. ARNOLD: NO, I WANT TO DO IT IN OPEN COURT.

26 THE COURT: GO AHEAD.

27 MR. ARNOLD: WHEN WE TOOK THE RECESS JUST NOW,  
28 LIEUTENANT WRIGHT MENTIONED TO ME THAT MISS JORDAN WAS

1 CONCERNED ABOUT SOMETHING.

2 I ASKED MISS JORDAN WHAT SHE WAS CONCERNED  
3 ABOUT, AND SHE TOLD ME THAT WHEN THE RECESS BEGAN, THE  
4 YOUNG LADY IN THE BURGUNDY OUTFIT SEATED IN THE FOURTH ROW  
5 IN THE MIDDLE OF THE COURTROOM STATED TO MISS JORDAN THAT  
6 THE DEFENDANT WAS HER BOYFRIEND AND SHE SHOULDN'T BE DOING  
7 THIS.

8 CONSIDERING THE NATURE OF THE CASE AND MISS  
9 JORDAN'S CONCERNS, I AM REQUESTING THAT YOU EXCLUDE THIS  
10 PERSON FROM THE COURTROOM FOR THE BALANCE OF THE CASE.

11 IN ADDITION, I AM, OF COURSE, SAYING IT TO  
12 YOU, BUT I KNOW THE LADY CAN HEAR ME, THAT IF IT WERE TO  
13 BE BROUGHT TO MY ATTENTION THAT THERE IS ANY FURTHER  
14 CONTACT WITH MISS JORDAN OR ANY OTHER PROSECUTION WITNESS  
15 IN CONNECTION WITH THIS CASE, I WILL DO MY BEST TO HAVE  
16 HER ARRESTED AND PROSECUTED FOR DISSUADING AND  
17 INTIMIDATING A WITNESS.

18 THE COURT: MR. JAFFE, DO YOU WANT TO BE HEARD AT  
19 ALL?

20 MR. JAFFE: YES, I DO, YOUR HONOR.

21 I SHARED MR. ARNOLD'S CONCERN. WE HAVE GONE  
22 TO GREAT LENGTHS THAT NO WITNESSES BE TALKED TO. SO WE  
23 DON'T EVEN WANT THE APPEARANCE OF DISSUASION OF A WITNESS  
24 BECAUSE IT WOULD COME BACK TO HAUNT MR. THOMAS.

25 HE IS SITTING HERE. HE IS LISTENING. HE DID  
26 NOT TELL ANYONE IN THE AUDIENCE TO DO ANYTHING OR SAY  
27 ANYTHING. SO I SHARE MR. ARNOLD'S CONCERN, AND I HAVE NO  
28 OBJECTION IF SHE IS REMOVED.



1 I DID ASK HER WHETHER OR NOT SHE SAID  
2 ANYTHING. SHE DENIES IT. WHETHER SHE SAID SOMETHING OR  
3 DIDN'T SAY SOMETHING, ON THE SIDE OF CAUTION I WOULD AGREE  
4 THAT SHE SHOULD BE REMOVED.

5 THE COURT: ALL RIGHT.

6 MR. JAFFE: BUT, YOUR HONOR, AS THE COURT KNOWS  
7 THROUGH THE COURSE OF THIS TRIAL, WE HAVE TRIED TO BE  
8 CERTAIN THAT THERE IS NO WITNESS WHO IS DISSUADED.

9 MR. THOMAS HAS ABSOLUTELY NO CONTROL OVER  
10 WHAT SOMEONE ELSE MAY DO OR MAY SAY. AND I THINK IT WOULD  
11 BE TOTALLY INAPPROPRIATE IF A MATTER LIKE THIS, OVER WHICH  
12 MR. THOMAS HAS NO CONTROL, WERE TO BE BROUGHT TO THE  
13 ATTENTION OF THE JURY.

14 THE COURT: ALL RIGHT. WHICH ONE IS THE LADY YOU  
15 ARE REFERRING TO?

16 MR. ARNOLD: IT'S THE LADY -- IT'S -- WELL, THE  
17 ONLY LADY IN THE ROW WITH THE BURGUNDY OUTFIT.

18 THE COURT: I CANNOT SEE. CAN YOU STAND UP, MISS.

19 ALL RIGHT. MISS, WHAT IS YOUR NAME?

20 MS. PEOPLES: LENE. E.

21 THE COURT: WHAT IS YOUR LAST NAME?

22 MS. PEOPLES: PEOPLES.

23 THE COURT: ALL RIGHT. MISS PEOPLES, I AM GOING TO  
24 ORDER THAT YOU ARE EXCLUDED FROM THIS CASE. AND LET ME --  
25 I'LL ADD SOMETHING TO IT ALSO.

26 I DON'T KNOW. OF ALL THE PEOPLE SITTING OUT  
27 IN THE AUDIENCE, YOU ARE THE ONE WHO CAUGHT MY EYE. IF  
28 YOU WANT TO CALL IT THE EVIL EYE, THE LOOK, WHATEVER YOU

1 CALL IT ON THE STREET OR I HAVE SEEN IT FROM PEOPLE IN  
2 COURTROOMS THAT ARE VERY UNHAPPY WITH THINGS THAT I DO,  
3 THAT WAS ON YOUR FACE AT ONE PORTION WHEN THE WITNESS WAS  
4 TESTIFYING.

5 I INTENTIONALLY MADE A POINT OF LOOKING AT  
6 THE WITNESS TO SEE IF IN FACT YOU HAD CAUGHT HER EYE. YOU  
7 HAD NOT -- IT DIDN'T APPEAR YOU HAD CAUGHT HER EYE FROM  
8 WHAT I COULD SEE. YOU MAY. YOU MAY NOT HAVE.

9 YOU WERE SITTING RELATIVELY CLOSE TO THE  
10 SUPPORT PERSON THAT IS SEATED IN THE SECOND ROW IN THE  
11 AUDIENCE.

12 SO I DON'T KNOW WHAT THE WITNESS' FOCUS WAS,  
13 WHETHER IT WAS ON THE SUPPORT PERSON OR -- I DON'T BELIEVE  
14 IT WAS ON YOU. BUT, TRULY, MAYBE THAT IS JUST THE WAY  
15 THAT YOU SHOW YOUR EMOTION OR YOUR CONCERN, BUT I SITTING  
16 UP HERE IF I WERE A WITNESS MAY HAVE TAKEN IT A DIFFERENT  
17 WAY.

18 THEREFORE, YOU ARE EXCLUDED FROM FURTHER  
19 PROCEEDINGS IN THIS CASE, AND YOU ARE TO HAVE NO CONTACT  
20 WHATSOEVER WITH ANY WITNESS IN THIS CASE, PROSECUTION OR  
21 DEFENSE WITNESS.

22 DO YOU UNDERSTAND THAT?

23 MS. PEOPLES: (NODS HEAD.)

24 THE COURT: YES OR NO?

25 MS. PEOPLES: YES.

26 THE COURT: THANK YOU. YOU CAN LEAVE NOW.

27 ARE YOU READY TO PROCEED?

28 MR. ARNOLD: WELL, JUST BEFORE YOU BRING THE JURY

1 OUT, I KNOW THAT MISS PEOPLES HAD SOME OTHER ACQUAINTANCES  
2 OR FRIENDS IN THE COURTROOM, AND I JUST HOPE THAT THEY  
3 REALIZE THAT MY STATEMENTS, MR. JAFFE'S STATEMENTS, AND  
4 YOUR STATEMENTS DO NOT APPLY EXCLUSIVELY TO MISS PEOPLES,  
5 AND THAT SHOULD ANYBODY CONTACT ANY PROSECUTION WITNESS,  
6 THE SAME THING WILL OCCUR.

7 AND IF THEY -- IF THERE IS A POSSIBLE  
8 ARRESTABLE OFFENSE, I WILL DO MY BEST TO SEE TO IT THAT  
9 THAT PARTICULAR PERSON IS ARRESTED AND PROSECUTED.

10 MR. JAFFE: AND IF I COULD ADD TO THAT, YOUR HONOR.  
11 IF THERE IS ANYONE IN THE COURTROOM WHO HAPPENS TO BE A  
12 FRIEND, RELATIVE, OR ASSOCIATE OR IN ANY WAY CONNECTED  
13 WITH REGIS THOMAS, THAT I DO NOT WANT ANY OF THOSE PEOPLE  
14 CONTACTING EITHER DIRECTLY OR INDIRECTLY ANY WITNESS  
15 WHATSOEVER.

16 YOU ARE NOT DOING MR. THOMAS A SERVICE BY  
17 CONTACTING OR TRYING TO DISSUADE OR LOOKING AT ANY WITNESS  
18 IN ANY EVIL WAY.

19 I AM NOT SAYING THAT IT HAS BEEN DONE OR IT  
20 HAS NOT BEEN DONE, BUT I AM JUST TRYING TO ERR ON THE SIDE  
21 OF CAUTION. THAT IF SOMETHING LIKE THAT IS HAPPENING, WE  
22 CERTAINLY DON'T WANT THAT HAPPENING.

23 THE COURT: ALL RIGHT. ONE OTHER THING BEFORE I  
24 BRING THE JURORS OUT. THE ISSUE THAT WE TALKED ABOUT AT  
25 THE SIDEBAR, I'M GOING TO DEFER RULING ON IT UNTIL  
26 TOMORROW BECAUSE I WANT TO READ THE TRANSCRIPT. I WANT TO  
27 HEAR FURTHER TESTIMONY AND THEN READ THE TRANSCRIPT AS FAR  
28 AS WHAT YOUR OFFER OF PROOF WAS.

1 ALL RIGHT. CAN YOU PROCEED WITH WHAT YOU --

2 MR. JAFFE: I CAN. I CAN.

3 THE COURT: WHAT I WILL DO IS YOU CAN GO AND WHEN  
4 YOU HAVE COMPLETED YOUR CROSS-EXAMINATION, I'LL BREAK FOR  
5 THE DAY IF IT'S -- IF IT DOESN'T CONSUME THE WHOLE TIME.

6 MR. JAFFE: WITH ALL DUE RESPECT TO THE WITNESS, I  
7 WANTED TO CONCLUDE TODAY SO THAT SHE DID NOT HAVE TO  
8 RETURN TOMORROW. BUT IF THE COURT WISHES TO DEFER IT  
9 BECAUSE WE HAVE TO TAKE UP THE ISSUE OF MR. COOKSEY AT  
10 3:30, SO BE IT.

11 THE COURT: I WILL.

12 MR. JAFFE: I WAS JUST TRYING TO SAVE THE WITNESS  
13 THE ANXIETY OF HAVING TO RETURN TOMORROW.

14 THE COURT: ALL RIGHT.

15 MISS JORDAN, CAN YOU RESUME THE WITNESS  
16 STAND, PLEASE.

17 MR. JAFFE: AGAIN, YOUR HONOR, ON THIS ISSUE,  
18 HOWEVER -- I'LL WAIT.

19 THE COURT: IT'S OKAY. GO AHEAD.

20 MR. JAFFE: ON THIS ISSUE WHAT JUST OCCURRED, I  
21 WOULD ASK THE COURT THAT THAT NOT BE --

22 THE COURT: AT THIS TIME IT IS PRECLUDED FROM ANY  
23 COUNSEL RAISING IT.

24 MR. ARNOLD: I DON'T INTEND TO ASK ANY QUESTIONS OF  
.25 MISS JORDAN REGARDING WHAT THE SPECTATOR SAID.

26 THE COURT: ALL RIGHT. JUST SO THAT EVERYBODY IS  
27 CLEAR, MA'AM, YOU JUST CAME IN WITH A CHILD. THAT'S FINE  
28 AS LONG AS THE CHILD IS QUIET.

1 IF THE CHILD STARTS TO TALK OR WHATEVER, FOR  
2 THE PURPOSES OF THE COURT REPORTERS, I WOULD ASK THAT YOU  
3 TAKE THE CHILD OUTSIDE.

4 THE ONE THING I WOULD ASK YOU NOT TO DO,  
5 SINCE I HAVE CHILDREN OF MY OWN, IS COVER HIS MOUTH  
6 BECAUSE THEN ALL THAT WILL HAPPEN IS HE WILL SCREAM  
7 LOUDER. ALL RIGHT.

8 THANK YOU.

9 MR. JAFFE OR MR. ARNOLD, DO YOU HAPPEN TO  
10 HAVE THE SPELLING OF THE PERSON'S NAME THAT I EXCLUDED  
11 FROM THE COURTROOM?

12 MR. ARNOLD: I BELIEVE IT WILL BE PEOPLES, COMMON  
13 SPELLING.

14 THE CLERK: FIRST NAME?

15 THE COURT: AND THE FIRST NAME WAS?

16 MR. ARNOLD: LENEER IS WHAT I HEARD.

17 MR. JAFFE: I DON'T KNOW THE SPELLING.

18 THE COURT: WE'LL DO IT PHONETICALLY, THE BEST WE  
19 CAN.

20 MR. JAFFE: WE'LL GET IT.

21 THE COURT: ALL RIGHT. LET'S BRING THE JURORS OUT,  
22 PLEASE.

23 MR. ARNOLD: I AM GOING TO HAVE REDIRECT ANYWAY.

24 SO --

25 THE COURT: FINE.

26

27

28

1 (THE JURORS ENTERED THE  
2 COURTROOM AND THE FOLLOWING  
3 PROCEEDINGS WERE HELD:)  
4

5 THE COURT: ALL RIGHT. THE RECORD SHOULD REFLECT  
6 THAT THE JURORS AND THE ALTERNATES ARE NOW PRESENT, AND  
7 MISS JORDAN IS ON THE WITNESS STAND.

8 MA'AM, AGAIN I JUST WANT TO REMIND YOU, YOU  
9 ARE STILL UNDER OATH.

10 DO YOU UNDERSTAND THAT?

11 THE WITNESS: YES.

12 THE COURT: THANK YOU.

13 MR. JAFFE.

14 MR. JAFFE: THANK YOU, YOUR HONOR.

15 Q. MISS JORDAN, WHEN WE TOOK THE BREAK, I WAS  
16 ASKING YOU WHETHER OR NOT YOU ACTUALLY EVER SAW THE FRONT  
17 FACE OF THE PERSON THAT SHOT THE OFFICERS.

18 A. WELL, AS HE WAS COMING UP IN THE -- IN THE  
19 TRUCK, I COULD SEE THAT THERE WAS ONE PERSON AND THEIR  
20 FACE, BUT I DID NOT SEE HIS --

21 MR. ARNOLD: YOUR HONOR, I'M SORRY. I CANNOT HEAR.

22 THE COURT: CAN YOU SAY THAT LOUDER, MA'AM.

23 THE WITNESS: AS HE WAS COMING UP BEHIND US IN THE  
24 TRUCK, I CAN SEE THAT THERE WAS ONE PERSON, BUT I DIDN'T  
25 EXACTLY SEE HIS FACE FEATURES, NO.

26 Q. BY MR. JAFFE: WERE YOU AT A DISTANCE WHICH  
27 WOULD HAVE BEEN TOO FAR FOR YOU TO MAKE OUT THE FACE OF  
28 THE PERSON WHO WAS DRIVING THE RED TRUCK AT THE TIME YOU

1 SAW THE TRUCK DRIVING ON ROSECRANS BOULEVARD -- THAT'S TOO  
2 LONG OF A QUESTION.

3 LET ME ASK YOU THIS: WHEN YOU SAW THE TRUCK  
4 DRIVING ON ROSECRANS AFTER YOU HAD ALREADY PASSED THE  
5 CRIME SCENE AND YOU SAW ONE PERSON DRIVING IN THE RED  
6 TRUCK, THAT WAS AT A DISTANCE WHICH WOULD HAVE BEEN TOO  
7 FAR FOR YOU TO MAKE OUT THE FACE; RIGHT?

8 A. NO, IT'S NOT THAT. IT'S JUST THAT THE LIGHTS  
9 WERE SO BRIGHT.

10 Q. I HAVE A RENDERING WHICH HAS BEEN PREVIOUSLY  
11 MARKED AS PEOPLE'S 36.

12 THIS IS A -- HAVE YOU EVER SEEN THIS ARTIST  
13 RENDERING?

14 A. NO.

15 Q. NO.

16 WHEN YOU WERE DRIVING WESTBOUND WITH MRS.  
17 GULLY ON ROSECRANS --

18 A. YES.

19 Q. -- BEFORE YOU GOT TO THE POLICE OFFICERS'  
20 CAR, YOU SAW THE TWO POLICE OFFICERS; RIGHT? OR DID YOU?

21 A. I DON'T REMEMBER.

22 Q. DO YOU REMEMBER WHEN YOU FIRST SAW THE POLICE  
23 OFFICERS, WAS THAT BEFORE OR AFTER THE SHOTS WERE FIRED?

24 A. I'M NOT SURE. I DON'T KNOW.

25 THE COURT: I'M SORRY. WHAT DID YOU SAY?

26 THE WITNESS: I DON'T REMEMBER. I DON'T REMEMBER.

27 Q. BY MR. JAFFE: BUT YOU DO HAVE A MEMORY TODAY  
28 THAT YOU DID SEE THE POLICE OFFICERS AFTER SHOTS WERE

1 FIRED?

2 A. YES, I SEEN THE -- YES.

3 Q. WOULD -- I DON'T WANT TO INTERRUPT YOU.

4 A. YES.

5 Q. BEFORE THE SHOTS WERE FIRED, DO YOU HAVE ANY  
6 MEMORY OF SEEING THE POLICE OFFICERS OUT OF THEIR BLACK  
7 AND WHITE VEHICLE?

8 A. I DON'T REMEMBER, NO.

9 Q. BEFORE THE SHOTS WERE FIRED, DID YOU EVER SEE  
10 A SUSPECT GET OUT OF A RED TRUCK?

11 A. NO.

12 Q. YOU HAVE TO SPEAK UP.

13 A. NO.

14 Q. BEFORE THE SHOTS WERE FIRED, DID YOU EVER SEE  
15 A SUSPECT WRESTLING WITH THE POLICE OFFICERS?

16 WHAT I MEAN BY THAT IS DID YOU -- I SEE YOU  
17 ARE SHAKING YOUR HEAD.

18 A. NO, I DID NOT. NO.

19 Q. NO. ALL RIGHT.

20 AS YOU ARE DRIVING WESTBOUND IN MRS. GULLY'S  
21 CAR BEFORE THE SHOTS WERE FIRED, DID YOU EVER SEE TWO  
22 POLICE OFFICERS WITH A SUSPECT IN THE MANNER DEPICTED IN  
23 THIS RENDERING, WHICH IS PEOPLE'S 36?

24 A. I DON'T REMEMBER.

25 Q. ON APRIL 20TH, OFFICERS WENT TO SEE YOU AT A  
26 LOCATION IN WEST HOLLYWOOD TO SHOW YOU SOME PHOTOGRAPHS.

27 DO YOU REMEMBER THAT?

28 MR. ARNOLD: I AM GOING TO OBJECT AS VAGUE AS TO



1 WHICH YEAR.

2 MR. JAFFE: 1993.

3 MR. ARNOLD: OBJECTION WITHDRAWN.

4 THE COURT: DO YOU REMEMBER THAT, MA'AM?

5 THE WITNESS: YES.

6 MR. JAFFE: I HAVE A LINEUP PHOTO, YOUR HONOR,  
7 WHICH I WOULD LIKE TO BE MARKED AS DEFENSE NEXT IN ORDER.

8 THE COURT: S.

9

10 (MARKED FOR I.D.: = PEO'S. S, LINEUP PHOTO.)

11

12 MR. JAFFE: S LIKE SAM?

13 THE COURT: YES.

14 Q. BY MR. JAFFE: MISS JORDAN, I AM SHOWING YOU  
15 A PHOTOGRAPH OF SIX PEOPLE WHO APPEAR TO BE STANDING, AND  
16 ASK YOU IF YOU HAVE EVER SEEN THIS PHOTOGRAPH BEFORE?

17 A. I SEEN IT TODAY.

18 Q. HAVE YOU EVER SEEN IT BEFORE TODAY?

19 A. NO, NOT THAT I REMEMBER.

20 Q. WERE YOU EVER SHOWN A PHOTOGRAPH BY ANY  
21 POLICE OFFICER WHERE REGIS THOMAS' PHOTOGRAPH WAS IN THE  
22 GROUP OF PHOTOGRAPHS?

23 A. NOT THAT I CAN REMEMBER, NO.

24 MR. JAFFE: YOUR HONOR, I HAVE A SERIES OF THREE  
25 PHOTOGRAPHS. ONE IS A FRONT VIEW, ONE IS A RIGHT PROFILE,  
26 AND ONE IS A LEFT PROFILE.

27 MAY FRONT VIEW BE MARKED AS --

28 THE COURT: T.

1 (MARKED FOR I.D.: = DEFT'S. T, FRONT VIEW  
2 PHOTOGRAPH.)  
3

4 MR. JAFFE: THE RIGHT PROFILE U.

5 THE COURT: ALL RIGHT.  
6

7 (MARKED FOR I.D.: = DEFT'S. U, RIGHT PROFILE)  
8

9 MR. JAFFE: AND THE LEFT PROFILE V LIKE VICTOR.

10 THE COURT: OKAY.  
11

12 (MARKED FOR I.D.: = DEFT'S. V, LEFT PROFILE)  
13

14 Q. BY MR. JAFFE: WHEN THE PERSON DRIVING THE  
15 TRUCK WAS DRIVING TO THE RIGHT OF MRS. GULLY'S CAR, YOU  
16 WERE ABLE TO SEE THE LEFT SIDE OF THE PERSON'S FACE;  
17 CORRECT?

18 A. YES.

19 Q. AND THE AMOUNT OF TIME THAT YOU HAD TO SEE,  
20 MAKE YOUR OBSERVATION OF THE LEFT SIDE OF THE PERSON'S  
21 FACE, WOULD YOU AGREE THAT THAT WAS A MOMENTARY PERIOD OF  
22 TIME?

23 A. WELL, A FEW SECONDS. I KIND OF FOLLOWED HIM  
24 WITH MY EYES AS HE CAME UP AND THEN KEPT GOING.

25 Q. NOW, THE CAR, THE RED TRUCK WAS DRIVING  
26 CONSIDERABLY FASTER THAN MRS. GULLY'S CAR; RIGHT?

27 A. YES.

28 Q. MRS. GULLY'S CAR -- CAN YOU ESTIMATE SPEEDS

1 VERY WELL?

2 A. NO.

3 Q. YOU'VE DRIVEN IN A CAR A NUMBER OF TIMES?

4 A. YES.

5 Q. HAVE YOU DRIVEN A CAR WITH MRS. GULLY A  
6 NUMBER OF TIMES?

7 A. YES.

8 Q. DOES SHE APPEAR TO DRIVE ABOUT THE SAME SPEED  
9 EVERY TIME YOU ARE DRIVING IN HER CAR?

10 A. YES.

11 Q. IT DOESN'T APPEAR TO BE TOO FAST?

12 A. NOT TOO SLOW EITHER.

13 Q. AND NOT TOO SLOW. THAT WAS MY NEXT QUESTION.  
14 AND NOT TOO SLOW. JUST REGULAR?

15 A. YES.

16 Q. NOW, THE TRUCK, WAS THAT BEING DRIVEN FAST?

17 A. SORT OF, YEAH -- YES.

18 Q. AND DID YOU SEE THE TRUCK TURN ON CENTRAL?

19 A. YES.

20 Q. AND WHEN THE TRUCK TURNED ON CENTRAL, DIDN'T  
21 THE WHEELS MAKE KIND OF A SQUEALING SOUND?

22 A. I DON'T REMEMBER. I DON'T REMEMBER.

23

24

25

26

27

28

1 Q. WHEN YOU LOOKED TO YOUR RIGHT AND MADE YOUR  
2 OBSERVATION OF A PERSON DRIVING THE TRUCK, WERE THE  
3 WINDOWS TINTED TO THE EXTENT THAT YOU COULD NOT SEE ANY  
4 FACIAL HAIR ON THE PERSON'S FACE IF THE PERSON HAD  
5 FACIAL HAIR?

6 MR. ARNOLD: OBJECT. THAT IS SPECULATION.

7 THE COURT: I'LL SUSTAIN IT.

8 MR. JAFFE: I'LL RESTATE THE QUESTION.

9 Q. DO YOU KNOW WHETHER THE PERSON HAD ANY  
10 FACIAL HAIR, THE PERSON THAT YOU SAW DRIVING THE TRUCK?

11 A. I DON'T REMEMBER.

12 Q. AND WHY IS IT THAT YOU DON'T REMEMBER?

13 A. I DON'T KNOW IF THEY DID OR DIDN'T.

14 Q. WERE THE WINDOWS TOO DARK FOR YOU TO SEE  
15 THAT?

16 A. NO.

17 Q. WAS THERE ANYTHING UNIQUE ABOUT THE  
18 PERSON'S FACE THAT YOU SAW?

19 A. JUST NOT THE FACE BUT THE HEAD. KIND OF --  
20 I DON'T WANT TO TALK ABOUT IT, BUT KIND OF LIKE A PEANUT  
21 HEAD.

22 Q. AND WHEN YOU SAW THAT, DID YOU HAPPEN TO  
23 SEE ANYTHING ELSE ABOUT THE FACE OF THE PERSON?

24 A. NO.

25 MR. JAFFE: MAY I APPROACH, YOUR HONOR?

26 THE COURT: YES.

27 Q. BY MR. JAFFE: I'M SHOWING YOU A SIDE VIEW  
28 WHICH IS THE LEFT SIDE VIEW.

1 DO YOU SEE THAT LEFT SIDE VIEW?

2 A. YES.

3 Q. DO YOU SEE THE HAIR ON THE GOATEE?

4 A. YES.

5 Q. DID YOU EVER SEE THAT HAIR THAT NIGHT ON  
6 THE PERSON DRIVING THE TRUCK?

7 A. NOT THAT I CAN REMEMBER.

8 Q. WELL, THINK ABOUT IT, IF YOU CAN. IF YOU  
9 DID, YOU DID. IF YOU DIDN'T, YOU DIDN'T. LET US KNOW  
10 ONE WAY OR THE OTHER.

11 A. I DON'T REMEMBER. NO, I DON'T KNOW.

12 Q. WOULD YOU AGREE WITH ME, MS. JORDAN, THAT  
13 IF YOU HAD, YOU DIDN'T KNOW REGIS THOMAS BEFORE YOU SAW  
14 HIM IN ALL THESE COURT PROCEEDINGS; IS THAT RIGHT?

15 YOU DIDN'T KNOW HIM FROM BEFORE; RIGHT?

16 A. I DIDN'T KNOW HIM BUT I SEEN HIM.

17 Q. WELL, MY QUESTION IS, I KNOW YOU'RE SAYING  
18 THAT HE'S THE PERSON THAT YOU SAW ON FEBRUARY 22ND;  
19 RIGHT?

20 A. YES.

21 Q. BEFORE FEBRUARY 22ND, HAD YOU EVER SEEN  
22 REGIS THOMAS BEFORE?

23 A. NO.

24 Q. SO ON FEBRUARY 22ND, YOU DIDN'T KNOW REGIS  
25 THOMAS; CORRECT?

26 A. YES.

27 Q. AND WOULD YOU AGREE WITH ME THAT YOU WOULD  
28 BE MORE CERTAIN IN YOUR IDENTIFICATION OF THE PERSON

1 THAT WAS DRIVING THE TRUCK AS BEING REGIS THOMAS IF YOU  
2 HAD KNOWN HIM BEFORE?

3 MR. ARNOLD: OBJECT. SPECULATION.

4 THE COURT: IT'S OVERRULED.

5 DO YOU UNDERSTAND HIS QUESTION?

6 THE WITNESS: CAN YOU REPEAT THE QUESTION?

7 Q. BY MR. JAFFE: YES.

8 YOU WILL AGREE THAT YOU HAVE BEEN ASKED TO  
9 IDENTIFY SOMEBODY WHO YOU SAW SHOOT THE POLICE OFFICERS;  
10 RIGHT?

11 A. RIGHT.

12 Q. AND THE PERSON THAT YOU WERE IDENTIFYING AS  
13 HAVING SHOT THE POLICE OFFICERS IS A STRANGER TO YOU;  
14 RIGHT?

15 A. YES.

16 Q. AND YOU WOULD AGREE THAT IF THE PERSON WERE  
17 NOT A STRANGER TO YOU AND THAT IF YOU KNEW THE PERSON,  
18 THAT YOU WOULD BE MORE CERTAIN IN YOUR IDENTIFICATION  
19 BECAUSE YOU WOULD HAVE KNOWN WHO THE PERSON IS; RIGHT?

20 A. I'M CERTAIN NOW.

21 Q. AFTER YOU MADE YOUR OBSERVATIONS ON THE  
22 EVENING OF FEBRUARY 22ND, DID YOU EVER TELL ANY FAMILY  
23 MEMBER THAT YOU COULD IDENTIFY THE PERSON THAT SHOT THE  
24 POLICE OFFICERS?

25 A. I DON'T REMEMBER. I DON'T REMEMBER.

26 Q. IS THERE A PERSON THAT IS YOUR BEST FRIEND  
27 THAT YOU CONFIDE IN?

28 A. NO.

1 Q. DO YOU HAVE ANY PERSON THAT YOU WILL SIT  
2 DOWN WITH AND CONFIDE IN?

3 DO YOU KNOW WHAT I MEAN BY "CONFIDE"?

4 A. YES, I UNDERSTAND WHAT YOU'RE SAYING.

5 Q. DO YOU HAVE A GIRLFRIEND THAT YOU WOULD DO  
6 THAT WITH?

7 A. NO.

8 Q. DO YOU HAVE ANY CLOSE FRIENDS?

9 A. YES.

10 Q. AND DO YOU HAVE A NUMBER OF CLOSE FRIENDS?

11 A. A FEW.

12 Q. MORE THAN THREE?

13 A. YES.

14 Q. DID YOU EVER TELL ANY OF THOSE THREE  
15 FRIENDS IN CONFIDENCE THAT YOU COULD IDENTIFY THE PERSON  
16 THAT SHOT THE POLICE?

17 A. I NEVER REALLY TALKED -- I NEVER REALLY  
18 TALKED TO ANYONE ABOUT IT, NO.

19 Q. WAS THERE EVER A TIME WHEN YOU WERE ALONE  
20 WITH A FRIEND WHEN YOU SAID, "YOU KNOW SOMETHING? I  
21 KNOW WHO SHOT THE POLICE, BUT I JUST DON'T WANT TO GET  
22 INVOLVED"?

23 DID YOU EVER TELL ANYONE THAT?

24 A. YES.

25 Q. PARDON ME?

26 A. YES.

27 Q. DID YOU TELL A FRIEND THAT?

28 A. YES.

1 Q. AND WHAT FRIEND DID YOU TELL THAT?

2 A. NICOLE.

3 Q. NICOLE?

4 A. YES.

5 Q. AND IS NICOLE A FRIEND OF YOURS?

6 A. YES.

7 Q. DID YOU TELL NICOLE THAT BEFORE OR AFTER  
8 THE PRELIMINARY HEARING, IF YOU REMEMBER?

9 A. I DON'T KNOW.

10 Q. EXCUSE ME?

11 A. I DON'T KNOW. I STILL -- I DON'T KNOW.

12 Q. YOU DON'T KNOW?

13 A. (SHAKES HEAD FROM SIDE TO SIDE.)

14 Q. DO YOU REMEMBER AT THE PRELIMINARY HEARING  
15 THIS QUESTION WAS ASKED OF YOU, PAGE 116.

16 "DID YOU EVER TELL A FRIEND THAT YOU COULD  
17 IDENTIFY THE PERSON THAT SHOT THE POLICE  
18 OFFICERS?

19 "A. NO."

20 DO YOU REMEMBER THAT QUESTION AND THAT  
21 ANSWER?

22 A. YES.

23 Q. WERE YOU TELLING THE TRUTH THEN?

24 A. YES.

25 Q. YOU WERE ASKED, DID YOU EVER -- THAT SAME

26 PAGE:

27 "DID YOU EVER TELL A CLOSE RELATIVE THAT  
28 YOU CAN IDENTIFY THE PERSON THAT SHOT THE POLICE



1 OFFICERS?

2 "A. NO."

3 DO YOU REMEMBER THAT?

4 A. YES.

5 Q. BEFORE YOU TESTIFIED AT THE PRELIMINARY  
6 HEARING, YOU MET THE LADY THAT HAS BEEN IDENTIFIED,  
7 DIANE, WHO IS HERE IN THE SECOND ROW AND SHE IS WEARING  
8 A LIGHT BROWN OUTFIT?

9 A. YES.

10 Q. YOU MET DIANE DOWNSTAIRS AT THE PRELIMINARY  
11 HEARING; RIGHT?

12 A. YES.

13 Q. AND YOU FELT MORE COMFORTABLE TESTIFYING IF  
14 SHE WAS PRESENT; RIGHT?

15 A. YES.

16 Q. BEFORE YOU TESTIFIED IN THE PRELIMINARY  
17 HEARING, YOU REALIZE THAT SHE WAS SORT OF A CONFIDANT OF  
18 YOURS TO GIVE YOU SUPPORT; RIGHT?

19 A. YES.

20 Q. TO HELP YOU ALONG IN YOUR TESTIMONY; RIGHT?

21 A. YES.

22 Q. DID YOU EVER TELL HER IN CONFIDENCE THAT  
23 YOU COULD IDENTIFY THE PERSON THAT SHOT THE POLICE  
24 OFFICERS?

25 A. BEFORE?

26 Q. YES. BEFORE YOU TESTIFIED AT THE  
27 PRELIMINARY HEARING.

28 A. NO, I DIDN'T KNOW HER. DIDN'T EVEN KNOW

1 HER.

2 Q. YOU MET HER BEFORE YOU TESTIFIED; RIGHT?

3 A. FOR MAYBE AN HOUR OR SO, BUT I'M NOT GOING  
4 TO TELL HER THAT. I DIDN'T EVEN KNOW HER.

5 Q. SO WHAT YOU'RE SAYING IS, THAT IS SOMETHING  
6 THAT YOU WOULDN'T TELL HER BUT YOU WOULD TELL A CLOSE  
7 FRIEND?

8 A. MAYBE.

9 Q. WELL, YOU TOLD US THAT BEFORE THE  
10 PRELIMINARY HEARING -- WHEN I ASKED YOU AT THE  
11 PRELIMINARY HEARING IF YOU TOLD THE CLOSE FRIEND, YOU  
12 SAID YOU DIDN'T.

13 A. I DIDN'T.

14 Q. SO YOU DIDN'T TELL ANYONE BEFORE THE  
15 PRELIMINARY HEARING THAT YOU COULD IDENTIFY THE PERSON  
16 THAT SHOT THE POLICE OFFICERS; CORRECT?

17 AM I CORRECT?

18 A. YES.

19 Q. ON APRIL 6TH YOU SAW SOMEONE SURRENDER ON  
20 THE NEWS.

21 DO YOU REMEMBER THAT?

22 A. YES.

23 Q. AFTER YOU SAW THE PERSON SURRENDER ON THE  
24 NEWS, DID YOU THEN GO TO THE POLICE AND SAY, "THE PERSON  
25 THAT WAS ON THE NEWS IS THE PERSON THAT I SAW SHOOT THE  
26 POLICE OFFICERS"?

27 A. NO.

28 Q. AFTER YOU SAW THE PERSON SURRENDER ON THE

1 NEWS AND THAT WAS ON APRIL 6TH; RIGHT?

2 A. I GUESS. I DON'T KNOW THE EXACT DATE, NO.

3 Q. LET ME, PAGE 117 PRELIMINARY HEARING  
4 TRANSCRIPT, LINE 4.

5 "Q. ALICIA, DO YOU REMEMBER WHETHER A  
6 PERSON SURRENDERED TO THE POLICE DEPARTMENT AND  
7 WAS IDENTIFIED AS BEING THE PERSON OR THE SUSPECT  
8 WHO SHOT THE POLICE?

9 DO YOU REMEMBER THAT HAPPENING?

10 "A. YES.

11 "Q. ON APRIL 6TH, DO YOU REMEMBER THAT  
12 HAPPENING?

13 "A. YES.

14 "Q. DID YOU -- DID YOU WATCH TELEVISION  
15 THAT TIME?

16 "A. YES.

17 "Q. DID YOU SEE THE PERSON WHO  
18 SURRENDERED?

19 "A. YES."

20 SO DO YOU REMEMBER THOSE QUESTIONS AND  
21 THOSE ANSWERS?

22 A. YES.

23 Q. AND AFTER YOU SAW THIS PERSON SURRENDER,  
24 DID YOU EVER TELL ANY FRIENDS THAT THE GUY WHO  
25 SURRENDERED ON TV IS THE GUY WHO SHOT THE POLICE?

26 A. NO.

27 Q. DID YOU EVER TELL A RELATIVE THAT THE GUY  
28 WHO SURRENDERED IS THE GUY WHO SHOT THE POLICE?

1 A. NO.

2 MR. JAFFE: CAN I JUST HAVE ONE MOMENT, YOUR  
3 HONOR?

4 THE COURT: ALL RIGHT.

5 Q. BY MR. JAFFE: MS. JORDAN, YOU INDICATED  
6 THAT THERE IS SOMETHING ABOUT THE SHAPE OF MR. THOMAS'  
7 HEAD THAT MAKES YOU BELIEVE THAT HE'S THE SAME PERSON  
8 YOU SAW IN THE TRUCK THAT PASSED YOU BY.

9 DO YOU REMEMBER THAT YOU JUST MADE SOME  
10 COMMENT A LITTLE WHILE AGO?

11 A. YES.

12 Q. ABOUT THE SHAPE OF HIS HEAD; DO YOU  
13 REMEMBER THAT?

14 A. YES.

15 Q. DO YOU REMEMBER THIS QUESTION THAT WAS  
16 ASKED OF YOU AT THE PRELIMINARY HEARING AT PAGE 116.

17 "Q. CAN YOU DESCRIBE WHAT IT IS ABOUT  
18 MR. THOMAS THAT MAKES YOU BELIEVE THAT HE IS THE  
19 PERSON THAT YOU SAW ON FEBRUARY 22ND OUT ON  
20 ROSECRANS NEAR DWIGHT?

21 "A. NO.

22 "Q. IS THERE SOMETHING ABOUT HIS FACE,  
23 SOME SPECIAL FEATURE ABOUT HIS FACE WHICH MAKES  
24 YOU BELIEVE THAT HE IS THE SAME PERSON THAT YOU  
25 SAW THAT NIGHT?

26 "A. SEEING THE POLICE OFFICERS THAT  
27 NIGHT GET SHOT AND SEEING HIS FACE, BUT NO  
28 FEATURES.

1 "Q. SO YOU CAN'T REMEMBER ANY SPECIAL  
2 FEATURE ABOUT THE PERSON'S FACE; IS THAT RIGHT?

3 AM I RIGHT?

4 "A. RIGHT."

5 DO YOU REMEMBER THOSE QUESTIONS AND THOSE  
6 ANSWERS?

7 A. YES. YOU DIDN'T SAY -- YOU DIDN'T SAY  
8 "HEAD." YOU SAID "FACE."

9 Q. BUT YOU RECALL YOU WERE ASKED AT THE  
10 PRELIMINARY HEARING IF THERE IS ANYTHING ABOUT  
11 MR. THOMAS REGARDLESS OF HIS FACE OR ANYTHING ELSE,  
12 ANYTHING UNIQUE OR DISTINCTIVE ABOUT MR. THOMAS WHICH  
13 CAUSES YOU TO SAY THAT HE'S THE SAME PERSON, AND DO YOU  
14 REMEMBER YOU SAID, "NO"?

15 MR. ARNOLD: I OBJECT. THAT MISSTATES THE  
16 QUESTION. I OBJECT.

17 THE COURT: IT'S OVERRULED.

18 MR. JAFFE: THANK YOU, YOUR HONOR.

19 YOU CAN ANSWER.

20 THE WITNESS: YES.

21 Q. BY MR. JAFFE: I'M SORRY?

22 A. I REMEMBER.

23 Q. WHEN YOU WERE INTERVIEWED BY THE POLICE ON  
24 MARCH 5TH, 1993, YOU MADE NO IDENTIFICATION OF  
25 MR. THOMAS; CORRECT?

26 A. RIGHT.

27 Q. ON MARCH 9TH WHEN YOU WERE INTERVIEWED BY  
28 THE POLICE, YOU MADE NO IDENTIFICATION OF MR. THOMAS;

1 CORRECT?

2 A. OF ANYONE, REALLY.

3 Q. ON APRIL 7TH WHEN YOU SPOKE TO THE POLICE,  
4 YOU DID NOT IDENTIFY MR. THOMAS AS BEING THE PERSON;  
5 RIGHT?

6 A. NO.

7 Q. AT NO TIME BEFORE THE PRELIMINARY HEARING,  
8 AT ANY TIME BEFORE THE PRELIMINARY HEARING DID YOU EVER  
9 TELL THE POLICE THAT REGIS THOMAS WAS THE PERSON THAT  
10 SHOT THE POLICE OR DID YOU EVER IDENTIFY A PHOTOGRAPH OF  
11 REGIS THOMAS AS BEING THE PERSON WHO SHOT THE POLICE?

12 A. I WAS NEVER SHOWN ANY.

13 Q. BUT HAD YOU BEEN SHOWN SOME PHOTOGRAPHS  
14 WHICH CONTAINED A PHOTOGRAPH OF REGIS THOMAS, THEN YOU  
15 WOULD HAVE BEEN IN A POSITION TO IDENTIFY HIM; IS THAT  
16 WHAT YOU'RE SAYING?

17 A. YES.

18 Q. ON JULY 10TH, 1993, WHICH WOULD HAVE BEEN  
19 ABOUT TEN WEEKS OR SO BEFORE THE PRELIMINARY HEARING, DO  
20 YOU RECALL MEETING WITH THE POLICE AGAIN?

21 A. JULY 10TH. I DON'T REMEMBER. I DON'T  
22 KNOW.

23 Q. PARDON ME?

24 A. I DON'T KNOW. I DON'T REMEMBER.

25 Q. DID YOU EVER GO BACK TO THE LOCATION WHERE  
26 THE CRIME OCCURRED?

27 A. YES.

28 Q. AND WHEN YOU WENT BACK THERE, YOU TRIED TO

1 RECREATE FOR THE POLICE WHAT HAPPENED; RIGHT?

2 A. YES.

3 Q. WHEN YOU WENT BACK THERE, DID YOU GO WITH  
4 DE'MORYEA POLIDORE AND MRS. GULLY?

5 A. THEY WERE THERE WHEN I GOT THERE.

6 Q. SO ALL THREE OF YOU WERE THERE; RIGHT?

7 A. YES.

8 Q. AT THAT TIME, DID YOU FEEL COMFORTABLE  
9 BEING WITH THE POLICE?

10 A. NOT REALLY.

11 Q. DID YOU FEEL PROTECTED?

12 A. YES.

13 Q. AND YOU TRIED TO ANSWER THEIR QUESTIONS THE  
14 BEST YOU COULD AT THAT TIME; RIGHT?

15 A. YES.

16 Q. AT THAT TIME, YOU TOLD THE POLICE IN  
17 DESCRIBING THE PERSON THAT SHOT THE POLICE THAT THE  
18 PERSON WAS BLACK, 20 TO 25 YEARS OLD AND WEARING A WAIST  
19 LENGTH JACKET, AND YOU GAVE NO FURTHER DESCRIPTION AT  
20 THAT TIME; IS THAT TRUE?

21 A. YES, I REMEMBER THAT.

22 Q. WHEN YOU CAME INTO THE PRELIMINARY HEARING,  
23 MS. JORDAN, BACK IN OCTOBER, DO YOU REMEMBER YOU CAME  
24 INTO THE COURTROOM SIMILAR TO THIS COURTROOM, A LITTLE  
25 BIT SMALLER; RIGHT?

26 A. YES.

27 Q. AND YOU ENTERED FROM THE BACK DOOR LIKE  
28 THEY HAVE IN THIS COURTROOM; RIGHT?

1 A. YES.

2 Q. YOU WALKED THROUGH DOORS SIMILAR TO THE  
3 DOORS HERE; RIGHT?

4 A. YES.

5 Q. YOU WALKED AROUND COUNSEL TABLE AND YOU  
6 WENT UP TO THE WITNESS STAND JUST LIKE YOU DID NOW;  
7 RIGHT?

8 A. YES.

9 Q. AT NO TIME WHEN YOU WALKED INTO THE  
10 COURTROOM DID YOU EVER LOOK AT REGIS THOMAS, DID YOU?

11 A. FROM THE BACK I DID.

12 Q. YOU SAW HIM FROM THE BACK, BUT YOU NEVER  
13 SAW HIS FACE?

14 A. NO.

15 Q. BUT YOU WERE STILL FRIGHTENED WHEN YOU  
16 WALKED INTO THE COURTROOM; RIGHT?

17 A. YES.

18 Q. AND YOU WERE FRIGHTENED BY VIRTUE OF WHAT  
19 YOU REMEMBERED SEEING; RIGHT?

20 A. YES.

21 Q. AND WHAT FRIGHTENED YOU IS THE FACT THAT  
22 YOU WERE NOW GOING TO RECALL WHAT OCCURRED ON THE  
23 EVENING OF FEBRUARY 22ND AND THAT WAS A TRAUMATIC  
24 INCIDENT; RIGHT?

25 A. YES.

26 Q. YOU WEREN'T FRIGHTENED THAT DAY OF THE  
27 PRELIMINARY HEARING BECAUSE MR. THOMAS LOOKED AT YOU  
28 WHEN YOU WALKED INTO THE COURTROOM; CORRECT?



1 A. I DON'T KNOW IF HE LOOKED AT ME OR NOT.

2 Q. BUT YOU DIDN'T LOOK AT HIM, DID YOU?

3 A. NO.

4 Q. SO YOU WEREN'T FRIGHTENED BY VIRTUE OF THE  
5 FACT THAT YOU HAD EYE CONTACT WITH REGIS THOMAS?

6 YOU WERE FRIGHTENED BECAUSE YOU WERE GOING  
7 TO TALK ABOUT THE CRIME; RIGHT?

8 ISN'T THAT TRUE?

9 A. YES, AND THAT THE PERSON THAT I SEEN THAT  
10 NIGHT MIGHT BE IN THE COURTROOM, AND WHEN I LOOKED, HE  
11 WAS.

12 Q. YOU SUSPECTED THAT THE PERSON WOULD BE IN  
13 THE COURTROOM, RIGHT, WHEN YOU CAME TO TESTIFY?

14 WASN'T --

15 THE COURT: LET HER ANSWER THAT.

16 CAN YOU ANSWER THAT?

17 IF YOU CAN'T, HAVE HIM REPHRASE IT.

18 THE WITNESS: YES, I CAN.

19 Q. BY MR. JAFFE: YOU EXPECTED THE PERSON THAT  
20 SHOT THE POLICE OFFICERS WOULD BE IN THE COURTROOM WHEN  
21 YOU CAME TO TESTIFY AT THE PRELIMINARY HEARING; RIGHT?

22 A. DID YOU SAY SUSPECT, SUSPECTED OR EXPECTED?

23 Q. SUSPECTED.

24 A. I DIDN'T KNOW IF HE WAS GOING TO BE HERE OR  
25 NOT.

26 Q. WHEN YOU CAME TO THE PRELIMINARY HEARING --  
27 LET ME REFRESH, PAGE 119 OF THE PRELIMINARY HEARING  
28 TRANSCRIPT.

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QUESTION AT PAGE 119, LINE 13:

"Q. REGARDLESS OF YOUR IDENTIFICATION, MS. JORDAN, WHEN YOU CAME HERE TODAY, DID YOU KNOW THAT THE PERSON THAT WAS SUSPECTED OF KILLING THE POLICE OFFICERS WOULD BE HERE IN COURT TODAY?

"A. YES."

DO YOU REMEMBER THAT QUESTION AND DO YOU REMEMBER THAT ANSWER?

A. YES.

Q. AND YOU FURTHER STATED, DID YOU NOT:

"THAT THE FACT THAT THE PERSON WHO WAS SUSPECTED OF KILLING THE POLICE OFFICERS IS IN COURT HERE TODAY, DOES THAT CAUSE YOU TO BE FRIGHTENED?"

AND YOU SAID, "WELL, ONLY IF IT'S THE PERSON THAT DID IT."

RIGHT?

A. YES.

Q. BUT THE FRIGHT THAT YOU FELT WAS EVEN BEFORE YOU LOOKED AT HIM; CORRECT?

A. YES.

Q. NOW, DURING THE PRELIMINARY HEARING, YOU WERE ASKED TO LOOK AT MR. THOMAS.

DO YOU REMEMBER THAT?

A. YES.

Q. AND YOU LOOKED AT HIM MUCH IN THE WAY THAT YOU DID, I BELIEVE IT WAS YESTERDAY WHERE YOU TURNED

1 YOUR EYES TO THE LEFT ONCE, YOU TURNED YOUR EYES TO THE  
2 LEFT ANOTHER TIME AND THEN YOU SAID YOU WEREN'T SURE.

3 DO YOU REMEMBER THAT?

4 A. I DON'T REMEMBER SAYING I WASN'T SURE.

5 Q. PAGE 89 OF THE PRELIMINARY HEARING  
6 TRANSCRIPT.

7 QUESTION, REFERRING TO MR. THOMAS:

8 "IS THAT THE PERSON THAT YOU SAW SHOOT THE  
9 OFFICER IN THE HEAD?

10 "A. I'M NOT SURE."

11 PAGE 90, LINE 17.

12 "Q. ALICIA, DOES THAT APPEAR TO YOU TO  
13 BE THE PERSON YOU SAW SHOOTING THE OFFICER IN THE  
14 HEAD?

15 "A. I'M NOT SURE."

16 DO YOU REMEMBER SAYING THAT?

17 A. YES.

18 Q. AND THEN AFTER YOU SAID THAT, REMEMBER WE  
19 TOOK A BREAK?

20 A. YES.

21 Q. BECAUSE YOU BECAME VERY UPSET; RIGHT?

22 A. YES.

23 Q. SIMILAR TO THE WAY YOU BECAME UPSET  
24 YESTERDAY; RIGHT?

25 YOU STARTED CRYING?

26 A. YES.

27 Q. AFTER WE TOOK THE BREAK, YOU GOT BACK ON  
28 THE WITNESS STAND. YOU WERE ASKED AGAIN IF THAT'S THE

1 PERSON THAT SHOT THE POLICE OFFICERS AND THEN YOU SAID,  
2 "I'M ALMOST POSITIVE."

3 RIGHT?

4 A. YES.

5 Q. AND DO YOU RECALL THAT I ASKED YOU WHY ARE  
6 YOU ALMOST SURE?

7 DO YOU REMEMBER WHEN I ASKED YOU THAT  
8 QUESTION?

9 A. YES.

10 Q. AND DO YOU REMEMBER SAYING THAT BECAUSE --  
11 PAGE 125.

12 "Q. WHAT IS IT THAT MADE YOU SAY THAT  
13 YOU WERE ALMOST SURE?

14 "A. SEEING THE SIDE OF HIS FACE.

15 "Q. SEEING THE SIDE OF HIS FACE WHEN?

16 "A. SEEING THE SIDE OF HIS FACE THEN  
17 THAT NIGHT AND SEEING THE SIDE OF HIS FACE TODAY.  
18 I WAS JUST ALMOST SURE THAT IT IS THE SAME  
19 PERSON."

20 DO YOU REMEMBER THOSE QUESTIONS AND THOSE  
21 ANSWERS?

22 A. YES.

23 THE COURT: MR. JAFFE --

24 MR. JAFFE: YOUR HONOR, I JUST HAVE THREE MORE  
25 QUESTIONS.

26 THE COURT: ASK THOSE AND THEN WE'LL BREAK.

27 MR. JAFFE: THANK YOU VERY MUCH.

28 Q. QUESTION AT PAGE 123:

1 "AND WOULD YOU ALSO AGREE WITH ME, WOULD  
2 YOU NOT, MS. JORDAN, THAT IF YOU HAD A LONGER  
3 PERIOD OF TIME TO LOOK AT THE PERSON WHO HAD THE  
4 GUN, THAT YOU WOULD BE MORE CERTAIN IN YOUR  
5 IDENTIFICATION; CORRECT?

6 "A. YES.

7 "Q. AND BECAUSE YOU DID NOT KNOW THAT  
8 PERSON BEFORE AND BECAUSE YOU DID NOT HAVE A  
9 SUFFICIENT ENOUGH TIME TO LOOK AT THAT PERSON,  
10 YOU CANNOT SAY THAT YOU ARE CERTAIN THAT REGIS  
11 THOMAS IS THE PERSON THAT KILLED THE POLICE  
12 OFFICERS; IS THAT RIGHT?"

13 MR. ARNOLD: I OBJECT.

14 THE COURT: IT'S OVERRULED.

15 MR. JAFFE: "A. I SAID THAT I'M ALMOST SURE.  
16 I DIDN'T SAY I WAS CERTAIN."

17 DO YOU REMEMBER THAT?

18 A. YES.

19 Q. AND FINALLY ON JULY 10TH WHEN YOU SPOKE TO  
20 THE OFFICERS OUT AT THE SCENE WHEN MS. GULLY WAS THERE  
21 WITH MR. POLIDORE, DO YOU REMEMBER TELLING THE OFFICERS  
22 THAT YOU DID NOT GET A GOOD LOOK AT THE DRIVER BECAUSE  
23 THE WINDOWS WERE TINTED?

24 DO YOU REMEMBER TELLING THAT?

25 A. NO.

26 MR. JAFFE: MAY I APPROACH?

27 THE COURT: YES.

28 Q. BY MR. JAFFE: I WOULD LIKE TO SHOW YOU A

1 REPORT AND ASK YOU TO LOOK AT THE MIDDLE OF THIS  
2 PARAGRAPH WHICH IS UNDERLINED IN YELLOW AND ASK IF THAT  
3 REFRESHES YOUR RECOLLECTION AS TO WHAT YOU TOLD THE  
4 OFFICERS ABOUT WHETHER YOU GOT A GOOD LOOK AT THE  
5 DRIVER.

6 MR. ARNOLD: YOUR HONOR, I OBJECT. THE WITNESS  
7 DIDN'T SAY THAT SHE DOESN'T RECALL.

8 THE COURT: ALL RIGHT.

9 WELL HE'S ASKING HER IF THAT IS BY LOOKING  
10 AT THAT, WHETHER OR NOT THAT WILL CHANGE HER ANSWER.

11 THAT IS BASICALLY WHAT HE'S ASKING. IT CAN  
12 OR CANNOT.

13 MR. ARNOLD: IF THAT IS THE OFFER OF PROOF, THEN  
14 FINE. OKAY.

15 Q. BY MR. JAFFE: THE QUESTION IS, READING  
16 THAT, DOES THAT REFRESH YOUR MEMORY ABOUT WHAT YOU TOLD  
17 THE POLICE OFFICERS?

18 IF IT DOES REFRESH YOUR MEMORY, FINE. IF  
19 IT DOESN'T, TELL US IT DOESN'T.

20 DOES THAT REFRESH YOUR MEMORY ABOUT WHAT  
21 YOU TOLD THE POLICE OFFICERS IN CONNECTION WITH WHETHER  
22 YOU GOT A GOOD LOOK AT THE DRIVER BECAUSE OF THE TINTING  
23 ON THE WINDOWS?

24 A. I DON'T KNOW.

25 Q. PARDON ME?

26 A. I DON'T REMEMBER. I TOLD THEM -- I SAID A  
27 LOT OF STUFF.

28 THE COURT: ALL RIGHT, MS. JORDAN.

1 CAN YOU JUST STEP DOWN AND TAKE A SEAT IN  
2 ONE OF THE BLUE CHAIRS.

3 ALL RIGHT, LADIES AND GENTLEMEN.

4 WE WILL TAKE THE EVENING RECESS. I NEED TO  
5 TALK TO THE LAWYERS ABOUT SCHEDULING.

6  
7 (THE FOLLOWING PROCEEDINGS WERE HELD  
8 AT THE BENCH:)

9  
10 MR. JAFFE: I WOULD ASK MS. JORDAN BE EXCUSED  
11 FROM THE COURTROOM.

12 THE COURT: MS. JORDAN, CAN YOU JUST WAIT OUT IN  
13 THE HALL FOR A SECOND, PLEASE. THANK YOU.

14 I'M GOING TO LOOK AT THAT DAILY TRANSCRIPT  
15 AS TO WHAT YOUR POSITION WAS AND THEN I'LL HEAR FROM YOU  
16 TOMORROW.

17 I'M THINKING OF BRINGING THE JURORS BACK AT  
18 10:00 BUT HAVING YOU BACK AT 9:15.

19 MR. ARNOLD: DO YOU WANT TO TAKE A LOOK AT THE  
20 PORTION OF THE POLICE REPORT?

21 THE COURT: YOU'RE TALKING ABOUT --

22 MR. JAFFE: I'LL JUST TELL YOU WHAT IT SAYS.

23 MR. ARNOLD: WHY DON'T YOU TAKE A LOOK.

24 THE COURT: I'LL DO THAT. YOU CAN GIVE IT TO ME,  
25 AND I'LL LOOK AT IT. I WANT TO GET GOING ON THIS. I'M  
26 NOT GOING TO MAKE A RULING NOW.

27 SOMEBODY PROVIDE IT TO ME, AND I'LL TAKE A  
28 LOOK AT IT TONIGHT.

1                   WHAT I'M GOING TO DO THEN, I'M GOING TO  
2 TELL THE JURORS 10:00 O'CLOCK. FOR YOU, 9:30, AND THEN  
3 WHAT I'M GOING TO DO --

4           MR. JAFFE: 9:30?

5           THE COURT: 9:15. I'M GOING TO HAVE THE JURORS  
6 LEAVE, AND THEN I'M GOING TO HAVE MR. ANDELIN TALK TO  
7 HIS CLIENT IN THE BACK.

8                   BUT LET ME JUST GET RID OF THE JURORS AND  
9 THEN I'LL TALK TO YOU AT SIDEBAR

10  
11                   (THE FOLLOWING PROCEEDINGS WERE  
12 HELD IN OPEN COURT IN THE PRESENCE  
13 OF THE JURY:)

14  
15           THE COURT: LADIES AND GENTLEMEN, WE'RE GOING TO  
16 START WITH YOU TOMORROW AT 10:00 O'CLOCK. DON'T TALK  
17 ABOUT THE CASE OR FORM OR EXPRESS ANY OPINION ABOUT THE  
18 CASE.

19                   THOSE OF YOU THAT ARE GOING TO LEAVE  
20 DIRECTLY, YOU CAN LEAVE NOW. THOSE OF YOU WHO ARE GOING  
21 TO GO INTO THE JURY ROOM, IF YOU'RE GOING TO GO IN  
22 THERE, YOU HAVE GOT TO WAIT A FEW MINUTES UNTIL I  
23 RELEASE YOU, BECAUSE I HAVE TO TALK TO THE LAWYERS ABOUT  
24 SOMETHING ELSE.

25                   HAVE A PLEASANT EVENING AND SAFE DRIVE  
26 HOME.

27  
28



1 (THE JURORS LEFT THE COURTROOM AND THE  
2 FOLLOWING PROCEEDINGS WERE HELD  
3 AT THE BENCH:)

4  
5 THE COURT: LIEUTENANT WRIGHT. ALL RIGHT.

6  
7 (LIEUTENANT WRIGHT APPROACHES SIDEBAR.)

8  
9 THE COURT: CAN YOU DO THE SAME THING AS LAST  
10 NIGHT?

11 LIEUTENANT WRIGHT: CAN I ASK YOU SOMETHING,  
12 JUDGE?

13 THE COURT: YES. YOU SURE CAN.

14 LIEUTENANT WRIGHT: IS THERE ANY PROBLEM WITH ME  
15 SETTING UP THE SURVEILLANCE WITHOUT -- I HAD THE PROBLEM  
16 GETTING THE WOMAN OFFICER, AND I DID LAST NIGHT.

17 THE COURT: WELL, MY BIG CONCERN IS NOT  
18 NECESSARILY HER SAFETY AS I WANT HER BACK IN COURT.

19 LIEUTENANT WRIGHT: SHE'LL BE BACK IN COURT. I  
20 GUARANTEE YOU THAT.

21 THE COURT: I'LL LEAVE THE ARRANGEMENTS UP TO  
22 YOU.

23 LIEUTENANT WRIGHT: I GUARANTEE YOU THAT.

24 THE COURT: ALL RIGHT. AND HAVE HER BACK AT 9:30  
25 TOMORROW AND BRING HER IN, AND I'LL ORDER HER BACK FOR  
26 9:30.

27 LIEUTENANT WRIGHT: YES, SIR.

28 THE COURT: JUST BRING HER INTO THE COURTROOM AND

1 THEN SHE CAN WAIT IN THE HALL. BUT JUST BRING HER IN  
2 THE COURTROOM AND I'LL ORDER HER BACK.

3 THANK YOU.

4  
5 (LIEUTENANT WRIGHT LEAVES SIDEBAR.)  
6

7 THE COURT: ALL RIGHT.

8 MS. JORDAN, YOU'RE ORDERED BACK IN THIS  
9 COURT AT 9:30 TOMORROW MORNING WITHOUT FURTHER ORDER.

10 DO YOU UNDERSTAND THAT?

11 ALICIA JORDAN: YES.

12 THE COURT: ALL RIGHT.

13 AND LIEUTENANT WRIGHT WILL BRING YOU INTO  
14 COURT TOMORROW OR SOMEBODY.

15 JUST WAIT IN THE HALL, PLEASE.

16 MR. LATINER: WHAT TIME SHOULD I RETURN?

17 THE COURT: MR. LATINER, COME ON UP, SIR.

18 MR. LATINER: I THOUGHT I WOULD GET THE BILLING  
19 FOR ANOTHER JURY TODAY.

20 THE COURT: BASICALLY I'M GOING TO HAVE TO HAVE A  
21 RULING, BUT SHE IS GOING TO BE FINISHED TOMORROW  
22 MORNING. SO YOU CAN COME AT 9:30 TOMORROW, AND THEN I'M  
23 SURE SHE WILL BE GONE BY NOON.

24 YES.

25 MR. ARNOLD: BEFORE WE ADJOURN TODAY, CAN I GET  
26 AN INDICATION FROM YOU WHETHER I CAN PUT SOME OF THESE  
27 SHORTER WITNESSES ON BEFORE WE PUT ON COOKSEY?

28 THE COURT: YOU CAN GET ALL THE ASSURANCES IN THE

1 WORLD. YOU CAN PUT THEM ON BEFORE MR. COOKSEY.

2 I'M GOING TO HAVE A HEARING NOW. I HAVE A  
3 FEELING THAT THE WAY THIS MIGHT FALL, MIGHT PLAY OUT IS  
4 MR. COOKSEY IS GOING TO BE IN CUSTODY FOR A LITTLE  
5 WHILE, BUT YOU CAN PUT ON THE WITNESSES OUT OF ORDER.

6 MR. ARNOLD: THESE ARE NOT OUT OF ORDER.

7 THE COURT: I MEAN THE SHORT WITNESSES. THERE IS  
8 NO PROBLEM.

9 MR. ARNOLD: ALL RIGHT.

10 RIGHT NOW ACCORDING TO YOUR ORDER, THE BAIL  
11 IS A MILLION DOLLARS.

12 THE COURT: LET ME TAKE CARE OF THE HEARING. IT  
13 MAY CHANGE. I'M GOING TO FIND OUT.

14 MR. ARNOLD: YOU'RE GOING TO ASK FOR INPUT FROM  
15 ALL OF US?

16 THE COURT: YES.

17 MR. JAFFE, MY QUESTION IS, IT'S AGREEABLE  
18 THAT FOR PURPOSES OF THE HEARING PURSUANT TO 1332 THAT  
19 MR. THOMAS NOT BE PRESENT?

20 MR. JAFFE: THAT IS AGREEABLE. I'LL TALK TO HIM  
21 ABOUT IT.

22 THE COURT: ALL RIGHT.

23 AND I'LL GET A WAIVER FROM HIM.

24  
25 (A CONFERENCE WAS HELD BETWEEN COUNSEL  
26 AND HIS CLIENT, NOT REPORTED.)

27  
28 THE COURT: MR. THOMAS, I HAVE TALKED TO YOUR

1       LAWYER AND THE PROSECUTOR.

2                   IS IT AGREEABLE, SIR, THAT YOU'RE NOT  
3       PRESENT FOR THE HEARING INVOLVING THE DEFAULTING  
4       WITNESS?

5                   IS THAT AGREEABLE WITH YOU?

6       THE DEFENDANT:   YES, SIR.

7       THE COURT:   ALL RIGHT.

8                   THEN YOU CAN TAKE MR. THOMAS OUT AND WE'LL  
9       HAVE HIM BACK TOMORROW.

10                  I WOULD ASK, THOUGH, THAT EACH OF YOU  
11       REMAIN FOR THE HEARING BECAUSE I THINK BOTH OF YOU HAVE  
12       AN INTEREST IN THE AVAILABILITY OF MR. COOKSEY.

13       MR. JAFFE:   SURE.

14       THE COURT:   MR. ANDELIN, AFTER THE BAILIFF TAKES  
15       MR. THOMAS, HE IS GOING TO BRING YOUR CLIENT DOWN AND  
16       YOU CAN TALK TO YOUR CLIENT.

17       MR. ANDELIN:   CAN I VISIT WITH HIM FIVE OR TEN  
18       MINUTES BEFORE THE HEARING?

19       THE COURT:   THAT IS CORRECT.   I'LL GIVE YOU FIVE  
20       OR TEN MINUTES TO TALK WITH YOUR CLIENT.   ALL RIGHT.

21                  WE'LL PHOTOCOPY THIS ONE.

22                  WE'LL BE IN RECESS UNTIL QUARTER TO 4:00.

23

24                  (RECESS.)

25

26       MR. ANDELIN:   YOUR HONOR, MY CLIENT IS REQUESTING  
27       NOT TO BE PHOTOGRAPHED.

28       THE COURT:   IS THAT ON YOUR CONCERN?

1 MR. ANDELIN: HIS AS WELL.

2 THE COURT: I'M GOING TO ORDER THAT THE VIDEO BE  
3 TURNED OFF AND YOU DON'T USE THE VIDEO.

4 HOWEVER, I DON'T THINK IT SERVES ANY  
5 PURPOSE PRECLUDING THE MEDIA FROM USING HIS NAME SINCE A  
6 NEWSPAPER ARTICLE WAS GIVEN TO ME EARLIER ON IN THIS  
7 CASE ABOUT DUE DILIGENCE.

8 ANYWAY, RECALLING THE CASE OF PEOPLE VERSUS  
9 REGIS THOMAS, MR. THOMAS IS NOT PRESENT. HIS ATTORNEY  
10 OF RECORD, MR. JAFFE, MS. DOHERTY ARE PRESENT AND THE  
11 PROSECUTOR, MR. ARNOLD, IS PRESENT.

12 AND IS THIS MR. CALVIN COOKSEY?

13 CALVIN COOKSEY: YES, SIR.

14 THE COURT: MR. COOKSEY IS PRESENT WITH HIS  
15 ATTORNEY, MR. BRIAN ANDELIN, AND THE MATTER IS HERE, MY  
16 LIMITED KNOWLEDGE OF WHAT HAPPENED -- WELL, LET ME BACK  
17 UP FOR A SECOND.

18 THERE WAS MR. COOKSEY OR A VOICE  
19 IDENTIFYING -- SOME PEOPLE HAVE IDENTIFIED AS  
20 MR. COOKSEY, IF HE DID NOT PERSONALLY IDENTIFY HIMSELF,  
21 LEFT TWO MESSAGES ON MY VOICE MAIL DURING THE PENDENCY  
22 OF THIS TRIAL. ONE HAS BEEN PREVIOUSLY MARKED AS AN  
23 EXHIBIT.

24 THE D.A.'S OFFICE HAD RECORDED THAT VOICE  
25 MAIL AT MY SUGGESTION, AND I AM GOING TO MARK THE SECOND  
26 ONE.

27 MR. ARNOLD, YOU PROVIDED ME A COPY OF THAT  
28 RECORDING; IS THAT CORRECT?

1 MR. ARNOLD: YES, YOUR HONOR.

2 THE COURT: I'M GOING TO MARK THAT 58.

3 ALL RIGHT.

4 MR. ANDELIN, FOR PURPOSES OF TODAY'S  
5 PROCEEDINGS, I'M GOING TO EXPLAIN TO YOU WHAT THE FOCUS  
6 IS.

7 THE FOCUS HAS TO DO WITH UNDER 1332 OF THE  
8 PENAL CODE, WHAT, IF ANY, BOND SHOULD BE SET FOR  
9 MR. COOKSEY TO POST AS FAR AS A DEFAULTING MATERIAL  
10 WITNESS.

11 THE OTHER ISSUES THAT YOU WANTED TO  
12 ADDRESS, THAT IS HIS CONCERNS OF HIS SAFETY AND/OR HIS  
13 TESTIFYING IN THIS PARTICULAR CASE ARE NOT IN ISSUE AT  
14 THIS PARTICULAR HEARING. THAT WILL BE TAKEN UP AT A  
15 DIFFERENT TIME AS FAR AS THE PROCEEDINGS ARE CONCERNED.

16 MR. ANDELIN: DO YOU HAVE ANY IDEA WHAT TIME?

17 THE COURT: LET ME JUST GIVE YOU A GENERAL IDEA  
18 HERE.

19 I INTEND TO HAVE MR. COOKSEY POST A BOND.  
20 I'M GOING TO SET BAIL BASICALLY, AND I'LL PUT ON THE  
21 RECORD WHY, AND AFTER I HEAR FROM EACH OF THE LAWYERS,  
22 DEFENSE COUNSEL, THE PROSECUTOR AND YOURSELF, ONCE, IF I  
23 DO SET A BOND THAT HE HAS TO POST PURSUANT TO 1332 OF  
24 THE CALIFORNIA PENAL CODE, HE'S ENTITLED TO A REVIEW  
25 WITHIN TWO DAYS BY THE SUPERIOR COURT OTHER THAN MYSELF.

26 WHAT I INTEND TO DO IS, IF, IN FACT, I DO  
27 HAVE HIM SET A BOND FOR HIM TO BAIL OUT, IT'S NOW 4:00  
28 O'CLOCK. DEPARTMENT 100, I DON'T THINK I CAN CONTACT

1       THEM.

2                       SO WHAT I WILL PROBABLY DO IS HAVE MY CLERK  
3       CONTACT THEM, AND I WILL CALENDAR IT FOR 8:45 ON FRIDAY  
4       IN DEPARTMENT 100.  WHETHER THE JUDGE SITTING IN  
5       DEPARTMENT 100 HEARS THE MATTER OR REFERS IT TO ANOTHER  
6       JUDGE OF THE SUPERIOR COURT, THAT IS A DETERMINATION  
7       THAT JUDGE WILL MAKE.

8                       MR. ANDELIN:  ARE WE TALKING ABOUT THE REVIEW  
9       HEARING?

10                      THE COURT:  YES.  ALL RIGHT.

11                      NOW, I HAVE HEARD TESTIMONY FROM  
12       INVESTIGATOR ABRAM.  I HAVE HEARD THE TWO VOICE MAIL  
13       MESSAGES.

14                      THE TESTIMONY OF INVESTIGATOR ABRAM  
15       BASICALLY AND THE REPRESENTATIONS OF THE PROSECUTOR WERE  
16       SUCH THAT THEY ATTEMPTED TO SECURE THE APPEARANCE OF MR.  
17       COOKSEY IN THIS COURT BY USE OF THE INTERSTATE AGREEMENT  
18       AS FAR AS SUBPOENAING HIM IN THE STATE OF ARIZONA.

19                      THERE HAS BEEN MATERIAL PRESENTED TO ME  
20       THAT, IN FACT, HE WAS PERSONALLY SERVED WITH A SUBPOENA  
21       TO APPEAR, AND I BELIEVE MR. ANDELIN, YOU CAN PROBABLY  
22       HELP ME.  THE COUNTY'S NAME?

23                      MR. ANDELIN:  MARICOPA.

24                      THE COURT:  MARICOPA COUNTY, AND AS YOU INDICATED  
25       WHEN YOU APPEARED BEFORE THIS COURT YESTERDAY THAT YOU  
26       HAD APPEARED TO REPRESENT THE INTERESTS OF YOUR CLIENT.  
27       YOUR CLIENT FAILED TO APPEAR.

28                      THAT IS THE EVIDENCE THAT WAS PRESENTED TO

1 ME BY MR. ABRAM IN HIS TESTIMONY, AND ALSO THAT HE HAD  
2 GONE OUT TO THE LAST KNOWN ADDRESS IN PHOENIX, ARIZONA,  
3 AND WAS UNABLE TO LOCATE YOUR CLIENT.

4 SO I HAD MADE A FINDING AS FAR AS PRIOR  
5 TESTIMONY OF AN UNAVAILABLE WITNESS, THAT, IN FACT, THAT  
6 THE DEFENSE HAD A SIMILAR INTEREST IN CROSS-EXAMINING  
7 YOUR CLIENT AT THE PRELIMINARY HEARING FOR ONE OF THE  
8 PRONGS OF THE TESTIMONY OF UNAVAILABLE WITNESS BEING  
9 ADMISSIBLE, AND PERIODICALLY I WAS HAVING TESTIMONY  
10 PRESENTED TO ME AS FAR AS DUE DILIGENCE WAS CONCERNED AS  
11 FAR AS SECURING THE APPEARANCE OF YOUR CLIENT.

12 AS OF YESTERDAY, YOU TOLD ME YOU HAD NOT  
13 HAD PERSONAL CONTACT WITH HIM AND YOU DID NOT KNOW WHERE  
14 HE WAS, OTHER THAN YOU KNEW HE WAS IN THE LOS ANGELES  
15 AREA.

16 SO WHAT I WILL DO IS, I WILL START WITH THE  
17 PROSECUTOR AND ASK HIM WHAT HIS POSITION IS AS FAR AS  
18 POSTING OR SETTING A BOND FOR THE DEFAULTING WITNESS AND  
19 THEN I WILL RECALL AND QUASH ANY WARRANT THAT HAS BEEN  
20 ISSUED BY THIS COURT.

21 GO AHEAD, MR. ARNOLD.

22 MR. ARNOLD: YOUR HONOR, I DON'T HAVE ALL OF MY  
23 NOTES TO PROVIDE YOU WITH SPECIFIC DATES OF MY ATTEMPTS  
24 TO SECURE MR. COOKSEY'S PRESENCE IN THIS TRIAL.

25 I CAN STATE TO YOU THAT IT BEGAN SEVERAL  
26 MONTHS AGO WHEN WE RECEIVED A FIRM TRIAL DATE. IT ALSO  
27 OCCURRED AROUND THE TIME THAT I BEGAN TO RECEIVE  
28 COMMUNICATIONS FROM MR. ANDELIN.



1 I SENT MR. ANDELIN A WRITTEN COMMUNICATION.  
2 I SENT MR. COOKSEY A WRITTEN COMMUNICATION TO THE  
3 ADDRESS THAT I KNEW TO BE HIS ADDRESS WHICH WAS  
4 CONFIRMED BY MR. ANDELIN TO BE HIS ADDRESS REQUESTING  
5 THAT MR. COOKSEY CONTACT ME REGARDING MAKING  
6 ARRANGEMENTS FOR HIS ARRIVAL IN LOS ANGELES TO TESTIFY.

7 I INDICATED IN THE LETTER THAT I THOUGHT  
8 THAT HE WOULD BE HERE PERHAPS AS MUCH AS FOUR OR FIVE  
9 DAYS AND THAT HE WOULD BE PUT UP IN A HOTEL WITH ROOM  
10 AND BOARD PAID FOR.

11 THE LETTER WAS NOT ANSWERED THAT I RECEIVED  
12 FROM MR. COOKSEY, AND, IN FACT, THE LETTER FROM  
13 MR. ANDELIN WAS NOT ANSWERED, EITHER.

14 SHORTLY THEREAFTER, MR. ANDELIN ARRIVED IN  
15 LOS ANGELES AND I AM TOLD ATTEMPTED TO SPEAK WITH  
16 MR. GARCETTI, MY BOSS.

17 THE COURT: MR. ARNOLD, I DON'T MEAN TO CUT YOU  
18 OFF HERE, BUT AT THIS POINT, I'M INTERESTED IN WHAT YOU  
19 THINK AN APPROPRIATE BOND WILL BE.

20 I'M ASKING YOU TO GIVE ME A DOLLAR AMOUNT,  
21 PLEASE.

22 MR. ARNOLD: BASED ON ALL OF THE CONTACT OR LACK  
23 OF CONTACT THAT I HAVE HAD WITH MR. COOKSEY, PLUS  
24 WRITTEN REPRESENTATIONS BY HIM, THAT HE WOULD REFUSE TO  
25 TESTIFY AND REFUSE TO COOPERATE, COUPLED WITH THE  
26 RECORDINGS THAT WERE PLAYED ON THE VOICE MAIL, COUPLED  
27 WITH MR. ANDELIN'S REPRESENTATIONS TO MR. KUHNERT THAT  
28 MR. COOKSEY WOULD NOT TESTIFY, I HAVE NO REASON TO

1 BELIEVE THAT MR. COOKSEY IS VOLUNTARILY GOING TO APPEAR.

2 THEREFORE, I WOULD ASK THAT THE BAIL BE SET  
3 AT WHAT IT IS NOW WHICH IS A MILLION DOLLARS, JUST TO  
4 SECURE HIS PRESENCE AND TO GET HIS HONEST TESTIMONY.

5 THE COURT: MR. JAFFE, DO YOU WANT TO BE HEARD?

6 MR. JAFFE: NO. WE TAKE NO POSITION REGARDING  
7 THE BAIL OF MR. COOKSEY.

8 THE COURT: ALL RIGHT.

9 MR. ANDELIN, WOULD YOU LIKE TO BE HEARD AT  
10 THIS TIME?

11 MR. ANDELIN: YOUR HONOR, YOU'RE EXCLUDING ANY  
12 COMMENTS IN MY BEHALF AS FAR AS HIS PHYSICAL SAFETY; IS  
13 THAT CORRECT?

14 THE COURT: AT THIS TIME.

15 MR. ANDELIN: THAT COULD BE AS EARLY AS FRIDAY.

16 THE COURT: LET ME PUT IT TO YOU THIS WAY, SIR:

17 I FEEL I DON'T KNOW HOW THE JUDGE IS GOING  
18 TO HEAR OR MAKE A REVIEW OF MY FINDINGS HERE, WHAT HE  
19 WILL SEE AS THE PARAMETERS.

20 I TRULY THINK THAT THE APPROPRIATE  
21 SITUATION OR WHAT MAY OCCUR IS OUT OF THE PRESENCE OF  
22 THE JURY WHEN I WAS THINKING ABOUT THIS, IF MR. COOKSEY  
23 HAD EVER APPEARED, WAS TO CONDUCT A HEARING OUTSIDE OF  
24 THE PRESENCE OF THE JURY TO FIND OUT EITHER FROM HIM  
25 DIRECTLY OR YOU WHETHER HE INTENDS TO TESTIFY.

26 IF HE DOES NOT INTEND TO TESTIFY, WHY, AND  
27 WHETHER OR NOT -- I WOULD PROBABLY PERMIT THE PROSECUTOR  
28 TO POSE QUESTIONS THAT HE WOULD ANTICIPATE ASKING IN

1 FRONT OF THE JURORS.

2 IF YOUR CLIENT STILL REFUSES TO TESTIFY AND  
3 GIVES HIS REASONS, THEN I WILL EMPLOY WHATEVER REMEDY I  
4 DEEM APPROPRIATE UNDER THE LAW. BUT YOU WILL GET THAT  
5 OPPORTUNITY.

6 MR. ANDELIN: COULDN'T WE HAVE SUCH A HEARING  
7 NOW? I COULD BE BRIEF.

8 THE COURT: NO, BECAUSE IT IS A MATTER WITHIN 402  
9 OF THE PENAL CODE, AND I'M TAKING INTO CONSIDERATION ON  
10 A BOND ON THIS MATTER THE FACT THAT WE HAVE A CAPITAL  
11 CASE IN WHICH THE PROSECUTION IS SEEKING THE PENALTY OF  
12 DEATH FOR THREE HOMICIDES.

13 FROM WHAT I READ, I READ THE PRELIMINARY  
14 TRANSCRIPT AT THE REQUEST OF THE LAWYERS ON THE TRIAL  
15 AND MR. COOKSEY IS A MATERIAL WITNESS TO THE TWO  
16 HOMICIDES INVOLVING THE POLICE OFFICERS.

17 SO THAT IS MY FOCUS AT THIS POINT.

18 MR. ANDELIN: DOES THE COURT HAVE A DATE? DOES  
19 THE PROSECUTION HAVE A DATE WHEN HIS TESTIMONY IS  
20 REQUESTED?

21 THE COURT: HIS TESTIMONY, THAT AGAIN, HIS  
22 TESTIMONY WILL BE, I WOULD THINK IT DEPENDS ON  
23 MR. COOKSEY, TO BE VERY CANDID WITH YOU.

24 IF MR. COOKSEY IS GOING TO TESTIFY, I  
25 BELIEVE HIS TESTIMONY WOULD EITHER BE -- TODAY IS  
26 WEDNESDAY -- WOULD PROBABLY BE -- THE OTHER WITNESS IS  
27 STILL ON THE STAND AND THERE ARE TWO BRIEF WITNESSES. I  
28 HAVE A SENTENCING ON A JURY RETURNING A VERDICT OF

1 DEATH. I HAVE THAT ON FRIDAY.

2 SO WE'RE NOT GOING TO BE IN SESSION ON  
3 FRIDAY, SO I WOULD ANTICIPATE MONDAY. IF MR. COOKSEY IS  
4 OF THE MIND THAT HE DOES NOT WANT TO TESTIFY AND DOES  
5 NOT APPEAR TO HAVE A LEGAL BASIS, THEN IT MAY BE A  
6 SITUATION THAT I WILL POSTPONE THE PRESENTATION OF HIS  
7 PRIOR TESTIMONY FOR PURPOSES OF A CONTEMPT PROCEEDING TO  
8 DETERMINE WHETHER OR NOT BY BEING REMANDED IN JAIL, IF I  
9 FIND THAT HE'S IN CONTEMPT OF COURT WITHOUT ANY LEGAL  
10 BASIS FOR THE REFUSAL TO TESTIFY, THAT HE WILL PROBABLY  
11 END UP BEING THE LAST PROSECUTION WITNESS IN THE CASE IN  
12 CHIEF.

13 SO THAT IS THE BEST THAT I CAN DO. REALLY  
14 IT'S IN THE HANDS OF MR. COOKSEY.

15 MR. ANDELIN: BUT HE HADN'T GOT TO BED UNTIL 6:00  
16 A.M. THIS MORNING, SO HE'S NOT IN A VERY GOOD MOOD.

17 THE COURT: I'M NOT CONCERNED ABOUT THAT AT THIS  
18 POINT.

19 MR. COOKSEY, TO BE VERY CANDID WITH YOU,  
20 EVERYBODY TRIED TO FOLLOW THE LAW AND FOLLOW THE PROPER  
21 PROCESS AND THERE IS ONE PERSON SITTING IN THIS  
22 COURTROOM THAT DID NOT.

23 CALVIN COOKSEY: WHO IS THAT?

24 THE COURT: YOU.

25 CALVIN COOKSEY: THAT IS NOT TRUE, YOUR HONOR.

26 THE COURT: BUT YOU DIDN'T SHOW UP IN COURT.

27 CALVIN COOKSEY: ARE YOU GOING TO ASSUME THAT THE  
28 PROSECUTION -- ARE YOU GOING TO LISTEN TO MY SIDE?

1 THE COURT: AT THIS POINT I'M TAKING THE  
2 REPRESENTATIONS OF THE CERTIFIED DOCUMENT THAT CAME FROM  
3 ARIZONA.

4 SO DO YOU WANT TO BE HEARD AS TO THE DOLLAR  
5 AMOUNT, MR. ANDELIN?

6 CALVIN COOKSEY: YOUR HONOR, HOW CAN THEY ISSUE A  
7 WARRANT OUT FOR ME?

8 THE COURT: MR. COOKSEY, I'M NOT ADDRESSING YOU.

9 THANK YOU, SIR.

10 MR. ANDELIN.

11 MR. ANDELIN: YOUR HONOR, MR. COOKSEY DOES NOT  
12 HAVE FUNDS. HE DOESN'T HAVE ANY FUNDS TO POST ANY KIND  
13 OF BAIL.

14 THE COURT: ALL RIGHT.

15 WELL, AGAIN, MY CONCERNS IN THIS PARTICULAR  
16 CASE ARE FOR TRULY TO PRESERVE THE DUE PROCESS RIGHTS OF  
17 THE DEFENDANT WHO IS CHARGED IN A CAPITAL CASE TO  
18 CONFRONT, EXAMINE AND CROSS-EXAMINE MR. COOKSEY AND FOR  
19 THE PRESENTATION OF THE EVIDENCE BY THE PROSECUTION.

20 AND AS A RESULT, AT THIS TIME, I'M GOING TO  
21 SET THE BOND AMOUNT AT A MILLION DOLLARS, AND HE'LL BE  
22 REMANDED UNTIL HE POSTS THAT BOND.

23 I WILL CALENDAR A REVIEW OF MY ORDER IN  
24 DEPARTMENT 100 ON APRIL 7TH AT 8:45 IN THE MORNING.

25 MR. COOKSEY, IF, IN FACT, YOU BAIL OUT, AND  
26 I DON'T KNOW IF YOU WILL OR WON'T, BUT LISTEN TO ME,  
27 SIR. YOU'RE ORDERED TO APPEAR IN THIS COURT WITHIN TWO  
28 HOURS OF YOUR RELEASE FROM CUSTODY.

1 DO YOU UNDERSTAND THAT, MR. COOKSEY?

2 MR. COOKSEY, DID YOU UNDERSTAND WHAT I  
3 SAID?

4 CALVIN COOKSEY: (NO RESPONSE.)

5 ALL RIGHT. I'M GOING TO VACATE THE ORDER.  
6 BOND IS SET AT FIVE MILLION DOLLARS.

7 THANK YOU.

8 CALVIN COOKSEY: TEN MILLION WOULD NOT MAKE A  
9 DIFFERENCE, YOUR HONOR. YOU GUYS ARE UNJUST. THAT IS  
10 WHAT YOU ARE.

11 THE COURT: MR. ANDELIN, MY SUGGESTION IS THAT  
12 YOU APPEAR TOMORROW AT 1:30 IN THIS COURT ON BEHALF OF  
13 MR. COOKSEY IN CASE THE PROSECUTION -- IN CASE, I'LL PUT  
14 IT THIS WAY:

15 MR. ARNOLD, WHEN IS THE FIRST TIME THAT YOU  
16 THINK YOU'LL BE CALLING MR. COOKSEY TO THE STAND?

17 MR. ARNOLD: I WANTED TO INQUIRE OF YOU.

18 ARE YOU GOING TO REQUIRE THAT I PUT HIM ON  
19 THE STAND MONDAY? BECAUSE THERE WERE SEVERAL SHORTER  
20 WITNESSES THAT I DID WANT TO PUT ON.

21 THE COURT: YOU ANTICIPATE IT WILL NOT BE BEFORE  
22 MONDAY. JUST A MATTER FOR MR. ANDELIN'S PURPOSES OF  
23 BEING IN COURT.

24 MR. ARNOLD: BASED ON THE WAY THINGS HAVE  
25 EVOLVED, I DIDN'T THINK IT WAS GOING TO BE MONDAY.

26 THE COURT: OKAY. THEN MR. ANDELIN --

27 MR. ANDELIN: WHEN DO YOU THINK IT'S GOING TO BE?

28 THE COURT: DO YOU THINK TUESDAY AT THE EARLIEST?

1 MR. ARNOLD: I WOULD SAY WEDNESDAY AT THE  
2 OUTSIDE.

3 THE COURT: WHAT IS THE EARLIEST, TUESDAY?

4 MR. ANDELIN: IS THAT WEDNESDAY THE OUTSIDE?

5 MR. ARNOLD: RIGHT NOW I BELIEVE WEDNESDAY AT THE  
6 OUTSIDE. DEPENDING ON HOW QUICKLY WE GET THROUGH THESE  
7 OTHER WITNESSES.

8 THE COURT: OKAY.

9 MR. ANDELIN, MY SUGGESTION WOULD BE THAT  
10 YOU CONTACT THE COURT ON TUESDAY MORNING AT 9:00 O'CLOCK  
11 TO SEE WHERE WE ARE, AND THEN AS I SAID, DEPARTMENT 100  
12 IS ON THE 13TH FLOOR IN THIS COURT FOR THE HEARING ON  
13 FRIDAY.

14 MR. ANDELIN: 1:30 TOMORROW?

15 THE COURT: VACATE THAT.

16 MR. ANDELIN: YOUR HONOR, COULD I HAVE A  
17 CONVERSATION WITH THE TWO ATTORNEYS AND YOURSELF JUST  
18 FOR A MOMENT.

19 THE COURT: NO. YOU CAN TALK TO THE LAWYERS, BUT  
20 I REALLY DON'T -- I'LL TALK TO YOU AT THE SIDEBAR ON THE  
21 RECORD IF YOU WANT.

22 WHY DON'T YOU COME UP, COUNSEL.

23  
24 (THE FOLLOWING PROCEEDINGS WERE HELD  
25 AT THE BENCH:)

26  
27 THE COURT: GO AHEAD.

28 MR. ANDELIN: I WAS OVER AT THE FEDERAL BUILDING

1 ATTEMPTING TO SEE -- HE HAS AN ATTITUDE PROBLEM RIGHT  
2 NOW AND HE FEELS DISRESPECTED AND SO FORTH, AND I'M  
3 TRYING TO GET HIM OVER THAT SO HE CAN MAKE AN  
4 INTELLIGENT DECISION.

5 THE COURT: ALL RIGHT.

6 MR. ANDELIN: AND HE'S VERY HARD TO CONTROL, AND  
7 HE HAS FIRED ME A COUPLE OF TIMES AND THAT SORT OF  
8 THING.

9 SO I'M OVER THERE SEEING THAT THE FEDERAL  
10 MARSHAL WILL SOMEHOW -- HE DOESN'T TRUST ANYBODY --  
11 BASICALLY TO SEE IF THEY'LL GET INVOLVED AND PUT IN SOME  
12 SORT OF A FEDERAL CUSTODY OR SOMETHING LIKE THAT,  
13 BECAUSE HE'S CLAIMING THERE IS ALL THESE PROMISES.  
14 THEY'RE GOING TO GIVE NEW ID AND ALL THAT SORT OF STUFF,  
15 AND THERE IS NOTHING WRITTEN DOWN, AND IT'S GOING TO BE  
16 IMPOSSIBLE FOR THIS COURT TO MAKE A DETERMINATION IN  
17 SPITE OF WHAT ALL THE THINGS THAT I SAID WENT ON IN THE  
18 COURT TO GO AND RESURRECT.

19 WE WOULD HAVE TO DEPOSE 20 PEOPLE. SO I'M  
20 TRYING TO -- WHAT I WANT TO SAY IS WHEN I'M OVER THERE  
21 AT THE FEDERAL COURTHOUSE AND I'M BEING STAKED OUT BY  
22 BOUNTY HUNTERS, AND I HAD TO CALL THE POLICE, AND I  
23 WANTED COUNSEL TO KNOW IT'S NOT HELPING HIS CASE. THERE  
24 IS A GUY OVER THERE WEARING TAN SHACKS, A BLACK SHIRT,  
25 LOOKS EXACTLY LIKE REGIS, FOLLOWING ME, AND THERE IS A  
26 VAN. I THINK IT WAS A CAMARO WITH CELLULAR PHONES.

27 I'M NOT SAYING IT WAS RELATED TO REGIS.

28 MR. JAFFE: MR. ANDELIN, LET ME ALLAY YOUR FEARS



1 A LITTLE BIT. REGIS HAS NOT DIRECTING ANYBODY TO DO  
2 ANYTHING. WHAT WE WANTED AND WHAT I TOLD MR. ARNOLD IS  
3 WE WANTED MR. COOKSEY TO TESTIFY. WE ARE DOING NOTHING  
4 IN OUR EFFORT TO DISSUADE MR. COOKSEY FROM TESTIFYING.

5 FOR YOUR OWN PERSONAL SAFETY, HOWEVER,  
6 CERTAINLY I'M UPSET TO HEAR THAT, BUT, YOU KNOW, FOR  
7 ANYBODY TO KNOW ANYTHING ABOUT YOU, IF YOU DIDN'T GO TO  
8 THE PRESS AND YOU DIDN'T GO TO THE MEDIA AND SHOW YOUR  
9 FACE HERE IN COURT.

10 MR. ANDELIN: I UNDERSTAND THAT. I'M TRYING TO  
11 REPRESENT MY CLIENT'S INTERESTS.

12 THE COURT: SO THAT IS ON THE RECORD AND WE'LL  
13 TAKE IT UP.

14 AS I SAID, JUST SO THAT YOU KNOW,  
15 MR. JAFFE, IF YOU WANT TO APPEAR IN 100, YOU CAN APPEAR.  
16 IF YOU'RE NOT GOING TO APPEAR, THOUGH, I WOULD ASK YOU  
17 TO CALL THE COURT AND SAY THAT YOU'RE NOT APPEARING.

18 MR. JAFFE: OKAY.

19 THE COURT: AND YOU CAN TELL ME TOMORROW, AND IF  
20 YOU WANT, YOU CAN INFORM THE COURT TOMORROW. GO DOWN  
21 THERE AND INFORM THEM THAT YOU'RE NOT GOING TO APPEAR.

22 AND MR. ARNOLD, I ASSUME YOU'RE GOING TO  
23 APPEAR AT THE HEARING.

24 MR. ARNOLD: I WILL BE THERE, AND I DON'T KNOW TO  
25 WHAT EXTENT THE HEARING WILL GO, BUT I WILL HAVE  
26 WITNESSES THERE WHO CAN TESTIFY TO THE LEVEL AND EXTENT  
27 AND BREADTH OF MR. COOKSEY'S LACK OF COOPERATION.

28 THE COURT: ALL RIGHT. AND I WILL HAVE THE FILE.

1 I WILL HAVE THE FILE SHIPPED DOWN THERE FOR FRIDAY, AND  
2 IF THEY SEND IT OUT TO ANOTHER COURT, THEN SOMEBODY ELSE  
3 CAN HANDLE IT.

4 MR. ARNOLD: IT'S REALLY UNFORTUNATE THAT YOU  
5 CAN'T DO IT.

6 THE COURT: THAT IS WHAT THE CODE SAYS, THOUGH.  
7 IT'S A JUDGE OTHER THAN -- CAN'T BE THE ONE THAT REVIEWS  
8 IT, 1332 OF THE PENAL CODE.

9 MR. ANDELIN: FRIDAY.

10 THE COURT: 8:45. WITHIN TWO DAYS IT HAS TO BE  
11 DONE.

12 MR. ANDELIN: BUT IT'S SET THEN?

13 THE COURT: YES, I SET IT THERE.

14 MR. ARNOLD: THE PENAL CODE REQUIRES A REVIEW  
15 WITHIN TWO DAYS OF TODAY AND THEN ANOTHER TEN DAYS.  
16 AUTOMATICALLY TEN DAYS FOLLOWING IT.

17 MR. ANDELIN: RIGHT.

18 THE COURT: MY SUGGESTION TO YOU IS, I DON'T KNOW  
19 IF YOU TYPICALLY PRACTICE CRIMINAL LAW.

20 MR. ANDELIN: NO.

21 THE COURT: LET ME TELL YOU THAT MY SUGGESTION IS  
22 THAT YOU LOOK UP CONTEMPT IN THE CODE OF CIVIL PROCEDURE  
23 JUST SO THAT YOU KNOW WHAT THE REMEDIES ARE, AND I THINK  
24 HE KNOWS WHAT THE REMEDIES ARE BETTER THAN ANYBODY.

25 ALL RIGHT. THANK YOU. WE'LL BE IN RECESS.

26 (AT 4:17 P.M., AN ADJOURNMENT WAS TAKEN  
27 UNTIL THURSDAY, APRIL 6, 1995 AT 9:15  
28 A.M.)