

Lois Fay Lawson - Direct by Mr. Unti

1 Q. Did there come a time when something came between your  
2 husband, Jamie, and Scott?

3 A. Yes. Scott -- I mean, Jamie had some rare albums and  
4 Vanessa and Scott had come to my house and took a few albums and  
5 one of them was priceless, I believe it was a Diamond Head  
6 album. And Jamie found out about it and was furious.

7 Q. Okay. Do you remember approximately when that  
8 happened?

9 A. It was sometime around my birthday, I think. July --  
10 my birthday is July 3rd, and it was sometime after that.

11 Q. Was it before or after you heard that Chris Gailey had  
12 been killed?

13 A. It was before.

14 Q. Okay. Did -- well, did you see your husband, Jamie,  
15 react to that incident?

16 A. Oh, yes.

17 MR. VLAHOS: Objection, your Honor. What does that  
18 have to do with mitigation?

19 MR. UNTI: Your Honor, give me a moment to tie this  
20 together.

21 THE COURT: All right. Objection overruled.

22 Q. You said that Jamie was furious with Scott?

23 A. Oh, yes. He's funny about his prize possessions.

24 Q. And so what did Jamie do about getting his albums  
25 back?

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1           A.    He found out where Scott was at. The baby's already  
2 upstairs in the bed. He dressed in camouflage pants and a black  
3 T-shirt, got his assault rifle, told me to turn on the house  
4 alarm and not let anybody in the door and he took off.

5           Q.    Okay. Was that the same day that Chris Gailey  
6 disappeared?

7           A.    I'm not sure. It was on a Friday night, I know. And  
8 I found out about Chris Gailey a few days later.

9           Q.    Okay. But you're certain it was on a Friday night?

10          A.    I'm certain.

11          Q.    Okay. And your husband went out in camouflage pants  
12 with an assault rifle looking for Scott; is that correct?

13          A.    Yes.

14          Q.    Did you talk to Scott on that day?

15          A.    No. I told Joyce to call him. He was over a friend,  
16 <sup>ROBERT JOHNSON</sup> Byron Thompson's house, and to warn him that Jamie was on the  
17 way.

18          Q.    To warn Scott that Jamie was on --

19          A.    That Jamie was on the way.

20          Q.    Okay. All right. Do you have any personal knowledge  
21 whether Jamie found Scott that night?

22          A.    I have no clue. He came back about an hour later. I  
23 was already in the bed and he laid down.

24          Q.    Do you know whether -- well, strike that.

25                    Did you know Chris Gailey?

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1 A. Oh, yeah. Absolutely.

2 Q. What kind of relationship did you have with Chris  
3 Gailey?

4 A. We were very good friends.

5 Q. Were you in any kind of a romantic relationship with  
6 Chris?

7 A. Yes, sir. My husband and I, Jamie Fender, and I had  
8 really rocky relationship. Whenever -- I don't know, right  
9 after Christina was born, it just got bad and I left him for  
10 about a week or so, ran to my sister Joyce's house with the  
11 baby, and Joyce took the baby out for a while and one thing led  
12 to another with me and Chris. It was -- I was drinking, we were  
13 doing a few drugs and I had an affair.

14 Q. Did your husband, Jamie, find out about the affair?

15 A. I'm sure he did, because shortly after, we filed for  
16 legal separation.

17 Q. And was this after Chris Gailey's body had been found?

18 A. No. We tried to make it work, because Jamie knew that  
19 if we legally separated, I would be going for custody of my  
20 daughter. And so we tried to make it work. So we hung on for  
21 about another few months, stayed in the same house together and  
22 it just -- I couldn't patch it up.

23 Q. Now, when you called to warn Mr. Allen that Jamie was  
24 going to come looking for him --

25 A. Uh-huh.

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1           Q.    -- do you know whether Scott was with -- Scott was  
2   with Gailey that night?   FRIDAY July 9 1999

3           A.    I don't believe he was because Chris called my  
4   house --

5           MR. VLAHOS:  Objection.  Whether she has personal  
6   knowledge.

7           THE WITNESS:  I'm sorry, sir.

8           THE COURT:  Okay.  When somebody objects -- I know  
9   you're not a lawyer.

10          THE WITNESS:  I can't hear out of this ear.

11          THE COURT:  Okay.  Fair enough.  Okay.  I'm going to  
12   ask Mr. Vlahos to speak up.  When he objects, you just need to  
13   stop.

14          THE WITNESS:  Okay.

15          THE COURT:  I think your answer is already on the  
16   record.  She said she don't think he was.  Objection overruled.

17          Q.    (By Mr. Unti) :  Do you know whether Scott Allen was  
18   dealing drugs in that time period, the summer of 1999?

19          A.    He wasn't dealing drugs.

20          Q.    Did you ever know Scott to be dealing drugs?

21          A.    No.

22                Excuse me, sir.  I thought you asked me that the first  
23   time, was Scott dealing drugs?

24          Q.    That's what I asked.

25          A.    Okay.  No.

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1 Q. And my second question was, did you ever know Scott to  
2 deal drugs, as a drug dealer?

3 A. Oh, no.

4 Q. Okay. Did you know Vanessa Smith in 1999?

5 A. Yes.

6 Q. Okay. How well did you know Vanessa Smith?

7 A. Very well.

8 Q. Did you ever see Scott and Vanessa together?

9 A. Yes.

10 Q. Okay. Can you tell me anything about how Scott  
11 related to Vanessa during that time period?

12 MR. VLAHOS: Objection. How does it go to mitigation?

13 MR. UNTI: Your Honor --

14 THE COURT: You told me you'd tie it back in. The  
15 mitigation is somebody else killed him, I get it.

16 MR. UNTI: No, no, Your Honor, the way Scott relates  
17 to other people, whether he gets confrontational, whether he  
18 gets combative, whether he loses his temper is of mitigating  
19 value.

20 THE COURT: I agree. But are we going to ask her  
21 to -- I mean, I thought like we had finished that first little  
22 chapter, and I don't remember anybody asking her, did -- which  
23 would be double hearsay, I guess: Did your husband relate this  
24 guy ever -- well, I don't think there was a confrontation,  
25 right, your husband never found him?

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1 THE WITNESS: No.

2 THE COURT: And confronted him about the album; is  
3 that what you're telling us?

4 THE WITNESS: Yes, sir. He never found him.

5 THE COURT: Okay. Go ahead. I mean, I agree that if  
6 there's evidence about his -- the way he responds to conflict  
7 and either lack of or propensity to being confrontational, I  
8 agree that that might go to mitigation. Go ahead.

9 Q. (By Mr. Unti) : My question was, did you see Scott  
10 and Vanessa together?

11 A. Yes.

12 Q. Okay. Can you tell me about how they related to each  
13 other?

14 A. Well, at first, they were like pals. Just buddies, at  
15 first.

16 Q. And then did that change at some point in time?

17 A. At some point, Vanessa fell in love or shall I say  
18 obsessed.

19 Q. And did that -- by your observation, did their  
20 relationship deteriorate?

21 A. Yes.

22 Q. Okay. Can you describe that for me?

23 A. It almost seemed to me that Scott was scared of her.  
24 She --

25 MR. VLAHOS: Objection to what the defendant thought

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1 of her.

2 THE COURT: Overruled. Let's get to the confrontation  
3 part.

4 Q. Okay. Did you ever see Vanessa angry, aggressive with  
5 Mr. Allen?

6 A. Oh, yes.

7 Q. Okay. Can you describe that to the court, please?

8 A. When she found out that he was dating Kelly Racobs,  
9 she got upset. She told me that she had felt used by Scott  
10 Allen.

11 MR. VLAHOS: Objection to what Vanessa said.

12 THE WITNESS: Oh.

13 THE COURT: Sustained.

14 Q. Let me ask the question again. Did you ever see --  
15 well, did that relationship deteriorate and can you describe  
16 that for me?

17 A. She called me all the time looking for him, upset.  
18 She told me she was going to get back at him.

19 MR. VLAHOS: Objection as to what Vanessa said.

20 THE COURT: You're doing fine, ma'am. Just sort of in  
21 general terms describing your impressions of their relationship  
22 and your impression of how this lady was -- what her emotions  
23 were at this stage of the relationship, but just don't tell us  
24 exactly what she said; okay?

25 THE WITNESS: Oh, okay. Okay.

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1 THE COURT: Okay. Yes, sir. Go ahead.

2 Q. (By Mr. Unti) : You said that she was very upset that  
3 Scott was dating Kelly Racobs?

4 A. Yes.

5 Q. How did she respond to that?

6 A. Anger.

7 Q. How angry?

8 A. Very, very angry.

9 Q. Okay. Did you see Scott and Vanessa when Vanessa was  
10 very angry at Scott?

11 A. Oh, yes.

12 Q. How did Scott respond to her anger?

13 A. He tried to get away from her.

14 Q. Did he hit her?

15 A. No.

16 Q. Did he yell back at her?

17 A. No. He tried to leave.

18 Q. He tried to avoid the conflict?

19 A. Yes.

20 Q. Prior to Scott's trial, were you contacted by Scott's  
21 trial lawyers and investigator or anyone else from the defense  
22 team?

23 A. I don't think in this case, no.

24 Q. Okay. In other words, did the lawyers call you and  
25 say, we'd like to interview you and find what you know about the



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1 case or about Scott Allen?

2 A. Oh, yes.

3 Q. Okay. What did they talk to you about?

4 A. Just what I remember headed up to that day.

5 Q. Okay. Did they ask you about Scott's personality or  
6 his -- how he treated other people, about his lack of  
7 confrontation?

8 A. Yes.

9 Q. Okay. And you told them about that?

10 A. Yes, I did.

11 Q. Did anyone ask you whether you were willing and  
12 available to testify at Scott's trial?

13 A. No, sir.

14 Q. Okay. Now, you say you did meet with the lawyers?

15 A. Uh-huh.

16 Q. How long did that meeting last?

17 A. Not long. Maybe an hour.

18 Q. Okay. Did you meet with Mr. Oldham and Mr. Atkinson?

19 A. No. Just Mr. Oldham.

20 Q. Mr. Oldham?

21 A. Yes.

22 Q. Okay. But neither attorney asked you to testify in  
23 the -- either in the guilt phase or the penalty phase of the  
24 trial?

25 A. No. They just indicated to me they would let me know

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1 something.

2 Q. Okay. All right.

3 MR. UNTI: That's all I have, your Honor.

4 THE COURT: Mr. Unti, thank you for your help. And if  
5 I haven't thanked, Ms. Lumsden, thank you for your help. Thank  
6 you.

7 Yes, sir. Mr. Vlahos.

8 MR. VLAHOS: Thank you, your Honor.

9 CROSS-EXAMINATION BY MR. VLAHOS:

10 Q. Ms. Lawson, you testified about your husband at that  
11 time, Jamie?

12 A. Yes.

13 Q. Leaving on a night after your birthday with an assault  
14 rifle; is that correct?

15 A. Yes.

16 Q. Okay. And that -- the assault rifle shoots -- what  
17 does it shoot?

18 A. I have no clue. I just know it's a large gun.

19 Q. That it is a large gun.

20 A. I was scared of it. I didn't play with it.

21 Q. I gotcha. It's not a shotgun; is it?

22 A. An assault rifle is a rifle.

23 Q. Right. It doesn't shoot buckshot; does it?

24 A. I don't know. I know it shoots long bullets.

25 Q. Long bullets. Single-shot bullets; right?

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1 A. Yes.

2 Q. It doesn't shoot buckshot like a shotgun; does it?

3 A. I don't know. I never fired it.

4 Q. It doesn't shoot birdshot like a shotgun; does it?

5 A. I wouldn't know.

6 Q. Okay. And you testified earlier, there was a time  
7 when you and Mr. Fender were having problems that you resorted  
8 to some alcohol and some drug use; is that correct?

9 A. Yes.

10 Q. Okay. And that was also at a time when you had a  
11 minor child; is that correct?

12 A. Yes.

13 Q. Okay. And you ended up cheating on your husband with  
14 Mr. Gailey; is that correct?

15 A. Yes, sir.

16 Q. Okay. And those are rough times in your life that  
17 you're not proud of; is that correct?

18 A. Not at all.

19 Q. Okay. And what have you pled guilty to or been  
20 convicted of in the past ten years that could carry a sentence  
21 of 60 days or more?

22 A. In the last when?

23 Q. Ten years.

24 A. Nothing.

25 Q. How much alcohol, were you using at the time back

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1 then, around 1999?

2 A. Usually about a 12-pack on the weekend a day.

3 Q. Okay. Were you drinking anything else?

4 A. No.

5 Q. And you were using drugs at that time too?

6 A. Just a little cocaine.

7 Q. A little cocaine. Okay. Any other drugs?

8 A. No.

9 Q. You weren't using marijuana or anything else?

10 A. No. I've never liked it.

11 Q. And were you hanging out with a group at the lake  
12 house over there where Vanessa and the defendant were staying?

13 A. I went to a party over there one time with my brother  
14 and his girlfriend.

15 Q. Okay. And that area, there's a lot of drugs and  
16 alcohol going on over there; isn't that correct?

17 A. It was a party.

18 Q. It was a party the whole time; right?

19 A. Yes.

20 Q. Okay. Is that the kind of place you tried to stay  
21 away from?

22 A. On the weekends, it was fun. I felt like a single  
23 woman, you know.

24 Q. Yeah.

25 A. There was a lot of people there.

Denise St. Clair, RPR, CRR, CRC  
Official Court Reporter

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1 Q. Okay.

2 A. A lot of attention.

3 Q. Okay. On a weekend, it was great. But it's not any  
4 place you'd want to be on the weekdays or when you had to work?

5 A. No. I had a family.

6 Q. Were you working at that time?

7 A. Yes.

8 Q. Were you working at the time of this trial in  
9 October 27th of 2003?

10 A. No, sir.

11 MR. VLAHOS: Okay. May I have a moment, Your Honor?

12 THE COURT: Yes, sir.

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

14 THE COURT: Mr. Vlahos, thank you for your help in  
15 this case. I appreciate it.

16 Mr. Unti.

17 MR. UNTI: Just one or two more questions.

18 THE COURT: Yes, sir.

19 REDIRECT EXAMINATION BY MR. UNTI:

20 Q. Lois, did you -- you mentioned that besides some beer,  
21 that you had taken some cocaine back in that period, 1999?

22 A. Yes, sir.

23 Q. Did you buy it from Scott Allen?

24 A. No.

25 Q. Who did you buy it from?

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1 A. I didn't buy it.

2 Q. Okay. Who gave it to you?

3 A. Chris Gailey.

4 Q. Chris Gailey did?

5 A. (Witness gesturing affirmatively.)

6 Q. Was this while you were having the affair with Chris  
7 Gailey?

8 A. Yes.

9 MR. UNTI: Your Honor, that's all I have for this  
10 witness.

11 THE COURT: Okay. Thank you, sir.

12 Yes, sir.

13 **RE-CROSS EXAMINATION BY MR. VLAHOS:**

14 Q. Just to clarify your testimony. On the night when,  
15 you know, your husband, Mr. Fender, went out with the assault  
16 rifle, he was upset at the defendant, Scott Allen; is that not  
17 right?

18 A. Excuse me?

19 Q. Yeah. When your husband, Jamie Fender, that night,  
20 when he went out with the assault rifle, he was mad at Scott  
21 Allen that night; is that correct?

22 A. Oh, yeah.

23 Q. And that's because he took one of his albums; is that  
24 right?

25 A. Two or three of them.

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1 Q. Okay. He didn't go out there looking for Christopher  
2 Gailey. Jamie Fender did not go there looking for Christopher  
3 Gailey?

4 A. No, sir.

5 Q. Okay. And at that time, to your knowledge, did your  
6 husband, Jamie Fender, know of your affair with Christopher  
7 Gailey?

8 A. Yes, he did.

9 Q. Okay. He knew about it. How did he react to your  
10 affair with Christopher Gailey?

11 A. He got physically and mentally abusive after that.

12 Q. Okay. Towards you; is that correct?

13 A. Yes.

14 Q. Okay. Did he ever go out and try to get Christopher  
15 Gailey?

16 A. Not as I know of.

17 MR. VLAHOS: Okay. Thank you. No further questions,  
18 Your Honor.

19 THE COURT: Anything further?

20 MR. UNTI: No further questions, Your Honor.

21 THE COURT: Thank you, ma'am, for coming and helping  
22 us today.

23 THE WITNESS: Thank you, Your Honor.

24 (Witness excused at 4:24 p.m.)

25 THE COURT: Okay, guys. Let's call it a day. All