

1           **MR. JEFFREY LYNN PAGE**, having been first duly sworn by  
2 the jury, testified on **DIRECT EXAMINATION** by **MS. ALLEN**:

3 Q.     (BY MS. ALLEN) Good morning, sir.

4 A.     Good morning.

5 Q.     Would you state your full name for the Court, please.

6 A.     Jeffery Lynch Page.

7 Q.     How old are you, Mr. Page?

8 A.     Thirty-eight.

9 Q.     Now, would you just tell the Court in the last ten years  
10 what offenses you've been convicted of, sir, that are a  
11 Class Two misdemeanor or greater?

12 A.     I've just -- It's pending now. It's accessory to the  
13 fact (SIC).

14 Q.     And is that in connection with this case here?

15 A.     Yes, ma'am.

16 Q.     Okay. So you were charged as an accessory after the fact  
17 to this murder?

18 A.     Yes, ma'am.

19 Q.     Okay. As to what happened with you and the truck?

20 A.     Yes, ma'am.

21 Q.     All right. Did you enter into an agreement with the  
22 State of North Carolina regarding your charge and  
23 regarding your testimony?

24 A.     Yes, ma'am. As long as I truthfully and willfully --  
25 truthfully give this testimony then it will be

1 voluntarily dismissed.

2 Q. The charge will be dismissed by the State, is that  
3 correct?

4 A. Yes, ma'am.

5 Q. That's your understanding of the agreement?

6 A. Yes, ma'am.

7 MS. ALLEN: May I approach the witness, Your  
8 Honor?

9 THE COURT: Yes, ma'am.

10 Q. (BY MS. ALLEN) Mr. Page, I'm handing you what I have  
11 marked as **STATE'S EXHIBIT NUMBER SIXTY-TWO (62)**. Sir,  
12 could you identify that document, please.

13 A. Read it?

14 Q. Just identify it.

15 A. Oh, yes, sir. Yes, ma'am.

16 Q. Okay. What is it?

17 A. It's showing that the State has dismissed my charges if I  
18 truthfully -- let me see -- testify in this case.

19 Q. Okay. And is that the agreement that you signed?

20 A. Yes, ma'am.

21 Q. And did I also sign that agreement?

22 A. Yes, ma'am.

23 Q. Okay. Thank you.

24 MS. ALLEN: State would ask that State's  
25 Exhibit Number Sixty-Two be entered into evidence at this

1 time.

2 THE COURT: So admitted.

3 MS. ALLEN: Thank you.

4 Q. (BY MS. ALLEN) Now, you know John Blackwelder?

5 A. Yes, ma'am.

6 Q. Okay. How would you describe your relationship with him?

7 A. Good friends.

8 Q. Okay. And were you with him back in July, around the 9<sup>th</sup>,  
9 10<sup>th</sup>, 11<sup>th</sup>, of 1999?

10 A. Yes, ma'am.

11 Q. Okay. And where were y'all?

12 A. We was at Brunswick County.

13 Q. Okay. And what were you doing down there?

14 A. We was going to -- they call him Spider, but his name's  
15 Jeff Brantley. We was going to Cherry Grove Beach. We  
16 was going to stop by his house for a little bit for a  
17 cookout.

18 Q. Okay. And did you get there on Saturday, July 11<sup>th</sup>?

19 A. Yes, ma'am.

20 Q. All right. I'm sorry. July 10<sup>th</sup>.

21 A. 10<sup>th</sup>.

22 Q. Okay. Thank you. And when you got to Jeff Brantley's,  
23 who else was there that you remember?

24 A. Jeff, his wife, and Vanessa, and Scott Allen.

25 Q. Okay. Did you know Vanessa?

1 A. I knew her a long time ago. I mean I've seen her around,  
2 and she was from Stanly County, but I hadn't seen her in  
3 a long time.

4 Q. But you recognized her when she came in, is that right?

5 A. Yes, ma'am.

6 Q. And did you know Scott?

7 A. No, ma'am, I didn't know Scott.

8 Q. All right. So did Scott come there with Vanessa?

9 A. Yes, ma'am.

10 Q. Okay. But you hadn't met him before, is that right?

11 A. No, ma'am.

12 Q. All right. Do you remember if anybody else was there  
13 than the people you just named?

14 A. Spider and his wife and his son.

15 Q. Okay.

16 A. Yeah.

17 Q. And y'all were having a cookout?

18 A. Right.

19 Q. Okay. Do you know how Scott and Vanessa got there?

20 A. In a white GMC pickup truck.

21 Q. Okay.

22 MS. ALLEN: May I approach the witness, Your  
23 Honor?

24 THE COURT: You may. Is this Exhibit Fifty-  
25 Nine?

1 MS. ALLEN: Yes, sir.

2 Q. (BY MS. ALLEN) Mr. Page, I'm now handing you what I have  
3 marked as State's Exhibit Number Fifty-Nine.

4 A. Yes, ma'am, that's the truck.

5 Q. Is that a photograph or a photocopy of the vehicle that  
6 they came in?

7 A. Yes, ma'am.

8 MS. ALLEN: State moves to enter State's  
9 Exhibit Number Fifty-Nine into evidence.

10 THE COURT: For illustrative purposes it's  
11 admitted.

12 MS. ALLEN: Thank you.

13 Q. (BY MS. ALLEN) Now Mr. Page, did you have any  
14 conversation with Scott Allen?

15 A. Well, it was in the living room, I never really had no  
16 conversation with him, but he was talking about you know,  
17 the thing that he had done. You know, I really didn't  
18 believe him, but he said that he had shot a fellow.

19 Q. Okay.

20 A. And he didn't say no name, but he shot him with a  
21 shotgun.

22 Q. Okay.

23 A. Up at Uwharrie.

24 Q. In the forest?

25 A. Yes, ma'am.



1 Q. And what did he say to you about the truck?

2 A. He said that he took the -- that he wanted to sell the  
3 truck, and that he had, what he'd said, that Vanessa had  
4 taken the truck and she was driving down the road,  
5 because undoubtedly this fellow did not die instantly  
6 that he had shot.

7 MR. OLDHAM: Objection, Your Honor.

8 THE COURT: Sir, just tell us what was said.

9 Q. (BY MS. ALLEN) Okay. Just tell us what Mr. Allen said  
10 about that.

11 A. Well, he had Vanessa to ride till daylight and come back  
12 and pick him up.

13 Q. Did he say anything else about when he shot the boy?

14 A. Well, he said that he heard the boy groaning, and he also  
15 stated that he would throw a rock and when that rock  
16 would hit the ground the fellow thought that it was him  
17 and the fellow had a gun undoubtedly and went to  
18 shooting. And that's why Scott was scared to go near him  
19 because the fellow had a gun.

20 Q. All right. Now, tell us what went on with the truck  
21 while you were there at Spider's house.

22 A. Well, he has to sell it and I did buy it.

23 Q. Yes, sir. And what was the asking price for that truck?

24 A. It was eight hundred dollars (\$800.00).

25 Q. Okay. And that was a 1998 GMC?

1 A. Yes, ma'am.

2 Q. And it was a special truck, wasn't it?

3 A. Yeah, it was cut lower down and everything, tinted  
4 windows.

5 Q. Okay. Now was \$800.00 a good deal for that truck?

6 A. Well, I thought it was a real good deal.

7 Q. You did? And what did you decide to do about that good  
8 deal?

9 A. Well, got Spider with Jeff Brantley and rode, and I went  
10 to my home and got the money.

11 Q. All right. Now how did you get up to your home?

12 A. I followed. They drove the truck.

13 Q. Who drove the truck?

14 A. Robert Peralta. Is that -- I can't pronounce that name.  
15 But it was Robert.

16 Q. Okay.

17 A. He drove the truck, and Little John was riding with him.

18 Q. Now when you say Little John, who are you talking about?

19 A. John Blackwelder.

20 Q. Okay.

21 A. John Blackwelder is who I'm talking about. John  
22 Blackwelder was riding with him, and we followed them up  
23 to the -- to one of my friend's, Eddie Howard's house and  
24 parked the truck back behind his house.

25 Q. Okay. What did you do about the money?

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- 1 A. I got the money. I gave the money to Spider.
- 2 Q. Where'd you go to get the money?
- 3 A. I went to my mom's house where I've got a safe at my
- 4 mom's house, and I had the money in there.
- 5 Q. How much money did you get out of it?
- 6 A. Eight hundred dollars (\$800.00).
- 7 Q. Okay. And then what did you do?
- 8 A. I gave the money to Jeff Brantley.
- 9 Q. Now when you got the money out of the safe were you still
- 10 in Albemarle?
- 11 A. Yes, ma'am.
- 12 Q. Okay. And where did y'all go from Albemarle?
- 13 A. Straight back down to Shallotte to Spider's residence.
- 14 Q. Now how did you get back down to Shallotte?
- 15 A. In my car.
- 16 Q. And where was the truck that you bought from Scott Allen,
- 17 where was that?
- 18 A. It was at Eddie Howard's house parked.
- 19 Q. Where was it parked at Eddie Howard's house?
- 20 A. Behind his house.
- 21 Q. Was there any particular reason you parked it behind --
- 22 that it was parked behind the house?
- 23 A. Well, I just figured, you know, he parked cars back
- 24 there, so that's the reason I parked it back there, would
- 25 it be all right to park it there.

VANGESSA  
SAYS  
HE  
PAID  
SCOTT



1 Q. And was it okay?

2 A. Yes.

3 Q. Did you tell Eddie anything about the truck?

4 A. Well, Eddie wasn't there. His son Byron was.

5 Q. Did you tell Byron anything about the truck?

6 A. I told him, you know, I needed to park the truck there  
7 and you know everything, and he said okay, it would be  
8 all right for you to park it here.

9 Q. Okay. And y'all drove back down to Shallotte. And tell  
10 us what happened when you got back down there.

11 A. We got back down to Shallotte, and Jeff Brantley gave  
12 Scott Allen the money, and they kind of had some kind of  
13 conversation, and then Vanessa wanted to come back to  
14 Albemarle. She didn't want to stay there. She wanted to  
15 come back to Stanly County. So Vanessa Smith got in the  
16 car with me and John Blackwelder and we came back to  
17 Albemarle, and I let her out on Broom Street, and until  
18 this happened was the only time I've seen her since.

19 Q. Okay. Before y'all came back do you remember what Scott  
20 Allen was talking about after you had had the money  
21 transaction?

22 A. Well, he said that he was going to get out of there, that  
23 he was going to go to Colorado.

24 Q. Okay. Did he talk about why he shot the boy in the  
25 woods?

1 A. He said that the reason he shot that boy because he  
2 thought that that boy was going to rat him off because he  
3 was an escapee from Troy prison.

4 Q. Okay. And when you were riding back to Shallotte, did  
5 Vanessa have anything to say in the vehicle?

6 A. Well, she kind of talked about what had really -- you  
7 know, what had happened and all, you know.

8 MR. OLDHAM: Objection.

9 A. Saying that it was true, that that is what happened.

10 THE COURT: Let's see. Sir, if there's an  
11 objection made, I know you're not in here every day.

12 A. All right.

13 THE COURT: When an objections' made you need  
14 to just stop.

15 A. I didn't hear him, sir. I'm sorry. I can't hear out of  
16 this one ear.

17 THE COURT: I know it. Y'all need to pull that  
18 mic down. It is difficult. Folks, this is going to be  
19 another one of those turnarounds, okay? Sorry. I know  
20 we -- Over the weekend we might install springs in this  
21 seats.

22 *(Jury exits the courtroom at this time.)*

23 TIME: 11:01 a.m.

24 *(The following proceedings were held in open court,*  
25 *no jurors being present in the courtroom.)*

1 THE COURT: Ms. Allen, could you ask the  
2 question again?

3 MS. ALLEN: Yes.

4 Q. (VOIR DIRE BY MS. ALLEN) What did Vanessa say?

5 A. She said that he had shot that boy and that they had  
6 taken the truck and come down to Spider's house.

7 Q. And who did she say shot the boy?

8 A. She said Scott shot -- Scott Allen shot that boy. I  
9 don't know his name.

10 Q. Did she say where?

11 A. At Uwharrie Mountain. I'm sorry for saying something I  
12 wasn't supposed to. I'm nervous.

13 THE COURT: Hey, you're fine here. That's just  
14 my job. You know, I've got to stop you whenever I'm  
15 supposed to stop you. Okay?

16 A. I didn't know.

17 THE COURT: That's no problem. Anything -- Did  
18 she say anything further to you?

19 A. Like she was in the back with John. I just kind of heard  
20 a little of what, you know, she was saying, just saying  
21 stuff like that.

22 THE COURT: All right. But what you just  
23 testified in all that you remember her saying?

24 A. Yes, sir.

25 THE COURT: Defense have any questions of this

1 witness about what she said?

2 MR. OLDHAM: No, Your Honor.

3 THE COURT: All right. Then the objection is  
4 overruled. Bring the jury back in.

5 A. Do what?

6 THE COURT: We're going to start again with her  
7 asking that question there, and then you give the answer.

8 *(Jury enters the courtroom.)*

9 TIME: 11:04 a.m.

10 *(The following proceedings were held in open court*  
11 *in the presence of the jury.)*

12 THE COURT: Ms. Allen, could you ask your  
13 question again, please.

14 MS. ALLEN: Yes, sir.

15 Q. (BY MS. ALLEN) Mr. Page, what did Vanessa say to you  
16 that you remember in the car on the way back to  
17 Albemarle?

18 A. She said that Scott Allen shot him, shot the fellow up at  
19 Uwharrie Mountain.

20 Q. Okay. And when you got back to Albemarle, did you hear  
21 anything about anyone getting -- Well, I'll withdraw that  
22 question. When you had that information from Vanessa and  
23 also based on what Scott told you, what were you thinking  
24 about the truck?

25 A. I was wanting to get rid of it.



1 Q. Okay. And when you got back to Albemarle after having  
2 just purchased this truck for \$800.00 what did you do?  
3 Who did you call?

4 A. I called Eddie Sherron

5 Q. All right. Now who is Eddie Sherron?

6 A. Eddie Sherron was one of my friends, and he had sold cars  
7 before, and I figured he would know someone that would  
8 buy it.

9 Q. Okay. You were going to try to get rid of that truck?

10 A. Yes. Yes, ma'am.

11 Q. Okay. And what did you and Eddie do with the truck?

12 A. We drove to Shallotte -- I mean Conway.

13 Q. Is that Conway, South Carolina?

14 A. Conway, South Carolina.

15 Q. Where in Conway did you go to?

16 A. It's a junk yard. I don't remember how you get there or  
17 nothing, but it was a junk yard we went to. And the man  
18 bought the truck. Eddie went in, inside, and he bought  
19 the truck.

20 Q. Okay. And how did you get down to Conway?

21 A. I drove my Honda car.

22 Q. And who drove the truck itself?

23 A. Eddie. Eddie Sherron.

24 Q. Okay. And after you talked to the investigating officers  
25 in this case, did you make an effort to try and get the

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1 truck back?

2 A. Yes, ma'am, I did.

3 Q. Now I believe you gave two statements in this case, is  
4 that correct?

5 A. Yes, ma'am.

6 Q. The first statement that you gave was to John Reid who is  
7 seated back here.

8 A. Yes, ma'am.

9 Q. Do you recall giving him a statement on October 27<sup>th</sup>,  
10 1999?

11 A. Yes, ma'am. It wasn't a truthful statement. I was  
~~12 scared.~~

13 Q. All right. Now, okay. Why were you scared at that time?

14 A. I didn't know what was going on. I was scared, you know,  
15 and worried about this boy being dead.

16 Q. And you -- What did you think about the truck that you  
17 had at that time?

18 A. What did I say?

19 Q. No. What were your thoughts as to why you had to get rid  
20 of the truck?

21 A. Because this fellow really was dead.

22 Q. Okay. And you, subsequent to talking to Special Agent  
23 Reid, I believe you talked to Detective Chris Poole, is  
24 that correct?

25 A. Yes, ma'am.

1 Q. And tell us how that statement went.

2 A. Well, he showed me a picture of him. He said look, this  
3 is what's happened, you know, this fellow here's dead,  
4 and I want to know where the truck was. And I told him  
5 you know, that the truck was at Conway at a junk yard. I  
6 didn't know exactly how to get there.

7 Q. Do you know whose junk yard it was at?

8 A. I do now because he subpoenaed me for court.

9 Q. Okay.

10 A. Coy Eugene Honeycutt is his name.

11 Q. Okay. And was the statement that you subsequently gave  
12 to Lieutenant Detective Chris Poole truthful?

13 A. About the truck, where the truck was?

14 Q. Yes.

15 A. Yes, ma'am.

16 Q. No further questions at this time.

17 THE COURT: Cross examination?

18 MR. OLDHAM: Yes, sir. Thank you.

19 \*\*\*\*\*

20 \*\*\*\*\*

21 **CROSS EXAMINATION of MR. JEFFREY LYNCH PAGE by MR.**

22 **OLDHAM:**

23 Q. (BY MR. OLDHAM) Mr. Page, you just indicated to  
24 Assistant District Attorney Allen that you talked with  
25 Agent Reid who's sitting behind her, is that correct?

- 1 A. Yes, sir. I talked to both of them.
- 2 Q. They were together?
- 3 A. Yes, they was together.
- 4 Q. Agent Reid and Officer Poole of the Montgomery County  
5 Sheriff's Department were together, is that correct?
- 6 A. Yes, sir, at Stanly County Sheriff's Department.
- 7 Q. Okay. And this was somewhere around October 27<sup>th</sup>, 1999,  
8 is that correct?
- 9 A. Close, yes, sir.
- 10 Q. Okay. And you were at the Stanly County Sheriff's  
11 Department, is that correct?
- 12 A. Yes, sir. That's where they came to question me.
- 13 Q. Is that in Albemarle?
- 14 A. Yes, sir.
- 15 Q. And you indicated to the Assistant District Attorney that  
16 your statement was untruthful on that occasion, is that  
17 correct?
- 18 A. That about the truck, yes.
- 19 Q. About the truck, sir?
- 20 A. That where the truck was.
- 21 Q. Okay. In other words you lied to them?
- 22 A. I told you at the beginning when I told her, what I just  
23 told her that my first statement wasn't truthful. I was  
24 scared.
- 25 Q. Okay.



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1 A. But my second statement was fully truthful.

2 Q. Now when you talked to them down there at the Sheriff's  
3 Department you said that you had never met Scott Allen  
4 until that weekend, is that correct?

5 A. That's right.

6 Q. Never seen Scott Allen before in your life?

7 A. Nope.

8 Q. Okay. And you indicated in that statement that you knew  
9 Vanessa Smith, is that correct?

10 A. Yeah, but it had been a long time since I've seen her.

11 Q. You indicated you were familiar with her because you had  
12 seen her at Mike Cockman's house in Charlotte, is that  
13 correct?

14 A. Yes, sir.

15 Q. And you remembered everyone was smoking crack cocaine  
16 there, is that right?

17 A. Yes, sir.

18 Q. Okay. Now, you just indicated to us that you lied about  
19 the truck in that statement, is that correct?

20 A. No, I didn't lie about the truck. I didn't tell the  
21 truth about it though.

22 Q. You didn't tell the truth? Well, you didn't lie or  
23 didn't tell the truth, you didn't tell the whole truth?

24 A. Right.

25 Q. Okay. Is that correct?

1 A. Yeah.

2 Q. Now, when you talked to Agent Reid and Officer Poole  
3 there in the Albemarle Police Department, you didn't make  
4 any statement to them concerning anything Scott Allen  
5 told you, did you?

6 A. No.

7 Q. You didn't tell Special Agent Reid and Officer Poole that  
8 this man you'd never seen before told you he'd shot  
9 someone up in Uwharrie Forest, did you?

10 A. No, sir.

11 Q. You didn't tell Special Agent Reid and Officer Poole  
12 anything about Scott Allen saying he threw pebbles at  
13 this guy to see if he was alive up there in the sheriff's  
14 department in Albemarle, did you?

15 A. No, sir. I was scared.

16 Q. You didn't say anything there to Special Agent Reid or  
17 Officer Poole in the Albemarle Sheriff's Department about  
18 any statement Vanessa Smith said to you, did you?

19 A. No, sir. Not that I can recall. It's been a long time.

20 Q. Okay. And you were there with them, is that correct?

21 A. Them who?

22 Q. The two officers in the sheriff's department?

23 A. Yes, sir.

24 Q. And you were untruthful with them, weren't you?

25 A. Yes, sir.

1 Q. You lied to them?

2 A. Yes, sir.

3 Q. Now, you did tell them on that occasion that you drove  
4 the pickup truck to the junk yard somewhere in Conway,  
5 South Carolina, is that right?

6 A. No, sir, I did not tell them I drove the truck. I told  
7 them Eddie Sherron drove the truck and I followed him.

8 Q. Did you say that sometime during the day Brantley told  
9 both him and another white male, name unknown, to drive a  
10 white GMC pickup truck to a junk yard somewhere in  
11 Conway, South Carolina?

12 A. No.

13 Q. You didn't?

14 A. Eddie Sherron drove the truck to Conway, South Carolina.

15 Q. Did you tell them that you could not recall the name of  
16 the junk yard or how to get there?

17 A. Yes, sir. I had never been there before. And they was  
18 having road construction and stuff, and I just followed  
19 him, Eddie Sherron, there. He was the only one in the  
20 truck.

21 Q. Did you tell them that you were under the influence of  
22 alcohol?

23 A. I had been drinking.

24 Q. What had you been drinking?

25 A. Beer.

1 Q. How much?

2 A. Just a couple.

3 Q. Just a couple. What is a couple?

4 A. Two twelve-ounce beers is a couple.

5 Q. Now are we talking about Saturday or are we talking about  
6 a Sunday?

7 A. I can't recall what day it was on.

8 Q. You can't recall what day it was on?

9 A. No, sir. Like I say, it's been a long time.

10 Q. Okay. Can you recall if you had anything, if you used  
11 any other types of drugs on that occasion?

12 A. No, sir, I shore hadn't.

13 Q. Did you state later on this statement that they -- we  
14 took the truck to Conway the following Monday morning on  
15 Sunday?

16 A. Like I say, I don't know exactly what day it was on, but  
17 I did state we had taken the truck to Conway to a junk  
18 yard.

19 Q. And did you say that you saw a white male there about  
20 fifty-five years of age, medium built?

21 A. He was inside.

22 Q. And that the man there paid you a thousand dollars?

23 A. He didn't pay me. He paid Eddie Sherron. Eddie done  
24 the, whatever you want to call it, the dealing with him.  
25 He knew him. I didn't know him.



1 Q. But you didn't tell them he paid you?

2 A. No.

3 Q. You didn't tell them he paid you in twenties and hundred  
4 dollars bills for the truck?

5 A. No.

6 Q. You didn't tell them that you later gave Jeff Brantley  
7 \$800.00 and kept \$200.00 for yourself?

8 A. This was before that fact, that I gave him -- that I gave  
9 Jeff Brantley the \$800.00. That's when the truck was  
10 bought.

11 Q. My question is did you tell these two officers that?

12 A. Yes, sir. I told them I gave him \$800.00. Yes.

13 Q. And did you tell them that you never knew the truck was  
14 stolen until Special Agent Tim Caulder (SIC) of the State  
15 Bureau of Investigation and Detective Robert Eury of the  
16 Albemarle Police Department showed up at your  
17 girlfriend's house and told that it was stolen? Did you  
18 make that statement to them?

19 A. Yes, sir, I told them I didn't know.

20 Q. Are you now telling us that's a lie?

21 A. Yes.

22 Q. And you actually told them your girlfriend's name Rhonda  
23 Carter, didn't you?

24 A. Rhonda Carter.

25 Q. And you told them that you drove the other guy back to

- 1 Brantley's house and handed Brantley the \$800.00 on that  
2 occasion?
- 3 A. I didn't drive the other guy back to the house. When the  
4 truck was sold --
- 5 Q. I'm asking if you told them that, the two officers?
- 6 A. No.
- 7 Q. You didn't tell those two officers that statement?
- 8 A. No, they went -- We left straight from Stanly County with  
9 Eddie Sherron driving the truck, and I was driving my car  
10 behind them and went straight to Conway.
- 11 Q. And you told them you took the \$200.00 and went to the  
12 beach yourself?
- 13 A. Yes, sir. My intention was when I went down there to go  
14 to Cherry Grove Beach.
- 15 Q. Now, you talked to them for about an hour and ten minutes  
16 on that occasion, didn't you?
- 17 A. Approximately.
- 18 Q. Started about 3:15 in the afternoon and lasted till 4:25  
19 in the afternoon?
- 20 A. Something like that.
- 21 Q. And have you looked at what you told them before you  
22 testified today?
- 23 A. I've seen some of it. Like I said, it's been a long  
24 time.
- 25 Q. When did you see it?

1 A. The other day.

2 Q. When was the other day?

3 A. Let's see. Yesterday. Day before yesterday.

4 Q. Where were you?

5 A. Where was I?

6 Q. Yes. Where were you when you saw what you had said to  
7 them?

8 A. At home.

9 Q. Who was there with you?

10 A. Nobody.

11 Q. You had a copy of this statement you'd lied to them about  
12 before?

13 A. Yes.

14 Q. Where'd you get that?

15 A. I got it from the D.A.

16 Q. When did you get that?

17 A. Day before yesterday.

18 Q. Did you talk to her that day?

19 A. No. I didn't talk to her that day.

20 Q. They gave you a copy of what you said, is that correct?

21 A. Exactly. The lady down in the D.A.'s office gave it to  
22 me.

23 Q. Now, during the period down there in Shallotte while you  
24 were at the cookout, did you have anything to drink that  
25 day?

- 1 A. When I was where?
- 2 Q. At the cookout at Shallotte?
- 3 A. Yes, I'd had a few beers.
- 4 Q. What was a few?
- 5 A. Three.
- 6 Q. Three. And did you have anything else that day?
- 7 A. No, sir.
- 8 Q. Did you see Mr. Blackwelder that day?
- 9 A. Yes, sir.
- 10 Q. Was he drinking?
- 11 A. Yeah, he was drinking.
- 12 Q. How many did he have?
- 13 A. I don't know how many he drank.
- 14 Q. Did you see anybody use any drugs there on that occasion?
- 15 A. No, sir.
- 16 Q. Did you ever see Spider give Vanessa Smith anything to  
17 take on that occasion?
- 18 A. No, sir.
- 19 Q. Did you ever see Vanessa Smith take anything that anyone  
20 gave her?
- 21 A. No, sir. It seems like it was out back, like some things  
22 could have been in the house or outside.
- 23 Q. Now at some point you said you and Mr. Blackwelder  
24 returned to Stanly County in your vehicle, is that  
25 correct?



- 1 A. Yes, sir.
- 2 Q. And this was after supposedly taking the white truck to -
- 3 A. Stanly County.
- 4 Q. -- Stanly County. Did you have anything to drink on that
- 5 occasion when you took it to Stanly County?
- 6 A. No, sir.
- 7 Q. You didn't have anything to drink?
- 8 A. No, sir.
- 9 Q. Did anybody have anything to drink?
- 10 A. Yeah, they was drinking.
- 11 Q. Who was drinking?
- 12 A. Robert was drinking.
- 13 Q. Who else?
- 14 A. And probably Spider probably was drinking.
- 15 Q. And who else?
- 16 A. And probably John Blackwelder was drinking a little.
- 17 Q. You're telling us now you're the only one who wasn't
- 18 drinking?
- 19 A. No, because I had to drive.
- 20 Q. Okay. Was there any beer bought before you left
- 21 Shallotte?
- 22 A. No, sir.
- 23 Q. Nobody stopped the vehicles to buy any beer at a
- 24 convenience store?
- 25 A. On the way back we did.

- 1 Q. But on the way up there nobody stopped and bought any?
- 2 A. I can't recall exactly if they did or not.
- 3 Q. Somebody did stop on the way back then, is that correct?
- 4 A. Yes.
- 5 Q. Was there a case bought?
- 6 A. Yes, and I bought it.
- 7 Q. Okay. And did all of you drink it?
- 8 A. Yes.
- 9 Q. Drank the whole case?
- 10 A. Well, I drank one I think of the beers, and then
- 11 everybody, yes, everybody was there drinking and cooking
- 12 out, so you know.
- 13 Q. So there's about twenty-four cans of beer in a case, is
- 14 that correct?
- 15 A. Yes, sir.
- 16 Q. You only had one of those beers?
- 17 A. One of those beers.
- 18 Q. Were you driving on the way back?
- 19 A. Yes, sir, I was driving on the way back.
- 20 Q. Okay. Why did you tell the officers you were under the
- 21 influence if you only had one beer or three beers?
- 22 A. I told them that I was under the influence when I came
- 23 the first time, but I had sobered up and I -- I was on
- 24 the way back the second time driving home with Vanessa in
- 25 the car I didn't drink.

1 Q. You told them you were only under the influence the first  
2 time, but I thought you only told me you'd had three  
3 beers down there on Saturday, is that correct?

4 A. Right.

5 Q. And this was a Sunday, is that correct?

6 A. Sunday when we was coming back.

7 Q. You went to Shallote -- went to Albemarle, right?

8 A. Yes.

9 Q. But you said you didn't have anything to drink that day,  
10 didn't you?

11 A. On Sunday?

12 Q. Yes.

13 A. I can't recall. Like I say, I might have had one beer.

14 Q. But you told the officers you were under the influence,  
15 didn't you?

16 A. Well, I was when I was drinking them few beers. I  
17 figured you know, I was under the influence. You're  
18 under the influence if you drink three beers. You're  
19 under the influence because you would blow a daggoned  
20 (SIC) eight.

21 Q. Have you been convicted of driving under the influence?

22 A. Years ago.

23 Q. Okay. You don't get under the influence from drinking  
24 one beer or three beers, do you, sir?

25 A. Three beers you'll be under the influence, yes, sir.

1 Q. Would you?

2 A. Yes, sir.

3 Q. Okay. Now, when you got back up, did Vanessa go with you  
4 when y'all returned?

5 A. She went with us from Shallotte to Stanly County, and we  
6 dropped her off at Broom Street in Stanly County.

7 Q. Where at on Broom Street?

8 A. Right behind where the new Quik-Chek Store is. It's like  
9 a little four -- four apartments there.

10 Q. Did she ask to get out there?

11 A. Yes, sir. She knew the fellow there, and that's where  
12 she wanted out at.

13 Q. Who was the fellow she knew there?

14 A. I know his name, but I can't think of his name right now.

15 Q. You can't think of his name?

16 A. Elvis Rainer was his name.

17 Q. Elvis Rainer is who she knew there and she wanted you to  
18 let her out at Elvis Rainer's house?

19 A. Yes.

20 Q. Is that what you're saying?

21 A. Yes.

22 Q. You're sure about that?

23 A. I'm positive about that.

24 Q. You're positive about that?

25 A. She wanted out there.



1 Q. Did you know this fellow Elvis Rainer?

2 A. I've seen him around.

3 Q. You knew there was such a person, didn't you?

4 A. Sir?

5 Q. You knew there was such a person?

6 A. Yes.

7 Q. You knew he lived there?

8 A. I didn't know he lived there.

9 Q. Have you ever been there?

10 A. Have I ever been there?

11 Q. Yes, sir.

12 A. About a year ago when one of my other friends had moved  
13 in there.

14 Q. To that location?

15 A. Yeah. I helped him move his furniture in there.

16 Q. Had you seen Mr. Rainer there?

17 A. No. I hadn't seen him in a long time.

18 Q. When you drove back up here, Vanessa Smith, how did she  
19 appear to you?

20 A. Well, she was -- she didn't really act really all nervous  
21 or nothing, but you know, she -- you could tell something  
22 was kind of wrong with her, I reckon.

23 Q. She didn't act confused?

24 A. No.

25 Q. Her speech wasn't slurred?

1 A. No.

2 Q. She didn't act sleepy or drowsy?

3 A. No.

4 Q. You saw nothing abnormal about her at that time?

5 A. No. Like I say, she was in the back. I wasn't paying  
6 that much attention to her. I had to keep my eyes on the  
7 road.

8 Q. You were in the front of the car and she was in the back  
9 of the car. Where was the other fellow?

10 A. John in the front seat.

11 Q. He wasn't in the back seat with her?

12 A. No.

13 Q. She was in the back seat by herself?

14 A. She was in the back seat with my child.

15 Q. With your child?

16 A. Yes, sir.

17 Q. You had your child with you?

18 A. Yes, sir, unfortunately.

19 MR. OLDHAM: May I have just a moment, Your  
20 Honor?

21 THE COURT: Yes, sir.

22 Q. (BY MR. OLDHAM) Did you have any Zanax?

23 A. No, sir.

24 Q. Thank you, sir. That's all the questions I have.

25 THE COURT: Any redirect?

VANESSA  
SAYS HE  
GAVE  
HER

1 MS. ALLEN: I'm sorry. I didn't hear the last  
2 question.

3 THE COURT: Did you have any Zanax. Answer,  
4 no, sir.

5 A. No, sir.

6 MS. ALLEN: If I may have just a moment, Your  
7 Honor.

8 THE COURT: Yes, ma'am. Members of the jury,  
9 you realize that it's you that has to recall the evidence  
10 when that time comes. So if I misstate it, it's your  
11 recollection that would be the one that controls.

12 MS. ALLEN: No further questions.

13 THE COURT: Sir, you may step down.

14 A. Thank you.

15 MS. ALLEN: I need to ask if Mr. Page could be  
16 released at this time.

17 THE COURT: Any objections?

18 MR. OLDHAM: No objections.

19 THE COURT: Sir, you're free to go.

20 A. Thank you.

21 THE COURT: Yes, sir.

22 *(Witness is excused from the witness stand.)*

23 THE COURT: Can all of you, are you comfortable  
24 enough just to stay with it for a while? Then we will.  
25 Okay. I think what we're going to do right now is we're