

1 your right hand and listen to the Clerk.

2 THE CLERK: You do swear that the evidence you
3 shall give to the Court and this jury in this case now
4 being tried shall be the truth, the whole truth, and
5 nothing but the truth, so help you, God?

6 MR. ROBERT JOHNSON: Yes, ma'am.

7 THE COURT: You can have a seat, sir.

8 *****
9 *****

10 MR. ROBERT JOHNSON, having been first duly sworn by the
11 Clerk, testified on **DIRECT EXAMINATION** by **MS. ALLEN**:

12 Q. (BY MS. ALLEN) Good morning, Mr. Johnson. Would you
13 state your full name for the Court, please.

14 A. Robert Ray Johnson.

15 Q. And how old are you?

16 A. Twenty-four.

17 Q. Okay. Do you know Christopher Gailey?

18 A. Yes.

19 Q. And how do you know him?

20 A. A friend of mine. He lived with me.

21 Q. Okay. And do you recall where you were living in the
22 summer of 1999, sir?

23 A. Whippoorwill Cove at Badin Lake.

24 Q. Okay.

25 MS. ALLEN: May I approach the witness, Your

1 Honor?

2 THE COURT: Yes.

3 Q. (BY MS. ALLEN) Mr. Johnson, I'm handing you what has
4 been marked as **STATE'S EXHIBIT NUMBER FORTY-SIX (46)**.
5 Sir, can you identify what's in that photograph?

6 A. Our mailbox when we lived at the lake.

7 Q. Okay. And is that a fair and accurate representation of
8 the front of the property there at the lake?

9 A. Yes, ma'am.

10 Q. Okay. And I'm now handing you what I have marked as
11 **STATE'S EXHIBIT NUMBER FORTY-ONE (41)**. Can you identify
12 what is in that photograph, sir?

13 A. That is the driveway up to the house, the front porch.

14 Q. Is that a fair and accurate representation of the
15 residence there?

16 A. Yes, ma'am.

17 Q. Okay.

18 MS. ALLEN: State would move to have State's
19 Forty-Six and Forty-One entered into evidence.

20 THE COURT: As illustrative?

21 MS. ALLEN: For illustrative purposes.

22 THE COURT: They're so admitted.

23 Q. (BY MS. ALLEN) Now, you indicated that you were living -

24 MS. ALLEN: I would ask also that he show those
25 photographs to the jury at this time.

1 THE COURT: Sir, if you may, I know you may
2 have never seen an ELMO or anything quite like this one.

3 A. No, sir.

4 THE COURT: But if you'll walk down there we're
5 going to let you put it on that platform right there and
6 that that way the jury can see it as you're looking at
7 it.

8 A. What would you like first?

9 Q. (BY MS. ALLEN) If you would just put the one of the
10 actual house on there.

11 A. All right.

12 (Witness left the witness stand and stood down next
13 to ELMO and placed photograph on ELMO for the jury
14 to view.)

15 THE COURT: Stand on the other side, that way
16 you'll see it just like they do.

17 (Above request complied with.)

18 THE COURT: There you go. Okay, sir, you may
19 be able to see it down here too.

20 A. Okay.

21 Q. (BY MS. ALLEN) Now, this is the residence that you lived
22 in in the summer of 1999, is that correct?

23 A. Yes, ma'am.

24 Q. Okay. And that's right close to Badin Lake. Is it right
25 on the lake?

1 A. Right. If you look the -- took the picture from the
2 driveway you can see the lake across the road.

3 Q. All right. And is the driveway on the other side of that
4 photograph?

5 A. The driveway is right there.

6 Q. That is the driveway right there in the front?

7 A. Yeah.

8 Q. Okay. And how big is that residence?

9 A. It's a single-wide trailer.

10 Q. Okay. How many bedrooms does it have?

11 A. Two bedrooms, great big living room, and kitchen.

12 Q. Okay. And if you could put the other photograph on the
13 ELMO.

14 *(Above request complied with.)*

15 Q. (BY MS. ALLEN) Okay. Now that photograph indicates a
16 wooded area. Would you explain to the Court where that
17 wooded area is in relation to the house itself.

18 A. You looking for this one right here?

19 Q. Okay.

20 A. The mailbox would have been right here. Well --

21 Q. Now, we're not seeing that. Is it off to the edge?

22 A. Yeah, about right here, and then the wooded area to the
23 right.

24 Q. Okay. And how close are any other houses to that actual
25 residence itself?

1 A. Well, right across the street there's two houses, and
2 then like the rest, there wasn't nothing beside of it
3 that was lived in.

4 Q. Okay. So there was a residence beside you but it was
5 abandoned at that point? Vacant?

6 A. Yes.

7 Q. Okay. Thank you.

8 *(Witness returns to witness stand.)*

9 Q. (BY MS. ALLEN) And do you recall back in 1999, how long
10 had you known Christopher Gailey?

11 A. I had just met him that summer.

12 Q. All right. And who was living with you that summer?

13 A. Danny Lanier and Tansy Lanier.

14 Q. And who were they?

15 A. They were friends of mine. Danny worked with me at
16 Uwharrie Point at the golf course.

17 Q. So that's what you were doing for a job that summer?

18 A. Yes.

19 Q. Okay. And Tansy, who was she in relation to Danny?

20 A. She was his wife and mother of his child.

21 Q. Okay. Did the child live there as well?

22 A. Yes.

23 Q. All right. And did there come a point in time when
24 Christopher Gailey lived with you?

25 A. Yes.

1 Q. Okay. And could you tell us if you know the defendant
2 Scott David Allen?

3 A. Yes.

4 Q. All right. Do you see him here in the courtroom today?

5 A. Yes, ma'am.

6 Q. Where is he seated?

7 A. He's sitting right there between the two lawyers.

8 Q. Okay. And would you tell us how you first met Mr. Allen.

9 A. He came over with Chris shortly after Chris began staying
10 with me, and he introduced himself as Byron Johnson.

11 Q. Okay. And Scott Allen introduced himself to you as Byron
12 Johnson?

13 A. Yes.

14 Q. Okay. Had you ever met him before?

15 A. No, not then.

16 Q. Okay. And Christopher is the one who brought him over,
17 is that correct?

18 A. Yes.

19 Q. Okay. Do you recall approximately when that was that you
20 first met the defendant?

21 A. It was probably about a week, week and a half, maybe two
22 weeks after Chris had moved in.

23 Q. All right. And do you recall approximately when Chris
24 moved in?

25 A. He'd been there probably about a month before I met

1 Scott.

2 Q. Okay. Do you recall what month it was in 1999?

3 A. No, not exactly.

4 Q. Okay. Was it in the summertime?

5 A. Yes.

6 Q. Okay. And could you tell us where Christopher Gailey
7 slept while he was living with you in that Whippoorwill
8 Cove Road house?

9 A. We had two beds in my bedroom. But most of the time he
10 slept on the couch in the living room.

11 Q. And where did he keep his things?

12 A. In the bedroom in the closet.

13 Q. Which bedroom was that?

14 A. My bedroom in the closet.

15 Q. And there were two beds in your bedroom, is that right?

16 A. Yes.

17 Q. And did there come a point in time when the defendant
18 Scott Allen stayed over there?

19 A. Yes.

20 Q. Okay. Do you know Vanessa Smith?

21 A. Yes, ma'am.

22 Q. And how did you meet Ms. Smith?

23 A. She came to the place a couple of weeks after Scott had
24 started staying with us.

25 Q. All right. Now, how did she get there? Who did she come

1 with?

2 A. I believe Chris and Scott went and picked her up one
3 evening.

4 Q. Okay. And you indicated the defendant was staying there,
5 is that correct?

6 A. Yes.

7 Q. He would spend the night?

8 A. Yes.

9 Q. Did Ms. Smith also spend the night?

10 A. Yes.

11 Q. All right. Now, where did they stay within that
12 residence?

13 A. When they moved in they started like just in the living
14 room and Chris stayed on in the bedroom where I stayed,
15 where I slept.

16 Q. Okay. I believe you said earlier that Chris would
17 normally sleep on the sofa in the living room, but when
18 the defendant and Ms. Smith were there, Chris would be in
19 the bedroom with you, is that correct?

20 A. Yes.

21 Q. Because you had two bedrooms?

22 A. Yes.

23 Q. Okay. And do you know how Chris earned money?

24 A. He sold a bunch of weed, marijuana.

25 Q. Okay.

1 A. And he did odd jobs, like he did some towing and stuff
2 for a guy that had like a towing business, a repo
3 business, as far as I know. And just odd jobs.

4 Q. Okay. And do you know where he usually carried money
5 that he had?

6 A. In his -- He either had a money clip or the Tommy
7 Hilfinger little athletic thing.

8 Q. Would you remember what color that is?

9 A. It was yellow.

10 Q. Do you recall anything about how much money he usually
11 had with him?

12 A. Quite a bit. I never seen him with less than five
13 hundred dollars (\$500.00).

14 Q. Okay. And you indicated that Christopher Gailey brought
15 the defendant Scott to your house, except when he first
16 came there his name was Byron Johnson, is that right?

17 A. Yes.

18 Q. Do you know why Christopher brought Byron to your house?

19 A. Not at first. He told me later on.

20 Q. Okay. And what did -- what did -- Was Byron Johnson in
21 fact the individual that is seated over here?

22 A. Yes, ma'am.

23 Q. Okay. All right. Did you ever find out that Byron
24 Johnson was actually Scott Allen?

25 A. Yes.

1 Q. All right. Did Scott ever tell you anything about why he
2 used a different name?

3 A. Yes.

4 Q. What did he tell you?

5 A. A bunch of people was out to get him, a bunch of people
6 didn't like him because of his tattoos and the way he
7 believed on religion and stuff.

8 Q. Okay. Now you all, you and Danny and Tansy are living
9 at the lake house in the summer time. Did Danny and
10 Tansy work?

11 A. Yeah. Danny worked with me at Uwharrie Point at the golf
12 course.

13 Q. Okay. What kind of activities went on there at the house
14 when everybody was there?

15 A. Normal stuff for people our age. We'd party, drank,
16 stuff like that.

17 Q. So were there parties?

18 A. Yes.

19 Q. Okay. Now did you have a chance to observe Vanessa Smith
20 there at the house with the defendant?

21 A. Yes.

22 Q. What was their relationship, to your way of thinking?

23 A. Boyfriend and girlfriend.

24 Q. Why did you think that?

25 A. Because they were hugging and kissing each other.

1 Q. Okay. And when they were both spending the night there,
2 did they both sleep together as well?

3 A. Yes.

4 Q. Okay. Did you ascertain for yourself what was the
5 relationship between the defendant and Christopher
6 Gailey?

7 A. You would have thought they were best friends.

8 Q. Okay. Why would you have thought they were best friends?

9 A. Anything Scott needed Chris would get for him. Scott
10 didn't have to leave the house at all. If he needed
11 something Chris would bring it to him. Just like a
12 friend.

13 Q. Okay. What kind of things would Scott need, do you
14 recall?

15 A. Like groceries or anything or if he needed something from
16 the store, cigarettes, he didn't have any marijuana or
17 anything at the time, Chris would throw him some,
18 wouldn't charge him nothing for it.

19 Q. Okay. Now, do you have any knowledge of whether Scott
20 and Vanessa were staying anywhere else in Montgomery
21 County throughout the time?

22 A. Besides the cabin, no.

23 Q. And when you say besides the cabin, what do you mean?

24 A. Like that was where like he would stay, like sometimes to
25 go back and get stuff, his clothes and stuff, there was a

1 cabin in the woods.

2 Q. Okay. Do you know where this cabin was?

3 A. It was off of a dirt road right up off of Blaine Road
4 from where I lived.

5 Q. Do you know how far it was from Whippoorwill Cove?

6 A. From Whippoorwill Cove, probably about four to five
7 miles.

8 Q. And is it -- You indicated it was on a dirt road?

9 A. Yes, ma'am.

10 Q. Does the dirt road go up to the cabin?

11 A. No. The dirt road just goes along, and then there's like
12 a little gate, and then there's a little trail through
13 the woods that goes up to the cabin.

14 Q. And so in order to get to the cabin, what do you have to
15 do?

16 A. You have to get out of your car and walk.

17 Q. Do you recall ever taking the defendant anywhere with
18 you?

19 A. Yeah, there was probably an occasion or two, but not very
20 often. Scott never really left the house at all too
21 much.

22 Q. Do you recall ever helping him get money?

23 A. Yes.

24 Q. Okay. What do you recall about that?

25 A. We went to Thomasville Winn-Dixie where there was a

1 Western Union. We stopped there. He needed to get some
2 money. I think he got \$75.00 wired to him from his
3 mother.

4 Q. Okay. And how did he get that money in his possession?

5 A. Well, he had to go outside and call his mom to get the --
6 I guess the PIN number or whatever because he couldn't
7 remember the number that you got to give the Western
8 Union people to withdraw your money out. So he called
9 his mom on the telephone outside of Winn-Dixie. And he
10 got the number and we went back in. I helped him
11 remember like three of the numbers and he remembered the
12 other half of the numbers.

13 Q. Okay. So together the two of you were able to remember
14 the PIN number and the special number, right?

15 A. Yes.

16 Q. And what names did he use, do you recall?

17 A. Byron Johnson.

18 Q. Okay. And did he have to show any kind of
19 identification?

20 A. Yeah, he had a Washington State driver's license with
21 Byron Johnson on it.

22 Q. Did you see it?

23 A. Yes.

24 Q. Did you notice anything in particular about it?

25 A. Just the colors of it, it was like a greenish color.

1 Q. It was different from the North Carolina license?

2 A. Yeah.

3 Q. Okay. Now, have you ever been to that cabin that you
4 were talking about earlier that Scott and Vanessa stayed
5 in a couple of times?

6 A. No, ma'am, I've never been to it.

7 Q. Do you know what kind of vehicle Christopher Gailey had
8 back in 1999?

9 A. It was a GMC full-sized lowered truck with wheels and
10 billet grille.

11 Q. Okay. You're going to have to help explain what you're
12 talking about when you say lowered truck.

13 A. It was a customized truck. It's like it's been lower.
14 It probably wasn't no more than three inches off the
15 ground. You had to be real careful where you drive or it
16 scrape back.

17 Q. Okay. And you said something about the wheels. Was
18 there something special about the wheels

19 A. Yeah. It didn't have factory wheels. It had after-
20 market, like I think it was American racing wheels. They
21 were chrome, polished aluminum. Low profile. It had
22 skinny tires on it. It looked you were riding on rubber
23 bands.

24 Q. Did you ever ride in that truck with him?

25 A. Oh, many times.

1 Q. Okay. Was there anything special about the inside of the
2 truck?

3 A. Yeah. He had -- He used like a big Nautica towel, like
4 Nautica sportswear and athletic wear towel stretched over
5 the back seat. He had a stereo system in it and all.

6 Q. Okay. Why was the towel in the back seat?

7 A. So people, anybody back there when he threw stuff back
8 there wouldn't get dirt on his seat. He was real
9 particular about his truck.

10 Q. Okay. Was there anything special about the stereo system
11 that he had in the truck?

12 A. Yeah. It has like a changer system and all, like for so
13 many CDs, more than one.

14 Q. Was it expensive?

15 A. Yeah.

16 Q. Do you have any idea?

17 A. Yeah. At the time it was probably about a three or four
18 hundred dollar stereo, just the head unit.

19 Q. So you know that he was particular about that vehicle, is
20 that correct?

21 A. Oh, yeah.

22 Q. Do you know if Christopher owned any weapons?

23 A. Yes.

24 Q. Do you know what those are?

25 A. To my knowledge what I see was just a shotgun and his

1 pistol, his .45 caliber pistol.

2 Q. Okay. And could you tell us about the shotgun? Was
3 there anything unusual about the shotgun?

4 A. It had been sawed off.

5 Q. Do you know anything about guns, Mr. Johnson?

6 A. Yes.

7 Q. Why would anybody saw off a shotgun?

8 A. They ain't really no reason for it. Just to keep -- make
9 it look smaller. It spreads the pattern out on a shotgun
10 if you use buckshot, it makes it have a wider pattern.

11 Q. I see. Do you recall where Christopher Gailey kept his
12 shotgun?

13 A. Yeah, it was in the closet with his things.

14 Q. And part of the house was that?

15 A. In our bedroom.

16 Q. So was that something you were used to seeing?

17 A. Yes.

18 Q. Do you recall where you were on July 9th, 1999? Were you
19 at home?

20 A. Yes, probably.

21 Q. Do you remember who else was there?

22 A. Probably my roommates Danny and Tansy , and depending on
23 what day, Scott and Chris and Vanessa.

24 Q. Do you have any recollection about what everybody was
25 doing?

1 A. Just partying. It was probably the weekend, week night
2 or something.

3 Q. If I told you that was a Friday night would that aid you
4 in your recollection?

5 A. Yes. We were probably just drinking, having a good time.

6 Q. Was that something y'all typically did on a Friday?

7 A. Yeah. After we got off work on Friday, we'd usually have
8 a little party or something.

9 Q. All right. Do you recall if there was a point in time
10 that you remember when anyone left the residence there at
11 the lake?

12 A. Yes, ma'am.

13 Q. And who left?

14 A. Scott and Chris and Vanessa.

15 Q. Do you have any recollection of what they were wearing or
16 anything like that?

17 A. Well, Scott and Chris was wearing dark clothes and
18 camouflage.

19 Q. Do you remember what Vanessa was wearing?

20 A. Dark clothes. I think she might have had some camouflage
21 pants on. I'm not sure. And maybe a camouflage
22 overcoat.

23 Q. You're not sure?

24 A. I'm not exactly sure.

25 Q. Now this was in July, right?

ROBERT JOHNSON TESTIMONY

1 A. Yes.

2 Q. Did they -- Did anyone indicate where they were going?

3 A. Yeah. Chris told me they was going out to the cabin. He
4 was going to get some guns off of Scott.

5 Q. And when he said we're going out to the cabin, what did
6 that mean in your mind?

7 A. I figured just the cabin in the woods where Scott kept
8 some of his stuff at.

9 Q. Okay. But you've never been to that cabin?

10 A. No, I've never been there.

11 Q. Do you recall which vehicle they took?

* 12 A. Yes, they took my other roommate, Danny Lanier's pickup
13 truck.

14 Q. Okay. Could you tell us what kind of truck that is.

15 A. It was just a Nissan, blue Nissan truck, just a little
16 smaller truck, a pickup truck. It wasn't a full-sized
17 truck like Chris'.

18 Q. Was it one of those little mini-pickups?

19 A. Yes.

20 Q. Okay. And do you remember where they sat in the vehicle?

21 A. I believe Chris was driving, Vanessa was in the middle,
22 and Scott was in the passenger next to the window.

23 Q. Okay. Did you see them take anything with them?

24 A. They took a large bag with them.

25 Q. Do you know what was in the bag?

1 A. Not exactly.

2 Q. Do you recall any -- Do you have any idea what time it
3 was when they left?

8 p.m.
4 A. It was probably 8:00 or later because it was already dark
5 outside.

6 Q. And after the three of them left that evening, do you
7 recall how long they were gone?

11 p.m.
8 A. It had been quite a while, probably a good three to four
9 hours.

VANESSA
TAKES
CHRIS
TRUCK
10 Q. And did anyone ever come back?

11 A. Yes. Vanessa came back by herself.

12 Q. Okay. And what did she do when she came back?

13 A. Well, she came back and she talked for a minute. She
14 said something about wanting Chris' truck to go pick them
15 back up. And I told her I wasn't going to give her the
16 keys because Chris didn't let nobody drive his truck. If
17 he wanted it he'd have to come back. So she laid down
18 and we all laid down. And I woke up the next morning and
19 his truck was gone and his keys was gone. Because he hid
20 his keys in my sock drawer.

21 Q. In your room?

22 A. Yes.

23 Q. Okay. And so Vanessa was gone too when you woke up?

24 A. Yes.

25 Q. And you indicated that after she came in you went to bed,

1 is that correct?

2 A. Yes.

3 Q. Okay. Did you see Christopher Gailey again?

4 A. No, ma'am.

5 Q. Did you see Scott Allen again?

6 A. No, ma'am.

7 Q. Did anyone visit your house -- Well, what did you find
8 out about Christopher Gailey?

9 A. I found out that he'd been killed.

10 Q. Do you remember when you found that out?

11 A. Yeah. I believe it was the next day because I'd been
12 trying to page him all day because that was when I first
13 got my Lebray (SIC) in my lip. I had went to --

14 Q. Whoa. Whoa. When you first got your what?

15 A. My Lebray in my lip.

16 Q. What is that?

17 A. The piercing, yes, the metal piercing. I had just got it
18 that next day with a buddy of mine, Jeremy Hoyer who
19 lived at the lake. We went to Burlington and I was
20 trying to page Chris all day to tell him what I'd done.

21 Q. Because he was your friend?

22 A. Yes.

23 Q. Okay. And you couldn't get him on the pager? He never
24 called you back?

25 A. No.

10th *
July

1 Q. All right. Did anyone come to your house after you found
2 out that Christopher was dead?

3 A. Yeah. Jamie Fender.

4 Q. Okay. And do you recall what his mood was?

5 A. Yeah, he was very angry. He was cussing quite a bit
6 saying that --

7 MR. OLDHAM: Objection.

8 MR. ATKINSON: Objection to what he was saying.

9 THE COURT: Don't tell us what someone else
10 said. Sustained.

11 MS. ALLEN: Your Honor, I'd offer it as an
12 excited utterance.

13 THE COURT: I'll tell you what we're going to
14 do, folks. We're going to take our lunch break now until
15 1:45. If you would be back then I'd appreciate it. We
16 may be able actually, if you're all back at 1:30, we may
17 start a little earlier, since you're all eating together.
18 I know you don't have a whole town to disperse in. Thank
19 you. Please remember the rules.

20 MR. YATES: Your Honor, I don't want to
21 interrupt you, but you did indicate something was
22 supposed to happen over lunch.

23 THE COURT: If you're not -- If you need more
24 time than that, just let the Captain know because there
25 may be some things that will be taking place during the

1 lunch hour. So we're not going to start without you.

2 Okay. You're free to go. Ma'am, maybe be you can check
3 with your father. Hope for the best.

4 JUROR NUMBER ONE: Yes, sir.

5 *(Jury is excused for their lunch recess.)*

6 TIME: 12:15 p.m.

7 *(The following proceedings were held in open court,*
8 *no jurors present.)*

9 THE COURT: Okay. Now, Mr. Johnson, now that
10 the jury is out, this is in keeping with what we did a
11 little bit earlier, like the voir dire without the jury
12 in. Do you remember the last question?

13 A. Yes.

14 THE COURT: Now you can answer it.

15 A. Jamie come up. He was mad. He was saying wanted to know
16 if we'd seen Scott, wanted to know if we knew where Scott
17 was. No. I asked him why. He's like Scott has killed
18 Chris in the woods. He said he had heard that Scott had
19 found out that Chris or thought that Chris was going to
20 turn him in for a reward or something and send him back
21 to jail from where he escaped, and he said Scott had got
22 ill and killed him that evening in the woods.

23 Q. (BY MS. ALLEN) And so --

24 MS. ALLEN: I'm sorry. Can I continue with
25 questions, Your Honor?

How
DID HE
FIND
OUT

1 THE COURT: Yes, ma'am.

2 Q. (BY MS. ALLEN) What was his mood when he was telling you
3 this?

4 A. He was angry. He was looking to hurt Scott if he could
5 have found him that day.

6 Q. Okay. And do you recall when he came over to see you?

7 A. It was in the morning. It was probably about 9:00 to
8 10:00 in the morning.

9 Q. And how soon after you found out Chris was dead did he
10 come over?

11 A. It was probably about, it hadn't been long, probably
12 eight or nine hours.

13 Q. Do you recall what he was doing with any body language?

14 A. He was just moving around frantically like he was mad,
15 mad or something, jittery, shaking.

16 Q. Okay. And how long did he stay there with you?

17 A. It was probably about twenty or thirty minutes.

18 Q. Okay. Did he do anything there with you before he left?

19 A. No, ma'am.

20 Q. Did he write anything down for you?

21 A. Yeah, he gave me his phone number.

22 Q. And he gave you his own phone number?

23 A. Yes.

24 Q. And what did he say about that?

25 A. He said if I heard anything about where Scott was to

1 where he could find him to call him.

2 Q. Okay.

3 A. And let him know.

4 Q. And did he say why he wanted to know where Scott was?

5 A. Yeah, he said he was going to beat the hell out of him.

6 MS. ALLEN: Nothing further on voir dire.

7 THE COURT: The excited utterance that you're
8 referencing, I take that when Mr. Pender said Scott
9 killed Chris, found out, etc., etc., that's going to be
10 excluded under 403-B unless you can tell me the basis for
11 it. I mean excited utterance is he's dead, he's dead,
12 something else, but just to call it excited determine
13 whether or not it comes in. I mean I don't know why he's
14 saying all this other stuff. Was he there? I mean that
15 might make it an excited utterance, but if it's just --
16 See what I'm saying?

17 MS. ALLEN: Yes, Your Honor.

18 THE COURT: So I mean if you wanted to explore
19 this with him right now, I mean you can have at it. But
20 thus far, that's not coming in. Do you understand, Mr.
21 Pender (SIC)? Because it's important that you understand
22 me too so that you don't say the things that they can't
23 ask you. Okay.

24 A. Yes, sir. All right.

25 Q. (BY MS. ALLEN) Did Mr. Pender indicate to you how he

1 knew anything about what had happened?

2 A. No.

3 Q. He did not?

4 A. No.

5 Q. Okay.

6 THE COURT: All right. Anything that you wish
7 to ask this gentleman before we go? If not, this is a
8 ***U.S. versus James*** hearing, but you can have about two
9 minutes with him because then you're going to go look at
10 that tape, and as soon as y'all finish, I'm probably not
11 going to eat so I can make up for the caffeine I didn't
12 get this morning.

13 MR. ATKINSON: No, Your Honor.

14 THE COURT: All right. Sir, you may step down,
15 but you know, right after lunch you're back up here.
16 Okay? And you'll be back up here before the jury comes
17 back in too, so just let us all know where you are. And
18 don't talk to any of the witnesses who have testified
19 thus far. Okay? Or anybody else that's going to
20 testify.

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

22 THE COURT: All right. We're recessed until
23 1:30.

24 *(Court is recessed for lunch at this time.)*

25 THE COURT: Make a notation that Mr. Jenkins

1 I can tell you that. All right. He drives real slow, if
2 you didn't know. Anything further?

3 MS. ALLEN: No. I'm ready to pick back up with
4 Mr. Johnson.

5 THE COURT: All right. And I am too. Bring in
6 the jury.

7 *(Jury enters the courtroom.)*

8 TIME: 2:07 p.m.

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

11 THE COURT: You may proceed, Ms. Allen.

12 MS. ALLEN: Yes, sir.

13 **DIRECT EXAMINATION** of **MR. ROBERT JOHNSON** continued by **MS.**

14 **ALLEN:**

15 Q. (BY MS. ALLEN) Now Mr. Johnson, you indicated that the
16 last time you saw that weapon was when?

17 A. Right before the Randolph County deputies came and
18 searched the house.

19 Q. So it was still there at that time?

20 A. Yes.

21 Q. And who came and searched the house?

22 A. Randolph County came first because there was an issue on
23 what side of the line the body was found on. Randolph
24 came and then Montgomery came shortly after.

25 Q. All right. Thank you. I don't have any further

1 questions at this time.

2 THE COURT: Questions from the defense?

3 MR. OLDHAM: Yes, sir.

4 *****

5 *****

6 CROSS EXAMINATION of MR. ROBERT JOHNSON by MR. OLDHAM:

7 Q. (BY MR. OLDHAM) Good afternoon, Mr. Johnson.

8 A. Good afternoon.

9 Q. Mr. Johnson, I understood you to say you're twenty-four
10 years old now, is that correct?

11 A. Yes, sir.

12 Q. And in 1999 how old were you?

13 A. Probably twenty.

14 Q. Twenty?

15 A. Yeah.

16 Q. Okay. And you along with another couple, as I understand
17 it, had rented a mobile home residence on the lake
18 located at Whippoorwill Cove, is that correct?

19 A. Yes, sir.

20 Q. And did I understand you to say there was another
21 residence that was adjacent to that residence at
22 Whippoorwill Cove?

23 A. Yes.

24 Q. And no one was living there at the time?

25 A. There was house that was kind of vacant right next to the

1 house, and then the one across the street, there was
2 another house. Somebody lived there but I don't know if
3 it was their vacation house or not. They were there on
4 and off.

5 Q. Okay. Were there other houses located there on the cove?

6 A. There was a few, but they were farther away from ours.

7 Q. Okay. And the houses were located around the lake there?

8 A. Yes.

9 Q. Okay. And you mentioned that Danny Lanier and his wife
10 Tansy were the other couple who lived there with you, is
11 that correct?

12 A. Yes, sir.

13 Q. How old were they?

14 A. At the time Danny was probably around eighteen or
15 nineteen, and Tansy was seventeen or eighteen.

16 Q. Okay. And did you and this other couple rent the place
17 sometime in March or April of that year?

18 A. Yes, I believe so.

19 Q. And how long did you and the other couple reside there at
20 that residence?

21 A. Probably six to eight months, I believe.

22 Q. Okay. Now you said Chris Gailey was a good friend, is
23 that correct?

24 A. Yeah.

25 Q. But you'd only known him since sometime after you moved

- 1 into that mobile home?
- 2 A. Yeah.
- 3 Q. Is that correct?
- 4 A. Yes.
- 5 Q. Do you recall about what month you met him?
- 6 A. Probably about May, the first of May, end of April.
- 7 Q. Was he with someone at that time?
- 8 A. Yeah. Dustin Maness.
- 9 Q. Did you know Dustin Maness?
- 10 A. Yes, I've known him for a while.
- 11 Q. When you say for a while, how long had you known Dustin
- 12 Maness?
- 13 A. Since I've been to school. Since I grew up. Before I
- 14 graduated. We went to school together.
- 15 Q. So you'd known him for several years?
- 16 A. Yes.
- 17 Q. Did y'all live in the same community?
- 18 A. He lived in Silver Valley. I lived in Denton, about ten
- 19 minutes away.
- 20 Q. Silver Valley is over in Davidson County, is it not?
- 21 A. Yes.
- 22 Q. Just south of US 64?
- 23 A. Yes.
- 24 Q. At the intersection of the road to Thomasville?
- 25 A. Yes.

1 Q. Okay. Now, you indicated that at some time then Dustin
2 Maness brings Chris Gailey to your residence, is that
3 correct?

4 A. Yes, sir.

5 Q. You were asked earlier about what went on at the mobile
6 home, is that correct?

7 A. Yes.

8 Q. Were there parties?

9 A. Yes.

10 Q. The occasion that you met Dustin Maness there with Chris
11 Gailey, was that a party going on?

12 A. No. They come over in the daytime. It was just me and
13 probably Danny and Tansy was there the first time I met
14 Chris. There wasn't no party going on.

15 Q. Okay. Have you seen Dustin Maness in a while?

16 A. It's been a couple of months.

17 Q. It's been a couple of months?

18 A. Yeah.

19 Q. Okay. And you remembered giving a statement, do you not,
20 to Officer Chris Poole with the Montgomery County
21 Sheriff's Department?

22 A. Yes, sir.

23 Q. Is that the gentleman seated behind the District Attorney
24 wearing the red neck tie?

25 A. Yes, sir.

1 Q. Okay. And was that sometime in July around the 18th, do
2 you recall?

3 A. I believe so.

4 Q. Okay. And in that statement you indicated to Officer
5 Poole, did you not, that Chris Gailey at some point asked
6 if he could stay there with you and the Laniers, is that
7 correct?

8 A. Yes.

9 Q. Did he help pay the rent there?

10 A. Yes.

11 Q. How did he do that?

12 A. With money, cash money.

13 Q. Was he working anywhere at that time?

14 A. No. As far as -- He told me he was -- He helped a guy
15 repo cars when people was late on their payments or
16 didn't pay, and then he had several odd jobs. He always
17 like had an idea. We was going to start a pressure
18 washing business. He showed me his pressure washer and
19 all, doing decks and stuff. But that never came about.

20 Q. So y'all never actually went out and pressure washed any
21 decks?

22 A. No.

23 Q. Did you ever go with him to repossess a car?

24 A. No. I didn't want to have nothing to do with that.

25 Q. Now, you told Officer Poole, did you not, that Mr. Gailey

1 had been observed by you selling what's called dime bags
2 to different people who came by the trailer?

3 A. Yes.

4 Q. What's a dime bag?

5 A. It's about ten dollar's worth of marijuana. Like two
6 joints or a blunt. That would be a cigar rolled up, like
7 cigar paper with weed in it, or marijuana, it's a blunt.

8 Q. How many occasions did you observe that type of behavior
9 there?

10 MS. ALLEN: Objection. Calls for speculation.

11 THE COURT: Well, overruled.

12 A. Do I answer?

13 THE COURT: You can, if you know.

14 A. Yeah, it was probably ten or fifteen times. If he wasn't
15 there and somebody come up, I'd sell it for him because I
16 knew where it was at.

17 Q. (BY MR. OLDHAM) You knew where he kept it inside the
18 trailer?

19 A. Yes.

20 Q. Where'd he keep it?

21 A. He'd keep it in our bedroom in the closet.

22 Q. When you say our bedroom, you're referring to the bedroom
23 that you shared with him on occasion?

24 A. Yes.

25 Q. The Laniers slept in another bedroom, is that correct?

1 A. Yeah, they slept on the other end of the trailer.

2 Q. And that adjoined the bathroom on that end?

3 A. Yeah.

4 Q. Okay. And you said he kept it where in the bedroom?

5 A. In the closet on the top shelf hid back behind some
6 stuff.

7 Q. Okay. You saw him with a gun on occasions, didn't you?

8 A. Yes.

9 Q. Was one of those --

10 MR. OLDHAM: May I approach, Your Honor?

11 THE COURT: Yes, sir.

12 Q. (BY MR. OLDHAM) Was one of those guns a handgun?

13 A. Yes.

14 Q. Was it a .45?

15 A. Yes.

16 Q. How many times did you see that handgun?

17 A. More than I can count probably.

18 Q. Okay.

19 THE COURT: It's Number Twenty-Six.

20 Q. (BY MR. OLDHAM) Did he carry that gun with him most of
21 the time?

22 A. Most of the time.

23 Q. I'm going to show you what's been previously marked as
24 State's Exhibit Twenty-Six. Is that how it's designated,
25 Mr. Johnson?

- 1 A. Yes.
- 2 Q. Would you hand me that, please, sir?
- 3 A. Yeah.
- 4 Q. Thank you. Does that appear to be the same gun that you
5 saw in Mr. Gailey's possession?
- 6 A. Yes, that's it.
- 7 Q. Did he often wear camouflage pants?
- 8 A. Yeah.
- 9 Q. Cargo pants?
- 10 A. Yes.
- 11 Q. And he carried a gun with him a lot?
- 12 A. Well, not a whole bunch, but yeah, most of the time he
13 had it. If it was not on him it was in his truck.
- 14 Q. You were asked about a sawed-off shotgun.
- 15 A. Yes.
- 16 Q. When you first saw that did Chris Gailey have it?
- 17 A. Yes.
- 18 Q. He didn't normally carry that with him, did he?
- 19 A. No, that stayed at the house. It was kind of like a home
20 protection thing. We'd keep it in the closet. If
21 anybody come messing around we'd scare them off.
- 22 Q. Okay. But he would carry a pistol?
- 23 A. Yes.
- 24 Q. Did he keep that in the closet where the reefer was kept?
- 25 A. The shotgun or the handgun?

- 1 Q. The shotgun?
- 2 A. Yes, it was in the closet.
- 3 Q. Did he keep other items back there in the closet?
- 4 A. Yes, clothes and stuff, miscellaneous objects.
- 5 Q. You mentioned something about the keys to his truck on
- 6 the morning, I guess, the evening of July 9th or the
- 7 morning of July 10th. Do you recall that?
- 8 A. Yes.
- 9 Q. You said that Mrs. Smith came back there to the trailer?
- 10 A. Yes.
- 11 Q. And she wanted to get the keys to Mr. Gailey's truck?
- 12 A. Yes, sir.
- 13 Q. Did I understand you to say that you did not give them to
- 14 her because you knew he was particular about the truck?
- 15 A. Yes.
- 16 Q. You knew where the keys were?
- 17 A. Yes.
- 18 Q. Where were they?
- 19 A. They were in my sock drawer, the top drawer on the right
- 20 underneath the socks.
- 21 Q. Did he keep his wallet there?
- 22 A. Yes.
- 23 Q. Did you see his wallet there also that day?
- 24 A. No, sir.
- 25 Q. You did not?

1 A. No.

2 Q. Now, in your statement to Officer Poole back on July 18th
3 of 1999, you indicated that you never saw the individual
4 identified to you as Bryan Johnson with a gun, is that
5 correct?

6 A. Correct.

7 THE COURT: Let me ask, Brian or Byron?

8 MR. OLDHAM: Byron Johnson. Excuse me, Your
9 Honor.

10 Q. (BY MR. OLDHAM) Was it Byron or Brian?

11 A. Byron.

12 Q. Byron. Okay. That's the person you have identified as
13 Scott Allen, is that correct, sitting next to me?

14 A. Yes.

15 Q. So during this period of time when he stayed there, you
16 never saw him with a gun?

17 A. No, not of his own. I mean he's held and looked at one
18 of the ones like Chris had, like the shotgun and the
19 handgun, but he never had one of his own that I saw.

20 Q. Okay. Well, in actuality you told Officer Poole you
21 never even saw him with a gun, didn't you?

22 A. Well, I -- Not one of his own.

23 Q. Okay.

24 MR. OLDHAM: May I approach the witness, Your
25 Honor?

1 THE COURT: Yes, sir.

2 Q. (BY MR. OLDHAM) When you talked to Mr. Poole did he
3 subsequently ask you to read a statement and ask you to
4 sign it?

5 A. Yeah, after I told him what to say he let me reread it.

6 Q. Okay. Did you read it?

7 A. Yes.

8 Q. Did you ask him to make any changes?

9 A. I don't believe so. I can't really recall.

10 Q. Is that your signature?

11 A. Yes, sir.

12 Q. Is that the date, July 18th?

13 A. Yes, sir.

14 Q. It says right there "Johnson stated he never saw Brian
15 (SIC) with a gun."

16 A. Yes.

17 Q. You didn't ask him to change that, did you?

18 A. No.

19 Q. Now, you also indicated in this statement that Chris
20 Gailey always carried a large amount of money with him,
21 is that right?

22 A. Yes.

23 Q. You told us today that you never saw him with less than
24 \$500.00, is that correct?

25 A. Yes.

- 1 Q. And that he kept it in a money clip, is that correct?
- 2 A. A money clip, a black money clip, or he kept it in a
3 yellow Tommy Hilfinger thing he wore around his neck.
- 4 Q. Okay. Did he ever put that money in there in the closet
5 or on the bureau?
- 6 A. Every once in a while when he'd go to sleep.
- 7 Q. And do you recall how much of the time that you lived
8 there at the trailer before July 9th Mr. Gailey lived
9 there with you and the Laniers?
- 10 A. It was a month of two probably. I'm not exact on the
11 dates.
- 12 Q. Now he drove this pickup truck, is that correct?
- 13 A. Yes.
- 14 Q. He was very particular about the pickup truck, is that
15 correct?
- 16 A. Yes, very.
- 17 Q. A white pickup truck, what's been described as a low-
18 rider?
- 19 A. Yes.
- 20 Q. Fairly late model at that time, '98 or so?
- 21 A. Yes.
- 22 Q. Does that sound about right?
- 23 A. Yes.
- 24 Q. He didn't let other people drive it, did he?
- 25 A. Nobody.

- 1 Q. Nobody. You never got to drive it, did you?
- 2 A. I didn't even get to smoke in it.
- 3 Q. You never saw Scott Allen drive it, did you?
- 4 A. No, sir.
- 5 Q. Never saw Vanessa Smith drive it, did you?
- 6 A. No.
- 7 Q. Never saw either of the Laniers drive it, did you?
- 8 A. No.
- 9 Q. And at some point Mr. Gailey brought over Mr. Allen and
- 10 he introduced him as Byron Johnson to you, is that
- 11 correct?
- 12 A. Yes, sir.
- 13 Q. Told you he was a long-time friend, is that correct?
- 14 A. Yes.
- 15 Q. And during the entire time that they were there, from
- 16 what you observed, they would go to places together and
- 17 they would hang out together, is that correct?
- 18 A. Yes.
- 19 Q. And you told Officer Poole that to you they appeared to
- 20 be good friends?
- 21 A. Yes.
- 22 Q. And at some time or another he actually referred to him
- 23 as Scott, did he not, in your presence?
- 24 A. Yes.
- 25 Q. And did you have some inkling at that time?

1 A. At first I didn't. I asked and he said, Byron said that
2 was his middle name. Byron Scott Johnson.

3 Q. What did Mr. Gailey do at that time?

4 A. Basically the same thing. But then later on he told me
5 the truth. But I figured it out by then because Scott
6 had went to school with my sister.

7 Q. And you saw something in an annual?

8 A. Yes.

9 Q. But Mr. Gailey told you at some point long before July 9th
10 that this was Scott Allen?

11 A. Yes.

12 Q. And that they were good friends? Is that correct?

13 A. Yes, sir.

14 Q. Now, you said that whenever Mr. Allen needed anything Mr.
15 Gailey would provide it for him, is that correct?

16 A. Yes.

17 Q. He provided him transportation?

18 A. Yes.

19 Q. He'd buy things for him?

20 A. Yes.

21 Q. And was there any drug use that you observed by Mr.
22 Gailey while he was there at the house, other than
23 selling the dime bags?

24 MS. ALLEN: Objection.

25 THE COURT: Overruled.

1 A. Not a bunch. Just a little bit. Everybody experiments
2 with something, alcohol and drugs.

3 Q. What was everybody experimenting with there?

4 A. Just smoking some weed. There might have been people
5 there that did a little bit of cocaine.

6 Q. Was that Vanessa Smith?

7 A. Yes.

8 Q. She was doing cocaine?

9 A. Yes.

10 Q. Did you see her do a lot of cocaine?

11 A. Yes. Scott even admitted at one time that she was very
12 bad on it.

13 Q. What about Mr. Gailey, did he give Vanessa Smith some of
14 the cocaine?

15 A. Yes.

16 Q. He did?

17 A. Yes.

18 Q. She got it from him?

19 A. Yes.

20 Q. So you saw some cocaine in Mr. Gailey's possession as
21 well as some reefer?

22 A. Well, not actually in his possession. I've heard that
23 she got it from him, but I didn't never see him hand it
24 to her.

25 Q. Okay. And when this day came around on July 9th, didn't

1 you tell Officer Poole that Chris came in and said that
2 all three of them were riding up the road for a couple of
3 hours and they wanted to know if they could borrow
4 Danny's Nissan truck?

5 A. Yes, sir.

6 Q. And it was about three or four hours later before you saw
7 Vanessa Smith, is that correct?

8 A. Yes, sir.

9 Q. Now, did Mr. Lanier let him use his truck?

10 A. Yes, they asked him, and he gave them the keys.

11 Q. And Mr. Gailey's truck was still there parked at the
12 trailer after they left, wasn't it?

13 A. Yes.

14 Q. You were shown a photograph earlier of the residence, is
15 that correct?

16 A. Yes, sir.

17 MR. OLDHAM: Your Honor, I might need some help
18 here.

19 *(Bailiff Cook comes over and turns ELMO on for Mr.*
20 *Oldham.)*

21 THE COURT: Is this Exhibit Forty-One or Forty
22 Six?

23 MR. YATES: Forty-One.

24 MR. OLDHAM: Yes, Your Honor, it's State's
25 Exhibit Forty-One, designated on the reverse of the

1 photograph.

2 (State's Exhibit Forty-One, a photograph is placed
3 on ELMO for viewing by the jury.)

4 MR. OLDHAM: Now, this is -- May I stand here
5 just a minute, Your Honor?

6 THE COURT: Yes, sir, but he can't see it. So
7 sir, if you would like --

8 MR. OLDHAM: Would you come down and stand
9 right here by me for a moment?

10 THE COURT: There's a couple of different
11 places where he can see it, up there or right here in
12 front, it's your choice.

13 (Witness leaves the witness stand and stands down by
14 ELMO.)

15 Q. (BY MR. OLDHAM) Okay. Was this -- Did you say this was
16 the front of the mobile home where you lived with the
17 Laniers?

18 A. Yes, sir.

19 Q. And this is where Chris Gailey and Scott Allen and
20 Vanessa Smith stayed with y'all some during this time, is
21 that correct?

22 A. Yes, sir.

23 Q. Now, when everybody left that night where did you see Mr.
24 Gailey's vehicle parked out there?

25 A. You won't see it in that picture because that driveway's

- 1 graveled. He wouldn't pull on gravel.
- 2 Q. He wouldn't pull on that?
- 3 A. He parked out at the road where the mailbox was on the
- 4 pavement.
- 5 Q. Was that paved?
- 6 A. His truck didn't hit dirt.
- 7 Q. Now, where did you indicate earlier the mailbox was? Is
- 8 it to the bottom right of that photograph?
- 9 A. Yeah, the very bottom right, down at the road.
- 10 Q. So would it be down in that direction right there where
- 11 the vehicle was parked?
- 12 A. It would be more to the right where the driveway was
- 13 coming out onto the road. See where the picture ends?
- 14 Q. Where the picture ends?
- 15 A. Yes.
- 16 Q. Right there?
- 17 A. Well, over to -- you got this way, right there.
- 18 Q. Right there?
- 19 A. Yeah, his truck would have been at the road there.
- 20 Q. Okay. And that's the front door to the mobile home right
- 21 there?
- 22 A. Yes.
- 23 Q. And you saw his truck parked out there that evening, is
- 24 that correct?
- 25 A. Yes.

1 Q. And you saw them leave in Danny Lanier's truck, is that
2 correct?

3 A. Yeah.

4 Q. Thank you, sir.

5 (Witness returned to the witness stand.)

6 Q. (BY MR. OLDHAM) Now, when you talked to Officer Poole
7 back on July 18th, 1999 and said Chris told them they all
8 three were riding up the road for a couple of hours and
9 Chris asked Danny could he borrow his Nissan truck and
10 Danny told him yes. Is that correct?

11 A. Yes, sir.

12 Q. Nothing in there about Mr. Gailey saying anything about
13 the gun in that statement?

14 A. No.

15 Q. And when Vanessa came back you told Officer Poole that
16 she had dropped Scott and Chris off and she told you and
17 the Laniers that they did not want anyone to pick them
18 up. Is that what she told you?

19 A. Yes.

20 Q. And you said she came in and she wanted the keys to Mr.
21 Gailey's vehicle, is that correct?

22 A. Yes, sir.

23 Q. And you wouldn't give them to her?

24 A. No.

25 Q. And you know where they were at that time?

1 A. Yes.

2 Q. Because you had seen them in there?

3 A. Yes.

4 Q. Did you put them or Mr. Gailey put them there?

5 A. Mr. Gailey put them there.

6 Q. You saw him put them there?

7 A. Yes.

8 Q. And had Vanessa been drinking that evening?

9 A. I don't recall.

10 Q. You don't recall?

11 A. No.

12 Q. Had she been using drugs that day?

13 A. Probably. I mean I can't really honestly say. I can't
14 recall. It's been four years.

15 Q. Okay. Did she use drugs fairly often on a daily basis
16 when she was there?

17 MS. ALLEN: Objection.

18 THE COURT: Overruled. If he knows.

19 Q. (BY MR. OLDHAM) If you know.

20 A. As far as smoking marijuana, yes. As far as the coke, I
21 can't really tell you if she used it every day or every
22 two months or what.

23 Q. She used it more than anybody else you saw there use it?

24 A. Yes.

25 MS. ALLEN: Objection.

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1 THE COURT: Overruled.

2 Q. (BY MR. OLDHAM) Sir?

3 A. Yes.

4 Q. Now, when she was staying there with you and the Laniers
5 and with Scott Allen and Chris Gailey, your observations
6 about her and Scott Allen was that they were boyfriend
7 and girlfriend, is that correct?

8 A. Yes.

9 Q. She doted over him, is that correct?

10 A. Yes.

11 Q. Pretty much obvious that she viewed that as a close
12 relationship with him?

13 A. Yes.

14 Q. You said something about when the Randolph County

15 Sheriff's Department came down there you did not see Mr.

16 Gailey's shotgun, is that correct?

17 A. Yes, I did see it when they came down there.

18 Q. Do you recall when that was, what date?

19 A. Not exactly.

20 Q. It was after July 9th?

21 A. It was after. Yes, it was.

22 Q. Now you say Mr. Fender the following Monday, did you not?

23 A. Yes.

24 Q. Huh?

25 A. Yes, sir.

1 Q. It wasn't Saturday or Sunday, it was Monday?

2 A. Well, it could have been that Saturday. I'm not sure.

3 It was shortly thereafter.

4 Q. Okay. But the time you saw Mr. Pender you had heard
5 something about Chris Gailey, is that correct?

6 A. Yes.

7 Q. Okay. And you talked to your mother, is that correct?

8 A. Yes, sir.

9 Q. And that was a work day, wasn't it? Didn't you say you
10 worked?

11 A. Yeah, I worked Monday through Friday.

12 Q. And you had been to work that day, hadn't you?

13 A. Yes.

14 Q. And when you came home you saw them, is that correct?

15 A. Yes.

16 Q. So it wouldn't have been a Saturday or Sunday because you
17 wouldn't have been at work, would you?

18 A. It could have been because on the golf course we worked
19 Saturdays too.

20 Q. Did you work Sundays?

21 A. No, we didn't work Sunday.

* 22 Q. And you recall that July 9th was a Friday?

23 A. Yes.

* 24 Q. Now, do you recall if was after Mr. Pender that you say
25 you saw these Randolph County deputies there at the

1 trailer?

~~2~~ 2 A. Yes.

3 Q. Do you recall who they were?

4 A. No, sir.

5 Q. It's not Officer Bunting who's in the courtroom today,
6 was it?

7 A. I don't believe so. These were detectives.

8 Q. Okay. When you say detectives you mean they were dressed
9 in plain clothes?

10 A. Yeah, like suits and stuff. They wasn't no uniformed
11 officer.

12 Q. Do you see anybody here in the courtroom today that looks
13 like the people that came to your residence that day?

14 A. Not that I can recall. They was only there one time.

15 Q. You don't live there any longer, is that correct?

16 A. No, they kicked me out shortly after.

17 Q. And the Laniers?

18 A. No.

19 Q. They do not either?

20 A. No.

21 Q. Do you still see them?

22 A. Occasionally.

23 Q. They live in Davidson County?

24 A. Yes, I believe so.

25 Q. The entire time you were there you never saw any arguing

1 between Scott Allen and Chris Gailey?

2 A. No, sir.

— 3 Q. Did you ever see any argument between Vanessa and Chris
4 Gailey?

5 A. Yes.

— 6 Q. They did not get along?

— 7 A. No.

8 Q. Thank you, sir. That's all I have.

9 THE COURT: Any redirect?

10 MS. ALLEN: May I have just a moment, Your
11 Honor?

12 THE COURT: Yes, ma'am.

13 MS. ALLEN: Nothing further at this time.
14 Thank you.

15 THE COURT: You may step down. Thank you very
16 much, sir.

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

18 THE COURT: State wish to call another witness?

19 MS. ALLEN: Yes, Your Honor. The State at this
20 time would like to call Ms. Smith. However, she's not in
21 the courtroom. She needs to be gotten.

22 THE COURT: Thank you.

23 *(Ms. Vanessa Smith enters the courtroom.)*

24 THE COURT: Ms. Smith?

25 MS. SMITH: Yes, sir.