

POOLE READING STATEMENT HE WROTE FOR VANESSA (she only signed)  
outside presence of JURY

2092

(Voindire)

1 Scott Allen. Smith stated it was a very long walk and  
2 Chris had the only flashlight and Scott and Chris would  
3 stop on the way walking to the place where the guns were  
4 and would do cocaine, and she would have to hold the  
5 flashlight for them, and finally they came up on a cabin  
6 she had never seen before, and Chris and Scott stopped at  
7 a well near the cabin and they drew water from the well.  
8 Smith stated that they walked by the cabin and was going  
9 down a hill just past the cabin and Scott turned around  
10 and pushed her back and Scott shot Chris Gailey with the  
11 sawed-off shotgun in the back, and he was only about two  
12 feet away from Chris -- was carrying the flashlight.  
13 Smith stated that she hit the ground and covered her head  
14 up and Scott kept firing the gun a few times. Smith  
15 stated she looked over and Chris Gailey was laying on his  
16 stomach and he was moaning and making sounds like he was  
17 deep in pain. And Scott grabbed her by her shirt and  
18 told her to come on, let's go, and they went up to the  
19 cabin, and she was sitting down at the cabin on the  
20 porch, and she was really scared and could not believe  
21 what had happened. And she thought Scott was going to  
22 kill her as well. Smith stated Scott told her he did not  
23 like him calling a stupid bitch, and she asked Scott is h  
24 dead because they heard Chris moaning in pain, and one  
25 time she heard him yell out. Smith stated that the

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1 moaning went on for hours, and the shooting took place  
2 sometime between 10:00 p.m. and 11:00 p.m., and Scott  
3 would crawl on his belly down to Chris and he was  
4 throwing rocks at him to see if he was dead because he  
5 was afraid that Chris might still be alive and come up  
6 and shoot him. Smith stated she and Scott sit up at the  
7 cabin for a few hours, and about daybreak she and Scott  
8 started walking back to the truck, and she was walking  
9 behind Scott because she felt like Scott might shoot her.  
10 And Scott walked up from the cabin to a clearing and she  
11 and Scott sit there for a few minutes and they smoked a  
12 marijuana joint there, and Scott told her that he was  
13 going to where Chris was at and for her to come up there  
14 in five minutes, so Scott walked back towards the cabin,  
15 and a few minutes later she walked back to the cabin and  
16 Scott was sitting on the steps of the cabin and told her  
17 to come there and sit down. And he walked over with the  
18 shotgun and got some rocks on the path. He crawled over  
19 near Chris Gailey and was throwing rocks at him, and she  
20 was crying and would tell her to quit (SIC). Smith  
21 stated finally she left, and while walking back to the  
22 truck Scott would say I don't know why Chris turned on me  
23 that way. Smith stated that Scott told her if anyone  
24 asks what happened for her to tell them were walking and  
25 that somebody jumped out of the woods and were shooting

1 at them and that Chris was shooting at them so he,  
2 talking about Scott, had to shoot back and killed Chris  
3 due to the fact that Chris was shooting at him. Smith  
4 stated that Scott also while walking back told her to  
5 tell anyone who asked that Dustin from Silver Valley who  
6 has a brother in a wheelchair had took a warrant out on  
7 Chris for assault and did not like Chris Gailey and to  
8 say that he was the reason to do away with Chris and that  
9 also Jamie Fender had a reason to do away with Chris.  
10 Smith stated that Chris never had his gun out or pointed  
11 towards Scott or her. Scott acted as if it was no big  
12 deal to him. Smith stated that on the way back Scott had  
13 her to sit at the gate in the woods and he told her he  
14 would get rid of the gun. So Scott went into the woods  
15 for about fifteen minutes and when he returned he did not  
16 have the sawed-off shotgun. Smith stated that she and  
17 Scott walked back to the truck and Scott drove Chris'  
18 truck close to the lake house on Whippoorwill Cove Road,  
19 and he got out of the truck and told her where Chris'  
20 wallet was at and for her to take it and for her to get  
21 their personal belongings and come back and pick him up  
22 and she better be back in twenty minutes. Smith stated  
23 that she went to Whippoorwill Cove Road and went inside  
24 and got Chris Gailey's wallet in Robbie's top dresser  
25 drawer and she got her and Scott's personal belongings

Johnson



1 and Chris' backpack because Scott told her to. Smith  
2 stated that she drove the truck down to the road and  
3 Scott came out of the woods, and he got behind the  
4 driver's seat of the truck, and they drove Chris Gailey's  
5 1998 GMC truck to Shallotte to Spider's. Smith stated  
6 that Scott had her to use the card at two different gas  
7 stations in Shallotte to buy food, gas, and cigarettes.  
8 Smith stated that she did not want to do this, but she  
9 was afraid that Scott was going to kill her if she did  
10 not. Smith stated that they stayed at Spider's and Scott  
11 Allen wanted some cocaine, but no one would sell it to  
12 him -- them because he wanted powder because that is the  
13 only way he uses it, and that Scott had her to use Chris  
14 Gailey's ATM card and withdraw out about \$300.00 in  
15 Shallotte at a bank and that they went back to Albemarle  
16 because she knew they could get Scott some cocaine there  
17 and she were buying cocaine in Albemarle and Scott would  
18 use it as fast as they would buy it. And then Scott  
19 wanted her to use the card at the Harris-Teeter store and  
20 she got \$40.00 out of there and went and bought more  
21 powder, and Scott used it, and Scott had her to go to the  
22 First Union Bank but could not get money out of there  
23 anymore. Smith stated that she (SIC) wanted her to buy  
24 something to trade for cocaine, so she went to Food Lion  
25 and they would not let her use the card so she left and

1 she went to Lilly Efird's and Scott Allen left in Chris'  
2 truck. Smith stated that they stayed at Efird's and she  
3 told Lilly what had happened, and while staying at  
4 Efird's she called Kelly in Denver because she thought  
5 that that was where Scott might be, and she talked to  
6 Scott during the week. Scott told her he was going to  
7 try to find someone somewhere and for her to stay at  
8 Efird's and when he found somewhere he would send for  
9 her. Smith stated on July 15<sup>th</sup>, 1999, Efird drove her to  
10 Spider's, and Spider told you (SIC) that the law had been  
11 riding by there and told her that Scott told him that he  
12 shot Chris Gailey in self-defense. Smith stated that  
13 Scott Allen was lying and that night you and Efird had  
14 sexual intercourse and Efird told her to take her car and  
15 leave and gave her \$150.00. So she took Efird's car and  
16 left and was heading towards Denver to see Scott Allen  
17 and the car broke down on Highway 40 in North Carolina  
18 near Hendersonville, and she walked to a truck stop and  
19 she got two truckers to give her a ride to Denver. Smith  
20 stated the only reason she wanted to go to Denver to see  
21 Scott Allen was because that she thought that she was  
22 pregnant with his baby and he -- wanted him to take care  
23 of her. Smith stated that on the way there she would  
24 call Kelly and cuss her out and before she got to Denver  
25 Scott and her talked on the phone and Scott told her to

1 meet him at Kelly's house at 1401 South Emerson Street in  
2 Denver. So she met Scott there and she and Scott went  
3 walking and Scott tried to get her to go down an alley  
4 and she felt like Scott was going to kill her, so she ran  
5 and hitchhiked back to North Carolina to Charlotte to her  
6 friend. She found out she was pregnant. Smith stated  
7 the next day she started thinking about if she was ever  
8 going to have a normal life how could she pull it off,  
9 and she thought she could tell Scott she had so money so  
10 he could meet her somewhere so she could him caught.  
11 Smith stated that she called Kelly and told Kelly to have  
12 Scott call her at this pay phone, and about five minutes  
13 later Kelly called back and told her Scott called her and  
14 that Scott wanted her to call him at Kelly's house at  
15 6:00 p.m. there, and this was on July 9<sup>th</sup>, 1999." It  
16 should be August 9<sup>th</sup>, 1999.

17 Q. That's when she turned herself in?

18 A. Yes.

19 Q. You put the date down, is that correct?

20 A. Yes, sir. It was a very long interview. "Smith stated  
21 that Scott Allen killed Chris Gailey on the 9<sup>th</sup> of July  
22 9<sup>th</sup>, 1999 (SIC), and when they were going to the cabin to  
23 get the guns she had no knowledge that Scott Allen was  
24 going to shoot Chris Gailey."

25 Q. Is that the end of --