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Christina Chamberlain - Direct by Mr. Unti

1           A.    I had not seen him in a very long time or spoke with  
2 him.  No.

3           Q.    Do you recall a time when Scott contacted you?

4           A.    Yes.  He contacted me, I believe it was towards the  
5 end of June of 1999, and told me that he was out west and he  
6 would be coming back home.

7           Q.    Then did you subsequently see him after he came back  
8 home?

9           A.    I did.

10          Q.    And when was that occasion?

11          A.    That was just a couple weeks after the phone call.  It  
12 would have been July 8th, I believe, 1999.  It was the Thursday  
13 right after the 4th of July.

14          Q.    How do you remember the date so clearly?

15          A.    Well, my work schedule.  I worked a certain schedule  
16 that particular week because of the holiday.  And so when I was  
17 contacted much, much later by Danny Carter and he told me the  
18 events that had happened, and at first I didn't recall the time,  
19 you know, initially.  It was sometime later.  But after speaking  
20 with him and putting the pieces of the timeframe together, I  
21 remembered specifically it being then because of that holiday at  
22 work.  We had certain things scheduled for the holiday and then  
23 my return the following week.  My shifts were usually pretty  
24 consistent; Thursday, Friday, Saturday, Sunday.

25          Q.    You referred to a Mr. Danny Carter, who is he?

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1 A. He was an investigator for the case at the time.

2 Q. Like a private investigator?

3 A. Uh-huh.

4 Q. So you specifically recall seeing Scott on July 8th?

5 A. Uh-huh.

6 Q. Tell me about that visit.

7 A. He showed up at my house later in the afternoon. It  
8 was right before I was leaving for work. I had to be at work  
9 around 5 I believe at that time on that particular day, and he  
10 showed up, I talked to him for just a few minutes, told him I  
11 had my schedule to work that evening and that I would catch up  
12 with him later.

13 Q. And did you catch up with him later?

14 A. Yes. Yes. He was at my house when I returned that  
15 evening after work.

16 Q. And how long did he stay at your house?

17 A. At that particular night?

18 Q. During particular visit.

19 A. He would have stayed -- he was there that night when I  
20 returned from work. I came in with a girlfriend. We got a few  
21 things from my house and stayed at her house at the lake,  
22 because we both worked at the lake and we were going to leave  
23 from there the next day. He stayed there that night, I believe.  
24 Although when I came back the next day, which was sometime after  
25 lunch, I'm not particularly sure about that timeframe, but he

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1 was not there. So he was there that night when we came in on  
2 that Thursday.

3 Q. And when did you see him next?

4 A. I saw him the next evening, or it was more later  
5 afternoon. He came back to the house.

6 MR. VLAHOS: Your Honor, I object. Just to clarify  
7 what nights we're talking about. Is it two nights over or --

8 THE COURT: Are you talking about now the evening of  
9 July the 9th?

10 THE WITNESS: Yes.

11 THE COURT: If you will just make that clear on the  
12 record, please, so we won't have to be guessing.

13 THE WITNESS: Yes. That would be Friday, July 9th.

14 Q. (By Mr. Unti) : What do you remember about your visit  
15 with Scott on Friday, July the 9th?

16 A. I came home that afternoon. I think also that  
17 afternoon the girlfriend I was with the night before came and  
18 picked up her vehicle, she and another person. They both saw  
19 Scott. I left for work around the same timeframe. I had to be  
20 at work around the same time, 5, 6:00. I saw him for just a  
21 little while then, and then that evening when I returned from  
22 work, which was late, it was -- I don't know. I usually got out  
23 of there around -- anywhere between 1 and 2:30 in the morning,  
24 just depending on how busy we were. When I came back that  
25 night, he was still there. He was asleep on the couch.

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1 Q. Did you wake him up?

2 A. I did.

3 Q. And did you talk to him after that?

4 A. For a few minutes, yes.

5 Q. How did he seem to you?

6 A. Tired. Normal. Just laying around being lazy.

7 Q. Did he seem intoxicated?

8 A. No.

9 Q. Then what did you do?

10 A. I changed clothes, went to bed.

11 Q. Did you see him anymore that evening?

12 A. No. But I do -- I recall at some point in the night,  
13 I believe, he came and got in the bed with me. The next morning  
14 when I woke up, he was gone.

15 Q. When you say that he got into the bed with you, had  
16 your relationship developed into something romantic at that  
17 point?

18 A. No.

19 Q. This was just friends?

20 A. Yes, sir.

21 Q. Did you see Scott the next day?

22 A. No, sir. When I woke, he had already left.

23 THE COURT: That was on the 10th; right? Saturday,  
24 the 10th?

25 THE WITNESS: Yes.

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

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1 THE COURT: On Saturday, the 10th, he had left by the  
2 time you got up?

3 THE WITNESS: Right. Yes, sir.

4 Q. (By Mr. Unti) : Do you remember what you and Scott  
5 talked about that night?

6 A. Not specif -- I know we did talk about his daughter,  
7 Jordan.

8 Q. Okay. But you're saying he was acting normally?

9 A. Yes.

10 Q. Did anyone else know he was staying at your house?

11 A. Yes. My girlfriend.

12 MR. VLAHOS: Objection to what somebody else knew.

13 Q. Did other people come and see him at your house on  
14 July 9th, 1999?

15 A. Yes.

16 MR. VLAHOS: Objection.

17 THE COURT: Overruled as to that.

18 Q. You may answer the question.

19 A. Yes. Tonya Monk came and picked up her car. A  
20 gentleman drove her over to pick up her car. They both saw  
21 Scott. And then I don't remember if it was the  
22 Friday -- Thursday night or Friday night I had my other  
23 girlfriend who worked with me to call the house and Scott  
24 answered the phone.

25 MR. VLAHOS: Objection to hearsay.

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1 THE COURT: Sustained as to that.

2 Q. Was Friday night the last time you saw Scott prior to  
3 his arrest --

4 A. Yes, sir.

5 Q. -- in this case?

6 A. Yes, sir.

7 Q. After Scott's arrest but before his trial in this  
8 case, did you ever hear from his trial lawyers or someone else  
9 representing the defense?

10 A. Yes.

11 Q. Tell me what you remember about that.

12 A. I met Mr. Danny Carter. I met Mr. Pete Oldham, and I  
13 met Mr. Will Atkinson. The first meeting I recall mostly was  
14 with Mr. Carter and then there was either one or two other  
15 meetings with Mr. Atkinson and Mr. Oldham, including Ben Carter.

16 Q. Did you initially tell the defense team the whole  
17 story that you just testified about the days July 8 and July 9,  
18 1999?

19 A. The first meeting, if it was -- I can't remember all  
20 the details of the timeframe. I think the first contact was  
21 with Mr. Atkinson, and I didn't have recollection of the times,  
22 of the events before, during, and after. I remember talking  
23 with Mr. Carter and him giving me the details and the timelines  
24 of the things that had occurred. At that point is when I  
25 started remembering exactly the time because of my work

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1 schedule, otherwise, I wouldn't have thought anything about it  
2 or remembered the dates, so to speak. But, yes, I did meet with  
3 him.

4 Q. Would you say that your discussions with Mr. Carter  
5 after you talked with the lawyers refreshed your recollection --

6 A. Yes.

7 Q. -- and helped you remember the timeframes and events a  
8 little bit better?

9 A. Yes, sir.

10 Q. How many years after 1999 did these discussions occur?

11 A. Oh, gosh, um, I'm not sure. Two or three years; three  
12 or four years maybe.

13 Q. At the time did you tell Mr. Carter about Scott Allen  
14 having stayed at your house?

15 A. Yes.

16 Q. And to the best of your recollection, did you tell him  
17 about July 8th and July 9th?

18 A. Yes.

19 Q. Did you tell him how long and how well you knew Scott?

20 A. Yes.

21 Q. To the best of your recollection, did they talk to you  
22 about testifying in Scott's behalf?

23 A. No, sir.

24 Q. Did you ever receive a subpoena?

25 A. No, sir.

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1 Q. Were you ever visited by a woman named Janet Herzog or  
2 any other mitigation expert or specialist?

3 A. No, sir.

4 Q. Did you attend any of Scott's trial?

5 A. No, sir.

6 MR. UNTI: Your Honor, that's all I have of this  
7 witness at this time.

8 THE COURT: Thank you, sir. Yes, sir.

9 MR. VLAHOS: Thank you, your Honor.

10 CROSS-EXAMINATION BY MR. VLAHOS:

11 Q. Ma'am, did you recall meeting with attorney Will  
12 Atkinson on February 2nd, 2002 at the IHOP restaurant on Dixie  
13 Drive in Ashboro, North Carolina?

14 A. I do remember meeting with him. I don't remember the  
15 exact date.

16 Q. You remember meeting him at the IHOP restaurant; don't  
17 you?

18 A. I do.

19 Q. Okay. Do you remember telling Mr. Atkinson at that  
20 meeting that you insisted that the date that Defendant Allen  
21 came over to your house was not July the 8th of 1999; do you  
22 recall telling him that?

23 A. No, sir, I don't.

24 Q. Do you recall telling him that you heard about the  
25 body being found and that a short time later you heard that



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1 Scott was a suspect; do you recall telling him that?

2 A. No, sir, I don't.

3 Q. Do you recall telling Mr. Atkinson, or do you recall  
4 insisting to Mr. Atkinson that knowledge would have made a big  
5 impression on you if he had been at your house on that date  
6 within that close of a proximity of time?

7 A. (Witness nods.)

8 Q. Is it true you heard that about Christopher Gailey's  
9 body being found?

10 A. It it true what? Repeat that. Sorry.

11 Q. Is it true that you heard about Christopher Gailey's  
12 body being found?

13 A. I did. I don't recall it being before that time. If  
14 I'm not mistaken, I believe Mr. Atkinson is the one that told me  
15 that.

16 Q. When you found out about -- oh, you didn't find out  
17 about Christopher Gailey's body being found until Mr. Atkinson  
18 told you?

19 A. At that time is when I found out.

20 Q. Well, hadn't Mr. Carter already contacted you and the  
21 defendant already been arrested for murder by the time Danny  
22 Carter, the investigator, contacted you?

23 A. I think it was after that.

24 Q. And you still didn't know Christopher Gailey's body  
25 had been found?

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1 A. No, sir.

2 Q. So you knew nothing until the defense investigator,  
3 Danny Carter, came and talked to you --

4 A. That's when --

5 Q. -- you didn't hear that Scott was arrested for murder?

6 A. That's when I remember finding out, yes.

7 Q. That's the only way you knew?

8 A. I believe so, yes.

9 Q. And this friend of yours, Mr. Scott Allen, who you are  
10 such close friends with, you had no idea he had been arrested  
11 for murder; did you?

12 A. No.

13 Q. You hadn't talked to any of his family members?

14 A. In that timeframe, no, sir. I don't think so.

15 Q. And you hadn't talked to any mutual friends you all  
16 had?

17 A. No, sir.

18 Q. How long of a period of time did you go until you knew  
19 he was arrested for murder?

20 A. I don't know how to answer that.

21 Q. When did you find out he had been arrested for murder?

22 A. I don't remember precisely.

23 Q. What high school did you and Defendant Allen go to?

24 A. Denton High School.

25 Q. Denton. Okay. You testified in high school -- just

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1 now you testified that you did not cross paths very often in  
2 high school.

3 A. On occasion.

4 Q. Were you all close friends in high school or more  
5 acquaintances?

6 A. The few times we spent together, I mean we got along  
7 very well. We were close, I'd say, yes.

8 Q. But only a few times together. You all weren't best  
9 friends; were you?

10 A. We were not best friends. We were close friends.

11 Q. You were close friends.

12 A. Yes.

13 Q. Okay. But you'd see him here and there in high  
14 school, you wouldn't see him on a regular basis; would you?

15 A. If my schedule allowed it, I would. But I was  
16 involved in other things with school. I was gone on the  
17 weekends a lot and with sports, so.

18 Q. After high school you kept up with him a little bit  
19 here and there, but you didn't see each other on a recurring  
20 basis; did you?

21 A. No, sir.

22 Q. You didn't see him every week or every month; did you?  
23 You would just see him sporadically here and there?

24 A. Yes, sir.

25 Q. And you all talked like friends do, but you wouldn't

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1 see him very much; would you?

2 A. Right.

3 Q. And you know he had a wife, Joyce Allen?

4 A. I did know.

5 Q. Did you know he had a daughter, Jordan Allen?

6 A. I did.

7 Q. And you also testified what you termed -- Benny Allen,  
8 Defendant Allen's father, you termed him as being very harsh;  
9 was that your opinion of him?

10 A. Yes. Sometimes.

11 Q. What do you mean by he's harsh?

12 A. Raising his voice.

13 Q. Anything other than raising his voice?

14 A. Or making the comment like I said earlier about Scott  
15 being a brat.

16 Q. Defendant being a brat or raising his voice at the  
17 defendant or something like that, is what you're talking about?

18 A. Yes.

19 Q. Okay. And if you testified to that at the sentencing  
20 hearing, that wouldn't be basically putting Mr. Benny Allen in a  
21 very good light, would it, if you testified to that?

22 A. I'm not sure.

23 Q. Mr. Unti asked you about the tattoos the defendant  
24 had. Do you recall what tattoos he had in high school?

25 A. I remember he has a small handprint on his arm, I

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1 think his left arm. He had different types of symbols on his  
2 neck, different areas of his neck.

3 Q. Do you recall what kind of symbols on his neck?

4 A. Not -- no. I mean, I know what they look like, yes,  
5 but I couldn't necessarily describe it.

6 Q. What else do you recall?

7 A. That's pretty much it.

8 Q. Okay. So tattoo on his hand, on his left arm, and  
9 symbols on his neck?

10 A. And some on his legs too, but I don't remember what  
11 they were.

12 Q. And did you see him -- when you saw him after that,  
13 after you all graduated high school, did you notice other  
14 tattoos on him?

15 A. Yes. It seems like there were more.

16 Q. Specifically did you see a tattoo on his head above  
17 the hairline and part of it has the word hate, H-A-T-E,  
18 tattooed?

19 A. Yes.

20 Q. You say that -- do you remember, did he get that  
21 during high school or after high school?

22 A. I don't recall.

23 Q. Now, the tattoos that he had on his neck. If he was  
24 wearing a collar or turtleneck, would you see those tattoos on  
25 his neck?

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1 A. Probably not.

2 Q. The one on the left arm, if he was wearing long  
3 sleeves, would you see that?

4 A. I don't think so.

5 Q. The ones on his legs, if he was wearing long pants,  
6 would you see that?

7 A. No, sir.

8 Q. What about the one on his head. If he had grown his  
9 hair out, since it's above his hairline, would you able to see  
10 his the tattoo with the word hate in it?

11 A. No, sir.

12 Q. Now, the investigator that talked to you, Danny  
13 Carter, he was an investigator for the defense team; is that  
14 correct?

15 A. Yes, sir.

16 Q. Did he identify himself as that to you when he first  
17 talked to you?

18 A. Yes, sir.

19 Q. Okay. You knew he wasn't a police officer. You knew  
20 he was there to try to help the defendant at the time you talked  
21 to him; is that right?

22 A. Yes, sir.

23 Q. Now, specifically with regard to the time February --  
24 excuse me, July the 8th of 1999 and July 9th of 1999, I'd like  
25 to focus on that Friday, July 9th of 1999. You said you went to

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1 work about the same time you usually do, between 5 and 6 p.m. ;  
2 is that correct?

3 A. Like 5 I'd be leaving, yes.

4 Q. Where was that that you went to work?

5 A. Where was I working?

6 Q. Yes.

7 A. The Denton Boat and Tennis Club.

8 Q. You would work your shift until about 1:00 a.m. or  
9 2:30 a.m.?

10 A. Depending what time we closed. We closed normally at  
11 2:00, but if the restaurant emptied, we would close before then.  
12 Yes, sir.

13 Q. Do you recall that night, July the 9th of 1999; do you  
14 know if it closed early or if it closed at 2? Do you have any  
15 idea?

16 A. No, sir. We closed late both weekends, that weekend  
17 before and that particular weekend because it's the peak season  
18 at the lake.

19 Q. Got it.

20 A. And we had a band, I believe, scheduled for that  
21 weekend.

22 Q. Okay. So a big time?

23 A. It was a late night, yes, sir.

24 Q. You wouldn't have gotten home usually before 2:30 at  
25 that time?

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1 A. Right.

2 Q. About 2:30 at the earliest?

3 A. Yes, sir.

4 Q. Then when you got home at 2:30, you saw that the  
5 defendant was asleep on your couch. You woke him up and talked  
6 to him; is that correct?

7 A. Yes.

8 Q. Or did he wake up, I mean?

9 A. No. The Thursday night?

10 Q. The Friday night, July the 9th of 1999.

11 A. Friday night, yes, I did talk to him.

12 Q. And you talked to him. Did you wake him up?

13 A. I did wake him up.

14 Q. And how long did you all talk for, approximately?

15 A. Maybe 30 minutes.

16 Q. So from about 2:30 to 3 a.m.; is that correct?

17 A. Yes, sir.

18 Q. Then you went to your room and went to sleep; is that  
19 right?

20 A. Yes.

21 Q. Did you close the door to your room?

22 A. Probably not.

23 Q. You were probably tired from a long night of work;  
24 isn't that right?

25 A. Yes.



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1 Q. Did you go right to sleep at 3 a.m.?

2 A. Yes, sir.

3 Q. And when you went right to sleep at 3 a.m., do you  
4 know how long it was before the defendant crawled into bed with  
5 you?

6 A. (Witness nods.)

7 Q. You have any idea?

8 A. I do not.

9 Q. But when you woke up, he was gone; is that right?

10 A. Yes, sir.

11 Q. Okay. And about what time did you wake up, if you  
12 remember?

13 A. I'm not certain about the time, but it was light  
14 outside. So normally after a night that late with work, it  
15 would probably be around 11, 11:30.

16 Q. 11 a.m. or 11:30 a.m.?

17 A. Yes.

18 Q. And so the time when you're sure you saw him was from  
19 2:30 to 3:00 a.m.; is that correct?

20 A. Correct. Yes.

21 Q. You didn't see him at all before that because you were  
22 at work?

23 MR. UNTI: Objection.

24 THE COURT: Overruled. If she disagrees.

25 Ask the question again, please.

1 Q. You didn't see him before 2:30 because you hadn't  
2 arrived home from work yet; is that correct?

3 A. I did not see him before 2:30.

4 Q. You had left at 5 or 6 and you didn't see him until  
5 2:30 that morning on the 9th; is that correct?

6 A. Yes.

7 Q. You saw him for 30 minutes, but at 3:00 you went to  
8 bed and fell right to sleep; is that correct?

9 A. Yes, sir.

10 Q. And don't know whether it was close to the time at  
11 3:00 when you fell asleep when he crawled into bed with you, or  
12 do you remember whether it was light or dark outside? Do you  
13 have any recollection at all?

14 A. I don't, because I had fallen asleep, so I really  
15 didn't know a time.

16 Q. You described him as your platonic friend; is that  
17 right?

18 A. Yes, sir.

19 Q. Do you have other platonic friends that crawl into bed  
20 with you?

21 A. I do.

22 Q. If you testified at his sentencing hearing, then the  
23 DA could have been able to ask you that question I just asked  
24 you about platonic friends crawling into bed with you; is that  
25 correct?

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1 A. Correct.

2 Q. Can you see how it might make it sound, like you might  
3 have a relationship with Defendant Allen that's a little bit  
4 more romantic than what you testified to?

5 A. Yes, sir.

6 Q. Do you see how that would undercut your testimony in  
7 front of a jury maybe?

8 A. I don't know how to answer that.

9 MR. VLAHOS: May I have a moment, your Honor?

10 THE COURT: Yes, sir.

11 MR. VLAHOS: Your Honor, I have no further questions  
12 at this time.

13 THE COURT: Thank you, ma'am.

14 MR. UNTI: Your Honor, I have no further questions  
15 either, and I would ask that she be released from her subpoena.

16 THE COURT: Thank you. Yes, sir.

17 MR. VLAHOS: No objection, your Honor.

18 THE COURT: Ma'am, thank you for coming and helping us  
19 today. You are welcome to stay, but you are free to go. That  
20 will release you from your subpoena by both parties. Thank you.

21 I'll let you quibble with the sheriff whether or not  
22 he'll let you out if you don't want to stay.

23 THE WITNESS: I'd like to stay until the next break.

24 THE COURT: Absolutely.

25 THE WITNESS: Yes, sir.