

1 Waive polling, Your Honor.
2 THE COURT:
3 Please let the record reflect that
4 all jurors are present and appropriately
5 seated in the jury box.
6 Please call your next witness.
7 MR. KENNEDY:
8 The State calls Lieutenant Steve
9 Buras, Your Honor.
10 * * * * *
11 Whereupon,
12 LIEUTENANT STEVE BURAS,
13 725 Maple Street, Harvey, Louisiana 70058, was
14 called as a witness, and after having first been
15 duly sworn, was examined and testified on his oath
16 as follows:
17 * * * * *
18 DIRECT EXAMINATION
19 BY MR. KENNEDY:
20 Q. Good evening, Lieutenant Buras. Where are
21 you employed?
22 A. Jefferson Parish Sheriff's Office.
23 Q. In what capacity?
24 A. Commander of the Homicide Division.
25 Q. And how long have you been, first of all,
26 with the Sheriff's Office?
27 A. Since 1972.
28 Q. And how about with Homicide?
29 A. Since 1978.
30 Q. How long have you been the Commander of
31 Homicide?
32 A. Since 1989.

1 Q. And, Detective, Detective Buras -- or
2 Lieutenant Buras, excuse me. Did you have an
3 opportunity to become involved in the case of
4 Tommy Vanhoose that occurred on April 5th, 1997?
5 A. Yes, I did.
6 Q. Were you actually the case detective on this
7 case?
8 A. No, sir. I was the supervisor, the overall
9 supervisor of the entire investigation.
10 Q. So, who was the case detective on this?
11 A. Detective Sacks.
12 Q. Okay, you said that you were the supervisor
13 overall, what do you do in that capacity?
14 A. Just make sure that everything has to be
15 done that we feel is important is done, make sure
16 the case is presented in a timely manner through
17 the DA's office, filing charges and stuff like
18 that, just overall supervision of all homicides
19 that occur in Jefferson.
20 Q. Now, Lieutenant, going back to this
21 particular homicide that occurred, you said you
22 did become involved in that investigation?
23 A. Yes, sir.
24 Q. And did you have an opportunity to go to the
25 scene itself?
26 A. I spent a very brief time on the scene, but
27 I did go to the scene.
28 Q. Were you involved in any investigation or
29 interrogation of witnesses on the scene itself at
30 Comeaux's?
31 A. Not on the scene; no, sir.
32 Q. Lieutenant, when, after you left the scene,

1 did you do anything immediately following leave of
2 the scene in this investigation?

3 A. I proceeded to the Detective Bureau to meet
4 with Lieutenant Snow with some witnesses, to have
5 them brought, and some were being brought there.

6 Q. Okay, and were you involved in the taking of
7 any witnesses at the Detective Bureau?

8 A. Yes, I was.

9 Q. And do you remember who those people were?

10 A. I don't have the names. There were two
11 females. One was an employee, I believe, and one
12 was a customer that was outside of the store.

13 Q. Were any of these witnesses able to identify
14 or name anybody at that point in the
15 investigation?

16 A. No, sir.

17 Q. And Lieutenant, did there come a time when
18 you got a call to leave the Detective Bureau to go
19 to another scene?

20 A. We were notified of a vehicle that had been
21 stopped, and we left. It wasn't too far from the
22 office, so we drove over there.

23 Q. And do you remember about what time this was
24 in the evening?

25 A. It was around 10:30 at night, somewhere
26 around 10:30.

27 Q. And you said you left the Detective Bureau;
28 do you remember who you left with?

29 A. Lieutenant Snow.

30 Q. Where did you all go?

31 A. We left and went to, I believe, Don Carter's
32 Bowling Alley, which is located right there at

1 Manhattan and Expressway, where two of the
2 witnesses had been relocated on their own.
3 Q. So, they basically were there on their own,
4 and you all went to get them?
5 A. That is correct.
6 Q. And do you remember who those two witnesses
7 were?
8 A. They were two males. I don't have -- again,
9 I don't have the names, but they were two males
10 that were witnesses to the incident, to the
11 incident that we had spoken to, and they had left
12 the Bureau to go on their own way, and we knew
13 they were at the bowling alley, so we wanted to go
14 pick them up.
15 Q. Would that have been Brent Cheramie and Dale
16 Blanchard?
17 A. That is correct.
18 Q. Now, you said that you went and picked them
19 up at the bowling alley?
20 A. Yes, sir.
21 Q. And you said you were with Lieutenant Snow?
22 A. That is correct.
23 Q. Did you all leave there together?
24 A. Myself and Snow, yes, and the two witnesses.
25 Q. And you all proceeded in one car?
26 A. Yes, it was in my unit.
27 Q. And where did you go?
28 A. Approximately a half a block away, I think
29 it's the 1000 block of Manhattan, where the
30 suspect had been stopped earlier by some Street
31 Crime deputies.
32 Q. What was your purpose in going there?

1 A. To see if the two witnesses we had in our
2 unit could identify the vehicle and the
3 perpetrators, since they were still on the scene
4 at that time.

5 Q. And were any of the witnesses able to
6 identify anything or anybody at that time?

7 A. Yes, one of them was able to identify --
8 both of them were able to identify the vehicle,
9 and one of them was able to identify the
10 individual they referred as the shooter.

11 Q. Do you remember how that identification
12 procedure took place?

13 A. We drove up. They were in the back of our
14 unit. We pulled up, maybe, about 100 feet away,
15 at which time, they looked over at the vehicle,
16 and pointed out that was the vehicle. And one of
17 the individuals, and again, who stated that was
18 the guy who was doing the shooting.

19 Q. So, one of the witnesses positively
20 identified one of the people as the shooter, and
21 the other one was not able to identify either one?

22 A. That is correct.

23 Q. Both people identified the car itself?

24 A. Yes, sir.

25 Q. And at any point in time did they express to
26 you that they were positive, that they were
27 positive that was the vehicle used in the
28 homicide?

29 A. Yes, sir.

30 Q. Now, Lieutenant, did you stay on the scene
31 at that time?

32 A. No, we transported the two witnesses to the

1 Detective Bureau, and the two individuals that
2 were present at the traffic stop, they were also
3 transported, two other units, to the Detective
4 Bureau, so we could speak to them as well as the
5 witnesses.

6 Q. Lieutenant, what was the purpose of speaking
7 to or, excuse me, transporting the two witnesses?

8 A. -- to get statements from them concerning
9 their identification they made prior on Manhattan.

10 Q. Lieutenant, you said also that the two
11 suspects were transported as well?

12 A. That is correct.

13 Q. Do you see one of those suspects in Court
14 today?

15 A. Yes, sir.

16 Q. Could you point him out and describe what
17 he's wearing, please?

18 A. He's sitting next to Mr. Pastor, with the
19 olive-light, olive shirt on.

20 MR. KENNEDY:

21 Your Honor, if the record could
22 reflect, the Witness identified Travis
23 Hayes, the Defendant, please.

24 BY MR. KENNEDY:

25 Q. Now, Lieutenant, you said that Travis
26 Hayes -- the other person is Damien Johnson or
27 Ryan Matthews?

28 A. Ryan Matthews is his real name.

29 Q. That's what you later learned to be his real
30 name?

31 A. That is correct.

32 Q. You said that they were also transported to

1 the Detective Bureau itself?

2 A. That is correct.

3 Q. What was the purpose of that?

4 A. To question them in reference to their
5 participation or knowledge in the incident that we
6 had under investigation, based on identifications.

7 Q. And were you involved in the taking of
8 statements of any of the suspects in the case?

9 A. Yes, sir.

10 Q. Who was that, who did you take a statement
11 from?

12 A. Travis Hayes.

13 Q. Lieutenant, where did you first meet with
14 Travis Hayes?

15 A. I first saw him on Manhattan, but I had no
16 contact with him at all. I stayed in my unit, and
17 once the identification was made by the two
18 witnesses, I then went to the Detective Bureau,
19 and when I got there, Travis Hayes was placed in
20 my office because it was getting crowded with
21 witnesses and Defendants. So, he was placed in my
22 office, and that's when I first had actual contact
23 with him as far as me speaking to him.

24 Q. Now, Lieutenant, are you aware whether or
25 not the two Defendants were placed together for
26 purposes of identification prior to that?

27 A. Yes.

28 Q. And who was that done with?

29 A. That was done with Lieutenant Snow, with the
30 two witnesses, as well as the two Defendants.

31 Q. So, the two Defendants were together in that
32 identification procedure?

1 A. Right, it was for a clarification purpose,
2 because there was -- to make sure we had the right
3 person that was picked out as being the shooter
4 and the other person as being not picked out.

5 Q. Again, were they identified in the same
6 manner as they were previously?

7 A. Yes.

8 Q. And Lieutenant, did you participate in that
9 identification procedure, whatsoever?

10 A. No, sir. I did not.

11 Q. Are you aware of anybody other than
12 Lieutenant Snow, participating in that
13 identification procedure?

14 A. I don't believe; no, sir.

15 Q. So, no other detectives were involved, just
16 Lieutenant Snow?

17 A. That I can recall; that is correct.

18 MR. PASTOR:

19 Your Honor, could I approach for a
20 second, please.

21 * * * * *

22 (Whereupon, the following colloquy was
23 reported at the bench, outside of the hearing of
24 the jury:)

25 * * * * *

26 MR. PASTOR:

27 Your Honor, I had assumed when he was
28 talking about the ID procedure, that he
29 did that personally, and I learned two
30 sentences down the line that he didn't
31 see any of that happening, that only Snow
32 was there; and I ask that that portion be

1 stricken from the record and the jury be
2 instructed to disregard anything about the
3 procedure that he did not see himself,
4 that he was told about.

5 MR. KENNEDY:

6 Judge, this goes to this Witness' own
7 knowledge, and if anything, it would be
8 an exception to the hearsay rule because
9 it goes to show it is a prior consistent
10 statement by Lieutenant Snow, as well as
11 the two witnesses, and that's listed
12 under the exceptions of the hearsay rule
13 to show that there was no recent
14 fabrication on the part of the witnesses.

15 They are only -- this officer is
16 testifying consistently with what the
17 other officers have testified to; and,
18 therefore, it is admissible at this
19 point.

20 THE COURT:

21 Where are you alleging that
22 Lieutenant Buras received this
23 information?

24 MR. KENNEDY:

25 Excuse me.

26 THE COURT:

27 Where did Lieutenant Buras receive
28 the information about the lineup?

29 MR. KENNEDY:

30 He participated -- he found that out
31 that night, Judge.

32 THE COURT:

1 How? How did he find that out?

2 MR. KENNEDY:

3 Talking to the other -- talking to
4 Lieutenant Snow. And, that's what I'm
5 saying: It's admissible because the
6 fact, he's testifying to prior consistent
7 testimony by Lieutenant Snow. Under the
8 exceptions to the hearsay rule: Prior
9 consistent statements or testimony is
10 admissible. You can testify to prior
11 statements by the witnesses to rebut any
12 inference by the Defense of recent
13 fabrication, and that's all he's done.

14 THE COURT:

15 I understand what you're saying. The
16 objection is overruled.

17 MR. PASTOR:

18 Please note my objection.

19 THE COURT:

20 Your objection is noted for the
21 record.

22 (Whereupon, the bench conference is then
23 concluded.)

24 * * * * *

25 BY MR. KENNEDY:

26 Q. Now, Lieutenant, you said that you actually
27 had an opportunity to meet with the Defendant in
28 your office?

29 A. That's correct.

30 Q. And was he handcuffed or detained in any
31 physical manner in your office?

32 A. I don't know if he was handcuffed or not,

1 but if he would have been handcuffed, I would have
2 had the cuffs removed once I went into my office,
3 which is my normal deal when I interview anybody,
4 whether it be, you know, defendants, witnesses, or
5 whatever, you know, if they are a threat.
6 Q. Did you have an opportunity to meet with
7 Travis Hayes in your office?
8 A. Yes, sir. I did.
9 Q. And what, again, was the purpose of that?
10 A. To find out what information he had
11 pertaining to the investigation we were
12 conducting.
13 Q. Now, Lieutenant, I want to show you what I
14 will mark as State's Exhibit Number --
15 MR. KENNEDY:
16 May I approach, Judge?
17 THE COURT:
18 You may.
19 BY MR. KENNEDY:
20 Q. Do you recognize this document?
21 A. Yes, sir. This is a copy of the Rights of
22 Arrestee and Suspects Form that was filled out by
23 myself in Mr. Travis Hayes' presence on April the
24 5th of '97.
25 Q. Could you explain to everybody what a rights
26 of arrestee form is, please?
27 A. When anytime, when anyone we feel is a
28 suspect in any investigation, in any criminal
29 investigation, in order to ensure that their
30 rights, you know, are ensured, we will fill out a
31 rights form, which basically contains his Miranda
32 rights and information on the rights form, with

1 basically his name, his address, and then the
2 rights itself.

3 Q. What is the purpose of filling out this form
4 with the Defendant?

5 A. So he understands his rights, so that we're
6 aware that he does understand his rights, and that
7 we don't violate his civil rights concerning his
8 right, you know, to give a statement or whatever.

9 Q. Do you explain those rights to him in depth?

10 A. Yes, sir. I did. I read the entire form to
11 him in the beginning.

12 Q. And did Mr. Travis Hayes indicate that he
13 understood those rights to you?

14 A. Right. After I had read the rights form to
15 him, I then had him read the rights form, which is
16 beneath where his name and address goes, and I
17 went ahead and had him initial each individual
18 right that he read, so to ensure me that he had at
19 least read them, the rights itself.

20 Q. So, did Mr. Hayes ever indicate to you that
21 he did not understand any of those particular
22 rights?

23 A. No, sir. He didn't.

24 Q. Did he indicate to you that he did not
25 understand what you were talking about?

26 A. No, sir.

27 Q. Did, at any point, did he say that he did
28 not want to continue this conversation with you at
29 all?

30 A. No, sir.

31 Q. Did Mr. Hayes, the Defendant, did he
32 indicate to you that he did in fact want to give

1 you a statement at that time?

2 A. He wanted to talk. That is correct.

3 Q. Did he ever say, "I wanted a lawyer," or
4 "Stop," or "I'd like --" "I don't understand what
5 you're saying"?

6 A. At no time.

7 Q. Now, pursuant to that, Lieutenant, did you
8 have an opportunity to take a statement or more
9 than one statement with Mr. Hayes?

10 A. I took a total of four, total, over the
11 course of the next five to six hours.

12 Q. And the rights form, does that list a time
13 on it?

14 A. Yes, it does.

15 Q. And what is the time that you read that to
16 him?

17 A. At 11:10 p.m. on April 5th, 1997, which
18 would have been a Saturday.

19 Q. And that was done preceding any statements
20 that were taken from the Defendant?

21 A. Before I ask him anything, I have this
22 filled out, which is the normal procedure.

23 Q. Now, you said you had an opportunity to take
24 four statements from him, can you explain how you
25 go about taking your statement and what's the
26 process? Can you explain that to the jury,
27 please?

28 A. Once the rights form was filled out, and he
29 has initialed the rights form, and he understands
30 his rights, and he has agreed to waive his rights,
31 and give us a statement or to speak with us, I
32 will sit down and talk to him orally, just him and

1 I or whatever, and basically find out what
2 information he has.

3 Once I have that information, I'll document
4 a taped statement through a recorder.

5 Q. And at this time, are you aware of whether
6 or not the co-Defendant, Damien Johnson/Ryan
7 Matthews, whether or not he was being interviewed
8 by anybody?

9 A. I know he was being interviewed, but at that
10 time I did not know who was talking to him. I
11 just had Mr. Hayes and no one else.

12 Q. Was there anybody else participating in the
13 actual taking of the statements with you at that
14 time?

15 A. No one.

16 Q. And Lieutenant, you said that you had an
17 opportunity to take, I think you said, four
18 statements with him; when is the time of the first
19 statement, did you begin that?

20 A. I believe the first statement began around
21 11:45 p.m.

22 Q. And you said that the rights form was signed
23 at about 11:10?

24 A. 11:10 is what I have initialed or marked
25 here (indicating).

26 Q. So, sometime in that time frame is when
27 you're sitting down, just basically having a
28 conversation with the Defendant?

29 A. Well, it takes about five minutes to fill it
30 out, so figure if it was started 11:10, probably
31 at around 11:15, 11:20, depending on, you know,
32 the information. So, somewhere between, say,

1 11:20 and 11:45, we were just talking.

2 Q. And you said you had an opportunity to take
3 that statement, as well as the second, third, and
4 fourth?

5 A. That's correct.

6 Q. Could you explain to everybody why it was
7 necessary for you to take four statements from the
8 Defendant?

9 A. The first statement he gave me basically, we
10 call it an exculpatory, which means he has no
11 knowledge, whatsoever, of what we're talking
12 about. It explains his whereabouts that night,
13 which you try to develop some time line concerning
14 where he was at, 3:00, 4:00, 5:00, leading up to
15 the time of the incident, as well as leading up to
16 the time he was picked up on Manhattan.

17 So, the first statement was basically trying
18 to establish some time line on his whereabouts and
19 who he was with that night.

20 Q. That was the first statement?

21 A. That's correct.

22 Q. And what was the purpose of the second
23 statement after that?

24 A. After the first statement, there were a lot
25 of things I wasn't really sure of, it was
26 confusing. He was talking in circles, it appeared
27 to be. So, while he was giving me the first
28 statement, I was taking some hand notes, and
29 trying to make some sense out of something in
30 front of me, other than just a tape recorder.

31 And after the first statement, we took a
32 second statement to try and put it in some kind of

1 concise form, that I could understand it myself,
2 because, again, it was a little confusing at first.
3 Q. So, to narrow it down, what are you saying,
4 the first statement?
5 A. I'm sorry?
6 Q. Is the purpose of that to narrow down, to
7 get guidelines or to be more specific in the
8 second statement?
9 A. To be more specific, to be a little bit more
10 detailed, if you can, you know, try and get a
11 little bit more information on people you might
12 have spoke to, someone we might want to go talk to
13 later on, if it's an alibi witness or whatever.
14 Q. And did you have an opportunity to take a
15 third statement from the Defendant?
16 A. That is correct.
17 Q. And what was the purpose of you taking this
18 third statement?
19 A. Well, actually, we were in the process of
20 arresting both of them, based on the information
21 we had obtained during the course of the
22 investigation, and when I informed him that he was
23 going to be arrested, because I just wasn't
24 satisfied with his response to the first two
25 statements, and as well as other facts to the
26 investigation that had surfaced during the course
27 of the night, he jumped up immediately and
28 responded six times in rapid succession:
29 "I want to talk. I want to talk. I want to
30 talk. I want to talk. I want to talk. I want to
31 talk."
32 Q. Did he appear nervous when he said that?

1 A. He was concerned.
2 Q. And at that point, this is after you
3 confronted him with the fact that he was going to
4 be arrested?
5 A. That is correct.
6 Q. And what was the basis for you telling him
7 that he was going to be arrested?
8 A. Because he was going to be arrested. The
9 information that we had obtained during the night
10 just wasn't consistent and there was information
11 that he was involved, so we had made a
12 determination and placed him under arrest, based
13 on the investigation.
14 Q. So, you personally felt as though you
15 already had enough evidence in which to charge the
16 Defendant?
17 MR. PASTOR:
18 Your Honor, I'm going to object to
19 the leading nature of the question.
20 THE WITNESS:
21 I'm sorry.
22 BY MR. KENNEDY:
23 Q. Did you personally believe at that point in
24 time you had enough evidence in which to place
25 this Defendant under arrest for the murder of
26 Tommy Vanhooose?
27 A. I did.
28 Q. And at that point, is when you took a third
29 statement from him, after he indicated, "I want to
30 talk" six times?
31 A. That is correct.
32 Q. And did you learn anything new in the third

1 statement?

2 A. The third statement, well, let me go back a
3 little ways, if I can. The first statement, he
4 insinuated he knew the other Defendant for a
5 period of three days, and that he had picked him
6 up minutes before being stopped by the police.

7 MR. PASTOR:

8 Your Honor, I object to the Detective
9 telling the jury what the statement says.
10 The statements speak for themselves.

11 MR. KENNEDY:

12 Judge, the statement may speak for
13 itself, but this officer has a right to
14 testify as to what he learned in his
15 state of mind as to why he went back and
16 did further investigation with the
17 Defendant, and I believe that's what he's
18 testifying to.

19 THE COURT:

20 The objection is overruled.
21 Your objection is noted for the
22 record, and the jury will hear the
23 statements.

24 BY MR. KENNEDY:

25 Q. Lieutenant, if you can continue, please.

26 A. All right, so based on the first statement,
27 he admitted that he knew the other Defendant, Ryan
28 Matthews, although, at the time he referred to him
29 as Damien Johnson, and we did not know Damien
30 Johnson's real name was Ryan Matthews. So, based
31 on that information, he also stated that he was
32 with Matthews for no more than maybe a half hour

1 before being stopped by the police at 10:20 on
2 Manhattan Boulevard.

3 The second statement, he stated that he was
4 with Matthews or Johnson earlier that afternoon,
5 around 9:00, and it was not as late as he thought
6 it was, but he still denied that he knew him for a
7 period of no more than two or three days.

8 During the course of the investigation
9 between the second and the third statements, we
10 got information that both the Defendant and
11 Matthews had known each other for several years.
12 This was not through his own words, it was through
13 the words of Matthews. And, that was, to me, a
14 known lie because of what Mr. Matthews was telling
15 other people in other parts of the Bureau, who was
16 talking to him.

17 So, in the third statement he actually puts
18 him and Matthews together at around 3:15, 3:30,
19 when he picked his mother up and, in fact, were
20 with -- both of them were together from 3:30 to
21 4:00 on Saturday, until they were picked up by the
22 police at -- stopped by the police somewhere
23 around 10:00, 10:20, on Saturday night.

24 And, he also admitted that the vehicle that
25 he was driving, which was identified by two
26 witnesses as being the suspect vehicle, that was
27 the vehicle that he had driven since 3:30, and had
28 been driven by nobody else, and the vehicle was
29 never out of his sight until he was stopped by the
30 police.

31 So, that's why we based some of this
32 information on why we were going to arrest him,

1 and that's the third statement. The third
2 statement just implicates both of them being
3 together. It also implicates that he was directed
4 to the Bridge City area by Mr. Matthews.
5 Mr. Matthews was going to see a girlfriend, that
6 he didn't get to see the girlfriend.

7 He insinuated they stopped somewhere near
8 Bridge City and, again, he said he was not
9 familiar with the area, and Mr. Matthews went and
10 bought a couple of blunts, and they smoked the
11 blunts, and then went into the store to buy some
12 munchies, and insinuated that the reason why he
13 wanted munchies, because normally when you smoke
14 marijuana, you get hungry.

15 Q. Let me just stop you for a second here for a
16 couple of questions. You said that this was
17 during the third statement, does that also include
18 part of the fourth statement you took from him,
19 that you were just testifying about?

20 A. Yeah, it does, but with reference to the
21 blunts, that is correct.

22 Q. Now, Lieutenant, during this time, are you
23 the only person that's actually speaking to the
24 Defendant, that you're aware of?

25 A. During the statements?

26 Q. Yes.

27 A. I was the only one.

28 Q. Yes, during the statements themselves, you
29 were the only person participating in the
30 statements?

31 A. That is correct.

32 Q. Now, did you stay in the office, your

1 office, with the Defendant the entire time while
2 he was seated in there?

3 A. No.

4 Q. Did you stay with the Defendant the entire
5 time while he was there, or were there other
6 officers with him?

7 A. There were other officers, who might have
8 stayed in the office while I was going out to
9 either, you know, to talk to someone else because
10 I have windows in my office and I didn't want him
11 to escape on me, not knowing the scope of what his
12 involvement was in the beginning, so that there
13 would have been other people, who would have
14 strictly been caretakers, if you want to say that.

15 Q. Now, Lieutenant, when he's giving you a
16 statement, obviously, you're taking notes and
17 things like that, do you find it important at that
18 point to try to investigate at that point, some of
19 the things the Defendant is telling you?

20 A. Not during the initial statement. We
21 normally, when the statement is completed, I will
22 sometimes break away after the statement is turned
23 off, after this tape is turned off, and I will
24 investigate some other investigator who has some
25 information and concern of the case, to try and
26 get, maybe, some things that they might know that
27 I didn't get or that I don't know about, and then
28 go back thereon, and try to talk to him some more,
29 and get certain things clarified.

30 Q. So, during that time, he may be with other
31 officers, and things like that, in your office?

32 A. He could have been, because, again, my

1 office is not a secured office. There's windows,
2 there's a telephone, there's other stuff in there;
3 and for security purposes, he would not have been
4 left alone for a long time or, you know, a very
5 long period of time.

6 Q. Now, you said that you were with him over
7 the course of several hours. Do you remember
8 actually about what time you started and what time
9 you ended with the Defendant?

10 A. The first contact with him was around 11:10
11 when the statement, when the rights form was first
12 filled out, and probably around 6:00 in the
13 morning, I believe, is when he was officially
14 brought -- I don't have the exact time, but
15 brought over to the JPCC and booked.

16 Q. Now, Lieutenant, is it your normal procedure
17 in which to offer things to eat or drink, or
18 bathroom breaks for the people that you're taking
19 statements from?

20 A. I don't offer at all, normally. If they
21 want something, I'll get it, but I don't actually
22 say, "Do you want something to drink? Do you want
23 a cigarette? Do you want something, you know, a
24 sandwich?" If they ask for something, I normally
25 get it for them.

26 Q. Certainly, the Defendant has the ability to
27 ask you for any of those items if they need or
28 want that?

29 A. That is correct.

30 Q. And at any point did the Defendant ever ask
31 you for anything to eat or drink, or go to the
32 bathroom, or anything else?

1 A. He didn't ask me. Now, he could have gone
2 to the bathroom, or he could have gotten a drink,
3 but it was not through me. It might have been
4 through somebody else, who was sitting with him,
5 or whatever.

6 Q. So, again, you were not with him the entire
7 time?

8 A. No, there's about, probably, two hours that
9 I was not with him.

10 Q. And you don't know what may have taken
11 place, whether or not he had anything to eat or
12 drink, or had ever gone to the bathroom?

13 A. During the time that I was not with him, no,
14 sir, I don't.

15 Q. And did there come a time when the Defendant
16 actually left the Detective Bureau with anybody
17 during this time period?

18 A. He left with me and another police officer
19 around 1:30 in the morning, after the second
20 statement. And the reason for that was to go --
21 he was going to show us the location up in the
22 Charleston Apartments, which is on Tensas, which
23 is the old Electric Avenue area, to show us the
24 location where he knew someone he had met earlier
25 by the name of Buzz or something like that -- I'm
26 not sure what the name was, but, you know, in case
27 we had to go speak with this person later on to
28 verify an alibi, so what he did, you know, for a
29 period of ten or 15 minutes, he rode with us.

30 Q. So, was he able to show you any areas or
31 people he had spoken to?

32 A. He showed us a house off of Tensas, which is

1 probably four blocks from our office. It's
2 relatively, in fact, it's not too far from where
3 they were stopped on Manhattan, and then we
4 brought them straight back to the office. We got
5 back around 1:45 a.m.

6 Q. But was anybody located or did the Defendant
7 point anybody out that he had spoken to earlier?

8 A. He just pointed a house out. He didn't
9 point -- we didn't see anybody. It was late at
10 night. We just noted the location in case we had
11 to go back later on, which we didn't. We didn't
12 have to, and we brought him back to the office.

13 Q. And you stated you did not have to go back,
14 why did you have to go back?

15 A. This individual, according to his own
16 statement, was someone he had just spoken to
17 during the course of the night, and I felt it had
18 nothing to do with the actual shooting because of
19 the time the shooting took place. So, you know,
20 it was never checked out.

21 Q. And did Mr. Matthews -- excuse me, did
22 Mr. Hayes, the Defendant, did he ever summarily
23 contradict what he had just told you earlier
24 regarding those witnesses when he gave you the
25 third statement?

26 A. No, he still admitted he had seen them
27 sometime during the course of the night, but, you
28 know, that never changed.

29 Q. But not at the time of the homicide?

30 A. That is correct.

31 Q. Now, Lieutenant, you said that he came back
32 and then you had taken a third statement from him

1 and, basically, he admitted he was with his co-
2 Defendant, Ryan Matthews?
3 A. That is correct.
4 Q. And you said that you had the opportunity to
5 take a fourth and final statement from him. What
6 was the purpose of that, and why did you do that?
7 A. He had told me earlier in the evening when
8 we were just talking that he didn't smoke
9 cigarettes, and I noticed at that time, he had a
10 large burned mark on his shirt, so my question
11 was, you know: "How did you get the burn mark?"
12 And, that's when he made the comment about
13 the blunts that they smoked earlier in Bridge
14 City.
15 Q. Are you familiar what a blunt is?
16 A. I know what it is, but I don't work
17 narcotics. But, I have an idea what it is.
18 Q. And what is that?
19 A. It's a cigarette the size of a cigar that's
20 normally packed with marijuana and some other
21 stuff. Again, I don't know narcotics. I just
22 know it's just a big fat marijuana cigarette.
23 Q. So, you had questioned him regarding the
24 hole in his shirt, and he had admitted that he had
25 been smoking the cigarette?
26 A. That is correct.
27 Q. Did you take a statement pursuant to that?
28 A. Yes, sir. I did.
29 Q. And also, that statement, did it involve,
30 not just once, but also what occurred at Comeaux's
31 Grocery?
32 A. There was some other information, as far as,

1 some other clarification I wanted to have, but I
2 really -- I don't know exactly what it was at this
3 point in time, but it is on the statement, the
4 fourth statement.

5 Q. Now, you said that this was the fourth and
6 final statement, what did you do with the
7 Defendant after that point?

8 A. After the last statement, he was left in my
9 office. If I'm not mistaken, Detective Sacks and
10 them filled the paperwork out for the charges, you
11 know, the charges against him.

12 Q. Detective, I'm going to show you, first,
13 what I will -- you said you actually had an
14 opportunity to take taped statements from the
15 Defendant?

16 A. That is correct.

17 Q. And are you actually the person that's doing
18 the taping yourself?

19 A. That is correct.

20 Q. I show you what I will mark as Exhibit
21 Number 64, 65 and 66 --

22 MR. KENNEDY:

23 May I approach, Your Honor?

24 THE COURT:

25 You may.

26 BY MR. KENNEDY:

27 Q. -- and ask you if you can identify those?

28 A. Okay, keeping things in order, Exhibit 64 is
29 the tape containing the first two statements that
30 were taken from Travis Hayes by myself. The time
31 on the first statement is 11:45 to 11:59 p.m. The
32 second statement time is 1:05 a.m. to 1:17 a.m.

1 Q. And you said that State's Exhibit Number 64
2 is actually the first two statements?

3 A. That is correct. That's the most lengthy
4 ones.

5 Number 65 is going to be the third statement
6 that was taken from Travis Hayes by myself. It
7 began at 4:58 a.m. and concluded at 5:08 a.m.

8 Number 66 is going to be the fourth and
9 final statement from Travis Hayes taken by myself.
10 It was begun at 5:34 and completed at 5:38 a.m.

11 Q. I show you what I will mark as State's
12 Exhibit 67, 68, 69, 70.

13 Detective or Lieutenant, after you actually
14 -- after the statements are taken, is it your
15 normal practice to have these transcribed in
16 writing?

17 A. Yes, sir.

18 Q. And do you know, in fact, if that was done
19 in these particular cases?

20 A. That is correct.

21 Q. I show you what I have marked as 67, 68, 69
22 and 70 --

23 MR. KENNEDY:

24 May I approach again, Judge?

25 THE COURT:

26 You may.

27 BY MR. KENNEDY:

28 Q. -- and ask you if you can identify those
29 documents?

30 A. Number 67 is a 16 page typed transcript of
31 the first statement, begun at 11:45 and completed
32 at 11:59 p.m.

1 Number 68 is a 14 page typed transcript of
2 the second statement, begun at 1:05 and concluded
3 at 1:17 a.m.

4 Number 69 is a four page -- okay, well,
5 these are out of order again. Well, 69 is going
6 to be the final statement. It's going to begin at
7 5:34. It's four pages long, and ended at 5:38
8 a.m.

9 And 70 is the third statement, which began
10 at 4:58 a.m., seven pages long, and concluded at
11 5:08 a.m.

12 MR. KENNEDY:

13 Your Honor, at this time, the State
14 would offer, file and introduce State's
15 Exhibits Number 64 through 70, and ask
16 that we be allowed to publish them to the
17 jury.

18 THE COURT:

19 Any objection?

20 MR. PASTOR:

21 Subject to my prior objection.

22 THE COURT:

23 State Exhibits 67, 68, 69 and 70 are
24 admitted.

25 MR. KENNEDY:

26 May we approach for a second, Your
27 Honor?

28 THE COURT:

29 You may.

30 * * * * *

31 (Whereupon, the following colloquy was
32 reported at the bench, outside of the hearing of

1 the jury:)

2

* * * * *

3 MR. KENNEDY:

4 Judge, we would ask, that obviously
5 we're going to show them the jury copies
6 of parts that were taken out, or
7 statements with parts taken out as well
8 as fast forwarding it, we would ask if
9 you could give the jury an instruction,
10 explaining to them that they are not, to
11 place no significance to it.

12 We would ask that they are to place
13 no significance on the fact that parts
14 have been excised that are due for legal
15 reasons, that the Court has ruled on, and
16 they are not to, I guess, basically,
17 wonder why are -- to hold that against
18 the State or the Defense. For that
19 matter, they are done at the Court's
20 order and for legal reasons.

21 MR. PASTOR:

22 Judge, when we had discussed the
23 parts to be taken out, we, and I agreed
24 that a half page like this (indicating),
25 it would be hard to do anything except
26 leave a blank space, but I saw no reason,
27 whatsoever, to just leave blank pages in
28 here.

29 THE COURT:

30 I'll let you respond to that.

31 MR. KENNEDY:

32 I did speak with Mr. Pastor.

1 However, Danny Drum is the person, who
2 made the copies. Not only that, all of
3 the pages are numbered. They are
4 numbered from one through whatever, the
5 jury is going to know what you're
6 skipping from Page 6 to Page 8. There's
7 no prejudicial effect on the Defense by
8 having a blank page there. The jury is
9 already going to be well aware of that.

10 THE COURT:

11 Well, if the page is blank, I don't
12 have a problem with it coming out, but,
13 obviously, if the jury looks at the page
14 numbers, they will know that a page is
15 missing.

16 MR. PASTOR:

17 Obviously, that is contrary to what
18 Mr. Kennedy and I agreed to upstairs,
19 what I was told wouldn't happen, and he
20 agreed he had --

21 THE COURT:

22 Tell me what you agreed to.

23 MR. PASTOR:

24 That the pages that had half material
25 that could be introduced and half that
26 couldn't, then obviously, it was okay
27 just to blank out the half that was not
28 going to be used, because, otherwise, we
29 would have to be retyping the page. But,
30 the pages that were totally not to be
31 used, shown to the jury, they should not
32 be in there. Mr. Kennedy agreed that

1 they should not be in there.

2 THE COURT:

3 Do you want them out?

4 MR. PASTOR:

5 Yes.

6 THE COURT:

7 Do you object to them, to the blank

8 pages being pulled out?

9 MR. KENNEDY:

10 I don't care, Judge. I told --

11 that's exactly what I told Mr. Pastor.

12 It doesn't matter to me. The pages are

13 numbered. It makes no difference.

14 THE COURT:

15 All right.

16 MR. WOLFF:

17 We would only ask that in the Court's

18 instruction to the jury, that the Court

19 mention the fact that some pages may be

20 missing, because if they're going through

21 it, and they go from 6 to 8, they may be

22 confused and say, "Wait, are these out of

23 order? Am I missing something? Is there

24 a mistake?" So, they would be more

25 confused.

26 THE COURT:

27 I think they need to know that. And,

28 Mr. Pastor, we're going to take them out

29 because you want them out. But I'll tell

30 you: I'm not sure whether this will not

31 cause more confusion to the jury. If

32 that's your request and the State has no

1 objection, we will pull those pages out.

2 MR. PASTOR:

3 I'll tell you what, at this point in
4 time, in the totality of circumstances
5 and the desire to save time, and 20 more
6 minutes of just pulling out pages, as
7 long as you instruct them, for whatever
8 good that will do us, he seems to be
9 getting our bend changing the tape at the
10 same time, over my objection, so --

11 THE COURT:

12 I want you to understand: If you
13 want them out, they're out; and, you
14 know, the Court will take whatever time
15 is necessary to do that.

16 MR. PASTOR:

17 In reviewing the totality of the
18 situation, given the fact they will be
19 allowed to stop, stop the tape,
20 obviously, they're going to see, they're
21 not stupid and, I guess, I'm used to
22 what's going on, so I will not object to
23 that.

24 THE COURT:

25 Thank you.

26 Please proceed.

27 (Whereupon, the bench conference was then
28 concluded.)

29 * * * * *

30 MR. KENNEDY:

31 Judge, may I pass these out to the
32 jury. Actually, for the record, these

1 are the first two statements.

2 THE COURT:

3 Does each member of the jury have a
4 copy of the exhibits?

5 THE JURY:

6 (Affirmative response)

7 THE COURT:

8 Ladies and gentlemen, before you read
9 any of these transcripts or listen to the
10 tapes, the Court must inform you that on
11 the tapes themselves and the playing of
12 those tapes, there will be some portions
13 of the tapes that have been redacted or
14 taken out. Those are for legal reasons
15 and based upon rulings of the Court.

16 Likewise, on the transcripts that you
17 read of those tapes, the portions that
18 have been taken out of the tapes, will
19 also be missing from the transcribed
20 statements. I will instruct you that you
21 are not to consider that. They are
22 excerpts that are missing. You are not
23 to hold that either against the State or
24 the Defense.

25 Please proceed.

26 (Whereupon, the first taped statement was
27 then played for the jury.)

28 BY MR. KENNEDY:

29 Q. Now, Lieutenant, just a couple of questions
30 regarding that statement. You had said that
31 pursuant to the statement that you had had a
32 conversation with the Defendant and there was some

1 question as to what he said to you, not on the
2 tape about how long he had known Damien Johnson/
3 Ryan Matthews?
4 A. That is correct.
5 Q. And what did he originally tell you when you
6 all weren't on tape?
7 A. Basically the same thing that he told us on
8 the tape, that he had only known him -- well, I'm
9 sorry, you're correct. Prior, when I was speaking
10 to him before the tape was turned on, I had asked
11 him how long he had known the boy, so he said
12 about a year and a half, so naturally, when I'm
13 going to ask him some questions, some of these
14 questions have already been formulated in my mind
15 to ask him for clarification on the tape, and when
16 he responded no, he caught me off guard a little
17 bit, because I know what he had told me earlier,
18 and now he was saying no, it was not true.
19 Q. So, it was contradictory to what he had told
20 you in the other --
21 A. That is correct.
22 Q. And then, also, the other question I had
23 was: You had some confusion regarding the tickets
24 the Defendant had received, were those the tickets
25 he had got at the time he was stopped by Deputy
26 Britson?
27 A. I believe so.
28 Q. So, that's why he got those tickets, the
29 original stop when you all took those witnesses
30 over there?
31 A. That is correct.
32 MR. KENNEDY:

1 Your Honor, if I may, if we could
2 publish, I believe, we're up to State's
3 Exhibit Number 68.

4 THE COURT:

5 Any objection, Mr. Pastor?

6 MR. PASTOR:

7 No.

8 THE COURT:

9 You may publish 68 to the jury.

10 (Whereupon, the second taped statement was
11 then played for the jury.) "-- Jail."

12 MR. PASTOR:

13 Approach, please.

14 * * * * *

15 (Whereupon, the following colloquy was
16 reported at the bench, outside of the hearing of
17 the jury:)

18 * * * * *

19 MR. PASTOR:

20 "Was he in jail?"

21 I believe that when the DA informed
22 me and the Court, that the DA edited the
23 tapes correctly, and he had to rely on
24 the counter, you told them they would do
25 so at their own risk. I think that was
26 the Court's words. And now we have
27 exactly what I was afraid of was going to
28 happen.

29 I don't know. I'm asking the Court
30 for some kind of resolution.

31 MR. KENNEDY:

32 Judge, it's a harmless error by the

1 State. Danny Drum was working the
2 counter. He got it to the best of his
3 ability. It was a very short passage, in
4 which he had to get from one point to the
5 other. He did it, to the best of his
6 ability. It was very brief. It was only
7 one word. It's nothing that the jury
8 could attach any significance to. It's
9 not anything that has been gone back
10 over.

11 It's a harmless error at this point,
12 and it's nothing that grants a mistrial
13 or the basis of a mistrial, whatsoever,
14 at all. It was a simple, honest mistake
15 and there's nothing the jury can attach
16 any significance to.

17 THE COURT:

18 Well, as you know, from the
19 statement, the Court had ordered that the
20 questions and the answers in that section
21 be redacted. The last answer played
22 says: "He stays somewhere in Trianon
23 Square."

24 So, there's no question before that
25 word that came out on that tape, and I'll
26 ask you, Mr. Pastor, I would be happy to
27 give the jury whatever admonishment that
28 you would wish. My concern is drawing
29 attention to whatever came out.
30 Obviously, the transcript has been
31 redacted, so there is no reference, no
32 such word.

1 MR. PASTOR:

2 Either way, the portion was taken
3 out, and now they know that they got
4 something to do with him being in jail.
5 You admonished the DA, you're doing so at
6 your own risk, and now the Court is
7 saying, I assume, "Well, it's your own
8 risk, but it's okay."

9 THE COURT:

10 I'm not saying it's okay, but had
11 there been a larger portion that had come
12 out, rather than just a word, and should
13 the jury be able to make some connexity
14 to the proceeding, the questions and
15 answers, then the Court may rule
16 differently.

17 My concern at this point is drawing
18 attention to it. I don't think what came
19 out was sufficient to declare a mistrial
20 in these proceedings, but I don't want to
21 prejudice your client by drawing undue
22 attention to it. I'm asking you that,
23 what suggestion you had, I would be happy
24 to admonish the jury in any way that you
25 would think would be appropriate.

26 MR. PASTOR:

27 My feelings at this time is: You
28 either take everything in its totality,
29 the record speaks for itself for all the
30 things that I objected to about
31 untimeliness, being given information
32 untimely; everything that's in the

1 record, I don't think I have to go
2 through part and parcel of everything
3 that happened during this trial.

4 This is just another example of
5 what's going on, and it's always good
6 faith, somebody's fault, and my client is
7 the one that keeps getting prejudiced by
8 it. I'm not allowed to prepare
9 adequately because they forget that Sacks
10 had talked to a witness, who had seen
11 things diametrically opposed to what the
12 other two witnesses said, and on and on
13 and on during this whole trial. There's
14 never enough for a mistrial. It's always
15 "harmless error." The DA's "always in
16 good faith."

17 I move for a mistrial. I know what
18 your response is going to be. Note my
19 objection, please. I don't want them to
20 be told anything more than what -- you
21 might as well play it and put a big old
22 star next to it now.

23 THE COURT:

24 Your objection is noted for the
25 record.

26 MR. PASTOR:

27 Note my objection.

28 THE COURT:

29 Your motion for a mistrial is denied.

30 (Whereupon, the bench conference was then
31 concluded.)

32 * * * * *

1 (Whereupon, the second taped statement was
2 then continued to be played for the jury.)
3 BY MR. KENNEDY:
4 Q. Detective, or Lieutenant, I keep doing that,
5 I apologize. Just very briefly, throughout any of
6 those first two statements, has the Defendant ever
7 referred to the other suspect as Ryan Matthews?
8 A. No, sir.
9 Q. Did he at any point during your
10 conversations with him ever refer to the other
11 suspect as Ryan Matthews?
12 A. Not the first two statements, no.
13 Q. What was the name that he consistently used?
14 A. Damien Johnson.
15 Q. And then, also, I noticed that toward the
16 end of the statement, you confronted him, you
17 asked him if Damien, Ryan, had said that they had
18 known each other for two or three years, and
19 you're saying only a few days; which one of those
20 is lying -- did you, in fact, have information
21 what Mr. Matthews was saying at that point?
22 A. That is correct.
23 Q. Is that why you confronted him with that
24 question?
25 A. That is correct.
26 Q. Now, Lieutenant, you said at that point is
27 when you were able to learn some more information,
28 and is this the point where Lieutenant Snow had an
29 opportunity to speak to the Defendant between the
30 second and the third statement?
31 A. I don't know what time she addressed that
32 issue. I know at this time, when we finished the

1 second statement is when we took him out of the
2 office and took him to a location on Tensas, where
3 he pointed out an address, we brought him back at
4 1:45 a.m. He was placed in the office, in my
5 office again, and it could be during that period
6 of time that she made contact with him again.

7 I don't know how long the contact was or
8 what time it was, but it would have been during
9 that period of time.

10 Q. So, you don't know exactly the time frame.
11 Are you aware of Lieutenant Snow actually having a
12 conversation?

13 A. Between the second and the third statement,
14 but I don't know exactly what time.

15 Q. You don't know the exact time, but there
16 was, in fact, a statement taken between the two --
17 excuse me, not the statement, but a conversation?

18 A. There was some dialogue between both of
19 them.

20 Q. And did, in fact, Lieutenant Snow ever take
21 any typed statements or written statements, or
22 taped statements or any other type of statement
23 from the Defendant?

24 A. No.

25 Q. And what is your knowledge of her extent of
26 interacting with the Defendant?

27 A. Just questioning his ability, his knowledge
28 of how long he had known Damien Johnson. That was
29 the only contact I know of.

30 THE COURT:

31 Excuse me, I didn't understand the
32 question and the answer.

1 Are you asking the Court Reporter to
2 repeat the question?

3 MR. PASTOR:

4 Please.

5 THE COURT:

6 Can you repeat the question?

7 MR. KENNEDY:

8 "Are you aware --" I think I said any
9 other type of conversation or anything
10 else that the Lieutenant may have had
11 with the Defendant.

12 BY MR. KENNEDY:

13 Q. Lieutenant Snow.

14 A. Right, Lieutenant Snow. No, just that --
15 just in reference to the identification. The
16 length of time they had known each other. That
17 was the only problem.

18 Q. And it was a very brief time period that
19 Lieutenant Snow even had any words with the
20 Defendant?

21 MR. PASTOR:

22 Judge, I'm going to object to the
23 leading question.

24 THE COURT:

25 Rephrase your question.

26 BY MR. KENNEDY:

27 Q. Do you know how long Lieutenant Snow had any
28 type of interaction, time-wise, with the
29 Defendant?

30 A. No, sir. I do not.

31 MR. KENNEDY:

32 Your Honor, at this time, I would

1 also like to publish State's Exhibit
2 Number 70 to the jury. I think I did
3 that out of order.

4 THE COURT:

5 Exhibit 70 is the third statement
6 taken, is that correct?

7 MR. KENNEDY:

8 Yes, Your Honor.

9 THE COURT:

10 For the record, Mr. Pastor, 67 is the
11 statement one, 68 is statement two, 69 is
12 statement four, and 70 is statement
13 three.

14 MR. PASTOR:

15 Okay. Your Honor, while they are
16 queuing it up, may I ask a question,
17 please?

18 THE COURT:

19 Sure.

20 * * * * *

21 (Whereupon, the following colloquy was
22 reported at the bench, outside of the hearing of
23 the jury:)

24 * * * * *

25 MR. PASTOR:

26 I understand the Court's caution to
27 me about bringing up the time line too
28 much, or I might open the door to the
29 polygraph test that might have been
30 given. On this paper, you referred to a
31 test before this statement, okay.

32 MR. WOLFF:

1 This is the beginning.

2 THE COURT:

3 You're referring to the question that
4 says: "All right, you have also spoken
5 to Lieutenant Snow and Major Gorman?"

6 MR. PASTOR:

7 Yes. I don't see anywhere where it's
8 reflected anywhere -- I don't see in my
9 copy of the polygraph questions and
10 answers where Lieutenant Gorman took part
11 in any of that, whatsoever. I,
12 obviously, don't want to walk into a
13 trap.

14 What I said, you know, "Do you know
15 what Lieutenant Gorman spoke about?"

16 "Oh, yeah, that's when --"

17 And Gorman goes -- and the Court
18 rules, "Well, you opened the door by
19 asking that question."

20 It's not on there. His name doesn't
21 appear anywhere on that.

22 THE COURT:

23 Let me ask the State if they're aware
24 of Lieutenant Gorman's participation.

25 MR. WOLFF:

26 Yes, Judge. As far as I know,
27 Lieutenant Gorman may have had a brief
28 conversation. I don't know if he
29 actually spoke to the Defendant.
30 According to that, he had a conversation.
31 But also, I know that he was watching the
32 Defendant while he was in Lieutenant

1 Buras' office. I don't know if
2 Lieutenant Buras has testified to that,
3 but I'm sure he will. I'm not aware of
4 his participation in any polygraph that
5 was done.

6 MR. KENNEDY:

7 That is what the Defense is asking.

8 MR. PASTOR:

9 I'm actually worried about walking
10 into a trap headfirst, and, of course,
11 "Well, you asked the question."

12 THE COURT:

13 Well, I'll tell you what we'll do:
14 After we've listened to all the tapes and
15 the State has finished its questioning,
16 I'll excuse the jury. We'll recess and
17 excuse the jury, and we're going to find
18 out what the answer to that question is.
19 I'll allow the State to ask Lieutenant
20 Buras if he is aware of Lieutenant
21 Gorman's, Major Gorman's participation.
22 I don't want to do that in front of the
23 jury, because he may say he participated
24 in the polygraph.

25 MR. KENNEDY:

26 He didn't. That's what I'm saying.
27 Stacey Phillips took the polygraph.
28 Major Gorman didn't. That's what I'm
29 saying, he didn't.

30 MR. PASTOR:

31 That's, again, typical, but once
32 again, in my experience, there's a lot of

1 different guys in the room during that
2 period of time. But, it's a whole period
3 of time that I don't even know what the
4 heck happened.

5 MR. KENNEDY:

6 Judge, what I intend to ask him, what
7 Major or Lieutenant Snow, as well as
8 Major Gorman's participation was, that
9 was one of the questions I intended to
10 ask him. Lieutenant Buras, certainly, is
11 well versed enough and experienced enough
12 to know better than to mention anything
13 at all about a polygraph. I've informed
14 him of that.

15 THE COURT:

16 So, you're telling me that you're
17 secure with that, and that this Court
18 should not be concerned about the answer
19 to that question? Well, we'll let you
20 proceed at that.

21 (Whereupon, the bench conference was then
22 concluded.)

23 * * * * *

24 (Whereupon, the third taped statement was
25 then played for the jury.)

26 BY MR. KENNEDY:

27 Q. Lieutenant, a couple of brief questions. I
28 noticed on the first page of that, you said that
29 you've already spoken to Lieutenant Snow and Major
30 Gorman, that was some questions that you had?

31 A. That is correct.

32 Q. Are you aware of whether or not Lieutenant

1 Snow or Major Gorman ever asked you to take any
2 statements from the Defendant, whatsoever, at all?

3 A. They did not take any, other than the
4 comments we just talked about earlier.

5 Q. That's comments both on the part of
6 Lieutenant Snow, as well as Major Gorman?

7 A. I'm not sure what Lieutenant Gorman, or
8 Colonel Gorman spoke about. I just know the
9 conversation with Lieutenant Snow was over the
10 relationship, the length of the relationship, that
11 they knew each other.

12 Q. Was Major Gorman one of the people who was
13 actually watching the Defendant while he was in
14 your office?

15 A. He was one of them. There were several
16 people there that night, but he was one of the
17 main persons.

18 Q. And he had no other involvement as far as
19 the investigation, that you are aware of?

20 A. No, his concern was, and I said this
21 earlier, this man wouldn't go out through the
22 window, because we had a guy that attempted to
23 escape one time before, through the ceiling.

24 Q. So that when you said that you had already
25 spoken to Lieutenant Snow, or Major Gorman, that's
26 just whatever conversations they may have had?

27 A. That is correct.

28 MR. KENNEDY:

29 Thank you.

30 And, Your Honor, the State at this
31 time would ask or publish to the jury, I
32 believe we're up to 69, in a reverse kind

1 of order, I guess, which is the final
2 statement of the Defendant.

3 THE COURT:

4 Please proceed.

5 MR. KENNEDY:

6 And I believe 66 is the tape, Your
7 Honor.

8 (Whereupon, the fourth taped statement was
9 then played for the jury.)

10 BY MR. KENNEDY:

11 Q. Lieutenant, did you take any other
12 statements from the Defendant, other than the last
13 statement regarding the blunts?

14 A. No, sir.

15 Q. And what did you all do with the Defendant
16 after this point?

17 A. He was eventually arrested and brought to
18 the Correctional Center, along with Matthews.

19 Q. So, was Ryan Matthews, Damien Johnson also
20 arrested for this offense?

21 A. Yes, he was.

22 Q. And Lieutenant, did you have any other
23 further involvement in this investigation, other
24 than the statements?

25 A. I believe I did a search warrant on the
26 suspect's vehicle about a week later.

27 Q. And that was on the vehicle itself, the
28 Grand Prix?

29 A. That is correct.

30 Q. Did you seize anything out of that?

31 A. Yes, sir.

32 Q. What did you seize?

1 A. I seized some vegetable matter and some
2 white shell fragments, white colored fragments.
3 Q. White colored shell fragments, what type of
4 fragments?
5 A. It looked to me like shell fragments.
6 Q. And where were these seized from?
7 A. The front seat, the floorboard, just inside
8 the car itself.
9 Q. So, the shell matter came from the
10 floorboard area of the car?
11 A. There was four actual, four different areas,
12 I'm not sure: The floorboard, the passenger seat,
13 the driver's seat, but it was all in the area of
14 the front seat and the floorboard.
15 Q. The front seat area?
16 A. That is correct.
17 Q. And were you involved in any search warrants
18 in either of the Defendants' or the suspects'
19 homes?
20 A. No, sir. I was not.
21 Q. I think we may have already done this, but
22 just out of an abundance of caution, do you see
23 Travis Hayes in Court today?
24 A. Yes, I do.
25 Q. Could you point him out, and describe what
26 he's wearing, please?
27 A. Sitting right next to Mr. Pastor, with his
28 hand by his mouth, with the olive shirt on.
29 MR. KENNEDY:
30 Let the record reflect that the
31 Witness identified the Defendant.
32 BY MR. KENNEDY:

1 Q. And that is the person that you took the
2 statements from, Lieutenant?

3 A. That is correct.

4 Q. Let me ask you this: Did you ever force him
5 or threaten him, or coerce him, or promise him
6 anything at all in exchange for giving the
7 statement?

8 A. No, sir.

9 Q. And did he freely and voluntarily tell you
10 what happened, or as far as give you a version of
11 what his involvement was, outside of Comeaux's
12 Grocery Store?

13 A. That is correct.

14 Q. At any point after he gave that third
15 statement, did he ever deny to you any involvement
16 in this incident at all?

17 A. No, sir.

18 MR. KENNEDY:

19 Thank you, Lieutenant.

20 The State tenders.

21 * * * * *

22 CROSS-EXAMINATION

23 BY MR. PASTOR:

24 Q. Good afternoon. We know each other pretty
25 much, huh?

26 A. We do.

27 Q. Lieutenant Buras, let me start off at the
28 top, so I can keep it straight in my mind, what
29 went on here. I think you told us that -- I may
30 be wrong, because I may have missed something when
31 you were talking, but my notes indicate your first
32 involvement was when you went to the bowling alley

1 to pick up the two witnesses to bring back to the
2 show up?
3 A. Your client, or just the case itself?
4 Q. The case itself.
5 A. I was on the scene. I was notified. I was
6 responding to the scene, and then I left and went
7 to the Detective Bureau to help interview
8 witnesses. And, then we were notified to go to
9 Manhattan. We left the office, went to the
10 bowling alley to pick two witnesses up, then went
11 to Manhattan.
12 Q. I have a little discrepancy in my notes,
13 maybe you can help me out. I think we heard
14 during the statements that the tickets that he was
15 issued by the arresting officers when he was
16 stopped were issued at 8:21 p.m., is that right?
17 A. I think it was 8:26, but just somewhere
18 around there.
19 Q. It wasn't 10:30?
20 A. No, sir. It was not.
21 Q. So, what time do you recall going to the
22 bowling alley to get these witnesses?
23 A. I was notified at 10:20 p.m., that they had
24 someone stopped. I don't have any knowledge as
25 far as how long the vehicle was stopped there,
26 prior to them notifying us.
27 Q. From the time that's on the ticket, it seems
28 like from 8:30 or so, to 10:30 or so?
29 A. That's correct.
30 Q. So, you have no idea what happened during
31 that two hour period of time, do you?
32 A. I don't even know if those officers, who

1 stopped him, were the ones, who gave him the
2 ticket, other than what he told me, because I had
3 never had access to the tickets, other than what
4 we were talking about earlier.

5 Q. But when you saw the tickets, you were the
6 one who read it off as it was 8:26?

7 A. That is correct.

8 Q. That was on the ticket?

9 A. That is correct.

10 Q. The police officer wrote that time, not
11 Travis Hayes?

12 A. Oh, no, no, sir.

13 Q. Right?

14 A. That is correct.

15 Q. That was the officer that wrote down the
16 8:26 time?

17 A. That is correct.

18 Q. But you don't leave until 10:30 to pick up
19 these witnesses?

20 A. At 10:20, we were notified.

21 Q. It wasn't very far from your Bureau to where
22 they were at the bowling alley, is that right?

23 A. No, five minutes at the most.

24 Q. And you and Detective Snow --

25 A. Lieutenant Snow and I went out there.

26 Q. You went there together, right?

27 A. That is correct.

28 Q. And were both witnesses there when you got
29 there?

30 A. Both of them were there. One of them was
31 inside, one was outside, so we waited a couple of
32 minutes to get the other boy outside.

1 Q. And you all four rode over together for a
2 very short ride, over to where the show up would
3 take place, is that right?
4 A. It was actually just out the parking lot.
5 That is how close it was.
6 Q. I think, a half a block or so, you said?
7 A. Correct.
8 Q. Now, during that time that you were with
9 these two young men: "We've got the suspects.
10 We've got the car. We just want you to go see
11 them"?
12 A. No, sir.
13 Q. Did you ever say anything like that?
14 A. I wouldn't, and I know that anybody that
15 would work for me would do the same thing.
16 Q. Why not?
17 A. Because you don't want to lead them on.
18 Q. So, if one of those boys said that somebody
19 told him that in the car, he wouldn't be telling
20 the truth, according to this statement?
21 A. He might have heard. He might think he
22 heard that because, again, I think Lieutenant Snow
23 spoke to him or both of them in detail at the
24 Bureau later on. I don't know what the extent of
25 the conversation was. So, but I can't answer for
26 those two boys or if, in fact, they said anything
27 like that.
28 Q. But you think he just might be confused, if
29 that is what he said, right?
30 A. I can't give an explanation for him.
31 Q. Okay, and when you got to the scene of the
32 show up, it wasn't a lineup, it was a show up,

1 there were only two people in the car there,
2 right?

3 A. That's correct.

4 Q. It wasn't like three or four cars that were
5 similar to it, that they could pick out of, there
6 was one car there and two suspects in there, is
7 that right?

8 A. That is correct.

9 Q. And I think, according to my notes, you
10 said, you got to within 100 feet to where they
11 were?

12 A. Approximately, 100 feet.

13 Q. All right, tell me where to stop, if this is
14 about the same, this is the way.

15 A. Probably by the back wall, save you a trip.

16 Q. I just want them to see where I am, back
17 here?

18 A. It's hard for me. We're in a building.
19 We're looking at a parking lot with a street. It
20 could be longer, but, I mean, about 100 feet is
21 what I can estimate.

22 Q. It definitely wasn't --

23 A. We didn't want to get too close, because
24 naturally, we didn't want the witnesses to see the
25 Defendants, you know, in case it was a bad idea or
26 something, so we stayed far enough away so they
27 couldn't have visual contact inside the police
28 car.

29 Q. My question is: It definitely was this
30 distance away, you didn't get this close to them?

31 A. I don't believe, no, sir. It was far enough
32 away so they couldn't see who was in the car.

1 Q. I mean, there's a big difference between
2 this far away and that far away, isn't there?
3 A. I'd say about a hundred feet, would be my
4 best estimate.
5 Q. My question: There's a big difference
6 between being this far away from somebody and
7 being this far away from somebody, isn't there?
8 A. About 30 feet difference, right.
9 Q. About twice as far away, right?
10 A. That's correct.
11 Q. They were over here, right?
12 A. That's a little more than twice as far now.
13 Yeah, you went back further.
14 Q. And everybody stayed in the car, you and --
15 A. I stayed in the car. The two witnesses
16 stayed in the car, and I don't know if Lieutenant
17 Snow stayed in the car, but I believe she did.
18 Q. And all four of you stayed in the car?
19 A. I think we all did. Yes, sir.
20 Q. Okay, so then you just drove off?
21 A. I spoke to Lieutenant, Detective Sacks,
22 approached the vehicle, spoke to him very briefly,
23 and we drove off.
24 Q. But you never went toward the car or toward
25 the suspects?
26 A. No, sir. None of us did.
27 Q. Okay, you never went back to that car at any
28 time?
29 A. With witness?
30 Q. -- with the witness and searched it?
31 A. No, sir. We drove straight to the
32 Detective's Bureau.

1 Q. Okay, and that's when you started to taking
2 the statements, is that right?
3 A. Which statements now, from Mr. Hayes?
4 Q. Yes, sir. That's the only one you took, as
5 far as I know.
6 A. You're referring to the witness statements,
7 yeah. Those statements were taken when I got back
8 to the Detective Bureau, which is right around,
9 probably 11:00 at night when I got back.
10 Q. And I think you told us that at no time did
11 you ever offer him anything to drink, anything to
12 eat, any time to rest or the use of any bathroom
13 facilities?
14 A. No, sir. I did not.
15 Q. And you told us the reason you do that is
16 because you don't offer anybody that. If they
17 don't ask for that, you don't give it to them?
18 A. Normally, if they don't ask, I don't offer
19 it to them.
20 Q. Is my question correct?
21 A. If I didn't offer it?
22 Q. Yes.
23 A. I didn't offer it to him. No, sir, I did
24 not.
25 Q. And you don't know if anybody else did it
26 either, do you?
27 A. No, I don't know that.
28 Q. But you do know at one point after making
29 the two statements that he made, that proved to be
30 false, that he knew who Ryan Matthews was and all
31 of that, do you know that between that and the
32 third statement, that Lieutenant Snow did in fact

1 talk to him?
2 A. Yes, sir. She did.
3 Q. And you know from her what was said, right?
4 A. Yes, sir.
5 Q. You didn't talk to her, you weren't there
6 for that conversation yourself?
7 A. No, sir.
8 Q. So, if she told you, "I was just telling him
9 that I know he knows Ryan Matthews," right?
10 A. That's the gist of the conversation, the
11 best I can recall.
12 Q. But you said it was a conversation, they
13 were talking back and forth to each other?
14 A. Well, you know, conversations consist of one
15 sentence, two sentences. There was some dialogue
16 between both of them about his relationship with
17 Ryan Matthews or Damien Johnson, or whatever the
18 name was.
19 Q. But you didn't see her go into that room or
20 leave that room, did you?
21 A. No, sir. But the door was always open when
22 I was not taking the statement, so they could have
23 gone in there without, you know, me, if I was not
24 in my office.
25 Q. And once again, you don't know how long that
26 conversation with Maggie Snow took place?
27 A. No, I don't. I don't even know when it took
28 place, other than some time between the second and
29 third statement.
30 Q. And you're relying upon her as to what was
31 said?
32 A. Well, if she spoke to him, and she would

1 know. I would not know because, again, I was not
2 privy to it and I was not aware of it.

3 Q. Okay, and so if she would really have gone
4 in there and said: "Listen, Travis, I know what
5 happened, this is what happened," and she told him
6 a story about you guys going down there, Ryan
7 going in the store, doing all of this and leaving,
8 "and I know that you're not really a part of this,
9 and if you'll confirm my beliefs that you're
10 really not a first degree murderer, I can let you
11 go within a week or so, if you confirm my
12 beliefs," you would have no way of knowing if
13 that's what she told him instead of saying, "I
14 know you know Ryan Matthews, you'd better come
15 clean"?

16 A. I do not know what she said to him, when or
17 how or why -- or where, rather.

18 Q. Okay, so what you're telling this jury is
19 you're recanting, you're giving them hearsay, what
20 she told you?

21 A. That is correct.

22 Q. You don't know any of that firsthand?

23 A. No, sir. I do not.

24 Q. Okay, and you don't know what the other,
25 Major Gorman --

26 A. Yes, Colonel Gorman.

27 Q. Colonel Gorman, you know that he talked to
28 him as well, right?

29 A. He was in my office. He did have some
30 conversation or dialogue with him. That is
31 correct.

32 Q. Do you know how long that conversation

1 lasted?

2 A. No, sir. I do not.

3 Q. And did you ask the Colonel what might have

4 been said?

5 A. It was basically the same question that we

6 had earlier. It was the length of time he had

7 known Johnson or Matthews. That was the main crux

8 right there.

9 Q. So, Colonel Gorman told you the same thing

10 Lieutenant Snow told you, that all the

11 conversations centered around how long he had

12 known Ryan Matthews?

13 A. Again, it was what they told me. You know,

14 I was not present when those dialogues took place.

15 Q. Were they together when they spoke to Travis

16 Hayes outside of your presence?

17 A. I do not know, because, again, I don't know

18 when they went in there, other than when I was not

19 in the office, because, you know, I might want to

20 go, you know, get something to drink myself. So,

21 I was not in there the entire, you know, seven or

22 six hour period of time.

23 Q. Sure, because he's talking to somebody from

24 10:00 until 5:00, he might get thirsty, right?

25 A. No, I didn't speak to him for that long of

26 time. I spoke to him for, probably, a total of

27 maybe two hours.

28 Q. In two hours time, you might get thirsty?

29 A. Oh, yeah.

30 Q. You might want to use the bathroom yourself,

31 right?

32 A. That is correct.

1 Q. It never occurred to you to ask Travis Hayes
2 unless he asked you for it?
3 A. He didn't indicate he was thirsty, he had to
4 go to the bathroom, so I didn't offer it.
5 Q. When you started reading the forms to
6 Mr. Hayes, did you ask him how much schooling he
7 had?
8 A. Can I refer to the forms, sir?
9 Q. Sure.
10 A. There was a form, the fourth sentence of the
11 fourth line -- the rights form, you're referring
12 to?
13 Q. I don't know what you're referring to.
14 A. I thought you were referring to the rights
15 form.
16 Q. I'm saying at any time --
17 A. On the rights form, he indicates John Ehret,
18 and that's -- it's listed as education on the
19 fourth sentence.
20 Q. Okay, did you ever take that out?
21 A. No, sir. I did not.
22 Q. Would it surprise you to learn that he, in
23 fact, never finished ninth grade, but started
24 ninth grade?
25 A. Well, that's why I didn't put "completed,"
26 because as far as I was concerned, he was still in
27 the ninth grade. Normally, if they say, "I
28 finished it," I'll put, "Completed ninth, tenth,
29 eleventh or twelfth."
30 Q. So, as far as you're concerned, when you put
31 down ninth, it means that he's still in the ninth
32 grade?

1 A. No, that's where he left off at.
2 Q. But you didn't go into any more
3 clarification of that, did you?
4 A. No, sir. I did not.
5 Q. Okay, and there was nobody else in the room
6 when the quote that you say, "I want to talk. I
7 want to talk" was made?
8 A. No, the only time I was with him, it was
9 just him and I, and no one else.
10 Q. The things he told you about getting his
11 mom, dropping his mom off at his sister's, taking
12 his brother-in-law to work, did you check any of
13 those things out?
14 A. No, sir. I did not.
15 Q. Do you know if anybody else checked any of
16 that stuff out?
17 A. I don't believe so, no, sir.
18 Q. Isn't it kind of important when you're
19 taking a statement to check those kind of things?
20 A. If he said he picked his mother up at 6:00,
21 and the murder took place at 6:00, I'll check into
22 it. Because of the time frame of the homicide and
23 the time frame of his mother being picked up,
24 besides him being consistent with the first two
25 statements, we didn't feel it was important. And,
26 the third statement, he admits culpability,
27 basically negates running all the other alibis
28 out.
29 Q. But you were also aware that Mr. Blanchard
30 and Mr. Cheramie had said that he, the gunman, had
31 jumped through the window of the getaway car,
32 weren't you?

1 A. No, sir. I was not. I did not interview
2 those individuals. That was Lieutenant Snow.
3 Q. When did you become aware of that fact, that
4 they were saying that?
5 A. Over the course of the last year or so. I
6 mean, I was again, not privy to anything that was
7 done with this case. It would be Snow or whoever,
8 for the statements.
9 Q. So, you weren't aware that there was a
10 direct conflict between these two eyewitnesses as
11 to --
12 A. I know there is now, because I've been
13 hearing it talked for weeks now, okay. But, as
14 far as me knowing back then, I couldn't tell you
15 because my concern was him and no one else, and
16 again, we had a homicide that was going on, so my
17 attention was something else, and Detective Sacks
18 will state what the focus of that investigation
19 was.
20 Q. If you find out that a witness is telling a
21 story that seems to conflict with physical facts,
22 do you do any more investigation to try to clarify
23 how that can be?
24 A. Oh, you want to find out where the
25 confliction is or why there is a confliction.
26 Naturally, yes, sir.
27 Q. Do you know if anybody ever went out and ran
28 a test on that passenger window to see if it was
29 operable or not?
30 A. I believe Detective Sacks went out there a
31 couple of weeks ago with your office, or someone
32 from your office, to verify that, if I'm not

1 mistaken, right.

2 Q. Prior to me asking you for that, no one went
3 to check that out, right?

4 A. I don't believe. No, sir.

5 Q. And the car was not in my custody, was it?

6 A. No, sir. It's in our custody.

7 Q. And I wouldn't have any access to it unless
8 the Court granted it and somebody from your office
9 was with my people, right?

10 A. That is correct, sir.

11 Q. So, nobody -- you're not suggesting that I
12 jumped the fence and somehow burned out a motor?

13 A. No. No way. No, sir.

14 Q. Now, are you also aware of the fact that the
15 person, who was shot, received at least four
16 gunshots that led to his demise?

17 A. I don't have the exact number because,
18 again, my concern that night was Mr. Travis Hayes,
19 no one else, and after the initial arrest, it's
20 the responsibility of the case detective to then
21 do the initial follow up, go to the autopsy, and,
22 you know, take care of those issues, which would
23 lead to the eventual prosecution of the case.

24 Q. I understand that, but my point is, you
25 understand that he died of gunshot --

26 A. Yes, sir. He was shot. That is correct.
27 But, you asked me how many, I didn't know how many
28 times, so --

29 Q. How many shots did this gun fire?

30 A. Five.

31 Q. Is there a space for any other bullet in the
32 chamber or anything?

1 A. No, sir.
2 Q. So, the most bullets that you can fire out
3 of this gun is five?
4 A. That is correct.
5 Q. Without reloading?
6 A. That is correct.
7 Q. Is that correct?
8 A. That is correct.
9 Q. So, if somebody shoots all five, and then
10 there's two more shots fired after that, do you
11 follow me so far?
12 A. Yes, sir.
13 Q. -- and ultimately, there's only five empty
14 shells found in here, in order for that to happen,
15 the person would have to fire five times, take out
16 two shells, and reload two shells, and then fire
17 those two shells, and then you would have five
18 empty cartridges and seven shots?
19 A. -- or a second weapon.
20 Q. Or a second weapon?
21 A. That is correct.
22 Q. Was there ever an indication of a second
23 weapon?
24 A. Again, I don't know that because I was not
25 the case officer. That is something that Sacks
26 could answer, not myself.
27 Q. Did you have anything to do with the
28 gathering of the evidence that went to the DNA
29 lab?
30 A. No, sir.
31 Q. And if anything untoward or incorrect was
32 done, as far as getting the statement from Travis

1 Hayes, you had nothing to do with that?
2 A. As far as these four statements?
3 Q. Yes, sir.
4 A. No. Those four statements are my
5 statements. Anything else taken from him, I was
6 not involved with or privy to at that particular
7 time.
8 Q. Okay, or even as of now, I guess, right?
9 A. That is correct. Again, as I said earlier,
10 I did not know when they went in there or exactly
11 what was said. They would be the best person to
12 explain their actions or the dialogue they had
13 with him.
14 Q. And Lieutenant Snow never told you, "All I
15 did was tell him he was lying, I knew he was
16 lying," and that was it?
17 A. I don't know what the conversation was. We
18 spoke about this case over the last year and a
19 half, so a lot of things could have been said. If
20 you ask me exactly, I couldn't tell you exactly
21 what was said.
22 Q. I think you told us there was a
23 conversation, that she told you that there was a
24 conversation between her and Travis Hayes, as to
25 the fact that she knew that he knew Ryan Matthews
26 and he was lying about that, right?
27 A. That is correct.
28 Q. And they had a conversation about that?
29 A. That's correct.
30 Q. She just didn't say, "I just stood there and
31 said, 'Listen, I know you're lying, you'd better
32 come clean.'"?

1 A. No, the whole conversation that I'm aware
2 of, is that she confronted him on a known lie on
3 how long he had actually known Mr. Matthews.

4 MR. PASTOR:

5 I have no further questions.

6 * * * * *

7 REDIRECT EXAMINATION

8 BY MR. KENNEDY:

9 Q. Lieutenant Buras, just going back to
10 Mr. Pastor's question regarding the time of the
11 tickets, I think you had said something you didn't
12 have access to the tickets, correct?

13 A. I had knowledge that there were tickets
14 issued. I had seen some times, but, you know, I
15 don't know exactly who wrote the tickets or
16 whatever.

17 Q. So, you didn't have them in front of you at
18 the time you were taking these statements?

19 A. No, sir.

20 Q. So, what you were doing is going off of
21 memory when you said 2016, that was to the best of
22 your recollection?

23 A. That's correct.

24 Q. You didn't actually have those tickets in
25 front of you, so it's possible that you could have
26 been wrong about that time when you asked
27 Mr. Hayes that question?

28 A. I could have been, yes, sir.

29 Q. And on here, 2016, 2216; does that sound
30 similar to you?

31 A. That's only two hours apart. They're in the
32 twenties, so --

1 Q. So, you could have been wrong when you
2 actually said that on the taped statement?
3 A. That is correct, sir.
4 Q. And, did Mr. Matthews ever correct you or
5 tell you exactly what time it was, or anything
6 else, or did Mr. Hayes ever correct you?
7 A. No, the only thing he stated was that the
8 officers that stopped him were the ones, who gave
9 him the citation.
10 Q. The very ones that stopped him, those are
11 the officers that you went out and met during the
12 identification process?
13 A. That is correct, sir.
14 Q. And to the best of your knowledge, did you
15 respond immediately after these Defendants were
16 pulled over?
17 A. I could tell you we responded when they
18 notified us that they had them pulled over, but
19 again, I don't know exactly what time they were
20 detained. We were notified, like I said, at
21 10:20 p.m.
22 Q. At 10:20 p.m., which is four minutes after
23 10:16?
24 A. Yes, sir.
25 Q. And did anybody ever tell you that they
26 actually had these guys stopped since 8:00 at
27 night?
28 A. No, sir.
29 Q. Now, also, did the Defendant ever at a
30 point, you know, you're taking the statement from
31 him, did he ever appear as though he was in need
32 of any food or drink or bathroom break, or

1 whatever else that would indicate he's fidgeting
2 in his seat, or anything like that?
3 A. No, sir. He did not.
4 Q. Did he ever express any desire to you,
5 whatsoever, to use the bathroom?
6 A. No, sir.
7 Q. And just in response to Mr. Pastor's
8 question about this gun, just because the gun has
9 been fired five times, five spent casings, that
10 doesn't prevent you from pulling the trigger on
11 this gun anymore, does it, to the best of your
12 knowledge?
13 A. No, sir.
14 Q. So, regardless of whether there are five
15 shots gone in here, you can keep pulling this
16 trigger and appearing as though you're shooting?
17 A. That is correct.
18 Q. And when you finally had the four statements
19 with the Defendant, did at any point in time,
20 Mr. Hayes ever tell you that Lieutenant Snow or
21 Major Gorman, Colonel Gorman ever said anything to
22 him, forced him, threatened him, coerced him in
23 any manner, whatsoever at all, for this Defendant
24 to give you a statement?
25 A. No, sir. It was not done at all.
26 Q. Did he appear as though he was under any
27 stress, coercion or having any problems,
28 whatsoever, at all, to you?
29 A. No. In fact, if you listen to the tape, the
30 demeanor was very consistent from the first
31 statement, all the way through the fourth
32 statement. He didn't become down or up. It was

1 very consistent, as my voice was during the entire
2 four statements.

3 Q. Did he ever indicate any type of confusion
4 to you, as if he didn't understand what was going
5 on, didn't understand his rights, or didn't
6 understand what it was he was doing with you at
7 that time?

8 A. No. The confusion was really my part in the
9 beginning, not knowing what he was trying to tell
10 me because he was jumping around. It was more my
11 confusion over what he was telling me than
12 anything else, but he understood perfectly what he
13 was doing, and what he was talking about.

14 Q. And that was due to what he told you in the
15 first two statements?

16 A. Well, the first statement, mainly.

17 Q. Were you able to clear that up in the second
18 statement?

19 A. That is correct.

20 Q. And the third and fourth statement, did he
21 indicate to you any confusion at all, as to what
22 he was saying or doing, or anything else at that
23 point?

24 A. No, sir.

25 Q. And again, did anybody at all ever promise,
26 force, coerce, whatsoever, this Defendant in
27 giving you a statement at that time?

28 A. At no time.

29 MR. KENNEDY:

30 Thank you.

31 No further questions.

32 THE COURT: