

MR. DILLER: Page 2246.

MS. LEDERER: Excuse me.

Objection.

THE COURT: Objection sustained.

MR. DILLER: I'll rephrase the question.

Q. Yesterday --

THE COURT: Wait a minute.

MS. LEDERER: Objection.

THE COURT: Objection sustained.

What are you reading?

MR. DILLER: Let me ask the question.

Q. When you were speaking to Kevin and talking about the park -- this is before the written statement, there was a question concerning what the jogger was wearing. Is that so?

A. I don't know. If it's in my notes, then there's a question as to what she was wearing.

Q. Did he tell you what she was wearing?

A. If it's in my notes, he told us what she was wearing.

Q. Do you remember telling us yesterday he said what she was wearing?

A. There's incidents in the statement as to what she's wearing. There's also incidents in my note book as to

1
2 what she's wearing.

3 Q. Do you need notes to refresh your recollection as
4 to what he told you she was wearing?

5 A. At what time, counsel?

6 Q. Before the written statement, sometime in the hour
7 and a half on the morning of the 20th?

8 A. I have to look at my notes to find out if he
9 knows.

10 Q. Yes.

11 (Witness looks at papers.)

12 A. On the back of my notes --

13 THE COURT: Just see if it refreshes your
14 recollection.

15 A. Yes, there's a description.

16 Q. Okay.

17 Has your recollection been refreshed?

18 A. Yes.

19 Q. What was it that he told you orally as to what she
20 was wearing?

21 A. Gray jogging pants with bike tights and a white
22 tank top.

23 Q. Now, there came a time there was a written
24 statement. Was there not?

25 A. Yes.

1
2 Q. And in the written statement, two thirds down, he
3 gave a description. Is that right?

4 "We saw this lady jogger. She had on gray shorts
5 with black biking pants and a white top.

6 Is that right?

7 A. White tank top, yes.

8 Q. Did you ask him that he said something differently
9 before?

10 A. Pardon me?

11 Q. Did you say to him, that's not what you told us
12 before?

13 A. No, I didn't say anything like that to him. He
14 wrote the statement.

15 Q. I know. But When he wrote the statement, did you
16 say to him, "didn't you tell us something different before?"

17 A. No, I did not.

18 (Continued on next page.)
19
20
21
22
23
24
25

1
2 Q When it came to the scratch you told him, is that
3 right?

4 A Pardon me?

5 Q When it came to the point in the statement about
6 the scratch you told him, "didn't you leave something out?"

7 A Yes.

8 Q But you didn't do this here?

9 A No.

10 Q Now, looking at the statement, exhibit 126, you see
11 the sixth line where -- starting the fifth line, "but this
12 time there were about thirty people all males." You see
13 that?

14 A Yes.

15 Q Are you telling us that Kevin Richardson used the
16 word "males"? It's in the statement.

17 A It's in the statement.

18 Q You didn't suggest it to him that that's the word
19 to use?

20 A No.

21 Q And you never suggested to him that there was a
22 male and a female on a bike, the words "male" and "female?"

23 A I didn't know there was a male or a female on the
24 bike.

25 Q You never expressed that particular term, is that

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

right?

A No.

Q And with respect to -- in the statement where he says, "everybody starting running to the west drive," did you ever discuss -- did you hear -- that's what you have in the statement, is that right -- he has in the statement?

A In the statement.

Q You know if Kevin knew the west drive from the east drive?

A He said to me the west drive, he came out of the west drive.

Q Did you ask him where the west drive was?

A No.

Q Did you ask him any questions about the west drive?

A I might have. I might have asked him other questions.

Q You don't remember?

A During the oral part of the investigation, yes. I was asking him who he was with, where did this occur, does he remember at what place in the park.

Q And he used the word "west drive?"

A He told me in the oral statement is, it came out the west roadway.

Q West roadway?

1
2 A West roadway, west drive.

3 Q That's the same?

4 A Whatever. It means the same. It's the same thing.

5 Q Now, on page two, the fourth line from the top of
6 the statement, "she was unconscious," that was his
7 expression?

8 A Yes.

9 Q How long did this statement take to prepare?

10 A Half hour, forty-five minutes, I would imagine. I
11 don't know. I would say about a half hour, forty-five
12 minutes.

13 Q Not an hour?

14 A Not an hour. I don't think it took an hour, no.

15 Q And during the course of this statement you didn't
16 suggest to him the words to use?

17 A Pardon me?

18 Q You didn't suggest the words to use?

19 A I didn't suggest anything. No.

20 Q Now, when the statement is concluded someone else
21 came into the room, is that correct?

22 A I believe so, yes. I believe -- I don't know if
23 he came in before the end of the statement or after the
24 statement had been concluded.

25 Q And that was Kevin's father, is that right?