

RECROSS EXAMINATION

BY MR. NIXON:

Q You knew someone had been shot in the house during the course of a burglary or robbery or something, didn't you?

A I knew someone had been shot, but I didn't know the full extent of the circumstances involved.

Q Right. That's why you were going out there, because somebody had been shot, a crime had been committed, and you were going to gather evidence; isn't that right?

A I knew someone had been shot, but I didn't know of any crime other than someone being shot.

Q Okay. Thank you.

MR. JORDAN: Thank you.

THE COURT: Thank you very much, Officer.

THE WITNESS: You're welcome, Judge.

THE COURT: Next witness.

MR. JORDAN: Judge, we would call Mr. Mike  
Finley.

MICHAEL FINLEY

was sworn and testified as follows:

DIRECT EXAMINATION

BY MR. JORDAN:

Q Tell us your name for the record.

A Michael Lavere Finley.

1' Q And what is your relationship to Valerie Finley?

2 A We were husband and wife.

3 Q What is your relationship now?

4 A We're two parents of two daughters.

5 Q Are you still married, Mr. Finley?

6 A No, sir, we're not.

7 Q She's your ex-wife?

8 A Yes, sir.

9 Q All right. But you were married at the time this  
10 occurred?

11 A Yes, sir, we were.

12 Q Now, what's your relationship with Rodney Stanberry?

13 A We're old hunting friends.

14 Q Go ahead. Tell us what kind of stuff y'all would do  
15 together.

16 A We used to go hunting together, to various gun shows.

17 MR. NIXON: I'm sorry.

18 THE COURT: Used to go hunting together and go to  
19 various gun shows.

20 Q That's all?

21 A That was it.

22 Q The only time you ever saw him?

23 A That was about it. We'd get together. Some weekends  
24 he'd come by. That's it.

25 Q How long you been knowing him?

1' A Well, we've been hunting together for about three,  
2 maybe four years.

3 Q Is it fair to call him your best friends?

4 A We were good friends.

5 Q Would it be fair to call him your best friend?

6 A When you say best friend, I mean, I wouldn't say best  
7 friend, but we were good friends. We hunted together.

8 Q And he had -- I believe he had your Sam's card, right,  
9 Sam's card to get to go to Sam's wholesale?

10 A I might of let him use it one time to get in there.

11 Q And he would come over to your house, right?

12 A Yes.

13 Q On Meadow Avenue?

14 A Yes.

15 Q And he would come over there numerous times?

16 A Yes, he would come by.

17 Q Drove a brown Bronco?

18 A Yes.

19 Q What did it say on the back of it?

20 A "One night stand" or something like that.

21 Q What did it say on the front?

22 A I don't know what it said on the front. It was Stan  
23 something.

24 Q Can't remember? All right.

25 A I know one probably said "One night stand," something

1           like that. I don't remember what the front said.

2       Q     So you saw this Bronco hundreds of times and you can't  
3           remember what's on the front of it?

4       A     I don't remember exactly word for word. It said Stan  
5           something. I know that. One part said "One night  
6           stand," something like that.

7       Q     He had been inside your house before; is that correct?

8       A     Yes, he had.

9       Q     He had eaten dinner inside your house?

10      A     Yes, he had.

11      Q     Did he know about the kind of guns you had?

12      A     Yeah, he knew.

13      Q     How would he know that?

14      A     Because we used to target shoot.

15      Q     Target shoot. What else?

16      A     Go to the gun shows.

17      Q     Had he ever sold you any guns?

18      A     I think I bought one from him, one or two.

19      Q     Had he ever seen your gun collection?

20      A     When we go target shooting, he seen my guns.

21      Q     You'd show him your gun collection. It wasn't  
22           something you would hide from Stan, is it?

23      A     We were friends. No, I didn't hide it.

24      Q     And did you know about his gun collection?

25      A     Yes.

1' Q And had you ever sold him any guns?

2 A No.

3 Q Tell us where that vault was in your house.

4 A I kept my vault in my hall closet.

5 Q And who bought that vault?

6 A My ex-wife, Valerie, bought it for me.

7 Q She bought the vault? What was the reason she bought  
8 the vault?

9 A Because I asked her to buy it for me to put my guns in.

10 Q And she actually bought it?

11 A Yes, she did.

12 Q Paid for it?

13 A Yes.

14 Q And why did you need a vault in your house, Mr. Finley?

15 A Well, I wanted a vault to put my guns in just in case  
16 my home was ever broken into so nobody would steal them  
17 and for any valuables. That's why I bought it, to put  
18 valuables in.

19 Q Would you leave loaded guns around at your house?

20 A Would I?

21 Q Uh-huh. Did you have a habit of leaving loaded guns  
22 around your house?

23 A My wife had a pistol of her own that she had kept  
24 loaded.

25 Q My question was, did you have a habit of leaving loaded

1' guns around your house.

2 A I didn't have a habit of leaving them, no.

3 Q And why not?

4 A I didn't see a need to leave --

5 Q Do you have any children, Mr. Finley?

6 A Yes, I do. I have two daughters.

7 MR. NIXON: Judge, if he would let him answer the  
8 question, please.

9 THE COURT: He already stated he has two  
10 daughters.

11 Q And how old are they?

12 A I have a seven year old and a 12 year old.

13 Q And would you leave loaded guns around for your  
14 children?

15 A No, I do not.

16 Q Okay. So you would lock them in your vault?

17 A That's right.

18 Q And you had a key to your vault?

19 A Yes, I did.

20 Q And Valerie had a key to the vault?

21 A Yes, she did.

22 Q And you had to open the vault -- it had a top lock and  
23 a bottom lock?

24 A Yes, we did.

25 Q And you had a closet door that closed where the vault

1' would be behind?

2 A Right.

3 Q You'd open that up and there's the metal vault?

4 A Right.

5 Q That Valerie bought?

6 A Right.

7 Q Are you having a hard time hearing me?

8 A Un-uh.

9 Q I need to hear a yes or no response, if you could.

10 A Okay.

11 Q Not just a nod of your head. The lady up there has got  
12 to be able to hear.

13 A I'll scoot up, then.

14 Q Now, what was your relationship with Rene Whitecloud?

15 A I had met him through Rodney.

16 Q Tell us about that.

17 A They had come to visit Rodney one day, and Rodney  
18 brought his friends over, and I met them.

19 Q Who brought Rene by your house?

20 A They were riding with Rodney.

21 Q And Rodney brought Rene by your house?

22 A That's what I remember.

23 Q The first time?

24 A Yes.

25 Q How long before your wife was shot?

- 1 A My wife was shot Monday, March 2nd.
- 2 Q How long before that did you meet Rene Whitecloud?
- 3 A Oh, how long? I had met him that week before.
- 4 Q And what did Rodney tell you about Rene Whitecloud?
- 5 A They were his friends that had came down to Mardi Gras.
- 6 Q Who were they?
- 7 A Some of his friends from New York.
- 8 Q How many people did he introduce you to?
- 9 A Two people.
- 10 Q Who were they?
- 11 A Rene and Ihoe (phonetic).
- 12 Q Who gave you those names?
- 13 A They did.
- 14 Q And what did Rodney tell you about them?
- 15 A Said they just came to visit him for Mardi Gras. That
- 16 was it.
- 17 Q That's all he told you?
- 18 A Yeah. Yes.
- 19 Q And he brought them by your house. What did he do --
- 20 What did y'all do the first time there at your house?
- 21 A We didn't do anything. We just talked. I met them.
- 22 Q And did you let Rene Whitecloud inside your house?
- 23 A No.
- 24 Q Did you let him see your gun vault?
- 25 A No.



1' Q Did you let them see your gun collection?

2 A No.

3 Q So Rene Whitecloud has never, ever been in your house?

4 A Correct.

5 Q And how many times had he been to your house, he and  
6 Ihoe, as you told his name?

7 A The first day I met him, and I think they may have been  
8 there, maybe, three times.

9 Q Maybe?

10 A Yes, maybe three times. They come by one day during  
11 the week on their way to Mardi Gras.

12 Q Who were they with?

13 A They were riding with Rodney.

14 Q Rodney?

15 A And one Saturday.

16 Q And who were they with on the Saturday?

17 A They were riding with Rodney. They were friends of  
18 his.

19 Q So Rodney brought Rene and Ihoe by your house three  
20 times before your wife got shot, right?

21 A Correct.

22 Q And Rodney was driving each time?

23 A Correct.

24 Q He was driving a Bronco?

25 A Correct. That's what he drove.

1 Q But you never, on any of those three occasions, you  
2 never let Rene inside your house?

3 A Right.

4 Q You never let Ihoe inside your house?

5 A Right.

6 Q Now, describe what Rene looked like.

7 A He was light skinned with a long ponytail.

8 Q Long ponytail? Is that kind of what you call it?

9 A Yeah, that's what we -- we more or less nicknamed him  
10 Ponytail.

11 Q And that's what Val called him, Ponytail?

12 A Yeah.

13 Q I'm going to show you --

14 MR. JORDAN: Let me mark this, please.

15 (State's Exhibit Number 41 marked for  
16 identification.)

17 Q Let me show you what has been marked State's Exhibit  
18 Number 41. Can you identify the person in that  
19 photograph?

20 A Yeah. That's Rene.

21 Q And is that a photograph of Rene?

22 A Yes, it is.

23 Q And you can't see his -- He doesn't have a ponytail,  
24 though, in that photograph, does he?

25 A Not in that one.

1 Q But when he was in Mobile, he did, in fact, have a  
2 ponytail?

3 A Yes.

4 MR. JORDAN: Move to introduce 91 -- or 41 at this  
5 time.

6 THE COURT: Let me see it. Have you seen it yet,  
7 Ken?

8 MR. NIXON: No, sir, Judge.

9 MR. JORDAN: Well, you've seen it. You just  
10 haven't seen it today.

11 MR. NIXON: No objection.

12 THE COURT: Do you want this introduced?

13 MR. JORDAN: Yes, Your Honor.

14 THE COURT: And who is this supposed to be?

15 MR. JORDAN: Rene Whitecloud, also known as  
16 Ponytail, that they call him.

17 THE COURT: Ponytail?

18 MR. JORDAN: Well, he doesn't have it now or when  
19 this photograph was taken.

20 Q Just for the record, he did, in fact, have a ponytail  
21 when he was in Mobile; is that correct?

22 A When I met him.

23 THE COURT: Do you want to publish that picture?

24 MR. JORDAN: Yes, Your Honor, I was gonna wait  
25 till she marked it.

1' (State's Exhibit Number 41 admitted in  
2 evidence.)

3 Q Now, did Rodney's friend, Ihoe, have a ponytail?

4 A No, he did not.

5 Q Did Rene ever eat dinner at your house?

6 A No.

7 Q Did Ihoe ever eat dinner at your house?

8 A No.

9 Q Did you ever tell Rene that you had two keys to the  
10 vault?

11 A No.

12 Q Now, Rodney worked at BFI, didn't he?

13 A Yes.

14 Q And are you aware that he would drive to Chastang from  
15 BFI?

16 A The dump?

17 Q Right.

18 A Okay, the dump, yeah.

19 Q He told you he was -- I mean, you kind of knew what his  
20 job was?

21 A He drove the truck, yeah.

22 Q Drove a truck and he would have to drive out to the  
23 Chastang Landfill Dump and dump his load and drive back  
24 to BFI?

25 A Right.

1 THE COURT: What is BFI, Mr. Finley?

2 THE WITNESS: I guess it's one of those waste  
3 garbage trucks like Waste Management or  
4 whatever. Yeah, Waste Management.

5 Q And the route from BFI to Chastang is I-65, isn't it?

6 MR. NIXON: Judge, this man doesn't know the route

7 --

8 THE COURT: He can say he doesn't.

9 A I don't know the route. I don't drive a BFI truck. I  
10 don't know.

11 Q Did you know that Rodney had to drive his truck right  
12 by your house to go to the dump?

13 A Like I say, I don't know the route, so I don't know  
14 which route he took or whatever.

15 Q He never told you that?

16 A He did go to the dump. Exactly what dump it is --  
17 There's one in Chunchula, as well.

18 Q Well, your house on Meadow Avenue is right off I-65,  
19 isn't it?

20 A Yes, it is. Highway 45.

21 Q Well, let me see. You take the A/B exit off the  
22 interstate; is that correct?

23 A Yeah. You take the Citronelle exit off of 65 to 45.

24 Q 45 and go to your house?

25 A Yes. My house is off of 45.

1 Q All right. How long would it take you to jump on the  
2 interstate from your house to go to work?

3 A Probably about 15 to 20 minutes, depending on the  
4 traffic.

5 Q Wait, I'm sorry. From your house to get on the  
6 interstate?

7 A Oh, to get on the interstate? Oh, no. I thought you  
8 were saying from my house to work.

9 Q No. Listen to my question.

10 A From my house to get on the interstate, probably about  
11 five minutes, something like that, depends on if I get  
12 caught by the light.

13 Q You never timed it, though, have you?

14 A No, I never did.

15 Q Now, let me show you what has been marked as and  
16 introduced as State's Exhibit Number 39. Do you  
17 recognize this exhibit? Whose Bronco is that?

18 A Rodney's.

19 Q That's Rodney Stanberry's Bronco; is that correct?

20 A Yes, it is.

21 Q Now, on Saturday a bunch of y'all went up to Axis  
22 target shooting; is that correct?

23 A Correct.

24 Q And you, Rodney, right, your wife, Rene and other  
25 people, some other people, were up there. Who did you

1 drive with?

2 A Me and my wife rode together.

3 Q And how did y'all get up there?

4 A We drove our new car.

5 Q What kind of car was it?

6 A We had a Ford Festiva.

7 Q Ford Festiva. What color was it?

8 A Blue.

9 Q And how did you get up to Axis? Did you lead the way,  
10 or did you follow Rodney?

11 A We drove up ourselves.

12 Q Did you know where to go?

13 A Yes.

14 Q You had been there before?

15 A Yes.

16 Q And who actually drove, you or Valerie?

17 A I drove.

18 Q And what kind of gun did Rene use while he was target  
19 shooting?

20 A He had a nine millimeter.

21 Q He had a Glock nine millimeter; is that right?

22 A Yeah, nine millimeter Glock, yes.

23 Q And was that your gun?

24 A No.

25 Q Was that Valerie's gun?

- 1 A No.
- 2 Q Was that Rodney Stanberry's gun?
- 3 A Not that I knows of.
- 4 Q You did not know Rodney to have a Glock nine  
5 millimeter?
- 6 A No, he didn't.
- 7 Q Did Rodney tell you where Rene Whitecloud had obtained  
8 that Glock nine millimeter?
- 9 A No, he did not.
- 10 Q While you were gone target shooting that day, your  
11 house was vacant; is that correct?
- 12 A Yeah, we weren't there, right.
- 13 Q You and Val were gone, no kids were there. The house  
14 was absolutely vacant; is that correct?
- 15 A Correct.
- 16 Q And your guns were in the gun vault?
- 17 A Yes.
- 18 Q Now, on Sunday you and your wife went to Mississippi to  
19 visit your relatives.
- 20 A Correct.
- 21 Q And, again, your house was vacant, wasn't it?
- 22 A Correct.
- 23 Q Nobody at home?
- 24 A Correct.
- 25 Q All day Sunday, right?



1' A Correct.

2 Q And your gun collection was in the gun vault?

3 A Correct.

4 Q And you didn't get home until about ten o'clock that  
5 night?

6 A Correct.

7 Q And you didn't pick up the kids, did you?

8 A Correct.

9 Q It was just you and Val at home from ten o'clock that  
10 night until the next morning?

11 A Correct.

12 Q At what time did you go to work the next morning?

13 A I usually leave about 6:30.

14 Q What time did you have to be at work?

15 A Seven.

16 Q And where were you working at that time?

17 A Automation Technology.

18 Q What were you doing?

19 A A process control tech.

20 Q And let me show you some photographs. I'll come back  
21 to those in just a second.

22 THE COURT: Your last question was, you worked  
23 where?

24 MR. JORDAN: You worked where?

25 THE COURT: And your answer was?

1 THE WITNESS: Automation Technology.

2 THE COURT: Mark that in red on your little number  
3 pad because that's where you're going to  
4 start at 1:15 when we come back. Y'all have  
5 a nice lunch.

6 (Lunch recess.)

7 \* \* \* \* \*

8 AFTERNOON SESSION

9 (Jury present.)

10 Q And where did you work again, please?

11 A Automation Technology.

12 Q And, Mr. Finley, through your company, through your  
13 employment, you had a 35 thousand dollar life insurance  
14 policy on your wife; is that correct?

15 A I had it from where I work, yes, sir.

16 Q And that was 35 thousand; is that correct?

17 A Yes, half of 70, right, 35.

18 Q Now, what time did you -- By the way, did you ever hire  
19 Ryan Russell to do any work for you on this case?

20 A No.

21 Q Would you tell us what time you found out about Valerie  
22 being involved in some kind of, what was told to you at  
23 the time, of an accident?

24 A Well, I had already -- we were on lunch break, and I  
25 had fixed one sandwich already and was sitting there,

1 and I got a phone call from my sister-in-law saying  
2 that, Mike, you need to go home; Valerie has fell. So  
3 that's when I left.

4 Q Do you know about what time it was?

5 A I'd say 11:40, 11:45, somewhere along in there, because  
6 I had already fixed one sandwich. I usually fix my own  
7 sandwiches at work, take my stuff with me.

8 Q Where did you go at that time?

9 A I left work and went home.

10 Q And who was at the house?

11 A When I got there, my father-in-law was there, our  
12 neighbor, Clara Malone, was there, her son.

13 Q Her son?

14 A Yes.

15 Q What do you call him? What was your -- What would you  
16 call him? What was the --

17 A Larry. Anyway, he was there. My oldest daughter,  
18 Tiffany, was there, and I think that was about it.

19 Q Were there some police officers there?

20 A No.

21 Q At the time you arrived, there was no police officers?

22 A No police officer there when I got there.

23 Q They had already left the scene?

24 A Yes.

25 Q What time do you think you arrived home, about?

1 A It's about a 15-minute ride, so I'd say I got there,  
2 maybe 12, maybe five after 12, something like that.

3 Q So by that time the police had already left?

4 A Everybody was gone, except them.

5 Q Were there any paramedics there when you arrived?

6 A No.

7 Q They had already left?

8 A Yes.

9 Q Was Valerie still there?

10 A No.

11 Q She had already been taken to the hospital?

12 A Yes.

13 Q Okay. Did you find any forced entry at the front door  
14 or the back door where there had been -- the door had  
15 been damaged in any way to gain entry into your house?

16 A When I went in, no, it wasn't forced or anything like  
17 that that I can tell.

18 Q What did you see that -- What did you find out through  
19 -- that was missing from the house at the time you  
20 arrived?

21 A Well, when I arrived and I went into the house, I  
22 looked around. I noticed it was in a mess.

23 Q It was not in a mess when you left that morning?

24 A No. And just as I was going down the hall towards to  
25 my bedroom just looking through the house, I noticed my

1' hall closet doors were somewhat open.

2 Q Okay.

3 A And that's when I realized my vault was open, as well,  
4 and the drawers in the dresser I had in there was open,  
5 and the room was in a mess.

6 Q Okay. Were you missing any guns?

7 A Yes. My guns were missing from the vault.

8 Q And when you left that morning, the vault had been  
9 locked; is that correct?

10 A Always stayed locked, right.

11 Q Now, tell us what guns were missing.

12 A My handguns were missing.

13 Q Do your best to itemize them for us, just so we kind of  
14 know what was stolen.

15 A My rifles.

16 Q Well, let's be specific.

17 A Okay. My .1022 was missing.

18 Q .1022, that's a rifle?

19 A Yes.

20 Q What's the approximate value of that?

21 A About 100, 125 dollars, something like that. SKS.

22 Q An SKS?

23 A Yes.

24 Q That's a rifle?

25 A Yes.

- 1 Q What's the approximate value of that?
- 2 A Probably about 150 dollars.
- 3 Q What's the next item?
- 4 A My shotgun.
- 5 Q What kind of shotgun?
- 6 A It was a double-barrel shotgun.
- 7 Q What was the approximate value of that?
- 8 A About 100 dollars. That, my mini-14 was missing.
- 9 Q What was the approximate value of that?
- 10 A Three hundred dollars.
- 11 Q Is that a rifle?
- 12 A Yes, it was a rifle. My pistols were missing. I had -
- 13 -
- 14 Q You just listed four rifles?
- 15 A Yes.
- 16 Q Let's go through your pistols.
- 17 A Okay. I had a Taurus nine millimeter pistol.
- 18 Q What's the approximate value of that?
- 19 A About 300. My .25, it was missing.
- 20 Q Twenty-five? What kind of gun was that?
- 21 A It's a pistol.
- 22 Q What's the approximate value of that?
- 23 A About 50, 75 dollars, maybe.
- 24 Q Okay.
- 25 A My little .380, it was missing.

1 Q What's the approximate value of that?

2 A About 100 bucks. A .38, it was missing. It was about  
3 100 dollars, as well. My tech .22. It was missing,  
4 also.

5 Q A pistol?

6 A Yes.

7 Q What's the approximate value of that?

8 A About 150 dollars. That's about it, all I can  
9 remember.

10 Q You just listed about nine guns.

11 A Yeah.

12 Q Four rifles and five pistols.

13 A Yeah, I think so.

14 Q Was a stun gun taken?

15 A Yeah, it was missing also.

16 Q What's the approximate value of that?

17 A About 40 dollars.

18 Q Were any knives taken?

19 A Yeah. There were a couple of knives that were taken.

20 Q How many?

21 A There was the Old Timer I had, my hunting knife.

22 Q What was the approximate value of that?

23 A Maybe 25 dollars. That's what I paid for it at Wal-  
24 Mart. That, a couple pocket knives I had. They were  
25 maybe 10, 15 dollars a piece.

1 Q So a knife, two pocket knives?

2 A Yeah. It was an old Buck and another Old Timer, one of  
3 those and, like I said, about between 15 and 20 dollars  
4 apiece, something like that.

5 Q So about three knives that were taken?

6 A Something like that, yeah.

7 Q Anything else?

8 A My jewelry that was on the --

9 Q Let's stay with the gun vault, first. Any ammunition  
10 taken from that?

11 A Yeah, it was ammo that was taken.

12 Q Approximately, what was taken?

13 A Shells, different rifle bullets, pistol bullets were in  
14 there.

15 Q Now, was ammunition left in the vault?

16 A There was some shotgun shells left, yes.

17 Q Was a pump shotgun left in the vault?

18 A Yeah.

19 Q What kind?

20 A Long spur, full 20-inch barrel, whatever, pump shotgun.

21 Q That was just left right there in the vault?

22 A Yeah, it was left.

23 Q In plain view?

24 A Yeah.

25 Q Anything else left in the vault?



1 A And some of the knives were --

2 Q There were some knives still left?

3 A Yeah, there were some that were in the back still in  
4 there.

5 Q Now, where did -- Did you have a TV/VCR between the  
6 kitchen and the -- or between the dining room and  
7 living room?

8 A It sat in the dining area.

9 Q And was that left there?

10 A Yeah, that was there.

11 Q So you still had your TV and your VCR?

12 A Still there.

13 Q Do you have a TV in your bedroom?

14 A No.

15 Q Okay. What about -- what jewelry was taken?

16 A My two rings and my watch.

17 Q Two rings. What kind of rings?

18 A I had two diamond clusters, small clusters.

19 Q And the watch was taken. Where was that?

20 A It was up there on the jewelry box on the mantle with  
21 my rings.

22 Q That's the only jewelry that was taken from the house;  
23 is that right?

24 A Right.

25 Q Now, let me show you some -- Let's go through some of

1 these photographs. This, of course, is the front of  
2 your house; is that right?

3 A Yes, it is.

4 Q Okay. Is this a picture of your gun vault?

5 A Yes, it is.

6 Q And is that what was left -- Is that the pump shotgun  
7 that was left in there?

8 A That's the shotgun.

9 Q And it looks like you got some box of shells and things  
10 in there. Those are the things that were left; is that  
11 correct?

12 A That's correct.

13 Q And it looks like -- Is that a brass knuckles or --

14 A Yeah, those are brass knuckles hanging there, yeah.

15 Q And those things were all left inside the vault, is  
16 that right, were still there?

17 A Yeah.

18 Q Where is this TV kept?

19 A That was -- yeah, you're right, that was on the dresser  
20 in the corner.

21 Q In your bedroom?

22 A Yeah.

23 Q What's on top of it here?

24 A That's a clock radio.

25 Q So you had a TV set in your bedroom?

- 1<sup>2</sup> A Yeah, I did.
- 2 Q And a clock radio; is that right?
- 3 A Yeah, alarm clock.
- 4 Q And those things were left behind; is that correct?
- 5 A Yeah.
- 6 Q Let me show you something else, too. What was missing
- 7 from this pillow in this particular case -- in this
- 8 photograph?
- 9 A A pillowcase.
- 10 Q And the pillowcase you had on that pillow when you went
- 11 to work would have matched that bedspread or the same
- 12 sheets that are on there; is that correct?
- 13 A Matching set, right.
- 14 Q Do you have -- There's another picture of the pillow
- 15 without the pillowcase and this is a photograph --
- 16 that's what you described as the TV/VCR set that's in
- 17 the dining room area?
- 18 A Dining room area.
- 19 Q Now, did you go to the hospital? Were you at the
- 20 hospital that night?
- 21 A The same night she was in the hospital?
- 22 Q Right.
- 23 A Yes.
- 24 Q That first night?
- 25 A Yes.

1 Q And did Rodney Stanberry come to the hospital that  
2 night?

3 A Yes, he did.

4 Q And who was he accompanied with?

5 A His girlfriend at that time.

6 Q About how long was he there?

7 A Maybe 20 minutes.

8 Q And did he ever come back to the hospital the rest of  
9 the time your wife was there at the hospital?

10 A No, he did not.

11 Q Do you remember telling the doctor that your wife had  
12 been shot that same Monday, that Monday afternoon?

13 A Later that day, yes.

14 Q And who was it that had told you that she had been  
15 shot?

16 A After I talked with my friend. That's when we found  
17 out. He told me then.

18 Q Rodney Stanberry told you that your wife had been shot,  
19 and you told the doctor that she had been shot?

20 A Yes.

21 Q And that was Monday afternoon; is that correct?

22 A Monday evening, yes.

23 Q And when Rodney Stanberry told you your wife had been  
24 shot, was that over the telephone or in person?

25 A Over the telephone.

1 Q Now, I want to go to Tuesday. On Tuesday at about  
2 between four and five o'clock in the afternoon, who  
3 came by your house?

4 A I was at home after leaving the hospital and was  
5 changing clothes. Rodney came by.

6 Q I'm sorry?

7 A Rodney came by.

8 Q Rodney Stanberry came by your house on Tuesday; is that  
9 right?

10 A Yes.

11 Q You live on Meadow Avenue?

12 A Yes.

13 Q You live a couple doors down from Clara Malone and the  
14 Malones?

15 A Yes.

16 Q And a couple doors down from Emmet Rogers; is that  
17 right?

18 A Yes.

19 Q Now, when he came by, was he driving his brown Bronco?

20 A Yes.

21 Q And did you get into that brown Bronco?

22 A Yes.

23 Q And did you leave with Rodney Stanberry?

24 A Yes.

25 Q And where did Rodney Stanberry drive you?

1 A We went to look for the guns.

2 Q Where did Rodney Stanberry drive you?

3 A We went over --

4 Q First of all, who drove?

5 A Stanberry. Rodney did.

6 Q Rodney was driving?

7 A Yes.

8 Q Were you giving him directions of where to drive you  
9 to?

10 A No.

11 Q Where did he drive you to?

12 A We went over on Wolf Ridge.

13 Q Wolf Ridge Road?

14 A Yeah, over between Wolf Ridge and the service road.

15 Q Okay. And y'all were driving down there. Rodney was  
16 driving. You were a passenger?

17 A Yes.

18 Q Anybody else in the vehicle with you?

19 A No.

20 Q And where did Rodney drive to?

21 A We went to look for the guns.

22 Q I'm sorry?

23 A We went over --

24 THE COURT: They went to look for the gun.

25 Q Where exactly did he drive you to?

1' A Around that area between Wolf Ridge and the service  
2 road.

3 Q What is that area? Is it a building? Is it an  
4 apartment complex? What's out there?

5 A You have UPS out in that area, a telephone company in  
6 that area, a trucking company in that area.

7 Q Do you have a bunch of woods?

8 A Yeah, woods, yes.

9 Q And how far is that from your house on Meadow Avenue?

10 A Wolf Ridge from my house, I would say it's about three,  
11 maybe four blocks.

12 Q I mean, it's right there, isn't it?

13 A Wolf Ridge is, but between -- there's woods behind my  
14 house where I live, yes.

15 Q And when Rodney drove you out there, where did he --  
16 did you tell him where to stop or did he stop  
17 somewhere?

18 A He just stopped at various spots just looking.

19 Q And who first sighted something out in the woods?

20 A We pulled over to the side of the street that runs  
21 between Wolf Ridge and the service road and were just  
22 walking along the side of the road there and were just  
23 looking into the woods, and that's when I spotted the  
24 pillow slip from my bed in the woods.

25 Q And what did you do at that point?

1' A That's when we went into the woods to look and to  
2 retrieve it.

3 Q And who was with you?

4 A Rodney.

5 Q And did you find the pillow slip from your bed out in  
6 the woods?

7 A Yes.

8 Q And what did you do then?

9 A Picked it up and put it in the Bronco and brought it  
10 back to the house and notified the Prichard  
11 authorities.

12 Q Let me ask you this: Did you and Rodney take those  
13 guns to the police station at that time and say, here,  
14 we found this out in the woods?

15 A No, we did not.

16 Q And who was it that drove you to the location of where  
17 your stolen guns were located?

18 A We rode to find them.

19 Q No, no, sir. Who is it that drove you to the location  
20 of where your stolen guns were found?

21 A Rodney Stanberry drove to find the guns.

22 Q Did you tell Rodney to go out into those woods, to  
23 drive the Bronco out there?

24 A Rephrase the question.

25 Q Did you say, Rodney, I know where the guns are, let's



1' drive, and tell him exactly where to drive? Oh, there  
2 they are. Is that what happened?

3 A No.

4 Q What happened?

5 A No, I did not tell anything of that nature.

6 Q Whose idea was it to drive to the guns?

7 A It was Rodney's idea to go and look for the guns.

8 Q And who knew where to look?

9 A Rodney Stanberry.

10 Q Now, did you recover all your guns that were stolen?

11 A Yes.

12 Q Did you recover your two rings and your watch that were  
13 stolen?

14 A Yes.

15 Q Out of the pillowcase?

16 A Yes.

17 Q And you and Rodney took the guns back to your house; is  
18 that right?

19 A Correct.

20 Q Did you go through the bag?

21 A Yes.

22 Q Was there something else in that pillowcase?

23 A Yes, it was.

24 Q What else was in there?

25 A That right there, the --

1 Q Let me show you a photograph, what's been identified as  
2 State's Exhibit 25, a mask and some gloves.

3 A Yes.

4 Q Was that in the pillowcase?

5 A Yes, it was.

6 Q Is that your mask?

7 A Nope.

8 Q Are those your gloves?

9 A Nope.

10 Q Did that mask come out of your house?

11 A Nope.

12 Q Did those gloves come out of your house?

13 A No, it didn't.

14 Q Were you present when that mask and those gloves were  
15 placed in that pillowcase?

16 A Placed in there?

17 Q Yeah.

18 A No, I was not.

19 Q Now, did Officer Ragland come out to your house the  
20 next day, that Wednesday?

21 A Yes, he did.

22 Q Did he fingerprint around your house?

23 A Yes, he did.

24 Q Did he take photographs?

25 A Yes, he did.

1 Q Did you show him that mask in those pictures there?

2 Did you lay those out on the counter like that?

3 A Gave them to him.

4 Q I'm sorry?

5 A Gave them to him.

6 Q Okay. And what happened then, as far as your guns and  
7 things?

8 A I asked him did he want to fingerprint the guns. He  
9 said he had enough fingerprints.

10 Q Did you keep the guns?

11 A Yes, I did.

12 Q Yourself?

13 A Yes, I did.

14 Q Did you find your wife's keys?

15 A I don't remember finding her keys.

16 Q Well, do you remember coming into possession of them?

17 A I think -- I don't remember. I don't remember coming  
18 into possession of them. I don't even remember if they  
19 were in the bag.

20 Q Now, what about the -- And that was Tuesday, is that  
21 right, that you recovered everything that was stolen  
22 from your house?

23 A Tuesday.

24 Q These are photographs, State's Exhibits Four, Five,  
25 Seven, Six and Eight. Those are photographs taken of

1' you out in the woods; is that correct?

2 A Showing Ragland where we found them at, right, the  
3 exact spot.

4 Q Okay. Let me show you what has been marked as State's  
5 Exhibit Number 22. Do you recognize that photograph?

6 A It's the inside of my house.

7 Q And it's a photograph taken from the position of your  
8 hallway looking out through your back door; is that  
9 correct?

10 A I remember the day he took it, yes.

11 Q And you were standing, in fact, at the back door?

12 A Yeah, that's where he asked me to stand, yes.

13 Q And from the vantage point of where the camera was  
14 taking the photograph, you can obviously see yourself  
15 at the back door?

16 A That's me.

17 Q Does that picture fairly and accurately depict the  
18 location in your house as far as visibility from one  
19 room to the back door of your house?

20 A Say that again.

21 Q Basically, does that picture show that you can see  
22 where the camera was taken all the way to the back door  
23 of your house?

24 A From standing at the front door, yes, you can see the  
25 back door.

1 Q Thank you.

2 MR. JORDAN: We move to introduce State's 22 at  
3 this time.

4 THE COURT: It's introduced.

5 (State's Exhibit 22 admitted in  
6 evidence.)

7 Q I want to show you what's been marked as State's  
8 Exhibits 42 and 43. Have you seen those photographs  
9 before?

10 A Yes, I have.

11 Q Take 42, first.

12 A Okay.

13 Q And when's the first time you saw that picture?

14 A When my friend, Rodney, gave it to Fletcher, Detective  
15 Fletcher.

16 Q And he showed you that photograph?

17 A Yes, I saw it.

18 Q Now, can you identify people in that photograph?

19 A Yes, I can.

20 Q Who is to the far right in that photograph?

21 A To the far right?

22 Q Uh-huh.

23 A That's Rodney.

24 Q Rodney Stanberry; is that correct?

25 A Yes.

1 Q Who's in the middle?

2 A I don't know that gentleman in the middle.

3 Q And who's on the far left?

4 A That's Ponytail, Rene.

5 MR. JORDAN: Judge, we move to introduce 42 at  
6 this time.

7 THE COURT: Let me see it.

8 MR. NIXON: Judge, may I see it?

9 THE COURT: Certainly. Give it to Barbara. It's  
10 introduced.

11 (State's Exhibit 42 admitted in  
12 evidence.)

13 Q And just so the jury can look at it at the same time,  
14 on the right-hand side of this photograph is --

15 A Rodney.

16 Q Rodney. You don't know the man in the middle, and the  
17 person on the left you've identified as being Ponytail?

18 A Yes, sir.

19 Q I show you State's Exhibit Number 43. Have you seen  
20 that picture before?

21 A Yes, I have.

22 Q Is that also a picture that Rodney Stanberry had in his  
23 possession?

24 A That he gave to Fletcher, yes.

25 Q And does it show Rodney Stanberry in that photograph?

1' A Yes, it does.

2 Q Where is he?

3 A Right here.

4 Q Who is the person that's being held on somebody's back  
5 that has a red sweater with, looks like, a baseball cap  
6 on; is that correct?

7 A He's across the guy's back, yes.

8 Q That's Rodney Stanberry?

9 A Yes.

10 Q Do you recognize anybody else in that photograph?

11 A Yeah, the picture that's circled right here.

12 Q And who is that a photograph of?

13 A That's Ihoe.

14 Q Ihoe, or what other names did Rodney call his friend  
15 from New York?

16 A I heard him call him Wish.

17 Q Ihoe or Wish. Did he ever tell you his real name or  
18 his full name?

19 A I think he might have, but I don't remember it. You  
20 know, it was Ihoe or Wish.

21 MR. NIXON: Can I see that photograph?

22 MR. JORDAN: Yes.

23 MR. NIXON: No objection, Judge.

24 MR. JORDAN: We introduce 43.

25 THE COURT: It's introduced.

1' (State's Exhibit 43 admitted in  
2 evidence.)

3 Q Just so the jury can see, again, the person being held  
4 right there is Rodney Stanberry; is that correct?  
5 Mike, is that correct?

6 A Across the guy's shoulder, yes.

7 Q And the person back here in the back with a circle  
8 around his face is who you've identified as Ihoe or  
9 Wish?

10 A With the circle around him.

11 Q Now, that Wednesday night, what were you doing at the  
12 house?

13 A Some of my friends had came by. After the forensic guy  
14 took the pictures and dusted the house and everything,  
15 he said that, you know, I could clean up the house at  
16 that time. He said after he done that you can clean  
17 up. So I was there at the house and some of my friends  
18 came by, like, about three couples came by.

19 Q What did you do -- Did you mop the floors?

20 A They -- my friends and their wives and everything, they  
21 offered to help clean up, and they did everything.

22 Q Was the house mopped?

23 A They did everything.

24 Q Was the house cleaned?

25 A They did everything. They mopped --



1 Q What did you do with the pillowcase that the guns were  
2 in?

3 A It might have gotten thrown away with the other stuff  
4 that was in the room there, the bloody clothes and  
5 stuff like that.

6 Q Bloody clothes, you threw them away. The pillowcase  
7 you threw away?

8 A Probably so, yeah. A lot of stuff got thrown away.

9 Q Now, was anything found by one of your friends at the  
10 house?

11 A Yes, it was.

12 Q What was it?

13 A There was a nine millimeter casing found and a  
14 projectile.

15 Q And the casing, did it -- was it similar to casings  
16 that you have in your house?

17 A Nine millimeter, yes.

18 Q Nine millimeter, the same thing you have?

19 A Nine millimeter, yes, sir.

20 Q And do you know where he found that? Let me say this,  
21 were you present when he found that?

22 A No, I was not present in the room when he found it, but  
23 he did show me where.

24 Q But were you present when he found it?

25 A Not exactly when he found it, no.

1 Q Now, on Thursday -- strike that. A couple of weeks  
2 later, did you have a chance to talk to your wife when  
3 she could finally talk?

4 A When she came out of the ICU.

5 Q And at that time, did she tell you who had gone inside  
6 the house?

7 A She didn't necessarily say who went in the house. I  
8 tried to talk to her, and she could respond.

9 Q Did you ask her if Stanberry had gone in the house?

10 A I asked her did she remember, could she remember who  
11 came in the house on her.

12 Q Was Stanberry one of the people?

13 A That's what she nodded.

14 Q And was Ponytail one of the people?

15 A That's what she nodded.

16 Q Now, that was at that time. Later on, was she able to  
17 talk? Did her speech come back?

18 A It was like months later, whatever, when she finally  
19 was able to talk.

20 Q And regain her ability to talk to where you could  
21 understand her?

22 A Uh-huh.

23 Q That was not immediately when she came out of ICU, was  
24 it?

25 A No, not immediately, no.

1 THE COURT: Did not you just testify that it was  
2 months before she could talk?

3 THE WITNESS: Yes, sir. It was -- She had been in  
4 there all of March, and it was a while before  
5 she actually talked because of the tube in  
6 her throat. Exactly -- Exact dates, I can't  
7 recollect.

8 THE COURT: You said it was over a month; is that  
9 right?

10 THE WITNESS: That's what I think, yes, sir.

11 Q And did you have any idea that your stolen guns were in  
12 the woods where Rodney Stanberry took you before you  
13 found them there?

14 A No, I did not.

15 Q Was anybody else with Rodney Stanberry when he showed  
16 you or when he drove you to the spot of where your guns  
17 were located?

18 A No, there was not.

19 Q It was just the two of you?

20 A Yes.

21 MR. JORDAN: That's all I have.

22 CROSS EXAMINATION

23 BY MR. NIXON:

24 Q Mr. Finley, when did you first meet Rodney Stanberry?

25 A During hunting season one year I was introduced to

1 Rodney by another friend of ours that we hung with.

2 Q How long had you known him before March 2nd of 1992,  
3 the day this happened?

4 A Approximately about three, maybe four years, close to  
5 four years.

6 Q And how old are you, Mike?

7 A I'm 32.

8 Q And where do you work?

9 A Fitzgerald Engineering.

10 Q What do you do there?

11 A I'm a process control tech.

12 Q And how long have you been working there?

13 A I've been in the process control field going on  
14 approximately ten years now, but I've been with  
15 Fitzgerald for a little over a year.

16 Q And when were you married to Valerie Finley?

17 A We were married in July of '87, I want to say.

18 Q Do you remember the year?

19 A It was '82 to be exact, '82 to be exact.

20 Q And you had two children --

21 A Yes, sir, two daughters.

22 Q -- at the time this happened?

23 A Two daughters.

24 Q And what were their ages?

25 THE COURT: He said earlier that their ages now

1                               are 12 and seven.

2                   THE WITNESS: Yes.

3       Q     Twelve and seven now.

4       A     Yes, sir, now.

5       Q     And you are separated -- excuse me. You are divorced  
6             now, correct?

7       A     Divorced, yes, sir.

8       Q     And you have custody of those children?

9       A     Yes, sir, I have custody.

10      Q     And tell us when the divorce was filed.

11      A     It was filed in '92. Let's see. No, it was '93, the  
12             early part of '93 when it was filed.

13      Q     It was after this happened?

14      A     Yes, sir, it was.

15      Q     And up until the day that this happened on March the  
16             2nd, did you have marital problems with Valerie?

17      A     No, sir, we did not, none whatsoever.

18      Q     And after this happened -- How long after this happened  
19             was it before you began having marital problems?

20      A     We started having marital problems after she went into  
21             the Rotary.

22      Q     Okay. She went into Rotary about 30 days after this  
23             happened?

24      A     Yes, sir, when she was released from USA.

25      Q     And did you go visit her there while she was there?

1' A Yes, sir, I did.

2 Q And was it when she was about to be discharged from  
3 Rotary that you found out that there was some major  
4 marital problems?

5 A Yes, sir. That's when our problems started.

6 Q Tell us what happened.

7 A Well, there was times when we'd go to Rotary to visit  
8 her, and my mother would like to come by and see her.  
9 There was times when, you know, you stopped at the door  
10 -- you had to -- We were on a list as to who could come  
11 in and who couldn't, and she didn't want my mother to  
12 visit her, to see her. And I went in there one day to  
13 see her and all of a sudden she told me that she could  
14 have me taken off the list, as well.

15 Q Valerie told you that?

16 A Told me that. And there was one day I went to talk to  
17 her, and I let her know I had went down to the Social  
18 Security office to take care of paperwork for her, that  
19 the lady over at USA, the case worker, had gotten the  
20 paperwork taken care of for me, and I went down there  
21 and did that. And I told her all I had to do was just  
22 send it off for her, and she just said, leave it there,  
23 you know, I don't need you to do it for me. I got  
24 somebody doing it for me myself.

25 Q Okay. Let me back up. Let me back up just a minute.

1' We'll do it in a logical fashion, or try to. You said  
2 that you met these two people from New York  
3 approximately one week before the shooting; is that  
4 right?

5 A Yes, sir.

6 Q And Rodney introduced you to those people.

7 A Yes.

8 Q And there was two people, correct?

9 A Correct.

10 Q And one's name was introduced to you as Ihoe or Wish?

11 A Correct.

12 Q Is that right?

13 A Correct.

14 Q And do you know his real name to be Angel Melindez?

15 A I didn't know his real name.

16 Q You knew his nickname as Ihoe and Wish?

17 A And Wish, yes.

18 Q And the other one's name was introduced to you as --

19 A Rene.

20 Q Rene Barbosa?

21 A I just knew Rene. That's all I remember.

22 Q And did Rodney bring them to your house?

23 A Yes, he did.

24 Q You said he told you that they came down for Mardi  
25 Gras?

1 A To visit him for Mardi Gras.

2 Q Now, when was the first time that you showed your guns  
3 to either one of those two gentlemen?

4 A When we went to target shoot that Saturday.

5 Q And that was the first time they saw your guns? And  
6 did you bring all of your guns?

7 A No.

8 Q How many guns did you bring up there?

9 A That day I had four.

10 Q Did they -- They expressed an interest in buying the  
11 guns --

12 A Yes, they did.

13 MR. JORDAN: Judge, this would be hearsay. This  
14 is all hearsay.

15 MR. NIXON: Judge, he asked him about it.

16 THE COURT: Go ahead.

17 Q They wanted to buy your guns, didn't they?

18 A Yes, sir, yes, they did.

19 MR. JORDAN: Judge, I didn't ask anything about  
20 buying any guns. I didn't ask anything about  
21 any conversations. It's hearsay, and he  
22 knows it's --

23 THE COURT: Go ahead.

24 Q They wanted to buy your guns, didn't they?

25 A Yes.



1' Q And you wouldn't sell them your guns, would you?

2 A No, sir, I wouldn't.

3 Q And Rodney Stanberry told you not to sell them the  
4 guns?

5 A Yes, sir.

6 MR. JORDAN: Judge, again, it's all hearsay.

7 A Yes.

8 THE COURT: Ask him what he did.

9 MR. NIXON: Well, Judge, can I ask him what Mr.

10 Stanberry told him since Mr. Jordan has been  
11 asking him about what Mr. Stanberry told him?

12 THE COURT: Go ahead.

13 MR. JORDAN: Judge, I just object that this is a  
14 way to get it in, and there is a way to get  
15 it in --

16 THE COURT: I think you've objected about four  
17 times. I said he may answer it. Now, go  
18 ahead.

19 Q What did Rodney tell you about selling your guns to  
20 Rene Barbosa and Ihoe or Wish?

21 A That it wasn't a good idea. They were from New York.

22 Q Did he tell you why?

23 A Well, we both knew that in New York, you can't --

24 MR. JORDAN: Now, Judge, again, we both know in  
25 New York this and that. It's hearsay. It's

1                                    opinion. It's mental impression. I'd like  
2                                    to take him on voir dire.

3                                    THE COURT: No. Go ahead.

4            Q    Were you present when anybody tried to buy the guns  
5                                    from Rodney Stanberry, Rodney's gun?

6            A    Yes, sir, we were there. I was there.

7            Q    And Rodney wouldn't sell them his guns, either, would  
8                                    he?

9            A    Yes, sir.

10          Q    Excuse me?

11          A    Yes, sir.

12          Q    He would not sell him his gun?

13          A    Right, he wouldn't.

14          Q    Now, did you help these individuals get some guns,  
15                                    purchase some guns?

16          A    They met a guy who's a collector that I had met.

17          Q    You're a gun collector, aren't you?

18          A    Yes, sir.

19          Q    And you go to gun shows?

20          A    Yes, sir.

21          Q    And Rodney went to gun shows? Y'all went to gun shows  
22                                    together, correct?

23          A    Yes, sir.

24          Q    Now, tell me when this was when you -- Did you  
25                                    introduce them to this guy, or did you give them this

1'           guy's name?

2       A     I introduced them to him.

3       Q     Okay. And do you recall what his name was?

4       A     Charles Hern was his name.

5       Q     When was this that you introduced them to this guy,  
6           Charles Hern?

7       A     That Thursday. One Thursday I introduced them.

8       Q     The Thursday before the shooting?

9       A     Yes.

10      Q     And did you see them purchase guns from Mr. Hern?

11      A     Yes, sir, I did.

12      Q     What kind of guns did they purchase from Mr. Hern?

13      A     They purchased from him -- They purchased three guns  
14           from him.

15      Q     What kind of guns?

16      A     They purchased a nine millimeter.

17      Q     Do you know what brand?

18      A     It was a Glock.

19      Q     A Glock nine millimeter?

20      A     Yes, they did.

21      Q     Okay. What else?

22      A     A little .25 and a .380.

23      Q     And was that the same Glock millimeter that they had up  
24           in Creola, or Axis, when you went up there to shoot the  
25           Saturday before the shooting?

1 A Yes, they did.

2 Q And, specifically, which one of those two men purchased  
3 the guns from Mr. Hern that Thursday?

4 A Rene did.

5 Q That's the one with the ponytail?

6 A Ponytail, yes.

7 Q And where did this transaction take place?

8 A They bought them at a Dairy Queen in Semmes on Highway  
9 98.

10 Q Okay. Now, did you see them, other than the Saturday  
11 night, or other than the Saturday when y'all went to  
12 Axis to shoot, did you see those two men any more  
13 between Thursday and Saturday?

14 A No, I did not.

15 Q Now, let's talk about the Saturday when you went to  
16 Axis to shoot. Who contacted -- Did Rodney contact you  
17 and ask you to go up there and shoot with them?

18 A Yes.

19 Q Now, did Rodney come by your house that day?

20 A Yes, he did.

21 Q And you said that you and Valerie rode up there  
22 together.

23 A Yes, sir, we did.

24 Q And Rodney and -- Who was with Rodney when he came by  
25 your house?

1 A Rene and Ihoe and a third guy named Taco was with them.

2 Q Taco, is that Bernard Jones?

3 A I only know him by --

4 Q You know him as Taco?

5 A Taco, yes.

6 Q So Rodney, Rene and Ihoe or Wish and Bernard Jones or  
7 Taco?

8 A Taco, yes.

9 Q Four people came by your house, and they picked up some  
10 targets, didn't they?

11 A Some targets that I had, yes.

12 Q And were they in Rodney's Bronco at the time?

13 A Yes.

14 Q And then they went up to Axis?

15 A Yes.

16 Q And you and Valerie came after that in your car?

17 A Yes, we did.

18 Q Did Rodney have all of his guns up there at Axis?

19 A No, he didn't have all of them, no.

20 Q He has a pretty extensive gun collection, doesn't he?

21 A Yes.

22 Q And have you seen his gun collection?

23 A Yes, I did.

24 Q Did he have as many or more guns than you?

25 A Not as many as I did.

1 Q He had quite a few guns, though?

2 A Yes, sir.

3 Q And how long did you shoot when you were up in Axis?

4 A We were there about an hour or better.

5 Q And was Rene and Ihoe shooting the Glock nine  
6 millimeter?

7 A Yes, they were.

8 Q Did they shoot some of your guns?

9 A Yes, they did.

10 Q And that Glock nine millimeter was the one they bought  
11 Thursday?

12 A Yes, it was.

13 Q Did Valerie shoot guns?

14 A Yes, she did.

15 Q Did Rodney shoot guns?

16 A Yes.

17 Q And after you left Axis, did y'all go somewhere  
18 together, or did you separate at that point?

19 A We left. Me and Valerie left.

20 Q You didn't see them anymore that night?

21 A No.

22 Q Now, Sunday, did you see Rodney Sunday?

23 A No.

24 Q Did you see Taco or Tyrrell or Angel Melendez or Ihoe  
25 or any of those people Sunday?

- 1 A No.
- 2 Q You went out of town Sunday, didn't you?
- 3 A Yes, we did.
- 4 Q And you went to Mississippi?
- 5 A Yes, sir, we did.
- 6 Q You and Valerie?
- 7 A Yes.
- 8 Q And what time did you get back?
- 9 A About ten o'clock that night.
- 10 Q Had you already made arrangements to leave the children
- 11 with her mother?
- 12 A Yes, sir, we did.
- 13 Q Did you preplan to leave the children overnight with
- 14 her mother?
- 15 A We didn't preplan. We were hoping to get back in time,
- 16 but we didn't, and so she called her mother and let her
- 17 know she'd pick the kids up in the morning.
- 18 Q Whose idea was that?
- 19 A That was Valerie's.
- 20 Q Valerie decided to wait until the morning to go get the
- 21 kids?
- 22 A Yes.
- 23 Q Now, you went to bed. You got up at what time Monday,
- 24 the day of this incident?
- 25 A I got up about six and dressed.

1 Q Is that the normal time you get up?

2 A Yes, sir, about six.

3 Q And what time did you leave to go to work?

4 A 6:30.

5 Q Was Valerie in bed?

6 A Yes, sir, she was.

7 Q Was she awake?

8 A Yes, sir, she was.

9 Q When you left, did you lock the front door?

10 A I don't go out the front door. I go out the back.

11 Q You always go out the back?

12 A Always.

13 Q Was it locked?

14 A Yes, sir, it was.

15 Q Now, describe the front door for me. Did it have a  
16 storm door on it?

17 A It has a solid glass storm door with the hard wood oak  
18 shape stain glass door.

19 Q And that glass door opens outward, doesn't it, the  
20 storm door?

21 A The storm door opens to your right to outside, and the  
22 --

23 Q Does it push in?

24 A No, it does not.

25 Q There's no way you can push that door in without



1'           breaking it, is it?

2       A     No, sir, it can't be done.

3       Q     Okay. And does that storm door have a lock on it?

4       A     Yes, sir, it does.

5       Q     Do you keep it locked?

6       A     The storm door always stays locked.

7       Q     When you got home that day after you were called, did  
8           you notice any damage to the house?

9       A     No, sir, not the front door.

10      Q     Okay. Only on the inside?

11      A     Yes, sir.

12      Q     Now, let's get back. You're at work. Did you have any  
13           conversation with Valerie Finley, your wife, while you  
14           were at work?

15      A     Yes, sir, that morning.

16      Q     And you called her on the telephone, didn't you?

17      A     Yes, sir, I did.

18      Q     What time did you call her that morning, that Monday  
19           morning on March the 2nd, 1995 -- excuse me, 1992?

20      A     After talking with a co-worker who works part time at  
21           Chuck-E-Cheese, we had planned to take our oldest  
22           daughter to Chuck-E-Cheese for a birthday party.

23      Q     That night?

24      A     Yes, we did.

25      Q     And after talking with him, he said he would give us

1 some tokens when we come over, so I called my wife that  
2 morning around 8:30, something to nine, something like  
3 that, and told her he was gonna give us some tokens  
4 when we come in; all we had to do was just let him know  
5 we were there, and I told her I'd see her this evening  
6 when I get in, and that's the last time I talked to  
7 her.

8 Q And what time was that?

9 A That was around 8:30 or 9:00, something like that.

10 Q How do you know that that's what the time was?

11 A Because usually we -- they give the employees who does  
12 not smoke a break around the same time they give the  
13 smokers a break at that time, and that's what it was.  
14 The smokers got a break around eight, something like  
15 that, and, you know, a lot of times the non-smokers  
16 would get five minutes, stop for five minutes in  
17 between time.

18 Q So you talked to her on the telephone at 8:30 or nine?

19 A Yes, sir, somewhere between then.

20 Q And everything was okay?

21 A Yes, sir.

22 Q Did you have a -- what vehicle was operable at your  
23 house that day when you left to go to work?

24 A She had her little new '91 Ford Festiva, and we had an  
25 old Subaru in the driveway.

1 Q And you talked to her about some gas, getting some gas,  
2 didn't you?

3 A I left her ten dollars that morning.

4 Q Where did you leave that ten dollars?

5 A I left it on the head of the bed.

6 Q Okay. Did you tell her to go get some gas with that?

7 A Yes, sir. We needed gas in the car.

8 Q Was the car empty?

9 A When we got back, it was less than a quarter of a tank.

10 Q When you came back that night after the police had  
11 already left, did you find that ten dollars?

12 A Later on, I found five dollars over the sun visor in  
13 the car.

14 Q In the car?

15 A Yes, sir.

16 Q And when did you find the five dollars over the sun  
17 visor in the car?

18 A When I got ready to use the car. Tuesday or that  
19 Wednesday when I got ready to drive it over to the  
20 hospital, that's when I noticed that the money was  
21 there.

22 Q The day after the shooting?

23 A Yes, sir.

24 Q And did the car have gas in it at that time?

25 A Yes, sir, it did.

1 Q So someone had taken five dollars of the ten dollars  
2 and bought some gas and put it in the car?

3 A Yes, sir, they did.

4 Q And was the car parked in the same place when you got  
5 there as it was when you left?

6 A Yes, sir. It was parked right on the side of the house  
7 in the driveway.

8 Q Is that where it was always parked?

9 A Yes, sir.

10 Q The next time that you heard anything, you received a  
11 call from Valerie's sister?

12 A Yes.

13 Q And you said that was at 11:45?

14 A Yes, sir.

15 Q How do you know it was at 11:45?

16 A Just like I say, we had already broke for lunch. We  
17 were on lunch break, and I was sitting there, had made  
18 my sandwich, and we only get 30 minutes. That's why I  
19 figured it was between 11:40 and 11:45.

20 Q What time do you take lunch every day?

21 A 11:30. I had made one sandwich and had eaten it and  
22 was getting ready to make me another one.

23 Q What is Valerie's sister's name, the one that called  
24 you?

25 A Brenda Gay.

1 Q And she had told you that Valerie had fell?

2 A Sounded like Valerie had fell.

3 Q Did she tell you that she was talking to Valerie on the  
4 telephone?

5 A No, she did not.

6 MR. JORDAN: Judge, all of this is hearsay.

7 MR. NIXON: Judge, Ms. Gay is here, and she's  
8 under subpoena.

9 MR. JORDAN: It's all hearsay, Judge. It's still  
10 hearsay. I object to it.

11 MR. NIXON: Are you finished?

12 THE COURT: Go ahead.

13 MR. NIXON: Thank you.

14 Q Did she tell you that she had been talking to Valerie  
15 that day?

16 A No, sir, she didn't. She didn't tell me.

17 Q Now, you say you left work?

18 A Yes, I did.

19 Q Approximately what time did you leave work?

20 A I left work, probably, about 11:50, 11:55, something  
21 like that.

22 Q And went straight home?

23 A Yeah. When I got the call and I talked to her, that's  
24 when I left and went straight home.

25 Q And how long does it take to get home from your work?

1 A About 15, 15 minutes.

2 Q The police had already left when you arrived?

3 A Yes.

4 Q Did you see Eddie Ragland or any other police --  
5 Lebarron Smith or any other police officers at your  
6 house that day?

7 A No, sir, I did not.

8 Q Did you talk to any police officers that day?

9 A No, sir.

10 Q The Monday, the day of the shooting?

11 A No, sir.

12 Q How long did you stay at the house before you went to  
13 the hospital?

14 A I wasn't there -- I don't think I was there 15 minutes.

15 Q Okay. You realized while you were there that your guns  
16 had been stolen, did you not?

17 A Yes, sir.

18 Q And did you call the police at that time and tell them,  
19 or did you just go straight to the hospital?

20 A I went to the hospital.

21 Q You were concerned about your wife?

22 A Yes, sir.

23 Q And when you arrived at the hospital, were there any  
24 police officers there?

25 A No, sir.

1 Q Did you tell that police that day that your guns were  
2 stolen?

3 A I think I called. I might have talked to Detective  
4 Smith that night when I called over there. I can't  
5 recall.

6 Q Did you talk to Rodney Stanberry that afternoon?

7 A Yes, sir.

8 Q And what time did you first talk to him Monday  
9 afternoon?

10 A Maybe two, one or two, somewhere along in there.

11 Q Did he call you or did you call him?

12 A I called him.

13 Q And you called him from where?

14 A From the hospital.

15 Q And why did you call him from the hospital?

16 A I called him and asked was his friends still in town.

17 Q Why would you ask that question, Mr. Finley?

18 A Because my house had been broken into. My guns were  
19 stolen.

20 Q And you suspected that those people might be the ones  
21 who did it because they had been trying to buy them?

22 A Yes, sir.

23 Q And where did you reach Mr. Stanberry when you called  
24 him?

25 A At home.

1 Q And tell us about that conversation.

2 A I just told him that I was over at the hospital; my  
3 wife had been hurt. And I was asking was his friends  
4 still in town because my guns were missing; they were  
5 gone. And I told him she was in the emergency room or  
6 whatever, that she had been hurt. And he said, I'll  
7 get back with you.

8 Q Okay. And did he get back with you?

9 A Yeah. I called him back a little later.

10 Q About how long later, do you recall?

11 A Probably about, maybe, about two hours, something like  
12 that, had passed.

13 Q You called him at home?

14 A Yes, sir.

15 Q Tell us about that conversation.

16 A When I called him at home, that's when he told me that  
17 --

18 THE COURT: He can tell us what he said, but let's  
19 don't get into unnecessary hearsay.

20 MR. NIXON: Judge --

21 A That's when he told me that he found out that they did  
22 -- had went in my house, his friends went in my house  
23 and that Ihoe did shoot my wife.

24 Q Okay. And he told you that that evening?

25 A That evening and --



1' MR. JORDAN: Judge, all this is hearsay. It's  
2 improper and it's not --

3 THE COURT: I sustain the objection.

4 Q Okay. And what else did he tell you about that, did  
5 Rodney tell you?

6 A He said that's what they had done, and --

7 Q Did he tell you anything about where they were?

8 A No, sir. He didn't say where they were. They might  
9 have gone back to New York already.

10 Q Did he tell you that he was trying to do anything or  
11 what he was trying to do?

12 MR. JORDAN: Judge, all this is, all this is  
13 hearsay.

14 THE COURT: Sustain the objection.

15 MR. NIXON: I'm talking about Rodney, Judge.

16 MR. JORDAN: That's hearsay.

17 THE COURT: Sustained.

18 MR. JORDAN: Thank you, Your Honor.

19 MR. NIXON: Judge, can I ask him what Mr.

20 Stanberry told him in that conversation he  
21 was going to do?

22 THE COURT: No.

23 Q Okay. After that conversation -- I can't ask you  
24 anything about that conversation. After that  
25 conversation, what, if anything, did you do?