

TESTIMONIAL IMMUNITY AGREEMENT

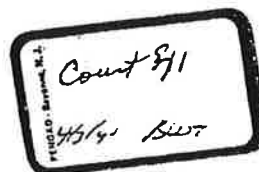
It is the understanding of the Mobile County District Attorney's office that Terrell Moore may have relevant knowledge of the facts surrounding the attempted murder of Valerie Finley. This testimonial immunity agreement, if signed and approved by Assistant District Attorney Joe Carl Jordan, by Mr. Moore and by his attorney, Robert F. Clark, sets forth the terms and conditions governing Mr. Moore's interview, and, furthermore, is reduced to writing to avoid any future misunderstandings concerning the details of the agreement:

1. Terrell Moore hereby agrees to be interviewed by law enforcement authorities concerning all knowledge he may have about the attempted murder, the burglary, and the robbery of Valerie Finley which occurred on March 2, 1992.

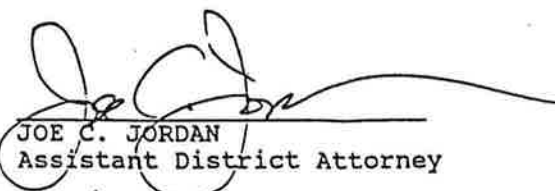
2. Any and all statements made and information provided at the interview by Mr. Moore will be both truthful and complete; Mr. Moore will not withhold any material or requested information for any reason.

3. No statements made by Mr. Moore during his interview will be used against him as substantive evidence in any criminal case whatsoever, including the attempted murder, burglary, and robbery of Valerie Finley. Moreover, no information or evidence furnished by Mr. Moore during the interview, and no information or evidence derived from the interview or discovered by the prosecution as a result of the interview, will be used as substantive evidence against Mr. Moore in any criminal case whatsoever, whether the same could have been independently discovered or not. This immunity does not extend to trial testimony. In order for any trial testimony given by Mr. Moore to be immunized from use in other proceedings, a separate testimonial immunity agreement will be required. Further, if Mr. Moore gives trial testimony that is materially different from any statements made or provided during his interview, then the attorney for the prosecution may cross-examination Mr. Moore regarding any such statements made or provided, for purposes of impeachment. In the event Mr. Moore wilfully makes materially false statements during the interview, the terms of this agreement are null and void. This provision is intended to protect the State of Alabama from the effects of any materially false statements and to ensure that Mr. Moore understands that he has no license to lie. If a dispute arises as to whether this agreement has been breached, including whether or not Mr. Moore has wilfully made materially false statements during the interview, such dispute shall be submitted to and determined by the Circuit Court of Mobile County, Alabama.

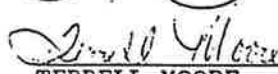
JG




1055
APPROVED:


JOE C. JORDAN
Assistant District Attorney

APPROVED:


TERRELL MOORE

APPROVED:


ROBERT F. CLARK

DATE:

4/2/93

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S W O R N S T A T E M E N T

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T E R R E L L M O O R E

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ORIGINAL

Count
2
FENDAB - Baytown, N.A.
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The fact that the prosecutor and the police tried but could not corroborate this story directly refutes Appellant's claims in brief on pages 37 and 38 that the State knew this evidence was exculpatory and failed to comply with Brady v. Maryland, 373 U.S. 83, 87 (1963) by granting an immunity deal to keep this evidence out of court. This is unfounded. No one appears to have put a gun (literally or figuratively) to Moore's head to get him to agree to talk in exchange for immunity and furthermore the prosecutor explained the "Hobson's choice" he was faced with. Defense counsel and his investigator ferreted out Moore and got a conversation with Moore recorded on a cassette tape and then got a videotape of Moore made by defense counsel's investigator. (R. 27-28) Defense counsel then contacted the prosecutor and said somebody else had confessed but would not give him the information or taped statements. (R. 27) The prosecutor "as part of his investigation in attempting to give the defendant any credit for what may have existed out there that may have been credible" (CR. 29) subpoenaed Moore to the grand jury. (R. 28)

But in between defense counsel's investigator getting Moore's statements and the grand jury proceeding defense counsel's investigator recommended to Moore that

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The sworn statement of TERRELL MOORE.

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was taken at the law offices of

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Clark, Deen & Copeland, 207 Church

14

Street, Mobile, Alabama on the 2nd day of

15

April, 1993, commencing at approximately

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2:00 p.m.

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19

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A P P E A R A N C E S

CLARK, DEEN & COPELAND
ATTORNEYS AT LAW
207 CHURCH STREET
MOBILE, ALABAMA 36652

BY: ROBERT F. CLARK, ESQ.

JOE CARL JORDAN,
ASSISTANT DISTRICT ATTORNEY
MOBILE COUNTY COURT HOUSE,
MOBILE, ALABAMA 36652

BY: JOE CARL JORDAN, ESQ.

CAROL C. COOK
COURT REPORTER

ALSO PRESENT:
LEBARON SMITH

S T I P U L A T I O N

It is stipulated and agreed by and between the parties hereto, through their respective counsel, that the statement of TERRELL MOORE, may be taken before Carol C. Cook, at the law offices of Clark, Deen & Copeland, 207 Church Street, Mobile, Alabama on April 2nd, 1993.

It is further stipulated and agreed that this statement is taken pursuant to the Alabama Rules of Civil Procedure. The provisions of Rule 32(d)(3) dealing with waiver of errors and irregularities as to the taking of the statement apply fully to this statement.

Notice of the statement and any errors or irregularities therein (Rule 32(d)(2)) and any objections to the qualifications of the officer before whom this statement is taken (Rule 32(d)(2)) are waived.

The submission of the statement to the witness for reading to or by him and the signing of the statement by him (Rule 30 (e)) is waived.

Notice of filing of the statement (Rule 30

1 (f)(3)) is waived.

2 Any other technicality or defect in the
3 taking of this statement not otherwise covered by
4 the terms of this stipulation is waived.
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15 I, Carol C. Cook, Commissioner and Court
16 Reporter, certify that on this date, as provided by
17 the Alabama Rules of Civil Procedure and the
18 foregoing stipulation of counsel, there came before
19 me at the law offices of Clark, Deen & Copeland, 207
20 Church Street, Mobile, Alabama on the 2nd day of
21 April, 1993, commencing at 2:00 p.m., TERRELL MOORE,
22 witness in the above cause, for oral examination,
23 whereupon the following proceedings were had:

1 TERRELL MOORE,

2 after having first been duly sworn to speak
3 the truth, the whole truth and nothing but the
4 truth, was examined and testified as follows:

5
6 Mr. CLARK:

7 For the record, I have discussed the facts
8 with Mr. Moore, and he tells me that the statements
9 he is making this morning is the truth. And since
10 it's unsworn, there will be no possibility of
11 perjury or anything, but it's my understanding that
12 this is the truth, so let's go from here. Ask him
13 whatever you want to ask him.

14 MR. JORDAN:

15 Okay. Well, we're interested in March 21st,
16 1992 where an incident occurred at the home of
17 Malthus and Valerie Finley in Prichard where Mrs.
18 Finley was shot in the head. We would like for you
19 to give us any information that you know about this
20 incident.

21 MR. CLARK:

22 Let's go from the very beginning. He met
23 these people prior to the incident, the day of the

1 accident, so let's start with when you met them, how
2 you met them and where you met them, everything
3 about the first introduction. Okay?

4 EXAMINATION

5 BY MR. JORDAN:

6 Q That's fine.

7 A The way I met them was --

8 Q Well, tell us their names.

9 A Wish and Rennie.

10 Q Rennie?

11 A Rennie, right. I met them through Taco.

12 Q And Taco being whom?

13 A Danard Jones. Danard called me one day and
14 asked me to come up to a motel. He didn't
15 specifically say, you know, what about. He just --

16 MR. SMITH:

17 What motel?

18 A Motel 6.

19 MR. CLARK:

20 On the interstate here, just off of
21 Interstate 10?

22 A I'm not quite sure. We talked for awhile.
23 The guys paid me a hundred and fifty dollars; from

1 my understanding. Taco told me that it was just to
2 show them around town because they was only here for
3 Mardi Gras and I was the only one that was -- that
4 had a car; they would be working, and he wouldn't be
5 able to take them around.

6 Okay. So, I took the hundred and fifty
7 dollars from them thinking that was that. So, from
8 that point on, from that day, everything was
9 settled. I'd just take them around town and that
10 would be that. So, I left after that, after that
11 little meeting. We had nothing else to talk about,
12 so I left.

13 And a few days -- what -- that morning,
14 during that weekend, I believe, Taco called me and
15 told me that he wanted me to come to the motel
16 again, they had something to talk to me about.

17 So, I went to the motel and talked to them.
18 And Taco told me -- he said, look, I'm going to tell
19 you just like this. He said, these guys -- they paid
20 you a hundred and fifty dollars. He said, it's not
21 for you to take them around town, they're planning
22 on making a hit. I said, well, what you mean. He
23 said, they need some guns, they came down here to

1 buy some guns.

2 He said, and the guy that they supposed to
3 get the guns from, he wouldn't sell them to them, so
4 they want to get him, they want to make that -- want
5 to make it look like a robbery or whatever and get
6 the guns and leave.

7 I said, well, I want to give them they money
8 back, I don't need no part of this. If you give
9 them they money back, they're going to come get your
10 family. They put me in a pressing situation from
11 there. I just said okay, and I left it alone.

12 That morning, in the morning -- I'm not sure
13 what time it was -- I met Wish and them at the
14 motel. They changed motels, and they left one motel
15 and went to another one. Motel 6 on the service
16 road on the beltline or whatever, that's the one --
17 I know that's the last one they went to to check in,
18 and they said everything is in perspective, go get
19 the guns.

20 He said, just make it look like a robbery,
21 all we want is the guns; after you get the guns, he
22 said, come back here and we'll leave from there. I
23 said okay. He left going to the house. Wish told

1 me in the car -- he said, look, I'm going to do it
2 like this. I'm going to walk up to the door and
3 knock on it and sees if anyone answers. If don't no
4 one answer, he said, I'm going to go around the
5 back, and we're going to go in through the back.
6 He said, but if someone answers, you know, I'll take
7 it from there.

8 So, he knocked on the door. The lady came
9 to the door. So, Wish told the lady -- he said,
10 your husband left a package for me to pick up. So,
11 the lady said, hold on, well, let me go call him and
12 see what he's talking about; he didn't tell me
13 anything about it.

14 So, during the time when the lady turned her
15 back to go to her phone, Wish reached in and put a
16 gun to her head and demanded the guns, told her
17 don't holler or whatever. I got out my car then and
18 went in the house. And prior to entering the house,
19 I put a mask on over my face to cover myself. All
20 right. After covering my face, Wish kept asking the
21 woman where's the guns, where's the guns, and she
22 kept telling him she don't know what he's talking
23 about.

1 He said, well, lady, I'm going to kill you
2 if you don't tell me where the guns are. So, the
3 lady said, please don't kill me; I have children,
4 and then she showed him pictures of her children.
5 And then I walked up to her and I said, lady,
6 please -- I said, please tell him where the guns is
7 at. I said, he won't hurt you. I said, just tell
8 him where the guns is at and he will leave.

9 I said, he won't hurt you. I said, just
10 tell him where the guns is at and he'll leave. She
11 said, please -- she said, please don't let him hurt
12 me. I said, I promise I won't let him hurt you;
13 just tell him where the guns is at.

14 She gave us the key to the cabinet, a steel
15 cabinet that's in her hallway where the guns were.
16 I got the guns, I put them in a pillowcase and I
17 went in the bedroom. I got a .38, it looked like, on
18 her headboard and I walked out.

19 I snatched the telephone off the wall to try
20 to make it look like a robbery, as he said. Then
21 Wish took her to the bedroom, and I was going to the
22 back door. And on the back door it had a dead-bolt
23 lock where a key can open it. So, I went to Wish,

1 and I told him that the door had a bolt lock on it.
2 and I needed to get the key to it.

3 He demanded the key from the lady, and the
4 lady gave him the key. So, as I opened the back
5 door and grabbed the guns to proceed to walk out, I
6 heard a gunshot. So, I panicked then. I ran back
7 and saw the lady laying on the floor suffering from
8 a gunshot to the head. And I asked him -- I said,
9 man, why you shoot the lady; man, she had already
10 gave you what you wanted, why you shoot her.
11 He said, because she recognized my accent; she know
12 who I am.

13 So, I said, man, you didn't have to shoot
14 the lady. You know, I was panicked and I was
15 scared. He said, shut up, he said, or I'm going to
16 do you too. So, I proceeded to go grab the guns and
17 get in the car. I had already took my mask off
18 entering my car, so I put the car in -- I mean,
19 reverse. And as I was backing up, I noticed there
20 was a guy working on a car in the circle.

21 So, as I pulled off, I saw the guy run
22 across the street through my rearview mirror, and we
23 proceeded to hit the service road going to the Motel

1 6 -- we went to the Motel 6 -- and there Taco and
2 Rennie waited. As we got there Rennie asked the
3 question: Did you get the guns. Wish told him,
4 yeah, they're in the car.

5 And I had told Taco -- I called Taco to the
6 side, and I said he shot that lady, man; he shot her
7 in the head. And Taco went to Rennie and told
8 Rennie, and Rennie asked Wish why did you shoot the
9 lady. And Wish told him the same thing he told me,
10 that she would have recognized him or whatever.

11 So, during that time Rennie asked for me to
12 take them to the bus stop, and I told him, no, I
13 refused to; I was in over my head as it was. He
14 said, look -- I said, if you're going to kill me, go
15 ahead and kill me now, I said, because I refuse to
16 take you. He said, well just take us to Airport
17 Boulevard. So, I took them to the west end on
18 Airport Boulevard.

19 They said they was going to catch a cab from
20 there and go to the bus station, which they left me
21 and Taco with the guns. They left and ordered Taco,
22 for him to hide the guns and for him to ship the
23 guns to them to New York the way he could, and he'll

1 get paid when they receive the guns. Okay.

2 So, me and Taco went to his ex-girlfriend's
3 house, wasn't no one there. Her name was Ester
4 Jones. We hid the guns under her house and we left
5 after that. I took Taco on home and I went to the
6 house. I was really shaken up about this incident.

7 So, a few hours later Taco called me and
8 told me that Stan knows about what happened because
9 the guy confronted him about it, this and that, and
10 Taco told me he'll keep me up-to-date on what's
11 happening. So, he told me he was going to go take
12 Stan to where the guns were or whatever.

13 But later on that day, Taco told me that him
14 and his ex-girlfriend had picked Rennie and Wish up
15 from the bus station and took them to Pensacola to
16 catch the bus because the police were going to --
17 they was hot on their trail, and they knowed if they
18 took them to the bus in Pensacola and go to New
19 York, it wouldn't be no tracing them from there.

20 Prior to them going to Pensacola Wish gave
21 Taco the 9 millimeter, the gun that was used to
22 shoot the lady in the head, the 38 that I had. It
23 wasn't loaded. He didn't give me, you know, the

1 pistol that was loaded. And prior to that, it was
2 in a pawn shop. I pawned it so --

3 Mr. CLARK:

4 You mean after this you pawned it?

5 A Yes, after the incident I did. I did pawn
6 the pistol. So, whatever happened --

7 Q Where did you pawn it?

8 A Abe's Pawn Shop.

9 Mr. CLARK:

10 Where?

11 A On Springhill.

12 Q Whatever happened to the pistol after then,
13 Taco the only one that know. I don't know where the
14 pistol is. I done tried to talk to him and "crack"
15 him about it, but he didn't tell me. The only thing
16 I know is he was supposed to have sold it for one
17 seventy five.

18 MR. CLARK:

19 Is this the 9 millimeter you're talking
20 about?

21 A Nine millimeter, that was the gun that was
22 used to shoot the lady in the head.

23 MR. CLARK:

1 Who was the last person you know who had it
2 pawned or sold for a hundred and seventy-five
3 dollars?

4 A Yes, sir.

5 Q You don't know who he sold it to?

6 A No, sir. It was -- I cracked him about it
7 one time, and it led me to one person. The name was
8 "Boo". I don't know his real name. All I know is
9 "Boo". And I went to "Boo" and asked him about the
10 pistol, and told him where I wanted the pistol and
11 what I needed it for because I was in a situation
12 where the person was trying to put the case on me.

13 So, he told me that Taco confronted him with
14 a pistol, but he said he did not buy the pistol
15 because Taco wanted too much for it; he could buy a
16 pistol like that off the street less than what Taco
17 offered. So, he said he bypassed it. So, whatever
18 happened to the pistol, I don't know.

19 Q Is this the same pistol that was supposed to
20 have went to Abe's Pawn Shop?

21 A What, the 9 millimeter?

22 Q Yes.

23 A That was a 38 that went to Abe's Pawn Shop.

1 It hadn't been fired or nothing.

2 Q What kind of car were you driving back then?

3 A A Mercury Capris. It's shaped like a
4 Mustang. It was blue and silver.

5 Q You said Taco nor Jones knew what was going
6 to happen?

7 A Apparently so, he knew because he stayed at
8 the motel with the guys the whole while they was
9 down here. So, he knew what was going down because
10 he was around them, and all he did was just put me
11 into something, you know, that he already knew about
12 and didn't tell me about.

13 Q I thought you mentioned something about Taco
14 told you that it was going -- he was down here for a
15 hit?

16 A Sir?

17 Q You mentioned something about Taco told you
18 that the guys was down here, for a hit.

19 A That was after they paid me the money, and I
20 had spent the money.

21 Q What were you talking about then?

22 A The guys going to the lady's house and
23 making it look like a robbery for the guns. That's

1 why they wanted the guns.

2 Q What I'm asking you is: You were telling me
3 that Taco told you something about these guys was
4 going to make a hit?

5 A That's what I was referring to.

6 MR. CLARK:

7 What do you mean when you say a hit; you
8 mean a robbery, you mean to kill somebody you mean
9 to --

10 A A robbery.

11 Q Did he go into specifics that these guys was
12 going to make the hit at the Finley's house? That's
13 what I'm asking you.

14 A Yes, he did say the Finley's house, but he
15 didn't say -- he didn't tell me where, or he just
16 said the guys that they met -- all of them met
17 because they went to the gun range some way or
18 another. They went to the gun range. That's how
19 all of them met, but I didn't go to the gun range,
20 see, so they don't know me. So, that's what I
21 meant.

22 Q When did Taco say that?

23 A Either that Saturday or that Sunday going

1 into that Monday that it happened.

2 Q They had told you they was going to make the
3 hit on the Finley's house?

4 A Yes, sir. Yes, sir, after I spent the
5 money.

6 Q So, they just gave you a hundred and fifty
7 dollars, more or less, to ride where they wanted to
8 ride?

9 A They gave me a hundred and fifty dollars.
10 They gave me a hundred and fifty dollars, what he
11 had told me was, to show them around town being that
12 they was from New York, and they was not from here;
13 they was only down here for the Mardi Gras. That's
14 what was explained to me. Mardi Gras, that was what
15 was explained to me that, you know, we'll probably
16 go out to the parties or whatever, but that wasn't
17 because of the Mardi Gras, but that is what they led
18 me to believe.

19 Q Are you the owner, or were you the owner at
20 the time of that Capris?

21 A Yes, I were.

22 Q Where is that car now?

23 A I sold the car because the motor went bad.

1 Q Who did you sell it to?

2 A I sold it to my cousin.

3 Q Who is that?

4 A Timothy French (phonetic).

5 Q Where does he live?

6 A West Mobile, I don't know the name of the
7 street.

8 Q But the car was in your name at that time?

9 A Yeah.

10 Q In the name of Terrell Moore?

11 A Yes, sir, I had the title.

12 Q In your name?

13 A And the bill of sale.

14 Q Does he still have the car?

15 A No, as far as I know he sold it.

16 Q Who did he sell it to?

17 A I'm not sure.

18 Q Can you remember Timothy French's phone
19 number?

20 A He don't have a phone, he just got an
21 apartment.

22 Q What's that address?

23 A All I know is it is only an apartment. I

1 don't know. I'm sorry. It's only an apartment and
2 I don't recall. I don't know.

3 Q Describe that Mercury Capris.

4 A It's blue and silver or either blue and
5 gray. It has a sunroof at the top and it did have
6 rims on it. I'm not sure what it looks like now.
7 It has a busted window out from where somebody
8 busted my window to get inside my car.

9 Q Who were you staying with during that time?

10 A I was staying with my baby's mother, Carol
11 Williamson.

12 Q Is that the address where you were staying
13 at?

14 A Lynnwood Courts.

15 Q What number?

16 A This was on Bragg Avenue. I don't have my
17 license. I don't remember.

18 Q Whose name was the phone in, the phone bill?

19 A Mine I think.

20 Q You are sure?

21 A Yes, sir.

22 Q Do you remember your telephone number there?

23 A No, sir, the last three or four digits is

1 6799.

2 Q Did you know these guys before you met them
3 that time in Mobile?

4 A No, sir.

5 Q Did you ever talk to them before then?

6 A No, sir.

7 Q Can you describe the mask to us that you
8 wore?

9 A It was a green cloth, sweater-like ski mask.

10 Q And that is all you wore was that mask?

11 A That ski mask and some camouflage pants,
12 a black shirt.

13 Q Black shirt? Do you remember what kind of
14 shoes you had on?

15 A Tennis shoes.

16 Q Now, describe the kind of gun that the guy
17 used to shoot the lady?

18 A It was a 9 millimeter.

19 Q What kind?

20 A That's all I know, it was a 9 millimeter.

21 Q Do you know the manufacturer?

22 A I'm not sure.

23 Q Do you know how much it was?

1 A No, sir.

2 Q The 38 that you pawned, was that taken
3 during that incident; that is what you're telling
4 us?

5 A Sir, well, after that incident I had kept it
6 for awhile. I just used it for -- like, when a bill
7 came in that I couldn't pay right off, I pawned the
8 gun.

9 Q You are saying that came from that house
10 then?

11 A No, sir, it didn't come from the house.
12 Wish gave me that gun.

13 Q From the house?

14 A Before he entered the house.

15 Q So, he had that? Was it stolen?

16 A No, sir.

17 Q Are you the one that took all the guns?

18 A Yes, sir.

19 Q Describe what you put them in.

20 A A pillowcase.

21 Q Describe that to us if you would.

22 A All I know is it's just -- it just looked
23 like a pillowcase and --

1 MR. CLARK:

2 The color, what was the color of it?

3 A It was a light white or a beige or a cream
4 or whatever.

5 Q And tell us, again, what you did to it to
6 make it look like a robbery? You said you snatched
7 something off the wall?

8 A I just pulled the phone cord off the wall
9 and --

10 Q So, the bedroom where the phone was, you
11 ripped it out of the wall?

12 A Yes, sir. It was some jewelry on the
13 dresser, I pulled them in the pillowcase also.

14 Q Describe that jewelry.

15 A A watch and a ring. That was about it.
16 That was all. Everything was left in the
17 pillowcase.

18 Q Describe Wish to us.

19 A Wish is mild complexion, brown skin. He's
20 about 5'11. 5'10, brown hair.

21 Q Describe his hair to us.

22 A Low cut. He wore --

23 Q Below the ears?

1 A Yes, he had a low cut all the way around.

2 Q Describe Rennie to us.

3 A Rennie is like -- he was like Puerto Rican.
4 He was light complexion, long, black hair.

5 Q When you say long --

6 A Yes, long.

7 Q -- you mean, like, a ponytail?

8 A Yes, a ponytail, that's what he wore then.

9 Q So, Rennie had a ponytail and Wish did not
10 have a ponytail?

11 A Right.

12 Q Have you ever been to that house before?

13 A Never, no, sir.

14 Q Never ever?

15 A Never ever.

16 Q Have you been there since?

17 A No, sir.

18 Q Has Rodney Stanberry come to you since that
19 happened?

20 A I saw Rodney one time, and that was in the
21 mall. That's been it.

22 Q What did he say to you?

23 A Nothing. He just was telling me, you know.

1 that he was telling me more about the case. That
2 was mainly it.

3 Q Has he ever seen your car?

4 A Stanberry?

5 Q Yes, sir.

6 A Yes, sir, he had saw my car.

7 Q How did he see that?

8 A The night when we had met at the motel; when
9 Taco called me Stanberry was there with his
10 girlfriend and, you know, he saw my car then.

11 Mr. SMITH:

12 Where did the lady get the keys from for you
13 all to get the guns?

14 A I'm not sure, sir.

15 MR. SMITH:

16 You don't know where she produced them from?

17 A No, sir, I wasn't watching.

18 MR. SMITH:

19 Okay. I thought you said that you told her
20 please get the key?

21 A Right, but she was giving the keys to Wish.

22 MR. SMITH:

23 You didn't observe where she got the keys

1 from?

2 A No, sir, I didn't observe. All I know is
3 Wish gave me the keys.

4 MR. SMITH:

5 And what did you do with them?

6 A I proceeded to open the cabinet and get --
7 give him the guns.

8 MR. SMITH:

9 She told you where the guns were?

10 A After he gave me the keys, yes, sir.

11 BY MR. JORDAN:

12 Q Describe the cabinet to us.

13 A It was a gray -- like a file cabinet, a gray
14 cabinet with doors on it.

15 Q And tell us in detail, again, who entered
16 the house first?

17 A Wish entered the house first.

18 Q You mentioned some people out there working
19 on a car. Were they working on the car when you
20 drove up?

21 A No, sir.

22 Q No cars were out there when you drove up?

23 A No, sir.

1 Q And nobody was outside when you drove up?

2 A No, sir.

3 Q How long were you inside the house? Were
4 you in a hurry or were you taking your time?

5 A In a hurry.

6 Q So, we're talking maybe how much time?

7 A Probably fifteen minutes at the most, if
8 that long.

9 Q Probably maybe quicker than that?

10 A Probably so.

11 Q And when you came outside, you said then
12 there were cars parked outside?

13 A Yes, sir.

14 Q How many?

15 A I just saw a car, it was kind of, like,
16 champagne, pink and the guy was under the hood.

17 Q Did you know that guy out there?

18 A No, sir.

19 Q Was he the only person out there when you
20 came outside?

21 A Well, he was the only one I saw.

22 Q Did you have a conversation with him?

23 A No, no conversation.

1 Q Still have your mask on?

2 A No, sir.

3 Q Now, so, Wish went in the house, the front
4 door?

5 A Yes, sir.

6 Q Describe that front door to us.

7 A It was like -- this was a wood door with an
8 outside -- with a glass in the middle, one with
9 glass in the middle.

10 Q And he knocked on that wooden door?

11 A I guess.

12 Q Did you hear him knock on it?

13 A Knock or either ring the door bell. I'm not
14 sure.

15 Q Where were you?

16 A I was in the car.

17 Q In the driver's seat?

18 A Yes, sir.

19 Q So, he went to the door by himself?

20 A Right.

21 Q And when did you go inside?

22 A I went inside right after they entered --
23 after they entered, I got out the car and proceeded

1 to go inside.

2 Q Tell us what you saw as you entered the
3 house?

4 A Wish -- Wish had the 9 millimeter at the
5 lady's head demanding the guns.

6 Q Where was the lady?

7 A In the living room.

8 Q What was she doing?

9 A She was pleading for her-life.

10 Q And then what happened, detail by detail?

11 A After he put the gun to her head she was
12 pleading for her life when I entered, and Wish kept
13 asking the lady where the guns were, where the guns
14 were. I approached the lady with my mask on. I
15 asked the lady -- I said, lady, please tell him
16 where the guns are. I said, he won't hurt you, just
17 tell him where the guns are.

18 She said that she was -- had children, this
19 and that, please don't hurt her. I said, he won't
20 hurt you, just tell him where the guns are. So,
21 prior to that, some way or another, I walked out and
22 went to the back room.

23 Q Which room did you go to?

1 A I went in the children's room looking for
2 guns. And Wish, by that time, gave me the keys to
3 the box, and I opened the box. I grabbed a
4 pillowcase off of one of the children's --

5 Q Where was Wish?

6 A Wish and the lady is in the living room.

7 Q Can you see them?

8 A Kind of when I'm putting the guns in the
9 pillowcase; yes, sir I could see them.

10 Q You could see Wish?

11 A Yes, sir.

12 Q Where is the lady?

13 A Sitting in the floor in the living room.

14 Q Go ahead. Tell us everything you took out
15 of the cabinet?

16 A I took a rifle, like, a rifle out, probably
17 about two or three handguns and there was a lot of
18 more other guns that I don't know anything about.

19 Q That is everything you took?

20 A Yes, sir, plus the jewelry out the bedroom,
21 that was also put in the pillowcase.

22 Q Did you put the jewelry in before or after
23 the guns?

1 A After the guns.

2 Q So, then you came out of the bedroom and
3 what did you see then?

4 A Yes, sir, after I came out the bedroom I was
5 walking through the hall going toward the back door,
6 and Wish had asked the lady to get up and he walked
7 her to the bedroom, to their bedroom. And I told
8 Wish that it was a dead-bolt lock on the back door,
9 we needed the key to it, so he asked the lady for
10 that. The lady gave it to him.

11 So, when I turned to unlock the door, and
12 walked out with the gun, I heard the fire and I ran
13 back in. I saw Mrs. Finley lying on the floor
14 suffering from the gunshot to her head.

15 Q Describe her to us. That is the first time
16 you had ever seen her?

17 A That's the first time I had ever seen her.

18 Q Describe her to us,

19 A She was short and stocky, stout.

20 Q Can you describe anything else about her?

21 A No, sir.

22 MR. SMITH:

23 You don't remember her complexion or

1 anything?

2 A Brown skin, maybe a little darker than me.

3 Q After the shooting, what happened then?

4 A After the shooting, I ran in and I saw, you
5 know, Mrs. Finely suffering from the gunshot wound.
6 And I asked why did he shoot her, and he told me
7 that she knew who he was; that she was going to
8 recognize his accent. I panicked and I kept asking
9 the questions. And he told me to shut up or he was
10 going to do me too.

11 So, we proceeded to walk out the back door.
12 I took my mask off and grabbed the guns; walked to
13 the car, and put the guns on the back seat of my
14 Capris and entered the car, "crunk" it up, put it in
15 reverse and drove off.

16 Q Describe the house when you left.

17 A When I left?

18 Q Yes.

19 A The inside or the out?

20 Q Inside.

21 A The living room, the kitchen behind the
22 living room, the bedroom in the front and the
23 bedroom across the hall, and then they had a little

1 den, spare room right next to the living room.

2 Q And describe what appliances they had.

3 A The living room furniture, it was fully
4 furnished.

5 Q Did you move any of that fully-furnished
6 stuff?

7 A Yes, sir.

8 Q Except for the guns and the jewelry; did you
9 move the microwave or the TV set or any of that
10 stuff?

11 A I moved it, but we didn't take it out. We
12 didn't take it out.

13 Q Where did you move it to?

14 A Just tossed it around the house probably.
15 I turned over the living room couch and that was
16 it.

17 Q Did Wish handle any of the robbery part?
18 Did he take the guns or the jewelry, or did you move
19 the microwave or the TV set?

20 A No, sir.

21 Q He just held the gun on the lady?

22 A Yes, sir.

23 Q What's your relationship with Taco and

1 "Jolene"?

2 A Taco was my best friend. Jolene was his
3 girlfriend, but my lover.

4 Q Are you and Taco still best friends?

5 A No, sir.

6 Q What has caused that?

7 A I give him so much trouble being with her.

8 Q Have you had any contact with Wish or Rodney
9 Stanberry since this happened?

10 A No, sir.

11 Q Did you go out to the lawyer's office?

12 A Go to who?

13 Q Have you gone to a lawyer's office and given
14 anybody a statement?

15 A To whose lawyer?

16 Q To Stanberry's lawyer?

17 A No.

18 MR. CLARK:

19 You have talked to Ryan Russell --

20 A Right.

21 MR. CLARK:

22 -- Stanberry's lawyer's investigator, right?

23 A Right.

1 MR. CLARK:

2 And you have made a video tape or some kind
3 of video tape --

4 A Yes, sir.

5 MR. CLARK:

6 -- of a statement to them; is that correct?

7 A That's correct.

8 MR. CLARK:

9 We are going to make that available to you.

10 Q Who is we? Do you have a copy of it?

11 MR. CLARK:

12 I'm going to get all there is of it.

13 Q Okay. Did you have an attorney at that
14 time?

15 A No, sir.

16 Q How did you come in agreeing to do that?

17 A Agreeing to do what?

18 Q To give a video tape to Ryan Russell; was
19 that at Ryan Russell's office or his lawyer's
20 office?

21 A At his office.

22 Q How did you come about doing that?

23 A Well, he asked me would I, and I told him

1 yes.

2 Q Ryan asked?

3 A Yes.

4 Q Did you make a statement to him before that,
5 before the video tape?

6 A Yes, I had talked to him before.

7 Q Was that tape recorded or anything?

8 A Tape recorded.

9 Q Did you say the same thing?

10 A Yes, sir.

11 Q And you also gave a statement to Lebaron
12 Smith?

13 A Yes, sir.

14 Q Did you tell Lebaron Smith the same thing
15 you told Ryan Russell?

16 A No, sir.

17 Q What did you tell Lebaron Smith?

18 A I told Mr. Smith that I let them use my car
19 for a hundred and fifty dollars.

20 Q Who is them?

21 A Rennie and Wish.

22 Q What else did you tell them?

23 A That was just about it, about my car being

1 in that incident.

2 Q Who supposedly put your car at that
3 incident?

4 A I drove my car.

5 Q But how did you know your car had been
6 identified as your car?

7 A Mr. Smith approached and asked me questions
8 about my car and told me that I was --

9 Q Told you what? Who has talked to you about
10 this case?

11 A Who else? No one else.

12 Q Mr. Ryan Russell has, right?

13 A Yes.

14 Q Have you reviewed any evidence in this case,
15 what anybody else has said?

16 A No.

17 Q Any statements by anybody else at the scene
18 or anything like that?

19 A No, sir.

20 Q Was that statement you gave Mr. Russell tape
21 recorded?

22 A Tape recorded.

23 Q When is the first time he talked to you?

1 A He approached me at a club. He caught me
2 when I was coming on the outside to get some air.

3 Q What club is that?

4 A The Galaxy Club.

5 Q Was that statement tape recorded for you?

6 A Yes, it was.

7 Q Outside the club?

8 A In his car, we walked to his car.

9 MR. JORDAN:

10 You're going to have a copy of that too,
11 aren't you?

12 MR. CLARK:

13 Yes.

14 Q So, that's the first time you talked to him?

15 A Yes.

16 Q When is the second time you talked to him?

17 A The next day he came to my house, and we
18 went down to his office.

19 Q That's the day of the video tape?

20 A Yes.

21 Q When is the next time you talked to him?

22 A That's just about it.

23 Q Just about it? What other times?

1 A There was no other times that we talked and
2 he taped recorded.

3 Q Were there any other times you talked?

4 A Yes, we've talked, yes, sir.

5 Q Okay. Tell me about those.

6 A When we talked there it was about who my
7 lawyer was.

8 Q Who was your attorney?

9 A First, it was Mr. George Hardesty.

10 Q How did you go about seeing Mr. Hardesty?

11 A At the court house, that was the -- that's
12 the only time.

13 Q Who referred you to him?

14 A Mr. Russell.

15 Q May I ask who referred you?

16 MR. CLARK:

17 That's fine with me.

18 Q Who referred you to Mr. Clark?

19 A Mr. Russell.

20 Q Can you tell us any other discussions you
21 had with Mr. Russell, telephone or anything?

22 A Just to keep in touch of what my whereabouts
23 were and who that was it.

1 Q Have you talked to him on the telephone?

2 A That's mainly how we talked.

3 Q Did he let you know when you had court
4 appearances and things?

5 A Yes, sir.

6 Q Have you let them know that I wanted to talk
7 to you?

8 A Yes, I did.

9 Q Why is that?

10 A Because he kept telling me that they was
11 looking for me, and they wanted questions and
12 answers. And he told them about saying that I had a
13 lawyer and refused to confront me, told me to tell
14 you that I'm not saying anything until I talk
15 to my lawyer.

16 Q That is what Mr. Russell instructed you?

17 A Right.

18 Q Have you received any money or any lunch
19 meat or anything at all from anybody?

20 A No, sir.

21 Q Any gas money or any compensation
22 whatsoever?

23 A No, sir.

1 Q Are you working anywhere now?

2 A Yes, sir.

3 Q How do you support yourself?

4 A I'm a entertainer. I sing for a living.

5 Q How much do you make on that?

6 A It depends on what the occasion, weddings,
7 carbarets, balls or whatever.

8 Q Where did you to high school?

9 A Blount and Vigor.

10 Q And when is the last time you had an
11 interview with anybody?

12 A Sir?

13 Q When is the last interview that you've ever
14 had with anybody that you could call an interview?

15 A My last employer was Naman's Supermarket and
16 Churches in '88.

17 Q What, '88?

18 A The year '88.

19 q Why did you leave Naman's?

20 A I got fired from Naman's.

21 Q Do you know what for?

22 A For keeping the work vehicle overtime.

23 Q Did you get fired from Churches?

1 A I quit Churches.

2 Q Any reason?

3 A I moved out, I left from over here.

4 MR. JORDAN:

5 Go ahead and take up from here.

6 EXAMINATION

7 BY MR. SMITH:

8 Q What did you do with the ski mask?

9 A I threw it in the garbage can.

10 Q What?

11 A I threw it in a dumpster, an BFI dumpster.

12 Q You threw the ski mask in a BFI dumpster?

13 A I threw the mask and the clothes that I wore
14 in the dumpster.

15 Q Where was that at?

16 A I'm not sure.

17 Q The guns, you and Taco took the guns to
18 where?

19 A We took the guns to Ester's house. We put
20 them under her house, and left them there, and a few
21 hours later Stan and Taco went and got them.

22 Q How do you know that?

23 A Taco told me.

1 Q What did he say he did with them?

2 A He gave them to Stan, and Stan was supposed
3 to had took the guns back to the guy. I don't know.

4 Q Let's go back to the pistol that he shot the
5 young lady with. That pistol was passed from Wish
6 to Taco?

7 A Taco.

8 Q When did you first meet Stanberry?

9 A I knew of Stanberry, but not really. I saw
10 his truck around with Taco and the night I met them
11 was the night at the motel. We just met, you know,
12 introduced each other, name by name, that's it. We
13 knew nothing personal about each other. We weren't
14 friends or nothing like that.

15 Q Okay. Do you remember the time, approximate
16 time that y'all got to the house that morning?

17 A No, sir, I don't know. I just know it was
18 in the morning.

19 Q Early, just before noon or --

20 A Before noon, it was way before noon,
21 probably around. I would say, between 8:00 and 10:00
22 or 8:00 and 11:00, somewhere in between there.

23 Q You're talking about early in the morning?

1 A Early in the morning.

2 Q Describe Stanberry's vehicle.

3 A A brown Bronco, and it had one "night stand"
4 on the front.

5 Q Have you ever seen anyone else drive that
6 besides Stanberry?

7 A No, sir.

8 Q Do you know when the guns were removed?

9 A The same day, I don't know what time or
10 what.

11 Q Everything you had was everything that was
12 taken from the house that was in that pillowcase?

13 A Yes, sir.

14 BY MR. JORDAN:

15 Q Who kept you informed of what was going on?

16 A Taco.

17 Q Taco is the only person?

18 A Yes, sir.

19 Q You didn't have any conversations with
20 Stanberry, no conversations with Mike Finley?

21 A No, sir. I don't know him.

22 Q No conversations with Rennie?

23 A No, sir.

1 Q No conversations with Wish?

2 A No, sir. Taco kept in contact with me.
3 Rennie and Wish, after the incident occurred, after
4 they got to New York, he talked to them several
5 times he told me.

6 Q Do you belong to any kind of a gang or --

7 A No, sir.

8 Q Have you ever been convicted of anything?

9 A I've been convicted of a crime, car theft.

10 Q Car theft?

11 A I served a year on one sentence and three
12 months in boot camp on another.

13 BY MR. SMITH:

14 Q Did you say you drove them to the bus
15 station or --

16 A They caught a cab to the bus station. I
17 drove them to the west end on Airport Boulevard.

18 Q West end?

19 A Yes, sir. They caught a cab from there,
20 apparently, to the bus station. I don't know. I
21 just dropped them off.

22 Q Did you say you had ever driven over to Mrs.
23 Finley's house before?

1 A No, sir.

2 Q How do you know how to get there?

3 A Wish told me. Wish told me the directions.

4 Q He gave you directions?

5 A Uh-huh (yes).

6 Q Have you ever been back?

7 A No, sir.

8 MR. CLARK:

9 He asked you if Wish gave you directions.

10 Q Have you ever been back over there?

11 A No, sir.

12 Q How would you get there now?

13 A I know my way back there if that's what
14 you're asking.

15 Q Do you know the area?

16 A I know how to get there. I know -- when I
17 say here, I've lived in Mobile all my life.

18 Q Why did you go in the house with a mask if
19 you weren't going to be involved in the robbery?

20 A Well, no one -- they asked me to put the
21 mask on.

22 Q Who is they?

23 A Wish and Rennie, along with Taco, and so

1 that I wouldn't be identified in the incident.

2 Q Where did you get that mask from?

3 A They bought the mask.

4 Q Did Wish wear a mask into the house?

5 A No, sir, not that I can recall. I'm not
6 sure.

7 Q You don't remember if Wish had a mask on?

8 A As far as going to the door, he didn't have
9 a mask on.

10 Q Inside the house?

11 A Not that I could recall. He didn't have a
12 mask on. He had one, but he just didn't put it on.

13 Q He carried it in his hands?

14 A I don't know what he did with his mask, sir.

15 Q If you would, describe to us one more time
16 everything you did inside the house.

17 A The only thing I did inside the house was
18 pull the cord out the wall. I might have moved the
19 TV or the radio or the VCR around or whatever from
20 room to room. I turned over the couch in the living
21 room, and I removed the pistol from her headboard in
22 the bedroom -- and jewelry, and put it inside the
23 pillowcase and that was it.

1 MR. SMITH:

2 And that was it; you were the only one that
3 put anything inside that pillowcase?

4 A Yes, sir.

5 Q You said something about somebody running
6 behind your car as you were leaving?

7 A They wasn't running behind my car. They was
8 going inside the Finley's. They was going to the
9 Finley's house as I was leaving.

10 Q Who?

11 A Apparently, the guy that was working on his
12 car when he had entered out the house -- or when we
13 had entered out the house -- he was the only one I
14 saw that was walking up to the Finley's house, to
15 the door or whatever.

16 Q When you were pulling off?

17 A When I was pulling off.

18 Q Was the shot loud where someone could have
19 heard it?

20 A Yes, sir, it was, like, an ordinary gun fire
21 you would hear. In a closed area, it would make it
22 rather loud.

23 Q These were the guys that were working on the

1 car you saw going toward the Finley's house?

2 A It was just one guy.

3 Q Okay. Did you actually get to the front
4 door?

5 A I'm not sure where I was going --

6 Q He was just inside the yard working toward
7 the front door?

8 A Right.

9 Q How did Stanberry get photographs of your
10 car?

11 A From my Mercury?

12 Q Yes.

13 A I'm not sure, I don't know.

14 Q When did you first find out that somebody
15 knew something had happened?

16 A The same day Taco informed me.

17 Q Tell us how that went? Do you know?

18 A He just called me a few hours later, and
19 told me that Stanberry knew what happened, and that
20 he was going to go to the place, and he demanded to
21 know where the guns were.

22 Q What time was that?

23 A Afternoon, it was afternoon heading towards

1 the end of the day.

2 Q Stanberry was going to the police?

3 A That's what Taco told me, that Stanberry
4 said he was going to the police.

5 MR. JORDAN:

6 Do you have anything else?

7 MR. SMITH:

8 No -- oh, one more thing. You said they
9 left the bus station from Pensacola, Rennie and
10 Wish?

11 A Taco told me that him and his ex-girlfriend
12 picked them up, Rennie and Wish from the bus
13 station, and took them to Pensacola, so that they
14 could catch the bus there. Anything after that, I
15 don't know. Taco only knows. I don't know
16 anything.

17 BY MR. JORDAN:

18 Q When is the last time you had a conversation
19 with Mr. Stanberry?

20 A Ryan Russell, the last time I talked to Ryan
21 was last night.

22 Q Tell us about that.

23 A He called me to let me know we had a meeting

1 today.

2 Q That what?

3 A That we had a meeting today, and told me to
4 be here at 8:00 o'clock.

5 Q He told you to be here at Mr. Clark's at
6 8:00 o'clock?

7 A Yes.

8 Q He called you at home?

9 A He called my mother and my mother came to my
10 house and told me.

11 Q What's your mother's number?

12 A 456-5361.

13 Q And did you meet with Mr. Russell this
14 morning?

15 A No.

16 Q So last night is the last time you talked to
17 him?

18 A Yes.

19

20

21 FURTHER THE WITNESS SAITH NOT

22

23

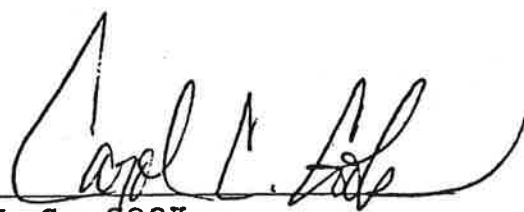
C E R T I F I C A T E

STATE OF ALABAMA)

COUNTY OF MOBILE)

I do hereby certify that the above and foregoing transcript of proceedings in the matter aforementioned was taken down by me in machine shorthand, and the questions and answers thereto were reduced to writing under my personal supervision, and that the foregoing represents a true and correct transcript of proceedings given by said witness upon said hearing.

I further certify that I am neither of counsel nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.



CAROL C. COOK
CERTIFIED COURT REPORTER