

1 question.

2 MR. NIXON: Sir?

3 THE COURT: I don't recall hearing a question.

4 Q Mr. Stanberry, did you have anything to do whatsoever
5 with the burglary, the robbery, or the shooting of Mrs.
6 Valerie Finley?

7 A No, sir, I definitely don't. I just -- I'm in trouble
8 for trying to help.

9 MR. NIXON: Thank you. Answer Mr. Jordan's
10 questions.

11 CROSS EXAMINATION

12 BY MR. JORDAN:

13 Q Mr. Stanberry, you did in fact lie to the police that
14 were investigating these serious crimes that were
15 committed on your best friend's wife, did you not?

16 A Yes, I did, March (sic) 2nd and March 7th.

17 Q So, you would lie to the police, but you're telling us
18 you would not lie now to stay out of prison?

19 A I lied to the police about how I got the guns.

20 Q Let me just go back here a little bit. Valerie Finley
21 had been shot.

22 A Mm-hm.

23 Q Right? You knew all the details about that as of late
24 Monday night, didn't you?

25 A No, I didn't. Over the period of a week I found out.

v
1 Q Well, you knew about the guns, didn't you?

2 A I knew the guns were stolen, Monday.

3 Q You knew it Monday?

4 A Yes, I did.

5 Q And you knew that she had been shot because you told Mike
6 Finley she had been shot?

7 A No, Mike Finley told me she was shot.

8 Q Well, you were in court when Mike Finley testified,
9 weren't you?

10 A Yes, I was.

11 Q And when -- so, you're telling us that at two o'clock in
12 the afternoon you did not tell him at the hospital --
13 you, Rodney K. Stanberry, did not tell Mike Finley that
14 Valerie had been shot?

15 A No, I definitely didn't. I didn't talk to him at two
16 o'clock.

17 Q Well, you heard him testify, didn't you?

18 A Yes, I did.

19 Q Now -- and knowing -- having known that she got shot, you
20 talked to the police on Tuesday, the next day, didn't
21 you?

22 A Yes, I did.

23 Q And you knew -- but you knew she was alive, didn't you?

24 A Yes, I did.

25 Q You knew she wasn't dead?

v

1 A Yes, I did.

2 Q You didn't know, though, whether she'd be able to talk or
3 not, did you?

4 A I knew a week later when I gave them the pictures for her
5 to I.D.

6 Q Let's go to Tuesday --

7 A Mm-hm.

8 Q -- when you first talked to the police, when you first
9 told your first lie to the police.

10 A Mm-hm.

11 Q You didn't know that Valerie was going to be able to
12 talk, did you?

13 A No, I didn't.

14 Q And you lied to the police, didn't you?

15 A I lied to the police how I got the guns. I did not lie
16 who did it.

17 Q You lied to the police, didn't you?

18 A Yeah, I did.

19 Q Well -- and you also told the police that Rene and Ihoe
20 were the two people that went in and robbed the house,
21 didn't you?

22 A That's true, cause at that time I did not know of a
23 Terrell Moore.

24 Q Let me ask you this one more time.

25 A Ask me one more time, sir.

v

1 Q On Tuesday you told the Prichard police who were
2 investigating this very serious crime that your friends
3 Rene and Ihoe --

4 A Mm-hm.

5 Q -- were the ones who did this, is that correct?

6 A The neighbors said they could not definitely I.D. them,
7 so I could not definitely I.D. them. So, I said I'm
8 pretty sure or I got a idea that's who they are.

9 Q Let me ask you this one more time.

10 A Mm-hm.

11 Q You were trying to be all so helpful with the police --

12 A Of course.

13 Q -- right?

14 A Of course.

15 Q And a little lie was not a big deal to you at that time,
16 was it?

17 A How I got the guns?

18 Q Well, you lied to the police?

19 A I lied to them how I got the guns. That had nothing to
20 do with who did it, which I told who did it that day.

21 Q You told the police Rene and Ihoe did this, right?

22 A I said possibly both of them.

23 Q And Rene and Ihoe, that was the first line of defense,
24 that was the first story, that was your first creation,
25 wasn't it, Mr. Stanberry?

v

1 MR. NIXON: Judge, I object. That's a compound

2 question. No way he can answer that question.

3 Q That was your first information?

4 A Well, it was only common sense. They wanted to buy his
5 guns. He wouldn't sell it to them. They took them.
6 They left town.

7 Q Let me ask you this one more time.

8 A Yes, sir.

9 Q That was the information that you gave to the police.

10 A Yes, I did.

11 Q And then you went about telling them Rene and Ihoe's
12 names --

13 A Mm-hm.

14 Q -- Rene and Ihoe's addresses?

15 A Yes, I did.

16 Q Called the police in New York --

17 A Yes, sir.

18 Q -- to go get Rene and Ihoe?

19 A Yes, I did.

20 Q Of course, now, you know we got -- we will be bringing
21 Rene back for trial on this case?

22 A Yes, I do.

23 Q Do you know where Ihoe is as of today?

24 MR. NIXON: There again he's testifying again, and I
25 would ask that you instruct him to for the

v

1 tenth time --

2 THE COURT: We're not trying that other case, let's
3 go.

4 MR. NIXON: He said he knew that. I didn't testify.

5 A I didn't say nothing.

6 MR. NIXON: Judge, I --

7 THE COURT: Come on, come on.

8 Q Do you know where Ihoe's whereabouts are as of right now?

9 A Yes, I do.

10 Q Where?

11 A He's dead.

12 Q Oh, Ihoe's dead?

13 A Yes, he is.

14 Q And when did he die?

15 A Some time in January.

16 Q Of this year?

17 A Yes, he did.

18 Q So, your first story to the police was Rene and Ihoe were
19 the killers?

20 A I said I had an idea it was Rene and Ihoe. I wasn't
21 there, so I could not tell them definitely Rene and Ihoe.

22 Q Did you tell the police Rene and Ihoe, Mr. Stanberry, or
23 did you not?

24 A I'm not sure if I told them definitely. I said I had a
25 completely good idea it had to be.

1 Q And that's where the investigation went, Rene and Ihoe?

2 A That's where it went.

3 Q And this lady was in the hospital, couldn't talk, but you
4 knew she was alive?

5 A Mm-hm.

6 Q Now, several days or weeks later your story has shifted?

7 A Yes, when I got that tape.

8 Q And it shifted to now it's Terrell and Ihoe were the two?

9 A Yeah, Taco said that on the tape.

10 Q So, you -- you, of course, are not worried about her
11 coming conscious and being able to identify the two
12 people, were you?

13 A Well, I gave her pictures. She was conscious a week
14 later. I was hoping she was going to point one of them
15 out on the pictures that I supplied, sir.

16 Q Why just one of them?

17 A What you mean one of them? I gave her four or five
18 pictures.

19 Q Why just one of the people?

20 A One of the people, Angel Melindez, which is Wish, and
21 Rene Barbosa, which is Whitecloud, was on both of those
22 pictures.

23 Q Now, did -- Rene had the pony tail?

24 A Yes, I did.

25 Q And Ihoe was your brother-in-law?

v

1 A No, I never been married, sir.

2 Q Well, that's how you've described him before?

3 A I said that I thought I had a baby from his sister, which
4 two years ago during this trial I found out that it was
5 not my child.

6 Q So, at one time -- so, you used to date Ihoe's sister?

7 A Exactly. Ihoe, which is Wish.

8 Q Isn't it a fact that you personally orchestrated this
9 entire investigation by your efforts that you began
10 immediately after you found out that Valerie did not die
11 as she was supposed to have done?

12 A Definitely not.

13 Q Well, earlier you said Mike Finley, your relationship
14 with him was just hunting buddies?

15 A Mm-hm.

16 Q But then you were real concerned that here these guys
17 came to the bus station and you let them go and you hated
18 to break his heart. Well, which is it? Are you all that
19 close or were you all not that close?

20 A Well, it's not the point of me and him was that close.
21 They could have shot a woman at Circle K, I would have
22 did the exact same thing.

23 Q Now, Val Finley has been nothing but kind to you over the
24 years, hasn't she?

25 A Definitely.

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1 Q Never done anything against you, has she?

2 A Not nothing.

3 Q Can you give a single reason why Valerie Finley would
4 come into this courtroom and lie about you coming over
5 there to that house?

6 A Well, the only thing I could possibly think, they had on
7 a mask. She doesn't have a window on the door. They
8 could have said Stan. She opened the door.

9 Q Oh, they had on a mask?

10 A Yes.

11 Q That was also your creation, wasn't it?

12 A Oh, yeah. This is a Kennedy situation, sir.

13 Q You're very familiar with different type of criminal
14 proceedings, aren't you, Mr. Stanberry?

15 A Yeah.

16 Q Twenty-five. Does that look similar to a hunting mask?

17 A It looks like a winter mask.

18 Q People wear those when they go hunting?

19 A They wear camouflage ones when they go hunting.

20 Q So, you wouldn't wear that, nobody you know would wear
21 something like to go hunting?

22 A Somebody that was making a burglary or robbery would wear
23 something like that.

24 MR. NIXON: Answer his questions, if you will.

25 Q And when you got the guns back that was in the pillow

1 case?

2 A Yes, it was.

3 Q Because you went through -- you went through the guns
4 before you returned them to your friend Mike?

5 A Yes, I did.

6 Q And so if the mask could have gotten in -- you could have
7 been a person -- you had the opportunity to put those
8 things in there yourself, didn't you?

9 A Yeah, sure.

10 Q Did you have the opportunity?

11 A Sure didn't.

12 Q Well, you had possession of those stolen guns, didn't
13 you?

14 A Yes, I did.

15 Q And you had possession of them by yourself, didn't you?

16 A Yes, I did.

17 Q So, you never worried about her identifying you because
18 they had a mask on, right?

19 A Repeat that question. You're asking two questions.

20 Q You never worried about Valerie identifying you because
21 you had information that who broke in had a mask on?

22 A No, I never found out that they had a mask on or not.

23 Q You just said that a minute ago.

24 A I said the mask was in the bag, so I --

25 MR. NIXON: No, Judge, that's not what he said. He

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asked him if he knew any reason why. That's when he said that. He didn't say that he knew they had a mask on. Mischaracterization of his testimony.

Q Where did you come up with the idea that they had a mask on?

A When I picked the bag up and it was in there.

Q So, then you just figured whoever broke in had a mask on, Valerie couldn't identify them, so you weren't afraid?

A I assumed.

Q Well, then what are you doing giving pictures for her to identify? Why were you hoping she'd be able to identify somebody, you just said, from your photographs, if they had masks on? Right?

A Because if they didn't, she would be able to pick them out and New York City Police would have been able to catch them.

Q There was absolutely no reason for Valerie not to open the door for you, was there, Mr. Stanberry?

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

Q Well, tell us why you would knock on the door and Valerie would not open the door for you. Give us a reason for that.

MR. NIXON: Judge, I object to that question. Is he asking him if he did knock on the door that

1 day? I object to that question. Object to the
2 form of the question.

3 THE COURT: Restate your question.

4 Q Do you know of any reason why Valerie Finley would not
5 open the door for you, Mr. Stanberry?

6 A Why she wouldn't open the door for me?

7 Q Right.

8 MR. NIXON: You mean on any given day? Is that what
9 what he's asking, Judge.

10 THE COURT: The way I interpret it, it's any time.

11 MR. NIXON: Okay.

12 THE COURT: Is that what you meant, Mr. --

13 MR. JORDAN: I think the witness understands that
14 too, Your Honor.

15 MR. NIXON: Well, I'm sorry. I don't.

16 A Sure, she would of.

17 Q She'd open the door for you?

18 A Mm-hm.

19 Q You're familiar with the area of I-65 and the exit that
20 we take to get to the Finley residence, aren't you?

21 A Yes, I am.

22 Q You're familiar with Meadow Avenue and the neighborhood?

23 A Yes, I am.

24 Q You're familiar with the outside of the Finley's house?

25 A Mm-hm.

1 Q You're familiar with the inside of the Finley's house?

2 A Yes, I am.

3 Q Now, Rene and Wish had never been inside that house, have
4 they?

5 A No, they haven't, not to my knowledge.

6 Q You had never taken them inside there, have you?

7 A No, I haven't.

8 Q You were familiar that they had a vault, that Mike had a
9 vault that he stored his guns in?

10 A Yes, I did.

11 Q It took a key to unlock that vault?

12 A I didn't know if it took a combination or a key.

13 Q And you were familiar with the fact that he had a lot of
14 guns?

15 A I have the exact same guns registered, legal, that I
16 could have easily let them take, sir. That's what you're
17 forgetting.

18 Q Well, does it seem strange to you, Mr. Stanberry, that
19 somebody would try to kill her to supposedly steal guns
20 and then they would just leave the guns? Just leave the
21 guns and take off and go back to New York City?

22 A Well, see, the plan was intercepted when I came home at
23 lunch time.

24 MR. NIXON: Are you finished with your answer?

25 A Yes, I am.

1 Q When you came home at lunch time?

2 A Well, 1:00, 1:30, whatever.

3 Q Are these the two photographs that you gave to Detective
4 Fletcher?

5 A That's one of the four.

6 Q One of four?

7 A One of four.

8 Q Well, there's two.

9 A That's two.

10 Q Well, who wrote on the back of this Rene Beebee
11 (phonetic)?

12 A I'm guessing Detective Fletcher.

13 Q Oh, that's not your handwriting?

14 A You want to check it?

15 THE COURT: You don't have to guess. If you don't
16 know, say you don't know.

17 Q And who is this in this picture?

18 A That's me.

19 Q You're Rodney K. Stanberry?

20 A Rodney K. Stanberry.

21 Q Who's in the middle?

22 A I'm not sure what his name is.

23 Q And who's on the end?

24 A That's Rene Barbosa Whitecloud.

25 Q You're not denying that you gave this photograph to

1 Detective Fletcher, are you?

2 A No, I'm not.

3 Q And this guy, Ahole (phonetic) Martinez on there --

4 A Mm-hm.

5 Q -- or Angel Melindez?

6 A Uh huh.

7 Q He had two different names? And where is Angel on this

8 case, on this picture?

9 A Right there circled.

10 Q And who is the person to the right of him?

11 A That's a guy named Trevor.

12 Q And who's this?

13 A Well, that's the guy named Trevor. That was a guy named,

14 I guess, St. Anthony (phonetic).

15 Q Who's this?

16 A Guy named Mike.

17 Q And who's that?

18 A A guy named Brew (phonetic).

19 Q And that's you?

20 A Yes, it is.

21 Q So, the police are hot on Rene and Ahoe's trail, thanks

22 to your assistance, right?

23 A Well, they were hot on both -- they were hot on their

24 trail and Terrell Moore's trail.

25 Q Well, not on -- not the Tuesday after this happened they

1 weren't, were they?

2 A Well, that week they were.

3 Q Not after the Saturday you talked to them? You talked to
4 the police on Tuesday. You went down and talked to them
5 on Saturday?

6 A Mm-hm.

7 Q And on Saturday they were still hot on Rene and Ahoe's
8 trail, weren't they? Based on your information?

9 A I don't know whose trail they were on.

10 Q Well, you didn't mention Terrell on Saturday in your
11 Saturday statement, did you?

12 A Well, if I didn't know about that Terrell until I got
13 that tape recording from Taco, how could I mention him.

14 Q Hold on a second. You're telling us under oath that you
15 did not know about Terrell until Saturday when you got
16 the tape recording?

17 A Uh --

18 Q Now, that's what you just said.

19 MR. NIXON: Judge, let him answer the question,
20 please.

21 Q I think I caught you up on something, didn't I?

22 A Did --

23 Q Did you just say that under oath, Mr. Stanberry?

24 A I said I found out about Terrell from Taco on the tape.

25 Q I'm just -- I want to get this clear.

1 A Mm-hm.

2 Q You're telling us that you did not know about Terrell's
3 involvement until you tape recorded Taco on Saturday?

4 A I tape recorded Taco Wednesday, Thursday, Friday, and
5 Saturday.

6 Q You made four tapes of Taco?

7 A No, no, no. I recorded four different times when -- back
8 when he didn't say what I wanted him to say.

9 Q When did you get the final one?

10 A Saturday.

11 Q What did you do with the first three tapes?

12 A The recordings are on there. They just was gone over.

13 Q You erased on them?

14 A I went over them and -- I only had one tape. What could
15 I do?

16 Q Now, this is -- you're playing -- you're the detective on
17 this case, aren't you?

18 A Yeah, like a fool, I was.

19 Q Well, you had an interest in it?

20 A Yeah.

21 Q And you're the detective on the case and you take a tape
22 recording of Taco on Wednesday?

23 A Nope, Thursday. I got it when I got paid from Radio
24 Shack.

25 Q Thursday?

1 A Thursday.

2 Q And you get a tape recording, but you don't turn that
3 over to the police?

4 A When I got it, I gave it to Mike Finley and he turned it
5 directly over to the police.

6 Q And then Friday you took a tape recording of Taco?

7 A Yes.

8 Q And you -- wait a minute, you just said you tape recorded
9 over it, Mr. Stanberry?

10 A When he didn't say what I wanted him to say, I just went
11 back until he did.

12 Q So, Thursday did he say what you wanted?

13 A No, he didn't.

14 Q And you -- you didn't keep a copy of that tape recording,
15 did you?

16 A No, I didn't.

17 Q You didn't give that to the police?

18 A It didn't say nothing valuable.

19 Q You didn't give that to the police?

20 A It didn't say nothing valuable.

21 Q Can I ask you a question --

22 A Ask me.

23 Q -- and will you try to answer it?

24 A Yes, sir.

25 Q You did not give that tape to the police? Right?

v

1 A Mm-mn.

2 Q Friday you say you taped Taco? He didn't say what you
3 wanted and you tape recorded over that one. You did not
4 give that to the police. Saturday you tape recorded Taco
5 and that's when he said what you wanted to know. That's
6 the first time you ever learned about Terrell?

7 A No, no, no, I didn't say that.

8 Q That's what you said just a minute ago?

9 A No, I didn't. I said that was the first time he said
10 what I wanted him to say. He mentioned Terrell before
11 that and I mentioned that before that. You got to
12 understand, Mr. Jordan, Terrell was not my friend. When
13 I found out where Terrell lived, Mike Finley told that to
14 Fletcher, Fletcher went there.

15 Q Let me go to something else.

16 A Go to something else, sir.

17 Q On Terrell.

18 A Terrell.

19 Q You took Mike Finley to Terrell's car?

20 A Mm-hm.

21 Q You showed Mike Finley Terrell's car?

22 A A car that looked like it.

23 Q No, wait a minute. You took Mike Finley to a car and you
24 said this is Terrell's car. This is a car I saw at the
25 Motel Six. This is the car that Terrell was driving.

1 This is Terrell's car. This is the car -- a Mustang, by
2 the way, that you said was at the Finley house, right?

3 MR. NIXON: Judge, I object, and want -- and, Mr.

4 Jordan, ask him which one of those 13 questions
5 he wants him to answer first, please.

6 Q Did you not in fact take him to a place and say this is
7 Terrell's car, Mike?

8 A I took Mike to a place that looked like a car that --
9 like Terrell's, and eventually it was.

10 Q Good. So, you took Mike to Terrell's car?

11 A Mm-hm.

12 Q Right? And then Mike took Tyrone to Terrell's car?

13 A To I.D. the car.

14 Q And Tyrone said that was not the car?

15 A I wasn't there. I don't know what he said.

16 Q You were in court, though, when he testified, weren't
17 you?

18 A Yes, I was.

19 Q When Tyrone testified. So, now, you have -- you have
20 created a car that was used in this. You have identified
21 the two people, Rene and Ihoe, that went and did this,
22 you have recovered the guns from this?

23 (Off the record interruption.)

24 Q Mr. Stanberry, you -- it's true, isn't it, that you work
25 alone?

1 A Yes, it is.

2 Q All alone?

3 A Mm-hm.

4 Q Nobody rides with you?

5 A Nobody rides with me.

6 Q Nobody follows you?

7 A Nobody follows me.

8 Q Part of your route takes you by the Finley residence,
9 doesn't it?

10 A No, it doesn't take me by the Finley residence. It takes
11 me by the underpass of the interstate a block away.

12 Q Block away. One minute, one minute, from the Finley
13 residence?

14 A Five minutes, ten minutes.

15 Q One minute?

16 A Five, ten minutes.

17 Q Remember asking Mike Finley if Valerie was talking?

18 A Several times.

19 Q That was very important to you, wasn't it?

20 A Yes, it was.

21 Q Now, you have never mentioned before about calling the
22 motel and who did -- who did you talk to when you --

23 A Taco. You might need to check this statement, because
24 I'm pretty sure it says that, April 17, 1992.

25 MR. JORDAN: Where is that statement?

v

1 Q Go ahead. If I'm wrong, please correct me.

2 A I will.

3 (Pause.)

4 MR. NIXON: Which statement did you give him, Mr.
5 Jordan?

6 MR. JORDAN: The one he requested.

7 MR. NIXON: Which one is that?

8 MR. JORDAN: April 17th.

9 MR. NIXON: Which one, the revised statement or --

10 MR. JORDAN: Yes.

11 MR. NIXON: -- the first statement?

12 MR. JORDAN: Revised.

13 THE COURT: If you know where this is, how about
14 helping him out, because I know that statement
15 is 52 pages long. We're liable to be here a
16 while.

17 MR. JORDAN: Judge, I don't ever recall seeing it on
18 that statement. That's why it surprised me
19 when he said it.

20 THE COURT: Go ahead.

21 (Pause.)

22 THE COURT: What page are you on?

23 A Forty-three.

24 THE COURT: Well, you take your time. Only nine
25 more.

v
1 Q All right, Did you find it in there?

2 A It stops short of saying that they went, that they left
3 and went to go do something. It must have been one of
4 my other statements that said it completely.

5 Q Let me give you your other two statements. I want you to
6 look at those too.

7 THE COURT: The yellow one is the second and the
8 white one is the 7th.

9 Q Here are your other two statements, lay them out here for
10 you. That's one and here's two.

11 MR. NIXON: Judge, the April 17th statements that I
12 received through discovery from Mr. Jordan, one
13 was a revised and one was a regular, and could
14 we just make sure what the revisions were?

15 THE COURT: You have the same one he has. You did
16 yesterday.

17 MR. NIXON: I've got two, Judge. He gave me one
18 statement, a 47-page statement. He gave me
19 another one just like it, but it says
20 "revised." I just wanted to know if he notes
21 what the revisions were.

22 THE COURT: Let him know.

23 Young man, you go ahead and look.

24 MR. JORDAN: You got both copies, don't you?

25 MR. NIXON: Yeah. Do you know what the revisions

1 were?

2 MR. JORDAN: Where's your original?

3 (Off the record discussion between
4 Mr. Jordan and Mr. Nixon.)

5 Q Did you find it in either one of those other two?

6 THE COURT: His answer is no. He's shaking his head
7 no.

8 A No. The answer is no.

9 MR. NIXON: And, Judge, for the record, we don't
10 really know what the difference in the revised
11 statement is from the regular statement that we
12 had, but --

13 MR. JORDAN: I'll let them look at that too.

14 MR. NIXON: I'll be looking through it to see if I
15 can find out --

16 MR. JORDAN: That's fine.

17 MR. NIXON: -- what the difference is.

18 THE COURT: Certainly.

19 MR. JORDAN: He and his investigator. I'd ask them
20 both to look through it.

21 Q But you're telling us here today that you called the
22 hotel at what time?

23 A While I was broke down at BFI.

24 Q What time was that?

25 A Between 9:00 and 9:50.

1 Q So, you called the -- you called them at the hotel. Who
2 answered the phone?

3 A Taco answered the phone.

4 Q Taco?

5 A Taco.

6 Q And you said something about the Waffle House?

7 A I asked him where was Wish and he said he went to Waffle
8 House.

9 Q Waffle House.

10 A Waffle House.

11 Q And you said on this -- you mentioned Waffle House? You
12 didn't see Waffle House mentioned in any of -- three of
13 these statements, did you?

14 A I seen it highlighted in my -- my lawyer's office. I
15 don't see it now.

16 Q Not in any of these three statements you gave to the
17 police, right?

18 A I don't see it.

19 Q No. That's brand new today?

20 A No, it's not brand new today.

21 Q So, you are Rene's alibi now, aren't you?

22 A I haven't seen Rene in four years. They were my best
23 friends from the time I got here. There's no way in the
24 world I would choose them, which I'm talking about
25 Valerie Finley and Mike Finley, over people I haven't

1 seen since I was 16 or 14 years old. Think about it.

2 Q What I'm saying is this. You knew Rene couldn't -- Rene
3 couldn't have been at the house, because he was at the
4 hotel --

5 A Yes.

6 Q -- because you called there --

7 A And talked to him.

8 Q -- and talked to him?

9 A Yes.

10 Q So, you're Rene's alibi?

11 A Yes, I'm Rene's alibi.

12 Q Now, you put yourself within six minutes of the crime
13 scene at ten o'clock in the morning, don't you?

14 A Yeah.

15 Q Because when you were driving from BFI up I-65 to
16 Chestang you state that about ten o'clock in the morning
17 you were at the Motel Six?

18 A Drove by the Motel Six.

19 Q Drove by it on the Interstate?

20 A On the Interstate.

21 Q This location is six minutes from Valerie's house?

22 MR. NIXON: Judge, is he testifying again?

23 MR. JORDAN: It's cross examination, Judge.

24 MR. NIXON: He's not asking any question, Judge.

25 MR. JORDAN: He's already admitted to it. He just

1 admitted to it and I'm just restating what he
2 already said.

3 THE COURT: Go ahead.

4 Q And within six minutes of -- or at ten o'clock in the
5 morning, six minutes from Val's house, you see who you
6 say today did this crime?

7 A That everybody says from the first week that it happened.

8 Q That all your friends say?

9 A No, no, no.

10 Q That all the people you've put together on this case say?

11 A Tyrone's not my friend. Terrell's not my friend. Wish
12 was my friend, and they said Wish was there and I'm
13 saying Wish was there.

14 Q Well, let me ask you about something. (Pause.)

15 THE COURT: What page?

16 MR. JORDAN: Page 31.

17 THE COURT: Thirty-one, Ken.

18 MR. NIXON: Thank you, Judge.

19 Q Tyrone told you --

20 THE COURT: Let him see it.

21 Q See that?

22 A Yeah.

23 Q You gave this statement, right?

24 A Yes, I did.

25 Q Now, you said a minute ago that Tyrone identified who

1 they were or identified one of them?

2 MR. NIXON: That's not what he said, Judge.

3 A That's not what I said.

4 Q What did you say?

5 A I said it looked -- this one look familiar, and he said
6 he doesn't recognize that one at all, which were one out
7 of the two friends that came down here to visit me.

8 Q But when you talked to Lebaron Smith out at your work
9 place --

10 A Mm-hm.

11 Q -- you told him that Tyrone said he didn't really
12 recognize them?

13 A He didn't recognize one of them.

14 Q And you said them?

15 A Okay, them.

16 Q You recovered the pillow case. That's what you gave to
17 Mike Finley. You gave Mike Finley the guns back in that
18 striped pillow case, right?

19 A That's correct.

20 Q You said you were -- you didn't want to sell them guns
21 and somebody else didn't want to sell them guns?

22 A That's correct.

23 Q Because somebody was afraid?

24 A No, no, no. Mike -- Valerie didn't want Mike to have the
25 guns in the first place. She wanted Mike to sell the

1 v guns. I stopped Mike from selling them the guns because,
2 one reason, they're listed in his name. If they go do
3 something wrong in New York, they'll be traced right back
4 to him. The second reason, there's no guns allowed in
5 New York City and they did not have no reason to have no
6 guns in New York.

7 Q What about you told the police you were afraid that they
8 would take them up there and do something bad with them?

9 A Exactly, that's what I said.

10 Q But then you went with Rene and Mike to buy a Glock nine
11 millimeter when Rene bought it from Charles Hearn, is
12 that right?

13 A I was at work when they worked that deal out and it was
14 nothing I could do. Sir, I could have took them to the
15 gun show and bought as many guns as they want to legally
16 if I wanted to, but I didn't do that. I could have sold
17 them my guns if I wanted to. I could have let Mike
18 Finley sell them his guns if I wanted to. I did not want
19 them to get no guns and take back to New York. The
20 possibility of what they could do -- I got two friends in
21 New York that's cops. One of those same guns could kill
22 one of my two friends that are police officers, that
23 helped in this investigation get murdered, and I didn't
24 want that.

25 Q And they had money to buy guns, didn't they?

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1 A And they had money to buy them.

2 Q And Rene in fact bought guns?

3 A He bought one -- well, three.

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

5 MR. NIXON: That's all I have.

6 THE COURT: You may step down.

7 Do you have any additional witnesses?

8 MR. NIXON: Judge, if I could just ask him one
9 question.

10 THE COURT: You may. You can ask him right there.

11 REDIRECT EXAMINATION

12 BY MR. NIXON:

13 Q Rodney, we've heard testimony, you've testified that you
14 called Angel Melindez "Wish" and Rene Whitecloud --

15 A Rene Barbosa Whitecloud.

16 Q Rene Barbosa Whitecloud. Did anybody in Mobile to your
17 knowledge know Wish's real name was Angel Melindez?

18 A They did not know their names. They did not know their
19 real names.

20 Q Did anybody in Mobile know Rene Barbosa also went by --
21 his real name was Rene Whitecloud?

22 A They didn't know none of that.

23 Q Did anybody in Mobile, to your knowledge, have any
24 photographs of either one of these people?

25 A They did not have any, no photographs of them until I

1 furnished them.

2 Q You're the one who gave the photographs of these people?

3 A Yes, I did.

4 Q And you're the one who gave their true names?

5 A Yes, I did.

6 Q Their real names?

7 A Their real names.

8 MR. NIXON: That's all I have, Judge.

9 MR. JORDAN: Judge, if I could just do one thing,
10 and I apologize.

11 THE COURT: Do you want to ask him any additional
12 questions?

13 MR. JORDAN: I think I might. I apologize to the
14 jury. I just want to see something here.

15 MR. NIXON: One more question.

16 REDIRECT EXAMINATION CONTINUED

17 BY MR. NIXON:

18 Q Rodney, have you ever been in trouble before?

19 MR. JORDAN: Judge, that's not a proper question.
20 That is not proper evidence.

21 THE COURT: He may answer it.

22 A No, I haven't. I've lived in Prichard all these years
23 since '87, and I've never been in trouble and I've had a
24 job all my life.

25 MR. NIXON: That's all I have.

1 MR. JORDAN: May I ask him --

2 THE COURT: Certainly.

3 MR. JORDAN: And I need to put him back up there.

4 I'm sorry. I apologize.

5 THE COURT: Come back around here.

6 MR. JORDAN: This is a big -- Judge, we're trying,
7 for the jury's benefit, we're trying to -- I
8 apologize.

9 RECROSS EXAMINATION

10 BY MR. JORDAN:

11 Q Tell us what you did in returning the guns back to Mike
12 Finley?

13 A What do you mean?

14 Q Tell us what you did?

15 A Until Taco made the tape and admitted the truth --

16 Q No, no, no, no. Tell us what you did, what you
17 physically --

18 MR. NIXON: Judge, he's trying to answer the
19 question.

20 MR. JORDAN: He started talking about something --

21 Q Tell us what you did in returning the guns.

22 A Until Taco admitted that he handed me the guns --

23 MR. JORDAN: Judge, this is non-responsive --

24 A -- and put the guns --

25 MR. JORDAN: Judge --

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1 THE COURT: He's answering it. He put the guns.

2 Go ahead.

3 A Placed the guns in the woods and let --

4 Q Where did you get the guns from?

5 A From Taco.

6 Q Where?

7 A He took me to a house in Crichton. He got out, walked to
8 the back of the house, and brung the bag back with the
9 guns in it.

10 Q What kind of bag?

11 A It was a pillow case.

12 Q So, Taco has already testified. So, you're telling us
13 Taco didn't get a green Army bag? Right?

14 A They might not remember. I remember.

15 Q Well, so Taco gave you the guns in a pillow case where?

16 A At a house in Crichton off Spring Hill Avenue, next --
17 right -- the street is right next door to AmSouth Bank.

18 Q And what did you do with them?

19 A Took the guns, took Taco home, went back to the Finley
20 residence, asked the neighbors did they see Mike and when
21 they do see Mike, tell him to come directly to my house.

22 Q This is Monday?

23 A This was Monday.

24 Q You did not take the guns to the police station?

25 A No, I did not take the guns to the police station.

1 Q You knew the guns had been stolen and something had hurt
2 your friend's wife?

3 A I didn't know exactly what happened. He did not know
4 what happened. I did not know she was shot until six
5 o'clock that afternoon.

6 Q I thought you knew the house had been robbed before that
7 according --

8 A I knew the house was robbed from when Taco called me and
9 told me.

10 Q So, you knew the guns were stolen. You did not take them
11 to the police station?

12 A I knew the guns was stolen and I knew I recovered them.

13 Q Did you take them to the police station?

14 A No, I did not take them to police station.

15 Q So, instead you took them where?

16 A I took them home with me until Mike got there.

17 Q And then where did you take them?

18 A That morning I took them and I placed them --

19 Q Wait, this is Monday. You picked them up Monday?

20 A Picked them up Monday.

21 Q So, Monday night where are they?

22 A They were with me Monday night?

23 Q So, then Tuesday what did you do?

24 A I took them to the woods next to his house and placed
25 them there and took him back hours later and recovered

v

1 them.

2 Q So, on Tuesday you took the guns to some woods out by UPS
3 and you took the guns out and you put them in the woods?

4 A Yes, I did.

5 Q And then Tuesday you went and got Mike and you went
6 driving, looking around the woods for some guns, and
7 surprise, surprise, there are the guns?

8 A Exactly, until Taco confessed that he gave me the guns,
9 which he did.

10 Q And you did all these things, you did all this planning
11 because you were afraid that one day Valerie Finley would
12 again speak?

13 A Mr. Jones, first Michael Finley was involved with this
14 whole set up. Why would I be lying to Michael Finley?
15 Remember, this was a big insurance -- this is a big
16 insurance thing, right? This is a conspired murder. If
17 Michael Finley would have caught up with Taco or Dennard
18 Jones or Terrell Moore, he would have been up for murder.
19 What would you have said then?

20 Q But you knew that one day this woman would talk again,
21 didn't you, Rodney Stanberry?

22 A I knew when I gave her those pictures she was going to be
23 able to ID. them.

24 Q You knew she was going to be able to ID. Rene and Ihoe?

25 A Whoever did it.

1 Q And you were scrambling?

2 A Scrambling?

3 Q Scrambling. You were --

4 A Scrambling --

5 Q -- making telephone calls to Taco and to Mike Finley.

6 You were running back and forth to the police department.

7 A Just like I would do if it was my little sister that that

8 happened to.

9 Q You were --

10 A Hopefully Mike would do the same thing for me.

11 Q You were lying to the police about things you did?

12 A No, I didn't lie to the police about nothing I did except

13 Taco admitting that he gave me those guns. That was the

14 only lie in the first and second statement.

15 Q Let's go over your second statement.

16 A Let's go over it.

17 Q This is on Saturday. You say you got a call from Taco

18 about twelve-something. Taco said your home boys have

19 broke into -- and you didn't even remember whose house it

20 was? That's what you told the police, right?

21 A No, I'm saying I don't remember what Taco said exactly.

22 It wasn't twelve-something, it was -- it was twelve-

23 something, about twelve-thirty when I got home.

24 Q And then Mike called. You clicked off, you talked to

25 Mike and Mike said, Where are your home boys, and he said

1 somebody broke into the house and hit his wife on the
2 head with something?

3 A That's what I found out later.

4 Q That's what Mike told you?

5 A That's what he said his sister-in-law told him. She fell
6 or something like that.

7 Q I doesn't say she fell or something like that, it says--

8 A He said she fell -- his sister-in-law told him she fell
9 or something like that. She didn't know she was shot,
10 he didn't know she was shot and I did not know she was
11 shot.

12 Q You said, Somebody hit my wife in the head. That's what
13 you said.

14 A He said something to that nature.

15 Q That's what you said.

16 A Okay, that's what I said.

17 Q "I asked Mike what did they take. I guess he told me,
18 but I don't really remember. I asked Mike when did they
19 do this and he said nine-something in the morning. I
20 told Mike that I was on the line with Taco. He said my
21 home boy called and said that they had did it." Your
22 home boy being Rene and Ihoe, right?

23 A Exactly.

24 Q So, as of Saturday you were telling the police that Rene
25 and Ihoe did this?

1 A I said Taco said that they did it, and that's what it
2 says if you read it, and that was three years ago.

3 Q "I went to the bus station and they were not there."
4 Who's they?

5 A That was Wish, Angel Melindez; and Rene Barbosa
6 Whitecloud.

7 Q So, let's get this straight just so the jury understands.

8 A Mm-hm.

9 Q This is on Saturday?

10 A On Saturday.

11 Q Five days after this happened?

12 A Five days after it happened.

13 Q You tell the police -- you're giving them information so
14 they can investigate this, right, and you're telling them
15 that you went to the bus station looking for Rene and
16 Ihoe, who you've already identified as being the people
17 who did this crime?

18 A No, I did not identify. I said those are the people that
19 we had visting me. That's what I ID.'d.

20 Q And you tell them you went to the bus station and they
21 weren't there? They were gone?

22 A That's what I said until Dennard Jones made the statement
23 and told the truth and I had it on tape.

24 Q So, this is another lie, right? This is a lie. Just so
25 we're not mistaken on this thing. They were gone. It

1 was a lie, right?

2 A Yes, it was, which that was before I got the conversation
3 of Dennard Jones on the tape.

4 Q You lied to the police, right?

5 A Yes. I did the 2nd and the 7th.

6 Q And -- but I said to Rene, Man, why did you all do that,
7 and Rene kept saying that he was sorry.

8 A Yes, he did.

9 Q Rene was apologizing to you on the telephone for what
10 happened to Val?

11 A No, for what he let Angel Melindez do.

12 Q Did -- do you say that here?

13 A No, sure don't.

14 Q And look at when -- you tell the police the last time you
15 saw them was Sunday night, eight o'clock Sunday night?

16 A It -- this --

17 Q That was another lie, right, if you in fact saw them at
18 the bus station. Oh, then we talk about the guns being
19 found and you tell them that Rene called you, right?
20 Rene called you at home and said that we don't have the
21 guns and said that the guns are in the woods. So, on
22 this day you're reporting Rene as apologizing for what
23 happened to her. You're reporting Rene as the person
24 that put the guns in the woods, right? If we could have
25 caught Rene that day, we could have prosecuted Rene,

1 couldn't we, based on -- based just on your testimony and
2 your evidence that you gave to the Prichard Police
3 Department?

4 A No, I wouldn't say that. Well, see, that statement was--
5 if I remember right, that lie there about how I got the
6 guns, that was before Taco said the truth, right? Before
7 I got that taped conversation. Yeah, it was.

8 Q That's your -- that's your defense, isn't it?

9 A Yes, it is.

10 Q That you're just going to lie, lie, lie, give the police
11 all this misinformation until your man Taco comes through
12 for you, right?

13 A The fact of the matter is, sir, if --

14 Q Let me ask you again --

15 A -- the first time we -- (Mr. Jordan and witness speak at
16 once.)

17 Q -- ask you to --

18 A -- everybody that came here today could have testified
19 against Angel Melindez or Rene Barbosa, including me,
20 which would have been, what, seven, eight people,
21 neighbors, the man working on a car, Terrell Moore.

22 Q I could have brought you in --

23 A Mm-hm.

24 Q -- to stand up there and say it was Angel and Terrell,
25 couldn't I, Mr. Stanberry.

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1 A Well, I wasn't --

2 Q And then I'd put Valerie --

3 A -- there, so I couldn't have testified to that.

4 Q And then I'd put Valerie Finley on to tell whether or not
5 you were telling the truth about who came in and attacked
6 her. Let's point out another lie or this is another
7 thing. Rene said again that he was sorry, right?

8 A Mm-hm.

9 Q Again he's sorry. Right? Point the finger one more time
10 at Rene on Saturday.

11 MR. NIXON: Judge, is he asking him did Rene say he
12 was sorry?

13 THE COURT: He's asking him did he say that in that
14 statement.

15 Q So, you went by Mike's house --

16 THE COURT: Is that what you're doing, Buzz?

17 MR. JORDAN: Yes.

18 Q So, you went by Mike's house and told him what Rene had
19 told you --

20 A Mm-hm.

21 Q -- about the guns being in the woods and about saying how
22 sorry he was for what he did to his wife?

23 A Mm-hm. No, no, no. He didn't say he was sorry for what
24 he did to his wife. He said he was sorry for letting
25 Angel Melindez go over there and do that.

1 Q You never say that on this statement, do you?

2 A No, I didn't.

3 Q You say it in fact today when you're on trial. Right,
4 Mr. Stanberry?

5 A I probably said it in that last statement, which was
6 April 17. We probably can check it and see that.

7 Q Better be careful now. You didn't say anything else.

8 A Mr. Jordan --

9 MR. JORDAN: Judge --

10 A -- all of this information here --

11 MR. JORDAN: Judge --

12 A -- her family did not know. She did not know that a man
13 confessed to it, so she just said they were Rodney's
14 friends, had to be Rodney. Rodney's helping, Rodney's
15 getting -- Rodney gave the guns back. They was his
16 friends. He's helping; had to be him. So, it was him.
17 Before she found out a man confessed to it. Now, that's
18 what all the squabble is.

19 Q Well, you're going to get to hear --

20 A I would have took care of her like she was my sister. I
21 would have jumped on them like she was my sister.
22 There's no way in the world I would have let them do that
23 to her if I knew they were.

24 Q Rodney?

25 A Yes, sir.

Q Isn't it a fact that Valerie looked at you in the face and said, Rodney, why are you doing this?

A No, that's definitely not true. If it was two people here from New York, why would I do something, if that -- if that's what happened, if it was Rene and Ihoe?

THE COURT: Do you have any other questions to ask him?

MR. JORDAN: No.

THE COURT: Step down.

WITNESS: Thank you.

THE COURT: Do you have any additional witnesses?

MR. NIXON: We rest, Judge.

THE COURT: Any rebuttal?

MR. JORDAN: Yes, Your Honor.

THE COURT: I know what time it is.

MR. JORDAN: Valerie Finley.

THE COURT: She may stay right there.

Mrs. Finley, you're still under oath.

VALERIE FINLEY

recalled, being still under oath,

testified further as follows:

FURTHER DIRECT EXAMINATION

BY MR. JORDAN:

Q Valerie, do you remember the person that they brought in, a Terrell Moore?

- 1 A Yes, sir.
- 2 Q And he took his Fifth Amendment?
- 3 A Yes, sir.
- 4 Q About fifty times?
- 5 A Yes, sir.
- 6 Q And Mr. Nixon asked him a bunch of questions where he
- 7 took his Fifth Amendment?
- 8 A Yes, sir.
- 9 Q Did you get a good look at him today?
- 10 A Yes, sir.
- 11 Q Did you see him when you testified at Grand Jury?
- 12 A Yes, sir.
- 13 Q And did you get a good look at him then?
- 14 A Yes, sir.
- 15 Q And is that the person -- is that one of the two people
- 16 that came in your house the day this happened?
- 17 A No, sir.
- 18 Q Are you absolutely sure?
- 19 A I'm positive.
- 20 Q Could he have been the person that was with Rodney
- 21 Stanberry?
- 22 A No, sir.
- 23 Q Could he have been the person that was with Rodney that
- 24 had the pony tail?
- 25 A No, sir.

1 Q Could he have been there instead of Rodney Stanberry, in
2 Rodney's place?

3 A No, sir.

4 MR. JORDAN: That's all.

5 FURTHER CROSS EXAMINATION

6 BY MR. NIXON:

7 Q Mrs. Finley, are you as absolutely positive about that as
8 you were when you told me that you were absolutely
9 positive that that was your voice on that tape, but you
10 didn't say that?

11 A I know who came in my house. I know it wasn't the guy
12 that was on the stand. I know it was Stanberry and Rene.
13 I didn't know his name then at that time. I called him
14 Pony Tail. That's who came in my house on March the 2nd
15 on my baby's birthday and that's the only person I saw in
16 my house -- people I saw in my house that day.

17 MR. NIXON: That's all I have, Judge, of that
18 witness.

19 THE COURT: Any further questions, Mr. Jordan?

20 MR. JORDAN: No further rebuttal.

21 THE COURT: Okay. Do you have any other witnesses
22 on rebuttal?

23 MR. JORDAN: No, Your Honor.

24 THE COURT: Ladies and gentlemen, this case for all
25 the -- all the testimony in this case is completed. They

1 have some legal motions to make to me. I have every
2 reason to believe that we will get started promptly
3 tomorrow morning at 9:00. Not 9:15, 9:00. How about
4 8:30? Want to be here at 8:30. I'll come at 7:30, if
5 you want to. I see several people giving it this, but --
6 all right. nine o'clock. I'll see you all then. Let me
7 tell you what's going to happen. The attorneys are going
8 to make their closing argument and then I'll tell you
9 what the law is and then this case will be yours. Okay.
10 Again, don't discuss this case with anybody. See you all
11 tomorrow morning at nine o'clock.

12 (Jurors excused.)

13 THE COURT: All right, for the record, I assume, Mr.
14 Nixon that you wish to make the same motions that you
15 made at the close of the State's case.

16 MR. NIXON: I do, Your Honor. I would like to renew
17 those motions and I make a motion for a judgment of
18 acquittal at this time on each and every count of the
19 indictments pending against Mr. Stanberry. At this time
20 I would ask leave of the Court to adopt and re-aver the
21 same arguments that I made to the Court at the close of
22 the Plaintiff's case or shortly thereafter and make those
23 the same part of my argument on my judgment of acquittal
24 at this time. Plus, Judge, I would like to add as to
25 each of the charges the insufficiency of the evidence,