

1 MR. NIXON: Call Rodney Stanberry, Your Honor.

2 MR. RODNEY KARL STANBERRY

3 was sworn and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. NIXON:

6 Q State your name, please.

7 A Rodney Karl Stanberry.

8 Q How old are you, Rodney?

9 A Twenty-five.

10 Q Do you go by any other names?

11 A Stan, for short.

12 Q That's your nickname?

13 A Yes.

14 Q And where do you live, Rodney?

15 A I live on 605 Opp Avenue, Whistler, Alabama.

16 THE COURT: Young man, that microphone is turned

17 off. You can just sit back and --

18 Q Are you nervous?

19 A No, I'm mad.

20 Q Where do you work?

21 A I work at BFI.

22 Q How long have you worked there?

23 A I'm guessing six years.

24 Q What do you do there?

25 A I drive a commercial front loader.

- 1 Q And how long have you been living in Mobile?
- 2 A I think in 1987.
- 3 Q And where did you move here from?
- 4 A New York.
- 5 Q Your family move with you?
- 6 A Yeah, my father retired from Transit and we relocated.
- 7 Q Is that your father here?
- 8 A That's my father right there.
- 9 Q What's his name?
- 10 A Ersell (phonetic) Stanberry
- 11 Q And is that your sister behind him?
- 12 A That's my sister.
- 13 Q What's her name?
- 14 A Teneesha (phonetic) Stanberry.
- 15 Q And in March of 1992 were you living with your mother and
- 16 father?
- 17 A Yes, I was.
- 18 Q Do you know -- well, do you hunt?
- 19 A Yes, hunt, fish, turkey hunt.
- 20 Q Do you hunt often?
- 21 A Yeah.
- 22 Q Did you hunt and fish back in 1992?
- 23 A Yes, I did.
- 24 Q And do you know Mike Finley?
- 25 A Yes, I do.

1 Q Do you know Valerie Finley?

2 A Yes, I do.

3 Q How long have you known them?

4 A Approximately about three years.

5 Q Is that three years from 1992 in March?

6 A Three years from 1992.

7 Q So, when Valerie had got shot, you had known her for
8 three years?

9 A Yes.

10 Q You had known her husband for three years?

11 A Three years.

12 Q Tell the jury your relationship with her husband, Mike?

13 A Me and Mike Finley hunted together. We barely fished
14 together. We went to some gun shows together, but we
15 weren't best friends, but we was friends during hunting
16 season. When hunting season was out, we really didn't
17 see each other.

18 Q What is hunting season?

19 A Squirrel season, rabbit season, deer season, bow season.

20 Q Months, when does that go from?

21 A November, November til the end of January.

22 Q Did you have a gun collection?

23 A Yes, I did.

24 Q And how many guns did you have in your collection in
25 March of '92?

v

1 A I'm thinking about four less than what Mike had, which
2 was 11. He had about 14, all the same, all registered.

3 Q He had rifles, shotguns, pistols?

4 A Pistols.

5 Q And you were full time employed at that time?

6 A Full time employed.

7 Q Living with your parents?

8 A Yes.

9 Q You buy those guns with your own money?

10 A Yes, I did.

11 Q Did you have a car or a vehicle?

12 A Yeah, I had a brown Bronco.

13 Q And you're seen these pictures that Mr. Jordan showed to
14 the jury of this brown Bronco. Is that your --

15 A Yes, that's it.

16 Q Sir?

17 A That was it.

18 Q What year Bronco is that?

19 A Eighty-four model.

20 Q And what marks distinguished that Bronco from other
21 Broncos?

22 A I have One Night Stand on the front windshield and
23 Humping and Bumping, meaning the music.

24 Q On the back?

25 A That was in it at the time.

- 1 Q A sticker on the back?
- 2 A No, that Hump-- Heartbreak was on there at that time.
- 3 Q Okay. Now, have you been to the Finley home?
- 4 A Yes, several times.
- 5 Q What was your purpose for going over there before March
- 6 of '92?
- 7 A Before March of '92?
- 8 Q Yes, sir.
- 9 A Well, when my friends came in town I introduced them to
- 10 Valerie and Mike, which I did 100 people. I introduced
- 11 them.
- 12 Q Well, let's back up just a second. You had been to their
- 13 house to eat dinner with them?
- 14 A Yes.
- 15 Q And played with their children?
- 16 A Played with their children.
- 17 Q Did you know how many guns Mike had?
- 18 A I knew exactly what he had.
- 19 Q He knew what you had?
- 20 A He knew what I had.
- 21 Q And how many times had you been over to the Finley house
- 22 before March the 2nd in your own opinion?
- 23 A Several, several, several times.
- 24 Q Fifty, hundred?
- 25 A Fifty, I'd say fifty.

v

1 Q Okay. Now, do you know Angel Melindez?

2 A Yes, I do.

3 Q And does he go by any other names?

4 A Yes, he goes by the name Wish.

5 Q Do you know Rene Whitecloud?

6 A Yes.

7 Q Does he go by any other names?

8 A Rene Barbosa Whitecloud.

9 Q Those two gentlemen go by Rene and Wish?

10 A Yes, they do.

11 Q Where are they from?

12 A Both of them are from New York.

13 Q How did you meet them and when did you meet them?

14 A I knew them I guess from me being 12 until I moved when I

15 was 16.

16 Q Okay, from age 12 --

17 A Seventeen. Seventeen.

18 Q -- to 16. So, four years.

19 A My adolescent years.

20 Q In New York?

21 A In New York.

22 Q When you moved to Mobile did you have any contact with

23 them?

24 A Well, no, I really didn't until a week -- a week before

25 they came down there.

v

1 Q Did you talk to them on the telephone on occasion?

2 A Yeah. Well, I did that time.

3 Q No, I mean from the time you moved down from New York to
4 Mobile until a week before Mrs. Finley was shot.

5 A I think I talked to Rene one time in, you know, that four
6 years or whatever I been moved, from '92 until '87.
7 Maybe twice. Definitely one.

8 Q On the telephone?

9 A On the telephone.

10 Q So, it's not like you had any kind of regular
11 relationship with these people after you moved to Mobile?

12 A No.

13 Q And when were you contacted first by them in March of
14 1992? Who contacted you?

15 A I was talking to one of Mike's girlfriends on the phone
16 on the corner and just happened to be Rene was walking by
17 and she --

18 Q And where was this?

19 A In the Bronx, New York.

20 Q Okay. So, you're talking to a girl in the Bronx --

21 A Mm-hm.

22 Q -- and Rene walks by?

23 A Mm-hm.

24 Q And does she mention his name?

25 A Yes, she does.

1 Q And did you talk to him?

2 A Yes, I did.

3 Q Did you arrange to have -- did you all discuss coming
4 down for Mardi Gras?

5 A Yes, we did.

6 Q And when was this, the best of your memory?

7 A It happened on the 2nd, that Tuesday before they got
8 here, possibly three or four days before the 2nd. Three
9 or four days before the following Tuesday before it
10 happened on the 2nd. If I had a calendar, I could be
11 exact.

12 Q All right. Let's -- This happened on a Monday?

13 A Mm-hm.

14 Q When did they get to Mobile?

15 A They got to Mobile that following Tuesday.

16 Q You mean the prior Tuesday?

17 A The prior Tuesday.

18 Q Okay. So, the Tuesday before the Monday is when they
19 come to Mobile?

20 A Mm-hm.

21 Q And how long before that was it when you had the
22 conversation and they decided they were going to come?

23 A Three, three days, possibly four days.

24 Q And what was their purpose for coming down here?

25 A For Mardi Gras.

1 Q Did you have any other conversations with them after that
2 one before they got to Mobile? Did they call you and
3 tell you where they were coming or how they were coming?
4 A Yeah, they told me they were going to come by bus.
5 Q And did they in fact come by bus?
6 A Yeah. Well, Rene came. He didn't know who he was going
7 to come with. Now, he ended up eventually coming with
8 Angel Melindez.
9 Q Did you know that Angel Melindez was coming?
10 A No. No, I didn't.
11 Q Until he arrived here?
12 A Until he arrived.
13 Q What are your hours at BFI? What were your hours at that
14 time?
15 A I was starting about two o'clock, getting through around
16 ten o'clock, eleven o'clock.
17 Q We're talking two o'clock in the morning?
18 A Two o'clock in the morning, eleven o'clock in the
19 afternoon.
20 Q You saw this photograph of the truck. Is that the type
21 truck that you drive?
22 A That's the truck that I drive.
23 Q And what do you do?
24 A I pick up commercial dumpsters.
25 Q You go to the stores, Delchamps, and stores and --

v

1 A Apartment complex.

2 Q -- load your truck?

3 A Load my truck.

4 Q Empty those big steel garbage containers?

5 A That's true.

6 Q And where do you dump that garbage?

7 A In Chestang, Alabama, which is a couple of miles from

8 Mount Vernon.

9 Q So, you're at work at two o'clock in the morning?

10 A Two o'clock in the morning.

11 Q And what time do you generally get off, finish your

12 route?

13 A Eleven, ten o'clock in the morning, something to that

14 matter right there.

15 Q Sometimes earlier, sometimes later?

16 A Sometimes earlier, sometimes later.

17 Q Now, when Wish and Rene arrived did you pick them up?

18 A No, my little sister picked them up because I was -- they

19 were coming in late and I was at work. I was going to be

20 at work.

21 Q Did you arrange that?

22 A Yes.

23 Q And do you know where they checked in, what motel?

24 A Red Carpet Inn, on the Beltline of Government and 65.

25 Q And what day was this?

- 1 A That was a Tuesday.
- 2 Q And when you got off work did you go by the hotel?
- 3 A Yes, I did.
- 4 Q What time?
- 5 A After I got off work, which -- whatever time that was.
- 6 Q Okay. Did you visit with them?
- 7 A Yes.
- 8 Q Did you go out with them?
- 9 A Well, I picked them up and we went riding from there. I
10 think got something to eat.
- 11 Q And the next day, did you work that night?
- 12 A Yes, I did.
- 13 Q Did you go over there and visit with them when you got
14 off work?
- 15 A Yeah, I was able to go there every day after work because
16 I wasn't able to get off with short notice for my
17 vacation since I didn't know they were coming.
- 18 Q So, you couldn't take off work?
- 19 A No.
- 20 Q So, you went to visit them?
- 21 A After work.
- 22 Q All right. Did you take them to Mike Finley's house?
- 23 A Yes, I did.
- 24 Q And when was that?
- 25 A If it wasn't that same day, it was the next day.

v
1 Q The day they came in or the next day?

2 A Yes.

3 Q Why did you take them to Mike's house?

4 A The last buck that I killed, I didn't have a deep freeze
5 and I was going to get the head mounted. He had a deep
6 freeze. So --

7 Q Who had a deep freeze?

8 A Mike Finley had a deep freeze. So, I left it there.

9 Q You left it where?

10 A I left it at Mike Finley's house.

11 Q And my question was why did you take Wish and Rene to
12 Mike Finley's house?

13 A I wanted them to see it.

14 Q And did they in fact see it?

15 A Yes, they did.

16 Q And did you introduce them to Valerie?

17 A Yes, I did.

18 Q And did you introduce them to Mike?

19 A Yes, I did.

20 Q Was there anybody else present?

21 A No, that was it at that time.

22 Q How long did you all stay at the Finley home on that
23 occasion?

24 A We stayed shortly, just talking about, you know, hunting
25 and stuff, telling --

v

1 Q Did you go inside?

2 A No. They didn't never -- they never been inside. They
3 never was inside.

4 Q That would have been -- Okay, when was the next time that
5 you went to the Finley house with Wish or Rene, if you
6 did?

7 A I'm -- That Thursday, I know for sure.

8 Q Tell me about Thursday.

9 A When I got off work, I'm guessing I went to the hotel and
10 they had already said that they had talked to Mike Finley
11 that day and he was going to -- he found a way to, you
12 know, pick up some guns for them.

13 Q Mike Finley found a way --

14 A Yeah.

15 Q -- for them to purchase some guns?

16 A Yeah.

17 Q And who told you this Thursday?

18 A Rene did.

19 Q Did you go to Mike's house?

20 A Yeah.

21 Q Were they with you?

22 A Yeah.

23 Q Rene and Wish?

24 A Rene and Wish.

25 Q And tell us what happened.

v

1 A We got there, I -- I kind of stand back and just listen.
2 What it was is they got a ride over there that Thursday
3 while I was at work to talk to Mike about purchasing the
4 guns, which he didn't want to -- he would not sell his
5 guns in his name cause I told him not to. So --

6 Q He wouldn't sell who his guns?

7 A He wouldn't sell his guns.

8 Q To whom?

9 A To Rene. To Rene or Wish.

10 Q Why did you tell him not to sell his guns to Rene or
11 Wish?

12 A Well, my two best friends that I left school with, which
13 are cops now in New York City --

14 MR. JORDAN: Judge, this reasoning or rationale has
15 nothing to do with this and the question is did
16 he do it or not.

17 MR. NIXON: Judge, I'm asking him why he told him
18 not to sell the guns to them.

19 THE COURT: Go ahead. It's all right.

20 A You're not allowed to buy handguns in New York City.

21 Q You were afraid he was going to get in trouble?

22 A There was a possibility.

23 Q Did they offer to buy your guns?

24 A Yes, they did.

25 Q Did you decline to sell them?

v

1 A I declined.

2 Q Now, go ahead and tell us what happened that Thursday.

3 A Well, I told Mike don't sell them his. He told them I
4 told them not to. That pissed them off. Mike didn't
5 exactly understand why I didn't want him to, but he just
6 figured I just didn't want him to sell them if they was
7 in his name.

8 MR. JORDAN: Judge, we're getting into a lot of
9 mental impressions. I have no way of verifying
10 any of this.

11 THE COURT: He's correct.

12 Q Was Valerie there?

13 A Yes, Valerie was there.

14 Q During this discussion?

15 A Yeah.

16 Q Now, tell us about where they went and where they
17 purchased the guns.

18 A Went to Moffat Road Dairy Queen and there was a gentleman
19 up there that I guess met Mike previously at a gun show.

20 Q Who rode up there? Did you all ride together?

21 A Yeah, we all rode up there together.

22 Q And tell us who was in the car.

23 A I know me and Taco and Wish and I'm -- yeah, and Rene,
24 and I'm guessing Mike rode up there separately.

25 Q But you know Mike was there?

v

1 A Yeah.

2 Q And Mike introduced this guy to them?

3 A Yeah.

4 MR. JORDAN: Object to leading. Now, some -- I'd
5 like to hear from the witness from now on.

6 Q Who did you see purchase a gun?

7 A Rene. Rene purchased a gun from the gentleman.

8 Q And what gun or guns did he purchase?

9 A It was a Glock nine millimeter, a .380 of what brand I
10 don't know, and a .25 automatic, which -- what brand I
11 don't know.

12 Q And did he pay for them also?

13 A Yes, he did.

14 Q And what happened after that?

15 A He gave Mike \$75 for like, I guess, a commission for
16 introducing to the, you know, person.

17 Q Mike Finley?

18 A Yeah.

19 Q And then what happened?

20 A I'm guessing we all just went back. Mike went home. I
21 took them back to the hotel.

22 Q This was Thursday?

23 A This was Thursday.

24 Q Did you go to work Thursday night?

25 A Yes, I did.

1 Q Or that would be Friday morning at two o'clock?

2 A That would have been Friday morning, two o'clock.

3 Q Did you run your route?

4 A Run my route.

5 Q Did you get off Friday afternoon?

6 A Yes, I did.

7 Q What time, do you recall?

8 A Somewhere in twelve o'clock, eleven o'clock hour.

9 Q And what did you do Friday night?

10 A I couldn't stay out with them, which Friday night and

11 Saturday night would have been the only night I could

12 stay out with them, but I had to go to work that next day

13 because I didn't dump my truck. So, I had to come and

14 work off the clock and dump the truck, which was

15 Saturday.

16 Q So, did you do anything with them Friday?

17 A No, I didn't. You know, I had to go to bed.

18 Q You worked Saturday morning?

19 A Worked Saturday morning shortly.

20 Q Got off Saturday?

21 A Got off Saturday.

22 Q And what did you do Saturday?

23 A That Saturday I'm guessing we was planning to go to the

24 parade, but they wanted to shoot the guns that they

25 bought and I was going to shoot the guns that I --

1 you know, all the guns I have, I was going to let
2 them go up there and shoot them.

3 Q Did you all target practice, you and Mike and Valerie?

4 A Yes, several times.

5 Q In Creola?

6 A In Axis --

7 Q Or Axis?

8 A -- and Mauvilla.

9 Q Okay. That was a routine thing?

10 A That was a, yeah, routine thing.

11 Q Go ahead and tell us what you did.

12 A That Saturday we stopped at the Finley house. Her and
13 Mike were working on the house. I told them I was going
14 to Axis to shoot the guns that, you know, that I had and
15 he was going to shoot the gun that he bought. So, I
16 picked up my targets and my target set up. He said he
17 wasn't going go to cause she didn't want him to go cause
18 she wanted him to continue, you know, cleaning up the
19 house, you know. I said, Okay, fine. We left. Fifteen
20 minutes after we got there they popped up and they were
21 there.

22 Q Where?

23 A In Axis-Creola.

24 Q Okay. Who was there? Everybody? Tell me who --

25 A Who rode with me was Rene Barbosa, Wish, Taco.

1 Q And Mike and Valerie?

2 A Mike and Valerie rode in their car, their new car.

3 Q Was there anyone else there?

4 A It was several people that lived in the trailer and lived
5 in the neighborhood.

6 Q Were they shooting with you all?

7 A Yes, they were.

8 Q Okay. What, if anything, did Mike and Valerie bring with
9 them when they came up there?

10 A They brung -- he brung, showing off, everything he had.

11 Q What do you mean, everything he had?

12 A AK 47, Tech 9, Tech 22, .380, M 11, which all those
13 weapons there, they did not know he had.

14 Q So, you're saying he brought all of his guns up there?

15 A He brung all his guns up there.

16 Q And you say "they." Do you mean Wish and Rene?

17 A Wish, Rene, Taco, the people that lived in the trailer.

18 Q People that were trying to buy guns?

19 A Well, Rene was the one trying to buy guns, but several,
20 you know, other people that lived up there.

21 Q And did they see those guns?

22 A Yeah, they saw them.

23 Q Mike Finley's guns?

24 A They saw his guns and was just, you know, amazed.

25 Q Did they shoot those guns?

v

1 A They shot the guns.

2 Q And how long did you all stay up there? How long did
3 they spend shooting those guns?

4 A We -- no more than two hours, possibly a hour, hour and a
5 half.

6 Q Okay. What happened next?

7 A Mike and Valerie left. We left.

8 Q Who is we?

9 A Me, Rene, Wish, and Taco.

10 Q Where did you go?

11 A I'm guessing I took them back to the hotel. We got into
12 a disagreement. I took them back to the hotel.

13 Q What did you get in a disagreement about?

14 A There was a gun show that weekend, which there are
15 usually --

16 MR. JORDAN: Judge, this -- this all involves
17 hearsay. It's not relevant.

18 MR. NIXON: He hasn't answered, Judge. I asked
19 him what he got in a disagreement about.

20 THE COURT: Go ahead.

21 MR. JORDAN: Well, he's trying to and he's starting
22 to talk about a discussion they had.

23 Q You may answer.

24 A There was a gun show that week end they wanted to go and
25 buy guns.

1 Q Who is "they"?

2 A Rene. Rene and Wish.

3 Q And what was the disagreement about?

4 A Because I wouldn't take them to go get them.

5 Q Why wouldn't you take them to the gun show?

6 A Because, back to the first thing, you can't have guns in
7 New York, and I was scared of the possibilities of what
8 could have happened.

9 Q So, you all got into a disagreement --

10 A We got into the disagreement.

11 Q -- Saturday evening?

12 A Saturday evening.

13 Q And did you do anything else with them Saturday evening?

14 A No, we got into the disagreement, and I took them back to
15 the hotel, you know, and I went my way and left them
16 there.

17 Q When were they supposed to leave and go back to New York?

18 A That Monday.

19 Q Monday?

20 A That Monday. Well, they were going to leave Tuesday, but
21 they decided to leave Monday.

22 Q Okay. And what about Sunday? Did you have any contact
23 with them Sunday?

24 A Very vaguely. I think it was like later on that night
25 when, you know, I told them bye.

- 1 Q And where were you when you told them bye?
- 2 A At the Motel Six, 65 and Airport.
- 3 Q And what time was that?
- 4 A Possibly -- well, around eight o'clock, cause I got to go
5 to bed at least by nine o'clock or before.
- 6 Q All right. Did you have any contact with them before
7 eight o'clock that day?
- 8 A No.
- 9 Q Did you see them?
- 10 A No, I didn't.
- 11 Q Now, did you go to the motel?
- 12 A That night?
- 13 Q Yes, sir.
- 14 A Yeah, to say bye to them.
- 15 Q Who was there when you went to say bye?
- 16 A Taco, Rene Barbosa, and Wish.
- 17 Q Anybody else?
- 18 A I'm thinking Taco's girlfriend Leslie was there.
- 19 Q Okay. What happened next?
- 20 A I told them bye. He told me it wasn't no hard feelings
21 and I went home.
- 22 Q Who told you that?
- 23 A Rene Barbosa.
- 24 Q Did you go to work that night?
- 25 A I went to work that night.

1 Q What time?

2 A Somewhere around between two or three. That's what time
3 I always just about started.

4 Q That would have been Monday morning?

5 A Monday morning. Sunday night, Monday morning.

6 Q Early Monday morning.

7 A Mm-hm.

8 Q You've seen your time card that's in evidence?

9 A Yeah.

10 Q Is that time consistent with what time you usually come
11 to work and you did go to work on that day?

12 A Yes, it is.

13 Q Did you run your route?

14 A Yes, I did.

15 Q You say you went to work. Did you go to work at BFI at
16 Halls Mill?

17 A Yes, I did.

18 Q What did you drive to work?

19 A Front end truck 989.

20 Q What did you drive to work?

21 A My Bronco.

22 Q Okay. And where did you park that Bronco?

23 A On the east side of the -- no, no, the south side of the
24 building in the front.

25 Q Is that where you normally park it?

- 1 A That's what I always park.
- 2 Q Did you get in your truck and leave?
- 3 A Yes, I did.
- 4 Q And what route did you run that day?
- 5 A That south end of Mobile County, Grand Bay, Theodore.
- 6 Q Do you recall where you went first?
- 7 A Just about, because I do the same thing -- the route is
- 8 one and the same.
- 9 Q Tell us what you did early that Monday morning.
- 10 A Went to my first stop, which started in Theodore and went
- 11 to Grand Bay and worked my way back to Bellingrath Road.
- 12 Q Did you come back to the shop?
- 13 A Well, when I got to my last stop one of my eight tires
- 14 had a flat tire.
- 15 Q All right. What time was that?
- 16 A It was some time before nine o'clock. On my route sheet
- 17 it's 8:43.
- 18 Q And where were you when you had the flat tire?
- 19 A I was right next to DeGussa, which was on Laurendine and
- 20 Range Line Road.
- 21 Q And what did you do when you had the flat tire?
- 22 A I called the shop and asked them what did they want me to
- 23 do; I had a flat tire.
- 24 Q Who did you speak with?
- 25 A Freddie Robinson.

- 1 Q And what were you told to do?
- 2 A Well, he told me to -- he put me on hold first, he -- I
- 3 thought was going to come to me, but then he come back to
- 4 the radio and told me to bring it to the shop.
- 5 Q Bring your truck to the shop?
- 6 A Bring the truck to the shop.
- 7 Q And did you do that?
- 8 A Yes, I did.
- 9 Q And how long did that take you to get from Range Line
- 10 Road to the shop?
- 11 A Ten minutes, fifteen minutes. Ten minutes; at the most
- 12 fifteen minutes.
- 13 Q What time did you get at the shop?
- 14 A I got to the shop at nine o'clock.
- 15 Q And what did you do when you got there?
- 16 A I went in, pulled the truck in shop, showed them what
- 17 tire it was, chocked the tires --
- 18 Q Showed who what tire it was?
- 19 A Freddie Robinson.
- 20 Q Okay.
- 21 A Went in, told the dispatcher I was down, I had a flat
- 22 tire, what was the mechanic, and what time it was.
- 23 Q Was your tire repaired?
- 24 A Yes, it was.
- 25 Q And while your tire was being repaired, where were you?

1 A I was upstairs in the drivers' break room.

2 Q What were you doing?

3 A On the telephone.

4 Q Who were you talking to?

5 A I was -- I called the hotel where they was staying.

6 Q Okay. Did you talk to anybody?

7 A Yes, I did.

8 Q Who did you talk to?

9 A I talked to Taco first, then I talked to Rene.

10 Q So, they were still there?

11 A They were still there.

12 Q Were they supposed to still be there?

13 A Yes, they were supposed to still be there, but I was

14 thinking I was going to be able to stop there and tell

15 them bye.

16 Q This was between 9:00 and 9:30?

17 A Between 9:00 and 9:30.

18 Q And what, if anything, did Taco tell you?

19 A He told me -- I asked him where was Wish. He said --

20 MR. JORDAN: Judge, all of this, all of this is

21 hearsay.

22 THE COURT: Don't tell us what somebody else said.

23 MR. NIXON: I'm asking what Taco said. Taco

24 testified.

25 MR. JORDAN: It's still outside -- statement made

1 outside of court.

2 THE COURT: He is correct, but go ahead. But don't
3 put in any of this the whole time we're here,
4 what did he say, they say, everybody said.

5 MR. NIXON: I understand, Judge, and I'm not
6 offering it for the truth of the matter
7 asserted, just want to know --

8 MR. JORDAN: Oh, it's not being offered for the
9 truth?

10 MR. NIXON: What did --

11 THE COURT: Go ahead.

12 A He said they went to the Waffle House?

13 Q Okay. Who is they?

14 A Well, I don't know if he said they. He said he went to
15 the Waffle House.

16 Q Taco told you this?

17 A Yes.

18 Q What did you do next?

19 A I told them I was broke down. I was thinking I would
20 have had time to stop by there and tell them bye one last
21 time or take them to the bus station myself, but I had an
22 appointment later on that day and I wasn't going to be
23 able to make it.

24 Q Did you tell them that?

25 A Yes, I did.

1 Q What kind of appointment did you have later that day?

2 A I was supposed to go to Baldwin County Court House to
3 register for my CDL driver's license.

4 Q And that's your commercial driver's license?

5 A Commercial driver's license.

6 Q That you needed to drive a truck?

7 A Yeah.

8 Q Okay. What did you do next?

9 A Freddie Robinson came and got me and told me my truck was
10 up. My truck, the flat was fixed, so then I got off the
11 phone with them and went downstairs, wrote the time in
12 that I was back up, unchoked the tires, backed up out of
13 there.

14 Q Okay. Did you leave in your truck?

15 A I backed up out of the garage, drove out the fence, but
16 turned right back around because the brakes was soft.
17 So, I came back in there and asked them to do me a brake
18 adjustment.

19 Q So, you clocked out, according to your sheet, after the
20 tire was fixed at 10:32?

21 A No, 9:37.

22 Q I'm sorry. Okay. And then you stopped and backed --
23 came back in?

24 A Pulled back in the shop, chocked the brakes -- the tires
25 back up.

- 1 Q And how long did it take for Freddie to fix your brakes?
- 2 A Ten minutes, fifteen minutes.
- 3 Q Where did you go from there?
- 4 A I went to Halls -- got on Halls Mill Road, went to
- 5 McVay, got on Highway 90 and got on 65.
- 6 Q I-65.
- 7 A I-65.
- 8 Q And where did you go from there?
- 9 A I was headed to Chestang land fill.
- 10 Q And was that to make the -- to dump your load?
- 11 A That was to dump the load.
- 12 Q And did you go to Chestang land fill?
- 13 A Yes, I did. I was headed towards Chestang land fill.
- 14 Q Is that your normal route?
- 15 A Normal route.
- 16 Q Okay. Did you go to Chestang land fill?
- 17 A Yes, I did.
- 18 Q Did you see the sheet here that says you arrived at
- 19 10:40? Is that consistent with your memory?
- 20 A That's it.
- 21 Q And what happened next?
- 22 A Well, what I didn't say is on the way up there, when I
- 23 looked at the hotel where they were saying, which is on
- 24 I-65 and the Beltline, I saw --
- 25 Q Hotel where who was staying?

1 A Motel Six where Rene and Wish was staying.

2 Q Okay.

3 Q And Taco. I noticed the Capri, the faded out Capri,
4 parked on the side and Rene -- and Wish and Terrell
5 wandering up the stairs.

6 Q Rene, Wish and Terrell?

7 A No, just Wish. Wish was headed up the stairs, Terrell
8 was in behind him.

9 Q Okay. And you saw that from the interstate?

10 A Saw that from the interstate.

11 Q You said the faded Capri?

12 A It's two-tone, gray and blue.

13 Q Is that the car that Terrell was driving?

14 A That's the car that he was driving.

15 Q And what did you do then?

16 A I didn't think nothing about it. I just kept on going.

17 Q And you Chestang land fill?

18 A Went into Chestang land fill.

19 Q Arrived there at 10:40?

20 A Ten forty.

21 Q When you went in, what did you do at the landfill?

22 A Well, you go up -- get on the scale, go up a hill. You
23 got to wait til all trucks dump. Undo your turnbuckles,
24 tighten your turnbuckles up. Come back down, sign your
25 ticket.

1 Q Okay. How long does that take?

2 A Possibly 15 minutes, maybe 20 minutes.

3 Q Okay.

4 A According to how many trucks was up there.

5 Q So, you get there at 10:40 and you stay about 15 minutes?

6 A Stay about 15 minutes.

7 Q And then you left coming back with an empty truck.

8 A Left coming back with a empty truck.

9 Q And where did you go?

10 A I came back to Halls Mill to BFI.

11 Q And what time did you arrive?

12 A I arrived there 11:55.

13 Q Okay. Park your truck?

14 A Parked my truck. Filled up the truck with fuel first,

15 then parked it.

16 Q Did you go inside?

17 A Go inside.

18 Q You didn't clock out that day?

19 A I forgot to clock out that day.

20 Q Did you have a conversation with anybody while you were

21 inside?

22 A Yeah, I was -- I was on the phone and Bruce Hickbottom

23 reminded me if I don't have my Social Security card,

24 going all the way to Baldwin County Court House would be

25 a complete waste of time.

v

1 Q Why was that?

2 A Because even though your Social Security number is on
3 your old driver's license, you're not -- they still want
4 you to give a Social Security card there. They won't
5 issue you the new license.

6 Q Is that what Bruce told you?

7 A That's what Bruce told me.

8 Q What did you do when you learned that?

9 A Then I called my mother and told her to, you know, pull
10 out the drawers and look for my Social Security card.

11 Q You didn't have it with you?

12 A I didn't have it with me.

13 Q What did you do next?

14 A I went home. They still didn't find it.

15 Q Wait a minute. You went home. Where did you live?

16 A I went -- in Prichard.

17 Q Where in Prichard?

18 A In Whistler on Williams Avenue off Main Street.

19 Q Okay. How long did it take to get home from --

20 A Fifteen minutes. I was in a rush, so 15, no more than 20
21 minutes.

22 Q Your ending time on your sheet says 11:55 at BFI?

23 A Mm-hm.

24 Q Is that what time you left or is that what time you
25 parked your truck?

v

1 A That's the time I parked the truck.

2 Q So, you would have left BFI some time after that?

3 A Twelve twenty. That's the longest, 12:15.

4 Q Okay. What were you driving?

5 A I was driving my brown Bronco.

6 Q Okay. You drove your Bronco to work; you drove your

7 Bronco back?

8 A Mm-hm.

9 Q Then you went to your home in Whistler to your parents'

10 house?

11 A Mm-hm.

12 Q What happened when you arrived there?

13 A My sister, my little sister, was on the phone and I asked

14 my mother did she find the Social Security card yet and

15 she said she didn't. While we was looking, my sister

16 told me Taco done called one or two times already for me.

17 Q Now, did you take a shower that day?

18 A No, I didn't.

19 Q Do you normally take a shower?

20 A Yes, I do.

21 Q Why didn't you take a shower that day?

22 A The court house opens back up at one o'clock. I was

23 already down a hour. I barely would have made it in time

24 with all the people that was going to be in that line

25 that day.

- 1 Q You were in a hurry?
- 2 A Yes.
- 3 Q How were you dressed that day?
- 4 A My blue uniform, my blue hat, my blue jeans, and my
5 boots.
- 6 Q That's a BFI uniform?
- 7 A BFI uniform.
- 8 Q Does it have any markings on it or labels?
- 9 A Yes, my name, BFI, Keep America Beautiful.
- 10 Q Okay. Did you find your Social Security card.?
- 11 A Yes, I did.
- 12 Q Did you talk to Taco?
- 13 A Yeah, at that time my sister handed me the phone. It was
14 Taco.
- 15 Q And what did he say?
- 16 A He told, Your friends broke in Mike's house and stole his
17 guns.
- 18 Q Did you know who he was talking about?
- 19 A Yes, I did.
- 20 Q And then what happened?
- 21 A At that time I asked him where they were, you know. I
22 asked him where was he when they did this. I asked him
23 where they were. He told me. At that time Mike Finley
24 called me on the other line.
- 25 Q And Mike Finley called you while you were talking --

1 A Mike Finley --

2 Q -- to Taco?

3 A Mike Finley called me while I was talking to Taco.

4 Q About what time was this?

5 A It had to be around 12:30, possibly -- it was before one

6 clock. So, it had to be around 12:30. Let's say 12:30,

7 12:40.

8 Q What did Mike say?

9 A He told me he got a call from someone, which I guess was

10 his sister-in-law, that somebody broke in his house.

11 Q What happened next?

12 A I told him I was on the other line with Taco right now

13 and he told me they did it and he said he thinks they're

14 at the bus station.

15 Q Okay. What happened next?

16 A I went to the bus station about 90 miles an hour trying

17 to catch them before they leave.

18 Q What bus station?

19 A The one on Highway 90 next door to Food World and

20 Whataburger.

21 Q Okay. Now, at this time did you know or had anybody told

22 you that she had been shot?

23 A No.

24 Q Did anybody tell you anything other than the fact that

25 they broke into the house and took the guns?

1 A That was it?

2 Q Why were you going to the bus station?

3 A Because I wanted to get them before they get out of town

4 with the guns.

5 Q Get who?

6 A Rene and Wish get out of town with -- before they get out

7 of town with the guns.

8 Q What were you going to do with them?

9 A First thing I wanted to do was get my friend's guns back.

10 Q Your friend Mike's guns. What did you tell Mike?

11 A I told him exactly what Taco told me.

12 Q That they were at the bus station?

13 A That they was at the -- he thought he were at the bus

14 station.

15 Q And tell me what happened next?

16 A I got to the bus station; I parked. I went inside; they

17 wasn't there. I went around the back; they wasn't there.

18 When I proceeded to pull back on Highway 90, they pulled

19 up in a cab.

20 Q Who pulled up in a cab?

21 A Rene and Wish pulled up in a cab.

22 Q And what happened next?

23 A I checked their bags. They didn't have no guns on them.

24 Wish wasn't even looking at me. Rene was telling me he's

25 sorry, he's sorry, he's sorry, and I'm asking where's the

1 guns. He said, Taco knows where the guns are.

2 Q And then what did you do?

3 A I stood there for, I guess, about 10 minutes, thinking
4 Mike was going to pull up.

5 Q Were you angry at the time?

6 A Yeah, I was angry and I was scared at the time.

7 Q Why were you scared?

8 A Because I knew if Mike pulled up he was going to just
9 start shooting.

10 Q Mike Finley?

11 A Mike Finley.

12 Q Then what did you do?

13 A I waited there 10 more minutes for them -- I let them go
14 inside and I proceeded to go to Taco's house since they
15 said Taco had it, wanted to catch Taco before he moves
16 anywhere, just in case they were lying.

17 Q Now, at this time you still didn't know anyone had been
18 shot?

19 A No, I still didn't know no one was shot.

20 Q And what happened?

21 A I went to Taco's house, knocked on his door. He was
22 there. I told him, They said you know where the guns
23 are. He said, Oh, yeah, they just called me and they
24 just told me where the guns were.

25 Q And then what did you do?

v
1 A I told him to take me to them.

2 Q To what?

3 A To the guns.

4 Q And did he?

5 A Yes, he did. He took me to Crichton, off Spring Hill
6 Avenue. He went behind the house and came back with the
7 guns.

8 Q Were you angry at that time?

9 A Yes, I was angry.

10 Q Why?

11 A Because if they did that, he had to know about it, and he
12 didn't tell me and he --

13 Q Who had to know about it?

14 A Taco had to know about it.

15 Q Okay. So, Taco got the guns?

16 A Taco got the guns.

17 Q Put them in your Bronco?

18 A Put them in my Bronco, and he went to telling me that he
19 saw Terrell put them there and he didn't know nothing
20 about it.

21 Q All right. What happened next?

22 A I took Taco home. I went back to the Finley residence.

23 Q What time was this?

24 A It was before two o'clock by now. So, let's say --
25 everything happened so fast -- 1:30, that's -- had to be

1 somewhere around 1:30.

2 Q It could have been later or could have been earlier?

3 A Could have been later.

4 Q And why did you go back to the Finley house?

5 A Cause I wanted to take Mike back his guns.

6 Q Was Mike there?

7 A No, he wasn't.

8 Q Did you see anybody there?

9 A Yes, I did.

10 Q Were there any police or anything there?

11 A No, there was no police there.

12 Q And this was several hours after the police had left or,
13 you don't know --

14 A I didn't know what time the police left, but it was
15 around 1:30.

16 Q All right. What did you do? You didn't see Mike?

17 A No, I didn't see Mike.

18 Q Then what did you do?

19 A I pulled up around the circle and I saw Tyrone and
20 another guy working on a car and I asked them did they
21 see Mike.

22 Q That's Tyrone Dortch?

23 A That's Tyrone Dortch.

24 Q And what did Tyrone say?

25 A He said he did not see Mike. I asked him did he see who

1 did this. He said he saw two guys. I had pictures of
2 them from New York --

3 Q Of who?

4 A Of Rene and Wish. I showed him the pictures. He said it
5 definitely wasn't this one, but he wasn't sure on this
6 one.

7 Q Which one?

8 A On -- He said it definitely wasn't this one, which was
9 Rene, but he said he wasn't sure about the other one,
10 which was Wish.

11 Q Okay. And then what did you do?

12 A I told him as soon as Mike -- as soon as Mike gets back,
13 tell him to come straight to my house.

14 Q Where did you go from there?

15 A I went straight home.

16 Q And what did you do?

17 A I showed my father and my sister the guns and told them,
18 you know, that they broke in the house and took the guns.

19 Q Okay. Then what next happened?

20 A That was around two o'clock by that time. Six o'clock at
21 -- well, I talked to Taco again after that and I'm asking
22 them, you know, telling him, You didn't know they were
23 going to do something. He said he didn't have no idea
24 they were going to do this. So, now, around six o'clock
25 that night, I'll never forget it, it was already dark,

v
1 Q This is Monday night?

2 A Monday night.

3 Q Okay. And who did you see at the hospital?

4 A He walked out of the lobby where her family was sitting
5 and met me as I walking up.

6 Q Who?

7 A Mike.

8 Q Okay. Did you talk with him?

9 A I talked with him.

10 Q Did you ask about Valerie?

11 A He asked did I see them.

12 Q Did you ask about Valerie?

13 A Yeah, I asked about Valerie.

14 Q Did you tell him that you had the guns?

15 A No, I did not tell him I had the guns.

16 Q Why not?

17 A Because I was -- I was, you know, hurt. I didn't know
18 what he would think if I told him, you know, I caught
19 them and didn't grab or do whatever he would have did to
20 them.

21 Q Okay. What else happened?

22 A I was walking towards the family. He stopped me. He
23 told me that her mother had a gun and I shouldn't talk
24 with her right now because he told her they were my
25 friends from New York and she was already saying, well,

1 he had to have had something to do with it. So, I didn't
2 go no farther. He stopped me right there.

3 Q And did you leave the hospital?

4 A I left the hospital after a while.

5 Q Go home?

6 A I went home.

7 Q Anything else happen that night?

8 A They called, Rene called, I told him, I said, You knew
9 that she was shot. You didn't say nothing. He told me
10 Angel Melindez did it. I told him he needs to turn
11 hisself in and don't -- he needs to go ahead and separate
12 hisself from Angel Melindez cause I'm definitely going to
13 tell him where they live at and everything, so you may as
14 well just exclude yourself and tell me where Wish is.

15 Q And when what happened?

16 A He said he, you know, he couldn't do that.

17 Q Did you know where he was when he was calling?

18 A No, he wouldn't tell me.

19 Q Anything else happen that night?

20 A Nothing else happened that night that I remember.

21 Q What about the next day? That would have been Tuesday.

22 A The next day I knew I had to -- I had to give Mike back
23 the guns, so I told him that they called me and they told
24 me where the guns were.

25 Q You told who?

1 A I told that to Mike.

2 Q On Tuesday?

3 A On Tuesday.

4 Q You told him what?

5 A I told him that day, Call me, and since everything done
6 messed up, they just told me where the guns were and
7 let's go -- let's go look for them where they said they
8 were.

9 Q And did you go get Mike?

10 A Yes, I did.

11 Q And that wasn't true, what you told Mike, was it?

12 A No, it wasn't.

13 Q Why did you tell him that?

14 A Because I was hurt, because he was my best friend and I
15 could have did more, but I didn't because I didn't know
16 that -- exactly what happened at the time.

17 Q Did you get him and take him?

18 A Yes, I did.

19 Q Where did you take him?

20 A We went, I guess, about two blocks from his house in a
21 wooded area.

22 Q And did you give him the guns?

23 A We got everything that was taken.

24 Q And did you show him where they were?

25 A I showed him where they were.

v

1 Q When did you put them there?

2 A I think that morning. That -- it was that morning,
3 before I came to his house.

4 Q And what else happened Tuesday?

5 A That Tuesday we went back to his house. He checked
6 everything. His watch was in there, his rings were in
7 there, knives, bullets, and right then I got on the
8 phone.

9 Q What else was in there?

10 A Knives, bullets, watch, a B.B. gun, two B.B. guns, stun
11 gun and hand guns.

12 Q Did you see any masks or gloves?

13 A Yeah, and the mask and the suede gloves.

14 MR. JORDAN: Judge, I would object to the Defense
15 telling the witness -- answering the questions
16 for him.

17 MR. NIXON: Judge, Mr. Jordan has been testifying
18 here all day --

19 THE COURT: Come on.

20 MR. NIXON: -- and I haven't had a chance to cross
21 examine him yet.

22 THE COURT: Come on.

23 MR. JORDAN: Object to the leading.

24 Q Anything else in the bag?

25 A Like I said, the green mask with the piece in the middle

v

1 and the two suede gloves.

2 Q And then what happened?

3 A I got on the phone and started making long distance phone
4 calls to New York.

5 Q Why were you calling New York?

6 A I was calling the --

7 THE COURT: Why were you calling New York?

8 Write that down.

9 MR. NIXON: Yes, sir.

10 (Recess.)

11 (Jury not present.)

12 THE COURT: Now, another man has approached me, an
13 ex-police officer for the City of Prichard and
14 he has told me that you asked him to be down
15 here all day and he's waited all day. He had
16 to go to work. So, if you really need that
17 man, I think you should put him on the stand
18 now.

19 MR. NIXON: Well, Judge, I --

20 THE COURT: Btu I'm not running your case.

21 MR. NIXON: Judge, this is the chief investigator
22 that was assigned to this case, Detective
23 Fletcher.

24 THE COURT: We all know that. We've already head
25 his testimony once.

v

1 MR. NIXON: I would really prefer not to interrupt
2 Mr. Stanberry's testimony and put him on at
3 this time. If you want me to do that --

4 THE COURT: Well, do you think it's quite fair to
5 take a man off his job and tell him you're
6 going to have him before two o'clock, and then
7 don't use him and it's 3:30.

8 MR. NIXON: Judge, I try the best I can to tell
9 these witnesses when to come down and when not.
10 I didn't know when Mr. Jordan was going to
11 rest.

12 THE COURT: I think you need to go talk to the man.
13 That's what I'm suggesting you do right now.
14 I'm not going to make you do anything. There's
15 a difference in a cooperative witness and a
16 hostile witness.

17 (Recess.)

18 (Jury present.)

19 DIRECT EXAMINATION CONTINUED

20 BY MR. NIXON:

21 Q Rodney, I think the last question as the Judge reminded
22 me was you made a call to New York, and I asked you why
23 you called New York?

24 A Well, being that I have two friends in New York City --

25 MR. JORDAN: Judge, this -- again I mean we're

v

1 getting into mental impressions and all this
2 other stuff.

3 THE COURT: He can tell us why he called New York.

4 Q Why did you call New York?

5 A I have friends in New York City that are police officers
6 that I asked and did help apprehend them in New York,
7 attempt to apprehend them in New York.

8 Q Did you talk to those police officers?

9 A I talked to one, Detective Hardy, which I gave the
10 detective in charge here's phone number.

11 Q That would be Detective who?

12 A Detective Fletcher.

13 Q Detective Al Fletcher with the Prichard Police
14 Department?

15 A Yes, I did.

16 Q Who else did you talk to, police officer in New York?

17 A I talked to one other police officer, a police officer
18 that's my friend, which is George Westow (phonetic) which
19 I know that we had pictures of them. I gave him
20 descriptions, size, address.

21 Q And where did you make this call from?

22 A From the Finley residence.

23 Q And what time and what day?

24 A The next day, no later than four o'clock.

25 Q Okay. Did you give them all the information you had at

1 that time?

2 A Yes, I did.

3 Q Why would you give the people in New York, the police in
4 New York, this information?

5 A Because I was hoping if they did get back on the bus the
6 police in New York with some help from Prichard could
7 have caught them right then and there.

8 Q And was that information provided to Prichard?

9 A Yes, it was.

10 Q And to what particular officer?

11 A Fletcher.

12 Q Detective Fletcher.

13 A Detective Fletcher.

14 Q Now, you mentioned some photographs. Did you -- have you
15 seen those photographs here during this trial?

16 A Yes, I did.

17 Q Is that the two photographs that are in evidence?

18 A Those are the three or four photographs I furnished to
19 the police department.

20 Q You gave them those photographs?

21 A I gave them.

22 Q And what do those photographs show that you gave to the
23 police?

24 A It's pictures of Rene, Rene Whitecloud, Angel Melindez,
25 which is Wish, and I was on one or two of them.

1 Q Okay. And when did you give those to the police?

2 A That was the next day.

3 Q Tuesday?

4 A Tuesday.

5 Q What police officer did you give those photos to?

6 A Fletcher.

7 Q And then what happened after that?

8 A She -- I gave the telephone for Prichard. She said she
9 would get in touch with them.

10 Q What did you do next?

11 A I don't know if we went back to the hospital or I went
12 home. Well, I know that same day -- the next day I gave
13 a statement to Detective Fletcher.

14 Q Okay. Where did you give that statement to him?

15 A At the Prichard Police Station.

16 Q Did he ask you to come in?

17 A No, he didn't.

18 Q You came in on your own?

19 A I came in on my own.

20 Q And what did you tell him during that statement?

21 A I told him everything I could, description on them,
22 address, where they could be found.

23 Q Rene and Wish.

24 A Rene and Wish. What they had on, how I was suspecting
25 they were getting back to New York.

v

1 Q Okay. Anything else?

2 A I talked to Taco several times that day.

3 Q Now, wait a minute. When you gave that statement to
4 Detective Fletcher, did you tell him about the guns?

5 A No, I didn't.

6 Q Why not?

7 A Because I was being blackmailed not to mention how I got
8 the guns.

9 Q And what do you mean by that?

10 A Dennard Jones, which is Taco, is the one that took me to
11 where I got the guns from. When I told him to go ahead
12 and tell the cops where he got them from, he said he
13 would not, cause he does not want to be involved with it,
14 leave his name out of it.

15 Q Okay. And did he say what, if anything, he was going to
16 do if you brought him up?

17 A He said if I -- if I bring Fletcher -- put his name in
18 Fletcher's mouth, he was going to -- he was going to tell
19 them I knew about it or some sort, that they were going
20 to rob the house or some sort.

21 Q Did you tell Detective Fletcher anything else?

22 A No, I don't think so. Not that I recall.

23 Q And then what happened next?

24 A I talked to Taco several more times. I got him to tell
25 me where that -- that Terrell Moore lives at, which has

1 that two-tone car.

2 Q And where was that?

3 A That was Lynnwood Court Apartments.

4 Q And what did you do next?

5 A I told Mike where it was. Mike immediately wanted to go
6 over there and find him.

7 Q And then what happened?

8 A I'm guessing Mike went there. I'm not sure about that,
9 but I know I called Fletcher and told Fletcher that and
10 Fletcher said he would check it out. He said he went
11 there and he could not find Terrell Moore.

12 Q That's what -- Detective Fletcher?

13 A That's the Detective Fletcher.

14 Q And that's Terrell -- the same Terrell Moore that came
15 in here.

16 A (No verbal response.)

17 Q And then what happened?

18 A At that time when Dennard Jones, Taco, was trying to
19 blackmail me, I purchased a tape recorder to tape him
20 threatening me, that if I put his name in their mouth, he
21 was going to say blah, say blah, and which I did and I
22 got --

23 Q And when was that?

24 A I gave a statement the next day. I didn't get it the
25 next day. I gave a statement the 7th. That day after

1 that last statement, which was the 7th, I got Taco Jones
2 on tape saying he was going to blackmail me and blah,
3 blah, blah.

4 Q Well, you're using blackmail as -- don't use blackmail --
5 MR. JORDAN: Judge, wait a minute, Judge. This is
6 what the witness is saying now.

7 MR. NIXON: Judge, can I finish my question, please?

8 THE COURT: Certainly.

9 Q Blackmail is a legal term.

10 A Okay.

11 Q If you would, explain to us what you mean when you say
12 blackmail.

13 A I meant threaten. If I told the cops that he took me to
14 the guns and he showed me where the guns were, that would
15 have put him involved with it, and he was going to say I
16 knew about it.

17 Q Okay. And you say you made another statement before
18 that?

19 A Yes, I did.

20 Q When was that?

21 A The morning before I got Taco Jones on tape saying that.

22 Q When was that? What day?

23 A That was a Saturday, the 7th.

24 Q Did you tell -- did you make that statement to Detective
25 Fletcher?

v

1 A Yes, I did, early that morning.

2 Q Did you go to the police department?

3 A Yes, I did.

4 Q And what did you tell him in that statement?

5 A I think I added on a little more and I told him I
6 couldn't be -- exactly what I'm -- what I got, but I'm
7 just going to need time to get Taco on tape, and which I
8 did later on that day.

9 Q And what did you do later on that day?

10 A Later on that day I talked to Taco again and this time he
11 said on tape that I'm going to tell you straight out, if
12 blah, blah, blah, if you say I took you to those guns and
13 that puts me involved with it, I'm going to say you knew
14 about it, and once I got that I told Michael Finley
15 exactly what happened and told Fletcher by phone exactly
16 what happened.

17 Q And in that taped conversation with Taco Jones --

18 MR. JORDAN: Judge, all-- all of this is hearsay,
19 all of it.

20 THE COURT: He can tell us what he did.

21 MR. NIXON: I've got the tape, Judge. I can get him
22 to --

23 THE COURT: Go ahead.

24 MR. NIXON: Move to admit it into evidence.

25 Q You recorded that tape with Taco?

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1 A Yes, I did.

2 Q And did Taco call you or did you call him?

3 A I'm not exactly sure.

4 Q I ask you to listen to this and tell me if this appears
5 to be the tape or if this is the tape.

6 (Audio cassette tape played.)

7 Q Now, does this have anything to do with it?

8 A No, not that right there. Need to fast-forward it some.

9 MR. JORDAN: I ask that he play the whole tape,
10 Judge. If he's going to play any of it, I ask
11 that he play it all.

12 THE COURT: Don't think we particularly want to hear
13 his personal conversations. If you want to
14 play it, you have every right to play it.

15 MR. JORDAN: Judge, what he just said is not on that
16 tape. What he just said is not on that tape.

17 MR. NIXON: If you want to hear the whole tape, I'll
18 play the whole tape.

19 Q All right. Who are you talking to there?

20 A That's Taco, Dennard Jones, I'm talking to.

21 (Audio cassette tape played.)

22 MR. JORDAN: Judge, we don't have to hear all of it,
23 if he wants to stop it. It's going to take
24 another 40 minutes.

25 MR. NIXON: Judge, I've got a copy of this that I

1 can mark on evidence and end the tape and let
2 the jury --

3 MR. JORDAN: Listen to it anyway.

4 THE COURT: As I told you earlier, I'm not going to
5 let you introduce both of them. If you want to
6 introduce one of them, you can.

7 Q Is that your conversation with Taco and -- that you made?

8 A Yes, it is.

9 Q That you recorded?

10 A Yes, it is.

11 MR. NIXON: Judge, I --

12 THE COURT: Do you have a copy of this?

13 MR. JORDAN: Tape?

14 THE COURT: Yes.

15 MR. JORDAN: Yes.

16 THE COURT: Also a copy of the statement?

17 MR. JORDAN: No.

18 MR. NIXON: Well, it's not -- it's a transcription,
19 Judge.

20 THE COURT: Well, transcript.

21 MR. JORDAN: No, I don't have a copy of that.

22 THE COURT: He needs to look at it before you do
23 that.

24 MR. NIXON: We've got half of it? It's just not
25 finished?

1 PARALEGAL: No, I (inaudible).

2 MR. NIXON: Judge, move to admit the tape and let
3 the jury hear it in the jury room.

4 MR. JORDAN: Judge, I can't cross examine him from
5 something like that and the tape is hearsay and
6 the tape is a concoction of Mr. Stanberry that
7 he created for court.

8 MR. NIXON: Judge, he's testifying again.

9 MR. JORDAN: Well, I'll quite testifying, but I --

10 MR. NIXON: If he wants to get up there --

11 MR. JORDAN: I object to it.

12 MR. NIXON: -- and let me cross examine him, that's
13 fine. He's heard the tape. I gave him a copy
14 of it.

15 MR. JORDAN: That doesn't mean it's admissible.

16 THE COURT: No, it doesn't.

17 MR. JORDAN: Thank you.

18 THE COURT: Doesn't mean it isn't either.

19 MR. NIXON: Yes, sir.

20 THE COURT: We'll rule on that later. Let's move
21 along.

22 MR. NIXON: Okay. Well, I --

23 THE COURT: You can have it marked.

24 (Defendant's Exhibit N identified.)

25 MR. NIXON: Judge, I would move at this time to

1 admit the tape in evidence.

2 THE COURT: And I'll reserve ruling on it. Let's
3 proceed.

4 Q What did you do after you made that tape?

5 A After I made that tape I gave it -- I called Detective
6 Fletcher, told him on the phone about my first
7 statements, why I had to say what I said. He said he
8 understood and he said he would get back with me. At
9 that time I called Mike Finley, told him to come to my
10 house, and I let him hear the tape.

11 Q What day was this?

12 A This was Saturday afternoon.

13 Q Did you tell Mike Finley about the guns?

14 A I told Mike Finley the exact -- exactly what happened and
15 why.

16 Q And then what next did you do?

17 A Well, we made sure that Detective Fletcher get it and by
18 that time he was --

19 Q Got what?

20 A Got the tape.

21 Q That tape right there?

22 A Got the tape.

23 Q And you gave that to Detective Fletcher?

24 A No, Mike took that from me and he gave it to Detective
25 Fletcher.

1 Q That was within a week of --

2 A That was -- it happened that Monday. It was that
3 Saturday he got the tape.

4 Q Okay. What else happened?

5 A I'm thinking I made some more phone calls to New York to
6 see if they made any progress and the detective told me--

7 THE COURT: No, no, no. We don't want to hear what
8 the detective in New York said.

9 Q Were you talking to Detective Fletcher --

10 A I talked --

11 Q -- on a daily basis?

12 A Yes. Yes, I was.

13 Q Were you giving him all the information that you had?

14 A I gave him everything that I had and, you know,
15 everything I -- I gave him everything I could possibly
16 give him as if it was my little sister that was shot
17 cause I felt like we was that close.

18 Q And then what did you do, Rodney?

19 A I went looking for Terrell Moore. You know, we went
20 looking for him and I found him.

21 Q When did you find him?

22 A I'm thinking that Sunday, which I'm almost positive it
23 was that Sunday or Monday. That Sunday or Monday.

24 Q Where did you find him?

25 A I saw the car parked outside a basketball court.

- 1 Q Did you see him or did you see the car?
- 2 A I saw him.
- 3 Q What, if anything, did you do?
- 4 A I didn't do nothing. I went straight to the police.
- 5 Q And do you know whether or not they found him?
- 6 A Detective Fletcher told me it would be -- it would just
7 make hisself look worse and he did not -- he did not come
8 come out there and talk to him.
- 9 Q Do you know whether or not they found him?
- 10 A Yes, I did know they found him.
- 11 Q Do you know when?
- 12 A Sunday, that week.
- 13 Q And then what did you do?
- 14 A The only possible thing I could do was just keep asking
15 Mike, you know, checking on Valerie.
- 16 Q Were you working at this time?
- 17 A Yes, I was.
- 18 Q At BFI?
- 19 A I'm still working.
- 20 Q Still going to work?
- 21 A Still going to work.
- 22 Q Now, did there come a time when Mr. Jordan and Mr. Smith
23 came to talk to you?
- 24 A Yes, I do.
- 25 Q Do you recall when that was?

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1 A I guess about the middle of April, April 15th, 17th.

2 Q And tell us about that.

3 A Well, they came there asking for my help, having me --
4 made me --

5 MR. JORDAN: Judge, this is -- this is all self-
6 serving and it's all hearsay. He can just tell
7 that he made a statement or something. That's
8 it.

9 THE COURT: I'm not going to put those limitations
10 on him by you saying it's hearsay.

11 MR. JORDAN: Well, it was said out of court. I can
12 -- I can cross examine him on it, which I plan
13 to.

14 MR. NIXON: He took the statement, Judge.

15 THE COURT: I have every reason to believe you will.
16 Go ahead.

17 A I told him I had, you know, all the information on
18 definitely how we could get them and told him the
19 complete, complete, complete truth then.

20 Q And you told Buzz Jordan that and Lebarron Smith at BFI?

21 A Yes, I did.

22 Q And was that statement recorded?

23 A Yes, it was.

24 Q And that was April the 17th?

25 A April 17th.

1 Q 1992?

2 A 1992.

3 Q Now, how long after that was it when you were arrested?

4 A A week later.

5 Q Was your Bronco ever at Valerie Finley's home on March
6 the 2nd, 1992, in the morning hours?

7 A No, it was not.

8 Q Did you go over there in the afternoon?

9 A Yes, I did.

10 Q You told us about going by and asking Tyrone if Mike --

11 A Asking if Mike was there and showing pictures of two
12 individuals that were here from New York.

13 Q Is that the only time your Bronco was there?

14 A No, it wasn't. I was there the next day.

15 Q No, I'm talking about the day this happened?

16 A Yes, that was the only time that day.

17 Q Was your Bronco at BFI parking lot from the time you got
18 to work until the time you got off?

19 A Yes, it was.

20 Q Did you ever go into Valerie Finley's home on March the
21 2nd, 1995 (sic)?

22 A No, I didn't.

23 Q Did you drive your Bronco to Valerie Finley's home on
24 March the 2nd, 1995.

25 A No, I didn't.

1 Q Did you ever hold a gun to Valerie Finley's head?

2 A No, I didn't.

3 Q On that day or any other day?

4 A No, I didn't.

5 Q Did you take any guns out of that house?

6 A No, I didn't.

7 Q Did you have any reason to take guns from Mike Finley?

8 A No, I didn't. Everything he had, I had.

9 Q Did Mike Finley -- did you conspire with Mike Finley or

10 anybody else to burglarize her home or to shoot his wife?

11 A No.

12 Q Did you participate in anything of that nature?

13 A Definitely not.

14 Q Do you know anything about any such conspiracy or to rob,

15 burglarize, or shoot his wife?

16 A No, definitely not. I been down here since 1987. I

17 never been arrested. I never even thought --

18 MR. JORDAN: Judge, none of this --

19 A -- of anything like that in my head ever --

20 MR. JORDAN: It's all self serving.

21 MR. NIXON: Excuse me, excuse me.

22 THE COURT: He's not answering the question you

23 asked him, Ken. Go ahead, ask him questions.

24 MR. NIXON: I withdraw that questions, Judge.

25 THE COURT: You withdraw the question. It wasn't a

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.