

COURT OF CRIMINAL APPEALS NO. _____

APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS

FROM

CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

CIRCUIT COURT NO. CC92-2313 thru 2315

CIRCUIT JUDGE FERRILL D. McRAE

Type of Conviction / Order Appealed From: ATTEMPTED MURDER, ROBBERY, 1st, BURGLARY,
92-2313, -Pen for 20 yrs, 2314, -Pen for 20 yrs concurrent with 2313 and 2315, 92-2315, -
 Sentence Imposed: Pen for 20 yrs concurrent with 2313 and 2314

Defendant Indigent: ☐ YES ☒ NO

RODNEY KARL STANBERRY

NAME OF APPELLANT

Kenneth A. Nixon

(334) 433-1806

(Telephone No.)

P.O. Box 2301

Mobile, Alabama

36652

(Zip Code)

V.

STATE OF ALABAMA

NAME OF APPELLEE

(State represented by Attorney General)

NOTE: If municipal appeal, indicate above, and enter
 name and address of municipal attorney below

(For Court of Criminal Appeals Use Only)

1 where she is and use the microphone I have
2 provided for her?

3 THE COURT: That's fine. You have one witness in
4 court that you had yesterday afternoon
5 outside the presence of the jury. Do you
6 have any objection to the police officer
7 staying in here?

8 MR. NIXON: No, sir, Judge. He's gonna be called.
9 I would object to him being in here, and I'd
10 ask that he wait outside.

11 THE COURT: Okay.

12 MR. JORDAN: If I may sit here to ask her
13 questions, it will be easier.

14 THE COURT: Pull her up a little bit so she gets
15 close enough to Barbara. Oh, wait a minute.
16 That's probably fine. Leave the microphone
17 there.

18 MR. JORDAN: Now, speak into that. Say test, one,
19 two, three.

20 MRS. FINLEY: Test, one, two, three.

21 THE COURT: That's fine. All right.

22 VALERIE FINLEY

23 was sworn and testified as follows:

24 DIRECT EXAMINATION

25 BY MR. JORDAN:

1' Q Valerie, if it ever gets to the point where you can't
2 hear me, just raise your right hand, and I'll say it
3 louder, the question. Okay?

4 A Yes, sir.

5 Q Tell us your full name for the record.

6 A Valerie Deborah Denise Patrick Finley.

7 Q And, Valerie, how old are you at this time?

8 A Thirty-two.

9 Q How old were you when this event occurred?

10 A Twenty-nine.

11 Q And at the time it occurred, what was your address?

12 A 1736 Meadow Avenue, Whistler, Alabama 36612.

13 THE COURT: Excuse me. How old are you now?

14 THE WITNESS: Thirty two.

15 THE COURT: Thirty what?

16 THE WITNESS: Two.

17 THE COURT: Thirty-two. Okay.

18 Q And back when this happened, even now, how many
19 children do you have?

20 A Three.

21 Q And who is your oldest child?

22 A Ter

23 Q And who was his father?

24 A Oliver II.

25 Q And how old is Terrell?

1 A Thirteen.

2 Q Where does he go to school?

3 A Chastang Middle School.

4 Q What grade is he in?

5 A Eight.

6 MR. JORDAN: Chastang Middle School.

7 Q I'm sorry. How old is he now?

8 A Thirteen.

9 Q And who is your next child?

10 A Ti

11 Q And how old is Ti

12 A Twelve.

13 Q And where does she go to school?

14 A Old Shell Road.

15 Q What grade is she in?

16 A Sixth.

17 Q And who is her father?

18 A Michael Lavere Finley.

19 Q And who is your third child?

20 A Ma: I .

21 Q How old is she?

22 A Seven.

23 Q And where does she go to school?

24 A Westlawn Elementary.

25 Q What grade is she in?

1 A Second.

2 Q When is Ti s birthday?

3 A March the 2nd, 1983.

4 Q March the 2nd, the same day this occurred?

5 A Yes.

6 Q Now, who is your mother?

7 A Eugenia Patrick.

8 Q And who is your father?

9 A James L. Patrick.

10 Q How many brothers do you have?

11 A Five.

12 Q And what are their names?

13 A James, Jr., Fred, Cleophus, Charles, Reginald.

14 Q What do the five brothers do?

15 A James, Jr., he's a truck driver. Fred is a fireman.

16 Charles, he's done so much, I don't know what he's

17 doing now. Reginald, he's in the Air Force. I don't

18 know what rank. Cleo, he's a school teacher.

19 Q And how many sisters do you have?

20 A Three.

21 Q What are their names?

22 A Jo Ann, Brenda and Amanda.

23 Q And what do they do?

24 A Jo Ann, she's a manager at Skyline Country Club, and

25 Brenda, she work with me.

1 Q In what capacity?

2 A PCA worker out at the Kimberly.

3 Q What's a PCA?

4 A Personal care attendant.

5 Q From Kimberly. What is Kimberly?

6 A They provide nursing services.

7 Q Okay. And your third sister, what does she do?

8 A Amanda, she's a student.

9 Q Where?

10 A At Southwest -- No, it's Bishop State, out at Bishop
11 State.

12 Q Where did you attend first through third grade?

13 A W. D. Reynolds School.

14 Q And where was that located?

15 A On Main Street in Prichard.

16 Q And where did you attend fourth and fifth grade?

17 A Westlawn Elementary.

18 Q And where is that located?

19 A Ralston Road in Mobile.

20 Q And where did you attend sixth through eighth grade?

21 A Scarborough Middle School.

22 Q And where is that located?

23 A On Phillips Lane off of Moffatt Road.

24 Q And where did you attend high school?

25 A Blount High School.

1 Q Did you actually graduate or finish high school?

2 A No. I got my GED.

3 Q How far did you go in school?

4 A Twelfth grade.

5 Q So you made it to the 12th grade?

6 A Yes.

7 Q And where did you get your GED from?

8 A Murphy High School.

9 Q Now, how old were you when you had your first child?

10 A Eighteen.

11 Q And that would be Te

12 A Yes.

13 Q Who was your first grade teacher?

14 A Mrs. McGrew, but she had remarried. It was Mrs.

15 Taylor, but when she remarried and her name became Mrs.

16 McGrew.

17 Q Okay. What was the first job you ever had, Val?

18 A At Eckerd's.

19 Q And what did you do at Eckerd's?

20 A Cashier.

21 Q And where was that job?

22 A In Dallas, Texas.

23 Q And who did you live with out there?

24 A My brother, James Patrick, Jr.

25 Q So you -- and you had Terrell with you?

1 A No. I left him here.

2 Q Okay. And what was your next job?

3 A Camellia Bowling Lanes.

4 Q And what did you do there?

5 A I worked in the nursery.

6 Q With children?

7 A Yes.

8 Q What was your job after Camellia Bowling Lanes?

9 A Eight Mile School.

10 Q What did you do there?

11 A I worked in the cafeteria.

12 Q Now, were you working at Eight Mile School at the time
13 this happened?

14 A Yes. I had just got hired.

15 Q How long had you been working there?

16 A I had subbed there a position came open. Then Mr.
17 Roberts hired me. So I had been -- I had worked a week
18 on a regular -- you know, regular service.

19 Q Okay. When did you meet or begin dating Mike Finley?

20 A It was -- let's see. It would have been January of
21 '81.

22 Q Where did you meet him?

23 A At Phillips 66 Service Station.

24 Q And how long did y'all date?

25 A About -- It was over a year.

1 Q Okay. When did you get married?

2 A July 2nd, 1983.

3 Q And where did you get married?

4 A At his mother house. It was his house, but his mother
5 lived there with him, but the deeds and everything was
6 in his name.

7 Q Okay. And where was that house located?

8 A At 1723 Meadow Avenue.

9 Q So right there in the neighborhood where you eventually
10 bought a house?

11 A Yes.

12 Q When did you and Mike buy your house?

13 A In 1986.

14 Q Do you know how much you paid for the house?

15 A Twenty-eight thousand.

16 Q And do you know how much you put down on it?

17 A Five hundred.

18 Q And whose name was the house in?

19 A My name and Mike's name.

20 Q Both of y'all's names?

21 A Yes.

22 Q Okay. And how long had you been living in that house,
23 then, prior to this event occurring?

24 A About seven years. I don't know exactly.

25 Q Okay. Would you describe the relationship that your

1 husband had with Rodney Stanberry?

2 A That was his best friend. They went hunting together.
3 They went to gun shows and everything together, and he
4 used to come by the house a lot.

5 Q Okay. When you say he --

6 A Stanberry.

7 Q What did you call him?

8 A Stan.

9 Q That was what you called him, Stan?

10 A Yes.

11 Q Okay. What did your husband call him?

12 A Stan.

13 Q And had he been to your house on numerous occasions?

14 A Yes, sir.

15 Q Do you see him here in court this morning?

16 A Yes, sir.

17 Q Would you tell us what he's wearing?

18 A A black suit and tie and a shirt.

19 MR. JORDAN: Let the record reflect she's
20 identified the Defendant, Rodney K.
21 Stanberry.

22 Q And had you ever cooked him dinner at your house?

23 A Yes, sir.

24 Q Do you recognize him now, Valerie?

25 A Yes, sir.

1 Q And is this basically the way he looked back in March
2 of 1992?

3 A No, sir -- well, basically. He's just put some weight
4 on.

5 Q He's a little heavier now than he was back then?

6 A Yes, sir.

7 Q And had he been in your house? Did he know where the
8 vault was in your house?

9 A Yes, sir.

10 Q Did he know that your husband had a gun collection?

11 A Yes, sir.

12 Q And had you had conversations with him over that three,
13 four, five years he was best friends with your husband?

14 A Yes, sir.

15 Q What kind of vehicle did he drive?

16 A A brown Bronco.

17 Q And I don't know if you've seen a picture -- State's
18 Exhibit Number 39, is that Rodney K. Stanberry's brown
19 Bronco?

20 A Yes, sir.

21 Q During -- Prior to this time happening, did you have an
22 occasion to see one of, or some of Rodney's friends
23 that Rodney told you had come down from New York?

24 A Yes, sir.

25 Q And describe the hair of those two people, Rodney's two

1 friends from New York.

2 A I only saw one.

3 Q And describe his hair.

4 A He had a ponytail in the back, about that long.

5 Q And what did you call him?

6 A Ponytail.

7 Q And what did your husband call him?

8 A Ponytail.

9 Q Do you remember how Stan described -- what name Stan
10 gave to him or anything? Did Stan ever call his name
11 out in front of you or anything?

12 A No, they never did.

13 Q So you knew him as Ponytail?

14 A Yes, sir.

15 Q And was he friends with your husband?

16 A Only through Stan.

17 Q Now, I want to go to Monday, the day that this
18 happened. Okay?

19 A Okay.

20 Q I'm going to stand up now. I'll just have to talk as
21 loud as I can. Okay, Valerie?

22 A Okay.

23 Q Valerie, do you remember about what time you woke up on
24 Monday, March the 2nd?

25 A Yes, sir.

1 Q And what time was that?

2 A About 3:00 in the morning.

3 Q And what was the reason you woke up that early?

4 A I wake up a lot of time at 3:00, but I don't get out of
5 bed. I just be laying around.

6 Q When did you get up for good or when did you wake up
7 for good?

8 A When I got out of bed for good?

9 Q Right.

10 A When the doorbell rung.

11 Q Okay. So you had been in bed that morning?

12 A Yes, sir.

13 Q And what had you been doing in bed that morning?

14 A Talking on the phone.

15 Q And who had you been talking with?

16 A To my sister.

17 Q Which sister?

18 A Brenda.

19 Q Now, at the time this was happening, were you looking
20 at your watch or looking at your clock or keeping track
21 of the time that anything's going on that morning?

22 A No, sir.

23 Q Can you tell us today the exact times that you went to
24 the door or anything of that nature?

25 A No, sir, not at the exact time.

1 Q Was it in the morning?

2 A Yes, sir.

3 Q Was it before lunch time?

4 A Yes, sir.

5 Q Now, who was at home with you that morning prior to you
6 getting out of bed?

7 A Michael.

8 Q And that's your husband?

9 A My ex-husband.

10 Q And what did he do that morning? What do you recall
11 him doing?

12 A He got up and got dressed for work and he said after --
13 he was fixing to go. He said, I'm fixing to go to
14 work. I said, Mike, you're supposed to go pick the
15 kids up this morning. He said, well, you're gonna have
16 to pick them up because I'm running late for work,
17 because he had told me that night before, because I was
18 gonna go over to my mother's house and pick the kids up
19 that night when we got back. He said, don't worry
20 about it; I'll pick them up in the morning. I said,
21 well, you know I'm gonna plan a party for Tiffany and
22 everything and we're going to Mardi Gras. He said,
23 don't worry, I'll pick -- I'll go get them early in the
24 morning before I go to work, and so I tried to wake him
25 up. So, he just laid on there, act like he didn't hear

1' me. And so he said, you just go get them. And so he
2 left and went to work.

3 Q So he went to work that morning?

4 A Yes, sir.

5 Q And he went without picking up the children?

6 A Yes.

7 Q So where was T and, I'm sorry, your other
8 daughter's name?

9 A Mal_

10 Q Ma where were they?

11 A With my mother, still at my mother's house.

12 Q And where was Te

13 A He was over at the house, too.

14 Q Okay. So all three of your children were over there?

15 A Yes.

16 Q Had you picked them up prior to anybody coming to your
17 door?

18 A No, sir.

19 Q Had you driven that car anywhere that morning?

20 A No, sir.

21 Q Did you put any five dollar bill in any visor?

22 A No, sir.

23 Q Did Mike Finley leave you a ten-dollar bill for gas?

24 A No, sir.

25 Q Did Mike tell you anybody was supposed to come by that

1 morning?

2 A Yes, sir.

3 Q Who was supposed to come by?

4 A Stan.

5 Q What was he supposed to do?

6 A Pick up a tree stand.

7 Q Did you think that was unusual?

8 A At first I did because they owned a tree stand together
9 because the club has (unintelligible) a tree stand out
10 the woods where they hunt and so both of them claimed
11 the tree stand together.

12 Q So it's both of their tree stands?

13 A Both of them.

14 Q Okay. Well, why was it unusual when you thought about
15 it?

16 A Because I realized hunting season was over when Mike
17 had cleaned his guns and locked them in the vault for
18 the year.

19 Q What hunting season was over?

20 A Deer hunting, deer season.

21 Q And is that the only kind of hunting that your husband
22 and Rodney K. Stanberry did at that time together?

23 A That was the main hunting they did.

24 Q And it wasn't even deer season?

25 A No. It was over.

1 Q Now, what caused you to get out of your bed at that
2 time?

3 A When the doorbell rung, and then I heard some
4 (unintelligible) at the back door.

5 Q Somebody was at the house?

6 A Yes, sir.

7 Q Now, what did you do when you got out of your bed?
8 Where did you go?

9 A I went into the hall, and then I -- I was headed to the
10 front door, and then I could see from the front door --
11 no, in the dining room area to my back door, but then
12 the guy with the ponytail was standing on the back
13 porch. I didn't know him so well. I knew Stan and so
14 I went on to the front door to see what Stan wanted
15 because I figured if -- if it was anything up --

16 Q Let me stop you. I'm going to go step by step. When
17 you first got out of bed, which room did you go into
18 first before you went to the front door?

19 A Into Ti and Ma's room, my daughters' room.

20 Q So you leave your bedroom, and where was T' and
21 's bedroom?

22 A To the front of the house.

23 Q And did you go in there?

24 A Yes, sir.

25 Q And what did you do in there?

1 A I looked out their blinds and looked over to the
2 driveway.

3 Q Okay. If you look out Ti y and M's bedroom,
4 what driveway can you see?

5 A My driveway.

6 Q And what did you see in your driveway?

7 A Stan's Bronco.

8 Q Okay. Now, let me show you what has been marked as
9 State's Exhibit Number 33, Valerie. Do you recognize
10 that driveway in that photograph?

11 A This is my driveway.

12 Q And do you recognize what window you would be looking
13 out of, looking out that window?

14 A This, my kids' window.

15 Q Speak up, ma'am.

16 A My kids' window.

17 Q And that would be M. and ' ?

18 A And T .

19 Q The two girls?

20 A Yes, sir.

21 Q That's their bedroom?

22 A Yes, sir.

23 Q And does that picture fairly and accurately depict the
24 view you could see looking out M y and Ti
25 bedroom window?

1 A Yes, sir.

2 MR. JORDAN: We'd move to introduce 33 at this
3 time.

4 THE COURT: It's introduced.

5 MR. NIXON: No objection.

6 (State's Exhibit 33 admitted in
7 evidence.)

8 Q Now, I'm gonna go slow, and I'm gonna go step by step.
9 Okay?

10 A Yes, sir.

11 Q After you looked out that window and saw Stan's Bronco,
12 where did you go from M and T. y's room?

13 A Into the hall.

14 Q Now, which hallway is it? Is there a hallway between
15 the two bedrooms?

16 A Between two bedrooms.

17 Q When you come out of the hallway, what room did you
18 enter?

19 A The dining room.

20 Q Okay. And did you actually enter into the dining room?

21 A No, sir.

22 Q What room did you go into from the hallway?

23 A I entered into the dining room after I left the
24 hallway, but I saw -- I stopped in the hallway for a
25 few minutes because I saw the guy with the ponytail

1' standing on my back step.

2 Q Okay. So you saw him at the back door?

3 A Yes, sir.

4 Q Was the back door open?

5 A The steel door, but the storm door wasn't.

6 Q What was the guy with the ponytail doing at the back
7 door?

8 A At that time, he was just standing there looking in.

9 Q I show you what has been marked as State's Exhibit
10 Number 29. Do you recognize the view in this
11 photograph?

12 A Yes, sir.

13 Q And what is that a photograph of?

14 A Of my kitchen.

15 Q And is that the view you can see by standing in that
16 hallway all the way through the kitchen and to the back
17 door?

18 A Yes, sir.

19 MR. JORDAN: I believe that's in evidence. Is
20 this in evidence already?

21 Q Now, which door did you actually go to?

22 A The front door.

23 Q And tell us what happened when you went to the front
24 door. Describe your front door from the inside of the
25 house.

1 A It's an oval -- It's a wood door with oval glass with a
2 steel thing and, I don't know, bevel glass, and then I
3 had a blind in it, and then I have a storm door in
4 front of it. And so I raised the blind up.

5 Q When you raised the blind, who did you see at the front
6 door?

7 A Stan.

8 Q The man sitting down right over there in his coat and
9 tie?

10 A Yes, sir.

11 Q And did you open the front door?

12 A Yes, sir.

13 Q How do you open the front door?

14 A I left my keys in the deadbolt, so I had to unlock the
15 deadbolt to open the door.

16 Q Okay. And you opened it -- unlocked the deadbolt, and
17 you opened the front door?

18 A I opened the front door.

19 Q And what happened then?

20 A Stan came in.

21 Q Okay. And what -- Did anybody come in with Stan?

22 A Well, Stan told Ponytail to come around, come around to
23 the front, man.

24 Q Okay. And did Ponytail come around to the front of the
25 house?

1² A Yes, sir.

2 Q Who came in the door first?

3 A Stanberry, Stan.

4 Q And who came in the door after Stan?

5 A Ponytail.

6 Q Now, as they came into the house -- let's go very
7 slowly. Tell me what happened first.

8 A Stan came in, and then Ponytail came in and pulled a
9 gun out.

10 Q Now, where did Ponytail pull the gun out from?

11 A I couldn't see it while he was outside. I don't know.
12 I suppose it was something he had concealed.

13 Q When he got inside, could you see where he pulled it
14 from?

15 A Out his shirt, his clothes or whatever. His shirt or
16 somewhere down here.

17 Q Okay. But the next thing you know, you saw Ponytail
18 with a gun?

19 A Yes, sir.

20 Q And after he pulled the gun, what did Ponytail say, if
21 anything, to you at that time?

22 A He told me, get over there, sit down, bitch.

23 Q And where did you go to sit down?

24 A I sat on the couch, on the sofa.

25 Q And what happened then?

1' A He told me to get off the sofa, get over there behind
2 the sofa and sit on the floor.

3 Q Who said that?

4 A Ponytail.

5 Q Always tell me who's saying what. Okay?

6 A Yes, sir.

7 Q So first you sat down on the couch, and then Ponytail
8 orders you to sit behind the couch?

9 A Yes, sir.

10 Q On the floor?

11 A Yes, sir.

12 Q Did you do what he said?

13 A Yes, sir.

14 Q And where did you sit on the floor?

15 A Right in between my dining room wall and the living
16 room wall, behind --

17 Q And is that -- I'm sorry.

18 A Behind the sofa.

19 Q Behind the sofa?

20 A Yes, sir.

21 Q Is that a hardwood floor?

22 A Yes, sir.

23 Q Now, who does what next or who says what next at that
24 time?

25 A Stan asked me where the keys to the vault was. I told

1 him I didn't know. And so they went looking for those
2 keys and then they got in a panic, like. And then Stan
3 said -- Stan said, here they are, man. He got the keys
4 out the front door. Then Stan went over there where
5 Ponytail had the gun on me and told me I better not
6 move or scream or holler or nothing; he'll kill me.
7 And so Stan went to the vault.

8 Q Let me back up a second. Did you ever say anything to
9 Stan at that point?

10 A Yes, sir, while Ponytail was in another room looking
11 around for the keys, and I asked Stan, I said, Stan,
12 why are you doing this.

13 Q Hold on, now. That's what you actually asked Stan, the
14 man sitting right there?

15 A Yes, sir.

16 Q Your husband's friend of all those years?

17 A Yes, sir.

18 Q And could he hear you when you said that to him?

19 A Yes, sir.

20 Q Were you looking at him when you said it to him?

21 A Yes, sir.

22 Q And what did he say to you at that point?

23 A He said, we just came to get the guns.

24 Q Did he tell you what was gonna happen to you there?

25 A No, sir, he didn't tell me.

1 Q Did you at that time consider Stan to be your friend,
2 too?

3 A Yes, sir.

4 Q As well as your husband's friend?

5 A Yes, sir.

6 Q Did you know why he was doing this?

7 A No, sir.

8 Q Were you shocked or surprised at this time, Valerie?

9 A Very shocked.

10 Q Now, you just said the first thing they started doing
11 was looking for the keys.

12 A Yes.

13 Q Now, let's go step by step. Do you remember what
14 Stanberry did when he was looking for the keys?

15 A He asked me where the keys was.

16 Q And what did you -- Who asked you?

17 A Stanberry.

18 Q The keys to what?

19 A To the vault.

20 Q And what did you tell Stanberry?

21 A I didn't know.

22 Q Was that true?

23 A No.

24 Q Did you know where the keys were to the vault?

25 A Yes.

1 Q And where were the keys to the vault?

2 A On my key chain in the door, in the front door.

3 Q And why didn't you tell Stan where the keys were?

4 A Because I figured that if they couldn't find the keys,
5 they would just leave.

6 Q That's what you actually thought?

7 A That's what I thought.

8 Q And after you told Stanberry you didn't know where the
9 keys were, what did he say or what did he do?

10 A They looked around, were looking around for the --

11 Q Let's don't go to they. Let's be specific. Tell me
12 what Stan did, first.

13 A Stan looked around the living room, and he went into
14 the kitchen and looked on the counter in the kitchen,
15 because he knew the vault keys was on my key chain.
16 And so Stan then -- Ponytail started getting a little
17 impatient and Stan --

18 Q When you say getting impatient, how was Ponytail
19 getting impatient?

20 A Aggravated like.

21 Q What makes you say that?

22 A Like ready to start speeding up looking for things.

23 Q What was he doing that gave you the impression he was
24 getting impatient? What was he saying or doing?

25 A He had started moving real fast. He was moving slow

1 and the only time saw him move fast when he came from
2 the back porch to the front porch.

3 Q You saw him move fast then?

4 A Yeah.

5 Q And you saw him move fast when they were having a hard
6 time finding the keys to the vault?

7 A Yes, sir.

8 Q And who finally found the keys?

9 A Stanberry.

10 Q And where did he find them?

11 A In the front door.

12 Q And what did he say?

13 A He said, I got the keys, man.

14 Q Could you actually see Stanberry from where you were
15 sitting at the front door?

16 A Yes, sir.

17 Q And what did you see Stanberry do, or how did you see
18 Stanberry get the keys?

19 A He removed the keys from the front door of the lock.

20 Q And what did Stanberry do with the keys at that time?

21 A He went into -- went through the dining room into the
22 hall and opened the closet door, and then he opened the
23 vault.

24 Q Now, you have a closet door that's in front of the
25 vault?

1 A Yes, sir.

2 Q And what kind of vault is it?

3 A A steel vault with two locks on it, brown.

4 Q About how tall is it?

5 A About four feet tall.

6 Q And who bought that vault?

7 A I did.

8 Q Why did you buy it?

9 A Because we had kids in the house, and Mike bought all
10 those guns and stuff and I didn't want no -- them to
11 get hurt with the guns. He had too many guns.

12 Q So it was a good idea from a safety value, to have some
13 place to keep all those guns?

14 A That's the only reason I bought it.

15 Q And how did you open that vault?

16 A The same key fit both locks. You had to open one lock
17 at a time.

18 Q Where are the two locks?

19 A On the door of the vault to the side -- to one side.

20 Q Okay. And where are they in location to each other?

21 A About two feet apart.

22 Q There's one at the top?

23 A One at the top and one at the bottom.

24 Q And who actually took the key on your key chain and
25 opened the vault up?

- 1 A Stan.
- 2 Q Now, while Stan was doing that, where was Ponytail?
- 3 A In the living room with me.
- 4 Q And what was Ponytail doing?
- 5 A Had the gun held to my head.
- 6 Q Now, let's pretend I'm you sitting on the floor. Okay?
- 7 A Okay.
- 8 Q Kind of give us an idea where Ponytail -- Let's pretend
- 9 you're Ponytail.
- 10 A Okay.
- 11 Q Give us an idea how he had the gun pointed at you at
- 12 that time.
- 13 A Like that.
- 14 Q Pointed down like that?
- 15 A Yeah.
- 16 Q When he had the gun pointed on you that way and when
- 17 Stan was at the metal vault, could you see Stanberry at
- 18 the metal vault?
- 19 A Yes.
- 20 Q Could you see him unlock the vault?
- 21 A I couldn't see him actually unlock the vault.
- 22 Q Could you hear him unlocking the vault?
- 23 A Yes, sir.
- 24 Q Could you hear him opening the vault up?
- 25 A Yes, sir.

1 Q Now, what happened then?

2 A Stan came back through the dining room area, and he
3 told Ponytail that he had to find a bag or a pillow
4 slip or something, and so he asked me did I know where
5 a pillowcase was. I said -- I told him no because I
6 was too nervous. I couldn't even think. And so --

7 Q Where did Stan first go to look for something, some
8 kind of bag or something?

9 A In the kitchen.

10 Q Could you see him when he was in the kitchen?

11 A No.

12 Q Could you hear him in the kitchen?

13 A No.

14 Q You just lost sight of him?

15 A Yes.

16 Q When he came back through the kitchen, what direction
17 did Stan go into then?

18 A Back towards my bedroom, back towards the vault.

19 Q Do you have to walk by the vault to get to your
20 bedroom?

21 A Yes, sir.

22 Q And did you see him actually enter into your bedroom?

23 A No, sir.

24 Q But you saw him go back into the area where the
25 bedrooms were?

- 1' A Yes, sir.
- 2 Q Did you hear anything going on in your bedroom at that
- 3 time?
- 4 A I heard a whole lot of rambling and stuff.
- 5 Q And where is Ponytail while Stan's back in the bedroom
- 6 area?
- 7 A Still in the living room with me.
- 8 Q Is he saying anything to you at that time?
- 9 A No. He just told me once, you better sit down and be
- 10 quiet. If you scream or holler, I'll kill you right --
- 11 right now. That's all he said.
- 12 Q And did he -- Did Stanberry finally come out of the
- 13 bedroom area?
- 14 A Yes, sir.
- 15 Q And when he did, what did Stanberry have with him, if
- 16 anything?
- 17 A A pillowcase.
- 18 Q And a pillowcase from whose bed?
- 19 A My bed.
- 20 Q Valerie, I want to show you what's been introduced as
- 21 State's Exhibit Number 29. Is that your bed and your
- 22 bedroom?
- 23 A Yes, sir.
- 24 Q And was that the sheets that you had on your bed that
- 25 day?

- 1 A Yes, sir.
- 2 Q And you see a pillowcase -- you see a pillow there
- 3 without a pillowcase?
- 4 A Yes, sir.
- 5 Q Was that like that when you answered the door for
- 6 Stanberry?
- 7 A No, sir.
- 8 Q And is that the same -- would the pillowcase match --
- 9 A Yes, sir.
- 10 Q -- that sheet and that bed pattern?
- 11 A Yes, sir.
- 12 Q And what did Stanberry do at that time?
- 13 A He came back to the vault, and I heard him taking
- 14 things out of the vault.
- 15 Q Could you see what he was taking out of the vault?
- 16 A No, not exactly, but I heard a lot of rambling and a
- 17 lot of things was coming out.
- 18 Q What did Stanberry do at that point?
- 19 A He came through the dining area, and he went to the
- 20 kitchen. I heard the back door open and close.
- 21 Q What happened next?
- 22 A And then I heard the door open and close again, and I
- 23 saw Stan come back into the dining area.
- 24 Q And was anything said at that time?
- 25 A No. Oh, yes. The guy with the Ponytail had told Stan,

1 we can get the VCR, microwave and stereo.

2 Q And what did Stan reply to that?

3 A Stan said, we don't have enough room for all that in
4 the truck.

5 Q And what happened after that?

6 A I don't know.

7 Q You don't know what happened after that?

8 A No. The next thing after that I remember, I was in USA
9 Hospital.

10 Q Did you hear a gunshot?

11 A No.

12 Q Did you feel the gunshot?

13 A No.

14 Q Valerie, before this happened, were you able to walk?

15 A Yes.

16 Q Were you able to use your left arm?

17 A Yes, sir.

18 Q And since this happened, can you use your left arm?

19 A No, sir.

20 Q Can you walk?

21 A (No audible response. Witness sobs.)

22 Q I show you what's been marked as State's Exhibit 25.

23 It shows a green mask and some orange gloves. Did

24 Stanberry wear any orange gloves on the day that you

25 let him into your house?

1' A No, sir.

2 Q Did he have a mask on, Valerie?

3 A No, sir.

4 Q Did Ponytail have a mask on?

5 A No, sir.

6 Q Or gloves?

7 A No -- No, sir.

8 MR. JORDAN: We'll take a short break.

9 Judge, can we take a brief break?

10 THE COURT: Sure.

11 (Recess.)

12 MR. JORDAN: Could you mark this?

13 (State's Exhibit 46 marked for
14 identification.)

15 THE COURT: Are you ready?

16 MR. JORDAN: Yes, Your Honor.

17 Q Valerie, do you have a pen there in your right hand?

18 A Yes, sir.

19 Q As best you can, I'm gonna stand up here close to you,
20 would you show the jury on that diagram where Meadow
21 Avenue is?

22 A Right here.

23 Q And where would Emmet Rogers live in relationship to
24 that drawing?

25 A He lived sort of on around the circle.

- 1' Q Who lives beside you?
- 2 A Lee.
- 3 Q I'm sorry?
- 4 A Lee Pettway.
- 5 Q And who lives beside Lee Pettway?
- 6 A Emmet Rogers.
- 7 Q And who does he live there with?
- 8 A His wife, Carolyn Rogers.
- 9 Q How do you know Carolyn?
- 10 A She was my sixth grade science teacher.
- 11 Q I'm sorry. Your sixth grade --
- 12 A Sixth grade science teacher.
- 13 Q At what school?
- 14 A Scarborough Middle School.
- 15 Q And who lives beside the Rogers?
- 16 A It was a yellow house. I don't -- I'm not familiar.
- 17 Q You don't know the people?
- 18 A No.
- 19 Q Now, who lives beside you on the other side of Meadow?
- 20 A Tyrone Dortch. He was living with Hazel.
- 21 Q Is that Hazel?
- 22 A Uh-huh.
- 23 Q And who lives besides the Dortches?
- 24 A Roeshell.
- 25 Q Roeshell who?

1' A I don't know him. I don't know her last name.

2 Q You know Roeshell?

3 A I know Roeshell.

4 Q And who lives beside --

5 A Oh, Roeshell Major.

6 Q Roeshell Major?

7 A Uh-huh.

8 A Who lives beside her?

9 A Clara Malone.

10 Q Clara, Larry?

11 A Roderick.

12 Q Roderick. How old is Roderick?

13 A Nine.

14 Q That's little Larry's brother?

15 A Yes.

16 Q Who does Clara live there with?

17 A Her husband and her two sons.

18 Q Where does her husband work?

19 A Barry Steel.

20 Q Where does Clara work?

21 A Eight Mile School.

22 Q And can you see your house -- I mean, can you see the
23 Malone's house from your house?

24 A Yes, sir.

25 Q Can you see the Rogers' house from your house?

1 A Yes, sir.

2 Q What's out here in this area?

3 A The median.

4 Q Now, show us your sidewalk on that drawing, the
5 sidewalk that goes to your front door.

6 A Right here.

7 Q And that's just a sidewalk?

8 A Yes, sir.

9 Q Take it all the way up to the front porch, if you
10 would, so we'll see where your front door is.

11 A (Witness complies.)

12 Q And where is your front door?

13 A Right here.

14 Q And what kind of doors are there there?

15 A A glass storm door, pull open the storm door and then
16 there's a solid wood door with an oval glass with a
17 beveled glass inside.

18 Q Were those the doors that were on the house when you
19 bought it, or did you add them?

20 A No, sir, we added them.

21 Q Where's your driveway?

22 A Be right here.

23 Q Take it all the way up. And what was in the back of
24 your driveway at the time this happened?

25 A A garage.

1 Q And what did you keep in the garage?

2 A Lawn mower, the thing, a air -- that they use to blow--
3 the ole air pump machine, and yard tools and bicycles
4 and all kind of tools and junk.

5 Q Did you drive your cars into that garage?

6 A No, sir.

7 Q And where would you keep the tree stand?

8 A In the garage.

9 Q That's where it was kept? So it was not kept in the
10 house?

11 A No, sir.

12 Q It was kept in the back in the garage?

13 A Yes, sir.

14 Q And that day, what kind of car was your husband driving
15 to work and back at the time this happened?

16 A I can't recall. He had a loud car. I remember it was
17 loud.

18 Q What kind of car did you have?

19 A I had just bought a Ford Festiva.

20 Q Just bought; like, how old was it?

21 A Like two months old.

22 Q Two months old?

23 A At the most; might not have been that old.

24 Q Brand new car?

25 A Brand new car.

1 Q And who bought it?

2 A I did.

3 Q With whose money?

4 A My money.

5 Q And what color car -- what color was that car?

6 A It was blue with some -- you know, that new kind of
7 color blue had some -- I don't know -- metallic in it.

8 Q Who did you buy it from?

9 A Key Ford in Pensacola.

10 Q And where was that parked the day this happened?

11 A In the driveway.

12 Q About where?

13 A Right past -- right at -- because I can look right out
14 these windows and see the car right here.

15 Q Now, going to your house, we'll see as you go in the
16 front door -- take your pen with me. When you enter,
17 what's the first room you enter?

18 A A foyer.

19 Q What's the next room?

20 A The living room.

21 Q And what kind of furniture did you have in there?

22 A Living room suit, a sofa/sleeper and a love seat and a
23 coffee -- end tables and a coffee table.

24 Q What about pictures? Did you have any pictures in
25 there?

1' A Yes, I had pictures all over the wall.

2 Q Pictures of what?

3 A Home Interior. I had Home Interior. That's mainly
4 what I bought and I had some little brass candle holder
5 things.

6 Q Did you have any pictures of your children in there?

7 A Not on the wall but on the fireplace.

8 Q Where was the fireplace?

9 A Right here.

10 Q And what pictures did you have up there?

11 A My kids. And then I had a picture -- here's a picture
12 frame right. I had pictures on the table. I had
13 pictures of my kids all over this table right here.

14 Q What about the den? Go to the den area. Is there a
15 door into the den?

16 A Yes, that's it coming right off the living room here.

17 Q And what's in the den?

18 A It was just a daybed and T.V.

19 Q Now, what's the room behind the living room?

20 A The dining room.

21 Q And what was in the dining room?

22 A The dinette set.

23 Q Keep your pen up there for us. You had a table in
24 there?

25 A Table and chairs, and then I think I had -- yeah, I did

1 have another sofa over here.

2 Q Did you have -- Let me show you a photograph. What's
3 this photograph of?

4 A The T.V. and VCR.

5 Q What's it in?

6 A It's on a utility cart.

7 Q Where was that in your house?

8 A In the dining room, right here in the corner. It was
9 catty-corner.

10 Q And where is your kitchen area?

11 A Right here.

12 Q Where is your back door?

13 A Right here.

14 Q And are there steps to the back door, leading up to the
15 back door?

16 A Yes, sir.

17 Q Now, take us to -- If you walked into the front door,
18 take us in -- how do you get to your child's bedroom?

19 A You go through the -- This the foyer. You go through
20 the and come down the hall, and here's the kids' room
21 right here.

22 Q Keep your pen up there. And whose bedroom was that?

23 A Tiffany and Mallory's.

24 Q Just the two girls?

25 A Yes, sir.

1 Q Where would Terrell stay?

2 A When he came? He stayed with my mother and father.

3 Q Where would he stay when he came to your house?

4 A He would stay over here in the den.

5 Q Now, did Ti and Ma have a window looking out
6 of their room?

7 A Yes, sir.

8 Q Where is the window in the diagram?

9 A Right here.

10 Q And looking out that window shows where you can see?

11 A Yes, sir.

12 Q Can you see outside your house?

13 A Yes, sir.

14 Q Can you see the driveway?

15 A Yes, sir.

16 Q Show us how you would see the driveway from that view.

17 A You would get and just look over towards the driveway.

18 Q All right. And is that the window you looked out that
19 day?

20 A Yes, sir.

21 Q And that's when you saw Stan's Bronco in the driveway?

22 A Yes, sir.

23 Q Now, what's between -- When you walk out the child's
24 bedroom, what's there?

25 A Like a hallway and the bath. Here's the bathroom,

1' because the hall was like a L-shape. It's a hallway to
2 my room and also into the kitchen and bathroom right
3 here.

4 Q Let me show you another photograph. I show you what's
5 been introduced as State's 28. What is that a picture
6 of?

7 A My room.

8 Q What is it specifically a picture of?

9 A My dresser and the T.V.

10 Q Now, if you would, show the jury where that was in your
11 bedroom at the time this happened.

12 A In this corner right there.

13 Q Where was the bed?

14 A Right back here on this wall facing toward the door.

15 Q And what kind of bed was it?

16 A It was a king-size waterbed with 12 drawers underneath
17 with a mirror headboard, bookcase with (unintelligible)
18 right-hand side.

19 Q Now, where is the vault where the guns were kept?

20 A In the hall closet. In this closet right here.

21 Q And what was in front of the vault?

22 A Two louver doors that pull out. There were four
23 drawers, but you know how they have two doors on one
24 door with the hinges, and you pull them out and they
25 slide back.

1 Q Where were you sitting throughout the time that Stan
2 and Rene -- Stan and Ponytail came into the house?
3 Show us where the location was where you were actually
4 sitting.

5 A When they came into the house?

6 Q No, when you actually had to sit down.

7 A Right here, on this corner right here.

8 Q And the couch would have been where?

9 A Right out from the wall because we had to go through
10 this way to get to the bed, so, therefore, I had to
11 pull the couch out right about here and I had like it
12 was open and so I sat right there on that corner right
13 there.

14 MR. JORDAN: Move to introduce State's 46 at this
15 time.

16 THE COURT: It's introduced.

17 (State's Exhibit 46 admitted in
18 evidence.)

19 Q Valerie, I show you what's State's Exhibit Number 11.
20 What is that a picture of in that photograph?

21 A My couch, my sofa, my sleeper/sofa in the living room,
22 and the case that Mike had his tapes in.

23 Q So it's a cassette tape case?

24 A Yes.

25 Q And it's a sofa that's turned upside -- or on its side?

1 A Yes.

2 Q Now, did you place the sofa that way?

3 A No.

4 Q Did you see when it was placed that way?

5 A No, sir.

6 Q I show you State's 14. What is that a photograph of?

7 A The dining room and the dining room table.

8 Q I show you State's Exhibit Number 12.

9 A This is the kitchen. This is the back door and the
10 refrigerator and the microwave and the telephone
11 sitting on top of it.

12 Q I show you State's Exhibit Number Nine. Which room is
13 that from?

14 A This is in my bedroom.

15 Q Now, was your room in that condition that morning
16 before you don't remember what happened?

17 A No, sir.

18 Q Were clothes on the floor?

19 A No, sir.

20 Q In that order?

21 A No.

22 Q I show you State's Exhibit Number 32. Is that the
23 front of your house?

24 A Yes, sir.

25 Q Where is the window to T and Mal s bedroom on

1 that drawing?

2 A Right here.

3 Q Why don't you go ahead and with this red pen, why don't
4 you go ahead and draw a circle around it.

5 A (Witness complies.)

6 Q That's State's Exhibit 32. And State's Exhibit Number
7 26.

8 A This is the gun vault.

9 Q Did it -- Was it in that condition prior to, as far as
10 the number of guns in there, prior to Stan and Ponytail
11 coming over there?

12 A No, sir.

13 Q There were more guns in there?

14 A Yes, sir.

15 Q Now, Valerie, you told us the last thing you remember
16 at the house, and who is the last person that you
17 remember standing over you with the gun?

18 A Ponytail.

19 Q What's the next thing that you remember?

20 A Ending up in the USA Hospital.

21 Q And what's the first thing you remember from USA
22 Hospital?

23 A When I saw my mother and my sister and everybody
24 standing over me, and Dr. Webber, I remember seeing
25 him, and they asked me how I was doing, and they told

1 me to nod if I -- nod if yes or no -- if I was doing
2 fine, nod yes and nod no if I wasn't.

3 Q And how long were you actually at the hospital?

4 A A month.

5 Q And how long were you at Rotary?

6 A I was over there about six months.

7 Q And when you were released, where did you go?

8 A To my mother's house.

9 Q And then how long did you stay there?

10 A I can't -- I don't know. It was some months.

11 Q Where did you go from your mother's house?

12 A Into my apartment. I moved into an apartment.

13 Q Who is Uncle Freddy?

14 A That's Mike's uncle -- that's Angela's brother. That's
15 his mother's brother.

16 Q Would Mike ever sell him anything?

17 A Yes.

18 Q What did he sell him?

19 A A 1966 blue Chevy.

20 Q When did your problems with Mike Finley begin?

21 A We had been having problems off and on just like every
22 marriage would, but you talking about after I got shot?

23 Q Right.

24 A I had told him Stan had shot me, that he -- in the
25 house came and robbed me. He said Stan didn't and so

1 when he stopped believing me and so he, you know --

2 Q Did he tell you that somebody else did it instead of
3 Stan?

4 A He told me (unintelligible) did.

5 Q So your own husband tried to tell you that somebody
6 else was the one that did it?

7 A Yes.

8 Q After you had specifically told him it was Stan?

9 A Yes.

10 Q And that's when the problems began?

11 A Yes, sir.

12 Q Were you going to change your mind just because your
13 husband told you it was somebody else?

14 A No, sir.

15 Q What were you supposed to do that Monday?

16 A I was gonna have a party for T

17 Q A party where?

18 A Supposed to be at Chuck-E-Cheese, but I didn't have
19 that much money, so I was gonna take her to the parade
20 (unintelligible).

21 Q And what parade were you going to take her to?

22 A Prichard.

23 Q Did your husband, Mike Finley, call you that morning --

24 A No, sir.

25 Q -- prior to you being shot?

1' A No, sir.

2 Q That did not happen?

3 A No, sir.

4 Q Now, are you absolutely sure two men came into your
5 house that morning?

6 A Yes, sir.

7 Q Are you absolutely sure that one of them is in this
8 courtroom with us right now?

9 A Yes, sir.

10 Q And who is that?

11 A Rodney Stan -- Well, I call him Stan.

12 Q That's all I have, Valerie. If you would, answer any
13 Defense questions.

14 THE COURT: Ken, if you will, come around here so
15 she doesn't have to move.

16 MR. NIXON: Yes, Judge.

17 THE COURT: I'm not telling you you have to sit up
18 there; wherever you want to go. I just don't
19 want her to have to move.

20 MR. NIXON: I would prefer to stand, Judge. I
21 can't talk very well when I'm sitting down.

22 CROSS EXAMINATION

23 BY MR. NIXON:

24 Q Mrs. Finley, my name is Ken Nixon. We've never met
25 before, have we?

1 A No.

2 Q I know this is difficult for you, but I'm gonna have to
3 ask you a few questions. If you can't hear what I ask
4 you, if you will, just ask me, and I'll be glad to
5 repeat it or rephrase it. Okay?

6 A Yes, sir.

7 Q I'm going to go back over a few things you said just to
8 clarify some things. This happened back in March the
9 2nd of 1992, correct?

10 A Yes, sir.

11 Q And since that time, Mrs. Finley, you have discussed
12 this case on several occasions, haven't you?

13 A Yes, sir.

14 Q And you've discussed it with Mr. Jordan many times,
15 haven't you?

16 A Yes, sir.

17 Q And you've discussed your testimony with Mr. Jordan and
18 Mr. Smith many times before today, haven't you?

19 A Yes, sir.

20 Q And you went to the D.A.'s office, and you went over
21 how you were gonna testify, what you were going to say,
22 every detail about your testimony on many occasions,
23 didn't you?

24 A No, sir.

2 Q This case has been reset over the last three years many

1 times, hasn't it?

2 A Yes, sir.

3 Q Do you know how many times?

4 A No, sir.

5 Q And each time it was reset, you would go to the D.A.'s
6 office and go over your testimony, or he would talk to
7 you, and y'all would go over what you were going to
8 say; is that right?

9 A I would call him and -- See, I would just try to see
10 when was the trial gonna be, because it had been put
11 off so many times.

12 Q How many times, in your best estimate, did you discuss
13 your testimony with Mr. Jordan or someone from the
14 D.A.'s office or the police department?

15 A I don't recall.

16 Q Probably 15, 20 times?

17 A No.

18 Q Ten times?

19 A It might have been ten over three years.

20 Q And before this trial you discussed your testimony with
21 Mr. Jordan, didn't you, the past couple of weeks?

22 A Yes, sir.

23 Q And you went to the D.A.'s office to do that, or did he
24 come to your house?

25 A He came to my house.

1 Q On how many occasions?

2 A Once.

3 Q And y'all talked for how long?

4 A Maybe about an hour.

5 Q Did he show you the prior statements?

6 A No, sir.

7 Q Did he tell you he was going to ask you these details
8 about your family and where you've worked and where you
9 went to school and who your friends were and the date
10 that you were married and all of that thing -- all of
11 those things?

12 A He just said he might ask me some questions. He didn't
13 go into detail exactly what.

14 Q But he went over the questions he was going to ask you,
15 didn't he?

16 A No.

17 Q Didn't do that?

18 A No, sir.

19 Q He went over the areas he was going to ask you
20 questions about during that hour interview?

21 A Yes, sir.

22 Q What about Lebarron Smith, was he there? Did he talk
23 to you?

24 A He wasn't there.

25 Q Okay. Just Mr. Jordan?

1' A Or he didn't say anything.

2 Q Just Mr. Jordan?

3 A Just him.

4 Q Now, you said you moved in with your mother?

5 A Yes.

6 Q And how long did you live with your mother?

7 A For a few months --

8 Q After the shooting?

9 A Yes, sir.

10 Q So you say you haven't lived with your mother in over
11 two years?

12 A It hasn't been quite two years yet.

13 Q So it would have been --

14 A No, been a little over a year because at first I moved
15 our August the 9th in '93.

16 Q So it's been a lot more than two months after this
17 shooting, wasn't it? More like two years than two
18 months; isn't that right?

19 A Yes, sir.

20 Q Ma'am?

21 A Would you repeat that?

22 Q Okay. You said on direct examination that you moved in
23 with your mother when you got out of the hospital,
24 rather than going back home, right?

25 A Yes, sir.

1' Q And you said you lived with your mother for about two
2 months before you got an apartment.

3 A I didn't say that.

4 Q You didn't say that?

5 A I said a few months.

6 Q Okay. Well, it's more like a few years, wasn't it?

7 A No, sir. It's only been three years since I been shot.

8 Q I understand. Didn't you just tell me that you moved
9 out from your mother a year ago?

10 A Yes, sir.

11 Q Well, if it's three years since you been shot and you
12 moved out from your mother's house a year ago, then
13 that would have meant you lived with your mother for
14 two years after you got shot; is that right?

15 A No, sir.

16 Q Okay.

17 A I was in Rotary Rehab. I got out of Rotary Rehab and
18 went to my mother's and stayed over there with her for
19 a few months. I think about a year. And then I moved
20 out, and I've been in my apartment going on two years
21 now.

22 Q Okay. So you lived with your mother a year?

23 A Yes. It's about a year.

24 Q Ma'am?

25 A Just about a year. I don't recall exactly how long.

1' Q So when you said you moved out of your mother's house
2 about a year ago, that would really be two years ago?

3 A No, that's not what I'm saying. I have been in my
4 apartment going on two years, and when I moved into my
5 apartment, I left my mother's house.

6 Q So you're saying you lived with your mother for a year,
7 and then you moved on your own, you've been living on
8 your own for two years; is that what you're telling us?

9 A Going on two years. November the 9th of this year will
10 be two years.

11 Q Why did you move out of your mother's house?

12 A Because I was grown, an adult, and that's what I wanted
13 to do.

14 Q Did you have a disagreement with your mother?

15 A No, I did not.

16 Q Haven't had one since the shooting?

17 A No, I haven't.

18 Q Or your sister?

19 A No, I haven't.

20 Q Now, you described and identified this Bronco that you
21 saw to Mr. Jordan, and you said you looked out your
22 window and saw that Bronco; is that correct?

23 A Yes, sir.

24 Q Now, you knew what Rodney Stanberry's Bronco looked
25 like, didn't you?

1> A Yes, sir.

2 Q He had been to your house hundreds of times, hadn't he?

3 A I don't want to say hundreds.

4 Q Well, he had been there a lot. You said he was your
5 husband's best friend, right?

6 A He had been there a lot.

7 Q He came over there all the time, didn't he?

8 A Basically.

9 Q And when he came over to your house, he would have to
10 drive around the circle to get out, wouldn't he?

11 A Yes, sir.

12 Q There's no way you can get out of your house without
13 going -- no way you can get to your house or from your
14 house without going down that street, is it, and going
15 around the circle?

16 A No, sir.

17 Q Now, Mrs. Finley, when you looked out -- I'm trying to
18 find this photograph. Now, I'm gonna show you State's
19 Exhibit Number 33 that you've identified and said
20 that's the view that you saw when you looked out the
21 window --

22 A Yes, sir.

23 Q -- and saw Rodney's car parked in your driveway.

24 A Yes, sir.

25 Q Or you saw the brown Bronco parked in your driveway.

- 1 A Rodney's Bronco.
- 2 Q And you said your car was parked there, also?
- 3 A My car was parked farther down.
- 4 Q So you couldn't see your car?
- 5 A No, sir. Not from that window.
- 6 Q When you looked out of the window, this is on this side
7 of the window, this photograph, right?
- 8 A Yes, sir.
- 9 Q The window goes on over here, right?
- 10 A Yes, sir.
- 11 Q So when you pull those shades up and you look out, you
12 can see clearly out the driveway, your front yard and
13 the medium, right?
- 14 A Yes, sir.
- 15 Q When you looked out in the medium, tell us what you saw
16 out in the medium.
- 17 A I saw Tyrone.
- 18 Q And what else did you see in the medium?
- 19 A He was out there working on his car.
- 20 Q Okay. That's Tyrone Dortch, your neighbor?
- 21 A I don't know his last name.
- 22 Q Okay, but it was your neighbor, Tyrone?
- 23 A Yes, sir.
- 24 Q And he was out working on a car?
- 25 A Yes, sir.

1 Q And what else did you see in the medium?

2 A Nothing but a telephone pole that's been out there all
3 the time.

4 Q Okay. And you're sure about that?

5 A Yes, sir.

6 Q And there was only one car that you saw?

7 A Yes, sir.

8 Q And that was -- What kind of car was Tyrone working on
9 in the medium?

10 A A wine colored Grand Prix with --

11 Q There weren't any other cars in the medium?

12 A I couldn't see any others.

13 Q You could have seen them clearly, if there were,
14 couldn't you?

15 A I could have.

16 Q So there weren't any other cars in the medium?

17 A No, sir.

18 Q Did you see any other people in the medium?

19 A No, sir.

20 Q Did you see Tyrone, or did you just see someone in the
21 medium?

22 A I saw Tyrone.

23 Q Do you recall how he was dressed?

24 A No, I don't recall.

25 Q And what time was this?

1 A I don't know exactly what time, but it was in the
2 morning.

3 Q You can't be any closer to the time than in the
4 morning?

5 A It was before 12.

6 Q At no time when you looked out -- Well, there was
7 nothing to impede your view of the medium, was it?

8 A No, sir.

9 Q And you're positive there was only one car there and
10 one person, and that was Tyrone?

11 A Yes, sir.

12 Q Was his car parked in the middle of the medium or close
13 to the telephone pole or --

14 A It was parked there in front of the pole facing my
15 house. The hood was facing my house.

16 Q Okay. Now, you said Rodney was your husband's best
17 friend. He was your friend, too, wasn't he?

18 A I thought he was.

19 Q Yes, ma'am. You never had any problems with Rodney
20 before, did you?

21 A No, I didn't.

22 Q And y'all went and did things together, you and your
23 husband and Rodney, didn't you?

24 A Not all the time. I only went -- We went fishing once
25 together once before then. We went target shooting one

1 time. That were the only time I went with them. The
2 only other time, Stan came to the house. That was the
3 only time I was with them together.

4 Q You never went anywhere else with your husband and
5 Rodney over the entire time that you knew him?

6 A Like I said, we went fishing and we went target
7 shooting at one time.

8 Q That's the only time you went anywhere with him?

9 A That's the only time I can recall.

10 Q But he came and ate dinner at your house?

11 A Yes, sir.

12 Q Visited, played with your children?

13 A Yes, sir.

14 Q He never said a harsh word to you, did he?

15 A No, sir. That's why I say I thought he was my friend,
16 also.

17 Q Now, you say that he is heavier now than the person
18 that came in your house that day. How much heavier?

19 A His stomach got a little bit bigger.

20 Q Is he taller or shorter?

21 A No.

22 Q Now, this brown Bronco that Stan was driving at the
23 time, it had some markings on it, didn't it?

24 A Yes, sir.

25 Q And do you know what those markings said? You've seen

1 the photograph.

2 A I don't recall, but I know he got it changed. When I
3 saw it -- I don't recall what exactly it had. I
4 remember he had on there "One night stand" on the front
5 once before and "Humping and Bumping" on the back.

6 Q On the front of the Bronco it says, "One night stand,"
7 doesn't it?

8 A Yes, sir.

9 Q The sticker on the front of the Bronco. And that was
10 on there well before the shooting, wasn't it?

11 A Yes, sir, but he had got it changed several times.

12 Q Got it changed several times before that?

13 A Yes, sir.

14 Q He had a sticker on the back, didn't he, too?

15 A Yes, sir.

16 Q Do you recall what that said?

17 A It was "Humping and Bumping."

18 Q Are you sure about that?

19 A Yes, sir.

20 Q These stickers were rather large, weren't they?

21 A Yes, sir.

22 Q Now, you said that you only met one person from New
23 York. Is that what your testimony is?

24 A Yes, sir.

25 Q And that person you refer to as Ponytail?

1 A That's what Stan -- I met him through Stan. If it
2 wouldn't been for Stan, I wouldn't know him now.

3 Q I understand that, but that is the person that you
4 referred to as Ponytail in your direct examination?

5 A Yes, sir.

6 Q And is it your testimony that you never met another
7 person that was from New York, a person named Wish or
8 Ihoe?

9 A Yes, sir, I never met him.

10 Q And you're sure about that?

11 A I'm positive.

12 Q Now, when you said you went to Axis and shot -- target
13 shot.

14 A Yes, sir.

15 Q And let's talk about that for a minute. You're
16 positive that a person named Wish or Ihoe was not
17 there?

18 A I don't know. I didn't know the people's names. They
19 didn't introduce me to them.

20 Q All right. Well, I thought you said on your direct
21 examination that when you went to Axis and Creola --
22 Excuse me -- when you went to Axis to target shoot --
23 well, strike that.

24 Tell us about that day. That was the Saturday
25 before this happened, wasn't it?

1 A Yes, sir.

2 Q And who did you go to Axis with?

3 A My ex-husband.

4 Q You and Mr. Finley?

5 A Yes, sir.

6 Q Did you ever tell anybody that you rode up there with
7 Rodney? Rodney came by and picked you up?

8 A No, sir.

9 Q You never said that?

10 A I don't recall. I think he did come by to pick us up,
11 but we drove my car instead.

12 Q Well, are you sure about that?

13 A Yes, sir.

14 Q Did you ever tell the police that you and Mike Finley,
15 your ex-husband, rode up to Axis on that Saturday with
16 Rodney Stanberry and the Ponytail?

17 A I may have, but I meant all us went together. They was
18 in one vehicle and we was in the other.

19 Q Okay. So you may have told them that?

20 A I may have.

21 Q But that didn't happen, did it?

22 A That did not happen.

23 Q Do you remember going up there and shooting and target
24 practicing?

25 A Yes, sir.

1' Q Do you know a person named Taco?

2 A No, sir.

3 Q Was a person named Taco up there that day?

4 A I don't remember. I don't know the names of the people
5 who was up there.

6 Q You said that it was you and your ex-husband, Mike
7 Finley, and Rodney and the person you call Ponytail.

8 A Yes, sir.

9 Q That's Rene?

10 A Yes, sir.

11 Q And you didn't mention anybody else being up there, did
12 you?

13 A Yes, sir.

14 Q Who else was there?

15 A It was a trailer -- We went behind a trailer and then I
16 asked Mike who lives in that trailer. He say a guy
17 named Dick (phonetic).

18 Q Okay. My question was who else was up there shooting
19 with y'all.

20 A No one else was shooting.

21 Q You're sure about that?

22 A Well, somebody came by in a truck and got out and shot
23 or something, but as far as who went up there with us,
24 no one else went with us.

25 Q You're sure about that?

1 A I'm --

2 Q You and your husband, your ex-husband, Mike --

3 A Yes, sir.

4 Q And it was Rodney and this person you call Ponytail --

5 A Yes, sir.

6 Q -- that went up there together.

7 A Yes, sir.

8 Q And nobody else?

9 A Not went up with us. It was some more people already
10 up there.

11 Q Did anybody else shoot your guns or Rodney's guns?

12 A I'm not sure because I don't have a gun. I don't own
13 my own gun.

14 Q Well, you shot --

15 A I shot one of my husband's, ex-husband's guns.

16 Q Well, while you were there, did anybody other than you
17 and Mike Finley, Rodney and the person you call
18 Ponytail shoot your guns?

19 A I can't recall.

20 Q Was there someone else there with y'all shooting?

21 A No, sir, but, as I said, somebody drove up. Dick's
22 wife was inside the trailer with the kids.

23 Q Okay. Who drove up? I mean, did they drive up and get
24 out and come over where you were and start shooting
25 with you?

1 A They drove up and got out and started looking around,
2 but I don't recall what they did after that. They were
3 shooting, so what -- I don't know who shot what because
4 I was more concerned for the kids in the trailer, they
5 were riding around the trailer on their tricycles,
6 because I tried to keep them back.

7 Q My question was, did those other people that you say
8 drove up -- was it two people?

9 A I don't recall.

10 Q Was it more than two people?

11 A I don't recall. I don't know how many people it was
12 because, as I said, I wasn't paying any attention then.

13 Q Well, the people that drove up, did they come over to
14 where you were and your husband and Rodney?

15 A By that time when they drove up, I just went some more
16 closer to the trailer.

17 Q Did you see them come up to where you were, where y'all
18 were shooting?

19 A I saw they was getting out of the truck. When I saw
20 them get out of the truck, I just proceeded on closer
21 to the trailer. So at that point, I wasn't paying no
22 attention to what they were doing then.

23 Q So you don't remember whether they came up to where
24 y'all were shooting and shot your guns or not?

25 A They went back there, as I say. I was not back there

1' when they got out the truck and went back there and
2 started -- because the shooting kept on. I went over
3 there watching about the kids cause I didn't want them
4 to get in -- be involved getting in the bullet -- in
5 the line of fire no kind of way.

6 Q Now, when you left, you got in the car with Mike and --

7 A No, Mike got in the car with me.

8 Q Okay. And y'all came home. Did y'all leave before
9 Rodney Stanberry left?

10 A No, sir.

11 Q Rodney Stanberry left first?

12 A All us left together.

13 Q Okay. And did you see who got in the car with Rodney
14 Stanberry?

15 A Rene -- Ponytail.

16 Q Rene is Ponytail?

17 A Uh-huh.

18 Q Was there anybody else that got in the car with Rodney?

19 A I didn't pay no attention.

20 Q Well, you could have seen, couldn't you?

21 A I didn't -- I can't recall.

22 Q You don't recall that?

23 A No, sir.

24 Q Now, how many times had Rene come to your house before
25 that day?

1 A Maybe about twice.

2 Q And was anybody ever with him?

3 A He was with Stanberry every time he came.

4 Q Nobody else?

5 A No.

6 Q Did you ever see him with anybody other than Stanberry?

7 A No, sir.

8 Q Did you ever hear your husband refer to or talk to or
9 see your husband talk to a person that he called Ihoe
10 or Wish?

11 A No, sir.

12 Q Now, you said your husband left to go to work. What
13 time does he go to work?

14 A He supposed to had been there at 7:00.

15 Q And what time does he usually leave?

16 A I'd say about 6:55.

17 Q Was he running late that morning?

18 A He was running late just about every morning.

19 Q Do you know what time he left that morning?

20 A He left, I think, right at 7:00. I'm not sure.

21 Q Not sure about that?

22 A Because he be late so much.

23 Q And you were in bed, right?

24 A Yes, sir.

25 Q Now, you said that the children were at your mother's

1' house.

2 A Yes, sir.

3 Q They spent the night there?

4 A Yes, sir.

5 Q And that Mike, your husband, had told you Sunday night
6 that he would pick up the kids and bring them home.

7 A The next morning.

8 Q Right. And that would have been Monday morning?

9 A Yes, sir.

10 Q Then Monday morning when he got up to go to work, he
11 told you that he wasn't gonna get the kids, he was
12 running late; you would have to get them?

13 A Yes, sir.

14 Q That's your testimony?

15 A Yes, sir.

16 Q And did you say okay?

17 A No, sir.

18 Q What did you say?

19 A I said, I could have got them last night while I was
20 still on 65 but you said you were gonna go get them. I
21 said you be late just about every day, so go on and get
22 them anyway.

23 Q And he said he wasn't gonna get them?

24 A He said he wasn't gonna get them.

25 Q Okay. So when he left there, it was his position that

1' you were gonna go get the kids?

2 A I don't see how it was his position that I was gonna go
3 get the kids because I didn't say I would.

4 Q Well, didn't he tell you, you go get them?

5 A I don't do what he tell me to do.

6 Q Okay. Did he tell you that, though?

7 A He said --

8 Q Ma'am?

9 A He had said -- He just said he wasn't gonna pick them
10 up.

11 Q He wanted you to go get them?

12 A He didn't say that. He just said, you go -- He said he
13 wasn't gonna pick them up and left.

14 Q Well, you just said -- I thought you said on direct
15 that he said, you go pick them up. Is that what he
16 said?

17 A That's what he said earlier, but when I kept fussing
18 with it and he didn't say anything else, he just --

19 Q So he did say that earlier?

20 A Yes.

21 Q So when he left there, he was expecting you to go get
22 the kids?

23 A No, he wasn't.

24 Q When he said that, he wanted you to go get the kids?

25 A That's what -- He wanted me to go get them.

1 Q And you had the ability to go get the kids, right?

2 A Yes, sir, I did.

3 Q You had a car that worked?

4 A Yes, sir.

5 Q Parked in the driveway, and there was nothing to
6 prevent you from getting the kids?

7 A No, sir.

8 Q And you say you don't recall him leaving you money for
9 gas and telling you to get some gas in the car?

10 A He didn't because he didn't even have any money. I had
11 all the money myself because he would ask me for money
12 to buy some beer in Mississippi that night -- that day
before.

14 Q Was the car out of gas when y'all came in that night?

15 A No, sir.

16 Q It was low on gas, wasn't it?

17 A No, sir.

18 Q Okay. Are you sure about that?

19 A Yes, sir, because I had got it filled up in Mississippi
20 before we came back. So, it had a lot of gas in it
1 because it takes about a quarter of a tank of gas to go
2 to Meridian in that little car.

3 Q So Mike left around 7:00 that morning, right?

4 A Around. I'm not for sure.

5 Q Well, he had to be at work at seven?

1 A I think so.

2 Q Well, that's what time he usually -- Everyday he has to
3 be at work at seven, doesn't he?

4 A No, sir.

5 Q He has different hours that he comes in in the morning?

6 A They change the shifts so regular. See, sometimes they
7 tell them to come in at 6:30 for about three or four
8 months, and then they start telling them to come in at
9 7:00 for another three or four months, and then 8:30.

10 He has been at 8:30 to 4:30.

11 Q But at that time he was coming in at seven, wasn't he?

12 A I think so.

13 Q And you had been awake since 3:00 in the morning?

14 A Yes, sir.

15 Q And after he left, you stayed in bed, right?

16 A Yes, sir.

17 Q How long after he left was it when your sister called?

18 A I was talking to her on the phone when he left.

19 Q You were talking to your sister on the phone?

20 A As he left the house.

21 Q And how long did you talk with her?

22 A We talked all the way up to the time Stan came to the
23 house.

24 Q How long was that?

25 A We had been talking about -- I think we took about

1 three or four hours.

2 Q You talked three or four hours?

3 A Yes, I do that every day.

4 Q Your sister's named Brenda Gay, right?

5 A But it might not -- I might not talked to her that
6 long, but I usually be on the phone every day a lot.

7 Q Okay. I'm asking you about this day, Mrs. Finley.

8 A I might have talked to her for two hours.

9 Q You're pretty sure about that?

10 A I'm not sure, but I know it was a long time.

11 Q It was more than ten or 15 minutes?

12 A Yes, sir.

13 Q You're positive about that?

14 A Positive.

15 Q Did you talk to anybody else?

16 A No, sir.

17 Q Do you recall Mike calling you that morning?

18 A Mike did not call me that morning.

19 Q At 8:30?

20 A He did not call me at 8:30.

21 Q You're sure about that?

22 A I'm positive.

23 Q Y'all were going to Show Biz that night, weren't you?

24 A We were going somewhere, but I really hadn't decided
25 where we were going.

1' Q Well, on your direct testimony, I thought you said
2 something about Show-Biz and tokens. Didn't you say
3 something --

4 A Chuck-E-Cheese.

5 Q Excuse me?

6 A Chuck-E-Cheese.

7 Q Chuck-E-Cheese. Okay. You said that in response to
8 one of Mr. Jordan's questions, didn't you?

9 A Yes, sir, but Mike was not going with us.

10 Q What did you say to Mr. Jordan about Chuck-E-Cheese and
11 tokens?

12 A We went to the parade -- I was planning on going to the
13 parade because I didn't have that much money left after
14 we came from Mississippi and so we'd let them have fun
15 at the parade for a while, and then they wouldn't want
16 too many tokens to play all that stuff at Show Biz.

17 Q And then they wouldn't want too many tokens?

18 A Yeah, where they would be too tired to play too much.

19 Q So you don't recall -- You're saying Mike Finley never
20 called you and told you that a friend --

21 A Mike never called me.

22 Q -- was going to have some tokens for y'all that night?

23 A No, he did not. He never called me and told me that.

24 Q Now, you said that you talked on the phone for two
25 hours. Are you confident about that; it was at least

1 two hours?

2 A I'm not sure how long it was. It was a long time to be
3 on the phone.

4 Q It was much more than 30 minutes or an hour, wasn't it?

5 A More than -- Yes, more than 30 minutes.

6 Q Could it have been longer than two hours?

7 A I don't think so. I'm not -- like I say, I'm not sure.

8 Q Well, you told me three or four hours at first.

9 A I said I talk on the phone as much as three or four
10 hours a day.

11 Q Well, I'm not asking -- I'm asking about this
12 particular day. That's what I'm concerned --

13 MR. JORDAN: Judge, we've been over this four
14 times, and she's already stated this at least
15 twice. It's somewhat cumulative, and it's
16 going forward, back, forward, back.

17 THE COURT: I think she's answered it, too, but go
18 ahead.

19 Q So two hours to four hours, somewhere in that range; is
20 that your testimony?

21 A That's --

22 MR. JORDAN: Judge, if I could ask him what his
23 question was. How long she talks on the
24 phone in general or how long she talked on
25 the phone --