

1' MR. NIXON: Judge, she knows what my question is.

2 MR. JORDAN: Judge, I don't know what the question
3 is.

4 MR. NIXON: I'll rephrase the question.

5 Q Mrs. Finley, that morning, that's all I care about,
6 okay, this morning, March the 2nd, 1992. You talked to
7 your sister on the telephone that morning.

8 A Yes.

9 Q And you told me some different time frames. Was it
10 somewhere between two hours and four hours that you
11 talked to her?

12 A No, sir.

13 Q Okay. Tell me how long you talked to her.

14 A It was more than an hour. Like I said, I can't say for
15 sure because I don't look at no clock when I'm on the
16 phone.

17 Q But it was more than an hour?

18 A Yes, sir.

19 Q And you were laying in bed while you were talking to
20 her?

21 A Yes, sir.

22 Q You didn't talk to anybody else that day?

23 A No, sir.

24 Q Now, you said that Mike told you that morning that
25 Rodney was coming by to pick up a tree stand?

- 1 A Yes, sir.
- 2 Q And the tree stand is kept in the garage, isn't it?
- 3 A Yes, sir.
- 4 Q You don't need to go in the house to get the tree
5 stand, do you?
- 6 A No, sir.
- 7 Q And it wasn't hunting season, was it?
- 8 A No, sir.
- 9 Q And Rodney and Mike, they hunt deer, didn't they?
- 10 A Yes, sir.
- 11 Q And do you recall Mike Finley, your ex-husband, telling
12 you back in December or January that Rodney was gonna
13 come by and pick up a tree stand one day?
- 14 A Rodney came by to pick up the tree stand up a bunch of
15 times.
- 16 Q Okay. Do you remember Rodney telling you -- Excuse me.
17 Do you remember Mike telling you back in December or
18 January that Rodney's gonna come by and pick up the
19 tree stand?
- 20 A I don't know, but it was just about every month of the
21 hunting season he told me that.
- 22 Q Mike told you that often?
- 23 A Yes, sir.
- 24 Q Now, you said that while you were talking on the phone
25 the doorbell rang.

1' A Yes, sir.

2 Q Are you sure about that?

3 A Yes, sir.

4 Q Positive?

5 A Positive.

6 Q Now, when you were questioned by the police, you didn't
7 tell them that the doorbell rang, did you?

8 A I'm not sure. I don't recall.

9 Q Do you remember telling them that someone was banging
10 on the back door, that that's what you noticed first?

11 A Yes, sir.

12 Q And somebody was banging on the front door?

13 A Yes, sir.

14 Q And now you're telling us that it was a doorbell that
15 rang?

16 A The doorbell rang at the front and a guy was at the
17 back, he was banging on that back door, the screen
18 door, because the steel door was wide open.

19 Q But you didn't tell the police that you heard the
20 doorbell ring. You told the police that you heard
21 banging, and that's when you laid the phone down; isn't
22 that true?

23 A I might have. I don't recall.

24 Q You don't remember that? And you said you saw Stan at
25 the front door?

1 A Yes, sir.

2 Q And you said you got up and you saw Stan at the front
3 door.

4 A I didn't see Stan at the front door.

5 Q Okay. You said you saw somebody at the back door.

6 A Yes, sir.

7 Q Because the back door was open but the screen door was
8 closed?

9 A Yes, sir.

10 Q And you don't normally leave the back door open, do
11 you?

12 A No, sir.

13 Q It's usually locked, isn't it?

14 A Yes, sir.

15 Q Did you tell the police that the back door was open
16 when you talked to them?

17 A Yes, sir.

18 Q Was the screen door -- storm door locked?

19 A Yes, sir.

20 Q The back storm door?

21 A Yes, sir.

22 Q And you can't get in that back storm door if it's
23 locked, can you, without damaging it or breaking it?

24 A No, sir.

25 Q Now, when you went to the front door after you say you

1³ saw Stan, you unlocked the front door.

2 A Yes, sir.

3 Q How were you dressed?

4 A I had a green little T-shirt like set on because I just
5 jumped up and put it on right quick.

6 Q You put it on after you got out of bed?

7 A Yes, sir.

8 Q So you got up, you got dressed, and then you went to
9 the door?

10 A It just slipped right on because it's like T-shirt
11 material.

12 Q And you unlocked the door with your set of keys?

13 A Yes, sir.

14 Q That's the same set of keys that had the key to the
15 vault and some other keys on it?

16 A Yes, sir.

17 Q They were on a key ring?

18 A Yes, sir.

19 Q Now, your storm door on the front was locked, also,
20 wasn't it?

21 A No, sir.

22 Q It was not locked?

23 A No, sir.

24 Q You normally keep that door locked, don't you?

25 A Normally we did because we used the back door. But

1 when you go in one door, you have to have -- one screen
2 have to be unlocked.

3 Q Ma'am?

4 A One screen door would have to be unlocked when he
5 leaves out. You can't lock both screen doors.

6 Q Doesn't that door lock when it shuts automatically, the
7 screen door?

8 A No, sir, it don't, supposed to lock from the inside.

9 Q Do you know whether Mike left the front or the back
10 that day?

11 A I don't know.

12 Q Are you saying today that when you opened the door,
13 that Rodney Stanberry pushed his way in?

14 A He didn't push his way in, but he --

15 Q Did you let him in?

16 A No, I did not.

17 Q Did you open the door?

18 A No, I didn't. I opened the wood door. He came in the
19 storm door himself.

20 Q How did he do that?

21 A Just took the handle and came on in. He took the
22 handle and opened the door and came on in.

23 Q The door opens back, doesn't it?

24 A Yes, sir.

25 Q You didn't tell him not to, did you, this person?

1 A No, sir.

2 Q Did you ever tell the police that they pushed their way
3 in, this person pushed their way in?

4 A No, sir, I don't recall. I'm quite sure I didn't.

5 Q Did you think something was unusual when you saw one
6 person, this person you call Ponytail, at the back and
7 you saw or heard Rodney or someone else at the front?

8 A Yes. When I saw Ponytail at the back and Rodney at the
9 front door, I thought that was unusual.

10 Q But you unlocked the door, anyway?

11 A But I thought he was my friend and so I said -- I
12 thought if they came here to do anything --

13 Q You didn't think he would have any reason to do
14 anything like that, did you?

15 A I didn't think he would.

16 Q Matter of fact, he had -- you've seen his gun
17 collection, haven't you?

18 A No, sir. I just saw the guns he had purchased.

19 Q You know Rodney's got a bunch of guns, don't you?

20 A Yes, sir.

21 Q And you saw a bunch of guns of Rodney's when y'all went
22 up to Axis, didn't you?

23 A No, sir, I wasn't paying his guns no attention.

24 Q Well, you know your husband goes to gun shows with
25 Rodney over the years and they've bought a lot of guns,

1' haven't they?

2 A Yes, sir.

3 Q And you knew that Rodney had quite a gun collection,
4 didn't you? You've seen them yourself, haven't you?

5 A Like I say, I might have seen one gun at a time, but I
6 don't recall what they was.

7 Q Now, how are you saying the person named Ponytail got
8 inside your house?

9 A Stan called him around the front, so he entered the
10 front door.

11 Q How did he call him?

12 A Said, come around the front, man.

13 Q He hollered?

14 A Yes.

15 Q Stan was at the front of the house?

16 A Uh-huh. Well, he beck-- cause the guy, Ponytail, could
17 see him and so Stan said come on around this way.

18 Q Stan was inside your house?

19 A Stan was inside.

20 Q And the other guy was outside in the backyard?

21 A In the back. He was on the back porch.

22 Q Porch. And you're saying the person hollered come
23 around?

24 A He did and beckoned for him to come on around the
25 front. He said it loud, come on around the front.

1 Q And this person you call Ponytail came in through the
2 front door --

3 A Yes, sir.

4 Q -- after that; is that right?

5 A Yes, sir.

6 Q Did you ever see any -- You said one person had a gun
7 on you.

8 A Yes, sir.

9 Q Was he holding it with one hand or two hands?

10 A One hand.

11 Q Are you sure about that?

12 A Yes, sir.

13 Q You showed Mr. Jordan that he was holding it like this
14 with one hand. Is that --

15 A He was. Then Stan, he was holding with -- Well,
16 sometimes they would hold -- because they held a gun on
17 me more than one time between the two of them, and so
18 sometimes they would hold it with both hands.

19 Q Mrs. Finley, you didn't say anything on direct
20 examination about Mr. Stanberry ever holding a gun on
21 you, did you?

22 A I don't think he asked me.

23 Q Well, are you telling us now that Mr. Stanberry had a
24 -- He asked you every other detail about everything
25 that happened that day, didn't he?

1 A I think so.

2 Q Are you telling us now that it's your testimony now
3 that you saw Rodney Stanberry with a gun?

4 A Yes, sir.

5 Q And they were using the same gun; is that what you're
6 saying?

7 A I'm not sure whether they had the same gun or not.

8 Q Well, you told us how this other person -- you told us
9 where he took the gun from, what part of his body, and
10 you told us how he was holding it on you, but you never
11 mentioned anything about Rodney Stanberry with a gun.

12 A He did there inside the house. So after he got inside
13 the house, he told me to sit down and be quiet. I
14 wasn't -- Stan had went on back into the vault room. He
15 could have got one of the guns out the vault, so I
16 don't know whether that was a gun out of the vault.

17 Q When did you see Stan, the person that you say is
18 Stanberry, with a gun?

19 A When he was over my head with a gun pointed at my head.

20 Q When was that in this scenario of events?

21 A In the living room at the same time I was sitting on
22 the floor during that same time period.

23 Q Where was the other person that had been holding the
24 gun on you?

25 A He had went through the house, wandering through the

1' house. I don't know what he was doing.

2 Q I thought you told us that Stanberry was the one
3 wandering through the house while the other guy had the
4 gun on you.

5 A I said both of them. They took turns wandering through
6 the house, but the other guy got agitated.

7 Q Are you sure about that?

8 A Yes, sir.

9 Q Don't you think that's kind of important that Mr.
10 Stanberry, the person that's on trial here today, that
11 you saw him holding a gun on you?

12 A Yes, sir, that's why I told you when you asked me.

13 Q And you never told the police that you saw Stanberry
14 holding a gun on you, did you?

15 A I think I did.

16 Q You think you did?

17 A I know I did.

18 Q Have you reviewed your statements that you made to the
19 police?

20 A No, I haven't.

21 Q You have not?

22 A No, I haven't.

23 Q That would have been something that you surely would
24 have told the police, wouldn't it?

25 A I did tell them.

1 Q You did tell them?

2 A Yes, sir.

3 Q And you're positive about that?

4 A Yes, sir. They might not understood me, understood
5 what I was saying because my voice is getting better
6 and better every day. I know y'all can't really
7 understand everything I --

8 Q You made a tape-recorded statement, didn't you?

9 A Yes, sir.

10 Q And you're positive that you told them that Rodney
11 Stanberry had a gun on you at that time?

12 A Yes, sir.

13 Q And you're just as positive about that as you are
14 everything else you told us here today, right?

15 A Yes, sir. But I heard the tape-recorded statement, and
16 that was supposed to have been my voice, and at that
17 time I couldn't even understand what I was saying, but
18 I knew what I was saying, but, see, you couldn't get no
19 head nod or shakes on the tape recorder.

20 Q When Mr. Jordan was asking you questions awhile ago and
21 asking you about every detail that happened in that
22 house, you didn't think it was important then to tell
23 us that Rodney Stanberry, the person on trial here, had
24 a gun pointed at you, did you?

25 A He didn't ask me. I answered every question he asked

1' me.

2 Q Didn't he ask you what happened?

3 A He -- What now?

4 Q Tell us what happened. He tracked every event, didn't
5 he?

6 A I called myself doing that.

7 Q Did you overlook that little detail?

8 A I can't recall. I think I had told him. I'm not sure.
9 I said more than one time that he had a gun on me -- he
10 held a gun on me.

11 Q Now, you said that -- you looked at these photographs
12 of the mask and the gloves, right?

13 A Yes, sir.

14 Q And you never saw those before; is that your testimony?

15 A I'm not saying that. They look familiar. My husband
16 got gloves and a mask just like those.

17 Q Your husband, Mike Finley?

18 A Yes, sir.

19 Q You never told anybody that, either, did you?

20 A Yes, sir, I told them. Yes, sir. I (unintelligible)
21 tell them that today.

22 Q You told them that just a minute ago?

23 A But I didn't -- when they first came out, they asked me
24 did the people that came in the house have gloves and a
25 mask on. If they would have had a glove or mask on, I

1' couldn't even identify -- how can you identify somebody
2 with a mask on?

3 Q That's what we're trying to determine, ma'am.

4 A They did not have a mask on.

5 Q Are you saying that the glove and mask was your
6 husband's?

7 A I'm not saying that. I said he had a set of gloves and
8 mask like that. It might not be the same ones.

9 Q Might not be?

10 A It might not be. It might.

11 Q Now, neither one of these people had gloves on?

12 A No, sir.

13 Q Neither one of them had anything else on their hands?

14 A No, sir.

15 Q While they were going through the drawers in your
16 bedroom, they didn't have gloves on?

17 A No, sir.

18 Q You said Rodney Stanberry went in the kitchen and was
19 looking for the keys up under the counter --

20 A I'll say it like this. They didn't have any gloves on
21 or a mask on when they came in the house and when they
22 ventured out into other areas of the house, I don't
23 know what they might have done because I couldn't see
24 into every room.

25 Q Well, you said you saw them searching around and

1 looking around --

2 A I heard. I said I heard.

3 Q -- for the keys.

4 A Yes.

5 Q You saw them looking for the keys.

6 A I saw them in an area that I could see around in the
7 living room and dining area.

8 Q Let me rephrase my question. Your testimony is you saw
9 this man right here open the front door and come in,
10 right?

11 A Yes, sir.

12 Q And you saw this man right here get the keys out of the
13 door, right?

14 A Yes, sir.

15 Q And you saw -- did you see him go into the vault?

16 A Yes, sir.

17 Q You saw that?

18 A Yes, sir.

19 Q And you saw him go into the kitchen looking for the
20 keys under the counter, didn't you?

21 A No, sir. I can't see in the kitchen from the living
22 room.

23 Q Okay. And at no time did you see anything on either
24 one of them's hands?

25 A No, sir.

1 MR. NIXON: Just one second, please, Judge.

2 Q How long had Tyrone been living next to you, Mrs.
3 Finley?

4 A I'm not sure.

5 Q Pretty good while?

6 A Yes, sir.

7 Q And you said you saw his plum colored Grand Prix?

8 A Yes, sir.

9 Q And did he have another Grand Prix?

10 A Yes, sir.

11 Q What color was it?

12 A He had a burgundy and white.

13 Q He had two Grand Prix, didn't he?

14 A Yes, sir.

15 Q And do you know of any other cars that he had?

16 A I don't know.

17 Q That's all he had, wasn't it?

18 A I'm not sure. I don't know.

19 Q Is that all that you saw over there at his house?

20 A When?

21 Q The weeks before this.

22 A I know he had a wine Grand Prix that he had redid up,
23 and then he had another white Grand Prix. All of his
24 cars was the same. I think he had three in all.

25 Q You're not really sure?

1' A Grand Prix. I'm almost sure. I'm pretty sure.

2 Q You weren't big friends with Tyrone, were you?

3 A We were just neighbors, but when he saw me, he spoke.

4 Q But he didn't come over to your house and eat dinner
5 with you or --

6 A No, sir.

7 Q -- go to the boats with you and Mike or anything else,
8 did he?

9 A No, sir.

10 Q He was just a neighbor that you saw on occasion and
11 spoke to you?

12 A Him and Mike friends.

13 Q Sir?

14 A Him and Mike friends.

15 Q They didn't go off together, did they? They didn't go
16 to the boats or go out to eat together or anything, did
17 they?

18 A No. They used to go -- they went a few times that I
19 can recall, but they didn't never just go out like him
20 and Stan went places together.

21 Q Was there a green car in your yard that day that you
22 saw?

23 A No, sir. I didn't see one.

24 Q When you clean up your house normally, do you turn your
25 couch over?

- 1 A No, sir.
- 2 Q You don't do that? The gun vault that you have, that
- 3 you described, does it have a handle that you open it
- 4 with?
- 5 A I just would pull it open with the key.
- 6 Q Does it have a handle that you have to turn?
- 7 A I can't remember; it's been so long.
- 8 Q You don't remember that?
- 9 A No, sir. It had one you turn. It had one you just put
- 10 your hand in like this and pull, pull out. That's what
- 11 I think.
- 12 Q Put your fingers in and pull?
- 13 A Yes, sir.
- 14 Q So if someone opened that vault, they would have to put
- 15 their fingers in and open it up?
- 16 A I'm not sure, but I know -- but I never did use a
- 17 handle. I just pulled it open with a key.
- 18 Q And you said the next thing you remember after this
- 19 happened was waking up in the hospital and your mother
- 20 and your sister and Dr. Webber were there?
- 21 A Yes, sir.
- 22 Q Do you know how many days after this happened that that
- 23 was when you woke up in the hospital?
- 24 A I'm not sure.
- 25 Q Have you, since this happened -- Do you know now? Have

1 you looked back at your records or -- was it a week or
2 was it a month or do you have any idea?

3 A I stayed at University of Alabama, South Alabama, for
4 one month, approximate.

5 Q I'm trying to get an idea of when you first woke up
6 that you were talking about. If you could, tell us
7 what the date was. Was it the next day or a week
8 later?

9 A I think it was about the next week, but I wasn't
10 talking. I think I, like, just nodded my head when my
11 mother asked me did I know who did this to me. She
12 said, if you know who did this to you, nod your head
13 yes or no.

14 Q You don't know when that was?

15 A No, I'm not sure because it wasn't a calendar in the
16 room.

17 Q Do you remember being showed a photo spread while you
18 were in the hospital?

19 A Yes, sir.

20 Q Do you remember who showed you that photo spread?

21 A A man and woman from the Prichard Police Department.

22 Q And did you recognize anybody in that spread?

23 A Yes, sir.

24 Q Who did you recognize?

25 A Stan and the guy with the ponytail.

1 Q You sure about that?

2 A Yes, sir.

3 Q And was this the first time that you talked to the
4 police?

5 A Yes, sir.

6 Q The very first time? And this was when you couldn't
7 talk, right?

8 A Yes, sir.

9 Q Detective Fletcher came out there?

10 A Yes, sir.

11 Q And showed you two sets of photographs?

12 A Yes, sir.

13 Q And you say you picked out Stan from one of them?

14 A Yes, sir.

15 Q And that you picked out Ponytail from the other one?

16 A Yes, sir.

17 Q And you're sure about that?

18 A Yes, sir.

19 Q Who was in the room when that occurred?

20 A I think my sister, Brenda, was over there with me
21 because somebody stayed over there with me at all
22 times.

23 Q Is that Brenda Gay?

24 A Yes, sir.

25 Q Brenda Gay or your mother were with you at all times,

1 weren't they?

2 A No, sir.

3 Q The majority of the time you were at the hospital?

4 A I had somebody there with me at all times.

5 Q Some of your family?

6 A Yes, sir.

7 Q And did they tell you what happened after you woke up?

8 A No, sir.

9 Q Did they tell you about getting the guns back or any of
10 that?

11 A No, sir. Mike told me when he got the guns back.

12 Q Did they tell you that they had seen Mike at the
13 hospital with the jewelry that he claimed had been
14 stolen?

15 A Yes, sir.

16 Q They told you that when?

17 A I can't recall.

18 Q They told you that Stan had got the guns back to Mike
19 or showed Mike where the guns were?

20 A No, sir. A friend of my son had told his mother that
21 when Stan and Mike pulled back up in the yard, he went
22 down to the yard and in the driveway and saw Mike with
23 the guns and stuff, and so Stan -- Sam, he told me that
24 he said, oh, Mike, you got your guns back, huh. And
25 Mike said, yeah, man.

1 Q You're telling us that your family members never told
2 you that Stan got the guns to Mike?

3 A No. I told them.

4 Q They never told you?

5 A No.

6 Q And what friend told you this?

7 A Sandra Murphy's son, Sam, little Sam Murphy.

8 Q He came to the hospital and told you this?

9 A No, sir.

10 Q When did he tell you this?

11 A His mother -- I talked to him on the phone, I think. I
12 can't recall. I know he was the one told me.

13 Q From the hospital?

14 A I don't know where I was.

15 Q Well, do you remember when you first learned that the
16 guns had been recovered and that Mike, your husband,
17 recovered them?

18 A Yes, I remember.

19 Q When was it?

20 A I was in the hospital. Reverend Powe had told me that
21 something seemed strange about that whole situation.

22 Q So Reverend Powe?

23 A Yes, sir.

24 Q Is he the one who told you?

25 A He had told me because he had told my mother that --

1 Q I just asked you if he's the one that told you that
2 your husband recovered his guns.

3 A I don't remember who told me.

4 Q But somebody did?

5 A Someone did.

6 Q You got suspicious at that point of your husband?

7 A I was suspicious of him already.

8 Q You were already suspicious of your husband?

9 A Yes, sir.

10 Q Now, you're telling us -- or did you tell us that Mike
11 Finley, your husband, told you that Horace Reynolds is
12 the one who shot you?

13 A Yes, sir.

14 Q And when did he tell you that?

15 A In the hospital when I was up in the room in USA
16 Hospital.

17 Q How long after you had been shot?

18 A I was talking -- I had -- I was talking, so I had told
19 him. When I told him Stan and the guy with the
20 ponytail did this to me, then that's when he came up
21 with, Stan couldn't have did this.

22 Q And he told you at that point that Horace Reynolds is
23 the one who did it?

24 A Yes, sir.

25 Q That's what you're telling us today?

1 A Yes, sir.

2 Q And Horace Reynolds, who is he?

3 A A guy that went hunting with Stan and Mike.

4 Q You never told the police that, did you?

5 A I can't recall -- I don't know.

6 Q You never told anybody that until you just testified,
7 did you?

8 A I told my family.

9 Q You told your family?

10 A I know I told them. I don't know who I told.

11 Q Did you tell the police that Mike, your ex-husband,
12 told you that Tyrone Dortch had told him that he saw
13 Stanberry there?

14 A No, sir.

15 Q You never told the police that?

16 A No.

17 Q You're sure about that?

18 A I might have. I can't recall. Mike said so much --
19 See, he was saying so much to try to screw me up until
20 it -- if I didn't go along with that little game he was
21 playing, it --

22 Q So your answer is you don't recall?

23 MR. JORDAN: He's cutting her off, Judge.

24 MR. NIXON: I'm trying to get her to answer my
25 question, Judge.

1 MR. JORDAN: She was trying to answer the
2 question. She had not finished.

3 THE COURT: Mrs. Finley, do you want to answer
4 any further?

5 THE WITNESS: As I was trying to tell him what
6 happened, he kept on coming up with other
7 things that they didn't put in. And so he
8 saw I wasn't gonna go for that, after he saw
9 I wasn't gonna change my mind about -- after
10 he couldn't convince me that Stan didn't do
11 it, he started getting worser (sic) and
12 worser with me, so we became distant at that
13 time.

14 Q Now, my question is, did Mike tell you that he had
15 talked to Tyrone and that Tyrone told him, Tyrone
16 Dortch, your neighbor, Tyrone told him that he saw Stan
17 at your house that morning?

18 A Yes, I think so. I'm not sure.

19 Q You're not sure about that?

20 A I'm not sure. I told Mike because I had already told
21 Mike that Stan had did this to me, then he said
22 somebody else had said that they saw Stan Bronco in the
23 yard, saw him in the yard, so Mike left the hospital
24 that night. He said he was gonna go get that MF.

25 Q You told the police that Mike, your husband, told you

1 that the neighbor, Tyrone, saw Stan over there that
2 morning, didn't you?

3 A Yes, sir, I think so. I'm not sure. It's been so
4 long.

5 Q You don't remember that?

6 A I don't recall. Like I say, you're trying to get me
7 all twisted up.

8 Q No. If you don't recall, that's fine. And you're
9 saying that Mike Finley told you, also, that Horace is
10 the one who did it, Horace Reynolds?

11 A Yes, sir. Then I asked him, I said, how you know
12 Horace Reynolds did it. I said, you wasn't there. I
13 said, I was there. I know who shot me. I know who was
14 in my house that morning. I said, Horace Reynolds was
15 not there. I said, Stan and the guy with the ponytail
16 was the only ones there that morning.

17 Q How many times did you talk to Detective Fletcher?

18 A It wasn't many.

19 Q Ma'am?

20 A It wasn't too many, maybe once or twice. At that time
21 when I saw Sgt. Fletcher I wasn't even talking that
22 well, hardly at all.

23 Q Do you remember telling Detective Fletcher that you saw
24 a white man at your house that morning?

25 A No, I did not.

1 Q You never told him that?

2 A No.

3 Q Did you tell Detective Fletcher that you went to the
4 back door first?

5 A No, sir.

6 Q And that there was no one there?

7 A No, sir. As I say, he might not understood what I was
8 saying because I wasn't talking clear at all.

9 Q Did you tell Detective Fletcher that you had burglar
10 bars?

11 A No, sir.

12 Q And you already told us that you didn't tell the police
13 that they pushed their way in.

14 A They came in. I didn't ask them to come in. They just
15 came in on their own.

16 Q Okay. Valerie, do you remember Detective Fletcher
17 coming to the hospital with a female police officer
18 with him and talking to you?

19 A Yes, sir.

20 Q That's the same day that you say you picked Mr.
21 Stanberry out of a line-up, isn't it?

22 A Yes, sir.

23 Q The same interview?

24 A Yes, sir.

25 Q And that was Detective Fletcher and that was Police

1 Officer Jackie Arnold, a female black police officer,
2 wasn't it?

3 A I don't know her name.

4 Q But it was a female police officer?

5 A Yes, sir.

6 Q And she was black?

7 A Yes, sir.

8 Q And your sister, Brenda Gay, was there, wasn't she?

9 A Yes, sir.

10 Q Was there anyone else in the room that day?

11 A No, sir. I don't recall.

12 Q Do you remember that interview?

13 A Yes, sir.

14 Q And did you understand what Detective Fletcher was
15 asking you at that time?

16 A Yes, sir.

17 Q Did you ever tell your sister, Brenda Gay, you didn't
18 know who did this?

19 A I said I didn't know which one shot me. I didn't never
20 say I didn't know who did it, who was in my house that
21 morning.

22 Q So you did tell her that you didn't know?

23 A I didn't know which one of the two shot me.

24 Q And you've reviewed that statement, haven't you?

25 A Yes, sir. I have reviewed that statement. I don't

1 remember all that's --

2 Q Would you like to see it?

3 A I just remember I said I don't know. Like I said, --

4 MR. NIXON: Judge, may I approach the Bench?

5 THE COURT: Sure.

6 THE WITNESS: I don't know who shot me.

7 MR. JORDAN: Wait. That's not -- she doesn't say
8 that on there.

9 Q Would you please take a look at this statement and see
10 if you remember if that's the questions that were asked
11 to you by Detective Fletcher and that was the interview
12 that was given?

13 A Yes, this was it.

14 Q Is that the way it went down that day?

15 A Yes, because I wasn't talking then.

16 Q Correct, but you understood and you heard everything
17 that was said.

18 A I understood everything, yes, sir.

19 Q And you have a memory of that now?

20 A I never did forget that.

21 Q Okay. Now, this statement that was provided to me by
22 the district attorney's office has Detective Fletcher's
23 name and your name here, but it also refers to female
24 and unknown female. Is it your testimony that the
25 other two people in the room that were female was

1 Detective Arnold, or a female police officer, and your
2 sister?

3 A Yes, sir.

4 Q Can you tell the jury which one of those unknown
5 females said --

6 MR. JORDAN: Now, Judge, this is hearsay. What
7 somebody else said --

8 THE COURT: Let him finish asking the question,
9 please. Ask your question.

10 A I couldn't figure that out myself.

11 MR. NIXON: May I ask my question, Judge?

12 MR. JORDAN: Go ahead.

13 THE COURT: Ask your question.

14 Q My question is, Mrs. Finley, you've already established
15 that you remember this interview, that you remember who
16 was there --

17 A Yes, sir.

18 Q -- and that you understood what was asked you --

19 A Yes, sir.

20 Q -- that you heard everything that was asked you.

21 A Yes, sir.

22 Q Now, what I'm asking you is, they haven't told me who
23 these unknown females are. You told me that. I'm
asking you where it says in this taped transcript, did
25 she know who hurt her, and an unknown female said, she

1 told me she didn't know. Do you know who said that?

2 A That don't say unknown female. That just say female.

3 Q One of them is an unknown female, and one of them is
4 female, correct?

5 A Yes.

6 Q Now, can you tell me which one of the females made that
7 statement in your presence?

8 A I do not know.

9 Q Was it your sister?

10 A I don't know. They should have put her name by it.

11 Q I agree with you. I wish they had, but I'm asking you,
12 do you recall whether it was your sister that said, she
13 told me she didn't know?

14 A It might of been.

15 Q And did you, in fact -- You, in fact, did tell your
16 sister, Brenda Gay, that you didn't know, didn't you?

17 A I told a lot of people I didn't know which one of the
18 two that shot me, but I knew it was one or the other.
19 I don't deny that at all.

20 Q And you're sure that during this interview the photo
21 spread that was shown to you, you picked out Rodney
22 Stanberry's photograph?

23 A I pointed.

24 Q You were never shown any other line-ups or any other
25 photo spreads other than that day, were you?

1 A Yes, sir.

2 Q You were?

3 A Yes, sir.

4 Q And was that sometime afterward?

5 A I can't recall whether it was the same day or later.

6 Q But on that day you were shown two photo spreads,
7 correct?

8 A I think so. I'm not sure.

9 Q Well, please think carefully. It's important. You
10 said you remember that day. You were shown two photo
11 spreads, correct?

12 A I don't know. What you mean by photo spreads?

13 Q I mean a card or a piece of cardboard with a bunch of
14 photographs on it.

15 A No, I just had pictures like you would take with a
16 camera.

17 Q Oh, okay. So just snapshot photographs?

18 A Yes, sir.

19 Q And how many photographs was it?

20 A I can't say. It was a bunch of them.

21 Q Five, six?

22 A I can't recall.

23 Q Were they pictures of one person or a group of people
24 or --

25 A A group of people on some of them, on most of them.

1 Q And were some of them individuals?

2 A No, I didn't see not one with one person on it.

3 Q That was the first time you had been shown any
4 photographs, wasn't it?

5 A Yes, sir.

6 Q You told your husband that you didn't want to come back
7 and live with him when you left the Rotary Rehab
8 Center, didn't you?

9 A I said I wasn't going back to stay there.

10 Q And a divorce action is pending now, right?

11 A We're divorced.

12 Q You've been divorced, but the issue of custody of your
13 children is still pending, isn't it?

14 A Yes, sir.

15 Q And that's pending until after this trial is over?

16 A Yes, sir.

17 Q And that's because you told the judge, the divorce
18 judge, that your husband hired somebody to kill you?

19 MR. JORDAN: Judge, this is --

20 A No, sir, I did not tell him that.

21 Q You never told him that?

22 A No, sir.

23 Q Do you believe that?

24 A Sir?

25 Q You believe that, though, don't you?

1 A Yes, sir.

2 Q You think that your husband hired somebody to kill you?

3 A Yes, sir.

4 Q And that's why the divorce case has been reset and
5 reset in the last year --

6 A I don't know why it's --

7 MR. JORDAN: Judge, this is not fair to her that a
8 judge --

9 THE COURT: She's doing fairly well answering the
10 questions, Mr. --

11 MR. JORDAN: Okay. Well, I mean -- okay.

12 Q Do you know any other reason why the case has been
13 reset and reset and reset?

14 A I don't know why he's doing that.

5 Q It's been reset every time this case, this criminal
6 case, has been reset, hasn't it?

7 A No, it haven't. It's been reset for a different
8 reason, and I can't remember why.

9 Q The fact is, if Mr. Stanberry gets convicted here
10 today, then you're going to get your children, you
11 think, don't you?

A No, sir. He don't have anything to do with me getting
my kids.

Q Your husband has custody of your children now, doesn't
he?

1 A Yes, sir. The only thing he had to do with me losing
2 my kids in the first place

3 Q Did you ever tell anybody that you saw a -- Well,
4 strike that. Have you told us everything that you felt
5 was important, the important details about that day?

6 MR. JORDAN: Judge, I object to this question.

7 This involves --

8 THE COURT: I see nothing wrong with it.

9 Overruled.

10 A I've answered any of those questions that you asked me.

11 Q Well, have you told us every significant detail or
12 every detail that you feel -- that was significant
13 about what you saw that day in response to either Mr.
14 Jordan's questions or my questions?

15 A As you ask me, it come back to me, that they --

16 Q As I ask you, it comes back to you?

17 A Yes, because, like, as soon as all this over with, I
18 just want to try to get it out of my mind completely,
19 but I know that will never happen.

20 Q Did you see a white girl in the Bronco?

21 A No. I don't know who was in the Bronco.

22 Q Did you see a white girl in the Bronco while it was
23 parked in your driveway?

4 A I didn't see anyone in the Bronco.

25 Q Did you tell the police or anybody else that you saw a

1 white girl in the Bronco while it was parked --

2 A I don't recall.

3 Q You don't recall or you didn't?

4 A I don't recall.

5 Q You could have told someone you saw a white female in
6 the Bronco?

7 A I could have, and I could --

8 Q That would not be true, though, would it?

9 A I don't recall.

10 Q You don't recall whether there was a white female in
11 the Bronco?

12 A I don't recall.

13 Q That's a pretty significant fact, isn't it?

14 A For a white girl being being --

15 Q I'm asking you right now, when you looked out the
16 window and you told Mr. Jordan that you remember it
17 clearly and you could see clearly, you saw the Bronco.
18 Did you see a white female in the Bronco?

19 A I don't recall. The windows was tinted.

20 Q You don't -- Well, then you're saying you didn't see a
21 white female in the Bronco.

22 A I don't recall. It could have been anything in there.
23 I don't recall.

24 Q I'm not asking you what could have been. I'm asking
25 you what you saw --

1 A I don't know.

2 Q -- with your eyes, ma'am.

3 A I don't know.

4 Q You don't know what you saw?

5 A I don't know whether a white female was out in the
6 Bronco or not.

7 Q Please listen to my question. You said you saw the
8 Bronco clearly when you looked out the window.

9 A Yes, I saw the Bronco clearly.

10 Q I'm asking you here today, when you saw it clearly, did
11 you see a white female in the Bronco?

12 A I don't -- I didn't.

13 Q You did not?

14 A I'm not sure.

15 THE COURT: Ken, put a red mark wherever you are.

16 We'll go to lunch. We'll be back at 1:15.

17 (Lunch recess.)

18 * * * * *

19 AFTERNOON SESSION

20 (Jury present.)

21 THE COURT: You want me to tell you your last
22 question?

23 MR. NIXON: Yes, sir, Judge, please.

24 THE COURT: Well, I'm not sure if what I'm
25 thinking about is the last one. Read him his

1 last question, Barbara.

2 (Whereupon, the previous two questions
3 were read back by the reporter.)

4 THE COURT: Yeah, that's it. Her answer to you
5 before that was the glasses were tinted. She
6 didn't say this but insinuated that no one
7 could see inside the car because of the
8 tinted glasses on the car. Then you asked
9 her again, are you saying there was not a
10 white girl in the car, and that's when --
11 that's the last thing I remember. So you
12 pick it up from there or any way you wish to
13 pick it up.

14 MR. NIXON: That's the first time that you didn't
15 tell me right off the bat, Judge, since I've
16 been practicing law.

17 THE COURT: Well, I thought it was, but I wasn't
18 sure.

19 Q Mrs. Finley, I just have a few more questions for you.
20 That first statement that you made to Detective
21 Fletcher in the hospital, I don't have the date on
22 mine. Do you recall the date or do you recall when it
23 was?

24 A No, I don't.

25 Q But it was at a point when you still could not talk; is

1 that right?

2 A Not good.

3 Q Now, the second statement that you gave to Detective
4 Smith and Detective Fletcher, that was on April the
5 14th, 1992; is that correct?

6 A I'm not sure.

7 Q Does that sound right to you?

8 A I don't know.

9 Q Was that at the Rotary Rehabilitation Center when you
10 made that statement?

11 A April?

12 Q Yes, sir -- Yes, ma'am.

13 A I went to Rotary some time in April. I don't know
14 when.

15 Q Do you remember this detective right here, Detective
16 Smith and Detective Fletcher, the big detective, coming
17 out there to the Rotary Rehab and speaking with you?

18 A Yes.

19 Q And taking a recorded statement from you at that time?

20 A Yes.

21 Q Okay. I'm just gonna ask you a few questions about
22 that statement, please. Did you tell Lebarron Smith in
23 that statement that the other guy went in the back
24 door?

25 A No, I didn't.

1 MR. NIXON: Judge, may I approach the witness?

2 THE COURT: Certainly.

3 Q Mrs. Finley, I'm going to ask you to read this portion
4 of this statement where it says Finley with a colon and
5 see if that refreshes your memory, please.

6 A That might have been what I said, but the guy was
7 standing at the back door.

8 Q Can you read what -- Did you say that? Did you say
9 that the other guy went in the back door?

10 A No, I didn't.

11 Q Are you sure about that?

12 A Positive.

13 Q Now, in that same statement that you made to Detective
14 Smith and to Detective Fletcher that was recorded, did
15 you tell Detective Smith that the glass screen door was
16 locked and they messed it, the door, the glass door, on
17 open and came on in?

18 A No, I didn't.

19 Q You sure about that?

20 A Positive.

21 MR. NIXON: Judge, may I approach the witness
22 again?

23 THE COURT: Certainly.

24 Q Let me ask you to read that portion of this paragraph
25 where it says Finley colon, please.

1 A What -- messed? How do you mess the door?

2 Q Ma'am, I'm just asking you if that's what you said --

3 A No, it's not.

4 Q -- to Detective Smith.

5 A That might been the way they -- they assumed I said,
6 but I never heard nobody mess the door.

7 Q You never told Detective Smith that the glass screen
8 door was locked and that he messed it, the door, the
9 glass door, on open?

10 A That was -- not with the back door. It was just --

11 Q You never told him that it was locked? You're telling
12 us now that it wasn't locked; is that correct?

13 A No, I'm not. I don't remember.

14 Q You had told us before on my cross examination--

15 A He was shaking that door at the back door.

16 Q No, I'm talking about the front door.

17 A The front door?

18 Q Yes, ma'am. Didn't you tell us before --

19 A I said --

20 Q Please, let me finish my question, please. Just listen
21 carefully. Didn't you tell me before we broke for
22 lunch, when I asked you a question, that the screen
23 door on the front was unlocked?

24 A Yes, I did.

25 Q And you've read this statement here that says the glass

1 screen door was still locked, and they messed it, the
2 door, the glass door, on open. You read that on this
3 statement, didn't you?

4 A He messed it? What messed mean?

5 Q Are you denying that you told Corporal Smith that the
6 screen door was locked?

7 A I don't even know how you can mess the door.

8 Q Let me rephrase the question. Did you tell Corporal
9 Smith during this interview that the front screen glass
10 door was locked?

11 A No, I didn't.

12 Q You're sure about that?

13 A I don't recall because I know Stan walked on in the
14 door.

15 Q But now you're certain that it wasn't locked, right?

16 A He came in the door when I opened the wood door,
17 unlocked the wood door with my key, and he came on in
18 the door.

19 Q I've heard your testimony, ma'am. I'm just trying to
20 nail it down. You're telling us now that the front
21 glass screen door was not locked?

22 A I don't remember.

23 Q Now you don't know?

24 A I know he came through the door without any assistance
25 from me.

1 Q Well, you knew -- before lunch when I was asking you,
2 you were certain that it was locked, weren't you?
3 Isn't that what you testified to?

4 A I don't know. I don't recall that.

5 Q Now, have you told us everything else that these --
6 have you told us everything that these two people said
7 to you while they were in there? Mr. Buzz asked -- Mr.
8 Jordan asked you in detail what they said and what they
9 did, and I've questioned you about that. Is there
10 anything that you recall that either Mr. Stanberry or
11 the other person that you say was in your house said to
12 you?

13 A No, not that I can recall right now.

14 Q Do you recall them asking you if you had a pistol
15 permit?

16 A No.

17 Q They never asked you that?

18 A No. They asked me did I have a pillow slip.

19 Q A pillow slip?

20 A Yes.

21 Q And you reviewed this statement, haven't you?

22 A Yes.

23 Q And this transcript of this statement, did you see in
24 there where you said that they asked me did I have a
25 pistol permit?

1 A Yes.

2 Q And you're saying that that's not what that is?

3 A No.

4 Q You're saying that was a pillowcase?

5 A Pillow slip.

6 Q Pillow slip?

7 A Yeah.

8 Q When did you make that correction on this statement?

9 You told Mr. Jordan that that's what it said, didn't
10 you?

11 A Yes, I did.

12 Q And when did you tell him that?

13 A The first time I saw that statement.

14 Q And when was that?

15 A I can't recall.

16 Q Years ago, wasn't it?

17 A No, it wasn't.

18 Q It was not?

19 A No.

20 Q Was it a year ago?

21 A I don't recall exactly when it was.

22 Q It was a long time ago when you told him, wasn't it?

23 A It wasn't in the past month.

24 Q Mrs. Finley, this case has been going on for several
25 years, hasn't it?

1 A Yes, it has.

2 Q And the first time it was set you reviewed your
3 statement, didn't you?

4 A No, I didn't.

5 Q You did not?

6 A No.

7 Q Now, you said, also, if I understand you correctly,
8 that while you were sitting on the floor, Rodney
9 Stanberry found the key in the front door.

10 A He discovered the key in the front door.

11 Q You told him where the key was, didn't you?

12 A No, I did not.

13 Q Are you sure about that?

14 A I'm positive.

15 Q No doubt in your mind?

16 A No doubt.

17 MR. NIXON: May I approach the witness, Judge?

18 Q I'm gonna again show you that same statement, Mrs.
19 Finley, and ask you if you could read the sentence
20 that's underlined. It says, Finley, in response to Mr.
21 Smith's question. Would you please read that?

22 MR. JORDAN: What page are you on?

23 MR. NIXON: Page three.

24 A I read it.

25 Q What does it say?

1 A And I told Stan the key was in the front door, but I
2 did not tell Stan that.

3 Q Okay. That's what this says, isn't it?

4 A That's what that say.

5 Q And that's what you told Lebarron Smith back in April
6 of 1992, isn't it?

7 A No, it is not.

8 Q You didn't tell him that?

9 A No, I didn't.

10 Q You know he recorded this statement?

11 A Yes, he told me that.

12 Q So if that's on that tape, that's not your voice; is
13 that what you're telling us?

14 A It might be my voice, but they -- whoever --

15 Q You're positive you never said that?

16 A I'm positive.

17 Q Okay. And in response to Mr. Jordan's question about
18 holding the gun, you said that the man held a gun with
19 one hand on you. Did he hold it with two hands on you?

20 A Yes, sometimes. He'd hold it with one hand for a
21 while. Then he would hold it with two hands.

22 Q And, by the way, you've reviewed this statement. You
23 didn't say anywhere in here in this statement at all
24 that Rodney Stanberry ever had a gun or held a gun on
25 you, did you?

1 A I don't recall.

2 Q Would you like to review it?

3 A No. It would take too long, because I know -- I know
4 what happened.

5 Q And did you tell Lebarron Smith that Tyrone, your
6 neighbor, told Mike Finley that he saw Stanberry come
7 into your house that day?

8 A That's what Mike told me.

9 Q Yes. You told that to Lebarron Smith, didn't you?

10 A I don't know what who I told that.

11 Q Now, Mrs. Finley, do you recall -- you were trying to
12 get your husband to sell his guns, weren't you?

13 A No, I wasn't.

14 Q Do you recall your husband discussing with you selling
15 his guns to the person from New York?

16 A He did not do it. There was no discussion about that.

17 Q The answer is no?

18 A No.

19 Q And you didn't have any discussions with him about
20 selling his guns to anyone?

21 A No.

22 Q At that time?

23 A Not at all

24 Q Did you want him to sell his guns?

25 A No.

1 Q Did you hear Rodney Stanberry tell your husband not to
2 sell his guns to these people from New York?

3 A No, I did not.

4 Q You don't recall that?

5 A I didn't hear it.

6 Q I believe that's all I have. Thank you, Mrs. Finley.

7 REDIRECT EXAMINATION

8 BY MR. JORDAN:

9 Q Valerie, have you kept any diary of all the visits that
10 Lebarron and I have made to you?

11 A No, I haven't.

12 Q And have we come out to talk to you quite a bit on this
13 case?

14 A Not that often.

15 Q But more than three or four times?

16 A Yes.

17 Q And you don't keep track of the notes that I keep of
18 our conversations, do you?

19 A No, I don't.

20 Q But you know that you told Lebarron and myself about
21 Stan having a gun, don't you?

22 A Yes, sir.

23 Q And you know you told us both about --

24 MR. NIXON: Object to leading.

25 THE COURT: Don't lead her.

1 Q Did you ever tell Officer Lebarron Smith about Stan, in
2 fact, having a gun?

3 A Yes, sir.

4 Q Did you also tell him about the gun being held with
5 both hands sometimes and sometimes with one hand?

6 A Yes, sir.

7 Q Now, I have not gone over my notes with you, have I?

8 A No.

9 Q And who knows about what happened out there? Do I --
10 Have I told you what happened at that house?

11 A No.

12 Q Why not?

13 A You wasn't there. You couldn't told me.

14 Q Okay. You said that Stan has had different things on
15 his car, or his Bronco, on the front and back and he's
16 changed those from time to time.

17 A Yes.

18 Q Do you know what he had on there at the time this
19 happened?

20 A I'm not sure. I think it -- I'm not sure. I can't be
21 definite.

22 Q But you know at some times he's had on there --

23 A "One night stand."

24 Q "One night stand." Do you know if that was even on
25 there when this happened?

1 A I didn't pay it no attention.

2 Q It was not important to you at the time?

3 A No.

4 Q Mr. Nixon asked you about going up to Axis. What's the
5 name of the person that supposedly owned the trailer?

6 A Dick.

7 Q And did you meet his wife?

8 A She never did come out.

9 Q But who told you about the wife?

10 A Mike.

11 Q Okay. And were there kids out there?

12 A Yes.

13 Q What was your attention to that day? Was your
14 attention to target shooting with the boys, or what
15 exactly were you more attentive to?

16 A At first, I was target shooting with them, and then I
17 saw the kids come out the trailer, and then I stopped
18 target shooting because I was scared the kids might
19 been in danger.

20 Q Did you go around and get everybody's name that was up
21 there that went target shooting and write them down?

22 A No, I did not.

23 Q Did you expect that to be important in any way
24 whatsoever?

25 A No, I did not.

1 Q Now, Mr. Nixon has referred to a tape. Do you remember
2 when Detective Fletcher came out and saw you at the --
3 you were still at the hospital at that time.

4 A Yes, sir.

5 Q Were you still in intensive care?

6 A No, sir. I had been moved to a room.

7 MR. NIXON: Which tape are you talking about?

8 MR. JORDAN: Number one.

9 Q I'll show you what's been introduced as State's Exhibit
10 42 and 43. Have you ever seen those pictures before,
11 to your recollection?

12 A I can't recall.

13 Q Do you know if those are the photographs -- I mean, do
14 you know whether or not those are the photographs that
15 Detective Fletcher brought out to you?

16 A No, these not them.

17 Q Do you see Rodney Stanberry in those photographs?

18 A Yes, sir.

19 Q Is he in both of them?

20 A Let me see. He is.

21 MR. NIXON: I renew my objection on leading,
22 Judge.

23 THE COURT: He is but those pictures are already
24 admitted.

25 Q Now, do you know or are you aware that you didn't even

1 > talk that time that he came and saw you?

2 A Yes, sir.

3 Q Let me go ahead and play this for you and see if you
4 remember this happening.

5 (Whereupon, audio tape was played)

6 Q Now, do you remember that happening?

7 A Yes.

8 Q Do you remember that conversation?

9 A Yes, sir.

10 Q Tell us what you remember about it.

11 A He came over to the -- and had the thing and so he
12 asked could I -- well, he asked me could I talk at all
13 and so my voice must have been my sister voice, and --

14 Q Could you talk at that time, Valerie?

15 A I couldn't talk clear or nothing because my throat and
16 everything was still messed up.

17 Q Didn't you still have a tube in your throat?

18 MR. NIXON: Same objection, Judge. I renew my
19 objection, leading, continuous.

20 THE COURT: That wasn't leading. Overruled.

21 Q Now, have you ever, ever told anybody with your voice
22 that you did not know who broke into your house?

23 A No, I haven't.

24 Q Ever?

25 A Never.

1 Q Since March 2nd -- since day one until today?

2 A Never.

3 Q Have you ever stated it was anybody but Rodney
4 Stanberry and Ponytail?

5 A Never.

6 Q Ever?

7 A Never.

8 Q Now, Mr. Nixon asked you about Rodney Stanberry holding
9 the gun, having the gun. When was that? Take us back
10 to where -- At what point in time did Stan have the
11 gun?

12 A When Ponytail was doing other things.

13 Q Let's go back to that because I didn't ask you about
14 that. I'm sorry. That's my fault. What other things
15 was Ponytail doing?

16 A That's when he went in the kitchen and spotted the
17 microwave. That's when he was trying to tell Stan
18 other things that they could pick up. So Stan had the
19 gun on me at that time. So that's why I wasn't sure
20 which one shot me.

21 Q Okay. Well, let's go back to this. Did you see where
22 Stan got the gun from?

23 A No, I didn't.

24 Q Do you know if he brought the gun with him?

25 A I don't know.

1 Q Did you ever see if he swapped a gun with Ponytail?

2 A I never did see it, because after Stan -- by that time,
3 Stan had went in the gun vault.

4 Q Okay. So you don't know where that gun was from?

5 A I don't know, no.

6 Q Did they ever, the two of them, have guns pointed at
7 you at the same time?

8 A No, they did not.

9 Q So just one at a time had the gun?

10 A Yes.

11 Q Now, what other things, when Stan had the gun on you,
12 what was Ponytail doing, specifically? Tell us what
13 you recall seeing him doing. What did you see?

14 A He walked out of the living room and walked through the
15 dining room, and then he started hollering back through
16 the dining room. He said, man, we can get that
17 microwave, and he came on back around and said, we can
18 get the VCR, the TV. And so that's when Stan said, we
19 don't have enough room in the truck.

20 Q Now, did Ponytail look any other places, under the
21 couch or any other places in the house or anything like
22 that?

23 A Not that I saw. I didn't see any -- Stan, he looked in
24 the couches because Stan say Mike keeps guns under the
25 couches.

1 Q I'm sorry. I can't hear you.

2 A He said, Mike hides guns in the couch, so let's look in
3 the couch, so they just picked the pillows up. There
4 were pillows -- there were three pillows on the couch.

5 Q Who picked up the pillows?

6 A Both of them at different times.

7 Q Did you see them obtain or retrieve anything from under
8 the couches?

9 A No, I did not.

Q Or under the couch cushions, I mean?

A No, I didn't.

Q Now, why don't you know who shot you? Why don't you
know -- Have you ever been able to say that Stan was
the person that shot you or, for that matter, that
Ponytail was the person that shot you?

A No, I haven't.

Q And I do believe I asked you who was the last person --
I did ask you who was the last person you saw with the
gun on direct examination.

A Yes.

Q And who was that?

A Ponytail.

Q He was the last person that had a gun pointed at you?

A Yes.

Q Mr. Nixon asked you about your husband having gloves

1 and a hat similar to those in the photograph. Can you
2 say whether or not those were or were not your
3 husband's, or do they look similar?

4 A I say they were similar. I don't know whether those
5 are the same ones or not.

6 Q What did your husband have a mask and gloves for?

7 A When he went hunting.

8 Q He used a hunting mask?

9 A Yes.

10 Q And hunting gloves?

11 A Yes.

12 Q What was the relationship of Tyrone with Mike, your
13 husband?

14 A They were friends.

15 Q In what sense?

16 A They weren't good friends like Stan and Mike was. They
17 was just friends, neighbors and friends. They talked
18 every time they saw each other.

19 Q All right. Mr. Nixon asked you about seeing a white
20 man going to the back door, that you had burglar bars
21 and that they pushed their way in. First of all --

22 MR. NIXON: I didn't say pushed, Judge.

23 Q Did you see a white man at the back door or did you see
24 Ponytail?

25 A Ponytail.

1 Q How would you describe Ponytail?

2 A He was light skin with hair pulled to the back in a
3 rubber band and it was plaited.

4 Q Light skinned?

5 A Uh-huh.

6 Q Did anybody come in through the back door?

7 A No, they didn't.

8 Q You know that now?

9 A I know it.

10 Q I mean, you know that from that time.

11 A Yes.

12 Q I'm not asking you about what you may have said to the
13 police on April 14th while you were at Rotary, but did
14 anybody, in fact, come through the back door?

15 A No one.

16 Q Which door did both of them come through?

17 A Through the front door.

18 Q Did your house have any burglar bars?

19 A No, they didn't.

20 Q Was there any reason for you not to let -- open the
21 door for Stanberry?

22 A No, there wasn't.

23 Q Any reason whatsoever?

24 A I didn't think so.

25 Q No, I'm asking. Is there any reason why you would not

1 let Stanberry come into your house?

2 A There was no reason.

3 Q Valerie, do you normally let strangers into your house?

4 A No, I don't.

5 Q Would you have let anybody else into that house?

6 A No, I wouldn't.

7 Q Mr. Nixon asked you about being suspicious of your
8 husband. Tell us what things happened or what things
9 came to mind after you got -- when you started being
10 able to talk again, things of that nature that caused
11 you to be suspicious of your husband.

12 A Because we normally keep our locked from top to bottom,
13 keep all the windows locked and everything, the doors
14 locked. And so when I got up that morning, I saw the
15 back door wide open. He had left the door open, and he
16 had told Stan --

17 Q Hold on. That's one thing. Let's go one by one.

18 A He had told me Stan was coming by the house to pick up
19 a tree stand. When Stan got to the house, he ain't
20 said nothing about no tree stand.

21 Q Never even mentioned the tree stand?

22 A Never.

23 Q What else made you suspicious?

24 A When he told me, tried to convince me somebody else had
25 did this to me after I had told him who did it, who was

1 in the house. Then he tried to convince me somebody
2 else did it.

3 Q Anything else you can think of that made you suspicious
4 that something just wasn't right?

5 A (Inaudible) That was all I needed.

6 Q Mr. Nixon stated that if Stanberry's convicted, that
7 you're gonna get your kids back. What --

8 A That don't have nothing to do with my kids. He don't
9 have nothing to do with my kids.

10 Q Does he have custody of your kids?

11 A No, he don't.

12 Q I mean, temporary custody?

13 A No, he don't..

14 Q Has he ever had temporary custody of your kids?

15 A Never. I hate he was even around them now at all.

16 Q Now, let me ask you about the brown Bronco, when you
17 looked at the brown Bronco. Did you see anybody in the
18 brown Bronco?

19 A No, I did not.

20 Q Did you see anybody get out of the brown Bronco?

21 A No, I did not.

22 Q Did you see anybody get into the brown Bronco?

23 A No, I did not.

24 Q Now, tell us how -- You had to open the front door with
25 your dead-bolt key; is that correct?

SEP pg 545
she says husband
does have custody
of children.
This changed
after his
trial.

1 A Yes.

2 Q Now, tell us specifically what happened. You opened
3 the front, the big wood front door, and then what
4 happened?

5 A Then Stan opened the storm door, came on in, and then
6 he yelled -- cause he could see Ponytail through the --
7 from the front door, and so he was becked and hollered
8 for him to come on around to the front. And so when he
9 came to the front door, he had the gun on me, and I
0 started shaking.

1 Q Valerie, I want you to listen to something, too. I
2 want you to listen to your voice on April 14th. I
3 couldn't play your voice on this one because you didn't
4 say anything. I want you to hear your voice on the
5 14th, which would have been about six weeks after this
6 happened.

7 (Whereupon, audio tape was played.)

8 Q Now, on there, you say the glass screen door was still
9 locked, what the voice said. What I'm asking is, was
0 it, in fact, locked or not, from what you can tell us
1 now with your full voice?

2 A It wasn't.

3 Q It was not?

4 A No.

5 Q Okay. So when Mr. Nixon asked you that, you were

1 mistaken about what you told the detective; is that
2 correct?

3 A Yes.

4 MR. NIXON: No, sir, Judge, she told -- she just
5 said that. Excuse me. I'm gonna object to
6 mischaracterization. The tape just said she
7 said it was locked.

8 THE COURT: We heard the tape.

9 MR. JORDAN: That's what I just said, the tape
10 said it was locked, and she was mistaken when
11 she told you that it was not locked, as far
12 as telling the detective.

13 Q But, in fact, when you just went through and told us
14 exactly what happened, did you ever unlock the door for
15 Stan and the ponytail guy to come through the front?

16 A No, I did not.

17 (Whereupon, audio tape was played.)

18 Q Mr. Nixon asked you about a pistol permit. Let me just
19 rewind this.

20 (Whereupon, audio tape was played)

21 Q Are you talking about a pillow slip there?

22 A A pillow slip.

23 Q It's kind of hard to hear. Valerie, your voice sounds
24 a little bit -- sounds a lot different on that tape on
25 the 14th of April of '92 than it does today. Were you

1 under medication at that time?

2 A Yes, I was.

3 Q Pretty heavy medication?

4 A Yes, I was.

5 Q Were you still in pretty bad shape?

6 A Yes, sir.

7 Q You had about how many more months to go at rehab, at
8 Rotary?

9 A About six.

10 Q So you were just -- You had been released from the
11 hospital on April the 6th straight to Rotary?

12 A Yes, sir.

13 Q And this was April the 14th, so this is eight days
14 after you got out of the hospital?

15 A Yes, sir.

16 Q Valerie, could you have been mistaken about some things
17 that you remember telling Lebarron Smith on that tape
18 recorder?

19 THE COURT: Pardon me. I didn't understand your
20 question.

21 Q Could you have been mistaken about your remembering or
22 what you can recall?

23 A No, sir.

24 Q I mean, specifically the words that you said, not as
25 far as what happened.

1 A The words, I was trying to say pillow slip, but it was
2 evidently that wasn't what I was saying.

3 Q I mean, I don't know. I'm just saying, your voice is a
4 lot different then than it is now.

5 A Yes.

6 Q Valerie, just so we're absolutely clear on this, did
7 anybody else come into your house on that Monday
8 besides Stan and Ponytail?

9 A I didn't see anyone else.

10 Q They were the only two people?

11 A Yes, sir.

12 Q That you saw come in?

13 A That I saw.

14 Q And you're absolutely sure that Stanberry and Ponytail
15 were the two individuals that came in your house and
16 that assaulted you?

17 A Positive.

18 RECROSS EXAMINATION

19 BY MR. NIXON:

20 Q Mrs. Finley, Mr. Jordan showed you State's Exhibit
21 Number 43 and Number 42 just a minute ago, right?

22 A Yes.

23 Q And you told him that these were not the photographs
24 that Detective Fletcher showed you in the hospital that
25 first time; is that right?

- 1 A Yes.
- 2 Q They were not?
- 3 A No, sir.
- 4 Q You're sure about that, right?
- 5 A I'm not positive, but I know Stan is on those two
6 pictures.
- 7 Q Well, you told Mr. Jordan just a minute ago that those
8 weren't the photographs.
- 9 A The other pictures looked newer than those.
- 10 Q They were other photographs but not these photographs?
- 11 A No. They were pictures that looked -- they weren't so
12 old and worn, the pictures that I saw, but those, it's
13 been so long ago, they could have been worn since then.
- 14 Q Now you're telling us that these could have been the
15 photographs that he showed you? Do you remember the
16 photographs what photographs Detective Fletcher showed
17 you?
- 18 A Some photographs with Stan in them and Ponytail.
- 19 Q Can you tell us if those are the photographs or not?
- 20 A I can't be for sure because those photographs have been
21 worn. It's been three years.
- 22 Q You told Mr. Jordan that they were not, but now you're
23 saying they could have been?
- 24 A They could have been.
- 25 Q You don't know?

v

1 A I don't think so. They might be, because I didn't
2 think about the worn -- worn and tear that three years
3 could put on a picture.

4 Q Now, you were asked about the -- You just told Mr.
5 Jordan that Mr. Stanberry and this other person were
6 going through, lifting the pillows up and going through
7 the couch. Did you tell him that?

8 A Yes, sir.

9 Q And you saw that?

10 A Yes, sir.

11 Q And today is the first day you've told anybody that
12 that happened, didn't you?

13 A No, sir.

14 Q You didn't tell Detective Smith that, did you?

15 A Yes, sir.

16 Q In either one of these interviews?

17 A I'm not for certain.

18 Q You don't know?

19 A I don't know but that's what they did.

20 Q You didn't tell us that earlier today in your testimony
21 when you were telling us everything that happened,
22 either, did you?

23 A You didn't ask.

24 Q Okay. Mr. Jordan played part of the first tape, Mrs.
25 Finley. This is the first tape with Detective Fletcher

1 at the hospital.

2 (Whereupon, audio tape was played.)

3 MR. JORDAN: Ken, stop it. Judge, we need to take
4 something up at side-bar.

5 THE COURT: Do what?

6 MR. NIXON: I'm sorry. I didn't hear you.

7 MR. JORDAN: We need to take something up on
8 side-bar.

9 (Whereupon, an off-the-record
10 side-bar conference was held.)

11 THE COURT: Ladies and gentlemen, I have been
12 advised that this tape -- in the tape someone
13 not Mrs. Finley made a statement, and this is
14 the statement -- They're playing this tape of
15 the statement of Mrs. Finley. I was advised
16 that somebody present made a statement about
17 what Valerie did or didn't do. Just consider
18 Valerie's testimony in this tape. They can
19 call -- Valerie Finley's statement. This
20 other person, if identified, they can call.
21 I'll make sure that if anyone has any problem
22 getting her here, I'll make sure that person
23 is here. But I want to tell you that in
24 advance. I haven't heard -- I'm not really
25 sure what they're talking about, either, but

1 we'll listen to it together and find out.

2 Go ahead.

3 MR. NIXON: And, Judge, this is just the remainder
4 of the tape that Mr. Jordan played a portion
5 of.

6 THE COURT: You told me that.

7 MR. NIXON: It's very short.

8 THE COURT: Now, this tape was made when she was
9 in the hospital; is that correct?

10 MR. JORDAN: Yes, Your Honor.

11 MR. NIXON: Yes, sir.

12 MR. JORDAN: When she couldn't talk. Her voice is
13 not on this tape. Valerie's voice --

14 (Whereupon, audio tape was played.)

15 Q Did you hear that, Mrs. Finley?

16 A I heard it.

17 Q Did you hear it clearly?

18 A Yes.

19 Q Did you hear the voice when one female said, does she
20 know who hurt her, and another female said, she told me
21 she doesn't remember -- or she told me she doesn't
22 know?

23 A Yes.

24 Q Did you say that?

25 A No, I did not.

Q And whose voice was that that said she told me she didn't know?

A I have no idea.

Q You don't know?

A Let me hear it again.

(Whereupon, audio tape was played.)

A I don't know who that was.

Q Hear that?

A Yes, I heard it, but it's so faint, I couldn't recognize who it was.

(Whereupon, audio tape was played.)

Q That voice right there. Is that your sister?

A I don't know. It could be. That tape is all -- People don't sound the same on tapes.

Q Well, the only people that were in there that were female, were you and your sister and the police officer, a female police officer, isn't it?

A Yes, sir.

Q And you were awake, weren't you?

A Yes, sir.

Q And it would have been your sister or the police officer, correct?

A Yes, sir.

And you can't tell from listening to that tape whether that's your sister's voice or not?

1 A No, sir.

2 Q But you did hear that person say she told me she
3 doesn't know?

4 A But I never told no one I never knew, never.

5 Q And you said that, in response to Mr. Jordan's
6 questions, that Tyrone was not good friends with Mike.
7 That's Tyrone, the neighbor you were talking about,
8 right?

9 A Yes. I didn't say he -- he was not his best friend.
10 He was just a friend.

11 Q Your neighbor?

12 A Yes.

13 Q Now, Mr. Jordan played a part of this second tape that
14 was made on April the 14th, 1992.

15 MR. JORDAN: Judge, I'd play it all if I could
16 hear it better. I have a hard time hearing,
17 but we'll play it all, if Mr. Nixon wants to.

18 MR. NIXON: We can do that.

19 Q Have you heard that tape?

20 A I don't know.

21 Q Detective Smith and Detective Fletcher were at the
22 Rotary Rehab when that tape was taken, correct?

23 A I think so.

24 Q Do you remember that?

25 A Yes.

1 Q That's the one where you were speaking.

2 A Yes.

3 Q And the questions that I asked you regarding that
4 interview on my cross examination a minute ago when you
5 said that you didn't say, are you now saying that you
6 could have been wrong, that you could have said those
7 things?

8 A Say what?

9 Q Well, for example, on the tape, are you denying that
10 you said, that you told Detective Smith that the glass
11 screen door was locked and they messed it, the door,
12 the glass door, on open and came in?

13 A Yes, I am.

14 (Whereupon, audio tape was played.)

15 A That is incorrect.

16 Q Ma'am?

17 A That is incorrect.

18 Q What is incorrect, Mrs. Finley?

19 A That address. I said 1736 Meadow Avenue.

20 Q And what did you say here? What did this voice say?

21 A Middle Avenue.

22 Q You said that, though, didn't you?

23 A Huh?

24 Q On this tape?

25 A That's what it sounds like.

1 (Whereupon, audio tape was played.)

2 A That was incorrect.

3 Q What was incorrect, Mrs. Finley?

4 A I was born August the 19th, 1962, not '52.

5 Q Okay. That was your voice on that tape, wasn't it?

6 A Yes.

7 (Whereupon, audio tape was played.)

8 A That's not correct. His name was Malthus. His name
9 was not Malcomb.

10 Q Is that your voice, also, on the tape?

11 A Yes.

12 (Whereupon, audio tape was played.)

13 Q In the transcript that was provided to me by the
14 district attorney's office of this interview, it says
15 that you said the other guy went in the back door.

16 A You couldn't hear what I said. That might be what it
17 sounds like, but he was at the back door.

18 (Whereupon, audio tape was played.)

19 Q Is that your voice?

20 A Yes.

21 Q Did you hear what it said, that the glass screen door
22 was still locked and they messed it, the door, the
23 glass door on open?

24 A No, that's not what I said. They mashed the -- That's
25 supposed to be mashed, not messed. They mashed the

door where you have to squeeze the handle.

Q Did you say the glass screen door was still locked?

A I said it was unlocked.

Q I'm gonna let you hear that again. Okay?

(Whereupon, audio tape was played.)

Q Now, that is your voice. Did you say the glass screen door was still locked?

A If I did, it wasn't, because the door was not locked.

Q You were mistaken?

A Stan came in as soon as I opened -- unlocked the wood door. Stan mashed the screen door and came on in and called the other guy. Ponytail come around --

Q You don't dispute that was your voice on this tape saying that?

A If you all say it was.

Q Now, I'm also going to ask you about on page three of this transcript that was provided to me of this interview by the district attorney's office. It says, "And I told Stan the key was in the front door."

A I did not tell Stan that.

Q Did you tell Lebaron Smith that you told Stan that?

A No, I did not.

(Whereupon, audio tape was played.)

I didn't see them leave.

Q Ma'am?

1 A I didn't see them leave.

2 Q Okay.

3 (Whereupon, audio tape was played.)

4 Q Did you say that?

5 A I don't recall saying that Stan saw --

6 Q Did you hear that?

7 A I heard it, but Stan saw the key in the front door
8 hisself (sic).

9 Q Okay. Your voice said, and I told Stan the key was in
10 the front door, right?

11 A I'm not sure. I couldn't make that out myself.

12 (Whereupon, audio tape was played.)

13 A That's what it said, but that's not what happened.

14 MR. NIXON: Judge, I would move to admit both of
15 these tapes into evidence.

16 THE COURT: Fine. They're introduced.

17 MR. NIXON: You want to mark them?

18 MR. JORDAN: Yeah, let's mark them.

19 (State's Exhibits 47 and 48 admitted in
20 evidence.)

21 Q Thank you, Mrs. Finley.

22 MR. NIXON: That's all I have of that witness,
23 Your Honor.

24 THE COURT: Anything further?

25 MR. JORDAN: No, Your Honor.

1 THE COURT: Before you take your next witness,
2 let's take a few minutes. Is that all right
3 with y'all or do you want to wait another
4 hour?

5 (Recess.)

6 (Jury present.)

7 MR. JORDAN: The State rests at this time.

8 THE COURT: First witness. I know you got -- Do
9 you mind waiting for your motion a few
10 minutes?

11 MR. NIXON: No, sir, Judge. If you'll just have
12 -- record them as having been today, having
13 been filed now --

14 THE COURT: I wish this had been done before the
15 jury came back in, but --

16 MR. NIXON: Excuse me just a minute, Judge. I
17 call Tyrone Dortch, and if you will consider
18 the motions that I filed having been filed at
19 the close of the Plaintiff's case, Judge, we
20 can argue those when the jury goes back out,
21 if that's okay.

22 THE COURT: Sure.

23 TYRONE DORTCH

24 was sworn and testified as follows:

25 MR. NIXON: Give me one second, Judge.