

1 THE COURT: Call your next witness.

2 MR. JOHNSON: Call Ron Rhodes.

3 Your Honor, Mr. Rhodes previously has testified and  
4 is under oath.

5 (MR. RHODES PRESENT)

6 R O N R H O D E S, having previously been sworn, took the  
7 stand and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. JOHNSON:

10 Q Mr. Rhodes, I want to call your attention now to the  
11 date of January 13, 2000, at approximately 4:15 in the  
12 afternoon. Did you have an occasion to go down to Florida?

13 A Yes, sir, I did.

14 Q Where did you go?

15 A Jacksonville, Florida.

16 Q What was the purpose of you going down there?

17 A An arrest warrant had been obtained for Dennis Perry  
18 and we went to Jacksonville, Florida, to arrest him.

19 Q Who is we?

20 A Myself and Dale Bundy. We also met with F.D.L.E.  
21 agents, Florida Department of Law Enforcement, for assistance.

22 Q When Mr. Perry was arrested, where was he taken?

23 A To the Florida Department of Law Enforcement office  
24 in Jacksonville, downtown.

25 Q Did you go in the same car with him?

1 A No, sir, I did not.

2 Q When you got to the F.D.L.E. office in Jacksonville,  
3 where was Dennis Perry taken?

4 A To an office inside the building.

5 Q Did you have an occasion yourself, yourself and  
6 other members of that party, to talk with Dennis Perry?

7 A Yes, sir.

8 Q Do you know whether or not he had been, as we call  
9 it, Mirandized, given his Miranda warnings previous to the  
10 conversation you may have had with him?

11 A Yes, sir.

12 Q And who do you know gave those warnings?

13 A Detective Dale Bundy.

14 Q Do you remember where that was done?

15 A It was given on the roadside. I believe it was Saw  
16 Pit Road in Jacksonville.

17 Q Okay. In the particular building, tell us where Mr.  
18 Perry was taken.

19 A He was taken to a back office. I believe it was the  
20 supervisor's office for the F.D.L.E.

21 Q And you were with him for at least part of the time  
22 he was back there?

23 A Yes, sir, I was.

24 Q At any time while you were with him, did you or did  
25 you see or hear anyone else threaten him or try to coerce him

1 into making a statement?

2 A No, sir.

3 Q Did you hear anybody promise him any hope of benefit  
4 or reward if he would make any statement?

5 A No, sir.

6 Q Was there a period of time when you were alone with  
7 him?

8 A There was a short period of time, yes, sir.

9 Q Okay, sir. And why were you alone with him? What  
10 was the purpose of that?

11 A I was just trying to interview him and build some  
12 kind of rapport with him to talk to him.

13 Q Would it be a fair statement to say that during all  
14 of this period of time, up to a point, he denied any  
15 involvement in the Swain killing?

16 A That's correct.

17 MR. WESTLING: Judge, I'm going to object to that  
18 characterization as "up to a point." I don't think that  
19 fact's in evidence at all. I object --

20 MR. JOHNSON: It's already in evidence, Your Honor,  
21 before the jury, "up to a point," and I'm fixing to go to  
22 that point right now.

23 MR. WESTLING: Judge, I --

24 THE COURT: Well, why don't you just make it  
25 directly as it relates to his knowledge, Mr. Johnson, and

1 rephrase your question.

2 Q Did Dennis Perry in your presence deny any  
3 involvement?

4 A He denied all involvement up until a point; yes,  
5 sir.

6 Q Where was that point?

7 A It was a point where Mr. Perry, I believe, asked to  
8 go to the restroom. As we were leaving the building to take  
9 him to the Duval County jail, I believe it was Detective Bundy  
10 took him to the restroom while myself and Agent Mullen with  
11 F.D.L.E. waited for them to come back from the bathroom. We  
12 were in the lobby and I was in the communication center  
13 talking to a communications officer. Upon their arrival back  
14 from the bathroom, Detective Bundy stated that Dennis said  
15 he --

16 MR. WESTLING: Judge, I'll object to hearsay  
17 declaration.

18 THE COURT: Sustained.

19 MR. JOHNSON: Judge, Detective Bundy was -- this was  
20 in -- as you know, he testified and testified about this,  
21 so it's not hearsay at this point.

22 THE COURT: Well, I don't think he needs to go  
23 through it again, Mr. Johnson.

24 MR. JOHNSON: Excuse me?

25 THE COURT: Go ahead and ask your question and see

1 if it has to be connected up.

2 Q Did Detective Bundy tell you something?

3 A Yes, he did.

4 Q And as a result of that, what did you do?

5 A We took Dennis back into the office area of F.D.L.E.  
6 and continued with the interview.

7 Q Was the movement of Mr. Bundy related -- I mean, Mr.  
8 Perry related in any way to what Mr. Bundy told you?

9 A Yes, it was.

10 Q What did he tell you?

11 A He told me that Dennis stated he --

12 MR. WESTLING: Judge, I object to that as hearsay  
13 declaration.

14 MR. JOHNSON: Judge, Mr. Bundy was here and  
15 testified to this very fact and that makes it not  
16 hearsay.

17 THE COURT: Well, then, he doesn't need to talk  
18 about it, then, does he, Mr. Johnson? Proceed.

19 MR. JOHNSON: Your Honor, I have the right to ask  
20 him.

21 THE COURT: Overruled.

22 MR. JOHNSON: You mean it's sustained.

23 THE COURT: I sustain him. I overrule what you're  
24 asking to do.

25 Q So -- well, was Dennis Perry there when he made that

1 statement to you, the original statement? When Mr. Bundy came  
2 back and told you something and you acted on that, was Dennis  
3 Perry standing there or sitting there?

4 A Yes, sir. They were -- when he spoke, when  
5 Detective Bundy spoke to me, they were in the process of  
6 walking through the door back to the office area and asked for  
7 me and Agent Mullen to come with him.

8 Q Did you go back there?

9 A Yes, sir, I did.

10 Q And where was this office?

11 A Just inside the main entrance, back to the right. I  
12 believe it was Agent Mullen's desk.

13 Q Where did Mr. Perry get placed?

14 A He was seated right there at Agent Mullen's desk,  
15 with myself and Agent Mullen seated in front of him.

16 Q At that point in time what happened?

17 A Mr. Perry stated that he did ride a motorcycle to  
18 Camden County the weekend before this incident occurred. He  
19 stated that during that period of time, he used a lot of  
20 alcohol and drugs and didn't remember a lot of what happened  
21 back then. He continued on and stated that he wasn't sure if  
22 he was in the church that night. He couldn't remember. And  
23 at that point Agent Mullen asked him if what happened in the  
24 church was an accident and Dennis stated, "Yes," and shook his  
25 head yes. And then I asked Dennis if the gun went off by

1 accident and Dennis said, "Yes," and shook his head yes. At  
2 that point Agent Mullen asked Dennis if -- if Dennis could put  
3 this all back together to an extent to make it right again,  
4 would he, and Dennis stated, "Yes."

5 Q At that point in time did someone -- well, where was  
6 Detective Bundy at that point?

7 A He had walked down the hall and I believe he was  
8 making a phone call.

9 Q How did it come about that Mr. Bundy came back to  
10 that location?

11 A After Dennis made those statements, Agent Mullen  
12 left where we were and went and spoke with Detective Bundy and  
13 Detective Bundy came back to where we were sitting and Dennis  
14 was asked to repeat what he had stated and he repeated all  
15 three, that everything was an accident, the gun went off by  
16 accident and he would make it right if he could, to Detective  
17 Bundy.

18 Q Did Detective Bundy ask him anything?

19 A I believe Detective Bundy asked him -- I can't  
20 recall right offhand what he --

21 Q If you need to refresh your memory from your report.

22 MR. WESTLING: Judge, I have no objection, if I  
23 could see the report he's looking --

24 THE COURT: Okay.

25 MR. JOHNSON: And I don't mind counsel seeing what

1 he's got.

2 MR. WESTLING: May I approach the witness?

3 THE COURT: Yes.

4 (BRIEF PAUSE)

5 MR. WESTLING: I think that'll be (inaudible).

6 THE COURT: Okay.

7 MR. WESTLING: I'm okay with that.

8 THE COURT: All right. Okay, Mr. Johnson.

9 Q Have you had a chance to review that?

10 A Yes, sir.

11 Q Okay. What, if anything, did Detective Bundy ask  
12 him about his feelings that night?

13 A Detective Bundy asked him if he was scared the night  
14 of the incident and Dennis stated, "Yes," he was.

15 Q And then what did you ask him after that?

16 A I asked him if -- to explain what he thought  
17 happened that night, why it happened, and he stated that he  
18 thought someone ran out of gas and needed some money.

19 MR. JOHNSON: I'll tender --

20 Q Well, let me ask you this. Did you have a tape  
21 recorder with you?

22 A Yes, sir, I did.

23 Q And at a point in time did you attempt to tape  
24 record this conversation?

25 A Yes, sir, I did.



1 Q And tell us what happened.

2 A At the time that I wanted to tape -- tape the  
3 statements that he had made, Dennis refused to make any kind  
4 of statement on tape.

5 MR. JOHNSON: That's all I have, Judge.

6 THE COURT: Mr. Westling.

7 MR. WESTLING: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. WESTLING:

10 Q Good afternoon, Detective Rhodes.

11 A Afternoon.

12 Q Detective Rhodes, do you still work for the Georgia  
13 Bureau of Investigation?

14 A No, sir, I do not.

15 Q I think you now work for Alcohol, Tobacco and  
16 Firearms with the federal government; is that correct?

17 A That's correct.

18 Q Okay. How long have you been with -- I'm going to  
19 call it A.T.F. Is that --

20 A A.T.F.? For just over a year now.

21 Q And before that, was your employment with G.B.I.?

22 A That's correct.

23 Q How long were you with G.B.I.?

24 A Just over three and a half years.

25 Q So in 2000, you had been a police officer with

1 G.B.I. about two years, I guess. When did you begin with  
2 G.B.I.?

3 A I started in February of 1998.

4 Q Had you held any other position in law enforcement  
5 before that time?

6 A Yes, sir. I was a police officer in Clayton County,  
7 Georgia, for four years.

8 Q I'm sorry. I couldn't hear that.

9 A I was a police officer in Clayton County, Georgia,  
10 for four years.

11 Q Do you have your report there, Agent Rhodes --

12 A Yes, sir.

13 Q -- that we were discussing?

14 A Yes, sir.

15 Q Is it correct that this interview took place in two  
16 parts? First -- I mean, a Part One, and let's just see if  
17 you're comfortable with this description. Then Mr. Perry was  
18 taken out and sat on the bench and then Part Two. Is that  
19 okay with you to describe it that way?

20 A I'm not sure what you're saying.

21 Q Well, I'm trying to talk about both parts of the  
22 evening.

23 A Okay.

24 Q So you understand what my questions are.

25 A There was a brief break between the interviews.

1 Q Okay.

2 A The interview process.

3 Q Did the Part One or the interviews, as you want,  
4 begin at about 7:30 that evening?

5 A Yes, sir, they did.

6 Q And according to your report, you, Mr. Bundy and Mr.  
7 Mullen began questioning Mr. Perry at that time?

8 A That's correct.

9 Q Where were you at that time, please?

10 A Toward the back of the F.D.L.E. office in -- I  
11 believe it was in a supervisor's office, a larger office  
12 there.

13 Q That's in Jacksonville, Florida; is that correct?

14 A Right. And this office was an office with a door on  
15 it, where the second interview took place, more of a cubicle-  
16 style office.

17 Q You had participated in the arrest of Dennis Perry  
18 about an hour earlier?

19 A Yes, sir.

20 Q And you arrested him pursuant to an indictment in --  
21 or from the State of Georgia?

22 A That's correct.

23 Q So you knew that he was going to be arrested and  
24 housed in the Duval County jail, I guess, until he could be  
25 extradited back to Georgia.

1 A That's correct.

2 Q You understood the procedure.

3 A Yes, sir.

4 Q So that we understand extradition, is it your  
5 understanding that a police officer in Georgia cannot cross  
6 state lines, arrest somebody and bring them back without  
7 judges ordering that procedure; is that correct?

8 A That's correct.

9 Q That procedure is called extradition; right?

10 A Correct.

11 Q Okay. Why did y'all not take Mr. Perry straight to  
12 the Duval County jail?

13 A We wanted to interview Dennis.

14 Q So is it correct to say, then, that the sole purpose  
15 of taking Mr. Perry to the Florida Department of Criminal --  
16 what used to be F.C.L., but F.D.L.E.

17 A Yes, sir.

18 Q The sole purpose of that was to interview him.

19 A Yes, sir.

20 Q And the sole purpose of the interview was to attempt  
21 to obtain a statement from him which could be incriminating.

22 A The sole purpose was to see if he had anything to  
23 say, as well as fill out documents that we needed to fill out  
24 pursuant to our arrest.

25 Q Well, you weren't there to give Dennis Perry an

1 opportunity to clear himself, were you?

2 A We were there to hear what he had to say; yes, sir.

3 Q And you assumed or you hoped that what he would say  
4 would be incriminating.

5 (INAUDIBLE COMMENTS FROM GALLERY)

6 THE COURT: Okay. Let's be quiet in the courtroom.

7 MR. WESTLING: You want me to wait a minute?

8 THE COURT: Joe, I don't want anybody else coming in  
9 in the middle of testimony.

10 (BRIEF PAUSE)

11 MR. WESTLING: You want me to begin now, Your Honor?

12 THE COURT: Okay, Mr. Westling.

13 MR. WESTLING: Yes, ma'am.

14 Q So, as I said, the sole purpose was to interview Mr.  
15 Perry by taking him instead of straight to the county jail --  
16 which, if my memory is correct, since the F.D.L.E. is about  
17 eighty yards from my office, the county jail is about seven  
18 blocks down the road.

19 A I believe so, yes, sir.

20 Q Okay. Now, you had been a partner with Mr. Bundy,  
21 and that may not be the correct noun, but you had worked with  
22 him on this investigation for a considerable period of time,  
23 had you not?

24 A Since around October of 1998 when Dale, at the  
25 request of, I believe, the sheriff, came to our office and

1 asked for assistance with the case.

2 Q Do you know, Detective Rhodes, how many witness  
3 interviews you taped from the time you came on the case?

4 A I would estimate about seven.

5 Q And these were people that may have evidence or  
6 information to support the case that the government has filed.

7 A Yes, sir.

8 Q Okay. Who in your team or your partnership -- and,  
9 again, I'm not trying to make it more than it was. Between  
10 you and Mr. Bundy, who was the person that did the recording?

11 A I usually did.

12 Q Did he ever record interviews in your presence?

13 A Not that I can remember.

14 Q Okay. Detective Rhodes, if you knew that the sole  
15 purpose of going to the F.D.L.E. -- I was about to say lab --  
16 office was to interview Mr. Perry, why did you not record the  
17 interview beginning at 7:32?

18 A Generally, when I conduct a suspect interview,  
19 suspect interviews sometimes last several hours and, as most  
20 people know, a standard cassette tape will shut off after a  
21 certain amount of time, usually a fairly short amount of time,  
22 compared to the length of a suspect interview, and if you get  
23 into a suspect interview, you don't want to have to stop an  
24 interview to change a tape out if you've built a rapport with  
25 a suspect and the suspect is admitting anything important.

1 Q So that's why at 7:32, during the first part of the  
2 evening, you did not begin a recording?

3 A That's correct.

4 Q That interview ended at about 8:22, didn't it?

5 A Yes, sir, it did.

6 Q According to your report. So it lasted about fifty  
7 minutes.

8 A Yes, sir.

9 Q And during the entire interview, Mr. Perry continued  
10 to maintain his innocence.

11 A That's correct.

12 Q Did you have a recorder with you at that time?

13 A I don't know if it was with me in the room, but I  
14 did bring one. I believe it was inside the building.

15 Q While Mr. Perry was maintaining his innocence, did  
16 you ever -- did it ever occur to you to get a recorder so that  
17 we could hear those protestations of innocence?

18 A No, sir.

19 Q You weren't really concerned about statements of  
20 innocence, were you?

21 A It just didn't cross my mind at the time to turn on  
22 a recorder.

23 Q Now, you took a break, Mr. Perry went out -- and I  
24 think this is what happened; we'll trust your memory now --  
25 sat on a bench and then shortly thereafter, y'all went into

1 another room.

2 A The way I remember it is he went to the bathroom.

3 Q That's right. Bathroom, then bench and then you  
4 went into another room; is that correct?

5 A Correct.

6 Q And the second room that you went into, and I'm  
7 going to call this Part Two, that was not the same room you  
8 were in before.

9 A No, it was not.

10 Q And when you went into Room Two, or you went back  
11 into Room Two -- well, let me back up. I confused myself. I  
12 certainly don't want to confuse you. When you left Room One,  
13 the interview, as far as you knew, was over.

14 A Yes, sir.

15 Q I mean, the night was over; is that correct?

16 A As far as I could see at that point. I didn't -- I  
17 didn't think Dennis was going to make any further statements.

18 Q Well, in your report you said, "At approximately  
19 8:22, Rhodes, Mullen and Bundy began escorting Perry out of  
20 the F.D.L.E. building to take him to the Duval County jail."

21 A That's correct.

22 Q So it was done. All right.

23 A Unless he made an admission on the way to jail.

24 Q Now, you told Mr. Johnson that the thing that caused  
25 y'all to go into Room Two for Part Two was that Perry



1 apparently -- Mr. Perry apparently said something to Mr.  
2 Bundy.

3 A Correct.

4 Q Was that said in your presence?

5 A No, sir, it was not.

6 Q Okay. So you didn't hear what that was.

7 A No, sir, I did not.

8 Q And as far as you know, Mr. Bundy made no written  
9 reports that evening, did he?

10 A Not that I'm aware of.

11 Q Okay. So I don't want to talk to you about Mr.  
12 Bundy's memory. Let's just talk about what you heard. As a  
13 result -- or you went -- you started going into Room Two.  
14 When you were going into Room Two, did you think you had a --  
15 I think your words were -- your word a few moment ago was  
16 statement. Did you think you had a statement coming?

17 A Yes, sir.

18 Q And you didn't think this was going to be a  
19 protestation of innocence, did you?

20 A I didn't know at the time, to be honest with you.

21 Q You didn't know what it was?

22 A I mean, I hoped -- I certainly hoped it would be.

23 Q A protest -- a statement of innocence?

24 A No, sir. I hoped it would not be.

25 Q A statement of guilt.

1 A Right.

2 Q Because that's what you were there for.

3 A Sure.

4 Q Right. Now, knowing that there was something that  
5 you -- or thinking that there was something going to happen in  
6 Room Two, why did you not grab your recorder at that time?

7 A Like I said earlier, normally what I do is -- in a  
8 suspect interview is interview a person and if they give some  
9 type of admission, I will ask them to speak on record on a  
10 tape recorder, on a cassette tape, where I can present it to  
11 the district attorney's office.

12 Q Or a jury.

13 A Sure.

14 Q Well, the second interview or the second part began  
15 about what time?

16 A I believe it was around 8:20, 8:30.

17 Q Is it your statement that he began making  
18 incriminating statements -- and we're going to go into those  
19 word by word in a moment -- immediately?

20 A Yes, sir.

21 Q Did you --

22 A I believe --

23 Q -- stop him at that time and say, "Let me get a  
24 recorder?"

25 A No, sir, I did not.

1 Q Can I see, Agent Rhodes, the notes that you were  
2 making during this conversation?

3 A I don't have those.

4 Q Did you make any notes?

5 A Yes, sir, I did.

6 Q You did?

7 A Yes, sir.

8 Q Have you given those notes to Mr. Johnson?

9 A No, sir, I did not.

10 Q Who did you give them to?

11 A I transformed them into this summary of what  
12 happened and then they were shredded.

13 Q Shredded.

14 A Yes, sir.

15 Q How long ago did you shred your notes that were  
16 taken contemporaneously -- well, they were taken  
17 contemporaneously, weren't they?

18 A Yes, sir.

19 Q That means at the same time; right?

20 A I understand that; yes, sir.

21 Q How long ago did you shred your notes that were  
22 taken contemporaneously with your conversations with Mr.  
23 Dennis Perry?

24 A Shortly after this summary was completed, to make  
25 sure it was the same, one and the same.

1 Q Is it always your practice to shred your notes?

2 A It was at that time; yes, sir.

3 Q You don't do it anymore?

4 A Not with the federal government, no, sir.

5 Q It was okay with the state government, you felt?

6 A Yes, sir.

7 Q Now, Mr. Perry told you that he could not remember a  
8 lot about what happened; is that correct?

9 A He did.

10 Q He said that he could have been in the church, but  
11 he doesn't remember.

12 A He said that; yes, sir.

13 Q Okay. Now, you said that he also said that if he  
14 could make it all right, he would do that; put everything back  
15 that happened to make it right, he would do that.

16 A That's correct.

17 Q You'd do that, too, wouldn't you?

18 MR. JOHNSON: I'll object to that question, Judge.

19 THE COURT: Sustained.

20 Q Well, don't you agree, Agent Rhodes, that any  
21 thinking normal person would go back in time to March the 10th  
22 and try to stop this action?

23 MR. JOHNSON: Objection, Your Honor. I have the  
24 same --

25 THE COURT: Sustained. It's an inappropriate

1 question for this witness (inaudible).

2 Q What was the -- how was he saying it? -- the tone of  
3 his voice?

4 A He was very remorseful.

5 Q Tell us what that means.

6 A He was very soft-spoken, seemed to be sorry for what  
7 he had done.

8 Q Had you ever spoken with him before that night?

9 A Yes, sir.

10 Q That was at another interview you did record?

11 A Correct.

12 Q And as a matter of fact, the other interview that  
13 you did record, which you didn't discuss with Mr. Johnson  
14 tonight, he didn't say anything -- or today -- anything  
15 incriminating at that time, did he?

16 A No, sir, he did not.

17 Q Was he soft-spoken at the first interview?

18 A He spoke louder than he did that night.

19 Q Surrounded by police officers after having been  
20 arrested for a double murder in the office of the Florida  
21 Department of Criminal Law Enforcement; right?

22 A What was the question?

23 Q He was surrounded by police officers, you, Mr.  
24 Rhodes, Mr. Mullen -- I mean, excuse me, you, Mr. Bundy, Mr.  
25 Mullen; is that correct?

1 A That's correct.

2 Q In a law enforcement facility; is that correct?

3 A Yes, sir.

4 Q And he had just been informed that he had been  
5 indicted for a double murder.

6 A That's correct.

7 Q When he said the shooting was an accident, did he  
8 say, "Yes, I had the accident," or, "Yes, it was an accident?"

9 A He stated -- I asked him if the gun went off by  
10 accident and he stated, "Yes."

11 Q Do you know if this was an intentional shooting or  
12 an accidental shooting of Mr. Swain?

13 A It appeared to be an intentional shooting.

14 Q Do you know if the person went there to kill Mr.  
15 Swain?

16 A No, sir.

17 Q So if he didn't go there to kill Mr. Swain, it could  
18 have been accidental.

19 MR. JOHNSON: I'm going to object to that. It  
20 calls --

21 THE COURT: Sustained.

22 MR. JOHNSON: That's an ultimate question, Judge.

23 THE COURT: Sustained.

24 Q Was he -- when Mr. Perry answered, was he -- did he  
25 say "me?" Did he use personal pronouns or did he just talk

1 about the gun going off by accident?

2 A I asked him if the gun went off by accident and he  
3 stated, "Yes."

4 Q So your answer to my question is he used no personal  
5 pronouns; is that correct?

6 A Correct.

7 Q He also said, "I think someone ran out of gas and  
8 someone needed money?"

9 A Yes, sir.

10 Q To your knowledge, in the investigation of this  
11 case, was there ever any money stolen from Mr. Swain?

12 A Not that I was aware of, but I --

13 Q Was there --

14 A -- I wasn't around when the initial investigation  
15 took place.

16 Q Well, I'm sure you've read the vast amount of files  
17 in Mr. Johnson's possession, haven't you?

18 A Yes, sir.

19 Q Was there ever any money stolen from Mr. Swain?

20 A Not that I'm aware of.

21 Q And was there ever any automobile discovered at the  
22 scene out of gas?

23 A Not that I'm aware of.

24 Q You and Detective Bundy are the same two folks that  
25 interviewed Ms. Raborn, aren't you? Carol Ann.

1 A Is that Ms. Young?

2 Q Yeah. Yeah. Yeah, that's right. Or Raborn.

3 A Right. Right.

4 Q Now, Dennis also said, "You're trying to put words  
5 in my mouth," didn't he?

6 A He did say that.

7 Q So after he said, "You're trying to put words in my  
8 mouth," at that point you said, "Let's record this."

9 A Well, he was asked a question and the question was  
10 where could the gun that was used in this incident be located,  
11 and at that point he stated, "You're trying to put words in my  
12 mouth," and I felt at that point he was not going to speak any  
13 further and that's when I tried to get him to speak on tape.

14 Q So at the point in time when he accused you of  
15 putting words in your mouth (sic), that's when the interview  
16 ended, and at that point you wanted to bring out the recorder.

17 A Yes, sir.

18 Q Did you ever interview Jane Beaver?

19 A No, sir, I did not.

20 MR. WESTLING: Judge, that's all that I have of this  
21 gentleman.

22 MR. JOHNSON: He may come down, Judge.

23 (WITNESS WITHDREW FROM THE STAND)

24 THE COURT: Okay. Call your next witness.

25 MR. JOHNSON: I'll need him to step outside. He's